

Study calls for radical court order 'shake-up' to keep families together

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Parents reunited with their children via a court order following care proceedings reveal a lack of "humanity" in the court process with a perception they were "just a cog in the machine," "a case rather than a person," "downtrodden" and "belittled."

However, parents interviewed for new research, felt the court had a

major role in facilitating [family](#) reunification but called for significant changes in the court experience and a radical shake-up of the court orders intended to keep families together.

Parents felt that they had not received enough help before [care proceedings](#) for the domestic abuse, mental health difficulties and substance misuse that typically triggered the care proceedings. They also felt that a lack of understanding of these parental problems in court made it very hard to present their case well and give them a realistic chance for their child to come home.

The new study, authored by Professor Judith Harwin and Lily Golding from Lancaster University Centre for Child and Family Justice Research recommends a major overhaul. The report was funded by the Department for Education, and published on their website to inform the first review of supervision orders since the introduction of the 1989 Children Act.

The review is being carried out by a sub-group of the Public Law Working Group (PLWG), co-chaired by High Court Judge, Mr. Justice Michael Keehan and Professor Harwin.

The research "Supporting families after care proceedings: supervision orders and beyond" charts the experiences and views of parents whose children were made subject to a supervision order or a care order at home at the end of care proceedings. Both orders are ways of keeping families together when it is safe. The study also covers parents' experiences of pre-proceedings and care proceedings as they helped shape the final [court order](#).

Individual interviews were held with parents and focus groups were held with a sub-set of parents so they could jointly put forward proposals for change. Forty-four parents of 59 children, of whom one third had [special](#)

[educational needs](#) and disabilities, took part in the study. 20 parents had experience of a child on a supervision order, 24 had a child living at home on a care order. Their experiences cover 13 [local authorities](#) (11 in England) and two in Wales. Most of the orders were made between 2018 and 2020.

The study found domestic abuse, mental health difficulties and drug and alcohol misuse were widespread factors in the issue of the care proceedings.

Parents found judges and their legal representatives the most helpful, and social workers the least helpful professionals during proceedings. The relationship between the local authority and parent had improved by the time the final order was made in most cases.

Parents wanted clearer explanations of the court process with better signposting to the next steps. They welcomed both the making of a supervision order and care order at home as it meant they could be a family again and wanted both orders to be retained. But they had mixed views on how helpful the supervision order had been. Nearly all parents felt that the supervision order could work better. They said multi-agency working was uncommon, but it was considered very useful when it did happen.

Parents called for more support and collaboration in pre-proceedings, with clear directions, advice and specific expectations and timescales. They wanted to see the involvement of an "independent parent supporter" to provide legal, emotional, and practical support to the parent from pre-proceedings to the end of the order and continuity of personnel, especially between pre-proceedings and care proceedings.

The new study calls for:

- Strengthening of supervision orders. Guidance should be issued by the DfE to underpin a national best practice framework to help ensure consistency of support and oversight. It should be informed by relevant research, cross-sector insights about supervision orders and care orders at home, and the expertise of those with lived experience.
- Improving the court experience including setting up a PLWG task force and reviewing the possibility of incorporating some features of the compassionate and collaborative approach of the Family Drug and Alcohol Court (FDAC) into mainstream care proceedings.
- Commissioning parents to co-produce with practitioners a family friendly guide to care proceedings.
- Improving the response to domestic abuse including a round table to develop a multidisciplinary training program strategy on the identification of and response to [domestic abuse](#). The target groups should include child protection and family court practitioners and the police.
- Setting up a Government-funded, fixed term Supervision Order Support Fund, similar to the Adoption Support Fund.

Professor Harwin said: "Supervision orders are now the last main opportunity for parents to be reunited with their children. As this study shows, only a radical revamp will provide families with the active support and services to manage this vital transition back to family life. Otherwise, more children risk ending up back in court for further care proceedings and permanent removal from their parents. There has never been a more important time to invest in the supervision order."

Mr Justice Keehan said: "This report will make a very important contribution to the work of the PLWG's Supervision Order Sub-group. The views of parents about their experience of the family justice system and of appearing in the Family Court must be addressed. We, therefore,

propose to establish another sub-group of the PLWG to make recommendations about how the experiences and involvement of parents, caregivers, young people and children in family court proceedings can be improved for the benefit of all those involved in these cases."

More information: Research and analysis: [Supporting families after care proceedings](#)

Provided by Lancaster University

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