

Report for: CORPORATE PARENTING ADVISORY COMMITTEE :
18 April 2017

Item: 13

Title: Supervision Orders

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Lead Officer: Sarah Alexander, Interim Assistant Director, Social Care

Ward(s) affected: N/A

Report for Key/

Non Key Decision: NON-KEY

1. Describe the issue under consideration

1.1 This report considers the use of Supervision Orders in the court arena in preference to a Care Order and the impact on safeguarding a child in these circumstances.

1.2 It does not consider the making of Special Guardianship Orders at the end of care proceedings.

2. Recommendation

2.1 It is recommended that CPAC members take note of the content of the report and request further reports as required.

3. Reasons for decision

3.1 N/A

4. Alternative options considered

4.1 N/A

5. Background information

5.1 When a local authority makes an application for an order to safeguard the welfare of a child there are a number of different choices available the most common are care orders, supervision orders, emergency protection orders and secure accommodation orders.

5.2 A supervision order does not give the LA parental responsibility for a child but allows them to appoint a 'supervisor' who will 'advise, assist and befriend the supervised child' and take whatever steps are necessary to make the supervision order work. Supervision orders are normally made for six months or 12 months at time. They are an alternative way of dealing with and monitoring concerns which are worrying but not considered by the court as so serious that

a care order is required. It is a way of keeping an eye on how well things are going and taking quick action to return a matter to court if things go wrong or are not improving.

5.3 Courts will always consider whether an order is proportionate with the family's rights to private and family life (Article 8 ECHR). An order will not be considered proportionate if a lesser order will protect the child's welfare in the court's view. The greatest difference between a care and a supervision order is that a care order grants the local authority parental responsibility for the child, meaning that it can take decisions for the child and override the wishes of the parents.

5.4 Supervision orders are made on the same basis as care orders:

- The child concerned is suffering or is likely to suffer significant harm and that harm or likelihood of harm is as a result of the care given to the child if the order were not made in his favour, and/or the child being beyond parental control.
- The courts cannot issue an order in respect of a child who has reached the age of 17, or 16 if the child is married.
- An application for a care or supervision order may be made on its own or alongside any other family proceedings.

5.5 When there is a supervision order in force it is the duty of the supervisor to:

- 1) advise, assist and befriend the supervised child
- 2) take steps that are reasonably necessary to give effect to the order and
- 3) where the order is not wholly complied with or the supervisor considers that the order is no longer necessary, to consider whether to apply to the court to vary or discharge the order.

5.6 A supervision order may require the supervised child to comply with directions given by the supervisor to do things such as:

- 1) live at a place specified by the supervisor
- 2) present themselves to specific people at specific places or times e.g. to meet with the social worker
- 3) to participate in activities specified on certain days.

5.7 A supervision order can also require the child to submit to medical or psychiatric examination as directed by the supervisor. This requirement will only be included where the court has been satisfied on evidence as to its need.

5.8 A supervision order can only be in place for a maximum of three years.

5.9 The court can make a supervision order even if the local authority is asking for a care order, if the court thinks a supervision order is the best order to make for the child's welfare. Courts will listen to all the arguments and make its own

decision based on the presentations and undertakings of the parties.

- 5.10 The court may feel the local authority plan is not made out with enough weight. Several recent court cases in which the court has decided that a child is best placed with parents have influenced . Examples of judgements in this area can be seen below.

B and G (Children) (No 3) [2015] EWFC 27

Case concerned 2 children. The LA sought for the children to be placed for adoption due to concerns of domestic violence by father, mother's mental health problems, neglect and a lack of engagement with professionals. Alternatively they sought for the children to be placed with their father under a supervision order. The Guardian recommended that the children be placed with their father under care orders.

Held

The President found that threshold had been established, albeit not by a very large margin. In light of the findings he concluded that the local authority's case that the children should be adopted could not be approved, as this plan would not be in their best interests and would be a wholly disproportionate response to the comparatively little that had been proved against either parent. He concluded that the children's best interests required that they be cared for by the father under a supervision order and section 8 order. The President considered that as the local authority was not proposing a care order in the alternative it would be a very strong thing to impose this upon them. He also considered that father was trustworthy and could be relied upon so Care orders were unnecessary

Y (Children) [2014] EWCA Civ 1553

A mother's second appeal against a care order, placing her two children in long-term foster care. This was the second set of care proceedings. In the previous proceedings the children were placed with their mother under a supervision order. It was then found that their violent father had returned to the family home despite the serious risk he posed. In light of this care proceedings recommenced and a care order was made. The judge did not view the children remaining in their mother's care as a realistic option, so did not consider it alongside the local authority's plan for the children to be placed in foster care.

Held

Appeal allowed. On the facts of this case, the option of the mother's care deserved comparison alongside the local authority's plan and a welfare evaluation was therefore necessary. In the absence of consideration of the mother's care, the proportionality evaluation conducted by the judge could not have continuing validity. It was not right to remove the children from the care of their mother on a "marginal risk analysis based on the credibility of the parties". Care by the mother is in the best interests of the children. This was a finely balanced case where the options were closely matched. The Court of Appeal replaced the care order with a child arrangements order and supervision order.

5.11 However there has been a small number of children who have been seriously harmed or killed by parent where a supervision order has been in place, the most recent of these being Ellie Butler.

6. Conclusion - Supervision Order and safeguarding children

6.1 The making of the order by a court indicates that the local authority will set out the way a child is cared for by the parent and in Haringey through a child in need plan.

6.2 Children on a Supervision order in Haringey will always have a named worker usually in the looked after child service. As a SO comes to an end an Early Help worker may take the place of a social worker as the supervisor.

6.3 Child in Need Plan- a child on a SO will have a detailed plan that ensure the parent knows what support to expect and when and all professional know what their role is to provide support. The plan will detail what behaviours will increase concerns and what may require further court action. Plans are reviewed and progress monitored at a meeting with the parent who agree to a child being visited and often speaking alone to a social worker.

6.4 In Haringey there are currently 13 Supervision Orders in place for children from 12 families which represents 3% of the total looked after figure. These children will be kept under close scrutiny by the Head of Service and Deputy Head of Service to ensure their well being.