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Pre-CMH Scoping Pilot Final Report

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Executive summary

The Pre-CMH meeting, as envisaged in the commission for this pilot, is an early conversation between the local authority and children's guardian. Research in Practice's Pre-CMH meeting scoping pilot delivery was designed to support sites to develop an evidence-informed approach to setting up and conducting these meetings and to explore the impact these conversations might have on the effectiveness of a subsequent case management hearing (CMH).

An early conversation between the local authority and children's guardian is recognised as good, standard practice, albeit that such practice may have drifted over time, so the proposition was uncontroversial in concept. The Pre-CMH meeting was seen as a means of formalising and providing structure, consistency and transparency to these conversations. Stakeholder feedback indicates a range of potential benefits, including:

- Building a stronger professional relationship between the social worker and children's guardian.
- Creating space to share information, ask questions and clarify any gaps in assessment.
- Developing a better understanding of the child's case and arriving at the CMH more prepared.
- Narrowing the scope of the assessments directed.
- Where appropriate, reduce the number of assessments directed at CMH that might repeat work undertaken by the local authority during pre-proceedings.

A total of 23 of the 25 selected sites were onboarded to the pilot while one withdrew during the pilot. Across these participating sites a total of 108 Pre-CMH meetings were completed.

The commissioner's decision to reduce the timescale for the scoping pilot precluded an outcomes evaluation. Instead, the delivery team undertook a process evaluation to examine the underlying theory and assumptions that a Pre-CMH meeting would improve the effectiveness of the CMH, and to examine stakeholder perspectives on the rationale that a more effective CMH may contribute to reduced delay in care proceedings.

The delivery team approach was comprehensive and included:

- Providing online learning and development opportunities throughout the pilot.
- Supporting a distributed network of pilot sites to enable interprofessional knowledge exchange.
- Scoping with key stakeholder groups their response to the Pre-CMH meeting proposition.
- Providing a range of outputs to support pilot sites in swift start up, information sharing with local stakeholders.

Pilot participants considered a range of themes during learning workshops and drop-in sessions provided online. As flagged in early discussions with the commissioner, there are aspects of the discussion between social workers and children's guardians around which there are risks of professional boundaries becoming blurred. Participants were alerted to these issues, particularly in relation to the extent to which positions and expert assessments should be discussed during the Pre-CMH meeting. Stakeholders were able to agree some principles regarding professional boundaries; nevertheless, participant feedback indicates that in practice these boundaries were not always clear in meeting discussions.

The wider rollout of the Pre-CMH meeting pilot planned by Department for Education (DfE) for 2024 offers opportunity to build on the scoping pilot work in relation to some key considerations:

- The scope of the Pre-CMH meeting as an information sharing but not decision making forum.
- Challenges for timetabling and for staffing resource across all stakeholders in rolling the approach out at scale.
- Representation of the parent, child, and wider family voice.
- The impact of the Pre-CMH on case outcomes and any associated cost benefits.
- Any future statutory arrangements.

Introduction – About the scoping pilot

The aim of the Pre-CMH meeting scoping pilot was to explore logistically and practically how the Pre-CMH meeting might work and to explore the potential impact an early conversation between the local authority and children's guardian might have on the effectiveness of the case management hearing (CMH). The assumptions were:

- An early conversation between the children's guardian and local authority enables parties to arrive at the CMH with a shared understanding of the family; helps clarify what (if any) further assessments are necessary and proportionate; and enables parties to arrive at court more prepared for an effective CMH.
- A more effective CMH should enable the court to timetable through to an Issues Resolution Hearing (IRH) and reduce the need for a further CMH, thereby reducing unnecessary delay and contributing to reducing the duration of care proceedings.

The scoping pilot was an opportunity for the local authority, Cafcass, and His Majesty's Courts and Tribunal Service (HMCTS) local pilot leads to think together and start to test how the Pre-CMH meeting might work in practice.

Participants were asked to complete a survey (Survey One) when a Pre-CMH meeting and subsequent CMH were completed in order to reflect on the meeting and any perceived contribution it may have made to the CMH. Survey One was completed in relation to a total of 108 Pre-CMH meetings conducted across 16 of the pilot sites. While we are aware that more meetings in other sites were held, surveys for these were not returned. Of the 108 for which we have survey returns data, 19 of the meetings related to short or no notice applications. Data from these survey returns is quoted extensively below.

About the Pre-CMH meeting

The Department for Education (DfE) Terms of Reference set out the expectations that the Pre-CMH Meeting should take place:

- After the local authority has filed the application for s31 care proceedings.
- After the children's guardian has been allocated.
- Before the advocates meeting, which is at least two working days before the CMH.

The aims of the meeting being to:

1. Exchange information, share the history of the case, and understand how and why the local authority has reached the decision to apply to court.
2. Understand the local authority's previous work and assessments with the family regarding the application.
3. Share the local authority's analysis on timing of application and reason for type of order applied for.
4. If applicable, share information on previous court hearings and decisions involving family members, including where the case sat with a different local authority.
5. Be clear that this is **not** a decision- or direction-making meeting or a pre-court hearing for questioning, prejudging, or positioning.

The process evaluation

The original specification from the commissioner aimed to test whether the Pre-CMH meeting reduced:

1. The number of expert assessments requested.
2. The number of hearing days in a case.
3. The overall length of proceedings.
4. Change in Order.

The timescales for the scoping pilot precluded evaluation of these outcomes, since this would require an extended period for cases to conclude. As a result, it was agreed with the commissioner that the scoping pilot would shift focus away from overall duration of care proceedings and towards the impact of the Pre-CMH Meeting on the effectiveness of the CMH and project plans were adjusted accordingly. A longer-term quantitative analysis is recommended for a wider rollout. Since duration of care proceedings is impacted by many factors, evaluation methods will need to disaggregate impact that may be attributed to the Pre-CMH meeting.

The Research in Practice delivery team undertook a process evaluation to examine the underlying theory and assumptions. The process evaluation documented and analysed ideas, concerns, opportunities and challenges that surfaced during discussions and when testing a Pre-CMH meeting in practice with a view to providing evidence on the following questions:

- What contributes to making a Pre-CMH meeting purposeful and effective?
- What makes a CMH effective and how might the Pre-CMH meeting support this?
- What impact might the Pre-CMH meeting have on relationships between the children’s guardian and the local authority?
- How effectively are children and family experiences and views represented in the Pre-CMH meeting?
- How swiftly and clearly are notes from the Pre-CMH meeting fed back to the child and family concerned?

The evaluation drew on qualitative data collected throughout the pilot. Feedback was captured from a range of stakeholders, including care proceedings-experienced parents and family members, social workers, children’s guardians, local authority and Cafcass operational and senior leaders, local authority and Cafcass legal representatives, Designated Family Judges (DFJs), and HMCTS staff and leaders. Parents’ legal representatives and magistrates were also invited to contribute.

Feedback was gathered through the following methods:

- **Stakeholder engagement:** key themes emerging from workshop discussions, one-to-one and drop-in support sessions were documented and analysed.
- **Three focus groups:** with care proceedings-experienced parents and family members; DFJs and HMCTS staff.
- **Survey One:** (participant survey). Participants completed a survey after the CMH for cases where a Pre-CMH meeting had occurred. A total of 39 participants completed this survey of which 29 were from local authority staff (representing 10 local authorities) and 10 from Cafcass.
- **Survey Two:** (final survey). This survey was sent to 139 stakeholders, including local authority and Cafcass pilot leads, as well as other local authority and Cafcass staff, HMCTS staff, legal representatives, magistrates, and the judiciary. Of the 23 participating pilot sites, 16 are represented in the final responses. A total of 32 pilot participants responded to the final survey.

It should be noted that the small sample size of some stakeholder groups means that views and early indications of impact highlighted in this report may not be representative and further work will be needed to generate representative conclusions on potential impacts. The relatively small sample sizes informed the decision not to quantify the qualitative feedback but to draw out themes from extensive peer-to-peer knowledge exchange, discussions in workshops and drop-in sessions and survey responses.

Delivery support and participant professional development

Research in Practice was selected as delivery partner by DfE in August 2023. Representatives of the 25 local authorities selected by DfE to participate in the scoping pilot attended initial meetings with Research in Practice between 23 August and 20 September. A total of 23 pilot sites were onboarded and 22 sites ultimately participated. As per the requirement set out, each pilot site had a named local authority and Cafcass lead, and some also had an HMCTS lead.

Two local authorities did not onboard in time, and one withdrew during the pilot. The reasons given for withdrawal were due to the pilot timescale being shortened after the Expression of Interest had been submitted and pressures of competing demands.

The offer of delivery support and participant professional development included **four workshops:**

- Workshop 1 Thursday 21 September 2023, Onboarding: About the Pilot
- Workshop 2 Monday 2 October 2023, The Pre-CMH Meeting
- Workshop 2 Thursday 19 October 2023, Parent, child, and wider family voice
- Workshop 4 Thursday 2 November 2023, Effective CMHs

(see Appendix one for details).

Fortnightly drop-in sessions held between 28 September and 7 December. These were well utilised and offered an informal space for pilot participants to exchange information and discuss a broad range of themes.

MS Teams Channel: Pilot participants had access to an MS Teams channel that served as the core communication and information hub where members could share ideas and examples. The Channel has 148 members from local authorities / trusts, Cafcass, HMCTS, DfE, Nuffield Family Justice Observatory (NFJO).

Resources: A suite of onboarding and information sharing resources was provided to participants. These included one-minute guides to support the implementation of the Pre-CMH meeting which could be shared with wider stakeholders such as parents' legal advocates. A family friendly guide was also developed. In the course of the pilot, a number of these resources were revised in co-development with pilot participants.

Peer learning: 12 documents were uploaded, including process maps / flowcharts, a coversheet, agenda and minutes, and family-friendly versions. One pilot site also invited other pilot members to an event they were hosting on innovations in psychological treatment for parents.

Appendix A provides further information about delivery support. Current versions of the Terms of Reference (Annex A), Draft Agenda (Annex B), and Example of the Family Friendly Note Template (Annex C) can be found in the annexed documents.

Wider stakeholder engagement

The Research in Practice delivery team engaged senior leaders to raise awareness and build engagement with key stakeholders from contract start. These included:

- Early conversations with a nominated colleague on behalf of:
 - the Chair of the Association of Directors of Children's Services Families, Communities & Young People Policy Committee (the Head of Children's Improvement Partnership, Essex County Council);
 - Cafcass National Director and Deputy Director of Operations to gather their reflections on their co-development of the pilot with DfE; to understand their aspirations for the pilot; and to agree a communication plan with Cafcass to cascade key messages to participating pilot sites.
- Engagement with the President of the Family Division and the lead judge on research activities. The President's office was contacted in August to seek support to raise awareness of the pilot with DFJs in the pilot site areas and to seek the President's assent (which was given) to our engaging DFJs in a focus group session in late November/early December. The lead judge for research across Family Justice gave approval for judges to provide feedback.
- Engagement with nominated senior HMCTS representatives, including the Deputy Director, Family Development Directorate, Deputy Service Manager Strategy and Change Directorate, to cascade key messages and recruit HMCTS representatives to participate in workshops and focus groups.
- Collaboration with Cafcass senior leaders and practice leads to develop valuable materials such as the preamble for the parents note (See Annex C), which included advice from the Cafcass legal team advice on minutes and records of the meetings.
- Collaboration with the National Family Justice Observatory (NFJO) to co-deliver Workshop Two and share key messages from NFO research.
- Collaboration with Islington Family Group Conferencing service to co-deliver Workshop Three and share key messages about engaging the wider family and friend network through Family Group Conferencing (FGCs).
- Collaboration with Family Rights Group (FRG) on content for Workshop Three and to engage the experts by experience panel.

Challenges

Communication and start up: Contract start-up in the August holiday period and the truncated timescale for the pilot created significant pressures for participants. Following the initial meetings, the actual timeframe for participants to practically roll-out the approach was c. ten weeks (i.e. from Workshop One on 21 September to close of feedback survey on 30 November). Those pilot sites most able to get up and running swiftly noted that this was enabled by pre-existing and well-established relationship with Cafcass, their DFJ, and local court staff.

Essential learning for the commissioner ahead of the 2024 rollout will be to ensure a strategy for pre-comms to national stakeholder bodies (Cafcass, HMCTS, President of the Family Division's office and lead judge for research) and to ensure pilot sites have sufficient time to communicate with their own staff and with key local partners about roles and responsibilities prior to pilot work commencing.

Limited number of notice S31 applications: Some pilot sites reported that they issued care proceedings on relatively few s31 cases and as a result would have little opportunity to test the use of the Pre-CMH meeting within project timescales. In addition, Cafcass data from 2022-23 indicate that on average 67% of cases across all pilot sites were short or no notice applications. Since the pilot was designed around notice applications, this further limited the number of opportunities to test the Pre-CMH meeting in practice. Drawing on the data from 16 sites that responded to Survey Two we know that 392 s31 applications were issued across these 16 sites during the pilot timeframe, of which 188 (48%) were short notice and no notice applications.

Pilot leads were assured that the practical application of the Pre-CMH meeting within the timescale was not an evaluation measure. While practical implementation was desirable, the core aims of the pilot were to explore the logistics, ethics, and practicalities of the process, and to analyse ideas, concerns, opportunities, and challenges. Active participation in workshops and drop-ins was strong in sessions designed to maximise participant input and knowledge exchange (See Appendix A for participation data). Across all sites, participants made a committed effort to test the Pre-CMH meeting with as many cases as possible, as purposefully as possible.

Opportunities

The scoping pilot brought multi-agency participants from 22 local authorities together and created a rich space for peer-to-peer knowledge exchange and practical development. During the pilot participants had the opportunity during workshops, drop-in, and via the channel to:

- Share ideas, perspectives, and peer challenge on how the Pre-CMH meeting might work in practice.
- Share experiences and learning from testing the Pre-CMH meeting locally and consulting with the local workforce.
- Engage in nuanced discussion about the scope of the meeting and the ethical challenges that might arise.
- Develop and share resources that enabled the delivery of the Pre-CMH meeting locally.
- Share practice materials and guidance via the channel.
- Develop insight into the perspectives, roles, responsibilities, processes, and challenges of other stakeholders, and reflect upon how stakeholders could work together to reduce unnecessary delay.

Final survey responses indicated the value of HMCTS staff participating in the workshops as this enabled greater insight into gatekeeping and listing processes and regional variations. Local authority, Cafcass, and HMCTS stakeholders agreed that HMCTS listing and gatekeeping staff play a key role in the timely completion of care proceedings, and that it is essential for HMCTS to participate in pilot and project work related to systemic change. HMCTS experience similar resourcing issues and competing demands as other stakeholders; nevertheless, freeing time for participation enables a more rounded systemic approach. HMCTS focus group participants emphasised the need for early and effective communication with HMCTS leaders by the commissioner to ensure the most appropriate staff are informed and can participate.

Pilot participants developed and shared materials on the channel. Participants shared 12 documents, including process maps / flowcharts, a coversheet, agenda and minutes, and family friendly versions. Pilot leads reported downloading materials and adapting them to their local context. One pilot site also invited pilot members to an event they were hosting on innovations in psychological treatment for parents. The pilot channel has remained open to members.

Practical aspects of the Pre-CMH meeting

Organising the meeting

The short window of opportunity in the Public Law Outline (PLO) timetable within which the Pre-CMH meeting is required to occur raises scheduling challenges and makes rescheduling very difficult. Overall, the prescribed timescales for setting up the meeting were considered manageable by 86% (24) of Survey Two respondents. Nevertheless, discussion feedback indicated that timetabling does create challenges where well-defined processes are not in place and / or where competing demands on social workers or children's guardian increase capacity pressures. Another challenge identified was the courts listing availability. Some courts listed cases earlier than day 12-18 due to a court slot being available sooner than this. Where HMCTS was aware of a local authority taking part in the pilot, and when possible due to demand in the family courts, CMHs were scheduled closer to day 18. HMCTS staff appreciated the Pre-CMH meeting is more viable if CMHs are listed closer to day 18, but emphasised this might not always be possible due to court resources and availability. This is a potential challenge to a wider rollout when a higher proportion of local courts' cases will request this timescale.

- *The practical element is a challenge however not insurmountable, requiring a commitment from both children's services and Cafcass' (final survey, local authority pilot lead).*
- *It's a lot of work within a short space of time. For example, one children's guardian had three separate allocations in one week, so this meant three Pre-CMH discussions along with other work/enquires' (final survey, local authority pilot lead).*

During the pilot the local authority took the lead in setting up the meeting, except in one pilot site where the children's guardian took the lead. In this latter site, the children's guardian had the social workers contact details in the application, which the local authority had provided in a cover sheet which also identified that the case was part of the pilot. Of the Survey One respondents who were responsible for organising the meeting, 88% (15) said it was easy or very easy to organise the meeting.

- *The most difficult thing about this was finding the time for all parties prior to CMH (participant survey, local authority).*
- *We often have difficulty identifying who the children's guardian is. We have introduced a cover sheet with our contact details so the children's guardian can contact us. We have found this is the best way to get things moving (local authority service manager).*
- *Perhaps joint responsibility for the local authority and Cafcass to arrange the meetings will be more productive (final survey, local authority pilot lead).*

Factors that helped in setting up the meeting include:

- Early allocation of the children's guardian.
- Clear communication between the local authority and Cafcass to share allocation and contact details, availability, and cooperate in setting up the meeting.
- Planning ahead and providing advanced notice of the date of the Pre-CMH meeting.
- Local authority social worker having an existing relationship with the Cafcass lead.
- Holding the meetings online.
- Agreeing with the listing office to list cases as close to day 18 as possible to provide additional time to schedule the Pre-CMH and advocates meetings.
- Business support colleagues to manage scheduling and sending invitations.

Factors that hindered in setting up the meeting include:

- A lack of good systems to share contact details of allocated social worker and children's guardian.
- Competing demands and availability of the social worker and children's guardian.
- Case transfers between teams led to debate about who should organise and attend the meeting. One useful proposition from pilot sites was that the Pre-CMH meeting might be a valuable forum to support an informed handover if there was to be a change of social worker and / or children's guardian.

Facilitating the meeting

While the initial documentation set out the role of meeting 'Chair', there was a consensus among participants that a shift in language from Chair to 'facilitator' was better aligned with the requirement. While it increased staff resource required to hold these meetings, feedback indicated that facilitation was helpful in formalising the meeting and keeping the discussion focused, supporting participants to reflect on key issues and steering the conversation where necessary.

- *We [local authority] agreed with Cafcass, the case progression management would function as facilitator as opposed to 'Chair' moving away from the meeting being focused on positioning rather, an open discussion between partner agencies (final survey, local authority).*
- *The case progression manager is involved in the legal planning meeting when a decision is made and has the key information, so they are well placed to facilitate. Facilitating rather than chairing a "conversation" was the approach we used as we want newly experienced social workers to have the confidence to have this direct conversation with the guardian. There was resistance from some team managers who wanted to be part of the meeting and were used to having the Pre-CMH conversation with the guardian themselves (final survey, local authority).*

The terms set out initially by DfE suggested that meetings should be chaired by a head of service. During the pilot, most of the Pre-CMH meetings were facilitated by a head of service, service manager, team manager or care proceedings case manager / case progression officer. In one instance, an Independent Reviewing Officer (IRO) facilitated. While some pilot sites opted for senior leader involvement during the pilot, this was not considered sustainable in the long term. Feedback indicated that the facilitation is more suited to an operational manager, such as a team manager or care proceedings case manager / case progression officer because they have more detailed knowledge and involvement in the case. There were a few suggestions for a service manager or children's guardian as facilitator going forward; however, this raised questions of availability.

- *I think for availability issues, we may need to be more flexible about team managers chairing the meetings, as [lack of availability of a service manager] resulted in some meetings not progressing (final survey, local authority).*

Some participants questioned the need for a facilitator and concerns about the resource requirements for the meeting being too onerous.

- *It was all helpful, but there was probably no need for a Chair outside of the group working with the family. I would prefer to Chair these myself (participant survey, local authority team manager).*
- *I'm not sure that the meeting required both team manager and district lead from the local authority to be present as the allocated social worker knew the family and issues to discussed (participant survey, children's guardian).*

In addition to the children's guardian, social worker and facilitator, meetings included a minute taker and, in some instances, the social worker's line manager. Children, families, and legal representatives do not attend. There were some suggestions that meetings could feel 'local authority heavy' and might as a result feel overwhelming for some children's guardians.

- *The process we developed locally was 'resource' heavy – there were a lot of professionals involved in the meeting and the minute taker (final survey, local authority).*

A key question for wider rollout is how these meetings may be conducted with proportionate use of staff time.

Minutes, notes and follow up feedback from the meeting

Rather than the multiple formats for notes and feedback that were proposed by the commissioner, pilot participants indicated a preference for one family-friendly note to be prepared and shared with the family and advocates within 24 hours of the meeting. Feedback indicated that the facilitator or a business support colleague were most likely to take minutes.

Discussions reflected the varied levels of skills and confidence business support staff have in notetaking. Writing with clarity to summarise what may be complex discussions in ways that are understandable to all parties is far from simple, and something that we know social workers often struggle to achieve. In this light, there is a question over how realistic is the aspiration that business support colleagues should prepare a family-friendly note and that the note would be agreed and circulated within 24 hours.

Some sites tried using MSTEams recording and transcript. Difficulties identified in recording and transcription were in relation to the inaccuracies of MSTEams transcription, the lengthy record this method would produce, and concerns that views shared in the meeting might well shift in light of further information and evidence. The Cafcass legal team contributed to discussions to develop a preamble to a notes template (See Annex C). The preamble specifies that the note represents a discussion at a particular point in time and the children's guardians' views are subject to change. Pilot participants were able to download the resource from the channel and adapt it to local needs.

Participants engaged in discussions around producing a child-friendly note following the Pre-CMH meeting. These highlighted the importance of being proportionate, focusing on what is important to the child at the time and communicating in a way that is age and developmentally appropriate. While transparency and inclusion are important, the Pre-CMH meeting is one element in the wider work with the family at the start of care proceedings and it was agreed that communication should focus on the bigger picture rather than processes.

- *The child was too young as newborn but a 'later in life' note was created, and this was shared with all parties as the minutes of the meeting (participant survey, local authority).*
- *There is a difference between minutes of a meeting and a child-friendly note. I am not sure why the child needs to know about this meeting? The priorities should be decisions about what the child knows or needs to know about the judge making decisions and who the guardian is and why social workers are worried (participant survey, local authority).*
- *It was agreed that the record of the meeting would be formatted into a letter for the child (to read now or when they are old enough to understand). Trying to strike a balance between minutes of the meeting and ensuring the conversation was captured in a child friendly way was difficult and ultimately did not serve either purpose well. The children in this case were too young to benefit from a letter so will be able to see the record of the meeting on their file should they choose to review them when they are older. However, I can't imagine that many children will benefit from a letter of this nature at the beginning of their court proceedings. More child friendly direct work like words and pictures make more sense to me and should focus on the facts of the case rather than the conversation between two of the parties. This is a separate piece of work for the social worker and/or children's guardian to complete with a child and trying to fit this meeting with these different tasks is unhelpful. (participant survey, local authority).*

Ultimately, the Survey Two described a range of options for feedback that should be tailored to the specific needs of the parent and child and should fit with the broader context of engagement. See [Figure 9. Feeding back to the parent, child & wider family](#) for more details.

Timescales for social worker and / or children's guardian to sign off on meeting notes were challenged by competing pressures. Some children's guardians reported that they did not receive or have the opportunity to review or approve notes or minutes before they were sent out. The intention that the family-friendly note be used in advocates meetings to inform discussions required that the note was created, agreed, and shared within very tight timescales and stakeholders indicated that this was not always achievable due to competing demands. Some advocates found the note to be a helpful addition to the advocates meeting. It is interesting to note that the small group DFJs in the focus group discussion indicated that they did not see it as necessary to file the note with the court.

- *The note from the Pre-CMH meeting was used in the advocates meeting as part of the agenda and to identify issues that otherwise may not have been apparent to the lawyers at the advocates meeting (final survey, local authority legal representatives).*

Themes arising

The overall concept of the Pre-CMH meeting in the context of current practice

An early conversation between the local authority and children's guardian is recognised as good, standard practice, albeit that such practice may have drifted over time, so the proposition was uncontroversial in concept. The majority of feedback was supportive of the concept of a Pre-CMH meeting and Pre-CMH meeting participants mostly found the conversation helpful.

- *I am of the view a Pre-CMH is helpful and would be beneficial to be used in all public law cases (participant survey, children's guardian).*
- *It is helpful to have space to talk about the strengths and areas of concerns within the case and detail what the local authority had already tried before taking the steps to issue. This also gave the guardian the opportunity to ask clarifying questions (participant survey, local authority).*

Discussions on current practice across the pilot sites indicated that in some localities this kind of conversation happens consistently, while in others it happens inconsistently or not at all. It was broadly agreed that when the informal conversation does occur:

- The content of the conversation may not be consistent or structured.
- The conversation is often not recorded, although a few pilot sites indicated that this conversation is recorded as a matter of course.
- The note from the conversation is not shared.
- It is common practice for the children's guardian to share their views about the care plan and assessment plan (although of course these views are preliminary and subject to change pending further enquiries).

Where the early conversations were already taking place, the Pre-CMH meeting was seen as a means of formalising the process and providing structure. Where the meetings happen less consistently or not at all, it was seen as a means of improving consistency or ensuring a conversation happens.

- *Staff have only done one, it was positive for that case and the family had been spoken to about the process and they raised no concerns. Its good practice being formalised and made transparent and consistent (focus group, DFJ).*
- *The meeting formalises the process and hopefully this means it will happen more consistently (final survey, local authority pilot lead).*
- *Formalising that initial discussion between the local authority and the guardian is really helpful in developing better working relationships at an early stage. It should always happen but adding it to a process and in a formal meeting means it will be prioritised (final survey, local authority pilot lead).*

In localities where an early conversation already consistently takes place, the Pre-CMH meeting sometimes felt overly formalised and like duplication.

- *The social worker and I had already discussed a lot of the issues prior to the meeting, although I wouldn't say it was unhelpful to look at these issues again (children's guardian, participant survey).*
- *The formality of the meeting is not helpful. The social worker and guardian had already spoken several times and remained in contact after the conversation. It felt like duplication (participant survey, local authority).*
- *It seemed to formalise something that doesn't need formalising, it worked better as a phone call. I thought the meeting would have been more productive if it took place following the guardian meeting the children and parents as it would enable a more well-rounded discussion (participant survey, local authority).*
- *The formality of the meeting did not feel helpful. Both social worker and guardian were eager to progress the work with the family and while the meeting was useful, I am confident that they would have had the same conversation without it being formally arranged and minuted (participant survey, local authority).*

Pilot participants were mindful of over-complicating the meeting. The early conversation is a simple concept and a small piece in the wider context of issuing care proceedings, as such it should be proportionately resourced. A requirement for too much process might reduce the purposefulness or likelihood that the early conversation happens.

- *This is a meeting between two professionals. It will become overly burdensome, and the point lost if too many steps are required to make it happen (final survey, local authority pilot lead).*

Enhancing information sharing through relationship building

The Pre-CMH meeting was viewed by many pilot local leads and meeting participants as a helpful way to enhance information sharing between the social worker and children's guardian by building the professional relationship. Local authority participants found the meeting helpful as an opportunity to share information and bring the child's lived experience to life for the guardian, to speak directly about the work they had done and build on what had been presented in the social work evidence.

- *We ensured that the guardian heard about the lived experience of the child from the social worker (participant survey, local authority).*
- *The social worker was able to describe the attempts to engage the family in more detail than was captured in the evidence submitted so far. An opportunity for a more nuanced analysis to be shared (participant survey, local authority chair).*
- *Guardian was knowledgeable about the family history and shared this in the meeting (participant survey, local authority).*
- *Social worker was able to tell the guardian about all the work that took place during pre-proceedings stage and the reasons why care proceedings were now being initiated (participant survey, local authority lead).*

The ten children's guardians that both participated in a Pre-CMH meeting and provided feedback (survey one) said that following the Pre-CMH meeting they had a better understanding of the child and family history and circumstances, the work the local authority had done with the family before applying for care proceedings, and how and when the child's family and friend network had been involved in resolving the issues of concern. Children's guardians reported they felt more prepared for the CMH.

- *The social worker had been working with this child and family for a long time, she knew them very well and could provide a background to the application, the child's current circumstances, information about decision making and the child's wishes and feelings (participant survey, children's guardian).*
- *The meeting was effective in that it enabled me to highlight issues before filing my initial analysis and to understand the child's background and current circumstances. The local authority was aware before the CMH of the case management issues I was going to note within my report and what assessment were likely to be required (participant survey, children's guardian).*
- *This meeting was purposeful and answered questions that I wanted to ask before filing my initial analysis (participant survey, children's guardian).*

Short and no notice applications

The aim of the pilot was to test the Pre-CMH meeting on notice (planned) s31 applications. However, at the start two pilot sites expressed an interest in testing the meeting for short and no notice applications; and due to low numbers of planned applications during the pilot, ten local authorities ultimately held meetings on short notice cases. The hypothesis was that the early conversation would be equally helpful in these cases and the meeting could be scheduled after the interim hearing had taken place. Given the high number of short and notice applications (national average 67% of applications) this learning was considered valuable.

The aim is for the Pre-CMH meeting to occur after an interim hearing but before the CMH. Feedback indicates that it is valuable for a Pre-CMH meeting to occur where short and no notice applications are issued because the interim hearing usually focuses on the immediate safeguarding issues. The Pre-CMH meeting is an opportunity to return to a more comprehensive conversation and focus on planning and assessment.

- *Pre-CMH meetings have taken place after the urgent removal hearings on the four applications for newborns and have been useful (final survey, local authority).*
- *Pre-CMH meetings should happen in some short and no notice applications but not as standard as there can be a lot of variables in these instances (final survey, local authority).*

Some feedback indicated that the meeting felt less purposeful if an initial hearing had already occurred because many of the issues had already been discussed.

- *The Pre-CMH followed an initial hearing and there were no follow up questions, and this felt straight forward. Everyone involved was aware of each other's thoughts and plans (participant survey, local authority).*

An interim hearing might be held to enable the court to give immediate directions or orders to facilitate any case management issue which is to be considered at the CMH, or to decide whether an interim care order is necessary to safeguard the child. It would be helpful to learn more about how a Pre-CMH Meeting could work in each of these contexts.

Including parent, child, and wider family voice in a meeting they do not attend

The social worker is expected to have gathered the child's wishes and feelings, and the parents and wider family networks' views prior to the meeting and present them during the meeting alongside sharing what information is or is not known to the family.

The children's guardian may or may not have seen the child or parents prior to the Pre-CMH meeting. During the pilot there were examples of both. Some sites considered it good practice for the children's guardian to have met with the child and parents prior to the meeting; however, it was accepted that competing demands may not always permit this. Other sites found it helpful for the children's guardian to meet with the family after the Pre-CMH meeting so they could focus their enquiries and the local authority could share information on how to work with the child and what the child knew of the care proceedings.

- *The guardian had already met the family and children and was able to feedback her visit. Both the guardian and the social worker engaged well in conversation (participant survey, local authority).*
- *The children's guardian had read the bundle, met the child and also the parents. I was impressed with how she had gained knowledge of the full situation and had analysed it in such a short time (participant survey, local authority).*

Local pilot leads highlighted the importance of having a clear and up-to-date picture of the child's wishes and feelings, and the parents' views. They were mindful that the Pre-CMH meeting fitted within the broader context of preparing for court and this information should be captured within the social work evidence. Gathering this information should fit within the broader practice piece that includes direct work with the parents and child to support their understanding of the social work evidence, plan and court decision-making processes.

- *This should already be included in the SWET [social work evidence template] and I would anticipate the social worker has completed lots of direct work and discussed proceedings and potential outcomes and roles by the point of the meeting. This needs to be brought to life in the meeting (final survey, local authority).*
- *They should take every step pre-proceedings and it should be rare, especially in non-urgent applications, that views haven't already been sought and included in initial evidence. If it hasn't been then I would say it is imperative that the social worker does obtain this information to share with the children's guardian as soon as possible (final survey, children's guardian).*
- *This is part of the social worker's day to day work, meeting the child and completing direct work on a regular basis (final survey, local authority pilot lead).*
- *They are expected to provide this information when completing the initial SWET so I would expect social workers to do all they reasonably can to communicate with parents about the proceedings and the recommended interim plans for the children before we initiate proceedings. How they achieve this must be based on a case-by-case analysis of the parents' level of understanding and the best mode of communication etc and needs to take into account any possible risks to the social worker and the children when information is shared with and by the parents (final survey, local authority).*

Ascertaining the child's wishes and feelings, and the parents' views is recognised as essential to good practice, and where this work had already been undertaken to prepare for court it was seen as duplication to repeat for the purposes of the Pre-CMH meeting. Nevertheless, there was clear feedback that this work does not always happen or happens with variable quality. Some children's guardians reported that during their first visit, some children may be unaware of care proceedings or unclear about the plan. The Pre-CMH meeting is an opportunity to scrutinise these efforts and encourage good practice prior to the CMH.

- *Children should be advised clearly of the local authority's plan. I often visit children who do not know their plan or details. This makes my role difficult as I have only just met the child (final survey, children's guardian).*

Parents' perception of the Pre-CMH meeting

There were some concerns raised about how parents might perceive an early conversation between the social worker and children's guardian in the context of the Pre-CMH meeting. Local pilot leads were mindful of these perceptions, especially within the broader context of care proceedings where sensitive personal information is discussed by a range of professionals and processes can feel confusing or exclusive.

Focus group discussions with care proceedings-experienced parents and wider family members indicated that it is reasonable for the social worker and children's guardian to have an early conversation, but it was important to consider:

- How this meeting might be perceived by parents and family.
- How their views would be gathered and shared in the meeting, including, their views on how the local authority had or had not supported them and their reasons for applying for the order.
- How they would be supported to understand how the meeting fitted with the wider context of care proceedings.
- How feedback would be provided.

Care proceedings-experienced parents were particularly interested in what means they might have to correct any inaccuracies that they might identify in the social work evidence. There was concern that the children's guardian's perception of the family might be influenced by this meeting, given the timing, and how this could be balanced. There was a suggestion that to mitigate this risk it might be helpful for an independent chair or FGC coordinator to facilitate.

Local pilot leads emphasised the need for transparency but questioned the value of 'over-involving' families in the Pre-CMH meeting at an already stressful and confusing time. There is a risk that the meeting might be perceived by parents as more influential than it is intended to be as an information-sharing meeting. It was considered more valuable for parents to have clarity and focus on the social work evidence, the plan, and the decision-making powers of the court. Parents and children should be supported to understand their journey through care proceedings in ongoing conversations with the social worker, children's guardian, and the legal representatives, as this is a shared responsibility. Local pilot leads broadly agreed that it was proportionate for parents' views to be gathered and fed into the meeting, then provide a family-friendly note. Any additional work should be considered on a case-by-case basis. Where parents wanted more information about the meeting, parents should receive this either in discussion with the social worker or children's guardian or via their solicitor.

Parent attendance at the Pre-CMH meeting

Some stakeholders proposed that to increase transparency and to resolve some of the issues relating to the perception of the meeting, children and families should be invited to attend all or part of the meeting. This proposal was rejected by most pilot stakeholders. The consensus being that it is appropriate and necessary for professionals to be able to fulfil their statutory roles and that they have space to share information with other professionals.

Care proceedings-experienced parents indicated they would find joining such a meeting alone intimidating and stressful and that they would want their legal representatives present if they were to do so. Professional stakeholders also anticipated that parents would want legal representatives present. They highlighted that attendance of parents and legal representatives would change the nature of the meeting and risk turning the meeting into a pre-court hearing and thereby undermine court processes rather than improve transparency.

- *I think the meeting provides a forum for the guardian and social work team to share information – I do not hold the view that legal should attend as it would change the dynamic of meeting – I would assume that parents attending would want to have legal representation (final survey, local authority).*
- *The robust social work discussions are valuable, and the presence of lawyers or family could impact on this. It is of course important that they feed into the process and that there is transparency but there is also merit in professionals being able to challenge each other without this needing to be amplified within the court arena (final survey, local authority).*
- *I think if legal and parents attend, it sets up a ‘mini’ Court where decisions cannot be made but it could be seen to pre-empt a decision. Also, the logistics of setting up the meetings are difficult enough, without adding so many other layers. I think transparency is important, so a clear note of the meeting shared with advocates / conversations with parents about what was said is sufficient (final survey, local authority).*
- *This is not about care planning and legal tests or thresholds, it is about developing strong relationships with Cafcass and social care and not about decision making. There’s no reason for lawyers to attend. Parents already have a number of meetings to attend, and this meeting is specifically about ensuring everyone has up to date information and identifying any gaps (final survey, local authority).*
- *The meeting is an opportunity for the social worker and guardian to discuss what has taken place, the gaps in evidence and any challenges the social worker has faced prior to the issuing of care proceedings. The tone of the meeting would change in the event that solicitors or parents were present because additional questions would be asked, and parents would understandably want to express a view about the concerns of the local authority. That said, it is vital to be open about what has happened in the meeting. The plan in this authority was to share the minutes from the meeting with all parties, and for the guardian to then request any changes publicly. In this way, it ensures that ‘back channels’ of communication are limited, and all parties are aware of discussions (final survey, local authority).*

What is in and out of scope for the Pre-CMH meeting?

It is important that discussions during the Pre-CMH are purposeful and productive; however, it is also important that professional boundaries are maintained. The Terms of Reference state that the meeting is ‘*not a decision or direction making meeting or a pre-court hearing for questioning, prejudging or positioning*’. The pilot leads considered how this guidance could be interpreted. This conversation surfaced some diversity of opinion about what was considered in and out of scope for discussion in the meeting.

Consensus was heard on issues of information sharing. For example, it was considered in scope to:

- Discuss and clarify information contained in the social work evidence.
- Seek to understand the child’s lived experience.
- Identify and clarify gaps in information.
- Clarify conversations around what has and has not been done prior to care proceedings.
- Discuss how the family and local authority have worked together.
- Clarify rationale for expert assessments recommended in the social work statement.
- Clarify what work has been undertaken with the wider family and friend network and family led decision making prior to the meeting.
- Build a professional relationship.

The main areas of contention related to what extent the positions and expert assessments should be discussed. These discussions became quite polarised at times.

Feedback from pilot local leads during the workshops reflected an openness by local authorities to be challenged by children’s guardians during the Pre-CMH meeting. As one final survey respondent put it, ‘*robust social work discussions are valuable... there is [] merit in professionals being able to challenge each other without this needing to be amplified within the court arena*’. This was seen as opportunity to improve the quality of the plan and follow up enquiries prior to the CMH, which would improve the likelihood of an effective CMH.

Whether the children’s guardian should share their views and to what extent was more controversial. Most participants thought it was reasonable for the children’s guardian to provide a view, pending further enquiries, about whether they supported the local authority’s plan or not. Some frustration was expressed about some children’s guardians being reluctant to share views during care proceedings, sometimes until the final analysis.

Local authority local pilot leads explained that it is helpful to have some indication of the children's guardian views prior to the CMH in order to prompt further enquiries by the local authority, rather than with a view to persuading the guardian to change their position. Such indications provided time for any necessary enquiries to be made or approvals sought ahead of the CMH. This was considered important for improving the effectiveness of the CMH.

- *[The Pre-CMH meeting] is a chance to ascertain the views of the guardian and to understand their views and queries (participant survey, local authority).*
- *The guardian asked questions that could be clarified immediately in a communicative manner. It helped both social worker and children's guardian to understand the concerns and also helped social worker to understand the direction the children's guardian may take, the discussion was open and honest, to avoid surprises in court (participant survey, local authority).*
- *The guardian had some queries which we were able to answer. The guardian also explained what she would like to see in place for the child, so we were able to progress it prior to the court hearing (participant survey, local authority).*

Cafcass representatives reported that some children's guardians had expressed concern that their preliminary views would be taken as final and they need to remain open to the possibility that their views might change following their enquiries. As discussed above, there was consensus that a preamble on meeting records to this effect was important, and an example was drafted by Lincolnshire and Cafcass, which was adopted and adapted by several other participants. Pilot participants proposed that preliminary views might be expressed, as long as it was clear that these were subject to change following further enquiries. For instance, if the guardian said they *'could not support separation at this time, pending further enquiries, but might recommend a mother-baby unit'*, this would enable the local authority to make enquiries about availability in advance but would not lock the children's guardian to this position.

There was some debate about to what extent requirement for further assessments should be discussed in the meeting. The meeting was seen as an opportunity to clarify what work had been done with the family pre-proceedings with a view to considering what assessment might be necessary and proportionate during proceedings. This enabled the local authority to make any necessary enquiries and arrive at the CMH more prepared, which could contribute to a more effective CMH.

- *It was helpful to be able to ascertain what documents had been provided to the guardian in respect of pre-birth work and pre proceedings and to be able to discuss and debate what further assessments were necessary (participant survey, local authority).*
- *The most helpful thing was the opportunity to talk to the social worker and manager and explore if experts were needed within the proceedings and if not why. I could clarify information I had already read and ask questions (participant survey, children's guardian).*

The Pre-CMH meeting participant feedback indicates that children's guardians shared their views to varying extents. In some instances, the children's guardian shared clear views and challenged the local authority's pre-proceedings activity and plan.

- *[the] guardian was of the view that pre-proceedings was not appropriate due to findings being sought and stated that pre-proceedings should not be used in such circumstances. Guardian had not had sight of pre-proceedings assessments as there were gaps in the bundle (participant survey, local authority).*
- *I questioned the rationale for the type of order and why there had been delay. This was not due to any issues within the meeting but more in terms of decision-making prior to the application. The meeting was helpful in highlighting that this was something I needed to include in my report as answers could not be provided by the social worker (it would have been inappropriate for her to have been challenged about this) (participant survey, children's guardian).*

Other examples indicated a reluctance to share views. Pilot participants questioned how purposeful the meeting was if the children's guardian does not share any views. The Pre-CMH meeting participant feedback indicated that where the children's guardian did not share their views, the meeting felt frustrating, and it was difficult to see the purpose or progress.

- *The guardian would not share her views on what she thought in terms of care planning and asked for further documents to help her decision making (participant survey, local authority).*
- *The guardian did not share many views during the meeting, and we were only informed after the advocates meeting two days before the hearing (one week after the meeting had taken place) that she was not supporting the local authority position. It would have been beneficial if we could have explored these differences earlier on (participant survey, local authority).*

There was general clarity that decision-making is the role of the court, that the children’s guardian should not be persuaded or expected to change their view and that their view might be subject to change following further enquiries. While pilot participants were clear about these practice parameters, there were indications that at times the conversation during the meetings had strayed into decision-making.

- *At court the decisions agreed upon at the Pre-CMH meeting by the local authority (LA) and guardian changed – with the LA no longer agreeing – the LA legal were not aware of what had been agreed upon at the Pre-CMH meeting (participant survey, children’s guardian).*
- *In the Pre-CMH meeting, LA and guardian were able to reach agreement that the children need to remain with their carer until we had sight of the expert medical report – this was not reflected in the LA care plan filed with the court. Instead, the LA made the decision for children to return home to parents (participant survey, children’s guardian).*

The DFJs in the focus group thought it beneficial for these conversations to take place as central to the purpose of the meeting. They questioned the benefit of holding a Pre-CMH meeting if the local authority and children’s guardian were unable to use the space to narrow the issues, identify the gaps, and provide recommendations for further assessment to the court for consideration. This small group of DFJs did not perceive any issues with justness arising from these conversations occurring, because the advocates meeting and court decision-making processes followed.

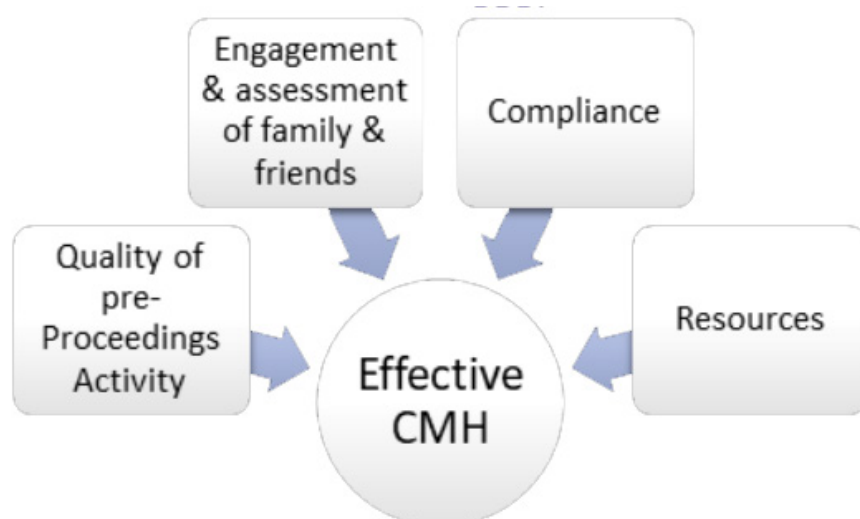
- *They need to discuss assessments as it’s a central issue. These views can be refined and presented to court, so is key for the meeting. They are professionals expressing views at that stage but the court will be determining issues – otherwise they are holding cards close to their chest which I discourage in proceedings. Each needs to set out where they think there are gaps and what needs addressing. The meeting needs to be used to its best effect (DFJ, focus group).*
- *A clear assessment, support, and intervention plan should be the product of the meeting, which parties can then respond to (DFJ, focus group).*

Effective CMHs

In testing the hypothesis that a Pre-CMH may help improve the effectiveness of the CMH, it is necessary to consider how ‘effectiveness’ of the CMH is defined and where improvements can be made. The Public Law Outline (PLO) goes some way to answering this; however, it was considered important to consider the factors that contribute to effectiveness from the perspective of different stakeholders.

During Workshop Four, local authority, Cafcass, and HMCTS pilot leads had the opportunity to think together about the characteristics of an effective CMH, and where the pre-proceedings stage and the Pre-CMH meeting might have an impact. The key messages from this discussion were collated and shared with the DFJs. DFJs were also asked to consider the question of effectiveness during the focus group. Four overarching themes were identified:

- Good quality pre-proceedings activity.
- Early engagement of the wider family and friend network.
- Compliance with PLO and gatekeeping orders.
- Resources: adequate social work, children’s guardian, court and judicial resources.



Quality of pre-proceedings activity: Feedback indicated that some local authorities have well-developed pre-proceedings stages and practice models; however, this varies widely. The characteristics of good quality pre-proceedings centre around the quality of the child and family assessment and the access that parents have to multi-disciplinary input, particularly where mental health and cognitive difficulties are identified. Early identification, assessment, and tailored support were considered essential for children and family's opportunities to make meaningful and sustainable change (potentially diverting them from court) and reducing delays if care proceedings are issued. Participants reported a high number of cases issued for newborn babies and emphasised the need for clear well-structured pre-birth assessment and support.

Early engagement of family and friends: Early engagement of family and friends through family group conferences and family meetings is important to identify support for the family and ensure that assessments of potential alternative carers are commenced (or even completed) during the pre-proceedings stage. These steps were seen as protective of the child's right to family life and essential for an effective CMH and timely care proceedings. Late identification of family and friends often results in a further CMH or directions hearing.

Compliance: Participants highlighted that the effectiveness of the CMH would be greatly improved by compliance with the PLO and gatekeeping orders. These sentiments echo those of the President of the Family Division that the effectiveness of the CMH and timely completion of care proceedings would be greatly improved through compliance. As described earlier, the practice of listing the CMH earlier than day 12 serves to fill gaps in court listings but limits the time available to parties to adequately prepare for the CMH and may have the unintended consequence of reducing the effectiveness of the CMH and result in a further CMH. Participants highlighted the need for effective advocates meetings within the timescales of the PLO. Advocates meetings can surface issues for the local authority to consider and it is important that they have time to reflect and respond to anything that arises before the CMH. Given the impact of an ineffective or late advocates meeting, it would be helpful to learn more about what makes an advocates meeting effective.

The tight timetable for completing care proceedings within 26 weeks is vulnerable to poor compliance. A lack of compliance by one party can result in a domino effect that increases the likelihood of a further CMH being listed and unnecessary delay in care proceedings. Compliance hearings have been adopted by many courts to enable the court to mitigate risk of delay and re-timetable where necessary.

Resources: Downward pressure on local authority resources was highlighted as a significant constraint to achieving the level of quality described in pre-proceedings activity. Child and family support and safeguarding services are intended to provide early help to prevent matters from escalating and becoming complex and entrenched. Budget constraints, social care worker vacancies, and competing demands all limit the amount and type of support available to children and families. Because the cost of assessment during care proceedings is shared, completing early multi-disciplinary assessment may be disincentivised when budgets are under pressure. However, late intervention, care proceedings and care placements come at high cost to the child, family, local authority, and the family court system. Participants highlighted a need for increased targeted early help funding to ensure families get the right support at the right time to prevent problems escalating and becoming entrenched.

Inefficiencies within the court system exacerbate these issues. Ineffective hearings are time-consuming and result in adjournments, which places an additional burden on court and judicial resources. While it is desirable to settle matters at Issues Resolution Hearing (IRH), it is sometimes necessary to list a final hearing. Identifying final hearings of three or more days can be challenging and may result in adjournment for six months or more. There are instances where the extended timescales mean assessments are out of date and must be repeated.

These four themes are interconnected and illustrate the importance of local authorities being adequately resourced to provide early and impactful support to children and families. The Pre-CMH meeting was seen as most purposeful when pre-proceedings activity and engagement and assessment of family and friends were explored in detail. This conversation enabled the children's guardian to scrutinise the local authority's pre-proceedings practice, which would inform their enquiries and shape their position and recommendations at the CMH. The Pre-CMH meeting provides an opportunity to explore many factors that have the potential to impact on the effectiveness of the CMH; however, this impact should be considered within the broader context.

Impact of the Pre-CMH meeting on the CMH

Much of the survey feedback reflected the view that, because of the short timescales, it was too early to know what impact the Pre-CMH meeting might have on the effectiveness of the CMH. Nevertheless, feedback did indicate that the meeting has the potential to:

- Improve the likelihood that the children’s guardian will arrive at the CMH better prepared.
- Improve the likelihood that assessments directed at CMH are necessary and proportionate.
- Reduce the likelihood that assessments directed at CMH repeat work undertaken by the local authority before the application for care proceedings is issued.
- Enable the parties to arrive at the CMH more prepared for an effective CMH.
- Improve the likelihood that cases are fully timetabled to IRH at the CMH.

DFJs and judges reported that it was difficult for them to observe the impact of a Pre-CMH meeting on the effectiveness of the CMH because they were often unaware which cases were involved in the pilot. While this may seem a simple enough task, it was challenging to resolve at scale with consistency. Several strategies were explored to resolve this issue including:

- a. Attaching a coversheet to the bundle noting the pilot.
- b. For legal representatives to advise the judge of the pilot.
- c. Information to be included in the social work documents.

Each of these posed challenges. HMCTS advised that the portal for filing documents precluded a coversheet being attached. Additionally, changes to processes required internal decision-making that was not realistic during the timescales of the pilot. Legal representatives were in some instances not aware of the Pre-CMH meeting and had not received minutes, and therefore did not raise this with the judge. Competing demands at the hearing are also likely to be a factor. It is not realistic for the information to be included in social work documents as these are filed with the application and it is unknown at that stage if a Pre-CMH meeting will be held.

It is important to the evaluation that the judiciary can observe the impact of the Pre-CMH meeting on the effectiveness of the CMH. It is recommended that a strategy is agreed early in the wider rollout to help the court to identify which cases have had a Pre-CMH meeting.

While there is optimism about the potential of the Pre-CMH meeting to impact on the effectiveness of the CMH, the meeting is one element in a complex system. Disaggregating its impact from the many other factors that may impact on the CMH and duration of care proceedings poses challenges. Where issues are identified with pre-proceedings work undertaken by the local authority and as a result a high volume of work and assessments are required, there may be little more that a Pre-CMH meeting can contribute to reducing the duration of proceedings than assisting in preparing for CMH planning on how the outstanding work is to be addressed. With these factors in mind, expectations about the potential impact of the Pre-CMH meeting should be proportionate.

- *There are many reasons for delay and many reasons for repeat CMHs many of which are not to do with the children’s guardian and local authority sharing information about the case history and proposed assessments. However, I think the meetings may make a small positive difference to case duration at an early stage in some cases. However, it isn’t just about case duration, I think it is good practice to communicate early with the children’s guardian, it assists communication if the children’s guardian has been able to form a relationship with the team manager from the outset and the record of the meeting ensures some level of transparency as the other parties know what was discussed (final survey, local authority pilot lead).*

Conclusions

While the scoping pilot timescale limited the opportunity to evaluate impact of the Pre-CMH meeting on the CMH, it provided rich space for peer-to-peer knowledge exchange, practical developmental activities on how these meetings may work in practice and nuanced discussion of the ethical challenges the meeting raises.

The Pre-CMH meeting was considered to be a helpful process by the majority of pilot participants. Where an early conversation between the children's guardian and social worker was already usual practice, the meeting was seen as a means of formalising the process and improving consistency. Many pilot participants developed clear processes and shared their intention to continue using the meeting. A majority of pilot participants were optimistic about the potential of the meeting to:

- Build professional relationships.
- Improve understanding about the family history and circumstances.
- Improve understanding of how the local authority had worked with the family.
- Arrive at the CMH more prepared.
- Clarify how the case could move forward.

The main areas of contention related to the extent that positions and expert assessments should be discussed during the Pre-CMH meeting. While pilot stakeholders articulated some principles regarding what may be in scope for the meeting, participant feedback indicates that these boundaries were not always maintained in practice.

The scoping pilot generated some clear insights into how the Pre-CMH meeting might work in practice, providing strong groundwork to learn more as the pilot rolls out at scale in 2024.

Recommendations

In relation to the wider rollout of the Pre-CMH meeting in 2024 we recommend:

- A minimum six-month timeframe to test the Pre-CMH meeting locally.
- A wider pool of local authorities to test how the Pre-CMH meeting works in a variety of contexts to generate a larger sample size and more robust evaluation of impact.
- A robust quantitative and qualitative evaluation of the impact of the Pre-CMH meeting on the CMH and how the effectiveness of the CMH impacts on the duration of care proceedings, number of hearings, and number of assessments directed.
- A larger sample of legal representatives (local authority, children and parents), magistrates and judiciary are involved.
- A communication strategy with national stakeholder bodies, such as HMCTS, President of the Family Division's office, Cafcass, lead judge for research, DFJs to raise awareness, and allow time for key messages to cascade within organisations.
- That expressions of interest require named leads from all key stakeholder organisations to encourage early planning and communication between local pilot partners.
- Clear communication about what is expected of participating pilot sites to allow sufficient time to communicate between partner agencies and their own staff about roles and responsibilities prior to pilot work commencing.
- Care proceedings-experienced parents and family members have an increased role in order to participate in discussions with professionals on key issues, inform how the Pre-CMH meeting is used in practice, how families receive feedback and develop realistic approaches to enable family members' perspectives on the veracity of social work evidence to be taken into account.
- That learning from the scoping pilot is adopted including the revisions of the pilot participants to the Terms of Reference and Agenda and the example parents note is included as a reference (Annex C).
- That the CMH is held as close to day 18 as possible. One additional suggestion was that a slightly later CMH might be trialled with a view to reducing the need for a further CMH.

Important questions include:

- What is in and out of scope for discussion at the Pre-CMH meeting?
- What level of resource is proportionate and sustainable?
- How well represented is the parent, child, and wider family voice in the Pre-CMH meeting?
- What impact does the information from the Pre-CMH meeting have on the advocates meeting?
- Does a Pre-CMH meeting enable children's guardian to file their initial analysis earlier?
- What are the characteristics of an effective advocates meeting?
- What impact does the Pre-CMH meeting have on:
 - the effectiveness of the CMH?
 - the number and scope of expert assessments requested and directed?
 - the number of hearing days in a case?
 - the overall length of proceedings?
 - change in order or care plan?
- What cost, time, and resource savings may be achieved through more effective CMHs?
- Should the Pre-CMH meeting become a statutory process?
 - Should the PLO practice Direction 12A be updated?
 - Should the Working Together framework be updated?

Appendix A – Delivery support and participant professional development

Onboarding- Initial Meetings

Initial meetings were held between 23rd August and 20th September with local authorities. Some local authorities were joined by Cafcass and HMCTS leads. This was an opportunity for introductions and to share important information about the pilot. Ultimately, 22 pilot sites participated.

LAs selected by DfE	Initial meetings	LAs onboarded	Did not respond or onboard	Withdrew during pilot	Total Pilot Sites
25	23	23	2	1	22

Workshops & Drop-in sessions

Following the initial meetings, four workshops were held between 21 September and 2

Fortnightly drop-in sessions were also held from 28 September until 7 December. These were flexible in format, offering participants an opportunity to bring questions and shape the conversation.

Session	Attendees	LA	Cafcass	HMCTS
Workshop 1 - Onboarding <i>How will the pilot work?</i>	76	44	19	13
Drop-in 1	10	9	1	0
Workshop 2 – The Pre-CMH meeting <i>How could the Pre-CMH meeting work locally? What is in and out of scope for the meeting?</i>	72	36	21	15
Drop-in 2	7	5	1	1
Workshop 3 - Parent, child & wider family voice <i>How can we include parents, children and wider family in a meeting they do not attend?</i>	37	25	10	2
Drop-in 3	3	3	0	0
Workshop 4 – Effective CMHs <i>What makes a CMH effective?</i>	32	23	6	2
Drop-in 4	1	1	0	0
Drop-in 5	2	2	0	0
Drop-in 6	2	2	0	0

Focus groups

Focus group	Number and role attended
Care proceedings experienced parents and family members on the Family Rights Group panel	Beverley Campbell – Family participation officer Angela Frazer-Wicks – FRG trustee and parent panel member, and DfE Implementation board member Seven parents/carers
Designated Family Judges	Five DFJs
HMCTS	Three HMCTS members (Deputy Service Manager and two Delivery Managers)

Keep in Touch meetings

Keep in touch meetings were offered, to be arranged as required. Three pilot sites arranged at least one of these with the pilot team. Due to the short timescale of the pilot and other meetings being available at least fortnightly, many did not feel the need for additional meetings but emailed the pilot team if they needed advice or guidance. Feedback from the workshops and pilot members reflected that they valued the opportunity to discuss progress with other participants.

Community of Practice – MStTeams Channel

The aim of the Pre-CMH meeting channel was to bring a distributed network together as a community of practice. The channel:

- Has 148 members from local authorities / trusts, Cafcass, HMCTS / Justice, DfE, Nuffield Family Justice Observatory (NFJO), and Research in Practice.
- Pilot participants were encouraged to upload examples of materials they have prepared for other participants to draw from. Pilot participants have reported they have found the shared items helpful and have amended versions to suit local need.

Channel Analytics

The channel analytics indicate good engagement with the information contained on the channel, particularly information relating to onboarding. Members have been able to return to key information (as indicated by number of views). Channel data as of 13 December 2023:

Page	Unique viewers over the duration of the pilot	Views over the duration of the pilot
Home	63	517
About the Pilot	27	117
Resources	40	139
Workshop Information	27	91
The Evaluation	16	30

Appendix B – Data

Pre-CMH meeting participant Survey (One)

This survey was completed by local authority staff and children’s guardians that participated in a Pre-CMH meeting. The survey was completed after the CMH where a Pre-CMH meeting occurred. A total of 39 participants completed a participant survey. Of the 39 responses, 29 were from local authority staff and 10 from Cafcass.

This survey data showed that 108 Pre-CMH meetings were held during the pilot, 19 of these were for short or no notice applications. This data does not include sites where the local authority did not respond to the survey, so the actual number of meetings held would be higher than this figure.

Figure 1. Pre-CMH meeting participants – scope of assessments (local authority)

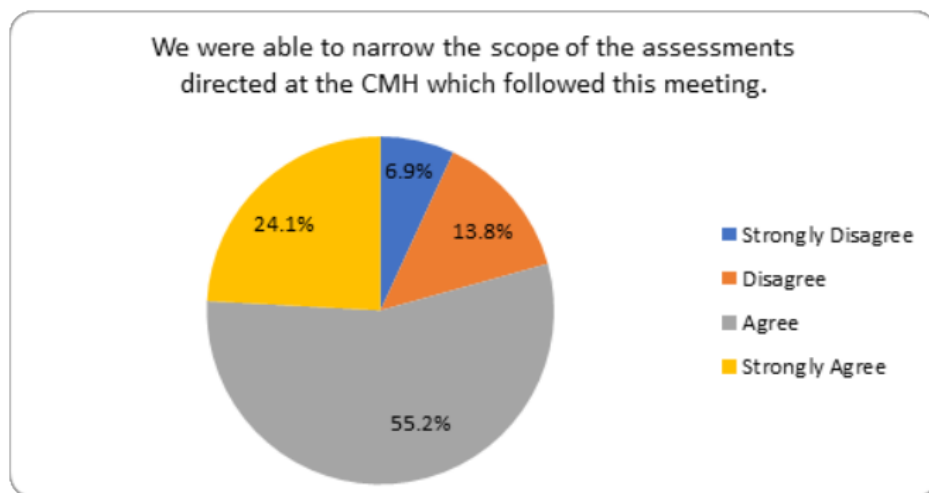


Figure 2. Pre-CMH meeting participants – repetition in court ordered assessments

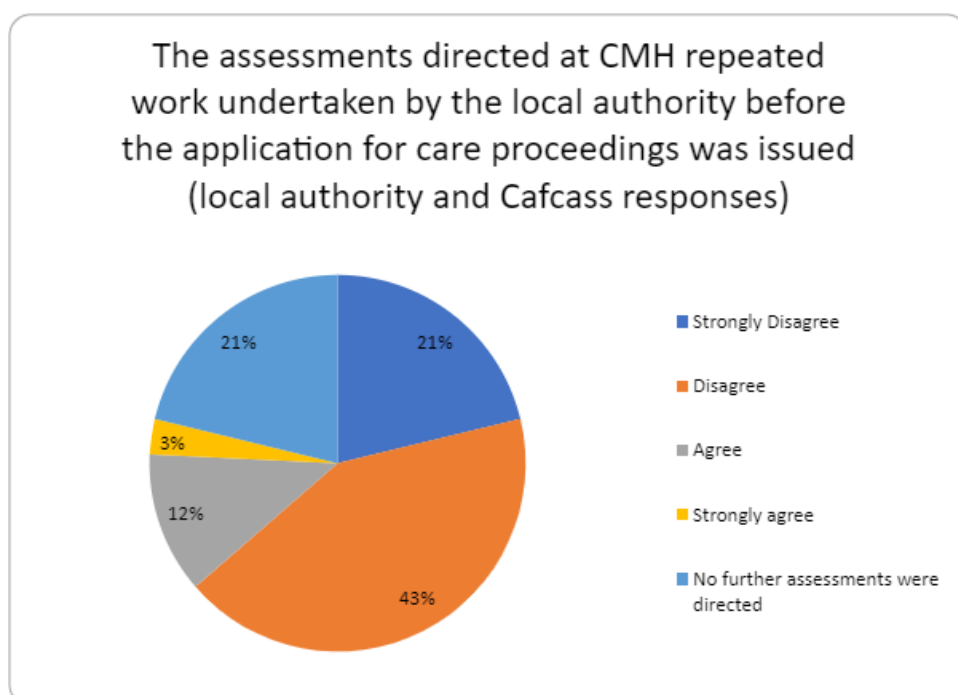


Figure 3. Local authority relationship with the children's guardian

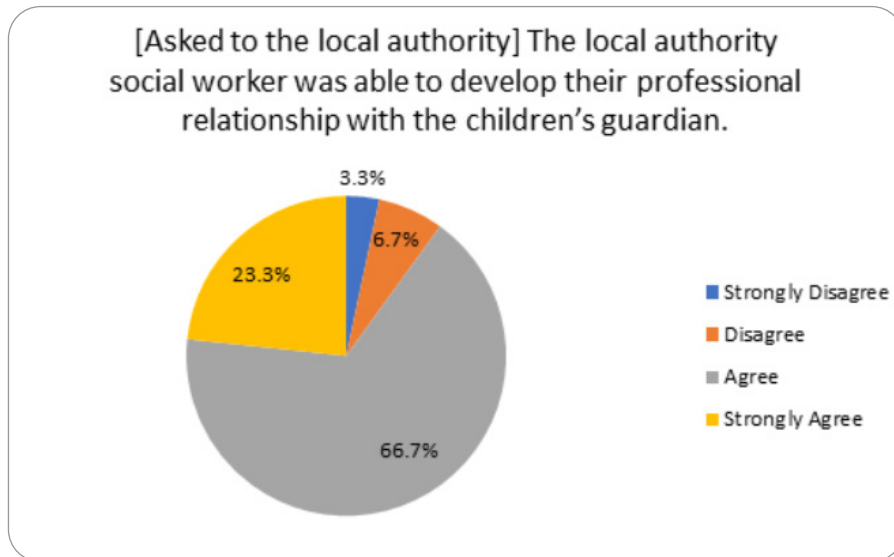
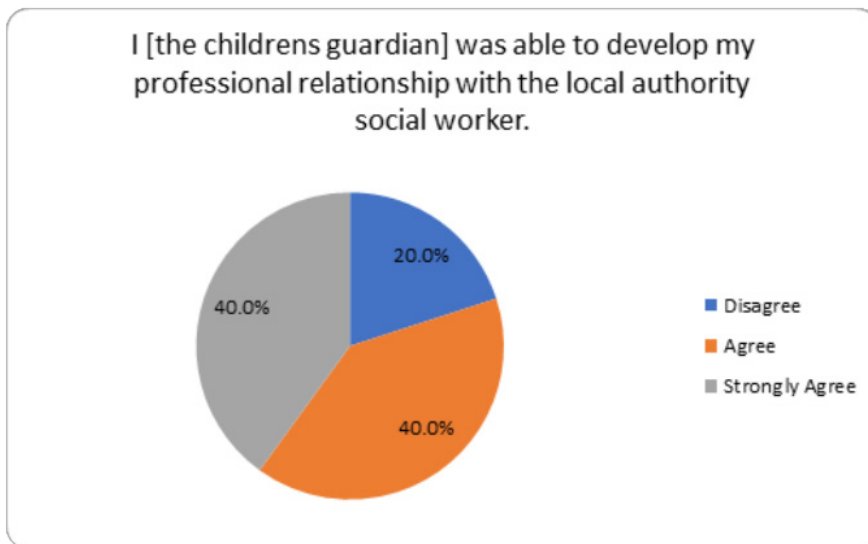


Figure 4. Children's guardian relationship with the local authority social worker.



Final Survey (Two)

This survey was open to complete by all stakeholders and was sent to 139 stakeholders, including local authority and Cafcass pilot leads, as well as other local authority and Cafcass staff, HMCTS staff, legal representatives, magistrates, and the judiciary. Of the 23 participating pilot sites, 16 are represented in the final responses. A total of 32 pilot participants responded to the final survey, detailed below.

Figure 5. Pilot role of those completing final survey

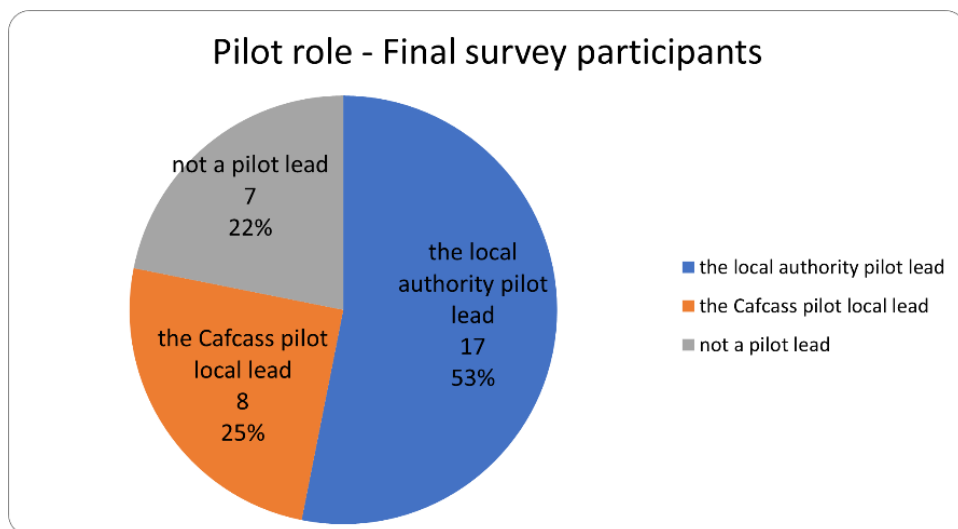


Figure 6. Job role of those completing final survey

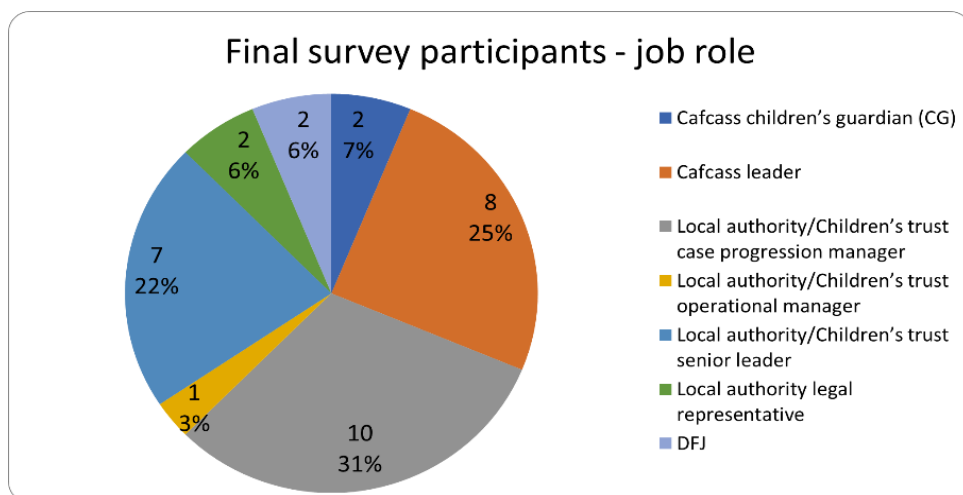


Figure 7. Final survey question on the effectiveness of the CMH

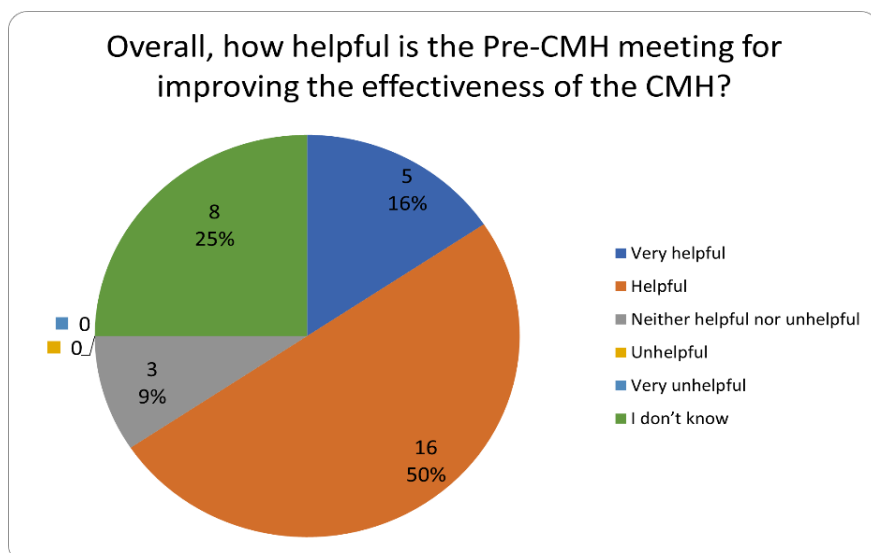
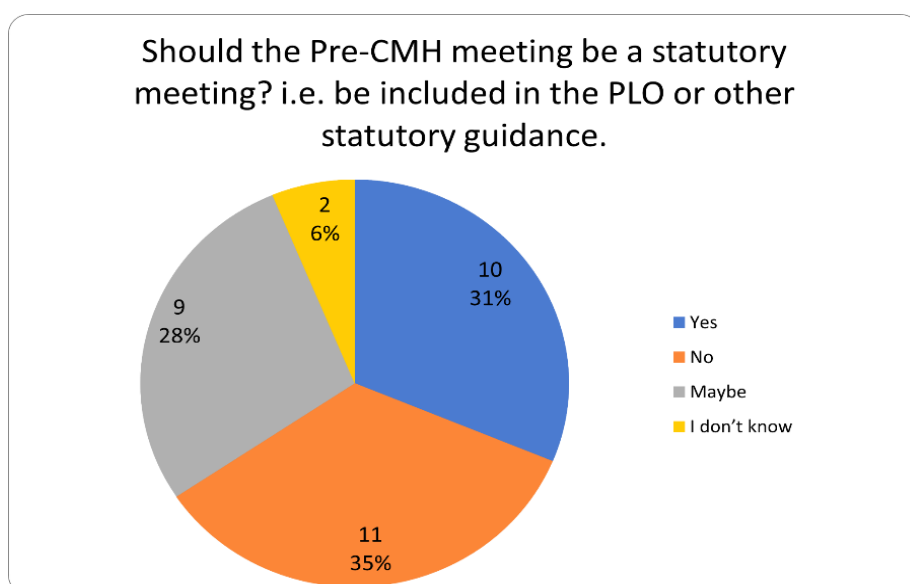


Figure 8. Feeding back to the parent, child & wider family



Data from the final survey on what should happen following the Pre-CMH meeting is displayed below. Participants could select any they thought applicable.

Figure 9. Feeding back to the parent, child & wider family

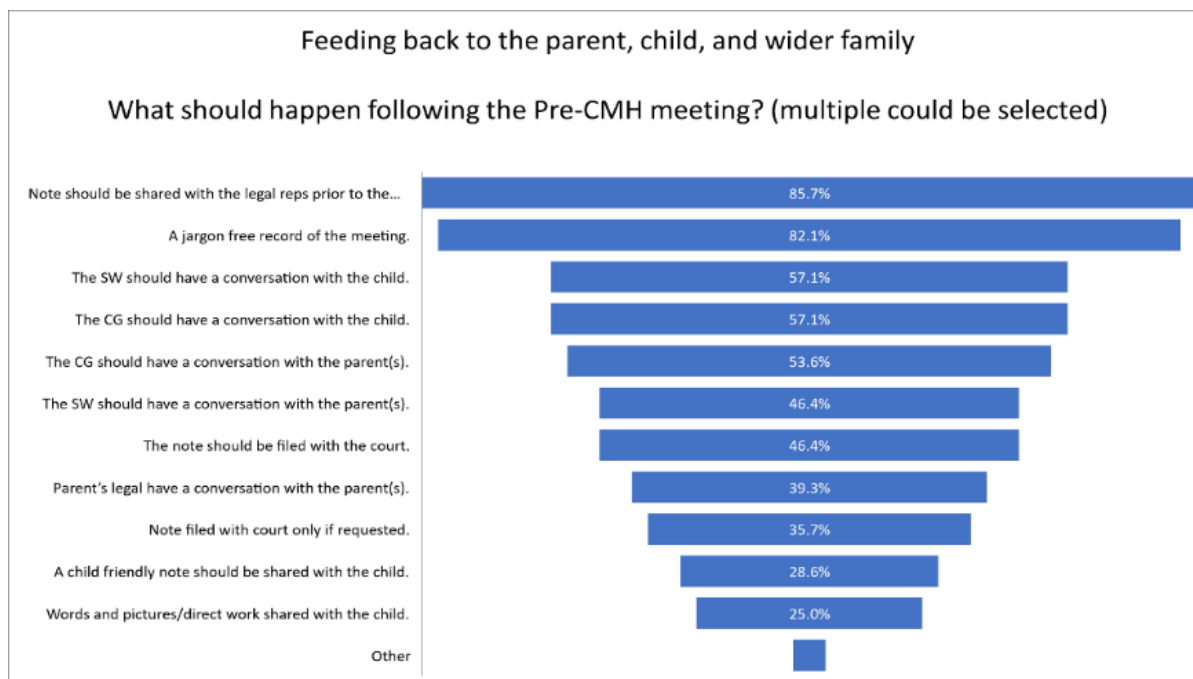


Figure 10. Participants views on the potential of the Pre-CMH meeting

The meeting has the potential to improve:							
Answer Choice	Strongly agree	Agree	Dis-agree	Strongly disagree	I don't know	Response Total	
1 information sharing about the child and family history and circumstances.	13	18	0	0	1	32	
2 the children's guardian (CG) understanding about how and when the child's family and friend network had been involved in resolving the issues of concern.	13	17	0	0	2	32	
3 the CG understanding of the work the local authority has done with the family before applying for care proceedings.	15	16	0	0	1	32	
4 the CG understanding about the local authority's rationale for applying for care proceedings.	13	18	0	0	1	32	
5 the CG understanding of the local authority's rationale for the type of order.	13	18	0	0	1	32	
6 the CG level of preparation at CMH.	12	15	1	0	4	32	
7 the relationship between the social worker and CG.	13	16	0	0	3	32	
8 the local authority's understanding of the CG early views prior to the CMH.	11	16	1	0	4	32	
9 the local authority's understanding of the CG recommendations for further assessment prior to the CMH.	11	19	1	0	1	32	
10 improve the local authority's planning prior to the CMH.	12	18	0	0	2	32	



One Minute Guide

The Pre-CMH Meeting Terms of Reference

AT A GLANCE

- ◆ The DfE Pre-CMH Meeting Terms of Reference
- ◆ Aims of the Pre-CMH Meeting
- ◆ Timing of the pre-CMH Meeting
- ◆ Organisation & Practical Arrangements
- ◆ Including & informing the parent, child & wider family

These Terms of Reference have been revised to incorporate feedback gathered from participating local authority, Cafcass, HMCTS and Judicial stakeholders during the scoping pilot, which ran from August – December 2023. It is recommended that they are developed further during the wider rollout in 2024.

The Department for Education (DfE) Terms of Reference (ToR)

The Department for Education (DfE) Terms of Reference sets out the expectations for how the Pre-CMH Meeting should look across every pilot site. While the Terms of Reference must be the same for each pilot site, there is scope to shape the agenda and the systems surrounding the Pre-CMH Meeting.

The DfE Terms of reference are as follows.

Aims of the Pre-CMH Meeting

The aims of the meeting are to:

1. Exchange information, share the history of the case, and understand how and why the local authority (LA) has reached the decision to apply to court.
2. Understand the LA's previous work and assessments with the family regarding the application and identify any gaps.
3. Share LA analysis on timing of application and reason for type of order applied for.
4. If applicable, share previous court hearings and decisions about the family so the history of these is known to both the children's guardian and LA, including where the case sat with a different LA.

This is **not** a decision or direction making meeting or a pre-court hearing for questioning, prejudging or positioning. The independence of the children's guardian remains.

Timing of Meeting

The meeting will take place:

- after the court has accepted the local authority's application for Section 31 care proceedings, AND
- after a children's guardian has been appointed, AND
- before the Advocates Meeting (which is at least 2 business days before the Case Management Hearing (CMH)).

Where a Pre-CMH meeting occurs for a short or no notice hearing the meeting should take place after the interim hearing and before the advocates meeting.

Organisation & Practical Arrangements

Facilitator: At the discretion of the local authority, however, pilot participants indicated that the role would be best suited to an operational manager such as team manager or service manager, or a care proceedings case manager / case progression officer.

Role of the facilitator: to outline the format of the meeting, keep time and ensure that actions and outcomes are clear, understood and recorded. Facilitation is considered important to guide the conversation.

Organiser and Host: The local authority

Attendees: Facilitator, social worker/s (SW), children's guardian (CG), minute taker.

Where a duty guardian has been appointed for an interim hearing, the duty guardian and allocated guardian might wish to attend to use the Pre-CMH meeting as a handover. This might also be helpful if a change of social worker is likely.

Parents and children do not attend the Pre-CMH meeting, however, their views are shared withing the meeting.

Legal representatives will not take part in the Pre-CMH meeting and will instead attend the advocates' meeting.

Duration: The aim is for the meeting to last between 60-90 minutes, however, this is flexible. The length of the meeting will be dependent on the number of children involved, the complexity of their circumstances and the nature of any professional differences identified during the meeting.

Location/s: The LA will organise a meeting location or facilitate this virtually, taking into account the most efficient use of resources and individual preferences.

Including and informing the parent, child & wider family

While the child and family do not attend the Pre-CMH meeting it is important that their voice is included. The social worker is required to gather the parents' views and the child's wishes and feelings prior to the meeting. The views of relevant people in the family and friend network should also be gathered.

The social worker will share these views in the meeting and clarify what the family knows about the application, including:

- the parents and child's individual understanding of the application, including the reasons for the application and the proposed plan,
- the work the social worker has undertaken to help the parent and child to understand the content of the social work evidence and what will happen during care proceedings, and
- clarify what is not known to the family.

The minutes will be recorded and, at a minimum, a family friendly note should be prepared and shared with the family and advocates prior to the advocates meeting. The note should document:

- what information was shared by the social worker and children's guardian during the Pre-CMH meeting,
- clarify the children's guardian understanding of each other's views, and
- outline any steps that the children's guardian or social worker proposed to progress care proceedings.

The family friendly note should be considered in the advocates meeting alongside other documentation and should be filed with the court if requested.

Consideration should be given to:

- how the note should be shared with the parent, child or wider family, factoring in age and understanding and any other specific needs or risk issues, and
- who should share the note (i.e.. The social worker, children's guardian, or legal representative.

In some instances it may be helpful to produce a child friendly note or undertake direct work with the child or young person to support their understanding.

It is understood that including and informing the parent, child, or wider family is likely to be undertaken as part of the wider piece of existing practice when care proceedings are issued. For example, keeping families up to date, explaining court processes and expectations, and supporting them to navigate the court process.

Quick Links

Pre-proceedings and family justice hub | Research in Practice
Email: pre-cmhmeetingpilot@researchinpractice.org.uk



Agenda for the Pre-CMH Meeting

The agenda template has been revised to incorporate feedback gathered from participating local authority, Cafcass, HMCTS and Judicial stakeholders during the scoping pilot, which ran from August – December 2023. Feedback indicated that it would be helpful to incorporate a pre-amble that sets out key principles of the Pre-CMH meeting. This agenda template can be revised to fit the local context and case circumstances.

Introduction

The Pre-CMH meeting is an early conversation between the children's guardian and the social worker, prior to the Case Management Hearing (CMH). The assumption is that an early conversation will provide the opportunity to share information and improve understanding about the family in the case. It is anticipated that this will enable a more effective CMH and reduce delay.

The aims of the meeting are to:

1. Exchange information, share the history of the case, and understand how and why the local authority (LA) has reached the decision to apply to court.
2. Understand the LA's previous work and assessments with the family regarding the application, and any gaps.
3. Share LA analysis on timing of application and reason for type of order applied for.
4. If applicable, share previous court hearings and decisions about the family so the history of these is known to both the children's guardian and LA, including where the case sat with a different LA.

This is not a decision or direction making meeting, it is an opportunity to share information and improve understanding about the family. Any views or opinions that are, or appear to have been expressed during the meeting are not fixed and will be subject to further enquiries where all parties are able to provide information. Please use the agenda below to guide and record your conversation so that the minutes of this meeting may be shared in good time with all advocates.

Agenda Template

No.	Description	Lead
1	Introductions and outline of the meeting	Facilitator
2	<p>Social Worker presents life of the child and family</p> <p><i>Social worker presents overview of the life of the child and family. Throughout, the social worker must make clear what information has been communicated with the child and family about the case and what their views are. The overview should include:</i></p> <ul style="list-style-type: none"> • <i>Background and context of the child and family, what is their story?</i> 	Social Worker

	<ul style="list-style-type: none"> • <i>Work undertaken to date, including any assessments, whether there has been a child protection panel, and what has failed in the child protection space that led to the application.</i> • <i>An overview of how the family has been supported and resourced to make meaningful or sustainable change,</i> • <i>Any specific needs of the family, such as mental health or cognitive difficulties, and how the family have been supported with their specific needs,</i> • <i>The views of the parents, child, and wider family,</i> • <i>How have the parent, child and wider family been supported to understand the content of the social work evidence, the reasons for the application, court processes and next steps,</i> • <i>The parents views on the social work evidence, including whether they have raised any inaccuracies or omissions.</i> • <i>How the wider family and friend network has been engaged and included since the family has been known to the local authority, supported by a comprehensive genogram and timeline.</i> • <i>Has a Family Group Conference been held and what was the outcome? If not, why?</i> • <i>Any key documentation that has been completed or is outstanding.</i> • <i>Any perceived areas of contention requiring early resolution.</i> • <i>Advice and guidance to the children’s guardian on engaging the child or family (e.g. Tommy loves dinosaurs and mum prefers to be seen away from the family home)</i> 	
3	<p>Child’s Guardian shares comments and questions and discusses views with the Social Worker</p> <p><i>Some suggested topics include:</i></p> <ul style="list-style-type: none"> • <i>What steps the children’s guardian has taken or plans to take to meet with the children and family,</i> • <i>Any comments and questions on the views of the child and the family presented by the social worker and the work undertaken by the local authority and other agencies to date.</i> • <i>Any comments or questions on key documentation that have been completed or is outstanding.</i> • <i>Whether the children’s guardian has any knowledge of previous Cafcass involvement in the case.</i> 	Child’s Guardian
4	<p>Social worker and child’s guardian establish next steps</p> <p><i>Social Worker and children’s guardian to discuss and record their understanding of each organisation’s position with a view to understand:</i></p> <ul style="list-style-type: none"> • <i>Intended overall timeline for the submission of reports (including discussion of the expert assessment checklist), initial analyses, position statements, final care plan and final analyses.</i> • <i>Key actions and timescales to be raised at the CMH.</i> <p>Please note: decisions should not be made during the Pre-CMH Meeting. The views of the local authority and Cafcass should be shared with the advocates and usual decision-making processes should be followed.</p>	Social worker and child’s guardian

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EXAMPLE Pre-CMH Meeting Note for Families

The Pre-CMH Meeting note for families provides an example of how discussions from the Pre-CMH meeting could be recorded. The example has been developed to incorporate feedback from participating local authority, Cafcass, HMCTS and Judicial stakeholders during the scoping pilot, which ran from August – December 2023.

Feedback indicated that it would be helpful to prepare one family friendly note to share with the family and the advocates meeting. It was agreed that the note should:

- be shared with the family and advocates prior to the advocates meeting,
- include a preamble to describe the purpose of the meeting,
- be jargon free and succinct (avoid extraneous detail),
- be considered by the advocates during the advocates meeting along with other materials, and
- be filed with the court if requested.

Example produced by Lincolnshire County council and Cafcass

On [date] the social worker for your children, [SW] and their children’s guardian [CG] had a meeting which was facilitated by [chair].

This meeting was to share information about your family and the reasons for the local authority taking the decision to apply to the court for an order.

This note of the meeting is taken to the Advocates Meeting where your legal representative will be able to know a summary of what was discussed as it is important you have a sense of what happened at a meeting you were not present at.

This meeting is about sharing information and discussing views – it has not been a meeting about decision making or trying to change views. It is also important to understand that views shared at this meeting might change later if new or different information is provided.

The hope of these meetings is that the children’s guardian and the social worker can think about the timetable for proceedings (what needs to happen and when). It is also important that everything that is suggested needs to happen, is necessary, and takes place when it should, so that there is no delay in the decisions for your children.

This is a summary of the information shared by the social worker and children's guardian.

Social worker information:

-

The voice of the child(ren):

-

The children's guardian shared the following information:

-

The children's guardian and social worker understand that each of their views in relation to your family and these court proceedings are:

-

The next steps that the children's guardian and the social worker think would help within the proceedings are:

-

If you have any questions about this meeting then please talk to your lawyer about these and they can get in contact with the person who can hopefully answer your questions.

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