



## Concluding Care Proceedings Within 26 Weeks:

### Messages from the Evaluation of the Tri-borough Care Proceedings Pilot

Updated version: May 2014

Chris Beckett  
Jonathan Dickens  
Sue Bailey

Centre for Research on Children & Families  
University of East Anglia

## Update, May 2014

This report is an update of the evaluation of the Tri-borough Care Proceedings Pilot published in September 2013. It was important to produce an early evaluation given the pace of change in the family justice system, with the introduction of the new Public Law Outline in summer 2013. Furthermore, there was national interest in the results of the Tri-borough pilot, to see how their approach had worked and what lessons could be learned. We are aware that a number of authorities have adopted strategies developed by the Tri-borough authorities, notably the use of a 'case manager'.

However, at the time we wrote the initial evaluation report, not all the cases from the pilot year had been concluded. Now that they have been, we have been able to update the statistical information about orders and duration. We have also been able to update the analysis of pre-proceedings practice. We are grateful to the Tri-borough authorities for commissioning this extra piece of work, and supplying the extra information.

The statistical information has been updated throughout the report, but the sections that have been most revised are 1.4, 2.4, 2.8 and 5.1. The finding that the median duration had fallen to 27 weeks has not been affected by the further information. However, now that we know the final orders made in the cases, we have been able to link duration and outcome (section 2.4).

An important finding is that the pattern of final orders was broadly the same for cases in the pilot year as in the year before. The proportion of cases ending in care orders only had fallen, and the numbers ending in special guardianship orders had risen, but these differences were not statistically significant (see table 2.4). The proportion of cases ending in a care order + placement order was almost exactly the same. This is important because it is evidence that the drive to speed up proceedings did not result in significantly different outcomes. In light of the judgments in *Re B* [2013] and *Re B-S* [2013], it is notable that it had not led to more adoption plans.

Nationally the duration of care proceedings has decreased considerably over the last year, falling to a median of 27 weeks in the quarter October- December 20 13 (see page 10 below). It should be noted that the Tri-borough authorities achieved this in their pilot year, under the old PLO. The changes that they introduced have been widely disseminated and influential in bringing about this wider change. For example, the initial evaluation report was quoted at length by Sir James Munby in his 'View from the President's Chambers', number 6, October 2013. The pilot was referred to by Edward Timpson, the children's minister, at the National Children and Adult Services conference in Harrogate, October 2013; and by Baroness Tyler in the House of Lords Grand Committee debate about the 26 week deadline. The Tri-borough pilot has been invaluable in showing that it can be done, how it can be done, and that it can be done fairly.

The challenge will be sustaining it, as a number of the interviewees in our evaluation identified, given the high levels of focus and energy the new way of working requires. Further research is required to assess this, the impact on social work, legal and court practice, and the quality of the decisions for children's longer-term welfare. There is still a long way to go for all but 'exceptional' cases to conclude within 26 weeks. However, the new national framework for care proceedings and the findings of the Tri-borough evaluation give grounds for optimism that duration can be driven down without impairing fairness for parents and children.

## **Acknowledgements**

The research team would like to extend our thanks to the Tri-borough authorities, for commissioning and supporting this study, and in particular to the Tri-borough Director of Children's Services, Andrew Christie; the Project Manager, Clare Chamberlain; the case managers in the pilot and post-pilot years; and members of the Tri-borough Care Proceedings Pilot Steering Group.

Thanks are also due to all those professionals from the three authorities, Cafcass, the Judiciary and Court Staff, private family lawyers, and young people from the Hammersmith and Fulham In Care Council, who all generously gave their time in order to share their expertise in and experiences of the care proceedings system with us.

We are grateful to Professor Judith Masson, of the University of Bristol Law School, and Dr Sara Connolly, Reader in Personnel Economics in the Norwich Business School at the University of East Anglia, who both provided invaluable feedback and advice on the evaluation, and whose comments informed our final report.

## **Authors**

Dr Chris Beckett, Dr Jonathan Dickens and Sue Bailey are members of the Centre for Research on Children and Families in the School of Social Work at the University of East Anglia.

## **Disclaimer**

The views expressed are those of the authors and are not necessarily shared by the Tri-borough authorities.

## CONTENTS

1. Introduction	1
1.1 Background	1
1.2 The pilot	2
1.3 The evaluation	2
1.4 Summary of key findings	4
2. Achievement of core objectives	6
2.1 Duration of care proceedings; a comparison between the pilot and pre-pilot year	6
2.2 Duration of care proceedings in the individual courts	9
2.3 Duration of care proceedings with regard to family circumstances	11
2.4 Relationship between outcomes and duration of proceedings	12
2.5 At what stages have the reductions in time been achieved?	14
2.6 Number of hearings	15
2.7 Number of assessments	17
2.8 Where the child was living during proceedings	17
3. How have changes been achieved?	19
3.1 Timely and more selective use of assessments	19
3.2 Case manager role	19
3.3 Early appointment of guardians	20
3.4 Judicial continuity	21
3.5 Robust case management	22
3.6 Social worker confidence	22
3.7 Focus and commitment	23
3.8 Overall leadership	24
4. Thoroughness and justice	25
4.1 Thoroughness of assessments	26
4.2 Thoroughness of hearings	27
4.3 Justice for children	29
4.4 Justice for parents	30
5. What happens before court?	31
5.1 Quantitative data	31
5.2 The impact on pre-proceedings work: interview data	36
6. Costs and savings	39
6.1 Temporary costs	39
6.2 Legal costs	41
6.3 Assessments	43
6.4 Placement costs	43
6.5 Social work time and other local authority staff costs	44
6.6 Children’s guardians and court staff	45
6.7 Focus and effort	46

7. Sustainability	47
7.1 Commitment	47
7.2 Court time	47
7.3 Guardians	48
7.4 Is the Tri-borough a special case?	48
7.5 Sustaining cultural change and energy levels	48
7.6 Importance of leadership	49
7.7 Connected persons team	50
8. Follow-up	51
9. Conclusion	52
Appendix 1: Statistics on duration of care proceedings during 2011 and 2012 by court	53
Appendix 2: Statistics on looked after children and care proceedings	54
Bibliography	55

## 1. Introduction

### 1.1 Background

There have been long-standing concerns about the duration of care proceedings in England and Wales, since early in the history of the Children Act 1989 (Booth, 1996). These have given rise to numerous reviews and procedural changes (e.g. LCD, 2002, 2003; Brophy, 2006; DfES *et al.*, 2006; Judiciary for England and Wales, 2008). For all the effort, the time taken to conclude care proceedings continued to increase. By 2011 care cases were taking, on average, over a year (FJR, 2011b: 5, 103-4) – although this disguises great variation, with some cases taking over two years, and considerable differences between different parts of the country.

Concerns about the increasing number, duration and cost of public and private law cases led the Labour government to commission a review of the family justice system, chaired by David Norgrove, which started work in March 2010. This was taken forward by the new government after the general election of May 2010. The Family Justice Review recognised that there are many reasons for delays in public law cases, but prominent amongst them are repeated chances for the parents to make the required changes, and extra assessments (FJR, 2011a, b; see also Masson *et al.*, 2008; Cassidy and Davey, 2011; Davies and Ward, 2012). The Review identified two major factors behind these: a culture of mistrust between local authorities and the courts, and an awareness, from all sides, of the extreme seriousness of the decisions to be made. Together, these lead to routine commissioning of new assessments, duplication of work and ‘a vicious cycle of inefficiency and delay’ (FJR, 2011a: 101).

Proposals to tackle the problem included a more proportionate degree of scrutiny from the courts, to focus on the essentials rather than the detail of the care plan, and stop ordering further assessments as a matter of course. The FJR proposed a statutory time limit of 26 weeks for care proceedings, save for exceptions. This was accepted by the government (MoJ and DfE, 2012) and is now included in the Children and Families Act 2014. In advance of the legislation, the courts issued a new ‘Public Law Outline’ and had already started working towards the 26 week deadline (Practice Direction 36C, 2013). However, there have been warnings from parents’ advocacy groups, legal representatives and others that the time limit could lead to miscarriages of justice if the evidence is not tested thoroughly or options explored fully (e.g. Bar Council, 2012; TCSW and FRG, 2013; and see the discussion in Justice Committee, 2012).

Behind this court-based issue is a wider (and international) concern about the dangers of delay and drift throughout the child protection and child care systems (e.g. Davies and Ward, 2012; Brown and Ward, 2013; see also Beckett and McKeigue, 2003; and for an international perspective, Maluccio *et al.*, 2000; Tilbury and Osmond, 2006; Thoburn, 2007; Darlington *et al.*, 2010). There is now a much sharper awareness of the harm caused to children by long-term neglect, by delay in taking decisive action to address this, and then the added impact of further delay and uncertainty in deciding the permanence plan for the child, and achieving it. Differences of knowledge, priorities and approach between the various agencies and professions involved are often seen to be at the root of difficulties in deciding when and how to intervene, and court-social work differences epitomise the challenges (see also Dickens, 2006; Masson and Dickens, 2013; and from the USA, Wattenberg *et al.*, 2011).

The implications of the drive to reduce the duration of care proceedings therefore extend into social work policy and practice on either side of court action. If the calls for reduced scrutiny are to

succeed, courts will have to be sure of the quality and timeliness of social work intervention before and after care proceedings. There will need to be well-targeted family support to prevent cases coming to court that could be diverted, timely decision-making, high quality assessments, and well-prepared court applications. Courts will also want to be confident that care plans are subject to effective monitoring and review after the proceedings.

## **1.2 The pilot**

The Tri-borough authorities in London (Hammersmith and Fulham, Kensington and Chelsea, and Westminster) established a pilot programme, ahead of the legislation, to try to reduce the duration of care cases to 26 weeks. The local authorities worked in conjunction with the courts and Cafcass (the independent social work service for the courts), and the pilot ran from April 2012 to March 2013. It received considerable national attention (e.g. Justice Committee, 2012; Tri-borough Authorities, 2012a). The intention was that the principles and lessons of the pilot could be rolled out to other authorities, and funding was obtained from 'Capital Ambition' to facilitate this in London (Tri-borough Authorities, 2012b).

One of the key features of the pilot was the appointment of a 'case manager' to have an overview of cases being considered for and brought to court, to advise social workers on the quality of their assessments and statements, support social workers during proceedings, liaise with the courts and 'trouble shoot' if cases did appear to be losing momentum. The case manager was a social work team manager who was seconded to the post for the year. Additionally, there were agreements with providers of independent assessments to introduce a flexible and proportionate approach to their work, so that wherever possible they could reduce the time to complete their assessments. The Tri-borough fostering and adoption service also undertook to complete their assessments of 'connected persons' more quickly than previously. Another important feature was the establishment of a dedicated team of four children's guardians to work on the Tri-borough cases, to be appointed promptly at the start of proceedings and with an undertaking to proportionate working. There was also a commitment from the courts to try to ensure judicial continuity for Tri-borough cases, and to apply the principles of robust case management, notably to avoid unnecessary assessments and hearings. There were quarterly 'post case reviews', involving all the agencies and private practice solicitors, to identify and share the learning points from the pilot.

## **1.3 The evaluation**

The Tri-borough authorities invited tenders for an independent evaluation of the pilot, and a team from the Centre for Research on Children and Families at the University of East Anglia was successful. The main evaluation was undertaken between December 2012 and July 2013, and updated in early 2014 to include information about the progress of those cases which had commenced in the final quarter of the pilot. The evaluation involved a secondary analysis of case data provided by the Tri-borough authorities, comparison with other nationally available statistics, and interviews with key personnel (see below for details).

The main aims of the evaluation of the pilot were to ascertain whether:

- Delay in care proceedings had been reduced, and the target duration of 26 weeks achieved;
- Judicial continuity and early involvement of children’s guardians had been achieved;
- The number of hearings had reduced and fewer and more timely assessments completed;
- These changes had impacted on the quality of decision making, and how quicker timescales had affected the children and parents involved;
- The benefits of the pilot can be sustained, and what factors would promote sustainability.

More specifically, questions that the evaluation would need to address included: if duration has been reduced, is this across the board or are there differences between particular subgroups of children? Aside from the effect on the duration of care proceedings, what is the impact of the pilot in terms of outcomes for children? (‘Outcomes for children’ has two dimensions: long-term outcomes, in terms of stable and successful placements or rehabilitations, which can only be known through a follow-up study after a period of time; and the outcomes of the proceedings, in terms of orders and care plans made, which can be identified and compared with data from before the pilot, and with national studies.) What changes in the practice of the various professionals have occurred, and have there been any ‘knock-on effects’ for other parts of the service? Has the pilot had any impact on social work with children and families prior to proceedings? What have been the challenges for those charged with implementing the pilot, and what factors might affect the longer-term sustainability and transferability of the new way of working?

The core issue for the evaluation, however, was whether the pilot had succeeded in reducing the duration of proceedings without compromising the priorities of fairness and the child’s welfare.

During the pilot year there were 90 cases, with commencement dates between 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2013. All care proceedings initiated by the three Boroughs were part of the pilot, including cases which proceeded through the Family Drug and Alcohol Court (FDAC), and which might have been expected to take longer. There was thus no inherent bias towards reporting speedier conclusions by any exclusion of particularly complex cases.

#### *Quantitative analysis*

In addition to the database of all 90 pilot cases provided by the Tri-boroughs, each of the three local authorities provided information on all cases in the preceding year, April 2011 to March 2012, enabling the creation of a comparator database of care proceedings cases for the pre-pilot period. Coincidentally there had also been 90 cases during 2011-2012. Thus direct, like-for-like comparisons can be made between pilot results and those for the year prior. Previously Tri-borough data has tended to be compared with national figures, which were not able to provide an exact comparison. National duration statistics are of course useful, and are presented where appropriate to provide an additional context to the discussion.

#### *Qualitative analysis*

The views of key stakeholders were sought, and semi-structured interviews were conducted with 21 professionals. In addition two focus groups were held. All interviews and discussions were recorded with the permission of those taking part, and opinions on key themes were analysed, drawing out areas where there was consensus and areas where there were differing views. We spoke with:



- The case manager
- 4 team managers, across all three boroughs
- 5 social workers, across all three boroughs
- 4 local authority solicitors, across all three boroughs
- 3 Cafcass Guardians
- 3 private family solicitors
- 2 district judges
- 2 court legal advisers
- A group of 4 young people from the Hammersmith and Fulham care council.

#### **1.4 Summary of key findings**

- The Tri-borough pilot has been successful in achieving its key aim of reducing the length of care proceedings. The median duration of care proceedings was 27 weeks, as compared to a median duration of 49 weeks in the previous year, a reduction of 45%. Excluding FDAC cases, the median duration of proceedings was 26.5 weeks.
- The fact that the median length of proceedings is now around 26 weeks means, of course, that half the cases are still taking longer than 26 weeks. This should not necessarily be viewed in a negative light since some case-by-case flexibility about the length of proceedings is surely necessary in the interests of children's welfare and justice. The pilot demonstrates that some flexibility can coexist with meaningful efforts to bear down on unnecessary court delay.
- Proceedings involving a single child were shorter (median 26 weeks) than those involving sibling groups (28 weeks). However, the small number of cases (five) where there were different outcomes for the children within the same family involved in joint applications took on average over 40 weeks, reflecting the complexity of the decision making in these cases.
- The pattern of orders made in the pilot year was broadly similar to that of the pre-pilot year, except for a slightly greater number of Special Guardianship Orders in the pilot year, and a slightly lower number of care orders only.
- Proceedings resulting in a care order, with or without a concurrent placement order, were shorter (median 24 and a half weeks) than cases resulting in an SGO (28 weeks) or in the child returning or remaining at home on a supervision order, with or without a residence order (29 weeks).
- The quickest outcomes occurred when the child was a new-born baby and the outcome was a concurrent care and placement order; the median duration of proceedings in these 9 cases was just 19 weeks. Planning for this was evidently being undertaken prior to birth, in order for cases to progress with speed once the child was born.

- The pilot has been successful in reducing the number of court hearings. Excluding FDAC cases in both years, the reduction was from a mean number of 5.2 hearings to mean of 4.0 (23% decrease).
- In the pilot year 71% of children remained in the same placement, whether at home, with a relative or in foster care, during the course of the proceedings. In the pre-pilot year only 42% were in the same placement during proceedings, with no move. The speedier resolution of cases is likely to benefit the child in terms of a reduced number of placement moves during proceedings, and is an additional positive outcome of the new way of working.
- There is no evidence that the reduction in the length of care proceedings has been achieved at the expense of more delay in the pre-court period.
- While many stakeholders expressed concerns about the potential for justice to be compromised by a rigid 26 week target, no one suggested that this had actually occurred.
- The case manager role was vital to the success of the pilot, and will continue to be vital in the future.
- Commitment and leadership in all agencies (local authorities, Cafcass and the courts), and robust court management by judges and magistrates, were vital to the success of the pilot and will continue to be vital in the future.
- Dedicated court time, and the availability of guardians at the initial hearing have been important to the success of the pilot. The reduction that has been achieved could not be sustained if court timetabling problems or non-availability of guardians were to hold things up. This may prove a problem in areas outside the Tri-boroughs, or in the Tri-boroughs themselves in the future if numbers of proceedings were to rise.
- Working in the new way does not necessarily take more time, but it almost certainly requires more energy. This is one reason why active leadership and monitoring of workloads and outcomes continue to be essential requirements.

## 2. Achievement of core objectives

The care proceedings pilot set out in particular to reduce the length of care proceedings, aiming for a target of 26 weeks. In order to measure its success or otherwise in achieving this, we compared the cases in the pilot with cases that had been through the courts in the previous year (which we will henceforth call the pre-pilot). It is clear that a really significant reduction in the length of care proceedings has been achieved, though it is worth noting that this reduction may not all have been the result of the pilot as the pilot has taken place in the context of a number of other changes, including a national policy agenda on short care proceedings and adoption, and the adoption of 'proportionate working' in Cafcass.

In the following sections we look at the statistical evidence on the duration of court proceedings, analysing whether there are differences between the three authorities, between courts, or between cases with different family characteristics. We look in detail at all 90 cases issued in the pilot year, and comparisons are made with the 90 cases in the pre-pilot year.

### Duration of cases in the Pilot

There had been a marked decrease in the duration of care proceedings cases in the pilot year.

The **median** duration of the 90 Pilot cases was **27 weeks**

- By comparison the **median** duration of the 90 cases in the previous year was **49 weeks**
- Earlier cases in 2007-09 in Hammersmith and Fulham had lasted on average **62 weeks**.

Excluding the FDAC cases, the median duration of the Pilot cases was **26 weeks**. The median duration of the nine FDAC cases in this period was **33 weeks**.

**Approximately half of the Pilot cases** had completed **within 26 weeks**, representing 40 cases from the 81 non-FDAC cases.

- By comparison only **13% of the cases** in the pre-pilot year had completed **within 26 weeks**, representing 12 cases from the 90 issued during that year April 2011- end March 2012.

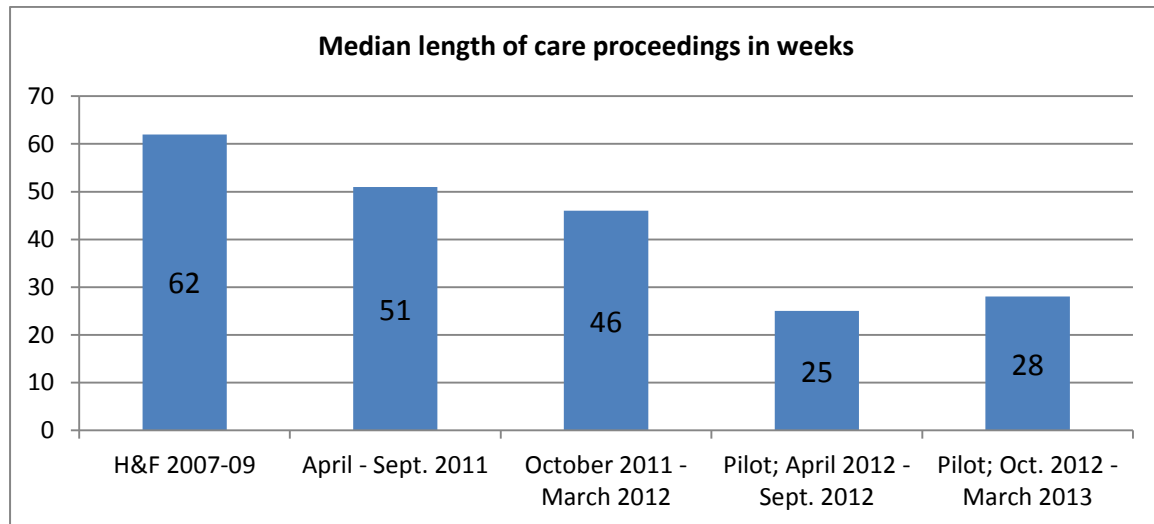
Cases involving sibling groups took longer than cases concerning a single child, a median duration of **28 weeks** for a sibling group as against **26 weeks** for a single child.

### 2.1 Duration of care proceedings; a comparison between the pilot and the pre-pilot year

Ninety care proceedings were issued between April 2012 and the end of March 2013. They lasted on average 27 weeks (median duration), from the issue date to the date of the start of the final hearing. Since, by definition, there are as many cases with a figure above the median as there are with a figure below it, it can be seen that while around half the cases completed within 26 weeks, half took longer. By comparison the 90 care proceedings cases in the three boroughs in the twelve months prior to the pilot took on average 49 weeks (median length), and only 13% completed within 26 weeks. The median duration of cases from 2007-09 in Hammersmith and Fulham was 62 weeks.

Figure 2.1 further breaks down the pre-pilot year into the first six months, with a median duration of 51 weeks, and the last six months, when the median duration had already declined to 46 weeks. In 2012-13, the median duration had been 25 weeks in the first six months, and 28 weeks in the second half of the year.

**Figure 2.1: Median duration of Tri-borough care proceedings over time (including FDAC cases)**



In this report we have generally presented the ‘median’ duration values. The median is the ‘middle observation’ – meaning that there are as many cases taking less time as there are cases taking more time. The median will differ from the arithmetic mean if there are ‘outliers’, for example if there are two or three very long cases (or indeed two or three very short cases) which are affecting the mean. For this reason, the median may be a more useful indicator of the time that a ‘representative case’ is taking to progress through the courts.

The Ministry of Justice statistics include median duration, and they note that this “provides a more representative measure of how long cases take compared with the average (mean) in situations where the data are skewed, with a few very long-duration cases” (footnote 3, Table 2.3: MoJ ,2014a).

Figure 2.2 illustrates the percentage of cases which completed in less than 20 weeks, those with a duration of 20-26 weeks, those lasting 27-34 weeks, and those which took longer. Under the proposed legislation regarding case duration, extensions beyond 26 weeks can be granted if the court considers them necessary, for up to 8 weeks at a time. It is therefore of interest to note that around three-quarters (74%) of pilot cases completed in 34 weeks or less, which would be the duration of cases with one extension. However 23 cases (26% of the total) took longer than 34 weeks, and four of these twenty-two were FDAC cases, of which two lasted over a year. Further factors which may contribute to longer duration are discussed in later sections.

**Figure 2.2: Percentage of cases completing within 20 weeks, 26 weeks, 34 weeks or longer**

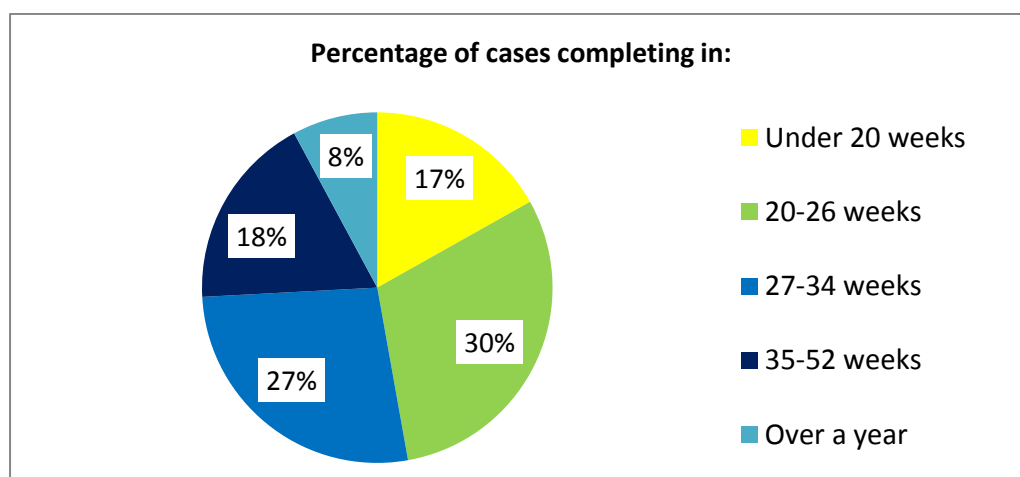


Table 2.1 presents duration of the pilot and the pre-pilot cases, and also analyses the data for individual boroughs. It can be seen that there are no significant differences between the three boroughs with regard to the length of proceedings, although in the pre-pilot year cases had progressed quickest in Hammersmith and Fulham. Historic information for 2007-09 for the latter authority is also available from a study by Ernst and Young, and shows that the median duration of the 50 cases considered in that study was 62 weeks.

**Table 2.1: Duration of care proceedings (median length in weeks) for individual authorities**

Timeframe	Hammersmith & Fulham Median duration	Kensington & Chelsea Median duration	Westminster Median duration	All Boroughs Median duration
Ernst & Young 2007-09	62 weeks (50 cases) Range 22-160			
Pre-pilot: cases starting in the year April 2011- March 2012	46 weeks (50 cases) Range 5-83 wks	55 weeks (16 cases) Range 17-70 wks	51 weeks (24 cases) Range 6-99 wks	49 weeks (90 cases) Range 5-99 wks
Pilot year: cases starting between April 2012 – March 2013	27 weeks (52 cases) Range 5-89 wks	28 weeks (15 cases) Range 17-39 wks	26 weeks (23 cases) Range 10-59 wks	27 weeks (90 cases) Range 5-89 wks

It is also worth noting that there has generally been a marked fall in the length of time that the longest cases have taken (as shown by the higher figure in the range). The longest pre-pilot cases took 83 weeks, 70 weeks and 99 weeks in Hammersmith and Fulham, Kensington and Chelsea and Westminster respectively. By comparison, in the pilot year, the longest have taken 39 and 59 weeks in Kensington and Chelsea and Westminster respectively. One particularly long pilot case in

Hammersmith and Fulham lasted 89 weeks, which was considerably longer than any other case in that Borough.

## 2.2 Duration of care proceedings in the individual courts

Table 2.2 considers the median duration of proceedings in the different courts, and in all courts there was quite a marked range of case lengths. There is no difference in length of proceedings as between the ILFPC and the Principal Registry, the two main courts used, while FDAC cases, as noted earlier, lasted longer. The six cases held in other courts include the unusually long case of 89 weeks (mentioned above) which during this period transferred to a court outside of central London.

Cases in the pre-pilot year have been broken down into April-September 2011, and October 2011 to March 2012. Proceedings were already becoming (on average) shorter during the pre-pilot year, as compared with earlier cases dating from 2007-09 in Hammersmith and Fulham.

**Table 2.2: Median length of proceedings; a comparison of the pilot year, the year prior to the pilot, and historic data for Hammersmith and Fulham (Ernst and Young study)**

		All courts	PRFD	ILFPC	FDAC	Other (RCJ - Kingston)
Ernst and Young historic data for Hammersmith & Fulham only	2007-2009	62 weeks (50 cases) Range 22-160	54 weeks (16 cases) Range 28-160	68 weeks (34 cases) Range 22-158		
Tri-borough cases from <b>first half Pre-pilot year</b> April 2011-September 2011	April 2011 – September 2011	51 weeks (42 cases) Range 6-99	51 weeks (17 cases) Range 22-80	50 weeks (18 cases) Range 6-99	52 weeks (6 cases) Range 43-71	67 weeks (only 1 case)
Tri-borough cases from <b>second half Pre-pilot year</b> October 2011-March 2012	October 2011 – March 2012	46 weeks (48 cases) Range 5-83	43 weeks (14 cases) Range 5-61	44 weeks (25 cases) Range 7-83	53 weeks (7 cases) Range 38-81	51 weeks (only 2 cases) 46, 57
<b>Tri-borough Pilot cases</b>	April 2012 - March 2013	27 weeks (90 cases) Range 5- 89	26 weeks (20 cases) Range 5-39	26 weeks (55 cases) Range 10-59	33 weeks (9 cases) Range 25-66	35 weeks (6 cases) Range 19-89

It is also instructive to set the statistics for the Tri-borough authorities into a local and national context, as the drive towards quicker proceedings has been a national one. However, the reader needs to be aware that the data, as presented in Table 2.3 below, is not strictly comparable with the statistics for the Tri-borough authorities for a number of reasons.

- In Table 2.3 the national data relates to children involved in proceedings, and not to the number of cases.
- The Ministry of Justice data for England and Wales relates to proceedings *completing* in 2011, 2012 or 2013, and therefore likely to have started on average up to a year prior to that. Data for the Tri-borough cases on the other hand has been presented in terms of cases *commencing* in 2011-12 and 2012-13

**Table 2.3: Duration of care proceedings (median length in weeks)**

	Date	Median duration (weeks)
MOJ data England & Wales	2011 completion January - December	50 weeks (17,308 children)
MOJ data England & Wales	2012 completion January - December	45 weeks (22,431 children)
MOJ data England & Wales	2013 completion January - March April - June July - September October - December	36 weeks 35 weeks 29 weeks 27 weeks

Source: MoJ (2013a), MoJ (2014a) MoJ (2014b)

Bearing these provisos in mind, it can still be seen that nationally the length of time cases have been taking to proceed through the courts has been declining, and markedly so during 2013. Taking the annual data, and comparing figures from 2012 with those from 2011, the median duration of care proceedings fell from 50 weeks to 45 weeks, a fall of five weeks (10%). This annual reduction masks a steady fall each quarter, from 50 weeks in the first quarter, to 47 weeks in the second quarter, 43 weeks in the third quarter, and to 40 weeks in the final quarter of 2012 (detailed quarterly figures are given Appendix 1). Moreover, this decline in the duration of cases continued into 2013 with a marked reduction to 35 weeks by the second quarter, and to a low of 27 weeks by the fourth quarter. This represents a fall of approximately a further 13 weeks from the last quarter of 2012.

The results of the Tri-borough pilot have to be seen in this wider context of a national reduction in the duration of care proceedings, but it is also important to recognise that the Tri-borough authorities achieved their reductions ahead of the national decrease, and under the old court rules (the old Public Law Outline, PLO). The focus and methods that the Tri-borough pilot introduced have been adopted by other authorities, and the success of the pilot has encouraged other areas by showing that 'it can be done'.

Appendix 1 also gives duration in the individual courts on a quarterly basis, across all cases irrespective of the local authority concerned (note that, in this instance, the individual court duration figures published by the MoJ are the mean, and not the median). During 2012 the average duration of care proceedings at the PRFD declined from 66 weeks in the first quarter of 2012 to 56 weeks in the final quarter (a 15% reduction), while at the ILFPC the average case duration fell from 55 weeks in the first quarter of 2012 to 45 weeks in the final quarter (a reduction of 18%).

### 2.3 Duration of care proceedings with regard to family characteristics

A key family characteristic which impacts on the duration of the case is whether the case concerns a single child, or a sibling group. In the pilot year 65 of the 90 care proceedings cases (72%) involved a single child, and the total number of children represented in all 90 proceedings was 128. There were very similar numbers in the pre-pilot year, with 70% of cases relating to a single child, and a total of 131 children in the 90 care proceedings cases that year. Care proceedings cases lasted, on average, 28 weeks when more than one child was involved, as against an average of 26 weeks when a single child was involved. However when the eight families with three or more children joined to the proceedings are considered, then their cases had a median duration of 32 weeks. This accords with the views of local authority social workers and managers, one of whom commented:

*when you have five or four children subject to care proceedings, a sibling group, actually it doesn't seem realistic at all to try and keep within that 26 weeks' time frame.*

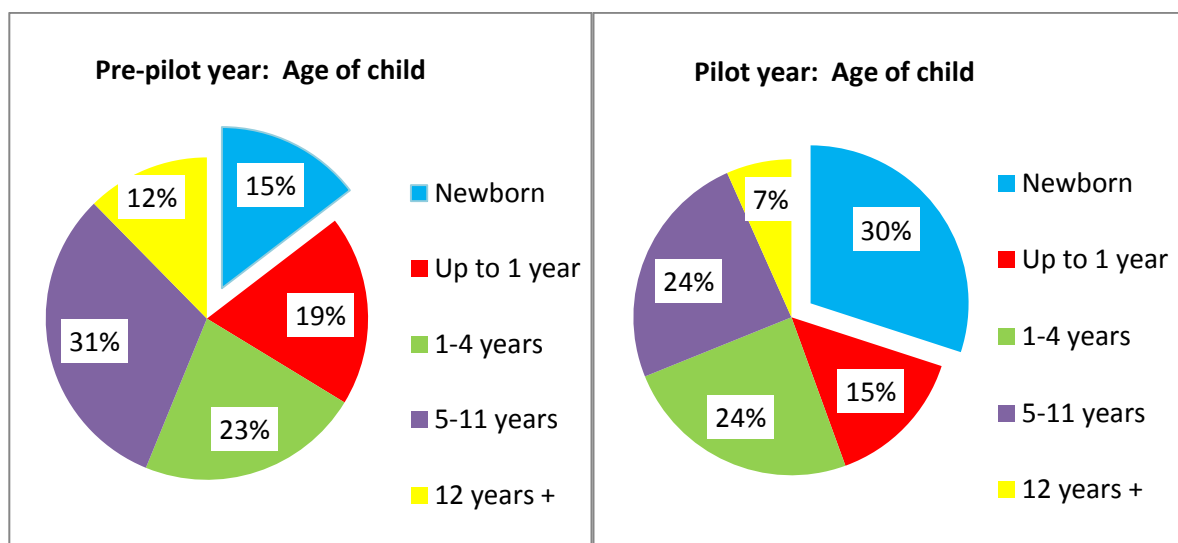
When talking with practitioners there was also a perception that cases relating to babies progressed more quickly and were 'a lot more straightforward' than cases concerning older children:

*I thought what was helpful was that we were kind of pushed to start a lot of the work before the baby was born, so I think that really helped quicken up the process .*

However, the statistics are somewhat inconclusive, and there is no simple association between the age of the child involved and either quicker or slower proceedings.

What is clear from the statistics from the two years is that there were more cases involving new-born children in the pilot year, 2012-13, than in the pre-pilot year. In the pilot year, there were proceedings in respect of 27 new-born babies, with an issue date within their first week of life, representing 30% of all 90 proceedings. This is double the figure for the previous year, when there had been 13 new-born babies, 15% of the ninety cases in that year (Figure 2.3). Further discussion of practice regarding new-born babies is to be found in section 5.1.

**Figure 2.3: Age of (youngest) child in care proceedings cases**





In cases with more than one child, the age of the youngest at date of issue is analysed. The pie charts thus refer to the 90 cases in each year, and not to the total number of children across those cases.

Excluding the nine FDAC cases from the analysis, twenty-five cases concerned new-born babies, and the median duration of proceedings for these new-born babies was 24 weeks. For the twelve babies aged between one week and twelve months the median duration was 31 weeks, and the median duration was 29 weeks for the nineteen children aged between one and under five years. The median duration of care proceedings for the eighteen children aged between five and eleven years was 25 weeks. There was a small group of six young people aged 12 or over, whose cases completed very quickly; the median duration of their proceedings being 22 weeks and three of the six completed in under twenty weeks. While there would appear to be a pattern of quicker proceedings for the very youngest babies, the numbers of children in each age band was not large enough to enable any statistically significant difference to be found.

#### 2.4 Relationship between outcomes and duration of proceedings

There was data available on outcomes of the proceedings for all 90 cases in the pilot year, and 83 cases in the pre-pilot year. Table 2.4 below shows the outcomes by case, along with the median duration of proceeding for each category of order in both years.

If different orders were made with respect to more than one child in the same family, the order for the youngest is taken as the case outcome. There were five cases like this in the pilot year, compared to 20 cases where there was more than one child but the same order was made for all. The five cases ending in different orders took the longest time to proceed through the courts – on average 40 weeks (median) – which reflects the complexity of the decision making. These cases resulted in a combination of supervision, residence, special guardianship and care orders.

**Table 2.4: Outcomes of proceedings – orders made by case, and median duration of proceedings**

Order made	Pre-pilot year (83 cases)	Pilot year (90 cases)
Care Order only	19 (23%) 50 weeks	13 (14%) 25 weeks
Care Order and Placement Order	11 (13%) 39 weeks	13 (14%) 24 weeks
Supervision Order only	20 (24%) 45 weeks	24 (27%) 29 weeks
Residence Order / RO + SO	14 (17%) 52 weeks	12 (13%) 29 weeks
Special Guardianship Order	13 (16%) 53 weeks	22 (24%) 29 weeks
No order made	4 (5%)	6 (7%)
Other order made	2 (2%)	-

The pattern of orders made at the end of proceedings does not differ markedly between the pilot and pre-pilot year. There are fewer cases that end in a care order only, and special guardianship orders are made more frequently in the pilot year, but the differences are not statistically significant.

In the pilot year, the quickest cases were those which ended with a care order, or care and placement order. The mean length of such cases was 24/25 weeks, and within the 26-week target. The mean duration of cases resolved with an SGO was 29 weeks, and the duration of cases resulting in a supervision order alone was also 29 weeks. The mean duration of cases ending in a residence order, or a residence order and supervision order, was similarly 29 weeks.

In statistical terms, while the care order cases in the pilot year appear to be somewhat shorter than the special guardianship order cases, or those cases which result in supervision and residence +supervision orders, the difference narrowly misses being statistically significant. The likelihood of care order cases being concluded more quickly in part reflects the fact that special guardianship cases are more likely than care and care + placement order cases to involve a connected persons assessment. Similarly the supervision, and residence + supervision cases, are more likely to involve additional parental assessments, and perhaps a period of testing a reunification/new placement.

In the pre-pilot year cases which ended with a care + placement order were similarly quicker than special guardianship cases, or the residence + supervision cases, but the differences in duration were not statistically significant.

#### **Duration of proceedings for each individual child**

It was also possible to look at outcomes for each individual child, taking into account the 25 cases where more than one child in the family was joined to the proceedings. The 90 cases in the pilot year thus relate to 128 children. In Table 2.5 we look at the frequency with which different orders were made for five different age groupings, and explore whether it is the combination of the age of the child and the final order made which together impact on the length of proceedings.

**Table 2.5: Exploration of child’s age, order made and length of care proceedings. Number of individual children on each order, and median length of proceedings (in brackets)**

	At birth, & within first week	Over 1 week, less than 1 year	1-4 years	5-11 years	12 years and over	All ages
Care Order	1	0	1	7 (24 weeks)	12 (25 weeks)	21 (16%) (25 weeks)
CO and PO	9 (19 weeks)	2	3	0	0	14 (11%) (24.5 weeks)
SO	7 (29 weeks)	5 (26 weeks)	16 (31 weeks)	10 (26 weeks)	3	41 (32%) (29 weeks)
SO and RO	4 (32 weeks)	0	3	8 (26 weeks)	1	16 (13%) (29 weeks)
SGO	6 (30 weeks)	6 (28 weeks)	6 (30 weeks)	9 (25 weeks)	1	28 (22%) (28 weeks)
No order		2	3	1	2	8 (6%)
Total	27	15	32	35	19	128 (100%)

The median duration of proceedings is given when there are at least four children in the sub-category. Since numbers are small, it is important not to make definitive statements about the relationship between age, order and duration; nevertheless there are some interesting patterns.

In particular it is the combination (highlighted) of new-borns, where the outcome was concurrent care and placement orders (9 children), which led to the quickest outcomes; the median duration of proceedings for these 9 children was just 19 weeks. Planning for this was evidently being undertaken prior to birth, in order for cases to progress with speed once the child was born. The other new-born baby cases, where the order is for the baby to live with a parent or relative, take longer to conclude.

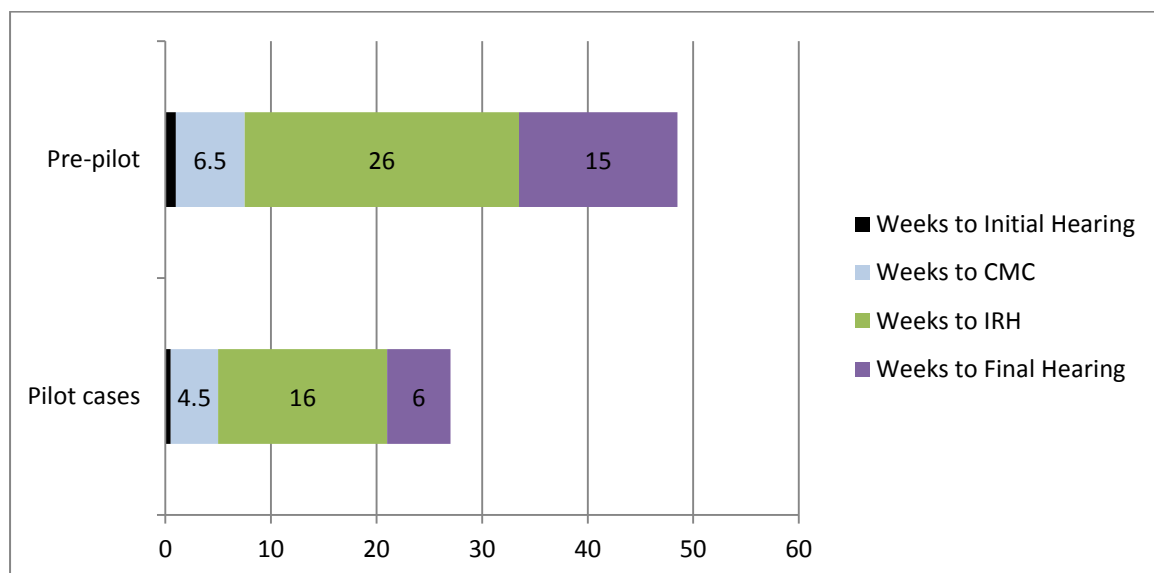
Few babies aged over one week but less than one year were given care and placement orders; the outcome for these babies was in general a supervision or special guardianship order. The outcomes for children aged 5 – 11 covered all types of order, and took essentially the same time, on average, whatever the order made. A care order was the outcome for approximately two thirds of the young people aged 12 and above, and these cases progressed on average in under 26 weeks.

The 16 residence orders for individual children in the pilot year were to 7 mothers, 7 fathers, and 2 grandmothers.

## 2.5 At what stages have the reductions in time been achieved?

With the median duration of care proceedings being reduced from 49 weeks in the year prior to the pilot to 27 weeks during the pilot year, at what stage or stages has this been most notably achieved?

**Figure 2.4: Median length in weeks between the various court hearings stages (including FDAC)**



In the chart above (Figure 2.4) the median duration length is broken down into its constituent sections, by considering the time between different ‘milestones’ during the legal process. It can be

seen that there is little change between the issue date and the date of the initial hearing; both in the pilot year, and in the previous year, this was on average less than a week. At the next stage between the initial hearing and the first case management conference (CMC) there is, on average, a reduction of nearly two weeks between the pre-pilot and the pilot year; and cases in the latter part of the pilot year were notably quicker in this respect. Timescales to this point comply with the (old) PLO target of the timing from application to initial CMC as no more than 45 days.

Significant time savings were made in the period from the first CMC to the first issues resolution hearing (IRH) which fell from 26 weeks in the pre-pilot year to 16 weeks on average during the pilot. This represents an average reduction of just under 40% in the duration of this stage in the proceedings, and is related to the fact that fewer CMCs were held (see section 2.6 for further discussion on the number of hearings). Similarly the last stage of the court process, the time between the first IRH and the final hearing, was reduced from 15 to six weeks, an impressive reduction of 60%. There were also 15 pilot cases where the case was concluded at the issues resolution stage. This represents one in six of all cases (17%). This is not a new trend, however, as 26 (29%) of the 90 pre-pilot cases also concluded at IRH.

## 2.6 Number of hearings

Central to the question of why cases are taking a shorter length of time is a consideration of how many hearings are being held, and Table 2.6 shows quite clearly that many pilot cases have substantially fewer hearings than in the past. Hearings included in this definition are: the initial hearing, one (or more) CMCs, one (or more) IRHs and the final hearing. The initial hearing and the cases management conference may be combined, as may the IRH and final hearing, so that it is feasible that a case may have as few as two hearings. This was true for seven of the 80 (non FDAC) cases, and also applied to three cases in the pre-pilot year. FDAC cases were excluded in both years, since they specifically timetable a greater number of hearings.

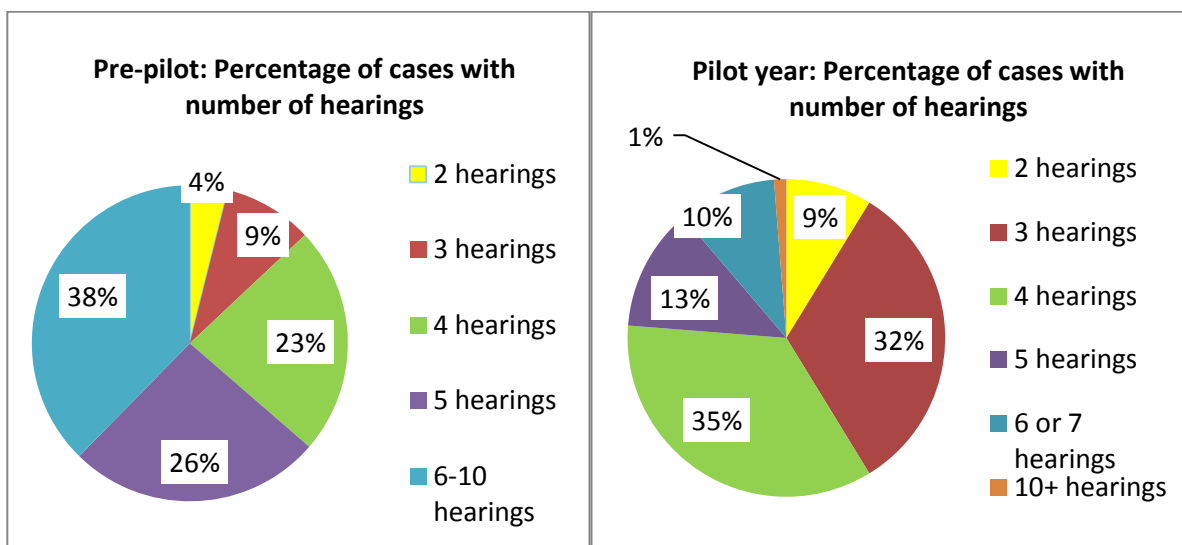
**Table 2.6: Number of hearings (excluding FDAC in both years)**

Number of Hearings	Hammersmith & Fulham 2007-09 (Ernst & Young)		Tri-borough pre-pilot 2011-12		Tri-borough Pilot 2012-13	
	% of cases	Number of cases	% of cases	Number of cases	% of cases	Number of cases
2 hearings	3%	1	4%	3	9%	7
3 hearings	3%	1	9%	7	32%	26
4 hearings	39%	13	23%	18	35%	28
5 hearings	18%	6	26%	20	13%	10
6 hearings	18%	6	18%	14	8%	6
7 hearings	12%	4	12%	9	2%	2
8 – 13 hearings	6%	2	8%	6	1%	1
	100%	33	100%	77	100%	80

The average number of hearings fell from 5.2 in the pre-pilot year to 4.0 in the pilot year (FDAC hearings are excluded from this comparison in both years); in addition only two cases in the pilot involved seven hearings, and there was just one case with a unusually high number of hearings (thirteen), which also included a transfer to a court outside of central London.

The first columns in Table 2.5 present historic data from the Ernst and Young study relating to 2007-09, when 46% of cases completed with four or fewer hearings, and the average number was 5.1 hearings. Whereas in the pilot year over three quarters (76%) of cases completed with no more than four hearings, in the previous year only 36% completed with four or fewer hearings, and in six cases (8%) there were between eight and ten hearings held (Figure 2.5).

**Figure 2.5: Percentage of cases (excluding FDAC) concluding with 2, 3, 4, 5 or 6 or more hearings**



There was no difference as between the two most frequently used courts; in the pilot year the average number of hearings was 3.8 and 3.9 at the PRFD and the ILFPC respectively, and in the pre-pilot year the average number of hearings was identical at both these courts at 5.2 hearings (FDAC cases are excluded from these figures in both years).

Regarding the different types of hearings, in the pilot year only one CMC was held in 54% of the cases, and the 11 cases with two CMCs (and three cases with either 3 or 4 CMCs) were outnumbered by the 23 cases with no distinct CMC. The previous year two CMCs was the norm, and a quarter of cases had three. Similarly with IRHs, no more than one issues resolution hearing was held in 78% of the cases in the pilot year, whereas in the previous year a third of cases had two or more IRHs.

A somewhat obvious conclusion, but which the data provides robust evidence for, is that the greater the number of hearings the longer the case takes in total. Typically, in the pilot year, cases with two or three hearings were lasting 21 or 22 weeks (mean duration), while those with four hearings were lasting 29 weeks, and if there were five or more hearings cases lasted on average 42 weeks. In the pre-pilot year the increase in length of time was even more marked (averaging 40 weeks with four hearings, 57 weeks with six or seven hearings, and over 68 weeks with eight hearings).

It is worth noting that all three sets of figures given in Table 2.5 for the Tri-boroughs, or for Hammersmith and Fulham alone in the earliest dataset, do not reflect the average number of hearings found by Cassidy and Davey in their study of 307 cases closing in 2009. Those authors reported an average of 8.8 hearings, with only 29% of cases having four or fewer hearings, and 13% of cases involving 15 or more hearings. Cassidy and Davey did find, similarly to our figures above, that cases with more hearings appeared on average to take longer, and they concluded that reducing the number of hearings was one key factor in reducing the overall length.

## **2.7 Number of assessments**

In the interviews with professionals (see sections 3.1, 4.1 and 4.2 for a fuller discussion) opinions were expressed that there seemed a greater readiness for assessments done pre-proceedings to be accepted, along with a drive by the local authorities to reduce the number of assessments undertaken, by concentrating on only those which were considered to be necessary. One local authority legal professional summarised this as 'a focus on what assessments - whether it is expert assessments or social work assessments - are required, not desirable but required. Identifying them and ensuring that they can complete their work and report within the child's time scales, that is the key.' And a member of the judiciary talked about being 'much more focused, ... much tougher about another assessment', and being prepared to question whether 'there is need for further assessment'.

The statistics from the pilot year provide some evidence for this perception of fewer assessments. Excluding DNA and hair strand testing, the average number of assessments in all the pilot cases was 1.9 whilst the average was 3.3 in the pre-pilot year. The main reduction had been in parenting assessments which were ordered by the courts in just over half of the pilot cases (53%), as against in nearly three quarters of cases (72%) in the pre-pilot year. Connected persons assessments were undertaken in approximately half of all cases (48%) during the pilot year, a similar figure to the 51% of cases in the pre-pilot year.

## **2.8 Where the child was living during proceedings**

In the pilot year data was available as to where the children had been living during proceedings;

- 33 were solely in foster (or residential) care, and 29 of the children had just the single placement, with no moves. Two experienced one change of foster carer, and for two children there were changes in the residential care arrangement, including respite provision elsewhere.
- 18 were with a parent throughout, and of these four were in a mother and baby placement prior to being at home;
- 17 were with a relative; with one child moving to a different relative during the course of the proceedings. Sixteen remained throughout with the same relative.

Thus the majority of children (76%) were in the same type of placement throughout proceedings; 63 children (71%) had no placement move, and only five of the 68 experienced a change in their living arrangements.

For the other 21 children there were a combination of living arrangements during proceedings; and these comprised what appeared to be 'purposeful' moves between parents, relatives and foster carers:

- Home then foster care – 6 occasions
- Foster care then home – 6 occasions
- Home then relative under special guardianship order – 3 occasions
- Relative initially and then a move back to live with a parent – 1 occasion
- Foster care and then a move to a relative under special guardianship order – 3 occasions

In two families the children were living in different placements from each other, but they experienced no moves during proceedings.

Information on where the child was living in the pre-pilot year was available for all the children. Thirty-eight of the 90 (42%) lived with the same parent, relative or foster carer throughout the period of the proceedings, and experienced no move. Fifteen were with a parent, eight lived throughout with the same relative, and fifteen were in the same foster placement.

In summary, the number of children who did *not* experience a move during proceedings increased from 42% in the pre-pilot year to 71% during the pilot. Speedier resolution of cases is likely to benefit the child in terms of a reduced number of placement moves during proceedings, and is an additional positive outcome of the new way of working.

### 3. How have changes been achieved?

The seven most common answers given by interviewees to a specific question about the three most important factors in driving change were as follows:

- Timely and more selective use of assessments
- Case manager role
- Early appointment of guardians
- Judicial continuity
- Robust case management
- Social worker confidence
- Focus and commitment

We will discuss these separately and add an eighth category of our own which we will call 'overall leadership'.

#### 3.1 Timely and more selective use of assessments

A key aim of the pilot was to reduce the number of assessments and to reduce the time that assessments take. The overwhelming consensus was that the pilot had been successful in this aim:

*There is more pressure on us to come up with some sort of refined document, or defined document in relation to the assessment and where that assessment is going to take place. Yeah and more specific in terms of time frames and I think that's good.* (Team manager Int 2)

*[We are] still having those assessments but we are hopefully doing them within shorter time scales and we are being a bit smarter about them and about who we are getting to do them and not sort of just continually repeating.* (Case manager Int 15)

*The connected persons assessments, the assessment of family members, have been reduced from what used to be 16 weeks to 10 weeks, so that made a huge difference, because obviously that is already a month and half quicker to get. And also what they did was at the review after six weeks it was looking like the family member wouldn't be positive and they ruled them out at six weeks and didn't continue on to ten weeks, and so that made a huge difference.* (Social worker Int 14)

#### 3.2 Case manager role

There were some variations in the *degree* to which the case manager role was seen as key, with some social workers and team managers suggesting that they had proceeded largely without her support ('I had no dealings with her; I don't know what role she actually plays' said one social worker) and one local authority participant suggested that her base in Hammersmith and Fulham meant that her role was more marginal in the other boroughs ('I suppose it is some anxiety or otherwise about perhaps Tri-borough working and being advised and consulted by someone else, who you don't know, from within the organisation, but is external to that for instance and works for Hammersmith and Fulham'). However, across the board, social workers, team managers, lawyers and guardians did identify the role she had played in driving up the standard of assessments as being key:



*I spend less time approving evidence, because gradually the quality of draft evidence that comes to me has been vastly improved through the work of the case manager, and the mentoring and approving that she has done prior to the initial evidence anyway, and final evidence coming to me, so that has been an improvement, I spend far less time doing that. (Local authority solicitor, Int 10)*

*What [the case manager] has tried to sort of promote is a sort of more clear analysis for the social worker assessment. Because I think what was happening before was that social workers were putting all the information there, but not actually analysing that information. So sometimes it just read almost like a chronology in a way. [She] did create like a template which I think has been helpful. (Social worker, Int 14)*

*Really, really useful I think in speeding up social workers writing statements, I think her input has been phenomenal actually, she has spent lots of time you know prior to writing statements, and getting them at the right standard has been really helpful and I think also just balancing and checking, sort of the monitoring of all the cases has been really useful from a management perspective in terms of tracking as they go along, yeah. I think it is a very useful position. (Team Manager, Int 17)*

*[The case manager] was fantastic, that role was fantastic from our perspective, I am not sure how the local authority felt about it, but she was fantastic. The number of conversations or emails I have shot out to her saying that I have just read this care plan and your contact plan is ridiculous and we would come back the next day and it would have shifted, to be what I say and all I am saying is that we had a conversation about it. (Cafcass guardian, Int 19)*

### **3.3 Early appointment of guardians**

Several changes in respect of guardians were identified as having been helpful. Firstly, the fact that guardians were appointed at the outset of cases rather than (as had been widespread before the pilot) only being appointed only some way into the cases. The change to prompter appointments had occurred for reasons independent of the pilot study, but nevertheless was identified as being very important in reducing delay.

*It's been good to see guardians being more sort of available and actually producing, for instance, Interim Reports or Initial Reports, which I have never seen the like of before. (Team manager, Int 2)*

*[One of the three most important drivers of change was] the allocation of the guardians at the initial hearing or even before. I initiated a new case yesterday and the guardian was appointed the day before, so there were pre-proceedings discussions with a guardian which I have never experienced before, so that kind of focus has really helped in everybody becoming focused, so I think the guardian's involvement is really positive. (Social worker, Int 12)*

*The fact that [guardians] are appointed at the very beginning is really helpful, so there is a view from the beginning usually about a care plan, about a proposal about the case and that is really helpful, particularly if it is a really complex situation. (Social worker, Int 16)*

*At the moment we have got the benefit of a guardian being allocated virtually as soon as you issue, and that has been a huge benefit, it is one of the prime I think features that have allowed the time frames to be so drastically reduced. (Local authority solicitor, Int 9)*

The existence of a core group of four guardians who dealt with all the Tri-borough cases during the pilot was also seen as helpful.

*We have had dedicated guardians for the pilot so of course they have all got the same commitment to the pilot and therefore they have approached it in the same way in terms of really scrutinising the assessments that are required, and having a position early on where previously we could wait months before we ever heard from the guardian. (Local authority solicitor, Int 18)*

*There is a small number of them, there is four at any one time and again they are, I'd say they are focused on trying to ensure that assessments are conducted quickly... But the guardians involved in the project are, I would say, are really experienced, good quality guardians, who are quite assiduous in making sure that their professional assessments are as good as they can be. (Family solicitor, Int 3)*

### **3.4 Judicial continuity**

The fact that a core of judges, committed to the aims of the pilot, were leading on pilot cases was seen as very helpful. So also was the setting aside of specific court days for Tri-borough cases:

*There is one particular judge, there is a couple of judges who have been dealing with the cases, and one in particular and...there is a very clear sense that you have got to make sure that everything is in order and that you know, you know exactly where you are going when you go into court and she is very intolerant of excessive delays and excessive time required for assessments and wants to cut back all the time. (Local authority solicitor, Int 9)*

*I have seen continuity up to a certain point and we normally go back about an issue that the judge remembers from the previous time in fact and that is really helpful, it means they have got a good grip on it without having to sort of start again. (Social worker, Int 16)*

*I will tell you one thing and this is totally separate that from everything that was hoped for in the pilot, just purely a practical thing: because the cases were often all here in front of the same judge it meant that you got an awful lot done in that morning, because I have had three or four cases listed in front of [the district judge] and she has dealt with them all that morning. That's four hearings done in a morning, which if they were in different days in different courts, you know it would take up four days of my time. So I think that's an advantage, but not really one that I think could be sustained or worked on as a working model. But it has just been really useful, you know, it has been one judge and one court. (Guardian, Int 21)*

In some cases continuity of judges had not in fact been achieved, but was still seen as important as a means of driving cases forward and reducing delay:

*In some cases you go in front of different judges, different magistrates, different you know...and they are...they don't know the case and they are not as able to make a decision as if it was just one judge. (Social worker, Int 4)*

*It is the one thing that comes out of FDAC...the advantage of having the same judge saying to parents who are in front of them, you know, I know who you are and when you were here last time you said you would do this and well done for doing it, or you didn't quite make it did you, and they all say that the fact that the judge is the same judge and they have got to know the judge and that judge is saying something to them that professionals have been saying to them for years; it's the importance of the judge saying it. (LA solicitor, Int 6).*

### **3.5 Robust case management**

Many examples were cited of the ways in which robust case management by the courts had impacted on delay:

*There is quite a focus on the judges that I have been appearing in front of to ensure that things are case managed so there is little or no slack, and that is better.(Family solicitor, Int 3)*

*Good to see that the judge, the judges, are mindful and concerned about drift in case; they are asking for Legal to be more robust and clearer with their plans. (Team Manager, Int 4)*

*I think [judges and magistrates] are a lot more conscious that we can't let things just drag on and drag on and drag on, you give people the opportunity to file their evidence and if they haven't they haven't and you have to move on. (Social worker, Int 7)*

*Well judges are now, they have got quotas, they have never had to do it before, they are restricted now and if their cases go over 26 weeks... This a new world for them - welcome to our world! - and it is making a difference, I think it will make a difference, because judges have never been told what to do by anybody, but I am seeing a shift in this. (Guardian, Int 19)*

*I think there has [been a change in the practice of judges], particularly [the judge] who has taken the helm of the Tri-borough court, she has been very, very focused on children's needs and time scales and really whether there is any need for further assessments. I mean she is very fair, but she is also quite tough as well and I think some of the changes we have seen which have been really positive are her being really clear with families, that actually this is your last opportunity to either have an assessment or to put connected persons forward... Like every so often she will just show up and say, 'Right here is a pen and paper, go outside and you have got half an hour to put down the main ones', particularly if social workers haven't been successful in getting names from family. (Case manager, Int 15)*

### **3.6 Social worker confidence**

Social worker confidence, fostered by other participants in the process, was also identified as key:

*I would suggest there has been an improvement, with the social workers feeling confident that when you are seen as respected in the court arena, then social workers are going to court without the sort of constant sort of criticisms, which was what they were feeling before,*

*actually they are being a lot more confident...in their professional judgement. (Team manager, Int 17)*

*We have talked a lot within our team about how we should be more clear in our analysis and more confident within our analysis and our statements and the evidence that we present, because we are experts as social workers and I think sometimes [that]... isn't given due credit, because those assessments are still asked for by other agencies to be completed or they are supposed to be completed. But I think that we should be more than confident to put in exactly what we think the care plan should be and the reasons why and feel comfortable in using more research to back up that evidence than we have. So I think that's really positive that there is more of that kind of push for social workers to really use their expertise and make a firm opinion within their statements ... and then giving evidence as well. (Social worker, Int 13)*

A guardian, thinking about herself not so much as a guardian but as part of the wider social work profession, suggested that the problem of delay in the past was the result of combination of the enormity of the decision to be made, and a lack of self-confidence in making it:

*[It's a decision about] Do you take somebody's children away from them... And that in itself, you either go from one extreme to the other, you either make that knee jerk reaction, you know, get them out of there as we did in the 60's and 70's... or you do the other way, because you don't really want to deal with the reality of what you are doing... and you procrastinate about it for years.... These are very difficult decisions, in fact, for every single person that is involved in the system. They went on because we were not analytical enough in backing up our decisions... we haven't been able to justify why we want to do what we can do, I think that's the problem... A big part of it was that social work as a profession were not strong enough in their convictions or strong enough in their abilities to stress what they wanted to do I think. (Guardian, Int 19)*

This interviewee went on to suggest that change had been possible as the profession in general was very aware of this problem: 'we did see that, and we were fed up of always being stuck in it'.

### **3.7 Focus and commitment**

The word 'focus' recurred throughout our interview transcripts: in many transcripts it appeared repeatedly.

Several participants spoke of focus having been brought back onto the child, for instance:

*I think what feels different is that it is much more focused in terms of I suppose the child actually. (Team manager, Int 2)*

However the idea of focus was also used in a much wider sense to refer to a kind of mindfulness that the pilot seemed to have promoted: focus as the opposite of drift. One solicitor coined the word 'focusness' to describe the change that had been introduced by the pilot.

*There has been a lot of focusness - if that's the correct word to use – by guardians and courts to make it work. (Local authority solicitor, Int 9)*

*Yes the focus is there. I keep coming back to that word really.... Because of the focus we have gone into court at the initial appointment treating that as a case management conference, under the protocol you'd have the case management conference weeks, weeks into the process. (Local authority solicitor, Int 10)*

*I have seen a much greater emphasis on case management, particularly in relation to time, ensuring that assessments are available more quickly... and trying to ensure that decisions are made as quickly as possible. I think there is a judicial focus on that, I can see that. (Family solicitor, Int 3)*

*Whilst parallel planning is always undertaken, there is far more focus on it in avoiding drift. (Social worker, Int 16)*

*The proceedings that have dragged on for a year, a year and a half, two years that I have been involved with, the parents, especially with mental health and substance misuse issues, you lose the parents half way through the process often, so with this being as short as it has been, it has allowed everybody to remain focused. (Social worker, Int 12)*

*What we are being more focused on is sort of the analysis. (Team manager, Int 17)*

*[Courts] insist on shortened letters of instruction and more focused assessment. (Social worker, Int 12)*

### **3.8 Overall leadership**

Leadership was not one of the items frequently identified by participants as a key driver of change, other than the leadership provided by judges and by the case manager, as discussed above. However, we did notice a striking degree of consensus and common purpose, across the local authorities and across the different professional groups. Those at the 'front line' of any service are not necessarily aware of what takes place at more strategic levels of the organisations of which they are part, but we think it would be a mistake to underestimate the importance of the project steering group, the project manager (Clare Chamberlain) and the post-case review meetings as a means of building this sense of common purpose and resolving problems between the various stakeholders. The case manager herself commented on the value of the post case reviews:

*I think the post case reviews have been really, really successful, so I think holding on to kind of that professional network and having that opportunity to really critically look at cases once they have finished and kind of roll out lessons .... is pretty vital. (Case manager, Int 15)*

One comment on the importance of leadership at the senior level, and in particular the leadership of the Tri-borough's Director of Children's Services, came from a judge:

*I think from the perspective of the Tri-borough then there is a good chance that it will be sustained, both because of the general changes and because of their own sort of pride really and because the project itself was driven so much at such a senior level, because I think that was one of the major positives about it, that enabled it to work, because things would be raised at meetings as a particular difficulty and Andrew Christie's [Children's services director] view was that if it was internal, then it can be put right and of course because he was the director, then he was in a position to put it right. (Judge, Int 20)*

#### 4. Thoroughness and justice

Part of the work for this evaluation consisted of a focus group with four young people in care in Hammersmith and Fulham. These young people had no experience of the pilot itself, but we asked them to comment on the general principles behind it. When asked if reducing the length of care proceedings to the minimum was a desirable aim, they all agreed.

*Q: If I was just to take away one thing from this meeting that you'd like me to hold on to, if I could hear only one thing, what would it be?*

*A: That how long it takes for the judges to make the decision of where you are going, what family you are going to – just to make it quicker instead of making it all like going over a year, make it in a few months.*

*A: I think keep it to a maximum of six months.*

*A: Four weeks is enough time.*

However, they also saw the importance of thorough assessments and careful decisions, and recognised that this might lead to longer proceedings:

*I think it is better to do all the assessments and for it to take longer, so it is accurate.*

*If it is a big, important issue then of course it will take a long time to do.*

*Don't make snap decisions without knowing the whole situation ... it is like so easy just to make the wrong decisions ... so just don't make snap decisions.*

The young people appreciated that the benefits of speeding up care proceedings have to be balanced against the need for thoroughness and justice. Likewise, all the professionals we interviewed were conscious of the risks that overly quick proceedings might undermine good, evidence-based decisions and fairness to all involved; but the strong perception was that the care proceedings pilot had not done this. All interviewees thought that it was important to retain a degree of flexibility about time limits, because in some cases it might lead to a better outcome. The clearly expressed view from local authority, Cafcass and judicial interviewees was that cases which might need longer than 26 weeks would get it, but that the majority of cases did not need longer than that. No interviewees gave any examples of cases that they thought had been unfair or had ended too early. The views are captured in the following comments from two children's guardians:

*I think the outcomes would be the same in every case that I have been involved in ... It is something that we were very clear about from the beginning, that we knew we had a framework and 26 weeks or 40 weeks or whatever, an aim and a hope, but that no child was going to be disadvantaged and no parents were going to be disadvantaged through this – if it needs to take longer, it needs to take longer. (Guardian, Int 21)*

*I think the Tri-borough showed that the timescales can be pushed down when people work together in that way, and parents aren't at a disadvantage ... I didn't leave any case thinking, 'Oh my God, these parents really haven't had a fair crack of the whip here'. (Guardian, Int 21)*

Similarly, a private practice solicitor said:

*I am interested in decisions being taken more quickly where they can be, but not at the expense of fairness, either to parents or anyone else, because I do have an anxiety that quick decisions don't necessarily equate to good decisions. And I think human frailty and human nature being what it is, I think this is an area where speed does not equal simply being better. It can actually be far more complicated than that, and sometimes a longer case and a slower decision can achieve a better outcome. But on the cases I have seen so far, that I have been involved with, I haven't seen any material prejudice to parents' rights such that I have been troubled by it. (Family solicitor, Int 3)*

The widely held view was that cases had been speeded up mainly by cutting out undue delay, thanks to the shared focus on timeliness and increased court scrutiny, not by cutting back on necessary assessments or court oversight.

Concerns about 'thoroughness' can be considered under two sub-headings – thoroughness of assessments and thoroughness of court scrutiny. Concerns about 'justice' can also be considered under two headings, justice for parents and justice for children.

#### **4.1 Thoroughness of assessments**

There were a few concerns that the 26 week target had led to less thorough assessments, but this was not a widespread view; overall, the view was the contrary, that clearer thinking about what the assessments should address had led to better assessments, and that local authorities were coming to court with assessments planned and timetabled so that they got underway more quickly:

*We spend more time forward planning; we spend more time ensuring that at the first appointment or very near the first appointment actually everything is already in place. We know what assessments are going to be proposed, we know what the time scales are going to be, we have identified the expert, not waiting until we get to court and other suggestions being put forward, we have identified somebody, we know what their availability is. (LA solicitor, Int 9)*

Another observation was that parallel planning meant that full assessments could be undertaken without adding to delay because they would be undertaken concurrently rather than sequentially. One social worker gave an example of a case where the mother and her new born baby went to a residential assessment unit, as part of the planned assessment within proceedings. This broke down within a few weeks, but because an assessment of a relative as an alternative carer had been running alongside this, it was possible to place the child there straight away. The case ended within 26 weeks with a special guardianship order to the relative, not opposed by the mother.

A number of interviewees raised a related concern, not so much about the thoroughness of the assessment but about the benefits of sufficient time to work with families to help them make the required changes, and for family members (parents or other relatives) to think about the issues and make the mental and practical adjustments:

*... for instance, you are a grandmother and you are being asked whether you can care for your children, you have basically got ten weeks to turn your life plan around. So it is not just an assessment about whether they can do it, but part of the assessment process is the grandparent then going, 'Well I hadn't intended on having more children' ... I think that's why the connected persons assessments sometimes feel rushed, because it is such a short length of time and you know it is life changing, this decision that they are making ... I think that's one of my main reservations about all of this to be honest. I think we have got people who have not been given the opportunity and time to really get their head round what they are taking on. (Team manager, Int 1)*

*I always talk about emotional time and realistic time ... In real time [the pilot] is creating change ... stronger, better outcomes for our children. And the emotional time, the downside is that, when the mother knows that she is going to lose her child in the next two to three months ... we don't have – we make – the time to work with that mother. And that's where the social work assistants do come in as well, because they end up supporting that parent, and quickly refer to resources to support that parent. But before, I think that the social workers used to take a longer time ... so the parents would be more consolidated within themselves, less angry. (Team manager, Int 4)*

However, the contrary argument (voiced by several interviewees, including the team manager quoted above) was that the greater focus on timeliness is fairer to parents and actually brings about more involvement in proceedings:

*I think what the pilot has done is help the service users connect to the process a little bit more. Because sometimes they could feel that these are just all professionals, they are all lawyers ... and they don't feel a part of the process. But with this pilot, it is forcing them to be a part of the process, which is turning the responsibility back on to them, and I have to recognise that. In this process, I do think they feel a sense of respect and that their voice is being heard ... I am currently in the process of a case that's in the pilot and the parents are feeling like, 'Okay, I know what I have to do, I have to get on with it, I know it is four more weeks until you will come to a conclusion.' Rather than dealing with the endless void that is just going on and on and on ... (Team manager, Int 4)*

## **4.2 Thoroughness of hearings**

Here, a key issue is the degree of scrutiny that the court gives to completed assessments and to proposals for further assessments. Is there any evidence that courts are unreasonably refusing further assessments to parents, or ordering further assessments without careful consideration of whether they are really necessary? Robustness and thoroughness are not mutually exclusive; on the contrary, a court which routinely allowed further assessments might be seen as lacking in thoroughness by not weighing up the evidence put before it and simply ordering a new assessment regardless.

It is notable that not one participant said that decisions were now being made without sufficient evidence. The issue does not seem to be, therefore, that a robust approach is leading to dangerous



corner cutting. There were, on the other hand, some questions about whether the courts' new robustness was robust enough.

One of the judges considered that she was now taking a more robust approach:

*... we are much more focused on delay and it has improved my case management. In the old days I would have said, 'God, this is the last chance for this child to remain with their parent' ... But you know one is much more focused, I mean I have become much tougher, much tougher about another assessment ... You know in the old days we would be saying, 'Well she has had four children removed, but there has been a change, she says she has given up drugs.' And you might give her another chance, but I am afraid I think now that's gone. (Judge, Int 5)*

The judge went on to say that there were some circumstances where she might allow another assessment, notably if the first was clearly unsatisfactory (she gave an example of a particularly inadequate assessment from an independent agency that had made her wary about accepting the agency's work in future), or if there was evidence that the parent had taken some action to address the problem:

*... it depends on the previous history, but we may if she really has done something definite. Maybe she has been going along to be tested, have urine testing every week under a criminal order or something, and she could say 'I have tested clear for eight weeks' or something, 'I am now booked in the next step'. You might then think, well we'll test this, but with a very beady eye on times. (Judge, Int 5)*

There were some reservations from social work staff about whether the courts were as robust in dealing with applications for further assessments as they had hoped, but in the interests of justice and children's welfare, the court does have to exercise independent scrutiny:

*... there is still call for assessment upon assessment ... that's my frustration at the moment, that there still seems to be on-going assessment when there has been negative assessments ... rather than being quite boundaried in trying to prevent delay. I think people are still quite keen that they don't want to make a decision about adoption unless every single avenue is completely explored, regardless of how long it is taking the parents to provide that information. (Social worker, Int 13)*

*... one of the things that was being said was about parents putting applications in for re-assessment based on the fact that they just don't like the outcome of the previous assessment, as opposed to it being valid. That's one of the big arguments, and we were promised that the judges would only allow them if they were genuinely feeling there was information that was not accurate or not covered, and I am not sure that is the case I must say ... I have had one case where there has been five different hearings before a decision has been made. So there has been some delay in those decisions being made ... I am not sure that it has been as robust as it was intended to be. As I say the courts have taken care to not allow them when it is likely to cause a lot of delay, but I think some have allowed them in order for there not to be appeals ... appeals are a big deal. (Team manager, Int 1)*

One private practice solicitor voiced doubts about whether there had been any changes in court practice, and went so far as to say that she thought the courts were dealing with cases in exactly the same way. All the evidence suggests however that this is not the case: as noted earlier, the number of assessments and the number of hearings have both been reduced.

The other aspect of thorough hearings is making sure that plans for future assessments and for submitting reports and statements are in place and realistic. Here again the judge spoke about taking a more active role than in the past:

*... proper scrutiny is actually the court, first of all, being very well prepared and, secondly, having the confidence to really question what the parties have actually put in front of you ... I certainly didn't scrutinise the directions in the old days to the extent I do now, because the parties agreed and you got on with it ... I have definitely tightened up on scrutiny of directions. (Judge, Int 5)*

Linked with the questions of court scrutiny, was the view that many of the changes introduced by the project are relatively small and the gains are incremental, to save a week here, a week there. Examples are by getting letters of instruction agreed before the hearing, or on the day of the hearing; to insist on parents giving the names of possible family carers at the beginning; by insisting on parties meeting their deadlines for filing reports and statements. One court legal adviser described it as 'the Dave Brailsford approach' – lots of marginal gains adding up to a large transformation in performance.

### **4.3 Justice for children**

Has the drive to reduce duration resulted in unfairness to children? Again, all interviewees were conscious of the risks of hasty decisions, but no-one gave any examples of cases where they thought a wrong decision had been made because of the focus on timescales. A private solicitor described a case that had been in FDAC, where the child had gone home to his mother after nine months, arguing that if the decision had been taken after six months the child would not have been at home. The solicitor said '... it took nine months of actual work, not just assessment or the kind of things that the pilot study is aimed at, it was actual parenting work undertaken by professionals, successfully helping that mother address her drug problem'. The point though, is that the mother had been engaging with the court and social work processes, so there was a basis for extending the time – it was not for yet another assessment.

The overall view was that if cases needed further assessments or further time, they would get them – but most did not. As the project case manager put it:

*I think for those families where we are not sure, or the court is not sure ... there are still parenting assessments or psychiatric assessments going on, it is not a case of parents being denied anything, which I think people were quite concerned about when we first started the pilot and were talking about 26 weeks. So to me it doesn't feel like parents' rights have been stepped on, I think children's rights have been brought to the forefront of people's minds, because that was something that was forgotten before, and it was all about the parents' rights to assessments. But I think children are now being put first, and parents who are*

*motivated, you know showing some type of change or where there are uncertainties about parenting, they are still having those assessments – but we are hopefully doing them within shorter time scales, and we are being a bit smarter about them ... (Case Manager, Int 15)*

#### **4.4 Justice for parents**

The same strongly expressed view applies here, that if parents are engaging with assessments and services then time will be available for that:

*... from solicitors who are in private practice, that has been the concern, whether parents are getting a fair hearing etc. I can't comment beyond that because I don't act for parents, but I guess when the pilot started I had a little bit of concern in that respect, but actually the way cases have gone I haven't felt that that's happened ... I guess the thing is that the more cut and dried cases have proceeded quickly and been concluded ... and where there is a bit of hope, or there is a window to turn things around, those cases haven't concluded within the 26 weeks or sooner. Time has been allowed to do what needs to be done. (LA sol Int 18)*

A number of interviewees also expressed the view that long drawn-out proceedings were themselves not very fair on parents:

*I think that dragging it out is more difficult for the parents. I mean as long as they are still given a fair opportunity, like a fair chance of looking after their child and still getting the assessments – which they have, in my cases they have – then I think it is better for them to be concluded quicker. (Social worker, Int 14)*

*... family and parents are still being given the chance, but it is not like the cases are running rough-shod over those opportunities ... it is an incredibly stressful process for the whole family, so instead of hanging on for a year or more they are having those proceedings concluded and a decision made quicker. (LA solicitor, Int 18)*

The view was shared by a family solicitor:

*I think it was a very interesting project and I am really looking forward to it rolling out everywhere, because I do think it is in the interest of children and I don't think it is against parents actually. I think it is, properly managed, either for them to move in a positive direction or not, but not have something dragging out for ever ... every day if the case proceeds for eighteen months is a reminder to you, it is torturous, you know you can't move on until your babies have been placed. (Family solicitor, Int 23)*

## 5. What happens before court?

It is well known that setting specific targets to deal with one problem can result in changes to other parts of a system. The questions that arise for the pilot are whether the focus on reducing the length of care proceedings has resulted in children being kept waiting at other stages in the process, or alternatively may have speeded up other parts of the system. In this section we concentrate on what happens before proceedings. Has the project changed the amount or nature of work that local authorities do with families before proceedings, or the timing of the decision to go to court?

### 5.1 Quantitative data

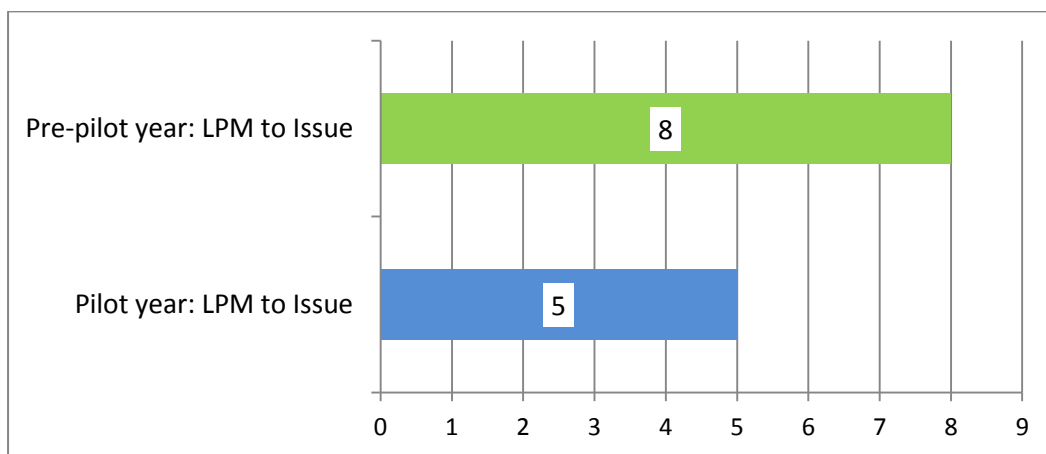
We investigated this using both quantitative and qualitative data. The quantitative measures used were comparisons between the pilot and pre-pilot samples on a number of key factors: length of time between the legal planning meeting and the issue of proceedings; use of the formal pre-proceedings process (letter and meeting); and length of time on the most recent child protection plan (FDAC cases are included in this analysis). We have also located the data about care proceedings in the wider context of data about all looked after children in the authorities (Box 1).

#### ***Legal planning meeting to issue, and use of pre-proceedings process***

- In the pre-pilot year, the average duration (median) from the legal planning meeting to issue date was 8 weeks; this reduced to 5 weeks in the pilot year, as shown in Figure 5.1 below.
- Wider differences emerge when one links this with the formal pre-proceedings process, as shown in Figure 5.2. In the *pre-pilot year*, the median duration from LPM to issue was 16 weeks if the formal pre-proceedings process was used, compared to 4 weeks when it was not. In the pilot year, the median duration from the LPM to issue date was 9 weeks if the formal pre-proceedings process was used, compared to 4 weeks when it was not.
- These figures suggest a tighter use of the formal pre-proceedings process in the pilot year. This could reflect tighter monitoring and review of cases in the process, and/or decisions not to undertake lengthy assessments within the pre-proceedings process, and/or because the process was being used more often to notify parents of a definite intention to start proceedings, rather than as a last chance to avert proceedings. A range of views were expressed in the interviews, as described in section 5.2 below.
- It is notable that in both years, whether or not the pre-proceedings process was used made no significant difference to the subsequent duration of care proceedings. This finding is consistent with Masson and Dickens (2013), in their study of the use of the pre-proceedings process in six local authorities in England Wales in 2009-11.
- The median length of time from the sending of the letter (as distinct from the date of the last legal planning meeting) to the issue of proceedings was 11 weeks in the pre-pilot year, and fell to 8 weeks in the pilot year. (This is based on 26 cases in the pilot year where the pre-proceedings process was used, compared to 34 the year before.) A further finding of importance emerged when we analysed this according to whether or not the pre-proceedings process had been used for an unborn child.

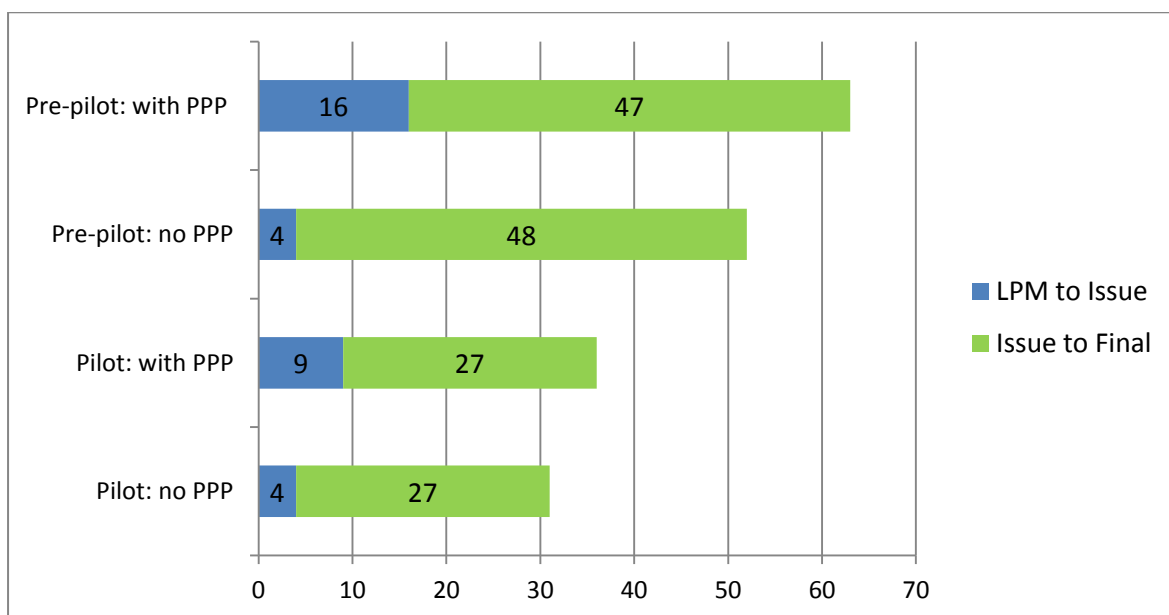
- Fifteen of the 26 pre-proceedings cases in the pilot year concerned unborn children (proceedings were started in the first week of the child’s life), compared to 5 in the pre-pilot year. For newborn baby cases the median duration (from the sending of the PPP letter to issue of proceedings) rose over the two years, from 5 weeks to 8 weeks. For the other children, the median duration did not change, staying at 16 weeks.
- In summary, there was greater use of the pre-proceedings process for pre-birth cases in the pilot year, and the increase in duration means that letters are being sent earlier in these cases. This suggests that the pilot year saw more pro-active decision-making and planning for unborn baby cases. This is reflected in the view of the social worker quoted in Section 2.3 above.

**Figure 5.1: Median number of weeks from LPM to Issue date (FDAC cases included)**



Pre-pilot: n = 63 cases where there was an LPM. Pilot: n = 75 cases where there was an LPM.

**Figure 5.2: Median number of weeks from LPM to Issue date, and from Issue to Final Hearing, according to whether or not the formal pre-proceedings process was used.**



Pre-pilot: n = 63 cases where there was an LPM. Pilot: n = 75 cases where there was an LPM.

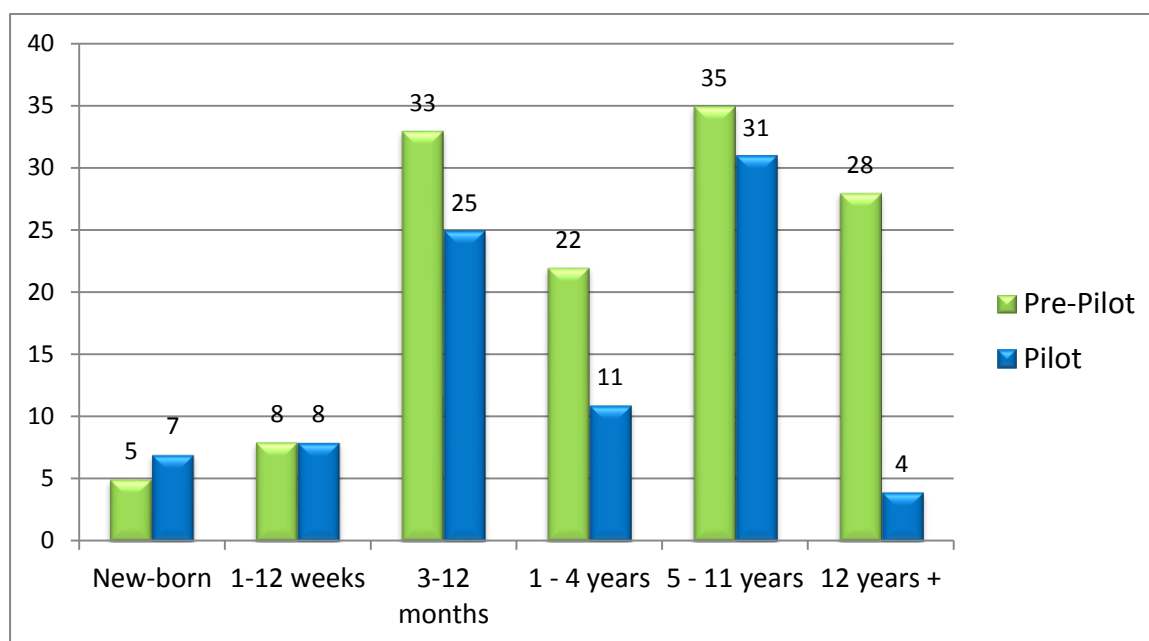
### **Child protection plans**

- The proportion of children on child protection plans when proceedings were issued has decreased in the pilot year; 77% of cases in the pre-pilot year were on plans, compared to 68% of cases issued during the pilot year.
- In the *pre-pilot year*, the median duration from the initial CP conference (taking the most recent period of being on a plan) to issue date was 17 weeks. In the *pilot year*, the median duration from the most recent initial CP conference to issue date was 9 weeks. Again, this suggests that cases are being brought to court more quickly than before.
- Table 5.1 and Figure 5.3 show the periods on time on CP plans according to the age of the child. It is notable that the only age group where the duration rose was for new-born children, which went up from 5 to 7 weeks. This may suggest better planning was taking place for children before they were born, with earlier conferences taking place. This echoes the point above about the earlier use of the pre-proceedings letter in pre-birth cases.

**Table 5.1: Median number of weeks from date of CP plan to Issue date, by age of the child**

Age at date of issue of proceedings	<b>Pre-pilot year (n=68)</b> Median number of weeks from CP plan date to issue date	<b>Pilot year (n=61)</b> Median number of weeks from CP plan date to issue date
At birth or within first week	5 weeks	7 weeks
Over 1 week – 12 weeks	8 weeks	8 weeks (only 2 cases)
3 – 12 months	33 weeks	25 weeks
1 – 4 years	22 weeks	11 weeks
5 - 11 years	35 weeks	31 weeks
12 years and over	28 weeks	4 weeks
<b>All ages</b>	<b>17 weeks</b>	<b>9 weeks</b>

**Figure 5.3: Median number of weeks on CP plan prior to issue of proceedings**



**Summary**

The quantitative data does *not* suggest that the drive to reduce the duration of care proceedings has shifted delay to the pre-proceedings stage. On the contrary, the strong impression is that there has been a speeding up here too, with tighter decision-making and planning, especially at pre-birth stages. That is not to say that all cases have speeded up (we have been discussing the median durations), nor that speeding up is always the right thing to do: some cases may rightly need longer. The interview data is mixed, as shown below, depending on the experiences of the individuals concerned. We do not have data to say whether delay has been shifted to the post-proceedings stage.

**Box 1: Wider context of looked after children**

- The use of care proceedings needs to be seen in the wider contexts of all children being looked after by the local authorities, the availability of preventive services (see Section 5.2 below), and the levels of need in each area. Strategies to reduce the length of care proceedings should be embedded within a context of strategies to reduce the number of children becoming looked after in the first place; and for those who do, strategies to achieve timely reunification or kinship placements without care proceedings if possible.
- Appendix 2 gives a range of data about looked after children in the three authorities, including the numbers looked after on 31 March 2012 and 2013, the proportions on different legal statuses, and the numbers starting to be looked after during the year. The figures for the year ending 31 March 2012 are nationally available data published by the Department for Education. The Tri-borough authorities have given us the corresponding data for the pilot year.
- It can be seen that there was an overall reduction in the numbers of children looked after on 31 March each year (the ‘stock’, down to 522), but an increase in the numbers starting during the year (the ‘flow’, up to 287). (Note, this does not include children on regular short-term breaks.)

- Within that overall reduction, there are differences between the authorities – for example, the stock has risen (slightly) in Hammersmith and Fulham, but fallen considerably in the other two authorities; and the flow has risen notably in Hammersmith and Fulham and Westminster, but fallen very slightly in Kensington and Chelsea.
- There are a number of possible explanations why the stock has fallen even though the flow has increased. One is that more of the children and young people in the stock have left care, perhaps through ageing out or return home, but also to adoption or kinship care; another is that the authorities are moving on the new cases, the flow, more quickly (i.e. getting the children home or to kinship carers more quickly). Of course, it may also be a combination of these. Chamberlain and Ward (2013: 12) emphasise the significance of quick returns home for reducing the numbers of looked after children.
- The statistics raise a number of other questions that we do not have sufficient information to answer, but staff in the authorities may wish to explore the reasons and implications themselves. For example, Kensington and Chelsea has notably reduced the number of children looked after, from 140 to 98 – a reduction of 30%. It may be useful to share messages about how this has been achieved.
- Hammersmith and Fulham, with the highest number of care proceedings of the three authorities and the highest rate of proceedings per 10,000 children, also has more looked after children in 2013 than 2012, more becoming looked after during the year, and more on placement orders (12%, up from 8% in the pre-pilot year). The rate of looked after children on 31 March 2012 was 69 per 10,000 under-18 year olds, the same as the average for the 13 inner London authorities (the range was from 39, Wandsworth, to 100, Haringey). Their rate of care proceedings, at 14.1 per 10,000 in 2012-13, was relatively high for inner London authorities. The range is from 16.8 in Lambeth, to 6.1 in Westminster.
- These figures need to be seen in the context of local deprivation levels. The 2010 English Indices of Deprivation (DCLG, 2011) are based on key statistics for small, ward-sized areas ('local level super output areas') but when the scores are averaged at council level, Hammersmith and Fulham comes out as the 55<sup>th</sup> most deprived authority in the country, Westminster 87<sup>th</sup> and Kensington and Chelsea 103<sup>rd</sup> (out of 326 unitary and district level authorities: DCLG, 2011). Compared to the other inner London authorities, the Tri-borough authorities are relatively well off: seven have higher deprivation ratings than Hammersmith and Fulham.
- There is no evidence in this data to suggest that the Tri-borough authorities are making greater use of s.20 accommodation rather than bringing cases to court.

## 5.2 The impact on pre-proceedings work: interview data

'Pre-proceedings work' can be conceptualised across three phases. The first may be considered preventive work and includes early intervention and 'child in need' work, child safeguarding, intensive 'edge of care' work, support for kinship care and use of s.20 accommodation. In the substantial majority of cases, this preventive work is successful and the cases do not come to court. It is worth remembering this, in the current climate where there is such an emphasis on speeding cases up towards court, through court proceedings and into adoption. The second stage, which should be used unless it is matter of urgency or likely to increase risk to the child, is the formal 'pre-proceedings process', namely the letter before proceedings and the pre-proceedings meeting, at which the parent(s) can be accompanied by their lawyer(s). The third phase is when the decision has been made to go to court, and all the necessary documents and plans have to be produced. This tends to be a shorter and more intense phase of social work and legal activity, but delays can creep



in because of statements and reports not being written in time, or plans finalised quickly enough. How did interviewees see the relationship between these stages and the care proceedings pilot?

### **Preventive work**

There was relatively little discussion about the wider context of preventive work, except that two interviewees from Hammersmith and Fulham thought that child protection cases were now reviewed sooner, and if no progress was being made were more likely to be considered for care applications:

*I think what the care proceedings pilot has done is something that I think we are already quite committed to addressing, was obviously delays for children. So this goes back to child protection plans, and we now review children on child protection plans every nine months, or if you identify lack of cooperation then we would review it earlier ... so part of that is that we probably issue applications earlier if they are actually not being effective with a CP plan.*  
(Team manager, Int 17)

One interviewee from Westminster thought that they had a strong commitment to dealing with cases without going to court, especially making use of the 'Family Recovery Project'. A number of interviewees noted that the Tri-borough authorities were relatively affluent and well-resourced, which is likely to affect the quality of the preventive work they are able to do, as well as the court work.

### **The formal pre-proceedings process**

A major complaint from local authorities around the country has been that pre-proceedings assessments are routinely ignored by the courts, making them reluctant to undertake time-consuming or expensive assessment outside court (Masson and Dickens, 2013). The pilot sought to change this, but that depends not only on the court changing its practices, but on pre-court assessments being of a reliable standard. There were mixed experiences and views about whether the court culture had changed:

*... we are cautious in undertaking expensive and lengthy assessments pre-proceedings, and I think that is probably similar amongst many local authorities. Having said that more and more, and certainly I can think of two or three examples in my case load, they are saying no more assessments, or simply we'll have an assessment to assess whether there has been any change and nothing else, and being robust about it.* (LA sol, Int 10)

*I think from our particular practice although the PLO before allowed us to do assessments before we went into proceedings, we didn't tend to do those, because they would often get over-turned or redone within proceedings. But as part of the pilot we have made a conscious effort to do that. We have had a number of babies come to us before they have been born and we have started the assessment even before the baby has been born ... I think in terms of then the parent's applications for further assessments it hasn't necessarily gone our way, but some have.* (Team manager, Int 1)

The team manager went on to say:

*... we've been using the PLO much more effectively ... We have had PLO meetings with solicitors, and those assessments have been done involving those solicitors which makes a big difference, because they are part of the letter of instruction ... I think partly it was an expectation and a commitment that we would do that, so that when we go to proceedings we are saying we have already done our assessments and these are what they are, and either this is what we need extra or we don't need any more. So I think it is speeding it up so that we go to court more equipped ... I think there was this general feeling that whatever you have done as part of a PLO will get overturned when you go into proceedings, whereas there was a commitment to not do that, to not automatically say there needs to be further assessment because the solicitors weren't involved in the first set ... there has been less of that, and that was the commitment from the court if we do assessments beforehand we won't just be automatically overturned by them ... (Team manager, Int 1)*

Overall, there were mixed views about whether cases were being brought to court sooner or later because of more work and assessments being undertaken pre-proceedings, or whether there was no difference. The timings shown in the first part of this section, for the periods between legal planning meeting and issue date, pre-proceedings letter and issue, or being placed on a child protection plan and issue, suggest a speeding up, but the perceptions of interviewees were varied. There was no consistent pattern between or within the three local authorities. From Hammersmith and Fulham, two interviewees thought sooner, two no difference and one could not say; two Westminster interviewees thought later, whilst another thought it depended on the age of the child (sooner for young children, later for teenagers); and one interviewee from Kensington and Chelsea thought sooner, whereas two thought no difference. Of the three children's guardians interviewed, one thought sooner, one no difference and one could not say.

### ***Preparing for court***

The third aspect of pre-proceedings work is the immediate stage before the court application, preparing the documentation and making arrangements for any further assessments to be undertaken in proceedings. There was a strong sense that the standards of social workers' statements and plans had improved, and the case manager was often credited for this, as noted earlier.

There were a few comments about the amount of work involved in making all these arrangements and writing and revising the statements, and one interviewee spoke about the dangers of delay if things stretched on too long, meaning that the opportunity to start proceedings was missed (i.e. because the situation changed and it was no longer so clear that the threshold conditions were met):

*... there is a lot of pressure on social workers to be prepared and have identified experts and identified instructions, all of which took considerable time, but again we are adjusting to it. There are lots of moans and groans, but now it is actually becoming sort of more embedded in what we are doing, and we are going to court a lot more prepared and we are walking away with a much tighter timeframe ... (Team manager, Int 17)*

*... the two weeks [to prepare things] ... can turn into a month, six weeks, because the social worker didn't finish their care plan and something else came up ... you do have to wait for*

*that threshold to be met ... that could improve by the next two weeks, and you have spent time having to work on your statement and the plan, and the parents are responding and the neglect has improved. (Team manager, Int 4)*

The case manager's view was that if the case was an emergency then the applications would be made straight away, but in cases where there were no immediate safeguarding issues it was better to delay matters for a short while in order to get a better piece of work. She did not think that any cases had been delayed because of this by more than two to four weeks.

## 6. Costs and savings

In addition to the benefits for children resulting from swifter decisions, considerable financial savings were anticipated for the pilot. The assumptions upon which these predictions were made were necessarily approximate. For example, early predictions of the savings to be achieved from reduction of the number of hearings were based on national figures for the mean number of hearings (a figure of 8.8 was cited), rather than local ones, and this will have resulted in an overestimate of the potential savings, because the number of hearings per case in the Tri-borough area (which, as we have seen was 5.2 in the pre-pilot year) turns out to have been lower than the national average, even before the pilot commenced. Nevertheless, as discussed above, there was a substantial reduction in the number of hearings from an average of 5.2 per case, to 3.9.

The data about costs and savings that we have to work with is inevitably incomplete. It is really not possible, for instance, to say whether there has been a reduction or an increase in the social work time spent on each case, since this would require data from the pre-pilot and pilot cases which simply is not available (see further discussion below). However the data we have seen provide strong evidence that the pilot has reduced legal costs incurred by local authorities, by reducing the number of hearings and assessments, and the overall duration of proceedings. There *may* be some additional costs also. We will discuss the areas in which this might have occurred, but we have no quantitative data to confirm this, and the qualitative data is somewhat equivocal. Further information and analysis would be necessary to get a truly robust picture of local authority and 'whole-system' savings.

### 6.1 Temporary costs

There would be financial savings if the pilot resulted in a reduction in the amount staff time expended on each case. Conversely, if the new way of working resulted in more staff time being expended per case, then it would be more costly than the old one. However, in looking at the net impact of the pilot on the workload of the various agencies, it is important to distinguish between short-term and long-term effects.

In the short-run, if the pilot achieved its objective of reducing the length of proceedings, there was going to be a 'bulge', where pilot cases were running in parallel with unfinished cases from the pre-pilot period (see Box 2). For example, we received several reports of fostering/adoption workers being under pressure, with resultant delays in moving children to final placements, and additional temporary staff needing to be recruited to cover this work. This is predictable in the short-term, since, if one 'month's worth' of pilot cases are coming to a conclusion at the same time as a 'month's worth' of outstanding pre-pilot cases that have taken longer, there would be a temporary increase in the workload of homefinders. This will result in some adjustment costs. However, in the longer run, there is no reason why shorter proceedings per se would either increase or decrease the total number of placements needed per month, assuming the number of cases moving through the courts in a given year remains roughly the same (as has, in fact, been the case in Tri-borough).

The same applies generally. Shorter timescales for a given piece of work should not, in themselves, mean more work in the long-run (assuming that the task itself remains unchanged) since, the faster

that piece of work is completed, the fewer cases need to be worked concurrently, a point that was made by a local authority solicitor:

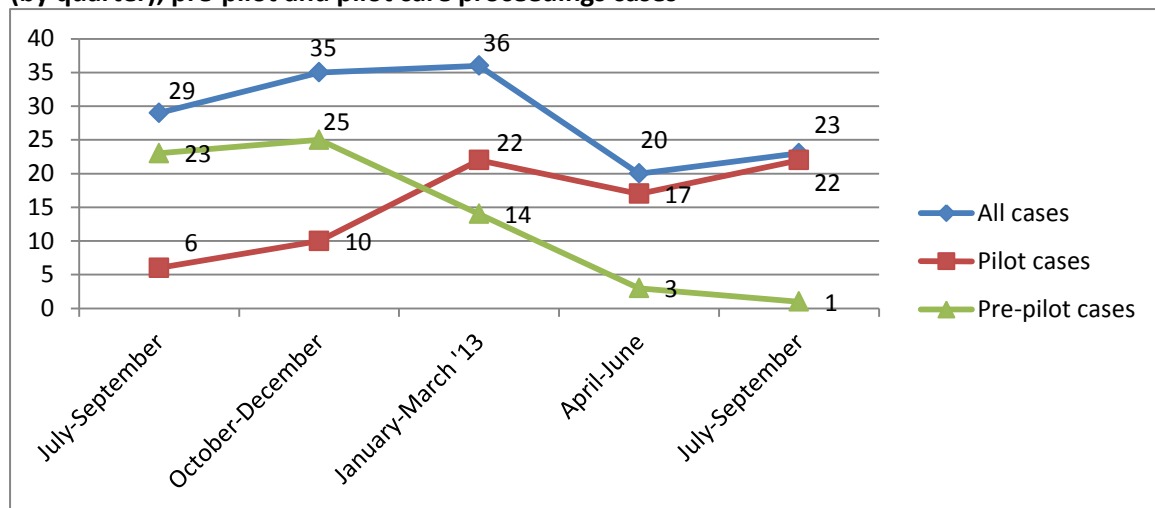
*The time ... that each solicitor is holding in respect of live care cases is less, because they are being cleared off the desk quicker... [although] the actual number of cases we are taking on into proceedings per year remains the same. (Local authority solicitor, Int 9)*

Shorter timescales by themselves do not change the number of hours to be worked, but they may increase pressure on staff, particularly in the short term when new practices have yet to be ‘embedded’ (to use the word chosen by a team manager quoted earlier; and see section 6.7), and are likely to reduce flexibility when it comes to dealing with peaks and troughs in demand.

**Box 2: Clustering of final hearing dates for both pre-pilot and pilot cases**

Given the emphasis on quicker target times in the pilot, it is clear that the pilot cases have been ‘catching up’ with the cases from the pre-pilot year which had been proceeding more slowly. This ‘bunching’ will have impacted on the work at many stages of the proceedings process, but can be simply illustrated by mapping the number of cases finishing each quarter between July 2012 and September 2013 (Figure 6.1). The number of pre-pilot cases, represented by the (green) middle line in the initial July-September quarter, declines with the final case from the pre-pilot year finishing in July-September 2013. These pre-pilot cases were progressing at a slower pace (averaging, as we know from earlier in the report, 49 weeks in duration). Thus by the autumn of 2012, with a total of 35 cases across both years’ cases (top blue line), and notably into the first quarter of 2013, the pilot cases (initially the bottom line) progress through the system at a much quicker pace, ‘catching up’ the pre-pilot cases, with a peak, or bulge, of 36 cases in total during January to March of 2013.

**Figure 6.1: Number of cases with final hearing dates between July 2012 and September 2013 (by quarter); pre-pilot and pilot care proceedings cases**



By the autumn of 2013, with all pre-pilot cases completed, the flow of cases overall can be expected to proceed more smoothly; the peak in total numbers having passed (although by the last quarter in the diagram the ‘early finishers’ from the post-pilot year will be completing). The bottleneck, or bulge effect, has therefore essentially been a temporary outcome of the introduction of the pilot.

**6.2 Legal costs**

Savings in legal costs were anticipated from the pilot, due to the shorter proceedings and reduced number of hearings. One would anticipate savings also to flow from the kind of judicial continuity

discussed earlier in section 3.4 ('because the cases were often all here in front of the same judge, it meant you got an awful lot done in that morning'), resulting in reduced travel and waiting time. We have not had access to all the data here, but we have seen a summary of the local authority's legal costs in care proceedings cases brought by Hammersmith and Fulham in the first quarter of the pilot year, and the first quarters of the three previous years. These figures, summarised in Table 6.1 below, include the charges of the local authority solicitors (referred to as the 'internal spend'), plus counsel's fees, court fees, the local authority's share of experts' assessments or reports ordered by the court, and other items such as transcription, process serving, and underwriting the legal costs of 'connected persons' who the local authority is supporting in special guardianship applications (all this is 'external spend'). It is important to note that these are the local authority's *legal* costs only, from one authority, and for the first quarter of each year only, and are figures we were given, rather than collecting ourselves. Nevertheless, with those caveats, it is a large enough sample to be reasonably confident that the trend it shows reflects real changes that have taken place over these four years.

**Table 6.1: Local authority legal expenditure, first quarter, Hammersmith and Fulham 2009-13**

Summary as of 21 June 2013					
Year	Total New Cases Tracked	No. of Cases Concluded	Average Internal Spend per Concluded Case	Average External Spend per Concluded Case	Average Total Legal Cost of Completed Cases
2009/10	13	13	£ 18,058.80	£ 14,783.60	£ 32,842.40
2010/11	9	9	£ 17,206.29	£ 13,269.82	£ 30,476.11
2011/12	8	8	£ 17,343.54	£ 9,329.52	£ 26,673.06
2012/13	9	8	£ 9,001.50	£ 8,612.11	£ 17,613.61

Not all of the reductions in costs that have taken place can be attributed to the pilot. It can be seen, for instance, that the largest drop in the external spend was between 2010-11 and 2011-12, i.e. prior to the pilot year, and the pilot itself appears to have had a relatively small impact on the average *external* spend (down from £9,329 to £8,612). However, it does appear that the pilot has had a substantial impact on the *internal* costs, which fell from over £17,000 to £9,000. One would expect a reduction in the number of hearings to mean that lawyers spent less time on each case, and therefore one would expect their bills to go down, but there is considerable variation and it is not the case that longer proceedings invariably cost more than shorter ones (for example, one 22-week case cost over £10,000 in internal legal costs, whilst one at 36 weeks cost just under £6,500).

It is worth noting too that, in spite of the sharp drop in internal costs, the subjective impression of local authority solicitors was not necessarily that they had experienced a major reduction in workload per case:

*I think it is no change, because.... if you look at the number of hours it is pretty much the same. So I think what happens is it is concentrated into a shorter period, I think there are roughly the same number of hearings ... and the same sort of amount of paperwork, it is all just sort of concentrated in a shorter space of time...and I think for us I think there is probably more pre-proceedings work, so that sort of balances out any advantage to there being shorter proceedings. (Local authority solicitor, Int 6)*

We will comment further on subjective impressions of busyness below.

**Box 3: Legal costs in context: three case examples**

A 'whole system' picture of costs and savings has to include the social work as well as legal costs, and costs incurred pre- and post-proceedings. The pilot cases for which we know the legal costs are useful for revealing some of the complexities and issues to be considered. In this box, we describe three of the cases to highlight the issues. The cases show the variability of costs and are illustrative rather than 'typical', but the point is that the costs of care proceedings have to be seen in context. Proceedings may appear short and relatively inexpensive, but the case as a whole could be extremely long-running and demanding on wider resources; equally, if court proceedings help to secure an effective long-term placement for the child (notably return home or kinship care) then this could help to offset court duration and high legal costs.

New-born baby cases are especially significant in the current climate of pressure for swifter decision-making and greater use of adoption. As noted earlier, the pilot year saw an increase in the proportion of care cases that involve new-born babies, and these cases are more likely than older children's cases to conclude with care and placement orders. One of the earliest cases in the pilot year involved a new-born baby. The proceedings were started when she was 2 days old, and ended within 12 weeks, with a care order and placement order. There were no further assessments, and the case only required two hearings. The local authority's legal costs were just over £6,000, so the case looks swift and relatively inexpensive. However, it is important to consider it in context. This child had five older siblings who had previously been removed and adopted, and there were no extended family members to be assessed. Given the circumstances, one would have expected this case to have concluded quickly even without the 26 week imperative. The duration and cost of the pilot year proceedings are really only the 'tip of the iceberg', if one considers the legal and social work involvement and costs for the family as a whole.

Cases involving older children and teenagers can be particularly hard to resolve, but there was a pilot case that involved a 15 year-old girl where the proceedings ended very quickly, in only 11 weeks, with a care order. Again, though, the context is all important. This young woman had been the subject of previous proceedings and was subject to a supervision order when it became necessary to apply for a care order. The family did not engage with the new proceedings. The costs of the court proceedings this time are very modest, but need to be seen in the context of substantial legal expenditure on the previous proceedings, and on-going social work costs.

The most expensive case in the pilot year costs sample was one that had been transferred to the Family Drug and Alcohol Court, FDAC. This lasted 37 weeks, and the local authority's legal costs came to nearly £29,000 (but note, there were two other FDAC cases in the sample, both costing considerably less). This case involved an East European family and the child eventually went to live with relatives in their home country. There were nine hearings, including two Issues Resolution Hearings, and counsel's fees alone came to nearly £13,000; but the outcome, a long-term placement with the child's extended family, could be considered a good result for the local authority in terms of saving longer-term expenditure.

### **6.3 Assessments**

It is clear that there will have been substantial reductions in the cost incurred in paying for assessments in the pilot year as compared to the previous year because, as discussed above (section 2.7), a more discriminating approach to the use of assessments has meant that the average number of assessments commissioned per case (excluding hair strand and DNA testing) was 1.9 during the pilot, as against 3.3 in the previous year: a 42% reduction, with the biggest reduction being in parenting assessments. (There was only a small reduction in connected persons assessments.)

One point to consider is that, while clearly a reduction in the number of assessments will reduce *overall* costs, it will not necessarily result in a reduction of costs incurred by the local authority. This is because, while costs of court-ordered expert assessments are typically shared three ways between the local authority and other parties, the local authority alone must meet the cost of assessments commissioned prior to the commencement of care proceedings. If more assessments are carried out before proceedings in order to reduce the length of the proceedings themselves, then the costs to the local authority could actually rise, even if a considerable saving had been made overall in the costs of assessments. This potential disincentive to proactive work (discussed also in Masson and Dickens, 2013) is something that needs to be addressed at a national level.

### **6.4 Placement costs**

For children who are removed from home at the outset of proceedings and placed with foster carers, but are adopted at the conclusion of proceedings (or otherwise cease to be the financial responsibility of local authorities at the end of proceedings), then we would expect to see a saving in the placement costs to the local authority. We do not have financial information that would allow us to offer an approximate figure. Any calculation would have to take into account on-going costs of adoption allowances, special guardianship allowances or residence order allowances: not all children cease to be a financial cost to local authorities when they cease to be in care.

### **6.5 Social work time and other local authority staff costs**



When it comes to social work time and the time of other local authority staff, the picture is more complicated. In some respects, one would expect the amount of social work time per case to have reduced under the pilot, because the duration of the proceedings is shorter (and therefore in cases where long-term care is not the outcome, the length of social work involvement in supporting the child and family is also shorter), and because the number of hearings has been reduced, so that the time spent on attending hearings, preparing for them, and travelling to and from them, will also be reduced. More clarity about what is needed – the new templates introduced by the case manager for instance – may also have resulted in a time saving.

What is more, some of the additional costs associated with care proceedings, such as those involved in the high-frequency supervised contact that often takes place during care proceedings are likely to be reduced as a result of shorter proceedings, since a considerable amount of staff time can be expended on co-ordinating these arrangements, supervising contact and providing transport.

On the other hand, more is expected of social workers under the pilot, both in the pre-proceedings period, and during the proceedings themselves, since the social worker is expected to take more of an active role, providing a detailed analysis rather than simply accounts of events, so as to reduce the need for additional assessments. This may take more time, not only on the part of the social worker, but the social worker's supervisor. (It has also involved the creation of a new post, the case manager.)

In order to really establish whether the social work time spent per case was more or less since the pilot, it would be necessary to have data on the amount of time spent on each case by each social worker involved, both in the pilot and the pre-pilot period. To obtain such data, it would be necessary for social workers to complete worksheets contemporaneously, daily or perhaps weekly. (Solicitors, of course, effectively do just this, as they charge for their time in 10 minute units, which means that it is possible to say with some confidence that the time they have spent per case has reduced) This data has not been collected for social workers though, either in the pre-pilot or the pilot periods, and cannot really be collected retrospectively with any degree of accuracy.

For this reason we have to rely on the subjective impressions of the staff involved, and here responses were interestingly mixed, with some participants suggesting that they were actually having to put in less time per case, while others said they felt much more pressured. The following, for instance, are examples of interviewees suggesting that the pilot had increased their workload, or that of their teams:

*It is not so much the pressure; it is more having to put more time into it and I think it is fair to say that in [interviewee's borough], quite a lot of the court cases have gone through my team, a disproportionate amount of resources, so there has been times when my commitments of going to court has been quite difficult to meet really... I think it has been at the cost of other things to be honest. (Team manager, Int 1)*

*The case loads remain the same, however, the work itself and getting everything done on time has been a lot more work, people have to do. (Team manager, Int 4)*

Others referred to shorter time-scales which, as discussed above, should not result in more hours worked if the task itself remains the same, but which may still be experienced as pressure:

*I have seen it in terms of our internal parenting assessments; I think there has been a lot of additional pressure put on them. Their time scales are really quite tight and they have had to sort of move an extra three weeks and so I think that has been difficult, quite difficult for them to adjust to. (Team manager, Int 17)*

Others suggested that the pilot was actually saving them time:

*It is really hard to compare two different cases, but I guess I am doing that in a sense, the cases that I had before the pilot did seem to be...all the assessments and all that kind of stuff happened within the proceedings and you then had to go back and on one case I had to do seven statements within the care proceedings and in a sense only having to do an initial and a final that has freed up an awful lot of time. (Social worker, Int 12)*

*I think it has made things easier.... You are not writing statement after statement after statement really. Yes, and the stress of giving evidence, giving evidence is quite stressful and the fact that I only had to do it once was refreshing really...you know that one time was quite lengthy, but usually if you have Issues Resolution Hearings upon hearings it does take its toll. I found this less stressful from the previous case I had prior to the Care Proceedings Pilot.... For me I think it has freed up time. (Social worker, Int 7)*

Others (as mentioned earlier) suggested that the shorter time to complete each case was offset by the reduced number of cases being worked at any given time, or that there had been no overall change in the workload:

*I'd say at first it probably did take time away from my other cases because there is quite a lot of pressure to get things done quickly... [For] the rest of your case load, you know children who are just 'looked after', .. who aren't in court proceedings, then it could take time away from them. But I think that was the case before the pilot as well. (Social worker, Int 14)*

It is interesting, and encouraging for the future of the pilot, that while there were certainly some concerns about additional pressure of work, there was certainly not an overall consensus that the pilot had increased the workload of participants; and there were a good many, across the various professions, who thought it had not increased overall workloads at all.

## **6.6 Children's guardians and court staff**

Major changes have taken place elsewhere in Cafcass, notably the shift to 'proportionate working' which makes it difficult to assess the impact of the pilot on the work of guardians, which has required guardians to be more selective about the aspects of cases in which they become involved. This will have reduced their input per case, while, on the other hand, the expectation that a guardian would be appointed at the outset of each case (another change which would have happened regardless of the pilot) will have created some additional pressure. One guardian suggested that the overall effect was one of no change.

*Q: Has the Tri-borough pilot itself created a different workload to what otherwise would exist?  
A: I don't think so. (Guardian, Int 21)*

Another guardian suggested she was taking less time per case than before (though she attributed this to 'proportionate working')

*Cases are taking less time, but you know Cafcass have this drive to work proportionately... I suppose what has happened is that we have all focused...well I have certainly focused much more acutely on what I thought were the key issues for the court that I might be able to help with in the final stage. But my practice that has changed quite significantly, I feel a bit more like a trouble shooter than I would have done before. (Guardian, In 22)*

It is difficult to assess the overall effect on the court service without more detailed data, but we would assume that there must have been some reduction in the demands on court staff simply as a result of the reduction in the number of hearings. There should also be savings resulting from increased judicial continuity, as discussed in section 3.4 ('[judges] have got a good grip on it without having to sort of start again'). However, this may be offset in some cases by the need for more detailed preparation, in order to ensure that each hearing completes as much business as possible.

## **6.7 Focus and effort**

The discrepancies in the accounts, we suggest, may be accounted for partly by the fact that assessment of workload is subjective. When we speak of ourselves as being busy or under pressure, we are not referring simply to the number of hours we have to work, but the effort and concentration involved. We noted above the frequent use of the word 'focus'. It seems to us that the very essence of the new way of working is that professionals should *not take the line of least resistance*. This means that, even if the new way of working takes no more time than before, it is likely to feel like *harder work*. This was well captured by one of the children's guardians:

*I have to be on the ball straight away... I have to be all guns blazing, all kind of focused, trying maybe sometimes get a visit in before we get to first hearing. You know I have got to pull my socks up, I have got to do a lot more a lot quicker, which isn't always possible... So it sounds awful but we are knackered, we have worked hard on this, everybody else has and you can tell, because you have got to engage your brain very, very quickly, you have got to be in there, you have got to be thinking about all those things that need to be sorted at the beginning and what you have got to be doing, you have got to be taking people with you... (Guardian, Int 19)*

This is worth remembering when looking at the question of sustainability, because a level of focus and effort that is sustainable in the short-term is not necessarily sustainable in the long term unless it is well-supported, something that we will return to in the next section.

## 7. Sustainability

All interviewees were asked their views of the sustainability of the pilot, and were asked to identify possible threats to its sustainability as well as sources of strength and resilience.

### 7.1 Commitment

One source of strength was simply that *'everyone agrees with the move to try and make things work more quickly and efficiently... so it is about harnessing people's desire to do that'* (Guardian, Int 22). In other words: the principles behind the pilot, and its objectives, are pretty much uncontested, while there is a general recognition that old ways of working were not acceptable:

*I can't see that we will go back to what we had before, because what we had before wasn't acceptable really and it was a bit sort of, you know...we were having court cases which went on for about two years and some cases three, three and a half, nuts, completely and totally and unacceptable really. (Team manager, Int 2)*

Indeed many participants did not simply agree in principle with the aims of the pilot, but were really excited by them. This was not only local authority interviewees:

*I am really energised about it to be honest... My view is that the six months thing is a bloody good thing and I am really pleased it has come up. (Family solicitor, Int 23)*

Another source of resilience for the pilot model was the fact that a 26 week limit for care proceedings in being enshrined into law. Substantial cost savings, which look likely to be demonstrable, would also be a powerful incentive for sticking to the new model.

### 7.2 Court time

But there were worries too. A major concern for many participants was the availability of court time. In this, and in some other respects, there was a concern that the pilot had enjoyed slightly artificially favourable conditions, with dedicated and committed judges and dedicated court days. Many participants could be cited, but the following fairly detailed response from a family solicitor, sets out the basic concern in some detail:

*Now I am aware that the Ministry of Justice is going through a process of trying to make large savings in terms of judicial sittings and appointment of full-time judges, and I also wonder whether the courts can deliver on making courts available, judges available, to make decisions on time, so that we are not waiting four to five months for court time. Because if we are going to be faced with courts saying, 'Well from the point of an IRH to when a care final hearing is listed, you have to wait four to five months,' which is very common in the recent past and is not uncommon now, then any savings you make are just going to fly straight out of the window. You are sitting there everybody with their arms folded, the case beautifully presented and no court available to make the decision. So...it is not just the local authorities, it is also court availability and that seems to me problematic. The thing is we are going to be told I am sure, that with a unified court, that's going to be solved, I am doubtful*

*personally, from what I see day in day out in court....And I fear that courts won't be able to deliver on this in the year. (Family solicitor, Int 3)*

Other comments on this included:

*I think where it won't be sustainable is in the ability of the court to accommodate hearings as quickly as they did. (Local authority solicitor, Int 9)*

*I don't think the courts are geared to deal with the 26 weeks. (Family solicitor, Int 11)*

*I personally think that allocated court days with judges that deal with certain areas [are needed], so that they get to know [the cases and]...expect those cases to come back on those particular days. (Guardian, Int 22).*

It is worth noting though that the 25% reduction in the number of hearings should go some way to ensuring that the courts do not become too congested to accommodate hearings quickly, provided that an increasing volume of care proceedings work does not cancel out this saving.

### **7.3 Guardians**

There were similar anxieties about the availability of guardians, outside of the special situation of the pilot:

*In six or twelve months you'll no longer have guardians who come in at the first appointment. (Local authority solicitor, Int 10)*

*I don't know why guardians could never be appointed before but now they miraculously can. (Social worker, Int 12)*

### **7.4 Is the Tri-borough a special case?**

In addition to a suspicion that the pilot had received special help, there was also some concern expressed that the relatively wealthy Tri-borough local authorities were something of a special case:

*It is like a class room full of kids where a teacher puts high expectations on three and they are the brightest kids in the class and there is an expectation the kids live up to that expectation (Guardian, Int 22)*

### **7.5 Sustaining cultural change and energy levels**

A concern expressed by a number of participants was that the change brought about by the pilot was a cultural change within a relatively small group of people (this was particularly the case in respect of judges and guardians where the numbers involved was very small). How easy would it be to maintain the momentum of the pilot as new people were drawn in, whether in the Tri-borough or beyond, who had not been a part of the acculturation process?

*You are talking about cultural change and it doesn't happen in a year, it happens over time and you know you have to have major players, you have got to have judges, I mean judges are pivotal. (Guardian, Int 19)*

*I think we have all been concerned about the pool of guardians now sort of being rolled out to the rest. (Case Manager, Int 15)*

*I wonder myself how the changes are going to be sustained, because when you have no longer got, for example, the dedicated court with the dedicated judge and a pool of guardians and everybody focussed in that direction, then, you know, the foot does rather come off the pedal. (Local authority solicitor, Int 18)*

Some concerns were expressed just about the energy level required to sustain the pilot.

*[Sustainability requires] just keeping your energy level at work... It is the whole cultural shift you are trying to engage people in and that can become a bit tiring. (Guardian, Int 19)*

*In six or twelve months' time you will no longer have guardians who come in at the first appointment and say that these two cases are the only ones that are necessary, nothing else is, and it may revert to the bad old days of just not being strong enough about saying no to anything that will impinge on the timescales, and judges as well. (LA solicitor, Int 10)*

There was also a worry that a sense of specialness, as in many pilot projects, had probably contributed to the success of the pilot, and that this sense of specialness would be harder to maintain both in the Tri-borough itself and elsewhere.

*People are interested and people talk about it, you know, some are proud of being part of it... so [it's a question of] whether that good feeling can be sustained. (Local authority solicitor, Int 6)*

*It's relatively easy to make something work for a short period of time, by having the commitment and putting the resources in, but whether that can be translated through the whole system is a different matter I think. (Team manager, Int 1)*

The concern then is that the pilot has benefitted from unusually favourable conditions (relatively wealthy boroughs, changes in staffing levels at Cafcass, special treatment in the courts), and that it has required, as we discussed earlier, if not more actual time, then higher than average levels of commitment, effort, focus. We discussed previously the fact that views were surprisingly diverse as to whether the pilot added or subtracted from staff workloads in terms of time but it does seem clear that more effort (also described by participants in terms of being 'strong' or 'robust' or having 'energy') is needed to work in this new way.

## **7.6 Importance of leadership**

In order to sustain this effort for a longer time over a wider area, leadership may if anything be more important than ever. In particular the role of the case manager was emphasised as crucial by a number of participants. The following were some of the answers given to a question about what was necessary for sustainability:

*Definitely having someone in [the case manager's] position. (Team manager, Int 4)*

*Involvement of case managers and sort of making sure the statements are in the correct format. (Local authority solicitor, Int 9)*

*A focused and robust court... But also similarly within [social work teams]...there has to be that encouragement... to support the social workers in their assessment of the situation and their proposal for what should happen and you know helping them with their evidence to make sure ... you are putting forward the best case right at the beginning. So I don't see how that can be done actually without also that case manager role continuing.... And [the case manager is also]...overseeing all the cases that are going through the court, they are looking at the statistics they are sitting in on hearings, so they have an overview of all the cases and can feed back to the local authority about where the delays are and what's happening and that's how the local authority can monitor and then fix things if things are slipping and without that oversight I don't know how that is going to happen. (Local authority solicitor, Int 18)*

*I think that you could probably say that the sustainability of it has been greatly enhanced by the fact that the Family Justice Review recommended that all cases should complete within 26 and that is going to be enshrined in legislation, and that the President who was appointed in January is to focus on driving this through and that has given it really such a boost, that it makes it much more likely that it will be sustained than if it had just remained these three boroughs who were then going to try and continue to work at that level...But I think these three boroughs particularly, given the support that it has had from Andrew Christie who is Director of Children's Services across the three boroughs, plus the appointment of Clare Chamberlain now as the Children and Families Assistant Director for Kensington and Chelsea, given that she was the project director... probably there will be quite an incentive to keep that up and to demonstrate that it wasn't a nine day wonder. (Judge, Int 20)*

## **7.7 Connected persons team**

A more specific issue raised by two participants was the need to strengthen the connected persons teams, clearly a crucial link in the chain:

*[They were] fantastic to start with... [but] I mean they are buckling under the strain, they can't cope with the amount of work and their time scales for completing things have gone up. (Guardian, Int 19)*

In fact the discussion in section 2.7 (on page 13) does not suggest that an increase in volume of connected persons work is likely to have occurred in the pilot year as compared to the previous year (for there is no suggestion that the number of connected persons assessments has increased significantly). The impression that these teams have been under more pressure is therefore likely to be the result of some combination of temporary 'bulge' effects (see subsection 6.1) and of the fact that, while shorter timescales do not result in more work (again, see 6.1), they may result in a feeling of greater pressure and may make peaks in demand more difficult to manage. Helping staff through this difficult transition to new ways of working is a key area in which leadership is required.

## 8. Follow-up

Two distinct kinds of follow-up are possible.

- (a) *Follow-up to determine whether the pilot's achievements have been sustained.* This would require that in future years the same monitoring data is collected about care proceedings in the Tri-borough area as has been collected for the pilot and pre-pilot years (length of care proceedings, number of hearings, outcomes, interval between initial child protection conference and first hearing...etc.). This would allow some conclusions to be drawn about the degree to which the pilot's achievements had been sustained, though with the caveat that, as time passes, other variables (changes in the law, changes in the demography of the three boroughs, changes in the amount of court time available etc.) would make such comparisons increasingly difficult.
- (b) *Follow-up to determine whether the shorter care proceedings have had an impact on long-term outcomes for children.* This would be a more complex task. It would require that children in both the pilot and pre-pilot samples were tracked for a period of four or five years. At that point, outcomes for the two samples could be compared using data such as the following
- Length of time between conclusion of proceedings and placement in planned permanent placement
  - Percentage of children still in their planned permanent placement four years after the conclusion of proceedings.
  - Percentage of children known to have experienced placement breakdown
  - Incidence of repeat proceedings.

Previous experience suggests that it can be very easy to lose track of children in a long-term study of this kind. It is therefore most important is that the Unique ID for every child in the pre-pilot and pilot cohorts be noted so that they can be monitored using administrative data. A system also needs to be put in place to allow follow-up of those children whose plan involves exit from the care system, and possibly closure of their cases: those adopted, made subject to Special Guardianship, returned home, or placed with connected persons under a residence order. Given the large number of children to whom this applies, the viability of a 4-5 year follow up would depend on being able to track down as large a percentage of them as possible. At minimum, as much detail needs to be recorded in the file at time of closure in order to be able to make this possible. Ideally, it would be helpful to seek the co-operation of carers before cases are closed.



## 9. Conclusion

The care proceedings pilot did succeed in reducing the duration of care cases during the pilot year. The median duration of care proceedings was 27 weeks (excluding cases that were dealt with in the Family Drug and Alcohol Court, FDAC). This is a commendable achievement, thanks to the concerted effort of all the agencies and professionals involved.

There are however two warning notes that have to be sounded, particularly for the wider roll out of the approach. First, there was the sense that the Tri-borough authorities are a special case, well-organised and relatively prosperous authorities, and that they benefitted from special treatment during the pilot year, which could not be sustained when the 26 week timescale is implemented nationally. Second, it was still only half the cases that ended within 26 weeks – a significant improvement, but a long way short of the requirement that all but ‘exceptional’ cases will complete within this timescale. Sir James Munby, President of the Family Division (the leading family judge in England and Wales), has spoken of 26 weeks as ‘a deadline, not a target’ and only a ‘comparatively small number of exceptional cases’ not meeting it (Munby, 2013: 4). The Tri-borough pilot gives important messages for the national implementation, that it will be very demanding on all agencies to meet this expectation, and also that it is important to retain some flexibility to take account of specific case circumstances.

Having said that, the positive conclusion of the evaluation is that duration can be reduced without compromising fairness or the quality of the decisions. All interviewees were conscious of tensions, but none thought that there had been any unfairness on cases in which they had been involved. All were mindful of the need to retain flexibility, because some cases might need longer (and cases involving siblings were most likely to go beyond the 26 week limit); but most interviewees (including children’s guardians and private practice solicitors) were clear that the majority of cases did not need to go beyond 26 weeks. Duration can be reduced without injustice by cutting out unnecessary delay. This was achieved in the pilot by having better prepared cases, quicker and more focused assessments within proceedings, timelier and proportionate working by children’s guardians, and stronger judicial case management (notably a more robust approach to ordering further assessments, ensuring that all parties comply with court directions, and more effective timetabling). These are important and achievable messages for the national implementation.

## Appendix 1

### Statistics on duration of care proceedings during 2011 and 2012 by court

When the individual courts are considered (but across all local authorities working with them) all courts have shown a noticeable reduction in the length of time that proceedings took. Between the first and fourth quarters of 2012, average case length (mean) fell from 66.6 weeks to 56.8 weeks (a decline of 9.8 weeks, 15%) at the Principal Registry, and from 55.2 weeks to 45.2 weeks (a decline of ten weeks, 18%) at the Inner London Family Proceedings Court.

Note that these are all cases which completed in the relevant quarter, while the Tri-Borough data in the body of the report refers to the dates at which cases commenced.

Dataset	Timeframe	All courts Average Duration Weeks (mean and median)	PRFD Average Duration Weeks (mean)	ILFPC Average Duration Weeks (mean)	Kingston Average Duration Weeks (mean)
MOJ data England and Wales	2011 Whole year	54.7 weeks n=17,308 Median 50			
	2012 Q1	54.3 weeks n=4992 Median 50	66.6 243 cases	55.2 126 cases	79.7 13 cases
	2012 Q2	51.6 weeks n=5288 Median 47	60.7 262 cases	50.0 156 cases	63.6 16 cases
	2012 Q3	47.5 weeks n=5964 Median 43	57.0 281 cases	42.6 170 cases	88.6 16 cases
	2012 Q4	45.1 weeks n=6187 Median 40	56.8 276 cases	45.2 182 cases	47.6 26 cases
	2012 Whole year	49.3 weeks n=22,431 Median 45	44.6 168 cases	40.0 151 cases	
	2013 Q1	42.3 weeks n=5270 Median 36	58.2 292 cases	44.6 168 cases	79.7 13 cases
	2013 Q2	40.9 n=6390 Median 35	51.5 292 cases	40.0 151 cases	

Source: MoJ (2013b) (2014a)

## Appendix 2

### Statistics on looked after children and care proceedings

	Hammersmith & Fulham	Kensington & Chelsea	Westminster	TOTAL
No. care proceedings started in year and rate per 10,000				
y.e. 31 March 2012	50 (15.7)	16 (6.4)	24 (7.2)	90
y.e. 31 March 2013	52 (14.1)	15 (6.2)	23 (6.1)	90
No. of children looked after, and rate per 10,000:				
31 March 2012	225 (69)	140 (52)	210 (58)	575
31 March 2013	236 (73)	98 (37)	188 (53)	522
Legal status of looked after children (%) as at:				
31 March 2012	ICOs	22%	9%	22%
	Care orders	41%	41%	51%
	Placement orders	8%	x	6%
	s.20	29%	45%	19%
31 March 2013	ICOs	14%	8%	13%
	Care orders	42%	45%	55%
	Placement orders	12%	2%	6%
	s.20	31%	44%	24%
No. of children starting to be looked after during the year				
y.e. 31 March 2012	85	70	100	255
y.e. 31 March 2013	105	68	114	287

Sources: DfE (2012), Cafcass (2013); 2013 figures supplied by the Tri-borough authorities.

## Bibliography

- Bar Council (2012) *Bar Council and FLBA Urge Care on Family Justice Reforms*, London: Bar Council. Online, available at: [www.barcouncil.org.uk/media-centre/news-and-press-releases/2012/february/bar-council-and-flba-urge-care-on-family-justice-reforms/](http://www.barcouncil.org.uk/media-centre/news-and-press-releases/2012/february/bar-council-and-flba-urge-care-on-family-justice-reforms/)
- Beckett, C. and McKeigue, M. (2003) 'Children in Limbo: case where care proceedings have taken two years or more,' *Adoption and Fostering*, 27(3): 31-40.
- Booth, M. (1996) *Avoiding Delay in Children Act Cases*, London: LCD.
- Brophy, J. (2006) *Research Review: Child Care Proceedings under the Children Act 1989*, DCA Research Series 5/06, London: MoJ. Online, available at: [http://webarchive.nationalarchives.gov.uk/20090117123427/http://www.dca.gov.uk/research/2006/05\\_2006.pdf](http://webarchive.nationalarchives.gov.uk/20090117123427/http://www.dca.gov.uk/research/2006/05_2006.pdf)
- Brown, R. and Ward, H. (2013) *Decision-Making Within a Child's Timeframe: An Overview of Current Research Evidence for Family Justice Professionals Concerning Child Development and the Impact of Maltreatment*, Working Paper 16, Loughborough: Childhood Wellbeing Research Centre. Online, available at [www.education.gov.uk/publications/eOrderingDownload/CWRC-00117-2012.pdf](http://www.education.gov.uk/publications/eOrderingDownload/CWRC-00117-2012.pdf)
- Cafcass (2013) *Care Applications per 10,000 Child Population*. Online, available at [www.Cafcass.gov.uk/media/147399/care\\_demand\\_per\\_child\\_population\\_by\\_la\\_under\\_embargo\\_until\\_9th\\_may\\_2013.pdf](http://www.Cafcass.gov.uk/media/147399/care_demand_per_child_population_by_la_under_embargo_until_9th_may_2013.pdf)
- Cassidy, D. and Davey, S. (2011) *Family Justice Children's Proceedings – Review of Public and Private Law Case Files in England and Wales*, Ministry of Justice Research Summary 5/11, London: MoJ. Online, available at: [www.gov.uk/government/publications/family-justice-children-s-proceedings-public-private-law-case-files](http://www.gov.uk/government/publications/family-justice-children-s-proceedings-public-private-law-case-files)
- Chamberlain, C. and Ward, D. (2013) *Looked After Children in London: An Analysis of Changes in the Numbers of Looked After Children in London*, London: London Councils. Online, available at [www.londoncouncils.gov.uk/policylobbying/children/publications/lacanalysis.htm](http://www.londoncouncils.gov.uk/policylobbying/children/publications/lacanalysis.htm)
- Darlington, Y., Healy, K. and Feeney, J. (2010) 'Approaches to assessment and intervention across four types of child and family welfare services', *Children and Youth Services Review*, 32: 356-64.
- Davies, C. and Ward, H. (2012) *Safeguarding Children Across Services: Messages from Research*, London: Jessica Kingsley Publishers. Online, available at: [www.education.gov.uk/publications/eOrderingDownload/DFE-RR164.pdf](http://www.education.gov.uk/publications/eOrderingDownload/DFE-RR164.pdf)
- DCLG (Department for Communities and Local Government) *English Indices of Deprivation 2010*, London: DCLG. Online, available at [www.gov.uk/government/publications/english-indices-of-deprivation-2010](http://www.gov.uk/government/publications/english-indices-of-deprivation-2010)
- DfE (2012) *Children Looked After by Local Authorities in England, Including Adoption, Local authority Tables*, London: DfE. Online, available at [www.gov.uk/government/publications/children-looked-after-by-local-authorities-in-england-including-adoption](http://www.gov.uk/government/publications/children-looked-after-by-local-authorities-in-england-including-adoption)

DfES (Department for Education and Skills), DCA and Welsh Assembly Government (2006) *Review of the Child Care Proceedings System in England and Wales*, London: DfES. Online, available at: [http://webarchive.nationalarchives.gov.uk/+http://www.dca.gov.uk/publications/reports\\_reviews/childcare\\_ps.pdf](http://webarchive.nationalarchives.gov.uk/+http://www.dca.gov.uk/publications/reports_reviews/childcare_ps.pdf)

Dickens, J. (2006) 'Care, control and change in child care proceedings: dilemmas for social workers, managers and lawyers', *Child and Family Social Work*, 11: 23-32.

Judiciary for England and Wales (2008) *Public Law Outline – Guide to Case Management for Public Law Proceedings*, London: MoJ. Online, available at: [www.justice.gov.uk/guidance/protecting-the-vulnerable/care-proceedings-reform.htm](http://www.justice.gov.uk/guidance/protecting-the-vulnerable/care-proceedings-reform.htm)

Justice Committee (House of Commons Justice Committee) (2012) *Pre-legislative Scrutiny of the Children and Families Bill, Fourth Report of Session 2012-13, Volume 1*, HC 739, London: TSO. Online, available at: [www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/publications/](http://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/publications/)

LCD (Lord Chancellor's Department) (2002) *Scoping Study on Delay in Children Act Cases*, London: LCD.

LCD (2003) *Protocol for Judicial Case Management in Public Law Children Act Cases*, London: LCD.

Maluccio, A., Ainsworth, F. and Thoburn, J (2000) *Child Welfare Outcome Research in the United States, United Kingdom, and Australia*, Washington DC: CWLA Press.

Masson, J. and Dickens, J. with Bader, K. and Young, J. (2013) *Partnership by Law? The Pre-Proceedings Process for Families on the Edge of Care Proceedings*. School of Law, University of Bristol and Centre for Research on Children and Families, University of East Anglia. Online, available at [www.uea.ac.uk/ssf/centre-research-child-family/research-fields/children-protection](http://www.uea.ac.uk/ssf/centre-research-child-family/research-fields/children-protection)

Masson, J., Pearce, J. and Bader, K., with Joyner, O., Marsden, J. and Westlake, D. (2008) *Care Profiling Study*. London: Ministry of Justice. Online, available at: [www.justice.gov.uk/publications/docs/care-profiling-study.pdf](http://www.justice.gov.uk/publications/docs/care-profiling-study.pdf)

MoJ (Ministry of Justice) (2013a) *Court Statistics (Quarterly) Oct-Dec 2012, October-December 2012*, London: MoJ. Online, available at [www.gov.uk/government/publications/court-statistics-quarterly--2](http://www.gov.uk/government/publications/court-statistics-quarterly--2)

MoJ (Ministry of Justice) (2013b) *Court Statistics (Quarterly) Oct-Dec 2012, Family Court Transparency*, London: MoJ. Online, available at [www.gov.uk/government/publications/court-statistics-quarterly--2](http://www.gov.uk/government/publications/court-statistics-quarterly--2)

MoJ (Ministry of Justice) (2014a) *Court Statistics (Quarterly) July - September*, Table 2.3 Summary statistics on the timeliness of care proceedings in Family Proceedings Courts, County Courts and the High Court in England and Wales. London: MoJ. Online, available at [www.gov.uk/government/publications/court-statistics-quarterly-july-to-september-2013](http://www.gov.uk/government/publications/court-statistics-quarterly-july-to-september-2013)

MoJ (Ministry of Justice) (2014b) *Court Statistics (Quarterly) October-December 2013, Ministry of Justice Statistics Bulletin*, London: MoJ. Online, available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297960/court-statistics-oct-dec-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297960/court-statistics-oct-dec-2013.pdf)

MoJ and DfE (Ministry of Justice and Department for Education) (2012) *The Government Response to the Family Justice Review: A System with Children and Families at its Heart*, Cm 8273, London: TSO. Online, available at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/177097/CM-8273.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/177097/CM-8273.pdf)

Munby, J. (2013) 'The process of reform', *View from the President's Chambers (1)*, London: Judiciary of England and Wales. Online, available at: [www.judiciary.gov.uk/publications-and-reports/reports/family/view-from-presidents-chambers](http://www.judiciary.gov.uk/publications-and-reports/reports/family/view-from-presidents-chambers)

Practice Direction 36C (2013) *Pilot Scheme: Care and Supervision Proceedings Under Part 4 of the Children Act 1989*, London: President of the Family Division. Online, available at:

<http://www.justice.gov.uk/downloads/protecting-the-vulnerable/care-proceeding-reform/practice-direction-36c.pdf>

TCSW and FRG (The College of Social Work and the Family Rights Group) (2013) *Children and Families Bill, Joint Briefing on Clauses 1 & 14 by the College of Social Work and Family Rights Group*, London: TCSW and FRG. Online, available at:

[www.tcsw.org.uk/uploadedFiles/TheCollege/CollegeLibrary/Policy/TCSWFRGJointStatement.pdf](http://www.tcsw.org.uk/uploadedFiles/TheCollege/CollegeLibrary/Policy/TCSWFRGJointStatement.pdf)

Thoburn, J. (2007) *Globalisation and Child Welfare: Some Lessons from a Cross-National Study of Children in Out-of-Home Care*, Norwich: School of Social Work and Psychosocial Sciences, University of East Anglia. Online, available at:

[http://www.uea.ac.uk/polopoly\\_fs/1.103398!globalisation%201108.pdf](http://www.uea.ac.uk/polopoly_fs/1.103398!globalisation%201108.pdf)

Tilbury, C. and Osmond, J. (2006) 'Permanency planning in foster care: a research review and guidelines for practitioners', *Australian Social Work* 59(3): 265-80.

Tri-borough Authorities (2012a) 'Written submission from the Tri-borough Care Proceedings Pilot to the Justice Committee', *Pre-legislative Scrutiny of the Children and Families Bill*, vol. II, CFB 13, London: TSO. Online, available at:

[www.publications.parliament.uk/pa/cm201213/cmselect/cmjust/writev/prelegcsf/prelegcsf.pdf](http://www.publications.parliament.uk/pa/cm201213/cmselect/cmjust/writev/prelegcsf/prelegcsf.pdf)

Tri-borough Authorities (2012b) *Good Decisions for Children in Court: the Care Proceedings Pilot. Capital Ambition Business Case for Funding Application*, London: Tri-borough Authorities. Online, available at:

[www.londoncouncils.gov.uk/London%20Councils/Item7TriboroughCareProceedingsPilot.doc](http://www.londoncouncils.gov.uk/London%20Councils/Item7TriboroughCareProceedingsPilot.doc)

Wattenberg, E., Troy, K. and Beuch, A. (2011) 'Protective supervision: an inquiry into the relationship between child welfare and the court system', *Children and Youth Services Review*, 33(2): 346-50.