

**Open Report on behalf of Janice Spencer OBE,
Assistant Director – Children's (Safeguarding)**

Report to:	Corporate Parenting Panel
Date:	23 July 2020
Subject:	Legal Services Lincolnshire End of Year Report 2019/20 (April 2019 to March 2020)

Summary:

- a) Within the reporting period, we have seen an increase in the number Care Proceedings issued
- b) Care Proceedings were concluded in respect of children
- c) The use of Placement Orders has dropped

Actions Required:

Members of the Corporate Parenting Panel are requested to consider the Legal Services Lincolnshire End of Year Report and highlight any recommendations for future consideration.

1. Background

Under the Children Act 1989, there are two types of proceedings in which Children's Services are involved;-

- Public Law Proceedings
- Private Law proceedings

Public Law proceedings

An application is made by the Local Authority as it considers that the child(ren) are suffering/are at risk of suffering significant harm as a result of:-

- a) The care given by the parent(s)/relative not being what is reasonable to expect a parent to give; or
- b) The child(ren) being beyond parental control

The Local Authority can apply to the Court for two types of orders under s31 Children Act 1989 (referred to as care proceedings or public law proceedings). The orders the Local Authority can apply for are: Care Order and Supervision Order.

A Care Order (or interim care order) grants the Local Authority parental responsibility for the child (shared with any person having parental responsibility for the child). If a child is made subject to a care order, looked after provisions must be implemented,

including appointment of an Independent Reviewing Officer, regular looked after child meetings. Decisions for the child cannot be made without consulting all those who hold parental responsibility. A care order remains in force until the child's 18th birthday.

A Supervision Order (or interim supervision order) directs that the Local Authority has a statutory duty to advise, assist and befriend the child. If a child is made subject to a supervision order, child in need provisions must be followed, including six weekly child in need meetings and regular visits. A Supervision Order is made for a period up to one year, if required the supervision order can be extended by application to the court. An extension can be granted for the order to be in place for up to 3 years.

The Court cannot make a Care or Supervision Order for a child who has reached the age of 17 or is 16 and married.

Private Law Proceedings

Other individuals who are connected with the child are able to make applications for a variety of Orders under Children Act (known as private law proceedings). These include: Child Arrangement Orders directing where the child is to live or who the child is to spend time with (replacing Residence and Contact Orders); Specific Issue Orders directing that something shall or shall not be done; Prohibited Steps Orders preventing a person from doing something restricted in the Order; and s14A Special Guardianship Orders appointing a person or persons who are over 18 years of age and not a parent of the child in question, to be the special guardian(s) of that child. The effect of the Special Guardianship Order is to grant the special guardian heightened parental responsibility for that child, and, to exercise such parental responsibility to the exclusion of everyone else who has parental responsibility for that child.

During these proceedings if the Court is alerted to issues which effect the safety of the child, the Court can direct the Local Authority to complete a section 37 report, setting out whether after investigation the Local Authority considers;

- a) the child(ren) to be at risk of significant harm in the care of their parent/relative such that they seek to apply for a Public law Order to safeguard the child(ren)s welfare
- b) there is no need to issue an application for public law proceedings, however the Local authority consider that they should provide services or assistance for the child(ren) or his family
- c) c .take any other action with respect to the child.

In any family proceedings concerning the welfare of a child the Court can make a Family Assistance Order under s.16 Children Act 1989, directing the Local Authority to appoint an officer to advise, assist and (where appropriate) befriend any person named in the order (often referred to as the private law alternative to a Supervision Order). A Family Assistance Order is made for a period up to one year. The

difference between a Supervision Order and Family Assistance Order is that under a Supervision Order the Local Authority duty is to the child, however, under a Family Assistance Order the duty is to anyone named in the order, which can include the child, parents, special guardians, or any person with whom the child lives or spends time with.

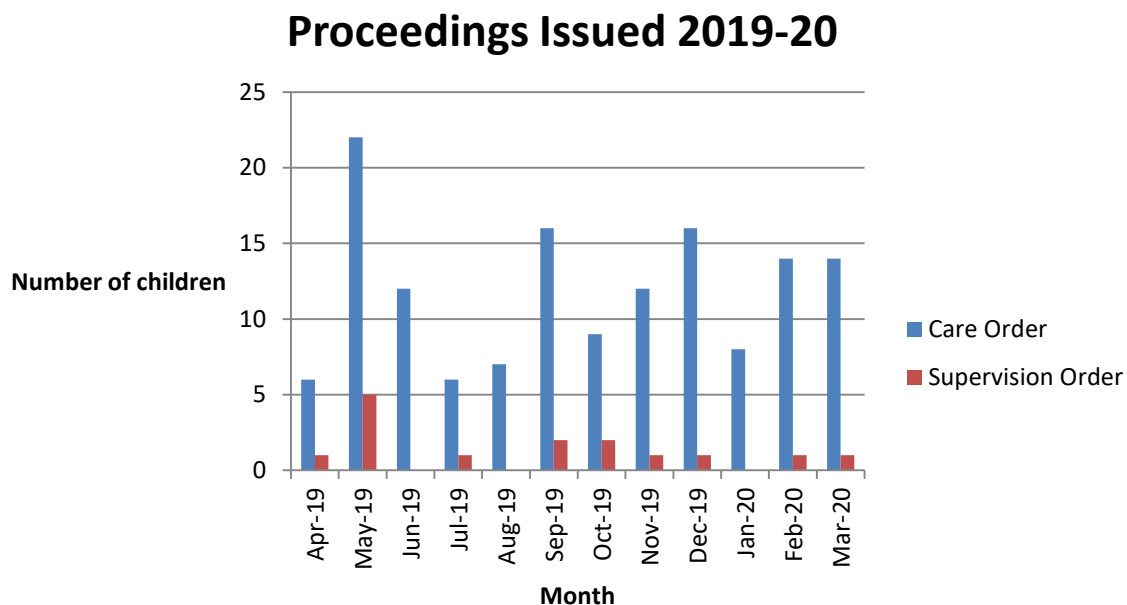
Public Law Proceedings Issued

Between April 2019 and March 2020, care proceedings were issued in respect of **157** children consisting of 142 applications for Care Orders and 15 Supervision Orders.

This is in contrast to applications being made in respect of 184 children during the period April 2018 - March 2019.

It is important to note that the figures represent the amount of children in respect of whom proceedings were issued; it does not necessarily represent the number of separate applications made.

The Court does not require individual applications for Care or Supervision Orders for sibling groups: one application will be made for all the siblings and this is dealt with as one case by the court. However the outcome for each child in a sibling group may be different.



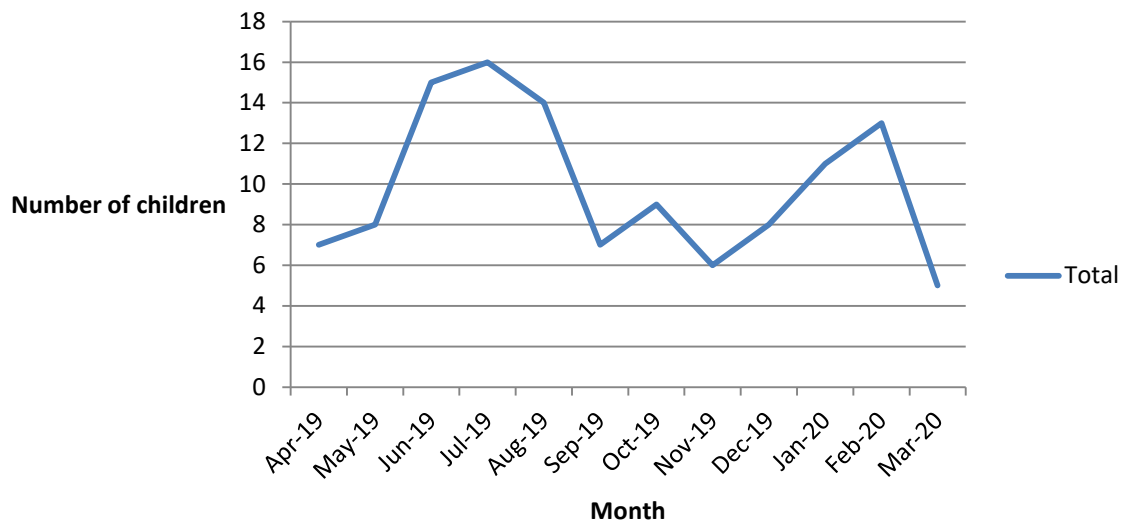
As previously stated, the Local Authority is unable to apply for orders which bestow parental responsibility upon the child's extended family, for example Child Arrangement Order (who the child shall live with), Special Guardianship Order (which grants the special guardian heightened parental responsibility). An application for a Care Order or Supervision Order may be made as a route to such private law orders being made to extended family.

Advantages of care proceedings in these circumstances include: the child being separately represented by their own solicitor; an independent children's guardian being appointed; the proceedings should be completed within 26 weeks; and the parents will be entitled to legal aid, which would not be available in private law proceedings. In addition, extended family members cannot automatically apply for a Special Guardianship Order until the child has lived with them for at least a year before making such application. In Care Proceedings this time period is not required.

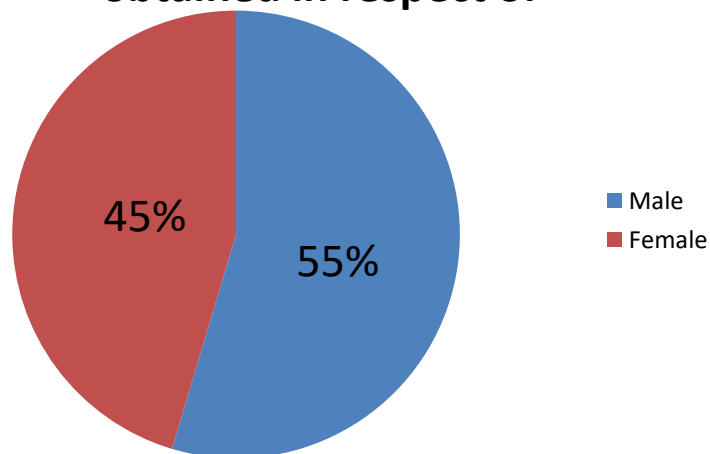
PROCEEDINGS CONCLUDED

Between April 2019 and March 2020, care proceedings were concluded in respect of **119** children, 65 males and 54 females. In the previous financial year proceedings were concluded in respect of 154 children.

Proceedings Concluded 2019-20



Gender of Children that final orders were obtained in respect of

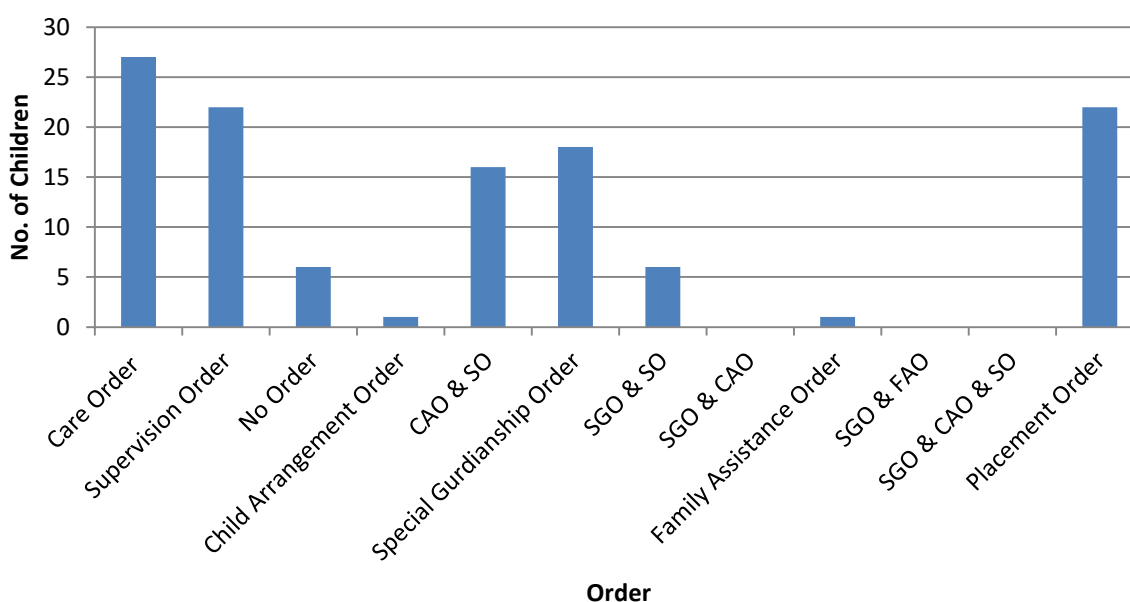


Analysis of Outcomes for children who have been the subject of care proceedings

The final orders granted by the Court in 2018/19 in contrast to 2019/20 were as follows:-

Order	Number of Orders 2018/19	Number of Orders 2019/20
Care Order	37	27
Care Order & Placement Order	27	22
Supervision Order	12	22
No Order	11	6
Child Arrangements Order	12	1
Child Arrangements Order & Supervision Order	11	16
Special Guardianship Order	41	18
Special Guardianship Order & Supervision Order	3	6
Family Assistance Order	0	1

Total Number of Orders Obtained April 2019 - March 2020



Analysis of Orders:

At first glance, it appears from the figures above that there has been a decrease in the number of care and placement orders being made however the percentage of applications resulting in these final orders has remained relatively consistent between 2018/2019 and 2019/2020.

In 2018/2019 24% of children involved in care proceedings were made the subjects of care orders; this figure is 22% for 2019/2020. Similarly, in 2018/2019 17% of children were made subject to care and placement orders. The figure is 18% for 2019/2020. The percentages therefore have remained relatively consistent.

There has however been a rise in the making of supervision orders with only 16% of final outcomes in 2018/2019 including a supervision order and 36% cases involving a final supervision order on 2019/2020. This rise is likely to be accounted for by the fact that a number of cases in 2019/2020 concluded with children being placed with one of their parents where on-going support from the Local Authority was required. Out of the 43 children in respect of whom supervision orders were made in 2019/2020, 31 children were placed with their parents.

There has been a decrease in the number of special guardianship orders being made. In 2018/2019 29% of children were made the subject of SGOs. In 2019/2020 this figure has fallen to 20%. This may again reflect the fact the outcome for a greater number of children over 2019/2020 was that they remained in their parents care.

Post proceedings local authority involvement 2019/2020

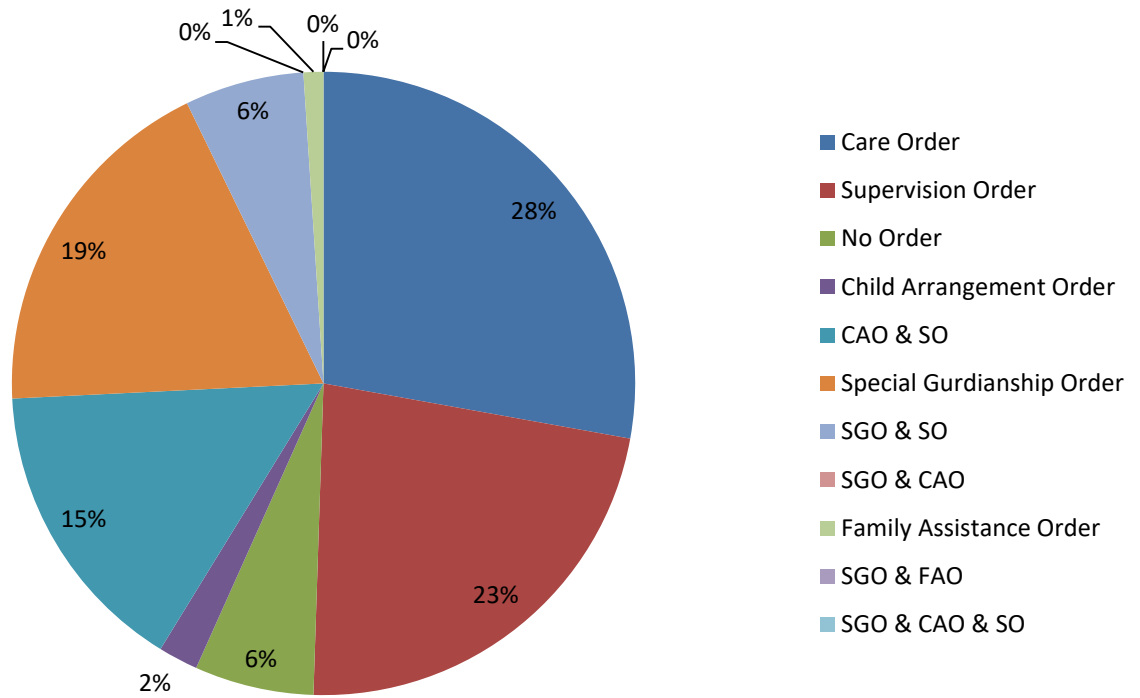
From the Orders made in **2019/2020**, the Local Authority will have remained statutorily involved with **111 (93%)** of the children subject to proceedings, either as a result of the child being looked after (under Care Order), subject to child in need procedures (Supervision Order and Family Assistance Order) or providing support services to Special Guardians (under Special Guardianship Orders).

Supervision Orders and Family Assistance Orders are initially made for a period of up to one year (however, can be extended on application by Local Authority), therefore the Local Authority will cease to be involved with **38 children (32%)** of those children (provided there is no need to make an application to extend the duration of the Orders).

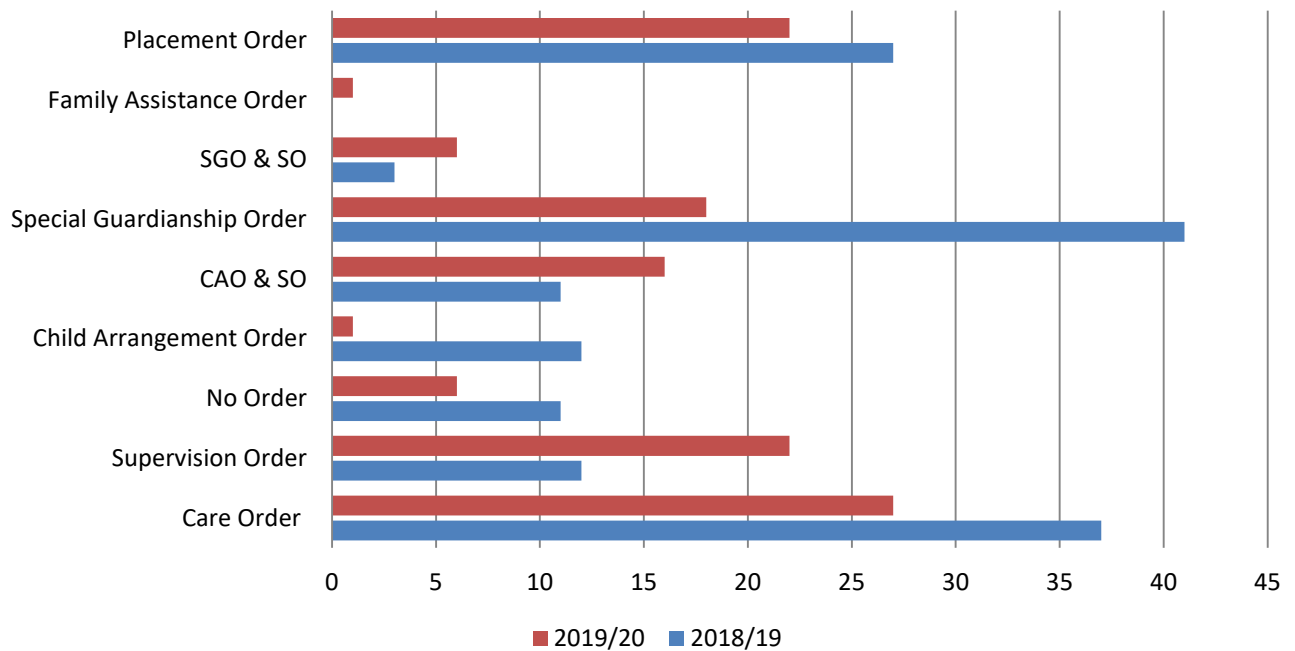
A plan of adoption should be reviewed at each looked after child review, generally if a child has not been placed with prospective adopters after 18 months, the Local Authority will change the care plan to one of long term foster care and an application be made to Court to discharge the Placement Order. Should all the children subject to a Placement Order in **2019/2020 (22 children - 18%)** be placed for adoption and later adopted, within 18 months the Local Authority will only remain involved with **43% (51 children)** of the total number of children subject to proceedings in **2019/2020**.

Support Services under Special Guardianship Orders are provided for up to three years, therefore by April 2021 the Local Authority will not be involved with **20% (24 children)** of those children. By such time the Local Authority shall only be involved with **22% (27 children)** of the children subject to proceedings in **2019/2020** (those subject to Care Orders).

2019/2020 Orders Granted



Comparison of Orders made 2016/17 & 2017/18



Analysis of care plans for children made the subject of Care Orders

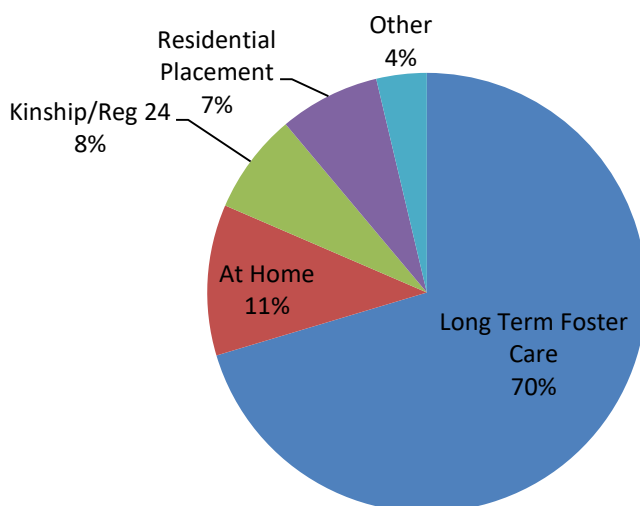
During the period April 2019 to March 2020, a total of **49** children were made subject to care orders. Placement Orders were made alongside Care Orders in respect of **22** children. A Placement Order is applied for where the Local Authority care plan is one of adoption. The effect of Placement Order is that it permits the Local Authority to place the child for adoption. Where a child is placed with prospective adopters the Local Authority continues to share parental responsibility for the child with the adopters and the parents, until such time as an Adoption Order is made.

Provided all the children who were made subject to Placement Orders in the period April 2019 – March 2020, are placed for adoption and adoption Orders made, the Local Authority would not retain parental responsibility for these children and they would not remain subject to Looked After Child procedures. Therefore only **55%** of the children made subject to Care Orders would remain Looked After children.

During April 2019 – March 2020 **27** children were subject to Care Orders, **3** children's plans were that they be: cared for parents with the Local Authority sharing parental responsibility (11%); **2** children's plans were cared for by extended family members/friends (kinship/regulation 24 placements where the family member is approved as a foster carer (7%), and the Local Authority holds parental responsibility); **19** children's plans were long term foster care (70%); **2** children's plans were residential care (7%) with **1** child being placed in a Secure Accommodation Placement at the conclusion of proceedings (3%).

At Looked After Child (LAC) reviews, the social work team and Independent Reviewing Officer (IRO) will consider whether it remains in the Child's best interests to be subject to a Care Order with the Local Authority sharing parental responsibility for the child, or whether the child's best interests can be served via another Order, for example SGO to extended family member. These children's care plans will therefore remain under regular review.

Placements for children where stand alone Care Orders were made



Special Guardianship Orders

When a Special Guardianship Order is made in respect of a previously looked after child (subject to ICO or s20 accommodation) who has been placed by the local authority with the special guardians, there is a statutory duty on the authority to provide support to the placement for 3 years after the order has been made. In addition the court can make additional orders to support the placement.

There has been a rise in the number of Supervision Orders and Family Assistance Orders made accompanying a Special Guardianship Order in recent years. These orders place statutory duties upon the Local Authority to provide additional services and support to the child, special guardian or parents.

The increase may be as a result of the 26 week track to complete proceedings following the implementation of the Public Law Outline in April 2014. The reasons for such orders being made are usually: prospective special guardians being assessed late in proceedings and as such the child being placed with the Special Guardian at the end/conclusion of proceedings without the placement having been tested out; and Special Guardians not willing to facilitate contact arrangements and the Local Authority remaining involved to ensure contact is safely promoted in the child's welfare and child's additional needs.

Nationwide, SGO's have increased, which has also lead to an increase in the breakdown of SGO placements, where children have subsequently been placed in the Care of the Local Authority and subject to further public law proceedings. As a result, to reduce the number of placement breakdowns, guidance was issued by Mr

Justice Keehan (Midland Circuit Family Division Liaison Judge) in August 2016, as follows:-

- a) SGO's should not be made, absent compelling and cogent reasons, until the child has lived for an appreciable period (no guidance has been issued regarding the length of an appreciable period, however, HHJ Clark sitting at Lincoln Family Court suggested that this should be at least 10 weeks. Drawing similarities to the situation where prospective adopters have to wait 10 weeks following a child being placed with them before an application for an Adoption Order can be made) with the prospective special guardians;
- b) in some cases a child arrangements order may be the order which meets the welfare best interests of the child;
- c) where the care plan (which details the Local authority's recommendations for a support needed for the child) providing for placement with the prospective special guardians and, in time, support for the prospective special guardians to apply for a SGO is agreed and/or is approved by the court, the proceedings should be concluded with the making of public law (Care Order) or private law orders (Child Arrangement Order);
- d) where a local authority cannot approve a placement of a child with prospective special guardians under the auspices of an interim care order (i.e. the requirements of placement or fostering regulations cannot be met) the court may sanction a placement under an interim Child Arrangement Order;
- e) only in exceptional cases should care proceedings be prolonged solely for the purpose of awaiting the outcome of a trial placement of a child with prospective special guardians and/or the completion of a SGO assessment report.

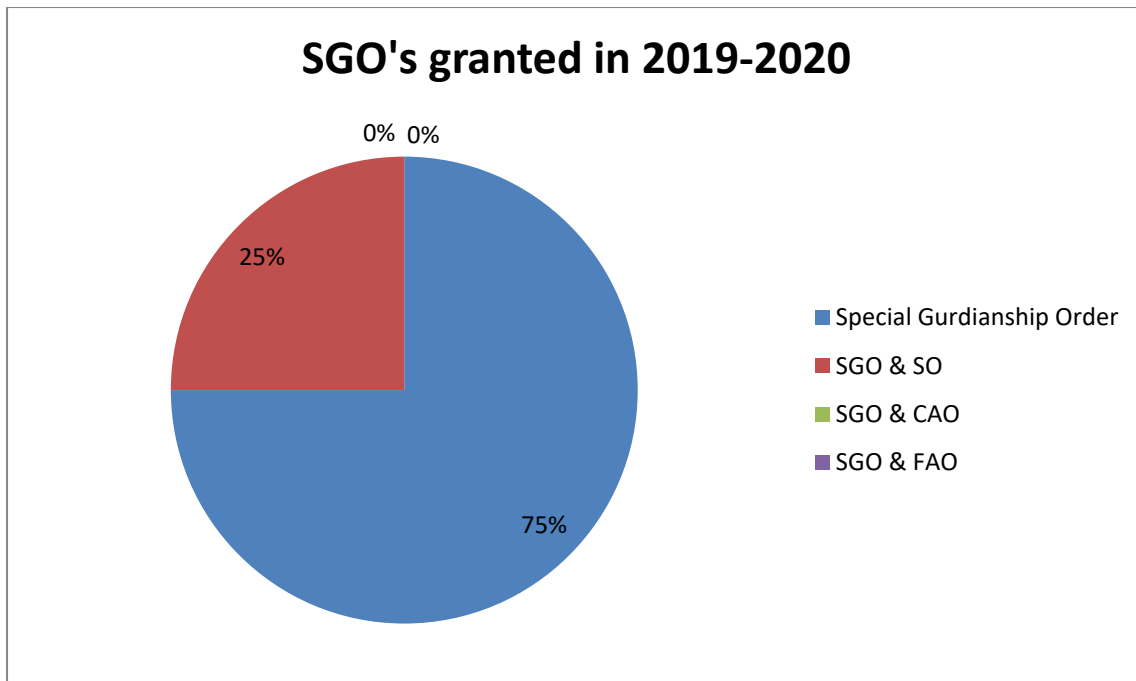
The guidance took a short time to filter into practice at Lincoln Family Court and as a result was revisited in March 2017. This guidance further recommended that save for in exceptional circumstances Family Assistance Orders and Supervision Orders should not be made in conjunction with SGOs to coerce the Local Authority to providing support to SGO holders; all details of support should be included in the SGO support plan. The guidance also suggested that if the child had not been placed with a child for an appreciable period of time, the court should make a care order at the conclusion of proceedings on the understanding that an application for an SGO would be made at a later stage rather than extending the proceedings to allow for further assessments to be undertaken.

This guidance has now been superseded by a Court of Appeal judgement in the case *Re P-S (Children)* [2018] EWCA Civ 1407.

In this case the court of appeal stated that if the assessment process *'cannot be completed justly, fairly and in a manner compatible with the child's welfare within 26 weeks then time must be extended'*. The court confirmed that the concept of a 'short term' care order (i.e. a care order made on the basis that an application to discharge

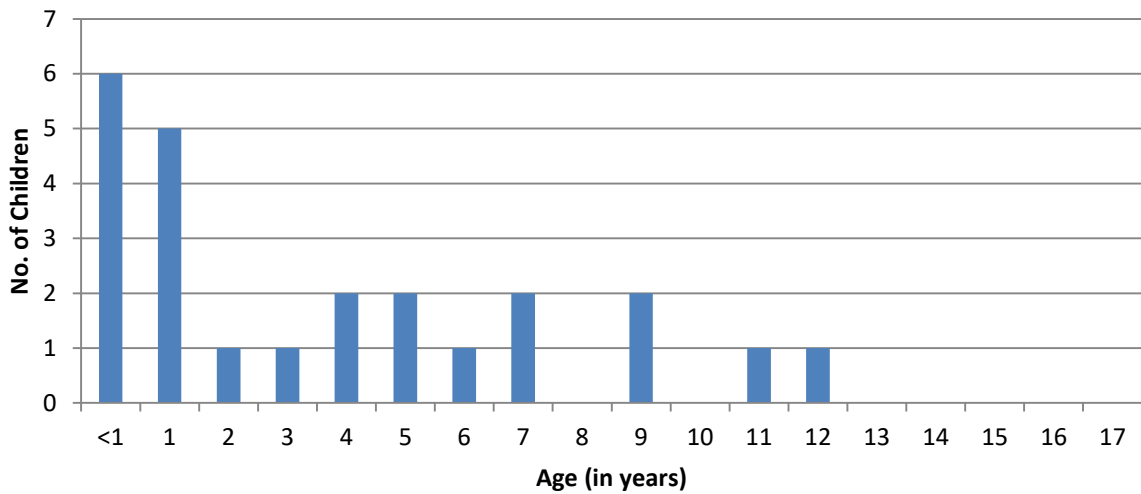
would be made in the not too distant future) did not have any legal basis and was a flawed approach.

As a result, there has now been a further change in court practice with the court more frequently permitting extensions of the 26 week timetable to accommodate further assessments of connected persons so that the court is able to make a final decision at the conclusion of proceedings as to whether a connected person is an appropriate special guardian for the child or not and indeed whether the testing out period has been for an appreciable" period. Although this has an effect on the timetable of proceedings, this thorough testing out of placements should ensure that there is not a substantial increase in the need for supervision orders or family assistance orders alongside SGOs in the future. The implications of *Re P-S* may also provide an explanation for the fall in the number of children being made subject to care orders with the care plan that they live with a family member under Regulation 24 (this being 13% in 2018/2019 and 7% in 2019/2020).



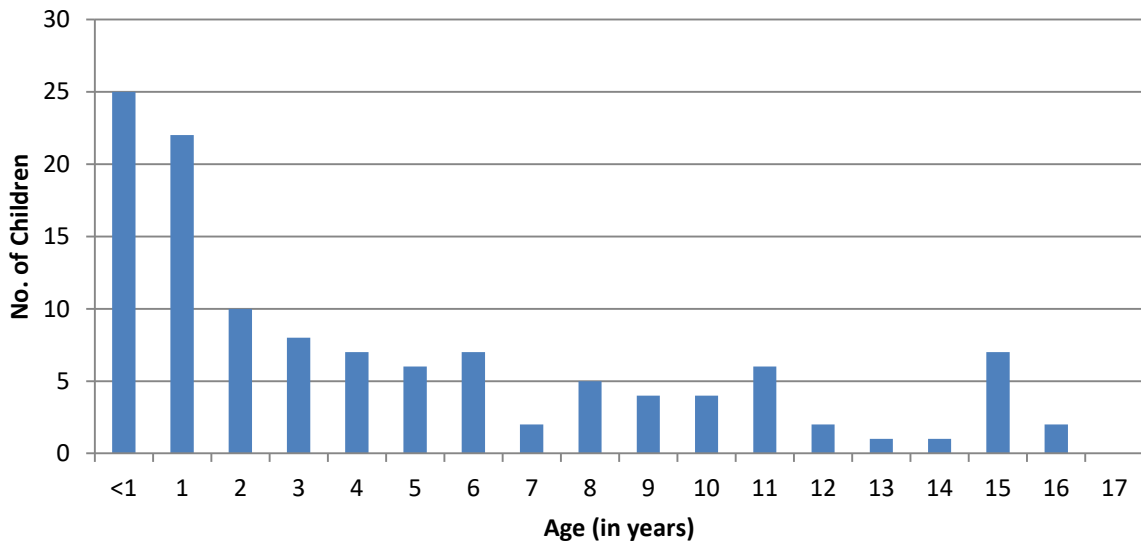
The majority of children made subject to SGOs continue to be below the age of one year with 62.5% children being under the age of 5 years. This level has remained consistent with 61% children subject to SGOs in 2018/2019 being under the age of 5 years. Had a viable family placement not been available for this cohort of children, it is very likely that the only option available would have been a plan of adoption. This therefore continues to be a positive reflection of the ability and willingness of extended family members and connected persons to care for children. In 2019/2020, no children over the age of twelve were made subject to SGOs.

Age of children that were made subject to SGO's between April 2019 and March 2020



Age of children who are the subject of care proceedings

Age of children that s.31 proceedings were concluded in respect of between April 2019 and March 2020



The totals are as follows:-

Analysis of ages:-

Age Range	Number of Children	Percentage
0 - <5 years	72	61%
5 - <10 years	24	20%
10 – 16 years	23	19%

Over half the children subject to proceedings concluded 2019/20 are of an age where a plan of adoption could be progressed if there were no viable family placements available (0 - <5 years).

Timescales for proceedings

On 22 April 2014, the Public Law Outline was enshrined in law. The focus is now on the child's timetable and the need for urgent decisions regarding their future. All s31 Children Act 1989 proceedings are to be completed within 26 weeks (except in exceptional circumstances, where proceedings can be extended by 8 weeks at a time).

The average timescales for proceedings in 2018/19 was **34 weeks**, in contrast to **42 weeks** in 2019/20. The length of proceedings has risen as a result of a number of factors, which have given rise to exceptional circumstances:

- Court availability (cases have had to be concluded outside of 26 weeks given Judicial availability)
- Increased requests for re-timetabling/further hearings
- Extended family members being identified/seeking assessment late in the proceedings (after the case management hearing to be held no later than 18 business days following issue of proceedings)
- International elements, parents or extended family living abroad, in these situations a referral to the Central Authority has to be made to assist with facilitating assessments being carried out abroad, unfortunately there are delays with the Central Authority accepting referrals which impacts on the start date for such assessments.
- Putative fathers have been identified at the eleventh hour, DNA testing has been needed together with further assessments of father's and paternal family members
- Effects of COVID-19, in particular the 'lockdown', resulting in contested final hearings that require evidence having to be adjourned. It is anticipated that the after effects of COVID-19 will continue to cause significant delays, particularly to complex cases requiring lengthy hearings, throughout 2020 and 2021.

An Internal Audit of a sample of cases exceeding 26 weeks has been undertaken, the conclusion of the audit was that the majority of delays were purposeful and constructive towards the outcome for the child however judicial and court availability accounted for a number of delays. Overview of findings for reasons for delay:-

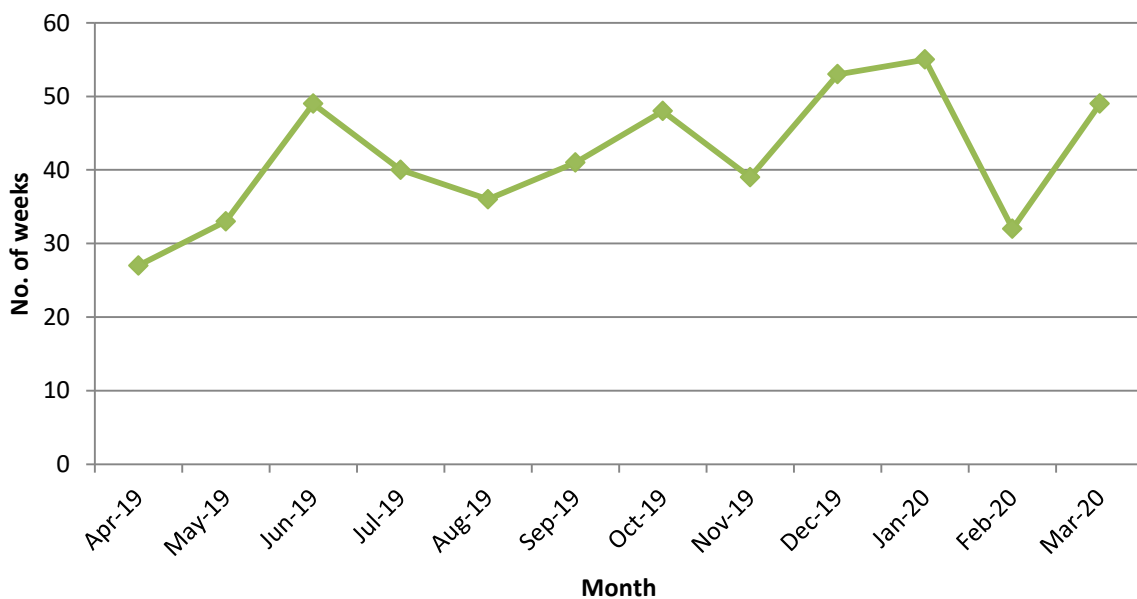
- Judicial availability (this often resulted in significant delays where longer contested hearings were required)
- Lack of adherence to guidance in regards to proposing family and friends assessments (representatives of parents)
- Parents' appeals of interim and final decisions which take a number of weeks to resolve
- Increase in delays in requests for extensions to proceedings to test out placements/contact

- Extensions due to requirement for expert assessments
- Change of circumstances for parents or current/potential carers requiring a complete change of plan during proceedings
- Not all parents were able or willing to take part in assessments despite encouragement therefore delays to accommodate further efforts to engage.
- A decline in the number of specialist experts willing to accept referrals for assessment which has resulted in increased timescales for those experts still willing to accept instructions.

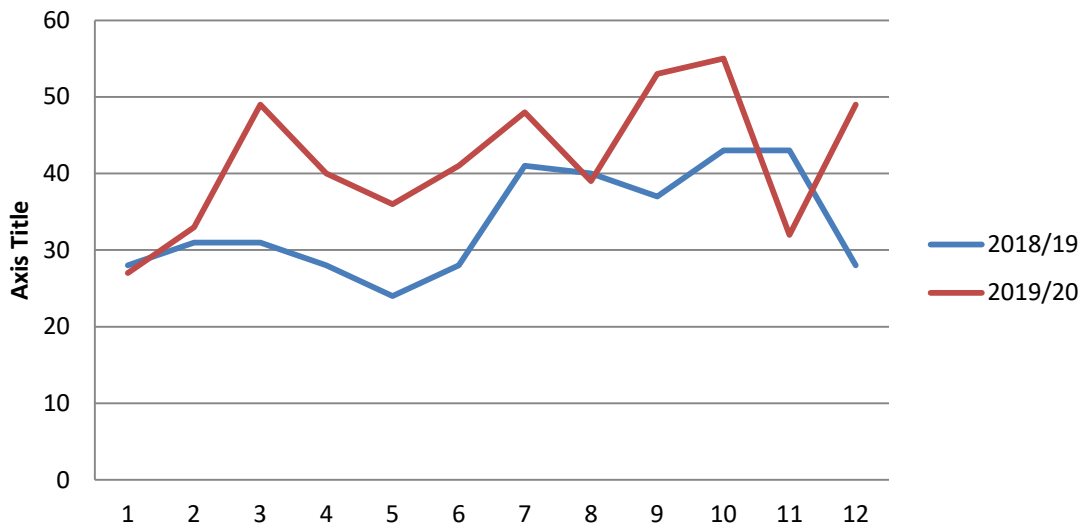
Timescales per month 2019/2020

MONTH	RANGE (IN WEEKS)	AVERAGE (IN WEEKS)
Apr-19	19-60	27
May-19	21-45	33
Jun-19	18-116	49
Jul-19	26-74	40
Aug-19	17-55	36
Sep-19	19-48	41
Oct-19	24-64	48
Nov-19	27-52	39
Dec-19	28-65	53
Jan-20	26-70	55
Feb-20	5-66	32
Mar-20	4-111	49

Average length of proceedings (in weeks) April 2019 to March 2020



Timescales for Proceedings



Comparison between 2018-2019 & 2019-2020

	2018/19	2019/20
April	28	27
May	31	33
June	31	49
July	28	40
August	24	36
September	28	41
October	41	48
November	40	39
December	37	53
January	43	55
February	43	32
March	28	49

Timescales Case Studies

Shortest case – 4 weeks concluded March 2020

This child became known to the Local Authority prior to his birth after a referral was made due to midwifery becoming aware of the risk of the child suffering Menkes Disease and due to concerns about the mother's ability to care for the unborn baby, her preparation for the birth, home conditions and understanding of the parenting role.

Menkes disease is caused by a defective gene that regulates the metabolism of copper in the body. Symptoms include extensive neurodegeneration in the grey matter of the brain, arteries in the brain may become twisted with frayed and split inner walls and the child may have weakened bones resulting in fractures. Menkes

disease is a life limiting condition and a child living with the condition would require a high level of specialist care.

The child was born prematurely at 29 weeks and three days gestation. At two weeks old the child was diagnosed with Menkes disease. Sadly, as a result of this diagnosis and his premature birth, the child required an extended hospital stay following his birth. The child's medical needs changed on a daily basis and at times it was not clear whether the child would survive. The child was found to have suffered a skull fracture and as a result was transferred to Queens Medical Centre in Nottingham. This injury was deemed to have been caused during birth. The child also received treatment for a bilateral hernia.

The Local Authority commenced the pre-proceedings process as a result of concerns being raised regarding the mother's ability to meet the child's needs when he was discharged from hospital. The mother did not regularly attend the hospital and the child was left alone for the majority of the time he was an inpatient. As a result of this hospital staff were unable to complete the necessary teaching with the mother to allow her to undertake the child's care.

As part of the pre-proceedings process, the Local Authority instructed a psychologist to prepare a report on the mother's cognitive functioning and capacity to provide consent about the child's medical treatment. This report concluded that the mother did not meet the criteria for a diagnosed learning disability but had learning difficulties. The report concluded that the mother did have an understanding of the child's needs and the capacity to consent to medical treatment.

The child was ready to be discharged in February 2020. The Local Authority did not support the child being discharged into the care of the mother due to serious concerns about her ability to meet the child's basic care and significant medical needs. As the cognitive functioning report did not deal specifically with the issue of litigation capacity, the Local Authority did not feel able to rely on the mother's S20 consent for the child to be accommodated by foster carers and the Local Authority therefore issued an urgent application for an interim care order. This order was made on 21 February 2020 and the matter was timetabled to a case management hearing. The child was discharged into the care of a specially trained foster carer.

Sadly on 23 March 2020, the child was rushed to hospital by the foster carer. It was suspected that the child had aspirated and had vomit on his lungs.

The mother and maternal grandmother were advised and travelled to hospital to be with the child.

A meeting took place on 25 March 2020 at which the ICU registrar advised it would be in the child's best interests for his breathing tube to be removed for him to be made comfortable having felt they were doing more harm than good prolonging his life. The mother agreed to this and PS and TM supported the mother's decision.

The child sadly passed away later that day. The Local Authority then sought permission to withdraw its application which was granted by the court.

Longest case – 111 weeks concluded March 2020

This child became known to the Local Authority after a referral was received from Pilgrim Hospital about suspected factitious or induced illness.

The child was presented to Pilgrim Hospital on 29 December 2017 with a history of vomiting blood. The child was admitted and clinical observations and examinations were unremarkable. Whilst on the ward, parents informed staff that the child had vomited and showed staff a blood stained baby vest. The child was started on anti-reflux medication and parents were told that sometimes vigorous vomiting can cause a small tear in the oesophagus. Against medical advice the parents discharged the child and took her to the Queens Medical Centre in Nottingham where she was admitted.

Between 3 and 18 January 2018 mother reported to staff at QMC many occasions of the child vomiting blood and produced blood stained clothing in support of this. The child was not observed by staff to vomit on any occasion and blood was not seen in her mouth when she was examined following alleged episodes of vomiting.

Over 17/18 January 2018 matters escalated as the mother and maternal grandmother requested that the child be taken to another hospital for gastroenterology review and a range of other tests. It was explained to parents that the need for this was not indicated by clinical tests. On 18 January the mother and grandmother reported the child had been unresponsive and had not fed for 12 hours. They removed the child from the ward and took her to A&E stating she had had seizures. The child was assessed and found to be a fit baby.

On 19 January 2018 a strategy discussion took place and it was agreed that a S47 investigation should be initiated. The parents and grandmother were asked to leave the hospital. The child remained in hospital until 26 January 2018. No episodes of bleeding or seizures were seen. Whilst in hospital the child had blood tests, an NG tube inserted and an upper GI endoscopy under general anaesthetic.

Testing was undertaken of a blood stained item of the child's clothing produced by the mother. This testing indicated that the blood was adult blood, not the blood of a child.

The Local Authority issued an urgent application for an interim care order which was heard on 25 January 2020. The court determined the threshold for the making of interim orders was met and the court approved the Local Authority's interim care plan that the child be discharged from hospital into the care of her paternal grandmother with parents having supervised contact. Case management hearings took place at which assessments were directed and the matter was timetabled to IRH/Final hearing

A further case management hearing was listed on 20 April 2018. The parents were late attending this hearing and the social worker contacted the paternal grandmother to see if she was aware of their whereabouts. The paternal grandmother informed the social worker that she had been to check on the child that morning and the child was gone. The paternal grandmother was brought to the hearing and gave evidence

that she did not know that the child had been taken and the parents had left a note in the child's cot. ANPR registered the father's car in Dumfries and Galloway at 4.45am that morning. It later became clear that parents had taken the child to Ireland.

On 22 April 2018, the parents took the child to a local police station in Ireland and the child was taken into foster care. Lengthy proceedings in Ireland took place including appeals to the Irish High Court by the parents and eventually following an application made by LCC under the Hague Convention, the child was returned to England on 3 October 2018 and placed in foster care.

On 3 May 2018, the Local Authority applied for an injunction to prevent the parents posting information about the child and the proceedings on Facebook and other social media sites after they posed videos online asking others to support them to 'save' their child, naming the child and giving information about the proceedings.

On 27 September 2018, the mother returned from Ireland. She was charged and convicted of an offence under the Abduction Act 1984 for removing the child from the jurisdiction. The mother received a custodial sentence.

The Local Authority completed parenting assessments of the parents which were negative due to the issues of factitious illness. The parenting assessments also highlighted the mother had a significant history of mental health difficulties including self-harm attempts which had resulted in the mother being admitted to secure psychiatric hospitals under the Mental Health Act. The Local Authority completed viability assessments of the maternal grandmother which was negative. The initial viability assessment prepared on the paternal grandmother was positive however the LA did not complete any further assessment following her involvement in the child's abduction to Ireland. As a result the Local Authority issued an application for a placement order.

The matter was listed for a contested hearing with a time estimate of 15 days due to begin in February 2019. This hearing was adjourned after the mother dispensed of her legal team and was listed to commence on 24 June 2019 after the mother was released from prison. The final hearing took over 50 days of court time in total and was adjourned on a number of occasions due to applications made by the mother and maternal grandmother for adjournments due to ill health, problems with their legal teams and other matters.

In September 2019 the maternal grandmother informed professionals that she had discovered the paternal grandfather had indecent images of the mother as a child and other children on his computer hard drive. The maternal grandmother stated she was unaware of these images being taken or existing when the mother was a child. The maternal grandparents separated.

The court heard live evidence from over 40 witnesses. The oral hearing concluded on 23 January 2020.

A written judgement was handed down on 10 March 2020. The court made findings that the mother had fabricated the bloody vomits and other symptoms the child was said to have suffered and therefore the child was subject to unnecessary medical procedures and therefore suffered significant harm. Findings were made against the

maternal and paternal grandmothers that they assisted the parents in taking the child to Ireland. Further findings were made against the maternal grandmother prioritised the relationship with the maternal grandfather over protecting the mother and her grandchildren from possible sexual abuse. The court made care and placement orders on 10 March 2020.

Pre-proceedings Initiatives

The PLO emphasises the importance of Local Authorities 'front-loading' care proceedings. This means that wherever possible assessments and investigations should be completed before proceedings are issued to avoid the proceedings continuing beyond the 26 weeks.

Before proceedings are issued local authorities need to consider if the case could be diverted away from proceedings by meeting with parents to discuss what we are worried about in relation to the children's care and seeking their co-operation with work designed to prevent the children suffering significant harm. Parents are entitled to free legal representation at the meeting.

Lincolnshire County Council has innovated two initiatives to focus on cases where proceedings can be reduced in length by work done during the pre-proceedings cases.

Cafcass+

Cafcass+ was a pre-proceedings initiative involving Children's Services, Cafcass and parents and applies to unborn babies only. Parents' consent is needed to proceed with Cafcass+. A Family Court Adviser was appointed the case and attended the pre-proceedings meeting; the objectives were to divert cases away from proceedings where possible and when proceedings were necessary to ensure that assessments are carried out pre-birth to ensure there is no delay in the child's welfare interests.

Unfortunately, this scheme has now been suspended. Initially this suspension was put in place in May 2019 due to staffing difficulties within Lincolnshire CAF/CASS. The scheme has now however been indefinitely suspended after members of the judiciary raised concern about the legality of similar schemes in other Local Authority areas. It should be noted that concerns were not raised about the Lincolnshire scheme specifically however CAF/CASS implemented a nationwide review about projects after the criticism in other areas.

Whilst the formal CAF/CASS+ project is not currently running, Lincolnshire social work teams continue to implement the associated protocol to commence pre-proceedings and undertake necessary assessments prior to birth in accordance with the spirit of CAF/CASS+. This objective of this is to try and ensure cases can either be diverted from proceedings promptly or there is sufficient evidence to support an application to court following the baby's birth.

PSMIP (Parental Substance Misuse Intervention Programme)

The PSMIP programme is a pre-proceedings initiative involving a number of different agencies, but notably Children's Services, We Are With You (formerly Addaction) and housing authorities. This is a Lincolnshire County Council pilot project which has been initiated as a result of recommendations by the President of the Family Division which have been based on the success of the of the Family Drug and Alcohol Court.

The aim of the programme is to provide co-ordinated multi-agency services for parents whose children are at risk of removal from their families where one of the significant things that we are worried about is the effect of parental drug or alcohol misuse on the safety of the children in the household.

The main objective of the programme is to reduce the risk to the children in these families whereby it is safe for them to remain with, or be reunified with, their parent and thus divert cases away from care proceedings. The secondary objective is that if the programme is not successful and care proceedings are necessary, the case will have been frontloaded and evidence gathered during the programme can be used to support an application in care proceedings and complete the case at an early final hearing.

2. Conclusion

- a) Within the reporting period, we have seen a slight decrease in the number Care Proceedings issued.

In 2018/2019 156 applications were issued in respect of 184 children.

In 2019/2020 142 applications were issued in respect of 157 children

This equates to a decrease of 14 applications and so a decrease of 8.9 %.

This equates to a decrease of 27 children/young people and so a decrease of 44 %.

In respect of the 157 children, the applications comprised of 142 applications for Care Orders and 15 applications for Supervision Orders.

- b) Care Proceedings were concluded in respect of 119 children.

- c) There has been a rise in Supervision Orders being granted.

In 2018/2019 12 Supervision Orders were granted.

In 2019/2020 22 Supervision Orders were granted.

10 more orders were granted and this equates to an increase in these orders of 83%

- d) The use of Special Guardianship Orders has reduced.

In 2019/2020, the number of children placed under Special Guardianship decreased.

In 2018/2019 41 Special Guardianship Orders were granted.
In 2019/2020 18 Special Guardianship Orders were granted.

23 less orders were granted and this equates to a decrease in these orders of 56%

e) The use of Placement Orders has dropped.

In 2018/2019 27 Placement Orders were granted.
In 2019/2020 22 Placement Orders were granted

5 less orders were granted and this equates to a decrease in these orders of 18 %

The decrease in figures is perhaps reflective of the use of pre-proceedings securing outcomes for children outside of proceedings and this also correlates with the increased number of Supervision Orders under which children will remain in the care of their parents.

In 2019/2020 the number of cases concluded has reduced as compared to the number of cases that concluded in 2018/2019 in that a decrease of 22% has occurred, indicative of additional factors impacting upon cases.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

N/A

b) Risks and Impact Analysis

N/A

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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