

<b>Item No.</b> 10.	<b>Classification:</b> Open	<b>Date:</b> 16 February 2011	<b>Meeting Name:</b> Corporate Parenting Committee
<b>Report title:</b>		Care Proceedings Activity – Legal Services	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Deputy Director of Specialist Services	

## RECOMMENDATIONS

1. To note this report and its findings submitted in response to the committee's request raised on 10 November 2010 for a report of families that are subject to multiple care proceedings and outlining preventative and supportive measures in place.

## BACKGROUND INFORMATION

2. Care proceedings are initiated by London Borough of Southwark's Children's Services where there are significant and profound safeguarding issues and the local authority is seeking permission from the courts to be granted parental responsibility to protect the child.
3. The court will initially determine whether there is sufficient evidence being provided by Southwark to meet the threshold criteria.
4. The court will consider granting an interim care order and will then commission a range of further assessments and interventions to determine whether the child needs to be removed from the family on a permanent basis and grant a care order to Southwark.
5. The court is at liberty to require the parents to undertake an extensive residential assessment from specialist providers which will enable the family to receive extensive parenting support and training whilst assessing their capacity to provide a safer care environment for their child. The court will order Southwark to bear the costs of all assessment processes which presents significant budgetary pressures given the number and range of care proceedings initiated in Southwark.
6. Throughout the proceedings the parents and child have separate and independent legal representation. In addition the child is appointed an independent guardian through CAFCASS.
7. From September 2006 new guidance was issued concerning how care proceedings are managed and what activities should take place before proceedings can be brought to the attention of the court. Known as the "public law outline" the new guidance was issued to make the system easier to navigate and reduce timescales between initiating procedures and the final decision. In reality all local authorities have reported that care proceedings are now taking between 2 and 6 months longer on average.
8. Before making a final decision to grant a care order, the court needs to be entirely satisfied that there are no members of the extended family who could assume care for the child and that they are fully satisfied with the local authority's care plan.
9. Since the public law outline was introduced, local authorities have noted a steady change in the approach of the family courts where adoption is being valued less in favour of placements with extended family members (Special Guardianship Orders).

## KEY ISSUES FOR CONSIDERATION

### 10. Current proceedings as at 31 January 2011

There are currently 78 care proceedings cases in court (not numbers of children subject to proceedings). Below is a breakdown of when those proceedings were issued:

2008: 01  
2009: 19  
2010: 54  
2011: 04

We currently have instructions to issue 7 new sets of care proceedings in February. We have 15 cases listed for final hearing in February and 8 in March. Not all cases listed for final hearing conclude as planned as cases can be adjourned for a number of reasons.

### 11. Proceedings issued and concluded in 2010

Appendix 1 provides the statistics for cases issued and concluded in 2010. In total from April 2010 there were 52 final hearings. The outcomes for these cases were as follows:

11 Special guardianship orders (family members assuming care of child)  
10 Care orders with placement orders being made at the same time (plan for adoption)  
12 Care orders (long term fostering)  
9 Supervision orders (child remaining at home but with strong child protection and supervision arrangements)  
5 Residence orders (older child placed with relatives)  
2 No order  
1 Case transferred to another LA  
1 Withdrawn  
1 Other outcome

### 12. Of the 52 cases which concluded 37 were in the Inner London Family Proceedings Court (ILFPC) and 15 were at the Principal Registry of the Family Division (PRFD). We are therefore managing to keep the over two thirds of our cases in the lower court. This means that the costs of proceedings are kept lower for the following reasons:

- The in-house legal team is more able to undertake advocacy.
- If counsel is instructed they are paid at a lower rate than at the PRFD.
- The demand for bundles from the ILFPC is lower than the PRFD, the latter requires a bundle every hearing.
- The ILFPC renews interim care orders automatically, unlike the PRFD which requires papers to be sent for every renewal.

### 13. Southwark has an extremely good reputation with the Inner London Family Proceedings court and CAFCASS for the quality of it's legal services and care planning/decision making processes.

### 14. Appendix 2 outlines the number of applications over the last two years by Inner London boroughs. During 2009, Southwark saw a rise in proceedings as a result of the Baby P case. Analysis of the 2009 cohort has also seen the cumulative impact of care proceedings cases taking longer to be resolved (between 2 to 6 months). All local authorities have noted the longer court times involved and have fed this back to the London Family Proceedings Court and Principal Registry of the Family Division. The number of new cases being issued have remained relatively stable for the last eighteen months showing a slight slowing of demand in the safeguarding system. The fall in the total number of proceedings in 2010 is in response to this gradual reduction and the fact that the additional cases in the system (due to Baby P) and cases generally taking longer have now been concluded.

### Policy implications

15. There are no new policy considerations.

### Community impact statement

16. There is no community impact arising from this report.

### Resource implications

17. There are no specific implications arising from this report.

Background Papers	Held At	Contact
Case Issued and Final Hearings	160 Tooley Street, SE1	Winsome Levy 020 7525 0633

### APPENDICES

No.	Title
Appendix 1	Cases Issued & Final Hearings 2010
Appendix 2	Inner London Borough Applications 2009 & 2010

### AUDIT TRAIL

<b>Lead Officer</b>	Deputy Director, Children's Specialist Services	
<b>Report Author</b>	Senior Lawyer, Legal Services	
<b>Version</b>	Final	
<b>Dated:</b>	3 February 2011	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>	3 February 2011	