



# PLO Practitioner Handbook November 2021

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## Acknowledgements

Practice Development would like to thank Graeme Bentley, Penny Ademuyiwa, and Invicta Law for their contributions to the Legal Guidance Practitioner Handbook and Toolkit.

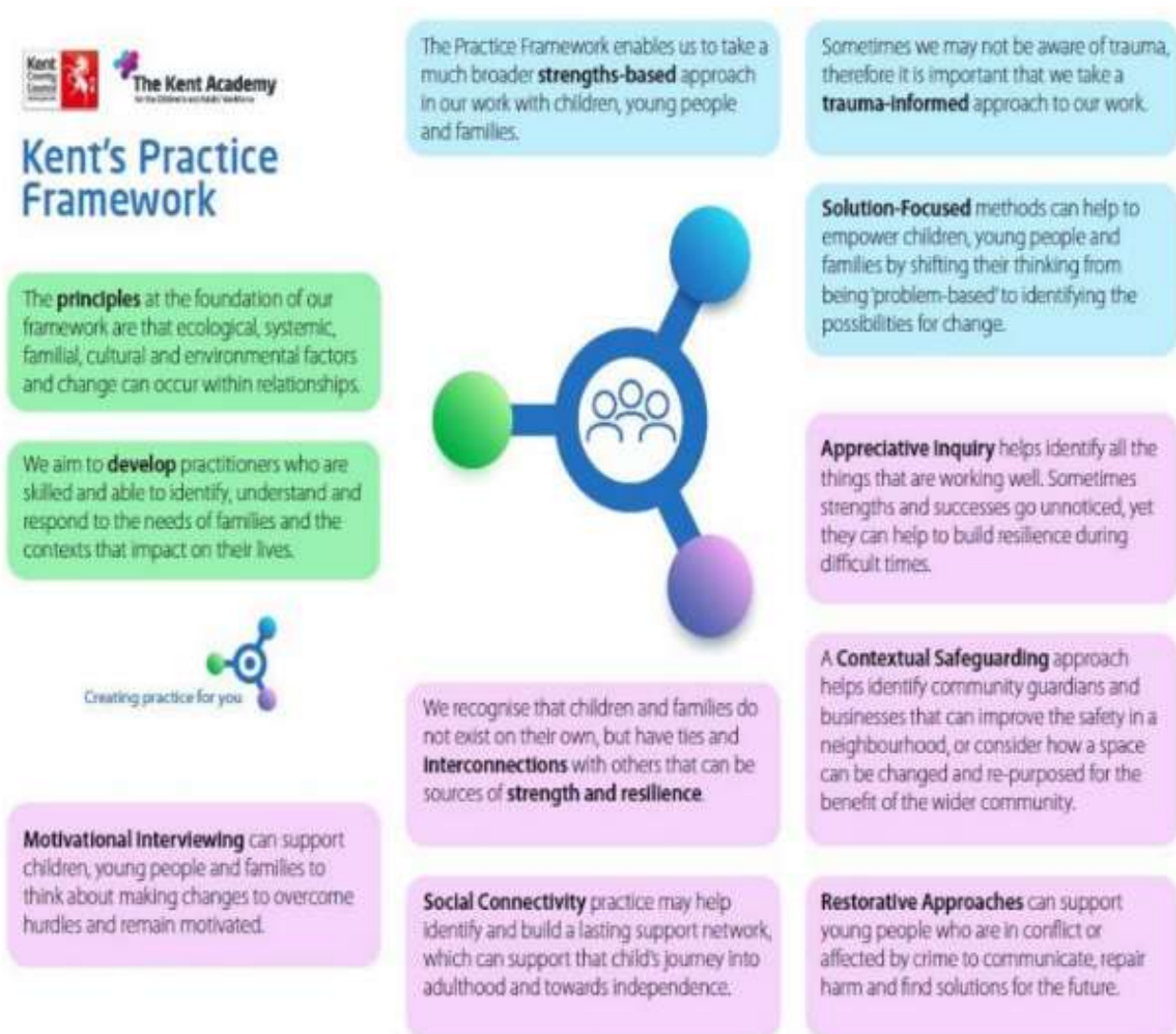
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## Introduction

All children have the right to remain safely with their family and kinship networks so a decision to legally intervene in any child's life must be a last resort, involve careful planning, and be evidence based given the potential significant consequences.

The Family Justice Review (**November 2011**) evidenced significant drift in care proceedings, with lengthy cases taking an of average 52 weeks and as a result made key recommendations which included the need for a system that was more child-focussed with a reduced care proceedings timescale of 26 weeks. In **March 2021**, the [Public Law Working Group](#) published some good practice guidance and made core recommendations which sought to continue to improve practice and procedures in response to rising Public Case Law numbers. Broadly, these recommendations considered best practice guidance and long-term recommendations for improvements in the support and interventions provided to families prior to court proceedings, case management, application of Orders which include Care, Supervision, Section 20, or Section 76 Accommodation.

This practitioner handbook and toolkit, encompasses best practice within the Public Law Outline process and reflects many of those recommendations made to ensure that children and young people can, whenever possible, be safely diverted from becoming the subject of public law proceedings; or to ensure that children and families are well informed and party to discussion and decisions if court proceedings are necessary. These best practice messages are embedded within this document, with many highlighted in **blue** for ease of access.

The handbook should be read in conjunction with the [Toolkit](#) and act as supplementary guidance in conjunction with legal advice, legislation, national guidance, and training available online, or via Tri-X, Delta, and The Kent Academy.

## Working collaboratively with parents and young people

Partnership work with child(ren), their 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 (PLWG, 2021, p.106).

In Kent we strive to work collaboratively and creatively with parents and young people, ensuring children are at the heart of our decision-making processes, and we promote the child's rights, wellbeing, and interests so that they can live safely and free from harm.

It is imperative that all parents and persons with Parental Responsibility (PR) are invited to key meetings and are encouraged to contribute effectively and access support to capably communicate their views. Participation and working in partnership with parents and carers are integral to what we do and should act as a golden thread in line with the needs, views, wishes and feelings of the child when making key decisions.

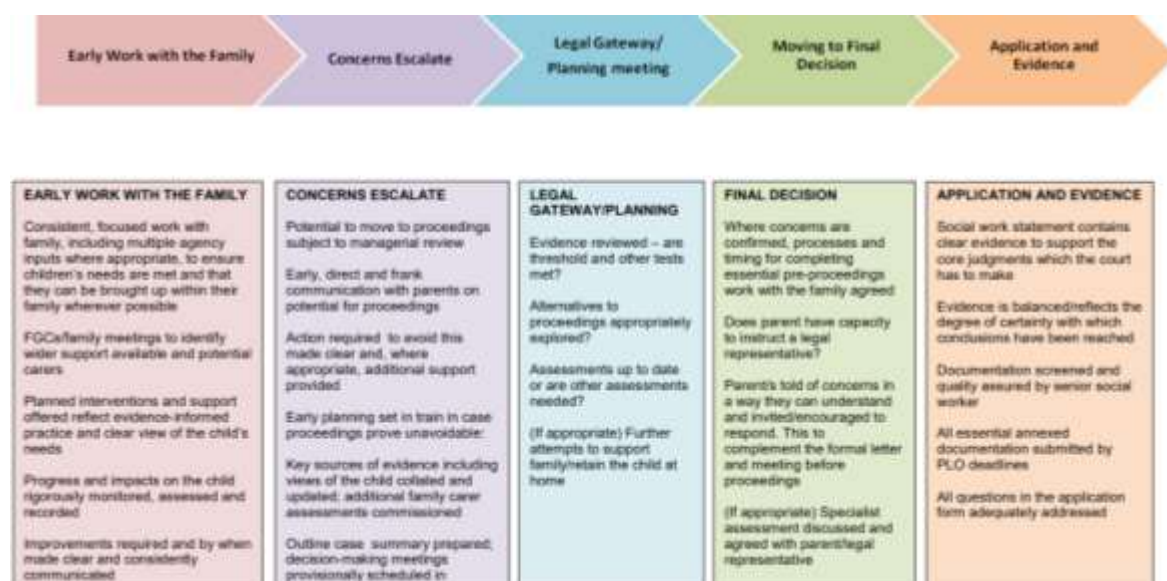
If a parent or child has had to be excluded from any key meetings where decisions are being made related to the child's welfare (i.e., due to serious threats of violence for example), the practitioner must always make alternative arrangements to obtain their views within a reasonable time, ensure these views are shared accordingly and inform of any decision making.

Parents, children, and young people's views and feedback should be regularly sought to promote effective working together. There is some helpful family friendly, age appropriate, and child centred guides and leaflets available on Tri-X and within the toolkit which practitioners can provide and adapt (if necessary) to assist with explanations and participation during key stages of the Local Authority's involvement. It may also be helpful to produce personalised material or complete relevant direct work with children, and their families to ensure we are promoting a collaborative working together relationship that is transparent, open, and honest.

## Public Law Outline (PLO)

The PLO sets out the duties and key case management processes that Local Authorities and Courts should follow when intervening with family life by initiating Pre-Proceedings and applying to the court for a Care or Supervision Order in respect of children. The PLO process brings together a series of steps to ensure professionals have explored all realistic options to achieve the best outcome for the child. PLO clearly sets out Local Authority duties with the key aim being to provide necessary support to avoid care proceedings. Adherence to PLO ensures key decisions can be made within a reasonable timeframe to avoid unnecessary delays with evidence or additional hearings once the Local Authority has initiated proceedings.

The Association of Directors of Children's Services (ADCS) have provided a helpful flowchart below to support practitioners to understand key issues and stages during PLO.



## Legal Planning Meeting (LPM) Process

### Preparation

The purpose of an LPM is to provide the Local Authority with appropriate legal advice and explore appropriate legal interventions in respect of the child/ren, and their families. When important decisions need to be made in respect of legal interventions, this will require the oversight and supervision of the Team Manager and Service Manager to ensure the right support is offered at the right time.

Once a decision to convene a Legal Planning Meeting (LPM) has been agreed by the Service Manager (who should also Chair the meeting), the practitioner will be required to complete a [LPM request form](#) and send this to the nominated point of contact for allocation of a local authority lawyer. The practitioner will also need to send any relevant assessments, chronologies, and plans (if available) prior to the LPM meeting being held.

When there is evidence which suggests a child is at risk of continued and/or significant harm and a LPM is being considered, the practitioner should:

- Complete an up-to-date chronology; in some cases, obtain chronologies from other professional agencies.
- Complete an up-to-date assessment
- Complete a genogram
- Identify key family relationships, and the location of those who may hold Parental Responsibility (PR)
- Consider past reports, minutes, historical/archived files, previous proceedings, other local authority records
- Understand the child's lived experience and impact on their wellbeing
- Review the family history, including the length of time the family have been involved with Kent ICS or other children's services, history of concerns, past harm.
- Consider whether any changes been made to mitigate against the risk factors/ strengths.
- Be clear on what support services have been offered to the family/ explore the family's engagement with services of support, outcome of this support, impact on child's wellbeing.
- Explore complicating factors and whether support has addressed these.
- Discuss whether any capacity or inequality issues been identified i.e., social, cultural differences, learning disabilities and if so, have they been addressed or sufficiently supported?
- Think about what needs to happen next/ the plan for the family moving forward?
- Consider their view as to whether threshold has been met to commence pre-proceedings, or to issue immediately?
- Consider what further interventions can be offered/ is required with the family or if an LPM is required to help reach a decision of next steps?

## Legal Planning Meeting

A Legal Planning Meeting must be held to discuss the way forward in a particular case when the Local Authority are considering further legal interventions where an application for a Court Order may be necessary.

At the meeting, a decision should be made in principle about whether the threshold criteria has been met.

**NB:** *The term Threshold Criteria is used in relation to Care Proceedings brought by the Local Authority under section 31 of the Children Act 1989. This threshold can only be met if the court agrees:*

- *that things have happened which have already caused significant harm to a child,*
- *or pose a serious risk that significant harm will be suffered in the future,*
- *or which show that the child is beyond parental control.*

If threshold has been met, careful consideration should be given as to alternative methods of support to promote progress without escalating towards the PLO process reactively.

A Legal Planning Meeting is an opportunity to discuss a case fully, and to consult with colleagues to ensure that children are the subject of active case management, and that appropriate legal action is taken when required to promote and safeguard the welfare of the child.

The issues to be considered at the meeting should include the following:

- The identity and location of all persons with PR.
- Any potential issues/documentation regarding parental capacity to litigate should be flagged up at the meeting.
- The reasons for the concerns and the evidential basis for establishing significant harm and whether the [Threshold Criteria](#) are met;
- The action/decisions already taken and where the decisions were made e.g. at a [Strategy Discussion Meeting](#), [Child Protection Conference](#), [Core Group](#) meeting;
- The evidence already available - i.e. [Child and Family Assessment](#), as well as other medical and other expert involvement, which support the Local Authority's concerns;
- What evidence is outstanding/needs to be obtained and what are the timescales for this?

- Whether it may be appropriate to instruct any further expert assessment before the commencement of court proceedings - if so, what are the proposed remit of the instructions and the areas to be addressed, who should the assessment be done by and what are the likely timescales?
- Have there been previous Court proceedings in relation to the family? If so, what steps are required to obtain the papers in relation to the case from the Court, from the local authority's own archives or from another local authority?
- What action the Local Authority should take to safeguard the welfare of the child i.e., follow the Pre-Proceedings process or initiate proceedings?
- If Care Proceedings are recommended, the [Care and Supervision Proceedings and the Public Law Outline](#) should be followed.
- In addition, consideration should be given to the following:
  - The proposed **Care Plan** for the child, including the proposed placement and any cultural, language and ethnic issues, the need for a **Twin Track Plan**, consultation with parents and the wider family, whether any family members are available to care for the child on an interim or permanent basis, if so whether the required checks and assessments have been undertaken, the proposals for contact, the proposed Order to be sought;
  - How the proposed Care Plan is to be achieved, including where appropriate arranging a date for the case to be presented to the Agency Decision Maker.
  - Timescale for the application to be made including the preparation of statement (including chronology) and care plan; Whether an immediate issue letter should be sent, and where appropriate, the timing of this.

The Local Authority should decide whether it is in the best interests of the child to provide a further period of support for the family with the aim of avoiding proceedings, or whether proceedings should be initiated immediately.

During the LPM, it may be agreed that threshold has been met; however, dependant on the situation it will not always trigger the next steps for legal interventions, as it may not be **RIGHT** or **PROPORTIONATE** to do so. It may be agreed that there is need for further specialist support, assessments and/or tests to be undertaken.



Following the LPM, the Service Manager should provide a written record of discussions which have taken place (and/or ensure this is completed by the Legal Advisors and filed), and the rationale for any decision made to proceed with PLO/immediate issue or not, in addition to agreed actions on the child's case file under the legal workspace section.

## **Pre-Proceedings**

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 (PLWG, 2021, p.105).

The pre-proceedings process aims to divert cases from care proceedings, and to ensure applications are better prepared so that care proceedings can be completed more efficiently. Pre-Proceedings should end no later than 12 to 16 weeks to be effective.

The primary purpose of pre-proceedings is to afford children and their family's further opportunities to work together and agree a plan forward to reduce ongoing harm, prior to the initiation of Care and/or Supervision proceedings. Practitioners need to work in partnership with parents to divert and avoid court proceedings where safe and possible to do so, and in the best interests of the child.

The pre-proceedings phase should support practitioners to effectively plan appropriate interventions to safely manage risk and reduce the incidence of harm. The process should, if deemed necessary, identify, and assesses potential carers, and plan for proceedings by completing relevant assessments and evidencing concerns when all other avenues of support have been exhausted. Pre-proceedings is sometimes described as a last chance for parents to make changes needed.

Pre-proceedings is an important intervention for child/ren and their families as it can divert the need for proceedings and potential separation from their family. Additionally, it offers preparation for potential proceedings to ensure a clear outcome, and limited delays if Care Proceedings have been initiated.

It is imperative that timescales are adhered to, and act within the best interests of the child to ensure their future life outcomes are not further compromised.

### **Letter Before Proceedings**

Following the LPM, if there has been a decision to initiate and formally undertake the pre-proceedings process, the Local Authority has a duty and responsibility to advise the parents/carers verbally and in written form that proceedings are being considered in respect of their child, and that they need to attend a meeting to explore alternative options to keep the child/ren safe. This is known as a Letter Before Proceedings.

A Letter Before Proceedings should be drafted and sent to the relevant legal department following the LPM which should include key worries, with the view for the

Local Authority to hold a pre-Proceedings Meeting to discuss these concerns in more detail with the parents/carers.

The Letter Before Proceedings is an important document, as it informs parents/carers, that the Local Authority are considering proceedings in respect of their child. It should provide key statutory guidance and information including the range of possible Court Orders, and the pre-proceedings process. The letter must urge parents/carers to seek legal advice immediately and should include a list of child law accredited local solicitors that the parents can contact, and include, if necessary, the [Law Society's 'Find a Solicitor'](#) link to access the most up to date list online.

This letter is important as it provides the family entitlement for legal aid. It will advise parent's/carers that they need to attend an initial pre proceedings meeting alongside a solicitor to explore alternative options to keep the child/ren safe and can refer to any current/ past plans and assessments in respect of the child. It is helpful to include copies of these documents alongside the letter.

Following the LPM, the practitioner alongside his/her manager will need to draft the letter before proceedings. When drafting the letter, the practitioner should ensure it is succinct, and that they use plain English, avoid jargon, challenging, negative or draconian language. It should encourage parents to engage with the process as opposed to alienate and cause intense anxiety; whilst detail clear points of concern so that the parents' and their lawyer are clearly aware of the situation.

Practitioners must ensure the letter is honest, accurate and respectful, and that it takes into consideration key points which they need to make clear. Special consideration should be given to those families where English is not their first language, or where there are concerns the parent/carer or those who hold PR may struggle to read. In these situations, consideration should be given as to whether a discussion involving an interpreter, advocate/and or legal representative should take place prior to sending out the letter or whether some additional documents might be helpful to fully explain what the worries are (such as use of images/pictures etc).

The letter must encourage the parent/carer and those with PR to read the information thoroughly with a solicitor, advocate, or support worker. It should provide some detail around support offered and provided to reduce the risk of further harm/worries for the child/ren, and be clear about what needs to change, including clear timescales around next steps to avoid care proceedings.

The letter before proceedings should provide a summary of the Local Authority's worries, but also acknowledge the family's strengths.

The impact of the identified concerns on the child(ren) should be set out clearly providing examples of key worries the practitioner must make clear such as:

- Domestic Abuse and Violence
- Alcohol/and Substance Abuse
- Neglect (be clear in discussing this – please refer to the [Neglect Guidance 2021](#) and [Toolkit](#))

- Emotional Abuse
- Physical Abuse
- Sexual Abuse
- Previous worries which have contributed to concerns
- Offending Behaviour, and Criminal History if relevant
- Mental and/ Physical Health
- Educational Attendance and Attainment
- Parenting concerns (past and present)
- Unstable/Unsuitable/Chaotic home conditions or parenting
- Engagement and co-operation with professionals
- Limited awareness and understanding around safety and wellbeing issues, and the impact such concerns have on child/ren's overall wellbeing and development
- Parental Conflict/ Instability
- Inappropriate sexual boundaries
- Poor supervision
- Parental Abandonment
- Attachment difficulties
- Failure to protect the child/ren

Once the draft of the Letter Before Proceedings has been completed, this will need to be sent to the relevant legal department to review, prior to formally sending the letter to the child's parents/ carers and those with PR.

Once a final draft has been agreed, practitioners should hand deliver the letter and go through the content of the letter verbally to offer parents/carers, and those who hold PR the opportunity to discuss its contents and any additional information prior to the pre-proceedings meeting.

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 (PLWG, 2021, p. 104).

It is best practice for the practitioner to complete some direct work with the child/ren so that they understand what is happening in a simple and age-appropriate manner. For more guidance around direct work with children and young people please refer to the [Toolkit](#).

## Pre-Proceedings Meetings

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 (PLWG, 2021, p. 107).

A pre-proceedings meeting should be held no more than a maximum of 15 working days following the LPM. It should provide reasonable notice for those caring for the child/ren to attend any planned meetings alongside their chosen solicitor, but also avoid delay. Pre-proceedings meetings are held so that parents are provided with a face-to-face opportunity to work together with parents to address identified worries at the earliest opportunity.

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 (PLWG, 2021, p. 115).

The meetings must be chaired by an experienced/ independent Local Authority manager and should have the attendance of parents, their legal representative, the Local Authority Social Worker, Team Manager, and the Local Authority's legal representative. Parents can also be represented/supported by wider members of the family, an advocate, support worker, or friends for additional assistance. A solicitor's attendance may be helpful in supporting parents/carers to interpret key information, facilitate helpful discussions, and promote improved engagement during the meeting.

Pre-proceedings meetings are a good opportunity for the family to be in a room with the Social Worker and openly discuss concerns and plans for the child with the benefit of independent legal advice. The wishes and feelings of child/ren and or young person should be discussed and clearly evidenced within the meeting and through assessments and plans.

If deemed appropriate and consent has been obtained by those who hold PR, the child or young person may be invited to the initial pre-proceedings meeting in part, so that they can contribute their views, wishes and feelings, and understand any plans made.

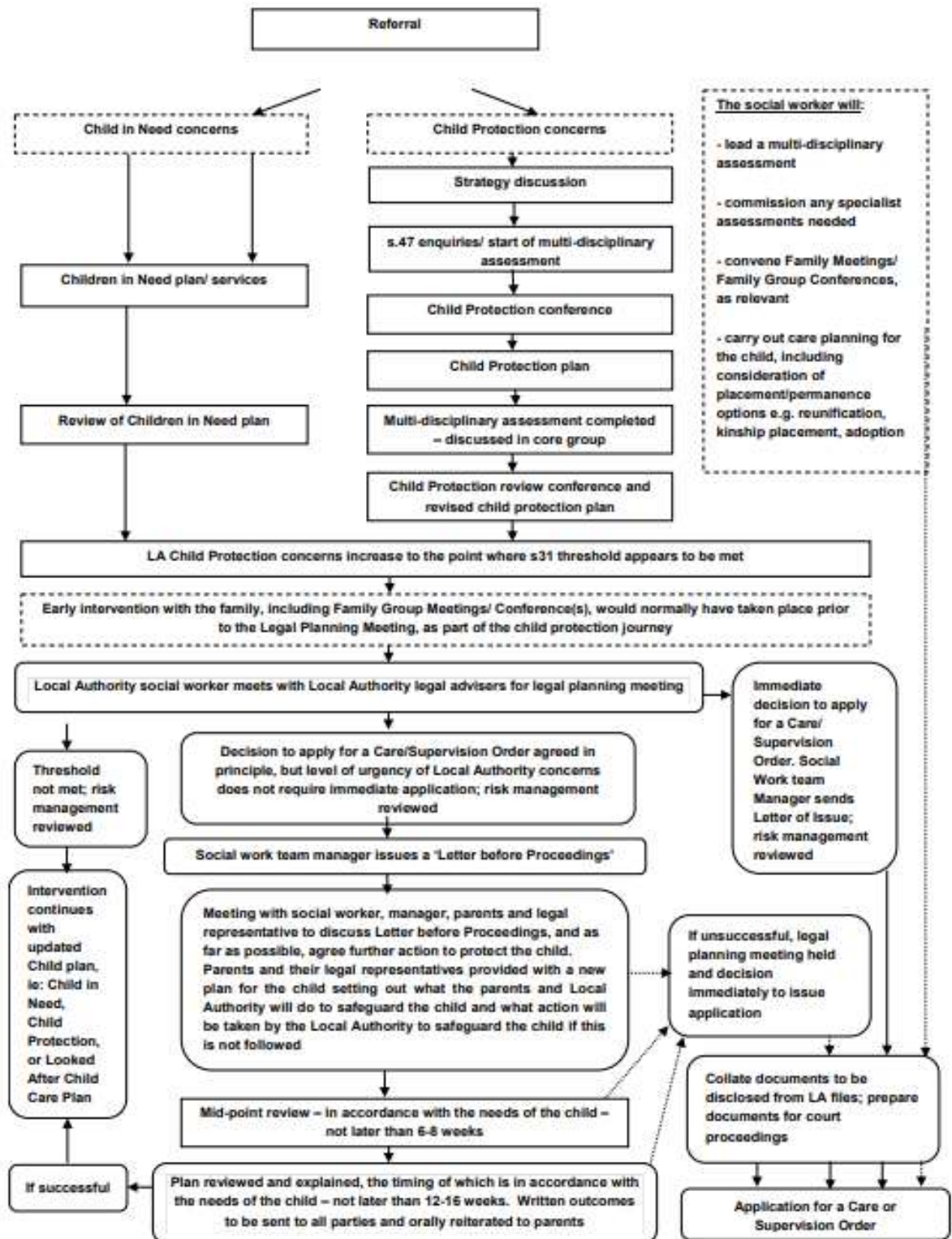
The aim of the meeting is to set out the clear expectations of what improvements need to be made, and to develop a robust and timely plan to avoid the initiation of court proceedings. The meeting will discuss next steps should the plan be successful, and progress be made. It will also discuss contingency options should the plan not be successful which could include the initiation of Care Proceedings placement with wider family/network, adoption etc...if relevant. This plan should be reviewed in accordance with the child/ren's needs within 6-8 weeks (midpoint review), and the final review should be no later than 12-16weeks.

Parallel Planning and additional assessments maybe considered necessary during the pre-proceedings process. This can include viability assessments to identify potential carers, sibling, parenting, or cognitive assessments.

There should be a copy of the minutes to make record of key actions decided to promote the safety and wellbeing of the child/ren which should be made available to the parents and their solicitor and children should be advised of the outcome of the meeting in a child focussed and age-appropriate manner.

# Annex A: Pre-Proceedings Flow Chart

## Annex A: Pre-Proceedings flow chart



## **Critical Issues Practitioners need to consider during the Pre-Proceedings Phase**

There are several key considerations practitioners need to address during the Pre-Proceedings phase which if missed or ignored, could cause critical issues if the Local Authority decide to initiate care and supervision proceedings.

### ***Permanency Planning Meeting***

Permanency Planning Meetings should take place to consider the long-term plan taking into consideration the child/ young persons emotional, physical and legal circumstances. The key objective for permanence planning is to ensure children have the opportunity to live in a safe, stable and supportive care giving environment. Permanence for children can include different options; it can involve a plan to remain with parents/carers, those with PR, extended family, or friends and can also be achieved through the creation of an Order via court i.e. Adoption, Foster Care, Child Arrangements Order, or Special Guardianship Order, Supervision Order.

The Local Authority should convene a Permanency Planning Meeting during the pre-proceedings phase at the earliest opportunity, to minimise the risk of further disruption and ensure any plan agreed promotes the safety and wellbeing needs of the child or young person. It should take into consideration any assessments that have been completed prior to the child coming into care, and ensure any plans agreed meet the child or young person's individual needs.

The permanency planning process should include key contributions from multi-agency professionals to identify which option is most likely to meet the needs of the individual child, and consider of his/her wishes and feelings. In the case of sibling groups, a Permanency Planning Meeting can be held in respect of all children, however, each child must have their own permanence plan.

The following professionals must be invited:

- A designated representative from the Children In Care (CIC) service
- A Team Manager or Service Manager who will chair the meeting
- The allocated Social Worker
- The allocated Social Work Assistant
- Supervising Social Worker to Foster Carer / Residential Manager
- Foster Carer / Residential key worker
- Children's Guardian/Advocate (if appropriate/relevant)

Friends, Family, or Kinship Carers can attend the Permanency Planning Meeting in part if deemed necessary; it may not however be appropriate to have their attendance during parts of the meeting where professionals are decision making. In some cases dependant on the age, developmental needs of the child or young person, and whether consent has been obtained, the child or young person maybe able to attend the Permanency Planning Meeting in part or in full. In the absence of parents and children, it is essential that the views of the child and young person,

their parents, and significant others are available to the chair. This might be in writing, drawing, audio or video recording or verbally presented by someone else on their behalf.

The planning of permanence meetings should be determined by the following factors:

- Where there has been a change in the child's circumstances or plan
- Where assessments of possible carers have been completed
- Please check [Kent Tri-X procedures](#) to ensure Permanency Planning Meetings are held within recommended timescales for children who are Child In Need, subject to a Child Protection plan, have been admitted to Local Authority care under s20 agreement or via a Care Order as this does vary.
- Where there has been a request by a Child Protection Chair, Team Manager, Service Manager, or Independent Reviewing Officer
- Where there is no final plan
- Or in circumstances where the outcome of further assessments has changed the care plan/ child's plan whereby a further permanence planning meeting needs to be arranged

### ***Parallel Planning***

For children who are unable to remain/ return to their birth or wider family, the Local Authority should establish permanence at the earliest stage for a child.

As part of Permanence Planning for children, a Parallel Plan may be drawn up to ensure that alternative plans have been explored and are available without delay if the preferred permanent outcome proves unachievable. A Parallel Plan is employed when a Contingency Plan for a Looked After Child (LAC) or a child who may potentially become LAC is explored at the same time as the primary plan for the child.

### ***Assessments***

During PLO, the Social Worker may be required to complete relevant assessments to gather important information, further understand and analyse the needs of the child/ren, as well as the nature and seriousness of any identified risks. When assessing concerns, the practitioner will be exploring the impact of such worries (past and present) on the child's development, functioning and safety. The assessment can detail key information and/or disclosures from the child, family, agencies and whether any investigations have been required.

The assessment should not only identify risk, but also any strengths with recommendations of how to amplify these recognised strengths, suggestions to reduce further harm/risk if identified, and by what measures.

The Social Worker will need to complete an up-to-date Child and Family (C&F) assessment to determine what services need to be provided, and what actions need to be taken. The maximum timeframe for the assessment to conclude should be no longer than 45 working days, and the assessment should include key information from the child, family, and multi-agency professional network. Any plan from the



completion of an assessment should recommend clear and realistic support options to improve areas of identified concern. The assessment can also recommend monitoring processes such as drug/alcohol testing, rehabilitation support, mental health support and treatment, specific courses and programmes, detail plan of support from each agency involved, and recommended timescales to address significant harm concerns.

In some circumstances Social Workers may also be asked to complete other relevant assessments to promote decision making, establish threshold, and ascertain next steps to address those needs and improve the child's overall life outcomes.

### **Specialist Assessments**

There is an expectation that prior to entering the care proceedings phase of the PLO, the Local Authority will complete relevant assessments at the earliest opportunity so that parents have access to the right support in a timely manner. In some circumstances, specialist assessments may be necessary if the view is that the Local Authority does not hold the knowledge or expertise i.e. Human Rights Assessments, specialist cognitive assessments, Parenting Assessment Manual (PAMs).

### **Cognitive Assessment**

A cognitive assessment is an assessment tool used to assess a parent's ability to understand and retain information. The assessment supports professionals to understand how best to support parents and guide them through the process of ensuring the child/ren's safety, permanence, and well-being.

### **Parent Assessment Manual (PAMs) Assessment (Parenting Assessment)**

PAMs is a comprehensive assessment tool which provides the assessor with key tools and techniques which can be used when working with individuals to assess vulnerable families, and parents with disabilities.

PAMs was created by Dr Sue McGaw a Clinical Psychologist who specialised in working with parents with learning disabilities and allows parents/carers to access an assessment in line with their needs equally, regardless of their ability.

Social Workers need to engage in PAMs training, have access to relevant software, and resources to be considered 'qualified' to undertake the assessment. If a PAMs assessment has been recommended and the Social Worker is not PAMs trained, practitioners will need to explore who in their district is PAMs trained prior to submitting an application to achieve funding for an external assessor via ARP (Access to Resource Panel).

### **Pre-Birth Assessment**

*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. 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 (PLWG, 2021, p. 118).*

A [Pre-Birth assessment](#) should be considered when there are concerns that an unborn baby may be at risk of significant harm. The assessment is used to review the history, previous/current relationships, ability to provide for the baby, current living arrangements and any support that may be required before or following the baby's birth. This assessment should also be used as an intervention tool to safeguard unborn children and should commence as soon as possible following the identification of worrying pregnancies and no later than 20 weeks. Pre-birth assessments should be completed using the Child and Family Assessment template within 45 days.

### ***Pre-birth Risk Assessment***

A [Pre-Birth risk assessment](#) is an additional assessment and will normally be completed following a pre-birth assessment. Its purpose is to collect information about what, if any, action is needed to safeguard the baby, following in-depth analysis of the risk.

Practitioners can complete a [Pre-Birth Risk screening tool](#) as a guide only to whether a Pre-birth Assessment or a Pre-Birth Risk Assessment should be completed.

### ***Initial Viability Assessment/ Connected Person's Assessment***

An initial viability assessment is a brief assessment which explores initial safety and dictates whether a detailed connected persons assessment is required. This assessment is usually completed by the children's social worker which should include relevant agency checks including local police and health.

Initial viability assessments are the first stage of assessing a prospective carers' suitability to be considered as a potential carer; they are often used in emergency situations where a child needs to be placed quickly. In these situations, temporary approval for the placement can be granted by an Assistant Director for a period of up to 16 weeks; in exceptional cases extensions can be granted for a maximum of 8 weeks. Extensions will need to be formally requested via Access to Resource Panel (ARP).

If a full assessment is required this will involve discussions with prospective carers, past and present employer references, six personal references, ex-partner adult/children's references, visits to other family members, and necessary Local Authority, Police, School/s, and health checks e.g., a full medical – from a GP/family doctor, liaison with Health visitor, a health and safety check of the home, family pet assessment, and landlord reference if required.

A connected person can be a family member, friend/s, an individual where there is an informal private arrangement in place to care for a child/ren, relative of a friend, or anyone who has a previous connection or relation to the child and their extended network who has put themselves forward to care for a child/ren.

A connected persons assessment is often carried out by an allocated Social Worker from the Fostering and Adoption service in accordance with Public Law Outline (PLO), and usually takes place during the care planning stage.

If a temporary placement has been approved, a connected person's assessment will need to be undertaken. Practitioners will need to complete the connected person's Initial Viability form and ensure this has been signed off by an Assistant Director prior to sending the referral to the connected person referral email address.

Once temporary approval for up to 16 weeks has been authorised the Fostering Assessment Team Manager will allocate for a full fostering assessment to be completed (jointly with child's social worker) and book a Fostering Panel date.

For further information please refer to [Kent Procedures](#), The [Department](#) of Education Guidance, or alternatively the toolkit guide.

### ***Sibling Assessment***

Sibling assessments are undertaken to consider the future placement or plan for siblings and inform decisions to place siblings together or separately according to their best interests. The assessment will take into consideration sibling relationship dynamics considering their needs, history, includes observations, the views of the professionals, and those who have cared for them. The assessment will also take into consideration the children's views, wishes, feelings, age, developmental needs, strengths, and difficulties.

It is vital that all necessary steps are taken to ensure children can reside together where safe and practicable to do so.

### ***Family Drug and Alcohol Court (FDAC)***

Family Drug and Alcohol Courts are problem solving courts who work with families where children are put at risk by parental substance and/or alcohol misuse. FDAC co-ordinates and offers a range of services aimed at addressing the family's support needs and identified concerns to achieve the best possible outcome for children.

Families who have been selected for FDAC will be provided with a trial of support by an independent multi-disciplinary team who specialise in varied areas to provide bespoke tailored interventions to help parents stabilise/stop using drugs/alcohol and, where possible, to keep families together.

If there are substance misuse concerns parents should be advised of FDAC as opposed to going through the normal care proceedings route as they are more likely to achieve better outcomes through FDAC. If the child's parent/s refuse to engage in FDAC then their case will be heard through the usual family court process for proceedings.

Practitioners can contact the [FDAC Team](#) directly to discuss potential referrals, and to gain further information and advice.

For further additional information please visit [Tri-X](#), and review the helpful Kent ICS leaflets for [professionals](#).

### ***Human Rights/ Assessments linked to Immigration Status***

Immigration issues may differ between parents, and their children which can cause complications during the care planning phase. There are some cases where the child/ren or parents maybe British nationals and have the right to remain, and a parent/ child or sibling who do not have the same status or rights. There are also some cases where the child/parent may have entered the UK unlawfully, or they are otherwise without status.

Practitioners need to establish any potential immigration issues from the onset and obtain appropriate legal advice and information from the relevant department to clarify whether any specialist assessments are required.

A Human Rights Assessment may be deemed necessary to avoid a breach of the child and family's rights under the European Convention on Human Rights (ECHR) or European Union (EU). Please note Article 1 and 13 of the ECHR do not feature in the Act for the UK as these principles are covered and fulfilled by the UK Human Rights Act (1998).

### ***Producing a Genogram/Eco-Map***

A genogram is a mapping exercise used to create a family tree and establish who the child or young person has in their network, whether there is contact/not, and who in the family is of significance.

Practitioners should clearly record accurate information related to the family composition, and key demographical information such as name(s) of child/children, siblings/ half siblings, those with PR, stepparents, partners, grandparents, current residence, date of birth etc. It is also important to establish who is in the family network (extended family/friends), and confirm who holds Parental Responsibility (PR).

Eco-maps are a mapping exercise which can be produced alongside the child and family to provide a visual image of those within their network. This can include professionals, friends, family, places, and pets. An eco-map can also provide context around the type of relationship the individual may have with those illustrated on the map, and whether it is close, distant, fractured etc.

### ***Chronology***

Chronologies are helpful in creating an accurate picture and provide context around trends, patterns, and links to abuse. When a social worker changes, or where there have been moves/changes of address, subsequent referrals important information can be lost within the files or be less apparent.

Chronologies are important as they build a picture of the child's journey and lived experience, positive or negative. They support practitioners to analyse the impact of harm, and overall safety and wellbeing of the child/ren.

Practitioners should regularly update a chronology by recording events as they occur, and ensure this information is accessible.

When compiling a chronology either for an assessment, the child or young person's file, or for court, it is important to include significant dates and events within the child's life. The information must be in chronological order and should detail exact date, brief detail of the event, and significance. Chronologies must be succinct, and easy to interpret; they must be factual, recorded clearly, and not involve professional assumptions or opinions.

During PLO, it is helpful to encourage other agencies to share chronologies such as the police, health, and education to explore key significant events as a whole, rather than in isolation.

There are a few helpful resources available on RIP to support practitioners compile relevant information and present it in a succinct way which can be accessed through the [Tool](#).

### ***Family Meetings/Family Group Conferencing (FGC)***

Local Authority decision-making should be underpinned by principles of partnership working and relationship-based practice at all times (PLWG, 2021, p. 105).

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. (PLWG, 2021, p. 106).

Family Meetings and FGCs are helpful meetings led by the family to explore support that can be provided to enable the child to remain at home, or to explore alternative options of permanence. This process can bring families together and support them to make contingency plans for alternative care within the family if the relevant changes are not made in the recommended timescales.

FGCs and family meetings are helpful as they allow the family to co-ordinate a plan early on, most especially when there is a risk the child may unnecessarily enter the care system, unless it is within the child's best interests.

**Family meetings** are usually chaired by an experienced practitioner, or team manager to support the family to come up with a plan to manage concerns identified. The practitioner must be clear and transparent when discussing concerns and manage the discussions fairly in an organised manner.

If the practitioner wishes to chair a family meeting, it is advisable they consult with their line manager, and engage in supervision to plan the meeting accordingly. It is also advisable that practitioners make attempts to meet with individual family and the child/ren members to explore their views, and any matters they wish to discuss prior to the meeting taking place. It is important that the meeting remains family-led and that practitioners support the family to think about what they would like to be different and better whilst ensuring the concerns remain central.

If you are working with a large, complex family, it may also be advisable to have a co-chair to support the meeting and share chairing responsibilities.

**FGCs** are a voluntary service where families, connected persons, friends are supported to engage with an independent FGC co-ordinator to prepare and participate in the meeting. Children can also participate in their FGC meeting to contribute their views, engage in discussions, and build a plan subject to their age, developmental needs, and obtaining consent. If the child/ young person wishes to participate in a FGC the co-ordinator will meet with them 1-2-1 and explore their views, wishes and feelings. They can also access additional support through an advocate.

Alternatively, for those who do not wish, or who cannot attend can have their views shared in written form (collation of views).

### ***Working with Parental Abuse, Acrimony, and Domestic Abuse***

When practitioners are working with parents there can be circumstances which arise where there are identified safeguarding concerns between retrospective parents, or parties which will need to be taken into consideration, and planning should reflect this.

When working with parents who are together, or who have separated due to acrimony, past/ present domestic abuse, it is crucial that practitioners do not disclose personal information which may compromise the safety of others and pose a potential risk to the child/ren, others, or the management of proceedings.

Practitioners must act in the best interests of the child, and ensure steps are in place to protect the child/ren, and or their parents where there is alleged Parental Acrimony and/ Abuse. This can include sending separate letter correspondence, or if necessary, providing copies of applications or important documents such as assessments and plans, which do not contain important data such as addresses, third party names, or ensuring personal information remains anonymised. In some circumstances this may mean concealing appropriate information by referring to other individuals using initials, or if presenting evidence to court submitting a confidential address form/ removing the address (please put address available upon courts request within documentation).

If you are unsure how best to manage situations such as these, we would advise the practitioner and their manager engage in a case planning meeting to further discuss and agree a plan on the most appropriate way to hold required meetings, distribute paperwork, and record information.

## Care Proceedings Procedures: Public Law Outline Principles and Procedures for Kent Practitioners

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 (PLWG, 2021, p. 107).

Care and Supervision Proceedings should be considered as a last resort intervention stage when a significant incident has occurred or where it has been identified that parenting has not improved, and can be initiated during the pre-proceedings phase, or following its completion. If there are continued concerns the child/ren remain at risk of significant harm, or have been harmed despite Local Authority intervention, the Local Authority must initiate care or supervision proceedings under the revised section 32(1)(a) of the Children Act 1989 (introduced by section 14 of the Children and Families Act 2014).

Prior to issuing Care Proceedings, it is best practice for the allocated Social Worker, Team Manager, and Service Manager to attend a Legal Planning Meeting (LPM) to obtain legal advice around whether threshold has been met, and if so under what grounds. The LPM should clearly outline the concerns, and any attempts made to support the parents and those with PR address concerns identified, especially in the case where there have been previous pre or care proceedings.

Once a decision has been made to initiate proceedings, the legal representative will set a date to review a draft letter to advise parents of the Local Authority's decision, and the draft court paperwork to be submitted to the court.

### ***Letter to Initiate Proceedings***

The letter to initiate proceedings otherwise known as ***the immediate issue letter*** informs parents that the Local Authority is applying to court for a care or supervision Order outlining key concerns and attempts to avoid care proceedings. The PLO process and previous pre-proceedings meetings minutes can also be used to outline concerns, and reason for issuing proceedings alongside the letter.

The letter must urge parents/carers to seek legal advice immediately and advise that there are no alternative steps to prevent proceedings being issued. It should include a list of child law accredited local solicitors they can contact and include the Law Society's 'Find a Solicitor' link to access the most up to date list online [\(link\)](#). It should also include the contact details of the Local Authority's solicitor should they have any queries.

The letter is equally as important as the letter before proceedings as it allows parents access to legal aid and advice during care and supervision proceedings. Social Workers must apply the same practice principles as the letter before proceedings when communicating with parents via letter form, and face to face.

A letter template is accessible via Tri-X or within the annex b section which is available within the toolkit.

### ***Planning and Preparation for Court***

The Local Authority should be in a position to provide evidence in advance of proceedings which can include assessments and plans, outcome of drug and alcohol testing, parenting/ cognitive assessments, medical records, and relevant disclosure from third party agencies.

Specialist assessments where appropriate, should have already been commissioned or carried out prior to entering proceedings. There are some exceptional circumstances where such assessments have not taken place due to issues around consent, concerns around capacity, mental health issues, or where proceedings have been immediately considered due to the nature of concerns and impact on the child in such cases.

The Local Authority should clearly set out the reasons as to why they are seeking an Order, and identify the needs of each child, and detail the context of the significant harm that has occurred, or the child/ren is likely to be exposed to. It is important that practitioner's understand and acknowledge any documentation submitted to the court should be comprehensible for all audiences (judge, family, the child, professionals).

Practitioners will need to compile evidence when applying for an Order by the court, and must ensure they submit this information using the most up to date [Social Work Evidence Template's \(SWET\), chronology, and court care plan](#).

### **Social Work Evidence Template (SWET)**

Practitioners across the service must delete old/ prepopulated templates and refer to the new guidance and SWET templates which have been added onto Tri-X. Practitioners should not use old forms, pre-populated templates, or attempt to type over documents previously used for other children to avoid potential breach of GDPR, and ensure Kent ICS are representing Children and Families in the best way possible.

The statement of evidence should include realistic options for the child, alongside proposed options and recommendations to improve the child/ren's future life outcomes. The practitioner needs to ensure recommendations are balanced in order to avoid unnecessary delay or further disputes during the process of proceedings.

Care plans should be clear and avoid repeating information already presented to the Court. Practitioners should clearly summarise in writing the aim of the care plan, impact on child and young person's life outcomes, and what would happen to the child/ren if this care plan was not in place.

In some cases the practitioner may need to create two separate chronologies; with the Court chronology being focussed on presenting succinct information on key significant events. It may be also helpful to cross reference relevant information



from the chronology or supporting documents to avoid repetition within submitted court documents.

Once completed, the documents should be quality assured by the Service Manager, prior to sending the final draft to the relevant legal department. Once approved all documents (which should include the SWET, threshold Criteria document, and Court care plan) will be filed and submitted to the court alongside any other supporting evidence.

The allocated Social Worker and Team Manager should be equipped to present evidence succinctly to the Court and be prepared for challenge. It is helpful to ensure workers refer to the case management checklist to ensure all relevant documents are provided to the legal representative to be submitted to court in a timely manner.

## **Role of CAFCASS (Children and Family Court Advisory and Support Service)**

CAFCASS are an independent organisation which consists of qualified experienced Social Workers, otherwise referred to as Family Court Advisors. Family Court Advisors have a duty to safeguard and promote the welfare of children subject to UK public law (Care, Adoption, and Supervision Proceedings) and private law (adoption, divorce, and separation) proceedings, and act on their behalf to ensure their best interests are prioritised.

CAFCASS independently advise the family courts about what is safe for the child, ensuring the child's voice, needs, views, wishes and feelings first are heard within family court settings when critical decisions are being made about their future.

CAFCASS encourage Local Authorities and Courts to adhere to PLO 26-week Court proceedings timescale and that necessary assessments have been completed within the pre-proceedings phase of intervention. CAFCASS have supported the ADCS with the re-design of SWET and guidance to ensure agencies have utilised their resources effectively to support children and avoid unnecessary procedural delays.

### ***Application of Court Orders***

When considering best outcomes for children, the Court is guided by the [Welfare Checklist](#) (section 1, Children Act 1989) which considers the welfare of the child as being of paramount importance.

As such the Court will consider:

- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding).
- (b) his physical, emotional, and educational needs.
- (c) the likely effect on him of any change in his circumstances.

(d) his age, sex, background, and any characteristics of his which the court considers relevant.

(e) any harm which he has suffered or is at risk of suffering.

(f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs.

(g) the range of powers available to the court under this Act in the proceedings in question.

### **Interim/ Care Order**

An Interim Care Order (ICO, s38, the Children Act, 1989) can be made when there are reasonable grounds for believing that the threshold test has been met. It has the same effect as a Care Order (CO, s31 the Children Act, 1989) and allows the Local Authority to acquire and share Parental Responsibility for the child under the ICO until the court determines otherwise and should not last beyond the length of court proceedings.

When an ICO is granted, the Court may also give directions to the Local Authority to undertake further enquiries, assessments for the child, parent, or family, or for medical or psychiatric examination and assessments. The Court can also include exclusion requirements and specify contact arrangements within the Order for a period considered appropriate according to the child and family's current circumstance.

If there is a likelihood that an ICO granted may expire prior to the conclusion of proceedings, an application can be made to extend the Order to the court.

A Care Order (CO) places the child in the care of a Local Authority where they are required to provide accommodation, safeguard, and promote the welfare needs of the child, and provide care duties as a corporate parent as set out in the Children Act 1989. The Order will discharge any previous Orders sought or made under the Children Act 1989 and will cease once the child or young person reaches 18 years old, unless an application has been made directly to the court prior to this period.

In some circumstances, **No Order** can be made if the young person is aged seventeen years old (or sixteen if they are married or in a civil partnership) at the time the Order is made.

All children subject to an Interim Care Order or Care Order become Looked After Children (LAC), and will need statutory visits, reviews, a Personal Education Plan (PEP), and must have an Independent Reviewing Officer (IRO) appointed to them before the first review of the care plan.

## **Interim/ Supervision Order**

A court can make an interim Supervision Order when there are reasonable grounds for believing that the threshold test has been met whereby supervision arrangements are to be in place for a period directed by the court. A Supervision Order does not erode the PR of the parent or guardian responsible for the care of the child. In some circumstances, a **No Supervision Order** may be made for a young person aged seventeen (or sixteen, if the young person is married).

A Supervision Order will specify how the Local Authority must advise, assist, and befriend the child within the Order and may give specific directions and requirements which the parents and Local Authority must comply with and can last for a period of one year. In exceptional cases the Order can be extended for any period but cannot exceed three years from the date of which it was granted.

This can include:

- Residing in a specific location or address
- To participate and access specific support or activities to promote the safety and welfare of the child.
- Report to a particular place at a specific time

Supervision Orders can be granted where the child or young person is subject to a Child Arrangements Order or Special Guardianship Order and there is a requirement for the Local Authority to provide a period of support dictated by the court to the carers and child to ensure they reach their potential and remain safe from harm.

## **Child Arrangements Order**

A Child Arrangements Order (CAO) decides where a child should reside, how they spend time with their parents or others specified within the Order, when and how contact should take place. An adult named in a CAO will be the named person who the child will reside with, and who will have PR for the care and welfare needs of the child specified in the Order.

CAOs replace Residence Orders and Contact Orders.

## **Special Guardianship Order**

A Special Guardianship Order (SGO) is granted to an individual to have parental responsibility for the child. This Order allows the Special Guardian to exercise PR and maintain care and welfare needs of the child.

An SGO can only be granted to an individual over the age of 18 years, and who is not the child's parent. The Court can only make an SGO once it has received a report or assessment from the Local Authority around the suitability of the individual wishing to apply.

Individuals who wish to apply for an SGO can do so if :

- they have been granted a CAO
- are an individual who the child has lived with person with 3 out of the last 5 years
- is a Local Authority foster carer
- is a relative who the child has lived with over the last twelve months from the date of the application
- is an individual who those with PR have consented for the child to reside with.

Those who do not meet these categories will need permission from the court to make an application for an SGO.

### **Discharge and Revocation of Orders**

A child, Local Authority, and any person with PR for the child or young person will need to apply to the court to discharge any Order/s in place. This can include the discharge of a Care Order or Supervision Order.

During proceedings, the child, parent, or carer will be entitled to access legal aid and be formally represented by a lawyer, and in the case of a child or young person CAFCASS guardian.

In Order to discharge the Order, the court will need to be satisfied the welfare and safety needs of the child will not be compromised in accordance with the welfare checklist.

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