

## Burden of proof and parenting assessments.

The following 3 questions are regarding parenting assessments and burden of proof. Part of the local authority FOI series.

Question 1.

What is the burden of proof in child abuse cases? are there any specific guidelines that need to be followed or is this worked on probability of the reporters beliefs

No direct answer in google scholar

Look up threshold in children's act

The safeguarding of children is dealt with by national legislation and guidance. The Children Act 1989 provides the legislative framework for child protection in England. Key principles established by the Act include:

- the paramount nature of the child's welfare
- the expectations and requirements around duties of care to children.

This is strengthened by the Children Act 2004, which encourages partnerships between agencies and creates more accountability by:

- placing a duty on local authorities to appoint children's services members who are ultimately accountable for the delivery of services
- placing a duty on local authorities and their partners to co-operate in safeguarding and promoting the wellbeing of children and young people.

The Department for Education (DfE) published an updated version of the key statutory guidance for anyone working with children in England in July 2018.

practitioners should conduct the assessment of children. Whatever legislation the child is assessed under, the purpose of the assessment is always:

- to gather important information about a child and family
- to analyse their needs and/or the nature and level of any risk and harm being suffered by the child
- to decide whether the child is a child in need (section 17) or is suffering or likely to suffer significant harm (section 47)
- to provide support to address those needs to improve the child's outcomes and welfare and where necessary to make them safe.

In completing an assessment social workers must;

- Be clear that facts must be drawn from evidence, not suspicion or speculation
- Be certain that there is proper evidence, direct whenever possible
- Link facts to threshold, i.e. how do these facts prove significant harm or the risk of it.
- Be clear that diverse standards of parenting do not prove inadequate or harmful parenting.
- Balance parenting strengths against areas for development.

The conclusion of an assessment is not drawn from a sense of beliefs but is drawn from observation, research and analysis. Social workers will use the knowledge and skills for child and family social work,

There are a number of guidelines and policies Children's Services follow. Children Act 1989, Working Together to Safeguard Children: A guide to inter agency working to safeguard and promote the welfare of children 2018 and London Child Protection Procedures and Practice Guidance - Updated: 30th September 2021 are the key guidelines Children's Services adhere to.

For criminal proceedings the burden of proof will be "beyond reasonable doubt" and for other cases, i.e. which are referred through the Children's Reporter, the burden of proof is "on the balance of probabilities".

Within the criminal courts the burden of proof for prosecution is beyond reasonable doubt. Within the Family Courts the burden of proof is the balance of probabilities.

The burden of proof in law is the "Balance of probability" which means more likely than not to have occurred. Essentially assessments consider a wide range of evidence and holistic information, alongside research and multi-agency information sharing, to come to an informed decision. This also includes the child's voice, parental reflection and wider observations. The Children Act 1989 section 17, section 47, section 20 and section 31 are key.

(DCC) do not hold this information as we do not collect information in this way.

The legal explanation is widely available and researchable and there is statutory guidance which is adhered to – court applications are overseen by legal representatives throughout court applications.

This information is exempt pursuant to s.21 FOIA'00 - this is a legal principle which is readily accessible by others.

The Children Act 1989 and associated statutory guidance such as Working Together to Safeguard Children (Department for Education, 2018). This is publicly available.

This would be based on individual cases, circumstances, and assessments

The Local Authority base recommendations on assessments. If abuse is alleged and investigated by the Police and the Criminal Court then the burden of proof is the criminal threshold of "beyond all reasonable doubt". If a case is heard in Family Court the "balance of probabilities" threshold is used.\*\*

When assessing harm to children, holistic assessments are undertaken by children's social care drawing information from a range of sources and focussing on the impact on the child and the child's lived experience. The information is analysed using our practice model, Signs of Safety.

The Public Law Outline is a legal framework put in place by the Ministry of Justice. It aims to provide guidance for the family court on how to manage cases involving care proceedings.

The Public Law Outline is set out in practice guidance for the family court – Practice Direction 12A. It includes timescales for the courts to follow for each stage of the process, up to the final hearing.

We have publically published procedures for the main aspects of our practice and you can view these here

This question is outside the FOI Act 2000 as it is asking for opinion. We do not have to answer a question if this means creating new information or giving an opinion or judgment that is not already recorded.

Social workers are required to follow the Children Act, Working Together procedures and SET (Southend, Essex and Thurrock) Safeguarding and Child Protection Procedures when making decisions. These cover the following questions:

LBWF and CSC in general have a number of guideline documents that inform threshold decision making amongst that being Local LBWF threshold doc/ Police threshold doc/London Continuum of need/Barnados but also legislation that informs practice i.e Childrens Act and Working Together. These are used in combination with information received and gathered through multi agency working to make a threshold decision and are not based on one element alone.

The threshold for safeguarding is whether a child has, or is likely to have suffered significant harm

We do not hold this information as there is no burden of proof.

Investigations are conducted following Scottish national child protection guidance. Burden of proof within children's hearing system is established on Scottish law, for non-offence grounds, as the common law test.

beliefs? In Scotland, the civil standard of proof (on balance of probabilities) is use in child protection proceedings. More information on this can be found at <https://www.scra.gov.uk>

In compliance with the Freedom of Information (Scotland) Act 2002, we are required to provide notice that the information requested above is not held under Section 17 – Information not held. You may wish to contact the Scottish Children's Reporter Administration

'Our Ambition' is based on a vision of working together to create a positive, confident and sustainable future for Shetland. Our shared values across all services are; providing excellent services, taking personal responsibility and working well together. Children's Social Work services are built on relationship based practice and work to a code of practice that incorporate the following values; maintain and promote the dignity, safety and choice, privacy and potential of people who use services and

balance these with consideration of the needs of others for protection, treat everyone equally, and value their distinctiveness and diversity. The Shetland Islands Council Website, The Chief Social Work report and Scottish Government published statistics should provide information in relation to your questions.

Balance of probability – a professional assessment and recommendation is made to the appropriate source, ie, Sheriff/SCRA, who ultimately decides whether the evidence meets the burden of proof. Lawyers/Solicitors will represent parents as best they can to influence the outcome according to law

We do not hold this information as a corporate record

There is no burden of proof there is the threshold of significant harm under s47 of the children Act 1989. The threshold indicates that the Local Authority have a duty to investigate where there is information to suggest that a child is likely or is suffering significant harm. The information gathered must be evidence based and agencies contribute to the assessment.

I do not believe that this is a competent request for recorded information as you have asked me to discuss a concept (the burden of proof). This is a legal term and I believe that you may, in fact, mean the standard of proof (this being the level of evidence required before an agency will support the view of an individual reporting abuse). Under my duty to advise and assist, please note that all allegations of abuse will be reviewed and investigated as appropriate and that Child Protection Procedures can be invoked where allegations are found to be credible.

Every situation is risk assessed individually using the integrated assessment framework

. We work, as do all public bodies in Wales, to the Wales Safeguarding Procedures.

## Question 2.

How many times does a parent need to pass a parenting assessment before they are no longer required to take part in a parenting assessment? Is this subjective to new allegations

Each case is seen as an individual and assessments will be undertaken to inform this process, to consider care planning and to be put before the court so that decisions can be made in the child's best interest

If a parent is assessed as being a safe parent they would not need to keep being reassessed, but if their circumstances change they could have a fresh assessment. Parenting assessments are not recorded in terms of 'pass' or 'fail', and the decision to undertake a further assessment where one has been previously undertaken is

made on a case by case basis and there is no number set by way of limit.

A parent may have had previous a positive assessment but then a serious incident that precipitates a Court / Local Authority to undertake a further assessment.

Conversely, a parent may also have had previous assessments that have not been positive but circumstances may change for the better that merits an updated assessment of their capacity to care for their child.

We use the National Practice Model to conduct a holistic assessment of the child's needs and this includes the contributions of parent(s)/carer(s). The assessment is child focused. Where new disclosures or allegations arise, these would be investigated using child protection procedures and/or using risk assessment tools as appropriate to establish any further risk/need - and the child's plan may be updated in line with this.

Yes, would be dependent on circumstances and areas of risk and concerns which have been identified. If new allegations are made then each allegation would be assessed as appropriate.

Any new concerns would prompt an assessment review.

Each assessment is dealt with on a case by case basis and evidence is drawn at the time of completion as assessed by whoever has been tasked with conducting the assessment.

There is no answer to this. Every case although sharing similar features is unique. If the case is in court it is for the court and the other parties to decide whether there are unknown areas that need assessing which will enable the judge to make a more informed decision.

It depends on the circumstances and context. Each assessment considers current and historical concern.

Please refer to the information given under question 1. Any new allegation/s must meet the threshold for Children Social Care involvement to either assess a child's additional needs or act or/and investigate a safeguarding concern. While we consider past assessments including parenting assessments, our decisions on new parenting or other assessment/s are made based on the needs/risks identified during the current assessment or involvement. Therefore there is no definite answer to your question on when do a parent no longer required to take part in a parenting assessment. In many situations, parents themselves ask for a new parenting assessment. Local Authority takes decisions on parenting assessments based on the evidence gathered during their current involvement.

This is done on a case-by-case basis

Information is not collated so unable to answer.

There is no specific number of times that a parent may need to pass a parenting assessment before they are no longer required to take part in a parenting assessment. If a parent is asked to attend a parenting assessment more than once, it would be in relation to a different issue and/or at a later date.

The response to this question only considers children who are supported by Social Care Services.

There is no set number of parenting assessments that a parent will be asked to engage with – it depends on the individual circumstances of the family. Parenting assessments are complex, in-depth assessments of parental capacity, which are usually undertaken when there are significant concerns about the wellbeing and safety of a child (for example when a Child Protection Plan is in place or Court processes have been initiated). In general, such assessments are routinely undertaken with a view to formulate a support plan, to enable the parent(s) to improve the areas of parenting considered to be inadequate, or, as part of the Court process, to inform the plans for the child's permanency. New allegations, if relevant to the child's welfare, are usually investigated by the allocated social worker and are taken into consideration in the review of child's plan. A new parenting assessment is not subjective to new allegations as such, but may be subjective to changes in the child's and / or parents' circumstances.

Parenting assessments are undertaken to identify strengths and needs. Each one is unique to that parent, and are not viewed as a 'test to pass'. For some they are for very brief episodes, and in others the support (and review of support) can go on for many years.

Again, we cannot answer this scientifically as information is not collected in a way that could be shared – would be based on observations of managers/anecdotal.

This depends on the individual circumstances of each case.

In general, where a parent undertakes a parenting capacity assessment and there are no new concerns, we would support their child being returned and there would be no need for any further parenting capacity assessment

There is no 'pass' for a parenting assessment. The assessment is carried out in partnership with parents and parameters agreed in advance.

For information Parenting Capacity Assessments do not have a pass or fail outcome but identify areas of strength and areas of concern. The authority would in some circumstances carry out additional assessments if the life circumstances of the parent had changed, e.g in a new relationship, made progress in relation to involvement in criminal behaviour, progress in relation to illegal drug use etc.

No threshold figure. Changes in circumstances will be reflected within an assessment.

support is provided based on assessment of need and risk, which can include parenting assessment. It would be impossible to generalise how often a parenting assessment is undertaken as it is done so in response to individual circumstances.

All referrals to Children's Social Work are investigated. Outcomes may differ according to professional assessment, and this would depend on the particular case, therefore under S17 of the Freedom of Information (Scotland) act 2002 we advise that we hold no information in relation to your request.

There is not a pass outcome in respect of parenting assessments therefore the council does not hold this information. You are advised in terms of section 17 of the Freedom of Information (Scotland) Act 2002 (FOISA) that the requested information is not held.

There is no rule on this matter. It is considered on an individual basis.

Yes, this is subjective to many change factors and each case is dealt with depending upon individual needs.

Parenting assessments are undertaken to inform decision making and to ensure that parents have the right support in order to offer their child the parenting required. Parenting assessments might be repeated if there has been a change of circumstances - this might be a new partner, subsequent child, new risk factor or protective factors. A further parenting assessment can evidence positive changes to parenting as well as explore concerns.

4. We do not hold this information and consequently it is not held as per Section 17 of the act. Under my duty to advise and assist, please note that the Children and Families Directorate of the Scottish Government have published good practice guidance for all agencies and practitioners working with children, young people and families affected by problematic alcohol and/or drug use:

Each new situation / concern / subsequent child would need to be assessed because it is recognised that circumstances can change. Any new allegations would naturally have to be investigated and assessed as appropriate.

Every situation is assessed on an case by case basis

Dependent on individual circumstances

There is no pass/fail as such in parenting assessments. They are a piece of work and then analysis. Every case is considered individually and on the circumstances for the child being considered in proceedings. The number of parenting assessments completely depends on the circumstances at a point of time.

Question 3.

How often does child social services get involved with someone over allegations regardless of previous positive involvement? for example a parent has passed multiple assessments but new allegations are made by either the same person or family of the same person. Does there come a time when child social services look at this as harassment and stop investigating. Any reports, rules etc on this would be helpful.

This would be incredibly rare. We have not had this sort of occurrence in at least the past decade

I do not consider this to be a valid request for recorded information, but an attempt to obtain a corporate position based on a series of questions linked to a hypothetical scenario.

All child welfare protection concerns are assessed and investigated.

This depends on the individual circumstances of each family and nature of the allegation.

We do not hold this information.

Information is not held / available in terms of reports / stats.

We are aware that sometimes a referral may be made with malicious intent and therefore we do not want to act where there is no need but to reach the point of knowing this is the case means understanding for ourselves that there is no substance to what is being alleged. If that position has been reached, then we would weigh up what is being referred against our most recent assessment and the wider context. It does happen but it is very rare.

This is a very specific set of circumstances and we do not record this information in a reportable format. If this circumstance had occurred it would be recorded on an individual's case file, however, we'd have to trawl through all care records from 2010 onwards. Section 12 of the Act allows a public authority to refuse a request for information where the cost of dealing with it would exceed the appropriate limit, which for local government is set at £450 (equivalent to 18 hours of work).

This is therefore a refusal notice under the provisions of Section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

We do not hold any reports or statistics in the area you are suggesting.

We have publically published procedures for the main aspects of our practice and you can view these here



These procedures, together with our statutory guidance here will hopefully answer many of the questions you have regarding processes.

If an allegation of abuse is made against a child there is a duty to investigate.

Any concerns high-lighted in relation to the welfare of a child/ren will always be investigated to ensure the child's safety and welfare remains paramount.

The Local Authority continue to hold a duty to investigate allegations to ensure the safety of a child consideration is given within the Strategy meeting as to the history and this would be considered if there have been a number of unfounded allegations weighing up the impact on the child of further interventions based on the evidence presented in the allegation.

We do not hold data on this as this relates to opinion or conjecture and therefore not a valid FOI question

There are no rules around this; each allegation, new event would be considered on its own merit within the context of the history.

All referrals to CSC are screened by MASH regardless of how many times referred

We need to look at each referral as it comes to us but we do take account of the possibility of malicious referrals or harassment.

All referrals are assessed and investigated as appropriate.

We do not recognise the term 'pass' a parenting assessment. We work with families in working on plans to help them parent safely and effectively, with clear information where this is not achieved. We could not guess at percentages

The Belfast Health and Social Care Trust do not electronically count this type of information. To do so would be a manual review of case files which would be in excess of the time allocated to this FOI. Of note, any consideration to not investigate a recurrent complaint would be case specific and determined by a range of variables. Any decision will be directly informed by what is in the best interests of the child.

We do not hold this information as a corporate record.

This is dependent on the information that is present to Social Services. As standard the social workers would need to review information on a case-by-case basis and triage information with relevant family members and/or professionals with parents' consent.

Cardiff Council can confirm that its Social Services team are currently looking at developing a framework for consistent complaints where allegations are made about the other parent

All allegations have to be investigated regardless of previous knowledge and previous assessment. If an individual believes they are being harassed, they must report this to the Police to be investigated. It is not for the Local Authority to determine. There are no reports or rules pertaining to this but the Wales Safeguarding Procedures confirm all concerns must be investigation.

If social services receive an allegation of abuse they have a statutory responsibility to investigate this on every occasion

To sum this up. There's NO burden of proof in regards to child abuse, just a balance of probability. (weighed up by the local authority)

There is NO passing any parenting assessments. But the local authority can state you've failed.

There is NO limit to the number of times the local authority can assess your family.

This is from their own answers. No need for the writer of this report to say anything for or against the local authority. However, the writer will state they're not surprised families say they're damned if they do and damned if they don't. This report proves the local authority play with a loaded deck.

