

Practice Guidance for Pre-Proceedings

February 2023

Review: February 2024

In the Public Law Working Group Final Report *Recommendations to achieve best practice in the child protection and family justice systems* published in March 2021, the following is noted:

'For the vast majority of families, however, their support and care will rest with family and community support, sometimes alongside that of a variety of different agencies. Only a small minority require the support and intervention of local authority social workers. For every family involved in family court processes there are many more families who will successfully work and engage with local authority intervention. The work of local authority social work teams is key to supporting families.' p.27

'Care Proceedings in England: the case for Clear Blue Water' summarised the following:

- *This policy briefing argues that families subject to thin, red line decisions, where the decision to remove a child from his or her parents could go either way, should be diverted away from Court. There should be clear blue water between children brought into care proceedings and other children considered to be at risk of significant harm.*
- *Stronger family focused practice, better decision making and more sophisticated and tailored support services, should create clear blue water between the standard of care and protection given to a child involved in public court proceedings compared to the care and protection of other local children considered to be at risk of significant harm.*
- *The legal principle of No Order should be more readily applied in practice. The use of voluntary accommodation should be reclaimed as a legitimate and respected support service to families for the long-term care of children. Shared care should be developed and incentivised, so that where safety allows, parents and extended family in partnership with the State, are fully supported to look after children within their own family networks.*

Section 31 of the Children Act 1989, states a court may only make a Care Order or Supervision Order if it is satisfied that the Threshold Criteria have been met. There is a 26-week time limit for the completion of care and supervision proceedings. This



places an increased emphasis on pre-proceedings work, including the quality of assessments, support given to families and decision-making for children.

In North Somerset, Legal Panel is the forum where decisions in respect of pre-proceedings and proceedings are made.

1. Public Law Outline

The Public Law Outline (PLO) brings together a series of steps that ensure the professionals working with children and their families can explore all the realistic opportunities to achieve the best outcome for their child. This includes the pre-proceedings process. The fundamental purpose of pre-proceedings is a further opportunity to work closely with families to 'narrow the issues' with the main aim being to achieve the best outcome for the child.

The pre-proceedings process should involve clear communication with the family about identified worries and the expectation of all of those who are involved in the process, including clear timescales to prevent drift. It is essential that practitioners both view and approach this phase not simply as a procedural step prior to issuing proceedings: pre-proceedings is an intervention and an opportunity to provide support as a final chance to reduce harm to children by supporting change. Every effort should be made to create the conditions for success and secure improved and sustained outcomes for children.

2. Letter Before Proceedings

When the Local Authority is worried about a child and the plan in place is not succeeding in reducing harm to the child then legal advice should be sought to consider if the threshold has been met for the PLO (to issue care proceedings or enter pre-proceedings). Once approval has been gained, a request will be made for advice at legal panel. The strengths and worries will be discussed at this meeting. Care options will need to be considered in the context of the safety plan and how the family network is involved in this, to enable a decision to be made by the chair of the panel regarding pre-proceedings or court proceedings.

When the threshold of concern is reached and a decision has been made that pre-proceedings is the most appropriate process, the parents (and any carers with parental responsibility) are provided with a "Letter Before Proceedings", which outlines the concerns, advises of actions that need to be taken, how quickly they are required and invites the parents to a pre-proceedings meeting.

Throughout the pre-proceedings process, every effort should be made by all professionals who are part of the care team or core group to work with the family and network to develop safety plans, involve the family network and create the conditions for success that can effect and sustain change.

3. Pre-Proceedings Meeting

The pre-proceedings meeting will be chaired by the Team Manager, and in attendance will be the Social Worker, a Local Authority legal representative, the parent, their legal representative and anyone else required for the purpose of advocacy/support.

The aim of the meeting is to:

- Ensure the parent has understood the pre-proceedings letter and the reason for the meeting.
- Ascertain the parent's understanding of the concerns the local authority holds about their child/ren.
- Review the current safety plan to see if there are points on the plan that the parent agrees will provide the most immediate change/safety for their child/ren, including identifying support from the family network and how they can help to support/care for the child/ren.
- Consider contingency/back up plans for the child/ren's care, should this be required, and agree relevant assessments.
- Describe what support and intervention the Local Authority and other professionals will provide to the parents while they focus on the immediate change work.
- Discuss and agree any additional assessment work and the timetable for this work.

The purpose is to reach a plan that will meet the child/ren's needs to keep them safe and well without having to go to court to seek a legal order. It is often possible to reach agreement about what needs to happen to protect the child from harm so that court proceedings and orders are avoided. If the worries are so great and there can be no safety plan put in place that everyone can agree to, then court proceedings may be initiated, and the pre-proceedings meeting will be a formal forum where the parent is advised of this.

North Somerset children's social care use the signs of safety practice model, which promotes strengths-based practice and language that ensures professional jargon is removed from conversations. The agenda for this meeting is at **Appendix 1**.

4. Review of Pre-Proceedings

The duration of the pre-proceedings process should not exceed 16 weeks. Progress will be reviewed at a mid-point Review LPM, Permanence Tracker and Care and Resource Panel. Any extension beyond 16 weeks must be agreed at the Review LPM by the Head of Service.

Should progress be made that reduces the concerns about the child/ren's safety and wellbeing, the family can be stepped out of the pre-proceedings process. This decision is made at a Review LPM and the success noted by clarifying the

conclusion of the process to the parents/carers and their lawyers at a review pre-proceedings meeting or by formal letter after a home visit.

Should the concerns escalate, it may be necessary to issue proceedings. This recommendation from the pre-proceedings process should be brought to Review LPM, where the decision to issue proceedings is made. Confirmation of this decision will be shared with parents/carers and their lawyers at a review pre-proceedings meeting unless this is not possible due to any urgent need for issuing care proceedings.

Appendix 1

INITIAL PRE-PROCEEDINGS MEETING AGENDA

CHILD/REN: *****

PARENT: *** (Mother / Father / Other)

PARENT'S LEGAL REPRESENTATIVE: (Name) of (Firm), Title

1. Team Manager – introductions.

2. Team Manager - confirmation letter (and Parenting Assessment Plan if sent out with the letter) received and reviewed with legal representative.

3. Team Manager – confirm decision to enter pre-proceedings, which is a legal process. The aim of this process is to work alongside the parent and the family network to offer help and support whilst assessments are completed. This will assist the local authority to understand if change is possible to enable the child/ren to remain at home with the parent. If the parent is able to make the changes needed, we can avoid going to court.

4. Social Worker – provide brief summary, in line with letter in relation to:

- a. what is working well;
- b. what we are worried about;
- c. what we have done to help;
- d. what more we are able to do/offer in line with the assessment of need for the child/ren.

5. Team Manager – explain process lasts up to 16 weeks, could be extended if necessary, during which time we will need the parent to do things to create more safety for the child/ren and avoid us going to court.

Review points in the letter, seeking agreement to each one and asking if there are:

- a. any which the parent does not understand and seeks to clarify;
- b. any further names of family and friends to be approached, exploring the genogram/s.

6. Legal representative for parent – questions / comments.

7. Legal representative for local authority - questions / clarification / next steps (pre-proceedings plan & consent form).

8. Team Manager –

- a. confirm engagement is required to avoid going to court;
- b. confirm timescale for the pre-proceedings process;
- c. agree date of RPPM and all diarise (during Week 16, prior to end date, per Timeline Overview spreadsheet).