



Neglect and the perfect storm

Assessing the care given to a child against the yardstick of a 'reasonable parent' involves considering the impact of the financial crisis on the family and the practical support available, says **Jo Porter**

Recently, I settled in on a Sunday evening to watch the globetrotting journalist Simon Reeves, hampered by the then Covid restrictions, doing a deep dive into Cornwall and particularly the troubles locals faced.

He shone a spotlight on the lack of affordable housing, reasonably paid and regular employment and the exponential rises in the use of food banks. Sadly, this isn't specific to Cornwall – headlines report that families are struggling to have even one meal a day. In the same news reports we see public bodies struggling to meet service needs and having to cut what had previously been seen as essential services.

Increased poverty and the reduced capacity to meet the needs of families has created a perfect storm in which the issue of neglect becomes increasingly difficult to assess. This raises the question as to when the balance tips, with the neglect of a child triggering the need for child protection.

Section 17 of the Children Act 1989 imposes duties on the local authority in relation to the identification of, and provision for, a child in their area who is identified as a child in need. The various stages between the identification of a child as a child in need, moving up to considering the need for care proceedings, will enable careful assessment of the situation for a child.



The neglect of a child, for child protection purposes, is a pattern of behaviour or circumstances that cause the welfare of the child to be adversely impacted upon. Additional issues such as mental health difficulties, learning difficulties, drug abuse and domestic abuse are often seen in matters concerning neglect.

Frequently, in care proceedings, the argument is made that the parents have been unable to provide good enough care for their child because of the financial difficulties, housing and issues around support. These issues should be picked up early by the local authority and support offered to mitigate these issues. The acceptance of and work done with the support, however, is the responsibility of the parent.

Local authorities and their lawyers will be looking for the patterns of behaviour during assessment that identifies the possible reasons for the neglect and the support to be provided to the family. This pattern of behaviour should consider whether the care being given to the child falls short of what is expected from a 'reasonable parent'. This should not be seen as a blame exercise, but instead, a balanced view based on the evidence.

It is more often than not the case that the parent's wish to be a 'good parent' is undercut by their capacity to be one. It is when appropriate support is put in place and inadequate care does not improve that this difficult question is answered.

However, there is no legal definition of what significant harm means. This is an intentional step to ensure wider social issues can be considered by the court on a case-by-case basis and to avoid excessive rigidity. Nevertheless, the standard of a 'reasonable parent' remains the yardstick for considering any harm

caused to a child and whether it is harm that could have, and should have been, avoided. The welfare of the child is the paramount consideration of all professionals working within this field.

The care given by the parent to the child against the yardstick of a 'reasonable parent' necessarily pulls in the consideration of the impact upon the family of the financial crisis and practical support available.

Here, a chronology of issues and support offered is crucial. The development of a pattern of behaviour that continues after the provision of support will soon build a picture of the wider issues.

There is little doubt cumulative socio-economic pressures have seen increased rates of local authorities intervening with families. For many, this further exacerbated pre-existing complications such as a mental health, drug use and learning difficulties. However, a line must be drawn for a child in terms of identifying neglect and the need for intervention. It is worth noting that this line varies considerably from area to area and it is important a local authority carefully assesses and analyses the likely root issues for the family in their area.

The assessment and analysis of the pattern of behaviour, support and success of the support offered, will ensure professionals and the court alike can consider the ability of the parent to care for the child.

The cost of living issues, although never far from the thoughts of the professionals working with children, is only one factor at play when looking at the issue of neglect. ■

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