

Nuffield Family Justice Observatory Pre-Proceedings Event

Jonathan Broad & Chantelle Whitehead
Manchester City Council
9th May 2019





imagine



100%

Decision-making within a child's timeframe

An overview of current research evidence for family justice
professionals concerning child development and the impact
of maltreatment

Working Paper 16
Second Edition

2013 = Average 45 weeks

2016 = Average 26 weeks

2015 = Average 29 weeks

2014 = Average 32 weeks

2012 = Average 59 weeks

8 years on

FAMILY JUSTICE REVIEW

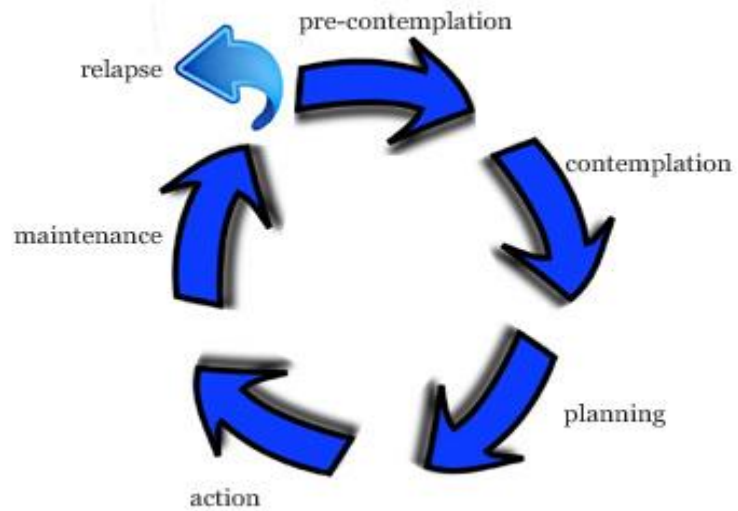
“The FJR has the most far reaching and significant implications for local authority and partner involvement in public child care law since the Children Act 1989. It brought with it opportunities to significantly improve the family justice system for the benefit of children and young people.”

~~2011~~

~~2019~~

“We’re not in ~~Kansas~~ anymore”





Reflection



Family Justice Board (January 2013)

- **Action Plan (13 actions)**

- Improve local authority social care practice including work to ensure that the effective court-related social work practices already seen in some areas is extended to all
- Monitor and improve performance across the system (how: Performance Improvement Sub-Group (PISG) to identify main areas of practice where performance most needs to improve and formulate an ongoing programme of performance improvement actions in response. Identify delays in public law cases. Establish the plan to work towards the 26 week time limit and assess impacts. Develop framework for outcomes experienced by children who come into contact with the family justice system
- Improve quality and consistency of management information (how: PISG evidence, annual research in consultation with key stakeholders, Family Justice Council and FJB advice work plan on public law, self representing litigants and use of experts, establish Knowledge Hub, improve family court management



Getting started...

HM Courts
& Tribunals
Service

legal services
COMMISSION


City of Westminster


h&f
hammersmith & fulham


Cafcass
Children and Family Court Advisory and Support Service


THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

The Tri-borough Care Proceedings Pilot

- Engaged stakeholders
- Looked together at main causes of delay and what to do about it
- Appointed Project Manager and Case Manager
- Talked – we'll do this if you do that

The feedback....

Case manager role

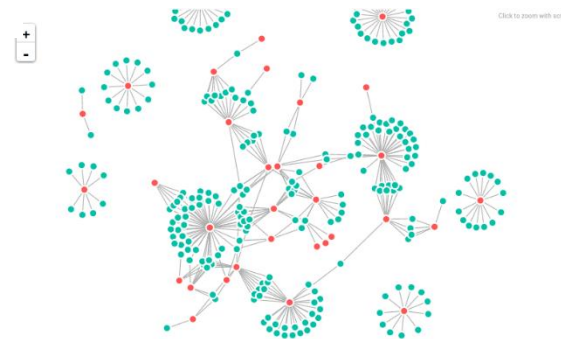
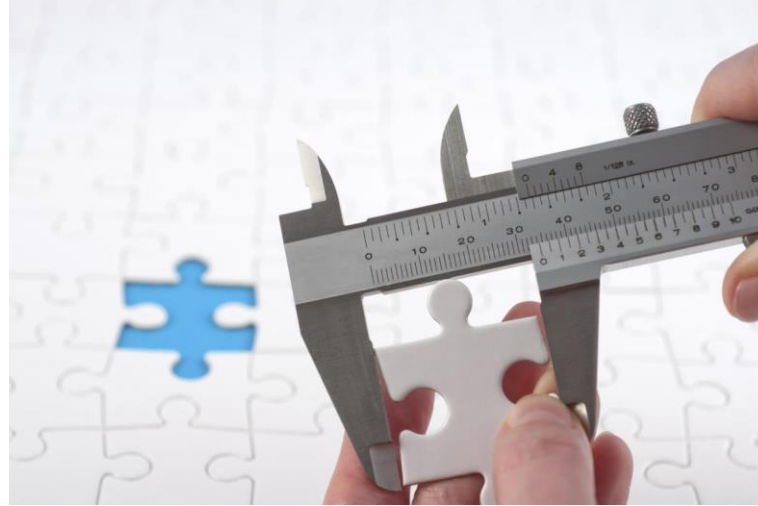
“There were some variations in the degree to which the case manager role was seen as key, with some social workers and team managers suggesting that they had proceeded largely without her support (‘I had no dealings with her; I don’t know what role she actually plays’ said one social worker) and one local authority participant suggested that her base in Hammersmith and Fulham meant that her role was more marginal in the other boroughs (‘I suppose it is some anxiety or otherwise about perhaps Tri-borough working and being advised and consulted by someone else, who you don’t know, from within the organisation, but is external to that for instance and works for Hammersmith and Fulham’). However, across the board, social workers, team managers, lawyers and guardians did identify the role she had played in driving up the standard of assessments as being key....”

What next and why?

- Best interest of child and family
- Change of mind set was needed. Per Munby, we will have to get on with it and achieve *“first, the LA must deliver its material - the right kind of material - on day one. If that does not happen, the entire timetable will be thrown out - focus on analysis rather than history and narrative...”* *“We must, because if we do not, government and society will finally lose patience with us”*
- Truly understand a child’s welfare and development timetable (all partner agencies)
- Grows working together principles, partnership working and trust
- Least intervention
- Adherence to the Family Procedure Rules
- Reducing LAC, avoiding court costs, fostering placements etc...
- When issuing any proceedings / s31, reducing the timetables where appropriate
- Aligns to Council’s strategy and Corporate Parenting Principles (now Our Manchester, Our Children)



Decisions infographic
 icons graph
Data
 Numbers
 Text charts
 Message
 wordcloud
 Communication



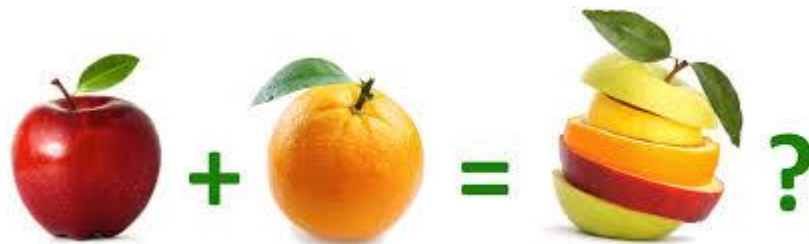
How did you do it?



BLOOD

SWEAT

TEARS



some days I feel like
I've run out of batteries.



chibird

Case Progression Manager

- How? Invest to save? Joint working?
- Separate out the pre-proceedings work from the s31
- Started with a trial Basis July 2013 to May 2014
- What would this Case Progression Manager role deliver?
 - Working within legal services and a range of stakeholders in the Family Justice System to ensure the progression of care proceedings cases within the 26 week deadline within the Public Law Outline 2013.
 - Monitoring implementation of the courts' requirements in care proceedings cases.
 - Referring to Children's Services / Legal Services if there is a delay that may require the case to be relisted.
 - Identifying systems and issues that lead to delays in care proceedings.
 - Providing direct coaching/mentoring support to social workers in their preparation of assessments for care proceedings or where proceedings are anticipated.
 - Developing and maintaining a sound knowledge of peer reviewed research to inform assessments and to ensure colleagues are aware of such research and understand how it should be utilised in decision making for children.
 - Working with agencies across the Family Justice System to monitor, measure and track costs incurred by all agencies, to gain a view of whole system.

How / Advantages

- Social work qualified seconded to Legal Services
- Embeds the approach of a child's journey to permanence starting on day 1
- Working Together (Statutory Guidance) and per Munby *"Everyone involved in the family justice system has a part to play in changing the culture and reducing delay. There is no single solution. We will achieve what must be achieved, but only if everyone plays their part"*
- Children's Services can't do this on their own. Work in advance with partner agencies - Guidance document for Schools/Academies/Health and create effective evidence based template reports – understand what evidence is needed any why
- Understand the statutory framework, what's pre-proceedings and what is PLO – what do you want to achieve?
- Work with Conference Chairs in advance – what happens at Case Conference impacts your pre-proceedings work. Reports to Case Conference being first hand cogent evidence to support your social work threshold statement
- Targeted interventions - what is everyone going to do, why and by when

How / Advantages

- Create purposeful and effective trackers – one size won't fit all – understand the data and what you want to achieve
- Legal Managers – difficult to manage teams and casework, how can you make changes?
- Dedicated Lawyer team (20 / 25) - Change mind sets. Think about pre-proceedings caseloads. Be proactive, not reactive
- Structure of the team – the pre-proceedings work can't be the work that's left behind to concentrate on s31. Does the pre-proceeding lawyer take the case to Case Management Hearing to evidence what's been done before
- Still changing mind sets - One of the most important issues to confront in promoting better outcomes for abused and neglected children is a mismatch between three timeframes: those of the developing child; those of the courts and those of the local authority. Use the LFJB and subgroups to effect best communication. Work with the Court and Cafcass, be transparent about what you can achieve in pre-proceedings work
- Do you need “Experts” supporting you in pre-proceedings work – how are you going to achieve this, what can you do by way of cross boundary working? Go out and negotiate deals
- Convene workshops – don't be complacent and keep lines of communication open
- Still some mind sets to change – don't give up!

Where are we now....

- Effective tracker – that suits you - one size doesn't fit all
- Evidences impact / for Manchester in
 - Early Help - Working Together identifies that providing early help is more effective in promoting the welfare of children than reacting later
 - Identification of themes - whether there was implementation of early permanence planning and in particular what support has been offered at what time particularly where families have had cyclical episodes in CiN/CP
 - Pre-Proceedings - identifying numbers of families and across which parts of the Service with a view to implementing a wrap around support to the social work team with a view to limiting escalation. In terms of impact of the tracker earlier identification of those cases in which delay may be caused can be identified sooner
 - Edge of Care - The Case Progression Manager can analyse themes for cases which come through LGW for
 - Assessments and planning for children subject to a child protection for over 6 months, on a 2nd + cycle of CP and or edge of care.
 - pre-birth
 - identifying effectiveness of assessment and planning to aid planning of social work training, systems and practices, looking at why children enter into care and whether there are ways to reduce the number of looked after children.

Where are we now....

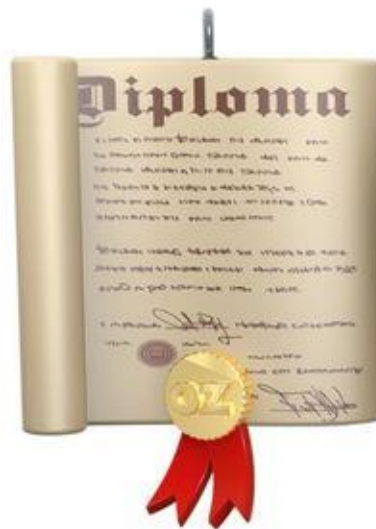
- Supporting timeliness in 8 areas
 - Carrying out case progression role, s7/s37, Pre-Proceedings/s31/Legal Gateway, CiN/CPP/Edge of Care, Discharge, Psychological input, LFJB TORS and Ofsted recommendations
- The Case Progression Manager continues to offer guidance and advice, whilst corroborating themes across the Service, by: -
 - providing weekly data to service areas, including, with lawyers input, upcoming agreed and court filing dates to alert managers to due dates to avoid non-compliance and to act proactively not reactively
 - escalating cases to service managers where despite the above non-compliance is still likely
 - identifying themes which are impacting upon compliance and proposing solutions and reporting alongside Legal Services to the DCS on a monthly, quarterly and annual basis
 - identifying where practice improvement is required and proposing solutions which social work consultants/training can drive forward.

Along the way you will experience...



**WE ARE
A FORCE
TO BE
RECKONED
WITH**





Statistics (October 2017 / July 2018)



Total Cases* since April 2016	237
Current live cases October 2017	74
Cases closed	163
<u>Outcomes:</u>	
Deescalated	77
Escalated to S.31	83
No further action (e.g. transfer to other LA)	3
Duration of cases	
Average duration of closed cases	17.71 weeks
Average duration of live cases	15.78 weeks
Average duration of cases that escalated to S31	12.41 weeks

Post 12 month review of deescalated (July 2018)
74 children (34 cases) reviewed
<u>Outcomes:</u> 24 cases were closed to Children's Services, no further action. All children remained in the care of their parent(s) save 3 children being cared for by extended family. 4 cases were deescalated to Child In Need 1 case remained in Child Protection Planning 5 cases escalated to s31
<u>Ofsted 2017 Inspection</u> "Many families are receiving effective intensive support within pre-proceedings, including at weekends, for example from Families First and the multisystemic team. As a result, many more children are able to remain safely cared for in their families."

*Legal Services record the number of family units rather than individual children, however, where different outcomes are intended there may be more than one record for a family

together



HM Courts &
Tribunals Service



The Law Society

Together



Department
of Health



HM Government



Legal Aid
Agency



**Working Together to
Safeguard Children**

A guide to inter-agency working to
safeguard and promote the welfare of
children

July 2018



Department
for Education



Greater Manchester
POLICE



Manchester
Metropolitan
University



Ministry
of Justice

hcpc health & care
professions
council

Better Together.

Use the tools available to you

- Ryder J's judicial response to the Government Review by way of six reports, last report dated 31 July 2012
- Tri-Borough research / what's changed and why
- Readiness Assessments
- Views from the Presidents Chambers
- Parent Packs - "Your child could be taken into care. Here's what you need to know" and "Your child could be taken into care. A guide for parents" <https://webarchive.nationalarchives.gov.uk/20130206044115/https://www.justice.gov.uk/protecting-the-vulnerable/care-proceedings-reform>
- "Decision-making within a child's timeframe: An overview of current research evidence for family justice professionals concerning child development and the impact of maltreatment" (Rebecca Brown and Harriet Ward Childhood Wellbeing Research Centre October 2012)
- "Partnership by Law? The pre-proceedings process for families on the edge of care proceedings" (Judith Masson and Jonathan Dickens 2013)
- **Court orders and pre-proceedings for local authorities April 2014**
- "Assessing Parental Capacity to change when Children are on the Edge of Care: An overview of current research evidence" (Rebecca Brown and Harriet Ward and Georgia Hyde-Dryden Centre for Research, Loughborough University June 2014)
- Initial Family and Friends Care Assessment: A good practice guide (Family Rights Group 2017)
- Working Together to Safeguard Children 2018 DfE
- Young Person's Guide to Keeping Children Safe (Office of the Children's Rights Director, sponsored by the DfE)
- Local Family Justice Boards / Sub Groups / Create workshops (e.g. local guidance Pre-Care and Care Proceedings Protocol for Greater Manchester Social Work Guidance Pack – 2015)

Use the tools available to you

NSPCC – Serious Case reviews published in 2018

- A chronological list of the executive summaries or full overview reports of serious case reviews, significant case reviews or multi-agency child practice reviews published in 2018 <https://learning.nspcc.org.uk/case-reviews/recently-published-case-reviews/>
- To find other case reviews search the national repository

Don't forget....





Decisions infographic
 icons graph
Data
 Numbers
 Text charts
 Message
 wordcloud
 Communication

