**Practice Guidance for the Public Law Outline (PLO)**

|  |  |
| --- | --- |
| **Contents** | Page |
| **Pre-Proceedings Under the Public Law Outline** | **3** |
| 1.1 Introduction | **3** |
| 1.2 What Happens when the Child/Unborn Child’s Situation is Not Improving, and They Remain at Risk of Harm? | **3** |
| 1.3 If the Threshold Criteria is Met at Legal Gateway Panel to Enter into Pre-Proceedings, What Happens Next? | **4** |
| 1.4 The Letter Before Proceedings | **4** |
| 1.5 The Pre-Proceedings Meeting | **5** |
| 1.6 Pre-Proceedings Review Meetings and Pre-Planning Meeting | **7** |
| 1.7 Conclusion of the Pre-Proceedings Process | **8** |
|  |  |
| **Starting Care or Supervision Proceedings** | **8** |
| 2.1 Pre-Birth Planning and Proceedings | **9** |
| 2.2 Good Practice Steps | **10** |
|  |  |
| **Documentation** | **11** |
| 3.1 Documents to be Filed with the Court | **12** |
| 3.2 Documents to be Served on the Other Parties | **12** |
| 3.3 Documents to be Disclosed on Request by Any Party | **13** |
| 3.4 Documents by the Local Authority Solicitor | **13** |
| 3.5 Documents by the Social Worker | **13** |
| 3.6 Good Practice Steps for Completing the Social Work Evidence Template (SWET) | **14** |
| 3.7 The Child’s Guardian | **15** |
| 3.8 The Parents’ Response | **16** |
| 3.9 Final Care Plan | **17** |
|  |  |
| **Court Hearings** | **19** |
| 4.1 Timetable for the Proceedings | **19** |
| 4.2 Use of Experts | **20** |
|  |  |
| **Good Local Authority Practice During Proceedings** | **21** |
|  |  |
| **Appendix A: Legal Gateway Panel Terms of Reference** | **23** |
| **Appendix B: Letter Before Proceedings** | **23** |
| **Appendix C: Pre-Proceedings Agreement** | **23** |

**Pre-Proceedings Under the Public Law Outline**

**1.1 Introduction**

At the point safeguarding concerns are identified for a child, it is likely to be a stressful time for both the child and their parents. Early engagement with parents using restorative approaches in the Child in Need / Child Protection process is vital, as well as ensuring that the child is kept age appropriately informed of all planned actions.

During this time, it is important that parents are encouraged to take up an offer of a Family Group Conference, as wider family can play an important role in supporting the child and parents in addressing identified problems. Also, in circumstances where there is an escalation in safeguarding concerns leading to the child being unable to live safely with a parent, the Local Authority should seek to place the child with a family member, where safe to do so. (See [**Family and Friends Care Policy**](https://dudleychildcare.proceduresonline.com/p_fam_frien_care_pol.html)).

Assessments should be completed and kept under review, with due regard being given to any issues, such as the parent’s level of understanding, while also clearly identifying the issues of concern along with agreed timescales for the reviewing progress. (See [**Good Practice Guidance on Working with Parents with a Learning Disability (2007)**](https://www.bristol.ac.uk/media-library/sites/sps/documents/wtpn/2016%20WTPN%20UPDATE%20OF%20THE%20GPG%20-%20finalised%20with%20cover.pdf)), (see also [**President of the Family Division, Family Proceedings: Parents with a Learning Disability**](https://www.judiciary.gov.uk/publications/family-proceedings-parents-with-a-learning-disability/)).

**1.2 What Happens when the Child/Unborn Child’s Situation is Not Improving, and They Remain at Risk of Harm?**

In cases where the child / unborn child’s situation does not improve and they continue to remain at risk of harm despite efforts to address concerns, the Local Authority must decide, in consultation with other involved agencies, whether legal advice is sought to establish whether the Threshold Criteria is met, and the child is to become subject to Pre-Proceedings. Pre-proceedings is a stage of the Public Law Outline (PLO) (see [**Public Law Outline (2014)**](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12a)). It is the final window of opportunity for parents to work with the Local Authority and professionals to improve the child’s situation, in a legal context.

Part of this decision-making process will include attendance at the Legal Gateway Panel (see **Appendix A: Legal Gateway Panel Terms of Reference**). With the permission of the relevant Service Manager, a referral should be made to the Legal Gateway Panel, where the panel, including a legal representative, will advise whether the child’s circumstances meet the Threshold Criteria, and Pre-Proceedings should be initiated. For unborn children, this referral should ideally be held at or before 22 weeks into the pregnancy.

The Legal Gateway Panel also acts as the legal planning meeting (see [**Legal Gateway Meetings Procedure**](https://dudleychildcare.proceduresonline.com/p_legal_planning_meetings.html) and **Appendix A: Legal Gateway Panel Terms of Reference**).

**1.3 If the Threshold Criteria is Met at Legal Gateway Panel to Enter into Pre-Proceedings, What Happens Next?**

The Local Authority will send a Letter Before Proceedings to parents and anyone with parental responsibility. The format of this letter is prescribed and cannot be altered, and advises that proceedings are being contemplated. (See **Appendix B: Letter Before Proceedings**).

**1.4 The Letter Before Proceedings**

* The letter should go out within 3 – 5 working days of Legal Gateway Panel giving permission for Pre-Proceedings to commence.
* The letter should be accompanied by an up to date list of relevant solicitors in the local area who specialise in child care cases. The letter allows the parents to receive free legal advice and representation for the Pre-Proceedings process.
* Wherever possible, the Social Worker should ensure they identify both the mother and father of the child – even if, up to now, they have played no part in the child’s life – and are both sent copies of the letter.
* The letter should be written in plain language and clearly highlight the Local Authority’s concerns which need addressing to ensure the child’s safety.
* A summary of what support has already been provided to the parents should be included, along with information about what parents need to do, and what support will be provided, to avoid Care Proceedings – including clear and realistic timescales.
* It is also advisable to attach with the letter a separate Pre-Proceedings Plan which sets out clear expectations of the parents and of the Local Authority, so that the parents’ Solicitor can advise them of the plan, ahead of the Pre-Proceedings Meeting (see **Appendix C: Pre-Proceedings Agreement**).
* The letter should be reviewed and authorised by the Team Manager.
* Where possible, best practice would be to hand deliver the letter and provide parents with a verbal explanation of what actions they should take. If this is not possible, then the letter should be posted to the parent via recorded delivery, and a follow up phone call made to explain the process.

**1.5 Pre-Proceedings Meeting**

The Pre-Proceedings meeting should take place no more than 7 working days after the parent receives the letter, allowing time for parents to seek legal advice and ensure a solicitor is available to represent them at the meeting. Dependant on circumstances, if there is a risk to one party by both parents being in the same room, it may be necessary to hold separate meetings for each parent.

The timing of the meeting should be carefully considered to ensure it does not clash with any other meetings the parent has to attend, i.e. Core Group Meetings, Review Child Protection Conferences. Parents should be supported in understanding the distinction between the Pre-Proceedings Meeting and others they attend.

The Pre-Proceedings meeting is chaired by the Team Manager and attended by:

* The parent(s);
* Any person with parental responsibility;
* Their Solicitor;
* Social Worker.

The Local Authority Solicitor is not required to attend this meeting, however will often do so if parents’ bring legal representation. If the Social Worker requires legal advice during the Pre-Proceedings Meeting, the Local Authority Solicitor will provide this advice away from the meeting.

A child may attend the meeting if they are of an age and have capacity to contribute to the Pre-Proceedings process. They are however not entitled to free legal advice, so it is the duty of the Local Authority to identify support or an advocate for the child.

The draft Pre-Proceedings Plan, included in the Pre Proceedings letter, should be made available at the meeting and where possible, signed by the parent. As this plan focuses on the ‘bottom line concerns’ for the child, it will supersede the Child in Need or Child Protection Plan - however parents’ engagement with all plans should be encouraged. If a Family Plan has been developed through a Family Group Conference, this should run concurrently with the safeguarding plan. If a Family Group Conference has not already been held, then wider family members should be identified within the Pre-Proceedings Meeting.

The plan should specify what assessments and services the parents should engage in, along with timescales for completion. It should also set out what support the Local Authority will provide the family. Dates for review and conclusion of the Pre Proceedings process should be identified along with a clear outline of what steps the Local Authority will take at the end of the process – dependant on the progress of the plan.

Consideration should be given within the plan as to whether expert assessments are required, e.g. substance misuse testing, DNA testing, or a psychological assessment. At this stage, it is the responsibility of the Local Authority to finance such assessments.

Minutes of the Pre-Proceedings Meeting should be recorded - these should include the parent’s responses to the plan and any concerns raised. The minutes should be distributed within 5 working days to all attendees.

**1.6 Pre Proceedings Review Meetings and Pre Planning Meetings**

A date for the Pre Proceedings Review Meeting should be set at the end of the Pre-Proceedings Meeting, and should take place within 6-8 weeks. A final Pre-Planning Meeting should also take place within 12-16 weeks, i.e. 6-8 weeks after the Pre Proceedings Review Meeting. **The timescales are subject to the needs of the child and the progress made by the parent, therefore Pre-Proceedings can be concluded sooner.** Progress against the plan is usually reviewed at Legal Gateway Panel the Friday before the first scheduled review meeting and final Pre-Planning meeting. This will consider the impact of assessments on the Threshold Criteria, parallel planning, and any developments influencing the care plan.

Under the Pre-Proceedings process, the Local Authority must actively consider family and friends who can potentially provide support to the parents, or care for the child. If a child cannot remain in the care of their parent, the Local Authority has a duty to consider, in the first instance, placement with family members and friends.

Local Authorities will use family meetings or Family Group Conferences (FGC) to include wider family members in the decision-making process and to identify alternative family carers and support. Family Group Conferences are a voluntary process and meetings are normally organised by a Family Group Co-ordinator.

If the child is looked after and preliminary assessments of family members are positive, the Local Authority will normally complete a Connected Person’s Assessment, which can be converted into a Fostering Assessment / Special Guardianship Assessment if required.

**1.7 Conclusion of the Pre-Proceedings Process**

The outcome of the Pre-Proceedings process will either be: -

* The parent is meeting the needs of their child and a decision is made to end the Pre Proceedings process. A clear recommendation should be recorded as to whether the child will be subject to a Child Protection Plan, a Child in Need Plan, or the case closed to the social work service;
* The parents have not made meaningful changes, the child’s situation has not improved, and the child is unable to remain in the care of the parents, therefore the Local Authority will be issuing Care Proceedings. The Pre Proceedings process should have identified the issues to be litigated on during the Care Proceedings;
* If there has been a positive assessment of a family member - and parents do not oppose the child being placed with that family member - they can make their own application for a Special Guardianship Order or a Child Arrangement’s Order.

All Pre Proceedings activity should be recorded clearly on the child’s electronic file on Liquid Logic (LCS). All standalone documents (not those generated by and saved within Liquid Logic) should be uploaded to the child’s file, e.g. minutes of meetings, letters, copies of assessments.

**Starting Care or Supervision Proceedings**

Before a decision can be made to initiate Care or Supervision Proceedings, approval should be obtained from Legal Gateway Panel, or in an emergency, the Head of Service. Once this decision has been made, the Social Worker should send a Letter of Issue to the parent / those with parental responsibility and their Solicitor. This letter states that Proceedings are being initiated (see [**Letter of Issue**](https://dudleychildcare.proceduresonline.com/files/letter_of_issue_template.docx) template).

In some cases, the level of concern about a child's welfare may require rapid and immediate recourse to the courts, and there may not be time for a Pre Proceedings Meeting and the collation of all documentation prior to such an application. A lack of documentation should never prevent a case being brought to court quickly where this is essential to protect the child's welfare. Such cases should never be the norm, however, and where a particular piece of documentation cannot be supplied immediately, the Local Authority should state on the application form the reasons why it cannot be included, and confirm the date when the documents will be submitted to the court.

For cases where short notice hearings must be attended, an abridged Social Work Evidence Template has been developed - see [**Social Work Initial Evidence Template**](https://adcs.org.uk/assets/documentation/Short_SWET_March_2021_FINAL.docx)(first published March 2021). For guidance on how to complete the Social Work Evidence Template (SWET) see [**SWET guidance**](https://adcs.org.uk/assets/documentation/SWET_guidance_March2021_FINAL.pdf) (first published March 2021).

**2.1 Pre-Birth Planning and Proceedings**

For Pre-Birth Planning, best practice prescribes;

In all but the most exceptional and unusual circumstances, Local Authorities should make applications for public law proceedings in respect of new born babies timeously and, where the circumstances require the removal of the child from their parent(s), within at most 5 days of the child’s birth.

Best practice prescribes:

* A Risk assessment of the parent(s) should be commenced immediately upon Local Authority being made aware of the mother’s pregnancy;
* The Assessment should be completed at least 4 weeks before the expected delivery date;
* The Assessment should be updated to take into account relevant events pre and post delivery, where these events could affect an initial conclusion in respect of risk and care planning of the child;
* The Assessment should be disclosed upon initial completion to the parents and, if instructed, to their Solicitor, to give them opportunity to challenge the Care Plan and risk assessment;
* The Social Work Team should provide all relevant documentation necessary to the Local Authority Legal Adviser to issue Proceedings no less than 7 days before the expected date of delivery;
* Legal Services should issue on the day of the birth, and certainly no later than 24 hours after the birth (or the date on which the Local Authority is notified of the birth);
* Immediately on issue, or before, the Local Authority Solicitor should serve the applications and supporting evidence on the parents and, if instructed, their respective solicitors. They should have sought an initial hearing date from the Court, or the best estimate that its solicitors could have provided. The fact that a hospital is prepared to keep a new born baby is not a reason to delay making an application for an Interim Care Order (ICO). The hospital may not detain a baby against the wishes of a parent/s with Parental Responsibility, and the capability of a maternity unit to accommodate a healthy child can change within hours and is dependent upon demand.
* Any additional evidence (e.g. from the maternity unit) should not delay the issuing of proceedings and may be provided subsequently.

**Documentation**

In the Public Law Outline, both the filing and service of documents is more focused, with a concentration on what is relevant, central and key, rather than what is peripheral or historical. Local authority materials are expected to be:

* Much shorter than previously, and they should be more focused on analysis, than description of history and narrative;
* Documents should be recent - restricted to the most recent, limited to those from the last 2 years. Documents need not be served or listed if they are older than 2 years before issue of the proceedings, unless reliance is placed on them in the local authority’s evidence; and
* Documents must be focused and succinct, with a concentration on what is relevant, central and key, rather than what is peripheral or historical. Both the social work chronology and the summary of the background circumstances as set out in the Social Work Statement must be kept appropriately short (no more than 20 sheets and sides of A4 paper unless specifically directed by the court - this is exclusive of exhibits), focusing on the key significant historical events and concerns and rigorously avoiding all unnecessary detail.

**3.1 Documents to be Filed with the Court**

The following documents should be attached to the application filed with the court on Day 1:

* The Social Work chronology;
* The Social Work Statement (SWET) and genogram – including any early identification of Connected Carers;
* Any current Assessment relating to the child and/or the family and friends of the child to which the social work statement refers and on which the Local Authority relies;
* The Care Plan;
* Index of checklist documents.

**3.2 Documents to be Served on the Other Parties**

On day 2, the Local Authority should serve the following documents on the other parties (but should not be filed with the Court unless expressly directed to do so)

* The application form and annex documents as set out above, together with the ‘evidential checklist documents’.
* Previous court orders (including foreign orders) and judgements/reasons;
* Any Assessment materials relevant to the key issues, including capacity to litigate, Section 7 or Section 37 reports;
* Single, joint or inter-agency reports, such as health, education, Home Office and Immigration Tribunal documents.

**3.3 Documents to be Disclosed on Request by Any Party**

* Decision-making records, including:
* Records of key discussions with the family;
* Key Local Authority minutes and records for the child;
* Pre-existing Care Plans (e.g. child in need plan, child protection plan and looked after child plan);
* Letters before Proceedings;

**3.4 Documents by the Local Authority Solicitor**

Documents prepared by the Local Authority solicitor include:

* The Application;
* Threshold Statement: this is a written outline of the facts which the Local Authority will seek to establish by evidence or concession to satisfy the Threshold Criteria under Section 31(2) of the Children Act 1989, limited to no more than 2 pages; and
* Local Authority Case Summary: A document prepared by the Local Authority legal representative for each case management hearing in the prescribed form. Unless specifically directed by the Court, it should be no more than 6 sheets and sides of A4 paper.

**3.5 Documents by the Social Worker**

It is the responsibility of the Social Worker to provide the following documentation:

* The Social Work chronology – the chronology is now located at the end of the statement, in Section 12 of the Social Work Evidence Template. It may help to complete this section first, before writing the statement, to structure your evidence and to allow you to refer to events in the chronology when analysing harm already experienced by the child and/or the risk of further harm. The chronology should be succinct and relate to significant eventsthat resulted in the application being made – the main focus should be on events of the previous 2 years. If there has been involvement with the family over a longer period, this can be summarised in Section 12.1.
* A Genogram – a three generational genogram is recommended, using a key to explain the symbols and lines used;
* The Social Work Statement - see [**Full Social Work Evidence Template**](https://adcs.org.uk/assets/documentation/Full_SWET_March_2021_FINAL.docx) (revised March 2021) and [**Social Work Evidence Template - Final Statement**](https://adcs.org.uk/assets/documentation/Final_SWET_March2021_FINAL.docx) (revised March 2021).
* Any current Assessment in relation to the child and/or the family and friends of the child which is referred to in the Social Worker Statement and on which the Local Authority relies; and
* The Interim Care Plan

The Local Authority Solicitor will advise the Social Worker if any additional documents are required.

**3.6 Good Practice Steps for Completing the Social Work Evidence Template (SWET)**

Areas to consider when completing the SWET:

* The primary purpose of the SWET is to tell the child’s story, present their lived experiences, and to advise the Court how the child can be best helped in the future to achieve better outcomes. The Court will want to see a clear evidence base for the decisions made, and a clear plan for the child in terms of their placement, arrangements for family time with their parents, and what the Local Authority plan to do next.
* Parents and other adults should be referred to as Ms, Mr, Mrs etc. Children should initially be referred to by full names and thereafter by their first names. Professionals should be referred to as Dr, Ms, Mrs, Mr etc, with their professional role identified.
* When writing the Statement, consider who will read it – it is important to remember that the child, either now or in the future, may read the statement.
* Ensure you use respectful language when explaining the concerns and the impact this has on the child. It is important to document positive aspects of parents’ care and family life for the child in order to show and support balanced decision-making.
* Be succinct and do not repeat information already available to the Court. Summarise the key information and focus upon the impact on the child, and signpost to information included in the legal bundle.
* Having a balanced, analytical and evidenced based application will allow the Court to quickly identify the issues in dispute, potentially limiting the cross examination of evidence and avoiding unnecessary delay for the child.
* When making recommendations on the appropriate Order to be made, be mindful of the ‘No Order’ principle ([Children Act 1989, s1(5](https://www.legislation.gov.uk/ukpga/1989/41/section/1)) and the [Adoption and Children Act 2002, s1(6)](https://www.legislation.gov.uk/ukpga/2002/38/part/1/chapter/1)).
* The relevant Welfare Checklist should be applied to each section of the template.

For full guidance on completing the SWET see [**SWET guidance**](https://adcs.org.uk/assets/documentation/SWET_guidance_March2021_FINAL.pdf) (first published March 2021).

**3.7 The Child’s Guardian**

The Child’s Guardian will need to provide the following:

* A written, or if time does not allow, an oral outline of the case for the Case Management Hearing (CMH) or Final Case Management Hearing (FCMH) and Issues Resolution Hearing (IRH), or as otherwise directed by the Court, incorporating an analysis of the key issues that need to be resolved in the case including:
* A threshold analysis;
* A case management analysis, highlighting any gaps in the evidence and additional assessments / actions required, including an analysis of the timetable for the proceedings, an analysis of the Timetable for the Child and the evidence which any party proposes is necessary to resolve the issues;
* An analysis of parenting capacity to meet the child’s needs, including any gaps and whether these gaps can be bridged within the child’s timescales;
* A child impact analysis, including:
* An assessment of the impact on the child concerned of any harm that he or she suffered or was likely to suffer;
* An analysis of the ascertainable wishes and feelings of the child and the impact on the welfare of the child of any application to adjourn a hearing or extend the timetable for the proceedings;
* Interim needs of the child to have family time with their parents.
* A contingent, early permanence analysis (by reference to a welfare and proportionality analysis) including:
* An analysis of the proposed placements, whether by family member/family friend; adoption; or other long-term care;
* The way in which the long-term plan for the upbringing of the child would meet the current and future needs of the child, (including needs arising out of that impact of any significant harm, or likelihood of it);
* Family time framework;
* Any additional support that the placement will require from partner agencies.
* Whether and if so what communication it is proposed there should be during the Proceedings with the child by the Court.

**3.8 The Parents’ Response**

There should be a document from either or both parents containing:

* In no more than two pages, the parents’ response to the Threshold Statement;
* The parents’ placement proposals including the identity and whereabouts of all relatives and friends they propose be considered by the court; and
* Information which may be relevant to a person’s capacity to litigate including information about any referrals to mental health services and adult services.

**3.9 Final Care Plan**

It is important that the Care Plan records information which will help the child, parent or the child’s carer understand why decisions have been or are being made.

The Final Care Plan should set out:

* The information about the long term plan for the child, including timescales and the Local Authority will do to progress this plan (the Permanence Plan);
* The arrangements to meet the child's needs in line with the child's developmental needs domain of the Assessment Framework (see [**Assessments Procedure, Principles for a Good Assessment**](https://dudleychildcare.proceduresonline.com/p_assessment.html#principles)):
  + Arrangements for promoting the child's health, detailing GP and other arrangements, particularly where there is a health condition that requires monitoring or treatment;
  + Early Years provision and education, detailing the Person Education Plan / Education Health Care Plan (identifying the resources and services that will meet the child's needs, together with any additional support that has been assessed as required);
  + Family time arrangements for the child with the parents and others who have Parental Responsibility, together with any other significant people the child has relationships with, (for example a sibling in another placement), detailing the frequency and any support required;
  + Or, where no family time is sought, the reasons for this and why it is not in the child's best interests;
  + Details of any Court Orders sought, e.g. Section 8; Section 34; Placement Order, etc.
  + Details of any other Local Authority or voluntary body services and resources that are planned to be taken up by the child or their parent/carer and the reasons for this, together with who will be responsible for the arrangements. Also, to include possible future support the child may be entitled to, e.g. leaving care arrangements;
  + Details of the Placement Plan and why the placement was chosen and the way in which it will meet the child's needs;
  + The wishes and feelings of relevant people about the arrangements for the child;
  + The wishes and feelings of those people about any proposed changes to the Care Plan;
  + Details of the review of any arrangements made or required, including the name of the Independent Review Officer and who, or which, agencies will be involved;
  + Identification of a contingency plan in the event that the Care Plan is not achieved.

The Care Plan will need to be signed by the practitioner completing it, together with the Nominated Officer who has responsibility for agreeing the resources to be made available.

The Care Plan should be no more than 10 sheets of A4 paper and sides, unless directed by the court.

**Court Hearings**

Although the Public Law Outline sets out a prescribed set of stages, it also provides for flexibility at any stage of the Proceedings. The flexible powers of the Court include the ability for the Court to cancel or repeat a particular hearing, to give directions without a hearing including setting a date for the Final Hearing (or a period within which the final hearing will take place), or to take oral evidence at the Case Management Hearing, Further Case Management Hearing or Issues Resolution Hearing.

**4.1 Timetable for the Proceedings**

A timetable for the Proceedings will be drawn up by the Court, taking into account:

* Dates which are important to the child’s welfare and development, including:
  + Any Looked After Child Review;
  + Any significant education steps, including the child taking up a place at a new school and, and where applicable, any review of a statement of the child’s special educational needs;
  + Any health care steps, including assessment by a Paediatrician or other specialist;
  + Any review of Local Authority plans for the child, including any plans for permanence through adoption, Special Guardianship or placement with parents or relatives;
  + Any change or proposed change of the child’s placement;
  + Any significant change in the child’s social or family circumstances; or
  + Any timetable for the determination of an issue in a case with an international element.
* Concluding the matter within 26 weeks beginning with the day the application was issued.

Information about these significant steps in the child's life should be provided in the Application Form and the Social Work Statement, and this information should be updated regularly. Information received from others involved in the child's life, such as the parties, members of the child's family, the person who is caring for the child, the children's Guardian, the Independent Reviewing Officer, the child's key Social Worker, must also be taken into account.

Where more than one child is the subject of the Proceedings, the Court should consider and will set a Timetable for the Child for each individual child. The children may not all have the same timetable, and the Court will consider the appropriate progress of the Proceedings in relation to each child.

In certain circumstances, the Court may consider it necessary to extend the timings of the Proceedings beyond 26 weeks – but only if it considers the extension necessary to enable a just resolution of such Proceedings. Extensions are not granted routinely and require specific justification. When deciding whether to extend a timetable, the Court must have regard to the impact any timetable revision would have on the welfare of the child. An initial extension may be granted for up to eight weeks. A further extension of up to eight weeks may be agreed– there is no limit on the number of extensions that may be granted if deemed necessary.

**4.2 Use Of Experts**

Section 13 of the Children and Families Act 2014 states that permission to put expert evidence before the Court is ‘necessary to assist the court to resolve the proceedings justly’. Before any permissions are granted, the Court should take into account:

* Any impact which giving permission would be likely to have on the child(ren);
* The impact on the timetable and conduct of the Proceedings;
* The cost; and
* What other expert evidence is available (whether obtained before or after the start of the Proceedings), and whether evidence could be given by another person, such as a Social Worker or the Children’s Guardian.

Within the application for permission to instruct an expect, it should state the questions the expert is required to answer. The Court will then give directions approving the questions to be asked. Decisions regarding the commissioning of such evidence should be made early on in the Proceedings – usually at the Case Management Hearing. For further information, see [**Practice Direction 25B – The Duties of an Expert, the Expert’s Report and Arrangements for an Expert to Attend Court (Ministry of Justice, 2014)**](https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/practice-direction-25b-the-duties-of-an-expert,-the-experts-report-and-arrangements-for-an-expert-to-attend-court).

**Good Local Authority Practice During Proceedings**

Directions and timeframes set by the Court should be complied with by all parties.

The Local Authority Social Worker and the Local Authority Solicitor should be in command of the essential evidence. The Social Worker should keep in regular contact with the allocated Solicitor to appraise them of any changes or new developments in the case which, if relevant, will be drawn to the Court’s attention and shared with other parties.

The Independent Reviewing Officer (IRO) and Children’s Guardian should also be kept up to date by the Social Worker. There can be no change to a child’s placement during Proceedings without prior consultation with the Children’s Guardian.

The Family Court, in the case of [**RE M and N (Children) (Local authority gathering, preserving and disclosing evidence)**](http://www.bailii.org/ew/cases/EWFC/OJ/2018/B74.html) made clear the need for good practice in relation to note-taking and record-keeping, and disclosure of relevant evidence to all parties:

* Social Workers/Practitioners must make contemporaneous notes which form a coherent, contemporaneous record. The notes should be legible, signed and dated and record persons present during the meeting/conversation in question. The notes should be detailed and accurately attribute descriptions, actions and views etc. Sketches/diagrams may be helpful in establishing the veracity of explanations given, e.g, in relation to how injuries were sustained;
* Formal case-notes based upon these contemporaneous notes should be created as soon as possible in order to reduce the potential for inaccuracy/faulty recall as a result of delay. The original notes should be retained and be available to the Court if required. Legal advice should be sought as to the need for disclosure of these notes to other parties in the case. If the notes constitute 'material evidence', then they should be disclosed;
* The Local Authority should ensure full disclosure of all material evidence to all relevant parties at the earliest opportunity. This includes ensuring that expert witnesses have had sight of one another's evidence – a full picture should be presented to the expert witnesses in the case.

**Appendix A – Legal Gateway Panel Terms of Reference**



**Appendix B – Letter Before Proceedings**



**Appendix C – Pre-Proceedings Agreement**

