



Best practice guidance:  
Support for and work with families prior  
to court proceedings

March 2021

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## Glossary

|          |                                                                                                                   |
|----------|-------------------------------------------------------------------------------------------------------------------|
| ADCS     | Association of Directors of Children's Services                                                                   |
| ADSS     | Association of Directors of Social Services Cymru                                                                 |
| ASF      | Adoption Support Fund                                                                                             |
| ASGLB    | Adoption and Special Guardianship Leadership Board                                                                |
| ASP      | assessment and support phase                                                                                      |
| BPG      | best practice guidance                                                                                            |
| CA 1989  | Children Act 1989                                                                                                 |
| Cafcass  | Child and Family Court Advisory and Support Service and Child and Family Court Advisory and Support Service Cymru |
| CG       | children's guardian                                                                                               |
| CMH      | case management hearing                                                                                           |
| CMO      | case management order                                                                                             |
| DfE      | Department for Education                                                                                          |
| DFC      | designated family centre                                                                                          |
| DFJ      | designated family judge                                                                                           |
| EPO      | emergency protection order                                                                                        |
| FCMH     | further case management hearing                                                                                   |
| FGC      | family group conference                                                                                           |
| FJB      | family justice board                                                                                              |
| FJYPB    | Family Justice Young People's Board                                                                               |
| FPR 2010 | Family Procedure Rules 2010                                                                                       |
| FRG      | Family Rights Group                                                                                               |
| HMCTS    | Her Majesty's Courts and Tribunals Service                                                                        |
| ICO      | interim care order                                                                                                |
| IRH      | issues resolution hearing                                                                                         |
| IRO      | independent reviewing officer                                                                                     |

|                |                                                                   |
|----------------|-------------------------------------------------------------------|
| ISW            | independent social worker                                         |
| LAA            | Legal Aid Agency                                                  |
| LiP            | litigant-in-person                                                |
| LoI            | letter of instruction                                             |
| MoJ            | Ministry of Justice                                               |
| NFJO           | Nuffield Family Justice Observatory                               |
| PLO            | public law outline                                                |
| S 20           | section 20 of the Children Act 1989                               |
| S 76           | section 76 of the Social Services and Well-being (Wales) Act 2014 |
| SDO            | standard directions on issue                                      |
| SG             | special guardian                                                  |
| SGO            | special guardianship order                                        |
| SGSP           | special guardianship support plan                                 |
| SSW-b(W)A 2014 | Social Services and Well-being (Wales) Act 2014                   |
| SWET           | social work evidence template                                     |

## Introduction

1. In December 2018, the President of the Family Division asked me to chair this working group to address the operation of the child protection and family justice systems.
2. The steep rise in the issue of public law proceedings seen in 2016/17 and 2017/18 has to some degree eased more recently. But there are still a greater number of cases being issued than in earlier years. The far greater volume of cases is, as the President observed, dealt with by the same number of social workers, care professionals, CGs, lawyers and judges, if not fewer, given those who have decided to leave their chosen careers because of the incessant and overwhelming demands of the family justice system.
3. The reasons for this recent steep rise in the issue of public law proceedings are complex and multiple, as suggested by the recent work of the FRG's *Care Crisis Review: Options for Change* (June 2018)<sup>1</sup> and joint work done by the MoJ and DfE.
4. The various reasons for the increase in the number of public law proceedings issued are outside the remit of this working group. We are charged with considering how children and young people may:
  - i. safely be diverted from becoming the subject of public law proceedings;
  - ii. once they are subject to court proceedings, best have a fully informed decision about their future lives fairly and swiftly made.
5. The key themes of this best practice guidance are:
  - i. care proceedings are an option of last resort;

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<sup>1</sup> Available online: [https://www.frg.org.uk/images/Care\\_Crisis/CCR-FINAL.pdf](https://www.frg.org.uk/images/Care_Crisis/CCR-FINAL.pdf)

- ii. the PLO pre-proceedings process represents a genuine opportunity to work closely with families by offering help and support to address their recognised needs in a bid to negate the need to issue care proceedings;
  - iii. working in partnership with families requires a collaborative approach to identifying issues together and co-producing a plan to support change;
  - iv. the child's safety must always be maintained and the voice of the child must be heard;
  - v. safely managing risk, while building on family strengths and energising wider family support, is critical;
  - vi. the decision to initiate court proceedings should be taken by a senior manager of the local authority;
  - vii. it is crucial that the parents clearly understand the PLO pre-proceedings process and what is expected of them; and,
  - viii. in respect of newborns, if the local authority comes to an early view that proceedings will be issued on birth, then draft documents should be ready to send to lawyers before the child's birth.
6. All those involved in the child protection and family justice systems worked under considerable pressure before COVID-19. The recommendations set out in this BPG were in large part formulated in a time before the pandemic. COVID-19 has required everyone to adapt to new ways of working. It has increased the workload and pressure upon us all. It has created new uncertainties and further challenges for many children and families. It was agreed that the time was right to recommend to the President that in early March 2021 he publish this guidance. The implementation of this BPG should result in an easing of the burden and pressures on all those involved, to the inestimable advantage of all children who are involved in the child protection and family justice systems and their families.

7. Uniquely, all stakeholders<sup>2</sup> in the child protection and family justice systems are agreed on the need for reform and on the direction of travel. All are agreed that the reforms and recommendations set out in this guidance will improve the outcomes for children and young people and their families.
8. The President has issued this BPG to improve the ability of social workers, senior managers, children's guardians, the legal professions and the judiciary to promote the welfare and protection of children by working in partnership with families to achieve the best outcomes, in a fair and timely manner, for children and young people. The aim is to assist families to be able to make decisions that, wherever possible, enable children to be safely raised within their family network and avoid the need for more intrusive state intervention, including court proceedings. The BPG will help families to know what they should be able to expect from children's services departments, both when pre-proceedings work is being undertaken and if court proceedings are issued.

*The Honourable Mr. Justice Keehan*

*March 2021*

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<sup>2</sup> The 'stakeholders' are social workers and social work managers, children's guardians, family lawyers, family judges and groups supporting families and kinship carers.

## Appendix E: best practice guidance for support for and work with families prior to court proceedings

### E1. BPG

1. Local authority decision-making should be underpinned by principles of partnership working and relationship-based practice at all times. The purpose of this BPG is to support social workers to make consistent and timely decisions. The ability to hold risk safely whilst building on family strengths is central to this.
2. Care proceedings are the option of last resort. The purpose of the PLO pre-proceedings process is not purely one of assessment where the local authority is thinking about making an application to the court. It represents a genuine opportunity to work closely with families by offering help and support to address their recognised needs in a bid to negate the need to issue care proceedings.
3. This BPG aims to achieve the best outcomes for children, young people and their families. It is supported and endorsed by the ADCS, ADSS Cymru, and the wider membership of this working group.<sup>3</sup>

### Introduction

4. This document covers an essential part of the work that is undertaken by local authorities when concerns arise about the welfare of child(ren) and their family. It covers:
  - a. the core principles
  - b. local authority decision-making
  - c. pre-proceedings and PLO assessments.

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<sup>3</sup> Save that, as noted, MoJ and DfE participation in this working group should not be taken as government endorsement of all the recommendations in this report or the BPG.

5. This guidance is intended to provide a practical step-by-step guide to practitioners and relevant stakeholders in order to achieve a degree of consistency, but not the standardisation, of approaches across the jurisdiction. This guide should be read alongside the relevant legislation, statutory guidance and appropriate case-law.

### Core principles

6. A set of core principles provide the common thread throughout this document, which can be summarised as follows:
- a. **Child's welfare is paramount:** this principle is applied consciously and intuitively by social work practitioners.
  - b. **Child's views:** social work practices, and the law, rightly place importance on the views of child(ren). It is important that how, when and the circumstances in which their views were expressed are accurately documented. For the very young, and those with disabilities which may limit verbal communication, the use of creative approaches, observation and interpretation by social workers in their direct work, is crucial.
  - c. **Managing and mitigating risks:** steps should be taken to ensure the child's safety is always maintained and not compromised during work with them and their family.
  - d. **Partnership:** work with the child(ren) and the family, including other significant adults, should be undertaken with the consent of the family, and their support network. This requires a collaborative approach to identifying issues together and co-producing a plan to support change. The family should feel part of the process and particular care may be needed where meetings are held virtually, to ensure engagement is meaningful. It is important that social, cultural and health inequalities or differences are actively and thoughtfully considered here.

- e. **Multidisciplinary approach:** wherever possible the existing skills, shared knowledge and resources of all partners and agencies involved with the child(ren) and their family, such as health and education, should be used to effect positive change, with anything external being a last resort.
- f. **Record keeping:** accurate and timely recording is vital as is clear communication with the family. Social workers undertake a huge amount of work with children and their families. The detail of these interactions often inform - but may not always be visible in - future assessments. These records are also important to the work of other professionals involved with the family and to court proceedings, if that is the outcome.
- g. **Court is an option of last resort:** court proceedings must be necessary and proportionate. Care proceedings should only be initiated where the safety and welfare of the child demands it and the legal threshold is met.
- h. **No delay:** whilst it is recognised that purposeful delay can be a useful tool e.g., to accommodate assessments or gain confidence that positive behavioural changes are sustained, any unnecessary delay is to be avoided by close monitoring of the timeline of the assessment and support plan. Steps to minimise delay when children/families are transferred between teams or social workers should be taken. If proceedings are contemplated, the evidence that has been gathered through the PLO process should be complete, up-to-date, relevant and presented to the court.

### **Local authority decision-making**

- 7. The aim is to support local authorities to make consistent, timely and balanced decisions as to whether to initiate pre-proceedings. Safely managing risk, while building on family strengths and energising wider family support, is critical. Encouraging families to embrace this opportunity as opposed to embarking on the steps towards proceedings should be the aim.

8. The fact that the legal threshold has been met does not always mean it is right, or proportionate, to arrange a legal gateway/planning meeting, proceed to pre-proceedings or instigate care proceedings. Progress with some families where the child is on a child protection plan can feel slow or absent or there may be a need for specialist assessments or tests. However, this should not be the driving factor in decision-making to escalate towards the PLO. Despite the threshold being met, thorough consideration should be given as to what can be done differently to achieve progress without escalating towards the PLO process.

### Timing

9. An important balance should be struck between working supportively with the family to bring about change, the potentially damaging impact of delay for the child and the risk of the situation escalating to crisis point leaving no alternative to the issuing of care proceedings. It is also important that appropriate support is in place to facilitate the effective participation of the family. This may include non-legal advocacy services, intermediaries or interpreters, for example.
10. Here are some key points at which a family should be considered for presenting at legal gateway/planning meeting. This is not an exhaustive list and the points, below, are simply offered for the reflection and deliberation of social workers and senior managers:
  - a. Where a pre-birth conference decides a child is to be made the subject of a child protection plan ahead of birth and there is no active involvement from the extended family.
  - b. Where a child has a child protection plan and parental engagement with the process, and support services, has been persistently inconsistent and ineffective, limiting progress and putting the child at risk of significant harm.
  - c. Where the child has a child protection plan and there has been no progress and/or the impact of the identified concerns has worsened at the point of the

second review conference. Every care should be taken to recognise change takes time, particularly where families are experiencing longstanding challenges.

- d. Families that have previously been through the pre-proceeding process and similar concerns re-occur within a 12-month period.
- e. Families where the mother or father have had child(ren) removed from their care in the past and there is concern that any presently identified risks cannot be managed with the children remaining in the parents' care.
- f. Families where the risks and concerns are sufficiently significant that the matter is highly likely to proceed to court, but allowing time for the PLO pre-proceedings.

### **Decision to initiate pre-proceedings**

- 11. This decision should be taken by a sufficiently senior manager, such as the line manager of the team manager responsible for the management of the family. It is the responsibility of the team manager to identify families who should be considered for pre-proceedings and that their suitability of remaining in the process is kept under review.
- 12. In addition to the team manager, the IRO and the child protection chair should also consider whether a family should be recommended for pre-proceedings at regular child in care reviews/child protection conferences, and discuss their views with a senior manager. Once the decision to enter pre-proceedings has been taken, it is important to note that families can step out of the PLO process if it becomes clear that this level of intervention is no longer in the child's best interests or that the threshold for entering the pre-proceedings is no longer met. Care should be taken to have confidence that the changes made are sustainable, to prevent further instability for the child and family down the line. A clear record

of the discussion with the family, including the rationale given for stepping down, should be made.

### **Factors to be considered**

13. A senior manager should decide if it is appropriate to convene a legal gateway/planning meeting for a family, with a view to instigating pre-proceedings.

In reaching that decision, the following points should be considered:

- a. What is the lived experience of the child(ren) and how is it impacting on their wellbeing?
- b. Is the legal threshold met to commence pre-proceedings or to issue immediate care proceedings?
- c. How long has social care been involved with the family? What are the concerns, and the history of such concerns, of the local authority and/or other agencies?
- d. Have any changes been made within the family to mitigate the risk factors?
- e. What support services have been offered to the family?
- f. How has the family engaged with these services and what is the impact on the children's wellbeing / outcome of this engagement?
- g. What needs to change/happen and what is the plan for the family moving forward?
- h. How have social and cultural differences and inequalities been addressed?  
Have interpreters been consistently used whilst working with the family?

14. Following consideration of the above points, the senior manager will then identify whether further work is required with the family or if a legal gateway/planning meeting is needed. At this point, the senior manager should make a written record, clearly setting out the reasons for their decision. This will inform the decisions that follow so clear and unambiguous reasoning is important.

## Legal gateway meeting (LGM) / legal planning meeting (LPM)

15. Legal gateway is a decision-making forum that should include:

- Chair: A suitably senior manager, in accordance with the local scheme of delegation
- Local authority solicitor
- Team manager
- Social worker
- Care proceedings manager (if appointed)
- Representatives from other services, such as the placement team, SGO, adoption, parenting assessment team, etc
- A minute taker.

16. To allow a full discussion to take place the following information should be on hand to assist the members of LGM/LPM with their deliberations:

- The names of the child(ren), their parents and any other significant family members or friends who may be able to offer support, in either the short or longer term, plus the birth certificate to check father's parental responsibility
- The key needs of the child(ren) and details of any direct work with them to date
- Any relevant child and family assessments completed within the past six months
- Genogram (three generational)
- Chronology
- The most recent child protection conference plan
- The most recent child in care review plan
- Details of any previous expert assessments (if there have been previous Care Proceedings)
- An outline of the proposed plan for working with the family
- An overview of the bundles from any previous proceedings.

17. As outlined above, the meeting will be chaired by a senior manager. Its purpose is to consider all the information available and decide if the legal threshold is met to commence pre-proceedings or to issue immediate care proceedings.
18. The chair's role is to consider all the information and advice available and decide the most effective course of action to promote the safety and wellbeing of the child(ren). The decision and reasoning will be minuted. It is essential that these minutes are accurate, concise and clear.
19. In coming to a decision, all members of the LGM/LPM will identify:
- a. The specific issues, risks and mitigating factors of relevance at this time, which will include known historical concerns.
  - b. Continuing support or any additional direct work to be undertaken with the child(ren) during this period.
  - c. Specify further support the local authority could offer the family to mitigate identified risks.
  - d. How the local authority will continue to assess the risks and/or track positive changes in this period.
  - e. Any expert assessments that are required – including who is being assessed, for what purpose, who will undertake this assessment plus the likely duration.
  - f. Family members who are to be consulted to offer either support or be assessed as alternative carers. The early sharing of necessary information with extended family and the use of a FGC (or similar model developed and used locally) is essential, unless there is good reason why this is impracticable.
  - g. Make a record that the duration of pre-proceedings process will commence from the date of the first PLO meeting at which the plan will be discussed with the parent(s); and agree the frequency of review meetings.
  - h. When the pre-proceedings letter will be sent in order to communicate with the family and agree when the pre-proceedings meeting will take place.

- i. If appropriate, timetable with the family a return date for LGM/LPM at the conclusion of the intervention to consider the assessments and interventions completed in pre-proceedings and make subsequent decisions.

### **Pre-proceedings and the PLO**

20. The PLO brings together a series of steps that ensure the professionals working with children and their families can explore all of the realistic opportunities to achieve the best outcome for the relevant children. This includes the pre-proceedings process.
21. The fundamental purpose of pre-proceedings is a further opportunity to work closely with families to 'narrow the issues.' The main aim here is achieving the best outcome for the relevant child(ren). Although it should be recognised that the pre-proceedings stage does include the contemplation of court proceedings, this may not be the best route and should therefore be the option of last resort.
22. This guide will assist with clear communication with the family about identified concerns and the expectation of all of those who are involved in the process, including clear timescales to prevent drift. It is essential that practitioners both view and approach this phase not simply as a procedural step prior to issuing proceedings: pre-proceedings are an intervention and act as the final chance to reduce risk by supporting change. Every effort should be made to improve outcomes for children as safely as possible. Plus, it is essential to narrow the issues as far as possible before entering court.

### **Guide to best practice**

23. Every step of the pre-proceedings process should be tailored to the particular needs of the child(ren) and their family. It should be overseen and regularly reviewed by a senior manager e.g., at six- eight weeks or at the half-way point.

## **Commencement**

24. Making an application to remove the child(ren) from their parents should be the option of last resort and the child(ren)'s welfare must demand it. However, where there is agreement that issuing care proceedings is a realistic option, the pre-proceedings phase should be used, providing risks can be managed.
25. Having considered the work and assessments that have already been undertaken, assessors should be chosen in advance. Consideration should be given to how investing in specialist services at this stage may avert the need for care proceedings and/or serve to better understand whether care proceedings are still required.
26. A multidisciplinary approach will bring about better outcomes for the children. If adult social services, housing, education or health services are involved and hold relevant information about the family then this should be used as a basis for any necessary further assessments without starting again from scratch.
27. Parallel planning for all alternatives concurrently – aka 'twin-tracking' – alongside assessment planning reduces the likelihood of avoidable delay for the child(ren). It is important that alternative options are not discounted until it is absolutely clear that they are no longer relevant or required.
28. Social workers should discuss the draft document with their manager, and seek their approval.
29. The progress of this pre-proceedings stage should be reviewed regularly by the social worker and their manager. The frequency of such reviews will depend on the needs of each child and should be agreed when discussing the draft PLO plan.

## **Working and agreeing the plan with the family**

30. Anyone who is being assessed/supported as part of the pre-proceedings process should be included in the pre-proceedings meeting. This may be best held individually, as a group, or both. A suggested template document to support

effective communication and record keeping here can be found at [E2](#). The aim of this meeting is to:

- a. Ensure the parents have understood the PLO letter and the reason for the meeting.
- b. Ascertain the parents' understanding of the concerns the local authority holds about their children.
- c. Review the current child protection plan to see if there are points on the plan that the parents agree will provide the most immediate change/safety for their children.
- d. Describe what support the local authority will provide to the parents while they focus on the immediate change work.
- e. Discuss and agree any additional assessment work and the timetable for this work.

31. It is crucial that the parents clearly understand this process and what is expected of them. It is important to consider learning disabilities and/or mental capacity here. Parents may require the support of an advocate or an intermediary or an interpreter if English is not their first language.

32. Older children will also need to be supported to understand this process and what it will involve. The Cafcass FJYPB has developed some principles of working with children during pre-proceedings, which can be read at [appendix 13](#).

33. Ensure that all dates for appointments are agreed and parents are supported to keep them. Missed appointments can impact on the quality of the assessment, the effectiveness of support and leads to avoidable delay. Concerns about lack of engagement by parents should be addressed in a timely way and communicated through legal advocates too. Ensure missed appointments are re-booked, where appropriate.

34. Encourage an open and honest dialogue between the parents and anyone who is supporting them and/or who may be considered as alternative carers.

35. Ensure that letters of instructions to any experts are seen and agreed by parent's legal representatives, where they have such representation.

### **Duration**

36. The duration of the pre-proceedings process is dependent on lots of different factors, from the child(ren)'s need to the number of professionals involved. There are no statutory time limits here, however, the duration should be agreed in advance of starting the process.
37. This process will also produce crucial evidence that may be used if any proceedings are issued. Therefore, it is important that the assessment is up-to-date, relevant and comprehensive.
38. Generally, this process should not continue for longer than 16 weeks. However, the needs and circumstances of each child and family differ. An extension should be discussed and agreed at LPMs, with the oversight and/or involvement of a senior manager.

### **Record keeping**

39. Keeping an accurate record of the agreed PLO plan, the status of assessments in progress and/or outcomes is vital. This is a very important record that can inform future decision-making processes. A recommended template of such a plan can be found at [E2](#). It is good practice to have regard to the principles set out in [E3](#) when recording progress too.
40. All assessments should be recorded in formal reports. If court proceedings are contemplated, save in emergencies, a completed and signed assessment agreement should be served with the application to the court.

### **Outcome**

41. The outcome of this pre-proceedings process should be clearly and succinctly summarised at the end of the PLO process. The social worker should discuss this

with their manager at the final meeting and seek their approval for their draft conclusions of the PLO process for consideration at a legal planning meeting. The options at this point are to escalate, extend or 'step out' of the pre-proceedings process – the deciding factor should always be the immediacy of harm. If the decision to issue proceedings is taken, then the parent(s) should be informed of this in writing.

42. Once a final draft has been agreed, the parents should be invited to a meeting to discuss the outcome and agree the next steps.
43. The letter of intent, which informs parents of the outcome of pre-proceedings process, should not be overly legalistic and should be easy to understand. The final, completed, signed assessment document will be attached to this letter so there is no need to repeat the summary outcome in the main letter. See [E3](#) for key principles to keep in mind.

#### **Special cases: pre-birth, newborns and infants**

44. The timing for initiating the pre-proceedings process is critical here. If the local authority is already involved with the expectant mother and/or the father, this work should commence as early as possible. Depending on the specific circumstances of each parent, some of the PLO assessments and/or interventions may not be completed prior to birth. With some families, the assessment may not commence until after birth, however the agreement may be completed and agreed prior to the birth.
45. Pre-proceedings can be initiated for an unborn child and should be held as early as possible, with timescales monitored closely.
46. The identification of needs, and the provision of support, should happen as soon as possible. This may include, but is not limited to, support for the family, grants and housing.

47. Consider whether specialist advice is required about the timing of certain types of assessments, such as psychological assessments.
48. If the local authority comes to an early view that proceedings will be issued on birth, then draft documents should be ready to send to lawyers before the child's birth. The parents should be provided with the copies of the approved draft documents at the earliest opportunity.
49. Placement options should be considered prior to birth and discussed with parents e.g., parent-and-baby foster placements or fostering-to-adopt placements, so as to ensure that early permanence is achieved for babies, as appropriate.

## E2. Sample assessment agreement

*[Name of Local Authority]* PLO Plan  
Dated ....

### The family

#### The children

|      |               |
|------|---------------|
| Name | Date of birth |
| Name | Date of birth |
| Name | Date of birth |

### The parents

|        |
|--------|
| Mother |
| Father |

| Other people who are important | Relationship to the child(ren) |
|--------------------------------|--------------------------------|
| 1.                             |                                |
| 2.                             |                                |

|                                             |
|---------------------------------------------|
| _____                                       |
| 1. Children's social worker:<br>、           |
| 2. Assistant/Team manager:                  |
| 3. Health visitor:                          |
| 4. School:                                  |
| 5. Support workers:                         |
| 6. Advocates/intermediary:                  |
| 7. CAMHS or mental health service:          |
| 8. Any other relevant professionals/agency: |

| <b>Duration of the pre-proceedings process</b>                                                                                                               |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <i>The duration should be agreed and set at the first meeting. This is bespoke timeframe for the family and ideally should not last longer than 16 weeks</i> |            |
| First PLO meeting                                                                                                                                            | ..... 20XX |
| First PLO review meeting                                                                                                                                     | ..... 20XX |
| Second PLO review meeting                                                                                                                                    | ..... 20XX |
| Target finish date                                                                                                                                           | ..... 20XX |
| Date of decision to extend (and reasons)                                                                                                                     | ..... 20XX |

|                            |
|----------------------------|
| <b><u>Expectations</u></b> |
|----------------------------|

|                                                                                                        |
|--------------------------------------------------------------------------------------------------------|
| <p>These were discussed at the first PLO meeting and any changes are recorded below.</p> <p>1. ...</p> |
|--------------------------------------------------------------------------------------------------------|

|                                                                                    |
|------------------------------------------------------------------------------------|
| 2. ...                                                                             |
| <b><u>Family Group Conference (or similar)</u></b>                                 |
| At the first PLO meeting the child(ren)'s mother put forward the following people: |
| 1.                                                                                 |
| 2.                                                                                 |
| 3.                                                                                 |
| At the first PLO meeting the child(ren)'s father put forward the following people: |
| 1.                                                                                 |
| 2.                                                                                 |
| 3.                                                                                 |

|                                                                              |
|------------------------------------------------------------------------------|
| The social worker will make the referral for a FGC (or similar) by..... 20XX |
| <b><u>Outcome of the FGC (or similar)</u></b>                                |
| Reasons why a FGC has not been held:                                         |

|                                                                                                                                                  |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b><u>Agreed Assessments</u></b>                                                                                                                 | <b>Date</b> |
| Type of Assessment: Hair strand testing                                                                                                          |             |
| To be test for [ <i>specify substances</i> ] for three months on a month by month basis to include liver function testing if testing for alcohol |             |
| To be completed by                                                                                                                               | .....20XX   |

|                                                                          |            |  |
|--------------------------------------------------------------------------|------------|--|
| <b>Type of Assessment: Expert assessment is necessary/ not necessary</b> |            |  |
| Name and type of expert agreed                                           |            |  |
| Letter of Instruction by                                                 | ..... 20XX |  |
| To be completed by                                                       | .....20XX  |  |

|                                                               |            |  |
|---------------------------------------------------------------|------------|--|
| <b>Type of Assessment: C&amp;F Assessment (new or update)</b> |            |  |
| Name of Assessor                                              |            |  |
| The first session will take place on                          | ..... 20XX |  |
| To be completed by                                            | .....20XX  |  |

|                                                                                                                                     |           |  |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------|--|
| <b>Type of Assessment: Sibling assessment is necessary/ not necessary. This will be completed by the child(ren)'s social worker</b> |           |  |
| To be completed by                                                                                                                  | .....20XX |  |

|                                                                            |           |  |
|----------------------------------------------------------------------------|-----------|--|
| <b>Type of Assessment: Viability assessments</b>                           |           |  |
| Names of family and friends put forward by the parent(s)                   |           |  |
| To be completed by                                                         | .....20XX |  |
| Outcome: Positive/negative<br>Referred to connected persons team on [DATE] |           |  |

|                                                                                                      |            |             |
|------------------------------------------------------------------------------------------------------|------------|-------------|
| <b>Supports/ interventions</b><br><i>e.g. therapy, domestic abuse work, drug and alcohol service</i> |            | <b>Date</b> |
| Type of support/ intervention: .....<br>Referral made on..... 20XX                                   |            |             |
| Start date                                                                                           | ..... 20XX |             |
| Expected completion date                                                                             | ..... 20XX |             |
| Who will provide the service                                                                         | ....       |             |
| Which parent will engage                                                                             | ....       |             |

|                                                                    |            |  |
|--------------------------------------------------------------------|------------|--|
| Type of support/ intervention: .....<br>Referral made on..... 20XX |            |  |
| Start date                                                         | ..... 20XX |  |
| Expected completion date                                           | ..... 20XX |  |
| Who will provide the service                                       | ....       |  |
| Which parent will engage                                           | ....       |  |

|                                                                    |            |  |
|--------------------------------------------------------------------|------------|--|
| Type of support/ intervention: .....<br>Referral made on..... 20XX |            |  |
| Start date                                                         | ..... 20XX |  |
| Expected completion date                                           | ..... 20XX |  |
| Who will provide the service                                       | ....       |  |
| Which parent will engage                                           | ....       |  |

**What may lead to proceedings being issued?**

*Please identify what may lead to the local authority issuing proceedings e.g. ineffective/unproductive engagement by a parent or persons being assessed causing issues of safety with the need to remove the child(ren) from the care of their parents.*

1. If the child(ren)'s safety demands it.
2. If the parents do not work with professionals to make positive changes and there is a need to remove the child(ren) from the care of their parents.

**Signatures**

| Signature                                        | Print name | Date |
|--------------------------------------------------|------------|------|
| Mother                                           |            |      |
| Father                                           |            |      |
| Social worker                                    |            |      |
| Team manager                                     |            |      |
| Advocate/intermediary on behalf of Mother/Father |            |      |

**Record of the outcome of the pre-proceedings process**

Date entry  
was  
created

Proceedings to be issued: YES/NO

**Record of the outcome of the pre-proceedings process**

*Please record detail of the outcome of PLO and the next steps that will be taken*

### E3. Principles for letter before proceedings

When writing the letter before proceedings social workers should:

- Be honest and respectful
- Ensure the letter is written clearly and is jargon free
- Try to engage rather than alienate the parents
- Be clear about the seriousness of the matter
- Avoid delay but give reasonable notice of the meeting
- Provide sufficient detail to inform the parents' lawyer
- Do not delay the letter by writing more than necessary
- Make sure the letter links with the child protection plan
- Identify and locate both parents, where the child is not living with both of them
- Ensure that the parents understand the contents of the letter and have an opportunity to discuss it prior to the pre-proceedings meeting
- Where a parent may lack capacity, consideration should be given as to whether a discussion involving an advocate/and or legal representative should take place before sending out this letter
- Where English is not the first language of one or more parents then interpretation services may be required.

The letter should set out:

- A summary of the local authority's concerns, balancing it out with positives/strengths in the family in simple and respectful language
- The impact of the identified concerns on the child(ren) should be set out clearly
- A summary of what support has already been provided to the parents
- What needs to change and what the parents should do to bring about change
- What support will be provided by the local authority for them to avoid care proceedings including clear timescales of identified actions to be undertaken
- Information on how to obtain legal advice (and advocacy where required), highlighting the importance for the parent to get legal representation
- An invitation to pre-proceedings meeting, to be held within a maximum of 15 working days after the LGM/LPM.

Public Law Working Group

**Best practice guidance:**

**Support for and work with families prior to court proceedings**

March 2021

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