



# Practice Guidance

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**Working with Children and Families, and with Foreign Authorities, in cases with an international or foreign element**

**August 2016**

## **INTRODUCTION:**

Work in this area may involve delays that are beyond your control, so start the process as soon as possible.

The information below applies to any area or stage of working with children and families, including:

- **Early Help and Children in Need (CHIN)**, as information, and preventative services support can often be needed from family members from around the world
- **Family Group Conferencing**
- **Children in Care (CIC) teams, including Unaccompanied Asylum Seeking Children teams (UASC)**
- **Child Protection / Safeguarding / CP Conferencing**
- **Pre-Proceedings under the Public Law Outline (PLO)**
- **Court Proceedings involving children and families**

This practice guide does not cover the following related areas:

- Leaving the UK – please see separate policy / guidance in relation to this .
- [International child abduction](#) and Port Alert – please see separate policy / guidance in relation to this.
- [Missing Children](#) – please see separate policy / guidance in relation to this
- Child Status (is the [child an unaccompanied asylum seeking child](#) [UASC]?) – please see separate policy / guidance in relation to this.
- [Female Genital Mutilation \(FGM\)](#) – please see separate policy / guidance in relation to this.
- [Honour based violence](#) – please see separate policy / guidance in relation to this.
- [Radicalisation](#) – please see separate policy / guidance in relation to this.
- [Forced Marriage](#) – please see separate policy / guidance in relation to this.
- Parents fleeing [domestic abuse](#) with no recourse to public funds – please see separate policy / guidance in relation to this.

This document provides guidance on working with families and with foreign authorities where there is a link, or connection, with a foreign country. It includes Departmental advice issued by the Department for Education (DfE) in 2014 on Working with Foreign Authorities in Child Protection Cases and guidance from the ICACU, to provide and build on the following:

- A set of principles, as at 2014 developed by the DfE with the Ministry of Justice and the Foreign and Commonwealth Office, for social workers when working on child protection cases where the child has links to a foreign country, designed to help avoid delays and deliver better outcomes for the children involved, together with additional principles arising in practice and in case law since that time
- A summary of the main international legislation
- Information about where social workers should go for help when seeking to obtain information or contacts abroad about a child and/or their family
- KCC procedure for making requests for information and / or for co-operation from a foreign authority (known as Article 55 requests for European Union countries)
- Sign-posts to guidance referred to and other relevant guidance
- A link to Frequently Asked Questions

The DfE advice included within this practice guide is non-statutory, and the principles as set out in this document are not a complete statement of domestic and international law. The DfE makes clear that the principles are based on the normal approaches social workers take and, as such, the child's welfare is paramount and should always be put first.

Social workers should make decisions on a case by case basis and where necessary seek legal advice.

## **CONTENTS:**

### **1. BRIEF GLOSSARY OF TERMS AND WHO'S WHO**

### **2. PRINCIPLES**

- **Timeliness and Planning in contacting foreign authorities**
- **Information Sharing and Data Protection**
- **Embassy Notification**
- **Interpreters and translation of documents**
- **Family Engagement**
- **Assessment**
- **Child placement abroad**

➤ **Immigration**

3. **INTERNATIONAL LEGISLATION (which country, which legislation, where to go)**
4. **CHILD PLACEMENT ABROAD**
5. **WORKING WITH COLLEAGUES ABROAD – WHEN AND WHY**
6. **WORKING WITH COLLEAGUES ABROAD – WHEN, HOW AND WHAT (Contacting family members, assessments, templates, and travelling abroad)**
7. **PASSPORTS AND NATURALISATION – CHILDREN IN CARE**
8. **FOREIGN EMBASSIES, HIGH COMMISSIONS AND CONSULATES**
9. **CONTACT DETAILS FOR THE CENTRAL AUTHORITY**
10. **OTHER ORGANISATIONS TO CONSIDER CONTACTING**
11. **CO-OPERATION REQUESTS RECEIVED FROM OTHER COUNTRIES VIA THE ICACU (CENTRAL AUTHORITY)**
12. **PROCEDURE FOR ICACU (CENTRAL AUTHORITY) FOR SUBMITTING A CO-OPERATION REQUEST TO KENT COUNTY COUNCIL**
13. **RELATED GUIDANCE**
14. **FREQUENTLY ASKED QUESTIONS**

## **1. BRIEF GLOSSARY OF TERMS AND WHO'S WHO**

- A child who has **“a link or connection with a foreign country”** may be a foreign national child, a child with dual nationality, or a British child of foreign national parents / origin.
- **“Brussels II”** also referred to as **“Brussels IIa”** (BIIa)<sup>1</sup> is one of the primary pieces of international legislation between Member States of the European Union in matters

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<sup>1</sup> Council Regulation (EC) No 2201/2003 (also known as Brussels II bis, Brussels II Revised or BIIa) of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility.

relating to parental responsibility. Please see the section on International Legislation below.

- **“The (1996) Hague Convention”<sup>2</sup>** is one of the primary pieces of international legislation between countries who have ratified (or contracted into) it.
- Whether BIIa or the Hague Convention applies will depend upon the country in question and the plan for the child. Please see the section on International Legislation below.
- Both the Hague Convention and BIIa<sup>3</sup> require each country to establish a **“Central Authority”** to help ensure effective communication between contracting states to the 1996 Hague Convention and between EU Member States on the aspects of the protection of children covered by the instruments.
- The names **“ICACU”** and **“Central Authority”** are occasionally used interchangeably. The reason is that the role of the Central Authority as set out above is carried out by the ICACU, or “ICACU”. **“ICACU”** is the International Child Abduction and Contact Unit, which is located in the Office of the Official Solicitor and Public Trustee (OSPT). Please see the section on contact details for the Central Authority below. In addition to its other roles, the ICACU is the **“Central Authority”** for the UK other than Wales, for the purposes of BIIa and the Hague Convention. In other words, the point of contact is the ‘Central Authority’ (domestically this being based within the ICACU), which makes contact with Central Authorities in other countries.

The ICACU / Central Authority, becomes involved when it receives a request from either a local authority here or from the Central Authority of another country.

- What has become known as **“Embassy Notification”** originates from a requirement within the Vienna Convention 1963. In the field of working with children and families, it is notification to the relevant foreign Embassy / High Commission / Consulate, that a child with a foreign connection has become the subject of Care Proceedings. Please see the section on Embassy Notification below.

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<sup>2</sup> 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and measures for the Protection of Children.

<sup>3</sup> The Department for Education has produced advice on the 1996 Hague Convention, which is also relevant to the practical application of Brussels IIa (see section on ‘Further Guidance’).

## 2. PRINCIPLES

The principles set out below are intended to help social workers to decide when, why and how to involve appropriate foreign authorities<sup>4</sup> in child protection cases.

### 2a. Timeliness and Planning in contacting foreign authorities

Social workers and others working with children and families should be mindful that the need to work with foreign authorities can arise at any stage of their involvement.

This could be from Early Help, through CP Conferencing, Family Group Conferencing, to Pre-Proceedings and Care Proceedings.

For more information on scenarios and who to contact in any particular case, see the sections below on Working with Colleagues Abroad, and link to flow chart. [\[link\]](#).

The DfE guidance highlights that the timeliness of doing so can make a huge difference, both in the support that might be offered to the families by their Embassy<sup>5</sup> and, where a case goes to care proceedings, in reducing delay in the ability of the Court to make decisions.

Information requested from colleagues abroad is likely to have a much longer turnaround time. Partly this is due to time that may be needed to arrange translations and for discussions between authorities or agencies within a State (e.g. the 'receiving' Central Authority having to contact the relevant local social services office). In addition, although international legislation requires co-operation, there are currently (with very limited exceptions) no time limits set for information / responses to be provided from one country to another.

Furthermore, although within family court proceedings domestically the Court will set dates and include information from foreign authorities in its timetabling; the Court does not have any power to compel a foreign authority to respond by a particular time.

Social workers should factor all of this into their plans to avoid any delay in proceedings. The DfE guidance includes that if a foreign authority is not forthcoming with timely information on family members in their country, and this information is not available from the parents or any other source, social workers need to weigh the advantages of obtaining this information against the potential damage to the child of a delay in proceedings.

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<sup>4</sup> The "foreign authority" may be the Central Authority in a contracting State of the 1996 Hague Convention or Member State of the EU, or the foreign Embassy/High Commission/Consulate in London.

<sup>5</sup> Including Embassies, High Commissions, and Consulates.

If in Court proceedings, the Court will have the final decision on that balancing exercise, and the Court should be kept informed and updated about any such delays. Social workers should discuss any such difficulties with their service managers for advice.

## **2b. Information Sharing and Data Protection**

The DfE guidance reiterates that sharing of information between professionals and agencies is essential for effective identification, assessment and service provision, and that fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children. It reminds us that the disclosure of any information should be appropriate and proportionate and in line with the Data Protection Act and other relevant legislation.

Social workers should not request or provide information if to do so could put the child or their property at risk, or would threaten the life or liberty of a member of the child's family. Social workers should not provide information if to do so would constitute a criminal offence or contempt of court or be contrary to data protection legislation.

If this is a matter of concern, legal advice should be sought. If, in potential contempt of court cases, the social worker considers it is in the child's interests to disclose information, the social worker must seek the court's leave to do so.

Where necessary, if sharing information you should provide handling instructions to the authorities in the chain of communication to ensure that information is handled appropriately.

Under the Vienna Convention 1963, social workers should inform the relevant Embassy / High Commission / Consulate<sup>6</sup> when a child with links to a foreign country has become the subject of a Child Protection Plan, has required immediate protection or has become the subject of **Care Proceedings**, unless doing so is likely to place the child or family in danger, and provided any necessary consent to disclose information has been obtained. Decisions should be linked to a robust and thorough risk assessment, and recorded.

If in proceedings and the information to be provided is from the proceedings, the Court's permission should also be requested, and if in doubt legal advice should be sought.

Foreign Embassies<sup>7</sup> are keen to be informed, and where appropriate involved, in Child Protection cases or Care Proceedings involving children with links to their country, both to potentially provide support to the families involved at an earlier stage, and so that they can be prepared for any media attention.

## **2c. Embassy Notification**

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<sup>6</sup> See below for a list of countries which are signatories to the Vienna Convention 1963, and for a list of contact details for Embassies (etc.).

<sup>7</sup> Including Embassies, High Commissions, and Consulates.

As above, under the Vienna Convention 1963, social workers / the Local Authority should inform the relevant Embassy / High Commission / Consulate when a child with links to a foreign country has become the subject of a Child Protection Plan, has required immediate protection or has become the subject of **Care Proceedings**, unless doing so is likely to place the child or family in danger, and provided any necessary consent to disclose information has been obtained. Decisions should be linked to a robust and thorough risk assessment, and recorded.

If in doubt, social workers should liaise with their service managers and legal advice should be sought as necessary.

If no-one has already informed the relevant foreign Embassy / High Commission / Consulate that a child with a foreign connection is the subject of Care Proceedings prior to the case going to court, (bearing in mind the Information Sharing and Data Protection information above), then the court should normally do so itself without delay, and if the court decides not to inform the consular officials, it will give reasons.<sup>8</sup> It is therefore good practice to share with the court whether the relevant Embassy / High Commission / Consulate has been informed, and if not, the reasons for this decision.

Please note that this, which has become known as “Embassy Notification”, is a requirement under the Vienna Convention, and is separate to, and not to be confused with, any communication or request for co-operation or information via the Central Authority.

Similarly, also note that even if the Central Authority is itself informed by the social worker / Local Authority that a child is made the subject of a **Child Protection Plan**, has required immediate protection, and / or has become the subject of Care Proceedings, the Central Authority will not inform the Embassy / High Commission / Consulate, as this is not a Central Authority function.

## **2d. Interpreters and translation of documents**

In engaging and working with a family with a link or connection with a foreign country, social workers should always consider the need for interpreters and for translation of documents. Cases will vary, but due to the potentially considerable resource implications social workers should liaise with service managers as soon as possible. If necessary, legal advice should be sought.

## **2e. Family Engagement (working with families locally)**

In engaging and working with a family in their area who has a link or connection with a foreign country, social workers should consider with the family at an early stage the potential assistance a foreign Embassy / High Commission / Consulate might be able to provide. They may be able to

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<sup>8</sup> Paragraph 47(iii) of the judgement by Sir James Munby, President of the Family Division, in the case of *Re E (A Child)* [2014] EWHC 6 (Fam) given on 14 January 2014.



help the social worker to work with the family in their area and explain any differences in approach to Child Protection clearly and sensitively. This support may make the difference in engaging a family in making the changes needed to provide for the needs of their child.

Further information about the ways the Embassy / High Commissions / Consulate may be able to assist is set out in the section on Foreign Embassies, High Commissions and Consulates below.

## **2f. Assessment**

A good assessment should systematically draw on all the evidence available so that the social worker can make an informed decision, just as, and no less than they would do when working with a family in their own area or with a family with links to another Local Authority.

Social workers should consider working with colleagues abroad when assessing a family with links abroad, unless doing so is likely to place the child or family in danger.<sup>9</sup> This may provide a more holistic picture, and help the social worker understand the unique characteristics of a child within their family, cultural, religious, and ethnic and community context. However, in any case it is recommended that social workers / Local Authorities consult with the Central Authority in the first instance to ensure that this is achieved through the correct and appropriate channels.<sup>10</sup>

## **2g. Child Placement Abroad**

In any case, when considering the placement of a child with family members who live abroad, social workers may need to contact an Embassy / High Commission / Consulate and / or the Central Authority.

Please see the section below on Information about where social workers should go for help when seeking to obtain information or contacts abroad about a child and / or their family.

## **2h. Immigration**

Social workers should be mindful of immigration issues. They should consider immigration issues when looking to place a child abroad and also if they wish for a family member to travel to England to be assessed as a potential carer for a child. The Home Office's Border Force, Immigration Enforcement and **UK Visa and Immigration** officials can work with social workers to ensure that immigration issues relevant to **Child Protection Plans** or planned visits abroad are identified and considered early in the planning process.

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<sup>9</sup> Social workers should notify/discuss with their service manager, and ensure that any additional risk is clearly identified and articulated in any communication to colleagues abroad to ensure that any anticipated or additional risk by their actions resulting from the request can be managed.

<sup>10</sup> The decision as to who should contact the CA (e.g. the social worker or lawyer) should be made in consultation with your service manager.

### 3. INTERNATIONAL LEGISLATION

There are two key international law instruments that apply in child protection cases, depending on the country in question and the plan for the child:

- For EU Member States Local Authorities must comply with **Brussels IIa**<sup>11</sup> including Article 55 and Article 56 (BIIa / The Regulation)
  - The co-operation provisions are contained in Chapter IV, Articles 55 and 56
- Local Authorities must also comply with requirements under the 1996 **Hague Convention**<sup>12</sup> in relation to countries that have ratified it (known as 'contracting states') (The Convention)
  - The co-operation provisions are contained in Chapter V, in particular Articles 30, 33, 34

The Department for Education has produced advice on the 1996 Hague Convention (see **Cross-border Child Protection Cases the 1996 Hague Convention**), which is also relevant to the practical application of Brussels IIa.

NB: Many EU Member States are also contracting states to the Hague Convention. For **non-EU Member States** the social worker or lawyer should first check whether the other country is a contracting state to the Hague Convention.

If neither, other legislation may apply that is beyond the remit of this practice guide. The route to communication with the other country may still be through the Central Authority (again a useful first point of contact), or through that country's Embassy / High Commission / Consulate.

In those circumstances social workers should discuss with their service manager and consider seeking legal advice.

### 4. CHILD PLACEMENT ABROAD

As above, in any case when considering the placement of a child with family members who live abroad, social workers may need to contact an Embassy / High Commission / Consulate and / or the Central Authority.

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<sup>11</sup> Council Regulation (EC) No 2201/2003 (also known as Brussels II bis, Brussels II Revised or BIIa) of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility.

<sup>12</sup> 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and measures for the Protection of Children.

Please see the section below on Information about where social workers should go for help when seeking to obtain information or contacts abroad about a child and / or their family.

In Brussels IIa and 1996 Hague Convention cases, permission or consent may need to be sought from the other State before an English court could make an order for placement of the child in that State. Whether actual permission or *consent* to placement is required, or *consultation* or *notification* only, depends on the type of placement, and is a question for the other State. The Central Authority may be able to assist with that information<sup>13</sup>, and if in doubt social workers should discuss with their service manager and seek legal advice on this question. In any event, if placement abroad is a possibility the social worker should check if the consent of the other State will be required as it may take some time to obtain that consent. (See **Cross-border Child Protection Cases the 1996 Hague Convention; [DfE Advice on Placement of Looked After Children across Member States of the European Union \(etc.\)](#)**).

## 5. WORKING WITH COLLEAGUES ABROAD – WHEN AND WHY

As above, it is good practice to work with colleagues abroad where necessary when working with children and families where there is a link or connection with a foreign country.

The need for this may arise at any stage of working with children and families locally, from Early Help through to court proceedings, including family group conferencing, child protection conferencing, child in care teams, and so on.

By way of example, there may be a need for information / liaison with or assessment of persons in another country (which could arise at any stage of working with the family here) either for support or as potential carers abroad (such as extended family members)<sup>14</sup>, when carrying out Child and Family Assessments under **Section 47** of the Children Act 1989, where the child has links to a foreign country, in order to understand the child's case history and background, including the child's personal history and background if the child has lived abroad, and / or including that of the child's parents, (just as would be done if the family had links with another Local Authority), and / or to provide guidance and information to help the social worker (or other professional) to engage with the family, and the family to engage with the process.

DfE guidance highlights particular stages during **Child Protection** cases, including

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<sup>13</sup> Please see section below on Contact Details for the Central Authority.

<sup>14</sup> When considering assessment abroad please see the sections on Working with Colleagues Abroad, and links to the DfE advice and guidance, CFAB and ICACU guidance, and contact details for the Central Authority also below. Please also see KCCs template Letter of Instruction for such assessments .

## 6. WORKING WITH COLLEAGUES ABROAD – WHEN, HOW AND WHAT (Contacting family members, assessments, templates, and travelling abroad)

Where contacting family members, or where assessment abroad is necessary, in many cases a social worker's counterpart in the other country may be well placed to undertake the work of contacting and / or assessing family members on their behalf, and it may be either unnecessary, or even inadvisable, for an English social worker to travel to the other country to undertake the assessment directly.

Both scenarios are dealt with below.

### **First, assuming assistance / co-operation / information is going to be available:**

After consultation with their service manager, social workers (or their lawyer) should make any and all such requests for co-operation, information (including in relation to assessments whether being requested or proposed to be carried out by the English social worker) via either the Central Authority, or the relevant Embassy / High Commission / Consulate.

Who to contact will depend on the country, their status in relation to BIIa and the Hague Convention<sup>15</sup>, and on what is being requested.<sup>16 17</sup>

For social workers, the decision as to who should contact the Central Authority, or the relevant Embassy / High Commission / Consulate (i.e. the social worker or their lawyer), should be made in consultation with their service manager.

Requests to the Central Authority for information, including in relation to assessments, will usually fall under Article 55 of BIIa, and are known as 'Co-operation', or 'Article 55' Requests.

When making a new request via the ICACU the request should clearly be headed 'New Request' and any key date such as a hearing date in court proceedings or the date of a Child Protection Conference should be clearly identified and prominent.

### **Templates**

For requests to the Central Authority in relation to **EU countries**, social workers and / or lawyers should use **the ICACU's Application Form.**<sup>18</sup>

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<sup>15</sup> See links in the section on Embassies below.

<sup>16</sup> The information that can be obtained via the Central Authority is wide, but will vary depending on the country involved. For examples of the types of information that can be obtained from Embassies, which can overlap with that available via the Central Authority, please see the section on Embassies below.

<sup>17</sup> Whichever route is taken, response times can vary, and if the enquiry is urgent, other steps should be considered.

For requests to the Central Authority in relation to **non-EU, but Hague countries**, social workers and / or their lawyers should use **the ICACU's Application Form**.<sup>19</sup>

For requests specifically for **assessment of relatives / family members / others abroad**, to either EU or non-EU countries, delays can be reduced, and outcomes improved, if clear instructions are included in any such request. Social workers and / or their lawyers should use and adapt as necessary **KCC's Letter of Instruction template**.

There are some types of information – such as obtaining statements or expert assessments abroad, or obtaining police and criminal records abroad, that may not be within the remit of the Central Authority. Other international legislation may apply, which goes beyond the (current) remit of this Guidance Note, but may appear in the FAQ which will be added to from time to time. However, in practice, responses to requests, and routes to requests for information, can vary from country to country, and if the details of what is required are included in a request to the Central Authority as above (subject to service manager guidance on who should send the request), the Central Authority may be able to signpost the appropriate route for the country in question. Social workers should consider seeking legal advice.

The important thing to remember is that if information is needed there is likely to be a route to obtaining it, and if it is considered necessary for the Local Authority to carry out any of its functions, every reasonable effort should be made to do so.

In addition, there are a number of different agencies who may be able to help social workers in working with colleagues abroad. Please see the section on Other Organisations to consider contacting.

**Second, where despite enquiries it is not possible or appropriate for the social worker's counterparts in the other country to undertake the work**, and consideration is being given to a social worker (whether a social worker or other – e.g. an agent or Independent Social Worker) travelling to the other country to undertake the assessment directly, this should be discussed with service managers in the first instance. Social workers and service managers are recommended to seek legal advice in any case where this arises.

If contact is being made directly with families / family members, and in particular if direct assessment by the English social worker is being considered, care should be taken and enquiries made to ensure that there is no bar upon this by the other country, and that this is done through the appropriate route (see below). (Such bars could apply to anything from direct liaison with

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<sup>18</sup> Please see the section below on contacting the Central Authority.

<sup>19</sup> Please see the section below on contacting the Central Authority.

social workers' counterparts in the other country, to English social workers travelling to and carrying out assessments in the other country).

To protect all concerned, including ensuring that any assessment is effective and valid, the following are some of the areas that should be taken into account when considering assessment being carried out by the English social worker abroad:

- That any permissions required from the other country are obtained
- That the assessment will be effective in terms of access to subjects of the assessment, to professionals, to social work records, and so on, as may be necessary
- That any language / interpreter needs are considered
- That there is no ethical or other reason why the English social worker should not carry out the assessment abroad
- That the English social worker's qualifications will be recognised overseas, and
- That the English social worker has the appropriate licences, insurance, visa and legal cover to undertake the work themselves in the country in question, before they travel there

**For more detailed guidance on this particular area please see Related Guidance section below, and the DfE and CFAB specific guidance on this.**

## **7. PASSPORTS AND NATURALISATION – CHILDREN IN CARE**

The procedure for obtaining passports for children in care (i.e. children subject to a care order), who are not British nationals is (currently) beyond the scope of this practice guide, however should be discussed with service managers and steps taken in accordance with procedures in place for all children in care. Guidance as to procedure in any particular case should be sought from the relevant Embassy in the first instance, and legal advice should be sought as necessary.

## **8. FOREIGN EMBASSIES, HIGH COMMISSIONS AND CONSULATES**

Whilst the resources available vary from one foreign Embassy / High Commission / Consulate to another, they may be able to assist in the following ways:

- Help social workers locate / search for family members
- Provide contact or put social workers in touch with the right local child welfare or social services authority in the home country
- Explain applicable child protection laws in the context of the customs and laws of the family's home country

- Obtain official documents
- Make travel arrangements
- In some cases offer translation and interpretation services

Approaches vary from country to country, and the Central Authority may also be able to assist with this information, so it is recommended to make early enquiries as to the most appropriate route in the circumstances of the case, to avoid delay.

In cases where the child has links with a foreign country which is neither an EU Member State or a contracting state to the 1996 Hague Convention (and therefore outside the remit of the ICACU [which performs the function of the Central Authority for both BIIa and The Hague Convention – see Glossary above]), the local authority may still wish to consider contacting the Embassy / High Commission / Consulate to request the following additional information:

- To request information about family members abroad; or
- To request information on the child's personal history and background, if the child has lived abroad.

To check the status of any foreign country, please go to:

- [http://europa.eu/about-eu/countries/member-countries/index\\_en.htm](http://europa.eu/about-eu/countries/member-countries/index_en.htm)
- [http://www.hcch.net/index\\_en.php](http://www.hcch.net/index_en.php)

If in doubt as to a country's status, the ICACU team may be able to provide the information by telephone. (see section on Contact Details for the Central Authority).

A list of embassies and consulates contact details can be found at: **Contact an Embassy (GOV.UK website).**

As set out above in the section on Embassy Notification, where appropriate social workers will wish to consider contacting the relevant Embassy / High Commission / Consulate when a child with links to a foreign country becomes the subject of a Child Protection Plan, has required immediate protection or has become the subject of Care Proceedings. (Please see the section on Embassy Notification regarding this).

## 9. CONTACT DETAILS FOR THE CENTRAL AUTHORITY

The International Child Abduction and Contact Unit  
Victory House

30-34 Kingsway

London

WC2B 6EX

Tel: 020 3681 2608

**General enquiries email: [enquiries@offsol.gsi.gov.uk](mailto:enquiries@offsol.gsi.gov.uk)**

Fax: 020 3681 2763

**New requests only email: [ICACU@offsol.gsi.gov.uk](mailto:ICACU@offsol.gsi.gov.uk)**

**Application Form for requests under BIIa and the Hague Convention**

**Website: International Child Abduction and Contact Unit**

**The International Child Abduction and Contact Unit is open Monday to Friday 9am to 5pm.**

## 10. OTHER ORGANISATIONS TO CONSIDER CONTACTING

- **SSAFA** – Soldiers, Sailors, Airmen and Families, which is a charity which provides social services work with families for the British Armed Forces worldwide.
  
- **CFAB** – Children and Families Across Borders

[CFAB](#) is a UK charity. Its website sets out that it is the only UK charity with a children's international social work team, and it is the UK branch of the International Social Service (ISS) network.

It is important not to confuse CFAB with the Central Authority. While there are requirements to contact Embassies, and the Central Authority (in certain circumstances as set out in this document), there is no requirement to contact CFAB.

The DfE guidance summarises that CFAB aims to promote and protect the rights of family members left vulnerable or at risk through separation by international borders. CFAB provides inter-country casework services, training and advice to local authorities, CAFCASS, solicitors, judges, individuals and families. CFAB also offers a free advice and information helpline for individuals or practitioners facing an inter-country situation. Contact details are below.

Social workers should check with their service managers as to whether KCC is a member of CFAB, but should be aware that at the time of writing KCC is currently not a member. Therefore, beyond the free advice and information helpline care should be taken to ensure that any cost implications arising from any requests for assistance from CFAB are properly authorised.



CFAB has links with many countries, and is an option for inter-country casework services, including enquiries and assessments across borders where CFAB has links, however, although this is an option, social workers should be mindful that this is not a free service.

CFAB can very quickly confirm whether or not they have links in any particular country.

Beyond the free advice and information helpline social workers should discuss any potential need to engage CFAB with their service managers and seek legal advice if necessary.

Children and Families Across Borders (CFAB)

Canterbury Court,

Unit 1.03

1-3 Brixton Road

London

SW9 6DE

**Telephone:** 020 7735 8941

**Email:** [info@cfab.uk.net](mailto:info@cfab.uk.net)

**Website:** <http://cfab.org.uk/>

➤ **AFRUCA – Africans Unite Against Child Abuse**

With offices in London and Manchester, [AFRUCA](#) promotes the welfare of African children in the UK. They also work in partnership with other organisations in Africa and across Europe.

Africans Unite Against Child Abuse (AFRUCA)

Unit 3D/F Leroy House

436 Essex Road

London

N1 3QP

**Telephone:** 0844 660 8607

**Website:** <http://www.afruca.org>

➤ **UK Visas and Immigration**

General immigration enquiries can be directed to the UK Visas and Immigration Contact Centre.

UK Visas and Immigration

**Telephone:** 0300 123 2241

**Website:** <https://www.gov.uk/contact-ukvi/overview>

## **11. CO-OPERATION REQUESTS RECEIVED FROM OTHER COUNTRIES VIA THE ICACU**

The Regulation and Convention place an emphasis on international co-operation in order to achieve its objectives, (in particular see the co-operation provisions under A55 and 56 of the Regulation and Articles 30, 33 and 34 of the Convention), and Central Authorities play a key role in facilitating international co-operation.

The ICACU (Central Authority for the purposes of the Regulation and the Convention) handles co-operation requests both into and out of this jurisdiction.

The ICACU may contact Kent County Council in response to a request received from the Central Authority of another country about a child living in that other country or, for example, about family members of persons linked with that child who may have lived or be living in Kent, and under the Regulations and Conventions outlined above Kent has a statutory duty to co-operate and to respond.

The ICACU has been provided with a single point of contact email address for KCC, for all Article 55 requests to be sent directly to the Central Duty Team who will direct the request to the relevant District.

If a request has been incorrectly sent directly to an individual social worker, individual lawyer or other KCC employee, that person should re-direct to the correct email address below, along with a copy of any acknowledgement or other related communication.

## **12. PROCEDURE FOR ICACU (CENTRAL AUTHORITY) FOR SUBMITTING A CO-OPERATION REQUEST TO KENT COUNTY COUNCIL**

To make an Article 55 B1a or a Hague Convention co-operation request to Kent County Council, the following procedures are to be followed:

The ICACU should send any Article 55 B1a or Hague Convention requests directly to Kent County Council's Central Duty Team who will direct the request to the relevant District.

Requests are to be emailed to [CentralDutyTeam@kent.gcsx.gov.uk](mailto:CentralDutyTeam@kent.gcsx.gov.uk) who will allocate the request to a Legal Services Lawyer who will liaise directly with the ICACU (Central Authority) and advise

the service manager for the area where the child lives what action is required and the appropriate timescale for compliance with the request.

The Legal Services Lawyer will process the request under the retainer for the team where the child lives/has lived in Kent.

### 13. RELATED GUIDANCE

- **DfE, Working with Foreign Authorities: Child Protection Cases and Care Orders - Departmental Advice for Local Authorities, Social Workers, Service Managers and Children's Services Lawyers (2014)** (due to have been reviewed by July 2015 but as at April 2016 this is awaited).
- **DfE Advice on Placement of Looked After Children across Member States of the European Union (etc.)**
- **International Child Abduction and Contact Unit (ICACU) (the Central Authority)**

Below are links to further supporting guidance and resources that you might find helpful

- **Cross-border Child Protection Cases the 1996 Hague Convention**

This is advice from the Department for Education. The advice is non-statutory, and is designed to help local authorities when dealing with cross-border child protection cases under the 1996 Hague Convention. This advice is also relevant to the practical application of Brussels IIa.
- **The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review.**

This is guidance issued as part of a suite of statutory guidance which, together with the 2010 Regulations, set out how local authorities should carry out the full range of responsibilities in relation to care planning, placement and review for looked after children;
- **Advice on Placement of Looked After Children Across Member States of the European Union (January 2013)**

This is advice from the Department of Education and has been produced to help local authorities understand their responsibilities under Article 56 of Brussels IIa.
- **CFAB guidance on UK Social Workers Practising Overseas**  
<http://cfab.org.uk/resources;>  
[http://cfab.org.uk/images/resources/UK\\_Social\\_Workers\\_Practising\\_Overseas\\_Assessing\\_Family\\_Members\\_Abroad.pdf](http://cfab.org.uk/images/resources/UK_Social_Workers_Practising_Overseas_Assessing_Family_Members_Abroad.pdf)

#### **14. FREQUENTLY ASKED QUESTIONS.**

**End**