

HAMPSHIRE COUNTY COUNCIL

Agenda Item: 5

Presentation

Committee/Panel:	Children and Families Advisory Panel		
Date:	2 February 2016		
Title:	The Role of Social Workers in the Family Court		
Reference:	7269		
Report From:	Director of Children's Services		
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hampshire
legal services

Role of Social Workers in the Family Court

- Nicola Thomas
- Sue Kocaman

GENERAL KEY PRINCIPLES

Social Workers approach to families:

- To safeguard and promote the welfare of the child.
- To avoid or minimise delay in decision making.
- Non-intervention or no order unless the welfare of the child demands it.
- The child's wishes and feelings to carry weight where appropriate
- Partnership between parent and state where possible

- From a Public Law Point of View

- Best place for a child to be brought up is in their own family
- LA should support family to do that
- State should only intervene if the “threshold criteria” are met

SO

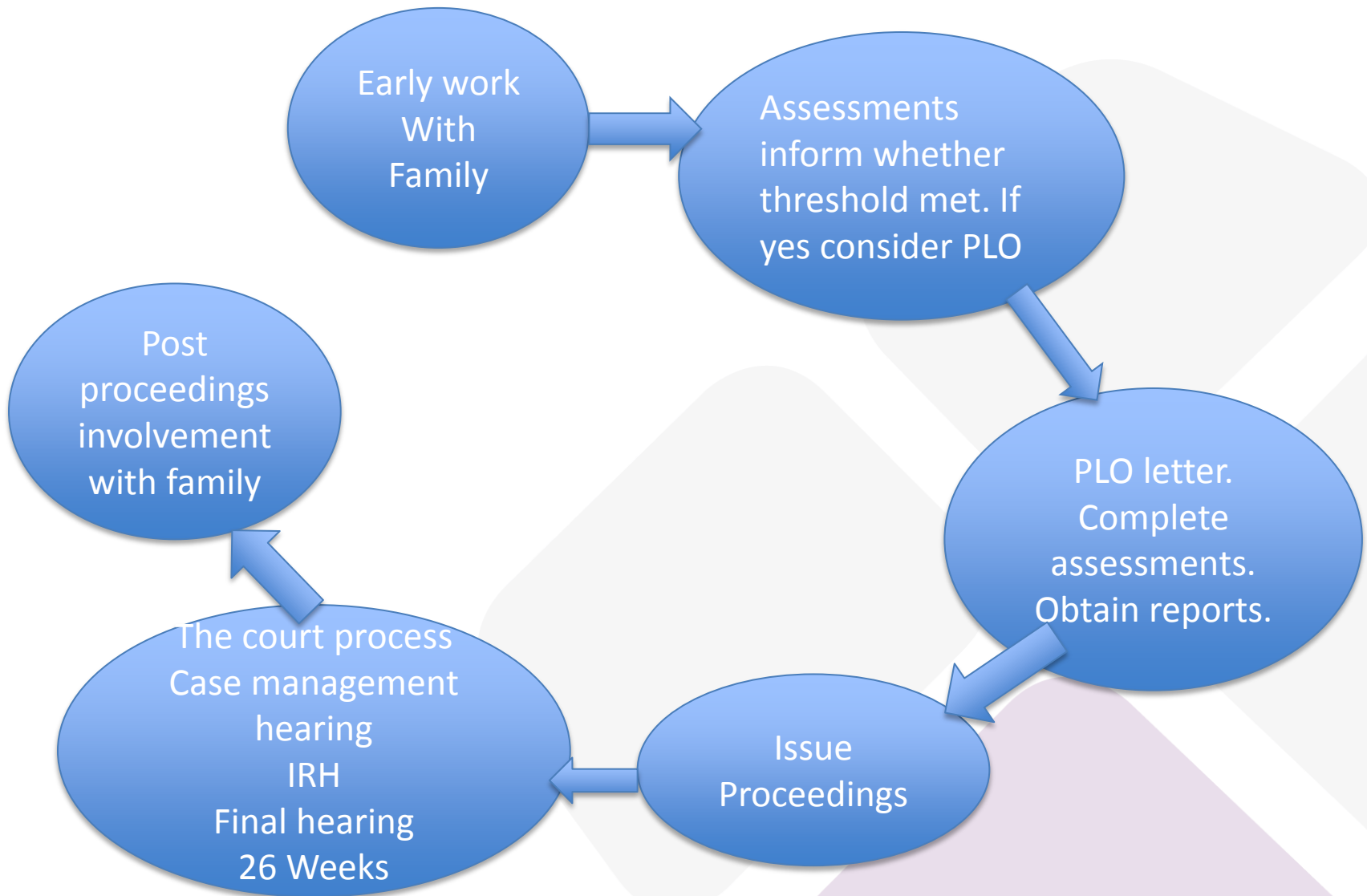
- Social Workers have to comply with statutory requirements and
- Social Workers to always act fairly, reasonably, proportionally and rationally and keep records to prove it
- Remain up-to-date with professional thinking and practice

- Social Workers have support through:
 - SUPERVISION
 - A SUPPORTIVE TEAM OF EXPERIENCED SOCIAL WORKERS
 - CLEAR STANDARDS OF PROFICIENCY
 - THE HEALTH AND CARE PROFESSIONS COUNCIL TO ADVISE IF NECESSARY

THE ROLE OF THE SOCIAL WORKER

- “... the intention is to reposition social workers as trusted professionals playing the central role in Care Proceedings”

The Life Cycle of Care Proceedings



THE REVISED PUBLIC LAW OUTLINE – A TIME OF SIGNIFICANT CHANGE

- Increasing efficiency
 - “Front loading” with assessments completed before the case is brought to court
- Reducing cost
 - Tighter control
 - Reducing role of experts
- Increasing expectation
 - On the social worker and Local Authority
- Reducing delay
 - 26 week timetable

“Entering PLO”

- The start of the legal process
- Threshold met: interventions unsuccessful.
- The decision taken at senior manager level with legal advice (In Hampshire at a Legal Strategy Meeting (LSM)).
- Identification of additional evidence required e.g. cognitive function/hair strand testing
- Send out PLO letter
- Hold PLO meeting

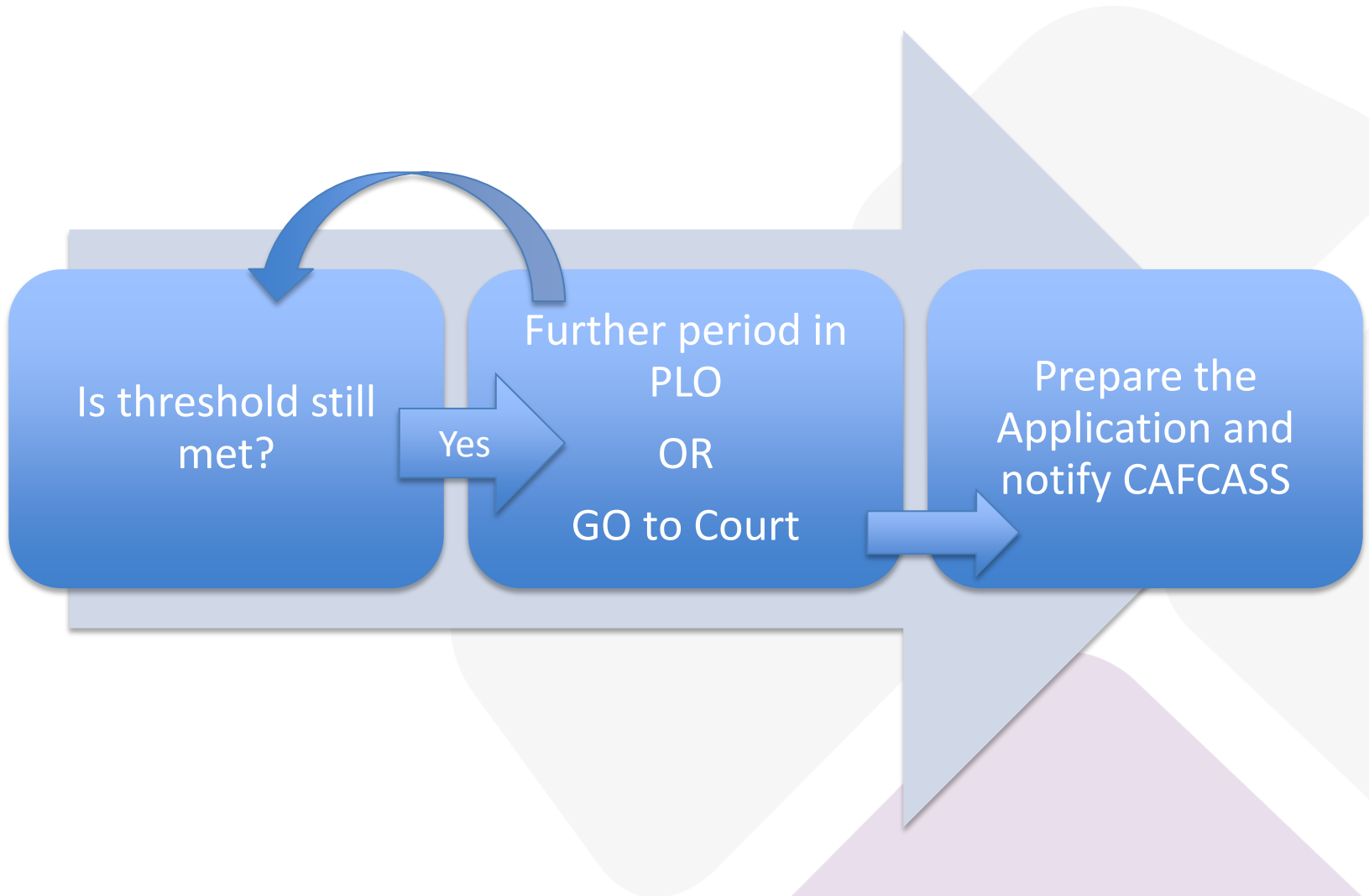
The Social Worker in PLO process

- Ensures all assessments are up-to-date
- Obtains reports from other agencies
- Considers expert reports/tests as they come in
- Ensures alternative family members have been fully explored and assessments completed/commissioned
- Consider whether any other support/intervention appropriate and if yes, implement

HAMPSHIRE AND THE PLO PROCESS

- Children Looked after 1324
- Subject to PLO process 342
- 29% successfully discharge PLO process without need for care proceedings

At the PLO Review



DOCUMENTS NEEDED TO APPLY TO COURT – ‘THE ANNEX DOCUMENTS’

- The C110A
- The Social Worker’s Statement
- Care plan
- Assessments including
 - Single assessment or (Court) core assessment
- Third party reports
- Threshold statement
- Index of Checklist documents

STATEMENTS

General (1)

- The rules
 - Contain the substance of the oral evidence which the party intends to adduce which contains a declaration of truth and is signed
 - Set out the case for the Local Authority
 - Duty of the Local Authority to be objective, fair and balanced cannot be over emphasised
 - Planned and analyses and explains the evidence and decision making

STATEMENTS General (2)

- When?
 - With the Local Authority's application (Initial)
 - When advised to write one during the proceedings – usually when something significant happens (e.g. an incident requiring removal).
Number the statement i.e. 'Second' or 2 depending on standard format used.
 - At the end of the case (Final)

A Quick look at Evidence

- Evidence is information LA rely on
- The Court is only interested in evidence that is relevant
- Evidence can be
 - Physical
 - Documentary
 - Circumstantial
- The best evidence is provided by the person to saw/heard/made it

THE S31A CARE PLAN

EXPLAINING YOUR PLACEMENT DECISION

- Outlines B-S analysis
 - The Court is obliged to do so
 - Particularly important in Final Care Plans where the CP is for adoption
 - Needs careful consideration, whatever the option, if the plan is for removal from parents
- Considers range of options
- Looks at contact

DURING THE PROCEEDINGS

- **Continue to**
 - Review
 - Assess
 - Plan
 - Keep the child at the heart of your thinking
 - Updating chronology
- Information to inform and evidence final care planning and statement.

- From a Public Law Point of View

- Best place for a child to be brought up is in their own family
- LA should support family to do that
- State should only intervene if the “threshold criteria” are met

THE THRESHOLD

- Section 31 (2) Children Act

“A court may only make a care or supervision order if it is satisfied:

- the child concerned is suffering or is likely to suffer significant harm; **and***
- that the 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 no made, not being what it would be reasonable to expect a parent to give him; or*
 - the child’s being beyond parental control*

- Is a question of

- Law – the Courts have considered this many times
- Fact and Evidence – the information we put before the Court

THE SECOND ELEMENT

- 'DISPOSAL'
- The challenge isn't just to prove 'threshold' but to evidence that the plan for the child is the right one to meet his needs in the future.
- How the other principles of the Children Act determine the outcome of the case
 - The No Order Principle
 - Article 8

Evidence & Judgments

- When a statement is provided to Court, that individual is obliged to be available for cross examination
- Professional rules of conduct
- Decision of case lies with Judge who balances all the evidence heard
- Transparency & Publication of judgments

HAMPSHIRE AND COURT PROCEEDINGS

- Pioneering on processes
- 26 weeks data

