



CARE PROCEEDINGS

CHILDREN AND LOCAL AUTHORITIES

Local Authority Social Services departments have duties towards children in their areas. These include identifying and providing services for children in need and registering child minders and day care services etc.

Their most public role is the prevention of neglect or abuse



Child Protection registers

Each Local Authority keeps a central register of children within their area judged at risk of significant harm. Children often become involved with social services during crises at home, during either parental ill-health or family break-up, sometimes seeking help/support, sometimes where schools, neighbours or relatives have reported concerns. Where serious worries arise, a case conference will be held, pulling together all those involved, including educational and health care professionals, parents and sometimes police. All will be invited, and a parent may bring a solicitor to observe. These meetings can be quite formal and intimidating, but the purpose is to work together, to do what is best for the children. The starting point is that a child is best cared for wherever possible within their family. The conference will decide if registration is necessary, and will agree a plan and identify a group of key workers to help the family. There will be a review at three months, and then each six months after. Where necessary, a referral will be made to issue care proceedings in the court. These are known as public law children cases.

Care Proceedings

The Local Authority will issue proceedings in the local Family Proceedings Court, their reasons will be set out in the application and statement, and there will be a chronology and a plan in respect of each child. Natural fathers will be notified, and mothers will receive all the papers. In extreme cases, the Local Authority will apply for emergency orders such as an Emergency Protection Order, where they need to remove the children urgently to protect them from harm.



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In care proceedings, free legal representation is available. A named Social Worker will be allocated. The court is expected to follow a tight timetable and conclude the case without delay within 40 weeks. A Guardian will be appointed as an independent expert to represent the interests of the child, who will also have their own appointed solicitor. Where possible, the same judge will hear the case throughout. Assessments and reports will be ordered. These will include members of the extended family where it is felt that children cannot remain with or return to live with their parents. The Local Authority must consider the welfare of the children first, and where necessary long-term plans for permanent homes by way of adoption or foster care will be considered. Parents and family members will have an opportunity to contest plans, and the judge will make the final decision.

Post-proceedings

The outcome of any case depends on the individual family circumstances. These change, and therefore plans need to be flexible, and continue to be reviewed over time. The Local Authority have a duty to children in their care to review their plans to consider family contact etc. over time. Parents or family members can seek to discharge care orders or for the court to review plans where circumstances change or plans have not been followed by the Local Authority.

**For advice on Family Matters or any other area of Watson
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