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**Lancashire Children's Services**

Care Planning Protocol

within the Children Act 1989, Adoption and Children Act 2002, Children and Families Act 2014, revised Public Law Outline 2013.

**Revised March 2022**

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**CARE PLANNING WITHIN THE CHILDREN ACT 1989, ADOPTION AND CHILDREN ACT 2002, CHILDREN AND FAMILIES ACT 2014 AND PUBLIC LAW OUTLINE 2013**

**1. PROTOCOL**

**1.1 Why has it been developed?**

This protocol has been developed to ensure consistency across Lancashire in relation to:

* + Pre-proceedings and Public Law Outline;
  + How and when care proceedings are issued;
  + The standard of statements, assessments, reports and care plans placed before the Court;
  + A consistent system of care planning;
  + The avoidance of drift and delay;
  + The function of Adoption under the Adoption and Children Act 2002
  + The functions of the PLO in ensuring more appropriate alternatives have been implemented prior to public proceedings.

**1.2 Who it applies to**

It will apply to:

* + Children subject to Child Protection Plans where no sufficient change has been made despite significant support;
  + All children subject to pre-proceedings protocol;
  + All children subject to Public Law care proceedings with the aim of identifying those children for whom twin-tracking or a concurrency placement is identified.
  + Local Authority Statement of Evidence submitted to Court and Section 7 and Section 37 reports.

**1.3 How will this be achieved?**

This will be achieved by:

* + Ensuring assessments of parents are undertaken at the earliest opportunity, for example when a Child in Need Plan or Child Protection Plan is in place, and at the latest during pre-proceedings. The assessment must consider a parent's willingness to change, capacity to change and sustain such changes to be able to safely parent their child or children;
  + Ensuring that the assessment and the Connected Person's network is undertaken during the pre-proceedings phaseat the latest;
  + To use the family group conference service as part of this if one has not already taken place;
  + Seeking a placement and/or initiating care proceedings following a Child and Family Assessment/completion of a workbookand in consultation with the Team Manager, Senior Manager and Legal Department;
  + Ensuring that a child's placement needs are identified and informed by up-to-date Assessment, and in the case of long term care planning a Child's Permanence Report;
  + Using the Social Work Evidence Templates to initiate care proceedings and provide final evidence within care proceedings;
  + Effective liaison with internal and external partners, i.e. Independent Reviewing Officers, fostering, family finding, residential services and adult workers within the family safeguarding teams at the beginning and throughout the process of care planning;
  + Application of the Directorate's procedure in respect of care planning, meaning regular care planning meetings and review;
  + Effective liaison and early involvement with children by Adoption Lancashire and Blackpool.

**1.4 Review of the Care Planning Protocol**

The Care Planning Protocol will be reviewed and amended as required every 12 months.

**2.0 PUBLIC LAW OUTLINE**

The emphasis (except in emergencies, i.e. Emergency Protection Order/urgent interim care order applications) is in instigating pre-proceedings. There may also be some occasions where the situation necessitates care proceedings being issued without pre-proceedings being utilised. The emphasis on pre-proceedings is in order to ensure that more appropriate alternatives have been explored and evidence prior to public proceedings being initiated. Public law proceedings are regarded as very much the last resort. The aim is that should care proceedings need to be instigated, then assessments in respect of both the parents and the wider family network should have been completed which will enable the care plans for the child or children in question to be clearer at the point that care proceedings are instigated and delay is minimised.

**2.1 INITIATING PRE-PROCEEDINGS AND CARE PROCEEDINGS**

Care Planning is crucial for all children looked after and, in the preparation of the Local Authority's application to Court for a Care Order. Where possible, pre-proceedings should be commenced in cases where there are opportunities to complete assessments whilst monitoring and delivering support prior to care proceedings.

Before making a Care Order, the Court must be satisfied that the threshold criteria (which has two key elements) at Section 31 (2) Children Act 1989 are satisfied.

31 (2) A court may only make a care order or supervision order if it is satisfied –

1. that the child concerned is suffering, or is likely to suffer, significant harm; and
2. that the harm, or likelihood of harm, is attributable to—
3. the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
4. the child’s being beyond parental control.

In deciding whether to make an order, the Court will have regard to the 'welfare checklist' at Section 1 (3) Children Act 1989 which is

1 (3) In the circumstances mentioned in subsection (4), a court shall have regard in particular to –

1. the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
2. his physical, emotional and educational needs;
3. the likely effect on him of any change in his circumstances;
4. his age, sex, background and any characteristics of his which the court considers relevant;
5. any harm which he has suffered or is at risk of suffering;
6. how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
7. the range of powers available to the court under this Act in the proceedings in question.

In doing so, it will be imperative to address whether, under Section 1 (5) Children Act 1989, making an order will be better for the child than making no order. This decision will rely to a considerable extent upon the details presented by the Local Authority to the Court in the document known as the Care Plan.

There needs to be County wide consistency in relation to the circumstances and the way in which care proceedings are initiated. In order to develop a consistent approach there needs to be a good working relationship between Legal Services and Children's Social Care Services.

**2.2 LEGAL PLANNING MEETING**

Before commencing any plans in respect of pre-proceedings or care proceedings, legal advice **must** be sought by arranging a Legal Planning Meeting.

**2.2.1 Arranging a Legal Planning Meeting**



Duty and Assessment Service

Once approval has been given by the Senior Manager, the Team Manager will arrange a Legal Planning Meeting with Legal Services. This will be done by the completion of the above 'LPM Document'. The respective Team Manager and Senior Manager for Family Safeguarding is to be invited to the meeting to ensure knowledge of the case before transfer.

Each child's LCS number **must** be included within the document and any documents in relation to the child if not already on LCS should be on documentum.

The Social Worker will arrange for any relevant supporting documentation to be provided to Legal Services, prior to the Legal Planning Meeting to support decision making. It is imperative that any key assessments in respect of the family are sent through to enable these documents to be read and considered prior to the Legal Planning Meeting, for example, Child and Family assessment, up to date chronology, any care planning notes, Child Protection Case Conference minutes. If documents are provided last minute, for example, shortly before the Legal Planning Meeting, it impacts on the Legal Rep's capacity to fully consider the information and advise accordingly.

Family Safeguarding Service

A child is considered at the Family Safeguarding Senior Manager Panel for approval to seek legal Advice.

Once approval has been given by the Senior Manager, the Team Manager will arrange a Legal Planning Meeting with Legal Services. This will be done by the completion of the above 'LPM Document'..

Each child's LCS number **must** be included within the document and any documents in relation to the child if not already on LCS should be on documentum.

The Social Worker will arrange for any relevant supporting documentation to be provided to Legal Services, prior to the Legal Planning Meeting to support decision making. It is imperative that any key assessments in respect of the family are sent through to enable these documents to be read and considered prior to the Legal Planning Meeting, for example, Child and Family assessment, up to date chronology, any care planning notes, Child Protection Case Conference minutes. If expert assessments have been prepared in previous proceedings these should also be sent. If documents are provided last minute, for example, shortly before the Legal Planning Meeting, it impacts on the Legal Rep's capacity to fully consider the information and advise accordingly.

Children with Disabilities

Once approval has been given by the Senior Manager, the Team Manager will arrange a Legal Planning Meeting with Legal Services. This will be done by the completion of the above 'LPM Document'. The Team Manager will ensure that they have added their comments and analysis to the document and forward onto legal themselves to ensure that there is appropriate management oversight. The Team Manager and/or Senior Manager will attend and chair the meeting, alongside the social worker.

Should the child open to the Children with Disabilities Team be a brother or sister to children without disabilities, the respective Team Manager and Senior Manager or the team supporting the family should be invited to the meeting to ensure knowledge of the case. A referral for these children may be required to ensure that they are known to the relevant team, particularly in an emergency situation.

Each child's LCS number **must** be included within the document and any documents in relation to the child if not already on LCS should be on documentum.

The Social Worker will arrange for any relevant supporting documentation to be provided to Legal Services, prior to the Legal Planning Meeting to support decision making. It is imperative that any key assessments in respect of the family are sent through to enable these documents to be read and considered prior to the Legal Planning Meeting, for example, Child and Family assessment, up to date chronology, any care planning notes, Child Protection Case Conference minutes. If expert assessments have been prepared in previous proceedings these should also be sent. If documents are provided last minute, for example, shortly before the Legal Planning Meeting, it impacts on the Legal Rep's capacity to fully consider the information and advise accordingly.

**2.2.2 Attending the Legal Planning Meeting**

The Legal Planning Meeting may include the following representatives

* + - Senior Manager (Chairperson);
    - Team Manager
    - Team Manager/Senior Manager of the team supporting the brothers and/or sisters
    - Legal Services, Legal Rep
    - Social Worker;
    - Supervising Social Worker (if children are accommodated, if appropriate);
    - Social Worker/Team Manager from Assessment of Family & Friends Team (where connected person placements are to be considered)

Representation will be determined by the Team Manager and will be relevant to individual children and families.

The Senior Manager will chair the meeting and ensure decisions are recorded in LCS. The outcomes should be recorded on the above attached pro-forma after this is sent back from Legal Services (LPM Document). The proforma is sent to the Senior Manager following the Legal Planning meeting for decision making.

The Legal Planning Meeting could result in any one of the following decisions:

* + - Step down from Legal and continue to work with the family;

Continue with CIN/CP Plan

Placement with alternative carers

Provide accommodation and review on s20

Other

* + - Enter Pre-proceedings
    - Issue Public Law Proceedings

**2.2.3 Disagreement at Legal Planning Meetings**

Should there be any disagreement in respect of the agreed actions, this disagreement must be recorded on the Legal Planning Meeting Document and the reason that the decision has been taken on the child's file when recording the decision making. This should be marked as **CONFIDENTIAL** and placed on Documentum.

The Senior Manager should be present at the Legal Planning Meeting, however if for some reason they aren't, they should also be alerted to the fact that there has been disagreement at the Legal Planning Meeting by way of the Legal Planning Meeting Document being sent to them. Legal services will then need to follow up with the senior manager any outstanding issues as a result of such disagreement.

**2.3 INSTIGATING PRE-PROCEEDINGS**

*"Work done by the local authority in the period pre‐proceedings – front loading – is vital for two quite different reasons. Often it can divert a case along a route which avoids the need for proceedings. When that is not possible, and proceedings have to be commenced, work done beforehand will pay rich dividends later on. A case presented in proper shape on Day 1 will proceed much more quickly and smoothly than a case which reaches the court in an unsatisfactory state. A week, two weeks, four weeks, spent productively before proceedings are commenced will usually produce greater savings of time later on. On occasions urgency will necessarily trump readiness, but very often it need not" (Sir James Munby, 2013, View from the President's Chambers 2).*

**2.3.1 Letter Before Proceedings:**

Following the Legal Planning Meeting, if the decision is to commence pre-proceedings, the first step is to issue a 'Letter before Proceedings'.

* The social worker and allocated legal practitioner must liaise to prepare and send the Letter Before Proceedings



* Once the letter has been agreed the Social Work team will ensure it is distributed to all parties (parents/those with parental responsibility) and a copy sent to Documentum. A copy should be sent to the Independent Reviewing Officer so they are aware of the decision to enter pre-proceedings.

**The Pre Proceedings letter is an essential document as it triggers a service user's legal aid funding; therefore, please ensure these letters are sent two weeks before the Pre Proceedings meeting. After 1 week the social worker should ensure the parents have sought legal representation. Clear and understandable language should be used to summarise the issues and the decision to go into pre-proceedings.**

2.3.3 Pre-Proceedings and Concurrency

Social Workers and Team Managers should consider, as early as possible, whether the unborn child may be suitable for a placement with concurrent carers who are approved both as foster carers and adopters. This should be considered at the legal planning meeting and if it is possible that the case may be appropriate, contact can be made with the team on [FamilyFindingTeam@adoptionlancashireblackpool.org.uk](mailto:FamilyFindingTeam@adoptionlancashireblackpool.org.uk) for further discussion. Where an older child/ren has been removed and placed for adoption discussions with their adopters should take place and it may be possible for the unborn child to be placed alongside their brother or sister in an early permanence placement. Ensuring these discussions take place as early as possible is key to achieving such a placement.

The Regional Adoption Agency (RAA) (Adoption Lancashire Blackpool (ALB)) should be notified ([FamilyFindingTeam@adoptionlancashireblackpool.org.uk](mailto:FamilyFindingTeam@adoptionlancashireblackpool.org.uk)) as early as possible if a care plan of adoption is identified as being a possible outcome to assist in care planning. A Family Finding Social Worker will then be allocated as part of the twin tracking process. The role of Family Finder is a non-statutory role and they do not hold case responsibility; however they are available to offer advice and support regarding any adoption related matters including whether cases may be suitable for Early Permanence . The Family Finding Social Worker can support the Allocated Social Worker with the adoption process for example give advice regarding completion of the pre adoption medical paper work, possible adoptive placements in house for older children or a sibling group of children or a child with health needs. This could be in the form of Famiy Finding Statement and shared with court. Twin Tracking clinics will take place across the county to tackle drift and delay and offer advice and guidance.

If a Care Plan of adoption is identified for a child, this will be discussed in supervision between the Social Worker and Team Manager. The Care Plan will also be regularly discussed within Multi-Agency Meetings such as Child Looked After Reviews to ensure it is the appropriate plan for the child/ren. Once a Placement Order is granted, the child/ren and their Care Plan of Adoption will be reviewed within supervision and Adoption Panel Meetings. This will ensure that there is clear oversight of the Family Finding Process, Matching, ADM, Bridging and seeking Adoption Orders. The child/ren will continue to be discussed at Adoption Panel Meetings until the Adoption Order is granted.

A child/ren’s family finding strategy will be discussed on a monthly basis during supervision between the Family Finding Social Worker and their Team Manager to ensure everything possible is being completed to find a match.

Please see attached Early Permanence Flowchart.



The Court of Appeal has recently provided guidance in relation to so called ‘relinquished baby’ cases A, B And C (Adoption: Notiﬁcation of Fathers And Relatives) [2020] EWCA Civ The process is *suggested* by the Court in order to assist local authorities rather than determine their processes. Therefore, please liaise with the Regionalised Adoption Agency (RAA) a Family Finding Social Worker will become co-allocated to support the ASW. The key point of contact is the Team Manager for the Family Finding Team. Legal advice should also be taken at the earliest opportunity where, for example, there is uncertainty around notifying the father or members of the extended family.

**2.3.4 Pre-Proceedings Meeting**

Pre-Proceedings Meetings are held via Microsoft Teams every Tuesday, Wednesday and Thursday. There are 5 appointments on each of these days which are available to all social work teams on a county-wide basis.

Prior to the meeting:

The social worker and Legal department will liaise with regards the appropriate drafting and sending of the Letter Before Proceedings 10 working days in advance of the meeting. Clear and understandable language should be used to summarise the issues and the decision to go into pre-proceedings. Strengths should also be outlined as part of the letter.

The social worker must complete the Microsoft Teams Contact Sheet and provide this to the allocated legal practitioner to enable calendar invitations to be circulated to the parents and their legal reps prior to the Pre-Proceedings Meeting.

Break out rooms will be created within Microsoft Teams to enable confidential discussions to take place prior to the Pre-Proceedings Meeting.

The social worker must send to the solicitor, the draft Schedule of Expectations no later than 3 working days prior to the meeting. This will enable the legal representative to prepare a draft Pre-Proceedings Plan for consideration in advance of the meeting.

The draft Schedule of Expectations may need to be developed and amended at the meeting. We need to engage with parents and ask them what they see as the expectations. It is essential that the main expectations/assessments that the social workers want the parents to agree to are identified before the meeting and preferably sent to the parents’ solicitor in draft format in advance (if one is identified). This will ensure that the meeting can start promptly.

If the date of the Pre-Proceedings Meeting has to bechanged or cancelled for any reason, CSC must liaise directly with the allocated legal practitioner who has conduct of the case, so that the appointment slot is freed up in time to reallocate for another meeting, if needs be.

At the meeting:

The meeting will be chaired by the Team Manager. At the start of the meeting, the social work team and the parents/service users will have some time with their legal representatives via break out rooms within Microsoft Teams. This will be used to take updating instructions, complete the draft Schedule of Expectations and Pre-Proceedings Plan and for the parents/service users to go through the same with their solicitor.

Within the meeting, the social worker will give a summary as to the reason for pre-proceedings or an update as to progress since the last Pre-Proceedings Meeting. It is important that the language used during the meeting is understandable so that the parents/service users have a good appreciation of the reasons for entering the process and how the issues affecting the children are to be addressed.

As a matter of good practice, the Pre-Proceedings Plan should be co-produced as much as possible. The social worker will go through the Schedule of Expectations and Pre Proceedings Plan with the parents/service users and check if they are agreed or if any amendments are sought. Once agreed, the Schedule of Expectations and Pre-Proceedings Plan will be updated and signed. (NB: this is not a short process hence the necessity of full instructions in advance of the Pre-Proceedings Meeting so that a useful and sufficiently detailed draft document can be prepared in advance of and not at the meeting).

During the meeting, a review date must be set for the next meeting. Review Pre-Proceedings Meetings must be arranged and booked with Legal representative during the first Pre-Proceedings Meeting.

Any requests for a third Pre-Proceedings Meeting must require written approval from the Senior Manager prior to being sent to Legal. The facts and circumstances of cases must be evaluated individually but the best practice guidance states that the pre-proceedings process should not ordinarily last more than 16 weeks.

A date for the pre-proceedings process to be completed must be fixed and recorded in the Pre-Proceedings Plan during the first Pre-Proceedings Meeting.

Following the meeting:

Once agreed, both the finalised Schedule of Expectations and Pre-Proceedings Plan must be provided to the allocated legal practitioner.

Copies must be provided to the parents and their legal representatives.

Copies will be provided to CSC for future dates to be diarised, and for the document to be saved to the system.

A Legal review with CSC will take place in good time prior to the date of the Review Pre-Proceedings Meeting. This can take place via communication between the allocated social worker and legal representative.

Upon conclusion of the pre-proceedings process CSC will provide instructions to Legal who will then confirm the outcome to the parents and their legal reps in writing.



**2.4 EXPLORING FAMILY AND FRIENDS NETWORK**

It is essential that the family and friends network is explored thoroughly. If there are worries that a parent or parents are not working co-operatively with the Local Authority then it is important that they are informed of the Local Authority's responsibility to do so, particularly given that exploration is likely to be in the child's best interest and the child's welfare is paramount (Section 1, Children Act 1989). Please see attached letter as a sample letter which can be sent to parent(s).



Please see section below titled "Assessing the Connected Person's network".

**2.5 FAMILY GROUP CONFERENCE SERVICE**

The Family Group Conference service should be utilised where appropriate and as early as possible.

*A family group conference is a decision making and planning process whereby the wider family group/kinship network makes safe plans and decisions for children and young people who have been identified by the family or by service providers as being in need of a plan that will safeguard and promote their welfare.  A referral with consent can lead to the Identification of prospective alternative carers as part of the FGC contingency planning.*

The Family Group Conference service website can be accessed at <http://www.lancashire.gov.uk/children-education-families/keeping-children-safe/family-group-conferences.aspx> and the attached leaflets can be given to family members, children and professionals.  The Team Manager for the Family Group Conference service is Annie Blaney-Green.



**2.6 INITIATING CARE PROCEEDINGS**

2.6.1 Preparing the documents for issuing care proceedings

Once the decision has been made to instigate care proceedings, it is essential that there is no unnecessary delay in issuing care proceedings. A date should be agreed for when legal documents are to be completed by the social worker and when the application is to be issued. Legal Services require the documents five working days before the application is to be issued.

The Team Manager will be the Case Manager who gives instructions as to the conduct of the proceedings under the supervision of the Senior Manager.

Legal Services will nominate a Legal Representative to each case and they will be responsible for the legal management/advice of the case, prepare the case and present it to Court. To enable Legal Services to issue public law proceedings they require instruction from a **SENIOR MANAGER** along with the following documents:

* Social Work Evidence Template;
* LCS Care Plan (if child is already a Child Looked After);
* Documents as outlined below in the Pre-Proceedings checklist:

|  |  |
| --- | --- |
| **Pre-proceedings Checklist** | |
| Annex Documents are the documents specified in the Annex to the Application Form which are to be attached to that form and filed with the court:   * Social Work Chronology * Social Work Statement and Genogram * The current assessments relating to the child and/or the family and friends of the child to which the Social Work Statement refers and on which the LA relies * Care Plan * Index of Checklist Documents | Checklist documents (already existing on the LA's files) are:  a. Evidential documents including –   * Previous court orders including foreign orders and judgments/reasons * Any assessment materials relevant to the key issues including capacity to litigate, section 7 and 37 reports * Expert reports * Drug/alcohol test reports * Single, joint or inter-agency materials (e.g., health and education/Home Office and Immigration Tribunal documents);   b. Decision-making records including –   * Records of key discussions with the family * Key LA minutes and records for the child * Pre-existing care plans (e.g., child in need plan, looked after child plan and child protection plan) * Letters Before Proceedings |
| Only Checklist documents in (a) are to be served with the application form |
| Checklist Documents in (b) are to be disclosed on request by any party |
| Checklist documents are not to be –   * Filed with the court unless the court directs otherwise; and * Older than 2 years before the date of issue of the proceedings unless reliance is placed on the same in the LA's evidence |

**From Ministry of Justice: Practice Direction 12(A) – Care, Supervision and Other Part 4 Proceedings: Guide to Case Management (**[**http://www.justice.gov.uk/courts/procedure-rules/family/practice\_directions/pd\_part\_12a**](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12a)**)**

The Social Work Evidence Template was revised and updated in April 2021, the templates and guidance can be viewed [here.](https://adcs.org.uk/care/article/SWET)

There is also an ecomap template included below for you to use.



All Court documents/statements to be submitted to the Court should be **READ AND APPROVED BY THE RELEVANT TEAM MANAGER**. The date the documents are to be received by Legal and filed with the Court should be agreed at the Legal Planning Meeting. If this is not possible, the Team Manager should advise Legal Services and their Line Manager of the reasons for this delay.

Throughout the Care Proceedings the Team Manager should ensure that the Social Worker keeps the allocated Legal Rep up to date with any significant events/issues or changes.

**2.6.2 Care Plans**

Separate care plans are no longer required but the same level of detail which would have usually been included within the care plans is to be included within both the Initial Statement and Final Statement. This includes, as below:

* Interim Plan for the Child if long-term plan is not known (initial evidence);
* The long-term/permanence plan in respect of the child's upbringing (initial evidence if known, final evidence);
* Details of the Independent Reviewing Officer and their view need to be incorporated. The final SWET and final care plan should be shared with the Independent Reviewing Officer at least 3 days prior to the submission date, as well as other relevant Court assessments (for example, Connected Carers assessment / ISW Assessment / Psychological assessment).  The IRO will then be able to provide written views to be included within these documents
* How the following needs of the child or children will be met:
  + - Health;
    - Education and training;
    - Emotional and behavioural development;
    - Identity, including relevant information in respect of the child's religious persuasion, racial origin, and cultural and linguistic background;
    - Family and social relationships including Family Time;
    - Self-care skills.
* Wishes and feelings of the following:
  + - the child or children;
    - parents;
    - family members;
    - any other person who holds parental responsibility;
    - any other person who the Local Authority considers relevant.

When completing final evidence and care plans, in some cases it will be important to consider:

* contingent care planning;
* where the plan may vary according to the factual findings of the Court, the alternative plans and the rationale behind them;
* the length of such an order and any plans to discharge such an order (for example, Care Orders involving children placed at home);
* any relevant features in terms of eligibility for long-term services, such as leaving care services;
* family finding strategy where a care plan of adoption is being pursued;
* Sibling attachment assessment

A copy of the child's birth certificate is required by Legal Services as soon as is possible and no later than 2 weeks after the Case Management Hearing has taken place.



**2.7 PUBLIC LAW OUTLINE FLOWCHART AND TIMESCALES**

The Children and Families Act 2014 introduced a number of legislative changes related to care proceedings, most notably the need to conclude cases within 26 weeks timescale for care proceedings to conclude within[[1]](#footnote-2).

Adhering to the Court timescales

Keeping to these tight timescales of the Court will need to be tracked and monitored via regular care planning meetings chaired by a manager to ensure tasks are underway and timescales are set.

**2.8 PUBLIC LAW WORKING GROUP FINAL REPORT MARCH 2021**

The public law working group were charged with considering how children and young people may:

1. Safely be diverted from becoming the subject of public law proceedings;
2. Once they are subject to court proceedings, best have a fully informed decision about their future lives fairly and swiftly made.

The public law working group address the current issues, recommendations, best practice guidance and longer-term changes of the following issues:

1. Support for and work with families prior to court proceedings
2. The application
3. Case management
4. Supervision orders
5. S.20 / s.76 accommodation.

What follows is a summary of the report relating to those five issues.



**3.0 CARE PLANNING**

**3.1 CARE PLANNING MEETINGS**

Care Planning Meetings and Senior Manager Panels are utilised as a forum for decision making around seeking legal advice, issuing care proceedings and other key decisions. The social worker must complete a document to request a slot at Senior Manager Panel and the decision following the panel is recorded on LCS Generic Meeting Document (in forms). Each function across Children's Services will have their own process for Senior Manager Panels.

Care Planning Meetings should take place every 4 to 6 weeks on a child in care proceedings to ensure the plan is progressing. All relevant multi-agency professionals involved with the child/children should be invited. These templates will assist managers in tracking cases and in discussions with social workers:

Records of internal Care Planning meetings should be sent to Legal Services, the Independent Reviewing Officer and the Children's Guardian. Care Planning records are to be recorded on LCS under "Documents", "Generic Meeting Form". The Family Finding Social Worker should be invited to the Care Planning meetings where a care plan of adoption is a possible outcome for the child/ren. The Assessing Social Worker or Team Manager from the Assessment of Family and Friends Team should be invited when connected person placements are being considered.

The allocated Legal Representative after every hearing should notify Team Manager and Social Worker of the outcome of the Court hearing and any actions that need to be taken. They should also ensure that the Team Manager and Social Worker are informed of legal developments within the case and given a copy of all relevant documentation within five working days of receipt.

Any problems regarding the conduct of proceedings by either the Legal Rep or Social Worker should be resolved in the first instance between the Legal Rep and Team Manager. Where the problems cannot be resolved the dispute will be referred to the Senior Manager and Principal Lawyer Legal services.

**3.2 TWIN TRACKING**

In *Re D and K (Minors) (1999) 2 FLR 982 Bracewell J* the Judge considered herself handicapped by the lack of information about the availability of suitable adoptive parents. She went on to say that the Courts should be pro-active at the early stages of the case, to ensure that permanency options were investigated. She spoke of '**TWIN-TRACKING'** and **'CONCURRENT PLANNING'**. All of the relevant case law that has followed Re D and K above emphasises the importance of concurrent/twin track planning from the perspective of achieving permanence for the subject child with minimal delay.

The timescales which are currently in place to work towards the 26-week timescale mean that twin tracking must be considered from the outset of either pre-proceedings or care proceedings (if pre-proceedings not instigated) and consider what the range of options available to the child or children are.

If it is decided at the Legal Planning Meeting that twin tracking is to be considered, then this should be recorded on the Legal Planning Meeting record and parents should be informed at the pre-proceedings phase, or if care proceedings are to be issued, as part of the discussions with parents and within initiating documents. It may be decided at a later date, for example, during a Care Planning Meeting, that twin-tracking is being adopted. **At whatever stage it is decided that twin-tracking is being progressed, this should be recorded as a case note on LCS stating which options are likely possible outcomes**.

Please see attached tools which may assist in considering the range of options available for a child or children in terms of permanence and also the template for Twin Tracking Clinics.

**In any case where a care plan of adoption is considered one of the possible options for a child or children, please ensure that the Family Finding Team are contacted at the earliest opportunity** ([FamilyFindingTeam@adoptionlancashireblackpool.org.uk](mailto:FamilyFindingTeam@adoptionlancashireblackpool.org.uk))**.**

**3.3 ASSESSMENTS OF FAMILY MEMBERS AS PROSPECTIVE CARERS FOR A CHILD OR CHILDREN**

Assessments of family members as prospective carers for a child or children can be undertaken at any stage of involvement by Children's Social Care, depending on the circumstances of the specific child or children. However, the overwhelming majority will be completed during either the pre-proceedings phase or during care proceedings.

Where pre-proceedings procedures have been instigated, the family network **must** be explored with those with parental responsibility asked to put forward any family members who may be able to care for the children and wish to be assessed. A genogram/family tree should also be completed with those with parental responsibility to understand the family network as there may be people within the family who may be a realistic placement option for a child or children but who the parents do not put forward. For older children, this piece of work, or doing an ecomap, can also be done to understand those adults within their network who are significant to them.

**3.4 Assessment of FAMILY AND FRIENDS PROTOCOL**

See guidance below for Placement with Family and Friends Assessment:



**3.5 ASSESSING THE FAMILY AND FRIENDS NETWORK**

**3.5.1 Family and friends where there are significant concerns regarding parenting capacity**

There may be some family members and friends (connected persons) who have either been put forward for an assessment or are requesting an assessment in respect of caring for a child or children where there is sufficient information already available to suggest that they would be unable to offer for a home to a child or children. For these circumstances a connected person's viability assessment/assessment on Part 1 of the fostering form **does** need to be completed. It is important that the reasons for not proposing an assessment be progressed are clearly recorded within Part 1 of the form and it should be re-assigned to the AFF team for their agreement. The prospective carers must be informed of the decision to not progress with an assessment.

* If in **pre-proceedings**, a letter will need to be sent outlining the reasons that a fuller assessment is not going to be completed. A copy of the formal complaints procedure should be provided.
* If in **care proceedings**, the information as to why a family member or friend may not be suitable can be outlined within social work evidence. The family member/friend needs to be informed of this and informed of their right to challenge this via the Court.

The parent(s)/those with parental responsibility will also need to be informed of the outcome of any requests for assessments.

**3.5.2 Family and friends who require an initial assessment to determine whether to progress to either a private law order or assessment of the family members or friend(s) as foster carers**

It is important to bear in mind that a child's permanence with a family member or friend can be secured by way of a number of different legal orders as outlined below:

* Child Arrangement Order;
* Special Guardianship Order;
* Care Order with the Connected Persons approved as foster carers:

There will need to be discussions early on with prospective carers in respect of the possible options. These discussions will need to include:

* The different legal frameworks and what they mean for the child and for them as possible carers. In particular, the issue of parental responsibility should be discussed;
* The relevant financial and support considerations in respect of each option;

It should be made clear that whilst the family member(s) or friend(s) may have a preference for a legal framework and approach, there will need to be discussions about what is deemed to be in the **child or children's best interest** for promoting permanence. In that context, private law orders may be preferred over a child being subject to a Care Order and placed with family members. Please see document on Lancashire Children's Social Care Procedures for a breakdown of the different options:

<http://www.proceduresonline.com/lancashirecsc/files/care_someone_else_ch.pdf>

**3.5.3 Negative referrals**

All negative referrals should be written up in Part 1 only of the Connected Persons Viability Assessment form on the child’s LCS record apart from where there is sufficient information already available to suggest a placement is not appropriate (please see previous page).

**3.5.4 Positive assessments**

In respect of connected persons where a full assessment has been recommended, the assessment will need to be recorded as follows:

* **Child Arrangement Order/Special Guardianship Order**: If it appears that following early discussions with the connected person, that the plan is likely to involve a placement with the family network under either a Child Arrangement Order or a Special Guardianship Order then the viability assessment should be written up within Part 1. This should not be filed. The content of this piece of work (for a Special Guardianship Order) is outlined on the Lancashire Children's Social Care Procedures as follows:
* **Care Order with placement with a family member(s) or friends**: If it appears that following early discussions with the connected person, that the plan is more likely to involve a placement with the family, then part 1 of the viability template on LCS should be used to create a referral to the Placement with Family and Friends Team. A visit should be undertaken by a social worker from the Placement with Family and Friends Team. Parts 2 and if relevant part 3 of the viability assessment will then be completed by the social worker from the Placement with Family and Friends Team with oversight from their Team Manager. If the viability assessment is positive, a dual assessment will be completed and will assess the connected person in respect of a private order for example special guardianship, and also as a connected foster carer.

The decision to give temporary approval to a connected persons placement under Regulation 24 care planning, placement and review regulations 2010 requires very careful asssessment to eliminate/minimise the risk of placement breakdown and/or difficulties in the event that the full fostering assessment has a negative conclusion. If children are placed pursuant to regulation 24 approval at the outset of proceedings or as part of the pre-proceedings process, social work teams should be aware that the court would subsequently have to be satisfied that their safety demands removal should issues as to the adequacy of the placement arise.

* **Placements made outside of regulation 24, for example 38(6).** A guide for this process has been created in order to assist you in navigating this order and what it means (see below 3.5.5)

**3.5.5 Regulation 24 Assessment of Family Members as prospective foster carers**

Referrals for Regulation 24 placements should be made in the same way as all other connected person referrals, via completion of the connected persons viability assessment on LCS. The Assessment of friends and family Team will conduct an urgent visit preferably with the child's SW or a representative of their team . The Assessing fostering Social Worker will complete Part 2 of the viability template and will forward to management for a recommendation and, ultimately, a decision about immediate placement from the Nominated Officer (Senior Manager Fostering, Adoption). Only when approval from the Nominated Officer has been signed can the child/ren be placed with the connected persons under fostering arrangements.

However, it is essential that the Assessment of Friends and Family Team must be contacted in order to progress an assessment prior to a child being placed under fostering regulations.

**3.5.6 Special Guardianship Order Assessments**

The guidance in respect of Special Guardianship Order assessments is contained within the Children's Social Care Procedures at:

<http://www.proceduresonline.com/lancashirecsc/p_app_spec_guard.html>

It is imperative that the health checks and DBS checks are sent off as early as possible in this process to allow sufficient time for the checks to be returned. If these are delayed this can cause significant delay for the children within care proceedings.

**3.6 SIBLING ASSESSMENTS**

*"Brothers and sisters who share a childhood and grow up together have potentially the longest lasting and one of the closet relationships of their lives with each other. The presumption should be that brothers and sisters will grow up together and every effort should be made to enable this to happen" (p. 1, Lord, J and Borthwick, S, 2001).*

When working with a sibling group, it will be important to consider whether a sibling assessment is required. A sibling assessment can assist in terms of the following:

* inform an assessment;
* informing decisions around interim placements should the children need to be placed outside of their parent(s) care;
* assist in thinking about assessing any connected persons or family members;
* assist when final care planning in considering permanent placement options, particularly if a care plan of adoption is being considered for at least one of the children.

The following link can be accessed for more guidance and support around sibling assessments (Attachment 29-39), click [here.](https://www.proceduresonline.com/lancashirecsc/local_resources.html)

**3.7 CHILD PERMANENCE REPORTS AND ADOPTION MEDICALS**

3.5.1 Adoption Medicals

For children where a care plan of adoption is deemed to be a likely outcome, the adoption medical process should start as soon as is possible.

The following forms will need to be completed:

* BAAF Consent form to share information;
* BAAF M and B forms (which contains obstetric history in respect of mother and neonatal form in respect of the child).
* BAAF PH form (which contains information regarding birth parents health)

Once the forms have been returned, the forms need to be sent to the Agency Medical Advisor who requires a maximum of ten days to review the information and provide a view. This information must be available at the time that the case is being presented to the Agency Decision Maker (SHOPA).

3.5.2 Child Permanence Reports and the Agency Decision Maker decision that a child 'Should be Placed for Adoption (SHOPA)

The Child Permanence Report is the Child's report. The Child Permanence Report has a range of audiences including:

* Parents who should review it prior to submission to the Agency Decision Maker;
* Panel Advisor and Agency Decision Maker;
* Prospective Adopter(s);
* Panel presentation to link a child with prospective adopter(s);
* The Court;
* The Child as an adult.

Whilst the report is written for many audiences, it should be written with the child as an adult in mind. It is a standalone document so all key information should be included. The Child Permanence Report should be completed on LCS.

The Child Permanence Report comprises of 7 key sections, all of which need to be completed and presented for the Agency Decision Maker. The sections are as follows:

* Part A: The Child
  1. The child;
  2. The child's birth mother;
  3. The child's birth father;
  4. Ability and willingness of family members of relevant persons to permanently care for the child;
  5. Adoption agency details;
* Part B: Other People with Parental Responsibility;
* Part C: Other relatives or other relevant people;
* Part D: Brothers and/or sisters (full and half);
* Part E: Wishes and feelings of the child;
* Part F: Views of the birth mother on the Child's Permanence Report;
* Part G: Views of the birth father on the Child's Permanence Report.

The Child Permanence Report is an important document that takes time to complete. It is important that sufficient time is planned for the completion of this report within care proceedings to prevent delay for the child/ren.

3.5.3 Agency Decision Maker and 'Should be Placed for Adoption' decision

In order to make an application to the Court, a 'Should be Placed for Adoption' decision is required from the Agency Decision Maker.

**3.8 CONCURRENCY AND FOSTERING FOR ADOPTION**

Both concurrency and fostering for adoption should be considered during the care planning process. Please see the guidance in Section 2.3.3.

**3.9 REHABILITATION OF CHILDREN TO PARENTS CARE**

The NSPCC has undertaken some useful research in respect of children being rehabilitated to their parents care. This research highlights the importance of:

* Evidence based risk assessments;
* Planning for the child's return home;
* Monitoring and support.



There is also a further useful guidance document which provides a variety of support and assistance for when a care plan of rehab home is determined for a child. This may be as an outcome of care proceedings, or following on from a period of Section 20. Click [here.](https://www.proceduresonline.com/lancashirecsc/user_controlled_lcms_area/uploaded_files/Bridging%20Guidance%20for%20Rehab%20Home%202021.doc)

There are a range of orders which can be considered to support the rehabilitation of children to their parent or parent(s) care including:

* + Care Order;
  + Child Arrangement Order;
  + Supervision Order;
  + Family Assistance Order;
  + No order.

Of the above options, only a Care Order provides the Local Authority with shared parental responsibility. Please see attached sheet to assist in considering whether a Care Order is required to safeguard the child when in their parent or parent(s) care as part of a child returning home.



Any care plan involving placement of child or children under a Care Order at home needs to be agreed by the appropriate Head of Service with a 'Home Placement Agreement' completed on LCS.

**3.10 APPLICATION FOR DISCHARGE OF CARE ORDER**

All aspects of good care planning will also apply to the application for the discharge of Care Orders. Therefore it will be essential to have:

* an up to date Assessment which analyses properly the test for discharge i.e. that it is in the child’s best interests;
* effective and appropriate discussion with the child and those with parental responsibility;
* timely contact with Legal Services;
* an appropriate care plan for submission to the Court;
* the IRO should ensure that consideration to discharge a Care Order is considered at every Children Looked After Review and if agreement reached, clear timescales should be agreed for any application.
* The plan for permanence should be considered at Permanence Panel and any changes to the care plan ratified by the Senior Manager

The Lancashire Family Court Protocol for Applications to Discharge Care Orders (August 2021) covers all applications to discharge a care order/which would result in the discharge of the care order.

For cases that are not opposed by parents or family members, it provides an accelerated procedure where substantive directions are made at the gatekeeping stage.



**3.11 PROCEDURE RELATED TO RELINIQUISHED BABIES**

As soon as it is known that a parent is to relinquish a child for adoption, a care planning meeting should be held between the Duty and Assessment Team and the Family Safeguarding Team to agree a point of transfer. If the unborn child is already opened to Family Safeguarding Team, they should arrange the care planning meeting. If the mother is giving consent, Regulation 20, Schedule 2 of the Adoption Agency Regulations should be followed. This requires the provision of certain information to the relevant CAFCASS office with a request that an Officer is appointed to meet the mother and obtain her valid consent. The full procedure related to relinquished babies is available [here.](https://www.proceduresonline.com/lancashirecsc/p_relinquished_children.html?zoom_highlight=relinquished)

**3.12 CRIMINAL INJURIES COMPENSATION APPLICATION**

All criminal injuries applications should be completed prior to any final order being made. Please see <https://www.gov.uk/claim-compensation-criminal-injury> for guidance in respect of such an application and the link to the online application form.

**3.13 INTERNATIONAL ISSUES IN CARE PROCEEDINGS**

Cases involving international elements are increasing in numbers across the country for a range of reasons. The circumstances which are arising include requests for assessments of family members and friends who live in another country, issues around placing children in other countries and the legal orders which will enable this, requests for information about parents/children where the children may reside in another country or in respect of passport issues for children who are not British citizens.

It is important to bear in mind that there are a wide range of different approaches adopted across the world to alternative care and permanence and as such, different cultures, approaches and legal structures in place.

Children and Families Across Boarders (CFAB, <http://cfab.org.uk/>) or International Child Abduction Care Unit (ICACU) can be contacted to assist in obtaining assessments and information from countries abroad. They both offer a wide range of services and can be contacted for advice in respect of international issues.

In terms of conducting assessments abroad, this is not recommended, and certainly not without consulting with an agency such as CFAB or ICACU. This is for a range of reasons:

* + It is not recommended that Social Workers travel abroad to complete assessments on their own and without liaising with CFAB first. There are potential issues around whether a social worker is insured, able to practice within the country, safety issues, cultural and practice issues as well as potential language barriers which all need to be considered;
  + There is scope for joint work but CFAB suggest that a social worker within the country is usually best positioned to complete the majority of this piece of work;
  + ICACU can assist in obtaining checks/references from abroad but contact them in advance to ascertain what they require.

**4.0 KEY GUIDANCE AND LEGISLATION**

**4.1 PUBLIC LAW OUTLINE APRIL 2008, REVISED OCTOBER 2013**

The protocol for Judicial Case Management was introduced by the Lord Chancellor's Department on 1 November 2003. It addressed the issue of delay in the completion of public law Children Act cases (care proceedings). Its paramount objective was to improve the outcomes for children by reducing unnecessary delay and achieving completion of all cases within an overall timetable of not more that forty weeks (save in exceptional or unforeseen circumstances). The protocol was aimed at all the agencies which are parties to public law Children Act proceedings. It aims to achieve:

* + - the highest practical level of judicial continuity and case management
    - the consistency of all aspects of case management at all levels of Court
    - timetabling to final hearing at the earliest practical stage
    - a more rigorous control of the use of experts
    - a more rigorous control of the content and quality of Court documentation

However this was replaced in April 2008 by the New Public Law Outline. It still prescribed key actions to be undertaken at each stage.

A review of this, however, accumulated in a revised PLO 2013 as it had become apparent that the timescales above and the use of pre proceedings was not consistent across the country and even where it was being utilised it was not reducing the length of care proceedings.

The Public law Outline has not been brought in to deal with an **EMERGENCIES**. If a child or young person is at risk of immediate significant harm, for example, as a result of an injury then immediate advice should be sought and it may not be appropriate to issue the letter before proceedings.

NB "Proceedings that need to be commenced at a particular time should not be delayed by a Local Authority because it cannot comply with the documentary requirement of the Public Law Outline".

Therefore if a child(ren) are at risk of immediate significant harm, an emergency application to the Courts should go ahead or proceedings should be initiated on notice.

**4.2 THE ADOPTION AND CHILDREN ACT 2002**

The Adoption and Children Act 2002 and accompanying guidance however, has now changed the way in which the Adoption and Permanence Panel can make recommendations. The Adoption and Permanence Panel can no longer make in principle recommendations. All recommendations made must be unconditional.

To provide an independent scrutiny of the proposals presented and to determine:

* whether all the issues have been appropriately clarified

and

* whether the proposal is sound

A Placement Order application needs to be submitted as early as possible within care proceedings in order to be able to place a child for adoption without delay.

**A PLACEMENT ORDER REPORT** requires completion **IMMEDIATELY AFTER THE AGENCY DECISION MAKER HAS GIVEN A POSITIVE RECOMMENDATION IN RESPECT OF ADOPTION (SHOPA).**

**4.3 THE CHILDREN AND FAMILIES ACT 2014**

The Children and Families Act 2014 was introduced on 22nd April 2014. The key changes which were introduced as a result of the legislation being introduced were:

* + - the statutory timescale on care proceedings of 26-weeks;
    - Section 8 orders were now referred to as Child Arrangement Orders (as opposed to Residence, Contact, Prohibited Steps and Specific Issue Order.

**5.0 ASSESSMENTS AND THE INSTRUCTION OF EXPERTS**

**5.1 ASSESSMENTS**

The introduction of The Framework for the Assessment of Children in Need and their Families in April 2001 means that every case before the Court should have a comprehensively completed Court assessment. Possible exceptions would be Emergency Protection Orders and first applications for Interim Care Orders when a family was previously unknown but a serious incident has occurred necessitating prompt action by the Local Authority/Court.

In many cases the need to make an application for a Public Law Children Act Order should have been determined by an assessment, usually via a Child protection Conference and the pre-proceedings process where numerous assessments and agreed schedule of expectations have been drawn up and agreed.

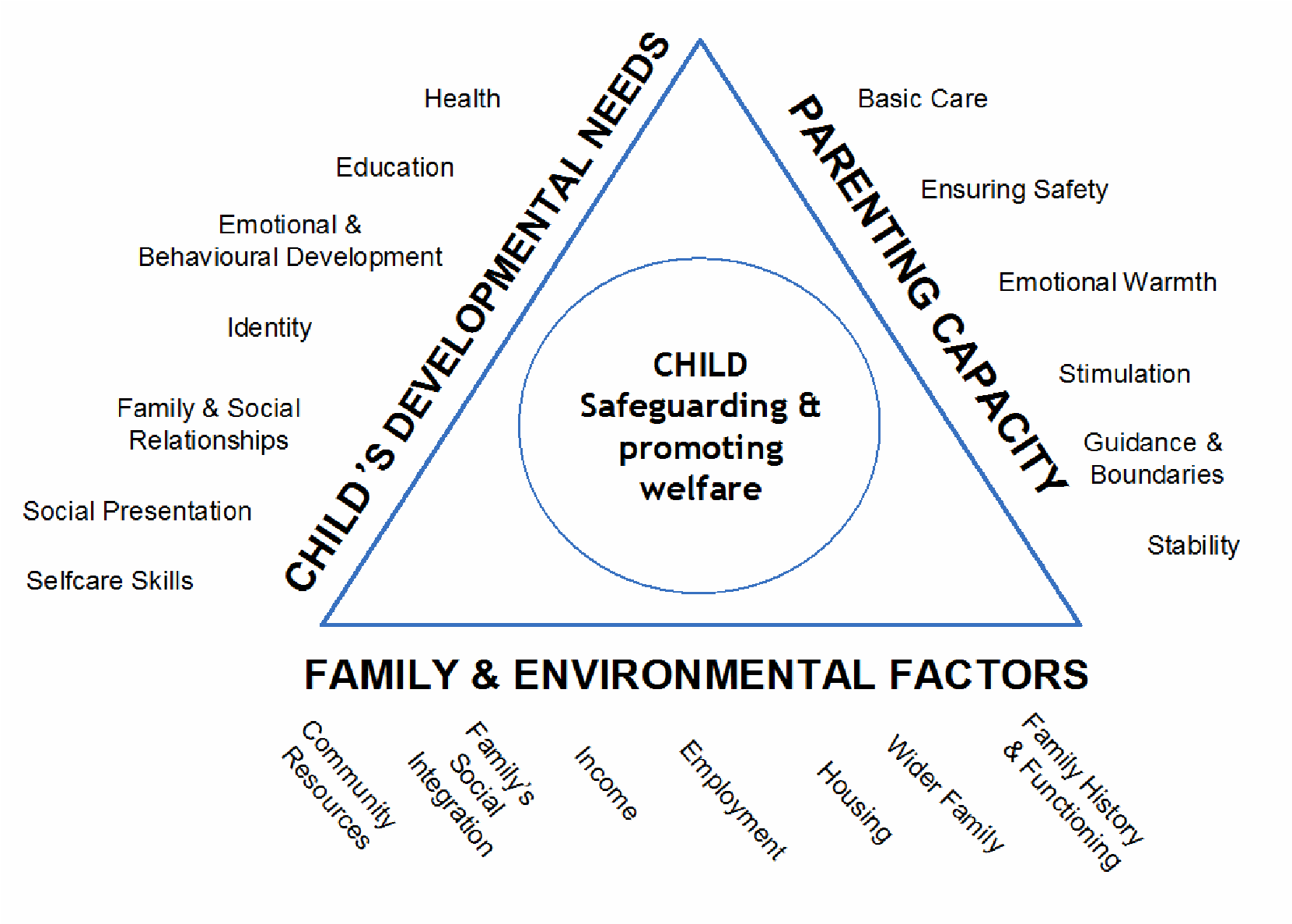
A Child and Family Assessment document or workbook including the completed parenting programme should be presented to Court with the initial application, unless in exceptional circumstances where this has been agreed with the Senior Manager. For example, application for an Emergency Protection Order or urgent interim care order.

In these circumstances the Child and Family Assessment for Duty and Assessment and workbook for the Family Safeguarding teams must be filed by the Case Management Hearing.

The quality of all assessments will depend to a greater or lesser degree on the expertise, experience and knowledge of both the worker and their supervisor.

**5.2 ASSESSMENT AND ANALYSIS**

The assessment should be based on [Working Together](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf), our statutory guidance for assessment and use the following framework to gather information:



An effective assessment process means gathering good evidence:

* Use existing/previous information that we and other agencies have. Set this out in the assessment and draw out patterns in their history.
* Explore services, work, and support that has previously been offered and consider what change and difference this made for the child and family, and how well the family engaged with this, if it was not successful, why not?
* Spend time with the child or young person gathering their views, wishes, feelings and opinions. Assume children can share these and try to gain them. If children are pre- or non-verbal, observe them and complete other activities to understand their world. Go beyond just gaining a child's 'voice' – seek their opinions about what is going on in their life.
* Observe the child or young person's key relationships with their parents or main carers, peers, or other important family members. Record and describe what you have seen of these relationships in the assessment. Try and give a sense of their lived experience.
* Use direct work tools, approaches, or structured pieces with the child, young person or adults in the family to inform the assessment process.
* Consider and record any barriers to engaging/working with the family.
* Set out a clearly each child or young person's specific needs.
* Take a strengths-based and collaborative approach with the family, seek and record their views/opinions, particularly their views about plans and solutions to the needs and challenges they have.
* Gain information and views from other agencies/professionals, including asking them to identify the strengths of the family. If other agencies or professionals have completed assessments of pieces of work with the child, young person or family make sure you use this to inform the assessment and coordinate the work that is going on around a family to best support the family to avoid duplication or professional conflict.
* Record any differences of opinions you have found.
* Consider and record your view of the strength of the evidence/information you have set out. State the source, quality and accuracy of this information.
* Triangulate information/evidence – join the dots and make links in the evidence to develop confidence in the professional view you then set out.
* Make use of current research and approaches and reference these in the assessment.

Completing assessments is a dynamic process and we need be flexible, inquisitive, reflective, and open to challenge – a process that requires support from managers and supervisors who provide and protect time and space to reflect. Managers should take time to support staff and help them develop their analyses, these may be anything from ad-hoc spaces to formal supervision. Managers and supervisors should use their own tools and take a planned and structured approach to supporting their practitioners and team as a whole in developing assessment and analysis skills to produce the highest quality work that informs best use of resources to support positive impact for children, young people and their families.

Our analyses are written in many different places in children and young people's records and there are a range of formats and forms that we use. The structure of a specific analysis might vary but should be led be the needs of the piece of work that contains the analysis and the needs of the child or young person, ensuring that the analysis helps in summarising their lives and supports effective decision making. In general, it is helpful to think of structuring an analysis into the following three sections with the following content to have a good analysis:

1st Section – A summary of known information:

* State the reason for this analysis or our professional involvement
* Summarise the known history
* Summarise the key evidence and weigh up the strength of that evidence
* Set out the main concerns and strengths
* Give a clear sense of the child or young person's lived experience and their core needs

2nd Section – Exploring the current dynamics, hypotheses, and progress:

* Set out the dynamics/patterns around the child or young person
* Set out at least one hypothesis
  + Ideally explore different hypotheses, and
  + Ideally give the parents/carers and child or young person's views of these hypotheses
* Consider progress, or lack of progress, in current work – including a view on where a parent/carer (or young person) is on the cycle of change and capacity to change

3rd Section – A clear professional view, the impact for the child or young person, and what next:

* Focus on, and clearly state the impact/outcomes for the child or young person – what all this information/evidence/analysis means for them
* Set out a clear decision/professional view (particularly on threshold – e.g. is the child suffering significant harm)
* Set out a brief plan/action/next steps (be SMART) and contingency plan if needed

When reflecting on the analysis some useful questions to consider include:

* + Have you answered the question(s) you set out to explore?
  + Is the analysis just a re-description, or have you gone further?
  + Have you explored dynamics/patterns around the child or young person?
  + Have you taken a balanced view with the strengths and concerns?
  + Are you taking a holistic view, have you considered all the evidence (including weighing up its relative strength) to inform you professional view?
  + Is there a hypothesis – a professional view why this child or young person is in this situation?
  + Have you thought about any assumptions you might be making?
  + Are you being over-optimistic?
  + Have you considered confirmation bias?
  + Are you writing in an absolute way, with too much certainty? Have you given a view on how sure you are about any professional view or hypothesis you are making?
  + Have you considered and recorded where the parents/carers are on the cycle of change and what their capacity to change is?
  + Are you focused on the impact for child or young person? Have you set out what all of this information actually means for them?
  + Have you set out a clear professional view that you own?
  + Have you reviewed and edited your work to ensure it reads clearly and will make sense to other people reading it, including the child, young person and family?

When determining what level of support is appropriate for the child, the Level 3 and 4 Thresholds guidance is helpful. You can view this [here.](https://lancashirecc-my.sharepoint.com/:w:/g/personal/rosie_tomlinson_lancashire_gov_uk/EZFqqiYK8clBrOR92iQAnNsBEbmYMAFG7P4KsAYfjUZJ5w?e=yR6JMG)

This also can be used in conjunction with the Working Well with Families in Lancashire (CON) tool. With this in mind, Social Workers and other professionals must make decisions with the best interests of the child in mind and within a timescale which has the child’s safety as its paramount concern. Consideration must be given to the findings of any specialist assessments being undertaken alongside the single assessment (e.g. SEN, EHC plans, CAMHS, youth justice, young carers); these must be considered and inform the outcome of the assessment.

**5.3 CONCLUSION / ANALYSIS OF THE EVIDENCE**

This constitutes the professional judgement of the Social Worker and it should be clear to the reader how it was arrived at through the evidence presented. As far as possible, conclusions should facilitate conciliation as not all significant harm is caused by malicious intent. It is likely that work needs to continue with parents in respect of this child or subsequent children, whether or not an Order is made, so framing proposals in a way which takes a compassionate view of parents helps this process (Department of Health, 1996). Reporting to Court under the Children Action).

The conclusion and analysis of the evidence should additionally be discussed within care planning meetings which involves both the Social Worker, Team Manager and if appropriate the Senior Manager.

The **ENDORSEMENT OF THE ASSESSMENT**, in a similar way to endorsement of the care plan (LAC 99 (29)) is required. **Team Managers should countersign Court reports and assessments,** hence the importance of discussion within care planning meetings.

It is important to be aware that there may be several assessments within the 'life' of the proceedings, and it is necessary to both identify them separately and integrate them into an analysis which institutes and explains the Local Authority's care plan.

**5.5 USE OF EXPERTS DURING PRE-PROCEEDINGS AND CARE PROCEEDINGS**

5.5.1 Pre-Proceedings

As part of the pre-proceedings process, it may be necessary to look at commissioning expert assessments. The assessment may be a:

* Psychological assessment;
* Psychiatric assessment;
* Capacity assessment;
* Parenting assessment;
* PAMS assessment;
* Risk assessment;
* Drug and Alcohol tests;
* DNA Test.

Whilst many assessments require a professional background other than social work practitioner, it is imperative that any assessments which can be completed either by the allocated social worker or a social work professional within the Local Authority is considered first and foremost. There are social workers within the Local Authority who are trained to conduct PAMS assessments and risk assessments can often be completed by a social worker within the service rather than an Independent Social Work assessment. There are also a number of Youth Offending Workers who can undertake AIM assessments in relation to sexually harmful behaviour in adolescents. Furthermore, within Family Safeguarding there are specialist adult workers who can be utilised to complete direct work and form assessments for parents who have difficulties with substance misuse, mental health and domestic abuse. Referrals to adult workers for such work and assessments should be completed within a timely manner and social workers should also be responsible for delegating them modules of the workbook so the assessment includes the view and analysis of all the specialists working with the family.

It will also be imperative that the questions asked of any expert in the letter of instruction are agreed with all the parties involved with the pre-proceedings phase. This will ensure that all parties are able to contribute to the instruction and avoid a situation where a further assessment is requested should care proceedings need to be issued on the basis of either the fairness or the assessment or not sufficiently exploring the issues.

5.5.2 Care Proceedings

Careful consideration should be given to the need to appoint experts and this should be done as soon as possible. In the time between issuing the application and the Case Management Hearing, there is an opportunity to explore and approach experts who may be instructed. This will enable discussion at the Case Management Hearing and should assist in agreeing and timetabling an expert***.***

It must be ensured that experts are appropriately and not unnecessarily appointed. The test for the appointment of an expert that the Court must apply is that the report is necessary for the just resolution of the proceedings (rule 25 Family Procedure Rules 2010 as amended).

The lead Solicitor for enquiring about experts is the children's Solicitor. It is at the **CASE MANAGEMENT HEARING** that **TIMESCALES** for the completion of these **EXPERTS' ASSESSMENT REPORTS** should be known and finalised so that the case can be timetabled and dates for the **AGENCY DECISION MAKER** established.

**6.0 ROLES AND RESPONSIBILITIES OF THE DIFFERENT TEAMS:**

There are various different functions across Children's Services, each function having a variety of skills, knowledge and expertise. Please see [here](https://lancashirecc-my.sharepoint.com/:w:/g/personal/rosie_tomlinson_lancashire_gov_uk/EXwtX5KDoXNPl47Y6cZVbHwBqkIDNZlUE0idqDq6Ov0JJg?e=Iuf33h) the document containing the roles and responsibilities of these functions. At 6.1, the roles and responsibilities of various practitioners within Care Planning are detailed further.

**6.1 ROLE/RESPONSIBILITY OF THE CHILD'S SOCIAL WORKER**

* Undertake pre-proceedings work including pre-proceedings letter, meetings and schedule of expectations. Consideration of expert reports and drug testing etc.
* Correlate all information and expert reports into an analysis within the court documentation and single assessment.
* Arrange family group conferences, and undertake any viability assessment re family/friends if special guardianship / residence order is considered.
* Write initial statement, chronology and Interim Care Plan for the initiation of proceedings, and ensure compliance with the pre-proceedings checklist
* Attend Court hearings
* The transfer of children to the CIOC team will take place when a plan of permanence for the child is achieved and when it is the right time for the child/ren.
* Arrange Family Time with parents, this includes arranging a family time Planning Meeting.
* Undertake work with birth family to ensure they are aware of the role of the teams.
* Explain adoption permanence processes to the birth family. If twin-tracking, ensure birth family understand the permanence involvement and twin tracking is not pre-emptive. Send parents a guide to Adoption leaflet.
* Provide or arrange support to birth family.
* Request date for Agency Decision Maker recommendation after Case Management Hearing once timescales for filing of expert assessments is known if a care plan of adoption is possible.
* Complete Adoption medical straight after Case Management Hearing at the latest.
* Gather information for the child's benefit and preparation of Child Permanence Report and complete.
* Prepare the Placement Order Report (or suitability report for Special Guardianship Order/Residence Order applications).
* Undertake responsibility for liaison with Fostering Team and/or Adoption Lancashire and Blackpool, with regard to potential placements/matching, following ratification of plan by best interest meeting.
* Attend joint twin tracking meeting prior to initial hearing to discuss the child/rens care plan.
* Undertake any sibling assessments re long term planning.
* Undertake all life story work.
* Complete final care plan and statement.

**6.2 ROLE/RESPONSIBILTY OF THE FOSTERING TEAM SOCIAL WORKER**

* + Where placement preference is with existing carers of the child (ie current foster carers); to liaise with the carers and prepare update reports regarding their availability and suitability. Where their registration requires a change to meet the Permanence Plan, to produce the appropriate reports.
  + To complete assessments of connected persons and to present to relevant panel. In respect of Regulation 24 placements refer to Regulation 24 procedures.
  + In cases where it is established that placements are not readily available or would not become available in a realistic timescale (in line with the overall care plan); to produce an action plan which shows what steps will be taken to find an appropriate placement.
  + Attend the twin-tracking/care planning meetings
  + To contribute to information for the production of reports for panels and Courts.
  + To confirm permanence placement options following ratification of plan re Best interests decision.
  + To contribute to the matching process.
  + To provide ongoing support to the new carers of the child.
  + Attend court hearings as appropriate.

**6.3 ROLE/RESPONSIBILTY OF ADOPTION LANCASHIRE AND BLACKPOOL FAMILY FINDING SOCIAL WORKER**

* Run twin tracking clinics
* Support with CPR writing
* Track and monitor cases from the outset of care proceedings to Adoption Order
* Advice and guidance around adoption and care planning for adoption
* Provide support with linking paper work
* Find suitable families for children
* Attend adoption linking panels
* Provide advice on family finding
* Profile children
* Link in with adopter recruitment team (R&A) to discuss potential matches at an early stage
* Family finding court statements
* Deliver training on Early Permanence and adoption processes

More information can be found in the attached document below



**6.3** **CHILDRENS SOCIAL CARE TEAM MANAGERS**

* Ensure all statements, assessments and care plans are completed in accordance with the guidance and within timescales and endorsed and signed by them.
* Seek legal advice, following consultation with the Senior Manager, where appropriate.
* Chair all care planning meetings and all pre-proceedings meetings.
* Monitor progress of the case throughout.

**6.4 LEGAL SERVICES**

* Attend Legal Planning Meetings/support pre-proceedings process.
* Take instruction to initiate care proceedings via Senior Manager. Provide legal advice if requested via Senior Manager.
* Advocate to ensure that clear instruction is given by Local Authority representatives on all decisions, and act accordingly.
* Deal with all matters expeditiously on behalf of the Directorate, taking into account the nature of the matter, service priorities and any relevant judicial protocols or practice directions.
* Except in the case of urgent work or where deemed inappropriate, acknowledge receipt of written instructions within five working days indicating the file reference number, the name of the person dealing with the matter and their supervising officer.
* Within fourteen days of the acknowledgement of instructions referred to in the preceding bullet point, provide an initial response to the Directorate providing either preliminary advice on the matter or an indication of when such advice will be available.
* In the case of work which by its nature is urgent, deal with the matter within any timescale imposed by a third party (e.g. a time period prescribed by a Court) and/or such timescale as shall be agreed between Legal Services Group and the Directorate and in such a matter as to protect the Directorate's position.
* Take instruction from Team Managers throughout the conduct of the case.
* Provide a copy of expert's CV to allow Local Authority informed choice when consideration is given to instructing experts.
* If a case is contested and evidence required a meeting should place beforehand to prepare for the likely areas of contest.
* Communicate any concerns about the content or presentation of the case to the relevant Team/ Senior Manager.
* Provide feedback following given evidence.
* Pass on any positive comments received.
* Alert the relevant Senior and Team Manager of any potential criticisms or difficulties as soon as they are known.
* Upon the conclusion of an individual case provide a case closure report to the Directorate. Also to advise on the need for any future reviews.

**7.0 MONITORING AND EVALUATION**

**7.1** **INDEPENDENT REVIEWING OFFICERS**

* The IRO role, as detailed in the IRO Handbook, is to assess the quality and effectiveness of local authority planning and support for children. The purpose of the Children Looked After review is to consider the quality of the child’s care plan, based on the local authority’s assessment of the child’s needs. [**https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/337568/iro\_statutory\_guidance\_iros\_and\_las\_march\_2010\_tagged.pdf**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/337568/iro_statutory_guidance_iros_and_las_march_2010_tagged.pdf)
* The IRO will consider permanence at all Children Looked After Reviews, specifically ensuring the Plan for Permanence has been approved at the 2nd review. The IRO will ensure that concurrency and fostering for adoption are being considered in appropriate cases. The IRO will ensure that all aspects of the child's care plan are reviewed and updated as appropriate and that the plan meets the needs of the child/young person.
* The IRO will complete Case Monitoring during each period to ensure the completion of review tasks and ensure progression of the child's care plan.
* In line with the IRO Handbook, if issues are identified in relation to a child’s case, in relation to care planning, the implementation of the care plan or decisions relating to it, the IRO will challenge through the informal and formal resolution.

**7.2 CAFCASS**

* It is expected that the Children's Guardian will communicate freely with the Local Authority throughout the duration of the case in respect of the development of the care plan. Where any potential difficulties/differences of opinion arise, best practice would be to express that in writing to both Legal Services and the Local Authority Team Manager at the earliest opportunity.
* CAFCASS will be expected under the new Public law Outline to be providing an Initial Case analysis before the Case Management Hearing.
* The IRO and Cafcass Officer will have contact in accordance with the Cafcass protocol to promote the best possible care planning process for the child/ren.

**8.0 LIFE STORY WORK**

Lancashire County Council is committed to promoting the resilience and emotional wellbeing of all children and young people who are Looked After. Life Story Work forms an integral role in mapping out the life journey for a child, including significant events, relationship networks, and achievements that have occurred in their life. This procedure and its guidance set out the minimum standard of practice for all children and young people who do not live at home with their birth families.

Our legal responsibility as set out in the Children Acts of 1989 and 2004 is to ensure that children and young people are at the heart of any process that affects their lives, and their active involvement is sought in this work, based on their developmental stage and understanding.

Lancashire’s core values set out the importance of effective participation, which includes listening to the views, wishes, and feelings of children and young people. This is most crucial when progressing their personal Life Story Work. This is achieved by giving the child or young person ownership of the Life Story Work and encouraging them to participate as much as possible. Through this process of involvement, their sense of identity is established, which in turn promotes their sense of resilience and self-esteem, and equips them for a healthier future.

The Life Story Work Policy can be accessed [here.](https://www.proceduresonline.com/lancashirecsc/user_controlled_lcms_area/uploaded_files/Life%20Story%20Work%20policy%20and%20procedure%20FINAL_.docx)

**References**

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1. This is with the exception of cases where it is deemed not possible to do so. **Re S (A Child) [2014] EWCC B44 (Fam)** provided a number of circumstances in which it was viewed that there were a number of circumstances in which there may be scope to extend proceedings beyond the 26-week timescale. [↑](#footnote-ref-2)