



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, day care services etc. Their most public role is the prevention of neglect or abuse

Child Protection Registers

Where there are concerns or referrals to social services about a child or it is perceived that a child is in need, information will be recorded, assessments made and monitoring undertaken and retained on an Interrogated Children's System. These systems are coming into effect across the country and will incorporate the existing Child Protection Register. The intention is that where children are judged to be at risk of harm information will be recorded, collated and analysed and assessments prepared and made readily retrievable and understandable by all those working with a child in need and a Child Protection Plan will be drawn up in consultation with all interested parties. Where serious worries emerge a Case Conference will be held gathering together all those concerned including school, health and community workers and police if appropriate. Parents or carers may bring a solicitor to observe. It is likely that assessments will be undertaken and it is important for families to cooperate and work with social services at an early stage. Reviews will be held regularly, usually at three and then six monthly intervals. These meetings can be quite formal and intimidating but the purpose is to work together to do what is best for the children. A plan should be devised and notified to all.

If it is determined that care proceedings are necessary the parents and other parties will be served with formal notice of intention to issue proceedings and legal advice should immediately be sought from a specialist solicitor.

Care Proceedings

A Local Authority can issue care proceedings where they believe a child has suffered or is likely to suffer significant harm. These proceedings will be known as public law cases and will be issued in the local Family Proceedings Court. The reasons will be set out in the application and surrounding documentation which is now extensive. Cases are now dealt with by the Courts under the Public Law Outline which is a staged process which would hope to determine cases well within a 40 week period. All persons with parental responsibility be served with papers and natural fathers will be notified. In extreme cases the Local Authority will apply for emergency orders such as an Emergency Protection Order where they feel it is necessary to remove a child urgently to protect them from harm.



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Care Proceedings (Cont'd)

In care proceedings free legal aid is available for representation of parents and the children. A named social worker is usually allocated to the case and known to the family. A Children's Guardian will be appointed as an independent expert to represent the interests of the children who will themselves have their own solicitor. Where possible the same judge will hear the case throughout for continuity.

Assessments and reports may 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. In times of family crisis it is very common for children to be cared for within the extended family and so it is vital for family members to come forward as soon as possible so they can assist and be assessed. The Local Authority must consider the welfare of the children first and where necessary long term plans for a permanent home by way of adoption or foster care will be considered.

Parents and family will have an opportunity to query and contest plans and only the judge will make the final decision.

Post Proceedings

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

Legal Advice

Care proceedings are serious and impact massively on all those involved. Early legal representation is vital to ensure the best outcome.

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