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Child Protection And Children From Black And Minority Ethnic Backgrounds

1.1 Local Authority's duty to Investigate.

The Children Act 1989 places a duty on Local Authority's to investigate the child/children's welfare in a number of circumstances. Sect 47 (1)(b) places a duty on the Local Authority to investigate a child's welfare where they have reasonable cause to suspect that a child/children who lives, or is found in their area, is suffering, or likely to suffer, significant harm.

The Act also identifies a number of specific circumstances in which the Local Authority has a duty to investigate the welfare of a child. These are as follows:-

- A Court, in any Family Proceedings that comes before it, has the power to direct
- the Local Authority to investigate a child's circumstances. (Sect. 38 C1)
- When a Court discharges an Education S.O and orders the Local Authority to investigate. Para 17 (2) Schedule 3.
- Where a Local Education Authority notifies them that a child is persistently failing to comply with directions made under an Education S.O. Para 19 of Schedule 3.
- Where a Local Authority are informed that a child who lives, or is found in their. area, is the subject of an E.P.O or is in Police Protection.

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A request to the Local Authority to investigate in the above circumstances would stem from concerns with regard to the child's/children's' welfare.

1.2 All enquiries undertaken under the Local Authority's duty to investigate, should be undertaken within the agreed Child protection procedures. Should an investigation lead to the calling of a Child Protection Case Conference, the resulting Conference will make recommendations to the Local Authority with regard to:-

- The need to protect the child/children by means of Registration, Protection Plan and any order available under Part 1 of the Act.
- The consideration of need for any Legal Proceedings.
- The need to review the circumstances of the case and identify the date for that review.

1.3 With the above in mind, there are considerations which need to be borne in mind when dealing with children suffering or likely to suffer significant harm who are from a Black/Minority Ethnic background. Below is a list of considerations which is by no means exhaustive:

- The attitude of the Social Services Directorate in exercising its legislative duties.
- The creation of a positive atmosphere for all agencies involved in Child Protection is essential. An atmosphere of honesty, working in partnership, with family members as well as other professional colleagues is necessary.
- The attitude of managers on issues of race and ethnicity. Managers cannot necessarily expect a Black

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or Minority Ethnic worker involved with a Black or Minority Ethnic child to have a greater understanding of the child's situation, or a deeper insight into specific cultural backgrounds.

This equally applies to white workers.

- Quality supervision for all staff involved in Child Protection involving children from Black Minority Ethnic backgrounds needs to be well thought through and regularly monitored
- The attitude of the medical and other health professionals when diagnosing injuries and/or meeting health needs of a Black and Minority Ethnic child.
- All professionals need to challenge the views of assumed cultural norms of children and their families from a Black and Minority Ethnic background
- The Education Department needs to respond positively to any suspicions of abuse, i.e. recognising an injury and not thinking it is probably a medical problem associated with Black and Minority Ethnic children.
- The police need to strive not to pigeon hole and stereotype children and families from a Black and Minority Ethnic background.

1.6 Good practice in working with Black and Minority Ethnic children young people and families within the arena of child protection.

1.5 The issues addressed are from Black perspectives and whilst some issues may be pertinent to white families, it is not the intention of the Guide to address their needs. The Guide needs to be read in conjunction with the directorates Child Protection Procedures and used as a means of enhancing

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practice within the statutory role expected in child protection investigations.

1.6 The Council will ensure that the best interests of the child are ensured and promoted and parents/ carers responsibility for the upbringing of their children are supported so long as the latter's welfare is not at risk of neglect, physical, sexual and / or other forms of abuse.

1.7 Work with Black children and families must be carried out in the light of related pieces of legislation such as:

Children Act 1989

Criminal Justice Act 1991

Police and Criminal Evidence Act.

Memorandum of Good Practice

Race Relations Act 1976

Race Relations Amendment Act 2000

The legislation does not specifically take into account the needs of Black and Minority Ethnic families – it simply provides the framework for practice across all communities.

1.8 All workers must adopt anti-discriminatory approach in child protection practice. Anti-racist practice does not mean “anti-procedures” and “anti-law”. Neither should adopting an anti-racist prospective or black prospective in child protection mean legal issues or procedures should be undermined or ignored.

1.9 All workers must be aware of differing models of family life can vary according to race, culture, religion, class, ability and community. Each offers its own way of meeting a child's needed, has its own strengths and must be respected in all aspects of

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child protection work – intervention, assessment, planning and action.

- 1.10 Black families and their children whose first language is not English or who have other communication needs should be provided with translation and interpretation services at all stages of working with them. Workers should be aware that an interpreter from the same culture or background may not necessarily be suitable due to dialect, political, religious, ethnic and other factors; and therefore must explore these children with families. In addition, during an assessment interview, workers should clarify certain words used to ensure that everyone has the same understanding of their meaning. Some words are subject to varying interpretation. Words like “bad” and “mad” can have varying degrees of meaning; and a word like “beat” might mean a sustained physical attack to some people but a light slap to others.

- 1.11 All staff should be aware of their prejudices in order to avoid perpetrating racial and cultural generalisations and stereotypes in risk assessments and show willingness to be informed in order to improve practice.

- 1.12** No culture sanctions extreme harm to a child. A balanced assessment must incorporate a cultural perspective but guard against being over-sensitive to cultural issues at the expense of promoting the safety and wellbeing of the child. (Department of Health, Working Together, pg.1.3).

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- 1.13 Workers should be cautious and distinguish between behaviours that are due to cultural beliefs and those that are particular to individual family circumstances.
- 1.14 Specific requests from Black and Minority Ethnic families for Black or Minority Ethnic workers, or Black and Minority Ethnic workers of the same sex, who they feel will have a better understanding of their families, experiences and needs, should be given serious consideration.
- 1.15 There should be an awareness that the role of the police in preliminary investigation stage can have different meanings to some service users. For example, some may be fearful of being deported, others may have had negative experiences of the police. These issues must be addressed sensitively.
- 1.16 Workers making assessment should be aware of and assess Black and Minority Ethnic families from the position of their strengths.
- 1.17 Black children and young people must be given the opportunity to define their ethnicity whenever possible. This should take into account age and understanding. Workers may disagree with the terminology used by a child or young person to describe themselves, but should clarify with the child or young person over the use of any offensive term. Where it is clear that there are identity issues to be dealt with, then this must be addressed in subsequent work with the child or young person.
- 1.19 Workers should be aware of how interviews with children/young people can undermine parents and the strong effect this can have. For example,

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phrases such as “In this country, we do this...”etc., can be quite undermining. Whilst they must listen to the views of children and young people, workers must ensure they are equally listening to and working in partnership with parents. The effects of racism and other forms of discrimination like poor housing, unemployment, harassment, etc., on Black families, children and young people must be acknowledged, and actions taken to restrict their effect where possible in all stages of child protection work.

- 1.19 Children with disabilities are disabled by society’s attitudes, discrimination, negative views, etc. Therefore, the term “disabled” is a political concept. For Black children with disabilities, this is compounded by racial and cultural factors.
- 1.25 Child protection work with Black and Minority Ethnic families must be from the premise of working in partnership, whilst ensuring children are protected. Workers should carefully explore and where necessary explain the meaning of the concept of partnership to parents, and the role of the Local Authority.
- 1.21 It is not every professional in the complex field of child protection that will adhere firmly to anti-discriminatory practice. Hence, staff should be conscious of the possibility of racism in professionals and this should be challenged.
- 1.25 The Council acknowledges that the role of social services directorate may be unclear to some Black families and their perceptions should be explored from the onset. Leaflets addressing the different roles professionals / agencies involved, and likely services from the directorate and other agencies translated

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into different languages should be made available to families. The Family Rights Guide to Child Protection, which is written in different languages, could be given to parents who are subject of a child protection investigation, so that they can know their rights, and what to expect as thoroughly as possible.

- 1.23 In child protection investigations, workers should address the way parents may be undermined. For example, where parents disciplinary regimes have to be addressed with them, consideration should be given to whether or not this is done in the child / children's presence.
- 1.24 It is crucial that Black and Minority Ethnic families know the outcome following an investigation, especially if it is no further action, as soon as that decision is taken. Where no further action is required, workers should still consider the need for supportive services and should make use of alternative community resources.
- 1.25 In addition, parents should be reminded of recourse to legal representation, complaints procedures etc.
- 1.26 Black and Minority Ethnic families need to be made aware that records will be kept, and should be reminded of their right to access to files.
- 1.27 Provision should be made for individuals or families to have access to appropriate Black and Minority Ethnic counsellors following an investigation, either after the investigation or in the process leading to a case conference.
- 1.28 Black and Minority Ethnic workers, particularly those who may be known in the community where the

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family comes from, should have access to appropriate counselling and advice.

This may be achieved through contacting:

Black Networking Group (South West)
Devon and Exeter Race Equality Council (DEREC)