

## **THE MAGISTRATES' ASSOCIATION**

### **FAMILY COURTS COMMITTEE**

#### **Response to the Munro Review of Child Protection**

The Magistrates' Association is pleased to respond to the call to evidence in relation to local innovations/new approaches to child protection and improved front-line social work practice. We have not used the template provided as the response is a more general response to the issues raised. It may be that the MA will have greater contribution to make in future requests in relation to the review. Magistrates sit in magistrates' courts and are assigned to a family panel to hear family cases. They therefore read substantial amounts of work produced by social workers and hear evidence from them in relation to public law cases issued by the local authority, and in private law receive reports under both Section 7 and 37 of the Children Act 1989.

The MA supports fully the need to strengthen the social work profession, to encourage high calibre staff to apply for posts and to be retained. Magistrates are often faced with frequent changes of social worker during a case due to sickness/staff shortages/staff leaving their posts. Social workers also need to be trained to be able to present evidence of significant harm, assess the capability of the parents or other kinships/carers to provide good enough parenting and to recommend orders which meet the welfare needs of the child involved. It would be helpful if their recording/gathering of evidence addressed the criteria within the legislation and was more forensic. The level of risk/facts which meet the threshold seems to vary certainly between local authorities, and clearer guidance on Section 31 Children Act 1989 might help. Ready access to legal advice for social workers facing such situations is vital, as is the facility to hold family group conferences and set up pre-proceedings meetings in appropriate cases.

The core assessment document is not felt to be a helpful tool in the analysis of the child's situation. Social workers should be consulted on the best way of analysing and presenting such information.

A chronology is a very effective way of ensuring that key information is on file and anyone reviewing that file can see patterns and trends. Case law has suggested that chronologies should be on the front of the file, and colour coding would indicate areas of concern at a glance.

Linked to this, magistrates often see children who have been left to suffer significant harm for many years before court action is taken. These children are normally very damaged and difficult to place. Once in court proceedings, the court must set a timetable for the child. It would be helpful for tight timetables to be set by social workers outside of proceedings and action taken if agreements by parents/carers are broken or not complied with. There needs to be a debate about the extent to which repeated efforts should be made to keep a child with the birth family and the role of the court/care system. There needs to be adequate resources in terms of alternative placements for children and assistance locally to families to help them to reach the threshold of good-enough parenting.

The duty on housing/education and health in particular to work with the local authority as set out in Section 27 Children Act 1989 does not seem to work particularly well and there is a

need to look again at the recommendations made by the Chief Medical Officer in his report: Bearing Good Witness.

Information sharing, particularly with the police, needs to be improved and it needs to be made easier for social workers to access any information or intelligence held by local constabularies quickly. Similarly, if there are concurrent criminal and care proceedings, social workers need to be able to share the evidence gathered by the police and held by the CPS. Practices and procedures which prevent or delay social workers in carrying out their main task need to be addressed.

The training of social workers needs to include gathering of evidence, presentation and court skills. It should be clear what a social worker should be expected to be able to assess eg attachment/parenting capacity, and to have access locally to specialist advice/assessors if necessary. The issue of parents with learning disabilities and co-operation with adult services needs to be resolved.

The Magistrates' Association recognises the important work that social workers undertake and would be happy to make a further contribution as appropriate in the future.

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