Bi-Borough
Care Proceedings Project
Evaluation Report
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EXECUTIVE SUMMARY

The Bi-Borough Care Proceedings Project is a joint initiative of the London Boroughs of Camden and Islington, who are working together with the judiciary, court services, Cafcass, private practice solicitors and providers of expert assessments to reduce unnecessary delay in care proceedings, so that timely decisions are made for children. The project began in January 2013. It is modelled on the Tri Borough Care Proceedings Pilot. The evaluation of the project has been carried out by the case manager and project manager. It draws on the data tracked over the course of the project by the case manager, on information presented to the Operational and Steering Group meetings and on interviews and focus groups carried out by the project manager.

It is clear from the data obtained from tracking the duration of cases issued between January and December 2013 that there has been a substantial reduction in the average time taken for a case to reach final hearing in comparison with the average duration of cases issued in the year from April 2011 to March 2012. Of the 135 care proceedings issued during the year, 64 cases, involving 85 children, (47% of total), have completed. The average duration of these completed cases is 25.5 weeks (with a minimum duration of 13 weeks and a maximum of 45.1 weeks). This compares to an average of 59 weeks in the previous year (a reduction of 57%). Furthermore, there is a downward trend in timescales to completion as the year progressed. (paragraphs 2.1-2.2)

There is a variation on the average time for completion of cases depending on the order made, although this variation is shown to be reducing as the year progresses. Tracking of orders made indicates a rise in the number of supervision orders and special guardianship orders, particularly when care plans for unfinished cases are taken into consideration. It is noticeable that a majority of children (74%) in completed cases have remained with their parents or been placed within the wider family at the conclusion of proceedings. (paragraphs 2.3-2.4)

Tracking of time between the legal planning meeting and the issuing of proceedings indicates that matters are progressed speedily to proceedings being issued, but tracking of time from first child protection conference to issuing of proceedings suggests that greater attention could be paid to activity under the child protection plan. (paragraph 2.6)

A plan to guide activity over the course of the project identified different areas to be addressed if the overall aim of reducing delay was to be achieved. Progress towards meeting these sub outcomes is set out in paragraphs 3.1-3.7.

Quality of evidence: There was a majority view that on the whole the local authority position at the start of proceedings was clearer than it used to be. Social workers would welcome
ongoing workshops and coaching on writing statements and care plans. (paragraphs 3.2.1-3.2.3)

**Expert Assessments:** Data from tracking and feedback from focus groups indicates expert assessments are still common in care proceedings, although anecdotal evidence is that there are fewer in each case. There is still a strong reliance on multi-disciplinary and adult psychiatric and psychological assessments, residential parenting assessments and domestic violence risk assessments. Social workers have varying experience of the courts being prepared to rely on their assessments. There are still delays in the filing of expert evidence. (paragraphs 3.3.1-3.3.3)

**Assessments of family and friends:** There has been good use of FGCs from the PLO process onwards and qualitative evidence that these are being convened earlier than previously. The identification and assessment of family members has been a key theme of delay throughout the project for a range of reasons. Assessments of connected persons for both kinship care and SGOs are being carried out more quickly but considerable concern was expressed about these shorter timescales. The concerns were about the pressure of work, concern about the quality of assessments as a result and concern about the pressure being put on family members. Concern was also expressed about the lack of sufficient preparation and post placement support for kinship and SGO carers in comparison with what is available for adoptive parents. (paragraphs 3.4.1-3.4.3)

**Managing timescales and continuity:** There are systems in place for assisting with the smooth transfer of cases from CIN to CLA teams but there are still some problems with this process. There was mixed evidence about judicial continuity at the PRFD but agreement that it was not achieved at the ILFPC except in FDAC cases. There is a good working relationship between IRO and CAFCASS managers which should assist in resolving some continuing problems with individual cases. Delays are being reduced but do still occur for a variety of reasons which need ongoing monitoring and discussion within the Bi Borough and through court user groups and the London Family Justice Board. (paragraphs 3.5.1-3.5.3)

**Case tracking:** The case tracking system set up and used by the case manager has been invaluable in providing evidence of progress towards outcomes and issues needing further attention. (paragraph 3.6.2)

**Costs:** It has proved difficult to track the costs of care proceedings although some information is available. This is an area which needs further development and attention in the next year (paragraph 3.6.4)

**Role of the case manager:** The case manager has played a key part in achieving the outcomes aimed for and it has been agreed that this role should continue for another year.
Her training and support for social workers and best practice guidance is widely praised. Her links with the wider London and National agenda are important.

**Leadership:** The Steering and Operational Groups have provided effective forums for discussion and problem solving within the local authorities and with key stakeholders. Senior managers have shown commitment to and understanding of the project.

**Conclusions:** Considerable energy and commitment has gone into achieving a 57% reduction in timescales. There has been a notable shift towards a shared responsibility to reduce unnecessary delay. The project had encouraged and enabled constructive dialogue and discussion with all key players. Meeting the timescale is widely recognised as important for many cases, but there was also a strong message that there are also cases where flexibility and longer timescales will be needed. The longer term monitoring of outcomes following final orders was seen as important.

**Recommendations:**

- Continue to monitor the pressures of workload reported by social workers and lawyers;
- Set up systems to track care proceedings within children’s case files;
- The Case Manager to continue to oversee the tracking of care proceedings to reduce unnecessary delay;
- The Case Manager to remain in post until January 2015 when this role will be reviewed;
- Maintain an open dialogue with other stakeholders to continue to address systemic issues of delay through the Operations Group and Family Justice Board Performance Sub Group;
- Further develop and implement the model of best practice for pre-proceedings work that incorporates an integrated Child Protection and PLO pre-proceedings phase, and considers the child’s journey holistically, and adequately resources pre-proceedings assessment;
- Continue to promote the early use of FGCs and the early identification of connected persons for kinship and SGO assessments;
- Consider the development of the assessment, preparation and post placement support available for kinship carers and connected persons granted SGOs;
- Develop systems for monitoring longer term outcomes of cases;
- Continue to establish mechanisms for tracking costs in care proceedings.
1. **INTRODUCTION**

The Bi-Borough Care Proceedings Project is a joint initiative of the London Boroughs of Camden and Islington, who are working together with the judiciary, court services, Cafcass, private practice solicitors and providers of expert assessments to reduce unnecessary delay in care proceedings, so that timely decisions are made for children. The project began in January 2013.

The Bi Borough project was modelled on the Tri –Borough Care Proceedings Pilot, which ran from April 2012 to March 2013. Early indications that this pilot was achieving success in reducing delay in care proceedings prompted Capital Ambition to provide funding for other London Boroughs to set up similar projects building on the lessons emerging from the pilot. This funding provided a limited amount of project management time to support the set up of the project.

A clear early message emerging from the Tri Borough Pilot was the importance of the role of the case manager in driving forward the practical and cultural changes needed to reduce delay. Camden and Islington agreed early on to provide joint funding for a case manager to work across both local authorities. The case manager came into post in November 2012 which enabled her to carry out the preparatory work necessary to begin the project proper in January 2013.

Camden and Islington were committed from the outset to evaluating the impact of the project and have provided funding for this evaluation of the first year of the project.

1.1 **Methodology**

Description of activity under the project is based on direct experience of that activity, on the quarterly monitoring reports on the project and minutes of meetings of the Steering and Operational Groups.

The quantitative data has been drawn from the data collected on a regular basis by the case manager to monitor timescales throughout the life of the project. Baseline data about the duration of care proceedings against which to measure progress was provided by each Borough immediately prior to the start of the project. All the quantitative data has been analysed for this report by the case manager. The data was collected from 7th January 2013 until 6th January 2014 (Q1 7th January – 6th April 2013; Q2 7th April – 6th July 2013; Q3 7th July – 6th October 2013; Q4 7th October – 6th January 2014).
The qualitative elements of the evaluation have been carried out by the project manager, who is independent of both local authorities. Qualitative data was collected through focus groups, interviews and questionnaires. Opinions on key themes were analysed, drawing out areas of consensus and areas of differing views. Issues of concern and recommendations for the future development of the project were identified. Those who gave their views were:

- social workers, deputy team managers and team managers – from CIN, CLA and the teams responsible for assessments of family members (23)
- local authority lawyers (10)
- IROs for both local authorities (11)
- managers of Family Group Conference services in Camden and Islington (2)
- Representatives from the three main multi-disciplinary providers of expert assessments for Camden and Islington: MALT, FAS and FDAC (3)
- private practice solicitors (9)
- judges (3)
- guardians (2)
- the case manager.

1.2 Framework for the evaluation and this report

The framework for the evaluation and for this report was guided by the overall aim of the project to reduce delay and by the specific sub-outcomes set out in the project plan. These outcomes were chosen because they related to issues identified by the Family Justice Review as needing attention if delay was to be reduced. It was assumed that making progress towards each specific sub-outcome would assist in the achieving the aim of reducing delay.

The outcomes against which progressed has been measured are:

- Delay in proceedings has been reduced
- All stakeholders are clear about the project and there is a system for regular communication in place
- Local authority submissions to the court are clear and well evidenced and social workers are confident in presenting cases
- There are no delays occasioned by the appointment of experts and there is a reduction in the use of experts
- Family and friends potential carers are identified earlier and assessments completed more quickly
- There is increased continuity – within the courts, with social workers and through improved communication between IROs and guardians
- Court deadlines are met and specific reasons for delay are tracked
The project can monitor progress
Governance systems are in place and working

1.3 Impact of Family Justice Reforms

This evaluation has had to take account of the fact that the impetus for change arising from implementation of the recommendations of the Family Justice Review was growing throughout the first seven months of the project and that from August 2013 the revised Public Law Outline \(^1\) (PLO) has been in force, with rigorous requirements in relation to meeting a 26 week timescale for care proceedings.

1.4 Learning from the Tri Borough Pilot

The Tri Borough Pilot had been in operation for seven months when the Bi Borough project was set up and the case manager came into post. The project manager for the Bi Borough project was one of three project managers working closely together and with the Tri Borough Project manager to support six different groupings of local authorities across London all setting up care proceedings projects. This enabled the Bi Borough project to benefit from the learning from, and guidance prepared for, the Tri Borough pilot and ensured that all the care proceedings projects were approaching the task, and monitoring progress in similar ways. The case manager in the Bi Borough was in regular communication with the Tri Borough case manager and able to discuss issues and challenges with her. The Tri Borough’s success in reducing delay, reported on in their quarterly reports, was helpful in demonstrating that reduced timescales were possible.

The independent evaluation of the Tri Borough Pilot reported in July 2013 on cases which had begun during the first nine months of the pilot. \(^2\) This confirmed the early and promising messages emerging from the pilot, showing that just under 50% of these cases had completed within 26 weeks. The report of the evaluation has also been helpful in indicating issues to consider in this report.

While the Bi Borough project is based on the Tri Borough model, there are some distinctions: the Bi Borough project did not have a specific pool of guardians, nor a special commitment from the Principal Registry of the Family Division (PRFD) to give cases judicial continuity. The Bi Borough project has however benefited from the implementation of the revised Public Law Outline which occurred just over half way through its first 12 months.

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\(^1\) Practice Direction 36C: Pilot Scheme: Care and supervision proceedings and other proceedings under Part 4 of the Children Act 1989

2. MAIN OUTCOME: TO REDUCE UNNECESSARY DELAY SO THAT TIMELY DECISIONS ARE MADE FOR CHILDREN

The project set out to reduce unnecessary delay in care proceedings. A specific timescale was not set, but following the example of the Tri Borough Pilot and taking account of the Children and Families Bill, the aim was to work towards achieving a final hearing in 26 weeks for a majority of cases. It is clear from the data obtained from tracking the duration of cases issued between January and December 2013 that there has been a substantial reduction in the average time taken for a case to reach final hearing in comparison with the average duration of cases issued in the year from April 2011 to March 2012.

2.1 NUMBER OF APPLICATIONS ISSUED OVER THE PERIOD

During the 12 months of the project a total of 135 proceedings have been issued, involving 174 children. Of these, 69 have been issued by Camden (86 children) and 66 by Islington (88 children). This compares to a total of 86 cases (36% ↑) issued in 2011-2012, of which 47 were issued by Camden (32% ↑) and 39 by Islington (41% ↑).

![Fig 1. Number of Applications for Care Proceedings per Quarter](image)

Although there has been a considerable increase in the number of proceedings issued by both local authorities during the 12 months of the project Fig.1 above shows peaks in quarters 1 and 3 with a clear reduction in the number of cases issued in quarter 4. The CAFCASS study on care proceedings\(^3\) shows a sharp rise in the number of care proceedings across the country following the publication in 2008 of the serious case review into the death of Peter Connelly, although this study indicates that overall the numbers of

\(^3\) CAFCASS Care Application Study 2012
proceedings had reduced during 2011-12. The rise in the number of proceedings this year in Camden may be related to a review of long term child protection cases, which led to applications for care proceedings being made for a number of cases that had been identified as drifting.

The reasons for the reduction in care proceedings in the fourth quarter seems likely to be linked in part to the implementation of the revised Public Law Outline\(^4\) on 5th August 2013, with its emphasis on pre-proceedings assessment and intervention as well as to the impact of the care proceedings project which has stressed the importance of pre-proceedings work throughout. In several instances this has resulted in further attempts to engage, assess and intervene with the family for a time limited period\(^5\) under the PLO pre-proceedings process. This approach has enabled the Local Authority to divert several cases away from care proceedings and in other instances to be better prepared at the commencement of care proceedings. It will, however, be important to track how many of the cases currently in pre-proceedings are diverted from care proceedings and how many end up going into proceedings at a later date.

Another factor may be the new Allocations and Gatekeeping system at the Principal Registry of the Family Division (PRFD), whereby applications for care proceedings are scrutinised to decide which court the case should proceed in. This has in turn led to greater scrutiny of cases by local authority lawyers.

Finally, analysis of interim and final orders in the first and second quarters of the project prompted a review of the use of Interim Supervision Orders. The data shows a rise in the use of ISOs in the second quarter followed by a sharp reduction (see figure 2 below). This followed a decision to use a less adversarial and intrusive approach by managing these cases under the PLO pre-proceedings process wherever possible which resulted in a downward trend in the number of care proceedings.

\[\text{Fig 2. Use of Interim Supervision Orders by Quarter}\]

<table>
<thead>
<tr>
<th>Number of ISOs</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bi-Borough</td>
<td>4</td>
<td>13</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Camden</td>
<td>2</td>
<td>9</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Islington</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>1</td>
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</tbody>
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\(^{4}\) Practice Direction 36C

\(^{5}\) Ideally 12 weeks with a 6 week review of progress.
2.2 DURATION OF PROCEEDINGS

Of the 135 care proceedings issued during the year, 64 cases, involving 85 children, (47% of total), have completed. The average duration of these completed cases is 25.5 weeks (with a minimum duration of 13 weeks and a maximum of 45.1 weeks). This compares to an average of 59 weeks in the previous year (a reduction of 57%). The median duration of completed cases is also 25.5 weeks. By comparison the Tri-Borough Pilot issued 90 care proceedings during the 12 month pilot period and evaluated the outcomes of 65 cases. The median duration of care proceedings for these 65 cases was 27 weeks. The Tri-Borough and Bi-Borough outcomes suggest that just under half of all cases can conclude within a timescale of 26.1 weeks.

Figure 3 above shows a downward trend in the timescales to complete cases as the year progressed. It seems likely that this can be attributed to the more consistent application of the best practice advocated through the care proceedings project and the implementation of the revised PLO.

Once the Children and Families Bill becomes legislation, the court will be able to grant extensions to the 26 weeks limit for eight weeks at a time. Among the Bi-Borough cases completed this year (56) 87.5% cases have completed within 34 weeks, which would be the duration of a case following one extension under the new legislation, while (62) 98.4% of cases have completed within 42 weeks (two extensions).

There remain 71 cases which have yet to complete. Of these, 49 have final hearing dates set, which if they maintain their current timetables, will equate with 113 cases completed in an average of 28.8 weeks (Median 28.0). Of the remaining 29 cases, 19 applications are
under 20 weeks old, 8 cases are currently exceeding 26 weeks (4 of these exceeding 34 weeks) and a further 2 cases are ‘at risk’ of delay and without clear court timetables. None of the cases issued in the fourth quarter have completed at the time of writing this report. This means that once all cases issued during 2013 have completed the average (and median) times to completion are likely to rise somewhat. Factors that contribute to delay are considered in more detail at 3.5.2.

CAFCASS produce national quarterly data of the duration of Care Proceedings. The data for April – June 2013 shows Camden completed cases in an average of 54 weeks and Islington in an average of 41 weeks, while the data for July – September 2013 shows Camden completed cases in an average of 35 weeks and Islington in an average of 53 weeks. It is important to bear in mind that the CAFCASS national data includes any cases completing in the period, whenever they were issued, whereas the cases for the Bi Borough project data were all issued after 7 January 2013. Some of the cases included in the CAFCASS data were thus issued prior to the project starting and were not prepared in accordance with the models of best practice being followed under the project nor were they tracked and monitored by the Case Manager to avoid delay. Some cases starting before January 2013 have exceeded 100 weeks, which has significantly influenced the overall averages presented by CAFCASS. A reduction in timescales should be observable in the October – December 2013 and January – March 2014 CAFCASS national statistics and Adoption Scorecards.

2.2.1 Number of hearings per case

There is an average of 4.9 Hearings per case:
- ILFPC: 4.5
- PRFD: 5.3
- FDAC (excluding non-lawyer reviews): 5.6

Baseline data on the number of hearings per case in the previous year for Bi Borough cases is not available. The revised PLO model indicates that three to four hearings per case would be the ideal to aim for.

Tracking shows that during the year there have been 23 contested hearings and 5 fact finding hearings that together were heard over a total of 11 days. The case manager reports that judges have been more robust in scrutinising the need for a fact finding hearing and in narrowing the issues and witnesses needed before determining the number of days to list. There have been instances where the concession of a parent that, for example, domestic violence has occurred was considered sufficient so that facts did not need to be found on individual incidents, thereby saving time and progressing the case.
2.3 RELATIONSHIP BETWEEN FINAL ORDER AND DURATION OF PROCEEDINGS

The evaluation of the Tri Borough pilot found that there were variations in the length of proceedings, depending on the final order made and this was also the case within the Bi Borough cohort as can be seen in Figure 4 below. As in the Tri Borough, cases in which a care order and placement order were made completed in the shortest period of time on average and cases where an SGO and supervision order were made took the longest on average – although the difference in average times was not great.

Figure 4. Average length (weeks) of case according to final order

Figure 5 below sets out the final orders made in the 64 completed cases (with 85 care plans as different plans were needed for different children in the family in some cases). The final orders for the 85 care plans show that 49% of children remained or were reunified with their parent(s) following care proceedings. Of the remaining 51% of children, 25% were permanently placed with a connected person, 12% were placed in long term foster care, and 14% were the subject of a placement order.
It is noticeable that to date 74% of children have remained with their parents or been placed within their wider family at the conclusion of care proceedings. If we include the care plans for 48 unfinished cases which are timetabled to final hearing and where it is possible to predict with reasonable accuracy what the final order will be (figure 6 below), this figure rises slightly to 75%. These cases would merit further attention to look at whether in future these outcomes could be achieved without bringing care proceedings.

Note: Number of Care Plans (85) equals greater than the number of completed cases (64) due to different care plans and outcomes for some sibling groups.
There have been 12 Placement and Care Orders made over the course of year and all of these applications were issued in the first quarter. The Local Authority’s efforts to encourage early FGCs and connected persons assessments and the Re: B-S judgement has influenced the care plans made in care proceedings, with a significant rise in the recommendation for Special Guardianship Orders and supervision orders. *Figure 8 above* shows the combined orders for 85 completed care plans and the predicted/recommended orders 68 care plans in unfinished cases, relating to 153 children in total. Special Guardianship has been granted in 16 completed cases and recommended in 33 unfinished cases, an increase in SGOs of 52% and supervision orders have been made in 31 completed cases and recommended in 19 unfinished cases.

Figure 7 below gives a comparative analysis of the duration per final order made for cases issued in the first, second and third quarters. Supervision orders, SGOs and care orders are the only three orders for which there is data across all three quarters and this shows a reduction in timescales for all of these cases. Figure 8 below, which includes predicted outcomes across all four quarters, shows a general reduction in timescale regardless of final orders. This may of course change once all cases have completed.

*Fig 7. Duration of care proceeding for each final orders on completed cases according to quarter the application was issued*
2.4 DURATION OF PROCEEDINGS WITH REGARD TO AGE AND NUMBER OF CHILDREN

Of the 64 completed cases (85 children), 50% were aged under 1 year old (22% new-borns). The duration of care proceedings for this age group was an average 25.6 weeks, closely followed by children age 11-16 which concluded in 25.7 weeks. The duration of care proceedings for children aged 1-5 took the longest to conclude in an average of 29.0 weeks, followed by children aged 6-11 years in an average of 27.2 weeks.
The significant majority of cases involved only one child, and these cases also completed in the quickest timescale, closely followed by sibling groups of 2 (15%) which resolved in 25.9 weeks. Only 10% of cases involved sibling groups of 3 or 4 children and unsurprisingly these cases take longer.

**Fig 11. Number of children in sibling group**

- 1 Child, 44, 75%
- 2 Children, 9, 15%
- 3 Children, 3, 5%
- 4 Children, 3, 5%

**Fig 12. Duration of care proceedings for sibling groups**

- 1 Child: 23.9 weeks
- 2 Children: 25.9 weeks
- 3 Children: 37.5 weeks
- 4 Children: 29.0 weeks

### 2.5 DURATION OF PROCEEDINGS IN DIFFERENT COURT SETTINGS (PRFD/ILFPC/FDAC)

Bi Borough cases are heard in the Inner London Family Proceedings Court (ILFPC), the Principal Registry of the Family Division (PRFD) and in the Family Drug and Alcohol Court (FDAC). Camden and Islington were closely involved in the setting up of FDAC, which began hearing cases in 2008, and both local authorities have continued to refer cases into this court since that date. FDAC is a specialist, problem solving court, located in the ILFPC, which deals with cases where parental substance misuse is a key element in the reasons for bringing proceedings. The problem solving court approach, involving regular non-lawyer reviews, means that cases in FDAC will always have more hearings than ordinary care proceedings, but many of these will not involve lawyers. Bi Borough cases heard in FDAC have been tracked along with all other cases.

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6 For more details about FDAC see [http://www.brunel.ac.uk/shssc/research/ccyr/research-projects/fdac](http://www.brunel.ac.uk/shssc/research/ccyr/research-projects/fdac)
It is important to note that this data is based on where the final hearing of a case took place so some cases identified as being heard in the PRFD may have spent periods of time in the ILFPC before being transferred up.

**2.6 DURATION OF PRE PROCEEDINGS ACTIVITY**

As the Tri Borough evaluation noted, ‘setting specific targets to deal with one problem can result in changes to other parts of the system.’ Early discussions in the Steering and Operational Groups of the Bi Borough project recognised the importance of tracking the timescales of pre proceedings activity to ensure that delays were not occurring during this period. There was agreement that the case should be tracked from the date of the Legal Planning Meeting. The case manager concluded that when measuring decision making within a child’s timescales the 26 week court decision making process should be considered in conjunction with any pre-proceedings intervention where a child is assessed as being ‘at risk’ or at ‘significant risk’ of harm. Fig 14 below shows both the average timescales from the date of the first legal planning meeting to the application being issued and the average period of time from the first child protection conference to the issuing of proceedings.

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Ideally, pre-proceedings intervention through a Child Protection plan and during the PLO pre-proceedings phase should be structured and time limited to ensure decisions are made within children’s timescales and these timescales should be considered together with the timescales for court proceedings. The Diagram below sets out the best practice model developed by the case manager for measuring time across child protection, pre-proceedings and the court process. The data on average timescales in Figure 14 suggest that more attention could usefully be paid to activity under the child protection plan.

![Diagram showing timescales](image)

The case manager has also begun to measure the time from a child’s first contact with children’s services to the date of a final order. This data is not completely accurate and there are complications resulting from families’ first contact being in other local authority areas and as a result the findings have not been included here. There are indications that it would be helpful for there to be a closer look at the cases of older children within the system, where there is evidence of lengthy contact with children’s services before a final decision about permanency is made.
3. SUBSIDIARY OUTCOMES

A plan to guide activity over the course of the project identified the different areas of work needed if the overall aim of reducing delay was to be achieved. Outcomes were agreed for each area of work and progress towards meeting these are set out below.

3.1 ENGAGEMENT OF STAKEHOLDERS

All stakeholders are clear about the purpose of the project
A system for ongoing communication and review of cases is in place

3.1.1 Activity

Representatives from the Judiciary, the courts, Cafcass, providers of expert assessments, Independent Reviewing Officers (IROs) and private practice solicitors regularly attend the project’s Steering or Operational Group meetings. A briefing note about the project and a document setting out the expectations of all stakeholders involved in the project have been agreed and circulated.

3.1.2 Feedback from focus groups and interviews

The majority of stakeholders were aware of the project, are clear about its purpose and consider that good systems of communication are in place. Some of those less directly involved in the activities of the project were aware of its existence and purpose but not much more. Among the nine solicitors in private practice who completed questionnaires, two were not aware of the project at all and a third had heard about it but was not clear what it involved. It was suggested that more could be done to provide information about the project to private practice solicitors who regularly represent parents and children in Bi Borough cases and to provide a forum in which discussion could take place.

3.2 IMPROVING QUALITY OF EVIDENCE TO COURT

Submissions to the court are well evidenced. They are clear about the order sought, the plan for the child and factors specific to the case that may impact on timescales.
Social workers are confident about preparing and presenting cases

3.2.1 Activity

The case manager has devoted considerable time and attention to this area of work. New templates for social work statements, to be used in all Bi Borough cases, were developed at the start of the process in consultation with the local authority lawyers. These were revised following the implementation of the PLO and have had a number of subsequent revisions to take account of feedback from social workers and lawyers. The case manager has in addition:

- been available for early consultation with social workers to provide support in identifying key evidence and assistance with analysis
been part of the process of quality assuring statements before they are filed with the court
written and circulated best practice guidance on chronologies, and
developed and delivered workshops and training sessions for social workers on using the templates, on analysis and on assessments.

3.2.2 What tracking shows

Measuring whether or not the quality of evidence has improved is difficult and largely reliant on feedback from judges, guardians, lawyers and IROs but analysis of whether or not local authorities are successful in their applications for orders can also be helpful. Analysis of interim orders made (see Fig 15 below) shows that in the majority of cases (66%) the interim orders applied for were granted, either initially or following a contested hearing.

![Fig 15. Interim orders in Care Proceedings for Bi-Borough Cohort](image)

*Note that the number of care plans (142) is greater than the number of care applications (135) because in some cases there were different care plans for different children in the family*

3.2.3 Feedback from focus groups and interviews

There were mixed views about how far these outcomes had been achieved ranging from a small number of people who had not noticed any change to a majority view that on the whole the local authority’s position at the start of proceedings was clearer than it used to be. Overall the raising of standards in analysis and presentation of evidence and in improving social work confidence remains work in progress.

Local authority lawyers and IROs commented that the quality of statements varied from excellent to poor, with a majority good. They said that variation was not necessarily related to experience or length of service but some respondents were of the view that differences were sometimes linked to whether social workers were from Children in Need (CIN) teams or Children Looked After (CLA) teams. These views about variation were shared by the case
manager, although she was also clear that from her perspective there was an overall and ongoing improvement in analysis, focus, and clarity of presentation in social work evidence.

There was general agreement from local authority lawyers and social workers that the case manager improved the quality of statements when she was involved in checking them. Social workers commented that they found the training and workshops on writing statements very helpful. They suggested:

‘we should keep talking about how to do statements through regular workshops and team discussions - this would help improve quality – you get into it more’

The need for ongoing discussions about what is a ‘good’ statement or a ‘good’ analysis was evident from comments made in all the social work and local authority lawyer focus groups. Comments from social workers indicated that they felt there were on occasions conflicting messages from the case manager and from lawyers. This was related to how much detailed evidence should be included: ‘legal want every incident documented’ was a common view. This was linked to concerns about being cross examined if there was insufficient detail. A number of social workers also felt, possibly as a result of experiencing cross examination, that it did not feel as if judges wanted shorter, more analytical statements.

The lawyers felt that on occasions there could be insufficient evidence to back up the analysis: ‘social workers need to have a better understanding of what the court needs: the court needs facts and social workers need to understand which are the important facts to include.’

The case manager agreed that there were some tensions around the issue of how much detail should be included in statements. She felt that it would be helpful to have the involvement of, or feedback from, lawyers and judges on the examples of good practice she uses in her training for social workers on analysis and on writing statements. Some local authority lawyers agreed that it would be helpful if they were involved in this training.

At the time of the focus groups considerable concern was expressed by social workers and local authority lawyers about the templates for social work statements. The ADCS/CAFCASS version had been introduced into the Bi Borough following the implementation of the PLO and had replaced previous templates developed by the case manager. There had been many technical problems in relation to formatting the templates and social workers and lawyers were struggling to make the best use of the new format. These templates have now been revised to take account of the concerns raised.
The views of private practice lawyers on whether the quality of evidence had improved was mixed. The two guardians and three judges who gave feedback said that the evidence presented was clear.

In relation to social work confidence in preparing and presenting cases it was evident from focus groups that this was also varied. Again this was about individual differences but also connected to which team social workers were in, with an acknowledgement that social workers in CIN teams had less experience of court work than colleagues in CLA teams.

3.3 ASSESSMENTS ARE TAILORED AND PROPORTIONATE FOR THEIR PURPOSE.
There are no delays in the appointment of experts and in the filing of expert evidence. There is a reduction in assessments covering issues already assessed by the local authority

Revised court rules in relation to the use of experts came into force at the end of January 2013 just as the project started and have helped ensure progress towards these outcomes.

Camden and Islington have three main providers of multi-disciplinary assessments: Family Assessment Service (FAS) which is part of the Anna Freud Centre, the Multi-Agency Liaison Team (MALT) and the Family Drug and Alcohol Court specialist team (FDAC).

It was recognised from the start of the Bi Borough project that there would remain a need for expert assessments in care proceedings. The hope was that courts would be more prepared to accept social work assessments of parenting and their assessments of the capacity of parents to change or to accept expert assessments that had been commissioned and carried out pre-proceedings.

3.3.1 Activity
- Best practice guidance, building on work done with multi-disciplinary providers of assessments in the Tri Borough, was developed by the case manager. The guidance covers the legal requirements in relation to the instructing experts, issues to consider when instructing experts, and what to include in letters of instruction.
- Representatives from the three main multi-disciplinary providers for the Bi Borough sit on the operational group of the project and separate meetings were held with them to discuss the best practice guidance and the need to reduce timescales for assessments.
- The case manager has taken a key role at Legal Planning Meetings and thereafter in challenging whether expert and/or residential assessments are needed and in ensuring the early identification of experts in those cases where they are needed.

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8 The Family Procedure (Amendment)(no.5) Rules 2012, Rule 6. SI 2012 No,3061
• The case manager has provided advice, support and guidance for social workers doing parenting assessments as well as advice on when and how to draft letters of instruction.
• There has been greater attention to commissioning and/or carrying out assessments in the pre proceedings stage.

3.3.2. What tracking shows
The 65 completed cases relied on 121 expert assessments to make a final decision. There were 9 cases that relied on social work assessment alone. While each case obviously has a social work assessment, the 13 social work assessments noted in figure 18 were specifically directed by the court. There is no baseline data on the use of expert assessments in care proceedings in the Bi Borough to compare with the figures in fig 16. The anecdotal evidence, however, is that there are fewer expert assessments being instructed in each case and fewer instances of sequential assessment.

There has been considerable discussion between London Case Managers and within local authorities regarding the expertise of social workers and the test for ‘necessary’ when instructing experts under Part 25 of the Family Procedure Rules 2010. The President’s guidance clearly states that in the first instance the social worker will be approached to assess parenting, and in the second instance, the guardian, and if either of these parties are unable to complete the assessment then an Independent Social Worker will be instructed at the expense of the local authority.

Attachment and the child’s developmental trajectory are often areas where expertise is debated. The Performance Capability Framework (PCF) states that a social worker should have a working knowledge of attachment and child development and therefore should be able to undertake these assessments, but this does depend on the social workers experience and confidence. The general opinion is that more complex assessments around diagnosis of attachment disorder should be undertaken by a suitably qualified expert.

The evidence for the Bi Borough cases suggests a strong reliance still on multi-disciplinary and adult psychiatric and psychological assessments to resolve cases. Domestic violence risk assessments have continued to be outsourced to external experts. Discussions across London suggest this type of assessment should fall within the social work area of expertise. It would perhaps be more beneficial for a ‘suitability for treatment’ assessment to be conducted after the social work domestic violence risk assessment and before accessing a treatment program. CAFCASS and DVIP have agreed this model for use in private proceedings and have reduced the timescales for risk assessment from 12 weeks to 2 weeks for a suitability assessment.
Note that substance screening has not been included in these statistics due to unreliability in tracking this data.

**Fig 16. Type of assessments used to resolve 64 completed cases**

- Parenting Assessment - Social Worker: 13
- Parenting Skills - Community Based: 16
- Parenting Skills - Residential: 5
- FAS Multi-Disciplinary Assessment: 12
- MALT Multi-Disciplinary...: 13
- FDAC Intervention: 8
- Domestic Violence Risk Assessment: 1
- DVIP Intervention: 4
- Independent Social Worker: 3
- Psychological Report - Parent[s] Cognitive: 9
- Psychological Report - Parent[s] Only: 2
- Psychological Report (Child): 2
- Psychiatric Report (Adult) on Parent[s]: 16
- Paediatric Medical Report: 6
- DNA - paternity testing: 8
- Immigration Advice: 2

**Fig 17. Outcome of Residential Assessments in completed cases**

- No Order, 1, 7%
- RO + SO, 2, 14%
- SGO + SO, 2, 14%
- Placement + Care Order, 3, 22%
- Supervision Order, 5, 36%

Figure 17 shows that 43% of residential assessments resulted in children remaining in their parents care subject to a Supervision Order or No Order. The remaining 57% of children were placed permanently outside of their parents care with connected persons or recommended for adoption.
3.3.3 Feedback from focus groups and interviews

There was agreement from all those consulted that both Camden and Islington are very clear about which experts are needed at the first hearing and what the timescales are for obtaining reports. There is also agreement that letters of instruction are prepared and agreed more quickly and are, on the whole, shorter although it was acknowledged that more questions may get added following discussion with other parties. There were mixed views on whether there were still delays in the filing of expert evidence although it was agreed that timescales set by the court were shorter than previously. It was agreed that there was closer scrutiny by the courts of the need for additional expert evidence but mixed experiences of the court ordering assessments investigating issues already covered by social workers.

Most people consulted did not think that overall experts were being used less frequently but some thought that psychiatrists and psychologists were being instructed less frequently, although tracking data does not appear to support this view. Others commented that there were still a lot of residential and community parenting assessments taking place. The case manager did think that fewer experts were being instructed, particularly in the second half of the year, but noted that reducing expert assessments was a major cultural change for both local authorities as well as for the courts and the legal representatives of other parties.

Some solicitors representing parents and children were concerned that both local authorities were more insistent on using either FAS or MALT to do assessments, and less prepared to consider alternatives. A number commented on the fact that assessments had already been done or started during the pre-proceedings stage and expressed some
concerns about the lack of independent scrutiny of these decisions to carry out assessments. Some social workers and lawyers expressed concern that tight timescales and the limits on payment to experts meant that at times the most appropriate experts could not be instructed.

Social workers reported mixed experiences in relation to judges and magistrates being prepared to rely on social work evidence and assessments. Some said a robust attitude was being taken by judges in relation to requests by other parties for an assessment from an independent social worker (ISW). Others had had the opposite experience and reported feeling undermined by this. Local authority lawyers felt that the changed court rules in relation to experts and better preparation of cases by local authorities had helped them resist applications for ISW reports more successfully so that fewer were being ordered. On the whole those consulted felt that judges did scrutinise more closely applications for expert evidence although they noted that where parents had a learning disability there was a greater likelihood that an ISW report would be ordered.

FDAC commented that the FDAC process has never involved a letter of instruction and they have always produced their first assessment report within two or three weeks of the first hearing, so there has been no change to their work in that respect. FAS and MALT said the project has had an impact on their work. FAS said they have reduced the time they take for assessments from 12 to 10 weeks and they have also reduced the length of their reports. MALT said they are more focused on how they can add value to work already done by social workers and on how quickly they can respond. Both FAS and MALT said that they are contacted earlier in relation to referrals and receive letters of instruction more quickly. MALT also commented that earlier identification of dates of IRH or final hearings is helpful.

Some respondents said that in their experience there were still delays in the filing of reports by experts, including by FAS and MALT, because they had been granted extensions to the original timescale set. FAS and MALT said that delays did sometimes occur, usually because they were asked to do more work than that originally set out in the letter of instruction.

Both FAS and some social workers and team managers expressed concern about the inflexibility of some judges in relation to setting timescales for filing of evidence, where the judge refused to take account of reasons given in support of short extensions of time.

FAS commented that it was important to ensure that tight timescales did not reduce the quality of the assessment and there was a need to balance speed with the need to have sufficient sessions to make a relationship with children. A number of respondents talked about the need for some flexibility in those cases where the issue of capacity for change in parents was not immediately clear. FDAC noted that the focus on a timescale of 26 weeks
had led on a couple of occasions to social workers pushing for a return home before the parent was ready for this.

3.4 ASSESSMENTS OF FAMILY AND FRIENDS

*Family and friends identified earlier*

*Assessments are timely*

Both Camden and Islington have Family Group Conference services with an in-house manager for the independent FGC co-ordinators.

3.4.1 Activity

- Best Practice Guidance on Family Group Conferences has been developed by the case manager in consultation with the managers of the FGC service in both Camden and Islington.
- There has been a focus in both Boroughs on the importance of early identification and assessment of family members who are potential carers.
- Both Boroughs have reorganised their services so that assessments of family and friends, whether as foster carers or Special Guardians, are now the responsibility of a specific team of social workers.
- Islington has moved the responsibility for Viability Assessments to the Family Plus Assessment Team alongside the SGO and Kinship Assessments, which is also a model that Camden will be moving towards. This approach adds the benefit of the same assessor undertaking an SGO or Kinship assessment if it is positive.

3.4.2 What tracking shows

In Camden 40 FGCs related to care proceedings were held during the year, there were 52 referrals, and four cases are ongoing. Camden FGC service report that FGCs in cases from PLO stage onwards account for 20% of their work. In Islington 24 FGCs related to care proceedings were held during the year. Islington FGC service is commissioned to provide 65 conferences per financial year and the cases from PLO stage onwards accounted for 39% of the total number of FGCs held in the calendar year 2013 (62 FGCs held).

The case manager scrutinised the efforts to identify family members as alternative carers during the quality assurance process. In instances where an FGC had not occurred or connected persons had not been identified for assessment, standard directions were incorporated into the court timetable in the initial statement. A clear description of the parallel planning process was also incorporated to ensure transparency of practice. In relation to FGCs the standard directions are that parent(s) provide a list of full names and contact details of connected persons to be invited to the FGC within 3 days of the first hearing. There is a commitment from the Local Authority to convene an FGC within 4 weeks. Camden and Islington have been committed to maintaining the independence of the FGC
process rather than using family meetings, and have been able to demonstrate that a flexible and dynamic approach to FGCs enables them to remain an essential part of achieving outcomes within 26 week timescale. The FGC managers have retained a pool of FGC convenors who have been able to convene meetings at short notice.

In relation to assessments of connected persons the standard directions are that the parent(s) provide a short prioritised list of persons that they wish to be assessed within 7 days of the first hearing together with their full names and contact details. Parents are also expected to contact their nominated persons to discuss their request and gain their consent for assessment, as well as advising them that they will need to undergo police and medical checks as part of this assessment. Since these standard directions have been in place there has been an increase in the number of connected person’s assessments undertaken.

Viability assessments have proved difficult to track as they do not always happen as a result of court directions. In Camden they are undertaken by social workers across various teams and in Islington they are usually completed by the Family Plus Team although a small number continue to be completed by other social workers.

Although both Boroughs are aiming for all connected persons assessments to be undertaken by their specialist family assessment teams, these teams have struggled to meet the demand because of the increase in the number of people being put forward for assessment. The majority of cases have required 2-4 people to be assessed, and in some cases up to six people have been assessed. Camden family and friends team have carried out 22 SGO assessments and one kinship assessment. Since 1st June when the Family Plus team in Islington took over Viability Assessments, they have completed 80 assessments. Over the course of the year the team also completed 41 SGO assessments and 14 Regulation 24 assessments.

Tracking has identified some other issues in relation to the assessment of connected persons, many of which were also raised in focus groups and interviews, set out below. The assessment of fathers and the paternal family has been delayed in several instances when the identity of putative fathers has not been forthcoming until directed by the court. There have been instances where fathers have initially declined assessment but have subsequently requested and been granted assessment at later stages which ultimately has led to the children being placed in their care. On occasions assessments of paternal family have been ordered by the court before the results of DNA paternity tests have been carried out, and this has resulted in some cases in unnecessary assessments being carried out.

The late identification and assessment of connected persons has been a key theme of delay throughout the project. There is still reluctance by the parent(s) to provide the names and contact details of extended family members to be assessed and/or attend an FGC until this
has been directed by the court. There are a number of reasons for this, including the desire for privacy, fractured family relationships, denial or poor understanding of the gravity of their circumstances, shame, or simply resistance. The case manager and FGC managers have developed best practice guidance, and have been working with social workers on ways of preparing parents for FGCs and encouraging family members to come forward. The late identification of connected persons poses several issues. The connected person has limited time to make a major life changing decision for themselves and the child, and the assessor has limited time to fully assess and prepare the connected person. Many of the children who are being placed with connected persons have suffered significant harm, which adds to the complexity of the connected person’s role. Not only are they managing the complex family dynamics, including implementing boundaries with the child’s birth parent, they are also likely to be coping with the additional or complex needs of the child. This raises questions about the type of preparation and support afforded the connected person in the assessment phase and following placement.

Although in the first quarter, cases ending with a final order placing children with connected persons took the longest to resolve, averaging 29.6 weeks and 30.6 weeks when an SGO was made together with a supervision order, tracking of timescales over subsequent quarters shows a reduction in timescales so that these cases are being completed in roughly similar times to cases where care orders or placement orders are made in quarters 3 and 4.

There have been instances where connected persons have been negatively assessed in the early (viability) stage and have later been granted a full assessment and, following this Special Guardianship. These cases have highlighted a need for attention to training on connected persons assessments. Ideally, given the 26 week timescale a connected person should be identified and assessed in the pre-proceedings stage to allow sufficient time for the assessment, and for the person themselves, to have time to consider and test their capacity to manage the often complex family dynamics, to support and influence the parents, and to respond to the child’s needs. A holistic approach to maintaining the family unit that incorporates the extended family during the Child in Need and Child Protection stage is desirable.

3.4.3 Feedback from focus groups and interviews
There was agreement from social workers, IROs and FGC managers that family members are being identified at an earlier stage and that the timescales for assessments of family members have been reduced substantially. There were, however, a lot of concerns expressed about the impact of this reduction of time.

There is agreement that there is earlier attention to identifying members of the wider family who may be able to care for the child, and more and earlier referrals for FGCs. A number of respondents noted that as a result there are fewer occasions when relatives make an
appearance late in the course of proceedings, but this does still sometimes happen, as has been identified through tracking. There is also agreement that more needs to be done, from the child protection process onwards, to identify family members and ensure that parents and wider family are fully informed about the impact of the 26 week timescale.

‘The project has been useful in getting across urgency of thinking about FGCs at the earliest possible stage’

‘Finding families should be dealt with much earlier - even when they are known they are reluctant to come forward – we need to make it clear they are not in competition with parents – there are just there as back up’

Both FGC managers were committed to reducing the time it takes to organise an FGC from six to four weeks. They reported that they had good communication and working relationships with the case manager, and were kept informed about cases where an FGC might be needed. They both raised a number of issues:

- some social workers are more likely to encourage parents to agree to the process than others
- the managers are working to get co-ordinators more involved in encouraging families to take part and to give consent
- there is a need for more discussion and greater clarity about when consent might be dispensed with
- there is a need for families to be given more detailed information about the assessment process, including the criteria for approval, preferably directly from a social worker from the specialist family and friends teams
- there is concern that the focus on using the model only to identify alternative carers risks losing sight of the main aim which is to build resilience in families so they can deal with their own problems.

A frequent issue that arose in all the social work focus groups, and in meetings with IROs and local authority lawyers, was the impact of the different perspectives and experience of social workers from different teams being involved in assessments of family members. Social workers in CLA and family and friends teams felt that social workers in CIN teams who carried out viability assessments tend to take a short term view about family suitability as a placement for the child, which can then create problems for their colleagues who take the view that the placement is not sustainable longer term. Some social workers said they thought that CIN social workers might feel under pressure to approve family placements because the alternative is foster care which is a limited resource. There were suggestions that there should be more training for CIN social workers on viability assessments or at least more discussion about assessment with family and friends teams. On the other hand, IROs
commented that on occasions they thought family and friends teams might be overly critical of family members.

Assessments are being done more quickly for both kinship care and SGOs, often within 4, 6 or 10 weeks as opposed to 12, but considerable concern was expressed about the timescales given for the shorter assessments due to the reasons outlined in Section 3.4.2. The concerns were about the pressure on social workers, the impact on the quality of the assessments and the pressure being put on family members. There was also concern that courts assumed that family assessments were very straightforward but the social work view is that they can be very difficult.

In relation to family members, a number of respondents felt that they were being given too little time for reflection and consideration about a very important decision:

*We are forcing them to make choices very early on – people aren’t ready to make those decisions – or sometimes not even in a situation to make those decisions because too many things are up in the air – no time for families to reflect and think is this really for me- and also we don’t have time to assess the likelihood of the placement being sustained*

Also raised were concerns about the lack of support for kinship carers, particularly in the early days of the placement.

CLA and family and friends team social workers were concerned that their assessments were of less good quality when they were rushed. They were also concerned that they were having to complete assessments before the information from DBS, medical and other checks was available, which allowed them no time to explore with relatives issues that might have come up. In their view this was leading to an increase in challenges to negative assessments and more criticism for failing to give families sufficient time to reflect. There were frequently voiced concerns about longer term outcomes when assessments had been rushed.

Team managers referred to staff feeling overwhelmed by the number of assessments that needed to be done and the speed with which they were expected to carry out them out. Social workers commented that local authority quality assurance processes meant that timescales for them were at least a week shorter, possibly more, than the timescale set by the court.

The application of the Re B-S judgement since September 2013 has seen a significant rise in the demands placed upon the connected person’s assessment teams. As noted earlier, the number of cases where SGOs are under consideration are rising. This has included a rise, for
Camden and Islington, in the number of international assessments which can create particular difficulties in terms of meeting timescales.

While there is not baseline data to make a comparative analysis, there appears to be a growing demand for international assessments of connected persons within London Boroughs. There are some specific issues which arise with international assessments such as the logistics of undertaking the initial viability assessment via telephone, language barriers and use of interpreters while conducting telephone assessments, cost implications of completing a full assessment when assessed as viable, entitlement for social workers to work in other countries, cost of commissioning independent social work assessments, the variable quality of commissioned assessment arranged through international bodies. Once the assessment is completed there are further implications with regards to immigration issues. It is essential to commission legal advice prior to the full assessment to determine if there is a realistic possibility of placing the child with their relative within their timescales. Some immigration processes can take many months, if not years, to complete. Should these initial barriers be overcome, the logistic issues of placing, supporting and monitoring the child can be problematic if the social worker does not have rights to work in the country of destination. Many of these issues can be resolved with the proper resources and preparation but there is a risk of significant delay if careful planning is not undertaken.

3.5 MANAGING TIMESCALES AND CONTINUITY

There is increased continuity of social worker
There is increased judicial continuity
Guardians are appointed quickly and there is good communication with CAFCASS
There is improved communication between CAFCASS guardians and IROs
Court deadlines are met
Delays arising from criminal proceedings, police disclosure, involvement of the Official Solicitor and LSC funding issues are reduced

There are a number of different outcomes being aimed for here. The focus is on improving the continuity of approach to cases - at court, within the local authority and across the independent view provided by guardians and IROs - and to tackle issues that have in the past been identified as causing delay.

3.5.1 Activity

- Camden and Islington decided early on that they did not wish to reorganise their social work teams to achieve greater continuity of social worker before and during care proceedings, but would look closely at how to ensure greater co-ordination between social workers in different teams once proceedings were being discussed.
• The involvement of liaison judges and a legal team manager from Wells Street on the Steering Group has provided a forum for direct feedback and discussion about court issues, including judicial continuity and issues giving rise to delay.
• Meetings have taken place between the relevant CAFCASS and IRO managers to discuss improving communication and these managers are also members of the Operational Group.
• A system for tracking cases was set up by the case manager and is discussed in more detail in the next section. This has assisted in ensuring court deadlines are met by the local authorities and provides information on whether or not deadlines are met by the other parties.
• Delays arising for a range of reasons including the need for police disclosure or the involvement of the Official Solicitor have been discussed at Steering and Operational Groups and Bi Borough representatives have been involved in initiatives designed to improve the situation.

3.5.2 Data from tracking cases

Delay
The cases issued in the first and second quarter relied on the model of best practice adopted from the Tri-Borough Pilot to reduce timescales. The implementation of the revised PLO on 5th August 2013, at the beginning of the third quarter, has assisted with further reduction in timescales. Tracking did highlight, however, that there were some issues during the early stages of implementation of the PLO which have in themselves led to some delay.

Tracking has identified several factors that continue to cause delay, and these issues were also identified in discussions in focus groups and interviews, including:
• Connected persons assessments occurring late in proceedings and a rise in the number of international connected persons assessments and placements;
• Further expert assessment required due to a change in circumstances or further intervention required;
• Re-timetabling required due to late expert reports;
• Further social work assessment required due to a change in circumstances (often assessments of fathers and paternal family) which often results in a change of care plan or further expert assessment;
• Listing issues, such as listing errors, insufficient time listed, lack of courtroom availability which is currently causing significant delay in listing final hearings;
• No court timetable;
• Reasonable delay to ensure that the case is resolved fairly or when there has been a good prognosis for change and reunification;
The application of the Re: B-S judgment\(^9\) has in some instances resulted in very late changes to the care plan, further assessment of connected persons, and further assessment of parent(s);

The HMCT Case Management System (CMS) tracks reasons for adjournment in order to track delay. In an effort to align data collection, the Bi-Borough project has tracked reasons for delay using the same criteria. One observable flaw in the HMCT tracking system is that delay occurring in cases where hearings have not been adjourned is not tracked. The Case Management Orders (CMO) have proved to be a useful tool in understanding the progress of a case and providing a ‘work plan’ for all parties, however there continues to be a vast degree of variation in the preparation of CMOs, some omitting vital information about the hearing being recorded. Many CMOs continue to be hand written and almost illegible, often due to the lack of IT facilities to support the amendment of the documents at court. Dissemination of CMOs remains an issue with different processes at ILFPC and PRFD. The preference at the PRFD is for the solicitor to email the judge an amended version to be sealed within 24 hours, but sealed orders are often not received by the Local Authority until 1-2 weeks later, impeding the establishment of internal systems that rely on disseminating orders to trigger time limited work, such as connected persons assessments.

3.5.3 Feedback from focus groups and interviews

Social work continuity
Social workers and lawyers report that the systems set up for assisting with the smooth transfer of a case from the CIN teams to the CLA teams are working in most cases. Tracking indicates that the average number of social workers per child was 1.9 (Camden 2.1 and Islington 1.76). Nonetheless the transfer does appear to create a number of problems that were raised by many social workers and lawyers. In some instances shortages of staff and/or pressures of work mean that the agreed process cannot be followed. More common were concerns expressed about the different approaches and experience of social workers in the two teams, particularly in relation to court work or longer term work with children, which could lead to differences of view about care plans. Social workers and lawyers thought the process of transfer could be improved. There were also some concerns that the pressure of court work meant CLA social workers has less time to focus on the children already in the looked after system.

Judicial continuity
There was a clear message that this is not achieved at the ILFPC, except in FDAC cases, where judicial continuity has been feature since FDAC started. In relation to the PRFD the picture was mixed, with some lawyers and social workers saying that there were many more cases with judicial continuity and others saying that there is very little continuity as yet.

\(^9\) Re: B-S (Children) EXCA Civ. 1146
Where judicial continuity is achieved respondents noted that it is very helpful in terms of case management.

**Guardians and IROs**

It was agreed at the start of the project that the independent role of guardians and IROs was particularly important if the courts’ oversight of the care plan was to be reduced, and that, to achieve this, communication between guardians and IRO’s needed to be strengthened. Feedback from IROs is that there has been some improvement in communication with guardians during and at the end of cases but this is not consistent. Of the two guardians who responded to the questionnaire, one was relatively new to CAFCASS and the other felt that communication with IROs had improved. IROs noted that social workers do not always pass on to them information about which guardian has been appointed. There was agreement that this was an area that needed continuing attention and improvement. The strong working relationship between the Cafcass and IRO managers will help ensure that the new national protocol between ADCS and Cafcass about communication between guardians and IRO’s is fully embedded in practice. Tracking indicates that guardians were allocated at a rate of 0.4 days, which led to improved continuity of guardians and greater likelihood that the allocated guardian would attend the first hearing. Social workers and lawyers confirmed that guardians were always appointed very quickly. However a number of concerns were expressed about pressure of work on guardians, which could mean that they were much less of a presence in cases and their views about the case and the care plan were sometimes presented very late in the progress of the case. On the other hand Cafcass report that sometimes they receive information from local authorities late in the case. This is an area for further exploration between Cafcass and the two local authorities, with reference to specific cases and the factors involved.

**Delays**

The tracking of case duration clearly shows that delays are being reduced. There was general agreement that the courts are now focused on timescales, setting tight deadlines for the filing of evidence and reports, and setting dates for final hearings further in advance, quite frequently at the CMH. Some social workers had experienced criticism from judges when the local authority had not filed assessments or evidence on time, and some felt that local authorities were under more pressure than others to comply with directions.

Delays are still occurring and the reasons given in focus groups and interviews for delays were varied. The views of respondents about reasons for delay are mirrored by the themes of unnecessary delay identified by the case manager through the tracking system and set out in her quarterly reports and under 3.5.2 above.
Delay arising from the involvement of the Official Solicitor was not raised by respondents, and delay arising from police disclosure was raised only by local authority lawyers.

Lawyers, social workers and guardians all mentioned delays related to court administration. These included problems over obtaining dates for hearings, usually if they were going to last longer than one day, but sometimes problems had been experienced finding a date for a day long contested hearing. This could lead to two months delay. Other problems related to hearings not being listed despite orders having confirmed a date, judges having too many cases in their list, and failure to send out orders promptly.

A number of social workers and lawyers felt that delays were caused by magistrates being too ready to adjourn cases, or hearing contested matters and failing to make a decision at the end of that time.

Some respondents said that family members coming forward at a late stage was still a cause of delay in some cases, although it was happening less often than previously. Reference was made to initial negative assessments of family members being rejected by the courts and leading to further assessments by independent Social Workers being ordered.

Some social workers said that guardians were the main reason for delays. This was related to cases where guardians made recommendations late on in the duration of the case that were opposed to the course of action agreed by all the other parties, necessitating adjournments and delay. It has already been noted that Cafcass report that late information from local authorities can contribute to delay.

Social workers and lawyers referred to delays caused by the Legal Aid Agency refusing to agree fees for experts. They also both referred to delays caused by experts requiring longer for their assessments.

Finally social workers and lawyers felt that, on occasions, processes within the local authority caused delays. While both sets of professionals recognised the need for quality assurance and good procedures in relation to decision making they also felt that at times these could be overcomplicated. The processes referred to here did not in the main relate to the involvement of the case manager, although some social workers noted that initially the checking of statements by the case manager had added time to case preparation. The issues were more related to middle and senior manager scrutiny and sign off, parallel child protection and PLO processes which did not always interconnect, and standard processes for getting approval for access to resources.
3.6 Monitoring progress

The project can track its progress

The project can evidence changes in relation to:

- Continuity
- Timeliness
- Quality of evidence
- Cost savings

3.6.1 Activity

An early task of the case manager was developing a system for tracking the duration of cases from the beginning of January 2013. The case manager liaised with the case manager for the Tri Borough Pilot who shared the details of the Tri Borough tracking system and this was further developed by the case manager to suit the needs of the Bi Borough project. The case manager took responsibility for collecting and entering the data onto the tracking system throughout the project. Analysis of the data has provided the basis for the quarterly reports on the project, and for this evaluation.

The project manager developed a project plan at the start of the project setting out the desired outcomes from the different elements of work. Progress was reported on at Steering and Operational group meetings.

At the start of the project it had been hoped that some data on costs could be entered into the tracking system but this has proved difficult to collect. There is a lack of data generally on the costs of social work time. There are complications in tracking the costs of the local authority contribution to assessments ordered by the courts as spending on cases may also include spending on locum lawyers and counsel.

3.6.2 Tracking progress

The tracking system has worked well but is time consuming for the case manager. The case manager has been able to identify other sources within the local authority of much of the data needed for tracking. Work is now underway to include the remaining data needed into the main local authority data systems so that the legal time line issues can be recorded by social workers and team managers. This would free the case manager to focus on analysis of the data.

Monitoring of the project through tracking, updating the project plan and the quarterly progress reports has been invaluable in providing evidence of changes over the year and progress towards achieving outcomes.
3.6.3 Improved quality of evidence

This has proved difficult to track or measure, as noted under 3.2.2. Feedback from focus groups and interviews (see 3.2.3) indicates that there have been improvements, but that this is an area which will benefit from ongoing attention through coaching and workshops held on a regular basis.

3.6.4 Costs

The cost of assessments has proved difficult to track due to the complex nature of funding arrangements. Unfortunately, costs are still not always explicitly stated in the Case Management Order despite the requirement that they should be under Part 25 of the Family Procedures Rules 2010.

Fig 19 provides an estimate of costs for the 64 completed cases. This estimate is based on LSC rates and maximum hours for the instruction of psychologists and psychiatrists but does not account for shared costs between the parties. The estimate also excludes Multi-Disciplinary Assessments by FAS, who are retained under a Service Level Agreement or MALT, who are jointly funded by NHS and FSSW and are therefore not funded on individual assessments. The cost of social workers and line managers, and legal practitioners are not included in this summary and remain difficult to quantify.

| Estimated TOTAL | £1,330,872 |
| Court Costs, £456,000.00 | 34% |
| Psychiatric/Psychological Reports, £69,885 | 5% |
| Parenting Assessments - Residential, £595,200 | 45% |
| Parenting Assessment - Community Based, £16,200 | 1% |
| ISW, £6,600 | 1% |
| Domestic Violence Assessment and Intervention, £21,900 | 2% |
| FDAC, £165,087 | 12% |
| Court Costs, £456,000.00 | 34% |

Note: this summary is an estimate based on LSC rates and other sample data. This summary excludes Multi-disciplinary costs where SLAs are in place and does not account for the division of costs between parties. The summary also excludes legal practitioner fees, social work and manager costs.
Establishing whether or not there have been costs savings is complex and, to a certain extent, depends on whether the focus is on the costs of legal representation and assessments in care proceedings, or more broadly on the costs of working with particular children and families over the period of their contact with the local authority. It is further complicated by a lack of baseline data against which to measure progress.

If the focus is on the costs of care proceedings specifically, the reduction in the average duration of cases is likely to have reduced spending on legal representation and the costs of social workers attending court. It has not been possible to evidence a clear reduction in the use of experts in proceedings, and so it remains unclear whether costs have been saved in relation to this aspect of proceedings. The spending by each Borough on the three main multi-disciplinary providers of assessments has not reduced in this financial year.

Costs savings arising from shorter duration of proceedings needs to be set against the overall rise in the number of care proceedings brought by both local authorities during the year of the project, although quarter 4 has seen a noticeable reduction in the number of new applications. If the downward trend is indeed due to greater attempts to divert cases from proceedings during the pre-proceedings stage then this reduction in numbers of proceedings should continue, which would help to contribute to costs savings.

![Fig 20. Distribution of court costs in relation to quarter](image)

Shorter duration of proceedings which culminate in children being quickly placed back home, with relatives or in adoptive placements should reduce the costs of placements for children, although account also needs to be taken of the costs of activity under supervision orders or adoption support and the costs of SGO or adoption allowances. The average number of placements per child for the Bi-Borough cohort was 1.2 per child (Camden 1.19 and Islington 1.3) and the average length of foster care placements for children was 254 weeks (Camden) and 162 (Islington).
An understanding of the costs of social work time on cases would require detailed recording of each social workers activity in relation to a case from first contact onwards, and it is not as yet common practice for this level of detail to be recorded. This was noted in the evaluation of the Tri Borough Pilot, where reliance was placed on the subjective impressions of staff. In contrast to the findings from the Tri Borough that reactions were mixed with some staff thinking their workload in relation to cases had reduced while others thought it had increased, the impressions of both social workers and lawyers in the Bi Borough was unanimous that their workload in relation to cases had increased during the course of the project.

There are a number of possible reasons for this, including the rise in the number of care proceedings in both Boroughs during the project year, the overlap of cases started during the project with cases continuing from the previous year, the change in culture in relation to ways of working and the impact of the implementation of the revised PLO. It will be important to continue to monitor workload and pressure on staff as everyone becomes more accustomed to new ways of working.

3.7 Governance

The Steering Group has established clear accountabilities and is attended by all key members
The Operational Group fulfil its role of trouble shooting and problem solving
All relevant staff understand the aims of the project and are working to meet them

3.7.1 Activity and comment

The Steering and Operational Groups have agreed terms of reference, representation from key stakeholders, meet on a regular basis and, as evidenced by their minutes, are fulfilling their respective roles. As noted earlier, staff are clear about the aims of the project and are committed to meeting them.

WHAT HAS HELPED ACHIEVE THE OUTCOMES?

Role of case manager

The majority of respondents thought that the case manager had played a key part in achieving the outcomes aimed for in the project and that it would be helpful for the role to continue.

There were a couple of social workers who, while agreeing her role was helpful, said that they had had little contact with her. One or two Islington social workers said they felt she was more aligned with Camden and their way of working but this did not appear to be a view shared by others. IROs and some FGC co-ordinators would welcome more opportunities for discussion with the case manager.
The vast majority of comments were about how helpful she was – with statements, dealing with difficult situations at court, with negotiating quicker assessments, resolving problems – and with how useful her best practice guidance and training has been.

‘It is helpful talking through the difficult issues of a care plan with her’

‘In a couple of cases she was really helpful in shifting FAS to complete more quickly’

‘She’s very clear about the legislation and related policy and good at explaining it; she’s not had any truck with the scepticism there was from lawyers and team managers about the possibility of achieving 26 weeks’

‘She’s very good at focusing people’s minds on how to get to end point. She challenges the care plan; has done a lot of work on experts and timescales; she is a good social worker and has a good understanding about impact of PLO changes’

‘It is definitely true that some cases are moving like lightening and that wouldn’t have happened without Sarah – the case manager role is essential.’

The case manager herself and others noted that there had at the beginning been ‘teething problems’ and tensions in relation to her role and the roles of team managers and lawyers. The tensions were around her role in relation to checking statements, advising on experts and the care plan and her role at court hearings. Some respondents felt that there needed to be further discussions about this. One or two respondents felt that her role had highlighted things that were not working as well as they might within the local authority, and that while her role should continue, it would also be important to address the issues that had emerged.

The majority of respondents, as well as commenting on the importance of the case manager role, thought that there was too much for one person to do. This issue has been raised through the Operational and Steering Groups and is being addressed.

Although there are elements of the case manager role that could and should be incorporated into existing processes and personnel structures within the local authorities, there are other aspects of the role that are distinctive, particularly the overview of cases from child protection proceedings onwards, the analysis of tracking data and production of reports, the cross Borough focus and the links with the courts and activity in relation to the PLO across London through involvement in the sub committees of the Family Justice Board.

**Leadership**

The Tri Borough evaluation noted the importance of leadership as one of the key drivers for change. This was in relation to the commitment of senior managers to the project and to
the role of the Steering Group as a forum for building a common purpose and resolving problems. This has also been a feature of the Bi Borough Project.

The case manager was alert from the start to the importance of senior management commitment to and understanding of the project, particularly given that her role was outside of the normal hierarchy of the local authorities. She was able to stress this message in early meetings of the Steering and Operational Groups.

The Steering and Operational groups have provided effective forums for discussions and problem solving within the local authorities and with CAFCASS, the main providers of assessments, the courts and lawyers.

It is evident from the focus groups and interviews and from the quarterly reports on the project and the minutes of meetings of the Steering and Operational groups that there is a healthy atmosphere of dialogue and challenge taking place on a regular basis within and across the local authorities and between the local authorities and other key players involved in care proceedings. One of the major concerns of the Family Justice Review was the lack of trust or shared objectives across the system. This project has helped provide a framework for building trust, communication and pursuit of shared objectives among the key players in public law proceedings. It will be important for that dialogue to continue into the future.

**Impact of PLO**

There is no doubt that the implementation of the revised PLO in August 2013 and the earlier implementation of revised rules in relation to expert evidence have played an important part in ensuring that outcomes are achieved. In particular these changes have provided a very clear administrative framework for reducing delay and have led to a much greater focus within the courts on setting tight timescales. In contrast however, some initial problems immediately following the implementation of PLO, for example listing hearings for ICOs, may have had an adverse impact on the duration of some Bi Borough cases.

It is important to note also that many respondents thought that the establishment of the Bi Borough Project and the work of the case manager had meant that both local authorities were much more able to respond to the requirements of the revised PLO.

‘Had we not had this project we would have been struggling much more than we have been with the PLO.’
4. CONCLUSIONS

The Bi-Borough project team wishes to thank social workers and their line managers who have worked incredibly hard over the course of the year. The conscientiousness and flexibility of the individuals within the profession have been a cornerstone of the change process. Their achievement is marked not just because of the complexity of their day to day job, but because they have achieved it even when these pressures have been amplified by austerity and a substantial rise in the number of care proceedings. Social workers have demonstrated that they can step up to the challenge of being experts and have achieved positive results in a relatively short space of time, which bodes well for the profession and sector as a whole.

At the start of the project the 26 week timescale seemed daunting to many practitioners, used to an average of 59 weeks in Bi-Borough care proceedings. The energy and commitment that has gone into achieving a 57% reduction in timescales has had an impact on staff, and it will be important for senior managers to give attention to the pressures of work reported by social workers and lawyers, if this continues to be an issue as time passes. Social workers have also demonstrated an enormous capacity to adapt and accommodate a significant amount of change even though it has at times felt overwhelming.

Shared Responsibility for Reducing Delay

There has been a notable shift towards a shared responsibility to reduce unnecessary delay and make decisions within the child’s timescales. All of those consulted agreed that it was right to work towards reducing unnecessary delay in care proceedings. One respondent captured the mood when referring to the project and the revised PLO as being:

‘a tremendous breath of fresh air – which has had a real impact on some cases where decisions have been made very quickly.’

The project has encouraged and enabled constructive dialogue and discussion with all key players – judges, court staff, CAFCASS, IROs, lawyers and providers of assessments. In addition the case manager has been able to have regular discussions with case managers of other similar projects across London, and through membership of the London Family Justice Board performance sub-group is able to bring the Bi Borough perspective into London wide discussions and to ensure the Bi Borough benefits from learning and experience in other areas.
Reflection on Practice and Process

There has been a healthy degree of reflection on values, practice, and process which has led to creative ideas about changes to practice both pre-proceedings and during proceedings that could lead to improved outcomes for children. Tracking data has provided a baseline to understand the reasons for delay and an opportunity to reflect on examples of good practice and areas for improvement. The Operations and Steering Groups, and Family Justice Board Performance Sub Group have encouraged the reflective process to be transparent and coordinated between agencies.

Speed in decision making is important but so is flexibility

There was a very clear message from focus groups and interviews about the importance of flexibility in timescales to ensure that the right decisions could be made for children. Overall there was less confidence that a flexible approach would be taken than appears to have been the case in the evaluation of the Tri Borough Pilot. It is not entirely clear why, particularly as tracking indicates that 42% of cases are taking longer than 26 weeks and 12.5% over 34 weeks, but it may simply be related to a noticeable change in judicial approaches following implementation of the revised PLO coupled with the impact of the project itself.

The cases where people felt that flexibility should be used were cases concerning older children, where the options may be more limited and where it might be important to take longer to make a decision that would be sustained long term. It was also felt that there might be a need for greater flexibility in cases where parents were showing signs of capacity for change, but it would need longer than 26 weeks to establish whether this could be sustained. This latter point was raised in relation to FDAC cases but also by a number of respondents in relation to other cases as well, particularly where older children were concerned or where there was a real possibility of an international placement. The concern about the pressure on wider family members has already been raised.

Tracking Pre-Proceedings

Another concern was the risk of shifting delay to other areas of the system, for example pre-proceedings and some concerns about the extent to which parents and children can have their views adequately represented at this stage. In relation to delays at this point, the tracking system set up by the case manager for the Bi Borough does track time since first contact with children’s services, which will be an important element to retain. The issue of independent advocacy and support at the pre proceedings stage will need continued monitoring. A more structured and better resourced PLO Process that is integrated with the
Child Protection review process is important to ensure a more streamlined approach to pre-proceedings assessment and intervention.

There is evidence that fathers are not being identified and incorporated into the assessment process early enough, which has resulted in delays in assessing them or the paternal family. DNA paternity tests should ideally be undertaken pre-proceedings or within the first two weeks of the Case Management Hearing (by Day 26) so assessment of fathers and paternal family can commence quickly and be relevant. Where paternity is undisputed but fathers are absent, enquiries to the Department of Work and Pensions should be undertaken in the same timescales.

In order to ensure that the child’s timescales are considered holistically across the service, from first contact to final decision, it is necessary to take a more integrated approach to tracking, with clear timescales for each phase of the intervention.

**Ongoing communication needed where delays remain**

While the 57% reduction in duration of care proceedings looks promising, it is evident that many cases subject to care proceedings are vulnerable to delay for a range of reasons. In instances where the best practice model has been applied there have been significant reductions in timescale. There has been considerable progress in preparing cases in the pre-proceedings stage but the best practice model has yet to be fully embedded in practice and where it has not been used in the preparation of cases it is noticeable that delay continues to occur. It is also the case that there can continue to be delay even where proper pre-proceedings preparation has occurred, due to changing circumstances and the need to ensure cases are resolved fairly.

There continue to be cases where a court timetable is not in place until late in proceedings and congestion within the courts results in lengthy gaps between IRH and Final Hearing. The concerns about delays arising from the capacity of the courts is an issue the project can monitor through tracking and through dialogue with the courts through the governance of the project, the London Family Justice Board and court user groups but ultimately will be an issue for the Family Justice Board and Ministry of Justice to resolve.

A core principle of the revised PLO is that all parties should arrive at the CMH with a clear position of the key issues and an Advocates Meeting by Day 10 should serve to narrow the issues for the CMH. Anecdotal evidence suggests that the first Advocates Meeting is not achieving the desired outcomes as the typical response is for advocates to seek further instructions. There is scope for further discussion at the Court users group to improve the productivity of these meetings and perhaps develop a standardised agenda.
There has been significant improvement in compliance with directions for experts to file reports, however, when issues of delay do occur it results in court timetables being revised and hearings vacated. The specificity of the timetabling early in proceedings allows little scope for slippage which will require further tracking and discussion.

**Independent assessments**

Social workers are becoming more confident in their role as experts in the child’s life and the project has offered opportunities to reflect on areas of professional development. It is however, evident that there continues to be a strong reliance on external experts to resolve cases. It is desirable to move toward multi-disciplinary assessment and intervention in the pre-proceedings phase to ensure that families have had the opportunity to make change and there is a clear understanding of the underlying issues affecting parenting capacity. Early screening for substance misuse, mental health issues (including personality disorders and difficulties), and learning difficulties enable a more solution focussed approach to safeguarding and ensure that families are provided with the right support at the right time.

There has been a significant reduction in sequential and repetitive assessments through agreeing a clear assessment plan early in proceedings that has followed an analysis of the gaps in evidence. Discussion about the boundaries of social workers expertise and the test for ‘necessary’ when instructing experts will continue in multiple forums. There continues to be a strong reliance on psychiatrists and psychologist to report on the prognosis for change, even in cases where there is ample evidence of entrenched behaviour to suggest a poor prognosis for change. While clearly there is a role for psychiatrist and psychologist in resolving cases, there is scope to reflect on when this type of assessment is best used. Feedback from multi-disciplinary services suggests that referrals are made even when the prognosis is clear from the social work assessment. Additionally, instruction for mental health assessment has been recommended in some cases where mental health issues are not indicated, which could result in unnecessary and intrusive assessment for the parent. The debate about when an assessment is ‘necessary’ will continue.

**Longer term monitoring of outcomes**

Concerns about the possibility of inflexibly applied timescales have led people to wonder whether this would lead to an increase in supervision orders. Tracking indicates the number of supervision orders is rising, along with SGOs. There were also concerns about whether placements made quickly, particularly with relatives, but also with adopters, would be sustained. This suggests that continued tracking of longer term outcomes for children, and of time between a final order and a permanent placement, will be important to establish whether speeding up proceedings has also led to better decision making for children.
Implications of the rise in SGOs and SOs

The application of the Re B-S judgement since September 2013 has seen a significant rise in the demands placed upon the connected person’s assessment teams. As noted earlier, the number of cases where SGOs are under consideration are rising. The UK has recently been heavily criticised for being out of step with other European nations in respect of their adoption policies and practices but growth in the number of Special Guardianship Orders suggests a change in these practices.

The 74% of Bi Borough cases where children remained with their parents or connected persons need closer examination to consider the possibility of improving pre-proceedings intervention and potentially diverting families away from care proceedings, or achieving outcomes for children in a less adversarial way through improved processes of connected person’s assessment pre-proceedings. Diversion away from care proceedings is desirable to encourage working in partnership with families and avoiding an adversarial intervention wherever possible. Entering care proceedings is stressful for families and places additional demands on social worker workloads. Diversion from care proceeding can result in significant savings on court and legal fees that can be diverted into pre-proceedings assessment and intervention. Frontloading assessment allows the court to focus on decision making rather than the assessment process and ensures that the Local Authority has provided ample opportunity and support for the family to make the recommended changes.

The significant rise in SGOs requires particular attention given the complexity of the SGO role and research around intergenerational risk factors. The SGO role is complex by nature due to the need to manage complicated family dynamics and potentially additional or complex needs of the child. This raises questions about the way SGO carers are assessed, prepared and supported in their role before during and after care proceedings. Ideally a connected person would be incorporated into the parent’s pre-proceedings assessment to develop an understanding of their capacity to influence and support the parent to make changes while being mindful of the child’s safety and development. Fractured family relationships are the obvious barrier to this approach and it is evident that there are few resources or attention paid to repairing these relationships. There is a noticeable difference between the preparation and support available for adoptive parents and that available for kinship carers.

The rise in international assessment and placement requires ongoing attention to ensure that logistical issues are considered and accounted for early in the proceedings. There are a range of logistical, jurisdictional and financial issues that arise from undertaking these assessments and coordinating transitions where assessments are positive. It would be beneficial for guidance to be produced on best practice, legal and immigration
considerations particularly for non-Hague Convention countries, and weighting of UK Border Agency advice on safety and travel. Local Authority’s currently bear the expense of immigration legal advice and Independent Social Worker Assessments. It is imperative to know the timescales for any likely immigration process to ensure that it falls within the child’s timescales.

**Costs**
While some information on cost has been collated this proved difficult to track in most cases. Improved processes for tracking cost and generating a ‘real’ picture of the cost of care proceedings is being developed in both Boroughs. Tracking of care proceedings is being embedded in the case management systems.

**Summary of Recommendations & Actions**

- Continue to monitor the pressures of workload reported by social workers and lawyers;
- Set up systems to track care proceedings within children’s case files
- The Case Manager to continue to oversee the tracking of care proceedings to reduce unnecessary delay;
- The Case Manager to remain in post until January 2015 when this role will be reviewed;
- Maintain an open dialogue with other stakeholders to continue to address systemic issues of delay through the Operations Group and Family Justice Board Performance Sub Group;
- Further develop and implement the model of best practice for pre-proceedings work that incorporates an integrated Child Protection and PLO pre-proceedings phase, and considers the child’s journey holistically, and adequately resources pre-proceedings assessment;
- Continue to promote the early use of FGCs and the early identification of connected persons for kinship and SGO assessments;
- Consider the development of the assessment, preparation and post placement support available for kinship carers and connected persons granted SGOs;
- Develop systems for monitoring longer term outcomes of cases;
- Continue to establish mechanisms for tracking costs in care proceedings.
ANNEXES

Islington Final Orders 2009 - 2012

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<td>CF C2-Full care order</td>
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Camden Final Orders 2009-2012

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<td>Placement Orders Granted</td>
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<td>13</td>
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Ethnicity of children where care proceedings issued

- White - British: 32%
- Black/Black British - Caribbean: 6%
- Mixed - Black/White + Black Caribbean: 8%
- White - Other: 8%
- Mixed - Other: 12%
- Black/Black British - African: 10%
- Mixed - Any Other Mixed Background: 1%
- White - Irish: 1%
- Turkish or Turkish Cypriot: 1%
- Mixed - White + Black African: 2%
- Not recorded: 2%
- Black/Black British - Other: 4%
- Asian/Asian British - Bangladeshi: 4%
- Asian/Asian British - Other: 3%
- Mixed - White + Black Caribbean: 8%
- Mixed - White + Other: 3%
- Other Ethnic Group: 2%
- Black/Black British - Other: 3%
- Asian/Asian British - Pakistani: 2%
- Mixed - White + Asian: 3%
### Reason For Delay for completed and current cases (Case Manager List)

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<th>Reason</th>
<th>Quantity</th>
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<tr>
<td>CA1 - CAFCASS not allocated/present/available</td>
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<tr>
<td>CA2 - No/poor CAFCASS analysis</td>
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</tr>
<tr>
<td>CR1 - Police disclosure/documents incomplete/not available</td>
<td>3</td>
</tr>
<tr>
<td>CR2 - Ongoing Criminal Trial</td>
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</tr>
<tr>
<td>EX1 - Late expert report/assessment/ Poor expert report/assessment</td>
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<tr>
<td>EX2 – New expert report/assessment required following a change in circumstances</td>
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<tr>
<td>HM1 - No courtroom available</td>
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</tr>
<tr>
<td>HM2 - No special measures</td>
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<tr>
<td>HM4 - Listing Error</td>
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<tr>
<td>JU1 - Lack of judicial continuity</td>
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<tr>
<td>JU2 - Insufficient time listed or to complete hearing</td>
<td>4</td>
</tr>
<tr>
<td>JU3 - Judge not available</td>
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<td>Code</td>
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<td>No/poor pre-proceedings preparation by LA, other than (core) social work assessment of the family</td>
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<tr>
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<td>No/poor kinship assessments by LA</td>
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<td>LA4</td>
<td>No expert instructed by LA</td>
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<td>LA5</td>
<td>No/poor/late (core) social work assessment of the family by LA</td>
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<td>LA6</td>
<td>New social work report/assessment required following a change in circumstances</td>
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<td>No timetable for the child</td>
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<td>LA8</td>
<td>No/poor/late/new/care plan</td>
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<tr>
<td>OT1</td>
<td>Case transferred</td>
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<tr>
<td>OT3</td>
<td>Other non compliance with directions</td>
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<tr>
<td>OT7</td>
<td>New Party joined</td>
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<tr>
<td>OT8</td>
<td>Immigration and international difficulties</td>
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<td>PA1</td>
<td>Parents refused consent to FGC/Information sharing for family assessment</td>
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<td>PA2</td>
<td>Did not attend Court</td>
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<td>PA3</td>
<td>Parents did not comply with directions</td>
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<td>RD1</td>
<td>Reasonable Delay on grounds of positive prognosis</td>
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<td>RD2</td>
<td>Reasonable Delay - Bereavement</td>
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<td>CR1 - Police disclosure/docs incomplete/not avail</td>
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<td>EX2 - new expert rep/assmt reqd, change in circs</td>
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<td>EX1 - late/poor expert report/assessment</td>
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<td>OS1 - Official Solicitor not instr/ready</td>
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<td>JU2 - insufficient time listed or to complete...</td>
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<td>HM3 - interpreter not available</td>
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</tbody>
</table>

**HMCT CMS Reasons for Adjournment April - October 2013**