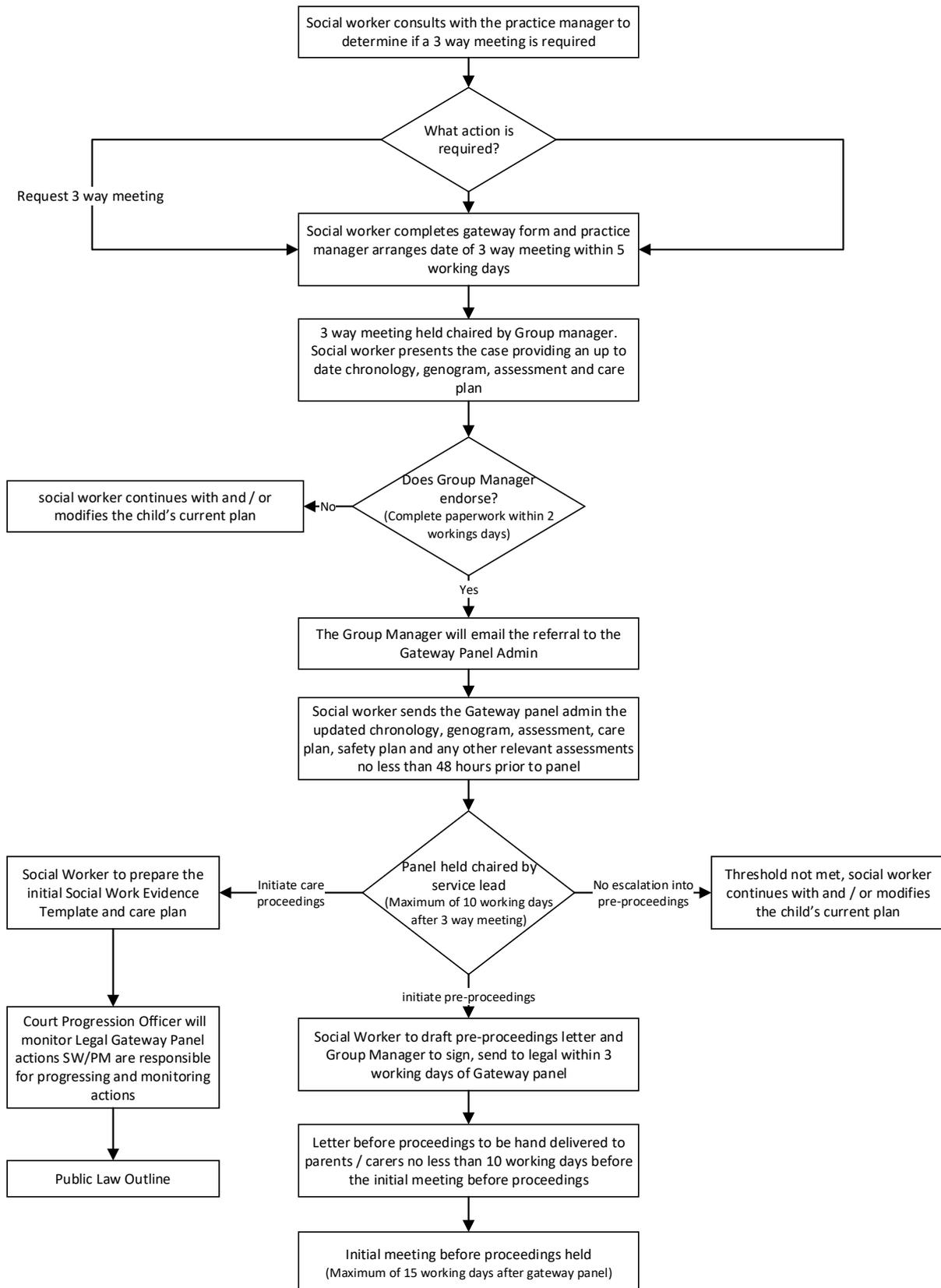


West Sussex Case management and pre-proceedings guidance

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LA PRE-PROCEEDINGS PRACTICE: GOOD PRACTICE ESSENTIALS



<p>EARLY WORK WITH THE FAMILY</p> <p>Consistent, focused work with family, including multiple agency inputs where appropriate, to ensure children’s needs are met and that they can be brought up within their family wherever possible</p> <p>FGCs/family meetings to identify wider support available and potential carers</p> <p>Planned interventions and support offered reflect evidence-informed practice and clear view of the child’s needs</p> <p>Progress and impacts on the child rigorously monitored, assessed and recorded</p> <p>Improvements required and by when made clear and consistently communicated</p>	<p>CONCERNS ESCALATE</p> <p>Potential to move to proceedings subject to managerial review</p> <p>Early, direct and frank communication with parents on potential for proceedings</p> <p>Action required to avoid this made clear and, where appropriate, additional support provided</p> <p>Early planning set in train in case proceedings prove unavoidable:</p> <p>Key sources of evidence including views of the child collated and updated; additional family carer assessments commissioned</p> <p>Outline case summary prepared; decision-making meetings provisionally scheduled in</p>	<p>LEGAL GATEWAY/PLANNING</p> <p>Evidence reviewed – are threshold and other tests met?</p> <p>Alternatives to proceedings appropriately explored?</p> <p>Assessments up to date or are other assessments needed?</p> <p>(If appropriate) Further attempts to support family/retain the child at home</p>	<p>FINAL DECISION</p> <p>Where concerns are confirmed, processes and timing for completing essential pre-proceedings work with the family agreed</p> <p>Does parent have capacity to instruct a legal representative?</p> <p>Parent’s told of concerns in a way they can understand and invited/encouraged to respond. This to complement the formal letter and meeting before proceedings</p> <p>(If appropriate) Specialist assessment discussed and agreed with parent/legal representative</p>	<p>APPLICATION AND EVIDENCE</p> <p>Social work statement contains clear evidence to support the core judgments which the court has to make</p> <p>Evidence is balanced/reflects the degree of certainty with which conclusions have been reached</p> <p>Documentation screened and quality assured by senior social worker</p> <p>All essential annexed documentation submitted by PLO deadlines</p> <p>All questions in the application form adequately addressed</p>
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Introduction

The purpose of this protocol is to offer guidance to social workers about the West Sussex process to be followed when concerns about children are such that threshold is met to initiate Care proceedings. A flowchart and case tracking tool kits are available as part of this document with the aim to assist staff in understanding the process and having support to manage timely responses within the children’s timescales.

This protocol is not intended to be prescriptive but will encompass the mandatory aspects of the Public law outline process including adherence to the 12 weeks’ timescale for pre-proceedings and 26 week timescale for care proceedings. Whilst it is accepted that some children will extend beyond these limits the protocol will clarify specific review points, delegated authority for agreements and how rationale for this is recorded on the child’s case record.

This protocol will refer to all persons with parental responsibility as parents / carers and will refer to child as singular but is to be interpreted as plural where relevant.

Related policy

Other documentation to be read in addition to this protocol (where relevant)

- West Sussex Children's Services Procedures Manual - Care and Supervision Proceedings and the Public Law Outline [insert link]
- Policy for permanency planning [insert link]
- Pre-birth guidance [insert link]
- S20 guidance [insert link]
- Homeless strategy for 16-17 year olds [insert link]
- Sussex family justice board <http://www.sussexfamilyjusticeboard.org.uk/>

3 way meeting

Purpose of meeting

A 3 way meeting should be requested where case complexity warrants further management consideration to assist with case planning and / or where evidence indicates that the child is at ongoing risk of harm that cannot be effectively managed under a child protection plan. Child protection advisors can also request a 3 way meeting is held due to safeguarding or care planning concerns.

Process and paperwork

Frequency	When required
Key membership	Group manager (chairs), practice manager and social worker

The gateway panel referral form is completed and sent to the group manager to request a meeting. The practice manager also records a management oversight on the child's case file. The 3 way meeting then takes place within 5 working days, chaired by the group manager the practice manager, social worker and if / where relevant alternatively qualified workers (for example in child and family intervention service (CFIS)) are in attendance. Views from the CPA/IRO to be sought and shared within the meeting. If the CPA/IRO has requested the meeting it is expected that they also attend.

The minimum expectation for paperwork available for the meeting is:

- Up to date impact chronology
- Genogram
- Up to date assessment (in the last 6 months)
- Current care plan and any other safety plans that may be in place

The meeting needs to consider the current planning for the child, what is working well, why the plan is not being effective and what needs to happen, there is a need to consider the voice of the child and ensuring that this feeds into the discussion and decision making.

Outcomes and decision making

The possible outcomes will include a period of review following further assessment or agreement to request a slot at the Gateway panel, alongside any additional assessment / actions that may need to be taken to support the evidence.

The content and outcome of the meeting (including CPA feedback) is recorded on the Gateway form by the group manager within 3 working days unless urgent, in which case it needs to be the same day, if the outcome is for no referral to gateway the form is then saved to the child's case record. If the decision is made for gateway panel the group manager places a management oversight case note on the case file and the gateway form is sent to the designated email inbox for gateway panel PLOmeetingBooking@westsussex.gov.uk The gateway panel must take place within 10 days of the 3 way meeting.

If the decision is made for gateway panel, the gateway form must clearly set out on what basis the threshold criteria has been set, any additional assessments required and purpose for these. This could include (but is not exhaustive to) sibling assessment, parenting assessment, viability assessments all with timescales identified. It must also set out the primary permanence plan and options available ensuring parallel planning.

If specialist assessments are being requested the form must include the specific questions intended for the specialist.

There is a need to not only consider assessments of parents but what additional support is going to be required for the child during this next phase in their life, if the decision is to attend Gateway panel to seek agreement to issue or enter into pre-proceedings the strain and pressure on the parents/carers is likely to intensify, therefore the impact on the child not only in respect of their lived experiences but also the change in process needs to be planned for and supported.

Where there has been no family network meeting this must be an action to explore with parents enabling exploration of permanence within the family and supportive network.

Gateway panels are chaired by service leads in the Family support and protection service. Therefore, if gateway requests are being made from Assessment and Intervention, Specialist adolescent services or lifelong services the service leads for those areas need to have oversight of the request and agreement for the matter to be heard. The gateway process will follow with the expectation that the service lead chairing the panel makes the decision considering the legal advice.

Gateway panel

Purpose of gateway panel

The gateway panel is the decision-making forum with legal advice to determine if threshold is met for entry into Care proceedings. The panel needs to consider past harm and future danger and how this is attributed to by the care provided by parents / carers, when considering what constitutes significant harm there is a need to explore the degree, extent and impact of abuse and / or neglect to include culminative concerns and the impact on each individual child.

Process and paperwork

Frequency	Weekly, (half day)
Key membership	Service lead (chairs), practice manager, (group manager if practice manager if not available) social worker, legal representative, CFIS manager, court progression officer, placement finding team (if seeking to issue)

Following the 3 way meeting, the updated Gateway form and minimum expectation documents presented at the 3 way meeting must be sent to the designated email account for Gateway panel and a confirmed slot will be made available at the next panel.

All necessary documents must be received in one bundle at least 2 working days prior to panel enabling members to read documents prior to the meeting taking place. If full documentation is not received the business support will advise the service lead responsible for chairing the gateway panel who will decide whether it is appropriate for the matter to be heard. This will only be agreed for exceptional circumstances.

Where there has been an emergency decision made outside of Gateway panel, these do not require a retrospective decision, however the Court progression officer will need to be aware for tracking purposes and there may be a need for further scrutiny to identify if there could have been improved planning.

The gateway panel will be chaired by the service lead for that area (unless delegated in their absence) and be attended by the social worker for the child, their practice manager, a legal representative, CFIS manager and Court progression officer. If there is a request for agreement to issue a manager from the placement finding team will be invited either by direct attendance or conference call facility.

It is preferable for attendance at the panel however there will also be telephone conference options if social workers and /or practice managers are unable to physically attend.

The agenda for the Gateway meeting is as follows:

30 minute slots are assigned per family.

- 1) Social worker summarises the case history and significant events leading to the decision to take legal advice, the child's voice needs to be shared and the worker needs to set out clearly what they are asking for agreement for **[5 mins]**
- 2) The members review and discuss the evidence presented enabling further questions to be put to the social worker and practice manager **[15-20 mins]**
- 3) A decision is made on threshold and the next steps, clear timescales set specifying who is responsible. **[5 mins]**

Outcomes and decision making

The gateway panel will determine if the threshold criteria has been met, one of the following decisions will always be made:

- a) Threshold is not met, planned support to continue which may include further assessments or strategy meetings / child protection conference.
- b) Threshold is met, decision not to initiate pre-proceedings or proceedings but to support for the child and family for a further limited interim period enabling further assessments or potential period of Section 20 to be considered
- c) Threshold is met, decision made not to issue immediately but to enter into a period of pre-proceedings for up to 12 weeks. The pre-proceedings meeting should take place within 15 days of the date of the Gateway panel. The social worker will draft a pre-proceedings letter which clearly sets out expectations asked of the parents / carers which will then be approved by the group manager before being sent to legal for approval and then delivered to the parents / carers.
- d) Threshold is met, decision to issue care proceedings immediately as the safety concerns in respect of the child are acute. The social worker will draft an immediate issue letter which will be sent to the parents / carers detailing the Local Authority intentions and care proposals, this will be agreed by the group manager and sent to legal for approval prior to being sent.

Where there is reason to believe that the parent / carer lacks mental capacity, consideration should be given as whether personal discussion involving an advocate should be undertaken and the appropriate screening tool should be used in all cases.

Any actions identified in the Gateway panel must clearly set out responsibility and timescale.

If outcome C is reached (pre-proceedings) then the Gateway panel will identify what is expected of the parents / carers in the 12 week period, what assessments are required and any other support that may be required.

When considering additional assessments, the panel must set out who is responsible for undertaking the piece of work, start and completion dates, the specific purpose and aim of the assessment, any potential barriers and how to manage these, (i.e. Do the parents require childcare support when undertaking part of the assessment? Are there additional supports needed for the social worker to be able to complete within timescales?). The main social worker assessment is the basis for our evidence, additional expert / specialist assessments should seek to support but not replace existing social work evidence.

There also needs to be a plan of how the child is going to continue to be supported through the intense period ahead and how they are going to be informed of the decision making and what this means for them and their siblings / parents / carers.

The overall decision making is recorded on the gateway form by the business support with expectation of sign off by the service lead within 2 working days.

Legal services will also make notes with their advice sent to the social worker within 5 working days of the meeting taking place. These discussions are privileged legal advice and as such should not be distributed outside of children's social care without consent from legal and the service lead.

Following the gateway panel the following actions will take place:

- Prior to receiving a formal placement request, having been invited to the gateway panel the placement finding team will have earlier knowledge of potential placement requests and can therefore start to consider potential options earlier enabling improved matching opportunities, the expectation of placement request from the social worker remains.
- The Court progression officer informs the permanency panel of all cases where Care proceedings have been initiated enabling those being twin tracked for adoption to be on the panel from the outset and for the remainder to be heard in panel once they have been in care proceedings for 10 weeks. There will also be a referral to the panel for those children who are 'looked after' in pre-proceedings. All unborn will be referred to the permanency panel where there is a decision to enter pre-proceedings and / or issue at birth.
- The legal tracker will be updated to reflect the decision making (for those with an outcome of C & D)
- The allocated social worker will inform the CPA/IRO of the outcome with the expectation that the CPA/IRO will then continue to track progression from their quality assurance perspective.

Pre-proceedings

Meeting before proceedings

Purpose:

The purpose of the pre-proceedings meeting is to attempt to engage the parents / carers to work with the Local Authority where threshold to initiate proceedings has been met. Setting out the expectations during the pre-proceedings process gives the parents / carers opportunities to work with professionals to improve their parenting capacity or help identify suitable alternative carers for their child.

Where this is not possible and care proceedings need to be initiated, it is expected that the pre-proceedings process has enabled identified assessments to have been largely completed and evidence gathered to support an application to Court.

In both cases it is the aim to ensure that the child will not experience drift and delay and that they will be provided with a clear and safe care plan for their long term future whether that be with immediate family or carers. Within the pre-proceedings process there is a need to assess all viable carers as an option of alternative care providers should the parents / carers be unable to carry on this role, parents and carers will also be assessed (sometimes together and apart where relevant), in addition to alternative longer term care options such as foster care also need to be explored and prepared for. The process needs to be completed simultaneously rather than sequential to ensure that delays are avoided unless right for the child.

Where there are delays with experts completing their assessments (for example: psychological assessment). There is need a to consider what is right for the child, the Sussex Local Authority Protocol for achieving expert assessment outside of court proceedings clearly sets out the need to complete 'expert' or 'enhanced' assessments within the pre-proceedings period where safe for the child. However, if there is delay for that assessment and it is evidenced that there is likelihood of risk to the child by delaying for longer periods of time, then there is a need to issue and complete the specialist assessments within the 26 week timeframe.

Meeting before proceedings (MBP) process and paperwork

Frequency	The first MBP within 15 working days of Gateway panel, then reviewed at week 6 and week 12 unless otherwise agreed by the group manager.
Key membership	The first MBP will be chaired by the Group manager after that the practice manager chairs, social worker, legal representative, parents /carers, parent / carer legal representative (if they choose to have one)

Following the decision at Gateway panel to enter a period of pre-proceedings, a letter before proceedings will be drafted by the social worker, agreed by the group manager and legal advisors and hand delivered to the parents / carer. The letter will set out the Local Authority concerns, what has been noted to work well and actions required of the parents / carers to address the concerns for their

child. The letter will also set out the expectation of the Local Authority and any additional support / services to be offered to support the parents / carers in making and sustaining the required changes with clear timescales set. A date and location for the meeting will be provided along with a list of family law solicitors in the area that they could choose to represent them.

The letter before proceedings must be hand delivered by the social worker and discussed with the family at least 10 working days before the MBP enabling them time to choose and instruct solicitors.

The initial meeting will be chaired by the Group manager with the practice manager, social worker, parents / carers and legal representative for both the Local Authority and the parents / carers. Any subsequent meetings will be chaired by the practice manager and the group manager will not be required as mandatory. Both parents / carers can attend the same meeting unless there is an exceptional reason for them not to, such as separation, domestic violence etc. A business support will need to be identified to minute the meeting.

The initial meeting should follow the following agenda:

- 1) Introductions
- 2) Purpose of the meeting and explaining the process
- 3) Social worker reviews the summary of safety concerns detailed in the letter before proceedings, outlining what is working well and what needs to happen to make things safer, the current safety plan will also be included.
- 4) Parents / carers are provided with the opportunity to respond to the concerns and overall summary
- 5) Expectations discussed and amended, added to as deemed necessary to be able to safely manage current and future harm.
- 6) Support networks to be explored and potential family & friends carers to be identified.
- 7) If fathers' details are not yet known, identity of father to be confirmed and contact details provided
- 8) Revise the next steps and expectations agreed.
- 9) Seek agreement on any additional consent / disclosure that may be required.
- 10) Agree date for review meeting and arrangements to agree meeting minutes.

The aim of the meeting is to work in collaboration with the parents to bring about effective change to improve the outcomes for the child. During the meeting the parents/carers will be asked to sign the necessary consent forms for appropriate records about them and their child to be disclosed to the Local Authority, they may also be asked to sign an update safety plan and to also agree to engage in all necessary assessments and other interventions the Local Authority considers necessary. It is important to note that they may wish to seek further legal advice on some of the actions therefore timescales will need to be given when agreement can reasonably be decided by the parents /carers.

The review MBP should be no later than 10 weeks after the initial MBP to review the progress on the agreed actions and revisit is Care proceedings are required. One week prior to the review MBP a

planning discussion with legal services needs to take place to discuss progress and outline 'next steps' in preparation for the review MBP, this can be achieved via conference call facility.

The lead for the planning discussion will vary dependant on the plan. However, all should be attended by the social worker and practice manager for the child, following the planning discussion the most senior social care professional present will record a management oversight on the child case file.

- a) Further period of pre-proceedings not exceeding 12 weeks – the practice manager will arrange a meeting with the legal team to discuss and agree next steps,
- b) Further period of pre-proceedings exceeding 12 weeks – the practice manager will arrange a meeting with the group manager and legal team to discuss and agree next steps (the service lead needs to agree)
- c) Pre-proceedings to end at the review with continued service under the current plan- the practice manager will arrange a meeting with the group manager and legal team to discuss and agree next steps
- d) Pre-proceedings to end at the review with a plan to issue Care proceedings - the practice manager will arrange a meeting with the service lead and legal team to discuss and agree next steps.

Review meeting's agenda:

- 1) Introductions
- 2) Social worker updates on any significant events since the last meeting
- 3) Parents / carers are provided with the opportunity to respond
- 4) Expectations reviewed and amendments / updates made
- 5) Seek agreement on any additional consent / disclosure that may be required
- 6) Next steps identified and conclusion
- 7) If required set the date for the next meeting.

The minutes of all MBP's will be sent to the parent and the legal representatives within 5 working days of the meeting and a copy stored on the child's case file. The chair of the meeting will sign off before they are sent.

Where there is a need for pre-proceedings to extend beyond 12 weeks, the service lead needs to review the matter and provide management oversight on the case file agreeing to the extension with the timescale. Where there are children in pre-proceedings above 16 weeks the service lead will include an overview of the number and rationale within the monthly highlight reports for the service area.

Section 20

Please refer to the S20 Practice Guidance.

Emergency legal planning meetings outside of Gateway

There will be occasion when the presenting risk requires an immediate response that cannot wait for the next Gateway meeting, the approach for these circumstances needs to be followed consistently:

Police protection powers

Under section 46 of the Children Act (1989), where a police officer has reasonable cause to believe that a child is likely to suffer significant harm, they may remove the child to suitable accommodation or take reasonable steps to ensure that the child's removal from any hospital or other place in which they are then being accommodated is prevented. No child may be kept in police protection for more than 72 hours. Police powers should only be used in **exceptional circumstances** where there is insufficient time to seek an Emergency Protection Order, or for reasons relating to the immediate safety of the child. (Refer to Police Powers Of Protection Practice Guidance)

Emergency protection powers

An emergency protection order (EPO) enables a child to be removed from where s/he is, or to be kept where s/he is, if this is necessary to provide immediate short-term protection.

Under Section 44 of the Children Act 1989, the local authority (or any person) can apply to the family court for an Emergency Protection Order where:

- The court is satisfied that there is reasonable cause to believe that the child is likely to suffer significant harm if s/he is:
 - Not removed to accommodation provided by the applicant; or
 - Does not remain in the place in which the child is being accommodated; or
- Section 47 enquiries are being frustrated by unreasonable refusal of access to the child, and the local authority has reasonable cause to believe that access is needed as a matter of urgency.

The EPO will grant the local authority parental responsibility for the child which will enable the child to be removed to other accommodation or to remain in a place where he/she is being accommodated (e.g. a hospital or foster placement).

An EPO can be made for a maximum period of 8 days, with a possible extension of up to a further seven days, to a maximum of 15 days. Extensions may be granted if the court has reasonable cause to believe that the child is likely to suffer Significant Harm if the order is not extended.

An application for an EPO is a very serious step, and the court must be satisfied that the EPO is both necessary and proportionate and that there is no less radical form of order available.

The court may give specific directions with regard to contact (with parents/significant others) and about medical or psychiatric examination or other assessment of the child. If there is a need for further investigation of the child's health and development but s/he is not considered to be in immediate danger, then the local authority should apply for a child assessment order.

See Case Law X Council v B Guidance - 14 key points made by Mr. Justice Munby for further information.

In both of these situations the legal planning meeting will be chaired by the service lead for the area in which the child is open, there is an expectation that the key documents required for gateway are presented if available, if not timeframes will be provided for these to be completed. The request for the legal planning meeting will be made using the gateway form with as much detail included as is possible.

It may be that a review gateway panel is required and this will be included in the actions. If the decision is made for pre-proceedings or issuing Care proceedings the Court progression officer will be informed of the outcomes of the meeting by the practice manager enabling the outcomes to be recorded in the tracker. Any decision making needs to be recorded on the gateway form as per usual practice outlining rationale for decisions made and next steps

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