**TEMPLATE LETTER: CHALLENGING AN OFFER TO ACCOMMODATE CHILDREN ONLY**

***This letter template can be used freely without reference to Project 17. However, if you have any questions, you may wish to call our advice line for advisers on 07701330016.***

Children’s Social Care

ADDRESS

DATE

Dear Sir/Madam

**Referral for a child in need assessment**

**NAME AND DATE OF BIRTH OF CHILD**

I write further to my letter/email of DATE and your response of DATE in which you stated you were unable to assist and could only care for the child/children separately from their parent/s.

I am extremely concerned by your suggestion. As far as I am aware, there are no child protection issues other than the mother/father/parents’ lack of money, which could be resolved by you providing support to this family. I note that under s.17 of the Children Act 1989 you have a duty to promote the upbringing of a child by his or her family and have the power to provide support, including accommodation and financial subsistence to the entire family.

It is my view that it is not in the child’s/children’s best interest that they be separated from their parents *give reasons for this position e.g.* mother is still breast-feeding; children have a close bond with their parent/s; disruption is not good for the children; trauma of being taken from loving parents etc.

It is my view that your decision to only accommodate [insert child’s name] is likely to be unlawful for the following reasons:

First, separating CHILD from his/her/their parent/s is not consistent with your duty to safeguard and promote their welfare and upbringing by their parent/s for the reasons given above.

Second, you are required to treat CHILD’s best interest as a primary consideration and you have not done so.

Third, removing CHILD from his/her/their parent/s is an unjustified interference with this family’s right to respect for their private and family life contrary to Article 8 of the European Convention on Human Rights.

In light of the points made in this letter/email, I should be grateful if you could reconsider your previous position and respond by return agreeing to provide support to the entire family, on a without prejudice basis, by state date. Should it remain your position that you will not do so, please respond setting out your reasons.

In the absence of a satisfactory response I shall advise NAME to seek legal advice to remedy this situation. I very much hope that this will not prove necessary and that we can all work together in CHILD’S best interest.

I look forward to hearing from you.

Yours faithfully