

**LETTER BEFORE PROCEEDINGS MEETINGS**

**POLICY AND PROCEDURE**

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| **VERSION** | **AUTHOR** | **DATE** | **REVIEW DATE** |
| Version 1 | Joanne Stoddart | March 2019 | March 2021 |
| Version 2 | Joanne Stoddart | April 2022 | April 2024 |

1. **DECISION TO ISSUE A LETTER BEFORE PROCEEDINGS**

A decision to issue a Letter Before Proceedings, hereinafter referred to as LBP, to a parent and/or carer with parental responsibility can only be made at a Legal Planning Meeting, hereinafter referred to as LPM. A Service Manager or Head of Service must be present during the LPM and will have overall approval of the decision to progress a case through this process. Please refer to the Legal Panel policy and procedure for guidance regarding LPMs.

The timescales for issuing parents and/or carers with a LBP will be agreed within the LPM, as will the date for the initial LBP meeting. In addition, the areas of concern will be agreed to enable the LBP to be prepared by the responsible Team Manager.

1. **LETTER BEFORE PROCEEDINGS**

The responsible Team Manager will use the agreed template as the basis of the LBP to be issued to the parents and/or carers who hold parental responsibility – **SEE APPENDIX 1.**

The responsible Team Manager will be required to prepare the LBP. The content of the LBP will be checked by the allocated Lawyer to the case before being finalised. A copy of the final LBP will be sent to the allocated Lawyer for their file by the responsible Team Manager.

The allocated Social Worker will be expected to hand-deliver the LBP to all parties who hold parental responsibility for the child or children, and advise them of the need to seek legal representation. The Social Worker will need to explain to parties who hold parental responsibility the roles and responsibilities of professionals during this process. If the Social Worker is unable to hand-deliver the LBP despite efforts to do so, alternative arrangements must be made but these have to be agreed with the responsible Team Manager and allocated Lawyer for the case.

The allocated Social Worker will be responsible for uploading the LBP/s onto the child’s Liquid Logic file and recording on the system when and how they were delivered, and if effective or not. This must be completed within 5 working days of the LBP being served.

1. **LETTER BEFORE PROCEEDINGS MEETING**

All LBP meetings will be held on Tuesday and Wednesday mornings from 9.30am to 12.30pm. These time slots are identified to ensure sufficient capacity of both the Legal Services and Business Support Officers.

It is the responsibility of the responsible Team Manager to ensure the allocated Lawyer for the case and a Business Support Officer are both invited to the initial and subsequent review LBP meetings.

1. **INITIAL LETTER BEFORE PROCEEDINGS MEETING**

It is the responsibility of the responsible Team Manager to chair the initial LBP meeting. The Chair of the meeting must use the prepared meeting format to ensure consistency of practice – **SEE APPENDIX 2.**

It is the responsibility of Business Support to complete notes on behalf of the Local Authority using the agreed Liquid Logic form template – **SEE APPENDIX 3.** However, ifBusiness Support are unable to provide this function, it will be the responsible Team Manager who will be required to complete the notes.

It will be the responsibility of Business Support to input the notes directly into Liquid Logic following the meeting being held. However, it will be the responsibility of the responsible Team Manager to quality assure, approve and finalise these notes. This must be completed within 5 working days of the meeting being held.

The allocated Social Worker must circulate these notes to Core Group/Care Team members within 5 working days of the notes being finalised on Liquid Logic.

The allocated Social Worker must update any Child in Need or Child Protection Plan with agreed actions within 5 working days of the notes being finalised on Liquid Logic.

1. **REVIEW LETTER BEFORE PROCEEDINGS MEETINGS**

The process for all subsequent review LBP meetings is the same as the initial meeting. However, the Chair of the meeting must use the prepared meeting format for review meetings to ensure consistency of practice – **SEE APPENDIX 4**, and Business Support must use the agreed Liquid Logic form for review meetings – **SEE APPENDIX** **5.**

The Social Worker and/or Team Manager must schedule a review LPM to coincide with the date any key assessments are due for completion, as this will enable review of the matter in an appropriate timescale.

1. **ESCALATION PROCESS**

If there is drift being experienced for whatever reason including due to one or more individuals with parental responsibility not attending the LBP meetings, discussions must take place between the allocated Social Worker, the responsible Team Manager and allocated Lawyer to determine a LPM date for review. A LPM must be booked within 2 weeks of the last ineffective LBP meeting for the matter to be reconsidered to allow next steps to be determined.

If concerns increase, the allocated Social Worker, responsible Team Manager and/or allocated Lawyer must book into a LPM for review. A LPM must be booked within no more than 2 weeks of the decision to return the matter for discussion, or at once if there are immediate safeguarding concerns.

1. **CONCLUDING THE LETTER BEFORE PROCEEDINGS PROCESS**

The decision to conclude the LBP process can only be made within a LPM with either a Service Manager or Head of Service present to approve this decision.

It will be for the attendees of the LPM to determine whether a final LBP meeting is required or whether the concluding of the LBP process can be communicated via letter to all parties.

All LBP cases that are agreed for conclusion will be recorded by either the Service Manager or Head of Service via a form on Liquid Logic within 5 working days of the decision being made – **SEE APPENDIX 6.**

1. **REARRANGED LETTER BEFORE PROCEEDINGS**

If a LBP meeting needs to be rearranged, parties with parental responsibility and their legal representatives should be liaised with to agree a new date and time.

1. **GUIDE TO LETTER BEFORE PROCEEDING TIMESCALES**

Please **SEE APPENDIX 7** for a guide to LBP timescales.

1. **GOVERNANCE ARRANGEMENTS OF THE LETTER BEFORE PROCEEDINGS PROCESS**

All matters that are active within the LBP process will be reviewed at quarterly LBP LPMs. These LPMs will be chaired by the Head of Service and/or Service Manager and Principal Solicitor. The responsible Team Managers and allocated Lawyers for the Local Authority will be expected to be in attendance.

This process will act to:

* Increase management oversight of the LBP process
* Ensure potential drift and delay is minimised
* Improve the quality assurance process regarding the LBP process.

**APPENDIX 1 – LETTER BEFORE PROCEEDINGS LETTER**

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| DBC colour landscape Logo-small | **children & ADULTS SERVICES**  Town Hall, C Block  Feethams  Darlington  DL1 5QT  web site: <http://www.darlington.gov.uk> | |
| **PLEASE DO NOT IGNORE THIS LETTER**  **TAKE IT TO A SOLICITOR NOW** |
|  | | Date :  Please ask for :  Direct Line :  Email Address :  Your Reference :  Our Reference :  Document Name : | 01325  @darlington.gov.uk  Letter Before Proceedings |

Dear (*Parent and/or full name(s) of all people with parental responsibility)*

**RE: (*INSERT NAME OF LOCAL AUTHORITY*)**

**CONCERNS ABOUT: (*INSERT NAME(S) OF CHILD(REN)*)**

**LETTER BEFORE PROCEEDINGS**

**HOW TO AVOID GOING TO COURT**

I am writing to make you aware how concerned Darlington Borough Council is about your children/child/baby. These concerns are such that the Local Authority is considering making an application to the Court to ensure your child/children/baby are/is safe.

Here are the main things that we are worried about:

* [bullet point your concerns]

What we would like you to do to improve your abilities to provide care for your children:

* [bullet point what needs to be improved]

**AN IMPORTANT MEETING ABOUT WHAT WILL HAPPEN NEXT**

Please come to a meeting with us to talk about these concerns on *(date and time)* at the (*insert name of office)*.

At the meeting, we will discuss with you and tell you what you will need to do to make your child/children/baby safe. We will also talk to you about how we will support you to do this. We will also make clear what steps we will take if we continue to be worried about child/children/baby.PL

**PLEASE BRING A SOLICITOR TO THE MEETING**

Take this letter to a solicitor and ask them to come to the meeting with you. The solicitor will advise you about getting legal aid (free legal advice). We have sent with this letter a list of local solicitors who work with children and families. They are all separate from Children’s Services. You do not have to bring a solicitor to the meeting but it will be helpful if you do.

Information your Solicitor will need is:

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| **Local Authority Legal Contact:**  **Address: People Team, Legal Services, Town Hall, Darlington, DL1 5QT**  **Telephone: 01325 405445**  **Fax: 01325 388439**  **DX: 69280** |

**WHAT WILL HAPPEN IF YOU DO NOTHING**

If you do nothing, we will have to go to Court. If you do not answer this letter or come to the meeting, we will go to Court as soon as we can to make sure your child/children/baby are/is safe.

If you do not understand any part of this letter, please contact your children’s Social Worker on 01325 40XXXX.

Yours sincerely

**(Name)**

Team Manager

Assessment and Safeguarding Team

Copy: Local Authority In-house Legal Team

Enc: List of local solicitors

**APPENDIX 2 – MEETING FORMAT FOR INITIAL LETTER BEFORE PROCEEDINGS MEETINGS**

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| **NO** | **MEETING FORMAT – INITIAL LETTER BEFORE PROCEEDINGS MEETING** |
| 1. | Present & Introductions |
| 2. | Apologies including reason why not in attendance |
| 3. | Purpose of meeting |
| 4. | Explanation of note taking  Make attendees aware:   * The key actions will be noted but verbatim minutes will not be taken * Attendees will not receive any notes from this meeting as these are being taken for the Local Authority’s own purpose. * Therefore, there is an expectation that attendees will take their own notes. |
| 5. | Discussion of concerns listed in the letter issued to parents/carers with parental responsibility |
| 6. | Chair to summarise the views of the parents in response to these concerns |
| 7. | Expectations of the parents/carers from the Local Authority in relation to the concerns raised |
| 8. | Chair to summarise the views of the parents in response to these expectations and whether they agree or not |
| 9. | Opportunity for parents/carers to have some time alone with their legal representatives |
| 10. | Reconvene the meeting and agree the actions and timescales in line with the Local Authority’s expectations – refer to action plan template |
| 11. | Set the date, time and venue of the review meeting. |

**APPENDIX 3 – INITIAL LETTER BEFORE PROCEEDINGS MEETING – FORM TEMPLATE**

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| **INITIAL LETTER BEFORE PROCEEDINGS MEETING** | | | | | | |
| **Name of child(ren)** |  | | | | | |
| **Date & time**  **of meeting** |  | | | | | |
| **Venue** |  | | | | | |
| **Present** | **Name** | **Designation** | | **Invited** | | **Present (if not reason to be included)** |
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| **Reason for meeting – what the Local Authority are concerned about** | **Cut and paste the concerns listed in the LBP letter issued to parents** | | | | | |
| **Chair’s summary** |  | | | | | |
| **Agreed action plan** | **Action** | | **Who** | | **By When** | |
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| **Date and time of next meeting** |  | | | | | |
| **Venue of next meeting** |  | | | | | |

**APPENDIX 4 –** **MEETING FORMAT FOR** **REVIEW LETTER BEFORE PROCEEDINGS MEETINGS**

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| **NO** | **MEETING FORMAT – REVIEW LETTER BEFORE PROCEEDINGS MEETING** |
| 1. | Present & Introductions |
| 2. | Apologies including reason why not in attendance |
| 3. | Purpose of meeting |
| 4. | Explanation of note taking  Make attendees aware:   * The key actions will be noted but verbatim minutes will not be taken * Attendees will not receive any notes from this meeting as these are being taken for the Local Authority’s own purpose. * Therefore, there is an expectation that attendees will take their own notes. |
| 5. | Review of the action plan and progress made against those agreed actions |
| 6. | Chair to summarise the views of the parents in response to the progress made regarding the action plan |
| 9. | Opportunity for parents/carers to have some time alone with their legal representatives |
| 10. | Reconvene the meeting and agree the next steps regarding:   * Outstanding actions if any still not achieved * If concerns remain whether consideration needs to be given to stepping-the matter up * If concerns have been addressed and risks have reduced whether consideration needs to be given to stepping the matter down |
| 11. | Set the date, time and venue of the review meeting. |

**APPENDIX 5 – REVIEW LETTER BEFORE PROCEEDINGS MEETING – FORM TEMPLATE**

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| **REVIEW LETTER BEFORE PROCEEDINGS MEETING** | | | | |
| **Name of child(ren)** |  | | | |
| **Date & time of meeting** |  | | | |
| **Venue** |  | | | |
| **Present** | **Name** | **Designation** | **Invited** | **Present (if not reason to be included)** |
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| **Agreed action plan** | **Action** | **Who** | **By When** | **Update** |
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| **Chair’s summary and agreed**  **next actions** |  | | | |
| **Date and time of next meeting** |  | | | |
| **Venue of next meeting** |  | | | |

**APPENDIX 6** - **CONCLUDING THE LETTER BEFORE PROCEEDINGS PROCESS**

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| **CONCLUDING THE LETTER BEFORE PROCEEDINGS PROCESS** | |
| **Name of child/ren** |  |
| **Date of initial Letter Before Proceedings**  **Meeting** |  |
| **Dates of review Letter Before Proceedings meetings** |  |
| **Rationale for concluding the Letter Before Proceedings process** |  |
| **Has there been any drift or delay experienced? If yes, provide reason/s why** |  |
| **Date decision made to conclude Letter Before Proceedings** |  |
| **How is the conclusion of Letter Before Proceedings to be communicated to parties ie. final meeting or letter to parties – include who will organise this and by when** |  |
| **Name and designation of Senior Manager completing this form** |  |

**APPENDIX 7** – **GUIDE TO TIMESCALES FOR THE LETTER BEFORE PROCEEDINGS PROCESS**

Decision made to issue LBP

**0 WEEKS**

Initial LBP meeting to be held 2 weeks after the decision to issue has been made

**2 WEEKS**

First review LBP meeting to be held within 6 weeks of the initial LBP meeting

**8 WEEKS**

Second review LBP meeting to be held 6 weeks following the first review LBP meeting

**14 WEEKS**

Final review LBP meeting to be held 6 weeks following the third LBP meeting

**26 WEEKS**

Third review LBP meeting to be held 6 weeks following the second review LBP meeting

**20 WEEKS**