



## **Legal Planning Meetings Guidance for Social Worker**

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This chapter explains the use of Legal Planning Meetings in the context of Care Proceedings.

**Please read in conjunction with '[Requests to Appear at or Report to Criminal Courts or Private law Proceedings](#)'.**

This chapter should be read in conjunction with [Court Proceedings Procedure](#) and [Public Law Outline](#).

Any decision to seek legal advice/involvement must be in line with [Court Proceedings Procedure, Access to Legal Services and Costs within Proceedings](#).

[Click here for the Forms used in Child Care Court matters](#).

- CSF4141 Request for Legal Planning Meeting Form (PART A and B)
- CSF4493 The Legal Planning Meeting Form for Discharge of Care Orders
- CSF0147 Secure Accommodation Legal Planning Meeting Form

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## 1.0 When and How Should a Legal Planning Meeting (LPM) be Considered

1.1 Legal Planning Meetings are generally in relation to initiating either:

- Care Proceedings;
- Secure Accommodation;
- Discharge of a Care Order/Discharge or Extension of a Supervision Order.

Legal Advice may also be required in relation to children subject to section 20 (See procedure for these children at 3 below) and in relation to Forced Marriage Orders.

Unless urgent protective measures are required to be taken, no child can be considered for care proceedings without a Legal Planning Meeting (LPM) being held. (See 2 below for explanation and procedure in emergency situations when a LPM will not be necessary and urgent legal advice and assistance will be sought and given over the phone and via email).

1.2 If a social worker is concerned that it may not be possible to safeguard the best interests of the child by working in agreement with the parents/carers and/or if it appears impossible to progress a viable plan for the child without a legal order, the social worker should seek a meeting with their team manager, service manager and any other professional deemed necessary by the team manager in consultation with the social worker. The purpose of this meeting is to discuss whether a legal planning meeting should be convened to consider the risks and decide whether the facts of the case warrant court proceedings.

1.3 ***A parenting assessment must have been conducted prior to meeting with team manager and service manager, using motivational interviewing, HCCs intervention programme and incorporating the views of adult workers.***

1.4 Prior to meeting with their team manager, the social worker should read, consider and collate the following:

- The Parenting Assessment
- Minutes of Family Group Conference(s)
- LCS form Legal Planning Meeting Part A
- Chronology
- Child Protection Plan and minutes of Conferences
- Any other relevant professional reports
- Information regarding previous proceedings relating to the child or his/her siblings
- Any other information regarding the child, his/her siblings, and his/her parents/carers that may be relevant to the permanency planning for the child

1.5 At the above meeting between social worker, team manager and any other professionals deemed appropriate, the following will need to be considered:

- Assessment of parenting capacity.
- Necessity of any further assessments by experts from fields outside of HCCs remit and authorisation for such assessments from head of service

- 1.6 If a LPM is deemed necessary, the social worker and team manager will complete the Request for a LPM (CSF4141) and forward the request to a service manager/head of service for authorisation that a LPM meeting should be held.

## **2.0 Exceptions When Legal Planning Meeting is Not Required**

### **2.1 Emergency Protection Order (EPO)**

If the risks to the child or children appear serious enough to warrant an urgent application being made to the court for an Emergency Protection Order (EPO) a social worker should discuss the case with a team manager and then seek urgent assistance over the telephone and by email from the legal helpdesk. Lawyers staffing the legal helpdesk will advise and, if deemed necessary, issue an urgent application to the court for an EPO. Helpdesk will advise what information, evidence and documents are required for the application to be issued and agree timescales for receipt of this information.

If an EPO is then made by a court, there is no need to convene a legal planning meeting as the court has already tested the evidence and made a finding that the legal threshold necessary for a court order has been met. The case will have been allocated to a lawyer and that named lawyer will provide legal advice and assistance to the social work team regarding the necessity of either extending the EPO for a further period of up to 8 days or seeking longer term protection via an application for an Interim Care Order (ICO). Police Protection.

Police Protection lasts a maximum period of 72 hours and so it is imperative that urgent discussions take place with a team manager, and, if necessary, with the legal helpdesk as soon as a social worker is aware that a child or children have been placed under Police Protection so that a decision can be made as to the necessity of making an application for an EPO before the expiry of the Police Protection.

**A note of the above discussions and decisions must be documented within the child/young person's records by management.**

## **3.0 Section 20 Arrangements**

- 3.1 Legal Planning Meetings should also be considered in the following instances regarding Section 20 arrangements:

- A Legal Planning Meeting, or legal advice by email / phone, may be required in instances where a decision has been made for a child / young person to become subject to S20 and there are safeguarding concerns at a level whereby, in the event of the parent withdrawing S20 consent, a return home would place the child / young person at risk of significant harm. If a Legal Planning Meeting is not held, the decision to not apply for a Care Order should be documented within the child/young person's records by management. Further, this decision should be reviewed regularly to ensure a Legal Planning meeting is still not required. If there are safeguarding concerns then an assessment of those risks must be made and recorded.
- In instances where a child / young person subject to S20 would not be at risk of significant harm should S20 consent be withdrawn, a Legal Planning Meeting will be required if a decision has been made at the child's second review for long term fostering, A Legal Planning Meeting is necessary in these circumstances in order to obtain a Care Order so that the local

authority can share parental responsibility for the child (e.g. young person who is in care because of family dysfunction / strained relationships). The plan should also be discussed with the child / young person and any person with parental responsibility for him or her, and these discussions must be evidenced in the child / young person's case record.

Legal Planning Meetings are an essential part of the process for dealing with public law children's cases under the Public Law Outline. Sir James Munby, President of the Family Division in 'The Process of Reform: the revised PLO and the Local Authority', states that a properly organised legal planning meeting is invaluable and can be the key to achieving timely outcomes to Care Proceedings. He also recommends that local authority lawyers are involved, advising and assisting their social work clients, at an early stage.

#### **4.0 Convening and Attendance at Legal Planning Meetings**

##### 4.1 (See also Appendix 1: Brief Outline for Pre LPM and LPM)

The social worker will

- Send the LCS Legal Planning Meeting Form to the legal helpdesk in the Child Litigation Unit (CLU) together with all other documents listed in 1. above (e.g. Parenting Assessment, FGC minutes, CP Plans, minutes of CPCs, referrals, professional reports/assessments etc.);
- Liaise with Service Manager Support Staff for a date for LPM;
- Undertake any actions identified at earlier meeting with team manager and service manager in relation to further or updating assessments;
- Continue with the Child Protection Plan.

##### 4.2 The Services Manager will usually chair the meeting and it is essential that the following people attend:

- Team Manager;
- Social Worker;
- A member of the Child Care Litigation Unit;
- Health representative (where appropriate);
- Anyone else who has an active and significant interest in the child's wellbeing.

##### 4.3 If a Secure Accommodation Order is to be considered at a LPM, the meeting should be chaired by Head of Service in Safeguarding.

#### **5.0 Legal Planning Meeting – Threshold for Care**

Legal Planning Meetings will consider whether the threshold for care proceedings is met.

The threshold criteria, is the legal test Children, Schools & Families must satisfy in order to obtain a Care Order.

Under Section 31(2) of the Children Act 1989 the Court may only make a Care Order (or Supervision Order) if it is satisfied:

- a. That the child concerned is suffering, or is likely to suffer, Significant Harm; and
- b. The harm, or likelihood of harm is attributable to;
  - i. 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 him; or the child being beyond parental control.
- c. And will have regard to the welfare checklist:
  - o The ascertainable wishes and feelings of the child concerned (in light of age and understanding);
  - o The child's physical, emotional and or education needs;
  - o The likely effect on the child of any change in his circumstances;
  - o The child's age, sex, background and any characteristics which the court considers relevant;
  - o Any harm which he has suffered or is at risk of suffering;
  - o How capable each of his parents and any other person the court considers relevant, is of meeting the child's needs;
  - o The range of powers available to the court under the Children Act 1989;
  - o There will be a focus on how the parent's behaviour **is impacting on the child**, significant harm and the projected probability and likelihood of change within **the child's timescales**.

## 6.0 Legal Planning Meetings

6.1 Social Worker will print off LPM Form A and B (CSF4141) and take to the LPM Meeting and appropriate copies of paperwork being considered. Service Manager will take copies of reports at his/her own discretion.

Service Manager will arrange how part B of LPM Meeting will be completed.

6.2 Legal Planning Meetings should usually be a single process, unless a second meeting is required to prevent delay and drift.

### 6.3 The LPM will consider:

- Social Worker's reasons for why LPM is necessary now, comment regarding any other related proceedings;
- CLU information regarding any proceedings within the child's family or extended family within Hertfordshire, or relating to another Local Authority (as applicable/aware) and what steps are required to obtain papers in relation to the case from the court or another local authority;
- The reasons for the concerns and the evidential basis for establishing Significant Harm and the Threshold for Care Proceedings. (See Section 4, Legal Planning Meeting - Threshold for Care). Service Manager and CLU to decide upon this and the threshold for removal of the child whilst in proceedings;
- Why Care Proceedings are necessary - what is their aim, objective and purpose?
- The steps already taken to clarify the issues of concern - i.e. Parenting Assessment, Child and Family Assessment, as well as other medical and other expert involvement, the evidence base for likelihood of change and any further evidence required in respect of this;
- Whether the requirements of the Pre-Proceedings Checklist set out in the Public Law Outline have been met, including a written notification to the parents about the areas of concern and their right to seek legal advice;
- The proposed Care Plan for the child, including the proposed placement and any cultural, language and ethnic issues, the need for a parallel 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 have been made, the proposals for contact;
- How the proposed Care Plan is to be achieved, including where appropriate arranging a date for the case to be presented to the ADM;
- 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?
- When will the social worker's statement, care plan, court chronology, and genogram be ready?

### 6.4 The second part of the meeting considers Pre-issue matters:

- Checking all papers/assessments are completed and if any assessments are planned post issue of care proceedings who will do these and by when;
- Case is fit for purpose;
- The Letter of Instruction is written. This is essential to prevent drift and delay.

## **7.0 Outcome of Legal Planning Meeting, Progression to Public Law Outline, Filing Application, Statement and Care Plan in Care Proceedings**

- 7.1 The Service Manager and the CLU representative reach a decision and this is recorded on Part B of the LPM form. CLU representative gives advice based on his/her knowledge of court process and the application of the law, and the Service Manager upon the overall decision as to the outcome on this child/ren.
- 7.2 Any difference of decision is recorded on LPM Part B section CLU advice. CLU will want a signed copy of this.
- 7.3 Any Care Plan that has an element of accommodation requires the Care Plan to be approved by the Herts Access to Resources Panel (see [Hertfordshire Access to Resources Panel \(H.A.R.P\) and Delegated Authority for Resource Agreement Procedure](#)) and if this includes independent provider funding then also by the Head of Service before it is filed with the Court.
- 7.4 If threshold is met see [Public Law Outline Procedure, Pre Proceedings with Specific Required Actions](#).
- 7.5 The issues set out in the [Public Law Outline Checklist](#) need to be addressed before the first Court hearing and dates by which any outstanding assessments can be completed must be ascertained.
- 7.6 See Appendix 2 to view the Outcome of Legal Planning Meeting, progression to Public Law Outline, Filing Application, Statement and Care Plan in Care Proceedings Flowchart.

## **8.0 Recording Legal Planning Meetings**

- 8.1 All Legal Planning Meetings must be recorded using the LCS Legal Planning Meeting form. The recording MUST include reasons for any decisions made.
- 8.2 The LPM records are legally privileged and should not be made available to parents or other parties in any potential proceedings without the permission of the Service Manager/chairperson or Director in consultation with the Assistant Chief Legal Officer (Children & Adults).

## Appendix 1: Brief Outline for Pre LPM and LPM

### Pre Legal Planning Meeting and Legal Planning Meeting

#### Legal Pre-Planning Meeting

Attended by Social Worker, Team Manager, Service manager and any Other professionals considered appropriate.

Social Worker provides

- 1) LCS Form – Legal Planning Meeting Part A
- 2) Updated LCS Chronology
- 3) Genogram
- 4) Child Protection Plan and Minutes of Child Protection Conferences
- 5) Any Other relevant Professionals Reports
- 6) Information re: Previous proceedings re: child or his/her siblings
- 7) Any other relevant information relating to the child, his/her siblings, his/her parents/carers that is relevant to the permanency planning for the child

Agenda includes considering the need for:

- 1) Additional expert assessments and seeking authorisation from Head of Service
- 2) Referral to Herts Parenting Assessment Team, and other issues relating to assessing parental capacity
- 3) Updating the C&F Assessment



### Decision to Progress to LPM



#### Setting Up and Preparation for Legal Planning Meeting (LPM)

Social Worker will:

- 1) Send LCS Legal Planning Meeting Form to CLU with all other reports considered at Pre LPM
- 2) Liaise with Service Manager Support Staff for date for LPM, and arrange
- 3) Undertake actions identified at pre LPM in relation to updating of assessments
- 4) Continue with Child Protection Plan

Required attendees are: Service Manager (chair), team manager, Social Worker, CLU, Health representatives (where appropriate), anyone else with active and significant interest in child's welfare. If Secure Accommodation is considered, then the Head of Service in Safeguarding should chair.

Papers: Social Worker will print off LCS LPM Form Part A and B and appropriate copies of papers being considered. Service manager will take papers at his/her discretion.



### **The Legal Planning Meeting**

Purpose: To consider threshold for care proceedings in relation to significant harm. There will be a focus on how the parent's behaviour is impacting on the child, significant harm and the likelihood of change in the child's timescales.

Recording: Service Manager will arrange how LPM Part B is completed.

Agenda will include:

- 1) Social Worker's reasons for why LPM is necessary now, including comments on any other related proceedings
- 2) CLU information re: any other HCC proceedings within the child's family or extended family or relating to another LA (as aware), and what steps are required to obtain papers in relation to the case from court or other LA
- 3) Evidential base for care proceedings and the proposed Care Plan
- 4) Writing of Letter of Instruction for Expert Witness
- 5) If appropriate, commencing PLO and Care proceedings process

See Appendix 2: Outcome of LPM for next steps

## Appendix 2:

Outcome of Legal Planning Meeting > Public Law Outline > Filing Application, Statement and Care Plans in Care Proceedings	
Threshold Not Met	Continue with CP and additional tasks as discussed, and as required
Threshold Met Public Law Outline (PLO)	<p>LPM will set timely and realistic tasks as discussed, and as required</p> <p>Social Worker will:</p> <ul style="list-style-type: none"> <li>• Write and send the Letter before Proceedings to CLU to review and amendments (if necessary).</li> <li>• Book Permanency Planning Meeting a maximum of 5 working days after PLO to ensure sufficient notice to Specialist Services and prevent drift and delay.</li> <li>• Update child's LCS status (child's record &gt; CIN &gt; add case status &gt; PLO &gt; complete fields and commence and maintain LCS Form PLO Meeting (as essential tracker).</li> <li>• Write Letter of Instruction (LOI).</li> <li>• Preparation of papers for court (see box below)</li> <li>• PLO Meeting that is 10 working days after hand delivery of Letter before proceedings. Only in exceptional circumstances are separate meetings held for each parent.</li> </ul>
	<p>CLU will, within 3 working days of LPM</p> <ul style="list-style-type: none"> <li>• Return the Letter before proceedings with any amendments to the Social Worker, with a list of all Solicitor details that Social Worker will give to parent(s)</li> <li>• Send memo outlining discussion and giving legal advice that is signed by Principle Solicitor to ensure accuracy of information and advice.</li> </ul> <p>If Principle Solicitor's advice is different from the CLU solicitor attending LPM, the Principle Solicitor will discuss with the Service Manager.</p>
	<p>PLO Meeting</p> <p>Attendees: Parent/s with their own legal representatives, CLU Representatives, Service Manager, Team Manager, Social Worker. Other attendees require permission of both parents and at discretion of Service Manager. If neither parent has legal representative, CLU cannot attend.</p> <p>Chair: Service Manager – Note Taker: CLU representative</p> <p>Proposed Letter of Instruction: Children's Services will share with, and obtain agreement from, the named parent and his/her legal representative, for whom HCC require an assessment. CLU will send immediately to the expert to undertake the assessment.</p> <p>Inform parent(s) of date of CS internal review meeting 6 weeks hence (parents do not attend) and Permanency Planning Meeting date and reasons for it.</p> <p>Set PLO Midway Review and PLO Review dates, ensuring attendance of all except CLU (usually) for 6 and 12-14 weeks hence respectively.</p>
	<p>PLO Midway Review (PLO + 6 weeks)</p> <p>Attendees: Service Manager, Team manager, Social Worker. Telephone discussion with CLU. Paper review. Minutes taken and SW sends copy to CLU, (who sends to parent(s) and legal representative(s))</p>
	<p>Review PLO (PLO + 12 - 14 weeks)</p> <p>As PLO, but Service Manager approve minutes taken and sends a copy to CLU to distribute to parent(s) legal representative. Social Worker will hand deliver to parent(s). If PLO process is ended, Head of Service authorisation is required, by his/her email being recorded on child's LCS case note.</p>
	<p>Note: Last date is first in the list</p> <ul style="list-style-type: none"> <li>• CLU files with the court by <b>date of filing</b></li> <li>• Social Worker amends as required and returns to CLU</li> <li>• CLU reviews and quality assures and sends back to Social Worker</li> <li>• Social Worker sends to CLU <b>date of filing minus at least 3 working days</b></li> <li>• Social Worker completes Statement and Care Plan and sends to Team Manager/ Service Manager/Head of Service as per protocol for <b>date of filing minus 6-9 working days</b></li> <li>• CLU files with the court and obtains <b>date for evidence to be filed</b> and informs Social Worker</li> <li>• CLU completes application for Care Proceedings</li> </ul>