

## **Joint Press Release**

### **Senior judges back family court role for under-threat independent social workers**

The use of independent social workers in care proceedings can prevent delays in the time vulnerable children at the centre of court cases have to wait to find out whether they are to be taken into care, adopted or returned to their birth parents.

This is one of the findings of research by the University of Oxford into the views of family court judges on the role of independent social workers (ISWs).

The family court judges interviewed said ISWs offer specialist knowledge and skills particularly vital to resolving complex, often intractable cases; stepping in where local authorities cannot provide assessments that courts require. This contrasts with the stance of the Ministry of Justice which has accepted views put to the Family Justice Review that independent social workers are an unnecessary duplication of the work of local authorities and cause delay.

#### **Key findings from the research include:**

- ISWs can contribute to reducing delays in the system where, for example, local authorities lack the skills or time to undertake the work immediately
- ISWs have specialist knowledge and skills needed by the courts in the more complex cases
- ISWs also provide courts with a genuinely independent expert view in cases which have become intractable and need a robust, analytical assessment in order to be moved on
- The quality of ISW reports was good or excellent, according to most judges interviewed. Judges said they do not routinely order ISW reports and that they only do so where the evidence is necessary and where a local authority cannot provide the skills and/or time.
- Judges said most ISWs they commissioned were highly experienced practitioners with specialist skills, highly articulate, and with effective and with detailed knowledge of public law, child development and the needs of the court

Authored by Dr Julia Brophy of Oxford University, the research, *Modernisation of Care Proceedings and the Use and Value of Independent Social Work Expertise to Senior Judges*, concludes:

“Foremost for courts is that children, and just and fair proceedings, cannot wait. Immediate availability of high quality and timely assessments is imperative if timescales are to take precedence. Avenues must remain open to courts, guardians and local authorities to obtain the

best evidence; no option should be immune from question or bypassed in that exercise.”

An alliance of organisations representing ISWs, the British Association of Social Workers, CISWA-UK and Nagalro, called on ministers to revisit the findings of last year’s Family Justice Review and recognise the unique and positive contribution that independent social work can make to the family court arena.

They also warned ministers that many ISWs are being forced out of family courts by the regressive approach of the Ministry of Justice which is greatly limiting their role.

The findings coincide with concern at the impact on ISWs of a decision in 2011 to cap the fees these experts can charge for providing expert testimony in court to levels well below those of other professionals.

BASW, CISWA-UK and Nagalro, issued a joint statement welcoming the study:

“This research shows clearly the formidable expertise and experience that independent social workers bring to often highly complicated family court proceedings. It also emphasises that many observers have misunderstood and misrepresented the role of ISWs over the past three years – these professionals don’t duplicate the work of local authorities or Cafcass; they provide high quality robust reports that help judges move forward quickly and ensure children spend as little time as necessary waiting for their futures to become clear.

“At a time when family courts are facing unprecedented levels of care applications and increasingly limited resources, many ISWs are being forced out of the field altogether by an unsustainable fee cap and the imposition of arbitrary time limits on their work.

“We urge ministers to listen to the views of judges at the coalface and ensure courts have the benefit of this resource when they need it.

“If action is not taken then the very real risk is that the children at the centre of intractable court cases will be the ones who suffer the most.”

11 September 2013

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