

Safe, Secure & Thriving Campaign FAQs



How big is the problem?

This is a great question and one that we cannot answer. There is no one body – statutory or otherwise – which collects statistics on the number of children in local authority care who are sent abroad. Not the courts, not CAFCASS, not the Department for Education.

More worryingly, there is little monitoring of these placements and the long-term effects on children. As a charity, every few years we monitor the efficacy of our own practices and the impact of our work. In 2018, we took a sample of 78 international kinship care placements and found that: in 38 cases (49%) we were not able to obtain information about the outcome for the children. In 19 cases, the children were not placed with family members overseas, either at their own request or because the family member was not a suitable carer. In 21 cases, the children were placed with family members overseas. Within two years of the placement, we found that two families experienced placement breakdown. We encourage you to read the research [here](#). We recognise that we are only a small part of the big picture. More monitoring is needed.

While statistics are not available on the frequency and dispersion of care proceedings with an international element, in 2019, 34.3% of all children born in England and Wales had either one or both parents born outside of the UK; up from 33.8% in 2018.

Why does the data matter?

Currently, we only have reports from local authorities on individual cases and sporadic third sector research, with no large scale data to contextualise the issues or influence policy. This means we do not know how many children are being placed overseas in total, in what countries they are being placed, what orders are being used to facilitate these placements and how many are successful or how many eventually breakdown. We have enough information to understand the issues, but there is not enough data or consistency in its recording to undertake meaningful analyses. In order to design the systems and safeguards that can best protect children, we have to develop a strong base of evidence to build on. And in this case we are really starting from the beginning, and therefore the first thing we must ask for is the numbers of children being placed overseas to be recorded by the Department for Education.

Aren't social workers required to put a post-placement plan together as part of the Care Plan submitted to courts?

Yes, they are. Many do. However, after a consultation with families abroad and other kinship care organisations in England, we believe that the post-placement elements of these plans are not being acted upon. Peers have informed us that even where Supervision Orders are in place they are not acted upon.

Isn't it a legal obligation for local authorities to ensure the safety of a child who was once in their care?

Generally speaking, yes. We find that most children are placed with kinship carers on Special Guardianship Orders (SGOs), and less frequently on Child Arrangement Orders (CAOs). In a domestic setting, where the child was previously Looked After, the local authority that looked after the child has responsibility for providing special guardianship support services for the first three years after the making of a Special Guardianship Order even if a Special Guardian moves to a different local authority.¹ However, in an international setting, it is not clear whether these support services are provided in the same way that may be to special guardians who live in the UK, who may be more familiar with the system and less likely to encounter a language barrier in accessing these services.

Sadly, CFAB has encountered cases where family breakdown has occurred abroad and neither the sending nor the receiving state think they have responsibility for the child.

Moreover, there is an increased risk with international kinship placements as often the child will not have lived with the kinship carer previously. Accordingly, it is more likely that such placements will be 'untested', which may indicate a greater need for post-placement support and monitoring.

We feel this increases the need for post-placement monitoring, to ensure the child/ren is safe and thriving. We considered advocating for interim orders but ultimately concluded that there would be significant legal challenges associated with securing the return of a child back to the UK if the placement is not working, as well as practical difficulties associated with monitoring the progress of the placement.

What happens if a placement overseas breaks down? Who has responsibility?

As mentioned above, while it is clear that the sending authority would have responsibility for a child placed on an SGO for three years after placement, we are unclear as to whether these support services are provided and accessed by special guardians in international cases.

Furthermore, it would seem that upon the making of a final order placing a child with a kinship carer overseas, the UK court does not have the ability to intervene in the event of placement breakdown. With the above considerations, we feel it is all the more important that post-placement plans are enforced and support is given to kinship carers abroad to minimise placement breakdown.

Isn't there a legal obligation on local authorities to notify foreign authorities when a child is placed in their jurisdiction? Shouldn't that be enough?

Under Article 33 of the 1996 Hague Convention the authorities in the UK are required to seek the consent of the relevant competent authorities in a receiving country before placing a child in their jurisdiction. It is for the authorities of the receiving country to decide whether the placement contemplated is one which requires their consent under these legal regulations, but this will usually be the case where it is expected that there will be some kind of post placement support for the child in the receiving country. This provision can enable Local Authorities to give early consideration to what form of post-placement support they envisage a child will need if placed overseas, and to co-operate and communicate with their counterparts overseas to secure their agreement to the provision of this support, before the child is placed overseas.

Why does the local authority need to check on the child if s/he is with family?

They don't make checks on family placements in the UK.

Please see our response on the obligation of local authorities to ensure the safety of the child. In the UK, local authorities should be regularly checking on children placed with family members through Special Guardianship Orders to ensure they are safe and thriving. If we feel this is the right approach domestically, we need to consider how we can achieve a similar outcome for children placed with family members abroad.

Won't further checks cost a lot?

No, for several reasons. Firstly, local authorities have several options to ensure the safety and sustainability of the child's placement. They can request that the receiving authority undertake the checks. Many countries with developed child welfare systems can do this. Secondly, they can commission CFAB to undertake post-placement welfare visits as we have local partner agencies in many countries around the world which can do this. Thirdly, they may be able to request a welfare visit through the Central Authority within the Hague Convention 1996. We are not aware of this route being successful, but it may be legally possible. Finally, although not an ideal option, they can request verification from the receiving family that the child is safe and thriving. Although this is subject to manipulation, we feel that many families would understand the importance of confirming their child's safety and it is a better confirmation than none at all.

Moreover, it is important to remember that the local authority is saving significantly more money by placing the child/ren with family than having them in foster care. Some of these savings should be applied to ensure the local authority has achieved the best outcome for a child.

Children Services budgets are already very stretched. Why should more money be spent on children abroad?

First, see our response on costs above.

Second, we believe all children have the right to live safely with family no matter where they are. This right is enshrined in the UN Convention on the Rights of the Child. Additionally, many of these children will be British children and it is in the interest of this country to ensure their safety.

What is 'an appropriate period of time' for checks?

Just as every child is different, so is every family case. We do not feel we can prescribe the length of time within which a welfare check should be made. It will depend on the level of vulnerability of the child, the stability of the placement and the degree of child welfare support available in the destination country. We believe the local authority social workers are the best placed to make this determination in the Final Care Plan, and agree with the receiving authority.