

Safeguarding and promoting the welfare of children

This section provides a brief summary of the legislation regarding safeguarding and promoting the welfare of children and the particular implications of these when developing *Think Family* reforms and targeted provision for children, their parents and families.

1. When working together to meet the needs of family members and improve family functioning, all practitioners (whether working with children or adults within the family) have a responsibility to make a referral to the local authority (LA) when they have concerns about a child's welfare (and in particular when they suspect that a child is, or may be at risk, of suffering harm). A referral and any subsequent action to safeguard and promote a child's welfare should be undertaken in accordance with the local safeguarding children policies and procedures. These procedures should be consistent with the statutory guidance *Working Together to Safeguard Children* (2006).
2. Targeted *Think Family* interventions, such as Family Intervention Projects, and adults' and children's services working together in a more co-ordinated way should lead to better planned and systematic contact with families. In many cases this results in greater involvement with the family, and in particular, more frequent home visits. This means that social workers will have more opportunities to identify children who are suspected of suffering, or at risk of suffering, significant harm and can take action to safeguard them earlier than might have otherwise occurred.
3. Services working with families, including those working with adult family members, should ensure that staff are trained in the use of these safeguarding procedures using materials such as *Safeguarding Children – a shared responsibility* (2007), a training resource commissioned by the Government. They also should ensure that referrals are made to children's services on each occasion when there are concerns about a child's welfare including that the child may, or is likely to, be suffering harm.
4. The LA should clarify with the referrer the nature of the concerns, the basis for them (in particular what evidence has been collected and considered), and what appear to be the needs of the family. This process should always identify clearly whether there are concerns about abuse or neglect (maltreatment) and whether it may be necessary to take urgent action to ensure the child or children are safe from harm.

5. Professionals making the referral by telephone should confirm it in writing within 48 hours and the LA should acknowledge the written referral within one working day of receiving it. If the referrer has not received an acknowledgement within three working days, they should contact children's services again.

Children who are the subject of a child protection or care plan

6. When a child is the subject of a child protection plan (CPP) or is looked after by an LA, the child should have a social worker allocated to them who has lead responsibility for the development and implementation of the CPP or care plan. The plan should be developed in consultation with the child where appropriate based on the child's age and understanding. Some components of the plan will be undertaken by other professionals, and by the child and family members themselves.
7. On occasion it may be appropriate for *Think Family* services such as Family Intervention Projects to contribute to the delivery of the CPP or care plan. The type of support provided will vary based on an assessment of the needs of the child and must be focused on meeting the child's needs. It might involve (for example) supporting one or more parents to participate in drug or alcohol treatment, developing their parenting skills or providing practical support within chaotic households such as helping them establish daily routines, working with other agencies, overcoming debt and so on.
8. When services are working with families where one or more child is the subject of a CPP or is looked after, they should at all times ensure that their work is undertaken in accordance with the CPP or care plan, and that the child's social worker has agreed to the type of support being provided. The child's social worker should ensure that they receive regular reports of progress from all professionals and services involved with the child and their family, and satisfy themselves that the relevant aspects of the plan are being implemented. It is usually appropriate for the child's social worker to be the lead professional for any other children in the family who are not the subject of a CPP or looked after by the LA.

Children Act 1989 – services for children in need

9. Section 17 of the Children Act 1989 sets out the statutory framework for the provision of services to children and families:
 - it is the duty of local authorities to safeguard and promote the welfare of children in their area who are "in need" within the meaning of the Act;
 - local authorities must promote the upbringing of children by their families wherever this is consistent with their duty to safeguard and promote the child's welfare;
 - parents and others who care for children in need should be able to access a range of services that are appropriate to the needs of the children they care for, including accommodation, from the local authority.

10. The provision of services has a very wide meaning; the aim may be to prevent a significant impairment in a child's health and development as well as to improve it. Services may be provided directly to the child in need or for any member of the family, if it is provided with a view to safeguarding or promoting the child's welfare. The LA has a wide discretion as to the range and level of services it provides. Decisions about which services to provide for a particular child should be based on an assessment of the child and families circumstances, in the following three domains: child's developmental needs, parenting capacity, and family and environmental factors. Section 47 of the Children Act 1989 places a duty on LAs to make such enquiries as they consider are necessary to enable them to decide whether they should take any action to safeguard or promote the welfare of a child who lives, or is found, in their area, and whom they have reasonable cause to suspect is suffering, or is likely to suffer harm.

Children Act 2004

11. Section 11 of the Children Act 2004 places a statutory duty on a range of organisations (including LAs) to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. This duty also applies where their functions are discharged by third parties.

Children in need

12. Under the Children Act 1989, a child is defined by the 1989 Act as being in need if:
- a) *he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority ...;*
 - b) *his health or development is likely to be significantly impaired, without the provision for him of such services; or*
 - c) *he is disabled.*
13. All children who are the subject of a CPP or who are looked after fall within this definition. There is no statutory duty for LAs to assess a child who falls, or may fall, within this definition, although as indicated at paragraph 10, an assessment of the child's needs is implicit in section 17 of the 1989 Act. At least an initial assessment will be required firstly to determine whether the child is indeed 'in need' and secondly to identify the services that should be provided to meet those needs. The process for carrying out such an assessment is set out in statutory guidance *The Framework for the Assessment of Children in Need and their Families* (Department of Health et al, 2000). Training in the use of these assessment procedures is strongly recommended for all services working with families, including those working with adult family members, to enable children's needs to be identified as early as possible, make appropriate and effective referrals and contribute to the development of family support plans.

14. An LA can take its resources into account when deciding the range and level of services to provide for children in need in their area. The duty to provide services is a general, 'target' duty and does not create a specific entitlement. The LA's policies about the provision of services and any decision about what if any services to provide in a particular case can be challenged by way of judicial review, as is the case with any administrative decision.
15. The LA must establish a procedure for considering any representations (including complaints) made by children or their parents made about the discharge of their functions in relation to the child. The LA must also make arrangements for advocacy services to be provided for any child who wants to make such a representation. If the complaint is not resolved to the satisfaction of the complainant, they may pursue a complaint about maladministration with the Local Government Ombudsman.
16. Children in need may receive universal, targeted and specialist services. They and their families should be actively encouraged to use services that are provided for the benefit of all children and families. This might include support via Sure Start Children's Centres and extended services linked to schools as well as targeted family and parenting support.