

Reforming care proceedings 3: Insights from data linkage

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Context

Current Department for Education analyses of Looked After and Children in Need data do not identify children *subject to care proceedings*. These proceedings result in decisions which have a profound effect on the lives of the children concerned but there is no systematic way of knowing what happens to children after the order is made. The Family Justice Review (2011) saw information about children's outcomes as a means for improving decision-making: it could give children's guardians and judges feedback on their recommendations and decisions, facilitating learning and the Review recommended exploring ways to do this. Information on court decisions can also support planning, decision-making and advice in local authorities by managers, social workers and lawyers.

About the Study

The study, conducted in 6 local authorities in England and Wales, examined the operation and impact of care proceedings reforms by comparing two random samples of care cases: **S1, 2009-10 (Before Reform) 290 children; S2, 2014-15 (After Reform) 326 children - 616 children in total**. Deterministic methods were used to link children's data from the proceedings to data on their care in the Looked After and Children in Need datasets. This gave a picture of children's care journeys before, during and after the proceedings, and their Care Outcomes 5 years (S1) and 1 year (S2) after the care proceedings had ended.

Key Points

- Linking children's court and care data revealed the impact of bringing proceedings on demand for care. Key variables for this analysis are the start and end dates of care proceedings, and the order made.
- Overall, 20% of children subject to care proceedings were not in the care system before, during or after care proceedings. Another 10% were looked after by agreement (Children Act 1989, s.20) throughout the proceedings.
- A small number of children entered care only at the end of proceedings or subsequently, usually following further care proceedings.
- The 'Leaving care curve' for children subject to proceedings differs markedly from that for all children in the care system.
- Children in the sample who left care did so in one of 3 ways:
 - At around the end of the proceedings to return home or enter kin care;
 - When they were adopted;
 - At age 18 years when they 'aged out' of care.

Re-unification occurred during or at the end of proceedings, not subsequently.

- For most children subject to full care orders the time they spend in care relates solely to their age when care proceedings ended.
- The reform of care proceedings reduced substantially the number of days local authorities were required to provide care for children during proceedings.

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Linkage Method

For English Local Authorities in the sample, data linkage was achieved using the Child ID each LA gave in its annual child level data return to the Department for Education (DfE). With the approval of its Data Access Panel, the DfE provided specific data from the SSDA903 and CiN databases relating to these IDs. In Wales, comparable data was provided by the study local authority from its cleaned copy of the returns because the Welsh Government only provides data for researchers where 2 or more LAs are involved.

A match was achieved for 262 S1 children, (a match rate of 90%) and 320 S2 children (98%). These are the 'matched' children. Data from the court files confirmed that 92 children in the sample proceedings had never been looked after.

Linking proceedings and care data

Key information which is not collected in the SSDA903 and CiN returns to the DfE are:

- The date of the application for care proceedings;
- The date the proceedings end;
- The order made.

Analysing administrative data using this information makes it possible to identify and monitor whether and how long children subject to proceedings spend in the care system *before* the application is made; whether children are looked after *during* the proceedings and their placement stability; whether they enter or remain in care *after* the end of the proceedings or leave earlier. This information enables local authorities to reflect on both their use of care proceedings and the impact of proceedings on care demand.

The *order* is a key determinant of the length of time a child spends in care, the services they receive in care and afterwards, and the risk of further proceedings.

Identifying *when* care proceedings are brought also allows the effects of changes in their use, the law and court practice to be examined by comparing cohorts of children with proceedings.

Not all children subject to care proceedings are in care when proceedings are brought, and they are not therefore included in the SSDA903 return. The use of care proceedings however indicates that children are in need, so these data could be collected in the CiN return.

Findings

Care during care proceedings

Fig1: In care over time (S1)

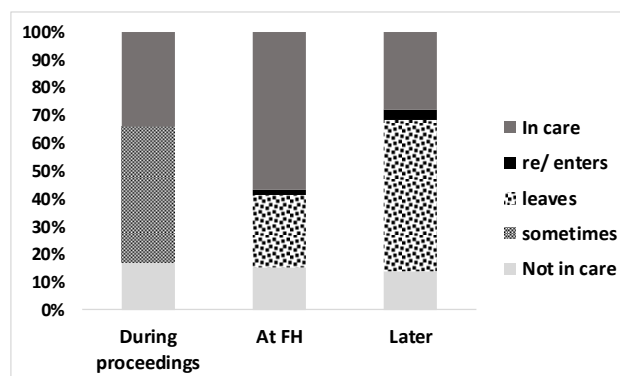


Figure 1 shows whether 'matched' children in S1 are in care, leave care or re/enter care at three time points: during the proceedings, at the Final Hearing or at 31st March 2016, (the last census date for administrative data used in the study).

The decline in the proportion in care by 2016 reflects children leaving when they were adopted or 'aging out'. A small number of children entered or re-entered after the Final Hearing; others (not shown in Fig 1) re-entered and left again. Most re-entries were due to further care proceedings, and children left because of the order made. (Summary 1 provides details of further proceedings).

In S2 (not shown) a higher percentage of children were not in care during care proceedings (24% compared with 17%), and a lower percentage of S2 children remained in care as a result of the Final Hearing (43% compared with 57% in S1), reflecting the difference in orders made (see Summary 1).

Fig. 2: Use of care during proceedings S1 and S2

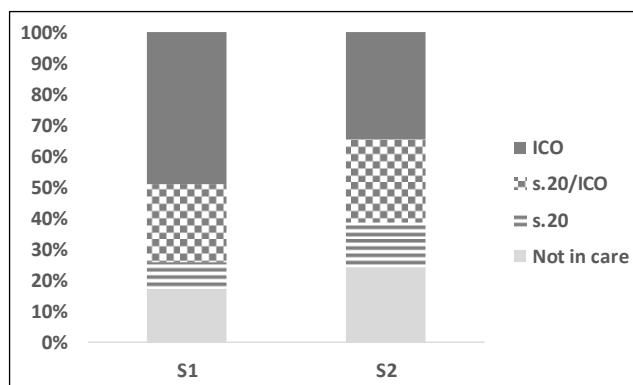


Figure 2 shows the care status *during proceedings* of 'matched' children in each sample, indicating whether they were not in care, looked after under s.20 for the whole period they spent in care, only subject to an

ICO or had different legal statuses at different times before the Final Hearing. The increased proportions of children not in care or in care under s.20 is clearly shown. Identifying these s.20 children as 'in proceedings' allows differences in their care journeys to be recognised.

'Leaving Care Curves'

This term was first coined in the 1980s to indicate patterns of entry and leaving care, highlighting drift in care; also, to redirect policy towards preventing entry to care by supporting families and making greater efforts to secure early family re-unification or permanence through adoption.

Research on placement patterns indicated that many children returned home after a very brief stay in care, but the rate of leaving declined sharply as time passed. The chance of leaving care after a year depended on the child's age (Sinclair et al 2007).ⁱ Thorpe (1988)ⁱⁱ identified legal status as a factor for time in care but this was not examined in later studies.

Fig 3: Leaving Care Curve (Sinclair et al, 2007)

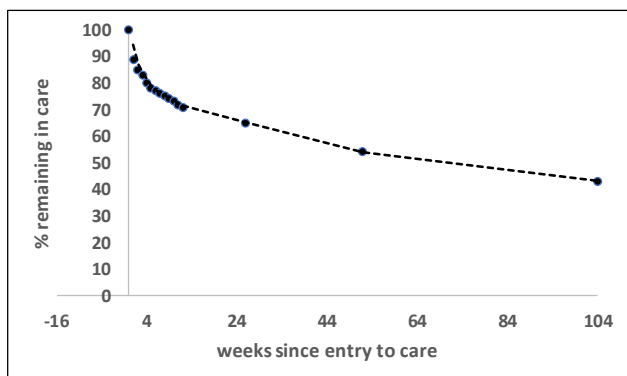
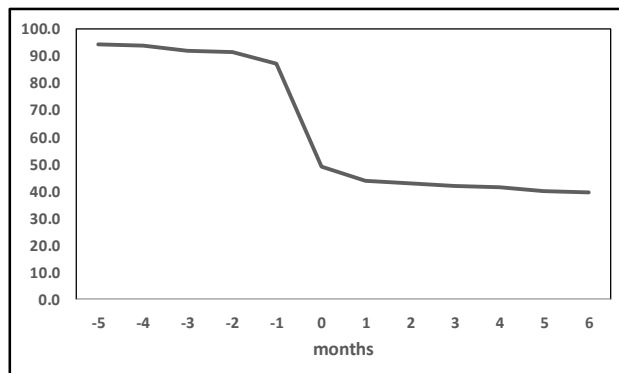


Figure 3 uses findings from Sinclair *et al.*'s study of over 7000 Looked After children in 13 local authorities in England to produce a 'leaving care curve.' It shows a steep decline in the first 30 days - 20% of children left care within a month of entry, then a gradual flattening so that over 50% of children remained in care at the end of the year. The data are 'right censored', meaning that there is no recording after 400 days. This graph includes children regardless of their legal status. In contrast, Figure 4 uses the 'matched' data from the *Establishing Outcomes of Care proceedings for Children Study* to produce a leaving care curve relating to the children in care at any time during the proceedings. Percentages are for children in care and do not include the 21% who were not in care during proceedings.

Figure 4 shows that a small proportion of children left care during the proceedings and the majority left care

Fig 4: Leaving care curve (care proceedings - all)



at the end of the proceedings, (marked between -1 and 0 on the horizontal axis). Children who returned home or moved in with kin carers often did so *shortly before* the end of proceedings. Similarly, a few children remained in care under s.20 whilst their move home or to kin carers was planned.

Figure 4 uses data for all the children; the graph is similar for S1 and S2 but more S2 children left at the end of proceedings and a few children were adopted within the following 6 months.

Between 1 and 6 months after the end of proceedings few children left care. Children were placed for adoption and left care when the adoption order was made.

Leaving care and adoption

Fig 5: Time to adoption placement (S1, S2)

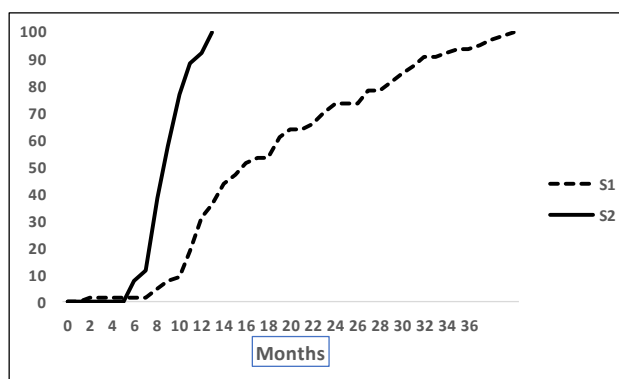


Figure 5 shows the time taken to place children with Placement Orders for adoption, using the date the proceedings ended with a Placement Order from the court files and the date of placement from the Looked After children data. It took longer to place S1 children for adoption than S2 children: all 41 S2 children with Placement Orders who were placed before the end of

the study (84%) were placed within 12 months of the Order. Only 77% of S1 children with Placement Orders were placed for adoption; and only 70% of these placements were achieved within 2 years of the Order. One reason for speedier placements for S2 children was their younger age, a consequence of shorter care proceedings.

‘Aging out’

It was notable that children in S1 were only re-unified around the end of the care proceedings, not subsequently. Re-unification occurred *during* the care proceedings when children returned home on interim orders, *at the end* of the proceedings when ICOs or s.20 arrangements were replaced with SOs and/or CAOs, or *shortly after* the end of proceedings when children left s.20 care, which had been provided so parents could prepare for their child’s return.

Children who remained in care and were not adopted finally left care around age 18 years. The length of time they spent in care directly related to their age when the care order was made. Fewer than 10% of these children left care in the first 16 months after the end of the care proceedings. Around 30% of those involved in proceedings in S1 were still in care on 31st March 2016, 5 years or more after the care proceedings ended, see Figure 1, above.

Reform and care demand

The reform to care proceedings has reduced their length from 55 weeks to 26 weeks, on average in 2014-15 (see Summary 1), and reduced the proportion of children who were looked after during proceedings from 83% to 76%. Taken together, these changes impact substantially on the demand for care. On average, for every 100 children in care proceedings, the number of care days required reduces from 32,121 to 13,984. However, there has been a substantial increase in care proceedings and this has increased the flow of children through care, which makes greater demands on local authorities. In addition, the number of children remaining in care following proceedings has increased because of the rise in care cases.

Further details of the research

Establishing outcomes of care proceedings for children before and after care proceedings reform

was an ESRC-funded Study, undertaken by Judith Masson, Professor of Socio-legal Studies, Dr Ludivine Garside and Kay Bader, Research Fellows, from the School of Law, University of Bristol and Jonathan Dickens, Professor of Social Work and Julie Young, Senior Research Associate, from the School of Social Work, University of East Anglia. The Department for Education and Cafcass were partners in the research.

There are 2 further summaries for this study:

Reforming care proceedings 1: Court Outcomes

Reforming care proceedings 2: Children’s Outcomes

These can be downloaded from:

www.uea.ac.uk/socialwork/research

Further details of the research and findings will be contained in a research report:

Child Protection in Court: Outcomes for Children, School of Law, University of Bristol and Centre for Research on Children and Families, University of East Anglia (2019)

This will be available for download without charge at

www.uea.ac.uk/socialwork/research

The research report for the original study on the pre-proceedings process for care proceedings, ***Partnership by Law?*** (2013)

is available at:

<https://bit.ly/1DJSmza>

A summary is available at:

<https://bit.ly/2Jc4LpR>

ⁱ Sinclair, I, *et al* (2007) *The Pursuit of Permanence*, London JKP, p. 88.

ⁱⁱ Thorpe, D. (1988) ‘Career patterns in child care – implications for Service’ *BJSW* 18, 2, 137-153.