

SOCIAL WORKER’S GUIDE TO CHILDREN IN PROCEEDINGS

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**CONTENTS**

|  |  |
| --- | --- |
| **1.**  | **3** |
| **.**  | **4** |
| **.**  | **5** |
| **3.1. Attendance**  | **5** |
| **3.2. Process**  | **6** |
| **4. STARTING THE PRE-PROCEEDINGS PROCESS**  | **7** |
|  **4.1. Letter Before Proceedings**  | **7** |
| **5. PRE-PROCEEDINGS MEETING (PMM)**  | **8** |
|  **5.1. Principles of the meeting**  | **8** |
|  **5.2.**  | **8** |
|  **5.3. Chairing of the meeting**  | **8** |
|  **5.4. Record of the meeting**  | **8** |
|  **5.5. Participants**  | **9** |
|  **5.6. Participation of the Child**  | **9** |
| **6. REVIEW & CONCLUSION**  | **10** |
| **7. LEGAL & PREPARATORY MEETINGS COMMENCING LEGAL PROCEEDINGS**  | **11** |
| **8. CHILDREN SUBJECT TO A SUPERVISION ORDER**  | **12** |
| **9. CHILD/(REN) SUBJECT TO A CARE ORDER THAT ANY PARTY WISHES TO DISCHARGE**  | **12** |
| **10.CHILD/(REN) PLACED IN ACCOMMODATION PURSUANT TO S20 CHILDREN 1989 ACT**  | **13** |
| **11. SECURE ACCOMMODATION & DEPRIVATION OF LIBERTY** | **14** |
| **12. PRIVATE FOSTERING** | **15** |
| **12. EMERGENCY PROCEDURE** | **15** |
|  |  |
| **APPENDICES** |  |
| **Appendix A – Single Referral Form** | **17** |
| **Appendix B – Initial Statement, Plan & Evidence Template** | **18** |
|  | **31** |
| **Appendix D - Letter of Issue** | **37** |
| **Appendix E - Template LPM notes** | **38** |
| **Appendix F – Child’s Invitation Letter to PPM** | **39** |
| **Appendix G - Template PPM Agenda &Notes** | **40** |
| **Appendix H – Template Action Plan** | **42** |

1. **INTRODUCTION**

This document provides practitioners with a guide to the pre-proceedings process, legal planning and commencing legal proceedings. The guide also sets out the role of the Legal Planning Meeting in considering cases where a child/(ren):

* is subject to a Supervision Order
* is subject to a Care Order that the local authority wishes to discharge
* has been placed in s20 accommodation
* is to be placed in secure accommodation
* is deprived of their liberty in other accommodation, because they are under constant supervision which is not age-appropriate (eg. a 14 year old receiving 2-1-1 supervision to stop them absconding, or because they lack capacity)
* is privately fostered

The purpose of the guidance is to ensure that practitioners follow the required steps to ensure that decision making is as efficient as possible; placing the child at the centre of the process.

1. **FLOWCHART FOR PRE-PROCEEDINGS PROCESS**

Team Manager & Service Manager agree that the trigger is met for Legal Planning Meeting (LPM)

 submitted, LPM date booked

Submit documentation for LPM to Administrator (for distribution to all attendees no later than 5 days beforehand):

* Initial draft chronology
* Genogram
* Any assessments prepared to date
* Suggested action plan
* Draft to include date of PPM

Legal to review documentation in advance of LPM date

Legal Planning Meeting (LPM)

(within 10 working days of referral)

Inform parents / carers that legal advice is being sought on whether the local authority should commence care proceedings

Provide written legal advice to Social Worker ()

*SW & TM to attend.*

*Chair (agency decision maker) makes final decision based on discussion and legal advice.*

Criteria met, immediate issue required

Criteria not met

Criteria met but does not require immediate issue

Inform family of outcome and continue work with the family. Review quarterly for 1st year to ensure improvement maintained and recommended support is provided by CSC.

Send paperwork to legal within 2 working days:

* Draft for approval
* Updated draft statement, chronology and genogram for approval
* Draft care plan
* Any additional assessments identified

NOTE: Documents to be approved by SM before submission to legal

Transfer to Case Mgt team in Legal and inform social care of allocated lawyer within 1 working day of LPM

Send approved ‘letter of issue’ within 5 working days

Legal Case Mgt Team prepare and issue application to Court within 5 working days of LPM

Update and send paperwork to legal within 3 working days:

* Draft Appendix including proposed action plan for approval

Approved ‘letter before proceedings’ to be sent to parents / carers

(within 5 working days of LPM)

Pre-Proceedings Meeting (PPM) (within 10 working days of LPM)

* Agree next steps
* Set review date
* Prepare Care Plan

Prepare note of discussion () for circulation to attendees along with action plan.

Consider need for further LPM

Mid-point review PPM

(6-8 weeks after LPM)

NOTE: *If parents fail to engage or assessment has reached a negative conclusion, an early decision to issue proceedings can be made.*

Review LPM

(12 weeks after LPM)

Intervention successful: list for mention at LPM

Intervention not successful: seek approval to issue proceedings

1. **LEGAL PLANNINGMEETING**

The triggers for taking a case to LPM for consideration:

* The social work team considers the concerns to have increased to a point at which the threshold criteria appear to be met, and
* The social work team have concerns that the child protection plan does not appear to be addressing those concerns. .
* The social work team believe that the circumstances surrounding a child’s accommodation meets the criteria as a privately fostered child.
* Where police protection has been used.
* Where a Section 37 report has been directed by the Court the case will be presented to LPM within 8 weeks using the LPM referral form and a copy of the Section 37 report in draft.

The purpose of the Legal Planning Meeting is to ensure that the child’s Social Worker and Team Manager seek legal advice. The LPM considers threshold and is explicit about removal, risks and use of the pre-proceedings process. The Chair of the LPM, as agency decision maker, makes the decision as to whether to issue proceedings or prepare a ‘Letter before Proceedings’ based on discussion at the LPM and legal advice provided.

Case should not be presented to panel unless the social work team consider that legal action is likely to be required. For example, a recommendation from Conference is not a sufficient reason to present the case, instead any disagreement in this area would be dealt with under the Dispute Resolution Management process (DRM)

Where the LPM decides that proceedings are issued they will consider:

* The reasons why threshold is satisfied and the rationale for issuing
* The gaps in the evidence required for determination of the case
* The plan for the child including proposed placement, assessments and timescales.

The allocated Lawyer will provide written advice within 72 hours of the LPM

* 1. **Attendance**

The Legal Planning Meeting is chaired by eService Manager, Family Support & Protection.

The following practitioners are expected to attend:

* A Senior Management representative (service manager LAC or equivalent as critical friend)
* A representative of Fostering Services
* A representative from the adoption team
* A representative of the Family Group Conference team
* The allocated social worker and his / her team manager
* Court Work Case Manager
* Allocated Lawyer
* CSC Legal Team Manager
* The CP Chair or CIN Reviewing Officer or IRO also attend where appropriate and if available.

The LPM is held on Thursday

* 1. **Process**

Following agreement by the Service Manager that the trigger is met for LPM, the social worker must complete the single referral form ( and submit the following documentation: initial draft statement ()[[1]](#footnote-1), chronology, genogram, any assessments prepared to date, suggested action plan to include details of any further assessments required ().These documents are also required for all subsequent meetings in relation to proceedings and will be filled in case an application to Court is made. It is expected that a Family Group Conference has taken place or is planned.

Once a LPM date has been booked, the request for a LPM cannot be withdrawn without the Chair’s approval.

Cases for consideration by LPM should be presented by the social worker, supported by their team manager and full supporting documentation as detailed above and in section 2. In addition to the threshold criteria and the timing of any proceedings, the LPM will also consider the particular circumstances of the case and the attempts that have already been made to address the areas of concern and whether there are any evidence gaps.

If the LPM decides that the threshold criteria are met, it must also decide whether to follow a pre-proceedings process or to issue proceedings immediately. It is the Chair, as agency decision maker, who makes the final decision on these matters, based on the discussion and legal advice received.

Emergency situations

There may be occasion where a case needs an urgent decision to be made which falls outside of legal planning meeting. This should be the exception and not the rule. In cases where a decision needs to be made urgently; the Service Manager for the team will call a legal planning meeting with the duty lawyer which should be attended by the social worker and the team manager. Any action will be agreed by the Service Manager and the matter must be presented to the next available Legal Planning Meeting.

1. **STARTING THE PRE-PROCEEDINGS PROCESS**

If following the LPM it is decided that pre-proceedings should be undertaken; a Letter before Proceedings (LbP) () should be sent, along with the [parents’ pack](http://www.alc.org.uk/uploads/parents-pack.pdf).

If the decision is made that Pre-Proceedings will be initiated, a social worker from the Looked After Children’s Team (LAC) will be allocated to ‘shadow’ the case to enable a smooth transition if a decision is made to issue Proceedings following a Pre-Proceedings process. That worker will be allocated to the case file as a secondary worker.

* 1. **Letter Before Proceedings**

The LbP must be sent within 3 working days of the LPM.

This is an important letter as it will enable parents to access non-means, non-merits tested legal aid. The letter should be carefully drafted by the Social Worker; quality assured and signed by the Team Manager, reviewed by the Court Work Practitioner and then forwarded to the designated solicitor to check the contents prior to sending to the parents.

The letter will outline the concerns identified by the Local Authority. It will be filed with the court and must needs to be clear, concise, accurate and focussed.

The letter will also outline a plan to address these concerns, identifying what needs to be done to minimise risk and what help is available to do this. It will allow Social Workers to structure their work, providing a transparent framework for action for Social Workers, other professionals and, most importantly, parents.

The letter invites parents to a Pre-Proceeding Meeting (PPM) to discuss and agree a plan to address areas of concerns and work towards terminating the involvement of Social Care. The date of this meeting must be agreed with the allocated chair prior to sending the letter. Parents should be given sufficient opportunity to prepare for the meeting.

The Letter before Proceedings should not contain any new information. The concerns identified should have been referred to in previous meetings, reviews, letters etc.

Individual letters must be sent to parents. Each parent will have a separate meeting.

The letter should be delivered by hand as long as it is safe to do so. The Social Worker may ask the parent to sign a receipt of the letter. Where it is not possible to hand deliver the letter, it should be posted using recorded delivery.

1. **PRE-PROCEEDINGS MEETING (PMM)**

The PPM should be a Social Work led meeting, providing a forum for discussion enabling the family to influence plans and resolve differences. The purpose of the meeting is to agree on areas that will safeguard the child and enable a plan to protect the child’s welfare to be developed in partnership with the family.

* 1. **Principles of the meeting**
* To resolve matters so that an application to court is not necessary;
* To reach an agreement on the proposed plan;
* To work in a consensual manner to safeguard and promote the welfare of the child;
* To try to resolve the issues in a non-adversarial manner.

While the PPM will not decide on anything which fundamentally remains contested or disputed, it is important for the parent(s) to understand the proposed plan. The parent(s) also need to be made aware of what steps the local authority will take in the event that an agreement is not secured.

* 1. **Timing and Venue**

The decision regarding timing, venue and attendees should be made in conjunction between the Social Worker, the Manager and the allocated Chair. Issues of safety, the needs of parents and ease for parties to attend should also be addressed.

The Pre-Proceedings Meeting should be set no more than 10 working days after the LPM decision. It is essential for parents to have time to receive the letter (within 3 days of the LPM), seek legal advice and agree a time to attend.

The suggested agenda for the PPM is outlined in .

* 1. **Chairing of the meeting**

The meeting should be chaired by the Team Manager of the allocated social worker.

* 1. **Record of the meeting**

A record of the meeting will be kept by the social work team (Social Worker and Team Manager). This will include the plan agreed as part of the meeting.

The outcome of the PPM will be a crucial document, as it confirms commitments by all parties with milestones and timescales.

The agreed plan will be circulated by the allocated Chair.

The meeting should discuss assessments which are to take place and confirm the arrangements for them including timescales. Family assessments will be completed within 8 weeks. Complex assessments like Parent Assessment Model (PAMS) may take longer but must be completed within 12 weeks. The Service Manager MUST be alerted to any potential problems or delay immediately, never at the last minute. It is the responsibility of the social work team to ensure that assessments are completed on time.

During the course of the meeting, the chair should also ask the parents to confirm any family members that they wish to be considered as Connected Persons carers. The PPM should then agree viability assessments for completion and then ensure that positive assessments are fully evaluated.

The meeting should also consider any other assessments which are likely to be required such as capacity and cognitive functioning assessments; hair strand testing and any other assessment which is likely to be required. The Pre-Proceedings process should ensure that if an application is to be made; all assessments will be completed and the Local Authority has a clear plan of permanence for the child.

* 1. **Participants**

The PPM is not a multi-disciplinary meeting and it is not appropriate for other agencies to attend.

The parents will have the option to attend with a lawyer and they should be encouraged to do so. The Local Authority Lawyer will attend every meeting.

Should parents wish to bring a friend or family member then that will be at the discretion of the Chair.

* 1. **Participation of the Child**

So far as it is reasonably practicable and consistent with the child’s welfare, every child should be notified by the Social Worker that the PPM is to be held. The Social Worker should do so using age appropriate language explaining that the purpose of the PPM is to keep them safe.

Decisions as to whether a child should be invited to the PPM should be made on a case by case basis. The Social Worker should discuss this with the Team Manager or the allocated Chair. In making the decision the following should be taken into account:

* The child’s age;
* The child’s level of understanding as to what is involved;
* The child’s coping skills;
* Whether it is appropriate for the child to be present for all or part of the PPM
* The parent’s views about the child attending

Where it is agreed that a child should be invited, a child friendly letter should be written outlining the reasons for the meeting and providing information on venue, time and any support they may be provided to enable them to attend. Where possible, this letter should be given to the child by hand (see Appendix).

Should a parent be opposed to their child attending the PPM, the Social Worker should consider other methods of ensuring that the child’s views are heard e.g. written consultation, pre-meeting between the child and the Social Worker, advocacy support for the child.

There may be instances where the older young person is opposed to their parent being present. In such cases the Social Worker should seek the advice of the Chair as to the most appropriate strategy to adopt.

1. **REVIEW& CONCLUSION**

A mid-way review of the plan agreed at the PPM will be completed within 6-8 weeks. A final review will take place no later than 12 weeks. This is not negotiable. This may only be exceeded in exceptional circumstances, with managerial oversight (Divisional Director via the Service Manager) but never longer than 16 weeks.

The dates for these reviews should be agreed at the end of the first PPM.

The purpose of the reviews is to decide whether the concerns outlined in the Letter before Proceedings:

* Have been addressed and therefore the child no longer needs to be subject to any processes relating to preparing for care and supervision proceedings.
* Remain significant and the local authority should consider making an application for a Care Order under Section 31 of the Children Act.
* While some risks remain, the parent(s) has shown some progress which can enable the safety and welfare of the child to be monitored by the CP or CIN processes.

The process for concluding the pre-proceedings process will be determined by the success of the process itself.

Where the intervention is successful: the case will be listed for mention at the LPM. In this instance the Social Worker and Team Manager are not required to attend but submit an update on progress using the template action plan ().Where the LPM is satisfied with the update provided by the social work team, the formal Pre-Proceedings process concludes and feedback is provided to parents / carers by the social worker. A written agreement should be prepared, setting out the expectations for the parents, and the support that the Local Authority will provide. These actions should be reflected in the CIN/CP Plan and reviewed for compliance. A formal letter should be sent, specifying that if further concerns arise in respect of the care of the children, the case will be returned for legal advice.

Where the LPM is not satisfied with the update provided, a further LPM review date is set and the social worker and team manager must attend.

The social worker will be required to provide updated documentation and the LPM will confirm the decision to commence proceedings. The final paperwork (approved by Legal) must be submitted to LPM no later than 5 days beforehand.

Where it is agreed that legal proceedings should be issued, then the parents should be informed through the Letter of Issue (see ).

If at any stage during the pre-proceedings process or after its conclusion there is a significant change of circumstances, and it is felt that proceedings should be issued immediately, the social work team can request an urgent review LPM.

1. **LEGAL & PREPARATORY MEETINGS COMMENCING LEGAL PROCEEDINGS**

Once a decision has been made to commence legal proceedings, all the appropriate legal paper work should be completed.

Good quality preparation for the court presentation is essential. The initial hearing is very important as it has a tendency to set the tone and structure of the subsequent proceedings.

An Initial Care Planning Meeting chaired by the Service Manager, supported by the Court Work Case Manager and Legal must be convened. The meeting is designed to support Social Work practitioners to think about issues that are likely to be raised in court and the different positions that other parties are likely to present. The following issues should also be considered at this meeting:

* Planning of resources
* Proposed expert assessments (including costs). This should be in exceptional circumstances only as assessment work should have been completed in the Pre-Proceedings process.
* Short, medium and long-term Local Authority Plans for the Child
* Issues that are likely to arise within the actual court arena (advice from the legal department will be required)
1. **CHILDREN SUBJECT TO A SUPERVISION ORDER**

The LPM process will be used to assist in the review of existing Supervision Orders before their expiry. This review will aim to determine whether or not a further order is required.

As a matter of practice, all cases which conclude with a Supervision Order will now be placed on CIN Plans (as a minimum) to ensure close monitoring and visiting. The supports and resources indicated in the final supervision plan will be drawn through to the CIN plan, to ensure that these are being provided, and allow analysis of whether the plan is working to inform further decision making. If the plan is not working and the children are continuing to experience significant harm, the matter should be referred back for an LPM without delay, to consider whether further proceedings should be issued.

An LPM should take place for all existing Supervision Orders three months before the order is due to expire. The process to be followed will be determined by the recommendation of the social work team, so if the team conclude that:

* A further Supervision Order is required; a draft initial statement and updated care plan is to be submitted to the LPM, for consideration and this will be submitted and presented to panel as any other case.
* A further Supervision Order is not required; the final child in need plan is to be presented detailing the action taken to date, whether any on-going monitoring is required and what the step down process will be.

In either instance, the relevant documentation must be submitted to the LPM administrator no later than 5 working days before the date of the LPM.

1. **CHILD/(REN) SUBJECT TO A CARE ORDER THAT ANY PARTY WISHES TO DISCHARGE**

An application to discharge an existing Care Order can be made by a local authority, or parent / person with parental responsibility.

In the latter case, the application to discharge the order starts the court process. The local authority will receive that application, together with notice of a date for the first hearing. Upon receipt of that application the relevant social care team should contact the legal service case management team leader, who will allocate a legal representative to deal with the application and advise on appropriate next steps.

In the event that the local authority itself wishes to apply to court to discharge the Care Order, the matter should then be taken to LPM for further discussion. To support that discussion the following documentation must be submitted to the LPM administrator no later than 5 working days before the date of the LPM:

* the single referral form ()
* initial draft statement (),
* chronology, genogram, any assessments prepared to date, suggested action plan to include details of any further assessments required ()

These documents are also required for all subsequent meetings in relation to proceedings and will be filled in case an application to Court is made

1. **CHILD/(REN) PLACED IN ACCOMMODATION PURSUANT TO S20 CHILDREN 1989 ACT**

The law around the use of s20 to accommodate children has been subject to significant judicial scrutiny and is frequently evolving. The process outlined below may be subject to change.

In all instances when a child is accommodated under s20, the relevant social work team will consider whether the triggers identified section 3 above are met. If so, the pre-proceedings process must be followed in order to bring the matter to a LPM for consideration at the earliest opportunity.

In all other instances, while the expectation is that the social work teams will be working to support the return home of the child as soon as possible and that the usual LAC review process will be followed, the matter must be brought to a LPM no later than 12 weeks after accommodating the child.

To support that discussion the following documentation must be submitted to the LPM administrator no later than 5 working days before the date of the LPM:

* Authority to accommodate
* Minutes of first LAC review
* Care Plan, including any actions taken to date and proposed steps to return the child home

In all instances, the social work team must be alert to the possibility of the arrangements in place for a young person, particularly for 16/17 year olds, amounting to deprivation of liberty. Depending on the particular circumstances of any given case, it may be necessary to make an urgent application to court for such arrangements to be authorised. If the social care team are concerned that this may apply, an LPM should be requested. If the matter is considered urgent, then the Service Manager should be fully briefed and a decision will be made in consultation with another Service Manager as ‘critical friend’.

1. **SECURE ACCOMMODATION & DEPRIVATION OF LIBERTY**

The Local Authority cannot place a child into secure accommodation or place a teenager under constant one to one supervision without legal authority. There are three ways to obtain this authority:

* An application to the Family Court to place a child into a secure accommodation unit. The legal test for secure accommodation is that the young person has a history of absconding from care; is likely to abscond from any other type of accommodation and is likely to suffer significant harm if they abscond; or if they are kept in another type of accommodation, are likely to injure themselves or others. This option should only be considered in exceptional circumstances. . The court can only make an order for an initial period of three months. A fresh application must then be made. In an emergency, the Divisional Director can approve the young person being placed in secure for up to 72 hours, but a court application must be made before this period expires. For children under 13 years, approval from the Secretary of State is required before a child can be detained. For further details please refer to the Secure Accommodation Procedure.
* If a 16/17 year old who lacks capacity to make decisions about where they live is subject of a care order, and is kept under constant one to one supervision and not free to leave (for example in a specialist SEN school for young people), an application should be made to the Court of Protection under the [Mental Capacity Act 2005](http://www.legislation.gov.uk/ukpga/2005/9/contents) for authorisation to deprive them of their liberty. If the young person is s20 accommodated, their parents are able to agree to this without going to court, however it is essential that if they will remain under the same level of supervision once they turn 18 that an application is made to the Court of Protection before their 18th birthday.
* If any other young person subject of a care order, whom is of an age where they would ordinarily expect to exercise a degree of independence, is kept under constant one to one supervision and not free to leave, an Inherent Jurisdiction application must be made to the Family Court for permission to deprive the young person of their liberty. When considering the application, the court will apply the same test as for a secure accommodation application.

Such cases will be considered at the LPM so that legal advice can be provided. However, the Divisional Director will need to take the final decision in respect of any application under the Inherent Jurisdiction or to the Court of Protection.

1. **PRIVATE FOSTERING**

Where it is identified that a child is being privately fostered, the case should be presented to the next available LPM for discussion. The following should be submitted: , chronology and any assessment completed to date.

In the definition provided by The Children Act 1989, a privately fostered child means:

A child, under the age of 16 (under 18 if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone other than:

* a parent of his/hers;
* a person who is not a parent of his/hers but who has parental responsibility for him/her;
* a close relative of his/hers, i.e. a close relative **is** an aunt/uncle/step-parent/grandparent/sibling but **not** a cousin or great-aunt/uncle

And s/he has been cared for and accommodated by that person for 28 days or more; or

The period of actual private fostering is less than 28 days but the private foster carer intends to privately foster him/her for a period of 28 days or more.

In the case of a child with a disability the upper age limit is 18 years.

A child is **not** privately fostered if the person caring for him/her:

* had done so for a period of less than 28 days;
* does not intend to do so for any longer than 28 days.
1. **EMERGENCY PROCEDURE**

In emergency situations, decisions may need to be made outside of the LPM process. In those circumstances, the Service Manager with responsibility for the case will make a decision that the case can be presented to an Extraordinary LPM process. This will be an emergency meeting including the Service Manager and a representative from legal. Any decision should be agreed by a second Service manager acting as ‘critical friend’.

This process should be followed in all circumstances where a child has been made subject to police powers of protection. This should be undertaken the same day that this has taken place or first thing in the morning, the next working day to avoid any unnecessary delay in making decisions.

The case should then be presented to the next full LPM for ratification, tracking and further discussion of the care plan and assessments.

1. **Appendix A – Single Referral Form**

**LBTH Referral Form (internal)**

***‘Right click’ on boxes to add information***

|  |
| --- |
| **Child/ Childrens Name:** **FWI No: DOB:** |
| **Family details/genogram (please indicate) ✓** |
| **Address:** |
| **Attached (please indicate) ✓****LBTH Child in Need Plan Child Protection Plan LAC Plan** |
| **Reason for this referral (The Rationale)** |
| **Actions requested (What we want/ what is needed)** |
| **Child impact analysis (contingency if this is not achieved)** |

**Supporting information attached: (Please indicate) ✓**

**Social worker: Phone/ email:**

1. **Appendix B –Initial Statement, Plan & Evidence Template**

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| **Local authority social work evidence template** |  | In the family court sitting atThe East London Family Court |
|  | In the matter of the Children Act 1989 |

Use of this document is recommended by the President of the Family Division, the Association of Directors of Children’s Services, Cafcass, HM Courts and Tribunals Service, the Department for Education and the Ministry of Justice, in compliance with PLO 2014.

**The child(ren)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Names**  | **Gender** | **Date of Birth** | **Child’s current placement status** | **Child’s current legal status** |
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| --- |
| **Local Authority and Social Worker details** |
| Case number |  |
| Filed by[local authority] |  |
| Social work statement number in the proceedings, e.g. 1st, 2nd, 3rd |  |
| Social work statement number for this witness e.g. 1st, 2nd, 3rd |  |
| This witness’s name, qualifications, experience, and office address |  |
| This witness’s HCPC registration number |  |
| Dated |  |

Contents page

|  |  |  |
| --- | --- | --- |
|  |  | Page no. |
| **Section 1** | Case details | 3 |
|  | 1.1 | Family composition | 3 |
|  | 1.2 | Genogram | 4 |
|  | 1.3 | Ecomap | 4 |
|  | 1.4 | Summary of reason/s for order sought | 5 |
| **Section 2** | The social work chronology | 6 |
| **Section 3** | Analysis of harm | 7 |
|  | 3.1 | The social work analysis of harm and risk | 7 |
|  | 3.2 | The outcome and analysis of local authority involvement | 7 |
| **Section 4** | Child impact analysis on each individual child | 7 |
|  | 4.1 | Analysis of the child’s daily life and experience | 7 |
|  | 4.2 | Any continuing risks the child faces | 7 |
|  | 4.3 | Analysis of the child’s welfare and development needs | 8 |
|  | 4.4 | The child’s wishes and feelings | 8 |
|  | 4.5 | The child’s own statement (where applicable) | 8 |
|  | 4.6 | Benefits and detriments to the child of any proposal/s for assessment, expert evidence adjournment or other delay | 8 |
| **Section 5** | Analysis of parenting capability | 9 |
| **Section 6** | Analysis of wider family capability | 9 |
| **Section 7** | The proposed care plan for each child | 10 |
|  | 7.1 | Table of realistic placement options | 10 |
|  | 7.2 | The preferred and proposed placement option, with the reasons | 10 |
|  | 7.3 | The contact plan | 10 |
| **Section 8** | Views and issues raised by other parties (where known) | 11 |
|  | 8.1 | Mother’s views | 11 |
|  | 8.2 | Father’s views | 11 |
|  | 8.3 | Views of wider family members | 11 |
|  | 8.4 | Views of any other parties or significant others | 11 |
| **Section 9** | Updating where there are minor changes | 11 |
|  | 9.1 | Update on matters set out in the application | 11 |
|  | 9.2 | Any proposals for further evidence assessment that the court should consider | 11 |
| **Section 10** | Statement of procedural fairness  | 12 |
| **Section 11** | Signature | 12 |

|  |
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| **1. Case details** |
| **1.1 Family Composition**This section should include family members and relationships, especially the primary carers and significant adults/other children and should specify the relationship in respect of each child subject to the application. Please set out the family members' full names, their dates of birth, their nationality, ethnicity and their current addresses. |

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| --- | --- | --- | --- | --- | --- | --- |
| **Name** | **Relationship** | **Parental Responsibility** | **DOB** | **Nationality** | **Ethnicity** | **Address** |
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**1.2 Genogram (mandatory)(but format may be adapted)**

Include family members and their relationship to each child

Include all other relatives

**Key:**

Female

Male

**1.3 Ecomap (risky and protective contacts) (optional)**

|  |
| --- |
| 1.4Summary of reason/s for order sought |
|       |

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| --- |
| **2. The social work chronology** |
| Key incidents already listed in the application form can be re-stated here so that the social work chronology contains all significant incidents. |

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| --- | --- | --- |
| **Date** | **Incident or sequence of incidents relevant to the child’s welfare** | **Significance** |
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| **3. Analysis of harm** |
| **3.1** The social work analysis of the harm the child (or each child) has suffered and/or the/any risk of harm the child continues to face, including the analysis of the event/s that led to the application i.e. the threshold as described in the application form |
|       |

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| **3.2** List of previous assessments and interventions |
| **Organisation** | **Description of assessment/intervention** | **Date** | **Outcome and effectiveness** |
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| **4. Child impact analysis** (make specific references to each child) |
| **4.1** Description of the child’s daily life and experience at the time harm was identified |
|       |
| **4.2** Any continuing risk of significant harm including impairment of development to the child balanced against any factors which mitigate that risk and support for the care of the child (cross-refer to ecomap if used) |
|       |
| **4.3** Analysis of the child’s needs, against the welfare checklist |
|       |
| **4.4** The child’s wishes and feelings and how these have been identified |
|       |
| **4.5** The child’s own statement (where applicable) |
|       |
| **4.6** Benefits and detriments to the child of any proposal/s for further assessment, expert evidence, adjournment or other delay |
|       |

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| **5. Analysis of Parenting Capability** |
| **5.1** Analysis of each parent’s capability to meet each child’s needs, including analysis of any capability gap and whether/how this can be bridged in the timetable for the child. Include unrelated members of the household/s where relevant. |
| Mother      |
| Father      |
| Other person with parental responsibility      |

|  |
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| **6. Analysis of wider family and friends capability** |
| **6.1**Analysis of wider family and friends capability to meet each child’s needs, including analysis of any capability gap and whether/how this can be bridged in the timetable for the child. |
|       |

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| **7. The proposed S31A plan – the early permanence and contact plan** |

**7.1 Table of realistic placement options**

Add additional tables for each child in a sibling group. Only list realistic options, whatever the number ie, 1, 2, 3, etc. The LAC Care Plan should be filed separately.

|  |  |
| --- | --- |
| **Child** | **First realistic option: ]** |
| **Factors in favour** | **Factors against** |
|  |  |  . |
|  | **Second realistic option: []** |
| **Factors in favour** | **Factors against** |
|  . |  L |
|  | **Third realistic option: []** |
| **Factors in favour** | **Factors against** |
|  |  . |

|  |
| --- |
| **7.2 The preferred and proposed placement option for each child, with a welfare analysis of why including a proportionality evaluation that is a comparison of that option against the other/s. Analyse the support available for each realistic option.** |
|  |

**7.3 The Contact Plan**

**The contact plan must be kept under review as circumstances change.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Child** | **Who contact is with and their relationship to the child** | **Brief rationale for the level of contact proposed** | **Level of support/supervision** | **Frequency and duration** |
|  |  |  |  |  |
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| **8. Analysis of views and issues raised by other parties**  |
| **8.1** Mother’s views |
|       |
| **8.2** Father’s views |
|       |
| **8.3** Views of wider family members |
|       |
| **8.4** Views of other parties or significant others e.g. Cafcass, the Independent Reviewing Officer (IRO) |
|       |

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| **9. Update** |
| **9.1** Update on matters set out in the application form, if any. |
|       |
| **9.2** Any proposals for further evidence/assessment that the court should consider (any such proposal should be analysed in 4.6 in relation to any implication for the timetable of the child) |
|       |

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| **10. Statement of procedural fairness** |
| **10.1** Have the contents of this statement been communicated to mother, father, significant others, and the child? |
|       |
| **10.2** How has the Local Authority been clear in its communications, transparency and disclosure/s of its concerns to mother, father, wider family members and significant others? |
|       |

|  |  |
| --- | --- |
| **11. Signature** |  |
|  |  |
| Print full name |       |
|  |  |
| Role/position held |       |
|  |  |
|  | **The facts in this application are true to the best of my knowledge and belief and the opinions set out are my own.** |
| Signed |  |
|  |  |
| Date |       |  |

1. **Appendix C – Letter before Proceedings**

***\*\*Remove all writing in red before sending this to the parent\*\****

**PLEASE DO NOT IGNORE THIS LETTER**

**TAKE IT TO A SOLICITOR NOW**

|  |
| --- |
| Office address: |
| Contact: |
| Direct Line: |
| My ref: |
| Fax: |
| Email: |
| Date: |

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

**Re: LONDON BOROUGH OF TOWER HAMLETSCONCERNS ABOUT *insert name(s) of child/ren*– LETTER BEFORE PROCEEDINGS**

**HOW TO AVOID GOING TO COURT**

I am writing to let you know how concerned L/A City Council has become about your care of your child/ren. I am writing to tell you that L/A City Council is thinking about starting Care Proceedings in respect of [*name(s) of child/ren]*. This means that we may apply to Court and *[name(s) of child/ren]* could, if the Court decides that this is best for him/her/them, be taken into care.

We are so worried about your child/ren that we will go to court unless you are able to improve things. There may be things you can do which could stop this happening. We have set out in this letter the concerns that we have about *[name(s) of child/ren]* and the things that have been done to try to help your family.

AN IMPORTANT MEETING ABOUT WHAT WILL HAPPEN NEXT

Please come to a meeting with us to talk about these concerns on [*date and time]* at the *[insert name of office]*.The address is *[address]* and there is a map with this letter to help you find it. Please contact your social worker on *[tel.no.]* to tell us if you will come to the meeting.

At the meeting we will discuss with you and tell you what you will need to do to make your child safe. We will also talk to you about how we will support you to do this. We will also make clear what steps we will take if we continue to be worried about [*name(s) of child/ren*].

PLEASE BRING A SOLICITOR TO THE MEETING ON [*insert date*]

**Take this letter to a solicitor and ask them to come to the meeting with you. The solicitor will advise you about getting legal aid (free legal advice). We have sent with this letter a list of local solicitors who work with children and families. They are all separate from the Local Authority. You do not have to bring a solicitor to the meeting, but it will be helpful if you do.**

***Information your Solicitor will need is:***

|  |
| --- |
| *Insert Local Authority Legal Contact:**Address:*  |

WHAT WILL HAPPEN IF YOU DO NOTHING

If you do nothing we will have to go to Court. If you do not answer this letter or come to the meeting, we will go to Court as soon as we can to make sure *[name(s) of child/ren]* are safe.

YOUR WIDER FAMILY

Our concerns about *[name(s) of child/ren]* are very serious. If we do have to go to Court and the Court decides you cannot care for your child/ren, we will first try and place them with one of your relatives, if it is best for your child to do this. However, we will only be able to place the child/ren with your relative, rather than in foster care, if you provide us with full information now about who your relatives are and how to contact them so we may assess them. At the meeting we will want to talk to you and your solicitor about who might look after your child if the Court decides that it is no longer safe for you to do so. It will assist if you bring names and contact details to the meeting.

***We look forward to seeing you at the meeting with your solicitor on*[date].*If you do not understand any part of this letter, please contact your social worker* [name]*on*[tel. no.]. *Please tell your social worker if you need any help with child care or transport arrangements in order to come to the meeting, and we will try to help.***

Yours sincerely

*[name]*

Service Manager

Local office/service

cc Social Worker [name]

 Local Authority In-house Legal Team

Enc: Map of office

 List of Law Society Children Panel Solicitors

 List of things we are worried about

 Core assessment

 Prospective carers form

**PLEASE SHOW / TAKE THIS TO A SOLICITOR**

**HERE ARE THE MAIN THINGS THAT WE ARE WORRIED ABOUT:**

**1. Problem**

***[Outline the concern simply and in plain English. For instance if the concern is excessive alcohol misuse you could state “you drink too much” Then give examples of when this happened. This should capture chronic ongoing concerns as well as acute episodes/incidents]***

**For Example**

|  |  |
| --- | --- |
| ***Dates*** | ***Incident/Episode*** |
|  |  |
|  |  |
|  |  |

**2. Problem**

***[Outline the concern]***

**For Example**

|  |  |
| --- | --- |
| ***Dates***  | ***Incident/Episode*** |
|  |  |
|  |  |

**3. Problem**

***[Outline the concern]***

**For Example**

|  |  |
| --- | --- |
| ***Dates***  | ***Incident/Episode*** |
|  |  |
|  |  |

***(Continue to list problems as appropriate)***

WHAT CHILDREN’S SERVICES HAVE DONE TO TRY TO HELP:

|  |  |  |
| --- | --- | --- |
| ***Who*** | ***What help has been given*** | ***When*** |
|  |  |  |
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WHAT YOU HAVE TO DO SO THAT WE WILL NOT GO TO COURT:

1. Confirm that you will come to a meeting to talk about these concerns. Please try to bring a solicitor with you.
2. Continue to see and work with your social worker ***[insert name]*** and allow him/her to see ***[name(s) of child/ren].***
3. At the meeting you will be asked to talk about how ***[name(s) of child/ren]*** will be kept safe, with our help.

**Prospective Carers to be considered in respect of [insert name of child/ren]**

|  |  |  |
| --- | --- | --- |
|  | 1st Applicant  | 2nd Applicant |
| Surname: |  |  |
| Previous names: |  |  |
| Forename(s): |  |  |
| Relationship to the child/ren who is / are the subject of this pre-proceedings meeting |  |  |
| Home Address (including postcode) |  |  |
| Telephone number: |  |  |

**PARENTAL CONSENT FORM FOR PERMANENCY / ADOPTION MEDICAL**

I, …………………………… MOTHER / FATHER OF …………………………. HEREBY CONSENT TO A MEDICAL ASSESSMENT BEING UNDERTAKEN IN RELATION MY CHILD/(REN), TO ENABLE THE LOCAL AUTHORITY TO PLAN FOR MY CHILD/(REN)’S FUTURE WITHOUT DELAY.

**FOR THE AVOIDANCE OF DOUBT, THIS CONSENT DOES NOT MEAN THAT I CONSENT TO ANY PROPOSED PLAN THAT THE LOCAL AUTHORITY MAY HAVE IN RELATION TO MY CHILD/(REN) EITHER NOW OR IN THE FUTURE.**

1. **Appendix D - Letter of Issue**

***\*\*Remove all writing in red before sending this to the parent\*\****

SENT BY [RECORDED DELIVERY/BY HAND]

|  |
| --- |
| Office address: |
| Contact: |
| Direct Line: |
| My ref: |
| Fax: |
| Email: |
| Date: |

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

Re: [insert name of Local Authority] CONCERNS ABOUT [insert name(s) of child]

I am writing as you were told I would, when you spoke to [name of social worker] on [insert date of last interaction]. As you are aware [name of Local Authority] is extremely worried about your care of [name(s) of child/ren]. We told you about these main concerns in [reference to the Letter before Proceedings/PPM/child protection case conference/any social work meetings].

We have tried to work with you to help you improve your care of [name(s) of child/ren] but unfortunately things have not changed. We are writing to tell you again that we will be going to court to try and make sure [name of child] is safe. You will soon receive a copy of our application to the court and other important documents, which set out the key issues.

We would urge you, if you have not done so already, to get advice from a solicitor. We have sent with this letter a list of local solicitors who specialise in work with children and families. They are not part of Children’s Services (Social Services).

Your wider family

We will first try and place the child/ren with one of your relatives, if it is best for your child/ren to do this. You should speak to the social worker and your solicitor about who might look after your child/ren if the court decides that it is no longer safe for you to do so.

Yours sincerely

[name]Team Manager, Local office/service

cc. Social Worker [name]

Local Authority in house Legal Team

Enc. List of Law Society Children Panel Solicitors

1. **Appendix E- Template LPM notes**

*This document and any attachment, are privileged and confidential – created for the purpose of providing legal advice to L/A City Council and should not be copied or distributed to any person or entity (either within or outside of the Council), without prior consultation with the Council’s Legal Services Department.*

**IF YOU HAVE RECEIVED THIS DOCUMENT IN ERROR PLEASE NOTIFY THE SENDER AND DELETE IT IN ITS ENTIRETY.**

**Legal Planning Meeting – notes**

1. **Date and time:**
2. **Child/ren’s Name:**
3. **Parents' Names:**
4. **Present:**
5. **Documentation sent to LPM prior to meeting:**
6. **Discussion:**

*Note whether*

*- the threshold criteria are considered to be met and, if so*

*- the matter is suitable for immediate issue / FDAC / pre-proceedings process.*

1. **Outcome/Actions:**

*To include - outcome of discussion*

*- proposed actions*

*- additional assessments required*

*- any specialist assessments required*

*- additional evidence to be requested, and by whom*

**8. Agreed Timetable:**

*Note - review LPM date*

1. **Appendix F – Child’s Invitation Letter to PPM**

***\*\*Remove all writing in red before sending this to the child\*\****

Delivered by Hand

|  |
| --- |
| Office address: |
| Contact: |
| Direct Line: |
| My ref: |
| Fax: |
| Email: |
| Date: |

Dear [name]

As you know, there have been some concerns about how your parents/carers [delete as appropriate and/or name] have been looking after you.

Although we have been trying hard to sort out these problems, unfortunately, at the moment, we are still worried that you may be at risk of harm.

Our next step therefore is to hold a ‘pre-proceedings meeting’. At that meeting we will try to agree a plan with your parents/carers about what needs to be done to deal with our worries about you.

If we cannot sort things with your parents/carers at this meeting, it may mean that our only option is to go to court. Hopefully this will not happen but if it does, you will be given plenty of information about what happens and your role in it all.

I am now writing to invite you to attend the pre-proceedings meeting which is being held on [date] at [time] at [venue].This will give you the chance to tell the meeting about your thoughts, wishes and feelings. If you would rather not attend the meeting, that is fine. You can always put your thoughts in writing if that is easier.

I shall be present at the meeting, with my manager, [name] and our legal advisor. Your parents have of course been invited and may have their lawyer with them.

I shall call you soon to check if you would like to attend all or part of the meeting. It may be that you would like an adult (who should be unconnected to the family) to support you during the meeting.

Alternatively, I may be able to arrange for an advocate to attend the meeting with you. An advocate’s job is to make sure that a young person’s views are heard; either through speaking for a young person or helping a young person speak for him or herself. Please let me know if you would like any more information on this and you can telephone me on [………..].

If you have any questions or worries please contact me on the above number.

Yours sincerely

Social Worker [name]

Local office/service

1. **Appendix G - Template PPM Agenda &Notes**

***CONFIDENTIAL:***  Please note that the contents of this document are confidential and only intended for the recipient. It should not be copied or distributed to any person or entity (either in within or outside the Council) save for the purposes of safeguarding children.

**IF YOU HAVE RECEIVED THIS DOCUMENT IN ERROR PLEASE NOTIFY THE SENDER AND DELETE IT IN ITS ENTIRETY.**

Summary of Meeting and Actions to Safeguard the Child/ren

|  |  |
| --- | --- |
| **Date:** |  |
| **Venue:** |  |
| **Child:** | *[insert name] DOB / EDD [date]*  |
| **In Attendance:** |
| Social Worker:  | *[insert name]* |
| Local Authority legal representative | *[insert name]* |
| Mother: | *[insert name]* |
| Mother’s legal representative and status: | *[insert name / firm]* |
| Father: | *[insert name]* |
| Father’s legal representative and status: | *[insert name / firm]* |
| *Insert details of any other parties present* |  |

# 1. INTRODUCTIONS AND ROLES

*All those present to introduce themselves.*

*Outline the purpose of the meeting, establish ground rules, specify roles and who will lead the discussion.*

*Explain that the meeting is being held under* ***Statutory Guidance*** *and its aims and objectives are to discuss the contents of letter before proceedings, and to consider agreed actions to further safeguard the child.*

**2. DISCUSSION**

*Work through the Letter before Proceedings to discuss the elements of concerns and note parents’ responses comments etc. Note – parents must be given the opportunity to comment on the concerns that have been identified.*

**3. DETAILS OF ASSESSMENTS**

*Provide information of assessments that have been completed and any proposed assessments*

*.*

1. **OTHER ISSUES DISCUSSED**

*Provide details of any other issues raised by parents or the local authority.*

1. **PARALLEL PLANNING**

*Explain that the Local Authority needs to progress assessments of family and friends as part of the contingency plan in the event that assessments conclude that the child/ren cannot remain in the care of either or both parents.*

The mother put forward the following:

The father put forward the following:

Any suggestions from other parties present:

*Explain that if there are no alternative carers and the proposed assessment are negative, then the plan would be one of adoption.*

1. **ACTIONS**

*List all actions identified for parent/s and Local Authority and update Action Plan*

**DATE:** *[insert date]*

1. **Appendix H – Template Action Plan**

**ACTION PLAN**

This action plan has been drawn up as a result of the Pre-Proceedings meeting between Children’s Services and *insert names of parties / parents / those with parental responsibility*

The Action Plan concerns:-

*Insert Children’s names + DOB*

**THE PARTIES TO THIS ACTION PLAN**

Children’s Services

*Insert party’s details*

This agreement shall be shared with:-

1. Case Conference/Core Group Members

**TIMESCALES**

This Action Plan will commence on *insert date*. The Action plan will last for a period of approximately 12 weeks. There will be a review pre proceedings meeting on *insert date* which all parties will be expected to attend.

There will be a further reviewed by the social worker and local authority solicitor. The review date will be on or around *insert date*.

**WHAT WILL HAPPEN IF THIS AGREEMENT IS BREACHED OR THERE IS A FAILURE TO COMPLY**

Should this Action Plan be breached and the parents fail to cooperate with the terms of the Action Plan, Children’s services will review the matter and give serious consideration to issuing Court Proceedings concerning the children which may involve an application to remove the children from the parents’ care.

**ALL PARTIES TO THIS AGREEMENT SHALL**

1. Work with each other in an open and honest way which is essential for the success of the plan.
2. Understand that the children will remain subject to a Child protection plan as an interim measure to ensure their safety and protection and all parties will fully cooperate with this process.

**MOTHER AGREES TO:-**

*Insert actions expected of mother during the pre-proceedings process including time scales where appropriate and how success will be measured:*

**FATHER AGREES TO:-**

*Insert actions expected of father during the pre-proceedings process including time scales where appropriate and how success will be measured:*

**CHILDREN’S SERVICES AGREE TO:-**

1. Continue to co-ordinate the child protection plan and provide parenting support where needed.

*Insert other actions expected of LA during the pre-proceedings process including time scales where appropriate and how success will be measured*

Signed………………………………….. Social Care

Dated……………………………………

Signed………………………………….. Mother

Dated……………………………………

Signed…………………………………… Father

Dated………………………………………

1. Please refer to the practical guidance version of this template available on the Children’s Social Care [Social Work Practice](http://towernet/staff_services/businessareas/csf/children_socialcare/social_work_practice/#Careproceedingsandlegalplanning) intranet pages. [↑](#footnote-ref-1)