

NORTH LONDON CARE PROCEEDINGS PROJECT (NLCPP)

Second Quarterly Report - 01/09/13 – 30/11/13

London Borough of Haringey

Court case manager - Eileen Flavin

Introduction

This report provides the data collated during this quarter and a view of how the project's aims have developed.

Data

Cases issued in Q1 between 03/06/13 -31/08/13

- 24 applications in respect of 21 children from 15 families/cases
- 14 applications from Safeguarding and Support Service
- 9 applications from First Response Service
- 1 application from Children In Care Service/Court Team

Cases issued in Q2 between 01/09/13 – 30/11/13

- 30 applications in respect of 27 children from 19 families/cases
- 13 applications from Safeguarding and Support Service
- 8 applications from First Response Service
- 5 applications from CIC Service/Court Team
- 3 applications from Disabled Children's Team
- 1 application from Out of Borough

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Cases Concluded in Q2/Ongoing

- 1 case concluded in 27 weeks. This case involved the Official Solicitor's Service
- 49 applications/33 cases ongoing

Applications

Application	No of children	Application Outcome
EPO x 3	2	1 withdrawn 1 granted and extended
ICO x 27 – Threshold criteria met in all cases	27	ICO x 14 ISO x 1 Sec 20 x 5 RO x 2 No order x 5

Age of Child at First Hearing

0 – 5 years	11 (7 under 1)
6 – 12 years	14
13+	2
Total	27

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Ethnicity (as identified on FWi)

White British	2
White British/ Black Caribbean	3
Black British/Black African Caribbean	10
British Asian	4
Other White European	8
Total	27

Is Case Duration Reducing/Are Court Hearings Reducing/Effective?

Following a promising start to the project with all cases being timetabled at the Court Management Hearing (CMH) within the 26 weeks maximum timetable:

18 of 21 cases (85 %) timetabled to be completed within 26 weeks from Q1 have not concluded or are unlikely to conclude within 26 weeks. These cases are currently timetabled between 27 – 47 weeks.

The following factors have contributed to this outcome:

- more hearings;
- more expert or other assessments;
- a ‘trial of treatment’;
- the involvement of the official solicitor;
- the late appointment of experts;
- the late filing of Local Authority evidence in 2 cases;
- difficulties with court time;
- the family proceedings court not setting final hearing dates until the Issues Resolution Hearing;
- recent case law;
- fact finding hearings;
- parental cooperation with experts and assessments.

Of the 27 applications listed in Q2 – information is available in respect of 20 applications:

8 applications have been listed for final hearing between 17 – 30 weeks.

12 applications have no final hearings set (3 of these have fact finding hearings set).

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Is Judicial Continuity Increasing?

Judicial continuity has not been achieved in majority of cases.

In most county court cases continuity is provided from CMH onwards.

The family proceedings court has been unable to provide continuity of lay magistrates or legal advisers. This has been raised with the judiciary as a concern. The end of Q2 strategic steering group meeting will need to consider judicial continuity.

Is Local Authority Continuity Increasing?

In common with Barnet and Enfield, Local Authority (LA) continuity is not being achieved in Haringey due to the structure of service provision where the child is transferred between teams (First Response and Safeguarding and Support to the Court Team) at the CMH.

Social work continuity has continued to be taken seriously across the service and assisted by collaboration across the teams and the early involvement of the Court Team. There are examples of the Court Team issuing proceedings in respect of new born siblings in five cases where they have case management responsibility for care proceedings in respect of older siblings.

The Court Team has undertaken a pre - birth assessment in one case where there was insufficient notice of an imminent arrival of unborn baby for the First Response Service to undertake a child and family assessment. The Safeguarding and Support Service retained case responsibility for the children in one case.

Are Guardian Timescales Improving and Continuity Increasing?

Guardians were appointed in all cases for the CMH/Contested Hearing and either attended, gave a view or provided a position statement. In most cases the IA was not available for the CMH or contested hearing. In one case the guardian appointed was unable to see the children or attend a contested hearing and the hearing was adjourned for another guardian to be appointed who could see children and attend the contested hearing. In a further case the Guardian did not see the child and was unavailable for the final hearing.

Are Assessments Reducing in Length/Frequency?

In the majority of cases the parenting and risk assessments required were undertaken by LA social workers either prior to or during the proceedings.

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There have been no residential assessments directed in Q2 and the use of mother and baby foster placements has assisted in cases where immediate removal is not necessary.

Where parenting assessments have not been undertaken prior to proceedings it is proving to be challenging for the Court Team to complete parenting assessments within the agreed 8 weeks timescales particularly where the assessments are complex. In Q3 cases which are transferred to the Court Team requiring a parenting assessment will be undertaken by independent social workers appointed by the Local Authority.

In a small number of cases timescales for completing parenting assessments were not achieved because of parental non compliance. It is proposed that the Court provide direction in all cases where parenting assessments are proposed in the event of non compliance. The Local Authority will provide evidence of significant non compliance with assessments prior to proceedings if this has occurred.

The parenting assessment by Enfield's Moorfield Assessment Centre directed in Q1 made a recommendation for a trial of treatment for the parent necessitating delay in the proceedings, currently timetabled to 34 weeks. In the case where a residential assessment was directed in Q1 a community assessment was recommended leading to a delay in the Issues Resolution Hearing /Final Hearing.

Connected persons' assessments. The revised initial (viability) and full connected persons' assessment guidance and template developed under the NLCPP project was introduced in this quarter.

Initial connected persons' assessments have been undertaken on the basis of one interview and on a limited number of potential carers. Full connected persons' assessments have been completed within the recommended 10 week timeframe in all but one case. In 8 cases assessments have been directed in shorter timeframes between 3 – 8 weeks. Shorter timescales place considerable pressure on resources and cause some concern about the rigour of the assessment. In one case the court permitted a late viability assessment of a relative leading to an adjourned IRH/FH.

Where further expert assessments have been required they have been undertaken in short timescales. Child and adolescent psychiatric assessments have been ordered for 3 children. In 3 cases the court adjourned the IRH and permitted adult expert assessments. In 1 case the court permitted an updating psychological assessment where the LA had commissioned one three months previously. The application was not made at the CMH and an adjourned hearing was listed.

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The Project

The project has continued through this quarter after Jo Tunnard, the project manager across the three partner boroughs, left at the end of Q1 with Barbara Babic Enfield court case manager assuming the project manager's role for the quarter.

The project was restructured early in Q2 following discussion between the three Local Authority Assistant Directors (ADs), with the ADs and Heads of Service attending the strategic steering group meetings on a quarterly basis and an operational group meeting in between.

Regular attendance at the steering groups has not been achieved. The judiciary and family solicitors have been unable to attend the strategic steering or operational steering group meetings during the quarter. After an absence from the steering group the senior legal adviser and his manager were able to attend the operational steering group. Cafcass was unable to attend the operational steering group or to send a deputy.

The end of Q2 Strategic Steering Group meeting will need to consider attendance at the steering group and set clearly agreed tasks and objectives for the partner agencies.

Progress

The recommendations for future work made at the end of Q1 have progressed as follows:

- Developing collaborative working relationships across Haringey Children's and Legal Services and with Barnet and Enfield. I have continued to work with the Children's Services teams and developed positive working relationships. I have continued to work with the Principle and Senior Lawyers and communicate directly with them in respect of cases. I have developed and presented training with them. I have met regularly with the Barnet and Enfield court case managers to progress the project's aims, focussing on issues relating to delay and pre proceedings work.
- A cross service operational steering group was set up and has commenced work on the following pre proceedings practice and policy issues: family group conferences (FGCs), legal planning meetings; a common parenting assessment framework and care planning. It is proposed that the work in relation to FGCs and a common parenting assessment will be undertaken under the project with Barnet, Enfield and Cafcass contributing to the outcome. Haringey is currently undertaking work on the parenting assessment in order to contribute to the agreed working practices already in place between Barnet and Enfield based on Enfield's Moorfield's Assessment Centre's Parent Child Assessment plan.

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- Social work skills development with a focus on initial and final written and oral evidence has continued through individual coaching with social workers and workshops undertaken with teams in the First Response Service, Safeguarding and Support Service and the Disabled Children's Team. A further workshop is planned for the Court Team.
- Feedback from Heads of Service and Local Authority lawyers and the evidence of more analytical statements suggests that the overall quality of social workers' evidence has improved. Work will be undertaken in Q3 to explore ways to measure ongoing improvement. Care planning for the permanence of the child has also improved but requires further cross service working.
- Social workers advised and supported by Haringey Legal responded quickly to the new case law requirement and the quality of final evidence has benefitted. Haringey's principal lawyer has worked on revising the project's approved final evidence statement template to address the case law and the draft statement template is being circulated for consultation within the service and with Barnet and Enfield at the time of writing.
- Working with NLCPP partner agencies. Despite the challenges highlighted above with respect to achieving the project's outcomes, there have been developments in the partnership working relationships. The senior legal adviser has been very responsive to issues which have arisen on individual cases and to general issues e.g. flexibility with regards to documents filed in short notice contested cases. It was very helpful to have the Deputy Justice's Clerk London in attendance at the operational steering group.

The Family Justice Board (FJB) performance subgroup has provided a useful forum for working with legal advisers, Cafcass and other Local Authority's court case managers and solicitors. A working group of the subgroup is developing the statement templates, considering the court chronologies and court care plans.

The performance subgroup was approached to raise the following issues with FJB: permitting short notice contested hearings; flexibility with regard to the documents filed for short notice hearings; and a mechanism to permit timetabling of the Final Hearing before the IRH where this was required. All three requests were subsequently agreed.

A further meeting is planned with Cafcass in January 2014 and Cafcass has approached Haringey and been invited to the Haringey operational steering also in January 2014. I have begun to write to all guardians advising them that the cases are being tracked and requesting contact with any concerns or delays. No guardians have yet done so. The respective roles of the 'expert guardian' and 'expert social worker' have not been progressed and will be on the agenda for the meeting in January 2014.

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- Court attendance. I have attended court for contested and case management hearings but have been unable to do so, on a sufficiently regular basis to assist to deliver the project's outcomes. The strategic steering group might consider whether the presence of the court case managers at hearings would assist the partner agencies to achieve the project's outcomes.

Recommendations/Future work

The recommendations made for Q2 remain the focus for Q3. In addition the following recommendations are made:

- Continued focus on supporting and improving the quality of social work evidence and care planning. By the end of Q4 a number of social workers will have provided evidence in sufficient cases to begin to draw conclusions with respect to the sustained improvement in the quality of evidence. Development of way to assess/measure improvement.
- Development of the operational steering group working on: the development of joint guidance in respect of Family Group Conferences; a joint parenting assessment framework; development of Haringey guidance in respect of legal planning meetings; and improved practice from child protection plan to pre proceedings public law outline plans.
- The tracking of cases. Accessing the data required by the project is challenging and time consuming. The proposal of the appointment of a part time operational support officer will assist tracking.
- Tracking timescales from the pre proceedings public law outline meeting until the legal planning meeting (decision to issue proceedings).

Conclusion

The project's overall objectives to complete the majority of cases within the 26 week timescale, with fewer hearings and with assessments in exceptional circumstances only, have not yet been achieved. There is marked trend towards the reduced duration of hearings, with the longest hearing currently listed at 47 weeks. The majority of cases which commenced before the project started will have concluded during Q3 and the trend will then become clearer.

Factors of concern which are referred to earlier in this report continue to impact on the duration of hearings more strongly at this stage in the project than anticipated. Further joint corrective action is needed and the Q2 meeting should provide the focus for this.

The need to place an emphasis on pre proceedings work and to undertake as many assessments as possible pre proceedings has been highlighted by the complexities of the families whose children have become the subject of care proceedings and the

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difficulty experienced in undertaking these complex parenting assessments within the shortened timeframe of the revised Public Law Outline.

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January 2014

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