

Establishing outcomes for children subject to care proceedings before and after care proceedings reform

This was an ESRC-funded study (ES/M00854/1) of care proceedings before (2009-10) and after (2014-15) the reforms in the Children and Families Act 2014 and their outcomes for the children subject to them after 1 year (and 5 years for the before sample).

The aim was 1) to examine the process of care (child protection) proceedings and the orders granted for two random samples of c 300 children subject to these proceedings before (S1) and after (S2) major legal reforms intended to streamline and shorten proceedings. The samples were selected from 6 (anonymous) local authorities, 5 in Southern England and 1 in Wales. Permission to collect these data was given for S 1 in 2010 by Her Majesty's Court and Tribunal Service Data Access Panel and by the President of the Family Division. For S2 the consent of HMCTS was not required data collection was allowed by Cafcass in England and the local authority in Wales; the President of the Family Division gave consent in accordance with the Family Procedure Rules 2010, Practice Direction 12G on 23/7/15. These data are recorded in a child level SPSS database.

2) to establish children's post court outcomes and the utility of Department for Education Administrative data for this by linking data collected above to administrative data relating to children's social care. Linkage to Administrative data was achieved using deterministic methods with the permission of the Department for Education Data Management Access Panel. Administrative data were provided for the England sample by the Department for Education from the Looked After Children (LAC) and Children in Need (CiN) databases and, for the Wales sample, by the local authority sharing equivalent data it deposited with the Government of Wales. These data covered the period 1st April 2009 to 31st March 2016. For S1 children this covered a period of approximately 5 years after proceedings ended; for S2 children the period was approximately 1 year after the proceedings ended. These data cannot be deposited but key variables derived from them are included in the SPSS database.

3) to capture the qualitative information about the child's progress and well-being, that is not available through the DfE data, one year (T1) and 5 years (T2) after the proceedings ended. This included information about the care plan, the reasons for any changes of plan or placement (reasons for placement changes have only been requested in the SSDA903 returns since 2015-16), family contact (birth parents, siblings, other relatives), services and support needed or supplied, the child's physical and mental health, and behavioural and emotional wellbeing (SDQ scores are not available for children who are not in care, and not always supplied for those who are). Access to local authority files was with the permission of the local authorities participating in the study. In each local authority 10 files were selected from each sample; the selection criteria were their age at the end of proceedings and the order made in proceedings. Researcher ratings were made for children's wellbeing as explained below. Data from these files was extracted and recorded in an SPSS data base.

4) These quantitative datasets are supplemented by 1) interview data collected in 2016-17 from local authority managers and lawyers in each local authority in the Study, exploring policies and practices relating to care proceedings, care plans, assessment of carers and provision of services. 2) focus group data from focus groups in 2018 with judges who hear care proceedings. This material is in a NVivo database.

5) Quantitative data on court outcomes was supplemented by identifying any further proceedings up to November 2017 relating to the children in the Cafcass cms and e-cms databases (these data were not available for Wales).

NB The S1 data was collected under ESRC Grant RES 062-23-226 at case level and deposited with associated interview material **Persistent identifier:** 10.5255/UKDA-SN-851380

Methodology

The project used mixed methods and combined 1a) data collected for the Edge of Care study, in the form of a retrospective study of local authority legal department files 1b) a similar retrospective study of local authority legal department files accessed electronically through the Cafcass database; 2) linkage to administrative social care data; 3) a file study of a selected sub-sample 4) qualitative interviews with professionals; 5) a study of re-applications to the court.

The study was conducted in 6 local authorities in England and Wales (2 shire counties; 2 London boroughs and 2 unitary authorities).

The data cover 290 children from 170 families subject to care proceedings in 2009-10(S1) and 326 children from 203 families subject to care proceedings in 2014-15 (S2). 54 interviews were conducted with senior Children' Services Staff and Local Authority Solicitors from Study Areas.

- 1) **Court data:** Data were collected on a recording schedule by trained researchers from legal department files for cases initiated during 6 months of 2009 and 9 months of 2014/15. The files contained notes of advice given by LA lawyers, minutes of legal planning meetings, the letters before proceedings (LbP), minutes of pre-proceedings meetings (PPM) etc, and court documents, including statements, assessments, directions and orders. Data were entered into a database for analysis using SPSS. Cases were sampled randomly to obtain a sample of 30-40 in each LA. Details of the sampling proportions for each local authority are included in table 1 below.
A list of abbreviations, data dictionary and syntax for additional derived variables have been uploaded.
- 2) **Administrative data:** Children identifiers used in annual social care data returns were obtained from Local Authority Children's Services based on information supplied by the researchers (DOB, gender). For children identified, the Department for Education extracted selected variables from the SSDA 903 *Children Looked After* and the *Children in Need* (CiN) databases of the National Pupil Database (NPD). The researchers derived variables combining information from court data (see 1 above), episodes in care and CiN episodes. The critical court data information were dates of s.31 application and date of end of proceedings.
- 3) **File study:** To assess various dimensions of the child's wellbeing, the researchers used a rating scale devised by Elaine Farmer and Eleanor Lutman, for their study on working with neglected children and their families (Farmer and Lutman, 2012). Using their guidelines, we made researcher ratings of the child's health, educational progress, educational and behavioural difficulties, peer relationships, relationships with current carers, relationships with birth parents if the child was not living with them, social skills and social interaction. There was also an 'overall child wellbeing' category, with ratings 'good', 'satisfactory', 'poor' and 'very poor'. This overall category was rated by the field researcher and the two investigators, independently, and an agreed rating decided. (There was in fact very little disagreement about the ratings: in only four cases did the three researchers each give a different rating, and these were easily clarified in discussion afterwards).
Pro-forma and value labels for the file study data collection have been uploaded.
- 4) **Qualitative Interviews:** In each LA, qualitative in-depth interviews were conducted to explore informants' understanding and experience of changes in care proceedings after the introduction of the PLO. Table 2, below, lists interviewees by job type and local authority. All interviews were audio recorded and transcribed for analysis using NVivo11. A list of topics for the interviews has been uploaded.
- 5) **Re-applications study:** Data were extracted from the Cafcass databases about any subsequent public or private law applications that the sample children were made subject to. Information

was collected about the type of application, date of application, other subject children not involved in the original care proceedings, legal outcome and date of case closure. The data are appended to the SPSS court datafile.

Table 1: Sample and sampling percentages

Sample	Local Authority	A	B	C	D	E	F	TOTAL
S1	N s.31 cases in sample period	53	41	33	55	39	13	234
	(sample)	(30)	(30)	(30)	(33)	(34)	(13)	(170)
	Sample percentage	57%	73%	91%	60%	87%	100%	73%
S2	N s.31 cases in sample period	101	35	31	79	73	20	339
	(sample)	(40)	(30)	(31)	(40)	(42)	(20)	(203)
	Sample percentage	40%	86%	100%	51%	58%	100%	60%

Table 2: Interview sample

LA1	LA2	LA3	LA4	LA5	LA6	
Adoption Manager	Care Proceedings Manager	IRO1	Consultant SW1	Family Support anager	Family Support Manager	
LAS1	IRO1	IRO2	Consultant SW2	IRO1	IRO	
LAS2	LAC Practice Manager	IRO3	Fostering TM	IRO manager	LAS	
Principal SW	LAS1	Supervising lawyer	IRO1	IRO 2	Consultant SW	
SW TM1	LAS2	TM1	LAS	LAS Senior Solicitor	Safeguarding Manager	
SW TM2	Permanency Service Manager	Corporate parenting	Principal SW	Service Manager Permanence	Fostering TM	
SW TM3	Principal SW	Post permanency TM	Through care Manager	TM Child Protection	IRO2	
LA IRO 1	Safeguarding and support lead	Dep Director LAC	IRO2		Edge of care TM	
	SG Assessment Manager		Adoption Manager + Kinship Manager		LAC Service Manager	
	IRO2		Consultant SW3			
	Adoption TM					
	LAC practice manager 2					9
8	12	8	10	7	9	54
		(11 staff)				55 staff