

Law assignment for child protection

Law



Law Essay Case Study of Stephanie and Stephen. This essay shall be based on the assumption that I am a Local authority social worker given the case referral of Stephanie and Stephen. The essay shall be focusing on the laws, policy and procedures that will guide through the assessment process of this case and how these can be used to meet the needs of all concerned. The assignment includes discussions on some of the key aspects of framework for the assessment of children in need and their families and The Children's Act 1989, in particular section 17, duty to safeguard and I will incorporate anti-oppressive and anti-discriminatory practice.

Stephanie and Stephen are under the age of 18, this therefore puts them into the category of both of them being classed as children. Under the Children Act 1989 it clearly states that any person under the age of 18 and 16 if married is seen as a child. This consequently places a statutory duty on any local authority child social care worker to protect them from any harm and promote their well-being. Section 17 (1.) of the Children Act 1989 says that “ Local Authorities, have a general duty to safeguard and promote the welfare of children within their area are in need” Subsequent to receiving this referral and acting in agreement to the primary aims of the Government Policy, my role and responsibility is to make sure that both Stephanie and Stephen are protected from any harm and that their development needs are met accordingly and appropriately. In the course of this, if I believed that a crime had been committed, I would have a duty to report this immediately to the police.

Section 47 of the Children Act 1989 states that “ Children's Social Care Services must inform the police whenever they receive a referral, which may

constitute a criminal offence against a child, even when they have decided that they are dealing with the referral as a Section 17” (www.Proceduresonline.com) It is my duty to establish if any, the level of risk to Stephanie and Stephen and to use legislation where necessary. The identification of a high-risk individual provides the mechanism for ensuring that children are protected while avoiding unneeded intervention. (Parton et al. 1997) To try and establish the course of action, I will be guided by the Framework for the Assessment of Children in Need and their Families and Working Together to Safeguard Children to help me in my decision making, planning and if any the intervention that may be required. These are two acts that were issued under Section 7 of the Local Authority Act 1970 which required Social Services to act under their general guidance.

This Framework of Assessment will take into account the development needs of the child, unlike the Children Act 1989 that until the mid 1990’s mostly focused on the incidents of abuse rather than the development needs of the child. (Department of Health et al. 2000) By use of taking a holistic view to the ‘ Assessment Framework’, information will be gathered and analysed within three domains of the Assessment Framework namely: the child’s developmental needs, the parent’s capacity to respond appropriately to those needs and the wider family and environmental factors.

The Framework is also linked closely to Every Child Matters which aims to ensure the well-being of children and young people from birth to 19. This means that the Government aim is for every child whatever their background or circumstances have the relevant support they need in order to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve

economic well-being (Every Child Matters and Outcomes) It is important that all agencies collaborate and work together to share information.

Working Together to Safeguard Children document sets out how all agencies and professionals in the statutory, voluntary and independent sectors should work together to promote children's welfare and protect them from abuse and neglect requires those agencies to share information. The first point of contact I would make would be with the school and learning mentor. Under s. 27 (7. 4) of the Children Act 1989 the school is obliged by law to assist me with any additional information that might be of help to this particular case. (www. legislation. It is the school that expressed concern and by acting upon this they then completed and sent a Common Assessment Framework (CAF) “ The CAF is a shared assessment and planning framework for use across all children's services and Local areas in England. It aims to help the early identification of children's additional needs and promote co-ordinated service provisions to meet them” (www. cwdcouncil. org) I may also make enquires to the police as to whether there has been any reported incidents, especially taking into account that there is issues of substance misuse and domestic violence.

When domestic violence is added into the equation it is clear that the children could be at risk of significant harm. “ Child witnesses of domestic violence greatly impacts upon children’s development causing emotional harm”. (Mullander et al 2002: 6) Under Section 120 of the Adoption and Children Act 2002 states that: “ Children living in households where domestic violence is happening are now identified as " at risk" under the Adoption and Children Act 2002.

From 31 January 2005, Section 120 of this act extended the legal definition of harming children to include harm suffered by seeing or hearing ill treatment of others. (www. womensaid) Additional information may be gathered from other professional such as the child's General Practitioner (GP) and dentist. Neglecting to take a child to see the doctor or dentist can be seen as neglect in some cases. I would also read through old case notes and talk to previous social care professionals that were involved with the family when they were accommodated.

Section 20 of the Children Act 1989 defines “ the term accommodated child refers to a child or young person for whom the Local Authority has provided accommodation with parental consent” (Children Act 1989) This is something that can be done without the need to apply to court and it is a way of working in partnership with the parents and empowering the parents to be involved in the ongoing plans for their child. This can be reassessed if the parents becomes uncooperative or inconsistent or commitment to the child.

In the event of this the need for care proceeding may be required. (Legislation. gov. uk). From the information already received I notice that both Stephanie and Stephen wish to remain with their parents. The intention of the Children Act 1989 is to keep families together and it should only be that a child is removed as a last resort. Section 47 (5a) of the Children Act 1989 (inserted by the Children Act 2004) says that we need to take account of the wishes and feeling of the child.

It is important that in the incident that further action is needed I take into account the fact that the children want to remain where they are but I must balance the risk over the choice. Under the Children Act 1989 (6. 1) “ A <https://assignbuster.com/law-assignment-for-child-protection/>

decision to remove a child from home must balance the likely immediate and long-term effects of removing the child against the possible harm if the child is left at home. This decision should also take into account the need either to secure evidence of criminal offences or arrest suspects” (Children Act 1989)

My next course of action would be to visit the family home and carry out an initial assessment. If I did not feel the children were at immediate risk, I would get in touch with the parents and arrange a time and date for me to visit, however if believed I would be putting the children at risk by doing this, I would consider a unannounced visit. I need to be aware that I will be intervening in the personal lives of Stephanie, Stephen and their parents and my visit may not be welcomed by the family and viewed as a huge invasion and deprivation of their human rights.

Article 8 of the Human Rights Act 1998 it states that; “(1) everyone has the right for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others” (news. bbc. o. uk) They are within their rights to refuse me entry into their home and as a social worker I do not have the power to enforce this. The police would have to be called if I alleged the children were at immediate risk they would then have the power to remove under Section 46 (6. 7)” These are to be used in cases of immediate emergency where the delay of applying for an Emergency Protection Order would pose significant

harm to a child. This Order should not be used where a Local Authority can apply for an Emergency Protection Order and has sufficient time to do so. Children Act 1989) The reason for the initial visit is so I can establish if there are concerns and what action if any would be required next. I would need to talk to all concerned and maybe possible extended family to fully understand what is happening within this family. It is important to “ Ascertain the wishes and feelings of child, parents and others relevant to fully address the problems experienced”. (Brammer, A (2003) p, 128) Throughout this assessment it imperative that Stephanie and Stephen remain paramount and the focus of this investigation. Working with family members is not an end in itself; the objective must always be to safeguard and promote the welfare of the child. The child therefore must be kept in focus. It requires sensitivity and understanding of their circumstances of families and their particular needs” (Framework for Assessing Children in Need and their Families, p. 13, 1. 45) Stephanie and Stephen have rights and it is important that as a social worker I strive to ensure that they are treated as individuals and without discrimination and take full account their wishes, feelings and experiences.

By not respecting the children and listening to them because of their age could be seen as discrimination, people are often discriminated because of age whether this being young or old, as social workers it is important that we apply anti-discriminatory practice at all times and to challenge others who discriminate against others. Section 12 of the United Nation Convention on the Right of the Child, (UNCRC) states, “ Children and young people have a

right to express a view about things that affect them” (United Nations Convention on the Right of the Child)

I would not withhold any knowledge that I believed may be beneficial to Stephanie and Stephen and their parents. The family may require legal advice and may need sign posting to other outside agencies that could offer independent advice and support. By withholding any information I run the chance of the family being oppressed and as a social worker this is something we would not do. “ A social work practice that does not take account of oppression cannot be seen as good practice no matter how high its standards in other respects. ” (Thompson, N. 2000) pg11) For children to enjoy and achieve they need to attend school, this will give them the chance to reach their full potential and the opportunity to improve their life chances. It is the parent’s responsibility to ensure that Stephanie and Stephen attend school. “ The law requires parents to make sure their children receive a full-time education suitable to their needs. For most children this means attending school regularly. As a last resort, schools and local authorities have legal powers to deal with poor attendance. ” (www. direct. gov. uk)

Stephanie has also told the school that she and her brother are often left home alone. The law of the Government in the UK does not have an age limit for leaving children alone. To ensure they are safe, I would need to explore the level of understanding and maturity of both children, the Children and Young Person’s Act 1993, “ parents in England and Wales can be prosecuted for wilful neglect if they leave a child unsupervised in a manner likely to cause unnecessary suffering or harm to health” (Children and Young Person

Act 1993) The other issues of the cooking and home conditions would be explored.

It might be that Stephanie likes to cook and this has been her choice, but I would need to ensure this was not something she was being made to do and it is again safe for her to do and are they having a healthy diet. The home conditions will be something I will be taking notice of during the visit. Not everyone has the same standards of living and what one person sees as unacceptable is not necessarily the case. Is the home weather proof and free from damp and cold, is it free of hazards, such as syringes left around or illegal substances, is the home clean enough to prevent any infection of any kind.

The visit could result in a number of findings and each one is different: It could be as simple as I have found no concerns and no further action is needed. (NFA) Section 17 Children Act 1989- Child in Need Section 47 Children Act 1989-Duty to investigate- Section 31 Children Act 1989-Interim Care Order Section 20- Accommodated- Section 44- Emergency Protection Order So as you can see there is no way of saying which way an assessment will turn out, every case should be treated individually. In conclusion to this essay, I have discovered the importance of understanding the laws that surround child protection.

Child protection is very complex and our service will not always be welcomed by service users, but it is hoped that through good practice and guidance of the laws, Framework Assessment and Working Together to safeguard children, we are able to keep families together and only remove children as a last resort. It is however evident that this will not always be the case and <https://assignbuster.com/law-assignment-for-child-protection/>

children will have to be removed against their wishes and the wishes of their families but as it is important that the child remains the focus and in the centre at all times.

I managed to establish the significance of practicing anti-discriminative and anti- oppressive practice whilst promoting the rights of children. Families will no doubt feel powerless within this situation and we must continue to empower them at all times. Social Workers are inclined only to get the bad press, but can they win the vote of the public? Time will tell so for ++++++ ++++++now; we are damned if we do and damned if we don't. + - .