

Are you concerned that your child may be taken into care?

IMPORTANT

IMPORTANT: this is a short guide to the **main things** you should know about children and local authority care proceedings.

STEP 1

If you are concerned that social workers may take your child into care, you should immediately get advice from a solicitor or other advocate who specialises in childcare law. Here are a number of organisations which may be able to help you:

- The **Family Rights Group** provides free and confidential advice, phone free phone: **0800 801 0366** (Monday to Friday 9.30am to 3pm); see <https://www.frg.org.uk/need-help-or-advice/parents>
- The Coram Children's Legal Centre operates a **Child Law Advice Service** which offers free legal information and advice and a dedicated intensive support telephone line: phone **0300 330 5480** (Monday to Friday, 8am to 6pm); see <https://childlawadvice.org.uk/family/>
- The **Margaret Clitherow Trust** provides pastoral care, advocacy and assistance primarily for Travellers, including referrals to law firms which offer legal advice; phone **07967 191 837**; email: info@margaretclitherow.org; see <https://www.margaretclitherow.org/>



STEP 2

Consider whether there are reasons for any professional person to have serious concerns about the safety or welfare of your child. A social worker has a duty to investigate to find out if action is required to safeguard your child.

Ask yourself:

A. Is your child being **neglected**? Make sure you are:

- Taking your child to see a doctor when they need medical help
- Ensure your child is registered with a GP and dentist
- Giving your child enough to eat and drink
- Ensuring your child goes to school regularly
- Keeping your child clean
- Not leaving your child alone, or in charge of younger brothers or sisters.

B. Is your child being, or likely to be, **abused**? Make sure you protect your child from:

- Physical abuse or being given harmful substances, such as drugs, alcohol or poison
- Sexual abuse, such as being forced or tricked into taking part in any kind of sexual activity, including on-line sexual exploitation
- Emotional and/or psychological abuse –this can include constant rejection, continual, severe criticism and witnessing domestic violence (DV)
- Coercive control – this can include being controlled, isolated from others, constant acts of humiliation or intimidation, or deprivation of basic needs.
- Witnessing DV doesn't have to just be witnessing physical harm directly, but can also include seeing the bruising/injuries after the event, hearing arguments, being aware of damage around the home e.g. holes in walls, broken furniture etc. Just because the child is 'upstairs in bed', does not mean they are not emotionally/psychologically affected by DV
- Be aware that if children are present when police come to your home because of an incident of DV, this will trigger a referral to children's services.

STEP 3 – WHAT YOU NEED TO KNOW

Who has the right to report my child to the children's services?

- Any one has the right to report a child to social services if there are signs the child has, or is likely to, suffer significant harm through abuse or neglect. A social worker cannot act on stereotypes or prejudiced views about Gypsies, Roma and Travellers; they must have grounds to suspect significant harm.
- If your child is in hospital and abuse is suspected, s/he will not be discharged until the children's services have been informed.

What right has a social worker to take my child into care?

- Social workers do not have the power to remove your children from your care **unless the court orders this OR you agree** your child should be removed. Make sure you get independent legal advice before you agree to your child's removal.
- Local authorities have a legal duty to safeguard and promote the welfare of children who are in need within its area.

When is a child 'in need'?

- A child is in need if s/he doesn't have a reasonable standard of health or development. Children in need include those with disabilities, special educational needs, young offenders and children whose parents are in prison.
- **A child cannot be taken into care simply because they are a Gypsy, Roma or a Traveller child or because they are living on the roadside.**
- If a child has been reported as being neglected, social workers are required by law to make enquiries about the child's circumstances to see if they are at risk or not. This includes carrying out an assessment of your child's situation. **Even if you disagree, you should cooperate with the social worker as otherwise they may think you are hiding something.**
- If the social worker is not satisfied that the child is being well cared for, and you have not made the changes they say are necessary to improve your parenting, they are likely to apply to court for an order allowing them to remove your child from your care.
- But before going to court (unless there is an emergency) your child's social worker should arrange a meeting with you to discuss how to avoid going to court. They will normally write to you to tell you that they are considering applying to the court for an order to remove your child.
- Parents are likely to be entitled to **free legal advice from a solicitor** who can also attend this meeting with you. If you don't already have a solicitor, you can find one at: <https://solicitors.lawsociety.org.uk/>

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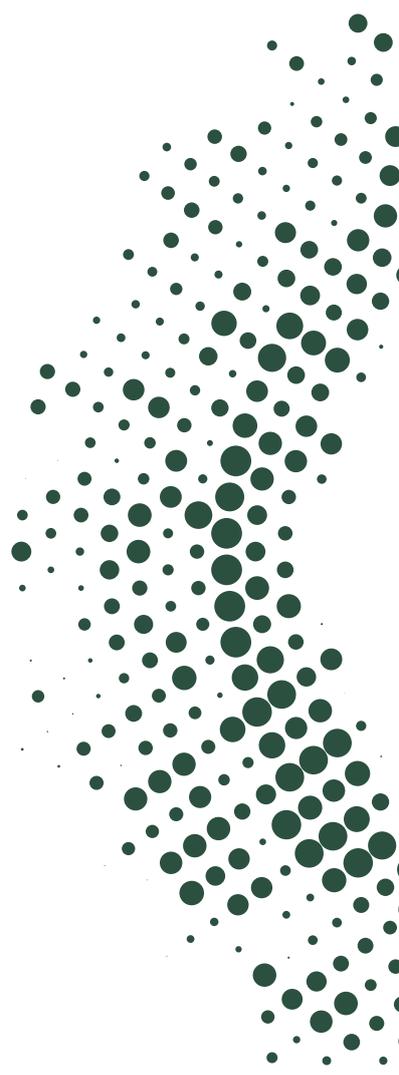
What is an 'emergency protection order'?

- If a social worker thinks that your child is in **immediate danger** and needs to be made safe straightaway, they can take a number of steps to protect your child. They can:
 - o Ask the person who they think is putting your child in danger to leave your home and keep away from your child
 - o Apply to the court for an 'emergency protection order', or
 - o Ask the police to take your child into 'police protection' for up to 72 hours.
- If the Police are called out and find your children without adult supervision, or, if they are called out for DV, or if the adults present are incapacitated through drink or drugs, or if a child has been harmed which was not accidental, the Police can take the children into Police protection (foster care) for up to 72 hours without a court order. This is to cover the situation where the courts are closed over the weekend, so an order can be applied for, if need be once they are open again
- The court can, in very exceptional circumstances, make an emergency protection order. Parents should usually be informed beforehand but if an order is made without your knowledge, you will be informed as soon as possible afterwards and given the chance to go to court and have your say.

What questions could I ask the social worker?

- Why do you think my child is in need or at risk of significant harm?
- What training have you received on Gypsy or Traveller culture? What do you know about Gypsy or Traveller culture?
- What practical support can you offer me to deal with the problems I am facing?
- Government guidance says you should inform me about independent professional advocacy service for families; I would like an independent advocate present while we talk. Please give me time to organise this.
- What options do I have? For example, can the social worker pay for me to have a break? Is kinship care a possibility so that my child can live with another family member or a friend while I sort out my situation?

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STEP 4 – WILL CHILDREN’S SERVICES WORK WITH ME TO HELP ME KEEP MY CHILD AT HOME?

- The council has a duty to, as far as possible, promote the upbringing of such children by their families. The involvement of the children’s services in your family life is nothing to be ashamed of – social workers can give you valuable help and support.
- Before taking steps to go to court, the social worker must work with you to make things better for your child and try to keep her/him within your family. Use this opportunity to work with the social worker to ensure the best outcome for your child.

STEP 5 – WHAT HAPPENS IF WE HAVE GO TO COURT?

- A court can only make an order if your child is suffering, or is at risk of suffering, significant harm, or your child is beyond parental control.
- Court action to take a child into care is only taken as a last resort or because the child is at immediate risk of **significant harm** and needs protection.
- **SIGNIFICANT HARM** means ill treatment or the impairment of the child’s physical or mental health or her/his physical, intellectual, emotional, social or behavioural development. It can be a single traumatic event (e.g. a violent assault) but more often it is a combination of events.
- The court will appoint a ‘children’s guardian’ to look after the child’s interests. A children’s guardian is an officer of the court and is independent of the social worker and the local authority. Their job is to make enquiries (when asked to do so by the judge) about your child’s circumstances and make a recommendation about what is best for her/him in the future. A children’s guardian can be a good ally for you and your child.
- Your child will also be allocated a solicitor who will work with the guardian to ensure that her/his best interests are represented throughout the court process.
- If you are a parent or otherwise have an order giving you parental responsibility (for example another family member) and your children are taken away from you, you will be entitled to free legal advice and representation.

STEP 6 – WHAT WILL HAPPEN TO MY CHILD IF THE COURT MAKES A CARE ORDER?

If the court believes your child has suffered or is at risk of **significant harm**, it may make a care order. A care order means that the council shares parental responsibility for that child. The outcome for the child may be one of the following:

- Going home with you if the safety and quality of your parenting improves
- Going to live with a relative in the child's extended family (kinship care)
- Going to live with a foster parent (being fostered).

Sometimes the court will approve a long-term plan for the child to be adopted.

IMPORTANT

Throughout this process, you should seek help from one of the organisations mentioned in STEP 1 so that they can support you and help the social services gain a better understanding of your community and of Gypsy and Traveller culture.

The decision about the care of your child is usually taken within 26 weeks of the court starting its proceedings. **Act quickly** and do not delay in getting advice as soon as you can.

The information in this fact sheet refers to the law in **England & Wales only**. It summarises the main points and is intended for guidance only. While 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. If you have any specific questions about any legal matter you should consult a solicitor. The Traveller Movement, Resource for London, 356 Holloway Road, London, N7 6PA. Charity No.1107113 Company No. 4038939; telephone 020 7607 2002; email: info@travellermovement.org.uk © November 20, 2017

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TM's Equality and Social Justice Unit, access to justice series, information guide

Page 7 of 7