



# **Children's Safeguarding and Family Help**

## **Public Law Outline and Pre-Proceedings procedures**

Camden's Children and Learning Directorate uses relational practice as the foundation for all our work. Our integrative relational practice framework is based on our values, and is designed to help achieve the Directorate's purpose: to work with children, families and communities to make a positive, lasting difference to their futures, so they have the best start in life.

We recognise the impact of structural inequalities on the lives of the children and families we work with and as a service we will embrace inclusive, anti-discriminatory and anti-racist practice based on our values and our mission to champion social justice.

Our practice framework centres on honest and compassionate relationships with those we serve and with each other. It is an expectation that all Directorate policies and procedures are implemented in line with our practice framework, and that any actions within policies and procedures reflect its ethics, values and practice expectations.

## 1 Introduction

This policy sets out local procedures for the management of cases entering the Public Law Outline and/or where care proceedings are being pursued. The document should be read together with the *Care and supervision proceedings and the Public Law Outline* policy.

[Care and Supervision Proceedings and the Public Law Outline](#)

A flowchart giving an overview of the procedural steps can be found at the end of this document.

Links to template letters and documents relating to the PLO can be found here:

Working agreement template: [appendix-a-written-agreement-template.docx](#)

Parenting assessment plan template:

Pre-proceedings letter template: [letter-before-proceedings.docx](#)

Link to PLO meeting agenda template: [plo-meeting-agenda-minute-template.docx \(live.com\)](#)

Letter before issue template: [Appendix D Letter before issue template.docx](#)

PLO exit letter template: [Appendix E PLO exit letter template.docx](#)

## 2 Legal planning meeting (LPM)

- It is essential that legal advice is sought before any action is taken under the PLO. For further details please refer to the *Legal Planning Meeting* policy. [Legal Gateway/Planning Meetings](#)
- Legal Services have timetabled two slots for legal planning meetings on a Tuesday morning. To secure a slot, social workers must pass the completed *Legal Planning Meeting Referral and Recommendation* form, genogram and SWET chronology by the previous Wednesday so that the request can be quality assured by the Case Progression Manager. Once these documents are approved, they will be sent to the service manager (who will chair the LPM) and Legal Services by end of day Thursday prior to the LPM to ensure that there is enough time to read and consider the referral.
- The meeting should be attended by:

- the service manager (ideally in which service the case is allocated) who will chair the meeting
  - the social worker and the team manager
  - a Senior or Principal Lawyer from Legal Services
  - the Legal Proceedings and Case Progression Manager.
- If the child is in foster care, their carer's views on the child's progress in placement should be sought and the child's and the family's views regarding proceedings should be ascertained. The views of the child's IRO or the Chair of the child protection conference should also be sought.
  - The service manager should complete *the Legal Planning Meeting Referral and Recommendations* setting out the recommendations for assessment and whether thresholds have been reached for care proceedings.
  - This information will then be provided at the Care Pathways (see below). Legal Services will produce a legal memo containing advice within 2 days of the meeting.

### 3 Care Pathways Panel

- The Care Pathways Panel is the forum where decisions will be made on whether or not to pursue care proceedings in any case and the Panel terms of reference are available here. [care-pathways-panel-policy.pdf](#)
- Prior to progressing to Care Pathways Panel, the social work team should hold a 'Thinking Together' meeting with the Child and Adolescent Mental Health Service (CAMHS) to consider whether there is any additional mental health support that should be offered to the family prior to progressing to Care Pathways. The CAMHS representative will provide a record of this meeting within 3 days of it being held.
- The social worker should discuss the case with the team manager and consult with the relevant service manager to seek agreement to take the case to Panel. The *Care Pathways Referral & Panel Recommendations*' episode should be completed on MOSAIC the Wednesday prior to the Care Pathways Panel.
- In the event the case is discussed at a Legal Planning Meeting and an agreement is that the threshold is met for legal intervention, it is an expectation that the case is presented to the Care Pathways Panel the following week for an endorsement of the proposed plan.

- In the event that a child is moved from their primary care giver for any reason the case should be presented to the Care Pathways Panel to discuss this change in care arrangement. This includes a child moving from a parent’s care or a breakdown in a foster placement.
- When considering whether to refer the case and request authorisation to pursue care proceedings, any discussion should cover the following points as these issues will need to be addressed by Panel when making a decision:
  - Is the child at risk of significant harm?
  - What evidence is there of change occurring within the family or in parenting capacity within a timescale that is right for the child?
  - What assessment and intervention relating to capacity building has already taken place? What, if any, are the gaps in the evidence?
  - Is a therapeutic assessment required?
  - Would care proceedings be the right solution for this child?
  - Would voluntary accommodation under section 20 for a short period of assessment be the right plan for this child?

#### 4 Outcome of panel

<p><b>Where the panel believes the case does not meet the Section 31 threshold for significant harm</b></p>	<p>The Panel will provide guidance to the social worker on what further work and action should be taken to progress the case, and may make recommendations regarding specialist assessments. Cases will remain within the child protection or child in need arena and plans progressed accordingly.</p>
<p><b>Where panel believes the case <u>does</u> meet the Section 31 threshold for significant harm but the risk of harm is <u>not</u> immediate</b></p>	<p>The Panel will evaluate the evidence and make a decision about whether any further pre-proceedings assessment is necessary. The child protection plan will be scrutinised to ensure that there has been adequate support, intervention and time to expect change within the family.</p> <p>Where paternity remains unknown, the efforts to identify the father and confirm paternity will be reviewed.</p> <p>The efforts for parallel planning will be scrutinised and recommendations about a Family Group Conference and/or family and friends care assessments will be made.</p> <p>Panel will provide guidance to the social worker on what further work and action should be taken to progress the case, and may make recommendations regarding specialist assessments, and consider whether this should be undertaken pre-proceedings or during proceedings.</p>

	<p>An agreement will be provided relating to the assessment plan for the case (including any commissioning of expert assessments as part of the PLO process).</p>
<p><b>Where panel believes that the Child should be looked after under section 20 for a short period for assessment or in an effort to secure permanence</b></p>	<p>The Panel will agree the child’s care plan and any steps to be taken regarding permanence.</p> <p>The Panel will also consider what further assessment needs to be carried out and by which agency and will give guidance with regard to entering pre-proceedings and where consent to accommodation under section 20 is not provided, to issue care proceedings.</p> <p>Where paternity remains unknown, the efforts to identify the father and confirm paternity will be reviewed.</p> <p>The efforts for parallel planning will be scrutinised and recommendations about a Family Group Conference and/or kinship assessments will be made.</p>
<p><b>Where panel believes that the case meets the Section 31 threshold for significant harm and that the risk of harm is immediate and care proceedings should be issued</b></p>	<p>The Panel will evaluate the evidence and make a decision about the safety of the child and set out recommendations for care proceedings to be issued.</p> <p>The case will then enter pre-proceedings and social workers will carry out the procedures set out below in section 6.</p> <p>Social workers should provide the Panel with a proposed plan for the child, setting out clearly what interventions and services are being proposed and the timescale for any reunification plan.</p>

## 5 Pre-proceedings steps

Please refer to the *Care and supervision proceedings and the Public Law Outline* policy for more information on each step. [Care and Supervision Proceedings and the Public Law Outline](#)

### 5.1 Pre-proceedings letter (letter before proceedings)

- Pre-proceedings letters should be prepared using the prescribed template ([appendix-c-pre-proceedings-letter-template.docx \(live.com\)](#)) and include a specific and intensive PLO pre-proceedings plan. The final version of the letter should be agreed by team manager and Legal Services.

- Along with the pre-proceedings letter, the draft Written Agreement should be provided to the parent/carer which will outline:
  - what needs to change and a proposal for work to be carried out and support given to address concerns and avoid proceedings
  - the draft PLO pre-proceedings plan: the social worker needs to make the relevant enquiries to be able to include a specific timetable for and secure initial appointments within 5 working days following the pre-proceedings meeting
  - where details of paternity have been withheld, a request for these details to be provided by the pre-proceedings meeting and steps taken for a test to be carried out
  - where consent for an FGC and/or the details of kinship carer have been withheld, a request for these details to be provided by the pre-proceedings meeting
  - where consent for disclosure is needed for CSFH to obtain documentation, assessments or reports from any involved service to help inform any specialist assessments progressing under pre-proceedings.
- The aim is that the letter will be agreed and provided to the parents within 4 days of the legal planning meeting.
- Once the letter has been agreed, the social worker should bring the letter to parents and the child in order to discuss the contents in advance of the meeting.
- In the event, the parent/carer is legally represented Legal Services will send the final versions of the pre-proceedings letter and written agreement to the parent's legal representative.

## **5.2 Pre-proceedings meeting**

The meeting should be attended by:

- Team manager (chair)
- Social worker
- Parent
- Parent's legal representative

- Legal Services (to give legal advice).

When arranging meetings, social workers should be aware of the following good practice points:

- giving careful consideration to the venue of the meeting and consulting with parents on this to ensure they are able to attend
- providing an agenda to parents of issues to be discussed
- advising parents on seeking legal representation or bringing an advocate who may be a family member
- putting in place any services or support to ensure participation, eg: interpreters
- holding separate meetings for each parent.

The meeting should be conciliatory in tone and should include the following agenda items:

- There should be a short summary of the issues and concerns leading to pre-proceedings steps.
- The main body of the meeting should be focussed on developing and agreeing a programme of work to be carried out with the family to help avoid care proceedings.
- The draft plan of work/interventions in the form of a written contract should be brought to the meeting to be agreed with the parent.
- A short break should be allowed during the meeting to allow the parent to consult with their legal representative and seek legal advice.
- By the end of the meeting, the draft plan should be agreed and signed by all parties.
- Any letters of instruction for expert assessment should be drafted by Legal Services ahead of the meeting and agreed in the meeting and be available for the Care Pathways Panel.
- Parents should be made aware of what happens if the plan cannot be agreed or is not carried out in full.

In the event there are any specialist assessments agreed as part of the pre-proceedings meeting, Legal Services will send a draft letter of instruction to the social worker, team manager and service manager for agreement. The letter of instruction must be in draft form within 4 working days of the Care Pathways Panel decision and must be available for parents to agree at the pre-proceedings meeting.

### **5.3 Review of pre-proceedings stage**

- It is Camden's policy to exit the PLO pre-proceeding within 16 weeks of the pre-proceedings meeting, so it is important that transparent discussion takes place at the pre-proceedings meeting about exiting the PLO to a child protection plan or care proceedings within this time scale.
- Where the PLO pre-proceedings procedures commence pre-birth, the 16 week timescale will begin on the day of the child's birth.
- To ensure focus on timely decision-making, a 6 weekly review pre-proceedings meeting should be arranged to review progress and make alternative plans where necessary, for example in the following circumstances:
  - when an incident has occurred or information becomes available that suggests an increase in risk and it may be necessary to enter care proceedings immediately **or**
  - where progress has been made and a decision will be made to exit the PLO early; the purpose of the review meeting will be to re-draft the written agreement and plan for the exit
  - when an assessment has been completed as set out in the timetable agreed at the pre-proceedings meeting
  - for all other cases 12 weeks following the initial pre-proceedings meeting.
- Throughout pre-proceedings steps there should be on-going assessment and consideration as to whether to exit the PLO or to escalate and issue proceedings in order to ensure timely decision-making.

### **5.4 Extending the assessment period**

- In exceptional circumstances the assessment period can be extended when it is considered to be purposeful and in the best interests of the child. Extensions must be the exception rather than the rule and will be decided on a case by case basis.
- If there is an extension a new timescale and what further work needs to be carried out must be agreed. A further review pre-proceedings meeting should be convened and parents should be informed about the extension in writing by the social worker.



## 5.5 Review legal planning meeting

- Prior to the final review pre-proceedings meeting, a review legal planning meeting should be held with the allocated social worker, team manager, Legal Proceedings and Case Progression manager and legal services in attendance and chaired by the team manager. The purpose of the meeting is to decide whether progress with the family has been positive enough to exit the process at the pre-proceedings stage.
- The following documents should be made available for the meeting:
  - the parenting assessment completed by the allocated social worker.
  - the most recent written agreement that has been signed by the parents (to review progress)
  - any additional specialist assessments that were completed as part of the pre-proceedings process.
- A review pre-proceedings meeting should take place within 16 weeks following the initial pre-proceedings meeting. The above named documents will be discussed with the parent in the presence of their legal representative.

## 5.6 Exiting the PLO to child protection procedures

- Where there is evidence that the threshold for granting a care order under Section 31 is no longer met following evidence of change that is considered sustainable, the decision to exit PLO to child protection procedures may be made by the social worker and manager and presented in the review PPM.
- In cases where the child is subject to a child protection plan the conference chair must be informed and their views obtained. The same principle applies to the IRO where the child is looked after and the CLA review scheduled to agree changes to the care plan.
- For cases where the child is subject to a child protection plan, the next conference should consider whether it is appropriate to step down to a child in need plan given that concerns have been addressed during the pre-proceedings steps.
- It is at this stage the parents/carers will be advised that CSFH is exiting the pre-proceedings process. This will be followed in a PLO exit letter ([Appendix E PLO exit letter template.docx](#)) that is completed by the social worker and provided to legal representatives (via legal services) and parents/carers (hand delivered by social worker).

- It should be made clear at both the review pre-proceedings meeting and in the exit letter what is expected from parents/carers moving forward. In addition, it should be stated that if there are re-emerging concerns that CSFH may take the decision to seek legal advice again.

## 5.7 Escalating to Care Proceedings

- Where the threshold for granting a care order under section 31 remains because there has been insufficient change, or where the risk of significant harm has escalated and the child can no longer be safeguarded the social worker and manager should make a decision about escalating the case and issuing care proceedings issued.
- This decision should be notified to the Head of Service and the Director and the case should be presented at the Care Pathways Panel for authorisation to enter care proceedings.
- In cases where the child is subject to a child protection plan the conference chair must be informed and their views obtained. The same principle applies to the IRO where the child is looked after and a CLA review scheduled to agree changes to the care plan.
- The reasons for issuing care proceedings should be communicated to the family in the letter of issue (see below) which will be provided to the parents at the review pre-proceedings meeting which should be recorded in the review minutes along with any recommendations for the care plan.
- Where the risk of harm is considered immediate the decision to exit PLO should be made in accordance with the procedures set out in section 6 of this document (*Emergency Proceedings*) and can occur at any point in the process.
- The social worker should prepare the case for court in accordance with the *Care and supervision proceedings and the Public Law Outline* policy. [Care and Supervision Proceedings and the Public Law Outline](#)

## 5.8 Letter of issue

- Where it is decided to issue care proceedings, the social worker should notify Legal Services and ask for the letter of issue to be sent to parents and anyone with parental responsibility giving notice that Camden will begin proceedings.

- This may be following pre-proceedings steps or where Camden has decided to issue proceedings in an emergency. The letter of issue should be prepared in the prescribed template ([Appendix D Letter before issue template.docx](#)).
- Once the letter of issue has been sent, it is important that parents are made aware that they will be eligible to receive non-means tested legal aid.

## 6 Emergency proceedings

- Emergency applications for care orders where pre-proceedings steps have not been completed should be the exception rather than the rule; where a child's immediate safety is at risk, a police protection order or emergency protection order should be used to safeguard the child instead.
- Parents should be notified in writing by way of a pre-proceedings letter if emergency proceedings will be issued so that they can access legal aid.
- However, emergency applications can be made in cases where child protection orders are not an appropriate response but the child's welfare and circumstances mean that an application to the court needs to be made quickly but completing pre-proceedings steps would cause harmful delay and leave the child at risk of serious harm.
- Emergency proceedings must be discussed with the service manager/Head of Service and must be authorised by the Director as chair of the Care Pathways Panel. As soon as the social work team is able, the '*Care Pathways Referral & Panel Recommendations*' episode on MOSAIC should be completed in retrospect which will be signed off by Service Manager/Head of Service and Director.
- Social workers should follow pre-proceedings steps as far as this is possible but should adapt and shorten the process where possible. Work with the family to resolve issues should continue.
- A legal planning meeting should be convened and legal advice sought to establish whether thresholds for care proceedings have been met and to discuss what elements of the pre-proceeding steps can be dispensed with.
- Applications for an interim care order should include at the very minimum:
  - a brief social work statement using the standard template and addressing all aspects of the welfare checklist
  - care plan

- chronology.

Together these documents should explain:

- key information about the case
  - why the order is being sought
  - steps taken already to safeguard the child
  - evidence that thresholds for an emergency protection/interim care order have been met.
- Where not all the documents from the pre-proceedings checklist are available CSFH would need to explain why documents are not available and indicate when the documents will be filed at court.

## 7 Parental capacity to understand proceedings

- If at any point during pre-proceedings there are any questions raised about a parent's mental capacity to understand the nature of care proceedings, Legal Services should raise this with the parent's legal representative who is responsible for obtaining a professional opinion on the parent's ability to conduct proceedings.
- Any issue regarding parent's capacity to understand is for their solicitor to determine. If parents are assessed by a psychiatrist as not having the capacity to understand proceedings, they may become a protected party and may be assisted by the Official Solicitor once proceedings begin.
- It is good practice to discuss any possible issues with parental capacity at the earliest opportunity, for example at Panel to agree any assessment of parents or at the legal planning meeting where advice can be sought from Legal Services. This is to ensure that there are no delays once pre-proceedings work is begun or care proceedings are issued.

## 8 Children's participation

- Children should be notified of and given an explanation of pre-proceedings that is appropriate to their age and understanding at the earliest opportunity. Where appropriate, children may attend the pre-proceedings meeting if social workers feel this is in their best interest but should otherwise have their views presented at the meeting.

- Social workers and or advocates/other professionals whom the child identifies should help the child to prepare for the meeting and get their views on how they would like to participate/ be represented. The participation officer may be able to help social workers to contact organisations who can provide advocates.

## 9 Quality assurance and tracking cases in the PLO

- The Quality Assurance Head of Service and the Legal Proceedings and Case progression service manager will track all cases that have entered the PLO via MOSAIC reports to ensure that cases are proceeding in a timely manner and there is no drift or delay.
- The Legal Proceedings and Case Progression service manager runs a Case Progression clinic to help workers prepare for legal planning meetings and pre-proceedings and it is an expectation that cases are brought to this clinic in a timely manner. [case-progression-clinic-tor.pdf](#)
- To avoid drift and delay, all cases in the PLO must be presented to the Pre-proceedings Panel at regular intervals. See the Panel terms of reference for details. [pre-proceedings-panel-terms-of-reference.pdf](#)

## PLO pre-proceedings steps



