

# Care Crisis Review

Summary of the Options for Change

June 2018



CARE CRISIS REVIEW

## The Nuffield Foundation

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## Family Rights Group

Family Rights Group is a charity that works with parents in England and Wales whose children are in need, at risk or are in the care system and with members of the wider family who are raising children unable to remain at home. The charity's overall objectives are to enable children to live safely within their family network, where possible, and to strengthen the positive family and community support networks of young people who cannot live with their parents. We advise parents, grandparents, other relatives and friends about their rights and options when social workers or courts make decisions about their children's welfare. We campaign for families to have a voice, be treated fairly and get help early to prevent problems escalating. We champion family group conferences and other policies and practices that keep children safe within their family network.

[www.frg.org.uk](http://www.frg.org.uk)

@FamilyRightsgp



## Report Citation

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## **Care Crisis Review: Summary of the Options for Change**

### **1. Good systems and practice**

That social care leaders and partner agencies regularly review their organisation's systems and practice against the messages from research about (a) effective interventions and relationship-based practice and (b) agency vision.

### **2. Training and development**

That the importance of, and the legal basis for, partnership and co-production with families, promoting as well as safeguarding children's welfare and a whole family approach, is given a central role in the training and development of social workers in England and Wales.

### **3. Statutory guidance**

That in England, Working Together to Safeguard Children statutory guidance, and in Wales the relevant Code of Practice and All Wales Child Protection Procedures, are reviewed and amended so that the principles underpinning the legislation, including partnership and co-production with families, are clearly expressed and the processes for managing individual cases reflect the messages from research on the effectiveness of relationship-based practice.

That a requirement is placed on the statutory safeguarding partners named in the Children and Social Work Act 2017 Act, to draw on children and families' knowledge and expertise to inform service design, policies and provision.

### **4. Inspections**

That Ofsted and Social Care Wales take account of the messages from this report so that their work, including inspections and any planned research, takes account of the duties on local authorities to support families and to promote children's upbringing within their family, including the organisational and practice ethos and approaches likely to achieve this.

### **5. Multi-agency collaboration**

That in England, Working Together to Safeguard Children is amended to place greater emphasis on the role to be played by key partner agencies, in addition to that played by children's social care, in assessing and meeting the accommodation, health and educational needs of children and their families.

That in England, safeguarding partners (as defined by the Children and Social Work Act 2017 and Working Together) ensure that their plans for action, and the scrutiny arrangements they develop, include a focus on children and families on the edge of and in the care system, and that there is an expectation that all partners work together to prevent children coming into or staying in care unnecessarily.

That the Welsh Government Improving Children's Outcomes Ministerial Advisory Group new work stream, on reducing the need for children to come into care, includes a focus on facilitating and improving joint working between

agencies.

## **6. Family Group Conferences (FGC)**

That, to support a whole family approach, there is a long-term goal of ensuring that all families are offered an FGC before a child is moved into the care system (except as an emergency). As a first step, local authorities could introduce this as a local offer to families, with the FGC plan shaping how the local authority works with the child and family.

## **7. Family and friends care of children**

In England, that existing statutory family and friends care guidance is strengthened to reflect the messages from this Review, including in relation to initial assessments of family and friends carers and access to legal advice. That local authorities have a renewed focus on developing, publishing and implementing an up-to-date family and friends care policy in line with statutory guidance, with work led by a designated senior officer, conducted in conjunction with lead members and local strategic partners, and informed by the experiences of children and families in the community.

In Wales, that amendments to the Improving Outcomes for Children Framework make reference to the importance of family and friends care, and that there is further consideration of the need for unified statutory guidance on family and friends care.

## **8. Advice and advocacy**

That, in order to ensure that families have access to specialist advice to help them work positively with professionals, there is wider provision of free, independent, specialist legal advice for families, provided by the voluntary sector and funded adequately by Government.

That the Ministry of Justice (MoJ), in tandem with the current review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, considers the Care Crisis Review's findings and undertakes an analysis of the impact of the present lack of accessible early free, independent advice and information for parents and wider family members on (a) the number of children subject to care proceedings or entering or remaining in the care system, and (b) the public purse. That the MoJ's considerations are informed by a working group of stakeholders with appropriate expertise, drawn from the child welfare and family justice sector.

That parents are eligible to receive free legal advice and representation, equivalent to that available under a pre-proceedings process, where it is proposed by the local authority that the child is looked after under section 20 of the Children Act 1989 or section 76 of the Social Services and Well-being (Wales) Act 2014.

## **9. Use of voluntary accommodation (s.20 Children Act 1989, ss76 and 34 Social Services and Well-being (Wales) Act 2014)**

That amendments are made to relevant statutory guidance including Working

Together to Safeguard Children and Family and friends care guidance and the relevant Code of Practice in Wales, to include good practice in the use of section 20 in England and sections 76 and 34 in Wales.

#### **10. Pre-proceedings practice**

That a working group, with representation from legal and social work practitioners and families, is set up to agree amendments to existing pre-proceedings guidance. This should include incorporating the messages about good practice in intensive, relationship-based work with the whole family, to achieve the changes needed in order to avoid proceedings. It should also include guidance on best practice in relation to pre-birth assessments and removal at birth.

#### **11. 26 weeks as a performance target**

That the National Family Justice Board, in consultation with stakeholders and families, review the performance management targets for the family justice system and revise the approach to measuring timescales, so that there is a greater focus on understanding the reasons for extensions whilst avoiding unnecessary drift and delay, and with greater attention to longer-term outcomes, such as whether children come back into proceedings.

#### **12. Court proceedings**

That the Department for Education (DfE) and the Ministry of Justice take forward the lessons from the Family Drugs and Alcohol Court (FDAC) problem-solving model of care proceedings so that this approach is extended, to become the normal way of hearing proceedings in the majority of cases.

That the Nuffield Family Justice Observatory explores international examples of the use of mediation in public care proceedings.

#### **13. Reunification**

That greater use is made of the NSPCC good practice guidance and tools on reunification.

That in Wales, the Improving Outcomes for Children Framework could include reunification as part of permanence and the Code of Practice on looked after children could be reviewed and amended to include more detailed guidance on good practice in relation to planning and supporting return home.

#### **14. Post-proceedings support for family and friends carers**

That in both England and Wales there is renewed commitment to ensuring that the therapeutic, practical and financial needs of children and family and friends carers are met.

That family and friends carers are granted the right to a period of paid leave, as adopters are entitled to, to help a child settle in with them. That family and friends carer households are exempted from the benefit cap and the spare room subsidy.

That in Wales, the Code of Practice on looked after children is amended to include more detailed guidance about why and how placements with relatives and friends might be supported

### **15. *Post-proceedings support for parents who have had their children removed***

That safeguarding partners and Health and Well-being Boards in England, and Partner agencies in Wales, working with the third sector, ensure that dedicated support is provided to parents whose children have been removed as result of care proceedings. Such support should be informed by the messages from research about the heterogeneous nature of parents and should involve practical, flexible, relationship-based approaches that address the factors that led to the removal of the children, and address the impact of the children's removal on the parents.

### **16. *Family Justice Boards***

That the role and purpose of the National and local Family Justice Boards and the Welsh Family Justice Network be reviewed, with particular emphasis on:

- developing and working to a far broader understanding of good performance than the timeliness of concluding care cases
- multi-disciplinary training and knowledge exchange
- discussion of local practice, and
- children and families helping design systems to ensure that their voices are heard.

### **17. *Families as a resource in service design and development***

That local authorities adopt Mutual Expectations - A charter for parents and local authority children's services, developed by Your Family/Your Voice.

That in Wales, the Improving Outcomes for Children Ministerial Advisory Group's three-year framework reflects the value of involving children and families in the design, review and auditing of services. That this lead is replicated by other public bodies, including local authorities in England and Wales.

### **18. *The impact of Government policies***

That, in line with the Association of Directors of Children's Services call for action<sup>1</sup> "a new 'children and young people impact assessment' for government departments and other public bodies [is developed] to use alongside existing equalities impact assessments" and that the "Department for Education lead a cross-government review to understand better the reasons for, and links between, rising levels of child poverty and demand for children's statutory services. This review could then form the basis for the development of a child poverty reduction strategy for England."

That the Department for Work and Pensions and the DfE lead a cross-government review, in consultation with the devolved administrations, into the

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<sup>1</sup> Association of Directors of Children's Services (2017) *A Country That Works For All Children*, Position Paper

impact of benefit rules and policies, and the projected effect of planned benefit reforms, on the numbers of children entering or remaining in care.

That, consistent with the Family Test,<sup>2</sup> the relevant government department or devolved administration considers the possible impact of any proposed policy reform on children and families involved or likely to be involved in care or family court proceedings.

### **19. Shortfall in resources**

That the UK Government acts on the call from the Local Government Association (LGA) and ADCS to make up the £2 billion shortfall predicted for children's social care in England by 2020 and the Welsh Government acts on the call by WLGA, the All-Wales Heads of Children's Services Group and the National Adoption Service to "*commit to the life chances of children and young people by acting urgently to address the growing funding gap.*"<sup>3</sup>

#### ***Additional support to develop good practice***

That, in addition to the £2 billion required to make up the funding shortfall, a Government ring-fenced funding stream is made available to local authorities to help them work with their community, partner agencies, and young people and families to:

- safely avert children having to enter or remain in the care system, and
- work effectively with parents, including providing post-proceedings support to tackle some of the reasons why some parents have children removed repeatedly.

This grant, available to all English local authorities, would be awarded on the basis of an approved local plan, which has the support of the local authority's partner agencies, including their local Family Justice Board and sets out what steps the authority is taking to address the Review's findings.

### **20. Research matters**

That there is a presumption that the methodology of research studies exploring practice with, and outcomes for, children and families incorporates the experiences of family members.

That research funders and research centres are briefed about the gaps in knowledge that have been identified during the Care Crisis Review.

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<sup>2</sup> <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7714>

<sup>3</sup> AWHOCS, WLGA, NAS(2017) Submission to the Public Accounts Committee Inquiry on services for care experienced children and young people <http://senedd.assembly.wales/mgIssueHistoryHome.aspx?lId=16183>

