

## Pre-proceedings process fails to reduce length of care proceedings, but can help divert cases from court

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A major new report on a procedure that aims to reduce the duration of care proceedings for children has found it made no significant difference to what happened in court, and cases lasted just as long regardless of whether they involved the 'pre-proceedings' process.

The findings from the University of East Anglia and University of Bristol study come at a time when the government is seeking to reduce the [duration](#) of care proceedings to 26 weeks. The report's authors say that if this is to be achieved, the courts will need to take more account of the pre-proceedings [process](#).

However, they found the process did succeed in diverting cases from [court](#). About a quarter of cases where diversion was a possibility (30 out of 127 in the sample) did not enter care proceedings. In a third of these children were protected by other family members or [foster care](#), and in two-thirds by improvements in care at home.

The study, entitled Partnership by Law? The pre-proceedings process for families on the edge of care proceedings, is the first in-depth analysis of the operation and impact of the process. It was led by Prof Judith Masson at the University of Bristol's School of Law and Dr Jonathan Dickens, from UEA's Centre for Research on Children and Families. Their report makes a number of recommendations for the Department for Education, local authorities, [social workers](#), lawyers, the judiciary

and Ministry of Justice.

Introduced in 2008, the pre-proceedings process aimed to divert cases of abuse and neglect from the court care proceedings, to ensure local authority applications were better prepared and to reduce the time courts took to decide on the cases that did come before them.

Local authorities are expected to use the process before bringing child protection cases to court, so long as this does not put children at risk. It requires them to write a 'letter before proceedings' to parents explaining their concerns and inviting them to a pre-proceedings meeting to discuss what could be done to avoid going to court. Legal aid is made available so that parents can have advice and support from a lawyer at the meeting.

The research team found that care proceedings were not shorter where the pre-proceedings process had been used – the average length for all cases studied was 52 weeks – and courts did not appear to take particular account of this work. The pre-proceedings process sometimes held up decisions for children who entered care proceedings, because court applications were delayed by attempts to use the process and sometimes by failure to recognise family care was not improving.

Dr Dickens said: "This research provides an in-depth account of the operation of the pre-proceedings process, including how the parents and professionals experienced it, and its effectiveness in achieving diversion from court and reducing delay for children.

"Most of the families involved were well-known to children's services departments, but even so the process was able to help divert about a quarter of the cases, through alternative care arrangements or improved parenting. This is a notable achievement.

"However, it made no significant difference to what happened in court, and cases with or without the process lasted just as long. Local authorities felt let down by the failure of the courts to respond to the additional work they had undertaken and to conclude cases more speedily. Our findings raise challenging issues for the current drive to reduce the duration of care proceedings to 26 weeks. If this is to be achieved, the courts will need to take more account of the pre-proceedings work."

Conducted in six local authorities in England and Wales, from 2010-2012, the study examined the operation and impact of the pre-proceedings process. It involved analysing local authority case and court proceedings files (207); interviews with social work managers (16), social workers (19), local authority lawyers (16) and lawyers who represent parents (19); observations of pre-proceedings meetings (36), interviews with parents who attended them (24); and a focus group with judges. Observed cases were followed up 6-18 months after the meeting.

The study, which was funded by the Economic and Social Research Council, also found that:

- Use of the pre-proceedings process varies between [local authorities](#). Those in the study used it in almost all cases where there was time to do so, around half of all cases where care proceedings were started;
- A third of pre-proceedings cases involved pre-birth assessments. Meetings were used to agree assessments, services and /or alternative care;
- Use of the process was supported by social workers and their managers who saw it as a more respectful way to work with families at risk of care proceedings;
- Parents felt supported by having their lawyer at the pre-proceedings meeting; for some this helped them to engage with

children's services and improve care.

**More information:** Masson, J. and Dickens, J. with Bader, K. and Young, J. (2013) Partnership by Law? The pre-proceedings process for families on the edge of care proceedings, School of Law, Bristol University and Centre for Research on Children and Families, University of East Anglia. [www.uea.ac.uk/ssf/centre-research/Full+Report+2013](http://www.uea.ac.uk/ssf/centre-research/Full+Report+2013)

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