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IFSW General Meeting Melbourne 6th - 7th July 2014

Motion concerning **Social workers doing overseas assessments**

Submitted by AvenirSocial, Switzerland

Draft for Resolution of General Meeting 2014 in Melbourne

This General Meeting acknowledges that

- all actions concerning a child shall take full account of the CRC 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 UNHCHR, and with NGOs working in this field.

Objective

- elaborate and publish a set of guiding principles for social workers regarding the assessment of cases that cross nation state borders
- establish cooperation with UN agencies and allied NGOs
- raise awareness regarding the benefits of international cooperation in social work practice

Context *(the following contemplations are drawn from sources provided by ISS and Community Care UK)*

In the past years, ISS faced an increasing number of social workers travelling abroad in order to make assessments concerning children. While this seems to be a global phenomenon, this practice is probably a lot more prevalent in Western countries. To give an example, Children and Families Across Borders (CFAB, the UK branch of ISS) estimates that one in a hundred UK social workers travels overseas to conduct assessments.

A typical scenario is a looked-after child who has a family member overseas offering to take care of them; this might be an aunt or grandparents who have retired. Because a local authority is responsible for the child's welfare it needs to check the safety of the placement. Likewise, a judge might intervene to order that the placement is considered further. Local authorities need to be sure about the suitability of such a placement and the ability of the carers to support the child's needs, as they would with any placement in the home country.

While good practice would involve local agencies in the assessment, sending social workers abroad without doing so raises ethical as well as legal issues.

Ethical perspective

According to the definition of social work, principles of human rights and social justice are fundamental to social work. In this context, the CRC and the concept of the best interest of the child are to be highlighted, whereas the "UN-Guidelines for the Alternative Care of Children" may be used as a framework

A crucial part of an assessment is to understand the local facilities such as education and health. Local social services will know about culture and legal frameworks better than someone from abroad. It also makes sense to ensure local services are aware that a vulnerable child is in their area in case the placement breaks down. If foreign countries do not work together with local authorities in the assessment process, they potentially lack access to critical information, such as the relevant child protection history. However, to make any recommendation on a prospective families' suitability without having this information does not meet international social work standards and should be avoided. A possible risk may be that potential family placement options overseas are not considered or simply overlooked by the relevant authorities because the social worker may feel overwhelmed by the logistics associated with arranging an overseas placement.

Particularly when working with countries that were previously colonies, visiting social workers from Europe may become perceived as an instrument of social neo colonialism. Here, the concept of cultural competence may serve as a framework to promote awareness and facilitate better social work practice.

Ethically, the best practice approach is to use the expertise of the local social worker to conduct the assessment within their country. There are many benefits to using domestic resources in the assessments of prospective family members. Some of these include that the social worker and family member are likely to speak a common language and the social worker understands the culture and systems within their own country. These systems include child protection, immigration, legal as well as the local support services available. The local social worker may then also be able to assist in the transition process and provide post placement reports if requested.

Legal perspective

In many countries, overseas assessments would be considered illegal, but most of the social workers sent abroad are unaware that they could be acting illegally or in a legally undefined zone (grey zone). Many may assume their work would fall within the law because they have been asked to do the assessment by their managers or even the courts.

Also, social workers are often unaware that what they are doing is actually not lawful, leaving themselves vulnerable to invalidating any insurance that covers their work in their home country because they are operating outside their jurisdiction.

Should there be a case of misconduct which results in a social worker being sent to prison abroad, a local authority is likely to find itself facing a legal bill and damage to its reputation. In

the worst case of a social worker being harmed, the authority would be in even more trouble because it has breached its duty of care towards its staff.

Finally, the wider international body of law, such as the Hague 1996 convention, have to be considered carefully as an official intergovernmental possibility of cooperation in child protection cases, as well as the cooperation through the worldwide network of the International Social Service present in over 120 countries.

Concerns

Concerns regarding the involvement of local authorities in the assessment have to be addressed. Foremost, issues regarding quality and timeliness have to be considered in the guiding principles.

Sincerely,



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