

research in practice

Family Justice Review: improving practice in the family courts Regional Seminars January – March 2013 Various Locations

Programme Report

1. Introduction

'My purpose is to provide access to justice for children in families because that is the real mischief identified by complaints about delay.' (Ryder, 2012a)

The family justice modernisation programme envisages the launch of a single Family Court delivered through a network of Local Family Court Centres, as the vehicle for creating 'a significant change of culture' in which evidence-informed good practice will inform the structures, processes and decisions of the court.

In light of the changes to the family courts' arena, and in tandem with the publication of new *Evidence Matters* resources (a suite of materials to support social workers professional development and to build inter-professional understanding of social worker expertise and role in the family court), **research in practice** and the Children's Improvement Board (CIB) held a series of regional seminars to support professional development in response to the Family Justice Review and the Modernisation Programme now underway.

1.1 Programme Aims

The programme of seminars was aimed at frontline social workers and their managers, with responsibility for conducting or quality assuring assessments and court reports. IROs, CAFCASS staff, Local Authority legal teams and family court staff were also included.

The aims of these seminars were to:

- Raise awareness of the FJR, the rationale and its implications.
- Provide opportunities for regional networking and inter-professional communication on key issues raised in the FJR and the Modernisation Programme.
- Look at what is required to ensure robust and credible social work assessments and court reports which support timely decision making by the family court.
- Explore how to ensure quality assurance and oversight by social work supervisors to support practice improvement.
- Share messages from key researchers related to the modernisation programme.
- Enable practice and ideas to be shared between local areas and agencies.

2. The Approach

The programme of seminars focused on the quality of court practice, including assessment, and emphasised the relationships between councils and courts. They examined what is required across the system to support robust and credible assessments and court reports which enable timely decision making by the family court. The seminars were designed in consultation with Department for Education and other colleagues, ensuring that they complemented the work of the modernisation programme and put the sector in the best possible position to operate effectively within a changing system.

Each seminar drew on a new suite of materials published by **research in practice** - *Evidence Matters in Family Justice* - designed to support social workers' professional development and to build inter-professional understanding of the role that social work plays in the family court.

The benefits of improving practice in these areas are:

- Address delay by improving the quality and timeliness of decision-making at all stages in the case.
- Reduce the courts' reliance on expert witnesses to provide evidence on issues which should be covered by the social worker's report.
- Build inter-professional confidence and understanding of the respective roles and expertise of those involved in the family justice system.

The seminars were designed with acknowledgement of theory and best practice in terms of learning styles, with a combination of plenary presentations from academics and experts in the field, with additional time for Q&A sessions. These were interspersed with structured round-table discussions to give participants from a range of professional backgrounds an opportunity to network and share practice. A number of smaller break-out workshops were also included which addressed specific practice skills and concerns, with an emphasis on skills development and input from the local Family Court judiciary in each region, where possible.

In order to achieve consistency across the programme, whilst being unable to secure speakers to attend all seminars, innovative methods were used such as pre-recorded presentations, vimeo footage, and live telephone Q&A's. These methods posed challenges in both planning and implementation and evoked positive and negative reactions of equal vehemence, but were arguably a success.

The involvement of Cafcass in the programme was important and, though at times tricky to coordinate, proved to be helpful in offering a wider system perspective. It proved more difficult to engage the judiciary across all seminars, made more so by the need to proceed carefully and in consultation with government departments due to strategic activity and potential sensitivities.

All staff and facilitators were involved in planning materials and quality assurance. Where any risks were identified relating to quality of delivery, measures were taken to mitigate or eliminate these.

(See Appendix 1: FJR London programme)

2.2 The seminars

research in practice delivered 8 seminars throughout England between January to March 2013:

Bristol	29 January
Leeds	7 February
Manchester	26 February
Guildford	5 March
Birmingham	13 March
Cambridge	19 March
London	21 March
Newcastle	27 March

There were some challenges with securing bookings, and engagement between authorities was variable. 103 local authorities were represented, of these, the breakdown of regions shows:

Region	Authorities attended	Total authorities in region	% for region
South West	12	16	75.00
Yorkshire and Humber	13	15	86.67
North West	14	23	60.87
South East	12	19	63.16
West Midlands	9	14	64.29
East Midlands	6	9	66.67
East	8	11	72.73
London	19	33	57.58
North East	10	12	83.33
Total authorities attended	103	152	67.76

(See Appendix 2: List of Local Authority Attendance)

In total 367 participants attended the programme. Of these, the breakdown of job roles shows:

Social Work Staff	246	(67%)
Family Court Staff	3	(0.9%)
Legal Team	71	(19.5%)
Other	46	(12.6%)

3. Emerging Themes

Below is a summary of the key themes which emerged from the discussions held at the Family Justice Review Seminars across the country. These themes are drawn from synthesising information from postcards, flipcharts, structured discussions, action planning cards and evaluation forms, all of which were completed at the seminars.

3.1 Multi-professional Working

Multi-professional working was a common theme that emerged, with many emphasising the need for clarity of processes and roles of different organisations and how they come together, before, during and after proceedings. Some agencies did report positive experiences in working with other agencies and effective legal planning meetings. The LFJB was seen as a positive mechanism that could promote dialogue between local authorities, Cafcass, the judiciary and IROs.

There was a clear focus on the need for other professionals to recognise the social work role in the court process and the need for social workers to forge stronger relationships with other professionals.

The roles of the IRO and the Cafcass Guardian were singled out by a number of groups – the Guardian was reportedly seen as difficult to work with by a couple of groups due to a 'cultural resistance'. They were keen that the Guardian was allocated as early as possible (preferably at the EPO stage) and emphasised the importance of good engagement between the IRO and Cafcass Guardian in progressing the care plan in a timely way post-proceedings. There was also a desire for clarity of the IRO role within the court process, particularly in terms of monitoring and scrutiny of the care plan.

Finally, there were some comments around the legal services and judiciary, who some groups felt were difficult to work with. Participants noted there needs to be clarity of the role of legal services and accountability of judges and the court system around delay. Others also pointed out that there were often inconsistencies between judges (and often in the same case involving the same judge), and asked whether the LFJB could play a role in challenging this inconsistency.

3.2 Organisational Culture

Organisational culture was highlighted as a key consideration, particularly in terms of whether using research was enabled. A number of groups highlighted the need for workers to understand research as part of decision making, rather than as a bolt-on, and also emphasised that all parts of the system need to understand the value of research. It was suggested that the court system focuses more on parents' rights, often at the expense of the child. They were clear that the court process needs to be more child-focused, which requires a culture shift. They were also keen that service design should be proactive rather than reactive and that there should be a culture within and between organisations of continuous improvement.

However, there were some examples of how organisational culture can be used to support better quality assessments and increased confidence, including Advanced Practitioners, ASYE and NQSW systems. They were also keen to use the LFJB as a mechanism for sharing good practice, and supporting culture change.

3.3 What does 'good' look like?

This was a key question that came up in the discussions. Groups wanted to know what the courts wanted, particularly in terms of giving evidence to the court. They also wanted training around new legislation and shared research that can be seen by all professionals as reliable. The groups emphasised the need for different professionals to raise expectations of each other to improve practice. They also expressed a desire for a clear indication from research and practice of 'what works' that could be used to inform court reports and care plan, though some recognised that research cannot offer definitive / universally applicable answers.

There was some emphasis on the need to focus on permanence from the start. One way of doing this is to ensure that practitioners give consideration to the impact of disrupting a care placement, as well as thinking about the impact of delay, and presenting this clearly to the court. However, in a number of agencies, permanency planning meetings were seen as working very effectively, suggesting that these are a potential mechanism for improvement.

3.4 Social Worker Confidence

This was a huge issue that came out in the majority of groups. It took two forms – social workers feeling more confident in court, and other professionals in the family justice system feeling confident in social workers. Cross-examination in particular was singled out as an area where social workers need to develop confidence, along with support in dealing with the adversarial nature of court.

A couple of groups talked about the need to support practitioners in pulling together evidence for the court and around using their professional judgement effectively. One group also mentioned the importance of being clear about what is expected from social workers in court, and making sure that teaching and training was directly linked to this. The need for other groups in the system to understand the role of social work judgement (for example, courts ordering unnecessary expert assessments) was also frequently highlighted.

The vast majority highlighted the need for training but weren't specific about what they actually needed. Some groups did note that their agencies were able to support practitioners, particularly through various support roles (eg Advanced Practitioner/Case Manager/Consultant Practitioner), supervision and legal support. There was some call for mentoring from a manager in court (including accompanying the practitioner to court) and peer supervision. Some also mentioned the value of practice observation as a support mechanism.

Linked to this, many mentioned the link between Higher Education and practice, emphasising the need for social work degree courses to be grounded in the reality of the day-to-day work, and advocating more links between HE and local authorities to ensure a smooth transition to practice.

3.5 Performance Improvement

The need for higher quality, more analytical assessments and court reports came across very strongly. There were some concerns that a greater focus on timescales would override other priorities, such as the quality of assessments. The issue of presenting evidence effectively in court was also raised as a performance issue, along with report writing.

Pre-proceedings practice was flagged as particularly important in terms of performance improvement, and there were some concerns that delay might shift from the court to pre-proceedings work as a result of the new court timescales. It was recognised that information/assessments are needed up front before court proceedings are issued, so the quality of pre-proceedings work needs to be improved so that it is analytical and well-

evidenced. Involving IROs was seen as crucial here, along with the importance of planning in advance, especially in identifying what other assessments might be needed. To do this, consideration of other assessments should be happening at an early stage. Participants emphasised that it is also important to think about how long some assessments, particularly kinship and disability assessments, will take to ensure delay isn't shifted to pre-proceedings. Early Family Group Conferences were mentioned as a possible way forward.

Participants wanted more quality assurance of work, from social workers and from other experts. They highlighted the varying quality of parenting assessments and other experts' contribution. One group suggested that it would be more effective to get external people to QA assessments and court reports, rather than internal managers.

3.6 Workload

As expected, workload was highlighted as a major issue by the vast majority of participants. Issues such as recruitment and retention, continuity of social worker and caseloads were highlighted, as was the background context of rising care applications.

These themes, together with other intelligence and guidance, have been reflected in the planning of the Train-the-Trainer programme. Attention is being paid to organisational culture and multi-professional working in particular, and additional materials are being provided to support participants to recognise what 'good' looks like in practice in relation to assessment, statements and plans. The issue of social worker confidence and wider learning and development needs is a crucial one, and the Train-the-Trainer programme explores what is needed nationally and locally and will be feeding back intelligence to DfE, LGA and ADCS on this issue.

4. Feedback and evaluation

As part of each seminar, participants were asked to complete evaluation sheets to enable **research in practice** to consider feedback and continuously adapt and improve the programme. Feedback was overwhelmingly positive throughout.

Below is a summary of the results across all 8 seminars for the impact of the event:

When asked to self assess their knowledge in ensuring robust and credible assessments and court reports.

Before event – 65% rated themselves as quite knowledgeable/very knowledgeable.

After event – 92% rated themselves as quite knowledgeable/very knowledgeable.

When asked to self assess their skills in ensuring robust and credible assessments and court reports.

Before event – 63% rated themselves as quite skilled/very skilled.

After event – 89% rated themselves as quite skilled/very skilled.

When asked to self assess their confidence in ensuring robust and credible assessments and court reports.

Before event – 63% rated themselves as quite confident/very confident.

After event – 90% rated themselves as quite confident/very confident.

Content of the day.

96% rated this as very good or good.

Style of Presentation.

95% rated this as very useful or useful.

In addition specific questions' regarding the events and knowledge gained were also asked and below is a summary of the responses across all 8 seminars:

How useful was this event in helping you understand Family Justice Review?

90% rated this as very useful or useful.

What is the likely impact on your practice?

83% rated this as very likely or likely.

How useful was this event in facilitating regional networking and communication?

88% rated this as very useful or useful.

(See Appendix 3: Event Evaluation FJR Seminars, for a full statistical breakdown of the responses received for each event.)

Comments:

*Excellent briefings from speakers, both in person and via recordings, supported by very good materials. - **Birmingham***

*I enjoyed and learnt something from each presentation and felt inspired by some of the discussion/debates with other colleagues. - **Bristol***

*Very topical issues we are grappling with right now. Some really good ideas for developing the service. - **Leeds***

*Excellent. Lots of learning, really interesting, lots to reflect on. - **Manchester***

*Particularly enjoyed and found useful the CAFCASS presentation, Harriet Ward presentation and workshop on multi-disciplinary working. - **Guildford***

*Raised interesting points which challenged my thinking on how to ensure we can make more timely decisions for children - impact of delay was very interesting. - **Cambridge***

*Useful & informative - we are absolutely heading in the right direction. - **London***

*Interactive and assisted in embedding and developing ideas. - **Newcastle***

A longer term impact evaluation plan is now underway to maximise and assess the impact the seminar has had on those attending. **(See Appendix 4: FJR Seminars Evaluation Project Plan).**

As part of the action planning session on the day, delegates were asked to fill in postcards to take back to their managers which listed the actions that they will take as a result of the event. At the time of booking, we requested the email address of their manager. After the event, all managers were emailed (where contact details were provided) to advise them that the delegate had attended the event, and asked them to follow up the actions on the postcard in supervision. Delegates were asked to fill in their address on the reverse so we could send the postcards back to them three weeks after the event.

A survey will be issued by email to all delegates three and six months after the event. This will obtain more long-term data along with more information about how they have used the messages from the event in practice. We will specifically ask them if they have implemented the actions they wrote on their postcards, and how they have done this. **(See Appendix 5: FJRS survey - 3 month)**

Furthermore, we will conduct telephone interviews with 10% of delegates across the professional bodies attending the event to ask them three questions in more depth about how they have implemented their specific actions in practice and what the impact of this has been.