

Introduction



The aim of this book is to be a useful, accessible guide to understanding a child's legal journey through care. There can be many reasons why a child may come into care; however, the fact that they are in care means that they are in need of support and/or safeguarding. It is therefore important that those responsible for supporting this vulnerable group of children fully understand children's rights and how these rights can be exercised. This, in turn, will help to improve the child's experience in care and assist in achieving the right outcomes for them.

There is no standard case in the child care system; each child's case will take its own journey depending on the facts, all unique to the child's particular circumstances. What is hoped is that by following the children's journeys in the principal case study provided in this guide, reading the case examples and the published case law, the reader will understand the different legal processes a child could be subject to as they pass through the various legal stages before and during the local authority's involvement. The guide will outline what statutory services the child can be entitled to and the local authority's responsibilities to the child during their journey in care.

The guide can be used as a resource for those working with children, foster carers, prospective adopters, social care professionals, social workers, youth workers, teachers, CAFCASS officers, and members of the legal profession. The guide's aim is to support those honourable professionals who undertake the invaluable and immense task of protecting, advocating and care planning for this group of vulnerable children and young people every day. The guide can also be of assistance to children's carers, parents, those who are supporting parents, and, of course, the child or young person themselves.

To all of those reading this guide, I sincerely hope it supports you to understand the law and appreciate how it can be applied in practice. Arming yourself with up-to-date knowledge will in turn assist you in supporting the children and

young people you are responsible for through their journey in care and beyond, a journey that will also have an impact into their adulthood.

Case studies

The case examples cited in the guide are real-life cases of which I have personally had conduct. I have included these to highlight points and demonstrate the application of the law and good practice.

Note: The events described in the cases where I have had conduct have been based on memories of my experiences as the solicitor with conduct of the case. The identifying features of the people, locations and/or events have been changed, modified or merged in order to protect the privacy and identity of the children, families and professionals. Any likenesses, resemblance or similarities are purely unintentional and/or coincidental.

The names and facts of the principal Lesland case study, that tracks the journey of three children through the care system, are fictitious.

Case study 1: A life's journey

This case follows a young girl's journey through care and demonstrates how the right support can make significant changes and help to turn an early tragedy into a future successful journey. Success stories in this field are rarely shared or celebrated and, in my view, should be, in order to highlight the impact that support can have on a child's journey and life.

This is a historic case. Sarah, aged 10, was placed in local authority care with her brother, James, after being found to have suffered sexual abuse by her birth father whilst living at home. The parents agreed for both children to be placed in foster care.

After the children had been in foster carer for about 8 months, the father passed away. The mother agreed to be reassessed and it was agreed by children's services that Sarah could be returned to her care. James had learning disabilities

and the mother agreed that he should remain in foster care. Sarah returned home and regular contact was set up between the children's mother, Sarah and James.

The local authority commenced care proceedings in respect of James and at the end of the proceedings was granted a care order. James' care plan was for him to remain in long-term foster care.

The children's mother then formed a relationship with another man, Frank. Shortly after commencing this new relationship, Frank moved into the family home. Whilst living there, Frank sexually abused Sarah. Sarah made disclosures to her teacher. Her mother refused to end her relationship with Frank and, with her agreement, Sarah was brought back into foster care.

Sarah was now 13 years old. She was placed in a different foster placement to James and continued to have regular sibling contact. The local authority applied for and was granted a care order in respect of Sarah, and she had supervised contact with her mother.

By the time Sarah turned 16, her mother no longer maintained contact with her or James. Sarah had developed a relationship with a man called David, who was aged 35. Sarah stated that she was in love with David, and both Sarah and David wanted to be in a committed relationship with each other. The concern for the local authority was that David was nearly 20 years older than Sarah, and that Sarah was extremely vulnerable due to her past history of abuse. Sarah informed her social worker, Abigail, that if she was not permitted to see David, she would run away from her foster placement.

Both David and Sarah stated that they would co-operate with any conditions that Abigail wanted to place on their relationship, as long as they could see each other. Abigail, in consultation with her manager, was of the view that if Sarah was not supported in maintaining her relationship with David in a safe way, it would in fact place Sarah at greater risk as she was likely to "vote with her feet" and run away.

It was agreed that the only way of safeguarding Sarah was to support her and to place conditions on how and when she and David could meet. Sarah agreed to remain in foster care until she was 18 years old. For two years, both Sarah and David kept to the conditions imposed on them as part of a safety agreement and

maintained their relationship. At age 18, with Abigail's and the local authority's knowledge and support, Sarah moved in with David and, shortly after, they were married.

Abigail remained at the same local authority and was initially promoted to team manager and then service manager.

Despite the fact that Abigail was no longer a frontline social worker, and nor was she Sarah's worker, every time Sarah had a significant event she would notify Abigail. When she gave birth to a child, Sarah sent Abigail a card with a photo of the baby; in the card, she gave an update about the progress of her life. Despite leaving care and being an adult, Sarah still considered Abigail to be part of her connected network of support. Each time the correspondence was received, Abigail would place it in Sarah's social care file held by the local authority.

Ten years after leaving care, Sarah requested access to her file, and this is when I became involved in the case. Abigail was now a service manager; she brought the file to the legal department and requested that I check it, as an application had been made by Sarah to access her records. I checked the file for third party information, duly redacted non-disclosable information, and thereafter the information was made available to Sarah. I saw the photos of each of Sarah's beautiful babies. I subsequently left the employment of this local authority.

Fifteen years after leaving this post, I was asked to deliver some legal training to an independent fostering provider (IFP). When I arrived on the day of the training, I was pleasantly surprised to meet Abigail, who now worked for the IFP. We discussed our past employment with the same local authority, and as part of those discussions, Sarah's case came up. I stated that I was so impressed that Sarah always considered Abigail as her social worker even after leaving care, not just for her minority, but for life.

Abigail stated that 25 years after leaving care, Sarah needed help to locate her brother, James, with whom she had lost touch. In her search, the first person Sarah contacted was Abigail, whom she tracked down at the IFP. Sarah still considered Abigail to be part of her support network after all these years. Sarah, who was now in her 40s, informed Abigail that she was still married to David, and they were still together. Sadly, David had developed dementia and Sarah was

now also his carer. Sarah explained that their children were grown up and she and David lived in a small close-knit village. She told Abigail that if it had not been for her support when she was in care and after she left, she was not sure if she would have had such a successful adult life and a happy marriage.

I was honoured that I had come to know about Sarah's journey in care and in adulthood. Sarah had greatly benefited from a social worker who had used her judgement to support Sarah in her wishes, balancing this with ensuring that there was a framework that enabled her to be protected. Abigail's input had helped shape Sarah's life journey successfully.
