

# CFAB

protecting **CHILDREN** and  
uniting **FAMILIES ACROSS BORDERS**

CFAB is the UK member of the International  
Social Service global network

## Cross-border child safeguarding: Challenges, effective social work practice and outcomes for children

This report sets out the findings of a study on cross-border children and families cases, an under-researched aspect of social work with children and families.

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## Foreword from Carolyn Housman, Children and Families Across Borders CEO

I am very proud to publish the findings of this important research, which Children and Families Across Borders (CFAB) undertook with funding from the Esmée Fairbairn Foundation.

We are currently witnessing the highest record of displacement of persons that the world has ever seen. Nearly 50 million vulnerable children have migrated across borders or have been forcibly displaced; more than half of these children – 28 million – have fled violence and insecurity .

An increasingly globalised society requires a more globalised social work profession and, in light of this global picture, we must all work together to ensure that vulnerable children are adequately protected when moving across international borders, and that doing so does not place them at greater risk. I was particularly struck by one of the main findings of this research, which is that one in four children who travelled abroad remained at risk of abuse and/or neglect. In a world where global communication is becoming ever easier and quicker, we as professionals must ensure that we communicate with each other in a timely manner so as to protect vulnerable children from further harm.

As CFAB often finds in its casework with local authorities, working effectively on an international level to protect children and families means concentrating on the details and sharing the right information at the right time. Our research also found that it took an average of 45 days for an international child protection alert to be issued when a child at risk had travelled abroad. One of the key contributing factors for this delay was that the child's location overseas was not known. So we need to gather and share the right information, but we also need to know what to do with it, and we found a lack of understanding among many professionals about effective safeguarding procedures in international child protection cases. With the movement of people around the world increasing at the rate which it is, today's social work professionals need clearer guidance, training and support on child protection cases with an international element, and the steps to take to prevent increased risks to already vulnerable children

CFAB will continue working hard with our partners, both in the UK and internationally, to understand how we may better support the needs of their social work professionals. However, as this research demonstrates, local authorities in the UK and overseas must be clearer on their responsibilities in relation to children moving between international jurisdictions so that these children do not 'fall between the cracks'. This will be ever more important as the UK prepares to exit the European Union, and we must all ensure that the voices and interests of EU, and non-EU, children in care are not overlooked during this process.

Finally, much previous research has shown that family placements are the most suitable options for children and young people in care. I believe this research adds an important dimension to this by demonstrating that overseas family placements can be just as successful, and should therefore be fully explored when considering the possible options for a child's care. We all have a duty to work together in promoting vulnerable children's right to family, whether that be in the UK or overseas, and in helping to support prospective family carers who come forward to offer care for children.

These are challenging times for the social work profession, and the landscape both domestically and internationally is changing rapidly. However, we all have a responsibility throughout this period of change to maintain our commitment to protecting the rights and interests of the most vulnerable children in our societies, and supporting these children's rights to a family life – safe and without fear of harm.



Carolyn Housman

CEO, Children and Families Across Borders



## 1. Executive Summary

This report sets out the findings of a study on cross-border children and families cases, a little explored aspect of social work with children and families. The aim of the study was to gather information to inform improvements in policy and practice related to:

- 1) children in need of protection who cross international borders
- 2) children in the social care system who can be placed with family in another country.

The research was led by Children and Families Across Borders (CFAB) with a grant from the Esmée Fairbairn Foundation and with guidance from a Research Advisory Group.

We conducted an audit of 200 cases that were referred to CFAB in 2015 and 2016, and then tested our preliminary findings through focus groups conducted with social workers, solicitors and children's guardians. There were 333 children involved in the 200 cases audited.

The study revealed that local authorities across the UK are taking various approaches to cross-border cases and there is a need for clearer practical guidance on how local authorities should manage these cases. The findings from the focus groups in particular highlighted how individual local authorities have developed their own approaches and interpretation of their responsibilities and duties. There is, in general, a need for a more consistent and well-informed approach to cross-border cases so that all children in these situations are protected and have their rights upheld.

### 1.1 Key Findings

- 1 in 4 children in need of protection who travelled abroad continued to be at risk of abuse and/or neglect.
- It took an average of 45 days for a UK local authority to make a referral to CFAB for a child protection alert when a child in need of protection had travelled abroad. The key contributing factors for this delay were the child's location being unknown and a lack of understanding of effective procedures when a family flees abroad.
- Overseas family placements are viable options. At least 1 in 3 cases where an international family placement was explored resulted in the child/ren being placed abroad, although an accurate placement rate is not known as the placement decision was unknown in 45% of cases.
- There were notable differences in local authority approaches to assessing international placements, legal orders used, and post-placement support provided.
- A new practice appears to be emerging where local authorities invite prospective family carers from abroad to come to the UK to be assessed by a UK social worker, either as the main assessment, or to supplement an assessment completed by a social worker overseas. This was an approach that was prevalent in many cases in the case audit and identified as a practice that 'works well' by professionals in the focus groups.
- The status of the other country as being part of the Brussels IIa Regulation and/or 1996 Hague Convention resulted in a higher likelihood that a child would be placed abroad and that a child who had travelled to another country would be protected. However, there were slower timeframes in securing kinship assessments from countries that were part of the Brussels IIa Regulation and/or 1996 Hague Convention.
- The response of UK local authorities to requests from overseas authorities varied with regards to their willingness to assist. There were also delays in obtaining decisions from UK local authorities regarding whether or not they would act on a request from abroad, which contributed to delays in resolving the case. This was particularly notable in requests from overseas authorities for a kinship assessment to be completed on a prospective carer residing in the UK when the child was in care in another country.

- In some cases, overseas authorities placed children with family in the UK without an assessment being completed, or where the UK local authority had only completed an initial assessment that noted concerns or recommended further assessment. This occurred in a few cases where a UK local authority had refused to complete a kinship assessment at the request of the other country.
- There is a lack of understanding of long-term outcomes for children placed abroad. Professionals who participated in the focus groups believed that they would be less likely to be informed of difficulties with the placement or placement disruption when a child is placed in another country. This was noted as a concern by professionals, particularly considering that children are sometimes placed abroad based on assessments completed by overseas social workers that have different requirements to UK assessments, and as children are placed in countries with limited social and family support services.

### 1.2 Policy and Practice Recommendations:

- Practical guidance is needed on effective procedures when a child in need of protection travels abroad to ensure effective actions are taken in a timely manner. Social workers should understand what crucial information should be gathered during an initial home visit, including contact information for family links abroad, and the processes for border alerts and child protection alerts. CFAB is working with other governmental and non-governmental agencies to develop guidance for local authority safeguarding teams.
- Clarification is needed on the responsibilities of UK local authorities to act on different types of requests from abroad, particularly to complete kinship assessments in the UK at the request of an overseas authority. CFAB recommends that this could be clarified through revisions to the DFE guidance "Advice on placement of looked after children across Member States of the European Union: For local authority children's services" and "Cross-border child protection cases: the 1996 Hague Convention departmental advice for local authorities, social workers, service managers and children's services lawyers."
- To reduce the risks to children placed in the UK without a positive assessment, routine follow-up from agencies which are aware of the potential placement, for example CFAB, the Central Authority, and UK local authorities, should confirm whether or not the child was placed. This would ensure that local authorities are at least notified of the placement and can take action if they have concerns. Clarification on the assessment responsibilities of UK local authorities may also help, as the reason why children were placed without a positive assessment was sometimes due to the UK local authority refusing to complete the assessment at the request of the overseas authority.
- The impact of different approaches to assessing the viability of prospective carers abroad should be explored, in particular how the use of UK or overseas social workers, and the practice of inviting prospective carers to the UK for supplementary assessment, affects the viability of the placement. CFAB recommends that this should be addressed in the DFE guidance "Working with foreign authorities: child protection cases and care orders."
- Practical guidance is needed into appropriate legal orders for international placements and how local authorities can continue to offer post-placement support, where appropriate, even when a child is placed abroad. CFAB recommends that this should be addressed in the DFE guidance "Working with foreign authorities: child protection cases and care orders."
- Further research is needed into long-term outcomes for children placed with family internationally to better understand the prevalence of international placements, whether or not these placements are sustainable, and to understand challenges that may arise so that future international placements can take these into account.



## 2. Introduction

In an increasingly globalised world, cross-border cases of child protection are becoming more complicated whilst children's services within local authorities have fewer resources to navigate these complexities. This study was undertaken in 2017-2018 to gather information to inform improvements in policy and practice related to cross-border children and families social work cases.<sup>1</sup> The research was led by Children and Families Across Borders (CFAB) with advice and guidance from a Research Advisory Group consisting of academics, government agencies and non-government organisation stakeholders.

CFAB is the only non-government organisation in the UK with a dedicated inter-country social work team to deal with children and families cases involving the UK and one or more other countries. CFAB is the UK branch of the International Social Service network and works with its partners overseas in over 100 countries to help resolve cases that require cross-border cooperation. In 2017, CFAB took 1746 calls to its national advice line and opened 318 new cases for cross-border social work services in 62 countries.

This research was funded by the Esmée Fairbairn Foundation.

## 3. Aims and Methodology

The aim of the study was to gather information to inform improvements in policy and practice related to:

- a) Children in need of protection who cross international borders.
- b) Children in the social care system who can be placed with family in another country.

Our methodology was to conduct a case audit of 200 CFAB case files, as described below, and then to test our preliminary findings through focus groups conducted with social workers, solicitors and children's guardians. A desk review of existing literature was also conducted.

### 3.1 Case audits

Two hundred cases that were referred to CFAB between 2015 and 2016 were audited. Of the 200 cases, 100 cases involved exploration of a potential international family placement for a child and 100 cases involved children in need of protection who had travelled to another country or had come into the UK.

#### 3.1.2 Sample Selection

CFAB's case management spreadsheet was used to identify relevant cases for the sample. The case management spreadsheet is an Excel spreadsheet where all new case referrals to CFAB are recorded weekly. With the exception of re-opened cases, only cases that were closed at the time that the audit commenced in 2017 were included. Re-opened cases were included even if they were still open at the time of the research and were also included even if the initial referral was before 2015 but the case was re-opened between 2015 and 2016. Re-opened cases were prioritised in this way as it was presumed that they could provide examples of where things have gone wrong. Cases that were referred to CFAB but then cancelled before the service was provided were also included as it was presumed that the reason for the cancellation could be important.

To create the sample of 200 cases, all cases on the case management spreadsheet that were referred to CFAB in 2015 and 2016 were filtered for along with cases that were reopened in 2015 or 2016. This resulted in a pool of 801 cases. Cases that were still "open" to CFAB were then removed from the list (unless they had been "reopened"). After "open" cases were removed, there remained 505 cases. Of these 505 cases, 355 cases were identified that met the criteria of either an exploration of an international family placement (162 cases) or a child in need of protection who travelled abroad (193 cases).

To narrow this down to 100 placement cases and 100 child protection cases, first the re-opened cases were all identified and included. There were 23 re-opened cases in the placement case list and 18 re-opened cases in the child protection case list. Next, the remaining cases in each the placement case list and child protection case list were randomised using the random scramble function in Excel. Cases were then added to the sample, starting from the top of the scrambled lists, until 100 cases were identified in each category.

To preserve anonymity, the cases were labelled with a research reference number that was different to the CFAB case reference number. The placement cases were labelled "PL0001-PL0100" and the child protection cases were labelled "CP0001-CP0100."

### 3.1.3 Audit Approach

To complete the audits, each electronic case file was reviewed by a member of CFAB's social work team and data was collected manually and inputted into an Excel worksheet to provide information in the following areas:

- Descriptive information, such as ages of children, country involved, nationality of children.
- Case outcomes.
- Timeframes.
- Differences in social work practice between the UK and the other country.
- Factors that enable or prevent good outcomes for children (challenges and good practice examples).

Open fields were used to input data about challenges and good practice for each case file. These open fields were then analysed for common themes. Pre-selected codes were used for other fields (for example, for the outcome of child protection cases, "Protection Ensured," "Ongoing Concerns," "Other," "Service Cancelled," etc.).

### 3.2 Focus Group

Two teleconference focus groups were conducted on March 1 and March 2, 2018 to help test and explain the preliminary findings of the case audits. The focus groups were facilitated by an external organisation called Research in Practice. Local authority social workers and solicitors, and CAFCASS children's guardians, were invited to participate. Three professionals participated in the focus group on March 1 and five professionals participated in the focus group on March 2. The professionals represented 4 different local authorities and CAFCASS. Each focus group lasted 1 hour and 15 minutes. The participants were presented with preliminary findings from the case audits and asked to discuss questions that were divided in four themes, which were pre-selected by CFAB. The themes selected for discussion were:

- 1) Ongoing concerns for children in need of protection who have travelled abroad from the UK.
- 2) Viability of international family placements for children in care.
- 3) Consideration of a child's nationality in case management.
- 4) The impact of a country's status as part of the Brussels IIa Regulation or 1996 Hague Convention<sup>2</sup> on case management.

The focus groups were recorded and notes were taken by Research in Practice. CFAB analysed the notes and listened to the recording to identify key themes in the discussion.

#### 4. Limitations

The CFAB case audit is not representative of a national picture as the sample was created from cases referred to CFAB and not all cases nationally are referred to CFAB. In addition, in some cases, CFAB will only have been involved in one part of the case (for eg. to secure an assessment of a family member abroad), and the case file will therefore not have full information about the case, such as outcomes for children.

It was hoped that 5 to 10 professionals would participate in each focus group. However, adverse weather conditions on the planned dates meant that many professionals who had registered to participate could no longer attend the focus groups.

#### 5. Findings from the case audit

In the 200 CFAB cases audited, over three-quarters (157 cases) involved an outgoing case with a request from the UK to another country while the remaining cases (43 cases) were incoming cases with a request from another country to the UK. There was a total of 333 children involved in the 200 cases. Table 1 provides a breakdown of the characteristics of cases in the sample.

*Table 1: Characteristics of the sample*

		Placement cases	Child protection cases	Total
<i>Total cases</i>		100	100	200
<i>Year of original referral to CFAB</i>				
	<i>2012 (reopened 2015/16)</i>	2	0	2
	<i>2013 (reopened 2015/16)</i>	4	5	9
	<i>2014 (reopened 2015/16)</i>	9	6	15
	<i>2015</i>	66	61	127
	<i>2016</i>	19	28	47
<i>Outgoing cases (request from UK to another country)</i>		78	79	157
<i>Incoming cases (request from another country to UK)</i>		22	21	43
<i>Total number of children involved</i>		138	195	333
<i>Number of different countries involved (excluding UK)</i>		44	34	
<i>Number of cases that involved more than 1 other country (apart from UK)</i>		8	4	12

##### 5.1 Descriptive information about children in the cases

Of the 333 children who were involved in the 200 cases audited, 169 were female and 160 were male. The gender of 4 unborn babies was unknown. Table 2 below provides a breakdown of age groups for the children involved.

*Table 2: Ages of children in the sample*

Age group	Number of children
<i>Unborn baby</i>	9
<i>0 – 5 years</i>	133
<i>6 – 10 years</i>	99
<i>11 – 15 years</i>	73
<i>16 -18 years</i>	18
<i>19 years</i>	1
<i>Total</i>	333

With regards to nationality, the largest group of children were non-British EU nationals (142 children), followed by British nationals (102 children). The nationality of 37 of the 333 children was not known.

*Table 3: Nationality of children*

Nationality	Number of children
<i>EU (non-British)</i>	142
<i>British</i>	102
<i>Non-EU foreign-national</i>	52
<i>Unknown</i>	37
<i>Total</i>	333

Of the 200 cases audited, 110 cases involved a country that was part of the Brussels Ila Regulation and the 1996 Hague Convention, 18 cases were with countries that were contracting to the 1996 Hague Convention only, and 72 cases were with a country that was neither part of the Brussels Ila Regulation or the 1996 Hague Convention.

*Table 4: Top countries involved*

Country	Number of cases
<i>Lithuania*</i>	23
<i>Latvia*</i>	16
<i>Portugal*</i>	16
<i>Spain*</i>	15
<i>Germany*</i>	8
<i>Nigeria</i>	8
<i>Czech Republic*</i>	7
<i>Romania*</i>	7
<i>Turkey*</i>	7
<i>India</i>	7
<i>Australia*</i>	7

\*Countries marked with an asterisk are part of the BIIa Regulation and/or the 1996 Hague Convention.



## 5.2 Case outcomes

### 5.2.1 Outcomes in international child protection cases

In 23 of the 100 child protection cases audited, it was not possible to ensure that the child was safe and well when a child in need of protection had travelled to another country (either to the UK or from the UK to another country). This meant that 45 of the 195 children in the child protection audit remained at risk. These were instances where it was either not possible for a professional to complete a welfare visit with the child, or where a visit was completed and concerns were identified, however due to a lack of social services in the country it was not possible to protect the child.

This figure was much higher in outgoing cases (a child protection alert when a child travelled from the UK to another country), compared to incoming cases (a child protection alert about a child who was in the UK). In outgoing cases, 25% of cases (involving 40 children) concluded with ongoing concerns for the children, compared to 14% of incoming cases (involving 5 children). The remaining cases were either cancelled (9 cases), therefore the outcome was unknown, or the children's welfare was secured (68 cases). The most common reason why a child's welfare could not be secured was because the child's location was not known.

In addition, there was a large number of cases where a welfare visit following a child protection alert to another country or to a UK local authority concluded with no further action. Of the 53 cases where a welfare visit was completed following a child protection alert, 37 (70%) concluded with no further action. These are cases where the referring country has identified concerns for the child/ren, however the receiving country, following a welfare visit, has concluded that there are no concerns.

### 5.2.2 Outcomes in international placement cases

In the 100 international placement cases audited, 29 cases, involving 37 children, resulted in the child/ren being placed abroad or in the UK. However, the placement decision was not known in 45 cases because CFAB's involvement in the case ended before the placement decision was made.

Of the cases where a placement outside of the UK was being considered, 21 of the 78 cases (27%) resulted in a placement abroad, involving 27 children. Of the cases where a placement in the UK was being considered, 8 of the 22 cases (36%) resulted in a placement in the UK, involving 10 children.

In cases where children were not placed abroad and remained in the UK, the following outcomes were recorded, where the outcome was known:

- 6 cases resulted in the child/ren returning to their parent's care in the UK
- 6 cases resulted in the child/ren remaining in the care of the local authority in the UK
- 2 cases resulted in the child/ren being placed for adoption in the UK
- 2 cases resulted in the child/ren being placed with an extended family member in the UK
- 1 case resulted in a parent, who was initially being assessed abroad, relocating to the UK to care for the child in the UK

Placement breakdowns were known to have occurred in 2 of the 21 cases where a child was placed from the UK to another country, and in 2 of the 8 cases where a child was placed in the UK. In the 2 cases that broke down where

a child was placed abroad, the primary reason for the placement breakdown was because the child's carer was not able to cope with the child's psychological and behavioural challenges, which were present prior to the placement. In one case, following the breakdown, the child was placed in foster care in the country of the placement as this was determined to be the best plan so that the child could maintain contact with close family members. In the other case, the other country asked the UK local authority to re-assess the mother from whom the child had been removed due to physical abuse or to advise if they would arrange a foster care placement for the child to return to the UK. When the UK local authority refused to complete the assessment of the mother due to the historical concerns and did not respond to the request for a foster care transfer, the overseas social services returned the child to the mother's care in the UK without an assessment being completed and then notified the UK local authority that the child had returned to the UK.

In the 2 cases where the placement broke down in the UK, one broke down because the carer allowed the child to return to his/her mother's care despite the child being removed from mother's care due to neglect. In the second case, the child was unhappy and not settling in the placement. This child returned to a children's care home in the original country, which was arranged between the child's parent and the social services of the other country before the child left the placement.

*"When the UK local authority refused to complete the assessment of the mother due to the historical concerns and did not respond to the request for a foster care transfer, the overseas social services returned the child to the mother's care in the UK without an assessment being completed..."*

### 5.2.3 Reopened cases

There were a total of 41 reopened cases in the sample. This is not a representative number as reopened cases were purposely included in the sample. In the 100 international child protection cases audited, 18 were reopened. The most prominent reason for child protection cases reopening was because new concerns were raised or the child's location changed again, including because the child had returned to the original country. In the international placement cases, 23 cases were reopened. The most prominent reasons for an international placement case to reopen were because the placement had broken down, there was a risk of breakdown, or because of problems with legal recognition of the placement in the country where the child was placed.

### 5.2.4 Comparison of outcomes in countries that are part of the Brussels Ila Regulation and/or 1996 Hague Convention and countries that are not part of the Regulation or Convention

There appeared to be more likelihood that children would be placed with family abroad if the family members being considered were in a country that is part of the B1a Regulation or 1996 Hague Convention. In cases where the international placement involved a B1a Regulation or 1996 Hague Convention country, an international placement was made in at least 36% of cases compared to 20% in countries that were not part of the Regulation or Convention (note that the placement decision was not known in nearly half of all cases in the sample). This included placements from the UK to another country and placements from another country to the UK.

In addition, there appeared to be better outcomes for children in need of protection who had travelled to or from a country that is part of the B1a Regulation or 1996 Hague Convention, compared to those who had travelled to or from countries that were not. When the other country was part of the Regulation or Convention, 19% of cases (14 of 72 cases) concluded with ongoing concerns for the child/ren, compared to 32% of cases (9 of 28 cases) when the other country was not part of the Regulation or Convention.



This could be due to countries being part of the B1a Regulation and/or 1996 Hague Convention being more likely to have well-resourced formal social services.

### 5.3 Timeframes

#### *5.3.1 Timeframes in international child protection cases*

Delays were recorded in the timeframe for a local authority to request a child protection alert from CFAB after a child in need of protection had travelled overseas. On average, a delay of 45 days was recorded in local authority referrals to CFAB for child protection alerts abroad. There was a longer delay (average of 61 days) in cases that concluded with ongoing concerns for the child, compared to cases where the child's welfare was ensured (38 days).

Once a child protection alert had been made, it took an average of 45 days for action to be taken (for example for the child to be visited) in cases where the child was abroad, and 27 days for action to be taken in cases where the child was in the UK. In some cases where the child was in the UK, the delay in local authorities completing a visit with the child was due to the local authority believing there was insufficient information provided by the overseas authority, resulting in the local authority waiting for additional information before taking action. Other delays in action by UK local authorities were attributed to the child's location not being confirmed, or cases where a child might be in a number of different local authorities, with some local authorities not agreeing to attempt a visit until the child's location was confirmed.

*An assessment from overseas took approximately 61 days through CFAB, versus an average of 127 days for a UK local authority to complete an assessment for a counterpart abroad.*

#### *5.3.2 Timeframes in international placement cases*

On average, it took longer for a UK local authority to complete an assessment of a prospective carer in the UK at the request of an overseas authority compared to the timeframe to secure an assessment from overseas. There was an average timeframe of 127 days for a UK local authority to complete an assessment. In comparison, the timeframe for an assessment from an overseas authority was 61 days (nearly 9 weeks) from the time of CFAB's referral to the agency overseas. The deadline set by a UK family court to receive an assessment from abroad was met in 22 of 34 cases where there was UK court deadline. It would therefore appear that UK local authorities are taking much longer to complete assessments at the request of overseas authorities compared to domestic cases as these assessments would typically be completed in approximately 8 weeks in the UK, to meet the UK court's 26 week timeframe. Some of the delay in UK local authorities completing the assessment was due to the local authority feeling that they had insufficient information from abroad to inform the assessment and waiting for more information to be provided. In other cases, the delay was attributed to the time it took for the UK local authority to decide whether or not they would assist with the request.

#### *5.3.3 Comparison of timeframes in countries that are part of the Brussels Ila Regulation and/or 1996 Hague Convention and countries that are not part of the Regulation or Convention*

The overall timeframe that a case remained open for CFAB was very similar regardless of whether or not the other country was part of the B1a Regulation or 1996 Hague Convention. Placement cases remained active for 190 days on average where the other country was part of the Regulation or Convention and 196 days where the other coun-

try was not. In child protection cases, the case remained active for 126 days on average where the other country was part of the Regulation or Convention and for 136 where the other country was not.

There was a longer timeframe for assessments to be completed in cases where the other country was part of the B1a Regulation or 1996 Hague Convention. There was a 97 day average timeframe to obtain an assessment from a country that was part of the Regulation or Convention, compared to 57 days from a country that was not. It is possible that this was due to longer processes when assessments were completed by statutory social services in other countries, as opposed to CFAB securing assessments from non-governmental partners in countries with minimal social services, that are not part of the B1a Regulation or 1996 Hague Convention.

In child protection cases, there was a shorter timeframe to ensure the child was visited in countries that were part of the Regulation or Convention. The timeframe to complete the visit was 38 days in countries that were part of the Regulation or Convention and 53 days in countries that were not.

#### 5.4 Differences in social work practice and legislation between the UK and other countries

There were notable differences between the UK and other countries in completing assessments of potential family carers and in the legal framework for guardianship of a relative child. For example, one country refused to complete an assessment of a father residing in their country whose child was in care in the UK because, in that country, parents are not normally assessed unless there is a history of posing a risk to the child. In this case, the father then travelled to the UK to be assessed by the local authority. In another case, where the UK local authority requested an assessment of both a parent and of an extended relative abroad, the social services overseas did not want to assess the extended family member because the assessment of the parent was already positive. This showed a difference in the parallel planning approach that is taken in the UK compared to other countries who do not follow the same approach. Both of these examples involved EU countries that were part of the Brussels IIa Regulation.

There were also difficulties in ensuring that Special Guardianship Orders (SGO) would be recognised abroad. In one case, the UK local authority wanted to place a child with an aunt in a country that is part of the Brussels IIa Regulation, which has provisions for recognition of court orders between countries; however the country advised that the placement could only be recognised as a foster care placement and that the SGO and SGO assessment were therefore not valid. In order for the aunt to have guardianship of the child, she needed to undergo further checks to be approved as a foster carer under that country's system.

#### 5.5 Challenges

There were a number of different challenges that arose in the case audit.

For cases outgoing from the UK to another country, the most notable challenges were:

- 5.5.1 **Long delays in making a child protection alert abroad** after a child in need of protection had travelled from the UK to another country.
- 5.5.2 **Duplicate referrals being made by UK local authorities to overseas authorities**, creating confusion in sending information and the overseas authorities expressing frustration that they had received the same case referral from different sources. For example, in some cases, the UK local authority made separate requests through CFAB, through the Central Authority, and a direct request to the overseas authorities.

- 5.5.3 The kinship assessments received from overseas professionals varied in quality and rarely met the requirements of a UK assessment. Assessment reports were generally briefer, with less scrutiny applied and less evidence presented. In many cases, **supplementary reports were requested to clarify or expand on certain points**. In order to ensure that the prospective carers were fully assessed according to UK standards, many local authorities arranged for the prospective carer to travel to the UK for further assessment. This was an approach that was prevalent in many cases and appears to be becoming common practice. Alternatively, a UK independent social worker travelled abroad to complete another assessment.
- 5.5.4 There were **notable differences in the types of legal orders used** for international placements and provisions for post-placement support and follow-up when a child was placed from the UK to another country, with no obvious reasons as to why one approach would be applied instead of another. For example, in international placements to extended family members who were not the child's parents, a Special Guardianship Order was used in 5 cases, a Child Arrangements Order or Residence Order was used in 4 cases, in 1 case a child who had been on section 20 care was placed outside of care proceedings with no order applied, and the order used was not known to CFAB in the final case. See Appendix A for a breakdown of the relationship of the child to their carer and types of legal orders used. Post-placement support was provided in 9 of 21 cases where a child was placed from the UK to another country. In 7 cases, this was in the form of post-placement visits and, in 2 cases, it was in the form of financial support.
- 5.5.5 There were **problems in the legal recognition of placements abroad** to some countries, including in countries that are part of the Brussels IIa Regulation, which has provisions for automatic recognition of court orders made in another country.<sup>3</sup> One example of this is given above (5.4). In another case, the carer was advised that an Article 39 (BIIA) certificate was required for the UK court order to be recognised, however this had not been provided in the UK Court papers and was then difficult to obtain as the court proceedings had concluded.
- 5.5.6 In some cases where a child was placed abroad and the UK local authority had committed to providing post-placement financial support, there were **practical challenges in the payment being made**. One case was reopened due to the carer contacting the Central Authority of their country to state that they had not received the financial support that they were promised. When CFAB contacted the UK local authority on behalf of the carer to enquire about the payment, the local authority advised that they did not know how to make an international payment. The payment was finally made 10 months after the child had been placed.

For cases incoming from another country to the UK, the most notable challenges were:

- 5.5.7 **Insufficient information provided in referrals to UK local authorities** that resulted in delays in the UK local authority taking action on the request.
- 5.5.8 There were different responses from UK local authorities to requests from overseas authorities, particularly when another country was requesting a kinship assessment to be completed on a prospective family carer in the UK. **The willingness of UK local authorities to assist varied in different parts of the country** and many local authorities refused to assist, even when the request was made by a country that is part of the Brussels IIa Regulation. In addition, there were long delays in waiting for a UK local authority to acknowledge a request and decide whether they would assist.
- 5.5.9 In some cases, including where a UK local authority refused to complete a kinship assessment in the UK, the **overseas authorities decided to place a child in the UK without an assessment being completed**, or where a negative assessment was completed. Some children were also placed in the UK following only an initial assessment completed by the UK local authority, which noted concerns or recommended further

assessment.

## 5.6 Good practice examples

There were also a number of examples of what works well in cross-border cases.

- 5.6.1 Instances where overseas social workers were able to input valuable local information to an assessment. For example, in one case the social worker overseas identified that the prospective carer's home did not meet national housing regulations therefore the prospective carer's guardianship of the child would not have been legally recognised if the child was placed.
- 5.6.2 In cases where a child was placed abroad and post-placement support was provided including post-placement visits, these visits proved useful in potentially preventing a placement breakdown.
- 5.6.3 In cases where legal advice on mirroring orders was obtained from a solicitor overseas, this proved to be useful. For example, in one case where a child was going to be placed in a country that is not part of the Brussels IIa Regulation or 1996 Hague Convention, the legal advice specified what wording should be used in the UK court order and what documents were required for the placement to later be recognised in the country where the child would be placed.

## 6 Findings from the focus group

The key findings from the focus group discussions were:

### 6.1 Ongoing concerns for children in need of protection who have travelled abroad from the UK:

The participants were asked if the average timeframe of 45 days in issuing a child protection alert overseas via CFAB was reflective of their experience and what might be the cause of this delay. They were also presented with the finding that it was not possible to ensure the welfare of 1 in 4 children in need of protection who travelled abroad.

The participants stated that their first step in these cases is normally to confirm the child's address abroad, if the child's location is not already known. This can cause delay in issuing the child protection alert as, in most countries, it is necessary to know the child's address or suspected addresses before a child protection alert can be made. Local authorities normally work with the police and Border Agency in the first instance to try to determine where the family have gone.

Participants also commented that there is a lack of guidance about what steps safeguarding teams should take when a child in need of protection travels abroad. In one case, it took the local authority over one month to issue a child protection alert because they were seeking advice regarding whether they could send their own social worker abroad to complete a welfare visit. They eventually concluded that they could not send their own social worker abroad and made a referral to CFAB for a child protection alert, which was successful.

Participants also noted that there is a misunderstanding of the effect of border alerts. For example, in one case, the local authority successfully alerted the Border Agency about a family that was at risk of fleeing abroad. However, the family were still able to leave the UK because the local authority only had a supervision order, rather than an interim care order.

Another issue raised was the potential gap in safeguarding children in private law cases, particularly where concerns have been raised but the child is not on a child protection register and there was no prior local authority



involvement. Professionals noted that there is a lack of understanding about what to do in private law cases when concerns are raised about a child who is in another country. There is also inadequate understanding of how to prevent a parent from leaving the country with a child before the proceedings have concluded.

## 6.2 Viability of international placements for children in care:

The participants were asked about the viability of international placements and challenges that they had encountered in exploring international placements. Many of the challenges recorded in the case audit, including securing a good enough assessment of a family member abroad and ensuring that an order used in the UK was recognised abroad, were reflected in the professionals' observations. There were also some new concerns raised.

*6.2.1 Placing children in countries with limited social services:* One of the key issues raised by professionals who had placed children with family members in other countries was about ensuring that children's needs were being met in countries with limited social and family support services. This was particularly acute for children with special needs and behavioural challenges. Some professionals had experiences of placing children with behavioural challenges in countries with limited social services and subsequently being contacted by the child's carer who was struggling to manage. In these cases, the local authority's ability to address the problems was limited to phone calls with the carer while the child and carer remained without support that could have been provided if the child had remained in the UK.

*6.2.2 Different approaches to international assessments:* There was a significant difference in practice between local authorities in how they approach securing a kinship assessment from abroad. For example, in one part of the country, the local authority routinely use UK social workers who travel abroad to complete the assessments. This local authority felt that this approach is necessary to ensure that a thorough assessment is completed and so that they can be assured that the placement is safe and will meet the child's needs. Interestingly, this local authority also commented that many of the family members that they assess overseas withdraw from the assessment, which they believe could in part be due to the level of scrutiny in the assessment process, but can also be due to frustrating elements such as time difference and working through interpreters. In another part of the country, the local authority stated that the approach of the family court in their area is that an assessment from a professional overseas is necessary and that the recommended of that professional should be respected, even if the assessment itself does not meet UK requirements.

*6.2.3 Inviting the carer to the UK for supplementary assessment and introduction with the child works well:* The professionals commented that what works well in assessing international family placements is when a carer can travel to the UK for further assessment with a local authority social worker and for introductions with the child. One local authority said that this would usually take place over an approximately three week period. Many of the local authorities who participated in the focus groups were using this approach of inviting the prospective carer to the UK if the placement looked viable. This approach was also prevalent in the CFAB case audit.

*6.2.4 Different use of legal orders in international placements and provision of post-placement support:* The participants noted that their local authorities used different legal orders for international placements and had different approaches to post placement support. For example, in some cases the carer is granted a Special Guardianship Order, which then has provisions for the local authority to continue to provide post-placement support, including financial payments. In another local authority, Child Arrangements Orders are used and there is no post-placement support provided as the local authority believed that once the child was outside of the UK, the local authority no longer had a role in the case due to the child being in a different jurisdiction. These variations were also apparent in the case audit.

*6.2.5 Concerns about children placed abroad in institutional children's homes:* Concerns were raised about cases where another country establishes jurisdiction for the child's case, which can result in the child returning to their

home country and being placed in an institutional care home. These cases normally involve children who are not determined to be habitually resident in the UK and therefore the country of their habitual residence has the power to make the placement decision for the child. If a suitable family member is not identified, the child may return to their home country to be placed in care, which could mean that the child is placed in a children's home in countries where the foster care system is not developed. The professionals who participated in the focus group were concerned that this could be an outcome for the child as, if the child were to remain in the UK, they would be in a foster care placement.

*6.2.6 Lack of knowledge of long-term outcomes for children placed abroad:* It was noted that local authorities are unlikely to be aware of problems that arise in international family placements, or even whether those placements break down. This is because, if the local authority is not offering post-placement support, they would no longer be involved in the placement after the child leaves the UK. This is similar to family placements that occur within the UK. However, if the child were placed with family in the UK and something went wrong, the local authority would expect the carer to contact them for support or they would be informed of concerns by other professionals. In international placements, it is less likely that the UK local authority would be informed of any issues that arise by either the carer or other professionals.

### 6.3 Considering the child's nationality in case management:

The participants were presented with the finding that the nationality of 11% of children in the sample was not known. They were asked if they regularly record and consider a child's nationality. The participants in all of the local authorities stated that they regularly record and take into consideration children's nationality, particularly in cases that are in the family court. However, children's nationality may be recorded incorrectly as it is normally recorded by the local authority's intake team, who will record what the parents state the child's nationality to be without checking paperwork. In some cases, the local authority or the parents may assume that a child is British because they were born in the UK or have lived in the UK for a number of years.

### 6.4 The impact of a country's status as part of the Brussels IIa Regulation or 1996 Hague Convention on case management:

The participants were asked if their approach to a cross-border case differs depending on whether or not the other country is part of the Brussels IIa Regulation or 1996 Hague Convention, and whether the other country's status as part of the Regulation or Convention has an impact on how well the case can be managed. The professionals did not view their approach to cases as being different depending on which country was involved. Some participants noted that what makes the most significant difference in establishing successful cooperation is the attitudes and processes in the other country, and ability to establish an effective, direct point of contact, rather than the State being Contracting or not. Some professionals noted that it can actually be more difficult to collaborate with Contracting States due to specific processes and delays. Some professionals also had experiences where it was more difficult to secure collaboration of countries within the UK (notably Scotland and Northern Ireland).



## 7. Conclusion and Recommendations

This study sought to better understand the challenges and good practice in cross-border children and families cases. The findings were varied, which was expected considering the range of types of cases and countries that were included in the study. Notably, the findings also revealed some of the differences in approaches to cross-border cases that are taken in different parts of the UK and the need for clearer practical guidance on how local authorities should manage these cases. The findings from the focus groups in particular highlight how individual local authorities have developed their own approaches to cross border cases and interpretations of their responsibilities and duties. There is, in general, a need for a more consistent and well-informed approach to cross-border cases so that all children in these situations are protected and have their rights upheld.

Despite the challenges that were found, there were also many examples where children were protected or able to remain in the care of their family despite the complexity of the cross-border nature of their situations. Some local authorities have developed extensive experience with cross-border cases and are well equipped to manage this cases. The knowledge and expertise of other organisations, such as CFAB and the Central Authority, also contributes to better outcomes for children. While this study has highlighted the challenges in cross-border cases and some cases where children could not be protected, it is notable that the efforts of local authorities and other agencies meant that it was possible to ensure the welfare of 150 children in need of protection (out of 195 represented in the audit) who had travelled abroad and at least 37 children were placed with family internationally as an alternative to remaining in care.

Our analysis provided the following conclusions and recommendations:

- 7.1 A worrying number of children in need of protection remained at risk when they left the UK, either in a planned or unplanned manner. The contributing factors to this include difficulty in ascertaining the child's address after they have gone abroad and delays in issuing child protection alerts abroad, which may be in part due to not knowing the child's location and in part due to a lack of understanding about the best approach for these cases.

**Recommendation 1:** Practical guidance is needed for local authority safeguarding teams to ensure effective actions are taken in a timely manner. This guidance should address the use of border alerts and preventative steps that can be taken, for example recording a family's international links during the initial home visit so that possible destinations abroad can be identified quickly. The practical guidance should seek to reduce the delay in issuing a child protection alert abroad and improve the ability to ensure the welfare of children in need of protection who have travelled abroad. CFAB is working with other governmental and non-governmental agencies to develop guidance for local authority safeguarding teams.

- 7.2 There were different responses among UK local authorities to act on different types of requests for cooperation from other countries, particularly to requests for a kinship assessment of a prospective family carer in the UK for a child who was in care in another country. Some local authorities refused to assist with these requests, even when the requesting country was part of the Brussels IIa Regulation or 1996 Hague Convention. In addition to local authorities turning down these requests, there was often a delay in confirming whether or not the local authority would assist, which resulted in the timeframe for the completion of the report being much longer than would be expected of a UK assessment.

**Recommendation 2:** Clarification is needed on the responsibilities of UK local authorities to act on different types of requests from abroad, particularly to complete kinship assessments in the UK at the request of an overseas authority. CFAB recommends that this clarification should be provided in the DFE guidance “Advice on placement of looked after children across Member States of the European Union: For local authority children’s services” and “Cross-border child protection cases: the 1996 Hague Convention Departmental advice for local authorities, social workers, service managers and children’s services lawyers.” The guidance currently addresses requests to UK local authorities for the placement of a child in a children’s home or in foster care in their area. However, it does not address requests for an assessment of a child placement with a family member who would not be considered a foster carer.

7.3 A concerning trend was identified where overseas authorities have placed children with family members in the UK without a full assessment being completed, or where a negative assessment had been completed. This sometimes occurred in cases where a UK local authority refused to complete the assessment, or where a local authority had completed an initial assessment only and did not agree to complete the full assessment. In the latter cases, children were placed on the basis of an initial assessment only.

**Recommendation 3:** Follow-up from agencies who are aware of the potential placement, for example CFAB, the Central Authority, and/or the UK local authority, should be completed to confirm whether or not the child has been placed. This would help to ensure that, if the child is placed, at least a notification is made to the local authority so that they can take timely action on any welfare concerns. Clarification on the assessment responsibilities of UK local authorities when a request is made from an overseas authority may help, particularly considering that children were sometimes placed without an assessment in cases where the local authority had refused to complete the assessment.

7.4 UK local authorities had different approaches to completing kinship assessments abroad, noticeably in the use of UK or overseas social workers and the level of assessment that was acceptable. The types of court order used for children placed abroad also varied (notably Child Arrangements Order vs Special Guardianship Order), as did levels of post-placement support provided, with some local authorities offering no post-placement support. It was notable that many local authorities who use overseas social workers to complete the assessment are supplementing this by inviting the prospective family member to travel to the UK for further assessment with the local authority social worker. This practice was also identified as good practice by professionals in the focus groups as it enabled time for introductions between the child and prospective carer before the placement.

**Recommendation 4:** The impact of the different approaches to assessments on the viability of prospective carers should be explored, in particular how the use of UK social workers to assess family members who reside abroad (whether the assessment is completed overseas or in the UK) affects the viability of the placement. CFAB recommends that this should be addressed in the DFE guidance “Working with foreign authorities: child protection cases and care orders.”



**Recommendation 5:** In addition, clearer guidance is needed into appropriate legal orders for international placements and how local authorities can continue to offer post-placement support even when a child is placed abroad. CFAB recommends that this should be addressed in the DFE guidance “Working with foreign authorities: child protection cases and care orders.”

7.5 Considering the lack of information about outcomes for children placed abroad and the multiple challenges noted in international placements, concerns about the quality of assessments from overseas professionals and evidence of placement breakdown, more research is needed into outcomes of international placements and factors that enable or militate against successful placements.

**Recommendation 6:** Further research is needed into long-term outcomes for children placed with family internationally to better understand whether or not these placements are sustainable and understand challenges that may arise so that future international placements can take these into account.

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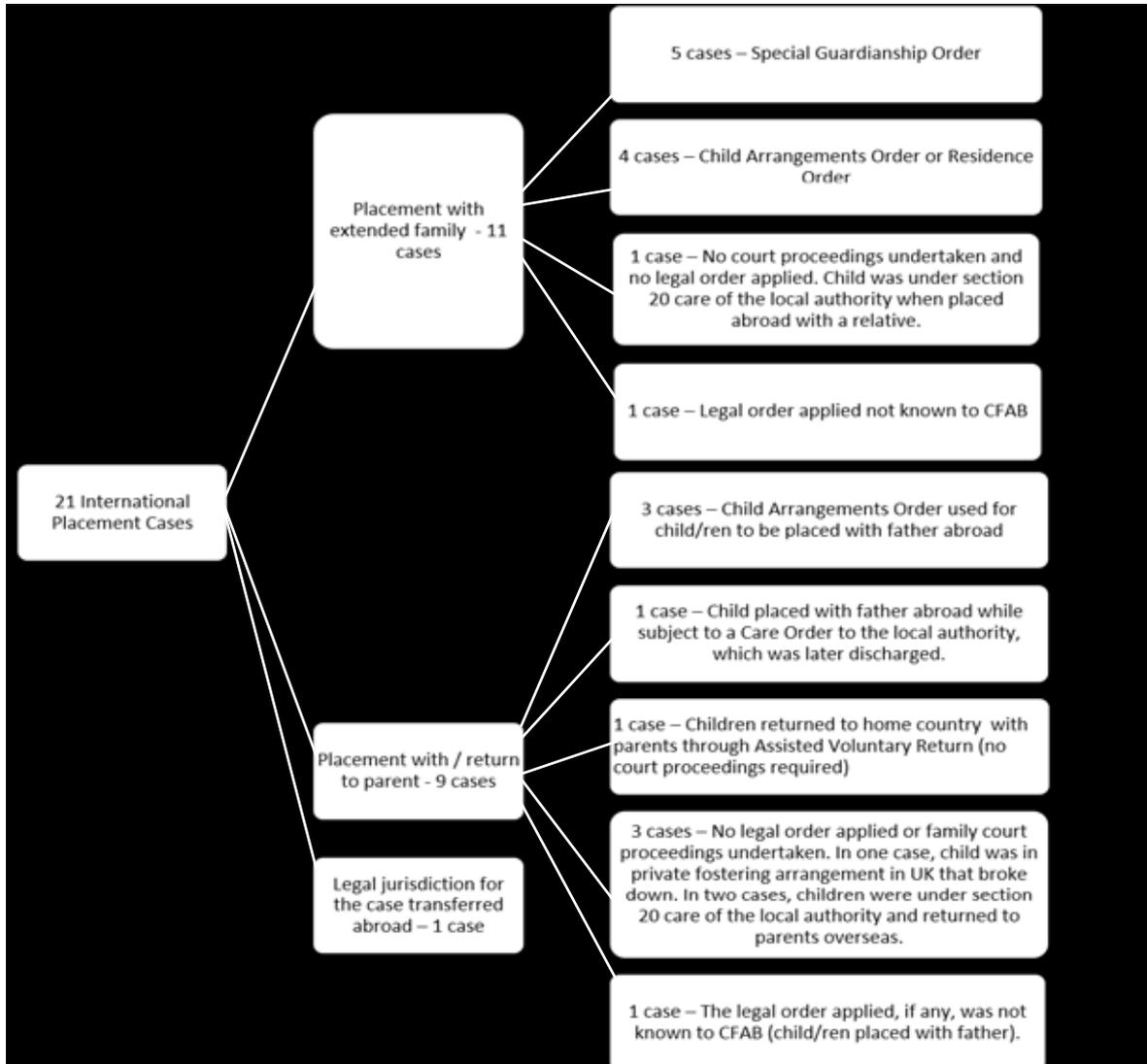
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<sup>1</sup>To read additional reports relating to this study, visit [www.cfab.org.uk](http://www.cfab.org.uk).

<sup>2</sup>The Brussels IIa Regulation (The Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, 2003) and 1996 Hague Convention (The Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, 1996), are international agreements that set out systems for cross-country collaboration on cross-border children's cases. The Regulation and Convention also set out provisions for legal jurisdiction of cases where a child is present in one country but habitually resident in another, and for legal orders made in one country to be recognised in other countries. All countries in the European Union, apart from Denmark, are part of the Brussels IIa Regulation. Most EU countries and some countries outside of the EU, are signatory to the 1996 Hague Convention.

<sup>3</sup>When a child is placed internationally, it is important to plan for how the legal order made in the UK will be recognised and interpreted in the country where the child is placed. Under the Brussels IIa Regulation, orders relating to parental responsibility should be recognised in another Member State "without any special procedure being required" (Article 21 (1) BIIa). A similar provision is made under Article 23 of the 1996 Hague Convention. In countries that are not part of the Regulation or Convention, as the UK order will not be automatically recognised in the other country, it will be important to establish what domestic order is relevant in that country and what application needs to be made to secure that order.

**APPENDIX A: Legal orders applied in international placement of a child from the UK to another country and relationship of child to carer abroad**



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