



NOTICE OF MEETING

Joint meeting of Corporate Parenting Advisory Committee & Children's Safeguarding Policy and Practice Committee

THURSDAY, 17TH MARCH, 2011 at 19:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Alexander, Allison, Amin, Corrick, Davies, Engert, Hare, McNamara, Peacock, Reith, Rice, Stennett and Watson

AGENDA

1. APPOINTMENT OF CHAIR

2. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct and/or if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

3. COURT AND LEGAL PROCESS (PAGES 1 - 4)

Briefing report on case management in public law proceedings in the family court.

4. SAFEGUARDING AND SUPPORT (PAGES 5 - 10)

This report will update members on the Safeguarding and Support Services within the Children and Young People's Service.

5. EXCLUSION OF THE PRESS AND PUBLIC

That the press and public be excluded from the meeting for consideration of item as they contain exempt information as defined in Section 100a of the Local Government Act 1972(as amended by Section 12A of the Local Government Act 1985):paras 1&2:namely information relating to any individual, and information relating to any individual and information likely to reveal the identity of an individual.

6. ANALYSIS OF A SAMPLE OF CHILD PROTECTION CASES (PAGES 11 - 14)

This report has been compiled by the Independent member of the Children's Safeguarding Policy and Practice Committee to accompany the previous report from Iain Low, on Safeguarding and Support and provides information on individual cases to illustrate the issues raised in the previous report.

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Wednesday 09th March 2011



Haringey Council

Briefing for:	Joint meeting of Children's Safeguarding Policy and Performance Advisory Committee and Corporate Parenting Advisory Committee
Title:	Briefing on Case Management in Public Law Proceedings in the Family Court
Lead Officer:	Debbie Haith
Date:	17th March 2011

1. Introduction

In order to safeguard and promote the welfare of children the Local Authority may seek legal orders through the courts via Public Law Proceedings in the family courts.

Haringey currently has an average of 600 Looked After Children and over 300 children subject to Child Protection Plans. Over 300 of these children are the subject of public law proceedings, 156 proceedings. In the past 18 months the number of proceedings issued by local authorities has increased by over 17%. The full cost of court fees are £4,825 per set of proceedings.

A child becomes a Looked After Child if they are in voluntary care – accommodated, they are remanded to the care of the Local Authority or they are subject of a care order.

In most instances local authorities apply to the court for care and supervision orders, there are emergency orders and specific orders which are used in certain circumstances such as an Emergency Protection Order.

A care order gives the Local Authority parental responsibility, parents do not lose their parental responsibility, the emphasis should be that the Local Authority work in partnership with the parents. A care order lasts until the child reaches 18 unless an application to discharge it earlier is made.



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A supervision order specifies the role and responsibilities of the social worker; the Local Authority does not acquire parental responsibility, which remains solely with the parent. The order lasts up to 12 months.

Child care cases are managed through the courts under a protocol for case management known as the Public Law Outline (PLO). The aim is to manage the case and avoid delay.

2. Thresholds for applications for care and supervision orders

When applying for a care order the Local Authority must evidence that the threshold has been met. The court may not make an order unless satisfied that the threshold conditions are met:

(a) the child concerned is suffering significant harm, or is likely to suffer significant harm;

and

(b) the harm or likelihood of harm is attributable to,

- (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give him; or
- (ii) the child is beyond parental control.

If the threshold criteria are met the court must go on to the welfare checklist:

(a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);

(b) his physical, emotional and educational needs;

(c) the likely effect on him of any change in his circumstances;

(d) his age, sex, background and any characteristics of his which the court considers relevant;

(e) any harm which he has suffered or is at risk of suffering;

(f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;

and

(g) the range of powers available to the court under this Act in the proceedings in question

3. The main principles underlying court case management and the overriding objective in Public Law Proceedings are—

(1) Timetable for the Child: each case will have a timetable for the proceedings set by the court in accordance with the Timetable for the Child;

(2) Judicial Continuity: each case will be allocated to one or not more than two case management judges (in the case of magistrates' courts, case managers),



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who will be responsible for every case management stage in the proceedings through to the Final Hearing and, in relation to the High Court or county court, one of whom may be - and where possible should be - the judge who will conduct the Final Hearing;

(3) Main Case Management Tools: each case will be managed by the court by using the appropriate main case management tools;

(4) Active Case Management: each case will be actively case managed by the court with a view at all times to furthering the overriding objective;

(5) Consistency: each case will, so far as compatible with the overriding objective, be managed in a consistent way and using the standardised forms;

3.1 The Timetable for the Child

The “Timetable for the Child” is defined by the rules as the timetable set by the court in accordance with its duties under the 1989 Act and shall-

(1) take into account dates of the significant steps in the life of the child who is the subject of the proceedings;

(2) be appropriate for that child. The court will set the timetable for the proceedings in accordance with the Timetable for the Child and review this Timetable regularly. Where adjustments are made to the Timetable for the Child, the timetable for the proceedings will have to be reviewed. The Timetable for the Child is to be considered at every stage of the proceedings and whenever the court is asked to make directions whether at a hearing or otherwise.

The steps in the child’s life which are to be taken into account by the court when setting the Timetable for the Child include not only legal steps but also social, care, health and educational steps.

Examples of the dates the court will record and take into account when setting the Timetable for the Child are the dates of-

(1) any formal review by the Local Authority of the case of a Looked After Child;

(2) the child taking up a place at a new school;

(3) any review by the Local Authority of any statement of the child’s Special Educational Needs;

(4) any assessment by a paediatrician or other specialist;



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- (5) the outcome of any review of Local Authority plans for the child, for example, any plans for permanence through adoption, Special Guardianship or placement with parents or relatives;
- (6) any change or proposed change of the child's placement;

4. Action to reduce delay

The following extract from Reducing Unnecessary Delay in Care and Supervision Proceedings, Local Performance Improvement Groups Guidance (October 2010) highlights the complexity and challenges for reducing delay for children and ensuring the system is efficient:

“Causes of delay are complex, such as the unnecessary commissioning of expert reports (and subsequent delays in receiving them), late identification of family members and the limited availability of parties, including Cafcass guardians, to attend sittings as offered. There is no single agency responsible for delays and all have a part to play in delivering solutions. Benefits of a cross-system approach of this kind were highlighted by Lord Laming...”

In Haringey the Looked After Children's Service has been restructured and has a dedicated court team which is responsible for most of the children in proceedings. Managers from Children and Families meet regularly with colleagues from Legal services to provide oversight to case management processes and respond to emerging themes and issues.

Arrangements are in place for liaison with the courts, but the proposal for Local Performance Improvement Groups, which would be multi-agency and linked to local courts, would provide a forum to deal with issues which arise locally.

The core membership of a local group ideally should include representatives from HMCS, Cafcass, the LSC, a representative from each Local Authority and where possible local legal practitioners.

SECTION 47 of the Children Act 1989***Working Together To Safeguard Children 2010***

- 5.50 Where it is suspected that a child is suffering , or is likely to suffer, significant harm the local authority is required by Section 47 of the Children Act 1989 to make enquiries to enable it to decide whether it should take any action to safeguard and promote the welfare of the child. A Section 47 enquiry should be carried out through a core assessment...
- 5.51 Immediate protection: emergency action normally following an immediate strategy discussion between the police, LA children's social care and other agencies as appropriate...If single agency forced to act immediately, strategy discussion should take place as soon as possible after such action to plan next steps.
- 5.52 Legal advice before initiating legal action, in particular Emergency Protection Order (EPO). Police powers should only be used in exceptional circumstances where there is insufficient time to seek EPO.
- 5.55 Emergency action should be followed quickly by initiating section 47 enquiries.
- 5.56 Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm there should be a strategy discussion involving local authority children's social care, the police, health and other bodies as appropriate.....convened and led by the Local Authority Children's Social Care and those participating should be sufficiently senior ... to contribute to the discussion... and make decisions on behalf of their agency.
- 5.57 Strategy discussion can follow referral or at any other time...Discussion should be used to
- Share available info
 - Agree conduct and timing of any criminal investigation
 - Decide whether sec 47 enquiries should be initiated and a CA be undertaken
 - Plan how Sec 47 enquiry should be carried out – plan
 - Agree immediate action to safeguard child
 - Determine what info from discussion will be shared with family
 - Determine if legal action is required.
- 5.59 Strategy discussion can take place by telephone.
- 5.62 The core assessment is the means by which a section 47 enquiry is carried out. LA CSC has lead responsibility.

Although a Core Assessment should normally be completed within 35 working days and is a complex and detailed piece of multi-agency work, including talking to the child, and Section 47 enquiries should result in an Initial Child Protection Conference within 15 working days of the last strategy discussion, *Working Together* suggests that the Core Assessment up to that point could be restricted to focusing on information identified during the Initial Assessment in order to consider

whether the child is suffering, or likely to suffer, significant harm, while covering all relevant aspects of the Assessment Framework:

- developmental needs of children;
- the capacity of parents or carers to respond appropriately to those needs;
- the impact of wider family and environmental factors on parenting capacity and child development.

The outcome of Section 47 enquiries

- **Concerns not substantiated**

5.75 Section 47 enquiries may not substantiate the original concerns...but ..the core assessment should be completed. In some circumstances, the completion of the Section 47 enquiry means that the core assessment has been completed and no further action is necessary. ... Assessment may reveal a range of needs....Help and support to children in need and their families may prevent problems escalating to a point where a child is abused or neglected.

5.76 In some cases there may remain concerns about the child's welfare and safety despite there being no real evidence. It may be appropriate to put in place arrangements to monitor the child's welfare.

- **Concerns substantiated but child not judged to be at continuing risk**

For example if a perpetrator has left a household and adults are seen to be protective. There is a robust plan to protect the child.

- **Concerns substantiated and child judged to be at continuing risk**

5.81 The local authority should convene a child protection conference... to enable those professionals most involved with the child and family, and the family themselves, to assess all relevant information and plan how best to safeguard and promote the welfare of the child.

5.82 The purpose of the initial child protection conference (ICPC) is to

- Bring together and analyse in an inter-agency setting the information obtained;
- Consider the evidence, taking account of the current situation and past history, and make judgements about the likelihood of the child having suffered and continuing to suffer significant harm.
- Decide on action necessary to safeguard and promote the welfare of the child.

5.83 The timing of an ICPC will depend on the urgency of the case and the time required to obtain relevant information.....All ICPCs should take place within 15 working days of the strategy discussion.



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Briefing for:	Corporate Parenting Committee and the Children's Safeguarding Committee
Title:	Safeguarding and Support
Lead Officer:	Marion Wheeler – Assistant Director Safeguarding Marion.wheeler@haringey.gov.uk 0208 489 5430
Date:	17 th March 2011

Haringey's Children's Safeguarding and Support Service is committed to providing high quality services to support and safeguard children, young people and their families across the Borough; our aim is always to put children and young people at the centre of all our work.

The services provided by children's social care follow from specific Government legislation, including the Children Act 1989 and the Children Act 2004, and the "Every Child Matters: Change for Children" agenda.

Children's social care deliver services through three main functions:

- First Response
- Safeguarding and Support
- Children in Care

This paper is to update members on the Safeguarding and Support Services within the Children and Young People's Service.

The Safeguarding and Support Service delivers services to children, young people and their families living in the community, some of the most vulnerable in the Borough.



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The children and young people who receive a service are subject to Child Protection (CP) Plans, Child in Need (CIN) Plans and Supervision Orders (Children Act 1989).

As at the end of February 2011 there were 326 children and young people subject to CP Plans within the Borough. There has been a 47% increase in the number of children and young people subject to plans from the 28th February 2009. This has placed growing pressure on the service and other agencies working with the families.

There are currently 141 (this includes two unborn) children under 5 subject to CP Plans in the Borough and they are particularly vulnerable due to their age and development, this is an increase of 50% from the 28th February 2009.

Most children's services across the country have experienced an increase in the number of children and young people subject to CP Plans and the increase has been experienced in Haringey.

Child protection conferences are central to the effective inter-agency management of child protection cases. They will be agreed for all children who have been subject of a child protection investigation for whom there remains suspicions that the child has suffered or is at risk of suffering significant harm and there remain unresolved child protection issues.

An initial case conference will consider not only the needs of the child subject of enquiry and investigation but also of the needs of other children in the household and any risk or welfare issue applicable to them.

The initial child protection case conference brings together family members, the child where appropriate, and those professionals most involved with the child and family following a Section 47 (Children Act 1989) child protection enquiry.

The purpose of an initial conference is to:

- Collate and analyse the information about the child's health, development and functioning and the parent's capacity to protect and promote the child's health and development
- Determine the risk of the child suffering future significant harm.
- Decide on the need for registration.
- Identify a key worker where registration is agreed.
- Agree a multi-agency child protection outline plan and its intended outcome.



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London Safeguarding procedures state that children and young people subject to CP Plans should be seen at least every six weeks by their key worker (the social worker) or at intervals specified at the conference. Children and young people will also be seen by a range of other professionals – e.g. health visitors, Children’s Centre workers, teaching and non-teaching staff at our schools and family support workers. In Haringey we ensure all children are seen every 4 weeks. In Safeguarding and Support we are looking to review this and consider children and young people being seen every two weeks.

Social workers receive supervision every four weeks, child protection plans are reviewed initially at three months and then every six months.

In supervision, social workers will review cases with their managers, using the Child Protection Plan to look at their interventions and work with the family, how the Core Group is managing the plan, identify any drift or non engagement and consider whether a legal planning meeting is appropriate. The review conferences bring practitioners working with the family back together to formally review the plan and to consider it’s implementation and to make the decision if the child or young person should remain subject to a CP Plan.

The Safeguarding Panel is an additional opportunity in the Borough to support practitioners where they can present complex or challenging cases to the multi-agency panel; many of these cases will be children and young people subject to a CP Plan.

As at 28 February 2011, there were 253 children and young people subject to CP Plans within the Safeguarding and Support Service, of these children and young people the average number of days the had been subject to CP Plans was 253 days.

There is no definitive time that a child or young person should remain subject to a CP Plan once that decision has been made. A CP Plan that is implemented effectively, in a timely manner and that ensures all services work together should see change in less than 12 months. However families’ engagement and the availability of the right services at the right time play a part in the change process. Key to the change within children and young peoples’ lives is the relationship between the social worker and the parents, the parents’ commitment and ability to change for their children and the independent reviewing of the process.

There are over 350 children and young people subject to CIN Plans. The plans for these children and young people are managed through multi-agency reviews by workers within the Safeguarding and Support Service and colleagues from other agencies.



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CIN cases meet the criteria to receive a service from Children's Social Care through 'Haringey's Continuum of Need and Intervention', but on assessment do not meet the criteria for a S47 Investigation (Children Act 1989) and therefore have not been taken to Case Conference.

Where any child or young person is subject to a CP or CIN Plan and their circumstances change and these circumstances place them at risk of significant harm, social workers in the service work with our Child Care Legal Team and the Police to ensure they are protected and where necessary removed from the care of their parent(s).

The Head of Service manages the service through two Deputy Heads of Service. The service is delivered through four social work teams. Each team is made up of Team Managers, Senior Practitioners, Practice Managers, Social workers and Assistant Social Workers who work with other agencies across the Borough, especially community midwifery, health visiting, Police and our schools to ensure children and young people are safe and have the right services delivered at the right time.

The department has implemented a range of procedures to support practitioners and managers within the service through audit and quality control processes to ensure best practice and management oversight is carried out across all cases.

- Safeguarding Panel.
- Legal Case Work Meetings.
- Revised Legal Planning Meeting Processes.
- Monthly thematic audits carried out by all managers from Deputy Head of Service to Director of Children's Services.
- Multi-agency audits.

The service is committed to working with our partner agencies to ensure we offer a safe, timely and professional service to children, young people and their families within the Borough.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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