

Hon Ald John A. M. Hemming, MA (Oxon), MP – Chairman Justice for Families
Presentation

Child Protection System

- A complex system from end to end
- Dealing with a wide range of situations

Lots of Acronyms and Abbreviations

SSDA903, BV163, PAFC23

Part 8 SCR, S31 (2)

JAR, ICS

What it should be about is doing the best for children

This, however, is skewed by KPIs (Key Performance Indicators)

Councils are motivated in part by the Audit Commission

Birmingham lost a star

In Part because of insufficient adoptions from Care

Statistics do matter, but they need to be done on a valid basis.

Children looked after who were taken into care for the first time during the year ending 31 March 1995 by age when first taken into care and by reason for ceasing to be looked after or placement at 31 March 2006^{1,2,3,4,5,6}

England

numbers

	Reasons for ceasing to be looked after										Still looked after at 31 March 2006						
	All Children	Returned to parents	Adopted	Died	Independent living	Residence order granted	Transferred to adult care	Moved to care of another authority	Other reasons (unspecified)	Reason unknown ⁴	Foster Care	Placed for adoption	Placed with parents	Independent living	Children's Homes	Other accomodation	Changed to respite care
All Children^{1,2}	5,500	120	590	20	170	-	20	20	300	3,600	460	10	-	60	80	40	-
Age when first taken into care³																	
Under 1 month	430	10	150	-	0	0	0	-	-	230	20	-	0	-	-	0	0
From 1 months to under 2 months	120	-	30	-	0	-	0	0	-	60	10	-	0	-	-	0	0
From 2 months to under 3 months	100	-	20	-	0	0	0	0	-	60	10	0	0	0	0	0	0
From 3 months to under 4 months	90	-	20	0	0	0	0	0	-	50	10	0	0	0	0	0	0
From 4 months to under 5 months	70	0	20	0	0	0	0	0	-	50	-	0	0	0	-	0	0
From 5 months to under 6 months	60	-	10	0	0	0	0	-	0	40	-	0	0	0	-	0	0
From 6 months to under 9 months	160	-	30	-	0	0	0	0	-	110	20	0	0	-	-	0	0
From 9 months to under 1 year	150	0	40	0	0	0	0	-	-	90	20	0	0	-	-	0	0
Under 1 year total	<u>1,180</u>	<u>10</u>	<u>320</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>690</u>							
From 1 years to under 2 years	480	10	80	-	0	0	0	-	-	300	60	-	0	10	-	0	-
From 2 years to under 3 years	450	20	70	0	0	-	0	0	10	270	70	0	0	10	10	0	-
From 3 years to under 4 years	390	10	40	-	0	-	0	0	10	230	70	-	-	10	20	0	0
From 4 years to under 5 years	370	10	40	0	-	-	0	-	-	200	90	0	0	10	20	-	0
From 5 years to under 6 years	290	10	20	-	-	0	0	-	-	150	60	0	0	10	10	20	0
From 6 years to under 7 years	280	10	-	-	20	-	-	0	40	140	30	-	0	-	10	20	0
From 7 years to under 8 years	240	10	-	-	40	0	-	0	60	130	0	0	0	0	0	0	0
From 8 years to under 9 years	250	10	-	-	40	0	10	-	60	130	0	0	0	0	0	0	0
From 9 years to under 10 years	240	10	-	0	30	0	-	0	40	150	0	0	0	0	0	0	0
10 years and over	1,400	10	-	0	30	0	-	10	50	1,300	0	0	0	0	0	0	0

Children looked after who were taken into care for the first time during the year ending 31 March 2004 by age when first taken into care and by reason for ceasing to be looked after up to 31 March 2007 or placement at 31 March 2007^{1,2,3,4}

England

numbers

	Reasons for ceasing to be looked after											Still looked after at 31 March 2007						
	All Children	Returned to parents	Adopted	Died	Independent living	Residence order granted	Special guardianship	Transferred to adult care	Moved to care of another authority	Sentenced to custody	Other reasons (reason not stated)	Foster Care	Placed for adoption	Placed with parents	Independent living	Children's Homes	Other accommodation	Changed to respite care
All Children^{1,2}	7,600	2,200	1,500	20	90	90	30	10	90	-	940	1,800	170	330	30	170	30	-
Age when first taken into care																		
From 0 to 7 days	580	90	360	-	0	-	-	0	10	0	50	40	10	20	0	0	0	0
From 8 to 14 days	260	50	120	-	0	-	-	0	10	0	40	20	10	10	0	0	0	0
From 15 to 21 days	110	30	60	0	0	0	0	0	-	0	10	-	-	-	0	0	0	0
From 22 days to under 1 month	110	20	60	-	0	0	-	0	0	0	10	10	-	-	0	0	0	0
Total 1 month	1,060	190	600	0	0	0	0	0	20	0	110	70	20	30	0	0	0	0
From 1 months to under 2 months	190	50	80	-	0	-	0	0	-	0	20	20	10	10	0	0	0	0
From 2 months to under 3 months	110	30	50	-	0	-	0	0	0	0	10	10	-	10	0	0	0	0
From 3 months to under 4 months	110	30	40	-	0	-	-	0	-	0	20	10	10	-	0	0	0	0
From 4 months to under 5 months	100	30	40	0	0	0	-	0	-	0	10	10	10	-	0	0	0	0
From 5 months to under 6 months	90	30	20	0	0	-	-	0	-	0	20	-	-	-	0	0	0	0
From 6 months to under 9 months	200	60	70	0	0	10	-	0	-	0	20	20	10	10	0	0	0	0
From 9 months to under 1 year	170	60	60	0	0	-	-	0	-	0	20	20	-	-	0	0	0	0
Total babies (under 1 year)	2,140	500	1,020	0	0	10	0	0	20	0	240	170	60	60	0	0	0	0
From 1 years to under 2 years	580	170	170	-	0	-	10	0	10	0	80	90	30	20	0	0	0	0
From 2 years to under 3 years	540	180	130	-	0	10	-	0	10	0	70	100	20	20	0	0	0	0
From 3 years to under 4 years	500	170	90	-	0	10	-	0	10	0	70	110	20	30	0	0	-	0
From 4 years to under 5 years	440	140	80	0	0	-	0	0	-	0	50	130	10	20	0	-	0	0
From 5 years to under 6 years	390	110	40	0	0	-	-	0	10	0	40	140	10	20	0	10	0	0
From 6 years to under 7 years	360	110	20	0	0	10	0	0	-	0	40	150	10	20	0	-	0	0
From 7 years to under 8 years	350	100	10	0	0	-	-	0	-	0	40	180	-	10	0	10	0	0
From 8 years to under 9 years	340	110	10	0	0	-	0	0	-	0	40	150	-	20	0	10	0	0
From 9 years to under 10 years	340	90	-	0	0	-	-	0	-	0	30	160	0	20	0	20	-	-
10 years and over	1,700	620	-	-	90	-	-	10	10	-	260	430	0	90	30	120	20	-

1. Source: Figures are taken from the SSDA903 return.

2. Figures exclude children looked after under an agreed series of short term placements.

3. Historical data may differ from older publications. This is mainly due to the implementation of amendments and corrections sent by some local authorities after the publication date of previous materials.

4. National figures have been rounded to the nearest 100 if they exceed 1,000 and to the nearest 10 otherwise, with the exception of numbers from one to five inclusive which for confidentiality purposes have been replaced by a hyphen (-). Where any number is shown as zero (0), the original figure submitted was zero (0). It has been necessary to suppress other figures whenever it would be possible to calculate the value of a suppressed number by means of simple arithmetic. The rule applied in these circumstances has been to suppress the next smallest data item provided its value is strictly less than 20.

Children Looked After who were placed for adoption during years ending 31 March 2000 to 2008 and who subsequently returned to a non-adoptive care placement in the same Local Authority^{1,2,3}

England	Year ending 31 March									numbers
	2000 ⁴	2001 ⁴	2002 ⁴	2003 ⁴	2004 ⁵	2005 ⁵	2006 ⁵	2007 ⁵	2008 ⁵	
Children placed	120	250	220	170	210	160	140	80	80	

Note. We cannot know what has happened to the children adopted in later years as Adoptions fail over a period of years rather than immediately.

Furthermore this only applies to adoptions within the same local authority. If a child Returns to care in another authority then this is not recorded.

More research is needed.

Scotland – a Social Science Control Experiment

Table 2.6: Number of children ceasing to be looked after, by destination and age, 2000-2006

Age	Destination after leaving care	Children ceasing to be looked after in year ending 31st March....						% of totals	
		2000	2001	2002	2003	2004	2005	2006	2006
Under 1	Home with parents	61	29	60	49	82	55	55	65
	Friends / relatives	7	5	6	7	10	7*		5
	Adoption	14	8	6	5	10	5	6	7
	Supported accommodation / o*	*		0	0	0*	*		0
	Other	33	34	5	9	3*		19	23
	unknown						22	0	0
	Total		117	78	78	70	105	93	84
1-4	Home with parents	518	369	410	382	444	238	318	65
	Friends / relatives	44	30	65	61	71	36	57	12
	Adoption	36	44	50	49	73	53	47	10
	Supported accommodation / o*	*		0*		0*		0	0
	Other	89	156	110	80	35	29	68	14
	unknown						138	0	0
Total		689	600	635	573	623	496	490	100
5-11	Home with parents	839	749	698	726	724	518	596	70
	Friends / relatives	61	69	84	103	106	72	91	11
	Adoption	35	17	30	48	72	51	54	6
	Supported accommodation / o	13	6*	*	*	*		0	0
	Other	191	283	126	136	70	32	109	13
	unknown						214	0	0
Total		1140	1124	943	1015	977	888	850	100

Scotland Page 2

12-15	Home with parents	877	856	983	850	867	591	624	75
	Friends / relatives	57	76	110	87	62	57	76	9
	Adoption	0	4	3	4	44	3	8	1
	Supported accommodation / c	23	33	10	5	21	6	13	2
	Other	417	424	175	156	69	41	109	13
	unknown						209	0	0
	Total	1374	1393	1281	1102	1063	907	830	100
16+	Home with parents	642	718	770	741	784	582	596	53
	Friends / relatives	76	114	75	74	96	83	97	9
	Adoption	0	0*	*		11	5	5	0
	Supported accommodation / c	159	302	208	187	188	173	190	17
	Other	245	410	210	267	175	95	234	21
	unknown						242	0	0
	Total	1121	1545	1264	1274	1253	1180	1122	100
TOTAL ¹	Home with parents	2938	2721	2922	2748	2902	1984	2189	56
	Friends / relatives	246	294	340	332	345	256	325	8
	Adoption	85	74	90	111	210	117	120	3
	Supported accommodation / c	198	343	223	194	213	183	203	5
	Other	975	1308	626	649	352	200	539	14
	unknown						826	506	13
	TOTAL	4441	4740	4202	4034	4021	3566	3882	100

Note: Table excludes children who are on a planned series of short term placements.

¹ 2005 and 2006 totals includes destinations of children with unreported ages and therefore do not equal the sum of the parts above.

In years 2000 - 2004 children with unknown destinations were allocated to a group rather than being presented as 'unknown'.

In 2000 to 2004 some totals do not exactly equal the sum of their component parts due to the effects of rounding.

East Renfrewshire, Scottish Borders and Midlothian did not provide 2006 information in time for inclusion. 2004-05 figures for these authorities have been incorporated.

South Lanarkshire and Edinburgh did not provide this information in 2006 and the total number of children ceasing to be looked after in those authorities have been entered as zero.

A child may cease to be looked after more than once during the year and will be counted once for each episode of care ending.

Trend summaries from previous pages

	1995	2004
All taken into care	5500	7600
Taken into care under 1 month	430	1060
Taken into care under 1 year	1180	2140
Adopted from under 1 month	150	600
Adopted from under 1 year	320	1020

Data problems with unknown destinations.

In Scotland 65% return to parents
In England majority get adopted

Massive increase in babies taken into care
Those children have mainly been adopted

Lots of children are “lost” by the care system with unknown destinations still.

Adoption Target BV163 and Hypothecated funding for Adoption

Scrapped from 1st April 2008

But PAF C23 still in place.

Ofsted pressurising councils to increase adoptions. Birmingham lost 1 star overall because Of children's specialised services being "inadequate":

From Ofsted:

*“Although it is agreed that a number of indicators show good performance in some areas, there are several important indicators which do not. For example, the very high levels of referrals and re-referrals coupled with the council’s acknowledgement that it operates high thresholds for children’s social care. Similarly the decline in the percentage of referrals that lead to initial assessments; the overall inadequate quality of serious case reviews; the very low per capita expenditure on family support and the **high numbers of looked after children and children and young people with child protection plans**; the high percentage of children and young people in residential care; **the low levels of adoptions** and the below average percentage of looked after children who are allocated to qualified social workers.*”

Ofsted details

the very high levels of referrals and re-referrals coupled with the council's acknowledgement that it operates high thresholds for children's social care.

- Domestic Abuse

Similarly the decline in the percentage of referrals that lead to initial assessments;

- Triage

the overall inadequate quality of serious case reviews;

- Fair point

the very low per capita expenditure on family support and the

- Fair point

high numbers of looked after children and children and young people with child protection plans;

- Baby P

the high percentage of children and young people in residential care;

- Tell Martin Narey

the low levels of adoptions

- Adoption Targets Again

and the below average percentage of looked after children who are allocated to qualified social workers.

- Quality and Qualification do not have a correlation ratio of 1.

In summary the management system for local authorities has large numbers of unintended consequences.

The Family Court Processes

All the strings lead back to the Local Authority

1. The LA does most of the assessments
2. The LA makes proposals as to the care plan
3. The LA often recommends clients to the solicitors
4. Parents are banned from getting a second opinion
5. Parents need to prove their innocence at times
6. Parents are presented with a single medical report and have to do their own research.

The Family Court normally acts as a verbose and expensive rubber stamp to the proposals of the local authority.

Table 5.4

Family Courts

Matters affecting children: Disposals in all tiers of court, by type of disposal and whether Private or Public law, 2007

Order type	Public Law						Private Law						Number of disposals	
	Type of disposal				Total disposals ³	Year-on-year % change in total disposals	Type of disposal				Total disposals ³	Year-on-year % change in total disposals		
	Applications withdrawn	Orders refused	Orders of no orders	Orders made			Applications withdrawn	Orders refused	Orders of no orders	Orders made				
Secure accommodation	41	0	4	634	679	-1%	-	-	-	-	-	-	-	
Care	336	23	290	7,624	8,273	7%	-	-	-	-	-	-	-	
Discharge of care	214	21	28	936	1,199	5%	-	-	-	-	-	-	-	
Substitute Supervision Order for a Care Order	5	0	0	115	120	5%	-	-	-	-	-	-	-	
Supervision order	96	1	35	3,095	3,227	-2%	-	-	-	-	-	-	-	
Supervision order – discharge	0	2	0	5	7	-91%	-	-	-	-	-	-	-	
Contact with a child in care	124	18	47	341	530	-9%	-	-	-	-	-	-	-	
Authority to refuse Contact with a child in care	28	4	3	791	826	-28%	-	-	-	-	-	-	-	
Education Supervision	3	0	1	202	206	19%	-	-	-	-	-	-	-	
Child assessment orders	3	0	3	14	20	-7%	-	-	-	-	-	-	-	
Emergency protection order	227	33	18	983	1,261	-23%	-	-	-	-	-	-	-	
Extension of emergency protection order	3	0	0	105	108	-26%	-	-	-	-	-	-	-	
Discharge of emergency protection order	0	0	0	0	0	-	-	-	-	-	-	-	-	
Recovery orders	8	1	1	297	307	2%	-	-	-	-	-	-	-	
Parental responsibility	6	0	0	939	945	13%	564	149	115	7,570	8,398	-14%	-	

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Residence	111	14	10	2,529	2,664	-6%	1,227	118	426	23,703	25,474	3%
Contact	123	25	39	2,471	2,658	9%	2,210	402	942	69,713	73,267	-1%
Prohibited steps	4	0	0	347	351	-2%	353	18	97	10,594	11,062	-2%
Specific issue	7	1	0	162	170	36%	266	26	68	4,229	4,589	14%
Financial applications	-	-	-	-	-	-	35	10	10	500	555	-6%
Special Guardianship Orders ⁵	0	0	0	1,096	1,096	50%	46	0	0	451	498	177%
<i>Total</i>	<i>1,339</i>	<i>143</i>	<i>479</i>	<i>22,686</i>	<i>24,647</i>	<i>1%</i>	<i>4,701</i>	<i>723</i>	<i>1,658</i>	<i>116,760</i>	<i>123,843</i>	<i>-1%</i>

Source:

HMCS FamilyMan system and manual returns

Notes:

- 1 Figures relate to the number of children subject to each application
- 2 The number of disposals shown in the table above are not equal to the corresponding number of applications made during the year, because:
 - disposals in 2007 may relate to applications made in earlier years, and
 - an application of one type may lead to an order of a different type being made
- 3 There are known data quality problems with the figures for the Family Proceedings Courts. A new data collection method, introduced in April 2007, has made some improvements to the completeness of data. As such, any increases in counts may be a reflection of improved data recording rather than 'real' increases
- 4 Compared with 2006. Percentage changes are not provided where there are less than 20 observations in the past period. Significant revisions have been made to the published 2006 disposal figures, and an updated version of table 5.4 for 2006 has been placed on the Ministry of Justice website. The revisions mainly affect the reported numbers of section 8 residence and contact orders. The revision to the overall total disposal figures are relatively small. Work is being carried out to investigate the changes further, and if necessary, an updated version of this table will be placed on the Ministry of Justice website.
- 5 Special Guardianship Orders figures in the Family Proceedings Courts are only available for those courts which share premises and administrative systems with county courts. The total has therefore been estimated based on the proportion of the total public law and private law applications made in each tier of court

Table 6.7

Crown Court

Defendants dealt with in cases committed or sent for trial showing result according to plea, England and Wales, 2000-2007

<i>Year</i>	<i>Total number of defendants entering plea</i>	<i>Plea entered</i>		<i>Not Guilty²</i>			
		<i>Guilty to all counts</i>	<i>Total</i>	<i>Total</i>	<i>Acquitted³</i>	<i>Convicted³</i>	<i>Percentage Acquitted</i>
2000	78,775	44,196	34,579	17,551	17,028	51%	
2001	77,857	43,903	33,954	17,356	16,598	51%	
2002	81,925	47,307	34,618	17,174	17,444	50%	
2003	81,879	48,124	33,755	17,124	16,631	51%	
2004	81,342	48,408	32,934	16,379	16,555	50%	
2005	78,594	49,260	29,334	15,588	13,746	53%	
2006	81,742	52,988	28,754	17,044	11,710	59%	
2007	87,553	59,162	28,391	17,184	11,207	61%	

Source:

HM Courts Service CREST system

Notes:

- 1 Includes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results
- 2 Includes cases where defendants plead not guilty to all counts and also cases where defendants plead not guilty to some counts
- 3 Acquitted or convicted on those counts to which defendant pleaded not guilty

Criminal comparison. The prosecution believe that the standard of proof has been met. This is not just an issue of standard of proof, but also one as to the nature of the system.

The objective of the system should be to protect children from Child Abuse and Neglect.

There are no reliable figures in England as to how many children die from Child Abuse and Neglect.

The figures provided to the World Health Organisation are unreliable.

The figure of between 150 and 200 serious case reviews following the death of a child have been Quoted, but it has been difficult to reconcile the figures. Much higher than earlier figures.

The failure of the Family Court to hold back local authorities has resulted in local authorities spending time on the wrong targets.

This stops practitioners from concentrating on the right targets.

That is why change is needed to the procedures in Local Authorities and in the family courts.

Allowing social workers more time to see children and families and less time in front of computers

Continue progress towards transparency in the family courts

Allow parents to have a second opinion

Provide public support for appeals and contesting care orders

Provide some public support for Mackenzie Friends

Expert evidence should only come from regulated professionals

All hearings should have anonymous judgments

Clayton v Clayton should not be reversed

Serious Case Review chairs should be independent and appointed independently

National guidance is needed to define what "risk of significant harm" means

The extended family should be listened to and involved.

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<http://www.justice-for-families.org.uk>

Justice for Families

- lobbies of house of commons
- Mackenzie Friend support for families
- case support to European Court