

**Three weeks in  
November...  
five years on**

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**Cafcass care application  
study 2014**

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## Acknowledgement

This study was a collaborative effort involving a number of Cafcass staff, principally Sophie Cappleman (Corporate Strategist), Liz Thomas (MIS Data Analyst), Henry Stevens (MIS Graduate) and Richard Green (National Child Care Policy Manager). Cafcass would like to thank the more than 300 Guardians who completed the survey and thus made this study possible; and those who reviewed drafts of the report and provided us with helpful comments.

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# Executive Summary

## Background

This is the third Cafcass survey of Guardians' views regarding care applications (s31 Children Act 1989) made by local authorities. The first two studies were published in 2009 and 2012 in the context of rising numbers of care applications. This study was undertaken against a backdrop of: an unprecedentedly high number of care applications in 12/13 (followed by a small decrease in 13/14); significant reform of the family justice system; a drop in the average duration of care cases; impending primary legislation (the Children and Family Act 2014<sup>1</sup>); and a revised interim Public Law Outline (PLO) which came into effect on 1 July 2013, and was then revised and re-issued on 22 April 2014

## Aims

To gauge the views of Guardians in relation to care applications received by Cafcass during the period 11 – 29 November 2013, specifically in relation to:

- Whether the timing of the care application was appropriate, premature or late;
- Whether there was any other course of action which, in the view of the Guardian, the local authority should have taken before issuing proceedings;
- Whether the local authority met the requirements placed on them by the revised PLO; and
- Whether new or updated assessments had been commissioned prior to the making of the application and, if so, whether the assessments were in the child's best interests.

To establish, with reference to Guardians' knowledge of the cases and, where relevant, data derived from the Cafcass Case Management System (CMS), the following factual data:

- The age and gender of the children who were subject of the applications;
- Whether a letter before proceedings was sent and/or a meeting held with the parent(s);
- How long the local authority had been continuously providing services to the family;
- Whether the child was subject of a child protection plan and, if so, under what category;
- The primary concern that triggered the proceedings; and
- Whether a new or updated assessment was undertaken prior to submitting the care application.

## Methodology

Guardians' views were established through an online survey, conducted between 21 January and 14 February 2014. The final sample comprised: 304 Guardians; 391 care applications (representing 65%

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<sup>1</sup> The Children and Family Bill when the survey was undertaken.

of care applications received between 11 and 29 November 2013); and 684 children. This is a much larger sample than those gathered in either of the two prior studies.

## **Key Findings**

### **Was any other course of action possible?**

Guardians were of the view that, in 84% of cases, the local authorities had no more appropriate course of action to follow other than to issue proceedings. Where Guardians indicated that an alternative action should have been taken, the most common alternative suggested was further assessment.

### **The timing of the local authority application**

Guardians considered that the timing of the application was: appropriate in 54% of cases; late in 39% of cases; and premature in 5% of cases. This represents an increase in applications considered to be late (from 26% in the 2012 study) and a decrease in those considered to be appropriately timed (from 67% in 2012) with very few applications considered premature in both studies. It is important, however, to note that Guardians consider the majority of applications to have been made in a timely manner, and that the higher percentage of applications considered late may reflect a lower tolerance by Guardians of perceived delay.

Where applications were considered late, the delay was identified as relating to work undertaken to address long-standing concerns in 56% of cases; and to work undertaken during the pre-proceedings period in 44% of cases.

### **Had a letter before proceedings been issued/was a meeting held?**

Excluding cases where the Guardian was not sure, Guardians indicated that a letter before proceedings was sent in 63% of cases and a meeting held in 90% of cases where a letter had been issued.

Guardians were of the view that, where a letter had been sent before proceedings, this was in the child's best interests in 91% of cases. In contrast, where a letter had not been sent, Guardians considered that to be in the child's best interests in 45% of cases. These findings suggest that there is a much higher Guardian endorsement for the issuing of a letter than the non-issuing.

### **Had the local authority met the requirements set out in the revised Public Law Outline (PLO)?**

Guardians considered that the local authority had entirely met the requirements of the PLO in 43% of cases, and had partially met them in another 40% of cases. Further, where there was non-compliance, Guardians thought that the non-compliance was appropriate in 32% (15/47) of cases.

### **The commissioning of a new or updated assessment prior to the issuing of proceedings**

Guardians indicated that at least one new or updated assessment was commissioned in 47% of cases. Guardians were of the view that the new or updated assessments were in the child's best interests in 85% of cases. There does not appear to be any association between Guardians' consideration of whether the application was made in a timely manner or late and the commissioning of a new or updated assessment. Indeed, Guardians were slightly more likely to view an application as having been made late where there was no new or updated assessment.

### **Age of the children**

The percentage of children in the sampled cases aged under 1 was very similar to the 2012 study (27% and 28% respectively) as was the percentage of children aged 5-9 (25% compared to 26%). There was, however, a higher percentage of children aged 1-4 (30% compared to 18%); and a lower percentage of children aged 10-15 (17% compared to 26%).

### **Length of continuous local authority children's services involvement**

Guardians reported that: 18% of children had not been known to the local authority prior to the application being made; 54% had been in receipt of services for under two years; 18% for two to five years; and 10% for over five years. These findings are very similar to those of the 2012 study.

### **Child Protection Plans**

Guardians reported that 52% of children were subject of a child protection plan at the time of the application, and that a further 20% had previously been subject of a child protection plan. This represents 72% of children in the sample, the same figure as in the 2012 study. Neglect remains the principal category of registration, accounting for 75% of child protection plans, followed by emotional abuse (47%), physical abuse (21%) and sexual abuse (7%). Guardians were asked, in cases where no child protection plan was in place, to indicate which categories of concern triggered the application. They identified neglect as being the principal trigger (59%) followed by emotional abuse and physical abuse (51% and 50% respectively). As was also the case where children were currently the subject of child protection plans, sexual abuse featured rarely as a trigger (8%), in cases where children were not the subject of such a plan.

## **Concluding Remarks**

The overall impression is of the endorsement by Guardians of much of the work of the local authorities, notably in respect of the timely issuing of most applications, the benefit to the child derived from new or updated assessments, and the preparation of cases for court in line with the revised PLO. The percentage of applications considered to have been made late has risen compared to the 2012 study. This may be attributable to a number of factors, including changing expectations, since 2012, on the part of Guardians regarding what is an acceptable timeframe for a child, or the possibility that some of the delay has been 'shunted' into the pre-proceedings stage whilst the local authority prepares its case. Neglect remains the principal category concern for children who were, or had been, the subjects of a child protection plan; and was identified by Guardians as being the principal trigger for the care application where a child was not the subject of a plan. Guardians identified 10% of children as having received five years or more local authority involvement, a similar percentage to that found in the 2012 study.

## Introduction and background

This is the third study published by Cafcass (Children and Family Court Advisory and Support Service) based on the views of Children's Guardians ('Guardians') regarding s31 (Children Act 1989) care applications made by local authorities. Guardians, who (in England) are employed or commissioned by Cafcass, are appointed by the court in respect of virtually every care application, in order to safeguard the interests of the child in proceedings. Care applications are made by the local authority where they believe that a child is suffering, or is likely to suffer, significant harm.

This study was commissioned by the Cafcass Corporate Management Team and forms one element of the Cafcass research programme that is mandated by the Cafcass Board. It builds upon the findings set out in two previous studies, *Three weeks in November* (2009) and *Three weeks in November...Three years on* (2012). Like the previous studies, it is based in part on ascertaining the views of Guardians in respect of care applications received by Cafcass within a three week period.

The original study, which was published in 2009 but looked at care applications received in November 2008, was commissioned at a time when it had been suggested by the Association of Directors of Children's Services (ADCS) and Cafcass that the increased number of care applications was linked to the death of Peter Connelly and the subsequent review by local authorities of cases that were 'on the threshold' of a care application. The 2009 report suggested that a substantial proportion of the increase could be attributed to local authorities re-evaluating their involvement with families to whom they were already providing a service. It found that 36% of children had been in receipt of local authority input for at least five years, with this figure rising to 43% where neglect was the primary ground for bringing an application to court.

The study was repeated in 2012, using a sample of November 2011 applications. Guardians surveyed for this study reported that, in their opinion, 67% of applications were appropriately timed, compared to 54% in the first study. The data indicated that applications were being made at an earlier stage of local authority involvement, with the percentage of children who had received input from the local authority for more than five years prior to the application having dropped from 36% in the first study to 9%. In 85% of cases, Guardians stated that, in their professional judgement, the local authority's care application was the only viable action.

There have been significant changes within the family justice system in the five years since the original *Three weeks in November* study was published, and there have been further legislative and system changes in the two years since the second study was published. In summary the principal changes are as follows:

- When the Family Justice Review reported in November 2011 the average care case duration was 56 weeks. At the end of the 2013/14 year, the national average had dropped to 33 weeks. The Review recommended a 26 week time limit for care proceedings, and this was set in primary legislation with the passing of the Children and Family Act 2014. Since the Act's implementation in April 2014, applications must now be disposed of within 26 weeks other than where an extension is necessary to enable the court to resolve the proceedings justly.



- The Public Law Outline (PLO) was revised and implemented between July and October 2013, subjected to an independent evaluation (Ministry of Justice 2014) and re-issued (as Practice Direction 12A) in April 2014. The Practice Direction places great emphasis on the Case Management Hearing, which is now to be held between 12 and 18 days after the application has been issued and on the need for a strong evidence-based case analysis, provided both by the local authority and the Guardian, and robust planning to secure early permanence for the child.
- The numbers of care applications peaked in 2012-13, at more than 11,100 – the highest number in any one year since the creation of Cafcass in 2001, and a further rise of 8.7% compared to 2011-12. The number of applications dropped by 4.5% in 2013-14, reversing the upward trend of the previous five years. However, the 2013-14 figure represents an increase of 67.7% from 2007-08. Table 1 sets out the figures from 2007-08 to 2013-14.

**Table 1 Care application demand trend**

	07-08	08-09	09-10	10-11	11-12	12-13	13-14
<b>Total care applications received</b>	6,323	6,488	8,832	9,204	10,218	11,110	10,606
<b>% increase/decrease from 07-08</b>	n/a	3%	40%	46%	62%	76%	68%
<b>% increase/decrease from previous year</b>	n/a	3%	36%	4%	11%	9%	-5%
<b>Rate of care applications per 10,000 children</b>	5.8	5.9	8.0	8.3	9.0	9.7	9.2

## Aims of the 2014 study

The aims of the study were to gauge the views of Guardians in relation to care applications received by Cafcass during the period 11 – 29 November 2013, specifically in relation to:

- Whether the timing of the care application was appropriate, premature or late;
- Whether there was any other course of action which, in the view of the Guardian, the local authority should have taken before issuing proceedings;
- Whether the local authority met the requirements placed on them by the revised PLO; and
- Whether new or updated assessments had been commissioned prior to the making of the application and, if so, whether the assessments were in the child's best interests.

To establish with reference to Guardians' knowledge of the cases and, where relevant, data derived from the Cafcass Case Management System (CMS) the following factual data:

- The age and gender of the children who were subject of the applications;
- Whether a letter before proceedings was sent and/or a meeting held with the parent(s);

- How long the local authority had been continuously providing services to the family;
- Whether the child was subject of a child protection plan and, if so, under what category;
- The primary concern that triggered the proceedings; and
- Whether a new or updated assessment was undertaken prior to submitting the care application.

## Methodology

The process by which the sample for this study was established was as follows:

### Sample selection

All applications received (n=600) in the period 11 – 29 November 2013 were identified by making use of data held in the Cafcass Case Management System (CMS). This period was purposively picked to replicate the timescale and time of year for the data collected in this study, and that of previous *Three weeks in November* studies. In this study, in order to maximise data collected, all Guardians allocated to cases in this period were invited to participate in the survey.

The number of allocations to individual Guardians varied from one to four cases. To limit the burden of survey completion and to ensure that individual Guardians were not over represented, Guardians with more than two cases were asked to complete the survey in respect of only two cases, which were randomly selected for them. This gave a target sample of 570 (out of the total of 600 applications). This sample comprised 997 children, with the applications having been allocated to 434 Guardians. The applications had been received from 125 local authorities (82% of the total 152 local authorities)

### Survey

The survey design was based closely on that used in the 2012 study which in turn was similar to that used in the original study. This was done so that as many findings as possible could be directly compared with those from the previous studies. However, there were some differences to the 2012 survey, as follows:

- Questions regarding parental characteristics were removed. In their place, Guardians were asked to identify the concern (using the four formal categories of child protection plan, together with ‘beyond parental control’) that had triggered the application, irrespective of whether the child was subject to a child protection plan. In the previous study, the concern was only established in respect of those children subject to a child protection plan.
- Questions were added regarding the commissioning of a new/updated assessment prior to the application being made, and Guardians’ views were sought about whether the

assessment was helpful, to reflect changed expectations relating to pre-proceedings practice.

- Guardians were also asked, where this occurred, whether they considered to be appropriate local authority non-compliance (where identified as such by them) with the revised PLO. This question was asked so that negative inferences would not automatically be drawn where, for example, the local authority submitted an urgent application.
- Just one open-text question was set, asking the Guardian to expand upon why s/he believed the local authority application to be appropriate, premature or late.

The 2014 survey is attached at Appendix 1, together with the 2012 study survey at Appendix 2.

## Response

The online survey ran from 21 January to 14 February 2014. A total of 327 Guardians (75% of those surveyed) responded to the online survey, answering questions about 433 care applications (76% of the applications in the sample) involving 771 children (77% of the children in the sample). During the analysis, 10% of applications (42/433) were excluded because information provided could not be reconciled with that held on CMS, or because the survey was started by Guardians but not completed.

## Final sample population

The final sample population comprised: 304 Guardians; 391 care applications; and 684 children. It is a much larger sample than formed either of the two previous studies and covers a greater number of local authorities (82% of the total 152 local authorities). Information on all three studies is set out in table 2 below.

**Table 2 Survey population coverage**

<b>Publication Year</b>	<b>Cafcass Service areas</b>	<b>Guardians</b>	<b>Care applications</b>	<b>Children</b>
<b>2009 study</b>	10/21	55	82	166
<b>2012 study</b>	11/17	203	247	401
<b>2014 study</b>	17/17	304	391	684

## Limitations

The data that forms this study is, in keeping with the two previous studies, derived exclusively from the views of Guardians, elicited by an online survey. There are a number of benefits to this approach, specifically economy (it does not require a disproportionate amount of Guardian time to complete the survey; nor of Policy and Management Information staff to analyse the data) and sample size. The views of Guardians are not, however, ‘triangulated’ with information obtained from local authorities, the Cafcass case files or information about the outcomes of cases. Such a methodology would require considerably more resources than Cafcass is able to invest in this study. Further, to mitigate the risk of Guardians failing to recall accurately what happened in the period leading up to the local authority application, the survey was undertaken approximately two to three months after the Guardian was appointed to the case (calculated on the basis that the applications were received between 11 and 29 November 2013, and the survey completed between 21 January and 14 February 2014). This provides the benefit of data being relatively fresh in the Guardian’s mind, but it rules out the collection of data relating to the entire proceedings.

The views of Guardians are expressed with the benefit of hindsight in that, at the time the survey was conducted, they had knowledge of events in the case subsequent to the local authority’s application. Also, in looking at only those cases in which a care application was made, the cases which are successfully deflected from proceedings, as a result of pre-proceedings work, are not included in the sample. In terms of geographical coverage, the study includes data from all 17 Cafcass service areas. However, local authorities with higher rates of care applications are likely to feature more prominently in the study.

## Results

In this study, data is presented in respect of ‘children’ or ‘cases’. It is recognised that some cases will have had previous and/or subsequent applications of various types, and it was considered that the term ‘case’ would be most appropriate for reporting purposes.

All of the data, when expressed in percentage terms, is provided to the nearest whole number. As a result of this rounding, adding together sets of percentage figures may not equal 100%.

### Questions in respect of cases

Unless stated otherwise, there were 391 responses to each question within this section. Where questions in this study replicate questions asked in the previous studies, we provide the findings from the previous studies alongside those derived from this study.

#### Was any other course of action available to the local authority?

Guardians were asked the question “do you believe there was any other course of action the local authority should have taken before issuing proceedings in this case?”

Guardians believed in 84% of cases (327/391) that there was no other course of action that local authorities should have taken. This percentage accords with the finding of the 2012 study in which Guardians believed in 85% of cases (211/247) that no other course of action was preferable.

**Table 3 Category of Guardians’ views on whether an alternative course of action should have been taken**

Alternative course of action	Number of cases
Further assessment	20
Family group conference	18
Temporary kinship placement	12
Child protection plan	11
Referral to other services	11
Section 20 accommodation	6
Parenting education programme	5
Respite care	2

In the 64 cases where Guardians believed a different course of action was available to the local authority, respondents were asked a supplementary question about what action should have been taken. Multiple options could be selected, and the most common course of action suggested was a further assessment, which was suggested in 20/64 cases. Direct comparison to the 2012 study is not possible in respect of the alternative actions, as different categories were used in 2012.

## Was the timing of the local authority application appropriate?

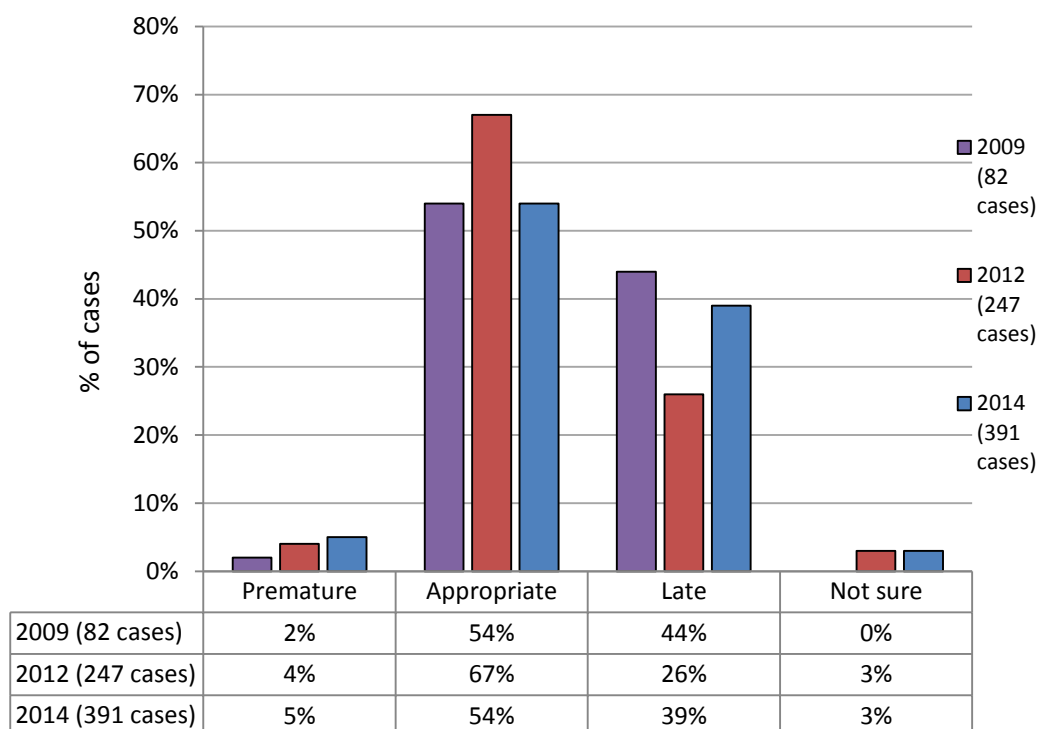
Guardians were asked “in your opinion, was the local authority’s timing in initiating proceedings in this case appropriate, premature or late?”

**Table 4 Guardians opinion on the timelines of the local authority applications**

Timeliness	Number of cases	% of cases
Premature	18	5%
Appropriate	212	54%
Late	151	39%
Not sure	10	3%
<b>Total</b>	<b>391</b>	<b>101%</b>

The percentage of cases in which the Guardian thought that the local authority’s application was appropriately timed is lower than reported in the 2012 study (67% in 2012, to 54% in 2014), whilst the percentage of cases in which the Guardian thought that the local authority was late in issuing proceedings is higher (up from 26% in 2012 to 39% in 2014). The percentage of cases in which the Guardian thought that the local authority’s application was premature remains low, 5% in this study compared to 4% in 2012.

**Figure 1 Guardians’ opinions on timeliness of local authority applications in 2009, 2012 and 2014 studies**



## Why did Guardians think the timing was appropriate, premature or late?

Guardians were then asked to explain, using free text, why they felt that the local authority's timing in issuing proceedings was appropriate, premature or late. The responses provided by Guardians were then coded.

### Analysis of Guardians' responses: 'appropriately timed' applications

In the majority of cases (54%, 212/391) the Guardian felt that the issuing of proceedings by the local authority was appropriately timed. A number of grounds were cited by Guardians for their view that the application was timely, notably the pressing need to secure a child's safety, either as a result of suspected non accidental injuries; babies being abandoned; parents having some sort of relapse; or there being some other type of incident or crisis within the family. The following response provides an example of where urgent protective action was required.

*"The local authority issued proceedings immediately following the child's birth and in fact had complied with the PLO prior to the child's birth. The circumstances and risks in relation to this child required her to be safeguarded."*

In other responses, Guardians emphasised the assessment and/or support work that had been provided to the family, seeing this as a positive factor but forming the view that the parents were unlikely to make the required progress within a reasonable timeframe. The following examples illustrate the point:

*"The local authority had done a period of work with Mother over a year to try and resolve the concerns. [Work undertaken with the mother] indicated that little had changed and that the children may be at risk of further emotional harm."*

*"The local authority risk assessed the unborn child appropriately. The concerns were well documented, and the reasons why this needed to be brought to the attention of the Court. They had completed viability assessments ready for the court and [identified] the father of the child. I felt the local authority in this case wish to avoid any delay in the planning for this child."*

In some cases, care applications had been issued as a result of events within private law proceedings; following the withdrawal of permission for s20 accommodation; or as a result of the wishes and feelings of older children.

### Analysis of Guardians' responses: 'late' applications

The explanations provided by Guardians in respect of the 151 'late' applications were coded by the research team into one of two categories: long standing concerns, or pre-proceedings work. Of the 'late' applications, 56% (84/151) featured long standing concerns, and 44% (67/151) concerned pre-proceedings work.

- Long standing concerns: cases in which the Guardian identified exclusively, or principally, delay in bringing proceedings as having been caused by work undertaken with the family over an extended period of time, and prior to the local authority having established that they considered the significant harm threshold to be met.
- Pre-proceedings: cases in which the Guardian identified delay as having been exclusively or principally caused by work undertaken after the local authority considered the significant harm threshold to be met.

We look first at the long standing concerns. Some responses made by the Guardians focussed primarily on the behaviours of the adult parties (predominantly the parents of the subject children), with domestic violence, substance abuse, learning difficulties and/or parental mental health all featuring consistently. In other cases a parent was in prison or involved in criminal proceedings, or risks were posed by a new partner or other adults within the household. The following is an example:

*"There is a long history of volatility between the mother and the father and the children have witnessed domestic violence and/or have been exposed to this. The parents' relationship has a pattern of separation and reconciliation. The parents have received advice and support in order to recognise the harmful impact of domestic violence upon the children, but had prior to the issue of these proceedings failed to engage with such help. The father has a history of criminal offending. There has been a lack of engagement with the local authority."*

In other cases of long standing concerns, Guardians stressed the impact on the children of the parental behaviours, with neglect and/or emotional harm derived from witnessing violence being common features. Other aspects cited by Guardians included: children who had been living with wider family for extended periods, or children who were absent from the parental home following a breakdown in the relationship; cases where there had been previous proceedings in respect of older



child or half-siblings; and cases where families moved between local authority areas or had numerous changes of appointed social worker. The following examples illustrate some of these points:

*“The family has been known to the local authority for two years, and the eldest child had been on a child protection plan from [a very young age]. The child now displays very disruptive behaviour. In my view she has been exposed to unacceptable neglect.”*

*“The children were exposed to neglect and emotional abuse through domestic violence and adult mental health issues. The local authority took too long to act on information from [a number of agencies] indicating the poor quality of home life for the children.”*

Turning now to the pre-proceedings cases, Guardians cited further assessments of parents or assessed family members/carers when it was apparent (to the Guardian, with the benefit of hindsight) they were not in a position to provide long-term care. References were made to authorities wishing to be “protocol compliant” or undertaking extensive pre-proceedings work when there had been multiple children removed from the same family.

Cases where children were accommodated for extended periods also featured, either under s20 or with unregulated carers, as did cases where the local authority was seen to have delayed between holding legal planning meetings or other pre-proceedings meetings, despite parental behaviours not having changed. In some cases the Guardian simply identified a lack of urgency in bringing the case to court. The following examples illustrate some of the above points:

*“The local authority had a child protection plan for this unborn baby. This plan was removal at birth. The local authority had a wealth of evidence relating to mother, whose older child is near the conclusion of care proceedings. It took approximately three weeks to activate this plan and resulted in mother and baby remaining in hospital after baby was ready to be discharged.”*

*“In essence the local authority had acted appropriately in the run up to proceedings. Services were offered to the mother to initiate change. The prognosis was poor as this was a young mother in the third set of proceedings in three years. It was right to initiate care proceedings. The reason the application was late (in my view) was because despite having done all the correct pre-proceedings work the local authority did not immediately issue on the birth of the baby [but instead] the baby went home with a written agreement.”*

## Analysis of Guardians' responses: 'premature' applications

The views of Guardians about why they considered an application to be premature were coded by the research team into the categories set out in table 5.

**Table 5** Category of Guardians' views on why an application was premature

Why the application was premature	Number of cases	% of cases
Further assessment of / support to parents	12	67%
Kinship care available	3	17%
Threshold not met	3	17%
<b>Total</b>	<b>18</b>	<b>101%</b>

Applications identified as 'premature' by Guardians and coded as 'further assessment of/support to parents' by the research team concerned cases in which Guardians were of the view that further work should have been done with the family by the local authority before proceedings were issued. There were just 12 such cases, representing 3% of the entire sample, which, together with the findings regarding alternative courses of action (see table 3 above) suggests that a lack of assessment is rarely identified as a problem by Guardians. In the few cases that Guardians thought should have been subject to further assessment Guardians believed that families, which included children and parents for whom English was not their first language, were not afforded appropriate opportunities to engage; that applications made immediately after the subject child's birth had not fully considered rehabilitation or changes in parental circumstances; or that the local authority had not explored all possible avenues for supporting the family. The following is an example:

*"The local authority needed to spend a little more time in gaining and providing the necessary information prior to making an application."*

Applications coded by the research team as 'kinship care available' were those cases in which Guardians considered that local authorities had not been proactive in working with parents to identify wider family members who could provide permanence for the child. The applications coded as 'threshold not met' were those in which Guardians reported that parents were cooperating with assessments, or where parenting capacity appeared to be improving.

## Had a letter before proceedings been issued in this case?

A letter before proceedings may be sent to parents by the local authority in accordance with the Volume 1 (Court Order) Children Act 1989 Guidance.<sup>2</sup> The function of the letter is to 'enable the parents to obtain legal assistance and advice, prior to a meeting with the local authority, the intention of which is either to deflect proceedings or, at least, to narrow and focus the issues of concern'. In some circumstances, including those where an urgent application is made under s31, or an emergency protection order is sought, the nature of the local authority's concerns may mean that a letter before proceedings is not issued prior to the care application being made.

Guardians indicated that they were unsure whether or not a letter had been issued in 25% (97/391) of cases.<sup>3</sup> Table 6 below shows Guardians' responses where they indicated they knew whether or not a letter had been issued.

**Table 6 Guardians' responses on whether a letter was issued**

<b>Letter issued</b>	<b>Number of cases</b>	<b>% of cases</b>
Yes	184	63%
No	110	38%
<b>Total</b>	<b>294</b>	<b>101%</b>

In 63% (184/294) of the cases Guardians indicated they knew that a letter had been issued to parents before proceedings, and that a letter had not been issued in 38% (110/294) of cases.

## If a letter had been issued, was a meeting held?

A meeting with parents may be held by the local authority in accordance with the Volume 1 (Court Order) Children Act 1989 Guidance. The function of meeting with parents and/or wider family members is to enable them to contribute to decision making where there are child protection or welfare concerns. This can include holding a family group conference, which is a voluntary process led by family members.

This question was answered in respect of the 184 cases where Guardians said a letter was sent. Guardians indicated that they were unsure of whether a meeting was held in 23% (42/184) of cases where a letter had been sent before proceedings.

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<sup>2</sup> Replaced by Children Act 1989: court orders, 17 April 2014.

<sup>3</sup> Practice Direction 12A (the Public Law Outline; April 2014) does not identify letters before proceedings as documents that are to be served with the application form, unless disclosure is requested by any party.

**Table 7 Guardians' responses on whether a meeting was held**

Meeting held with parents	Number of cases	% of cases
Yes	128	90%
No	14	10%
<b>Total</b>	<b>142</b>	<b>100%</b>

Of the cases in which Guardians indicated they knew whether or not a meeting was held, they said that a meeting was held with the parents in 90% (128/142) of cases, with no meeting taking place in 10% (14/142) of cases. Notwithstanding the fact that some data is missing (97 cases in which the Guardian did not know whether a letter was sent, and a further 42 cases in which the Guardian did not know whether a meeting was held following the issuing of a letter), this finding indicates that a meeting was held in the vast majority of cases where a letter was sent.

### Was the issuing, or non-issuing, of a letter before proceedings in the child's best interests?

Guardians were asked whether they thought the local authority's decision to issue, or not to issue, a letter before proceedings was in the best interests of the child. This question was answered in respect of 294 cases where the Guardian indicated they knew whether a letter was issued or not. Guardians were unsure whether this decision to issue or not issue was in the best interests of the child/children in 11% (31/294) of cases.

**Table 8 Guardians' views on whether the decision was in the child's best interests**

In child's best interests	Number of cases	% of cases
Yes	217	74%
No	46	16%
I'm not sure	31	11%
<b>Total</b>	<b>294</b>	<b>101%</b>

As set out in Table 9, below, in the 184 cases where the Guardian had reported that a letter had been sent before proceedings, Guardians considered that this was in the best interests of the child in 91% (168/184) of cases. In contrast, in the 110 cases where a letter was not sent, Guardians considered that this was in the best interests of the child in 45% (49/110) of cases. There is a much higher level of Guardian endorsement for the issuing of a letter than the non-issuing.

**Table 9 Guardians' views on whether the decision was in the child's best interests (breakdown of cases in which a letter was issued, and not issued)**

Letter issued			Letter not issued		
In child's best interests	Number of cases	% of cases	In child's best interests	Number of cases	% of cases
Yes	168	91%	Yes	49	45%
No	3	2%	No	43	39%
I'm not sure	13	7%	I'm not sure	18	16%
<b>Total</b>	<b>184</b>	<b>100%</b>	<b>Total</b>	<b>110</b>	<b>100%</b>

### Had the local authority met the requirements set out in the revised Public Law Outline?

Guardians were asked whether they thought the local authority had met the requirements placed upon them by the revised Public Law Outline (PLO) in respect of the information provided to the court.

The revised PLO lists the 'annex documents' which are to be attached to the form that the local authority files with the court: this includes a social work chronology; a statement and genogram; current assessments relating to the child and/or the family and friends of the child; and the local authority's care plan. The application form and annex documents are to be copied to Cafcass when the local authority files the application with the court.

The data below is taken from the entire survey population of 391 applications, including those in which Guardians were unsure of whether the local authority had sent a letter before proceedings.

**Table 10 Guardians' views on whether the local authority met the requirements set out in the PLO**

PLO requirements met	Number of cases	% of cases
Yes, entirely	170	43%
Yes, partially	158	40%
No	47	12%
I'm not sure	16	4%
<b>Total</b>	<b>391</b>	<b>99%</b>

In 84% (328/391) of cases Guardians thought that the local authority had met or partially met the requirements placed upon them by the revised PLO, with the local authority fully meeting the requirements in 43% (170/391) cases.

### Was non-compliance with the revised PLO appropriate?

In a new question for 2014, in the 47 cases where Guardians indicated that the local authority had not met the requirements of the revised PLO, they were asked whether they thought the non-compliance was appropriate.

In 32% (15/47) of cases the Guardian thought the non-compliance with the revised PLO was appropriate, and in 64% (30/47) they thought it was not appropriate. There were two cases in which the Guardian was not sure.

### Did the local authority commission a new or updated assessment prior to issuing proceedings?

Guardians were asked whether the local authority had commissioned a new or updated assessment prior to issuing proceedings. This question was new to the 2014 study and takes account of the expectations placed on local authorities by the revised PLO. In 4% (17/391) of cases the Guardian was unsure whether a new or updated assessment was commissioned. Table 11 below summarises responses where the Guardian indicated they knew whether a new or updated assessment was or was not commissioned:

**Table 11** Guardians' responses on whether a new or updated assessment was commissioned by the local authority

New or updated assessment commissioned	Number of cases	% of cases
No	200	53%
Yes, one	121	32%
Yes, more than one	53	14%
<b>Total</b>	<b>374</b>	<b>99%</b>

Of the 374 cases where the Guardians provided a definite response, no new or updated assessment was commissioned by the local authority in 53% (200/374) of cases. At least one assessment was commissioned in 47% (174/374) of cases.

### Was the commissioning of a new or updated assessment in the child's best interests?

In the 174 cases where Guardians indicated that a new or updated assessment was commissioned by the local authority, they were then asked, with regard to the child's best interests, whether they considered that the assessment was helpful, neutral, or unhelpful.

In 85% (148/174) of cases Guardians indicated that the assessment was helpful. Guardians felt the assessment was unhelpful in 2% (4/174) of cases, and neutral in 12% (21/174). One Guardian was unsure whether the report was helpful.

**Table 12** Guardians' views on whether the commissioning of a new or updated assessment was in the child's best interests

Commissioning of assessment	Number of cases	% of cases
Helpful	148	85%
Neutral	21	12%
Unhelpful	4	2%
I'm not sure	1	1%
<b>Total</b>	<b>174</b>	<b>100%</b>

Of the four cases where the Guardian indicated that the commissioning of a new or updated assessment was unhelpful, none of the cases were recorded as having been 'appropriately timed': three were considered late, with one viewed as having been premature.

## Family data

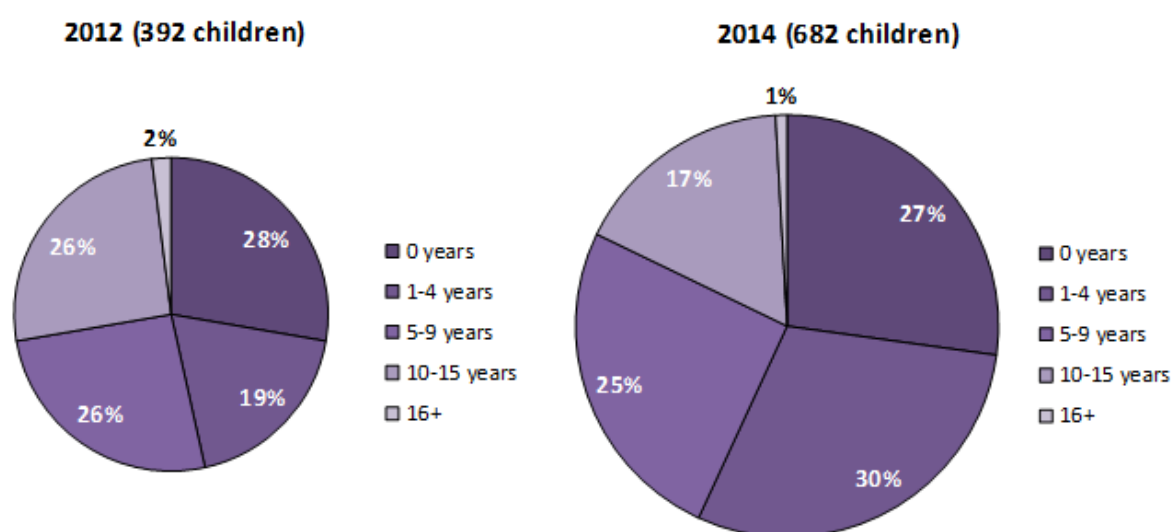
There were roughly equal proportions of male to female children in the survey population (51% male, 49% female). This is similar to the proportions in Cafcass' care cases in 2013/14, and is also broadly consistent with Department for Education figures for the gender split of looked after children.<sup>4</sup>

**Table 13** The age of subject children when the local authority application was made

Age at application	Number of children	% of children
under 1	186	27%
1-4 years	203	30%
5-9 years	173	25%
10-15 years	116	17%
16+	6	1%
<b>Total</b>	<b>684</b>	<b>100%</b>

The children in this study had an average age of five years, to the nearest whole year, with the median age being four years. The percentage of children under 1 year is similar to the 2012 study, 27% compared to 28% in 2012 (189/682 children, compared to 107/392 in 2012). There are higher numbers of children aged 1-4, and lower numbers of children aged 10-14 in the 2014 study, compared to the 2012 study.

**Figure 2** The age of subject children when the local authority application was made, comparison of 2012 and 2014 data



<sup>4</sup> [DfE Statistical First Release](#): Children looked after in England (including adoption and care leavers) year ending 31 March 2013.



## Questions in respect of individual children

Guardians were asked to answer the following questions in respect of each individual child, rather than each individual case. The total number of children in the sample is 684.

### For how long had local authority children's services been continuously providing services to the child?

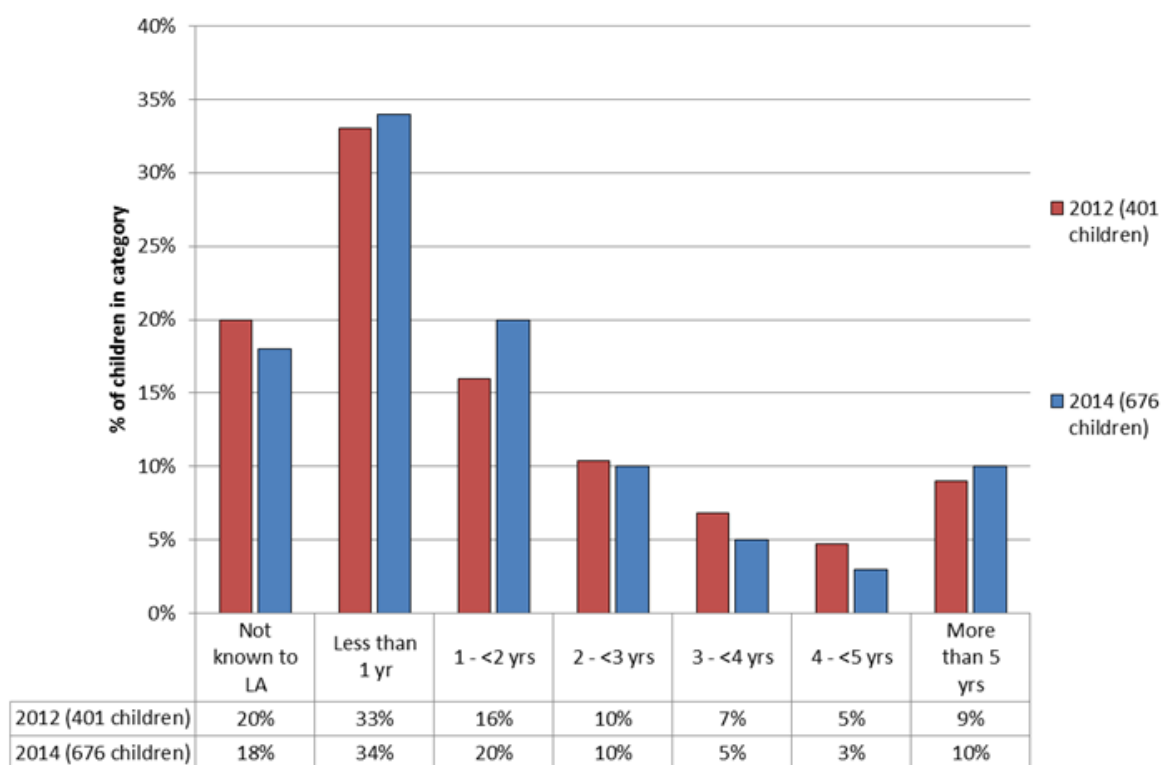
Guardians were asked to state for how long the child had been continuously receiving services from the local authority, prior to the application. In this question, Guardians did not answer questions in respect of eight children in seven cases. Table 14 and Figure 3, below, therefore concern 676 children from the total sample of 684.

**Table 14** Child data on the length of prior involvement with children's services

Prior involvement with children's services	Number of children	% of children
Not before this application	120	18%
Less than one year	230	34%
Between 1 – 2 years	133	20%
Between 2 – 3 years	67	10%
Between 3 – 4 years	35	5%
Between 4 – 5 years	22	3%
More than 5 years	69	10%
<b>Total</b>	<b>676</b>	<b>100%</b>

Where children were known to the local authority (less than one year to more than 5 year categories), there is a higher proportion of children aged under three years in the 2014 sample population, compared to 2012.

**Figure 3** Child data on the length of prior involvement with children's services, comparison of 2012 and 2014 data



### Was the child the subject of a child protection plan?

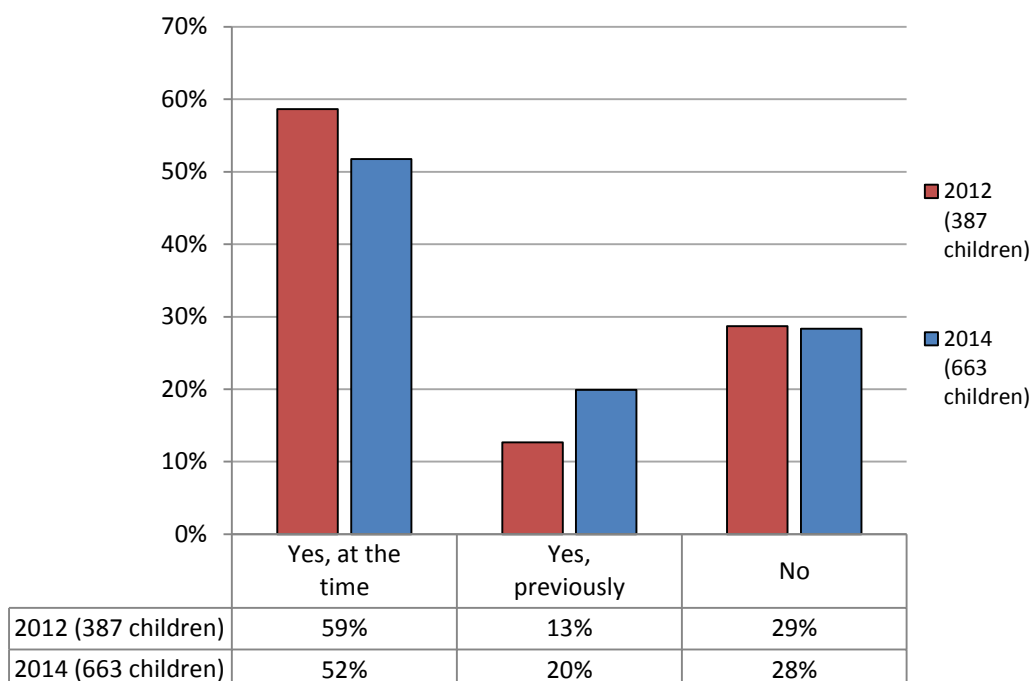
Guardians were asked whether each individual child was the subject of a child protection plan (CPP) at the time of the local authority care application. This question was not answered for 21 children in 13 cases and is therefore answered in respect of 663 of the 684 children.

**Table 15** Child data on whether the child was, or had been, the subject of a child protection plan

Child subject to CPP	Number of children	% of children
Subject of CPP at the time of application	343	52%
Had previously been subject of a CPP	132	20%
Never been subject of a CPP	188	28%
<b>Total</b>	<b>663</b>	<b>100%</b>

Guardians reported that 72% (475/663) of children been the subject of a child protection plan at some stage, and 28% (188/663) had not previously been the subject of a child protection plan.

**Figure 4** Child data on whether the child was, or had been, the subject of a child protection plan, comparison of 2012 and 2014 data



When compared to data from the 2012 study, the percentage of children subject to a plan at the time of the application is slightly lower, whilst the percentage of children previously the subject of a plan is slightly higher, though the combined percentage remains the same (72%).

### What is the category of concern on the child protection plan?

Where Guardians indicated that a child had been the subject of a child protection plan at some stage, they were asked to confirm the category (or categories) of child protection concern.

Of the 475 children who had been (currently or previously) the subject of a plan, as indicated in the previous question, Guardians answered this question in respect of 465 children. Guardians did not provide answers in respect of 10 children who were indicated to have been the subject of a plan. Guardians were asked to select all categories that applied for each individual child, and therefore the total number of children in the table below is greater than the 465 children about whom responses were provided.

**Table 16** Child data, where the child had been the subject of a child protection plan, on the categories of concern

Category of child protection concern	Number of children	% of children
Neglect	347	75%
Emotional abuse	216	47%
Physical abuse	97	21%
Sexual abuse	30	7%

As in the 2012 study, neglect remains the major concern in respect of children on a child protection plan who become the subject of a care proceedings application. The guardian indicated neglect as a category of concern for 86% of children in 2012 and 75% of children in 2014. This is in keeping with the national data for children who were the subject of child protection plans in the year ending 31 March 2013.<sup>5</sup> In this study, Guardians indicated that all four categories applied to two children (<1%). Of the 465 children, there were 8% (38) identified by three categories; 31% (142) identified by two categories; and 61% (282) identified by one category.

### Where a child was not the subject of a CPP, what triggered the application?

In cases where none of the children had been the subject of a child protection plan, Guardians were asked to identify what they considered to have triggered the local authority's application. Guardians responded to this question in respect of 116 children and could select more than one category per child.

This was a new question for the 2014 study; therefore no comparative data is available.

**Table 17** Child data, where the child had not been the subject of a child protection plan, on the trigger for the application

Trigger	Number of children	% of children
Neglect	68	59%
Emotional abuse	59	51%
Physical abuse	56	50%
Sexual abuse	9	8%
Beyond parental control	6	5%

<sup>5</sup> The data recorded by the DfE is in respect of initial categories of concern, so does not present a like-for-like comparison to the data in this study in which Guardians indicated all applicable categories of concern. Nationally, neglect was the initial category of concern in 41% of cases. [DfE Statistical First Release: Characteristics of children in need in England, 2012-13 \(31 October 2013\), SFR45/2013.](#)

## Further analysis

The research team identified three areas for further analysis (by which we mean the cross-tabbing of some of the data presented above). Where the same analysis was undertaken in the 2012 study, figures have been provided in brackets for comparison.

### Timeliness and whether the requirements of the PLO were met

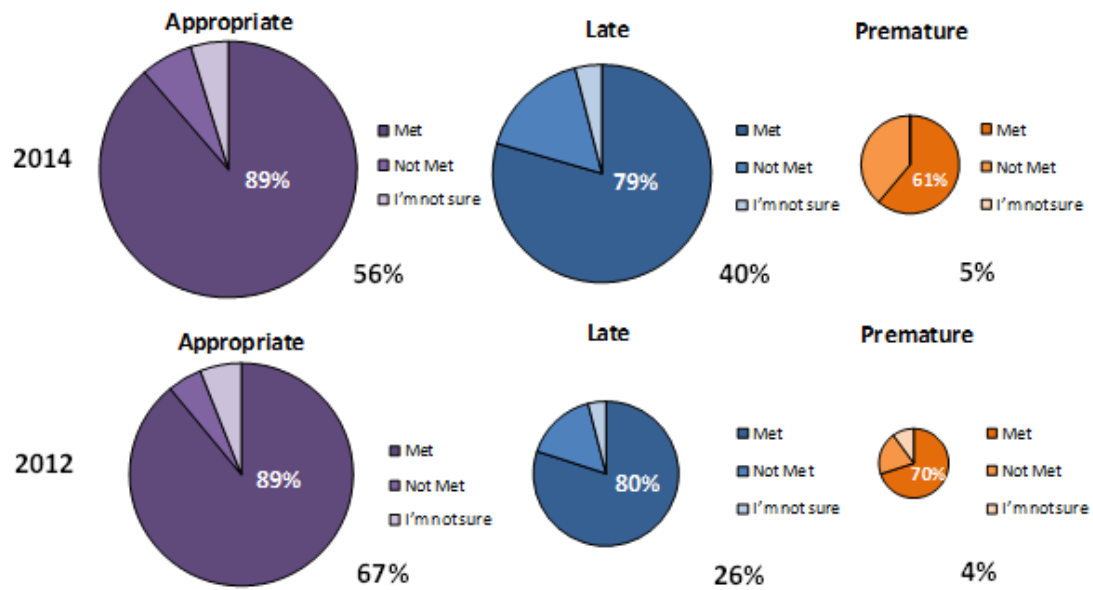
In cases where the Guardian considered the timing of the application to be appropriate, 89% (188/212) considered that the requirements of the PLO had been met by the local authority. The percentage of cases where the Guardian considered that the requirements of the PLO had been met by the local authority was smaller in cases where the Guardian thought the application was late (79%; 120/151 cases), and further reduced in cases where the Guardian felt the application was premature (61%; 11/18 cases).

**Table 18 Guardians' opinions of the timing of local authority application and whether the PLO requirement was met (fully or partially) or not met**

PLO requirements	Timing of application							
		Appropriate		Late		Premature		I'm not sure
	Met	188	89%	120	79%	11	61%	9 90%
	Not Met	14	7%	25	17%	7	39%	1 10%
	I'm not sure	10	5%	6	4%	0	0%	0 0%
	Total	212	101%	151	100%	18	100%	10 100%

Figure 5 below compares data on timeliness of the application with the opinion of Guardians about whether the requirements of the PLO were met or not met, with data from this study and 2012 displayed. There is little change in the percentage of cases in each category in which the requirements of the PLO were met.

Figure 5 Guardians' opinions of the timing of the local authority application and whether the PLO



requirement was met, comparison of 2012 and 2014 data

## Timeliness and whether a new or updated assessment was commissioned by the local authority

Table 19 compares the Guardians' views about the timeliness of the application with information about whether a new or updated assessment was commissioned by the local authority. Applications that the Guardian considered to be appropriately timed were more likely to feature a new or updated local authority assessment, while premature applications were least likely to feature a new or updated assessment.

Table 19 Guardians' opinions of the timing of local authority application and whether they indicated (one or more) new or updated assessments were/ were not made

Timeliness	New or updated assessment		No new or updated assessment		Total	
Appropriate	108	53%	95	47%	203	100%
Late	57	40%	86	60%	143	100%
Premature	3	17%	15	83%	18	100%
I'm not sure	6	60%	4	40%	10	100%
<b>All</b>	<b>174</b>	<b>47%</b>	<b>200</b>	<b>53%</b>	<b>374</b>	<b>100%</b>

Applications featuring new or updated assessments were viewed by Guardians as being appropriately timed in 53% of cases. This decreases to 40% of applications the Guardian thought

were late, and to 17% in premature applications. There does not appear to be any association between the local authority commissioning of a new or updated report and the Guardians' view of the timing of the application; Guardians were more likely to consider an application late, rather than appropriately timed, where there was no new or updated assessment.

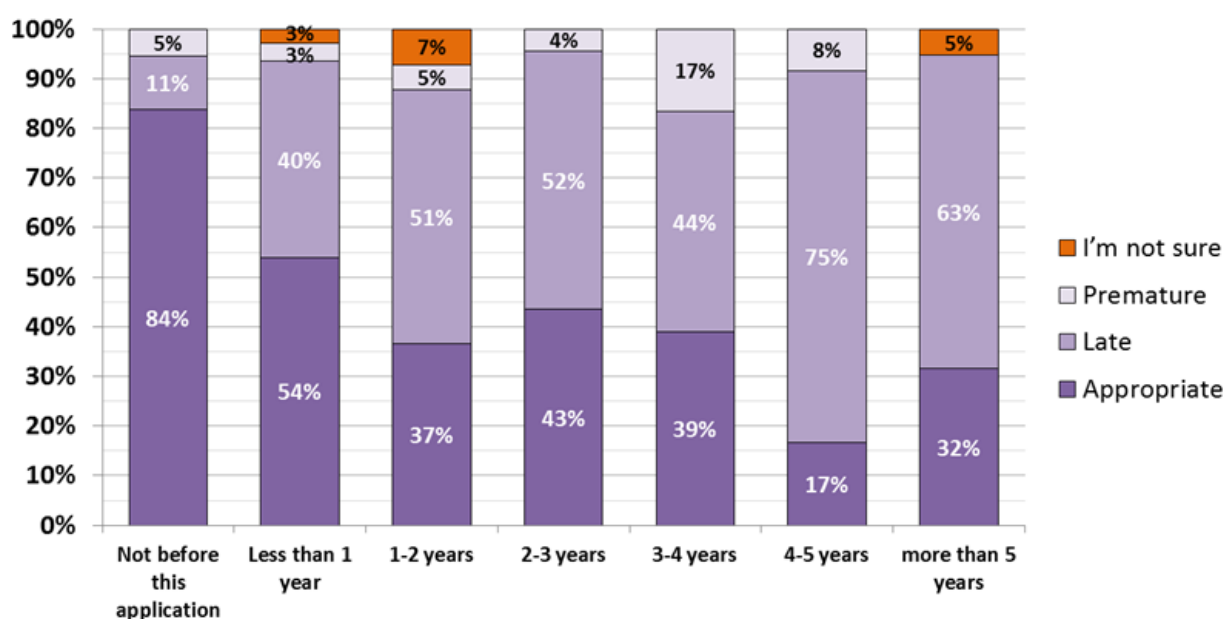
## Timeliness and length of local authority involvement

Table 20 and Figure 6 show the timing of the application against how long the child had been known to the local authority.

**Table 20 Guardians' opinions of the timing of local authority application and whether the child was known to the local authority**

Timeliness	Appropriate	Late	Premature	Not sure	Total
Not before this application	62	8	4	0	74
Less than 1 year	110	81	7	6	204
1-2 years	15	21	2	3	41
2-3 years	10	12	1	0	23
3-4 years	7	8	3	0	18
4-5 years	2	9	1	0	12
More than 5 years	6	12	0	1	19
<b>All</b>	<b>212</b>	<b>151</b>	<b>18</b>	<b>10</b>	<b>391</b>

**Figure 6 Guardians' opinions of the timing of the local authority application and whether the child was known to the local authority**



Guardians were more likely to consider the application was late where children had been known to the local authority. In the applications where children were not known to the local authority before the application, 84% (62/74) were considered as appropriately time and 11% (8/74) as late. In contrast where children were recorded in a 'known to the local authority' category, the number of applications considered appropriate ranges from 17% to 54% between length of involvement categories.

Most applications concerned children who were known to local authorities for less than one year prior to the s31 application. This group has the highest level of applications considered appropriate out of the 'known to LA' categories, 54% (110/204), and has 40% (81/204) considered as late. Although the longer categories of local authority involvement concern only a small proportion of applications, the longest recorded categories of involvement contain the lowest proportion of appropriately timed applications. Those applications where the child had been known for 4-5 years, and more than five years, had 75% (9/12) and 63% (12/19) of applications considered late respectively.



## Concluding remarks

We noted above that the sample used in this survey of Guardians' views is larger than the samples used in the previous two studies, involving substantially more care applications, Guardians, Cafcass service areas and local authorities. Two years have passed since the last study was undertaken, during which there have been legislative and system changes within family justice. Notwithstanding this, the results of this survey are similar in a number of respects to those of the 2012 study, both in terms of facts (as recalled by the Guardians) and their opinions. For example:

- Neglect remains the principal category of concern for children who were subject of a child protection plan, followed by emotional abuse. Neglect was also identified as the principal trigger of s31 applications where the child was not subject of a child protection plan, this being a new question.
- The length of continuous local authority intervention has settled, with 10% of children having received five years or more of continuous local authority intervention prior to the application being made. This is consistent with the 2012 study, which found that the length of input was substantially briefer than the 2009 study. It is of note that there are relatively more children in the 1-4 years age range in this study (and relatively fewer children aged 10-15) which might tend to limit the length of local authority involvement.
- Around 20% of children were not known to the local authority before the application was made in both this study and the 2012 study.
- The Guardians considered that no other course of action was available to the local authority, before issuing proceedings, in the vast majority of cases in both this study and the 2012 study.

### How do the findings of this study differ from those of the 2012 study?

The principal difference is that the number of cases in which the Guardian considered the application to have been late rose to 39%, having dropped from 44% in the 2009 study to 26% in 2012. We have considered why Guardians were of the opinion that more applications were made late than was the case two years ago, and suggest three possible explanations:

Explanation 1: the drive to establish permanence for children in a timely manner (recently enshrined in legislation, but established within the culture of the family justice system for much longer) has led to a lower tolerance by Guardians of perceived delay. It would be surprising if Guardians' expectations of local authorities had not changed, given the extent and speed of family justice reform.

Explanation 2: the drive to conclude care proceedings within 26 weeks has had another, and unintended, consequence of 'squeezing the toothpaste tube'<sup>6</sup> – transferring some of the delay from proceedings to the pre-proceedings period whilst local authorities prepare their case, in the knowledge that Courts will expect essential assessment work to have been undertaken. Broadhurst

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<sup>6</sup> McKeigue, B. and Beckett, C. (2010).

et al (2014) made such a finding in their evaluation of two Cafcass pre-proceedings projects, suggesting that there might have been a 'pay off' between lengthier pre-proceedings and shorter care proceedings, and that the pre-proceedings delay might have been productive in some cases in promoting permanency for the child.<sup>7</sup> It is evident that some Guardians identified delay as having taken place during the pre-proceedings period, but it is interesting to note that they also consider the commissioning of a new or updated assessment (historically a major cause of delay within proceedings) to have been helpful in the vast majority of cases; and that they consider that the local authority met the requirements of the Public Law Outline in a similarly high percentage of cases. These findings imply that Guardians hold some mixed views about pre-proceedings work, on the one hand expressing concern that the 'toothpaste has been squeezed' but on the other hand identifying potential benefits. It is, of course, the case that instances in which pre-proceedings interventions were successful, in terms of resulting in there being no need to initiate s31 applications, are not included in this study. Such outcomes can properly be seen as being beneficial to children, in that local authorities were no longer of the view that the significant harm threshold had been met in respect of the children.

Explanation 3: some cases are subject to drift, with local authorities spending too long working with parents who have multiple chronic problems and who are highly unlikely to make sufficient progress within an acceptable timeframe. This view is evidently held by some Guardians in respect of some cases but the findings on the length of time that local authorities have worked with families (which has not risen - see the second bullet point above) does not support the idea that there is more drift than there was in the 2012 study. It may instead be the case that Guardians have a reduced tolerance for delay, defining it as being drift at an earlier point in time than was the case in 2012.

The overall impression is, as in 2012, of general endorsement by Guardians of much of the work of the local authorities, regarding: the timely issuing of the majority of applications; the vast majority of assessments having been viewed as being helpful; and compliance with the revised Public Law Outline. It is reassuring to note that Guardians consider, in general, that local authorities are bringing the right cases to court, usually at the right time, and with the cases having been well-prepared.

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<sup>7</sup> Broadhurst et al (2014)

## References

K. Broadhurst, P. Doherty, and E. Yeend (2014, Coventry and Warwickshire Pre-Proceedings Pilot: Final Research Report. London

Department for Education, Statistical First Release: Children looked after in England (including adoption and care leavers) year ending 31 March 2013.

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J. Guy, V. Blessington, and R. Green (2012), Three weeks in November...three years on: Cafcass care application study 2012.

J. Guy and E. Hall (2009), The Baby Peter effect and the increase in s31 care order applications

B. McKeigue, and C. Beckett (2010). Squeezing the toothpaste tube: Will tackling court delay result in pre-court delay in its place?. *British Journal of Social Work*, 40(1), pp.154-169.

## Appendix 1: survey completed by Guardians 2014

Practitioner Name and team:

1. Case name:

2. Case number:

3. Number of children subject to this application:

4. Name of the Local Authority issuing these proceedings:

5. Do you believe there was any other course of action the Local Authority should have taken before issuing proceedings in this case?

☐ Yes ☐ No

6. If you answered 'yes' to question 5, what should have been done? (select as many as apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Family group conference      | <input type="checkbox"/> Child protection plan                         |
| <input type="checkbox"/> Respite care                 | <input type="checkbox"/> Section 20 accommodation                      |
| <input type="checkbox"/> Temporary kinship placement  | <input type="checkbox"/> Parenting education programme (e.g. Triple P) |
| <input type="checkbox"/> Referral to other services   | <input type="checkbox"/> Further assessment                            |
| <input type="checkbox"/> Proceedings initiated sooner | <input type="checkbox"/> Other (please specify)                        |

7. In your opinion was the local authority's timing in initiating proceedings in this case appropriate, premature or late?

☐ Appropriate ☐ Late ☐ Premature ☐ I'm not sure

8. Please explain why you chose appropriate/premature/late

9. Was a letter before proceedings sent in this case?

☐ Yes ☐ No ☐ I'm not sure

10. Was a meeting held with the parent(s) between the issuing of the letter and the submission of the s31 application?

☐ Yes ☐ No ☐ I'm not sure

11. Was the issuing, or non-issuing of a letter before proceedings in the child's best interests?

☐ Yes ☐ No ☐ I'm not sure

12. Had the local authority met the requirements placed on them by the revised Public Law Outline in respect of the information provided to court?

☐ Yes, entirely   ☐ Yes, partially   ☐ No   ☐ I'm not sure

13. Was the non-compliance with the requirements of the PLO appropriate?

☐ Yes, it was appropriate   ☐ No, it was inappropriate   ☐ I'm not sure

14. For how long had children's services been continuously providing services to this child?

☐ More than five years   ☐ 4-5 years   ☐ 3-4 years

☐ 2-3 years   ☐ 1-2 years   ☐ Less than one year

☐ Not before this application

15. Was this child the subject of a child protection plan when this s31 application was made?

☐ Yes, when the application was made

☐ Yes, previously but not at the point the application was made

☐ No, never subject of a plan

16. If yes, what was the category of the child protection concern? Mark all that apply.

☐ Sexual abuse   ☐ Physical abuse

☐ Neglect   ☐ Emotional abuse

[do you need another page for another child subject to the application?]

17. If none of the children subject to the application have ever been the subject of a child protection plan, what were the concerns that triggered the proceedings? Mark all that apply

☐ Sexual abuse   ☐ Physical abuse   ☐ Neglect

☐ Emotional abuse   ☐ Beyond parental control

☐ N/A – all of the children were currently or previously subject to a child protection plan

18. Did the LA commission a new or updated assessment prior to submitting the care application?

☐ Yes, more than one assessment

☐ Yes, one assessment

☐ No

☐ I'm not sure

19. Was the commissioning of a new or updated assessment helpful/neutral/unhelpful to the child's best interests?

☐ Helpful

☐ Unhelpful

☐ Neutral

☐ I'm not sure

## Appendix 2: survey completed by Guardians 2012

Practitioner Name:

Team:

Case name / CMS case number:

Number of children subject to this application:

Please answer the following 12 short questions about this case. The questionnaire should take no more than ten minutes to complete.

Name of the Local Authority issuing these proceedings:

1. In your opinion was the Local Authority's timing in initiating proceedings in this case appropriate, premature or late?

☐ Appropriate ☐ Premature ☐ Late ☐ I'm not sure

2. In this case had the Local Authority met the requirements placed on them by the Public Law Outline in respect of the information provided to court?

☐ Yes, entirely ☐ Yes, partially ☐ No ☐ I'm not sure

3. Was a Letter Before proceedings sent in this case?

☐ Yes ☐ No ☐ I'm not sure

4. Do you believe there was any other course of action the Local Authority should have taken before issuing proceedings in this case?

☐ Yes ☐ No

5. If yes, what should have been done? (Select as many as apply)

☐ Family Group Conference ☐ Section 20 Accommodation

☐ Child Protection Conference ☐ Temporary Kinship Placement

☐ Parenting Education Programme (e.g. Triple P) ☐ Residential Assessment

☐ Robust child protection plan / implementation ☐ Referral to Other Services

☐ Respite care ☐ Other

Questions about children subject to these proceedings	
	Answered in respect of individual children, from child 1 to child 6.
6. For how long had children's services been continuously providing services to this child?	<ul style="list-style-type: none"> <li>• Not before this application</li> <li>• Less than one year</li> <li>• [.....] years</li> </ul>
7. Was this child the subject of a child protect plan when this s31 application was made?	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
8. IF so, what was the category of child protection concern? Mark all that apply	<ul style="list-style-type: none"> <li>• No child protection plan</li> <li>• Sexual abuse</li> <li>• Physical abuse</li> <li>• emotional abuse</li> <li>• Neglect</li> </ul>

9. Did any of the parents involved in this case have involvement with Children's Services when they were under 18?

☐ Yes, one parent      ☐ Yes, both parents      ☐ No      ☐ Don't know

10. Are any of the following factors in this case (indicate all that apply)?

☐ Drug and/or alcohol misuse      ☐ Parental mental ill-health

☐ Parental domestic abuse as victim      ☐ Parental domestic abuse as perpetrator

☐ Don't know

11. What, in your experience and judgement, are the factors underpinning the increase in the rate of care applications made by local authorities since 2008? Please tell us, briefly, in the box below [NB. If completing two questionnaires, please only answer this question in respect of one of the two cases]

12. Please identify what, if any, post-application delay factors have arisen in the three months since proceedings began