

**Nuffield
Family Justice
Observatory**

Report focus

Summary of stakeholder engagement activity between the Nuffield Family Justice Observatory development team and the Greater Manchester Local Family Justice Board

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Report to Greater Manchester Local Family Justice Board on work with the Nuffield Family Justice Observatory



About this report

This report gives a summary of stakeholder engagement activity between the Nuffield Family Justice Observatory development team and the Greater Manchester Local Family Justice Board.

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About the Nuffield Family Justice Observatory

The Nuffield Family Justice Observatory (Nuffield FJO) supports better outcomes for children in the family justice system in England and Wales by improving the use of data and research evidence in decision-making. We do this by:

- Supporting the analysis of national data and linking data from different sources to better understand the experience of children and families in the family justice system.
- Researching issues facing children and families and collaborating with others to bring about change in practice.
- Enabling decision-makers to access the latest data and research evidence.

Central to the Nuffield FJO's operation is a data partnership with the Centre for Child and Family Justice Research at Lancaster University, Population Data Science at Swansea University and the SAIL Databank.

The Nuffield FJO has been 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.

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research
in practice



1. Introduction

Background to the Nuffield Family Justice Observatory

There has been long-standing recognition that research has a limited and uncertain influence on the family justice system. In contrast to related fields, such as health and education and even the criminal justice system, mechanisms to support the translation and integration of research evidence into policy and practice are far less well developed. In addition, the family justice system makes insufficient use of the wealth of administrative data that is routinely produced by national government, CAFCASS, local authorities and other public services, including the courts. In response, the Nuffield Foundation, as a principal funder of family justice research, decided to launch a pilot Nuffield Family Justice Observatory (Nuffield FJO) for England and Wales to run for five years initially.

Detailed consultation with stakeholders during 2016 -2017¹ recommended that the Nuffield FJO be launched as pilot in April 2018 to trial and test a range of functions over one year, until April 2019. Information gathered during the Nuffield FJO scoping phase strongly indicated that the Nuffield FJO should work with practitioners to identify priority issues for research or for dissemination. Another clear message from the scoping phase focus groups was that the Nuffield FJO should not be a 'London-centric' initiative:

'A major challenge is the need for the Observatory to reach out at the regional level, across both England and Wales... the Observatory will need to develop a strategy for active engagement in a number of regions... Engaging with regional groups to co-produce priorities and determine opportunities for local activity is a vital part of building the infrastructure for the Observatory'.²

A number of the activities of the development team during the Nuffield FJO pilot year have had a focus on stakeholder engagement and this includes our work with the Greater Manchester Local Family Justice Board (LFJB).

Background to the work in Greater Manchester

Local Family Justice Boards (LFJB) are in all the Designated Family Justice areas across England and Wales and have the potential to support the reach and impact of the Nuffield FJO across England and Wales. The Nuffield FJO development team identified the Greater Manchester LFJB as an active LFJB with a very wide reach and, as such, a good testing ground for Nuffield FJO activities. In addition, the Greater Manchester Designated Family Judge (DFJ) HHJ Lesley Newton, sat on the Nuffield FJO scoping and pilot phase Advisory Board and members of the development team had existing professional links with the Greater Manchester local authorities.

¹ Broadhurst K, Budd T and Williams T (2018) The Nuffield Family Justice Observatory for England and Wales: Making it Happen. Nuffield Foundation.

<http://www.nuffieldfoundation.org/towards-family-justice-observatory>

² *ibid*

The aims of the work with Greater Manchester in 2018-2019 were to:

- Raise awareness of the Nuffield FJO project in Greater Manchester and generate interest in engaging with the Nuffield FJO in the longer-term.
- Obtain a better understanding of how the Nuffield FJO might link with local areas.
- Develop practical understanding of evidence needs locally and of knowledge use/generation in a local area and to shape Nuffield FJO priorities through collaboration with local stakeholders.
- Identify and showcase local area family justice innovation.
- Support innovation through offering training or research materials.
- Meet with local data groups to understand work going on at a local level on data sharing/how the Nuffield FJO might complement local area data use.
- To get feedback from key stakeholders on Nuffield FJO outputs in the development stage.

The work in Greater Manchester has included:

- Observing and investigating the structure and activities of the Local Family Justice Board and related sub-groups.
- Setting up a Judicial Reference Group.
- Support for Greater Manchester responses to the issue of recurrent care proceedings.
- Linking with local data analysts.

Specific activities included:

- Interviews with the Chair of the LFJB, the DFJ, the chair of the training sub-committee, the senior family magistrate, three members of the LFJB and with a solicitor in private practice (eight interviews).
- Observing three meetings of the LFJB.
- Observing meetings between the Directors or Assistant Directors of children's services in the Greater Manchester local authorities and the DFJ.
- Observing a meeting of the Greater Manchester Public Law Outline (PLO) subgroup.
- Interviews with Local Authority solicitors in relation to pre-proceedings practice (eight interviews).
- Convening a Judicial Reference Group (three meetings).
- Observing a special workshop called by Judges to discuss urgent applications.
- Videoing interviews with Greater Manchester professionals responsible for the Children's Access to Court Project and the Virtual Reality version and preparing a video about the project to post on the Nuffield FJO website.
- Meetings to discuss potential Nuffield FJO input into the 'scale and spread' of Strengthening Families and PAUSE across Greater Manchester in response to recurrent care issues
- Meetings with local data analysts.

We are very grateful to all those in Greater Manchester who have given interviews, attended meetings, sent us background documents and welcomed our attendance and observations at meetings.

2. Structure and activities of the Greater Manchester Local Family Justice Board: findings and observations

Leadership and relationships: The proactive nature of the Greater Manchester LFJB is attributed by interviewees in large part to having a committed and active Chair and DFJ who have a good relationship and work well together. The Chair also has a good relationship with the CAFCASS manager for the area which assists in tackling issues that arise.

Interviewees noted that the DFJ is seen as approachable and willing to listen and to find remedies for issues raised. The DFJ meets regularly with Circuit Judges and District Judges which includes visiting the judges based in the courts in Stockport and Wigan. She also meets regularly with magistrates, local authority Assistant Directors and lawyers and with managers from CAFCASS and HMCTS.

Subgroup activity³: The subgroups for the LFJB cover performance (KPIs), PLO (public law), private law, and the annual conference. In addition, the LFJB is closely linked to the Family Court Forum (previously the local Family Justice Council) which has sub-committees covering gatekeeping/allocating/listing, the role of experts in court, education and training, adoption, family/crime interface, domestic abuse, and the voice of the child in the family court. The subgroups that meet most regularly are the PLO, private law, performance, and education and training subgroups. Each of these submit proposals and work plans into the annual action plan for the LFJB. The issue-based Family Court Forum subgroups tend to meet less regularly, and are more likely to be addressing a specific issue, or working on developing local guidance or programmes such as the Children's Access to Court project developed by voice of the child sub group. A number of interviewees thought that the range of subgroups and the fact that they met regularly also contributed to the active nature of the LFJB and helped to foster wider engagement in Family Justice issues than would have been possible with just the LFJB. The range of issues covered by the sub-groups also helped to support consideration and discussion of issues beyond the key performance indicators for private and public law.

A number of examples of **good practice** emanating from the LFJB or the Family Justice Forum, or from the DFJ have been identified:

- The Children's Access to Court project was developed by the Voice of the Child subgroup. Children subject to public law proceedings are provided with an opportunity to visit the Civil Justice Centre and watch a pretend hearing where a Judge and lawyers, following a script, enact an early hearing in care proceedings involving an application for an ICO. Children are given a guided tour around the Centre and after the pretend hearing spend time with the Judge and court staff and are able to ask questions. About three visits a year are organised, each involving about ten to 12 children from the age of ten upwards. In addition to these visits, staff at the Greater Manchester court have worked with the university of Salford to develop a virtual reality tour, which can be made available to children who do not wish to visit the court. Currently access to the headsets for the VR tour are managed by CAFCASS, but headsets will become available for all the Greater Manchester local authorities.

³ See Annex 1 for a diagram of the subgroups

Those involved in the project, Judges, lawyers, and court staff see this as an important way of demystifying the family court process for children and making it more transparent. They are clear that a similar tour would be very helpful for children in private law proceedings and for parents in private and family law proceedings. A short film about the project is available on the Nuffield FJO website.

- Monthly lunchtime seminars are organised by the education and training sub-committee and are available to anyone involved/interested in family justice in Greater Manchester. The seminars are free and do not require advance booking. It is reported that they are well attended and feedback is overwhelmingly positive. Topics covered during 2018 included updates on private and public law in relation to case decisions and other developments, mediation in private law, messages from research on good practice in making placements under SGOs, and an update on serious case reviews. Ideas for future seminars are invited from those in attendance and discussed/arranged subsequently by the sub-committee. In addition, the sub-committee organises court skills training for social workers and an annual conference.
- Greater Manchester and CAFCASS have been involved in a pilot (funded by the MoJ) to involve CAFCASS at an earlier stage in private law proceedings, before the FDHRA (First Hearing and Dispute Resolution Appointment). This has been evaluated and the findings are awaited.
- The Chair of the LFJB produced a newsletter that was issued quarterly between 2016 and 2018 containing information about the activities of the LFJB and important information for practitioners.
- The PLO subgroup and other stakeholders were involved in leading on the audit of case files that formed the basis for the ADCS led review of care orders at home in the North West.
- Three workshops were organised in 2018 to encourage discussion and problem solving in relation to the rise in urgent applications. These workshops were run by the Judges and court staff and were designed to get proposals from all stakeholders about how to resolve some of the issues arising from urgent applications. They provided opportunities for small group discussion about the reasons for the rise in numbers and about solutions to some practical issues that might ease the problems. These suggestions for improvement have now been incorporated into new Greater Manchester guidance on issuing urgent applications.

Issues and concerns raised and discussed in meetings and interviews were:

- The **rise in the number of proceedings** in both private and public law and, alongside that, a rise in the number of cases starting with an application for an urgent hearing. This is creating enormous pressure on all those involved in the FJS. It has had a negative effect on the performance of the area in terms of the proportion of cases completed within 26 weeks and other performance indicators. There is clear

recognition from all those involved that the reasons for the rise are complex and that everyone needs to work together to address the problem.

- There are concerns about **variable practice in relation to pre-proceedings**. This has been a long-standing concern, and reference to it is made in the newsletters issued in 2017. Although Greater Manchester developed a Greater Manchester wide pre-proceedings protocol in 2015 it is not always followed. Some local authorities have better functioning procedures than others, and some have systems for tracking cases in pre-proceedings, but there is no consistent approach. CAFCASS and Judges express concern about poorly prepared cases or insufficient attention to diverting cases. Local authority personnel raise concern about a ‘start again’ approach from judges and children’s guardians once a case comes into court. The PLO sub-group have collected information about pre proceedings practice via a questionnaire from six of the 10 Greater Manchester local authorities. As part of our work we interviewed local authority lawyers in eight of the Greater Manchester LAs about pre-proceedings practice.⁴ The LFJB has agreed that pre-proceedings should be a focus of attention in 2019. Variable practice in relation to pre proceedings work is a national issue and a focus on making better use of pre proceedings to divert cases from court is one of four areas identified for attention by the national FJB (as set out in their newsletter of February 2019). It is also one of the workstreams of the Public Law Working Group established by the President of the Family Division.
- In relation to **urgent hearings**, around 40% of all public law cases in Greater Manchester currently (third and fourth quarter of 2018/19) are starting with an application for an urgent hearing. This is creating considerable problems in terms of court capacity and raises concerns about access to justice for parents. Concerns about urgent applications are linked to the concerns about pre-proceedings and rising case numbers generally. There is similar pressure in private law. The workshops described above have led to some proposals to improve practice in relation to urgent applications and the issue will be reviewed at all LFJB meetings.
- Concerns were expressed by some interviewees about **a bullying and blame culture in** and out of court. This is reported to have improved in recent years and the Chair of the LFJB and the DFJ are in agreement about the need to tackle this. The concerns expressed were specifically in relation to the treatment of social workers in court by Judges and lawyers and also within social care between senior managers and more junior staff.
- There is some concern about the **involvement of private practice lawyers**, solicitors and barristers, in the issues and discussions relevant to the family justice system, including their representation on the LFJB and on sub-groups and this was linked to the problems of communication across 10 local authority areas (see below).

⁴ See annex 2 for more details of the Nuffield FJO interviews and findings

- There is also concern, in some of the Greater Manchester LAs, about the reduction in the numbers of solicitors doing public family law and the effect this has on the **representation of parents** in care proceedings.
- Interviewees felt that the Chair of the LFJB created an atmosphere in which there could be **discussions about difficult issues**, for example around the standard of local authority evidence or about the 'start again' culture where Judges or CAFCASS want new assessments ordered when cases go into court. However, it was also noted that these discussions were, on the whole, at quite a general level. It was thought, and had been suggested many times by the Chair of the LFJB, that it would be helpful if there could be a system for some retrospective in-depth discussion of particular cases to provide a clearer focus for these concerns.
- There is agreement that regular, effective **communication** from the DFJ, LFJB and sub-groups across the ten Greater Manchester local authorities and all those involved in the FJS is a challenge. The current Chair of the LFJB began producing a newsletter in November 2016 to disseminate suggested procedural improvements, promote training opportunities etc, but at a workshop held in 2018 to discuss the focus for the LFJB in the future it became apparent that the newsletter was not reaching a wide audience and the Chair and other members of the LFJB are considering different ways of getting information across. The DFJ and the Chair meet with ADs immediately before LFJB board meetings which has improved AD attendance at the Board, though the DFJ expressed concerns about the extent to which LFJB messages get through to social workers.

Discussions about interrogating local and national data and the use of **research** indicated that people were interested in understanding more about:

- Reasons for the rise in care proceedings.
- Reasons for regional variations in volume of care proceedings and types of orders made.
- Research into contact, particularly in relation to the quality of contact.
- Longer term outcomes of family court decision making.
- Local research into the use of pre-proceedings and the quality of the process.
- Opportunities to learn from specific cases, along the lines of the Tri-Borough model of case reviews. This approach was also recommended in a 2015 study of the role of feedback for Judges.⁵

⁵ Masson J (2015) *Developing Judgement: the role of feedback for judges in the family court*. University of Bristol and Family Justice Council.

3. Judicial Reference Group in Greater Manchester

The scoping phase of the Nuffield FJO and preliminary discussions with stakeholders indicated a need for the Nuffield FJO to engage with members of the judiciary as a distinct group. It was therefore decided to set up a judicial reference group in Greater Manchester to provide a sounding board for the Nuffield FJO in relation to stakeholder engagement, to improve understanding about judicial perspectives on the application of research evidence at the case level, and to improve understanding among Greater Manchester Judges about the potential role of research and of the Nuffield FJO.

This group was set up in the summer of 2018 and has met three times. It consists of the DFJ, two CJs and two DJs. The first two meetings involved a general discussion about research while the third focused on the recently published *Born into care* report and the usefulness of data to Judges. Messages from these discussions were:

- Judges' interest in research is primarily in how it might help them with decision making in individual cases. They are interested in research about outcomes, in particular whether some placements are more likely to be successful than others, and whether particular sorts of services and help are more effective than others. They expressed interest in evidence about outcomes for children placed with relatives under SGOs, and whether there is evidence about different outcomes for children placed under care orders at home in comparison to children placed at home under a supervision order. They are clear that relatives should be involved at the earliest possible stage.
- National, regional and intra-LFJB practice variation made evident through data (such as numbers of applications, types of orders made) is found useful as a background to discussion and as a prompt for questions about the way the system is working. These judges were particularly interested to see the difference between the North West and the South East of England in relation to use of Care Orders at Home and Supervision Orders. Engaging with data prompts further questions about how to understand the underlying reasons for variation.
- Judges receive regular and personal performance data feedback from HMCTS on the length of time their cases are taking and how many hearings there have been. This is the data which feeds into the KPIs.
- Judges are aware that social workers are reluctant to include research evidence in their statements in case they get cross examined on the relevance of that research to the case before the court. They noted that judges have to decide on the individual case in front of them based on the evidence (facts) of that particular case. While research might influence them, the realistic options available are also important. For example, they might know a specific intervention would be more likely to keep family together, but that cannot assist their decision making if that service is not available in their area, and cuts to the budgets of local authorities and other relevant partners increase the chances of a service not being available.

- They expressed an interest in greater clarity across the system about the research messages about contact in both public and private law cases and adoption cases. They felt this would assist what appears to them at times to be a formulaic approach to setting contact arrangements.
- They are concerned about the impact on cuts to services for families and interested to know more about the impact on family justice of cuts to legal aid and the acute funding pressures currently experienced by CAFCASS, the LAs, Courts, and Lawyers.
- They would also be interested to know more about outcomes for children who don't come before the court, for example outcomes for children looked after under s.20.
- They are concerned with the lack of legal knowledge among social workers (and, by implications lawyers) about, for example, the test for the making of an interim care order, the implications of Article 6 and the importance of a fair and just approach

These findings align with those of the study commissioned by the Nuffield Foundation to inform the development of the Nuffield FJO⁶.

⁶ Churchill H, Morris K and Richardson-Foster H [2018] *Exploring the lessons from dissemination of research to the judiciary involved in public family law and child care proceedings*. Nuffield Foundation and University of Sheffield.

4. Greater Manchester and recurrent care

At the initial visit by the Nuffield FJO development team to the Greater Manchester LFJB in May 2018, Greater Manchester was just embarking on a significant programme of work, funded by DfE to 'scale and spread' a number of innovative approaches to delivering children's social care. One of the four project areas focuses on improving the response to families involved in recurrent care proceedings. The project includes the introduction of PAUSE in Wigan and a proposal to scale and spread Salford's Strengthening Families service.

The Nuffield FJO development team members include Karen Broadhurst and Claire Mason from the University of Lancaster who have published important and seminal research about recurrent care, and Mary Ryan and Susannah Bowyer from Research in Practice who, together with Claire Mason, had run a Change Project to support the implementation of messages from that research with 12 local authorities. This seemed to provide an opportunity for the Nuffield FJO to test out ways in which the Nuffield FJO might offer practical, research-based consultancy and training.

The Nuffield FJO development team offered to support the scale and spread of recurrent care services with a series of workshops to share research evidence on recurrent care and evaluating recurrent care services, with the aim to:

- Increase analytic capacity in Greater Manchester to understand the different needs of parents experiencing recurrent care proceedings and to support Greater Manchester shaping service aims and outcomes in relation to the needs identified
- Improve Nuffield FJO understanding of the potential for the Nuffield FJO to have a role in such local initiatives
- Improve knowledge about the Nuffield FJO and its potential role among stakeholders
- Improve the understanding of messages from research about parents in recurrent proceedings.

Our initial engagement (over summer and early autumn 2018) was with a cross Greater Manchester 'task and finish' group on recurrent care activities, there were a number of additional meetings to discuss potential Nuffield FJO involvement. The Nuffield FJO input has been on hold as any activity has needed to wait until there has been greater clarity about the 'scale and spreading' work across Greater Manchester, but it is now envisaged that workshops run by the Nuffield FJO will take place in the near future.

5. Engaging with the data analysis group in Greater Manchester

A significant element of the proposed work of the Nuffield FJO is directed at building analytic capacity to use and analyse relevant data. To inform this work we wanted to engage with local data experts in Greater Manchester to:

- Understand their work and priority areas of focus.
- Understand the barriers in accessing and analysing data and explore how these might be overcome.
- Suggest how the FJO might support an increased capacity of analytical expertise at the local/regional level and mobilise researcher capacity (e.g. the potential of secondary analysis or longitudinal analysis of aggregate data).

In July Lisa Holmes (member of the development team and Director of the Rees Centre) joined the Greater Manchester data analysts group meeting and presented to a number of analysts on the Nuffield FJO. This was a diverse group of analysts working with all kinds of public service data (i.e. not focused on children and families or family justice specifically). In October Lisa Holmes and Susannah Bowyer (RiP) led a session with the NW Regional Information Group (a more specialist group focused on data about child and family services). Key messages from participants at this workshop included:

- An overriding issue is capacity. Many local authority data teams have been significantly reduced in recent years. Data specialists are often working across corporate activities, from waste management to child protection, with little opportunity to engage in depth with specialist knowledge on family justice issues. The Nuffield FJO may need to overcome initial resistance from overstretched data teams to engage them effectively.
- That said, analysts in Greater Manchester were animated by the potential for longitudinal data on outcomes, and how that might inform discussions with the judiciary in relation to contested decision making.
- A significant issue that needs working through by Nuffield FJO data partnership leads and other stakeholders (e.g. ADCS and Cafcass) is in relation to data anonymization. There was a strong consensus among Greater Manchester analysts that, if the proposed data packs⁷ are to be useful for learning in real time, they will need access to data that identifies their own local authority.

⁷ A strand of the Nuffield FJO work will be working with Swansea University Sail Databank (<https://saildatabank.com/>) CAF/CASS and others to provide data packs for LFJBs

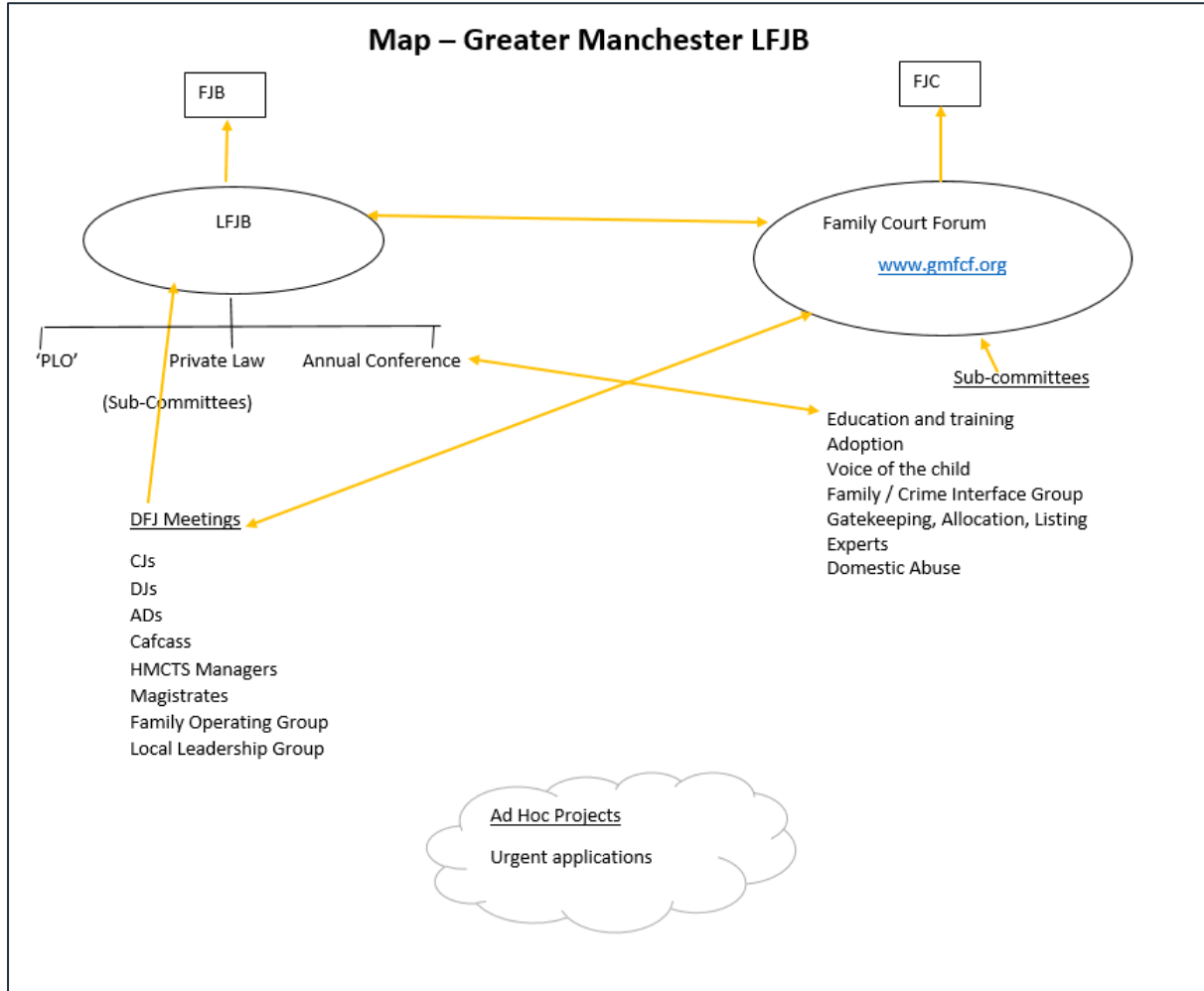
6. Conclusions

The Greater Manchester LFJB is active, well attended, has a clear plan of action and is supported by the work of active sub-groups. It keeps a close focus on the narrow performance issues relevant to the key performance indicators but encourages a wider focus as well. There are good relationships, discussion and challenge between senior managers in the local authorities, CAFCASS and the Judiciary. This does not mean that problems in the Greater Manchester area are less than in other areas – numbers of proceedings have risen significantly over the last two years, urgent applications have risen, there is varying practice in relation to pre-proceedings - but it does mean there is a proactive, problem solving approach to responding to the serious pressures under which both the courts and children's services departments currently working. There is also recognition of what still needs to be tackled to improve practice and discussion and thinking about how best to this. The size of the Greater Manchester area and the numbers of stakeholders involved does, however, pose big challenges in relation to communication and achieving consistency of approach.

The Development Team are very grateful to the Greater Manchester court, the LFJB, other stakeholders and data analysts for their cooperation with our work over the last year. Our work in Greater Manchester has been very important in shaping proposals for how the Nuffield FJO can best link with stakeholders over the next four years. We have learnt that:

- There is strong consistency in what local areas identify as of interest for Nuffield FJO research and activities
- A challenge in working with local areas will be the fact that stakeholders are struggling with the impact of rising numbers of cases and funding crises in both the LAs and the courts. This does impact on people's ability to engage with new initiatives. The Nuffield FJO needs to be able to show that what it provides in terms of research information is seen as easy to access and is useful.
- The Nuffield FJO will need to keep abreast of a dynamic and fast moving practice context in order to be able to respond to specific issues that are identified, for example the rise in the number of urgent applications.

7. Annex 1: Diagram of Greater Manchester LFJB sub-groups



8. Annex 2: Pre-proceedings – findings from interviews

In 2015 a protocol to support social work practice in the pre-proceedings period was developed in consultation with all relevant stakeholders (solicitors, barristers, social work managers, local authority lawyers from all the Greater Manchester local authorities and from CAFCASS). It was circulated widely with an opening commendation from the Designated Family Judge.

At a meeting of the PLO sub-group of the Greater Manchester LFJB in October 2018 pre-proceedings was identified as an issue that needed attention. A recent review of local authority practice in relation to the pre-proceedings had been carried out by the PLO subgroup circulating a questionnaire on pre proceeding activity. Questionnaires had been returned from Bolton, Manchester, Rochdale, Salford, Tameside and Trafford and the answers had been amalgamated for the meeting. The questions covered were:

- Family Group Conference or other family meeting arrangements.
- Pre and in proceedings assessments of family and friend carers.
- Pre proceedings work in relation to
 - Genogram and chronology.
 - Single assessment.
 - Use of research in assessments and evidence.
 - Use of experts.
 - Compliance with the pre-proceedings protocol.
- Effectiveness of partnership with other key agencies.
- Practice in relation to letters before proceedings/meetings with parents/timescales.
- Use of case managers.
- Issues with HMCTS/Judiciary.
- PAMS assessments.
- Training and development.
- Permanence medicals.

The answers revealed varying practice across those LAs who had responded and varying compliance with the protocol.

The Nuffield FJO development team was asked to consider carrying out a review of 100 recently issued cases to look at evidence of pre proceedings activity prior to issue but the team did not have capacity to carry out this review. We were able to offer to speak to local authority lawyers about pre-proceedings practice in their local authorities. In all, eight interviews were carried out with Bolton, Bury, Manchester, Oldham, Stockport, Tameside, Trafford and Wigan. This means that overall information from all ten local authorities has been collected, although the interviews carried out by the Nuffield FJO did not ask all the questions that had been covered in the questionnaire.

Findings from the interviews indicated:

Formal pre-proceedings, beginning once the local authority has sent the parents a letter before action, is referred to commonly as 'being in PLO'. This has developed as a way of distinguishing the formal pre-proceedings period from earlier involvement with families, but it might also give the impression that it is a first stage in the care proceedings process.

All of those interviewed saw pre-proceedings as an important area to focus on and, in some cases, to improve practice in relation to. Over half of those interviewed described recent changes to their systems in order to improve practice and reduce drift.

All except one of those interviewed saw the formal pre-proceedings period as an opportunity to divert cases from court as well as an opportunity to prepare cases for court. The alternative view was that a period of 12 weeks for the formal pre-proceedings period was insufficient time to help families who had chronic and complex problems achieve sufficient change to avoid the need for proceedings. All but one of the LAs interviewed had some sort of tracking system and the one without was in the process of developing one. These systems varied in the data they collected and the ease with which information could be drawn from them, for example about the proportion of cases that were diverted from court. Some systems were held and managed by children's social care and others were run by the legal department.

There was variation in the drafting of letters before proceedings, with lawyers drafting these in some LAs but not others.

In all of the LAs lawyers attended the first formal pre proceedings meeting with parents and their legal representatives. In two of the LAs lawyers did not attend these meetings after that, until the final meeting before issuing proceedings. This was because of a lack of resource in the legal team. In one area they have appointed a lawyer to have oversight of all cases in formal pre-proceedings. All local authorities had some form of timescale for formal pre-proceedings, although two areas said that they had only recently instituted a timescale. The timescales were varied - 6 months, 16 weeks, 14 weeks, and 12 weeks. Over half of those interviewed said that there was a lot of drift in pre-proceedings cases and that some cases had been in pre-proceedings for over a year.

Some local authorities have a Family Group Conference service and some hold family meetings but there was variation in how successful they felt they were at engaging the wider family at an early stage and in carrying out assessments prior to issuing proceedings.

Assessments carried out in the formal pre-proceedings period included DNA tests, drug and alcohol tests, psychological assessments. A number of those interviewed referred to parenting assessments being done by social workers in the pre-proceedings period, which did raise the question of why these assessments had not been done earlier on in the families contact with the local authority.

Some local authorities had experience of a 'start again' mentality when cases got into court, with CAFCASS or parents' solicitors seeking further assessments, but others said this was not their experience.

Issues identified as having a negative impact on practice in formal proceedings were:

- Few solicitors in the area doing public law family work making it hard for families to access experienced legal representation.
- Linked to the above, but slightly different, was the lack of adequate legal aid to pay for legal representation in the formal pre-proceedings period which meant a challenge in court in relation to assessments being more likely, or at the least, concern about the fairness of the process for parents.
- Difficulty in recruiting and retaining social workers which had a negative impact on practice as a whole, but certainly contributed to drift in the pre-proceedings period.
- The rise in the number of care proceedings meant a focus on cases in court and less attention being paid to cases in pre-proceedings, which also led to drift in those cases
- The need for national, rather than local, guidance on formal pre-proceedings practice.

An interesting example of reviewing pre-proceedings practice was recently carried out in Wigan. The new Practice Director reviewed every case that was in care proceedings at that time, following them back to the making of the CP plan, and tracking what had happened, what services had been provided, and what had been effective and what not effective. Wigan has now instituted an Edge of Care multi-agency panel to focus on intensive support in order to divert families, while the formal pre-proceedings process will follow that, and be more focused on preparing for court.