

PROTOCOL FOR WORKING RELATIONSHIPS BETWEEN CHILDREN'S GUARDIANS AND SOCIAL WORKERS WITHIN THE BLACK COUNTRY

1. Preamble

- 1.1 Social workers and children's guardians share a duty and responsibility to safeguard the welfare of children. Each performs this duty from separate but complementary perspectives, with the principal aim of securing best outcomes for children.
- 1.2 The social worker and the social services department of the local authority carry key statutory responsibility for this safeguarding role. The children's guardian's role is to provide an independent assessment and analysis of this statutory function with the objective of ensuring the child's needs are adequately served and represented.
- 1.3 Guardians are appointed by the family court and report their findings to the court. Tensions can exist between the two roles on a number of dimensions and in a number of contexts. Often these tensions are a product of the attempt to draw the appropriate balance between what is ideal and what is achievable when meeting the needs of children.

This protocol recognises these tensions and provides a framework to assist both sets of professionals in their efforts to achieve best outcomes for children.

- 1.4 The messages within this protocol aim to be consistent with, and follow from the joint ADSS/CAFCASS Policy statement issued in February 2005.

2. Main functions and duties

2.1 Children's Guardian:

- 2.1.1 The children's guardian is appointed by the Court and is personally responsible for their assessment, analysis and recommendations to the court. Whilst the quality of work and standards are monitored by CAFCASS, management does not interfere with the assessment and professional views of the children's guardian. The children's guardian works closely with the child's solicitor.
- 2.1.2 CAFCASS Employed Guardians have supervision and consultation with their line managers. Self Employed Guardians are subject to a yearly contract review but are able to request supervision or consultations with their contract manager at anytime. There are some practice issues that may need to be raised with contract managers directly before decisions are made.

2.1.3 The children's guardian must:

- Have access to all files relating to the child.
- Meet with the child, frequency depending on age and understanding of the child.
- Obtain the child's wishes and feelings, depending on age and child's understanding.
- Meet with significant adults, parents and extended family, frequency depending on individual cases.
- Meet with child's past and current carers, frequency depending on individual case.
- Share any significant information with the child's social worker which comes to light during their enquiries.

should:

- Attend Looked After Reviews and child protection conferences and other appropriate meetings.
- Make enquiries with other professionals who have knowledge of the child and family.
- Alongside Child's Solicitor identify appropriate expert witness when this is needed and assist with identifying the outcomes needed from such an assessment
- Provide the child's social worker with a contact telephone number.
- Inform the CAFCASS Service Manager where there are concerns about practice issues in relation to the LA
- Liaise with the CAFCASS Service Manager to ensure pertinent issues are addressed with the LA at an appropriate level

2.2 **Social Worker:**

2.2.1 The Local Authority has a statutory duty to safeguard and protect children. Looked After Children or children subject to Care Proceedings should have an allocated social worker.

2.2.2 The social worker holds day to day responsibility for the management of the case, working within the statutory regulations, Assessment Framework, and the Every Child Matters outcomes framework to ensure the child is safe and to utilise resources to meet their assessed needs. Social workers are subject to regular line management supervision where decisions relating to casework are discussed and formulated.

2.2.3 Resources are accessed via referrals to service providers once due consideration has been given to the availability and suitability of internal resources. The social worker's line manager normally has to authorise internal referrals with referrals to external providers having to be authorised by Senior Managers.

2.2.4 The child's social worker is required to:

- Keep the child's file up-to date and in the prescribed format (Climbie Compliant).
- Ensure file records show evidence of supervision, actions and decisions by line manager in relation to the case.
- Co-ordinate Statutory Reviews within timescales.
- Visit the child in line with statutory visiting requirements.
- Work with other professionals involved with the child and family.
- Complete assessments of the child's needs and present these to the Court in statements/care plans on behalf of the Local Authority, taking account of the views of the child, family and other professionals.
- Ensure statements and Care Plans incorporate an analysis from any assessments.
- Identify early on in the case the need for experts' reports, as informed by the outcomes from assessments and analysis.

3. Clarifying Roles

- 3.1 It is crucial that social workers and children's guardians have an understanding and appreciation of each other's roles. Joint training will be arranged to enhance this understanding. There should also be an understanding that each shares a duty to comply, as far as is practically possible, with the Protocol for Judicial Case Management.
- 3.2 At the earliest possible stage in the proceedings, the children's guardian and social worker should liaise to clarify roles and responsibilities, method and frequency of communication, and what information is to be shared and how.

The children's guardian and social worker should also clarify the distinction between sharing opinions and seeking advice. Neither should advise the other on case management issues. Such issues should be pursued via the relevant internal line management procedures.

4. Communication

- 4.1 Unforeseen developments and changes of circumstance should be communicated as swiftly as possible. In particular all efforts should be made by the social worker to alert the children's guardian to a potential change of placement prior to any change taking place.
- 4.2 The social worker will ensure the children's guardian is informed of and invited to Statutory Looked After Reviews, Child Protection Conferences, Strategy Meetings, Core Group Meetings and Planning Meetings. The children's guardian will inform the social worker when other commitments prevent their attendance or where they believe their attendance is not required.

- 4.3 The Local Authority should discuss with the children's guardian proposals which will form the basis of the Care Plan. The children's guardian should be prepared to detail their opinion, in writing, in response.

5. Timetabling and case management

- 5.1 Timescales for completion of key tasks such as undertaking assessments and filing statements should be discussed and negotiated at the earliest possible juncture. The social worker and guardian should promptly inform each other of any difficulty in keeping within these timescales and arrangements agreed for providing appropriate notification to the court.

6. Commissioning services

- 6.1 The social worker and children's guardian should jointly discuss, along with all parties and legal representatives, any proposal to seek expert witnesses.
- 6.2 The children's guardian and social worker should discuss any plan to seek further assessments, being clear about the nature and purpose of the additional information or assessment required.
- 6.3 Where the children's guardian proposes assessments, which carry a resource implication for the local authority, this must be discussed in the first instance with the social worker and their team manager subsequently consulted. If agreement cannot be reached, a court direction will be required.

7. Problem solving

- 7.1 Where conflicting views emerge, both professionals should undertake to address the issue from a problem-solving perspective:
- The first stage will be through direct discussion between the social worker and the children's guardian.
 - Each should endeavour to understand and respect the position of the other.
 - Every effort should be made to resolve the issue at this level, recognising that resolution involves appreciating each other's perspective.
 - It does not necessarily imply or require agreement.
 - Where resolution is not possible in this forum, the issues should be passed through the appropriate line management structure.
 - In this instance the social worker or guardian should openly inform the other of their intention to refer the matter on.
 - If the issue cannot be resolved, and is pertinent to the management of the case, it becomes a matter for the court.

8. Inter-agency communication

- 8.1 Each local authority should identify a named manager to act in liaison with their CAFCASS counterpart:
- 8.2 Meetings should occur at an agreed frequency and cover all matters of mutual interest and concern. An agenda will be agreed prior to each meeting.
- 8.3 Possible topics may include general issues relating to the functioning of the protocol, changes in policy, practice or procedure in either organisation, proposed legislative changes, staffing and workload levels, and joint training ventures.
- 8.4 Managers and Staff from CAFCASS should arrange to attend occasional local authority team meetings, and vice versa, in order to improve the communication and enhance good working relationships.
- 8.5 Such liaison is designed to enhance and update understanding of each other's practice in the context of the requirement for each agency to remain distinct and independent of each other.

9 Review

- 9.1 This Protocol will be reviewed on an annual basis by the relevant CAFCASS and local authority managers.

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