

APPENDIX 6

Journey of the Child in Care – where Legal Services will be involved.

Case Planning

Child in Need Plan

If the Service believe that a child, including a disabled child, is in need of support to sustain a reasonable level of health and development, or support to prevent further harm to a child's health and development, then they need to set up a plan for that child – a child in need plan.

LS have limited involvement with child in need plans, our involvement with such plans may be as a result of

Child Protection Plan

A Child Protection Plan is a plan put together by the Local Authority if they consider that a child is suffering or is likely to suffer significant harm. The Child Protection Plan sets out ways in which a child can be kept safe and how families can be supported and helped in making changes to ensure the child's safety and welfare is met. The LA need to notify the parents of the reasons for the plan. These plans are discussed at Case Conferences which involve other relevant agencies.

LS should get involved by being invited to strategy meetings which consider whether threshold is met for s47 enquiries. A section 47 Enquiry is initiated to decide whether and what type of action is required to safeguard and promote the welfare of a child who is suspected of, or likely to be, suffering significant harm.

A Section 47 Enquiry may conclude that the original concerns are:

- Not substantiated; although consideration should be given to whether the child may need services as a Child in Need (see above);
- Substantiated and the child is judged to be suffering, or likely to suffer, Significant Harm and an Initial Child Protection Conference should be called.

What is an Initial Child Protection Conference?

- An Initial Child Protection Conference is the first conference following the

Local Authority notifying the parents of a child of concerns It about the child's welfare. In this conference, the measures that need to be put in place to prevent the children suffering or being likely to suffer from any potential harm are discussed.

Care Proceedings

Care proceedings are normally issued when the Local Authority has serious concerns in respect of the safety and welfare of a child and threshold is met for a child suffering or likely to suffer significant harm. This can be following a precipitating incident, following an unsuccessful pre-proceedings process or after months/years of involvement with a family under a Child Protection Plan where no progress has been made.

The Local Authority has certain duties it must undertake before issuing care proceedings, including legal planning meetings. In addition to answering the questions 'are court proceedings necessary at this stage' there are also certain statutory threshold criteria under s31 Children Act 1989 that have to be met before the council initiates proceedings. Both the social work team and the legal team should jointly consider all facts before issuing proceedings. At all times the Local Authority's approach should be to attempt further engagement with the parent(s) in order to put in place an agreement which reduces the risk of significant harm to the child to a manageable level. This is the purpose of the Public Law Outline pre-proceedings process. A period of 12 weeks of intense and planned work is implemented, where holders of PR are afforded legal advice and the ultimate aim of the pre-proceedings is to avoid the local authority having to issue care proceedings by assisting families to make the requisite changes.

The Service and the Team re-introduced Legal Planning Meetings in March 2020.

Each legal planning meeting consists of social worker, team manager, head of service, family support worker (if allocated), a member of the legal time and it is chaired by the case progression officer. They are used to consider separate matters, the care plan for the child, whether threshold is met and whether it is appropriate to enter the pre-proceedings process of to issue proceedings immediately.

These meetings are positive in that each child/children receive focussed discussion in order to be able to establish what the best course of action is for the

family. Challenges are raised by the head of service and legal as to the work undertaken thus far. It is helpful that the head of service is in attendance as this ensures any budgetary decisions can be made without delay.

Challenges to these meetings are that the relevant paperwork isn't always presented which means that the necessary legal advice cannot be proffered. Furthermore, each session lasts for a protracted period and can often resemble a supervision session. It means care plans are often not presented, but rather legal are requested to assist with formulation of care plans; this is not the role of legal. -

Types of Care Proceedings in the Journey of the Child might be:

Interim Care Order (ICO)

An Interim Care Order may be one of the orders sought by the Council in care proceedings. This would only occur where there are concerns that a child may be suffering or is at risk of suffering significant harm. An Interim Care Order made in favour of the Local Authority means the Local Authority shares parental responsibility for a child with other holders of parental responsibility (i.e parents).

How long do care proceedings last?

Proceedings are timetabled to last up to 26 weeks. In some cases the matter can be extended beyond the 26 weeks, but this is up to the Court to determine. ¹⁷ This is set out in section 14 of the Children and Families Act 2014.

The team are currently achieving cases within 26 weeks timetable.

What is an Emergency Protection Order and what does it mean?

An Emergency Protection Order is an Order made by the Court allowing a Local Authority to remove a child immediately from its primary carer. These orders are usually made on an urgent application to the Court by the Local Authority following an incident so serious that it is deemed necessary to immediately remove the child for the child's safety and welfare.

Almost all applications are made by the Council, but the Police can issue an application themselves.

An EPO can last for up to 8 days however this can be extended by a further 7 days provided the matter is brought back to Court. In most cases, the Local Authority would issue an application for an Interim Care Order within the initial 8 days.

How do we work with the “IRO” and what is their role?

The role of the IRO is to **oversee and scrutinise the Care Plan of the child/ young person** and ensure that everyone who is involved in that child's/ young person's life fulfils his or her responsibilities.

As a legal department we ensure that the views of the IRO are sought by the social worker at the appropriate junctures throughout proceedings.

The IRO also has the right to independent legal advice. We have a reciprocal arrangement established with Worcestershire which means that IRO's are able to access this advice readily.

How do we work with a “Children's Guardian” and what is their role?

A Children's Guardian is independent from the Local Authority. The Role of a Guardian is to act as a voice for a child, to make sure that a child is safe, and to make sure that any decisions made are made in the best interests of a child. In Care Proceedings, the Guardian will consider the Local Authority's care plans to ensure that the care plan is viable for a child. The Guardian will also share their views as to what they feel should happen to a child in respect of their placement.

What is a Placement Order?

This is an order without which a Local Authority cannot place a child for adoption.

What is a Child Arrangements Order? (Priv)

An order which states who a child should live with (formerly Residence / Contact Orders).

What is a Special Guardianship Order (SGO)?

An Order granting, usually a family member, but not a parent, parental responsibility for a child.