

Cabinet

23 APRIL 2012

**CABINET MEMBER
FOR CHILDREN'S
SERVICES**

*Councillor Helen
Binmore*

CARE PROCEEDINGS PILOT

A multi agency pilot project to reduce the length of Care proceedings thereby making timely decisions about children's future and reducing expenditure on legal costs and looked after children costs.

Wards: All

CONTRIBUTORS

Director of Family
Services
ADLDS
EDFCG

Recommendation:

That approval be given to the care proceedings pilot at a total cost of £95k to Hammersmith and Fulham Council out of the total expenditure in the project of £220k, as set out in para. 5.7 of the report.

**HAS A EIA BEEN
COMPLETED?
YES**

**HAS THE REPORT
CONTENT BEEN
RISK ASSESSED?
YES**

1. BACKGROUND

- 1.1. Care proceedings is the legal process initiated by a Local Authority seeking the power to remove children from the care of their parents when the children are assessed to be at risk of significant harm; because of the importance of the decision the court will seek expert assessments and guidance and often gives parents extended opportunities to show they can change the quality of care they give their children; as a result in the last ten years care proceedings have taken longer and longer with the national average now being over a year. In London, the position is even worse with care proceedings taking an average of 65 weeks.
- 1.2. A national review and report which examined care proceedings (and other court activity) *The Family Justice Review* has recently been published. The review was extremely critical of the fact that the impact of unnecessary delay on children was damaging and was not being addressed. The Family Justice Review recommended that care proceedings are completed in 26 weeks.
- 1.3. This Cabinet report outlines an innovative tri borough, multi agency, proposal to address delay and seeks agreement to the Hammersmith and Fulham financial contribution to this project. It will be one of the first projects seeking to implement the findings of the Family Justice Review.
- 1.4. The benefits sought from the project are improved outcomes for children and financial savings to the Local Authority. The project aims to improve outcomes for looked after children by significantly reducing the time care proceedings take; this will ensure that decisions about children's future are taken more quickly and will reduce the length of time children wait in limbo – waiting to know where and with whom they will be living in the future – a period we know is damaging to their development
- 1.5. The financial benefits will arise from reduced expenditure on legal costs and reduced expenditure on looked after children (as some children will leave care more quickly as a result of the shortened care proceedings).
- 1.6. The project will encompass all new care proceedings initiated by the three Local Authorities in the financial year April 2012 to March 2013 (likely to be 80 – 100 cases).
- 1.7. The cost of the project is estimated to be £220k. The Hammersmith and Fulham contribution to date has been £60k and contribution going forward will be an additional £35k. The other financial contributions come from the other two tri borough Local Authorities and Capital Ambition.
- 1.8. Savings will come from a reduction in our expenditure on the legal costs of care proceedings which is currently £1.7m a year for Hammersmith and Fulham alone. The size of the savings will depend on how successful the project is in reducing the length of care proceedings; achieving the Family Justice Review target of 26 weeks would lead to a saving of up to £850k a year for our Council.

- 1.9. Savings for Hammersmith and Fulham on looked after children are harder to accurately estimate; a prudent estimate is that an additional £240k could be saved in this area.

2. BACKGROUND DATA

Current care proceedings

- 2.1. These are the number of care proceedings currently being undertaken in each of the 3 Local Authorities as at January 2012

| Kensington & Chelsea | Westminster | Hammersmith and Fulham | Total |
|---------------------------------|--------------------|-------------------------------|--------------|
| 17 | 32 | 57 | 106 |

Length of care proceedings

- 2.2. The average length of time care proceedings take is:

| Kensington & Chelsea | Westminster | Hammersmith and Fulham |
|---------------------------------|--------------------|-------------------------------|
| at least 52 weeks | 58 weeks | 64 weeks |

- 2.3. The average hides significant variation between the shortest and longest cases.

- A third of Westminster's current cases have taken over 52 weeks
- 25 % of Westminster's current cases have taken over 78 weeks.
- 25% of Hammersmith and Fulham cases concluded in the last year took over 78 weeks
- 4 Hammersmith and Fulham cases out of the 45 cases concluded in last year took over 2 years to complete.

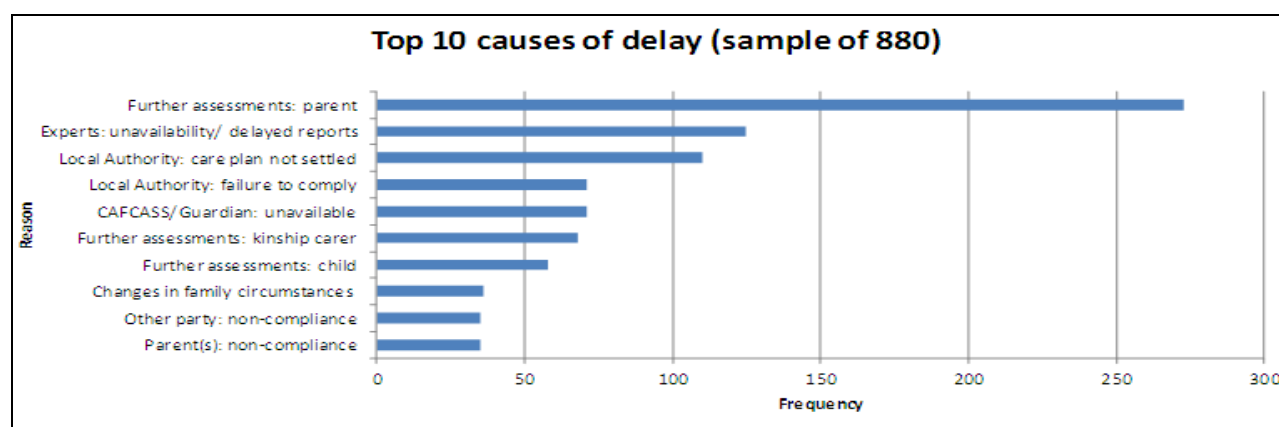
Expenditure on care proceedings

- 2.4. The average expenditure on legal costs alone for each set of proceedings is nearly 30k per case.

- 2.5. Total expenditure in Hammersmith and Fulham is £1.7m a year on legal costs.
- 2.6. There are other forms of expenditure that could also be included as costs resulting from extended care proceedings – these other costs arise from the need to keep children looked after for longer: for example the cost of the placement, of transport, of social worker and other staff time; work done in Hammersmith and Fulham which is yet to be replicated in the other two Local Authorities showed that the total cost of care during care proceedings is up to £80k per child.

3. THE PROJECT – THE ANALYSIS

- 3.1. The key stakeholders involved in care proceedings are: the Judiciary, the Court and Tribunal service which administers the court process, the Legal Services Commission, Lawyers representing Local Authorities and also children, CAFCASS which is responsible for Guardians, and our Local Authority Children's services.
- 3.2. Significant work has been done with stakeholders to engage them in the analysis and in obtaining their commitment to action.
- 3.3. An initial phase of problem analysis has been completed. An overall analysis of the causes of delay was undertaken partly through a workshop of key stakeholders and partly through an analysis of case records held by the court and Local Authorities.
- 3.4. The key causes of delay are summarised in the table below



- 3.5. The key themes of this analysis were:

- No single body accountable for case progression
- Routine ordering of expert assessments – sometimes 5 expert reports in a case.

- Pervading adversarial culture
 - Social workers not seen as experts
 - Late allocation of Guardians and duplication of the social worker role
 - Discontinuity and lack of specialism in the judiciary.
- 3.6. From this analysis using the stakeholder group proposals have been developed to address the identified problems.

4. THE PROJECT – THE PROPOSALS

- 4.1. A project initiation document has been developed to summarise the objectives and methods to be used in this project. The full document is attached as an appendix; the key points are:
- 4.2. The objectives of the project are defined as:
- The most timely and fair decisions made for the child.
 - A reduction in the average length of care proceedings;
 - A reduction in cost for all the agencies involved;
- 4.3. The project will be broken down into a number of workstreams that will address the key areas of care proceedings where delay occurs and deliver change in behaviour, process and outcomes; the key areas the project will address are:
- Improve social worker submissions to court – verbal and reports – through mentoring, guidance and training
 - Tighter timescale management in the court through judicial continuity, active case management and court allocated time for the project cases
 - Timely parenting assessments meeting the specification of the court
 - Timely relative assessments of potential alternative carers
 - Case tracking to identify potential delays before they occur
 - Timely and proportionate use of Guardians (the influential independent social worker who reports to the court)
 - Case reviews to identify lessons from all cases
 - Benefits tracking by the project manager
- 4.4. The project will be supported and directed by a project manager and a case manager.

5. FINANCIAL EXPENDITURE AND INCOME

Expenditure – existing and proposed

- 5.1. Significant work has been undertaken to date to engage the key stakeholders, to undertake the analysis of the problems and in generating agreed solutions; this work was initiated and undertaken by Hammersmith and Fulham as a single Local Authority initiative and so

the cost for this (£60k) has been met within the Departmental budget. The work has been supported by Ernst and Young using a Lean approach.

- 5.2. Now the project has the backing of the tri borough Local Authorities, all future costs will be shared by the three Local Authorities. The future costs relate mainly to staffing; the project will require a project manager and a case manager who will provide the day to day management to the project. In addition there are miscellaneous costs for training etc

Income

- 5.3. As this is a tri borough project each of the three Local Authorities will contribute to the future costs – and share the savings.
- 5.4. Capital ambition has agreed to fund at least £50k towards the Hammersmith and Fulham project and an additional sum to support learning from the project for other court areas in London who wish to undertake a similar project in their area.
- 5.5. The LGA is considering in the option of supporting the evaluation and wider dissemination of the lessons – there has been no confirmation of this to date.
- 5.6. Other sources of funding are being explored including Sector Led Improvement subject to their budget being finalised for next year. Any additional funding secured will enable a reduction in the tri borough Local Authority contribution.
- 5.7. The following table summarises the financial expenditure and income. The total expenditure on the project is £220k of which Hammersmith and Fulham is responsible for £95k comprising of the initial costs (£60k) and a third of the future Local Authority contributions (35k).

| Expenditure | | | | Income | |
|------------------------|---------------------|-------------------------------------|------|--|--|
| Stakeholder engagement | Oct 11 – March 12 | Ernst and Young and project manager | 60k | Hammersmith and Fulham initial funding | 60k |
| Project delivery | April 12 – March 13 | Staffing | 140k | Tri borough Local Authorities (35k each) | H&F 35k Westminster 35k RBKC 35k |
| Training/Misc | | | 5 | Capital ambition | 50k |
| Total | | | 215 | Total | 215 |

6. EQUALITY IMPLICATIONS

- 6.1. The care proceedings project will apply to all children taken through care proceedings.
- 6.2. We will monitor the effect of the care proceedings pilot on the outcomes for children of different ethnicities but on the evidence of the existing service outcomes we anticipate all children will benefit from this pilot equally.

7. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 7.1. The recommendation of the report seeks to commit funding to the improvement of care proceedings
- 7.2. Hammersmith and Fulham have appointed a project manager to deliver this on behalf of all three boroughs.
- 7.3. One off tri borough project costs are generally funded in proportion to the level of expected savings for each borough. In this instance it is clear that there are a number of factors that contribute to shorter, more effective care proceedings. As such it is proposed that costs are shared equally. While there is every expectation that the project will deliver to budget, this needs to be monitored and kept under review.
- 7.4. There are a number of savings contained within the Council's MTFS relating to the reduction in the number of looked after children. This initiative is an element of the plan to deliver these savings.
- 7.5. The benefits tracker will enable the project board to monitor the delivery of the savings (Any overall deviation in the level of savings will need to be fed into the Council's financial planning, especially savings in addition to those built into the MTFS).

8. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 8.1. There are no direct legal implications for the purposes of this report

9. COMMENTS OF THE ASSISTANT DIRECTOR PROCUREMENT AND IT STRATEGY

- 9.1. There are no procurement comments relevant for this report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

| No. | Description of Background Papers | Name/Ext of holder of file/copy | Department/ Location |
|-------------------------|---|--|-----------------------------|
| 1. | Family Justice Review | Steve Miley. Ext 2300 | Children's services |
| 2. | Project Initiation Document | Steve Miley. Ext 2300 | Children's services |
| CONTACT OFFICER: | | NAME: Steve Miley EXT. 2300 | |