



# Northumberland County Council

## **FAMILY & CHILDREN'S OVERVIEW & SCRUTINY COMMITTEE**

**1<sup>ST</sup> DECEMBER 2022**

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### **Care Proceedings and Public Law Outline Annual Report on Progression**

Report of the Joint Interim Director of Children's Services, Graham Reiter

Cabinet Member for Children's Services: Guy Renner-Thompson

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#### **Purpose of Report**

To present Children's Services' performance within legal proceedings in 2021/2022.

#### **Recommendations**

It is recommended that:

1. The Committee notes the content of the report.
2. Identifies any areas for further scrutiny.

#### **Link to Corporate Plan**

This report is relevant to the Living and learning priority included in the Council's Corporate Plan 2021 - 24.

#### **Key Issues**

1. Covid restrictions have, over the last few years, impacted on the public law system which considers care planning and makes decisions for children. The court have moved to a hybrid model of hearings however this took time to evolve.

2. Analysis of the Northumberland picture illustrates that we are in a very similar position to neighbouring Local Authorities, unsurprisingly, as 7 of the Local Authorities feed into the same Combined Court.
3. A regional steering group was established to lead on the recovery and reform of the Family Justice system, Northumberland actively participated in this group.
4. The activity in care proceedings turnover continues to be high and the 26 week target for completion of cases in court is not yet being achieved. The average time for a case in care proceedings to reach conclusion in 2022 is 39.7 weeks which is an increase of 0.7 weeks average reported to the committee in September 2021. Performance is closely monitored, and work continues to ensure any contribution that the Local Authority makes to delay is minimised. The timescales are similar for each of the local authorities using the combined court and indeed the national average in 2021 was 43 weeks.
5. Training has been provided to all staff by the legal team as an integral part of the induction plan for new staff. This provides the foundations for further in depth training in all aspects of assessment, care planning and use of the legal framework to secure permanence for children. Specialist training is offered as new case law is published.
6. Communication between the Local Authority and the court has continued to be strengthened with quarterly meetings between the Head of Service, Principal Solicitor and the lead Family Court Judge. Despite changes in staffing over the past 6 months these meetings continue and are meaningful in addressing key issues, improving practice, receiving and giving feedback and tracking cases. Measures are also in place to ensure direct contact between legal services and the court on individual cases and this is being positively reflected in the comments of the Lead Family Court Judge.

## BACKGROUND

1. Progress in respect of public care proceedings has been reported to the Family and Children Overview and Scrutiny Committee over the last 5 years highlighting the national and local trends in the family justice system and some of the challenges experienced by Northumberland County Council.
2. Care proceedings are the vehicle via which the Local Authority secure permanent plans and placements for children. The Local Authority issues care proceedings when the threshold criteria of significant harm are met, to ensure Court oversight and scrutiny of the planning for the child. The threshold for issuing care proceedings is a legal test but usually follows intervention that has been offered on a Child in Need or Child Protection basis and where this has not led to the necessary improvements for the children or following a serious and significant incident that causes harm to the child.
3. There has been regional training and workshops provided by the LFJB (Local Family Justice Board) The LFJB has offered a number of accessible workshops over the last year to consider how we can improve and learn from other's practice. These have been varied and interactive, they have included guest speakers and small breakout groups to consider the recent reports from the government and how this may impact on practice and the views of stakeholders. These were really informative sessions which aimed to broaden the understanding of key issues and themes within legal frameworks and implications for practice due to new reports and case laws. The sessions provided a collaborative approach from Local Authority legal parties, Judges, Barristers, Cafcass, Social Care and experts as well as some care experienced young people. There were ample opportunities for learning from one another and then being able to take this back to respective workforces to share learning further and have open discussions and reflections on the key issues.
4. Children's Services received an Ofsted Focused Inspection at the end of July 2022 which looked at the Authority's arrangements for Planning and Achieving Permanence. The Letter was published on 31<sup>st</sup> August 2022 in which it highlighted that Social Workers identified permanence plans for children at the earliest opportunity, they know their children well and use personalised and sensitive tools to communicate effectively with children and prepare them for permanence. There is an established quality assurance framework to assist senior leaders, managers and Independent Reviewing Officers in monitoring progress of plans and quality of practice. The 2 areas for improvement related to quality recordings of supervision and impact of IRO challenge and escalation.
5. Children's Services continue to operate a Legal Gateway Panel process for approval of all cases escalating to Letter Before Proceedings, issuing Care Proceedings or approving children becoming Cared For. This panel is held weekly and have on average 5 cases per week with 264 cases being heard in the last 12 months. Northumberland's Legal Gateway Panel process was identified by Ofsted in their most recent visit citing how senior leadership team provides strong and effectively oversight of when children need to achieve permanence,

how timely legal advice ensures public law proceedings are initiated swiftly when children need legal permanence. Ofsted also met with the Designated Family Judge as part of this inspection and they reported an improvement in the quality of work, including how the child's voice is evidenced, also reporting effective communication between senior leaders to resolve any issues.

6. Children's Services have set up a social work Pre-Birth Team. The foundations of the pre-birth intervention team came following the "Born into Care" review which nationally looked at the number of newborns subject to proceedings, which prompted considerations and questions about, among other things, practice in relation to pre-birth assessments and removal at birth and the legal framework and court decision making in such cases. All neighbouring authorities have also commenced the set up or established their own pre-birth teams. The team went live on 26<sup>th</sup> September 2022 is based in Ashington Family Hub and will work with families across Northumberland. The team consists of 1 Team Manager, 4 Social Workers and 2 Social Work Support Assistants. The team will be reviewed and evaluated at the 9 month juncture.
7. Our current performance data reflects that currently we have 108 Northumberland children subject to public law proceedings. The vast majority of these children originate from the South East and Central areas of the county. During the first 6 months of 2021 the figures were higher (around 170-180) and increasing. Towards the end of the year, they began to decrease to around 150 and have reduced further since. Comparing the period 2020/21 and 2021/22 the data reflects that more cases have been issued in 2022 (155 in 2021 and 165 in 2022). The fact that we have seen such a reduction in cases could potentially be down to a lag in recording. Internal systems in recording all legal episodes could have impacted the data in 2021/2022, this is being addressed presently to put in place more robust systems, future data therefore would be more accurate. In 2020/2021 there was 196 proceedings ended with only 99 closed in the 2021/22. In relation to the duration of care proceedings the current average time for a case to conclude is 39.7 weeks (an increase compared to last year's figure of 37.8). This is significantly higher than the Public Law Outline target of 26 weeks. Covid has had some impact on these extended timescales but other issues that predate the coronavirus restrictions also underlie this performance. Analysis of national CAFCASS published information for April to September does not give any clear reason as to why this is and local analysis would say it is a variety of reasons. Regular legal tracking meetings chaired by the Head of Service provide senior management oversight of any delays in proceedings.

## **CONCLUSION**

8. Ofsted outcomes from July 2022's focused inspection positively reflected that Northumberland's social workers identified permanence for children at the earliest opportunity and the management oversight and processes in place for tracking are effective.

9. Some children have experienced delay with proceeding taking on average 39.7 weeks. The impact on Northumberland children is very similar to that experienced regionally and nationally.
10. Northumberland have set up a Pre-Birth team which aims to secure permanency for babies as quickly as possible following birth. Evaluation and review of the effectiveness of this team will be completed in the summer 2023.
11. Northumberland will continue to work closely with the court, Cafcass and neighbouring Local Authorities.

## IMPLICATIONS OF THE REPORT

<b>Policy</b>	The PLO and other legislation governing legal proceedings in relation to children are translated into NCC policy and procedures.
<b>Finance and value for money</b>	Care proceedings place a financial burden on the Authority in terms of application fees and staff resources.
<b>Legal</b>	The Children Act 1989 contains the applicable statutory basis for issuing care proceedings and pre proceedings under the PLO.
<b>Procurement</b>	Directions of the Court within care proceedings can require the local authority to procure external services with which we have to comply.
<b>Human Resources</b>	Staff need to have the capacity, knowledge and skills to manage cases effectively and efficiently to achieve the very best outcomes for each child.
<b>Property</b>	None
<b>Equalities</b>	Each child must be recognised as an individual and provided with a service that meets their specific and different needs.
<b>Risk Assessment</b>	Ofsted and reputational risk if performance around timescales and working practice is not improved.
<b>Carbon Reduction</b>	None.
<b>Crime and Disorder</b>	Criminal proceedings will often run alongside care cases and inform the outcome.
<b>Customer Considerations</b>	The child is the customer and the timescales imposed are intended to improve outcomes and allow the child to have a finalised secure plan at the earliest opportunity.
<b>Consultation</b>	Regular feedback is sought and provided by the courts. Children's voices are key to all reports and evidence for court.

<b>Health &amp; Wellbeing</b>	Ensuring children have safe permanent living arrangements as soon as possible supports their health and wellbeing.
<b>Wards</b>	Applies to all wards

## REPORT SIGN OFF

Monitoring Officer/Legal	Suki Binjal
Legal Clearance	Lynsey Wafer
Service Director Finance & Deputy S151 Officer	Jan Willis
Relevant Executive Director	Graham Reiter
Chief Executive	Rick O'Farrell
Portfolio Holder(s)	Guy Renner-Thompson

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