

**ST HELENS PRE-PROCEEDINGS PROTOCOL**

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**Introduction**

Public Law Outline (PLO) takes place when the Local Authority is concerned about a child’s wellbeing and unless steps are taken to address and alleviate those concerns, the Local Authority may consider making an application to the Court. The PLO process is therefore the last opportunity for parents to make changes to improve their parenting before care proceedings are issued. This is referred to as pre-proceedings work.

The PLO process sets out the duties the Local Authority has when thinking about taking the matter to Court to ask for a Care Order or Supervision Order. It is important to note that where a social worker feels the risk of harm to a child is so great or becomes urgent, a decision may be made that the matter should go straight to Court. The Pre-Proceedings process usually lasts a maximum of 16 weeks but can be extended in exceptional circumstances and needs to be approved by the Assistant Director (AD).

The pre-proceedings process aims to:

* Clearly set out for parents what concerns children’s services have.
* Make clear what changes children’s services would like the parents to make.
* Identify and put in place extra help and services needed to support the family to make the changes required.
* Assess and review the needs of the child and family.
* Explore what help and support wider family and friends can provide.
* Work in partnership with families to avoid the need for care proceedings to be started.

The pre-proceedings process is sometimes described as a last chance for parents to make changes needed. Whilst involvement under Child in Need and Child Protection plans should evidence ongoing assessment including parenting assessment, contingency planning, and specialist assessments in respect of for example mental health or substance misuse issues, the Pre-Proceedings process ensures that the Local Authority frontload all assessments to evidence the parents’ ability to care for their child / children and capacity for change.

This document outlines the framework for working with families with the pre-proceedings framework in St Helens and ensuring that this is completed in 16 weeks.

**Pre-Proceedings Decision**

Head of Service approval is required to request Pre-Proceedings via the Legal Gateway Panel and a case note indicating approval must be recorded within ICS.

The request to Legal Gateway Panel should clearly evidence the resources, help and support offered to the family and the Panel will consider the support plan in place prior to any decision regarding escalation to Pre-Proceedings. The documentation for Legal Gateway Panel clearly evidences the assessments and support which must be evidenced when making a request for Pre-Proceedings.

The IRO manager is a member of the Legal Gateway Panel and will request that the Conference Chair or IRO will complete the LGP Consultation Form (See Appendix 4) to provide their overview for Panel’s consideration. The IRO Manager’s role is independent of the individual Conference Chair or IRO within the Panel. NB the Social Worker should liaise with the Conference Chair or IRO when considering to seek permission to attend LGP and the Head of Service will also alert the Conference Chair or IRO to the case note where approval is given to attend Legal Gateway Panel.

Business Support will contact the Conference Chair / IRO on the Monday prior to Legal Gateway Panel taking place to seek their views independently of the SW and will inform them of the decision of the Panel within 24 hours of the decision being made.

All decisions about initiating the pre-proceedings process are agreed in the Legal Gateway Panel.

The Panel will ensure that the Pre-Proceedings flag is added to ICS within 24 hours of the decision being made to ensure that the ICS tracking report is up to date.

The Chair of the Legal Gateway Panel will seek the views of all panel members and their recommendation in respect of whether the child(ren) should be made subject to Pre-Proceedings. Where there is a split recommendation between the panel members, the Chair will make the final decision regarding the outcome. Any panel member who disagrees with the final outcome would escalate their concerns to the Chair in the first instance. The Chair will consider the issues raised in the escalation, and where new information is identified, or where the escalation identifies an issue which was not considered by the panel previously, this will be discussed further by the Legal Gateway Panel. Where the escalation does not raise any further issues, the Chair of the Panel will discuss with the Assistant Director to consider the details in full and will provide formal response to the panel member escalating the concerns. A record of this will be recorded within ICS and Panel members will be informed of the final outcome.

In the event that the Social Work team disagree with the decision of Legal Gateway Panel, this should be escalated to their respective Head of Service who will consider further with the Chair of the Legal Gateway Panel. Where the matter remains unresolved, this can be further escalated to the Assistant Director for Children’s Social Care.

**Child Protection and Pre-Proceedings**

The children considered in respect of Pre-Proceedings will be subject to a Child Protection Plan where insufficient progress is being made. Please note that the Child Protection process, including core group meetings and Child Protection Review Conferences will continue throughout the Pre-Proceedings process.

The Child’s Plan and Pre-Proceedings Plan will be aligned within ICS and will correlate although there will be a focus on the bottom lines within the Pre-Proceedings Plan which sets out what needs to be achieved to prevent the Local Authority from taking the matter to Court. The Pre-Proceedings Plan within ICS will populate the Child Protection Plan and where updates are required the Social Worker will address this within the Core Group and update the Child Protection Plan accordingly.

Where possible, and where it is considered safe and appropriate to do so, the Local Authority will use the Pre-Proceedings protocol to work with families before consideration is given to issuing care proceedings.

​In respect of unborn babies, they may be considered by Legal Gateway Panel whilst subject to a Child in Need Plan. This is in recognition that an Initial Child Protection Conference will not be convened until 30 weeks' gestation as per the Pan Merseyside Pre-Birth Protocol. Unborn babies would be considered for Pre-Proceedings where the information clearly indicates the need to issue proceedings early in the pregnancy. The Practice Directions in respect of unborn babies and PLO will also be followed.

**Legal Gateway Panel**

The Legal Gateway Panel is chaired by a Head of Service from Children’s Social Care. The panel is made up of a representative from the Legal Team, Edge of Care Service, PLO Coordinator, Safeguarding Children’s Unit, Fostering Service and Adoption Service.

The Panel meets every week on a Wednesday afternoon and is supported via Business Support to minute the discussions and decision making.

The children presented to Legal Gateway Panel are also monitored and tracked via the use of a report contained within ICS which is generated by the addition of a Pre-P icon in ICS and also a Legal Gateway Panel spreadsheet.

**Initial Legal Gateway Panel Meeting**

The purpose of the initial Legal Gateway Panel will be to consider if the threshold for proceedings is met in the case. The following documents are required for the legal gateway meeting:

1. Initial Legal Gateway Panel Report – ICS Form in the Forms Tab
2. Updated Child and Family Assessment
3. Impact Chronology
4. Genogram
5. Current Plan
6. ICPC/Child Protection conference review minutes
7. Parenting assessment
8. Viability assessments
9. Family Group Conference meeting minutes
10. Graded Care Profile 2
11. Updated Case Summary

NB where a request is being made for Pre-Proceedings, the letter should be completed and presented to Legal Gateway Panel. This will enable Legal advice and oversight in respect of the letter. The PLO Co-ordinator can provide advice in respect of developing the letter.

All reports should be provided to the initial Legal Gateway Meeting and an explanation as to why work is not available for example FGC where the family have refused to engage. The PLO Coordinator will ensure that she continues to advise all staff and managers regarding the requirements and HoS will discuss the requirements for LGP in pre case discussion to agree seeking pre-proceedings.

The Initial Legal Gateway Panel Report must be submitted via ICS to be in the Legal Gateway Panel tray by Monday lunch time. (*Where the Monday is a Bank Holiday, the documentation must be submitted by the previous Friday).*

Reports are then circulated to panel members.

**Please note new referrals to Legal Gateway will not be considered unless reports are available on time.**

Where the Legal Gateway Panel agrees that Pre-Proceedings should be initiated, the following needs to happen:

* The pre-proceedings letter to parents must be drafted before the Initial Legal Gateway Panel, finalised within 24 hours of the Legal Gateway decision and sent to the parents within 3 working days by the Social Worker. The Social Worker will share the letter with the Pre-Proceedings Legal Solicitor and PLO Coordinator before being sent to the Parents. **NB** The Pre-Proceedings Letter Part 1 and 2 can be found within the PLO Toolkit on Teams with Children’s Social Care Resources and the link is embedded at the end of this document (Appendix 1).
* A copy of the Pre-Proceedings Parent Brief (information sheet) can be shared with the parents at any time but should also be sent out with the letter.
* The Initial Pre-Proceedings Meeting must take place within 10 working days. This is arranged between the Social Worker, Team Manager and Legal Solicitor supporting Pre-Proceedings.
* Review Pre-Proceedings meetings should take place at least every 4 weeks. The pre-proceedings meeting should be agreed at the end of each meeting to ensure that all parties are able to attend. It is good practice for the Social Worker to remind the Parent of the date and time of the meeting two days prior.

**Timescale for Pre-Proceedings**

We will complete the pre-proceedings process within 16 weeks of the agreement at LGP to enter PLO. It is recognised in some cases this process may take longer. In exceptional circumstances the Legal Gateway Panel may agree to extend the timescale of 16 weeks.

Legal Gateway Panel would consider exceptional circumstances requiring an extension of Pre-Proceedings plan where for example a significant change has occurred which has impacted on the progress of the plan or an assessment is outstanding which would significantly impact on decision making.

The timetable for each case and target date for completion of the pre-proceedings process will be agreed at the Legal Gateway Panel.

Cases predicted to take longer than 16 weeks will have a clear rationale recorded on the Pre-Proceedings Plan and decision making within the Panel minutes.

Where a family subject to Pre-Proceedings are predicted to go over the maximum 16-week timescale, the Chair of Legal Gateway Panel will escalate to the Assistant Director and outline the reasons for the delay and the steps being taken to resolve these issues.

**Second period of Pre-Proceedings**

Best practice dictates that pre-proceedings should not be a repeat process. These circumstances should be exceptional however there may be circumstances when this is appropriate, for example a significant period has elapsed since the previous Pre-Proceedings arrangement, or the circumstances of the family has changed to such an extent that the situation is different and requires further assessment.

The Chair of the Legal Gateway Panel will notify the Assistant Director of all children who are subject to Pre-Proceedings for a second time and the reasons for this.

Where the family are predicted to go over the maximum 16-week timescale, the Chair of Legal Gateway Panel will escalate to the Assistant Director and outline the reasons for the delay and the steps being taken to resolve these issues.

**The Initial Pre-Proceedings meeting with parents**

Once Legal Gateway have agreed Pre-Proceedings framework, the initial pre-proceedings meeting with the family should take place within 10 working days. The initial meeting is an opportunity to discuss the presenting issues with parents and agree the pre-proceedings plan of work.

The initial meeting will review the proposed plan, areas of strength and concern and ensure that the parents clearly understand the goals identified. The language used in the plan and meetings should be clear, child focused, impact focused and set clear timescales to achieve change.

The initial meeting will discuss with the parents’ legal representatives how the review meetings will be held and whether legal representation is required at every meeting. Where the parents’ legal representative indicate that they will attend every review a member of the Local Authority Legal Team will also attend.

**NB** The Initial Pre-Proceedings Meeting and Plan is located in ICS in the Forms Tab. The Plan is incorporated into the meeting document. This can be initiated prior to the date of the meeting, the plan completed against the recommendations of Legal Gateway Panel and addressing the issues included in the letter. This can be shared with Legal and PLO Coordinator prior to the meeting to agree the plan and ensure that it is fully completed and is recorded in appropriate language. Please ensure that the parents have received the Pre-Proceedings Parent Brief (information sheet).

As stated above the Pre-Proceedings meetings should take place every 4 weeks and the date of the next meeting should be agreed at the end of each meeting.

**NB** The dates of the pre-proceedings meetings will be forward planned at the first meeting to ensure that these are suitable for all those attending. A discussion will be held with the Legal Representatives and Parents regarding the need for solicitors to attend the intervening meetings. It is proposed that Legal Advocates would attend the first and the final pre-proceedings meetings.

**Legal Gateway – Initial Review**

The Legal Gateway Panel Review form is located within ICS in the Forms Tab.

Legal Gateway will have oversight and monitor the progress of all pre-proceedings cases, using the following review process.

The initial review by Legal Gateway Panel should take place at 6 - 8 weeks of the pre-proceedings process being agreed. Within this time period at least 2 Pre-Proceedings meetings should have taken place with the Family and the third planned.

The Legal Gateway Panel will review the pre-proceedings plan, progress made in assessments, and scrutiny and review of the original timescale.

Where the plan is due to be finalised following the third meeting with the parents, the Legal Gateway Panel should agree a return date to consider the recommendation regarding the conclusion of the Pre-Proceedings Process.

For all reviews by Legal Gateway Panel, all required documentation must be provided as identified within the Review Legal Gateway Document. Failure to provide the relevant documentation may result in the children not being considered by the Panel and will result in delay in oversight and planning. The Chair of the Panel will notify the responsible Head of Service of any children being removed from Panel due to documentation not being presented.

Any request to change the date of the review must be agreed with the responsible Head of Service.

In addition, the PLO Coordinator will present the up-to-date Pre-Proceedings tracker to panel which will provide an overview of the progress of all current Pre-Proceedings plans. This will be an agenda item on every Legal Gateway meeting.

**Legal Gateway – Second Review**

The Legal Gateway Panel will review at 6 – 8 weeks and will agree a further review period where this is identified as being required. This should take place around 12 weeks of the Pre-proceedings process. At the 12-week point, most cases should be near conclusion with assessments being finalised.

There will be a review of the progress made in progressing assessments, parents’ engagement, and a discussion of potential delays in the original timescale.

The Legal Gateway Panel will ensure that the children and family are booked to be considered by the panel within the 16-week period.

**Legal Gateway - third and subsequent reviews**

It is expected that all Pre-Proceedings will be concluded within the agreed 16-week period.

Where an agreement is given by Legal Gateway for Pre-Proceedings to be extended beyond 16 weeks, this should be in exceptional circumstances and the reasons clearly recorded by the Panel. The review will be set to ensure that an outcome is achieved in the appropriate but shortest timescale required.

Where a family subject to Pre-Proceedings are predicted to go over the maximum 16-week timescale, the Chair of Legal Gateway Panel will escalate to the Assistant Director and outline the reasons for the delay and the steps being taken to resolve these issues.

**Issues arising between Legal Gateway Review Meetings.**

Where there is an escalation of concerns regarding parents’ engagement or a lack of progress in respect of the plan, the Social Worker and Team Manager should not wait until the next Legal Gateway Panel Review to discuss the family.

A case discussion will be held with the Head of Service to consider the issues raised and agree the plan to return to Legal Gateway Panel.

The Social Worker / Team Manager will then seek an earlier date for review by Legal Gateway Panel.

Where concerns are such that Care Proceedings need to be issued on an urgent basis, the responsible Head of Service can make this decision and the children will be presented to the next Legal Gateway Panel to update and ratify the decision.

**Conference Chair Oversight**

As outlined, the children considered in respect of Pre-Proceedings will be subject to a Child Protection Plan and will have an allocated Conference Chair. The Pre-Proceedings Plan and Child Protection Plan will be one plan and will be reviewed as part of the Core Groups and Pre-Proceedings Meetings.

The Conference Chair will have oversight of the child/children’s plan and will monitor the progress of the Child Protection / Pre-Proceedings Plan. Where there are areas of practice identified, concerns regarding the progress being made or issues of delay, the Conference Chair will discuss in the first instance with the Team Manager, consider whether they need to raise a practice alert or whether they should raise an escalation. It is important that any areas of concern raised by the Conference Chair are responded to in a timely manner by the Manager / Social Worker and in the event that the timescales set are not met, this will be sent to the Head of Service.

For unborn babies subject to CIN plan and Pre-Proceedings, the PLO Co-ordinator will maintain oversight as per all children subject to PLO and the CIN Co-ordinator will maintain oversight of these children also.

**Documentation**

All documentation associated with the Pre-Proceedings process, which are not already recorded within ICS, including the initial letter, assessments completed etc must be uploaded to ICS in a timely manner and be available for the PLO Coordinator to undertake tracking of progress.

**Concluding the process**

Once all assessments are completed the final legal gateway review will consider the recommendation of the social worker and manager. In order to conclude the Pre-Proceedings process, the Legal Gateway Panel must have sight of all relevant assessments and documentation.

The Legal Gateway Panel may conclude the Pre-Proceedings Process by stepping down to the Child Protection Plan or agree to issue Care Proceedings.

In exceptional circumstances it may be considered that there is no longer justification for Local Authority involvement with the family. In these cases a final pre-proceedings meeting should be held to advise the parents and relevant family members of the outcome of the process and future plans. This should be followed up by a final letter confirming the outcome.

Where Care Proceedings are agreed, the Panel will indicate a timescale for the Social Work Evidence Template (SWET) to be completed and filed with Child Care Legal to issue. The immediate issue letter will be delivered to the parents within 2 days unless legal gateway agrees otherwise.

The information embedded below includes the up-to-date versions of all documents associated with the Pre-Proceedings pathway.

**Appendices**

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|  | **TITLE** | **DOCUMENT OR LINK** |
| 1 | St Helens PLO Toolkit Link | [PLO Toolkit](https://sthelensgovuk.sharepoint.com/:f:/r/sites/WiderChildrensSocialCareTeam/Shared%20Documents/CSC%20Resources/PLO%20Toolkit?csf=1&web=1&e=lhsEU4) |
| 2 | LGP Terms of Reference |  |
| 3 | Practice Directions including PLO |  |
| 4 | Legal Gateway Professional Consultation Form |  |