

<b>Item No.</b> 11.	<b>Classification:</b> Open	<b>Date:</b> 25 February 2014	<b>Meeting Name:</b> Corporate Parenting Committee
<b>Report title:</b>		Report Back into the Circumstances that Lead Children Being Taken into Care	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director Children's Social Care	

## RECOMMENDATION

1. That the committee note the contents of this report.

## BACKGROUND INFORMATION

2. In an average week, LB Southwark makes two applications to the Family Proceedings Court for orders to protect children from significant harm by their parents or carers. At the end of January there were 63 cases, involving 113 children in legal proceedings. Approximately one third of applications made since the beginning of May 2013 concerned new born babies where decisions to issue proceedings were made prior to their birth.

## KEY ISSUES FOR CONSIDERATION

### Decisions to issue care proceedings

3. Usually decisions are made following a comprehensive assessment of family involving input from health, education and the police. Often there will have been a child protection conference and attempts to work in partnership with the family over time. When concerns escalate or reach a level where risks can no longer be safely managed, a legal planning meeting will be held with a senior lawyer present. This is the decision-making meeting, chaired by a Head of Service which will decide whether to make an application or whether to try and continue work with the family but under a legal framework of a pre-proceedings written agreement where we may commission special assessment or intervention to meet the needs and manage the risks. If we have not already had a family meeting or Family Group Conference, we would aim to do this before going to court so that we can assess and plan for children to remain with extended family or friends, if this is viable. Sometimes emergency action has to be taken by the Police or Children's Social Care.

### Reasons for care proceedings

4. The reasons children need to be protected include physical abuse, sexual abuse, neglect and emotional harm. Parents or carers may be affected by mental health, learning disability, drug or alcohol problems or domestic violence. Many parents have experienced poor parenting or were abused themselves as children and whilst they do not necessarily have diagnosed mental illness, their emotional and social functioning is impaired and they have no strong supportive family to help. They may be in trouble with the law or

having difficulty sustaining positive partner relationships. Southwark families in care proceedings tend to be affected by multiple problems of substance misuse, domestic violence and poor mental health. Southwark has a service level agreement with the Family Drug & Alcohol Court to purchase 10 places each year.

### **Changes affecting care proceedings**

5. Family Justice has been undergoing considerable national reform in the last year which has affected all Local Authorities and the conduct of care proceedings. The thrust of these reforms is to make better decisions, in a more timely way and reduce costs. Since January 2013, Judges have only allowed assessments within proceedings which have been “absolutely necessary” placing the need for assessments to take place before proceedings. In May 2013, Southwark joined Lambeth, Lewisham and Greenwich to form the South London Care Proceedings Project to learn from the success of the well evaluated tri-borough project who was achieving the conclusion of care proceedings within 26 weeks. Each Borough appointed a case manager to support work going into proceedings, track cases and ensure learning from best practice. August 2013 saw the London-wide implementation of the new Public Law Outline which changed the way Local Authorities present cases to court and set rigorous timescales to achieve 26 weeks which is expected to become law during 2014. In the last six months a number of important case law judgements have further impacted on the way final social work evidence is prepared.

### **The effect of changes in LB Southwark**

6. The number of cases in legal proceedings has fallen (67 so far in 2013/14 compared to 121 in 2012/2013). Whilst this is welcome news, it must be noted that much more work is contained within the formal pre-proceedings process referred to in paragraph 2 above. The duration of cases in proceedings has reduced from 49 weeks in 2011/12 to 40 weeks in June 2013. These average figures are adversely affected by the large volume of cases in Southwark which pre-date the changes in 2013. There are still 23 cases involving 48 children which began prior to 1<sup>st</sup> May 2013 and the longest running is 81 weeks. We have achieved some spectacularly short durations where we have been able to undertake full assessments to rule in or rule out extended families pre-proceedings and pre-birth, for example a Care Order and Placement Order (for adoption) was achieved within 9 weeks.

### **The future of care proceedings**

7. Family justice reform, social work reform and the transformation of children’s social care in Southwark all sit well together for protecting the most vulnerable children in the future. The case examples give a flavour of the complex work and decisions that are required to balance the Human Rights of privacy and family life with the protection of children from abuse and neglect. Implementing decisions in the most humane way possible, for example, removing a newborn baby from their parents requires a high level of skill and social work with families in legal proceedings receives a particularly high level of scrutiny from judges, lawyers, experts and the Cafcass Guardian. By tracking cases it has been possible to identify unmet needs where we could usefully develop more creative services which might prevent more proceedings or repeat proceedings. For example if we were able to support birth mothers who are

repeatedly having their children removed to prevent further pregnancy, stabilise their lives and engage in services, we may be able to break some of the destructive cycles that exist. If we were able to offer more support to Special Guardians, we may prevent the disruption of these arrangements particularly when the assessment, preparation and immediate support is much less when compared to adoption and long term fostering. Finally, targeted support for young mothers (some but by no means all care leavers) could enhance the quality of attachment and prevent difficulties in later childhood.

**Policy implications**

8. There are no policy implications relating to this report.

**Community impact statement**

9. The decision to note this report has been judged to have no impact on local people and communities. Clearly these issues have a significant impact on looked after children.

**Resource implications**

10. There are no resource implications arising from this report.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
None		

**APPENDICES**

No.	Title
None	

**AUDIT TRAIL**

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<b>Version</b>	Final	
<b>Dated</b>	13 February 2014	
<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>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	13 February 2012	