

Resilience and Improvement Plan
Legal Services

Objectives:

- a) To support the Interim DCS and Directorate Leadership Team with the Children and Families Improvement Plan
- b) Act as a key partner to the Children and Families Directorate to deliver the Improvement Plan.
- c) Provide representation on the Improvement Operational Group and as necessary to the Improvement Board
- d) Act as an integral partner to any other Steering Group/ Project Group Improvement Board Group(s) as necessary
- e) Support the Children and Family Directorate with quality legal advice, social work practice training, policy development, practice and procedure reviews/ implementation to facilitate the Recovery and Improvement journey.

Outcomes:

- The Children and Families Legal Team (the “Team”) is a highly skilled, motivated and proactive service
- The Team has strong partnerships that have been developed at all levels in the Legal Service and the Children and Families Directorate and with statutory partners
- The Team provides robust quality proactive legal advice to increasingly support continuous learning cycles and help influence and frame consistency of good social care practice and good outcomes for children.

Legal Advice and Support to Children and Families Directorate (the client)						
Ref	Priority Area	Activity	Lead Officer within Legal Services	Target date	Progress update	RAG rating
L1	Represent the council during welfare part of YY proceedings	a) Provide legal representation for the LA in respect of the welfare proceedings that are continuing for the children in the YY case.	Supervising Lawyer and Lawyer with conduct of case along with Andrew Norton QC of 1 Garden Court Chambers	July 2021	External Legal representation was present at July hearing; the next hearing took place on August 24 th and legal representation by way of counsel and LS. Further welfare hearings are expected in December 2021	G

		b) Create a court directions tracker to ensure compliance with the court timetable.	Head of Law, Children and Families	March 2021	Tracker created and in use; held and kept updated by a Senior Lawyer	B
		c) Legal Services to attend social work group supervision to comment on any legal issues that arise and to be kept updated on the work that continues to be undertaken with the family	Lawyer with conduct of case	July 2021	Group supervision now takes place on a fortnightly basis at least until conclusion of proceedings	B
L2	Follow up from the YY judgement	a) Hold workshops with SW teams to discuss judgement, deficiencies in practice identified in the judgement, key issues and themes	Lawyer with conduct of case	July 2021	Workshops held Social workers in the directorate are fully briefed on the key themes emanating from the judgement so they have a broader understanding of the criticisms that were being directed at the Local Authority and the key areas where improvements are necessary.	B
		b) Discuss in supervision sessions how work can be done to improve relationship with maternal family	Lawyer with conduct of case	July 2021	Legal Services attend the social work fortnightly group supervision (see L1 above)	B
L3	Establish Special Guardianship Order /Discharge of Care Order (SGO/DISCO) panel in order to provide	a) Hold scoping meetings to discuss how the panel should be formulated	Head of Law, Children and Families / Senior Lawyer	April/May 2021	Completed	B

	legal advice in respect of an application to court and the associated court procedural requirements	b) Create draft protocol for creation of the panel	Case Progression Officer, C&F Directorate	April/May 2021	Completed	B
		c) Sign off protocol of panel at DMT and SGO/DISCO panel is fully operational	AD, C&F Directorate	June 2021	Legal services provided with new procedure and attend weekly legal gateway panels. Meeting arranged 1/9/21 to review effectiveness of panel processes	B
L4	Review the SGO protocol	a) Review the current SGO protocol to ensure it makes reference to the fact that SGO support plans should be drafted after a positive SGO assessment has been produced	Senior Lawyer / Lawyer	June 2021	Protocol is being re-drafted before being reviewed by client; aim for final approval by end Sept 2021	A
		b) Review SGO protocol to ensure it complies with Public Law Working Group "Recommendations to achieve best practice in the child protection and family justice systems: Special guardianship orders June 202" and Public Law Working Group "Best Practice Guidance: Special Guardianship Orders" March 2021	Senior Lawyer / Lawyer	June 2021	Protocol has been re-drafted to ensure compliance with PLWG guidance. Awaiting finalisation and sign off	A
L5	Strengthen existing Review/Panel/RPPM meetings. Also give	a) Hold meeting with ADs, HoSs, CPOs to discuss the LPM system and whether	Head of Law, Children and Families	June/July 2021	Completed Legal gateway meetings now taking place weekly	B

	consideration to whether the current Legal Planning Meeting system is fit for purpose	this needs to revert to a Legal Gateway Panel and who needs to make decision in respect of issuing proceedings/entering PLO and whether this requires AD attendance				
L6	Review Findings in 2018 High Court Judgements and compare with YY Judgement to see if there are any key trends and issues	a) Create spreadsheet tracker of 3 High Court judgements and the findings of fact from the same and findings of fact from the Re YY judgement, as well as the list of promised actions from Re GT made by the Assistant Director at the time, Liz Elgar.	Head of Law, Children and Families	May 2021	Completed A number of actions identified which had not been actioned following publication of the Re GT judgement have now been addressed. In respect of the key themes, it has been identified that the key themes in the 2018 judgements all appear in the Re YY judgement, evidencing that the areas of deficiency and thus focus had not been addressed following the 2018 judgements.	B
L7	Review key statutory and practice responsibilities against issues/trends mapped in legal cases in C&F and identify training/policy/protocol needs	a) Review DFE Working Together to Safeguard Children 2018 to map key statutory and practice responsibilities	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement.	A
		b) Compare and track these statutory responsibilities against those areas of deficiencies in practice and key themes and issues	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement.	A

		c) Identify any needs to draft protocols/change practice/procedures	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement. This also needs to be discussed with the DCS to agree next steps	A
		d) Develop training programme for the implementation of learning as a result of the learning review. This training to be offered to the service alongside members of the legal team. This training will cover all aspects of practice which are identified as requiring improvement as part of this Improvement Plan and will be facilitated in conjunction with the Social Work Academy and the Q and A team within the Directorate..	Senior Lawyer / Lawyer	Ongoing with a view to covering all identified areas on a preliminary basis by June 2022.	Initial training has been commenced by the Directorate which the Team has inputted into. Further training will be developed once both Consultant and the Head of Law for Improvement commence in post. Meetings have taken place with SW academy and Tom Savoy; training sessions set up with IROs in Oct; and s20 training is in the process of being organised	A
L8	Review and strengthen the PLO/pre-proceedings in liaison with the Interim DCS	a) Meet with the ex-HMI inspectors to discuss outcome of deep dive review in respect of concerns in PLO cases.	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement. This also needs to be discussed with the DCS to agree next steps	A
		b) Review PLO matters in the past 12 months in terms of the numbers of cases entering PLO versus those that enter care proceedings (this data is available from CPO)	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement	A

		c) Review information gathered during the case review interviews as to issues arising during the PLO process	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement	A
		d) Discuss with allocated solicitor the PLO process the difficulties encountered as part of the process and areas requiring improvement	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement	A
		e) Review PLO matters that have taken place in the last 12 months and identify themes and patterns of concerns	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement	A
		f) Review and amend the current PLO letter, request an example from an outstanding authority/a good example from Marie McGuinness/Gary Lamb.	Senior Lawyer / Lawyer	September 2021	Not yet started	A
		g) Review and amend the PLO closing letter.	Senior Lawyer / Lawyer	September 2021	Not yet started	A
L9	Review and strengthen with C&F Directorate the s.20 Consent process	a) Review the s20 consent form and amend in accordance with s20 BPG 2021	Senior Lawyer / Lawyer	September 2021	A version of this consent form is being formulated as part of Section 20 Working Group. A meeting was held on 11 th August to establish the terms of reference for this. Worcester County Council agreed to take responsibility for the initial draft guidance and the s20 consent form	A

		b) Review the process in which children become accommodated pursuant to s20 and how quickly their accommodation is reviewed and that s20 matters should be considered at Legal Gateway meeting rather than solely at placement panel as they are currently	Senior Lawyer / Lawyer / Service rep?	September 2021	Complete. Section 20 matters are now reviewed at legal gateway and are reviewed within 24 hours of their initial accommodation by the service and are then discussed at the first available review.	B
		c) Conduct randomised interviews with social workers, team managers and Heads of Service across the Court Team and Assessment Team to capture social workers' current understanding of how s20 can be used appropriately	Senior Lawyer / Lawyer	September 2021	Not yet started	A
		d) Form s20 Working Group with Worcestershire County Council, CAF/CASS and HHJ Plunkett to draft best practice guidelines for use in our local court (recommendation of recent LFJB meeting)	Head of Law / Senior Lawyer / Lawyer	August 2021	Complete - first meeting of group took place on 11 August 2021. Terms of reference were created and Worcester County Council agreed to formulate first draft of the best practice guidance for the two local authorities to use.	B
		e) Review current Section 20 Policy.	Senior Lawyer / Lawyer	August 2021	See d. above Worcestershire County Council is producing the initial draft; a further meeting is scheduled in 6 weeks to discuss and finalise.	A

		f) Develop and deliver Section 20 training specifically tailored to CWB and a general Section 20 training session across the service.	Senior Lawyer / Lawyer	August / September 2021 then ongoing	Initial training has been discussed with the Directorate and is to be organised to take place shortly.	A
		g) Undertake review of current Section 20 cases and develop tracker.	Senior Lawyer / Lawyer	September 2021	Not yet started	A
L10	Review and strengthen with C&F Directorate the Adoption ADM process	a) Review ADM decisions that have taken place in the last 12 months and the legal advice for those decisions.	Senior Lawyer / Lawyer	January 2022	This will be the responsibility of the new Head of Law for Improvement	A
		b) As part of review identify those ADM decisions that were in line with a final outcome of adoption and those where there was a different outcome at the final hearing	Senior Lawyer / Lawyer	January 2022	This will be the responsibility of the new Head of Law for Improvement	A
		c) Review current policy for ADM process.	Senior Lawyer / Lawyer	January 2022	This will be the responsibility of the new Head of Law for Improvement	A
L11	Review and strengthen with C&F Directorate the liaison with the IRO Service	a) Review IRO input into all children in the past 12 months, this to be both paper exercise and also conduct interviews with IROs on certain cases where concerns are identified	Senior Lawyer / Lawyer	February 2022	This will be the responsibility of the new Head of Law for Improvement	A
		b) Review information gathered from a) as to issues arising in respect of the IRO's role and function	Senior Lawyer / Lawyer	February 2022	Not yet started	A

L12	Review and strengthen with C&F Directorate the role of the Case Progression Officer	a) Discuss with the Heads of Service their view regarding the role of the CPOs	Senior Lawyer / Lawyer	March 2022	An initial meeting has taken place with the Directorate in respect of the role of the CPOs and how this needs change so they are more involved in ensuring court directions are complied with. Discussions have taken place in respect of amendments to relevant protocols, key officers in the service also now have access to the duty solicitor inbox to ensure that they are aware of the times and dates of key directions are hearings.	A
		b) Discuss with CPOs to determine their views in respect the part of their roles which work well and those that do not.	Senior Lawyer / Lawyer	March 2022	See (a) above.	A
L13	Liaise with Interim DCS with respect to children who are in LTF foster carer placements and consider whether there are any similar issues arising from the YY case in those placements.	a) Following review of all children in LTF placements, identify whether there are any similar issues as the YY case.	Senior Lawyer / Lawyer	April 2022	This will be the responsibility of the new Head of Law for Improvement	A
		b) Provide an update to the Interim DCS in respect of any cases of concern.	Senior Lawyer / Lawyer	April 2022	This will be the responsibility of the new Head of Law for Improvement	A
L14	Review the transition process for 16-18 year olds and	a) Establish Working Group for Transitions	Heads of Law for C&F and Adults	June 2021	Working Group established	B

	implementation of protocol	b) Review Standard Operating Procedure/Protocol for transitions	Heads of Law for C&F and Adults / Service rep	August 2021	This draft SOP has been shared with the Directorate and Adults legal team, discussion needs to take place at the next Working Group meeting in order to finalise its contents	A
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Quality and Performance						
Ref	Priority Area	Activity	Lead Officer	Target date	Progress update	RAG rating
Q1	Identify cases within children's legal team where there are significant failings and ensure the Interim DCS and DMO are sighted on these matters	a) Review existing notable cases within the team	Head of Law	April 2021 and ongoing	Completed A tracker has been created of all notable cases, monitoring compliance with directions. This is shared with the service as well as DFE advisor and Minister's advisor. A legal meeting also takes place on a fortnightly basis with the DCS and ADs to discuss notable cases and other key issues arising.	B
		b) Discuss with team members any concerns regarding notable cases	Head of Law	May 2021 and ongoing	Completed Discussions take place on an ongoing basis with those solicitors allocated to notable cases, these solicitors are also invited to attend the fortnightly meetings so they can provide an update.	B

		c) Draft briefings to CX in respect of notable cases	Head of Law / Senior Lawyer	Monthly and as and when required	Summarised version of the notable case tracker used to provide updates – and monthly updates provided to CEx and DFE Advisor and Minister	G
		d) Draft pen portraits for Gladys Rose White in respect of all notable cases	Head of Law / Senior Lawyer	31 May 2021	Completed	B
Q2	Review and track all current live SGO's and Discharge Care Orders as fit for purpose, identify any issues and mitigations	a) Review all current live SGOs and Discharge Care Orders	QA lead in C&F Service	May 2021	Completed Details held by QA Team in the Directorate	B
		b) Review audit forms and input legal advice into audit forms from the service	Senior Lawyer / locum Advocate	May 2021	Completed Legal advice included on form created and held by QA team in the Directorate.	B
		c) Feedback to the Q&A team any issues identified	Senior Lawyer	May 2021	Completed Legal advice included on form created and held by QA team in the Directorate.	B
Q3	Commence quality assurance meetings to consider C&F review audit findings and C&F Service Q&A audit findings of all those matters that are currently being considered for SGO and are in the pre-court stage, or are currently in proceedings. Priority to audit those	a. Hold meetings with Q&A team in service	Head of Law / Senior Lawyer	April 2021	Completed This meant that those cases which were due to be before the court (and not yet issued) and those before the court were reviewed. As part of this exercise, one assessment was identified as requiring further work before an application was made to the court, and a further assessment that was already before the court	B

	currently in proceedings in the first instance.				required further work and an application was made to the court for an extension of time, which was granted. This ensured that work was undertaken thoroughly and sufficient consideration was given to the quality of assessment work for SGO applications.	
Q4	Review YY case Judgement Findings for any C&F Legal Service practice learning and improvements	a) Review findings of fact from Re YY and identify urgent actions	Head of Law Children and Families	May 2021	Completed	B
		b) Seek to correct all agencies who hold inaccurate information in respect of the children and provide them with the accurate information	C&F service rep	June 2021	Completed	B
		c) Draft disclosure protocol	Senior Lawyer	June 2021	Drafted. Awaiting finalisation and sign off; aim is for approval by the end Sept 2021	A
		d) Draft escalation protocol	Senior Lawyer	June 2021	Completed Protocol for escalation within the Directorate is in situ.	B
		e) Draft / escalation protocol within Legal Services including in respect of when/if legal advice is not followed by client	Senior Lawyer	July 2021	Drafted. Awaiting finalisation and sign off by the end Sept 2021	A
Q5	Review all current and historic HRA claims	a) Conduct an analysis of all current HRA claims and track trends and issues with and identify failings	Senior Lawyer / Lawyer	April 2022	This will be the responsibility of the new Head of Law for Improvement	A

		and necessary training / support				
		b) Make further enquiries in respect of our insurance product and whether this can be changed to include legal work for the claims (as is the case in other local authorities)	Practice Manager	September 2021	Has been raised with Insurance team but needs further clarification	A
		c) Explore whether a further solicitor can be employed to deal with the HRA claims, rather than this work being outsourced	Practice Manager	July 2021	Resources Board have approved a FT Litigation Lawyer that will support this work; a locum has been secured.	G
Q6	Liaise with the Interim DCS in order to strengthen the effectiveness of the handling and management of complaints.	a) Conduct a review of the current complaints policy and how complaints are currently dealt with	Senior Lawyer / Lawyer	May 2022	This will be the responsibility of the new Head of Law for Improvement	A
		b) Liaise with Information Governance as to the current complaints process and those areas of weakness in the current process and discuss suggestions for improvement	Senior Lawyer / Lawyer	May 2022	This will be the responsibility of the new Head of Law for Improvement	A
		c) Produce a set of recommendations for the improvement to the complaints process	Senior Lawyer / Lawyer	May 2022	This will be the responsibility of the new Head of Law for Improvement	A
Q7	Improve post proceedings dissemination of information	a) Implement the post proceedings review meeting (where outcome of case summary is presented) so that all relevant individuals working around the child	Head of Law and Children Families	June 2021	Completed Post proceeding form in place to be completed and circulated to relevant individuals; meetings not required unless specifically requested	B

		understand the impact of any court decision				
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Workforce Development						
Ref	Priority Area	Activity	Lead Officer	Target date	Progress update	RAG rating
W1	Support for Legal staff when court hearings are impacted as a consequence of an audit finding deficiencies with assessment work.	a) Hold meetings and supervision with junior legal staff members and conduct advocacy/hearings where there are issues arising out of audit work	Head of Law Children and Families	April/May 2021	Completed Support was provided on hearings where required	B
W2	Lawyers in C&F Legal Team are trained and know the law on End of Life decision making and Medical intervention consent for Looked After Children	a) Create evidence log that all staff in the C&F Team have received training on End of Life decision making and medical intervention	Senior Lawyer	June 2021	Completed, all staff have received the relevant training.	B
		b) Discuss with all solicitors in 121s and supervision sessions that they are confident in this area of law and they are aware of the escalation policy where they should seek a second opinion, possibly from counsel and discuss legal advice with Head of Law.	Head of Law Children and Families	June / July 2021	Completed Policies that relate to these areas will be circulated to the team and referred to regularly, for example, during team meetings or 1:1's, so that they are fully aware	B
		c) Provide an Induction Pack for new starters to ensure that they are aware of all relevant policies in place.	Practice Manager	Oct 2021	Not yet started. This activity forms part of the wider Legal Services Improvement Plan, and revised Practice Manual	A
W3	Review all Looked After Children, Adoption and Care	a) Discuss with each team member their live cases and cases concluded in the last 12	Head of Law / Senior Lawyer	September 2021	Underway The team will be asked to highlight any current cases	G

Leaver cases in C&F Legal Team for assurance as 'fit for purpose' and recommend training/development /practice improvements	month period to identify key issues encountered on cases.			and identify themes, so that these cases can be audited to resolve any issues, before they escalate. This should be done during 1:1's and discussed at team meetings. Thereafter, key cases will be audited from 2018 to present.	
	b) Meet with Team Managers from C&F Directorate to identify cases both closed and open to identify key issues encountered on cases and those cases where the Looked After Children process may require legal reviewing	Head of Law / Senior Lawyer	September 2021	Not yet started – dependant on a. above being completed	A
	c) Identify those case where we want to approach HHJ Plunkett and ask him to provide views about "what went wrong" and how things could have been dealt with differently	Senior Lawyer / Lawyer	September 2021	Dependant on a and b. above; no cases are ready yet to be discussed	A
	d) Create an action plan with the key issues identified in case review and discussions with HHJ Plunkett	Senior Lawyer / Lawyer	September 2021	Dependant on c. above	A