

FIFTH EDITION

SOCIAL WORK LAW

ALISON BRAMMER



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SOCIAL WORK LAW



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SOCIAL WORK LAW

Alison Brammer

School of Law, Keele University

Fifth Edition



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KAO Two
KAO Park
Harlow CM17 9SR
United Kingdom
Tel: +44 (0)1279 623623
Web: www.pearson.com/uk

Previously published 2003, 2007, 2010 (print); 2011 (electronic); 2015 (print and electronic)
Fifth edition published 2020 (print and electronic)

© Pearson Education Limited 2003, 2007, 2010 (print)
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ISBN: 978-1-292-24416-7 (print)
978-1-292-24417-4 (PDF)
978-1-292-24418-1 (ePub)

British Library Cataloguing-in-Publication Data

A catalogue record for the print edition is available from the British Library

Library of Congress Cataloging-in-Publication Data

A catalog record for the print edition is available from the Library of Congress

10 9 8 7 6 5 4 3 2 1
24 23 22 21 20

Front cover image: FotoDruk.pl / Shutterstock

Print edition typeset in 9.5/12 ITC Giovanni Std by SPi Global
Printed in Slovakia by Neografia

NOTE THAT ANY PAGE CROSS REFERENCES REFER TO THE PRINT EDITION

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Foreword

It has been said that social work is one of the easiest professions to do badly and one of the most difficult to do well. As a former social worker, and now as the Chair of Social Work England, I wholeheartedly agree with this statement.

Social workers have a strong sense of social justice as they have to engage with a range of social issues that lie at the heart of their professional practice. They have to work with individuals and families with some of the most complex issues and needs, and are often required to intervene alongside other professionals when services or interventions have failed to keep some of the most vulnerable people in our communities safe and supported. It is, therefore, essential that social work students not only understand their role, but also learn the importance of its legal context and framework so they can operate safely and effectively within the boundaries of the law and ensure that their work upholds the highest standards of professional practice.

It is for this reason that I believe in the importance and value of this new edition of Alison Brammer's *Social Work Law*, which updates the legislation and practice changes for students of social studies. Brammer will introduce students to basic legal skills, identify their statutory responsibilities and improve their knowledge of the law and its application to social work practice, but it will also help students to understand the links between the law and social work values, and how the law can promote good practices and empower service users.

This is necessary because social workers are able to exercise significant legal powers in their role and they have a responsibility and a duty to exercise these powers safely and with due diligence. The confidence of the public must be maintained and protected, and it is only through the highest standards of practice that social workers can do this effectively. Trust in social workers is vital to the successful operation of their role and this is especially evident when it comes to the use of their legal powers.

But the law is not a fixed body of rules; it changes over time, and social work students must keep abreast of these changes. Students need to understand how, as social workers, they can use the law in a positive way. They should examine the value of law from the perspectives of the people who use services, their carers and professionals. They should also focus on learning and understanding the underlying principles – for example, the use of powers under the Mental Health Act are there to protect people and ensure their rights are upheld, not to simply take away their liberty.

This is particularly important once students have become qualified social workers. As the Chair of Social Work England, I want to stress that regulation means that social workers must maintain their knowledge base and skills, including keeping up to date with law learning as part of their Continuing Professional Development. Law learning can also be a rewarding journey that brings out the social issues that lie at the heart of professional practice and so enables social workers to make the links between theory, research and legislation, and to translate it into everyday practice, enhancing their critical and risk analysis abilities.

Moreover, when social workers take charge of their learning and understand the legal framework in which they are working, they are well placed to recognise when the law is inadequate in its protection of vulnerable groups or has an adverse impact on their lives. For example, while they must work within the existing legal framework, they may come to understand that some aspects may be having a discriminatory impact on some groups of people who use services and/or carers. Based on my own personal experience, I know how important it is that social workers can use their professional voice to highlight its limitations and to campaign for reform.

At its heart, social work is a profession that is concerned with promoting social change, safeguarding service users and carers, protecting the public and challenging social injustice. However, social workers can only fully appreciate and respond to these professional challenges if they take the time to learn and understand the law, and how it works in conjunction with professional social work practices.

Professor, The Lord Patel of Bradford OBE

Preface

Aims

The aims of this book are to:

- Improve knowledge of law and its application to social work practice.
- Clarify legal terminology, conventions and practice and introduce basic legal skills.
- Identify the statutory responsibilities of social workers.
- Establish links between law and social work values.
- Demonstrate how law can promote good practice and empower service users while acknowledging the converse.
- Provide a comprehensive account of 'service user law'.
- Engage with professional and contextual issues surrounding law and social work.

The law covered in this text is specifically that which applies in England and Wales. The law applicable in Scotland and Northern Ireland is not included other than on occasion by way of comparison. Social work practice in statutory Social Services Departments forms the main focus of discussion although it is recognised that an increasing number of people in the social work profession are employed in the private and voluntary sector and where possible relevant issues relating to those areas are addressed.

Terminology

It is important to add a note on terminology at this stage. Language in law and social work practice is always changing – though not necessarily at the same pace. At times a choice had to be made between various terms and styles and a brief explanation for those choices follows.

Throughout the text the term 'service user' is employed rather than 'client'. In practice this term is now more commonly accepted as the appropriate term. The reasoning behind this preference is that reference to 'service user' is less discriminatory as it implies a more active and equal position with the social worker and emphasises that social work practice and the law deal significantly with provision of services and support and are not confined to issues of protection and control. It is recognised that in some particular circumstances the term may not seem appropriate to all or some of the players. For example, in child protection where a parent emphatically denies the existence of 'significant harm' yet action is taken to remove

the child, that parent may not perceive herself as a service user or a client and may relate more closely to terms such as victim or adversary.

He is used throughout the text rather than s/he or they, which can appear clumsy, though more acceptable in terms of anti-discriminatory practice. The main reason for use of he is that legislation is framed in these terms, though application of the Interpretation Act 1978 means that he should be taken to refer to she also. This usage is adopted therefore for reasons of clarity and consistency.

The glossary includes explanations of a range of terms used throughout the book. Some are technical legal terms which are unavoidable and in rare cases may still be expressed in Latin. Other terms are more recent in origin and an explanation is provided of their meaning in the context of social work law. Terms included in the glossary are highlighted in red bold the first time they appear in the text. Abbreviations used are highlighted in black bold in the text at first mention.

Approach

A few thoughts about learning the law will further explain the approach of this text.

Learning social work law is most effective as part of an approach which conforms to what Biggs (1994) describes as 'the qualitative outlook'. Under this premise, students learn in a cumulative fashion through interpretation of new materials with existing knowledge and understanding. The task for teachers of social work law is thus to encourage understanding, not simply to transmit vast amounts of content which can be reproduced in a test situation without any real understanding of the subject matter or its interrelationship with other areas (the quantitative outlook). The qualitative approach involves use of activities to help understanding. Elements typically present in this approach include: a positive motivational context; a high degree of learner activity, both task-related and reflective; interaction with others, at peer level and hierarchically; a well-structured knowledge base that provides depth and breadth for conceptual development and enrichment (Biggs, 1994).

To learn a new subject it is necessary to be aware of expectations, motivation and attitudes. It is possible that some social work students feel that the study of law is imposed on them if they wish to pursue a career in social work, rather than it being a genuine choice. A few students may still consider that law has no relevance to social work and therefore have little commitment to its study. Others may grasp the aspects of law that might be interpreted as oppressive or discriminatory and see their role as fighting against law rather than embracing it as a tool to improve practice.

For some students, reluctance to study law is founded in a preconception that law is dry and boring. A response to such concerns is to encourage students to take some ownership of the study of law by incorporating it fully into their professional development as a social work practitioner. Guiding this approach, is Rogers' (1969) view that significant learning takes place when the subject matter is perceived as having relevance to your own purpose.

To learn law it is necessary to spend some time on basic skills of legal research, 'the ability to find, use and apply legal source material; the ability to read cases and statutes and apply them to new or complex situations' (Kenny, 1994, p. 47). The introduction of these skills should be set against a context of an understanding of the respective roles of social workers and solicitors. In practice social workers should have access to legal advice for complex cases. The aims of studying law as a social worker should not include a desire to turn into quasi-lawyers, but having an appropriate knowledge of law and awareness of how to access the law that supports professional practice.

Before embarking on the study of law as part of a social work course, it is apposite to develop an awareness of the sensitive nature of some areas of study. It is important to acknowledge the possible existence of personal and professional experience of certain issues, e.g. domestic violence, and the need to foster a 'safe' working environment.

One way to achieve this is through the development of 'ground rules' which can if necessary be revisited throughout a course of study. Ground rules might include issues such as: respect for each other's beliefs and opinions, confidentiality within the group, sharing resources, appropriate use of language, time out if appropriate, and full participation. From my experience of following this approach with groups of mature students I would support the view of Egan (1974) that 'an adult way of learning is best established when a group agrees to and respects and values each other, and that this is best achieved through a contract that establishes ground rules' (in Rowland, 2000, p. 65).

The approach taken in this text is to provide the opportunity to learn law in a way which is relevant to social work practice and develops critical analysis. Chapters therefore include learning objectives, discussion points, signals to evaluate law, including deficiencies in current law and commentary on proposals for reform, case analysis and exercises in the form of case study discussion, as a facet of problem-based learning (Savin-Baden, 2000). A limitation of case studies is that it is not usually possible to provide the amount of detail that would be available in a real situation. This can be a positive feature, however, in that it can encourage questioning and provide for a greater range of options to be considered e.g. a reference in a case study to a 'child in need' as defined by the Children Act 1989, s. 17 might prompt thought or discussion about gate-keeping, prioritisation of services, concepts of need versus protection, ethnocentric interpretations of need, medical versus social need – all issues hidden behind a seemingly straightforward legal term. The companion website will include answers to case studies and exercises.

Keeping ahead of the game – further reading and website addresses

Professionals working in all of the areas covered in this book need to be alert to changes in policy, legislation and case law, all of which impact on practice. Reading a textbook on social work law, however comprehensive, is unlikely to equip the social practitioner fully for the diverse situations which will be encountered. In part this is an inevitable result of the speed of changes and developments in law.

Some sections of this text have had to consider both existing law and future, as yet unimplemented, legislation or proposals for reform. In addition, the potential for challenge of existing law via the Human Rights Act 1998 should not be overlooked and its impact is considered throughout. The approach adopted therefore is to encourage and enable the reader to consider the study of law as a career-long aspect of professional development, and to achieve this to develop the skills necessary to access up-to-date materials and indications of future direction. Three principal features of the book support this aim.

Further reading

Space dictates that certain important publications, such as government policy and consultation documents, can only be referred to in brief. References are provided in further reading to encourage the reader to access the original documents and to expand and develop on the

knowledge gained in the text. Certain key documents, e.g. 'Working Together to Safeguard Children', will become an essential part of the social work 'toolkit'. The text aims to encourage a critical and reflective approach to the role of law. Published research and academic articles included in further reading support this notion and the requirement for research-based practice. This is a generic text but it is recognised that on qualification most social workers will choose an area of specialism and may wish to research that area in greater depth.

Website addresses

In addition to the more traditional library-based sources of information, there is a wealth of information which can be accessed via the internet. Website addresses are included at the end of each chapter. Sites are included through which significant documents such as government publications can be accessed. In addition, for each topic there are websites listed reflecting the particular issues, e.g. charitable or research-based organisations, which can provide further insight into an area.

Outline of content

The remainder of this text is divided into three parts: the legal context of social work practice; children and families; and vulnerable adults. Criminal justice issues are dealt with in Chapter 13 regarding juvenile offenders and Chapter 18 for adults. Two additional chapters at the end of the text cover asylum law and welfare. Both areas are relevant to each of the three parts of the text but have been positioned at the close of vulnerable adults as it is arguable that asylum seekers and people who are homeless have a vulnerability. There have been significant changes within social work law since publication of the fourth edition and these are reflected in the updated fifth edition.

While I hope the views in this chapter are persuasive and coherent, ultimately they are expressed by a lawyer. Accordingly, a summary of feedback follows from two exercises carried out with social work students.

Why study law?

- relevant to ALL areas of practice
- avoid litigation
- social workers operate within tight guidelines which are dictated by law
- know powers within law and limitations
- understand nature of State's role in protection
- understand clients/service-users' rights and lack of rights – enables empowerment
- advocacy
- defines boundaries of how citizens should behave
- law protects client group and social workers
- social workers need a good working knowledge of the legal system, e.g. access to services
- to fulfil obligations to service users/clients
- to challenge unfair discrimination

- to influence and shape legal systems
- to guard against personal litigation
- social workers work in partnership with other professionals and agencies which are dominated by the legal framework – to know professional boundaries
- because it's interesting!

What are the barriers to use and understanding of the law?

- rigidity
- jargon, language and terminology
- format
- continuous change in some areas, lack of change in others
- contradictory content
- not accessible
- inconsiderate to victim
- subject to interpretation
- discriminatory
- elitist
- tradition, e.g. dress etc. in court setting
- time – adjournments etc.
- too generic
- lack of time and resources to learn
- politics influences changes in law.

The author has endeavoured to explain the law as at 30 June 2019 and some developments thereafter are included.

Author's acknowledgements

As ever I am a grateful to all at Pearson for their efficiency, guidance and tolerance. I'd also like to thank Kelvin Johnstone for his revision of the education chapter and his support and insight into teaching social work law, Rob Meredith for his research assistance and Stella Coyle for her helpful comments.

**Dedicated to Colin Freshney.
My Dad, my hero.**

Publisher's acknowledgements

xxiv LexisNexis: P. Kenny (1994). *Studying Law*. London: Butterworths; **xxv Open University Press:** Egan, cited in S. Rowland (2000). *The Enquiring University Teacher*. The Society for Research into Higher Education/Open University Press, p. 65; **4 Oxford University Press:** Braye, S. and Preston-Shoot, M. (1990). 'On teaching and applying the law in social work: it is not that simple', *British Journal of Social Work*, vol. 20, no. 4, p. 333; **4 Social Care Institute for Excellence:** Braye, S. and Preston-Shoot, M. (2005). *Teaching, Learning and Assessment of Law in Social Work Education*. London: Social Care Institute for Excellence; **4 Taylor & Francis Group:** Preston-Shoot, M., Roberts, G. and Vernon, S. (1998). 'Social work law: from interaction to integration', *Journal of Social Welfare and Family Law*, vol. 20, no. 1, pp. 65–80; **6 Health and Care Professions Council:** "Social workers in England" Health and Care Professions Council, 2017; **9 The Department of Health and Social Care:** "Knowledge and Skills Statement for Social Workers in Adult Services" DH, 2015; **9 The Department of Health and Social Care:** "Knowledge and skills for child and family social work" DfE, 2018; **9 The Department for Education:** S2ZB, Schedule 3 to the Health Act 1999, inserted by the Health and Social Care Act 2012; **10 The Incorporated Council of Law Reporting:** *Arthurworrey v Secretary of State for Education and Skills* [2004] EWCST 268 (PC); **11 House of Commons:** The Protection of Children in England: A Progress Report (2009); **15 British Association of Social Workers:** BASW Code of Ethics 2014, retrieved from <https://www.basw.co.uk/about-basw/code-ethics>; **15 The National Archives:** Crime and Disorder Act 1998; **16 The National Archives:** "Working Together to Safeguard Children", A guide to inter-agency working to safeguard and promote the welfare of children, July 2018; **16 The National Archives:** "Working Together to Safeguard Children", A guide to inter-agency working to safeguard and promote the welfare of children, July 2018; **18 The National Archives:** Care Act 2014; **18 The National Archives:** Children Act 1989; **20 Department for Constitutional Affairs:** The Mental Capacity Act Code of Practice 2007, p. 19; **21 Springer Nature:** Aldgate, J. (2001). 'Safeguarding and Promoting the Welfare of Children in Need Living with their Families' in L.-A. Cull and J. Roche (eds). *The Law and Social Work: Contemporary Issues for Practice*. Basingstoke: Palgrave; **22 British Association of Social Workers:** BASW Code of Ethics 2014, retrieved from <https://www.basw.co.uk/about-basw/code-ethics>; **22 British Association of Social Workers:** BASW Code of Ethics 2014, retrieved from <https://www.basw.co.uk/about-basw/code-ethics>; **23 The National Archives:** Equality Act 2010; **23 European Convention on Human Rights:** European Convention on Human Rights, Art. 14. European Court of Human Rights; **24 The National Archives:** Mental Capacity Act 2005; **24 Springer Nature:** Braye, S. and Preston-Shoot, M. (1997). *Practising Social Work Law*. Basingstoke: Macmillan; **28 Law Commission:** Law Commission, Adult Social Care Scoping Report (2008); **28 Social Care Institute for Excellence:** Braye, S. and Preston-Shoot, M. (2005). *Teaching, Learning and Assessment of Law in Social Work Education*.

London: Social Care Institute for Excellence; **30 The National Archives:** Children Act 1989; **30 The National Archives:** National Assistance Act, 1948; **31 The National Archives:** Children Act 1989; **33 The National Archives:** Mental Capacity Act 2005; **34 The National Archives:** Adoption and Children Act 2002; **34 The National Archives:** Children Act 1989; **35 The National Archives:** Children Act 1989, H.M. Stationery Office, Crown Copyright; **38 The National Archives:** Local Authority Social Services Act 1970, Section 7(1); **38 Thomson Reuters Corporation:** Mr Justice Sedley in the case of *R v Islington London Borough Council, ex parte Rixon* [1997] ELR 66; **42 The National Archives:** Criminal Justice and Courts Act 2015; **49 Court of Appeal:** Re H [2014], England and Wales Family Court, 14 Aug 2014; **49 LexisNexis:** Re D (A Child) [2014] EWFC 39; **51 Court of Appeal:** Re U (A Child) (Serious Injury: Standard of Proof) [2004] EWCA Civ 567; **51 The National Archives:** Domestic Violence, Crime and Victims Act 2004 (DVCVA 2004, amended by DVCV(A)A 2012). Section 5; **54 Courts and Tribunals Judiciary:** Courts exercising criminal jurisdiction, Courts and Tribunals Judiciary; **61 Times Newspapers Limited:** Rhodes-Kemp, R. (2001). 'Is it time for an inquest into the coroner's role?', *The Times*, 13 February 2001; **62 BAILII:** The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008, retrieved from www.bailii.org; **62 European Convention on Human Rights:** Guide on Article 6 of the European Convention on Human Rights; **70 Legal Aid Agency:** The Legal Aid Agency, Ministry of Justice; **75 The Ministry of Justice:** Family Justice Review, Final Report (2012); **77 The National Archives:** Section 7 of the Children Act 1989; **78 The National Archives:** Criminal Justice and Courts Services Act 2000; **80 Springer Nature:** Timms, J. (2001). 'Advocacy Services for Children and Young People' in L.-A. Cull and J. Roche (eds). *The Law and Social Work: Contemporary Issues for Practice*. Basingstoke: Palgrave; **80 LexisNexis:** Court of Appeal explained in *Oxfordshire County Council v M* [1994] 2 All ER 269; **82 Ministry of Defence:** Oaths and Affirmations, Ministry of Defence; **84 England and Wales Care Standards Tribunal:** *Noel and Edith Fallon v Lancashire County Council* [1992] EWCST 208_RHT (27 November 1992); **86 The National Archives:** Children Act 1989, Section 31; **86 High Court of England and Wales:** *LBL v RYJ*, VJ [2010] EWHC 2665 (COP); **89 The National Archives:** Human Rights Act 1998; **93 The Ministry of Justice:** *ABB, BBB, CBB, DBB v Milton Keynes Council* [2011] EWHC 2754 (QB); **94 The Ministry of Justice:** *Joel v Morrisson* (1834 6 C&P 501); **95 Public Concern at Work:** Lord Borrie, QC (1996). *Four Windows on Whistleblowing*. London: Public Concern at Work; **95 British Association of Social Workers:** 'Being prepared to whistleblow' BASW Code of Ethics; **96 Telegraph Media Group Limited:** Waterhouse Inquiry: recommendations and conclusions, The Telegraph; **96 Springer Nature:** Ells, P. and Dehn, G. (2001). 'Whistleblowing: Public Concern at Work' in L.-A. Cull and J. Roche (eds). *The Law and Social Work: Contemporary Issues for Practice*. Basingstoke: Palgrave; **97 The National Archives:** Employment Rights Act 1996, Section 43B; **97 British Association of Social Workers:** BASW Code of Ethics (2012), retrieved from <https://www.basw.co.uk/about-basw/code-ethics>; **98 The National Archives:** Data Protection Act 2018; **99 The Incorporated Council of Law Reporting:** *Roberts v Nottinghamshire Healthcare NHS Trust* [2008] EWHC 1934 (QB) [2009] PTSR 415; **108 British Institute of Human Rights:** The Human Rights Act – Changing Lives, British Institute of Human Rights, 2e, 2008; **108 Oxford University Press:** Wadham, J. and Mountfield, H. (2006). *Blackstone's Guide to the Human Rights Act 1998* (4th edn). London: Blackstone Press; **109 David Lammy:** D. Lammy MP, Parliamentary Under Secretary at the Department for Constitutional Affairs. Third Anniversary of Human Rights Act Audit Commission Conference speech, 2003; **109 British Association of Social Workers:** BASW Code of Ethics (2012), retrieved from <https://www.basw.co.uk/about-basw/code-ethics>; **109 John Wiley & Sons, Inc:** Sedley, L.J. (2003). 'The rocks or the open sea: where is the Human Rights Act

heading?' LAG Annual Lecture; 110 **Lord Sedley**: Quote by Lord Sedley; 111 **European Court of Human Rights Council of Europe**: *Tyrer v United Kingdom* (1978) 2 EHRR 1, para. 31; 110 **The National Archives**: Human Rights Act 1998; 113 **The National Archives**: LAC (2000)17 Department of Health; 113 **Court of Appeal**: *Re V (A Child)* (Care Proceedings: Human Rights Claims) [2004] EWCA Civ 54; 113 **The National Archives**: Human Rights Act 1998; 114 **The National Archives**: LAC (2000)17 Department of Health; 114 **European Court of Human Rights Council of Europe**: *Handyside v United Kingdom* (1976) EHRR 737; 115 **The National Archives**: Human Rights Act 1998; 116 **The National Archives**: Human Rights Act 1998; 116 **Council of Europe**: *Association X v United Kingdom* (1978) 14 DR 31; 116 **House of Lords, United Kingdom**: *Savage v South Essex Partnership NHS Trust* [2008] UKHL 74; 117 **The National Archives**: Human Rights Act 1998; 118 **European Court of Human Rights Council of Europe**: *Renolde v France* [2008] (ECHR 5608/05); 118 **The National Archives**: Human Rights Act 1998; 118 **The National Archives**: Human Rights Act 1998; 119 **The National Archives**: Human Rights Act 1998; 120 **The Ministry of Justice**: *BBC v Cafcass Legal* [2007] EWHC 616 (Fam); 121 **The Ministry of Justice**: Family Procedure Rules 2010, Rule 1, Ministry of Justice; 121 **The National Archives**: Human Rights Act 1998; 121 **European Court of Human Rights Council of Europe**: *B v United Kingdom* (1988) 10 EHRR 87; 121 **European Court of Human Rights Council of Europe**: *Pretty v United Kingdom* (2002) 35 EHRR 1; 122 **European Court of Human Rights Council of Europe**: *Soering v United Kingdom* (1989) 11 EHRR 439; 122 **High Court of England and Wales**: *G v E and Others* EWHC [2010], para. 88; 123 **Thomson Reuters Corporation**: *Botta v Italy* (1998) 26 EHRR 241; 124 **Court of Appeal**: *Anufrijeva v Southwark London Borough Council* [2003] EWCA Civ 1406; 124 **The National Archives**: Human Rights Act 1998; 125 **The National Archives**: Human Rights Act 1998; 126 **The Ministry of Justice**: The Ministry of Justice (2008) Human Rights Act A booklet for People with Learning Disabilities; 126 **The National Archives**: Human Rights Act 1998; 127 **The National Archives**: Human Rights Act 1998; 127 **The National Archives**: Rent Act 1977; 128 **The Ministry of Justice**: *ZH v Commissioner of Police for the Metropolis* [2012] EWHC 604 (QB); 130 **United Nations**: Universal Declaration of Human Rights 1948; 137 **House of Lords, United Kingdom**: *Lewisham London Borough Council v Malcolm* [2008] UKHL 43; 138 **McGraw-Hill Education**: Dalrymple, J. and Burke, B. (2006). *Anti-oppressive Practice: Social Care and the Law* (2nd edn). Buckingham: Open University Press; 139 **British Association of Social Workers**: BASW Code of Ethics (2012), retrieved from <https://www.basw.co.uk/about-basw/code-ethics>; 139 **United Nations**: Universal Declaration of Human Rights 1948; 139 **United Nations**: Universal Declaration of Human Rights 1948; 140 **The National Archives**: Human Rights Act 1998; 140 **European Court of Human Rights Council of Europe**: *Smith and Grady v United Kingdom* (1999) 29 EHRR 493; 141 **The Department for Education**: Children looked after in England (including adoption), year ending 31 March 2017, Department for Education SRF50 2017; 141 **Institute of Education, University of London**: Owen & Statham, "Disproportionality in Child Welfare" Thomas Coram Research Unit Institute of Education, University of London 2009; 141 **John Wiley & Sons, Inc**: Chand, "The over-representation of Black children in the child protection system: possible causes, consequences and solutions" 2000; 141 **The Department for Education**: Permanent and Fixed Period Exclusions in England: 2016 to 2017, DfE, 19 July 2018; 141 **Lankelly Chase**: Fitzpatrick et al., Ethnic Inequalities in Mental Health: Promoting Lasting Positive Change, February 2014; 141 **The National Archives**: Macpherson, W. (1999). *'The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny et al.'* London: The Stationery Office; 142 **The National Archives**: Children Act 1989, Schedule 2; 143 **The National Archives**: Mental Health Act 1983 Code of Practice (2015), para. 1.14; 143 **The National Archives**:

Care and Support Statutory Guidance Issued under the Care Act 2014; 143 **Department for Education**: HM Government (2013). *Working Together to Safeguard Children*. London: The Stationery Office; 143 **The National Archives**: Sexual Offences Act 2003; 144 **The Department of Health and Social Care**: 'Valuing People: A New Strategy for Learning Disability for the 21st Century' DH (2001), para. 2.2; 145 **The National Archives**: Equality Act 2010; 146 **The National Archives**: Equality Act 2010; 147 **The National Archives**: Equality Act 2010; 150 **The National Archives**: Equality Act 2010; 151 **The National Archives**: "Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children" (2018), HM Gov, p. 10, para. 14; 151 **Court of Appeal**: *Stuart Bracking and Others v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345; 152 **Department of Trade and Industry**: Equality and Human Rights Commission; 159 **The National Archives**: "Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children" (2018), HM Gov; 160 **LexisNexis**: *Re M (Leave to Remove Child from Jurisdiction)* [1999] 2 FLR 334, at 340; 162 **The National Archives**: Children Act 1989; 163 **Court of Appeal**: *Re G (Education: Religious Upbringing)* [2012] EWCA Civ 1233; 164 **The National Archives**: Children Act 1989; 165 **The National Archives**: Children Act 1989; 165 **Court of Appeal**: Court of Appeal; 166 **The National Archives**: Children Act 1989; 167 **The National Archives**: Children Act 1989; 167 **The National Archives**: Children Act 1989; 167 **The National Archives**: Children Act 1989; 168 **The National Archives**: Children Act 1989; 169 **The National Archives**: Children Act 1989; 170 **The National Archives**: Children Act 1989; 172 **The Incorporated Council of Law Reporting**: *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112; 173 **The National Archives**: Children Act 1989, Section 1(3)(a); 173 **The National Archives**: Children and Social Work Act, 2017; 174 **The National Archives**: Children Act 2004; 174 **Department of Health**: Lord Laming, The Report of the Victoria Climbié Inquiry, para. 130; 175 **Department of Health**: The Report of the Victoria Climbié Inquiry (Cm. 5730); 175 **The National Archives**: Children Act 2004; 176 **The National Archives**: Children Act 2004; 177 **The National Archives**: "Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children" (2018), HM Gov, p. 12; 177 **The National Archives**: Children Act 1989; 178 **The National Archives**: Children Act 1989; 179 **Department of Health**: 'Framework for the Assessment of Children in Need and their Families'. Department for Education and Department for Education and Employment. © Crown Copyright; 181 **The National Archives**: Children Act 1989; 182 **The National Archives**: Children Act 1989; 183 **The National Archives**: Children Act 1989, Schedule 2, Part I, para. 6; 184 **The National Archives**: Children and Young Persons Act 2008, Section 25; 193 **The National Archives**: Children Act 1989; 195 **The National Archives**: Children Act 1989; 195 **The National Archives**: Children and Families Act 2014; 196 **Stephen Brown**: *Re W (Minors) (Residence)* (1992) The Times, 3 March CA; 196 **Court of Appeal**: *Re G (Children) (Residence: Same-Sex Partner)* [2006] EWCA Civ 372; 196 **Court of Appeal**: *Holmes-Moorhouse v Richmond-upon-Thames London Borough Council* [2007] EWCA Civ 970; 199 **LexisNexis**: *Practice Direction (Residence and Contact Orders: Domestic Violence and Harm)* [2008] All ER (D) 132; 199 **The Ministry of Justice**: *Re D (Intractable Contact Dispute: Publicity)* [2004] EWHC 727 (Fam); 199 **The National Archives**: Children and Adoption Act 2006; 200 **Court of Appeal**: *Re W (Children: Domestic Violence)* [2012] EWCA Civ; 202 **The National Archives**: Children Act 1989; 203 **Court of Appeal**: *Re J (Leave to Issue Application for Residence Order)* [2002] EWCA Civ 1346; 204 **The National Archives**: Children Act 1989; 204 **Department of Health**: Department of Health (1991) 'The Children Act 1989 Guidance and Regulations', vol. 1 'Court Orders'. London: HMSO, p. 15; 205 **Home Office Police Integrity and Powers Unit**: Home Office (2013). 'Cross-Government Definition of Domestic

Violence: A consultation Summary of Responses, September 2012'; 207 **The National Archives**: Children Act 1989; 208 **The Ministry of Justice**: Practice Direction 16A – Representation Of Children, Ministry Of Justice; 209 **Courts of Probate and Divorce**: *Hyde v Hyde* (1866) LR 1 P&D 130; 211 **The Ministry of Justice**: *Camden LBC v RZ* [2015] EWHC 3751 (Fam); 211 **The National Archives**: Matrimonial Causes Act 1973; 211 **LexisNexis**: *Livingstone Stallard v Livingstone Stallard* [1974] 2 All ER 766; 212 **The National Archives**: Matrimonial Causes Act 1973; 212 **The National Archives**: Matrimonial Causes Act 1973; 213 **The National Archives**: Civil Partnership Act 2004; 213 **The National Archives**: Adoption and Children Act 2002, Section 144(4)(b); 214 **The National Archives**: Children, Schools and Families Act 2010; 215 **The National Archives**: Children Act 1989; 219 **The Ministry of Justice**: *Re X (Emergency Protection Orders)* [2006] EWHC 510 (Fam); 220 **The National Archives**: Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018; 221 **The National Archives**: Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018; 222 **The National Archives**: Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018; 222 **The National Archives**: Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018; 222 **The National Archives**: Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018; 223 **The National Archives**: Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018; 224 **The National Archives**: Children Act 1989; 224 **The National Archives**: Crime and Disorder Act 1998; 225 **The National Archives**: Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018; 227 **HeinOnline**: Lindley, B., Richards, M. and Freeman, P. (2001). 'Advice and advocacy for parents in child protection cases – an exploration of conceptual and policy issues, ethical dilemmas and future directions', *Child and Family Law Quarterly*, vol. 13, no. 3, p. 311; 227 **Springer Nature**: Nixon, P. (2001). 'An Introduction to Family Group Conferences' in L.-A. Cull and J. Roche (eds). *The Law and Social Work: Contemporary Issues for Practice*. Basingstoke: Palgrave; 228 **The National Archives**: Children Act 1989; 229 **The National Archives**: Children Act 1989; 232 **The Ministry of Justice**: Munby J gave the judgment in *X Council v B (Emergency Protection Orders)* [2004] EWHC 2015 (Fam); 233 **The National Archives**: Children Act 1989; 234 **The National Archives**: Children Act 1989; 236 **Courts and Tribunals Judiciary**: Speech by Lord Justice McFarlane Care Crisis Review Launch 13th June 2018; 236 **The National Archives**: Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children, March 2010; 236 **United Kingdom Supreme Court**: *Williams and another v London Borough of Hackney* [2018] UKSC 37; 236 **The National Archives**: Children Act 1989; 237 **The National Archives**: Children Act 1989; 237 **The National Archives**: Children Act 1989, Section 31; 237 **The National Archives**: Children Act 1989; 237 **Jordan Publishing Ltd**: *Re L (Care: Threshold Criteria)* [2007] 1 FLR 2050; 238 **Jordan Publishing Ltd**: *Re H (A Minor) (Section 37 Direction)* [1993] 2 FLR 541; 239 **House of Lords, United Kingdom**: *Re B (Children) (Sexual Abuse: Standard of Proof)* [2008] UKHL 35; 240 **LexisNexis**: *Re O (A Minor) (Care Proceedings: Education)* [1992] 4 All ER 905; 240 **Jordan Publishing Ltd**: *Lancashire County Council v B* [2000] 1 FLR 583; 241 **The National Archives**: Domestic Violence, Crime and Victims Act 2004; 244 **House of Lords, United Kingdom**: *Re W (Children: Care Plan)* [2002] UKHL 10; 244 **The National Archives**: Children Act 1989; 244 **The National Archives**: The Children Act 1989: Guidance and Regulations', vol. 2, accompanying the Care Planning, Placement and Case Review (England) Regulations 2010; 247 **The Ministry of Justice**: "Court orders and pre-proceedings: For local authorities" DfE, 2014; 247 **The National Archives**: The Children and

Families Act 2014 (amending Section 32 Children Act 1989); 247 **Court of Appeal: *Re B-S (Children)*** [2013] EWCA Civ 1146; 248 **The Ministry of Justice: Public Law Outline** (26 weeks), retrieved from www.justice.gov.uk/downloads/protecting-the-vulnerable/care-proceeding-reform/plo-flowchart.pdf; 247 **Court of Appeal: *Re C (A Child)*** [2014] EWCA Civ 128; 249 **Court of Appeal: *Re C (A Child)*** [2014] EWCA Civ 128; 250 **European Court of Human Rights Council of Europe: *P, C and S v United Kingdom*** (2002) 35 EHRR 1075; 251 **The National Archives: Children Act 1989**; 251 **Court of Appeal: *Re S (Children) (Termination of Contact)*** [2004] EWCA Civ 1397; 252 **The Ministry of Justice: *Re D (Care or Supervision Order)*** [2000] 30 fam law 600; 252 **The National Archives: Criminal Justice and Courts Services Act 2000**; 253 **UNICEF: The United Nations Convention on the Rights of the Child, UNCRC 1989**; 255 **The Children's Society: Guarding Children's Interests: The Contribution of Guardians Ad Litem in Court Proceedings**; 257 **Court of Appeal: *Re H-L (A Child) (Care Proceedings: Expert Evidence)*** [2013] EWCA Civ 655; 257 **Jordan Publishing Ltd: *Re P (Placement Orders: Parental Consent)*** [2008] EWCA Civ 535, [2008] 2 FLR 625; 257 **The Ministry of Justice: National Standards for Expert Witnesses in family courts have been introduced** (MJ, 2013); 258 **Home Office Police Integrity and Powers Unit: Bichard Inquiry Recommendations Fourth Progress Report May 2007**; 259 **The National Archives: Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children July 2018**; 260 **Department of Health: Department of Health and Social Security (1974). 'Report of the Committee of Inquiry into the Care and Supervision Provided in Relation to Maria Colwell'**. London: HMSO; 260 **Department of Health: Department of Health and Social Security (1985). 'A Child in Trust: Jasmine Beckford'**. London: HMSO; 260 **Department of Health: Department of Health and Social Security (1987). 'A Child in Mind: Protection of Children in a Responsible Society'**. London: HMSO; 260 **Department of Health: Department of Health and Social Security (1987). 'Whose Child?'**. London: HMSO; 261 **Department of Health: Butler-Sloss, L.J. (1988). 'Report of the Inquiry into Child Abuse in Cleveland'** (1987, Cmnd. 412). London: HMSO; 261 **Staffordshire County Council: Staffordshire County Council (1991). 'The Pindown Experience and the Protection of Children: The Report of the Staffordshire Child Care Inquiry 1990'**. Staffordshire County Council; 261 **Department of Health: Introduction to Lord Laming (2009). 'The Protection of Children in England: a Progress Report'**. London: The Stationery Office, p. 3; 262 **Home Office Police Integrity and Powers Unit: Home Office (2005). Guidance on Offences Against Children, 16/2005**; 262 **The National Archives: Children and Young Persons Act 1933, Section 1**; 262 **The National Archives: Sexual Offences Act 2003**; 271 **United Kingdom Supreme Court: *Williams v LB Hackney*** [2018] UKSC 37; 272 **The National Archives: Children and Social Work Act 2017, Section 1(1)**; 273 **The National Archives: Children Act 1989**; 274 **The National Archives: Children and Young Persons Act 2008**; 274 **The National Archives: Children Act 1989**; 275 **High Court of Justice: *Re CA (A Baby)*** [2012] EWHC 2190 (Fam); 277 **High Court of Justice: *A and S (Children) v Lancashire County Council*** [2012] EWHC (Fam) 1689; 277 **The National Archives: Foster Care in England A Review for the Department for Education by Sir Martin Narey and Mark Owers February 2018**; 278 **The Department for Education: DfES 'Statutory Guidance on the Duty on Local Authorities to Promote the Educational Achievement of Looked After Children under s. 52 Children Act 2004'**. p. 23; 280 **Court of Appeal: Court of Appeal in *London Borough of Tower Hamlets v The Queen on the Application of X*** [2013] EWCA Civ 904; 280 **The Incorporated Council of Law Reporting: *Armes v Nottinghamshire CC*** [2017] UKSC 60 [2017] 3 WLR 1000; 282 **Department of Health: Department of Health (1997). 'People Like Us: The Report of the Review of Standards for Children Living Away from Home'** (The Utting Report). London: The Stationery Office; 282 **Staffordshire County Council: The Pindown Experience and the Protection of Children,**

The Report of the Staffordshire Child Care Inquiry (1991); 283 **The National Archives**: The Children's Homes (England) Regulations 2015; 283 **The Department of Health and Social Care**: National Minimum Standards for Children's Homes, Department of Health 2001; 285 **The National Archives**: Children Act 1989; 285 **The National Archives**: The Children (Secure Accommodation) Regulations 1991, reg. 2(1); 286 **European Convention on Human Rights**: Article 5 protects your right to liberty and security, European Convention on Human Rights; 287 **Court of Appeal**: *M (A Child) (Secure Accommodation)* [2018] EWCA Civ 2707; 287 **The National Archives**: Children Act 1989; 288 **The National Archives**: Children (Leaving Care) Act 2000 Regulations and Guidance; 289 **The National Archives**: Children (Leaving Care) Act 2000 Regulations and Guidance. (paras. 21–22); 297 **United Kingdom Supreme Court**: *Re B (A Child) (Care Proceedings: Threshold Criteria)* [2013] UKSC 33; 298 **Digital Education Resource Archive**: Prime Minister's Review of Adoption, A Performance And Innovation Unit Report – July 2000; 299 **The National Archives**: Regulation 10 of the Adoption Service (England) Regulations 2003; 299 **The National Archives**: Regulation 10 of the Adoption Service (England) Regulations 2003, para. 8.7; 300 **The Department for Education**: Legislation is underpinned by National Minimum Standards (2014, DfE); 301 **The National Archives**: Department of Education, 2011; 302 **The National Archives**: Adoption and Children Act 2002, Section 1; 302 **The National Archives**: Adoption Act 1976, Section 6; 303 **The National Archives**: Adoption and Children Act 2002, Section 1(4); 304 **The National Archives**: Section 1(5) Children and Families Act 2014; 306 **The National Archives**: Adoption and Children Act 2002, Section 1(3); 307 **The National Archives**: Adoption and Children Act 2002, Section 1(6); 307 **The National Archives**: Section 49, para. 4.28; 309 **The National Archives**: Adoption and Children Act 2002, Section 144(4); 312 **Court of Appeal**: *Re T (Children: Placement Order)* [2008] EWCA Civ 248; 313 **Court of Appeal**: *Re F (A Child) (Placement Order)* [2008] EWCA Civ 439; 313 **High Court of England and Wales**: *R (On the Application Of EL) v Essex County Council* [2017] EWHC 1041; 314 **LexisNexis**: *Re H (Care and Adoption – Assessment of wider family)* [2019] EWFC 10; 314 **The National Archives**: Adoption Act 1976, Section 16(2); 314 **The National Archives**: Adoption and Children Act 2002, Section 52; 315 **Court of Appeal**: *Re B-S (Children)* [2013] EWCA Civ 1146; 316 **Coram Academy**: Fratter, J. (1996). *Adoption with Contact – Implications for Policy and Practice*. London: BAAF; 316 **Jordan Publishing Ltd**: *Re E (A Minor) (Care Order: Contact)* [1994] 1 FLR 146; 316 **Jordan Publishing Ltd**: *Re C (A Minor) (Adoption: Conditions)* [1988] 2 FLR 159; 316 **Court of Appeal**: *Re G (Adoption: Contact)* [2002] EWCA Civ 761; 317 **Court of Appeal**: *Re R (Adoption: Contact)* [2005] EWCA Civ 1128 Wall; 317 **High Court of England and Wales**: *MF v LB of Brent and Ors* [2013] EWHC 1838 (Fam); 319 **The National Archives**: Children Act 1989 22C; 319 **The Department of Health and Social Care**: Quality Protects Panel Meeting to be held on the 12th December, 2002 Department of Health; 321 **The National Archives**: Adoption Support Services Regulations 2005, Section 3(5); 322 **Digital Education Resource Archive**: Prime Minister's Review of Adoption (PIU, 2000); 323 **The National Archives**: Children Act 1989, as amended Section 14A; 324 **The Department for Education**: Adoption and fostering DfES, 2005, para. 106; 325 **Court of Appeal**: *Re S (A Child) (Adoption Order or Special Guardianship Order)* [2007] EWCA Civ 54; 330 **Calderdale Council**: Calderdale Council, retrieved from : <https://www.calderdale.gov.uk/v2/residents/schools-and-children/parental-support/education-welfare>; 331 **The National Archives**: Education Act 1996, Section 13A(1); 331 **The National Archives**: Children and Families Act 2014, Section 19; 331 **The National Archives**: The Children Act 1989, Section 23ZZA; 332 **The National Archives**: Education and Skills Act 2008; 333 **The National Archives**: Education Act 1996, Section 13; 334 **The National Archives**: School Governance (Roles, Procedures and Allowances) (England) Regulations 2013; 335 **The National**

Archives: The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review (Paragraph 3.16, 3.18); **335 The National Archives:** Education Act 1996, Section 7; **336 Times Newspapers Limited:** *R v Secretary of State for Education and Science, ex p Talmud Torah Machzikei Hadass School Trust*, *The Times*, London, 12 April 1985; **336 The Children's Commissioner's Office:** *Skipping School: Invisible Children How children disappear from England's schools* February 2019, retrieved from <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/cco-skipping-school-invisible-children-feb-2019.pdf>; **338 The National Archives:** Education Act 1996, Section 437; **338 The National Archives:** Education Act 1996, Section 444; **339 The National Archives:** Children Act 1989, Section 36; **341 The National Archives:** Education Act 1997, Section 4; **341 The National Archives:** Environment Impact Assessment 2006, Section 91; **342 The National Archives:** Education Act 2002, Section 51A; **343 The National Archives:** Children and Families Act 2014, Section 20; **344 The National Archives:** Children Act 2004, Section 22(3A); **345 The National Archives:** Children and Families Act 2014, Sections 3(B), 3C; **345 The National Archives:** Children and Young Persons Act 2008, Section 20; **346 UNICEF:** UN Convention on the Rights of the Child (UNCRC) Article 28; **346 European Court of Human Rights Council of Europe:** ECHR, Protocol No. 1 to the Convention – Council of Europe; **346 The National Archives:** Section 9 of the Education Act 1996; **347 The Incorporated Council of Law Reporting:** *A v Headteacher and Governors of Lord Grey School* [2006] 2 AC 363; **348 The National Archives:** Scotland's Schools etc. Act 2000; **348 The National Archives:** Crimes at Sea Act 2000; **348 The National Archives:** The Children and Social Work Act 2017 provides by Section 34; **349 John Wiley & Sons, Inc:** Francis, J. (2000). 'Investing in children's futures: enhancing the educational arrangements of 'looked after' children and young people', *Child and Family Social Work*, vol. 5, no. 1, pp. 23–33; **353 High Court of England and Wales:** *Hills v Chief Constable of Essex Police* [2006] EWHC 2633 (Admin); **353 LexisNexis:** For a full discussion of this case, see S. Macdonald (2007) 'ASBO prohibitions and young people – *Hills v Chief Constable of Essex Police*' 19(3) *Child and Family Law Quarterly*, p. 374; **353 John Wiley & Sons, Inc:** Examples taken from Macdonald, S. and Telford, M. (2007). 'The use of ASBOs against young people in England and Wales: lessons from Scotland', *Legal Studies*, vol. 27, no. 4, p. 604; **354 The National Archives:** Crime and Disorder Act 1998; **356 The National Archives:** Children Act 1989, Section 17; **356 The National Archives:** Crime and Disorder Act 1998, Section 37; **357 The National Archives:** Crime and Disorder Act 1998, Section 115; **359 The National Archives:** Crime and Disorder Act 1998, Section 14; **359 The National Archives:** Children Act 1989, as amended Section 47; **360 The National Archives:** Crime and Disorder Act 1998, Section 11(3); **362 The National Archives:** Crime and Disorder Act 1998, Section 8(1); **363 The National Archives:** Anti-social Behaviour, Crime and Policing Act 2014, Section 2; **364 The National Archives:** Policing and Crime Act 2009; **364 United Nations:** Article 37 of the United Nations; **366 Home Office Police Integrity and Powers Unit:** Revised Code Of Practice For The Detention, Treatment And Questioning Of Persons By Police Officers Police And Criminal Evidence Act 1984 (Pace) – Code C May 2014, para. 11.16; **367 Home Office Police Integrity and Powers Unit:** Revised Code Of Practice For The Detention, Treatment And Questioning Of Persons By Police Officers Police And Criminal Evidence Act 1984 (Pace) – Code C May 2014, para. 1.7; **369 The National Archives:** Criminal Justice Act 2003, Section 225; **369 The National Archives:** Children and Young Persons Act 1933, Section 44; **371 The National Archives:** Criminal Justice Act 2003, Section 156; **372 The National Archives:** Human Rights Act 1998, para. 2; **383 The National Archives:** Care Act 2014, Section 1(1); **383 The National Archives:** Care Act 2014, Section 1(6); **383 The National Archives:** Care Act 2014, Section 1(2); **384 Court of Appeal:** *R (Davey) v Oxfordshire County*

Council [2017] EWCA Civ 1308; **385 Court of Appeal:** LJ Hale The Supreme Court judgment confirmed the Court of Appeal; **385 The National Archives:** Care Act 2014, Section 1(3); **386 The National Archives:** Care Act 2014, Section 5; **387 The National Archives:** Care Act 2014, Section 6(6)e; **387 The National Archives:** Care Act 2014, Section 9; **388 High Court of England and Wales:** *R (D) v Brent Council* [2015] EWHC 3224 (Admin) 6.29; **389 The National Archives:** Care Act 2014, Section 11; **390 High Court of England and Wales:** *R (JF) v Merton LBC* [2017] EWHC 1519 (Admin); **390 The National Archives:** Section 47(1)(b) in The Trade Marks Act, 1999; **390 The Department of Health and Social Care:** "Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care" Guidance on Eligibility Criteria for Adult Social Care, Department of Health (2010); **391 The Department of Health and Social Care:** Transforming Social Care LAC (DH) (2008)1; **392 The National Archives:** Care Act 2014, Section 4.46; **392 Court of Appeal:** *R (Raphaella Savva) v Kensington and Chelsea* [2010] EWCA Civ 1209, para. 21; **393 United Kingdom Employment Appeal Tribunal:** *Roberts v Carlin* [2010] UKEAT 612 at para. 12.24; **393 The National Archives:** Care Act 2014, Section 24; **394 The National Archives:** Care Act 2014, Section 8; **394 Department of Health:** Department of Health, 2003; **396 The National Archives:** Care Act 2014, Section 67(4); **397 Court of Appeal:** *R (SG) v London Borough of Haringey* [2015]; **397 High Court of England and Wales:** *A v East Sussex County Council* [2003] EWHC 167 (Admin) Article 8; **400 High Court of England and Wales:** *R (Ireneschild) v Lambeth London Borough Council* [2006] EWHC 2354 (Admin); **400 The National Archives:** Children Act, 1989, Section 17ZA(3); **402 United Nations:** ECHR, Guide on Article 9 of the European Convention on Human Rights; **402 The National Archives:** Section 3(1) of the Health and Social Care Act 2008; **407 The National Archives:** Mental Health Act 1983; **409 House of Lords, United Kingdom:** *R (Munjaz) v Mersey Care NHS Trust* [2005] UKHL 58; **410 The National Archives:** MCA Code of Practice; **411 The National Archives:** MCA Code of Practice; **411 The National Archives:** Mental Health Act 1983; **412 The National Archives:** Mental Health Act 1983; **412 The National Archives:** Mental Health Act 1983, Section 1(4); **412 The National Archives:** Mental Health Act 1983; **413 Lawton LJ:** Quote by Lawton LJ; **414 The National Archives:** Mental Health Act 1983; **414 The National Archives:** Mental Health Act 1983; **414 Jordan Publishing Ltd:** *Re F (Mental Health Act: Guardianship)* [2000] 1 FLR 192; **415 The National Archives:** Mental Health Act 1983 (c. 20); **415 The National Archives:** Mental Health Act 1983; **416 Department of Health:** Department of Health; **418 The National Archives:** Mental Health Act 1983; **419 The National Archives:** Mental Health Act 1983 Code of practice 1999; **419 The National Archives:** Mental Health Act 1983, para. 14.7; **422 High Court of England and Wales:** *R (S) v Mental Health Review Tribunal* [2004] EWHC 2958; **422 The National Archives:** Mental Health Act 1983 IMHA; **423 European Court of Human Rights Council of Europe:** *Winterwerp v The Netherlands* (1979) 2 EHRR 387; **424 The National Archives:** Mental Health Act 1983; **425 House of Lords, United Kingdom:** Lord Nolan and Lord Steyn In re L (by his next friend GE) [1998] UKHL 24, p. 306; **425 European Court of Human Rights Council of Europe:** *HL v United Kingdom* (2004) 40 EHRR 761 Article 5(1); **425 European Court of Human Rights Council of Europe:** *HL v United Kingdom* (2004) 40 EHRR 761 Article 5(4); **425 The National Archives:** Mental Capacity Code of Practice; **426 The National Archives:** Mental Health Act 1983; **426 The National Archives:** Mental Health Act 1983, para. 30.4; **426 The National Archives:** Mental Health Act 1983, Section 8; **427 The National Archives:** Mental Health Act 1983; **427 The National Archives:** Mental Health Act 1983; **428 The National Archives:** Mental Health Act 1983; **428 The National Archives:** Mental Health Act 1983, Section 127; **429 House of Lords, United Kingdom:** *R (B) v Ashworth Hospital Authority* [2005] UKHL 20, Section 63; **432 Council of Europe:** Article 5

of the European Convention on Human Rights; 433 **The National Archives:** Mental Health Act 1983; 434 **The National Archives:** Community Treatment Orders Mental Health Act 1983, Section 17A(5); 441 **Dmg Media limited:** A care home boss was facing jail today after he admitted locking three vulnerable, Daily Mail on 14 December 2007; 444 **House of Commons:** Report on Law Commission 2005; 444 **The National Archives:** Mental Capacity Act 2005 Code of practice, para. 1.8; 444 **The National Archives:** Mental Capacity Act 2005 Code of practice, para. 1.11; 445 **The National Archives:** Mental Capacity Act 2005 Code of practice; 445 **The National Archives:** Mental Capacity Act 2005 Code of practice, para. 2.4; 445 **The National Archives:** Mental Capacity Act 2005 Code of practice, para. 2.10; 445 **Court of Protection:** Kings *College Hospital NHS Foundation Trust v C*, V [2015] EWCOP 80; 446 **The National Archives:** Mental Capacity Act 2005 Code of practice; 446 **The National Archives:** Mental Capacity Act 2005 Code of practice; 447 **The National Archives:** Mental Capacity Act 2005 Code of practice; 448 **The National Archives:** Mental Capacity Act 2005 Code of practice, para. 25; 449 **The National Archives:** Mental Capacity Act 2005 Code of practice, para. 5.15; 449 **United Kingdom Supreme Court:** *Aintree University Hospitals NHS Foundation Trust v James* [2013] UKSC 67, para. 45; 451 **European Court of Human Rights Council of Europe:** European Court of Human Rights; 455 **The National Archives:** Mental Capacity Act 2005, Section 45(3); 456 **Hedley, J:** Quote by Hedley, J; 457 **The National Archives:** Mental Capacity Act 2005, Section 20(1); 458 **The National Archives:** Mental Capacity Act 2005, Section 35(4); 459 **The National Archives:** Mental Capacity Act Code of Practice, p. 2; 459 **The Department for Constitutional Affairs:** The Department for Constitutional Affairs; 464 **Cornwall Adult Protection Committee:** Cornwall Adult Protection Committee (2007) *The Murder of Steven Hoskin: A Serious Case Review*; 465 **Department of Health:** Department of Health, 2000; 465 **Modern Medicine Publications:** Baker, A. (1975). 'Granny Bashing', *Modern Geriatrics*, vol. 5, no. 8, p. 20; 465 **The Association of Directors of Social Services:** ADSS (2005). *'Safeguarding Adults: A National Framework of Standards for good practice and outcomes in adult protection work'*. London: ADSS; 465 **The Association of Directors of Social Services:** ADSS (2005). *'Safeguarding Adults: A National Framework of Standards for good practice and outcomes in adult protection work'*. London: ADSS; 465 **The European Court of Human Rights:** *Artico v Italy* (1980) 3 EHRR 1, para. 33; 466 **WHO:** Elder abuse – World Health Organization, 8 June 2018; 467 **Department of Health:** Department of Health, 2000; 467 **The National Archives:** Care Act 2014; 467 **Department of Health:** Department of Health, 2018: 14.17; 469 **The Health and Social Care Select Committee:** Health Select Committee; 470 **The National Archives:** Care Act 2014; 471 **House of Lords:** Statutory guidance Care and support statutory guidance. Updated 26 October 2018. Retrieved from: <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#contents>; 471 **The National Archives:** Care Act 2014 .93; 471 **Staffordshire County Council:** Safeguarding Adult Reviews reports 14.178; 472 **Department of Health:** Department of Health, 2018: 14.98; 472 **Macmillan:** Griffiths et al. (1993) in P. Kingston and B. Penhale (1995). *Family Violence and the Caring Professions*. Basingstoke: Palgrave, pp. 198–9; 473 **Springer Nature:** Adapted from L.-A. Cull and J. Roche (eds) (2001). *The Law and Social Work: Contemporary Issues for Practice*. Basingstoke: Palgrave; 473 **Springer Nature:** Adapted from L.-A. Cull and J. Roche (eds) (2001). *The Law and Social Work. Contemporary Issues for Practice*. Basingstoke: Palgrave; 474 **The National Archives:** Care and Support Statutory Guidance, para. 14.11; 475 **The National Archives:** Schedule 4 of the Safeguarding Vulnerable Groups Act 2007; 477 **The National Archives:** Mental Capacity Act 2005, para. 14.22; 478 **The National Archives:** Regulation 11 of the Health and Social care Act 2008 (Regulated Activities) Regulations 2010; 483 **Butler-Sloss LJ:** Quote by Butler-Sloss LJ; 483 **Munby J:** Quote by Munby J; 484 **Baker LJ:** Quote by

Baker LJ; 484 **Baker LJ**: Quote by Baker LJ; 485 **The National Archives**: Care and Support Statutory Guidance Issued under the Care Act 2014, Department of Health. 83; 493 **Court of Appeal**: Criminal Practice Directions [2015] EWCA Crim 1567; 494 **The National Archives**: Section 17, Crime & Disorder Act 1998; 498 **The National Archives**: Section 142 Legal Aid, Sentencing and Punishment of Offenders Act 2012; 499 **The National Archives**: Section 28 of Police and Criminal Evidence Act 1984; 500 **The National Archives**: Police and Criminal Evidence Act 1984 at para. 11.16; 501 **The National Archives**: Police and Criminal Evidence Act 1984; 509 **Home Office Police Integrity and Powers Unit**: The report which made recommendations on which the Act is based, Home Office (1998); 509 **The National Archives**: Youth Justice and Criminal Evidence Act 1999; 510 **The National Archives**: Section 95(1)(b) of the Criminal Justice Act 1991; 511 **Association of Chief Police Officers**: Records of the Association of Chief Police Officers 1985; 511 **The National Archives**: Sections 28(1) and 29(1)(b) and (2) of the Crime and Disorder Act 1998; 512 **The Ministry of Justice**: The Code of Practice for Victims of Crime, issued by the Ministry of Justice (2015); 519 **The National Archives**: Homelessness Reduction Act 2017; 521 **LexisNexis**: Court of Appeal Judgment Template, para. 8.10; 521 **Thomson Reuters Corporation**: *R v Camden London Borough, ex parte Pereira* (1998) 31 HLR 317; 522 **Court of Appeal**: *Boreh v Ealing London Borough Council* [2008] EWCA Civ 1176 the Court of Appeal; 522 **The National Archives**: Homelessness code of guidance for local authorities Ministry of Housing, Communities & Local Government, para. 8.26; 524 **The National Archives**: Housing Act 1996; 525 **The National Archives**: Housing Act 1996, Section 203; 527 **European Human Rights Reports**: *Buckley v United Kingdom* (1996) 23 EHRR 101; 536 **Thomson Reuters Corporation**: Stevens, D. (2004). *UK Asylum Law and Policy: Historical and Contemporary Perspectives*. London: Sweet & Maxwell, p. 164; 536 **Taylor & Francis Group**: Shah, P. (2000). *Refugees, Race and the Legal Concept of Asylum in Britain*. London: Cavendish Publishing, p. 1; 537 **The European Commission**: Geneva Convention Relating to the Status of Refugees 1951 (Art 1A(2)); 537 **The Incorporated Council of Law Reporting**: *Islam v Secretary of State for the Home Department*; *R v Immigration Appeals Tribunal, ex parte Shah* [1999] 2 AC 629, the House of Lords; 538 **The National Archives**: Immigration and Asylum Act 1999; 538 **The National Archives**: Immigration and Asylum Act 1999; 540 **The National Archives**: Nationality, Immigration and Asylum Act 2002 84(1)(g); 541 **Council of Europe**: Article 5: Right to liberty and security (1)(f); 542 **Kluwer Law International**: Bhabha, J. (2001). 'Minors or aliens? Inconsistent state intervention and separated childasylum-seekers', *European Journal of Migration and Law*, vol. 3 no. 3, p. 283; 544 **High Court of England and Wales**: *In AS (by his litigation friend the Official Solicitor) v London Borough of Croydon* [2011] EWHC 2091 (Admin); 546 **The National Archives**: National Assistance Act 1948; 546 **Simon Brown LJ**: Quote by Simon Brown LJ; 546 **The National Archives**: Immigration and Asylum Act 1999, Section 95.

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