

CFAB

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

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

Safeguarding children in need of protection who travel abroad

This report explores outcomes for children travelling abroad, the challenges in ensuring their welfare, and identifies effective practice.

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Foreword from Jean Ayoub, Secretary General of the International Social Service Network

I am very pleased to provide the foreword to this important research, undertaken by Children and Families Across Borders (CFAB), the UK representative of the International Social Service network, with funding from the Esmée Fairbairn Foundation.

Globally, a increasing number of children and families, and often children by themselves, are crossing borders for a variety of reasons; be they personal, economic or, as many are, fleeing violence and insecurity. Specifically, the recent refugee crisis has demonstrated the scale of the movement of vulnerable persons around the world, and shown us all the huge risks and obstacles that children face when crossing borders.

A globalised society requires us to work in a more global fashion, cooperating effectively across international borders, and below I outline what I believe are some of the fundamental requirements for this, as illustrated by this report.

In reading this research, the need for effective international cooperation was underlined by the finding that one in four children who travelled abroad remained at risk of abuse and/or neglect. Our response to this must be to ensure that, wherever we can, we work together to ensure that vulnerable children are better protected when moving across borders. This means ensuring that we understand what we need to do and when we need to do it. It means identifying any gaps in our knowledge, skills or training and taking steps to address these.

In many cases, it is simply about getting the basics right – gathering the right information, being prepared, and knowing what to do with that information if required. As CFAB's team of intercountry social workers know all too well, working across borders and inter-agency cooperation on an international scale often takes longer than domestic casework. However, the finding in this research that it took an average of 45 days for a UK local authority to make a referral for an international child protection alert to be issued, when a child at risk had travelled abroad, is a clear concern, and highlights a clear need for a quicker and more effective response when vulnerable children are in need of protection.

It is worthwhile mentioning that the worrying situation highlighted in this research is encountered in other countries as well ; only a closer cooperation and a greater trust between our network's professionals and competent authorities can yield positive results in terms of more efficient care and a more effective response.

A more effective response also means recognising our responsibilities in relation to vulnerable children moving overseas. With regards to safeguarding practice, this means working more closely together to ensure that information received about vulnerable children is acted upon swiftly and appropriately. We all have a duty to ensure that vulnerable children, wherever they are, do not 'fall between the cracks'.

Finally, we are currently witnessing many changes on the international landscape, which will have implications for us as professionals. However, I am confident that we can rise to the challenges brought about by these significant changes. All children, wherever they are, have a right to a family life and to live safely without fear of harm, and we all have a duty to protect these vulnerable children's rights and interests, and enable them to fulfil their potential.



Jean Ayoub
Secretary General of the International Social Service Network



Executive Summary

This study is based on a case audit of 79 cases that were referred to Children and Families Across Borders (CFAB) between 2015 and 2016 where a child in need of protection had travelled abroad. The aim of the study was to better understand the outcomes for these children, the challenges in ensuring their welfare, and to identify effective practice.

The key findings from the case audit were that:

- 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 from the time that the child became at risk for a UK local authority to make a referral to CFAB for a child protection alert abroad.
- The key contributing factors for this delay appeared to be because the child's location abroad was not known and a lack of understanding among professionals of effective procedures in these cases.
- There were some cases where children remained at risk and no country appeared to have ongoing responsibility to follow-up on the case. These were cases where a UK local authority had issued a child protection alert abroad and subsequently closed the case before receiving confirmation from the other country that the child was located. When the other country responded that the child was not located, it appeared that neither country held responsibility to follow-up on the case.

CFAB recommends that practical guidance for local authority safeguarding teams is needed with the aim of reducing the number of children who remain at risk after travelling abroad and to shorten the delay in issuing a child protection alert overseas. CFAB, along with relevant governmental and non-governmental agencies, is currently developing a guidance for local authority safeguarding teams.

Introduction

This report sets out the findings of a study, completed in 2017-2018, to gather data about children in need of protection who have left the UK and travelled to other countries. In these cases, where a UK local authority has been involved with the child and is aware of the concerns, the local authority has a responsibility to pass on the information to the other country so that they are aware of the situation of the child who is now in their jurisdiction.¹ The cases examined in this study illustrate some of the challenges, effective practice, and outcomes for children in need of protection when they leave the UK.

This report is part of a larger study by Children and Families Across Borders (CFAB)² into cross-border children and families cases, where the aim was to gather information to inform improvements in policy and practice. The research was led by CFAB with a grant from the Esmée Fairbairn Foundation and advice and guidance from a Research Advisory Group.

Methodology

CFAB employed a case study approach, by auditing cases referred to CFAB between 2015 and 2016, and conducting two focus groups with local authority social workers, solicitors and CAFCASS children's guardians. The cases that were examined in the audit (79 cases) were taken from a wider sample of 200 cases audited as part of CFAB's wider study on cross-border children and families social work.³ The 79 cases represent all of the cases in the wider

study that involved an “outgoing” (i.e. UK to another country) request to share information with another country or to arrange a welfare visit, for a child in need of protection who was outside of the UK.

Only cases that were closed at the time that the audit commenced in 2017 were included in the sample, with the exception of re-opened cases, some of which were still open. Cases were selected randomly, with the exception of cases that had been re-opened, which were purposively included as it was presumed that they could provide examples of where things have gone wrong.

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 to an Excel worksheet. Open fields were used to input data about challenges and good practice for each case. 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.).

In addition, 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 5 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 themes, which were pre-selected by CFAB.

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 (e.g. to obtain a welfare report on the situation of a child who is abroad), and the case file will therefore not always 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.

Findings

Description of the cases in the sample

There were 150 children involved in the 79 cases audited, including 8 unborn babies. In 48 cases, the child/ren had travelled to an EU country while in 31 cases they had travelled to a country outside of the EU. In 51 cases, the child/ren had travelled to a country that was part of the Brussels IIA and/or 1996 Hague Convention⁴, while in 28 cases the other country was not contracting to either international agreement (all EU countries with the exception of Denmark are part of the BIIA Regulation and some countries outside of the EU are contracting to the 1996 Hague Convention).

59 cases had been referred to CFAB by a UK local authority while 4 cases were referred by other UK authorities, including the police and prison officials. Nine cases were referred to CFAB by individuals in the UK directly and 7 cases were referred by charity organisations in the UK on behalf of individuals. These organisations included the NSPCC and Red Cross.

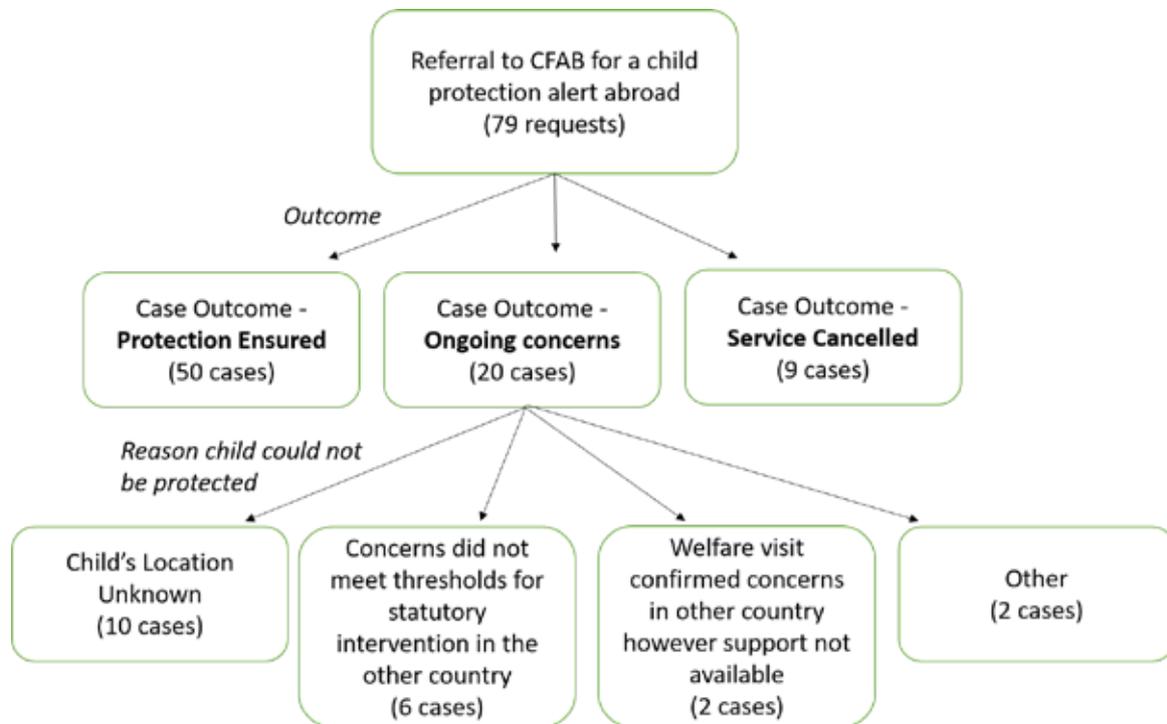
Outcomes for children

In 20 of the 79 cases (25%), it was not possible to ensure the welfare of the child/ren who were abroad. This involved a total of 40 children who remained at risk. When looking specifically at the 59 cases referred by a UK local authority to CFAB, 12 cases concluded with ongoing concerns for the child/ren, while the child's welfare was ensured in 38 cases and the request to CFAB services was cancelled in 9 cases.

It was more likely that the child/ren's welfare would be ensured when the child travelled to a country that was part of the B11a Regulation or 1996 Hague Convention. In the 51 cases where the child had travelled to a Contracting State, 11 ended with ongoing concerns (22%), compared to 9 of 28 cases with a non-Contracting State (32%).

The most prevalent reason why a child remained at risk after travelling abroad was because their location was not known (10 of 20 cases). Following the child's location not being known, the next most prevalent reason was because the case did not meet thresholds for statutory intervention in other country (6 cases). This included 3 cases in countries with limited statutory social services where CFAB made a referral to a non-governmental partner who would only be able to visit the child with the parent or carer's consent, since they did not have statutory powers. As the family members were uncooperative in these three cases, it was not possible for the child to be visited and any risks assessed. In addition, there were 2 cases where concerns and support needs were identified, however due to limited social and family support services in the country, it was not possible to address these needs. Both of these cases were referred to CFAB by private individuals and there was no local authority in the UK that was involved in the case. Diagram A below illustrates the outcomes of the 79 cases.

Diagram A: Case outcomes



Timeframes to issue a child protection alert abroad and for action to be taken to safeguard the child

In the requests for a child protection alert from local authorities, there was an average timeframe of 45 days between a child in need of protection travelling abroad and a local authority referral to CFAB for a child protection alert. This delay in referrals to CFAB was longer in cases that concluded with ongoing concerns for the child (61 days), compared to cases where the child's welfare was ensured (38 days).

In comparison, there was an average timeframe of 11 days between a local authority calling CFAB's advice line and making a referral to CFAB. CFAB's advice line is open 5 days a week to offer advice and guidance on cross-border cases and to provide referral instructions for potential new cases. In 20 of the 59 cases referred by UK local authorities, the local authority made the referral to CFAB on the same day as the advice line call while it took longer than 2 weeks for the referral to be made in 14 cases. This may indicate that the long timeframe between a child being at risk and the referral being made for a child protection alert is, in most cases, not due to deliberations after the local authority became aware of CFAB's services, but because the local authority was not aware of how to make a child protection alert abroad. This hypothesis was supported by comments from the participants in the professional focus group who referred to not knowing the child's location abroad and a lack of understanding about effective processes as possible reasons for the delays.

After the child protection alert had been made abroad, there was an average timeframe of 45 days for action to be taken. In most cases, this action was for the child to be visited. While the shortest timeframe for a child to be visited was 1 day after CFAB's child protection alert abroad, the longest timeframe was 255 days. The longest timeframe was in a country that was experiencing political upheaval and there were capacity issues within government departments, including local social services.

Other challenges

Follow-up from UK local authorities after a child protection alert abroad: Some cases were recorded where, following an unsuccessful child protection alert abroad (for example the other country confirmed that the child could not be located in their country), there was no follow-up from the UK local authority to take responsibility for further efforts to locate the child. In some cases, the local authority had closed the case after making a referral to CFAB, without waiting for confirmation that the child protection alert had been successful.

Translation of documents: The translation of pertinent documents for the referral abroad was noted as an issue in a few of the cases audited. These were cases involving another a country where it is necessary to translate the

Case illustration:

CFAB received a referral from a UK local authority requesting assistance in issuing a child protection alert to a European country. An unborn child was on a child protection plan due to concerns about the mother's drug use and unstable home environment. The mother was heavily pregnant and informed the local authority that she planned to move to her home country. The mother provided the local authority with her intended address abroad, however when the social services in that country attempted to visit, they could not locate the mother. The UK local authority was informed by CFAB that the mother was not at the address provided, however no further action was taken and the local authority closed the case due to there being no further information about the mother's location.



referral to the native language of that country. In two cases, the UK local authority translated the referral document but not the supporting documents, which were sent abroad in English and may, therefore, not have been understood by the receiving country and incorporated into case planning. The reason for not translating the supporting documents was cost.

Duplicate referrals: There were at least 4 cases where duplicate referrals were made to both CFAB and the UK Central Authority⁵, which created confusion in coordinating information-sharing with the other country. These were cases where the local authority made the same referral to CFAB and the UK Central Authority, asking for a child protection alert to be made overseas. This can cause confusion where the receiving country then receives the same request from two independent agencies and does not know where to direct their response.

Concerns in private law or abduction proceedings: In at least 6 cases, concerns were raised for a child who was subject to private law proceedings, including child abduction proceedings, and it was not clear if these concerns had been passed on to the country where the child was residing as part of the court proceedings.

This issue was also raised by participants in the focus groups, where it was noted that there is a 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.

Case illustration:

CFAB received a referral from a UK local authority to assist in issuing a child protection alert to a European country. A mother, who had abducted her child to the UK, had been ordered by the family court to return to the other country despite the mother alleging that she was subject to domestic violence by the child's father. The UK local authority, who had been supporting the mother in the UK, made a referral to CFAB to request that a child protection alert be made to the other country when the mother and child returned as it was not clear if this had been done as part of the child abduction proceedings. CFAB helped to issue the child protection alert, which resulted in the social services in the other country identifying concerns and continuing to work with the family to safeguard the mother and child.

Good practice examples

Tracing children abroad: In a few cases where the child's exact address abroad was not known, it was still possible to trace the child's whereabouts when they had travelled to countries that hold centralised population registers. For example, this was the case in many referrals to Lithuania and Latvia. In these cases, it was possible to trace the child or family's location based on names and dates of birth. In some countries, it was also possible to issue alerts through local hospitals where there were concerns for an unborn baby and it was likely that the mother would visit a hospital.

Border alerts: In at least one case, a UK local authority put in place an alert at the UK border so that, when the child unexpectedly returned to the UK, the local authority was informed.

Use of non-governmental partners in countries with limited statutory social services: In countries with limited statutory social services, where thresholds for social service involvement can be high due to the laws, practice, and

resources in the country, CFAB was able to ensure that the child was visited by professionals through non-governmental partners. While these cases normally require the voluntary cooperation of the child's parents or carers, which was not always possible, non-governmental partners were able to fill a gap to confirm a child's location, discuss any concerns and needs with the child and family, and put in place support where possible.

Case illustration:

CFAB received a referral from a UK local authority with regards to three children who were on a child protection plan due to emotional abuse and risk of physical abuse. Their mother had fled to the country where she was born, in West Africa, with the children, without informing the local authority. The local authority social worker was in contact with one of the children, who shared their address abroad. Due to limited statutory child protection services in the area where the family were residing, CFAB made a referral to its partner agency in the country, which was a non-governmental organisation, requesting that a welfare visit be completed with the family and for the children to be seen individually. The purpose of the visit was to assess the risk of harm to the children, identify support that could be provided, if necessary, and establish the family's long-term plans.

The social worker abroad had to approach the family by first contacting the mother by phone to request her permission for the visit. After explaining his purpose, the mother agreed to the visit and the welfare visit was completed, with each child seen individually. The children reported that their situation had improved since moving from the UK and they had not been subjected to physical abuse. The mother also informed the social worker that the family were intending to relocate to Ireland.

A report on the welfare visit was shared with the UK local authority. Further enquiries were made by the social worker abroad about the family's plans to move to Ireland. When the family relocated, the UK local authority were able to share their reports, and the reports from the social worker abroad, with the Irish local authority where the family now resided.

Analysis

The findings of this study of 79 cases revealed a worrying statistic that it was not possible to ensure the child/ren's welfare in 1 in 4 cases where a child in need of protection had left the UK. In addition, there was a significant delay of 45 days on average for a UK local authority to make a referral to CFAB for a child protection alert abroad.

The biggest contributing factor to both the delay in making a referral to CFAB and in the child remaining at risk abroad was that the child's specific location was not known. Another factor that was noted by participants in the focus groups was a lack of understanding of effective processes and actions in cases where a child had travelled abroad. This was possibly reinforced in the case audit where, in 20 of 59 cases referred to CFAB by local authorities, the referral to CFAB was made on the same day as the advice line call and in 49 cases the referral was made within 2 weeks of the advice line call. This may indicate that the delay in issuing a child protection alert abroad is because of a lack of awareness of how to proceed, however once the local authority has contacted CFAB they are able to proceed with the alert more quickly.

Despite these challenges, the case audit also revealed that it was not always necessary to know the child's exact location abroad before making the child protection alert, as some countries were able to trace the location based on names and dates of birth. Therefore, local authorities may be unnecessarily delaying sending a child protection alert to another country because they think that they need confirmation of the child's address before making the referral. While this is the case in many countries, it is not the situation for all countries.

Further, there were cases where a child remained missing and at risk and it appeared that no country held responsibility to follow-up to ensure the child's welfare. These were cases where the UK local authority closed the case after issuing a child protection alert abroad and before waiting for confirmation that the alert was successful.



When the other country responded that the child was not located, the UK local authority did not feel that it was their responsibility to re-open the case as the child was thought to no longer be in their area and they had passed the information on to the country where the child was thought to have travelled to. This could be avoided if local authorities kept the case open and remained responsible for the case until they received confirmation that the child has been located.

Conclusion and Recommendations

A worrying number of children in need of protection remained at risk of abuse and/or neglect when they left the UK, either in a planned or unplanned manner. The contributing factors to this include difficulty in ascertaining the child's location 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 among professionals about the best approach for these cases.

CFAB recommends that practical guidance is needed for local authority safeguarding teams to ensure effective actions are taken in a timely manner. CFAB is currently working with other governmental and non-governmental agencies to develop guidance for local authority safeguarding teams. The practical guidance should seek to reduce the delay in issuing a child protection alert and improve the ability to ensure the welfare of children in need of protection who have left the UK. This guidance should address:

- Preventative steps that can be taken, including recording a family's international links during the initial visit with the family so that possible destinations abroad can be identified quickly if the family flees.
- The use of border alerts to identify if a family is attempting to flee the UK and to identify if a child has returned to the UK.
- Effective referral processes to issue child protection alerts abroad and to work with agencies such as the Police and Border Agency to confirm a child's address.
- The responsibility of UK local authorities to share information with other countries when they are aware of concerns for a child who has gone abroad.
- The UK local authorities' ongoing responsibility in these cases if the child's whereabouts remain unknown.

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References

¹This duty is established under Article 36 of the 1996 Hague Convention and applies regardless of the status of the country that the child has travelled to.

² Children and Families Across Borders (CFAB) (www.cfab.org.uk) 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 CFAB 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.

³ For more information about the wider study on cross-border children and families social work, see "Cross-border child safeguarding: Challenges, effective social work practice and outcomes for children," available on CFAB's website, www.cfab.org.uk.

⁴ 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.

⁵ The International Child Abduction and Contact Unit (ICACU) is the Central Authority in England and Wales for the Brussels IIa Regulation and, in England, for the 1996 Hague Convention. The Central Authority in Scotland and Northern Ireland for the Brussels IIa Regulation is the same Central Authority as for child abductions. Scotland, Wales and Northern Ireland have a different Central Authority for the 1996 Hague Convention, see list of Authorities on the Hague website: <https://www.hcch.net/en/instruments/conventions/authorities1/?cid=70>



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