

# Best Practice Principles Pre-Proceedings

*Produced by the Black Country and Shropshire PLO Sub group  
and amended accordingly to Telford and Wrekin Policy and  
Procedures*

## WHY DO WE ENTER PRE-PROCEEDINGS?

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### Appropriate Use of Pre-Proceedings Process:

- When concerns have reached such a significant level that threshold for significant harm is met.
- As a supportive mechanism to allow parents a final opportunity to work with us to avoid care proceedings.
- To allow all support and assessment work to be clearly documented in a process where all parties are legally represented.

### Misuse of Pre-Proceedings Process:

- To use the threat of Court Proceedings to scare parents into action.
- Because the family are difficult to work with/engage.
- Because we are not sure where to go with the case.
- Because we want to accommodate children.
- As a tick box exercise before we enter Court Proceedings.

“The Pre-Proceedings period offers a final and vital opportunity to explore with (extended) families how best to resolve concerns about the care and protection of children, without going to Court. This is a formal and most serious process, and is designed to offer absolute clarity to families about what needs to change to avoid proceedings. For all but the most dangerous situations in which emergency procedures apply, the Pre-Proceedings period is the point of hope: every family gets this final chance.” - *IT Clear Blue Waters*

## **MAKING THE DECISION TO ENTER PRE-PROCEEDINGS**

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The social work recommendation should be underpinned by a current social work assessment and chronology that clearly analyses risk, protective factors and impact on the child/children. This needs to be authorised by the team manager with knowledge of the case.



There should be a clear plan regarding what work will be undertaken as part of Pre-Proceedings.



The decision to enter Pre-Proceedings needs to be made via the Legal Gateway Panel (LGP). This will include the Director and legal oversight. There will be sufficient scrutiny of the facts and appropriateness of the proposed plan. In order for the decision maker to make an informed decision, the following is to be prepared ahead of a Legal Gateway Panel:

- Chronology
- LGP Report
- Any already completed relevant assessments
- Genogram



Cases in Pre-Proceedings should be subject to senior management review, including when a final decision is made regarding next steps.

## INITIAL PLO MEETING

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- Once a decision is made to enter Pre-Proceedings, parents should be notified in writing of this decision via a Letter before Proceedings letter and an up to date list of local solicitor firms. Along with this initial notification, the Parent Guidance (Your Child Could be Taken into Care) should be delivered.
- Parents should be afforded 5 working days' notice of the meeting date to enable them to seek legal representation.
- The letter should detail the key concerns and evidence that has led to the decision to enter Pre-Proceedings. **This needs to be succinct and evidence based.**
- The letter should include a draft plan of assessment work (Assessment and Family Support Agreement). This can then be reviewed and agreed within the meeting.
- Parents should be asked to provide details of family members they would wish to be assessed as alternative carers for the child during this meeting.
- The views of all parties should be clearly documented.

## THE ASSESSMENT AND FAMILY SUPPORT AGREEMENT



This is the document that clearly details expectations of all parties as part of this process.



Any assessments need to have clear timescales and the detail of the responsible worker. Consider the needs for any cognitive or PAMS assessments.



**Where possible**, any expert assessments or a service that incurs a cost (e.g. drugs testing, DNA etc) should be agreed via RAMP prior to the meeting.



Information needs to be clear and written in a way that families can understand, so free from jargon, ambiguity and abbreviations.



Any additional expectations of families need to be included in this document - such as restrictions on contact with certain individuals, obligations to share information etc.



It should be clear within this document what action would lead to the Local Authority issuing Care Proceedings.



See example as template example. This is the recommended template by the PLO working group.



This document should be signed by all parties at the meeting.

## **THE PRE-PROCEEDINGS PROCESS**

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- The process should be no more than 12 weeks in duration with clear timescales for assessment work throughout.
- In cases of unborn children, the process may be longer where there is significant concern early on to suggest that removal at birth may need to be considered.
- There should be regular reviews of around four weekly intervals to ascertain progress of the plan.
- A LGP Review should be scheduled to ensure that there is senior management oversight of the Pre-Proceedings process.
- If the family work well and a decision is made to end Pre-Proceedings - the formal meeting to document this decision should still take place.
- In the event that the Pre-Proceedings process is successfully ended, then a letter confirming this is to be signed and sent from the SDM.

## **THE REVIEW LBP MEETING**

**This formally reviews the progression of the plan.**

- All elements of the Assessment and Family Support Agreement should be discussed and progression noted.
- Any breaches of the agreement should be formally logged.
- Any updates to the agreement should be formally agreed and logged during this meeting.
- The views of all parties should be clearly documented.

## **THE FINAL LBP MEETING**

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- This is the final review of the assessment agreement, where a final recommendation will be made regarding next steps.
- This will be either:
  - a) Issue proceedings
  - b) End PLO process- continue CP planning
  - c) Extend Pre Proceedings- this should be in a minority of cases whereby circumstances indicate this is the most appropriate course of action - for example: *the legitimate extension of an assessment*.
- Agreement should have been given for the above by senior management prior to the meeting.
- The outcome and details of the meeting need to be formally minuted.

## ADDITIONAL CONSIDERATIONS

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Language - all documentation should be translated and interpreters used for meetings.



Literacy - are parents able to fully understand the information that is provided to them? What support might they need to understand the information provided to them.



Safety for staff - consider any risk and how this can be safely managed, including reception staff if necessary.



Safety for the child - in rare cases Pre-Proceedings may elevate risk - this will need a clear discussion and agreement with legal and senior managers.



Capacity - do parents have capacity to participate in this process? If not then SDM is to be notified for agreement of an advocacy service to be used as support to the parent(s)



## **GENERAL GOOD PRACTICE POINTERS**

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- There should be a discussion between the social worker, manager and legal services prior to a LBP Meeting to ensure that all parties are clear on the information that is to be shared and any actions to be agreed.
- Be mindful about what is said in these meetings - especially if these things have not been agreed internally. Parent's solicitors will hold us to certain statements we make. (For example - *the suggestion of a mother and baby placement*).
- All viabilities should be completed throughout this period, to a sufficient standard to satisfy the Court. These should be jointly completed with a representative from the fostering service to ensure that any recommendation is in line with Fostering Regulations.
- Support should be offered within this period as well as assessment.
- Team Managers need to robustly monitor and review this process, this can be done through supervision for example.
- There should be a formal log of minutes for each meeting.
- All Pre-Proceedings cases should be tracked internally to identify outcomes and recommendations for any improvements required in this process.
- The child's voice should be present in the meeting and be considered as part of decision making. The social

worker will need to ensure that, in line with the young person's age and level of understanding, they are afforded the opportunity to provide their view which can be shared at the meeting.

- If there are doubts regarding paternity, DNA testing should be considered during Pre-Proceedings - not delayed until Court Proceedings are issued.
- If a parent cannot be located, there should be a clear and documented plan regarding steps taken to resolve this. This should not wait until Court Proceedings commence.

## **WHAT DOES GOOD PRE-PROCEEDINGS PRACTICE LOOK LIKE?**

In the best examples, assessments are multi-disciplinary and thorough, intensive, relationship-based support is offered to the family during the Pre-Proceedings phase and building on earlier support put in place to avoid issues from escalating. The child's lived experience is at the heart of collective thinking, with parents together with the wider family being involved and supported to bring about necessary changes. Where children require removal from their families, decisions are made in a timely manner, and plans are developed with a real understanding of the needs of the child.

- *Quote from PLO working group interim report, June 2019.*

## **WHAT IT SHOULDN'T BE...**

In the poorer examples, the Pre-Proceedings element of the PLO has become a tick-box exercise undertaken late in the day and viewed as a procedural necessity before proceedings can be issued. Those cases, and children, often lack full assessment, or Care Plans which are tailored to the identified needs of the child and family, wider family and friends are marginalised, and nearly all cases are marked urgent where what is required is a considered decision.

*- Public Law working Group - Recommendations to Achieve Best Practice in the Child Protection and Family Justice Systems, Interim report, June 2019.*