

Jenny Williams
Strategic Director of Social Care and Education
Conwy County Borough Council

Date: 06/06/2023

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 14 and 17 March 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 (PLO) pre proceedings has been reached?

- 1.1. There is consistent evidence of operational documents being utilised in line with the best practice guide compiled by the Public Law Working Group (report published March 2021). The local authority takes a pro-active approach to incorporating best practice and innovation. Work is currently being undertaken jointly with other local authorities across North Wales to further review and update relevant strategic documentation, taking into account the Public Law Outline refresh implemented in January 2023 by the judiciary across England and Wales.
- 1.2. Conwy County Borough Council (CCBC) has a systematic approach in place to ensure the threshold for PLO has been met, informed by comprehensive pre-PLO

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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.

proceedings policies. The local authority has clear line of sight on PLO best practice and is transparent about what is expected at each stage of the process.

- 1.3. Staff members spoken to were well versed in these processes, and social care records reviewed confirmed that the PLO pathway was supported by clear frameworks, setting out what is required at each stage to inform safe decision-making on behalf of children and young people.
- 1.4. Social care records clearly identify concerns, and we saw the safety and well-being of children and young people is prioritised. Appropriate and timely action is taken when required, whilst adhering to PLO best practice principles, with strong evidence of extensive preventative work being undertaken to maximise opportunities to support those with caring responsibilities to bring about positive change.
- 1.5. Families are supported to stay together, assisted by an extensive range of bespoke support which had been tailor made to meet identified needs. There was clear evidence of contingency planning, with the local authority setting out what would happen in the event of plans not being effective.
- 1.6. Support plans have clear goals, setting out specific outcomes together with timescales for these to be achieved. Risks are clearly identified, with an understanding as to how these can best be reduced, managed, and or improved.
- 1.7. Overall, the standard of assessments is satisfactory, with the best of these providing clear analysis, reflecting what was important to the child / young person, together with a clear sense of their lived experience. In some instances, we noted delays in assessments, which had the potential to impede decision-making and ultimately affect the provision of timely support. Other assessments clearly identified the individual strengths of those involved but would have been more robust if explicitly linked to risk reduction.
- 1.8. The local authority has identified a need to further develop and refine its quality assurance processes and systems to ensure enhanced management oversight in relation to the overall picture of cases in pre proceedings. Such a system would allow for greater assurance of practice quality. Accessibility of PLO-related documentation has been disrupted following recent challenges faced as a result of a change over to the Wales Community Care Information System (WCCIS) database, during the pandemic period.
- 1.9. There were some documents which, over the course of our fieldwork, were unable to be sourced from either the former PARIS database, or WCCIS, which is a cause for concern.
- 1.10. Conwy CBC benefits from an experienced and stable management team overseeing PLO-related procedures. A particular strength is the common understanding within the local authority of the threshold for instigating the Public Law Outline pre proceedings, supported by the various meetings held in line with the pre – proceedings and PLO policy. These include additional meetings if deemed necessary, thereby ensuring that significant decisions are not made in isolation by social workers.

- 1.11. Legal advice for the PLO process is easily accessible and supports professionally led decision making, with appropriate challenge and consideration of lesser orders where appropriate. Children's Services benefit from a stable and experienced team of legal advisors, three of whom specialise in children's public law.
- 1.12. The legal service representatives we spoke with were clearly well versed on the PLO Best Practice Guidance and the recent relaunch of this by the President of the Family Division and the implications of this for practice. There are robust social work assessments in place which inform jointly planned interventions with families. The receipt of early legal advice which aids swift decision making in PLO in Conwy.
- 1.13. However, we found monitoring systems overseeing legal aspects of the PLO pre-proceedings phase are less well developed. The need to develop this further has been identified, and we were informed a more robust approach in relation to this is due to be adopted by the local authority from April 2023.

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

- 2.1. In line with their commitment to and recognition of the key role played by their preventative and early intervention services, the local authority has seen a stable trend in the number of children looked after over recent years.
- 2.2. Children's services in Conwy operate a strength-based, outcome focused approach which underpins practice, in line with the core principles of the Social Service Well-Being (Wales) Act 2014. Children and families benefit from a good range of established provision, including the Strengthening Families Team (SFT) and Family Intervention Team (FIT), whose interactions are tailor-made to meet the needs of the families involved.
- 2.3. The local authority is keen to ensure children, young people and their families are clear about what is expected of them when PLO is initiated. Social workers and their senior managers have a good understanding of how the PLO pre-proceedings arrangements work, and a commitment to informing children and families about what this process means for them.
- 2.4. There are arrangements in place to inform parents and carers about PLO and what this process means, some of which were inevitably disrupted during the recent pandemic. These include standard PLO letters issued in line with the best practice guidance which clearly detail the local authority's concerns and what is expected of parents, as well as details of local solicitors who parents could contact. Information leaflets for parents and children / young people about pre proceedings and PLO are also available, although it was unclear when these are routinely shared, other than at the point of case conference.

- 2.5. Communication with parents could be more consistent. For example, a parent with parental responsibility was not afforded an opportunity to sign a Section 76 arrangements, contrary to good practice guidance.¹
- 2.6. There is a commitment to preventing family breakdown and working to keep families together. Social workers know the families and children they are working with well, and efforts are made to ensure continuity of relationships wherever possible. However, we also saw examples where children and families had experienced a change of social worker, (including when transferred between teams as part of their pathway through social services) resulting in inevitable disruption to key relationships.
- 2.7. Feedback from parents we spoke with about the nature and quality of support they received from the local authority was variable, with some indicating they were not satisfied with the services and advice they had access to. One parent told us that whilst they were not happy about the outcome, they understood why actions were taken, with the reasons for this being clearly explained to them.
- 2.8. Others were very complimentary, particularly in relation to communication with the social worker, and the nature of relationships developed with their children. One parent commented *“The social worker was great with the children. Always made the visits fun and the children never felt like they were being watched or checked up on. Very child focused like that”*. Another told us *“My children aren’t in foster care; they have supported me to keep them safely. I understand about parenting now and am a better father. I can’t think of anything they could have done better”*.

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

- 3.1. Care and support planning is timely, meaningful, and driven by the safety and wellbeing outcomes of the child. We saw evidence of care plans being reviewed regularly within expected timescales, and progress updates included.
- 3.2. Effective support from partners within the safeguarding process was evidenced by well attended strategy meetings and initial case conferences. Excellent partnership working was also witnessed during our observation of Early Intervention and Edge of Care panels, which were well attended by a range of partner agencies and organisations. These included representatives from health and education as well as fostering, youth and family support services each of whom made balanced and valuable contributions. Discussions were well informed, reflecting the wishes and feelings of those involved, and balancing individual strengths and needs. Well managed, professional conversations facilitated open dialogue, and brought about constructive challenge by the partner agencies involved. It was clear that all involved knew the families and children well, and acted as effective advocates on behalf of those they were representing.

¹ Under Section 76 of the Social Services and Well-being (Wales) Act a child or young person may be accommodated by the local authority where there is agreement to this arrangement by those with Parental Responsibility. The child becomes ‘looked after’ under a Section 76 arrangement.

- 3.3. Strong partnership working is also evident in files reviewed, where health and education perspectives provide valuable insight into children's lives, and their daily lived experiences. The police were also active contributors, with documentation reflecting their involvement as appropriate. Safeguarding is prioritised appropriately throughout, with clear updates and outcomes in relation to safety plans, and any immediately required actions agreed.
- 3.4. Family group conferences (FGC's) are used effectively in considering options to benefit children, including the involvement of wider family members. This demonstrates a clear commitment to considering the extended family as part of both safety and contingency planning. They were usually held early in the pre-proceedings journey, considered practicalities such as which professional was best able to support individual family members, timing of when the meeting was held (one was held in the evening to facilitate attendance) and transport arrangements to facilitate attendance. These represented strong examples of working to PLO best practice guidance.
- 3.5. Partner agencies were generally complimentary about the communication links and information exchange with the local authority. One potential exception to this is the lack of clarity as to how and when partner agencies are informed about the decision to issue care proceedings, as they are not routine attendees at the meetings.
- 3.6. Decision making for permanence is timely and plans are regularly reviewed to avoid drift in decision making. We saw evidence of clear decision making to issue care proceedings, with the justification for reaching this decision set out in detail. Proceedings were effectively overseen by Independent Safeguarding and Reviewing Officers (ISRO's) with evidence of challenge where necessary around planning and pace of implementation.
- 3.7. Legal services and other representatives spoken with were confident children are supported to remain living with families wherever possible. They equally acknowledged that at times it remains unsafe for children to live with immediate family, despite significant and high levels of support being put in place. We saw this illustrated in one instance where the files reviewed reflected clear discussions and agreement about the making of an emergency order if the parent chose to remove children. Other examples demonstrated the clear commitment of the local authority to work preventatively to maintain children living at home with families, supported by significant care arrangements.
- 3.8. Managers told us of particular challenges in relation to care planning for unborn babies, especially when they only become known to the local authority at a late stage. Processes in place are underpinned by research undertaken by the Nuffield Family Justice Observatory (Born in Care). Wherever possible they intervene early and provide support to the parent exploring mother and baby placements as appropriate. Care proceedings are not necessarily entered into when the baby is born, and they look to support on a voluntary basis, wherever possible. Those less predictable instances requiring the involvement of medical opinions and more extensive judiciary processes represent more of a challenge to the local authority and other partner agencies in working preventatively.

3.9. Overall, prevention is a key area of strength, with evidence that Conwy CBC is working well within the best practice guidelines of PLO to support families in a preventative way without initiating court proceedings and removing children from their families only where this is clearly in their best interests.

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

4.1. Children's lived experience is known, and their views generally sought. Children and young people are given opportunities to share their experiences about what is important to them, which is filtered through in discussions and relevant reports. We saw an example of a child being seen alone swiftly when there were safeguarding concerns, in line with what would be expected.

4.2. ISRO's provide good oversight in promoting rights-based practice, are actively involved in seeking the views of the young people, and the continuity of their relationships with the children and young people involved enabled them to act as a consistent advocate on their behalf. We saw examples of children, young people and parents being offered formal advocacy, with this offer being clearly recorded in the social care record.

4.3. The quality of social care recordings seen was variable, with some fully capturing and reflecting the individual child's lived experience, while in others the voice of the individual child was not elevated sufficiently as part of a sibling group. We found care plans and other documentation intended to be directly accessible by children and young people could have been more user friendly.

4.4. The better examples of direct work evidenced creativity in the way the social workers were communicating with children and young people, enhancing their individual voice. In others, it would have been beneficial for this to work have been undertaken at an earlier stage, to enable their voice to inform decision making more effectively. Overall, we found the use of specific tools designed to facilitate communication with children and young people was limited.

4.5. In most social care records reviewed, social workers clearly had sufficient capacity to undertake direct work required with children and their families in support of their agreed plans. We saw the frequency of contact promoted good opportunities to form and build positive working relationships. However, in one instance, we learnt extended contact arrangements between a child and wider family members were delayed due to the practitioners' other work commitments.

4.6. We heard the professional arrangements established between Conwy and the Child and Family Court Advisory and Support Service (Cafcass Cymru) support the effective local representation of the child, and that there are shared opportunities for learning and development. These are supported by initiatives involving legal services and others, with a planned roll-out of further training in response to the recent relaunch of the PLO.

4.7. The Local Family Justice Board (LFJB) and Designated Family Judge (DFJ) are monitoring the impact of this relaunch across North Wales, although it is too early to say what impact this is having in the individual local authorities.

CIW will publish a brief national overview report informed by our findings in autumn 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', written in a cursive style.

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