

If your child is taken into care

1. Overview

If your child is taken into care because of a care order, your council will share responsibility for making [most of the important decisions \(/parental-rights-responsibilities/what-is-parental-responsibility\)](#) about your child's upbringing, including:

- who looks after them
- where they live
- how they are educated

If you agree to your child becoming 'looked after' and there is no care order, you'll continue to have parental responsibility for your child.

In either case, the council is responsible for:

- making sure that an appropriate standard of care is provided
- making sure only suitable people are employed to look after your child
- providing proper training and support to staff and foster carers
- listening to your child's views and your views about care arrangements and taking their religion, race, culture and background into account
- making sure your child has someone independent to talk to and knows how to complain if necessary

The child may be placed with either:

- another relative
- a foster carer
- a children's home

Care orders

A care order is given by a court. It allows a council to take a child into care. Under the [Children Act 1989](http://www.legislation.gov.uk/ukpga/1989/41/part/IV) (<http://www.legislation.gov.uk/ukpga/1989/41/part/IV>) a council can apply for a care order if it believes a child is suffering or at risk of suffering significant harm.

The court decides if the child can be taken into care.

Care orders last until:

- the child's 18th birthday
- an order is made giving parental responsibility to another person - for example, through adoption or special guardianship
- the court lifts the order (this is called 'discharging' the order)

A child can only be taken into care if they are under 18.

Making a complaint

If your child is in care and you're unhappy about their treatment, you can make a complaint. Talk to your child's carer or social worker first and if you're not happy, you can [complain to your council](/complain-about-your-council) (</complain-about-your-council>).

Support for parents

The Family Rights Group Advice Service helpline provides confidential support for parents:

Family Rights Group helpline
Telephone: 0808 801 0366

2. Care proceedings

The council can start 'care proceedings' if they're very worried about a child.

They can apply for a 'care order' which means the council will have [parental responsibility for your child \(/parental-rights-responsibilities\)](/parental-rights-responsibilities) and can determine where your child can live.

They can apply for a 'placement order' as well if they believe that the child should be adopted. This allows the council to place the child with suitable adopters.

Interim care orders

At the start of care proceedings, the council asks the family court to make a temporary court order, called an 'interim care order'.

If the court agrees, the council can take the child into care on a temporary basis. This can be for up to 8 weeks at first.

Looking at the case

It can take up to 26 weeks for a court to decide what should happen to the child. Some complex cases can take longer.

During this time a social worker, an officer from the Children and Family Court Advisory and Support Service (Cafcass) and other people will be trying to understand the reasons why the child may be at risk. They will also look at what can be done to keep them safe.

They will talk to the parents and the child. They may talk to other family members or friends about looking after the child if they cannot safely live at home. The parents might also get support.

Reports

The social worker and Cafcass officer will each write a report for the court. These will outline what they think should happen to the child.

They will include whether they think the child should be taken into care or stay with the family.

Once all the information has been gathered, there will be a court hearing.

3. Going to court

Once all the information has been gathered, there will be a court hearing. The judge will look at the reports, and listen to everyone involved in the case, including:

- the child
- the parents
- solicitors representing parents and children
- the council social worker
- the Children and Family Court Advisory and Support Service (Cafcass) officer

The child will go back home if the judge decides that they're safe. If not, the council will find them a new home. That may be with:

- other members of their family
- friends
- a new family
- a children's home
- a foster carer

What Cafcass does

In care proceedings, a Children's Guardian from Cafcass represents the rights and interests of the child. They spend time getting to know the child and their family before the hearing.

The Children's Guardian:

- appoints a solicitor for the child
- advises the court about what needs to be done before it can make a decision

- tells the court what they think would be best for the child – including the child's wishes and feelings

The Children's Guardian will usually spend time with the child and their family. They'll tell the court if they have not seen the child before they write their report. They may also talk to other people who know the family, like teachers, social workers and health visitors.

They may:

- go to meetings about the child
- check records and read the council's case file
- recommend to the court that other independent professionals help the court with advice - for example, a doctor or psychologist

Cafcass workers are independent – they do not work for the council or the court.

You can find out more about what happens in care proceedings and about what Cafcass does on the [Cafcass website](http://www.cafcass.gov.uk/grown-ups/care-proceedings.aspx).
(<http://www.cafcass.gov.uk/grown-ups/care-proceedings.aspx>)

4. Educating children in care

The council will be responsible for your child's education if they're taken into care. They must have someone called a 'virtual school head' to make sure social workers and others give proper attention to your child's education while in care.

There will also be a 'designated teacher', who is responsible for all of the children in care at your child's school.

Your child will have an overall care plan, which will include education.

Most of the decisions about the child's welfare will be taken by their social worker and foster carer (or

residential care worker). You might also be involved, depending on the circumstances.

The social worker is responsible for making sure your child can achieve their potential, including:

- working with your child's school to draw up a personal education plan
 - making sure they are well supported at school
 - making sure they go to school every day
 - choosing and applying for a school place when required
 - making sure that there are good links between social services and the child's designated teacher
 - being involved in any assessment for [special educational needs \(/children-with-special-educational-needs/overview\)](#)
 - making sure that foster carers attend parents' evenings and any other school events which parents would attend
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