

Guidance on the Use of Written Agreements by Social Care Staff.

(November 2012)

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1. Introduction

Written agreements are frequently used by social workers in their work with children and families. Typically such agreements are used to help ensure the safety and welfare of children during periods of assessment and/or intervention, by outlining what is required from parents in terms of compliance with assessments and appointments, living arrangements or involving supervisory arrangements with other family members.

They are a useful tool but in order to be effective, they must be properly drawn up, shared, monitored and evaluated. The following practice guidance explains the purpose of written agreements and lays out standards to be applied when drawing up and using written agreements.

For specific information around the use of agreements arising from Pre Proceedings Care Planning Meetings you should refer to Chapter 4 "Care Planning Guidance" of the Lancashire Children's Social Care Procedures.

http://lancashirecsc.proceduresonline.com/chapters/g_care_planning.html

2. Written Agreements vs Written Undertakings

It is important to distinguish between a written agreement and a written undertaking.

A written agreement is a partnership document which aims to clarify the detail of and sign up to a plan or a particular aspect of a plan.

A written undertaking is a means of obtaining evidence that a person has agreed to do or not do something. Written undertakings should only be used in emergencies and for short periods (hours/days) and when the practitioner judges that the individual is likely to comply, even if they do not like it e.g. a grandparent who has temporarily assumed care of a child agreeing not to allow unsupervised contact with a parent for the duration of a Section 47 Enquiry.

3. Reasons to use a Written Agreement

Good reasons:

- To provide family members and professionals with **clarity** about the **detail** of what they have agreed or are being required to do;
- To **crystallise** what has already been agreed or particular aspects of it;
- To clarify the **aim or goal** of work/planned actions;
- To clarify **timescales** for work/planned actions;
- To establish clarity about the **consequences** of success and failure of planned actions;
- To clarify what the **contingency plan(s)** is/are.

Bad Reasons

- To **coerce** individuals to behave in ways which they are reluctant/refusing to; (Coercion is sometimes required and appropriate but should be pursued in other more effective ways).
- As an attempt to **put controls around** a situation which has been out of control. Remember, it is only a piece of paper;
- To **reassure** concerned professionals and managers that a concerning situation is being appropriately addressed;
- Because a previous written agreement has been **renegeed upon**;
- Because **other attempts at control** (legal orders, child protection planning) have been **sought but not obtained**. In these circumstances, a written agreement could provide a dangerous illusion of compliance.

4. Reasons to use a Written Undertaking

Good Reasons

- To ensure that everybody is **clear** about the expectations of them, and why they are expected to behave in a certain way
- To ensure that everybody knows the **consequences** of not carrying **out** agreed actions
- To ensure that everybody is clear about the **duration** of the undertaking

Bad Reasons

- To try and **force** people to behave in a way they don't want to
- To **replace** a previous written undertaking that wasn't adhered to
- To **delay** other protective action being taken without just cause (eg if an urgent risk assessment is needed, an undertaking about contact would be OK for the duration of the assessment. If the assessment is complete, the next steps should be initiated and the undertaking should not be drawn out more than is absolutely necessary)

5. Good Practice Standards when using Written Agreements/Undertakings

Agreements and Undertakings should be clear, concise and not too long.

Written agreements and undertakings should only be agreed when it can be demonstrated that this course of action is based on a clear risk assessment and that the risks are manageable.

Unannounced visits should always be made to 'spot check' that such agreements/undertakings are being adhered to.

Changes cannot be made to written agreements/undertakings without prior discussion and agreement from the Team Manager and relevant multi agency forum, Core Group or Case Conference. The amended document should be distributed to all.

Breaches of the agreement/undertaking must be taken very seriously. The effectiveness of agreements and undertakings is seriously undermined if families are allowed to breach them repeatedly.

Contingencies should be spelt out and can include a decision to end the agreement/undertaking, reconvene the Core Group or Conference, seek a legal planning meeting or initiate legal action.

Where a decision has been made to end the written agreement/undertaking, or it is no longer required, this decision should be communicated in writing to carers and parents and all the agencies involved with the family.

Appendix 1: Example of a Written Agreement



This is a written agreement between Lancashire County Council and Mr and Mrs Jones.

Reason for agreement

Professionals are concerned that William is not being cared for appropriately and that he is at risk of harm as a result of this.

Purpose

The aim of this agreement is to set out what is expected from Mr and Mrs Jones and what help they can expect from professionals in return.

This document is not legally binding and all parties have been advised that they may seek legal advice.

What Mr & Mrs Jones will do

- Make sure that William attends all his appointments with the Paediatrician
- Make sure they do not leave William in the care of anybody that is under 18 years of age
- Make sure they do not leave William with any other adult who is deemed inappropriate to care for him without parental supervision.
- Make sure they let professionals into their home so that the conditions in the home can be regularly checked
- Make sure they let Sarah Taylor, or one of her team, check William's bedroom when requested
- Make sure they allow Sarah Taylor to speak with William on his own
- Make sure they are at home for every CaPPS session and work with the CaPPS team to make necessary improvements to William's routines and home conditions

What Sarah Taylor, social worker will do

- Give Mr and Mrs Jones a calendar to write down all William's appointments
- Tell Mr and Mrs Jones what is going well and what needs to improve
- Organise monthly meetings with Mr and Mrs Jones and all other professionals supporting William and his parents
- Talk to William on his own to make sure he is OK

If the Agreement is not kept to:

An urgent meeting will be convened to include all professionals and Mr and Mrs Jones, to discuss the issues or concerns identified. Consideration will be given to initiating a Child Protection Case Conference to make the plan more formal.

How long this will go on for:

This agreement will last for 3 months when it will be reviewed at a meeting of Mr and Mrs Jones, Sarah Taylor and all other professionals involved.

Signed:

Mrs Cole, Grandmother _____	Date _____
Mr Cole, Grandfather _____	Date _____
Mr Jones, Father _____	Date _____
Mrs Jones, Mother _____	Date _____
Sarah Taylor, SW _____	Date _____
Matthew Brown, TM _____	Date _____

Copy of this agreement to be distributed to:

Head Teacher

School Nurse

CaPPS worker

Appendix 2: Example of a Written Undertaking



Reason for Undertaking

William has suffered an injury that Medical professionals feel was caused intentionally. Until investigations are completed about his injury, he cannot be alone with his mother or father, Mr and Mrs Jones, without being supervised by another adult.

What William's Grandparents will do:

- Agree to care safely for William at their home and meet all his day to day needs
- Agree to take William to school every day and collect him every day
- **Agree to supervise any contact between William and his parents – William must not be left alone with either or both of his parents at anytime**
- Agree to allow the social worker to visit William when requested and to speak with him alone
- Agree to inform the social worker, Sarah Taylor, of any concerns about this undertaking or how it is working; about William or about William's parents

If the Undertaking is not kept to:

The social worker will seek urgent legal advice and take any necessary action to keep William safe. This may include moving him to live elsewhere.

How long this will Undertaking last for:

This undertaking will remain in place until the investigation into the cause of William's injury is completed. It will only end with the agreement of the social worker, team manager and police officers involved.

Signed:

Mrs Cole, Grandmother _____

Date _____

Mr Cole, Grandfather _____

Date _____

Copy of this agreement to be distributed to:

Head Teacher, School Nurse, CaPPS worker, Police Officer, PPU