

Children's Safeguarding & Early Help

Practice Guidance Legal Planning Meetings

[Name of Policy] for Child Protection and Family Support Services Policy Governance

Title	Name of Policy
Purpose/scope	This guidance explains the purpose and process to follow when presenting a case to Legal Planning Meeting for social work in public law care proceedings In Telford and Wrekin.
Subject key words	PLO, Public Law Outline, Legal Planning, Letter Before Proceedings, Care Proceedings, Full Care Order
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Contents

1	Introduction
2	Arrangements
3	The Legal Planning Meeting
4	Outcomes of the Legal Planning Meeting
5	
6	
7	

1. Introduction:

In the View from the President's Chambers: The Process of Reform: the revised PLO and the Local Authority (2013) the President of the Family Division, Sir James Munby stated that:

Work done by the Local Authority in the period pre-proceedings – front loading- is vital for two quite different reasons. Often it can divert a case along a route which avoids the need for proceedings. When that is not possible , and proceedings have to be commenced , work done beforehand will pay rich dividends later on . A case presented in proper shape on Day 1 will proceed much more quickly and smoothly than a case which reaches the court in an unsatisfactory state.

The LPM is the gateway into the PLO process. It should be considered when the Social Worker for the child/ren has assessed that the child/ren are suffering or likely to suffer significant harm in the care of their parents and that there is evidence that parents are not working in partnership with the Local Authority.

Outside of this the other criteria for a LPM is:

- If there has been a significant injury and immediate legal action is needed
- A Police Protection Order has been made by the police
- Secure Order application is needed
- The family have No Recourse to Public Funding

2. Arrangements:

In order to arrange a LPM the child's Social Worker needs to discuss the case with their relevant Team Manager. If the Team manager agrees that the criteria is met then they will discuss the case with the SDM. If the SDM agrees then the meeting can be booked in via the BSO responsible for bookings.

If it is the case that the SDM makes a decision that the **case should not come to** the LPM at this stage, then the SDM will clearly record the decision onto Protocol. If it is the case that agreement is made for the case to come to LPM, then alongside the LPM report the Social Worker will also have to complete:

- a. The LPM Form on Protocol;
- b. A Genogram – which highlights both the adults with Parental Responsibility for the children and also any adult that might be considered as an alternative carer for the child;
- c. An up-to-date chronology that clearly highlights key events for the child. With cases of neglect, the chronology **should also include missed school/health appointments**;
- d. An up-to-date assessment of the family;
- e. The child's birth certificate.

There will also be a discussion between the SDM/TM about whether any other information is needed. This could include:

- a. Most recent Child Protection Conference Report;
- b. The most current Child Protection/CLA Plan;
- c. Assessment Reports – e.g. Parenting Assessments/Psychological Assessments that have been completed;
- d. Any Family Group Conference records;
- e. Any Reports from agencies that are relevant to the child - particularly in respect of concerns of neglect – e.g. school / health / police;
- f. Written views of the relevant IRO.

All of this documentation should be with the BSO a week before the LPM takes place.

The BSO will agree the agenda with the SDM for the following Monday. The paperwork sent will then be circulated by the BSO to all of the members of the LPM meeting **four days prior to the meeting taking place.**

3. The Legal Planning Meeting:

The LPM will be chaired by the SDM responsible for the service. Minutes will be taken by a BSO.

The core attendee's at these meetings will be:

- The SDM responsible for the service area;

- BSO taking minutes;
- Local Authority legal adviser;
- Team Manager for the child;
- Social Worker for the child.

The Chair may request other persons are required to be included in the discussion and request additional invitations be sent. These may include:

- Senior Social Worker - Joint Adoption Service;
- Team Manager - Parenting Assessment Team.

The core information that meeting will consider:

- Details of the children and who has parental responsibility. The identity of any fathers (even if they do not hold PR). If necessary, the immigration status of the children.
- The social worker is to outline a clear risk analysis, detailing the potential risk of significant harm, any areas of strength that parents have demonstrated.
- The wishes/feelings of the children.

The agenda of the meeting will be:

- a. Risk Analysis
- b. Outcome of any assessments
- c. Child's wishes and feelings
- d. Parents views
- e. Threshold
- f. Decisions/outcomes of the meeting
- g. The plan, responsible officers and timescales

If the LPM agrees to the initiation of care proceedings the LPM should consider:

- a. The plan for the child;
- b. The type of order that the Local Authority is seeking to make an application for;

- c. Any further assessments that might be needed;
- d. Whether the risks can be safely managed with the child remaining at home / whether alternative family members can safely care for the children;
- e. Timescales and strategies for informing and involving the child/ren in the proceedings.
- f. Whether referrals need to be made to the Joint Adoption Service / Family Friends Team.

The minutes and outcomes of the meeting to be recorded by the BSO within **one working day** of the LPM taking place.

The SDM will authorise the minutes and the plan within **two working days**.

4. Outcomes of the Legal Planning Meeting:

There are four potential outcomes of a Legal Planning Meeting:

- a. Exit legal planning.
- b. Follow up legal planning meeting.
- c. Commence pre-proceedings.
- d. Immediate issue.

a. No further action:

If the LPM outcome is to 'Exit Legal Planning then the Social Worker will inform:
The professionals involved;

- The parents and family and ask them to inform the solicitor(s);
- The LA Solicitor;
- The Team Manager will record on a case note that these actions have been completed;
- The BSO will update the legal episode with decisions/outcomes and then end the episode.

b. Follow up Legal Planning Meeting:

The BSO will update the legal episode with decisions/outcomes and book the follow up LPM as per usual processes.

c. Commence Pre-Proceedings or [d] Immediate Issue:

The Letter before Proceedings (LBP):

If there is an agreement to proceed with PLO then one of the outcomes of LPM will be for the **Letter before Proceedings** to be made. The **maximum** timescale agreed at LPM for the letter to be issued will be **one week**. These letters will be signed off by the Service Delivery Manager.

Prior to the LBP meeting, the Team Manager and Social Worker should:

- a. Ensure that parents are aware of why the meeting has been organised and that they understand the structure of the meeting. Advise them of the need for legal representation. The parents' guide to PLO should be sent to both parents and their legal representative/s.
- b. Consider any communication issues that parents may have and ensure that they are addressed prior to the meeting taking place, e.g. the need for a translator or a sign language interpreter. Any letters sent to parents will need to be translated if English is their second language.
- c. Consider the advocacy needs of the parents outside their need for legal advice, e.g. learning difficulties; parents in Local Authority Care.

NB. Families can be signposted to independent advocacy from the Family Rights Group.

The LBP meeting will be chaired by the Team Manager. The child's social worker, the Local Authority solicitor, parents and their legal adviser's and a BSO will also attend.

The agenda for the meeting will include:

- a. Review of the LBP letter with parents/solicitors and a discussion regarding the concerns and issues highlighted in the letter.
- b. Agreement of the assessments or work the Local Authority will undertake with parents to try and divert the family away from the need of the Local Authority

- c. to issue in Court. It will also outline with parents, any assessments or programme of work that they will be required to undertake.
- d. There will need to be agreement as to how the voice of the child will be sought throughout the LBP process.
- e. A clear plan outlining the actions, who will undertake the actions and timescales. A date for a review meeting also be agreed at the meeting. The timescale for the review should be **no longer than six weeks**. If the case requires a longer review period then this will need to be agreed by the SDM.
- f. The draft minutes of the meeting will be circulated by the BSO within **two days of the meeting**. These should be agreed and authorised by the Team Manager within **five working days of the meeting**.

The minutes of the meeting should be sent to:

- The Local Authority solicitor.
- The parents.

If parents have been unable to attend the initial LBP meeting, the Team Manager will send a letter in the SDM's name reminding the parents about the importance of their attending. The Local Authority solicitor should also contact the parents' solicitor to advise of the LA concerns regarding the parents non-attendance at meetings.

If a meeting is missed, a LPM will be convened to reconsider care proceedings.

Review of the LBP Process:

All LBP meetings should have a review meeting booked. This should take place within **six weeks of the initial LBP meeting**.

Before the meeting takes place the Team Manager is required to discuss the case with the SDM. This is to inform the SDM about progress that the family are making and to agree recommendations that the Local Authority will be making to the meeting. This may include agreeing to the issuing of care proceedings or the ending of the PLO process.

The meeting will follow the outline of the initial LBP meeting with a discussion of the progress that the family have made, the outcome of any work undertaken or assessments and the recommendations that the Local Authority will be making in respect of the PLO process.

Again the BSO will record the outcome of the meeting within one working day and the Team Manager will authorise the minutes on Protocol. These minutes will be shared with the LA solicitor and parents.

Ending the LBP Process:

During the discussion with the TM, the SDM may agree to end the LBP process. If this is the case, the SDM will record the decision as a key decision onto the child's record. The SW will organise a letter to be sent out in the SDM's name confirming progress made and that the LBP process has been formally ended. The BSO will then be required to end the legal episode on the legal workspace.

Initiation of Care Proceedings:

If, as a last resort, the LPM has recommended that care proceedings are to be initiated then the LPM **should consider:**

- a. The plan for the child.
- b. The type of order that the Local Authority is applying for.
- c. Any further assessments that may be needed.
- d. Whether the risks be safely managed with the child/ren remaining at home or whether alternative family members can safely care for them.
- e. Timescales and strategies for informing and involving the child/ren in the care proceedings.
- f. Whether referrals need to be made to the Joint Adoption Service / Family Friends Team.

In order for the case to be issued in court, the children need to be referred to the Assistant Director's Care Proceedings Review Panel to gain agreement to initiate care proceedings. The purpose of the Panel is to provide a robust overview of cases entering care proceedings.

At the end of the LPM meeting there should be clear timescales put in place for:

- a. When the witness statement and care plan are to be completed by the Social Worker and to be sent to Legal Services.
- b. The date of the meeting between Social Worker, Team Manager and Local Authority solicitor to consider the court planning/timescales around the case **before** care proceedings are initiated.
- c. Any assessments of extended family members.
- d. Whether it is appropriate, given the age of the child and their family, for fostering to adopt to be considered if the plan for the child is removal.
- e. If the child needs a Local Authority placement then timescales should be made for referrals to Brokerage, Accommodation Panel and to RAMP to ensure the necessary agreements have been gained and that the resource search is underway.
- f. Early notification to CAFCASS.
- g. Timescales for both the LBP letter to be written and for the meeting to be held.
- h. Children to be booked at the Care Proceedings Review Panel to ratify the recommendation to initiate care proceedings.

Actions Following the LPM with a recommendation of Care Proceedings:

The child/ren will need to be booked on the Care Proceedings Review Panel. The SDM, TM and SW will need to attend the meeting to give an overview of the assessment and the reason for the recommendation. The paperwork from the LPM will be loaded onto the AD site. The AD will put a decision onto Protocol confirming the decision.

If the AD has agreed to initiate care proceedings, then a LBP will need to be organised between the Local Authority and the people who have Parental Responsibility for the child/ren. This meeting should inform the parents that Care Proceedings will be initiated and the reasons for the decision.

If there is a need for an urgent issue of care proceedings then a letter of intent, alerting parents to the Local Authority's intentions to issue care proceedings, to be sent. **The Team Manager will need to gain the consent of the SDM before this letter can be sent out.** This is a letter only to be sent in exceptional circumstances.

Revocation of Care Proceedings:

In order to request revocation the Social Worker needs to complete the LPM report and send it to the responsible SDM for consideration. If the SDM is **NOT** in agreement then this outcome will be noted on the form and authorised by the SDM.

If the SDM agrees to a LPM taking place then the Social Worker should also complete:

- a. Genogram of the family marking the adults with parental responsibility.
- b. Complete a chronology of the child/ren
- c. Birth certificate of the child/ren

The other necessary paperwork should be:

- a. The most recent CLA report and minutes.
- b. The original Care Plan presented to the Court at the final hearing.
- c. Any completed assessments- parenting/psychological.

The LPM will involve:

- SDM as Chair
- Social Worker for the child
- Local Authority Solicitor
- Team Manager - Family and Friends
- Team Manager responsible for the child
- BSO minuting the meeting

The agenda for the meeting will be:

- a. A risk summary from the Social Worker detailing the reason why the child/ren is no longer suffering significant harm.
- b. A discussion as to whether the all of the work detailed in the original care plan has been completed.
- c. If discharge is agreed what orders should be put in place as an alternative.

There will then need to be agreement about:

- a. The timescales for the Social Worker to write the statement.
- b. The timescale for a meeting between the Team Manager/Social Worker and the Local Authority's solicitor to plan the court case and timescales.
- c. The timescale for the application to be made to Court by the Local Authority's Legal Services.
- d. Agreement as to the work to be undertaken with the child/ren to inform them of the court process.

This will be recorded onto PROTOCOL by the BSO within **one** day of the meeting and authorised by the SDM within **two working** days. The BSO will then send the actions out to the responsible Team Manager and Social Worker.

It is important to note that any decisions agreed at the LPM can only be altered outside of the meeting by the SDM chairing the meeting or the Assistant Director. The revised decision will need to be recorded onto PROTOCOL.