

the impact of the Baby Peter case on applications for care orders

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INVESTOR IN PEOPLE

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Executive summary

Key findings

There is clear evidence to indicate that the levels of Section 31 applications made by English local authorities (LAs) rose in the wake of the publicising of the case of Baby Peter (in November 2008), and, in the period that followed, continued to rise to a level higher than any experienced since April 2007.

The impact of the case on English LAs has been diverse, although there are variations in the intensity of this impact both between and within LAs.

LA research participants describe different impacts of the Baby Peter case and give a number of different explanations. The case is perceived as significant and responsible for both a marked decline in morale and the increased communication of child protection concerns by the public and partner agencies.

LAs are broadly optimistic about the future for child protection and safeguarding activity. Most welcome the findings of the Laming Review¹, in principle. However, this is tempered by a view that the degree to which they can make changes is contingent upon a range of workforce developments and resourcing issues. There is a clear view that significant investment in additional resources is needed to implement many of the review's recommendations.

Introduction

Following the death of Peter Connelly in August 2007, the Secretary of State for Children, Schools and Families commissioned Lord Laming to provide an urgent report on the progress being made across the country to implement effective arrangements for safeguarding children. The report concluded: 'There now needs to be a step change in the arrangements to protect children from harm' (DCSF, 2009b, p.4). And one year on from the report's publication, in March 2009, the government published a suite of guidance and action plans for improving and supporting the work of all those involved in safeguarding children.

Within this context, the Local Government Association (LGA) commissioned the NFER to conduct this research to provide the LA perspective on the impact (both short and longer term) of the Baby Peter case, and associated developments, specifically on Section 31 applications² and more generally on child protection, following the Laming Review in 2009.

This research was conducted between August 2009 and March 2010. There were two phases. Phase one, between August and November 2009, included an online survey of LA directors of children's services in England and an analysis of the number of Section 31 and interim care order applications made between April 2007 and December 2009. In phase two, in-depth case-study work was undertaken in six LAs between November 2009 and February 2010.

To ensure the comparability of findings from all stages of the study, the research concentrated on the impact of the Baby Peter case after 11 November 2008, the date the case was first publically reported in the UK's national media.

What relevant changes have taken place since the case of Baby Peter?

Approximately six months prior to the case of Baby Peter being made public, there was a notable dip in the number of Section 31 applications made by LAs. In the quarter July to September 2008, however, the number of Section 31 applications began to rise. This trend continued following the case being made public in November 2008, before reaching a plateau in the last six months of 2009 at a higher level than experienced in any previous quarters since April 2007.

Just over two-thirds (25) of survey respondents reported an increase in the level of Section 31 applications made in their LA since the case of Baby Peter was made public in November 2008. In half (three) of the case-study LAs, interviewees feel strongly that there has been an increase in the number of

Section 31 applications since the case was made public.

Just over two-thirds (25) of survey respondents said there had been no change in the types of cases leading to a Section 31 application since the case of Baby Peter. In LAs that have experienced such change, neglect is most commonly cited as the type of case in which they have witnessed most change.

Respondents to the online survey and those involved in the case studies reported a rise in public and practitioner interest in, and sensitivity towards, child protection issues following the case of Baby Peter being made public in November 2008.

Five online survey respondents, and many of the LA interviewees, reported an increase in the tendency of partner agencies to make referrals to children's social care since the case of Baby Peter.

In three of the case-study LAs, interviewees report a rise in the number of children being placed on child protection plans since the time the case of Baby Peter was made public.

In four case-study LAs, interviewees reported an increase in both the number of children within the looked-after population, and the number of children requiring placements, following the case of Baby Peter being made public.

What has been the impact to date of such changes?

Overview: survey respondents and case-study interviewees report a range of impacts. In some LAs these appear to be profound, although the data does suggest variation both between and, in some respects, within LAs. These impacts are of concern in themselves, not least because of the implications they have for outcomes for children.

Workloads and capacity: in some LAs, social workers, their managers and legal advisers are contending with very high workloads. These have implications for both the quality and timeliness of their work.

Ways of working: the survey and interview data paints a mixed picture with regard to impact on practice and ways of working, but they do suggest that there may well have been some subtle changes in approach. Several references were made to the emergence of 'defensive practice', although this was always in 'other' teams, LAs or agencies.

Resources (including placements): there is considerable concern about actual or imminent shortfalls in resources, with LAs paying out substantial sums of money to agencies for staff and children's placements (due, in the latter case, to LAs exhausting their own pool of places) and to the courts.

Morale: there appears to be a widespread negative impact on morale, with this being most pronounced amongst frontline child protection social workers. Legal staff in some LAs also seem to have been affected.

Retention and recruitment: these long-standing problems appear to have become more profound, with increased stress and overwork leading to long-term staff absences and the attrition of more experienced staff. Anecdotal evidence suggests child protection social work may have become a less attractive career choice.

Relationships with other professionals and agencies: where relationships between LAs and partner organisations are close and there is a well-developed understanding of children's services' remit, authorities appear to have been able to manage partners' anxieties and pressures. However, case-study data suggests that in some areas new tensions have developed and partners have become keener to 'pass on' responsibility for safeguarding activity.

Explaining the impact

The Baby Peter case is perceived as significant and responsible for both a marked decline in morale and the increased communication of child protection concerns by the public and partner agencies. However, there are doubts as to whether it offers a comprehensive explanation for the rise in Section 31 applications.

Research participants identify changes in both demography and parenting capacity over the relevant time period as possibly contributing to an increased volume of referrals.

There is data to suggest that there have been improvements in the identification of need in terms of more consistent detection and reporting of neglect and abuse. There is a widespread conviction that the Baby Peter case has been instrumental in this through the way in which it heightened public and partner sensitivity. However, the preventative agenda linked to Every Child Matters is also thought to be an explanatory factor.

There have been a number of changes to the way in which cases are worked in the period around and following the Baby Peter case. These changes include the review, in some LAs, of long-standing cases (these reviews are not portrayed as a response to Baby Peter). Two other major and broadly contemporaneous developments are the roll-out of the Public Law Outline (PLO)³, and the introduction of the Integrated Children's System (ICS)⁴. The convergence of these initiatives with the Baby Peter case is widely seen as 'unfortunate', and critical to explaining current circumstances.

Expectations for child protection and safeguarding in the future

Perspectives on Section 31 trends: over half (21) of the online survey respondents indicate they expect the current level of Section 31 applications to either be sustained (17) or to increase (four). A further eight respondents expect the level to fall. Four of the case-study LA interviewees expect the level to stay the same. Two LAs expect the level to increase before reaching a plateau in the near future.

Expectations for child protection and safeguarding activity: despite their ongoing concerns about the level of Section 31 applications, many of the LA case-study interviewees are optimistic about child protection and safeguarding activity in the future.

Three case-study LA interviewees suggest there is likely to be a greater and growing role for other professional agencies (for example, the police, health and

educational services) to become involved in safeguarding activities, facilitated by greater use of the Common Assessment Framework (CAF) at Tier 1 and Tier 2.

Three LA interviewees hope the high level of scrutiny experienced by social workers following the Baby Peter case will contribute towards greater support and understanding from both external agencies and the public.

Recommendations of the Laming Review: many of the case-study LA interviewees welcome the findings of the Laming Review, in principle, and are reassured that the recommendations corroborate the existing practices and procedures within their social care teams.

Interviewees in case-study LAs report that the degree to which they can make changes is contingent upon on a range of workforce development and resourcing issues, and are clear that significant investment in additional resources would be required to implement many of the recommendations of the Laming Review.

These concerns are most keenly felt in relation to the protection of caseloads for newly-qualified social workers, and in changes to the volume of cases that more experienced social workers would be expected to hold.

Interviewees in two of the LAs said the recommendation to treat a greater number of 'contacts in' to social care team as referrals would have significant implications for their profession in terms of workload and resource issues.

Concluding comments and key messages

This research shows that there is clear evidence to indicate that the levels of Section 31 applications made by English LAs rose in the wake of the publicising of the case of Baby Peter (in November 2008), and continued to rise to a level higher than any experienced since April 2007.

In addition to this, there is strong evidence to support the occurrence of other changes since the case of Baby Peter, including a more acute sensitivity towards child protection issues, both among the public and

professionals in related services, and increased activity in the children's care system.

The impacts experienced by English LAs subsequent to the case of Baby Peter are diverse, and vary in their degrees of intensity. A range of types of impact were commonly cited including workload and capacity; ways of working; resources (including care placement availability); morale and staff retention and recruitment; and relationships with other professionals and agencies.

A number of explanations for these impacts are posited by research participants within LAs, evidencing variation in the degree to which the case of Baby Peter is implicated in such impact. The evidence is most unequivocal in relation to the negative impact on morale. In relation to other impacts, the case of Baby Peter is considered less of a decisive factor and more as one of a number of factors which have converged to result in the impacts experienced.

LAs are broadly optimistic in their expectations of the future for child protection and safeguarding activity. Most welcome the findings of the Laming Review, in principle, although this is tempered by the degree to which they anticipate that any subsequent changes will be supported by appropriate actions in relation to resourcing and workforce development.

Notes

- 1 In November 2008, the Secretary of State for Children, Schools and Families commissioned Lord Laming to provide an urgent report on the progress being made across the country to implement effective arrangements for safeguarding children.
- 2 Under Section 31 of the Children Act 1989, local authorities can apply for a care or supervision order in respect of children who they believe are suffering, or are likely to suffer, significant harm.
- 3 The Public Law Outline (PLO) replaced the Protocol for Judicial Case Management in Public Law Children Act Cases. It came into effect on 1 April 2008 and was part of a number of changes aimed at streamlining children's care proceedings and related case management procedures. This research has found that the introduction of the PLO may partly explain a temporary suppression in the level of Section 31 applications prior to the case of Baby Peter. One possible reason suggested for this was the additional administrative work required as a result of the new system and/or associated costs.
- 4 An electronic social care tool and record

1 Introduction

1.1 Background

What is a Section 31 application?

Under Section 31 of the Children Act 1989, LAs can apply for a care or supervision order for children believed to be suffering, or are likely to suffer, significant harm. Specifically, this must be in circumstances where:

- the harm is attributable to the care being given to the child not being what it would be reasonable to expect a parent to give him

or

- the child is beyond parental control.

Care orders continue until the child is 18 years, unless discharged earlier, and can only be obtained on children under 17 years (or 16 if they are married). Supervision orders initially last for one year and can only be in place for a maximum of three years.

Children and Family Court Advisory and Support Service¹

Following the death of Peter Connelly in August 2007, the Secretary of State for Children, Schools and Families commissioned Lord Laming to provide an urgent report on the progress being made across the country to implement effective arrangements for safeguarding children. Published in March 2009, the report stated: 'There now needs to be a step change in the arrangements to protect children from harm' (DCSF, 2009a, 4).

The government's response to this report was published in the form of an action plan which set out how it would work with local government and

frontline services to drive forward reform of child protection services across England (DCSF, 2009b). As a result, the cross-departmental National Safeguarding Delivery Unit (NSDU) was established in July 2009 to support the safeguarding system nationally, regionally and locally.

A year on from these reports, there have been several developments in the government's work in relation to safeguarding and social work. In March 2010, the NSDU's progress report on the action plan acknowledged that while 'a great deal has been achieved', the increased demand arising from the improved identification and support of the most vulnerable children (as a result of the Every Child Matters reforms) means challenges remain (DCSF, 2009a).

The concurrent publication of the first annual report of the Chief Adviser on the Safety of Children to Parliament identified:

There continues to be a need for government departments to work alongside the National Safeguarding Delivery Unit to engage local agencies more fully in efforts to protect our most vulnerable children.

DCSF, 2010d

This recommendation is reflected in both the revised statutory guidance, *Working together to safeguard children*, issued at the same time as the above reports and in the NSDU's six broad priorities for its work in the next two years which include leadership and partnership working (DCSF, 2010b; DCSF, 2010d).

In addition to the developments in safeguarding children, the government had recently announced a more detailed plan to progress its programme of social work reform, first announced in its action plan of May 2009. This implementation plan sets out how the newly established Social Work Reform Board will work with a range of partners to implement the 15 recommendations made by the Social Work Task Force in November 2009. A core part of the system reforms

to be implemented includes 'standards for employers which ensure that social workers have manageable workloads and high quality supervision' (DCSF, 2010c).

There are some suggestions that wider and fundamental changes to the functioning of the care proceedings system also need to be considered in relation to the safeguarding of children. These changes include the introduction of the PLO and the transfer of costs of care proceedings from the court service to LAs in April 2008. Gillen (2009) suggests the Baby Peter case illustrates how these changes are affecting social work practice on the frontline and cites figures from the Children and Family Court Advisory and Support Service (Cafcass) to support this premise. These show that between 10 November and 5 December 2006, and in the same period in 2007, the number of Section 31 applications fell by nearly 15 per cent.

The government's announcement in March 2010 addresses one of the wider changes noted above, namely the costs of care proceedings borne by LAs. Following the Plowden Review of court fees in child care cases (Plowden, 2009), the government announced its decision to abolish the court fees incurred by LAs as a result of pursuing care proceedings in April 2011.²

In their early process evaluation of the use of the PLO in family courts, Jessiman, *et al.* (2009) revealed concerns that, on the one hand, the PLO had not been particularly effective in preventing cases which might be dealt with in other ways from coming to court, and, on the other, the 'front-loading' of work for LAs might delay the issuing of proceedings.

1.2 Aims and objectives of the research

The overarching aim of the research commissioned by the LGA was to examine the LA perspective on the impact of the Baby Peter case and associated developments, specifically on Section 31 applications and, generally on child protection, following the Laming Review in 2009.

The objectives of the research were to examine:

- levels of care and supervision order applications under Section 31 of the Children Act (1989) prior to, and since, the Baby Peter case

- the impact of the case (and associated developments) on care teams and the implications for the role of wider safeguarding partners
- perspectives on the future development of child protection and safeguarding in the medium and longer term following the Laming Review recommendations.

1.3 Methodology

This research was conducted between August 2009 and March 2010. The research methodology involved two phases.

Phase 1 (August to November 2009): an online survey of LA directors of children's services in England and analysis of the number of Section 31 and interim care order applications in the period April 2007 to December 2009.

Phase 2 (November 2009 to February 2010): in-depth case-study work in six LAs.

1.4 Structure of the report

The findings from both phases are presented in the following chapters.

Chapter 2 considers relevant changes since the Baby Peter case.

Chapter 3 focuses on the impact to date of such changes.

Chapter 4 presents the reported explanations for such impact.

Chapter 5 reports on future expectations for child protection and safeguarding.

Chapter 6 includes concluding comments and the key messages from the research.

Notes

1 http://www.cafcass.gov.uk/the_law_about_children/care.aspx#careorders

2 The Ministry of Justice made this announcement on 15 March 2010, further details are available at <http://www.justice.gov.uk/about/docs/court-fees-child-care-proceedings.pdf> (Plowden, 2009)

2 Relevant changes since the Baby Peter case

This chapter explores the changes that have taken place within children's social care since the Baby Peter case was made public in November 2008. These changes relate to both the pattern of Section 31 applications as well as child protection activity more widely, including referrals into children's social care, child protection plans, and the looked-after children population.

The chapter draws on the analysis of Cafcass data presenting levels of Section 31 applications in England between April 2007 and December 2009, as well as NFER online survey data and perspectives given by interviewees in the LA case-studies.

2.1 Pattern of Section 31 applications

A summary of the trends in Section 31 applications between April 2007 and December 2009 presents a number of conclusions.

- In the 30-month period between April 2007 and December 2009 there was a 38 per cent increase in the number of Section 31 and interim care order applications made in England.
- There was a dip in the number of Section 31 applications in the quarter April to June 2008. This was the period following the launch of the PLO. In each period following this, there has been a rise in the number of Section 31 applications.
- The rise in Section 31 applications beginning in the quarter July to September 2008 continued following the Baby Peter case being made public in November 2008.

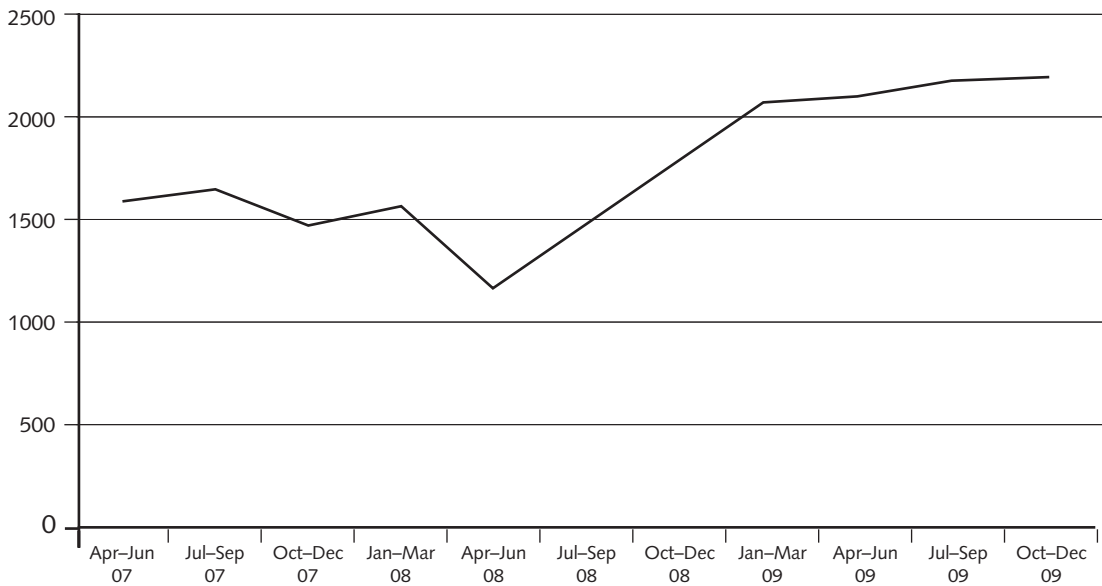
- There has been a levelling out in the average number of Section 31 applications in the final two quarters for which we have data (July to September 2009 and October to December 2009). This level is higher than the number of applications made in each of the preceding quarters.

The analysis of Cafcass data presenting Section 31 applications by LA reveals that approximately six months prior to the Baby Peter case being made public, there was a notable dip in the number of Section 31 applications made by LAs. In the quarter April to June 2008, the level fell by 26 per cent from the previous quarter. This corresponds with the introduction of the PLO in April 2008 to replace the protocol for Judicial Case Management in Public Law Children Act cases and reduce the need for care proceedings.

In the quarter July to September 2008, however, the number of Section 31 applications began to rise. This trend continued following the case of Baby Peter case being made public in November 2008, before reaching a plateau in the last six months of 2009 at a higher level than any of the previous quarters since April 2007. This is illustrated in Figure 2.1.

Looking at this data by LA type, the key difference in the number of Section 31 applications is that the London LAs were the only ones not to experience a dip in the number of applications during the quarter April to June 2008. This may have been because London boroughs were involved in piloting the PLO in April 2007, so were unlikely to have been as severely affected by its introduction in April 2008, as shown in Figure 2.2.

Figure 2.1 Total number of Section 31 applications in England, April 2007 to December 2009



This increasing trend is corroborated by the results of our online survey and case-study research. Just over two-thirds (25) of survey respondents report that there has been an increase in the level of Section 31 applications made in their LA since the Baby Peter case was made public in November 2008.

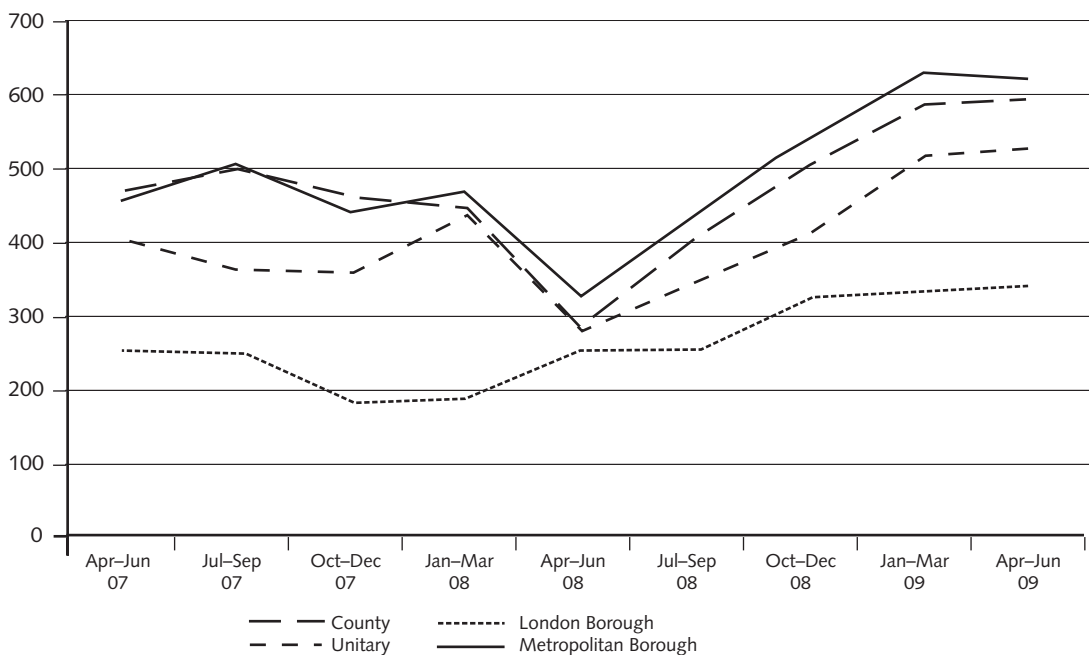
Within these LAs, the degree to which this increase is due to voluntary agreements with parents is varied: five LAs report voluntary applications account for a quarter or more of the additional applications, whereas ten LAs indicate this is the case for less than a quarter of additional applications. Amongst those LAs in which

voluntary applications do occur, the response is split almost equally between those for whom the recent proportion of voluntary agreements has been typical; and those for whom the recent proportion has been atypical.

Half (three) of the case-study LA interviewees feel strongly that there has been an increase in the number of Section 31 applications since the Baby Peter case was made public in November 2008.

Two of these case-study LA interviewees report a marked increase compared with the previous financial year, estimating there has been approximately 50 per

Figure 2.2 Number of Section 31 applications made per LA type



cent more Section 31 applications in the year 2009–10 compared to 2008–09. The third local authority case study reports a more modest increase, estimating there has been approximately 20 per cent more Section 31 applications in the year 2009–10 compared to 2008–09.

From June onwards we started to get requests, increasingly, for legal planning meetings to take place and there was a gradual increase in the number of applications that we were filing with the court. But it was only gradual. Then we get to November 2008, which was when there was the publicity about Baby Peter, and I think it's fair to say that from that time on there was a surge in the number of proceedings that were being issued.

Principal Solicitor

A further two LA case studies give mixed responses about the extent of change, suggesting that there are differences in the level of Section 31 applications within and between LAs. Only one case-study LA interviewee reports that there has not been any change in the number of Section 31 applications since the Baby Peter case was made public.

Just over two-thirds (25) of online survey respondents state there has been no change to the type of cases leading to Section 31 applications since the Baby Peter case. In LAs that have experienced a change in the type of cases leading to a Section 31 application (ten), neglect is most commonly cited as the type of case in which they have witnessed most change. Respondents report a general increase in cases of neglect, both in relation to the number of proceedings and at varying ages.

This finding is echoed by interviewees in the case-study LAs, only one of whom reports a change in the type of cases leading to Section 31 applications. Again, this LA interviewee cites neglect as the type of case in which they have witnessed most change. Others feel that there has been no significant change in the types of cases received. However, some LA interviewees report the groups of children for whom applications are sought has changed, to include a greater number of sibling groups, newborns and children who have been known to social care for some time. Children's social care teams also report identifying more cases involving older children, where historically there was more reticence about going through with proceedings.

2.2 Other reported changes in child protection activity

Respondents from both the online survey and case-studies report a rise in public and practitioner interest in, and sensitivity towards, child protection issues following the Baby Peter case being made public in November 2008.

Case-study respondents perceive that this has resulted in an intensified focus on social work practice, as well as a rise in awareness and vigilance amongst the public and partner agencies in identifying safeguarding concerns. This has been reflected in the volume, source and type of referrals received by children's social care. All six LA case-study interviewees identify an increase in the volume of referrals received by children's social services following November 2008.

We had a huge increase in referrals [...] in November we were already on a steady increase at around 130 referrals a month. When Baby Peter hit the press, the referral rate rocketed to 160 in November and December. [Since then] we have averaged at 120 to 130 referrals a month.

Team leader, referrals and assessment

Whilst several case-study LA interviewees identified an increase prior to November 2008 due to, for example, the PLO and ICS, all feel there has been a surge following the Baby Peter case. Similar to the trends identified in relation to Section 31 applications, there are disparities both within and between LAs about the extent of change: case-study respondents identify anywhere between a 25 and 80 per cent increase in the volume of referrals, and a third (two) of the case-study LAs report an increase in the number of initial assessments completed.

Five online survey respondents and many of the interviewees from the case-study LAs report an increased tendency of partner agencies to make referrals to children's social care since the Baby Peter case. The main sources of referrals were education, health (most commonly health visitors, midwives and school nurses, accident and emergency departments, and general practitioners), the police, probation, housing, other LAs and practitioners in other social care settings.

Interviewees from case-study LAs also report the rise in sensitivity towards social work practice has meant referrals are received at a much lower threshold from other agencies and the public. One interviewee reported that immediately after the Baby Peter case was publicised, the quality of referrals decreased significantly. At this time, more than half of referrals were not progressed to an initial assessment because they did not meet the social care team's threshold for intervention, and could have been more appropriately handled within the Common Assessment Framework (CAF) at Tier 1 or Tier 2.

After the Baby Peter case hit the press, some professionals working in other agencies overreacted to the situation [...] and showed clear indications of being more anxious than they may have been beforehand about what they were witnessing and their take on how it ought to be handled. I've sat in a number of child protection conferences where Baby P has been specifically referred to [...]. One worker, for example, saying 'all I'm trying to do is prevent another Baby P situation'.

Assistant Director for Children's Services

Three interviewees from case-study LAs also report there has been an increase in the number of children placed on child protection plans since the time the case of Baby Peter was made public. However, there was little agreement about the extent to which this could be attributed to the Baby Peter case. For example, one LA interviewee reported that in the previous eight to ten years there have been an average of 60 to 75 children registered on child protection plans at any one time, yet from autumn 2008 the increased very sharply, reaching 105. However, they also report that in the period immediately prior to this, child protection plans had fallen to an all time low of around 50 children, corresponding with a fall in referrals and the number of looked-after children.

Interviewees from four case-study LAs report an increase in the number of children within the looked-after population and children who require placements, following the case of Baby Peter being made public. Interviewees from one of these LAs reported that the looked-after children population is the highest it has been in eight years. Another interviewee reports that a possible explanation for this is that there are a higher number of children coming into foster care, most of whom are young children. This has placed a huge pressure and burden on social workers.

3 The impact to date of changes since the Baby Peter case

This chapter describes the effects of the increased attention on and activity in the child protection arena since the Baby Peter case was made public. It does not consider whether the developments are because of Baby Peter, this is the focus in chapter five.

3.1 Impact on workload and capacity

Almost all survey respondents (33/37) report an impact on workload, with 13 of the 25 survey respondents identifying a change in the level of Section 31 applications seeing this specific development as having workload implications for care teams. Both survey and interview data suggest some children's services departments have created additional posts in child protection social work and legal teams in response to the observed increases in work. However, many research participants report very high work/caseloads.

Interviewees tell us that they are working 'flat out' and are 'stretched to our limit'. In some LAs there have been difficulties allocating cases, which could only be resolved by an almost exclusive focus on statutory casework, by un-allocating more stable cases or outsourcing services (discussed further in section 3.3 on resources). The relentless influx of work is reported to leave social workers 'chasing their tails', and unable to progress cases effectively. It also makes it difficult for managers to provide the desired levels of supervision and quality assurance. One consequence of this has been a noticeable deterioration in the standard and timeliness of paperwork provided to legal teams.

In their responses to the survey, 14 LAs indicate the workload of, and pressures on, their legal team has increased. LA solicitors interviewed by the NFER research team report difficulties in meeting all the demands made of them, highlighting the increased volume of proceedings, the additional paperwork required since the launch of the PLO, and a growing tendency amongst social workers to seek them out for advice and support.

Because a lot of the newer [social] workers don't feel confident enough to approach their own manager, they come to us to test the water [...]. That is a lot of our work, not legal advice giving, or report drafting, but simply making the chips stay up for social services.

Senior solicitor, children and adults legal team

This makes it difficult to maintain standards and meet court deadlines in the conduct of cases. Some legal interviewees report having to end their involvement with key groups such as the Local Safeguarding Children Board (LSCB) in order to manage their growing workload.

Around a quarter of survey respondents (nine) believe the change they have observed in levels of Section 31 applications has some, albeit more modest, workload implications for safeguarding partners, with health, education and police colleagues now being expected to contribute to meetings at different stages in the child protection process. Partners in the legal system, for example, Cafcass and the courts, are seen as approaching the limits of their capacity, with concerns being raised about the availability and quality of Cafcass 'guardians' and delays in the scheduling of court hearings (sometimes as a consequence of the lack of a guardian and sometimes due to the availability of court time). Hearings are being set for dates far into the future and some LAs have been told that they may soon need to look for alternatives to their local courts. This is seen as undesirable for both the LA solicitors (whose time would be further eroded by travel) and for families.

3.2 Impact on ways of working

Although only a quarter of survey respondents (ten) identify an impact on 'practice', just under half of all survey respondents (16) indicate that there has been a change in the extent to which efforts are being made to explore alternatives to a Section 31 application. For

a few of these LAs (three) this change includes investing in more preventative activity, and around one-third (five) are trying to make more, or more effective, use of the family group conference model, that is working with the wider family to try and develop strategies for protecting the child other than through a care order. However, for other LAs, this change conversely means drawing back from preventative or exploratory work, and a small number of LAs (two) report that staff are likely to go for a Section 31 application sooner than before. The majority of the LAs completing the survey (21) indicate that there has been no change in their use of routes other than Section 31 applications for bringing children into care (and where change is identified, this is not – with one exception – seen as related to developments in respect of the use of Section 31 applications).

Interviewees do not, on the whole, perceive themselves, or their immediate colleagues, as having made fundamental or conscious changes to their practice. However, it is suggested that in a context of increasing recording and reporting requirements, such a high profile child death may have acted to focus people's minds.

What these child deaths do is refocus [you on] the need to make sure your statutory visits are done, make sure the children are seen, that the child's seen on their own, make sure that your risk assessments are done.

Service Manager

Some interviewees suggest that, due to a 'light knock in confidence', there may have been a subtle change in people's approaches to cases which were 'bumping along the bottom' and that perhaps – according to one Assistant Head of Service – because of 'that slight knock in confidence, maybe they were presenting cases [for child protection conferencing or accommodation] that they might have managed for either a longer period of time, or in a slightly different way'.

Several interviewees refer to a comprehensive review or audit of child protection plans with, in some areas, a view to setting time limits for achieving change. This may have led to the 'progression' of some long-standing cases in some LAs. However, in another LA the number of plans declined after such an audit, which is seen as having reassured practitioners that they have management support to hold steady.

In contrast one senior manager surmises that in some LAs there is now more 'permission' to take children in to care, 'because the risk of not doing it might be interpreted by the people who hold the purse strings as a more immediate, direct threat to [them] and their reputation.

Several references are made to the actual or potential development of 'defensive practice' and a decreased willingness to assume responsibility for the management of risk. However, this concept is not clearly in operation, and interviewees distance themselves from this approach to practice, emphasising the robustness of structures and procedures to support decision-making in their LA.

Social work is about accepting risk – you can never be absolutely certain, it's balancing risk. We've not changed the level of risk we're prepared to take or not take. I think from talking to other colleagues from other boroughs That's where changes have led to increased workload. They have lowered their threshold for proceedings and are less tolerant to the amount of risk they are prepared to accept.

Head of LA Legal Team

The data relating to this issue is unfortunately characterised by conjecture about other people and other LAs. Perhaps this is to be expected – some interviewees warning that the critical scrutiny the profession had experienced makes it exceedingly hard to reflect openly on practice, and how it could or should be improved. This, they suggest, could act as a serious barrier to learning and development, both in relation to the Baby Peter case and in the future. One interviewee closed the conversation by emphasising the importance of retaining and nurturing the culture of learning, not blame, in their LA and taking 'a realistic and professional approach'.

We mustn't allow the horror of the situation to derail good practice and good judgement, we mustn't become overly defensive in the way that we practice, because that's not good practice.

Service Manager

The research did not produce any evidence that LAs are making inappropriate applications: most

responding to the survey (25) believe that there has been no change in the proportion of Section 31 applications approved by the courts, though a small minority (three) state that a larger proportion of applications were granted.

3.3 Impact on resources, including care placement availability

A few interviewees report having access to additional resources but, even accounting for this, most see themselves as facing a shortfall. For some LAs, the need to maintain or expand the workforce through the use of agency staff is proving very costly. Moreover, where proceedings are delayed and permanent arrangements cannot be made for a child, considerable staff time is being absorbed by the LA and supervision of contact. One case-study LA reports having to take on additional agency staff in order to meet these obligations. Another LA has outsourced an entire service area, the Looked After Children Service, thereby creating capacity in its fieldwork teams – but at considerable cost.

In relation to Section 31 applications, the costs of embarking on legal proceedings can be broken down as follows.

An issue fee of £2,225 [...] there's then a further fee of £700 payable when you get to what's called the issues resolution hearing, and if the matter isn't concluded then, and they very rarely are, the LA has to pay a further £1,900 for there to be a final hearing.

Legal Team Leader

Additional costs are incurred when courts instruct the arrangement of independent 'expert assessments', something which interviewees suggest has become common practice. It is widely felt that the settlement agreed by the government (when the responsibility for court costs was transferred to LAs) does not reflect the true costs of proceedings, nor allow for current levels of cases. For example, a senior solicitor comments: 'I think the government gave us about £85,000, and the actual projected fee increase, at last year's figures, would have been £230,000.' The head of the legal team in another case-study LA reports seeing their

costs increase by approximately £200,000 in the year following the transfer of fees (April 2008–March 2009).

As the number of children going into proceedings and/or care has increased, so too has the pressure on LA foster placements. For some LAs, this means that there is very little slack in their placement pool, and (notwithstanding efforts to extend that pool, the increasing consideration of 'exemptions and variations'¹ by placement teams, and the growing likelihood that the extended family might offer care) they are turning to Independent Fostering Agencies (IFAs) to find a suitable placement. For example, one LA had seen the number of children in IFA placements increase from 122 to 161 in a one-year period. IFAs and private residential units are reported to be increasing their prices in line with demand and some LAs have, or are expecting to incur, substantial placement over-spends.

It's likely to become more costly as the demand for external places increases – [when] there's four to five children for each placement, people can charge us what they like.

Service Manager

Reflecting on one LA's specific resource pressures and shortfalls, an interviewee, an assistant head of service, told us: 'There has needed to be tremendous flexibility across the other directorates to be able to support this.' With the prospect of substantial reductions in budgets across LAs in the year ahead, there is an understandable concern about how much flexibility they can expect in the future.

3.4 Impact on morale

Just under two-thirds of survey respondents (23) report some degree of impact on staff morale. Interviewees similarly express concerns about a dip, and in some cases ongoing deterioration, in morale. Child protection social workers appear to be the most profoundly affected, bearing the brunt of both increasingly unmanageable workloads and public scrutiny and critique. However, morale in some LA legal teams also appears to be low.

It was not uncommon for interviewees to draw parallels with the period following the case of Victoria

Climbié, but the consensus is that the aftermath of the Baby Peter case has been unprecedentedly demoralising, and that the effects on practitioners are likely to be more profound and longer lasting.

The death of Baby Peter is tragic, but not unprecedented. However, the intensity and nature of the media attention the profession subsequently received is seen as exceptional. Many interviewees remark on the 'vilification' of social workers in the press and one safeguarding team manager comments: 'The social worker didn't kill Baby Peter as far as I am aware, but to read some of the press at the time one could be forgiven for thinking that.' Another team leader explains: 'It wasn't just about that particular social worker, or local authority. It was about us as a profession.'

A senior social work manager from another case-study LA said that it was not only negative media coverage that social workers had to contend with, but also the 'public trashing of social workers from within government'. An interviewee close to the frontline said: 'I think some of the politicians behaved badly and [...] associated themselves with popular newspapers that were leading campaigns against social workers.'

The very public criticism of social workers, individually and collectively, appears to have had both a direct and indirect impact on morale. The political and media denunciation appears quickly to have become part of public discourse, with both the general public and partners in other agencies referencing the case, and the reported inadequacies of children's services, in the course of their contacts with social workers locally. Moreover, some of the families with whom children's services departments were working appear to have seized on the case as a justification for limiting their engagement, making an already difficult job yet more challenging and dispiriting.

You can sense that there has been a power shift. Families probably reading, or hearing about, the criticisms of social workers in one or two areas, and attributing that to all social workers.

Community Team Leader

3.5 Impact on staff retention and recruitment

In the context of this low morale, many interviewees express concerns about the capacity to retain and recruit good staff and the consequences of not being able to do this. Case-study LAs reporting the least impact (overall) identify their unusually 'stable' and 'experienced' workforce as a protective factor. In some LAs, concerns about retention and recruitment extend to the legal team.

Several of the case-study LAs appear to be contending with 'large holes' and high turnover of staff in some teams. Increased pressures, associated with the volume of work and levels of scrutiny, have been linked to rises in stress-related health conditions and long-term sick leave. One solicitor remarking: 'We've all got stress-related illnesses: high blood pressure, palpitations, irritable bowels, migraines.' Interviewees also remark on the loss of experienced staff to social work agencies (seen by some social workers as offering a better work-life balance).

For some LAs the recruitment of staff is a long-standing, but growing, problem, with people 'thinking twice' about the profession and in particular about specialising in child protection social work. Explanations ran along the following lines: 'All the Baby P publicity isn't something that would induce anybody to go into a career in social work, is it?' Interviewees acknowledge that there is variation both between and within LAs in terms of their vacancy levels. For example, in one of the case-study LAs, the social worker vacancy rate across the county was reported as varying from 10 to 30 percent. However, there is fairly widespread concern about actual or potential dependence on agency, newly-qualified and overseas staff (who may also need high levels of supervision and support).

We've always been concerned about the balance of experience within the teams. But if you're faced with having nobody for your post or the newly qualified, then we've tried to be pragmatic about it, and taken them on.

Head of Service

3.6 Impact on relationships with other professionals and agencies

Comments from several of the case-study interviewees suggest that new tensions have developed in inter-agency working, with other professionals becoming more sensitive to child protection issues, and less confident about children's services and the child protection system, but at the same time less willing to play a part in managing risks.

In some LAs, partner agencies have historically struggled with the idea that they have a role to play in 'holding risk', and interviewees think that unfortunately 'Baby Peter actually keyed into' that way of thinking. The critical coverage of the case seems to have fanned the flames of anxiety and made partners keener to pass responsibility on to children's services: 'To say "We told you!"' and to push for the escalation of cases.

As with the other impacts, there is variation in the extent to which case-study LAs perceive this as a problem. Where relationships were closer, and understanding of children's services' remit more developed, LAs appear to have been more able to manage partners' anxieties and pressures. A few interviewees report positive developments since the Baby Peter case, in respect of partners' acceptance of

their role in safeguarding work. However, it is more common for concerns to be expressed about 'people pulling back, not actually working together and accepting responsibility'.

3.7 Closing comments: impact on outcomes for children

What interviewees were stressing throughout conversations are the implications of these individual impacts for the children whose security and wellbeing they work. The message is simple: children lose out when services are in crisis, through their needs being overlooked or damaging delays being introduced. For example, delays in the court system (seen as a product of both the volume and complexity of proceedings) may mean 'permanency' is never achieved for a child in the sense of finding a suitable adoptive family (this being substantially harder after a child reaches five years of age).

Note

- 1 An exemption is where more children than normal are placed with an individual foster carer and a variation is where a child is placed in a setting designated as for children with different characteristics (e.g. of a different age).

4 Explaining the impact

This chapter considers the extent to which the developments outlined in chapters two and three should be considered a consequence of the Baby Peter case, or attributed to other factors (either in part or as a whole). The discussion focuses principally on three interlinked questions.

- What underpins the rise in levels of child protection activity and associated impacts: increased volume throughout the system (that is, new cases coming in) and/or changes within the system (that is, how existing cases are worked)?
- To what extent is the Baby Peter case implicated in each of these scenarios?
- Are there any other factors that need to be taken into account when arriving at a credible explanation of impact?

4.1 Overview: the role of the case of Baby Peter

The case is widely perceived as a significant event, with almost all survey respondents reporting that it had some impact in their LA (and three-quarters, or 28/37, a 'marked' impact). There is a broad consensus that the recent and marked deterioration in morale should be considered a direct consequence of the case.

However, research participants are – despite its broad chronological correspondence – far from confident that the case of Baby P provides a definitive explanation for the upsurge in operational activity, and in particular the increased levels of Section 31 applications.

Four survey respondents and several interviewees emphasise that child protection activity in their LA was on an upward trajectory prior to the case, and all interviewees are able to identify alternative explanations for the subsequent increases in activity. The case plays a range of different roles in these explanations, but for many interviewees it was the

convergence of different factors that was decisive, that is 'things running side-by-side'.

4.2 Deconstructing explanations for the rise in child protection activity, in particular Section 31 applications

One possible explanation for the rise in child protection activity is increased volume, that is, new cases coming into and moving through the social care system. This could happen when there is a change in either an area's demography or an existing population's behaviour. To some extent there is evidence of both these types of development – neither of which could logically be seen as having a link with the Baby Peter case. However, more cases might also come into the system because of improvements in identifying risk and harm – the Baby Peter case may and, in fact, probably is a factor in this.

An alternative (or complementary) explanation for the growth in child protection plans and Section 31 applications might also be the 'escalation' of cases already known to children's services. Taking into account the time usually needed to progress a case from referral to a Section 31 application (which the time between the Baby Peter case and the upsurge in Section 31 applications does not seem to allow for) it would seem probable that in the immediate aftermath of the case, at least, a significant proportion of the cases going forward to proceedings were not new entrants to the child protection system.

The escalation of a body of cases within a short period of time would suggest some sort of change to ways of working – few research participants believe there have been changes in reaction to the Baby Peter case in their LA, but they did point to a number of changes to processes shortly prior to the case. These changes may have influenced the pattern of child protection activity either independently or in conjunction with the case;

establishing the precise contribution of the case is difficult.

4.2.1 New cases arising from a changing population

Did the profile of families change?

To some extent, in some areas, demographic change may be an explanatory factor, with interviewees drawing attention to the impact of birth trends and migration on the demand for services.

Birth rates are thought by some interviewees to offer an explanation of some of the changes.

I think everything has come under the umbrella of Baby P, particularly in the case of the age range. The number of babies that we had during 2009 who ended up with child protection plans or who ended up in care was quite a significant rise. And courts are very reluctant, quite understandably, to separate babies from mums unless there is an extremely good reason why they would do so.

Head of Safeguarding

Teenage pregnancy, where the mother is under 17, potentially means two care orders, is seen as on the increase in some areas.

Economic migrant communities in some areas are triggering referrals from people with concerns about overcrowding and other general welfare issues. Though the threshold might not be met for children's services intervention, these contacts and subsequent enquiries are adding to the pressure on children's services.

Unaccompanied Asylum Seeking Children (UASC) are seen as accounting for some of the growth in the looked-after children population in two of the case-study areas. One service manager says: 'It's a growth area that wasn't predicted or forecast, and you get no extra funding for.'

Rates have doubled in the last year – I've got five or six 15 year-olds having babies that are coming into proceedings, and we haven't had that for a long time.

Senior solicitor

Families with 'no recourse to public funds' (NRPF) are a further pressure in some LAs, with children's services being faced with the dilemma of either providing support to destitute families,¹ or removing their children. Although these families are small in number.

The amount of work that they [social workers] have to do in terms of having to find them somewhere to stay, and then actually providing them financial assistance is massive, and it doesn't feel like our core business [...]. It's a disproportionate [demand on our] time.

Team Manager

Did the behaviour of families change?

'Did families suddenly become that much more dangerous?' This is a question that one of our case-study interviewees, an Assistant Director for Children's Services, told us they had asked themselves as part of their efforts, locally, to understand their marked rise in child protection plans. Had families, and in particular parents and carers, changed their behaviour with children as a result of being exposed to more risk? Overall, interviewees did not entirely discount this possibility, with several, in contrast, drawing attention to an historic association between economic recession, drug and alcohol abuse, family breakdown, and poor parenting.

We are in economic crisis ... [and] when people are struggling financially there is always a correlation with that and people having less coping strategies, less capacity in their own family and parenting, and you will expect, and I'm sure we are seeing, a rise in domestic violence incidents, in stress reactions.

Head of service

Interviewees said they would expect there to be some increase in the demands on child protection services in line with a deteriorating economic climate. With no immediate prospect of economic recovery, robust and adequately resourced social services may be increasingly important in protecting children and other vulnerable members of families.

4.2.2 New cases arising from improved identification

Another driver for increased volume could be improvements in the identification of need, that is more consistent detection and reporting of neglect or abuse. Some interviewees feel unequivocally that this is the case, with one senior practitioner saying: 'I don't think it's a reflection of more children being abused. I think it's a reflection of greater vigilance.'

There is evidence to suggest that both partner agencies and the public have started to play a bigger part in identifying need, and that this is an area where the Baby Peter case probably has had a significant role. In particular, the research revealed a widespread conviction that the case has heightened public and partner sensitivity to child protection and safeguarding issues, with both professionals and the public becoming more aware of how to identify child abuse, and the action they should take. Several interviewees report a marked 'spike' in referrals in the days and weeks after the case was made public, and although not all were 'appropriate', a surprising proportion (in the sense of being broadly consistent with precedent) were.

However, several other drivers for improvements in identification are also identified – in particular early intervention initiatives under Every Child Matters (ECM).

Arrangements consistent with the ECM agenda such as co-location and closer inter-agency working were identified by several interviewees as having had a particular impact on safeguarding awareness and referrals.

However, it was suggested that whilst the early identification of children's needs, as brought about by the ECM agenda, is beginning to 'kick in', these needs are not being consistently met. Several interviewees express doubts as to whether preventative work is as developed as anticipated; the CAF, in particular, is seen as not having fulfilled its potential.

CAF has had a very patchy implementation. There hasn't been enough investment in other public sector bodies – schools, health services, police – about actually being the key workers in CAF. I think a lot of preventative programmes have stalled.

Service manager

Increased awareness of domestic violence, and revised protocols in other agencies, may also have brought families into the system that would not hitherto have been in contact with social care. For example, a change in police procedures whereby the details of all families where domestic violence is suspected are passed to children's services (sometimes referred to as 'automatic notification') has led to a sharp rise in referrals from that quarter.

4.2.3 Progression of a body of cases due to changes in how cases are worked

It is also worth considering if trends at the 'hard end' of child protection activity (for example, formalising expectations through a child protection plan or seeking to remove a child into care) have been wholly or partly a product of, or affected by, changes in how existing cases are worked. In essence, have there, over the last couple of years, been any changes in how children's services formulate their response to need? And, if so, are these changes connected to the Baby Peter case or simply contemporaneous? Several national developments are seen as playing an important role in the development of practice, and probably the most significant is the implementation of the PLO. However, these developments' interaction with the Baby Peter case is complex and not entirely consistently interpreted by interviewees.

There is substantial evidence that the introduction of the PLO may have caused LAs to hold back on making Section 31 applications in the six months prior to the Baby Peter case. What this means is that to some extent, and indeed several interviewees surmise this, there might be an element of 'catch-up' or 're-balancing' in the upsurge in applications in late 2008. Inasmuch as the Baby Peter case was implicated, it was perhaps as a 'wake-up call' to those LAs deterred from issuing proceedings over the previous few months by increased administrative burden and/or costs.

There is evidence of the effect of the PLO on the pattern of Section 31 applications. Over a third (13) of survey respondents report that the introduction of the PLO had quite a lot of impact on their use of Section 31 applications. Another quarter (eight) said it had little impact. Seven respondents draw attention to the time and resources consumed, and three report a 'lull'

in applications. The suggestion that applications may have gone into decline in the period immediately after the introduction of the PLO is further corroborated by Cafcass statistics and interview data (as discussed in section 2.1). Moreover, again in conjunction with the Baby Peter case, the PLO may over time, according to one interviewee, have led to LAs reacting more quickly to neglect cases.

Sharpened our thinking to get in more quickly with neglect cases [...]. We're not letting these cases drift as long as we would have done perhaps, or being too over-optimistic, and I think that's been to the benefit of some kids [though] it's a real challenge to stay on top of all of those proceedings.

Team Leader

Another major, and broadly co-terminus, development was the introduction of the ICS, an electronic social care tool and record. It is not clear how this could have affected numbers of Section 31 applications or child protection plans. However, many contributors to this research see the ICS as significant in explaining the wider pressures on children's services, due to the barrier it presented to effective working, and its consequent impact on practitioner confidence.

I've never known of a system, or change, in a way of working that prompted so much difficulty and angst as the ICS ... what workers were telling us was that they didn't have the confidence in the system, the way that the information was presented or inputted, the outputs, and that in itself created significant difficulties and I think impacted on social workers' confidence. They were struggling to manage all of the requirements on them. That, combined with an increased level of accountability and inspection ... made social workers feel vulnerable.

Assistant head of service

Research participants were less forthcoming on changes to ways of working which post-date the Baby Peter case and which might explain in some way the growth in Section 31 applications and high-end child protection activity.

In one area the adoption of new protocols around domestic violence (recommending automatic child

protection conferencing where there is a child under the age of one in a household known to be experiencing domestic violence) is seen as fuelling the rise in conferences and plans, but it was emphasised that this development was not a reaction to the Baby Peter case.

In contrast, interviewees across the case-study LAs largely deny having made any fundamental or conscious changes to their practice in response to the Baby Peter case. In relation to decisions to file for Section 31 proceedings, interviewees consistently emphasise that it is 'business as usual' referring to 'checks and balances in the system' (such as independent chairs, standard templates, and clear recording requirements). However, it is conceded that recent or planned reviews of long-term cases setting limits for improvement or decisive action (such as making a Section 31 application) may, albeit indirectly, have been influenced by the Baby Peter case.

We're going to be looking at whether or not those children need to be brought to a legal planning meeting at 15 months to look at whether or not intervention, in terms of the child protection process, is having any impact or not – and if not, should we be intervening at a higher level? I think there's been, probably – I don't know if it's been with Baby Peter – an increase in the understanding of the long-term damage that living in neglectful families has on children.

Service Manager

4.3 Concluding comments: a multi-factorial explanation

The data suggests that the Baby Peter case may have had a significant role in relation to some of the impacts and, in particular, a decline in morale. However, whilst acknowledging broad chronological correspondence between the case and surges in child protection activity (in particular referrals and Section 31 applications) research participants also identify other important explanatory factors. These include factors that might be bringing new cases into the child protection system, and factors that might have affected the working of cases already in the system (with knock-on effects for the levels of Section 31 applications and other high-end child protection activity).

The focus in this report is on the most widely reported factors and developments. At a local level the combination of factors is yet more diverse including, for example, the judiciary's interpretation and application of case law. Overall people favoured multi-factorial explanations and emphasised the unfortunate convergence of events.

A double whammy really, in terms of Baby P and the PLO.

Head of Service

I think what's relevant is that two things were running side-by-side – the implementation of the ICS and Baby P.

Assistant Head of Service

I think it was the combination of things going on at that time.

Assistant Head of Service

Note

- 1 Typically this situation would arise where a family's claim for asylum has been rejected and all housing and financial support consequently withdrawn.

5 Expectations for child protection and safeguarding in the future

This chapter looks ahead to the future of child protection and safeguarding in response to the changes described in the preceding chapters. It explores case-study LA interviewees' views on Section 31 application trends in the future; their expectations for child protection and safeguarding activity; and their thoughts on the issues that LAs are facing in implementing the recommendations of the Laming Review.

5.1 Perspectives on Section 31 trends

When online survey respondents were asked about their expectations for the pattern of Section 31 applications in the future, over half (21) expect the current level of Section 31 applications to either be sustained (17) or to increase (four). Respondents from a further eight LAs expect the level of Section 31 applications to fall. This view was shared in many of the case-study LAs, with interviewees in four expecting the pattern of Section 31 applications to stay the same. Interviewees in two of the case-study LAs expect the level of Section 31 applications to increase before reaching a plateau in the near future.

It would be unrealistic to think that [this level of Section 31 activity] could continue at the rate it's doing – otherwise we'd have no children [outside the care system]! So I think at some point it has to plateau out. What I would wish is that there's some sense of reason from the government in their expectations of the local authority in meeting their statutory requirements without any significant investment [...]. We are absolutely stretched to our limit now.

Assistant Head of Service, Referrals and Assessment

Interviewees report that a greater level of public understanding about the role of social workers is needed before the pattern of Section 31 applications will change. Interviewees highlight the important role that the media has to play in building this understanding.

5.2 Expectations for child protection and safeguarding activity

Despite their ongoing concerns about the level of Section 31 applications, many of the interviewees involved in the case-study phase of the research are optimistic in their predictions about child protection and safeguarding activity in the future.

Interviewees from three case-study LAs suggest that, as a result of the changes described in the preceding chapters, there is likely to be a greater, and growing, role for other professional agencies to become involved in safeguarding activities, facilitated and supported by the CAF. As reported in chapter two, such professional agencies may include education and health services, the police, HMI Probation, housing authorities, other LAs and practitioners in other social care settings.

A further three case-study LA interviewees hope that the high level of scrutiny experienced by social workers following the Baby Peter case will contribute to greater support and understanding from both external agencies and the public. It is hoped that this will extend to an appreciation of the roles and responsibilities of the social worker, as well as the limits of their role.

5.2.1 The role of other professional agencies

Responses from LA interviewees involved in the case-study phase indicate some optimism for the future of child protection and safeguarding activity. In particular, interviewees from half (three) of these LA envisage an expanding role for other professional agencies to support social workers: 'If [the case of Baby Peter] has done one thing, it's helped us think about what other agencies should be doing' (Team Leader, Children and Families)

Interviewees in three case-study LAs report that a greater emphasis on early intervention work and the

CAF is likely to be critical in stimulating engagement from other professional agencies. The CAF is perceived as being particularly important in clarifying responsibility and management of risk at Tier 1 and Tier 2, and it is hoped that more early identification and intervention will lead to fewer Section 31 applications being made, and as a consequence result in better outcomes for the children concerned.

However, two case-study LA interviewees report that other agencies are anxious about carrying responsibility under the CAF, and suggest that it will take time for it to become properly embedded. These interviewees suggest there may be challenges ahead in aligning the aims of social care teams with those of other professional agencies, and in arriving at a shared perception of what constitutes acceptable risk.

This is having some success [...] but there is still some resistance. People are frightened of the whole arena of child protection. When they are expected to deal with quite risky situations outside of children's social care then inevitably it will take time for [other agencies] to feel able to deal with that

Head of Service

Case-study interviewees indicate that whilst there is wider, national recognition of the importance of developing such a shared perception, there remains a lag in the development of the issue at grassroots level. One case-study LA interviewee, for example, reports that although changes relating to the responsibility of other professional agencies are understood by Ofsted, they have yet to filter down to these agencies on a day-to-day level.

5.2.2 Understanding of the social work role

Some case-study LA interviewees also report that, as a consequence of the increased scrutiny to which social care teams have been exposed, there may be a growing public and professional understanding of the roles and responsibilities inherent in the social work role. This will, they hope, extend to an understanding of the limits of the social care role and perhaps a greater political emphasis on the responsibilities of parents rather than social care teams.

Maybe there needs to be a shift in how we define what is good enough and put more pressure on parents to do the right thing. I would hope that this would reduce the number of cases where we would have to intervene, but this would be a slow process.

Principal Solicitor

Interviewees in two LAs involved in the case-study phase said they are starting to experience a 'professionalisation' of the social work role from an outside perspective. For example, they believe professional agencies and members of the public now have a better understanding of the complexities of the social work role and have an increased sense of value of the professional judgements made by social workers.

Another case-study LA interviewee identifies increasingly positive media coverage which is helping to paint a more sympathetic and realistic picture of the challenges social workers face. However, this view is not shared by many of the LAs involved in the case studies, two of which expect media hostility to hinder the development of the profession. Interviewees from one of these case-study LAs reports that greater change will only come about if there is a media and political shift in favour of the social work profession.

In the medium to longer-term that will be of benefit to the profession both in terms of requirements for entry pre- and post-qualification experience appropriate remuneration and subsequent media interest and coverage.

Assistant Head of Service

5.3 Issues in relation to recommendations of the Laming Review

Many of the LAs involved in the case-study phase welcome the findings of the Laming Review, in principle, and are reassured that the recommendations corroborate existing practices and procedures within their social care teams.

However, case-study LA interviewees report that the degree to which they can make changes is contingent upon on a range of workforce development and resourcing issues, and are clear that significant investment in additional resources would be required to implement many of the recommendations in the Laming Review. Therefore, in areas of practice where the Laming Review recommendations are not already in place, LAs anticipate struggling to facilitate change and, in some cases, question the sustainability of Lord Laming's proposals.

These concerns are most keenly felt in relation to the protection of caseloads for newly-qualified social workers, and in changes to the volume of cases that more experienced social workers would be expected to have. Whilst LAs maintain that Lord Laming's recommendations are a great aspiration, there is widespread doubt that either of these changes could be effectively introduced at current resourcing levels. For example, one LA reports that their social workers (both newly-qualified and experienced) currently carry double the amount of cases that Lord Laming recommends and that caseloads could not be reduced without a greater number of experienced social workers on the team.

There will be an impact in the short term in that the protection of newly-qualified workers will require a little bit of adjustment for us. That isn't to say that we don't protect them, but we aren't specific about the levels of caseloads that newly qualifieds have, and the types of cases that they should and shouldn't be involved in.

Head of Service

This issue is compounded by difficulties that social care teams are experiencing in recruiting and retaining newly-qualified social work staff. It is acknowledged that because of the negative portrayal of the profession within the media and amongst public bodies, it is challenging to fill vacancies with staff of a suitable calibre and level of skill. One LA comments that although the government has recently introduced initiatives aimed at attracting newly-qualified social workers to the workforce, these have been insufficient to overcome the media hostility, which has made people averse to the profession. Another LA, however, comments that the work of the Social Work Taskforce

is likely to go some way towards developing a more confident and robust profession.

Interviewees in one case-study LA also report that even when newly-qualified social workers are well supported by the LA, they lack the necessary maturity and experience to make an effective contribution to social work. Often, when a newly-qualified social worker joins a team their knowledge and skills are less well-developed. In another LA, interviewees reported that it is problematic to introduce and engage with so many substantial changes when capacity within the profession is severely limited. The LA suggests it would be valuable for universities to make a greater investment in practical skills for social workers so they are more prepared for the role. This would make it easier to meet the recommendations of the Laming Review from the outset. This is a particular issue for social care teams operating within a locality structure, where a spread of skills and experience is required.

5.3.1 Responding to referrals

Interviewees in two of the case-study LAs report that the Laming Review's recommendation to treat a greater number of 'contacts in' to social care team as referrals would have significant implications for their profession. In addition to the workload issues that this change would inevitably raise (given that referral rates are already so high), LA interviewees expressed concern that this may undermine the professionalism of the social workers, as they would no longer be able to use their skill to distinguish between a contact and a referral.

It was suggested that this recommendation of the Laming Review is at odds with the additional administrative burdens that LAs are required to take on and which have implications for resources. Interviewees in one LA report that there may be challenges ahead in improving frontline services, due to the heavy administrative burdens associated with the ICS. Their concerns focus on the perception that these activities may limit capacity to invest in social work staff and are a threat to resources that might otherwise be spent on the delivery of frontline services. Interviewees in other LAs also report concerns around the cost of assessments and the PLO, saying they limit their capacity to deliver frontline services.

However, not all case-study LA interviewees report resourcing and workload as areas of concern. In one LA, for example, the Baby Peter case has resulted in the allocation of additional resources to social care teams, or has at least prevented reductions in a budget, which might otherwise have occurred. Another case-study LA has managed to alleviate workload

issues by appointing paralegals to assist social workers in preparing court documents and conducting legal process. It has also been able to reduce workload pressures on social workers by ensuring that some work, such as ensuring children have personal education plans and health assessments, is allocated to other agencies.

6 Concluding comments and key messages

6.1 Concluding comments

This research study has identified and described a distinct pattern in the levels of Section 31 applications made by English LAs in the period between April 2007 and December 2009. There is clear evidence to indicate that the level of Section 31 applications rose in the wake of the publicising of the case of Baby Peter (in November 2008), and continued to rise to a level higher than any experienced since April 2007.

This succession of steep increases is a pattern, which is corroborated by participants in both phases of the research although the types of abuse in these additional cases are perceived by most to have remained stable. However, this upward trend began just before the case became public, and after a period in which a notable drop in Section 31 applications was observed, approximately six months prior to the case of Baby Peter.

The view of most research participants is that, in the future, this level of Section 31 applications will be sustained, while a small number expect further increases will occur before levelling out.

There is strong evidence to support the occurrence of other changes since the case of Baby Peter, in particular the development of a more acute sensitivity towards child protection issues, both among the public and professionals in related services. More specifically, there is some evidence of increased activity in the children's care system manifested in rises in the frequency of referrals from partner agencies into children's social care; in the number of children subject to child protection plans; and within the looked-after population.

The impact experienced by English LAs subsequent to the case of Baby Peter is diverse. Although there are variations in the degrees of intensity of impact, both between LAs and different teams of staff, a range of types of impact were commonly cited by research participants.

There is strong evidence to indicate that social work care teams, as well as legal teams, are now dealing with exceptionally high workloads, stretching their capacity to its limits. There is also extensive evidence of a concurrent, severe drop in the morale of staff within such LA teams. Associated with this is the ongoing, and increasingly more intense, impact of the difficulties which LAs face in retaining and recruiting children's social care staff (and, in some places, legal staff).

These constraints are likely to be further exacerbated by the reported acute levels of anxiety about current, or anticipated, gaps in resources which stem from, for example, the necessity to employ agency staff, the higher costs of additional placements' capacity and variable court costs.

To varying degrees, there have been some impacts on relationships with other professionals and agencies, and ways of working. However, the evidence is more equivocal in relation to this latter issue, with some research participants acknowledging such an impact at the same time as distancing themselves from having been subject to such influence.

A number of explanations for these impacts are posited by research participants within LAs, evidencing variation in the degree to which the case of Baby Peter is implicated in such impact. The evidence is most unequivocal in relation to the negative impact on morale. In this respect, most research participants are in agreement that this can be directly attributed to the case of Baby Peter; stemming in part from the unprecedented levels of negative media coverage of the social work profession in the wake of the case.

The picture is much less clear in relation to other impacts, with the case of Baby Peter being perceived less as the decisive factor and operating more as one of a number of factors (for example, the introduction of the PLO and the ICS) which have converged to result in the impacts experienced. These other explanations of impact revolve around factors which have resulted either in increases in the volume of new cases entering

the system or the escalation of existing cases as a result of changes in how cases are worked.

LAs are broadly optimistic in their expectations of the future for child protection and safeguarding activity and most welcome the findings of the Laming Review, in principle. There is some evidence to indicate that this optimism is tempered by the degree to which participants anticipate that the changes in the wake of the Laming Review will be supported by appropriate actions in relation to resourcing and workforce development.

6.2 Key messages

Overall, since the case of Baby Peter, it is clear that the environment in which social care teams, and related LA teams, operate has changed and become even more pressured. This is not perceived to be a pressure in terms of the quality or effectiveness of their decision-making. Rather, it is one which is made manifest in the shift in the cultural and organisational climate (within LAs' children's social care teams) which results in staff experiencing more acutely the historical, and additional, pressures of the role. This is corroborated by

LAs' conviction that the procedures and protocols which they implement are robust and result in positive outcomes for the children and young people with whom they work.

In order to support local child protection activity to become more responsive to such pressures, staff working in social care teams consider it will be necessary to shift the onus from a situation in which social workers are solely responsible for child protection and safeguarding decisions, to one in which the responsibility is shared among partner agencies, the public and, in particular, parents. This necessity is also reflected in the views of national agencies, such as Ofsted, but remains to filter through to become part of the routine practice of liaising with partner agencies.

LAs agree, in principle, with the recommendations of the Laming Review. However, there is a perceived tension between these recommendations and the resources allocated to their implementation in future. This tension centres on LAs' view that their ability to implement these recommendations is contingent upon the appropriate allocation of further resources and the future support of a professional ethos and culture that will enable the social work profession to flourish.

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Appendix 1: Detailed methodology

This research was conducted between August 2009 and March 2010. Throughout the study the NFER research team worked with Janet Rose, a specialist in the field of child protection, social work and safeguarding children. Janet has provided expert advice and guidance on the research design and instruments, as well as commenting on the key findings of the research.

The research methodology involved two phases.

- Phase 1 (August to November 2009): an online survey of LA directors of children's services in England and analysis of the number of Section 31 and interim care order applications received by Cafcass by English LAs between April 2007 and June 2009 (provided by Cafcass).
- Phase 2 (November 2009 to February 2010): in-depth case-study work in six LAs in order to explore further, and test, the emerging themes from the online survey.

To ensure the comparability of findings from all stages of the study, the research concentrated on the impact of Baby Peter case following 11 November 2008, the date the case was first publically reported by the UK's national media.

Phase 1: Online survey of LA directors of children's services and analysis of Cafcass data

Online survey

The purpose of the online survey was to gain an understanding of LAs' perspectives on the general impact of the Baby Peter case and specifically on the level and use of Section 31 applications and possible future impacts.

A short survey questionnaire was designed and piloted with the directors of children's services in four LAs across four separate government office regions.

Following feedback from this pilot, minor revisions were made to the questionnaire. The online survey was then constructed and administered by the NFER's dedicated survey administration department, Research Data Services (RDS). Concurrent to the piloting of the survey questionnaire, a survey sample of all 152 directors of children's services in English LAs was agreed with the LGA. RDS compiled a contact database for this survey sample and, using this database, invitations to participate in the online survey were emailed to all 152 LAs on 16 September 2009. A lower than anticipated response rate resulted in the distribution of two email reminders (rather than the single planned reminder) to the full survey sample on the 25 September and 15 October 2009. Additional action to address the low response rate included the placement of two e-alerts in the Association of Directors of Children's Services' (ADCS) weekly e-bulletin, to draw further attention to the research. The original online survey deadline of 7 October 2009 was extended twice and closed on 30 October 2009.

The online survey had a target response rate of 40 per cent of the survey sample and achieved a final response rate of 24 per cent (representing 37 LAs). This final response rate includes responses from four LAs during the pilot phase and two responses incorporated after the final survey deadline.

Analysis of Section 31 and interim care order applications

The purpose of conducting an analysis of Section 31 and interim care order applications (received by Cafcass) was to examine patterns in the levels of such applications and identify any notable trends in the number of applications being made by LAs, particularly since the Baby Peter case was made public in November 2008.

The dataset of Section 31 and interim care order applications was prepared for analysis by matching it with two other datasets, namely:

- a dataset of LAs in each government office region from the Office for National Statistics
- a dataset of LA type provide by the EMIE service at the NFER.

This preparation produced a collated database which was used as the basis for several different analyses of the data, by quarter, between April 2007 and June 2009, including:

- total applications by quarter
- the average number of applications for the whole of England
- total applications by LA type
- total applications by government office region.

Phase 2: LA case studies

Phase two of the research focused on conducting in-depth LA qualitative case studies to explore perspectives on the strategic and operational impact of the Baby Peter case on Section 31 applications and care teams.

The results of Phase 1 were used to inform both the selection of six LA case study areas and provide contextual data for the development of case-study research instruments. Selected LAs reflected:

- different reported levels of impact as a result of the Baby Peter case
- LA type, for example, county, metropolitan or district
- government office region.

A range of strategic, managerial and operational staff were invited to participate in face-to-face interviews from each of the LA case studies. A total of 29 interviews were carried out across all six case studies involving staff from the following groups:

- directors and assistant directors for children's services or heads of service
- team managers
- children's social workers
- family placement team members
- LAs' legal advisers.

Appendix 2: Total number of Section 31 applications in England by quarter (April 2007–December 2009)

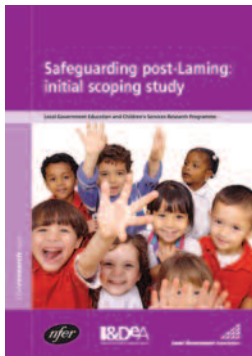
Quarter and year	Total no. of S31 applications	% change from previous quarter	% change between Q1 2007–08 and Q3 2009–10	% change since Q3 2008–09*
Q1 2007–08 (Apr–Jun)	1,582			
Q2 2007–08 (Jul–Sept)	1,630	3		
Q3 2007–08 (Oct–Dec)	1,471	–10		
Q4 2007–08 (Jan–Mar)	1,552	6		
Q1 2008–09 (Apr–Jun)	1,148	–26		
Q2 2008–09 (Jul–Sept)	1,457	27		
Q3 2008–09 (Oct–Dec)	1,800	24		
Q4 2008–09 (Jan–Mar)	2,069	15		
Q1 2009–10 (Apr–Jun)	2,087	1		
Q2 2009–10 (Jul–Sept)	2,171	4		
Q3 2009–10 (Oct–Dec)	2,185	1	38	21

Source: Section 31 applications by LA from Cafcass and summary care statistics for the second and third quarters of 2009–10, up to the end of December 2009.

*the quarter in which the case of Baby Peter was made public.

Recently published reports

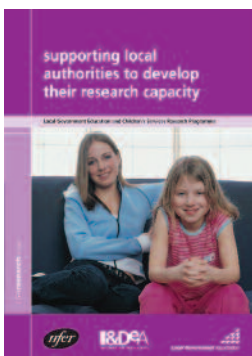
The Local Government Education and Children's Services Research Programme is carried out by the NFER. The research projects cover topics and perspectives that are of special interest to local authorities. All the reports are published and disseminated by the NFER, with separate executive summaries. The summaries, and more information about this series, are available free of charge at www.nfer.ac.uk/research/local-government-association/



Safeguarding post-Laming: initial scoping study

This review looked at research since 2009 (following the Laming review on safeguarding children). The database searches identified 48 relevant items, including good practice guidance, quality assessments, interagency training and information sharing. Website searches found 41 items, most were responses to the Laming report. The report summarises the main findings and identifies potential areas of further research.

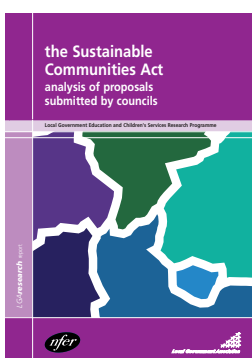
www.nfer.ac.uk/publications/LGM01/



Supporting local authorities to develop their research capacity

This report sets out the findings from an LGA-funded project that complements Local Authority Research Consortium (LARC) research by examining staff views on the perceived benefits and challenges of being involved in practitioner-led research.

www.nfer.ac.uk/publications/LAL01/



The Sustainable Communities Act: analysis of proposals submitted by councils

This report disseminates findings from an analysis of the proposals submitted by English councils under the Sustainable Communities Act. It aims to provide a snapshot of key patterns and trends emerging from the different types of local authorities in the nine regions and with varying political control.

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There is clear evidence to indicate that the levels of Section 31 applications made by English local authorities (LAs) rose in the wake of the publicising of the case of Baby Peter Connelly. This report looks at the impact of the case on applications for care orders and child protection more widely. The study involved a survey of Directors of Children's Services (DCSs) and six local authority case studies.

The findings show that:

- there was evidence of a rise in applications for care/supervision orders following the publicising of the case
- LA staff report implications of the increase in care orders on staff workload, morale, recruitment and retention
- LAs are broadly optimistic about the future for child protection and safeguarding activity.

This report focuses on the LAs' perspective and is important reading for DCSs, LA children and young people boards, LA legal teams, policy makers and those working in social care.