

<p>NAME ADDRESS AND CONTACT DETAILS (OPTIONAL):</p>	<p>Please provide your name if you are willing to be contacted about the evidence you are submitting :</p> <p>Ann Haig. Chair.Nagalro, c/o Karen Harris Administrator PO Box 264 Esher Surrey KT10 0WA Tel: 01372 818504 Fax:01372 818505 Email: nagalro@globalnet.co.uk</p>
<p>Name of organisation :</p> <p>Evidence title and area of review: eg Early Intervention, Frontline practice, Transparency and Accountability</p>	<p>NAGALRO The Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers.</p> <p>Frontline Practice</p> <p>Nagalro has approximately 650 members who represent the interests of children in a wide range of public and private law proceedings across the family jurisdiction. Their statutory duties are set out in the Children Act 1989. Some are employed by CAFCASS, acting as Family Court Advisers (FCA's) and Children's Guardians (CG's). Members also act as Independent Social Workers (ISWs) who may be commissioned by the court, the parties and by local authorities themselves, to offer expert witness reports in some of the most complex children's cases coming before the courts. Our members work in all areas of England and Wales and are, therefore, in a unique position to have a bird's eye view of local authority child protection practice, and to identify areas of both good and poor practice.</p> <p>FCAs and in particular CGs are in an influential position in relation to frontline practice. A key part of the CG role is to critically appraise the work and actions of local authorities acting in loco parentis and they can have a considerable influence on the care plan.</p> <p>The Role of Children's Guardians in child protection.</p> <p>As independent practitioners, CGs bring another perspective to a case with creative, lateral thinking which can influence practice. The CG can make recommendations for assessments of extended family members that can be agreed in court and</p>

can also provide reinforce the case local authority case for additional resources to be made available to strengthen and support family placements. Blanket Local Authority policies can impose restraints on spending in the short term which, could have achieved a long term solution and cut costs in the long term. (see case study CG01)

CGs are appointed under Sec 41 Children Act 1989 and act in 'tandem' with children's solicitors to represent the interests of the child in a range of care and related proceedings. This specialist welfare and legal representation gives children an independent voice in proceedings in which they may otherwise be disadvantaged in relation to the other parties. It also provides a balanced operational synthesis of both children's rights and children's welfare by providing a children's solicitor to act as the child's own advocate and a CG. The independent investigation and assessment carried out by the CG enables them to protect the interests of the child and to make a clear recommendation to the court designed to ensure the best possible outcome for each child who is the subject of proceedings.

Independent representation as quality control and a key factor in child protection.

The history of the independent representation of children is well documented in the Field Fisher report into the care and supervision provided in relation to Maria Colwell in 1974 and elsewhere. The Field Fisher report identified the lacuna in relation to evidence in relation to the position of the child as distinct from the other parties to the proceedings.

The tandem model is arguably one of the most sophisticated quality control mechanisms found in any jurisdiction. It is the independent appraisal of the child's total situation and the independent representation of their views quite separately from the other parties to the proceedings, which provides the protection for the child. It is also the way in which children's Article 6 ECHR and Article 12 UNCRC rights are protected by giving them 'equality of arms' in relation to the other parties to the proceedings and a voice in the proceedings.

The Role of FCA's

FCA's undertake private law work with children and families who are involved in difficult divorce, residence and contact issues and are centrally involved in delivering the President of the family divisions private law programme designed to support separating parents and their children. Since

implementation of the Children and Adoption Act 2006 in December 2007 they have acquired a range of onerous new statutory duties including risk assessment in cases of domestic violence. These cases may become public law cases as a result of that assessment and the historic split between public and private law proceedings has not been helpful in this regard. The child protection needs of children involved in long running and intractable parental disputes where domestic violence is an issue, have been largely overlooked and hard pressed local authorities are often reluctant to add them to caseloads which may already be excessive.

ISWs are being increasingly instructed to 'fill in the gaps' to ensure that the child is fully protected and that family members are assessed during proceedings so that a child has, in order of priority, every opportunity to remain with one or both parents, or a family member, or a person known to them or alternatively may be found a new family.

The role of ISWs is a diverse one but in the context of Nagalro our membership is generally concerned with work relating to children and families, frequently in the court scenario. Our role is often in intractable situations and where there are deadlocked or difficult positions between the parties and the local authority or where time or geographical constraints apply.

We believe that ISWs are an important part of the expert witness system and they must satisfy the court that their qualifications and experience merit that status in court. Social work expert witness evidence can provide an innovative and flexible approach and produce both effective and cost effective outcomes for children.

As an organization we have our own Directory and we can direct enquirers to the appropriately qualified and experienced ISW in relation to a particular need, subject to availability and by agreement of the interested parties

The majority of our ISWs have between 10 - 35 years' experience across a broad range of social work and other related fields such as family therapy and play therapy. We also have a range of cultural and linguist skills to draw upon. Many have had experience of social care management and/or social work teaching. They have often undertaken wider qualifications such as Play Therapy, Family Therapy, Adult Attachment work and Story Stem Training, all of which enhanced training and qualifications can be brought to bear on individual cases.

ISWs can generally work to tight timescales, thus providing a service which can speed up proceedings. If cases are not

necessarily in proceedings the ISW can provide a report which can be useful is saving time and local authority resources at a later date.

ISW's therefore, augment the role of the local authority social worker not replace it and they has a key role to play in the protection of the children. The Social Work Task Force has recommended the establishment of career progression routes for experienced specialist practitioners which do not take them away from front line practice and we support that recommendation.

PROFESSIONAL AUTONOMY AND ACCOUNTABILITY.

Since the establishment of the generic social work departments in 1971, child protection practitioners have become progressively more hampered by a line managed model of professional accountability which inhibits the proper exercise of their professional discretion and which is now increasingly discredited. Hackney, for example is one local authority, which has introduced models which are more supportive of the professional role. There are other notable exceptions –Barking and Dagenham have a 'Sibling Project' which offers professionals the opportunity to review care plans which will involve the separation of sibling groups.

Unlike local authority child protection staff, CG's have a dual accountability both to the court and to Cafcass. They are personally accountable to the court for the recommendations they make and appear as expert witnesses. This makes CAF/CASS's current operational model, which attempts to import and impose an inappropriate line managed local authority system particularly damaging. Most importantly, it increases the risks for the children involved. (See attached Joint Position Statement on behalf of the Interdisciplinary Alliance for Children and 'Time for Children-a survey of Cafcass's public law work published by Nagalro in January 2010. Many practitioners have left a service which potentially puts them in breach of both their statutory duty and their professional ethics.

Nagalro would be happy to contribute to the development of a professional model which strips away the suffocating and superfluous bureaucracy and combines the appropriate degree of organizational accountability with the proper exercise of professional discretion.

Background

*A short introduction to the case study
e.g. what was the problem or
challenge?*

Case examples are included which illustrate the roles of the CG and ISWs.

CG - Examples

CG - 01 A CG it is required to comment on the local authority care plan. In this case - a girl named B. aged 5 years who is in foster care on an Interim Care Order has a Transition Plan to live with her father and his new married partner together with their 3 month old daughter. A social work and a psychological assessment of her mother have both had negative outcomes. B's mother is a British national with a Caribbean heritage and her father is an immigrant from Jamaica who has no rights of residence and no recourse to public funding. Her step-mother is a British national with Caribbean heritage so is the person in the family receiving benefits to enable the family to be housed etc.

CG - 02 In this case, a girl G aged 7 years, witnessed an argument between her parents in which her father punched her mother in the face and she subsequently died. The children's guardian came to the conclusion that the paternal grandmother could provide a home for G. It was against research evidence to place a child with the family of the perpetrator of such a serious crime, but the relationship between G and her grandmother was strong. Her father was convicted and imprisoned and G was taken for visits with her paternal grandmother and her ex-husband, the paternal grandfather.

ISW - Examples

ISW-01 - An ISW was asked by a local authority to undertake a Special Guardianship Assessment of a maternal grandmother who wished to care for her 9 month old baby grandchild. The grandmother gave the names of the three referees the assessor was required to interview. All were maternal family members and in the course of the interview with the Aunt, it became apparent to the experienced ISW that she was a potential carer for the baby. The assessment of the grandmother was negative but the ISW made the local authority aware of the existence of the maternal aunt as a potential carer.

ISW-02 - The ISW was asked to provide an assessment of the birth mother who had been placed in a mother and baby placement 65 miles away under the requirements of the Public Law Outline, to enable the local authority concerned, to make decisions about whether or not to commence proceedings.

ISW-03 - The ISW was asked by a local authority to undertake a complex core assessment due to a lack of experienced staff

and court timetabling. There was a mother and two, possibly three different fathers. One father had a partner who also needed to be assessed. There were also five children two of whom had special needs. As a consequence of this assessment the maternal uncle was interviewed and assessed to be a potential carer for all or some of the children. As a result of a follow up assessment, the uncle was seen to need additional support in attachment, interactions and one to one play with the youngest child and a deeper understanding of child development issues. Service delivery proved to be problematic.

ISW-04 – A creative suggestion was made by the legal department to test out the commitment and capabilities of a family member to care for a large sibling group and to assist with speeding up the time scale for an assessment to be carried out. The ISW was able to liaise closely with the Social Work team to put in a support, monitoring and assessment programme linked to the overall assessment and the requirements of the Fostering Panel.

Your approach

What did you do differently in order to solve the problem or improve the situation?

Generally

Nagalro's approach has been to build a base through the membership and Directory which enables other professionals to quickly identify a suitable expert to undertake a specific piece of work.

Response times are good because ISWs offer flexible and timely services backed up with experience. Complex pieces of work can be completed in an efficient comprehensive manner because of the level of experience ISWs can bring to bear on assessments and this can be directed to the letter of instruction and the requirements of courts. Our practitioners are generally experienced in giving evidence and have knowledge and experience of legal/statutory requirements as well as enhanced qualifications and high commitment to training. They have also performed a number of different roles within the children and families system which enable them to perceive issues from a broad standpoint based on many years' experience in a variety of settings.

As a consequence of this, ISW's can make suggestions about possible packages of care for children and families which may not have occurred to others. ISWs can also say the things which local authority workers cannot say, because they may potentially breach their contracts of employment which stipulate that all employees must abide by the policies and

procedures of the local authority employer.

One example of this which often occurs is in relation to out of area or county placements for children. ‘In area’ placements are cheaper, so a child may be moved from an ‘out of area’ placement, to one which is ‘in area’, for reasons which have nothing to do with the best interests of this particular child.

CG - Examples

CG- 01- Although Residence Order allowances are not payable to parents and their married partners, the children’s guardian and the child’s Solicitor were able to identify the sections in the Children Act enabling the local authority to provide household equipment for the family so that the child could be accommodated.

CG-02- CG recommended play therapy for G after the case had been referred to the special child trauma unit attached to Great Ormond Street Hospital (GOSH). It was agreed that G needed an explanation of the traumatic events in her life put to her in a way she could understand and incorporate as she grew up.

ISW Examples

ISW -01- Although it was outside the remit of the ISW’s role to appraise the potential of a referee, an ISW with extensive experience of family assessment work was confident enough to be able to trigger an alternative assessment.

ISW-03 - After discussion a plan of attendance at parent and toddler group with a trusted Family Aid enabled focussed work with paternal uncle to be undertaken which gave supportive evidence to fostering panel to approve the uncle who had had limited experience of parenting.

ISW -04 – The holiday plan was a creative solution. It did not raise the expectations of the children about future placement with the family member. It allowed professionals including the ISW to see how the family member was coping with 5 children and to make recommendations about which of the siblings would be best placed with him. It also illustrates how the uncle stood up to his demanding and very difficult sister thus demonstrating the levels of protection he was able to afford the children.

Working with others

Who have you involved in making the

Generally

CGs, ISWs and FCA’s work with a range of interdisciplinary professionals. They are able to acquire information from a

improvement and/or change?

network of professionals and they also visit family members who can inform the CG or the ISW of an aspect of the child's life which enables the court to complete the 'jigsaw' and ensures that a full picture is put before the court. They can also use their experience to think creatively about the use of networks around the child to retain family links or highlight the practices of other Local Authorities and agencies who may use resources in a slightly different way, which can generate new ways of thinking about services for the child and family.

Working Together and sharing information is at the forefront of practice for all FCAs and ISWs and the importance of this has once again been highlighted by Lord Laming's progress report on the Protection of Children in England following the death of baby Peter Connelly.

CG Case Examples

CG – 02 – As a result of the CG's experience she was able to recommend linking the child to the most appropriate service in this difficult case, namely the specialised unit at GOSH.

ISW Case Examples

ISW-03 – Due to a working knowledge of the case, the personnel involved and the role of the family support worker it was possible for the ISW to discuss a workable plan with the Senior Practitioner and to overcome the absence of a formalised group which would have been the alternative, time inappropriate alternative.

Outcomes

What were the actual improvements and what difference did you make for children and young people? What lessons did you learn?

Generally

Nagalro consider that CGs, FCA's and ISW's feel that they can provide focus and direction in cases which have lost their way, in a timely, flexible and sometimes innovative ways. They are able to focus on the best interests of each child and are not constrained by general child care policies which may run counter to the interests of a particular child. They also have the benefit of observing the practice of a wide range of authorities as well as as other agencies and can bring that knowledge and experience to bear on a particular case.

Nagalro believes its members can make a considerable difference for individual children and families through the experience of its highly skilled and committed workforce. It considers that part of its professional responsibility is to advocate for the vulnerable constituency of children we represent. To this end, the Association has consistently

challenged organisational decision making which runs counter to the interests of children and which potentially inhibits the ability of members to carry out their statutory duties to the court in a manner which is consistent with their professional ethics.

After 25 years of the CG service, we have learned the core value of the independent representation of children and the socio –legal partnership with children’s solicitors has emerged as an extremely powerful combination in the protection of children. The continuity of practitioner appointment which is a core principle of this model provides a safety net for children by avoiding the gaps in information and communication breakdown which put children at risk. Children value such continuity of involvement and this relationship assists even young and vulnerable children to develop the trust needed to express their views when their social worker may change many times during a case.

CG Case Examples

CG – 01 Although the local authority do not have a duty to provide a living allowance for B if she moves to live with her father and his new family, B’s Solicitor and CG influenced the care plan to the extent that some financial and other resources have now been agreed for the family to enable B to move in. Initially, they had been refused as it is an expense in the short term, but the CG argued it was essential to ‘shore up’ this placement until the father’s status changes – which is likely to happen soon. This should facilitate a permanently successful move for this child. Although Residence Order allowances are not payable to parents and their married partners, the children’s guardian and the child’s Solicitor were able to identify the sections in the Children Act enabling the local authority to provide household equipment for the family so that the child could be accommodated.

CG – 02 – The therapeutic work enables G to deal with her losses during childhood and thus minimising psychological difficulties in the longer term.

ISW Case Examples

ISW-02 - Within the originating proceedings this assessment backed up my assessment which was that the local authority had worked appropriately with this mother and within proceedings there was no need for further assessments. Within a second set of proceedings on a subsequent child this assessment expedited the proceedings considerably and in this child's case it was possible to proceed to an early final hearing

<p>Cost Effectiveness</p> <p><i>What specific evidence is there in respect of Value for Money and efficiencies?</i></p>	<p>and long term placement while the child was still less than 12 months of age.</p> <p>OPTIONAL</p> <p>The use of a mixed economy workforce of employed and self-employed practitioners makes good economic sense and facilitates the optimum use of the reservoir of professional experience available. Currently there are experienced practitioners who have left both local authority child protection services and Cafcass because they are not prepared to compromise either their professional independence or their professional standards. In relation to self-employed practitioners and ISW's, there are no on-costs to the agencies, no set up or retaining costs, no expensive office space, administration and no pensions. In other words, a flexible, competitively priced and experienced workforce that can be responsive and timely. There is a considerable reservoir of child protection skill and experience which is not currently be effectively deployed. The Nagalro survey Time for children found that 70% of the self-employed surveyed had spare capacity to take on new cases.. The costs compare favorably with the widespread use of agency staff who may be of uncertain quality and whose agency fees may inflate the costs to local authorities by up to 15%</p> <p>A general rule of thumb is that it costs at least 40% more than the salary of a worker to the employer just to keep a worker on the payroll. All of these costs are met by the self-employed practitioner and therefore their fees represent good value for money. Nagalro would be happy to provide written information to demonstrate this.</p>
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