



WE DISCOVER, WE GROW

**Girlguiding**

# Guidance for commissioners on child welfare requests and court proceedings

## Volunteer information

This guidance note should not be treated as legal advice.

The guidance should not be circulated or shared outside of Girlguiding.

### Statement of purpose

As a Girlguiding commissioner you're responsible for giving support and information to any volunteer who has been approached about child welfare issues.

Volunteers who are approached by a parent about child welfare issues or related court proceedings should speak with their commissioner about it immediately.

This document gives guidance on what to do. It explains:

- When Girlguiding volunteers should refer any welfare concerns they have about a child to commissioners.
- Your responsibilities as a commissioner in terms of support.
- How volunteers should respond to requests by the court or parents/carers for information about the welfare of a child.
- A general overview of the types of court proceedings volunteers may be asked to get involved in.
- The different levels of involvement in these proceedings.

### Escalation procedure

As a commissioner, if you're told by a parent, carer or volunteer that the court has ordered a volunteer to make a statement in their capacity as a Girlguiding member, then you should:

- Contact the HQ Safeguarding team.
- Make sure the volunteer is told that legal advice will be made available to them, and a lawyer can also speak to them about the court process if needed.
- Follow relevant safeguarding policies throughout.

If the Girlguiding volunteer has not been approached by a parent or ordered by the court to give a statement, but they believe it's in the child's best interests that they become involved (particularly where they consider the child to be in danger):

- The volunteer should escalate the case to the commissioners.
- The volunteer's involvement should then be reviewed on a case-by-case basis.
- Relevant safeguarding policies should be followed throughout.

## Types of court proceedings

There are different types of court proceedings in relation to children, with different actions needed:

The most common type of court proceedings deal with 'child arrangements'. These proceedings generally focus on which parent the child should live with or with whom they spend time (and how often they spend time). The court can also be asked to decide other issues where the parents/carers can't agree, like which school the child should go to.

There are also times when a child's safety is at the heart of court proceedings. These could be private court proceedings brought about by a parent/carers with serious welfare concerns, or they may be public court proceedings, brought about by or involving a local authority.

## Types of involvement in proceedings

Volunteers should not feel pressured by parents/carers to get involved in any court proceedings if asked to.

- Request for written evidence

Girlguiding volunteers may be approached directly by one of the children's parents/carers to prepare a letter, email, or other written document which the parent may then include in their court documents. It may be, for instance, that they are asked to give an account of how the child presents when at Girlguiding, or to report back on anything they may have said to a volunteer.

A parent/carer may tell the volunteer that providing this written opinion will not lead to formal court involvement. However it's important that Girlguiding volunteers know that this *could* lead to the court ordering a more formal witness statement and possible court attendance (as a witness).

Overall, volunteers should not feel in the middle of disputes between parents/carers (legal or otherwise) and should not feel pressured to give an opinion in this type of case.

- An order of the court

Sometimes, but very rarely, a volunteer is ordered to give a statement by the court. The volunteer would need to be provided with a copy of the court order which would contain a deadline for the written evidence.

## **Safeguarding**

If you become aware of a safeguarding concern from a parent/carer you must follow Girlguiding's safeguarding policy. You should report the concern to the HQ Safeguarding team.

There are separate policies in place in relation to concerns of a child's physical, sexual, or emotional wellbeing and there is a process for reporting these concerns. If there are court proceedings - especially proceedings centred on a child's welfare - this may trigger safeguarding concerns, and these must be escalated as above.

## **Legal advice**

If you need any legal advice contact the HQ Safeguarding team on [safeguarding@girlguiding.org.uk](mailto:safeguarding@girlguiding.org.uk)