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Reforming care proceedings 2: Children's Outcomes

Judith Masson,
Ludivine Garside and Kay Bader
School of Law
University of Bristol

Jonathan Dickens and Julie Young
School of Social Work
University of East Anglia

Context

Reforms to care proceedings in the Children and Families Act 2014, court rules and guidance aimed to achieve quicker decisions for children and families. There was little focus on outcomes but the Munro Report on Child Protection (2011) emphasised the need for greater focus on the impact of child protection processes on children. The lives of children who have been subject to care proceedings are profoundly shaped by the outcome of those proceedings. Both courts and local authorities require knowledge of outcomes to achieve more systematic thinking about the plans and orders they make and approve, and greater consensus.

About the Study

The study was conducted in six local authorities in England and Wales. It examined the operation and impact of the reforms by comparing two random samples of care proceedings:

Before reform: S1, 170 cases relating to 290 children brought in 2009-10;

After reform: S2, 203 cases relating to 326 children brought in 2014-15.

Information was obtained from court files, local authority administrative data and, for a smaller sample, children's services files (see Summary 1). There were also interviews with 54 local authority staff and two focus groups with judges.

Key Points

- Nearly all the children in the sample came from backgrounds of serious neglect; they (and their parents) needed ongoing and skilled help.
- Placements with parents were the most likely to break down.
- There were long periods of stability for many of the children in foster care.
- Nearly all the children placed in kinship care were still with those carers at the end of the study. However, some carers faced challenges from the child's behaviour; conflict with parents and family; and health, housing and finances.
- Most children with placement orders were adopted. Reformed care proceedings were shorter, children were placed more quickly and were younger at placement.
- Contact between children and their birth families could work well. However, high levels of conflict, poor quality or unreliable contact impacted negatively on children and carers, who were sometimes left to manage complex relationships.
- Whether siblings were placed together depended on many factors, not only their individual needs. Decisions on whether or not to separate siblings were some of the hardest. They could be harmful but could sometimes benefit the children.
- Good help for children, parents and other carers was given by Children's Services and other agencies, but not always. Delays in identifying and providing services were common; suitable provision was not always available.
- Children's wellbeing depended on their care, relationships, education and the support to help with the challenges of past neglect and their current lives.

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The sub-sample of case files comprised 58 cases from S1 and 60 from S2, selected by reference to the order and the child's age. Files gave information about the children's circumstances and wellbeing after the proceedings, reasons for any moves, the support they needed and the services they did or did not receive.

Children's and families' needs

As noted in Summary 1, the children and their parents came from backgrounds of great adversity, with considerable and often multiple needs. Care proceedings cannot 'solve' these problems. Whatever the court decision, it led to new challenges in supporting the child's placement and carer.

Further needs sometimes became apparent after the proceedings had finished; for example, for younger children, diagnoses of foetal alcohol syndrome, learning disabilities or special educational needs. Even very young children could have significant emotional and behavioural difficulties making it very challenging to look after them. Older children might be ambivalent or resistant to being in care.

Parents often had severe and multiple needs and it could prove hard for them to sustain change. As noted in Summary 1, further court proceedings were brought on 31% of the children who were placed with their parents under Supervision Orders in S1 (over six years) and 22% of those in S2 (over two years). Difficulties could re-emerge within a short period of time, or later, highlighting the importance of on-going support. But even when support was on offer, parents were not always able or willing to engage with it.

Case example: Aaron, white British, proceedings started at birth. His mother had a long history of alcohol and drug misuse, there had been previous proceedings on three older children. There was a residential assessment which went well, and the LA plan changed from adoption to SO. Post-order support included help for re-housing, drug and alcohol counselling, nursery place, social work visits. Mother had another baby, and stopped engaging with services. Nine months after the order both children were taken into police protection, and new care proceedings begun. The children were subsequently adopted.

Placement stability

In the year after their final hearing, 63% of the S2 children who were made subject of a Care Order (not

Placement Order), either remained in the placement they were in at the final hearing, or had just one move after proceedings and then remained there. This was higher than for the comparable group in S1, 42%.

Achieving placement stability was challenging where children were over 10 years old when the CO was made. Even so, over half of these children in S1 had one or two placements up to 31 March 2016 or when they left care; but 16% had three placements and the remaining 30% had four or more. The placement pattern was quite different for children aged under 10 years when the CO was made. Seventy per cent had two or fewer placements, and 30% had three or more in the five years after the end of the proceedings. In S2, placements were only tracked for up to 2 years and over 84% of children of any age with COs had only one or two placements.

For young people with disabilities or mental health needs, the transition to adult care services could be particularly difficult. There were examples of long-lasting placements ending at this stage because suitable arrangements could not be secured.

The case studies also showed that remaining in a particular placement is not necessarily a good thing – the carer may not be able to meet the child's needs that well, there might be tensions with siblings or other children in the placement; remaining may be due to not finding a planned placement. Some moves arise from bad luck (e.g. the carer becomes seriously unwell), some might be desirable but resisted by the child and/or carers, some can be beneficial.

Kinship care

Despite concerns about the longer-term stability and suitability of some special guardianship placements (DfE 2015ⁱ), we found that nearly all the children placed in kinship care were still with those carers at the end of the research period. Only two children with SGOs, one from each sample, had new care proceedings. Three other S2 children returned home after their SGOs were discharged. However, kin carers were often facing severe challenges, perhaps looking after several children, with unmet housing and financial needs, their own health under strain, and sometimes difficult relationships with the child's parents and extended families. These findings echo other studies (e.g. Grandparents Plus, 2017ⁱⁱ).

Local authority interviewees thought that there were differences between LAs in the quality of SG support, but they were conscious of its importance:

'... we have identified for a long time that post-adoption support is needed, but we are now also

acknowledging that there needs to be post-SGO support in place as well ... because it's the same issue ... traumatised children, damaged children are being placed with SGO carers ... so yes they do need the support and it is more than just having an annual review and stuff like that ...' LA Manager

Adoption plans

The court approved fewer adoption plans in S2 than S1 (see Summary 1). The S2 children were younger: 55% were under 1 year old when proceedings ended compared with 30% in S1, and they were placed more quickly. Nearly three-quarters of S2 children who were placed for adoption, were placed before they were 2 years old, compared with only a third of S1 children. Shorter proceedings had speeded up adoption, but in S2 Placement Orders were made on far fewer children over the age of 3 years.

Contact

The case file survey showed the benefits and challenges of family contact. Direct contact between children and their birth families could work well in all types of placement, with a variety of arrangements; but it could be very difficult for the children and carers. In some cases, contact faded away over time, but in others it increased if all was going well. There were cases where the comments and behaviour of the parents undermined the placement, both for children in foster care or with kinship carers. There were other cases where parents felt that the carers were unfairly refusing them contact or making it very difficult to arrange. The wishes of the children are also significant; some wanted more contact with parents, siblings or relatives, but this was not always possible (the others might not want or be able to do more), or it might be considered unsuitable. Other children wanted less, or even none.

Case example: Samuel, white British, aged 8 at the full hearing. On an SGO to his grandparents. They had to take out restraining orders against their daughter (a heavy alcohol user) in order to protect themselves from her, but Samuel enjoyed contact with his mother. However, this was not straightforward: there was an occasion when she encouraged him to steal a bicycle. By the end of our research period he was now 14, still seeing his mother, but was now stealing from her.

Contact orders in favour of mothers were made in a third of cases with SGOs; where specified, the frequency of contact ranged from four times a year to monthly. However, contact orders were not always followed. Parents did not always keep to the plans,

even if they had argued hard for them in court. Sometimes special guardians were expected to manage challenging arrangements. Some LA interviewees saw the challenges of contact as a reason for attaching a Supervision Order to an SGO.

Siblings

Of the children who were subject to care proceedings with a brother or sister, 40% were placed separately, another 40% were with at least one sibling and 20% were with all the siblings with whom they entered care. More children in foster or adoptive care were separated than those placed with parents and kin. Three or more children were more likely to stay together if living with parent(s) or kin but there was a high risk of re-entry to care for large sibling groups who returned home. S2 included 18 children from five family groups which were second s.31 applications, because the family placement had broken down.

The file study showed that LA staff were committed to the principle of placing siblings together, but on a practical level there are some large families, with children of very different ages and different kin relationships. In such cases it may well be hard, even impossible, to find a suitable placement where children can live together. The time spent looking for a suitable placement might affect the chances of it working well for all the children. Some children may benefit from separate placements. Plans for children to stay together were prone to change, raising questions about suitable contact arrangements.

Support and services

High levels of demand, financial restrictions and staff shortages in children's services were making it increasingly hard for agencies to offer support to the children, their families and carers. Partner agencies were also being hit by cuts, and it was notably hard to secure timely input from CAMHS. Criteria and thresholds for CAMHS varied from area to area, and could be very high – in one notable example, CAMHS refused to work with a child because they considered the case too complex. Three of the local authorities in the study had set up their own specialist services to deliver therapeutic help to children in care and kinship care.

Against these odds, there were examples of sustained, effective work from professionals (social workers, teachers, support workers, mental health specialists) and carers. Parents, foster carers and kinship carers were helped to meet the child's needs more effectively, and there was effective direct work with children (e.g. life story work, helping children to

cope with bereavement, and helping children to attend and do well at school/college).

Case example: Hassan, British Asian, aged 9 at full hearing. Two siblings, background of chronic neglect. Children placed in foster care under s. 20, proceedings issued ending with COs. Hassan and his brother have stayed with same carers ever since (their sister is in a separate placement). They are doing very well. Regular contact with their mother is managed by carers. The boys have benefited from CAMHS sessions, extra school support and life story work.

Conclusion

Court-agreed care plans were nearly always implemented; the key questions are whether they endure and succeed, promoting the child's wellbeing. The least likely plans to endure were placements with parent(s). Efforts were made to support parents, but the changes were hard for them to make and sustain. Even if the children remained with parents, there were usually on-going concerns.

The file study showed some inspiring examples of children being loved and supported in their foster or kinship homes, becoming 'part of the family'. It showed the pressures that all types of placement could be under, and some of the challenges for securing the necessary support. It is important to remember that the children and families who go through care proceedings are the neediest and most demanding cases. Needs do not end the day the proceedings do; they may well increase afterwards. Good planning and good support are essential, but to implement and sustain them requires adequate resources, for the local authorities, partner agencies, carers and families.

Further details of the research

This ESRC-funded study was undertaken by Judith Masson, Professor of Socio-legal Studies, Dr Ludivine Garside and Kay Bader, Research Fellows, from the School of Law, University of Bristol; and Professor Jonathan Dickens, and Julie Young, Research Fellow, from the School of Social Work, University of East Anglia.

The Department for Education and Cafcass were partners in the research.

There are 2 other summaries for this study:

Reforming care proceedings 1: Court Outcomes

Reforming care proceedings 3: Insights from data linkage

These can be downloaded from:

www.uea.ac.uk/socialwork/research

Further details of the research and findings will be contained in a research report: **Child Protection in Court: Outcomes for Children**, School of Law, University of Bristol and Centre for Research on Children and Families, University of East Anglia (2019) which will be available for download without charge at

www.uea.ac.uk/socialwork/research

The research report for the original study on the pre-proceedings process for care proceedings, **Partnership by Law?** is available at:

<https://bit.ly/1DJSmza>

A summary is available at:

<https://bit.ly/2Jc4LpR>

ⁱ DfE (2015) *Impact of the Family Justice Reforms on Front-line Practice Phase Two: Special Guardianship Orders*

ⁱⁱ Grandparents Plus (2017) *Growing Up in Kinship Care*