**Legal Planning Meetings**

Protocol and guidance

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1. **Scope of this Document**
2. This document sets out the arrangements for convening and running **legal planning meetings** and **review legal planning meetings** (RLPMs). In particular it defines purpose, accountabilities, process, participation, documentation and dispute-resolution measures.
3. It also provides guidance for social workers and team managers on achieving good quality documentation.
4. It only covers legal matters that fall within the Public Law Outline (PLO)[[1]](#footnote-1).
5. It does not cover arrangements relating to Secure Accommodation Orders, Recovery Orders or Deprivation of Liberty Standards (DOLS)[[2]](#footnote-2). These are addressed in the document Legal Advice Meetings - Protocol and Guidance found [here](https://gloucestershirechildcare.proceduresonline.com/local_resources.html) (4.1-010).
6. **Terminology**
7. **Legal planning meetings** (LPMs) are child-specific meetings convened and recorded as set out below. The name and purpose are established in statutory guidance.
8. **Legal advice meetings** (LAMs) are child specific meetings relating to legal actions other than those covered by LPMs. They are a GCC mechanism and not governed by statutory guidance.
9. In Gloucestershire County Council (GCC), the **Legal Gateway Panel** is the regular umbrella framework within which LPMs and Legal Advice Meetings (LAMs) are held. Each legal gateway panel may include more than one LPM or LAM.
10. The terms *legal gateway panel* and *legal planning meeting* are not interchangeable. The former is a GCC term, the latter has a formal meaning in law and is used throughout this document.
11. **Review legal planning meetings** (RLPMs) have a function distinct from LPMs. This is set out below.
12. **PLO reviews** are the meetings between the social worker, team manager and legal adviser that take place periodically to review progress when a child is in pre-proceedings. These have often been referred to as review legal planning meetings. This has the potential to cause confusion, as RLPMs and PLO reviews have distinct functions.
13. **Purpose of a legal planning meeting (LPM)**
	1. An LPM is held when it is necessary to consider:
		1. commencing pre-proceedings
		2. issuing care proceedings (including stepping up from pre-proceedings)
		3. seeking revocationof a Care Order, Supervision Order or Placement Order
		4. extendinga Supervision Order.
	2. A LPM will often but not always follow a period on a child protection plan when insufficient sustainable progress in reducing risk is made. Appendix 4 sets out GCC’s standards for effective child protection planning.
	3. The purpose of a LPM is to obtain legal advice and decide next steps for the child.
	4. In doing this the LPM will evaluate the available evidence and, having regard to the legal advice, make adecision in principle about whether the *threshold criteria*[[3]](#footnote-3) have been met or continue to be met.
	5. The LPM will then decide, based on a robust analysis of the level of assessed risk, whether or not the local authority should take one of the steps listed above (3a).
	6. In making a decision about whether or not to issue care proceedings, the LPM must consider whether it is in the best interests of the child to provide a further period of support for the family with the aim of avoiding proceedings; or to issue proceedings immediately.
	7. The final decision of the LPM rests with the relevant head of service. The steps for resolving disagreements about the decision are set out below in section 13.
	8. LPMs should also identify any evidence gaps, clarify whether additional assessments will be required, and consider what would be a suitable draft care plan for the child; and consider possible permanence options.
14. **Requesting a LPM to consider starting pre-proceedings or care proceedings**
	1. When a child’s social worker believes insufficient progress is being made to protect a child from significant harm, they should discuss their concerns with their team manager. This should include a discussion of the evidence of lack of progress. The team manager may agree that a LPM is needed, or ask the social worker to gather more information or complete further tasks.
	2. If a child is on a child protection plan, the social worker or team manager should also consult the child protection conference chair. Accountability for agreeing to make a formal request for a LPM remains with the team manager.
	3. If a child is already accommodated under s20 of the Children Act 1989 and the proposal is to issue proceedings, the social worker or team manager should consult the independent reviewing officer (IRO). Again, accountability for agreeing to make a formal request for a LPM remains with the team manager.
	4. Once the team manager has agreed that a LPM *may* be needed, the social worker should complete and collate the necessary documentation as follows.
		1. **Social Worker’s PLO Summary** (previously Basic Information Sheet). This is a key document as it summarises for the LPM participants the case for arguing the threshold criteria are met. It must include basic information about the child and their family, a brief outline of the key evidence of harm or the likelihood of harm, and options and proposed next steps. It needs to tell LPM participants succinctly what the big issues are for the child: the nature of the significant harm caused or likely; evidence of that harm; a summary of interventions with an analysis of why they have not worked; options; and proposed next steps. Where the child is already accommodated under s20 of the Children Act 1989, the summary should indicate why it has become necessary to seek a Care Order.
		2. An **up-to-date** **chronology** showing the evolution of concerns, responses, progress or lack of progress, impact on child, outcomes and decisions. This should include **key events** in the child’s life and their impact. The social worker should not assume that Liquidlogic chronologies will serve the purpose required for LPMs. These may be too long, with too many entries that do not describe key events; or too brief, with key events missing. Significant events from other agencies’ involvement may be salient. These could include, for example, evidence of missed dental and medical appointments for chronic conditions when considering child neglect; prosecution of parents for persistent unauthorised school absence; arrests and convictions; and parental mental health crises. It is worth taking time to develop a good chronology as it will save time later.
		3. A detailed **genogram showing a minimum of three generations**. These should show clearly current and past relationships, names, and dates of birth. It is helpful to annotate the genogram to show significant information, such as supportive relationships, domestic abuse risks and if an individual is in prison. This can provide an at-a-glance understanding of significant factors in a child’s life.
		4. An **up-to-date** **single assessment** (or pre-birth assessment) that clearly shows analysis informed by the Jones risk assessment tool. The single assessment must show why it has become necessary to request a LPM. It is therefore essential that it is current. It must provide a clear understanding of the child’s circumstances **as they are**, not as they were. This does not mean that past harm is irrelevant, rather that the assessment must consider the actual and likely impact of that harm on the child so far and in the future. It should also consider the impact of steps to eliminate and mitigate that harm.
		5. Draft **social work evidence template** (SWET) if the recommendation is to issue proceedings.
		6. Other documents **only as relevant** (i.e. that provide evidence in relation to the question of threshold). It is important not to include documentation unless it contributes additional understanding of the current situation and legal threshold. They may include medical, parenting, cognitive and DOLS assessments as well as the child’s current plan, final evidence and fact finding from previous care proceedings and minutes of the most recent strategy meeting, child protection conference or looked after child statutory review.
	5. The team manager should review the completed documents and satisfy themselves that they are fit for purpose, that is to say that they address the threshold criteria, clearly make the case for a LPM and indicate the proposed way forward. They should review the evidence with their service manager (where applicable). Once satisfied, the team manager should add confirmation of their decision to request a LPM, with a succinct rationale, in the relevant section of the social worker’s PLO summary. A request, with submission of the documents listed above, may now be made to the head of service.
15. **Requesting a LPM to consider revocation of a Care Order, Supervision Order or Placement Order; or extension of a Supervision Order**
	1. When a social worker believes there is a case for seeking revocation of an existing court order, or extending a Supervision Order, the steps to be taken are the same as those described above, Section 4. They should discuss with their team manager why they believe the proposed course of action is necessary, focusing on what has changed that means a different direction is needed.
	2. If their team manager agrees there may be a case for the proposed course of action the social worker should complete the same set of documents as listed in Section 4. In doing so, they must provide a clear explanation of why they think the existing order should be revoked or, in the case of a Supervision Order, extended, with evidence of progress, lack of progress and significant changes in circumstances. Again there should be consideration of the evidence relating to threshold.
16. **Agreeing a LPM can take place**
17. The decision to convene a LPM rests with the head of service for the team concerned. It must only be delegated to a service manager in exceptional circumstances on a case-by-case basis, and never as a matter of routine.
18. The head of service will read the documents submitted before agreeing that a LPM should take place. If they conclude the documentation does not meet the required standards, they may require revisions and defer their decision about progressing to LPM. Deferment will be for no longer than two weeks.
19. Once the head of service has approved the request for a LPM they will:
	* 1. forward the documents listed above to the Executive Support mailbox (email cyplpm@gloucestershire.gov.uk);
		2. open the Legal Planning Meeting Minutes template in Liquidlogic, ensuring basic information is pulled through.
20. A member of the Executive Support team will then list the child’s case for a LPM at the next LPM Panel, circulate the documents to members of the panel and log the meeting on the dedicated spreadsheet.
21. The legal adviser will review the documents at this stage and if they believe there are gaps that would prevent full consideration of the evidence they will advise the head of service accordingly. The head of service may decide to delay the LPM to allow for the required changes to be made, or to go ahead if the social worker is able to provide the information in writing or verbally.
22. The case must be presented in a LPM at the LPM Panel within two weeks of the request being approved. Members of the panel must have the documents at least one full week in advance.
23. **LPM: format and roles**
	1. LPMs follow a set agenda. This is found in the Liquidlogic document *Legal Planning Meeting Minutes,* which is intended to capture in a single document basic information, the agenda for the meeting and the record of the meeting.
	2. **The role of the social worker and team manager** at a LPM is to set out the concerns, highlighting and summarising the key evidence in relation to the threshold criteria. They should expect others at the panel to provide robust challenge and questioning. This is essential as it helps test the strength of the evidence and identify gaps. It is better to find weaknesses in this forum than in court. It also shows why it is important to prepare the case and the supporting documentation very thoroughly before a LPM is agreed.
	3. **The role of the local authority legal adviser** is to evaluate the evidence presented by the social worker and team manager, and provide privileged legal advice on whether it is sufficient to conclude the threshold criteria are met. Their advice will also address the legal options for achieving the local authority’s desired aims for the child. In doing so, they will ask questions, seek clarification and identify areas of concern and gaps in the evidence. Their advice will both support the protection of children and ensure that the local authority acts within the relevant statutory frameworks.
	4. **The role of the head of service** is to convene and chair the LPM, ensuring that all voices are heard, and to confirm the outcome, including any instructions to the legal adviser. In doing so they must consider carefully the legal advice.
	5. Other participants in the LPM panel include as appropriate:
		1. team manager from the Family and Friends Assessment and Support Team;
		2. team manager from the Under 11s Permanence Team;
		3. team manager from the 11 Plus Permanence service;
		4. manager from the Edge of Care Service;
		5. TACS Service Manager;
		6. A clinical psychologist can advise the LPM but does not attend.
	6. Their role is to provide advice and challenge from the perspective of their own service remit or professional discipline.

 **8. Preparing for and presenting to a LPM – Guidance for Social Workers**

* 1. Prepare well. Be ready and able to say what it is about the child’s story that has led you to conclude a LPM is necessary, what you are proposing and why we need the outcome proposed.
	2. Use the social work PLO summary to structure your input, drawing on evidence from your other documents to support your arguments.
	3. Be clear about the evidence in relation to the threshold criteria.
	4. Be clear about the child’s experiences and their impact on the child – actual (concrete evidence) and likely (using research).
	5. Be clear about the interventions and their impact or lack of impact.
	6. Be ready to be challenged and respond to challenge. It’s better to test your case and arguments for the first time in a LPM than in court.
		+ 1. **LPM: Outcomes, Actions and Timescales**
	7. When a LPM has taken place to consider pre-proceedings or care proceedings, there are four possible outcomes.
		1. To initiate pre-proceedings.
		2. To issue care proceedings.
		3. To defer decision to a future LPM.
		4. To take no further action.
	8. Decision to initiate pre-proceedings
1. In this event, the timescales set out in the pre-proceedings timeline protocol (Appendix 2) must be followed. This requires that:
2. The *letter before proceedings* must be with the parents no later than five working days from the LPM.
3. The first *pre-proceedings meeting* must take place within ten working days of the date of receipt by the parents of the *letter before proceedings*.
4. A *PLO* review *meeting* must take place no later than eight weeks after the LPM.
5. The LPM minutes must include the specific dates agreed.
6. GCC aims to limit pre-proceedings to 16 weeks. This will require agreed actions to be completed with pace as well as thoroughness.
	1. Decision to issue care proceedings
		1. In this event, the LPM must agree the timescale for issuing, having full regard to the risks posed to the child. The LPM minutes must include the specific dates agreed.
		2. The timescales will vary according to circumstance, but the absolute limits are as follows.
		3. The *letter of issue* must be hand-delivered to the parent(s) by the end of the next working day after the LPM. The head of service has discretion to agree a slightly longer timescale to prevent the risk of harm either to a child, a parent or a social worker or other staff member. Any such delay must be short, proportionate to the circumstances and noted, with rationale, in the child’s record.
		4. The final version of the SWET and interim care plan must be sent to the legal adviser within five working days of the LPM.
		5. Proceedings must be issued *at the latest* on the 10th working day from the decision. (Appendix 3).
		6. If the LPM has concluded that threshold is met and that additions or amendments are required to the paperwork before the local authority issues proceedings, this must be factored into the timetable and completed within the absolute limits as defined above.
	2. Decision to defer to a future LPM
		1. This decision may be made when the LPM concludes there is a specific reason to hold a further LPM.
		2. It will also be made in all cases where a threshold decision cannot be made at the LPM panel because there are gaps in evidence presented or relevant information is absent.
		3. In all such circumstances the LPM panel will schedule a further LPM. This should normally be no later than two weeks from the date of the original LPM, but may be later at the discretion of the head of service.
		4. A decision to defer must be recorded with reasons in the minutes of the original LPM and recorded on the LPM panel spreadsheet by the attending legal adviser.
		5. The follow-up LPM will be booked in to the LPM panel by Executive Support and if possible the same legal adviser will attend.
		6. The social worker will send revised papers that comply with the requirements set out above (2.c) to Executive Support (cyplpm@gloucestershire.gov.uk) no later than three working days prior to the LPM date for circulation to LPM panel members.
7. **LPM: Minutes and Tracking Records**
	1. In all cases the team manager must record the outcome of the LPM in Liquidlogic within 24 hours.
	2. The legal adviser will take brief notes of the meeting, recording key points of the discussion and agreed actions. They will enter the minutes in the Legal Planning Meeting Minutes template in Liquidlogic (see above, 3.c.ii). When complete they will pass in workflow to the head of service for authorisation. Once the head of service has authorised them they will notify all other participants that they are available in Liquidlogic. This must be done within four working days of the LPM.
	3. If the head of service for the team who brought the LPM did not chair the meeting, they must be included in the notification that the minutes are available.
	4. The outcome of the LPM panel will be recorded by the legal adviser on the LPM panel spreadsheet.
8. **Urgent Circumstances**
9. Where the social worker and team manager consider a child’s circumstances are so serious and immediate as to require an Emergency Protection Order they must follow the procedures set in in Tri-X, 1.4.1 <https://gloucestershirechildcare.proceduresonline.com/p_app_emer_prot_ord.html#2.-decision-to-apply-for-an-epo>
10. Where the social worker and team manager consider that a child’s circumstances need urgent consideration but are not serious enough to require an Emergency Protection Order they should discuss their concerns with both the head of service and a legal adviser without delay. In doing so the social worker should share the most up to date documents available. If the head of service concludes on the social worker’s information and analysis and the legal advice that the threshold criteria may be met they will authorise inclusion of a LPM on the agenda of the next LPM panel.
11. The social worker and team manager must ensure completion of all necessary documents as above (2.c). The team manager should provide quality assurance before submitting the documents to their head of service.
12. Once the head of service and the principal legal adviser are satisfied that the documents are of sufficient quality, they will proceed in line with the requirements set out in Section 3 above. If the head of service and principal legal adviser have different opinions on the urgency they will seek to resolve it through direct discussion. If they are unable to do so the matter will be referred without delay to the service director or nominated alternative individual in children’s services for a final decision.
13. If the next LPM panel has no capacity to consider the child’s case, the head of service will determine whether it can replace another child’s case listed for the Panel without compromising either child’s safety. If they conclude this cannot be done, they must convene an extraordinary LPM without delay.
14. **Review LPMs**
15. A review LPM is required:
	* 1. whenever the social worker and team manager believe it is necessary on the evidence **either** to step-down from pre-proceedings **or** to issue care proceedings;
		2. in all pre-proceedings cases, before the 16 week point in order to consider whether to issue proceedings, step down from pre-proceedings or extend pre-proceedings. Extension beyond 16 weeks should be rare and only on the authorisation of the head of service following full consideration, with legal advice, at a review LPM.
16. Review LPMs must not be used to determine whether the local authority should apply for revocation of a care order or other order. A decision to do this may only be made at a full legal planning meeting as above.
17. When a team manager believes a review LPM is necessary they should discuss it with their head of service. If agreed, the head of service will convene and chair the meeting.
18. The review LPM will include as a minimum the social worker, team manager, head of service and legal adviser. Whenever possible the legal adviser who has previously been involved in the child’s case should attend. Others may take part as required.
19. The social worker must present a completed Social Worker’s PLO Summary that evidences the reasons for the proposed change of intervention. They may also present other assessments or evidence, but only where relevant, for example parenting, psychological and capability assessments.
20. The review LPM will set the timetable for next steps. If the decision is to issue care proceedings this will include timescales for the full range of required actions as above, Section 6.
21. **Disagreements, escalation and complaints**
	1. Very occasionally there may be a disagreement between the head of service and the legal adviser. Specifically
		1. the head of service may believe it is in the child’s best interests to proceed against legal advice; or
		2. the legal adviser may disagree with the decisions of the head of service in the light of the legal advice.
	2. In such circumstances, the head of service and the legal adviser must discuss the matter with each other urgently, either during or after the LPM, to see if it is possible to resolve it at this stage.
	3. The head of service has no delegated authority to proceed against legal advice themselves.
	4. If it cannot be resolved in this way the head of service can use the following escalation process. This will apply when they believe that on balance the evidence suggests the threshold criteria are met and it is in the child’s best interests to issue care proceedings.
	5. **Stage 1 escalation**.
		1. If either the head of service or the legal adviser wishes to escalate the matter, they will let the other know. They will then notify the designated individual in children’s services (usually an assistant director or independent consultant), the principal lawyer and legal services business partner that they wish to make an escalation.
		2. If the designated individual in children’s services agrees, the head of service will convene a Stage 1 escalation meeting. This must take place as a matter of urgency and in sufficient time to enable the timetable for issuing proceedings to be followed, if that is the decision.
		3. The meeting must include designated individual for children’s services, the head of service, the principal lawyer and the legal services business partner. The social work team manager and the lawyer who advised the LPM may also be invited at the discretion of the designated individual for children’s services.
		4. The designated individual for children’s services will consider the evidence and views expressed at the meeting. Possible outcomes are:
			* The original legal advice is revised. In this case the meeting will discuss and agree the next steps in the legal process.
			* The original legal advice is accepted.
			* The legal advice remains unchanged but the designated individual for children’s services concludes the child’s interests are best served by proceeding against that advice. In this case, the matter will progress to a Stage 2 escalation.
		5. A written record of the meeting will be made and added to the child’s record. This will have the status of legally privileged information.
22. **Stage 2 escalation** – **referral to the service director of children’s services**
	* 1. If a Stage 1 escalation ends with the designated individual for children’s services believing that to act against legal advice is right for the child, or the principal lawyer and legal services business partner remain concerned about the way forward, they will notify the service director of children’s services and the assistant director of legal services to request a Stage 2 escalation. Again this must be done as a matter of urgency to ensure that timescales required under the Public Law Outline can be met.
		2. The service director of children’s services will meet with the designated individual for children’s services and the assistant director for legal services. They may also choose to invite the principal lawyer and the legal services business partner and the head of service.
		3. If the Stage 2 escalation relates to legal advice, it is important to understand that this process is not about challenging the legal advice itself. Rather, it is about considering whether to make a decision to proceed against that legal advice, having full regard to the evidence, legislation and case law and possible risks to the child and the reputation of the Council.
		4. The service director will seek to reach agreement with the senior legal services officers about the way forward. If agreement cannot be reached, the service director will confirm their decision, which may be to proceed against legal advice. If the senior legal officers believe such a decision would be a significant risk to the Council they may choose to ask the director of children’s services (DCS) to review it (Stage 3 escalation).
		5. A written record of the Stage 2 escalation meeting will be made of the legal advice, and the service director’s decision and the reasons for it. This will be added to the child’s record and have the status of privileged information.
	1. **Stage 3 escalation**
		1. The DCS will meet with the service director for children’s services and the assistant director for legal services, consider their respective views and decide whether to confirm the service director’s decision or to overturn it.
		2. **Proceeding against legal advice**Once a decision to proceed against legal advice is finally confirmed, the assistant director of legal services will notify the Council’s monitoring officer.
	2. **Complaints and concerns**
		1. Complaints about the judgement, decision-making, conduct or capability of any party at a LPM should wherever possible be resolved between the parties directly. Where this is not possible the matter should be escalated to service director/designated individual/assistant director level in the respective directorates and addressed in line with the Council’s normal procedures.

 **Appendix 1: summary of requirements**

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| --- | --- | --- | --- |
| **Theme** | **Purpose** | **Participants** | **Documentation** |
| **LPMs within LPM Panel (formerly Legal Gateway)** | Make decisions against threshold to * Enter pre-proceedings
* Issue proceedings (including children already s20)
* Revoke
* Care Order
* Supervision Order
* Placement Order
* Extend a Supervision Order
 | Required in all circs* Social worker
* Team manager
* Locality HoS
* Legal adviser

Others as relevant* Team manager, Family and Friends Assessment and Support Team
* Team manager from the Under 11s Permanence Team;
* Team manager from the 11 Plus Permanence service;
* manager from the Edge of Care Service;
* TACS Service Manager
 | * NEW Social Worker’s PLO Summary (replaces Basic Information Sheet)
* Up to date genogram
* Up to date chronology
* Up to date single assessment
* Social work evidence template (draft) where the recommendation is to issue proceedings
* Other documents only as relevant
 |
| **Review LPMs** | Decides against threshold whether to* step down from pre-proceedings
* step up from pre-proceedings to issue care proceedings
* extend pre-proceedings

 Takes place in all cases of pre-proceedings in or before Week 20. Where circumstances change or new evidence emerges indicating a different direction may be required, a review should take place as soon as possible (having regard to risk). It should not wait until Week 20. That is a limit, not a target. | Required in all circs* Social worker
* Team manager
* Locality HoS
* Legal adviser (the same legal adviser who was at the LPM or who has provided advice during pre-proceedings if different).

   | * NEW Social Worker’s PLO Summary (replaces Basic Information Sheet)
* Other documents only as relevant, for example a recent parenting assessment if undertaken.
* There is no expectation of a new single assessment unless one has been undertaken.

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 **Appendix 2: 16 Week Pre-Proceedings Timeline**

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| **Week** | **Action** |
|  | **Legal Planning meeting (LPM).**Before this meeting can be held:* The Social Work PLO Summary Document to be completed which includes the Legal Gateway Panel TM and HoS recommendations.
* Single Assessment.
* Chronology.
* Genogram, and any other documents as laid out in the LPM Protocol.
* Any expert assessments, such as psychological assessments or drug testing, need to be set out in the suggested pre-proceedings agreement or SWET and agreed by the head of service.
* Date child referred to Children’s Services.
* Date child subject to S20 (if applicable).
* A draft letter before proceedings to be sent to lawyer on day before the LPM as this will reduce delay for children.

A referral is made to the children’s permanence team for permanence planning by means of the LPM Panel minutes.**Within 24 hrs of the LPM -** Actions agreed and recorded by Head of Service as a case note in the child’s Liquidlogic record. Case progression managers to be copied in to the case note for the purpose of tracking.**Within 24 hrs of the LPM –** Lawyer updates the LPM spreadsheet.**Within 5 working days of LPM –** Record of the discussion and legal advice are set out in writing and sent **only** to the Head of Service.**Within 5 working days of the LPM –** Head of Service completes the Legal Planning Meeting Minutes template within the child’s Liquidlogic record and finalises these and sends a pdf version to the Lawyer Advocate**By the end of the fifth working day** pre-proceedings letter is finalised and once agreed, **hand delivered to parents** by the Social Work Team. |
|  | **Two working days prior to the initial pre-proceedings meeting** social work team send the proposed pre-proceedings agreement to legal rep for comment. CVs and timescales for any experts discussed and agreed at LPM should be ready for the first pre-proceedings meeting (PPM) and social worker to send Legal Services a parenting assessment plan if needed day before PPM with agreement. |
| Week 1 | **Initial PPM takes place** (lawyers to attend).* The meeting is chaired by the social work team manager.
* Plan agreed and is written up by the social work team manager.
* Dates should be set at the first meeting with parents and their solicitors and the key dates doc (timeline) completed by lawyers and circulated
* Any outstanding Stage 1 viability assessments commence by safeguarding social worker. these include viability assessments of Reg. 24, planned kinship placements and/or special guardianship assessments.
* Any referrals for stage 2 viability assessments to be sent to FFAST within 48 hours.
* Any final adjustments are made to genogram.
* Updated schedule of kinship carers is sent to legal.
 |
| Week 2 | **Pre-Proceedings Agreement** is typed up by social worker/team manager and sent to parents’ solicitors by legal services and signed by all. Signed agreement is attached in the documents section of the child’s Liquidlogic file. Case progression manager to be alerted by Legal if agreement is not received. * Experts (psychological, psychiatric) are instructed by Legal if necessary and as agreed by LPM Gateway Panel. Head of service approval required before instruction. If funding is required for agreed assessments then it is the responsibility of the social work team to seek approval.
* Tests (hair strand, DNA, learning capacity) are sought by Legal.
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| Week 5 | * Stage 2 viability assessments of kinship carers are completed by the FFAST social worker. These are sent to safeguarding social worker within 24 hours of completion. Safeguarding social worker will respond within 48 hours to confirm if Stage 3 assessment is to commence.
* Schedule of kinship carers is updated by safeguarding social worker and sent to Legal.
* Full Stage 3 assessments of kinship carers will commence by the FFAST social worker.
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| Week 7/8 | **LPM/care planning meeting** takes place between head of service, social worker, team manager and Legal. This meeting should be chaired by the Head of service. Permanence social worker and FFAST social worker are also to be invited if decision to issue or to discuss updated assessments.* To discuss progress and review Section 8 pre-proceedings plan (which is attached to the initial pre-proceedings agreement)
* This discussion is arranged by Legal Services
* Legal Services will prepare and circulate minutes within four working days after the meeting. Minutes of all care planning/LPM discussions will be sent to head of service for approval, as well as to the case progression managers for the purpose of tracking.
* Social worker attaches the minutes in the documents section of the child’s Liquidlogic file and they or the team manager cross-reference this in case- notes within five working days.
* If no progress has been made by this meeting the child’s situation needs be considered for care proceedings (papers should be with legal within 10 working days and case should be issued within 15 working days - court timeline then to be followed).
* If there is delay in achieving actions agreed at this point the case is referred to the case progression manager who will meet with the social worker and team manager to discuss and agree a plan to address the delay. In the event of further difficulties in addressing this delay, the head of service will be alerted.
 |
| Week 8 | **Pre-Proceedings Review Meeting** is arranged and chaired by the social work team manager. Lawyers attend this if there has been a decision to issue care proceedings to agree initial directions and threshold.* Any drug and alcohol test results are discussed.
* Schedule of kinship carers is updated and schedule sent to legal rep.
* Writing of the child permanence report (CPR) will commence if appropriate.
* Updated pre-proceedings plan (section 8 of the agreement is reviewed) is prepared and circulated by the social work team manager including the permanence team if required for adoption planning. This agreement is sent to the parents’ solicitors by GCC legal rep and signed by all parties. The signed agreement is attached in the documents section of the child’s Liquidlogic file within a week. Case progression managers will be notified by legal if agreement is not received.
 |
| Week 8 | **Mid-point review between the safeguarding and ffast social workers is held for all kinship assessments, including planned and Regulation 24, as well as special guardian assessment.**Draft support plan for prospective special guardians is prepared jointly by the Safeguarding and FFAST Social Worker at this stage, if applicable.  |
| Week 12 | Final assessments should be completed by this stage. |
| Week 12 | **Further LPM/ care plan meeting** takes place between head of service (chair), social worker, team manager, and legal rep. Permanence social worker and FFAST Social Worker (if applicable) also to be invited. Consideration of section 8 pre-proceedings plan, taken from the last pre-proceedings review. Consider whether:* If no progress made then consider care proceedings or continue in pre-proceedings if it is likely that it can be diverted from courtorclosed.
* If the decision is to issue care proceedings the SWET and care plans to be with legal rep within 10 working days. Legal will then issue within five working days following receipt of paperwork.
* Outcome of mid-point review of full kinship assessments is discussed.
* Head of service to record the discussion as a case note within the child’s Liquidlogic record and legal case progression managers to be copied into this for the purpose of tracking. Legal Services prepare and circulate minutes. Social worker to attach the LPM minutes in the documents section of the child’s Liquidlogic file and cross-reference this in the child’s record within five working days.
* If the decision is to continue with pre-proceedings and it looks likely that the child’s case will need to remain in pre-proceedings beyond week 16 the head of service to clearly record their agreement to the extension and rationale for this within the child’s records. Minutes are sent to head of service for approval within four working days of the meeting. Case progression manager included for the purpose of tracking.
 |
| Week 13 | **Pre-proceedings review meeting** takes place and is arranged and chaired by the social work team manager. Lawyers should attend to agree threshold and initial court direction if care proceedings are to be issued. * Full assessments of family members and expert reports should be available and discussed.
* Kinship carers will be advised of outcome of assessments and should be supported to seek legal advice where appropriate.
* Decision from LPM/care planning meeting will be fed back to family.
* If the decision is to issue care proceedings or to extend pre-proceedings an updated pre-proceedings plan (contained in Section 8 of the Agreement) is prepared and circulated by the social work team manager, including the permanence team to enable adoption planning. This agreement is signed by all parties and sent to the parents’ solicitors by legal rep. The signed agreement is attached in the documents section of the child’s Liquidlogic record within five working days. Case progression manager to be notified by Legal if agreement is not received.
* If the decision is to end pre-proceedings then pre-proceedings will end with immediate effect. This is treated as final pre-proceedings review meeting. Letter to end pre-proceedings to be sent to parents (see template) by social worker
 |
| Week 14 | **A further LPM/ care planning meeting** is held **(if required)** with the social worker, social work team manager, permanence social worker, FFAST social worker and Legal Services (as per week 12):* Final decision is made about either ending pre-proceedings or entering care proceedings. If care proceedings to be issued – papers should be prepared and sent to legal dept. within 10 working days and should be issued within 15 working days from meeting. Court timeline then to be followed.
* Head of service to record the discussion as a case note within the child’s Liquidlogic record and legal case progression managers to be copied into this for the purpose of tracking. Legal services prepare and circulate minutes
* Minutes of all LPM/care planning meetings are sent to HEAD OF SERVICE for approval within four working days of the meeting. Social worker who attended the meeting attaches the minutes in the documents section of the child’s Liquidlogic record and cross-references in case notes within five working days.
 |
| Week 15 | **Final pre-proceedings meeting** is arranged, **if required**, and chaired by the social work team manager. (Lawyers will not attend unless otherwise advised). * Family is advised of the local authority’s final plans.
* Updated pre-proceedings agreement is prepared and circulated by the social worker/team manager, including the permanence team to enable adoption planning. This agreement is signed by all parties and sent to parents’ solicitors by GCC legal rep. Signed agreement is then attached in the documents section of the child’s Liquidlogic file within five working days. Case progression managers to be notified by Legal Services if agreement is not received.
 |
| Week 16 | Pre-proceedings ended or Care proceedings issued. If pre-proceedings are to continue beyond 16 weeks this should be for **no more than four weeks** and further LPM/PPM reviews should be held. **Express agreement must be sought from the Head of Service at a review legal planning meeting to continue beyond 16 weeks.**Decisions to issue care proceedings should be made by week 12 or earlier to allow SWET and care plans to be with legal within an appropriate timescale for issuing prior to the end of the 16 weeks. If this cannot be achieved as new concerns come to light between week 12 and week 16 then the head of service should confirm agreement to extend pre-proceedings to allow appropriate time to issue (unless an EPO situation)  |

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| **Appendix 3 Court Timeline – 26 Weeks** |
| **Week** |  | **Action** |
| Week 1 – Day 1Day 2 |  | Legal Services lodge application form C110A – with:* SWET statement
* All current assessments,
* Chronology
* Genogram
* Threshold (Legal to prepare)
* Allocation proposal (Legal to prepare)
* Index of checklist documents (Legal to prepare)
* Court issue case
* Court considers allocation of case (which court?)
* Legal serves application form and evidential documents on the parties
* Court makes standard directions for the filing of LA case summary, case analysis by Guardian, parents’ responses etc.
* LA starts CPR and completes draft schedule of kinship carers (to be filed in court)/ identifies all family members/convene FGC/starts viability assessments if not already done so and book adoption medical.
 |
| 3 (no later than 2 days before CMH) |  | Advocates meeting – arranged by solicitor for the child to consider:* Parties’ position
* Experts (whether “necessary” and if so questions LOI to be drafted)
* Disclosure
* Need for contested ICO

LA case summary filed and draft case management order. |
| 4 (by day 18) |  | **CMH**Court to give detailed case management directions – instruct any outstanding assessments/experts/order adoption medical if no ICOFully timetable and list for IRH (consider timetable for the child and whether extension beyond 26 weeks necessary |
|  |
| **Week Action** |
| 5 |  | * Stage 2 viability assessments extended family completed
* Schedule of Kinship carers to be updated and schedule to be sent to legal
* **FCMH** (only if necessary)
 |
| 6-8 |  | * Review LPM/care planning meeting to be convened to consider the balance sheet of options as per S7 of the SWET. Meeting to be convened by legal – CPW (child permanence worker) to attend. Draft balance sheet to be updated by the safeguarding SW and circulated prior to the meeting.
 |
| 9 |  | * Meeting to review progress of kinship carers and to formulate a support plan – to be convened and drafted by the FFAST Team SW. Support plan to be signed off by HOS for Permanence.
 |
| 12 |  | * Expert/SW/Stage 3 Kinship Assessments completed
* schedule of kinship carers to be updated -sent to legal (and filed)
 |
| 13 | * Final care planning meeting convened by social work team (legal to attend). Minutes and updated balance sheet in S7 of SWET to be completed by social work team and sent to all those present and to Locality Head of Service
* Legal complete and send Agency Decision Maker (ADM) for adoption the legal advice (pro forma) if plan adoption
* CIC review (must take place prior to ADM)
* Child Permanence Report (CPR) completed and sent to agency adviser if plan adoption.
 |
| 14 | CPR/health/expert/assessments sent to ADM  |
| 15 | ADM / LA Final evidence and PO application lodged if appropriate |
| 17 | Parents’ final evidence filed |
| 19 | Advocates’ meeting/ Guardian’s analysis/LA case summary |
| 20 | **IRH**/case management order or finalise if possible |
| 26 | **FH** |

**Appendix 4: Standards for Effective Child Protection Planning**

* In order to provide the children with the best outcome possible we need to ensure that all child protection plans take account of their need for physical, emotional and legal permanence.
* All child protection plans need to include timescales and a contingency plan in case necessary progress is not made. Contingency planning involving escalation to PLO must reflect the recommendations of the Public Law Working Group report of March 2021[[4]](#endnote-1).
* All child protection plans should be outcome-focused and based on achieving long- term sustainable improvements in the child’s quality of life and outcomes. All child protection plans should include a multi-agency, collaborative and child focused approach towards permanence.
* Statutory guidance requires a second review child protection conference to take place at no later nine months. This is a limit, not a target, and reviews can and should be held earlier where circumstances indicate this is necessary, for example where there is a significant reduction or increase in risk meaning a different approach may be needed.
* All child protection plans must address actual and likely impact of abuse and or neglect on the child or young person. This will be evidenced by relevant tool kits for example, neglect, exploitation and pre-birth, as well as research.
* All child protection plans will be informed by a thorough assessment of
	+ parental and carer strengths and vulnerabilities
	+ their capacity to make changes within the child’s timescales
	+ their ability to sustain change.
* The chair of a child protection conference should ensure discussions take place about any parental assessments that may be required if the child protection plan is progressed to PLO. These should be started no later than the second review child protection conference, and earlier if indicated by the needs, risks and circumstances of the child(ren).
* The social worker should consult with the conference chair at the earliest opportunity when any significant decision is taken or change to planning is being considered. The outcome of consultation **must** be recorded on the child/young person’s file. Case accountability remains through the social worker’s line management.
* FGCs are an important means of enabling families to identify their own solutions, including possible alternative carers. As such, wherever possible a FGC should take place no later than the first review conference. However, individual family members have the right to decline to take part in a FGC. Social workers should provide every encouragement but cannot insist. Where an individual decline, this must be noted clearly in the record, along with evidence of efforts made to encourage.
* In almost all circumstances, child protection plans should require a referral to FGC by the first review child protection conference. Rarely it may be unwise to hold a FGC, for example where it may increase risk to a child or other person. A clear rationale for any decision not to convene a FGC must be clearly recorded in the child’s record.
* The child protection conference team manager will arrange a dedicated supervision with the chair, for each child six weeks prior to the second review child protection conference (and no later than month nine). Where concerns have been raised and not been resolved, the conference chair's team manager may invite the allocated social worker and team manager to a reflective meeting in order to review jointly the child/young person's case. The outcome of the discussion should be recorded on the child/young person’s file.
1. <http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12a> [↑](#footnote-ref-1)
2. Mental Capacity Act 2005 [↑](#footnote-ref-2)
3. Children Act 1989 s31 <https://www.legislation.gov.uk/ukpga/1989/41/section/31> [↑](#footnote-ref-3)
4. Public Law Working Group, *Recommendations to achieve best practice in the child protection and family justice systems*, *FINAL REPORT,* MARCH 2021 [↑](#endnote-ref-1)