

A Guide to Children, Social Services & Legal Proceedings

If your child has come to the attention of the Social Services and they are telling you that they are worried that your child is at risk of suffering from harm, keep reading. We'll discuss what social services can and can't do.

Process

A child is referred to Social Services. An Initial Assessment is completed and there are three options:

- File closed, Social Services involvement ends
- Offer of support and help offered to the family

Single Assessment completed and there are three options:

- File closed, Social Services involvement ends
- Monitor and review
- Decide to have a Child Protection Conference and they will decide whether to

Put the child on a Child Protection Plan or not and consider whether any further legal planning may need to take place such as

Going into a pre-proceedings process – The Public Law Outline (PLO) or

Starting court proceedings

If Social Services have approached you about your children:

it is because someone has told them that they think your children are being harmed or are not being cared for properly, or

if you or your partner have had children removed from your care and you are having another child.

Anyone can call Social Services and tell them about children they think are being abused and Social Services have a legal duty to check this out.

Social Services do not want to take your children away, but they have to make sure that they are safe, and cared for properly.

Harm

There are four types of harm, Emotional Harm, Physical Harm, Sexual Abuse or Neglect.

Emotional Harm: This is where your child is being emotionally abused at home and it is affecting the way they grow up. This could be by them being rejected, or bullying from a parent, or witnessing violence and abuse. These are just a few examples and there are many others.

Physical Harm: Where a child is being physically harmed, and this is either by you, or someone you know, and you are not protecting your child from this.

Sexual Abuse: Where someone is sexually abusing a child, or putting the child at risk of being sexually abused, and this is either you, or someone you know, and you are not protecting your child from this.

Neglect: This is where your child is not having his or her needs met at home, such as clean clothes or bedding, enough food, missing Doctors appointments, not going to school. Again these are just a few examples and there are many other things that could be included.

Social Services will be worried that the children are suffering from one or more of these, or they are worried that the children might suffer from one or more of these if they were to stay where they are.

(might suffer means that they have not yet, but that they could if things do not change).

Initial Assessment

Once Social Services have received a referral they have to do an initial assessment. A Social Worker will speak to you on the phone and/or come around to see you and the children to see if what they have been told is true.

If it is not true and the children are perfectly fine and safe, they will close their file and end their involvement.

But, if they think that what they were told is correct, they have 2 options:

They could decide to offer the family some help and assistance or,

They could decide to carry out a Single Assessment.

The decision of the Social Services is based on how bad things are, and whether the parents/ people caring for the children understand and are able to work with them to change things.

Single Assessment

Social Services have carried out an Initial Assessment and decide that they need to look into this in more detail, so they do a Single Assessment. This will tell them if they need to do anything to protect the children, about your ability to care for the children and about your family and home.

A Social Worker will speak to you, your partner, the children, visit the children's home, speak to your children's Doctor, Health visitor, the hospital and they will speak to their teachers if they are at school. They may contact the Police to see if they know anything about you, your partner or the children.

They will then make a decision about whether or not they need to be worried about the children, and they will put this in a written report.

The decisions that they could make are:

- There is nothing to worry about and they will end their involvement, or
- They might be worried about the children and decide that they need to keep an eye on things to make sure that they get better, or
- They might arrange a Child Protection Conference

The decision of the Social Services is based on how bad things are, and whether the parents/ people caring for the children understand and are willing to work with them to be able to change things.

Child Protection Conference and Plan

This is a meeting that the Social Services will arrange, and it is where they make plans with you about what needs to be done to protect the children.

People who can be at this meeting:

- The child's parents, or person caring for the children i.e. foster carers, step parents, relatives,
- The children, if they are old enough and want to,
- The children's social worker,
- Doctors or Nurses or Health Visitors,
- Probation Workers,
- Teachers, and
- The Police

Because of all of the people who do and can attend these meetings, they are called "Multi-Agency".

There will be a Chair person at the meeting. This is the person who is in charge of the meeting. They will start the meeting and will write down what everyone is saying. These notes will be called the "minutes" and they will be sent to everyone who was at the meeting. All of the people at the meeting will look at what has happened, and what is happening and they will decide what needs to be done to keep the children safe.

It may feel like everyone is ganging up on you. They will talk about all of the things in your life and home that could affect the children. It often feels like they are just concentrating on the bad things, and telling you that you are a bad parent, and not looking at any of the good things that you do.

It is not that they do not think there are any good things, but it is the bad things that worry them, so they spend a long time talking about them. Sometimes you might not think that the things talked about are right or that they affect the children, and so it is hard to listen to.

They could decide:

- To make a Child Protection Plan, and consider whether to
- Start the pre-proceedings Public Law Outline process (PLO) or Court Proceedings

A Child Protection Plan is a document that will tell everyone at the meeting:

- What type of harm the children are suffering from,
- What needs to be done,
- Who needs to do it,
- When it is to be done by,
- Any help or assistance you might need, and
- What will happen if things do not get better

The Child Protection Plan will be looked at again after three months, and then every six months after that. These reviews will look at what has happened since the last time and if the plan is working and whether it needs to be changed.

If things get better and the children are no longer at risk, they can decide to take the children off the plan. They will then decide whether they need to stay involved with the family to continue to monitor things, or if they can close their file.

If things do not get better or do not get better quickly enough, they could decide to start legal proceedings.

Tips for the meeting

Stay calm. If you lose your temper and start shouting and threatening people, this will make things a lot worse.

Make sure you understand what is going on and what they want you to do. If you don't understand, ask questions, get them to explain it until you do. You cannot do what they want, if you don't know or understand, and this is very important.

Ask for help. If you think that there is something that would help you, like classes, ask. It shows that you want to do better for your children, and want to co-operate with them.

The most important thing that we advise our clients is to co-operate. This is about you working with the Social Services to protect your children, it does not mean that you should agree with everything they say, or ask. If they want to come and see the children, you should let them. If they tell you to seek help from counselling or therapy or classes, you should consider this. You are trying to show that you understand their concerns and want to sort them out.

If you are asked to sign anything, make sure you know what it is, and what signing it will mean to you and your children. If you are unsure seek legal advice.

Pre-Proceedings Process - Public Law Outline (PLO)

You have received a letter from Social Services and it starts by saying:

“PLEASE DO NOT IGNORE THIS LETTER
TAKE IT TO A SOLICITOR NOW

Dear

Re: Northamptonshire County Council’s concerns about your children

LETTER BEFORE PROCEEDINGS”

If you have received a letter that says this, it is very important that you look for a Solicitor as soon as you can.

This letter will contain lots of information. It will tell you the date and time that they have planned the pre-proceedings meeting that you must go to with your solicitor. It will give you a list of things that they are worried about, a list of things that they have offered you to help, and what you need to do to stop them taking you to Court.

This meeting is your last chance to convince the Social Services and their Legal Team that they should not take you to Court to take your children away. You need to look at the list of things that they are worried about, and the list of things that you need to do to see what you have done or can do to deal with these problems.

Your Solicitor will give you advice about the meeting and what can happen, but it is up to you to convince the Social Services that your children are no longer at risk.

At the meeting there will be the child’s mother, and father if he is on the birth certificate, their solicitors, the child’s social worker, the social worker’s manager, and the social worker’s solicitor.

At the meeting they will go through the letter and will talk about what they are concerned about. It may feel like you are being ganged up on as they will talk about all of the problems, and are unlikely to look at any of the good things. You will have the opportunity to speak and explain what you are doing or going to do to stop the problems.

At the end of the meeting the Social Workers and their Solicitor will have talked about what they want to do next. Their options are:

- No further action. They decide that there are no concerns and they will step down from the pre –proceedings process. This is very unlikely.
- Monitor and Review. They could decide that the concerns are not as high as they had first thought and that they will continue to review this and monitor the situation to ensure that things continue to get better. This means that there will be other meetings like this and your solicitor should go with you.
- Going to Court. They could decide that they are so concerned that they need to issue Court proceedings to ask the Court to make orders allowing them to take the children

away from your care and make alternative arrangements for their care, for example foster care.

Tips

Do not lose your temper here, stay calm and listen to what is being said. You will get a chance to answer them, but if you are angry and lose your temper, this makes things worse.

If it feels like it is too much and you become upset or stressed, ask for a short break so that you can get things back under control and then go back into the meeting.

You should take notes or, ask your solicitor to make notes of the things that you need to do, and send this to you, in case they decide not to go to Court on that day.

Be open to suggestions from the Local Authority about what you need to do. It might be that you can think of nothing worse than going to Therapy, but if it's the choice between going to Therapy and losing your children, it should be an easy decision for you to make.

Follow through. If you agree to do something, make sure you do it. It is not enough to say you will, in order to prevent going to Court, you have to do what you have agreed to. It is also a good idea to make notes of what you have done and when so that you can share this at any review meetings.

If you need help and advice, or someone to go with you to the Pre-Proceedings (PLO) meeting, please call our client service team on 0800 088 6004.