



Department
for Education

Supporting families after care proceedings: supervision orders and beyond

**Parental perspectives on care proceedings,
supervision orders and care orders at home**

2022

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Glossary

Cafcass	Children and Family Court Advisory and Support Service
Cafcass Cymru	Cafcass Wales
CASP	Care and Support Plan
DA	Domestic Abuse
DfE	Department for Education
FDAC	Family Drug and Alcohol Court
IDVA	Independent Domestic Violence Advisor
IRO	Independent Reviewing Officer
LA	Local Authority
LAC	Looked After Child
NFJO	Nuffield Family Justice Observatory
PLWG	Public Law Working Group
PLO	Public Law Outline
SSWWA 2014	Social Services and Wellbeing (Wales) Act 2014

Executive Summary

1.1 About this report

This report charts the experiences and views of parents whose children were made subject to a supervision order or a care order at home at the end of care proceedings. Both are ways of keeping families together when it is safe to do so. This is a core principle of the Children Act 1989.

The supervision order is a short-term order, which is typically made for one year. It can be renewed annually for up to three years. It places a duty on the local authority to 'advise, assist and befriend the supervised child'. Only the parent has parental responsibility.

When a child is made subject to a care order at home, parents share responsibility with the local authority. The order lasts until the child reaches eighteen unless the local authority discharges it earlier or the parent successfully applies for its discharge. The child is a 'looked after child' within the terms of regulations and guidance and can be removed from parents without the need to return to court.

1.2 Background and context

A sub-group of the Public Law Working Group is carrying out the first review of supervision orders since the introduction of the 1989 Children Act. It was set up because national research in 2019 had raised questions about the effectiveness of supervision orders and there have been longstanding professional concerns over its contribution (Harwin et al., 2019). The Chief Social Worker had also raised concerns about the use of supervision orders (Trowler et al., 2019). In their study, Trowler notes that "the vast majority of decisions taken to initiate care proceedings were certainly reasonable. The question is whether or not they were always necessary". She recommended that:

- More children should be diverted from proceedings altogether.
- More social work should be carried out under the no order principle.
- More "sophisticated" services should be provided.

The overall aim of the PLWG Review is to make recommendations for reform and to produce best practice guidance so as to achieve a 'more robust and effective form of a public law order'. It is expected to become the main way of keeping families together following care proceedings. This is because guidance from the PLWG, endorsed by the President of the Family Division in 2021 states that care orders at home should only be made for 'exceptional reasons'.

1.3 Aims of the study

This study was commissioned by the DfE to ensure the views, experiences and recommendations of parents can inform the recommendations of the PLWG Review. There has not been any study into parents' views and experiences of supervision orders. Nor has there been a recent study of parents' perspectives and experiences of care orders at home. The present study includes parents' testimony on pre-proceedings and the court experience to understand the parents' journey. This study helps fill this significant lack in evidence from 'experts by experience'.

1.4 How the study was carried out

Individual interviews were held with parents and focus groups were held with a sub-set of parents so that they could jointly put forward proposals for change.

1.5 About the parents

- Forty-four parents (59 children) took part in the study. Of these:
 - Twenty parents (20) had experience of a child on a supervision order.
 - Twenty-four (24) had a child living at home on a care order.
- Their experiences cover 13 local authorities (11 in England) and two (2) in Wales.
- Most of the orders were made between 2018 and 2020.
- Domestic abuse, mental health difficulties and drug and alcohol misuse were widespread factors in the issue of the care proceedings.
- Over a third of the children had special needs.

1.6 Key findings

1.6.1 About pre-proceedings and the court experience

- Most parents felt that they had not received enough help during pre-proceedings.
- Most parents felt the court treated them with a lack of respect and understanding of their mental health, substance misuse and domestic abuse problems. It made it harder for parents to present their situation and circumstances effectively.
- Some parents from ethnic minorities reported a lack of cultural sensitivity.
- Parents found judges and their legal representatives the most helpful, and social workers the least helpful professionals during proceedings. The relationship between the local authority and parent had improved by the time the final order was made in most cases.
- Parents wanted clearer explanations of the court process with better signposting to the next steps.

- Some parents did not understand why they were not allowed to work or remain in education during the proceedings when their child was not living at home. They worried it would push them into poverty and harm their job prospects.
- A few parents, with previous experience of ordinary care proceedings, had their case heard in a Family Drug and Alcohol Court (FDAC). They felt that FDAC offered a better approach.
- Parents welcomed both the making of a supervision order and care order at home. It meant they could be a family again.

1.6.2 About the implementation of the supervision order

- Parents had mixed views on how helpful the supervision order had been. For some it had provided all the support and services they needed. For a few, it had not helped or been supportive. The largest group of parents had a mixed experience. Nearly all parents felt that the supervision order could work better.
- The relationship between parents and the social workers was a key determinant of their experience of the supervision order. Trust was a critical issue. Providing guidance, practical help, being knowledgeable about the issues parents were dealing with, and fighting their corner were equally important.
- Most parents praised children's nurseries, schools and health visitors for supporting them and arranging services for their children.
- Multi-agency working was uncommon, but it was considered very useful when it did happen.
- Parents who had experienced domestic abuse reported that support from children's services was limited to referral to courses on co-parenting and the Freedom Project.
- The engagement of the wider family had sometimes been identified in the care plan, but family group conferences were rare. Sometimes relatives stepped in to help parents when children's services had under-delivered.
- Many parents felt that the support for their family outlined in the care plan, or a support need that emerged during the period of the supervision order, was not delivered.
- The framework for delivering and ending the supervision order was very variable. Parents wanted to see a formal review introduced at nine months and some thought reviews should begin much earlier.
- They advised other parents to see the supervision order as an opportunity and not to be afraid to ask for support and services they needed.

1.6.3 About implementation of the care order at home

- Most parents felt that their family had been helped by the care order at home.
- Parents with experience of both supervision orders and care orders at home preferred care orders at home because they:
 - made parents feel safe and confident that the order would be delivered because of the legal requirements
 - provided a consistent delivery framework
 - were more likely to deliver support and services.
- Some parents found the care order at home placed restrictions on the family which they did not always understand. They could prevent families developing social relationships and moving on with their lives.
- Contact arrangements were singled out as a particularly difficult area.
- Parents felt motivated when discharge was planned early so they could move on with their lives.
- The parents' relationship with the social worker was extremely important. Most parents had a positive relationship with the social worker. Trust was a key factor.

1.6.4 Parents' recommendations from the focus groups

1. Listen to parents and provide more support and collaboration in pre-proceedings, with clear directions, advice, and be specific about expectations and timescales.
2. Involve an 'independent parent supporter' to provide legal, emotional, and practical support to the parent from pre-proceedings to the end of the order.
3. Ensure continuity of personnel, especially between pre-proceedings and care proceedings.
4. Care proceedings need to be more humane and more understandable, with information leaflets written from the parents' perspective.
5. Use the 26 weeks' timeframe more flexibly to increase opportunities for families to stay together or be reunited.
6. Retain but revamp the supervision order to provide more consistency, support, intensive services for parents, and a fully independent reviewing process.
7. Retain the care order at home with a set end point.
8. Introduce an order to sit between the supervision order and care order at home.
9. Overhaul the response to domestic abuse in the child protection and family justice system to include single and multi-disciplinary training for child protection and

family justice personnel, more services and a change of culture in the courts and children's services to avoid the risk of re-victimisation.

1.6.5 The future of supervision orders and beyond: proposals for reform

(1) Strengthening supervision orders

- Guidance should be issued by the DfE to underpin a national best practice framework to help ensure consistency of support and oversight. It should be informed by relevant research, cross-sector insights about supervision orders and care orders at home, and the expertise of those with lived experience.
- Develop a bespoke IRO role and service that builds on the messages from this research, the LAC reviewing framework and existing approaches to review children in need plans (such as the CINRO service). Develop opportunities for IROs to chair reviews in neighbouring local authorities to promote a fully independent review.
- Enhance support, services, and funding for supervision orders to maximise their benefits. Set up a national fixed-term 'supervision order support fund', along the lines of the Adoption Support Fund, funded by central government.
- Prioritise providing access to skilled, timely advice on housing and benefits given evidence of the prevalence of these issues amongst families with a supervision order and the harm associated with housing insecurity and poverty.
- Monitor implementation of the impact of changes to the supervision order on practice to inform decisions on the need for longer-term reform and if so, whether to replace supervision orders by a family support order (lasting up to three years).

(2) Improving the court experience

- Set up a PLWG task force with FDAC specialists to review possibilities of incorporating features of FDAC into mainstream care proceedings.
- Commission parents to co-produce with practitioners a family friendly guide to care proceedings.

(3) Improving the response to domestic abuse

- Convene a round table to develop a multidisciplinary training programme strategy on the identification of and response to domestic abuse. The target groups should include child protection and family court practitioners and the police.

- Develop an action plan to improve the availability of information for domestic abuse survivors in private and public law proceedings to include input from survivors as experts by experience.

1.7 Conclusions

Until now the views and experiences of parents whose child has been returned to their care on a supervision order have not been known. Nor has there been a recent study of parents whose children remain at home or return on a care order.

Several conclusions can be drawn from this study. We now know that parents see a positive future for supervision orders, provided that they undergo significant change. It is very clear that following the conclusions of proceedings, parents want active support and services tailored to their own needs and those of their children to increase prospects for their families to stay together safely now and in the future. This finding indicates that there is a consensus amongst parents and professionals that the supervision order should remain but must be strengthened (Harwin et al., 2019; Ryan, Roe, & Rehill, 2021).

Paradoxically this study suggests that families are more likely to get this support and services delivered within a consistent framework under a care order at home than under a supervision order. As the PLWG guidance on care orders at home specifies that ‘the making of a care order should not be used as a vehicle to achieve the provision of support and services after the conclusion of proceedings’ much will depend on the success of reforms to the supervision order. Otherwise, the risk is that more children will end up being removed permanently.

Parents who remain or are reunited with their children have high expectations and ambitions for post order support. In their view keeping families together by means of a court order and a related regime of services and support has an important role to play and deserves proper investment.

Section 1 Introduction

This report charts the views and experiences of 44 parents (42 families) whose children remained or returned home at the end of care proceedings in England and Wales by means of a supervision order or a care order at home¹. The study was funded by the Department for Education (DfE) to inform the recommendations of the first review of supervision orders since the Children Act 1989. The Review is one of the core objectives of the Public Law Working Group (PLWG) as part of its review of all public law proceedings and recommendations for reform and operates under the authority of the President of the Family Division. The review of supervision orders will enable recommendations to be made for immediate and long-term reform and will include the publication of best practice guidance on the use of supervision orders. It is expected that the final report and guidance by the PLWG sub-group on supervision orders will be published in 2022.

The study seeks to contribute to the growing body of evidence from parents, special guardians, adopters and others who are 'experts by experience'. Increasing recognition is being given to the importance of their testimony to inform service development, delivery and policy. A major independent review of children's social care services in England, chaired by Josh MacAlister, is due to report in 2022 and the findings of this study will be relevant to that review². More generally, the study aims to add to the modest but growing body of evidence on parents' experiences of care proceedings and ways of investing in families to promote strong and lasting reunification³.

1.1 Keeping families together: the role of supervision orders and care orders at home

1.1.1 Core Principles of the Children Act 1989

Enabling families to remain together when it is safe to do so is a fundamental principle of the Children Act 1989. The legislation states that:

- a) Children's services should work in partnership with families⁴.

¹ In this report the term 'care order at home' will be used throughout. The official terminology is 'placement with parents'. See Part 4, section 22C (C2), Regulations 15-20 [The Children Act 1989 Guidance and Regulations Volume 2](#). See also [Part 6 of the Social Services and Well-being \(Wales\) Act 2014](#), [The Care Planning Placement and Case Review \(Wales Regulations\) 2015](#), [Part 4 Code of Practice \(Meeting Needs\)](#) and [Part 6 Code of Practice \(Looked After and Accommodated Children\)](#)

² [The Independent Review of Children's Social Care in England](#)

³ We use the term 'reunification' throughout this report for convenience. Some children however do not leave the care of their parents during proceedings. It is not an issue we explored.

⁴ See [Working Together to Safeguard Children 2018](#) at paragraphs 10-11. For Wales, see <https://socialcare.wales/hub/codes-of-practice>

- b) Children are best brought up within their families unless compulsory intervention is needed⁵.
- c) Local authorities have a general duty to promote and safeguard the welfare of the children in their area who are in need; promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs⁶.

Supervision orders are set out in the [Act](#) as a court order made at the conclusion of care proceedings to facilitate the aim of keeping families together, when safe to do so. It is a short-term order which enables children to remain or be reunited with their children following care proceedings. The order typically lasts for one year but can be shorter. It can also be extended annually for a total of three years. Crucially, parents retain parental responsibility, but the local authority does not acquire parental responsibility as a result of the making of a supervision order. The duty upon the local authority is to 'advise, assist and befriend the supervised child'. It is the only order which brings together Part IV of the Children Act 1989 and the duties exercised by the local authority under Part III of the legislation⁷. The underpinning principle of the supervision order is for the local authority to work in partnership with the family to address the core issues that resulted in and were identified during care proceedings.

By contrast, when a care order is made in care proceedings, the local authority shares parental responsibility with the parent. This applies whether the child lives at home with their parents on a care order or is placed elsewhere. The child becomes a looked after child in the care system and is owed the same duties as apply to other looked after children in the primary and secondary legislation⁸. This is one of the key effects of a care order being in place. The order lasts until the child reaches eighteen unless the family court subsequently discharges the order following an application by the local authority or if the parent's own application to the court for discharge is successful. The child can be removed from the parent at any time if the local authority is concerned about the child's welfare without the need to return to court. However, any change in plan is subject to the independent reviewing process⁹ and partnership principles apply.

Family reunification by means of a court order has received less attention in research and policy than other forms of permanent care arrangements, despite its importance in policy, law and practice. Investigation has been hampered by an absence of hard data on the numbers involved, the pattern of usage, and the outcomes. This is partly due to the fact that there are no requirements that local authorities report to the Department for Education in England or to the Welsh government on the number of children made

⁵ See footnote 1.

⁶ The duty for Welsh local authorities is to promote "well-being" not "welfare". See [Appendix 2](#).

⁷ See [Appendix 2](#).

⁸ See footnote 1.

⁹ The [IRO Handbook](#) and see footnote 1.

subject to a supervision order because they do not fall within the definition of a looked after children in the yearly statistical returns. Similarly, no national information is routinely collected on the scale and pattern of use of care orders at home. This is because the Ministry of Justice and Cafcass¹⁰ and Cafcass Cymru only record the legal order, not the placement arrangement. The absence of this information makes it difficult to track these children and their placement and wellbeing outcomes. As a result, these children and their families are under the radar.

The first national study of supervision orders has helped fill in some of the gaps in relation to England (Harwin et al. 2019). The study identified that standalone supervision orders accounted for a significant proportion (12-14%) of 6 order types between 2010/11 and 2016/17¹¹. There was considerable regional variation in the use of supervision orders and in their implementation. Professionals' views also varied widely regarding the value of the supervision order. Of considerable concern, 20% of all children subject to a supervision order were found to be at risk of further care proceedings within 5 years - a rate that is higher than for any of the other five types of legal order and placement arrangement. The risk of breakdown was highest in the first two years. Masson and her colleagues' study of six authorities found that 25% of the supervision orders returned to court within two years (Masson et al. 2019). There has not been a national study of care orders at home and their outcomes. While a small number of studies on parental views of care orders at home have been carried out, none has been undertaken since the Children and Families Act 2014.

The existing evidence regarding supervision orders and their outcomes prompted the set-up of the PLWG sub-group on supervision orders. The PLWG had already considered the use of care orders at home in its report of March 2021, endorsed by the President of the Family Division. The best practice guidance¹² in the 2021 PLWG report specifies that the care order at home should only be made for 'exceptional reasons' and that it is "wrong to use it as a vehicle for the provision of support and services". In this situation, "consideration should be given to the making of a supervision order" to support the child remaining in the care of the parents.

The implications of this guidance are far-reaching in terms of principles, policy, rights and practice. Crucially, we do not know how families perceive or experience either the supervision order or care order at home. Nor do we know how they view the recommendation to shift towards a greater use of supervision orders and to significantly reduce the option of using a care order at home as the plan to support family

¹⁰ Cafcass (England) and Cafcass Cymru are separate organisations. Cafcass Cymru is an organisation in the Welsh government. For the rest of the report, we will simply refer to Cafcass.

¹¹ The other orders were order of no order, child arrangements order (live with), special guardianship order, care order, placement order.

¹² Appendix F, paragraphs 34-37, [Final Report, Public Law Working Group Report, March 2021](#). Endorsed by the President of the Family Division.

reunification. The Public Law Working Group took the view that evidence was needed from the parents of children subject to a supervision order or a care order at home to ensure that their insights, experiences and expertise are gleaned and taken into account in its recommendations. The Department for Education agreed with this and funded the project to enable these views to be explored. All these considerations provide the context and rationale to the present study.

1.2 Objectives

The specific objectives of the study were to describe:

- Parents' experiences of pre-proceedings, the court process, implementation of the supervision order and care order at home and, as appropriate, its discharge.
- Parents' views on what is working well and what is not working so well.
- Parents' recommendations for change.

1.3 Methodology

This qualitative study was undertaken by Lancaster University. It comprised individual interviews with parents and focus groups with a sub-set of 7 parents to put forward joint proposals for change on each order type. To ensure the study fitted into the timescales of the PLWG review, a pragmatic approach was taken to recruitment. A total of 44 parents (42 families) took part. Most came from local authorities in England and Wales but included three parents who came via the voluntary sector or self-referred. The study was given full ethical approval by Lancaster University.

Further details are provided in Section 1.5 and [Appendix 1](#).

1.4 Report structure

The report is divided into several sections.

[Section 2](#): Findings from the individual interviews on pre-proceedings and the court experience.

[Section 3](#): Parents' experience of the implementation of the supervision order.

[Section 4](#): Parents' experience of the implementation of the care order at home.

[Section 5](#): Findings from the focus groups and parents' recommendations for change.

[Section 6](#): The future of supervision orders and beyond: discussion and conclusions.

1.5 A profile of the parents and children

Details of 77 parents were sent to the research team from the participating local authorities, Family Rights Group or via self-referral. Of these 44 parents¹³ took part in the study. Twenty parents had experience of a supervision order and 24 (from 22 families) parents had a child living at home on a care order. No parent took part when the supervision order for the child had resulted in further care proceedings or when the care order led to removal from the parent. Parents in these situations did not put themselves forward for interview.

The final number of parents who took part in the study was lower than those who originally expressed an interest because their circumstances had changed, or they did not respond to the researchers' contact or did not meet the eligibility criteria.

There were many common features between the groups of parents:

- Most of the orders (39) were made between 2018 and 2021.
- Most parents (34) were single mothers caring for either one or two children who had been subject to the proceedings. They were bringing up 59 children in total.
- Twenty-seven (27) children were subject of a supervision order and 32 children were subject of a care order at home. Approximately three quarters of the children from both groups were the only child in the household under their respective order. A quarter of the children were in a sibling group of two. A sibling group of three (3) children was rare.
- Just over a third of the parents (14 mothers and one father) had previous experience of care proceedings. Most of these parents had other children permanently removed from their care previously.
- The children ranged in age from under one to 16 when the order was made. There was a similar pattern in both groups. Approximately a quarter of the children were under one when the order was made, a third were aged between one and four, a fifth between five and ten, and a fifth over 11.
- Approximately a third of the children from both groups had special needs. These included emotional and behavioural difficulties, diagnoses of autism and Asperger's, and physical health issues that required medical support and intervention.
- Contributing issues that brought the case to court, that were present in almost all cases either individually or in combination with others, included:
 - domestic abuse

¹³ The parents in two families with children on care orders at home were interviewed as a couple.

- children's behaviour or health needs
- maternal substance misuse
- maternal mental health difficulties
- mother's history of having previous children removed from her care.
- Other less common issues included:
 - mother's history of being in care as a child
 - mother's young age
 - mother's learning disability (only the supervision order sample)
 - the family was homeless (only care order at home sample)
 - discharging a previous order (only in the supervision order sample).

A significant number of parents had multiple difficulties. The frequency of domestic abuse, substance misuse and mental health problems is in line with the generality of care proceeding cases (Cleaver & Unell, 2011; Griffiths et al., 2020 and 2021; Masson et al., 2019; Pattinson, et al., 2021; Pearson, et al., 2021), and in recurrent care proceedings (Broadhurst et al., 2017). These parental difficulties are also common when reunification takes place (Farmer, 2014; Biehal, Sinclair and Wade, 2015; Farmer, 2018). Maternal issues brought the case to court in cases where the father was the main carer at the end of proceedings. As these fathers did not have any identified needs, no paternal profile is presented.

The main differences between the two groups of families were as follows:

- The majority of parents with experience of a child who was subject of a supervision order came from eight local authorities¹⁴. Most of these were in South East England. Parents with experience of care orders at home came from eight Northern or Welsh authorities. Three authorities provided details of supervision orders and care orders at home. There were no Welsh parents in the supervision order sample¹⁵.
- Two children who were subject of a supervision order were living with their father at the end of proceedings and eight fathers were bringing up the child at home on a care order. One (1) supervision order was made to support paternal contact with the child and mother.

At the time of the interview, supervision orders were ongoing in six cases and in 14 the order had ended. All the families were still living together and there were no plans to

¹⁴ This includes three parents who self-referred or their details were sent to the researcher from other organisations.

¹⁵ Vigorous efforts were made by Cafcass Cymru to contact parents, but no parent responded.

extend the supervision order or to return to court for further proceedings. The majority of orders had been made for one year. A few were for six months only.

At the time of the interview, three care orders had been discharged and there were plans to discharge nine more. No child on a care order at home had been removed from their parent at the time of the interview.

The supervision order had ended or was in its final month in eight of the 20 families (12 children) prior to the start of the Covid-19 pandemic in March 2020. The remaining 12 families experienced at least some of their order after March 2020, after restrictions began. Six of the 22 families (11 children) with care orders at home experienced at least one year of their care order prior to the Covid restrictions beginning in March 2020. The remaining 16 families experienced the majority of their order after restrictions began. Restrictions varied depending on whether the local authority was in England or Wales, the local authorities individual Covid-19 practice guidance, and when the order was made in the months and years following March 2020 (as restrictions issued by the government changed).

Section 2 Pre-proceedings and the court experience

Pre-proceedings and the court experience: key findings

- Most parents felt that they had not received enough help during pre-proceedings.
- Most parents felt the court treated them with a lack of respect and understanding of their mental health, substance misuse and domestic abuse problems. It made it harder for parents to present their situation and circumstances effectively.
- Some parents from ethnic minorities reported a lack of cultural sensitivity.
- Parents found judges and their legal representatives the most helpful, and social workers the least helpful professionals during proceedings. The relationship between the local authority and parent had improved by the time the final order was made in most cases.
- Parents wanted clearer explanations of the court process with better signposting to the next steps.
- Some parents did not understand why they were not allowed to work or remain in education during the proceedings when their child was not living at home. They worried it would push them into poverty and harm their job prospects.
- A few parents, with previous experience of ordinary care proceedings, had their case heard in a Family Drug and Alcohol Court (FDAC). They felt that FDAC offered a better approach.
- Parents welcomed both the making of a supervision order and care order at home. It meant they could be a family again.

In this section we describe parents' experiences of the pre-proceedings process and the care proceedings. We wanted to understand whether parents felt that they and their families had received adequate support and services during pre-proceedings¹⁶ and if they considered it had been a real opportunity to avert the need for the care proceedings.

As regards the court experience, we wanted to know:

- What parents remembered most about that time?

¹⁶ The interviews asked about parents' general experience of pre-proceedings rather than specifically focusing on the PLO. See Masson for more detailed work on pre-proceedings and the PLO (Masson, Dickens, Bader, & Young, 2013; Masson, 2012).

- What (and who) had been helpful?
- What would have been the most helpful thing to happen, but did not?
- What parents understood about the care plan, what was going to happen next and expectations of them and the local authority.
- Their reactions to the making of the final order.
- Their relations with the local authority by the end of the proceedings.

In this section we have combined the accounts of parents with both order types as their pathways only diverged at final order. When issues are specific to each type of order, they are highlighted.

2.1 Experiences of pre-proceedings support

Where there was pre-proceedings involvement from the local authority, almost all parents felt that not enough had been done to help and support them with their issues. It made no difference whether a child in need or child protection framework was being used at the time. Some parents wanted help on how to manage their children's challenging behaviour or help in dealing with a child's disabilities. Others needed support to manage their finances and to sort out housing issues or to be linked up with community groups for parents in similar situations to their own. The following quotes¹⁷ illustrate how parents felt their pleas for help were ignored when they sought help from children's services:

I kept going to them for help for my daughter ... while all that was going on, social services basically walked away and left me, on my own, with a new baby. - *Mother*

So, at that time I had no support of them... like I just had to know myself what to truly do to make it better. - *Mother*

The local authority could have easily done more to prevent my kids from been taken off me. Did they heck? No. They thought their form of support was coming into my house for half an hour while the kids were at school, helping me do a bit of housework. No, that's not support, I want you to be here when my kids are here, so when you see my son kicking off, you can tell me what I need to do. - *Mother*

Young parents had asked for help around parenting but felt they were not listened to and that their own needs for counselling, whether during pregnancy or after their child's birth, were not recognised. For example, a young pregnant mother described how she repeatedly asked the social worker what she could do to avoid going to court when her

¹⁷ Throughout the report, we have sometimes shortened the quotation, but all are verbatim.

child was born. She was told that this was not an issue, despite the baby later being removed from her care at birth. Some young mothers commented that they had begged for help but not received any. A lack of support from children's services prior to going to court and during the court process was widely reported by the parents. A lack of continuity of social workers exacerbated the problem. Some mothers with children previously removed from their care felt that they were unfairly judged by their history, especially when health professionals had no concerns about the children in their care. In some cases, mothers felt they had been seriously failed by children's services, and instead of supporting them as vulnerable mothers, they were unfairly blamed and pushed into proceedings.

Another important message was the discrepancy between the way in which parents and social workers viewed the issues. One mother felt that children's services were missing the signs that she was in an abusive relationship because they did not create an environment in which she felt safe to disclose her situation. This was despite the fact that her children were on a child in need plan. Several parents commented that with hindsight, some of the local authority concerns that they rejected at the time were well-founded.

Since being in recovery and obviously off the drugs... and actually being accountable for my actions, I can see why the LA had the concerns they did. - *Mother*

And now I know, you know, that it was an issue that we weren't bonding and stuff like that. But at the time I didn't see that. I just thought you know, "where was you, kind of, when I was going through this?" - *Mother*

Now I understand like their concerns and stuff. But back then I was like, no it's my kids and nobody's telling us what to do with my kids sort of thing. - *Mother*

2.1.1 Reactions to issue of care proceedings

Parents' reactions divided into two main groups. The larger group described how they felt 'shocked' 'shaken', 'devastated', 'scared', 'really nervous', 'sick', 'distraught' and even, 'wanting to hang myself or throw myself under a train'. By contrast, a few mothers said that they were 'happy' and described it as a 'godsend' because it meant that their child would be protected from an abusive partner, particularly when domestic abuse was involved. Several parents who had never been involved in care proceedings before thought that going to court would 'quickly clear up any misunderstanding' as to why proceedings were being issued and expected their child would be returned home swiftly.

When the local authority provided some support and communicated with the parent their intention to go to court and their plans, the parent's experience of going into proceedings was less traumatic.

2.2 The court experience

Whilst parents recognised that the court had to be impartial, they nevertheless consistently commented on how they felt they were 'just a cog in the machine, a case rather than a person'. They felt 'downtrodden', 'belittled' with their sense of self-esteem and confidence being eroded.

Most parents felt there was a lack of understanding for the problems they were facing and that the way in which they were treated in court aggravated their mental health difficulties and other problems and made it harder for them to present well in court. Lack of confidence to ask questions could, in their view, potentially risk leading to the parent losing their child. Crying in court was seen to damage their case whilst the ability to produce a good written statement was perceived to be valued by the court more than anything else. Some parents responded to the proceedings by fighting. They felt this was a make-or-break situation and that 'the buck stopped with them'. In the words of one parent, 'I got my big girl boots on to fight for my children to come home' while another reported that she was 'quite aggressive with them because that was the only way that I could be heard... I know that I'm fighting for the right things for my child, you're just not listening'. Other parents were too frightened to fight because they thought it would be held against them. A common view was that 'you've got to do what the local authority says', otherwise the child will be removed. Some fathers had hoped to be able to bring up the child jointly with the mother but realised that they stood no chance of being considered if they were not prepared to separate from their partner.

The overwhelming majority felt they had very little support during the proceedings. There was a strong sense of fatalism about prospects for reunification, especially when parents had lost children previously to the care system or were young parents who had care-experience as children themselves. Feeling supported was crucial for all the parents but it was especially important when they did not understand the process. This most frequently occurred when the case started in private proceedings, or involved a young mother, or a parent whose case was heard on the same day as the birth of a new baby or the next day. Although there were only a small number of urgent hearings, they were all traumatic. One mother who had just given birth the previous day reported being told to 'pack a bag and say goodbye' as her baby would be going into foster care that night. The news was conveyed when the parent was still in hospital, sometimes within 24 hours of the birth. Another parent was told that her case would be heard in an hour. A father whose partner had just given birth described his bewilderment when told:

"We've taken [child], find yourself a solicitor, see you in court this afternoon." And that was it. It was an absolute shock to the system...

from that call. In the morning you've got your tracksuit bottoms on and your top on because you've been in... a charity house and two hours later you're in a court dock in your tracksuit bottoms and your top thinking, "what the hell is going on?" There was no intervention or no sitting down and talking things through. - *Father*

The stress of the urgent hearings was compounded for the parents who reported that they could not find a solicitor because their case had not officially been filed, thereby increasing their sense of being alone and unsupported.

Going to court when domestic abuse was a precipitating concern raised other issues. Parents felt unsafe when they were expected to sit in a waiting room with their ex-partner. They noted that they were offered screens in court, but also wanted better protection in the waiting room.

A small number of parents from minority ethnic groups said they felt the process had been biased. They would have liked more black professionals to be involved in court. One mother felt that decisions about the birth of her baby were being 'imposed' on her without any consideration of her cultural preferences. In her view these decisions have had a lasting impact on her, and on her child's life. Another parent felt 'disrespected in court' by a professional who made a comment about a name with cultural significance. Yet another parent suggested that it would have been helpful for the professionals working with them to have had 'basic knowledge' of the country they come from and the way in which parenting expectations there differ from those in the UK. The same parent commented that the parenting course they were required to attend gave them a good understanding of parenting requirements in this country. A father from a British minority ethnic group felt his behaviour was judged more harshly by the court as 'aggressive' due to racial stereotypes. In contrast, outbursts from his White partner were described merely as 'emotional'. In his view the court seemed more responsive to maternal rather than paternal difficulties.

Some parents were told that they had to give up work or college to be considered as the main carer. These conditions applied during the proceedings when the child was not yet living with them. All the parents did comply but they commented that as a result, they had to rely on benefits and experienced financial hardship. They found this very difficult to understand, especially when they were trying to pay off debt. They thought it would make them dependent on benefits and disrupt prospects of employment and that in the longer term, their child was likely to experience financial hardship. Psychologically, it added to parents' stress:

They said, "no if you do that, it's putting your needs before the kids".
So that, I had to give up all that, which was ridiculous. - *Mother*

My working life was affected by it as well, even though [my child] wasn't in my care. To jump through the hoops that I needed to jump through to make the contact days and all the rest of it, I couldn't work as flexibly as I [did before], and that's a requirement of my job to be as flexible as I can be. There were huge financial problems resulting from problems with employment. - *Father*

They made us drop out of college twelve weeks before I was going to qualify, so I had to give up all of that, even though I was fighting tooth and nail to stay ... And then I got a job ... and they wouldn't let us take that job either, but I was like, "how can I provide for my kids and pay me debt off?" - *Mother*

So that was pretty horrendous with the care plan, and there was no budging on that care plan. Basically, I was told, something along the lines of ... "well what's more important to you?" I couldn't believe it, I was really quite shocked... they said something like, "well don't go to work then." Basically, they were saying "we don't care about your job or mortgage, your kids are your priority." And that was ... quite shocking to be honest. It was like well, if I haven't got a job or mortgage, how am I going to provide for my child, provide a roof over my child's house? That's really what I would have said, a few swear words with them. - *Father*

2.2.1 Which professionals were perceived to be helpful or unhelpful?

Judges and the parent's solicitor were the most likely to be described as helpful. For both, adjectives such as 'incredible' and 'amazing' were used. As regards the judges, this was when they intervened to challenge the local authority plan either by saying the child should be returned home or that the local authority needed to produce a plan where there was none. The parent's solicitor was praised for 'fighting for the parent' and 'going the extra mile'. Some parents also found that Cafcass guardians had been particularly supportive in making the case for the child. On the other hand, where parents were critical about the Cafcass guardian, it was for making judgements about the family without spending enough time with them. Two parents had been through a Family Drug and Alcohol Court (hereafter FDAC) and praised it highly. They both contrasted FDAC with normal care proceedings because of the way in which they were listened to by the judge, were supported by the 'amazing' FDAC team, and where good progress was recognized and praised. The FDAC court process was the only one which was described as supportive across the board. The parents felt that the court 'did not talk down' to them and where it was possible to be 'open and honest' without fear of negative repercussions.

The local authority was the most likely to be described as unhelpful. The key factors were lack of support, the belief that the local authority was deliberately magnifying the parent's problems to justify their case and being unwilling to acknowledge good progress. There were, however, also examples of individual social workers who were described very positively. In the words of one parent, her social worker was 'absolutely wonderful, at every turn considerate and understanding, and 'just everything you needed from someone who was supporting you to be at that time'. Another parent, a father, was particularly grateful to the social worker for coming to sit and talk to him in the court waiting room on the days that he was alone in court. 'She would come and speak to me and make sure I was alright ... which was a nice sort of feeling'.

2.2.2 Views on what would have helped most

A range of points were made by the parents. Several commented that they wished they had been 'listened to' more without the local authority position automatically carrying so much weight. One parent said that the chance to talk directly to the judge would have enabled her to explain her situation more effectively than when her lawyer represented her position. It was recognised that parents do have their own solicitor and barrister but the criticism here was that they are overworked and can only do the 'bare minimum'. They called for greater understanding of parents' struggles, and willingness to put in more support to maximise the chances of the mother or father being able to parent effectively. This point was made several times. Part of that support would include recognition of a parent making difficult changes instead of the negativity they often described. It would have helped with motivation and given a sense of hope. There were calls for the professionals to be less 'aloof' and 'more understanding'.

And maybe to have considered that by supporting me a little bit more, I could have had like a great chance at being able to parent to the best of my ability, rather than just seeing an issue and crucifying me for it, I think it would have been amazing, you know, if somebody had seen an issue, you know, come and supported me with that and then said, "oh wow, you know what, you've made, you've really made a change, and that's great". - *Mother*

Another clear theme was around the court process. In order to get the best outcome, several parents called for more and better explanations of:

- What was going on.
- What was going to happen next.
- The role of the mother or father in the process.

So, more explanation about what's going on and what legal things mean. Yeah, because I didn't have a clue because it was like, well hang on, he was found guilty there, found not guilty in the high court and then in children's law, he's found guilty but yet... there was nothing... it was trying to explain, because I didn't understand none of it. - *Mother*

Hearing it [the proceedings] on the phone was quite mind-boggling. Because I don't understand a word what was like, like what was being said, because they were coming out with all these BIG, fancy long words and everything. I just wanted to like turn around ...and to shout down the phone, "English please!" but I thought, "no, stay calm". - *Mother*

In general, there were criticisms of the length of the process. It was described as 'very long-winded' and made worse because 'no-one feels comfortable in the court'. Some parents feared that adjournments and delays were harmful to the child's wellbeing by delaying final decisions on issues such as schooling and housing. Other issues were more individual. A parent suffering from domestic abuse felt that 'the most helpful thing would have been, I guess... for someone to see through a person like that sooner'. Another mother who had two authorities involved in her case thought that a lot of stress could have been avoided if there had been a better process for reaching agreement on the allocation of responsibility for funding services during the supervision order. It had extended the length of the proceedings. Another parent, also with two authorities involved in his case (one English and one Welsh), found that looked after two-year-olds are entitled to funded nursery provision in England, but this is not the case in Wales. Recourse had to be made to UK legislation to obtain the funding¹⁸. The parent felt stigmatised by having to fight his corner and it extended the duration of the proceedings.

2.2.3 The court care plan

Parents with experience of supervision orders had mixed views about the court care plans. Most parents could recall that there was a care plan but often found it difficult to recall what was in it. The best plans directly involved the parent co-writing the plan with the social worker. The rationale for this approach was that the parent could then identify their needs and the social worker would be better able to advocate effectively on their behalf. Co-written care plans were very rare and occurred in both FDAC and ordinary care proceedings. Some parents were not aware that it was their right to express their view on the care plan or to disagree with its contents.

¹⁸ [Free education and childcare for 2 year olds](#)

The majority of parents with a care order could recall the plan in some detail, understood it and were content with it. They were more likely to report being consulted over the care plan than parents with experience of a supervision order. One couple reported that they were consulted 'every step of the way' and in another case, the plan ran to 'several different versions'. At the opposite extreme, a parent was simply given a printed copy of the plan by her solicitor. But not all parents, wanted to be actively involved or felt that they could influence the shape of the plan. Others were afraid to rock the boat. One parent affected by domestic abuse ended up agreeing to a contact arrangement which she subsequently felt was damaging to her own relationship with her child.

Yeah, I wasn't given my chance to express my views, and obviously being so young and being so frightened kind of at that time, I didn't know that it was kind of, it sounds silly now, but I didn't know that it was my right to express my opinion, or to not agree... I just thought, I've got to do what you're told to keep your kids. And that was kind of the way that it was always put across, "we're giving you this option, you either take it or you lose your children." And that's how I always felt. - *Mother*

I never had an opportunity to say I agreed or disagreed with the plan. I just agreed to everything because I wanted [child] back. - *Mother*

I understood the care plan because we wrote it together ... she actually said to me, "well do you know what, let's do this together, what do you think you need? And then that way I could advocate for you best". - *Mother*

Parents saw it as disrespectful when the plan had errors over names and ethnicity or were not kept up to date.

2.2.4 Understanding of the final order and reactions to it

Parents' reactions to the making of the supervision and care orders at home were mostly positive, and for the same reasons. Parents used adjectives such as 'happy', 'grateful', 'pleased' and 'over the moon'. The key reason was that it meant the child would return home. If the order meant that you had 'to jump', the question was 'how high'? It motivated parents. More generally, both mothers and fathers felt that they were being given an opportunity to prove that they were 'good parents', sometimes for the first time and in relation to both types of order. Similarly, when domestic abuse had been a precipitating concern to the proceedings, parents valued both legal orders for the same reason. The perpetrator had finally been 'unmasked' and the mothers were no longer being blamed. Both orders were also perceived to give extra authority to enforcing non-molestation

orders. However, parents raised concerns that once the order was discharged or elapsed, they risked recurrence of domestic abuse from ex-partners and further violent behaviour from members of the wider family network.

It was a chance to prove, you know that everything I was saying was the truth and to prove my ability to look after her. - *Mother*

I just basically said like, I don't care what you put in place, they can have whatever order they want... I just want [my child] home with me. That's that was my mindset at the time. - *Mother*

A few parents did not welcome the order that had been made. Reasons varied from a parent hoping for no order or an alternative order such as a family assistance order, or because they did not think the concerns applied to them. One parent had a supervision order plan overturned at her own request and a care order at home was made instead. She thought it would significantly increase the chances of her family receiving services and support.

Sometimes an initial reaction of disappointment changed to recognising the advantages of the order that had been made. This was more frequent amongst parents with care orders. They came to understand that the care plan provided them with access to counselling as an integral element of the plan for the child. One mother noted that she was 'guaranteed' access to therapy and to respite care to facilitate therapy. Another said that without the care order, she would not have received counselling in her own right.

I was a bit gutted to be honest with you, to begin with. But then I started like thinking and like realising myself that like yeah, it is probably better for her to be on it, and then because I'm getting like more help that I need now, than what I would have done if she wasn't on it. - *Mother*

The majority of parents reported that they understood the implications of the order and why it had been made. The reasons they cited were very similar for both groups of parents:

- To keep the child safe.
- To provide support.
- To monitor progress.
- To facilitate contact.
- To help find a nursery place.

They were frequently able to describe the expectations placed upon them and on the local authority in some detail. These covered the frequency of visiting and sticking to guidelines, which varied in the level of detail. Whilst the expectations upon parents differed according to the specific features of the case, the overarching theme was that both order types would provide monitoring and support with their parenting. Monitoring progress was mentioned just as frequently by parents with a supervision order as by parents with a care order at home. This was despite the fact that the supervision order does not explicitly specify monitoring in the legal duty to 'advise, assist and befriend'. A few parents with supervision orders had expectations that the order would open up new opportunities for themselves as well as for the child. For example, they talked of their hopes that the local authority would help advise them on how to obtain a place at college or go on an apprenticeship.

In cases where supporting or managing contact was either the primary purpose or central to the making of the order, parents' reactions were mixed. Some welcomed it because it was expected to provide a supportive structure, seen as especially important when domestic abuse had triggered the proceedings. Occasionally it was viewed negatively because the parent did not believe it would help with managing contact. A few fathers with care orders valued the opportunity it provided to keep the child in contact with his mother.

Parents particularly appreciated it when their social worker, and occasionally their solicitor, sat down with them and explained the effects, powers and duties of the order. It helped alleviate their anxiety and fears. Fear of surveillance and unannounced visits was particularly likely where parents had previous care experience, or having children removed through care proceedings. It reactivated old, or not so old, memories. A parent who was dyspraxic and dyslexic felt it was 'bad' that no-one from children's services came to explain the order to her. A judge was criticized because he simply announced that a supervision order would be made and 'that was that'. At the other end of the spectrum, and unique in these parents' accounts, one parent was given a handbook by the local authority of what the supervision order meant. She found it very helpful.

2.2.5 Issues specific to parents with experience of care orders at home

Only a few parents with care orders at home could recall that a supervision order had been discussed with them as a serious alternative to the care order. A larger number could not remember or were sure that the option of a supervision order had not been discussed. Some did not know what a supervision order is. As regards the effects of the care order, some parents had been told that:

- Parental responsibility would be shared on a '50/50' or '49/51' basis in favour of the local authority¹⁹.
- Their child could be removed without the need to go back to court.
- They would not be able to:
 - take the child out of the country without permission of the local authority.
 - have a new partner without the permission of the local authority.
- Any serious concerns would be shared with other agencies.

Parents' reactions to these requirements varied:

It was, it was just for me it was beginning a lot of having to invest a lot more time and less and less in myself if you like. - *Father*

You've always [got], in the back of your mind, they can take her away at any time. And that they had that level of control, they still had 51% of the parental responsibility if you like... They didn't use those tactics to explain that they could remove her at any time, but they do make it very clear that they're not going anywhere. That there will be regular visits, I think for me it was every fortnight plus surprise visits, visits in schools etc. just to let you know that the big brother's watching over you all the time if you like. Because they're all linked together, the schools, the local authority, and all the rest of it. The court, surgeries and things like that. They made it very clear that if something's wrong that they would know quickly. - *Father*

All parents welcomed being told how long the care order at home would last. Some had been told that it would only last for six months, or a year or two, and that, in the words of one mother, it would be 'weird' for it to last until eighteen. Parents felt that it motivated them to know that the order was planned to be short-term. They felt that it sent out a positive message that the court and local authority had confidence in their parenting.

2.2.6 Views on the local authority at the end of the proceedings

Parents' responses divided into three groups:

- Those who were positive throughout and felt their social worker had been very helpful.
- Those who changed their position from feeling hostile to valuing their input.

¹⁹ See [Children Act 1989 Section 33 \(3\)](#)

- Those who were critical throughout.

More parents were positive or came to value the social worker input than were critical. The social worker was there ‘to support us – not to take our children away’. They ‘helped us a lot’ and were ‘understanding’ and ‘supported us with everything’. Being understanding was mentioned again and again and it engendered gratitude. As one mother explained, ‘instead of just writing down in their little notebooks, taking a child and kicking us into the kerb, which they could have done, but they didn’t’. Parents were also very appreciative when the social workers explained the process clearly as it allayed their fears and confusion over what was going to happen next. Some flagged up the fact that there had been a change of social worker during the proceedings and the impact was dramatic. Where the first social worker was described as a ‘waste of space’ or ‘there was no trust in them, the subsequent one was trying to help us rather than be against us’. The final small group of parents were critical precisely because they felt they had not received the support, help or understanding that they needed.

Grateful, especially to [the social worker] ... you know local authorities get a bit of a bad rap, don’t they? But I think it really did cement for me the idea they’re just to help you. - *Mother*

It’s really weird like I had a kind of change of heart. With LA [name] I felt compassion whereas at the beginning I hated them. ...I felt compassion because I know ultimately ... it wasn’t just a personal attack on me, it was about making sure that my daughter is safe and looked after and cared for... They could see all the hard work I was putting in ... they understood that I had been fighting a battle and it wasn’t an easy one for me to be fighting. - *Mother*

I’m kind of like, it’s like double edged sword with the local authority. Because on the one hand they have a job to do, and I respect that. But on the other hand, I feel that they don’t completely, fully understand what all families are going through. - *Mother*

2.3 Discussion: pre-proceedings and the court experience

The consensus view was that the pre-proceedings process was a missed opportunity to obtain appropriate support and services and to divert from care proceedings altogether. Given the importance attached by policy-makers and practitioners to reducing the number of care proceedings, it is clearly essential to understand what might make pre-proceedings a more effective and supportive experience. A main message from the parents is that they were looking for more support, understanding and empathy as well as practical guidance and service input. In this regard, the Best Practice Guidance by the PLWG in 2021 on the pre-proceedings process, endorsed by the President of the Family

Division, is helpful²⁰. It states that it should be a 'genuine opportunity to work closely with families by offering help and support to address their recognised needs' to reduce the need for care proceedings. Work should be conducted 'in partnership' whilst keeping safeguarding issues to the forefront.

The messages are also troublesome in relation to parents' experience of care proceedings. The parents found the court process to be intimidating and that it lacked sensitivity and recognition of the problems that parents were facing. We might have expected parents whose children were reunited with their children to be less critical and distressed than parents whose children were permanently removed. Patently, this was not the case. Instead, the findings echo many of the points made by the parents in a study by Freeman and Hunt (1998) undertaken more than two decades ago. They too wanted to be able to speak directly to the judge so that they could explain their side of the story and found the court experience very daunting, stigmatising and difficult to understand. Similar findings were reported in Hunt's research review of parental perspectives (Hunt, 2010). More recently, and since the Children and Families Act 2014, parental accounts of the court when their children are permanently removed have also highlighted issues of stigma and the negative impacts on parents who are already traumatised by their life experiences (Broadhurst and Mason, 2020). The PLWG has addressed the issues specifically in its recommendations on urgent hearings and new-borns but most of the parents in this study had their case heard in ordinary proceedings.

Unlike the testimony on pre-proceedings, the messages about the court experience are not entirely bleak. Judges were praised for being fair, and, as with the parent's solicitor, were particularly valued when they were perceived to be on the side of the parent and prevented the child's removal. In Masson's study of legal representatives, their ability to engage with parents during proceedings was directly linked to their 'partisan' role whereas social workers have to prioritise the child (Masson, 2012). Another positive message was that the relationship between the local authority and parents had improved in most cases by the end of the proceedings. A few parents recognised that the concerns of the local authority at the pre-proceedings stage justified issuing proceedings. However, the strongest messages were for a more caring and compassionate approach, and for much greater clarity about the court process. Two parents were able to compare ordinary care proceedings with those heard in a Family Drug and Alcohol Court (FDAC). They both thought that FDAC provided a better experience. It was less confrontational, more personal and supportive and the parents felt it was a fair and respectful process. This chimed with evidence on parental views of FDAC proceedings (Harwin, Ryan and Broadhurst, 2018).

No questions were asked directly about the impact of Covid on the parents' court experience and only a few parents raised the issue of online hearings. They were

²⁰ See Appendix E, [Public Law Working Group, Final Report 2021](#).

described as 'awkward'. This was because of the time it took for parties to have separate discussions online and for the parent to try and find privacy at home when children or other family members were in the house. However, there was a general appreciation among these parents that nothing else could have been done about this. At the other extreme, one parent whose proceedings started after the pandemic began, was unable to have face-to-face contact with her newborn baby for almost 5 months after he was removed from her care at five days old.

There are many reasons why the parents' messages must be heard. At its most pragmatic, parents who feel undermined by the court process are less likely to be confident in their parenting at the start of the implementation of the order. Many of these issues will be examined in [Section 6](#) in light of the parents' recommendations for practice and policy change.

Section 3 Implementation of the supervision orders

Implementation of the supervision orders: key findings

- Parents had mixed views on how helpful the supervision order had been. For some it had provided all the support and services they needed. For a few, it had not helped or been supportive. The largest group of parents had a mixed experience. Nearly all parents felt that the supervision order could work better.
- The relationship between parents and the social workers was a key determinant of their experience of the supervision order. Trust was a critical issue. Providing guidance, practical help, being knowledgeable about the issues parents were dealing with, and fighting their corner were equally important.
- Most parents praised children's nurseries, schools and health visitors for supporting them and arranging services for their children.
- Multi-agency working was uncommon, but it was considered very useful when it did happen.
- Parents who had experienced domestic abuse reported that support from children's services was limited to referral to courses on co-parenting and the Freedom Project.
- The engagement of the wider family had sometimes been identified in the care plan, but family group conferences were rare. Sometimes relatives stepped in to help parents when children's services had under-delivered.
- Many parents felt that the support for their family outlined in the care plan, or a support need that emerged during the period of the supervision order, was not delivered.
- The framework for delivering and ending the supervision order was very variable. Parents wanted to see a formal review introduced at nine months and some thought reviews should begin much earlier.
- They advised other parents to see the supervision order as an opportunity and not to be afraid to ask for support and services they needed.

The focus of this section is on the parents' experience of supervision orders. The care plan set out the detail of the services that parents could expect for themselves and their children, and the role of the local authority. How was the duty to 'advise, assist and befriend' carried out and how did the parents' experiences match their expectations? To address these questions, we focus on the following issues:

- Relationships with social workers and other sources of support.
- The implementation framework, including how the supervision order ended.
- What they saw as helpful or less helpful in the order.
- Recommendations to other parents in the same situation.
- Parents' proposals for change.

As outlined in [Section 1.5](#), at the time of the interview, supervision orders were ongoing in six cases and in 14 the order had ended. All the families were still living together and there were no plans to extend the supervision order or to issue further care proceedings. The majority of orders had been made for one year. A few were for six months only. The supervision order had ended for the children in seven families prior to the start of the Covid-19 pandemic in March 2020.

3.1 Experiences of the supervision order

When the supervision order was made, parents had told us that what mattered to them was that their child was back home. Some parents said they did not care or even understand the specific features of the order ([see Section 2](#)). It was therefore not surprising that the impact of the supervision order on family life varied. Some parents felt that it made no difference. This was described positively, because parents were able to get back to 'normal' life with 'an added layer of support'. Other parents also felt that the order made no difference but expressed it as a negative comment – 'not enough had changed' and support services were not as available as expected. All the mothers who had experienced domestic abuse commented on feeling 'protected' by the order, which gave them a sense of safety and independence.

3.1.1 Sources of support

3.1.1.1 Views on social workers and family support workers

The relationship between the parents and the social workers was a key determinant of their experience of the supervision order. At best, the social worker was described as 'brilliant', 'amazing', 'really nice' and provided active support whenever it was needed, whether by phone or in person. Parents valued these social workers because they felt they could be 'open' and 'honest' and share their worries when things went wrong without fear that it would automatically lead to their child being removed – a not uncommon perception. These social workers were able to put parents at ease and 'weren't nose... or judgmental'. Being knowledgeable, providing guidance, 'fighting the parent's corner', and delivering services that had been promised were also all singled out as crucial. Two mothers who had previous children removed from their care, described the change of social worker to someone who was supportive and 'believed in them' as pivotal to their journeys, to the extent they doubted they would have had the opportunity to parent their child otherwise. Other parents however, felt that they could not talk to or confide in their

social workers because they perceived the social work response was largely negative. Other reasons for being critical of the social workers were when parents wanted, but did not receive, informed concrete practical help or advice on issues such as:

- How to cope with their child's behavioural problems.
- How to write a letter to the housing department.
- Helping a parent integrate into their local community.

The personality, approach and style of the social worker seemed to be really important in influencing the relationship, as well length of experience. In this context, it also appeared to make little difference as to whether the social worker had been involved in the court case or was newly allocated when the supervision order was made. There were examples of both. But what always mattered was the way in which the social worker exercised their authority. Making parents feel they 'had to do what the social worker said' was always criticized.

Some parents obtained support from family support workers who had been assigned to their family by children's services. Without exception, their input was valued. Similarly support from the disability team was always rated very highly.

3.1.1.2 Views on help from other agencies

Nurseries, schools and health visitors were also consistently praised by parents both for the support they gave, as well as for arranging services for the children. This was particularly important when children's services did not provide therapeutic services to the child. Examples include schools offering children help when they had been exposed to domestic abuse through books such as *Kind Hands*, play therapy in school and family therapy through Family Action. In some cases, strong relationships with these agencies had preceded the care proceedings and they provided a degree of continuity that parents found very supportive.

Multi-agency working was not common but when it happened parents thought it very useful. It mainly involved children's services working with schools and nurseries and with health visitors. One parent commented that the working relationship between the social worker and the health visitor was 'really helpful and done in the right way'. Another mother was glad that the school kept her social worker updated of progress because 'then it was not so much my responsibility'.

Parents also placed a high value on the help they got from specialist services. Occasionally children's services referred families to these services. But parents more frequently found these sources of support themselves. These services included parenting courses, support groups for parents who have been through care proceedings and mothers affected by domestic abuse. Parents who had experienced domestic abuse

reported that the remit of children's services did not include support for the parent beyond referral to courses on co-parenting and the Freedom Project.

3.1.1.3 The contribution of family and friends

Most parents were able to identify some support from their own networks whether it came from relatives or friends. Sometimes relatives such as aunts and grandparents were included in the care plan. Very occasionally family group conferences were mentioned as the vehicle to identify which members of the family might be able to provide support to the parent. In other cases, the supervision order had brought the family closer together, not because relatives had a formal role, but because children's services had under-delivered. Where for example, visiting was minimal, one parent said that it had given her the opportunity to bond with her family. Another parent mentioned that going through the process of care proceedings and a supervision order meant extended family members became more aware of the family's struggles, which brought them closer together.

Many parents felt that support for their family as outlined at court, or an emerging support need that occurred over the course of the supervision order, was not delivered. This included therapy for the children and for parents or family therapy. There were a few instances where the parent thought the support services offered during the supervision order were not appropriate or helpful to their child's specific issue. For a few parents, promises of support to help facilitate or manage contact with the other parent, or with siblings in other placements, were not followed through. When one parent asked for support to manage contact, he was told to take the case to court through private family proceedings.

A number of parents reported struggling financially, without help with funds for furniture or food, especially where the parent was unable to work due to childcare responsibilities. A few parents described the accommodation they were living in as unsuitable, and in one case unsafe. But they had not received any support from the local authority to provide more appropriate accommodation. A parent with mental health issues, who needed respite to help manage her symptoms, ended up having to pay for her children to stay elsewhere. A few parents commented on a significant lack of input from the local authority during the supervision order, which also meant a lack of provision of certain services (such as therapy for a teenager), but actually described this as preferable, because they did not want any interference with their family life. A few parents wanted, but did not receive, support for their own development, such as developing their skills for employment or education, or help to make links with the community, which they believed would have a positive impact on their child.

Having a supervision order in place affected parents differently in terms of their relationships with professionals or organisations, such as schools, nurseries and doctors. In cases where the parent reported a good relationship with their child's school or nursery, they became a source of support and advice for both the parent and child.

Mostly the parents did not mind information being shared. Some even saw it as helpful. However, a few parents described feeling judged by their child's school or nursery, or wary of information sharing between them and children's services. One parent described her fear of information sharing with children's services 'as soon as the [nursery] say about social services, I'm always on edge, because you never know [which social worker] you're going to get for a start. And you don't know how they're going to take it because of my past.' Another parent described that although her child's nursery was very supportive, she felt unease about the stigma resulting from her child having a child in need plan. One parent reported that she couldn't 'open up' to her GP to get the help she needed due to fear of repercussions from children's services.

3.1.2 The framework for delivering the supervision order

Parents' experiences of the processes and structures during the supervision order were highly variable. Most parents knew whether their child was a child in need (the majority) or subject to a child protection plan or a care and support plan²¹ (see [Appendix 2](#)). Just occasionally their answers indicated some confusion. They knew from the care plan the frequency of social work visits to be provided, whether they included unannounced visits, and the services to be offered to them and their children.

Child in need reviews²² were typically held every three months. The experience was variable and there were interesting examples of these variations. In one case the review, which included the family support worker and health professionals, was held in the parent's own home. In another, the mother and all the professionals were asked to score how well the family was progressing and in another, led by an 'amazing' Child in Need Reviewing Officer (CINRO)²³, the parent commented that he 'would actually take my views on board and suggest places I could get help and support'.

There were, however, a few examples of parents feeling their wishes had been disregarded or a review taking place without the resident parent being present. In between were those parents who reported that reviews went well, particularly when progress was positive.

Parents were asked in the interview whether they would like a review at nine months and if so, whether it should be led by an independent person. Most parents welcomed the

²¹ In Wales these plans are known as care and support plans (see s.54 and s.83 [Social Services and Well-being \(Wales\) Act 2014](#). See also [Appendix 2](#)).

²² [Working Together 2018](#), requirements to develop and publish local protocols for assessment. The Welsh guidance is [Social Services and Well-Being \(Wales\) Act 2014](#). [Part 3 is the code of Practice \(assessing the needs of individuals\)](#), [Part 4 \(meeting needs\)](#) and [Part 6 \(Looked After and Accommodated Children\)](#).

²³ One authority operates a Children in Need Reviewing Service, including for children on supervision orders. The Child in Need Reviewing Officer provides independent oversight of social work practices carried out with complex child in need cases. The aim is to ensure plans remain focused and risk is effectively managed.

suggestion of having a nine-month review. Very occasionally this had happened. Parents liked this proposal because they felt it would:

- Give them time to 'change things'.
- Sort out problems before the supervision order ended.
- Look at any support that would be needed in the future.

A review would avoid the situation where 'everybody has gone and now I don't know who to turn to or what to do next'. But one parent wanted greater powers and the right to exercise them earlier. She felt that if at three months into the supervision order, it was not being delivered according to plan, it should be possible to write to the judge 'on the ground that they've taken me to court, got what they wanted and now have abandoned me.' A very small number of parents had made complaints to social work managers and had been told there was no basis for the complaint, or it was ignored. One parent succeeded in having the order discharged.

Parents' own experiences of the social work support and review process strongly influenced their views on whether an independent person should lead the review and if an (independent) review at nine months would be useful. Arguments in favour of introducing an independent person to lead the review were that it would enable:

- Parents to be heard when their requests for assistance were ignored. Typical examples included requests for specific services that were late or not forthcoming, or for a change of social worker.
- A fresh look at the situation from a different perspective to see 'if it needed tweaking'.

The counter argument was that it would introduce yet another person into the process. This would be an unnecessary complication if things were going well.

3.1.2.1 Processes and reactions to the ending of the supervision order

Parents' experiences of how the supervision order ended were highly variable, as the following examples demonstrate. One father complained that there was no process for the ending. He had not received a letter from children's services informing him that the supervision order had ended, and no-one had come to visit him in person. Yet the consequences were significant. He was repeatedly told he was unable to receive the further help he had requested as he was 'no longer in the system'. Another parent was unsure whether the order had ended while another commented 'they just sign you off - it's not helpful'. A more formal process was described by another mother. In her case there had been a meeting at children's services, followed up by signing some papers in her home – and 'that was it - it was like done from that day onwards'. In other cases, particularly when there was a child with disabilities, the order was followed up by the child remaining on a child in need plan. This would include any infants that had been born

during the supervision order or, on a short-term basis, include other children in the family to give the social worker the opportunity to be sure that the parent was coping well. Parents welcomed this because it provided both continuity and support.

Parents' reactions to the ending of the supervision order were very mixed. It depended on whether the order was perceived to have brought any benefits. For most parents it was described as providing 'some freedom'. The ending was particularly welcomed when children's services and other professionals had been involved in parents' lives long-term, sometimes from their childhood. It meant 'the end of rules basically telling me what I can and can't do' or the need for hospital appointments to be relayed back to children's services. For a few the ending was perceived as an affirmation of having achieved the goals of the order – 'I'd done good' and the order had provided the necessary 'time-limited crutch'.

3.1.3 Was the supervision order helpful?

There was a spread of views as to how helpful the supervision order had been. They ranged from those parents who found the order had given them exactly what they needed to those who reported that it had been unhelpful. In the middle ground were parents whose views were mixed. The latter was the most common.

For parents who were entirely satisfied, the supervision order had provided the advice and support they needed. These parents spoke of the way in which they had regained self-esteem and confidence and gained new knowledge and ways of coping. By the end of the order, they felt they had learnt how to find avenues of support and guidance to assist them in the future. The support had come from many agencies. In these cases, the social workers were described as 'amazing' because they did everything that they could to help the parent and did everything they said they were going to do. Reliability, honesty, and trustworthiness were the main features.

At the opposite end of the spectrum were a few parents who had found the order unhelpful. A main reason was that the court care plan had not been implemented. Counselling and therapy services had not been provided either for themselves or their children, goods such as carpets and beds that had been promised did not materialize. Visits by social workers were infrequent or started well at the beginning and then 'completely died off'. Reviews were infrequent. Parents felt they could not share their problems with children's services and that promises made were not fulfilled. They lacked trust and confidence in the system. There was a great sense of disappointment and bitterness amongst these parents. When they had tried to complain, nothing had happened, and this caused considerable frustration. A few parents felt they had experienced discrimination on grounds of their ethnicity.

There were parents in the middle who felt they had a mostly supportive social worker that they could call when necessary, but they did not feel that they or their children were getting access to all the support services they required such as family therapy. Where social work input was minimal, some parents enjoyed this freedom and 'normal' family life while some raised concerns about their access to support for specific issues they were experiencing, or if anything should go wrong.

Most parents reported that their relationship with the social worker had improved since proceedings began and they felt they could contact them when necessary to get support, advice and share any worries. However, a few parents did not feel they had a good or supportive relationship with the social worker, and this contributed to their negative view of the supervision order.

3.1.4 Parents' advice to other parents in a similar situation

Parents were asked what advice they would give to other parents living with children on a supervision order. Their advice was remarkably consistent. All of them were of the view that parents should do whatever the supervision order specifies - 'just do it' and 'go with the grain, not against it'. Mostly this advice was framed positively. The supervision order was an 'an opportunity' and parents should 'take all the support and advice they needed before it came to an end'. Occasionally parents sounded a warning note - 'if you don't follow everything that's said...the repercussions can be dangerous'. For all these reasons, parents were advised to 'see them [children's services] as your friend, not your enemy', to 'be friendly, not nasty' and to be 'open and honest' with the social worker and not to hide anything. 'If you are worried by something, just talk to your social worker because they are helpful... though some of them might not come across as helpful'.

Another prominent message was that parents should ask for what they needed - 'if you don't ask, you don't get'. It was recognized that this was not easy. Parents who were 'struggling' might feel 'scared' to push for their needs to be recognized but that, 'is what they are there for' and 'it's OK not to be OK'. At the same time, they suggested parents need to prepare in advance and 'just make sure you ask questions' and 'figure out what you are actually going to say'. However, it was acknowledged that 'pushing until you get ... what you or your children need could be difficult' if parents didn't know their entitlements. 'Funding difficulties might prevent social workers informing parents of their entitlements'.

A third recommendation was that parents should seek alternative sources of support if they feel 'disheartened by the way they feel children's services react or ... behave towards you or look at you'. This was not a one-off experience. In this situation, 'if you feel you're not being heard by that set of social workers... find someone else who will listen to you. The someone else could be another support worker in a different

organization such as a school or nursery or just anyone else willing to give you advice when you don't want to share your concerns with children's services'.

The final theme to emerge from parents' advice was that 'the supervision order would not last forever'. This was seen both as a motivator and comforter in their advice to other parents:

If you've been put on a supervision order, it's because you've come out of the court process, so you're kind of like... half, over half way to not having any involvement at all. So go with the supervision order, if it might be a year, so be it. Because that year will come to an end and you can, you know, potentially get the social services out of your life forever, if that's what you chose to do. - *Mother*

And more generally, the advice was that the supervision order is:

A safe order for parents to take in the sense of you're not really worried about whether or not your child's going to be taken out of your care, but you know you've also got that security of having professionals that can help the transition and can help make things okay. - *Mother*

3.1.5 Could the supervision order work better?

Nearly all parents made important suggestions as to how supervision orders could be improved. They built directly on their own experiences as to what had worked well and not so well. Parents felt supervision orders could offer them real value in the transition back to family life. This is especially where parents felt they had to set up a new life following domestic abuse or substance misuse or in the case of young care-experienced mothers who had to set up a home for themselves and children.

The following messages to the local authority were the most frequent. All are verbatim quotations.

- 'They should explain what a supervision order is and that it can last longer than 12 months'.
- 'Follow through on what they say they are going to do – provide the services that were in the care plan for the child and parent'.
- 'Support the family for what they want in the future as well as monitor them because it's the last opportunity that the family has to get support from people who can make it happen'.

- ‘Make it sound less scary when they say ‘a supervision order’ because it’s something that is actually potentially good’.

3.2 Discussion: parents’ experiences of the supervision order

Two crucial findings have emerged from the interviews with parents. The first is that nearly all the parents thought that the supervision order could work better. The second is the variability in their experiences of the implementation of the supervision order and the plan. The variability applied to the provision of emotional and practical support and advice, to the service inputs to children and parents, and the way in which the mechanisms to underpin the order were delivered. It also included considerable variability in social work visiting. The extent of the variability makes two main points. It shows that it is possible to deliver a supervision order that meets parents’ expectations and fulfils its legislative intent. When absent, the variability raises questions about accountability, fairness, and access to justice. It must of course be recognized that many of these orders were operational during the Covid-19 pandemic and this may have affected support and service delivery. However, the variability in implementation of the supervision order was also found in the national study of supervision orders in the in-depth case file review of 210 children from 127 families from four local authorities prior to Covid (Harwin et al., 2019). Covid therefore is likely to have accentuated pre-existing trends, rather than to be a new phenomenon.

A final main point to emerge from the parents’ accounts was about the fundamental principle underpinning supervision orders and the Children Act 1989 - that of partnership with parents. Their experiences of children’s services working in partnership with them varied widely and seemed to depend as much on the individual social worker as on their role. Again, parents could provide a very clear account of the qualities that made them able to share their concerns with their social workers openly and honestly and without fear of their child being removed. For some, however the reality was that the main power lay with the social worker and children’s services. This was especially so when the order amounted to little more than unannounced visits. Similar comments were made by the five parents who took part in the national study of supervision orders (Harwin et al., 2019).

Section 4 Implementation of the care orders at home

Implementation of the care orders at home: key findings

- Most parents felt that their family had been helped by the care order at home.
- Parents with experience of both supervision orders and care orders at home preferred care orders at home because they:
 - made parents feel safe and confident that the order would be delivered because of its legal standing
 - provided a consistent delivery framework
 - were more likely to deliver support and services.
- Some parents found the care order at home placed restrictions on the family which they did not always understand. They could prevent families developing social relationships and moving on with their lives.
- Contact arrangements were singled out as a particularly difficult area.
- Parents felt motivated when discharge was planned early so they could move on with their lives.
- The parents' relationship with the social worker was extremely important. Most parents had a positive relationship with the social worker. Trust was a key factor.

4.1 Experiences of the care order at home

The most important legal repercussions of the care order at home were twofold. Children's services shared parental responsibility with the parents and the order could last until the child reached eighteen. Most parents had told us that they understood these repercussions when the order was made. They were clear about the care plans and the help their children could expect to receive because they were looked after (see [Section 2](#)). How did their experiences of implementation match their expectations?

To address this question, we covered the same set of issues as in Section 3.1:

- The parents' relationships with the social workers and other sources of support.
- The framework for implementation, including their experiences of discharge or discharge plans.
- What they saw as helpful or less helpful in the order.

- Their recommendations to other parents in the same situation.
- Proposals for changes.

Not all parents felt the care order at home made a difference to their lives. A few said that it made no difference, or 'didn't bother them'. It was just 'good to know that children's services were in the background'. Others were more likely to highlight the restrictions that they felt were placed on them and their children, but it was a balancing act, whereby the supports and inputs available influenced their views on the contribution of the care order at home.

4.1.1 Sources of support

4.1.1.1 Relationships with social workers

The relationship with the social worker, as with the parents whose children were on supervision orders was extremely important. Parents' views divided into three main groups:

- Favourable throughout.
- Their relationship improved during the implementation of the order.
- Negative throughout.

The latter were the minority. Adjectives like 'fantastic', 'amazing', 'gone above and beyond' [their duties], 'great' and 'very understanding' were frequent. It was striking that when there were criticisms, they mostly applied to the parents' previous social workers, and especially to those social workers who were involved in the pre-proceedings or court case.

Parents gave several reasons to explain their positive relationships with the social worker when a care order at home had been made. They valued the ready access they had to the social worker, who even if they were not available when contacted, would always get back to the parent promptly. They felt the social worker was 'on their side' even if that meant that 'I need my backside kicked'. They welcomed receiving positive feedback, sometimes contrasting it with the 'negativity' they commonly associated with social workers. Particularly important, they appreciated the opportunity to seek advice and share anxieties without fear of negative repercussions. Trust was a key theme. The comments from four parents illustrate this point:

I feel like I can trust her even if, like if X did something wrong or if I'm not sure if I'm not doing something the right way, I feel like I can talk to her and like and be honest with her about like how I'm coping with things. - *Mother*

We can literally talk about anything and you're confident that it's not going to be used against us. - *Couple*

I can say what I feel. I feel I can say anything that's troubling me, that kind of stuff, it's good. And the kids are like that as well. - *Mother*

If she [the social worker] feels I need my backside kicked she kicks it... or if I've done something wrong or something I shouldn't have done, she'll severely kick my butt, but I take it on the chin. - *Father*

A few parents took a pragmatic approach to sharing difficulties. They did so, not because they had a trusting relationship, but because they thought they would be found out if they 'kept secrets' and tried to conceal problems. Being open was welcomed by the social workers. One parent remarked that 'the one thing that they [the social workers] have liked is that we've always been honest'. Others who felt their relationship with the social worker had begun badly explained why it improved significantly during the course of the care order. This was especially the case when the social worker was involved in the care proceedings.

You can't help but feel that everyone that's in that court room is only there to punish you like. So, seeing that social worker in court and at my property and at the offices and stuff like that was quite challenging because I'm seeing her as a threat. But... when we done our therapy and like processed what had happened and everything like that with the proceedings, it was like well, we looked at the social worker differently because... really, she wasn't out to get us, she was only there to help us achieve what we wanted to achieve, ... So it's more of like a professional relationship now, we'll have conversations and it don't get heated. Yeah, so it's gone from really bad to really good. - *Mother*

However, for a few parents, the care proceedings continued to cast a long shadow. Even when they described the relationship with the social worker as good during the order, they did not feel able to be completely open. The fear was always the same - the child would be removed:

There's things you want to say and all that but you feel like you're too scared to because you still feel that, because they're involved they could just take, take your child away again. They have so much power. - *Father*

4.1.1.2 Other sources of support

Most parents also drew on family and friends to provide support. These relationships were very important to the parents in both emotional and practical ways. There were however a few parents who had lost their ties with relatives, sometimes because of unhappy relationships with their own parents in childhood who they now saw as a 'bad influence', or with ex-partners who were deemed unsafe. In these examples, the responsibilities of being a lone parent and overcoming isolation was a key issue. Exceptionally the relationship with the social worker helped fill the vacuum. In the words of one mother 'because I've got no family at all...so I think I've kind of classed social services in a way as my family'. Other parents had forged close relationships with the child's foster carer who continued to keep in touch and often was supportive to the parent as well as to the child. Others looked to their links with children's centres, disability services, nurseries and schools as important sources of support and encouragement.

It is important to note that the terms of the care order had themselves directly impacted on relationships with family networks, and in some cases severed them. Most parents reported that the way in which contact arrangements agreed in the care plan were carried out during the order were helpful and protective. This was especially so when domestic abuse or violence between different sides of the family were involved. But for other parents, the conditions as to who they could maintain contact with made no sense to them or to their children. It could make them feel isolated and put them in a difficult situation when trying to explain the situation to their child. This was even more complicated when the parent lived in a rural community, and it was hard to walk past relatives who they would bump into in the local shops and streets.

4.1.2 The framework for implementing the care order at home

4.1.2.1 Social work visits

When the care order at home started, social workers typically visited the family weekly or fortnightly. Thereafter the visits tended to reduce to one a month or every six weeks. Several parents whose order took place during the Covid-19 pandemic commented that their visiting arrangements had been affected by the pandemic, but this did not concern them provided that they were able to keep in regular contact by phone. Where unannounced visits took place, parents saw them as a necessary consequence of the order to ensure their child was safe. However, they were generally disliked, especially if the visit was in the evening or if the worker entered the house without knocking. Some parents were also receiving visits by health visitors and family support workers. These visits were warmly welcomed and considered very important. For example, a parent who had a family support worker described her as 'absolutely life-saving'. She had been assigned to the family to help establish a routine, but she would also accompany the mother to baby groups and 'help to integrate her and the baby into the group'. In addition to the individual visits there were regular LAC meetings and reviews which typically took

place every six months but were sometimes reported to be scheduled every two to three months.

4.1.2.2 The looked after child reviewing process

Parents' perspectives on the reviewing process ranged from finding the meetings very helpful to 'pointless' and 'tedious'. More parents found them helpful rather than unhelpful. At best the looked after child (LAC) meetings provided 'consistency'. A parent gave an example of what she and her family found helpful. The children would be routinely contacted prior to the meeting by the social worker and told who was going to attend the meeting, asked if they wanted to attend and if not, whether they wanted the social worker to raise any issues on their behalf. The 'consistency' meant that the children 'now had a grasp of knowing what's coming and what's said'.

Other parents who were satisfied with the reviews liked the fact that 'they could have a laugh', that 'the meetings were always positive and never negative' and because they felt their views were 'listened to'. Satisfied parents found the reviews helped motivate them by reinforcing the good progress they were making over time. These parents highlighted how 'awful' the early meetings had been but thought going through this experience was necessary:

Without attending the meetings, I wouldn't really be here right now.
So, I see it as that... it's kind of made me better. - *Mother*

I think they're [the reviews] actually quite good in what they do. The meetings used to be absolutely horrible. But like now everything's just going up, and up, and up, and up, and up. - *Mother*

It created a virtuous circle while a third parent singled out the forward-looking aspect of the reviews: In relation to ensuring links between the father's son and his unborn half sibling, a father commented that 'it's been really helpful for [child] because ... we're thinking about his future before its even happening'.

Positive comments about the Independent Reviewing Officer (IRO) mainly centred on their ability to take decisions²⁴ and be 'pushy'. They appreciated it when the IRO sometimes overrode the view of the social worker and took forward the parent's wishes, for example on stepdown arrangements following the discharge of the care order.

²⁴ See footnote 1 and 9. In Wales Duty to appoint an IRO comes from section 99 [Social Services and Well-Being \(Wales\) Act 2014](#). Monitoring role is set out in [The Care Planning, Placement and Case review \(Wales\) Regulations 2015](#) and Part 6 of the Practice Standards and Good Practice (see footnote 1).

Dissatisfied parents commented on largely the same issues highlighted by parents who were positive. These parents felt that the reviews did not move their case forward and were 'more like a local authority check' or 'just a box ticking for another officer to oversee it'. Instead of finding that the IRO was advocating for the parent, their experience was that the IRO did not take forward their concerns. Other criticisms included lengthy delays (running to several months) in actioning points that had been agreed by the IRO at the meeting and the bureaucratic impersonal process where it was felt that parents' requests had to be taken up to 'faceless management who are making all the big decisions'.

And it's all this kind of big brother, you know it's almost like, it's almost like you're talking to a computer system that says yes or no. There's no... human contact there with this person who's making all these decisions over your life. I think... that they do this because they take the emotion out of it, the human side of it. - *Father*

It made the parents feel frustrated and stuck or confused. This was when the feedback to the parent on their progress was positive, but the local authority wanted more time before bringing a case back to court for discharge of the order and did not explain why. Other negative views were that in some meetings, there was really nothing to say.

Only one parent went further and questioned whether the Looked After Child (LAC) framework was suitable for parents with children at home on a care order. In her view, the system was much more appropriate when the child is living away from home on a care order.

Parents were asked if they wished to make any changes to the LAC reviewing system. Despite the criticisms that had been made, none of the parents wanted to change the existing reviewing system or to alter the frequency of meetings.

4.1.2.3 Discharging the care order

Three (3) of the 22 families had their care order discharged by the court following an application by the local authority. In six (6) other cases, discharge was planned. In a very small number of cases parents reported that the order had been conceived as a short-term order. The expected duration was between one and two years, and occasionally for six months only.

Parents' reactions to discharge illustrated three main themes:

- Discharge was a mark of success in addressing problems

Parents saw the discharge (or discharge plan) as a mark of their success. For one mother it demonstrated that she had 'done everything and proven to them [the LA] and put everything right that I've messed up'. Another said that it showed she was 'doing a

good job'. These parents were 'happy' and 'over the moon' at the discharge or plan for discharge.

- Discharge would be 'a relief'.

These parents said that they would be able to 'get on with their lives' without the need 'to ask them [the LA] for any permission'.

- Parents were ambivalent about discharge.

Some parents were ambivalent because they 'worried' if any support would be put in place after the order was discharged. Support was felt to be particularly important if contact arrangements were difficult, but also more generally when parents wanted a gradual process for ending the order.

The step-down arrangements varied. They included a plan to make a supervision order and, more frequently, to put the children onto a child in need plan for three to six months with the same social worker. Sometimes, if the child had special needs, the entire family was to be managed by the disability team. This arrangement was welcomed because the family maintained continuity with one of the social workers who had previously been involved. In these situations, there was no end date for the child in need involvement. Occasionally parents reported that once the order ended, so did the involvement of the local authority, beyond a single visit. This was rare. When visiting stopped or was planned to end, parents were told that the door remained open, and they could contact the social worker at any time.

No parent told us that they had applied, or were planning to apply, to discharge the care order themselves, despite being ready for it to end. Only one parent was considering discussing the matter with his solicitor even though he was keen for the order to end while another was unaware that he could apply to discharge the order²⁵. Not all discharge plans were supported. The view of the IRO was crucial and parents did not always understand the reasons. It made them feel frustrated and stuck. One example was when parents were told that their parenting was good, but the IRO still felt that it was premature to apply for discharge. Another example was if the non-resident parent did not accept the original reason for making the care order, the local authority did not feel it could support discharge. These parents felt trapped and caught 'in the middle'. This was a rare obstacle but left the parent feeling that the order could last until the child was 18 with no way of resolving the impasse.

²⁵ See s.39 (1[a]) [Children Act 1989](#). Any person with parental responsibility can apply to discharge the order.

4.1.3 Was the care order helpful?

4.1.3.1 Becoming a family again

Most parents felt that the care order had made a significant and positive difference to their lives. The majority thought that the order had been what it needed to be for themselves and their child. Occasionally they thought it had been more than what the parent 'needed it to be' in the support it had provided. The local authority was 'like a security blanket net' and parents felt confident that if they needed any help, it would be forthcoming.

The overarching theme was that the order had allowed them to become a family again. The magnitude of this transformation was illustrated repeatedly – 'it's changed our lives' and summed up by a father: 'Everything changed ... for the kids, for me and everything is better now. There was a strong sense of gratitude with parents describing how they felt 'humbled [to] have that second chance', while others said that it was the 'first time they felt like a proper parent'. Mothers who had previously had their children permanently removed contrasted their lives before and at the time of the interview: 'I haven't been stuck in a placement, I'm actually at home, with my husband and child', 'It is a happy time'.

Many mothers and fathers felt they had acquired new understanding of the parenting role. They commented that 'the care order helped them a lot more to understand what it means to be a parent' and they now 'see things in a different way'. They had 'become a different person', 'a better person and a better mother', a 'proper mother', 'more independent'. Couples said that 'the second time round, [we were] working as a team'. An important theme was that the parents felt more confident and able to understand the impact of their pasts on their lives. They attributed these significant transformations to the receipt of therapy, counselling, and attending parenting courses. In some cases, but by no means all, the therapy and counselling had been paid for by the local authority. Exceptionally, it also included respite care to ensure that the mother would be able to attend the sessions. One mother, commenting that 'this was the only care order I'd ever been happy to have', noted that the respite care and long-term therapy had been 'guaranteed' in the agreement. Parents who had been in care as children and teenagers felt that the therapy was long overdue and was tackling problems for which the local authority was responsible. In addition to general counselling, some parents mentioned services they had received for mental health problems and substance misuse. Some parents received help from children's services to access or pay for counselling, but others had to make the arrangements themselves.

Parents also valued the practical skills they had acquired during the order. They talked of being able to do 'stupid things like cooking meals and like checking how hot the bath should be'. In this regard the parenting courses were praised for the practical advice they give, the interesting information they conveyed, and the fun ways in which they were

delivered. These included quizzes about bringing up babies and child safety with DVDs and videos. Parenting courses were amongst the most widely accessed interventions and the *Incredible Years* programme was singled out for special mention.

The care order at home was also valued for the help it provided in resolving practical difficulties. Parents noted that they had been placed on the priority list for rehousing and had received financial help from the local authority to move to their new home. In the view of one couple, 'if they wasn't on the orders then we wouldn't be classed as like a priority to be moved'. Others had their transport costs covered by children's services to facilitate contact or to enable a child to remain at the same school. There were several examples of parents receiving financial assistance which included temporary help with council tax and child benefit, financial help to get a parent out of debt, covering the costs of childcare and nursery provision, afterschool clubs and food parcels. Some parents got all these financial supports.

A few care orders had been made with the primary purpose of dealing with contact issues, but contact issues were widespread and concerned relationships between partners, different sides of the family and between siblings. Views were mixed on the contribution the local authority had made to facilitating contact. Their role included supporting parents to manage contact arrangements, providing a contact worker, arranging mediation, facilitating contact themselves and organising the venue. Those who found it helpful commented that mediation had helped bring together different strands of the family while having a contact worker gave the parent greater confidence in making difficult decisions as to when contact might not be in the child's interests. In the rare case when the local authority managed the contact itself, this was appreciated as the best way of dealing with warring families to ensure the child could remain safely at home. Parents always valued the care order in dealing with ex-partners who had committed domestic abuse. It was seen to be protective to the mothers and children whilst the order was in place.

4.1.3.2 Parents with experience of both care orders at home and supervision orders

A small number of mothers had experience of both types of order. Occasionally one child was currently on a supervision order whilst others were on a care order at home. The mothers all considered that the care order offered more support and was a better experience. There were two main reasons. First, parents felt that the obligations under the care order gave them greater protection due to the legal obligations on the local authority. The second reason was that the care order provided more support. The following quotes illustrate both points.

They've got to be involved with the care order. So, even though there's no concerns, I know they'd still turn up at my door to make sure everything was alright and if they couldn't get in contact with me,

they'd have to do something about it. But with a supervision order... I never used to see them. - *Mother*

If I'd had a supervision order I wouldn't have got the level of support that I needed. Because I would have been dumped and forgotten about. - *Mother*

4.1.4 What was less helpful about the care order at home?

Only one parent felt that the order had achieved nothing. Where there were comments about unhelpful aspects of the care order at home, they clustered around three themes. These were:

1. Restrictions on exercising parental responsibility without local authority approval.
2. Contact arrangements.
3. Failure to deliver services to parents and their children.

4.1.4.1 Restrictions on exercising parental responsibility without local authority approval

This was one of the most frequently mentioned issues. The examples were wide-ranging and included the need to notify the local authority if the parent:

- Wanted their child to visit a school friend.
- Wanted a babysitter.
- Had a new partner.
- The child needed an operation or medication.
- Wished to take their child on holiday.

In the first three situations, police checks would be required. Parents reacted differently to these requirements. Exceptionally parents preferred to 'keep themselves to themselves and their history likewise' and 'keep a lid on any social beings coming into our lives' on the basis that 'the family is what counts'. The consequence was that their children did not mix with others socially. It could sometimes make parents feel cut off. More generally, parents described the need to obtain these permissions as 'not normal' and 'a bit weird'.

Obviously, I've always had that thing in my mind like, "can I do this, can I do that?" But every time I've thought [that] I've rung them up and, "you're his dad, if you want to do that you can do that, as long as it's not take him out the country, you can do that." I was like, "ah,

all right, thank you.” Sort of like, it seemed people asking them what you can do with your own son is a bit weird. - *Father*

The only thing I don't agree ... with, which I've told them anyway, it's like if the, if the bairn needs to go to hospital, like hospital or anything like that and she needs like any sort of like medication or anything like that, I've got to also get their permission as well. Which I don't agree on, because if she needs it, she needs it you know. And I should be allowed to just say, “right, fair enough,” if she needs to have an operation, or anything like that, I should be allowed to just say, “right just do it,” and sign the consent from and let them do what they need to do. - *Father*

Other parents felt that it eroded their confidence and undermined their role as parent. For example, a mother of a child with disabilities could not understand why the school had to go via children's services to check the child's medication instead of approaching her directly. In her view this was sensible if the carer was a foster carer but not when the child was living with her mother. In her view, it was also inefficient, especially as the social worker always deferred to the mother.

Not all parents experienced these rules as restrictions. Some said they ‘weren't bothered’ if they had to get permission from children's services to take their child on holiday because ‘they've got like more parental responsibility than me and therefore have to be involved in the decisions’, or that they just carried on ‘as normal’. A few parents said the need to involve children's services has been an advantage. For example, one mother said it had meant she had the support of her social worker when liaising with the school. They had a ‘communication book’ which helped ‘loads’.

More generally, most parents felt the care order at home was not affecting other aspects of their lives, such as visiting the GP or their contacts with their children's nursery and school. They were comfortable sharing information with all these services because ‘they had nothing to hide’ and felt that personal information about for example, their mental health would be kept confidential. A minority referred to the care order ‘as a stigma’ or ‘embarrassing’.

4.1.4.2 Contact arrangements

The most consistent concerns about contact centred on three issues. Parents did not always understand the rationale for the contact plan and were unsure about its impact on the child. They also wanted to know what would happen once the care order ended to avoid undoing the good work that had been achieved in managing safe contact during the order.

Parents drew attention to several contact arrangements which made no sense to them, and they worried about their impact on their children in the long term as well as more immediately. One example concerned children who went to live with their father at final order and contact with their mother was discouraged and meetings were infrequent. As one parent commented, 'I still can't see in the system how that's beneficial and I cannot see, for the life of me, how that benefits my child or her mum'. A second scenario was when key figures in the child's life were no longer allowed to play any part, either because they were linked to an unsafe parent or were part of the previous wider family network. The impact on the child in their view was devastating and it was hard for the parent to explain the reasons to their child. One mother told us that her child returned to the same question again and again. She suggested:

Put Daddy in the bin, and take Nanny, do Nanny's [assessment] and then if you got time you can pick Daddy out the bin. Because Nanny's more important. - *Mother*

This was even more complicated, as noted earlier, when the parent lived in a rural community and it was hard to walk past relatives who they would bump into in the local shops and streets. A third albeit very rare contact issue for parents in this study, was when the parent was expected to manage contact on their own between ex-partners and their children. They felt it was both unsafe and potentially very damaging to their own relationship with their child, especially in the absence of therapeutic services for the child or young person. Even when the local authority played a part, some mothers felt that the local authority could be too lenient if ex-partners failed to attend contact meetings.

I said, "you know, we've got the kid's father that does what he wants, when he wants, he doesn't show up to meetings, he shows up, he's there ten minutes, he's disappearing. There's no consequences in place, there's no consistency there with the children. It just feels to me that he's getting away with everything and we're not moving forward". - *Mother*

Contact plans after the care order at home had ended was the third issue raised by parents. This applied to orders that had been made to address domestic abuse and inter-family discord. These parents wanted restraining orders and non-molestation orders to be put in place to deal with the risks once the care order had been discharged. The outcome of these requests was unclear. Some parents also worried about how the contact arrangements would be managed after discharge of the order and felt they did not want to have any formal role over the longer term.

4.1.4.3 Failure to deliver services to parents and their children

Some parents commented on the lack of therapeutic services for their children and that they had been left to try and find suitable services themselves. Other parents commented that they had been promised more when the care order and care plan was agreed than was ever provided during implementation. They accepted that Covid had reduced their ability to access services but for one parent, the lack of a court mechanism to review services was an important gap in the system:

The things that the court promises and are put in place are done for a reason and that kind of shift between what court wants and what children's services will actually provide ... and the court has no kind of way to check upon that ... unless we end up back there. - *Mother*

This mother wanted the court to be able 'to follow up ... even after three months to say, "OK what's happened to these recommendations?". She felt this could help avoid the risk of repeat proceedings.

4.1.5 Parents' advice to other parents in a similar situation

The advice from parents was remarkably consistent and it focused exclusively on the parents' relationship with children's services. No other agency was mentioned. The clearest messages were about:

- Actively following through on the requirements of the care order.
- Being prepared to listen to the social worker.
- Not being afraid to seek advice when needed.
- Having a positive mindset toward children's services.

The following examples illustrate these themes.

Do everything they ask of you really. Because that's your chance really, to prove what you need to prove ... To be able to get to a position where your child is able to come off that order. Because there's no chance after that. - *Mother*

Just to keep on going. Just keep jumping through the hoops. - *Father*

Be open and honest. If you're honest with them and you're not hiding anything, they haven't got anything to come back at you with. - *Father*

Just to trust in the social workers more and work with them. - *Couple*

Social workers are actually a lot nicer than a lot of people think, and they're a lot more helpful. So, I think, my advice to another parent would be... just don't stress about it, just listen to what the social workers are saying, and do as your told. - *Mother*

I'd say listen to what they have to say ... Just try and listen to what they have to say and then instead of taking in all the negative parts, put it into a positive and think about what you can do to turn things around to make them see yeah, that not everything that's written down about you is ... it can be changed, it's not always going to be like the same. If they understood the reasons why, or even began to understand the reasons why you went through what you've gone through, you know it can help... So, how about we try and start afresh, I'll tell you what I know, you tell me what you know, and we'll work together on it. - *Couple*

4.1.6 Could the care order work better?

Most parents were content with their experience of the care order at home and a few did not feel that anything needed to change. But most also had suggestions as to how the order could work better. The main themes were:

- Better assessments and more support were needed prior to the care proceedings and thereafter. It could have potentially avoided the escalation to court.
- More interaction with families and a support person willing to listen to the parents would be 'a massive thing'.
- Shifting the mindset from 'nab a child' to providing support.
- Better information about the court process and 'less legal jargon', possibly with a leaflet to explain processes in an accessible way.
- Set goals and an end date to the care order at home.
- More empathy is needed throughout the process.
- The court should be able to monitor implementation as early as three months after the order has been made.

4.2 Discussion: parents' experiences of the care order at home

Most parents felt that they had been helped by the care order at home. This is a main finding from their accounts. They felt they had become a family again, acquired new

parenting skills and were well supported to make the necessary changes in their lives. The small number of parents with experience of both types of order were clear that care orders at home were more helpful than supervision orders. In their view, the legal obligations to the children under the LAC framework are stronger than those under a supervision order. Whilst parents had mixed views on their experience of the reviewing framework, they did not want it changing. Even though they disliked the restrictions that resulted from the order and the use of unannounced visits, for most parents the benefits of the care order at home outweighed the drawbacks.

Parents particularly liked the order when it was short-term, and the plan was for an early discharge. Some parents reported they had known that this was the goal when the order was made. It enhanced their motivation and for them, discharge was a recognition of the changes they had made in their own and children's lives. But some parents were worried about what support they would receive, if any, after the order had been discharged. More generally, their accounts showed that the way in which discharge was handled varied considerably for reasons that were unclear.

The parents' testimony raises some key issues. Of these, first and foremost is the finding that parents valued the care order at home and did not want to see it removed as an option to support reunification. But that question raises a broader issue about the use of care orders at home. Put simply, are they a sledgehammer to crack a nut? Could children and their parents receive the same level of services and support without it? Are the restrictions the order places on the family's life justified or are they orders designed for children who are separated from their parents? When the order, as reported by parents, was planned at the outset to be short-term, is this compatible with the Re P-S judgement which says that the concept of a short term care order is flawed?²⁶ All these issues need to be seen in the context of the guidance from the PLWG²⁷: *If the making of a care order is intended to be used a vehicle for the provision of support and services, that is wrong. A means/route should be devised to provide these necessary support and services without the need to make a care order.*

These questions will be considered in [Section 6](#) in the light of the findings from the parents' focus groups.

²⁶ [P-S \(Children\) \[2018\] EWCA Civ 1407](#)

²⁷ See footnote 12.

Section 5 Parents' recommendations: findings from the focus groups

Parents' key recommendations

1. Listen to parents and provide more support and collaboration in pre-proceedings, with clear directions, advice, and be specific about expectations and timescales.
2. Involve an 'independent parent supporter' to provide legal, emotional, and practical support to the parent from pre-proceedings to the end of the order.
3. Ensure continuity of personnel, especially between pre-proceedings and care proceedings.
4. Care proceedings need to be more humane and more understandable, with information leaflets written from the parents' perspective.
5. Use the 26 weeks' timeframe more flexibly to increase opportunities for families to stay together or be reunited.
6. Retain but revamp the supervision order to provide more consistency, support, intensive services for parents, and a fully independent reviewing process.
7. Retain the care order at home with a set end point.
8. Introduce an order to sit between the supervision order and care order at home.
9. Overhaul the response to domestic abuse in the child protection and family justice system to include single and multi-disciplinary training for family justice personnel, more services and a change of culture in the courts and children's services to avoid the risk of re-victimisation.

The purpose of the focus groups was to provide an opportunity for parents to explore and develop collectively their solutions and recommendations to tackle the problems that emerged in the individual interviews. Seven parents took part (three mothers in the supervision order focus group and three mothers and a father in the care order at home focus group). The participants came from England and Wales and covered English local authorities in the North and South East.

Our starting point was to establish whether the parents agreed with the main findings from the individual interviews. They endorsed all the key findings, which provided a good basis for discussion of ways forward. Their discussion of each theme amplified and deepened understanding of the problems rather than identifying an entirely new topic. The parents were asked to identify, where possible, the measures that could be achieved in the short term and the proposals which would require a longer timeframe. The section

starts with recommendations regarding pre-proceedings and the court and draws on both the supervision order and care order at home focus groups. We then report on recommendations regarding implementation of the supervision order and the care order at home.

5.1 Pre-proceedings and the court experience

5.1.1 More work to be carried out with the family pre-proceedings

The parents prefaced their recommendations about pre-proceedings²⁸ with a call for more early help to be available. They had several suggestions on how to improve the pre-proceedings experience. They wanted parents to be more actively involved in the initial meeting with the local authority who should seek their views on the issues affecting their parenting and who could help. They thought that the intervention plan needed to be better managed and coordinated 'rather than all these services being scattered all over the place' and 'everyone just trying to fulfil their individual role' instead of 'working collaboratively for the family'. Another strong theme was that there should be more supportive and intensive work with the family with clear directions, advice and expectations set out for the parent to follow. To keep up the momentum the parents suggested that the local authority should give families 'a set time period where they're doing these investigations, everyone to have their set tasks' and for progress to be actively monitored, including that of the professionals.

5.1.2 Involve an 'independent parent supporter'

This proposal came from the supervision order focus groups but was also endorsed by members of the care order focus groups. They felt they needed support for both the legal and personal aspects of the proceedings. In their view, creating a new position of a 'parent supporter' would be the best way to achieve this aim. The parent currently does not have their own 'support person'. Although their child's social worker is there to help support the family, they are focused primarily on the child's needs. Again, although the parent has their own legal representative, the parents felt that their focus is primarily on the legal aspects of the case. The 'parent supporter' would focus on the parent and provide legal, emotional, and practical support from pre-proceedings through to the end of the supervision order. The role would incorporate aspects of legal translation and advocacy, emotional support, signposting to relevant services and support groups, and practical help.

There needs to be something in place to support a parent, because the social worker is there for the child, but in reality, when they're removing your children, or in my case, attempting to remove them

²⁸ Pre-proceedings work referred to all work prior to proceedings, rather than to the PLO, as noted earlier.

from my care... I had no one to offload to. No one to support me, and no one to understand me. – *Parent, care order focus group*

And I very much get that ... children do need to be removed sometimes and children do need to be safeguarded, but also that parent needs that support as well... No parent wants to be in that situation. They obviously need support. But there's nothing. During court proceedings you've got a solicitor who just advises you legally, but ...isn't there to support you. They're there to stand in court and talk for you. Do you know what I'm saying? - *Parent, care order focus group*

The 'parent supporter' could be a parent who has been through the process themselves or worked in a charity dealing with women's issues. They must however be fully independent of the local authority. They could 'run you through what it's like emotionally or practically ...on the things that are going to be demanded of you'. Where their legal representative might take a broader view, and for example, recommend that the parent opts for their child to be voluntarily accommodated under Section 20/ Section 76²⁹ to avoid proceedings altogether, the 'parent supporter' role would help parents to fight in court if that is what they wanted. The parents also emphasized that the role would be completely different from that of the social worker who needs to be able to 'sit on the fence in the early days' and thereafter focus on the child's wellbeing as well as building trust with the mother. 'You need that liaison that sort of, that comfort blanket to help you through the, from the start'. Parents thought that this remit would be able 'to take some of the burden off the social worker'.

If we had some sort of permanent liaison [person] that is there to support us through the entire [process] you know, start to finish, and ... actually translate what they're saying. Because sometimes ... the legal side will speak in one way and the social workers speak in another way. If you're not used to the way things [are done] ... you're on a back foot trying to understand, you know, the even the basics of what's going on. – *Parent, supervision order focus group*

The 'parent supporter' should continue to provide support after the proceedings end. Their role would be to provide information on additional sources of help that might be needed during the order, to act as an advocate and, more generally to provide support in dealing with the financial, practical and emotional repercussions of rebuilding the family.

²⁹ Section 20 Children Act 1989. [S76 in Social Services and Well-being \(Wales\) Act 2014.](#)

They would also help with integrating the family into the community and advise on opportunities for training, education and employment after the supervision order ends.

The 'parent supporter' was seen as particularly important when domestic abuse is a factor in the care proceedings and the parent is required to rebuild their life after proceedings, potentially in a new location. The 'supporter' would help liaise 'between getting you involved with charities, support groups, and other things that would help you get through the court process, but then help you further on all the changes and all the things that you'll go through later on'. The supporter would be 'a comfort blanket' during the proceedings when mothers are unable to confide in their own relatives because they are caring for the children.

Parents recognised that working out how the 'parent supporter' would fit into current processes and procedures would need further work. It was therefore a longer-term solution, but they saw it as a priority.

5.1.3 There should be continuity of personnel

One of the issues that exacerbated parents' sense of isolation and bewilderment was the lack of continuity of the professionals. Parents felt strongly that pre-proceedings and care proceedings should involve the same personnel. In the supervision order focus group parents said that it needed 'writing into the guidance' as it is such an important issue. Continuity of personnel could help establish a relationship where a victim of domestic abuse feels safe enough to 'open up'. It would help build trust that would enable parents to reveal difficulties that in turn would lead to better care planning. It would also reduce the risk of error and breaches of confidential material.

5.1.4 A more humane process is needed in care proceedings

Parents felt that they were not treated in a 'respectful way' or as a 'human being'. They suggested several ways to address these concerns. Firstly, professionals need to better understand the emotional impact of care proceedings on parents. Instead, the parents felt that the professionals showed 'a lack of emotion toward them when traumatic events were happening'. Emotional reactions of the parent (such as empathy towards the other parent losing the care of their child) or a lack of emotional reactions (even when the parent had a mental health diagnosis) were criticised by professionals, including in some cases by the judge. This all served to compound the trauma felt by the parent. Another important way to show respect to the family is by being aware that children may have different surnames and different fathers and to make sure they are addressed correctly in person and in documents. Parents also felt it is important to 'treat the wider family with respect and appreciation', given their vital role in trying to keep the family together. This includes being more flexible in arranging relatives' attendance at court hearings to take

account of their own work obligations, home commitments and caring responsibilities. They felt this issue was not given enough attention.

The following examples illustrate professionals' 'lack of emotion' in the face of parental trauma.

So, I couldn't ever win because I suffer with BPD (borderline personality disorder) which is, with two ends of the spectrum, I was then criticised for not having any emotion. So, I was forever on a seesaw of constant, "don't cry, if you cry, you're bad, if you don't cry, you're even worse," and I was just like, "what the hell do I do?" So, I would often say, "you'll have to excuse me a moment I'm rather upset," and leave. And that was the only way I could get anyone to understand why I was upset ... It was just mental, it's so mentally traumatising, it's horrific. – *Parent, supervision order focus group*

Because I was showing empathy and I was caring ... about what my ex-partner was going through, even though what she was doing was causing the thing, even though I was doing that, that was actually used against me. The social workers went against me because I was trying, and I was saying to them, I was saying, "look, I am a human being, you know, if there was someone bleeding and dying in the street, what you're trying to say to me is that it's the same as me just walking over them, so I can't do that as a human being, morally." – *Parent, care order focus group*

5.1.5 Achieving a consistent experience in care proceedings

Parents felt it should not be down to luck that some parents get empathetic, understanding and supportive professionals to work with while others do not. Similarly, parents felt there is too much bias in the system where decisions are made by individual professionals based on their own personal experiences. This makes decision-making random and inconsistent.

So, I had a social worker who had a grandchild in her custody, and she used to just constantly side with my daughter's grandparents – "oh well as a grandparent I understand," and I used to think, "but you're also a mother, understand me!" and she was like, she was awful and she closed the case and then I'd beg them to reopen it for support and then she'd close it again. And I had that same social worker for, on and off for five years and she was rubbish and then literally I think it's potluck with social workers, and I've had another

social worker for five more years and she is amazing. – *Parent, care order focus group*

5.1.6 Information sheets to be written from parents' perspective

Information sheets on pre-proceedings and care proceedings should be written by parents. The purpose of this is to:

- Translate legal information into everyday language.
- Guide parents through the whole process
 - help them to also understand the emotional stress.
- Help parents ask the right questions to inform the care plan
 - informed by knowledge of care and support options.

5.1.7 Better inter-agency communication and information sharing

Communication between professionals (for example, family support workers, foster carers, health visitors, drugs workers, mental health teams, and the social worker) should be led more proactively by children's services. This would prevent parents having to 'regurgitate' the same information to different people with varying degrees of knowledge about the family. It significantly compounded an already stressful situation.

Multi-agency working together should proactively address obstacles and identify next steps. This recommendation linked to the above point. Multi-agency work will be more effective if it begins earlier and supports the parent and family 'to move forward with their lives' rather than focusing only on 'identifying the issues'. Parents need to be forewarned of the challenges they face and understand next steps. 'Children's services should be in the lead' and manage the interagency coordination. Parents felt the court process presents major obstacles to parents 'being able to plan for the future' if the child is not in their care during the proceedings. Examples include not being able to look for suitable housing, a school or nursery, registering with a GP and dentist, and impacts on benefit receipt.

5.1.8 Documents to be filed with the court on time

Parents also called for social workers to understand the impact of misleading and inaccurate information and how profoundly this affected them and their confidence in the court process. It made them lose trust in the system and feel 'panicky' because once an error got embedded in statements it was, in their view, almost impossible to get it corrected. This sets up parents to feel angry and stressed during the hearing that in turn can affect their presentation in court. The consequences for them were 'potentially life

changing' as they felt it increased the risk of losing their child 'forever'. All this made the parents feel that the process was unfair.

5.1.9 Ensure there are no breaches of confidential information

In parents' experiences, disclosure of their addresses was not exceptional and potentially left children and their mothers at risk, especially in cases of domestic abuse. The lack of continuity of professionals involved in the case only exacerbated these risks.

5.1.10 Parents should be able to speak directly to the judge

Parents want to be able to speak directly to the judge in court without their lawyers being present. They felt this would give them the chance to explain the impact of proceedings on their lives as the consequences for them 'were for life'. By speaking to the judge, this could bridge the gap between the legal process and the emotional impact.

5.1.11 FDAC should be made available to all parents

One parent in the focus groups had experienced FDAC as well as mainstream care proceedings and service delivery. Drawing additionally on the interviews, the view was that FDAC was 'the best' and 'should be adopted everywhere, simply because it wasn't impersonal'. Being able to speak directly to a judge 'without being overly emotional' ...meant you could give them 'what they needed to fit their legal framework but also say to them, "this is my life, you know, you lot get paid to do this, I have to live with the consequences of this every day, every minute – forever'. As one mother put it:

If I hadn't had FDAC, I potentially wouldn't have got my daughter back, because I would have had nowhere to adequately house her. They didn't have to house me... but thankfully... because I was in the FDAC process, my judge summoned them to court and once they got the summons it was, through them getting the summons, they offered me a bedsit. Also, the beauty of FDAC is that it was looking at *why* I was using drugs. - *Parent, supervision order focus group*

5.1.12 More help for parents with learning difficulties

A parent may have a learning difficulty but not meet the criteria to have an advocate in the care proceedings³⁰. In these situations, more consideration is needed for ways in which parents can be helped to understand the court processes. For example, members of the focus groups suggested sending all court documents via email if the parent doesn't

³⁰See [Family Rights Group Top Tips and Templates](#) (working with an advocate).

meet the criteria for having an advocate. The parent could then use specialist software to enable the documents to be read out aloud by their computer.

I have a learning difficulty, I have dyslexia, so reading is a 'no go' for me. But I would find that they would refuse to give me documents by email because I can use Siri...social services would give me a paper [version] and email my solicitor but refuse to email it to me ... But ... I couldn't have an advocate because my learning difficulty wasn't bad enough. So that would be the biggest [most helpful] thing to happen for me. I couldn't understand the reading, but I wasn't bad enough to have that support, does that make sense? – *Parent, care order focus group*

5.1.13 Parents to be made aware of what services are available

This would assist them in the co-creation of the care plan so it can be tailored to parents' specific needs and those of their child. It would also prevent a particular treatment or service being specified in the care plan, but no resources being made available to access and complete it. Parents in the focus groups felt that when this happened, it put them in a vulnerable position and made it very hard to fight for their child.

5.1.14 More flexibility with the 26-week court timetable

The tight 26-week timetable was criticised by parents who felt final orders were reached without enough understanding or work being carried out with the family. For example, in some instances care orders at home were felt to be made too quickly and were made in order to complete proceedings within 26 weeks. Mothers pointed out that 26 weeks is not a reasonable time period for a victim of domestic abuse to leave a perpetrator and demonstrate the required changes so as to make sure her child can return to her care.

5.2 Reforming the supervision order

5.2.1 The supervision order has an important role but needs revamping

The parents reiterated the view that the supervision order is 'definitely worth keeping' and 'definitely does work'. Its function is to provide 'a safety net after court proceedings' to deal with the 'potentially massive change in the children and parents' lives' by providing 'a phased transition from the court process back into reality'. It means that the parent does not have to make that 'massive transition' alone.

What the parents added to the earlier accounts was an appreciation of the enormity of the transition back to family life after care proceedings where issues such as domestic abuse and substance misuse were a concern. They emphasized that the transition

involves every area of the child and parent's life – the need to relocate to a safe environment and find new housing, look for schools or nurseries, register with a GP, make friends, find counselling and therapeutic services both for the parent and the child. Summing up the discussion, the parents agreed that this 'massive transitional stage warrants as much support as the system can give'.

However, the parents were clear that the supervision order needs to be 'revamped and shaken up'. They identified issues from the pre-proceedings stage through to ending the supervision order to achieve the provision of a comprehensive and focussed set of support services.

5.2.2 Revamping the supervision order

5.2.2.1 Ensure consistency in the offer and delivery of supervision orders

Parents reaffirmed the conclusion that supervision orders are too variable in what they offer and deliver to parents. They felt strongly that the variability of provision is 'unacceptable' and must be tackled. They identified four key obstacles which prevent services being provided as needed:

- There is insufficient focus on parents' needs, alongside those of their children.
- The availability of services varies considerably in different parts of the country.
- Funding varies considerably across local authorities.
- There are no common standards to enable consistency.

Parents want to see a standard set of offers of support to be made available to all parents. For this to happen and 'to avoid the current postcode lottery', a similar level of funding needs to be available across England and Wales. The court should play an active role in specifying and ensuring that the recommended services will be made available, and this should be set out in the care plan. The court should ensure that no service is offered if it cannot be delivered either through lack of funds or availability. The court should be able to review the implementation of the supervision order after three months to see if services and supports committed in the plan have been provided.

5.2.2.2 Social work visiting should be tailored to the family's individual needs

The main message was that support and services should not 'drop down or end' because a child and family were doing well or because the supervision order has ended. Instead, there should be a phased and purposeful reduction in the level of support. The parents called for further consideration of the role and value of unannounced visits. They recognised that they play a role when 'there are concerns about the child's safety' but they prevent building trust with the social worker. The parents said that in their view unannounced visits risk 'recreating the hidden threats and powerlessness' that characterise the relationship between victims and perpetrators of domestic abuse. It

made them feel as if they were ‘criminals, not victims’ and that their parenting was inadequate. An entirely different point was made around the frequency of visiting. Parents wanted to see more flexibility. Some parents had observed that their child became very upset when the social worker visited. It reawakened fears that they might be taken away again. Other parents wanted the opportunity to see the social worker more frequently if they were facing specific difficulties.

5.2.2.3 Reforming the reviewing process

The IRO needs to be fully independent of the local authority

Parents endorsed the proposal for reviews to be led by an independent person as recommended in the individual interviews. But parents in the focus groups felt that it is ‘misleading’ and ‘unethical’ to call the person ‘independent’ when they are paid by children’s services. In their view, the reviewing officer should be fully independent of the local authority dealing with their family.

Formal reviews should start at three months after the order is made

Parents supported the proposal to introduce a formal nine-month review. But they also suggested the first review should be held three months after the order is made to provide early and regular oversight of implementation, to review progress and put in place additional or alternative services as needed. As well as reviewing the progress of the family, the review should monitor implementation of the order by children’s services and other professionals involved in the case. Multi-agency meetings would be useful during the supervision order to take account of health and education needs for example. Children’s services should be the lead professionals.

5.2.2.4 There needs to be a consistent formal process to end the supervision order

Parents felt strongly that there needs to be a formal process to end the supervision order. They felt equally strongly that any subsequent support to the child or parents should be provided by the same social worker because they are already known to the family and have engaged with them.

5.2.2.5 Services for parents need to address underlying issues

Services should include therapy for parents to help them better understand the underlying causes of their problems and thereby strengthen their parenting skills. They also wanted counselling services and therapy to be provided for their children to deal with trauma from their pasts. The parents highlighted the identified shortages in the provision of services for domestic abuse and substance misuse. Confidentiality needs to be respected in programmes such as the AA 12 step programme. It means that information cannot be shared with the local authority, but it is a very valuable service. A proper focus on providing parents with therapy would help strengthen the family and reduce the risk of recurrent proceedings.

5.2.2.6 A more ethnically diverse workforce is needed and training to increase awareness and sensitivity to race, culture and diversity

Parents wanted to see a strategy to build a more ethnically diverse child protection workforce. They called for multidisciplinary training for all professionals involved in child protection and care proceedings, to include judges, to promote better understanding of the issues and ensure that there is a comparable level of knowledge and understanding across professions. Involving families from different ethnic cultures in the training would help raise basic awareness and understanding. Additional in-depth training on specific cultures and ethnicities is needed when practitioners are working in the longer term with families from ethnic backgrounds.

The social worker has a crucial role in helping mothers who relocate to predominantly white communities to identify a school with children from ethnically diverse backgrounds and address issues around hair culture, food, choice of school and discipline. As regards hair, the question was asked, 'How can my child learn about me if she is placed with a white lady who doesn't even know how to do her hair?' Understanding of parenting practices in different cultures was seen as a two-way learning process in which parents who had been brought up to smack their children, learnt alternative practices.

5.2.2.7 Addressing the challenges of parental substance misuse

Parents in the supervision order focus groups called for training on parental substance misuse for all social workers to cover features of drug and alcohol misuse, recovery programmes, rehabilitation services and the positive contribution of services such as Alcoholics Anonymous and Narcotics Anonymous. Attention should be paid to understanding when abstinence is needed, the importance of therapy to address underlying causes of misuse, the impacts on children and how these can be mitigated. They called for more services to help maintain recovery with funding to cover childcare costs to attend the services.

5.3 Reforming the care order at home

5.3.1 An order between a supervision order and care order at home

Parents valued the opportunity to live with their child at home on a care order, but at times they felt it was overbearing. For this reason, they suggested that there needs to be 'something in between a supervision order and care order for placement at home'. The supervision order is 'not heavy enough to fight your corner with the hospital, the school, education [authority], special needs, out of school facilities like respite and stuff – I need something in the middle that doesn't quite weigh my life down so that I can't move forward with it, with like say a boyfriend or normality...but I need a bit of support that's not quite given when you've got a supervision order'. Parents wanted children's services to understand that while some care orders are made because of serious concerns about parenting and the child needs a range of supports and services, but others are made

when parenting is not the issue. The child may be being cared for by another parent, or a perpetrator no longer lives with the mother, or a parent with mental health difficulties has support services in place. So, 'where the care order isn't about parenting, privacy should be respected'. They felt restrictions such as not allowing parents to have new partners were unfair because they did not allow for the fact that parents may have changed and let them 'move on with their lives'.

Because when I had a supervision order, if they had been like offering more services and standing in stronger for us and making sure that [when] we needed stuff like they do now we're on a care order, when I chased them, then we wouldn't have ended up back in the system. - *Mother*

5.3.2 Sharing of parental responsibility needs to be more balanced

At times, parents felt they had less parental responsibility than children's services when they were not listened to, which was disempowering. Sometimes the parental responsibility held by children's services felt more like control and restrictions over the parent, rather than sharing responsibility for the child. On the other hand, where the sharing of parental responsibility worked, parents felt it offered protection against issues arising and had the potential to help mediate when parents were in conflict with each other. In this situation the authority could act as a go-between. Where children's services have parental responsibility of a child with disabilities, they need to ensure they have the knowledge and skills to deal with specific issues arising that relate to the disability.

There's too much red tape and there's not enough choice, you, there's not enough room for you to make your own decision about the service that you want your children to be seen by. [But] it is still kind of overshadowed by social services. There's no input, the parental involvement is limited. – *Parent, care order focus group*

There was times when it felt like, ... "oh you've got to ask our permission for your daughter blah, blah, blah," and ... as time goes on it does sort of feel like, you know they should be in the background more. It shouldn't be fifty/fifty, it should be ninety/ten. – *Parent, care order focus group*

5.3.3 Parents want more say in contact arrangements

The parents felt they did not have enough say about contact arrangements, despite feeling that 'they know what's best for their child'. In their view contact should not 'just be about building identity, but also about creating lasting bonds' when children move to live with a new parent. The contact arrangements need to be less regimented and restricted

and there should be more reviews to ensure the contact plans 'move forward'. Parents felt that the physical environment of the contact centre can be an obstacle to building bonds and making the child and adult feel comfortable, for example if there is a lack of play options, or the location is unsuitable. They called for contact centres to be improved as the building, its location and play facilities all play an important role in the whole experience of contact. They made another entirely different point regarding contact. They felt that support with contact needs to continue after the care order ends, if appropriate.

Yeah, it's one of the worst bits especially if you're, if you're very family orientated and you want things to move on...By just keeping something regimented and restricted like this, yeah I just can't get my head around it ...This is one of the things where they don't listen. You're trying to tell them, it's your child, and they don't listen. –
Parent, care order focus group

There should be more often reviews. Like COVID aside, I can genuinely say, we would hold contact reviews and they would say, "no problems like raised," and like where are we moving forward? "Well in six months we'll hold another one," and I'll be thinking, we've had three now and there's no issues. We're not moving forward. –
Parent, care order focus group

5.3.4 Updating care plans as the care order progresses

Parents felt that restrictions and rules imposed at the start of the care order at home need to be updated to accommodate progress and changes to parents' lives. For example, initially the parent may not be allowed to enter a new relationship, but over time this may change.

And I think that's a really big factor. You can't set out a rule when we leave court and be three years down the line and not revisit them. –
Parent, care order focus group

5.3.5 IROs should be fully independent of the local authority

Parents in the care order focus groups agreed with the proposals to ensure the IRO is fully independent of the local authority. They endorsed the suggestion that they could come from a different local authority.

I just don't think the IRO should be involved with the local authority. I get that they work together and they're going to know each other because they all work over a sort of an area, but like for instance, the

IRO is my social worker's mate. And I'm like, "this is a joke, like how is she independent?" – *Parent, care order focus group*

5.3.6 Set an end point to the care order at home

This recommendation was made to tackle the issue of care orders which parents feel stay in place too long and prevent them moving forward with their lives. Parents provided specific examples where the care order continued solely because of the non-resident parent's behaviour or where children's services were felt to be 'dragging their heels' with visits taking place less and less frequently.

Parents need to be made aware that they can apply for discharge of the care order, although lack of funding for their own legal representation presents a major obstacle.

No, they, they are taking it to court to discharge us and I have to pay for myself to be legally represented unless the local authority agrees to pay because we're not in arguments with them so there's no legal aid. I was like, "are you joking me?" – *Parent, care order focus group*

5.3.7 Provide support after the care order is discharged

Once the care order has been discharged, parents recommended that either the child in need framework or a supervision order should be provided. It would depend on the level of oversight needed. They suggested that a child arrangements order could be made if there are issues with the other parent about residency. They also suggested that a prohibited steps order could be used to provide continued protection, if necessary, for families with a history of abuse.

And you know, I think we should be more involved with the proceedings and the paperwork they're filling in to withdraw and like be asked what do we want. So, one child is going to be completely discharged and my other child will just stay on the disability team because of her disability needs. But I've got nothing for the other, like [the social worker] she's just completely like, "bye, we're done, you know once we've been to court, we don't want nothing to do with you." I was like, "wow," I at least thought there would be something like child in need. – *Parent, care order focus group*

You know when you said about like, when the care orders discharged, I don't, there could be other orders granted like residence orders, because technically Dad could turn up and take the children and the police aren't going to do nothing. – *Parent, care order focus group*

I think after you come off a care order there are a lot of social issues, relationship issues, and kind of things that come off the back of that care order being in place and all the strain it puts on those relationships. If... there needs to be something obviously to help you deal with that, obviously that's why I asked for the child in need because I needed support to deal with ... building all these relationships. – *Parent, care order focus group*

I feel like the contact team should still be an option when you, when the care order isn't any longer in place. So, for example if dad wanted to come back and have contact with our son, at any point of his life, there should be an option for him, because of everything that's happened to go through the family time team. But because we aren't on the care order anymore, that isn't an option. – *Parent, care order focus group*

5.3.8 Expand mental health provision and training

Parents in the care order focus groups called for training for police and children's services to better understand mental health conditions and how to communicate and support individuals who may be suffering from a mental health difficulty. They felt that children's services did not recognise the impact on their mental health if parents have been in the 'system' since childhood. They wanted more mental health support services to be on offer to families.

Like in my case we had the police involved, the social services involved, and the medical professionals obviously, and not one of them had an idea about mental health. The police were like completely blank on their face, the social services were like, "ah, ah, don't know what to do," the medical professionals were like quickly walk out of the room, so I think they need more training. – *Parent, care order focus group*

They honestly need so much training and understanding in mental health because the majority of us are saying, mental health is where this started, but they want to just take our children away which is making our mental health worse. Well, what we need is some input on, "oh look, you've got mental health, we understand that, that's cool, but we can work with strategies with you, we can help you, we can support you," not, "we're going to take your kids away, you're a bad parent, you've got mental health," which then creates more mental health. – *Parent, care order focus group*

5.4 Experience of domestic abuse

The parents who commented in the individual interviews on the issues around domestic abuse highlighted the helpful role of the supervision order as well as the problems. The focus groups provided a far greater appreciation of the complex issues involved, what needs changing, obstacles and ways forward. A main message was that the issues are so wide-ranging that parents wanted to profile domestic abuse as a separate standalone topic in their testimony and recommendations.

5.4.1 Training for all professionals on domestic abuse

Training should be made available for all professionals who come into contact with domestic abuse, including those working in contact centres. Social workers and police need to have sufficient training to be able to identify important signs of domestic abuse. It needs to cover the signs of domestic abuse and understanding of how it may present and its impact on parents' lives. It should be delivered both to single disciplines but also be multidisciplinary and include judges.

Parents' substance misuse needs to be understood as a way in which domestic abuse is masked. Currently a lack of training to recognise the symptoms and be able to talk about the issues with compassion and empathy leaves parents feeling isolated and unable to present their case to the court effectively.

Survivors of domestic abuse should be invited to contribute to training as "it seems to make it a hell of a lot easier to be able to strike up a conversation and to help that woman start getting out of that environment, protecting her kids and them steps, them important steps for her realising you know, are invaluable".

The training should be offered to MPs and local government councillors to raise awareness. Parents should also be able to access training and have opportunities to attend courses on intergenerational trauma.

Training needs to address the power dynamics of the perpetrator/victim relationship. Often too much attention is paid to 'what the mother isn't doing, rather than what she is doing' and insufficient focus on 'what the perpetrator is doing'. The parents felt that because perpetrators can come across as 'very level-headed... calm and collected', there is a tendency not to 'see through the mask'. They also thought that the court gives too much weight to perpetrators' allegations. For example, the court fails to recognise that perpetrators say that the mother has caused injuries to the child. This is a deliberate tactic to play into the mother's worst fears. Whilst acknowledging the need for impartiality, parents said that they felt that by 'sitting on the fence', they were made to feel like 'criminals' and this lowered their confidence and self-esteem even further.

5.4.2 Expanding availability and access to domestic abuse services

The general problem of a shortage of services and uneven provision is not confined to domestic abuse. However, it was felt to be a particularly acute problem when domestic abuse is involved. As noted above, courses on domestic abuse depend on recognising the problem. Even when it is recognised, a backlog of referrals to the Freedom Programme is a further problem. In the parents' view, quicker access could help parents start to gain understanding of their patterns of behaviour, including the effects on their mental wellbeing. Lack of access to intensive therapeutic services further jeopardises mothers' ability to gain an understanding of what for some is a long-standing, sometimes intergenerational pattern. It made it less likely that parents would have that 'lightbulb moment' that lays the foundation for a 'turning point' and readiness to start a new life without abusing partners.

Parents said that to help with 'the cause of the problems, then it's going to be a much easier journey start to finish, than if you then try and remedy the situation with something that's going to aggravate it'. As one mother put it, 'if you have a rash you put like anti-septic cream on it, or a steroid cream, you don't pour acid on it, do you?'. Instead, problems tend to be addressed with a focus on immediate safety concerns. This meant that if the perpetrator were in prison, for example, parents were told that they could not access help for themselves or their children from children's services because there was no safety risk.

Parents felt that the opportunity for all the relevant agencies to work collaboratively was not being used to best advantage and needed to come earlier. In their view the police often 'have their hands tied', and even when multiple call-outs are made to the same household, the police are unlikely to act upon this information. The parents said that 'it takes too long from referral to children's services to visiting the parent' and there is 'no coordination with nurseries, schools and domestic abuse personnel to review the problems collaboratively' and identify ways forward.

More domestic abuse services for children and their parents are needed to address the shortage in availability. Parents should receive financial help to enable them to attend courses to promote their own mental wellbeing. Multidisciplinary working together should start much earlier. Domestic abuse victims should be signposted to work with Women's Aid or a similar organisation.

5.4.3 Awareness of systemic problems

Parents presented an array of obstacles to improving the response to domestic abuse. As already mentioned, the difficulties when parents do not have their child living with them during care proceedings creates a catch-22 for the parents. In this situation the problems parents reported around housing are as follows:

- If the perpetrator is the only name on the rent book, he cannot be evicted.
- There is no automatic entitlement to housing support.
- If housing is provided it will be a bedsit (but only if parent is under 35) and this is unsuitable for a family.
- There is no financial assistance to help parents obtain larger accommodation for the family.
- It is not possible to apply for child-related benefits.

The problems around education are:

- It is not possible to look for a nursery or school place until the child has been returned to parental care.
- If the parent does not know where they are going to live, they cannot start to look for a school.

Registration with a GP and dentist are similarly affected. Parents described this as a catch-22 situation.

5.5 Discussion: an overview of findings from the focus groups

The parents have identified a wide-ranging set of issues and measures to tackle their concerns from the pre-proceedings phase through to the way in which supervision orders and care orders at home end. Their proposals cover practice, policy, law and training. Some of their proposals could be actioned relatively easily. For example, the suggestion that parents should write the information sheets on pre-proceedings and the court processes could be actioned very quickly. Indeed, this same proposal was made by parents with care proceedings experience over two decades ago (Freeman & Hunt, 1998). On the face of it, there does not seem to be any obvious barrier to enable parents who do not meet the threshold for an advocate, to receive court papers from children's services by email rather than waiting for them to be sent by the parent's legal representative.

Other proposals call for much bigger changes. The recommendations to introduce 'a parent supporter' and an order 'in between the supervision order and care order at home' particularly stand out. Parents also made many specific but inter-related proposals on how to improve pre-proceedings and the court process. They are designed to strengthen links in a chain that parents find is fragmented and leaves them feeling isolated, vulnerable and unsupported.

What is striking about the parents' recommendations regarding the supervision order is how closely they tally with the results of a survey undertaken by the Nuffield Family

Justice Observatory for the PLWG. The majority view of the professionals (301) was that supervision orders should be retained but strengthened, whilst most of the parents (10) were critical of the lack of help they had received under existing arrangements. Just like parents in this study, professionals in the Nuffield survey wanted to see:

- “Specific obligations for both parents and local authorities should be set out in a written plan.
- The support plan should be specific to the needs of the child and parents, and not formulaic.
- Measurable outcomes should be identified.
- There should be an agreed process for reviewing the progress of the support plan, which should involve an independent element.
- The process for returning to court if the support plan is not being followed should be clearer and available to all parties.
- There should be more flexibility in the time periods supervision orders can be made for.
- There should be more funding available for the implementation of support plans”.

(Ryan, Roe, & Rehill, 2021)

Parents’ recommendations regarding domestic abuse are timely and emphasize the importance of an effective response by the family justice sector. Some of the major issues are:

- The misidentification of the victim/perpetrator relationship in the context of coercive control relationships.
- The need for holistic, trauma informed responses.
- How housing and benefit issues can exacerbate experiences of abuse and work against the goal of keeping families together safely.
- The use of private law orders following expiry of supervision orders and discharge of care orders at home.
- The lack of a smooth process for parents whose case transfers from private law proceedings into care proceedings.

It was also striking that only one parent mentioned Independent Domestic Violence Advisers (IDVAs)³¹ but none had received this service. Yet they have an important role to play with high-risk victims of domestic abuse. It can include support during proceedings,

³¹ See [National Definition of IDVA](#)

assistance with housing and signposting to services. There is also a Children and Young People IDVA service available for high risk 13 - 17 year olds.

All these issues are important for policy, practice and training. In the next section, the implications of parents' recommendations are explored.

Key proposals for change

1) Strengthening supervision orders

- Guidance should be issued by the DfE to underpin a national best practice framework to help ensure consistency of support and oversight. It should be informed by relevant research, cross-sector insights about supervision orders and care orders at home, and the expertise of those with lived experience.
- Develop a bespoke IRO role and service, building on messages from this research, the LAC reviewing framework and approaches to review children in need plans (such as the CINRO service). Develop opportunities for IROs to chair reviews in neighbouring local authorities to promote a fully independent review.
- Enhance support, services, and funding for supervision orders to maximise their benefits. Set up a national fixed-term 'supervision order support fund', along the lines of the Adoption Support Fund, funded by central government.
- Prioritise providing access to skilled, timely advice on housing and benefits given evidence of the prevalence of these issues amongst families with a supervision order and the harm associated with housing insecurity and poverty.
- Monitor implementation of the impact of changes to the supervision order on practice to inform decisions on the need for longer-term reform and if so, whether to replace supervision orders by a family support order (lasting up to three years).

(2) Improving the court experience

- Set up a PLWG task force with FDAC specialists to review possibilities of incorporating features of FDAC into mainstream care proceedings.
- Commission parents to co-produce with practitioners a family friendly guide to care proceedings.

(3) Improving the response to domestic abuse

- Convene a round table to develop a multidisciplinary training programme strategy on the identification of and response to domestic abuse. The target groups should include child protection and family court practitioners and the police.
- Develop an action plan to improve the availability of information for domestic abuse survivors in private and public law proceedings to include input from survivors as experts by experience.

Section 6 The future of supervision orders and beyond: proposals for reform

Forty-four parents from 42 families have provided rich insights into their experiences of supervision orders and care orders at home, and their recommendations. They have shone a light on their journey from pre-proceedings to implementation of the final order and shared their views and experiences of recent practice in 13 local authorities in England and Wales. As might be expected, there is some variation in parents' views and experiences, but also a broad consensus on what has worked well or not so well, ways forward and priorities for action.

Section 5 set out parents' recommendations for reform. In Section 6 we focus on our own reflections and proposals for change. They build on and are informed by the parents' views, experiences, and proposals for reform, but are located within a wider policy, research and practice context.

We focus on three main issues:

1. The contribution and potential of supervision orders.
2. Pre-proceedings and the court experience.
3. Domestic abuse and the family justice system.

We start with the contribution and potential of supervision orders because it was the main reason for undertaking this study. We have approached this question by comparing parents' experiences and views on supervision orders and care orders at home. This is important because of the PLWG guidance to restrict the use of the care order at home to 'exceptional circumstances'. The central challenge is whether, and how, a more robust supervision order could deliver the best elements of the care order at home and avoid its drawbacks. If this is not achievable, there is a real risk that more children will be permanently removed at the end of care proceedings. This would place further pressures on an already stretched alternative care service, with associated extra costs.

The focus on pre-proceedings and the court experience has been prioritised for two reasons. The pre-proceedings process has the potential to divert cases from court altogether. While care proceedings by their nature are inevitably stressful, there has not been any recent study on the court experiences of parents whose children remained or were returned home. There is much to be learnt from parents' accounts.

A focus on domestic abuse was not part of the original study questions. It has been prioritised because the parents singled out this issue and wanted it to be taken forward.

6.1 The contribution and potential of supervision orders

6.1.1 Comparing supervision orders and care orders at home

A main finding from this study is that parents value the opportunities that both orders provide to help keep families together. The majority wanted both orders to be retained. Parents whose problems had triggered care proceedings recognised that they needed help for themselves as well as for their children so as to be able to provide them with a safe, secure and lasting home. When parental responsibility was transferred to a parent with whom the child had not lived previously, they too felt the need for support and services. Parents were often 'grateful' for being given that opportunity by the court. They saw that it offered them an important opportunity to be used as turning point in their lives. It could prevent further care proceedings and break intergenerational cycles of harm.

Whatever the legal order, what mattered was what the family had received by way of dependable psychosocial support and practical services to address their difficulties. When this package of support was provided, the order was considered helpful. If it was not provided, parents felt let down, whether it was a supervision order or care order at home. However, supervision orders were more likely to under-deliver in terms of service provision than care orders at home. Parents whose children were on care orders at home received more help, within a more consistent and structured framework, than those whose children were on a supervision order. Moreover, the care order at home was frequently used in a similar way to a supervision order. The parents were receiving intensive relationship-based social work, often with an expectation that the order would be discharged within two years or less. The chief drawbacks to the care order at home was that it placed some important restrictions on parental autonomy, was associated with stigma, and left some families facing the prospect of an order lasting until the child reached eighteen and feeling unable to move on with their lives. Contact was a particular issue and families could feel isolated.

Through this comparison, it has been shown that *in addition to* providing more services and supports, the care order at home was offering a more consistent framework through which the support was coordinated and reviewed. But the access it offered to a wider range of supports and services should not be ignored³², though, as noted in Section 1, the PLWG 2021 guidance states that it is "wrong to use it as a vehicle for the provision of support and services". The reality is that it is what all parents wanted for themselves and their families and was integral to the proposals to 'revamp' the supervision order.

³² From the information available to us it is not possible to say whether families with a child on a care order at home received more help because they had greater needs or because of the duties owed to looked after children on a care order.

6.1.2 Developing a more robust reviewing framework

The remit of the PLWG sub- group on supervision orders includes developing best practice guidance to achieve a more robust reviewing framework. The parents' call for a consistent framework reinforces the need for this work. In this respect the study has helped fill a gap in the evidence from experts by experience.

The reviews would be based on the **development of a supervision order support plan agreed at final order**. There is no such requirement at present.

It would specify:

- The core issues to be addressed and identify risks and protective factors.
- The support services to be made available.
- The expected outcomes for the child and the parents.
- The expectations upon parents *and* on the local authority.

The new elements would be that the court would have an enhanced role in ensuring that these plans were deliverable, the services were available and tailored to the individual family's needs. Another role for the court would be to ensure that, wherever possible the strengths of the wider family are harnessed by:

- Involving relatives in developing the final support plan.
- Holding a family group conference if it has not taken place in pre-proceedings.

The detail of the frequency of reviews would need to be specified, but they should begin early and be multidisciplinary to ensure that the needs of the children and parents are fully addressed. The purpose of the review would be to establish, in the light of the final support plan:

- Actual and potential risks and how they are being addressed (including use of unannounced visits).
- What is working well, or not so well?
- Actions needed by parents, local authorities, and other agencies to address concerns.
- Specifying the timescales to achieve the changes.
- Ensuring parents' concerns (as well as children's) are listened to and taken into account.

Parents have called for these reviews to be chaired by IROs who are fully independent of the local authority. One way of achieving this would be for **local authorities to group together so that they chair the reviews of a neighbouring authority**. There would be

benefits from reciprocal arrangements with opportunities for best practice to be shared, although it might be harder to implement in rural areas.

More broadly, consideration should be given to developing a bespoke independent reviewing officer role and service for children on a supervision order and their families that builds on the messages from this research, the LAC reviewing framework and existing approaches to review children in need plans (such as the CINRO service).

Our overall recommendation is for **guidance to be issued by the DfE to underpin a national best practice framework for supervision orders to help ensure consistency of support and oversight** and take account of parents' and professionals' concerns about variability in delivery. As children on supervision orders are normally treated as children in need, the obligations under s.17³³ would provide the basis for such guidance. It would need to be informed by cross-sector insights about supervision orders and care orders at home, the expertise of those with lived experience, and relevant research.

6.1.3 Enhancing support, services, and funding for supervision orders

A more robust reviewing framework is a pre-requisite to strengthening the supervision order. But without enhanced support, services and funding, the risk is that the supervision order will be an empty shell and not be able to deliver better outcomes.

A strong message from parents was that the supervision order needs to focus on the parents as well as on the children, rather than 'band-aiding'. Parents who had complex needs consistently mentioned access to therapy, counselling, skilled substance misuse, mental health and domestic abuse services. Respite care so that parents could attend these services was also highlighted. Practical guidance on managing their children's challenging behaviour was also singled out and so was therapy for their children. Here some of the specific issues were helping children who were returning home from care and dealing with the impact of sibling separation (when one child returned home but the other was placed out of home after care proceedings). A third request was for family counselling to rebuild or improve family relationships.

Some parents were keen to receive guidance over educational and employment opportunities so that they and their family would be better placed to face the future with enhanced skills and resources. This is a really important message and there is a need to find ways to act upon it. More immediately, they wanted help in integrating into new communities when the family relocated by being put in touch with local services and supports. They also highlighted the need for skilled advice on housing and benefits. Here it is of note that children's exposure to poverty and housing increased over the follow up

³³ [Section 17 Children Act 1989](#)

in the 2019 national study of supervision orders and were more prevalent than any other issue³⁴.

One possibility would be to **provide direct access to in-house housing and benefits advisers**. If these services are contracted out, another possibility would be for **local authorities to band together and, in return for sharing advice, to offer fast track reciprocal referrals to adult and children's services**, as needed.

A particularly challenging issue is how the services would be funded. Here it is of note that the parents were not alone in calling for additional funding for services. Funding to underpin the implementation of support plans was also recommended in the Nuffield Family Justice Observatory survey on supervision orders (Ryan, Roe and Rehill, 2021). Given the significant falls in local authority funding for children's services, what is the case to prioritise the needs of families where a supervision order has been made? There are several compelling arguments for investment:

- The supervision order is now the main route to support keeping or returning children after care proceedings. Professionals and parents need to be confident that it can fulfil this aim.
- Children subject to supervision orders have a very high (20%) risk of return to court. The older the child, the harder it is to find a place in alternative care. This create pressures on children's services and the courts so the costs are therefore both immediate and long term.
- Supporting families to stay together whenever possible is a key principle of the Children Act 1989.
- To enhance prospects of good wellbeing outcomes for children and their parents.
- The costs of failed reunification are very high and much higher than the costs of supporting families when they reunify (Holmes, 2014).³⁵

Given the significant pressure on local authority resources, **one possibility would be to build on the model of the Adoption Support Fund and to provide central government funding for a fixed-term period to support families where a supervision order is in place**. The impact could be evaluated against specific criteria, such as the risk of further care proceedings, the sustainability of family reunification and child wellbeing outcomes.

³⁴ Children's exposure to parental housing (56%) and financial problems (49%) was higher at the end of the four year follow-up than at the start of the case, despite modest decreases at the end of the court proceedings (Harwin et al., 2019).

³⁵ In 2014 Holmes reported it costs £61,614 per year for each child who re-enters care after the reunification breaks down, compared to the average annual cost of £5,627 to support a reunification.

6.1.4 Consider longer term reform of supervision orders

A number of parents in the individual interviews were happy with the length of the supervision order and the support and services it provided. Another group of parents, as noted above, were seeking a more intensive level of support and were happy for the order to run longer if it gave access to more intensive support.

As the law stands, the supervision order can only be made for a maximum of twelve months in the first instance. While it has the potential to be renewed annually for up to three years, it is very rarely used in that way³⁶. The main justification to permit a longer order to be made from the outset is evidence based:

- Timescales for recovery from issues such as substance misuse require longer than a year.
- The peak risk period for children on a supervision order to return to court for new care proceedings is within the first two years after the supervision order is made (Harwin et al., 2019).

The parents' proposal to introduce an order to sit between the supervision order and care order at home was made for the same reasons as for a longer supervision order. Parents liked care orders at home which lasted for a maximum of two years but the Re P-S judgment 2018 made it clear that "the concept of short term care orders is flawed"³⁷.

Enabling a supervision order to be made for more than a year at the outset or introducing a new family support order would require legal reform. In the first instance it seems sensible to monitor the impact of measures to strengthen the supervision order before considering longer term reform. This would provide the evidence base on which to consider whether to keep the supervision order or replace it by a 'family support order' to last for two or three years. The advantages of introducing a 'family support order' would be that the duties could be framed as a partnership and collaboration with parents, which for them was very important.

We recommend monitoring the implementation of the strengthened supervision order to inform decisions on the need for longer term legal reform. This would provide a basis to evaluate whether the supervision order should be retained or replaced by a new family support order lasting two or three years.

6.2 Pre-proceedings and the court experience

A number of issues raised by parents have already been given detailed attention by the PLWG and changes have been made, endorsed by the President of the Family Division. As noted in section 2, the Best Practice Guidance stresses that work undertaken during

³⁶ Extensions for a supervision order accounted for only 0.5% of all s.31 proceedings (Harwin et al., 2019).

³⁷ See footnote 26.

pre-proceedings should be collaborative, and a genuine attempt to avoid proceedings whilst keeping the child safe and taking into account their views. The PLWG has also introduced measures to reduce the rise in the last five years of urgent and short notice hearings. Special consideration has been given to their use for new-borns. As parents in this study have shown, they can be traumatic in the short and longer term (Broadhurst & Mason, 2020). All these are important positive steps forward.

Other issues regarding the court experience raised by parents raise wider matters. Parents' proposals to improve the experience of care proceedings are wholly in line with the approach in Family Drug and Alcohol Courts. Their proposals are FDAC in all but name. Parents want to see a more caring and personal approach. They want to be able to speak to the judge directly, not through their lawyer, and they want to have continuity of personnel. Parents with experience of FDAC also valued it because it is collaborative and supports and challenges in a process they see as fair and transparent. As FDACs are more successful at keeping families together (Harwin et al., 2018; Zhang et al., 2019) and there are significant associated cost-savings (Bowen, 2021), there is a good evidence base to expand the approach. The President of the Family Division is committed to the expansion of FDACs³⁸ and the DfE has invested substantial financial resources to their growth. Nevertheless, most cases are still heard in mainstream care proceedings. For this reason, **there would be real value in the PLWG considering whether and how elements of the FDAC approach could be incorporated into mainstream care proceedings.**

The proposal to introduce a 'parent supporter' arose in the context of an adversarial pre-proceedings and court process. Parents in care proceedings over two decades ago also wanted 'a readily accessible befriender and confidant(e)' to be with them in court but their suggested role was narrower and confined to the court arena. More recently, government guidance *Working Together 2018* gives some support for the 'parent supporter role' but only in very specific circumstances. It specifies that the family may bring 'an advocate, friend, or supporter' to the initial child protection conference when concerns of significant harm are substantiated. An evaluation of an advocacy scheme at Family Rights Group, where the functions were similar to those of the parent supporter concluded that the advocate was helpful (Featherstone and Fraser, 2012). The idea of a 'parent supporter' from 'start to finish' has not been raised before and deserves consideration.

6.3 Domestic abuse

Parents have shone a spotlight on what it is like to be a victim of domestic abuse in the child protection and family justice system and why wholesale reform is needed³⁹ for a

³⁸ [View from the President's Chambers 2021](#)

³⁹ The MoJ panel of inquiry found evidence of 'deep-seated and systematic issues that were found to affect how risk to both children and adults is identified and managed' and its 'implementation plan' (Ministry of Justice, 2020) called for major changes in how the family courts approach domestic abuse cases. The Private Law Working Group, established by the President of the Family Division to review the system,

problem that is so prevalent. Between half and two-thirds of private law cases involve allegations of domestic abuse, with between a fifth and a quarter raising other safeguarding concerns, such as substance abuse and mental health difficulties (Cusworth et al., 2021).

Their recommendations chime with many of the government's current initiatives. There are a few that it would be particularly useful to build on. **There would be real value if a multidisciplinary training programme could be developed, to include input from parents as experts by experience.** Multi-disciplinary training should be aimed at social workers, contact centre workers, primary health workers, police, nursery school staff and teachers, Cafcass and judges. Given the strong relationship between substance misuse and domestic abuse, any training programme for frontline practitioners could usefully cover this issue, (as well as the need for trauma informed approaches).

A round table would need to be convened to agree on how to take this proposal forward, with representation of key bodies and individuals involved with domestic abuse, such as:

- The Domestic Abuse Commissioner
- The DA lead for family justice
- ADCS
- SafeLives, Women's Aid and other domestic abuse charities
- The Family Justice Board
- Cafcass
- Family rights charities
- The Home Office
- Police.

The study has also exposed the lack of a smooth process for parents to have their case transferred from private law to public law proceedings. It increases confusion, adds delay and may increase the risk of revictimizing the parent. There is a real need to address this fragmentation. At present there appears to be greater emphasis in policy and law on addressing shortcomings in the response to domestic abuse in the private family law arena but less attention to the crossover with public law proceedings. In this regard it may be helpful to **develop an action plan to improve the availability of information for, and experience of domestic abuse survivors, whether involved in private law or public law proceedings.** Linked to this it would be particularly useful to **carry out research on the use of section 7 and section 37 reports**, specifically to learn how they

proposed trialling a triage and track system with different pathways for non-domestic abuse cases, domestic abuse cases and returning cases. See also [View from the President's Chamber](#) (2021). Note also Tunnard, 2021 and Barlow & Walklate, 2022.

are used and acted upon. This is important because these reports (especially s.37) can be the gateway straight from private law to public law proceedings. They bypass all the pre-proceedings work which local authorities are meant to do before issuing public law proceedings.

A further issue is what happens when the orders are due to end. Parents in this study raised this issue. They indicated how vulnerable they felt because of the uncertainty of protective measures being in place going forward. Often it is left to the survivors to initiate a legal process. **It raises the question of whether local authorities could routinely make an application for a child or parent who is the subject of a public law order to ensure they are protected when that order ends?**

6.4 Conclusions

Until now the views and experiences of parents whose child has been returned to their care on a supervision order have not been known. Nor has there been a recent study of parents whose children remain at home or return on a care order. Several conclusions can be drawn from this study. We now know that parents see a positive future for supervision orders, provided that they undergo significant change. It is very clear that following the conclusions of proceedings, parents want active support and services that are needed by them and their child to increase the prospects for their families to stay together safely now and in the future. This finding indicates that there is a consensus amongst parents and professionals that the supervision order should remain but must be strengthened (Ryan, Roe, & Rehill, 2021).

Paradoxically this study suggests that families are more likely to get this support and services delivered within a consistent framework under a care order at home than under a supervision order. As the PLWG guidance on care orders at home specifies that 'the making of a care order should not be used as a vehicle to achieve the provision of support and services after the conclusion of proceedings' much will depend on the success of reforms to the supervision order. Otherwise, the risk is that more children will end up being removed permanently.

Parents who remain or are reunited with their children have high expectations and ambitions for post order support. In their view keeping families together by means of a court order and a related regime of services and support has an important role to play and deserves proper investment.

6.5 Limitations of the study

The sample of parents did not include any families in which the supervision order had broken down and new care proceedings were issued or where a child on a care order at home was removed. This may have affected the findings by giving a more optimistic account of the experiences of both types of order than otherwise would have been the

case. Although the number of parents who took part was larger than the original target agreed with the DfE, the proportion in each sub-sample was relatively small.

The impact of Covid-19 on the findings must also be considered. A significant proportion of the families either had their proceedings or implementation of the court order take place during Covid. The impact of Covid was not a question we asked in this study, but some parents did comment on its impact. The number was too small to draw any conclusions and the impacts were variable. Some of the negative comments may have been affected by this experience, given the drop in face-to-face proceedings, social work visiting and in service receipt. However, variability in implementation of the supervision order was found before Covid. It cannot therefore account for all the criticisms reported in this study. It is not possible to establish how Covid affected the experience of care orders at home because there are no earlier studies which could provide a comparison point.

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Appendix 1 Methodology

This qualitative study was undertaken by Lancaster University. It comprised individual interviews with parents and focus groups with a sub-set of parents. The methodology was discussed and agreed with members of the PLWG. The possibility of interviewing children was discussed by the PLWG but ruled out as impractical. Further details of the methodology are provided below.

1.1.1 Target numbers

A target number of recruiting 30 parents in total was agreed with the DfE. This figure included both parents with experience of supervision orders and care orders at home. The target was set for three reasons:

- The study needed to fit into the timescales of the PLWG.
- It was very difficult to recruit parents for interview in the 2019 national study of supervision orders⁴⁰.
- The research literature does not state how many participants are needed in qualitative research to have confidence in the findings. Partly it depends on the type of qualitative research and ways of analysing the data. In this study we have adopted the common approach of looking for common themes, but we have also included individual examples if they illustrate particularly important policy or practice issues.

1.1.2 Eligibility criteria

Mothers and fathers in England and Wales were eligible for interview if the order had been made after April 2014 when the Children and Families Act came into force. The eligibility criteria for interviews about the supervision order were as follows:

- The supervision order was made to parents who were looking after their child prior to the proceedings, or care had transferred to the other birth parent, or to support contact between parents and the child.
- Only final supervision orders made at the end of the proceedings were in scope.
- Parents with a supervision order attached to another type of order (such as a SGO) were not eligible.

⁴⁰ Wade et al. (2011) found similar difficulties in his study of reunification or long-term care for abused and neglected children. From a potential sample of all eligible children and parents (97) only 9 parents and 11 children agreed to take part.

- The order had run for at least half its full length to maximise experience of its implementation.
- Cases where the supervision order had ended but the local authority has stayed in contact, for example via a child in need or child protection plan.

For interviews with parents living with a child on a care order at home, the eligibility criteria were:

- The child stayed with or was placed with the parent(s) at the end of the care proceedings rather than as part of a planned phased later return.
- The child transferred to the care of their other parent at final order.
- Children whose care order was being considered for discharge, or who had already been discharged, were within scope if still in contact with children's services.
- Interim care orders were excluded.
- The parent had been living with their child for at least 6 months since the order to maximise their experience of implementation.

1.1.3 The recruitment process

Recruitment took place through local authorities in England and Wales, self-referral and via Family Rights Group in England and in Wales, via Cafcass Cymru in 2020 and 2021.

The role of all recruiting agencies was to obtain parental agreement to share their contact details with the research team at Lancaster. If the parent agreed, the contact details were forwarded to the research team. Consent to share this information was formally recorded by the recruitment agencies. Parents also had the option of contacting the research team independently.

Responsibility for obtaining consent to take part in an interview lay with the research team. This was to ensure that parents did not feel coerced into taking part in the study.

Once contact was made, either member of the research team would explain the purpose of the study and parents were given 10 days to decide if they wanted to take part.

Parents who agreed to take part in the study were offered financial assistance to cover childcare, and transport costs and the costs of using personal mobile data or pay as you go plans. They also received a voucher of £20 in recognition of the time they had set aside to take part in the study and the importance of their contribution.

1.1.4 The individual interview schedules and approach to reporting the findings

Semi-structured interview schedules were designed by the researchers and scrutinised by members of the PLWG to ensure coverage of key themes. Both the supervision order and care order schedules asked identical questions except when the issues related to the specific provisions and effects of each type of order. Each interview began with a short set of basic questions on parents' current living arrangements, the number, age and any special needs of children who had been subject to the proceedings as well as their experience of previous care proceedings and supervision orders. This was necessary because the researchers had no knowledge of the case from the referrer, beyond the fact that the order was made after April 2014 and the parent was willing to have their details forwarded to the University.

Consent was obtained from parents by phone prior to the interview using a specially designed form. The interviews ranged in length from half an hour to two hours. All interviews and consents to take part were recorded on a separate digitally secure device and uploaded to a dedicated secure folder on the University OneDrive system and were subsequently transcribed. Personal information (such as name and contact details) was kept on a separate secure folder on OneDrive. The interviews were analysed thematically using the specially designed questionnaire as the main framework for the analysis. When we report the detail of the findings, we do not specify the number of parents as this is a qualitative study. Instead, we indicate where the weight of opinion lay through terms such as 'the majority' or 'most parents' or 'a few' parents. As we were also keen to capture the range of experience, we have cited single examples where we feel they may be particularly important for policy and practice. We have been careful to eliminate any identifying details in general and particularly when single examples are used.

1.1.5 The focus groups

Focus groups were held separately for parents with experience of (i) supervision orders and (ii) care orders at home. Each focus group was facilitated jointly by the research team. The invitation to join the focus group came direct from the research team and was sent only to parents who had taken part in the initial interview. As the focus groups took place during the Covid-19 pandemic, it was not possible to meet face to face. Instead, parents were invited to meet online and to keep the session informal, the maximum number of participants was set at five for each type of focus group. To reach that number, ten parents were identified on the basis that they reflected as far as possible the diversity of the individual interviewees on the following parameters:

- Reason for the supervision order.
- Gender.

- Ethnicity.
- Age of children.
- Regional variation.

The invitation emphasized that parents would not need to reveal any personal information because that had already been covered in the one-to-one interviews. In addition to the invitation, parents received a more detailed leaflet about the focus group. Both documents had been approved by the LU ethics committee. Parents were contacted a second time if they did not reply to the first invitation. After that no further contact was made.

1.1.5.1 The focus group schedules

The focus groups on parents' recommendations for supervision order and care orders followed the same schedule regarding pre-proceedings and court experience. It then focused on the issues specific to each type of order. The schedule asked parents to:

- Confirm whether they agreed with each of the main messages from the individual interview
- To discuss the issue briefly.
- To put forward their proposals as to how to tackle the issue and where possible, to arrive at a consensus view.
- To identify whether the measures could be introduced in the short, medium or long term.

Parents were given the option of starting with an ice-breaker.

1.1.5.2 Capturing parents' views: the use of Google Jamboard

Google Jamboard was used to capture parents' views and recommendations. Jamboards are digital whiteboards which can be used remotely and in real time. The key messages from the individual interviews were summarised and a separate screen was used for each theme. One of the researchers acted as a 'scribe' and summarised the key points made by parents on a particular issue during the focus group, using comments' boxes and different colours and rearranged the board in real time to restructure the themes. The other member of the team asked the questions and ensured that everyone had the chance to say what they wanted. At the end of each session, the Jamboard was downloaded as a PDF and the parents were sent a copy of their recommendations and comments.

The original intention was to hold one group only for parents with each type of order. In the event three groups lasting between 60 to 90 minutes were held with parents with experience of supervision orders. Two online meetings were held for parents with care orders at home. They also lasted between 60 to 90 minutes.

The parents were sent summaries of the focus groups and were asked to confirm that they were accurate. Amendments and additions were made as needed.

1.1.6 Data analysis

The interviews were analysed thematically using the specially designed questionnaire as the main framework for the analysis. A small number of interviews were analysed separately by each researcher and then discussed together to compare themes and promote consistency in our interpretation of the data. Our main approach, as noted above, was to look for patterns but also to report on single examples which captured important themes relevant for identifying best practice, improvements needed and policy related development.

As regards the focus groups, the recommendations were taken from the summaries approved by the parents.

1.1.7 Ethics

The study obtained full ethical approval from the Faculty of Arts and Social Sciences, Lancaster University. The application was made on behalf of the Public Law Working Group to ensure that the same ethical arrangements covered all participating agencies. Fully informed consent was required from each parent. In this report names have been changed to ensure that no information can be traced back to any of the parents. We do not name any of the local authorities to protect their identities.

Appendix 2 English and Welsh Law (children)

	Children Act 1989 Section 17 – Child in need	Social Services and Wellbeing (Wales) Act 2014 - Welsh provision for a child in need	Supervision order (England and Wales)
Criteria for intervention.	<p>Where it appears that a child in their area is in need, the local authority may assess (Sch. 2 Part 1 para 3).</p> <p>Children with disabilities within the definition of the legislation are automatically deemed as children in need.</p> <p>Provision of services for disabled children is discretionary.</p>	<p>Where it appears to a LA that the child may need care and support in addition to or instead of that provided by its family, the LA must assess the need (s. 21)</p>	<p>Where Section 31 threshold criteria are met and the court makes an order based on welfare needs.</p>
Cut off age for involvement	<p>Up to 18th birthday (or 16th if married) (s. 105)</p>	<p>Up to 18th birthday at which point similar duties for adult support are provided for.</p>	<p>Before 17th birthday or 16th if married. (s. 31(3))</p>

Sharing of PR/involvement of the state.	No	No	No
Legal Status	Not looked after	Not looked after.	Not looked after.
Duty upon LA	<p>No duty to assess but LA may assess if the criteria for intervention are in place.</p> <p>General duty to safeguard and promote the welfare of a child in area, preferably with family. (s.17(1))</p> <p>Duty to facilitate the provision of services and publicise the availability of those services.</p>	<p>LA must assess needs where it appears child meets the criteria for intervention</p> <p>Duty to determine eligibility for services of the subject child.</p> <p>Duty to meet the assessed needs if the child is in the LA's area and either meets the eligibility criteria or needs protection from harm neglect or abuse. (s. 37)</p> <p>Duty to prepare and maintain a care and support plan (CASP) (s. 54)</p> <p>Duty to review the said plan</p> <p>Duty to carry out additional assessment if needs change.</p>	<p>Duty to 'advise, assist and befriend' the child</p> <p>Duty to take such steps as are reasonably necessary to give effect to the order</p> <p>Duty to consider whether to apply to the court for variation or discharge of the order if the order is not wholly complied with or is no longer necessary.</p>

		<p>Duty to consult with all those with PR and child in preparation of the plan.</p> <p>Duty to take all reasonably practicable steps to maintain family contact or enable the child to live at home if to do so would promote the child's wellbeing.(sec39)</p>	
Powers of LA	N/A	N/A	<p>Powers of supervisor to:</p> <p>Direct a child to live at a specific address for a specific period</p> <p>Direct a child to present himself to the supervisor or to any person specified at times and places specified;</p> <p>Direct a child to participate in activities</p> <p>Direct a child to submit to a medical or psychiatric examination and treatment (with child's consent if he has sufficient understanding)</p> <p>Require a responsible person to take all reasonable steps to ensure the</p>

			<p>supervised child complies with directions;</p> <p>Require a responsible person to attend a specified place at a specified time for the purpose of taking part in an activity</p> <p>Require the responsible person to keep the supervisor informed of his up to date address.</p>
Duty upon Family	No duty.	No duty but implied expectation of involvement as a result of the collaborative nature of the preparation of the CASP plan and as a result of the LA's duty to consider Part 4 and 5 remedies alongside provision of needs under a CASP plan.	No duty but implied expectation of co-operation as a result of imposed order of the court and potential consequence of non-co-operation.
Requirements on child/young person (YP)	No requirement but as a result of LA's duty to ascertain wishes and feelings there is an expectation that the YP provides their wishes and feelings in respect of the services offered. (s.17(4A))		Dependent on requirements of supervisor as set out above. (Powers of LA a)-c))

Elements of agreement required and Collaboration.	See above, duty to ascertain wishes and feelings of the child in respect of services offered.	Duty to collaborate with child and carer over the preparation of the plan. Duty to have the agreement of the child to assess if child is over 16	Agreement of responsible person is required if the supervisor is placing an obligation upon him.
Review process	No review process in statute.	Duty in statute to review.	None in statute – save for the duty under section 35 to consider whether the order should be returned to court for variation or discharge - but reviews are frequently written in to care plans.
Expiry	N/A	According to the review process when the need no longer exists.	One year after the date upon which it was made subject to a court ordered extension up to 3 years. Sch3 Part 1 para 6 CA 1989
Consent of family required for intervention.	Yes to the extent that they must be prepared to accept services.	Yes to the extent that they must collaborate to prepare the plan and must be prepared to accept services	No, can be imposed by the court but consent of the responsible person is required if an obligation is imposed on responsible person. (Sch3 Part 1 para 3) The consent of a child is required to submit to a requirement for medical or psychiatric examination or

			treatment if he is of sufficient understanding.
Assessment before order is made/support is provided.	Child in need assessment, though not required by statute.	Needs assessment prescribed by statute and codes of practice Part 3 annex 1 and 2	Usually parenting assessment leading to care plan and guardian's analysis.
Assessment during the currency of the order/involvement	Discretionary ability to undertake further child in need assessment if the criteria for intervention are met once again.	Statutory duty to reassess at any time when the needs change or at the request of the child.	Assessment of child's medical needs can be undertaken if court directs it as a requirement of the order and if child consents (subject to child having sufficient understanding to do so).
Ability to order treatment.	None	None	Yes, if a requirement for psychiatric or medical examinations has been set out in the order and if child consents subject to him having sufficient understanding to do so.
Accountability	General accountability to inspectorate.	Only accountability of LA is to the inspectorate.	Return to court if non-compliance by child or responsible person. Judicial review if non-compliance by LA.

Sanctions	NA	NA	NA
Portability of plan.	Not portable to alternative LA.	Set out in statute should family seek to move authority	During the currency of the supervision order, unlikely to be portable to alternative local authority.
Miscellaneous	NA	Wales is signed up to UNHCR	NA

Source: Kate Hughes, QC, member of the Public Law Working Group, Supervision Order Sub-Group.

Appendix 3 Parent recruitment documentation



Dear Parent, would you like to take part in an interview about living with your child on a care order?

The interview is part of a major review in England and Wales of supervision and care orders used to support children living with their parents. It is being carried out by the 'Public Law Working Group' on behalf of the President of the Family Division.

Very little is known about parents' experiences of care orders at home. We want to know what works well or not so well, and what might need to change?

That is why the Public Law Working Group has asked Lancaster University to talk with parents.

We will cover

any childcare or transport costs you have to help you take part

We will help

with the costs if you need to use your own mobile data or pay as you go plan

We will give

you a £20 voucher to thank you for your time and your help with this review

The interviews:

- Can be done over the phone or video call (eg. Whatsapp)
- Will last between 30-60 minutes
- Will be voice recorded

Whatever you decide about taking part it will not affect the services you or your child receive

If you'd like to take part, or just want to find out more, please contact either

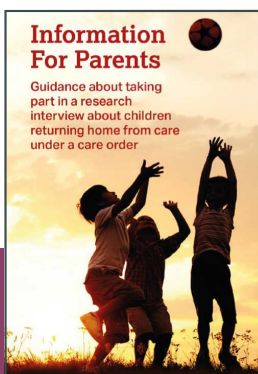
Judith Harwin

j.e.harwin@lancaster.ac.uk

Lily Golding

l.f.golding@lancaster.ac.uk

Or you can tell your child's social worker that you want to take part and they will pass your contact details to us and we will get in touch with you.



We have enclosed an information leaflet which explains a little more about the review and taking part in it.

We do hope you will consider taking part. Every parent's story is unique. That is why we want to hear from you. We know we will learn so much from you.

All best wishes

Professor Judith Harwin,
Lancaster University
Supervision Order Sub Group (co-chair)
Public Law Working Group
j.e.harwin@lancaster.ac.uk



Dear Parent, would you like to take part in an interview about living with your child on a supervision order?

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<p>We will cover any childcare or transports costs you have to help you take part</p>	<p>We will help with the costs if you need to use your own mobile data or pay as you go plan</p>	<p>We will give you a £20 voucher to thank you for your time and your help with this review</p>
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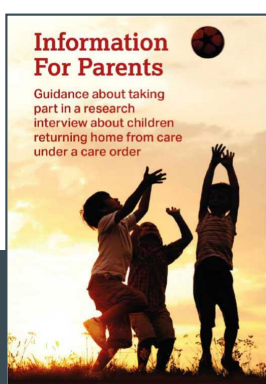
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- Will be voice recorded

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If you'd like to take part, or just want to find out more, please contact either

<p>Judith Harwin j.e.harwin@lancaster.ac.uk</p> <p>Lily Golding l.f.golding@lancaster.ac.uk</p>	<p>Caroline Lynch at Family Rights Group, clynch@frg.org.uk</p> <p>Tell her that you want to take part, and she will pass your contact details to us and we will get in touch with you.</p>
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We do hope you will consider taking part. Every parent's story is unique. That is why we want to hear yours. We know we will learn so much from yours.

All best wishes

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