



# Keeping children safe

## Care proceedings



If a local authority has serious concerns about the safety or welfare of a child, it can apply to the court for permission to take action to protect the child. These are called 'care' or 'supervision' proceedings. 'Placement' proceedings are issued when a local authority seeks permission from a family court to place a child for adoption. Children are only taken into care when people are really worried that they are suffering, or are likely to suffer, significant harm from the way they are being looked after by their parents or carers, or where the child is beyond the control of a parent.

Before making its decision, the court will first want to establish if the local authority is right to have that high level of concern. The types of concerns that may trigger a local authority to apply to the court include:

- \* When the local authority believes a child is being neglected. Neglect involves ongoing, serious failure to meet a child's basic needs and can include:
  - \* not taking the child to see a doctor when they need to go
  - \* not giving the child enough to eat or drink
  - \* not ensuring the child receives an education
  - \* not keeping the child clean.
- \* When the local authority is worried that a child has been, or is likely to be, abused either by their parents or carers or other people they know. Abuse includes:
  - \* physical abuse, which is about inflicting pain or injury to a child and also includes giving a child harmful substances, such as drugs, alcohol or poison
  - \* sexual abuse, when a child is pressured, forced or tricked into taking part in any kind of sexual activity
  - \* emotional abuse, when a parent or carer behaves in a way that is likely to seriously affect the child's emotional development. This can include constant rejection, continual and/or severe criticism and witnessing domestic abuse.

If this is demonstrated as a result of the evidence the local authority brings to court, the outcome for the child will usually be one of the following:

- \* going home if the safety and quality of parenting improves

- \* going to live with a relative in the child's extended family
- \* going to live with a foster parent (being fostered)
- \* being adopted.

### What will happen if the local authority is worried about my children?

If the local authority is seriously worried about the safety or welfare of your child it may start 'care' or 'supervision' proceedings. If it believes that your child should be adopted, it might apply for a 'placement order' as well. These are the phrases used to describe the legal steps which local authorities take when asking a family court to decide what should happen when a child is subject to 'significant harm'. The first thing the local authority will do is ask the family court to make a temporary court order, called an 'interim care order' or an 'interim supervision order'. Before they apply to court, the local authority should do the following:

- \* assess the needs of your child thoroughly
- \* assess your level of parenting and, if that needs to improve, whether you can change in the timescale your child needs
- \* make a clear plan called a 'care plan' for your child.



## What should I do if I do not agree with the local authority's care plan for my child?

If you do not agree with the local authority's care plan for your child, it is important that you get advice from your solicitor and that you let the court, Cafcass and the local authority know about your objections. Your child will also have an Independent Reviewing Officer appointed to review the local authority's care plan and you can speak to them and attend reviews to give your views. We recommend that you contact a solicitor who is experienced in children's family law cases and who is a member of the Law Society Children Panel.

## What is the role of the Cafcass worker, called a Children's Guardian, in all this?

The Guardian's most important role is to make sure your children are safe and to help make sure that the decisions made about them are in their best interests. In care, supervision and placement proceedings, their job is to check the local authority's care plan and make sure that it is the best possible for the child. It is also to let the court know what they think should happen. The Guardian is the independent voice of the child in court.

Our guardians are all qualified and experienced social workers. They are independent and do not work for the local authority or for the court.

## What will the Guardian do?

The Guardian will:

- \* appoint a solicitor to represent your child
- \* advise the court, at the first court hearing, on what work needs to be done before it can make a decision about your child's future
- \* in most cases write a report for the court on what they think is best for your child which you will be able to read before the court hearing.

The Guardian will talk to you and may talk to other people who know your family, such as teachers, social workers and health visitors. It's very likely that the Guardian will see your child but they will tell the court if they haven't done so before reporting to the court. From the start, they will be analysing the local authority assessment and care plan to make sure it is right for your child. If they disagree, they will propose an alternative.

It is the court's job to decide what will happen to your children but the judge will listen to everyone involved.

## How long will it take to decide what is going to happen?

The courts will try to make a decision about what is going to happen to your child within 26 weeks of the application being made. During that time a lot will be happening. All sorts of people, including the Guardian and the local authority social worker will be trying to understand the reasons why your children may be at risk and what can be done to keep your child safe. They will carry out assessments to help decide whether your child can return home or whether they should stay in care. There may also be assessments of other family members or friends who may be suitable carers if your child does not return home.



## What will happen in the end?

It is the court's job to decide what will happen to your child but the judge will listen to everyone involved in the case including you, your solicitor, the local authority social worker and the Guardian before making a decision. The Guardian's role is to recommend what she or he thinks is best for your child based on their assessment. If the judge is satisfied that it is safe to do so, children will go back home. For others, the local authority will find them a new home. That may be with other members of their family or with friends, or it may be with a new family. Throughout the whole process the Guardian will try to answer any questions you may have. However, you have a right, free of charge, to get specialist legal advice through a solicitor.



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