

Children's Social Care Services: a guide for fathers

Fathers have an important role in the welfare and protection of their children. We have written this guide to help you understand your rights and responsibilities and what options are open to you if Children's Social Care is involved in your child's or children's life.

Please note: The information contained in this leaflet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case.

The Children Act 1989 sets out the main powers and duties of the local authority to keep children safe and promote their wellbeing. Whenever the term 'parent' is used in the Children Act (or its associated guidance) it includes all biological fathers whether or not you have parental responsibility.

However, if there is a possibility of your child being adopted, the relevant law is the Adoption and Children Act 2002. Any reference to 'parents' in relation to adoption does not include fathers without parental responsibility. If this applies to you, it is important that you seek legal advice immediately about how to obtain parental responsibility.

Fathers and Parental Responsibility

What is parental responsibility?

Parental responsibility (or PR as it is often called) is the term used to describe the rights and responsibilities parents have to care and provide for their children and make important decisions about their upbringing.

Do I need parental responsibility?

You need PR in order to make key decisions about your child, such as consent to medical or dental treatment, consent to school trips and taking a child abroad. However, if your child is in the Child Looked After system (i.e. in care), the local authority should involve you in discussions about plans for your child whether or not you have PR.

Do I automatically have PR for my child because I am the father?

Not necessarily. All mothers automatically have PR for their child from the moment of the child's birth, but as a father you will only have PR automatically if:

- You are married to the mother at the time of your child's birth or you marry her after the birth.
- You are registered as the child's father on the birth certificate and the registration took place after 1st December 2003.
- If you are married at the time that your wife gives birth to a child, regardless of whether you are the father, you will have PR.

Otherwise you can get PR in a number of other ways:

- By you and your child's mother both signing an authorised agreement giving you PR. The form you need is C (PRA1). Once you have both signed it in front of an authorised person at the Hull Family Court, you need to send it to the Central Family Court in London (details of the Central Family Court in London is contained in the 'Further Information' part of this leaflet).
- If your child was born before 1st December 2003, in some circumstances, you can gain PR by re-registering the birth.
- By applying for a court order giving you PR under section 4 of the Children Act 1989.
- If you are named in a Child Arrangement Order (CAO) as a person with whom the child is to live. When the court makes a CAO naming the father as a person with whom the child lives, it must also make a Parental Responsibility Order.
- Or, if you are named in a CAO as a person with whom the child is to spend time or have contact with and the court decides that it would be appropriate to make a Parental Responsibility Order in your favour.
- If you become the child's guardian.
- If you adopt the child.

Child Arrangement and Special Guardianship Orders

- Child arrangement orders regulate with whom the child is to live, spend time with or otherwise have contact with. Child arrangement orders replaced **residence orders** and **contact orders** on the 22 April 2014.
- A special guardianship order (SGO) is an order appointing one or more people over the age of 18 to be a child's special guardian to provide care, permanence and stability for the child. The order gives the special guardian overriding PR for the child, with the exception of another special guardian. This means that the special guardian can override decisions made by others with PR. This type of Order is made where a child cannot return to a parent, but does not need to be in the care of the Local Authority or be adopted. The Order does not exclude the child's biological parents from the child's life, but means that the special guardians control their involvement.

I am in a fathering role but I am not the child's biological father. How can I acquire PR?

If you are a step-parent who is either married to the child's mother, or in a same sex-civil partnership with a birth father whom has PR, you can get PR in a number of ways:

- If both parents with PR agree, you can make a formal agreement with both of them on an authorised form. The form you need is a C (PRA2). Again, once this has to be signed by all of you in front of an authorised person at the Hull Family Court, you need to send this form to the Central Family Court in London.
- By applying to the court for an order which grants PR under section 4A of the Children Act 1989; or by applying to court for a different legal order, for example a Child Arrangement Order, which gives the holder of the Order PR, but you may need the court's permission to do this.
- **If the parents do not agree** to you having PR, you can apply to the court for a Parental Responsibility Order.
- By adopting the child.

Fathers and Family Support

If you are not your child's main carer and they are living most the week with another parent, then, to begin with, the local authority is likely to work most closely with that parent when they complete an assessment of your child's needs.

However, government guidance in Working Together (2015) says an assessment should look at the parents' capacity to meet the child's needs. Even if you do not have PR, you should be involved in the assessment process and be informed about what is happening. The exception to this would be if involving you would place your child at risk of harm.

The assessment should have identified your child's needs and their main carer's ability to meet those needs and look after them. It should also describe what additional support you and other family members can give and what help the local authority will provide to make sure your child is well cared for. You should receive a copy of the children's social care assessment, unless to do so, would place your child at risk of harm.

Fathers and Child Protection

The local authority is under a duty to safeguard and protect the welfare of all children in their area. Where it suspects that a child may be or is likely to suffer significant harm it must make enquiries and where necessary take action to make sure the child is kept safe.

The children's social care assessment informs decisions about the level of concern for a child. As part of the child protection planning process, there may be a child protection case conference or a multi-agency meeting/core group. If there is a considerable risk to the child, the local authority may apply to court for a legal order giving it permission to remove the child from their home. This may be an Emergency Protection Order or an Interim Care Order.

Social workers should work in partnership with both parents, regardless of whether or not you have PR, and ensure that both parents are invited to the child protection conference and core group meetings. You should therefore be invited to all or part of these meetings unless the local authority believe to do so would place another person at risk of harm or make your child feel too uncomfortable to speak.

The local authority will also consider what your child's wider family can offer as part of any assessment of their needs and plans for them. If your relatives want to be involved it is a good idea for them to contact the social worker. They should let the social worker know how they may be able to help in providing support or care. This applies regardless of whether you have PR for your child.

Fathers and Care Proceedings

If your child is subject to care proceedings as a father you will be a 'party' to (i.e. involved in) the proceedings even if you don't have PR. You will normally receive all the court documents and you will be notified of all the court dates. You will be asked to make a statement and will be able to give evidence and say what you think. You may be entitled to public funding (legal aid) to pay your solicitor's fees.

If, as a result of concerns about your child's safety and welfare, and perhaps as a result of a plan you have all made at a family group conference, any of your relatives think they would be able to care for your child, they can apply to court for a Child Arrangement or Special Guardianship Order to secure this arrangement legally but they would need the court's permission to be able to do this.

Fathers and the Care System

If your son or daughter is looked after by the local authority they will have an allocated social worker who is required to find out and consider the wishes and feelings of the child's parents and other significant people in the child's life about any decisions and plans being made. It should not make any difference whether you have PR or not. Similarly the social worker should find out what you think about any plans made for your child, share reports and plans with you before any meeting, invite you to reviews and send you records of meetings, unless the local authority believe to do so would place another person at risk or make your child feel too uncomfortable to speak.

However, finding out your views is not the same as getting your agreement to plans. The local authority does not have to agree the plan with you if:

- there is a Care order in place, or

- where there is no Care order, but someone else with PR has already agreed the plan, or
 - your child is over 16 and has agreed his/her own plan.
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Fathers and Adoption

If the local authority plan is to place your child for adoption it is very important that you get involved as quickly as possible.

You need to contact the local authority and may be asked to put something in writing setting out what you think should happen to your child. You should be clear whether or not your child could live with you, and state what kind of contact you would have like to have with them in the future.

If you don't have PR the local authority can place your child for adoption without your agreement. However, they should be in touch with you to find out your views on what should happen to your child and see if anyone in your wider family could care for them instead.

If you want to apply for PR you need to apply as a matter of urgency. The quickest way to do this is to make an application for PR under section 4 of the Children Act, as described above.

If a plan of adoption is agreed by the court, a life story book will be completed for your child that tells the story of their life up until the point of their adoption. Where appropriate, you should be asked by the child's social worker to contribute to this.

How to Make a Complaint

If you are unhappy about any of the services that you receive from Hull City Council and you have not been able to sort things out with your usual worker, you can make a formal complaint by contacting the Children's Complaints Team:

Tel: 01482 616 143

Email: socialservices.complaints@hullcc.gov.uk

Write to us at: **Children, Young People and Family Complaint Service**

Brunswick House

Strand Close

Hull HU2 9DB

Where to get further help or information

Citizens Advice	An independent organisation providing free, confidential and impartial advice on all subjects to anyone. There is also advice online on their website	www.citizensadvice.org.uk www.adviceguide.org.uk Tel: 03444 111 444
Community Legal Advice	A free and confidential advice service. It provides information directly to the public on a range of common legal issues and helps people find legal help and information. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help.	www.gov.uk/civil-legal-advice Tel: 0845 345 4345
Coram Children's Legal Centre	Free independent legal advice to children, parents, carers and professionals. Their Child Law Advice Line provides free legal advice and information covering all aspects of law and policy affecting children. An advisor can be contacted on the advice line from 8.00am to 8.00pm Monday to Friday.	www.childlawadvice.org.uk Tel: 08088 020 008
Family Lives (Previously called Parentline)	A national charity offering help and information for parents and families via a range of services including a free 24-hour confidential helpline, workshops, courses, information leaflets, email helpline and website. Free confidential, 24-hour helpline and email advice service.	www.familylives.org.uk Tel: 0808 800 22 22
Family Mediation	To find a mediator, you can contact: Your local National Family Mediation (NFM) service in your area. A list of services can be found on their website or you can also call lines open 9.00am - 5.00pm (Monday – Friday)	www.nfm.org.uk Tel: 01392 271610
The Ministry of Justice's Family Mediation	The helpline can refer you to a mediator from their joint register.	www.familymediationcouncil.org.uk Tel: 0845 602 6627
Family Rights Group	An organisation which provides free telephone and email advice to family members who are involved with Children's Services about the care and protection of their children. Contact FRG's advice line for further advice it is open Monday-Friday 9.30am-3.00pm. You can also visit the website where you can download other relevant advice sheets.	www.frg.org.uk Tel: 0808 801 0366
Families Needs Fathers	A national charity providing information and support on shared parenting issues arising from family breakdown, to divorced and separated parents, irrespective of gender or marital status. Support is provided through a national helpline, a website, a network of volunteers, and regular group meetings are held in a variety of locations. Helpline open Monday – Friday 6.00 pm-10.00 pm	www.fnf.org.uk Tel: 0870 7607 496

The Law Society of England and Wales	<p>The Law Society is the independent professional body for solicitors in England and Wales.</p> <p><i>You can search their website for details of local solicitors who are members of the Children Panel.</i></p>	<p>www.lawsociety.org.uk</p> <p>Tel: 020 7242 1222</p>
The Central Family Court	<p>First Avenue House, 42-49 High Holborn, London, WC1V 6NP</p>	<p>Tel: 020 7421 8594</p>