

Glossary of Terms within Child Protection Processes

Following discussions at Darlington Safeguarding Children Boards' Case Review and Learning from Practice meeting a request was made to provide a guide on the definition of terms for various child protection processes/legal processes to support multi-agency practitioners. Further information and guidance is available on the [Darlington Safeguarding Children Board Website](#).

The following glossary of terms has been devised to provide basic awareness of the following subjects:

| | |
|---|---|
| Adoption Order | Parental Responsibility |
| Care Order and Interim Care Order | Placement Order |
| Care Proceedings (Public Law Proceedings) | Police Powers of Protection |
| Child Arrangements Order | Private Law Proceedings |
| Child In Need | Public Law Outline |
| Child Protection Plan | Section 20 Accommodation |
| Children and Family Assessment | Special Guardianship Order |
| Early Help Assessment | Supervision Order and Interim Supervision Order |
| Education, Health and Care Plan | Written Agreement |
| Emergency Protection Order | |

Adoption Order

This establishes a permanent relationship between the adopters and the child. They are legally recognised as the parents of the child as though they were the birth parents. The child has the same rights as a birth child of that family. It removes Parental Responsibility from birth parents, and anyone else, including the Local Authority. It is a permanent order, lasting for the child's lifetime and cannot be changed once it has been made.

[Adoption and Children Act 2002](#)

Care Order

A care order is made in care proceedings, determining that the child should be placed or remain in the care of the Local Authority. It can only be made if the court is satisfied that the following Threshold Criteria are met.

- That the child must be suffering, or likely to suffer, significant harm
- And that the harm or likelihood of harm must be attributable to one of the following:
 - The care given to the child, or likely to be given if the order were not made, not being what it would be reasonable to expect a parent to give; or
 - The child being beyond parental control

The court will also apply a welfare test and only make the order if it is better for the child than not making it. The 'welfare check list' requires the court to have regard to the wishes and feelings of the child, in light of his/her age and understanding.

It gives the Local Authority Parental Responsibility and the ability to implement a care plan for the child. A Care Order lasts until the child turns 18 unless discharged by the court at an earlier date.

Interim Care Order - is a temporary version of the above designed to place the child in the care of the Local Authority during the course of care proceedings, before the court has made a final decision about their future.

[Children Act 1989](#)

Care Proceedings (Public Law Proceedings)

This is the name for the court process when the Local Authority goes to court because they are concerned that a child is not safe. The Local Authority can ask the court to make an order to protect the child, examples of this include an Emergency Protection Order, an Interim Care Order or a Care Order.

If any of these orders are made the Local Authority shares parental responsibility for the child with the parents and anyone else who may have parental responsibility. The Local Authority must find out the wishes of those with parental responsibility about any decision concerning the child, but the Local Authority will have the final say and may in certain circumstances make plans for the child even if the parents don't agree with them.

The child will be legally represented and a Children's Guardian is appointed from CAFCASS (Children and Family Court Advisory and Support Service) to represent the child's interests on matters such as what order to make and the suitability of the Local Authority's care plan for the child. Care proceedings should not take longer than 26 weeks but may be extended in exceptional circumstances.

[Children Act 1989](#)

Child Arrangements Order

Usually made in Private Law proceedings but can be made in Care Proceedings. It determines which parent, or other person, a child should live with and what contact arrangements there should be. It gives parental responsibility to the person the child lives with if they do not already have it. It replaces Residence and Contact Orders.

[Children Act 1989](#)

Amended by the [Children and Families Act 2014](#)

Child In Need

A child is in need applies if the child is under 18 and either:

- The child needs extra help from the Local Authority to be safe and healthy or to develop properly; or
- The child is disabled.

The Local Authority decides if a child is *in need* by assessing their needs. If they decide the child is *in need* they will normally draw up a plan setting out what extra help they will provide to the child and their family. This is called a child in need plan. The plan should also say when and how the plan will be reviewed.

[Children Act 1989](#)

Child Protection Plan

A Child Protection Plan (CPP) is drawn up at the Initial Child Protection Conference. The plan says what support and monitoring will be put in place when a child is considered to be at risk of significant harm because they have suffered, or are likely to suffer physical abuse, emotional abuse, sexual abuse and/or neglected.

When there is a Child Protection Plan, the child will be allocated a Social Worker who should meet regularly with the child and the parents to discuss the child's progress. The child's situation and the plan will be reviewed at further Child Protection conferences within the first three months and thereafter no later than every six months.

See [DSCB Child Protection Procedures](#) for further information and guidance

Children and Family Assessment

A Children and Family Assessment is usually carried out as part of Child Protection enquiries or before a Child in Need plan is drawn up. The focus is to draw on the professional judgement to analyse and reflect on information gathered regarding the child or young person and focus on the specific needs identified. An assessment is a fluid process that considers emerging needs and sustainability of any change for the family.

The timeliness of an assessment is a critical element of the quality of the assessment and it should be done in time to meet the child's needs and always within 45 working days of the referral.

[Children Act 1989](#)

Early Help Assessment

This is the name for the detailed assessment of the child and their family's circumstances, to see if they need any help. It is prepared by a Social Worker. It looks at the child's needs, the parents' ability to meet those needs and the family's general situation.

[Children act 1989](#)

Education, Health and Care Plan

Education, Health and Care Plans (EHCP) were introduced for young people aged 0-25 who have Special Education Needs and Disabilities (SEND). These are prepared by the local authority and are intended to ensure there is co-ordination between the agencies meeting children's different education, health and social care needs.

EHCP's replace Statements of Special Education Needs (Statement of SEN) which were previously used to assess and plan additional support for children with SEND.

EHCP's are not the same as Child In Need plans – they can both exist at the same time, although the agencies involved should each need to know what each plan says.

[GOV.UK](#)

Emergency Protection Order

When a Local Authority believes a child is in urgent need of Protection, it can ask the court to make an Emergency Protection Order. The order lasts for up to eight days and can be extended by the court once for a further seven days.

An Emergency Protection Order gives the Local Authority the power to:

- remove a child from home and take them into care
- prevent a child from returning to the parent's care, for example to stop a child being taken home from hospital
- exclude someone else from the child's home (if the parent who lives there agrees and this is written on the order as an exclusion requirement).
- see the child without the parent's permission and
- make a direction for a medical or psychiatric examination of the child.

[Children Act 1989](#)

Parental Responsibility

The legal rights and duties of a parent. Mothers always have it. Fathers have it if they are married to the mother, are named on the birth certificate (of a birth registered after 01/12/2003), have a parental responsibility order or a parental responsibility agreement. Others may acquire it by order of the court or a formal parental responsibility agreement.

[Children Act 1989](#)

Placement Order

Usually made at the conclusions of care proceedings or as a separate placement proceedings where the care plan is adoption. It allows the Local Authority to place the child with prospective adopters. It allows the Local Authority to completely restrict the birth parents' ability to exercise their Parental Responsibility. It gives Parental Responsibility to prospective adopters before an adoption order is made once the child is placed with them for adoption. Until an adoption order is made the Local Authority will share parental responsibility with the birth parents and prospective adopters but will have overriding parental responsibility.

[Adoption and Children Act 2002](#)

Police Powers of Protection (Police Protection)

It is not a court order, but rather an inherent power of the police to protect children from harm by removing them to suitable accommodation. It should only be used in exceptional circumstances where there is insufficient time to apply for a court order. It lasts for a maximum of 72 hours.

If a child is removed by the police, they will ask the Local Authority to 'look after' the child during that time. If the Local Authority does not think it is safe for the child to return home after 72 hours, they can continue to keep the child away from home if the court makes a suitable order such as an Emergency Protection Order or the parents or others with parental responsibility consent to the child being accommodated under Section 20 of the Children Act 1989.

[The Children Act 1989](#)

Private Law Proceedings

Legal proceedings in the family court. Typically a dispute between parents about which of them the child should live with, contact issues, parental responsibility, Special Guardianship Order, specific issues or prohibited steps. The Local Authority is not the applicant and often not involved at all. The Local Authority or CAFCASS (Children and Family Court Advisory and Support Service) may be asked to provide reports to the court about the child's welfare, and advise the court on what orders to make, these are known as section 7 reports. The child is not usually a party, although this can happen in exceptional circumstances. In such circumstances a Children's Guardian would then be appointed. If the court believes the child may be suffering significant harm they may request that the Local Authority provide a report advising whether Care Proceedings should be commenced this is known as a section 37 report.

[The Children Act 1989 – Section 7](#)

[The Children Act 1989 – Section 37](#)

Public Law Outline

Government guidance on conducting care proceedings. Covers the whole process from start to finish but is mostly referred to when discussing the pre-proceedings phase. This is where the Local Authority engage with parents before initiating any proceedings to assess whether the child can continue to be cared for by their parent(s). This may involve commissioning specialist assessments. It will involve meeting with the parents and their lawyers to explain the concerns, and what the parents need to do to avoid going to court. Good practice suggests this phase should not last longer than 16 weeks but there is no maximum statutory timescale. This process should only be started if the Local Authority intends to apply for a care or supervision order if there is no improvement in that time. It should not be used to add weight to the Child Protection Plan, or to manage risk long term.

Section 20 Accommodation (Children Act 1989)

An arrangement where the Local Authority accommodates a child when there is no one with parental responsibility for them or they have been lost or abandoned or the person normally caring for them is unable to provide them with suitable accommodation or care.

However, the Local Authority may not provide accommodation for a child if someone with parental responsibility objects and can provide accommodation themselves or arrange for someone else to provide accommodation. A person with parental responsibility can remove a child from accommodation at any time (there are exceptions to this). It is essential legal advice is taken before doing this.

A care plan must be drawn up for the child and should get the agreement of those with parental responsibility or from the young person themselves if they are aged 16 or 17. The plan should set out how the accommodation arrangement can be ended and what the contact arrangements are whilst the child is away from home.

Accommodation provided under S20 is voluntary. All those with parental responsibility need to give valid consent to the accommodation. There is no court order when a child is accommodated and the Local Authority does not have parental responsibility for them. If a child is 'accommodated' it means he or she is being 'looked after'.

[The Children Act 1989](#)

Special Guardianship Order

This was brought in during 2005 to provide greater permanence than remaining in care, but without severing the links with birth families to the extent adoption does. It was designed for mainly older children who would benefit from a secure, permanent relationship with their carer but would not want to sever the ties to their birth parents. It gives the carer Parental Responsibility and enables them to exercise it to the exclusion of others. They can make most decisions without consulting with parents and can restrict the parents' use of their PR. It is now widely used following care proceedings to support placements with relatives.

[The Children Act 1989](#)

Supervision Order

A supervision order gives the local authority the legal power to monitor the child's needs and progress while the child lives at home or somewhere else. A social worker will advise, assist and befriend the child. In practice, this will mean they give help and support to the family as a whole. Conditions can be attached to a supervision order, requiring actions from parents, which may include informing the social worker if they are planning on changing address and they may have to allow the social worker to visit the child at home.

A supervision order doesn't give the local authority parental responsibility and doesn't allow them any special right to remove the child from their parent. The parents keep parental responsibility but mustn't act in any way against the supervision order. A supervision order usually lasts a year but can be extended to a maximum of 3 years on further application to the court.

Interim supervision order - temporary version of above used during care proceedings before the court makes a final decision about the child's future. It is often used to enforce a written agreement with parents about the required standard of care. The court will then oversee the arrangements.

[The Children Act 1989](#)

Written Agreements

Written agreements are often used by Children's Social Care in their work with children and families. Typically such agreements are used to help ensure the safety and welfare of children during periods of assessment and/or intervention, by outlining what is required from parents in terms of compliance with assessments and appointments, living arrangements or involving supervisory arrangements with other family members.

They are a useful tool for monitoring behaviour but, in order to be effective, they must be child focussed, based on full assessment of cooperation and have clear sanctions for non-compliance and be rigorously monitored and evaluated.