

## Legal Proceedings

- Improvement Workshop

What does Good look Like for Children  
and Young People?

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By  
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and  
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Quality Assurance:  
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# INTRODUCTIONS

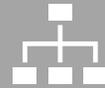
## Your Name, Role and Team



# Introduction



Today is about:



The Legal Process from considering legal action to attendance at Court.



'What Good looks like for children and young people in West Sussex'



Making appropriate plans for children and young people within legal proceedings

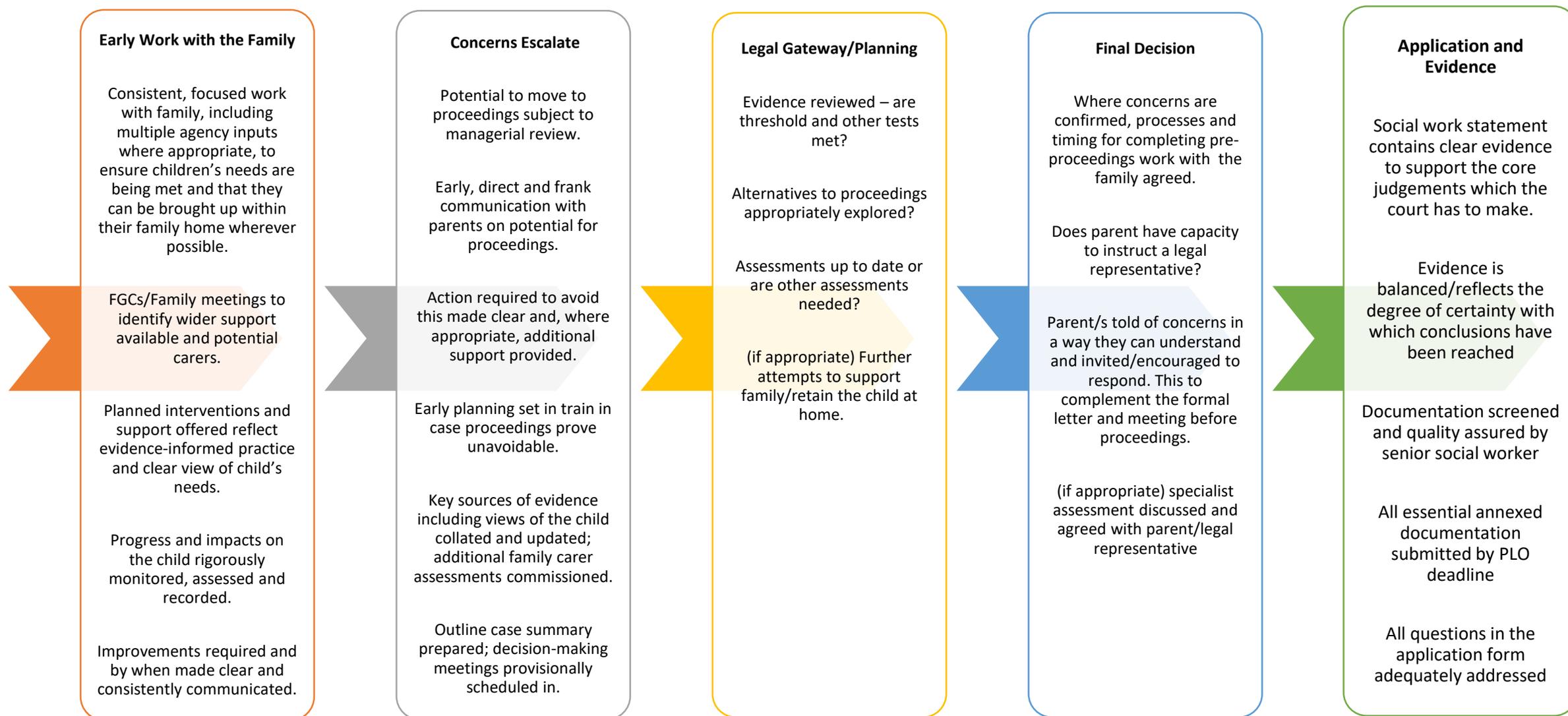


...You making a difference



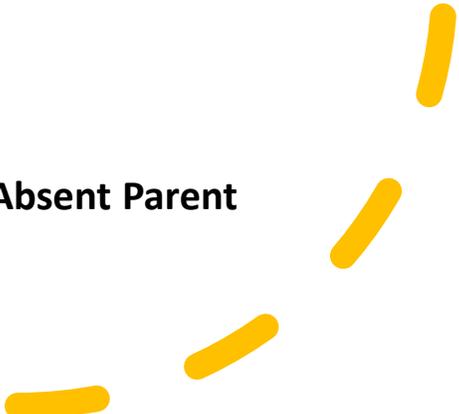
A decision to intervene legally in a child's life and family is a significant one which will have major consequences for that child. It is crucial that any decision to do so is based on clear, evidenced-based assessment and care planning which demonstrates what attempts have been made to manage the risks and support the child to remain in their family. *Family Justice Review, 2011*

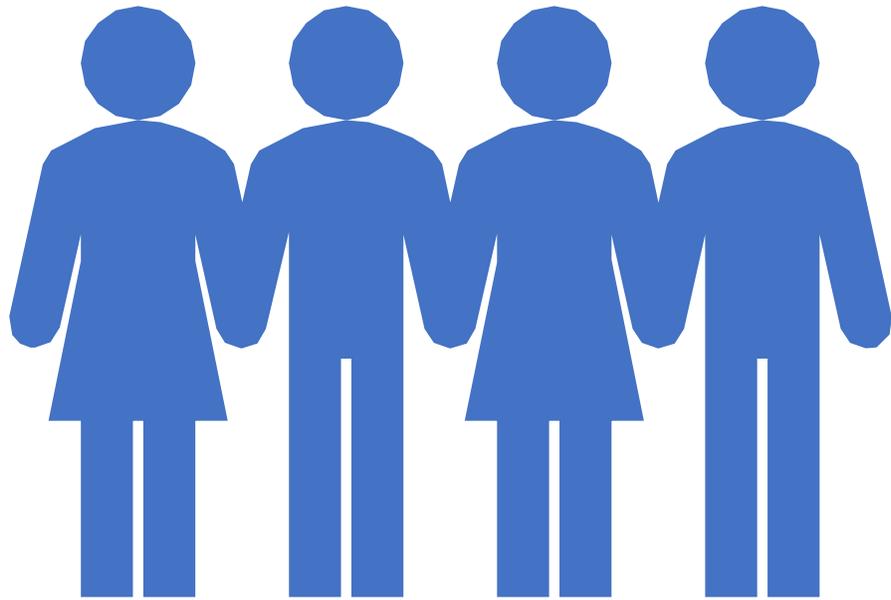
# LA Pre-Proceedings Practice: Good Practice Essentials



So you  
think we  
need to get  
some Legal  
advice?

## What work do we need to do before we consider Legal Proceedings?

- **Child and Family/Pre-Birth Assessment – use of tools i.e. The Neglect Tool**
  - **Information from other local authorities**
  - **Family Network Meeting**
  - **Viability Assessments**
  - **Child Protection Planning**
  - **Services and Interventions**
  - **Police reports – PNC/PND checks**
  - **Expert Assessments**
  - **Written reports from other professionals/services**
  - **Voluntary Accommodation (section 20)**
  - **Who has Parental Responsibility? Involvement of Fathers/Absent Parent**
  - **Increased Visiting**
  - **CFIS Intervention**
- 



# Social Workers As Experts

*“one of the problems is that in recent years too many social workers have come to feel de-skilled.... If the revised PLO is properly implemented one of its outcomes will, I hope, be to re-position social workers as trusted professionals playing the central role in care proceedings which to often of late has been overshadowed by the our unnecessary use of and reliance upon other experts” – Sir James Munby*

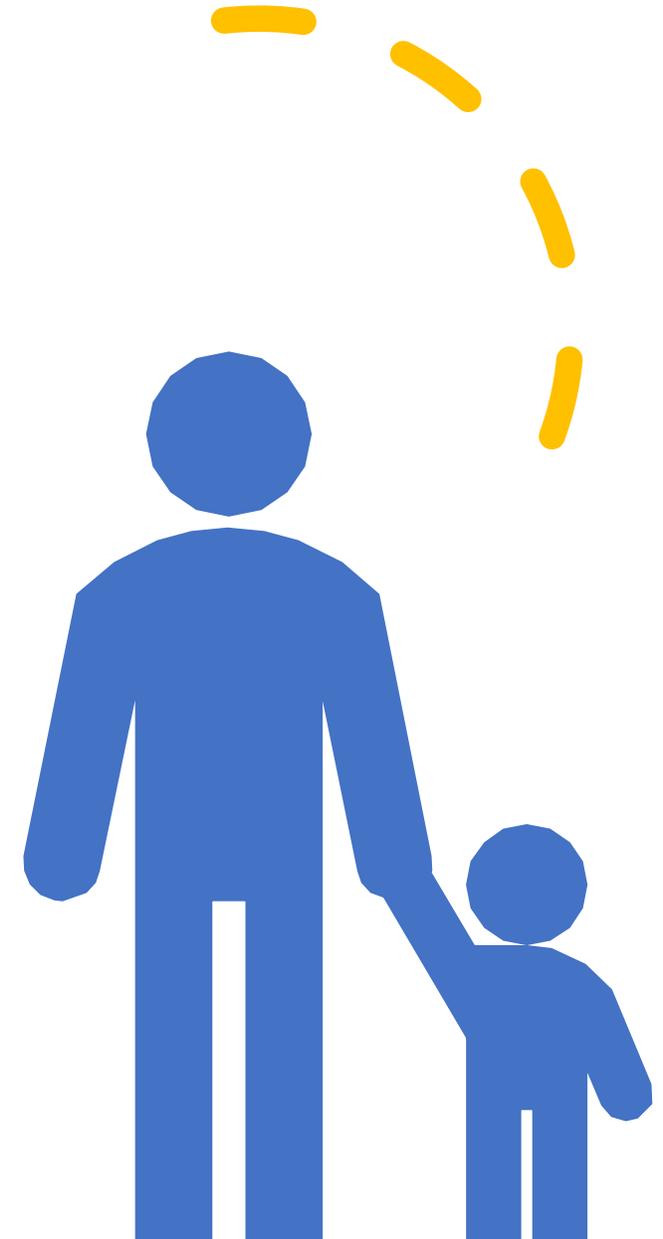
# Parents with Particular Needs

Where a parent lacks the capacity to follow litigation within proceedings, it is also likely that they would find it difficult to understand what it is being said and asked of them during and pre-proceedings.

Parents with learning disabilities must be given every opportunity to show that they can parent safely and be good enough parents, with appropriate support.

*“All social workers, and family support workers, working with children and families need to be trained to recognise and deal with parents with learning disabilities. The Guidance issued by central government needs to be followed.”* Mr Justice Baker in *Kent CC v A Mother* [2011] EWHC 402 (Fam) at para 135.

Failure to apply the principles of the Good Practice Guidance is detrimental to the children’s welfare and amounts to a breach of their and their parents’ rights, such as those under the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities, the Equality Act 2010 and the Human Rights Act 1998.



# Accessing Legal Advice



Managers and social work practitioners can ask for informal and general advice from the legal department about any case that they have concerns over via accessing the duty solicitor.



Legal Gateway Meeting held when consideration is being given to undertake legal proceedings.



The legal team are involved in cases that are being managed using the Public Law Outline (PLO) process or where an application for court proceedings has been agreed via the panel



VOICE CLIP – ACCESSING  
DUTY SOLICITOR & CASES TO  
COME TO LEGAL GATEWAY

SARA BOOTHROYD, SENIOR  
SOLICITOR

CHILD CARE AND ADVOCACY  
TEAM, WEST SUSSEX COUNTY  
COUNCIL



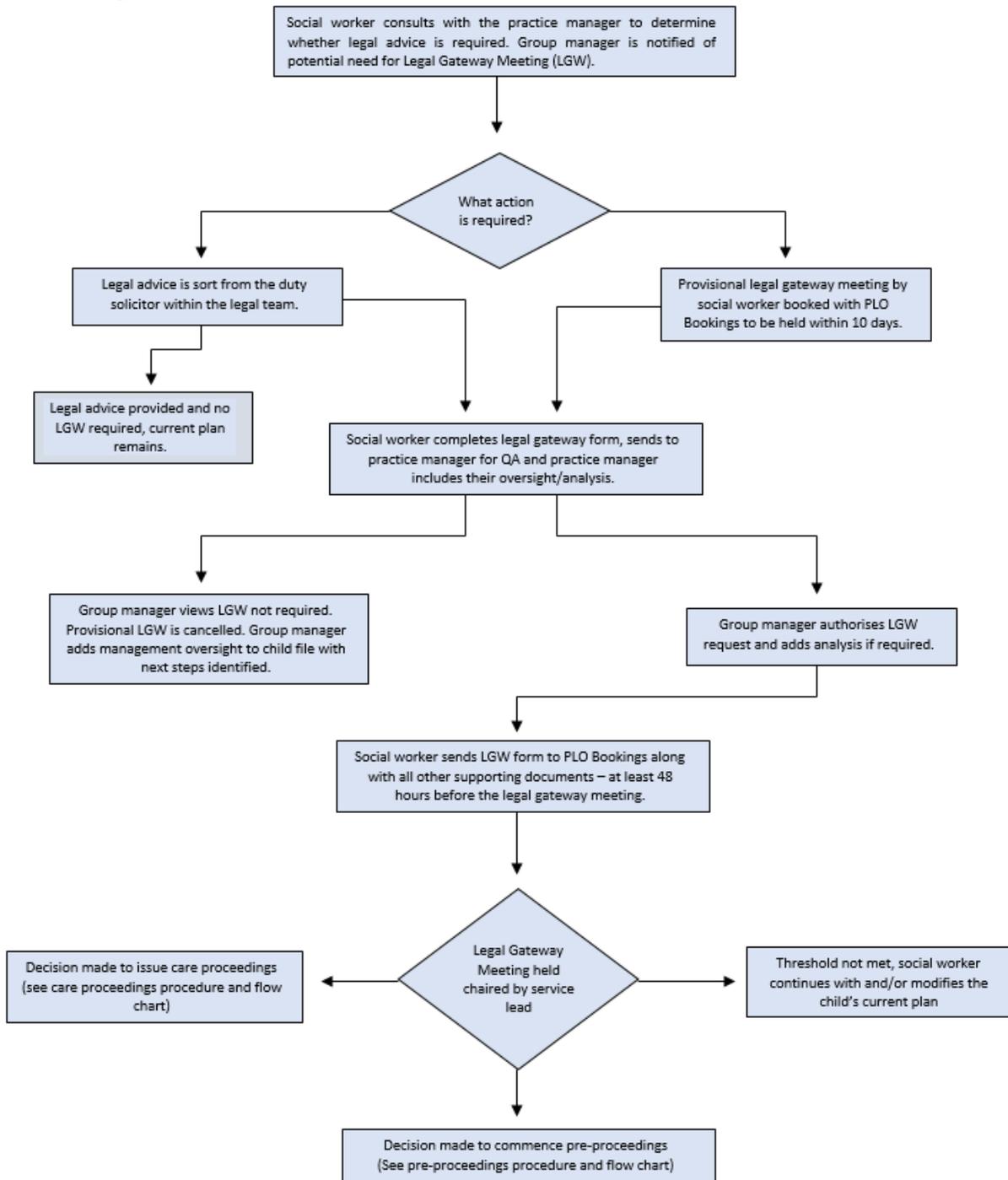
# Role of Legal Services and Social Work Staff within the Public Law Outline

## Legal services will:

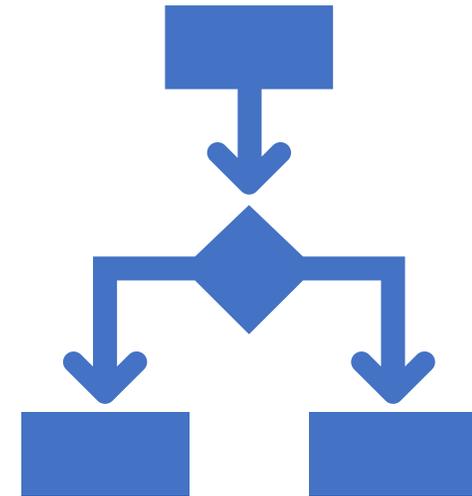
- Provide legal advice and Draft court applications and liaise with the court;
- File and serve the statements for the local authority, care plans;
- Advise on court reports and make arrangements for legal representation;
- Legal Services will represent the LA at all directions hearings, interim care order hearings (ICOs), case management conferences (CMCs), issues resolution hearing (IRHs), contested hearings and final hearings unless agreed that Counsel will cover the hearings, e.g. due to complexity;
- Deal with all correspondence with solicitors during the course of the proceedings;
- Email the social worker following each hearing highlighting the dates for filing statements, court hearings and any other key actions;
- Forward court orders to the social worker;
- Make initial contact with any expert to be instructed to obtain CV, availability, estimate of fees, start date and time scales for proposed assessment;
- Where an expert is to be instructed by the local authority, draft letter of instruction in consultation with the social worker and practice manager and circulate for approval of other parties.
- Continue to provide legal advice throughout the case.

## The role of social work staff in respect of court work is to:

- Fully brief and instruct staff from legal team and continue to do so for the duration of the case and in a timely manner;
- Inform the legal team of those persons with Parental Responsibility, parents and significant others;
- Prepare statements, court care plans and social work chronologies in good time to allow for compliance with court directions and required filing dates;
- Discuss with the legal team appropriate 'directions' which should be applied for in proceedings;
- Attend court to instruct lawyers unless otherwise agreed;
- Provide necessary evidence in support of any applications to be made to the court



# New Legal Gateway Process



# Legal Gateway Form

- The Legal Gateway form is an important document and therefore time should be spent on completing this.
- The Legal Gateway form is a decision-making document and should provide all the information required for legal to be able to provide legal advice and the service lead to make an informed decision.
- It is the social workers responsibility to complete the Legal Gateway form.
- The Legal Gateway form must include:
  - Details of all children to be heard at Legal Gateway
  - Key Family History, including current or previous child protection planning, previous care proceedings/pre-proceedings or private law proceedings and details of any children who are no longer residing in their parents care.
  - Previous Assessments and Interventions undertaken with the family and the outcome and impact of this on the children.
  - Family Network including the family plan agreed at the Family Network Meeting and identification of potential carers within the network including outcome of any viability assessments
  - Social Worker update - this should include, back history of the family, when and why the family have been known to children's services. Understanding of parenting capacity and any complicating factors such as mental health, cognitive difficulties, substance/alcohol misuse. What the child's lived experience is and the impact of this. Any significant incidences and the current situation.
  - What is working well and What we are worried about
  - Child's voice – what is the child telling us and how is this influencing our planning.
  - Social worker analysis and proposed plan – this is to include why the case is being brought to legal gateway, what is to be achieved, any further assessments required, support to be provide and focusing on an early permanence plan.
- The Legal Gateway form will be quality assured by the practice manager, who will provide their oversight and analysis of the family. Focusing on how legal threshold believed to be met and any further planning required.
- Once completed the Legal Gateway form will be agreed and signed off by the group manager.

# Documents to be provided to Legal Gateway

To maximise the effectiveness of the discussion, the social worker should make the following documents available to legal and the panel a minimum of two working days before the legal gateway meeting:

- Legal Gateway Form
- Up to date and comprehensive **Impact Chronology**;
- Up to date **Child and Family Assessment**;
- Any other relevant assessment materials;
- Genogram and relatives and friends' materials;
- Any other relevant reports and records such as pre-existing care plans e.g. family support plan, **Child Looked After** plan and **Child Protection Plan**.

ALL DOCUMENTS MUST BE UP TO DATE.

# Legal Gateway Meeting

A Legal Gateway meeting should be held when consideration is being given to undertake legal proceedings.

## The Legal Gateway Meeting considers:

- The reasons for the concerns and the evidential basis for establishing **Significant Harm** and the **threshold criteria**;
- Why care proceedings are necessary, the aim, objective and purpose and whether the making of an order would be better for the child than making no order at all;
- The **Care Plan** for the child which will identify how the child's short term needs will be met and set out any longer term plans;
- Whether to ask the court to make an order and what 'directions' should be sought in relation to assessments.
- Legal advice will given within the legal gateway meeting.

## Other issues to be considered at the discussion should include:

- Date proceedings to be initiated and/or the timetable for the public law outline (PLO) process;
- Date by which statements, court care plan and court chronology are required - all these are recorded under performance and inform performance data;
- Date by which interim care plan will be produced;
- Other tasks to be carried out and who is responsible for them;
- Dates for completion of any Child and Family Assessments if not yet completed;
- Specialist assessments needed for proceedings;
- Need to involve fostering, adoption or any other local authority services.



# VOICE CLIP – LEGAL THRESHOLD CRITERIA

SARA BOOTHROYD, SENIOR  
SOLICITOR

CHILD CARE AND ADVOCACY TEAM,  
WEST SUSSEX COUNTY COUNCIL



A court may only make a care order or supervision order if it is satisfied (a) that the child concerned is suffering, or is likely to suffer, significant harm; and (b) that the harm, or likelihood of harm, is attributable to (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give him; or (ii) the child's being beyond parental control. ([section 31\(2\), Children Act 1989](#))

# The Voice of the Child

The voice of the child is often not heard within pre-proceedings. When children are living with carers who are considered to pose a risk of harm to their welfare, social workers will need to carefully consider how safely to gain an understanding of the child's needs and experiences and ensure that the child's voice is present in any decision-making meeting.

Every child, where reasonably practicable and consistent with their welfare, should be notified in age appropriate language that a decision has been made to enter in to pre-proceedings or issue care proceedings.

The child's social worker has an on-going duty to ascertain the wishes and feelings of the child and to act in their best interest. The social worker is well placed to make clear the child's voice and lived experience within meetings. In some circumstances, it will be appropriate for the child to attend the a meeting before proceedings.

Have we considered the use of an advocate for the child?



# Practice video tri.x

- Voice of a Young Person in Social Care – Care Proceedings

<https://vimeo.com/97775395/f92b2ba217>



**COFFEE**

**BREAK**

**10 MINUTES**

## Question

### Pre-Proceedings means:

**A** – the stage of gathering evidence before going to court.

**B** – working with a family to define to them how serious things are, and what needs to be done to prevent the Local Authority issuing care proceedings.

**C** – getting all assessments done before issuing proceedings

**D** – as a means to get parents to engage and do as we want.

*(Pop your answer in the comment box)*



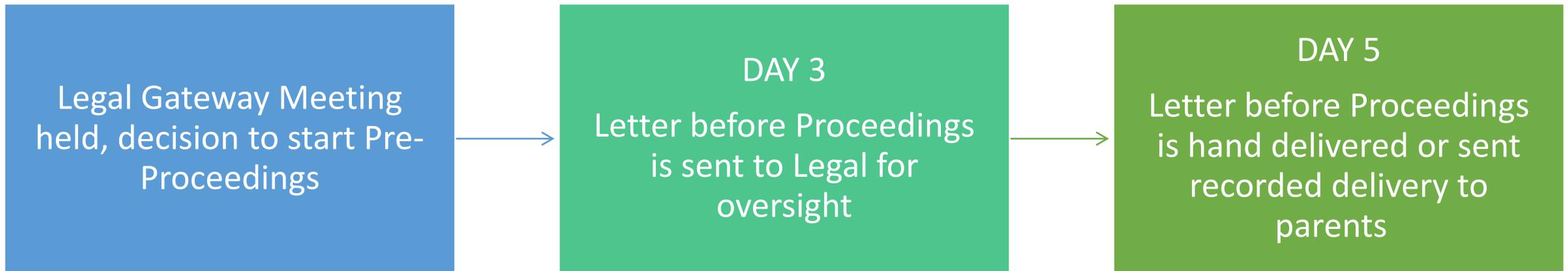
# Pre- Proceedings

‘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’.

(Isabelle Trowler, Chief Social Worker for Children and Families – Care Proceedings in England – The Case for Clear Blue Water, November 2018)



# Timescales for Starting Pre-Proceedings



# Letter Before Proceedings



If the decision of the legal gateway meeting is that proceedings should be commenced, the local authority must in accordance with the PLO, immediately notify that decision to the parents and others with **Parental Responsibility**



With the exception of those cases where urgent court action is needed to safeguard the child, the local authority should liaise with the parents and those with parental responsibility to with a view to considering what steps if any can be taken to avoid proceedings.



The 'letter before proceedings' acts as a trigger for non means, non merits tested publicly funded legal advice and assistance for the parent(s) or those with parental responsibility.



In particular the local authority should consider whether the parent or other person with parental responsibility appears to have the capacity to instruct a solicitor or whether the official solicitor should be involved.



Where any affected child is of sufficient age and level of understanding the intention to initiate legal proceedings must also be explained to him/her unless to do so would exacerbate any significant harm they are suffering or likely to suffer.

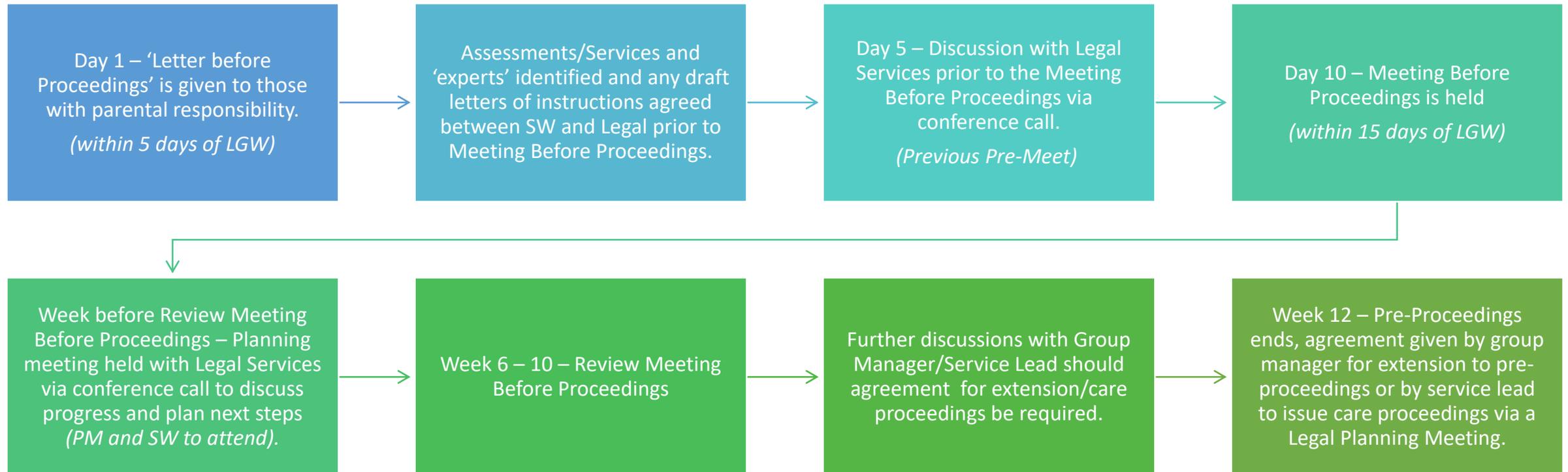


The 'letter before proceedings must set out what we are worried about and what has been done to support the family to make change. What needs to happen should be clear identifying those assessments agreed by the Legal Gateway Meeting; including safety plan.



The 'letter before proceedings must be hand delivered and explained to all with parental responsibility.

# Pre-Proceedings Timescales



# Meeting Before Proceedings

**The aim is to agree a plan that will safeguard the child and promote their welfare.**

- Following receipt of the 'letter before proceedings', a meeting will take place between the parents (and their legal representatives) and the local authority. The meeting is a final attempt to address concerns without going to court, so it is important to spell out clearly and precisely;
  - What needs to change?
  - The timescales for improvement or action, and
  - The support to be provided.
- There are clear agendas for both the Initial and Review Meeting before Proceedings and these can be found on tri.x, the agendas must be used to ensure consistency across the service.
- Minutes should be taken, checked by legal services and then circulated afterwards. Minute templates for both Initial and Review Meeting before Proceedings can be found on tri.x



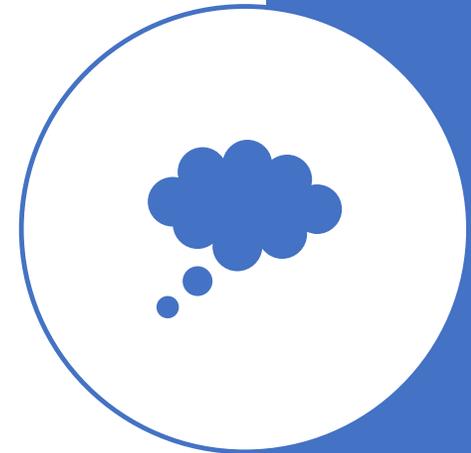
# Pre- Proceedings Checklist

- ✓ Letter before Proceedings issued to parents
- ✓ Birth certificate obtained for each child
- ✓ Attempts made to trace absent parent
- ✓ Family Network Meeting held and reviewed
- ✓ Viability Assessments completed and shared
- ✓ Special Guardianship Assessment and Support Plan completed (if required)
- ✓ Learning Screening Tool/Cognitive Assessments completed (if required)
- ✓ Parenting Assessment/PAMS Assessment completed
- ✓ Together or Apart (Sibling) Assessment completed (if required)
- ✓ Hair Strand Testing – drugs/alcohol completed (if required)
- ✓ DNA Testing completed (if required)
- ✓ Further evidence obtained from school/health/probation etc
- ✓ Files obtained/viewed from other local authorities – previous proceedings obtained (if required)
- ✓ Expert Assessments received (if required)
- ✓ Child and Family Assessment updated

# Remember.....

‘The pre-proceedings period should be resurrected as the key point of hope at which local authorities can work with (extended) families to develop long term, sustainable plans for the children of concern. Particularly in circumstances where the decision to go to Court would be crossing the **thin red line**, *every* effort should be made to avoid the truly burdensome and costly action of initiating court proceedings’.

(Isabelle Trowler, Chief Social Worker for Children and Families – Care Proceedings in England – The Case for Clear Blue Water)



# Care Proceedings

*....we found a very significant proportion of families subject to proceedings who ended up staying together – with the study Case for Clear Blue Water, 34% of all disposals resulting in a Supervision Order, a further 25% of the children remained within their own family networks. The public purse pays a heavy price for taking families into court only for children to remain at home anyway; but families and their children pay the heaviest price of all. Inevitable, we had to question – was it really worth it?*

(Isabelle Trowler. In her Bridget Lindley Memorial Lecture in March 2019 Care Proceedings in England: The Case for Clear Blue Water.

# Timescales to Issuing Care Proceedings



# Letter of Intent

- In some cases, due to the scale, nature and urgency of the local authority's safeguarding concerns, the local authority may consider that it is not in the child's best interest to send the 'letter before proceedings' or utilise the pre proceedings PLO process.
- In such cases the local authority's application to the court will need to make explicit the reasons for any missing documentation or absent steps.
- Where the local authority considers that proceedings are necessary (or will be once the child is born), it will send a 'letter of intention to issue' informing parents that proceedings are being issued and that they should seek legal advice urgently.
- It will not always be appropriate to send this letter in all cases where immediate issue of proceedings is decided. For example, the local authority may have concerns that if the parent(s) know that the authority is going to apply to court for an order allowing it to remove the child from their care, the Parent(s) may abscond with the child/ren.



# What Type of Order?

- **Emergency Protection Order (Section 44)** – authorised the removal of a child, or the prevention of a child's removal from a safe place, for up to eight days, which may be extended for a further seven days.
- **Interim Care Order (Section 38)** – can be made if the court is satisfied there are reasonable grounds to believe the grounds for a full care order are met.
- **Care Order (Section 31)** – places the child in the care of the local authority and gives the local authority parental responsibility for the child.
- **Supervision Order (Section 35)** – places the child or young person under the supervision of the local authority, which is required to advise, help and befriend the child or young person.
- **Secure Accommodation Order (Section 25)** – authorises a local authority to restrict the liberty of a child or young person who is 'looked after' by placing the child in secure accommodation in circumstances only where the child has a history of absconding and if he absconds is like to suffer significant harm, or that he is likely to injure himself or others.
- **Placement Order (Section 21)** – gives the local authority the authority to place a child with prospective adopters. Can only be used with a care order is in place, or where the threshold for criteria for a care order are satisfied and there is no parent or guardian.
- **Special Guardianship Order** – appoints a person to be a child's special guardian.
- **Recovery Order (Section 50)** – made in respect of a child who is subject to a care order, an emergency protection order or is in police protection. Provides legal measures to assist in the recovery of children who have been unlawfully taken away from or withheld from the person who has is responsible for them. Can also be made if the child has run away or is missing.
- **Child Assessment Order (Section 43)** – where there are suspicions but no firm evidence or actual harm or significant harm, but this does not constitute an emergency. Requires compliance with assessment, as directed, for up to seven days, if the assessment is necessary and cannot satisfactorily take place without an order.
- **Contact Order (Section 34)** – where a child is subject to a care order the local authority has a duty to promote contact between the child and the parents. Under section 34 the local authority can be directed to allow contact with a name person(s)



# Application to the Court

Once the decision is made at the legal gateway meeting, it is essential that we are timely in making our application to Court. Social work evidence needs to have been completed and quality assured by the Practice Manager, care plans signed by group manager and sent to Legal within 7 days, with the application being ready to issue on day 10.

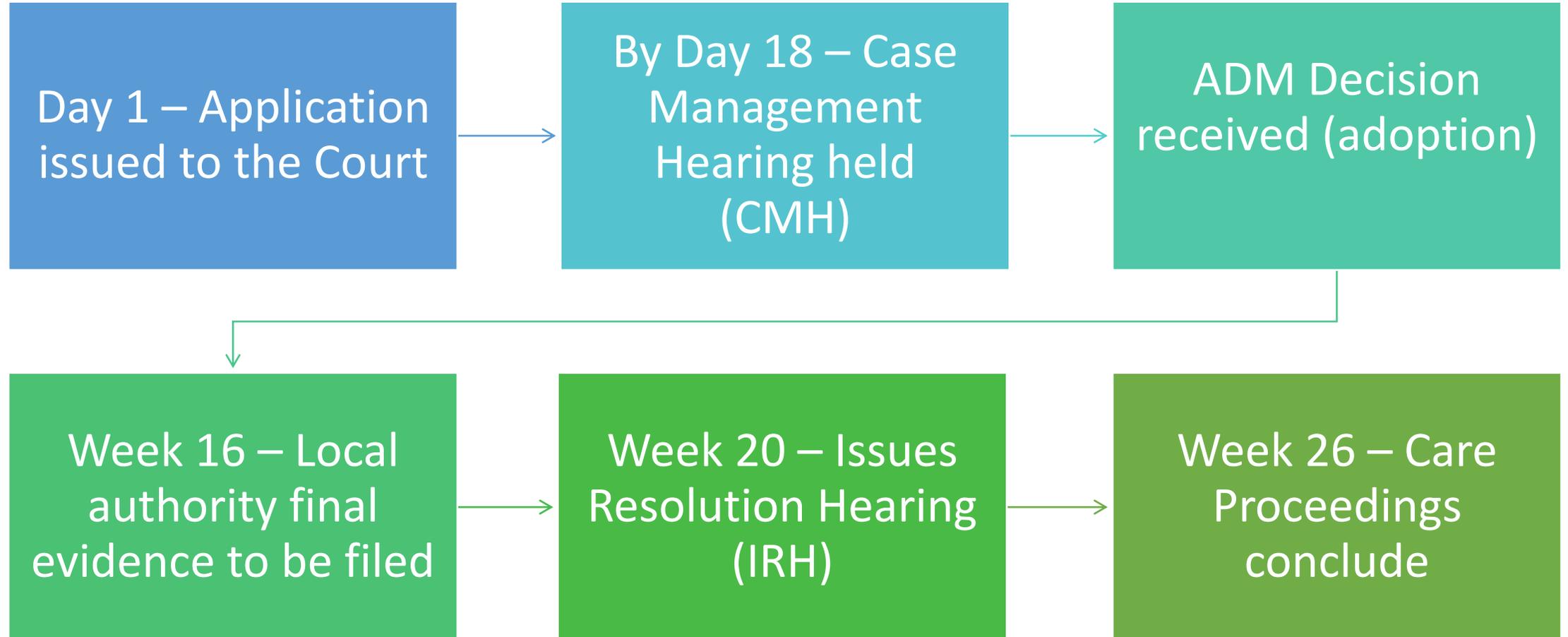
Any delay in our application could have a direct implication on the safety of the child. There must be tight safety planning and increased visiting whilst application is made to court and the initial court hearing.

## **What needs to be sent to the Court with our application**

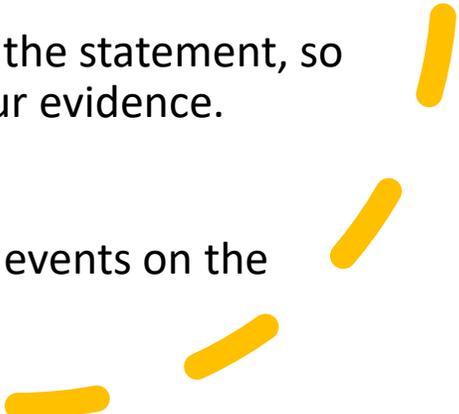
- C110A/Threshold – completed by Legal Services
- Social Work Evidence Template (SWET)
- Care Plan – one for each child in the family
- Child and Family Assessment (current)
- Impact Chronology
- Expert Assessments completed
- Other documents (evidence you rely on to be sent to Legal prior to application)

**Remember that the application prepared by Legal Services is based on the analysis of paperwork submitted by the social work team.**

# Care Proceedings Timescales



# The importance of the chronology

- An invaluable document
  - Succinct, relevant and generally going back two years only (longer if relevant to ongoing concerns)
  - Key dates and facts from records.
  - Significant Events
    - Births and Deaths within the family
    - House or School moves
    - Referrals, Assessments, Section 47 Investigations, Child Protection Conferences
    - Admissions to and returns home from Local Authority Care.
    - The start and end of intimate relationships
    - Police incidences and criminal proceedings
    - Significant health events, including mental health.
  - The 'significance' is opinion and you will be signing the statement, so make sure you understand it fully as it is part of your evidence.
  - Focus on the child's welfare and safety
  - Most importantly what is the impact of all of these events on the child.
- 

# Initial Statement in Care Proceedings

We need social workers to be able to write statements that are clear, concise, well structured, evidence based and analytical. Care proceedings will be decided on evidence. The responsibility is on us, the Local Authority to prove our case.

1

Care plans need to be SMART, evidence based and grounded in research ensuring the individual needs of the child are met in any other interventions. In court we are sometimes unable to demonstrate robust evidence of why we want children to be removed and the harm that is being done to them.

2

Your statement needs to set out the case for the Local Authority, you the social worker represent the Local Authority and have a duty to be objective, fair and balanced. When writing keep asking yourself 'what does it mean?' and 'why is it important?', 'what is the impact for the child?'

3

An insufficient evidence based social work statement can result in a high number of 'expert' assessments being requested for the which cause delay to the child as well as a financial implication to the Local Authority. Social workers need to see themselves as experts in all sets of care proceedings issued.

4

Remember first impressions count, you do not have a second chance to make a first impression. Ensure your statement reads well, that it is spell checked, properly punctuated and proof read. Do not use jargon (magistrates and parents need to understand what you are saying). Don't try to bore the Judge into agreeing with you. Use bullet points and headings if it helps organise your thinking. Use a respectful tone throughout. Be sensitive and fair.

5

Don't be tempted to 'splatter gun'... understand the issues and stick to them. Note the positives. Cross refer to other reports/assessment and the chronology to support your case. Don't rewrite them. A considered, good quality statement is likely to mean the minimum delay for the child, professional expertise being accorded to the social worker and will likely reduce the risk of a prolonged and detailed cross examination.

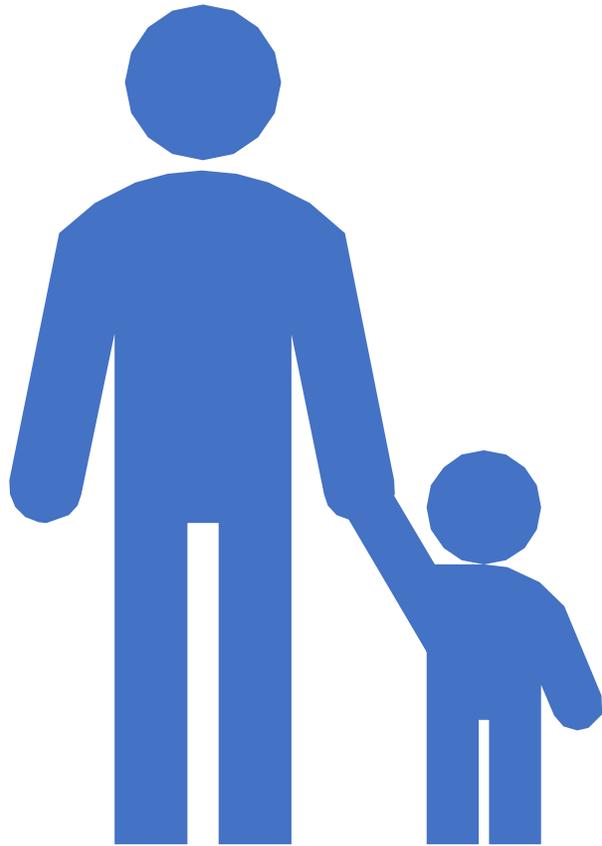
6

Understand the rationale behind the frequency of contact, understand what you want the contact to achieve. Have a clear plan available and agreed with managers when you prepare your care plan. Have you considered who should be attending contact from the child's point of view – who are those important people?

7

Prepare your care plan carefully, evaluate the strengths and weaknesses of the various options. Consider what support could be put in place to achieve a successful outcome if the child was placed with parents/family. Be clear what needs to happen for the child and why.

# Care Planning



- The care plan is one of the most important documents considered by the court, and should be treated as such.
- Each child should have their own separate care plan that looks at their individual needs filed with the Court. A criticism of the court is that they often see identical care plans for sibling groups which don't take in to account the individual needs of the child.
- Care plans should be succinct and effective, capable of providing permanency at the earliest possible stage.
- Early permanence planning is essential and is a term used to describe both Foster for Adoption and concurrent planning.
- Independent Reviewing Officers (IRO) need to be updated throughout the time a child is looked after, this must include any significant incidences that have occurred and any change in care plan.
- The views of the IRO need to be clearly recorded within your care plans, especially the final care plan, therefore you need to factor in time for them to consider your final evidence when planning your writing time.

## Re: B-S

This is an important part of your care planning and you should take time to consider all options. A good Re: B – S analysis will strengthen your evidence.

- Needs careful consideration, whatever the option, if the plan is for removal from parents.
- Particularly important in final statements where the care plan is for adoption.
- Placement analysis needs to be completed for each child unless the issues are the same.

# Role of the Children's Guardian, CAFCASS

The guardian is a qualified Social Worker appointed by the Court to represent the rights and interests of the children in cases.

The guardian's role is to make sure that local authority arrangements and decisions for the children protect them, promote their welfare and are in their best interests by making independent enquiries.

The guardian will:-

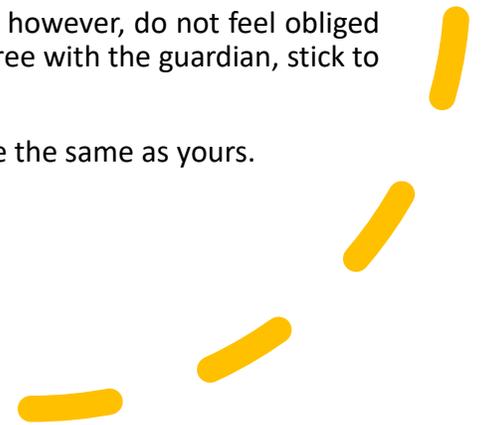
- Appoint a solicitor to represent the child
- Advise the court, at the first hearing on work that needs to be done before a decision about a child's future can be made and whether it believes any other independent professional can help the court.
- Talk to the child to find out their wishes and feelings, and tell the court during the case what they think is best for the child, including their stated wishes and feelings.

In recent years there has also been an increase in guardians bringing a breach of human rights claims to courts on behalf of children. The Guidance from Cafcass states that guardians can give advice about the appropriateness of a child making an Human Right Act 1998 claim or accept advice from the child's solicitor that the child has a valid claim against the local authority.

Our relationship with the children's guardian is an important one. We must ensure that we work closely with them, treat them with respect and listen to their views and take comments in to account. It is important that you have discussed your care plan and all options with the guardian.

It may be that the local authority and the guardian reach differing conclusions, however, do not feel obliged to agree with them or follow their lead. If after proper consideration, you disagree with the guardian, stick to your guns, and be prepared to justify your position and explain your reasoning.

Remember, guardian's are social workers by training, and their qualifications are the same as yours.



# Human Rights Act and Care Proceedings

There is an increasing awareness of human rights claims that may arise in association with care proceedings. Senior courts have ruled that the following acts (or omissions) have been unlawful:

- a. Failing for an unacceptably long time to:
  - i. Conduct a proper assessment of the needs of a child;
  - ii. Prepare and put in place a proper care plan for a looked after child;
  - iii. Meet the assessed needs of a looked after child; and
  - iv. Issue proceedings
  
- b. Failing to:
  - i. Identify and put in place appropriate support for a looked after child;
  - ii. Promote contact between a looked after child and their siblings and or/parents;
  - iii. Involve the child's parents in its decision-making process and inform them of its decisions;
  - iv. Review its decision-making in proceedings;
  - v. Analyse and disclose the relevant evidence; and
  - vi. Via the independent reviewing service, to challenge the authority's conduct.



# Filing Reports to Court

- Statements and care plans should be filed **ON TIME**. Late filing of evidence can undermine the social worker's authority and can delay the timetable for the child.
- Sufficient time should also be allowed for consultation with the local authority solicitor about any omissions and amendments in the statement (3 working days minimum).
- Sufficient time should also be allowed to consult or inform other parties of the contents and conclusions of the report including the child (in age appropriate ways), the family, the independent reviewing officer (IRO) and the children's guardian. The details of a court report should never come as a surprise to the child and family.

# Arrangements to be made before going to court

**You will need to have made a number of arrangements before going to court, including:**

- Ensuring the parents' have made travel arrangements with their solicitor
- Ensure that the parents have made appropriate childcare arrangements (if the children are in their care) and in the event that court time runs over and who help them.
- Explaining to the parents before going to court what your role will be
- Checking what family support will be available for the parent after court
- Making time for yourself to prepare, including re-reading all the evidence
- Allowing yourself space and time the evening before
- The provision of suitable clean clothes
- Planning travel arrangements – allow time for transport delays – do not be late
- Ensure you know how to use Case Lines.

# At Court



## The social worker should:

- Arrive promptly for the hearing and in good time for any pre-hearing negotiations;
- Always be prepared that you may have to give verbal evidence.
- When giving evidence communicate effectively; take your time and speak clearly and slowly. Avoid using jargon and technical terms. Give yourself a moment before you answer a question; make sure you understand the question and can answer.
- Address Magistrates and District Judges as Sir or Madam
- Address County/Circuit Court Judges as Your Honour
- Address High Court Judges as My Lord or My Lady
- When in the witness box, speak slowly and clearly to the magistrate or Judge, responses should be direct to the magistrate or judge and not back to the solicitor/barrister
- Remain professional and don't take things personally.
- DO NOT agree any 'expert' assessments without your Service Lead approval for funding. Any agreement for assessments would have been given within the Legal Gateway Meeting.
- DO NOT change the local authority care plan without seeking approval from your Group Manager/Service Lead (via your Practice Manager) first.

# In Case of Emergency



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:

## **Immediate Action Required Today**

- Discussion with practice manager and group manager
- Contact duty solicitor in need for urgent legal advice.
- Discussion with service lead requesting approval for urgent application to court.
- Feedback to legal with decisions and instructions.

## **Urgent - but immediate action not required today**

- Discussion with practice manager and group manager
- Service lead approval to request gateway outside of normal slot
- 'PLO Bookings' to be informed of urgent request – with brief details of case and reason for urgent legal gateway meeting.
- 'PLO Bookings' to liaise with senior solicitors in Legal to arrange urgent legal gateway meeting.

# Recording on the Child's File

## Documents to be uploaded on the child's file

- Letter before Proceedings/Intent to Issue Letters
- Meeting Before Proceedings Minutes
- Statements
- Care Plans
- Impact Chronology
- C110A
- Threshold Document
- Case Management Orders/Attendance Notes from Legal.
- Expert assessments

## Case Notes to be added

- 3-Way Meeting
- Legal Gateway Meeting – *undertaken by PLO Admin/CPO*
- Meeting Before Proceedings including any cancellations including reasons why.
- Confirmation of deliver of Letter before Proceeding/Intent to Issue
- Details of court hearings and orders granted, including timescales.
- Contact arrangements and any changes in contact arrangements.
- All documents should be signposted in case notes.



# Future Training – via The Learning Gateway

## Legal Proceedings

Improvement workshop looking at the process within legal proceedings and what good looks like for children and families.

## Court Training

Further learning around legal gateway meetings, pre-proceedings and proceedings looking in particular at family network meetings, absent fathers, court statements, care plans and court hearings.

## Advanced Court Training

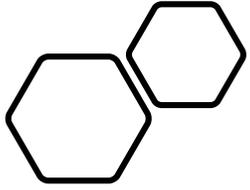
This training includes processes, use of assessments, 26-week rule, statement writing/analysis, Re B-S and the ADM process, S17/S20 cases, Annex Bs, thresholds and international elements.

## Witness Skills

A chance to experience and learn about giving evidence within care proceedings.

## Bespoke Court Training

Bitesize workshops around bespoke issues/subjects within legal proceedings. Lead by the workforce and delivered by Legal within team meetings or virtual sessions. (NEW)



**SAY ONE THING YOU WILL TAKE AWAY FROM  
TODAY AND ANY FURTHER TRAINING THAT  
WOULD HELP YOU GOING FORWARD.**



**THANK YOU !**

# References and Further Reading

Care Proceedings in England – the case for clear blue water, November 2020

Isabelle Trowler, Chief Social Worker children and families

[https://www.sheffield.ac.uk/polopoly\\_fs/1.812157!/file/Sheffield\\_Solutions\\_Care\\_Proceedings.pdf](https://www.sheffield.ac.uk/polopoly_fs/1.812157!/file/Sheffield_Solutions_Care_Proceedings.pdf)

Effective 'pre-proceedings' work – what does inspection tell us?

<https://socialcareinspection.blog.gov.uk/2019/08/05/effective-pre-proceedings-work-what-does-inspection-tell-us/>

Writing Court Reports – Community Care Inform

[www.ccinform.co.uk/practice-guidance/writing-court-reports/?practice\\_guidance=writing-court-reports#careplan](http://www.ccinform.co.uk/practice-guidance/writing-court-reports/?practice_guidance=writing-court-reports#careplan)

Good practice guidance on working with parents with a learning disability (2007)

<https://proceduresonline.com/trixcms1/media/5491/appendix-m-update-to-good-practice-guidance-on-working-with-parents-with-a-learning-disability.pdf>

Recommendations to achieve best practice in the child protection and family justice systems, Interim Report, June 2019

<https://www.judiciary.uk/wp-content/uploads/2019/07/Public-Law-Working-Group-Child-Protection-and-Family-Justice-2019-1.pdf>

Davis, L (2015) See You in Court – A Social worker's Guide to Presenting Evidence in Care Proceedings. Jessica Kingsley Publishers; London

Seymour, C & Seymour, R (2011) Courtroom and Report Writing Skills for Social Workers. Learning Matters; London

Shah, S (2019) Key Changes to Family Justice. CoramBAAF; London



# Resources

Care Proceedings Programme, Ministry of Justice (2010) Your child could be taken into Care: Here's what you need to know, available at: <https://www.alc.org.uk/uploads/parents-pack.pdf>

A Young Person's guide to Care Proceedings, CAFCASS  
<https://www.cafcass.gov.uk/young-people/young-persons-guide-care-proceedings/>

