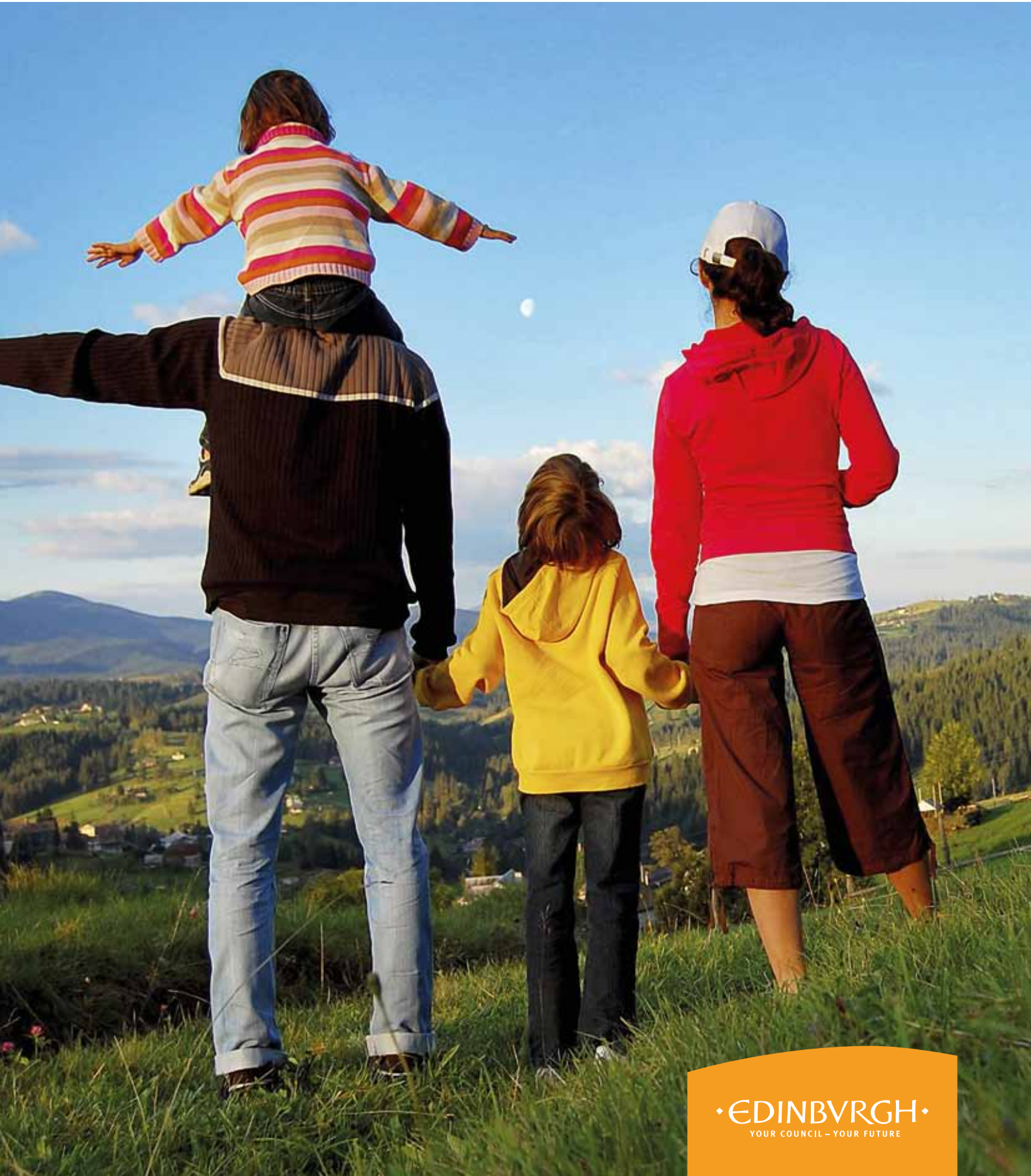


KEEPING IN TOUCH

Managing Contact for Looked After Children



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Foreword and acknowledgments



This guidance is the product of a great deal of knowledge, experience and hard work of many people who have worked together over many months. The contact group combined the experience of practice teams, early years workers, reviewing officers, family placement workers, and residential managers to provide staff with practical guidance to support them deal with the complex challenges they face in managing contact. The contact group has been consistently supported by the insights and experience of Edwina Grant, consultant psychologist and Mary McKenna, consultant social worker, as they have introduced theory and research, developed concepts and tools to ensure contact is informed by the child's needs, is purposeful and safe and that decisions about contact are progressed in a timely way.

I am particularly grateful for the participation of Ann Chiswick, Depute Panel Chair, in helping to ensure mutual understanding in managing contact in LAAC Reviews and at Children's Hearings. I would like to thank key people who have prepared particular chapters in the guidance, namely Alexandra Plumtree for the legal section; James Cox on contact in kinship care; Michelle Kirkpatrick for neonatal abstinence

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Dana Lock has also been essential in making the links to other policies and materials on the ORB. There has been a great deal of interest, support and feedback from practice teams, residential managers, early years workers and the disability team which has helped shape the content of the guidance.

I hope this guidance will help increase confidence of all staff within the City of Edinburgh Council in planning and managing contact arrangements for children in our care.

Scott Dunbar
*Service Manager, Looked After
and Accommodated Children*
The City of Edinburgh Council
August 2014

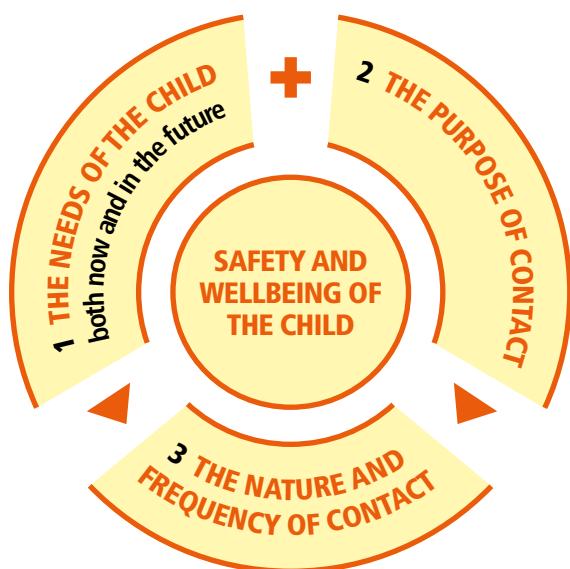
Introduction

Making arrangements for contact between a looked after, accommodated or adopted child and their family is a vitally important aspect of a child’s plan.

Contact can be an intense, emotional experience for all involved – parents, children and their carers – it requires planning and support to ensure that it remains safe, purposeful and positive for the child.

Managing contact

In this guide we explore the range of issues that need to be considered when making decisions about contact for children separated from birth families.



This guidance:

- Focuses on the child’s best interest: not only their short term safety and security, but also their long term wellbeing and identity
- Explores how to make arrangements for contact that take account of the needs of individual children, their age and stage, their key relationships and their particular circumstances
- Highlights the need for contact to be consistent with the child’s plan and to be reviewed as the plan changes
- Offers a way to consider the competing rights, needs and issues of those involved in contact

Who is this guide for?

If you are involved in making arrangements for contact for Looked After and Accommodated Children or adopted children at City of Edinburgh Council, the information here will help you to:

- Assess, support and review contact arrangements
- Clearly express the purpose of contact in reviews and at hearings
- Explain reasons for varying contact arrangements

Decisions about contact arrangements lie within other assessment processes and decision making forums, both internally and by Children’s Hearings and courts. By focusing on them here we can clarify how decisions should be made, so they are more responsive to children’s needs.

What's in the guide?

- **CHAPTER 1: Bringing theory and practice together**

The approach presented here draws on current academic research, evidence from practice and current Scottish Government and UK Government policy. This chapter provides the theoretical background and the key considerations for making the best decisions about contact.

- **CHAPTER 2: Understanding the law about contact**

Find out about the legal context for making decisions about contact. This chapter covers many of legal aspects that influence decision making and explains how they are related. It provides practical advice for social workers, panel members and other professionals as they prepare reports and make decisions about contact.

- **CHAPTER 3: Permanence planning**

There are a number of particular issues to consider when managing contact in the context of permanence plans for a child. This chapter focuses on what's involved in planning for permanence.

- **CHAPTER 4: Supporting birth parents**

It can be extremely difficult for a parent who has been separated from their child to think about how to make contact a valuable time for the child. Recognising the real purpose of contact and coming to terms with the supervised contact are just some of the issues they will face.

This chapter provides an overview of some of the issues. An accompanying DVD, *Keeping in Touch*, with training material, is available as a resource for social workers to use with parents who have been separated from their children and are having to think through how to approach contact.

This chapter also includes information about assessment during contact and Appendix 1 includes a checklist to use in assessing contact.

- **CHAPTER 5: Supporting contact: age and stage**

What happens at contact will be influenced by the age and stage of the child. Find good practice advice and guidance for contact at different ages and stages:

- Babies
- Pre-school children
- 5–12 year olds
- Teenagers

- **CHAPTER 6: Supporting contact: key relationships**

Contact may be arranged with parents or with other key people in a child's life. Find out more about contact with different family members:

- Siblings
- Grandparents

- **CHAPTER 7: Supporting contact: particular needs**

The nature of contact will be influenced by a child's particular needs. This chapter considers needs of some particular groups looks at how best to support them.

- Babies suffering from neonatal abstinence syndrome
- Children with learning disabilities
- Children from ethnic minorities

- **CHAPTER 8: Supporting contact: children's circumstances**

The nature of contact will be influenced by a child's circumstances and needs to change as the circumstances change. This chapter looks in detail at:

- Children in foster care
- Permanently fostered children
- Adopted children
- Kinship caring

- **CHAPTER 9: Young people in residential care**

Contact with family can be a vital and important aspect of life for young people in residential care. This chapter looks at making contact arrangements for this particular group.





KEEPING IN TOUCH

CHAPTER 1

Bringing theory and practice together

Arrangements for contact should always start by considering the safety and wellbeing of the child. The purpose of contact and the child's needs should determine the nature and frequency of contact.

This chapter explores the academic research into contact and looks at how best to apply it in practice:

- **Safe contact**
- **The child's needs**
- **The child's plan**
- **Understanding the purpose of contact**
- **The age and stage of the child**
- **The nature and frequency of contact**

Making decisions about contact

All decisions about contact should start with the safety and wellbeing of the child.



Contact: a definition

Contact means the plan that is made for a child separated from his or her birth family, to keep them connected or informed about their family of origin. All contact should be purposeful and can range from direct contact (regular visits, outings, face to face meetings, telephone calls) to exchange of information or no contact at all. Direct contact may need supervised and supported to ensure it meets the needs of the child and is appropriate. Contact may include arrangements to meet with siblings, grandparents and or other relevant people. Indirect contact is usually arranged through a third party, a social worker or adoption agency, and may include an exchange of letters, cards, photographs and gifts.

Guiding principles

The following principles are at the heart of this guide:

- **The wellbeing and safety of the child**
Contact is for the child and their needs now and in the future are the central consideration. This goes beyond their physical safety and includes ensuring children are not fearful, re-traumatised, emotionally pressurised, shamed or blamed during contact.
- **Attachment-focused**
An attachment relationship provides the context for all aspects of children's development: their security, stability, nurturing care, their physical, emotional and social development. Research has identified the importance of attachment in the neurological and cognitive development in the first two years of every baby's life and that a secure attachment is associated with positive outcomes for children, especially self-confidence, resilience, emotional health and wellbeing. For these reasons any assessment of contact must focus on the quality of the relationship between the parents and the child and must be considered within the context of the child's attachment experience. Contact needs to support secure attachment processes.
- **Evidence based**
This guide is informed by current research and evidence from practice, and from policy documents from both the Scottish Government and the UK Government.
- **Transparent**
In the guide we aim to clarify why particular recommendations about contact may be required. Parents, children, professionals, Children's Hearing Panel Members and Courts need to understand why decisions about contact should be informed by the individual child's needs and reviewed as their needs and plans change. We are therefore explicit about how contact can be beneficial for children, when it may have a harmful impact and when it may need to be reduced.

Safe contact

The child's wellbeing and safety must always be the first consideration.

The law makes it clear that contact should 'do no further harm to the child', and that the best interest of the child must be put first, as stated in the Children (Scotland) 1995 Act.

Key things to consider are:

- **The quality of contact for the child**
- **The level of risk which contact presents for the child**
- **Whether contact would reawaken the trauma of abuse**

Assessing the risk to the child

In the event of an incident occurring which puts the child at risk during contact, social workers, in consultation with their team leader, may need to undertake a formal risk assessment and suspend contact arrangements until an early Review Hearing can be arranged.

The following circumstances have been identified from research as creating such harm to children that no contact should be allowed:

- *Where parents deny the nature or extent of abuse or neglect the child experienced, blame the social worker, or present a sanitised version of events which confuses the child (Adams, 2012)*
- *Where the child has suffered repeated incidents of trauma which can be reactivated and the child does not feel safe or secure, even in a new placement (Howe and Steele, 2004)*
- *In cases of sexual abuse, as the presence of the abusing parent may convey manipulative or coercive signals which can re-traumatise the child (Smith G., 1995)*
- *Where contact arrangements are unreliable and unpredictable (Adams Paul 2012)*
- *Where contact leaves the child feeling their new family is unable to protect him or her from danger (Bond, 2007)*
- *Where the child's level of distress as a result of contact outweighs the benefits (Bond, 2007)*

If there is any risk of aggression, intimidation or parental refusal to comply with contact measures, plans will need to consider the venue and the possible need for more than one contact supervisor. There is a specialist format for risk assessment in cases of contact for children in relation to parents involved in domestic violence.

Dealing with past trauma

Where children have been removed from their family for lack of parental care, violence or abuse, paramount consideration must be given to the child's safety. Consider the extent to which contact may remind the child of previous difficulties, to prevent reawakening the trauma of abuse. Children should not be exposed to frightening people, places or experiences which reactivate their fears and cause distress. Contact may be difficult for children as they can be confused by overwhelming feelings of sadness, anger and helplessness when they see their birth parent. Tears, regression, stubbornness and challenging behaviour may be the normal consequence of separation, or they may be evidence of significant distress from a child who is otherwise able to cope with change. The child's behaviour must be understood and assessed by those who know them well, such as their foster carers, and considered in relation to their responses before and after contact. Importantly, birth parents' ability to respond to their child's emotional state should be considered within any assessment.

When a child or young person has not had their early care needs met contact can reawaken their lack of confidence and trust in adults, can create panic and fear, recreating their previous experiences of trauma.

Revisiting early trauma can impede a child's recovery and impact on their emotional development and behaviour. Children's development may be affected by trauma in many different ways: physical, emotional, behavioural, and intellectual. This can create significant disparity in a child's functioning or in aspects of their development which are out of synch with their chronological age. Children may regress to much younger behaviours before or after contact, or take more responsibility than would be normal for their age. Despite their competence in other areas, some children may need messages about their birth family, or about contact, repeated again and again and again.

The child's needs

When children are no longer living within their family of origin they will need to come to terms with the reasons for the breakdown of their family and make sense of growing up with two families.

Key things to consider are:

- **How the contact contributes to the child's safety and wellbeing**
- **How the contact meets both short term and long term needs**

Well managed contact arrangements can make a contribution to helping separated children deal with the conflicting emotions they experience in losing their place in their family and aid their recovery and development.

Schofield and Simmons identified three key reasons for maintaining links with family:

- *Profound need for individuals to know about their origins, come to terms with the loss of relationships as a basis for their identity*
- *To enable children and birth parents face the reality of their past feelings and behaviours towards each other, to help them understand their past and move forward*
- *In recognition that many children will return to live with their birth parents*

(Gillian Schofield and John Simmonds (ed), 2009)

The benefits and the risks of contact must be carefully weighed. Adams identified that contact can be beneficial where:

- *A child is placed at a young age*
- *A child is not exhibiting emotional or behavioural problems*
- *Contact is with a relative who did not abuse the child*
- *Foster carers/ adopters are open, respectful and inclusive in incorporating birth family*

Contact is an important element in supporting plans for rehabilitation of children to their birth family. Contact, however, can be detrimental to a child if it threatens their sense of safety or security.

Find out more about the child's needs at different stages in development in Chapter 5, Supporting contact: age and stage.

The long term aim in successfully managing contact for children separated from their families is to build their **resilience**. See Appendix 3 for more details on Risk and resilience.

The child's plan

Contact is a key aspect of every child's plan and decisions about contact should be informed by the plan and should support the plan.

Key things to consider are:

- **As the plan changes, contact arrangements will need to change**
- **Children's need for knowledge about their family will change and develop over time**
- **Contact should support a strong attachment with a caring adult, not undermine it**

GIRFEC (Getting it Right for Every Child) places the child's wellbeing at its heart and is based on a comprehensive assessment of each child's needs for safe, nurturing care, their need to be active and achieving, their right to be healthy, respected and included and to be given appropriate responsibility. Decisions about contact should be informed by a detailed knowledge of the child's needs, the reasons for their admission to care, their family circumstances and the plan of how their needs will be met in future.

A good contact arrangement can take many forms, but must be rooted in the childcare plan, that is based on careful assessment of the specific factors in each case and the future needs of the child in terms of integration of their life history, curiosity about their past and the potential for repair in future. (Adams, Paul, 2012)

A lifelong process

Children need to have ongoing access to information to help them understand the reasons for their separation from their birth family and to express their complex feelings of anger and loss. This is a lifelong process as the loss of their birth family can be devastating. Looked after children need to discuss their family of origin and share their conflicting feelings within a safe, caring relationship. The questions they have at each stage of development will be different and it can make a difference to them if the information about their birth family is updated as they build up their life story. It can be helpful if a member of the child's birth family can commit to sharing information, perhaps annually, to help children with this important task of integrating their past into their sense of self. See section on Exchange of information in Chapter 8, Supporting contact: children's circumstances.

Supporting a strong attachment – developing a safe, caring relationship

It is critical that any assessment of the child's plan includes a full appreciation of the importance of children forming a secure attachment to their primary care giver in their early years. There is a sound body of knowledge on the importance of babies and young children having a secure relationship with at least one caring adult as an essential foundation for their wellbeing and development.

Attachment is a fundamental building block of human relationships across the lifespan. Our early attachments are crucial in how we grow into who we are – physically, emotionally, socially and psychologically. Children who have secure attachment relationships are more likely to be able to explore and cope with life experiences more effectively than children who do not have such relationships (Scottish Attachment in Action, as quoted in Common Core, 2012).

Attachment Theory has been further enhanced by more recent evidence from neuroscience which confirms the importance of early emotional and social experience of infants for the healthy development of their brains (Furnivall, 2011).

The purpose of contact

The purpose of contact may be to work towards rehabilitation or to help a child who is permanently separated from their

birth family to develop a meaningful understanding of their life story.

THE CHILD'S PLAN	THE PURPOSE OF CONTACT
Rehabilitation	Building relationship
Assessing parental capacity	Supervision and support
Maintaining the relationship	Building a coherent life story
Permanency	

Key things to consider are:

- **If working towards rehabilitation, contact will play an important role in assessing parenting skills**
- **When planning for permanence, children will need support in developing the story of their life and the reasons why they do not live with their birth family**

Working towards rehabilitation

Where the plan is for the child to be **rehabilitated**, the aim of contact should be to **rebuild the relationship** between the parent and the child. When rehabilitation is imminent, contact may be increased to involve the parent in routine care tasks to enable a smooth transition home.

Assessing parenting skills

Where the aim is rehabilitation, the social worker will need to assess how parents respond to their child both practically and emotionally and to support in their relationship with their child. Find out more about assessment in Chapter 4, Support for birth parents.

Planning for permanence

Where there is a plan for permanent separation through fostering or adoption, the purpose of contact changes to become one which enables the child to **build a coherent story** of their birth family and the reasons why they could not be cared for by them. It can enable the child to build their understanding over time, to incorporate additional information at different stages in their development. Information about their birth family through a letter or via a social worker can enable the child to incorporate changing circumstances in the life of their birth family. See section on Exchange of Information in Chapter 8, Supporting contact: children's circumstances.

The child's age and stage

The age and stage of the child will affect arrangements for contact along with understanding the child's early emotional

relationships and the quality of their relationships with key care givers.

AGE AND STAGE OF DEVELOPMENT	NEEDS, DEVELOPING OVER TIME
Baby	Safe, predictable, routines for care and comfort
Three to five years	Communication, engagement, problem solving
Primary school child	Encouragement, boundaries, responsibility
Teenager	
Looked after children's development will have already been affected by their earlier experiences of trauma, loss and neglect	

Key things to consider are

- **Different contact arrangements will be appropriate, depending on the age and stage of the child**
- **The child's emotional response to separation will also depend on their age and stage**
- **Contact arrangements should consider the needs for babies and older children to form secure attachments**
- **Babies, pre-school children, children (age 5–12) and teenagers all have different needs. Find out more in Chapter 5, Supporting contact: age and stage**

Focusing on attachment

Contact arrangements should not be detrimental to children forming a secure attachment to their primary care giver. The age and stage of the child's development will critically affect the child's experience of separation. Separation affects their relationship, their attachments to key caring figures and their ability to retain their sense of their family. Furnivall reinforces the long term impact of the early attachment experiences.

Although attachment is significant throughout life the quality of the child's relationship with their primary care giver through the first year of life, the special bond, is usually seen as laying down the foundations for future relationships (Furnivall, 2011).

This focus on the first year of life is vital when considering the contact arrangements for new born babies and the extent to which contact arrangements support or undermine the attachment processes is looked at in more detail in the section on Supporting contact for babies in Chapter 5, Supporting contact: age and stage.

The nature and frequency of contact

The nature and frequency of contact should be informed by the purpose of contact, the needs of the child and their age and stage of development. These factors should

determine how often the child should meet with the parent and what form this contact should take.

NATURE OF CONTACT	FREQUENCY OF CONTACT
Involvement in daily care routines	Frequent
Supervised meetings	Regular
Unsupervised home visits	Annual
Exchange of information, photographs and cards	No Contact

Contact describes everything from regular visits with activities over several hours to an exchange of information and photographs once a year. It may be right for a child to have no contact with one or other birth parent. Or there may be someone other than a parent in the child's family network who may be able to offer some link or valuable contact for the child over time. The right contact arrangements need to be determined for each child, and should be reviewed regularly to ensure they remain beneficial.

Managing two families, practically and psychologically, is a major task for the child and for those who wish to promote the child's wellbeing into adult life. Contact needs to be planned and facilitated in ways which recognize these tasks (Schofield and Beek, 2006).

Key things to consider are:

- **The purpose of contact. If the purpose of contact is rehabilitation, contact is likely to be regular and will involve assessing parenting skills**
- **If permanence has been agreed, the purpose of contact is to help a child understand their own story. Indirect contact may become most appropriate at this point**

Working towards rehabilitation

Where the child's plan is **rehabilitation**, the purpose of contact should be to support this and there may be a need for **frequent** contact. If the child is young the contact should seek to involve the parent and child in routine care tasks. Where contact is frequent it should be reviewed monthly to ensure that it is achieving the stated purpose and, if not, should be revised.

Assessing parenting skills

If you are assessing parenting skills, regular, structured contact, sometimes observed, sometimes facilitated, will enable the parent to interact with and care for their child. Find out more in the section on assessment in Chapter 4, Support for birth parents.

Working towards permanence

Where there is no intention of rehabilitation and plans for **permanence** are agreed contact should be reduced to a level which does not intrude on the child's ability to feel secure in their placement. The purpose of contact is to enable the child to make sense of the loss in their life, **to build a coherent narrative** about their past. The nature and frequency of contact should reflect this and should not undermine the child's security or their ability to form a secure attachment to their primary carers. Contact, however occasional, may have value for the child in the long term in helping enhance their identity.

Adams identifies three key purposes for contact when permanently separated from their birth family:

- *Enabling attachment to new carers, especially around if permission given by birth parents, continuity of relationships and reassurance about birth parents health and wellbeing. Counteracting guilt, blame and idealisation*
- *Promoting positive identity, respecting biological self, valuing heritage and culture*
- *Enabling emotional healing and promoting self-esteem, dealing with loss, trauma and rejection*

(Adams, Paul, 2012).





KEEPING IN TOUCH

CHAPTER 2

The legal framework for contact

This chapter is intended to give a general outline of the legal framework. In individual cases, social workers are able to contact the legal section for detailed discussion and advice. This chapter covers:

- Relevant legislation and principles
- How children are looked after and who makes the decisions
- Internal reviews and external decisions
- Information required by decision makers for them to make the best decisions
- Decision making at children's hearings
- What to do when contact decisions need to be reconsidered

Key things to consider in every case:

- The child's needs and safety and the purpose of contact
- The importance of the child's view
- The legal context for decisions about contact

Relevant legislation and principles

- **ECHR, the European Convention on Human Rights.** This was incorporated into law across the UK, including Scotland, by the **Human Rights Act 1998**. Rights and freedoms are guaranteed under the ECHR. The actions of all public authorities, including courts, Children's Hearings, local authorities and other agencies, must be compatible with the ECHR. **The rights enshrined under the ECHR apply to children as well as to their parents, etc.** For family law, the main articles are:

- Article 6 – right to a fair hearing in decisions about civil and criminal rights
- Article 8 – right to respect for private and family life

All decisions by public authorities (courts, Children's Hearings and local authorities) must conform to the ECHR. Decision makers must make proportionate decisions and need to balance the rights of all parties including children.

- **UNCRC.** The UN Convention on the Rights of the Child is important. Although it has not been incorporated into law in the UK, it is persuasive in courts and Children's Hearings and for other public authorities. Important articles include:
 - Article 3, which requires a child's best interest to be the primary concern of decision makers; and
 - Article 12, which requires children's views to be sought and respected
- **'Overarching principles'** for child care decisions
 - **Welfare of the child throughout childhood** (up to 18) is the paramount consideration for court and hearing decisions in the Children's Hearing system (2011 Act, s.25); court decisions in residence, contact and kinship order applications (1995 Act, s.11) and permanence order applications (2007 Act, s.84(4))
 - **Welfare of the child throughout childhood** (up to 18) is the paramount concern for local authority decisions about looked after children (1995 Act, s.17(1))

- **Welfare of the child throughout life** is the paramount consideration for courts and the local authority adoption agency in decisions about adoption and permanence orders with authority for adoption, including all planning decisions (2007 Act, s.14 and case law for POAs)
- **Obtaining the views of children and taking account of these** is a crucial part of child care law. Courts (1995 Act, s.11; 2007 Act, ss.14 and 84; 2011 Act, s.27), and Children's Hearings (2011 Act, s.27) must all do this in every case; and local authorities must do this for all looked after children (1995 Act, s.17(3) and (4))
- **Minimum necessary intervention, that is not making orders unless it is better for children to make them than not make them.** This applies to decisions by Children's Hearings (2011 Act, s.28) and in court applications for residence, contact and kinship orders, all permanence order and adoption cases and court decisions in the Children's Hearing system (1995 Act, s.11; 2007 Act, ss.14, 28(2) and 84(3); 2011 Act, s.29)
- **Consideration of the child's religious persuasion and racial origin and cultural and linguistic background** is a duty on courts, local authorities and adoption agencies in decisions about residence, contact and kinship orders (case law, *Osborne v Matthan* 1997 SLT 811, 18 October 1996); all permanence order and adoption applications, including planning for these (2007 Act, ss.14 and 84); and in decisions about looked after children (1995 Act, s.17). This principle is not in the 2011 Act, although it would always be good practice for decisions makers to take account of these matters
- **Children (Scotland) Act 1995** – covers private law cases and looked after duties
- **Adoption and Children (Scotland) Act 2007** – covers adoption and permanence orders
- **Children's Hearings (Scotland) Act 2011** – covers the Children's Hearing system and child protection and child assessment orders, from 24 June 2013

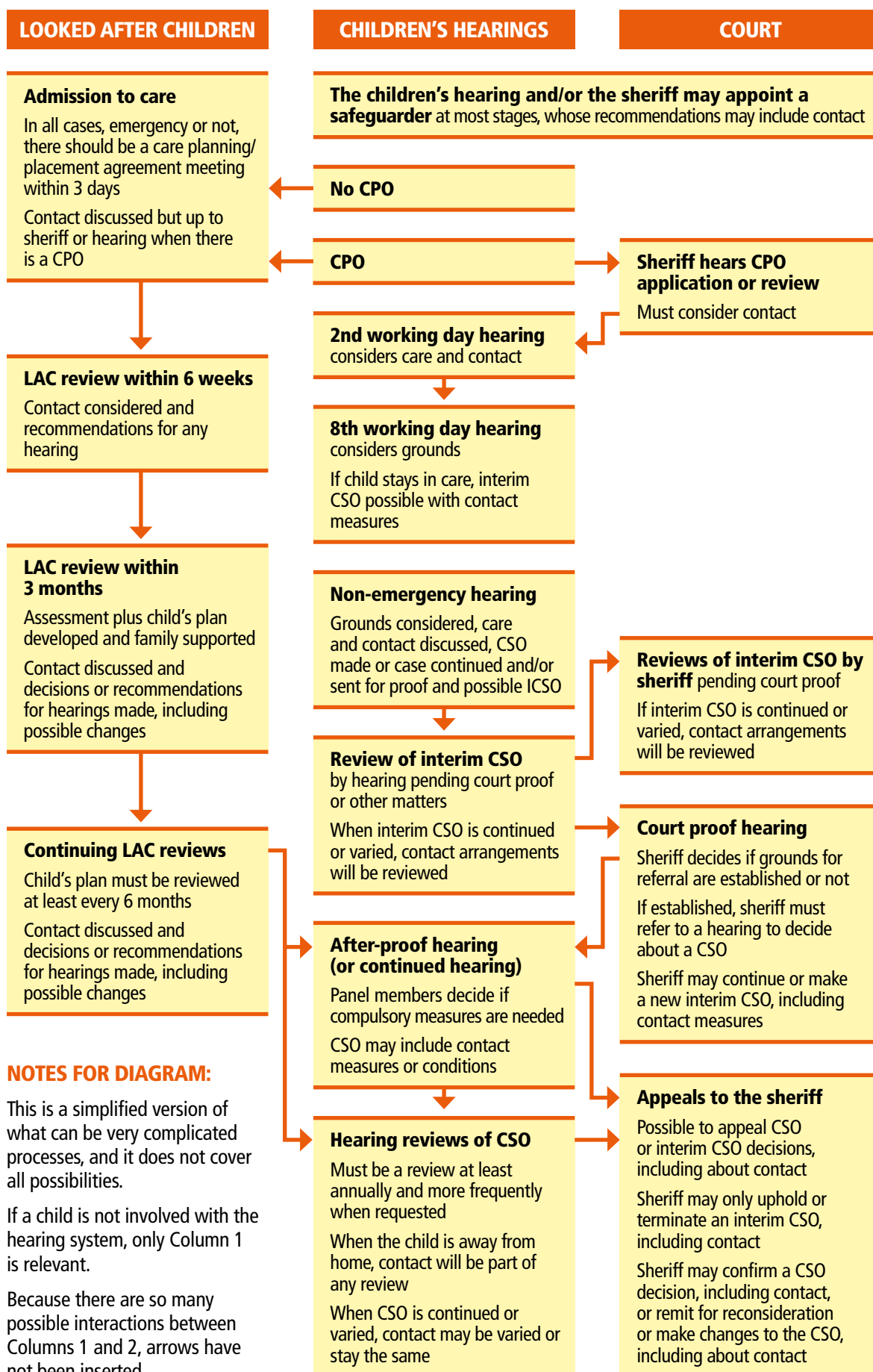
- **Children and Young People (Scotland) Act 2014** – covers a range of childcare law and practice, including the GIRFEC system, named persons, ‘kinship care’ orders, extended child’s plans and ‘wellbeing’ duties for local authorities in services for ‘children in need’, ‘continuing care’ and looked after children
- **Looked After Children (Scotland) Regulations 2009, SSI 2009/210.** These have been amended, including to take account of the 2011 Act – see References for details of changes

Looked after processes

The following diagram illustrates the parallel decision-making bodies which consider contact. It is important for everyone to have a clear understanding of each body’s respective roles and responsibilities, to ensure there is no duplication or time delays in planning for the child.

A few abbreviations used in this chapter

- **1995 Act**
Children (Scotland) Act 1995
- **2007 Act**
Adoption and Children (Scotland) Act 2007
- **2011 Act**
Children’s Hearings (Scotland) Act 2011
- **CSO**
Compulsory supervision order
- **ICSO**
Interim compulsory supervision order
- **PO**
Permanence order
- **POA**
Permanence order with authority for adoption



Looked after children's legal status and who makes the decisions

Looked after children live or stay in a whole range of places, including at home, with foster or kinship carers, in residential units or schools, in secure accommodation or with prospective adopters. **However**, it is children's legal status, that is the legal authority for them being 'looked after', which affects who makes the decisions about them, including contact.

So it is essential to know each child's legal status.

- A Section 25 of the 1995 Act.** Children looked after and accommodated under s.25 are often referred to as being accommodated on a 'voluntary' basis, because there is no order. If there are parents with parental responsibilities and/or rights, it is a matter of agreement that children are looked after. Contact arrangements must be a matter for discussion and agreement between the parents and social workers.
- B Children's hearing system.** Children are looked after under compulsory supervision orders, CSOs, ss.91 or 119 of the 2011 Act, or interim CSOs or interim variations of existing CSOs. **Decisions about contact are made by Children's Hearing panel members** as part of their decisions about CSOs and interim orders, including when there are hearing reviews. Decisions may also be made by sheriffs in appeals.
- C Permanence orders and permanence orders with authority for adoption (POs and POAs).** Children are looked after on these orders under s.80 of the 2007 Act, including deemed POs, formerly parental responsibilities orders, PROs, under s.86 of the 1995 Act. **Decisions about contact are made by courts** when orders are made or there are applications to vary, amend or revoke them. However, sometimes an order will be in general terms, for example: 'the child shall have contact with the mother as arranged and agreed between the local authority, the carers and the child'.
- D Child protection orders (CPOs).** These orders are made by sheriffs under ss.38 or 39 of the 2011 Act. Sheriffs must consider whether to make contact directions when making CPOs, and may vary these directions if reviewing CPOs. Children's panel members must consider contact at 2nd working day hearings, if they are not terminating orders. Children who are subject to CPOs are not looked after but must be treated by the local authority as if they are, s.44 of the 2011 Act.
- E Child assessment orders (CAOs).** These are made by sheriffs under s.36 of the 2011 Act. They may only last for up to three days and may include contact directions. Children who are subject to CAOs are not looked after. There is no provision in the 2011 Act which says that the local authority must treat children subject to CAOs as if they are looked after, but this would be good practice.
- F Adoption.** When a child is adopted, s/he becomes legally as if born to the adopters. Adopters have full parental responsibilities and rights and the birth parent does not retain any parental responsibilities and rights. The adopters make all decisions about adoption, subject to the views and wishes of the child as s/he grows older. Contact conditions are possible in adoption orders but only in 'exceptional' circumstances. If there is an informal agreement about contact, the adopters may change it in due course – it is a matter for them, not the birth parents. If you are working with adopters and any queries arise about post-adoption contact, get in touch with legal services.

Internal reviews and external decisions

Note that Chapter 3 deals with permanence planning, including the legal options and where reviews fit into the permanence planning processes.

A Child looked after under s.25 of the 1995 Act. There is no external review for a child looked after under s.25, because there is no order. However, there must be regular looked after reviews under the Looked After Children (Scotland) Regulations 2009. When a child is first looked after under s.25, there must usually be a looked after review within six weeks of placement, then within three months of the six weeks review, and then a review at least every six months, reg.45(2). Contact arrangements should be revisited and re-evaluated at every looked after review, in discussion with the child (as age-appropriate), parents and/or other relatives and carers.

B Child looked after away from home on a compulsory supervision requirement, CSO. Again, there must be looked after reviews as outlined above; and contact arrangements should be revisited and re-evaluated at each one to make sure they are safe for the child and meet his or her needs. However, there must also be external reviews by Children's Hearings, and contact should always be part of the discussions and decisions. There must be hearing reviews:

- At least every year; and/or
- At the request of the local authority at any time; and/or
- At the request of the child and/or relevant persons, three months or more from previous decisions; and/or
- When hearings request reviews

A report for a review Children's Hearing should reflect contact plans and recommendations discussed at looked after children's reviews prior to the hearing. It is crucial that all the information in the report is up-to-date, including about contact, and that the child's views are clearly expressed.

C Child looked after on permanence order, or permanence order with authority for adoption (PO/POA). Again, there must be looked after reviews as outlined above; and contact arrangements should be revisited and re-evaluated at each one, to make sure they are safe for the child and meet his or her needs. When a PO or POA has a general provision about contact (e.g. contact to be at the discretion of the local authority), there is no need to return to court when contact arrangements have to be changed. If there are very specific arrangements and these need to be changed, matters should be referred back to the court. You should speak to legal services about how and when this will be done. When there is a PO/POA, the local authority has the parental right to control residence and does not have to consult with the birth parents in the same way as if the child was subject to a CSO.

What information do decision makers need to make the best decisions?

All decision makers need up-to-date reports about the child's circumstances, proposed changes to the child's plan and explanations about why these changes should be made. The child's views should always be given, assuming s/he is able to express them. Although much of this section covers reports for hearings, the considerations are the same for permanence and adoption reports.

Be clear about the child's needs, safety and the purpose of contact

It is crucial that a clear outline of the purpose of contact is included in every assessment of the child's needs, and/or review of the child's plan. The purpose of the contact should be informed by the child's needs and safety, and the report should provide the evidence which has led to the recommendations about the nature and frequency of contact arrangements or changes to them.

Presenting the child's view

Children's panel members must give the child or young person an opportunity to express his or her views on any proposed arrangements, including contact. Birth parents often express strong views about contact, including at Children's Hearings. Part of the social worker's role is to enable the child or young person to express their hopes and fears, including presenting those views clearly within reports. This is particularly important if the child's views differ from the wishes of the birth parents, and/or the child is unable, for whatever reason, to express a view. However, in all cases, reports must represent an analysis of the child's needs, safety and views, based on observations of the child and those who are primarily involved in his or her care.

Preparing a report for Children's Hearings

The social worker's report must contain clear evidence, from a range of sources, to help the Children's Hearing consider contact. Useful sources of information are:

- Detailed observations of the child during contact: how does the child respond to the parent, who initiates conversation, from whom does the child seek comfort, how does the parent anticipate the child's needs, how does the parent manage the child's behaviour and how does the parent explain his or her position to the child?
- Copies of any parenting assessments which may have been carried out.
- Information from carers on how the child behaves prior to contact visits and whether s/he shows any distress, regression or disturbed sleep following contact.
- Information from the person transporting the child to and from contact, describing if the child is apprehensive prior to contact or distressed by contact.
- An analysis of information about the person or people from whom the child seeks comfort at times of stress and distress, and to whom the child speaks at this time.
- An analysis of information about the person or people to whom the child speaks about his or her worries.
- Observations of the child during parental contact must be augmented with knowledge of the child at other times of the day, when s/he is behaving normally.
- Additional information from link social workers, teachers or nursery staff may add to the picture, as they observe the child's behaviours outwith contact.
- Information about birth parents' ability to fulfil their contact obligations. If parents fail to attend, the reasons for this and details of the impact on the child should be given.
- Drawings or games the child plays which describe the child's key relationships and who s/he is missing most in the birth family.
- Reflections, over time, on how the child perceives him or herself since s/he has been separated from their family.

Ten key questions for social work report writers for Children's Hearings

Use these questions to help you show how contact meets the child's needs and is compatible with the child's plan when preparing reports for a Children's Hearing.

- Do the parents understand the purpose of contact and what is being expected of them?
- Have you evidence of how the parents anticipate the needs of the child and how well they respond to the child during contact?
- If contact is supervised, are there ongoing concerns about the wellbeing and safety of the child?
- What feedback is there from carers, school or others who know the child well, about the benefits or the impact of contact on the child?
- Does the frequency or nature of contact affect the child's security or care?
- Do any aspects of the current arrangements need to be fine-tuned to improve the experience for the child?
- How will you set out the child's views for the hearing, including when the child is very young or is unable, for whatever reason, to express a view or has been given permission not to attend the hearing?
- Is there a need to arrange separate contact with each parent, between siblings, other family members or other relevant people?
- Have you a sufficient range and quality of evidence to support any recommendation to make or vary contact arrangements?
- If the child's plan is for permanence, has consideration been given to exchanging information to help the child in later life?

Preparing a report for court

When a court is considering an application about a looked after child, for a s.11 residence order, kinship order, permanence order or adoption, it will need a full, detailed social background report on all aspects of the child's life and family, including current contact arrangements and proposals for the future. The court will usually have no prior knowledge of the child's case or history. If the application is for a permanence order or adoption, detailed court rules set out what must be covered, including plans for contact.

The information in this section about report writing for Children's Hearings is relevant to court reports as well. For more detailed information about court reports for POs and POAs, the Council has detailed Guidance on the ORB. There is also detailed information for these reports and for adoption ones in *Getting it right: Social work court reports in child care cases in Scotland*, Alexandra Plumtree, BAAF, London, 2013. There should be an up-to-date copy in your office or speak to the Permanence Team. Do not use the older versions as they are out-of-date.

Decision making at the Children's Hearing

Children's panel members have a responsibility to ensure that all proposed contact arrangements are in the best interests of the child or young person. Panel members must satisfy themselves that the child's wellbeing and safety will not be compromised and that the purpose of contact and the child's needs inform the nature and frequency of contact.

Key things to consider about contact:

- **The purpose of contact must be based on the child's plan and informed by the child's needs, age and stage of development**
- **Contact should be in a safe place for the child where further trauma is avoided**
- **Appointing a safeguarder may be beneficial**
- **It is essential to review contact arrangements regularly**

Children's Hearings can be intense, highly emotional experiences. There is often heated debate and dissenting views about the value and significance of contact. It is therefore important to be clear on the rights and needs of the differing parties and to ensure that **safeguarding and promoting the child's welfare is always the paramount consideration**, including the safety and wellbeing of the child.

Child's views

At every hearing, careful consideration must be given to ensure that the child is supported to be able to express his or her views free from fear or intimidation, whatever the circumstances of the family. A relevant person may be excluded from the hearing: this is possible if the relevant person's presence is preventing the hearing from obtaining the child's views or is causing or is likely to cause significant distress to the child, 2011 Act, s.76.

Deciding on contact

When grounds of referral have been established, the Children's Hearing has to consider whether a CSO is required; and when a CSO is reviewed, the hearing has to decide if it will be continued, varied or terminated. Part of these decisions is whether

any conditions or measures are included. Contact is one of the possible measures and the hearing must always consider whether a contact condition should be included in the CSO, 2011 Act, s.29A. The ever-changing circumstances of the child and the birth family must be taken into account at each hearing, including reviews, to ensure that contact remains consistent with the child's needs and plan.

What is the plan for the child's future?

When a child is separated from his or her birth family, it is important that all Children's Hearing reviews help to clarify the future plans for the child. Panel members must consider whether there is a viable plan for rehabilitation within a reasonable timescale or that there are alternative plans to ensure that the child's long term need for security and stability is being addressed. The younger the child, the greater his or her need for stability and security and the hearing should ensure that there is a viable child's plan when returning home is not safe. SCRA research published in 2011 highlighted the issues presented to Children's Hearings considering permanence.

Everybody has the right [to respect for their] family life [article 8, ECHR]. Delays and uncertainty in attaining a stable and caring home have significant consequences for a child's development and ability to form attachments to others. Almost half of the parents in this study already had a child(ren) removed from their care. There may be need for greater focus in decision making on the level of known risk a parent presents to a child and the balance between the parent's right to care for their child and the child's right to be cared for within a family. (Care and Permanence Planning for Looked After Children in Scotland (Chapter 13, Conclusions, pg 68), SCRA, 2011)

Informed by the child's needs, permanence may include adoption, permanent fostering, or kinship care. Children's panel members must ensure that there is no drift in care planning for the child, and that timely arrangements are made to identify a permanent plan for the child's care. Panel members should review any measures on contact to ensure they are compatible with the child's plan.

Permanence plans may or may not have the support of birth parents. Where rehabilitation is no longer being supported, birth parents may strongly oppose a plan and in particular may object to any arrangements to reduce contact with the child. These are never easy decisions as there will be conflicting views and opinions on the best interests of the child. When a permanence plan is proposed, the hearing must give careful consideration to whether the frequency of contact is compatible with this plan.

Ten key questions for Children's Hearing panel members

These are some possible questions for panel members to ask, to clarify how well contact meets the child's needs and is compatible with the child's plan.

- Is everyone clear about the purpose of contact and what is being assessed?
- How well are the parents able to anticipate and meet the needs of the child during contact?
- Where contact is supervised, what are the concerns about the wellbeing and safety of the child?
- What feedback is there from carers, school or others who know the child well, about the benefits or the impact of contact on the child?
- Does the frequency or nature of contact affect the child's security and care?
- Do any aspects of the current arrangements need to be fine-tuned to improve the experience for the child?
- If the child is too young or has been given permission not to attend the Hearing, who will represent his or her views?
- Is there a need to arrange separate contact with each parent, between siblings, other family members or other relevant people?
- Is there a request to change contact arrangements, and is there evidence to support this?
- If the child's plan is for permanence, has consideration been given to exchanging information to help the child in later life?

Appointing a safeguarder

Where a Children's Hearing thinks it has insufficient information to make a decision, it can appoint a Safeguarder to examine any aspect of the child's plan in more detail, including contact. Safeguarders are independent of the local authority and Children's Hearings, and may come from a legal or social work background. In the course of undertaking their work, Safeguarders should read background reports, meet with key parties, including the child or young person. Safeguarders prepare a written report for and usually attend the hearing. Safeguarders are appointed to the national Safeguarders Panel, administered by Children 1st, which provides support, monitoring and training for all safeguarders.

What to do when contact decisions need to be reconsidered

Contact arrangements often need to be changed, because children's situations and needs are not static. Contact may need to be increased or decreased, in the short or longer term and for a range of reasons.

A Child looked after under s.25 of the 1995 Act.

Changes need to be talked through and agreed with parents.

B Child looked after away from home on a compulsory supervision requirement, CSO.

If there are changes in the child's contact needs, you should speak to the children's reporter as soon as possible, to explain the situation and request an early review hearing. You should also speak to your line manager about the child's situation, especially if there are safety concerns, and ensure that the position is clearly noted in the child's case records. A hearing should be requested and arranged quickly when changes seem needed urgently. If the hearing cannot make a full decision, it may vary the CSO on an interim basis, pending a further hearing and the final decision. There is a protocol with effect from 1 April 2014, agreed between SCRA and ADSW (Social Work Scotland), about contact, and the need to contact the reporter and your senior management as soon as possible. See Appendix 4.

C Child looked after on permanence order, or permanence order with authority for adoption (PO/POA).

Changes need to be discussed with the child (as age appropriate) the carers and the birth parent. Changes may be made, with or without the agreement of the birth parent, if the order has a general provision about contact. If there is a specific provision and that needs to change, speak to legal services as soon as possible for advice.



CHAPTER 3

Permanence planning

There are particular issues to consider about contact when planning permanence for the child.

Key things to consider are:

- **Assessing contact in relation to the child's plan, on the basis of the child's needs and safety**
- **Taking the degree of parental change as the best indicator of possible, successful rehabilitation, not the frequency or nature of contact**
- **Planning for permanence is complex and advice should be obtained from legal services at an early stage**
- **Preparing for a permanence panel is a major piece of work**
- **An advice children's hearing will also be required if the child is in the hearing system and the plan is for a permanence order with or without authority for adoption or for adoption**

Permanence planning: legal options

The main legal options are:

- Going home
- Residence/s.11/kinship care order
- Permanence order
- Adoption

Being looked after in the hearing system or under s.25 of the 1995 Act are not usually good long-term options for children who are not able to return home.

Permanence planning

Permanence and stability are crucial for all children. Permanence for children is about having a sense of belonging, of security, of continuity, in all aspects of their lives; and this needs to be underpinned by appropriate legal arrangements.

When a child is looked after, the local authority must avoid drift when planning, reviewing and making arrangements. This is true whether the child is living at home or is placed away from home, but is particularly important when the child is not living with the birth parents. The local authority has a duty 'to safeguard and promote a looked after child's welfare, and that is its 'paramount concern' in carrying out looked after duties, 1995 Act, s.17(1)(a). The local authority also has to look ahead to when a child is no longer looked after, and provide advice and assistance to prepare the child for this, 1995 Act, s.17(2).

Every child's plan must include the local authority's 'immediate and longer-term plans' for the child. This is in the **Looked After Children (Scotland) Regulations 2009, Schedule 2, para 1**. For a child placed away from home, plans must include how long the current arrangements will last and what is to happen to end these 'including arrangements for return of the child to their parents or other suitable person', **Schedule 2, para 8**.

When planning for permanence away from home, including for POs, POAs or adoption, the local authority needs to avoid drift and have robust procedures for planning for children. The information and chart below sets out the framework for the whole process, from a looked after review which decides that permanence plans are required, to the Permanence Panel and through to court.

Permanence processes

The stages are outlined in the Permanence Planning Chart. There is additional information here and throughout the chapter.

- **Looked after child (LAC) reviews:** There must be a LAC review at least every 6 months when a child is looked after and placed away from home under s.25, or a CSO or some POs and POAs. This considers the child's plan in the short and longer term, including contact arrangements. When planning for permanence, the LAC review will consider the options and make recommendations and decisions about future plans and the way forward: **Stage 1**.
- **Children's hearing reviews:** If a child is looked after and placed away from home subject to a compulsory supervision order (CSO), there must be a children's hearing review at least annually, and there are often more frequent hearing reviews.
- **For a child in the hearing system, these reviews are inter-related.**
- **Permanence Panel:** This considers detailed information about the child and makes recommendations about permanence plans, **Stage 3**. It must consider plans for contact. The reports for the Permanence Panel contain a great deal of information, prepared at **Stage 2**. There is more information below about the Permanence Panel.
- **Agency decision maker, ADM:** S/he makes the local authority decision about whether or not to go ahead with an application for a PO or POA or to place the child for adoption, **Stage 4**.
- **Notifications to birth parents:** Once the ADM has made the decision(s) about the child, these must be notified formally to birth parents, if their addresses are known, **Stage 5**. At the same time, if the birth father has no parental responsibilities or rights, the local authority must send him a letter about any plans to apply for a PO or a POA or place the child for adoption, if it knows his address, 2007 Act, s.105. This is often referred to as a 's.105' letter.

- **'Advice' hearing:** If the child is subject to a CSO and the plans are for a PO or POA, or to place the child for adoption, a children's panel must give its advice about the plans, **Stage 5A**. An advice hearing must also review the CSO, including any contact measures.
- **Local authority/adoption agency court report:** This must be lodged with the court application at **Stage 6**. This is a very detailed social welfare report about the child, the birth family, carers and the plans for the child, including contact.
- **Court processes, Stages 6 to 11:** See the notes about these at the end of the chapter.

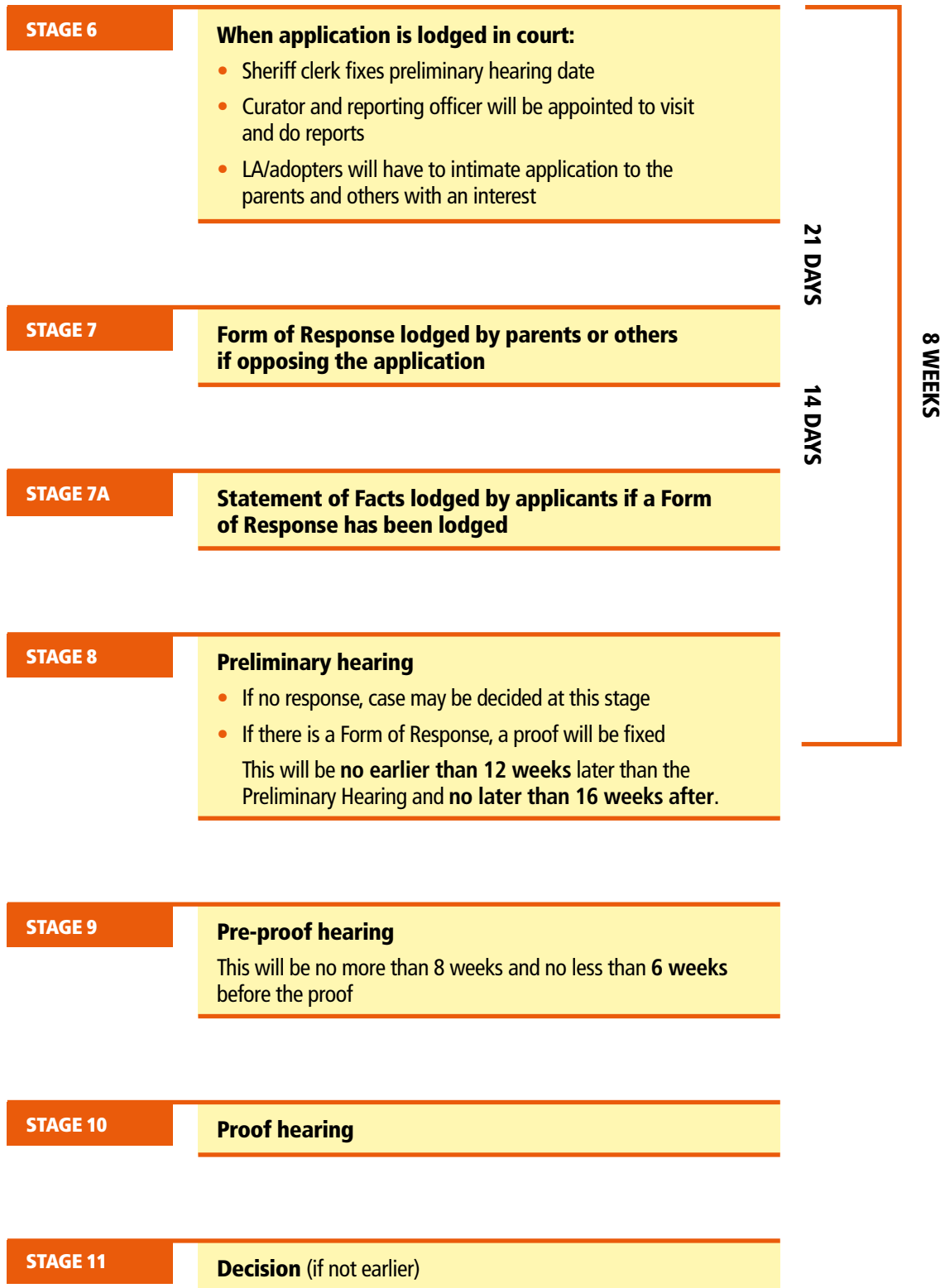
A few abbreviations used in this chapter

- **1995 Act**
Children (Scotland) Act 1995
- **2007 Act**
Adoption and Children (Scotland) Act 2007
- **2011 Act**
Children's Hearings (Scotland) Act 2011
- **CSO**
Compulsory supervision order
- **PO**
Permanence order
- **POA**
Permanence order with authority for adoption

City of Edinburgh Council permanence processes for POs, POAs and adoption

- **PO** permanence order
- **POA** permanence order with authority for adoption

STAGE 1	<p>Permanence for child: Decision at LAC review</p> <p>Options for permanence</p> <ul style="list-style-type: none"> • Going home • Residence or kinship order • PO • Adoption with or without a POA 	<p>City of Edinburgh Council 12 week target for the period between Stages 1 and 3</p>
STAGE 2	<p>Preparation for Permanence Panel including</p> <ul style="list-style-type: none"> • Social work assessment of child's needs • Legal assessment of best options and route • Plans for contact • Medical assessment <p>(If report recommends PO of any sort, social work and legal assessments need to include what ancillary provisions should be sought in the court application)</p>	
STAGE 3	<p>Permanence Panel recommendation</p> <ol style="list-style-type: none"> 1 Adoption without POA 2 Adoption with POA 3 PO as final destination 	<p>From Stage 3 LA/adopters' solicitors should be preparing court applications/reports</p>
STAGE 4	<p>Agency decision maker (ADM) decision</p>	
STAGE 5	<p>Intimation of decision to parents</p>	
FROM STAGE 3	<p>LA/adopters' solicitors should be preparing court applications/reports</p>	
STAGE 5A	<p>[Referral to reporter for advice hearing <i>if</i> child subject to a CSO <i>and</i> plan is for a PO, POA or adoption]</p>	<p>2009 Regulations provide timescales from Stages 3 to 6 in some cases</p>
STAGE 6	<p>Application to court for PO/POA/adoption to include</p> <ul style="list-style-type: none"> • In every case, court report with extensive info required by court rules • In every PO and POA, what ancillary provisions are being applied for • In POA, authority for adoption 	



(With acknowledgement to BAAF and Alexandra Plumtree)

Making decisions about contact in permanence planning

All decisions about contact should start with the needs, safety and wellbeing of the child. When planning for permanence away from home, decisions about the nature and the frequency of future contact should be informed by:

- **The needs of the child, both now and in the future and**
- **The purpose of contact**

Assessing contact in relation to the child's plan for permanence

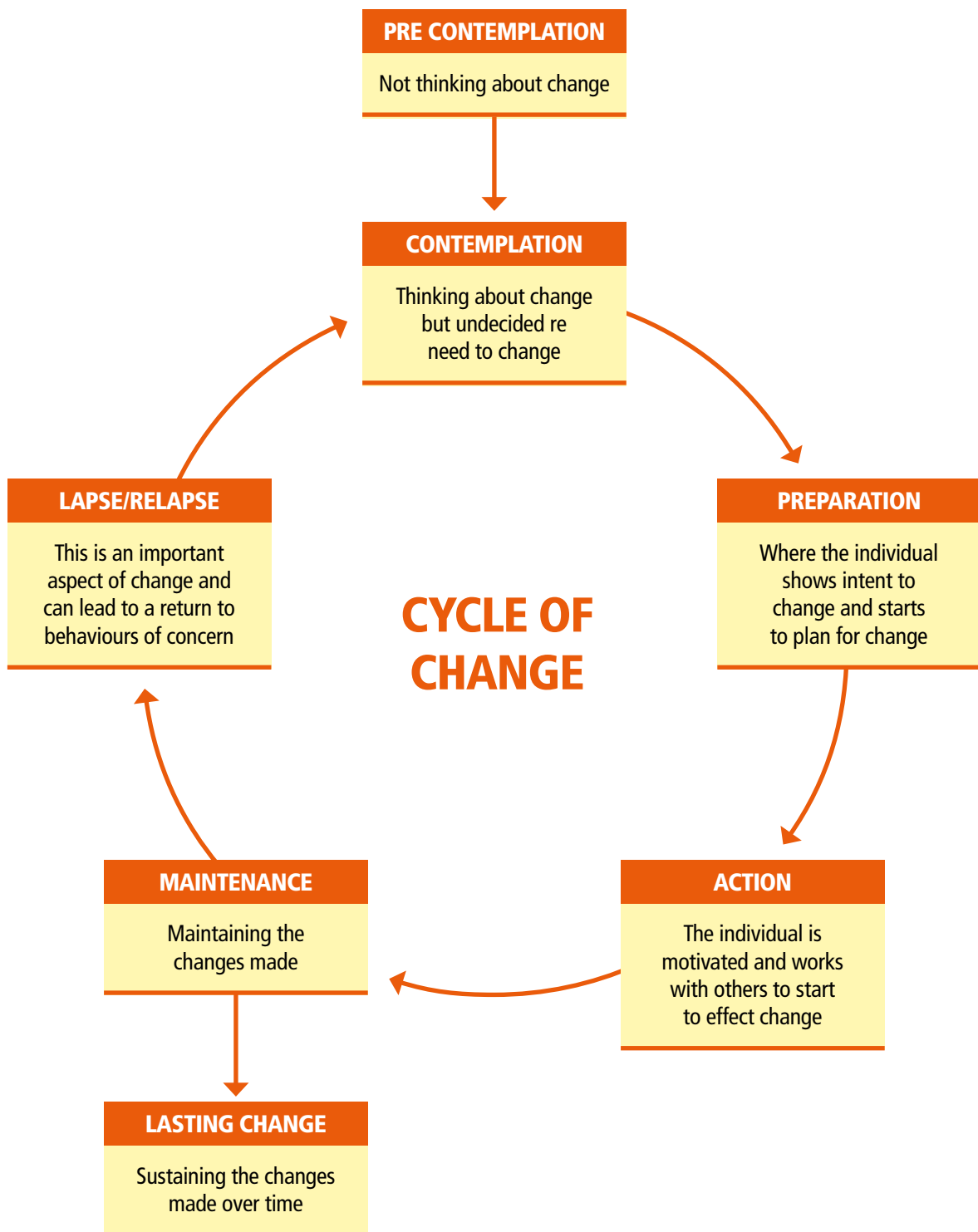
One of the most difficult areas for assessment of future contact in permanence planning is where regular contact appears to be unproblematic for all involved: children and parents enjoy visits and outings, and parents comply with the child being in care, as long as they continue to have regular contact. When children are being well cared for away from home and contact is supervised and supported, children may be well-behaved and compliant, knowing contact is time-limited and that they are returning to their safe base.

While birth parents in these situations may fulfil the terms of their responsibilities for contact, it is more important to assess the degree to which they have the capacity to address the underlying issues which precipitated the child's admission to care. In order to reduce long-term uncertainty for children and prevent planning drift and delay, timely decisions must be taken about the child's plan. Social workers are accountable internally and externally, via the Children's Hearings and the Courts, to provide sufficient evidence to support plans for permanence, either confidently to return a child to parental care or to propose an alternative plan to secure their future through fostering or adoption.

Is rehabilitation still an option?

Research evidence supports the position that the degree of parental change is the best indicator of successful rehabilitation not the frequency or nature of contact. Workers should be mindful that the nature of family dysfunction and the degree to which parents address these issues and reduce the risk factors provide evidence of change. Regular parental attendance at contact is not of itself evidence of change. Where there has been a breakdown in the relationship between the parent and the child, there is a need for acceptance of responsibility for this and evidence of change before there can be confidence in plans for rehabilitation.

The Scottish Government's *National Risk Framework* (2012) identifies the process of change through key stages which are necessary to achieve lasting changes in behaviour.



The Cycle of Change chart, Section 2.2, Stage 1 – Collection and Collation of Information

Birth parents may be able to fulfil expectations during an hour of supported contact, but this alone is not sufficient evidence of change to indicate they would have the ability to resume full parental responsibilities.

They need to demonstrate continued behavioural change. An assessment needs to discriminate between compliance and real change, between tokenism and avoidance, as shown in the chart below.

GENUINE COMMITMENT	TOKENISM
<ul style="list-style-type: none"> Parent recognises the need to change and makes real efforts to bring about these changes 	<ul style="list-style-type: none"> Parent will agree with the professionals regarding the requested changes but will put little effort into making the changes work While some changes may occur they will not have the required effort from the parent. Change occurs despite, not because of, parental actions
COMPLIANCE/APPROVAL SEEKING	DISSENT/AVOIDANCE
<ul style="list-style-type: none"> Parents will do what is expected of them because they have been told to 'do it' Change may occur but has not been internalised because the parents are doing it without having gone through the process of thinking and responding emotionally to the need for change 	<ul style="list-style-type: none"> Dissent can range from proactively sabotaging efforts to bring about change to passively disengaging from the process The most difficult parents are those who do not admit their lack of commitment to change but work subversively to undermine the process (ie perpetrators of sexual abuse or fictitious illness)

National Risk Framework (2012)

In reviewing the child’s plan the social worker should ensure that assessments and reports reflect the experiences and views of all those who know the child – carers, school, the contact supervisor, the carer’s link worker, nursery staff. They may have knowledge of the child over time and in different settings and this may help build the evidence-base for decisions.

Seeking legal advice

Planning for permanence is complex and advice should be obtained from City of Edinburgh Council’s legal services at an early stage to confirm, or otherwise, whether there is likely to be sufficient evidence to support an application for case a PO, POA and/or adoption. Legal services are able to advise on legal routes to secure the child’s future and may identify further information required.

Preparing for a Permanence Panel

Where a LAC Review recommends that rehabilitation (going home) is not an option, timely decisions must be made to progress permanent and secure alternative care arrangements for the child. The proposal for permanence away from home will have to be considered in due course by a City of Edinburgh's **Permanence Panel**, which has knowledge and expertise in progressing plans for children, **Stage 3** of the permanence Planning Chart

A Permanence Panel includes senior managers, a Council solicitor, a medical advisor, family placement workers as well as independent members, who may be adoptive parents, foster and kinship carers or others.

Considerable work is needed to prepare for a Permanence Panel. A comprehensive report on all the circumstances of the child is required, using a BAAF (British Agency for Adoption and Fostering) Form E or equivalent. The information provided should include:

- A comprehensive chronology of the child's history
- The views of the child about the plan for permanence, taking account of his or her age and maturity
- The views and wishes of the birth parents and other key figures involved with the child, about the permanence plan
- The proposed legal route, and
- Proposed plans for contact

The Permanence Panel must consider all the detailed reports it receives and make recommendations for the child's permanence plans. It does not always agree with the proposals. It may recommend a range of possible options for the child, including a PQ, POA or adoption. It must consider alternatives to adoption if that is the proposal. It must consider plans for future contact. (Adoption Agencies (Scotland) Regulations 2009, reg.6.) The recommendations are passed to the agency decision maker, who makes the decisions for the local authority.

The birth parents may be invited to attend the Permanence Panel and give their views.

Preparing for court and court processes

Once a court application (a petition) is lodged, there are lots of court rules about what happens next: see **Stages 6 to 11** of the Permanence Planning Chart. The application must be sent to birth parents if their addresses are known. If the case is a POA or adoption, this includes a father with no responsibilities and rights. The curator and reporting officer provide detailed reports to the court about the child, the birth family, carers and the plans, including contact. In all cases, the court has 2 full reports, this one and the local authority one. If the case is disputed and there is a proof, the court will also hear evidence from all the parties.

- **Preparing the court application: POs and POAs**

Legal services prepare the court application. They will have been in discussion with the social worker since the LAC review decided that permanence away from home was necessary for the child. Legal services gather together all the information needed to provide advice about the plans for the child, to give advice to the Permanence Panel and to prepare the court application and for the court proof hearings in due course. This includes gathering documentation and evidence from prospective witnesses required for the case.

- **Preparing the court application: adoption**
If there is no POA and the adoption is disputed the adopters will need a solicitor and s/he will prepare the court application. The solicitor should be provided with information about the child and family, to prepare the court application and for the court proof hearings in due course.

- **'Section 95 reports'**

If the application is for a PO or POA, and the child is subject to a CSO, the children's panel cannot vary the CSO without the agreement of the court which is dealing with the child's case. The 2007 Act, s.95, says that when the panel members want to vary the CSO (or make a new one) they must prepare a report for the court with information and their reasons. This is often referred to as a 's.95 report'. It is not the same as advice to the court (**Stage 5A**). See Appendix 4, Social Work Scotland and SCRA joint protocol on the management of contact arrangements.





KEEPING IN TOUCH

CHAPTER 4

Support for birth parents

Social workers and others can provide important support, making sure that the time parents spend with their children is valuable. Parents may need help to understand that contact is primarily for the benefit of the child. Working closely with birth parents may involve supervising contact and using contact as an opportunity to assess the parent-child relationship.

This section covers:

- **When contact starts**
- **The child's safety**
- **Contact Agreements**
- **Venues**
- **Where parents can find support**
- **Assessing contact**
- **Supervising contact**
- **Reviewing contact**

Making decisions about contact

All decisions about contact should start with the safety and wellbeing of the child.



Parents will need support to understand what is expected of them during contact.

Contact can be extremely difficult for birth parents separated from their children and without support some parents may drift out of the child's life, as they may feel guilty, inadequate and ashamed of the circumstances which precipitated the child's admission to care. Others may express strong feelings of anger and frustration and may need time and support to be able to begin to see things from the child's perspective.

Without support contact may wither, leaving the child with a real sense of disconnection and rejection from their family of origin.

When contact starts

All birth parents will need practical and emotional support initially in re-engaging with their child in contact. Birth parents should be reminded of their legal rights and responsibilities and of their importance to the child. They should be informed about the purpose and value of contact and should be offered guidance and support to fulfill their responsibilities.

Practical support may include support with transport and finance. In most instances birth parents will be reimbursed for the costs of travelling to visit the child in contact. However there should be discussion with the parents about their contribution to the cost of activities, meals or entertainment during contact. Parents may wish to have a choice about how they use this time and spend their money. Treats and presents should not be encouraged and should not be paid for through public funds.

The level of support required to maintain contact should be reviewed to ensure that parents have a clear understanding of the efforts they need to make themselves to fulfill their parental responsibilities.

The child's safety

Where parents are in a volatile emotional state or attend contact under the influence of alcohol or drugs, there is a need to check on whether they can responsibly participate in contact. This should be determined prior to the child joining contact. In all circumstances where parents have abused or neglected children contact must be supervised closely and the supervisor must be vigilant to ensure that no unpredictable or unforeseen circumstances emerge during contact which can frighten or re-traumatise the child. In addition to ensuring the child is safe, contact should do no further harm by upsetting or disappointing them. Being let down repeatedly can affect a child's emotional wellbeing and supervising social workers should consider the following when planning and reviewing contact:

- Where parents are unreliable in fulfilling their contact arrangements, they should be asked to confirm their attendance before the child is brought to contact, to reduce the likelihood of the child being disappointed and further rejected by the failures of the birth parent
- Where parents minimise the reasons for compulsory measures of care or blame the child for the breakdown in the family, this is confusing and harmful to the child
- Where parents are too preoccupied or distressed with their own circumstances that they are unable to respond to the needs of the child, this is not appropriate. Some children seek to please their parent and carry an inappropriate sense of responsibility to make contact good for their parent
- Where parents offer treats and sweets to the child as a way of managing the child's behaviour, this does not demonstrate their capacity to meet the child's needs for discipline and control
- Where parents criticise the child for calling their foster carer, 'mum', or mock the child's appearance, accent, or interests, or disapprove of the foster carers in front of the child this confuses the child's loyalties and trust

Contact Agreements

Contact Agreements enable everyone to be clear on the purpose of contact and the practical arrangements, and should be tailored to meet the child's particular needs.

Contact Agreements should be understood and agreed by all parties to ensure everyone accepts the purpose of contact, is aware of the expectations on them, and knows that contact will be regularly reviewed and revised.

The contract should include all the practical details regarding length, venue, participants, funding support as well as the focus of the assessment and recording. It should also contain information on all those involved in contact, such as phone numbers and addresses, and details of where this information is held and to whom it will be shared.

With young babies and where parents are unreliable in attending contact, the contract should require them to confirm their attendance in advance in order to reduce the disruption for a baby and the disappointment for any child of failure to attend.

Where parents may arrive in an unsuitable state to be able to offer a safe contact visit then the contract should include the opportunity to assess their state safely before proceeding with contact.

Contact Agreements should include the nature of any telephone contact between the birth parent and the foster carer and/or the child.

Venues

The venue for contact should provide child-friendly space, local to the child and accessible by the parents. The selection of venues should not involve long travelling times for the child, should not disrupt the child's routine significantly, and should offer an environment where both the child and parents can safely spend time together within the constraints of contact. Wherever possible, a child should be accompanied to and from contact by their carer, or a consistent caring adult, to meet their need for emotional security. Taxis should not be routinely used to support contact arrangements.

Consider the following:

- For babies and young children contact should be as least disruptive as possible, preferably in the foster carer's home
- Where it is not appropriate to be in the foster home, a child-friendly neutral venue, close to the child's foster home is the next best alternative
- The venue should be welcoming to children and have a range of age appropriate books and toys
- There should be good toilet facilities and possibly arrangements for preparing snacks
- For active children the venue should offer a range of options, where possible allowing indoor and outdoor activities, and a wet weather alternative
- There should also be quiet space for relaxation and comfort, space for observation in privacy
- Contact should not take place within the birth parents home unless this is clearly part of a rehabilitation plan
- Some Early Years Centres provide a safe and supportive environment for children, well suited for the task of facilitating contact. Contact arrangements need to be planned and booked well in advance as there is a high demand for this service. There needs to be clarity about whether it is the venue alone which is required or if there are demands on staff to supervise and support any aspect of the contact arrangements. The Centre Manager has responsibility for dealing with requests for contact and planning staff resources
- Early Years Centres are the most suitable for babies as they are well provided to support contact taking place, and can closely reflect a home environment. They may also provide early years officers who undertake supervision
- Schools may offer facilities for older young people to be involved in activities with their parents during contact
- Greendykes Unit has a dedicated family flat which can offer an informal setting for contact, enabling parents to engage in preparing food in a more relaxed setting
- Stenhouse Weekend Respite Service offer a venue for supervised or unsupervised contact. Their ability to provide a member of staff to supervise a contact meeting will be dependent on the number and ages of children likely to be using the afternoon sessions at the weekend. This service is currently under review and as a result may be subject to change

The risks of arranging contact in public venues or relatives' homes should be carefully considered as they may not provide the level of observation or control needed to ensure safety for the child.

Where parents can find support

There is a range of support services available for parents, however vulnerable parents may need some assistance to be able to access them. Some of the parenting support services are detailed below and this list should be augmented with local knowledge:

- **Children and Family Services** social workers may signpost parents to other services support services such as Edinburgh Family Support Service, Family group Decision Making, Systemic Family Therapy, Kinship Care Team
- **Early Years Services** offer programmes for families with young children, including Sure Start and Early Years Centres. Social workers can make referrals to these services. For example Viewforth Early Years Centre runs a 6 week STEPS programme (Support Through Encouraging Parenting Skills) to assess parenting and attachment of parents with babies aged under 12 months
- **The Parent Information Points** in local libraries provide more information on local resources to all parents
- **Within schools**, Head Teachers and Guidance Teachers offer advice and guidance to parents and children
- **Social Care Direct** guides parents to where they can get help with housing support, financial advice, marital counselling and many other issues. The **Citizen Advice Bureau** is also very helpful in these areas and can offer legal and debt management advice
- **Parents with alcohol or drugs problems** may find the advice and support from local recovery hubs helpful and may also work with their substance misuse worker
- **Parents with learning disabilities** may need ongoing support if they are to be able to sustain their commitment to their child and this should not be dependent on any change in their capabilities. They may be able to offer a meaningful relationship to the child, which may be different from a parental relationship, but nonetheless important to the wellbeing of the child. In these circumstances contact may be arranged regularly but not frequently, perhaps three or six monthly. Parents with learning disabilities may need advocacy support to ensure they are able to express their views at formal meetings, Reviews or Panels
- **Parents who are refugees** may get specific support and advice from the Immigration and Asylum Support Team in Cockburn Street: 0131 529 7410

Assessing contact

Where the purpose of contact is clear, underpinned by formal agreement and supported by good observation and recording, the assessment should collate all the information obtained. All parenting assessments must include observation and assessment of the **quality and nature of the relationship and the attachment between parent and child**. It should not just detail whether the parent attends contact within the agreed plan, but more importantly their state of mind, their ability to greet the child appropriately, to manage themselves, to stay calm and focused on the child throughout contact and to help the child separate without overwhelming them with their distress. Contact should enable parents to build up their understanding of their child's needs and their skills in responding to them.

Appendix 1 contains guidelines and feedback and should be used regularly to help record and review whether the parent is evidencing progress in their responsiveness, understanding and skills in their interaction with the child.

Assessing the child's experience

In considering the impact on the child's security and their emotional wellbeing it is important to assess the quality of the child's experience of contact. The assessment should include feedback on the child's attitude and behaviour prior to and following contact, as well as observations of the child during contact. Foster carers are key to being able to provide important information about the child prior to and following contact. Young children's play is the medium where they try to make sense of their world and foster carers may be alerted to some of the child's fears and worries through their play. Children will often try to please their parents during contact and may only express their fears or doubts in anxious or disturbed behaviour to those with whom they feel safe. If a child attends nursery or school they may also be able to provide relevant information about the benefits or anxieties of the child about contact.

Assessing parenting skills

The quality of the interaction between adult and child, the sensitivity, the attunement of the parent to the child, their ability to anticipate and respond to the child's needs, depending on their age and stage of development, are all important aspects of any assessment of parenting capacity.

Observing parents ability to behave appropriately with their child during contact may be a key part of a Parenting Assessment and there are formats and tools to support observation and recording within this material.

- Contact should be long enough to give the parent opportunities to carry out a range of child care tasks appropriate to the age of the child
- Where children have been abused or neglected there must be **evidence of parental change**, for example taking responsibility for drug misuse. This change should be demonstrated in the parent's awareness and interaction with the child
- The assessment must focus on the nature of the attachment between the parent and child. What may appear to be a secure attachment, may reflect a relationship based on fear and on the child's need to please adults to keep themselves safe
- The parent may need support to **rebuild the child's trust**, and encouragement to interact more appropriately with their child with the intention of **repairing the damaged attachment**
- The extent to which the parent is able to change their behaviour and has the capacity to meet the needs of the child is critical to the parenting assessment

Guidelines and a checklist for assessing contact are included in Appendix 1.

It is legitimate to assess parents' consistency and reliability in managing to fulfil contact arrangements, to attend appointments and school meetings, to deal with the unplanned or unexpected change of circumstances for the child, and to take responsibility for the issues which have led to the child's admission to care. They should be able to demonstrate insight into the needs of the child and anticipate how they will deal with some of the difficulties which may emerge in future. They need to be able to take responsibility for events in the past and demonstrate how they will deal with stress in future in ways that are not detrimental to the child.

Observation

Observations are used to inform us of the parent's ability to understand and attune to their baby's needs, to assess ability to learn new skills and develop understanding and capability to meet the child's needs. Some parents may manage contact reasonably well because they are supported and they have a time limited period in which to demonstrate their ability. Part of the assessment should include non-participative observation, particularly for infants and with non-verbal children. Detailed and disciplined analysis of the parent-child interaction should be recorded and undertaken by a professional with the necessary skills and qualifications for this task; for example, *Keeping the Baby in Mind*, accessed through CPD, provides guidance on observing and assessing contact for infants. All assessments should acknowledge the limits of the context in which the interaction is assessed, recognising that contact provides an artificially protected context for relationships to develop and to be observed.

Developing parenting skills

While continually assessing contact, workers may be actively involved in enabling the parents to take responsibility for their child, identifying better ways of resolving difficulties, encouraging them to plan their time together, giving feedback and support to help the parent rebuild their confidence and potential as the assessment progresses. After such a programme the assessment must conclude on whether the parents have demonstrated their ability to meet the needs of their child routinely.

Current practice should support parents in a strengths based approach, by building parents' confidence and allowing parents to ask questions and to demonstrate an awareness of their own strengths and limitations.

Who is involved?

The allocated social worker will be responsible for the child's plan and contact arrangements; however a range of workers can assist the assessment: social work assistants, social care workers, Early Years Centre staff and residential workers may all have important observations and experience to contribute to assessing the quality of contact for the child and how this informs the child's plan.

Find detailed guidelines for those supervising contact and a checklist for assessing contact in Appendix 1.

Supervising contact

Where there are concerns about the ability of the parents to keep the child safe during contact then arrangements must be managed to ensure the experience is appropriate for the child. This requires vigilance prior to contact, and should include the ability to assess the parent's state or mood before meeting with the child.

It also requires the supervisor to be prepared to intervene during contact if a parent becomes violent or abusive or if they become unable to look after themselves or the child due to alcohol or the effects of drugs. If a parent refuses to comply with reasonable requests or involves an unknown person in contact, then contact may need to be terminated and arrangements made to discuss these events later.

Who supervises contact?

Contact may be supported and supervised by a range of people, though all should be clear on how they record and report their observations to the responsible social worker managing the case. Social work assistants, early years workers, foster carers, residential workers, students and relatives may be identified as appropriate people to support the child during contact and to ensure that it meets their needs. It is helpful for those involved in supervising and observing contact to have some training in this area and to be familiar with the expectations for observing and recording contact as outlined in Appendix 1.

The child's views

It is important to record and collate the child's views on contact. They may not express their views consistently and their views are likely to change over time. They may be sometimes angry with their parents, sometimes longing to see them, sometimes withdrawn, sometimes worried and upset for some time afterwards. Children cannot often express their feelings in words and their play and drawings may be their way of expressing their confusion or distress. Those involved with the child should be encouraged to be creative in using stories, stickers, games and toys to help the child to communicate their feelings. While children may express a range of feelings and views these should be recorded and which may help build a picture of the child's hopes and fears, their views. If the child is of an age to express their opinion they should be informed of their rights and encouraged to express their views in all decisions relating to them.

Reviewing contact

Contact arrangements are regularly reviewed at the Child's LAAC Review and at Children's Hearings and any significant changes in the child's plan should prompt a formal review of contact arrangements.

Any recommendations for change in contact should be supported by clear evidence based on observations, an understanding of the child's needs, research and guidance, to enable all parties to understand the basis of the proposed changes. The Review should always include information about the child's views and wishes with regard to contact.

Following admission to care, reducing or terminating contact is one of the most contentious areas of child care practice. Significant changes in the child's plan and in contact arrangements should be fully and formally discussed at LAAC Review, enabling the reasons for change to be explained, discussed and understood by all the parties involved and for these views to be recorded. Where there is a statutory order in relation to contact any changes in contact arrangements should prompt a Children's Hearing. Where contact is subject to measures of a Supervision Order or Court Order, advice from senior managers must be obtained before implementing changes.

When plans on permanence have been agreed which include proposals to significantly reduce or terminate contact there may be merit in arranging a facilitated contact, to help support the birth parent in explaining the reasons for this with the child. The purpose of **facilitated contact** is to enable a rehearsed and meaningful conversation to take place between birth relative and child to help reassure the child that it is not their fault that contact is no longer going to take place regularly and to explain the reasons for this. This may allay some of the child's anxieties about their parent and affirms to the child that the birth parent takes responsibility for these circumstances.

Where a child is no longer returning to the care of birth parents and the parents are in conflict with the plan they may be unable to participate safely in contact. They may need support in dealing with their loss and be unable to answer their child's questions. It is a sensitive piece of work to help parents understand what they can offer their child and to give them permission to move on. While they may be opposing the permanence planning they will be unable to do this, but there may be later opportunities, when legal orders are in place, and they appreciate the benefits for the child's future.





KEEPING IN TOUCH

CHAPTER 5

Supporting contact: age and stage

The age and state of the child is one of the key elements to consider when planning contact. This section includes advice for children of different ages:

- Babies and infants (0–3)
- Young children (age 3–5)
- Children (age 5–12)
- Teenagers (13–16)

Contact for babies and infants

The experience of the baby or young child must be put at the centre when planning and managing any contact arrangements.

Birth to three years is a critical period for children's optimal development and this is an especially critical time if babies or infants are separated from their birth family. Contact works well when professionals and parents communicate and plan together effectively.

Babies separated from their birth mother will become attached to the sensitive care provided by their substitute primary carer. Where the plan is rehabilitation the quality of contact needs to be carefully considered to ensure it does not undermine the consistency and quality of the baby's routine care. The impact of contact needs to be carefully weighed against the risks that this may create in disturbing the baby's trust by failing to respond sensitively to the baby's care needs.

Plans to suit babies

The infant's subjective experience will depend on a myriad of factors such as whether the parents were ever the primary care givers for the infant, the quality of the interactions prior to removal, the distress involved in separation from the foster parent for the duration of the visit, and the likelihood of the infant returning to live with the birth parents. (Miron et al, 2013)

Research into the impact and outcomes of concurrent placements shows the detrimental impact of frequently transporting babies, sometimes on a daily basis, to support birth parent contact. Such frequent contact arrangements disrupted the babies from their routine care, separating them from their primary care giver. They found the discontinuity and lack of opportunity for the infants to experience settled care giving was not beneficial to developing a secure attachment (Kenrick, 2009). Similar research from Australia also raises concerns about the impact of travel and disruption on young babies with high levels of contact with birth parents, between 4–7 days a week. In addition, they found that the outcome of family reunification of babies indicates that there is no correlation between the frequency of contact and successful rehabilitation (Humphreys and Kiraly, 2010).

New born babies

If a decision has been made at a pre-birth child protection case conference that the baby will be accommodated after their discharge from hospital, the child's plan should include contact arrangements for after the birth. It should clearly state the purpose of contact, and give consideration to the frequency of contact. This will allow expectations to be identified at the earliest opportunity as parents often have fears surrounding what contact will look like once their child has been born. Many parents cannot visualise how the contact will 'look' and will need support at the earliest opportunity to be clear about time-frames, frequency, duration and if possible where it will be held.

Birth parents often have great anxiety as to who will be caring for their baby and early identification of the foster carer can relieve this and support planning for the child. Parents should be supported to develop positive relationships with their baby's foster carer, if at all possible.

Planning for rehabilitation

The purpose of the contact for babies is often to aid the assessment of a parent's capacity to care for the baby with a view to rehabilitation. The parents must therefore understand the purpose of contact, what is being assessed and the role of the contact supervisor. See Chapter 4, Support for birth parents, for more on assessing contact.

Supporting parents

Some parents will need extensive support and guidance to be able to gain the confidence and practical skills to care for their baby. There are programmes which can support parenting available to families within Edinburgh, such as STEPS and VIG. Consideration must be given to offering interventions and strategies while clearly evidencing whether the parents are developing their capacity to care for the child.

Reporting to support decisions

Where rehabilitation is no longer an option there should be sufficient evidence presented to LAAC Reviews, Children's Hearings and for the Courts to support decisions to reduce or terminate contact.

Developing timescales

Babies cannot wait forever for their parents to develop their capacity to care for them. As the child develops they need to demonstrate their ability to gain new skills to meet the child's ever-changing needs. The agreed timescales for contact arrangements for babies must ensure that there is a permanent plan for them.

Concurrent planning

Concurrent planning is sometimes undertaken to enable the baby to be placed with foster carers, who are also approved as adopters, to maintain their relationship with their primary carer. These adoptive parents must support the rehabilitation plan and, if this does not succeed, will continue to offer the baby permanent care through adoption.

Nature and frequency of contact for babies

Babies should not be expected to travel far for contact. It is preferable for contact to take place within the baby's foster placement, unless this compromises the safety of the placement. This allows the parents opportunities to engage in care tasks with the baby in their own environment. Within the security of the foster home the baby can be fed, changed, bathed and settled to play, with the least disruption, and birth parents should be encouraged to become involved in these tasks. There is also the opportunity for the birth parents to learn from the foster carer how to undertake some parenting tasks. Consideration must be given to the carer being able to provide an environment which is suitable for parental contact and for support to be available for this to be facilitated.

While there are benefits for the baby for the contact being held in the carer's home, some birth parents may feel intimidated, resent the foster carer, or lack confidence in the foster home, preferring a more neutral venue. Careful consideration must be given to whether a neutral venue is in the baby's best interests and does not disturb the baby's care routine. Some foster carers are happy for their home to be used for a venue, if another professional supervises contact and holds the responsibility for recording, reporting and assessing contact.

Observing parenting skills

The social worker arranging contact must be clear and specific about the aims of the contact and ensure the facilitator / supervisor is clear on what they are supporting and assessing.

Staff observing and supporting contact need to be skilled in assessing the detailed interaction between a parent and their baby to be able to interpret the baby's responses and behaviour. For example a baby arching his back when lifted by a parent would indicate the baby's lack of confidence in their parent's handling of them. The observer needs to know the baby well enough to tell the difference between when the baby is tired or when he or she is actively shutting down during contact due to intrusive and insensitive parenting.

Contact for young children (3–5 year olds)

Pre-school children are at a fascinating stage of their development, enjoying language, copying and mimicking, seeking to take control of their lives and asserting their views and wishes. This is the stage of children when they can engage in magical thinking, have imaginary friends, some love dressing games and colouring in. They may enjoy stories being read to them and may have favourite stories which they love to hear repeatedly. They may love particular toys, clothes and friends and wish to play with them exclusively. Children between three and five love to be active, running, jumping, playing with balls and can become quickly exhausted. Bedtime routines are important as this may be the time when pre-school children express their fears and worries. Their behaviour may regress at bedtime, needing comforting and fears of the dark, nightmares or bed wetting may be an expression of the extent of their anxieties.

Children who experience separation from their parents may have significant delay in their language development and through their behaviour may express strong and powerful emotions. Children are naturally ego-centric at this stage of their development and their mood may oscillate quite rapidly, from expressing anger and frustration, 'I hate you', to despair and grief, regressing to baby behaviours in a very short space of time. Children at this age can be difficult for parents during contact as the child may try to take control, can be defiant or manipulative in trying to assert their needs. Parents need to be able to remain calm and consistent to give the child confidence that the child and their emotions can be managed.

Children's play is often their way of making sense of their world and can help them express their confusing emotions of loss, anger, hopes and fears. While children may struggle to answer questions or express their views, they may be able play houses or dressing up to express their experience. Any observations on a pre-school child's behaviour during contact must be understood in relation to their competence and abilities in other less stressful situations and the foster carers input into any assessment of contact is vital.

When **planning contact** it may be important for the child to know where they are going, when they will return and who will be there, in order to give them some sense of predictability and control. Venues should be chosen which allow for active play and also quiet space for comfort and cuddles, when the child may need it. Food is significant for this age and parents should be encouraged to be involved in choosing their child's snack and eating together. Though three to five year olds may be able to count and understand yesterday and tomorrow, they may struggle in understanding that they will see their parents again if contact is not planned regularly. They may need a lot of reassurance and reminding of when they will be seeing their parents again and a visual prompt, like a calendar, might help them cope with the intervals between contact visits.

Contact for children (5–12 year olds)

Children are accomplishing many skills during their primary school years. As they acquire language and literacy children may question their circumstances as they strive to understand life events and have some measure of control of their world.

Thinking about the needs of the child

Children who have experienced significant loss in their early years will often display discrepancies in their emotional competence or in other aspects of their development. For example a five or six year old child may be able to manage separation from their main carer for the length of the school day, but may find any extension beyond that more difficult to tolerate. Although they may have the language, it is normal for children of six or seven to have difficulty managing their feelings and they can move from excitement to despair very quickly. Even late primary school age children run out of energy and it may be unwise to arrange contact at the end of their school day, when the child may be tired and unable to cope with the complex emotional demands of seeing their parent. A child of eleven may appear articulate and have good verbal reasoning, but may still blame themselves for the break-up of their family.

Different reactions

Each child is unique in their physical, social and emotional development and the impact of separation and loss will also be different for every child. Some primary school age children may be able to cope with regular fortnightly contact with a parent as this may help them to retain their confidence that their parents still care about them. However some children may be overanxious to please their parents and wish to demonstrate how good they are, in the hope that this may enable their parents to reclaim them.

This is explored further in *Child Development for Child Care and Child Development Workers*, Daniel, Wassell and Gilligan 2012. Appendix 2 summarises some key stages in normal child development and highlights some of the issues to be aware of when considering the needs of children who have experienced neglect, trauma and are separated from their birth family.

Children's views

Children should be encouraged to be involved and share their views on contact and should be advised that their views will be considered by those who have responsibility for these matters, the Children's Hearing and Courts. Children should not be left to carry the weight of responsibility for the determining whether they should have contact. See section on Children's Views.

Contact for teenagers

Teenagers are often perceived to be competent, challenging, preoccupied with their issues and seeking independence from their families. While parents may experience conflict in their relationships with their teenage children, adolescents remain heavily involved and dependent on their relationships with their parents. While teenagers often like to be considered older than their years, they are often very vulnerable and very sensitive to rejection by parents or peers. Teenagers may be able to retain a sense of their membership of their family, though they may be separated from them while in care and may be able to cope with monthly contact, weekend visits and holidays. They may be able to understand that their parents may not be able to meet all their needs, though they can retain meaningful relationships with them while not living together.

Weekend visits and unsupervised contact

It is practically difficult to supervise teenagers' contact with parents. This is the stage in their lives where they are naturally exploring boundaries, asking questions about their identity, trying to make their own sense of loss and separation. Teenagers should be encouraged to take responsibility for managing some aspects of their lives, knowing that there are caring adults who are interested in their safety and welfare and willing to help them reflect on their experience and help them build their confidence in being able to manage their relationships safely. This may result in them having periods of unsupervised and unsupported contact and returning to care during the week. Teenagers are often engaged in re-evaluating their relationships with their parents and relationships can be volatile. They will inevitably make mistakes and the aim of contact should be to help promote their resilience and to manage the risks they may face.

Telephone contact and social media

Contact with some children may include **telephone contact**, though this may need to be carefully considered, depending on the reasons for admission to care, as some teenagers experience phone contact as intrusive, which can reactivate trauma, while others may be unable to manage unrealistic demands from parents. In particular, a young person's use of a mobile phone may need to be monitored as this can result in unregulated contact from friends or associates which can be overwhelming and unmanageable for them. Similarly young people may need guidance and support in the use of **social media** as young people can find themselves out of their depth. It may not be possible for adults to control a teenagers access to social media and the aim of any work should be to enable young people to develop skills in keeping themselves safe on the internet and other social media.

For more detail see section on Contact for children and young people in residential care in Chapter 9.





KEEPING IN TOUCH

CHAPTER 6

Supporting contact: key relationships

Contact may be arranged with parents or with other key people in a child's life. Supporting parents through contact is the focus of Chapter 4. Here you can find out more about contact with different family members:

- Siblings
- Grandparents

Making decisions about contact

All decisions about contact should start with the safety and wellbeing of the child.



Gilligan describes the importance of a child 'staying connected' in building children's resilience:

- *A key part of work with young people and of building on any potential they have for resilience is to help them stay connected to key figures in their life, or their past, that is to members of their social network. (Gilligan, 2013)*

Contact with siblings

The purpose of contact with siblings should be clear and the needs of the each child, their circumstances, their age and stage of development should inform the nature and frequency of any contact plan between siblings.

Long term value

When siblings are separated and placed in different care situations the value and significance of contact may not emerge for many years. While it may not be practical or appropriate to have direct contact, efforts should be made to preserve relationships and share information on behalf of the child throughout their childhood, as this may help them build meaningful relationships in the future. Separated siblings may gain more from sustaining relationships with their siblings, than with their parents. While the relationship of siblings growing up separately is very different from normal siblings their shared heritage and loss may be invaluable to them in making sense of their life experience.

Complex relationships and trauma

Sibling rivalry is normal within families but the circumstances where by some children have come into care may be the result of very skewed and damaging relationships between the siblings.

Careful assessment is needed when considering contact with siblings when some of them remain within the birth family. Such contact can reinforce rejection, compromise a child's sense of safety, or undermine children's security.

Macaskill found that for a number of children who had experienced abuse within their birth family there were ongoing concerns which made contact unsafe for some children. She identified that:

- *Patterns of dominance, continuing anger at separation, or sexual exploitation could resurface during contact between siblings. While one sibling might want to move on another sibling did not or could not. Where contact worked well and there was good interaction and affection, it enabled siblings to talk about their past traumas helpfully together. (Macaskill, 2002)*

A recent review of factors in adoption breakdowns has highlighted the importance of knowing the nature of the relationships between siblings within the birth family before presuming that they should be placed together.

- *Not only have some children been 'preferentially rejected' but others, sometimes the oldest in a sibling group, have been given responsibilities way beyond their years. (Randall BAAF Journal 2/13)*

Meeting the differing needs of siblings

One of the dilemmas is trying to meet the differing needs amongst siblings when they are placed in different care situations. Older children will often have a desperate need to see their younger siblings especially when they've had a caring role within the family, whereas the greatest need for under-fives will be to feel claimed by their new family and to build up their sense of belonging.

Within any sibling group individual children will be at different developmental stages and may have different issues when working through their own understanding of permanence. Older children may express resentment and anger, blaming their social workers or their siblings' carers for not supporting contact with a younger sibling. The emotions expressed by the different parties can be complex and may be irreconcilable. It is however important to understand and acknowledge the painful emotions experienced by separated siblings and to explain and discuss the reasons for decisions limiting contact. This enables discussion of the sense of loss and grief to be shared and supported and these conversations may need to be repeated again and again as a young person grows up and needs more sophisticated explanation and support.

As separated siblings grow older it is advisable for adopters, foster carers and social workers to be proactive in discussing issues of contact and managing contact in a world of social media. Decisions on contact may need to be reviewed as young people take responsibility for their own lives, their circumstances change and risks emerge through undisclosed contact.

Contact with grandparents and other relevant people

Contact with grandparents, aunts, previous foster carers or other significant people from the child's past may support aspects of their identity, build up their sense of continuity and help keep their story alive. A previous social worker, residential worker, teacher or youth leader may have had a special relationship with a young person and may be able to keep links with important aspects of the child's origins and enhance their sense of worth.

Caution should be exercised within complex dysfunctional families to assess whether issues permeate throughout the extended family. Where there has been sexual abuse it is crucial to assess the relative's attitude to the abuse and how they can protect the child; they must be able to follow safe caring advice. Similarly where there has been a level of aggression or violence from one of the parents and the carer's address is not to be disclosed, it is essential to ensure contact with the relative will not breach this confidentiality – even inadvertently.

Even where there has been a positive attachment sometimes these risks can outweigh the benefits and it may be better to arrange indirect contact through a letter exchange via the social worker that could still be valuable for the child in later years.

Grandparents have no rights of contact with their grandchildren. In Scotland, if a grandparent seeks an order for contact with a grandchild through the Court, he or she must first of all seek an award of parental responsibilities and rights. Even with this order the grandparent would still have to convince the Court that contact was in the child's best interests.

We need to accept that many relatives will use social network sites to try and locate and contact children; children and permanent carers and adopters should be prepared for this and consider how they manage the risks associated with such contact.





KEEPING IN TOUCH

CHAPTER 7

Supporting contact: particular needs

The nature of contact will be influenced by a child's circumstances. This chapter considers some particular circumstances and looks at how to best support them.

- **Babies suffering from neonatal abstinence syndrome**
- **Children with learning disabilities**
- **Children from ethnic minorities**

Making decisions about contact

All decisions about contact should start with the safety and wellbeing of the child.



Babies suffering from neonatal abstinence syndrome

Special contact arrangements will be required for new born babies suffering from Neonatal Abstinence Syndrome (NAS). Some arrangements will be frustrating for parents, however they must be aware that the baby's needs are at the centre of all contact and those arrangements can and will be adapted as the baby's needs change.

A discharge planning meeting will be held prior to the baby's discharge from hospital if there has been substance use by the mother. The baby will remain in hospital for a minimum of 72 hours which can give time to identify who the foster carer will be and hopefully for introductions to take place.

It is important that the baby is cared for in a safe, caring environment and their needs are met consistently and in a timely way by an adult who is in tune with their needs. This will be the baby's first experience of separation.

Changing needs

Many of the babies being cared for may experience signs of withdrawals if they have been subjected to substances in-utero. Any contact planned must be done with the understanding that the baby's needs may change quickly and contact arrangements will need to be able to accommodate the baby's needs. Thought should be given to the duration and frequency of contact as well as the environment in which it is held. A Contract Agreement helps everybody to be clear on expectations.

Conditions for contact

A baby suffering from NAS will experience withdrawal and will need an environment which is close to their carer's home so they are not subjected to travelling. It must be in a room which is quiet, and where lighting can be adjusted or kept low as these babies are often affected by light and are extremely sensitive to sensory stimulation such as noise, light and touch. Many babies who experience moderate to severe withdrawal symptoms may not be able to tolerate the kind of disturbances that contact may require and indeed a delayed start to contact in the most extreme cases may have to be considered. After all, contact must do no further harm to the baby and should promote their wellbeing.

Who is involved?

Consideration must also be given to who is involved in contact. If the carer is not attending contact, then the person facilitating contact should transport the baby to and from contact, to decrease the number of people managing the baby's care.

Communication

Good communication between carer and parent is essential as each baby will have particular things which will soothe them. For instance some babies like to be held and cradled, while others prefer not to be touched. If the parent is made aware that the baby has had little sleep for some hours prior to contact then they may need to be left to sleep during contact. The information provided by carers will equip the parents which will in turn help them meet the baby's needs during contact.

Contact for children with learning disabilities

Planning for children with disabilities who are admitted to care should involve the same rigour and attention to timescales, to ensure that their care meets their needs and provides them with the security for their future. The purpose of contact should be clear and based on the child's plan and informed by their needs.

The child's need

Many children with learning disabilities function well below their chronological age, have communication difficulties and may need more routine and predictability in their care, in order to feel safe on a daily basis. Changes involved in their admission to care and subsequent contact with birth parents, may be unsettling or distressing. This may be as a result of the change in their pattern of familiar care, as much as their loss of key relationships. It is therefore important that those involved in supporting, observing and assessing contact know the child well, recognise his or her responses to new situations and can read the child's behaviour and understand how they express their wishes, their fears or anxiety.

Planning contact

Planning and coordination of contact arrangements are important, as there are often more people involved in preparing and transporting children with disabilities to contact. As contact often takes place after school it is important that the teacher is able to prepare and remind the child that they will be seeing their family after school. Photographs and signifiers may be particularly helpful in being able to explain who they will be meeting and in reassuring a child of their care arrangements. Special arrangements may need to be made with the taxi and escort to transport the child to the contact venue and escorts reminded the care of the child should only be handed to the supervising worker.

Observations of contact should be fully recorded on the Early Years to Adolescence Form. The responsible social worker should be informed of any concerns arising during contact and a summary of the observations of contact should be collated in regular reports for LAAC Reviews. If the child is in foster care

it is more likely that the foster carers' supervising worker will pick up impressions or concerns from the foster carer about the impact of contact on the child and these should be forwarded to the responsible social worker.

Venues and activities

Venues for contact should be child centered, familiar and involve the child in the least additional travelling and disruption. Accessible venues which offer suitable facilities for children with disabilities are not easy to find. Scotland Yard Adventure Playground offers a good resource for contact, as well as some Early Years Centres and Schools. These venues should be booked in advance.

Activities planned during contact must be developed with the child's particular needs and abilities in mind. If the child uses any communication aids or sign language this should be used during contact and parents should be encouraged to familiarise themselves with these techniques. Parents may need to be encouraged to actively engage with their child, as they may have lost confidence in their abilities or not fully appreciate new skills or abilities the child has gained. The length of contact should also be determined by the child's needs, as some children with disabilities may not be able to sustain focus for a visit for more than half an hour.

The child's views

A child with disabilities may need to have some additional assistance to enable them to communicate their views. If a child cannot express a clear view or opinion due to the nature of their disability or the complexity of the issue, the Children's Rights Officer will support the best interests of the child in any decision making processes. This can be useful where there is a variance of opinion within the team around the child. The Children's Rights Officer has a special role in assisting children with disabilities to articulate their wishes. The Children's Rights Officers will work in conjunction with school staff where required to provide the best opportunity to be able to communicate effectively with children who have additional communication needs. The Children's Rights Officers provide advocacy for looked after children and will involve other agencies to support this as necessary including organising legal advice/representation, if necessary.

Some parents may also require the support of an advocate, particularly parents with learning disabilities or mental health problems. In discussions and decisions about contact the needs of the child must be given paramount consideration.

Children from ethnic minorities

Like all good practice, social workers working with ethnic minority families should be clear about the specific concerns that relate to the particular child or young person, should not make assumptions, should identify what needs to change and should agree what support will be required to make these changes.

It is currently estimated that 5% of LAAC children in Edinburgh are from minority ethnic cultures. This includes a diverse range of children from Eastern Europe and South Asian backgrounds, from different faiths and cultures, some of whom may be second or third generation of families born and raised in Scotland. The terms Black and Ethnic Minority, or Gypsy, Roma and Traveller are used to group together families and individuals, each with their own distinct history, culture and beliefs.

Some children may have particular care and dietary requirements, language, faith practices and cultural needs which must be considered sensitively when identifying a fostering placement. They are not a homogeneous group and within religions and cultures there will be enormous variations in custom and practice. Some children may have complex racial and cultural identities and may already have been ostracised from their apparent cultural group. Some children whose immigration status is uncertain or who may be trafficked may also pose difficulties in establishing their age and history.

On admission to care it may not be easy to place with a 'same race' family and the priority may be to ensure that the young person's care needs for safety are met to address the circumstances which precipitated their admission to care, as well as ensuring their particular cultural needs are respected.

While a placement with a foster carer from within the ethnic community may be preferable, it may not always provide the most appropriate option in some circumstances, where they may not be able to protect the child's privacy or may not have the capacity to deal with the issues the child presents. Young people from ethnic minorities may be identifiable and networks within communities may compromise the child's safety.

The child's needs

As with all children, contact must be based on the child or young person's needs and they may be instrumental in identifying those with whom they have a meaningful relationship. Additional considerations may need to be given to confidentiality and safety: for example where a young person has been abused or subject to a forced marriage, the birth parents and or community leaders may seek to have contact, to pressurise the young person to comply with their expectations. Workers may inevitably have less knowledge about issues within the community and may need to seek advice from specialist representative groups to aid their understanding of cultural dimensions within their assessment of the child's needs.

Some children from mixed ethnic backgrounds may experience cultural confusion, and may feel particularly excluded from both the mainstream society and their own community. It is important that these children's primary care needs for care, security and safety are met while building a comprehensive understanding of their needs for contact.

Some children and young people from ethnic communities may be angry on admission to care and rejecting of their parents values, their heritage and their community. They may be similar in some respects to many other young people on admission, though for workers there is the complication of not knowing much about the norms in their culture or community. Work with the young person and the parents should be undertaken, initially separately, to understand and assess the issues which have precipitated the family breakdown.

Expert guidance

Workers can feel deskilled when dealing with issues of faith or culture with which they are unfamiliar and should seek specific information and guidance to assist them in their assessment. It is important for social workers to understand and reflect on their attitudes and beliefs and to consider how much they may reflect stereotypical views.

Birth families may, on occasions, justifiably make complaint about cultural insensitivity, but workers should also be aware that parents sometimes threaten workers with claims of racial harassment, to distract or intimidate them. When assessing and working with a young person from a minority ethnic group it is helpful to have consultation with an ethnic specific agency to help separate the care, cultural and faith issues from the specific family dynamics and events which have precipitated the child's separation from the family.





KEEPING IN TOUCH

CHAPTER 8

Supporting contact: children's circumstances

- **Contact for permanently fostered children**
- **Contact for adopted children**
- **Exchange of information**
- **Support for birth parents of adopted children**
- **Contact arrangements for children in kinship care**
- **Kinship Care Assessments**
- **Risk and resilience in kinship care**
- **The child's views in kinship care**
- **Siblings separated in kinship care**

Making decisions about contact

All decisions about contact should start with the safety and wellbeing of the child.



Contact for permanently fostered children

Where permanent fostering is the proposed child's plan this should be agreed formally by a Permanence Panel. Contact will often be one of the key areas for consideration in this Plan, as will the legal route by which permanence will be secured. The advice of the Council Solicitor should be obtained as early as possible to identify any additional information or evidence that may be needed to support the legal case.

The reasons for permanence

The child's views on contact should be obtained, as well as the views of the birth parents, other relatives, or siblings involved. If a child is subject to a Compulsory Supervision Order the plan for permanence must be referred to a Children's Hearing to review the Order. The Children's Hearing should receive a full report of the reasons for the Plan and the evidence and considerations made by the Permanence Panel and the Agency Decision Maker. The Children's Hearing should consider how the child's future will be secured and the most appropriate legal status to support this. They should consider future contact arrangements and review any measures of residence or contact.

Some young people may not wish to change their legal status from being on a Compulsory Supervision Order, but may wish the security of knowing that there is no plan for them to return home. They may also wish to retain contact with some members of their birth family. Depending on the circumstances of their care this may or may not need to be supported by measure on their Supervision Order. Under the Compulsory Supervision Requirement measures requiring residence or contact will be reviewed annually.

Decisions about contact

Under a Permanence Order, the Sheriff may make measures regarding contact. The social work reports must provide the evidence to support any recommendation to cease, reduce or increase the contact with any individual, parent, relative or sibling. Where there is a plan for adoption neither the Court nor the Children's Hearing can require that adopted child or adoptive parents to comply with measures of contact.

If the child's plan is to secure a Permanence Order with a view to Adoption, the limitations of being able to make measures of future contact should be recognised as future adopters cannot be made to fulfill such requirements.

Contact arrangements for foster carers

Foster carers have a significant role in supporting contact for children in their care. Their respect for the child's relationship with their birth parents is fundamental to enabling the child to build an integrated view of themselves.

Making arrangements

The extent to which they may be actively involved in supporting contact arrangements will vary depending on the needs of the child, the circumstances of the birth parents and the other responsibilities of the foster carer. Similarly consideration of where the contact should take place will vary depending on a number of factors. It is important to recognise that the foster carer's home often becomes the child's safe place and contact with a birth parent there may result in the child feeling unsettled or unsafe there. The availability of the carer to transport the child will depend on the timing, frequency and distance of the contact venue, as well as whether there are other children in placement. These issues can be explored during discussion with the Foster Care Team when the child is accommodated or at the Placement Agreement Meeting.

Supporting the child

Foster carers may be asked to accompany and transport the child to and from contact, as contact can be emotionally fraught for a child and the foster carer may be the best person to offer the child comfort and reassurance. Whilst many children look forward to seeing their families, they may also be apprehensive, or have mixed feelings and may need to know their foster carer will be back to collect them at a specific time.

Recording behaviour

Foster carers should record the child's comments and behaviour before and after contact, especially any distress or deterioration in their behaviour, mood, sleep patterns, habits or health. This may be important indicators of stress and should be reported to the child's social worker. They should also be discussed with their link social worker, and raised at LAAC Reviews. The foster carer may become the trusted person with whom the child confides their wishes and fears and the foster carer may have a role in advocating the child's views at Reviews and Panels.

Training and support

Foster carers receive training about contact in the preparation groups and during their assessment prior to approval. This includes the needs and rights of children and their families in relation to contact and the legislative framework. Further training is available to them through workforce learning and development in relation to observational and assessment skills for young children. The foster carer's link social worker can provide them with advice and support and may help them to separate their views on the birth parents from the wishes of the child.

Contact for adopted children

Many children, registered for adoption, are placed with prospective adopters who are dual approved as foster carers and are placed under Fostering Regulations. This enables the child to be placed before the court process is complete and therefore at a younger age. This has the benefit of the child being placed sooner within the family he or she will grow up in. Contact arrangements at this stage are likely to be part of Children's Hearing processes and may be a measure on the Supervision Requirement.

Adopters will have received training about contact during their preparation and assessment and their capacity to support a child's contact with birth family will have been considered during the Linking and Matching processes. The success of post adoption contact will also depend on their capacity to understand and accept their child's need for contact, and ability to put aside their own feelings as adults.

Planning for post adoption contact will begin before placement for adoption and forms part of the assessment within the child's Form E presented at the Adoption/Permanence Panel. Initial contact with key figures from the child's past will be discussed at Coordination Meetings as the child moves to his or her permanent placement.

Birth Parents may wish to meet the people who are going to parent their child and such a one-off meeting may be planned early in the placement. If the meeting happens within a month or so of the child being placed, the adopters can tell the birth parents how the child has settled in and the birth parents can be reassured about the quality of care that their child will receive. This meeting can provide the birth parents with the opportunity to share 'softer' information about themselves, which may not be documented, but will be of value to the child. It can be important for the child in later years to know their adopters have met their birth parent and can express their acceptance and recognition of the importance of the birth parent to the child. There will need to be an assessment which takes account of the birth parents' ability to manage such an emotionally laden meeting, although it is likely to be less than an hour, supported by staff and with expectations clarified beforehand.

Though workers may have formed a view regarding the child's need for future contact these plans may need to be reviewed and refined as the child's circumstances and relationships change over time. The form contact will take again depends on the purpose of contact in permanent placements. These are noted as: enabling attachment to new carers; promoting positive identity; and enabling emotional healing and promoting self-esteem (Adams, 2012).

It is one of the long term tasks of adopters to help the child build a 'coherent story' about their life and their early childhood experiences. Some level of exchange of information or post adoption contact may provide an opportunity for discussion about adoption at different stages in the child's development.

Following adoption, the adoptive parents have the right to determine any future contact arrangements. It is very rare for any condition about contact to be stipulated within an Adoption Order. In most instances post adoption contact arrangements are informal and at the discretion of adopters. They have the right to make, change or refuse any arrangements about contact with birth family, siblings or previous foster carers. Adoptive parents are often encouraged to write an annual letter to birth parents, via the adoption agency. If not passed onto the birth parent it may nevertheless be of value and does demonstrate to the child who later seeks access to their file, evidence of the adopters' commitment to the birth family and a record of their pride in their achievements as they have grown up. Later life letters are not a statutory requirement in Scotland, but this may offer a format for social workers to prepare a life history for an adopted young person to read later. These should always contain accurate facts about their early circumstances, while being respectful of their birth family and measured in the language and descriptions used.

Scottish Adoption have a wealth of knowledge and experience about managing post adoption contact arrangements and have a pack of information for birth parents, adopters and young people which provides detailed information about the support offered to all the parties involved in contact. www.scottishadoption.org

Direct contact with adopted children is unusual and such arrangements are only appropriate where there is agreement to the adoption by all the parties involved and that contact complements the child's security. Venues that remind children of their previous experiences are to be avoided and venues may need to change over time according to the child's needs.

Exchange of information

Indirect contact or letterbox contact provides a route for children to continue to build up their knowledge of their birth family. It may include the exchange of information and photographs, and may involve contact with a member of the extended family, grandparent, aunt or step relation. This may be part of an adoption plan and can also be useful when children are placed permanently. Indirect contact may be mediated through the social worker or adoption agency and may require ongoing support to enable all parties to continue to appreciate the value of contact.

Key to success is the respect and cooperation established between the adopters/foster carers and birth relative. Where this is not the case, careful consideration must be given to ensure that indirect contact does not threaten the placement by disclosing the circumstances of the child's placement.

Exchange of information can include two-way exchange of letters, cards, and information or one way information from the adopters to the birth family to update them on the progress of their child. Where birth parents are able to accept that adoption is the plan for the child, it generally works best if the adopters write first with information about the child and this offers the birth parent something to respond to.

Exchanges of information usually take place annually and experience would suggest these are managed to avoid emotionally heightened times of the year such as Christmas or birthdays. Some involve birth relatives, a grandparent or aunt, rather than the birth parents themselves, but this can be valuable as it allows the child to be updated about developments in their family and the birth parents to be reassured about the child. Exchange of photographs may need careful consideration if there is any threat to the child's security or fear that they may be misused in social media. Whilst Scottish Adoption manages some birth sibling exchanges, some adoptive families deal directly with one another with no need for agency involvement.

Support for birth parents of adopted children

The quality and commitment to support for birth parents is essential to their continued participation in any form of information exchange and contact. Wherever possible, there should be continuity in the staff who contact the birth parents to talk to them about the exchange. Their familiarity with the birth parents' story, their regard for their grief, and their respect for their ongoing interest and commitment to their adopted child are fundamental to supporting the exchange of information. Some birth parents will need support to write the letter, there may be literacy issues, dilemmas about what to call themselves and get stuck on whether to use their first name or mummy at the end of a letter.

The child should know about the letters and be included in the process when they are old enough, for example by doing drawings etc. However the timing of when and what to share must be the decision of the adoptive parents. Photographs may or may not be included in the exchange. Many parents continue to receive photographs, but the growth of social networking sites has made this practice more difficult. Birth parents will be advised that they cannot put the photographs on the Internet and if they do so, it will jeopardise the exchange. An assessment also needs to be made of risk posed by others close to a vulnerable birth parent. One answer may be to show photographs but for them to be retained by the agency, however, this could be even more difficult for birth parents to manage.

Where a promise of exchange of information is agreed it is important that all parties are committed to fulfilling this over the years. Children experience the failure to receive a promised card as another rejection and delays by adopters in responding to letters can be very difficult for a vulnerable birth parent to manage. Nevertheless some birth parents find it too difficult to sustain an information exchange, particularly if they have a chaotic lifestyle. If it is assessed unlikely a birth parent will be able to manage a two-way exchange, it should be set up as one-way initially. In this case, the adopters may write an annual letter which can be retained on file and if the birth parent is in contact later, it can be easier for an agreement to become two-way. Adopters are encouraged to sustain a one-way exchange so that the child will

come to know in later years that every attempt was made to maintain a link with their birth family. It is acknowledged however that it can feel uncomfortable to have information being sent out every year with no response and discussions around continued benefits will need to take place. Equally birth parents opposed to plans for adoption may be unable to contemplate changes to contact arrangements, but may be able to review their commitment to an exchange of information, after the issues of the contested adoption are behind them.

Contact with siblings, grandparents and other relatives of adopted children can be very significant for a child and provide a different kind of link with their birth family. An assessment of risk will also be required to determine the purpose of contact and the contribution other birth family members can make to the child's world, if contact were to be arranged. See Chapter 6, for more about contact with siblings. Reunion of adult siblings can also be facilitated by adoption services.

Contact arrangements for children in kinship care

It is important that right from the start kinship carers understand the dilemmas they may have to manage in maintaining contact between the child and the parents.

'Contact plans' are a key element of every kinship care assessment. This usually involves contact with either of the birth parents and or with siblings. Contact can affect the stability and security of the child – the effective management of contact can make or break a kinship care placement.

While most kinship arrangements in Scotland are informal, there are a minority which require social work planning, assessment, mediation and support. Extended family members may need some initial support to work out the best arrangements for the care of children following a crisis or breakdown within the family. The Family Group Decision Making Service and the Kinship Support Team may become involved in advising and supporting these arrangements. Family meetings can be really helpful in forming and agreeing a plan which is owned jointly by family and local authority rather than an arrangement that is imposed by professionals.

Kinship Care Assessments

For Looked After Children placed in kinship care, the local authority is required to assess and (if appropriate) approve kinship placements, attending to the specified fields of information outlined in the Looked After Children Regulations. For kinship placements which are planned to continue for more than three months there is an established approach and guidance for Kinship assessments.

The scope of the kinship reports varies as many placements are intended to be 'interim', pending defined efforts at rehabilitation to parents. Some kinship placements are formally approved via Edinburgh LAAC and Permanence Procedures, however many placements are open ended and planning progresses through regular LAAC Reviews. Where there is family agreement more formal decisions may not be required though where there is conflict or disagreement this would normally be referred to the Permanence or Kinship Care Panel. The scope and limitations of each kinship assessment are therefore defined at the outset of each report, in section 3 of the standard Kinship Assessment Framework.

Observation and assessment of contact arrangements forms an element of the Kinship Assessment which uses the GIRFEC Wellbeing Indicators to consider the needs of the child. The Kinship Assessor should specifically describe the child's current and probable future needs for contact with significant others in the proposed kinship placement. Contact, support and relationship issues are critical within the kinship assessment and in Family Group Decision Making and reports from either of these need to make explicit recommendations on contact.

The legal basis on which to support kinship arrangements is a key area of assessment and guidance. While many arrangements will remain informal, if the needs of the child determine that the local authority is involved, these may be supported through Compulsory Supervision Order, Section 11, Residence Order, Section 25 of the 1995 Act or Permanence Order Section 80 Adoption and Children (Scotland) Act 2007.

Referrals for Kinship Assessments for Looked After Children are in general referred to the Edinburgh Kinship Assessment Team but may be conducted by practice team social workers and other independent assessors by negotiation, when appropriate. It is essential to clarify the purpose of contact, the needs of the child and thereby inform the nature and frequency of contact arrangements in kinship care.

Significantly, the purpose of contact in all kinship placement needs to be transparent, understood and agreed by all parties as the ability of social workers to manage and monitor these arrangements in the long term is severely constrained.

Risk and resilience in kinship care

A key benefit of kinship care is that it can enhance a child's sense of family identity and feeling of 'belonging' within the kinship network. This is a powerful resilience factor. While these children may still have to deal with issues of loss, separation, and rejection they may be able to do this within a context where there is access to those who can help the child make sense of their identity and genealogy. Kinship carers will still have to help the child understand why they are where they are and why they could not be looked after by their parents. However their ability to naturally, over time, integrate the reasons for family breakdown and positively build a coherent sense of the child's story can be aided by the knowledge of and support from kinship carers.

The extent to which kinship carers are able to provide a protective environment in which to buffer children from the effects of their adverse experiences can promote their resilience. However, if there is a threat to the security of the child, this may have a detrimental effect on the child's attachments and their ability to recover their trust in adults. Contact, in particular, can be the focus of conflict and risk, especially in circumstances where care responsibilities are fluid and managed behind closed doors. There can be significant risks and potential for collusion in kinship contact, with conflicted loyalties for children and fears for carers which may complicate honest responses and reporting. Close geographical proximity can enable the child to maintain relationships at school and with peers and can support the child's sense of continuity in a crisis. However these can also present risks and must be assessed within the context of the comprehensive assessment of the child's needs.

Risk indicators in contact for children in kinship care

KINSHIP CARERS	BIRTH FAMILY
<ul style="list-style-type: none"> • Fear, intimidation, or collusion due to the threat of violence 	<ul style="list-style-type: none"> • Ongoing domestic violence, bullying or threat to remove the child
<ul style="list-style-type: none"> • Collusion with the birth parents about the reasons for the family breakdown 	<ul style="list-style-type: none"> • Lack of acceptance of responsibility for the original reasons for the family breakdown
<ul style="list-style-type: none"> • Inability to assert their management of appropriate boundaries, e.g. access to their home, time or emotional boundaries, which create a sense of safety or security for the child 	<ul style="list-style-type: none"> • Unreliable contact. Unwilling to accept or comply with the need to make planned arrangements for visiting and having contact with the child
<ul style="list-style-type: none"> • Unresolved battles and ongoing tensions over the care arrangements which threaten the child's security 	<ul style="list-style-type: none"> • Criticism of the kinship carers, mocking of the child's achievements or care, creating split loyalties
<ul style="list-style-type: none"> • Putting adult needs before the needs of the child 	<ul style="list-style-type: none"> • Denying or minimising the impact on the child
<ul style="list-style-type: none"> • Carers are torn between the child's safety and the needs of the parent 	<ul style="list-style-type: none"> • Parents are intoxicated, mentally unstable or so distressed in contact that it is unsafe for the child

The position of absent fathers or other estranged relatives should be explored whenever consideration is being given to accommodating a child. Edinburgh Children and Families has a procedural mandate for consideration of use of Family Group Meetings to explore care and contact options at an early stage when children have to be placed apart from their parents.

While members of the child's extended family may not wish to be involved in the care of the child they may be prepared to retain contact with a child. This may be important in helping the child build their story about their wider family and may be invaluable for the child's long term sense of worth and identity.

The child's views in kinship care

It is important to listen to, record and assess the child's views on any kinship care arrangement and their views on contact. Section 6 of the Kinship report requires the assessor to outline the child or young person's feelings or experiences relevant to the kinship placement. Children's views should be quoted, recognising that feelings can change over time. At an age appropriate level the child should be given an explanation of the other considerations and views that will be considered in coming to decisions about contact. Where the child's wishes differ from the planned contact arrangements a full explanation for this must be given to the child and their carers.

Siblings separated in kinship care

Children may be separated in different kinship care arrangements, with different members of their extended family. In some instances some siblings may remain within their family, while others may be formally admitted to foster care. As with every contact situation it is essential to clarify the purpose of contact, the needs of the child and thereby inform the nature and frequency of sibling contact. In principle contact should be maintained between separated siblings; and it is recommended that an assessment should be undertaken, from each of the child's perspectives, when considering contact arrangements. Consideration must be given to the reasons for the kinship arrangement and there may be circumstances, such as intra-familial abuse, which would preclude contact between some siblings.

It may be difficult for some children to understand why some family members remain at home, while they are in kinship care. Such contact can reinforce rejection, compromise a child's sense of safety, or undermine children's security.





KEEPING IN TOUCH

CHAPTER 9

Young people in residential care

- **Contact with siblings and extended family members, while in residential care**
- **Supervision of contact in residential care**
- **Reviews of contact in residential care**

Making decisions about contact

All decisions about contact should start with the safety and wellbeing of the child.



Establishing contact with family members can be important for young people in a residential care situation and can contribute to the young person understanding their own identity.

Often at the point where teenagers enter care they may have already become estranged from their families. Parents may have given up and the young person's behaviour may have alienated parents and extended family from them. There may be a need for a cooling off period before any consideration of contact can be constructively discussed. One of the initial tasks within residential care is to undertake work with the young person and often, separately, with the family to try to understand the circumstances which have contributed to the family breakdown.

Efforts should be made to re-engage some links with their family to assist in the planning for the young person's future. It is estimated that more than 60% of young people return to their birth family on discharge from care and many children separated from their family during childhood gravitate back to their birth family as they become adults. Though they may not sustain active relationships with their birth parents, the significance of the need to explore this relationship directly should not be underestimated.

One of the early tasks within residential care is to help understand the young person's story before things got into such difficulty within their family. In working in a strength based approach, it is invaluable to engage the parents in building up a full story of the child's history, their attachment chronology, identifying significant relationships and events in the child's life. Understanding who was involved in the child's care in their early years, the key events in childhood, the impact of changes in the dynamics of the family. This can be valuing for birth parents as it recognises their importance to the young person in the past and in the future, even though there may be difficulties at present.

This is time-consuming work and is an investment in building the young person's resilience and skills to be able to navigate their relationships with their family. Being able to assist the young person to understand current events may be a first step in helping them being able to safely return to the care of their family. Research highlights the value of engaging the parents actively in the care plan from the earliest stages of admission.

in addition to contact the genuine involvement of parents, in decision-making and in children's daily lives contributes to better outcomes for children in residential care. (Geurts., et all. 2012)

There is sometimes a wealth of untapped knowledge about a young person's history within Children and Families, from Early Years workers who may have known the child pre-school, from previous foster carers, social workers, teachers, who may be able to help put the pieces of the young person's fragmented history together. The residential worker may be in a unique place to be able to actively engage in this work with the young person. Understanding their place in their family may help a young person integrate parts of themselves, their past and enable them to become more responsible in their lives.

As part of building a comprehensive assessment of the needs of the young person the Health Board are required to provide a detailed physical, mental and emotional health assessment on all looked after children. This should include detailed information about the birth parents' history as well as a collation of all the medical information available about the young person (The Scottish Government, CEL 16, 2009).

The first key task is to assess whether contact can be re-established safely. The Care Plan meeting following admission should confirm the nature of contact. In most instances parents should be encouraged to participate in all meetings and to visit the young person in the Unit as soon after admission as practicable. Such initial visits should be facilitated and monitored to ensure it remains safe for the young person.

Contact arrangements should be reviewed and revised at the weekly Care Plan meeting with the family and professionals involved and wherever possible getting feedback from the young person. Valuing a young person's relationships is important, even when there are difficulties, as it is through helping the family restore some safe styles of communication, boundary setting, anger management, that the young person will learn skills in how to survive and maintain him or herself in relationships.

Parents should be welcomed into the residential Unit as key partners in care planning for the young person. Contact visits within the Unit may be awkward and strange for all involved and consideration should be given to purposeful engagement, perhaps joining the young person on an activity, taking the young person shopping or sharing a meal together.

The focus in assessing contact should be assessing the quality of the young person's relationships with key members of their family. Keeping connections with the world, beyond the unit is important, as young people will have to be able to retain their ability to attend school, relate to peers and participate in their social world, while incorporating new skills and perspectives gained during their period in residential care.

Older teenagers in residential care may have regular home leave – unsupervised contact with their family and their peers. The risks presented during such arrangements are unknown and it should be recognised as part of the developmental plan to support the young person in being able to manage themselves within the community.

Contact with siblings and extended family members, while in residential care

The purpose of contact with siblings should be clear and the needs of each child, their circumstances, their age and stage of development should inform the nature and frequency of any contact plan between siblings.

Consideration should be given to contact with extended family members – siblings, grandparents, previous foster carers – as they may provide continuity and positive relationships, especially at times when relationships with parents may be strained.

When a young person comes into residential care there are many losses and changes and one of these may be their relationship with their siblings. They may have had care responsibilities for younger children in the family and may be worried about their circumstances. Siblings may be in different care situations and there may be other siblings from whom they have been previously separated and are growing up apart. The importance of these relationships should not be underestimated and the value and significance of siblings may not emerge for many years. Efforts should be made to recognise the importance of sibling relationships and to maintain the flow of information about changes and developments within the wider family. It is likely that the young person has more knowledge of issues and difficulties within the family relationship and we should be careful not to be withhold or be over protective with information; rather the residential task may be to help the young person discuss the impact of separation and loss for them and to help them build their understanding of their unique life story.

Some children who are in residential care placements have had a series of family placements, maybe including adoption or permanent family placement breakdown. It may be an important part of the residential task to try to help the young person understand the people and events in their life and to deal with the anger and loss about all the people who have touched their childhood but have been unable to maintain their commitment to them. There may be merit in exploring contact with some of the key people in the young person's life to help them build

up their story. Contact with a non-abusive parent, other relative, half sibling or key worker from the past may be supportive in helping a young person build their coherent life story.

If contact is not appropriate it may still be possible to share information about the circumstances of siblings, as this may help a young person to retain their sense of their family and to build meaningful relationships in the future. Separated siblings may gain more from sustaining relationships with their siblings, than with their parents. While the relationship may be different from normal siblings, their shared heritage and loss may be invaluable to them in making sense of their experience.

Careful consideration, however, is needed where some of the siblings remain at home. Such contact can reinforce rejection, compromise the young person's sense of safety, or undermine their security.

Grandparents, aunts, or previous foster carers may be able to support aspects of a young person's identity, continuity and help keep their story alive. A social worker, residential worker, teacher or youth leader may have had a special relationship with a young person and may be able to keep links with important aspects of their origins and enhance their sense of worth.

Grandparents have no rights of contact with their grandchildren. In Scotland, if a grandparent seeks an order for contact with a grandchild through the Court, he or she must first of all seek an award of parental responsibilities and rights. Even with this order, the grandparent still has to convince the Court that contact is in the child's best interests.

Caution should be exercised within complex dysfunctional families. Where there has been sexual abuse in the family it is crucial to assess the relative's attitude to the abuse and to assess how they will protect the young person; they must be able to follow safe caring advice if other relatives, uncles, cousins will be involved in the extended family contact. Similarly where there has been a level of aggression or violence within the family consideration should be given to how will the young person be able to keep themselves safe.

Contact via mobiles and social media can be intimidating for young people but may be difficult to prevent. It may be more effective to help the young person build up their skills in dealing with difficult phone calls and keeping themselves safe on social media.

Supervision of contact in residential care

Where there are concerns about the ability of the parents to keep the young person safe, contact arrangements must be monitored effectively to ensure the parents' visit does not re-traumatise the young person.

This requires vigilance prior to contact, perhaps assessing the parent's state or mood before meeting with the young person, ensuring the visit takes place in public space and not in the young person's bedroom. Staff may need to intervene during a visit if a parent becomes violent or abusive, or if the young person becomes overwhelmed or over-anxious during contact. If the parent brings an unknown person or relative to contact they should not be included in the visit until staff are satisfied of their status and suitability.

Regular contact through home visits, often unsupervised over a weekend, is the normal progression for many young people in residential care. While this is the norm, consideration should be given in every case to ensure this is compatible with the needs of the young person and is informed by an assessment of the risks involved.

Reviews of contact in residential care

Any significant changes in the circumstances or the Plan for the young person should prompt a formal review of contact arrangements. Where the Plan is rehabilitation home contact should be increased to engage the parent more actively in managing the young person's behaviour and to ensure a smooth and informed transition. Equally, when a rehabilitation plan is no longer a viable option, the nature and frequency of contact with the young person should be reduced. Many young people can manage regular home visits to maintain their place in their family, even when they know there is no definite plan for them to return home.

Reviews of contact arrangements can be considered within LAAC Reviews, at Children's Hearings and by the Sherriff during Care proceedings. Any changes to contact arrangements should be considered fully and formally, enabling all parties' views to be considered, the reasons for changes to be explained, discussed and understood by all and formally recorded.

It is always essential to ensure that the purpose of contact and the needs of the young person are considered and inform any changes to the nature and frequency of the contact arrangements. Workers should record and provide information on contact with clear evidence based on observations, an understanding of the young person's needs, their behaviours before and after contact, research and guidance. This should enable all parties to support any proposed plans to change contact. All recommendations should highlight other people with whom the young person may have contact and should include information about the young person's views and experience of contact.





KEEPING IN TOUCH

APPENDICES

- **APPENDIX 1:** Guidelines for staff observation, support and supervision of contact
- **APPENDIX 2:** Normal child development 5–12 years and impact of separation and loss
- **APPENDIX 3:** Risk and resilience
- **APPENDIX 4:** Social Work Scotland and SCRA joint protocol on the management of contact arrangements
- **APPENDIX 5:** Contact for looked after children: rights and views
- **APPENDIX 6:** References

APPENDIX 1

Guidelines for staff observation, support and supervision of contact

Contact with birth family members is a key aspect of every **Child's Plan** and decisions about contact should be informed by the Plan and support the Plan. The Child's Plan informs the **purpose** of contact and the child's **needs**, their wellbeing and safety, their age and stage of development inform the **nature and frequency** of contact. The purpose of contact can range from assessment to supporting rehabilitation to maintaining birth family connection post – permanence.

Not all contact arrangements will require to be assessed, but all parenting assessments will include **observation** of the interaction between parent and child. A range of social work staff and carers may be required to observe and supervise contact.

The principles for observing, assessing, reporting and evaluating on contact are those of the overall contact guidance, that is:

- The child's wellbeing and safety is paramount
- Attachment-focussed
- Evidence-based
- Transparent

Remember that there is a responsibility for those observing contact to know the child beyond contact and to include feedback from the child's carer on behaviours prior to and following contact, in order to build a comprehensive picture of the value and impact of contact on the child.

Supervised contact between a child (from baby to adolescent) and birth family members may be required in order to contribute to the overall assessment and/or review of the nature of the attachment and the quality of relationship between a child and birth family members – parents, siblings, extended family.

Birth parents and family members may need **guidance and support** as to what is expected of them during contact. Practical support may include support with transport, finance and or emotional support to accompany parents initially during contact visits. Parents may need advice and guidance with respect to what parenting skills are required to be demonstrated in contact and what is being observed and/or assessed. There is an information and training DVD, **Keeping in Touch**, available to assist workers with this task. Workers may be actively involved in enabling the parents to take responsibility for their child, modelling better ways of resolving difficulties, encouraging them to plan their time together, giving guidance and feedback to the parent to help them rebuild their confidence and potential as the assessment progresses. Some contact may require non participative observation.

Written **Contact Agreements** between the Social Worker (on behalf of the department) and family members should be understood and agreed by all the parties to ensure everyone accepts the purpose of contact and is aware of the expectations on them within contact. It should be transparent that the child's needs are central to all contact arrangements and that contact will be regularly reviewed and revised in the light of experience.

Contact arrangements should be sensitive to the cultural and additional support needs of the child and family members.

Social workers should consider the following when planning and reviewing contact:

- Where parents are unreliable in fulfilling their contact arrangements they should be asked to confirm their attendance before the child is brought to contact, to reduce the likelihood of the child being disappointed and further rejected by the failures of the birth parent.

- Where parents are in a volatile emotional state or attend contact under the influence or suffering the effects of misuse of drugs or alcohol, there is a need to check on whether they can responsibly participate in contact. This should be determined prior to the child joining contact.
- Where parents minimise the reasons for compulsory measures of care or blame the child for the breakdown in the family this is confusing and harmful to the child.
- Where parents are too preoccupied or distressed with their own circumstances that they are unable to respond to the needs of the child this is not appropriate. Some children seek to please their parent and carry an inappropriate sense of responsibility to make contact good for their parent.
- Where parents offer treats and sweets to the child as a way of managing the child's behaviour, this is inappropriate and does not demonstrate the capacity to meet all of the child's needs.
- Where parents criticise the child for calling their foster carer, 'mum', or mock the child's appearance, accent, or interests, or disapprove of the foster carers in front of the child this confuses the child's loyalties and trust and may be harmful to the child's wellbeing.

Any assessment of contact must include an **assessment of the child's experience of contact**. While observation of the child in the presence of their parents is important, the quality of the experience for the child must also be understood in relation to how they react before and after contact and should be informed by those who have a caring relationship with the child and have the child's confidence and trust – these could include foster carer, residential worker, nursery staff, teacher.

Detailed observations of the child during contact, how does the child respond to the parents, who initiates conversation, from whom does the child seek comfort, how does the parent anticipate the child's needs, how does the parent manage the child's behaviour and how does the parent explain their position to the child.

Alongside the **Contact Agreement** there are two standard CEC tools that are available for use:

The first tool is a checklist for observation and recording of contact:

- **Checklist for observation and feedback of supervised contact between parent/family member and child** and must be completed on a regular basis, but not necessarily for every contact.

The second tool is a simplified version of the checklist:

- **Summary of contact** and provides evidence of parental safety, reliability, care and responsiveness that can be used to feedback to adult family members on skills and areas for development and also for the purpose of reviews and Children's Hearings.

Both the **Checklist** and the **Summary** may also be used to provide evidence for the Children's Hearing and Court as to why permanent care is being sought rather than rehabilitation.

Please note: This note only provide a summary concerning observing, supporting, recording and supervision of contact. The main body of the Contact Framework contains important and detailed information with respect to contact and the needs and issues particular to different ages and stages of children's development.

Checklist for observation and feedback of supervised contact between parent/family member and child

Child's Name:	D.O.B. / Age:	Swift No:
Parent(s) Family Member(s) Name(s) if not parent, relationship to child:		
Primary Purpose(s) of contact e.g. Assessment of Parenting Capacity, Assessment and or Support for Rehabilitation, Permanence Contact, Maintaining Family Links:		
Venue:		Setting/Activity:
Date:		Time and Duration:
Name of Supervising Worker/Carer:		Designation:

PARENTAL SAFETY AND RELIABILITY

(Tick appropriate section. Examples of particular skills can be recorded on the sheet or in the Summary)

	Yes	No	Any other comment
On Time:			
Appeared to be Alcohol/Drug free:			
SKILL	NOT AT ALL Child/ Young Person: Needs much more of this from parent(s)	Some Evidence – OK for Child/Young Person: There could be more of this	Good Level of Skill – This was good for Child/Young Person:
Emotionally Regulated – Calm:			
Positive, Light, Playful Attitude:			
Greets Appropriately:			

Stays focussed on the Child/Young Person and not discuss business surrounding own situation:			
Ends Contact appropriately:			

PARENTAL CARE AND RESPONSIVENESS

(Tick appropriate section. Examples of particular skills can be recorded on the sheet or in the Summary)

SKILL	NOT AT ALL Child/ Young Person: Needs much more of this from parent(s)	Some Evidence – OK for Child/Young Person: There could be more of this	Good Level of Skill – This was good for Child/Young Person:
Parent shows pleasure at being with the child			
Parent carries out child-care routines calmly and with fuss			
Parent anticipates any potential hazards			
Parent figures out and responds to child's cues (such as crying or asking) for physical care e.g. food, nappy/ toilet, sleep			
Parent initiates age appropriate play, stimulation, games, singing, conversation with the child			
Parent initiates age appropriate physical contact/closeness/eye contact			
Parent gives comfort/ soothing when needed through words and/or gestures in a positive and age appropriate way			

PARENTAL CARE AND RESPONSIVENESS (CONTINUED)

(Tick appropriate section. Examples of particular skills can be recorded on the sheet or in the Summary)

SKILL	NOT AT ALL Child/ Young Person: Needs much more of this from parent(s)	Some Evidence – OK for Child/Young Person: There could be more of this	Good Level of Skill – This was good for Child/Young Person:
Parent gives praise and encouragement appropriately			
Parent shows interest in the child's activities out with contact			
Parent asks questions about health, school etc			
Parent sets limits safely and age appropriately			
Parent uses age appropriate discipline			
Parent offers child constructive remarks rather than criticism			
Parent demonstrates emotional permission for the child to be in substitute care i.e. does divide loyalties			
Parent responds appropriately to the child's reactions – to his/her/their care			
Parents are able to work together constructively to respond to the child			

WHERE THERE IS EVIDENCE RECORD ONE EXAMPLE FROM THE SECTION ABOVE ON PARENTAL CARE AND RESPONSIVENESS OF:

	Evidence
Good Level of Skill	
Some evidence of Skill	
Not at all	

CHILD'S RESPONSE TO PARENT(S)			
RESPONSE	Not At All	Some Evidence	Very Much
Positive anticipation of contact			
Seems pleased to see the parent			
Appears to feel safe			
Engages in play/ conversation/ interaction with parent			
Accepts parental guidance and limits age – appropriately			
Accepts and gives eye contact			
Accepts comfort			
Seems anxious			
Shows intense mixed feelings i.e. wanting to be close but finding it hard to			
Seems angry			
Seems fearful			
Displays behaviour parents find challenging – crying, temper tantrums, defiance, aggression, volatility			
Evidence of enjoying contact			
Manages end of contact appropriately			

WHERE THERE IS EVIDENCE – RECORD ONE EXAMPLE FROM THE SECTION ABOVE (CHILD’S RESPONSE TO PARENTS) OF:

	Evidence
Positive Response	
Mixed Response	
Little to No Response	

PLEASE COMMENT ON:

<p>1 Parental response to supervisor intervention</p> <p>Have you (Supervisor) had to intervene in this contact?</p> <p>If so, how does the parent/carer react? e.g. accepts advice, learns from advice, appears resentful</p>	
<p>2 If both parents were present did they parent/work together?</p>	
<p>3 Is there anything else you would like to comment on from this contact?</p>	

CHILD’S RESPONSE BEFORE AND AFTER CONTACT:

this section should be completed from your own observations and also from discussion with the current carer(s). Any changes in the child’s behaviour (verbal and non-verbal) leading up to contact, immediately after contact and on return to the carer should be noted including detail of the changes and how long these changes are/were in evidence for.

--

SUMMARY

Supervisor's overall comments on the session –positives and areas for feedback and development:

--

Have the parent(s) demonstrated in this Contact any skill changes as a result of CONTACT feedback from the department:

--

SIGNATURE OF WORKER/CARER:**DATE:**

--	--

Please note that this checklist should be completed soon after contact – used to reflect and record on skills shown. Use a checklist for each child in contact. This checklist maybe shared with the parent(s) to feedback on and to support the development of skills required to be evidenced. If both parents are present one checklist can be used – ensure differentiated markers on the checklist to distinguish which parent offered what skill.

Summary of contact

Date From:		Date To:	
Child's Name:		D.O.B. / Age:	Swift Number:
Venue/Setting:		Activity:	
Name of Supervising Worker/Carer:			

PARENT(S) FAMILY MEMBER(S) NAME(S) IF NOT PARENT, RELATIONSHIP TO CHILD:		
Name – Relationship	Number of contacts	Attended

PRIMARY PURPOSE(S) OF CONTACT:
<input type="checkbox"/> Assessment of Parenting Capacity <input type="checkbox"/> Assessment and or support for rehabilitation <input type="checkbox"/> Permanence Contact <input type="checkbox"/> Maintaining Family Links

PARENTAL SAFETY AND RELIABILITY

Evidence of Skills:	
Areas: for Development:	
Areas of Concern:	

PARENTAL CARE AND RESPONSIVENESS

Evidence of Skills:	
Areas: for Development:	
Areas of Concern:	

CHILD'S RESPONSE TO PARENT(S)

Evidence of Skills:	
Areas: for Development:	
Areas of Concern:	

FEEDBACK FROM FOSTER CARERS, TEACHERS, NURSERY, RESIDENTIAL WORKER ON ANTICIPATION OF CONTACT AND IMPACT FOLLOWING CONTACT:

Positive Feedback:	
Areas for Development:	
Areas of Concern:	

WHAT POSITIVE CHANGES HAVE BEEN DEMONSTRATED DURING CONTACT?

What areas need further work?

SIGNATURES OF PARENT(S):

DATE:

SIGNATURES OF SOCIAL WORKER:

DATE:

APPENDIX 2

Normal child development 5–12 years and impact of separation and loss

It should be appreciated that every child develops individually and will reach developmental milestones at different stages. The impact of separation, trauma

and loss will affect each child uniquely and the stages of development below are only indicative and should be used to promote further reading and exploration.

AGE	NORMAL DEVELOPMENT	IMPACT OF SEPARATION AND LOSS
Birth to one year	<ul style="list-style-type: none"> • Rapid physical growth • Language development • Trust, confidence and attachment through routine consistent, responsive care giving 	<ul style="list-style-type: none"> • Failure to thrive • Passive, withdrawn • Poor eye contact, demanding, disengaged
Toddlers	<ul style="list-style-type: none"> • Exploring, into everything, • Taking charge, temper tantrums • Enjoys play with other children, able to amuse self for periods • May be toilet trained during the day 	<ul style="list-style-type: none"> • Poor coordination, fearful • Uncontrollable anger • Become clingy and regressive behaviours
Pre- school years	<ul style="list-style-type: none"> • Curious, questioning, sharing and cooperating • Self-reliant in terms of dressing and toileting • Enjoys imaginative play and magical thinking • Enjoys playing with other children and able to share • Using language to plan and understand their world 	<ul style="list-style-type: none"> • Poor interactions with children adults • Extreme clinginess or non reliance on adults, even when hurt • Overreacts, constant activity, aggression, nightmares • Express feelings of badness and blame for their circumstances
Around six years	<ul style="list-style-type: none"> • Good at starting, but may be unable to complete tasks without assistance • Regress easily • Respond to praise 	<ul style="list-style-type: none"> • Lack of confidence in new situations. • Becoming overwhelmed, preoccupied with loss. • Unable to concentrate at school

Around seven years	<ul style="list-style-type: none"> • Able to concentrate and may not like interruptions • Work hard and play hard and don't like to make mistakes • Act out their feelings rather than talk • Pre-occupied with fairness 	<ul style="list-style-type: none"> • Make take things that belong to others • Regression and sense of sadness, guilt, depression and overwhelmed by things 'not being fair' • Bossy with other children, Telling lies and aggression
Around eight years	<ul style="list-style-type: none"> • Selfish, Impatient, and prone to exaggerate • Curious, interested in stories about themselves when younger • Beginning to develop a sense of humour 	<ul style="list-style-type: none"> • Difficulties with self-identity • Difficulties in understanding their emotions • Fears and nightmares
Around nine years	<ul style="list-style-type: none"> • Becoming more socially skilled, cooperative, responsible and independent. • Like to plan ahead • Work hard and play hard 	<ul style="list-style-type: none"> • Need pictures and tools to help express feelings and stay connected to plans
Around ten years	<ul style="list-style-type: none"> • While enjoying family activities, friends are becoming very important • Like to be like their peers • Greater confidence and ability to participate in discussions about problems and values 	<ul style="list-style-type: none"> • Rapid changes from verbal challenging to thumb sucking in three seconds. • Withdrawn, bossy • Unable to make and keep friends
Around eleven years	<ul style="list-style-type: none"> • Always in motion, emotionally unstable, huge appetite for everything • Tire easily, but hate to go to bed or get up • Fear of ghosts, snakes, wild animals • Clothes matter, but don't look after them 	<ul style="list-style-type: none"> • Emotionally unstable, irresolvable anger, lashing out with words and actions • Poor ability to tolerate younger siblings • Poor self care • Fears and nightmares

Vera Falhberg, Fitting the pieces together BAAF 1998

APPENDIX 3

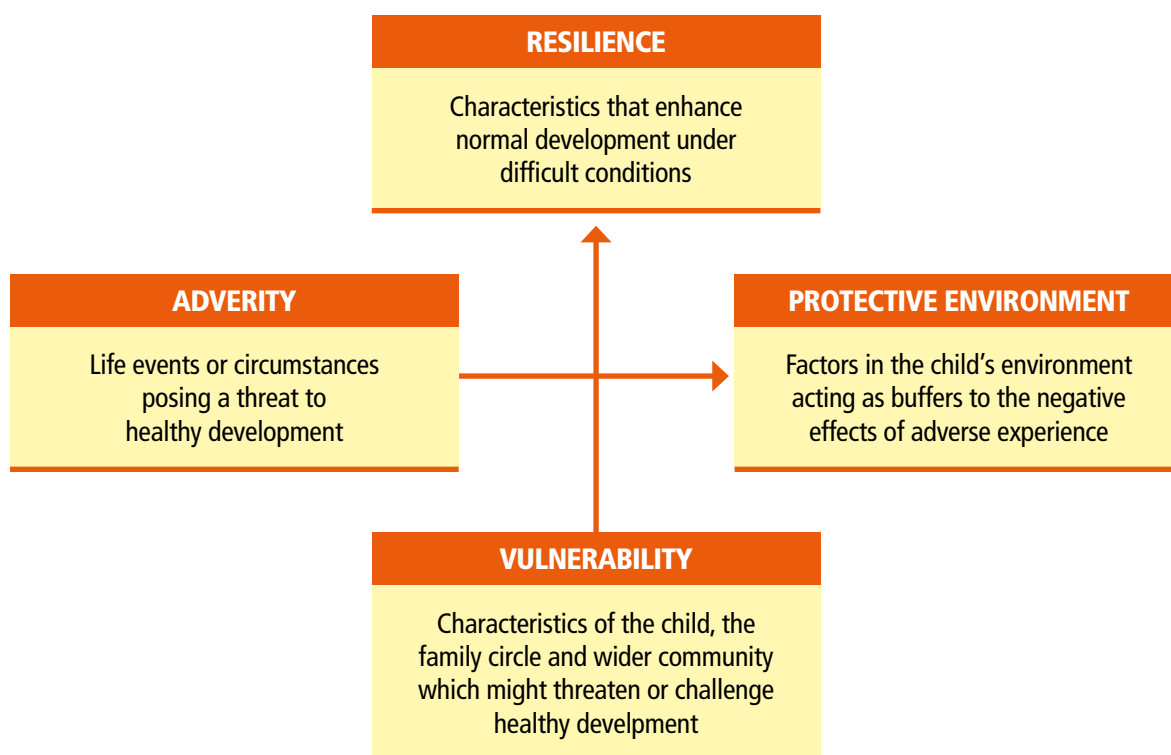
Risk and resilience

Each individual child will be affected differently by the adverse circumstances that have precipitated their separation from their birth family. This will be influenced by a range of factors; the quality of their previous attachments, their age, temperament and their wider network of support in school, extended family and community. Resilience describes the building blocks for a child's self-confidence, their self-esteem through their sense of being valued by someone. It enables children to develop a range of coping mechanisms, increases their ability to take initiative, to handle responsibility, to develop their

sense of autonomy, their pride in their achievements, their empathy and their ability to sustain relationships. Children who have been separated from their birth parents have almost always been exposed to adverse circumstances and may have additional vulnerabilities. Every effort must be made to support these children to become more resilient.

The Scottish Government's Resilience Framework highlights that there is an interaction between some of the internal qualities and their external environment.

Resilience matrix



Adapted from Daniel, B., Wassell, S., and Gilligan, R. (1999) *Child Development for Child Care and Protection Workers*, Jessica Kingsley Publishers Ltd, London and Philadelphia and Daniel, B. Wassell, S. (2002) *Assessing and Promoting Resilience in Vulnerable Children*, Jessica Kingsley Publishers Ltd, London and Philadelphia.

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Some research identifies factors **intrinsic to individual children** which enables them to weather stressful life events better than other children: e.g. being female, having an outgoing personality, being sociable and having problem solving skills (Luther, 2005). Other studies identify **protective factors** which enable some children to come through stressful life events e.g. a secure base, that is an attachment to at least one caring adult, having a supportive school, talents or interests which create positive identity.

A **protective environment** can be created by reducing the extent of change and loss a child experiences when separated from their birth family. Continued attendance at the same school, contact

with a safe grandparent, participation in their football team or Brownie pack may enable the child to retain their sense of worth and continuity during a period of stress and change. The contribution that extended family members or previous carers make in supporting a child through traumatic events and transitions may help to restore the child's sense of self worth and identity.

Groteberg identified three essential aspects that children need to support their development and these are worth considering when assessing the extent to which a child's confidence in these three domains may have been affected by their separation and admission to care.

I HAVE	I AM	I CAN
<ul style="list-style-type: none"> • Trusting, loving relationships • Structure at home • Role models • Encouragement to be independent • Access to health provision 	<ul style="list-style-type: none"> • Loveable • Loving • Proud of myself • Responsible • Hopeful and trustful 	<ul style="list-style-type: none"> • Communicate • Solve problems • Manage my feelings • Understand my temperament • Seek out trusting relationships

(Groteberg, 1997)

APPENDIX 4

Social Work Scotland and SCRA joint protocol on the management of contact arrangements

Introduction

The management of parental contact arrangements for children subject to compulsory measures of supervision can be a challenging issue for Local Authorities and the Children's Hearings system. There are occasions where the best interests of children and the rights of parents and those who have been granted contact can appear to come into conflict.

In these circumstances any amendment to legally determined contact arrangements should be subject to proper legal review by a Children's Hearing or a Court before any change is implemented.

In rare and exceptional circumstances professionals may believe they are duty bound to intervene in contact arrangements prior to those arrangements being the subject of legal review. These circumstances are rare and are likely to involve significant concerns for the welfare of a child as any departure from these legal obligations should be made as a last resort.

This joint protocol, agreed between the Scottish Children's Reporter's Administration and Social Work

Scotland sets out clear actions which must be taken when professionals find themselves in circumstances where they believe they must act to intervene in contact arrangements without pre-determined legal sanction.

The actions in the protocol are designed to make sure that such decisions are taken at a senior level in local authorities and that they are subject to timely and robust review at a Children's Hearing. The actions will lead automatically to a formal review of a child's supervision order by a Children's Hearing, including where appropriate a new determination regarding contact arrangements.

This protocol is valid from 1 July 2014. It will be disseminated to all relevant parties including the Courts. It is the expectation of Social Work Scotland and SCRA that it will be implemented by all local authorities and Reporters. SCRA will collate data on implementation and the effectiveness of the protocol will be kept under review and reported to both parties to the protocol and Scottish Ministers.

Harry Stevenson
President
Social Work Scotland

Neil Hunter
Principal Reporter/Chief Executive
SCRA



Purpose

- This protocol seeks to reconcile challenges around the management of contact for children, their parents and those who have been granted contact that has been legally determined.
- This document recognises the management of contact can be a complex and challenging issue for Local Authorities and the Children's Hearings System.
- In this instance, the term 'legally determined' refers to specific decisions of a Children's Hearing and related Court proceedings regarding contact arrangements.

The Protocol

- Decisions of Children's Hearings and related Court proceedings provide a clear legal duty on the Local Authority which they must comply with.
 - If, for whatever reason, the Local Authority is unable to comply with their legal obligations there has to be recourse to a Children's Hearing as soon as practicably possible. This is to ensure any restriction of rights are minimised and to protect and safeguard the obligations on those individuals who have been granted contact.
 - Any departure from such legal obligations should only be made as a last resort resulting from urgent, immediate and significant concerns regarding the welfare of the child.
 - Such a decision should be proportionate with due regard to the rights of parents, the child and those who have been granted contact, and their right to family life.
- This is a significant decision and should therefore be authorised at an appropriate level within the Local Authority, specifically Chief Social Work Officer or designate.
 - Once this decision has been authorised the Local Authority shall notify SCRA as soon as reasonably practicable, no later than one working day after authorisation.
 - The Local Authority shall provide SCRA with information supporting the decision to vary the contact arrangements. This information should be sufficient to allow a Children's Hearing to have full consideration of the child's case.
 - For example, an updated social work report that reflects the reasons why changes to contact were deemed necessary. The intention is to provide sufficient information to the Hearing to allow them to make a substantive decision where possible.
 - Accompanying this information there should be a request from the Local Authority requesting a review of the child's Compulsory Supervision Order.
 - SCRA would then arrange a Hearing for the purposes of reviewing the existing Compulsory Supervision Order. This Hearing shall take place no later than two weeks on receipt of the authorisation, but no less than 10 days. This reflects the minimum period allowed within statute to arrange a Hearing.
 - The Local Authority would give effect to this decision of the Hearing as in all Hearing decisions.

APPENDIX 5

Contact for looked after children: rights and views

What is considered when planning contact?

When social workers make plans about contact they are expected to consider what is safest and best for children and young people, and these three things:

- The Purpose (or aim/reason) of contact
- The age and stage and needs of the child
- The frequency and type of contact

When a child or young person is looked after (in care), Edinburgh City Children and Families Department has agreed 4 main principles (important things they must think about) when considering contact. These are:

- **Children's wellbeing and safety:** Contact must be based on what is best for children and be physically and emotionally safe for them
- **Attachment:** The quality of the relationship is very important. It must be safe, secure, nurturing and stable
- **Evidence:** There must be clear reasons for decisions that are based on fact
- **Transparency:** Social workers must be as open as possible with children and families about the reasons for types and amounts of contact

What are your rights?

Respect for family life is one of our Human Rights.

Children who are not living with their parents have rights to have contact with their families if contact is in their best interests and is not harmful to them. This is detailed in Article 9 of the UNCRC (United Nations Convention on the Rights of the Child).

Why isn't contact the same for everyone?

Looked after children and young people (children and young people in care) need different amounts and types of contact with people who are important to them.

The reason this is different for everyone is that it depends on individual circumstances, which often change as family's situations change and because there are many different types of families. For example, contact may start slowly when someone comes into care as families might need a bit of time and space. However, often contact is very high just before someone returns home so that everyone can get used to living together again. Some children have no contact with their birth families, sometimes because this is not safe for them and sometimes for other reasons.

Some contact is direct (face to face) and some is indirect (telephone/letter/electronic). Some contact is supervised (someone else is there such as another family member/social worker or social work assistants/ children's centre or residential worker) and some is unsupervised.

How are decisions about contact made?

Decisions about contact for Looked After children and young people – about what type of contact and how often – are usually made at **Children's Hearings** and sometimes at court.

There are three panel members and a Children's Reporter at Hearings. They listen to everyone and then make decisions. Social workers, Carers and Care Workers are asked before Hearings to write reports saying what they think is best and safest for the child/ young person. The panel members read these reports before the Hearing and then ask questions during the Hearing. It is your right, as children and young people and as family members, to give your views about what you feel is best and safest. Your views must be listened to and taken into account and should be included in your social workers reports.

Looked after Reviews will discuss and plan contact and often make recommendations (suggestions) about contact in the Child's Plan which is also discussed at Children's Hearings.

Contact should also be discussed at **Care Planning Meetings**. It is important that everyone says what they think (gives their views) at all of the different types of meetings.

How can I give my views about contact?

Children and young people are sent '**All About Me**' forms to fill in before going to Hearings, and a form called '**Your Views**' if they have a Pre-Hearing Panel.

Children and young people are sent '**Having Your Say**' forms to fill in before going to Reviews.

You can give your views about contact by filling in one of these forms or by **writing your own report/letter** and by **speaking** during your Hearing/Review. You can ask to speak to the panel at a Hearing or to your Reviewing Officer on your own and/or with a representative. Your views might not be the same as what other people think is best but you still have the right to express them and for them to be considered.

You can bring a **representative/advocate** to your Hearing and/or Review who can help you express your views/say what you think. For children and young people this could be a Children's Rights Officer or Who Cares worker or legal representative. For families this could be an advocate from an organisation such as Partners in Advocacy and/or a legal representative.

A good thing to remember when you want to give your views on contact is to speak/write about:

- How you feel about **who your contact is with and isn't with**
- **How often** your contact is and how you feel about this
- **How you feel** about your contact – what are the good bits and what are the not so good bits about it for you?

Useful information and contacts:

- The '**All About Me**' and '**Your Views**' forms are available to download at www.scra.gov.uk

Children's Rights Officers/Who Cares Workers have all of these forms too so you can ask them for one and also for help filling it in.

- **Children's Rights Office Edinburgh:**
0131 529 2424 (or free from landline: 0800 169 4997) or childrensrights@edinburgh.gov.uk
- **Who Cares Young Person's Worker Edinburgh:**
07712 872 078
- **Clan Childlaw:** 075 275 66682 – are the only legal service that provides solicitors who are just for children/young people in Edinburgh
- **Scottish Child Law Centre:** 0800 328 8970
- **Partners in Advocacy:** 0131 478 7723/7724
- **Citizen's Advice Bureau:** 0131 557 1500
- **Scottish Commissioner for Children and Young People:** sccyp.org.uk 0800 019 1179
- **CELCIS – Centre for Excellence for Looked After Children in Scotland:** celcis@strath.ac.uk 0141 444 8500

APPENDIX 6

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Scottish Government Publications

The information and documents are all available on the Scottish Government website www.scotland.gov.uk

- *Getting it Right for Every Child*: all the up-to-date GIRFEC information is available at <http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright>
- *Guidance on the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007*, available under Publications, 10 March 2011
- *Common Core of Skills, Knowledge & Understanding and Values for the "Children's Workforce" in Scotland*, available under Publications, 18 June 2012
- *National Risk Framework to Support the Assessment of Children and Young People*, available under Publications, 20 November 2012

Acts and Regulations

The information is available at www.legislation.gov.uk. For more information on the Acts, see pages 16 and 17

- **Children (Scotland) Act 1995**
- **Adoption and Children (Scotland) Act 2007**
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KEEPING IN TOUCH

This guidance explores the range of issues that need to be considered when making decisions about contact for children separated from their birth parents, keeping the child's best interests at the centre.



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