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A review of Supervision Orders where are we now?

Are they worth the paper they are printed on?

<https://www.judiciary.uk/wp-content/uploads/2023/04/April-2023-Report-Supervision-Orders-Final.pdf>

Background

First substantive report of PLWG published 15.06.20 contained best practice guidance for the use of Supervision Orders with Special Guardianship Orders from Re P-S (Children) [2018] EWCA Civ 1407

Final report of PLWG published on 01.03.21 focusing on Supervision Orders as standalone orders to assist the return of children to carers who were bringing the children up prior to care proceedings.

The main recommendation of this report was for a sub group to be set up to consider best practice guidance.

Observations in Final PLWG report

§213 – In the hierarchy of placement options preserving families and promoting family reunification wherever possible is considered the first priority.

§215 – Supervision Orders also seen as ‘a relatively feeble tool that needs to be made more robust and useful’.

Difficulty in obtaining data because there is no standalone analysis of outcomes for children under Supervision Orders.

CAFCASS data used together with national research :

- 20% likelihood of the matter returning to court for care proceedings within 5 years of the making of the Supervision Order
- Younger children under 5 are more likely to see a return to care proceedings
- 10% of Supervision Order risk return to care proceedings within 1 year.

Outcomes for children made subject to Supervision Orders :

- 24% of children experienced neglect or abuse during the Supervision Order
- Out of the 24% most suffered neglect and most frequently in the ages between 1-4

Follow up after 4 years from making the order:

- 24% of children had experienced a permanent placement move
- 28% subject of further care proceedings
- 56% experienced parental housing and financial difficulties

Regional variations of Supervision Orders made by circuit (2016/2017) :

- North Western 9%
- Midlands, North East and South West 12-14%
- London 25%
- Wales had the lowest use

Usually the higher use of Supervision Orders indicated the lower use of Care Orders

There was a difference of opinion within the group as to whether Supervision Orders provide any additional support and access to services over and above the services offered under the Child in Need framework.

Sch 3 (2) CA 1989 directions rarely used as they are not enforceable:

2 (1) A supervision order may require the supervised child to comply with any directions given from time to time by the supervisor which require him to do all or any of the following things—

(a) to live at a place or places specified in the directions for a period or periods so specified;

(b) to present himself to a person or persons specified in the directions at a place or places and on a day or days so specified;

(c) to participate in activities specified in the directions on a day or days so specified.

Recommendation 40 from the PLWG was for an additional sub group to be set up to examine Supervision Orders.

Recommendation 13 – Government should review components of Supervision Orders with recommendation that they be revised to provide more robust and effective form of a public law order. This might be best considered as part of the wider independent review of Children’s Social Care.

Recommendations to achieve best practice in the child protection and family justice systems: Supervision orders April 2023

Culmination of the sub group is the best practice guidance now published.

Main outcomes

3 Overarching principles:

- i. The child’s welfare is paramount;
- ii. Children are best looked after within their families with their parents playing a full part in their lives, unless compulsory intervention in family life is necessary;
- iii. Any intervention should be necessary and proportionate. That means actions taken should be no more than is needed to achieve the aim of keeping the child safe and well.

6 Core Principles:

- i. Partnership and coproduction with children and families.
- ii. Multi-agency and multi disciplinary working.
- iii. Clear, tailored plans including to address ongoing risks in line with the findings and conclusions of the court proceedings.
- iv. Resource clarity
- v. Formal and robust review
- vi. Accountability

Short term/immediate recommendations

- i. Each local authority children's services department should implement the Best Practice Guidance [BPG]
- ii. Supervision Orders should only be made when all matters set out in the Supervision Order template in the BPG have been considered and addressed
- iii. Each children's services department adopts and completed the self-audit questions set out in the BPG in respect of Supervision Orders made in their favour
- iv. Each children's services department to considers adopting the 'thinking tool' in the BPG
- v. HM Government provide the necessary resources to local authorities to enable them to adopt and implement the BPG to fullest and most effective extent possible.

Longer-term recommendations invite the Government to consider:

- i. Amending the Children Act 1989 to provide a statutory basis for Supervision Order support plans (akin to s31A CA89)
- ii. Place local authorities under a statutory duty to provide support and services
- iii. Amending the statutory guidance to reflect the recommendations of BPG
- iv. HM Government undertaking and funding an external body to identify all Supervision Orders made and collect data on :
 - a. Supervision Orders at the end of proceedings
 - b. Implementation of the plan during the life of the Supervision Order
 - c. Change of placement or return to Court for the children and parents up to 2 years after the end of Supervision Order.

Appendix C: Best Practice Guidance; Children Remaining With, Or Returning Home To, Their Parent(s) At the Conclusion Of Care Proceedings

Helpful Flowchart at Page 74

Supervision Order plan should reflect the 6 core principles

Court should alert all parties to the need to read and apply the principles .

The Court will want to be satisfied:

- i. The proposed plan has been co-produced in line with the core principles”
 - a. How co-production is being approached
 - b. Plans for FGC or similar
 - c. Family insights, resources and any family plan have shaped Supervision Plan presented to the court
- ii. The risks and needs referred to in the plan accurately reflects any findings made
- iii. What needs to happen to address the risks and needs is specifically and clearly set out in the plan and is understood by the parents and others involved in the plan.
- iv. Sufficient evidence regarding the resourcing for each element with grounds to be confident that the plan can be put into action promptly
- v. The proposed review process the is appropriate, formal and robust
- vi. There are detailed and clear arrangements as to how 6 core principles are to be achieved
- vii. The plan itself is in plain language and understood fully by those involved.

Recitals on Supervision Orders

- i. Why the order was made for a specific length
- ii. That the parents agree to the Supervision Order support plan and actions set out
- iii. The local authority agrees to provide and co-ordinate the services and support in the plan
- iv. The local authority confirms each part of the Supervision Order support plan is resourced and funded.

After the Supervision Order is made

If there is a change of social work team, the local authority must continue to provide support

Any amendments of support should be the subject of discussion with the parents and others

There should be time for the parents to take advice on the changes

If the plan is amended there should be an amended support plan prepared with the reasons for the change to also be confirmed in writing

Review process

There is no statutory framework

Core principle 5 – form, robust framework for the reviewing process

Review process should be clear as should be the support that will be in place to enable those involved to fully participate

Guidance on the review process

Key features of an appropriate bespoke supervision order review process will include (but not be limited to):

- Family participation: Parents and other significant adults should be invited to attend. Working with the family to identify what support they may need to actively participate will be crucial. Ensuring families know in advance who will be present and what their role is.
- Child participation: How the child is to be participate should be carefully considered and planned for. Whether children participate directly or in other ways, the arrangements for their views to inform and shape the review should be clear and agreed with the family and with the child (in accordance with their age and understanding).
- Agencies/organisations: Other agencies and organisations involved should attend unless there are reports provided in advance and other agreed means for queries to be raised. How the child is to participate in the review should be considered and

- Chair: Someone who is independent of the day-to-day handling or management oversight of the case and has specified skills and experience detailed at the end of core principle 5.
- Frequency: The timeframe for a first review should be set out within the supervision order plan approved by the court. Thereafter, reviews should take place at such intervals as is agreed to be appropriate in all the circumstances of the case. A review meeting should always be scheduled to take place not less than one month prior to the anticipated conclusion of the supervision order.
- Focus: The first review of progress should provide early oversight of whether planned services, support and resources are in place. It should examine whether the plan is being put into action as agreed and expected
- Documentation: An accessible note of each meeting should be written up and shared with all participants. This should include details of any actions, who is to carry them out and by when. The family should always be provided with a copy of the note. There should be opportunity for them to raise any queries or concerns as to its content and accuracy. The outcome of a review and details of the plan should be explained to the child in a manner which is in accordance with their age and understanding.

Best practice when a child is at home with no order

The level of detail required by the court is unlikely to differ from that needed where a supervision order plan is prepared.