

# Friends and Family Policy

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October 2020

Review Oct 2022

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Calderdale  
Council



## Overview

This policy provides information about local services which provide help and support to family and friends carers, (including informal carers).

The policy sets out the local authority's approach towards promoting and supporting the needs of children who, for whatever reason, will be brought up by their extended family, friends or other connected people. It covers the assessments which will be carried out to determine any support services required and how such services will then be provided.

This policy was reviewed and updated in October 2020 and will be reviewed again in October 2022.

This is a public policy and is published on the websites of Calderdale Council, Calderdale Safeguarding Children Partnership, and the Family Rights Group.

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# Introduction

This family and friends care policy provides information about local services and policies to help family and friends carers (including informal carers) to be aware of the choices facing them and the services which are available to support them. Children may be brought up by members of their extended families, friends or other people who are connected with them for a variety of reasons and in a variety of different arrangements.

This policy sets out the Calderdale MBC's approach towards promoting and supporting the needs of such children and covers the assessments which will be carried out to determine the services required and how such services will then be provided.

## *Calderdale Council aims to:*

- Ensure that all local authority services fully understand their duties in respect of children living with family and friends;
- Improve the understanding of family and friend's care and the appropriate support that they may receive;
- Ensure that family and friends carers receive appropriate support so that children do not become Looked After unless this is demonstrably necessary to safeguard their welfare.

Children and young people who are unable to live with their parents should receive the support that they and their carers need to safeguard and promote their welfare, whether or not they are Looked After. In many circumstances the best option for providing care, emotional stability and potential permanence rests with the option of family and friends care.

Calderdale Council and partners aim to deliver effective services to children and young people who are living with family or friends in any of the following circumstances:

- Informal arrangements with a relative;
- Informal arrangements with friends or other family members which last for a period of less than 28 days;
- Private Fostering arrangements, (see also: [Calderdale SCP website](#))
- Child Looked After\*\* placed with Connected Persons foster carers;
- Child Arrangements Order or Special Guardianship Order; or
- In arrangements which may lead to an Adoption Order.

This policy will be regularly reviewed and made freely and widely available.

**\*\* See Glossary of terms**

## Values, Principles and Objective

Making a difference to the lives of children and young people in Calderdale is at the heart of everything we do.

Our vision is that all children and young people are happy - safe - successful.

*Our strategic priorities for children and young people are:*

- Start healthy and stay healthy;
- Are safe at home, in school and in the community;
- Enjoy learning and achieve their best;
- Make friends and take part in activities;
- Stay in education and get a job.

Our Council values are:

### VISION 2024

- Respect - value, regard and reliability;
- Inclusion - belonging and involvement;
- Integrity - honesty, trust and fairness;
- Commitment - tenacity and courage.

It is an underlying principle that children should be enabled to live within their families unless this is not consistent with their welfare. We will, therefore, work to maintain children within their own families, and facilitate services to support any such arrangements, wherever this is consistent with the child's safety and well-being.

This principle applies to all Children in Need\*\*, including those who are Looked After by the local authority. Where a child cannot live within his or her immediate family and the local authority is considering the need to look after the child, we will make strenuous efforts to identify potential carers within the child's network of family or friends (also known as Connected Persons) who are able and willing to care for the child.

We provide support based on the assessed needs of the child and all services seek to ensure that Connected Persons carers (whether or not they are approved foster

carers) are provided with the relevant support to ensure that children do not become, or remain voluntarily Looked After for longer than is necessary.

Services seek to promote the care of children within their family and work in partnership with them taking into consideration children and young people's needs arising from gender, race, ethnicity, culture, religion, language, disability and sexuality.

*Services follow the principles of the Children Act 1989:*

- The welfare of the child is paramount;
- Children are best looked after within their families;
- Birth parents should, wherever possible, be involved in all planning and decision making affecting their children;
- Legal proceedings should be avoided whenever possible;
- The welfare of the child should be promoted by a partnership between the family and the local authority;
- Children should not be removed from their families and contact should not be ended unless it is absolutely necessary to do so for their well-being;
- Children and young people's views will be sought in ways appropriate to their age and understanding;
- Children's views will always be considered and their participation in the planning process will be fully supported.

## Evidence Base

Evidenced based research is used to improve services and develop ways of working that will continue to improve services for children and young people, families, friends and carers.

Our membership of the Teaching Partnership with local universities and other local authorities has strengthened our work with them on national and local research projects and contributes to a richer evidence base for our work with children and their families.

Additionally, we work in partnership with local universities, improving social work training, social work placements and continued professional development so that the workforce is suitably prepared for their work.

Our Workforce Development services work to improve the standards of all employees working within Adults and Children's Services. Additionally, guidance provided by national organisations is used to improve both training, policy and practice standards for our employee.

Calderdale Council is a learning organisation and we therefore use all the above processes to inform our future strategies, policies and development.

The views of children, young people family and carers are central to our work and are always taken into consideration when developing services for children and people. All research undertaken gathers the views of children, young people, family and carers through e.g. one to one discussion, group discussion, questionnaires, the youth assembly, the children in care council, foster carer support groups and parenting forums. Individual services as set out in Section 6, Information about Different Support Services for Children and Young People in Calderdale have consulted with service user groups

This document will be reviewed regularly and will include contributions form children and young people.

Data is routinely collected via the Management Information Team to help inform decisions made regarding the services provided to children and young people including safeguarding, foster care, Connected Persons foster care, and private fostering.

# Management Accountability

The Assistant Director, Safeguarding and Early Intervention – Rob Murray [rob.murray@calderdale.gov.uk](mailto:rob.murray@calderdale.gov.uk) has overall responsibility for Children's Social Care Services in Calderdale and has the overarching responsibility for this policy.

Together with the Senior leadership team, the Assistant Director will ensure that:

- The policy meets statutory requirements and is responsive to the identified needs of children and carers;
- Calderdale MBC staff understand the policy and it is applied in a consistent and fair manner across the Borough;
- Local partners are aware of their responsibilities towards children living in family and friends care and are proactive in meeting those needs; and
- The policy is publicised sufficiently to ensure that anyone who may be considering becoming a family and friends carer can be aware of its content and be clear about how to contact Calderdale MBC and other agencies for further information about relevant services.
- Staff who are responsible for implementing the policy have appropriate training.

The Service Manager for Safeguarding and Quality Assurance works closely with the Calderdale Safeguarding Children Partnership and senior managers to ensure that safeguarding requirements are met and the safety of children and young people in Calderdale remains a priority.

There are 2 geographical areas, managed by Locality Managers, covering Early Intervention and Social Care Teams.

*They are:*

- Upper Valley and Central & West;
- Lower Valley and North & East.

*The core functions of the Locality Teams are as follows:*

- Assessments of need (using [Working Together to Safeguard Children 2018](#));
- Child Protection\*\* (Child Protection Plans\*\* and legal processes); □
- Children In Need (Family Support services via the child and parenting service);
- Children Looked After, including commissioning placements for Children Looked After;
- Multi-agency working.

# The Legal Framework

All local authorities have a general duty to safeguard and promote the welfare of Children in Need living within their area and to promote the upbringing of such children by their families. The way in which they fulfil this duty is by providing a range and level of services appropriate to those children's assessed needs (Section 17, Children Act 1989).

It is important to note that local authorities do not have a general duty to assess all arrangements where children are living with their wider family or friends network, rather than their parents, but it does have a duty where it is evident that services may be necessary to safeguard or promote the welfare of a Child in Need.

Children in Need may live with members of their family or friends in a variety of different legal arrangements, some formal and some informal. Different court orders are available to formalise these arrangements.

Children Looked After are by definition Children in Need whether they are Accommodated\*\* under Section 20 of the Children Act 1989 (with parental consent) or in care subject to a court order whereby the local authority shares Parental Responsibility\*\* for the child.

When a child cannot live with their immediate family and consideration is being given to that child becoming Looked After by Calderdale MBC, every effort will be made to identify potential carers within the child's network of friends and family who are able and willing to care for the child

In relation to financial support, local authorities may provide carers of Children in Need with such support on a regular or one-off basis, under Section 17 of the Children Act 1989. This is discretionary; however, the status of the placement will usually determine the nature and amount of the financial support.

Additionally, the legal status of the child may have a bearing on the levels of financial support which may be available to carers, as there are different legislative provisions which apply to children living with family or friends in Looked After/adoption/special guardianship/Child Arrangements Order arrangements. The following sections of this policy set out the support we may provide to family and friends who are caring for children within these different contexts.

# Information about different support services for children and young people in Calderdale

Calderdale Children and Young People's Partnership Executive and partner agencies are leading the improvement of services across the authority and undertaking commissioning of services for children, young people and their families.

There is an Early Intervention panel, covering the four localities (North and East/Lower Valley/Central and west/Upper Valley) that works to meet the needs of local children, young people, families and carers, through the delivery of a range of services from different agencies and organisations.

Some examples of support services for children and young people, their families and carers within Calderdale are:

- Early Years - e.g. childminders/nurseries;
- Children's Centres;
- Support provided in and by schools and colleges;
- Parenting Support;
- Health service e.g. GP, health visitors, health teams, school nurses, dental health;
- Local youth services;
- Summer activities programmes, e.g. play schemes;
- Local leisure facilities;
- **Calderdale Local Offer**
- **One Adoption West Yorkshire** – has an extensive range of services for adopted children

## 6.1 Informal Family and Friends Care Arrangements

Where a child cannot be cared for within their immediate family, the family may make their own arrangements to care for the child within the family and friends network.

Many family and friends carers are the child's grandparents, who may be older, in poorer health and less well off financially than others who are bringing up children.

Significant numbers of aunts, uncles and older siblings are also family and friends carers.

Caring for a child can have a significant impact on the carers' lifestyles, and there may also be a range of practical problems to address, such as accommodation needs.

The local authority does not have a duty to assess any such informal family and friends care arrangements (subject to Private Fostering Regulations 6.2 below), unless it appears to the authority that services may be necessary to safeguard or promote the welfare of a Child in Need. In such cases, the local authority has a responsibility under Section 17 of the Children Act 1989 to assess the child's needs and provide services to meet any assessed needs of the child.

Following assessment, a Child in Need Plan\*\* may be drawn up and a package of support will be identified. This can comprise a variety of different types of services and support, which in some instances of assessed need will include financial support.

Financial support is available subject to assessment and individual circumstances and can take the form of one-off or regular payments.

## 6.2 Private Fostering Arrangements

A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative, where the child is to be cared for in that home for 28 days or more. A close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent. It does not include a child who is Looked After by a local authority.

In a private fostering arrangement, the parent still holds Parental Responsibility and agrees to the arrangement with the private foster carer. However, it may still be a private fostering arrangement if the child has made the arrangement and there is no parental consent - this arrangement will require a private fostering assessment.

It is a legal requirement that the parent and carer must inform the local authority of the private fostering arrangement. It is also a legal requirement that any local authority employee who is aware of a private fostering arrangement which has not been notified to children's social care must notify the authority.

If you are privately fostering a child or young person, are arranging to privately foster or are aware of an arrangement please telephone the Multi-Agency Screening Team (MAST) on **01422 393 336**.

The local authority has a duty to assess and monitor the welfare of all privately fostered children and the way in which they carry out these duties is set out in the Children (Private Arrangements for Fostering) Regulations 2005.

A private fostering arrangement is also defined as a Child in Need and an assessment should address whether there is the need to provide services under Section 17 of the Children Act 1989. Following assessment, a Child in Need plan will be drawn up and a package of support will be identified if appropriate.

Further information about private fostering can be found on the [Calderdale Council website](#), [Calderdale Safeguarding Partnership Board website](#) or by visiting the [Somebody Else's child website](#).

### 6.3 Family and Friends Foster Carers - Connected Persons

A Connected Person means a relative such as a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent), friend of or other person connected with the Child Looked After (section 105 of the 1989 Act).

A Connected Person (of a Child Looked After) who is assessed and becomes approved as a foster carer is often referred to as a family and friends foster carer.

To enable family and friends to care for a Child Looked After as foster carers, they must first be approved as foster carers - see [Assessment of Prospective Foster Carers Procedure](#). An information pack will be available to potential foster carers about the process and they will be given the name and contact details of the social worker from the Fostering Services to carry out the assessment.

Where a child is Looked After by the local authority, they have a responsibility wherever possible to make arrangements for the child to live with a member of the family who is approved as a foster carer (Section 22 of the Children Act 1989).

The child can be placed with the family members prior to such approval, subject to an assessment of the placement. At times there may be an urgent need for a temporary approval of a placement (Regulation 24). Subject to the successful completion of assessment checks, the Connected Person may be approved, by the Agency Decision Maker, as a foster carer for up to 16 weeks. This period has been set to allow time for the full approval process to be undertaken, which will also include criminal record checks via the Disclosure and Barring Service (DBS)\*\*. This temporary placement can be extended for a further 8 weeks in exceptional circumstances by the ADM Fostering following oversight by the Foster Care Panel. (Regulation 25 of the 2010 Regulations).

Where approval is given to a placement with a Connected Person Foster Carer the child or young person will have a Placement Plan\*\* setting out the specific arrangements surrounding the child/young person and the carers. This will include the expectations of the foster carers and the support they can expect to receive from Calderdale MBC's Fostering Service to enable them to fulfil their responsibilities for the child/young person.

Information and advice is available for family and friends who apply to be foster carers for a specific child who is Looked After. An information pack is available to potential foster carers about the process and they will be given the name and contact details of the social worker from the fostering service allocated to carry out the assessment.

Connected Person foster carers are approved as foster carers, they will be allocated a supervising social worker from the fostering service to provide them with support and supervision, and they will receive fostering allowances in line with the child's age for as long as they care for the child.. These allowances are not means tested and are reviewed annually.

Whilst the child remains a Child Looked After, the Connected Persons foster carer, will be expected to cooperate with all the processes that are in place to ensure the child receives appropriate care and support. This includes contributing to reviews of the child's care plan; enabling statutory health assessments; co-operating with the child's social work visits; promoting the child's education, and facilitating contact where appropriate.

## 6.4 Child Arrangements Order

A Child Arrangements Order is a court order which sets out the arrangements as to when and with whom a child is to live, spend time or otherwise have contact. These orders replace the previous Contact Orders and Residence Orders.

The person named in the order as a person with whom the child is to live, will have Parental Responsibility for the child while the order remains in force. Where a person is named in the order as a person with whom the child is to spend time or otherwise have contact, but is not named in the order as a person with whom the child is to live, the court may provide in the order for that person to have Parental Responsibility for the child while the order remains in force.

Child Arrangements Orders may be made in private family proceedings in which the local authority is not a party nor involved in any way in the arrangements. However, a Child Arrangements Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is placed may be an appropriate outcome as part of a permanence plan for a Child in Need or a child who is Looked After.

## 6.5 Special Guardianship Order

Special Guardianship offers a further option for children needing permanent care outside their birth family. It can offer greater security than a Child Arrangement Order without absolute severance from the birth family

Relatives who are approved as foster carers may apply for a Special Guardianship Order after caring for the child for one year. As special guardians, they will have Parental Responsibility for the child which, while it although is still shared with the

parents, can be exercised with greater autonomy on day-to-day matters than where there is a Child Arrangements Order or Residence Order..

Special Guardianship Orders can be made within private family proceedings and the local authority may not be a party to any such arrangements. However, a Special Guardianship Order can be made in relation to a relative or foster carer (who may or may not have been a Connected Person) with whom a child is placed as an outcome within public care proceedings as part of a permanence plan for a Child in Need or a Child Looked After.

If a request is made by the parent or guardian, the local authority has a responsibility to assess the support needs of a child with a Special Guardianship Order.

If a child was a 'looked after' child immediately prior to the making of a Special Guardianship Order they may be entitled to additional support such as 'pupil premium', Adoption Support Funding (ASF), Leaving Care support. Calderdale Fostering team will be able to advise on this matter.

Any carer wanting further information regarding which order would be the most suitable should seek legal advice.

## 6.6 Adoption Order

Adoption is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result, the child legally becomes part of the adoptive family.

An adoption order in favour of a relative or foster carer (who was a Connected Person) with whom a child is living may be an appropriate outcome as part of a permanence care plan within public care proceedings.

Calderdale must make arrangements for the provision of a range of adoption support services. This is undertaken on Calderdale MBC behalf by the Regional Adoption Agency [One Adoption West Yorkshire \(OAWY\)](#). Support needed to secure a child's placement is set out in an adoption support plan and may include financial support.

Further adoption support services can be requested from OAWY who will undertake an assessment of need at the request of the adopted child, adoptive parents and their families OAWY also provide support to birth relatives.

## Financial Support

Financial Support where the child or young person is not Looked After by the local authority and where family and friends care for someone else's child, for example informal family carers or someone privately fostering a child, these carers may be entitled to state benefits and allowances, such as child benefit and child tax credit. The child's parent retains overall financial responsibility for their child.

Where the carer was previously approved as a foster carer, Calderdale Council will provide a means tested assessment, where applicable, to ensure that the appropriate level of financial support is provided. The amount that is paid will be determined by this assessment in line with national rates and will be subject to regular review.

The Welfare Rights service can provide advice regarding benefits and they can help people to identify whether they are receiving the benefits they are entitled to.

It is recommended that carers of children seek that advice initially and some of this information can be found on the [Calderdale Council website](#) or at your local Job Centre Plus or on the [GOV.UK website](#). The [Child Support Agency](#) can also provide advice.

## Support with Accommodation

The local authority works with social housing providers to ensure, whenever possible, that family and friends carers of children living in social housing are given appropriate priority to move to more suitable accommodation, if this will prevent the need for a child to become Looked After. This is in order to support children and young people living within the community within their own networks which research tells us results in the best outcomes for children and young people. [Prevention of Homelessness and Provision of Accommodation for 16 and 17 year old young people who may be Homeless and/or Require Accommodation \(Department for Education and Ministry of Housing, Communities and Local Government, 2018\)](#), sets out the respective duties of children's services and housing services to secure or provide accommodation for 16 - 17 year old children who are homeless or in need of accommodation. These young people can decide to be accommodated as a Child in Need or sign a Section 20 agreement with the local authority to become a looked after child (in line with the Southwark Judgement)

The prevention of homelessness and reintegration of young people into the family home is likely to be more successful when full consideration is taken of the needs of the whole family, and where a focus is not just placed on the immediate housing issue but the underlying causes of family breakdown.

The local authority provides accommodation for every Child in Need within its area requiring accommodation when necessary. Before providing accommodation, it must be clear that the child or young person is a Child in Need, and:

- There is no one who has Parental Responsibility for the child;
- The child is lost or has been abandoned;
- The person who has been caring for the child is prevented (whether or not permanently and for whatever reason) from providing the child with suitable accommodation or care.

*Accommodation may be provided if this would safeguard or promote the child or young person's welfare (Section 20 (1) of the 1989 Act).*

The local authority does not acquire Parental Responsibility in respect of an accommodated child. However, Section 3 (5) provides for a person who does not have Parental Responsibility for a child, but who has care of the child, to do what is reasonable to safeguard or promote the child's welfare. This enables carers to make decisions and take action in situations where this is required to protect a child, when there is no time to consult with those who have Parental Responsibility for the child.

## Supporting Contact with Family

The local authority has a duty to promote contact for all Children Looked After, 'where it is necessary to do so in order to safeguard and promote his or her welfare'. We now use the term 'family time'

Information regarding family time and family mediation services, is available from Calderdale Council through the Multi Agency Screening Team (MAST) or via the [Family Services Directory](#).

It is often in the child/children's best interests to retain some form of contact with their birth family. Carers of children will be expected to promote family time between children and their birth families unless there are serious safeguarding issues. The frequency, amount and type (i.e. direct or indirect), and venue, can vary depending on what is in the best interests of the child and also dependent on their age.

Where a child is Looked After by the local authority, family time between the child and his or her family will be promoted, 'unless it is not practicable or consistent with the child's welfare'. The overall objective of the arrangements will be included in the child's care plan and the specific arrangements will be set out in the child's placement plan.

## Family Group Conference Service

Family Group Conferences (FGCs) are meetings held with family members and supported by professionals; the aim of the meeting is to achieve the best outcomes for children. They promote the involvement of the wider family/social network to achieve a resolution of difficulties for Children in Need, and may help to identify short-term and/or permanent solutions for children within the family network. It is essential that this process is supported by a facilitator/co-ordinator.

Any plan to convene a FGC must be fully discussed with the family and the child, and the family's willingness to participate in the process must be confirmed via the social worker or family support worker.

The child or young person and the family will identify which family members attend. In this instance members of the group may include blood relatives, significant friends and neighbours and the carers of the child or young person if any.

FGCs or other forms of family meetings will be offered at an early stage. If a child becomes Looked After, perhaps following an emergency, without a FGC having been held, consideration will be given to arrange one as soon as possible. FGC support will be offered as part of the plan based on assessed needs.

## Support Services

Family and friends carers may sometimes feel quite isolated, and getting together with others in a similar position can often be an invaluable source of support. Local support groups are a valuable way of helping carers to access information about services which will help them to care for the children.

There is also a wide range of parenting support activity provided by the Early Intervention teams and through schools in Calderdale.

Out of school activities, information and advice is provided for young people through Calderdale Young People's Service and details can be found on the Calderdale website and in the Family Services directory

### Child and Parenting Support

Emotional Health and Well Being Support Information about all local emotional health and wellbeing services for children and young people can be found on the [Open Minds website](#).

Calderdale Council offers the Calderdale Therapeutic Service (CTS), as well as access to the Child and Adolescent Mental Health Service (CAMHS).

CTS provides advice and support to Children Looked After and adolescents who have emotional and behavioural difficulties, or mental health problems or disorders and their families. For example, eating disorders, self-harm, conduct disorders, substance misuse.

CAMHS works in partnership with Calderdale Children and Young People's Partnership, CTS, Clinical Commissioning Groups and regional commissioning groups.

## Calderdale Children's Rights Service

The Children's Rights and Advocacy Service is for children and young people who are looked after by Calderdale Council and care leavers from age 0 up to 25 years.

The service can offer:

- Information about Children's Rights;
- Independent Advocacy; and
- A confidential service.

A Children's Rights Worker/Advocate can help a child or young person to:

- Raise a formal or informal complaint;
- Understand what is happening and why;
- Resolve issues/disagreements with the people involved in making decisions about their care;
- Express their views about their care; and
- Participate in meetings about them.

Other services for Children Looked after include, R2V (The Right to Voice group) is the Children in Care Council and meets on alternative Wednesdays for high school age young people. There is also a junior activities group that meets on Saturdays on alternate months.

The groups are activity based but also produce resources to help Children Looked After, their carers and professionals by raising awareness of issues, rights and responsibilities etc.

They are also linked with the Regional Children in Care council and national bodies to share good practice and influence services. Representatives also raise issues at bi-annual conferences held with the Children's Commissioner.

For more information on the Children's Rights Service, see [Calderdale Council website](#).

## Complaints Procedure

Where a family or friends carer is not satisfied with the level of support being provided to enable them to care for a child or young person, they have access to the Calderdale MBC's complaints process.

Our aim is to resolve any dissatisfaction without the need for a formal investigation but where an informal resolution is not possible, a formal investigation will be arranged.

Calderdale Council provides access to a complaints service for all children, young people carers and families. The timescales and process are set out in the complaints procedure. The procedure ensures that at least one person who is not a member or officer of the authority, takes part in the consideration of the complaint and in any discussion held by the authority about the action to be taken.

If you are having problems, it is very important that you tell us or tell someone you trust, so that we can deal with the problem. You can contact us or send in a complaint if you are:

- A child who is being Looked After or who is not being Looked After but a Child in Need;
- A person who qualifies for after-care services;
- A parent or other person with Parental Responsibility;
- A foster parent; or

- Any other person who the authority or voluntary organisation considers has a sufficient interest in the child's welfare to warrant representations being considered by them about the discharge by the authority or voluntary organisation of any of their functions in relation to the child.

To enquire about a complaint contact:

Visit: <https://www.calderdale.gov.uk/v2/council/consultation-and-feedback/compliments-and-complaints>.

Tel: 01422 392279

By post – Calderdale Council, Complaints Team, Freepost RTGL-EXHR-SRLH, 19 Horton Street, Halifax, HX1 1QE

## Further information and Contacts

- [Calderdale Council](#)
- [Department for Education](#)
- [Public services information - GOV.UK](#)

### Useful Resources

Initial Family and Friends Care Assessment: A Good Practice Guide (Family Rights Group, 2017)

## Further Glossary of Terms

### Accommodated

The term Accommodated normally refers to a child for whom the local authority has provided accommodation, with parental consent, under Section 20 of the Children Act 1989.

However, a child is also accommodated if accommodation is arranged by the local authority for a child who is subject to Police Protection, Remanded or otherwise Lawfully Detained.

A child is also accommodated if s/he is subject to a Supervision Order with a Residence requirement. All children who are accommodated come within the definition of Looked After.

### Care Proceedings

Care proceedings can be brought by the local authority under section 31 of the Children Act 1989 if there is concern that the child concerned is suffering or is likely to suffer Significant Harm attributable to the care being given to the child, or likely to be given if an Order were not made, not being what it would be reasonable to expect a parent to give, or the child being beyond parental control. This test is referred to as the Threshold Criteria.

The NSPCC also has statutory powers to intervene on behalf of children in the same way as the local authority can - see the 'Using our legal powers' page of the NSPCC website for more information.

Where care proceedings are brought, the Court can make a range of orders under the Children Act 1989. If the Court is satisfied that the threshold criteria are met, it can make a Care Order or Supervision Order.

## Child in Need

Under Section 17 (10) of the Children Act 1989, a child is a Child in Need if:

- He/she is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local authority;
- His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or
- He/she is disabled.

## Child in Need Plan

A Child in Need Plan (also known as a Child's Plan) should be drawn up for children who are not Looked After but are identified as Children in Need who requiring services to meet their needs. It should be completed following an Assessment where services are identified as necessary.

Under the Integrated Children's System, if a Child is subject to a Child Protection Plan, it is recorded as part of the Child in Need Plan.

The Child in Need Plan may also be used with children receiving short break care in conjunction with Part One of the Care Plan.

## Child Protection

Child protection is a part of Safeguarding and Promoting the Welfare of Children. This refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, Significant Harm.

## Child Protection Plans

Where a Child Protection Conference determines that a child is at continuing risk of Significant Harm, a multi-agency Child Protection Plan is formulated to protect the child. A Core Group of professionals, including the Lead Social Worker, are responsible for keeping the Child Protection Plan up to date and coordinating inter-agency activities within it.

## Child Looked After

A Looked After Child (sometimes referred to as 'LAC') is a child who is Accommodated by the local authority, a child who is the subject to an Interim Care Order, full Care Order or Emergency Protection Order; or a child who is remanded by a court into local authority accommodation or Youth Detention Accommodation.

In addition, where a child is placed for Adoption or the local authority is authorised to place a child for adoption - either through the making of a Placement Order or the giving of Parental Consent to Adoptive Placement - the child is a Looked After child.

Looked After Children may be placed with parents, foster carers (including relatives and friends), in Children's Homes, in Secure Accommodation or with prospective adopters.

With effect from 3 December 2012, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 amended the Local Authority Social Services Act 1970 to bring children who are remanded by a court to local authority accommodation or youth detention accommodation into the definition of a Looked After Child for the purposes of the Children Act 1989.

## Disclosure and Barring Service (DBS)

The DBS is a non-departmental public body of the Home Office of the United Kingdom. It supports organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work, especially that involves children or adults, and provides wider access to criminal record information through its disclosure service for England and Wales.

The DBS conducts criminal record checks to support decisions on the suitability of a person to care for or work with children or vulnerable adults. It also maintains the list of people barred from working with children or vulnerable Adults (known as Barred Lists).

Under the Vetting and Barring Scheme, any person barred from working with children or vulnerable adults is breaking the law if they work or volunteer, or try to work or volunteer with those groups. An organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law. If an organisation works with children or vulnerable adults and dismisses a member of staff or volunteer because they have harmed a child or vulnerable adult, or would have done so if they had not left, the employer must inform the Disclosure and Barring Service so that the Barring List can be maintained.

## Parental Responsibility

Parental Responsibility means all the duties, powers, responsibilities and authority which a parent has by law in relation to a child. Parental Responsibility diminishes as the child acquires sufficient understanding to make his or her own decisions.

A child's mother always holds Parental Responsibility, as does the father if married to the mother.

Unmarried fathers who are registered on the child's birth certificate as the child's father on or after 1 December 2003 also automatically acquire Parental Responsibility. Otherwise, they can acquire Parental Responsibility through a formal agreement with the child's mother or through obtaining a Parental Responsibility Order under Section 4 of the Children Act 1989.

Parental responsibility can be acquired by any person through a Court Order, for example a Residence Order or Special Guardianship Order. As well as an unmarried father, a step-parent or a parent's civil partner can apply for a Parental Responsibility Order under section 4 of the Children Act 1989.

The local authority acquires Parental Responsibility through an Emergency Protection Order, an Interim Care Order and Care Order. In these circumstances the local authority shares Parental Responsibility with the parents and those with Parental Responsibility, including special guardians. Parents do not lose their Parental Responsibility unless an Adoption Order is made.

Where a child is placed with prospective adopters, the prospective adopters acquire Parental Responsibility as soon as the placement is made. This will be shared with the birth parents and with the adoption agency making the placement.

The Adoption Panel may give advice on the exercise of Parental responsibility and the Adoption Placement Plan should set out how the exercise of Parental Responsibility by the birth parents and prospective adopters may be restricted.

## Placement Plan

The term Accommodated normally refers to a child for whom the local authority has provided accommodation, with parental consent, under Section 20 of the Children Act 1989.

However, a child is also accommodated if accommodation is arranged by the local authority for a child who is subject to Police Protection, Remanded or otherwise Lawfully Detained.

A child is also accommodated if s/he is subject to a Supervision Order with a Residence requirement. All children who are accommodated come within the definition of Looked After.

## Significant Harm

The Children Act 1989 introduced Significant Harm as the threshold that justifies compulsory intervention in family life in the best interests of children.

Physical Abuse, Sexual Abuse, Emotional Abuse and Neglect are all categories of Significant Harm.

Harm is defined as the ill treatment or impairment of health and development. This definition was clarified in section 120 of the Adoption and Children Act 2002 (implemented on 31 January 2005) so that it may include, "for example, impairment suffered from seeing or hearing the ill treatment of another".

Suspensions or allegations that a child is suffering or likely to suffer Significant Harm should result in an Assessment incorporating a Section 47 Enquiry

There are no absolute criteria on which to rely when judging what constitutes significant harm. Sometimes a single violent episode may constitute significant harm but more often it is an accumulation of significant events, both acute and longstanding, which interrupt, damage or change the child's development.

