**8 Legal Proceedings**

**8.1 Public Law Outline**

**8.1.1 Introduction**

The Public Law Outline (PLO) is the Ministry of Justice Legal Framework for children’s care and supervision proceedings. Under the Public Law Outline (2014) and the Children and Families Act 2014, by law there is a 26-week time limit for the completion of care proceedings. This places an increased emphasis on pre-proceedings assessments and intervention with the family and their extended support network.

A decision to intervene legally in a child’s life and family is a significant one that will have major consequences for the child. It is crucial that any decision to do so is based on clear, evidenced-based assessment and care planning which demonstrates what attempts have been made to manage the risks and support the child to remain in their family.

Therefore, consistent and focused early work with the family and their extended support network should always be carried out, even before PLO is being considered.



It is essential that a Family Network Meeting is held early on to identify wider support available. It will also be important to identify potential carers if the parents are assessed as unable to meet the needs of the child in the long-term. Family should be helped to come up with their top three most viable potential family carers.

Principles

The following are key principles that should be adopted within the PLO process:

* Parents should be helped to safely look after their child with contingencies if that isn’t possible. They need to know what actions need to be taken by themselves, in conjunction with their support network, to make the changes necessary to avoid care proceedings.
* If the child cannot remain with their parents, the family & friends network should be explored at an early stage with the use of Family Network Meetings.
* Decision-making needs to be with the child’s timeframe. Research has established that the longer children experience abuse and neglect, the less effective are the interventions designed to promote the child’s wellbeing. Therefore early robust assessments must ensure that they carefully consider the parents capacity to change within the child’s timeframe.
* Care proceedings should only be used as a last resort. Applications to court should only be made after all safe and appropriate alternatives have been explored, including private family arrangements.
* When care proceedings are required they must be concluded within a 26-week timescale.

**8.1.2 PLO - Pre-Proceedings Stage**

Pre-proceedings is the stage from the point that the local authority is sufficiently concerned to be considering making an application to the court to protect a child, but where the risk of harm to the child is assessed to be manageable if an application is not made immediately. This will usually be applicable only when a child is already subject to a Child Protection Plan (CPP).

This stage will only be commenced once agreed by the relevant service lead and usually following a Legal Planning Meeting (LPM). All pre-proceedings work will take place under the auspices of the local authority’s PLO Pre-proceedings timeline.



This sets out a timetable for cases in pre-proceedings and specifies that pre-proceedings work must be concluded within a maximum of 14 weeks, unless there are exceptional circumstances. The aim is that all work being undertaken with children at the pre-proceedings stage will be timely, in order to avoid unnecessary delay in establishing permanency for children.

**Key pre-proceedings activities:**

* To inform the family in writing of the local authority’s concerns, through a ‘Letter Before Proceedings’, being clear about what needs to be done by them and the local authority to avoid care proceedings.
* To encourage families to take up their entitlement to non-means non merits tested legal advice and representation at a meeting to discuss the concerns at a Meeting Before Proceedings (MBP).
* To ensure that the extended family & friends have been fully involved as appropriate, assessing and exploring voluntary arrangements before an application to Court is made, possibly preventing the child from becoming looked after or public law proceedings becoming necessary.
* To be satisfied that those with parental responsibility (PR) have the capacity to consent to voluntary arrangements.
* To produce a comprehensive assessment (including other agency input), specialist assessments (where required) chronology and genogram that provides enough evidence in support of the local authority’s application.
* To inform families in writing of the local authority’s intention to issue proceedings (or not).

**8.1.3 Emergency Arrangements**

Nothing in the PLO requires the local authority to carry out any pre-proceedings steps if the concerns for the child warrant immediate protective intervention. There may be circumstances where the use of an Emergency Protection Order (EPO) is not required, but the child’s safety and welfare means that there is a need to make a rapid recourse to the court, and completing all pre-proceedings work and PLO documentation is not possible. In these circumstances, authorisation from the service leader is required, and legal advice must be sought with good practice in pre-proceedings followed as far as is practicable. The family should continue to be kept informed and the court must be given reasons why missing pieces of information cannot be supplied.

**8.1.4 Legal Planning Meetings**

Considerations before a Legal Planning Meeting is arranged

A Legal Planning Meeting should be considered where an application for a legal order might be required. This can include:

* Where parenting is not improving enough to protect the child from significant harm (e.g. when the child protection plan is not effective).
* Following an application for an emergency protection order when consideration is being given to an application for an interim care order.
* When it is clear that protection or welfare of a child cannot be achieved by agreement with the parents, or the security of a legal order is necessary to ensure the viability of a plan for a child, or the existing court order is not providing adequate protection for the child.
* Where it is thought that a legal order may be required in order to assist in the permanence planning for a child, whether that is a return to the family or to achieve permanence elsewhere.

The decision to convene a Legal Planning Meeting will be authorised by the group manager (confirmed as a case note on Frameworki), following a meeting between the group manager, practice manager and social worker, and this will be carried out within a Signs of Safety Framework.

With the exception of immediate safeguarding concerns, no Legal Planning Meeting should take place unless there is an:

* Updated Genogram
* Updated Chronology
* Safety Plan (including danger statements for each worry, clear safety goals that will with next steps/parallel planning)
* Comprehensive assessment.

There is also an expectation that a Family Network Meeting involving family members has been attempted before a Legal Planning Meeting is held.

The social worker is responsible for arranging the Legal Planning Meeting that will be planned in advance unless there is an immediate safeguarding concern. If there is an immediate concern, then a telephone Legal Planning Meeting can be arranged. The social worker is responsible for sending all relevant documents to the children’s services administrator at least 3 working days before the Legal Planning Meeting.

The Legal Planning Meeting

The purpose of the Legal Planning Meeting is to consider the evidence, take legal advice and make recommendations about future action with clear timescales.

Weekly pre-arranged slots for Legal Planning Meetings will be held at different venues across the county. The Legal Planning Meetings will be scheduled for one and a half hours.

Attendance will include:

* Group manager (chair)
* Minute taker from children’s services
* Social worker
* Practice manager
* Legal adviser
* Representatives from commissioned services (CFIS, Placements Team, SGO, adoption)

At the Legal Planning Meeting, a decision will be made about whether the threshold criteria has been met and whether:

* It is in the best interests of the child to provide a further period of support within a pre-proceedings framework for the family with the aim of avoiding court proceedings or if court proceedings cannot be avoided, narrowing the issues; or
* Court Proceedings should be initiated immediately without delay.

The meeting should also identify any evidential gaps, clarify whether additional assessments will be required, and consider what would be a suitable draft Care Plan for the child.

The role of the legal adviser includes advising about the legal options for achieving the desired outcome and to give a view about the quality of evidence available.

Children’s social care will consider the advice and decide which route to take.

If the decision is taken to undertake a formal pre-proceedings process, this needs to be agreed by the group manager. In those cases where the Legal Planning Meeting recommends proceedings without delay, authorisation is required by the service lead.

Notes from the Legal Planning Meeting will be detailed using the ‘Legal Planning Meeting Template & Agenda Checklist’.



A minute taker will take notes from the Legal Planning Meeting and send these to the legal adviser for checking within two working days of the meeting. It is the responsibility of the legal adviser to check and make any necessary additions and changes to the minutes and this will be done no later than five working days from the date of the meeting. The social worker will ensure that the minutes are added to ‘Documents’ in Frameworki. The service leader will agree within three working days of the finalisation of the minutes whether expert assessments can be commissioned and confirm instructions if the decision is made to commence care proceedings.

Minutes from the Legal Planning Meeting are legally privileged and should not be made available to parents or other parties in any potential proceedings without an order from the court or the agreement of Legal Services. Written advice (including emails) should be stored in ‘Documents’ on Frameworki and clearly titled ‘Legal Advice’.

Review/Subsequent Legal Planning Meetings

The initial Legal Planning Meeting should consider whether further Legal Planning Meetings are necessary and if so when and in what format. It may be that new information emerges which requires a change of plan for the child and a reconvened Legal Planning Meeting would enable consideration to be given regarding the implications for the legal plan.

In certain complex cases, it may be appropriate for a Legal Planning Meeting to be convened during the course of proceedings prior to the filing of final evidence.

**8.1.5 Letter Before Proceedings**

The Letter Before Proceedings is the formal written notification that care proceedings are likely unless significant changes are made to the care offered to the child/children. The letter before proceedings is the trigger for non-means; non-merits tested publically funded legal advice and assistance.



The letter should set out:

* A summary in simple language of the local authority’s concerns using a Signs of Safety Framework
* A summary of what support has already been provided to the parents
* What the parents need to do and what support will be provided by the local authority for them to avoid care proceedings including timescales
* Information on how to obtain legal advice (and advocacy where required), making it clear how important it is for the parent to get legal representation

Details held within the Legal Planning Meeting minutes should provide essential information in the letter including work that has been done, further work necessary, and the specific concerns about the child. The letter should include identified actions with clear timescales that may result in a decision not to commence care proceedings.

The letter will include an invitation to a Meeting before Proceedings (MBP), which should be held within a maximum of 15 working days of the LPM. The letter will be drafted by the social worker but must be signed off by the group manager, after approval by legal services. The social worker will deliver the letter by hand or send it by recorded delivery. The social worker must ensure that the parents understand the contents, and have an opportunity to discuss the letter prior to the Meeting before Proceedings.

In cases where the child concerned is 14 years or older, consideration must be given as to whether they should receive a letter in their own right, and consideration must be given to their right to advocacy. Factors in these decisions will include their emotional age and their level of understanding of the concerns and the pre proceedings process taking into account their cognitive functioning.

Where a parent may lack capacity, consideration should be given as to whether a personal discussion involving an advocate/and or legal representative should take place before sending out a Letter Before Proceedings.

**8.1.6 Meeting Before Proceedings**

Initial Meeting Before Proceedings

Notes from the Initial Meeting Before Proceedings will be detailed on the Initial Meeting Before Proceedings Template & Agenda Checklist.



The Meeting Before Proceedings provides a face to face opportunity to set out very clearly the position of the local authority in respect of existing concerns which have been identified; identify any improvements the local authority considers are needed in the parenting of the child; and talk about the plan required to assist the parents or carers to address any deficits in parenting already identified.

Attendance will include:

* Group manager (Chair)
* Minute taker
* Social worker
* Practice manager
* Legal adviser
* Parents/other with PR
* Legal representatives for parents/others with PR
* Advocate for parents if necessary
* Other family members as appropriate

At this meeting the local authority should:

* Agree a revised plan for the child that should be subsequently confirmed in writing to the parents, setting out what the parents and the local authority must do to safeguard the child. The plan will indicate the steps the local authority will take to support the parents and the timescales within which progress must be made for proceedings to be avoided.
* Outline the steps that the local authority will take at the end of this period, depending on whether progress has been demonstrated.
* Review arrangements for identifying potential family carers.
* Consider any necessary assessments (including potential alternative family carers), particularly where these require letters of instruction to assessment services. Any letters of instruction should have been drafted in advance and a draft letter of instruction presented at the meeting if not circulated in advance, so that the views of the parents and their representatives can be taken into account.

The date and time for the Meeting Before Proceedings will be agreed with legal services before the letter before proceedings is sent to the parents. The legal adviser will attend in all cases. Where a local authority legal adviser cannot attend the Meeting Before Proceedings, the Meeting Before Proceedings should not automatically be cancelled or rescheduled as this may create further delay in the management of the case. On the rare occasion that a legal adviser cannot attend consideration must be given in the circumstances of that particular case whether it is appropriate for the MBP to go ahead.

Parents (and their legal representatives) must be made aware of the serious nature of the local authority’s concerns. They must be advised of precisely what is expected of them if court proceedings are to be avoided, and they should be asked to give agreement to the identified interim care plan.

The following are good practice principles that should be taken into account in preparing the proposed care plan:

* The child needs to be protected and their safety and welfare is paramount.
* The child, parents, family and friends must be involved in the safety planning process.
* Every effort should be made to keep the child within their immediate/extended family & friends’ network if possible. A maximum of three potential family & friends carers will be considered.
* The child’s plan must include multi-agency consultation.
* The child’s plan must address the need for security, stability and permanent attachment.
* Parallel planning should be evident and used to reduce any potential delay.
* Where permanence options are being considered such as adoption, Special Guardianship Order, Child Arrangements Order, then these should be a positive choice for children.
* Plans should be evidence based and provide a clear rationale for the care plan of the child.

The group manager will chair the meeting and the social worker and practice manager will both attend. The minute taker will send the draft minutes to the legal adviser within 2 working days of the meeting. The legal adviser will check over the draft minutes and forward to the group manager within 5 working days of the meeting. The group manager will agree the minutes within a further 2 working days. The social worker will be responsible for distributing the minutes to everyone at the meeting (other than the legal representatives) and ensures the MBP minutes are added to ‘Documents’ in Frameworki once these have been finalised. The legal adviser will distribute the minutes to other legal representatives. The service lead will be asked to authorise the commissioning of any expert assessments, and authorise the commencement of care proceedings if required.

Case oversight

Case oversight must be maintained to ensure timely progress and at any point, the decision could be taken to instigate care proceedings if required. Depending on case specifics, this could be achieved through all or a combination of the following:

* Case supervision between the social worker and practice manager
* Three-way meeting between the social worker, practice manager and group manager
* Review Meeting Before Proceedings
* Legal advice as required on decision whether to issue care proceedings or any other relevant issues

Final Meeting Before Proceedings

By week 13 (from Initial Meeting Before Proceedings) at the latest, the Local Authority Care Plan for the child(ren) will be ratified:

* Group manager authorises the plan if pre-proceedings are to be concluded and not progressed to care proceedings
* Service leader authorises the plan if the outcome is to issue care proceedings

In exceptional circumstances, an extension beyond the 14 week limit for pre-proceedings may be necessary. If an extension is required, this needs to be authorised by the service lead.

At the Final Meeting Before Proceedings (by week 14), the relevant people will be in attendance. The care plan will have been finalised in light of all assessments (including those of family members) having been concluded. The family will have been sent all of the relevant assessment and advised of the local authority plan.

If care proceedings are to be issued, the social worker will aim to ensure that all required court documents are provided to legal services within two working weeks (unless there is a need to issue more urgently) of the MBP.

**8.1.7 Starting Care Proceedings**

If having assessed the parenting offered during the pre-proceedings period the parenting has not improved and /or is not meeting the child’s needs, consideration should be given to instigating care proceedings. Care proceedings must follow the Case Management Checklist & Flowchart.



1. **Stage 1 - Issue and allocation**

Before a decision can be made to initiate care proceedings, authorisation from the relevant service lead must be obtained. Once the decision has been made to initiate care proceedings, the social worker will inform the parents and the legal adviser will also inform the other legal representatives. If the PLO process has not been undertaken it would be usual to send to the parents/those with parental responsibility, a letter of issue that states that care proceedings are to be issued. This would not be appropriate if to send such a letter increases safeguarding concerns. If this is the case, then legal advice should be sought.



**Local authority documentation**

The social worker and local authority solicitor will then prepare the application and documents that are required for court. A lack of documentation should never prevent a case being brought to court too quickly where this is essential in order to protect a child.

Where a particular piece of documentation cannot be supplied immediately, the local authority must state on the application form the reasons why it cannot be included and confirm the date when the document(s) will be submitted to the court. Further directions relating to any missing documentation will also be made at the Case Management Hearing.

**Documents to be filed with the court**

The following annex documents must be attached to the application filed with the court on **Day 1**:

* The social work chronology
* The social work statement and genogram
* Comprehensive assessment to which the social work statement refers to and on which the local authority relies on
* The care plan
* Index of checklist documents

**Documents to be served on the other parties (but not filed with the court)**

On **Day 2,** the local authority must serve on the other parties (but must not file with the court unless expressly directed to do so), the application form and annex documents are set out above, together with the ‘evidential checklist documents’. These are evidential and other documents that already exist within the local authority’s files including:

* Previous court orders (including foreign orders) and judgements/reasons
* Any assessment materials relevant to key issues, including capacity to litigate, section 7, or section 37 orders
* Single, joint of inter-agency reports such as health, education, home office, and immigration tribunal documents

Documents to be disclosed on request by any party:

* Decision making records including:
* Records of key discussions with the family
* Key local authority minutes and records for the child
* Pre-existing Care plans (e.g. Early Help Plan), Child Looked After Care plan, Child Protection Plan
* Letters before proceedings
* Any issues as to jurisdiction/international element should be flagged with the court

Checklist documents are not to be older than two years on the day of issue, unless the local authority relies on them as evidence.

1. **Stage 2 - Case Management Hearing (CMH), not before Day 12 and not later**

**than Day 18**

It is vital that the first Case Management Hearing is effective in order to meet the 26-week deadline. Two clear days before the Case Management Hearing, the advocates will meet. The meeting may include ‘litigants in person’ but not social care or other professionals. At the conclusion, the local authority advocate will file a draft Case Management Order. If necessary this will identify proposed experts and draft questions. The meeting will notify the court immediately if a contested interim Care Order hearing appears necessary.

The child’s social worker must attend the Case Management Hearing and instruct the local authority advocate, appropriately supported by their practice manger. It is expected that full case management will take place at the Case Management Hearing. The parties must be prepared to deal with all relevant case management issues. A further Case Management Hearing (FCMH) may be held, but only if necessary and in any event no later than Day 20. A further Case Management Hearing must not be regarded as a routine step in proceedings.

1. **Stage 3 – The Issues Resolution Hearing (IRH)**

The Issues Resolution Hearing takes place as directed by the court, in accordance with the timetable for proceedings.

The advocates and litigates in person will meet no later than 7 days before the Issues Resolution Hearing, review the evidence and the positions of the parties. The meeting will identify:

* The remaining key issues and how they may be narrowed or resolved at the Issues Resolution Hearing
* What further evidence is required
* Witnesses that may be required at a final hearing
* The need for a contested hearing or time for oral evidence at the Issues Resolution Hearing

The local authority will notify the court immediately of the outcome of the discussion and file a draft Case Management Order for the Issues Resolution Hearing.

The child’s social worker must attend the Issues Resolution Hearing and instructs the local authority advocate, appropriately supported by their practice manager.

At the Issues Resolution Hearing the court will:

* Identify the key issues and how far they may be narrowed or resolved at this hearing
* Consider whether this hearing can be the final hearing
* Hear evidence
* Identify evidence that will be need at the final hearing
* Give final case management directions regarding any extension of the timetable, and the documents to be filed, including final evidence and care plan
* Issue a Case Management Order

1. **The Final Hearing**

The final hearing will take place within 26 weeks of the day of issue. The court may extend this timeframe but will not do this routinely. The decision and reason for extending a case should be recorded in writing in the Case Management Order and stated orally in court. An initial extension should be no longer than 8 weeks, and the same for any further extension. There is no limit to the number of extensions that may be granted. The court must have regard to any impact of any extension on the welfare of the child.

The child’s social worker must attend the final hearing and instruct the Local Authority advocate, appropriately supported by their practice manager.

At the final hearing, all of the issues not settled at the Issues Resolution Hearing will be resolved by the direction of the court.

**8.1.8 Flexible powers of the court**

All staff involved in court proceedings must be aware of the flexible powers of the court which include the power to give directions without a hearing, and to take steps at any stage of the proceedings, including cancelling a particular hearing, if the circumstances of the case merit this approach.

In particular, if the court considers that taking evidence at the Case Management Hearing or the Issues Resolution Hearing is likely to resolve the key issues, it must take a flexible approach. The social worker must be prepared to give evidence without being notified in advance at a CMH or an IRH.

**8.1.9 Extensions to the Timetable for Proceedings**

Having regard to the circumstances of the particular case, the court may consider that it is necessary to extend the time by which the proceedings are to be resolved beyond 26 weeks, but may do so only if it considers that the extension is necessary to enable it to resolve the proceedings justly. This may be on application by a party or the court’s own initiative. Extensions will not be granted routinely and require specific justification.

When deciding whether to extend the timetable, the court must have regard to the impact of any ensuing timetable revision on the welfare of the child. If the social worker or legal services are aware of any factor that means that an extension to the 26 week timetable will be necessary then an application should be made to extend the timetable at the earliest opportunity. An initial extension may be granted for up to eight weeks (or less if directed). The court may agree a further extension of up to eight weeks. There is no limit to the number of extensions that may be granted.

**8.1.10 Expert Assessments within Public Law Outline**

Pre-proceedings

In order to decide whether an expert report is necessary, the social worker must in the first instance complete a comprehensive assessment (this should usually be completed prior to the pre-proceedings process being initiated) covering all the domains in the Department of Health Framework for Assessment.

The comprehensive assessment will provide the evidential basis upon which to argue:

* No expert assessment is required – there are no gaps in the information necessary for the court to make its decision (if required); or
* Expert opinion is required - there are some significant gaps which cannot be covered by the social worker, commissioned services within the local authority, or multi-agency professionals linked to the family. Expert opinion should be limited only to those areas where gaps in the local authority evidence have been identified.

The social worker is an expert in their own right and needs to be confident in their own abilities to provide necessary analysis.

**When the social worker should be able to provide good evidence:**

* Attachment
* General assessments of child development
* Parenting capacity
* Parents’ capacity to change
* Risk assessments in general
* Neglect

More often than not, an expert assessment will not add anything to a case where there is ample social work evidence and analysis of the identified issues.

**Exceptional circumstances when an external expert may be required include:**

* Non-accidental injury/sexual abuse cases when specialist medical opinion is required. However, clear findings of non-accidental injury/serious failure to protect may make further risk assessment unnecessary
* Suspected severe mental disorders (not just because a parent has low mood/depression)
* Severe learning difficulties
* Major physical disability – parent or child
* Serious sexual abuse and violent adults
* Prognosis for change in relation to drug/alcohol abuse. However, where the empirical evidence of drug use is ongoing an independent psychiatric prognosis for change is not likely to be needed
* Hair tests in relation to drug/alcohol use. However, hair test results are not conclusive and must be used in the context of evidence of behaviour.
* Psychological assessment of the child. This should not be routine and would ordinarily only be justified where the behaviour of the child is extreme.
* Psychological assessment of an adult. These assessments should not be routinely obtained.
* Complex attachment issues. Social workers are the experts in relation to child development and have training on attachment issues. The social worker is usually the one professional who sees the parent and child together most often and thus should in most circumstances be able to cover attachment sufficiently well to obviate the need for additional expert input.

**8.1.11 Ensuring the quality of court work**

All court proceedings work will be undertaken by a qualified social worker. Practice Managers will quality assure, approve and sign all court assessments and care plans written for the court and the care plan must be confirmed on the case file as a case note. Social workers will use the approved Sussex courts template for the initial statement.

[Initial social worker statement template](file:///C:/Users/mjml3760/AppData/Local/Microsoft/Windows/Temporary%20Internet%20Files/Content.Outlook/97VZFQ0X/Initial%20social%20worker%20statement%20template.docx)

[Sussex social worker initial statement guidance](file:///C:/Users/mjml3760/AppData/Local/Microsoft/Windows/Temporary%20Internet%20Files/Content.Outlook/97VZFQ0X/Sussex%20social%20worker%20initial%20statement%20guidance.pdf)

[Framework for the section of the social work statement that considers placement options for a child](file:///C:/Users/mjml3760/AppData/Local/Microsoft/Windows/Temporary%20Internet%20Files/Content.Outlook/97VZFQ0X/Framework%20for%20the%20Section%20of%20the%20Social%20Work%20Statement%20which%20considers%20Placement%20Options%20For%20a%20Child.pdf) (Re BS analysis)

**8.2 Other Public Law Considerations**

**8.2.1** **Emergency Protection Order (EPO) / Interim Care Order ICO)**

1. If a child is living within a family where there is a high level of risk then intervention via a legal order (EPO / ICO) should be immediately sought. In an emergency situation, the Legal Department will not automatically issue an application for an ICO when an application for an EPO is made. An application for an ICO should only be made in these circumstances after the group manager’s approval has been sought, given and recorded.
2. The service leader from Contact, Assessment and Intervention needs to be fully involved in the decision making and ratify the plan to seek an EPO / ICO.
3. The group manager from CLA Service must identify a social worker who will be responsible for working with the child and their family.
4. Responsibility will move to the new social worker from CLA Service immediately after the ICO Hearing.

**8.2.2 Care Orders**

A Court may only make a Care Order if it is satisfied:

a)      That the child concerned is suffering, or is likely to suffer significant harm; and

b)     That the harm, or likelihood of harm, is attributable to:

1. The care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
2. The child being beyond parental control.

**8.2.3 Supervision Orders**

1. When a child is the subject of a local authority application to the Family Court it is because the local authority believes there is information indicating that the child is suffering or is at risk of suffering significant harm. If at the end of Care Proceedings a Supervision Order is considered by the local authority to be the most appropriate order to achieve the best outcome for the child it is essential to ensure that an appropriate level of planning, intervention and review is in place and carried through once the final order has been made. The following actions and responsibilities should be implemented to ensure that the local authority carries out its responsibilities set down in the Children Act 1989 (principally section 35 and Schedule 3).
2. Once the Care Proceedings have concluded the focus on the child’s needs, together with the management of the Supervision Order is to be met through Child in Need planning.
3. The management of the order and the focus on achieving the final plan that was presented to the Court is to be given equal weighting to those children for whom final Care Orders were made.
4. Supervision Orders are time limited, and may be extended where needed, on application to the Court, but at all times the care and safeguarding needs of the child should be primary considerations for all children’s services staff.
5. It is currently not common practice for a local authority to make an original application to the Court for a Supervision Order. Generally Supervision Orders emerge as being the most appropriate final Order in a case which commenced with an application for a Care Order.
6. A Supervision Order does not confer parental responsibility upon the local authority. Parental responsibility will remain with the parents or any other person who has obtained parental responsibility by the making of a Court Order or other methods.
7. The Supervision Order will remain in place for the period of time directed by the Court unless an application is made before it expires, for variation or discharge.
8. No Supervision Order may be made with respect to a child who has reached the age of seventeen (or sixteen, in the case of a child who is married).

Supervision Orders can be made with respect to a child who is subject to a Child Arrangements Orders, Special Guardianship Order (See [Special Guardianship Orders Financial Support Policy](http://www2.westsussex.gov.uk/LearningandDevelopment/MPG/L56%20p68%20Special%20Guardianship%20Financial%20Support%20Policy.pdf)), or any other Section 8 Order and will not end those Orders, being expected instead to support the carers in the best possible care of the child.

1. In the first instance, a Court will generally make a Supervision Order for a period of one year, (though this can be for a shorter period of time).
2. At the end of the initial period the local authority can apply to the Court to extend or further extend a Supervision Order for such period as the Court may specify. A Supervision Order cannot extend in total for a period beyond three years from the date on which the original Supervision Order was made.
3. If the application to extend the Supervision Order is made before the expiry of the current Supervision Order the local authority does not need to establish again the threshold criteria, the threshold criteria for harm established at the end of the original Care Proceedings can continue to be relied upon.
4. Whilst a Supervision Order is in force it shall be the duty of social work to:
   1. Advise assist and befriend the supervised child;
   2. Take all reasonable steps to give effect to the order; and
   3. To consider whether or not to apply to the Court for its variation or discharge where:

* The order is not wholly complied with or
* The supervisor considers that the order may no longer be necessary

Developing a Supervision Order Plan

1. At the finalisation of the proceedings, a ‘Care Plan’ will have been presented to the Court detailing the aspects of the Supervision Order and setting out what support will be provided by the local authority to the child and family. This should form the basis of the CIN plan so that the link between the two is established.
2. Wherever possible the Care Plan should articulate the specific “next steps” of the plan to fully establish the safety plan. In addition the frequency of visits to the child should be explicit along with the review dates for the length of the Order applied for.
3. The final Care Plan must be signed off by the Group Manager.
4. Within five days of the Care Proceedings concluding and the Supervision Order being made, a completed CIN plan should be available to the child’s carers, parents and involved professionals. The Care Plan presented to Court should form the basis of the CIN plan. If the child has been looked after throughout the Proceedings a CLA review should be held to end the period of accommodation and to develop the CIN plan.
5. Consideration should be given in the Local Authority’s final Care Plan as to whether an Initial Child Protection Conference should be held. Within that conference consideration should be given to progressing and securing the safety plan through a Child Protection Plan.
6. The criteria for this are the same as for any other child subject to an ICPC, and are based on risk identification and management.
7. It may also be the case during the lifetime of the Supervision Order that further information of concern becomes available, in those circumstances an Initial Child Protection Conference may be held and where it is judged necessary a Child Protection Plan put in place.
8. The threshold for an ICPC as opposed to a return to Court should relate to the question of removal. If risk exists to such an extent that the child is no longer considered safe to live at home then a return to Court is indicated. If, however, the risk is not at this level but has escalated from CIN then an ICPC is indicated.
9. It is essential that the Child Protection Plan incorporates and progresses the Care Plan that was presented to the Court.

Reviewing of a Supervision Order Plan

1. The Child Protection process is clear about the timescales for review Child Protection Conferences and core groups which provide an appropriate forum for the plan to be reviewed.
2. If there is no Child Protection Plan in place then the child’s situation should be managed through Child in Need planning, with the plan actively considered through regular Child in Need meetings.
3. The Child in Need Plan for a child subject to a Supervision Order should be reviewed:

* Within one month of the Supervision Order being made
* Within three months of the last review
* Two months prior to the date that the Supervision Order is due to expire
* During every Child in Need meeting or review

1. The issue of whether the Supervision Order will need to be extended should be specifically addressed. Specific consideration should be given to the commitments made by the local authority in the final Court Care Plan and any recommendations of the Court and whether these have been met.
2. There should be a recorded discussion as to whether each explicit goal/action set out in the final Court Care Plan has been achieved, and if not what aspect of the safety plan mitigates against this now being required. An explicit recommendation should be made about whether the Supervision Order is still required.

Extending a Supervision Order

1. During every Child in Need meeting or review, the issue of whether the Supervision Order will need to be extended should be specifically addressed. At the CIN meeting or review, to be held 2 months before the expiry of the Supervision Order if a decision is taken to make an application to extend the current Order the review and its recommendation should be discussed in supervision between the Social Worker and the Practice Manager.
2. If a decision is made not to seek to extend the Supervision Order the reasons for this decision must be fully recorded in the review minutes. This should be signed off by the Practice Manager.
3. If at the review a recommendation is made that the Supervision Order needs to be extended, the case should be referred back to the Group Manager and where agreed, a Legal Planning Meeting convened as soon as possible.
4. Good practice indicates that:

* This review recommendation should be a minimum of 2 months prior to the end date of a Supervision Order.
* Any application to the court for the extension of a Supervision Order should be made by the local authority at least 4 weeks before the expiry of the order to allow sufficient time for the court to issue the application and list a first hearing.

1. In this circumstance the information available for attendees of the LPM should include a copy of the final Care Plan, any recommendations of the Court and the notes of the review meetings during the period of the Supervision Order.

Protecting the Child

* 1. If at any review it is recommended that the Supervision Order is not providing the level of safeguarding required for the child, consideration may be necessary about whether to make an application to the Court for a Care Order or other order as appropriate. In these circumstances this issue needs to be placed before the Group Manager.
  2. In an emergency a decision to place the matter before the Court can be taken by any Service Leader.
  3. An application for a Care Order whilst a Supervision Order is in force will require the local authority to prove the threshold criteria for the making of a Care Order as at the date of the new application.

Closing of Children’s Social Care Involvement

1. If following the expiry of a Supervision Order the decision is made to bring to an end the involvement of Children’s Social Care with the child and family then a comprehensive closure summary should be completed which details the safety plan in place and what, if any, criteria would lead to Children’s Social Care restarting their engagement.

**8.****3 Private Law Proceedings**

**8.3.1 Section 7 and 37 Reports**

1. If a child is already open to a social worker, that worker or a worker from that part of the service will be responsible for undertaking any Section 7/ 37 report requested from the Court.
2. All new requests for Section 7 / 37 Reports will be completed by a social worker within the Assessment and Intervention Service.

**8.3.2 Child Arrangements Orders**

An allowance may be paid to anyone caring for the child who is the subject of a Child Arrangements Orders to that individual, other than the parent of the child or the husband or wife of a parent of the child. The power to pay such an allowance is discretionary and is not intended to remove responsibility from the birth parents to make adequate financial provision for the care and upbringing of their children. [Child Arrangements Orders (formally Residence Orders) Allowance Procedures](http://www2.westsussex.gov.uk/LearningandDevelopment/MPG/L57%20p71%20Residence%20Order%20Allowance%20Procedures.pdf)

**8.3.3**  **Step Parent Adoption**

1. A request to carry out a step parent adoption assessment should be recorded as a Contact > CYP referral and a dual outcome of Step Parent Adoption and Child and Family Assessment.
2. This should then be sent electronically to one of the teams in the geographical area in which the child lives.
3. Each team will work on a rota for receiving requests. The CAP will assign cases in rotation.
4. The Step Parent Adoption process is not a workflow on Frameworki but a form which is a log of key dates and information.
5. The assessment is intended to establish whether there are any Child in Need issues, and to assist the family to decide if this is the right course of action for them. Information about the legal implications of a step parent adoption should be discussed, as well as the alternatives that should be considered. The Court will need to be satisfied that an adoption is preferable to a Child Arrangements Orders.
6. If no CIN issues are identified and information has been provided to the family about their options and the process then the assessment can be outcomed to NFA.
7. The applicants will then lodge an application if they choose to go ahead and the social worker will be notified. Future activity will be noted on the Step Parent adoption log which can either have as an outcome ‘abandoned’ or ‘complete’.

[Step-parent adoption process for FWi](http://www2.westsussex.gov.uk/LearningandDevelopment/MPG/L58%20p72%20Step_parent_adoption_fwi.pdf)

[Step-parent practice notes](http://www2.westsussex.gov.uk/LearningandDevelopment/MPG/L59%20p72%20%20Step_parent_practice_notes.pdf)