



Key findings	2
References	3

Supervision orders in care proceedings: survey findings

April 2021

Summary

Ryan, M., Roe, A., and Rehill, J. (2021). *Supervision orders in care proceedings: survey findings*. Summary. London: Nuffield Family Justice Observatory.

Full report and survey questions available from:

Supervision orders are one of the options available to courts hearing care proceedings if they are satisfied that the grounds for a care or supervision order exist (s.31 Children Act 1989). A supervision order places a child under the supervision of the local authority. While an order is in force, it is the duty of the local authority to 'advise, assist and befriend' the child, and to take such steps as are necessary to give effect to the order (s.35).

Previous research has raised questions about the usefulness of standalone supervision orders, and identified varying practice across regions (Harwin et al. 2019).

In its final summary report, the Public Law Working Group noted ongoing concerns about supervision orders and recommended the creation of a sub-group to consider the issue further (2021). It also recommended that the government should review supervision orders with the aim of providing 'a more robust and effective form of a public law order' (para 228).

Nuffield Family Justice Observatory conducted a survey in support of this work between 15 February and 8 March 2021.

Key findings

Overall, responses to the survey conducted by Nuffield Family Justice Observatory between 15 February and 8 March 2021 reflected the findings of Harwin et al. (2019) and the Public Law Working Group (2021) regarding the wide variation in practice, the management of supervision orders once proceedings are over, and the support provided under them. Concerns about the effectiveness of supervision orders noted in research are also reflected. The responses support the recommendations of the Public Law Working Group that a review of the effectiveness and robustness of the order should be carried out.

- A total of 301 valid responses were received in response to the survey—10 from parents and 291 from professionals involved in family justice, mainly social work managers (53), judges (48) and barristers (45).
- The majority of professional respondents (90%) thought that supervision orders should be retained. A key reason for this was the need for a proportionate order between a care order and no order when children were returning home at the end of proceedings in which the threshold for a care or supervision order had been established.
- Reasons for making or arguing for supervision orders, or for seeing them as helpful, included:
 - keeping the local authority involved with the child and family
 - encouraging the local authority to provide support
 - the need for a proportionate order
 - to support children and parents where the situation had improved but where ongoing help was necessary
 - where some risk remained that the return home might not be successful
 - where children were older and did not want a care order
- to encourage engagement between parents and the local authority
- for supervision of contact.
- Concerns about supervision orders and their use included:
 - the support identified was not always provided
 - they were not properly enforceable
 - there was a lack of clarity about accountability
 - they added little to the support that could be provided under a child in need or child protection plan.
- Proposals made by respondents to this survey for improving the effectiveness and robustness of the order included:
 - specific obligations for both parents and local authorities should be set out in a written plan
 - the support plan should be specific to the needs of the child and parents, and not formulaic
 - measurable outcomes should be identified
 - there should be an agreed process for reviewing the progress of the support plan, which should involve an independent element
 - the process for returning to court if the support plan is not being followed should be clearer and available to all parties
 - there should be more flexibility in the time periods supervision orders can be made for
 - there should be more funding available for the implementation of support plans.

About supervision orders

A supervision order can be made if the court is satisfied that the grounds for a care or supervision order contained in s.31 Children Act 1989 exist. A supervision order places a child under the supervision of the local authority. The local authority does not share parental responsibility with the parent, as is the case with a care order. While a supervision order is in force it is the duty of the local authority to advise, assist and befriend the child, and to take such steps as are necessary to give effect to the order (s.35 CA 89).

A supervision order may contain directions to the supervised child (to take part in particular activities for example) and also directions to the parent to take reasonable steps to ensure the child complies with any requirement under the order. Supervision orders can also contain specific requirements in relation to psychiatric and medical examination or treatment where there is evidence that children may be suffering, or is suffering, from a physical or mental condition that requires treatment. Such requirements cannot be imposed unless the child (of sufficient understanding) consents. Supervision orders can initially be made for up to one year but the supervisor can apply to extend the order, and the court may extend for further period, providing the order does not last for more than three years in total (Schedule 3, CA 89).

References

Harwin, J., Alrouh, B., Golding, L., McQuarrie, T., Broadhurst, K., and Cusworth, L. (2019). *The contribution of supervision orders and special guardianship to children's lives and family justice. Summary report*. Available from: www.cfj-lancaster.org.uk/projects/supervision-orders-and-special-guardianship-a-national-study [Accessed 5 April 2021].

Holmes, L. (2019). *Use of children's social care data at the regional and local level*. Available from: www.nuffieldfjo.org.uk/resource/use-of-children-s-social-care-data-at-the-local-and-regional-level [Accessed 5 April 2021].

Public Law Working Group. (2021). *Recommendations to achieve best practice in the child protection and family justice systems. Final report*. Available from: www.judiciary.uk/publications/message-from-the-president-of-the-family-division-publication-of-the-presidents-public-law-working-group-report/ [Accessed 5 April 2021].

About Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare, and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.

The views expressed are those of the authors and not necessarily those of Nuffield FJO or the Foundation.

Copyright © Nuffield Family Justice Observatory 2021

Nuffield Family Justice Observatory
28 Bedford Square, London WC1B 3JS
T: 020 7631 0566
Registered charity 206601
nuffieldfjo.org.uk | [@NuffieldFJO](https://twitter.com/NuffieldFJO)
nuffieldfoundation.org | [@NuffieldFound](https://twitter.com/NuffieldFound)