

# WHO MAKES DECISIONS FOR CHILDREN WHEN IN CARE PROCEEDINGS

During care proceedings, various parties are involved in making decisions for a child, particularly when the child is at risk of immediate harm. Here's an overview of who can make decisions and in what contexts:

## Local Authority (Children's Social Care):

**Interim Care Orders:** Once care proceedings have started and should an interim care order be granted, the local authority acquires parental responsibility. This allows them to make day-to-day decisions about the child's welfare, including where the child should live.

**-Emergency Protection Orders:** In situations of immediate harm, the local authority can apply for an emergency protection order (EPO), which allows them to take immediate protective action.

## The Family Court Judges:

The family court has the ultimate authority during care proceedings. Judges make interim and final care orders based on the child's best interests. This includes decisions about where the child will live, who will have parental responsibility, and what type of care arrangement is appropriate. For emergency decisions, the court can make immediate decisions to protect the child, such as granting emergency protection orders or interim care orders.

## Health Professionals:

If the child requires urgent medical treatment, health professionals can make immediate decisions to ensure the child's health and safety. In non-urgent situations consent for medical treatment will typically be sought from those with parental responsibility, including the local authority if an interim care order is in place.

## Foster Carers/Residential Care Staff:

When a child is placed in foster care or a residential care setting, foster carers or residential care staff can make day-to-day decisions about the child's routine, subject to the terms of the care plan approved by the local authority and court.

## Parents/Guardians:

While the local authority shares parental responsibility during care proceedings if an Interim Care Order is in place, parents retain their parental rights unless the court restricts them. They can make decisions in agreement with the local authority, though the local authority's decisions typically take precedence when it comes to ensuring the child's safety. For example, if a parent makes a decision that is not in the child's best interest, the local authority can stop this to ensure the child is not exposed to further harm.

## Children's Guardian:

Appointed by the court from the Children and Family Court Advisory and Support Service (Cafcass), a children's guardian represents the child's interests independently of the local authority and the parents. They provide recommendations to the court based on the child's needs and welfare.

## Police:

In situations where a child is at immediate risk of harm, the police have the authority to place the child under police protection for up to 72 hours (usually within care). This gives the local authority time to apply for an emergency protection order or other necessary legal orders. The Police are the only professional that has powers to make a children immediately safe and remove children from their home without a court order.

In summary, whilst the local authority hold a significant role in making decisions for a child during care proceedings, particularly regarding immediate safety, the court oversees the process and has the final say. Parents have the opportunity to have a say in decisions being made, and other professionals, including children's guardians and health professionals, also contribute to ensuring the child's welfare.