

Practice Guidance –Instructing multi-experts Assessments

This practice guidance is intended to be used to aid decision making around additional experts, multidisciplinary and parenting assessments during Care Proceedings. This guidance should be considered in conjunction with other guidance such as Best Practice Guidance: Letters of Instruction and Best Practice Guidance: Instructing Experts.

Legal Context

The Family Procedures Rules 2010: Part 25.3.11 makes provision for the court to restrict evidence to avoid repetitive and sequential assessment if 1) the evidence is already available, 2) there is a risk of unnecessary delay in care proceedings, 3) the evidence can be provided by another person (i.e. social worker), 4) there is lack of clarity on the issues or questions to be addressed, 5) the cost of the expert fees are excessive.

Social Work Assessment

The most recent guidance states that during Care Proceedings the court will ask the social worker and Guardian to assess attachment and parenting and if they lack the confidence or capacity an independent social worker will be asked to comment. It is assumed that any qualified social worker will be able to assess immediate risk, basic care, and other aspects of child development and parenting capacity specified in the Core Assessment Framework and Professional Capabilities Framework (PCF). The courts expect a social work parenting assessment in each case. The social work parenting assessment should evidence that the social worker is the expert in the child's life (i.e. that they know the child and the quality of their care).

When to commission an assessment:

If a multi-disciplinary assessment is required it should build on a robust social work assessment and answer any questions that are outside of the social workers' area of expertise. There are some instances where additional expertise will be required to build on the social work assessment.

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□ Initial discussions about the assessments that might potentially be required will take place at the Legal Planning Meeting stage. Early discussion with providers is recommended to enable

Planning:

- Parenting and multi-disciplinary assessments may be required before or during care proceedings. If commissioned during the pre-proceedings stage, agreement about the provider should be sought from parents and their solicitor. The main reason for commissioning an assessment will be in instances where there is a need for additional expertise or specialist opinion which cannot be provided by the local authority social worker.
- Apply for the court's permission to instruct experts at the first hearing to avoid any unnecessary delay.
- Instruction of any expert must comply with Part 25 of the Family Procedure Rules 2010.

Letters of Instruction (LOI)

The questions to experts must be proportionate and should not repeat assessments already completed by social workers, experts should only comment on areas outside of the social workers area of expertise.

- When it is anticipated that the court may order an additional assessment during care proceedings, the local authority should prepare a draft Letter of Instruction which can be presented and broadly agreed at court.
- Under the Family Procedure Rules Part 25 Judges are instructed to make directions for experts only if the full details are available at the hearing (i.e. CV, agreed draft questions for LOI, costs, timescales to start finish and report). This is why it is important to have the draft LOI available at the first hearing.
- The Letter of Instruction should include a synopsis of the circumstances of the family and focus on the issues for the individual child, not on general risk factors. Early discussions with the proposed provider of the assessment will helpfully inform the letter of instruction.

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- The Letter of Instruction should be very specific and focus on 4-5 key themes. The central questions should focus on decision making about whether a child should remain with the parents or not. Only in exceptional circumstances should Letters of Instruction have more than 10 questions.
- There is Best Practice Guidance: Letters of Instruction which provides further guidance and samples. The Law Society has also produced a template, which can be found at <http://www.lawsociety.org.uk/advice/family-expert-templates/>
- In order to reduce the practice of sequential assessments, the Letter of Instruction may include a final question that states that in the event of a recommendation that the child should be removed from his or her parents; the assessment should make comment on the best option for the child in relation to placement of siblings, and contact arrangements.
- If an assessment is occurring pre-proceedings the expert should be clearly informed that they could be reporting to the court and is bound by the duties of an expert and should receive a Letter of Instruction that complies with the guidance.

Roles & Responsibilities - LOI

It is the joint responsibility of the social work and legal teams to ensure that Letters of Instruction are appropriately prepared and are available for the Case Management Hearing (CMH) to be agreed on the day and sent to the expert within 24 hours.

Responsibility for identification and enquiries to experts will vary depending on the expert:

- Social workers (in liaison with relevant internal teams and managers) are required to make enquiries of residential, Community Based assessors, Community Based intervention and support programs, and parenting programs.
- The responsibility for drafting Letters of Instruction is shared between legal and social workers:

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- Details of the expert, including CV, availability (date they can start the assessment and report), and cost will be provided by the solicitor or social worker (see above) at CMH;
- Social Workers will draft questions for the letter of instruction;
- Solicitors will draft the **endured** of Letter of Instruction in the prescribed template for consideration of the parties at the first hearing;
- The parties will consider and agree the Draft Letter of Instruction at the CMH;
- The instructing solicitor will provide the final Letter of Instruction and agreed documents to the expert within 24 hours of the CMH.

Emphasis of assessments

- Assessment reports should summarise the findings at the start of the report. They should set out clear recommendations about whether the child can remain with the parent or not, and if yes, should outline the additional support which will be required.
- The assessment report should include positive and negative predictive factors and opinion from specialist disciplines with the intention of adding value to the social work and Guardian evidence already presented to the court.
- The assessment should be very specific and focus on four areas: - the needs of the child(ren); - the parents' insight into the concerns of the local authority; - the capacity of the parent or parents to meet the identified needs; - the recommendations for treatment/intervention and prognosis for change; (Please see Best Practice Guidance – Letters of Instruction)
- The assessment should not repeat evidence provided by the local authority or the Guardian but should focus specifically on providing additional specialist opinion that builds on existing evidence. The assessment should provide support, guidance and in some circumstances, intervention to parents in order to test out the parent's ability to change.

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- If a psychiatric, psychological and cognitive assessment of adults is required, it will be of most benefit when presented as part of a multi-disciplinary assessment which can incorporate the results in an overall view about parenting capacity.

Expert Reports:

- In answering the questions within the Letter of Instruction, the assessment reports should be succinct and analytical.
- Reports should NOT contain lengthy process recordings or session notes to avoid important information getting lost in irrelevant detail. Session notes should be kept on file and made available to the court if requested, or vignettes appended to the document if it is essential to contextualise opinion.
- The report should be approximately 25 pages and should NOT exceed 50 pages.

Multi-agency, parenting and other expert assessments should be completed in a timescale which responds to the individual circumstances of the family, with the proviso that only in exceptional circumstances will an assessment take 12 weeks or more. With the permission of the judge and consultation with all parties, the timescale will be set at the point of agreeing the Letter of Instruction. Depending on the complexity of the case and work already undertaken, the proposed timescale for completion may be as short as 4 weeks or take a full 12 weeks.