



Children's
Safeguarding
and Family
Help

Public Law Outline: A Handbook for Social Workers

2024

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Introduction

This handbook has been written to help you navigate pre proceedings and care proceedings so that you can understand how we work in Camden and how you can support children and families through this journey.

Often children and families may be worried and anxious about the thought of going to court and what might happen to them. To help them understand the process, you need to fully understand what it is, as this will help everyone move forward.

1. An overview of the Public Law Outline



What is PLO?

The Public Law Outline (PLO), launched in 2014, is the legal framework we use with families when children are experiencing or at risk of experiencing significant harm, and we are considering legal proceedings because all our other interventions with the family have not been able to help make family life safer for children.

Pre proceedings is a formal process, lasting up to 16 weeks, where we assess and support families with the aim to help them make positive change to avoid issuing care proceedings. If that change is not made, we then issue care proceedings and we provide all the assessments we have carried out as evidence to the court that we have worked with the family to effect change.

Care proceedings should last up to 26 weeks in addition to the 16 weeks in pre proceedings. Most of our care proceedings should be issued after we have completed pre proceedings but there will be situations where pre proceedings is not safe and we make applications without completing that formal process, but these will be less common.

How do we decide to start PLO with a family?



When you are very worried about children, and perhaps the Child Protection Plan has not helped to bring about change, you will have a Legal Planning Meeting (LPM) where a recommendation will be reached about whether the threshold has been met for PLO. You will then need to present the case to Care Pathways Panel for approval of the next steps and get agreement to start PLO.

The policies about LPMs and Care Pathways Panel are here:

 [Care proceedings | Children's Policy & Practice Hub \(camden.gov.uk\)](#)

These policies tell you what happens in these spaces and what you can expect.



What do I do if I want to attend a Legal Planning Meeting?

- Talk in supervision with your team manager and get agreement that an LPM is needed
- Consider if a Thinking Together consultation with CAMHS is needed before an LPM
- Come to the 'Case Progression Clinic' to help prepare your documents for the LPM
- Write the LPM referral on Mosaic and task it to your manager and service manager for their input to sign off
- Write the SWET chronology (covering the last 2 years of significant events)
- Complete a full cultural genogram (including extended family)
- Download all the documents and email them to the service manager for Case Progression
- The service manager for Case Progression needs to receive these by 5pm on Wednesday to be booked into the following Tuesday LPM slot
- Task the LPM referral form to your HoS for them to complete the minutes.

The agenda for an LPM is here:

 [Care proceedings | Children's Policy & Practice Hub \(camden.gov.uk\)](#)



What do I do if I want to present a child at care pathways?

- **Have I had a Thinking Together with CAMHS?** You need to have this to help consider how best to support the family, and this helps the panel to decide.
- **Have I had an LPM?** – you will need this before going to care pathways if you want to consider pre proceedings or issuing proceedings. This legal advice helps the panel to decide.
- **Complete the paperwork** – if you have had an LPM, you send the LPM referral with the minutes completed in the document to the panel co-ordinator.
- **If you haven't had an LPM**, (because you are seeking a person coming into care or a change of placement), you complete the Care Pathways Referral, and send that to the panel co-ordinator.



Court is considered to be the last resort.

We will always try to avoid PLO with a family, and we will want to ensure we have provided all the support, we have reflected on how we have worked with the family and if we can change or influence any barriers in the way to help the family make positive change. We will only enter into the PLO process after we have fully reflected on how we are working with the family, what the children's individual needs are and if now is the time to intervene in this way.

2. What happens in Pre Proceedings

When you have been at Care Pathways Panel and have approval to start PLO, there is a lot of work to complete in a short timeframe. The reason the timeframe is short is that, given we have said the children are suffering or at risk of suffering, significant harm, we need to avoid them experiencing this level of harm for any longer than is necessary.

Here is an overview of the steps to initiate the PLO:

Date	Event	Outcomes
	Ongoing supervision	Reflection on social graces and Camden Model of Social Work in how we are working with the family and what is preventing the family from making change, and agreeing with your TM that PLO may now be required.
	Places for reflection and preparation	Consider a Thinking together with CAMHS; hold an FGC; attend case progression clinic to prepare for the LPM
	Legal Planning Meeting (LPM)	Pre proceedings or proceedings will be considered and recommended if necessary
Within a week of the LPM	Care Pathways Panel (CPP)	If you do not get approval for PLO, you continue to work with the family outside of that framework. If you do get approval for PLO, you start the PLO process
Within the week of CPP	Case Progression Clinic	Send the SM for Case Progression the draft pre-proceedings letter(s) and written agreements and go through these together.  letter-before-proceedings.docx (live.com)  appendix-a-written-agreement-template.docx (live.com) Draft questions for the parenting assessment and the expert assessments in this clinic
Within 2 working days the of case progression clinic	Finalise the Letter before Proceedings; draft questions for the Letter of Instruction (LOI) for any expert assessments; draft Written Agreement	Send these to legal for approval and completion and secure the date for the initial PLO meeting
Within 4 working days of the case progression clinic	Hand deliver and explain the letter to the people with PR, along with the list of solicitors and documents needed for PLO	Help them understand the process and the need for urgency, and to secure a solicitor for the PLO meeting


Date	Event	Outcomes
Within 2 weeks of CPP (Day 1 of PLO)	Hold the Initial PLO meeting	<p>Parents put forward up to 3 family members to be assessed</p> <p>Agree all the assessments including any expert assessment and the 'letter of instruction' to them and the timeframe for ending PLO.</p> <p>Agree the future dates for PLO meetings.</p> <p>Everyone signs Written Agreement in the meeting</p> <p>A minute taker will need to be arranged</p>
Week 8 – 10 of PLO	Review PLO meeting	<p>Discuss outcomes and progress of any assessments.</p> <p>Revisit Written Agreement</p> <p>Confirm interim plans and exit PLO date</p> <p>A minute taker will need to be arranged</p>
By Week 16 of PLO	Review LPM	Agree exit pathway of PLO once all the assessments are completed
By Week 16 of PLO	Exit PLO meeting	<p>Formal meeting to go through the exit plan (issuing proceedings or stepping down)</p> <p>A minute taker will need to be arranged.</p>

The primary focus of pre proceedings is to avoid going to court.

We need to show the family that we are committed to avoiding court, but we also need to be clear about what we expect from them, and ourselves, to ensure this can happen. We need to be clear with families what the risks in their parenting are and outline what we need to see from them that will mean we can avoid court.

For example, if the parents struggle to take the children to school and medical appointments, we will need to see that there is full attendance. If the parents misuse drugs, we will need to see commitment to being abstinent or significant change in their use. We will need to know that any changes they make are likely to be long lasting, and therefore we may wish for them to attend services and provide support to them.

Letter before proceedings

You will need to write a pre proceedings letter  [letter-before-proceedings.docx \(live.com\)](#) which Legal Services will approve. You will then need to hand deliver the letter (along with a list of solicitors, the draft written agreement, any draft Letter of Instruction for an expert, and the most recent CP plan) to each parent/person with PR and explain the process to them. This letter is really important because it allows the parent to access legal aid, which means that they do not need to pay for a solicitor. They need to take the letter to a solicitor and the letter allows the solicitor to apply for legal aid on their behalf.

How do I write a Pre-Proceedings Letter?




- Write relationally
- Keep it short
- Have a maximum of 2 paragraphs per 'worry' (risk issue)
- Set out what the worry is using language that is plain and simple and say what support has been tried to help make that worry better, and why it remains a worry.

For example

"I am worried that you have hit the children. Sophie has told me that you hit her between November 23 and January 24 and that she is scared of you sometimes. At the child protection medical on 23/1/24 the doctor said the marks seen on Sophie could have been there because someone hit her. A family support worker was trying to work with you to help you manage boundaries and parenting, to help you stop hitting Sophie, and that hasn't helped you change how you parent Sophie."

- Do not use words that could be misunderstood or are too formal.
For example, changing "you were a perpetrator of domestic abuse" to "Max said that you have pushed him, hit him, and stopped him from leaving the room". And change "you emotionally abuse the children" to "When you tell Max that you don't love him anymore and that he can go into care, this upsets him and he cries. When he cries, you then laugh at him for doing that."
- Changing the words you use to describe the behaviour to make it clear and it becomes more relational.

Family Group Conference

 It's really important that a Family Group Conference is held at the beginning of the pre proceedings process if one has not already happened. This is because if we do need to consider alternative care for the children, we know the family network well and can assess anyone put forward. You will need to ensure the parents understand this and help them and the family to think about who could look after the children. The parents need to put people forward at the first PLO meeting to ensure we have time to assess everyone within the 16 week period. Additionally, should we need to ask a Judge to remove the children we would want them to be cared for by people they already know and feel connected with rather than a stranger foster carer. It is for this reason a full cultural genogram is vital for the LPM. This way, you know who is in the extended family and can explore this fully with the parents and their legal representatives in the PLO meeting. Doing this may avoid family members being put forward late in the process and avoid delay for children. A link to the FGC policy and how to refer is [here](#).

The Family, Friends and Fostering Service will complete the viability assessments and kinship assessments of extended family members. The referral form is available on MOSAIC.


The PLO meetings will be chaired by the service manager.

In attendance will be:

The allocated social worker, Team manager, Camden's solicitor, The parent(s) and their solicitor(s), any interpreter or advocate the parent needs*, The minute taker.

*Information about what an advocate is and how to secure one is [here](#)

All PLO meetings will be in person unless there is a significant reason the parent is unable to attend in person (perhaps they have additional needs that make it easier for them to attend remotely). You will need to make the arrangements to book the minute taker and organise the meeting, book the room and any other supports that are needed for the meeting. In the meeting, as the social worker, you will be asked to provide an overview of the case and why the PLO process is happening.

The agenda  [plo-meeting-agenda-minute-template.docx \(live.com\)](#) needs to be followed and completed. Remember it is really important to have your assessment timetable and make dates for the review and exit PLO meeting. This helps the family understand what will happen and how long this process will take.

Checklist for the initial Pre Proceedings Meeting:



- Have I confirmed the time and date with everyone?
- Have I helped the parents understand what this process is?
- Have I helped the parents to get a solicitor, if they need that help?
- Have I booked an interpreter or any advocate the parent may need?
- Have I already asked the parents to think who the alternative carers are that they are going to put forward at the initial meeting?
- Have I made a referral for an FGC and asked them to also consider alternative carers as well as what support can be offered?
- Have I confirmed who is taking the minutes of the PLO meeting?
- Have I confirmed who is completing all the assessments and the date they will be completed, such as:
 - 1) Parenting Assessment?
 - 2) Viabilities?
 - 3) Special Guardianship assessments?
 - 4) Hair strand tests?
 - 5) DNA?
 - 6) Expert assessment like psychologist or psychiatrist?
 - 7) Any other expert assessment that might be needed?
- Have I written questions for the assessments and Letter of Instruction (LOI)?
- Have I shared the draft LOI and parenting assessment plan with the parents?
- Have I shared the draft Written Agreement with the parents?
- Have I made provisional dates for the review and exit PLO meetings?

3. What happens in Care Proceedings



When we issue care proceedings we are asking a Judge to make a decision about who a child should live with until they turn 18 and how they should spend time with people in their family. We issue proceedings as **a last resort** when all our attempts to help the parents look after their children to a **good enough** level have not worked.



Care Proceedings should take up to 26 weeks. The reason this timeframe has been brought in is because it is known how stressful children and families find this process. Children, if they are aware of what is happening, know that a Judge is going to make a decision about whether they can or can't live with their family. Managing the anxiety about that, along with the impact of any neglect or abuse they may have experienced, is very hard. We want to make sure we have good, safe outcomes for them, made in a timely way, so that they can focus on their childhoods without this additional pressure and stress.

Care Proceedings follow a set format in terms of what needs to happen and when.

The Courts follow this main process.

Date	Event	What happens
Day 1:	Issue Application with the court	Child's Guardian appointed within 72 hours
Between day 12 - 18	Case Management Hearing; 📌 see appendix C for a checklist to prepare for this hearing	Decide interim care arrangements (do the children need to be removed and in a place of safety?) Decide interim orders to safeguard the child Decide what further evidence is needed to make a final decision (such as parenting assessments, extended family assessments, any expert assessments etc) Timetable the case Decide if there are any complex legal issues or disputes and decide how and when these need to be resolved (for example, if you need a 'fact finding' hearing)
Between week 18 - 20	📌 Issues Resolutions Hearing or Early Final Hearing: see appendix D for a checklist to prepare for this hearing	Conclude the case if everyone is agreed about what should happen Or Narrow the areas of disagreement and agree how the final hearing should proceed
By week 26	📌 Final Hearing: see appendix E for a checklist to prepare for this hearing	Sometimes a 'fact finding' hearing is part of a final hearing, which means a Judge will decide disputed facts (i.e. decide if an allegation can be proved or not) If people are not agreed about what should happen, then there may be oral evidence from various witnesses, and that is likely to include the social worker. A final decision and orders are made about the child.

There will be requirements of you to complete various tasks ahead of each hearing to make sure it is effective. A checklist for each hearing can be found in the appendices.



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It is always positive if we can end our proceedings on agreement with the family. Sometimes parents can take a very brave step and realise they are not able to care for their children and can sometimes support alternative care arrangements for them. Being able to support a parent through this process is helpful for them and their children. It can also help them to maintain a positive relationship post proceedings.

If we can end on agreement, we should make all efforts to do that at the IRH. It may be that everyone is agreed about who should look after the child, but the question of how often the child should see a family member is not agreed. That issue should be dealt with at the IRH so that the case can conclude without the need for a final hearing. We should only be using a final hearing if any disagreement about the plan for the child cannot be resolved at the IRH.

Fact Finding Hearings – what are they and what happens at them?

Sometimes there can be complexities to the care proceedings which mean different hearings are needed. For example, if a child has made an allegation of abuse and the parents or another significant family member is arrested and charged, there can be criminal proceedings happening at the same time as the family proceedings. In these situations, you may need additional hearings to see how evidence in the criminal trial is shared in the family proceedings and vice versa. You might also sometimes need hearings with the police and CPS attending the family court to help make these decisions about what can be disclosed during their investigation or what can't be.

These situations can sometimes make the case last longer than 26 weeks and sometimes might mean you need a fact-finding hearing.

A fact-finding hearing happens when there is an allegation that another person denies and a Judge needs to decide if that allegation happened or not.

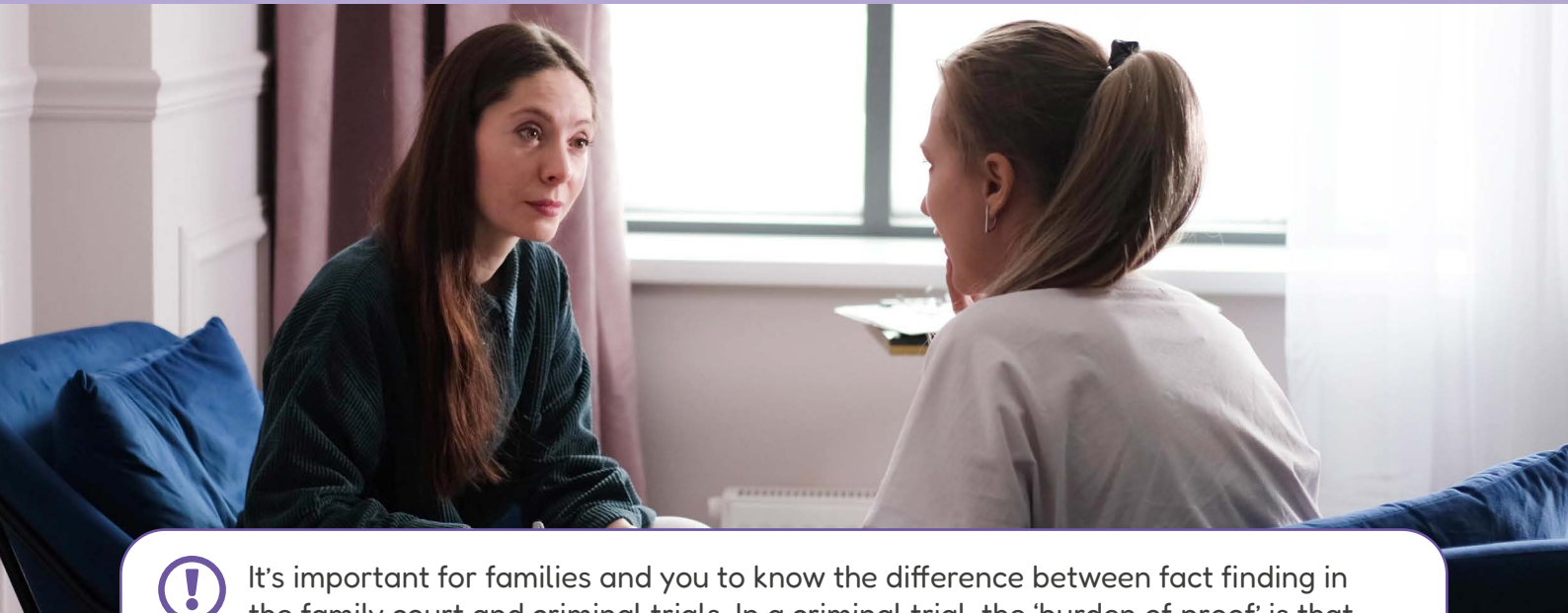


These are usually about 'threshold' issues, relating to allegations of abuse or neglect. 'Threshold' is a legal test the Judge needs to decide has been met in order for them to make a public law order and intervene in family life (and override the Human Rights of the parent to safeguard a child). In care proceedings, Camden Legal Services write the threshold document based on your social work statements and these are the reasons that we have issued care proceedings.

If one person is saying the allegation is not true, then we ask the Judge to decide what happened. A 'Fact Finding' hearing then takes place to determine the legal facts of the case, and once those are determined a welfare analysis flows from the established facts.

Most commonly 'fact finding' hearings take place at the same time as the final hearing. Sometimes, if the situation is more complex or it's a 'single issue' case, it may be that there is a separate fact finding hearing and that the welfare analysis, or any additional assessments, are timetabled following the outcome of this hearing. A 'single issue' case is a case where all the child protection issues rest on whether this allegation happened or not. One example of a 'single issue' case is where there has been a serious injury to a child that may be inflicted (or not), and where all other aspects of the child's care is good enough. If the injury was found not to be inflicted by anyone and was an unavoidable accident, then there would be no legal basis for the court to intervene in the family and the case would be dismissed. If the injury was found to be inflicted or caused in the context of a lack of supervision, i.e. the parents could have prevented the injury, then there would be a legal basis for the court to intervene and the case would continue.

In fact-finding hearings, we need to prove the fact. The 'burden of proof' falls on the local authority. It is not for the party who the allegation is made against to prove their innocence. Therefore, we need primary evidence to support the allegation(s). Primary evidence comes from things like medical reports or witness accounts from children or adults who saw or experienced the allegation. Sometimes you might need additional assessments, like a paediatrician or forensic expert to look at medical reports and photos to give opinions about what might have caused an injury and the timing of when it occurred. All these people might then give oral evidence in the fact-finding hearing. The Judge will then make a decision, and that decision is the basis on which we provide our further intervention and plans. Unless you are a witness to any issue, you would not give evidence at this hearing.



It's important for families and you to know the difference between fact finding in the family court and criminal trials. In a criminal trial, the 'burden of proof' is that the allegation is proved 'beyond all reasonable doubt' which is a very high legal test. In the family court, the legal test is lower, and it is based on 'a balance of probabilities'. This means that sometimes a person may be acquitted in the criminal court but found to have caused the harm in the family court. This is also the reason why you would still need a fact finding hearing in the family court even if a criminal trial says the person is not guilty.

What other hearings might there be?

Sometimes the court might list other hearings, such as:

A Directions Hearing: this is an additional hearing where the Judge will want to make further case management decisions or look at the progress of the case and re-timetable.

Non-Compliance Hearing: this is a hearing where we or another party highlights to the court that the timetable and directions haven't been complied with, and the Judge re-timetables the case.

A Pre-Trial Review: this is a hearing where the Judge wants to ensure that everything is ready for a final hearing or fact finding hearing. They will want to know things such as:

- who the witnesses are;
- that everyone is ready for the hearing;
- that all the evidence has been filed;
- that any further areas of agreement can be reached.

A Ground Rules Hearing: This is a hearing ahead of a final hearing or fact-finding hearing to consider the needs of a vulnerable party (adult or child) and how those will be met in the upcoming hearing. For example, if a child or vulnerable adult is giving evidence in a fact finding hearing or final hearing, you may need a hearing like this to agree how that would happen and what additional support they need from the court and the legal representatives to ensure they are able to participate fully, safely and fairly in the hearing.

What does it mean to ‘give oral evidence’?

When the Judge decides that they need to hear from people to make a decision, mostly in a fact finding or final hearing, those people are ‘witnesses’ and go into the witness box, swear to tell the truth, and are asked questions by the parties.

If you are the allocated social worker or have completed an assessment on the family, and someone disagrees with what you are saying, then you may be called as a witness.

When would I give oral evidence?

This usually happens at a contested final hearing. It’s very unlikely it would happen at any other time. As it happens in a final hearing, you will know well in advance that you are giving evidence and that gives you a lot of time to prepare. You can find some top tips about giving evidence in the court handbook here: [Court Handbook for Social Workers \(camden.gov.uk\)](#)

What is a Child’s Guardian?

In care proceedings, the child is a formal ‘party’ to the proceedings (a person who responds to our application). The child, like the parents, gets automatic legal aid for a solicitor to represent them. Because they are children, they are seen as a vulnerable party and automatically have a litigation friend to speak on their behalf, and who will give instructions to their solicitor. This is the Child’s Guardian (CG). They are social workers who work for Cafcass (Children and Family Court Advisory and Support Service). Information about what they do can be found here:

www.cafcass.gov.uk

The CG will visit and meet with the child. They are appointed to provide an expert view to the court in proceedings. Once care proceedings end, their work ends. How and when they undertake their enquiries during the proceedings is for them to decide. The remit of their work is set out in the Children Act, much like how the work of a local authority is set out in the same act.

It’s always important to have a good working relationship with the Guardian. You will want to speak with them before any hearing to update them and hear their views. You will want to let them know any significant things that are happening for the child during proceedings. You will need to invite them to LAC reviews and other meetings.

It’s always helpful to establish at the outset of proceedings what would help you and the CG to work together. What would you need from them? And what do they need from you?

What is an intermediary?

An intermediary is a professional who can support people in court to help explain the process and what is happening in a hearing. They can also support a person when they give evidence, and they can give advice to the judge about how to phrase questions to the person and how to help the person give their best evidence.

There would need to be an application to the court for an intermediary to be appointed to help that person. This would be done by the person’s solicitor. The people who can apply for this are children if they were to give oral evidence, and also an adult who is deemed vulnerable perhaps because they have learning needs. A reminder that an intermediary is different to an advocate. An intermediary will only work in the court and an advocate is someone who supports people in various settings

4. What we need to think about when writing evidence

Primary evidence

⚠ Remember it's really important to provide 'primary evidence' from other professionals, such as medical reports, school reports, and contact notes as some examples. This helps demonstrate the issues for the children and how the network is responding.



Our written evidence is what we present to the court to ask a Judge to decide on what should happen. How we write that and set out our case and provide our analysis is really important. A really well written, child focused, statement makes a significant impact to the reader.

The law is clear that when a Judge makes a decision about a child in the family court, that they need to address the Welfare Checklist. This is part of the Children Act that asks us to provide information and analyse the individual needs of the child. It is really important you address the welfare checklist in your statement.



You can see the welfare check list [here](#) at

You can either copy and paste the welfare checklist into the SWET and address each point or you can just cover the points when writing. It helps to know the welfare checklist well and to write from the child's perspective. This brings the child's lived experience as the primary focus. Highlight what life is like for the child, what is the impact on them of the parenting they are receiving, what this means for their holistic needs, and what needs to change to make life good enough for them.

Remember that the parents need to read and understand what you say in the SWET, and there is a chance that the children might read it. That means that the language you need to use needs to be simple and jargon free. You can see our Camden Ways of Writing document for more information. [📄 ways-of-writing-practice-guidance.pdf \(camden.gov.uk\)](#)

Keeping your reports/statements as brief as possible is key. A Judge will read lots of documents and your points may be lost if you write long documents. It's also likely a Judge won't have time to read everything you have written if it is long.

Being balanced and fair is important. It gives an impression of someone who is able to consider different perspectives, who is objective and able to provide a holistic analysis and is not rigid in their thinking.

It's important that you know about case law that shapes how we write our statements. 'Case law' is significant judgements that are published on particular cases. They examine how we apply the law. One main judgement that you will hear about in hearings is 're B-S'. Briefly, this is a case where the Judges said that social workers and Guardians need to analyse the care options before the court, writing about the positives and challenges and what support could be provided to mitigate the challenges. There is a section in the SWET that provides for this. It is important that this is filled out per child and sibling group, looking at their individual needs. This can sometimes be the first part of your statement that a Judge will read.

It's also important to know about some other Judgements, such as 're H-W'. Briefly, this was a case where a Judge spoke about 'proportionality' when making an order. You need to provide an analysis as to what the options for orders are, and why we have decided the order we are requesting is proportionate and the best option compared to the other possible orders that could be made. This takes in mind that the court needs to use the 'least interventionist' order and takes account of the Human Rights of all the parties to 'family life'.

Another one you might hear about, particularly if there is a fact finding hearing, is 're W'. This is the judgement that set the criteria for considering whether a child should give oral evidence in a hearing or not, and if so, how.

One main difference between writing an initial SWET and a final SWET, if you are seeking removal at either or both of those, is the legal test for removal. In an initial SWET the legal test to remove a child in the interim is that the risk of harm is 'immediate'. In the final SWET the legal test is that the child's long term safety is at risk if they remain in their parent's care.



A checklist to writing **initial** SWETs is available at [📄 appendix F](#)



A checklist to writing **final** SWETs is available at [📄 appendix G](#)

Redacting Documents



It's important to remember that we need to think about confidentiality and the GDPR when we're writing about other people not directly involved in the proceedings within our evidence. For example, we may be talking about extended family members or people in the family's network. At those times, we may need to use their initials only or redact certain information.

Please see the policy on this for more information:

[📄 access-to-records-practice-guidance.pdf \(camden.gov.uk\)](#)

What are Final Evidence Meetings?

In Camden we hold final evidence meetings. The Service Manager for Case Progression will arrange these and they will happen a day or two after all the evidence has come in and before you are due to file your final evidence. These meetings are chaired by your Service Manager or Head of Service, and Legal Services may attend if there are legal issues that need to be considered. You will need to fill out paperwork to inform the meeting and you will present the plan that you think is the right one for the children.

The final evidence meeting agenda is available at [📄 appendix H](#).

These meetings will confirm the care plan and ensure the IRH or final hearing is ready to be effective. It's also important to remember to file all the documents with the court on time as directed by the court. This includes contact notes, statements, assessments and any document the court has directed. If documents are filed late it can impact the hearing and cause delay. This is because everyone needs time to read the documents and prepare their response.

It is important that you have read all the court documents and assessments, and that you have had supervision, to give you an opportunity to think through the care plans for the children before you present your views in the final evidence meeting.

5. How we work relationally with families in PLO



When we work with a family through pre proceedings and proceedings they are likely to find the experience very challenging and stressful. We can help them navigate this by helping them understand the process. Our Camden Model of Social Work involves our court work. Whilst the Court building and how court hearings work is outside of our model of social work, the principles, values and systemic approach should be embedded in our court work. We would seek to help and support families by hearing how they are experiencing this and helping them to navigate it.

Parents will have automatic legal aid in care proceedings, so they will have a solicitor advocating for them and explaining the process. However, we can also provide support and help.

We can direct them to various websites that might help parents and help them access this depending on their needs such as:

Family Rights Group:  [Helping families Helping children - Family Rights Group \(frg.org.uk\)](https://www.frg.org.uk)

Cafcass parent's hub:  [Parent, carer or family member | Cafcass](#)

It can sometimes be challenging to maintain good, open relationships with parents if they find what we say about their parenting hard to hear. We can manage that by the following:

- ensuring we are transparent with them throughout this process;
- being clear with them about what we need to see from them to say it is safe enough for their children to be returned or remain in their care;
- listening to them about their needs and that we explain to them the processes that we need to go through.

We can address the power imbalances by sharing information and helping them understand the court process.

Nothing that we write in our reports should be a surprise for the family. We should be having conversations with them throughout the process about where our thoughts are at, what options we are considering and why.

We should remain in contact with the parents. Sometimes parents may be abroad or in prison, or otherwise hard to reach. We need to ensure we continue to make all efforts to engage them directly and inform them of the hearings and what the potential plans are. We need to remain curious about their situation and continue to assess their parenting capacity in our interaction

with them. In our curiosity, we need to reflect on who we are and who our families are, and if there is a dynamic between us that we can change to help them engage. For example, are there any barriers that are in place to hinder our working relationship, that maybe stem from the family's previous experiences, or oppression and ensuring we are working in an anti-oppressive and anti-racist way?

We should not be relying on communication with them via their solicitor only, as we need to have that direct dialogue with them. However, there may be a rare occasion where that is more appropriate and that would need to be discussed and considered. If you are having difficulty engaging a parent, it is always helpful to ask Legal Services to raise that with their solicitor so that their solicitor can help encourage them to engage with us.

As we do with all our work with families, we consider and adapt our communication styles to meet their needs. When we write and speak about our court work with families, we need to ensure they understand. Do they have specific needs that we need to ensure we are meeting? For example, have we always used an interpreter if they speak another language? Or have we used visual tools if they have learning needs? Have we provided an advocate if they want one? Or have we communicated appropriately for neurodivergent parents?

For more training on how to work relationally, please look at the learning and development hub for upcoming courses and events

How are children involved in their proceedings?



Depending on the age and understanding of the child, they may be able to be involved in their proceedings. This will be something to speak about with the Child's Guardian whose job it will be to ensure the child's participation is appropriate for them.

The child can write to the Judge and can also meet with the Judge. The Child's Guardian would take the lead in these activities and arrangements. Usually, if a child wants to meet a Judge this happens before the final hearing. The Child's Guardian and their solicitor would make the arrangements. The only people in the room would be: the Judge, the child, the Guardian and the child's solicitor. There are rules Judges need to follow when speaking with children in that it is not a place for them to gather evidence and is only a place for them to hear from the child directly. The Guardian would be there to help facilitate the conversation, and the solicitor would take a note that will be provided to all the parties. This meeting usually happens separately to any court hearing on the case.

If the child is an adolescence or near that age then the Child's Solicitor, with input from the Child's Guardian, will assess if the child/young person is competent to instruct their own solicitor. If the young person is, and their view differs to that of the Guardian, then the young person can instruct their solicitor directly. The Guardian will remain appointed by the court but will no longer instruct the child's solicitor.

If a young person is assessed as competent and instructing their own solicitor, they can be treated like any other (adult) party. This means that the child would be entitled to read all the court documents and sit in all the hearings. However, there may be agreements not to share certain or any court documents with them and that they do not attend hearings or only attend parts of specific hearings, depending on what is decided is in their best interest and welfare. You may have views that reading some documents or attending some parts of some hearings may not be in their best interest. You can raise this with your legal representative, and it's good to speak to the Child's Guardian about this. The Judge can then decide what documents the young person can see and what hearings they can attend.



How do you explain to the child what is happening?

You would decide, based on your assessment of what the child understands and what information they are able to digest, as to what, when and how you tell them about the court proceedings.

You might decide that the child would worry and be anxious if they knew of court dates, so it is best if you don't tell them that. You might want the child to go to school and be able to concentrate in their lessons as opposed to worrying about what a Judge might decide that day.

Or you might decide that if the child has found out about the court date or information in any event it may be best if you speak with them and give them more information to help with their emotional containment.

Essentially, you should use your professional judgement as to how to help a child understand what is happening.

It is good practice to tell children that you are issuing proceedings, particularly as they will be meeting another new professional such as a Child's Guardian and potentially their solicitor. It helps them to prepare for those meetings if you are able to explain this to them.

The amount of detail you tell them will depend on your assessment of their age, ability and understanding. For example, you might decide it could be emotionally harmful to tell a child certain things such as an application for interim removal. The examples used here are just that. You would need to assess the situation for the particular child you are working with and to seek advice about what can be shared, what would cause harm, and how to share that information.

You might want to use various tools, such as pictures or drawings or worksheets or games, to help explain to the children what is happening. Remember that it's important to think how you gather the wishes and feelings of all children. This will be different depending on their needs. For example, children who are young or non verbal are able to express themselves in many ways. You will need to understand them and learn their expressions to be able to represent them.

Cafcass has a lot of tools which the Child's Guardian may use that you can use with children available here: [Our resources for professionals | Cafcass](#)

You may want to use other tools, such as feelings cards, or figures, to help explain. CLA CAMHS also offer consultations which can help you think through how best to explain to the child what might happen to them in a way that manages and contains their emotions and supports them through this challenging time in their lives.

How do children maintain their relationships with their family during proceedings?

Sometimes children might be removed from their parents during care proceedings. We arrange 'family time' or 'contact' for them during this time. We have a 'duty to promote' contact and need to ensure our contact plans are appropriate for the child's needs. During proceedings, when a decision has not been made about who will care for the child, contact arrangements will be more frequent as you maintain and develop that relationship.

Remember that during and post proceedings the focus of contact is different which will mean the frequency of contact will change should the child not return to the parent's care.

You can find out more about how to make those decisions in the contact policy here:

[!\[\]\(0f848bbd71cef6b345273b16f905912a_img.jpg\) **Contact policy | Children's Policy & Practice Hub \(camden.gov.uk\)**](#)

If contact becomes unsafe or the child has adverse reactions to it and this means Camden decides to suspend contact, we may need to make an application to the court to require the authority to suspend it (a section 34(4) application).

6. How do we track court work in Camden?

We track our pre proceedings and proceedings in Camden to see how we can progress PLO for the family.

We have our pre-proceedings panel. The policy is here:

[!\[\]\(6059a5aa8b4ca7bb793408023d6c6e42_img.jpg\) **pre-proceedings-panel-terms-of-reference.pdf \(camden.gov.uk\)**](#)

We also hold tracking meetings for our care proceedings.

The information within tracker meetings helps us understand how we're working with families and what support needs there are within the service. The Service Manager for Case Progression writes quarterly and annual reports analysing all our children who we work with through this process to help streamline our work and ensure outcomes for children are the best ones we can reach.



7. Where you can find support for your PLO work

It can feel daunting completing pre proceedings and court work, particularly if it is a new area of work for you. There is a lot of support available to you in addition to the support you receive from your team manager.

The service manager for Case Progression runs a weekly clinic where you can talk about preparing for a Legal Planning Meeting and preparing for pre-proceedings. You can also book time to talk through any other issue such as how to prepare giving evidence, or wanting to know what or how hearings take place, or how to phrase or present your written evidence.

The clinic is a space to explore; it is not a decision-making place and does not replace the guidance from your manager or your supervision.

We also offer formal training on court work, such as in person training on court skills and an e-learning module on the Children Act. Please see the Learning and Development Hub to book onto these, and any other courses we offer.

🔗 <https://camden.learningpool.com/totara/dashboard/>

There is also a lot of information on the practice and policy hub, where you will find all the policies and templates you need to complete your work.

A link to that is here: 🔗 [Care proceedings | Children's Policy & Practice Hub \(camden.gov.uk\)](#)

Research In Practice also offer a lot of resources to help you understand PLO and how to navigate this process.

A link to that is here: 🔗 [Pre-proceedings and family justice hub | Research in Practice](#)

Appendix A

LPM Agenda

1	<p>Brief background of family situation including risk and strength analysis</p> <p>(family situation; child's lived experience and holistic outline of their needs; wider family network; social graces)</p>
2	<p>What support and intervention has been tried and what was the impact</p> <p>(previous CP plan or previous proceedings; repeat referrals/patterns; culturally matched intervention; CAMHS or other support service input and views from professional network)</p>
3	<p>What is the legal advice?</p> <p>(please also make particular reference to any further disclosure and primary evidence, such as witness statements and police disclosure, and what evidence would be required on application/next hearing/for PLO meeting)</p>
4	<p>What information is required to make further decisions?</p> <p>(specify what is required from professional network/family/SW to continue with SW intervention. Or if deciding PLO/proceedings are required, what assessments and what are the questions you want those assessments to answer? Set this out to form draft LOI)</p>
5	<p>What needs to happen?</p> <p>(Immediate action required? Continue with CP plan? PLO or proceedings?)</p>
6	<p>Dates all actions will be undertaken and whose responsibility they are to complete</p> <p>(please incorporate all the issues above such as: setting provisional PLO date; date documents will be approved; dates expert identity to be confirmed; police disclosure made, etc)</p>



What do I do if I want to present a child at care pathways?

Have I had a Thinking Together with CAMHS? You need to have this to help consider how best to support the family, and this helps the panel to decide.

Have I had an LPM? – you will need this before going to care pathways if you want to consider pre proceedings or issuing proceedings. This legal advice helps the panel to decide.

Complete the paperwork – if you have had an LPM, you send the LPM referral with the minutes completed in the document to the panel co-ordinator.

If you haven't had an LPM, (because you are seeking a person coming into care or a change of placement), you complete the Care Pathways Referral, and send that to the panel co-ordinator.



A checklist for Case Management Hearings

Please remember these lists are not exhaustive, there may always be additional things for you to consider depending on the needs of the children and their situation.

You will need to:

Confirm with Permanence their timescales for any viability assessments and kinship/special guardianship assessments

Confirm with your service and legal the need for any expert assessments, identify who the expert will be, write questions for the Letter of Instruction, and confirm with legal they have made a 'part 25' application (the method to ask the court to approve the use of an expert)

Confirm who is completing any parenting assessments, the timescales of those, and what model is being used (i.e. Parent Assess)

Confirm when you can complete your final evidence, and consider that it is usual to timetable this to come in 2 weeks after the last assessment is filed, or 3 weeks if the plan may be adoption (as you need to complete the child permanence reports (CPRs) and get an Agency Decision Makers (ADM) decision)

Read the case summary legal are writing and approve it. It needs to be filed by 11am the day before the hearing.

Ensure you have spoken with the Child's Guardian and know their views, have considered them, and see if that does or does not change any aspect of our plan if they have a different view.

Ensure you have read all the position statements or evidence that the parents or Guardian has filed, so that you understand what everyone is saying and what your instructions to your legal team will be in the hearing.

If we are seeking to remove the children, ensure you have a plan of how this will be done (do you know where the children will be on the day? How will you get their belongings? How will you travel with them to the placement? How will they say goodbye to their family or siblings? Who is supporting you with all these tasks?)

If we are seeking to remove the children, ensure you have a plan set up for when they will see their family next (will you facilitate a meeting the next day prior to this being formally set up by the contact centre? Have you made the relevant referrals in advance to the contact centre?)



A checklist for Issues Resolution Hearings

Remember that this checklist is not exhaustive and there may be additional tasks depending on the individual circumstances for the family:

Ensure you have filed your final evidence on time, so that the other parties can digest and respond in a timely way.

Read all the final evidence from the other parties, such as the parents and the Child Guardian's final report, so that you understand what is agreed and what remains in dispute between everyone and that you know why there remains any dispute.

Speak with the Guardian ahead of the hearing so that you can talk through their report and ask questions.

Speak to your colleagues if there are any outstanding issues (like SG checks) so that you can update the court and timetable accordingly so that the final hearing, if required, is effective.

Speak with your legal rep a few days before the hearing, to give them instructions on any issue that can be agreed on in the hearing (i.e. can the proceedings conclude if everyone is in agreement? Or can we compromise on an issue to be able to conclude? Or can we reduce the issues left in dispute?)

Read the case summary and approve it so that legal can file it by 11am on the day before the hearing.



A checklist for Final Hearings

Remember that this checklist is not exhaustive and there may be additional tasks depending on the individual circumstances for the family:

Read the court bundle and all updating evidence

Speak to all the parties before the hearing so you're aware of what their views are.

Confirm if you are giving evidence, and prepare for this.

Know what each party is saying and why so that you can give instructions during the hearing.

If we are seeking removal at the final hearing, ensure you have a plan for how that will happen (please see the outline for this at the CMH checklist)

Consider when contact should take place following the making of a final order (i.e. if the parents are going to struggle to go straight to contact after hearing a judgement that they will no longer care for their children – it may be best to move the contact to another day, or they may need more support to manage their emotions and contact)

Speak with the Guardian about who will tell the children of the outcome and when that will take place.



A Checklist for initial SWETs

Have I addressed the Welfare Checklist?

If we are seeking to remove the children – have I analysed the legal test of ‘immediate significant harm’?

Have I provided a ‘re B-S’ analysis – weighing up the care options for the children, with the positives and difficulties with each option, highlighted the support that could be provided for each option, and provided analysis for the reason why we are proposing the care plan?

Have I written this from the child’s perspective and lived experience?

Have I been fair and balanced?

Have I used any judgemental words? If so, rephrase.

Have I written in an evidential way without using slang or words that might be misunderstood (i.e. “X was aggressive” – change to describe what the behaviour was that made this aggressive)?

Have I said what assessments are needed to make a final decision for the children?

Have I highlighted when the child needs an outcome, based on their needs (i.e. they will be starting school in X months and need to conclude before then)?

Have I written a concise document, if not – how can I reduce it? Remembering I don’t need to repeat myself.



A checklist for final SWETs

Have I provided an update since the last statement? (I don't need to repeat what I have written in previous documents)

Have I analysed all the evidence?

Have I addressed the Welfare Checklist?

Have I written from the child's perspective and lived experience?

Have I provided a full 're B-S' analysis and weighed up the positives and difficulties for all the viable care options, the support that can be provided for each option, and explained why we are proposing the care option we are?

Have I provided an analysis on the proportionality of any potential final order and explained why we are proposing the order we are?

If adoption is the care plan, have I considered the adoption welfare checklist and analysed the impact on the child life long?

Have I written a concise document, if not – how can I reduce it?

Have I been balanced and fair?

Appendix H

Final Evidence Meeting Agenda

1	Brief outline of the evidence and outcome of assessments (by SW/SG assessors/legal)
2	Who is best placed to care for the child?
3	How often should the child see people in their family? (if siblings will be separated, include how those relationships will be maintained)
4	What is the legal advice? (include any legal issues in the case such as threshold/disputes/disclosure, as well as views on orders etc)
5	What order is proportionate? (please consider the SO guidance, SG guidance, and the Public Law Working Group recommendations, and how we are adhering to them or evidence why, in exceptional circumstances, we may diverge from them)
6	What needs to happen to progress the plan? please consider the following as relevant for this child: <ul style="list-style-type: none"> - testing out period for SG or with parents? - SO support plan collaboration? - Informing another LA to complete SO support plan/designation? - Any outstanding checks? - Development of any transition plan? - SG support plan and legal advice for carer? - Any translation needed? - Any funding issues, including across services? - Any family finding /adoption/ADM information needed/outstanding? - QA process of final evidence? - Any other issues specific to this child/family?
7	Any non compliance/retimetabling/legal issues/and any barriers to the hearing being effective?
8	Who will complete the identified tasks and by when?

