



Home Office

## **Criminal casework**

# **Introduction to children and family cases**

## Introduction to children and family cases

### About this guidance

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## Introduction to children and family cases

### Changes to this guidance

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		<p>For previous changes to this guidance you will find earlier versions in the archive. See related link: Children and family members - Archive.</p>		

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### Deportation of foreign national offenders

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you about the legal foundations for pursuing deportation of foreign national offenders (FNOs) and their family members, and who within immigration enforcement is responsible for managing these cases.</p> <p>Since 1 August 2008, section 36(5) of the UK Borders Act 2007 allows the automatic deportation from the UK of a non-European Economic Area (EEA) national who was convicted of an offence and sentenced to a minimum of 12 months in custody, unless any of six defined exceptions apply.</p> <p>Foreign nationals convicted of offences who do not meet the criteria for automatic deportation under the 2007 Act may be considered under either:</p> <ul style="list-style-type: none"><li>• Section 3(6) of the Immigration Act 1971 allows the deportation of a foreign national who was convicted by a court who recommended as part of sentencing the person be deported from the UK. Or if such a recommendation was not made</li><li>• Section 3(5)(a) of the 1971 Act (as amended), allows the deportation of a convicted foreign national on the grounds their presence is not conducive to the public good. Decisions on deportation for these reasons are considered subject to criteria on sentence length and offence type.</li><li>• Section 3(5)(b) of the 1971 Act (as amended). Where action is being taken against a FNO under section 3(6) or 3(5)(a) as outlined above, this section allows the deportation of family members if another person to whose family they belong to is, or has been ordered to be deported.</li></ul> <p>For more information on deportation provisions in the relevant Acts, see related links:</p> <ul style="list-style-type: none"><li>• Section 3 Immigration Act 1971, and</li><li>• Section 32 UK Borders Act 2007.</li></ul> <p>All cases meeting the relevant criteria of each category are managed by immigration enforcement's criminal casework. For more information on the current criteria for referral of</p>	<p>Links to staff intranet removed</p>
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	<p>FNO cases to criminal casework, see related link: <a href="#">When to refer a case to criminal casework (CC)</a>.</p> <p>The Immigration Rules (see related link: <a href="#">Immigration Rules - part 13</a>) also state 'where the Secretary of State decides that it would be appropriate to deport a member of a family as such, the decision, and the right of appeal, will be notified and it will at the same time be explained that it is open to the member of the family to leave the country voluntarily if he/she does not wish to appeal or he/she appeals and his/her appeal is dismissed'.</p> <p>This applies to families of both 1971 and 2007 Act deportees.</p> <p>Where a FNO is a criminal casework case and has a subsisting family unit in the UK, criminal casework will manage the removal of family members as appropriate, working with removals and compliance casework (RCC) and relevant immigration compliance and engagement (ICE) teams (formerly known as local immigration teams).</p>	
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### Duty to safeguard children and promote their welfare

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This section tells you about the legislation that makes sure immigration enforcement manages and considers the safety and welfare of children affected by the case working or operational process.</p> <p>When you manage the deportation of foreign national offenders (FNOs) you must be aware of the statutory duty in relation to any children involved, directly or indirectly, in the immigration process.</p> <p>Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Home Secretary to make arrangements for ensuring that specific functions are discharged, having regard to the need to safeguard and promote the welfare of children, regardless of nationality, who are in the UK.</p> <p>'Children' means people who are under the age of 18 years, but does not include children yet to be born. 'In the UK' will usually mean physically present within the boundaries of this country.</p> <p>You need to bear in mind the principles of the duty when you consider a child's likely circumstances once they are back in their country of origin and the likely impact on their welfare of returning them there. As a result any activity taken in relation to children must be carried out in a way that shows ongoing attention is being paid to this duty, and where applicable, these considerations are acted upon appropriately.</p> <p>For more information, see related link: Borders, Citizenship and Immigration Act 2009.</p>	<p><b>In this section</b></p> <p><a href="#">Balancing the duties to safeguard and to deport</a></p> <p><a href="#">Overall approach to key partners</a></p> <p><a href="#">Concerns about child welfare – Immigration Enforcement staff</a></p> <p><a href="#">Concerns about child welfare – foreign national offenders</a></p> <p>Links to staff intranet removed</p>
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### Balancing the duties to safeguard and to deport

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you about the core principle of balancing safeguarding and promoting child welfare issues against immigration enforcement's duty to deport foreign national offenders where possible.</p> <p>'Safeguarding children and promoting their welfare' can be defined as:</p> <ul style="list-style-type: none"><li>• protecting children from maltreatment</li><li>• preventing impairment of children's health or development</li><li>• making sure children are growing up in circumstances consistent with the provision of safe and effective care, and</li><li>• undertaking that role to allow those children to have optimum life chances to enter adulthood successfully.</li></ul> <p>This does not override existing immigration enforcement functions. Consequently, the duty does not replace criminal casework's duty to protect the public by deporting foreign nationals who commit serious criminal offences.</p> <p>When you make the decision to deport a family unit containing a child or children under 18, and carrying out the management of that family's removal (including possible detention), you must take into account the need to safeguard and promote the welfare of children (see related link).</p> <p>As of 28 July 2014, where there is evidence of a subsisting family and/or private life in the UK and an article 8 claim is made, that claim must be considered in the light of section 117A-D of the Nationality, Immigration and Asylum Act 2002 (as amended by section 19 of the Immigration Act 2014), in tandem with paragraphs 396 to 400 of the Immigration Rules.</p> <p>Any factors raised as 'exceptional' circumstances must be balanced carefully against the FNO's criminality and the stance the law now takes on where the public interest in deportation of FNOs with a family and/or private life here must be taken in to account, as would be the case where the FNO is an adult.</p>	<p><b>Related links</b></p> <p><a href="#">Overall approach to key partners</a></p> <p><a href="#">Concerns about child welfare – Immigration Enforcement staff</a></p> <p><a href="#">Concerns about child welfare – foreign national offenders</a></p> <p>Links to staff intranet removed</p>
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For detailed information on how to consider article 8 claims from FNOs, see the following related links:

- Article 8 and criminality
- Section 117A-D of the Nationality, Immigration and Asylum Act 2002 (as amended)
- Immigration Rules – Part 13: Deportation

On considerations under Article 8 of the European Convention on Human Rights (ECHR), which protects rights to a private and family life, there is no automatic bar to removal simply because arrangements in the country of destination do not mirror the arrangements that may be provided in the UK. Each case must always be carefully considered on its own merits, in the light of relevant legislation. For details, see related link: Immigration Rules Part 13 - Deportation.

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### Overall approach and key partners

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you the overall approach criminal casework (CC) staff must take when taking children and family cases forward, and some of the key partners they must engage with.</p> <p>When you deal with appeals, judicial reviews and further representations or applications, you must not lose sight of children's need to have contact with their parents or guardians who are facing detention, removal or deportation from the UK. You must actively consider the needs of children if detention and/or deportation means separating their family unit. For more information, see related link: Separating families for the purposes of deportation and detention.</p> <p>If any file shows there are child dependants you must consider if they are also liable for deportation or removal, or if they may be adversely affected by the deportation of a member of their family. You must consider the child's individual needs when you continue with a decision to deport or remove them or when you start to deport or detain the adult family member.</p> <p><b>Key services to contact</b></p> <p>You will not need to contact Social Services in all family cases.</p> <p>If there is evidence of previous contact and support for the family being provided by Social Services, or evidence to suggest that Social Services support would be beneficial due to the family situation, then you will need to contact the relevant local authority children's services (LACS).</p> <p>If the child is subject to family court proceedings, you must contact the Children and Family Court Advisory and Support Service (CAFCASS).</p> <p>For more information see related links:</p> <ul style="list-style-type: none"><li>• GOV.UK – LACS</li><li>• CAFCASS.</li></ul>	<p><b>Related links</b></p> <p><a href="#">Balancing the duties to safeguard and to deport</a></p> <p><a href="#">Concerns about child welfare – Immigration Enforcement staff</a></p> <p><a href="#">Concerns about child welfare – foreign national offenders</a></p> <p><a href="#">Escalation process</a></p> <p>Links to staff intranet removed</p>
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When you receive a response from LACS or CAFCASS, you must take account of all the information provided to safeguard and promote the child's welfare.

If the child is being separated from their parent or usual carer, or the report indicates a more complex need, you must read the instruction on Separating Children and Families (see related link).

If the responses suggest that there will be a family separation or the child's welfare could be at risk, you will need to consider referral to the Home Office's Office of the children's champion,(see related link for professional advice on the child welfare aspects.

**Other guidance where a child is missing**

There is more guidance for criminal casework (CC) staff about how to deal with the following types of cases:

- where a child is believed to be missing, and/or
- which involve a vulnerable adult.

This guidance is relevant to CC, and if you deal with a case which involves a foreign national offender and falls into one or both of these categories, you must see the related link: 19c Missing children and vulnerable adults for more information.

## Introduction to children and family cases

### Concerns about child welfare

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you the advice criminal casework (CC) staff can seek if they have concerns that a child's welfare is not being safeguarded by an individual colleague or team within the Home Office and its contractors.</p> <p>When you carry out your duties, you may become aware of issues or situations which could suggest CC or another member of Home Office or contracted staff is not considering the safeguarding and promotion of a child's welfare. These may relate to the way a particular child was dealt with by CC, or to general measures in place that staff consider are unlawful.</p> <p>If you have any concerns, you must raise the matter with your line manager. If because of the nature of your concerns you feel unable to report them in this way, you must raise them with immigration safeguarding children coordinators who are found locally in casework and operational teams, the office of the children's champion (OCC), or follow the official 'whistleblowing' procedures. For more information, see related link.</p>	<p><b>Related links</b></p> <p><a href="#">Balancing the duties to safeguard and to deport</a></p> <p><a href="#">Overall approach to key partners</a></p> <p><a href="#">Concerns about child welfare – foreign national offenders</a></p> <p>Links to staff intranet removed</p>
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### Concerns about child welfare: foreign national offenders

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you how criminal casework (CC) staff must escalate any information they receive about a foreign national offender (FNO) who may pose a risk to child welfare.</p> <p>If a FNO has committed or been accused of committing offences against children either in the UK or abroad (this may become clear during an interview for an asylum claim), the need to safeguard the welfare of children under section 55 of the 2009 Act means that all immigration departments have a duty to report this to the relevant authorities.</p> <p>When you become aware of this, you must contact the regional intelligence unit (RIU), who will check the validity of the information and pass it to the relevant interested authorities. These may include the:</p> <ul style="list-style-type: none"><li>• Child Exploitation and Online Protection Centre (CEOP)</li><li>• National Crime Agency (NCA)</li><li>• local police</li><li>• local authority children's services.</li></ul> <p>In the interests of safeguarding children's welfare make sure the information is passed to RIU for checking at the earliest opportunity. Advice may be sought from senior caseworkers or team leaders, if required.</p> <p>Specifically, in any cases that come to light where a known sex offender lives at an address with children aged under 18 (whether or not the children are related to the offender), this must be brought to the attention of the local authority children's services and the police protection unit as soon as the information is known. You must also record this on CID notes.</p> <p>By following the steps below, you are seeking advice from the experts who have statutory obligations for safeguarding and protecting children. In cases where there are concerns regarding the safeguarding of children, whether directly or indirectly relative to the FNO, you must make sure you:</p> <ul style="list-style-type: none"><li>• Have a discussion with the local authority social care children's duty team and seek</li></ul>	<p><b>Related links</b></p> <p><a href="#">Balancing the duties to safeguard and to deport</a></p> <p><a href="#">Overall approach to key partners</a></p> <p><a href="#">Concerns about child welfare – Immigration Enforcement staff</a></p> <p>Links to staff intranet removed</p>
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their views about safeguarding issues raised by the potential placement of the FNO into the local address. You need to share with the local authority the reasons why the FNO could be a risk to children and then ask the local authority if, based on this discussion, they want you to make a more formal written notification or referral to that local authority before they respond. They may know if there is a local protocol for notifications when an adult who may pose a risk to children moves into an area. Ideally a response to your query should be obtained in writing from the local authority. If a written response is not possible you must make a detailed record of the contact in CID notes.

- Obtain the name, contact email and job title of the person you speak to, and follow up with an email summarising the discussion and invite the local authority to reply.
- Have a discussion with the children's protection lead in the local police team. You must ask if there is a process for notifying the relevant child welfare authorities (local authority social care, police, any other relevant authorities) when an adult who may pose a risk to children moves into the area. There is no national process for notification, but some areas will have adopted a best practice approach. Ideally a response should be obtained in writing. If a written response is not possible you must make a record of the contact in CID notes.

For details of how to do this, see related link: [Contacting child welfare agencies](#).

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### Assessing impact of deportation or detention on children

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you about the impact decisions to deport or detain may have on children, which staff in criminal casework (CC) must take into account when they consider child welfare issues.</p> <p>When you make a decision to detain and/or deport an adult who has a child or children who will remain in the UK, you must consider the possible impact of these decisions on the welfare of the significant children in the adult's life, in accordance with section 55 of the Borders, Citizenship and Immigration Act 2009.</p> <p>Although every family situation is different, there are some principles which can be applied to most detention and deportation cases. Where you have a complex case, or when you feel a more in-depth consideration is required, you can seek further advice from senior caseworkers, who will firstly decide if contacting the office of the children's champion (OCC) is appropriate.</p> <p><b>Types of impact</b></p> <p>There are two types of impact resulting from a decision:</p> <ul style="list-style-type: none"><li>• Direct - includes the practical and emotional effects the decision may have on the child.</li><li>• Indirect - includes the effects of the decision on other family members, caregivers or the family's circumstances, which have onward effects on the child.</li></ul> <p><b>Nature of impact</b></p> <p>The impact of a parent, relative or other carer's detention or deportation can affect a number of aspects of a child's life, this includes their:</p> <ul style="list-style-type: none"><li>• emotional development which results from feelings of:<ul style="list-style-type: none"><li>○ sadness</li><li>○ anxiety, or</li><li>○ anger</li></ul></li><li>• family's circumstances</li></ul>	<p><b>In this section</b></p> <p><a href="#">Escalation process</a></p> <p><a href="#">How to contact the OCC</a></p> <p><a href="#">When to contact the OCC</a></p> <p>Links to staff intranet removed</p>
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|  | <ul style="list-style-type: none"><li>• care arrangements</li><li>• educational arrangements</li><li>• identity development, particularly when the departing parent is of a different ethnicity as the remaining parent.</li></ul> <p>For more information on the specific factors to consider before making any OCC referral, see related link.</p> |  |
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## Introduction to children and family cases

### Factors to consider before you request an OCC referral

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you about the specific issues staff in criminal casework (CC) must discuss with senior caseworkers before they contact the office of the children's champion (OCC) for advice.</p> <p>When you think about the impact an adult's detention and/or deportation may have on a child, you must think about how the child will be affected. There are a number of factors to consider as appropriate. Most focus on past, present and future care arrangements for the child.</p> <p>These factors are listed below, but are only guidelines, not an exhaustive list. Where you identify a relevant factor, the circumstances of the child and the family will have a bearing on the significance of that factor in their case.</p> <p>Primary caregivers are essential to a child's sense of security. Loss of a primary caregiver can have a deeply negative impact on a child's development. You must not underestimate the impact of deporting the primary caregiver, even if a child has lived with an alternative caregiver during the primary caregiver's prison sentence. Detention and deportation of that primary caregiver can have long term impacts on the child.</p> <p>You must not assume a person who has taken on the role as primary carer for a temporary period, for example, while the usual primary carer is serving a prison sentence, will be willing or able to continue to provide primary care should the child's usual carer be detained at the end of their custodial sentence. If they are unable to continue to provide care, the consequences to the child may be significant if the local authority has to take over their care and accommodation.</p> <p><b>Separation effect</b></p> <p>Separating children from either of their parents, unless the local authority has formally assessed their parents as unable to care for the children, can have a profound and long term impact on the child. Adults who are not the primary caregiver can still play a significant role in a child's life. The loss of that role can impact a child's sense of security or the ability</p>	<p><b>Related links</b></p> <p><a href="#">Escalation process</a></p> <p><a href="#">How to contact the OCC</a></p> <p><a href="#">When to contact the OCC</a></p> <p><a href="#">Assessing impact of deportation or detention on children</a></p> <p><a href="#">The OCC management information data table</a></p> <p>Links to staff intranet removed</p>
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of the primary caregiver to cope with the demands of parenting.

**The child's age**

In general the older the child, the more capable they are of understanding the effects of a significant adult's detention or deportation. The direct emotional impact of detention or deportation may be higher for older children. Younger children may not understand effects as well and may not experience as much of a short-term emotional impact, but it may impact on their development. This is because they are more likely to live-out their childhoods without further face-to-face contact with the adult and may experience anxiety because of the separation and its impact on their caregiver.

**The nature of the child's relationship with the caregiver**

There is no formal or legal definition determining the nature of relationships between adult and child. The case owner should consider the impact of deportation of a FNO on a child or children closely connected to the FNO. This connection may be via a legal relationship (parent) or a less formal relationship, it may be due to residence or other formal or informal care of the child. If a child has lived with, or maintains close contact with the adult, the possibility of the adult's detention and/or deportation can impact upon the child.

Children who have witnessed domestic violence or been the victim of abuse by an adult may not have wholly negative feelings about the adult who committed the violence and abuse, and so separation from them may still have an effect on the child. A social worker or therapist may recommend children have supervised contact with a parent who has seriously abused the other parent or the children.

Children who have had no contact with the adult for a significant period of time are less likely to experience any short term impact because of that adult's detention and/or deportation. However, they may want to re-establish contact during their adolescence and if they cannot this may have an emotional impact.

Step-parents or adults who do not have a legal relationship with the child can still play a major role in a child's life. Their absence due to deportation or detention can have an impact on the child emotionally.

You are likely to need advice on these kinds of situations from the local authority children's services (LACS), and where it is considered useful, from OCC.

### **The child's views**

Sometimes a child's views are known through direct communication between the child or other significant adults and the Home Office during the immigration process. If one of the following professionals are involved with the child's case, you must make sure you consult them about the impact of the proposed deportation, and whether they feel the child's views should be sought and considered:

- social worker
- Child and Adolescent Mental Health Service (CAMHS) professional
- youth justice professional
- medical professional involved with the child.

When you consult any of the above, you must be clear you are asking them only about the impact of the proposed actions on the welfare of the child, not on the appropriateness of the proposed decision to detain or deport.

### **The child's relationship with any half-siblings**

Sometimes the departing parent has children with several different partners, making the children each others' half-sibling. If the common parent departs this can result in the children failing to establish or maintain contact with each other. The loss of half-sibling relationships can have an impact on a child's identity development.

### **Other family circumstances**

The loss of contributions to family circumstances made by the adult being considered for detention and deportation can have an impact on the children. Contributions can be emotional, financial or care-related. In large families, or families with children who have special needs, it can be difficult for the remaining parent to cope. You are likely to need advice from LACS about such matters, and possibly OCC.

### **Special circumstances**

Special circumstances may require additional input from a senior caseworker, safeguarding

	<p>co-ordinator embedded in local casework and/or operational teams, for further advice from OCC. Special circumstances can include but are not limited to:</p> <ul style="list-style-type: none"><li>• medical issues</li><li>• family court involvement</li><li>• local authority involvement</li><li>• identity issues</li><li>• nationality issues</li><li>• safeguarding issues</li><li>• legal issues</li><li>• legal parental responsibility in question.</li></ul>	
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## Introduction to children and family cases

### When to contact the OCC

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you about the process criminal casework (CC) staff must use when they escalate concerns, or seek advice about children and family cases.</p> <p>Children and family cases are complex and diverse so these instructions cannot be exhaustive and do not try to cover every circumstance you might face.</p> <p>There is a consultation process you must follow for cases which involve children to get the necessary advice and information to make well-judged decisions. Though various levels of escalation are recommended or suggested, this process is strictly for consultative purposes. You remain responsible for progressing a case and you must continue to make sure you comply with the varying levels of authority needed to clear specific stages of case progression.</p> <table border="1" data-bbox="465 758 1762 1431"> <thead> <tr> <th data-bbox="472 762 1115 799">Cases which involve</th> <th data-bbox="1126 762 1756 799">Who you must consult</th> </tr> </thead> <tbody> <tr> <td data-bbox="472 802 1115 839">Family members, especially children</td> <td data-bbox="1126 802 1756 839">A tier 2 trained senior caseworker.</td> </tr> <tr> <td data-bbox="472 842 1115 948">Complex issues</td> <td data-bbox="1126 842 1756 948">The senior caseworker must seek advice from criminal casework's safeguarding children coordinators.</td> </tr> <tr> <td data-bbox="472 951 1115 1426">           Any of the following:           <ul style="list-style-type: none"> <li>• Evidence of maltreatment of a child.</li> <li>• Separating a family that involves a child, or children, using the OCC referral form:               <ul style="list-style-type: none"> <li>○ You must read the specific instructions where the foreign national offender wants to leave the UK voluntarily. For more information see related link: How to contact the OCC.</li> </ul> </li> <li>• An unaccompanied child or children.</li> </ul> </td> <td data-bbox="1126 951 1756 1426">The safeguarding children coordinator will provide advice but also advise the caseworker to consult the office of the children's champion (OCC).</td> </tr> </tbody> </table>	Cases which involve	Who you must consult	Family members, especially children	A tier 2 trained senior caseworker.	Complex issues	The senior caseworker must seek advice from criminal casework's safeguarding children coordinators.	Any of the following: <ul style="list-style-type: none"> <li>• Evidence of maltreatment of a child.</li> <li>• Separating a family that involves a child, or children, using the OCC referral form:               <ul style="list-style-type: none"> <li>○ You must read the specific instructions where the foreign national offender wants to leave the UK voluntarily. For more information see related link: How to contact the OCC.</li> </ul> </li> <li>• An unaccompanied child or children.</li> </ul>	The safeguarding children coordinator will provide advice but also advise the caseworker to consult the office of the children's champion (OCC).	<p><b>Related links</b></p> <p><a href="#">Escalation process</a>  <a href="#">How to contact the OCC</a></p> <p><a href="#">Assessing impact of deportation or detention on children</a></p> <p><a href="#">Factors to consider before making an OCC referral</a></p> <p><a href="#">The OCC management information data table</a></p> <p>Links to staff intranet removed</p>
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- A child offender.
- Detention of a child, or children:
  - This is unlikely since December 2010 when the government made a commitment to end child detention. For more information see related link.
- A child or children in care.
- Family court proceedings. And/or
- Any circumstances the safeguarding children coordinator considers appropriate.

If you have evaluated the case in full and feel it is necessary to seek further input from OCC (see related links above), you must take into account any advice they offer alongside all other factors relevant to that case.

It is not the role of the OCC to make decisions in respect of individual cases, or to approve or support all decisions made by immigration enforcement but to offer an independent view about welfare issues in complex cases. The normal process for actual decisions should then be followed within immigration enforcement.

**Infrequent case scenarios where you must get OCC advice**

There are some more scenarios which do not occur very often in foreign national offender (FNO) cases managed by CC, where you are likely to need further advice from OCC. These are:

- When it is proposed to use immigration powers to detain a child at the end of a custodial sentence for a criminal offence so they can begin deportation.
- When a child is in the UK and in (or faced with the prospect of being placed in) local authority care and there is a parent outside the UK who seeks entry because the local authority or the family court wish to carry out a formal assessment of that parent.
- A child or children from overseas are in the UK and family court proceedings have been initiated involving placement or adoption orders.

### **Number of referrals to the OCC**

It will normally only be necessary to make one referral to the OCC in any single case. After you have taken advice from your senior caseworker and/or safeguarding coordinator (see related links: [Assessing impact of deportation and detention on children](#) and [Factors to consider before making an OCC referral](#)), if you need to seek OCC's professional advice, you must submit your referral at the decision stage of the process, after contact has been made with the local authority children's services (LACS) where it has been established that they have been or are involved in care arrangements.

For more information, see related link. The referral must take account of the various stages of the caseworking process, for example the deportation order, arrangements to detain, or to remove. This minimises the number of individual referrals to the OCC.

You should only make further referrals if there are significant changes in a case, and you feel further professional advice about child welfare needs to be provided beyond your own consideration. Such changes might include where:

- the existence of additional children has come to light
- family circumstances have changed, or
- the LACS have become involved.

There may be other significant changes and it is up to you to decide if the circumstances in a case involving children warrant a fresh referral to the OCC. You must take into account the guidance at related links:

- [Assessing impact of deportation and detention on children](#)
- [Factors to consider before making an OCC referral](#).

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### How to contact the OCC

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you how staff in criminal casework may contact the office of the children's champion (OCC).</p> <p>You, along with your senior caseworker or operational manager will be able to decide if it is necessary to seek further advice from the OCC after you have:</p> <ul style="list-style-type: none"><li>• Gathered all available information about the foreign national offender (FNO)'s family.</li><li>• Considered all relevant factors around the impacts on children as suggested at related links:<ul style="list-style-type: none"><li>○ Assessing impact of deportation and detention on children</li><li>○ Factors to consider before requesting an OCC referral. And</li></ul></li><li>• Sought advice from a:<ul style="list-style-type: none"><li>○ senior caseworker, or</li><li>○ safeguarding coordinator.</li></ul></li></ul> <p>If after consultation with the above it is believed there is more information or specialist professional advice required that only OCC can provide, you should make a referral.</p> <p>A table of essential core information must be sent with email referrals to the OCC (see related link: Email office of children's champion).</p> <p><b>Requests for advice</b></p> <p>When you deal with requests for advice the OCC need key details of the family life of the deportee and their family members, which will include where and with who the child currently lives, along with parents and relatives already in the UK. If you send a request for advice without these details there will be a delay in the progression of the case. You must structure your email using the standard layout below:</p> <ul style="list-style-type: none"><li>• Full names, dates of birth, nationalities and immigration status of all involved (fathers, mothers and all children).</li><li>• A description of what contact the parents have with the children, including how often</li></ul>	<p><b>Related links</b></p> <p><a href="#">Escalation process</a></p> <p><a href="#">When to contact the OCC</a></p> <p><a href="#">The OCC management information data table</a></p> <p><a href="#">Assessing impact of deportation or detention on children</a></p> <p><a href="#">Factors to consider before making an OCC referral</a></p> <p><a href="#">The OCC management information data table</a></p> <p>Links to staff intranet removed</p>
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and how long they see each other. You can get this information from prison visiting records.

- If there are any family members with illnesses, disabilities or other needs. For example, if the FNO has step-children, does that child have contact with their biological parents.
- Evidence you have contacted the families' local authority children's services department (there may be more than one to contact when children live in different areas), and their response to whether they have had, or still have, any contact with any members of the family and if so, why.
- Where you have asked for more information, add this to your submission and send OCC the updated version. This will maintain effective records for both you and OCC.
- Your submission would be more efficiently dealt with if you title your covering emails to the OCC inbox as follows:
  - Surname, (or Home Office (HO) registration name, that is the name which directs the initial letter of the HO file reference).
  - Given name(s).
  - HO file reference (optional).
  - Any deadline (for example 'RDs set for 1-1-12' or 'to be detained on 1-1-12').
  - Protective marking, for example 'OFFICIAL SENSITIVE'. marking. Every email sent by immigration enforcement staff that contains personal information must have this marking. For more information, see related link: Quick reference guide to handling protectively marked material (Home Office).
  - 
  - Examples of a good title for an OCC request would be:
    - 
    - 'KHALED, Leila, K1234567, RDs set for 1-1-12. OFFICIAL SENSITIVE, or
    - 'BAADER, Andreas. B7654321. To be detained 1-1-12. OFFICIAL SENSITIVE.

Much of the impact of a proposed deportation on a child will depend on the circumstances in which the child is living. Include any information you have about these circumstances in your referral to the OCC to help make sure the advice given is timely and based on the best information available.

**Requests for family separation advice**

For family separation requests, in addition to the email detailed above, you must complete a

referral template (ICD.4361) available on the CID document generator. This form has been revised to make sure it includes all the possible information which the OCC's professional advisers will need to provide criminal casework with a fully informed opinion about the case. You must complete it as fully as possible before you make a referral about a family separation.

You must plan requests in advance and emergency or urgent requests at the last minute must be avoided if possible. If they are unavoidable you must ring the OCC to advise them of the urgent request although they cannot guarantee to respond to such requests within a specified time. You can find contact numbers in the staff directory on Horizon.

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### The OCC management information data table

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you about the mandatory management information (MI) data table.</p> <p>If you need to make a referral to the OCC for advice (having followed the instructions at related links: Escalation process and When to contact the OCC), you must make sure the email you send to the OCC's inbox (see related link: Email office of the children's champion), is headed by the standard MI data table. This was introduced on 1 June 2013 as a tool for capturing all the relevant core information needed about a case. This provides two benefits:</p> <ul style="list-style-type: none"><li>• an enhanced ability to consider all the facts of a case to provide better welfare advice to caseworkers, and</li><li>• a means of compiling useful MI about OCC referrals, this may be useful when addressing queries such as parliamentary questions, and requests for information under the Freedom of Information Act 2000.</li></ul> <p>To access the blank version of the table, see related link: OCC MI data table.</p> <p>You must paste the blank table in to the top of your email message, and complete the information as required in each of the 14 boxes. The download also provides a detailed explanation of exactly what information is expected in each box.</p> <p>To give you an idea of how a completed MI data table should look, you may refer to the 'worked example' which can also be accessed using the related download.</p> <p>When you have completed the data table, you must make sure all the additional information needed for a complete OCC referral is included in your email message. For more details about this, see related link: How to contact the OCC.</p>	<p><b>Related links</b></p> <p><a href="#">Escalation process</a></p> <p><a href="#">When to contact the OCC</a></p> <p><a href="#">How to contact the OCC</a></p> <p>Links to staff intranet removed</p>
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## Introduction to children and family cases

### Internal training on managing children and family cases

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you about the training criminal casework (CC) staff must undertake if their work involves working with children directly or indirectly.</p> <p>All staff whose work involves children either directly or indirectly must complete an e-learning course on child safeguarding awareness. Staff who give advice to caseworkers on complex children and family issues must complete advanced levels of training about their needs in the immigration context. In CC this will mean senior caseworkers and safeguarding children coordinators.</p> <p>All operational staff (such as those in CCs prison operations and removals team) who conduct interviews with children and/or have contact with children in their regular work must complete further e-learning courses and any relevant class-based training must be made available.</p> <p>As the new procedures relating to managing family returns without the use of detention settle in, appropriate training courses are being developed to make sure staff engaging in these activities are properly equipped to make sure child welfare is safeguarded and promoted whilst managing the immigration aspect of the case effectively.</p>	<p>Links to staff intranet removed</p>
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## Introduction to children and family cases

### Alternatives to deportation for family members

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you the alternatives to deporting family members who have no lawful basis to remain in the UK and who are liable to removal.</p> <p>If a foreign national offender (FNO) is liable to deportation, and their family members are not British citizens, you will usually try to remove the family unit together if possible. In all cases, especially those involving children, immigration enforcement prefer to encourage voluntary departure, if not through the subject's own means then with assistance from the facilitated returns scheme (FRS) in respect of FNOs, and the assisted voluntary return (AVR) process for their family members. For more information, see related links:</p> <ul style="list-style-type: none"><li>• The facilitated returns scheme (FRS)</li><li>• Assisted voluntary returns.</li></ul> <p>The FNO may be removed under the early removal scheme (ERS), if within the relevant time period. Arrangements then need to be made to facilitate removal of any family members in line with that, if possible. For more information on ERS, see related link.</p> <p>Otherwise, family members may either be deported with the FNO as their dependants, or alternatively removed according to their own immigration status. If they are immigration offenders in their own right then removal may be under whichever category is appropriate:</p> <ul style="list-style-type: none"><li>• Administrative removal under section 10(1) of the Immigration and Asylum Act 1999 (overstayers, failure to abide by a condition of leave, , leave to remain by deception).</li><li>• Removal as a port case if they are refused leave to enter (paragraphs 8 and 10 of Schedule 2 to the Immigration Act 1971) or if they are an illegal entrant (paragraph 9 of Schedule 2 to the 1971 Act).</li></ul> <p>Where family members are being removed under a different process to deportation but at the same time as the FNO, you must work closely with the directorate responsible for the removal (usually removals and compliance casework) to make sure the family's departures are coordinated where possible. As part of the family returns process all family members</p>	<p>Links to staff intranet removed</p>
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	<p>should be returned home at the same time, regardless of the different mechanisms being used to effect their departures.</p> <p>For more information about the various types of immigration offences, see related link: Enforcement: Immigration offences and breaches. For more information on the removal of FNO deportees' family members from the UK, see related link: Deportation of family members of foreign national offenders. For more information about the family returns process, see related link: Managing family returns.</p>	
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## Introduction to children and family cases

### Contact

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## Introduction to children and family cases

### Information owner

<p><a href="#">About this guidance</a></p> <p><a href="#">Deportation of foreign national offenders</a></p> <p><a href="#">Duty to safeguard and promote child welfare</a></p> <p><a href="#">Advice from Office of Children's Champion (OCC)</a></p> <p><a href="#">Internal training on managing children and family cases</a></p> <p><a href="#">Alternatives to deportation for family members</a></p>	<p>This page tells you about this version of the 'Introduction to children and family cases' guidance and who owns it.</p> <table border="1" data-bbox="499 391 1632 884"><tr><td>Version</td><td>8.2</td></tr><tr><td>Valid from date</td><td>28 July 2014</td></tr><tr><td>Policy owner</td><td>Official – sensitive: information removed</td></tr><tr><td>Cleared by director</td><td>Official – sensitive: information removed</td></tr><tr><td>Director's role</td><td>Official – sensitive: information removed</td></tr><tr><td>Clearance date</td><td>5 June 2013</td></tr><tr><td>This version approved for publication by</td><td>Official – sensitive: information removed</td></tr><tr><td>Approver's role</td><td>Official – sensitive: information removed</td></tr><tr><td>Approval date</td><td>25 July 2014</td></tr></table> <p>Changes to this guidance can only be made by guidance, rules and forms team (GRaFT) team. If you think the policy content needs amending you must contact CPG using related link: Email CPG queries who will ask GRaFT to update the guidance, if appropriate.</p> <p>GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email GRaFT team.</p>	Version	8.2	Valid from date	28 July 2014	Policy owner	Official – sensitive: information removed	Cleared by director	Official – sensitive: information removed	Director's role	Official – sensitive: information removed	Clearance date	5 June 2013	This version approved for publication by	Official – sensitive: information removed	Approver's role	Official – sensitive: information removed	Approval date	25 July 2014	<p><b>Related links</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Contact</a></p> <p>Links to staff intranet removed</p>
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