

Route To Receiving A Letter Before Proceedings Being Sent 7 Minute Briefing

1. PARENT/CARER

"I've been sent a letter before proceedings – what is this?"

A letter before proceedings sets out the local authority's concerns and what it wants you to do about these concerns. The letter will ask you to come to a pre-proceedings meeting to talk about how your child can be kept safe. The letter is very important and you should not ignore it. You should get a solicitor now to help you. You must work with the local authority or it may go to court and ask for your child to be taken into care. You should get a solicitor to help you.

2. How did it get to this?

Following section 47 enquiries, an initial child protection conference brought together family members (and the child / unborn child where appropriate), with the supporters, advocates and practitioners most involved with the child and family, to make decisions about the child's/unborn child's future safety, health and development. Reports were provided based upon each agencies peer researched materials and the conference core group decided the child's / unborn's welfare and development timetable by which changes had to be made by.

3. "There is a child protection plan"

Parents / carers were integral to social work assessments and have sight of all assessments and conclusions. Based on assessment findings, it set out what needed to change, by how much, and by when in order for the child to be safe and have their needs met. The plan was implemented with joint responsibility by all core group members for carrying out the agreed tasks, monitoring progress and outcomes, and refining the plan as needed.

(SEE Decision Making within a Child's Timeframe November 2012 (Brown & Ward) and Assessing Parental Capacity to Change when children are on the edge of care June 2014 (Ward, Brown & Hyde-Dryden)

4. "Review conference was held"

To review whether the child was continuing to suffer or was likely to suffer significant harm, and review developmental progress against child protection plan outcomes. I knew what it was like to walk in the shoes of my child, to live their daily lived experience.

The Core Group produced reports for the child protection review. The information provided an overview of work undertaken by family members and practitioners, and evaluate the impact on the child's welfare against the planned outcomes set out in the child protection plan. I wasn't achieving the right outcomes within the right timescales for my child / unborn. The plan was revised and implemented

5. "What did the social worker do?"

Using the information and impact analysis from all the core group members recorded at Conference which incorporates their respective feedback on the child's welfare and development timetable not being fully met and the impact of this on the child, the social

worker considered next steps and discussed with their managers how the risks were being managed alongside the support being provided to the family.

In considering the cogent, first hand evidence from conference reports and social work assessments, the local authority decide what legal action to take if any, where the child was suffering or was likely to suffer significant harm beyond their assessed and agreed welfare and development timetable. Was every agency doing what they could to provide support and manage the risks? What is the “family plan” now?

6. “Legal Gateway”

The local authority should then decide, based on a robust analysis of the level of assessed risk presented, 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 pre-proceedings or s31 proceedings should be initiated immediately to meet the child’s welfare and development timetable. The meeting should also identify any evidence gaps, clarify whether additional assessments will be required, and consider what would be a suitable draft care plan for the child.

7. “Legal Gateway decision – start pre-proceedings.”

Proceedings can be avoided if parents are able to demonstrate their capability to safeguard the child by working with relevant services to improve their parenting capability and/or agreeing to a protective placement for the child, with relatives or under section 20. Social worker evidences compliance with Children Act statutory guidance and regulations Volume 1 and 2 and Working Together 2018

- Court Orders and pre-proceedings for local authorities (April 2014) and
- Care Planning, placement and care review

If within child’s welfare and development timetable, Legal Gateway decision, automatic review in 12 weeks (or sooner).

Additional Information

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