

APPG for children: Inquiry into children's social care: Cafcass' response

The Children and Family Court Advisory and Support Service (Cafcass) is the independent voice of the child in family court proceedings where children have a prima facie vulnerability. The statutory role of Cafcass within the family court is to understand a child's needs, wishes and feelings sufficiently to be able to make recommendations to courts about their future which will often have a life-long implication.

The key elements of our submission are:

- Children being referred to social care have changing needs and the solutions to their problems need to change accordingly.
- There is a risk in short-term thinking. Focusing resources on statutory child protection, and taking money out of early intervention work, could lead to increased spending in later years because underlying problems are not being addressed.
- Inter-agency working to safeguard children continues to be patchy after 40 years of trying, which suggests major change is still required to ensure children are adequately safeguarded.

Changing demand and funding for children's social care services

Cafcass works with those families at the highest level of intervention, when applications are made by local authorities to the family court – over 11,000 new cases in 2014-15, from within our total case load of 115,000 children annually, from all of the groups of vulnerable children we work with. We do not see the circa 300,000 children in need who are successfully supported by local authorities across England. However, we are aware of the current strain on many local authorities, who operate in an environment of increased demand and highly stretched resources. As set out below, we believe that financial constraints, especially cuts to preventative services, are one of a host of factors that are pushing care applications to levels not seen for thirty years.

Our data shows that the number of care applications made by local authorities is now continuously increasing. On average, Cafcass received in excess of 1,000 new care applications per month in 2015, with applications rates in April – December 2015 being 12% greater than in 2014, and 17% higher than the same period in 2013. We also know that the number of looked after children has increased steadily over the previous seven years, with the 69,540 children looked after in 2015 being greater than at any point since 1985.

In terms of future changes to demand, several factors are combining which make it likely that demand will go on rising. These are:

- Greater awareness of the harm caused to children by remaining in abusive environments for long periods of time and a lower tolerance of maltreatment (notably chronic neglect). Our series of studies of care proceedings applications, *Three weeks in November*, supported these conclusions as we found that the length of local authority input with a child, prior to a care application, was substantially briefer in our 2012 and 2014 studies, compared to the 2009 study.
- An increased awareness of the risks posed to children by radicalisation, child sexual exploitation, economic exploitation and the needs of unaccompanied children seeking asylum, following high profile cases, court judgments and migration flows. This affects local authorities both in the number of referrals made, and in the number

of families requiring support and intervention. Our own data suggests that when such cases reach the family courts they can cost a small fortune. It is important to note that these cases remain a minority; the 'toxic trio' - domestic abuse, mental ill-health and substance misuse, remain the most frequent features of care applications and continue to require targeted, effective early intervention.

- Repeat applications for the removal of children from the same parent or parents. Recent research led by Karen Broadhurst has shown this to be a more prominent feature of the care case population than was previously understood, with around one in three care applications concerning a mother who can be described as a 'repeat client' of the family court.

Further work is taking place to understand the apparent permanent increase in demand and determine likely future trends; Cafcass is sharing data with the MoJ, DfE and the Nuffield Foundation, and we are continuing with our own research programme.

The impact of changes on the delivery of children's social care services, and outcomes for children and young people

Social care organisations must be stable and reliable if they are to support children and families during times of need. While acknowledging that local authorities are best placed to respond to this question, we do want to highlight what we believe to be the potential risks to children's social care services should demand continue to increase and budgets remain constant or decrease. Cafcass' own experience of improving its services within the context of increased demand and reduced resources confirms our view that the quality of services is not determined uniquely, or even principally, by funding. In that respect our thinking is aligned with Edward Timpson's assertion, made at a recent education committee meeting, that there is no direct correlation between local authority spending and the quality of children's social care.

Nonetheless, we believe that there is a serious risk that local authorities will need to further reduce the resources available for preventative work with children and families, thus pushing more families 'further up the tariff', into child protection systems and/or care proceedings. Ofsted's report into social care found that for every £1 spent on prevention, £4 was spent on reactive intervention – which implies that this may constitute a 'false economy'. Early intervention can reduce the need for children to enter care, therefore avoiding strain on other parts of the system. Interventions such as mental health provision for children, who have experienced family trauma, are essential to build the child's resilience and life choices. This is particularly true for children at risk of neglect who, with the right level of support and intervention, might be able to safely remain at home. We should also add that many good to outstanding local authorities have received extra resources provided by their local political leaders, to support their improvement work.

In terms of outcomes for children and young people, research has shown that timely and effective intervention with families can improve outcomes for children. Findings published by Oxford and Bristol universities found that children who felt safe and secure in foster care did better at school than those children who were "in need" but still living in a "troubled" environment. Whilst outcomes measures are undoubtedly more sophisticated than a decade ago, they still lack an agreed national dataset for how to measure long-term positive outcomes for children. Too few agencies have directly comparable data.

The role of the local authority children's social care services

Families are complex and unique and successful support and intervention requires support individually tailored to their circumstances. We recognise the challenges faced by local authorities. Getting to 'good' is hard, and remaining there is harder still. We know that children are not getting a good, consistent, service across the country, with 64% of 59 local authority children's services inspected by Ofsted (between Nov 2013 to end-Jun 2015) being judged as either inadequate or requiring improvement. While this in part may be due to limited funding, there are also other factors that mean that a small number of local authorities are unable to break the cycle of repeated failure. There are complex, systemic issues and reasons for this and solutions so far, such as creating Trusts outside of local authorities, have only been partially successful.

As with social work reform, these are long-term improvement programmes but ones which need to start evidencing improvement pretty quickly if they are to be seen as sustainable long-term policy options of choice. Achieving a stable and high performing workforce in all individual local authorities is a considerable challenge, and it is likely in the future that more national and regional structures will be needed. However, it is important that we do not give up on this challenge as, for the children and families we work with, the coming and going of social workers leads to disruption and loss of continuity, in their already disrupted lives.

Local authorities are constantly struggling with the retention of good quality social workers. In order to improve the quality of our work, we have invested in the training and support provided to our staff. This includes a robust and important national quality assurance framework, one to one coaching, bespoke training, support from an in-house library service, and access to national evidence based tools for practitioners to use in their work.

As an organisation judged by Ofsted to be good with outstanding leadership and governance, Cafcass is currently working with Ofsted to share our good practice leadership examples. We would be happy to share our knowledge of quality improvement, retention and practice leadership with the APPG for children.

The policy and legislative framework

Cafcass welcomed the new special guardianship order (SGO) regulations, which we see as important additions that should end the potentially dangerous SGO placements that have been made in a minority of cases, and seemed to be based upon short-term expedience. Cafcass contributed a small piece of research to the recent DfE-led review of SGOs. Even though the amended Special Guardianship Regulations (29 February 2016) should lead to improved practice, we are aware that there are a number of current SGO placements that are now subject to serious case reviews following fatal/serious maltreatment.

There also remains a group of orders that do not fully accommodate the experiences of some of today's children and families. For example, current divorce legislation was enacted in 1973 and the way we live our lives has changed out of all recognition since then.

We continue to work closely with the Association for Directors of Children's Services (ADCS) on policy and practice development, including the co-production of the Social Work Evidence Template for use in the family court, and our current work on s20 guidance, with the objective of raising social work standards. We're also keen to work with the Partners in

Practice local authorities, to identify new models and extend our innovation work, which we describe below.

Learning from the devolved nations

Gaining consistency across children's services in England is notoriously difficult given the large scale and differing social issues affecting each area. We share datasets and details of innovation projects with Cafcass Cymru on a regular and reciprocal basis, and we meet with other senior members of Welsh Government staff to support social work development and improvement in Wales, given the common jurisdiction. In Northern Ireland, we have exchanged knowledge and best practice with NIGALA (Northern Ireland Guardian Ad Litem Agency) and the Northern Ireland Executive. We encourage more formalised learning from local authorities in devolved nations such as Wales, who have some good practice to share to help improve the service provided in England.

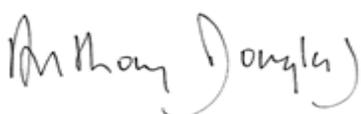
Sharing good practice

The complex challenges facing the family justice system are best met by agencies in the system working together effectively to bring about improvements where they are needed. We are a statutory board partner of all 146 Local Safeguarding Children Boards (LSCBs) in England and we attend all 46 Local Family Justice Boards (chairing 12 of them), developing the effective local partnerships needed to steer national reforms through regional and local arrangements.

In addition, our current and recent pilot initiatives, aimed at improving outcomes for children, include:

- Testing out the proposition that children should be able to communicate directly with the judge or magistrate involved in their case, where they wish to do so.
- Providing access for our practitioners to a telephone consultation with a clinical psychologist, to discuss the increasingly complex cases coming before the family court.
- Providing pre-court assessments for unborn children, to reduce case duration should proceedings commence when the child is born, as part of the Cafcass Plus project in Lincolnshire, Derbyshire and Nottinghamshire. We believe this shows the desirability of developing a clear national pre-proceedings framework in public law cases.
- Managing the Independent Reviewing Officer service in Birmingham, which resulted in significant improvements in the service provided to Birmingham's looked after children.
- Delivering a series of free Section 7 report writing workshops to local authorities in London, to support the improvement of practice across the sector.

We would be pleased to share further details of any of the work described above, with the APPG for Children.



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Chief Executive of Cafcass

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