

# **SOUTH LONDON CARE PROCEEDINGS PROJECT**

## **A YEAR IN PROCEEDINGS:**

Cases issued May 2013 - April 2014  
(with results of final hearings to the end of  
September 2014)

## **REPORT BY CASE MANAGERS**

**February 2015**



**HM Courts  
& Tribunals  
Service**



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## FOREWORD

His Honour Judge Altman, Senior Designated Family Judge for London, Central Family Court

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For more information, see contact details at the end of the report.

## FOREWORD

At the Central Family Court we have been pleased to provide a forum for the resolution of cases brought by the local authority members of the SLCPP. Alongside the actual handling of cases it has been enormously helpful to have the most regular contact between the individual judges who have undertaken to liaise with the authorities and the authorities themselves: Judge Robinson with Greenwich, Judge Ansell with Lambeth, Judge Mitchell and latterly Judge Brasse with Lewisham, and Judge Alderson with Southwark. I have no doubt that the readiness of all to be involved on a regular basis has contributed to the remarkable success story portrayed in this report. I am particularly grateful to my judicial colleagues for their work with the authorities.

The very existence of this report is itself extraordinary. For the four boroughs to have been able to work not only on the writing of the report but also on the enormous amount of work needed to record and collate the information contained within it demonstrates the clear commitment of the authorities to the efficient handling of care cases, to going 'the extra mile'.

I have always marvelled at the way in which, in the field of family justice, the dry as dust legal rules, procedures, statistics, reports and analyses work in supporting the day-to-day lives and welfare of people, particularly children, with all the varieties of personality and life experience that we see. And yet the one clearly supports the other. Nowhere is this more demonstrated than in the present report. It can be seen, for instance, in the balance between the figures and analyses on the one hand, and what we call 'outcomes' on the other, with a reassuring balance between parents who are helped to resume care of their children and other loving people who will care for them if that is not possible.

For me, an important thing that distinguishes cases in the family courts from other courts dealing with crime and civil disputes is that the court process becomes part of the factual lives of the parties. And, of course, the longer cases go on, apart from the undesirability of delay, the greater the risk of the court process skewing what ideally should be the best arrangements for the children.

In this context this report demonstrates that, even before the implementation of the Single Family Court, the four authorities have been working to streamline and improve the process of handling care cases, ensuring that the 'risk of harm' that is caused just by the court process itself has been massively reduced.

I include a plea: implementation of the recommendation that the tracking and reviewing of the longer-term outcomes for children after proceedings would be most welcome for the judiciary. It would be so valuable to know the consequences of the orders made at court.

At the Central Family Court we have been pleased to provide a forum for the litigation of the four authorities, and I hope that we can also learn lessons from this report – in particular, about more judicial continuity and less delay in setting hearing dates.

I wish to pay tribute to those who have led the development of what we have termed 'the Quad Borough'. We at the CFC look forward to ever more fruitful collaboration in the future and I look forward with confident optimism to the report for Year 2.

*His Honour Judge John Altman  
Senior Designated Family Judge for London  
Central Family Court*

## EXECUTIVE SUMMARY

### A. KEY FINDINGS

1. In the period 1 May 2013 to 30 April 2014 (SLCPP Year 1), the four SLCPP local authorities issued 348 applications, involving 566 children. This represented just over half the care proceedings heard at London's Central Family Court.
2. To date, nearly 45 per cent of cases issued in SLCPP's Year 1 have completed in 26 weeks, and 56 per cent have completed in 30 weeks. When **all** the Year 1 cases have concluded, almost 40 per cent will have completed in 26 weeks.
3. The average case duration of completed cases (using both mean/average and median calculations) was 29 weeks.
4. A focus on case duration alone does not guarantee early permanence for children. At final hearing, one sixth (15%) of the children remained living with the family member who had been caring for them since shortly before or after the start of proceedings, under either fostering regulations or an interim Child Arrangement Order. The placements offered children immediate short-term continuity that the court subsequently confirmed as offering life-long stability. However, these cases took longer – 34 weeks on average.
5. Continuity of judge was achieved in approximately 54 per cent of concluded cases and these cases finished several weeks more quickly than those without continuity. The average time saved was seven weeks (from an analysis of all cases) and five weeks (from an analysis of cases exceeding 30 weeks). This is important progress, and something that we hope the court will keep under review.
6. Assessments in proceedings show a complex picture. The number overall has dropped, but directions for repeat, updating or addendum assessments continue, especially where permanent separation of children and parents is likely. The 'psychology of care proceedings' continues to apply in some cases, with further assessments between hearings allowed to fill the gaps that have been created by some other reason for delay.
7. Good social work reduces delay. This includes the earliest possible identification and engagement of mothers, fathers and children's wider families. Strenuous effort is needed, Family Group Conferences or meetings are helpful, and continuity of social worker is beneficial.
8. Analysis of delay factors highlights the need for **all** stakeholders (lawyers, judges, guardians and others, as well as social workers) to do their utmost to engage parents and families as early as possible and to involve them in identifying all potential carers for children.
9. Following the recent multi-agency audit of completed cases – organised by Cafcass and the SLCPP Operational Group – we also believe that there is greater scope for social work professionals (local authority social workers, guardians and Independent Reviewing Officers) to help reduce delay by promoting communication between parties and fostering a problem-solving approach to the early resolution of uncertainties and difficulties.

10. There are clear benefits from a renewed focus on more intensive work pre-proceedings, but we must guard against shifting the delay for children to that earlier stage. The tracking of cases shows some evidence of continued delay caused by repeat assessment being directed during proceedings, despite specialist assessment (in-house or external) having been completed before the case was brought to court.
11. Over half the children in SLCPP care proceedings (62%) were enabled to remain within their families as a permanent arrangement: at final hearing, 33 per cent remained with or returned to their original primary carer, 8 per cent went to live with their other parent, and 21 per cent were placed with another family member. Across the boroughs, between 27 and 49 per cent of children were separated from their parents and families permanently, via either a Care Order or a Care Order plus Placement Order.
12. All SLCPP partners have valued, and gained from, the opportunities created for coming together from their different perspectives to reflect on cases, identify trends, share good practice, build and develop trust, and seek and test new ways of working.

## **B. SUMMARY OF THE YEAR 1 REPORT**

### **B1. The context for this report**

The South London Care Proceedings Project (SLCPP) is a partnership of four local authorities (Greenwich, Lambeth, Lewisham and Southwark), the judiciary at the Central Family Court (CFC), Cafcass, and local family lawyers. The agencies work together to reduce delay for children in care proceedings, aiming for case completion by 26 weeks.

This report tracks the progress of the 384 care cases brought before the CFC between May 2013 and April 2014 (Year 1) and it includes results of final hearings to September 2014. It has been written by the local authority case managers whose role is to track all care cases against agreed variables, analyse data and identify emerging trends each quarter, and help improve social work and other professional decision making.

SLCPP arises from the Tri-borough Care Proceedings Pilot in West London and has developed alongside other similar initiatives in London. It has, however, some distinctive features. In addition, the boroughs have large and ethnically-mixed populations that mean that children's family networks extend to a wide variety of other countries and legal jurisdictions.

### **B2. Reducing the length of proceedings**

In recent years the London boroughs that came together as SLCPP have seen a steady reduction in the time children spend in care proceedings. The range across the four authorities dropped from 49-58 weeks in the year ending March 2012 to 43-50 weeks in the year ending March 2013. It dropped further the following year, to 38-45 weeks. By then (March 2014) the national average case duration was 33 weeks and the London average 44 weeks.

The Project has provided a focus for the detailed tracking of all new cases starting from May 2013. For cases issued in that year, the average duration of concluded cases has reduced to 29.7 weeks, and 44.7% of these cases have ended by 26 weeks. By the time all cases issued in the

year have concluded, we calculate that a maximum of 39.5% of cases will have completed by 26 weeks.

All four SLCPA authorities show a reduction over the year in the number of hearings per case, with an average of 3.1 hearings per case by the end of the year. This is in line with the requirements of the revised Public Law Outline (PLO) for a maximum of 4 hearings generally.

### **B3. Increasing social work and judicial continuity**

The majority of the Year 1 cases did not have an unplanned change in social worker. These cases were slightly shorter in length than other cases, although change of social worker was only one cause of delay. The longer the case lasted, the greater the likelihood of a case needing to be allocated to a new worker.

In terms of judicial continuity, just over half the cases had the same judge throughout. This is a significant achievement, especially given the high number of cases that had started before the formal introduction of the revised PLO and before the creation of the Single Family Court.

### **B4. Understanding more about the use of assessments**

Whilst the court's confidence in social work assessments is rising, and the use of expert assessment commissioned from external providers falling, additional assessments continue to be required during proceedings.

In a sixth of the cases lasting 30 weeks or more (which we call 'delayed cases'), repeat assessments were directed against the opinion of the local authority and, in some cases, against the opinion of the guardian. They were also considered unnecessary by case managers when they scrutinised the files retrospectively.

Assessment at the pre-proceedings stage can eliminate the need for further assessment once proceedings start – this was so where the previous assessment was less than six months old and where children unlikely to return to parents were making good progress in a placement with family members. We have concluded that, in the absence of a very positive assessment of a family member, it is highly likely that further assessment will be directed once a case is in proceedings.

We advise caution about the 'psychology of care proceedings', whereby gaps between hearings are used for additional assessment which, whilst not strictly necessary, strengthens the feeling that the case is moving ahead in timely fashion.

Long-standing neglect cases involving sibling groups seem particularly prone to delay, especially where the children have been assessed whilst still at home, in the context of poor parenting. In these cases, further assessment is often still needed, to determine whether the children's needs, and their relationships to one another, might change once they are being cared for well, by other family members or foster carers.

We should not underestimate the value of the early identification and assessment of family members as potential carers for children. The Year 1 cases show that the placement of children with relatives before or during proceedings (via Regulation 24 or an interim Child Arrangement Order) can offer children continuity in the short term and the prospect of stability throughout childhood and beyond.

## B5. Understanding delay – what helps and hinders timely decision making

The features of **good social work practice** that enable the timely completion of cases include parenting assessment with sound analysis of family strengths and needs, the pro-active engagement of fathers and other family members, careful attention to the wishes and feelings of children over time, and the ability to make detailed care plans that reflect and address the needs identified.

The features of **good practice by all professionals** involved in care proceedings include timely communication with one another, to share information and resolve uncertainties; the consistent use of interpreters and advocates throughout a case, to ensure clear communication with family members; and a determination by all parties to keep to timescales that have been agreed or directed.

The tracking of cases has enabled us to quantify the **common causes of delay** in proceedings, and to highlight the learning points for the different SLCPP partners. The following comments relate only to the 140 'delayed cases', those where case duration exceeded 30 weeks.

- When there was delay by the **local authority**, the factors included failure to provide documents or analysis on time, or insufficient work at the pre-proceedings stage, or no potential family carer identified before a hearing. Each of these factors featured in between a fifth and a quarter of the 140 'delayed cases'. Other problems, evident in a smaller proportion of the 'delayed cases', related to delay over kinship or social work assessment and care plans. Some delay factors – including fact finding, awaiting documents from other agencies, or a simultaneous criminal trial – highlight the way in which delay by one agency creates or compounds delay by others.
- **Cafcass** have succeeded in allocating guardians early in proceedings, with only 4% of 'delayed cases' showing failure in this regard. No, or poor, analysis from guardians featured in 10% of the 'delayed cases'.
- Delay caused by **lawyers** for any party to the proceedings is hard to track easily, but all the case managers are aware of cases where delay has been caused by late filing of assessments and evidence by local authorities and by late advice from the Official Solicitor for vulnerable parents. There was also delay by some family lawyers in providing evidence from parents and in complying with other directions on time, possibly due to delay in receiving instructions from their clients.
- In relation to the **court service**, lack of courtroom space and errors in listing each occurred in 6% of 'delayed cases'. These were a small proportion of cases overall, although the delay caused could be considerable, with errors delaying final hearings by up to three months.
- In relation to continuity of **judge**, the available information shows lack of continuity in 18% of 'delayed cases'. It also shows that complex cases have greater continuity of judge but that, in the few cases where judges were not available for hearing a case reserved to them, delays of up to four months occurred.

## **B6. Improving engagement with parents and families**

The reluctance of parents to participate in Family Group Conferences (FGCs) or family meetings, or to share information for an assessment, featured in about a quarter of the 140 'delayed cases', with a similar proportion in each local authority.

The late engagement of wider family members also poses problems, as does the related difficulty of family members (as well as social work assessors) being constrained by very short timescales when having to make far-reaching decisions about their life and that of their young relatives in proceedings completed within 26 weeks. Exploring the potential of absent or estranged fathers and families to care for children long term can provide successful outcomes, but it cannot be rushed. It often requires reflective space and time for family members, so that they can adjust their plans or aspirations for the future and be confident about responding well to children's current and future needs and relationships, especially with parents and siblings.

The detailed tracking of cases affirms the importance of all social workers and other professionals finding ways of engaging effectively with mothers, fathers and children's wider family networks, and doing so without acting in ways that might seem punitive to them at such a difficult time in their life.

## **B7. The impact of international work**

The demographics of the SLCPP boroughs mean that they share the interest of the Central Family Court and the London Family Justice Board in understanding the impact on their work of overseas assessments and the wider international dimension to cases. The work involves liaison with local social work and legal services, phone contact with families abroad and discussion with the children and their relatives in the UK, and then assessment – sometimes multiple – of potential family carers. The work presents challenges of language barriers, both in liaison and assessment; of the sourcing of suitably-qualified independent assessors who can travel to particular jurisdictions; and, where that is not permissible, of the quality and standard of assessments completed by overseas agencies.

SLCPP's Year 1 includes 29 cases that have involved international work, from 19 countries and jurisdictions. Of the 25 cases with known outcomes, 4 have resulted in an actual or planned placement abroad. The mean/average case duration is 35.2 weeks, indicating a 6-week delay compared to the average for all cases. This figure is likely to rise substantially given that all unfinished international cases are already over 30 weeks.

## **B8. The involvement of children and mothers in repeat or successive proceedings**

Throughout Year 1 we have tracked the number of children subject to repeat proceedings, and the number of mothers subject to the repeat removal of babies. Both are a cause for concern, because the traumatic disruptions and broken attachments involved render children and adults increasingly vulnerable over time. During Year 1:

- 37 children (6.5% of all the children in proceedings) were involved in proceedings for the second time, often with the earlier proceedings initiated in a non-SLCPP authority. One large sibling group experienced a third set of proceedings.
- A quarter of cases were those where an older child had been removed permanently from their mother in previous proceedings. Our concern about such repeat removals has been compounded by the national research finding that the four SLCPP authorities are amongst the five highest London authorities in terms of the proportion of care applications (ranging from 22% to 32%) that involve mothers who have already lost at least one child, and sometimes several.

All four SLCPP authorities are exploring options for tackling these concerns, both in-house and as a group.

## **C. RECOMMENDATIONS**

### **C1. Valuing a partnership approach**

- Continue the dialogue with all partner agencies, to sustain the good progress made to identify and reduce delay for children and to increase understanding of when more than 26 weeks in proceedings might be needed.
- Continue to monitor causes of delay and track whether cases in proceedings that have been in the PLO formal pre-proceedings process are concluded any quicker.
- Continue working with Cafcass to develop practice guidance that promotes early communication and positive relationships between social workers and guardians.
- Ensure good engagement with and between the lawyers involved in care proceedings, including solicitors acting for children, parents and the local authority; barristers and advocates; and the Official Solicitor.

### **C2. Building on good professional practice**

- Develop ways of tracking and reviewing the longer-term outcomes for children after proceedings, as for example through the recent joint commissioning by the four boroughs of an independent review of a sample of Year 1 cases that ended with a Special Guardianship Order.
- Continue to hold occasional multi-agency audits of completed cases, with a view to extracting messages for practice on specific issues, as in the recent exercise that examined the quality of social work and guardian analysis, the use and perceived value of additional assessments, and the efforts made by social work professionals to deal with gaps in information in advance of court hearings.
- Using the messages from local and national research, continue to review and develop SLCPP good practice guidance for responding to other emerging issues from case tracking. These include assessment and support for family members caring for their young relatives,

services to reduce the risk of children and mothers being involved in successive or repeat care proceedings, and ways of responding well to the needs of those children who have experienced long-term neglect.

- To help ensure that social workers provide clear evidence and succinct analysis – in whatever format is considered appropriate to present to the court – contribute to the proposed Spring 2015 review of the national Social Work Evidence Template (SWET). For more, see Section 1 (the quality of evidence to court) at Appendix 2.
- Develop mechanisms for two-way feedback with assessment providers, to build on the progress made in working together to reduce delay and improve decision making.

### **C3. Helping children through working well with their families**

- Continue to liaise with the Chief Social Worker about emerging issues, including our proposal for simplifying and streamlining the regulations governing connected persons' assessment, placement and ongoing support.
- Work with HMCTS, Cafcass, and others (including Family Rights Group), to ensure that all parents and families involved in care proceedings receive clear and up-to-date information about court processes, the PLO requirements, the rationale for avoiding delay, and the importance of early family engagement via FGCs and other meetings.
- Ensure that when partner agencies seek feedback from parents, other relatives and children, to help influence the development of services that are responsive to the needs of local children and their families, they invite comments about how the revised PLO is seen to be working.

## **SECTION 1: INTRODUCTION TO THE YEAR 1 REPORT**

### **1.1 THE SOUTH LONDON CARE PROCEEDINGS PROJECT – SLCPP ('THE QUAD')**

SLCPP is an initiative in South East London that seeks to reduce unnecessary delay for children involved in care proceedings. It aims to have proceedings completed within 26 weeks, through monitoring closely the progress of each case, identifying and tackling together the causes of delay, and sharing lessons about good practice.

The partnership comprises the main agencies involved in care proceedings brought by the neighbouring London Boroughs of Greenwich, Lambeth, Lewisham and Southwark – hence the common reference to SLCPP as 'the Quad'. The other SLCPP members are from the judiciary at the Central Family Court, from Cafcass, and from family lawyers acting for children and parents. A summary of the governance arrangements and membership is at Appendix 3.

SLCPP is one of several initiatives arising out of, and modelled on, the Tri-Borough Care Proceedings Pilot in West London that started in April 2012. SLCPP began in late 2012, with 20 days' set-up costs from Capital Ambition. This time was used to agree the priorities, membership and governance arrangements for the Project and to develop a robust common set of variables for tracking and evaluating the progress of each application for care proceedings. Since then the four boroughs have pooled funds to provide ongoing independent project management for three days per month.

### **1.2 THE PURPOSE OF THIS REPORT**

This report draws together information from the quarterly reports of the case managers,<sup>1</sup> with a view to reflecting on our work and generating wider discussion about our findings.

The quarterly reports analyse the data trends and emerging new themes in care cases issued in each local authority between 1 May 2013 and 30 April 2014 (Year 1). Information reported here about case progression and the results of final hearings takes 30 September 2014 as the reporting date. Thus, the majority of the Year 1 cases have now concluded, with only 6% of cases<sup>2</sup> less than 26 weeks old at the time of reporting.

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<sup>1</sup> For the work of the case managers, and reflections on their role, see Appendix 1.

<sup>2</sup> 22 cases, relating to 35 children, were issued less than 26 weeks before the reporting date of 30 Sep 2014.

The report comments on various aspects of care proceedings that are of current general interest and concern, both in and beyond SLCPP. It describes SLCPP's activity under the different work strands undertaken in order to meet the Project outcomes of reducing delay and improving professional decision making (see Appendix 2). It draws on the discussions throughout the year at the quarterly Steering Group meetings, the six-weekly Operational Group meetings, and the monthly planning and development meetings of the case managers. The data, activities and discussions have generated proposals for future work each quarter and the current recommendations are set out in the report.

In analysing the factors that contributed to delay (see Appendix 6), we concentrated on cases running over 30 weeks.<sup>3</sup> It should be noted, however, that the provisions for 8-week extensions beyond 26 weeks, and the sometimes ambiguous recording about these on court and other documents, make it rather difficult, when analysing cases, to distinguish between what is delay and what is not.

### **1.3 HOW THE REPORT WAS PRODUCED**

This report is from the case manager team. Jennifer Ranshaw (case manager, Lewisham) completed the statistical data analysis and she and Celia Parker (case manager, now Principal Social Worker, Southwark) led on the drafting of findings and interpretations. Kathy Elliffe (case manager, Greenwich) and Fateha Salim (Principal Lawyer, Lambeth) contributed to all sections of the report. The conclusions and recommendations were developed by the team, in conjunction with the Operational Group and the Steering Group.

### **1.4 THE CONTEXT OF SLCPP'S WORK**

The Project period has been one of significant national change in care proceedings and in many of the related processes, procedures and structures that govern care applications and due court process and support the expectation that proceedings will be completed in 26 weeks. The practice of everyone involved in care proceedings in England and Wales has been affected by these changes, and in SLCPP (as in other Care Proceedings Projects) the tracking and analysis of cases has reflected the proposed and new requirements and has commented on their impact on front-line work.

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<sup>3</sup> We did so because 30-35 weeks is the target time set by the London Family Justice Board for completing cases this year (2014-2015).

These changes – prompted by the recommendations of the Family Justice Review – have included stringent requirements for assessments to be ‘necessary’ rather than ‘reasonably required’; more robust judicial case management; and the revised PLO which, from August 2013, has increased the focus on providing evidence of the work done on cases before initiating proceedings. Subsequent months have seen the impact of a series of Appeal Court judgements that have required local authority social workers and Cafcass guardians to improve the quality and strength of analysis relating to final orders, especially where the proposed plan for the child is permanent separation from birth parents. The expectation of shorter proceedings became a legal requirement with the implementation in April 2014 of the Children and Families Act: 26 weeks is the maximum timescale for completing proceedings, unless the court has agreed an extension for exceptional circumstances.

Responding to this rapidly-changing landscape has presented SLCPP partners with the challenges and opportunities that we highlight in this report. We owe much to the learning from other sites, in particular from the two Projects that preceded SLCPP: the Tri-Borough Pilot<sup>4</sup> mentioned above, and the Camden and Islington Bi-Borough Project<sup>5</sup> which started tracking cases in January 2013, a few months ahead of SLCPP.

It should also be borne in mind that, as in other local authority areas, the proportion of families involved in care proceedings is a very small minority of the overall work undertaken with children and families, although one that absorbs a great deal of local resources.

We are conscious that SLCPP has some distinctive features from the other London Care Proceedings Projects:

- Greenwich, Lambeth, Lewisham and Southwark initiate a significant number of care proceedings. In combination, throughout the past nine months they have constituted just over 50 per cent of the cases issued by the 12 London local authorities using the Central Family Court.

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<sup>4</sup> Chris Beckett, Jonathan Dickens and Sue Bailey (updated version: 2014) Concluding Care Proceedings Within 26 Weeks: Messages from the Evaluation of the Tri-borough Care Proceedings Pilot. Centre for Research on Children & Families University of East Anglia.

<sup>5</sup> Sarah Rothera and Mary Ryan (2014) Bi-Borough Care Proceedings Project Evaluation Report. Camden and Islington.

- In addition to the 348 cases issued in Year 1 of the Project, during this period the boroughs have also completed care proceedings for a further 291 families that were already in proceedings at the start of the Project (these ‘old’ cases are commonly referred to as ‘the legacy cases’).
- The boroughs are large, densely-populated inner-London boroughs, each with an ethnically-mixed population with many children’s family networks extending to a wide variety of other countries and jurisdictions.
- The high number of cases gives rise to the need for each borough to have their own case manager, who also works as part of the SLCPP case manager team, examining the impact on cases of the different organisational structures, approaches and priorities, and exploring areas of common interest for possible joint work.
- The involvement in the partnership of four boroughs, with active involvement of representatives from each borough and from different strands of legal and social work, means that a large group of people has had responsibility for planning and implementing the operational work.

The above features have sometimes created dilemmas in juggling time and priorities, and in reaching consensus about the implications of new findings, but the difficulties have been outweighed consistently by the sharing of practice learning and the cross-fertilisation of ideas that have been both enormous and exciting.

## **1.5 THE STRUCTURE OF THE REPORT**

There are two main strands to the report that follows, and some supporting materials.

**Section 2** provides data from our statistical analysis of the variables that the case managers have logged onto a database of all 348 cases issued during Year 1. We use the term ‘tracking’ to describe this logging and monitoring activity and we introduced it from the start of the Project – based on the work of the Tri-Borough Pilot – to help us measure progress in achieving the objectives we had set ourselves. These objectives were about the quality of social work evidence to court, the use and quality of parenting and expert assessments, the timely

assessment of relatives and friends as potential long-term carers for children, and the degree of continuity provided in care cases by the judiciary, social workers and children's guardians. Whilst much of our analysis is about the quantitative data we collected, we also look behind the figures and offer reflections about the practice that we have seen across the four boroughs.

**Section 3** focuses on a smaller group of cases. These are the 140 cases that took 30 weeks or longer to complete, and so exceed the normal 26-week timescale for proceedings. We have used these 'delayed cases' to examine the question of delay, and to do so from the perspective of each SLCPP partner. Again, we offer a combination of quantitative and qualitative findings and reflections.

**Section 4** presents our recommendations, under the headings of partnership work, good professional practice, and effective engagement with children and families.

Finally, the **appendices** provide information about the people involved in the Project, the work achieved and the challenges outstanding, and the practice guidance that has been developed and owned by partners.

## SECTION 2: FINDINGS FROM AN ANALYSIS OF YEAR 1 CASES

### 2.1 THE NUMBER OF CARE PROCEEDINGS ISSUED

In SLCPP's Year 1 (May 2013 to April 2014), the four boroughs issued proceedings relating to 348 families comprising 566 children.<sup>6</sup> The table below sets out this information per borough and also shows the rate of issuing compared with each borough's child population.

**Table 1**

Cases and children <sup>7</sup>	Number of cases issued in Year 1	Number of children involved	As a percentage of SLCPP cases issued	As a percentage of SLCPP children issued	Percentage of overall child population in the SLCPP area <sup>8</sup>
Greenwich	69	110	20	20	25
Lambeth	109	189	31	33	25
Lewisham	88	149	25	26	26
Southwark	82	118	24	21	24
<b>SLCPP TOTAL</b>	<b>348</b>	<b>566</b>	100%	100%	100%

Child population is difficult to capture accurately, and Census data is always out of date by the time it is published. However, based on early releases of the 2011 Census data, a comparison of the child population in each borough shows that they are fairly consistent in size (between 53,500 and 57,000 of children aged 0-15), with each therefore holding roughly 25% of the combined child population. In terms of the percentage of Project cases issued by each borough, Greenwich issued slightly fewer when compared to their child population, and Lambeth slightly more, with Southwark showing minimal variance and Lewisham issuing at the same rate as their population.

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<sup>6</sup> For various reasons, the number of families listed by SLCPP might show a slight variance from CMS (Care Monitoring System) data. First, where proceedings relating to separate children are issued on separate days (because of the different circumstances of family care among separate family members, or because further children are born during proceedings), sometimes the children are formally joined to the ongoing proceedings and sometimes the cases are considered as separate proceedings running in parallel. Second, we have excluded cases issued before tracking began, on 1 May 2013. Third, whilst all cases issued by SLCPP are included in our issuing figures, we have excluded from the calculation of averages the few (4) cases that were subsequently withdrawn or transferred to another local authority.

<sup>7</sup> In the report we use the term 'cases' to mean families, and the term 'child/children' to mean individual children.

<sup>8</sup> 2011 Census data taken from Nomis (tables relating population to age bands for ages 0-15), published by the Office of National Statistics. Accessed via <http://www.nomisweb.co.uk/census/2011/ot1101ew>.

## 2.2 CHANGES OVER TIME IN THE RATE OF ISSUING PROCEEDINGS

In the early stages of the Project, the comparison of issuing rates and pre-proceedings practice led us to exchange ideas for good practice in relation to establishing threshold clearly and assessing families early (including at pre-proceedings stage). All the boroughs improved their guidance about Legal Planning Meetings, including checklists and agenda tools, to ensure clarity of detail in decision making. Southwark has had the greatest reduction in issuing, having sought to increase the use of formal assessment pre-proceedings and having taken on faith that assessment work would/should not be repeated if a matter escalates to court.

**Table 2**

Cases issued	Greenwich	Lambeth	Lewisham	Southwark
<b>2011-2012</b>	61	81	144 children <sup>9</sup>	100
<b>2012-2013</b>	81	94	145 children	121
<b>2013-2014</b>	71	101	146 children 84 families	84
<b>Trend over time</b>	↑ 16.3% over 2 years ↓ 12.3% on previous year	↑ 24.6% over 2 years ↑ 7.4% on previous year	↑ 1.4% over 2 years ↑ 0.7% on previous year	↓ 16% over 2 years ↓ 30.5% on previous year
<b>Cases issued Project Year 1 (1 May 2013–30 April 2014)</b>	69	109	88	82

Figures released by Cafcass exclude some cases, based on their own criteria for data recording. However, to put the SLCPP data in a national context, the most recent information from Cafcass<sup>10</sup> reports that – nationally – care applications are down 5% in the financial year 2013-2014, compared to the previous year. However, the figures also show an increase over time, in that applications have increased by 3.5% over the last two years and by 15.4% over the last three years.

The four SLCPP boroughs all rank in the top 5 London authorities for applications issued.

<sup>9</sup> Lewisham data prior to 2013 in relation to numbers of cases issued month on month is held per **child**. Data is available regarding **family** cases concluded, but this is logged at point of closure rather than point of issue.

<sup>10</sup> Data release 12.11.2014, accessed via <http://www.cafcass.gov.uk/news/2014/november/october-2014-care-demand-statistics.aspx>.

## 2.3 THE DURATION OF CARE PROCEEDINGS

The 2011 Family Justice Review found that the average length of care proceedings (for the 2009 cases studied) was 54 weeks. In subsequent years the average duration of proceedings has increased further, with children in London experiencing the longest delay.<sup>11</sup> As per the table below, the figures for case duration in SLCPP show a steady reduction in recent years.

**Table 3**

	National average (mean)	London	Greenwich	Lambeth	Lewisham	Southwark
<b>2011-2012<sup>12</sup></b>	56	59	56	56	58	49
<b>2012-2013</b>	46	52	50	47	43	45
<b>2013-2014</b>	33 <sup>13</sup>	44 (Central Family Court)	38	43	41	45
<b>PROJECT CASES</b>			<b>28.5</b>	<b>30.3</b>	<b>31.2</b>	<b>28.7</b>
<b>Change from 2012/13</b>			↓ 9.5 weeks	↓ 12.7 weeks	↓ 9.8 weeks	↓ 16.3 weeks

### 2.3.1 How we measured case duration – mean and median

There are two ways of measuring here, with pros and cons to each approach.

**Mean** is the same as average. You take the total number of weeks in proceedings for all cases and divide that figure by the total number of cases, to reach the average length for your sample. It has the advantage of simplicity but there are two downsides. One is that it is meaningful only for the calculation of cases that have ended. The other is that any ‘outlier’ or exceptional cases (eg. very long or very short) will skew the findings.

<sup>11</sup> Data release 12.11.2014, accessed via <http://www.cafcass.gov.uk/news/2014/november/october-2014-care-demand-statistics.aspx>.

<sup>12</sup> Figures about case duration in 2011-2012 and 2012-2013 are taken from Cafcass release *London 1213 Care Demand and Durations 2013 06 27 AP*, June 2013. The figures relate to cases ending in each period.

<sup>13</sup> Cafcass news release October 2014 accessed via <http://www.cafcass.gov.uk/news/2014/october/three-weeks-in-november.aspx>.

**Median** is the case in the middle when you list all the cases in order according to their length: it is the case with an equal number of cases on either side. Because it gives a snapshot view of case length at a particular point in time, you can include cases that have not yet completed. And because it is not affected by 'outliers', it is seen as a more useful way of indicating the time that a 'representative' case is taking.

We have included both approaches: 'median' because it was the method adopted by the independent evaluation of the Tri-borough Pilot Care Proceedings Project, and 'mean' (or average) because of its more common use.

### **2.3.2 Duration for concluded cases**

The combined data for proceedings issued by all four boroughs in Year 1 of the Project shows a mean/average duration of 29.7 weeks for the cases that have completed. The range across the boroughs, from 28.5 to 31.2 weeks, reflects a high level of consistency overall.

The data also indicates a substantial reduction in the mean average duration compared with the previous year. As the table above shows, this was a reduction per borough of between 9.5 and 16.3 weeks.

### **2.3.3 Duration for cases that have not concluded**

Across the four boroughs, a quarter of cases (88 family cases) from this first year have not concluded, and at least 75% of these will run for longer than 26 weeks. So, once all cases have concluded, the mean average case duration for the Year 1 period will rise above 29.7 weeks.

The combined median length of cases issued in Year 1 shows a median duration of 29 weeks per family. This still shows a substantial reduction (of between 10 and 18.5 weeks) when comparing the current median to the previous mean average. Given that only 6% of the cases issued in Year 1 were less than 26 weeks old at the time of reporting, the median is unlikely to be much affected by the fact that some cases have not yet concluded. It is a clear indication of the success of all Project stakeholders working together to reduce the duration of proceedings.

The predicted accuracy of the calculations for the mean average and median duration within each borough is relative to the percentage of cases that have already concluded, for which the figures are shown in the table overleaf. In this, Greenwich can be most confident in the current

figures, as more of their cases have concluded, whilst Lambeth, with fewest cases concluded, is likely to show greatest variation from the current picture.

**Table 4**

	<b>Mean average case duration (concluded cases)</b>	<b>Median case duration (all cases)</b>	<b>Percentage of Year 1 cases concluded to date</b>
<b>Greenwich</b>	28.5 weeks	28 weeks	81 %
<b>Lambeth</b>	30.3 weeks	30 weeks	66 %
<b>Lewisham</b>	31.2 weeks	30.5 weeks	76 %
<b>Southwark</b>	28.7 weeks	26.5 weeks	79 %

Although ‘delayed cases’ account for only a small proportion of cases overall, some include significant delay. Eighteen (18) family cases (5% of the total cases issued) have been running for over 40 weeks, the longest being 64 weeks at the time of reporting.

## **2.4 PERCENTAGE OF CASES CONCLUDED IN 26 WEEKS**

Other Projects have reported on the percentage of cases completed in 26 weeks. They have also sounded caution about seeing failure to do so as unduly negative: a flexible response to children’s differing circumstances must not be lost in the drive to reduce delay and increase consistency.

Across the SLCPP, 44.7% of currently concluded cases have had final orders granted within 26 weeks. The range for the boroughs is from 36.9% to 55.6%.

However, when looking at all cases (concluded cases and cases still ongoing) we calculate that, overall, a maximum of 39.5% of cases issued in Year 1 will conclude within 26 weeks. As shown in the table below, the range across the boroughs is from 33.3% to 50%.

**Table 5**

	<b>Percentage of cases concluded</b>	<b>Percentage of concluded cases completed in 26 weeks</b>	<b>Maximum percentage of all cases that will be concluded under 26 weeks</b>
<b>Greenwich</b>	81	46	42
<b>Lambeth</b>	66	41	33
<b>Lewisham</b>	76	37	36
<b>Southwark</b>	79	56	50

A table showing the breakdown of average case duration for each borough per Project quarter is at Appendix 4.

## 2.5 REDUCTION IN THE NUMBER OF HEARINGS PER CASE

The expectation under the revised PLO is that cases should not have more than 4 hearings, or 5 if there is a contested ICO hearing. It proved difficult to track fully the number of hearings per case but the available data shows that, by the end of May 2014, the boroughs were averaging 3.1 hearings per case.

We have also identified three main trends from this data:

- Unsurprisingly, cases exceeding 30 weeks involve additional hearings. Common reasons for this are fathers or other new parties joining proceedings late, changes of circumstances, or experts filing their report late.
- The requirement for no more than four hearings in most cases has been extremely successful although it should be noted that, where difficulties do arise, additional hearings can help ensure robust case management and prevent delay.
- Although we cannot compare our data with that of previous years, and have not tracked this fully, we consider that the number of cases with fact finding is reducing, following a recent judgement,<sup>14</sup> and that the narrowing of issues at an early stage in a case reduces the number of days needed for both fact finding and final hearings.

## 2.6 CONTINUITY OF SOCIAL WORKER

In all four boroughs, a case issued from an intake/referral or pre-birth team transfers to a long-term or intervention team during proceedings. Since this is a **planned** change, we have excluded it from our calculations here: the report considers only **unplanned** changes of social worker.

Although the Project agreed to track social work continuity, the degree to which this proved possible varied between the boroughs.

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<sup>14</sup> S (A Child) [2014] EWCA Civ 25, Ryder LJ.

Southwark and Greenwich provided information on their ‘delay cases’ only (those running over 30 weeks). In these boroughs we found that the majority of cases had not had an unplanned change of social worker (59% and 84% respectively). We found that where there **was** an unplanned change of social worker it did not contribute to delay: in fact, those cases took an average of 39.2 weeks, compared with an average of 39.7 weeks where there was social worker continuity. The small sample size – 34 Southwark cases and 24 Greenwich cases – needs to be borne in mind here.

Lewisham and Lambeth provided information on all their concluded cases (whether ‘delayed’ or not). The analysis shows that in these boroughs, too, the majority of cases did not have an unplanned change of social worker. It also shows – for a larger sample than in Southwark and Greenwich above – that the cases with an unplanned change of social worker took just over 4 weeks longer on average.

**Table 6**

	<b>No unplanned change of social worker</b>	<b>Unplanned change of social worker</b>	<b>Average case duration: no unplanned SW change</b>	<b>Average case duration: with unplanned SW change</b>
<b>Lewisham</b>	68%	32%	30.1 weeks	33.5 weeks
<b>Lambeth</b>	58%	42%	28.2 weeks	33.4 weeks
<b>Combined</b>	63%	37%	29.2 weeks	33.5 weeks

An added point here is that when all the ‘delayed cases’ were examined to pinpoint the causes of delay, only 14% (or 6% of cases overall) were found to have been delayed by a change of social worker. The fact is that change in social worker and case duration are interdependent variables: the longer a case runs, the greater the chance of staff turnover. Staff will also be holding cases in order to see them through to a planned final hearing date and, if that date gets delayed, the case might need to be allocated to a new worker. Caution should, therefore, be applied when drawing conclusions from this data.

We can, though, say with certainty, in relation to social work continuity, that:

- an analysis of the ‘**delayed cases**’ shows that lack of social worker continuity was usually one of several factors combining to cause delay, and
- an analysis of **all concluded cases** shows that the majority had social worker continuity and were 3.5 weeks shorter overall than those without.

## **2.7 JUDICIAL CONTINUITY AND JUDICIAL LEVEL**

### **2.7.1 Judicial continuity – judges only**

We wanted to track judicial continuity (whether a case is heard by the same judge or magistrates throughout). As continuity is not normally expected at magistrates' level, we excluded cases that were heard by them from start to finish, recording the question about continuity as 'not applicable'. In other cases we decided on a pragmatic approach, in that a case that transferred mid-proceedings from magistrate to judge, but then had the same judge to the end, was recorded as having continuity. We also recorded as judicial continuity any case that had continuity save for an emergency hearing. It should be noted that it is hard to extract this information about judicial continuity because it requires close scrutiny of every order as well as consideration of whether the hearing was an emergency one.

Of all the concluded cases heard by judges, we found continuity in 40% of Greenwich cases and 58% of Lewisham cases. Of just the concluded cases that took over 30 weeks, there was continuity of judge in 63% of the Southwark cases and 68% of the Lambeth cases. So, from the known data we conclude that, overall, 54% of concluded cases had continuity of judge. This is a significant achievement, particularly given that many of these cases were issued before the formal introduction of the new PLO and the majority were issued before the recent Family Court reorganisation in London.

### **2.7.2 Judicial level – judges only**

Part way through the year we also started tracking the judicial level at which the case was heard. We found a notable difference in the percentage of cases heard at each level. Whilst most boroughs had between 26% and 28% of their cases heard by a Circuit Judge, in Greenwich only 7% of cases were heard by a Circuit Judge (or High Court Judge). Of the 'delayed cases' in Southwark, 27% were heard by a Circuit Judge, although it might be expected that 'delayed cases' would have greater complexity and thus be heard at this higher level. It is unclear why a smaller percentage of Greenwich cases have been heard by Circuit Judges.

### **2.7.3 Case duration and judicial continuity – judges and magistrates**

We wanted to do an analysis of average case duration in relation to judicial continuity. The differences in the data available means that we have not been able to calculate an average for

SLCPP overall – we have limited the analysis to all the concluded cases where data was known. As the table below shows, the cases that experienced continuity of judge were concluded much more quickly than those without, with a reduction of over 7 weeks across all Lewisham cases, and a reduction of around 5 weeks in the Lambeth and Southwark cases that exceeded 30 weeks. Greenwich bucks the trend here, because of the anomaly mentioned above. It has a significantly smaller percentage of cases heard at a higher level, and consequently a much greater number of cases heard by magistrates.

When cases heard by magistrates are included in mean averages, continuity of judge enabled an earlier resolution of cases across the board, with a reduction in most cases of around 4-5 weeks.

**Table 7**

	<b>Greenwich</b>	<b>Lewisham</b>	<b>Southwark (30+ weeks only)</b>	<b>Lambeth (30+ weeks only)</b>
<b>Cases with continuity</b>	26.8 weeks	30.7 weeks	39 weeks	37.8 weeks
<b>Cases without continuity (excluding magistrates)</b>	25.3	38.1	43.6	43
<b>Magistrates only (not applicable)</b>	45.0	26.2	47.3	42
<b>Cases without continuity (including magistrates)</b>	30.8	31.5	44.7	42.3

## **2.8 ASSESSMENT – REFLECTIONS ON EMERGING THEMES**

We aimed to track whether assessments by social workers and other experts were filed on time, and to log the number of assessments per case. Whilst it is clearly important that all directions are adhered to, it proved almost impossible to track the timing of the filing of every assessment, given the volume of cases and deadlines. Tracking the number of assessments also proved difficult; it would have benefited from our adopting clearer criteria for logging this information (for example, whether to include hair strand and DNA tests).

Analysis of the available data indicates a reduction overall in the number of assessments, compared with the findings of the Family Justice Review where cases had an average of just under 4 assessments. For example, at the end of July 2014, Lambeth cases showed an average of 1.3 expert assessments of parents per case (excluding DNA and hair strand testing). For Lewisham, where there was fuller information about this variable, the table below sets out the

position at the end of April 2014. It shows that, in cases completed in under 26 weeks, there was a mean average per case of 1.8 assessments of parents and 0.6 assessments of wider family members, although the numbers ranged from no assessments to 4 assessments for parents and 3 for other family members. Cases over 26 weeks had a higher average: 3.9 assessments of parents (including hair strand tests, and addendums) and 1.6 assessments of other family members.

**Table 8**

	<b>Average number of parenting assessments</b>	<b>Average number of family assessments (connected persons)</b>
<b>Cases completed in under 26 weeks</b>	1.8 Range 0-4	0.6 Range 0-3
<b>Cases that took longer than 26 weeks</b>	3.9	1.6

Part way through the year we shifted the focus of our tracking of assessments, having become conscious through our quarterly reporting of cases of the need to improve our understanding of (a) when and why further or repeat assessments were directed by the court, and (b) whether assessments had been undertaken at pre-proceedings stage. This change in reporting will enable us to provide more detailed, and comparable, SLCPP data in future reports. In the meantime, we describe below some of our reflections over the year about assessments. These are about:

1. Assessments during proceedings
2. Assessments pre-proceedings
3. Local authority commissioning arrangements
4. Neglect cases involving sibling groups, and
5. The benefits of using Regulation 24 placements.

### **2.8.1 Reflections about further assessments**

*These relate to what case tracking tells us about court directions for assessments during proceedings, including directions for further or repeat assessments or addendums.*

All care cases involve an assessment by the social worker and an analysis by the guardian. In the majority of cases, local authorities file core assessments and/or reports from child protection conferences, and all statements should include an assessment of parental capacity and

children's needs. In addition, in most SLCP cases the local authorities file an additional, expert, assessment of parenting completed either in-house or through external commissioning.

Even so, in the majority of cases, additional assessments continue to be required during proceedings, although in many cases this does not lengthen case duration beyond 26 weeks. Our examination of 'delayed cases' shows that in 17% of these cases the additional assessments that had been directed were opposed at the time by the local authority. When the case managers made a retrospective review of these cases their view, too, was that the assessments had been unnecessary, because they had in effect been 'repeat' rather than new assessments.

An issue to bear in mind here is what is called the 'psychology of care proceedings'. This is about the inclination of people to fill time gaps with activity, as when a court hearing date is a little while ahead and so the court orders, or agrees to the request from a party for, an additional assessment or addendum to an assessment. This assessment, whilst not strictly necessary, strengthens the feeling that the case is moving along in the right direction. We would advise caution in adding to the burden of assessment in this way.

In relation to the influence of the guardian on court directions, full data across the four boroughs is not available. However, at the end of April 2014, Lewisham found that, of the 12 additional assessments viewed as unnecessary by the case manager, 9 had been supported by the guardian, and 10 did not change the outcome (ie. the order made at final hearing).

A related point here is the degree to which guardians and social workers make the effort to communicate with one another and try and resolve differences or fill gaps in information that, if successful, will reduce the need for disagreement or prolonged discussion during the court hearing. This is one aspect of guardian and social work activity that we have reviewed together on a small sample of completed cases. The review also looked at the clarity of the guardian's position at each stage of proceedings, the quality of social work evidence to court, and the purpose and impact of requests by parties for additional assessments.

### **2.8.2 Reflections about the perceived value of assessments completed at pre-proceedings stage**

*These relate to whether, when parenting and any other assessments are completed at pre-proceedings stage (including assessments deemed necessary from external experts), this*

*eliminates the need for further assessments during proceedings. And whether there is sufficient confidence in the combination of social work evidence and relevant expert assessment for cases to be concluded swiftly.*

We are finding that confidence exists in those cases where:

- the assessments presented to court have been completed no more than six months before the proceedings, and
- family and friends have been ruled out as potential carers, and
- parents are not contesting, or parents are contesting but the children are already being cared for by wider family members and are making good progress.

On the other hand, further assessments continue to be directed in many cases, including the majority of those where full assessments have already been undertaken pre-proceedings, and where these assessments have concluded that there is no clearly-positive family placement available and parents are opposed to the local authority plan.

However, there are exceptions, and these highlight the process factors that seem to make a difference. One case concluded at 9 weeks, ending with a care order and placement order following a pre-proceedings assessment by the Family Drug and Alcohol Court (FDAC) specialist team.<sup>15</sup> Another case, also involving pre-proceedings assessment by a multi-disciplinary team, ended at 18 weeks, with parents in agreement with an SGO to relatives.

### **2.8.3 Reflections about local authority arrangements for commissioning assessments**

*These relate to whether different arrangements impact on the nature of the assessment undertaken, and on case duration.*

Where the local authority is not linked to one model of assessment, or one assessment provider, we have found that assessments tend to have been more bespoke, with greater flexibility in responding to what needs to be assessed in a particular family. This might include using Independent Social Workers (ISWs) for connected persons' assessments, not just to provide assessment that is independent of the local authority but also to help assess the offer

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<sup>15</sup> Southwark has a partnership with FDAC. Care cases under that arrangement during the SLCPP Project Year 1 are included in this report.

of care from more than one relative. Whereas the local authority social worker is unlikely to have capacity to undertake more than one assessment within 6 to 10 weeks, an ISW can be commissioned to understand the background to the case, meet all who are offering long-term care for the child, and analyse the dynamics of the case, such as why family members have not been able to work together to resolve their competing requests.

Another finding relates to Lewisham's in-house family assessment service. The assessments by this specialist team have attracted much praise from the courts when their assessments have been ordered during care proceedings. But their pre-proceedings assessments have tended to be questioned when the case goes into proceedings, even though the assessment was completed by the same team of people and in the same way as an assessment ordered during proceedings.

We have concluded that, in the absence of a very positive assessment of a family member, it is highly likely that further assessment will be directed once a case is in proceedings.

#### **2.8.4 Reflections about neglect cases involving sibling groups**

*These relate to whether these children are experiencing undue delay.*

Even when expert reports have been commissioned in pre-proceedings, neglect cases involving siblings seem particularly prone to delay, especially where the problems for the children are long standing. The fact that the children will have remained at home, sometimes for years, on child in need and then child protection plans will – in the absence of a critical incident – undermine the local authority's case for removing the children early in proceedings. Some cases then continue in proceedings, with the children remaining at home whilst further evidence is gathered and with the case for separation made out, or not, at the final hearing. These cases are particularly painful for all concerned, especially if there are no options for placement with family members and if adoption plans for young children mean that immediate removal from home will follow the final hearing.

The difficulty here is that the children's needs, including whether they should be placed together or apart, have been assessed whilst the children were at home, and so in the context of very poor parenting. There has been no opportunity to consider whether the children's needs, and their relationships with each other, will change once they are receiving good

parenting away from home, with other relatives or foster carers. This makes it inevitable that young children will have a bridging placement before being placed for adoption.

There are additional challenges in identifying suitable interim foster care in these circumstances, arising from the way resources are allocated. The problem is that it is difficult to get approval for the large retainer fee that the local authority would need to make to a 'private and voluntary' foster care provider, to cover the period of six weeks (or longer) between the IRH, when the care plan is filed, and the final hearing of the case, when the placement could begin. And, even if the retainer is agreed, there is still the risk that the reserved placement will be allocated to another authority whose case ends before ours. The competition arises from the fact that good long-term foster placements for siblings with high levels of need are hard to find.

### **2.8.5 Reflections about the positive benefit of making early use of Regulation 24 placements**

*These relate to whether early permanence is hidden within Regulation 24 placement practice.*

An analysis of cases where children were in Regulation 24 placements (or placement with their father or extended family, under an interim Child Arrangements Order) at the point of issue or during proceedings highlights the continuity that these placements provide for children in the short term (before and during proceedings), as well as giving confidence about their potential for providing stability in the longer term.

Across the four boroughs, 76 children were in such placements during proceedings, and with this becoming or being planned to be their final placement. This means that, overall, 14% of children were in fact placed in their permanent placement during proceedings, often in week one, and sometimes earlier, before issuing. Lewisham's figures were highest here, with 21% of children placed before or during proceedings with the relative who went on to become their permanent carer. Whilst case duration varied, and so living with relatives is not indicative per se of a child spending a shorter or longer time in proceedings, what is indicated is that the children have experienced stability of placement, which in turn has led to legal permanence. The findings underline the importance of the early identification and assessment of relatives and friends and, where assessment is positive, of early placement, too.

It should, however, be noted that – overall – the average length of care proceedings where such early placements were made will be at least 34.3 weeks (with some ‘delayed cases’ still not completed, but with the strong likelihood of permanency of placement). This means that, despite this being good practice and of great benefit to the children involved, it increases the average length of proceedings by at least 5 weeks. It might be that these cases go more slowly than others because the children are deemed to be in a placement that offers both current safety and the prospects of permanence, and so the system feels less pressurised to use strident case management. Or it could be that the time needed for further assessment is not seen as posing a risk to placement stability.

## **2.9 FINAL CASE DECISIONS (ORDERS MADE)**

The table overleaf shows the decision and order/s made at final hearing in relation to cases that have concluded. Whilst there is considerable variation between the boroughs in relation to some decisions made, the position overall is that 33% of children were enabled to stay with or return to the care of their original primary carer, and a further 8% were placed with their other parent, under a Residence Order or Child Arrangement Order. This means that 41% of children were able to live with a parent at the end of proceedings. A further 21% of children were placed with a wider relative or connected person. Thus, overall, 62% of children involved in proceedings lived within their family or wider network at final order.

After the table we comment on each type of order in turn.

**Table 9**

	GREENWICH		LAMBETH		LEWISHAM		SOUTHWARK		SLCPP		
<b>No Order</b>	4	28	12	47	6	21	5	36	7	33	Return to parent/s
<b>SO</b>	24 <sup>16</sup>		35 <sup>17</sup>		15		31		26		
<b>RO/CAO</b>	2	5	2	6	2	15	4	5	2	8	Placed with other parent
<b>RO/SO</b>	3		4		13		1		6		
<b>SGO</b>	15	32	12	20	14	16	14	17	14	21	Placed with other relative/connected person
<b>SGO/SO</b>	17		8		2		3		7		
<b>CO</b>	22		16		28		21		22		LA care
<b>CO/PO</b>	12		11		21		20		16		Adoption

Note - all figures above are percentages

### 2.9.1 No Order

In 7% of all cases no order was made. Some involved suspected non-accidental injury that was disproven subsequently. Many others involved high level of concern at the point of referral to Children's Services, requiring immediate issue of proceedings that precluded the possibility of intervention via the pre-proceedings process.

### 2.9.2 Supervision Order

Overall, 39% of children remained with or returned to one or both parents on a Supervision Order (SO). Some similar cases issued before the Project started have returned to court for an extension of a Supervision Order. These are cases where rehabilitation had not broken down but where anticipated change in relation to neglect had not been sustained and, in one case involving parental mental health problems, where there was an inadequate contingency plan to cover a parent's relapse. Case tracking will continue to highlight whether the use of SOs for children living with a parent is an area that would benefit from local research. Greenwich and Southwark have been invited to participate in a national research study about these orders, running for two years from May 2015 and funded by the Nuffield Foundation.

<sup>16</sup> Includes 5 children made Wards of the High Court when their mother took them abroad to join their father. Following assessment abroad they remain with their parents.

<sup>17</sup> Includes 4 children made subject to Family Assistance Orders.

### 2.9.3 Special Guardianship Order

Cases ending with a Special Guardianship Order (SGO) tend to take longer to complete. The average case duration is between 33.6 and 36 weeks for an SGO alone, and between 31.5 and 39.5 weeks for an SGO and Supervision Order (see Appendix 4).

New national research<sup>18</sup> reflects our own thinking about assessment and placement in cases with these orders. All four boroughs recommend special guardianship positively: they have done so in 14% of Year 1 cases. An SGO alone has been the final hearing order in 21% of SLCPP cases, with this increase accounted for either by the boroughs having reservations and recommending a Supervision Order in addition, or by the decision of the court for an SGO in cases where the local authority did not recommend it. The latter cases have usually been those in which case law from *Re B-S*<sup>19</sup> and other decisions have tipped the balance away from adoption to permanence via an SGO. They have tended to be cases where the child was not placed with the special guardian during the course of proceedings, where family structures and dynamics are complex, and where parental contact after the end of proceedings is likely to be problematic.

Our experience, where there are issues around post-SGO arrangements or transitions, is that an SO is made in addition to the SGO. Anecdotally, we have heard that – outside London – transitions are made under Care Orders, in an effort to reduce case duration, and that an application for an SGO might follow later. We would not advocate this practice which seems unlikely to be a recommendation for babies and young children but, if what we have heard is true, it might help explain the longer duration of cases in London.

We are mindful that SGOs provide an excellent permanence option, offering children the chance of long-term stability without severing connections with their family. We wanted to gain a better understanding of how we can improve our assessments (including an analysis of the factors that might predict later difficulty) and prepare special guardians well for the parenting task ahead. We also want to support the more vulnerable placements, in order to prevent disruption (and the rare SGO breakdown that results in new care proceedings) as well as benefit from gaining feedback from carers. In response to these emerging themes and concerns the

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<sup>18</sup> Jim Wade, Ian Sinclair, Lucy Stuttard and John Simmonds (2014) *Investigating Special Guardianship: Experiences, challenges and outcomes*. Research Report, DFE-RR372, Department for Education, London.

<sup>19</sup> *Re B-S (Children)* [2013] EWCA. Civ 1146.

four Directors of Children's Social Care have jointly commissioned some local research into SLCPP practice and policy in relation to SGOs.

#### **2.9.4 Care Order and Placement Order**

Lord Justice Ryder has commented on several occasions that, all too often, Placement Order applications are not issued concurrently with applications for Care Orders, and that this leads to the duplication of proceedings and risks further delay for children. By the end of September 2014, 64 Placement Orders had been granted across the four boroughs in SLCPP Year 1 cases, with only 2 of them issued and granted separately, meaning that 97% were heard concurrently with the Care Order application. The separate applications in the 2 cases were prompted by valid reasons – in one, the mother had failed to register the birth of the child – and in each case the application for the Placement Order was made quickly, within a month of the final care hearing. If making concurrent applications is common practice in London, and less common outside London, this might be another reason why London's average duration is longer (because the clock continues to tick for the duration of the Care Order and Placement Order combined whereas a Placement Order application that is made separately, and subsequently, will not affect case duration).

#### **2.10 CHILDREN INVOLVED IN REPEAT CARE PROCEEDINGS**

From the start of the Project the boroughs have been concerned to note the number of children subject to repeat care proceedings, in many cases with the earlier proceedings issued elsewhere. Over the year 37 children, or 6.5% of the total, became subject to proceedings for the second time, or the third time in the case of one family of 7 children. These children have faced significant harm over a considerable time, with repeated traumatic disruption, broken attachments, and severe delay in finding a stable placement. We will continue to track this closely during Year 2.

#### **2.11 MOTHERS INVOLVED IN SUCCESSIVE APPLICATIONS IN RELATION TO NEW BABIES**

The boroughs have also identified a significant number of women who are party to successive proceedings that generally result in permanent separation from their baby. In Year 1, 25% of

care proceedings, accounting for 15% of the children overall, were cases where an older child had been permanently removed from the mother in earlier proceedings.

The findings from a national research study<sup>20</sup> into the scale and pattern of recurrent proceedings, using Cafcass data from cases that ended between 2007 and 2013, show a national pattern of 15% recurrent care applications, involving 25% of children. The researchers have extrapolated the figures per local authority and they show that the SLCPP authorities are amongst the London authorities with the highest prevalence of these care applications:

**Table 10**

<b>Rank order</b>	<b>London LA</b>	<b>Prevalence</b>
<b>1<sup>st</sup> (highest)</b>	Southwark	32%
<b>2<sup>nd</sup></b>	Lewisham	28%
<b>8<sup>th</sup></b>	Greenwich	25%
<b>22<sup>nd</sup></b>	Lambeth	22%

The highest rate nationally is 39% and the lowest 11%. In London, only Westminster matches this lowest rate.

The research also shows that a large percentage (50%) of the mothers who become subject of repeat removals were younger than 25 at first care application, and that the interval between care applications gets shorter over time, with many occurring within 12 months of the previous birth. There is, therefore, a decreasing opportunity for positive change once women are caught in this harsh cycle of pregnancy and loss.

A few projects across England are doing pioneering work in responding to this problem, and the research team are currently doing qualitative national research in two sites – including Southwark – to develop a risk profile of mothers and find out what helps to achieve positive change.

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<sup>20</sup> Karen Broadhurst, Judith Harwin, Mike Shaw and Bachar Alrouh (2014) Capturing the scale and pattern of recurrent care proceedings: initial observations from a feasibility study.  
[http://www.jordanpublishing.co.uk/practice-areas/family/news\\_and\\_comment/capturing-the-scale-and-pattern-of-recurrent-care-proceedings-initial-observations-from-a-feasibility-study#.VPgFefnDIXg](http://www.jordanpublishing.co.uk/practice-areas/family/news_and_comment/capturing-the-scale-and-pattern-of-recurrent-care-proceedings-initial-observations-from-a-feasibility-study#.VPgFefnDIXg).

The research underlined and confirmed the importance of what we had been tracking in cases and raising in our quarterly case manager reports. By coincidence, the DfE had announced funding for innovation in children's social care and so, on behalf of the SLCPP boroughs, Southwark expressed interest in developing service responses to meet the needs of women who have had several children removed, or who are pregnant after the removal of one child, or who will benefit from psychotherapeutic support after losing several children through care proceedings, or are young women in and leaving care and at serious risk of becoming the next generation of 'repeat removal' mothers.

As a result, Southwark has been funded, for 18 months from April 2015, as a new site for the Hackney Pause Project, which supports women who have had at least two children permanently removed from their care during the previous five years, are willing to accept long-acting reversible contraception, and are of an age where further pregnancy/care proceedings are likely. The work is about intervening positively with women who are taking a 'pause' in their childbearing, to stabilise their life and build a more secure foundation for their future.

Given the extent of repeat removals in the SLCPP, and the fact that mobility within the four authorities means that a mother living in one authority might have children in care in another, we wish we could pursue our original plan of developing a cross-SLCPP intervention at different points in the cycle of removal, whilst at the same testing the specific Pause model of intervention in Southwark. However, DfE Innovation Programme funding did not cover work beyond the Southwark Pause Project, although Greenwich have since been invited to be part of the Pause Project so this is a positive move towards the original plan.

## **2.12 PRE-BIRTH WORK**

Where risk of likely harm is identified during pregnancy, this provides a clear opportunity for pre-proceedings support to parents and families and assessment of parents and family members prior to proceedings. The length of time available can vary, as some parents whose unborn babies are most at risk will not inform their doctor or seek midwifery support at an early stage, meaning that assessment might not be able to start until close to the expected delivery date, or that some pregnancies remain completely hidden until delivery. Where pregnancy is known, it might be difficult to engage parents and, in the absence of a born child to safeguard,

social workers have limited authority. However, in many other cases, very effective support can be provided pre-proceedings, and children can be safeguarded and proceedings avoided.

In the SLCPP boroughs, between 29% and 47% of cases have legal planning meeting decisions, confirming the need to issue at birth, that are made before the child is born. Overall, pre-birth decisions account for 34.7% of cases issued (although some of the children are in fact newly born to families already in proceedings).

One initiative under the revised PLO is to avoid delay for those children born into families where, despite previous extensive intervention, support, assessment and proceedings, positive change has not been achieved. We have, therefore, looked at cases where previous children had been removed permanently from parents, and at cases where the local authority had been able to offer further support and re-assess the parents in the pre-birth stage.

Across the boroughs there were 54 such cases in Year 1, 83% of which were concluded. Of the concluded cases, the overall mean average was 28.4 weeks. The median was 27 weeks, with an overall range of between 9 and 54 weeks. When this is compared to case duration overall, these identified cases were just over one week shorter in both mean average and median. Currently, the same proportion of these identified cases (as of all cases) conclude within 26 weeks, at around 44%.

The other conclusion we draw from our analysis is that the removal of one child in child proceedings doubles the chance of a mother having a later child adopted at the end of subsequent proceedings, and it reduces by half the likelihood of the later child going to live with their parents.

The detailed figures for this conclusion from the 54 identified cases are as follows:

- 43% resulted in Care and Placement Orders being made, compared to 16% of all concluded cases (with final orders unknown in 13%)
- 22% of the children returned to parents, compared to 41% of children in all concluded cases, and
- 22% of the children were placed with family members under an SGO, the same proportion as for all concluded cases.

Whilst it is encouraging that these cases are slightly shorter in duration, and some considerably shorter, it is of concern that previous assessment, intervention and pre-proceedings work have not made more of an impact in reducing the time that these children spend in proceedings, especially given the high percentage who subsequently move on to adoption.

### **SECTION 3: REDUCING DELAY – WHAT HELPS AND HINDERS PROGRESS**

We start this section with a table that summarises the overall progress of the SLCPP boroughs in completing cases within, or close to, the 26-week timescale.

We follow with a note about the key features of social work and other professional practice that we have concluded have helped SLCPP partners succeed in reducing delay. Whilst some of this is about having a determined focus on new ways of working, in response to the changing landscape of care proceedings, it is also about maintaining those good general practices that have long underpinned successful work with children and their families.

Finally, we explore the common causes of delay in cases exceeding 30 weeks, and comment on the difficulties encountered by each partner agency.

#### **3.1 PROGRESS IN COMPLETING CASES IN 26 WEEKS**

Our conclusion from the figures below is that, once all the Year 1 cases have concluded, a maximum of 39.5% will have concluded in 26 weeks.

**Table 11**

<b>Case information</b>	<b>Number</b>	<b>Comment</b>
Number of cases issued	348	--
Number of cases tracked	344	1 was withdrawn and 3 others were transferred to other LAs
Number concluded at 30 Sep 2014	256	--
- Of which, completed by 26 weeks	113	45% of concluded cases
- Of which, completed by 30 weeks	143	56% of concluded cases
Number not concluded at 30 Sep 2014	88	Of which 22 were under 26 weeks
Total number concluded under 26 weeks, or considered likely to conclude in timescale	136	Maximum 39.5% of cases will conclude under 26 weeks
Number known to be over 30 weeks at 30 Sep 2014, and examined for causes of delay	140	41% of total cases issued

## **3.2 THE FACTORS THAT HELP REDUCE DELAY**

### **3.2.1 Good social work practice**

- High-quality, analytical parenting assessment completed by the local authority before or soon after proceedings start.
- Father/s identified before issue (or cannot be identified despite strenuous social work efforts) and subsequently.
- Father/s engaged in assessment before issue, leading to their involvement in proceedings.
- Wider maternal and paternal family information obtained prior to issue, as part of good-quality comprehensive social work assessment. In many cases this can lead to positive assessment and placement under Regulation 24. In other cases, it can clarify before proceedings that there are no family or connected persons willing or able to be assessed.
- Using FGCs prior to issue or early in proceedings, with pro-active assessment for potential SGO care, and with a clear support plan that has been shared and agreed well ahead of final hearing.
- Clear and consistent wishes and feelings have been obtained from children, with greater weight attached as the child's age and understanding increases.
- Continuity of social worker and line manager.
- Care plans are detailed, and of high quality.
- Effective two-way communication between the guardian and the social worker at all stages (initial, throughout proceedings, and prior to final evidence/IRH), to resolve issues or enable further information to be provided in advance of hearings.

### **3.2.2 Other factors that have a clear impact on reducing case duration**

- Judicial continuity and strong case management.
- Early resolution of issues, enabling early final hearing.
- A parenting assessment with clear evidence that parents are now able to engage and have made positive changes that are likely to be sustained.

- Child is in concurrent adoptive placement, or is with relative/connected person in a positive Regulation 24 placement and with swift full assessment for SGO.
- Good progress in relation to criminal investigation, leading to early narrowing of issues.
- A single child, particularly if a newborn baby and where there have been assessments pre-proceedings.
- No opposing parties (such as when the case involves orphaned children) or a limited number of parties.

### **3.2.3 Overall learning points from our case analysis**

We set out below our conclusions about what is helpful social work and other professional practice in care proceedings.

- Build on the principle that ‘best practice best prevents delay’. The practice we have in mind includes social work relationship and planning approaches, using interventions that are proved to be effective (such as motivational interviewing, the Incredible Years parenting programme, and systemic family therapy); analysis of progress and problems through direct ways of assessing the impact of work on the child; and clear communication about what needs to happen and what positive progress and change would look like.
- Whilst acknowledging that good pre-proceedings work aims to avoid care proceedings, develop a mindset that sees the possibility of any case ending up in court. This will help ensure that the correct information is known and recorded. Genograms and ecomaps can be particularly useful tools when building a full picture of the child’s family and community networks, including fathers and extended family members.
- Engage in early discussion with both family and professional networks, to harness strengths and identify risks. Working broadly in this way (with fathers, the extended family and those with different professional perspectives) is consistent with systemic working and the Signs of Safety approach.<sup>21</sup>

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<sup>21</sup> A solution-focused and strengths-based approach to safeguarding work with children and families, designed to improve the quality of professional engagement and social work with families and reduce the number of children subject to child protection plans or needing to enter the care system. [www.signsofsafety.net/UK](http://www.signsofsafety.net/UK).

- Value the use of FGCs as early as possible (at both the pre-proceedings and in-proceedings stage) as a way of increasing the chances of giving practical support to families who might be struggling to respond to their children’s needs, as well as identifying potential alternative carers for children if that becomes necessary.
- Continue with the timely and consistent use of interpreters and advocates, to improve the chances of achieving clear communication throughout a case.
- Especially where there is a pattern of re-referral, continue to review parental change and capacity to change sooner rather than later, seeking clinical/multi-disciplinary input to understand why progress might not be occurring. The clear advantage of doing this as part of pre-proceedings work is that it can help identify the long-standing cases where change has not occurred, often because parental learning difficulties and/or neglect over generations have not been responded to earlier.
- Increase the work at the pre-proceedings stage, and give it greater structure and stronger review mechanisms, in order to ensure that parents are given full and clear information about the severity of concerns and the urgent need to make changes, to make more use of FGCs, and to encourage early assessment of connected persons.

### **3.3 THE FACTORS THAT CONTINUE TO CAUSE DELAY**

In their quarterly reports to the Steering Group, the case managers commented on the difficulties that parties were finding in securing final orders in under 26 weeks. This anecdotal information about individual cases was a helpful way of identifying possible areas for joint work. These various accounts from Year 1 now need to be viewed in the context of our ‘delayed cases’ (those exceeding 30 weeks), to help us understand more about the challenge of reducing delay.

Appendix 6 sets out – only in relation to cases that took longer than 30 weeks – the delay factors that we examined and the frequency of their occurrence. In order to achieve consistency with the Bi-borough evaluation of their work in reducing delay, we used the categories from the list used by the court to log reasons for adjournments.

There are some caveats to bear in mind about this data, mainly linked to the particular features of SLCPP.

First, the differences between the boroughs might reflect differences in their practice and in their degree of success by the start of the Project in meeting the requirements of the revised PLO. And second, the differences almost certainly reflect to some extent the number of cases issued by each borough and the degree of case manager input throughout the year. Tracking the reasons for delay in a systematic and analytical way requires the close examination of every Case Management Order, the careful noting of any delay or drift, and close scrutiny of the case file or legal bundle to check whether the case manager's judgement about possible reasons for delay is correct.

The capacity of each case manager to do this painstaking work is linked to their overall role and responsibilities and the extent of their direct knowledge of particular cases. Change in post-holder during the year has also had an impact in some boroughs, because an increase in the number of workers involved increases the subjectivity in analysing the root cause of delay. The case managers have striven to mitigate these confounding factors by using team discussion and peer challenge to reach consensus about how to interpret each of the delay categories used and how to deal with ambiguous and/or complex issues in a consistent way.

Given that for this section of the report we have examined 'delayed cases' only (those that exceed 30 weeks), and given the variation in case manager recording of detail here, our calculations cannot be regarded as comprehensive. We are, though, confident that they give a fair representation of the recurring and ongoing difficulties in completing cases without undue delay. It is important to bear in mind that the percentages noted in the following section are a percentage of only those cases exceeding 30 weeks, not a percentage of all cases, many of which concluded within the 26-week timescale. It should also be noted that cases experiencing delay are usually affected by multiple factors, with each contributing to the delay overall. For this reason we have logged **all** causes of delay in each case, rather than trying to determine the **main** cause of delay in each.

### **3.3.1 A recurring theme – the importance of good engagement and assessment of parents and other family members**

The Care Monitoring System (CMS) list of potential reasons for adjournment that is attached to a standard-use Case Management Order does not include categories for recording parents as a separate potential source of difficulty in obtaining timely outcomes, although delay in parental evidence is listed under difficulties for lawyers. However, following the lead of the Bi-Borough Project in their evaluation report,<sup>22</sup> we have adopted for our analysis their three headings in relation to delay linked to parental action or lack of action (categories PA1-3, see Appendix 6).

We found that parental ‘reluctance to be part of an FGC or similar family meeting’ or to ‘provide information for an assessment’ of themselves or other family members, was identified as a factor in just under a quarter (23%) of the ‘delayed cases’ in each borough. So, as a cause of delay, this non-engagement featured highly – equal first with ‘lack of pre-proceedings work’ by the local authority (24%) – although, as commented elsewhere, unless there is detailed scrutiny of the social work practice pre-proceedings, it can be difficult to distinguish non-engagement by families at this stage from local authority failure to assess them sufficiently.

Parental ‘failure to comply with directions’ (often a factor underlying delay in expert or social work assessments) was identified in 16% of ‘delayed cases’. Delay due to ‘no or poor parental evidence’ featured in 8% of delayed cases, and parents ‘not attending court’ in a further 6%.

In relation to other relatives, difficulty in identifying family members prior to proceedings was found to be a factor in 19% of ‘delayed cases’, and late assessment of wider family or connected persons was found in 15% of ‘delayed cases’. Wider family members failing to comply with directions accounted for many of the instances of ‘other non-compliance with directions’, a factor in 8% of ‘delayed cases’ overall. In addition, ‘new party joined’ featured in 12% of ‘delayed cases’. This included some late engagement of fathers, but was also chosen as the most appropriate category to record delay following disagreements over the support package to be provided to family members, leading to a family member being joined as a party to the case in order to contest the local authority’s support or care plan.

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<sup>22</sup> See footnote 5

Whilst there is much learning for the boroughs in undertaking timely assessment of family members, and all four boroughs have substantially reviewed their practice and processes, late assessments can also be caused by the difficulties of having to engage wider family members in the tight timescale required.

### **A shared role for agencies**

Engaging parents and families whom professionals find ‘challenging’ is a key social work skill and a regular focus of review and training. In wider community social work, where families engage well with social workers and child protection processes, the vast majority of families are supported to achieve positive change, and court proceedings are not required. It is perhaps to be expected, therefore, that difficulty in engaging parents and families in a timely way is likely to remain a significant challenge in completing cases within 26 weeks. All key stakeholders and parties have a role to play, to find ways of promoting parent and family engagement with the local authority, without acting in ways that might seem punitive to parents and families at such a difficult time. Judges, magistrates, guardians and private practice family solicitors are included here. We are grateful for the increasing practice of judges to speak directly to parents in court, emphasising the importance of family meetings and assessments, and explaining how these can help them and their children rather than prejudice their case.

### **Assessing family members as potential carers**

Finding, engaging and assessing connected persons as potential carers, and doing so within tight timescales, is a particular challenge. Whilst not tracked systematically per case, it has been a recurring issue throughout the Project, prompting meetings of key staff from each borough, to understand the variations in assessment processes and forms used and to share tips for good practice. The different arrangements – including whether preliminary assessments of family members are undertaken by the child’s social worker or by a specialist in-house team or are commissioned externally – influence the way information is recorded, the level of detail acquired at the initial stage, and the time needed.

The discussions have also highlighted the unhelpful variation in the regulations governing the assessment of family members via foster care or special guardianship placement routes. This has prompted a request to the Chief Social Worker to explore the possibility of aligning

legislation and guidance and simplifying the assessment and placement process for connected persons.

In the meantime, the boroughs agreed to adopt a common 10-week target for completing kinship assessments (including the time needed for any preliminary assessment). In addition, where appropriate, the boroughs have been trialling directions to the effect that, instead of filing a positive preliminary assessment, parties will be kept informed of progress and the full assessment will be filed when completed. So far this is working well.

Working to the 10-week target is also working well in reducing delay in assessing family members. It is, though, thwarted at times by other pressures, notably when the 26-week timescale leads to directions for completing assessments in a much shorter timescale, sometimes as short as 6 weeks.<sup>23</sup>

It is also important for parties to understand that 10 weeks is generally the minimum necessary for ensuring high-quality assessment and planning of kinship care. Where family members have had previous contact with the local authority, and especially over complex difficulties, it might be necessary to assess the degree of change achieved. Where family members have no previous contact, and the local authority is thus starting an assessment from scratch, time will be needed for the significant checks required for placement with special guardians or foster carers.

Family members, too, need time. Before taking on long-term care of a child, they might have to make significant changes to their personal plans and goals, their financial planning, their employment and housing, and possibly their relationship with a partner or arrangements in relation to adult children living with them. Family members who are particularly close to the child's parent might need to consider stepping away to some extent, in order to focus on the child's needs, and to reflect on the possible impact of that on their relationship with the parents. These decisions have long-term implications; they cannot be rushed. Similarly, where family members have not been close, potential carers might have limited knowledge of the children and their history. Either way, they will benefit from information, discussion and time for reflection, about the consequences for their own life as well as about the impact of the children's experiences on their current and likely future needs.

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<sup>23</sup> *Requirement for Public Law Cases* – from Public Law Unit at CFC London, 25 Nov 2014 – advises assessment is completed in 6 weeks, 8 at most.

In the absence of sufficient time for reflection, the potential risks are that assessments will be unfair to families, vulnerabilities will fail to be assessed and supported, people will take on more than they can manage, and placement stability will be threatened.

### **3.3.2 Difficulties encountered by the local authority**

The main reasons for delay were these, in each case with considerable variation in frequency between the boroughs:

- The lack of ability to provide sufficient documents or analysis within timescale. This featured in the greatest number of 'delayed cases' overall, with poor or late kinship assessments contributing to delay in 15% of 'delayed cases', late social work assessments featuring in 16% of 'delayed cases', and late care plans identified in 15% of 'delayed cases'. It is important to note that there is considerable overlap across these factors, as delay or difficulty in completing one document will lead to delay in completing others.
- Insufficient work pre-proceedings. This was identified in 24% of 'delayed cases' overall, ranging between boroughs from no cases to the majority of cases.
- No potential family carer identified before the hearing. This was so in 19% of cases overall.

The variations probably reflect, in part, the different rate of progress made over the year to increase and improve work at the pre-proceedings stage. All four boroughs have clear pre-proceedings processes in place, as well as a policy about the importance of contacting family members and holding FGCs or family meetings at this early stage. The variations probably also reflect varying degrees of case manager knowledge of the cases because, if Case Management Orders are the only documents studied, it can be difficult to tease out and distinguish between possible causes of delay, especially in more complex cases where 'late' assessment can be attributed to a variety of underlying reasons, including family non-cooperation or late engagement, as well as gaps or delay in social work practice.

We hope that the improvements made over the year in monitoring the progress of social work assessments and the collection of evidence will play a continuing role in reducing delay, as legal staff, operational managers and case managers promote compliance by social work staff,

offering advice where engagement of family members is the cause of delay and supporting social workers to engage better with families.

We added a new category here, about changed circumstances resulting in the need for a new or alternative care plan or assessment. The genuine need for a new care plan was identified in 14% of 'delayed cases', and this was about new information coming to light or family members being assessed positively as potential carers but then withdrawing their offer. In relation to social work assessment, change of circumstances was the cause of delay in 20% of 'delayed cases', and this was about parent/s making positive progress, or facts being clarified, or parents separating or having a new partner.

Unplanned change of social worker was a factor in 14% of 'delayed cases'. We consider that this is caused, in part at least, by staff changes following the restructuring in some boroughs that has coincided with the Project period, or by difficulties in retaining experienced staff for other reasons. Staff turnover is a constant challenge for Children's Services, and particularly so in child protection and court teams that work at a demanding pace and where social work is the most challenging. Given the additional internal restructuring in some of the Project boroughs, we consider that 14% here can be viewed as lower than might be expected, reflecting some careful planning around anticipating social worker staff changes and mitigating their negative impact.

Finally, low counts were identified in relation to 'no expert instructed by the local authority' (5%), 'placement order proceedings delay' (1%), and 'poor placement evidence by the local authority' (4%). As with other factors, the variation across the boroughs might be indicative of some under-reporting resulting from case managers lacking detailed knowledge of cases. But they also reflect changes that the boroughs have introduced before and during the Project, including the earlier and more prompt instruction of appropriate experts and earlier planning where cases might require an adoption decision by the Agency Decision Maker (ADM).

### **3.3.3 Difficulties encountered by Cafcass**

The early allocation of guardians has been extremely successful, with only 4% of the 'delayed cases' involving delay caused by a guardian not being available or allocated to a case early enough. Delay due to difficulties in instructing experts or arranging professionals' meetings was also low, at 6%. 'No or poor Cafcass analysis' was identified as a factor in 10% of 'delayed cases',

although with wide variation of findings between the boroughs, from no occasions to 11 occasions.

The variation here, too, is likely to be linked to the different level of case manager involvement in cases and the degree of audit possible. We say this because identifying delay that arises from difficulties with the guardian's analysis requires that the case manager not only reads the analysis filed but also has detailed knowledge of the evidence before the court and how the case progressed after that.

It should be noted also that identifying this factor is the most subjective, not least because the specific role of the guardian is to provide an independent analysis and this might differ from the local authority's analysis. The case managers have striven to stand back and take an independent view, noting in some other cases excellent analysis by guardians who were at odds with the local authority's view. It is only with the benefit of hindsight that limited analysis can be seen to have caused delay in some cases, and this too remains subjective – it is possible that professional opinion and analysis would still have been seen as valid if audited independently from the local authority at the time the case was being heard.

### **3.3.4 Difficulties encountered by lawyers for all parties**

There is low frequency of delay recorded here, but again we advise caution about our findings. Delay due to lawyers not being instructed was identified in only 4% of 'delayed cases', and Legal Services Commission and legal aid difficulties in only 2% in total. For lawyers, this indicates minimal difficulties in relation to attending court, but we are less certain about drawing conclusions about other aspects. For example, the case managers are unable to track whether delay in filing assessments or in providing parental or other evidence might have been affected by the fact that lawyers representing other parties to the case were either not available or not instructed.

Difficulties in instructing the Official Solicitor accounted for 4% of 'delayed cases'. The figure is low but is not, in our view, an accurate reflection of the consistent difficulty in obtaining timely advice for vulnerable parents from the Official Solicitor. Whilst such cases are few overall, and some boroughs had no instances of delay in Official Solicitor cases in the year under review, our general experience is that there is delay in most of these cases.

### **3.3.5 Difficulties encountered by HMCTS**

During the Project period the courts have been restructured and renovated, and the transition of all cases to the Central Family Court added to the already very high demand for court rooms. Given such a challenging time, it is a mark of significant success that delay due to lack of court room space was a factor in only 6% of 'delayed cases', and listing errors in a further 6% only. This is a small percentage of the 'delayed cases', and an extremely low percentage of cases overall. It is worth noting, however, that where delay occurred because of an error in listing a final hearing, the resulting delay was substantial (the longest being 3 months).

Where there is delay between the issues resolution hearing (IRH) and the final hearing (FH), the delay is not about court room availability but seems linked, rather, to the lack of availability of judges, witnesses, social workers or guardians to come together, especially for contested final hearings. Whilst the practice of not listing the final hearing until the IRH is intended to ensure early listing with realistic time estimates (once issues have been narrowed at the IRH), the practical disadvantage of this approach is the lack of availability of the people involved because of the much shorter notice of the final hearing by that stage. We have found consistently that court staff are responsive and flexible in finding a room if all the parties are available.

### **3.3.6 Difficulties encountered by the judiciary**

Lack of judicial continuity was identified as a factor in 18% of the 'delayed cases'. The variation here between boroughs is large, ranging from 0 to 17 occasions. The factor might occur in more cases than has been noted, because two of the four boroughs have been able to provide limited information only about this aspect due to difficulties in analysing each Case Management Order retrospectively.

There are two other comments to make here. One is that the number of more complex cases that have had continuity of judge has improved greatly. The other is that continuity per se is unlikely to have ensured completion by 26 weeks, especially as we know that multiple factors combine to create delay.

The analysis of cases highlights significant success in achieving robust case management and planning at all levels of the judiciary. Insufficient time to hear a case was a factor in 6% of 'delayed cases', lack of judge availability featured in 6%, and difficulties in case management

were identified in 4%. On the other hand, in the few cases where a judge was not able to allocate sufficient time to hear the case, or where a judge became unavailable for a hearing that had been planned, the delay was considerable (up to four months).

### **3.3.7 Difficulties in obtaining expert reports**

Some of the findings here are similar to those relating to social work reports and assessments, in that reports being late or of poor quality was a factor in 14% of the 'delayed cases' reviewed, and it was more often the case that a new assessment followed a change in circumstances.

Before the Project began, expert assessment providers generally required a minimum of 12 weeks to complete assessments. The SLCPP work with key providers, undertaken through the Operational Group, has succeeded in reducing these timescales to 6 or 8 weeks, and it has also identified the benefit of ongoing two-way feedback and communication to review progress generally in reducing delay.

It should, however, be noted (as commented above, in Section 2) that directions for repeat assessments (in cases where the case managers concluded they had not been necessary) was a factor in 17% of 'delayed cases', and featured in each borough. This difficulty goes beyond the issue of expert reports, being linked in particular to the complexity of balancing the need to exhaust all possibilities before permanent removal of children, with the need to ensure timely decision making. It is nevertheless the case that it sometimes arises because of the lack of analysis and/or clarity in expert reports. In addition, the late production of expert reports has an adverse impact on the timing of final evidence from social workers, causing considerable difficulty with workload management and with the preparation of good-quality analytical final statements, especially for cases requiring an ADM decision. In turn, all of this delay impacts on the work of other parties.

### **3.3.8 Difficulties obtaining disclosure, and the need for fact finding**

Difficulty in obtaining health disclosure was a feature in cases from each borough, occurring in 4% of 'delayed cases' overall. Police disclosure difficulties were noted in 7% of 'delayed cases', but this data is from just one borough. This is probably more about inconsistency in auditing than variance of the factor itself given that delay in obtaining police information is a common feature in cases with ongoing criminal investigation. But it probably reflects, too, a variation in

the number of cases per borough that involved ongoing criminal investigation during the year. Delay due to an ongoing trial, as opposed to an investigation, was a more frequent occurrence, featuring in 9% of 'delayed cases' (across 3 of the 4 boroughs).

Separate fact finding hearings proved easier to track, and were identified in 17% of 'delayed cases'.

### **3.3.9 Reasonable delay**

The Bi-Borough evaluation added to the CMS list the category of 'reasonable delay on the grounds of positive prognosis'. We found that this featured in 19% of our 'delayed cases'.

### **3.3.10 Complex needs of young people**

The Bi-Borough report also added a category about difficulties in engaging young people, listing this as delay due to persistent absconding. SLCPP broadened this category to encompass the 'impact of complex needs and challenging behaviour upon assessment, or upon placement options available.' It featured in the four boroughs and was a factor in 16% of the 'delayed cases'.

The very real challenges of supporting this vulnerable group of children and young people is well recognised by local authorities and an ongoing focus of attention and effort. It requires thorough and continuing assessment, careful planning, and the identification of specialist provision that is able to address the young people's needs. All this is costly in terms of time and effort. However, a failure to attend to the needs of this vulnerable group has serious consequences for the future, especially for the future of young women who are likely to become involved in a cycle of unmet need that puts them at risk of becoming mothers subject to repeat removal of their babies in the future.

### **3.3.11 The impact of family size**

The Tri-Borough Pilot had noted that large family size can be a factor in case duration exceeding 26 weeks. We have found various reasons for this.

In some cases, the mother's pregnancy is seen as a reason to extend proceedings, so that the newborn child can be included in the case. In other cases, having to assess the needs of several children and the complexities of family finding for large sibling groups might require extra time

and expert assessment. Larger sibling groups are also more likely to include more than one father, leading to the need for extra assessment of parents and sometimes wider family members also. The involvement of several fathers is also likely to increase the possibility that all current contact details are not known at the start of proceedings, and this in turn will increase the potential for the late nomination of family members for assessment. Further complexities in care planning for sibling groups can arise where fathers or paternal family members are willing to care only for the children who are their blood relatives.

In contrast to the above, however, cases involving larger sibling groups can conclude within timescale, especially where family placements are available. And some cases involving single children can run well beyond 26 weeks.

The overall finding for SLCPP case duration per family size is as follows:

**Table 12**

Number of children	1	2	3	4	5	7
Mean/average case duration	28.8 weeks	27.6 weeks	32 weeks	35.7 weeks	31.5 weeks	33 weeks

### **3.3.12 International work/assessments undertaken in other jurisdictions**

The Central Family Court and the London Family Justice Board have been interested in exploring whether overseas assessments or international elements in cases are a factor in delay. Although not something that we tracked from the start, this has become of increasing interest to SLCPP, too, especially in light of the large number of other jurisdictions that we work with. Appendix 5 lists the 19 countries in Year 1 cases.

The case managers reviewed the 29 cases in Year 1 with an international element. These range in number from 5 to 9 per borough, and range as a percentage of all cases from 6.5% to 11.3%. We found that the need for overseas work was the primary cause of delay for half the cases. For the other half, other factors were seen to be the primary cause of delay. The current mean average duration for international cases is 35.2 weeks, showing a 6-week delay compared to all cases. However, only just over a third of these cases have concluded, and nearly all the cases that have not concluded are already over 30 weeks, so the figure is likely to rise significantly.

For cases with international assessments only:

**Table 13**

	Number of cases	As a percentage of all cases	Mean average timescale (concluded cases)	Median average timescale (all cases)
<b>Greenwich</b>	5	7.1 %	36 weeks	32 weeks
<b>Lambeth</b>	7	6.5 %	36	34+
<b>Lewisham</b>	8	9.2 %	41	32+
<b>Southwark</b>	9	11.3 %	31.6	36+
<b>All boroughs</b>	29 (only 13 cases concluded)	8.4 %	35.2 weeks	33+ weeks

Some of the above cases have needed more than one overseas assessment, and many other cases have involved initial phone enquiries. In 4 cases the outcome is not yet known. Of the other 25 cases, only 4 have resulted in actual or planned placement abroad: this represents 16% of cases with overseas assessment, and 1% of cases overall.

The assessment of family members living abroad (as well as taking account of the children’s wishes and feelings about where and with whom they wish to live) is an essential part of ensuring that all placement options are evaluated for some children: it is part of exploring the possibility of keeping them in touch with their family, heritage, culture, language and nationality. It is work that attracts considerable cost for the local authority and it can be a cause of significant delay in proceedings.

The SLCPP boroughs prefer, where possible, to send their own social workers to do the assessments, but this is often difficult because, beyond the EU, work permits are needed and, within the EU, guidance provides that local services should be doing the assessments. An additional problem, as Lambeth have found from their case tracking, is that the Children and Families Across Borders (CFAB) service say consistently that their heavy workload means that at least 12 weeks are needed for even a brief preliminary assessment.<sup>24</sup>

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<sup>24</sup> The Central Family Court acknowledges that their recent guidance about completing family assessments within a maximum of 6-8 weeks (see footnote 23) should be used on a case-by-case basis, especially with cases involving an international element.

As a result, Lambeth is now approaching local services direct, rather than going via CFAB, to request assessments and to enquire about private agencies or social workers who might be able to help. This is proving successful in reducing the time of the assessment itself, although the time taken to communicate with local services overseas (or to seek advice from designated authorities in countries where children are nationals) adds to the time needed overall.

There has been concern, too, about the variable – and often poor – quality of assessments completed by independent workers overseas, and of the time that is needed to advise about UK law and social work practice. In response, the boroughs now give detailed written instructions about what is required for the assessment of parents or connected persons, or ask for their own detailed assessment forms and accompanying guidance to be used, to help ensure high-quality work and compliance with regulatory requirements.

## **SECTION 4: END NOTE AND RECOMMENDATIONS**

This report has brought together information from the quarterly reports produced by the four case managers during Year 1 of the South London Care Proceedings Project. We wanted to see what could be learnt from the detailed tracking and analysis of the 348 care cases initiated during the Project year. In particular, we were interested in understanding what helps and hinders timely decision making for children, how professionals can work well with children's families and with each other, and what good practice ideas can be extracted and promoted across the partner agencies that have come together as SLCPP.

Our recommendations are designed to ensure that what we have learnt can continue to promote best outcomes for children and families in South East London, and we hope they might be of interest to those dealing with similar issues in other areas. The recommendations are about three guiding principles that drive our work:

### **4.1 VALUING A PARTNERSHIP APPROACH**

- Continue the dialogue with all partner agencies, to sustain the good progress made to identify and reduce delay for children and to increase understanding of when more than 26 weeks in proceedings might be needed.
- Continue to monitor causes of delay and track whether cases in proceedings that have been in the PLO formal pre-proceedings process are concluded more quickly.
- Continue working with Cafcass to develop practice guidance that promotes early communication and positive relationships between social workers and guardians.
- Ensure good engagement with and between the lawyers involved in care proceedings, including solicitors acting for children, parents and the local authority; barristers and advocates; and the Official Solicitor.

### **4.2 BUILDING ON GOOD PROFESSIONAL PRACTICE**

- Develop ways of tracking and reviewing the longer-term outcomes for children after proceedings, as for example through the recent joint commissioning by the four boroughs of an independent review of a sample of Year 1 cases that ended with a Special Guardianship Order.
- Continue to hold occasional multi-agency audits of completed cases, with a view to extracting messages for practice on specific issues, as in the first such exercise which examined the quality of social work and guardian analysis, the use and perceived value of additional assessments, and the efforts made by social work professionals to deal with gaps in information in advance of court hearings.

- Using the messages from local and national research, continue to review and develop SLCP good practice guidance for responding to other emerging issues from case tracking. These include assessment and support for family members caring for their young relatives, services to reduce the risk of children and mothers being involved in successive or repeat care proceedings, and ways of responding well to the needs of those children who have experienced long-term neglect.
- To help ensure that social workers provide clear evidence and succinct analysis – in whatever format is considered appropriate to present to the court – contribute to the proposed Spring 2015 review of the national Social Work Evidence Template (SWET). For more, see Section 1 (the quality of evidence to court) at Appendix 2.
- Develop mechanisms for two-way feedback with assessment providers, to build on the progress made in working together to reduce delay and improve decision making.

### **4.3 HELPING CHILDREN THROUGH WORKING WELL WITH THEIR FAMILIES**

- Continue to liaise with the Chief Social Worker about emerging issues, including our proposal for simplifying and streamlining the regulations governing connected persons' assessment, placement and ongoing support.
- Work with HMCTS, Cafcass, and others (including Family Rights Group) to ensure that all parents and families involved in care proceedings receive clear and up-to-date information about court processes, the PLO requirements, the rationale for avoiding delay, and the importance of early family engagement via FGCs and other meetings.
- Ensure that when partner agencies seek feedback from parents, other relatives and children, to help influence the development of services that are responsive to the needs of local children and their families, they invite questions about how the revised PLO is seen to be working.

## APPENDIX 1

### THE ROLE OF THE CASE MANAGERS

#### 1. IN WORKING TOWARDS THE DESIRED OUTCOMES FOR SLCPP

The 2013 evaluation of the Tri-borough Care Proceedings Pilot<sup>25</sup> identified the case manager role as one of the crucial drivers for change in care proceedings during the pilot year. (The others were changes to the family justice system and strong leadership from local authority senior managers.)

The changes identified as most influenced by the case manager were improvements in practice in the following areas:

- the standard of analytical assessment by social workers
- the quality of social work evidence and care plans
- the level of support to line managers for their quality assurance of evidence and care plans
- the standardisation of quality across teams and services
- the timeliness of issuing proceedings after a legal planning meeting
- the clearer focus on the work needed to reduce the duration of care proceedings, and
- the development of social worker confidence.

Although SLCPP has not had the benefit of independent evaluation of our activity and achievements, we are confident in saying that the work of the case managers has brought about similar changes across the Project.

In addition, we would point to two further benefits from their work:

- a shift in forward planning, with more work at the pre-proceedings stage (front loading), and
- a sharpening of parallel planning for children, also at an earlier stage.

These improvements have been achieved in great part as a result of establishing closer working arrangements with our legal colleagues. In partnership with them, we have been able to embrace and prepare for the legal reforms anticipated and implemented during 2013 and 2014. This has involved a programme of work to:

- develop training material and deliver workshops on the new expectations and requirements
- embed and reinforce learning through practice guidance, templates and exemplars
- offer consultation and coaching in response to particular needs, and
- support the professional development of newly-qualified social workers.

The case managers have also been involved in, or led on, other aspects of SLCPP work, or have identified new areas of work. These have included:

- working with operational managers in enlisting the help of assessment providers to develop practice guidance around parenting and other expert assessments, and
- working with legal colleagues to track and scrutinise cases, in order to anticipate potential problems, identify hold-ups in case progression, and troubleshoot when problems in the system are blocking progress.

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<sup>25</sup> See footnote 4

- Paying close attention to the quality assurance of social work evidence statements and care plans.
- Fostering an increase of both the communication between legal and social work departments and the mutual understanding of the roles and contribution of each profession.
- Improving communication between IROs and Cafcass guardians, and making sure that the IRO has an input into care planning, thus bringing an important additional source of evidence and professional judgement to decision making.
- Whilst logging and analysing tracker data about performance, identifying trends and issues for reflection, with a view to generating ideas about what might be done differently and more effectively, and why and how that might be achieved.
- Working as a team of case managers across the Project. There have been clear benefits arising from the need for a case manager for each authority. This has prompted group discussion, challenge and peer review, giving them a strong voice in articulating the messages arising from their detailed knowledge of each case. They have also provided continuity of role across the Project at times of change for some post-holders, to some extent mirroring the benefits in the Tri-borough Pilot of the privilege of having continuity of judges and guardians.
- Supporting social workers and managers to sustain the momentum of work at all levels: case, local authority and SLCPP.

## **2. IN RESPONDING TO THE IMPACT OF CARE WORK ON PROFESSIONALS**

A journal article arising from the findings of the Tri-borough Pilot evaluation<sup>26</sup> raises another aspect of the role that case managers have taken on board. The article considers the psychological aspects of both court delay and the introduction of the time limit for completing cases. It explores the impact of each on children, parents and professionals involved in the Tri-borough Pilot. It acknowledges the challenge of having to balance the pressure of time and the need to be thorough, and it highlights the added pressure on professionals in terms of anxiety about making life-changing decisions for children.

The researchers argue that this pressure pinpoints the importance of support for those involved in cases that require more effort, strength and energy than normal. Sustaining effort and focus for a long period was seen as potentially exhausting, in part because of the impact on people of the push for timely decision making. Caution is advised, to avoid workers shutting down because of feeling burn-out and depersonalisation if they are left coping with demands that cannot be sustained. The consultation, mentoring and coaching from case workers who operate at a slight distance from line management arrangements can help reduce the anxiety and boost the confidence of social workers. It has a contribution to make, alongside group supervision and supervision and quality assurance from line managers.

A further consideration is about the likely importance of the case manager role in sustaining progress in reducing case duration. It is interesting to note the findings from other Care Proceedings Projects about initial progress stalling over time. It is worth bearing in mind the changing context in which care cases operate. Newly-qualified social workers come into post every year. There is high social work turnover and high rates of locum staff in some authorities.

All this indicates that, unless first-line managers have capacity to continually develop and refresh practice in this area of work, the case manager role will continue to be needed in the foreseeable future, to reinforce the cultural shift and practice changes introduced in SLCPP's first year of reporting.

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<sup>26</sup> *Delay or Anxiety in Care Proceedings: Grounds for Hope?* Beckett C. & Dickens J. Journal of Social Work Practice, 18.06.2014.

## APPENDIX 2

### BETTER TOGETHER: AN OVERVIEW OF SLCPP'S JOINT WORK TO DATE

SLCPP activity has clustered around six overarching themes.

#### 1. THE QUALITY OF EVIDENCE TO COURT

**Desired outcomes:** Submissions to court are evidenced well, with careful analysis of information and clarity about the order sought and the plan for the child; assessments identify family strengths as well as professional concerns; and staff are confident about preparing and presenting cases.

##### Progress made

- ✓ Common initial and final templates and guidance for social worker evidence developed, with periodic updating for changes in national policy and local practice.
- ✓ Guidance developed about care planning, writing a plan for initial and final hearing stage, the welfare checklist and a 'thinking grid' for analysing the pros and cons of different placement options for particular children, with advice from the Steering Group magistrate and judges.
- ✓ Comments submitted on the proposed Social Work Evidence Template (SWET) of Cafcass and ADCS, with a third of our 30 recommendations incorporated into the revised version. Commitment to contribute to the proposed 2015 national review.
- ✓ Staff briefings, training and coaching delivered by case managers and lawyers, sharing material from each authority and with regular updating to reflect the implications of case judgements.
- ✓ The four legal teams share opinions on placements in other countries, and information about external experts, to increase the pool of experts with specialist knowledge and experience.
- ✓ With Cafcass, a joint review of completed cases, comparing the perspectives of guardians and social workers, and to extract lessons for practice from 4 issues that can impact on delay: the clarity of the guardian's opinion at each stage of proceedings, the quality of social work before and during proceedings, the use of expert assessments and their impact on court decisions, and the degree and quality of communication between guardians and social workers to determine facts and opinions in advance of court hearings.

##### Challenges ahead

- Develop stronger mechanisms for post-case feedback from and to Cafcass and other external partners, and internally (with social workers, team managers and lawyers).
- Tackle anxiety around the high use of agency workers (30 per cent in some areas) and high staff turnover, including first-line managers as well as practitioners. Respond to need for repeat training and one-to-one coaching and nurture the excellent potential of newly-qualified social workers.
- Manage compliance with the 26-week timescale and court expectations about time needed for international assessments, especially in jurisdictions without easy links to local social services, where ISWs are not permitted to carry out assessments, and where assessments fall short of expected standards.

## 2. THE PROVISION OF PARENTING AND EXPERT ASSESSMENTS

**Desired outcomes:** Less need for prolonged and repeat assessments, clear guidance for staff about their assessments and the commissioning of external ones, improved communication with external providers, and less delay in the appointment of experts and the filing of evidence.

### Progress made

- ✓ Increased use of research, and clarity of analysis in social work parenting assessments, with a growing respect for social workers as experts in proceedings.
- ✓ Practice guidance for parenting and other assessments developed in consultation with external providers, and used to review residential and community parenting assessments commissioned over a year.
- ✓ Letter of Instruction questions for parenting assessments developed, for use alongside the Tri-borough sample questions for specific issues and the Law Society sample questions for experts.
- ✓ Information exchanges with eight main or preferred providers of community/residential/multi-disciplinary parenting assessments, about ways of reducing delay – including timescales, early progress reviews, the quality of decisions made, and report length.
- ✓ A follow-up meeting with the main providers, to explore the learning from completed cases, was deemed useful by both parties and has led to a more flexible approach to providing tailor-made assessment packages.
- ✓ A practice note about the use of mother and baby foster care placements as an alternative to residential parenting assessment has been circulated, with a sample agreement between the local authority and child's mother.

### Challenges ahead

- Establish clearer feedback mechanisms, to and from providers, about the quality of assessments and ongoing difficulties in complying with the practice guidance agreed by the SLCPP Steering Group.
- Make better use of the community parenting assessment service developed in one SLCPP borough.
- Help build confidence in social worker assessment of the impact on children of parental learning difficulties, rather than leaving that to external experts or those trained in one particular practice model.
- Keep under review the challenge by the court of in-house parenting assessments that have been done pre-proceedings.

## 3. MORE TIMELY ASSESSMENT OF RELATIVES AND FRIENDS

**Desired outcomes:** Early engagement of potential family carers, greater attention to children's fathers and the potential of their family as carers, realistic timescales for the assessment of connected persons, and tools for assessments that are tailored to their purpose.

### Progress made

- ✓ Agreed principles for assessment of connected persons, and within 10-weeks, and liaison with the Central Family Court about the time needed for families considering caring for children long term.

- ✓ Representations to the Chief Social Worker and Cafcass about aligning the regulations governing connected persons' assessment.
- ✓ Following work with the family lawyer representative on the Steering Group and Family Rights Group's legal director, identified the need for a practice group to explore ways of involving family members earlier and with more success, make better use of FGCs/family meetings, and reduce delay in starting and completing connected persons assessments.
- ✓ Review of SGO policy and practice completed.

### **Challenges ahead**

- Achieve greater alignment of viability and comprehensive assessment forms and guidance notes.
- Tackle the continuing difficulties of the 26-week timescale leaving insufficient time for careful assessment of potential family carers, including increasing awareness that family members (like prospective adopters) need sufficient time to consider the implications of taking on the life-long care of a child, and might also need time and support to deal with needs of their own before becoming carers.

## **4. JUDICIAL AND LOCAL AUTHORITY CONTINUITY, & TIMELY ALLOCATION OF GUARDIANS**

**Desired outcomes:** Less delay, fewer changes in key people part way through proceedings, and greater compliance with court deadlines.

### **Progress made**

- ✓ Representations to the Senior Designated Family Judge enabled our cases to remain with the same court, enabling the continuation of the good working arrangements developed in SLCP.
- ✓ Change during a case is tracked, with quarterly analysis of the reason for change and its impact on case progression.
- ✓ The type of judge and level of court is tracked, and representations made to the Principal Legal Adviser at the CFC about continuity of legal adviser for cases heard by magistrates and continuity of magistrates for more complex cases.
- ✓ System organisation has removed one change in social worker in one borough, and all are striving to avoid the simultaneous change of social worker and team manager.
- ✓ We have raised the problem arising when a case is reserved to the same judge but an early final hearing date cannot be found and/or the judge is not available to complete the case without delay.
- ✓ It is now routine for guardians to be allocated before the first hearing and, in the majority of cases, for an Initial Analysis to be completed by then. The local boroughs have strengthened their guidance to social workers about clear and timely communication with the child's guardian.

### **Challenge ahead**

- Continued tracking of these issues is difficult and time consuming, because checking judicial continuity requires detailed analysis of each case management order and a check on the status of the hearing (emergency hearing or not?). Monitoring and analysing the quality of communication with guardians requires detailed scrutiny of individual cases.

## 5. USING DATA FOR MONITORING AND EVALUATION

**Desired outcomes:** Rigorous collection and regular analysis of case data, to track progress in reducing delay and to evidence the value of work being done.

### Progress made

- ✓ A tracking spreadsheet is revised as necessary, in light of case managers' quarterly reports and the need to report on the impact of national developments, such as pre-proceedings activity and the use of case extensions. The local authority that built and holds the main version of the tracker advises on queries and fixes glitches.
- ✓ In one authority, a day-long, monthly review of tracked cases by the case manager and lawyers involved in cases helps identify practice issues needing attention.

### Challenge ahead

- Achieving greater consistency of quarterly reporting, to facilitate easier comparison of emerging findings.

## 6. ENGAGING WITH STAKEHOLDERS

**Desired outcomes:** Wide local knowledge of the purpose and aims of the Project and an appetite for joint work to deliver the desired outcomes.

### Progress made

- ✓ A public launch, with presentations from a local authority director, a link judge and the Chief Social Worker, attracted 100 representatives from SLCPP member agencies.
- ✓ Liaison with colleagues in children's and adult social care (including Independent Reviewing Officers, the chairs of Local Safeguarding Children Board, and mental health staff).
- ✓ Regular meetings of the Steering Group and Operational Group, with consistently high attendance, and occasional involvement of SG members (the family lawyer, Cafcass representative, magistrate and judges) in OG discussions.
- ✓ Active participation in the Performance Sub-Group Meetings at the Central Family Court, membership of the London Family Justice Board by one of the principal lawyers, regular meetings between the boroughs and their link liaison judges, and welcome contact with the court legal advisers now linked to each borough.
- ✓ Commitment to disseminate messages from this Year 1 report, via briefing events, meetings for single and multi-disciplinary audiences, and the Judicial College.

### Challenge ahead

- More engagement with private practice solicitors acting for children and parents.

## APPENDIX 3

### SLCPP GOVERNANCE AND MEMBERSHIP (at February 2015)

#### 1. THE SLCPP STEERING GROUP

The work of the SLCPP partnership is overseen by a Steering Group of member agencies that meet quarterly to steer and advise on the work programme. Members are from the four local authorities; the judiciary and services based at the Central Family Court (CFC), including the judges appointed by the Senior Designated Family Judge to liaise with each local authority, the deputy lead magistrate for the Bench, and one of the legal team managers; Cafcass; and local family solicitors acting for children and parents.

<b>Local authority Directors of Children's Social Care</b>	
Greenwich	Andrew O'Sullivan
Lambeth	Catherine Knowles
Lewisham	Ian Smith
Southwark	Rory Patterson
<b>Local authority principal lawyers</b>	
Greenwich	Mirelle Forman
Lambeth	Fateha Salim
Lewisham	Georgina Nunney
Southwark	Sarah Feasey
<b>The judiciary</b>	
Link judge for Greenwich	District Judge Richard Robinson
Link judge for Lambeth	His Honour Judge Anthony Ansell
Link judge for Lewisham	Her Honour Judge Gillian Brasse (HHJ John Mitchell to March 2014)
Link judge for Southwark	District Judge Stephen Alderson
Deputy lead magistrate	Lisa Palin
CFC legal team manager	Stephen Hayes
<b>And</b>	
Cafcass	Zafer Yilkan, Senior Service Manager
Family solicitor	Lucy Verity, Partner, Hornby and Levy

## 2. THE SLCPP OPERATIONAL GROUP

The Operational Group reports to the Steering Group and has responsibility for implementing the agreed work programme. It comprises the local authority principal lawyers, and the service managers and case managers from Children’s Social Care, with occasional attendance from other Steering Group members.

The case managers are experienced social workers who track the progress of each case and seek to unblock obstacles that cause delay, analyse trends and emerging themes through quarterly reports for the Steering Group, and provide coaching and training for practitioners.

<b>Local authority principal lawyers</b>	
Greenwich	Mirelle Forman
Lambeth	Fateha Salim
Lewisham	Georgina Nunney
Southwark	Sarah Feasey
<b>Local authority senior managers of Children’s Social Care</b>	
Greenwich	James Beardall, Service Leader, Permanence for Looked After Children & Care Leavers
Lambeth	Lisa Humphrey, Assistant Director, Children’s Social Care
Lewisham	Karin Courtman, Service Manager, Family Social Work Service
Southwark	Róisín Madden, Service Manager, Safeguarding & Family Support
<b>Local authority case managers</b>	
Greenwich	Kathy Elliffe
Lambeth	–
Lewisham	Jennifer Ranshaw
Southwark	Celia Parker

**Project management support to SLCPP:** Jo Tunnard, RyanTunnardBrown

## APPENDIX 4

### DATA FROM THE YEAR 1 QUARTERLY CASE MANAGER REPORTS

#### 1. CASE DURATION BY QUARTER WITHIN EACH BOROUGH AND ACROSS THE SLCPP

		Greenwich	Lambeth	Lewisham	Southwark	SLCPP
Q1	Mean average	30.6 wks	31.4 wks	37.3 wks	32.3 wks	32.6 wks
	Median	29 wks	31 wks	37.5 wks	26 wks	<b>33 wks</b>
	% concluded	100 %	96 %	95 %	100 %	98 %
	% < 26 weeks	48 %	36 %	15 %	53 %	<b>38 %</b>
Q2	Mean average	26.6 wks	35.2 wks	31.7 wks	29.5 wks	30.8 wks
	Median	26 wks	42 wks	31 wks	23.5 wks	<b>31 wks</b>
	% concluded	100 %	86 %	96%	95 %	94 %
	% < 26 weeks	50 %	29 %	35 %	55 %	<b>41 %</b>
Q3	Mean average	28.5 wks	29.6 wks	25.8 wks	26.8 wks	27.5 wks
	Median	36.5 wks	36 wks	31 wks	30 wks	<b>33 wks</b>
	% concluded	64 %	57 %	76 %	80 %	70 %
	% < 26 weeks	21 %	17 %	35 %	40 %	<b>29 %</b>
Q4	Mean average	25 wks	23.4 wks	23 wks	20.4 wks	23.1 wks
	Median	26 wks	27 wks	26 wks	26+ wks	<b>27+ wks</b>
	% concluded	33 %	41 %	32 %	31 %	36 %
	% < 26 weeks	58 %	44 %	55 %	56 %	51 %

Note: Mean average relates to concluded cases only, whilst median relates to all cases.

The results show that, overall, there has been a reduction in mean average case length from 32.6 weeks in the first quarter, to 30.8 weeks in the second quarter, and currently 27.5 weeks in the third quarter (this will rise, as 30% of cases in quarter three are yet to conclude). With only half of the fourth quarter cases concluded, the figures for the last quarter are the least reliable at this stage.

The figures also show that, whilst the overall median dropped from 33 weeks in the first quarter to 31 weeks in the second quarter, it rose again in the third quarter, to 33 weeks. Similarly, in the first quarter 38% of cases had concluded by 26 weeks, rising to 41% of cases in quarter two, and then dropping again in quarter three, to 29% of cases concluding within the 26-week timescale. It is likely that a range of factors were at play here. One is that the quarter three cases were issued between November 2013 and January 2014, and so may have been affected by consideration of the Re B-S judgement. Second, there may have been delays in assessments and hearings because of the Christmas period, and third, significant departmental reorganisation in some of the boroughs may have had an impact.

#### 2. CASE DURATION AND FAMILY SIZE

The mean and the median average duration of concluded proceedings within each borough roughly correlate with the average family size, and with the percentage of family cases and children with sibling groups of more than three children.

	Average family size	Mean average for concluded cases	Percentage of cases with more than 3 children	Median average of all cases
Greenwich	1.6 children	28.5 weeks	5.8 %	28 weeks
Lambeth	1.7	30.3	11.1	30
Lewisham	1.7	31.2	11.4	30.5
Southwark	1.4	28.7	3.7	26.5

### 3. CASE DURATION BY FINAL ORDER IN EACH BOROUGH AND ACROSS SLCPP (in weeks)

		<b>GREENWICH</b>	<b>LAMBETH</b>	<b>LEWISHAM</b>	<b>SOUTHWARK</b>
<b>NO</b>	Range	9-17	15-47	21-53	20-24
	Median	17	23	24	31
	Mean average	15	31.4	29.5	31.6
<b>RO/CAO</b>	Range	16-33	28-44	-23-(*)	17-61
	Median	16/33	28/44	-23-	27
	Mean average	24.5	36	-23-	33
<b>SO</b>	Range	9-44 <sup>27</sup>	16-55 <sup>28</sup>	2 <sup>29</sup> /20-54	17-53
	Median	33	27	32	28
	Mean average	31.6	29.5	29.5	29.6
<b>RO/SO</b>	Range	-23-	23-38	20-59	-18-
	Median	-23-	24	37	-18-
	Mean average	-23-	27.3	36	-18-
<b>SGO</b>	Range	12-50	15-51	22-53	18-61
	Median	25/44	34.5	33	32
	Mean average	33.6	34.3	34.7	36
<b>SGO/SO</b>	Range	16-50	23-47	34-45	17-54
	Median	27/36	37	34/45	25
	Mean average	31.5	36.8	39.5	32
<b>CO</b>	Range	13-41	12-44	3-59	14-38
	Median	27	30	36.5	29
	Mean average	27.2	29.1	35.9	26.6
<b>CO/PO</b>	Range	10-41	12-44	16-60	9-54
	Median	24	28	44	31
	Mean average	24.2	28.5	34.4	30.9

(\*) A dash before and after a number (as in -23 -) indicates that the figure relates to one case only.

<sup>27</sup> Includes 5 children who were made Wards of the High Court.

<sup>28</sup> Includes 4 children who were subject to Family Assistance Orders.

<sup>29</sup> Extension SO at 2 weeks only.

## APPENDIX 5

### INTERNATIONAL WORK/ASSESSMENTS UNDERTAKEN IN OTHER JURISDICTIONS

(on Year 1 cases, and excluding telephone and postal enquiries)

<b>North &amp; South America</b>	<ul style="list-style-type: none"><li>• Barbados</li><li>• Jamaica x 2</li><li>• Trinidad</li><li>• Canada</li><li>• USA</li></ul>
<b>Europe &amp; Turkey</b>	<ul style="list-style-type: none"><li>• Cyprus</li><li>• Denmark</li><li>• France x 2</li><li>• Germany x 2</li><li>• Ireland x 3</li><li>• Netherlands</li><li>• Poland</li><li>• Romania</li><li>• Scotland x 2</li><li>• Turkey</li></ul>
<b>Africa</b>	<ul style="list-style-type: none"><li>• Benin</li><li>• Nigeria x 5</li></ul>
<b>East Asia</b>	<ul style="list-style-type: none"><li>• Sri Lanka</li><li>• South Korea</li></ul>

#### Note regarding Appendix 6 (on the following page)

Standard Case Management Orders contain a list of options for codifying the reasons for adjournment of hearings, and these have been used (with some additions and amendments) by the Bi-Borough Care Proceedings Project (see footnote 5) when examining reasons for delay in their cases. The additions or amendments used in the Bi-Borough report are shown in **blue** on the following page (addition to CA3; and new codes HM4, JU3, CR2, PA1-3, and RD1-2). We have adopted these codes as useful ways of categorising delay factors. The Bi-Borough report also added the category YP1 (Persistent Absconding of a Young Person), which we have used, although we have widened the definition to encompass various aspects of difficulties encountered when children have complex needs.

In addition, we have added 5 further new categories which are shown in **red** (LA8B, CA3, JU4, OT11-12).

For reasons of presentation and ease for readers, categories in which there was no delay identified have been omitted from the table. These are LA7 (no timetable for the child), LA11 (no threshold document), LW2 (no key issue analysis), HM2 (no special measures), OT9 (severe weather), and OT10 (industrial action).

## APPENDIX 6: REASONS FOR DELAY (in cases exceeding 30 weeks)

		BOROUGH		SLCPP	GRE	LAM	LEW	SOU	
		CASES 30+ wks examined		%	140	24	36	46	34
Local Authority	LA1 - No/poor pre-proceedings preparation by LA, other than (core) social work assessment of the family	24	33	5	22	6			
	LA2 - No friends/family identified before the hearing by LA	19	27	9	17	1			
	LA3 - No/poor kinship assessments by LA	15	21	6	10	5			
	LA4 - No expert instructed by LA	5	7	5	2				
	LA5 - No/poor/late (core) social work assessment of the family by LA	16	23	9	9	4	1		
	LA6 - New social work report/assessment required following a change in circumstances	20	28	12	4	7	5		
	LA8A – No/poor/late/ care plan	15	21	6	8	6	1		
	LA8B – Need for new or alternative care plan following a change of circumstances	14	20	10	2	5	3		
	LA9 - Placement order proceedings delay	1	2	0		2			
	LA10 - No/poor placement evidence by LA	4	5	4		1			
	LA12 – Unplanned change of SW / SW leaving	14	19	8	5	4	2		
	CAFCASS	CA1 - CAFCASS not allocated/present/available	4	6	2	1	3		
CA2 - No/poor CAFCASS analysis		10	14	3		11			
CA3 – Expert not instructed/delayed by CS / professionals meeting not arranged / delayed		6	9		5	4			
Lawyers	LW1 - Lawyers not instructed, present or ready, party or witness fail to attend	4	5	3		2			
	LW3 - No/poor parental evidence	8	11	3		8			
HMCTS	HM1 - No courtroom available	6	8	3		5			
	HM3 - Interpreter not available	<1	1			1			
	HM4 – Listing Error	6	8	3		2	3		
Judiciary	JU1 - Lack of judicial continuity	18	25	17		8			
	JU2 - Insufficient time listed or to complete hearing	6	8	2		5	1		
	JU3 – Judge not available	6	8	2	3	3			
	JU4 – Case Management Factors (ie insufficient directions despite request)	4	5	4			1		
LSC	LS1 - Prior authority from LSC not available	<1	1		1				
	LS2 - Other legal aid	2	3	3					
Official Solicitor	OS1 - Official Solicitor not instructed/ready	4	4	2	1		2		
Experts	EX1 - Late expert report/assessment/ Poor expert report/assessment	14	20	5	6	9			
	EX2 – New expert report/assessment required following a change in circumstances	17	24	12	4	5	3		
Health	HE1 - No/poor medical records etc from other agency	4	6		1	5			
Crime	CR1 - Police disclosure/documents incomplete/not available	7	10			10			
	CR2 – Ongoing Criminal Trial	9	13	3		7	3		
Other	OT1 - Case transferred	9	12	8		4			
	OT2 - Need for an interim contested hearing	7	10	6		4			
	OT3 - Other non compliance with directions	8	11	3	1	7			
	OT4 - Consolidation with other family proceedings	4	6	1		2	3		
	OT5 - Parallel proceedings	2	3	1		2			
	OT6 - New baby/pregnancy	4	5	2	2	1			
	OT7 - New Party joined	12	17	4		12	1		
	OT8 - Immigration and international difficulties	8	11	1	5	5			
	OT11 – Repeat assessment / addendum directed (not viewed as necessary)	17	24	3	5	15	1		
	OT12 – Need for a separate fact finding	17	24	3	2	9	10		
Parents	PA1 – Parents refused consent to FGC/information sharing for family assessment	23	32	5	9	11	7		
	PA2 – Did not attend court	6	8	2	4	2			
	PA3 – Parents did not comply with directions	16	23	2	7	14			
Reasonable Delay	RD1 – Reasonable delay on grounds of positive prognosis	19	27	9	2	10	6		
	RD2 – Reasonable delay - Bereavement	<1	1		1				
	YP1 – Impact of complex needs and challenging behaviour upon assessment, or upon placement options availability	16	22	8	2	9	3		

## APPENDIX 7

### GOOD PRACTICE MATERIALS DEVELOPED BY SLCPP (and contact details)

1. Local authority social work evidence to court templates, for initial and final hearing.
2. Questions for Letters of Instruction for parenting assessments.
3. Practice guidance about parenting, multi-disciplinary and other expert assessment.
4. Principles governing the assessment of connected persons, including information for family members about the questions social workers will be asking.
5. Care planning guidance, with a sample worked case.
6. Mother and baby foster care placements, including a sample agreement between mother and local authority.
7. Planning for Permanence. Final evidence guidance.
8. Legal Planning Meetings. A checklist and guidance.
9. The variables used for case tracking and quarterly reporting to the Operational and Steering Groups of case statistics, emerging issues, and progress and challenges in implementing actions arising from previous reports.

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