

IFSW POLICY & GUIDING
PRINCIPLES FOR
INTERNATIONAL SOCIAL WORK
ASSESSMENT OF CHILDREN



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IFSW Policy and Guiding Principles for International Social Work assessment of children.

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Definitions

'Home' social worker – the social worker in the place where the request for an assessment has been made.

'Visiting' social worker – the social worker from the place where the request for an assessment has been made who is visiting the overseas locality to which the child may move (or in very exceptional circumstances; where the child is residing)

'Local' social worker – the social worker in the overseas country where a family assessment has been requested.

POLICY

Purpose:

To promote safe, ethical social work practice, in accordance with international conventions and agreements¹, when social workers undertake assessments of children that cross nation state borders. The same principles apply to other vulnerable persons who lack the capacity to make their own decisions. This policy and these guidelines were developed to fulfil the motion passed at the General Meeting in Melbourne 2014².

This policy and these guiding principles will provide both the Courts and social workers with IFSW's framework to mitigate the risk of some legal jurisdictions requiring inappropriate assessments or interventions across borders. Employers also have a responsibility to ensure the safe working practices of their social workers and must not require them to practice abroad illegally or unsafely.

Policy:

When undertaking cross border social work, professional practice is consistent with the international conventions, agreements and the IFSW ethical principles which all enshrine the concept of the best interests of the child being paramount. Social work assessments are concerned with the whole person and the context within which the child lives including family and cultural identity; and should seek to recognise all aspects of a child's life.

An assessment in a different country is always best undertaken by a local social worker. Such an assessment would form a part of the overall assessment of options for the child / vulnerable person which the 'home' social worker considers in order to make the final recommendations to the requesting authority. It is likely to be illegal, unethical and unsafe for a social worker to undertake an assessment outside their own country on their own. Travelling overseas to undertake an assessment carries multiple risks of misunderstanding local circumstances and consequently producing a misleading assessment. A 'visiting' social worker may work alongside a 'local' social worker to complete an assessment if no alternative option is available. The 'local' social worker in the country being visited has a duty to inform themselves about the nature of the assessment required by courts or agencies and to do their best to meet these requirements. The 'visiting' social worker has a

¹ International conventions and agreements listed in Appendix 1

² Full text of this motion in Appendix 2

responsibility to provide clear briefing to the 'local' social worker and, where possible, to support them to deliver the assessment required.

IFSW recognises and endorses linkages between social workers via a Central Agency (in countries which are signatories to The Hague Conventions and the Brussels (11a) Regulation) and / or the professional partnerships such as those involving the International Social Services (ISS) to ensure high quality, accountable, safe and legal international social work services are provided.

Scope:

This policy concerns the practice of social workers where assessments are required when individual cases are being considered, especially in legal settings.

This policy does not address the situation of children caught up in large population migrations as refugees or asylum seekers. There are specific UN Conventions and agreements relating to those circumstances although many similar principles apply. This policy also does not apply to abduction cases.

GUIDING PRINCIPLES

BACKGROUND

The Convention on the Rights of the Child makes clear that any child whose future care is being considered by a court and who is living in a different country from their extended family has a right to an assessment of the potential for providing care in that country.

That assessment should take account of the benefits of a kinship or family friend placement in the other country, in terms of development of identity and cultural ties, as well as the benefits of alternative care in the country of residence. It should not be assumed that a more well-resourced environment in the country of residence is necessarily better for a child than a family placement in a country with less developed economic resources. In making an assessment, the social worker needs to take into account the development and degree of disability of the child and the strength of family ties alongside other factors such as the availability of any health treatments and other services which the child's condition may require.

INTRODUCTION AND RATIONALE

In an increasingly globalised world, where greater numbers of children and their families are mobile and end up separated by international borders, there has been a rise in the need for inter-country social work, including international kinship assessments in which relatives in other countries are assessed as potential carers for a child in need of care.

The practice involved in undertaking kinship assessments overseas is multifaceted and each case requires careful consideration.

These guiding principles outline the ethical, legal and safety considerations associated with social workers practicing overseas and applies these considerations to international family assessments, whilst outlining several collaborative approaches. To align with best practice, protect the safety of everyone involved and ensure the best interests of the child are upheld, social workers within their own country are best placed to complete assessments requested from overseas and social workers should not normally be travelling overseas to conduct assessments. However such an assessment is

only one part of the overall assessment and the final judgement about what is best for the child will lie with the social worker in the country which has initiated the assessment process.

CONTEXT

As a result of the increased cross border movement of people for many reasons, for example seeking work, education and self-improvement or escaping war or conflicts as refugees or asylum seekers, international assessments have become a more common aspect of the work undertaken by social workers around the world. Families divided by distance and borders are less able easily to provide mutual support when needed, due to age and vulnerability or when people become physically or mentally ill and require care services. In such circumstances, it is frequently advisable to assess whether the most effective support can be provided by a distant family member or close friend in another country. In some cases, especially relating to the care of children following death, divorce, separation or incapacity, a court assessment is required before a decision is made. There are complex ethical and practice considerations involved in such assessments.

Signatories to The Hague Conventions and Brussels (IIa) Regulation are required to have a Central Authority which acts as a contact point and clearing house for individual cases. These operate very differently, have widely differing resources and do not necessarily have qualified social workers on their staff.

The same principles apply to a cross-border assessment as to any other in-country assessment. All social work assessments require an in-depth knowledge, not only of the individual or group needs of the people subject to the assessment, but also an in-depth knowledge of the environment and cultural context in which they currently live or could potentially be moved to, or are in the process of moving to. Assessors therefore need to consider the legal, child protection, immigration and social care provision and the social support infrastructure, including the local social protection systems.

People are the experts in their own experience, however they may have been transported into a culture and an environment that they do not know or understand and which is distressing. Similarly, a return to a former or ancestral culture and environment which has changed through time may be equally distressing. Encompassing this complex matrix in all its different dimensions, from the individual to the community to the environment to which it is suggested the person moves, requires not only traditional local knowledge, but now a more global dimension: the international is local.

A social work assessment is completed with the person or people, analysing with them how they work through change and what supports they will need in that process. It starts with acknowledging the person as the centre of expertise by experience of their unique situation. Wherever practicable – depending on age, developmental capacity and circumstances – the views of the child should be sought and taken into account.

Journeying with people through this change requires skills, knowledge and expertise in ethical and multi-cultural practice and in the process of transition.

ISSUES

Social work training, qualifications and experience in one country and jurisdiction does not necessarily equip professionals to cross borders and practice with competence in another country. For regulated professions, the requirement to hold a current practicing certificate from the local country's regulatory body limits cross boundary work. Lack of local knowledge, or inappropriate assumptions and competence in any of these areas, may cause damage to the person or people concerned and can place children and their families at risk.

Legal considerations

Ensuring all social work practice is legal and legitimate is paramount when conducting assessments overseas. A social worker may be working illegally and illegitimately if they do not have work rights in the respective overseas country. This could effectively invalidate any assessments they conduct abroad and could expose the social worker to criminal prosecution or a ban from the country concerned, depending on that country's immigration and visa laws. There is already at least one example of a social worker being refused entry to a country because they were travelling on a tourist visa to undertake an assessment, which is work.

Moreover, if a social worker practices social work in a country where social work is a registered profession, then because that social worker is not registered in that country, they would effectively be practicing illegally and this would also have implications for the organisation that arranged the assessment. These possible legal repercussions for the social worker and the sending organisation indicate that international assessments should always be referred to local social work organisations and professionals and not be conducted by social workers practicing abroad, potentially illegally.

Ethical considerations

Practicing in line with established ethical principles underpins social work values, therefore in order to ensure ethical international assessments occur, the social worker completing the assessment must be the professional best placed to do so, with the necessary legal, cultural and practice competencies relevant to the country within which the assessment is to be undertaken. This means the social worker needs to have the necessary understanding of the local child protection and legal systems. Without the local knowledge, crucial information might not be collected on the background of the family who is being assessed, including potential criminal backgrounds, but also child protection issues that might be recorded in local child protection agencies that an overseas social worker is unable to access. The 'visiting' social worker is unlikely to have information about supports available to the prospective kinship carers in that country and risks which they will have to manage. A 'local' social worker will have the additional benefits of knowledge about the culture, customs, language and services within their own country and may then also be able to assist in the child's transition overseas, as well as be in a position to provide post placement reports if required.

The increase in knowledge of the impact of the misuse of power and control in countries where indigenous peoples have been discriminated in the name of social work interventions highlights the need to make sure that each social worker takes personal professional responsibility for ensuring that any social work intervention is in accord with ethical standards.

By not properly considering the ethical perspectives of an international assessment, this could leave the potential carer in a vulnerable position as the overseas social worker would be unable to provide potential carers with the essential support and information necessary to establish a successful placement. Thus, it is unethical for a home social worker to complete an international assessment without working with local social workers to ensure the necessary support for carers is available beyond the assessment phase.

Safety considerations

The safety of the child must be central to any assessment but the safety also of both the social worker and the prospective carers are important. A 'home' social worker without local knowledge regarding such things as child protection details, emergency numbers and support services could mean their actions have negative implications for the family post placement. Furthermore conducting an international assessment could place both the 'home' social worker and the prospective carers in an unnecessarily unsafe situation, which may not be covered by insurance should something go wrong while conducting an assessment. Such situations could, in extreme situations, result in antagonism or

violence being expressed against the visiting social worker and/or social consequences including risk of exclusion or violence against the family being assessed. For example, the presence of a foreign social worker could draw attention from the community and potentially place a stigma on the family, particularly in communities where external involvement in a family's affairs can be seen as an embarrassment.

Collaborative approach

Given the legal, ethical and safety issues outlined in this policy, international assessments should always be completed by, or at least actively involve a 'local' social worker within the country. This approach means that the social workers from each country will need to work together.

While this collaborative approach may seem time consuming, complex or even overwhelming if the social worker has never facilitated a cross-border placement, such collaboration mitigates many of the legal, ethical and safety issues associated with international assessments and ensures the best interests of the child are paramount.

Social work is practiced in many different ways around the world. It focuses on helping people through a process of change to a better outcome for them that enhances their well-being. This may be through individual work, in groups or through community development. It takes place in many different cultures and political environments. This can result in misunderstandings between social workers operating in different political and cultural environments and in different languages. Nevertheless, some shared understanding is essential to deliver assessments which meet the needs of both countries, often within a legal framework with very specific requirements and expectations.

There is growing awareness of specific issues which can arise in cross-border cases, including the possibilities of trafficking of persons (including sale of children), modern forms of slavery or domestic servitude, involvement in terrorism or smuggling and risks of discrimination due to ethnic origin, sexual orientation or disability. These issues need to be considered when assessing risk and best options.

Options for Social Work Assessments across borders:

Local professionals are usually best placed to conduct assessments and /or undertake an intervention as they understand the local resources and best practice within their locality.

A number of approaches can be considered for undertaking assessments across borders. These different options are not mutually exclusive.

Separate assessments

Separate assessments can be prepared in each of the countries and then woven together. However, making a comparison of two quite different styles of assessment, that rely heavily on the cultural and practice orientations of the individual social workers, carries risks. This model also implies that neither of the social workers will see the parties together, which often limits the validity of the assessment. Such an approach must avoid two or more assessments of a prospective carer – once by a local and a second time by a visiting social worker – which can result in an onerous, frustrating, and unnecessary assessment process and which can be abusive of those being assessed.

Lead assessor

One social worker (usually from the country where the child is placed) takes the lead and undertakes the full assessment but involves a local social worker to supply detailed local knowledge and context for the assessment, including assessing their physical home environment and conducting the necessary checks (if available). The social worker in the country where the prospective carer resides

would receive information about the child from the child's social worker. This information is then used to inform the assessment of the prospective carer and ensure the best match between the carer to the child and their specific needs.

Cross border employment / contracting

A social worker from the country in which the child is now resident but who is employed in the country seeking the assessment may have both the relevant cultural and local knowledge as well as the relevant competencies to undertake this work. This may facilitate cultural understandings but a joint assessment in both countries may still be required.

Using recognised International NGO

Specially trained social workers working for an NGO such as a member of the International Social Service (ISS) network undertake the assessment. ISS can secure the cooperation of professionals overseas via its ISS network partners in 120 countries.

If the international assessment is required in a country in which ISS does not have a network member, then another collaborative approach to consider is one that allows the social worker where the child is currently placed to take the lead and undertake the international assessment while using a local social worker to supply detailed local knowledge and context for the assessment, including assessing their physical home environment and conducting the necessary checks (if available).

Acknowledgement

This policy statement has been developed by IFSW, with assistance from International Social Services (ISS), to guide social workers and their agencies in deciding how best to undertake assessments across borders.

IFSW and ISS both support the vision of a world as described in the Convention on the Rights of the Child in which children's best interests and rights are defended and families are connected. IFSW encourages national member organisations and practicing social workers to respect the Convention and to follow high standards of ethical practice.

The International Social Services (ISS) network delivers inter-country casework services that are ethical, legal and safe whilst always upholding the best interests of the child. ISS is well placed to facilitate a collaborative approach to international assessments with over 90 years extensive experience in inter-country casework and with an international ISS network operating in over 120 countries. In order to conduct an international assessment overseas, a Child Protection or Government Authority can access ISS who will organise for an assessment to occur overseas either through the overseas ISS network member or if ISS cannot provide the direct service then a referral would be made to the appropriate service provider (either the Government or a non-government organisation) who will conduct the international assessment.

APPENDIX 1: LIST OF INTERNATIONAL CONVENTIONS AND AGREEMENTS DESIGNED TO PROTECT CHILDREN

- *The Universal Declaration of Human Rights* (1948). New York: United Nations. <http://www.un.org/en/universal-declaration-human-rights>.
- The **office of the United Nations High Commissioner for Refugees (UNHCR)** <http://www.unhcr.org>.
- *Convention relating to the status of refugees* (1951). New York: United Nations. <http://www.unhcr.org/uk/3b66c2aa10>.
- *Convention on the Rights of the Child* (1989). New York: United Nations. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.
- *Guidelines for the alternative care of children* (2010). New York: United Nations. https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf.
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") (1985) New York: United Nations. <http://www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf>.
- **Hague** Conference on Private International Law <https://www.hcch.net/en/home>.
- *The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (1980). <https://www.hcch.net/en/instruments/conventions/specialised-sections/child-abduction>.
- *The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Adoption Convention) (1993). <https://www.hcch.net/en/instruments/conventions/specialised-sections/intercountry-adoption>.
- *The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1996). <https://www.hcch.net/en/instruments/conventions/full-text/?cid=701996>.
- *Brussels (IIa) Regulations* (2005). Brussels: European Union. http://ec.europa.eu/justice/civil/files/brussels_ii_practice_guide_en.pdf.

All URLs checked and accessed 15 January 2018

APPENDIX 2: GENERAL MEETING MOTION PASSED MELBOURNE JULY 2014

This General Meeting acknowledges that:

- all actions concerning a child shall take full account of the UN Convention on the Rights of the Child and the concept of the best interest of the child enshrined therein,
- in different States there are differences in laws and regulations that affect how the development of children into adults is perceived, culturally and legally,
- regarding assessments social workers should be concerned with the whole person, within the family, community, societal and natural environments, and should seek to recognise all aspects of a child's life,
- cultural factors that include language and customs are very important in children's lives since they stem from ancestral knowledge and traditions in numerous domains • working with local social services is crucial regarding international assessments and calls upon IFSW Secretariat as a matter of urgency to publish a set of Guiding Principles for Social Workers concerning their role in the assessment of children's cases that cross nation state borders. For the elaboration of these guiding principles cooperation is to be sought with International Social Service (ISS) and IASSW, with UN Agencies such as UNICEF and UNHCR, and with NGOs working in this field.

APPENDIX 3: CASE EXAMPLES

The following are case examples of different types of social work intervention illustrating what works and some ill-conceived methods of engagement:

USA & Mexico

Jose was deported from the USA to his homeland in Mexico after Jose's workplace was raided by US immigration enforcement police. Jose's wife, Mariel, was home with their infant son at the time of the raid and within five weeks Jose had been deported and Mariel found herself alone, unemployed and responsible for a 4 month old child. Over the next four years Mariel did her best to care for her son, Javier.

Mariel and Jose did their best to keep in touch by phone and mail, but as hope faded that Jose would ever be able to re-enter the US Mariel began using alcohol and methamphetamines to dull some of her heartache. By the time Javier was 5 he had been removed from the care of his mother 3 times. Following the process of terminating Mariel's rights to her son, the social service agency begun looking for family with whom to place Javier.

Although Javier had not seen his father in many years he had kept his letters and pictures. The social service agency referred the case to ISS USA, who in turn referred to their ISS partner in Mexico. They were able to locate the father in two weeks and inform him that Javier was in foster care.

The social service agency requested a home study, community survey and a background check on the father to determine if he would be able to take custody of Javier. ISS USA worked with the ISS partner in Mexico to provide all three services to assist the Judge in making a permanency determination in Javier's best interest. In the meantime, ISS USA worked with Javier's social worker in the US to obtain a visa for Javier and worked with the Mexican consulate to ensure that Javier would be able to permanently reside in Mexico and have full access to all resources and services including school and healthcare.

The ISS partner in Mexico spent a great deal of time talking with Jose and his family about some of the emotional challenges Javier had faced and working with them to find special programs to support Javier and incorporate the entire family in his care and treatment. The home study, background check and community survey were completed in about four weeks and sent to ISS USA.

Following Jose connecting with the US social service agency via Skype and participating in the custody determination hearing in the US Court via video conferencing equipment in his local Mexican Court, the Judge ordered that Javier be returned to his father in Mexico. ISS USA coordinated with their partner in Mexico to have a social worker meet the Javier and his social worker at the airport in Mexico.

Jose and his family were also there and they were happy to have someone help walk them through the first awkward moments of Javier's arrival. Javier's social worker remained in Mexico for four days and worked alongside the ISS partner social worker with Javier and his family.

When the US social worker returned, the ISS partner in Mexico continued to make daily visits for two weeks. For the following year the ISS partner in Mexico visited the home of Jose and Javier once a month and reported to ISS USA on the outcomes. ISS USA forwarded these reports to the social worker

in the US and then the US social service agency closed the case and ISS USA informed the ISS partner in Mexico that no additional oversight was needed.

Australia and France

Charmaine is a 10 year girl living in Sydney with dual citizenship of Australia and France. Charmaine was placed in the sole care of her father Don under Family Court arrangements and her mother, Sally had contact with Charmaine twice weekly for several hours.

Don was then found deceased in his residence and while the matter was being investigated by the Police, Charmaine was placed with her half sibling's mother under informal arrangements.

The Child Protection Authority assessed Charmaine's mother Sally as an unsuitable carer for her and Court proceedings began. Annie, Charmaine's paternal aunt in France, also became a party to the Court proceedings and stated she would like to have Charmaine placed in her long term care. The Court made orders permitting Charmaine to travel to France for a month's holiday with Annie as Charmaine has had an ongoing relationship with her paternal family who reside in France. The Child Protection Authority Social Worker met with Annie while she was in Sydney and completed a preliminary placement assessment, which was positive, however still required a more in depth assessment of Anne and her home environment in France.

The Child Protection Authority approached ISS Australia seeking assistance to obtain a comprehensive kinship placement assessment of Annie in France. The Child Protection Authority was advised the ISS Branch in France had closed, however the neighbouring Branch, ISS Switzerland, would be pleased to assist. A formal referral was sent to ISS Switzerland requesting that a comprehensive assessment of Annie be conducted, including information about her home, family and environmental factors and Child Protection and Police checks.

ISS Switzerland was able to liaise with the French Central Authority to arrange an assessment of Annie, which was conducted by a French Child Protection Authority where Annie resided. The report was used as evidence in the Court proceedings in Australia to make decisions about Charmaine's long term care, and the outcome was that Charmaine was to be placed permanently with her paternal aunt Annie in France, and she would have full parental responsibility for Charmaine.

ISS Australia with the assistance of ISS Switzerland organized some post placement support to occur in the form of visits from the French Child Protection Authority. ISS handled all the international elements of this case, allowing the Australian Child Protection Authority to avoid using its valuable resources (time and staff) to navigate through a foreign system in which it has little or no experience. ISS Switzerland liaised with the French Central Authority and Child Protection Authority to arrange the assessment; this involved a series of phone calls and letters in French. If the Australian Child Protection Authority had been forced to arrange this without the assistance of ISS Switzerland's native French speakers, significant translation costs may have been incurred which in turn would have resulted in delays in facilitating the assessment - clearly not in the best interests of the child.

Switzerland and Guinea

A disabled adult living in Switzerland, wishes to re-migrate and join again his wife and children in Guinea (Bissau). As he has no longer Guinean nationality (he naturalized as Portuguese), currently contact is being made through our ISS correspondent in Guinea (an NGO partner of the ISS-West-

Africa-Network) to make administrative investigations and also assess the family situation there. The mandate comes from the local adult protection service in Switzerland.

UK and Romania

Following the revelations of the Ceausescu orphanages there was an increase in international adoptions and new social work services were developed copying many of the ideas and practice from Western Europe. Many children had their rights ignored by sometimes well-meaning but culturally ignorant people. The international adoptions were stopped and the orphanages became full again through lack of sustainable social development.

Austria and Romania

Investing in the training of social workers from Romania and in the growth of community initiatives has built up the resources within Romania. This has grown the local economy and services have moved from the 'rescue' notions of the 1990s to sustainable development today.

Refugees and Aid agencies

Some Aid agencies working around the Mediterranean have started to employ social workers from the refugee population. This has had a profound effect on their ability to meet need by understanding the needs of the people in transition, it has given employment to people who wanted to be engaged in work and building the future. It has added people into the wage earning structure contributing to the tax system and public income. It has recognized the dignity and respect of people encompassing the reality that refugees provide more income to the communities they are welcomed into rather than adding to the public cost.

Aid Agencies and the Philippines

Two fishing villages on neighbouring islands affected by a typhoon. Both needed to be rebuilt; the same aid agencies on hand to help. One community used the skills and the resources of social work knowledge about empowerment of people, their need to be involved and consulted about their lives that were undergoing massive change in the wake of much grief and loss. The other adopted the 'need to be rescued' approach. Within 6 months in the first village houses were rebuilt in a safer location, fishing was restored, people were getting wages and the local economy was in recovery. The second village had not significantly changed.