

## **CHAPTER 6 INDEPENDENT VISITORS**

### **INTRODUCTION**

CYPA 2001  
s.24(2)

- 1 The Children and Young Persons Act 2001 requires the Department to safeguard and promote the welfare of children it is looking after. Appointing an independent visitor for a child who has little contact with his or her family may be seen as one way to fulfil this duty.

This chapter is based on the framework for the appointment, role and function of independent visitors set out in paragraph 3, Schedule 2 (Children Looked after by the Department), CYPA 2001.

### **WHEN TO APPOINT AN INDEPENDENT VISITOR**

CYPA 2001  
Schedule 2, 3(1)

- 2 The Department may wish to appoint an independent visitor for a child it is looking after, if:
  - a. it believes that this would be in the child's best interest, and
  - b. the following circumstances exist:
    - i. communication between the child and his or her parent or a person who has parental responsibility has been infrequent, or
    - ii. he or she has not visited or been visited by his parents or a person who has parental responsibility during the preceding 12 months.
- 3 A person would not usually be regarded as independent, for these purposes, if he or she is:
  - a. a member of Tynwald or one of its committees or sub-committees, whether elected or co-opted,
  - b. an officer of the Department of Health and Social Security, or
  - c. a member of the Board of Visitors from the Secure Care Home,
  - d. on the criteria review panel for secure orders,
  - e. the spouse of any of these,
  - f. other deemed to have a conflict due to employment or otherwise.
- 4 When the child is being accommodated by an organisation such as a registered children's home or small home, the following would not usually be regarded as independent for these purposes:
  - a. a person who is a member or a patron or trustee of the organisation, or
  - b. someone who is employed by the organisation whether paid or not, or

- c. the spouse or partner of any of these people.

## **IDENTIFYING CHILDREN FOR WHOM AN INDEPENDENT VISITOR MIGHT BE APPOINTED**

- 5 The possible need to appoint an independent visitor should be considered when the plan for a child is first drawn up and when it is reviewed.
- 6 Points to consider are:
- a. the wishes and feelings of the child, and
  - b. the child's religious persuasion, racial origin and cultural and linguistic background.
- 7 The Department should not appoint an independent visitor if the child objects, and the Department is satisfied that he or she has sufficient understanding to make an informed decision.
- 8 It will not always be appropriate to appoint an independent visitor even if the child rarely has contact with his or her parents or someone with parental responsibility. For example, he or she may be well settled in a permanent placement, or regularly see members of his or her family other than parents.

## **SELECTING AN INDEPENDENT VISITOR FOR A PARTICULAR CHILD**

- 9 When selecting an independent visitor the Department should take account of:
- a. the wishes of the child,
  - b. the wishes of his parents or those with parental responsibility, and
  - c. those of any other people whose wishes and feelings are relevant.
- 10 If the child objects to the person the Department chooses this person should not be appointed.

The advice of the child's social worker will be crucial.

- 11 The personal qualities required of an independent visitor include:
- a. an ability to relate to children in general, and
  - b. particularly to do so in a way appropriate to the age and circumstances of the child or young person in question.
- 12 Children's views about whom they would like as an independent visitor may vary according to their age and experience, e.g.
- a teenager may prefer an independent visitor to be more like an elder sibling than a parent,

	<ul style="list-style-type: none"><li>• other children may prefer a much older person, more like a grandparent,</li><li>• some children may appreciate having someone who has him or herself been in care,</li><li>• some may wish for someone who shares his or her religion, culture, language and racial background.</li></ul> <p>13 Introductory meetings will be needed to give an opportunity for mutual assessment and enable the child to decide whether or not he or she wishes the appointment to be made. If the child does not, the Department should consider whether appointing someone else might be possible and appropriate.</p> <p>14 Occasionally a child may prefer to have a relative take the role of independent visitor. In this case the Department will need to distinguish between the small number of cases where this is appropriate and the more common situation where the child has ongoing contact with relatives and friends. The Department may wish to encourage these contacts and pay expenses without the necessity of changing the person's status to that of independent visitor.</p> <p><b>RECRUITMENT</b></p> <p>15 The prerequisites for an effective independent visitor are her or his personal qualities, ability to communicate with children, commitment and interest in children's welfare.</p> <p>16 A strategy for the recruitment of appropriate people to act as independent visitors might include consulting community groups, voluntary bodies and other organisations with an interest in children. Imaginative and energetic recruitment measures may be required to meet the needs of some children, including:</p> <ul style="list-style-type: none"><li>a. those from particular religious, racial, cultural or linguistic backgrounds, and</li><li>b. children who have a disability.</li></ul> <p>17 In some circumstances it may be appropriate for the same person to fulfil the role of independent visitor for more than one child.</p> <p>18 Some independent visitors will be needed to make a long-term commitment to the role, eg. to meet the needs of a young person in his or her early teens and likely to remain in care for some years.</p> <p>19 Potential independent visitors who are only able to offer a shorter term commitment may have valuable qualities and also be able to play a useful role.</p> <p>20 Recruiting a pool of people able to act as independent visitors can sometimes allow the quicker selection of someone for a particular child, than going through the whole process of recruitment and</p>
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appointment although it is unlikely to be appropriate to such a small jurisdiction but may be achieved by, for instance, retaining the availability of independent visitors whose role with a particular child has ended.

- 21 The pool approach will not necessarily allow particular needs to be met, however. It also has the disadvantage that individuals may become frustrated waiting between appointment as an independent visitor and being introduced to a child.

### **Training**

- 22 The recruitment, assessment and support of independent visitors requires similar administrative and professional skills to those needed to assess foster and adoptive parents and therefore thorough assessments will be undertaken before appointment.

- 23 The qualities for which people are recruited as independent visitors can be enhanced by training. An induction programme will need to cover:

- a. the formal aspects of the role and functions,
- b. the duties and procedures of the Department, including interagency practice in child protection,
- c. the relevant aspects of the legislation, and
- d. the importance of confidentiality.

- 24 The circumstances of a particular child may sometimes mean that an independent visitor would benefit from additional training.

- 25 Induction training also provides a opportunity to set expectations about:

- a. access to file information on the child, and
- b. the extent to which the independent visitor him or herself keeps any record, over and above that required to claim expenses.

### **ACCESS TO INFORMATION**

- 26 The Department should decide the amount of information about the child to give the independent visitor depending on the child's history and current circumstances:

- a. The "need to know" principle is usually sufficient, but sometimes it is preferable to give the independent visitor the maximum information possible,
- b. The child him or herself should be involved in deciding what information is made available,
- c. An independent visitor, although appointed by the Department, has no formal right to inspect a child's case files.

## KEEPING RECORDS

- 27 It is not usually necessary or appropriate for the independent visitor to keep detailed records of his or her discussions with the child. It may, however, be useful to:
- a. keep notes of relatives names or dates of birthdays, and
  - b. note the decisions of meetings such as reviews.

Any records should be destroyed when the appointment as independent visitor ends.

## SUPPORT

- 28 Independent visitors should not have supervision or day to day management, which could prejudice their independence.
- 29 They will, however, need arrangements for support in, e.g.
- a. overcoming the initial barrier of cynicism and distrust likely from many children who have experienced breakdowns in relationships,
  - b. dealing, at an early stage, with any anxieties over the appointment of an independent visitor felt by residential staff. Explanation of their role, to staff and the child, should be handled by the social worker, not left to the independent visitor,
  - c. handling the particular situations and wider dilemmas faced by many independent visitors.

## APPOINTMENT

- 30 Appointment procedures need to be rigorous and formal. Applicants should be asked to submit:
- a. detailed background information,
  - b. a list of all convictions and cautions, and
  - c. the names of two personal referees.
- 31 The applicant must give his or her permission in writing for a police check to be carried out of his/her criminal record.

Police references should always be sought.

- 32 When appointed an independent visitor should be provided with a letter of authority and identification with an authenticated photograph. This should be withdrawn when the appointment ends.

## REVIEW AND TERMINATION OF APPOINTMENT

- 33 Each review is required to consider whether an independent visitor should be appointed if one has not already been appointed.
- 34 Older children and young people should be asked their views about

	<p>the value of the appointment. If he or she does not wish it to continue, and the Department is satisfied that he or she has sufficient understanding to make an informed decision, the appointment for that child or young person should be ended.</p> <p>35 In this case, the possibility of appointing another independent visitor should also be considered.</p> <p>36 The appointment of an independent visitor ceases if:</p> <ul style="list-style-type: none"><li>a. he or she gives written notice of resignation to the Department,</li><li>or</li><li>b. the Department gives him or her notice in writing</li></ul> <p>37 When the Department terminates an appointment as independent visitor for a particular child it should make clear whether or not it would consider appointing the visitor again for another child.</p> <p>38 If the person acts as independent visitor to several children or young people each case should be considered separately. Termination of appointment for one of them does not automatically terminate appointments for the others.</p> <p>39 The Department should take care to avoid suggesting that the termination of an independent visitor's appointment is a consequence of him or her acting with appropriate independence, for example, challenging the validity of the care planning or the standard of service for a particular child.</p> <p>40 If an independent visitor disagrees with the Department's action in terminating his or her appointment, he or she may wish to make a formal representation and complaint.</p> <p>41 The child may wish the appointment of the independent visitor to continue on the basis of friendship, despite the Department's wish to end it. All things considered, the Department may consider that accepting such a situation is preferable to official opposition, provided that the child or young person's welfare is not endangered.</p> <p>42 In exceptional circumstances, if the behaviour of the independent visitor is quite inappropriate and a threat to the child's welfare, the Department would be failing in its duty to safeguard the child if it did not terminate the appointment. In this situation the Department should review any other current appointments of this person as an independent visitor and all previous appointments.</p> <p>43 If need be an investigation should be carried out, and in such circumstances, the child may need special help and support. Consideration should also be given to implementing the child protection procedures.</p>
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## **EXPENSES**

- 44 Independent visitors are entitled to claim from the Department reasonable expenses incurred in visiting, advising and befriending a child. Expenses cover travel and out of pocket payments but not a regular payment or salary.
- 45 The independent visitor will need to record expenses for the purpose of submitting claims.
- 46 Normal spending limits and authorisation for additional expenditure should be agreed in advance.

## **WHEN A CHILD CEASES TO BE LOOKED AFTER**

- 47 There may be a need, and the wish on the part of the young person, for the relationship with the independent visitor to continue after he or she ceases to be looked after.
- 48 Although such continuing arrangements would be on an informal basis, the Department might consider continuing to meet the independent visitor's expenses until its own after-care responsibilities expire.

## **THE ROLE AND FUNCTION OF THE INDEPENDENT VISITOR**

- 49 This section describes the role of the independent visitor in greater detail, including specific functions which may be more or less important depending on the child and his or her circumstances.
- 50 The functions of the independent visitor are:
- a. visiting,
  - b. advising, and
  - c. befriending the child.
- 51 The role is envisaged as being undertaken by volunteers from a lay perspective, even though some independent visitors may have qualities, skills, experience and qualifications which entitle them to work in a professional capacity with children.
- 52 The role should contribute to the welfare of the child including:
- a. promoting his or her developmental, social, emotional, educational, religious and cultural needs,
  - b. encouraging the child to exercise his or her rights and participate in decisions which will affect him or her,
  - c. supporting the child's care plan, unless the independent visitor believes he or she has clear evidence to act differently, and
  - d. supporting the residential staff who care for the child, where

	<p style="text-align: center;">appropriate.</p> <p>53 How the independent visitor pursues the role depends on:</p> <ol style="list-style-type: none"> <li>a. his or her own judgement,</li> <li>b. the Department's views on the child's needs,</li> <li>c. the wishes of the child or young person, and</li> <li>d. the developing relationship between child and visitor.</li> </ol> <p>54 The independent visitor is intended to be primarily child-focused. He or she is not intended:</p> <ol style="list-style-type: none"> <li>a. to be a substitute parent or carer, although their activities should be complemented, nor</li> <li>b. to accept without question what those responsible for the child say is in the child's interests, but rather to be open-minded or sceptical.</li> </ol> <p><b>Visiting</b></p> <p>55 The independent visitor will need to be particularly sensitive and reliable about visiting to avoid disappointment for the child or young person. Arrangements should be made in advance with both the child and the care staff.</p> <p>56 Outings may facilitate the development of the relationship. They should not, however, compensate for leisure activities which should be provided by the children's home, unless the visitor is better suited than staff to e.g. meet the child's cultural or religious needs.</p> <p>57 In exceptional circumstances it may be appropriate, for the independent visitor to invite the child to his own home.</p> <p>58 The possibility of the child visiting the home of the independent visitor should be considered very carefully. A visit may provide the child or young person with a valuable experience of activity normal for his or her age, but it must be appropriate to the child's care plan, and agreed with both the Department and care staff.</p> <p>59 Exceptionally, and with the agreement of the Department, the child and the independent visitor, an overnight stay or short holiday with the independent visitor or his or her family may be appropriate. The Department would have to make additional checks before such an arrangement is agreed.</p> <p><b>Advising</b></p> <p>60 An independent visitor may be able to offer a child a variety of advice on straightforward matters, and encourage and support him or her to seek and accept help from his or her social worker.</p> <p>61 It is not appropriate for the independent visitor to become involved in intensive counselling or other areas which overlap with the</p>
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regulation 7(3)(e)

regulation 7(4)

responsibilities of professionals working with the child.

### **Befriending**

- 62 Establishing a sense of trust in the relationship is a basic element of the befriending role. The independent visitor should be prepared for this to be slow and difficult if the child has suffered disappointing experiences with adults in the past.

### **Advocacy**

- 63 The independent person is not expected to take the role of advocate in circumstances where the child is very unhappy about his or her situation, or discloses abuse.
- 64 The independent person should, however, be able to recognise the child's needs in such serious situations. With his or her agreement, the independent person should draw the child's concerns to the attention of:
- a. his or her social worker or,
  - b. if necessary, a more senior officer in the Department, or
  - c. if appropriate, refer the matter to a voluntary organisation which specialises in advocacy.

### **Meetings with the Department and other agencies**

- 65 The possible involvement of the independent visitor in meetings or consultation processes may arise as:
- a. a legal requirement, or
  - b. on a discretionary basis.

## **LEGAL REQUIREMENTS**

- 66 When a child in secure accommodation has an independent visitor and the Department intends to make an application to court to keep the child in that accommodation, the Department should inform the independent visitor.
- 67 If placement of the child in secure accommodation continues, reviews must take place and, if possible, the wishes and feelings of the independent visitor (amongst others) be taken into account. The independent visitor may be able to give his or her views in person, in writing or both. He or she is also entitled to know the outcome of the review.
- 68 The independent visitor may be formally invited to meetings to discuss the child's case, or attend because the child asks him or her to do so.
- 69 If the independent visitor attends at the child's request to put forward views as a friend, he or she will need to distinguish between:
- a. repeating what the child has asked him or her to say on his or her behalf,

	<ul style="list-style-type: none"> <li>b. interpreting what he or she has been asked to say, and</li> <li>c. offering his or her own view on what is best for the child.</li> </ul> <p>70 The child or young person may want the independent visitor to speak as a friend on his or her behalf to help resolve an issue. This could involve the independent visitor in attending e.g.</p> <ul style="list-style-type: none"> <li>a. a review meeting, or</li> <li>b. an oral hearing of a complaint.</li> </ul> <p>71 The independent visitor's views may also be relevant to court proceedings in circumstances where a guardian ad litem has been appointed. The independent visitor is likely to be contacted by any appointed or de-facto guardian ad litem.</p>
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