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Date: 09/02/2023

Dear Director,

## **Care Inspectorate Wales (CIW) - National Review of care planning for children and young people subject to the Public law outline pre proceedings**

This letter summarises the findings of our activity between the 17 and 20 January 2023. The purpose of the review was to provide external scrutiny, assurance and to promote improvement regarding the quality of practice in relation to the care planning for children and young people subject to the public law outline pre-proceedings

### **Summary of findings:**

#### **1. Is there a systematic approach to ensuring that the threshold for Public Law Outline pre proceedings has been reached?**

- 1.1 Torfaen County Borough Council (TCBC) have procedures in place to support its decision-making in relation to for Public Law outline (PLO) pre- proceedings.
- 1.2 The local authority's strength-based culture is underpinned by a child and family-focused approach, which aims to promote positive outcomes whilst ensuring risks and concerns are appropriately identified and managed.
- 1.3 It was clear there is a culture of effective managerial oversight, and supervision was described as being a strength by practitioners we spoke with. Social care records evidence frequent supervision and consultation, with associated actions and rationale for decision-making.
- 1.4 Evidence- based decision making within the PLO pre-proceedings was seen consistently throughout social care records reviewed, and clear from discussions held with those overseeing individual cases.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

- 1.5 Whilst local authority staff spoken with were clear about their role and that of others within this process, staff representing other agencies appeared less confident, and would benefit from being better informed about wider PLO related processes and their specific roles within it.
- 1.6 Whilst we were informed that specific pre-proceedings training had been rolled out following the publication of the Public Law Working group Report: 'Recommendations to achieve best practice in the child protection and family justice system' in March 2021, staff spoken with had not been on this training. This may be explained by ongoing turnover of staff, including the continuing use of agency staff. Both TCBC staff and those who work in their partnership agencies, would benefit from a rolling programme of training related to this area, which could be usefully supported by a more comprehensive suite of documents to support and evidence decision-making.
- 1.7 Most of the care and support assessments seen were child focused, thorough, and timely, with a justification for any delays. The best of these maintained a strong focus on the child and their social and family networks throughout. Plans were largely easy to read and understand, with evidence of regular attendance at meetings by multi agency colleagues to support and review progress towards achieving identified outcomes. However, we did see variations in the quality of assessments, some which did not always include a sufficiently clear analysis, based on consideration of developments to date against current strengths, challenges and risk.
- 1.8 Where risks to children are identified, a clear comprehensive system is in place to track and review cases through care pathways, legal planning meetings and the pre-proceedings stages of the PLO. We saw instances where families had been appropriately diverted out of PLO, with several children experiencing a significant reduction of risk with no further need of protection through legal means.
- 1.9 The identification and analysis of risk in the written record was evident, but the quality and consistency varied, and in some instances would benefit from the clearer identification and monitoring of specific risks. For example, in relation to one child, we saw a considerable period during which they experienced placement breakdown and multiple moves, during which care proceedings had been issued. Whilst there was some consideration of the changing level and nature of risks in care plans and other associated documents, there was no evidence of a coherent integrated specific risk assessment setting out how these risks could best be managed.
- 1.10 In relation to the assessments of sibling groups, care should be taken to ensure each child's specific needs are captured and addressed on an individual basis, rather than as part of a shared family assessment.
- 1.11 All of social care records we reviewed had documented legal advice which was received in a timely manner through the appropriate processes. A team of five experienced solicitors support children's services, with barristers appointed when required for complex cases. Out of hours support is provided by an Emergency Duty Team who can access legal advice if required.
- 1.12 The relatively small numbers within the PLO pre-proceedings stage means that senior managers have effective oversight of all cases. This is enhanced by having a number of meetings embedded in practice, including legal gateway and decision making meetings, augmented by the addition of local authority specific

Vulnerable Children's Panel (VCP), and mid-point meetings. The VCP is a multi-agency forum, held fortnightly and chaired by a group manager. This has an overarching role in identifying risks and agreeing service provision and support to families. Torfaen's in-house services are periodically evaluated and reviewed by those using them, to help shape and inform future practice.

- 1.13 A designated Court hearing module on the WCCIS data base, to which solicitors also have access, facilitates the monitoring of progress and prevention of drift. Legal services are also represented at monthly Demand Management Clinics (DMC) a forum at which senior managers oversee and quality assure performance.
- 1.14 The professionally led nature of decision-making was evident, with meetings in the lead up to a legal meeting being effectively utilised as an opportunity to explore and evaluate progress to date, and identify any gaps or further assessments, plans or interventions that may be indicated. This collaborative approach helped ensure that all feasible avenues had been actively explored to divert children and families away from court intervention and was valued by staff spoken with.
- 1.15 Families subject to legal planning and pre-proceedings work are given extensive support and opportunity to make effective changes before further legal action is taken, even where the legal threshold for intervention has been reached.
- 1.16 We saw that positive outcomes had been experienced because of the provision of intensive and rapid support services that are responsive to individual outcomes and need. Creative and adaptive support was seen to empower families to remain together wherever possible.

## **2. Are there effective arrangements in place to inform parents and carers about the PLO arrangements and what this process means?**

- 2.1 Following the transformation of children's services over recent years, the local authority's commitment to enhancing its preventative and early intervention services has led to gradual reduction in the number of children looked after. In common with other local authorities, PLO-related work was described as taking place in a wider context of increasing complexity and overall demand on children's services.
- 2.2 The local authority had recently re-designed their PLO-related documentation, which now includes a guidance leaflet for parents. The revised letter before action makes it clear to parents what the risks are leading to consideration of initiating the PLO process, and what parents and their support networks can do to bring about positive change and avoid further legally-based interventions. By necessity, the language used in the letter remains formal but was generally easy to understand.
- 2.3 Parents were routinely provided with information about locally available legal advice. We saw instances where social workers had spoken to parents following the issuing of the letter, to explain it in more detail, and explore potential next steps. We heard the letter before action will often be hand delivered to the parent and further explained either at the time, or a few days later to allow time for reflection; however, this is not routinely documented on the social care record.

- 2.4 Records of legal meetings held with parents reinforced a focus on strengths and opportunities for change, as well as the identification and management of risk. This approach is reflective of a workforce who were keen to ensure that all involved were well-informed about the PLO process, and utilised opportunities to reinforce the benefits and opportunities of working in partnership.
- 2.5 In one instance, the delay in sending minutes out following a legal meeting where a parent chose not to have a legal representative, was unfortunate as this would potentially inhibit their understanding of the outcomes and expectations in a complex situation where a number of partner agencies were involved. A more effective approach to quality assuring administrative processes linked to the PLO, ensuring that each stage of the process is followed up in a timely manner and documented as such, would be of benefit to parents and carers.
- 2.6 On occasion we saw that the continuity of relationships with children and families had been inhibited by a change in their lead practitioner. We heard from one parent about how their experience had varied due to the quality of relationships they had with each of the allocated social workers, although they told us that the situation had improved with the current social worker.
- 2.7 Torfaen CBC has identified as an area for improvement the general lack of documentation and information for children and young people about services and support they can access. Information, advice and signposting in relation to the PLO process was generally led by allocated practitioners. The provision of co-produced information via websites, leaflets and directories would empower children and their families to take a more proactive role in sourcing meaningful support and information.

### **3. Do care planning arrangements support timely permanence for children and young people to achieve good outcomes?**

- 3.1 The provision of a skilled and comprehensive range of in-house preventative services, such as Families First, Family Focus and Rapid Response enables families in Torfaen to receive the support they need, often without the need for statutory intervention.
- 3.2 It was clear from the social care records we reviewed that TCBC is committed to supporting children and young people to remain with their families where it is safe for them to do so. We saw this reflected in an established culture of not issuing proceedings unless other avenues had been explored, which was also evident both in documentation reviewed and in our discussions with lead practitioners.
- 3.3 This was endorsed by other agencies, including feedback from Cafcass Cymru who confirmed that a range of interventions will have been explored before resorting to court. The issuing of proceedings was recognised as an option of last resort and staff and managers were confident that as far as possible, this stage is only initiated where the safety and wellbeing of the child is at stake, and the legal threshold is met.
- 3.4 The PLO pre-proceedings process incorporates several points that trigger multi-agency consideration of risk, and whether this continues to be manageable under the current arrangements. Timely safeguarding action is taken where there is a

risk of harm, including well attended multi-agency strategy meetings and initial case conferences.

- 3.5 The progress of children subject to care and support, child protection and looked after children plans are reviewed at regular intervals, in accordance with established timescales. Externally commissioned Independent Reviewing Officers (IRO's) and conference chairs have an overseeing role in relation to these processes which is appropriately independent from the legal planning and associated PLO processes.
- 3.6 Proportionate and creative support was evident in the records we reviewed, and these delivered services that provided bespoke responses to achieve specifically identified outcomes for children. Examples were seen of effective partnership working alongside health in relation to new-born babies, and in relation to schools, recognising that social workers can work effectively in conjunction with others in building rapport and establishing relationships.
- 3.7 In a number of social care records reviewed we saw no attempts to utilise Family Group Conference's, despite circumstances where the use of genograms and other tools in this context might have facilitated exploring the potential for development of wider support networks, where these did not already exist. TCBC recognise the benefit of FGCs as a valuable resource and have indicated their intention to increase their use of these earlier in families' journeys.
- 3.8 We saw evidence that children are brought into care through timely decision-making. We also saw examples of excellent work being undertaken where children who had entered pre-proceedings subsequently being stepped down, due to successful intervention by parents. Illustrating the children's rights ethos driving practice across the service, we also saw an example where multiple and sustained attempts to provide restorative support for a significant relationship were undertaken, in the context of supporting ongoing contact.

#### **4. Do arrangements promote rights-based practice and the voice of child?**

- 4.1 There is a strong children's rights ethos and children are helped to understand their rights and entitlements. They are encouraged to access advocacy support via agencies such as National Youth Advisory Service (NYAS), to ensure that their voice is heard when plans are made about them.
- 4.2 It was clear that children and young people are actively involved in their assessments and plans, and we saw examples of creative direct work being undertaken with children and families to represent their views. However, we did not see evidence of documents being routinely shared with children or their families. Furthermore, individual children's lived experience can become lost when they are represented only as part of a sibling group, with no separate voice heard of the child in their own right.
- 4.3 Further work is therefore required to ensure the voice of the child is at the centre of care planning, with an improved focus on how each child can achieve their personal well-being outcomes. The voice of the child should also be strengthened within assessments and other documentation, to ensure plans capture what matters to children and young people.

- 4.4 Children are visited regularly and seen alone, and benefit from established relationships with someone they know, although due to the previously referenced turnover of social workers, this may be another professional, e.g. Family Focus worker.
- 4.5 Discussions with practitioners reinforced their view that relationship-building underpins practice, and their insight into the child's lived experience and family context informs professional decision-making. Whilst it is positive that such in-depth understanding and knowledge was evident in discussion with workers, it was not always consistently well captured in the social care record.
- 4.6 Direct work with children and families was clearly valued, and we were told that efforts are made to ensure caseloads are manageable to facilitate this.
- 4.7 Opportunities were missed to ensure that approaches aimed at capturing and reflecting the voice of the child / young person are fully reflected in the decision-making process. We saw an example of extensive 'a day in the life' work being completed with a child, which was not then analysed or incorporated into any of their assessment records, child protection reports or care plan.
- 4.8 The looked after child review is the primary means of ensuring that relevant plans are in place to promote the overall welfare of the child and to achieve timely permanency. Care plans for children looked after by the local authority are reviewed within the required timescales by experienced IROs, many of whom have a consistent relationship with children and know them well. The IRO's provide effective challenge to promote the wellbeing and safety of the child, and endeavour to gather their views and involve the young person whenever possible.
- 4.9 Care proceedings were mainly timely within the 26-week timeframe. Where delays had occurred, the local authority sought to understand the cause and assist with facilitating future improvements.
- 4.10 Despite ongoing recruitment, commissioning and placement support activity, there is a recognised insufficiency in relation to the current range and choice of available placements. However, in the social care records reviewed, we saw how children were in suitable placements that met their needs or were being supported to remain safely within their family network.
- 4.11 Torfaen CBC are committed to a 'grow our own' approach as part of the solution to their ongoing social work recruitment challenge. Whilst this has resulted in partially addressing this shortfall, these Newly Qualified Social Workers (NQSW) will need enhanced levels of initial support and mentoring by more experienced colleagues to enable them to feel confident when working with families in the PLO pre-proceedings / court arena.
- 4.12 Both Cafcass Cymru and children's services described effective joint working relationships. Joint training events have been included as part of an induction programme for newly qualified social workers, with an emphasis on building relationships, establishing links and sharing good practice.
- 4.13 We heard there are well-established links at both operational and strategic senior levels, and work has recently taken place aimed at reducing the number of children and young people subject to care orders.

4.14 It was also noted that joint work had been undertaken in relation to Supervision Orders, following an initiative from the local family justice board on what good care planning looks like. These are also the subject of a Welsh Government public law working group, on which the local authority's head of service is represented.

CIW will publish a brief national overview report informed by our findings in Spring 2023. We would like to extend our thanks to all those who helped with the arrangements for this activity and to those people and staff who spoke with us.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lou Bushell-Bauers', with a small dot at the end.

**Lou Bushell-Bauers**  
Head of Local Authority Inspection  
**Care Inspectorate Wales**