# CASE MANAGEMENT GUIDING PRINCIPLES1

**DO NO HARM**

This means ensuring that actions and interventions designed to support the child (and their family) do not expose them to further harm. At each step of the case management process, care must be taken to ensure that no harm comes to children or their families as a result of caseworker conduct, decisions made, or actions taken on behalf of the child or family.

Caution should also be taken to ensure that no harm comes to children or families as a result of collecting, storing or sharing their information. For example, care should be taken to avoid creating conflict between individuals, families or communities, and collecting unnecessary information that, if in the wrong hands, could put the child or family at risk of violence. Unless care is taken, this may expose a child and his/her family to further harm such as revenge acts or violence.

# PRIORITISE THE BEST INTERESTS OF THE CHILD

The “best interests of the child” encompass a child’s physical and emotional safety (their well-being) as well as their right to positive development. In line with Article 3 of the United Nations Convention on the Rights of the Child (UNCRC), the best interests of the child should provide *the basis for all decisions and actions taken,* and *for the way in which service providers interact with children and their families*. Caseworkers and their supervisors must constantly evaluate the risks and resources of the child and his environment as well as positive and negative consequences of actions and discuss these with the child and their caregivers when taking decisions. The least harmful course of action is the preferred one.

All actions should ensure that the child’s rights to safety and on-going development are never compromised.

The Best Interests Principle must guide all decisions made during the case management process. Often in child protection there is no one ‘’ideal’’ solution possible, but rather a series of more or less acceptable choices that must be balanced with a child’s best interests.

# NON-DISCRIMINATION

Adhering to the non-discrimination principle means ensuring that children are not discriminated against (treated poorly or denied services) because of their individual characteristics or a group they belong to (e.g. gender, age, socio-economic background, race, religion, ethnicity, disability, sexual orientation or gender identity).

Children in need of protective services should receive assistance from agencies and caseworkers that are trained and skilled to form respectful, non-discriminatory relationships with them, treating them with compassion, empathy and care. Case management staff must actively work to be non-judgmental and avoid negative/ judgmental language in their work. Whether engaged in awareness raising, prevention or response activities agencies and caseworkers should challenge discrimination, including policies and practices that reinforce

1 From: Child Protection Working Group, *Inter-Agency Guidelines on Case Management and Child Protection*, January 2014, p 16-22.

discrimination.

# ADHERE TO ETHICAL STANDARDS

For agencies and staff working with children, professional ethical standards and practices should be developed and applied; these may be professional codes of conduct and child protection policies. National laws and policies may exist in addition to international norms and standards to protect children that are relevant and have to be respected. Adhering to ethical standards includes following the guidelines presented in this document. These guidelines are fundamental to the delivery of professional and quality care and protection for children.

# SEEK INFORMED CONSENT AND/OR INFORMED ASSENT

Informed consent is the voluntary agreement of an individual who has the capacity to give consent, and who exercises free and informed choice. In all circumstances, consent should be sought from children and their families or caregivers prior to providing services. To ensure informed consent, caseworkers must ensure that children and their families fully understand: the services and options available (i.e. the case management process), potential risks and benefits to receiving services, information that will be collected and how it will be used, and confidentiality and its limits. Caseworkers are responsible for communicating in a child-friendly manner and should encourage the child and their family to ask questions that will help them to make a decision regarding their own situation. (See annex 14, the sample of guidance note for informed consent).

Informed assent is the expressed willingness to participate in services. It requires the same child-friendly communication of information outlined above. However, for younger children who are by nature or law too young to give informed consent, but old enough to understand and agree to participate in services, the child’s “informed assent” is sought. Even for very young children (those under 5 years old) efforts should be made to explain in language appropriate to their age, what information is being sought, what it will be used for, and how it will be shared.

In some situations, informed consent may not be possible or may be refused, and yet intervention may still be necessary to protect the child. For example, if a 12-year-old girl is being sexually abused by her father, she may feel loyalty to him and her family and not want to take any action. That does not mean that agencies can ignore what is happening. Where consent is not given, and where the agencies involved have a legal mandate to take actions to protect a child, the reasons for this should be explained and the participation of children and non-offending family members continually encouraged.

# RESPECT CONFIDENTIALITY

Confidentiality is linked to sharing information on a need-to-know basis. The term “need- to-know” describes the limiting of information that is considered sensitive, and sharing it only with those individuals and sharing it only with those individuals who require the information in order to protect the child. Any sensitive and identifying information collected on children should only be shared on a need-to-know basis with as few individuals as

possible.

Respecting confidentiality requires service providers to protect information gathered about clients and to ensure it is accessible only with a client’s explicit permission. For agencies and caseworkers involved in case management, it means collecting, keeping, sharing and storing information on individual cases in a safe way and according to agreed upon data protection policies. Workers should not reveal children’s names or any identifying information to anyone not directly involved in the care of the child. This means taking special care in securing case files and documents and avoiding informal conversations with colleagues who may be naturally curious and interested in the work.

Importantly, confidentiality is limited when caseworkers identify safety concerns and need to reach out to other service providers for assistance (e.g. health care workers), or where they are required by law to report crimes. These limits must be explained to children and parents during the informed consent or assent processes. Supervisors and caseworkers should work together closely to take decisions in such cases where confidentiality needs to be broken.

# ENSURE ACCOUNTABILITY

Accountability refers to being held responsible for one’s actions and for the results of those actions. Agencies and staff involved in case management are accountable to the child, the family, and the community.

Agencies and individuals providing case management must comply with the national legal and policy framework. They will also have to comply with professional codes of conduct where these exist. In the absence of a legal framework, the guiding principles and the good practice standards outlined in the CPMS provide a foundation for practice.

Agencies introducing or supporting case management services must take responsibility for the initial training, on-going capacity building and regular supervision of staff to ensure appropriate quality of care. This must also provide children and their families with routine opportunities to give feedback on the support and services they have received.

# CASE MANAGEMENT SERVICES SHOULD BE

* **Child Friendly:** entails providing services in ways that are appropriate and accessible for children. For example, by providing information in formats / language that can be understood

by children of different ages.

* **Child Centered:** entails organizing and delivering services, and making decisions in a way

that centers on children’s needs and best interests. For example, you should consider holding reviews and meetings at times that are convenient for children and their families, rather

than those which fit in with the working hours of staff.

# EMPOWER CHILDREN AND FAMILIES TO BUILD UPON THEIR STRENGTHS

All children, and their families, possess resources and skills to help themselves and contribute positively towards finding solutions to their own problems. Caseworkers and supervisors must work to engage children and families to play an active role in the case management process.

Throughout the case management process (including during assessment, case planning, and reviews) caseworkers should focus on empowering children and their families to recognize, prevent and respond to child protection concerns themselves. In practice, this means that, in addition to identifying problems and providing services, caseworkers must consider the child and family’s strengths and resources and how to build their capacity to care for themselves.

While caseworkers are providing an important service, it is ultimately the child and their family’s lives that are affected; they must always be active participants in the decisions made for their care. Furthermore, helping children to participate in decision-making is an important part of the recovery process that builds their sense of control over their lives and helps them to develop natural resilience.

# BASE ALL ACTIONS ON SOUND KNOWLEDGE OF CHILD DEVELOPMENT, CHILD RIGHTS AND CHILD PROTECTION

Assessments and interventions must be made on the basis of knowledge about child development, child rights and child protection (such as understanding vulnerabilities and risk factors, and family dynamics). *Child development* knowledge helps caseworkers to determine how to involve and communicate with children depending on the age and evolving capacities. As standards for the treatment of children vary across cultures and regions, *child rights* knowledge is essential to ensure international norms and standards are respected and incorporated into case decisions. Finally, staff working with children who are affected by humanitarian crises, sexually exploited or unaccompanied or separated should also receive specialized training in handling such sensitive cases. Without such knowledge, case plans

may not adequately address children’s needs and uphold their rights, and could even be harmful to the child.

# FACILITATE MEANINGFUL PARTICIPATION OF CHILDREN

Children have a right to express opinions about their experiences and to participate in decisions that affect their lives. Agencies and caseworkers are responsible for communicating with children their right to participate – including the right not to answer questions that make them uncomfortable – and supporting them to claim this right throughout the case

management process. Children’s participation helps to prevent a caseworker from coming to a decision that is in their best interests but against their wishes (e.g. removing them from an abusive home), and caseworkers should explain such decisions with care and empathy to the child involved.

Involving children, and their families, in planning and decision-making regarding their own care is critical to ensure services provided are appropriate and effective; furthermore it

contributes to children’s natural resilience and their ability to be agents for their own protection.

It is important to remember that a child’s ability to make decisions is related to their age, maturity, and evolving capacities. Even very young children are able to participate in decisions, although this may take more time and skills from the caseworker to be able to support the child to voice their views. Children have the right to receive information in an appropriate format so that the child understands what is happening throughout the case management process.

In contexts where children’s status is weak (e.g. due to gender, ethnicity, or disability) or where it is not culturally or socially acceptable for them to participate, children may be less at ease or feel less confident in participating and in making decisions. Caseworkers have a role to play in encouraging children to voice their concerns and in reassuring them about their ability to take decisions. Particularly in contexts where it may be not safe for children to speak out publicly, caseworkers have a responsibility to create a safe and confidential space for children to participate in their own case. Upholding confidentiality and considering safety in the development of case plans are essential to ensure children are not placed at risk.

# PROVIDE CULTURALLY APPROPRIATE PROCESSES AND SERVICES

Caseworkers and agencies should recognize and respect diversity in the communities where they work and be aware of individual, family, group and community differences. This is important to be able to make an informed and holistic assessment of a child’s situation.

Cultural sensitivity also improves caseworkers’ capacity to work effectively with children, families and communities and to identify solutions that leverage local methods of care and protection and are in line with the children and families’ values and beliefs. Without consideration of the cultural context, the quality of case management services can be hindered, leading to the development of case plans that do not fit the realities of people’s lives and beliefs and that may not be acceptable and therefore difficult to implement.

When what is in the best interest of the child conflicts with cultural values or practices, managers and caseworkers must continue to prioritize the child’s best interests and take decisions that do not place them in additional risk (do no harm). It may be difficult to identify solutions that are seen as acceptable to the family or community, but managers and caseworkers must make every effort to work with children and families to identify culturally acceptable solutions that at the same time uphold the rights of children. With difficult issues like female genital mutilation, non-education of girls or child laborers, caseworkers should develop harm reduction strategies and seek to address the underlying causes of social conditions. For example, families who send girls to school might be given priority access to cash transfer programs or livelihood projects.

In some contexts, confronting these protection issues and cultural practices can lead to conflict and may create additional risks for children, families and communities as well as for caseworkers. Decisions made around these issues must include a careful assessment of risk and always respect the principles of do no harm and the best interests of the child.

# COORDINATE AND COLLABORATE

Child protection programs are more effective when agencies work together, and involve

communities, families and children in their efforts. Case management can provide a process for improving coordination and collaboration among all actors with a mandate to protect children including community leaders, government departments, service providers, CBOs, local NGOs and international agencies.

Agreed protocols on information sharing and referrals contribute to quality case management and ensure confidentiality and the best interests of the child are upheld. International organizations, in particular, have a responsibility to coordinate their activities and efforts with national governments and non-government agencies to ensure that existing systems are strengthened and not duplicated.

# MAINTAIN PROFESSIONAL BOUNDARIES & ADDRESSING CONFLICTS OF INTEREST

Caseworkers and agencies should act with integrity by not abusing the power or the trust of the child or their family. Caseworkers must not ask for or accept favors, payments or gifts in exchange for services or support.

Personal and professional limitations and boundaries must be recognized and respected. Steps should be taken to address conflicts of interest where these arise. An example of a conflict of interest might be where the caseworker and child are in some way related or from the same social network, or where the caseworker working with the child is also the caseworker for the perpetrator of the abuse.

Caseworkers and agencies should take action to resolve these issues in a way that is positive for the child so that children are neither negatively affected nor given an unfair benefit as a result.

# OBSERVE MANDATORY REPORTING LAWS AND POLICIES

Many countries have mandatory reporting requirements, which oblige certain actors (such as child protection agencies and staff, teachers, nurses and doctors) to report cases of child abuse to relevant government authorities. However, these requirements can be challenging for caseworkers when the information is of such a sensitive nature that it cannot be shared with other actors without placing the child at risk of further harm.

This is of particular concern when data protection protocols are not in place or are not strictly followed. In humanitarian settings, where there is concern about the safety and security of those involved, it is good practice to deal with reporting decisions on a case by case basis, informed by the local standards and practices applicable in the country of operation, and always guided by the best interests of the child.

Agencies working with children should have their own internal child protection / safeguarding policies that should be complied with at all times (See Reference Section for further information). Often these set higher standards regarding the responsibilities of staff and expected behavior than that sanctioned in law.