

Task 4

Go to www.justice.gov.uk and locate the **Public Law Outline**. Download it and save it to your computer as you will need to refer to this as we progress through this series. You may wish to print and retain a hard copy for your file. Alternatively, you may request a copy from the Family Policy Division, Ministry of Justice, 4th Floor, Selbourne House, 56-60 Victoria Street, London, SW1E 6QW.

The PLO must be read in conjunction with the associated Practice Direction –titled Guide to Case Management in Public Law Proceedings. This also came into effect on 1/04/08 and can be accessed at www.justice.gov.uk

We have seen how a child may be referred to social services through a direction from the court but a referral may also come from a variety of different sources. All referrals or allegations concerning children must be taken seriously. It is important that all child protection services are well signposted locally. The police, health and education agencies have a vital role in identifying whether a referral should be made; equally a referral may come from a neighbour, friend, member of the community, the family or child concerned or it may be an anonymous referral. However the referral is made, the Children Act 1989 imposes responsibilities on local authorities to identify certain services to those children who are 'children in need'. This may lead to intervention by the local authority but every local authority must take reasonable steps to reduce the need to bring care or supervision proceedings. So we can see the clear emphasis on the need for a local authority to work with and support a child and family rather than move first and foremost to court proceedings.

4 A “child in need”

The trigger for the local authority's duties and responsibilities is to identify whether a child is a '**child in need**'. Under **s.17 (10)** of the **Children Act 1989** a child is defined as being 'in need' if:

- (a) he is unlikely to achieve or maintain or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision for him of services by a local authority; or
- (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- (c) he is disabled.

This definition includes not just those children who are suffering but also those who may be affected in the future if assistance is not provided for them. Development is defined as physical, emotional, social, intellectual