

Coventry and Warwickshire Pre-Proceedings Pilot

Interim Research Report

(May 2011 - February 2012, Pre-Proceedings Report)

Project sponsored by Cafcass

***with* Warwickshire County Council and Coventry City Council**

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A note on terminology

In this report we use the term **Family Court Advisor** to refer to the involvement of the Children's Guardian in *pre-proceedings work*. We use the term **Children's Guardian** when we refer to standard practice according to s.41 of the Children Act 1989. However, professionals tended *not* to make this distinction in research interviews; hence we have stayed faithful to their terminology in our illustrative excerpts.

Five Family Court Advisors participated in this first pilot and are referred to as: **FCA A**, **FCA B**, **FCA C**, **FCA D** and **FCA E**.

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Contents

Executive Summary	1
1.0. Introduction.....	7
1.2. The Cafcass PLUS model	9
2.0. Methodology	11
2.1. Sampling	11
2.2. Data collection	12
2.3. Data analysis	12
2.4. Ethics.....	13
2.5. Support.....	13
3.0. The Cafcass PLUS model: implementation issues	14
3.1. Obtaining consent	14
3.2. Scope of the FCA's involvement.....	14
3.3. Emergency proceedings/downturn in family functioning.....	14
3.4. Implications of implementation issues.....	15
4.0. Key Findings at Interim Point	16
4.1. Diversion.....	17
4.1.1. Bolstering safe and realistic diversion plans	17
4.1.2. Facilitating the engagement of parents	19
4.1.3. The pre-proceedings meeting	23
4.1.4. Providing essential oversight regarding the child's best interests	28
4.2. Narrowing the issues to be brought before the court/delay.....	29
4.2.1. Identify necessary assessments at an early stage	29
4.2.2. Pre-birth assessment.....	31
4.2.3. Better working relationships between social workers and Guardians.....	33
4.2.4. Head start for the FCA	34
5.0. Comparator cases.....	37
6.0. Concluding Comments	40
Appendix A: Case Status and Impact	41
Appendix B: Cases profiles	46

Executive Summary

1. This report documents the interim findings from the evaluation of a pilot study currently underway in Coventry and Warwickshire local authority children's services and stimulated by Cafcass. The project commenced in January 2011 and will run to May 2013. The first part of the evaluation is now complete, based on evaluation work undertaken between May 2011 and February 2012. This first report documents findings from the analysis of **pre-proceedings social work in 27 Cafcass PLUS cases** and profiling of 30 comparator (standard) cases.
2. The Cafcass PLUS model denotes **early involvement of the Family Court Advisor (FCA) in pre-proceedings social work**. Specifically, in the sample of 27 Cafcass PLUS cases, the FCA aimed to review relevant reports, visit/observe parents and children, attend the formal pre-proceedings meeting (PPM) and engage in case discussion with both the social worker and family. During the 12 month period from January 2011 to December 2011, the pilot aimed to recruit 30 Cafcass PLUS cases to the pilot. A final sample of 27 cases was achieved, falling just short of this target.
3. The overarching objectives of the Cafcass PLUS model are three-fold:
 - A. to contribute positively to pre-proceedings social work in regard to the safe diversion of cases from care proceedings;
 - B. to contribute positively to pre-proceedings social work in regard to the quality of assessment where care proceedings are issued;
 - C. to provide an effective 'head start' for the FCA where cases progress to court, such that the FCA is able to deliver earlier and more robust analyses.
4. The Coventry Combined Court evidences issues of delay in the resolution of care proceedings. A key local study highlighted mixed compliance with the Public Law Outline (PLO) within Warwickshire and Coventry local authority children's services. **A particular concern documented in this local study was that a lack of front-loading of assessments may have resulted in limited evidence being provided at the point of issuing care proceedings and this led to delay in the court process.** In addition, a range of anecdotal concerns have been expressed that echo those highlighted in the Family Justice Review, such as concerns about the late delivery of expert reports and the commissioning of duplicate assessments.

5. The evaluation commenced at four months into the pilot study. A small number of Cafcass PLUS cases were already recruited to the pilot. The evaluation comprised mixed methods which included qualitative interviews and case file analysis. Case holding social workers, their managers, local authority senior managers, local authority solicitors and legal executives, parents' solicitors and legal executives, FCAs, as well as members of the judiciary, were all interviewed for the study. Interview work aimed to gain a range of professional perspectives on the Cafcass PLUS model. Case file analysis aimed to ensure the 'typicality' of the Cafcass PLUS cases through their comparison with the 30 standard cases (see Section 5.0, page 37).
6. This interim report documents the impact of the FCA on **pre-proceedings social work**, but **further evaluation work is on-going to ascertain the progress of the full 27 Cafcass PLUS sample**. At this point only seven out of 27 cases have progressed to court and only two out of 27 cases have been diverted (closed to the pre-proceedings process). In the remainder of cases, parenting assessment and other essential assessment work is on-going. Longer-term tracking of cases is needed to ascertain whether diversion plans are successful and whether positive impact during pre-proceedings, translates into shorter, more focused care proceedings.
7. The project faced some significant implementation issues which will need to be addressed, should there be any extension of the pilot. The most significant barrier resulted from practical obstacles to **gaining parental consent** for the involvement of the FCA in pre-proceedings. This was because there is no legislative mandate for such pre-proceedings activity. The often short window between the legal planning meeting (LPM) and the PPM left busy social workers with very limited time to obtain this consent. This then impacted on notification and the level of involvement of the FCA.
8. In this first phase of the evaluation (May 2011- Feb 2012), the project aimed to identify instances of pre-proceedings case impact, resulting from the FCA's early involvement. We have defined impact as reported positive change in: a) social work assessment and planning and/or, b) parental behaviour and/or, c) a 'head-start' for the FCA. We have differentiated between multiple stakeholder impact (strong positive) where a number of stakeholders agreed impact on particular cases and single stakeholder impact (positive impact) where the FCA reported a head-start only (in cases that have progressed to proceedings).

9. It was not possible to interview professionals in regard to the full sample of 27 cases within this first evaluation period, but in 20 out of 27 cases we were able to gain a range of detailed perspectives on each case. In 12 out of 20 cases that have been subject to focused review, positive impact was agreed by multiple stakeholders (**strong positive impact**). In a further three cases that have now progressed to care proceedings, single stakeholder impact was reported by the FCA only in the form of a 'head-start' (**positive impact** – all cases are in care proceedings). In four out of 20 cases impact was negligible and in one case the FCA's involvement was experienced negatively. From case file data we have been able to build profiles of the full 27 cases, which will enable further tracking/review of the cases in the second stage of the pilot. Broader professional perspectives were also gleaned in regard to general impressions of the project which are detailed in the body of this report.

10. From qualitative interviews and case files, it is very clear that **a higher level of FCA involvement is correlated with higher levels of positive impact, particularly where this involves visiting families/observing parent-child relationships and/or follow up case discussions**. Where the FCA was notified very late of the date of the PPM it was very difficult for the FCA to impact significantly on cases and these cases recorded negligible impact. From detailed review of the 20 cases it is clear that in a number of cases, comprehensive pre-proceedings work has narrowed the issues for the court to consider. **It will be critical to examine whether this impact, coupled with the head-start for the FCA, translates into more expedient care proceedings**.

11. The range of stakeholders defined a number of impacts relating to our categories (see point 8 above) and pertaining to both issues of **diversion and delay** that are central to the Family Justice Review (individual level case impact is described in Appendix A, p.41). From qualitative interviews in which we invited case discussion, but also broader professional perspectives, there was much support for the added value of the FCA in terms of promoting **the engagement of parents and the conduct of the PPM in that respect**. A sample of 12 parents' legal representatives were interviewed. Nine legal representatives strongly endorsed the Cafcass PLUS model, two stated that they had experienced so few cases that comment was premature and one stated that the model would do little to reduce delay. The nine legal representatives who endorsed the model were particularly positive about the potential contribution that the FCA could make to the PPM in regard to parents' engagement and the fact that the FCA could speak directly to the parents regarding concerns for their children.

12. From social workers' accounts of the potential contribution to assessment and planning, **the most consistent support across the two local authorities for the Cafcass PLUS model was**

in regard to pre-birth assessment. Particularly in the context of cases with a very poor prognosis in regard to diversion, it was felt that expedient care proceedings would be facilitated by the early involvement of the FCA.

13. 'Edge of care' cases present particular anxieties for professionals. In both local authorities, professionals welcomed the independent contribution of the FCA in regard to the assessment of risk. In particular, where FCAs were able to visit families and see children, this independent perspective on assessment was valued. However, there was some dissent amongst professionals as to whether this involvement was relevant *across all cases*, or of specific value in cases where there was less certainty about the level of risk. Professionals in both local authority sites raised **issues of duplication** - the role of the FCA could potentially over-lap/conflict with the social work manager and the Independent Reviewing Officer (IRO). Local authority practitioners strongly valued the contribution of the FCA where an experienced FCA visited families and observed children. **The FCA's independence was particularly valued, in contrast to the IRO, who was seen to be part of the local authority.**

14. Although there was some disagreement between the FCAs and the social workers regarding **the impact of the FCA upon diversion plans, the research team found clear evidence of the FCA modifying diversion plans in favour of a more realistic plan for parents, in a number, but not all cases.** At this interim stage, two cases that entered the pilot very early in 2011 and that reported strong positive impact of the FCA in diversion, are successfully **closed to pre-proceedings**. Further tracking of cases will determine how many other cases are successfully diverted.

15. **This study has highlighted very clear difficulties in ensuring essential assessment work is complete pre-proceedings. Both local authorities encountered difficulties in procuring appropriate assessments from both health and adult services due to eligibility criteria and budget constraints.** These constraints meant that advice given by the FCA at the PPM, which ought to have narrowed the issues should cases progress to court proceedings, was **not always followed**. This issue is of critical, national importance in regard to issues of delay in the family courts. Where multi-agency assessment is not procured at a timely point, this will lead to the court directing further sequential assessments once cases enter the court arena. **This omission will also give rise to questions about the quality of pre-proceedings social work** if support to parents does not appear appropriately informed by input from relevant partner agencies e.g. health.

16. Difficulties in making best use of the expertise of the FCA were also encountered where cases took an unexpected downturn in family functioning. **This observation underscores the importance of early, robust assessment work (i.e. during core assessment). Poor early case work has a 'knock on' effect. Early case work, is, however, often constrained by factors outlined in point 15 above.**
17. **The particular expertise of the small pool of five FCAs participating in this study was very much valued, particularly their knowledge of court processes.** However, professionals participating in the study raised questions about whether Cafcass could deliver a consistently high level of expertise given on-going high care demand, so that the Cafcass PLUS model could always add value.
18. **The possibility of the Cafcass PLUS model to provide a 'head start' for the FCA is a critical issue in this study and perhaps presents one of the most persuasive arguments for the model.** All five FCAs interviewed argued that a 'head start' would enable them to be much more decisive in court and facilitate more robust initial analyses. **From both observations and discussions with members of the judiciary, it is clear that the role of the FCA is fundamental to effective judicial decision-making. Directions given early in care proceedings impact fundamentally on the direction of cases and require a timely steer from the FCA. Given its importance, all cases that proceed to court will be tracked by the research team to examine this issue in more detail.**
19. There was clear consensus between local authority social workers and FCAs that the Cafcass PLUS model enabled earlier shared understandings of cases. While the FCA and the LA might not agree, participants stated that there was much benefit in having the opportunity to identify outstanding assessments and take action to narrow the issues brought before the court.
20. The research team have compared the trajectories of the Cafcass PLUS cases with the trajectories of standard (comparator) cases. In Coventry, five out of 15 standard cases to date progressed to care proceedings. This is a very similar number to the Cafcass PLUS sample (four out of 14 cases). **The Cafcass PLUS cases and standard cases are broadly concurrent. Comparison of these trajectories suggests that the Cafcass PLUS model has neither increased the number of cases diverted nor increased the number of cases progressing to court. However, such outcome measures do rather occlude the FCA's contribution to process which is described in detail in the body of this report.**

21. In Warwickshire, 10 out of 15 comparator cases have progressed to proceedings, whereas only three out of 13 Cafcass PLUS cases are in court. However, there is less concurrency between cases as a volume of Cafcass PLUS cases were recruited late to the pilot (between September and December 2011).
22. **The issue of the FCA's 'independence' has been probed. From court observations, it appears that challenges in this regard are likely to arise when the FCA has not sufficiently produced his/her own evidence and is overly reliant on local authority records. Thus, it is possible to suggest that the FCA's work during pre-proceedings does not necessarily compromise independence. This question will be held firmly in mind, should further cases progress to proceedings.**
23. Typically, the vast majority of cases in this study are 'neglect'. Both local authorities appeared to be drawing children and their families into pre-proceedings with a very similar pattern of risk factors. A higher number of the standard cases in Warwickshire have at this point progressed to proceedings than in Coventry, but no firm conclusions can be drawn at this point regarding thresholds as it is likely that more cases will progress to care proceedings during the evaluation period in both local authority areas.
24. Any consideration of an extension of the Cafcass PLUS model, despite its evident merits, needs to consider issues of workforce capacity within Cafcass. Given the continued high care demand nationally, a pervasive concern for all practitioners in the study was that Cafcass was already stretched within the West Midlands region and pre-proceedings involvement would further stretch the service.

1.0. Introduction

This report documents the **interim findings** from a pilot study that has examined the impact of the Family Court Advisor¹ (FCA) on pre-proceedings work. Section 41 of the Children Act 1989 provides for the routine appointment of a Children's Guardian in public law proceedings to provide an *independent* analysis of the best interests of the child. This study has explored whether there is merit in introducing the Children's Guardian, referred to throughout this report as the FCA, into pre-proceedings. Addressing concerns that are central to the Family Justice Review², the study has examined the impact of the Cafcass PLUS³ model on:

- the quality of social workers' pre-proceedings assessment and decision-making;
- the possibilities for safe and effective diversion⁴ of 'edge of care' cases;
- the progress of cases should care proceedings be issued;
- issues of inclusion and representation for children and their families;
- whether the Cafcass PLUS model delivers an effective 'head-start' for the FCA if cases progress to court.

At this interim point we report on detailed analysis of the implementation of the Cafcass PLUS model in 27 'edge of care' cases⁵. We present a more limited analysis of 30 comparator⁶ (standard) cases.

The pilot study was stimulated by Cafcass and supported by both Coventry and Warwickshire local authority children's services. A period of immersion within the Coventry County Court was facilitated by His Honour Judge Bellamy. The first evaluation period ran from May 2011 to February 2012 with a focus on *pre-proceedings*. Although an essentially small-scale pilot, the study is in the tradition of in-depth qualitative research where there is an inevitable sacrifice of breadth in pursuit of depth (c.f. Pearce, Masson and Bader, 2011⁷).

¹ The term Children's Guardian is replaced by Family Court Advisor where we refer to pre-proceedings.

² Family Justice Review: <http://www.justice.gov.uk/publications/policy/moj/family-justice-review-final.htm>

³ The 'Cafcass PLUS model refers' to the early appointment of the Family Court Advisor within the pre-proceedings process.

⁴ The Public Law Outline encourages practitioners to consider alternatives to care proceedings wherever safe and desirable. We use the expression 'diversion' in this context. Cases described as '**successfully diverted**' are those that are closed to pre-proceedings, either on account of substitute care being provided by kin or where there has been an improvement in family functioning, such that children are no longer 'on the edge of care'.

⁵ Consent was obtained in a further three cases but these have not been included as late notification/lack of available FCA meant that the FCA did not attend the relevant pre-proceedings meeting.

⁶ The original documentation describing the Coventry and Warwickshire Pre-proceedings Pilot referred to a control group. Given problems of case complexity that make the 'control' of variables highly problematic, we use the language of 'comparator' cases where cases followed standard practice.

⁷ c.f. Pearce, J. Masson, J and Bader, K, (2011) '*Just Following Instructions: the representation of parents in care proceedings*'. Bristol University. Study based on detailed tracking of 16 cases.

This report is provided at 10 months into a planned evaluation 24 months study following analysis of professionals' responses to the Cafcass PLUS model during pre-proceedings. In order to determine the full impact of the Cafcass PLUS model, it will be necessary to follow cases over a longer period to determine the direction they take (whether diversion or care proceedings). The research team will follow **all the Cafcass PLUS cases in the study that progress to care proceedings** in detail to ascertain the impact of the Cafcass model on subsequent care proceedings. Table 1 presents the current status of cases:

Table 1. Status of Cafcass PLUS and Comparator Cases (Feb 2012)

	Total Sample	Care proceedings issued	Care proceedings pending/likely	'In pre-proceedings assessment'	Closed to pre-proceedings (diverted)
Coventry Cafcass PLUS	14	4	3	5	2
Coventry Comparator Cases	15	5	Data unavailable at this point		

	Total Sample	Care proceedings issued	Care proceedings pending/likely	'In pre-proceedings assessment'	Closed to pre-proceedings (diverted)
Warwick Cafcass PLUS	13	3	1	9	0
Warwick Comparator Cases	15	10	Data unavailable at this point		

1.1. Local context and background

Professionals undertaking child protection work in the Coventry and Warwickshire local authority areas operate within a challenging context in which problems of continued high care demand coalesce with deep public sector cuts. The Coventry Combined Court evidences a continued high volume of care applications, compounded by problems of delay in the resolution of cases. Concerted efforts have

been made to examine factors contributing to such delays. A key performance analysis⁸ was undertaken during 2011. Comprising a retrospective examination of public care cases, this analysis explored cases appearing before the County Court, which, at February 2011, were of over 50 weeks duration. Of particular note is the finding that **in only two cases, had pre-proceedings processes been followed prior to the issue of care proceedings**. It was also reported that the lack of front-loading of assessments may have resulted in social workers providing limited at the application stage. Moreover, within the cases included in the sample the report noted very limited, if any, involvement pre-proceedings by parents' legal representatives. Incomplete assessments at the start of proceedings resulted in the instruction of an independent social work assessment. Weaknesses in social workers' pre-proceedings work appeared compounded by difficulties in allocating the Children's Guardian at first appointment and that Guardians were not consistently producing their Initial Analysis at an early point in proceedings. Input from the Children's Guardian was described by the judiciary as critical to the progression of cases. Problems that commence at a pre-proceedings point have a 'knock on' effect where cases progress to court, for example, in necessitating a higher number of directions hearings and increased input from independent experts. Anecdotal evidence has also raised questions about judicial case management – are duplicate assessments too readily commissioned, with experts failing to deliver reports on time?

During 2011 both local authorities have taken steps to bolster pre-proceedings social work. Initiatives have been driven by social workers and their managers working closely with their local authority legal colleagues and their multi-agency partners. Initiatives in Coventry include major investments in community-based parenting assessment services, specialist learning disability assessment and family support initiatives. These enable more children to remain with their parents or within their wider family network during the formal pre-proceedings process. Given these developments, Coventry have issued far fewer care proceedings during 2011 than in the previous year. Within both Warwickshire and Coventry children's services, closer legal oversight is reported as ensuring a higher level of pre-proceedings compliance on the part of social workers. Mechanisms have been put into place to review cases in pre-proceedings to avoid drift. Warwickshire has experienced an increase in the number of care proceedings issued in 2011, with a number of cases requiring emergency action. This has placed considerable demand on services and the factors contributing to this demand are not yet clear.

1.2. The Cafcass PLUS model

The Children's Guardian plays a critical role in public law proceedings, offering an important *independent* analysis to the courts. Working in tandem with the legal representative for the child, the

⁸ 'Coventry and Warwickshire Local Performance Improvement Group (CWILG): monitoring and evaluating root causes of delay in public law cases'. August, 2011. Report available from Julie Newman, Senior Solicitor, Coventry County Council.

Guardian ensures that the best interests of the child are a central focus of the court. From our court observations and interviews with the judiciary, early input from the Children's Guardian is critical to the expedient progress of care proceedings. The final report of the Family Justice Review has recommended that the 'in tandem' model continue. Despite the emphasis within the Public Law Outline (PLO) on pre-proceedings work as a precursor to effective diversion/court resolution of permanence solutions for children, prior to the present pilot, no consideration has been given to the potential role of the FCA in improving pre-proceedings work. The Cafcass PLUS model denotes early involvement of the FCA at a pre-proceedings point and affords a number of potentially positive actions. In regard to reducing the volume of cases coming before the courts, the Cafcass PLUS model may:

- bolster safe and realistic diversion plans;
- contribute to the potential of the pre-proceedings meeting as a site for effective alternative dispute resolution;
- facilitate the engagement of parents;
- provide independent oversight of the child's best interest.

In regard to cases progressing to care proceedings, the Cafcass PLUS model may:

- help identify necessary assessments at an early stage (narrow the issues brought before the court);
- contribute specialist practice knowledge regarding the courts and legal process;
- provide a 'head-start' for the Family Court Advisor (leading to more robust initial analyses);

These potentially positive actions must be weighed against:

- any compromise to the Family Court Advisor's independence;
- any duplication with regard to the role of the IRO or social work manager;
- the impact on Cafcass workforce capacity;
- the impact on the current 'in tandem' model.

In implementing the Cafcass PLUS model, the pilot introduced the FCA into a sample of 27⁹ cases (14 Coventry and 13 Warwickshire) in which parents/relevant carers had received a Letter before Proceedings (LBP) inviting them to attend a pre-proceedings meeting (PPM). The involvement of the

⁹ Consent was achieved in 30 cases but because of late notification or lack of availability of the FCA in three cases the FCA was not able to attend the PPM. Hence, 27 cases are included in this evaluation.

FCA would comprise attendance at the formal PPM and where appropriate: i) visits to parents and children prior to the PPM; ii) case discussion with the case-holding social worker; iii) informal discussion/follow-up immediately after the PPM with parents/social workers. It was not envisaged that the FCA would remain involved during any lengthy assessment/review process following the PPM that might, for example, span a number of months. However, a clear intention within the pilot, and in keeping with the theme of judicial continuity within the Family Justice Review, was an agreement that the same FCA would continue to represent the child should the case progress to care proceedings. In line with the practice guidance issued by the Ministry of Justice (2009)¹⁰, the pilot was founded on an understanding that in every case brought to the PPM, this a) triggers legal aid funding for parents and, hence, their formal representation and b) provides an opportunity for parents to *respond* to concerns and c) for all parties to draw up a plan to agree a way forward.

2.0. Methodology

This is a largely qualitative study based on interviews with a range of professionals (social workers, social work managers, local authority solicitors and legal executives, parents' solicitors and legal executives, Family Court Advisors) and file analysis (Cafcass files, pre-proceedings minutes, local authority core assessments and child protection conference minutes). Attempts have been made to interview parents, but this has proved difficult.

2.1. Sampling

Cases were recruited to the Cafcass PLUS sample on a voluntary basis. Where parents received a Letter Before Proceedings (LBP) and were willing to participate, cases were included in the sample. In order that cases were included in the sample, parents needed to provide written consent for the early involvement of the FCA and for the sharing of personal information with the research team. A final sample of 27 cases was achieved. A sample of 30 comparator cases¹¹ were included in the study. These would serve to provide important contextual detail about the progress of cases that did not involve the FCA in pre-proceedings social work. This comparator data would also enable conclusions to be drawn as to the typicality of the Cafcass PLUS sample (see section 5.0, p.37). Local Authority legal representatives were initially asked to undertake the profiling of this sample of 30 comparator cases using a standardised data capture sheet and to provide the research team with this data in fully anonymised format. Subsequent approval from HMCTS enabled the research team to access the court

¹⁰ DCSF (2009) *Preparing for Care and Supervision Proceedings*, <http://www.justice.gov.uk/downloads/guidance/protecting-the-vulnerable/care-proceeding-reform/preparing-care-supervision-proceedings.pdf>.

bundles in regard to both the comparator cases and the Cafcass PLUS court files, where cases progressed to care proceedings.

2.2. Data collection

Qualitative interview work aimed to elicit perspectives of professionals in 20 of the 27 Cafcass PLUS cases in this first phase of the research. Wherever possible face-to-face interviews were conducted and the research team aimed to gain the perspective of the FCA *and* the local authority in the 20 cases. The research team initially selected the case holding social worker for interview, but where this proved difficult due to diary clashes and so forth, the research team selected either the social work manager or the allocated local authority representative attending the PPM. To date, 14 interviews have been undertaken with social workers, four with social work managers and six with local authority legal representatives and executives. Follow up interviews have been conducted with four social workers. Five out of six FCAs have been interviewed, with detailed follow up work undertaken with the FCAs involved at the outset of the project who have participated in a high number of cases (12 interviews, both face-to-face and via the telephone). One FCA left Cafcass early in the project, so follow up was not appropriate in this one case. In addition, the research team interviewed a broader sample of senior social work operational managers (2), parents' legal representatives and legal executives¹² (12) and members of the judiciary (1) to elicit generic responses to the Cafcass PLUS model. A total of 55 interviews have been conducted.

Cafcass case files have been scrutinised for all 27 Cafcass PLUS cases. This has enabled the research team to profile *all* the Cafcass PLUS cases and to examine local authority core assessments and minutes of child protection meetings where they were available¹³. The local authorities supplied the research team with PPM minutes for the 27 cases. A profile of 30 comparator cases has been constructed.

Attempts to interview parents have proved problematic. To date, only three parents have attended interview. Due to the small number it would be inappropriate to include parents' perspectives in this report.

2.3. Data analysis

Profiling data for each case (27 Cafcass PLUS and 30 comparator cases) was uploaded to a SPSS database for storage purposes and to enable the production of descriptive statistics. Profiles are presented in Appendix B (p.46), with a summary in Section 5.0 (p.37).

¹² A number of legal representatives interviewed had participated in PPMs where the FCA was present.

¹³ Access to court files will provide further detail of local authority assessment and this will be provided in a later report which documents the progress of the Cafcass PLUS cases where care proceedings are issued.

Analysis of the qualitative data sought to ascertain impact in regard to the 20 Cafcass PLUS cases that were subject to detailed review. We have defined impact as reported positive change in: a) social work assessment and planning and/or, b) parental behaviour and/or, c) a 'head-start' for the FCA. We have differentiated between multiple stakeholder impact (strong positive) where a number of stakeholders agreed impact on particular cases and single stakeholder impact (positive impact) where the FCA reported a head-start only (in cases that have progressed to proceedings). We also noted cases where impact appeared negative or negligible. In probing specific case impact, the research team aggregated data across the interview transcripts and from case files to build a picture of the 20 cases. Data analysis also noted professionals' broader responses to the Cafcass PLUS model where they were unable to articulate particular case examples, but offered a more generalised opinion. Categories and final impact ratings were agreed by team members through a process of cross-checking observations in research team meetings.

2.4. Ethics

The project has been managed at Lancaster University and has been subject to full ethical clearance by Lancaster University Central Ethics Committee (UREC). The project has also been subject to approval by agency research governance processes (Cafcass, Coventry City Council and Warwickshire County Council). Following identification of individual cases informed consent was sought from parents in regard to the involvement of the FCA and the sharing of personal information with the research team. Consent was sought for every interview with professionals. All data has been securely, electronically stored (encrypted and accessible only via password to the research team). Local authority/Cafcass paper files have been kept in a locked cabinet and will be destroyed upon completion of the project.

2.5. Support

The local Designated Family Judge and the President of the Family Division were consulted at an early point during the planning of the pilot project and have supported the project. The project has been kept under review by a reference group of senior managers and the judiciary, and by the Cafcass Board Practice Committee. Regular meetings have taken place between the reference group and the research team on a bi-monthly basis. In order to engage fully with the particular ramification of issues within this court area, the Principal Investigator spent a period of four days observing cases in the Coventry County Court.

3.0. The Cafcass PLUS model: implementation issues

There were particular problems¹⁴ in implementing the Cafcass PLUS model that must be taken into account when assessing impact. **There were particular difficulties in obtaining consent**, some lack of clarity as to the scope of the involvement of the FCA, as well as time constraints for both FCAs and social workers.

3.1. Obtaining consent

First, because there is no legal mandate in the Children Act 1989 for the involvement of a FCA at a pre-proceedings stage, in each *potential* Cafcass PLUS case informed consent needed to be obtained from parents. This consent could only be obtained in the short 'window' between the LPM and the PPM. In a number of cases consent was received so close to the scheduling of the PPM that it left little time for the FCA to visit families or to engage with the case holding social worker. This limitation was evidenced in some of the early Warwickshire cases. If involvement of the FCA was placed on a statutory footing, this practical obstacle would not arise. However, this obstacle does need careful consideration in regard to any extension of the pilot. Analysis of case files found that the number of weeks between the LPM and the PPM was between two and six weeks.

3.2. Scope of FCA involvement

There was some lack of clarity about the scope of the FCA's involvement in pre-proceedings. There were marked differences across cases in terms of the amount of involvement of the FCA. In the early Coventry cases, notification of the PPM appeared very timely ensuring a higher level of FCA involvement. There appeared to be some confusion in regard to which documents containing personal information could be shared between the FCA and social worker.

3.3. Emergency proceedings/downturn in family functioning

While the PPM appeared to offer much opportunity for productive case discussion between family members, the FCA and the local authority in a number of cases, an unexpected escalation of risks subsequent to the PPM meant that advice provided by the FCA could always be acted on. A sudden downturn in family functioning or adverse event which resulted in care proceedings being issued, meant that in a number of cases in the pilot, there was simply no time for the local authority to respond to the FCA's advice in regard to assessment and support to families. Clearly in any case of

¹⁴ As the evaluation progresses we will also consider how the length of time between the PPM and an application for an order, impacts on continuity of the FCA.

planned assessment under the PLO best laid plans may be undermined by a sudden downturn in family functioning.

3.4. Implications of implementation issues

The *level* of involvement of the FCA was found to be a key issue in regard to the first phase of the evaluation. This must be carefully considered in regard to subsequent analysis of cases that progress to care proceedings. In some cases, the involvement of the FCA comprised attendance at the PPM only. Hence, we have given extended consideration to the FCA's attendance at the PPM **as a discrete** issue (see section, 4.1.3, p.23). Any subsequent pilot should seek to ensure a sufficient level of involvement of the FCA to ensure added value can be more robustly assessed.

4.0. Key Findings at Interim Point

We have defined actual impact as a contribution from the FCA that was described in interview or presented in case files as comprising combinations of:

- a) **improving social work assessment;**
- b) **changing parental behaviour in regard to positive engagement;**
- c) **providing a head start for the FCA where pilot cases progressed to proceedings.**

Positive impact is described by multiple stakeholders in regard to 12 of the 20¹⁵ cases subject to detailed review. In three of the 20 cases, impact is reported by a single stakeholder, specifically a 'head-start' is reported by the FCA. Table 2 demonstrates the impacts that the pilot was judged to have had by stakeholders:

Table 2 : Impact Type/Level Evidenced

Impact Type/Level	Number of Cases in which Impact was Evidenced
Positive impact cited by multiple stakeholders	12
Positive impact cited by a single stakeholder	3
Negative impact	1
Negligible impact	4

In conversation with professionals we have been able to discern their **professional opinion**, not only on the actual impact of the pilot, but also its **potential impact** should implementation barriers be reduced. Hence, our detailed analysis over the course of the following sections of this report, combines excerpts from professional opinion as well as instances of actual case impact. Examples of actual case impact are signalled through the stating of the case number (e.g. case 1).

¹⁵ At this interim point, we have been able to review 20 of the 27 cases in detail. In the second half of the evaluation and drawing on profiles constructed on all 27 cases, we will review the full cohort.

4.1. Diversion

4.1.1. Bolstering safe and realistic diversion plans

In keeping with the spirit of the PLO, an impetus to divert families from care proceedings, wherever safe and desirable, was evident in both local authorities. That said, cases 'on the edge of care' clearly presented considerable anxieties for professionals as they teetered on the threshold for compulsory removal. In this context, social workers, managers and local authority legal representatives, demonstrated much interest in the potentially positive value of the early involvement of the FCA.

When asked for an opinion on the Cafcass PLUS model, social workers and their managers thought that the FCA could suggest alternatives that would prevent the need to bring care proceedings, modify existing plans and provide independent reassurance where assessment and planning was robust. The potential contribution of the FCA to social work assessment in the context of diversion was more pronounced among professionals from Coventry:

I think that because many of them [FCAs] are locally based they are able to use their expertise to maybe suggest other ways of working with families or actually to reinforce that what we are doing is actually correct and that we are doing a good job and, you know, they are pleased with what we are doing.
(Social Worker, Interview 4, Coventry)

Clearly there would be much value in being able to discuss cases with someone independent of the local authority during pre-proceedings, that would be invaluable, an expert Guardian in my experience is really helpful to legal...
(Interview, LA Legal Representative, Coventry)

I think it is great. I think it is good to have those discussions with Cafcass at an earlier point because perhaps you are preventing it actually going to court aren't you? That would be the best outcome for the family. As to not go through that, so I think if we were able to [have the Guardian early] yes, that's good.
(Social Worker, Interview 3, Coventry)

Warwickshire social workers, social work managers and legal representatives were more ambivalent about the potential of the Cafcass PLUS model to improving local authority assessment and planning in regard to diversion. It was felt that the FCA might make a significant contribution in some cases, but not in others, particularly where the necessary trajectory for a case was more certain:

I can certainly see a role for the Guardian in pre-proceedings, but not in every case - not in cases that are clear. But where you are not sure, or in pre-birth assessments¹⁶ - that would definitely be helpful

¹⁶ The issue of pre-birth assessment is discussed in section 4.2.2: p.31.

(Legal Representative, Warwickshire)

It is always helpful to have an independent opinion, but we would need to think about duplication with the IRO. I can see that in some cases it would be very beneficial, but not in every case.

(Social Worker, Interview 11, Warwickshire)

In the following excerpts, a social worker from Coventry and a local authority legal advisor from Warwickshire provide two examples of actual case impact:

Case 9 (Coventry)

...with her [FCA] extensive experience on assessments, we were able to come up with an alternative psychologist...she had experience of someone that specialised with the particular needs that Client D had... that parent will have the opportunity to at least make an attempt to do that work...that might be a very different outcome for my baby than if we were in court because he [client D] would not have had long enough [within the court process]

(Social Worker, Interview 5, Coventry)

Case 15 (Warwickshire)

In this case the Guardian suggested holding a Family Group Conference to draw in family support. This solution worked very well with the family and added to our plans to attempt to divert this case from proceedings. The family are doing very well.

(Legal Representative, Interview, Warwickshire)

One of the key themes that emerged across the interviews was that well intentioned plans on the part of local authorities to divert cases from proceedings, could sometimes overload parents. We found a number of examples whereby the FCA asked the LA to *prioritise* what the parent needed to do, to demonstrate positive change. Here the social worker and FCA provide a consistent account of the FCA's involvement in case 8:

Case 8 (Coventry)

...she did highlight areas which was helpful for me, i.e. she noted that at that time, mum was involved in quite a lot of services i.e. for drinking and CDT and community drugs so we didn't want really to assess her and to fail. Guardian X highlighted that which we absolutely took on board as well.

(Social Worker, Interview 6, Coventry)

I did quite a bit of work on that one and what transpired really was I was able to talk to the local authority about how much work this young woman had to do and about how they might think about prioritising and unpicking that really because I think there is a tendency, with the best will in the world, local authorities want to help people but throw lots of different professionals at a young mum with not that many resources and expect her to manage lots of appointments in the context of an already chaotic lifestyle. I think that

professionals weren't working very joined up from different voluntary agencies in that one.

(FCA A)

Understandably, 'edge of care' cases provoke debate within the local authority and opinions can be split in regard to whether care proceedings should be issued. Social workers discussed the risks of both over optimistic, but also risk averse, decision-making. The case example below, drawn from Coventry, illustrates this kind of scenario in which there is added value of an *independent* opinion. Again, we see resonance between the account of the social worker and that of FCA B:

Case 6 (Coventry)

Sometimes I feel with local authorities we are rushing towards proceedings and that is all we are focused on. We are focused on getting that order, removing those children, which in many cases we have to do pre-proceedings, but with a view that they are not going to return home and it is good for a Guardian to say, "that is not going to be particularly beneficial to the children if you do that"...with the exception of two of my cases, the case arrives [from the initial assessment team] with instructions to go to proceedings. I wouldn't be the only person to say that Reviewing Officers are sometimes keen to go to proceedings
(Social Worker, Interview 1, Coventry)

...there were different assessments of her [mum], different views of her from different perspectives, that was the problem. The social worker for the younger children, who actually got in the house most of the time, had a very good view of the mother, but there was disagreement...

(FCA B, Interview, Coventry)

The issue of duplication was probed in interviews in regard to the quality of social work assessment. To what extent would the FCA duplicate services offered by the LA social work manager or the IRO? This concern was particularly pronounced among Warwickshire social workers where team managers described very close oversight of cases. Social workers and legal representatives reflected on whether a more flexible, rather than a blanket approach might be taken to the early involvement of the FCA in regard to advice giving. Could the FCA be called on to provide an independent opinion in 'stuck' or particularly tricky cases?

4.1.2. Facilitating the engagement of parents

Social workers, managers, local authority legal representatives and parents' legal representatives commented very favourably on the potential and actual impact of the FCA on parents. We found broad consensus across all the interviews in this regard. This related to both stimulating engagement from parents, but also explaining processes and alleviating distress.

Case 6 (Coventry)

I think in the case of case X, I think mum, I think to mum it emphasised the seriousness of the situation by suddenly there was an advisor to the court in the meeting...we are not just bluffing. I mean some parents say "yes fine" you know, they have heard it all before, you know, and you are not going to do anything.

(Social Worker, Interview 1, Coventry)

This social worker providing the interview account of case 6 above had two cases in the pilot at the time of the interview. In respect of one case (case 10¹⁷), he reported that the FCA's input was very limited and had no effect because the case went swiftly into proceedings. However, in the second case (Case 6) which was more clearly a 'borderline' case, the FCA's input was very significant. The FCA had visited the mother and seen all the children and the social worker cited that involvement with the FCA marked a turning point for the mother who since then *'has worked extremely hard with Social Care to turn matters around.'*

In the following case the FCA is reported by the social worker as having been out 'at least twice' to the family home in advance of the PPM, and also that the FCA had held informal discussions with the social worker. Her input was described as having a very positive impact upon the mother in both our first interview with the social worker and the follow-up interview:

Case 8 (Coventry)

Yes it was the pre-proceedings meeting [FCA present]. Yes to discuss the issues that needed to be addressed and really, it was kind of like a ratifying kind of exercise, really. As I said before, mum was always aware of the issues but didn't have the motivation to address them and I think to have Guardian X on board; someone who was independent.

(Social Worker, Interview 1, Coventry)

Yes, I certainly feel that the positive impact of the Guardian stimulated change and so far, that change is being sustained, albeit with us keeping a close watch on the situation.

(Social Worker, Interview 16 (follow up), Coventry)

In the following example, a young female social worker articulates her dilemma with an equally young lone mother:

I go round to her house and I say this is very serious and you know, she invites me in for a cup of tea and treats me like her best friend... so I need to take it to

¹⁷ In this case FCA B reported a 'head-start' for herself as she had visited the mother and analysed paper work. Case 10 exemplifies issues around 'measuring' impact, given that impact will be subject to a range of differing perspectives.

another level to get her to take me seriously... a social worker coming from the court... that would make a difference

(Social Worker, Interview 9, Coventry)

Here, the FCA's independence was seen as particularly critical. As table 3 shows in section 5.0 p.37, in all the cases that came before a PPM in this pilot, either limited or very poor engagement of parents was a key factor. In this context, the role of the FCA in promoting engagement was considered highly advantageous:

It [Cafcass PLUS model] is a positive model yes. Because I think that sometimes the parents will not talk to you, but they will talk to the advocate you see? And you know, on a better level

(Social Worker, Interview 11, Warwickshire)

I think the process gives parents the understanding that the situation is very serious and if changes don't happen the outcomes could be quite serious for them in the long term and I think they get independent advice and support much earlier [through the Cafcass PLUS model]. So they are able to get, I suppose, someone else saying to them actually this is what you need to be doing (a) and this will be the outcome for (b) and this is how it is going to benefit your parenting and your child.

(Social Worker, Interview 4, Coventry)

In the following excerpt a Warwickshire social worker sees a role for the FCA to underscore the seriousness of the local authority's concerns. The social worker stated that if parents 'wake up' during *proceedings* that can be very costly for everyone, it is far better if they recognise concerns before the local authority takes compulsory action:

If you have got someone who is trying to listen to concerns and there is an independent person there to say look "you need to listen to this". Then I think the Guardian may be helpful ... a parent would see Guardians in a very different light from how they would see us or the IRO ...if they ignore the child protection plan, then the chances are they are going to ignore the IRO. Whereas if you have a Guardian there, you know, to emphasise that that this is serious now - you are within the court process... if we had the PPM meeting with the Guardian in the court room that would be great ...

(Social Worker, Interview 11, Warwickshire)

I can certainly see a role with parents - that I can see that, on account of the Guardian's independence.

(Social Work Manager, Interview 14, Warwickshire)

Professionals also considered that in very many cases of diversion plans there is still the chance that the case will go to court. Thus, early involvement from the FCA would provide both early advice for parents and continuity:

I think its about making that early relationship with the parents really. There is an awful lot of information to take in and the sooner the Guardian gets involved the better...

(Interview 7, Social Work Manager, Coventry)

There's certainly real benefit for the parents if they get to know the FCA early and – I imagine that it will make the process easier in the sad event that cases go to court ...

(Local Authority legal rep, 6)

In regard to the Cafcass PLUS model and *parents*, duplication was not seen to be an issue. It was felt that the IRO would be seen by parents as part of the local authority and, hence, where parents were resistant to the local authority, that would extend to the IRO:

the IRO is independent and our IROs; we have lots of debates with our IROs when they come up with very different plans that aren't really manageable in the team. But they are independent and they do that checks and balances thing that they are supposed to do. But I guess a parent doesn't always see them that way but hopefully a parent would see, well I know a parent would see Guardians in a very different light from how they would view ourselves or the IROs'

(Social Worker, Interview 11, Warwickshire)

In the following case (case 26), the FCA was able to make good use of her independent position to aid parents who were coming to terms with a decision that a grandparent was better placed to care for their child than themselves. The local authority were supporting the grandparents in an application for a Special Guardianship Order (SGO).

'it's not an easy thing is it to accept that your own recovery isn't going to be quick enough to meet the needs of your baby. These parents were working really, really well with us, but as you might expect there were lapses with drugs and alcohol. The FCA was able to speak to mother and dad and to get them to think about the needs of the baby. It was very helpful and now grandparents are going ahead with an application for an SGO. They will manage contact very well – and parents are becoming much more realistic about their own lifestyles and so forth'

(telephone interview, follow up interview 19, Coventry)

Social workers also felt that neither the IRO, nor the parents' legal representatives¹⁸ would visit the family home or observe parent-child interaction, both of which were seen as critical to engaging and assessing parents. However, social workers were also acutely aware of the current

¹⁸ Further limitations in the parents' legal representatives role are discussed in section 4.1.3, p23.

care demand and questioned whether the potential of the Cafcass PLUS model would be undermined by workforce issues.

4.1.3. The pre-proceedings meeting

In considering the role of the FCA and diversion, the actual input of the FCA at the pre-proceedings meeting (PPM) requires careful analysis. In all 27 cases included in the Cafcass PLUS sample, the FCA has attended the PPM.

It was widely reported across interviews that the PPM could promote positive change in families and provide a forum for Alternative Dispute Resolution, in a high number of cases. Drawing on minutes from the PPMs that have been made available to us¹⁹ and Cafcass files, our data²⁰ finds that parents (particularly mothers) are now more frequently represented than was found by the performance review undertaken by CWLIG²¹. We also noted in a number of the Cafcass PLUS cases, that the FCA was pro-active in seeking legal representation for parents and suggesting adjournment of the PPM where parents did not attend with their legal representatives. In case 3, for example, that concerned a pre-birth assessment (mother is 17 years of age), the FCA offers the following comment:

...this case concerned very young parents. It was clear that they did not understand the legal process and turned up at the pre-proceedings meeting without any legal representation. I strongly advised that no decisions should be made without legal representation and I then got them that representation. This did change the course of the case, because there had been some discussion of placing the baby in foster care under s.20 [voluntary accommodation] at birth – but I didn't feel that was in this young mother's best interest. In the end that case was heard in court and the mother was able to access a residential assessment facility as a day user, with 8 hours contact with her new baby daily...

(FCA B, case 3)

Comments in case 3 are supported by the local authority legal representative:

it was absolutely critical in case X [case 3] that the FCA was present, because these parents had absolutely no understanding of what we were asking. It's hard to describe but they couldn't pick up a telephone and request a solicitor. They just didn't understand. While we could provide them with a list of solicitors, it's tricky for us to be more direct. We can't be seen to be influencing their choice -if you understand. But the FCA intervened and she actually selected a solicitor for them who she knew would be really good for these very vulnerable young parents and she was able to dial the number and ask for the solicitor. So her involvement was critical and certainly I think pre-empted the kinds of challenges that we might

¹⁹ The research team are pursuing a full cohort of minutes from the local authorities.

²⁰ See Appendix B, page 46

²¹ See reference at footnote 8

otherwise have encountered in court. There's a real human rights issue here and this is a case where we really felt for these young parents.

(Local Authority Solicitor, case 3).

Clearly where parents are appropriately represented at the PPM this enables them to make informed decisions and, equally, ensures that should care proceedings be issued, the court can be satisfied that parents' human rights in regard to article 6 are not breached. We did, however, note that representation by a qualified solicitor was not always evident, with some legal firms sending a paralegal or a trainee²². We also noticed that representation for mothers was more consistent than representation for fathers²³. Scrutiny of pre-proceedings minutes indicated that for both Coventry and Warwickshire, the meeting was used to clarify in detail expectations of parents with agreed lists of actions provided. The minutes suggested much constructive dialogue between local authority representatives and parents and a constructive contribution from the FCA. Far less contribution from parents' legal representatives was evident. Here the perspective of legal representatives that routinely attend PPMs is noteworthy.

To date, we have interviewed 12 solicitors/legal executives representing parents, as well as four members of local authority legal services²⁴. Of the parents' solicitors, nine of the 12 were emphatic about the positive value of early involvement of the FCA at the PPM:

I have done quite a few PPMs with the Children's Guardian present and found it very helpful. The Guardian is in a position to put the perspective of the child from an *independent* perspective...in one particular case, Guardian X was very helpful in explaining to mum why sexually explicit material was harmful to children in a way that the mother could understand.. the mother *listened* to the Guardian.

(Legal Rep 1)

the Guardian adds that extra dimension at the PPM. The parents will listen to them. They don't want to listen to the LA - it's daggers drawn - but they will accept the Guardian as someone neutral.

(Parents' Legal Rep 4)

The FCA's involvement gives the parents a message that this is serious – often they will ignore their solicitor, but they listen to the FCA.

(Parents' Legal Rep 7)

²² According to Section (22) of the PLO: "legal representative" means a barrister or solicitor, solicitor's employee or other authorised litigator (as defined in the Courts and Legal Services Act 1990) who has been instructed to act for a party in relation to the proceedings.

²³ See Appendix B, p. 46.

²⁴ Interview work is on-going. A larger sample is needed to substantiate claims.

Of the 12 interviews held, 7 legal representatives described their own position as problematic in terms of articulating the best interests of the child. They argued that they could not be seen to '*side with the local authority*'. If parents' legal representatives were seen as too closely aligned to the local authority, they could risk losing parents' trust. Parents' legal representatives saw the PPM as '*last chance saloon*'. Conceptualising the PPM as a site for Alternative Dispute Resolution, the independent voice of the FCA was seen as critical in ensuring the best interests of the child remained central to the meeting. The FCA was able to represent those interests in a way that the parents would accept because they were independent²⁵.

...the Guardian can put it in lay man's terms - make it easier to understand - the parent will listen and open the parents' eyes. At this point the parents are very vulnerable, but if the Guardian can advocate for the child and get the parent to listen ... that's good .. the Guardian can be the voice of calm when the parents are very upset with the local authority.

(Parents' Legal Rep 1)

It can be very helpful to have the FCA there I think, because it helps to smooth things over, and keeps the meeting focused on the concerns for the children. I thought the FCA who attended the meeting made a very positive contribution in terms of explaining things to parents...because she was independent of the local authority.

(Parent's Legal Rep 10)

Parents' legal representatives described that the FCA did not always agree with the local authority and raised questions that were seen to make plans for families more realistic. In contrast, legal representatives were often unsure about the extent to which they could participate in the PPM, given their role in respect to parents. Scrutiny of PPM minutes indicated rather limited challenge from the parents' legal representatives in regard to plans being agreed by parties at the meetings. Moreover, given cuts to legal aid, parents' legal advocates suggested that there was now limited time available for consultation with parents prior to the PPM. In addition, particular knowledge of welfare issues might not necessarily be held by parents' legal advocates. In contrast, the FCA was able to bring specialist knowledge to the PPM and broker a more realistic plan for parents:

Case 6 (Coventry)

Mother agreed to self-refer for this [domestic violence work] within the next 10 days. The Family Court Adviser explained to Mother that this work was

²⁵ c.f. Broadhurst, K., Holt, K.E. and Doherty, P. (2011), Accomplishing parental engagement in child protection practice? A qualitative analysis of parent-professional interaction in pre-proceedings work under the Public Law Outline, *Qualitative Social Work*, published online June 30th doi: 10.1177/1473325011401471

specific to women and did not work with perpetrators but focused on support and counselling if needed. The Family Court Adviser also asked about childcare for child A and child B whilst Mother attends these sessions. The Local Authority agreed that they could assist with childcare and transport and Mother should ask if this was required.

(Excerpt from pre-proceedings minutes)

...she [mother] said "yes" to everything and there was a great long list of things that she had to which I thought was too much and needed to be broken down into what is essential and what's not... she was probably just saying yes to everything because she was not feeling well and terrified that they were going to remove her kids. People don't recognise how difficult it is for parents to get to appointments...she has got nobody to do the childcare... I was quite clear in my report about needing to define the priority and how they were going to support mum to do that... I thought I had a huge impact on that case. The area manager said that they had acted on my feedback...

(FCA A from interview)

From the perspective of other professionals commenting on the PPM, social workers felt that it was particularly useful to have someone there to speak to parents, who parents would listen to and who could explain the process:

I'll tell you what she did do in the meeting which was really good, because I think that Letter Before Proceedings is quite misleading because it says to parents, and this is what parents take on board, "If you do this you won't be going to court". Now we know in a lot of cases actually you will do this and you will go to court. So Guardian C said, "Actually [social worker X], can you explain to mother that just because your letter says "If you do these things, we won't go to court - actually you may still go to court" ...

(Social Worker, Warwickshire, Interview 11)

I think also for parents to hear that the Guardian is in agreement with what we are doing - that can have a very strong behaviour change for parents, they realise that things can't drag out forever and a day because ... all those people in here [the PPM] are going to be on my case....

(Social Worker, Interview 1, Coventry)

The opinion of social workers interviewed as part of the study were highly influenced by the level of involvement of the FCA. Where there had been effective communication between the FCA and the social worker, and, in particular, where the FCA had visited children and parents prior to the PPM, the contribution of the FCA was particularly valued. In common with parents' legal representatives it was felt that the independence that the FCA brought to the PPM could facilitate the engagement of parents where this was lacking. Given their independence, in what is an often difficult and upsetting context, the FCA could reason and talk with parents after the PPM. The

FCA was seen as being able to reinforce to parents that the local authority was trying to work constructively to prevent the reception of children into care.

A number of legal representatives expressed some concern regarding the length of time that children can now be subject to interim s.20 placements while local authorities front-load pre-proceedings assessments. They claimed that the FCA would bring a level of independent scrutiny to these placements for the child which is currently unavailable. Some legal advisors pressed a stronger position:

I am concerned about the position of children in pre-proceedings particularly those that might drift in s.20 placements – that have no independent oversight. I'm not convinced that the role of the IRO is effective here. I'm not convinced, however, that the introduction of the FCA alone is sufficient. What leverage does the FCA have – and should we not have the full 'in tandem' model operating in pre-proceedings?

(Legal rep 12).

In a single case, the involvement of the FCA was seen as contributing negatively. In this case, parental consent was obtained very late and there had been little opportunity for communication between the social worker and the FCA prior to the PPM and no opportunity for the FCA to visit parents. It was felt the inclusion of the FCA was largely unhelpful, with the meeting in part being used to brief the FCA:

Case 12 (Warwickshire)

The FCA turned up late and this was stressful for the parent. Because of the lack of communication between myself and the FCA we had to spend the first part of the meeting catching up - briefing the FCA. That wasn't good for the parent. The FCA hadn't been briefed that the child was in care under s.20, so that was all very difficult.

(Interview with Social Worker, Warwickshire, Interview 13)

The local authority legal representatives presented a varied picture of the added value of the FCA at the PPM. It was felt that in some cases the FCA could add value, particularly in suggesting a service or particular specialist assessment that had not been previously considered. In other cases, it was felt the case trajectory was abundantly clear prior to the PPM and that the input from the FCA would not add to or change anything. This opinion was more pronounced in Warwickshire. In cases where it was clear an application to court needed to be made professionals felt the involvement of the FCA would have little impact on parents, although it may provide a 'head-start'²⁶ for the FCA.

²⁶ This finding is discussed in section 4.2.4, p.34.

4.1.4. Providing essential oversight regarding the child's best interests

Case 26 (Coventry)

the Guardian was able to visit the parents, see the baby, see how they interacted and she made suggestions regarding the father that added to our assessment

(Social Worker, follow-up interview - Case 26)

It was clear from interview accounts that visiting the family home and seeing children was critical to how social workers appraised the FCA's involvement. Professionals saw this particular role as very important and did not consider that it duplicated anything offered by parents' legal representatives or the IRO.

I feel that them being there in pre-proceedings stage - as advisors - I honestly think that is a fantastic idea... I know that social workers are the representatives of children, but they [FCA] will prioritise representing the child's interests.

(Interview 5, Social Worker, Coventry)

Although this Coventry social worker articulates a strong endorsement of the FCA's role in regard to children's best interests, implementation issues as described in section 3.0 of this report often inhibited a fuller role for the FCA. Through the FCA's work with parents and analysis of case files, as well as attendance at the PPM, the FCA does indirectly oversee the child's best interests. However, an argument could be made for a greater emphasis on the direct observation of children²⁷. Clearly, social workers' recent experiences of Cafcass involvement influenced how they appraised the Cafcass PLUS model in regard to oversight for the child:

...because I think one of the issues I have with Guardians is that some of them don't really get to see the child much? And so how do you get to represent a child when you don't visit that much? Do you think it is something that the Cafcass Pilot could do? Kind of establish that really at any pre-proceedings meeting. I mean, I know it is not compulsory for them to visit the child, but do you think it is something they could, you know, do?

(Interview 4, Social Worker, Coventry)

Practitioners made reference to the issue of potential drift in the pre-proceedings process, although both LAs have taken steps to reduce this:

²⁷ This point has certainly been articulated by the Association of Lawyers for Children: see the association's response to the interim report of the Family Justice Review. http://www.alc.org.uk/uploads/Family_Justice_Review_-_Interim_Report_response_22_June_111.pdf, (para 16.4).

If you have an independent person involved then hopefully the plan [pre-proceedings] would progress. There would be somebody out there who was looking at the case independently because even with the IRO in some LAs, the plan doesn't get progressed properly. Dad doesn't get seen, they are not involved with the family...

(Social Worker, Interview, 13, Warwickshire)

As noted above, a range of professionals expressed some concern regarding risks to children in pre-proceedings where essentially the threshold is met, but it is deemed that care of children can still be managed at home/or without recourse to care proceedings. We did note that social workers in a number of cases in both local authorities welcomed discussing these risks and that follow-up advice had been sought from the FCA in regard to tricky contact issues.

4.2 Narrowing the issues to be brought before the court/delay

4.2.1. Identifying necessary assessments at an early stage

The following comment from FCA C describes the spirit of this theme:

I see that what I can bring - is to narrow the issues brought before the court. So that we go into court with issues that are outstanding, but those are the issues that are *not agreed*, rather than assessment work that's just not been *done*!

(FCA C)

The PLO underscores the importance of the pre-proceedings process in regard to having essential assessment work complete, wherever possible, before a case is brought before the courts. This is not just a matter of ticking a box to say that a, inter alia, core assessment is in place, rather it should be about having assessment work completed that provides a clear picture of the needs/difficulties of parents' and children and a realistic picture of parents' potential for change. The interim threshold can be hotly contested once a case enters court, creating very demanding court circumstances for all, should assessment work be lacking²⁸. It is in this context that we saw some of the strongest support

²⁸ A period of immersion within the Coventry County Court highlighted the additional burden placed on the court, where social work assessment is either weak or incomplete. Clearly where cases are issued on an emergency basis, assessment work will be incomplete. However, as tables one to four highlight in Section 6.0, the majority of the both the Cafcass PLUS cases and the comparator cases can be categorised as 'neglect' cases. These cases had typically lengthy pre-proceedings or child protection histories, where it might be expected that robust assessment work would take place, not least to tailor intervention to the needs of families to ensure diversion wherever possible. Budget constraints were highlighted in this study, in regard to specialist psychological/psychiatric assessment and this issue should be given greater national priority.

for the Cafcass PLUS model with professionals broadly noting the particular expertise of the experienced FCA, where cases would likely progress to care proceedings:

I think it is always helpful to have someone ...to bounce ideas off and have discussion with, who is at the same level in thinking about the case. Someone who has got the experience of the court proceedings and the knowledge about how the processes work. So for example [in this particular case] we had the discussion about alcohol testing now because we now know that it is likely to be something that will be raised later

(Interview 7, Social Work Team Manager, Coventry)

Notwithstanding the above example of agreement between FCA and team manager, we also noted in a number of cases that social workers did not feel able to take on board advice from the FCA because of budget constraints. It appeared that specialist health assessments were difficult to procure and equally there were problems for adult services in meeting eligibility criteria for assessments. The LA social workers were also of the opinion that even if specialist assessment work was completed, the court would simply ask for this work to be done again, post proceedings. This was a particular issue for Warwickshire practitioners. Clearly this response is entirely rational on the part of local authorities facing severe austerity measures, but has implications for children and their families²⁹. The following example illustrates this point:

Case 14

She [FCA C] said that she needed a psychological assessment and we all know that we need a psychological assessment and the difficulty is with the cutbacks at this moment in time. Manager X sort of said "try and get an assessment on the NHS" which has been absolutely impossible to get. I haven't been able to get that at all, so to this day I still haven't got a psychological assessment which is desperately what we need and now we are initiating care proceedings and we will get that psychological assessment within that process.

(Social Worker, Interview 11, Warwickshire)

I advised that a specialist psychiatric assessment was done. I looked at the history of the family. Both parents had mental health problems of quite a serious nature - psychotic illness - so, I thought that a specialist mental health assessment was absolutely critical. I wasn't happy with how the pre-proceedings meeting was handled. Here is a mother lacking in capacity, who was presented with information that she really wasn't going to be able to understand and wasn't well enough to take in. Not only that, but the meeting

²⁹ Despite the emphasis on multi-agency working, a consistent finding in this pilot was that local authorities struggled to procure necessary health assessments at a timely point. Local authorities were often unable to commission the necessary assessments without, in many cases, paying very high private practitioner fees. Incomplete assessment work can mean that parents do not receive the help they need until after they get into court, whereupon it is an uphill battle for parents to have their children returned.

was about the [young child] but actually, the mother was also pregnant and nobody had let me know that.

(FCA C, First Interview)

...the case did go into proceedings. A specialist assessment was actually done by a psychiatrist. Mother was given anti-psychotic medication and is now like a different person and so things are looking an awful lot better in regard to mother's future relationship with the four year old in care. But an earlier specialist assessment would have really helped this case - and the local authority would have been much clearer about the needs of this family and how they could be helped.

(FCA C, follow-up telephone interview)

The social worker's account in this case, whilst demonstrating awareness of mental health issues, also talked emphatically about the mother's lack of engagement or willingness to take on board the local authority's concerns. Treatment of the mother's underlying mental health condition stimulated marked improvement in the mother's motivation towards her new baby and young child and changed the likely trajectory of the case. However, at this point, the mother faces an uphill battle to have her young child in care returned to her.

In regard to the commissioning of specialist assessments, this issue needs to be carefully considered in regard to any follow-on pilots. Steps need to be taken to secure more effective support from partner agencies in regard to pre-proceedings specialist assessment. While the FCA can bring expert knowledge of the court arena, this advice can only be taken on board where resources allow:

It was very clear to me what was needed pre-proceedings, given the issue of learning disability, but there were resourcing issues. So, although I could say, “this is a pre-requisite to getting a satisfactory resolution of the case in court”, there wasn't actually the resource available in regard to the necessary parenting assessment here. So, I expect if this goes to court, then we can expect a long contested hearing.

(FCA E, telephone interview).

4.2.2. Pre-birth assessment

There was consensus amongst those interviewed regarding the involvement of the FCA in pre-birth assessment. Because local authorities cannot issue care proceedings before a baby is born 'delay' is inevitably built into the pre-birth assessment process. In instances of sequential removal of babies where there was a clear and very poor prognosis regarding a mother's ability to parent her child, the Cafcass PLUS model was felt to hold much promise:

I think that the Guardian needs to be involved in key planning points really in the planning. You know, so it was right that the Guardian was involved in this

pre-proceedings meeting. We are having a birth protection planning meeting which is a new meeting that Coventry will be doing and I think that the Guardian should be involved in that. I mean the purpose of that meeting is to go through the detail of what happens to the baby at the hospital once it is born'.

(Social Worker, Coventry)

The value of the FCA in the PPMs is elaborated below by a Warwickshire legal representative, who articulates the particular issues that arise when there are concerns relating to older children, but also unborn children, within the same family:

The planning for unborn children is certainly an area where having a child's Guardian involved would help, not least because we are trying to plan when there is no child and cannot issue proceedings. Often where there are already proceedings relating to older children the Guardians are involved but their right to be is connected to the impact on the older children and it would be helpful to permit them to focus on the unborn child too. In some ways it is a shame we can't issue proceedings in relation to unborn children. The fact we can't builds in a delay for the cases where there is no hope. The power to issue doesn't mean it would be right to do so in every case, but there are some cases where it would make sense.

(Local Authority Legal Rep, Warwickshire)

Again, in the following extract a team manager in Coventry articulates the value of early FCA involvement when there is a plan for removal at birth:

It is about making sure that everyone knows what is going to happen. Who is going to see the baby. Who is going to be with mum when she delivers the baby and, you know, whether mum will remain the same ward or in a different ward. Who is going to collect baby from hospital so it is all the detail of that really which obviously the Guardian needs to be aware of. Just trying to think of the next key planning meeting really. I suppose that will be the first LAC review which, as a matter of course, Guardians would be invited to anyway

(Team Manager, Coventry).

Both local authorities were aiming to review and or develop processes around concurrent planning. Where local authorities were drawing up plans for adoption in regard to an unborn baby, there was consensus among practitioners of having the FCA involved at an early point³⁰. Within our sample, we had a number of cases of pre-birth assessment (see Appendix B, p.46).

³⁰ In the context of sequential removals of babies, it will be very important for the FCA to assert his/her independent assessment to ensure fair play given that historical evidence will inevitably count against mothers/parents in this context.

4.2.3. Better working relationships between social workers and Guardians

There is much potential for conflict between the Children's Guardian and the local authority, given that the Children's Guardian provides an independent case analysis and may not agree with the local authority. Whilst respecting the need for the FCA to remain independent, in respect of the court process, social workers felt that the Cafcass model enabled a better understanding to be reached between parties should care proceedings be issued.

If the Guardian is on board with what we are doing, so, there should be a better partnership in court and obviously the outcome for the child should be quicker.

(Social Worker, Interview, Coventry)

Under the old system Guardians never had a view. They would go for long periods without a view...now they are having to have a view, they are having to say to us this is what is working or this is what we suggest, so when you go into court... this is going to be a seamless process.

(Social Worker, Interview 4, Coventry)

...it is a good idea, because you and the Guardian will have developed that relationship before you get into the proceedings stage... so even if you do not agree... it is better.

(Social Worker, Interview 5, Coventry)

I think the social worker would have more confidence in there being no delay in the proceedings if the Guardians are involved because they are crossing the T's and dotting the T's in terms of assessments that the Guardian thinks are appropriate, so ultimately the work has been done before [court]. There's an extra pair of eyes that's driving and that's looking at it independently

(Interview 7, Social Work Manager, Coventry)

Case 18

'she [FCA] helped us to think about the risks in this case in regard to the contact issues. Because mother was taking the child to contact and there were DV issues. From talking it through we were more comfortable with allowing this to continue.

(Warwickshire local authority legal representative)

In the case below, where we have been able to gain the perspective of multiple stakeholders, it illustrates what we would consider to be, in many respects, a template for very effective pre-proceedings work. Although it might be argued that a cognitive assessment ought to have been done earlier, the pre-proceedings process that spanned a number of months enabled the local authority to engage kin carers and properly establish the capacity of parents:

Impact: Case 1 (Coventry)

This case is waiting to go to court (Special Guardianship). It concerns a mother with learning difficulties. Excellent pre-proceedings work has been undertaken by Coventry social workers, with specialist assessment work complete. A viabilities assessment has agreed the placement of the infant with family already closely involved in the infant's care.

In the knowledge that the case is progressing to the court, we interviewed key professionals to establish whether in fact the pilot had promoted better shared understandings³¹:

FCA: no stone will be left unturned and when it does come to court, I can't ask for anything more (FCA C)

Mother's Solicitor: A thorough assessment has been undertaken and the baby will be placed with family. It seems to me that this is a very good piece of work. I would expect a quick resolution and the Guardian has already been involved.

Social Work Manager: The Guardian suggested a cognitive assessment, that is complete as is the parenting assessment and we are now at the point of thinking we will have to go into proceedings. I'm not expecting any delay with this.

Social Worker: If it did go pear shaped, I think she [FCA] would know enough about it and be on board, that we wouldn't have perhaps, difficulties with the Guardian. I don't think we would be at odds with each other – which can happen sometimes, can't it? So that is beneficial. (Interview 2)

This case is currently waiting for court time. The likely resolution is an application for a Special Guardianship Order.

4.2.4. Head start for the FCA

A key theme that has emerged from this pilot is the potential for the Cafcass PLUS model to provide a head-start for the FCA should the case go into court. The FCAs in the study all felt that their input and case oversight had greatly benefited them in regard to the small number of cases that, to date, have progressed to court. Five FCAs had undertaken work on more than one case each, with some FCAs having undertaken significant pre-proceedings case work at February 2012. All FCAs expressed much value in the 'head-start':

It's absolutely where we need to be [pre-proceedings]. We need that head-start and it enables us to give advice that will narrow the issues being brought before the courts. While local authorities might not be in a position to take on all our advice due to resource issues etc., at least we can make some progress there at a timely

³¹ It will be important to follow this case into court, to establish how pre-proceedings work impacts on the progress of the case within the court arena. A complicating factor will arise in this case if the appointment of the Official Solicitor is deemed necessary. However, even with this complication, the research team would expect that the actions of professionals during pre-proceedings have served to narrow the issues brought before the court.

point. Otherwise, cases come into court and it's start again – then you are into multiple hearings, duplicate assessments and it's delay all the way (FCA, D)

I felt with all the cases, if any of them went into proceedings it would give me a really big head start. That was a major factor for me that I actually thought, I know what has gone on. I have really got a grip of it because sometimes parents say “well that wasn't true” or “I didn't have that” or “I wasn't offered that” or “that wasn't accurate”, but I think you have got an accurate picture and a great starting point if any of mine had gone up to proceedings. And I really felt that with all of mine even if I didn't do much work (so far I have not had any of them have gone into proceedings), I can't tell you in practice whether that has happened, but in principle I thought it, you know, because I would say “We know you have had a parenting assessment because it was discussed and it doesn't need to be revisited.” So, if I had to bring one lesson from it, it would have made my job as a Guardian easier, not easier in that... but actually I think it would reduce delay, knowing what you know when you get there - into proceedings.

(FCA B, first interview)

When we undertook a follow up telephone interview with FCA B she stated that her expectation of a 'head-start' was confirmed when case 10 went into court. Because she had seen paper work and visited parents prior to the issuing of care proceedings, she felt much more decisive in giving her evidence in court at the first hearing.

A potential criticism that courts can make of the FCA is that they fail to provide an *independent* assessment of the case. In examining the basis for this, it is clear that a failure of independence can result from the FCA not undertaking direct observations of children and/or communication with families, and relying solely on third party information. In this context, the FCAs were clear that if their involvement was to be extended pre-proceedings, this would provide more scope for visiting families, observing parents and children and recording these observations. Pre-proceedings involvement of the FCA was described as potentially providing *more* scope for demonstrating independent evidence in court.

The need for continuity was a central theme for all practitioners interviewed and pre-proceedings involvement was seen to afford such continuity. Moreover, it was also felt that given social worker turnover, that the Cafcass PLUS model might provide for better case continuity.

If you have got a Guardian that has been involved early, that can only be of benefit because that person knows the family, as in most cases, it is not the same social worker taking the case forward,, Guardians stick around longer to be honest.

(Interview 7 - Social work Manager, Coventry)

Both legal and social work practitioners made reference to the difficulties created when the Children's Guardian does not provide a timely Initial Analysis. This again provides supporting evidence in regard to the idea of the 'head-start' model.

Professionals were acutely aware of the current political landscape in which they and the FCAs were operating. There was concern raised about the capacity of Cafcass, as an organisation, to respond to increased demand on a service which is already seen to be severely stretched. It will be important to explore whether the FCA's sense of a head-start does subsequently impact on the steer they provide for the court.

5.0. Comparator cases

In order to ascertain the impact of the Cafcass model, we will be tracking the progress of the Cafcass PLUS sample, with a comparable sample of 30 standard cases. In order to ensure case comparability, we have profiled the two sample groups. Data capture work completed by legal representatives in both local authorities found close concordance in regard to family type, household composition, ages of children and presenting risk factors. Of particular note, is that **patterns of engagement were broadly similar across the two cohorts prior to the PPM.**

Table 3: Summary Profiles of Coventry and Warwickshire Comparator and Cafcass PLUS Cases

Comparator Cases (n=30) Total of 57 children	Cafcass PLUS CASES (n=27) Total of 74 children
Age of children <ul style="list-style-type: none"> ➤ 4/30 cases involve unborn children in Warwickshire (missing data for Coventry) ➤ 25/57 children are aged under 5 years ➤ 38/57 children are aged under 10 years 	Age of children <ul style="list-style-type: none"> ➤ 10/27 cases involve unborn children ➤ 34/74 children are aged under 5 years ➤ 48/74 children are aged under 10 years
Ethnicity <ul style="list-style-type: none"> ➤ 27/30 cases concern children who are White British 	Ethnicity <ul style="list-style-type: none"> ➤ 19/27 cases concern children who are White British
Parenting <ul style="list-style-type: none"> ➤ 9/30 cases are two parent families 	Parenting <ul style="list-style-type: none"> ➤ 7/27 cases were two parent families
Category of risk <ul style="list-style-type: none"> ➤ In only 1/30 cases was sexual abuse recorded ➤ 25/30 cases neglect was recorded 	Category of risk <ul style="list-style-type: none"> ➤ In only 2/27 cases was sexual abuse recorded ➤ In 18/27 cases neglect was recorded
Engagement with children's services prior to PPM <ul style="list-style-type: none"> ➤ 13/30 cases evidenced minimum engagement ➤ 12/30 cases evidenced some/limited engagement ➤ 5/30 cases evidenced good engagement 	Engagement with children's services prior to the PPM <ul style="list-style-type: none"> ➤ 10/27 cases evidenced minimum engagement ➤ 13/27 cases evidenced some/limited engagement ➤ 3/27 cases only evidenced good engagement

At the level of individual case, we also compared the presenting risk factors. The full profile of the comparator cases and Cafcass PLUS cases are provided in Appendix A, p.41.

At this interim point, comparison of the trajectories of the Cafcass PLUS cases has been undertaken:

Table 4³²: Current status of Cafcass PLUS and Comparator Cases (Feb 2012)

	Total Sample	Care proceedings issued	Care proceedings pending/likely	'In pre-proceedings assessment'	Closed to pre-proceedings (diverted)
Coventry Cafcass PLUS	14	4	3	5	2
Coventry Comparator Cases	15	5	Data unavailable at this point		

	Total Sample	Care proceedings issued	Care proceedings pending/likely	'In pre-proceedings assessment'	Closed to pre-proceedings (diverted)
Warwick Cafcass PLUS	13	3	1	9	0
Warwick Comparator Cases	15	10	Data unavailable at this point		

In Coventry a similar number of cases have progressed to care proceedings in both the comparator and Cafcass plus samples. For Coventry, the comparator cases are running largely concurrently with the Cafcass PLUS sample³³ and this pattern probably reflects the general shift in Coventry towards front-loading of assessments, wherever possible, prior to the issuing of proceedings. At this stage the Cafcass PLUS model does not appear to have made a significant difference to diversion rates at this stage in Coventry. To ascertain whether the Cafcass PLUS model impacts positively on the progress of cases through the courts, cases will be followed until March 2013 and further comparisons will be drawn with the comparator sample.

³² This table is repeated from page 8. to aid comprehension..

³³ There are some differences in terms of the time frame of comparator cases; a number cases included in the Warwickshire sample received the LBP in 2010.

In Warwickshire the comparator cases are those that received a LBP in 2010. Hence they are not concurrent with the Warwickshire Cafcass PLUS cases. There is a marked difference between the two samples in terms of the number of cases progressing to proceedings (10 out of 15 comparator cases, 3 out of 13 Cafcass PLUS cases). Given that a number of the Cafcass PLUS cases have relatively recently joined the pilot, it may be that many more of the Cafcass PLUS cases progress to proceedings. The progress of these cases will be followed prospectively over the second half of the evaluation period.

Because in a number of cases in both sites (in both the Cafcass PLUS and comparator groups), the front-loading of assessments was *interrupted* by a downturn in functioning, it is likely that further assessment work may be directed by the courts. The research team will examine overall case trajectories during the remainder of this pilot.

6.0. Concluding Comments

The first phase of this evaluation has demonstrated many potentially positive and actual positive impacts in regard to the Cafcass PLUS model in regard to pre-proceedings social work, in many but not all cases subject to detailed review. **However, a key obstacle to effective pre-proceedings social work is that the local authorities involved in the study struggled to procure timely assessments from health and adult services, particularly where specialist psychological and or psychiatric assessment was necessary.** This obstacle has undermined advice from the FCA in a number of cases and, indeed, the best efforts of the participating local authorities to improve pre-proceedings social work. **A surprising finding from this study is the value that many participants (particularly parents' legal representatives) place on the contribution of the FCA to the PPM. Independent oversight from the FCA was seen as ensuring practice remained child-centred, particularly as pre-proceedings work can span a number of months and children may be in interim s.20 foster.** There was consensus from all the participating FCAs of the potential value of a 'head-start', even in the context of incomplete pre-proceedings work. A summary of pre-proceedings impact per case is presented in Appendix A, p.41. To fully appraise impact, the research team will continue to track the Cafcass PLUS cases for a further 12 months. The following questions will guide the next stage:

1. How many cases are successfully diverted (closed to pre-proceedings)?
2. Where cases are successfully closed to pre-proceedings, is de-escalation sustained or do cases return to the pre-proceedings process?
3. What is the final quality of pre-proceedings social work where cases progress to court proceedings?
4. Does the perceived 'head-start' for the FCA described in pre-proceedings enable a stronger and earlier steer from the FCA where cases progress to care proceedings?
5. How does the timetable for the child feature in these cases?
6. How do case trajectories conform to or diverge from the structure of hearings outlined by the PLO? (how many hearings/type of hearings)
7. What is the overall duration of care proceedings per Cafcass PLUS case and how does this compare with the comparator cases and the overall average duration of care proceedings for this court area?
8. Where delay is evident, what factors appear to be causing delay?
9. Are duplicate assessments directed once cases enter the court arena?
10. What is the picture of the overall child's journey when case trajectories are examined both pre and post proceedings?

Appendix A: Case Status and Impact

Key:

Orange – (positive impact cited by multiple stakeholders) Yellow – (positive impact cited by single stakeholder)

Dark blue – negative White – insufficient data Green – negligible impact

Table 5 (Feb 2012 - last update) 27 Cafcass PLUS CASES

Case number	Impact	Research Reference	Current status
1	<p style="text-align: center;">Multi-stakeholder impact</p> <p>Comprehensive pre- proceedings work complete at point of issue, FCA contribution is to determine final decision regarding parents' capacity</p>	CCC3	Infant has been in pre-proceedings 12+ months. Waiting to be listed in court for care proceedings.
2	<p style="text-align: center;">Multi-stakeholder impact</p> <p>Discussion regarding risks welcomed by social worker due to poor parental engagement. Pre-proceedings work likely to be incomplete if proceedings issued as mother breaching PPM agreement. Large number of children are subjects of concern.</p>	CCC9	Waiting to be listed in court for care proceedings.
3	<p style="text-align: center;">Multi-stakeholder impact</p> <p>Pre-birth assessment. FCA intervened to ensure legal representation for vulnerable young parents at PPM. This was welcomed by all parties and parents unable to understand how to approach/appoint solicitor. Court will look more favourably</p>	CCC15	Baby subject to Interim Care Order at birth

	<p>on LA process where parents have been properly represented in pre-proceedings. Because FCA advised case progress to court – rather than being dealt with via s.20, mother has been able to access specialist mother and baby facility for assessment.</p> <p>Assessment work will now be required during proceedings.</p>		
4	<p>Multi-stakeholder impact</p> <p>Pre-birth assessment. Extensive negative history regarding parents. Case opened for pre-birth assessment at 8 weeks. Comprehensive assessment work is complete during pre-proceedings.</p>	CCC1	<p>Baby subject to s.20 from birth pending update of assessment on father (7 months).</p> <p>Now in care proceedings – awaiting Case Management Conference (CMC). Issue of Official Solicitor is delaying proceedings/court has directed duplicate assessments. Mix up with allocation of FCA and FCA not able to attend first hearing.</p>
5	No data available on impact	WCC7	Baby to join mother in prison. Case will be closed to pre-proceedings at this point.
6	<p>Multi-stakeholder impact</p> <p>Bolstering diversion plans and stimulated maternal engagement.</p>	CCC10	<p>Successful Diversion.</p> <p>Closed to pre-proceedings.</p>
7	<p>Negligible – social worker has left LA</p> <p>FCA has left Cafcass</p>	CCC4	Mother requests adoption for the infant.
8	<p>Multi-stakeholder impact</p> <p>Engagement of mother in local authority plans and advice given regarding timescales and planning. Mother's understanding of concerns and compliance with local authority plan.</p>	CCC5	Closed to pre-proceedings, SGO to grandmother, mother in agreement.
9	Multi-stakeholder impact	CCC6	Still in pre-proceedings, addendum to psychiatric report on father requested, assessment of mother on-going.

	Advice given regarding specialist assessment of father – Issues brought before the court will be narrowed, should proceedings be progressed.		
10	<p>Single stakeholder impact</p> <p>Social worker reports negligible impact as case progressed swiftly to proceedings. No time for front-loading of assessments as advised by FCA.</p> <p>FCA reports 'head start' and offers advice regarding necessary specialist psychiatric assessments, but these will have to take place post proceedings due to parents breaching agreement specified at PPM</p>	CCC8	<p>In proceedings. FCA reports head start but case is delayed due to very late delivery of psychiatric report. CMC is adjourned twice (5 months until report from psychiatrist is delivered from appointment of this expert)</p> <p>Mother is contesting everything.</p>
11	<p>Negligible Impact</p> <p>Pre-birth assessment</p> <p>FCA reports late notification of PPM</p> <p>Very rapid progress to proceedings/downturn in family functioning</p>	CCC7	<p>Care proceedings issued, child subject to ICO</p> <p>Assessment work will need to be carried out post-proceedings.</p>
12	<p>Negative Impact</p> <p>FCA late for meeting and felt to disrupt an otherwise positive meeting</p>	WCC2	In pre-proceedings
13	Data Unavailable re impact	CCC16	In pre-proceedings
14	<p>Single Stakeholder Impact</p> <p>Social worker reports negligible impact of FCA involvement as budget constraints prevented pre-proceedings specialist assessment.</p> <p>FCA reports head-start regarding her own understanding of the</p>	WCC6	<p>Child in foster care, reunification with mother initially planned but this case now in the High Court due to query NAI to new baby and complex medical fact finding required.</p>

	case, but case has taken unexpected downturn and raises new issues.		
15	Multi-stakeholder Impact FCA recommends FGC – extended family identified and case progressing well	WCC3	In pre-proceedings assessment but engagement faltering
16	Data Unavailable re pre-proceedings impact	WCC4	Unexpected downturn in the case and LA took emergency action (EPO)
17	Single Stakeholder Impact FCA reports 'head start' regarding her understanding of the case	WCC5	In proceedings foster care
18	Multi-stakeholder Impact Productive case discussion of risk factors with FCA supporting LA's plan to continue to monitor child's progress at home and contact arrangements (DV) . Positive impact on parents' understandings of risks. Follow-up discussions between FCA and case-holding social worker re independent perspective on contact issues.	WCC8	In pre-proceedings, Child remains in mother's care
19	Data unavailable	CCC12	In pre-proceedings
20	Data unavailable	WCC9	In pre-proceedings
21	Multi-stakeholder impact Reported impact regarding thorough analysis of the case and	WCC10	In pre-proceedings

	feedback from FCA welcomed given risk factors. Positive impact on parents' understandings of concerns.		Child at home with mother
22	<p style="text-align: center;">Negligible</p> <p>Pre-birth assessment</p> <p>Late notification of PPM – LA experiencing insufficient contribution from FCA</p>	WCC11	In pre-proceedings, baby to be cared for by grandmother
23	Data unavailable on impact	WCC12	In pre-proceedings, children with mother
24	<p style="text-align: center;">Single Stakeholder impact</p> <p>FCA reports Head Start – but notes resource issue re necessary PAMS assessment as advised</p>	WCC13	In pre-proceedings assessment
25	<p style="text-align: center;">Multi-stakeholder impact</p> <p>Conduct of PPM and engagement of mother. Positive impact on parents' understanding of LA concerns</p>	WCC14	In pre-proceedings assessment
26	<p style="text-align: center;">Multi-stakeholder impact</p> <p>Contribution described by FCA and Social Worker re parental engagement and assessment. Parents understanding of concerns re baby and compliance with LA plans</p>	CCC11	<p>In pre-proceedings assessment</p> <p>Baby s.20 with kin and parents. Positive kin assessment and parents supporting.</p>
27	Data Unavailable	CCC13	In pre-proceedings, child subject to s.20 with kin. Kin assessments on-going.

Appendix B

Table 6: Profile of Cafcass plus cases Coventry and Warwickshire

	Coventry	Warwickshire
Total number of cases	14	13
Number of cases per FCA	A 4 B 4 C 5 D 0 E 0 F 1	A 1 B 3 C 6 D 2 E 1 F 0
Total number of children	35	39
Number of children by age	Unborn 5 Under 5 yrs 15 5-10 yrs 7 10 yrs+ 8	Unborn 5 Under 5 yrs 19 Under 10 yrs 7 10 yrs+ 8
Ethnicity	White British 9 Black African 1 Mixed 4	White British 10 Black African 1 Mixed 2
Household composition	Lone mother 6 Both parents 6 Unclear 2	Lone mother 8 Both parents 1 Unclear 4
Number of cases with presenting categories	Physical abuse 6 Emotional abuse 8 Neglect 10 Sexual abuse 1	Physical abuse 8 Emotional abuse 8 Neglect 8 Sexual abuse 1
Number of presenting categories in the case	One 6 Two 6 Three 1 Four 1	One 3 Two 8 Three 2
Engagement with children's services prior to PPM	Maximum 2 Limited 7 Minimum 5	Maximum 1 Limited 6 Minimum 5 Unclear 1
Present at PPM	FCA 14 Mother only 5 Father only 1 Both 8 Legal rep mother only 7 Legal rep father only 2 Legal rep both 5	FCA 13 Mother only 4 Father only 0 Both 9 Legal rep mother only 5 Legal rep father only 0 Legal rep both 6

Table 7: Profile of comparator cases Coventry and Warwickshire

	Coventry	Warwickshire
Total number of cases	15	15
Total number of children	28	29
Number of children by age*	Unborn missing data Under 5 yrs 15 5-10 yrs 6 10 yrs+ 7	Unborn 4 Under 5 yrs 10 5-10 yrs 4 10 yrs+ 5 Unclear.....10
Ethnicity of children	White British 12 Mixed 3	White British 15
Household composition*	Lone mother 6 Both parents 4 Unclear 5	Lone mother 9 Both parents 5 Mother/different father 1
Number of cases with presenting categories	Physical abuse 4 Emotional abuse 2 Neglect 15 Sexual abuse 1	Physical abuse 6 Emotional abuse 8 Neglect 10 Sexual abuse 0
Number of presenting categories in the case	One 8 Two 7	One 9 Two 3 Three 3
Engagement with children's services prior to PPM	Maximum 3 Limited 5 Minimum 7	Maximum 2 Limited 7 Minimum 6
Present at PPM*	Mother only 4 Father only 1 Both 7 Neither 1 Legal rep mother only 5 Legal rep father only 1 Legal rep both 4	Mother only 6 Both 8 Legal rep mother only 8 Legal rep both 5 Legal rep mother & partner 1

* Local Authority representatives were asked to present the research team with anonymised data using a standardised data capture sheet for the comparator cases as consent from parents were not obtained. There is some missing data in table 7.

Commentary: Table 6 - Cafcass PLUS cases: Coventry and Warwickshire

As table 6 illustrates, the profiles of Cafcass plus cases in Coventry and Warwickshire are comparable across many factors. As might be expected, there is a relatively large number of unborn children or children under the age of 5 years. The main presenting concerns are neglect, emotional abuse, poor parenting and/or risk of physical abuse. In many cases there is more than one presenting concern and where there is more than one, this almost always includes issues of neglect. Analysis of the case files suggests that the predominant risk factors associated with parents are domestic violence, alcohol and drug misuse, mental health issues (most likely depression associated with the mother), learning/cognitive difficulties, failure to protect children/provide a safe environment and limited parenting capacity. In many cases parent(s) are also involvement in crime, particularly fathers. In only 4 cases is previous history of harms to children documented. These involved significant injuries to children by mothers and fathers.

Most families had been involved with children's services previously and the local authorities had expended considerable resources in trying to address the needs of parents and their children. These resources included, among others, mental health and drug services, parenting classes, family support and financial assistance. Families had demonstrated varied previous engagement with children's services, most often limited or minimal. In many instances the children were already the subject of child protection plans with records clearly stating expectations regarding change, in order to avoid care proceedings. In a number of cases, children were placed with extended family or foster care (s.20, Children Act 1989), prior to or shortly after the PPM.

Often there were separate PPMs for mothers and fathers/partners. It was evident in all cases that at least one of the parents had attended the PPM. In all cases the FCA was present at meetings. Legal representation at PPMs meetings varied, but there is evidence of representation for at least one of the parents at many of the meetings. The documents suggest that there is less representation for fathers. In a small number of cases the PPM was rescheduled so that legal representation could be available. In one case a solicitor explicitly stated that s/he would only represent the family when the case went into proceedings.

Commentary Table 7: Comparator cases: Coventry and Warwickshire

As table 7 illustrates, there appear to be no significant differences in the profile of the comparator cases across the two local authority areas. Again, neglect and emotional abuse were the main presenting concerns. There is missing data in regard to unborn children in the Coventry comparator group which will be collected in the next stage of research work given that HMTS clearance has been obtained to review the comparator court case files. When the comparator cases are considered with the Cafcass PLUS cases, analysis suggests that the Cafcass PLUS cases are typical rather than idiosyncratic. It is of particular note that patterns of engagement are very similar.