

A PRACTICE NOTE TO PROVIDE GUIDANCE ON THE ROLE OF SOCIAL WORKERS IN CARE PROCEEDINGS

SOCIAL WORKERS ARE EXPERTS; NO LESS SO THAN A CHILDREN'S GUARDIAN

The PFD has made it clear that social workers, like children's guardians are experts.

There is no hierarchy in terms of their respective roles. Each is an expert in their own right and there should be no attempt to elevate the opinion of a children's guardian above that of a social worker, just because they are a children's guardian.

As the final report of the Public Law Working Group commented often the social worker will have spent far more time working with the family than a children's guardian.

Their respective opinions should be assessed and evaluated on their merits.

STILL TOO MANY ADDITIONAL EXPERTS BEING USED

Additional experts are still being used in too many cases.

An additional expert report should not be directed unless it is necessary to do so to deal with the proceedings justly. Where it is demanded by the issues in the case.

ENDING THE 'START AGAIN' CULTURE

If during pre-proceedings, good enough assessments are done so that the case is "match ready" the local authority should not be asked to re-assess once proceedings are commenced. We need to stop the 'start again' culture.

The court should not criticise the local authority for keeping the case outside of proceedings whilst assessments are being undertaken.

If the court wishes to allow for continued assessment of a parent at IRH/final hearing within proceedings then, where appropriate on the facts of the case, the court should make a final care order in circumstances where it is open to the local authority to apply to discharge the care order if and when appropriate.

OVER-SCRUTINY OF CARE PLANS

The court's duty is to scrutinise the permanence provisions of the care plan and if appropriate to approve them.

Children's guardians and the courts should not over-scrutinise the care plan. Scrutiny should be limited to the permanence provisions;

- a) with whom is/are the child(ren) to live;
- b) arrangements for contact ;
- c) under which type of order).

The court should not scrutinise the care plan beyond these core aspects. It is not, for example, appropriate for the court to undertake scrutiny of who is doing therapy and who is paying for it.

His Honour Judge Steven Parker

The Designated Family Judge for Cheshire and Merseyside

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