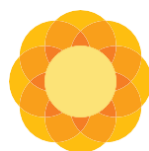
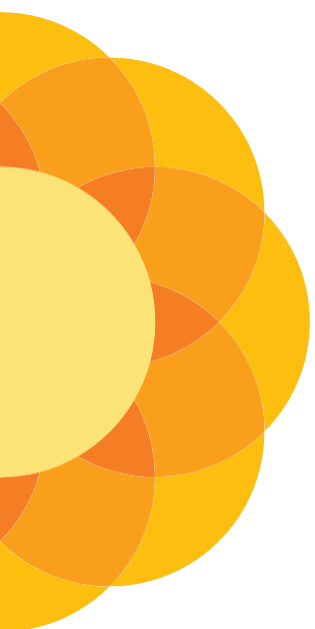




# Pre-Proceedings GUIDANCE

December 2022  
(V1)



BIRMINGHAM  
CHILDREN'S TRUST

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## 1. Introduction

This guidance, together with the flow chart and pre-proceedings documents, has been issued to improve the ability of practitioners to promote the welfare and protection of children and young people (who will be referred to collectively as 'children') by working in partnership with families where there are concerns about harm.

The aim is to help families to make decisions and take actions to enable children to stay safely in the care of their parents, or within their wider family.

The pre-proceedings process is used to support the family understanding of concerns and to give clear expectations of what should be done by all involved, including clear timescales to reduce the risks within the family and ensure children are safe. It is aimed at ensuring that care proceedings are only issued when this is proportionate and are only pursued as an option of last resort, when absolutely necessary to safeguard children. This is in line with a key priority of Family Justice, to safely divert families away from Court.

The guidance reinforces the importance of providing the right help and support to families during the pre-proceedings period so they can care for their children safely at home or within their family network. It is equally important that any positive changes are made within the child's timescale, in line with the Children Act S1(2) principle that any delay in resolving children's proceedings is likely to prejudice their welfare.

The guidance is underpinned by the statutory guidance Court Orders and pre-proceedings April 2014 and the Public Law Outline 2014. It takes into account the report of the Family Justice Public Law Working Group published in March 2021 and the accompanying Best Practice Guidance around [Applications and Case Management](#), [Support for work with families prior to court proceedings](#), [Section 20/ Section 76 accommodation](#) and [Special Guardianship Orders](#).

## 2. The Trust Approach

We know that placing children into care is not without its own challenges and risks. So wherever possible, and where it is in the best interests of the child, the Trust's approach is to work pro-actively to support families; to enable children to safely remain living with, or connected to their families, communities and heritage.

To support them effectively, we must use a relational and trauma-informed approach to working together with their caregivers, whole families, their communities, supporting professional networks and our partner agencies.

We must understand families' struggles in the context of the situation and systems in which they live. We must support parents and caregivers to enable them to support their children, and we must strengthen the safety nets and relational connections around our young people to help them thrive. The pre-proceedings period provides us with the opportunity to do this.

The Pre-proceedings phase should not be treated as only a procedural step towards issuing proceedings. The fundamental purpose of the process is to create another opportunity to take a relationship-based approach with families to address their recognised needs and identify and provide support, including the support of the wider family, in order to achieve the conditions that will enable a child to live safely at home.

Throughout the pre-proceedings process families will have the benefit of legal advice to support them to address their needs.

By working closely with the child and their family during the pre-proceedings phase it should be possible to continue assessing their needs and develop a vision of what permanency would look like for them, and a care plan that will achieve this, either with their family, or in alternative care.

Although care proceedings are the option of last resort, by using the pre-proceedings phase properly, if it becomes necessary to issue proceedings, the court will have the evidence base needed to make a timely and properly informed decision to provide for the statutory protection of a child.

Where a child cannot remain living with their parents, we should identify and prioritise suitable connected persons placements whenever appropriate. Where possible, this identification should take place **before** care proceedings are issued, as it may avoid the need for proceedings and family group conferences can support this.

It is important to understand that the guidance to the Court from the Public Law Working Group work is that the time taken in carrying out this work with families to enable timely and intensive work should not result in criticism for delay.

### 3. Core Principles

- Pre-proceedings is an assessment and support phase to help families make the changes needed to care for their children safely, and not a procedural step to issuing care proceedings
- The overriding consideration is the welfare of the child, and their views should be ascertained and considered at all stages of decision-making
- Working in partnership with families with an aim of bringing about improvement and change and to avoid the need for care proceedings is key
- Understanding the needs and strengths of children, their parents and their wider families is essential
- Unnecessary delay is to be avoided, and the timeliness of the implementation of any

plan of support or assessment of a family needs to be monitored to make sure we retain a balance between supporting the parents to change and avoiding delay for the child

- We must ensure children are kept safe and risks mitigated during pre-proceedings involvement
- Proceedings can be avoided if parents show that they are able to work with the Trust and other agencies and make the changes needed for their children to remain living safely at home
- Proceedings are an option of last resort if no other intervention protects the outcomes for children. However, where we believe parenting cannot be improved within the child's timescale and threshold for care proceedings is met, we should make a decision as quickly as possible about whether to progress to care proceedings. We should work with partner agencies when making this decision
- Work should be conducted to the same standards of fairness, transparency, and respect as if it were being conducted subject to the scrutiny of the court process
- Access to professional support, including expert legal advice, is essential for professionals and families alike
- Each decision-making stage of this phase should be subject of regular review and oversight by the Head of Service
- Accurate records should be kept throughout the process, written in a way that will help children to understand the reasons decisions were made

#### 4. Local Authority Decision-making

Throughout the steps of our decision-making, the fact legal threshold has been met does not mean it is necessarily right, or proportionate, to arrange a Legal Planning Meeting, proceed to pre-proceedings, or instigate care proceedings. However, pre-proceedings provide an opportunity to work closely with families to support change, narrow the issues and to achieve the best outcome for the relevant child(ren) and pre-proceedings should therefore be promoted for those families where a care application seems likely in the future

Slow progress regarding a child protection plan in itself should not be the driving factor in decision-making and escalation towards pre-proceedings unless this is having a negative impact, taking into account the timescales for the child. Despite the threshold being met, thorough consideration should be given as to what can be done differently to achieve progress without escalating towards the pre-proceedings process and care proceedings.

Decisions should be made based on the individual needs and circumstances of each child, taking into account resilience, vulnerability and protective factors and proportionate approaches. Best practice would be to complete a [parenting assessment](#) during the period of child protection planning before your case consultation with your Head of Service and Legal Planning Meeting. This will help to inform timely care planning decisions for children.

## 5. Family Drug and Alcohol Court (FDAC)

All families where concerns around alcohol and/or drug addictions have been identified should be the subject of a consultation with the FDAC manager to consider the proposed care plan and the family's suitability to proceed through the FDAC process. It is expected that the consultation between the social care team manager and FDAC duty manager will take place within 48 hours of the Legal Planning Meeting taking place. The consultation and subsequent decision are to be clearly recorded on the child's file by the team manager.

## 6. Duration of Pre-proceedings

Duration is dependent on different factors including complexity. There are no statutory time limits and duration should be agreed at the start of the process.

The Public Law Working Group proposal is that the process should not continue for longer than 16 weeks in general, but it is recognised that sometimes this might take longer as the needs and circumstances of families differ.

It will be seen from the flowchart that the Trust aim is to progress pre proceedings within 12 weeks, with an extension to 16 weeks in exceptional circumstances. Any extension to the 12 weeks must be approved by the Head of Service, and the social work team will need to provide evidence of work completed and a clear rationale before this decision can be made.

If agreement is given, then this will need to be reviewed at further legal planning meetings, as agreed by the Head of Service.

## 7. Record Keeping

Keeping an accurate record of each meeting and the PLO 9 – Pre-proceedings Plan is vital. It will be important evidence on the child's file and in care proceedings. It will enable the Court to complete proceedings within 26 weeks when it is available.

It is important to clearly record the rationale for all decisions, so children and young people can understand their histories when they are older. This should include details of direct work and demonstrating how their views informed decisions made about their lives.

## 8. Ending Pre-proceedings

It is important to note that families can be stepped down from the process if it becomes clear that the level of intervention is no longer in the child's interests, or that the threshold concerns have reduced. There should be confidence that the change will last.

The outcome of the process should be summarised and recorded. Only the Head of Service can decide to end pre-proceedings, having taken legal advice.

Whether the decision is to issue care proceedings, or to step down from pre-proceedings, a final pre-proceedings meeting should take place and parents should be informed in writing and advised of next steps.

## 9. Dispute Resolution

There may be occasions when there will be professional differences, either with our internal or external partners, about the outcome decisions made by Legal Planning Meetings. In these circumstances, the Chair must receive a rationale and challenge to the decision in writing within 2 working days of the Legal Planning Meeting. This will then be considered by the Chair who will respond within 2 working days of receiving the challenge. If the matter remains unresolved then the responsible Assistant Director will be notified, and they will be required to make a final decision.

## 10. Expectations when Care Proceedings have been Issued

- The child's social worker should be on time to attend court and give instructions in pre-hearing discussions, and have diary commitments available to make sure the case can be timetabled around these
- Team managers should attend to support social workers who are inexperienced, or where complex issues are likely to come up
- Lawyers will keep social workers informed about who will be representing the Trust. The aim of the Legal Team is to provide consistent representation by the same lawyer during the entire proceedings
- At court, lawyers will keep social workers fully informed of discussions and take instructions on any suggested changes to care plans
- Following hearings the lawyer will create a case plan. All dates for evidence and hearings should be diarised by both the social worker, their team manager and lawyer. The lawyer should send calendar invitations for hearing dates
- Post court, the lawyer will provide an attendance note, the Order and the updated case plan to the social worker
- The lawyer and social worker should include a case planning meeting in the case plan at the point when parenting and kinship assessments are concluded so that legal advice is available for social work decision making

## 11. Legal Team Contact Information

For urgent advice during 9am-5pm, Monday to Friday, contact the duty lawyer on:  
**0121 464 3096**

For urgent advice and representation out of office hours, contact the Legal Team on:

**07833 059425**

For general non-urgent advice, you must get approval from your Head of Service before contacting the legal team

If your Head of Service has approved your enquiry, contact the Legal Team via email at:

[bct.legal.advice@birminghamchildrenstrust.co.uk](mailto:bct.legal.advice@birminghamchildrenstrust.co.uk)

To arrange a Legal Planning Meeting following consideration by the CPO and HOS, requests

should be sent to [leslpmrequests@birmingham.gov.uk](mailto:leslpmrequests@birmingham.gov.uk)



## APPENDIX ONE – THE CHILD’S JOURNEY THROUGH THE PUBLIC LAW OUTLINE (PLO)<sup>1</sup>

### Prior to Legal Planning Meeting

#### Reflective Supervision

When there are concerns about the safety of a child a supervision discussion should take place with the team manager without delay. The discussion should be reflective and consider concerns, strengths, support provided or needed and alternatives.

An impact chronology and genogram should be available to consider during the discussion.

Where there are continuing concerns about the child’s safety the family should be escalated for a Complex Case Discussion with a Head of Service.

A range of [evidence-based practice tools](#) and information about services offered by [Family Group Conference Team](#) and [Family Drug and Alcohol Court](#) are available on the [Practice Hub intranet site](#).

Should it be necessary, it is important to have a recorded discussion about early permanence as part of a single, twin, or triple track care plan for the child(ren). For more information see here: [EP Info Leaflet](#)

To support all decision making a range of legal briefing notes are also available on the [Practice Hub intranet section](#).

[Right Help Right Time](#) Multi-agency Threshold Guidance for Practitioners should be referred to at every stage.

#### Complex Case Discussion with Head of Service

The Head of Service has responsibility for early decision making. Prior to any referral for a Legal Clinic, or Legal Planning Meeting (LPM) a Complex Case Discussion must take place between the team manager, social worker and Head of Service. A recommendation for a discussion can also arise from a Child Protection Conference, Review Conference or a Child in Care Review. [The CCD referral form \(PLO3 \)should be used.](#)

Best practice would be to have a complete or draft [parenting assessment](#) available for your case consultation. This will help to inform whether legal intervention is necessary at this stage or to continue with child protection planning.

Complex Case Discussions are also required where a court has ordered a Section 37 Report in private law cases and an application for a care, or supervision is being proposed, or the decision is very complex.

Discussions should be arranged when progress is not being made on a plan, a child has been injured, or where there are concerns about lack of engagement.

<sup>1</sup> All documents referred to in this guidance can be found in Tri.x Practice Guidance [Pre-proceedings and Court Work](#) and [Adoption \(Early Permanence\)](#) sections

In preparation for the discussion the social worker should provide:

- Evidence of work already carried out with the family, support offered to them and their engagement
- Judgments, or expert assessment from previous proceedings
- A genogram
- A chronology
- Most recent Child Protection Conference and core group minutes/CP plan and reports from agencies.
- Any completed child assessment, including fathers and other family members, to include analysis of capacity to change
- Record/ Plan of Family Group Conference or Family Meeting

The Complex Case Discussion should consider this agenda:

- Parental difficulties including cognitive issues
- Level of seriousness of the harm – proportionality of intervention
- The children’s lived experience, impact on child and likely future impact
- The work completed with the family to date and outcomes
- Support that could be offered to improve things, including a referral to Family Drug and Alcohol Court (FDAC)
- Parental and child engagement and capacity to change
- The engagement of wider family - impact of, or need for Family Group Conference/ Family Meeting
- Whether the child’s safety requires immediate removal
- Any international issues

Head of Service will agree what further action to be taken in order to keep the child safe. This could include:

- If proportionate to the seriousness and immediacy of risks to the child, immediate issue, or other emergency action
- Progress to Legal Clinic or Legal Planning Meeting (LPM) where threshold met
- Referral for, or consultation with FDAC
- Referral for, or consultation with Family Group Conference Service
- Need for advocate and interpreters
- Other actions, including family meetings, viability assessment, any other specialist assessment

Some key points at which a family should be considered for a Legal Planning Meeting are:

- Where a pre-birth conference decides an unborn child is to be made the subject of a child protection plan
- Where a child has a child protection plan and parental engagement with the process, and support services, has been inconsistent and ineffective
- Families who have previously been through the pre-proceeding process and similar concerns re-occur
- Families where the mother or father have had child(ren) removed from their care in the past and there is concern that identified risks persist

The decision for further work will need to strike a balance between providing time to work supportively with the family to address the concerns and undue delay for the child with things escalating to crisis when there is no alternative other than to issue care proceedings.

The Head of Service should record and upload the rationale and decision within 48 hours. This should be saved, or uploaded to the Manager Decision Form in Eclipse.

### Legal Clinic

The purpose of the legal clinic is to provide legal advice on things that don't require a full LPM, or where initial advice prior to LPM is needed. The legal clinics are held on the same day as the LPMs and attended by a senior lawyer.

These clinics are not designed to replace Complex Case Discussions, or LPMs, they are less formal sessions to provide consultation and advice about various legal questions including:

- The detail of a particular matter if there is uncertainty
- Adoption including early permanence - See [EP Procedures](#)
- Adoption
- Private Law
- Child Care Law and practice
- Any concerns about the progress of a case already before the Court
- Consultation if there is a difference of opinion
- Clarification needed regarding the actions required
- Understanding a court judgement and direction

Clinics are agreed by the Head of Service and arranged by Head of Service Business Support/ Case Progression Officer and the lawyer attending the LPMs on that day. The lawyer will send a note of advice to the team manager, CPO and Head of Service within 48 hours of the meeting, which the Team Manager will upload to case notes in Eclipse (/Legal Documents/ Legal Correspondence).

### Legal Planning Meeting

If a decision is made to present a family to LPM the social worker will book a timeslot with the Area Secretary, or Case Progression Officer (CPO) and provide the papers for the LPM, including the [LPM request form PLO 1](#). This will be booked into a weekly LPM slot for the area by the CPO/Secretary.

Paperwork should be submitted to the secretary/CPO no later than 3 days prior to the LPM and is the same as that required for the Complex Case Discussion and should include the record of the discussion.

Paperwork should include:

- Evidence of work already carried out with the family, support offered to them and their engagement
- Judgments, or expert assessment from previous proceedings
- A genogram
- A chronology
- Where early permanence is being considered, please complete the Early Permanence Screening Tool and referral if appropriate, found here: [EP Screening Tool](#)
- Most recent Child Protection conference minutes/CP plan and reports from agencies

- Any completed child assessment, including fathers and other family members, to include analysis of capacity to change
- Record/ Plan of Family Group Conference or Family Meeting

On receipt by the Legal Team the matter will be opened on the legal case management system and allocated to the senior lawyer on the weekly rota for that slot.

If documentation is not provided in advance the Legal Planning Meeting may need to be rescheduled and a notification will be sent to the team manager and / or Head of Service for further action.

The Legal Team Administrator will liaise with the Case Progression Officer/ area Business Support Team to finalise and circulate dates and times of the Legal Planning Meeting.

Each Legal Planning Meeting will be allocated a timeslot

The team manager and social worker should attend at their allocated time with a clear evidenced plan of what is required and what decision is being sought from the Legal Planning Meeting. There is a Legal Planning Meeting [checklist template PLO 2](#) to help practitioners prepare for the meeting.

Urgent, or emergency LPMs should be escalated to a Head of Service for agreement and arranged by Head of Service Business Support/ Case Progression Officer and the Legal Team administrator on [leslpmrequest@birmingham.gov.uk](mailto:leslpmrequest@birmingham.gov.uk)



### The Legal Planning Meeting

The Legal Planning Meeting should be attended by:

- Head of Service (Chair)
- Allocated social worker
- Team manager
- Case Progression Officer
- Senior lawyer from Trust Legal Team
- Other Trust services as needed (FGC, Adoption, Adults, Family and Friends)

If the child's journey is going to continue with a different team then the team manager and social worker from the receiving team should also be present. The meeting will consider all documents submitted be recorded by the lawyer on the LPM Record and Advice template

The Agenda/Record is as for Complex Case Discussion.

Following the meeting the lawyer will provide a written advice on the agreed LPM Minute and Advice template for uploading to Eclipse within 48 hours of the meeting.

The LPM Minutes and Advice provided by legal should be uploaded to Eclipse by the Care Progression Officer in Leg Planning Form in Eclipse.

The Head of Service will decide whether

- No legal action is required
- There should be a deferral for further evidence, including specialist assessments

- To progress to pre-proceedings phase
- To issue immediate care proceedings
- Referral to Adopt Birmingham Family Finding Team for early permanence is required (on Eclipse)

If the pre-proceedings process is initiated, a discussion will take place about what assessments will be completed and what support will be offered within the pre-proceedings process. The timetable should be set out in the record of the meeting and the duration of pre-proceedings will commence from the date of the first meeting.

Timescales will be set for the letter before proceedings to be sent to the family and for the initial pre-proceedings meeting, which must be held within 2 weeks. A date will be set for an internal planning meeting chaired by the Head of Service when assessments are complete. A LPM return date will also be confirmed within 12 weeks when the pre-proceedings process should end, with a decision as to whether legal action will be taken, or not.

If the decision is made to issue proceedings, the child will be allocated to a lawyer in the Legal Team and the social worker and team manager will be informed of the allocation.

[A letter of intent to issue proceedings \(PLO 4\)](#) will be sent to parents by the team manager.

The CPO will track the progress of the PLO/ pre-proceedings process or care proceedings and support with scheduling further meetings as required



#### Before the first pre-proceedings meeting

The BCT [letter before proceedings PLO 5](#) should be sent to the Legal Team if not available at the LPM, immediately after the decision. [Guidance on writing letters PLO 5.1](#) can be found in Tri.x Practice Guidance.

It must be delivered to parents no later than 3 days after the LPM to give them time to understand and take legal advice.

Once approved by the Trust solicitor, the following documents should be appended:

- The Child Protection Plan
- The impact chronology
- [A list of childcare solicitors PLO 6](#)

The content of the letter should also be discussed with the parents.

Judgement should be exercised as to whether a joint pre-proceedings meeting is arranged for parents, or whether this may be unsafe. All parents and carers should be engaged in the process and should be encouraged to obtain legal representation. If parents choose not to, or are not entitled to legal aid, then this should not be a barrier to progress, or to including them in the process. If they do not co-operate, then a timely decision will be needed about what action will be taken.

Early preparation is key to progressing the PLO Pre-Proceedings Plan in a timely way. If the need for an expert report has been identified, a referral to commissioning should be made and the solicitor should be advised of this on allocation so relevant enquiries can start. In pre-proceedings, [a draft letter of instruction PLO 7](#) should be prepared by the social worker for approval by the solicitor before being sent to all parties, along with CVs. Any planned expert assessments can then be

secured on the day of the meeting, once agreed by parents.

There should be a discussion no less than 3 days before the first pre-proceedings meeting involving the social worker, team manager and solicitor who should:

- Ensure all actions identified at LPM have been planned for
- Share an update regarding the identification of expert(s) where applicable
- Check the CP plan is up to date and is consistent with the expectations set out within the letter before proceedings
- Plan deadlines for all assessments and third-party information to be available by
- Confirm that any referrals needed have been completed e.g. for support/advocacy/interpreter, to Family Group Conferencing, or for viability assessments
- Agree an overall timetable for the pre-proceedings process



#### Initial Pre-proceedings Meeting (within 2 weeks of PLO decision)

All pre-proceedings meetings are chaired by the team manager and attended by the social worker, the parents and legal representatives for both parents and the Trust. If the child's journey is going to continue with a different team the social worker from the receiving team should also attend. Where the need has been identified, the parents should be supported by an advocate, or intermediary.

For all PLO meetings during the pre-proceedings process, [the Trust Pre- Proceeding Agenda/Record of meeting PLO 8](#) & the [Planning Form PLO 9](#) should be used to record what is agreed. The team manager is responsible for ensuring the form is completed, that the minutes are an accurate reflection of the discussion that has taken place, and that the form is shared with all parties within 5 days, along with the Child Protection (CP) Plan. Meetings should be supported where available by a minute taker.

There should be opportunity for parents to express their views about proposed plans and contribute their thoughts and ideas to the Local Authority's concerns and proposals. The meeting should address:

- The threshold for proceedings and the parent's acceptance of this (as set out in the letter before proceedings)
- What is working well and can be built upon
- A review of the Child Protection Plan and parent's willingness to work with this
- Assessments proposed, information to be obtained, timescales for this, and parent's agreement
- The child's voice as captured in advance of the meeting
- Contingency planning
- Proposals for family and friends care. Refer to legal briefing – [contacting family and friends where parental consent not given PLO 10](#) if parents will not engage with this

- Dates for future PLO meetings and setting of the timetable for the full pre-proceedings process

Parents may wish to seek legal advice on certain aspects of the plan before agreeing to it. Sufficient time should be allocated when arranging the meeting to enable a break for this to happen.

The meeting record and PLO 9 – Pre-proceedings plan should be uploaded to Eclipse by the team manager within 48 hours of the meeting and sent to parents and their lawyers within 3 working days. It is to be uploaded to the pre-proceedings worklist/ form in Eclipse.

A review date should be set for 6 weeks after the first meeting and the full timetable for pre-proceedings agreed.

Some actions in the pre-proceedings process may require the parent's written consent, e.g. obtaining third party reports. Plans should be made to obtain that consent within 24 hours. The [Consent forms \(PLO 11\)](#) should be used. Any draft letters of instruction should be sent within 48 hours of the meeting.

There are some [additional templates \(PLO 12\)](#) which can be used for formal contact with other agencies.

Locally the Police have signed up to a new disclosure agreement and have agreed to disclosure of relevant information in pre proceedings. The allocated lawyer should make this application using the approved Annex D format.

A parenting assessment must always be completed during pre-proceedings if not one currently NB social work parenting assessments should always be based on the [parenting assessment tool and guidance](#)

Where the plan is to write to family and friends the [BCT precedent letter to family and friends \(PLO 13\)](#) should be used



#### First Pre-proceedings Review Meeting (within 6 weeks of the initial Pre-proceedings meeting)

This meeting should be chaired by the team manager and include parents and the social worker.

The meeting should use the pre-proceedings agenda/record and review the PLO 9 – Pre-proceedings plan.

- Ensure all actions agreed previously have been set in motion and that the pre-proceedings process is on track
- Discuss and measure progress with the CP plan, core groups and PLO plans and consider any changes
- Consider any increase or decrease in concerns for the children's welfare and safety
- Consider whether it is safe for the pre-proceedings process to continue
- The date for the next review should have been set at the initial meeting but should be confirmed

The meeting record and updated support plan should be distributed within 5 working days. It is to be uploaded to the pre-proceedings worklist/ form in Eclipse by the Team Manager.

NB if we have not been able to engage the parents in the required assessments or intervention, or if there is significant delay in securing experts to complete necessary assessments then there should be a discussion with the Assistant Director to consider an early review.



Review LPM within 12 weeks of the initial Pre-Proceedings Meeting)week 12

This meeting should be chaired by the Head of Service and attended by the team manager, social worker, case progression officer, solicitor. Other Trust services should be invited as needed (FGC, Adoption, Adults, Family and Friends). By the time this meeting takes place, assessments should be complete, with all attendees having considered them, although in some cases extensions will need to be agreed by a Head of Service.

The meeting should:

- Ensure all actions initially agreed at LPM have been completed or are being actioned
- Discuss and measure progress with the CP plan and PLO/ pre-proceedings plans
- Consider any increase or decrease in concerns for the children's welfare and safety
- Consider all evidence and assessments available, including specialist assessments, and agree the plan for how pre-proceedings will conclude

A senior lawyer will review the papers in advance and provide advice at the meeting as to the threshold for proceedings and proportionality of intervention, taking into account parent's acceptance of issues and capacity to change. The legal advice provided at this meeting will inform the decision, made by the Head of Service, whether to:

- Step down from pre-proceedings
- Divert to family care/private proceedings where agreed with the family
- Issue care proceedings
- Consider the actions required if the pre-proceedings process isn't on track and whether it is safe and in the children's interests for pre-proceedings to be extended. If an extension is required then revised timescales must be set for outstanding actions, and the overall timetable should be reconsidered. Any revised plan will need to be presented to LPM when the family returns as planned

Following on from this meeting, all assessments prepared must be shared with the parents and their legal representatives, ensuring they have ample time to consider them in advance of the upcoming pre-proceedings meeting.

The lawyer will provide a written advice on the agreed template for uploading to Eclipse within 48 hours of the meeting.

The LPM Minutes and Advice provided by legal should be uploaded to Eclipse by the Care Progression Officer in Leg Planning Form in Eclipse, recording the outcome.





### Final Pre- Proceedings Meeting Week 12-14

This meeting should be chaired by the team manager and attended by parents and their legal representative, social worker and the Trust legal representative. The agenda/record of meeting form and PLO 9 – Pre-proceedings plan should be used to record the meeting and progress in pre-proceedings, which should be distributed to all attendees within 5 days along with the CP Plan.

- This review would normally be timetabled for 12 weeks after the initial pre-proceedings meeting but should be arranged at the start of the pre-proceedings process to fit the date when all assessments are due to be completed. Assessments, including a completed parenting assessment, should be shared with the parents and their legal representatives in advance of this meeting
- There should be reflection about the risks, strengths, progress, and outcome of assessments. The Local Authority’s final recommendation should be communicated to the parents with an explanation about what will happen next
- Where a decision is made to issue proceedings, immediate notification should be sent to the placements team
- If unavoidable delay has occurred, assessments are not complete, and the Head of Service has agreed there is a need to extend the pre-proceedings process, an amended timetable must be discussed, and a further pre-proceedings meeting arranged for when assessments will be complete
- The team manager should upload the updated minutes and the final PLO 9 Pre-proceedings plan to Eclipse in the pre-proceedings worklist/ pre-proceedings form



### Issuing Care Proceedings

A timetable will be set at the LPM, or during the pre-proceedings process The

Social Work Team will need to draft/provide:

- [The social work evidence template including the chronology](#)
- [Interim Care Plan](#)
- Childs birth certificate – Essential
- All parenting assessments and kinship viability or full assessments and Pre-proceeding records. Where pre-proceedings has taken place the final version of the PLO 9 – Pre-proceedings Plan should be filed.

Where assessments have taken place in pre-proceedings and issuing care proceedings, the evidence and care plan should set out what is proposed in relation to any further assessments in the Case Management Issues and Proposals Section of the SWET.

Where no assessment has taken place, it is essential that there is a [parenting assessment plan](#) for the first hearing.



### Care Proceedings

Further guidance on proceedings post issue can be found in the main Tri.x policy [7.13 Court Proceedings](#)

It is a statutory requirement for each application to be concluded within 26 weeks. The Children Act 1989 requires a court to have regard to the principle that any delay in determining a question regarding the upbringing of a child is likely to prejudice the child's welfare.

There has been much work nationally and locally to change culture to reach these goals and there is some essential material that every lawyer and social worker involved in public law proceedings should understand.

There is a national [PLO flowchart \(PLO 15\)](#)

Locally we have agreed [practice guidance and timelines with Cafcass \(PLO 16\)](#)

[Nationally \(PLO 17\)](#) and [Locally \(PLO 18\)](#) the Courts have given strong guidance to all involved about the role of the Court and the importance of relying on the social worker and Guardian and reducing the use of experts.

[Further timelines](#) have been agreed with the Judiciary locally to achieve consistency for all steps in proceeding and it is essential that we comply with these agreed timescales.

### The Target Timeline (any extension to this must be agreed by Head of Service)

|                                     |   |                                      |
|-------------------------------------|---|--------------------------------------|
|                                     | Decision to initiate the Pre-proceedings process at LPM   | PLANNING & PREPARATION               |
|                                     | Letter before proceedings to be shared with parents within 3 days of the decision   |                                      |
| Timescales for Pre-proceeding begin | Initial PLO meeting to be held within 14 days of the decision   | INFORMATION GATHERING AND ASSESSMENT |
| Week 2                              |   |                                      |
| Week 3                              |   |                                      |
| Week 8                              | PLO review meeting  |                                      |
| Week 9                              | Assessments complete, including draft parenting assessment  |                                      |
| By Week 12                          | Internal LPM to take place chaired by Head of Service to finalise plan<br>Share assessments, including parenting assessment, with parents |                                      |
| Week 12                             | Final PLO meeting with parents<br>Decision communicated<br>Letter of issue where plan to issue  | FORMULATING AND RATIFYING PLAN       |
| Week 14                             | Where plan to issue Care Proceedings issue via Portal   |                                      |

## APPENDIX TWO – LETTER BEFORE PROCEEDINGS

Our Ref:  
Your Ref:  
Tel:

SENT BY [RECORDED DELIVERY/BY HAND]

**IMPORTANT- PLEASE DO NOT IGNORE THIS LETTER**

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

### **[Insert name(s) of child(ren)]- letter before proceedings**

*[insert name of social worker]* has been very concerned about your care of *[insert names(s) of child(ren)]* for some time. Things have not improved enough, and we are so worried we may need to go to Court to ask for your child *(ren)* to be removed from your care.

There are things that you can do to stop this from happening, and we are writing to you now to give you a last chance to make the changes needed to make sure the children are safe.

We are worried because *[insert names(s) of child(ren)]* have; -

*below are some simply worded examples of our worries that you can use, or you can describe our concerns yourself*

*Been frightened when they have witnessed domestic abuse.*

*Been in your care when you have been drunk or under the influence of substances.*

*Been missing meals and have not been bathed or showered regularly.*

*Received bruises and marks when you have told them off or attempted to discipline them.*

*Been left in the care of an adult who presents a risk of sexual harm to children.*

We are writing to you now to give you a last chance to make the changes to make sure *[insert names(s) of child(ren)] is/are* safe, otherwise we will apply to Court to ask for them to be removed from your care. It will then be for the Court to decide what is best for them.

### **What you must do so that we will not go to Court**

Come to a meeting on *[insert date and time]* at the *[insert name of office]* to talk about these concerns. The address is *[insert address]* and there is a map with this letter to help you find it.

At the meeting we will talk to you about how we *[are going to help you/will continue to help you]* We will also let you know what we think you need to do to make your *[child/ren]* safer, who in your family could look after your child(ren) if you are not able to and what will happen next if we continue to be worried about *[insert names(s) of child(ren)]*

The Trust is proposing to give you a written assessment plan and agreement. This will tell you how you need to work with us and other services while we complete an assessment. The assessment will help us to make a decision about whether you can keep *[insert names(s) of child(ren)]* safe and if we will apply to Court. We will aim to complete this assessment by *[insert date]*

We are proposing to include the following in the agreement:

*List expectations, e.g.*

- *When the assessment will be completed by*
- *What parents need to do to keep children safe during the assessment (eg reporting incidents of domestic abuse, having hair strand drug tests, not using alcohol when caring for children, making sure they attend school every day, making sure they have clean clothing*
- *Date for completion of any viability assessments of family members*

## **Get a Solicitor**

It is really important that you get advice from a Solicitor who specialises in family law as soon as possible.

You have the right to bring your solicitor with you to the meeting, if you give them this letter you will not have to pay. It is really important that you get advice from a solicitor who specialises in family law as soon as possible. They will help you to understand the situation and advise you about your rights and your options.

The Trust's legal contact is *[insert name]* and their contact details are *[insert address and telephone number]*. Your solicitor will need this information.

If you do not have a solicitor you can find one through the Law Society Website find a solicitor service. We have also included a list of solicitor's firms who are members of the Law Society's Children Law Accreditation Scheme with this letter.

## **Get your wider family involved**

Our concerns about *[insert names(s) of child(ren)]* are very serious.

If we do have to go to Court and the Court decides you cannot care for *[insert names(s) of child(ren)]* we will always look to for them to live with one of your relatives or a close friend if this is safe for them.

At the meeting we will discuss with you and your solicitors which family members you would propose could care for the children if the Court decides it isn't safe for them to stay in your care.

If you have relatives who could care but you don't want us to speak to them we will consider this but may decide that it is in the children's best interests to have a discussion with them, but we will always take your views into account.

### **If you need support to attend the meeting**

I know this will be a difficult letter to read and I know that this meeting will feel frightening. I really would like to see you there and will support you to attend however I can. If you need some help with childcare, or transport to the meeting, do let your social worker know and we will try to help.

### **Please do not ignore this letter**

If you do nothing we will have to go to Court. If you do not answer this letter or come to the meeting, we will go to Court as soon as we can to make sure *[insert names(s) of child(ren)]* are safe. Please contact your child's social worker *[insert name]* on *[insert telephone number]* to tell us if you will come to the meeting.

If you do not understand any part of this letter, please contact your child's social worker on *[insert telephone number]*.


Yours faithfully

*[insert name]*  
Team Manager  
*[insert Local office/service]*

cc social worker *[insert name]*  
Children's Trust Legal Team *[insert name]*

Enc Map of office  
List of solicitors' firms who are members of the Law Society's Children Law Accreditation Scheme

## APPENDIX THREE – PLO 9 PRE-PROCEEDINGS PLAN AND AGREEMENT

|  |  |
|--|--|
|                                 | <b>BIRMINGHAM<br/>CHILDREN'S TRUST</b> |
| <h1 style="margin: 0;">BIRMINGHAM CHILDREN'S TRUST</h1> <h2 style="margin: 0;">PLO 9 - Pre-proceedings Plan</h2> |  |
| <b>Family composition</b>  |  |
| <b>The child(ren)</b>  |  |
| Name:  | Date of birth:                         |
| Name:  | Date of birth:                         |
| Name:  | Date of birth:                         |
| <b>The parents</b>   |  |
| Mother:  | Date of birth:                         |
| Father:  | Date of birth:                         |
| <b>Other people who are important</b>  |  |
| Name:  | Relationship to the child(ren):        |
| Name:  | Relationship to the child(ren):        |

|   |
|---|
| <b>Professionals involved with the family</b> |
| 1. Children's social worker:                  |
| 2. Assistant/Team manager:                    |

|  |
|--|
| <b>3. Health visitor:</b>                          |
| <b>4. School:</b>                                  |
| <b>5. Support workers:</b>                         |
| <b>6. Advocates/intermediary:</b>                  |
| <b>7. CAMHS or mental health service:</b>          |
| <b>8. Any other relevant professionals/agency:</b> |

### Duration of the Pre-proceedings Process

*The duration should be agreed and set at the first meeting. This is bespoke timeframe for the family and ideally should not last longer than 12 weeks*

|   |  |
|---|--|
| <b>First Pre-proceedings meeting</b>            |  |
| <b>First Pre-proceedings review meeting</b>     |  |
| <b>Review Legal Planning Meeting</b>            |  |
| <b>Second Pre-proceedings review meeting</b>    |  |
| <b>Target finish date</b>                       |  |
| <b>Date of decision to extend (and reasons)</b> |  |

### Expectations

These were discussed at the first Pre-proceedings meeting and any changes are recorded below.

|           |  |
|-----------|--|
| <b>1.</b> |  |
| <b>2.</b> |  |
| <b>3.</b> |  |

|    |  |
|----|--|
| 4. |  |
| 5. |  |

| <b>Family Group Conference (or similar)</b>   |  |
|---|--|
| <b>Has there been FGC (or similar) held prior to starting Pre-proceedings:</b>                        |  |
| Yes / No  |  |
| <b>Outcome:</b>   |  |
| <b>At the first Pre-proceedings meeting the child(ren)'s mother put forward the following people:</b> |  |
| 1.  |  |
| 2.  |  |
| 3.  |  |
| <b>At the first Pre-proceedings meeting the child(ren)'s father put forward the following people:</b> |  |
| 1.  |  |
| 2.  |  |
| 3.  |  |
| <b>The social worker will make the referral for a FGC (or similar) by:</b>                            |  |
| <b>Date of the FGC (or similar):</b>  |  |
| <b>Outcome of the FGC (or similar):</b>   |  |
| <b>If a FGC (or similar) did not take place, explain the reasons why:</b>                             |  |



| Agreed Assessments   | Date |
|--|------|
| Type of Assessment: Hair strand testing  |      |
| To be tested for [ <i>specify substances</i> ] for three months on a month by month basis to include liver function testing if testing for alcohol |      |
| To be completed by   |      |

| Type of Assessment: Expert assessment     |                        |
|---|------------------------|
| Is there a need for an expert assessment? | YES / NO               |
| Name of expert agreed:                    | Type of expert agreed: |
| Letter of Instruction by                  | Date:                  |
| To be completed by                        | Date:                  |

| Type of Assessment: C&F Assessment (new or update) |       |
|--|-------|
| Name of social worker                              |       |
| To be completed by                                 | Date: |

| Type of Assessment: Sibling Assessment    |          |
|---|----------|
| Is there a need for a sibling assessment? | YES / NO |
| To be completed by                        | Date:    |

| Type of Assessment: Screening assessments                 |  |
|---|--|
| Names of family and friends put forward by the parent(s): |  |
| 1.  |  |

|  |  |                 |                 |
|--|--|-----------------|-----------------|
|  |  |                 |                 |
| 2.   |  |                 |                 |
| 3.   |  |                 |                 |
| <b>To be completed by</b>                    | <b>Date:</b>   |                 |                 |
| <b>Outcome: Positive/negative</b>            | <table border="1"> <tr> <td><b>Positive</b></td> <td><b>Negative</b></td> </tr> </table> | <b>Positive</b> | <b>Negative</b> |
| <b>Positive</b>                              | <b>Negative</b>  |                 |                 |
| <b>Referred to Connected Persons Team on</b> | <b>Date:</b>   |                 |                 |

|  |              |
|--|--------------|
| <b>Supports/ interventions</b><br><i>e.g. therapy, domestic abuse work, drug and alcohol service</i> | <b>Date:</b> |
| <b>Type of support/ intervention:</b>  |              |
| <b>Referral made:</b>  |              |
| <b>Start date:</b>   |              |
| <b>Expected completion date:</b>   |              |
| <b>Who will provide the service:</b>   |              |
| <b>Which parent will engage:</b>   |              |
| <b>Supports/ interventions</b><br><i>e.g. therapy, domestic abuse work, drug and alcohol service</i> | <b>Date:</b> |
| <b>Type of support/ intervention:</b>  |              |
| <b>Referral made:</b>  |              |
| <b>Start date:</b>   |              |
| <b>Expected completion date:</b>   |              |
| <b>Who will provide the service:</b>   |              |
| <b>Which parent will engage:</b>   |              |

| <b>What may lead to proceedings being issued?</b>   |
|---|
| <i>Please identify what may lead to the local authority issuing proceedings (e.g. ineffective/unproductive engagement by a parent or persons being assessed causing issues of safety with the need to remove the child(ren) from the care of their parents)</i> |
| 1. If the child(ren)'s safety demands it.   |
| 2. If the parents do not work with professionals to make positive changes and there is a need to remove the child(ren) from the care of their parents.  |

| <b>Signatures</b>      |            |      |
|------------------------|------------|------|
| Signature              | Print name | Date |
| Mother:                |            |      |
| Father:                |            |      |
| Social worker:         |            |      |
| Team manager:          |            |      |
| Advocate/intermediary: |            |      |
| on behalf of :         |            |      |

| <b>Record of the outcome of the Pre-proceedings</b>                                 |     |    |
|---|-----|----|
| Court Proceedings to be issued  | Yes | No |
| Please record detail of the outcome of Pre-proceedings and the next steps that will |     |    |

**be taken:**