

Care Crisis Review

options for change



June 2018

CARE CRISIS REVIEW

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The Nuffield Foundation

The Nuffield Foundation is an independent charitable trust that funds research and student programmes to advance social well-being in the UK. We want to improve people's lives, and their ability to participate in society, by understanding the social and economic factors that affect their chances in life. The research we fund aims to improve the design and operation of social policy in Education, Welfare, and Justice. Our student programmes provide opportunities for students, particularly those from disadvantaged backgrounds, to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation has funded this project, but the view expressed are those of the authors and not necessarily those of the Foundation.

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Family Rights Group

Family Rights Group is a charity that works with parents in England and Wales whose children are in need, at risk or are in the care system and with members of the wider family who are raising children unable to remain at home. The charity's overall objectives are to enable children to live safely within their family network, where possible, and to strengthen the positive family and community support networks of young people who cannot live with their parents. We advise parents, grandparents, other relatives and friends about their rights and options when social workers or courts make decisions about their children's welfare. We campaign for families to have a voice, be treated fairly and get help early to prevent problems escalating. We champion family group conferences and other policies and practices that keep children safe within their family network.

www.frg.org.uk

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Go to www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review to download this report and its supporting materials:

The Care Crisis Review: Options for Change (this report)

The Care Crisis Review: Schedule of Options for Change

The Care Crisis Review: Factors contributing to national increases in numbers of looked after children and applications for care orders

The Care Crisis Review: Care-experienced young people and adults survey results

The Care Crisis Review: Family survey results

The Care Crisis Review: Professionals survey results

The Care Crisis Review: Children’s Principal Social Work Network survey findings

The Care Crisis Review: Analysis of focus group responses from care-experienced young people

Summary messages from the Review

- 1.** In 2016 Sir James Munby, President of the Family Division, stated “We are facing a crisis and, truth be told, we have no very clear strategy for meeting the crisis. What is to be done?”¹ The Care Crisis Review was a direct response to this challenge. It brought together a ‘coalition of the willing’ from across the child welfare and family justice sector in England and Wales. The task was to identify solutions at practice, organisational and system level to tackle the crisis and, before that, to identify and agree what is known about the factors contributing to the rise in proceedings and the rise in the number of children in care. The Review was not intended as an examination of the care system as a whole.
- 2.** The Review’s intensive work programme, required to be conducted in seven months, was, in effect, an inclusive listening exercise with over 2,000 people across England and Wales. This was complemented by a rapid academic review of evidence about the factors contributing to the crisis, and a separate examination of evidence about options for change. The Review’s approach succeeded in generating a conversation with all who have a stake in the system. This included the judiciary and local government, Cafcass and Cafcass Cymru, third sector organisations and alliances, the Offices of the English and Welsh Children’s Commissioners, Ofsted, lawyers and social care practitioners, and young people and families with experience of children’s social care and the family justice system. The Review had support throughout from its Stakeholder Advisory Group, whose members have, in different ways, power and influence to enact change. As the Review’s work progressed, emerging findings and options for change were considered by the Group.
- 3.** In England and Wales, the number of care order applications reached record level in 2017 and the number of looked after children was at its highest since the Children Act 1989. The number of children in care has been rising steadily since the early 1990s, except for a period in England in the mid-2000s. The Review confirmed the sense of crisis that is now felt by many young people, families and those working within the system. Many professionals described the frustration they feel at working in a sector that is overstretched and overwhelmed and in which, too often, children and families do not get the direct help they need early enough to prevent difficulties escalating. There was a palpable sense of unease about how lack of resources, poverty and deprivation are making it harder for families and the system to cope. Many contributors to the Review also expressed a strong sense of concern that a culture of blame, shame and fear has permeated the system, affecting those working in it as well as the children and families reliant upon it. It was suggested that this had led to an environment that is increasingly mistrusting and risk averse and prompts individuals to seek refuge in procedural responses.
- 4.** The Review found that there are many overlapping factors contributing to the rise in care proceedings and number of children in care. This complex picture means that there is no single solution. The Review did, however, find plenty of common agreement about the way forward. There was consensus that relationship building has been and is at the heart of good practice. The challenge for all of us is how to create the conditions within children’s social care and family justice that allow good relationships to flourish everywhere, within and between agencies, within families, and between families and practitioners. In tandem, the Review concluded that there is currently a significant untapped resource that exists for some children in and on the edge of care, namely, their wider family and community. Greater focus on exploring and supporting this resource could safely avert more children needing to come into care or could help them thrive in the care system. The Review proposes options for change that are primarily focused on addressing these challenges.
- 5.** The Review found plenty of grounds for optimism. The Children Act 1989 has stood the test of time, as has its underpinning principle of partnership with families to promote their children’s well-being. Some local authorities are bucking the national trend of rising numbers. There are exciting developments, such as the Nuffield Family

¹ 15th View from the President’s Chamber https://www.familylaw.co.uk/news_and_comment/15th-view-from-the-president-s-chambers-care-cases-the-looming-crisis#.WxewD0gvzIU

Justice Observatory and the Ministry of Justice data set PLATO that will contribute to more informed decision making and practice at local and national level. Children and families talked and wrote about individual practitioners who had transformed their situation, and some professionals described innovations, approaches and leaders who enable them to practice in a way that is respectful, humane and rewarding. There is a significant desire amongst professionals across England and Wales to learn from what is working, and to ‘work with’ rather than ‘do to’ families. Many young people and families described their strong desire to want to work with professionals to improve the system; they saw it as a joint endeavour, with them putting their unique perspectives and experiences to good use, helping dispel fear and anxiety.

- 6.** The Review sets out 20 options for change. These include immediate steps that could be taken to move away from an undue focus on processes and performance indicators, to one where practitioners are able to stay focused on securing the right outcomes for each child. Other options for change emphasise the importance of shared visions and ethos across agencies, with leaders giving a consistent message, including modelling the way they want others to act. They promote approaches, including family group conferences, in which families are supported to understand professionals’ concerns and to draw upon their own strengths and networks to make safe plans for their child, safely averting the need for some to enter the care system. The options for change highlight the ways in which statutory guidance, such as Working Together to Safeguard Children, can be changed in order to promote relationship-based practice. The Review sets out, too, opportunities for revitalising Family Justice Boards, and in Wales the Family Justice Network and other mechanisms, so that all can become places where challenges are discussed and solutions developed.
- 7.** Other options for change include proposals for the Department for Work and Pensions and the Department for Education, in consultation with the devolved administrations, to examine the impact of benefit rules and policies, and the projected effect of planned benefit reforms, on the numbers of children entering or remaining in care. Similarly, it calls on the Ministry of Justice to undertake an impact assessment of the present lack of accessible, early, free, independent advice and information for parents and wider family members on the number of children subject to care proceedings or entering or remaining in the care system, and the net cost to the public purse. The Review proposes that the National Family Justice Board revises the approach to measuring timescales, including the 26-week one for care proceedings. The Review makes proposals in relation to pre-proceedings activity and guidance in the use of children coming into care through voluntary arrangements. It encourages Ofsted and Social Care Wales in their inspections and research to take into account the duties on local authorities to support families and to promote children’s upbringing within their family. It calls on safeguarding partners and Health and Well-being Boards in England, and partner agencies in Wales, to work with the third sector, to ensure that dedicated support is provided to parents whose children have been removed as a result of care proceedings.
- 8.** The Review supports the call from the Association of Directors of Children’s Services (ADCS) and the Local Government Association (LGA) for Government to make up the £2 billion shortfall in children’s social care, and a similar plea for resources made to the Welsh Government from the Welsh LGA and the All Wales Heads of Children’s Services. Money and resources for families and services matter. The Review also highlights the need for an additional ring-fenced fund available to all English local authorities, to act as a catalyst for them and their partner agencies to achieve the local changes needed to address the crisis.
- 9.** The Review has achieved its aim of developing a greater understanding across the sector about the factors contributing to the crisis and of involving a wide range of those involved in the system in identifying and developing options for change. The next stage is much more important. For all of us to own the problem, reflect on messages from the Review, and consider the commitments we can make to safely tackle the crisis and improve the experiences of children, families and practitioners.

Foreword from the Nuffield Foundation

Sir James Munby's call to action on the 'seemingly relentless rise in the number of new care cases' quite rightly made the headlines in September 2016, and his was far from being a lone voice. At the same time, many others in the family justice and children's social care systems were articulating their concern. In local authorities and statutory agencies, in central and devolved government, and in charities and voluntary organisations, there has been a growing consensus of both the scale of the 'care crisis' and the urgency of the need to address it.

The Care Crisis Review is an attempt to capitalise on that consensus by convening those involved in the provision of children's services in order to undertake a coordinated response. The task of the review has been to examine the reasons for the rise in care proceedings and to identify specific changes to local authority and family justice policy and practice that can help safely stem the increase. And safely is surely the key word here; at all times the review has been careful to retain a focus on protecting vulnerable children.

It was beyond the scope and timescale of the review to provide a definitive set of answers to the complex and diverse challenges at play, but bringing people together from across the sector in this way has been invaluable. The review team, expertly Chaired by Nigel Richardson and facilitated by the Family Rights Group, has consulted widely with stakeholders from across England and Wales to understand more about the increase in cases, including how it differs from region to region and the localised responses deployed to address it. The proposals outlined in the report are a result of this collaborative process and offer some initial changes that could be made to improve outcomes for children and their families.

The review is not a full stop, but an important and vital step in the right direction, and the Nuffield Foundation is pleased to have funded it. We are also pleased to see the Nuffield Family Justice Observatory referenced. With its focus on supporting the best possible decisions for children by improving the use of data and research evidence in the family justice system, we hope it will be part of the longer-term solution to some of the challenges articulated in this report. The Observatory is currently in its development phase, and will be fully operational in the first half of 2019.



Tim Gardam
Chief Executive
Nuffield Foundation

Acknowledgements from Family Rights Group

The Care Crisis Review (CCR) was facilitated by Family Rights Group (FRG) and was guided throughout by the Review's Stakeholder Advisory Group.

This report has been written by Mary Ryan and Jo Tunnard, on behalf of the FRG review team. I would like to thank Jo and Mary for their professionalism and the good humour that they have shown throughout this very challenging task. I would also like to thank Caroline Thomas for the meticulous work she did to collect, analyse and write the academic review of evidence about the contributory factors to the care crisis, which underpins this report. I am grateful to the Academic Advisory Group who have supported this work. I would also like to express my thanks to colleagues at FRG, who have organised numerous events, contributed to and project managed the Review, and who survived the seemingly impossible task that had been set, with their customary fortitude and brilliance.

More than 2,000 individuals and organisations in England and Wales contributed to the Review. They include leaders and practitioners from the children's social care and family justice system, and young people and family members with experience of the system. The report reflects the contributions we received and heard and we are extremely grateful for the generosity of time, experiences and ideas shared by all the contributors.

The Stakeholder Advisory Group discussed the issues surrounding the Review with great care and the wisdom of their collective experience. They have encouraged, steered and supported, acting as critical friends throughout the Review process. We are indebted to them for their work.

Nigel Richardson chaired the Review. His engaging, inclusive manner provided a leadership that modelled the Review's intention to ensure that all voices would be heard, and that we would collaborate to produce, to timescale, coherent options for change.

Special thanks go to The Nuffield Foundation for funding the Review and the scoping exercise that preceded it. And of course to Sir James Munby, President of the Family Division of the High Court for England and Wales, for inspiring the Review and supporting it throughout.

We are also grateful to:

- The Association of Directors of Children's Services for facilitating discussions with directors of children's services
- Civil servants at the Department for Education, Ministry of Justice and Cabinet Office for enabling information sharing and for their support
- Civil servants at the Welsh Government for facilitating, supporting and guiding this work in Wales, and
- Foster Focus for work to obtain the views of care-experienced young people.



Cathy Ashley
Chief Executive
Family Rights Group

Section 1

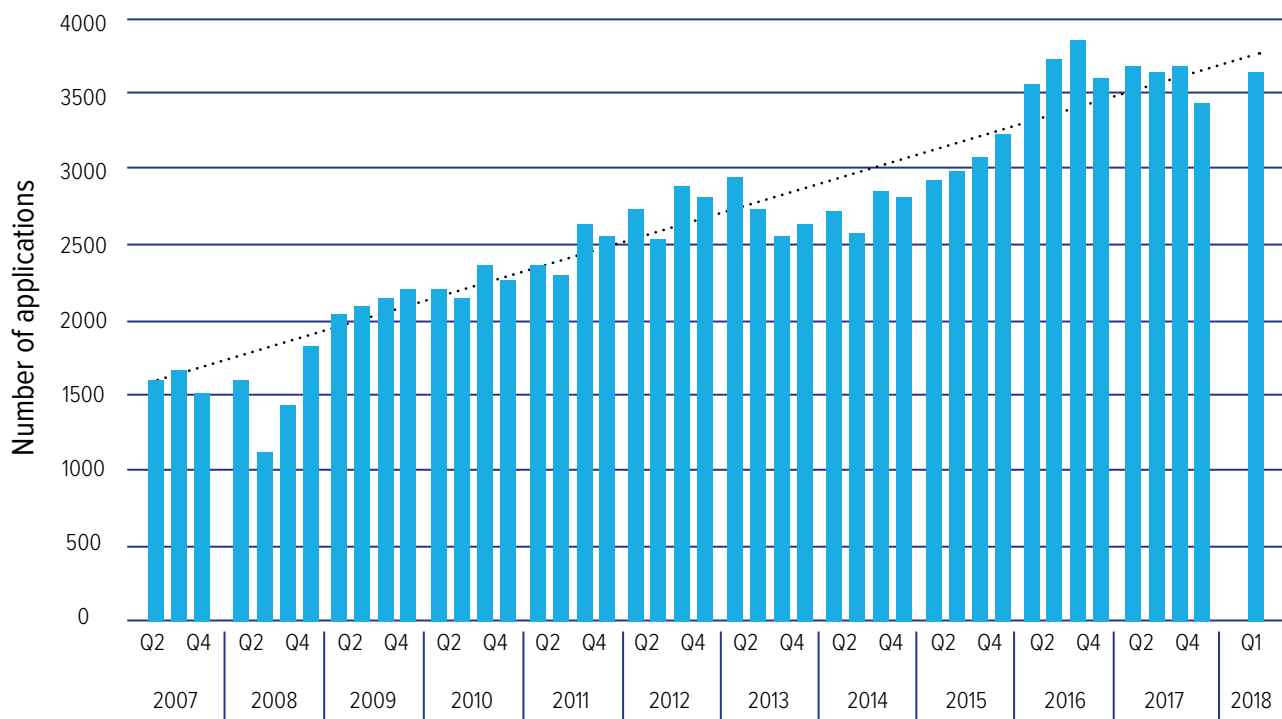
The Care Crisis Review

The nature of the crisis

- 1.1** In September 2016 Sir James Munby, President of the Family Division for England and Wales, spoke of “the seemingly relentless rise in the number of new care cases”. He added: “We are facing a crisis and, truth be told, we have no very clear strategy for meeting the crisis. What is to be done?”²
- 1.2** A year on from this statement, the number of care order applications in England and Wales reached record levels, and the number of children in the care system was the highest since the implementation of the Children Act 1989. The graphs that follow show the gradual upward trend over the years. Behind these statistics is growing concern about the capacity available to the system to match the additional demands.

Public care applications in England

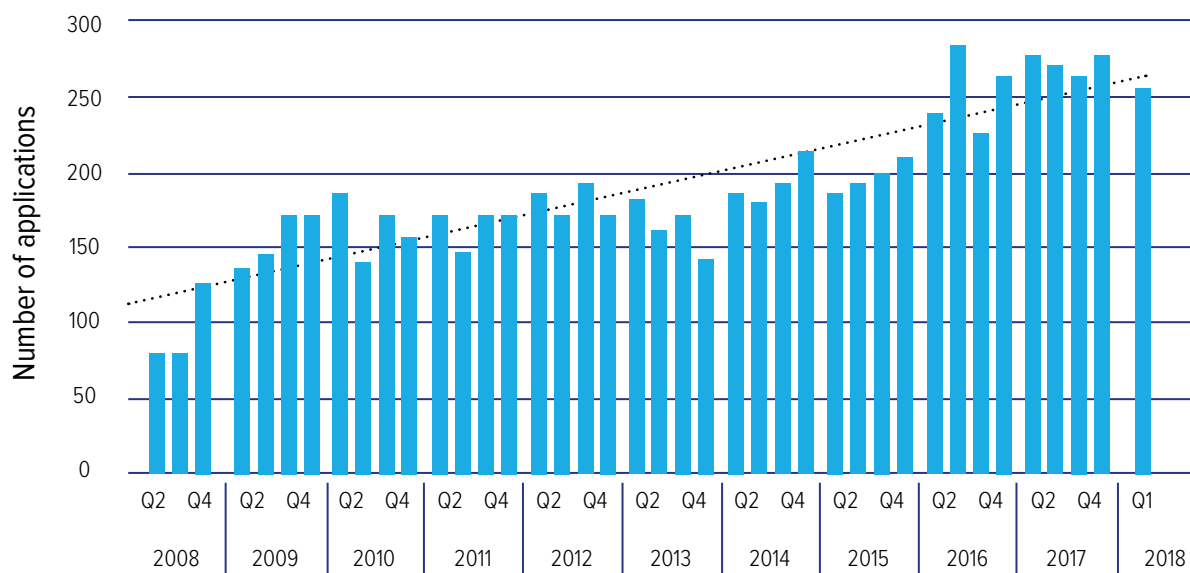
(source: Cafcass)



² 15th View from the President's Chamber https://www.familylaw.co.uk/news_and_comment/15th-view-from-the-president-s-chambers-care-cases-the-looming-crisis#.WxewD0gvzIU

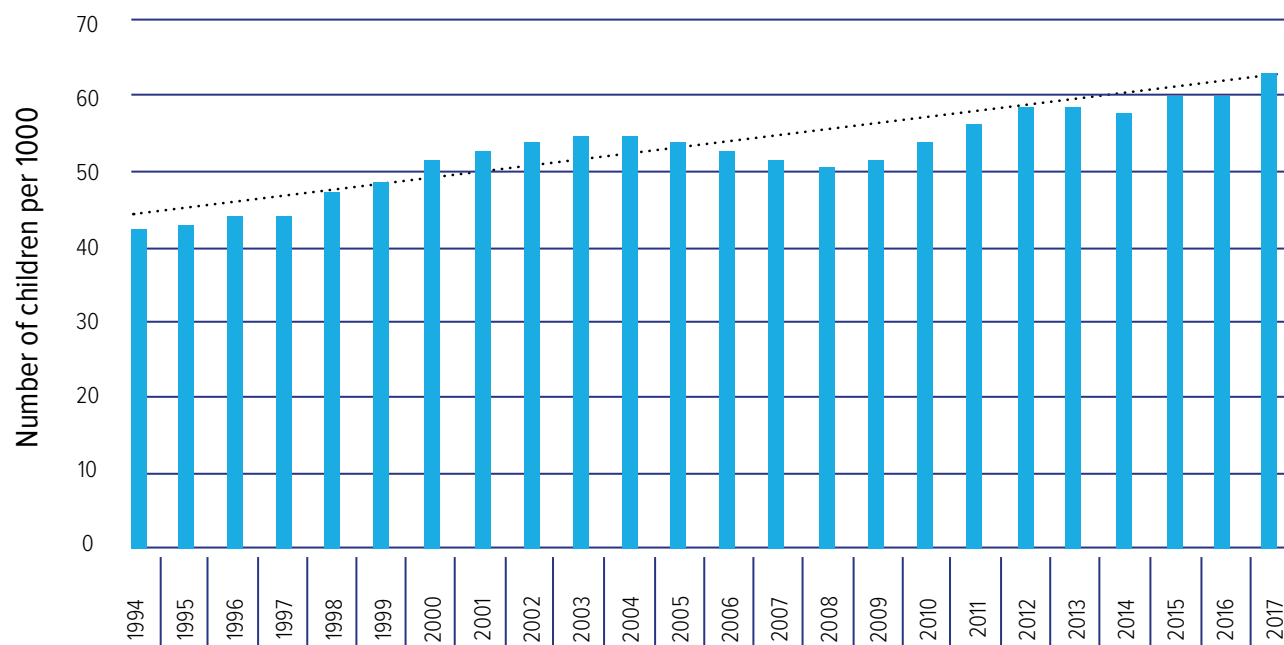
Public care applications in Wales

(source: Cafcass)



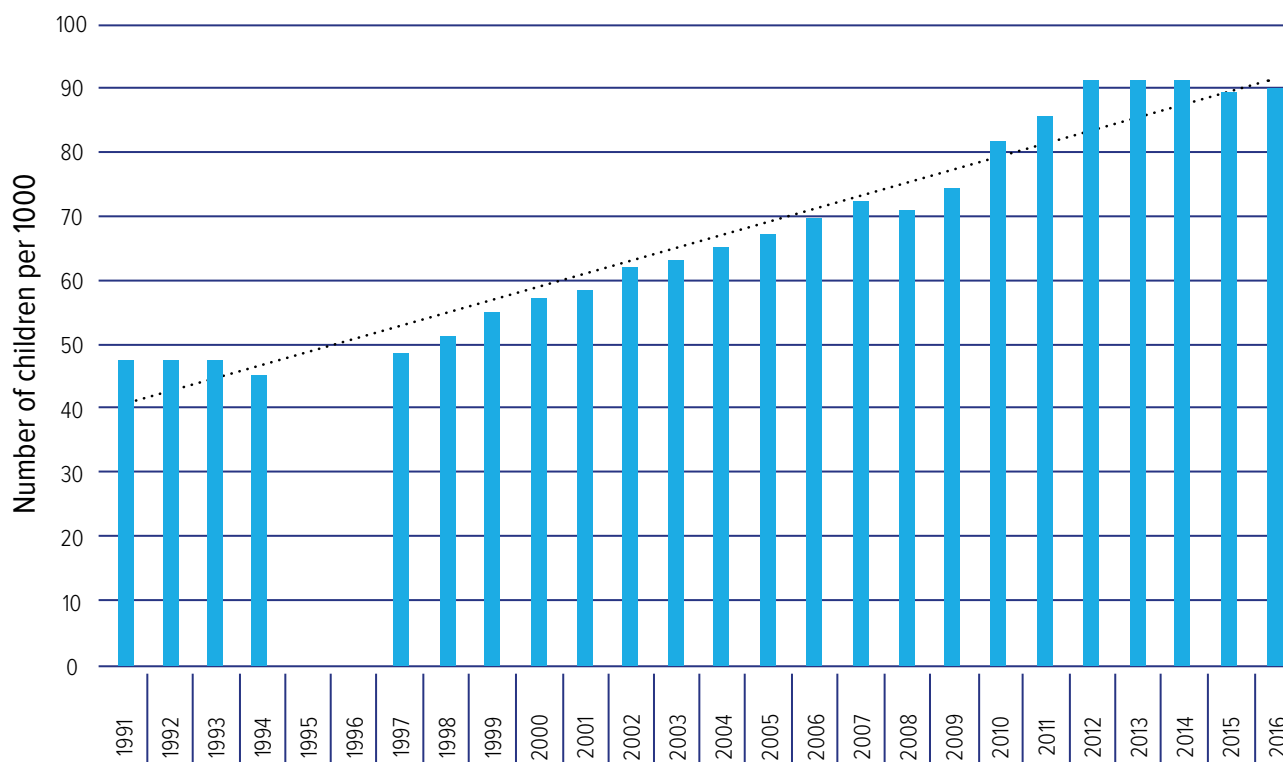
Number of looked after children per 10,000 children in England

(source: DfE, SFR 50/2017, Table H1; ONS)



Number of looked after children per 10,000 children in Wales

(source: StatsWales: Children looked after at 31 March per 10,000 population; ONS)



1.3 Sir James and others in the family justice sector were not alone in voicing concern about the system being under stress. For example, leaders in the children’s social care sector had been making similarly robust comments, speaking for local authorities and the communities they serve. The Local Government Association (LGA) argued that “our children should get the best – not just get by” and called for action to plug the £2 billion funding gap estimated for 2020.³ The Welsh LGA and colleague agencies expressed similar concern.⁴ The Association of Directors of Children’s Services (ADCS) agreed with the LGA, stressed that local government has borne the brunt of public sector cuts (some 40% since 2010) and is pressing the government for a sustainable funding solution for preventative work with families and a strategy for reducing child poverty.⁵ Its President commented: “A review that considers changes that could be made nationally and locally to safely reduce the number of children coming into care is long overdue”.⁶

1.4 The messages were echoed by other bodies. The National Audit Office highlighted the rising demand for help or protection for children and showed that children living in deprived areas are 11 times more likely to have a child protection plan than those living in the most affluent areas (of England).⁷ The All Party Parliamentary Group for Children (APPGC) set out their proposals for children’s social care, based on the wealth of evidence they had received about the strains on the system and the very real challenges facing families and professionals.⁸

³ Local Government Association (2017) Bright Futures – getting the best for children, young people and families. London: Local Government Association

⁴ AWHOCS, WLGA, NAS(2017) Submission to the Public Accounts Committee Inquiry on services for care experienced children and young people <http://senedd.assembly.wales/mg/IssueHistoryHome.aspx?IId=16183>

⁵ Association of Directors of Children’s Services (2017) A Country That Works For All Children, Position Paper

⁶ CCR summary document, Nov 2017. Words of Alison Michalska, President of ADCS throughout most of the Review period, until her term of office ended in April 2018.

⁷ National Audit Office (NAO) (2016) Children in Need of Help or Protection. Department for Education

The chair of Cafcass called for a pooling of “our skills, knowledge and influence” in a search for a blueprint to help stem the rising demand on the system.⁹

- 1.5** Third sector organisations have also been vocal. They have spoken alongside and on behalf of those most affected by the children’s social care and family justice system: children and young people, their parents and other relatives, and family and friends caring for children who cannot stay at home. They have emphasised the growing number of families facing the stresses of poverty, and the reduction in help available at an early stage of family difficulties to support children and those caring for them and to prevent problems escalating.¹⁰
- 1.6** These strong and continuing messages from across the children’s social care and family justice system have for some time been coalescing into a common call for urgent action. In combination, they helped serve as a catalyst for the Care Crisis Review.

The nature of the Review

- 1.7** The Review was funded by a grant from the Nuffield Foundation. The grant was preceded by a scoping exercise, facilitated by Family Rights Group and involving meetings and discussion with key stakeholders across the child welfare and family justice sector. There was consensus about the need for a Review and it was agreed that it should be sector led. It was also agreed that the aim of the Review was to identify changes that have the potential to safely stem the crisis of increasing numbers of care proceedings and children in care. The focus would be on averting the need for proceedings, but with consideration also of effective interventions and good practice during proceedings and in the post-proceedings period.
- 1.8** Given that the scoping exercise had identified widespread agreement that the current environment tends to obstruct partnership working between local authorities and families, it was agreed that the Review would aim to explore promising approaches that enable families to be better supported and used as a resource to promote their children’s safety and well-being. It was acknowledged that the Review would also need to address the national financial, legal and policy context within which the children’s social care and family justice system operates.
- 1.9** The Review is described as ‘sector led’ because it was intended and has operated as a way of bringing together interest from across the sector in England and Wales: the judiciary and local government; Cafcass and Cafcass Cymru; third sector organisations and alliances; the Offices of the Children’s Commissioners; Ofsted; lawyers and social care practitioners; and young people and adults with experience of the system. The role of all these people has been the same, to contribute their knowledge and expertise about the system and about changes that might make a difference. The advantage of this approach is that it is both inclusive and collaborative. It helps give the clearest picture of how the stress on the system is experienced and understood by those who are part of it, and it enables discussion about the different perspectives and how they impact on behaviour. Crucially, it allows for possible solutions to be explored and tested, and it gives everyone involved a greater chance of owning and implementing the findings.
- 1.10** In its search for practical and concrete ideas for change, the Review has drawn on both the tried-and-tested and the promising newer approaches and intervention models in place across local authority areas. It has explored what works well in reducing the need for unnecessary care or court involvement, distilling the essential elements and the conditions necessary for successful implementation.

⁸ All Party Parliamentary Group for Children (2017) No Good Options: Report of the Inquiry into Children’s Social Care in England, National Children’s Bureau.

⁹ Tackling the care crisis: Baroness Tyler speaks at Nuffield Foundation Seminar, Feb 2017, Cafcass website. Baroness Tyler was chair of Cafcass until her term of office ended in April 2018.

¹⁰ Action for Children, NCB, Children’s Society (2017) Turning the Tide

How the Review was conducted

- 1.11** The Review was chaired by Nigel Richardson and facilitated by Family Rights Group, whose team was expanded to include consultants to carry out an academic review of evidence and to draft the report of the findings about options for change. Consistent with the aims of the Review, a work programme was designed to capture the views of the broad range of people involved in the system. The Stakeholder Advisory Group that assisted with the pre-Review scoping stage remained in place, to steer the Review's activities. Throughout the Review period, the Group acted as critical friends, commenting on emerging findings and taking part in detailed discussions about potential options for change. Group members (see Appendix) included senior representatives from relevant social care and family justice agencies in England and Wales, academics, family members, and social work and legal practitioners.
- 1.12** The work programme was, in effect, an inclusive listening exercise involving over 2,000 people across England and Wales, alongside a rapid academic review of evidence about the factors contributing to the crisis and a separate examination of evidence about options for change.
- 1.13** Roundtable discussions took place in each country, to discuss the factors contributing to the rise in numbers, and were followed by conferences with speakers and small-group discussion that looked at options for change. There were also a range of online surveys and focus groups, an open invitation for written submissions, filmed interviews, and meetings with organisations and individuals. Notes were taken at all meetings and these, along with submissions received and findings emerging from the academic review, informed the planning of subsequent events. This was intended to help ensure that what was being heard was incorporated into the developing picture about pressures on the system and possible responses.
- 1.14** Bespoke surveys were developed by the FRG team and the responses analysed and summarised by academics from Sheffield University. The focus group material was analysed by academics and FRG policy and development officers.
- 1.15** Two reports are the main results of this work. One is an academic review of evidence about the nature of the crisis and the factors contributing to it, which includes feedback on emerging findings collected through the listening exercise. The other (this report) focuses on ways of tackling the contributory factors that were identified. It is informed by suggestions and examples of good practice that emerged from the listening exercise and from research messages about effective approaches. Also available (for links, see Contents page) are summary analyses from the surveys and focus groups.
- 1.16** The Stakeholder Advisory Group steered the development of this report and suggested and helped draft many of the 'options for change' that are included. There are multiple perspectives and voices within the Group and, although not all the options for change have similar degrees of support, there was broad consensus about the direction of travel and the themes that emerged.
- 1.17** This was an ambitious programme for a Review engaged with a fast-moving system and run by a small team working on it part time and to a tight timescale (November 2017 to May 2018). Nevertheless, the high level of interest and response generated by the Review indicates the widespread concern about the pressures on the system and the collective desire to search for solutions.
- 1.18** The chart opposite sets out the different strands of activity undertaken and the number of participants involved in each (excluding those servicing the Review, and the focus group facilitators, event organisers and note-takers).

REVIEW ACTIVITIES	PARTICIPANTS
Meetings with the sector With invited local authority senior managers and practitioners; judges and lawyers; academics; third sector organisations; parents, carers and care-experienced young people; and representatives of government departments and other agencies	
1. One-day roundtable discussions in Cardiff and London - about the causes of the crisis	61
2. One-day conferences in Sheffield and Cardiff - about options for change	115
3. Half-day roundtable discussion with barristers, local authority solicitors and those acting for children, parents, other family members	13
4. Half-day discussion with FRG's Parents and Family and Friends Care Panels	12
On-line surveys	
1. Of practitioners and decision makers – including social workers, children's guardians, managers, lawyers, judges	996
2. Of family members with knowledge of the system	871
3. Of adults who spent some or all of their childhood in care	84
4. Of practitioners in the Principal Social Worker (PSW) Network	76
Focus groups	
1. With children and young people in the care system	80
Other activities	
1. Written submissions (emails and longer documents, some with articles and reports attached) from organisations and individuals – including academics, legal and social work practitioners, third sector organisations, family members, and other people	53
2. Filmed interviews with young people in care	8
3. Discussion and other input from the Stakeholder Advisory Group	27
4. Meetings with organisations and individuals not on the Advisory Group (for their perspectives, and for the Review to be updated about current initiatives) - including the ADCS Families, Communities and Young People Policy Committee and its Health, Care and Additional Needs Policy Committee, the All Party Parliamentary Group for Children, and officials from the Ministry of Justice, the DfE and the Welsh Government	22

The value for children and families of care episodes and court proceedings

- 1.19** Discussion about change can sometimes run the risk of implying that everything is wrong with what is happening at present. This is not the starting point for this Review's focus on care episodes and court action. The use of care and the family courts are right for many children: some need the authority of the court to protect them from serious harm, and others benefit from time in care to help achieve a secure future. Similarly, parents and other family members point to the help they receive for themselves as well as their young relatives from those working in the children's social care and family justice system. These sentiments were acknowledged throughout the work of the Review.
- 1.20** Nor are numbers everything, despite the Review's attention to figures rising and falling. The Review agrees with the conclusion of the 2007 report *Beyond Care Matters*, that a crude numerical target of an 'optimal' size for the care population would serve little purpose.¹¹

A report for England and Wales

- 1.21** The Review covers England and Wales. Both countries are dealing with mounting pressures on the system, and the opportunity to share views about practice and to compare similarities and differences in law and policy has stimulated a rich cross-fertilisation of ideas and learning.
- 1.22** What is similar is that each country has seen a rising trend in both the number of care proceedings and the number of children in care (see graphs on pages 8 and 9). In addition, some policy and law relevant to the Care Crisis Review has remained the responsibility of the UK Government following Welsh devolution – notably issues relating to courts, the judiciary, legal aid, policing, and fiscal and economic policy.
- 1.23** There are some important differences in relation to the legal framework for children and families, because the Welsh Assembly has power to develop legislation in relation to, among other things, social welfare, health and health services. The Social Services and Well-being (Wales) Act 2014 came into force in 2016. It applies to adults and children and includes – albeit in slightly different ways from the Children Act 1989 – provisions for family support, accommodation for children, and duties owed to looked after children and care leavers. There are also separate sections of the Children Act 2004 that apply to Wales and are slightly different to the similar sections of the Act that apply to England.¹² Although the private law part of the Children Act 1989, and the sections that deal with care proceedings, continue to apply to Wales, guidance for Wales in relation to most of the issues relevant for this report is contained in the Codes of Practice and statutory guidance issued with the Social Services and Well-being (Wales) Act 2014.
- 1.24** Another piece of legislation particular to Wales and relevant for the Review is the 2015 Well-being of Future Generations Act. It introduced seven well-being goals, and it requires public bodies to consider the longer-term impact of their decisions and to work with one another and with people and communities in order to address problems, including poverty and health inequalities, and prevent them from worsening.
- 1.25** The National Family Justice Board oversees the family justice system in both countries but, in Wales, the term 'Family Justice Network' is used to describe what is referred to in England as 'Local Family Justice Boards'.

¹¹ Narey, M. (2007) *Beyond Care Matters: Future of the care population*. London: Department for Education

¹² Part 3 Children Act 2004, sections 25-34

Section 2

Summary information about the crisis and key contributory factors

- 2.1** An early strand of Review activity was to collate the research evidence about the factors contributing to the rise in care proceedings and the number of children in care. The objective was to establish what is and is not known about the factors, to ascertain what can and cannot be concluded with confidence, and to provide greater clarity about where knowledge needs to be strengthened, including through further focused empirical analyses. The work was supported by an Advisory Group of child welfare and family law academics and has informed discussion at the Review's Stakeholder Advisory Group meetings and all consultation meetings. It has, in turn, been informed by those discussions and by information from the other Review activities.
- 2.2** The following paragraphs provide summary information from the academic report, under the headings used as the evidence was being collated. It focuses on 'what is known' about the crisis and its contributory factors including, as stated above, the views of Review participants. Findings about 'what is not known' are listed in the final section of this report, as matters for further research (see page 49).

2.3 Overlapping factors, and variations

- Many overlapping factors, which are complex and difficult to disentangle, are contributing to the increasing number of children entering care and care proceedings. There is little evidence to evaluate the relative impact of these individual factors and their effect over time, or the impact of different combinations of factors.
- Beneath the national average statistics lie marked regional and local variations in rates of care order applications and children in care.
- Local authorities that are 'statistical neighbours', sharing similar economic and demographic pressures, can have marked differences in their rates of children coming into care.
- The reasons for these variations are not fully understood but they suggest that how the various factors intersect at a local level has a significant impact on demand for care.

2.4 Socio-economic factors

- Differences in the likelihood of some children becoming looked after are strongly linked to areas' levels of deprivation.
- Poverty is associated with children coming into care. Levels of child poverty (which had been falling) are rising again in both England and Wales and are strongly linked to welfare reforms.

- Austerity means that local authority spending is not keeping pace with the steadily rising demand for children's services. In England, cuts to early help and family support services (such as Sure Start) affect ability to intervene early. However, in Wales there has been a continued investment and expansion of early help and family support services (such as Families First and Flying Start).
- There is evidence that, over time, early intervention services, properly targeted and of sufficient intensity, can reduce the risk of escalation to more serious problems.

2.5 Legal and policy frameworks

- In England the principles, rights and duties that have underpinned the child welfare legislation for almost 30 years largely remain uncontested within the sector.
- In Wales these principles are reflected in the Social Services and Well-being (Wales) Act 2014.
- In England the key statutory guidance, Working Together to Safeguard Children,¹³ makes no explicit reference to the statutory duties in section 17 of the 1989 Act to promote the upbringing of children by their families by providing a range of local services. Early help and services for children in need are framed as though they are a precursor to child protection and intervention.
- The types of legal orders being made at the end of care proceedings are changing, including a steady increase in Special Guardianship Orders (SGOs), a decrease in the use of Placement Orders and growing use of Supervision Orders attached to SGOs.
- There are marked regional variations in the use of orders. Court circuits that recorded a high percentage use of care orders tended to make less use of supervision orders and vice versa.
- There are variations in the rates of care applications between local authorities in England and Wales.
- These variations are reflected across the designated family justice areas.
- Formal pre-proceedings processes have helped to divert some cases from legal proceedings.

2.6 Professional practice

Children, young people and families in some local authorities say they:

- Are not getting the early offers of help they want to stop problems escalating.
- Have different perspectives from the professionals about what the concerns are and what needs to change in their family.
- Value partnership working but feel 'done to' rather than 'worked with'.
- Have wider families that remain an 'untapped resource'.
- Are seen as 'difficult' and 'hard to help', particularly if they express frustration, resentment and anger that their voices are unheard and strengths overlooked.
- At times, experience social work interventions as unpleasant and unhelpful.

Practitioners in some local authorities say they are:

- Not supported to apply the principles, rights and duties underpinning the Children Act 1989 – working in partnership with families.
- Frustrated they have little time to establish relationships with children, young people and families because of high caseloads.

¹³ HM Government (2018) Working Together to Safeguard Children. A guide to inter-agency working to safeguard and promote the welfare of children. Draft for consultation. London.

- Overwhelmed by the wider issues facing families. (Researchers have observed that they focus on individual harms detached from their wider socio-economic causes.)
- Working in a system that is focused on risk and are 'risk averse', partly in response to media coverage into tragic child deaths.
- Concerned that a negative Ofsted judgement can have the effect of destabilising some authorities, resulting in a high turnover of staff at every level of the organisation.

From analysis of national statistics:

- Child welfare services are increasingly geared towards protective interventions (such as section 47 inquiries, case conferences and child protection plans) and services. Work to support families to overcome social, emotional, economic and physical adversity is being marginalised by risk assessment and monitoring.

2.7 The nature of children and family circumstances

- The profile of children in care cases has remained fairly constant over the last decade in relation to the numbers of children involved in each case, the gender of children in proceedings, and the proportion of children returning to court. The exception is the age profile, with children generally getting older.
- The rise in the proportion of children aged 10 and over in care proceedings is believed to be linked to a number of factors: section 20/76 (voluntary care) cases coming before the court, children who are vulnerable or at risk from child sexual exploitation or other issues such as gang violence and 'radicalisation'.
- Within the child protection and care system there is an over representation of children from some Black and Minority Ethnic communities and an under representation of children from other communities. There is a gap in research knowledge about the experiences of children and families from different ethnicities and cultures.
- National administrative data sets do not include information about the circumstances of families of children in care or subject to care proceedings. There is, therefore, a lack of basic demographic information about mothers and fathers.
- Practice does not always take account of the importance of fathers and fatherhood and this is reflected in the lack of data about fathers.
- Domestic abuse has become a more common reason than it was historically for children's services to become involved in families' lives. Domestic abuse services are under threat from funding cuts. There are concerns that responses to domestic abuse in the context of child protection places too great a responsibility on women to protect their children.
- There is evidence of the harm caused to children by neglect but a lack of evidence about whether professionals' knowledge and understanding has improved.
- Parents with learning disabilities are over represented among those whose children are removed into care.
- Approximately one in four women who have been involved in care proceedings are at risk of re-appearing in care proceedings within seven years. These figures have been fairly stable over the last decade.

2.8 Tensions in the system

- Many contributors expressed a strong sense of unease about a culture of blame, shame and fear affecting those working within the child welfare and family justice system, as well as children and families who are reliant upon it, often fuelled by media reports or interventions by politicians. Contributions to the Review highlighted that this was resulting in a growing sense of mistrust between those working at all levels, and between families and professionals.

This report, and work running alongside the Review

- 2.9** Throughout its work, the Review has had in mind the child and family’s journey through the system – before formal state intervention, during the time that care proceedings are being heard in court, and after care proceedings have ended. The stages of the journey are reflected in the report contents. Section 3 is about findings and options for change before proceedings, Section 4 relates to the time during proceedings, and Section 5 to what happens after proceedings have ended. Section 6, about the system overall, highlights issues that require continuing or new attention at national level or that merit further exploration and research.
- 2.10** The Review has focused on responding to families’ needs in ways that – as well as being right in themselves – can also help stem the increasing use of local authority care and applications to the family court. Some changes might be achieved relatively quickly, others will take longer, and it was impossible to avoid the conclusion that some matters require action from central Government, in England or Wales, or both.
- 2.11** It is important here to state the obvious: the Review has not been operating in a vacuum. It has coincided with a huge amount of activity, across all parts of the system, including much that is pertinent to the themes explored by the Review. The following list includes some key recent developments brought to the attention of the Review.
- In England, the DfE has developed a ‘roadmap’ or action plan including, among other things, the establishment of the What Works Centre for Children’s Social Care, to foster evidence-informed practice, work with selected local authorities to develop it, and conduct research. The Centre will draw on the views and experiences of children, parents and wider family members in developing its work. Another DfE activity will be to use the Partners in Practice programme to support sector-led improvement in other local authorities. It is implementing plans for the training and continuing development of social workers, practice supervisors and practice leaders and, in addition, it will pilot and roll out the National Assessment and Accreditation System for social workers and practice supervisors.
 - In Wales, the Improving Outcomes for Children Ministerial Advisory Group is working on identifying preventive practice to help reduce the number of children taken into care, is continuing its work on professional practice and edge of care services, and is considering amendments to the guidance and Codes of Practice relevant to the Social Services and Well-being (Wales) Act 2014. In addition, the Welsh Government is embarking on a citizen-focused approach to reviewing the impact of the new legislation, seeking the views of children and adults affected by it.
 - The development work of the Nuffield Family Justice Observatory, in place as the Review was running, includes testing the support it can provide to local areas, including Local Family Justice Boards and the Welsh Family Justice Network. In the future the Observatory will play an important role in disseminating research and good practice and facilitating data sharing across the child welfare and family justice system.
 - The LGA and ADCS, with wide support across the sector, continue to work towards achieving the vision of support that they have set out for children and families, and the resources to realise this vision.
 - The Ministry of Justice and DfE, as co-owners of the public law system, have an ongoing joint programme of policy work to improve understanding of the regional variation in the system and the factors that are driving demand.
 - Cafcass is working with Local Family Justice Boards (LFJBs) to identify measures for showing evidence of sustained success.
 - Ofsted, as part of its wider research programme, is planning to explore the factors that contribute to good decisions about where children in care, or at risk of care, should live, and the unintended impact of court timescales on the stability of children’s placements and longer-term outcomes.
 - The All Party Parliamentary Group for Children is reviewing the impact of service cuts on the capacity of local authorities to respond to needs.

Section 3

Before care proceedings: review findings and options for change

This section considers the findings from the Review about approaches and steps that could avert children needing to be subject to care proceedings or entering the care system, and puts forward options for change.

Guiding principles and effective practice

- 3.1** Principles and practice about work with children and families starts with the laws that govern them. Law is fundamental to the practice of social work because it underpins all interaction with children and families. The legal framework in England and Wales sets out that the first aim of the state, delegated to local authorities, is to provide support to promote children's well-being, to promote their upbringing by their family, and to reduce the need to bring care proceedings. A key principle underpinning the legislation, and expressed through specific duties owed to children, parents and the wider family, is the importance of working in partnership with families. Legislation and guidance in both countries acknowledges the important role of other agencies besides local authorities in fulfilling these duties.
- 3.2** There is now considerable evidence about both the approaches and the interventions that are proving effective in responding to the wide range of problems and needs experienced by children and families, including those with complex and cumulative vulnerabilities. In England, much of this evidence has been brought together recently through the evaluations of projects funded through the DfE's Children's Social Care Innovation Programme (IP) and through the overview and thematic reports arising from those evaluations. This has added to the body of knowledge about practice that arises from the work of the Early Intervention Foundation (EIF), the research overviews commissioned over time by the Department of Health and the DfE, and the systematic reviews and individual service evaluations undertaken by the many other centres and independent charities with expertise in child and family law and practice. Many of these evaluations cover practice in Wales as well as England.
- 3.3** The IP evaluations have been particularly helpful in identifying and disseminating information about the conditions in children's social care that promote good practice, and about an organisation's culture and systems that help sustain it. Although this Programme applies to England only, the Review found that the messages about professional practice and organisational culture are also relevant for Wales. The list below is drawn from messages from thematic reports of the learning from the Innovation Programme about key practice features and improvement enablers.¹⁴ The messages are strikingly similar to some of the accumulating messages from research in recent decades, mentioned above, at para 3.2.

¹⁴ McNeish D et al (2017) Thematic Report 1 and Sebba J et al (2017) Thematic Report 4. DfE, Rees Centre, Oxford University

- A shared understanding within and across agencies of what good practice ‘looks like’, which is easier to achieve if work is underpinned by a similar approach or model because that fosters the development of a shared ethos and language.
- Skill, confidence and time to do effective direct work with families, including a willingness and ability to engage and work with people from diverse backgrounds, to embrace a family’s own definition of family, and to work with both parents or those in the caring role rather than solely with mothers.
- Building, strengthening and repairing relationships as the key to long-term stability and security for children. This is about nurturing relationships at different levels: between children and parents, between different adults in the family, between families and others in their community.
- A ‘whole family’ approach, addressing the needs of parents and other adults as well as children, because unresolved difficulties can and do have a negative impact on others in the household. This needs to include a focus on broader parent well-being, family functioning and family support, and a willingness to provide a bridge, as necessary, into more specialist services.
- Using multi-disciplinary teams, with social workers working closely with specialist adult workers, including those with skills and knowledge about substance misuse, mental health and domestic abuse.
- A culture of embedding effective leadership into the system, with leaders establishing the ethos underpinning the work to be done, generating strong multi-agency commitment, and connecting well with staff at all levels and with children and their families.
- Intelligent use of data to support better decision making.

3.4 The Review found, in responses and comments from families and practitioners across the sector, that the messages from research about what works for children and families are reflected in many other local authority areas and are seen as helpful by local leaders searching for safe alternatives to child protection plans and the use of care and care proceedings. They spoke of wanting approaches that “ started from people’s strengths ... were respectful and empathetic ... asked people what they wanted ... listened to concerns and saw the family as a whole ... were relationship based ... expected clarity and transparency from professionals and family members” and had “clear systems for holding each other to account”. The importance of trauma-informed approaches, and responses of sufficient intensity and length, was stressed. So, too, was the key role played by services for adults in the family, including the benefits of multi-disciplinary teams that are co-located, rather than virtual or dispersed and so hard to access.

3.5 Some of the helpful approaches or interventions mentioned, based on people’s experience of using or providing them, had been evaluated through the Innovation Programme and reported as promising or effective. These included systemic practice, Motivational Interviewing, Signs of Safety, Restorative Practice, and Family Group Conferences. Other effective approaches brought to the attention of the Review included multi-systemic therapy (MST), Video Interaction Guidance, and the Family Partnership Model.¹⁵

3.6 The Review heard evidence of local authorities using whole-system approaches and practice that were proving effective in reducing the number of children on child protection plans, or in care, or the subject of care proceedings. The case studies below highlight a range of approaches taken.

¹⁵ McNeish D et al (2017) Thematic Report 1. Children’s Social Care Innovation Programme; Kennedy et al (2017) How does Video Interaction Guidance contribute to infant and parental mental health and wellbeing? *Clinical Child Psychology and Psychiatry* 22(3), 500-517; Barlow J with Scott J (2010) Safeguarding in the 21st Century – where to now. RiP, Dartington; <http://www.mstuk.org/>

Hertfordshire Family Safeguarding ¹⁶

The Family Safeguarding approach that was developed in Hertfordshire aimed to change the approach to child protection from an adversarial one to one focused on the values enshrined in the Children Act 1989. They adopted a multi-disciplinary approach across the County's 21 child protection teams, with adult substance misuse, mental health and probation staff specialising in risk assessment and treatment of domestic abuse being co-located with children's social workers. The teams were all trained to a high level of skill in Motivational Interviewing to enable staff to engage successfully with parents so that they could get immediate support, in their own home, to tackle their behaviours that placed their children at risk of significant impairment to their health and development or significant harm. This represented a major change of culture for staff, parents and children and has been welcomed by all. Families noticed a real change in how workers behaved towards them and, in response, were able to change the way they behaved. Staff welcomed the opportunity to engage in relationship-based approaches to help parents to change, instead of monitoring parental compliance with plans that had not been developed in partnership with them.

The evaluation found that in the first year of operating in this way, the partnership reduced the number of children on protection plans, the use of care and care proceedings, repeat domestic call outs for the police, admission to A&E by adults, and improved school attendance. There was an estimated reduction in expenditure for children's services of £2.6m in the year.

Leeds Family Valued ¹⁷

Family Valued Leeds was a whole-systems change programme to spread restorative practice across children's social care and the wider workforce for children, families and communities. A key element was the expansion of the Family Group Conference (FGC) service to a scale not previously seen in the UK, giving more families the opportunity to address their difficulties through family decision making. A programme of training and development in restorative practice and behaviour extended across all agencies working with children and families. Family Valued gave Leeds the opportunity to explore restorative approaches in innovative new arenas, for example, developing the capacity to offer FGCs as an alternative to an Initial Child Protection Conference where it was safe and appropriate to do so, and employing appropriate safety strategies to use FGCs in families where domestic abuse is a significant concern. The evaluation of Family Valued found evidence of the effectiveness of FGCs in providing improved outcomes through improved coordination of support, a restorative approach, and effective perpetrator work while maintaining a focus on the needs of abused women and children to be kept safe. Family plans developed through FGCs are accepted by social workers as safe in 98% of cases in Leeds.

The IP evaluation found statistically-significant reductions in the number of children looked after and in the number of child protection and child in need plans over the life of the programme.

¹⁶ Forrester D et al (2017) Family Safeguarding Hertfordshire. DfE

¹⁷ Mason P et al (2017) Leeds Family Valued Evaluation Report. DfE

North East Lincolnshire: Creating Strong Communities ¹⁸

This model was designed to change fundamentally the way local practitioners and partners in North East Lincolnshire work together to safeguard vulnerable children. The aim was to support a culture change and system shift necessary to dramatically reduce the number of individuals and families requiring intensive support. The model combines Signs of Safety, Restorative Practice, Family Group Conferencing and Outcome Based Accountability which is now referred to as NE Lincolnshire's Framework for Practice. Within this design is a strong belief that the whole programme is greater than the sum of the component parts. Relational practice is at the heart of the model, promoting the firm belief that whoever you are in the system – leader, manager, practitioner, parent or child – all actions sit within the context of a relationship. Where things are working well, it is where the relationship context is being prioritised and respected. Outcome Based Accountability is key in that it provides the outcomes focus. The programme has seen impressive results in reducing the number of referrals, children in need and children on child protection plans, and in preventing children from becoming looked after.

“It is important to note that whilst we will always continue to learn, this model of practice will remain, regardless of what shifts in services or structures we may see in the months and years to come. We retain our collective commitment to having this coherent framework for practice, which when applied effectively is strength based, common sense, family and outcome focused.” ¹⁹

No Wrong Door – an example of good practice with adolescents ²⁰

No Wrong Door (NWD) was launched in April 2015. It is about improving the chances of some of the most vulnerable and complex young people in North Yorkshire. The model consists of hubs with co-located, multi-disciplinary teams that include a life coach (clinical psychologist), communication support worker (speech language therapist) and police liaison officer. Having a multi-agency approach and team under one roof is seen as key to the success of the programme. It enables young people to develop trust and build healthy relationships with professionals and it enables the teams to provide services that wrap around the young people 'on demand', when they need it the most. The underlying philosophy is “would this be good enough for my child?”

The specialist teams work alongside residential and edge of care workers and there are also portfolio leads for risk, activities, relationships, transitions, education and employment, and emotional health and well-being. This means that practitioners can work in an integrated way, allowing smoother transitions. The programme also operates a 'quick in, slow out' approach – if young people need to be taken into care this is done as quickly as possible, but time is then taken to manage their move out of care so that return to home is more likely to be successful.

The evaluation of NWD found that it helped keep young people out of care, reduced placement moves, reduced time in care and reduced re-entries to care. There were cost savings for children's social care, the police and health.

¹⁸ Rodger J et al (2017) Creating Strong Communities in North East Lincolnshire DfE

¹⁹ Steve Kaye, Director of Children's services <http://innovationcsc.co.uk/blog/creating-stronger-communities-steve-kay-north-east-lincolnshire/>

²⁰ Lushey C et al (2017) Evaluation of the No Wrong Door Innovation Programme. DfE

Implementing messages about good practice

“It appears that an understanding of the elements of success does not necessarily translate into the ability to implement them in practice.”²¹

3.7 This reflection, from a feasibility study about achieving and sustaining high quality in children’s social care, chimes with comments made in discussions throughout the Review, and with questions raised in written submissions. It is acknowledged that there are barriers to putting principles into practice. From this point in the report, the Review highlights what it learnt about trying to embed effective practice into local work. It includes insights about success in achieving this, as well as messages about why, for instance, some evidence-informed approaches appear not to be successful, either in engaging families or in achieving the anticipated changes in family functioning.

Having the right services in place

3.8 The Review was alerted to the wide variation in service provision across local authority areas, and in the culture and approach to supporting families and reducing the need for care proceedings. It heard evidence, too, from both research and practice, of the importance attached to agencies providing people with the ‘right’ services or interventions – the ‘right’ response to what children and the adults close to them need – offered at the ‘right’ time, delivered at the ‘right’ level of intensity and specialism, and continuing for the ‘right’ length of time. So, for example, where families have complex and chronic problems, referring parents to a low-level, time-limited parenting programme (albeit informed by evidence and robustly evaluated) will not achieve the outcomes expected, or not unless a range of other appropriate supports are also in place. Tailored packages of services and support, with a clear plan that sets out what each element is aiming to achieve and how, are more likely to be helpful.

3.9 The case was made for local areas to do all they can to continue to find ways of providing sufficient evidence-informed services, from low-level family support and early help through to more intensive, specialist, multi-disciplinary services for families with children at high risk of coming into care. At the high-risk end of need, local authorities and partners argued for the capacity to offer comprehensive support, that is flexible and responsive and that would help families address multiple complex needs at the same time, with practitioners co-ordinating the services involved, rather than expecting parents or young people to do that themselves. This would include support and interventions to address domestic abuse, working with perpetrators in addition to ensuring safety and therapeutic support for adult and child victims. This is the type of provision that can help avoid the need for care proceedings. At the same time, greater attention is needed at the other end of the spectrum. The Review was reminded of the call from ADCS for a reaffirming of the value of preventative work: “We need to move away from high-cost, reactive spend towards well-targeted, earlier intervention.”²²

3.10 Making better use of available data, and making decisions about the type of data that could be collected, has a part to play in developing the right sort of local services. This is about data held by local authorities and partner agencies, but also about that held by the MoJ, Cafcass, Cafcass Cymru, the DfE and other government departments and, in Wales, by the Welsh Government.

3.11 Leaders of children’s social care and partner agencies have an important role to play to support the development of a shared culture and value base that recognises the role families can play to meet the needs of children. These leaders also have a pivotal role in ensuring adequacy of suitable provision that can respond to the needs of children and families in their locality, including high-end social distress, entrenched patterns of violence, addiction, mental ill health and learning disability.

²¹ La Valle et al (2016) Improving children’s social care services: results of a feasibility study. London CAHMS press, p.1

²² Association of Directors of Children’s Services (2017) A Country That Works For All Children, Position Paper.

Option for change

Good systems and practice

That social care leaders and partner agencies regularly review their organisation's systems and practice against the messages from research about (a) effective interventions and relationship-based practice and (b) agency vision.

- 3.12** Mention has been made of the pressures on local authority and partner agency budgets that hamper their ability to provide an adequate range of services for the needs of children and families in their area. In relation to intensive services for families, the role of public health and clinical commissioning groups is crucial in ensuring effective responses to complex needs. While some local authorities have so far bucked the trend of the rising number of care proceedings, it was acknowledged in submissions to the Review that further cuts in funding might change that situation. Moreover, some local authorities have been able to implement change or develop new services that have helped stem care applications only because the extra funding they secured through the Innovation Programme gave them capacity to do so. There is a clear need for improved resources across agencies and this issue of resources will remain so, whatever practice approaches are used. The matter is addressed further in Section 6, on system change.

Partnership with families in a risk-averse climate

- 3.13** A recurring theme in contributions to Review meetings and in written submissions about policy and practice was about an increasingly risk-averse and blame culture that pervades public work. The Review was told that fear of being vilified publicly and judged to have failed to prevent a child's injury or death haunts many professionals. The culture affects decision making throughout the system, influencing the actions and behaviour of leaders of partner agencies, of the family justice system, and of local and national politicians. It undermines the partnership work between agencies, as well as between families and professionals, that is vital in promoting the short- and long-term well-being of children and young people. Contributors to the Review were open about the frustrations of acting in risk-averse ways in their work and were keen to be supported in working differently. There was broad support for the call from contributors for a society-wide conversation about what is wanted for children and families and a re-emphasis on the clear message from the Munro Review that taking risks is inherent in children's social care and child protection work.²³ For such a conversation, there may be merit in drawing on ideas from the Frameworks Institute, based on their work about perceptions of poverty, for the Joseph Rowntree Foundation,²⁴ and about the narrative on children in care, for the Robertson Trust in Scotland.
- 3.14** The culture and ethos of organisations influences the degree to which individual approaches to practice and evidence-informed interventions can achieve their intended impact. Agencies can provide effective interventions to help families understand and tackle their needs and problems better, but this will not necessarily make a difference if agency culture overall remains driven by process, is risk averse, and does not see families as being part of the solution.
- 3.15** This is where the role of leaders is essential. The messages from research, and specifically from the Innovation Programme overviews of evaluations, are clear about the importance of leaders being committed to culture change, believing in the benefits of harnessing the resources of families, and encouraging relationship-based approaches and restorative practice by practising it themselves and expecting it from partner agencies and their staff. Within this sort of framework individual practitioners feel safer and supported in managing risk, and achieving culture change is more likely.

²³ Munro, E. (2011) Munro review of child protection: final report – a child-centred system. London: Department for Education.

²⁴ <https://www.jrf.org.uk/report/talking-about-poverty-how-experts-and-public-understand-uk-poverty>

Relationship-based practice

- 3.16** Whatever the nature of the service, ‘right’ for families (as well as professionals) is about the manner in which help or support is offered. This was a strong message to the Review and it is considered in more detail in the paragraphs below. The message came from all quarters, in comments from practitioners, judges, family advocates and others about how they wanted to see families treated. It was the dominant feature of the evidence from care-experienced young adults, parents and other family members.
- 3.17** The Review evidence, and broader research, underline that relationships lie at the heart of successful developments in practice. For children and families their everyday encounters with practitioners are of enormous importance and, as the surveys and focus groups revealed, these encounters sow the seeds for either the possibilities of productive working partnerships or the start of adversarial relationships. Respectful encounters matter, and too often the Review heard about approaches that lacked “humanity ... kindness and warmth”.²⁵ Workers who showed respect and empathy, however difficult the reasons for their involvement, made an important difference to how children and families felt about themselves, their need for services, and their hope for good outcomes. This is what working in partnership with families is about.
- 3.18** Increasing attention is being paid to the parents or young people who used to be described as ‘not engaging’ with services, not least because this ‘lack of engagement’ features as a reason for escalating concerns up the system and into care proceedings. Contributors to the Review welcomed the greater recognition by practitioners and agencies of the need to focus more on what could be done better to gain the trust of parents or young people and to help them gain access to sources of support and help. A helpful shift in culture is at play here: regarding it in part as failure in the system, rather than the family, if services do not engage people. This shift has been fuelled by a growing understanding of trauma-informed approaches to responding to difficulties experienced by adults, as well as young people.
- 3.19** This goes to the heart of what the Review heard about relationship-based practice (an alternative way of describing partnership work with families). It is seen as important generally and particularly important when people are likely to have good reason for viewing services with suspicion or hostility. The focus on ‘working with’ rather than ‘doing to’ people was a strong message to the Review, and the building of relationships and trust inherent in that approach should not end when professionals define the matter as a child protection case. Partnership can be harder to achieve once child protection processes start, particularly if the situation does not improve and care proceedings become likely, but it is all the more important at this stage because of what is at stake for children and their parents. The Review heard of the importance of practitioner skill in providing ‘high support, high challenge’ to parents. This was described as conveying a genuine wish to help people succeed, being honest and transparent about what has to change and why, not setting people up to fail by imposing plans rather than trying to reach agreement with them, and not changing plans unilaterally.
- 3.20** The Review heard, too, about the importance of relationship-practice in paying attention – and responding – to the realities of the lives of children and families, including the impact of poverty and economic hardship. Practice needs to be ‘poverty aware’, in the sense of being empathetic to the pressures and actively avoiding the reinforcement of family shame and suffering. It requires routine adjustment to assessments made and expectations placed on families, as studies continue to show.²⁶ While broader systematic changes are needed to address the current inequalities in the likelihood of children entering care, small-scale practice developments can ease the stress felt by families using services. The Review was given examples of these: the routine use of advice and other services to help maximise family income, taking seriously the impact of housing issues and offering

²⁵ Morris K et al (forthcoming 2018) Stepping Up, Stepping Down. How families make sense of seeking help and working with welfare services. FRG and Your Family Your Voice.

²⁶ Featherstone, B., Morris, K., Daniel, B., Bywaters, P., Brady, G., Bunting, L., Mason, W. and Mirza, N. (2017) Poverty, inequality, child abuse and neglect: changing the conversation across the UK in child protection? Children and Youth Services Review

help as advocates, and recognising the limited material resources that family members may have available to help maintain contact, to care for children who cannot live with their parents, and to engage with the myriad of meetings and professional encounters expected of them.

- 3.21** Relationship-based practice with parents with learning disabilities, whom research indicates are more likely than other parents to have their children removed, needs to take account of the parent's disability. The Review heard of examples of good practice where protocols have been developed between children and adult services to improve joint working. There is statutory guidance, produced by the DfE and Department of Health on working with parents with a learning disability. This has recently been revised by organisations working with parents with learning disabilities.²⁷
- 3.22** There were strong and repeated comments to the Review about people and agencies losing sight of the principles underpinning the Children Act 1989 and related legislation that govern the role of the state and its responsibilities towards children and families. A frequent comment was that Working Together to Safeguard Children, the statutory guidance in England on the assessment of children and families, is silent about the key principles, including working in partnership with families, promoting children's welfare and the provision of support so that children can safely remain at home providing it is consistent with their welfare. Similarly, Welsh Codes of Practice – linked to the Social Services and Well-being (Wales) Act 2014 – make no explicit reference to working in partnership with families. They do, however, stress the principle of providing support so that children can be brought up within their family, where consistent with their welfare. They also reflect that co-production is one of the principles underpinning the legislation, but there is a need to ensure that the principle is embedded in the practice of all who work with children and families.
- 3.23** Given the importance of strong practitioner and family relationships in services that reduce the need for child protection plans or care proceedings, the Review can see the advantage of re-affirming the principles of promoting as well as safeguarding children's welfare and of practitioners working in partnership with families to achieve this. This would help support or develop an organisational culture that encourages both relationship-based practice and a focus on ensuring that families get the help they need so that more children can remain safely within their family. Such re-affirmation would be helpful in statutory guidance, in inspection frameworks, and in the training and continuing development of practitioners, supervisors and leaders in children's social care.

Options for change

Training and development

That the importance of, and the legal basis for, partnership and co-production with families, promoting as well as safeguarding children's welfare and a whole family approach, is given a central role in the training and development of social workers in England and Wales.

Statutory guidance

That in England Working Together, and in Wales the relevant Code of Practice and All Wales Child Protection Procedures, are reviewed and amended so that the principles underpinning the legislation, including partnership and co-production with families, are clearly expressed and the processes for managing individual cases reflect the messages from research on the effectiveness of relationship-based practice.

That a requirement is placed on the statutory safeguarding partners named in the Children and Social Work Act 2017 Act, to draw on children and families' knowledge and expertise to inform service design, policies and provision.

²⁷ Working Together with Parents Network (2016) The Working Together with Parents Network update of the DoH/DfES Good Practice Guidance on working with parents with a learning disability. Bristol: Working Together with Parents Network. Available: <https://www.bristol.ac.uk/media-library/sites/sps/documents/wtpn/2016%20WTPN%20UPDATE%20OF%20THE%20GPG%20-%20finalised%20with%20cover.pdf>. See also Cockerell E and Brown C (2017) Working Together to Support Parents with a Learning Disability. Report to the Brighton and Hove Health and Well-being Board, July. Accessible at [https://present.brighton-hove.gov.uk/Published/C00000826/M00006663/AI00058131/\\$20170703115342_011839_0046851_HWBLatestReportTemplate10042017.docxA.ps.pdf](https://present.brighton-hove.gov.uk/Published/C00000826/M00006663/AI00058131/$20170703115342_011839_0046851_HWBLatestReportTemplate10042017.docxA.ps.pdf)

3.24 The Review heard concerns about the possibility of inspections contributing to a risk-averse approach and more protective interventions. This is an issue for the leaders of inspected organisations as much as for inspectorates. In England, the framework for inspections has recently changed and this may well change perceptions of the process. A shift in culture to a focus on promoting children’s welfare through supporting their upbringing by their families will be helped by inspections that place greater importance on this approach.

Options for change

Inspections

That Ofsted and Social Care Wales take account of the messages from this report so that their work, including inspections and any planned research, takes account of the duties on local authorities to support families and to promote children’s upbringing within their family, including the organisational and practice ethos and approaches likely to achieve this.

Promoting and safeguarding welfare/well-being – the responsibility of all agencies

3.25 In England and Wales the legal framework makes it clear that although the duties to promote and safeguard the welfare of children and promote their upbringing by their families need to be co-ordinated by the local authority, other agencies will need to co-operate with the local authority so that children and families can receive the necessary support. There was a clear message to the Review that the help and support likely to reduce the need to bring care proceedings on children in families with complex needs cannot be provided by children’s social care alone. It is accepted wisdom that parents will need support with difficulties including domestic abuse, substance misuse, mental health problems and learning disability. Adolescents may need input from health (including sexual health), the police, youth services, and accessible services for emotional and mental health problems. Children and young people with less complex needs of their own, but at risk of coming into care because of family difficulties, will benefit from the support services delivered through the universal services of health (health visitors) and education (school nurses).

3.26 Referrals into children’s social care from partner agencies are rising, according to information given to the Review from evidence collected by the LGA, ADCS, APPGC, and by Action for Children, the NSPCC, The Children’s Society and other third sector organisations. And, while the number of children on child protection plans is also increasing in many areas, there is evidence of families being referred to services but turned away with no help offered.

3.27 For several years now, budget cuts have dented the ability of children’s social care partner agencies to respond quickly and flexibly to co-ordinated packages of support for children and adult family members. The risk-averse culture described above has also had an impact. While the legal framework in both England and Wales reflects the principle that supporting vulnerable children and families is a multi-agency task, there is concern in both countries that agencies other than children’s social care are not giving this high enough priority.

Differences between England and Wales

3.28 Wales has stronger duties than England about partner agencies working together to provide support. This is because of specific provisions in the Social Services and Well-being (Wales) Act 2014 and because of stronger wording in the Act about the Children Act 2004 sections that relate to Wales. The Welsh Government is planning to commission a formal, independent evaluation of the Act which will be an opportunity to consider the effectiveness of these provisions. There may be merit in amending the legal framework in England in time, to bring it in line with the more progressive provision in Wales.

3.29 In England, amendments to the Children Act 2004 in relation to safeguarding partners (now the local authority, clinical commissioning groups (CCGs), and the police) have strengthened the duty on CCGs and the police to work together to safeguard and promote the welfare of children. Expected revisions to Working Together and accompanying regulations could provide the opportunity for a refreshed vision about how partners can best support families. In Wales, the Ministerial Advisory Group, with representation from all sectors, is the vehicle for facilitating joint working arrangements, which is of relevance for the Group's work stream about reducing the need for children to come into care.

Options for change

Multi-agency collaboration

That in England, Working Together to Safeguard Children is amended to place greater emphasis on the role to be played by key partner agencies, in addition to that played by children's social care, in assessing and meeting the accommodation, health and educational needs of children and their families.

That in England, safeguarding partners (as defined by the Children and Social Work Act 2017 and Working Together) ensure that their plans for action, and the scrutiny arrangements they develop, include a focus on children and families on the edge of and in the care system, and that there is an expectation that all partners work together to prevent children coming into or staying in care unnecessarily.

That the Welsh Government Improving Children's Outcomes Ministerial Advisory Group new work stream, on reducing the need for children to come into care, includes a focus on facilitating and improving joint working between agencies.

Making family resources work better for children

3.30 A recurring theme of the Review was the value of making and taking early opportunities to engage with a child's family: to enable family members to help keep children safe at home with parents or current carers, to offer respite care arrangements, to begin the process of being assessed as potential long-term or permanent carers for children, and to support those who do go into care for a short or longer period. Families, practitioners, academics and other contributors conveyed a strong message that families far too often remain an untapped resource for their children.

Family Group Conferences

3.31 The family group conference (FGC) approach is a key component of some of the Innovation Programme-funded local authorities showing success in reducing the number of children in care or on child protection plans. FGCs enable family members to hear together the safety concerns of practitioners about their child. It is then the task of the family network to take the lead in drawing up a plan, for and with the child if old enough, that harnesses their strengths and resources and identifies any extra help from agencies to make their plan work well. Yet most families in contact with children's social care in England and Wales are not offered an FGC before a decision is made for a child to come into care.

Options for change

Family Group Conferences

That, to support a whole family approach, there is a long-term goal of ensuring that all families are offered an FGC before a child is moved into the care system (except as an emergency). As a first step, local authorities could introduce this as a local offer to families, with the FGC plan shaping how the local authority works with the child and family.

Family and friends care

3.32 Across England and Wales, the Review identified significant local differences in the proportion of children in the care system who are raised in family and friends care (also known as kinship care). The vast majority of children being raised by relatives are not in the care system. But the Review heard that these children are often overlooked within policy and practice at local and national level. In addition, the Review heard that 40% of looked after children living with relatives have lived with non-family foster carers before moving to live with a family foster carer²⁸ and that earlier or more extensive work to identify and support potential family carers within the family might have reduced the need for some children to be placed elsewhere.

3.33 The Review also received evidence, from published data and the experience of families and practitioners, about the different ways in which potential family and friends carers are identified, assessed and treated.²⁹ The variations point to local authorities not giving sufficient priority to implementing the 2011 Family and Friends Care: Statutory Guidance for Local Authorities. The guidance, which applies to England, is currently out for consultation. It places a requirement on local authorities to publish a family and friends care policy, to have a named senior officer responsible for ensuring compliance with the requirement, and to have a policy that is responsive to the needs of local children and families. The strong message to the Review was that, with notable exceptions, authorities are missing the opportunity to engage with local families in developing policy and practice that chimes with what is needed. It was suggested to the Review that a similar requirement would be helpful in Wales.

Options for change

Family and friends care of children

In England, that existing statutory family and friends guidance is strengthened to reflect the messages from this Review, including in relation to initial assessments of family and friends carers and access to legal advice. That local authorities have a renewed focus on developing, publishing and implementing an up-to-date family and friends care policy in line with statutory guidance, with work led by a designated senior officer, conducted in conjunction with lead members and local strategic partners, and informed by the experiences of children and families in the community.

In Wales, that amendments to the Improving Outcomes for Children Framework make reference to the importance of family and friends care, and that there is further consideration of the need for unified statutory guidance on family and friends care.

Advice and advocacy services

3.34 A recurring message to the Review was the need for families to have access to good advice and advocacy, including specialist legal advice. This was felt to be important at all stages of involvement with children's services, so that people can understand better the concerns of agencies, know the options available to them, and be helped to reduce or resolve any conflict with professionals about what will be best for their children. It was described as being of crucial importance in the early stage of involvement, including for child protection conferences – not only for the sake of justice, but because care proceedings can be, and often are, avoided if parents have help to understand their rights and options and to work with the local authority to prevent problems escalating. Pre-proceedings guidance is clear about the importance of this approach.³⁰ Yet, as the Review heard, as the number of families involved with children's social care continues to rise, it is increasingly hard to access specialist, informed advice, because of significant cuts in the voluntary advice sector and legal aid reforms that have depleted the number of high street solicitors offering 'legal help' and providing early-stage advice.

²⁸ A response to a Parliamentary Question posed to the Secretary of State for Education by Family Rights Group revealed that as at 31 March 2016 of the 8,140 looked-after children who were cared for in a friends & family foster placement, 39% had been in unrelated foster care before moving to the family & friends placement

²⁹ Ashley C, Aziz R and Braun D (2015) Doing the right thing: A report on the experiences of kinship carers. FRG The survey of kinship carers found that 27% of children had been placed in unrelated foster care first.

³⁰ Department for Education (2014) Court orders and pre-proceedings. For local authorities. London: Department for Education.

Options for change

Advice and advocacy

That, in order to ensure that families have access to specialist advice to help them work positively with professionals, there is wider provision of free, independent, specialist legal advice for families, provided by the voluntary sector and funded adequately by Government.

That the Ministry of Justice (MoJ), in tandem with the current review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, considers the Care Crisis Review's findings and undertakes an analysis of the impact of the present lack of accessible early free, independent advice and information for parents and wider family members on (a) the number of children subject to care proceedings or entering or remaining in the care system, and (b) the public purse. That the MoJ's considerations are informed by a working group of stakeholders with appropriate expertise, drawn from the child welfare and family justice sector.

That parents are eligible to receive free legal advice and representation, equivalent to that available under a pre-proceedings process, where it is proposed by the local authority that the child is looked after under section 20 of the Children Act 1989 or section 76 of the Social Services and Well-being (Wales) Act 2014.

Using 'voluntary' care to support children and families – s.20 (England) and s.76 (Wales)

- 3.35** Discussion about section 20 of the Children Act 1989 and section 76 of the Social Services and Well-being (Wales) Act 2014 featured prominently throughout the Review, in relation to matters of policy and practice in both children's social care and the family justice system.
- 3.36** The two sections place a duty on local authorities to provide accommodation to children who have no-one to look after them, or where their carer is prevented from providing them with suitable accommodation or care. The duty is dependent on those with parental responsibility agreeing to the arrangement.
- 3.37** In England, section 20 also provides for local authorities to reach agreement with parents about providing accommodation if that would safeguard or promote the child's welfare, and section 20 is in that part of the Act that contains all the provisions relating to local authority support for children and families. Statutory guidance issued with the legislation made clear that the section could be an important part of family support, organised in agreement with parents as a way of providing respite support, or short-term help, or in some cases longer-term accommodation for children.
- 3.38** In Wales, section 76 does not include the power for local authorities to provide accommodation where this would promote the child's welfare, but the retention of the need for parental agreement suggests that this is still intended as an arrangement that could form part of the overall support provided to a family. In addition, sections 34 and 37 of the Act give local authorities the power to provide accommodation if an assessment of the child's needs indicates that this would be a way of responding to those needs.
- 3.39** Contributions to the Review indicated that the option to provide accommodation on a voluntary and agreed basis is viewed as a helpful provision, with longer-term arrangements being particularly helpful for providing stability for older children who could not live at home. However, the Review also heard evidence about the misuse of section 20/76, including lack of informed decision making/consent from parents, pressure to agree as an alternative or precursor to care proceedings, and lack of proper scrutiny of plans for children. The Court of Appeal was critical

of some of this misuse and, in giving judgment, set out a reminder of what the legislation required. Information submitted to the Review, and drawn from articles, social media and other sources, is that local authority (and judicial) responses to this Court of Appeal decision led to care proceedings being issued in respect of some children accommodated in section 20/76 arrangements. In turn, this contributed to the rise in the number of proceedings in some areas. There is a considerable amount of confusion as to the circumstances in which these powers should be used. The Review heard from some areas that local authorities have felt under pressure from the judiciary to take into court any section 20/76 case where the placement was intended to be long term, and feared that they might be criticised at a later date if they did not do so.

- 3.40** Although ADCS, in partnership with ADSS Cymru and Cafcass, issued some guidance on the matter in 2016, a clear message to the Review was that further statutory guidance was needed and should be available as soon as possible. The statutory guidance should give examples of the circumstances in which section 20/76 (and section 34 in Wales) could be used, as well as stressing the importance of informed decision making and of regular reviews, involving parents and the child. Special attention should be given to parents with a learning disability, with good practice guidance covering use of the sections generally, as well as a requirement for a parent to have access to an independent advocate when section 20/76 is being discussed.
- 3.41** In addition, the Review was urged to consider a possible role for the National and Local Family Justice Boards, and the Family Justice Network in Wales, in monitoring the use of section 20/76 and providing a forum for discussion about local good practice in using the provisions. These discussions would be enhanced by Boards having information about the circumstances of the children and their families, and by hearing from children and families about their experiences of the provisions. The role of Family Justice Boards and the Family Justice Network is covered in more detail in Section 6.
- 3.42** It was suggested that information about the law, guidance and good practice in relation to section 20/76 should be incorporated into all training and development programmes for social workers and leaders.

Options for change

Use of voluntary accommodation (s.20 Children Act 1989, ss76 and 34 Social Services and Well-being (Wales) Act 2014)

That amendments are made to relevant statutory guidance including Working Together to Safeguard Children and Family and friends care guidance³¹ and the relevant Code of Practice in Wales, to include good practice in the use of section 20 in England and sections 76 and 34 in Wales.

The formal pre-proceedings process

- 3.43** This formal process is triggered when the local authority issues parents with a ‘Letter before Proceedings’, at which point they are entitled to receive legal advice, via a limited form of legal aid. Statutory guidance, covering both countries, is brief and is concerned primarily with matters of process. It states that the local authority should set out their concerns, the support they will offer to address these, and the steps the parents must take in order to avoid the need for proceedings. It suggests that timescales are set, to avoid drift.
- 3.44** There is some evidence from research that cases are being diverted from care proceedings during the pre-proceedings phase, but with some coming back into proceedings at a later stage. Information collected by the Review suggests that practice during the period varies: some areas focus on supporting parents to make the changes considered necessary to keep their child safe and avoid proceedings being taken, whereas others

³¹ Department for Education (2010) Family and Friends Care: Statutory Guidance for Local Authorities

indicated using the period primarily for gathering evidence to support the local authority's case in court. Other concerns were raised: plans proposed by the local authority can be too vague, parents and social workers can lack a sense of urgency, and children have no separate voice.

- 3.45** Suggestions were made for having more detailed good practice guidance on the pre-proceedings process. This might include the importance of involving the wider family at this point, if that has not happened already; of continuing to work in partnership with parents and children; and of having a clear plan that will include details of how the local authority will measure whether or not their concerns have been addressed sufficiently. In addition, local authorities need to have a robust system for scrutinising whether the issuing of proceedings is necessary at this point, or whether there is potential for providing appropriate support and services to keep the child safe at home or within the wider family. Some areas spoke positively about the role of their multi-agency panels in examining the range of options to offer a family at this stage.

Options for change

Pre- proceedings practice

That a working group, with representation from legal and social work practitioners and families, is set up to agree amendments to existing pre-proceedings guidance. This should include incorporating the messages about good practice in intensive, relationship-based work with the whole family, to achieve the changes needed in order to avoid proceedings. It should also include guidance on best practice in relation to pre-birth assessments and removal at birth.

Section 4

During care proceedings: review findings, and options for change

This section considers the findings from the Review about approaches and steps that could improve the experience of care proceedings, and could help safely enable some children to safely live within their family network, and puts forward options for change.

Timescales in care proceedings

- 4.1** Contributions to the Review were broadly positive about the changes to care proceedings introduced through the Children and Families Act 2014. It was acknowledged that many cases could and should finish within 26 weeks, and sometimes more quickly, and that the introduction of a time limit for proceedings had resulted in the majority of cases being completed more quickly.
- 4.2** Alongside this broad support, many expressed concern about what they described as an overly rigid approach to applying the timescale, despite the legislation providing that the court can authorise the extension of the proceedings for up to eight weeks, if that is necessary in the interests of justice. The approach was reported as resulting in final orders being made before there was enough evidence that this was the most appropriate order for the child and, in some cases, before care plans were finalised. Related concerns were lack of time for potential family carers to be assessed, for parents to demonstrate their capacity to change, and for establishing whether return home or a placement within the extended for the child would be a sustainable arrangement. Contributors queried whether the rigid approach was in accordance with justice, and some suggested that cases coming back into the system because decisions had been made too quickly were part of the reason for the rising number of care proceedings.
- 4.3** There was general agreement that the overly rigid approach to timescales was based on case duration being the sole measurement of performance for care proceedings. This was described as too simplistic a tool; additional measures would be helpful, possibly linked to the longer-term outcomes for the children involved. In addition, it was suggested that measuring the duration of proceedings should take account of the reason for any extension being granted, with a particular focus on distinguishing between extensions prompted by the failure of any of the parties to adhere to reasonable court timetables and those granted because of the inherent complexity of the case. Extracting cases in the latter category from the overall measure of performance would, it was argued, give a clearer picture about the proportion of the cases where the justice system is meeting the requirements of the legislation.

- 4.4** The Review sees merit in exploring ways of developing a more nuanced approach to categorising and recording information about cases. It would help increase our understanding of trends in public law cases. This, in turn, is likely to allow for more sophisticated planning to address the needs of the children who enter the family justice system, as well as reflection about the range and nature of services available at an earlier stage of family difficulties.

Options for change

26 weeks as a performance target

That the National Family Justice Board, in consultation with stakeholders and families, review the performance management targets for the family justice system and revise the approach to measuring timescales, so that there is a greater focus on understanding the reasons for extensions whilst avoiding unnecessary drift and delay, and greater attention to longer-term outcomes, such as whether children come back into proceedings.

Drawing on support from family and friends

- 4.5** Responses to the Review acknowledged the helpful practice of contacting wider family and friends in good time before proceedings start, to involve them in planning support and help to the family and, if necessary, so they can consider whether they would like to offer to care for the child in the event that parents are not able or allowed to do so.
- 4.6** It was clear from the information provided to the Review, as noted in the previous section, that all too often the wider family, and this includes paternal as well as maternal relatives, are not involved before proceedings are issued. This, compounded by the tight timescale for proceedings, means that wider family members who are potential carers for the children are faced with having to make life-changing decisions quickly, with little time to reflect, or seek advice if they wish to. It also means that local authorities have very little time to complete assessments or prepare and plan for a child's move to a permanent placement with relatives. This was described as being in stark contrast to the time and attention made available for assessing and approving prospective adoptive parents and for moving children carefully into adoptive placements.
- 4.7** The Review heard other suggestions for harnessing the strengths and resources of a child's family, all of which – as well as being right for the child and the family – can be seen as helpful in avoiding placements from breaking down and numbers of cases rising. The use of a genogram as one of the documents accompanying an application for issuing proceedings, a standard practice in some local authorities, is helpful if contact and discussion with the wider family had not been possible before the start of proceedings. Another was to add a question to the social work evidence template, about whether a family group conference has been convened and, if not, why not.
- 4.8** The third suggestion was about courts being able to allow sufficient time for the assessment of relatives to take place, particularly when this involves relatives who live overseas. Reference was made to the good practice guidance on carrying out initial family and friends care assessments developed by FRG with an expert working group.³² It was suggested that the issue of the time allowed for assessments be considered by Local Family Justice Boards (in England) and the Family Justice Network (in Wales) and this point is returned to in Section 6.

³² Initial Family and Friends Care Assessment: A good practice guide (2017) FRG

Changing the culture in care proceedings

- 4.9** The Review heard concerns about the impact of court proceedings on parents, all of which reflected the findings from research studies: all too often parents feel alienated, confused and attacked in court and this can lead to disengagement with the process and fuel hostility towards support services. Throughout the Review, contributors from all parts of the system, from parents to legal and social care leaders, spoke with passion and force about the devastating impact on parents of the fear that proceedings will end in their losing their children, sometimes forever. Their poor life experiences, plus a traumatic time in court, can play their part in the cycle of parents coming back into proceedings with subsequent children. Professionals can be affected by similar difficulties with the court process, as feeling undermined, misunderstood and criticised in court can shake their confidence in continuing to work in partnership with parents or wider family members after the proceedings, to support return home, or placement with relatives, or contact arrangements.
- 4.10** Concerns about antagonism and conflict in care proceedings are not new. Nor is the view that proceedings do not have to be conducted in an adversarial manner, even though the system in England and Wales is adversarial in nature. Wide-ranging contributions to the Review noted that parents and wider family members are less likely to experience proceedings as hostile if they have received support for their needs, understand what is happening and why, have been treated with empathy and respect, have had an opportunity to express their views, and feel that their voices have been listened to. In summary, the strong message was that there is room in proceedings for relationship-based practice, a humane approach, and partnership working.
- 4.11** The Review received evidence from many respondents about the Family Drug and Alcohol Court (FDAC) being the example of a court process that is less adversarial and antagonistic than ordinary care proceedings and, importantly, is also regarded as fair and just. Underpinned by the principles of therapeutic jurisprudence and ‘problem-solving’ courts,³³ it demonstrates that a more humane way of conducting proceedings can be achieved, without the principles of justice being compromised.
- 4.12** Research studies of the FDAC court process, and interviews with parents and practitioners, have concluded that parents are fully engaged in the process, are more inclined to take responsibility for their actions, and understand and accept decisions made, even if children are not returned to their care.³⁴ Interviews with FDAC judges across England confirmed an appetite for a shift in culture in the way care proceedings in general are conducted, using the problem-solving approach that is found helpful by all involved, families as well as professionals.³⁵ FDAC has been evaluated as more successful than ordinary proceedings in helping parents overcome their substance misuse and be reunited with their children. It was identified in the Family Justice Review and the Munro Review as an example of good practice.
- 4.13** There are now nine FDACs, in line with the evaluated model, working in 12 courts for 17 local authorities. However, expanding the spread of this model and sustaining it is challenging when the funding for the specialist team falls, in most areas, on children’s services only despite the longer-term benefits of the approach accruing across child, adult and health services and to the justice system too. This is an approach that would benefit from joint funding from health. Wider use of the FDAC model would introduce to more areas its different approach to care proceedings, that meets the requirements of justice and reduces antagonism. Such extension would benefit from some form of financial support from Government.

³³ Bowen P and Whitehead S (2016) Problem-solving Courts: An evidence Review. London Centre for Justice Innovation

³⁴ Harwin, J et al (2014). Changing Lifestyles, Keeping Children Safe: an evaluation of the first Family Drug and Alcohol Court (FDAC) in care proceedings <http://wp.lancs.ac.uk/cfj-fdac/publications/>; Harwin et al (forthcoming) How does FDAC succeed with parents with substance misuse problems? Exploring relational practices within the English Family Drug and Alcohol Court. Child Abuse Review

³⁵ Tunnard J et al (2016) Problem Solving in Court: Current Practice in FDACs in England <http://wp.lancs.ac.uk/cfj-fdac/publications/>

Relationship-based practice in the Family Drug and Alcohol Court ³⁶

FDAC was set up to address the issue of parents, particularly mothers, having children removed through care proceedings on a recurrent basis, without attention being paid to the parental problems underlying the need for removal, which in this case were substance misuse frequently combined with domestic abuse and mental health problems. The FDAC model is an adaptation of a model developed in the United States. The FDAC process takes place within care proceedings and involves a multi-disciplinary specialist team working closely with the court, specially trained judges who deal with the case throughout, and regular judge-led reviews of the parents' progress, which are attended by parents, the specialist team, the social worker and the child's guardian. Parents have a key worker in the specialist team who does direct work with the parent and co-ordinates the other services involved with the child and family. The local authority holds responsibility for the child. FDAC processes have been adapted to take account of the 26-week timescale and its multi-disciplinary teams are co-located and dedicated to FDAC work. Teams have a trauma-informed approach to working and use a range of evidenced-based approaches including Motivational Interviewing and Video Interaction Guidance.

The FDAC pilot was evaluated using comparative methods and found to be significantly more successful than standard care proceedings in helping parents overcome their substance misuse and be reunited with their children. A follow-up of children and families from both FDAC and the comparison local authorities demonstrated that, three years on from the end of proceedings, families who had been reunified through FDAC were significantly less likely to experience problems than reunified comparison families and that, five years on, mothers were significantly less likely to have returned to substance misuse.

- 4.14** Other responses to the Review suggested that it would be valuable to consider how problem-solving courts can be used in a range of circumstances and to explore whether or not there is a greater role for mediation in public care proceedings.

Options for change

Court proceedings

That the DfE and the Ministry of Justice take forward the lessons from the FDAC problem-solving model of care proceedings so that this approach is extended, to become the normal way of hearing proceedings in the majority of cases.

That the Nuffield Family Justice Observatory explores international examples of the use of mediation in public care proceedings.

Understanding whether the orders made support longer-term stability for children

- 4.15** Survey responses, submissions and oral information provided to the Review chimed with research evidence about the variation between family justice areas in the type of orders made at final hearings, with the result that children in some areas of the country in England are more likely than children in other areas to be made subject to a care order. The academic review of contributory factors for the rise in the number of proceedings and children in care has identified this variation as being a topic that merits further research and consideration.

³⁶ Harwin et al (2016) After FDAC: Outcomes Five Years Later. Final Report. Lancaster University <http://wp.lancs.ac.uk/cfj-fdac/publications/>

- 4.16** For children, parents and carers, the level of support provided once proceedings have ended should be more important in sustaining the placement and meeting any continuing needs than the legal status conferred by a court order, but different orders do have different effects, and these may have an impact on the support provided. It was noted in Review discussions and submissions that care orders with children placed at home featured considerably in some local authority areas, with questions raised about whether this growing practice reflects a lack of confidence that children and families will receive the support they need if a supervision order only is made. People also questioned whether such care orders were compatible with the principle of proportionality.
- 4.17** Many people were concerned about the value of supervision orders, especially given the limited options for including directions and requirements. Proposals were made to the Review about amendments to the legislation, so that directions and requirements could be made that apply to local authorities, parents, or family and friends carers. Given the variation across different areas in the use of supervision orders and care orders with children placed at home, consideration of the local data and practice in relation to orders could helpfully take place, in England through the Local Family Justice Board, and in Wales through the Family Justice Network. This issue is returned to in Section 6.

Section 5

After care proceedings: review findings, and options for change

The issues raised during the Review in relation to what happens after care proceedings have ended include a child's return home, a child's placement with other relatives and other long-term carers, and the support needs of parents separated from their children. Each is relevant when responding well to the needs of children and families, as well as being relevant when trying to reduce the need for care or further care proceedings.

Reunification with parents

- 5.1** In both countries, the legal framework requires local authorities to return children home unless this is not consistent with their 'welfare' (England) or 'well-being' (Wales).³⁷ Reunification with parents can happen at the end of proceedings or later. It is an important permanence option for children overall, but research evidence indicates that it requires adequate planning and support if it is to be sustained. There are particular risks for children who have been maltreated, if the parents' problems that led to children being removed have not been or are not being addressed, in which case there is increased likelihood of children coming back into proceedings.
- 5.2** Responses to the Review drew attention to consistent research findings about the practice that is likely to improve decisions about which children can go home safely, and to safeguard and promote the welfare/well-being of those who do. The good practice commended to the Review is the same as that for children and families before proceedings, as described in Section 3. It is about detailed and clear plans that anticipate the impact of return and, for parents in families with complex needs, the importance of social work that is high in intensity, based on continuing relationships with trusted workers, and with a focus on strengthening fragile relationships between family members and using multi-disciplinary team approaches for as long as they are needed.
- 5.3** While statutory guidance and regulations³⁸ reflect the research messages about the good practice that is used to support reunification, evidence to the Review and research indicates that practice varies. A range of contributors called for improved practice.

³⁷ Section 22C Children Act 1989 and s.81 (3) Social Services and Well-being (Wales) Act 2014

³⁸ DfE (2015) Children Act 1989 Guidance and Regulation Volume 2: Care planning, placement and case review

NSPCC Reunification Framework ³⁹

The NSPCC's Reunification Practice Framework has been developed, in conjunction with local authorities, to support practitioners and managers apply structured professional judgement to decisions about whether and how a child should return home from care. It supports families and workers to understand what needs to change, to set goals, access support and services, and review progress. The Framework can be used with all looked after children and young people up to the age of 18 who have experienced, and/or may be at risk of experiencing, abuse or neglect.

Social workers and family support workers are the professionals who work most closely with the children and families but foster carers, residential care staff and schools also have a significant role to play in supporting children and parents throughout the process.

An evaluation of the effectiveness of the Framework found that almost all children who had been returned home under the programme remained at home six months later, and that child protection concerns about many of the children had declined.

Options for change

Reunification

That greater use is made of the NSPCC good practice guidance and tools on reunification.

That in Wales, the Improving Outcomes for Children Framework could include reunification as part of permanence and the Code of Practice on looked after children could be reviewed and amended to include more detailed guidance on good practice in relation to planning and supporting return home.

Placements with family and friends, unrelated carers, and adoptive parents

- 5.4** Material submitted to the Review explained that the majority of children placed away from home, whatever their placement or legal status, are likely to have high levels of need, or newly emerging needs, that require support and help, sometimes on a long-term basis. The children will benefit from access to a range of services throughout childhood and beyond, including counselling, advocacy, mental health services and specialist provision. Their carers and adoptive parents will also need access to advice, guidance, counselling and support. This might be about promoting a child's emotional well-being, dealing with the impact of change on members of the family, and responding to specific needs such as trauma and loss and legal and financial matters. Or it might be practical help, in particular respite care and flexible support, including holiday and day care. Provision of these support services serve to reduce the risk of placement breakdown, with the attendant distress for children and carers and the possibility of children coming back into the system.
- 5.5** The Review heard that the Adoption Support Fund in England, now open to special guardians, is a partial recognition of these needs but is limited in scope. Statutory guidance in England requires that the support needs of special guardians and adopters are identified and that arrangements are made to meet those needs. Information to the Review from care-experienced young people, family and friends carers, foster carers and adoptive parents indicated the wide variation in support, determined by where people lived, and the struggles

³⁹ Wilkins M and Farmer E (2015) Reunification: an evidence informed framework for return home practice. London: NSPCC and Wilkins M (2015) How to implement the reunification practice framework: a checklist for local authorities. London NSPCC <https://www.nspcc.org.uk/services-and-resources/research-and-resources/2015/reunification-framework-return-home-practice/>

carers can face when trying to get help, sometimes without success. Family and friends carers also highlighted that, too often, the fact that they had stepped in to avoid the child becoming looked after, then meant that the child and the carers were denied entitlement to support. They thought it wrong that access to support is based primarily on legal status (i.e. whether the child was or had been looked after) rather than need.

Options for change

Family and friends care

That family and friends carers are granted the right to a period of paid leave, as adopters are entitled to, to help a child settle in with them. That family and friends carer households are exempted from the benefit cap and the spare room subsidy.

That in Wales, the Code of Practice on looked after children is amended to include more detailed guidance about why and how placements with relatives and friends might be supported.

Options for change

Post-proceedings support for carers

That in both England and Wales there is renewed commitment to ensuring that the therapeutic, practical and financial needs of children and family and friends carers are met.

Working with parents whose children have been removed

- 5.6** The Review heard a great deal of evidence about the importance of supporting parents who have lost the care of their children. A very clear message was that failure to do this would inevitably lead to further state intervention for many parents, in the event of their having children later. In the meantime, lack of effective support after proceedings also risks having an adverse impact on the chances of parents giving their separated children the best support that they can in adjusting to their placement, be it with relatives or non-related carers.
- 5.7** The Review learnt of the help that local authorities and partner agencies provide or wish to provide. It is help that starts from the premise that removal of a child is, for the majority of parents, an experience of bereavement, grief and loss, and that many parents who lose a child through care proceedings have already experienced significant trauma themselves, possibly including maltreatment as children and systemic poor treatment within the care system.
- 5.8** Evidence from research supports the evidence from practice given to the Review: that a significant proportion of the mothers (and the likelihood is that this will apply to fathers too) experience recurrent loss through care proceedings on subsequent children. The evidence also indicates how young many parents are when they experience the first removal of a child and that many of these parents have been in care themselves. Support should be provided to interrupt these devastating cycles of trauma, deprivation and removal, and to do so in ways that show kindness and empathy and a willingness to address the impact of system failures that may have marked their early lives. Particular attention should be paid to the support provided to care leavers who become parents.

- 5.9** The Review heard that the support needed does not have to be therapeutic interventions from specialist services, although this may be helpful in some cases. As for so many other complex needs, the evidence highlights the importance of flexible, persistent, and relationship-based approaches. Multi-disciplinary teams, including substance misuse, domestic abuse, and health and mental health practitioners are helpful. A range of different options helps, too, because some parents will want help to prepare them to parent better in the future, including during a current pregnancy, while others will want help to avoid pregnancy in the short and longer term.
- 5.10** Whatever the nature of the support, it needs adequate and dedicated funding. The fact that parents with complex needs so clearly cross service boundaries points to the case for joint funding by social care for adults as well as social care for children, and including clinical commissioning groups, mental health, public health and the police.
- 5.11** The Review heard about different good practice models that are proving effective or promising in interrupting the cycle of trauma described above. FDAC, described in the previous section, was set up in England to address the issue of the same mothers coming back into proceedings. The findings about its improved outcomes for mothers continuing for three and five years beyond the end of proceedings is an indication that it has a role to play in breaking the cycle. PAUSE in England and REFLECT in Wales have received Government support for a wide roll out, but there is also a growing number of other services working with mothers, and sometimes fathers, who have experienced the removal of more than one child. These include Action for Change (London Tri-Borough), Positive Choices and MPower (Suffolk), Looking Forward (Brighton and Hove), Step Together (Sefton), Breaking the Cycle (Midlands), COMMA (Stockport), and FUTURES (Leeds).

PAUSE ⁴⁰

PAUSE is a voluntary programme for women who have experienced, or are at risk of, repeat removals of children from their care. It aims to reduce the number of children being removed into care, by working with women who have had children removed to improve their well-being, resilience and stability. Highly-skilled practitioners work with small caseloads of 6-8 women for 18 months, to promote and sustain change. Each woman has an individual programme designed around their needs which is intended to address a broad range of emotional, psychological, practical, and behavioural issues. As a condition of beginning this voluntary programme, women agree to use an effective form of reversible contraceptive whilst on the programme. This is intended to allow women the opportunity to reflect and focus on their own needs. PAUSE practitioners do not give up on women and offer a flexible approach, with a combination of therapeutic and practical support.

The evaluation of PAUSE found that it had a positive impact, increasing women's access to health services, improving their housing situation, helping them access substance misuse services and keep safe from domestic abuse. Women reported improved levels of self-worth, self-confidence and coping skills.

⁴⁰ McCracken et al (2017) Evaluation of PAUSE, DfE

NEWPORT CITY COUNCIL AND BARNARDO'S: REFLECT ⁴¹

The Reflect service was developed as a partnership between Newport City Council, Barnardo's, and the Aneurin Bevan Health Board, following a Council audit of children coming into care. It supports parents after the compulsory, permanent removal of one or more children. It is described as a "programme about repair and remedy", offering women and their partners practical and emotional help for up to two years, to move on in their life after the trauma and pain of losing a child. Its primary aim is to prevent repeat pregnancy in the short term, when there has been little time for positive change and successive child removal remains the most likely outcome. The service encourages, but does not require, women to use long-acting reversible contraception whilst involved with the service.

For service practitioners, building relationships is a crucial part of their work – relationships with parents, who have good cause to be mistrustful of professionals, and with colleagues in other services (health, housing, employment, education) whose contributions are key to providing the comprehensive practical and emotional support that the parents need.

An initial evaluation, funded by Public Health Wales and Barnardo's, was an analysis of 30 case files and qualitative interviews with 12 women and 4 men. It reported that parents were overwhelmingly positive about the support they had had from Reflect. They were pleased that workers had persisted in getting them to accept the service in the first place and in encouraging them back if they missed appointments. The evaluation also reported promising findings in relation to financial savings and individual outcomes. Reflect expanded quickly across Gwent, and beyond, and is now to be rolled out across Wales, with Government funding.

Options for change

Post-proceedings support for parents who have had their children removed

That safeguarding partners and Health and Well-being Boards in England, and Partner agencies in Wales, working with the third sector, ensure that dedicated support is provided to parents whose children have been removed as result of care proceedings. Such support should be informed by the messages from research about the heterogeneous nature of parents and should involve practical, flexible, relationship-based approaches that address the factors that led to the removal of the children, and address the impact of the children's removal on the parents.

⁴¹ Roberts L, Maxwell N and Palmer C (2018) Evaluation of Reflect in Gwent. Phase 1 Report. Cardiff: CASCADE.

Section 6

Change across the system: review findings, and options for change

This section brings together messages to the Review about the need for high-level system change: to improve communication within the system, increase family involvement in service development, respond to the financial difficulties facing families and agencies, and fill the gaps in knowledge identified by Review participants.

Communication between the family justice system and children's social care

- 6.1** The Review heard evidence of good working relationships in some local areas but there was there was also evidence to the Review of some mistrust and tension in some localities between some of the judiciary and children's social care leaders. There was a widely expressed wish for much greater dialogue to help reduce mistrust developing.
- 6.2** There were examples of social care leaders attributing the rise in proceedings to the impact of judgments in individual cases, or to cases coming back into court because insufficient time had been allowed in proceedings for the assessment of relatives or for testing out a child's return home; and because of judicial criticism of long-term use of section 20 or section 76 accommodation, even in situations where proceedings had been issued because agreement with parents had broken down. In other cases, they perceived as lack of trust in the local authority the making of care orders on children who were returning home. On the other hand, local authorities were criticised by judges for poor preparation of cases, inadequate assessments, and failure to deliver promised support to a family.
- 6.3** A recurring suggestion was that Family Justice Boards could play an important role in fostering opportunities for different stakeholders to come together. The National Family Justice Board (NFJB), established following a recommendation of the Family Justice Review, was set up to be, in both England and Wales "the primary forum for setting direction for the Family Justice System and overseeing performance".⁴² During the Review, concern was expressed by sector leaders, the judiciary and legal practitioners that the role and activity of the Board had become much diminished. This was viewed as especially concerning, given the context of the current care crisis, all the more so having regard to the Board's intended function as a driver of increased understanding of family justice, and as a body that would make effective use of data and research, foster a climate of shared learning,

⁴² FLB Terms of Reference, paragraph 1, available at: <https://www.gov.uk/government/groups/family-justice-board#terms-of-reference>

act as a vehicle for bringing together the resources and knowledge of organisations and agencies, and for the creation of a system that shares learning and experience across England and Wales. The Board has not met for over a year although it is scheduled to meet this June (2018).

- 6.4** Local Family Justice Boards (LFJBs) in England, and the Family Justice Network in Wales, were established to support the work of the NFJB, by bringing together the key local agencies, including decision makers and front-line staff, to achieve significant improvement in the performance of the family justice system in their local area. The Review heard of variable activity in both countries. Boards in some areas met only rarely whilst others had a near-exclusive focus on performance, as measured by the proportion of cases completing in 26 weeks. The Review perceived a general feeling that opportunities were being missed for data sharing and analysis, benchmarking of approaches, and the fostering of working relationships between the local authority and designated family judges.
- 6.5** There were some notable exceptions to this general picture, as well as information about some local partnerships running alongside LFJB activity. The box below describes some activities brought to the attention of the Review.

Examples of Local Family Justice Board activity

- Sub-groups working on a particular topic, eg the reason for cases returning to court several times
- A website for publicising activities and outputs
- Agreement by the LFJB to take part in the local authority's self assessment of the length of care episodes
- Involvement of the LFJB in research planned by the local authority into care orders for children placed at home

An example of other local partnership work - South London Care Proceedings Project (SLCPP)⁴³

SLCPP is a partnership of the main agencies involved in care proceedings brought by the neighbouring Inner London Boroughs of Greenwich, Lambeth, Lewisham and Southwark.

A Steering Group meets twice a year, involving directors, senior managers and lawyers from each borough; the respective link judges, together with the court clerk and Designated Family Judge for the Central Family Court; Cafcass; and family lawyers acting for children and parents. An operational group meets monthly, to progress plans agreed by the Steering Group.

There is quarterly reporting of an agreed data set and narrative sections. Each local authority has a case manager who tracks all care cases, analyses data, and identifies emerging trends with a view to promoting understanding and learning. This has led to developments in tools, policies and approaches to support practice and decision making, and a mature understanding of the local picture and what influences it. The familiarity of the case manager with the territory, from hard statistics to family stories, is a key component of the value attached to this work.

The dialogue at the Steering Group has been critical in guiding SLCPP over the last five years, with all partners continuing to welcome “the opportunities created for coming together from their different perspectives to reflect on cases, identify trends, share good practice, build and develop trust, and seek and test new ways of working.”

⁴³ Jennifer Ranshaw, Celia Parker, Kathy Elliffe, Fateha Salim and Jo Tunnard (2015) A Year in Proceedings: Cases issued between May 2013 and 30 April 2014, with results of final hearings to September 2014. South London Care Proceedings Project. Proceedings: Cases issued between May 2013 and 30 April 2014, with results of final hearings to September 2014. South London Care Proceedings Project <https://www.lambeth.gov.uk/elections-and-council/transparency-and-open-data/slcpp-report-a-year-in-proceedings>

- 6.6** There was a clear appetite for Boards/the Network to have an integral role in joining with partner agencies in addressing the pressing need for leadership (at local and national level) in responding to the high and rising number of children in care and care proceedings. Suggestions were made for strengthening LFJBs/the Network as forums for discussion about practice and learning from local data. Other proposals were about promoting shared training and learning; analysis of performance, with broader indicators than compliance with the 26-week timescale; and greater understanding of and responses to key case law, including in relation to the use of section 20/76 voluntary accommodation. Routine engagement with families and young people was also proposed, as was consideration of including family members as Board/Network members.
- 6.7** It was suggested that the data now available on care proceedings through the Ministry of Justice and the linked DfE data set PLATO, and through Cafcass and Cafcass Cymru data, could be used by the National Family Justice Board, local Family Justice Boards and the Welsh Family Justice Network to improve understanding of the local child and family population involved in care proceedings, variations in applications and in orders made and longer-term outcomes for children, and that this could be facilitated by the Nuffield Family Justice Observatory. The Observatory is currently in a development phase, but included in its plan of activities is work with local areas, including local Family Justice Boards, to support shared learning in relation to messages from research and also to assist with local and national access to analyses of the large-scale data sets held by DfE, Cafcass, Cafcass Cymru, the Welsh Ministerial Advisory Group, and the MoJ.

Options for change

Family Justice Boards

That the role and purpose of the National and local Family Justice Boards and the Welsh Family Justice Network be reviewed, with particular emphasis on:

- developing and working to a far broader understanding of good performance than the timeliness of concluding care cases
- multi-disciplinary training and knowledge exchange
- discussion of local practice, and
- children and families helping design systems to ensure that their voices are heard.

Using families as a resource for policy and service development and review

- 6.8** There is now wide acceptance of the importance of children and young people's voices being heard in service and policy development and review and of the opportunity for their meeting key political and operational decision makers. This was prompted by the introduction of the post of Children's Commissioner in 2004 and was strengthened in 2007 by the UK Government's expectation that local authorities would set up 'children in care' councils, to inform service delivery.
- 6.9** The Review heard about the ways in which some young people are enabled to participate in policy and service development and review. In local authorities, these include the 'children in care' councils now run in many areas, the involvement of these council members in training existing staff and interviewing potential new ones, giving advice on the content of new policies, and helping review others. In Wales, a set of Child and Young Person Participation Standards encompasses involvement in both case planning and service development.

- 6.10** Beyond local authorities, the Review heard about the children and young people boards operating or being established in other agencies, including the What Works Centre and the Family Justice Young People’s Board that is supported by Cafcass and linked to the National Family Justice Board. Some young people are beginning to play a part in research projects, designing questionnaires and taking part as researchers, and the Review was alerted to the useful guidance produced about these roles.
- 6.11** The Review also heard that despite these intentions and developments, many young people in care and care leavers felt that their voices had not been heard. Approaches were felt to be aspirational rather than having taken hold, or were not open to all children. Multiple placement changes, language barriers and other practical obstacles still stand in the way of some children being able to be involved.
- 6.12** A theme running through the Review evidence was that parents and families of children engaged with children’s services are rarely invited to contribute to service and policy development and provide feedback. There are some pockets of activity to point to and learn from. We heard or read about a few local authorities having support groups for the families of children in care and their continuing role in commenting on local policy and practice. These are similar to some existing groups for adoptive parents and for parents of children with disabilities that operate independently or with support from the local authority or clinical commissioning group.
- 6.13** Other initiatives include user consultation groups for new projects and engaging service users and measuring progress over time with a family experience survey. The What Works Centre is setting up a panel for parents. There is also the work of FRG’s Parents and Family and Friends Care Panels, offering both peer support and a mechanism for service developers and policy makers to draw on the experience of families of the social care and family justice system. Of particular relevance here is the Your Family Your Voice Charter Mutual Expectations – A Charter for Parents and Local Authority Children’s Services.⁴⁴ This was a collaborative venture by parents and professionals, to develop a set of standards for children’s social care services and families.
- 6.14** There was a clear message to the Review of the need for greater opportunities for parents and family members who are involved with children’s social care and the family justice system to be in regular conversation with leaders of services and with leaders in the family justice system. The empowerment of children and families in this way needs to be a key part of the overall strategic and policy framework for children and family work. It needs to be supported actively and promoted eagerly by local politicians, by leaders in children’s social care and the family justice system who are genuinely interested in having meaningful discussion with those in receipt of their services and who are open to being challenged by the ideas they hear. They need to recognise, too, that engaging in this way is not always easy for staff and family members and that both will benefit from help to understand and perform their respective roles. All this activity needs to be firmly embedded within the culture of organisations.

Options for change

Families as a resource in service design and development

That local authorities adopt Mutual Expectations - A charter for parents and local authority children’s services, developed by Your Family/Your Voice.

That in Wales, the Improving Outcomes for Children Ministerial Advisory Group’s three-year framework reflects the value of involving children and families in the design, review and auditing of services. That this lead is replicated by other public bodies, including local authorities in England and Wales.

⁴⁴ <https://www.frg.org.uk/involving-families/your-family-your-voice/mutual-expectations-a-charter-for-parents-and-local-authority-children-s-services>

Responding to the impact of poverty, austerity and cuts to budgets

- 6.15** The Review found frustration, despair and anger about the detrimental impact of poverty, cuts and austerity on the lives and life chances of vulnerable families.⁴⁵ Similar sentiments were expressed about the negative impact of financial constraints on the efforts of agencies and services to support families through their hardship.
- 6.16** In relation to families, the Review heard and read evidence about the link between poverty and care. The point was made that it was not that poverty per se leads to care, but that poverty makes it all the more difficult for families to cope with the other stresses they were facing. On top of pressure to make income from work or benefits stretch to cover the basics of family life, there were the strains of poor housing, overcrowding, and the threat of enforced movement from family, community and familiar places. There was the constant juggling of several low-paid jobs at the same time, coping with benefit sanctions and other hostile treatment from officials, as well as meeting the expectations of children's social care in relation to attending meetings, getting to appointments with a range of different services when transport is expensive, if available at all. Benefit and tax changes also have an impact on the ability of wider family friends to offer temporary or permanent placements to children.

Options for change

The impact of Government policies

That, in line with the ADCS call for action,⁴⁶ “a new ‘children and young people impact assessment’ for government departments and other public bodies [is developed] to use alongside existing equalities impact assessments” and that the “Department for Education lead a cross-government review to understand better the reasons for, and links between, rising levels of child poverty and demand for children's statutory services. This review could then form the basis for the development of a child poverty reduction strategy for England.”

That the Department for Work and Pensions and the DfE lead a cross-government review, in consultation with the devolved administrations, into the impact of benefit rules and policies, and the projected effect of planned benefit reforms, on the numbers of children entering or remaining in care.

That, consistent with the Family Test,⁴⁷ the relevant government department or devolved administration considers the possible impact of any proposed policy reform on children and families involved or likely to be involved in care or family court proceedings.

- 6.17** The Review was made aware of widespread support from participants for the call from the LGA and ADCS for additional government support for children's social care in England, to help reduce poverty and the detrimental impact of poverty and inequality on vulnerable children and those close to them.
- 6.18** In relation to services, the Review heard how local authority spending in England and Wales is failing to keep pace with the steadily rising demand for children's services, linked to rising family poverty. This means the loss of lower-level services such as advice and advocacy, youth activities, breakfast and after school clubs, and holiday schemes. It means dwindling services for the more entrenched difficulties that affect adults and have an adverse impact on children: parental mental health problems, drug and alcohol misuse, domestic abuse. It limits the ability of local authorities to invest in more intensive services, even where there is evidence of their effectiveness

⁴⁵ Recent predictions are of 5 million children living in poverty by 2020.

⁴⁶ Association of Directors of Children's Services (2017) *A Country That Works For All Children*, Position Paper

⁴⁷ <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7714>

in helping families achieve change. It means reduced options for responding to people likely to benefit from particular forms of services, including respite care, placements for adolescents, and support for parents learning to care safely for their baby.

6.19 In the light of the above evidence, the Review is supportive of the call in England from the LGA and ADCS – and in Wales from WLGA, AWHOCS and NAS – that the UK and Welsh Governments ensure sufficient resources are available to enable local authorities to meet their responsibilities to children and families. In the light also of evidence of the beneficial additional funding from the Children’s Social Care Innovation Programme on achieving change, the Review also proposes that the Department for Education make available a ring-fenced fund that would provide all English authorities with the ‘breathing space’, at a time when budgets are severely overstretched, to put in place the steps that are right for their community to address the crisis, and which would eventually lead to a reduction in their care budgets, allowing monies released to be reflowed into earlier preventative work. For those authorities with low number of children in care, the funding could be used to sustain their position.

Options for change

Shortfall in resources

That the UK Government acts on the call from the LGA and ADCS to make up the £2 billion shortfall predicted for children’s social care in England by 2020 and the Welsh Government acts on the call by WLGA, AWHOCS and NAS to commit to the life chances of children and young people by acting urgently to address the growing funding gap.⁴⁸

Additional support to develop good practice

That, in addition to the £2 billion required to make up the funding shortfall, a Government ring-fenced funding stream is made available to local authorities to help them work with their community, partner agencies, and young people and families to:

- safely avert children having to enter or remain in the care system, and
- work effectively with parents, including providing post-proceedings support to tackle some of the reasons why some parents have children removed repeatedly.

The grant, available to all English local authorities, would be awarded on the basis of an approved local plan, which has the support of the local authority’s partner agencies including their local Family Justice Board and sets out what steps the authority is taking to address the Review’s findings.

Research matters: learning from those with experience of the system

6.20 A recurring issue in discussions about family involvement was the role of children, parents and carers in research studies. The point was made that listening to the direct experience of individual families helps us learn how difficulties build up or change over time. Researchers (as well as practitioners) who take this approach end up with family accounts that are more nuanced and complex than those often presented by commentators, or by researchers who rely solely on case file information or snapshots of people’s life at a single moment of great stress. Contributors to the Review stressed the importance of continuing to learn, from those experiencing it, about how poverty affects their daily choices and decisions, their relationships and parenting behaviour, their worries and possible solutions.

⁴⁸ AWHOCS, WLGA, NAS(2017) Submission to the Public Accounts Committee Inquiry on services for care experienced children and young people <http://senedd.assembly.wales/mglssueHistoryHome.aspx?lId=16183>

6.21 The Review heard about innovative practice in Wales to evaluate the impact of new legislation. The Measuring the Mountain project applies across the country, evaluating the impact of the Social Services and Well-being (Wales) Act 2014. It is a collaboration between the public sector, third sector organisations and the general public – a national listening exercise designed to hear from anyone and everyone with a story to tell, culminating in discussion forums and dissemination of the findings to Welsh Government, social care professionals, participants and, through the website, with other people and organisations.⁴⁹

Research matters: responding to gaps in knowledge and understanding

6.22 Throughout the Review period, information was logged about the gaps in knowledge brought to the attention of the Review from the different strands of activity, including the review of contributory factors (see para 2.2). The following list sets out this information, under the headings used in the academic review.

The children in care and care proceedings

- The ethnicity of the children.

Parents of children in care and care proceedings

- The ethnicity of the parents.
- The income levels, employment status, housing circumstances or educational background of the children's families.
- The partnership or marital status, health or disabilities, or age of the parents.
- The fathers of the children in care or children involved in care.

Socio-economic factors

- The reasons for the substantial variations in rates of looked after children and children who enter care proceedings between some local authorities with similar levels of deprivation.
- When the effects of rising poverty and austerity began to impact on the rates of children coming into care and entering care proceedings.
- The overall impact of the provision of early help and support services on the numbers of children in care.

Legal and policy frameworks

- Whether the recent legislative changes in Wales are having any impact on the numbers of children coming into care and care applications.
- Whether the recent Family Justice Reforms (including the introduction of the PLO) are having a positive impact on long-term outcomes of children and their families.
- Whether recent reforms, which have increased the focus of pre-proceeding on preparation for court, have reduced opportunities to engage and empower parents.

Professional practice

- The changes in professionals' knowledge and understanding over time, particularly in relation to the recognition of neglect, which may be affecting the numbers of children entering care and care proceedings.
- The reasons for the variations in practice and formal pre-proceedings processes.

⁴⁹ <http://www.mym.cymru/>

- Whether opportunities are being missed to successfully and safely divert cases through pre-proceedings work and whether this may be contributing to the care crisis.
- The unintended consequences of the implementation of the PLO which may have resulted in some courts' reluctance to allow purposeful delay in cases.
- The impact of the implementation of the PLO on the long-term outcomes of children and families.
- Whether changes to practice in the making of orders will increase the numbers of children who return to court.
- The families' experiences of post-PLO pre-proceedings.
- How best to use the learning from FDAC about changing the culture of court proceedings to improve the experience for families and professionals of all care proceedings.
- The potential benefits of using mediation within public law proceedings,

The circumstances of children and families

- The changes in the nature of the complexity of cases over time
- The collective impact of initiatives to prevent children being born into circumstances where there is a need for them to be removed into care.

Options for change

Research matters

That there is a presumption that the methodology of research studies exploring practice with, and outcomes for, children and families incorporates the experiences of family members.

That research funders and research centres are briefed about the gaps in knowledge that have been identified during the Care Crisis Review.

Appendix

Members of the Stakeholder Advisory Group and the Academic Advisory Group

The Stakeholder Advisory Group

Nigel Richardson, former Director of Children's Services, Leeds City Council (Review Chair)

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