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

This guidance is being introduced from January 2016.

There has been learning from Serious Care Reviews in other LA and this contains a model written agreement which is shown as completed document using fictitious names.

This guidance is to ensure appropriate use of Written Agreements.

*Here is Rutland we are not using written agreements in a consistent manner.*

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 **1.** **Introduction**

A Serious Case Review (Child H March 2015 Cambridgeshire) identified the need for a review of the use of written agreements, which had been relied on in that case.

Serious Care Reviews have noted that written agreements are used too often with little guidance and used as a means of attempting to put controls/boundaries around individuals and family’s behaviours.

This guidance is aimed at supporting staff in the appropriate use of written agreements and to avoid drift towards their inappropriate or dangerous use.

 **2.** **Written Agreements vs Written Undertakings**

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

The former 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 Child Protection Assessment/Section 47 Enquiry.

 **3.** **Good Reasons to Use a Written Agreement**

* 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.

 **4.** **Bad Reasons to Use a Written Agreement**

* 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 **reneged 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.

 **5.** **Before a Written Agreement is Embarked Upon**

* **Discussion** of all aspects of what might go into the agreement should be undertaken with all participants **before anything is committed to paper**; do not start with a draft drawn up by a professional because the likelihood of ‘ownership’ by service users and other professionals will be reduced;
* Explain and discuss **why a written agreement could help**;
* Explore participants' **willingness, confidence and capacity** in the proposed written agreement: Do they want to do it? Do they think it will work? Do they have the resources to make it work?
* Decide **what all participants are committing to**, not just family members; include any input/support which professionals are going to provide as well as expectations of family members.

After doing all of the above, nominate one or two participants (if two, one should be a family member and one a professional) to produce a draft for everyone to subsequently discuss before signing; involving family in this way promotes ownership and compliance.

 **6.** **Good Written Agreements Are**

* **S**pecific, **Measurable**, **A**chievable, **R**ealistic and **T**ime-limited;
* Balanced - clarify everyone’s full undertakings;
* Clear about their aim/goal;
* Consistent with and usually based upon other existing plans e.g. Child Protection Plans, Care Plans, Family Group Conference plans;
* Clear about the consequences of failure to deliver, for family members and professionals;
* Clear about contingencies;
* Written in clear language without jargon or acronyms;
* Clear about when they will be reviewed.

Written agreements are only effective if they are monitored rigorously, breaches dealt with quickly and the specified consequences of compliance or non-compliance implemented.

**A model written agreement is appended - the names used in this model are fictitious**

**Appendix 1:** **Model Written Agreement (1)**

**Written Agreement Between McCarthy Family, Children Social Care and Contact Worker**

**Purpose**

To be clear what the arrangements are for contact between Mr and Mrs McCarthy and Padraig so that it goes smoothly and well for everyone, but especially for Padraig.

To be clear what the contact supervisors are looking for.

**When and Where**

Contact visits will happen every Monday and Thursday from 10.30 to 12.30 at Skipfield Children’s Centre.

Mr or Mrs McCarthy will call Family Support Worker Daisy Brown before 9.30 each Tuesday and Thursday to confirm that they will be attending contact.

Daisy will collect Padraig from the foster carers and make sure that she and Padraig arrive on time; Mr and Mrs McCarthy will make sure they arrive on time also. Everyone will stay for the full 2 hours.

**Supervision of Contact**

Visits will be supervised by Daisy Brown and Shobna Maharaj from Children Social Care team. If one is ill or on holiday, they will arrange for someone to take their place but unless they are both ill at the same time, they will make sure that at least one of them supervises every contact visit.

**What Mr & Mrs McCarthy will do**

Mr and Mrs McCarthy will focus on spending time and attention on Padraig - if there are problems between them or issues with the local authority and its staff, discussion about this will wait until after contact. Mobiles will be switched off.

If there is a particular issue between parents which may affect contact, Mr and Mrs McCarthy will consider whether only one of them should attend on that day.

If either parent feels unwell they will discuss with the supervisor.

Mr and Mrs McCarthy will not use contact to raise issues about the care plan - they will keep that for a separate meeting with social worker Paul Picewicz.

Mr and Mrs McCarthy will be polite and respectful towards the contact supervisors at all times.

Mr and Mrs McCarthy will ask the supervisors for help or advice when they need it - its ok to ask for help and this will be seen as a strength.

**What Daisy Brown, Shobna Maharaj and other supervisors will do**

Supervisors will give Mr and Mrs McCarthy every possible chance and support to show that they can look after Padraig well.

Supervisors will be polite and respectful towards Mr and Mrs McCarthy at all times.

Supervisors will make sure they are not interrupted during contact visits and do not have to leave the room except to make everyone a drink or to go to the toilet.

Supervisors will write it down if Mr and Mrs McCarthy do not do all the things listed above and if the supervisors do not do all the things listed here.

Supervisors will also observe and write down how well Mr and Mrs McCarthy are able to look after Padraig, specifically:

* Nappy checked, changed when necessary;
* Responding to crying/unsettled behaviour appropriately;
* Padraig’s cues for being hungry responded to, fed appropriately etc;
* If Padraig is handled appropriately for his age;
* Emotional needs - parents pick up Padraig’s cues re when he’s tired, wanted to engage in play, interact etc, e.g. recognising when he has had enough of a particular activity;
* Appropriate play and interaction for age/stage of development;
* Appropriate comforting, physical contact.

Supervisors’ observations will include noting when advice has been given, and how well parents respond. Being able to seek and take advice is a good thing!

Supervisors will give Mr and Mrs McCarthy a copy of what they have written down at the same time that they provide this to the social worker.

**If things go wrong**

A contact visit will only be stopped by the supervisors if Mr and Mrs McCarthy do not keep to this agreement.

If at any time anyone has concerns about contact they will let Paul Picewicz know, and a meeting will be arranged to meet to discuss it.

**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 McCarthy, Paul, Daisy and Shobna.

Signed:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mr McCarthy | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Mrs McCarthy | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Paul Picewicz   | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Shobna Maharaj | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Daisy Brown  | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Appendix 2: Model Written Agreement (2)**

**Written Agreement Between Jones Family, Children Social Care and Education**

**Purpose**

* To be clear what the expectations are around ensuring, Johnny is safe in the family home;
* To be clear what is expected by all those involved;
* To ensure all those involved are fully aware of what is in place.

**When and Where**

Johnny will attend school every day between school hours, should Johnny be unwell parents will inform the school before 9:30 am of the morning he is not attending education.

Mr or Mrs Jones will ensure that Johnny is not left unsupervised with any adults unless they have been checked by CSC to ensure Johnny is safe in their care.

Mr and Mrs Jones will ensure appropriate …

**What Mr & Mrs Jones will do**

* Mr and Mrs Jones will focus on getting Johnny to school;
* Mr and Mrs Jones will ensure Johnny is not left alone with adults he does not know or has not been checked;
* Mr and Mrs Jones If either parent feels unwell they will discuss with the supervisor;
* Mr and Mrs Jones will adhere to this agreement until the next planned CSC meeting.

**Education will:**

* Ensure Johnny arrives on time to school and his attendance is good;
* Report to CSC any missed education on the day;
* Ensure Johnny has had breakfast upon arrival and lunch during the day.

CSC Will do:

* Provide support to ensure Mr and Mrs Jones develop the skills needed to keep Johnny safe;
* Provide checks on family and friends to enable them to support with Johnny care.

**If things go wrong**

**The Contingency Plan will be …..**

**How long this will go on for**

This agreement will remain in place until the next formal CSC meeting when expectations then form part of the plan.

Signed:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mr Jones | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mrs Jones  | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CSC | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Education | Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**End**