Minimising placement breakdown in international family placements

This report outlines the challenges and risks in international placements and how to minimise the risk of placement breakdown.
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- Issues that led to placement breakdown
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Foreword from Sir Andrew McFarlane, President of the Family Division

I am delighted to provide the Foreword to this important research, undertaken by Children and Families Across Borders (CFAB) with funding from the Esmée Fairbairn Foundation.

This research is published during challenging times for the family courts, and for the care system in general. At a broad level, the pressures of a record number of care order applications made in 2017 and the highest number of children in the care system since the implementation of the Children Act 1989 have already been highlighted earlier this year¹. Unfortunately, there are no quick solutions to these large and complex issues. However, what I believe this research (and in particular the methods used) illustrates very well is that, by taking a closer look at individual cases and identifying where decision-making can be improved and lessons learned, we can gradually ease some of the pressures that our system currently faces.

The central point of note from this research is that, on albeit a modest sample, of the overall number of cases reviewed, placement breakdowns occurred in only 2 of the 21 cases audited where children had been placed with family abroad. This high rate of success demonstrates the potential effectiveness of family placements, and thus the importance of considering family overseas when looking at the various options available for a child’s care. The primary reason for placement breakdown in those two cases – that the overseas family carers were not able to cope with the psychological and behavioural issues which the children were presenting – does, however, highlight an important issue that deserves recognition both in the international and domestic contexts. Family carers agreeing to take on primary caregiving responsibilities for vulnerable children must be given the best support and services available, both from domestic and overseas authorities. The judiciary also has a role in recognising that, all too often, family carers overseas cannot access the same level of support systems which a family carer in the UK might receive.

Ultimately, we are all striving to provide the best possible care for vulnerable children. To ensure that these children do not ‘fall between the cracks,’ and especially when courts are busy and systems are overburdened, the authorities charged with responsibility for their care must be clear as to where these responsibilities begin and end. I am therefore concerned by the finding that there was a lack of clarity about a UK local authority’s ongoing responsibility after a placement overseas has broken down.

The significance of the changes currently taking place on the international stage must also not be overlooked, and likewise their potential implications for the UK courts and care system. We do not know how many children in the care of UK local authorities are foreign nationals but, regardless, all children in care have the right to have any realistic placement with family considered as an option, whether that placement is in the UK or overseas. This research is a timely reminder that, where applicable, international family placements must be explored. However, it must also be acknowledged that doing this effectively, requires careful planning and joint-working between all the agencies involved, to maximise the chances of successful outcomes for vulnerable children, to help them flourish and fulfil their potential.

Sir Andrew McFarlane
President of the Family Division

¹ Care Crisis Review, 2018
Executive Summary

This study is based on a case audit of 21 cases that were referred to Children and Families Across Borders (CFAB) between 2015 and 2016 where a child was placed with family members internationally as an alternative to remaining in care in the UK. The aim of this report is to outline the findings related to the challenges and risks in international placements, and how to minimise the risk of placement breakdown.

While international family placements are viable options for children as an alternative to remaining in care and must be explored to respect the child’s right to their identity and to a family life, it is important to understand the challenges and additional complexity that the cross-border nature of these cases present so that professionals can ensure these placements are safe and in the child's best interests. Although this study was based on a small sample of 21 cases and cannot therefore make reliable conclusions about placement breakdown rates or indicators, there were some concerning practices identified and notable similarities in the cases where an international placement had broken down.

The key findings from the case audit were that:

- Placement breakdowns occurred in 2 of the 21 cases audited where children had been placed with family abroad.
- The primary reason for placement breakdown in the two cases where it occurred was that the child’s carer was not able to cope with the child’s psychological and behavioural challenges.
- A concerning practice was noted where UK local authorities placed a child/ren internationally without going through the process of family court proceedings. In most of these cases, the children had been in section 20 care of the local authority.
- There were questions about the UK local authority’s ongoing responsibility after a placement broke down abroad and when challenges arose in the placement, with signs that local authorities are not taking responsibility for and following-up with international placements. For example, there were long delays in response from UK local authorities after issues that arose in the placement were reported to them by CFAB.

CFAB recommends that:

- Local authorities and courts which are considering an international placement should be aware of how a carer’s potential lack of familiarity with the child’s psychological and behavioural challenges can pose a risk to the long-term sustainability of an international placement. In cases where children experience these issues, particular consideration should be given to the prospective carer’s awareness of and understanding of these challenges, how well they know the child considering that they have been living in different countries, and what type of support can be provided on an ongoing basis to address the issues that are likely to arise. An introductory period prior to the placement may also be recommended.
- Guidance is needed to clarify the responsibility of UK local authorities after a child is placed abroad. This can include good practice guidance about how local authorities can arrange post-placement visits and support, responsibilities to ensure legal recognition of the placement abroad, as well as the local authority’s responsibility if a placement breaks down. Family carers abroad should also be given information about who to contact within the local authority if problems arise, even if the case has been closed to their allocated social worker. CFAB recommends that this should be addressed in the DFE guidance “Placement
of Looked After Children within the European Union.”

- Further exploration is needed on the prevalence of international placements that are arranged by the local authority outside of family court proceedings, and the risks that this may pose to the child. Guidance for these cases, notably when it is appropriate to place a child abroad outside of care proceedings and how local authorities can ensure the child’s safety and transfer of relevant information to the authorities of the other country, should be addressed in the DFE guidance “The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review” and ADCS guidance “Practice guidance for the use of s20 provision in the Children Act 1989 in England and the equivalent s76 of the Social Services and Well-being (Wales) Act 2014 in Wales.”

- More research is needed into the prevalence of international placements and long-term outcomes for children placed with family internationally to better understand breakdown rates and challenges that may arise so that future international placements can take these into account.

Introduction

This report sets out the findings of a study, completed in 2017-2018, to gather data about children who are placed internationally with family members in other countries as an alternative to being looked after in care in the UK. In these cases, most of which have been heard in family court proceedings, a UK local authority will explore if family members, who reside in other countries, can offer the child a safe and secure permanent home. Children and Families Across Borders (CFAB), through its partners in the International Social Service network, helps to arrange assessments of these family members living in other countries. If the assessment is positive and it is determined to be in the best interest of the child, then the child may be placed with their family members abroad. The findings from this study focus on the challenges that can arise in these international placements that may lead to placement breakdown.

This report is part of a larger study by CFAB 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 (21 cases) were taken from a larger sample of 200 cases audited as part of CFAB’s wider study on cross-border children and families social work. The 21 cases represent all of the cases in the wider study that involved an “outgoing” (ie UK to another country) international placement of a child with a family member.

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 purposely 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 international placement cases, “Child Placed Abroad,” “Placement Broke Down,” “Service Cancelled,” etc.).

In addition, 2 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 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, as CFAB will sometimes only have been involved in one part of the case (for eg. to obtain an assessment of a family member residing abroad), some case files did not have full information about the case, such as outcomes for children. Of the 78 cases in CFAB’s wider study where an international placement from the UK to another country was explored, the placement decision was not known in 38 cases (49%). In addition, CFAB would only be aware of a placement breakdown if it was contacted for support after the placement broke down. Enquiries were not undertaken as part of this study to learn if children were still in their placement. This could mean that there were more instances of placement breakdown than we were aware of.

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

Placement and breakdown rates

Within CFAB’s wider study of 200 cases, there were 78 cases that involved the exploration of an international placement from the UK to another country for a child or sibling group. Of these, at least 21 cases involving 27 children resulted in the child/ren being placed internationally. CFAB later learned that 2 of these placements had broken down and a further 4 cases encountered difficulties relating to legal orders and support payments after the child was placed. Diagram A below illustrates the placement outcomes for children.
Diagram A: Placement outcomes

Referral to CFAB for an assessment of a potential family carer abroad (78 requests)

- Child placed abroad (21 cases)
- Child not placed abroad* (19 cases)
- Placement decision not known to CFAB (38 cases)
- Placement broke down (2 cases confirmed)

*Where a child was not placed abroad, the child would have been returned to the care of their parent(s), placed with a family member in UK, remained in care or placed for adoption.

Description of the placements – countries, relationship to carers and legal orders applied

*Countries of placement*

The 21 cases involved placements to 14 different countries. Twelve of the 21 cases involved a placement to a country that was part of the Brussels IIA Regulation and/or 1996 Hague Convention³. The children were placed in the following countries:
Table 1: Country of Placement

<table>
<thead>
<tr>
<th>Country of placement</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Latvia*</td>
<td>4</td>
</tr>
<tr>
<td>2 India</td>
<td>3</td>
</tr>
<tr>
<td>3 Australia*</td>
<td>2</td>
</tr>
<tr>
<td>4 Lithuania*</td>
<td>2</td>
</tr>
<tr>
<td>5 Antigua</td>
<td>1</td>
</tr>
<tr>
<td>6 Bangladesh</td>
<td>1</td>
</tr>
<tr>
<td>7 Botswana</td>
<td>1</td>
</tr>
<tr>
<td>8 Jamaica</td>
<td>1</td>
</tr>
<tr>
<td>9 Netherlands*</td>
<td>1</td>
</tr>
<tr>
<td>10 Nigeria</td>
<td>1</td>
</tr>
<tr>
<td>11 Portugal*</td>
<td>1</td>
</tr>
<tr>
<td>12 Romania*</td>
<td>1</td>
</tr>
<tr>
<td>13 South Africa</td>
<td>1</td>
</tr>
<tr>
<td>14 Spain*</td>
<td>1</td>
</tr>
</tbody>
</table>

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

Relationship of the child to their carer

In 9 cases, the children were placed with or returned to one or both of their parents. In the remaining cases, children were placed with grandparents, an aunt/uncle, great aunt/uncle, or a parent’s cousin. Table 2 provides a breakdown of the relationships between the children and the carers who they were placed with.

Table 2: Relationship of children with carers

<table>
<thead>
<tr>
<th>Relationship of children with carers</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent or both parents</td>
<td>9</td>
</tr>
<tr>
<td>Grandparents</td>
<td>4</td>
</tr>
<tr>
<td>Aunt and/or uncle</td>
<td>4</td>
</tr>
<tr>
<td>Great aunt and/or uncle</td>
<td>2</td>
</tr>
<tr>
<td>Mother’s cousin</td>
<td>1</td>
</tr>
<tr>
<td>Legal jurisdiction for the case transferred abroad</td>
<td>1</td>
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</table>

Legal orders applied to international placements

A variety of legal orders were used for the international placements. In the placements to a relative who was not a parent, Special Guardianship Orders were used in 5 cases, Child Arrangements Orders or Residence Orders were used in 4 cases, the child was placed outside of court proceedings with no court order in 1 case, and in the remaining case the type of order used was not known to CFAB. Diagram B below illustrates the relationship of the child with their carer and the legal order that was applied to the placement, if any.
Issues that led to placement breakdown

In the 2 cases where the placement broke down after the children were placed abroad, the primary reason for the placement breaking down was that the carers struggled to cope with the children's psychological and behavioural challenges, which were present before the placement. In both cases, the child was approximately 10 years old at the time of the placement. Also, in both cases, the placement broke down approximately 3 years after the children were placed. In one of these cases, the carer also experienced difficulties with their own mental health. In the other case, an additional challenge was that the carers were concerned about a negative impact on their own child, who lived in the same home.

In both cases, comprehensive assessments had been completed of the carers before the child was placed. In one case, the local authority initially asked CFAB to arrange for a local social worker in the country of the prospective placement to assess the suitability of the carers. This assessment was positive, however the report was deemed insufficient to meet the requirements of an assessment in the UK so an Independent Social Worker was commis-
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sioned by the local authority to complete the assessment overseas. The result of this assessment was also positive. In the second case, CFAB arranged for a local social worker in the country of the potential placement to complete the assessment. The assessment was comprehensive and met UK standards (over 30 pages, plus appendices) with an exploration of how the prospective carers would meet the child’s individual needs. However, the assessment did identify that the carers felt they did not have detailed information about the child’s behavioural challenges and the assessment recommended that the local authority needed to explore this further with the prospective carers if the child was to be placed.

What happened after the placement broke down?

Neither of the UK local authorities involved resumed responsibility for the children in either case after the placement broke down overseas, although in one of the cases they were asked by the overseas authority to facilitate the child’s return to the UK and accommodate the child in foster care in the UK. In both cases, after the placement broke down, the respective overseas authorities requested the cooperation of the UK local authority that had arranged the placement to re-assess the children’s parent or other relatives in the UK for a potential new placement. In one case, the local authority agreed to complete this assessment, while in the other case they refused due to the historical concerns relating to the parent’s care.

In one case, the outcome for the child was that they were taken into care in the country where they had been placed and there was no request for the child to return to the UK. This was viewed to be in the child’s best interest as they could remain close to extended family members and the child’s friends and school, where the child had developed relationships. In the other case, the overseas authority asked the UK local authority to accommodate the child in foster care in the UK if she could not be returned to her parent’s care. However, the UK local authority refused, arguing that they were no longer responsible due to the length of time that the child had been abroad (3 years). In the end, the overseas authority arranged for the child to return to her parent’s care in the UK, despite the historical concerns and without completing an assessment. The overseas authority then notified the UK local authority that the child was back in the UK. It then became the UK local authority’s responsibility to assess the risk to the child and take action.

Other post-placement challenges - legal recognition of the placement and support payments

In addition to the 2 cases where the international placement broke down, 4 of the 21 international placement cases were re-opened due to post-placement issues relating to the legal recognition of the placement abroad (3 cases) or due to issues in arranging financial support payments to the carer (1 case).

One of the problems that arose was in a placement to an EU country that was party to the Brussels IIA Regulation, meaning that there is a mutual agreement for recognition of legal orders. However, when the child’s carers applied to the local courts in their country for the order to enforced, they were advised that they needed an Article 39 (BIIA) certificate, which had not been provided in the UK Court papers. The court overseas found that that the UK court order was not enforceable in their country without the Article 39 certificate. As the court proceedings had concluded in the UK, it was difficult to obtain the certificate, which should be issued by the family court, and it was eventually provided 19 months after the child was placed.

In another case, where the child was placed under a Special Guardianship Order and there was a support plan in place that included financial payments to the carer abroad, CFAB was contacted after the child was placed because the carer had not received the support payments. These were agreed with the local authority as the child had health needs that required treatment. It transpired that the local authority finance team did not know how to make an international payment and the payment was eventually made 10 months after the child was placed.
Placements arranged outside of family court proceedings

In 16 of the 21 cases where the child/ren were placed abroad, the case was heard in family court proceedings. In the remaining 5 cases, the international placement was arranged outside of care proceedings. Two of these cases involved children who returned to their parents care, which was arranged by the local authority. In a third case, the children had been accommodated under section 20 following physical abuse in the home and were then placed abroad with an extended family member following the local authority assessing the suitability of the placement. In this case, a risk of harm to the children later arose due to the parent’s rights not having been restricted through family court proceedings (see case illustration below).

The 2 remaining cases involved returns through the Assisted Voluntary Return Programme, one of which was a family with 2 children who were returning together, and the other was an unaccompanied minor who was in section 20 care of the local authority, who wanted to return to his parents in his home country.

Case illustration:

In one case where an international placement with an extended family member was arranged outside of family court proceedings, 2 children under the age of 5 years old were placed with an aunt in a European country, having been removed their father’s care due to physical abuse by the father’s partner, which he failed to protect the children against. The children were then accommodated, with the consent of their father, by the local authority under section 20 of the Children’s Act 1989. While there were no court proceedings in the UK, the local authority assessed the suitability of the aunt residing abroad and, rather than seeking a legal order in the UK, planned for the aunt to seek legal guardianship of the children directly from the courts in the country of the placement, after the children had arrived there. The placement nearly broke down a few months later due to the father, who remained with the same partner, threatening to remove the children from their aunt’s care. Due to the absence of a court order to restrict the father’s rights, urgent action then needed to be taken to share the UK local authority’s reports and evidence with the social services and court in the other country, so that they action to be taken to protect the children.

Analysis

Within this small sample of 21 cases, there were 2 known instances of placement breakdown. When compared to recent national research by Judith Harwin and Bachar Alrouh on disruption rates for Special Guardianship Orders, which found a disruption rate of 4% for Special Guardianship Orders and 7% for Special Guardianship Orders with an attached Supervision Order, the breakdown rate in CFAB’s study on international placements appears to be higher. However, the two studies are not directly comparable as Harwin’s study looked at cases that returned to court for section 31 proceedings, which is a higher threshold to define disruption. In fact, the 2 cases that broke down in CFAB’s study would not have been included in Harwin’s study as they did not return to court in the UK. Also, as the sample in the CFAB case audit is small and we did not follow-up on international placement cases to find out if the children were still in placement, the breakdown rate in this study is not a reliable measure for international placements.

There were strong similarities in both cases where the placement broke down. Both children were approximately 10 years old at the time of the placement and the breakdown occurred 3 years after the placement. In both cases, the key reason for the breakdown was that the carer struggled to manage the child’s psychological and behavioural challenges. While these may be challenges that are present in domestic kinship placements, it is possi-
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ble that the challenges could be amplified in international placements, where the carer and child have been living in different countries and the carer may therefore not have an intimate, first-hand understanding of the psychological and behavioural challenges that the child presents with, or how they themselves might cope. It was also notable that, while it is frequently difficult to secure assessments from abroad that meet UK requirements due to differences in social work practice in other countries, the assessments in both of these cases were deemed to meet UK standards.

In addition, the audit revealed a concerning practice where local authorities had placed children internationally without going through the process of family court proceedings. In most of these cases, the children had been in section 20 care of the local authority. These cases are particularly concerning in instances where a parent is known to pose a risk to the child but the local authority has not taken steps to restrict the parent’s rights before the child is placed with a relative abroad. Although there was only one example of this in the case audit (and 2 further instances where children were returned to parents, albeit with safeguarding concerns that needed to be assessed), it does pose a question about the use of section 20 care with children who are placed abroad with extended family members and if it should be necessary for these cases to be heard in the court arena, both to ensure that necessary legal orders are in place, and to ensure that parents and children are properly represented and their wishes taken into account. In recent years, judicial concern was raised about the misuse of section 20, particularly where the use of section 20 created delays in issuing care proceedings and resulted in drift. However, the debate did not extend to cases where children under section 20 accomodation were subsequently placed abroad by the local authority.

Lastly, some of the issues identified in the audit raise the question of the UK local authority’s ongoing responsibility after children are placed abroad. In both cases where the placement abroad broke down, the overseas authorities requested assistance from the UK local authority – in one case this was to complete assessments of prospective carers in the UK, which the UK local authority agreed to, and in the other case this was to complete assessments of a prospective carer in the UK and then to accommodate the child in foster care in the UK. It was notable that, in one case, the UK and overseas authorities had different views about the UK local authority’s ongoing responsibility for the case and if it was in the best interest of the child to return to the UK. The outcome for the child in this case was a risky placement where the overseas authority returned the child to her parent in the UK, who was known to pose a risk to the child, without the agreement of the UK local authority. In addition, the cases that were reopened due to difficulties relating the legal order being recognised abroad and financial support payments indicated that UK local authorities did not follow-up after the placement and there were long delays before they took action after CFAB informed the local authority of the challenges that had arisen.

Conclusion and Recommendations

While international family placements are viable options for children as an alternative to remaining in care and must be explored to respect the child’s right to their identity and to a family life, it is important to understand the challenges and additional complexity that the cross-border nature of these cases present so that professionals can ensure these placements are safe and in the child’s best interests. Although this study was based on a small sample of 21 cases and cannot therefore make reliable conclusions about placement breakdown rates or indicators, there were some concerning practices identified and notable similarities in the cases where an international placement had broken down. The key findings from the case audit were that:

- Placement breakdowns occurred in 2 of the 21 cases audited where children had been placed with family abroad.
- A further 4 cases were re-opened due to problems with legal recognition of the placement in the country where the child was placed (3 cases) or problems in arranging financial support payments to the carer internationally (1 case).
There were similar characteristics in both cases where the international placement broke down. In both cases, the children were approximately 10 years old at the time of the placement, the breakdown occurred about 3 years after the child was placed, and the children had existing psychological and behavioural challenges.

The primary reason for placement breakdown was that the child's carer was not able to cope with the child's psychological and behavioural challenges.

Issues with legal recognition of the placement in the country where the child was placed, and in making financial support payments internationally, also led to problems post-placement.

A concerning practice was noted where UK local authorities placed a child/ren internationally without going through the process of family court proceedings. In most of these cases, the children had been in section 20 care of the local authority.

There were questions about the UK local authority’s ongoing responsibility after a placement broke down abroad and when challenges arose in the placement, with signs that local authorities are not taking responsibility for and following-up with international placements. For example, there were long delays in response from UK local authorities after issues that arose in the placement were reported to them by CFAB.

CFAB recommends that:

- Local authorities and courts, which are considering an international placement, should be aware of how psychological and behavioural challenges can pose a risk to the long-term sustainability of an international placement. In cases where children experience these issues, consideration should be given to the prospective carer’s awareness of and understanding of these challenges, how well they know the child considering that they have been living in different countries, and what type of support can be provided on an ongoing basis to address the issues that are likely to arise. An introductory period prior to the placement may also be recommended.

- Guidance is needed to clarify the responsibility of UK local authorities after a child is placed abroad. This can include good practice guidance about how local authorities can arrange post-placement visits and support, responsibilities to ensure legal recognition of the placement abroad, as well as the local authority’s responsibility if a placement breaks down. Family carers abroad should also be given information about who to contact within the local authority if problems arise, even if the case has been closed to their allocated social worker. CFAB recommends that this should be addressed in the DFE guidance “Placement of Looked After Children within the European Union.”

- The prevalence of international placements that are arranged by the local authority outside of family court proceedings, and the risks that this may pose to the child, should be further explored. Guidance for these cases, notably when it is a appropriate to place a child abroad outside of care proceedings and how local authorities can ensure the child's safety and transfer of relevant information to the authorities of the other country, should be addressed in the DFE guidance “The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review” and ADCS guidance “Practice guidance for the use of s20 provision in the Children Act 1989 in England and the equivalent s76 of the Social Services and Well-being (Wales) Act 2014 in Wales.”

- More research is needed into the prevalence of international placements and long-term outcomes for children placed with family internationally to better understand breakdown rates and challenges that may arise so that future international placements can take these into account.
Acknowledgements:

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Dez Holmes, Research in Practice
Emily Halliday, CAFCASS
Helen Johnston, CAFCASS

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Lastly, we would like to thank the Esmée Fairbairn Foundation for their generous funding that made this research possible and for their ongoing support to CFAB’s work to ensure that children in cross-border situations are protected and have their right to a family life upheld.

References

1 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 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.

2 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.

3 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.
In one case, the child (under 5 years old) was in a private fostering arrangement that broke down, and in the other case the child (13 years old) had been looked after by a close family member and was then accommodated by the local authority under section 20 when that arrangement broke down.

Assisted Voluntary Return is a scheme run by the UK Home Office to offer individuals and families without a legal immigration status to remain in the UK with support to return to their home country voluntarily. During the time that the cases included in this study were open, Assisted Voluntary Return was administered by the charity Refugee Action, through a grant from the Home Office. CFAB completed risk assessments in cases where there was a safeguarding risk for the child/ren returning. However, since then, Assisted Voluntary Return is now run internally by the Home Office.

This study used CAFCASS case data between 2007 – 2016 to report on national rates of return to court for new section 31 proceedings within 5 years for children under three types of orders: Special Guardianship Orders, Supervision Orders, and Special Guardianship Orders with an attached Supervision Order. The study found that 4% of Special Guardianship Orders and 7% of Special Guardianship Orders with an attached Supervision Order returned to court within 5 years for new section 31 proceedings. See Harwin, J. and Bachar Alrouh (2017). Supervision orders and special guardianship: How risky are they? Findings from a national study of supervision orders and special guardianship. Family Law, May 2017 issue, 513-518.

Following the concerns raised about the use of section 20 in N (Children) (Adoption: Jurisdiction) [2015] EWCA Civ 1112 and other cases including Williams and anor v London Borough of Hackney [2015] EWHC 2629 (QB) and Re W (Children) [2014] EWCA Civ 1065, the ADCS published practice guidance for the use of the section 20 provision, see http://adcs.org.uk/assets/documentation/S20_Practice_Guidance_final_Apr_16.pdf