



Three weeks in  
November...  
three years on...

Cafcass care application  
study 2012

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## Acknowledgement

This report is largely the work of Jonathon Guy (Senior Research & Data Analyst), Valerie Blessington (Head of Service) and Richard Green (Child Protection Manager). Cafcass would also like to acknowledge and thank the more than two hundred Children's Guardians who took the time to provide information about their cases to the researchers, and the numerous other staff who contributed their insights to the study.

# Foreword

*Three weeks in November, Three years on*, is a defining report for child protection services in England. It shows that as a result of intensive work on behalf of children, court applications to protect vulnerable children are being made in a more timely way than in 2008 and at an earlier stage of local authority involvement with a family. In particular, neglect cases are being acted on more quickly, in terms of making court applications, than was the case prior to the Baby Peter Connelly case, and local authorities are more fully prepared coming into court, particularly in London.



Out of tragedy came initial anxiety, followed by determined action. All of the agencies involved, and Government, have played important parts in developing what this study reveals to be clear momentum towards improved interventions, despite the challenges for all of operating within finite budgets.

In 85% of cases, Cafcass' Guardians saw no alternative to statutory action to protect a child, which shows an important growth of realism about the depth of justifiable concerns about the risks being experienced by some children. This does not detract from the importance of family support services to parents, aimed at preventing, as far as is possible, family breakdown and neglect. Local authorities, voluntary organisations, a range of other family professionals and caring family members continue this important work every day.

But for children who need protecting, 3 years on from the Baby Peter case, there are encouraging signs. We will repeat this study in 2-3 years time again, to see if those improvements have been sustained. In the meantime, despite the clear signs of progress, there is much still to be done, in particular to implement the many improvements to the family justice system.

A handwritten signature in black ink that reads "Anthony Douglas". The signature is written in a cursive, flowing style.

Anthony Douglas, CBE

Chief Executive

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# Executive Summary

## Background

This study was commissioned in response to the continuing unprecedented rise in local authority section 31 (Children Act 1989) applications to the family courts<sup>1</sup> (commonly known and referred to in this report as 'care applications') since the publication of the Baby Peter Serious Case Review Executive Summary in November 2008 and a previous Cafcass study of care applications, published in 2009. This study updates the findings of the 2009 study.

## Aims

To gauge the views of Cafcass' Children's Guardians<sup>2</sup>, in relation to care applications made in the period 11th-30th November 2011, in the following areas:

- whether the timing of the application was appropriate.
- whether there was a viable alternative to making a care application.
- whether the quality of the local authority's pre-proceedings work was adequate.
- delay within proceedings and the underlying factors that cause it.
- factors generally underpinning the continuing rise in care applications.

## Survey sample & response rate

This study is based on a representative sample of:

- 343 (61.0%) of the 562 care applications received from 83 Local Authorities during the period 11th-30th November 2011.
- From this sample, 203 Cafcass Guardians (82.5% of a possible 246) responded to an online survey in relation to 247 cases involving 401 children.

## Results & Key Findings

### Timing and appropriateness of applications

Guardians' responses showed that they believed applications were more appropriately timed than in 2009. In 67.1% of cases Guardians felt that the local authority's care application was timed appropriately which is a marked increase from the 53.7% recorded in the 2009 survey. In 28.8% of cases they felt that the application was late, a reduction from the 43.9% of applications considered late in 2009. In just 4.1% (10 cases) the Guardian believed that the application was premature.

### Was any other course of action possible?

In the vast majority of cases (85.4%), Guardians believed that the local authority's care application was the only viable action and that there was no other alternative. In just 36 cases (14.6%) they identified a possible alternative to care proceedings and where this was suggested, a robust child protection plan, family group conferences and parenting education programmes were the most frequently mentioned alternatives.

<sup>1</sup> Cafcass care demand figures for April 2008 – March 2012 are available at <http://www.cafcass.gov.uk/pdf/March%202012%20care%20statistics%20update.pdf>

<sup>2</sup> Cafcass' Children's Guardians are appointed by the court to represent children in care cases, scrutinise the local authority's care plan and advise the court on what is in the child's best interests.

### Children who were the subject of a Child Protection Plan (CPP)

58.7% of children in the sample were subject of a CPP at the time of the application. 12.7% were not currently on a CPP but had been previously, and 28.7% had never been the subject of a CPP. For those children currently subject of a CPP neglect was the most frequently mentioned category of abuse, and was present for 196 children (86.3% of those on a plan, greater than the 67.7% in the 2009 study). The second most frequent category was emotional abuse, a factor for 122 children (53.7%). Physical abuse was present for 59 children (26.0%) and 19 (8.4%) of children were the subject of a CPP under the category of sexual abuse. In most cases in the sample, Guardians noted one to two categories of abuse.

### Children's previous involvement with local authority

This study, when compared with the 2009 study, has found that local authorities are making applications at an earlier stage of their involvement with children. In this study 19.8% of children had not been previously involved with children's services at the time of the application, almost double the 11.5% seen in the 2009 study. 47.2% of children had more than one year of continuous involvement, lower than the 60.7% with more than one year of previous involvement recorded in the 2009 study. Only 9.1% of children had been continuously involved with children's services for more than five years, a quarter of the 36.1% seen in the 2009 study. Earlier interventions in the form of care applications are more likely to be viewed by Guardians as being appropriately timed than those made after a longer period of prior involvement.

### Length of previous involvement and timeliness of application

Applications where the child had a briefer length of involvement with the local authority prior to the application were much more likely to be considered to be appropriately timed than those with longer involvement. Applications for 88.6% of children with no prior involvement were considered appropriately timed, as were applications for 73.3% of children with less than one year's involvement. 66.6% of applications with three or more years of involvement were considered late.

### Had the local authority met the requirements of the Public Law Outline (PLO)<sup>3</sup>?

Guardians stated that the local authority had met their requirements, entirely (40.1%) or partially (45.6%), in relation to providing courts with the requisite information under the PLO. "Late" or "premature" applications were not viewed as being as well prepared in regards to information provision. London boroughs' applications (43.4% entirely met / 52.8% partially met) were more prepared than other local authority types (41.2% entirely met / 49.2% partially met).

### Neglect and timeliness of the application

There is a greater prevalence of neglect in this sample than the 2009 study, and the children subject to Child Protection Plans (under the category of neglect) have been known to local authorities for less time than was previously the case. This would suggest that neglect is now being acted upon more quickly, and applications in which neglect is a feature are being made an earlier stage than was the case three or more years ago.

<sup>3</sup> The Public Law Outline was introduced in April 2008, with the aim of improving case preparation, active case management, the early identification of the key issues to achieve timely decisions within the 'timetable for the child'. The PLO aims to reduce unnecessary delay and is designed to promote better cooperation between all the parties involved in care cases.

Despite this, there is still no indication that proceedings in these cases are seen by the surveyed Guardians as having been brought prematurely or unnecessarily. In fact, when neglect is a feature the application is more than twice as likely to be considered late by the Guardian (48%) as when it is not (23.2%). Furthermore, this finding suggests that while cases in which neglect is a feature are being brought to court at a point in time which is viewed by the respondent Guardians as being appropriate, cases of this type are still marked by longer period of prior children's services involvement than cases where neglect is not a feature.

There is an inverse relationship between the appropriateness of the timing of the application and the age of the child, which suggests that Guardians are supportive of the early detection of serious safeguarding concerns and swift action through an application to court to address them.

### The 'Baby Peter Effect' and the continuing increase in care applications

The 'Baby Peter Effect' (an increase in risk aversion among local authority social workers, leading to an increase in care applications) was noted in a number of the free text responses as the primary reason for increased care application rates. Many of the Guardians surveyed considered that this was still a significant factor more than three years after this case came to light. Text analysis indicates Baby Peter or Peter Connelly was mentioned in 47.9% (58) of responses. It appears that Peter Connelly's death continues to resonate among Guardians, and that the corrective action identified in the 2009 study has endured, marking a fundamental shift in social work practice.

# Introduction & Background

Cafcass (Children and Family Court Advisory and Support Service) is required by statute (s.41 Children Act 1989) to appoint one of its officers to safeguard the interests of the subject child in virtually all section 31 (care and supervision order) Children Act 1989 applications ('care applications') made by local authority children's services.

In these 'public law' court cases, local authorities make care applications to the family courts when they consider that 'the child is suffering, or is likely to suffer, significant harm' and 'that harm, or likelihood of harm is attributable to the care given to the child or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or 'the child's being beyond parental control.' If the court makes a care order it has the effect of conferring parental responsibility on the local authority, thus enabling it to determine with whom the child will live and to make other key decisions about him or her. As the (November 2011) Family Justice Review Final Report states, public law applications deal with 'the failure of families, of parenting and of relationships, often involving anger, violence, abuse drugs and alcohol' and the decisions taken during care proceedings 'have fundamental long term consequences for children, parents and for society generally.'<sup>4</sup>

The effectiveness of the arrangements in place to safeguard and promote children's welfare is an issue of concern to successive governments, the agencies and professionals involved and the wider public. The Family Justice Review Final Report states there is a lack of 'solid evidence-based knowledge' about how the family justice system really works.<sup>5</sup> This study, based on a survey of Cafcass Children's Guardians, about a sample of cases allocated to them during the last three weeks of November 2011, has been carried out in order to make a contribution to that knowledge base. Guardians are qualified and experienced social workers, with many years of post-qualification experience. Their role is to represent the interests of children who are the subject of family court proceedings in which local authorities have made care applications.

This study has been commissioned because of the continuing rise in care applications in the three years since a previous Cafcass study of care applications made during three weeks in November 2008, 'The Baby Peter effect and the increase in s31 care order applications', was published in 2009.<sup>6</sup> At that time, it was suggested by the Association of Directors of Children's Services (ADCS) and Cafcass that this rise in care applications had occurred as a result of the review by local authorities of cases that were on the threshold of care applications, as a response to the publicity generated by the circumstances surrounding Peter Connelly's death. The findings of the 2009 study appeared to support that theory, and also found that:

- A substantial proportion of the increase could be attributed to local authorities re-evaluating their involvement with families where they were already providing a service.
- There was an increase in the percentage of children aged five to ten years being made the subject of care proceedings in the 11th-30th November 2008 period compared to the same three weeks in 2007. There was also a higher incidence of long term involvement with children's services with chronic neglect being a primary factor in the decision to bring an application to court.

<sup>4</sup> Family Justice Review Final Report, p.5

<sup>5</sup> Family Justice Review Final Report, p.3

<sup>6</sup> Available at <http://www.cafcass.gov.uk/pdf/Baby%20peter%20summary%20report%20FINAL%202%20Dec.pdf>



- Most Guardians who responded to the survey did not believe that the local authorities they dealt with had lowered the legal threshold at which applications were made, but instead had been triggered to act in cases already past the threshold, and that some variation in local authority practice in the timing of initiating proceedings was identified. The majority of Guardians surveyed believed that the cases allocated to them in the three weeks following the public release of the Baby Peter Serious Case Review executive summary were either appropriately timed (53.7%) or that they should have been brought to court earlier than they were (43.9%). In only 2.4% of cases (two responses) were the proceedings felt to be premature.
- Guardians viewed the increase in care applications from late 2008 onwards as being mainly a corrective action, in that proceedings were being initiated sooner after it had been identified that the legal threshold was met, and that this was to the benefit of the individual children concerned.

### Increase in care applications since 2007-08

Since the 2009 study was completed, the number of care applications made by local authorities in England has continued to rise, to a previously unprecedented level.

**Table 1 – care applications 2007-08 – 2011-12**

	2007-08	2008-09	2009-10	2010-11	2011-12
<b>Total care applications received</b>	6,323	6,488	8,832	9,204	10,218
% increase from 2007-08	-	2.6	39.7	45.6	61.6
% increase from previous year	-	2.6	36.1	4.2	11.0
<b>Rate of care applications per 10,000 children</b>	<b>5.8</b>	<b>5.9</b>	<b>8.0</b>	<b>8.3</b>	<b>9.2</b>

Between April 2011 and March 2012 Cafcass received 10,218 new care applications, relating to 16,753 children and young people. This figure is 11% higher compared to 2010-11 and 61.6% higher than in 2007-08.

These increases, both from the 2007-08 baseline and year on year, are not uniform across England. An analysis of the number of care applications per 10,000 children over the last five years in the 152 English local authorities with child protection responsibilities shows wide individual variation between authorities.

However, it can be more informative to look at changes in the numbers of applications, expressed in terms of the rate of applications compared to the child population. Fourteen local authorities showed a net decrease in the number of applications per 10,000 children over the five years from 2007-08 to 2011-12, while, in the most recent year (2011-12) 53 local authorities experienced either a decrease or no change in the application rate compared to 2010-11. The complete data showing the number of care applications per 10,000 children in each English local authority for each of the last five years is at appendix A.

# Aims of 2012 Study

The aims of the study were:

To gauge the perceptions of Cafcass Guardians allocated care cases in the period 11th-30th November 2011, in relation to:

- whether it was appropriate that the children involved had become the subject of care applications at the time that they did.
- whether there was a viable alternative to initiating proceedings.
- whether the quality of the local authority's pre-proceedings work was inadequate, adequate, or better than adequate.
- their views on any delay within proceedings in their sampled cases and the underlying reasons for this delay in those cases where it is present.
- their views on factors generally underpinning the continuing rise in care applications.

To establish factual data about the characteristics of the care applications received in the period 11th-30th November 2011, in order to:

- establish the length of local authority children's services' involvement in the cases prior to the issuing of proceedings.
- determine in what kind of cases (using the child protection categories of physical abuse / sexual abuse / emotional abuse / neglect) applications were made during the three week survey period.
- establish whether local authorities had met their requirements for information provision to the court in accordance with the expectations of the Public Law Outline.
- obtain information about the sample of children and families in relation to their age, gender, the size of any sibling groups and whether the children's parents had been subject to children's services' involvement when they were children, and whether there is a relationship between these characteristics, the area of local authority concern and the timing of the application.
- establish if the local authority 'letter before proceedings' had been sent to parents in each of the sampled cases and ascertain if this is being used by local authorities more widely in 2011 than it was in 2008.
- compare and contrast the results with the 2009 study.

## Methodology

### Sample selection

A sample of cases from care applications received during the period 11th-30th November 2011 was taken. The sample, which is representative of all care applications received in that time, consisted of 343 cases equating to 61.0% of the 562 care applications received by Cafcass during that three week period. The 343 cases involved 600 children and had been allocated to 263 Guardians. The number of cases allocated to individual Guardians varied from one to four, although for those with three or four cases in the sample it was decided to ask them to complete the survey in respect of a maximum of two randomly selected cases, to limit the burden of survey completion and to ensure that individual Guardians were not over represented.

The sample cases were drawn from 11 of the current 17 Cafcass service areas. Because of the structural changes that have been implemented in Cafcass over the last three years, including a reduction in the number of service areas and the amalgamation of teams, it was not possible to entirely replicate the teams that were included in the 2009 case sample. To provide continuity, the 2012 study replicated the local authorities from the service areas in the 2009 study. The selected applications were from 83 local authorities spread throughout England, including rural and urban local authorities. Each authority provided between one and eight cases for the sample.

### Recruitment of respondents

The sample included 233 Guardians employed by Cafcass and 30 Self Employed Contractors (SECs). 14 Guardians were removed from the sample because they were unavailable for the two week period (22nd February 2012 - 8th March 2012) and three SECs were unavailable. After these adjustments, there was a total of 246 Guardians eligible to complete the survey.

### Response

203 Guardians completed the survey and the total response rate was 82.2%. These responses were in respect of 247 cases and 401 children subject to care applications. This compares very favourably with the 20.4% response rate achieved in the 2009 study, where 55 out of a total sample of 269 Guardians completed the survey.

There was a good distribution of responses from Guardians across the selected service areas. The area with the largest presence in the sample, Greater London, provided 57 cases and the lowest, comprising Avon, Gloucestershire, Wiltshire and Thames Valley, provided seven responses

The 2012 questionnaire is attached at appendix C and the 2009 questionnaire at appendix D. The 2009 study also included follow up semi-structured interviews with 20 of the respondents to the online questionnaire. This was dispensed with in the 2012 survey, but two open text opinion questions were included in the online questionnaire.

## Results of the 2012 study

### Was there was a viable alternative to initiating proceedings?

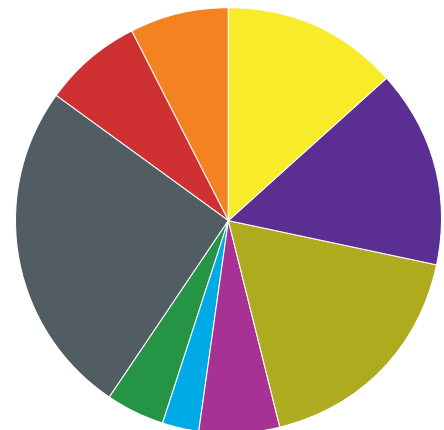
Guardians were asked the question 'Do you believe that there was any other course of action the local authority should have taken before issuing proceedings in this case?'

A possible alternative to the initiation of proceedings was identified by Guardians in 36 cases (14.6%). The same question was asked in the 2009 study and, as in the current study, in few of the cases (10.3% – 7 out of 68 cases) Guardians felt that there was another course of action the local authority should have taken.

In the 36 cases respondents were asked a supplementary multiple choice question as to what else could have been done. Nine options were available, and multiple options could be selected for a single case. Figure 1, below, shows the number of times each option was selected.

Figure 1: Was any other course of action possible, what should have been done? (by case)

	Course of Action	Number
	Robust child protection plan / implementation	17
	Parenting Education Programme	12
	Family Group Conference	10
	Child Protection Conference	9
	Section 20 Accommodation	5
	Temporary Kinship Placement	5
	Referral to other services	4
	Respite care	3
	Residential assessment	2



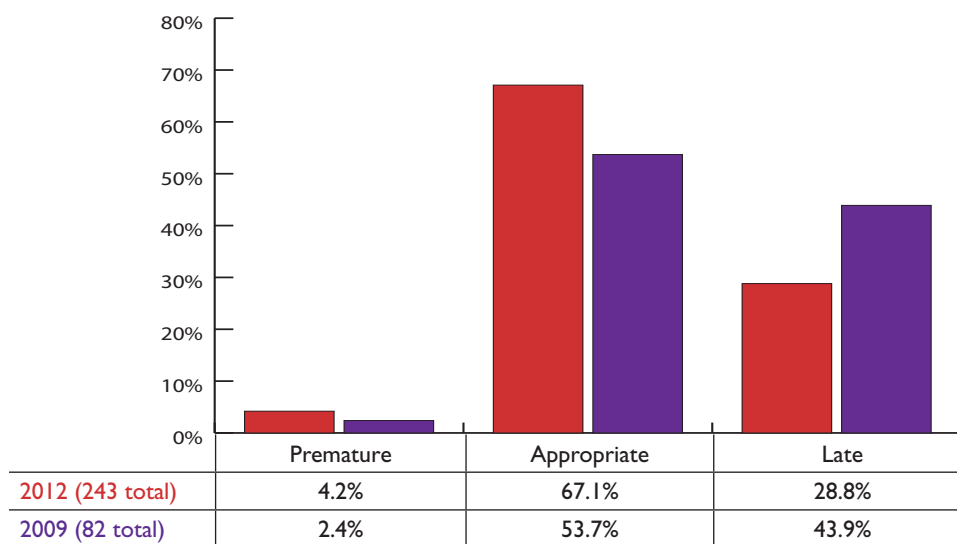
### Was it appropriate that the children involved had become the subject of care applications at the time that they did?

Guardians were asked the question 'In your opinion was the local authority's timing in initiating proceedings in this case appropriate, premature or late?'. Responses were provided for 239 cases.

In 4.2% (10 of 239 cases) Guardians reported that, in their view, the application for a care order had been made prematurely. 67.0% (160) of cases were deemed to have been appropriately timed and 28.9% (63 cases) of the applications were viewed as having been late.

The same question was asked in the 2009 study – the results of both studies are set out in figure 2, below.

Figure 2: Was the local authority's timing initiating proceedings in this case premature, appropriate or late?



As can be seen above, when the two studies are compared, there has been a marked reduction in 'late' applications, as viewed by respondent Guardians, and a similar increase in 'appropriate' applications in the 2012 results.

# Pre-proceedings work and adherence to the Public Law Outline

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

The Public Law Outline (PLO) (now renumbered as Practice Direction 12A as part of the Family Procedure Rules 2010)<sup>8</sup> was introduced in April 2008, with the aim of improving case preparation, active case management, the early identification of the key issues requiring determination and co-operation between the parties to achieve timely decisions within the 'timetable for the child'. The PLO aims to reduce unnecessary delay and is designed to promote better co-operation between all the parties involved in care cases.

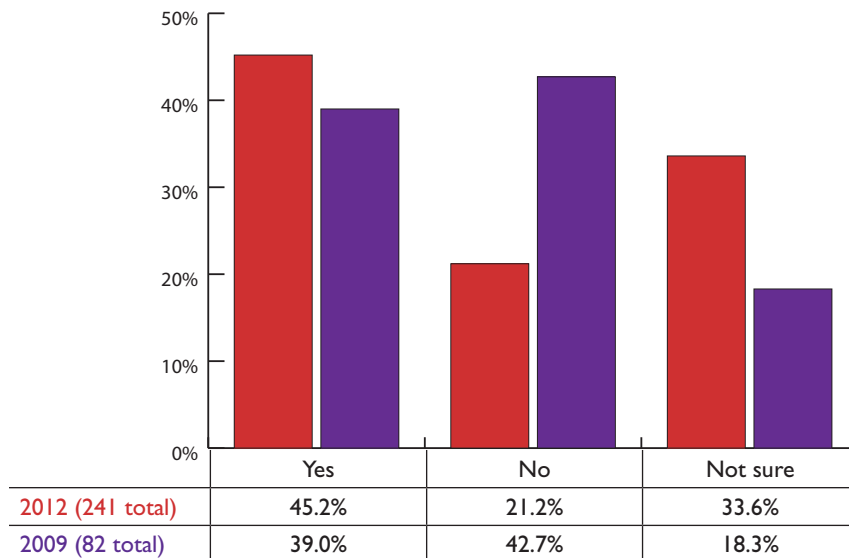
Respondents were asked 'Had the local authority met the requirements placed on them by the Public Law Outline in respect of the information provided to court?' In the majority of cases the Guardians surveyed stated that the local authority had met the requirements placed on them by the PLO in respect of information provision. In the one third of all cases where the application was deemed to have been made either late or prematurely local authorities were more likely to be viewed as having partially, rather than entirely, fulfilled the PLO's requirements. In cases where the application was considered appropriately timed, the complete fulfilment of PLO requirements was more commonly reported, occurring in just under half of all appropriately timed applications.

Timeliness of application	Had the Local Authority met the requirements placed on them by the Public Law Outline in respect of the information provided to court?									
	I'm not sure		No		Yes, partially		Yes, entirely		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%
Appropriate	9	5.7	8	5.1	65	41.1	76	48.1	158	100.0
Late	3	4.3	11	15.9	36	52.2	19	27.5	69	100.0
Premature	1	10.0	2	20.0	7	70.0	0	0.0	10	100.0
<b>Total</b>	<b>13</b>	<b>5.5</b>	<b>21</b>	<b>8.9</b>	<b>108</b>	<b>45.6</b>	<b>95</b>	<b>40.1</b>	<b>237</b>	<b>100.0</b>

Table 2 above shows the association between premature applications and incomplete compliance with the PLO's requirements. Conversely, applications considered appropriately timed were much more likely to be seen as having partially or fully met PLO requirements, to a greater extent than applications considered late.

<sup>8</sup> Available at [http://www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_12a](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12a)

Figure 3: Was a Letter Before Proceedings sent to the parents?



### Letter before proceedings use

A letter before proceedings may be sent to parents by the local authority, in accordance with the guidance given in Volume I (Court Order) Children Act 1989 Guidance<sup>9</sup>. Its function is to 'enable the parents to obtain legal assistance and advice, prior to a meeting with the local authority, the intention of which is either to deflect proceedings or, at least, to narrow and focus the issues of concern.' In some circumstances, including those where an emergency protection order is sought, the urgent nature of the local authority's safeguarding concerns mean that a letter before proceedings is not sent prior to the care application being made.

In 45.2% (109) of cases a letter before proceedings was known by the Guardian to have been sent to the parents prior to the applications being made. In 33.6% (81) of cases, the Guardian was not sure whether a letter before proceedings had been sent, whereas in the 2009 survey the Guardian was unsure in 18.3% of cases. The use of a letter before proceedings is more frequent than that reported in the 2009 survey, and the percentage of cases where the Guardian was sure that a letter had not been sent was half the 2009 level in the 2012 study. In the current study, there was a large increase in the percentage of cases where the Guardian was not sure if a letter before proceedings had been sent.

### Timing of applications and the use of letters before proceedings

In the 145 cases where the timing of the application was considered appropriate, a letter before proceedings was issued in 43.4% of cases and in the 67 cases where the application was considered late, a letter before proceedings was issued in 52.2% of cases.

<sup>9</sup> Guidance issued pursuant to s.7 Local Authority Social Services Act 1970

### Was the local authority's pre-proceedings work inadequate, adequate or better than adequate?

In 163 of 243 cases (67.1%) the Guardians surveyed assessed the local authority's pre-proceedings work as being at least adequate, in 23.5% of cases the Guardian considered that the local authority's pre-proceedings work was not adequate, and in 9.5% of cases the Guardian was unsure of the quality of the local authority's pre-proceedings work.

These results tally closely with those from a similar question asked in the 2009 survey. In that study, Guardians were asked whether, for each case, the local authority had complied with Volume 1 (Court Orders) Children Act 1989 Guidance. The 2009 survey found that in 24.4% of cases the local authority had fully complied with the guidance, and in 45.1% of cases the local authority had partially complied. In 22.0% of cases in the 2009 survey the Guardian stated that the local authority did not comply with the guidance.

### The relationship between the quality of pre-proceedings work, fulfilment of PLO requirements and the timeliness of the local authority application

The quality of the local authority's pre-proceedings work varied according to the timing of the application. In 84.4% (135) of cases where the Guardian stated that the application was appropriately timed, they also considered the local authority's pre-proceedings work to be adequate or better. This fell to 33.3% (23 cases) for applications classed as being late and 20.0% (2 cases) of the 10 applications considered premature.

Conversely, the use, or absence of use, of a letter before proceedings did not appear to affect Guardians' views about the quality of local authorities' pre-proceedings work.



# Quality and timeliness of application by local authority type

## Quality of pre-proceeding work by type of local authority

Grouping the local authorities into the four local government types provides a more nuanced view of the quality of their pre-proceedings work. The tables below show how the timeliness of applications, quality of pre-proceedings work and adherence to PLO requirements were assessed by Guardians in respect of applications made by county councils, metropolitan district councils, unitary authorities and London boroughs.

Local Authority Type	Yes		I don't know		No		Total	
	Number	%	Number	%	Number	%	Number	%
	County Council	45	57.0	12	15.2	22	27.8	79
London Borough	39	72.2	5	9.3	10	18.5	54	100.0
Metropolitan District	44	78.6	2	3.6	10	17.9	56	100.0
Unitary Authority	35	64.8	4	7.4	15	27.8	54	100.0
<b>Total</b>	<b>163</b>	<b>67.1</b>	<b>23</b>	<b>9.5</b>	<b>57</b>	<b>23.5</b>	<b>243</b>	<b>100.0</b>

As shown in table 3, the adequacy of metropolitan district councils' pre-proceedings work was more positively assessed than that undertaken by other types of local authority. County councils and unitary authorities were seen as having undertaken inadequate pre-proceedings work more often than other types of local authority. A Chi-square test shows that the two variables in the table above (the quality of the local authority's pre-proceedings work and the type of local authority) are not independent, and that there is a significant relationship between the type of local authority and whether the quality of the local authority's pre-proceedings work was considered adequate.<sup>10</sup>

<sup>10</sup> 60.778° for 12 degrees of freedom at the 0.05 significance level

Local Authority type	Premature		Appropriate		Late		Total	
	Number	%	Number	%	Number	%	Number	%
County Council	4	5.1	45	57.0	30	38.0	79	100.0
London Borough	1	1.9	40	75.5	12	22.6	53	100.0
Metropolitan District	2	3.6	39	70.9	14	25.5	55	100.0
Unitary Authority	3	5.8	36	69.2	13	25.0	52	100.0
<b>Total</b>	<b>10</b>	<b>4.2</b>	<b>160</b>	<b>66.9</b>	<b>69</b>	<b>28.9</b>	<b>239</b>	<b>100.0</b>

Applications made by London boroughs were considered to be the most appropriately timed, while those made by county councils were most often viewed by respondent Guardians as being late. A Chi-Square test for independence shows that the two variables in table 4 above (the local authority's timing in initiating proceedings and the type of local authority) are not independent, and that there is a significant relationship between the two.<sup>11</sup>

Local Authority type	Yes, entirely		Yes, partially		No		Total	
	Number	%	Number	%	Number	%	Number	%
County Council	30	39.5	37	48.7	9	11.8	76	100.0
London Borough	23	43.4	28	52.8	2	3.8	53	100.0
Metropolitan District	20	41.7	22	45.8	6	12.5	48	100.0
Unitary Authority	23	46.0	21	42.0	6	12.0	50	100.0
<b>Total</b>	<b>96</b>	<b>42.3</b>	<b>108</b>	<b>47.6</b>	<b>23</b>	<b>10.1</b>	<b>227</b>	<b>100.0</b>

London boroughs were reported by respondent Guardians as having not met the PLO's requirements for the provision of information to the court in only 3.8% of cases. In contrast, the county councils, metropolitan district councils and unitary authorities were assessed by the respondent Guardians as having not met PLO requirements in 11.8%, 12.0% and 12.5% of cases respectively. A Chi-Square test for independence shows that the two variables in table 5 above (the quality of the local authority's pre-proceedings work in relation to meeting PLO requirements and the type of local authority) are not independent, and that there is a significant relationship between the two.<sup>12</sup>

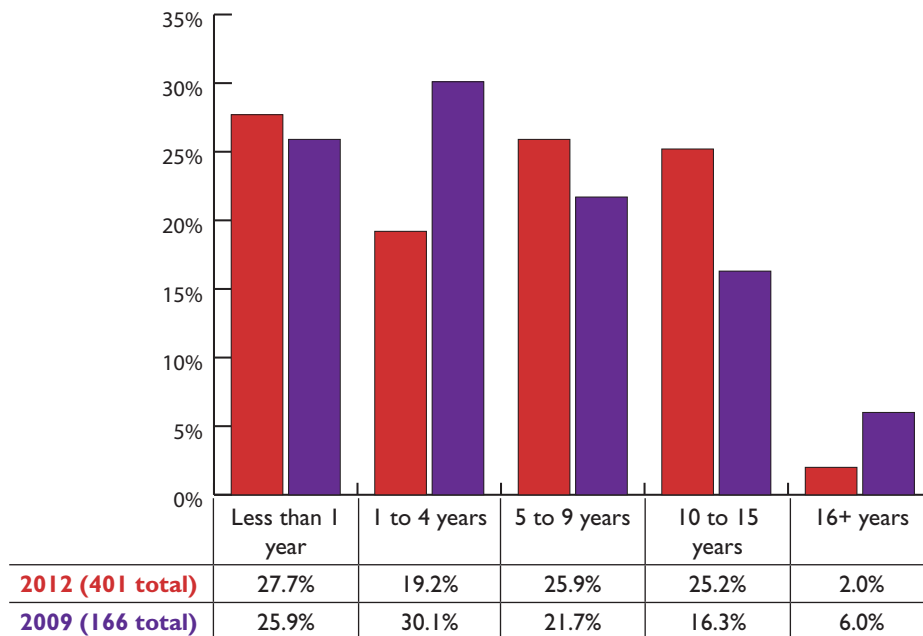
Guardians' responses clearly indicated that they viewed the performance of London boroughs more positively than other local authority types.

<sup>11</sup> 54.456<sup>3</sup> for 16 degrees of freedom at the 0.05 significance level

<sup>12</sup> 47.007<sup>3</sup> for 16 degrees of freedom at the 0.05 significance level

# Characteristics of the children subject to care applications

Figure 4: Age of children



The children in this study sample had an average age of four years and nine months, younger than the 2009 average of five years and five months. In the 2012 study 27.7% of children were aged less than one year, 19.2% were aged between one year and four years, and 25.9% were aged 5-9 years. Despite this younger average age, the 2012 study included a larger proportion of children in the 5-9 years and 10-15 years age ranges than the 2009 study, however there was twice the level of applications made within the first fortnight after the child's birth (17.1%) when compared to 2009 (8.5%).

**Table 6** Age of child at application and timeliness of application

Age of child	Timing of application							
	Premature		Appropriate		Late		Total children	
	Number	%	Number	%	Number	%	Number	%
Less than 1 year	7	6.5	83	77.6	17	15.9	107	100.0
1 to 4 years	0	0.0	47	62.7	28	37.3	75	100.0
5 to 9 years	1	1.0	55	54.5	45	44.6	101	100.0
10 to 15 years	9	8.9	44	43.6	48	47.5	101	100.0
16+ years	0	0.0	4	50.0	4	50.0	8	100.0
<b>Total</b>	<b>17</b>	<b>4.3</b>	<b>233</b>	<b>59.4</b>	<b>142</b>	<b>36.2</b>	<b>392</b>	<b>100.0</b>

## Gender of children

There were roughly equal proportions of male to female children in the sample (52% to 48%). This is in line with other studies (for example, Brophy 2003 found 51% male and 49% female), and is also consistent with Department for Education figures for the gender split for looked after children.<sup>13</sup>

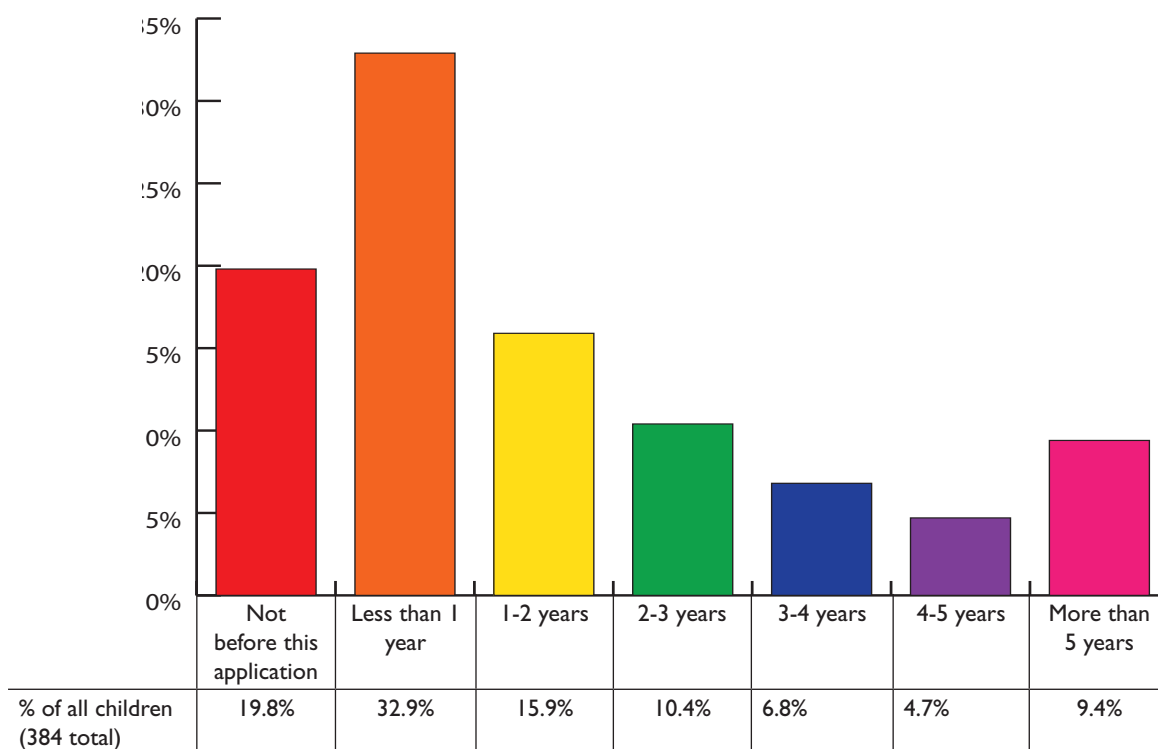
Applications involving younger children were considered to be the most appropriately timed. For children aged one to four years, Guardians considered all applications to be either appropriately timed or late, and 93.5% of applications for children aged less than one year were considered appropriate or late.

The results show that as a child ages, up until the age of 15, the less likely it is that the Guardian has designated their application as appropriately timed. Although this trend does not continue for children aged over 16 years, the very small (eight in total) number of young people in this age group limits the significance of this change. Table 6, above, shows that the percentage of appropriately timed applications declines steadily for each age group from less than one year to 10 to 15 years, and that the percentage of applications considered late increases with age for every age group, from 15.9% (17 children) for babies of less than one year of age to 50.0% (four young people) aged over 16 years.

The inverse relationship between the appropriateness of the application and the age of the child suggests that Guardians are supportive of the early detection of serious safeguarding concerns and swift action to address them i.e. through making care applications.

## Children's involvement with the local authority prior to application

Figure 5: Length of time continuously involved with children's services



<sup>13</sup> DfE: Characteristics of Children in Need in England, 2010-2011, Final, available at <http://www.education.gov.uk/rsgateway/DB/SFR/s001026/sfr21-2011v3.xls#C1!A1>

Information about the length of continuous involvement with children's services was provided for 384 children. 19.8% of these children had not had any contact with children's services prior to the current care application and overall, more than half (52.7%) of the children subject to these applications had less than one year of continuous involvement with children's services prior to the application being made.

### Length of involvement comparison with 2009 study and Care Profiling Study

Figure 6: Length of prior involvement with children's services

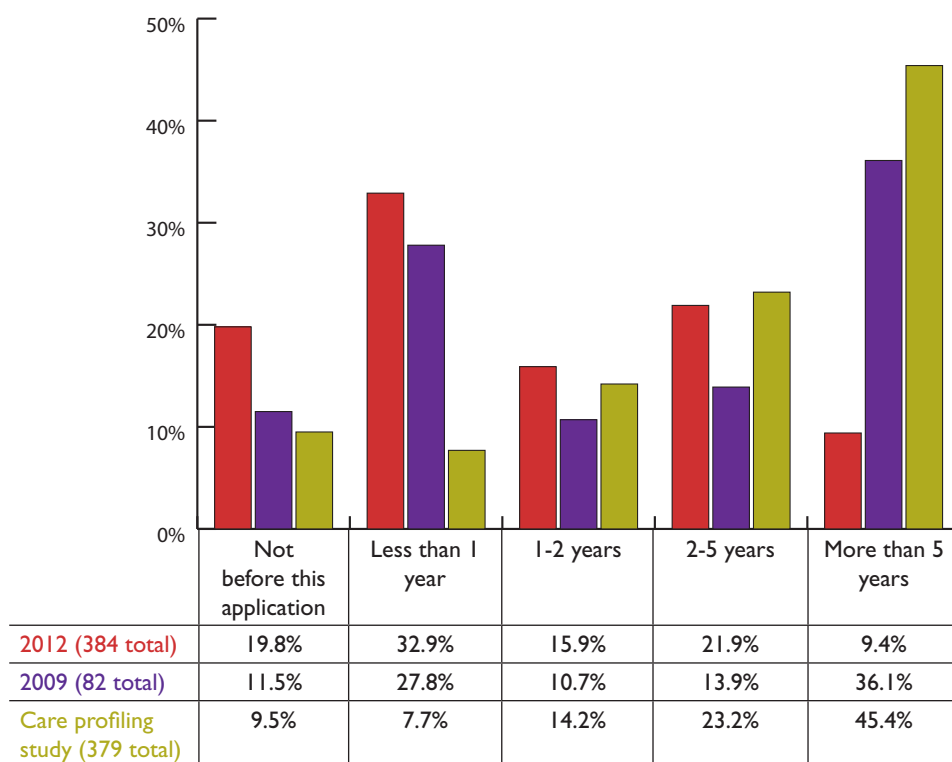


Figure 6 above compares the lengths of previous involvement seen in the 2012 study, the 2009 study and the 2008 Care Profiling Study (Masson 2008) (which was based on a random sample of cases completed during 2004) with totals adjusted for unknown lengths of involvement and including no prior involvement, and using the year groupings from the Care Profiling Study.

Each of the above studies phrased this question slightly differently. The 2012 study asked 'For how long had children's services been continuously been providing services to the children in the survey sample?', while the 2009 study asked about the length of time the child had been known to children's services and the Care Profiling Study asked how long the family had been involved with children's services.

There is a substantial difference between the 2012 study and the previous studies in the length of previous involvement with children's services, with a much larger percentage of children having no prior involvement or being involved for less than one year previously in the 2012 study, and a much smaller percentage having more than five years of previous involvement in this study.

In this study the percentage of children who had no contact with children's services prior to the current application is more than double that seen in the Care Profiling Study and 8.3 percentage points higher than that recorded in the 2009 study. When compared to the 2009 study results and those of the Care Profiling Study, the 2012 sample shows a definite shift towards applications being made by local authorities at an earlier stage of involvement. In the 2009 study 11.5% of children had not had any involvement with children's services prior to the care application being made (9.5% in the Care Profiling Study) and 60.7% of the applications concerned children whose involvement with children's services began more than one year prior to the care application (82.8% in the Care Profiling Study). In the 2012 study 47.2% of children have had more than one year of continuous involvement with children's services.

**Table 7 Length of involvement with children's services and the timing of the application**

Length of continuous involvement with children's services	Timing of application							
	Premature		Appropriate		Late		Total children	
	Number	%	Number	%	Number	%	Number	%
Not before this application	1	1.4	62	88.6	7	10.0	70	100.0
Less than 1 year	3	2.6	85	73.3	28	24.1	116	100.0
1-2 years	6	10.5	30	52.6	21	36.8	57	100.0
2-3 years	3	7.3	20	48.8	18	43.9	41	100.0
3-4 years	0	0.0	6	20.0	24	80.0	30	100.0
4-5 years	0	0.0	5	33.3	10	66.7	15	100.0
More than 5 years	3	6.3	17	35.4	28	58.3	48	100.0
<b>Total</b>	<b>16</b>	<b>4.2</b>	<b>225</b>	<b>59.7</b>	<b>137</b>	<b>36.3</b>	<b>377</b>	<b>100.0</b>

In the 2009 study, 36.1% of children had been involved with children's services for more than five years prior to the current application (45.4% in the Care Profiling Study), while in the 2012 study that figure has fallen to a quarter of that level, to 9.1% of all children in the sample. This large decrease from both the previous Cafcass study and the Care Profiling Study suggests that there has been a distinct shift in the point at which applications are now being made to the courts, with applications being made much earlier on in the 'life' of children's services' involvement, and lengthy involvement over the course of many years prior to the care application occurring to a lesser extent than was previously the case.

Applications where the child had a briefer length of involvement prior to the application were much more likely to be considered by respondent Guardians to be appropriately timed. 79.0% of children with less than one year's involvement (including no prior involvement) were subject to applications that were considered to be appropriately timed, and 88.6% of applications for children with no prior involvement were considered appropriately timed.

For children with more than one year of continuous pre-application involvement, the number of applications seen as being appropriately timed is substantially lower than for those with less than one year's involvement, and for each step between no prior involvement and four years of prior involvement, the appropriateness of the timing of the application decreases as the length of involvement increases.

The percentage of cases appropriately timed rises slightly (to 33.3%) for those involved for between four-five years and for more than five years (to 35.4%). While the reasons for this slight increase cannot readily be explained from the data available here, these two categories do, however, also show high percentages of late applications. Among the group of children with four-five years of continuous children's services' involvement, 66.7% of applications were considered to have been late, and for those with more than five years involvement the figure was 58.3%.

It is clear from the results that the surveyed Guardians considered applications made with a shorter period of prior involvement to be more appropriately timed and that those with longer involvement were more likely to be viewed as being late. As the table above shows, only one application (of 70) where the children had no prior involvement was considered to be premature and three applications (of 116) with prior involvement of less than one year were considered premature.

For children engaged with children's services for any amount of time greater than one year prior to the care application (191 in total), 52.9% of these applications were considered to have been made late. For all 93 children who had been continually involved with children's services for more than three years, 30.1% of applications were considered to be appropriately timed, 66.7% were considered to be late and only 3.2% were considered by respondent Guardians to have been made prematurely.

# Child Protection Plans and categories of abuse

## Were the children the subject of a Child Protection Plan when this care application was made?

Guardians responded to this question in relation to 387 children. 227 children (58.7% of all children in this sample) were subject to a Child Protection Plan at the time of the application and these children were drawn from 135 cases. 49 Children (12.7%) were not subject to a plan at the time the application was made, but had been previously, and 111 children (28.7%) had never been the subject of a Child Protection Plan.

Neglect was the most frequently mentioned category of abuse, and was present for 196 children (86.3% of those who were subject to a plan). The next most frequent category was emotional abuse, which was raised in respect of 122 children (53.7% of those currently subject to plan). Physical abuse was a factor for 59 children (26.0% of those subject to plan) and 19 (8.4%) of children were subject to a Child Protection Plan because of sexual abuse concerns. Guardians frequently mentioned multiple categories of abuse and for most children between one and two categories were noted.

While the overall proportion of children subject to a Child Protection Plan tallies very closely with both the 2009 study (where 58.5% of children had been subject to a plan at the time that proceedings were initiated) and the Care Profiling Study (which reported that 60% of children involved in care proceedings were on the Child Protection Register) the prevalence of neglect in these cases exceeds that found in both of the above studies and in the more recent Ministry of Justice case file review (Cassidy & Davey 2011). In the 2009 study, 67.7% of children subject to a Child Protection Plan were registered for neglect (increased to 86.3% in this study) and the recent Ministry of Justice review of public law case files found neglect present in 53% of cases, physical abuse in 33%, emotional abuse in 22% of cases and sexual abuse in 9% of cases.

Among the 49 children who had previously been subject of a plan, but were not at the time of the care application, 25 (51.0%) children were subject to a plan because of neglect, and 25 (51.0%) were subject to a plan because of emotional abuse. 13 children (26.5%) were registered for physical abuse and none had been subject to a plan due to sexual abuse.

## Children who were subject to a Child Protection Plan for neglect

### Neglect, length of prior involvement with children's services and timeliness of the application

To establish whether the presence of neglect impacts upon the perceived timeliness of the application for various lengths of prior involvements with children's services, we split the sample into two groups: those applications where the children were subject to a Child Protection Plan for neglect at the time of the application; and those applications where they were not. When split in this way, substantial differences in the perceived appropriateness of the timing of the applications become apparent, particularly for children with longer involvement. As seen in the chart overleaf, among children with no prior involvement, there is very little difference to the perceived appropriateness of the application and for children with less than one year of prior involvement the difference is evident but not striking, with applications where neglect was a feature (shown in red) being more likely to be considered appropriate. For all lengths of involvement beyond one year, applications where neglect is not a feature (shown in purple) are more likely to be considered appropriately timed, with more than double the percentage of applications considered appropriately

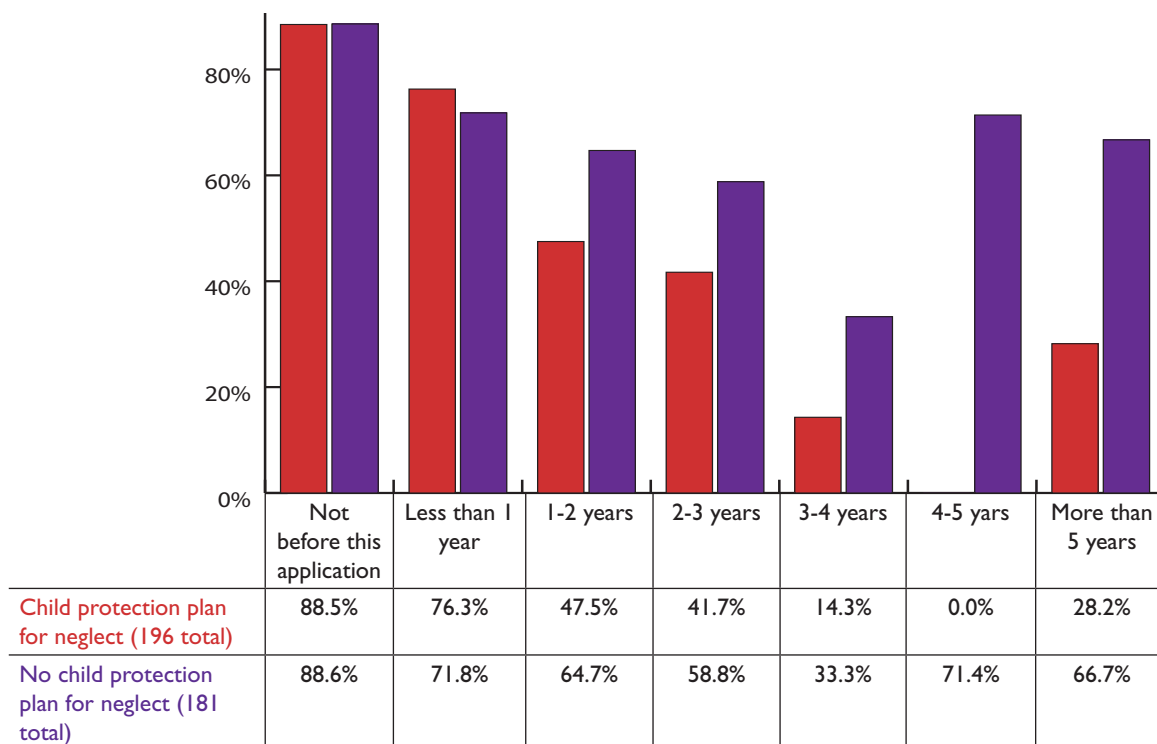
<sup>15</sup> Ministry of Justice case file review available at <http://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/family-justice-childrens-proceedings.pdf>



timed at three to four years, four to five years and more than five years of continuous children’s services’ involvement when neglect does not feature compared to when it does feature.

These results show that surveyed Guardians were much more likely to view applications made after longer periods of LA involvement, where neglect has been the category used in a Child Protection Plan, as being late.

Figure 7: Applications considered appropriately timed by length of involvement and presence of neglect



Tables 8 and 9 show the appropriateness of the timing of the application against the child's length of continuous involvement in greater detail, for cases both where the children were subject to a Child Protection Plan for neglect and for cases where they were not.

**Table 8 – Length of involvement with children's services and timing of application (CPP for neglect)**

Length of Children's Services involvement	Premature		Appropriate		Late		Total	
	Number	%	Number	%	Number	%	Number	%
Not before this application	0	0.0	23	88.5	3	11.5	26	100.0
Less than 1 year	0	0.0	29	76.3	9	23.7	38	100.0
1-2 years	1	2.5	19	47.5	20	50.0	40	100.0
2-3 years	3	12.5	10	41.7	11	45.8	24	100.0
3-4 years	0	0.0	3	14.3	18	85.7	21	100.0
4-5 years	0	0.0	0	0.0	8	100.0	8	100.0
More than 5 years	3	7.7	11	28.2	25	64.1	39	100.0
<b>Total</b>	<b>7</b>	<b>3.6</b>	<b>95</b>	<b>48.5</b>	<b>94</b>	<b>48.0</b>	<b>196</b>	<b>100.0</b>

Among children subject to a Child Protection Plan for neglect with no prior children's services' involvement, the breakdown of timeliness is almost identical to that for children who are not subject to a Child Protection Plan for neglect, at 88.5% (see Table 8) and 88.6% (see Table 9) respectively. Those with less than one year's involvement were considered appropriately timed in 76.3% of cases where neglect was a feature and 71.8% of cases where it was not.

11.5% of applications where children were registered for neglect and had no prior involvement were considered to be late, as were 9.1% of applications where the child was not registered for neglect. Additionally, none of the 64 applications where children had prior involvement of less than one year were considered to have been made prematurely. This may reflect the seriousness of the assessed concerns, in cases where applications were made soon after the children became involved with children's services.

## Children who were not subject to a Child Protection Plan for neglect, length of prior involvement with children's services and timeliness of the application

For all lengths of involvement beyond one year there is a significant difference in the Guardians' views of the appropriateness of the application, with a much higher number of cases considered appropriate when neglect was not present. Where the children had been continuously involved with children's services for three years or more and neglect is present, a significantly greater proportion of applications are considered to have been made late, than when neglect is not present.

**Table 9 – Length of involvement with children's services and timing of application (No CPP for neglect)**

No CPP for neglect	Premature		Appropriate		Late		Total	
	Number	%	Number	%	Number	%	Number	%
Length of Children's Services involvement								
Not before this application	1	2.3	39	88.6	4	9.1	44	100.0
Less than 1 year	3	3.8	56	71.8	19	24.4	78	100.0
1-2 years	5	29.4	11	64.7	1	5.9	17	100.0
2-3 years	0	0.0	10	58.8	7	41.2	17	100.0
3-4 years	0	0.0	3	33.3	6	66.7	9	100.0
4-5 years	0	0.0	5	71.4	2	28.6	7	100.0
More than 5 years	0	0.0	6	66.7	3	33.3	9	100.0
<b>Total</b>	<b>9</b>	<b>5.0</b>	<b>130</b>	<b>71.8</b>	<b>42</b>	<b>23.2</b>	<b>181</b>	<b>100.0</b>

These findings suggest a lower tolerance on the part of Guardians for cases where neglect has been a concern for some time, but which had not resulted in an earlier care application being made. These findings and the greater prevalence of neglect in cases with less prior involvement, suggests that in addition to Guardians' views being informed by their knowledge of 'Baby Peter Effect' phenomenon and the presence of chronic neglect in that case, local authorities are increasingly seeking to respond to it by making care applications. Further work is required to determine the extent to which local authorities' behaviour in relation to these cases has changed over the last three years.

## Characteristics of the parents

In care applications the respondent is the person (or people) who has (or have) parental responsibility for the child (or children) who are the subject(s) of the application. Of the 247 cases included in the study sample, 33.6% (83) had only one respondent, 59.5% had two respondents, 4.5% of cases had three respondents and 2.4% of cases had four respondents. There were 434 respondents in total to these applications.

While respondents can also be grandparents or others, for the purpose of the analysis below, all respondents are referred to as parents.

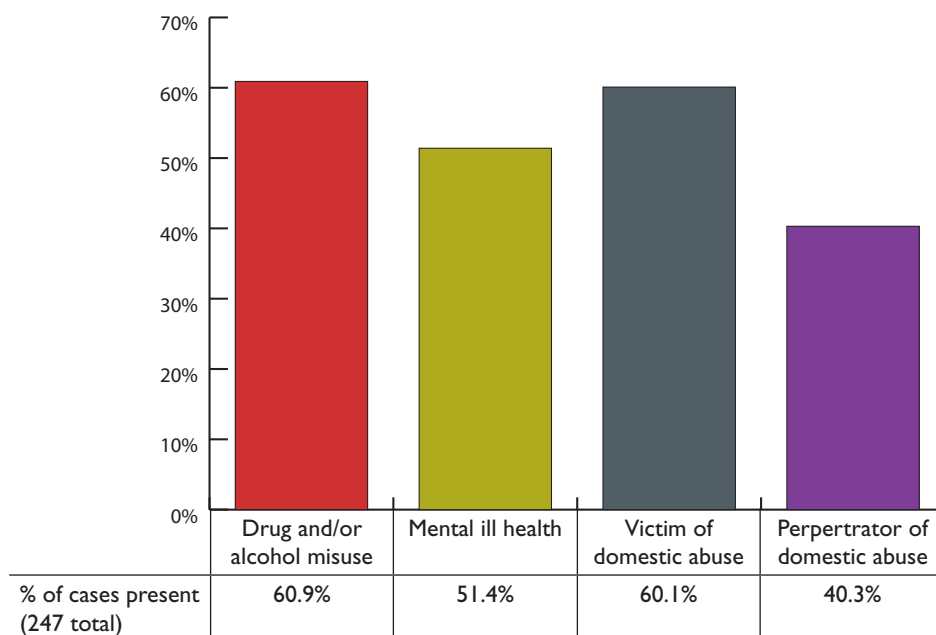
### Gender of parents

The gender of 433 parents was recorded and 58.2% were female and 41.8% were male.

### Age of parents

The age of 384 parents was recorded on the Cafcass Case Management System. At the time of application the average age of the parents of children in the study sample was 31 years; mothers were younger than fathers, with an average age of 29 years, compared to 33.5 years for fathers.

Figure 8: The parents and frequency of risk factors



In 60.9% of cases parental drug and/or alcohol misuse was found to be a contributing factor to the application and in 51.4% mental ill health was a factor. These figures are higher than those found by both Brophy (2003) and Hunt (1999). In this study a parent had been the victim of domestic violence in 60.1% of cases and the perpetrator of domestic violence in 40.3% of cases. There is a greater prevalence of drug and alcohol and domestic violence risk factors among this sample than those found previously, despite

the earlier intervention outlined in this report. The higher prevalence of risk factors seen in this sample is also explained by the work of Cleaver (2011), who demonstrates an incremental progression in the prevalence of risk factors as the level of children's services' intervention increases from initial referral to care application.

### Parental involvement with children's services as minors and frequency of risk factors

In 52.3% of all cases, one or both parents had themselves had involvement with children's services while under 18 years of age. Although this figure does not necessarily mean that these parents were subject to care applications or care orders themselves, this measure has been used here as a proxy for exposure as children to the above risk factors, and the associated problems. In the 2009 Cafcass study, this figure was 67.1%. In this sample, in 14.8% of cases, the Guardian did not know whether the parents had been involved as children. If the cases where this is unknown are removed, 64.4% of cases feature at least one parent who had been involved with children's services as a child. Within this, in 37.1% of cases the mother alone had been involved, in 10.4% of cases the father alone had been involved and in 13.9% of cases both parents had been involved with children's services when under the age of eighteen. It is likely that the involvement of fathers is underrepresented here; as previous studies have shown that fathers have no involvement or are not known in 31.4% of care order applications and do not have parental responsibility in 65.6% of cases (Masson, 2008).

**Table 10**

Risk category identified in current care application	Did either of the parents involved in this case have involvement with Children's Services when they were under 18?			
	Yes	%	No	%
Drug and/or alcohol misuse	77	62.1	46	59.0
Parental mental ill-health	71	57.3	33	42.3
Parental domestic abuse as victim	88	71.0	35	44.9
Parental domestic abuse as perpetrator	56	45.2	23	29.5

Table 10 above shows the breakdown of risk factors identified among respondent parents in the current study for those parents who did and did not have involvement with children's services when under the age of eighteen. Those who were involved with children's services as children have a higher prevalence of all risk factors. Drug and alcohol misuse was only marginally more frequent among those with children's services' involvement as children, and was noted at a rate 3.1 percentage points higher than among those with no previous involvement. The prevalence of mental ill health as a contributing factor to the current application is 15 percentage points higher for those with previous involvement as children, and the prevalence of a parent being the victim of domestic abuse is 26.1 percentage points higher among those with previous children's services' involvement when under eighteen years of age. These parents were also more likely to have perpetrated domestic violence.

# Open text responses

Guardians who responded to the survey were asked two open questions. The first question related to the prevalence of post care application delay in the cases allocated to them within the study sample, and attempted to ascertain the factors that contribute to delay in case where the care application is under way. The second open text question sought their opinions about the reasons behind the continued increase in the number of care order applications. A summary of the main themes that emerged from the responses to each of these questions is set out below.

## Delay Factors identified by Children's Guardians in the sampled cases

It is widely accepted that delay within care proceedings is contrary to children's best interests. The 'no delay' principle is enshrined within the 1989 Children Act (s.1(2) 'any delay... is likely to prejudice the welfare of the child'). The Public Law Outline was introduced in 2008, with the overriding objective of dealing with cases justly, including dealing with them 'expeditiously'.

McSherry (2006 p.902) demonstrated that numerous studies 'linked 'drift' within the care system and protracted proceedings with a greater risk of attachment and separation problems, deteriorating family links, generally poorer outcomes and an increased likelihood of not returning home and having several short term placements'.

The Family Justice Review Final Report (2011) states that delay in proceedings can result in children being denied a permanent home (particularly through adoption), can have a harmful effect on children's long term development and might expose them to more risk, and that lengthy proceedings cause 'already damaged children distress and anxiety.'

Guardians were asked 'What, if any, post application delay factors have arisen in the three months since proceedings began?'

175 Guardians provided responses to this question. Some practitioners gave multiple reasons for delay, so the total number of factors mentioned in the responses is more than 175.

### Cases with no delay

In the one third of the 175 cases where the Guardian had responded that there had been no delay to date and had provided further information about the case, the following factors were mentioned as having contributed to timely case progression:

- There had been good timetabling by the court.
- Assessments and appropriate experts had been identified at the Case Management Conference.
- Robust case management by the judge had included limiting the time allowed for expert witness assessments.
- Expert witnesses were available and able to report quickly. For example one response read 'No delay in this case. A psychological and psychiatric report were obtained expeditiously and there has been robust case management by the county court judge'.
- Recent proceedings relating to other children in the family and significant information was already available to assist in dealing with the new application.
- The local authority had been very prompt in issuing proceedings and had undertaken good pre-proceedings work.

- Good local authority practice had resulted in extended family members being identified and the required assessments completed prior to the local authority issuing proceedings, in line with the Public Law Outline. For example, 'There has been no delay in these proceedings to date as a core assessment had taken place pre-birth which outlined the concerns in relation to mother's chaotic lifestyle, her drug misuse and mental health. A positive assessment has been carried out on maternal grandparents and the LA is supporting a Special Guardianship Order in their favour. This will be a positive outcome for the child.'

In the two thirds of cases where Guardians felt that there was delay in the proceedings, the most frequently mentioned factors were in relation to local authority practice and resources.

### Local authority delay factors

Local authority factors were mentioned in about a third of those cases where delay was identified by Guardians. Factors mentioned included the following:

- Children's services assessments had not been completed or had not been filed on time by the local authority.
- The local authority had resource problems, including the transfer of responsibility within children's services, changes of social worker or social worker absence. One Guardian's response illustrates the above - 'Lack of placement. Lack of available social worker. Case transferred to a different team at time of contested hearing and new social worker on long term sick leave'.
- There had been delays in convening Family Group Conferences for example 'the local authority had completed no pre-proceedings work such as a Family Group Conference...the child had been in foster care for almost five months...all this (FGC and assessments) has to be completed within the proceedings and will lead to significant delay.'
- Local authorities not having identified all possible carers among extended family members was mentioned in several cases as a delay factor. For example, 'maternal grandmother has been picked up as a viable alternative late in proceedings.'
- Delays caused by Adoption Panel were mentioned in four cases. In one case there was no delay in the proceedings because, 'this is the adoption of the mother's third child, none of whom live in her care...although there is no delay this is a case where we should be placing for adoption now. The hold up is from Panel.'

### Expert reports and independent assessments

The requirement for expert reports and independent assessments was the next most frequently mentioned delay factor, present in 10% of responses to this question. Where delay was identified as a factor by the Guardian, the responses described:

- Delays in agreeing the letters of instruction to experts.
- The need for a multiplicity of experts 'the child had a number of non-accidental injuries which require specialist medical opinion from more than one expert.'
- Identifying suitable experts and the lack of availability of experts.

- The necessity for DNA testing and delay in receiving the test results was specifically mentioned in several responses. For example ‘DNA testing was directed on 30th November 2011 but has not yet been received (in early March 2012).’
- There were several cases where the Official Solicitor was instructed for one of the adult parties and this was seen as having contributed to delay.

### Joining of additional parties to proceedings

Further applications to court where other parties were seeking leave to be joined as parties to the proceedings was mentioned as a causal factor for delay by several respondent Guardians. For example, in one case delay was caused by ‘Paternal grandparents wishing to become party and be assessed.’ Additional hearings because of applications for s38 [Interim Care Order] assessments by parents that needed to be considered by the court were also mentioned as a delay factor.

### Lack of parental compliance and chaotic lifestyles

The compliance of adult parties with the assessments and the court process was mentioned by Guardians in about 10% of responses to this question as a factor causing delay in the proceedings. Responses included:

- The parents’ failure to engage in the court required assessments and failure to attend appointments.
- Parental mental health and behaviour is noted in a number of cases. Several cases involve very young parents who themselves have troubled backgrounds. For example one response reads, ‘Mother has not engaged. Father has engaged but this has thrown up levels of risk not previously known. Father is on a care order and mother is s20 [voluntarily accommodated as a looked after child]. Mother’s vulnerability is such that she has her own children’s guardian. Contact has been poor with fits and starts of positive attendance. Delay appears mostly to emanate from the parents’ conduct.’
- Delay was noted to have been caused when parents had not instructed a solicitor despite proceedings being underway.
- Parents’ chaotic lifestyles, and the impact of these on court timetabling, is illustrated by the following two quotes from Guardians. In one, the start of the parenting capacity assessment was delayed because, ‘father in prison, released then disappeared, oldest child a constant absconder so almost impossible for assessment to commence, third older sibling due for release from criminal secure unit will have to be involved in the family assessments and may become a third child in the proceedings’ and, in the second case, ‘mother’s psychiatric assessment could not be completed as she turned up for the interview heavily under the influence of alcohol’.
- In a number of cases immigration and language issues were cited as contributing to delay and to increasing the complexity of the case. For example, ‘parents are street homeless and from Romania with no English. Serious domestic violence in police and local authority reports. Allegations at times agreed by mother then refuted’. In another, the Guardian states that the ‘need for specialist legal advice about immigration matters’ has led to delay.



## Guardians' views on what factors underpin the continuing increase in care applications

The following open question was asked 'What, in your experience and judgement, are the factors underpinning the increase in the rate of care applications made by local authorities since 2008?' 121 Guardians responded to this question and many of the responses included multiple factors. Below is a summary of each of the primary factors mentioned by Guardians.

### Local authority practice

Local authority practice was the most frequently mentioned factor for the rise in the rate of care applications since 2008. Practitioners did not generally make any specific reference to a lowering of the threshold at which local authorities were now initiating care applications. Comments made concerning local authority practice include:

- Local authority legal departments instructed by children's services are issuing proceedings more promptly.
- Children's services are producing more robust risk assessments.
- An increase in the timelines of pre-birth assessments.
- Some Guardians felt that cases had been reviewed and had not been allowed to 'drift' as they might have done previously.
- It was noted by some Guardians that some local authorities were acting more pro-actively in seeking permanency for older children.
- A perceived unwillingness by local authorities to manage risk without going to court.
- Guardians felt that some care applications reflected previous poor case management.
- An inconsistency in thresholds for significant harm between different local authorities was noted in some responses.
- A lack of early intervention, resources, respite care and family support was referred to in some of the replies.
- Some Guardians felt there was less tolerance of parental non-compliance – 'a 'three strikes and you're out' type of approach.'

### The 'Baby Peter Effect' and increased media attention

The 'Baby Peter Effect' (an increase in the level of risk aversion shown by local authority social workers from late 2008 onwards as a reaction to the publicity surrounding Peter Connelly's death) was noted in a number of the responses about increased application rates. Many Guardians considered that this was still a significant factor more than three years later. Text analysis indicates 'Baby P' or 'Peter Connelly' was mentioned in 47.9% (58) of responses. It appears that Peter Connelly's death continues to resonate among respondent Guardians, and that the corrective action identified in the 2009 study has endured, marking a fundamental shift in social work practice.

There were also comments that this shift has come from an aversion on the part of local authorities to managing risk, based on a fear of public criticism.

### Awareness by social workers of the impact of the neglect, domestic abuse and drug / alcohol misuse, and the lack of available preventative services

The above factors were also consistently mentioned as an aspect of the increase in applications. The awareness by social workers is considered by Guardians to be positive for children and to indicate improved local authority social work practice. Comments on the increased awareness of these risk factors include:

- A better awareness of the effect of neglect on child development by social workers and other agencies.
- A better awareness of the effect of domestic abuse on child development by social workers and other agencies.
- Cases of neglect being brought to court earlier and more evidence of senior oversight of neglect cases.
- Integration of research into practice such as knowledge of how infant brain development is affected by these factors.

In addition to an increase in the awareness of risk factors, a lack of preventative services or a reduction in resources available for preventative services was seen by Guardians as contributing to the increase in care applications. Guardians expressed a belief that with child and family mental health services unable to meet demand and the lack of domestic violence services leading to continued abuse, higher levels of risk to children and subsequently increased levels of children's services' intervention are occurring.

## Concluding remarks

This study has found that children are being safeguarded more effectively by local authorities than they were immediately after the Peter Connelly case, and the circumstances surrounding his death, came to public attention in late 2008. Although there have been continued and unprecedented increases in the number of children subject to care applications since November 2008, the threshold at which these applications are being made is still viewed by respondent Guardians as being applied appropriately by local authorities.

The study has also shown that neglect is now being reacted to more promptly by local authorities and that their interventions, in the form of care applications, are coming sooner than was found to be the case in the similar, smaller-scale study, conducted by Cafcass three years ago. London boroughs, in particular, have amended their practice to include a greater focus on neglect and to act more swiftly to address neglect through the making of care applications. This shift towards earlier intervention has resulted in the more timely initiation of proceedings and an increased preparedness in the provision of information to court than was present in late 2008.

Despite this, the change is not uniform and there are still considerable variations in local authorities' practice, both in the number of children taken into care and in the level of appropriateness and timeliness of the care applications. Additionally, while this study has shown that pre-proceedings delay has been reduced significantly, there is still a great deal to be done to reduce delay once proceedings have begun.

Although the publication of care applications and child population rates that accompanies this report could potentially lead to debate about the 'proper' or 'correct' level of care applications local authorities should make, and comparisons between authorities based on their level of intervention. This study does not provide evidence about what the 'proper' level of care applications should be.

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# Appendices

## Appendix A: Public law care applications per 10,000 children by local authorities in England between 2007-08 to 2011-12

Care applications per 10,000 children by LA	2007-08	2008-09	2009-10	2010-11	2011-12
Barnsley	6.3	9.0	8.4	8.3	9.9
Bath & North East Somerset	2.0	1.5	5.0	3.2	6.7
Bedfordshire	1.6	2.5	N/A	N/A	N/A
Bedford Borough	N/A	N/A	5.4	7.6	12.6
Birmingham	7.5	7.9	9.5	7.8	9.1
Blackburn	8.8	10.4	12.8	14.9	14.6
Blackpool	6.7	11.2	17.0	17.5	20.9
Bolton	7.9	9.2	11.9	12.1	12.5
Bournemouth	9.7	10.4	9.6	16.6	17.3
Bracknell Forest	3.0	1.9	1.9	5.1	5.5
Bradford	6.7	5.4	6.9	7.7	10.5
Brighton and Hove	10.0	11.9	23.5	22.4	20.4
Bristol	13.3	8.1	13.6	13.5	11.5
Buckinghamshire	2.0	3.6	4.8	5.9	4.9
Bury	7.1	7.6	9.3	14.8	15.0
Calderdale	8.2	7.3	5.3	7.9	11.6
Cambridgeshire	4.7	4.1	4.8	4.3	4.3
Central Bedfordshire	N/A	N/A	3.2	5.0	8.2
Cheshire	3.9	4.6	N/A	N/A	N/A
Cheshire East	N/A	N/A	8.9	8.4	4.3
Cheshire West & Chester	N/A	N/A	6.0	6.8	9.5
Cornwall	6.1	8.8	7.6	9.3	9.3
Coventry	9.3	8.5	7.9	8.5	13.2
Cumbria	8.0	5.8	7.7	7.5	11.7
Darlington	9.5	8.2	11.4	12.8	15.6
Derby City Council	11.3	9.2	11.7	16.7	19.2
Derbyshire	5.8	5.0	8.6	9.0	8.6
Devon	3.7	2.7	4.9	5.0	8.1
Doncaster	8.4	13.5	14.8	14.9	18.0
Dorset	5.4	1.1	4.6	4.4	4.2
Dudley	8.4	7.2	12.0	9.6	10.2
Durham	8.3	5.2	9.0	11.5	11.0
East Riding of Yorks	3.8	4.4	6.4	7.9	7.4
East Sussex	5.7	4.8	7.9	12.2	10.9
Essex	5.4	4.8	6.9	6.7	7.3

<b>Care applications per 10,000 children by LA</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
Gateshead	9.5	10.8	11.9	17.5	18.8
Gloucestershire	3.9	4.0	5.5	5.5	4.4
Halton	5.8	9.8	5.9	8.8	9.5
Hampshire	3.1	3.5	3.3	3.5	4.6
Hartlepool	13.3	9.6	12.2	15.1	11.7
Herefordshire	3.0	4.4	4.2	9.1	7.4
Hertfordshire	4.2	4.4	7.1	6.4	6.3
Isle Of Wight	7.8	7.1	9.8	9.5	6.9
Isles Of Scilly	N/A	0.0	0.0	0.0	0.0
Kent	4.6	2.9	5.0	8.2	10.2
Hull	15.1	10.8	18.0	20.8	17.0
Kirklees	7.9	7.5	9.3	8.4	10.9
Knowsley	8.8	5.2	10.5	3.6	6.5
Lancashire	5.3	4.7	6.8	7.4	8.3
Leeds	9.6	9.9	12.5	12.7	14.2
Leicester City	8.9	7.6	8.6	9.6	10.8
Leicestershire	1.8	2.9	2.8	4.9	6.1
Lincolnshire	3.4	4.9	4.2	4.0	6.7
Liverpool	6.9	6.9	11.8	13.7	13.9
London-Barking & Dagenham	7.3	11.4	11.8	9.9	13.9
London-Barnet	2.0	3.9	4.3	6.6	5.2
London-Bexley	2.9	3.7	5.4	6.0	7.9
London-Brent	4.5	5.3	7.9	8.7	10.5
London-Bromley	3.0	3.5	6.3	4.5	5.4
London-Camden	10.4	12.6	16.8	12.8	12.1
City Of London	0.0	10.5	21.4	20.7	20.7
London-Croydon	3.5	3.7	6.4	4.6	7.9
London-Ealing	4.9	7.6	9.5	9.2	10.2
London-Enfield	3.1	3.2	4.5	5.1	5.7
London-Greenwich	10.4	12.1	12.8	11.3	11.3
London-Hackney	2.9	7.9	5.3	5.4	9.2
London-Hammersmith & Fulham	11.5	11.4	13.1	10.3	16.0
London-Haringey	8.2	14.9	20.2	22.6	17.1
London-Harrow	1.4	2.2	3.6	2.6	4.5
London-Havering	3.8	4.8	4.1	6.5	2.6
London-Hillingdon	4.7	4.3	5.2	3.1	7.4
London-Hounslow	5.9	8.3	9.3	4.3	6.4
London-Islington	10.2	11.3	14.5	15.2	11.7
London-Kensington & Chelsea	5.4	7.4	6.0	3.6	5.3
London-Kingston-upon-Thames	4.3	2.4	5.7	4.7	5.0
London-Lambeth	8.0	8.6	9.1	9.4	16.7
London-Lewisham	9.0	13.8	14.2	11.9	13.8
London-Merton	4.4	6.1	4.3	4.4	4.9
London-Newham	7.6	8.6	10.3	5.6	6.6

<b>Care applications per 10,000 children by LA</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
London-Redbridge	1.9	1.9	2.8	2.7	4.4
London-Richmond	1.8	3.0	4.2	3.6	2.4
London-Southwark	8.6	13.7	15.2	14.1	17.9
London-Sutton	1.4	5.2	7.6	7.5	6.6
London-Tower Hamlets	7.2	10.4	10.8	9.3	8.1
London-Waltham Forest	5.1	6.2	9.2	7.9	9.0
London-Wandsworth	6.5	6.0	5.7	5.2	7.3
London-Westminster	7.7	9.6	9.1	6.6	7.1
Luton	7.2	5.0	7.6	7.9	9.1
Manchester	10.2	10.2	15.7	15.9	16.5
Medway	4.0	3.7	7.8	8.9	9.4
Middlesbrough	12.0	12.0	23.0	18.7	25.4
Milton Keynes	2.5	5.0	6.6	6.5	6.5
Newcastle-upon-Tyne	9.2	10.8	10.0	12.3	11.7
Norfolk	4.4	4.6	6.5	8.9	11.0
North East Lincolnshire	6.1	5.7	10.4	7.9	7.9
North Lincolnshire	5.2	4.0	8.5	9.1	7.9
North Somerset	5.5	4.5	8.4	5.1	5.8
North Tyneside	12.6	7.8	14.6	11.6	12.6
North Yorkshire	3.0	3.2	5.6	5.7	5.4
Northamptonshire	3.5	4.7	5.5	3.7	6.3
Northumberland	7.7	6.8	7.1	6.3	7.5
Nottingham City	11.5	11.3	14.8	14.2	16.0
Nottinghamshire	4.2	3.5	7.8	8.2	8.0
Oldham Metropolitan	6.4	4.7	8.0	8.8	7.7
Oxfordshire	4.3	3.0	5.0	4.5	5.3
Peterborough	7.7	7.1	6.8	12.0	15.2
Plymouth	9.2	8.6	12.9	15.3	12.1
Poole	3.5	5.7	6.0	6.0	7.4
Portsmouth	5.5	10.5	14.6	19.2	9.6
Reading	11.0	13.2	14.2	16.8	14.9
Redcar & Cleveland	13.0	9.2	18.6	21.1	22.2
Rochdale	8.6	9.9	13.4	15.0	14.8
Rotherham	11.1	10.5	12.1	13.1	14.0
Rutland	2.2	3.2	7.6	3.3	2.2
Salford	9.3	6.5	14.1	19.2	13.4
Sandwell	5.5	4.7	12.7	12.9	12.8
Sefton	4.6	5.8	8.3	6.0	9.7
Sheffield City	6.7	9.0	8.6	10.7	12.5
Shropshire	3.6	2.6	3.8	5.5	5.5
Slough	2.4	3.3	10.4	6.9	8.8
Solihull	2.6	3.5	5.5	4.9	5.3
Somerset	4.3	5.2	9.3	7.8	9.8
South Gloucestershire	5.2	4.8	5.9	5.7	6.4

<b>Care applications per 10,000 children by LA</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
South Tyneside	14.1	15.2	20.0	23.8	30.1
Southampton	5.4	7.2	10.4	18.5	18.7
Southend	4.3	3.1	4.5	6.2	7.3
St Helens	7.7	9.6	11.8	9.3	10.9
Staffordshire	3.9	4.0	5.8	6.2	7.6
Stockport	6.4	5.3	7.3	6.0	8.5
Stockton-On-Tees	12.4	11.7	12.9	15.3	21.5
Stoke-On-Trent	7.4	8.7	17.2	16.2	15.9
Suffolk	7.7	5.9	9.0	8.4	7.2
Sunderland	7.6	4.0	6.9	13.4	13.7
Surrey	4.2	3.8	4.3	4.2	5.3
Swindon	4.5	4.2	4.3	5.2	5.4
Tameside	6.6	8.7	11.5	10.0	13.9
Telford & Wrekin	6.3	5.3	11.9	10.1	12.7
Thurrock	4.1	4.4	6.2	9.6	8.6
Torbay	5.0	5.8	8.2	9.1	20.5
Trafford	4.6	3.6	4.6	4.5	6.2
Wakefield	4.5	5.9	7.4	9.8	9.8
Walsall	8.6	8.8	11.1	8.9	8.3
Warrington	5.3	4.9	6.0	9.1	10.9
Warwickshire	4.9	4.1	7.5	7.6	10.0
West Berkshire	2.5	1.1	4.1	3.8	3.3
West Sussex	4.7	5.5	7.1	5.4	4.6
Wigan	8.1	10.5	10.9	7.1	8.6
Wiltshire	3.8	2.1	3.2	3.8	4.1
Windsor & Maidenhead	2.1	1.8	3.9	5.9	4.1
Wirral	5.0	6.5	7.9	11.8	11.4
Wokingham	3.6	2.2	3.6	3.0	4.1
Wolverhampton	5.3	7.0	13.5	15.6	18.0
Worcestershire	2.8	3.7	5.9	4.3	5.5
York	5.5	8.1	10.3	8.9	12.6
<b>National Total</b>	<b>5.8</b>	<b>5.9</b>	<b>8.0</b>	<b>8.3</b>	<b>9.2</b>

Notes:

1) Figures in the above table are provided from the Cafcass national case management system (CMS). The unit of measurement is a Care application, recorded upon its receipt by Cafcass from the Court and its entry into CMS. An application can involve multiple children. CMS is a live system and any late entries will be accounted for at the time of release of subsequent updates to this data.

2) N/A = No data available. In 2009, Cheshire Local Authority split into Cheshire East and Cheshire West and Chester. Similarly, Bedfordshire LA split into Bedford and Central Bedfordshire.

3) Child population source: Population Estimates Unit, Office of National Statistics (ONS).

4) For 2011-12 calculations, child population estimates for mid 2010 have been used as child population estimates for mid 2011 are not yet published by ONS.



## Appendix B: Public law care applications by Local Authority in England between 2007-08 to 2011-12

<b>Care Applications By Local Authority</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
Barnsley	31	44	41	40	48
Bath & North East Somerset	7	5	17	11	23
Bedfordshire	15	23	N/A	N/A	N/A
Bedford	N/A	N/A	19	27	45
Birmingham	189	199	240	199	232
Blackburn	34	40	49	57	56
Blackpool	20	33	50	51	61
Bolton	49	57	74	76	78
Bournemouth	28	30	28	49	51
Bracknell Forest	8	5	5	14	15
Bradford	85	69	89	100	136
Brighton and Hove	46	55	110	105	96
Bristol	105	64	109	110	94
Buckinghamshire	23	41	55	68	56
Bury	30	32	39	62	63
Calderdale	37	33	24	36	53
Cambridgeshire	58	51	60	55	54
Central Bedfordshire	N/A	N/A	18	28	46
Cheshire	57	66	N/A	N/A	N/A
Cheshire East	N/A	N/A	67	63	32
Cheshire West & Chester	N/A	N/A	41	46	64
Cornwall	64	92	79	97	97
Coventry	63	58	54	58	90
Cumbria	80	58	75	72	113
Darlington	21	18	25	28	34
Derby City Council	60	49	62	89	102
Derbyshire	93	80	135	140	135
Devon	54	39	70	71	116
Doncaster	54	86	94	94	113
Dorset	44	9	37	35	34
Dudley	56	48	79	63	67
Durham	85	53	91	116	111
East Riding of Yorks	25	29	42	51	48
East Sussex	60	50	82	127	113
Essex	161	144	206	200	219

<b>Care Applications By Local Authority</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
Gateshead	37	42	46	67	72
Gloucestershire	48	49	68	68	54
Halton	16	27	16	24	26
Hampshire	87	96	91	96	128
Hartlepool	28	20	25	31	24
Herefordshire	11	16	15	32	26
Hertfordshire	101	108	176	159	158
Isle Of Wight	21	19	26	25	18
Isles Of Scilly	0	0	0	0	0
Kent	143	89	155	257	320
Hull	83	59	97	111	91
Kirklees	74	70	87	79	103
Knowsley	31	18	36	12	22
Lancashire	134	118	169	181	203
Leeds	147	151	189	193	216
Leicester City	61	53	60	68	76
Leicestershire	24	39	37	65	80
Lincolnshire	48	68	59	56	94
Liverpool	61	60	101	116	118
London-Barking & Dagenham	33	53	57	49	69
London-Barnet	15	30	33	52	41
London-Bexley	15	19	28	31	41
London-Brent	25	30	45	51	61
London-Bromley	20	24	43	31	37
London-Camden	40	49	66	51	48
City Of London	0	1	2	2	2
London-Croydon	28	30	51	37	64
London-Ealing	32	50	64	63	70
London-Enfield	21	22	32	37	41
London-Greenwich	54	63	68	61	61
London-Hackney	15	40	27	28	48
London-Hammersmith & Fulham	35	35	41	33	51
London-Haringey	40	73	99	111	84
London-Harrow	7	11	18	13	23
London-Havering	19	24	21	33	13
London-Hillingdon	27	25	31	19	45
London-Hounslow	29	41	47	22	33
London-Islington	34	38	49	52	40
London-Kensington & Chelsea	16	22	18	11	16
London-Kingston-upon-Thames	14	8	19	16	17
London-Lambeth	43	46	49	51	91

<b>Care Applications By Local Authority</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
London-Lewisham	51	79	83	71	82
London-Merton	18	25	18	19	21
London-Newham	50	57	68	37	44
London-Redbridge	12	12	18	18	29
London-Richmond	7	12	17	15	10
London-Southwark	47	75	84	78	99
London-Sutton	6	22	33	33	29
London-Tower Hamlets	35	51	54	48	42
London-Waltham Forest	27	33	50	44	50
London-Wandsworth	31	29	29	27	38
London-Westminster	26	33	32	24	26
Luton	34	24	37	39	45
Manchester	96	97	150	155	161
Medway	24	22	46	52	55
Middlesbrough	38	38	72	59	80
Milton Keynes	14	28	38	38	38
Newcastle-upon-Tyne	48	56	52	64	61
Norfolk	71	75	106	145	180
North East Lincolnshire	22	20	36	27	27
North Lincolnshire	18	14	29	31	27
North Somerset	23	19	36	22	25
North Tyneside	50	31	58	46	50
North Yorkshire	37	39	68	68	65
Northamptonshire	53	73	84	57	98
Northumberland	48	42	43	38	45
Nottingham City	64	63	83	80	90
Nottinghamshire	68	56	124	130	127
Oldham Metropolitan	35	26	44	48	42
Oxfordshire	59	41	69	62	73
Peterborough	30	28	27	49	62
Plymouth	46	43	64	76	60
Poole	10	16	17	17	21
Portsmouth	21	40	56	74	37
Reading	32	39	43	52	46
Redcar & Cleveland	39	27	54	60	63
Rochdale	43	49	66	74	73
Rotherham	63	59	68	73	78
Rutland	2	3	7	3	2
Salford	43	30	66	90	63
Sandwell	37	32	88	90	89
Sefton	27	33	46	33	53

<b>Care Applications By Local Authority</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
Sheffield City	71	95	91	113	132
Shropshire	22	16	23	33	33
Slough	7	10	32	22	28
Solihull	12	16	25	22	24
Somerset	48	58	103	86	108
South Gloucestershire	29	27	33	32	36
South Tyneside	44	47	61	72	91
Southampton	23	31	45	80	81
Southend	15	11	16	22	26
St Helens	30	37	45	35	41
Staffordshire	67	68	98	104	128
Stockport	39	32	44	36	51
Stockton-On-Tees	53	50	55	65	91
Stoke-On-Trent	38	45	89	84	82
Suffolk	116	89	135	126	108
Sunderland	44	23	39	75	77
Surrey	101	91	104	103	131
Swindon	19	18	19	23	24
Tameside	32	42	55	48	67
Telford & Wrekin	24	20	45	38	48
Thurrock	15	16	23	36	32
Torbay	13	15	21	23	52
Trafford	22	17	22	22	30
Wakefield	31	41	51	67	67
Walsall	52	53	67	54	50
Warrington	23	21	26	39	47
Warwickshire	55	46	83	85	111
West Berkshire	9	4	15	14	12
West Sussex	78	91	117	89	76
Wigan	54	70	72	47	57
Wiltshire	39	21	33	39	42
Windsor & Maidenhead	7	6	13	20	14
Wirral	34	44	53	79	76
Wokingham	13	8	13	11	15
Wolverhampton	28	37	71	82	95
Worcestershire	33	43	68	49	63
York	19	28	36	31	44
<b>National Total</b>	<b>6323</b>	<b>6474*</b>	<b>8831*</b>	<b>9204</b>	<b>10216*</b>

Notes:

1) Figures in the above table are provided from the Cafcass national case management system (CMS). The unit of measurement is a Care application, recorded upon its receipt by Cafcass from the Court and its entry into CMS. An application can involve multiple children. CMS is a live system and any late entries will be accounted for at the time of release of subsequent updates to this data.

2) N/A = No data available. In 2009, Cheshire Local Authority split into Cheshire East and Cheshire West and Chester. Similarly, Bedfordshire LA split into Bedford and Central Bedfordshire.

\*Cases recorded as being "out of jurisdiction" are excluded from this table.

## Appendix C: 2012 Cafcass care order application study Guardian survey questions

Questionnaire on s31 care order application cases received 11th-30th November 2011

Practitioner Name: .....

Team: .....

Case name / CMS case number: .....

Number of children subject to this application: .....

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

Name of the Local Authority issuing these proceedings:

.....

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

Appropriate     Premature     Late     I'm not sure

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

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

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

Yes     No     I'm not sure

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

Yes     No

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

<input type="checkbox"/> Family Group Conference	<input type="checkbox"/> Section 20 Accommodation
<input type="checkbox"/> Child Protection Conference	<input type="checkbox"/> Temporary Kinship Placement
<input type="checkbox"/> Parenting Education Programme (e.g. Triple P)	<input type="checkbox"/> Residential Assessment
<input type="checkbox"/> Robust child protection plan / implementation	<input type="checkbox"/> Referral to Other Services
<input type="checkbox"/> Respite care	<input type="checkbox"/> Other - - - - -

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

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

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

Drug and/or alcohol misuse     Parental mental ill-health  
 Parental domestic abuse as victim     Parental domestic abuse as perpetrator  
 Don't know

QUESTIONS ABOUT CHILDREN SUBJECT TO THESE PROCEEDINGS						
	Child 1	Child 2	Child 3	Child 4	Child 5	Child 6
6. For how long had Children's Services been continuously providing services to this child?	Not before this application Less than 1 year ----- years	Not before this application Less than 1 year ----- years	Not before this application Less than 1 year ----- years	Not before this application Less than 1 year ----- years	Not before this application Less than 1 year ----- years	Not before this application Less than 1 year ----- years
7. Was this child the subject of a Child Protection Plan when this S31 application was made?	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No
8. If so what was the category of child protection concern? Mark all that apply	No CP plan Sexual Abuse Physical Abuse Emotional Abuse Neglect	No CP plan Sexual Abuse Physical Abuse Emotional Abuse Neglect	No CP plan Sexual Abuse Physical Abuse Emotional Abuse Neglect	No CP plan Sexual Abuse Physical Abuse Emotional Abuse Neglect	No CP plan Sexual Abuse Physical Abuse Emotional Abuse Neglect	No CP plan Sexual Abuse Physical Abuse Emotional Abuse Neglect

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

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

## Appendix D: 2009 Cafcass care order application study Guardian survey questions

Baby P Effect – initial questions for practitioners

Practitioner Name.....

Team.....

Have you been permanently allocated one or more new s31 care cases where the application from the Local Authority was made between 11th November 2008 and 30th November 2008?

Yes     No     I don't know

If yes, how many cases were you allocated during this period?

1     2     3     4     5 or more

(the following questions are repeated for each case allocated to each Guardian)

In your opinion, was the local authority's timing in initiating proceedings in this [first, second, third etc] case...

Appropriate     Premature     Late     I'm not sure

For each of the cases you've mentioned above, in your opinion, had the Local Authorities concerned fulfilled their obligations in accordance with volume 1 of the Children Act Guidance prior to issuing proceedings?

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

In any of the cases allocated to you between 11th-30th November 2008, was a Letter Before Proceedings sent?

Yes, for all cases     Yes, for most cases  
 No, for none of the new cases I received during this period     I don't know

Did any of the parents involved in the care cases allocated to you between 11th-30th November 2008 have involvement with children's services as children or adolescents?

Respondent to enter date for each case

Did any of the parents involved in the care cases allocated to you between 11th-30th November 2008 have involvement with children's services as children or adolescents?

Yes     No     I don't know

Which parents involved in the cases allocated to you between 11th-30th November 2008 had involvement with children's services as children or adolescents?

Mother     Father     I don't know



Were any of the cases you've mentioned during this survey unallocated for three or more working days after receipt by Cafcass, prior to being allocated to you?

- Yes     No

How long was each case unallocated?

- 3-7 days     8-14 days     15-27 days     28+ days

Do you believe there was any other course of action the Local Authority could have taken before issuing proceedings in any of the cases you mentioned?

- Yes     No

If yes, what could have been done? (Select as many as appropriate for each case)

- FCG     Respite Care     Section 20 accommodation     Child Protection Conference  
 Temporary kinship placement     Parenting Education Programme     Referral to other Services  
 Other.....

Were children subject to care order applications for cases allocated to you during this period subject of a child protection plan at the time of application? If yes, for which category?

- Sexual Abuse     Physical Abuse     Emotional Abuse  
 Neglect     No Child Protection Plan

For each of the Local Authorities you deal with, do you believe that the threshold for making a s31 care order application has changed since 11th November 2008? Please specify for each Local Authority.

- Decreased significantly     Decreased slightly     Increased significantly  
 Increased slightly     Remained the same

Do you have any other comments about your recent work on s31 cases?

- Open text response

Would you be happy for a Cafcass practitioner or Service Manager involved in this research to contact you to further discuss you experience of the number and nature of care order applications post November 2008?

- Yes     No



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