

South London Care Proceedings Project

**SIX YEARS ON TRACK:
IN & AFTER CARE PROCEEDINGS
2013 – 2019**

**By Celia Parker & Jo Tunnard
Final Report, July 2020**



HM Courts
& Tribunals
Service



**At the
Central
Family Court**

What is the SLCPP?

The South London Care Proceedings Project (SLCPP) is an initiative in South East London prompted in 2013 by the wish to reduce unnecessary delay for children in care proceedings. It aimed to have proceedings completed within 26 weeks, through monitoring closely the progress of each case, identifying and tackling together the causes of delay, and sharing lessons about good social work and judicial practice.

The partnership comprises the main agencies involved in care proceedings brought by the neighbouring London Boroughs of Greenwich, Lambeth, Lewisham and Southwark – hence the common reference to SLCPP as ‘the Quad’. The other SLCPP members are the local authority link judges at the Central Family Court, Cafcass, and family lawyers acting for children and parents.

SLCPP is one of several initiatives that were modeled on the Tri-Borough Care Proceedings Pilot in West London that started in April 2012.

How does it work?

South London Care Proceedings Project – an example of partnership work

“A Steering Group meets twice a year, involving directors, senior managers and lawyers from each borough; the respective link judges, together with the court clerk and Designated Family Judge for the Central Family Court; Cafcass; and family lawyers acting for children and parents. An Operational Group meets monthly, to progress plans agreed by the Steering Group.

There is quarterly reporting of an agreed data set, with narrative sections. Each local authority has a case manager who tracks all care cases, analyses data, and identifies emerging trends with a view to promoting understanding and learning. This has led to developments in tools, policies and approaches to support practice and decision making, and a mature understanding of the local picture and what influences it. The familiarity of the case manager with the territory, from hard statistics to family stories, is a key component of the value attached to this work.

The dialogue at the Steering Group has been critical in guiding SLCPP over the last five years, with all partners continuing to welcome “the opportunities created for coming together from their different perspectives to reflect on cases, identify trends, share good practice, build and develop trust, and seek and test new ways of working.”

The Care Crisis Review: options for change, June 2018. Family Rights Group.
At p44, Section 6: *Communication between the family justice system and children’s social care.*
<https://www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review>

CONTENTS

FOREWORD

Alasdair Smith, Director, Children & Families, Southwark Council

1. INTRODUCTION	5
2. SUMMARY FINDINGS, REFLECTIONS, RECOMMENDATIONS	6
3. SIX YEARS <u>AFTER</u> PROCEEDINGS	9
A file audit snapshot of the current (2019) circumstances of most of the children who had been the subject of care proceedings 6 years ago, in 2013/14	
3.1 Profile of children & families in care proceedings	9
3.2 Final orders & care plans for children in 2013/14	11
3.3 Conclusions	22
3.4 Recommendations from the file audit	23
4. SIX YEARS <u>IN</u> PROCEEDINGS	26
A. An analysis of the <u>baseline data</u> from case tracking all care proceedings during the six-year period from 2013	
4.1 SLCPP child and young people population	27
4.2 The number of care proceedings issued	27
4.3 The rate of care proceedings issued	28
4.4 Summary points	29
4.5 Sisters & brothers	30
4.6 Case duration	31
4.7 Age of children	34
4.8 Family Drug & Alcohol Court	36
B. An analysis of the <u>court orders</u> made in the cases tracked above	
4.9 Child remained with or returned to a parent	38
- No Order	
- Child Arrangement Order	
- Supervision Order	
- Child Arrangement Order with Supervision Order	
4.10 Child remained or placed with relatives (other than parents) or friends	43
- Special Guardianship Orders overall	
- Special Guardianship Order alone	
- Special Guardianship Order with Supervision Order	
4.11 Child in long-term local authority care	50
- Care Order	
4.12 Child with plan for adoption	52
- Care Order with Placement Order	
5. BUILDING ON THE SLCPP APPROACH	54

- 5.1 Looking back
- 5.2 Looking ahead

APPENDICES

55

1. Variables for SLCPP data tracking
2. Questionnaire for themed audit of children and young people's circumstances 6 years after proceedings
3. Rates of issue per 10,000 in Greater London 2017/18, Cafcass
4. Reasons for extensions/duration beyond 26 weeks
5. SLCPP Partnership work over six years – summary of activity and actions
6. SLCPP Membership & contact details

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THE AUTHORS

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Foreword

When the families, social workers and lawyers of South London go to court for matters of family justice, they cross the River Thames and head north to the Central Family Court in High Holborn. It's a very familiar journey for those of us in Greenwich, Lambeth, Lewisham and Southwark, given the level of need in what count among London's most deprived boroughs. They are home to around 1.25 million people, including some 265,000 children – larger than the city of Birmingham (1.15m people) and more than double the size of Manchester (0.55m). The diversity and vibrancy of our 'Quad' boroughs are evident to anyone who ventures south of the River to a land that the tube barely touches.

Taking care of the family justice system is everybody's business. The 2011 Family Justice Review set in motion change to that system that was profound and long overdue. Since 2013, SLCPP's journey of learning, rising to challenges and leading change has been important in responding to the Review and caring for our local system. Our way of working is similar in intent to that of a local Family Justice Board:

“to analyse and identify causes of delay within individual agencies and the system as a whole and put in place actions to improve performance and the delivery of family justice” and “further develop inter-disciplinary working across the family justice system ... to implement local solutions to local problems.”

A striking feature of the SLCPP is cross-partner cooperation and learning, built on openness and trust with colleagues. The Partnership now owns a rich tapestry of information and understanding that has been put to good use. It has helped improve the local family justice system, not as an end in itself, but as a vehicle for better outcomes for children, parents and other carers.

Six Years on Track is testimony to that work. Particular credit is due to the lawyers and local authority managers who have continued to work together through thick and thin. Celia Parker and Jo Tunnard have skilfully and readably enhanced and articulated that work in writing this report, and all of us involved with SLCPP are appreciative of their critical friendship endeavours.

In part, *Six Years on Track* responds to the need to know more about what happens to children after care proceedings, as explained in HHJ John Altman's foreword to *A Year in Proceedings* in 2015. And it goes further, offering reflections and ideas for strengthening the local delivery and experience of family justice. My plea is that we act on the recommendations, which stretch beyond the family justice system to the wider child and family welfare system. Such action is compatible with our duty to take reasonable steps to reduce the need to bring proceedings in the first place.*

*Children Act 1989 (Schedule 2 Part 17 (a))

Alasdair Smith, Director, Children & Families, Southwark Council

SECTION 1: INTRODUCTION

This report reviews some of the work of the South London Care Proceedings Project (SLCPP) during the past six years. It is prompted by an interest in exploring two related questions.

The first question is about tracking and analysing data:

- what can be learnt from tracking and analysing data about the children and families involved in care proceedings, especially when a cluster of neighbouring local authorities does this work together, over time and in a consistent manner?

The second question is about reflecting and acting on emerging themes:

- what can be gained by SLCPP partner agencies reviewing the data regularly, and discussing and acting on emerging themes about social work and court practice?

To help answer the first question, **about the data collected**, we present the findings of two activities completed during 2019 and 2020.

- One activity (Section 3 of this report) is the file audits of the current circumstances of 447 of the 566 children in 348 families referred to the London Central Family Court (LCFC) in care proceedings that were initiated during the first year of SLCPP activity, i.e. from May 2013. This audit work was agreed and set in motion at a meeting of the senior managers and lawyers from the four local authorities in May 2019. It was felt that this would be a useful way of understanding the consequences for children and families of the orders made in court, and that messages from past practice might help identify the potential scope for continued joint activity and local research.
- The other activity (Section 4) is the aggregation and analysis of the baseline data from all the care cases tracked by the local authorities throughout the six-year period from SLCPP's start in May 2013. This is data about 3,229 children in 2,010 families; they account for just over half of the care cases heard in the Central Family Court, and they include a few that were heard as Family Drug and Alcohol Court (FDAC) cases. The tracking uses a common set of case variables (Appendix 1), agreed by the Steering Group at the start of the project.

To help answer the second question, **about joint work arising from the data**, we offer a brief reminder (Section 5) of the practice themes and specific achievements that have emerged from the SLCPP partnership over the years. We offer thoughts about planning the next stage of joint work. We end with some reflections that might be of interest to those in other local authority areas who are involved in partnership work between the family justice system and children's social care.

SECTION 2: SUMMARY FINDINGS, REFLECTIONS, and RECOMMENDATIONS

From the case file audit (Section 3 of this report)

From this study, we found that:

- 84% of the children remained in arrangements that were in line with the care plans and final orders made in their care proceedings in 2013/14.
- Some of these arrangements were fragile, and receiving interventions aimed at supporting the original plans.
- Care plans have changed for 16% of the children, with some involving a change of legal status.
- Changes in arrangements were not always negative as, for example, when adoption was no longer appropriate or when children could successfully return to parents from care or Special Guardianship.
- Repeat proceedings after the expiry of a Supervision Order were always negative, in the sense of demonstrating actual, or risk of, significant harm.
- Studying the case files enabled us to capture and draw lessons from the “stories behind the stats”.

We make 8 recommendations (see page 23-25). In summary version, these are:

1. Valuing diversion, and early support and intervention

Pro-active engagement with both parents, and mechanisms that are inclusive of other family members, boost the chances of an early and safe placement for a child, and without recourse to court intervention.

2. Supporting families after the end of care proceedings

The first two years after proceedings are a crucial time for helping parents to sustain the progress made during proceedings and to feel equipped to manage new challenges in family life and a child’s needs over time.

3. Increasing the effectiveness of Supervision Orders

A short SLCPP trial of the proposal from national research would provide regular independent review of SO arrangements, with a focus on developing greater relationship-based support and having an eye on the desirability in some cases of applying for an extension to the Order.

4. Offering more intensive support in some Supervision Order cases

More intensive support is recommended for families deemed most vulnerable to returning to court after the Order has expired.

5. Supporting Special Guardianship Order arrangements, especially over contact

Help with contact arrangements between children and their parents can be particularly useful in reducing stress in SGO placements. Enhanced practical and

emotional support for children, special guardians and parents is known to be beneficial here.

6. Offering support and a focus on prevention for teenage girls

The continuation and extension of current early intervention support that helps respond to the vulnerabilities of young women in care will reduce the risk of pregnancy and the risk of repeat removal of children from their mother in the future.

7. Exploring practice in care proceedings

Closer scrutiny of the small number of SLCPP proceedings heard as FDAC cases, and discussion with the London FDAC team and judges involved, could provide insights into the “softer” outcomes from proceedings that are underpinned by a non-adversarial and problem-solving approach to family justice.

8. Reviewing the variables used when tracking SLCPP cases

It would be timely to review the list of variables used, so that the partnership can continue to capture and analyse emerging service demands and practice trends.

From case tracking over 6 years (Section 4 of this report)

Section 4A analyses the baseline data that has been tracked since 2013. It does so under the headings of the number and rate of proceedings issued, sibling groups, case duration, age of children, and cases heard in the Family Drug and Alcohol Court (FDAC) court.

Section 4B describes and comments on the use of the different court orders in SLCPP cases between 2013 and 2019. It does so under the clusters of orders as they relate to the different options for children at the end of proceedings: orders resulting in children remaining with or returning to a parent; orders resulting in children remaining or being placed with relatives other than parents, or with friends; orders relating to children being in long-term local authority care; and orders resulting in adoption.

Where relevant, in these sections we draw on national and local research evidence. In each section we also highlight some issues for practice that we hope will help in the planning for the next stage of SLCPP work. We think that the issues raised chime well with the recommendations made in the previous SLCPP report. Those were about the three driving principles for the SLCPP work:

1. valuing a partnership approach
2. building on good professional practice, and
3. helping children through working well with their families.

Six years on, new themes are emerging, alongside new angles on older concerns. Some questions to use as a springboard for the continuing work of using the findings from audit and tracking work to improve social work and judicial practice might include:

- how can the rate of care applications be reduced and sustained?
- which kind of cases typically take longer than 26 or 30 weeks?
- which children are more likely to be the subject of repeat proceedings?
- can the rate of recurrent mothers in care proceedings be reduced?
- what more can we learn from children and families about the consequences of our practice on their lives?
- is there potential for further research using the tracking data, such as themed audits of specific final orders over time or specific approaches in and out of court?
- can we apply other findings from research to SLCPP work, such as action research on Supervision Order practice?

SECTION 3: SIX YEARS AFTER PROCEEDINGS

A file audit snapshot of the current (2019) circumstances of most of the children who had been the subject of care proceedings 6 years ago, in 2013/14

In February 2015, SLCPP published *A Year in Proceedings*.¹ This report drew together data and analysis from SLCPP's first year of tracking proceedings. It identified a range of practice issues. In the foreword to the report HHJ John Altman, then Senior Designated Family Judge for London at the Central Family Court, made this plea:

"The tracking and reviewing of the longer-term outcomes for children after proceedings would be most welcome for the judiciary. It would be so valuable to know the consequences of the orders made at court."

The local authorities have continued to track proceedings and to analyse and report periodically on their individual statistics and emerging themes. Now the Project has undertaken a review across all the authorities, conducting a themed file audit of children who were the subject of care proceedings in 2013/14. This section reports on the circumstances of those children, six years later.

3.1 PROFILE OF THE CHILDREN & FAMILIES IN PROCEEDINGS

Each local authority agreed to review the electronic social care record for the children concerned and to complete an audit questionnaire² about the children and family circumstances at the time of the audit, between September and December 2019. A total of 566 children from 348 families were subject to proceedings in 2013/14. It proved impossible to obtain a 100% return in each local authority, but audits were completed for 427 children, giving an overall sample of 75% and a reasonable, representative picture overall in terms of the range of final orders made.

Table 1: Final Order 2013/14	% all orders	% in sample
No Order	7	8
Family Assistance Order (FAO)	1	1
Residence Order/Child Arrangement Order (RO/CAO)	2	2
Supervision Order (SO)	25	23
SO + RO/CAO	6	6
Special Guardianship Order (SGO)	14	15
SGO + SO	7	7
Care Order (CO)	22	22
Care Order + Placement Order (CO + PO)	16	15
Total	100	99

¹ A Year in Proceedings - Report by Case Managers. February 2015.

<https://www.lambeth.gov.uk/elections-and-council/transparency-and-open-data/slcpp-report-a-year-in-proceedings>

² See Appendix 2.

A note of caution

The analysis presented in the report is based on the questionnaires³ completed by staff from each authority's Children's Services who volunteered to audit the files. To mitigate against inconsistency, the questionnaire included guidance notes for auditors, and staff were briefed on the task and support was on hand for any queries. Using file records only is not ideal, because of the likely variability of information recorded, and because files rarely provide a range of perspectives. Children and families have not been involved directly, though some of their views were available in the records, e.g. of review meetings. A final caveat is that continuity of arrangements may not equal stability for some children, just as a change in plan may be beneficial.

Table 2: Gender	
Girls	222
Boys	205
Total	427

The gender of children in proceedings is not currently tracked by SLCPP because that information is available to local authorities in their electronic social care records. In the audit sample there were slightly more girls than boys. In the local authorities with higher returns (98 and 100%) one had four more boys than girls and the other had five more girls than boys, so it would seem safe to assume a roughly even percentage of girls and boys overall.

Sisters and brothers

In authorities with full responses, the audit showed that between a quarter and just over a third of families in proceedings involved sisters and brothers in sibling groups. Many single children in proceedings did have brothers and sisters: some had been in earlier proceedings and others were the subjects of later proceedings. Between 50 and 65% of cases involving sisters and brothers took longer than 35 weeks in proceedings.

Ethnicity and nationality

As with gender, the ethnic origin of children in proceedings is not currently added to the SLCPP tracking tool, because that information too is available via their electronic social care records. The audit highlighted the variations across the four South London boroughs in the profiles of the diverse communities. For example, the proportion of white British children varied between 11 and 60%, and the proportion of black African, Caribbean and British children combined varied between 5 and 44%. It showed, too, that around a quarter to a third of children were of dual or mixed heritage, mostly of white British and African Caribbean parentage.

³ The questionnaire included a scaling across five dimensions: placement stability, educational needs, physical and emotional needs, and plans for contact with family. This enabled consideration of individual factors and analysis of complex, mixed pictures that changed over time. The scaling was not used in any statistical way.

Recording nationality, as well as ethnic background, would give a clearer picture of the children and families involved. It would also help identify proceedings with an international element, which SLCPP knows from experience is a feature of delay and sometimes a challenge for planning and doing assessments.

Age of children

It was possible to draw on annual SLCPP reports for a fuller picture (83%) of the age profile of children audited. The number of newborn infants is under-represented in the audit because one local authority did not report this in the first year of tracking.

Table 3: Age at issue	
Issued at birth	106
0-2	79
3-5	94
6-10	110
11+	82
Total	471

Combining newborns and very young children makes those aged two years and under the largest single group of children in proceedings that year. These children are now aged 5 to 7 and in infant school, while those who were teenagers when proceedings were issued are now young adults.

More than 90% of the children are now of statutory education age. The fact that almost all the children are (or have until recently been) in the education system means that Children's Services are very likely to have been alerted to any worrying change in the circumstances of children who had been involved in care proceedings and then remained with or returned to parents or relatives without the need for a court order. This gives us some extra confidence in the accuracy of the information on file about these children. In addition, for those children who remained living in the same local authority after proceedings ended, subsequent involvement by Children's Services would have been recorded, and so available for the audit.

3.2 FINAL ORDERS & CARE PLANS FOR CHILDREN IN 2013/14

Our analysis of the responses from the themed audit drew on two main questions:

1. Have the final orders and the care plans remained as intended?
2. With the benefit of hindsight, what can be learnt about practice?

We report our findings below, in the order listed in Table 1 above, and we give case examples to highlight some of the stories behind the statistics.

COURT DECISION – NO ORDER

Note: In SLCPP proceedings overall, the percentage of No Order decisions has decreased over the last six years. See Section 4.

At the end of proceedings, 7% of children from the SLCPP local authorities ended with No Order. This was above the national rate of 2% at that time.⁴ The result for these children was that they usually remained with, or returned to, one or both parents.

The audit showed that:

- No Order did not necessarily mean no service after proceedings ended, and
- local authorities continued to be involved with many families without the need for a court order.

There were 36 children in the sample with No Order, the overwhelming majority being from one local authority. A minority (25%) were closed to Children’s Services at the end of proceedings and, whilst there may have been minimal involvement since then, there have been no safeguarding concerns. Information on file suggests that private proceedings have begun in one case. Children in three families remained on ‘child protection’ plans until they were stepped down to ‘child in need’ (CIN) status, and then closed. Two children were the subjects of repeat care proceedings within a year of the No Order decision. Subsequently, one became the subject of a Care Order with Placement Order and is now adopted. The other child remains with their mother, with an aunt who shares parental responsibility via a Child Arrangement Order and she steps in when the mother’s parenting capacity is adversely affected by her poor mental health.

Case examples – No Order

One child had a sibling who ended proceedings with a CO or SGO and thus the **local authority involvement** with the family continued.

A young person remained in residential care under s20, with care leaver involvement ceasing when she turned 21. She is now a mother, maintaining her own tenancy, and with a stable **partner and supportive paternal family**. An imaginative care package and continuity of attentive social work and key work, together with a positive couple relationship, gives a pleasing picture.

A newborn baby with a life-limiting health condition remained with his mother. They have continued to receive full support, under the CIN framework, from the Children with Disability Team and respite care. Support includes **extended family and friends** as well as multi-agency professionals.

⁴ <https://www.nuffieldfjo.org.uk/resource/the-contribution-of-supervision-orders-and-special-guardianship-to-children-s-lives-and-family-justice>

A newborn baby on a CP plan was stepped down once the **maternal family was galvanised via a Family Group Conference**. Specialist residential provider services worked with the whole family and substantial progress was made during proceedings.

With hindsight ...

In the local authority with most No Order decisions in 2013/14, it seems that half the families had one child who gave rise to a more serious level of concern than their siblings. The result was a Care Order on that child and No Order decisions for each sibling. In most of these cases (8 out of 11) care proceedings took longer than 40 weeks.

Whilst children's circumstances varied, a consistent theme from the case files was that the importance of the wider family in post-proceedings support, and of contingency plans in general, cannot be overstated.

COURT DECISION – FAMILY ASSISTANCE ORDER

Note: In SLCPP proceedings overall, an FAO has been a very uncommon final order, although there were five in Year 6. See Section 4.

In the audit, only four children across the SLCPP were subject of a Family Assistance Order, and all were from one family. These teenage girls were also on a 'child protection' plan until stepped down to 'child in need' status and closed in 2016. Information was recorded that one of the girls was found in possession of Class A drugs and that the family were offered early help but declined, with no further action/information recorded. They are all now young adults.

COURT DECISION – CHILD ARRANGEMENT ORDER (previously RESIDENCE ORDER)

Note: In SLCPP proceedings overall, use of this final order has increased minimally over the last six years. See Section 4.

Only 2% of the SLCPP children ended with a CAO or RO in 2013/14. This is much lower than the national average, which fluctuated between 8 and 11% from 2014 to 2017. The order for the 11 children in the 2013/14 in the audit sample meant that they remained with a parent, or moved to their other parent, or went to live with a relative.

Case examples – Child Arrangement Order

The CAO gave shared responsibility to an aunt who cares for the child when the mother's parenting capacity is badly affected by her poor mental health. Social work support continues under a 'child in need' plan. (***Here we see an example of the final order embracing the contingency plan, compared to the previous case example of No Order, with the case then returning to court as repeat proceedings.***)

After substantial pre-birth work⁵ with the family, the newborn baby of a mother with a deteriorating neurological condition went from hospital to an uncle in Scotland. The father and his family supported the care plan. The CAO was made because Special Guardianship Orders are not part of Scottish law.

The care plan for a child to be discharged from care to live with her father was not achieved when his circumstances changed (his new partner had a baby and they felt unable to proceed). Repeat proceedings followed and the child's mother was re-assessed positively. The child now lives abroad with her mother, with intermittent contact with brothers and sisters who remain in foster care here.

Apart from the child in the last case above – who came back into proceedings, which had the same final order but to the other parent – only one child has received further attention from Children's Services. This was short-term social work for the family, following self-referral by the child after a family dispute, and subsequent intervention from the Youth Offending Service with the young person.

With hindsight ...

There are some fairly common family developments after proceedings that might be considered with families as part of planning for their future. These include the birth of new siblings, more challenging behavior in adolescence, and the possibility of parental substance misuse lapse or relapse. Discussing such potential events with families can pave the way for planned early help and/or more pro-active self-referral at times of stress.

COURT DECISION – SUPERVISION ORDER

Note: In SLCPP proceedings overall, the rate of use of Supervision Orders (with or without a CAO) has remained about the same. See Section 4.

A third (32%) of the children in proceedings during 2013/14 ended with a Supervision Order. Of these 124 children, only 6% had a CAO too, although one local authority had many more than the others. Nationally, the rate of SOs in the same

⁵ For a new strategic briefing about pre-birth work, including dynamic assessment and a trauma-informed approach, see <https://www.researchinpractice.org.uk/children/publications/2020/may/pre-birth-assessment-strategic-briefing-2020/>

period was 13-16%, although the London region has been as high as 23%, and the SLCPP local authorities have a higher rate than the average for London. A common feature across SLCPP was the significant number of cases where the SO was made to another local authority because of family movement during proceedings, reflecting the difficulty that many vulnerable families experience in securing safe and stable accommodation.

A Supervision Order at final hearing meant that the child remained living with one or both parents. The audit of files showed that:

- in just over **half** of cases, there was no further action or information after the order was transferred or expired,
- a **quarter** of cases involved further CIN or CP social work, and
- in the other **quarter** or so of cases (23%), the children came back into care proceedings, with a varying rate of between 19 and 33% across the SLCPP local authorities. This is higher than the 20% return rate noted in the Harwin study above.

Case examples where children have not returned to proceedings

In 2013, the child's mother was just 18 and needed both emotional and practical support (including housing/tenancy management). She had a second child and no further developments or concerns are recorded since 2016.

Since 2013 the mother of 3 children has continued to work well with drug services and the children are reported as thriving. One child has health needs and these are being met appropriately.

Case example where a child did return to proceedings

The situation deteriorated soon after the SO expired and mother relapsed into alcohol misuse after the death of her father. The parents' relationship deteriorated and the police were involved. The children were accommodated under s20 and placed with the maternal aunt who had cared for them during the original proceedings. Intensive pre-proceedings support was provided. Further neglect led to a 'child protection' plan. Proceedings were re-issued in 2016, resulting in a CAO (residence) to father, an SO to another local authority, and a CAO (contact) to the maternal aunt. There has been no further involvement with the issuing local authority.

With hindsight ...

The audit illuminates the Harwin and colleagues' research findings, including the 1 in 5 likelihood of an SO case returning to court.

Their report recommends:

“a range of practice, policy and legal options to strengthen the supervision order and do the job the legislators had in mind – promote safe and lasting reunification.”

The SLCPP could consider ways to take forward this suggestion by, for example, building into the Supervision Order an independent review mechanism. This might consist of an initial working together agreement meeting (before the final hearing), followed by review after one, three and six months (10 months into the SO). At this last point a formal decision could be made to seek an extension to the Order.

This idea could be trialed for a year as an action research project, including consultation with the parents and young people involved, to test out more innovative, relationship-based support to sustain change. There may be scope, too, for special intense intervention for more vulnerable families on an SO, based on the factors identified by Harwin and colleagues as associated with repeat proceedings.

COURT DECISION – SPECIAL GUARDIANSHIP ORDER

Note: While national rates of SGO have increased over the last six years, in SLCPP proceedings overall, this has flattened or slightly reduced in Year 6. See Section 4.

Just over a fifth (21%) of the children in care proceedings in 2013/14 ended with an SGO, and a third of these 95 children had an SO attached (mostly cases in one of the four authorities). This was higher than the national rate of 15% that year.

The vast majority of the SLCPP children went to live with one or more relatives (the other few going to family friend/s) and the order meant that the named Special Guardian now shared parental responsibility with the child's parent/s, who maintained contact with their child. A support plan for the SGO was agreed at the final hearing.

Six years later, 68 (71%) of the 95 children had remained with their Special Guardian, with the local authority providing basic or intermittent support, such as a review of financial assistance, signposting to relevant other services, and telephone advice about housing or contact between children and their parents. In 2019, the audit indicated that 8 children (9%) were receiving specialist ongoing support and that the SGO arrangements were deemed fragile. Arrangements had changed for 19 other children (20%), for a variety of reasons, many of them neither negative nor involving return to court.

Case examples – Special Guardianship Order

A child was placed with a family friend Special Guardian (her father's wife) in Africa and her paternal siblings. The case was closed to Children's Services but the father and former foster carer receive letters and photos. The mother is a graduate from the Pause intervention (intensive work with birth mothers who have previously lost the care of children through care proceedings and who agree to long-acting reversible contraception to give them space to work on personal change).

The Special Guardian is the grandmother of 2 children who are now teenagers and have emotional and behavioural issues, including poor school attendance and exclusion. One child is now diagnosed with autism and has an Education, Health and Care Plan (an agreed statement of multi-agency support to meet a child's special needs). The children have regular contact with their mother and another sibling lives with their father.

A child on an SGO returned to his mother after a fight with his cousin (the son of the SG). The mother separated from her partner at the time of the care proceedings and has made progress in addressing her alcohol misuse. There is a positive relationship between mother and the SG, the SGO remains in place, and the child lives with his mother. A child who is now a teenager and the subject of a 'child protection' plan ran away to her mother who is living in a household with drug misuse. There is high risk of child sexual exploitation and further care proceedings are under consideration.

With hindsight ...

The audit showed that:

- There was no particular perceived benefit to having an SO alongside an SGO, and no indication about why an SO was made in addition to the SGO support plan.
- In one local authority, the health of Special Guardians was an emerging theme, with two SGs having died and another recorded as having "major health issues".
- Where SGO arrangements had disrupted, the matter did not necessarily return to court.
- Disruption was not always a negative change. For example, there were instances of positive parental change, with successful applications by fathers as well as mothers for the discharge of an SGO.

A note about contact arrangements

The most striking theme from the audit for this group of children, families and Special Guardians was the need for local authority support with contact

arrangements, especially where the level expected was far greater than the general expectation for children in care. In these circumstances, a key difference is that arrangements for children in care are under independent review and overseen by an allocated social worker for the child and a supervising social worker for the foster carer, conditions which do not apply to Special Guardianship.

Contact issues cropped up in various circumstances, such as when parents were seeking support for meeting children, or when travel needed sorting. More frequently, though, Special Guardians struggled with difficult and complex situations, as where a parent:

- is in a relationship with a sex offender,
- has a child, now a teenager, who wants more contact with them and this is kept secret from the SG and undermines the SG arrangements,
- has children who are placed separately, or continues to care for some siblings while others are adopted,
- is hostile to the Special Guardian and/or does not support the contact arrangements, which results in malicious allegations, aggressive behaviour or criminal assault,
- hits a child during contact,
- misuses drugs/alcohol and/or is unreliable,
- is in prison,
- lives overseas and is not a party to proceedings, and comes to the UK to visit or stay, or
- has poor mental health.

In summary, the vast majority of the Special Guardianship arrangements had remained stable over the years. Contact was a strong factor in some of the few that had disrupted during the past six years. Arrangements for contact had become problematic in some cases, sometimes because the arrangements set out in the SGO support plan at the final hearing had become less realistic or a source of conflict over time.

COURT DECISION – CARE ORDER

Note: In SLCPP proceedings overall, the rate of COs has risen by 8% during the last six years. See Section 4.

A Care Order was the final order for 22% of SLCPP children in proceedings in 2013/14. This was less than the national rate that year of 31%.

So, for 94 children in the audit (22% of the total), the result of proceedings was long-term state intervention: a plan for the child to remain in long-term care, with the local authority sharing parental responsibility with parents. All the children in this group had an allocated social worker and an independent reviewing officer (IRO). Typically, the children had high needs, were older, and were very challenging to look after. Children who were aged 13+ at the time of proceedings have now 'aged out' of

care and received support from Leaving Care Services until the age of 21, or older if in full-time education.

Some 68% of the 94 children (64 of them) are or were in long-term foster care. Around half of these children were 'matched for permanence' with a foster carer or carers, but this information was not always available on files so there could have been more. Only two children were in a kinship foster placement. Three young people were currently in semi-independent accommodation, and seven were in residential settings. Two had been through secure accommodation, and two are currently in prison for serious offences.

Only eight Care Orders (7%) had been revoked, following positive change of circumstances for parents. A further eight children were recorded as 'placed with parents' – these were older teenage young people who, in effect, had 'voted with their feet' and left a formal care placement that they preferred not to stay in.

Case examples to illustrate the diverse circumstances of children in care and those leaving care

A child now 14 has been in a matched long-term foster placement since 2014. The file note reads: "Thriving in foster care and enjoying visits to Jamaica. There is continuity of IRO with whom he has a good relationship. Doing well in school and may become a prefect ... a kind, fun and talented young person." He sees his mother three times a year. The audit records note the mother's reluctance to attend contact meetings, which might indicate the need for social work support to improve the situation.

A care leaver, now 18, is receiving support as he makes the transition to independent social housing. Younger siblings remain in foster care. He is working but would like to return to education. There is nothing on file about how this is being addressed.

A care leaver aged 19 has younger siblings who remained at home on No Order. He was placed in a residential school for young people with autism in 2014 and remained there until 18, with staying contact with his family. He is now in specialist semi-independent accommodation.

Twins are 19 and care leavers, placed back with their mother in 2017 following their fourth foster placement disruption. They have always been placed together. One of them achieved one GCSE, the other is in higher education. The audit does not record an explanation for the difference in their educational achievement.

A child returned to her mother in 2018, when 13, with a lot of support going into the rehabilitation. The Care Order was revoked and the case closed. No further information or action recorded since the end of 2018.

With hindsight ...

- The overriding message is that the quality of foster care and of support to placements is the key to overall success, with many positive examples of stability, settled contact, achievement in school, and access to therapeutic support.
- In one local authority there was evidence that teenage girls with a Care Order at the end of proceedings were a challenge for family finding and successful placement.
- The evidence from the audit is that keeping brothers and sisters together was prioritised, but not always possible with large sibling groups if some of the children had complex needs, or where an older sibling was moving into independence. Contact arrangements for brothers and sisters who were separated were not always clear from the audit notes.
- Not all the residential placements were a response to needs around challenging behaviour; they included residential schools for children with special educational needs.
- The two young people in custody for serious offences had other features in common: they were male, teenagers (aged 13 and 15) when they came into care via proceedings, the oldest child in a sibling group, and the only sibling not to remain at home at the end of proceedings. The audit did not record details of the work of the Youth Offending Service with young people in care.

COURT DECISION – CARE ORDER with PLACEMENT ORDER

Note: In SLCPP proceedings overall, the rate of this final order has halved during the last six years. See Section 4.

Cases that ended with a combination of these two final orders were those where the plan for the child was adoption from care. This was so for 16% of SLCPP children in 2013/14, below the national rate that year of 21%. The rate of Care Order with Placement Order across SLCPP dropped to 8% by 2018/19. Figures from the DfE of adoption (the making of an Adoption Order, indicating completion of the work on plans for adoption) show a rate of 10% for Inner London in 2013/14. This, too, has reduced over the last five years, to 4% in 2018/19.

There were 62 children in the audit (14% of the total) who would have been in foster care at the time of the final hearing and remained in care until the Adoption Order was made, with their allocated social worker doing the matching, placing and overseeing of their placement until the final Adoption Order. Most of the children (51, representing 82%) proceeded to adoption. Four adoptions were by the child's foster carer/s.

Eleven Placement Orders (18%) were revoked, as follows:

- a successful application by a birth mother for care of two children, leading to their return home (the other two siblings remained in long-term care, in line with their wishes)
- a successful application by grandparents for an SGO
- a Placement Order revoked after a successful parental application but rehabilitation proved unsuccessful and further proceedings led to another CO with PO. The child has now been adopted, in line with the original plan.
- 2 POs revoked following a successful local authority application in circumstances where, over time (during which family finding was pursued), the children's wishes and feelings, and views about their best interests, demonstrated a desire to remain together with other siblings in foster care.
- 6 POs revoked following a local authority application in circumstances where family finding for two sibling groups of three children had been unsuccessful. The children, who have complex needs, remain together in foster care with specialist support. The notes on file indicate that adoption was an ambitious care plan at the final hearing because a 6-month time limit on family finding was specified. By that time the children would be considered too much of a challenge for finding an adoptive family and they would, therefore, need long-term fostering.

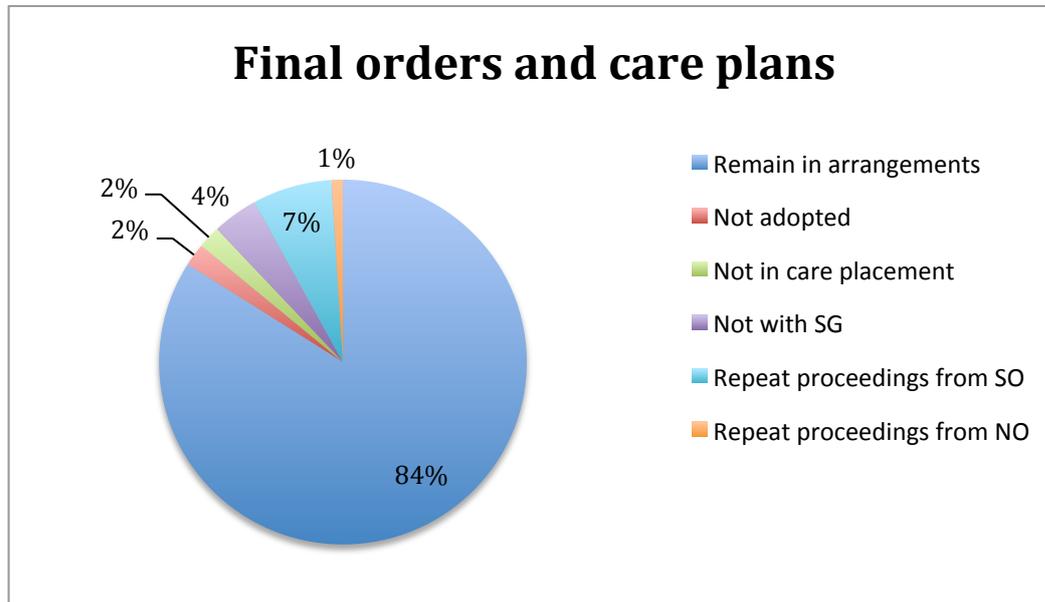
There were no instances of direct contact with birth parents post adoption, only letterbox contact once or twice a year. In three cases children joined siblings in their adoptive family, and five children received post-adoption therapeutic support, for emotional and behavioural difficulties.

All the children who were adopted were mostly very young, less than a year old when in proceedings, and all are now at school. The audit did not always record whether the child was adopted within the local authority that had issued the proceedings but, in those cases where children were placed in any other local authority, there was no indication of any current concerns shared with SLCPP local authorities.

3.3 CONCLUSIONS

Returning to our main question (whether the final orders and care plans remained as intended), our conclusions from the audit are that, across the SLCPP:

- 84% of the children did remain in arrangements that were in line with the care plans and final orders in care proceedings 2013/14.
- Some arrangements are fragile, and receiving intervention aimed at supporting the original plans.
- Care plans have changed for 16% of the children, with some involving a change of legal status.
- Changes in arrangements were not always negative, as when adoption was no longer appropriate or children could successfully return to parents from care or Special Guardianship.
- Repeat proceedings after the expiry of a Supervision Order were always negative, because they demonstrated further actual, or risk of, significant harm.



We have confidence that the 84% from the sample is a very good representation of cases overall because we were able to confirm that in the local authorities with the fullest responses in the audit work. There is, of course, the potential to dig deeper and focus on other questions about social work and judicial decision-making.

3.4 RECOMMENDATIONS FROM THE FILE AUDIT

What can be learnt with the benefit of hindsight? The recommendations below flow from looking back at final orders in proceedings six years ago, reflecting on what has happened since then, and discussing the themes that emerged across the local authorities.

Recommendation 1: Valuing diversion, and early support and intervention

Early pre-birth work with families is crucial, not only to divert suitable cases from proceedings in court, but also to facilitate early placement with a birth parent or an extended family member. This work is enhanced by pro-active engagement with fathers and the use of inclusive mechanisms such as Family Group Conferences.

Recommendation 2: Support plans for families after proceedings

Cases with final orders that lead to children returning or remaining at home, or living with relatives, tend to be those with the more vulnerable arrangements. They underline the need for involving parents, older children and the wider family in developing post-proceedings support plans, including considering and making contingency plans. This planning should include focus on the impact of likely future developments, such as the birth of another child, children's changing needs and difficulties over time, problems with contact between family members. All these can be triggers that lead to fluctuations in parental mental health, and substance misuse lapse and relapse.

Recommendation 3: Increasing the effectiveness of Supervision Orders

Bearing in mind the constellation of factors that make some cases with Supervision Orders more vulnerable to return to court, we recommend implementing the proposal from national research. This is to build independent review into SO cases: at an initial meeting agreeing working together arrangements; reviewing them after one month, three months and six months (then 10 months into the SO); and with this last review making a formal decision about whether an extension to the 12-month SO should be sought from the court. This could be trialed for one year, via an action research project that would include consultation with parents, children and others and would aim to develop greater relationship-based support to sustain change. This might involve judicial consideration of the working together agreement at final hearing, specifying requirements for review.

Recommendation 4: More intensive support in some SO cases

We recommend making more intense support available for the most vulnerable families, building on the findings and recommendations of national research.

Recommendation 5: Support for SGO arrangements, especially contact

In Special Guardianship arrangements, carers are managing children with the same level of need as children in care, and with needs that could well become more challenging, as children get older. Special guardians need ongoing support for the children and themselves, particularly around contact with parents. The expectation seems to be for contact of greater frequency and duration than for children in foster care, and this indicates the need for an increased level of support and review covering contact and not just financial support. Family mediation work, and the involvement of Pause practitioners in work with mothers, has been noted as helpful in improving these arrangements.

Recommendation 6: Support and prevention for teenage girls

Teenage girls in proceedings have been particularly vulnerable to placement instability and heightened risk of pregnancy. The BeYou service (Pause prevention work with care leavers) is one example of earlier intervention to address the vulnerability of young women in care and to reduce the likelihood of their being involved in repeat removal of their children in years to come. We recommend the continuation and extension of such programmes across SLCPP.

Recommendation 7: Practice in court

Two of the four local authorities in the SLCPP offer parents the option of having their case heard in the Family Drug and Alcohol Court (FDAC) rather than standard care proceedings. The number of FDAC cases in the audit is small (16 families). Discussion with the London FDAC team and judges about their problem-solving approach and specialist intervention could be helpful in identifying “softer” outcomes from proceedings, including parents gaining insight into the accumulated traumas of their life, beginning to work on them, and feeling listened to in court. It could also help identify more clearly likely needs post proceedings, whether children and parents are together or apart.

Recommendation 8: Extra variables when tracking SLCPP care cases

It would be onerous to have to interrogate individual electronic records for information about gender and ethnic origin, when this information could be gathered easily alongside the other tracked variables used to monitor trends over time. In addition, the monitoring of ethnicity may be enhanced by also monitoring child and family nationality. The SLCPP local authorities have been concerned about the volume of care work with an international dimension, in part because of its impact on delay in planning for children.

In order to more easily identify trends, vulnerabilities and possible over/under representation in proceedings of different community groups, as well as to highlight demand where there is an overseas element, we recommend that ethnic origin and nationality be added as variables to the tracker system. Similarly, tracking gender

would facilitate easier analysis of the reasons for bringing proceedings, especially on older children.

SECTION 4: SIX YEARS IN PROCEEDINGS

4A. Analysis of the baseline data from case tracking all care proceedings during the six-year period from 2013

The baseline data and reflections on themes arising in Year 1 of SLCPP activity was published in 2015 as *A Year in Proceedings* (see footnote 1). After that, the data for each year was shared within the SLCPP through the regular meetings of its Operational Group, and of the Steering Group of partner agencies.

Now, at the end of Year 6, the data from the full period has been collated and analysed as a whole. The statistical information is presented below. Our intention in presenting this information is not to scrutinise or challenge any individual local authority or other partner but, rather, to see what can be understood better about local factors that might influence decisions and so might provide helpful opportunities for discussion and learning.

We have used the data presented in the annual reports to the Steering Group. We have drawn, too, on SLCPP statistical reviews of Special Guardianship Orders (SGOs) and Placement Orders (POs), and on some local research commissioned on SGO disruption, pre-proceedings work and FDAC.⁶

The authors have not had access to the tracker spreadsheets completed by a dedicated legal officer or case manager⁷ in each local authority, as these contain confidential identifying details of the children involved in the care proceedings. But, having studied each annual report, and having checked and then adjusted for a few minor discrepancies and slight inconsistencies, we are confident that the statistics in this report are reasonably accurate.

The data is presented for each local authority, in an effort to understand better the complex structural and practice issues at play. Where available, we include national and regional figures alongside the local ones, to enable comparison and discussion.

⁶ Goodwin L, Southwark Case Manager (November 2017) *SLCPP Repeat Proceedings Quad Borough Summary Report for the Steering Group*. Unpublished report; Dyke C (February 2018) *Analysis of pre-proceedings cases in Lewisham 2013-2017*. Unpublished report; Dyke C (April 2018) *Repeat Proceedings Analysis for the SLCPP*. Unpublished report; Davy A (2017) *Evaluation of FDAC, the Family Drug and Alcohol Courts (FDAC): A qualitative exploration into the lived experiences of parents who engage with the FDAC for Child Care Proceedings in an inner-City London Borough*. MA dissertation Goldsmiths College. Unpublished; Tapsfield R (2015) *A review of SGOs made in care proceedings in Greenwich, Lambeth, Lewisham and Southwark between 1 May 2013 and 31 December 2014*. SLCPP, unpublished.

⁷ Case managers were an essential part of SLCPP and other Care Proceedings Projects from 2013. Their role was, and in some places still is, to track all care cases against agreed variables, analyse data and identify emerging trends each quarter, with a view to helping improve social work and other professional decision making and practice.

This seems relevant, given the picture that has emerged in recent years of regional variations across England and Wales in social work and judicial practice.⁸

In this section, after an introductory paragraph on SLCPP children overall, we report and comment on the following variables in turn:

- the number of care proceedings issued
- the rate of proceedings issued
- sisters and brothers
- case duration
- age of children in proceedings, and
- cases heard in FDAC.

4.1 SLCPP child and young people population

In line with changes at national level, the child population in the four local authorities has increased during the past decade. In 2011, the population per authority varied from 53,000 to 57,000.⁹ By mid-2016, the variation was from 63,214 in Lambeth to 68,258 in Lewisham. Across the SLCPP area, as can be seen in Table 3 and 4 below, Greenwich and Lewisham each have slightly more than 25% of the total child population, and Lambeth and Southwark slightly less. These proportions apply to the number of families involved, as well as to the number of children.

4.2 The number of care proceedings issued

Table 3: The number of care proceedings issued (cases/families)

LA	Year 1*	Year 2	Year 3	Year 4	Year 5	Year 6	Total	% of SLCPP Families
Greenwich	69	91	84	112	97	77	530	26 %
Lambeth	109	80	86	79	56	44	454	23 %
Lewisham	88	93	84	91	100	95	551	27 %
Southwark	82	56	79	103	78	77	475	24 %
SLCPP Total	348	320	333	385	331	293	2,010	100 %

* This data, from *A Year in Proceedings*, excludes the month of April 2013 as tracking started on 1 May 2013.

⁸ Harwin J, Alrouh B, Bedston S and Broadhurst K (2018) *Care Demand and Regional Variability in England: 2010/11 to 2016/17*. Centre for Child and Family Justice Research.

⁹ 2011 Census data taken from Nomis (table relating population to age bands for ages 0-15), published by the Office of National Statistics. Accessed via <http://www.nomisweb.co.uk/census/2011/ot1101ew>

Table 4: The number of children involved in applications

LA	Year 1*	Year 2	Year 3	Year 4	Year 5	Year 6	Total	% of SLCPP Children
Greenwich	110	148	124	199	188	121	890	28 %
Lambeth	189	134	138	101	86	56	704	22 %
Lewisham	149	131	140	152	162	152	886	27 %
Southwark	118	72	119	181	138	121	749	23 %
SLCPP Total	556	485	521	633	574	450	3,229	100 %

*As note for Table 1 above.

4.3 The rate of care proceedings issued

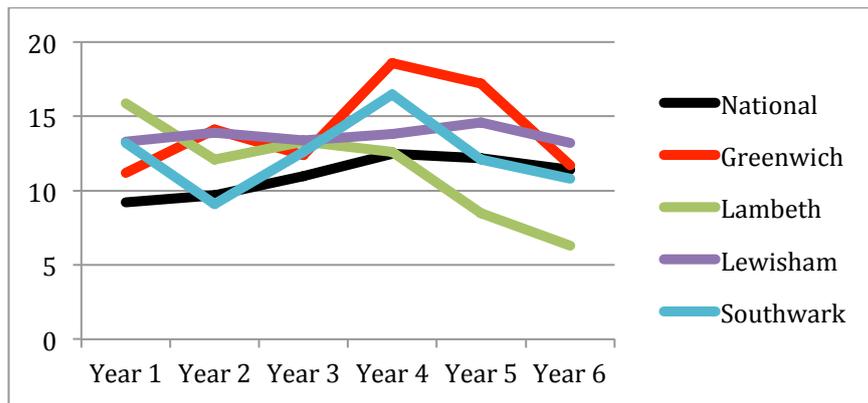
Cafcass provides data on the national and local authority rates of public law (care) applications per 10,000 of the child population, thus showing trends independent of population growth. Regional differences have been noted in national research,¹⁰ with a recommendation that analysis of differences in professional behaviour – different approaches to practice and decision making in local authorities and family courts – might shed light on what the regional data differences mean. National, regional (where known), and SLCPP local authority rates and trends are compared in the table and chart below.

Table 5: Rates of public law applications per 10,000 child population

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
National rate	9.2	9.7	11.0	12.5	12.2	11.4
Inner London	--	9.7	10	13.1	--	--
Greenwich	11.2	14.1	12.4	18.6	17.2	11.7
Lambeth	15.9	12.1	13.3	12.6	8.5	6.3
Lewisham	13.3	13.9	13.4	13.8	14.6	13.2
Southwark	13.2	9.1	12.6	16.5	12.1	10.8

¹⁰ Harwin J, Alrouh B, Bedston S and Broadhurst K (2018) *Care Demand and Regional Variability in England: 2010/11 to 2016/17*. Centre for Child and Family Justice Research. http://wp.lancs.ac.uk/cfj/files/2018/03/Care-Demand-Regional-Variability-Report_2018.02.21_V1.2.pdf

Chart 2: Trends in care applications (cases/families)



4.4 Summary and points about rates and trends

Over the last six years, the national trend has been for applications to rise over four years and then level off, with a very slight reduction.

- Lewisham’s rate is remarkably consistent, at just above the national average.
- The rate for Greenwich has consistently been above the national and Inner London averages, with fluctuations up and down each year. In Year 6 a marked reduction brought the rate very close to the national average.
- Southwark’s rate shows a decrease in Year 2, to below the national and Inner London averages, and then an increase to just below the national average in the last 2 years. The drop in Year 2 was attributed to increased work with families at the pre-proceedings stage, and the rise in Year 3 to changes following a review of pre-proceedings cases and accommodated (s20) children.
- Lambeth shows a marked reduction in each of the last 2 years, bringing the rate to the lowest ever across SLCPP, and to below the national average. The drop is attributed to the introduction of new internal gate-keeping procedures and an accompanying shift in practice – including a strong focus on building relationships through direct work with children, young people and families; smaller social work teams, more manageable caseloads and greater support from senior managers; and increased confidence and success in using resources to manage risk within the community and avoid the need for proceedings.¹¹

The national peak at Year 4 (2016/17) is mirrored in all but one of the SLCPP local authorities, and attributed by them to two main factors. The first is numerous applications from long-standing section 20 cases, following case judgments with

¹¹ Hopkinson J (2019) *Managing the Public Law Outline: Lambeth’s Journey*. Family Matters, Issue 48. Greater London Family Panel.

damages awarded against other local authorities for breach of human rights.¹² The second is an increase in safeguarding issues for older children, including sexual and criminal exploitation.

These variations in rates demonstrate the complex national dimensions (case law, and regulatory and practice development), local dimensions (policy and practice initiatives) and individual case dimensions that contribute to fluctuations and trends.

Six years ago, all four SLCPP local authorities were in the top 5 London authorities for applications issued. This remains the case for Greenwich, now with the second highest rate of issue, and for Lewisham, now fifth. But Southwark has dropped to 11th place, and Lambeth to 18th place, in the list of all 32 London authorities (see Appendix 3).

4.5 Sisters and brothers

Although the Year 1 report had commented on the delay – and reasons for delay – associated with cases involving sibling groups, data on sibling groups was not reported consistently in the annual reporting to the SLCCP Steering Group. However, the completion of this data each year by one local authority (Table 4 below) gives a partial picture.

As might be expected, a decrease in care demand brings a decrease in sibling groups in proceedings. Table 6 shows the lowest percentage of siblings in Year 2, when Southwark dipped below the national average, and the highest percentage in Year 4, when care demand was highest.

Table 6: Sibling groups in proceedings (Southwark only)

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Total cases	82	56	79	103	78	77	475
Sibling groups	20	11	23	43	28	24	149
%	24 %	20 %	29 %	41 %	36 %	31 %	31 %

Nationally, 40% of care applications involve a sibling group.¹³ Year 6 figures for siblings across the SLCPP are shown below (Table 7), demonstrating below average numbers of siblings in proceedings. Figures available for Lewisham for some of the earlier years show the percentage of sibling groups to be at or below the national average, varying from 33 to 39%.

¹² Primarily, this concerned the human rights of children in care for several years under s20 without anyone exercising parental responsibility in a way that secured their future adequately.

¹³ Harwin J and Alrouh B (2017) *New entrants and repeat children: continuity and change in care demand over time*. Family Law April 2017, 407-411.

Table 7: Sibling groups in proceedings during Year 6

	Cases	Siblings	%
Greenwich	77	22	29 %
Lambeth	44	9	20 %
Lewisham	95	31	33 %
Southwark	77	24	31 %
Total	293	86	29 %

Table 7 also shows the associated reduction in sibling groups for reduction in care demand. This is most marked for Lambeth.

In November 2018, Monk and Macvarish reported on their study of contact between siblings, and made a number of policy recommendations.¹⁴ These included the wide dissemination of the Family Justice Young People’s Board publication *Top Tips for professionals when working with brothers and sisters*¹⁵ and *Beyond Together or Apart*, an updated assessment, planning and placement model.¹⁶ They also recommended a review of training for social work and legal practitioners about sibling relationships, to ensure more up-to-date and consistent assessment and reporting to the court.

4.6 Case duration

Six years ago, reduction in case duration was the main aim of SL CPP, to prepare for the introduction in 2014 of the required time limit of 26 weeks for care proceedings, bar in exceptional circumstances. This change was to counter the protracted nature of cases that had developed in England and Wales over years, with cases marked by prolonged uncertainty for children and families, fewer options for permanent placements for younger children unable to remain within their family, and an escalating demand on social work and legal resources. At 2012, the average length of proceedings had risen to almost 60 weeks, and at 2015/16 the legal aid costs had reached £400 million.¹⁷

Immediately before SL CPP started (including in 2011/12), the average duration of cases across the four local authorities was 55 weeks. This was similar to the national average and a little lower than the London average for the year.

Since then, as shown at Table 8, the reduction in case duration reported in *A Year in Proceedings* has been sustained and, in the main, continues to be lower than the national and London averages (shown below, and taken from Cafcass data and heat

¹⁴ Monk M and Macvarish J (2018) *Siblings, Contact and the Law: An Overlooked Relationship*. London: Birkbeck.

¹⁵ <https://www.standupforsiblings.co.uk/wp-content/uploads/2019/05/Top-tips-for-professionals-when-working-with-brothers-and-sisters.pdf>

¹⁶ Beckett S (2018) *Beyond Together or Apart: Planning for, Assessing and Placing Sibling Groups*. London: CoramBAAF.

¹⁷ Masson J, Dickens J, Bader K, Garside L and Young J (2017) *Achieving positive change for children? Reducing the length of child protection proceedings: lessons from England and Wales*. Adoption & Fostering Vol 41(4), 401-413.

maps). The largest dip in progress was in Year 2, a similar dip to that experienced in the London Tri-Borough Care Proceedings Pilot on which SLCPP was modeled.¹⁸

Table 8: Case duration in weeks (mean average)

	2011/12	2012/13	Year 1*	Year 2	Year 3	Year 4	Year 5	Year 6
National Average	56	46	33	30	30	29	31	31
London	59	52	44	31	30	29	28	28
Greenwich	56	50	28.5	30	31	26	26	27
Lambeth	56	47	30.3	39	35	25	25	31
Lewisham	58	43	35.9	33	32	28	25	28
Southwark	49	45	28.7	33.2	30	26	27	28

*Reported in *A Year in Proceedings*

Year 6 shows more of an increase for Lambeth than the rest of SLCPP, and rising just above the national average, which seems surprising given the two-year reduction in demand at the time (see Table 3). There is no single cause; it could be attributable to some long-running cases, as these would push the mean¹⁹ average duration higher. In their Year 6 annual report Lambeth list a mix of reasons (17 in all) and draw attention to one parent absconding from the jurisdiction for several months, pushing that case duration to 141 weeks. Four other cases involved four siblings with different fathers, requiring multiple assessments, including ‘together and apart’ assessments. Two of the children had special needs and two needed an overseas assessment. See Appendix 4 for the reasons for extensions/duration beyond 26 weeks.

In *A Year in Proceedings* we reported on cases completed within 30 weeks, as well as 26 weeks, to gauge the proportion of cases completed ‘close to target’. As Table 8 shows, this was so for a significant majority of cases. It points to SLCPP having achieved the necessary changes in culture and practice to meet the new demands of case duration. It did this through partners working together co-operatively to reduce delay, including positive engagement with independent assessment providers by SLCPP’s Operational Group of managers.

This time we include cases ending in 30 weeks, rather than 26 weeks also, in recognition of the fact that minor slippage arises for legitimate reasons that does not constitute ‘drift’, and to avoid fueling an unhelpful target culture that views as ‘failure’ case duration that exceeds 26 weeks.

18 Beckett C, Dickens J and Bailey S (updated version: 2014) *Concluding Care Proceedings within 26 Weeks: Messages from the Evaluation of the Tri-borough Care Proceedings Pilot*. Centre for Research on Children & Families, University of East Anglia.

¹⁹ *Mean* and *median* are both used to describe averages. *Mean* duration is used most commonly – it is the total duration of all cases divided by the number of cases. This average hides any skewing effect of some cases having an unusually low or high duration. To avoid that, *median* average can be useful – it is the middle duration, the case with an equal number of cases on each side. It provides a useful comparison where a very high or low duration has pulled the mean average upwards or downwards.

Table 9: Percentage of cases completed within 30 weeks

% of cases completed within 30 weeks	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Greenwich	42	--	46	--	71	71
Lambeth	--	--	46	77	74	62
Lewisham	6	--	51	78	80	79
Southwark	--	--	61	79	75	62

Some of the cases that exceeded 30 weeks will have had one or more of the 8-week extensions that judges have discretion to authorise. Table 9 seems to indicate that this was more likely in cases brought by Lambeth and Southwark because they had fewer cases completed within 30 weeks. Other lengthy cases in SLCPP have some of the features that are likely to lead to duration beyond 30 weeks (Appendix 4).

One SLCPP local authority was part of national research²⁰ into the impact on decision making of the main changes imposed by the Children Act 2014: the 26-week time limit for case duration, and restrictions in the use of experts. The study findings provide evidence of the concerted attempts by social care and family justice partners to focus on reducing delay, without having an adverse impact on plans for children:

- The average time for proceedings was reduced: from 52 weeks to an average of just over 26 weeks.
- The pre-proceedings stage also became shorter: from 20 weeks to an average of 13.
- Guardians were appointed much sooner: from 7 weeks to 2 days, with a change to 'proportionate working'²¹ by Cafcass.
- Experts were used much less: down from 90% of cases in 2004 having an average of more than two experts, to a third of cases after 2004 having no expert.
- Cases completing at IRH stage (Issues Resolution Hearing) took an average of 6 weeks less time, and judicial continuity was also associated with reduction in case duration. There were regional differences in both these areas of judicial practice.
- There was a difference in the pattern of orders made: a decrease in Care Orders and Placement Orders and an increase in Supervision Orders and Special Guardianship Orders.

²⁰ Masson J and Dickens J, with Garside L, Bader K and Young J (2019) Child Protection in Court: Outcomes for Children. School of Law, University of Bristol.

https://research-information.bris.ac.uk/files/214931511/FINAL_REPORT.pdf

²¹ Meaning that guardians routinely make a written initial analysis available prior to the first hearing, and a final analysis prior to the IRH or final hearing.

4.7 Age of children in proceedings

The five following charts show the percentage of SLCPP children, per age band, on whom proceedings were issued during the past 6 years.²²

Some SLCPP data is not directly comparable to national data here, especially for children under two. This is because SLCPP separated these cases into two categories, one for newborns with a pre-birth decision to issue proceedings, and one for all other children under two. In addition, we did not have a separate category for infants under one.

Nationally, over the 10 years ending at March 2017, on average 27% of proceedings were issued on children under one year.²³ This rate increased from 32% to 42% during the six-year SLCPP period, though with London having a lower increase than other regions.

To make firm comparisons with national data, changes would need to be made to the SLCPP data tracker. With this caveat in mind, our analysis about age at issue suggests the following:

- For very young children, the SLCPP authorities issue at a lower rate than the national average.
- Lewisham and Southwark rates have come down, showing the opposite of the recent upwards national trend.
- Lambeth shows a rise in cases of newborns over the last three years and a decline in the same period for other children under two.
- For older children, the national rate of issue of those aged 10 and over has been rising in recent years.²⁴
- The SLCPP local authorities show fluctuations for children aged 12 and over. Lambeth shows a rise over Years 1 to 4, a marked reduction in Year 5, and a further rise in Year 6. Southwark shows a general rise over the period. Lewisham is holding steady after an increase in the first three years.
- As mentioned earlier [Table 7], the percentage of sibling groups involved in proceedings each year will have an impact on case numbers.

²² Greenwich is for Year 6 only as this data was not recorded in their earlier annual reports.

²³ Broadhurst K, Alrouh B, Mason C, Ward H, Holmes L, Ryan M and Bowyer S (2018) *Born into care. Newborns in care proceedings in England*. London: The Nuffield Family Justice Observatory.

²⁴ Harwin J and Alrouh B (2017) *New entrants and repeat children: continuity and change in care demand*. Family Law April 2017, 4043-411.

Chart 3: Newborn infants issued at birth, as a percentage of children in proceedings

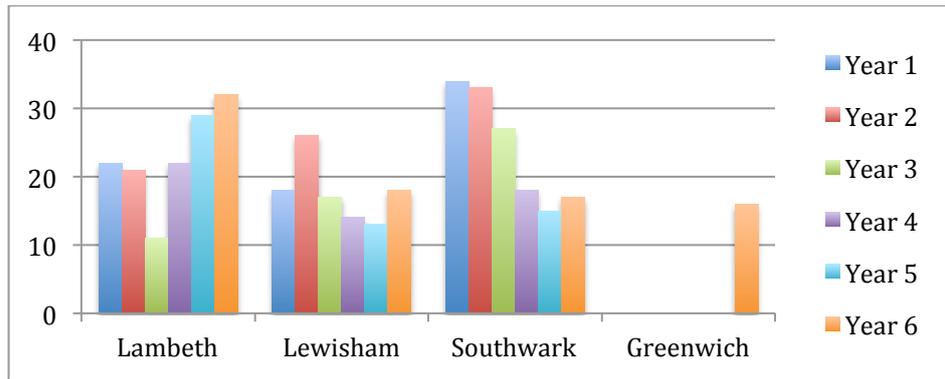
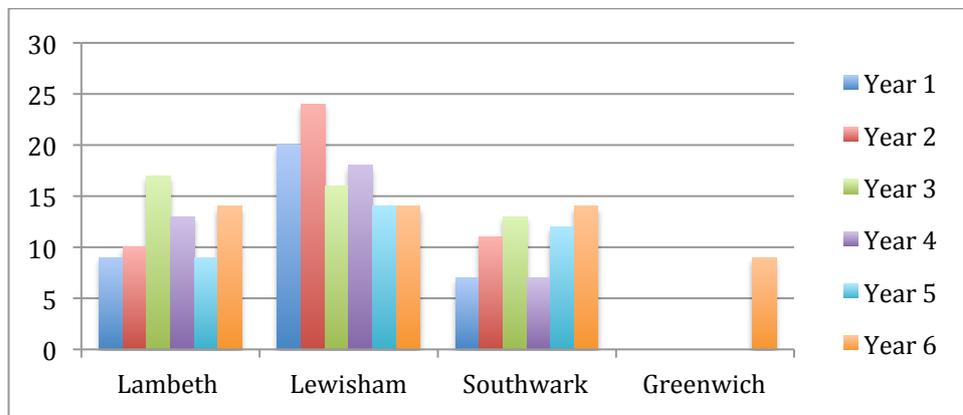


Chart 4: Babies and toddlers under 2, as a percentage of all children in proceedings



To make comparisons with national data, the SLCPP age data would need to be varied. However, the current tracking of newborns where LPM decisions are made pre-birth does allow for local analysis of how many newborns issued are from recurrent mothers. This information is not currently part of SLCPP’s annual reporting. But analysis prepared for the launch of Pause in Southwark in 2015 shows that 18 of the 24 newborns in proceedings in Year 2 were to recurrent mothers.

Chart 5: Children aged 2-5, as a percentage of all children in proceedings

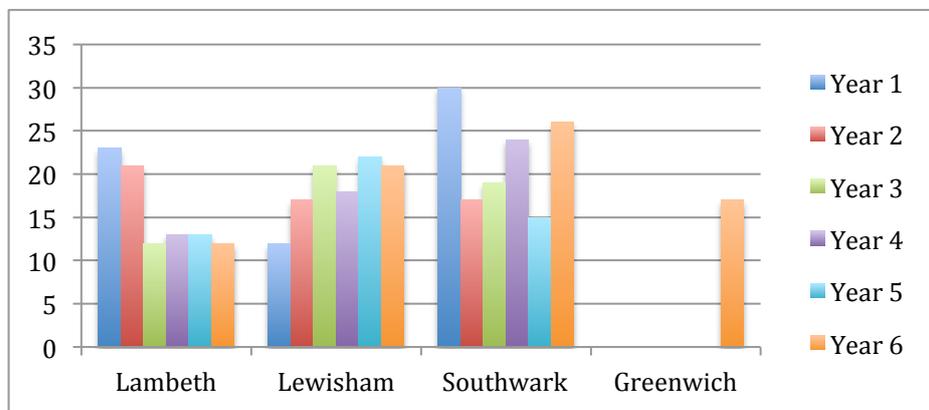


Chart 6: Children aged 6-11, as a percentage of all children in proceedings

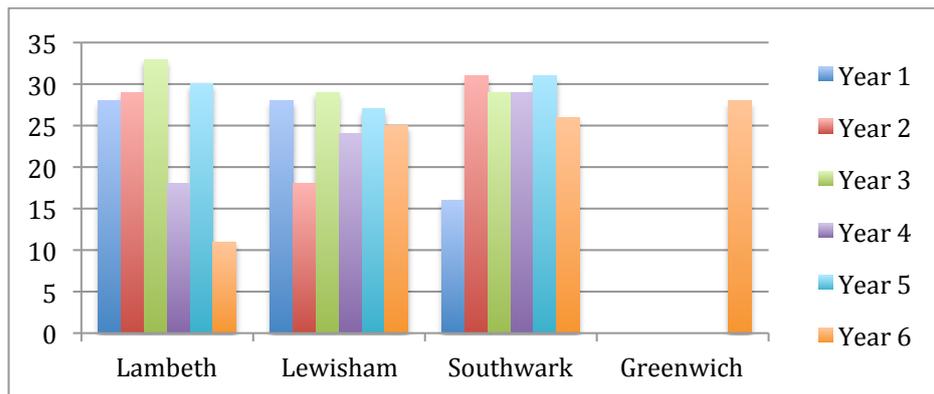
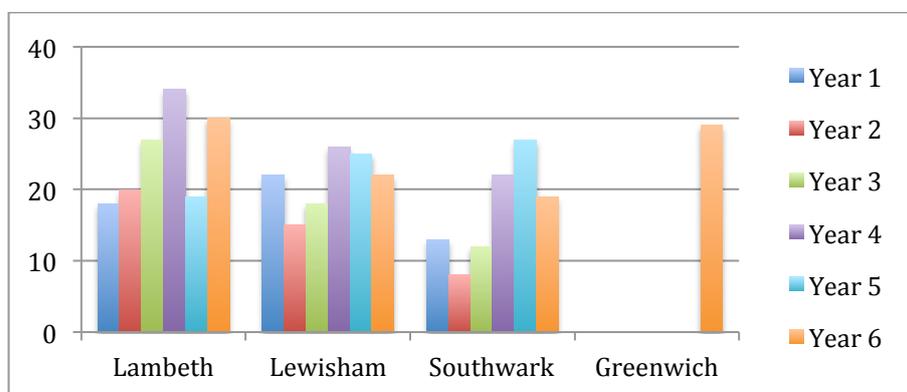


Chart 7: Children 12 and older, as a percentage of all children in proceedings



4.8 Cases heard in the Family Drug & Alcohol Court (FDAC)

Southwark and Lambeth use the Family Drug & Alcohol Court service offered by the London FDAC team. FDAC also works with families in pre-proceedings, but this work is not reported here. FDAC is a problem-solving approach to care proceedings, which has been positively evaluated as more successful than ordinary proceedings in cases where substance misuse is a key factor in bringing proceedings. Compared with parents in standard care proceedings, parents in FDAC are more likely to retain or resume care of their children at the end of proceedings and to sustain their positive change over time.²⁵

Table 10: Number of FDAC cases (families)

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Lambeth	9	10	9	5	4	3
Southwark	7	10	6	5	6	7

²⁵ Harwin J, Alrouh B, Ryan M, McQuarrie T, Golding L, Broadhurst K, Tunnard J and Swift S (2016) *After FDAC: outcomes 5 years later. Final report.* Lancaster: Lancaster University. <http://wp.lancs.ac.uk/cfj-fdac/publications/>. And see footnote 6 for a local study about FDAC by Andy Davey.

In Year 1, 16 families went through the intensive FDAC service rather than standard proceedings, and 7 of these (with 10 children in total) were identified as FDAC cases by the case file auditors.

During the six years after the end of proceedings, one of the 10 children became the subject of repeat proceedings, and in two other cases a court hearing was also needed – one for a contact order application by a father, the other for an SGO by a grandmother who had assumed care of the child at the mother's request.

There was evidence of local authority support during the SO period after proceedings in FDAC, and of the need for continuing or more intensive support post proceedings for some children, parents and carers. The case file auditor noted positive comments on file about the actions of two FDAC mothers who lapsed or relapsed after their SO ended: this included placing their child with a safe carer, asking for support from services, and being honest with professionals.

SECTION 4: SIX YEARS IN PROCEEDINGS cont'd

4B. Analysis of the court orders made in the cases tracked above, in 4A

This section presents and comments on the data tracked over six years about the court orders made in SLCPP care proceedings. It focuses on the cases that concluded with a final hearing and decision (including the decision to make no order). It excludes the very small number of cases that did not result in a final hearing and court decision, either because the case transferred to another local authority, or because it was withdrawn by the local authority or dismissed by the court.

Some variation in analysis should be borne in mind for this section. *A Year in Proceedings* calculated the percentage of each type of order made by each local authority for all the proceedings issued during that year, but it has not been possible to report on exactly the same data for subsequent years. This is for two reasons: first, there are a few gaps in some of the annual reports, and second, the data about final orders in the annual reports for Years 2 to 6 related to cases that ended during the year (rather than to cases that started during the year).

By way of example, the table below shows the difference for Year 6 in terms of those issued and those concluded. There is variation up and down across the local authorities, reflecting variations in how early or late in the year a case started and whether it concluded that year or continued into the next. However, coincidentally, the total numbers across the SLCPP are very close for Year 6.

Table 11: Cases issued and concluded in Year 6

Year 6: 2018/19	Children: cases issued in the year	Children: final hearing in the year
Greenwich	121	158
Lambeth	56	76
Lewisham	152	141
Southwark	121	86
SLCPP total	450	461

4.9 Child remained with or returned to a parent:

No Order

Table 12: Rate of children where court decision was No Order and therefore children returned to or remained with their parent/s

	Year 1 %	Year 2* %	Year 3* %	Year 4* %	Year 5* %	Year 6* %
Greenwich	4	--	--	--	--	2
Lambeth	12	10	2	3	5	4
Lewisham	6	6	7	--	--	6
Southwark	5	6	4	2	4	1
SLCPP	7	--	--	--	--	3

*Figs from these annual reports relate to final orders in proceedings that ended during that year, not to proceedings that started during the year.

The data shows that No Order at final hearing accounts for a very small percentage of cases, and that the rate has fluctuated within and between the local authorities. The relatively high percentage for Lambeth in Years 1 and 2 reduced to a level in line with others in later years. See the '*with hindsight*' comment on page 12 about Year 1. Lewisham has the most consistent rate, and it is above the national average throughout the period: the 2019²⁶ research by Harwin and colleagues gives the national percentage of No Order as 2%, with no change over Years 1 – 4.

A No Order decision does not necessarily mean no further involvement by children's services. See Section 3, under No Order.

Child Arrangement Order

Table 13: Rate of children where court made a Child Arrangement Order, and therefore the child remained with one parent or moved to live with the other parent (with or without a Family Assistance Order)

	Year 1 %	Year 2* %	Year 3* %	Year 4* %	Year 5* %	Year 6* %
Greenwich	2	--	--	--	--	2.5
Lambeth	2	4	2	2	3	4
Lewisham	2	1	2	0	4	4
Southwark	4	5	4	2.7	1.4	7
SLCPP	2	--	--	--	--	4

*Figs from these annual reports relate to final orders in proceedings that ended during that year, not to proceedings that started during the year.

The Child Arrangement Order replaces the Contact Order and the Residence Order provided in the Children Act 1989. In the above cases – that is, those with no

²⁶ <https://www.nuffieldfjo.org.uk/resource/the-contribution-of-supervision-orders-and-special-guardianship-to-children-s-lives-and-family-justice>

Supervision Order attached – the court’s decision is that the grounds for bringing care proceedings are not proven. They are likely to be cases of children moving from one parent to the other and/or settling arrangements after parents have separated. They account for a small proportion of SLCPP cases, with minimal change from year to year, though generally a slight increase for Year 6. As the national rate across Years 1 to 4 is 8–11%,²⁷ the local authorities in SLCPP have a rate that is consistently much lower than the national average.

Supervision Order

Nationally, only 6% of care applications are for a Supervision Orders. The vast majority are for Care Orders, with plans for children to be removed from one or both parents or retained in care if the child is under a s20 arrangement, EPO or PPO. Sometimes an application for a Care Order fails, in that the court does not agree that a child should be removed, although the grounds are agreed; in those circumstances the local authority may be granted an Interim Supervision Order rather than an Interim Care Order. The proceedings continue with the Supervision Order in place, and the possibility of the final decision being a Supervision Order might emerge. This is likely if parents make progress, either because of changes in the family unit or because the proceedings themselves have a therapeutic impact, promoting parental engagement or stimulating other improvements. If there is no progress, the final order could be a Care Order, with the child removed from home or retained in care.

Harwin and Alrouh (2017) report national consistency in the use of Supervision Orders to support children returning to or remaining with parents. They give the average national of 13 to 15% for 2013-2017 (the first four years of SLCPP tracking).

The London rate for the same period (23%) is higher than in all other regions. In SLCPP authorities, there is little change overall between the Year 1 and Year 6 totals, with around a quarter of final hearings ending with a Supervision Order.

Table 14: Rate of children where the court made a Supervision Order and therefore children returned to or remained with their parent/s, with a period of continued involvement of social workers

	Year 1 %	Year 2* %	Year 3* %	Year 4* %	Year 5* %	Year 6* %
National	13-16 %	13-16 %	13-16 %	13-16 %	--	--
London	23	23	23	23	--	--
Greenwich	24	--	--	--	--	33
Lambeth	35	27	33	25	14	25
Lewisham	15	17	24	21	22	13
Southwark	31	22	11	19	19.6	26
SLCPP	26	--	--	--	--	25

*Figs from these annual reports relate to final orders in proceedings that ended during that year, not to proceedings that started during the year.

²⁷ As footnote 26.

The table highlights the different local authority trends during the period:

- Greenwich had close to the London average in Year 1 and rose considerably higher than that at Year 6, increasing to a third of all final orders made that year. Data is not available about any possible fluctuations in the intervening years.
- Lambeth generally has higher than both the national and the London average. A dip below the national average at Year 5 corresponds with a dip in the rate of issue that year. The proportion of Supervision Orders rose again the following year but remained close to the regional average.
- Lewisham generally has lower rates than the rest of SLCPP. They are within or close to the national average for three of the years, with some elevation in Years 3, 4 and 5 that takes their rate up to close to the London average, before dropping down in Year 6 to its lowest rate since the start of the project.
- Southwark initially shows a downward trend, from nearly double the national rate in Year 1 to below it in Year 3. It then rises again, to close to the London average. The dip in Year 3 may reflect the dip in the rate of issue in Year 2.

The 2019 report by Harwin and colleagues²⁸ is highly relevant for SLCPP, as two of the local authorities were part of the case-file strand of this national study. Using a ‘survival analysis’ statistical approach, the researchers conclude that approximately 1 in 5 of all Supervision Orders supporting return home are estimated to end up back in court within five years. This is the first time that national evidence has been presented on this matter, and it comes with:

“a range of practice, policy and legal options to strengthen the Supervision Order and do the job the legislators had in mind – promote safe and lasting reunification.”

SLCPP has been concerned about the risk of cases with a Supervision Order at final hearing ending up back in proceedings because change has not been sustained or there has been further significant harm. The Harwin research discusses this in detail. It recommends national consultation on its proposals for improved practice. In the meantime, there is potential for SLCPP to trial some of these recommendations. They include:

- an independent review of progress under a Supervision Order, led by Child Protect Coordinators or Independent Reviewing Officers and using the Children In Need framework

²⁸ As footnote 26.

- improving and standardising working together agreements about the aims of joint work, what needs to change, and action plans (including timescales and responsibilities)
- improving and standardising reports and SO review records, to highlight what is working well, what needs further development, and whether (after nine months) return to court is indicated
- consulting and involving parents and children as part of the above process, and
- involving family networks via Family Group Conferences.

Testing these approaches would help respond to current practice, increase understanding about what is helpful new practice, and also offer insights from parents and children (only five parents, and no children, were involved in the study's focus group work). It may also be possible to target more vulnerable families, those with more complex problems, by offering them more intensive support. Case complexity relates to the number and severity of problems, which can include domestic abuse, substance misuse, poverty and poor housing, offending, relationship difficulties, past trauma, and lack of social support. This could also consider any difficulties in achieving partnership working between families and professionals.

The national study reports the frequency of social work visits to families with a Supervision Order. 28% had 12 or more visits during the SO year, 50% had 9 to 12 visits, and 22% had 5 to 8 visits. This frequency, at best monthly, is broadly similar to the frequency for child protection concerns and much less than the several visits per week deemed necessary by specialist intensive services such as the Pause service that operates in Southwark and Greenwich. The frequency is likely to be insufficient in some cases, given the rate of return to court. A wide range of services was reported by the national study as offered to families,²⁹ with the caveat that case files often lack clarity about which services on offer are taken up by families, how quickly that happens, and how intensive the service/s are.

Child Arrangement Order with Supervision Order

This combination of orders often occurs where a child has moved from one parent (usually the mother) to the father, where there are concerns about future parenting, and the Supervision Order is about stabilising, supporting and monitoring new contact arrangements, given the reduced time available to do this within proceedings. Note that, though possible, it is rare for this combination of orders to be made to a child moving to a relative other than a parent given that an SGO with an embedded support plan is the preferred route.

²⁹ The services listed were these: alcohol/drug support service, counselling/therapy, disability support, DV programmes, FGCs, family therapy, housing support, CPN, parenting programmes, respite care, support with benefits, after school or playschemes, outreach, CAMHS, dietician, nursery placements, physiotherapy, school liaison support, and SALT.

Table 15: Rate of children where the court made a Child Arrangement Order and a Supervision Order, with a period of continued involvement by social workers

	Year 1 %	Year 2* %	Year 3* %	Year 4* %	Year 5* %	Year 6* %
Greenwich	3	--	--	--	--	2
Lambeth	4	4	5	3	12	2
Lewisham	13	12	10	8	13	14
Southwark	1	4	13	8.5	14.5	18
SLCPP	6	--	--	--	--	9

*Figs from these annual reports relate to final orders in proceedings that ended during that year, not to proceedings that started during the year.

The data in the table above shows that:

- Greenwich has a very small percentage of children with this disposal in Years 1 and 6
- Lambeth has a small number, though with a sharp increase in Year 5
- Lewisham shows greater consistency across the years, with a small dip at Year 4, and a much higher rate than the other authorities in the first two years, and
- Southwark shows a general increase over the period, except for Year 4. For Year 6 it has the highest number across the SLCPP.

4.10 Child remained or placed with relatives (other than parents) or friends

Special Guardianship

Children will not remain with their parent/s with this disposal unless the parent is also living with the Special Guardian, which does happen very occasionally. Only very few SGOs are made in favour of family friends. Most commonly, they are made in favour of relatives, especially grandparents, aunts and uncles, and occasionally a sibling or great-grandparent.

It is difficult to provide analysis of this Order without also considering the data on SGOs that are accompanied by a Supervision Order. So, to present a fuller picture, in this sub-section the tables give

- (i) the overall total rate of SGOs (with or without an SO), then
- (ii) SGOs (alone), and then
- (iii) SGOs (plus SO).

Special Guardianship Orders overall

Nationally, the rate of SGOs was 19% of all legal orders in 2015/16 and 2016/17.³⁰ This work did not find evidence of regional variation at court circuit level, with courts in SE England reflecting the national trend. The table below shows the SLCPP fluctuations above and below the national rates.

Table 16: Rate of children where the court made a Special Guardianship Order, with or without a Supervision Order (or occasional other order)

	Year 1 %	Year 2* %	Year 3* %	Year 4 %	Year 5 %	Year 6 %
National rate	15	18	19	19	--	--
Greenwich	32	30	27	15*	22	23
Lambeth	20	25	14	23*	23	19
Lewisham	16	21	22	17*	12	10
Southwark	17	28	14	14	20	16
SLCPP	21	26	19	--	--	18

*Figs from SLCPP Statistical Review, Phases 1 & 2

In SLCPP:

- Greenwich shows a decline from double the national rate in Year 1 to below the national rate in Year 4. This is followed by a rise.
- Lambeth shows a fluctuating picture until Year 4, when it stabilises at above the national rate and then drops back.
- Lewisham shows a rise to Year 3 and then a steady fall, to the lowest ever in SLCPP at Year 6.
- Southwark shows a fluctuating rate, with a dip below the national rate in Years 3 and 4.

Special Guardianship Order alone

Table 17: Rate of children where the court made a Special Guardianship Order, with the child remaining, or being placed, with family or friends

	Year 1 %	Year 2* %	Year 3* %	Year 4* %	Year 5* %	Year 6* %
Greenwich	15	--	--	--	--	22
Lambeth	12	15	14	14	15	18
Lewisham	14	19	19	14	6	7
Southwark	14	21**	15	9.6	10	10
SLCPP	14	--	--	--	--	15

*Figs from these annual reports relate to final orders in proceedings that ended during that year, not to proceedings that started during the year.

**Fig includes one with a Prohibited Steps Order also.

³⁰ Harwin J and Alrouh B (2017) *New entrants and repeat children: continuity and change in care demand over time*. Family Law April 2017 p.407-411.

The above data, for an SGO only, shows that:

- Greenwich has an increase from Year 1 to Year 6, although the pattern in the intervening years is not known.
- Lambeth has a fairly consistent picture, with a slight increase at Year 6.
- Lewisham has a general decline after Years 2 and 3, with Year 6 down to half the rate for Year 1.
- Southwark has a consistent picture over the last three years.

Special Guardianship Order with Supervision Order

Table 18: Rate of children where the court made a Special Guardianship Order and a Supervision Order, resulting in the child remaining, or being placed, with family or friends, with a period of continued social work involvement

	Year 1 %	Year 2* %	Year 3* %	Year 4* %	Year 5* %	Year 6* %
Greenwich	17	--	--	--	--	1
Lambeth	8	7	4	6	8	1
Lewisham	2	2	1	6	5	3
Southwark	3	3	8	4.3	10	5
SLCPP	7	--	--	--	--	3

*Figs from these annual reports relate to final orders in proceedings that ended during that year, not to proceedings that started during the year.

The data shows a marked decrease at Year 6 across SLCPP:

- for Greenwich, down from 17% at Year 1 to just 1%
- for Lambeth, a fairly consistent picture until a sharp decrease at Year 6
- for Lewisham, a low number until a rise at Years 4 and 5 and then a fall at Year 6, and
- for Southwark, a fluctuating picture, ending with a sharp fall at Year 6.

Nationally, the picture reported by Harwin and Alrouh (2017) is of an increase in SOs made alongside an SGO (by then accounting for one third of all SGOs). Their later study, in 2019, showed a national picture of 30% of SGOs having an SO attached, and with no difference in the percentage of disruption with or without an SO. The addition of the SO was made for a variety of reasons (in some cases singly and in other in combination), to:

- help manage contact with birth parents
- manage concern about the SG's history or understanding of risk or potential risk to the child
- acknowledge a previous negative assessment at initial or full assessment stage
- ensure additional support to meet needs
- test the placement

- support the child’s move to the new placement, and
- because the local authority did not support the placement and had recommended a Care Order.

Thirty-one (31%) of all the national study children had not lived with their Special Guardian before the order was made. In Year 1 of SLCPP that figure was considerably higher, at 55%.

Additional SLCPP data on SGOs

In 2015, the SLCPP aggregated the basic data on all SGOs made in the 19-month period from 1 May 2013 to 31 December 2014. This provided additional information about the 115 children subject to SGO decisions during that period. The data is set out below, with commentary on some of the issues it raised.

Table 19: Basic profile of all SLCPP SGOs by gender and age of child on placement, from 1 May 2013 to 31 December 2014

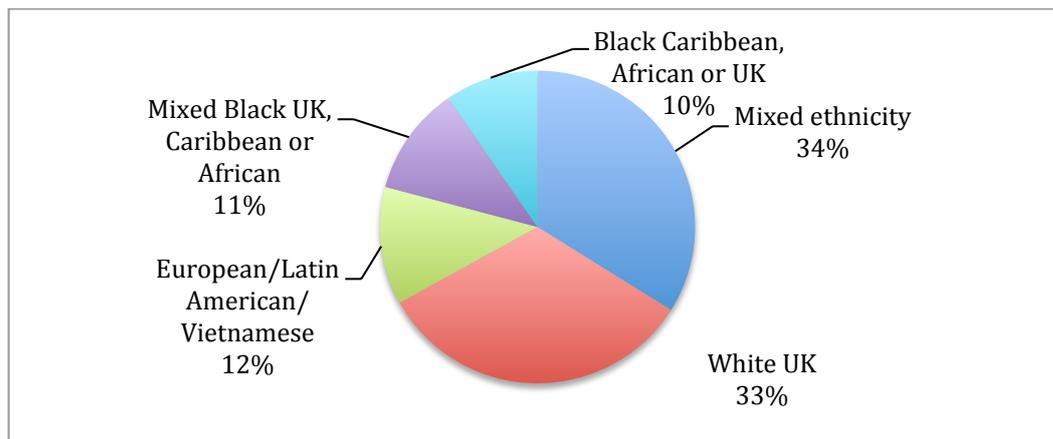
	No. of SGOs	Of which SO made too	Gender of child	Children under 1y at placement with SG	Children 8y and over at placement with SG	Average age at placement with SG
Greenwich	25	10	12F / 13M	6	4	3.9
Lambeth	39	14	19F / 20M	11	6	3.9
Lewisham	28	3	13F / 15M	5	4	4.3
Southwark	23	4	13F / 10M	8	5	4.5
Total	115	31(27%)	57F / 58M	30 (26%)	19 (17%)	4.1

Note that:

- while there appears to be a large variation in the rate of Supervision Orders attached to the SGO, the 10 Greenwich SOs relate to five families
- the gender of children is evenly balanced
- the average age on placement (around 4 years) is similar across the local authorities, and
- more babies under one were the subject of an SGO than children over 8.

This internal work charted the ethnic origin of SLCPP children subject to an SGO as illustrated in the chart below.

Chart 8: Ethnicity of SLCPP children subject of SGO between May 2013 and December 2014



As shown, two-thirds of the children were of Black Caribbean, African or UK background, or dual ethnic origin, or from diverse backgrounds including Latin American and Vietnamese. A third of the children were of White UK ethnic background.

Data collected also looked at when children were placed with their Special Guardian.

Table 20: Timing of placement with SG of SLCPP children 2013/14

	No. of SGOs	Placed before proceedings issued, or within 1 month	Placed later, during proceedings	Placed after order (within 1 month)
Greenwich	25	3	2	20
Lambeth	39	9	6	24
Lewisham	28	14	4	10
Southwark	23	7	7	9
Total	115	33 (29%)	19 (17%)	63 (55%)

More than half of the SLCPP children subject to an SGO were not placed until proceedings had concluded. These SGOs often attracted a Supervision Order also, especially where the Special Guardian lived in another local authority or where more bespoke support was needed around contact during the transition period.

Research studies led by Wade³¹ and by Harwin³² show a 5.7% national rate of SGO children returning to care. Although the local repeat proceedings research shows disrupting SGOs to be a minority, Dyke³³ concluded that a very small number might have been foreseen, and he pointed to the good practice of careful consideration of family dynamics in assessment work. The worries about SGOs being liable to disrupt

³¹ Wade J, Sinclair I, Stuttard L and Simmonds J (2014) *Special Guardianship*. London: DfE.

³² Harwin J, Alrouh B, Palmer M, Broadhurst K and Swift S *A national study of the usage of Supervision Orders and special guardianship over time* (2007 – 2016) Briefing paper no 1.

³³ See footnote 6, study of repeat proceedings.

where placements are untested are not borne out so far, as they hardly feature in repeat SLCPP proceedings. This does not mean, however, that arrangements are not vulnerable and/or do not require support or intervention.

In August 2019, the Nuffield Family Justice Observatory published a review of the evidence on Special Guardianship.³⁴ It covers many of the issues that have been identified by SLCPP partners since the implementation of the 26-week requirement and subsequent case law. The review calls for significant change beyond the DfE review of Special Guardianship in 2015 and it makes several recommendations, some of which confirm the direction of practice that the SLCPP local authorities are implementing. These include:

- before proceedings begin, working with families to identify any potential Special Guardian, and using Family Group Conferences to do this
- using the FRG guidance and tools for preliminary assessments³⁵
- developing kinship assessment, training and support, using specialist workers experienced in fostering and adoption practice, and
- providing long-term support to Special Guardians, including peer support, therapeutic support and support with contact.

The review calls for a statutory minimum timescale for the preparation, training and assessment of special guardians, and for support being offered on an equal basis to that offered to foster carers and adopters. The need for further research is also identified: longitudinal studies of children's outcomes, what happens to siblings, and the views of children and young people. In general, the summary message is that:

“Special Guardianship continues to be an important permanence option for the right child and the right family. But for this to be so, the system as a whole must operate in a coherent, timely, evidence-informed way and this requires changes in mindset, regulations and protocols.”

Concluding comments about children remaining within their family (sub-sections A and B)

Overall, across SLCPP, the rate at which children are enabled to remain with parents or family and friends at the conclusion of proceedings has usually been higher than 50% throughout the last six years, as shown in the table below. It was as high as 73% in Lambeth in Year 1, though that trend shows a reduction over time, deemed in part

³⁴ Simmonds J, Harwin J, Broadhurst K and Brown R (2019) *Special guardianship: a review of the English research studies*. London: Nuffield Foundation.
<https://www.nuffieldfjo.org.uk/resource/special-guardianship-a-review-of-the-evidence> The review is published in 4 parts: this report about the English research studies, practitioner perspectives, international research on kinship care, and a summary report.

³⁵ In the report on practitioner perspectives (above), see footnote 1:
https://www.frg.org.uk/images/Viability_Assessments/VIABILITY-MASTER-COPY-WHOLE-GUIDE.pdf

to be the consequence of a higher proportion of children and families being supported successfully by pre-proceedings work (see footnote 11).

Table 22: Rate of children remaining with parent/s or family and friends at the conclusion of proceedings

	Year 1 %	Year 2 %	Year 3 %	Year 4 %	Year 5 %	Year 6 %
Greenwich	65	--	--	--	--	63
Lambeth	73	67	60	53	57	55
Lewisham	51	57	62	61	59	70
Southwark	62	61	55	49	69	74
SLCPP	62	--	--	--	--	61

Note that the figures above do not include the children who were placed with friends and family members under fostering regulations, either before or during proceedings. *A Year in Proceedings* commented on this important early route to permanence for a significant proportion of children who were not able to return to either or both parents. In addition, a very small number of children on a Care Order remain with relatives or friends who have been approved as foster carers. These children are not included in the above table either. It means that the overall proportion of children remaining safely within their family is higher than indicated in Table 22.

It also suggests that SLCPP are currently doing at least as well as in Year 1 in this respect. The conclusion for Year 1 of the project was as follows:

“Over half the children in SLCPP care proceedings (62%) were enabled to remain within their families as a permanent arrangement: at final hearing, 33 per cent remained with or returned to their original primary carer, 8 per cent went to live with their other parent, and 21 per cent were placed with another family member. Across the boroughs, between 27 and 49 per cent of children were separated from their parents and families permanently, via a Care Order or a Care Order plus Placement Order.”

4.11 Child in long-term local authority care

Care Order

Table 23: Rates of children where the court made a Care Order, with the local authority sharing parental responsibility and placement in foster care or residential provision

	Year 1 %	Year 2* %	Year 3* %	Year 4* %	Year 5* %	Year 6* %
National	31	31	32	35	--	--
Greenwich	22	--	--	--	--	33
Lambeth	16	17	31	40	28	36
Lewisham	28	29	22	28	29	27
Southwark	21	17	29	40	26	19
SLCPP	22	--	--	--	--	30

*Figs from these annual reports relate to final orders in proceedings that ended during that year, not to proceedings that started during the year.

There has been a rise of 8% in Care Orders overall across SLCPP in 6 years. The percentage of SLCPP children on a Care Order at the end of proceedings has generally followed the national trend: of an increase up to Year 4.

- The exception is Lewisham, showing remarkable consistency and staying below the national average throughout.
- Greenwich and Lambeth seem to have continued at around the national level (assuming little change in the last two years), and
- Southwark's percentage has dropped substantially at Year 6.

The pattern of Care Orders will be affected by the number of siblings in the overall group. It also reflects an increase in older children who are subject of proceedings. As noted earlier, and as noted in the Care Crisis Review reports,³⁶ contextual safeguarding issues (gangs, child sexual exploitation, and young people as 'county line drug mules') are of growing concern for older children.

Children on Care Orders at home

Whilst it is possible to be placed with parents or family members under a Care Order, as mentioned previously, this is not usual practice for a recommended legal care plan in SLCPP, and data would need to be collected as a separate exercise (it is not a variable that is tracked currently). There were no such arrangements reported in *A Year in Proceedings*. All the local authorities will have some looked after children in these circumstances, placed with parents under regulations, usually older children returning home after placement disruption and/or where changes indicate at a child care review that this is the best option for the young person. The national rate of placement with parents under a Care Order is 6%. There is marked regional variation in this practice, with London having the lowest rate. It has been a major concern in

³⁶ <https://www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review>

North West England, prompting ADCS³⁷ to collate evidence of the increase in cases and to produce suggestions for ways of reducing what is generally regarded as a disproportionate disposal at Final Hearing.

The Public Law Working Group,³⁸ established by the President of the Family Division, takes the view that only if there are exceptional reasons should a Care Order be made on the basis of a plan for the child to remain in the care of parents or carers. Nor, they comment, should the making of a Care Order be intended as a vehicle for the provision of support and/or services. They state:

“A means/route should be devised to provide these necessary support and/or services without the need to make a Care Order. Consideration should be given to the making of a Supervision Order, which may be an appropriate order to support the reunification of the family.”

Children in local authority care

Nationally, the rate of looked after children has risen slightly in the last two years. In inner London, however, it has remained stable and is below the national rate. The rate across SLCPP is higher than both the national and the London rate, but with a mainly downward trend.

Chart 9: rates of looked after children (Source DfE)

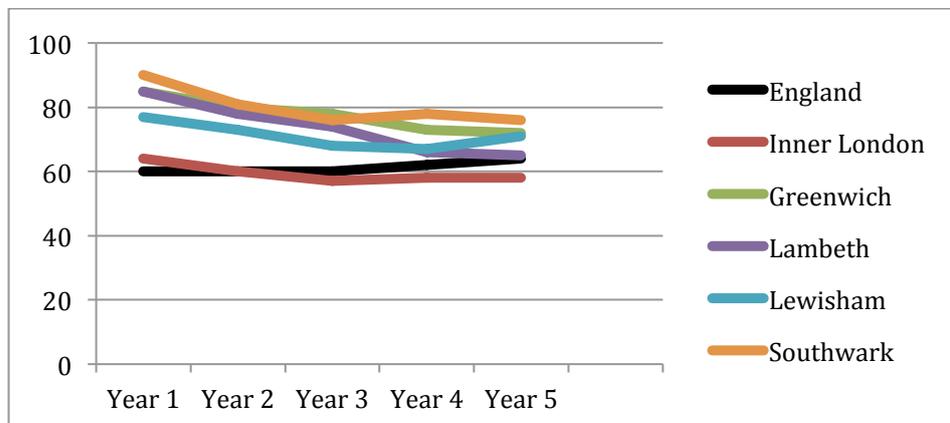


Table 24: Children looked after, 31 March 2014 - 2018 (Source DfE)

	Year 1	Year 2	Year 3	Year 4	Year 5
Greenwich	540	518	518	493	492
Lambeth	529	484	460	414	410
Lewisham	503	486	460	456	482
Southwark	549	500	477	497	491

³⁷ North West ADCS (2017) *Care Orders at Home: Practice and Principles*, and *Care Orders at Home: A strategy for partnership action*.

³⁸ PLWG rec 38. The misuse of Care Orders. (Page 111, paragraph 265)

Table 25: Children looked after, 31 March 2014 – 2018: rates per 10,000 children under 18

	Year 1	Year 2	Year 3	Year 4	Year 5
Rate for England	60	60	60	62	64
Rate for Inner London	64	60	57	58	58
Greenwich	85	80	78	73	72
Lambeth	85	78	74	66	65
Lewisham	77	73	68	67	71
Southwark	90	81	76	78	76

4.12 Child with plan for adoption

Care Order with Placement Order

The number of adoptions has fallen across the country, mainly as a result of legal case judgments. As the table below shows, the rate of adoptions in Inner London more than halved during the SLCPP project period, from 10% in Year 1 (2013/14) to 4% in Year 5 (2018/19). The SLCPP local authorities show some fluctuation within this trend but their rate is generally higher than the Inner London average.

Table 26: Rates of adoption (Source DfE)

	Year 1 %	Year 2 %	Year 3 %	Year 4 %	Year 5 %
Inner London	10	9	8	7	4
Greenwich	13	17	9	8	9
Lambeth	7	7	11	6	4
Lewisham	12	12	14	7	7
Southwark	12	14	12	8	6

The figures above are based on Adoption Orders made in the year. The making of the Adoption Order follows the process of matching, placement and application for the Order, so it lags behind the number of Placement Orders made in the year. Placement Orders over the same time frame are in the table below. The data shows that:

- Greenwich falls to Year 3 and then stabilises at twice the Inner London average at Year 5
- Lambeth has an increase to Year 3 and then a fall to the Inner London average at Year 5
- Lewisham has a slight rise to Year 3, drops and then stabilises to just above the Inner London average, and
- Southwark falls over Years 2 to 5, ending at just above the Inner London average at Year 5.

Table 27: Rate of children on whom the court made a Care Order and Placement Order with a plan for adoption

	Year 1 %	Year 2** %	Year 3* %	Year 4* %	Year 5* %	Year 6* %
National rate	21	19	17	16	--	--
Greenwich	12	13	15	--	16	3
Lambeth	11	12	8	5	12	8
Lewisham	21	17	16	10.5	12 .6	15
Southwark	21	17	16	8.5	6.5	5
SLCPP	16	14	--	--	--	8

*Figs from these annual reports relate to final orders in proceedings that ended during that year, not to proceedings that started during the year.

**Figs from SLCPP Statistical Review, Phases 1 & 2.

Nationally, the rate of Care Orders with Placement Orders has declined steadily since 2013/14 (Year 1). In SLCPP overall the rate has halved in six years, as shown in the table above:

- Greenwich shows a marked decline in Year 6, from a relatively consistent rate before this,
- Lambeth and Lewisham show fluctuations over the years, but a reduction for Lambeth at Year 6, compared with an increase for Lewisham and the other local authorities, and
- Southwark's rate shows a steady decline, falling sharply away from the national rate by Year 4.

SECTION 5: BUILDING ON THE SLCPP APPROACH

5.1 Looking back

As we pause and reflect on the work of the SLCPP Partnership, we are reminded that, essentially, this joint venture is about change: about identifying, making and sustaining change that will benefit local children and families. At the start of the partnership, the focus was on preparing for the new 26-week timescale for care proceedings in 2014, to reduce delay for children. Keeping a check on unnecessary delay in proceedings, and reducing its causes and impact, has continued to be an important strand of work.

The partnership has, however, also provided a mechanism for working together on other issues of common interest or concern, either because change at national level has influenced local practice or because the regular local authority reporting about current cases has highlighted recurring or new topics to explore within the Operational Group and Steering Group, with a view to improving social work and court practice. Some activities have been prompted by national developments in policy, case law and regulatory change; others have arisen directly from successful approaches in an individual authority.

Working together with common aims has helped to sustain positive practice change as well as identify the next issues to explore together. Doing this together, learning from one another, has mitigated against agencies working in isolation and re-inventing the wheel, and it has also meant that partners have worked with the confidence that comes from having as a start point both the detailed statistics and the human stories behind them.

The detail of the progress achieved across the Partnership is set out in Appendix 5. It reflects the six overarching themes identified in the previous SLCPP report:

- the quality of evidence to court
- the provision of parenting and other assessments
- more timely assessment of relatives and friends
- judicial and local authority continuity, and the allocation of guardians
- using data for monitoring and evaluation, and
- engaging with stakeholders, to foster continuing appetite for joint work.

5.2 Looking ahead

Added to this, we now have the changes brought about by Covid-19. It is of note that the Operational Group has continued with its regular meetings during this time, thinking together about the immediate practice dilemmas and options across the four local authorities.

Some practice changes prompted by the pandemic are likely to raise questions for discussion as things start to settle down: the new ways found of managing risk in the community; the rise in care proceedings; the increased spotlight on hidden domestic abuse; the questions about fair justice that arise from the shift to remote court hearings and the temporary change in safeguarding regulations for children in care; and the pros and cons of digital contact between separated children and families.

We hope that the partnership data in this report, from the file audit report about 447 children (Section 3) and from the 6-year statistics about proceedings involving 3,229 children (Section 4), might help with SLCPP's thinking and planning as partnership agencies and their communities emerge from lockdown and social distancing.

There are, perhaps, three questions to consider here.

1. This is our latest local data – what can and should we do, knowing it?

Are there particular findings, reflections and recommendations that merit attention?

2. Are there new ways of working for the partnership to consider?

There may be benefit in thinking about where the partnerships exist in the local authorities and how those might be strengthened, or how to build on the relationship with the local authority link judges, or whether there's scope for developing a more strategic intent in the sub-region about, say, the duty to reduce the need for care proceedings.

3. What might the partnership share with a wider audience, and what might be learnt about how others are working well together?

In 2012 and 2013, many local authorities worked singly or in clusters to track data in care proceedings and put it to local use. If any continue to operate in this way, how are they making use of what they collect? It might – for example – be instructive to know whether they, too, have used their data as a quality assurance tool, or as a springboard for themed audits, or for piloting practice changes, or developing front-line practice guidance and training.

Alongside this, what interesting initiatives have emerged from the renewed commitment across Local Family Justice Boards to scrutinise and discuss local data and trends, as well as performance targets, and to hear from a wide range of perspectives, including those of children, parents and carers, and those involved in youth justice and other services?

What do those involved in family justice and children's social care at a local level know about, for example:

- the circumstances of families and children in proceedings last year?
- whether the number is higher or lower than the previous year, and in line with regional/national averages?
- how this varies across children's age groups?
- how many children in proceedings are supported to remain safely within their family at the end of proceedings?
- which final orders in care proceedings are less enduring?
- how many children, and how many parents, are involved in repeat proceedings?
- what more can be done to resolve/achieve children's safety and well-being within their immediate or extended family, without the need to go to court?
- the views of children and families about the support received?
- how frequently those with a stake in the welfare of children and their families might benefit from coming together to understand and act on knowledge from their local data?

These are some of the questions emerging from the regular tracking, analysis and reporting of data about local children and families involved in care proceedings. As SLCPP demonstrates, when a cluster of agencies does this over time, and in consistent manner, the similarities, differences and trends become more apparent. These can help pinpoint the need for change and, in turn, this can help generate and sustain the time and energy for designing, implementing and testing new ways of working.

Current tracked variables across the SLCPP

Excel sheet Tab 1 - General Information

1. LA child number from start of project, in chronological order of date of issue
2. Child's name (surname and first name)
3. Child's DoB
4. Child's age at issue, in years & months
5. Mother's age at issue, in years
6. Number of children in proceedings (siblings highlighted)
7. Any full or half siblings removed from care of mother in previous proceedings
8. Number of siblings removed previously
9. International issue
10. Name of LA lawyer
11. Internal legal reference number
12. FDAC matter (highlighted)
13. Name of LA social worker
14. Name of LA manager
15. Internal Children's Services ID
16. Case open (or closed after final hearing/order)
17. Comments

Excel sheet Tab 2 - Case Duration

1. LA child project number, as per Tab 1
2. Child's name (surname and first name)
3. Name of LA lawyer
4. Date first in PLO (Legal Planning Meeting decision)
5. Date of LPM decision to issue proceedings
6. Pre-birth case (decision to issue prior to birth) Yes/No
7. Date of issue (by court)
8. Date of first hearing
9. Date of IRH
10. Date of Final Hearing
11. Number of weeks LPM to Court issue
12. Date of final order
13. Type of order
14. Current status - open or closed (highlighted)
15. Length of proceedings (date of issue to final order)
16. Comment on Orders made, e.g. SGO to maternal grandparents & SO to LA X, or which parent CAO relates to
17. Other comment (particularly re court process/any delay)

Note - The variables used at the start of the Partnership were reviewed and reduced following *A Year in Proceedings* and legislative change.

Questionnaire for themed audit of children & young people's circumstances 6 years after proceedings

The task is to do an electronic records check for each child subject of care proceedings issued between 1 May 2013 and 31 March 2014, the first year (11 months) of tracking, and where there was a final order, as follows:

- No order
- Residence Order (now Child Arrangement Order)
- Supervision Order (including those with RO or CAO)
- Special Guardianship Order
- SGO + SO
- Care Order
- Placement Order (& Care Order)

Where a case is allocated or under review, this could involve liaison with the allocated worker or IRO, if necessary.

<p>Child identifier: xxxxx (e.g. GR1-110 LA1-189 LE1-14 SOU1-111) Gender: Male/Female Ethnic origin: xxxx Age at issue (years 0 – 17): xx Age now: xx Sib status: xxx (e.g. singleton or note sibling/s in proceedings & their identifier/s) Order (as per list above): xxxx Number of weeks in proceedings: xx FDAC: Yes/No</p>
1. Is child's case now open or closed? If closed, is there anything to indicate the child's case is open and if so, with what status, to another LA, e.g. request for info on child subject to s47 enquiries?
2. If closed, has the case been opened since the date of the legal outcome/care plan agreed at court in 2013/14 and if so, with what status – CIN, s47, CP, CLA, other? Please give date & status
3. If open now, what is the status – CIN, s47, CP, CLA, other (please state)?
4. Has there been any change of legal status since final order in 2013/14? If so, please indicate date & status
5. If in 2013/14 child remained/returned to parent under No Order, RO and/or SO, does the child remain with parent/s, as per care plan? If not, why not? Has the child been subject of further care proceedings and if so, what was the outcome and when?
6. If in 2013/14 child subject of SGO with or without a SO, does the child remain with SG? If not, why not? Has the child been subject of further care proceedings and if so, what was the outcome and when?
7. Where child became subject of SGO, what is the nature of current LA involvement? e.g. none, financial support and review only, support with contact to birth parents and/or siblings living elsewhere, support re challenging behaviour of child, support re changed or changing circumstances of Special Guardian eg. health or bereavement, other? Please state

8. Where child became subject of CO in 2013/14, has the child remained in the placement proposed in the Care Plan agreed at final hearing? If so, what? e.g. long-term foster care, kinship foster care, residential, care leaver arrangements.
9. How many placement changes since the CO? (Planned – in line with care plan e.g. to long-term fostering? Or unplanned – disruptions?)
10. CO/PO outcomes:
 Date of matching: xx xx xx. Date of placement: xx xx xx. Date of adoption: xx xx xx.
 Does child remain with adopters/prospective adopters?
 If adopted, is LA involvement continuing? e.g. no, or yes – letter box exchange, financial support and review, other eg. emotional/behavioural needs of child, changed circumstances of adopter, health, bereavement, other (please state).
11. Have the contact arrangements agreed in the care plan been maintained? If not, why not? Did the matter return to court and if so, when, why (initiated by LA or family) and what was the outcome?
12. Was this child separated from siblings by the Care Plan or have they become separated subsequently? If so, what sibling contact arrangements were made/have been maintained?
13. As far as can be ascertained from the records and any regular review, has the child been making appropriate progress over the last 6 years?

Scale as follows: 1 = v poor, 2 = poor, 3 = satisfactory, 4 = good, 5 = v good.
 Scale across the 5 dimensions at A-E below.

NB: Planned placement change from short term to long term or to leaving care arrangement does NOT indicate placement instability, but please note whether placement changes are planned or unplanned, and the reason. Placement stability may not equal placement quality, so please note any issues identified that might indicate poor quality.

Where there has been change of placement/care plan/legal order, please make a note, e.g. Child x was subject of SGO, making satisfactory progress but due to health reasons of the SG the child returned to care briefly under s20 and was then reunited with mother and subject to CP plan, and continues to make satisfactory progress at this time.

A. PLACEMENT STABILITY

1 V Poor	2 Poor	3 Satisfactory	4 Good	5 V good

B. SCHOOL/EDUCATION PROVISION IN LINE WITH NEEDS

1 V Poor	2 Poor	3 Satisfactory	4 Good	5 V good

C. PHYSICAL HEALTH OR ATTENDING APPOINTMENTS IN LINE WITH HEALTH NEEDS

1 V Poor	2 Poor	3 Satisfactory	4 Good	5 V good

D. EMOTIONAL AND BEHAVIOURAL NEEDS MET OR ATTENDING APPOINTMENTS AS

APPROPRIATE

1 V Poor	2 Poor	3 Satisfactory	4 Good	5 V good

E. CONTACT ARRANGEMENTS PROGRESSING AS APPROPRIATE

1 V Poor	2 Poor	3 Satisfactory	4 Good	5 V good

Further notes re child to explain above (as required):

Rates of issue per 10,000 in Greater London 2017/18, from Cafcass data, ranked in order

1	Islington	22.5	Central Family Court	
2	Greenwich	17.2	Central Family Court	SLCPP
3	Croydon	15.9		
4	Haringey	15.8		
5	Lewisham	14.6	Central Family Court	SLCPP
6	Hackney	14.0	Central Family Court	
7	Barking & Dagenham	13.6		
8	Hammersmith & Fulham	13.6	Central Family Court	
9	Wandsworth	13.3		
10	Newham	12.7		
11	Southwark	12.1	Central Family Court	SLCPP
12	Tower Hamlets	11.4		
13	Sutton	11.3		
14	Bromley	10.4		
15	Bexley	9.2		
16	Barnet	8.9		
17	Redbridge	8.7		
18	Lambeth	8.5	Central Family Court	SLCPP
19	Havering	7.9		
20	Hillingdon	7.9		
21	Ealing	7.7		
22	Waltham Forest	7.4		
23	Brent	7.4		
24	Enfield	6.8		
25	Camden	6.1	Central Family Court	
26	Westminster	6.0	Central Family Court	
27	Hounslow	6.0		
28	Merton	6.0		
29	Kensington & Chelsea	5.8	Central Family Court	
30	Richmond	5.4		
31	Kingston Upon Thames	5.1		
32	Harrow	3.3		

Median average Greater London = 8.8

Median average Central Family Court LAs = 12.8

Reasons for extensions/delay in proceedings

1. Issues with partner agencies

- LA (issuing LA or transferring LA)
- Cafcass
- HMCTS
- Judiciary
- LSC
- OS
- Police/DBS
- Health
- Home Office
- Experts

Examples:

- Lack of pre-proceedings preparation, including prior authority from LSC
- Sub-standard and/or late evidence or disclosure
- **Unplanned** change of personnel
- Availability of courtroom/interpreter/judge
- Listing error or insufficient time listed

2. Legal process

Examples:

- Contested hearing for ICO
- Non-compliance with directions
- New baby born with open proceedings on older children
- New party joining
- Further assessment ordered
- International issues
- Parallel criminal proceedings
- Fact-finding
- Adjourned Final Hearing

3. Challenge with engagement of parents and family

Examples:

- Late or patchy engagement in proceedings and/or information sharing about potential family members as suitable carers
- Late identification of father/s
- Fluctuating mental health/capacity of parent
- Absconding with child/children

4. Sudden unpreventable crisis

Examples, in relation to any party/key representative:

- Sickness
- Hospitalisation
- Bereavement

5. Challenge to Care Plan

Examples:

- Child or sibling group have complex needs and/or challenging behaviour impacting on assessment duration and availability of placement options including together or apart considerations and international placement
- Challenge to negative SG assessment
- Resource issue in relation to care or support plan – housing
- Major change of circumstances

6. Reasonable delay, with good prognosis for less draconian outcome

Examples:

- Child may have remained or returned to parent with ISO and timescales extended to provide time to consolidate progress with a view to SO decision
- Child on ICO has moved from foster care to prospective SG and timescale extended to allow for placement and initial review, with more robust assessment for support plan

SLCPP Partnership work over 6 years – summary of activity and actions

Ongoing, 2020

- Distribution and sharing of local, regional and national research, case law, legislative updates, interface and working with judiciary, Cafcass guardians and family solicitors
- Annual action plan and review of Terms of Reference
- Developing practice in kinship care and use of special guardian orders
- Monitoring international family assessment and process
- Continuous tracking, quarterly reports, and annual summaries from each Local Authority, with analysis of data
- Curiosity and reflection on the meaning of data and whether there is scope for change in practice or systems to achieve better outcomes
- Identifying themes, and practice and/or political issues that impact on the timeliness of proceedings
- Dialogue with the judiciary, Cafcass and HMCTS
- Senior manager involvement and oversight
- Evidence for external inspection
- Court skills joint training

Specific activities

2018 – 2019

- Interface and working together with private family solicitors – external presentation and discussion. Has led to boroughs advising families to seek legal advice earlier within Child Protection procedures or Public Law Outline processes.
- Analysis of the outcomes of Public Law Outline pre-proceedings cases and report to steering group in November 2018. This was undertaken after the judiciary on the Steering Group was curious if boroughs were issuing on every case that met the threshold for proceedings.
- Review and update of screening tools in kinship care.
- Review of circumstances of children subject to proceedings 6 years ago.

2017 - 2018

- Phase II Statistical analysis of Placement Orders and Special Guardianship Orders outcomes for children. Report to Steering Group April 2018
- Role and impact of partner agencies in presenting evidence in proceedings – attempted engagement with LSCBs
- National developments within practice and the use of special guardianship orders – discussion at Operational Group meeting, led by John Simmonds, CoramBaaf
- Sharing and reflections on use of Child Permanence Reports in proceedings

- Repeat Proceedings analysis – completed by Chris Dyke from Goldsmiths College. This related to the same children being subject to repeat proceedings, a finding that was discovered through the statistical analysis of outcomes of PO and SGOs.

2016- 2017

- Settlement conferences - practice development and scrutiny of outcomes
- Court skills joint training (ongoing)
- Statistical analysis of outcomes of all Placement Orders and Special Guardianship Orders issued between 1 April 2014 and 31 March 2015, final report to November 2016 Steering Group

2015 – 2016

- A review of SGOs, a March 2015 report for SLCPP by Robert Tapsfield
- Sharing of tools, practice and development of preliminary assessments, viability assessments, triage of kinship care assessments. Production of leaflet for family and friends providing initial information.
- Development and implementation of SWET
- Use and review of Section 20 cases and their impact on proceedings

South London Care Proceedings Project Membership

Steering Group		
HHJ Robin Tolson QC	Designated Family Judge	Central Family Court
DJ Alun Jenkins	Link Judge for RB Greenwich	As above
HHJ Simon Oliver	Link Judge for LB Lambeth	As above
HHJ Gillian Brasse	Link Judge for LB Lewisham -retired 2020	As above
DJ Stewart Hughan	Link Judge for LB Southwark	As above
Helen Jones	Lead Magistrate	As above
Nigel Orton	Deputy Chair – Greater London Family Panel	
Steven Hayes	Legal Advisors Lead	As above
Lucy Verity	Private Practice Lead Solicitor	
Melinda Cassel	Head of Service	Cafcass
Henrietta Quartano	Senior Assistant Director Children’s Safeguarding & Social Care	RB Greenwich
Alex Kubeyinje	Director Children’s Services	LB Lambeth
Lucie Heyes	Director Children’s Services	LB Lewisham
Alasdair Smith	Director Children’s Services	LB Southwark
Operational Group		
Davidaire Horsford	Principal Lawyer	RB Greenwich
Alex Lee	Group Lead	As above
Joy Hopkinson	Principal Lawyer	LB Lambeth
Abby-Gail McIntosh	Service Manager	As above
Georgina Nunney	Principal Lawyer	LB Lewisham
Rebecca Hare	Service Head	As above
Miranda Segar	Senior Practitioner	As above
Sarah Feasey	Principal Lawyer	LB Southwark
Lesley Goodwin	Case Manager	As above
Melinda Cassel	Head of Service	Cafcass
Helen Edwards	SLCPP Project Manager	