

The impact of the Baby Peter case on section 31 applications and increased activity in Children's Services.

Overview: the role of the case of Baby Peter.

The baby Peter case has been a significant event within social work and one which has led to both a marked decline in social work morale and increased child protection concerns from the public and partner agencies.

Recent research by the National Foundation for Educational Research shows clear evidence of an increase in Section 31 applications following the case of baby Peter in November 2008, but it is not clear that this is the sole reason for the rise and this is corroborated by a report from the Association of Directors of Children's Services (ADCS 2010). At the same time there have been other changes which have been influential such as the introduction of the Public Law Outline (PLO) and a greater sensitivity towards child protection issues which have played a part. Taken together all of these factors have had a significant impact on areas such as workload and capacity; ways of working; resources (including care placement availability); morale, staff retention and recruitment and relationships with other professionals and agencies.

There is substantial evidence that the introduction of the PLO may have caused LA's to hold back on making Section 31 applications in the six months prior to the baby Peter case and this is borne out by Cafcass statistics. However over the same period of time there has been an increase in the understanding of the long-term damage that living in neglectful families has on children and LA's are reacting more quickly to neglect cases, especially those that have been in the system for a lengthy time. However, this upward trend began just before the case became public, reaching a plateau in the last six months of 2009 when it was at its highest level since April 2007. The research did not produce any evidence that LA's are making inappropriate applications.

There were some exceptions to this pattern, in particular the London LA's, who had been part of the PLO pilots, and did not experience a similar dip following the introduction of the PLO.

Increased activity since the Baby Peter case:

The publicity around the baby Peter case has resulted in a more intense 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 with the highest number of referrals coming from the police and 'other' sources, as well as referrals coming traditional agencies such as education, and health.

Many of these referrals have been made at a much lower threshold and often with a noticeable decrease in the quality of referrals. Although this has resulted in an increase in the number of initial assessments completed, many other referrals did not meet the social care team's threshold for intervention and could have been better handled within the Common Assessment Framework. At the same time, according to the ADCS report, a total of 35,766 CAFs were undertaken across responding authorities in 2009/10, a more than doubling over the last three years.

Some areas are also showing an increase in the number of children placed on child protection plans; however, there is little agreement about how much this is due to the baby Peter case. In other areas the number of plans has decreased often as a result of audits of practice and a management willingness to stand firm on numbers. Neglect remains the largest overall category of abuse for new Child Protection Plans, accounting for 53.0% and the largest percentage increase in children subject of Child Protection Plans is in the 16 and over age group.

The increase in section 31 applications in some areas has been as much as 50%. Neglect appears to be the most common reason for the general increase, both in relation to the number of proceedings and with 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. In some LA's there is now more 'permission' to take children into care, but this may also be due to reduced confidence and more 'defensive practice' with less willingness to assume responsibility for the management of risk.

Impact on workload and resources:

Some LA's have struggled to allocate cases, leading to an almost exclusive focus on statutory casework, or by un-allocating more stable cases or outsourcing services. Social worker practice, supervision and quality assurance have suffered as a result and there has been a noticeable deterioration in the standard and timeliness of paperwork provided to legal teams.

LA solicitors also report difficulties in meeting 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. Hearings are being set for dates far into the future and some LA's have been told that they may soon need to look for alternatives to their local courts.

In response some local authorities are increasing their efforts to explore alternatives to a section 31 application, including investing in more preventative activity, and a number are trying to make more use of the family group conference model. But other LA's have drawn back from preventative or exploratory work, and a small number report that staff are now likely to go for a section 31 application sooner than before. Most local authorities are currently facing a shortfall with a need for additional staff and placements. Delayed proceedings and supervision of contact are taking up staff time and resources.

The increase in the number of children within the looked after population and children who require placements is another area of huge pressure on resources. The most marked increase over three years is the increase of 131% in the proportion of children becoming looked after aged 16 and over, which now accounts for 15% of the total number of children becoming looked after.

Impact on morale:

Not surprisingly child protection social workers appear to be the most profoundly affected, but morale in some LA legal teams is also low. There is also evidence that some families, already difficult to engage with, are using the baby Peter case as a pretext to withdraw further or challenge local authority involvement. In some areas the case has had an impact on recruitment to child protection posts and an over dependence on newly qualified or overseas social workers is a further cause for concern.

Impact on relationships with other professionals and agencies:

Some new tensions have developed in interagency 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. This is less the case where relationships are closer and some areas are reporting more positive developments since the baby Peter case.

Explanations for the rise in child protection activity:

One possible explanation for the rise in child protection activity is an increase in new cases coming into the social care system as a result of changing demographics, for instance a rise in birth rates or increases in immigration can both create extra demand. Teenage pregnancies, where the mother is under 17, potentially means two care orders, and these are on the increase in some areas. Economic migrant communities are triggering referrals from people with concerns about overcrowding and other general welfare issues. Unaccompanied Asylum Seeking Children (UASC) and the Southwark Judgement (how local authorities support homeless 16 and 17 year olds) account for some of the growth in the looked-after children population and families with 'no recourse to public funds' (NRPF) are a further pressure with children's services facing the dilemma of either providing support to destitute families or removing their children.

New cases arising from improved identification:

There is evidence to suggest that both partner agencies and the public have started to play a bigger part in identifying abuse, particularly neglect, and that this is an area where the Baby Peter case probably has had a significant role, with both professionals and the public becoming more aware of how to identify child abuse, and the action they should take. However, there are several other possible reasons for improvements in identification, in particular early intervention initiatives under Every Child Matters (ECM), and increased awareness of domestic violence, and revised protocols in other agencies. The ADCS figures show that there was a 49% increase in the number of children known to be living in households where domestic violence has been reported.

It also seems likely that there were already many cases going through proceedings which were not new cases identified in the aftermath of baby Peter but which have escalated over a prolonged period of time. Finally, many believe that there is an historic association between economic recession, drug and alcohol abuse, family breakdown, and poor parenting.

References:

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