

**Understanding
the legal
framework for
social work
assessment and
intervention**



**A GUIDE FOR
PARENTS AND CARERS**



Introduction

At Wokingham Borough Council, if we receive information to suggest that a child in our area may be in need of support, or at risk of harm, we have a duty to investigate the situation further to ensure that the child is both safe and well looked after.

This leaflet is designed to provide a brief overview of the steps that we might take when we are undertaking such work, and to provide some important details about the rights of parents and carers throughout the process.

Responding to information we receive about a child

When we receive information from a member of the public or another professional agency which makes us suspect that a child may not be safe or well looked after (also known as a **referral**), we are required to make enquiries to assess the child's safety and wellbeing.

This process will usually involve us speaking to the person who has provided the information to us (the referrer), as well as other agencies who may know or have been involved with the child and/or family before - such as a GP, a school or the police.

Whilst we will usually seek parental consent before sharing information that we have about a child with other agencies (or when asking for information about the child from them) it is important to note that there are some circumstances in which consent is not required to do this - particularly if we think asking for permission would put a child's safety at risk.

Current data protection laws do not prohibit local authorities and other agencies from sharing information in this way.* (See Key points about data sharing and consent on page 4 of this leaflet for more detail)

Within **24 hours** of the referral being received, we are required to make a decision as to whether the information we have meets the threshold for further assessment or action on our part.

Following a referral, we may decide:

- That no further action is required
- That the family in question should be directed to what are called **universal services** - such as health or education services.
- That the family and child would benefit from support from our **Integrated Early Help Service**.

However, if we have more serious concerns or worries about the child or their family's needs, a response from one of our social work teams will be required.**

Child and Family Assessment

In situations where we have sufficient concerns about a child's level of need, we may undertake a further assessment to determine what services to provide and what action to take. This is called a **Child and Family Assessment**. The purpose of this is to decide whether the child meets the criteria for our support as a **Child in Need** - a legal term which means that a child requires help from us to support their health or development (see full definition below).

*For a useful myth busting guide on this issue, please see page 19 of the Government's Working Together to Safeguard Children guidance [here](#). The Information Commissioner's Office also have a useful guide on consent when using personal data [here](#).

** If you could like more details about how our practitioners make these decisions, our latest Threshold Guidance can be found [here](#).

Definition: Child in Need

A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a satisfactory level of health or development, or their health and development will be significantly impaired, without the provision of services; or a child who is disabled.

As per Government guidance, the Social Worker who provides the assessment is required to explore the existing strengths and safety in the child's parenting as well as any worries and issues that are making the situation more complicated for the family to deal with. This assessment will need to be completed by us within **45 working days** and must be informed by the views of the child and the family.

The assessment will involve gathering and analysing relevant information about the child and family from other agencies, to ensure we have the best possible understanding of their needs. This could include undertaking checks with GPs, schools and the police. Where it is possible to do so, we will seek consent from the child's parents or carers before doing this. However, it is important to remember that there may be situations where children's services are legally permitted to share or seek information without consent if we think a child's safety might be at risk.

Providing support for a Child in Need

If a Child and Family Assessment concludes that a package of family support is required to meet the child's needs, a **Child in Need Meeting** will be organised to help identify and agree what this will involve.

The family will be invited (including the child if this is appropriate) together with any friends or relatives that the family would like to bring from their support

network, along with any other professional agencies that are involved.

The Social Worker will work closely with the family in developing the plan and the timeline for our intervention. However, plans will typically require a Social Worker visiting the child at least once every three weeks, with further reviews of the plan scheduled for once every six weeks.

We have a legal duty to support and promote the welfare of Children in Need within our Borough* and aim to work collaboratively with families to assess their needs and provide this support effectively. However, this type of work is carried out on a voluntarily basis, and with the consent of the family. In light of this, we will always seek to pre-arrange any visits with the parents, and will seek consent from parents when making arrangements to see a child on this type of plan (including when making requests to see a child alone).

Child Protection Enquiries

In more serious cases where we suspect that a child is suffering, or is likely to suffer significant harm (an important legal threshold - see definition box below) we will organise a meeting with other agencies to decide whether we should initiate what are known as **child protection enquiries****. This meeting is known as a **Strategy Meeting**.

The family will not be invited to participate in the Strategy Meeting, but one of our Social Workers will visit the family and child **within 24** hours to inform them of the outcome.

The purpose of a Child Protection Enquiry is to decide whether and what type of action is required to safeguard and promote the welfare of a child that we believe is suffering (or is likely to suffer) significant harm.

**For more details on the legal framework that local authorities are required to follow when providing support to Children in Need, see Section 17 of the Children Act 1989. Further details are also available in Government's Working Together to Safeguard Children guidance [here](#).*

*** For more details on the legal framework that local authorities are required to follow when making enquiries about children they believe maybe suffering, or likely to suffer, significant harm, see Section 47 of the Children Act 1989. Further details are also available in Government's Working Together to Safeguard Children guidance [here](#).*

Definition: Significant Harm

The Children Act 1989 introduced the term "significant harm" as the threshold that justifies compulsory intervention in family life by a local authority, in the best interests of children. "Harm" can mean ill-treatment or impairment of a child's health (either physical or mental health) or of their development - which can be in relation to their physical, intellectual, emotional or behavioural development. There is however no specific legal definition of what constitutes "significant".

During the enquiry the Social Worker will also work with the family to develop a "network" (usually consisting of friends and relatives) and will seek to identify what and who can help keep the child safe. At Wokingham we call this process Safety Planning, which is an important part of our social work intervention.

As per Government guidance, we will always seek to carry out a child protection enquiry in a way that limits the distress placed on the family and the child. We will also always keep the parents or carers informed about the enquiry, its outcome and any subsequent actions, unless this would put the welfare of the child at risk.

During the course of an enquiry, one of our Social Workers will need to see the child alone, unless it is contrary to their interests for us to do so. We will generally ask for a parent or carer to agree to this meeting before it takes place, but it is important to understand that in exceptional circumstances consent is not required for this to happen - if for example we are concerned

that the child may be threatened into silence, that important evidence may be destroyed as a consequence, or if the child is able to communicate that they do not want their parent's involved.

Whilst a Child Protection Enquiry is a very serious intervention for any family, it is worth noting that the enquiry itself cannot remove a child from a parent or carer against their wishes. This will only happen if we or the police think the child is in immediate danger. In such cases we can apply to a court for what is known as an **Emergency Protection Order**. The police also have powers to remove a child from a family in an emergency for up to **72 hours**.

If a Child Protection Enquiry concludes by showing that a child is, or is likely to be, suffering significant harm, we will need to arrange a formal meeting in order to agree a plan to keep the child safe. This meeting is called an **Initial Child Protection Conference**, which will take place within 15 working days of the Strategy Meeting that commenced the enquiry.

For more detail on this process, please see our [Parent's and Carer's Guide to Child Protection Conferences](#).

Child Protection Plans

Following a Child Protection Conference, it is possible that a **Child Protection Plan** will be put in place for the child. If this is the case, a few days after the Conference the child's parents or carers will be sent a letter outlining

the decisions made and copies of the Plan.

Whilst subject to a Child Protection Plan, a Social Worker will need to visit a child at least every **10 working days**. It is also a legal requirement that the child is seen alone, in different environments, and that some of the Social Worker's visits are unannounced.

During the course of this work, regular meetings will be held to monitor and amend plans if necessary, with input from the child (if appropriate), the family and their support network, their Social Worker and other relevant agencies. These are called **Core Group Meetings**.

For as long as the child remains on the Plan, there will also be further Child Protection Conferences scheduled at set intervals (at least one every six months) to consider whether the Plan should continue or be changed.

Although a Child Protection Plan will involve a more significant and regular level of intervention from us in terms of the family's everyday life, it is important to remember that we will always seek to work collaboratively and constructively with parents where it is possible to do so.

What happens if we still have concerns about significant harm?

If we decide that a child's circumstances are still not improving sufficiently enough to protect them from significant harm, we may initiate a **Legal Planning Meeting**. The family will

not be invited to this meeting. The Legal Planning Meeting will be used to decide whether we can offer any further support to the family to help them improve the safety and wellbeing of the child before any legal action is considered.

If the concerns are significant enough, we may then initiate what is known as the **Public Law Outline**. This is a period that usually lasts for around three months, providing a final opportunity for the family to work with us on our outstanding concerns before we take the step of initiating **care proceedings**. Care proceedings are when we ask the Family Court to look at your child's situation in order to decide if your child needs a legal order to keep them safe. If there was a decision to initiate court proceedings, your Social Worker would discuss this with you and explain the process.

Voluntary Agreements

In some circumstances, a parent might agree for us to remove their child from their care on a voluntary basis. This might be suggested by us while we seek to assess whether it is safe for the child to return home, or it may be proposed by the parents themselves. This type of arrangement is permitted by **Section 20 of the Children Act 1989**, which states that anyone with parental responsibility can voluntarily allow a Local Authority to accommodate their child. It is important to note that a Section 20 arrangement is not a court order, and that where such agreements are in place, a parent can remove the child from the accommodation at any time.

Key points about data sharing and consent

- Data protection laws do not prevent agencies from sharing information about a child without their parents' consent, if it is justifiable and there is a legal basis to do so (e.g. if we believe a child's safety may be at risk)
- We and other agencies are required to be open and honest with individuals from the outset about why, what, how and with whom information will, or could be shared, and will always seek their agreement to share information, unless it is unsafe or inappropriate to do so.
- We and other agencies are required to ensure that the information we share is necessary for the purpose for which we are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- We and other agencies are required to record our decisions around data sharing, and the reasons for it - whether that decision is to share information or not.

Further information and resources

- **Keep in touch:** if you or your family are already known to our Children's Services Team, please speak to your allocated Social Worker if you have any questions about the information covered in this leaflet.
- **Our Procedures:** If you would like to find out more about our policies and procedures, please look at our [Children's Services Procedure Manual](#), as well as our local [Safeguarding Children Partnership Manual](#).
- **Government Guidance:** for a useful overview of the roles and responsibilities of local authorities and other agencies when undertaking safeguarding work, please see the latest version of Government's [Working Together to Safeguard Children](#) guidance.
- **Other sources of support:** If you would like to seek further support about your rights as a parent of carer during any of the above processes, we recommend that you contact the Family Rights Group by phone on: 0808 801 0366 (Monday to Friday 9.30am - 3pm) or via their website at www.frg.org.uk
- **Complaints:** if you are unhappy with the service that you have received from us, in the first instance you should speak to the staff who have been working with you, or their manager. If you feel unable to speak to them, or you feel that they have not dealt with your concern satisfactorily, you can contact our Complaints Manager via the following details: Complaints and Customer Relations Team Children's Services, Wokingham Borough Council, Shute End, Wokingham, Berkshire RG40 1BN Telephone: 0118 974 6000 Email: childrensservicescomplaints@wokingham.gov.uk
- **Translation:** if you require a translation of this document, please contact impactandinspectionteam@wokingham.gov.uk