

# Threshold Criteria for Care Proceedings

## What is Threshold Criteria

The threshold criteria are used in child protection cases in the UK to determine whether a child's circumstances are serious enough to justify the intervention of the court. It involves proving that a child is suffering, or is likely to suffer, significant harm. This harm could be physical, emotional, or psychological, and it must be clear that the harm is due to the care provided by the parent or guardian. Essentially, the criteria set a high bar for intervention, ensuring that the court only gets involved when absolutely necessary to protect the child's welfare. Therefore, care proceedings are initiated when a local authority believes a child is suffering or is likely to suffer significant harm. Information must be gathered to prove the threshold criteria for intervention are met.

## What is needed to understand if Threshold is met

- **Evidence of Harm:** They collect information showing that the child has suffered or is at risk of significant harm. This could be through medical reports, witness statements, or observations of the child's condition and behaviour.
- **Assessments:** Professionals such as social workers, psychologists, or doctors may carry out assessments to evaluate the child's physical and emotional wellbeing and the quality of the care they are receiving.
- **Family History:** They look at the family's history to understand any patterns of behaviour or past incidents that might indicate ongoing risk or neglect.
- **Professionals and Witness Testimony:** Statements from teachers, doctors, neighbours, or others who interact with the child can provide insights into the child's situation and wellbeing.
- **Case Records:** Reviewing records of previous interventions or concerns can help establish a history of issues affecting the child.
- **Direct Observations:** Social workers may observe the child's living conditions and interactions within the family to assess their safety and welfare.

## Key Legislation Governing Care Proceedings

### Children Act 1989

- Section 31: Establishes the threshold criteria for making care and supervision orders.
- Section 38: Governs interim care orders and supervision orders that can be made while proceedings are ongoing.
- Section 47: Imposes a duty on local authorities to investigate if they have reasonable cause to suspect that a child in their area is suffering, or is likely to suffer, significant harm.

### Human Rights Act 1998

- Incorporates the European Convention on Human Rights (ECHR) into UK law.
- Relevant rights include the right to a fair trial (Article 6) and the right to respect for private and family life (Article 8).

