



The Public Law Outline in Wales – seven years on



National review of care planning for children and young people subject to Public Law Outline pre-proceedings



January 2024

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Introduction

In December 2016 Care Inspectorate Wales (CIW), published the **‘National review of care planning for children and young people subject to public law outline pre-proceedings’** report.

The report highlighted the need to promote the voice of the child and establishing effective partnerships with families, as well as the importance of transparent planning and decision-making.

In 2018, the President of the Family Division of the Courts and Tribunals Judiciary Service established a Public Law Working Group (PLWG) to review the Public Law Outline (PLO). Their final report **‘Recommendations to achieve best practice in the child protection and family justice systems’** was published in March 2021. This report included a range of best practice tools and made a number of recommendations including support for and working with families prior to court proceedings and case management. The President of the Family Division also undertook a ‘re-launch’ of the Public Law Outline in January 2023.

In exercising our role in external scrutiny, assurance and promoting improvement, this report looks at the extent to which local authorities in

Wales have taken into account the recommendations made in these pieces of work and to examine the extent to which they are embedded in current care planning for children and young people across Wales.

Whilst setting the context for this report it is important to highlight the current challenges being faced by the social care sector in Wales. As Gillian Baranski, CIW’s Chief Inspector acknowledged in the **Rapid Review of Child Protection Arrangements** report published in September 2023:

“It is impossible to ignore the significant challenges we are facing in providing care and support for children in Wales. Children and families’ needs are increasingly complex. Fragility across the workforce and limited resources across all sectors have inevitably led to delays in support for children and families. The hard work and commitment of local authorities and their partner agencies involved in safeguarding children and young people needs to be recognised and appreciated. The same is equally true of those supporting children and their families through the PLO pre-proceedings and associated processes.”



Our approach

This review reflects the four principles of the Social Services and Well-being (Wales) Act 2014 and the seven good practice core principles detailed in the Public Law Working Group report as well as looking again at the questions we asked in our 2016 national review.

The findings outlined in this review are based on two areas of work:

Surveys distributed to all 22 local authorities in Wales



- The profile of the children and young people who became looked after and were subject to the PLO/pre-proceedings process between 1 April 2021 and 31 March 2022.
- Local authority progress in their PLO pre-proceedings practice, including any best practice or identified barriers to improvement.

Detailed fieldwork in four local authorities



- Review of a small number of social care records in each local authority based on pre-determined criteria.
- The voice of children and young people were central to this review and wherever possible, we spoke directly with all those involved in the PLO/pre-proceedings process, including children, young people and their families.

This review focuses on four key lines of enquiry:



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



2. Are arrangements in place to support effective communication and collaborative planning with parents/significant others about the PLO including the opportunities for change?



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



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

You can view a more detailed breakdown of the work that took place along with our findings in [Annex 1](#).

Headline data

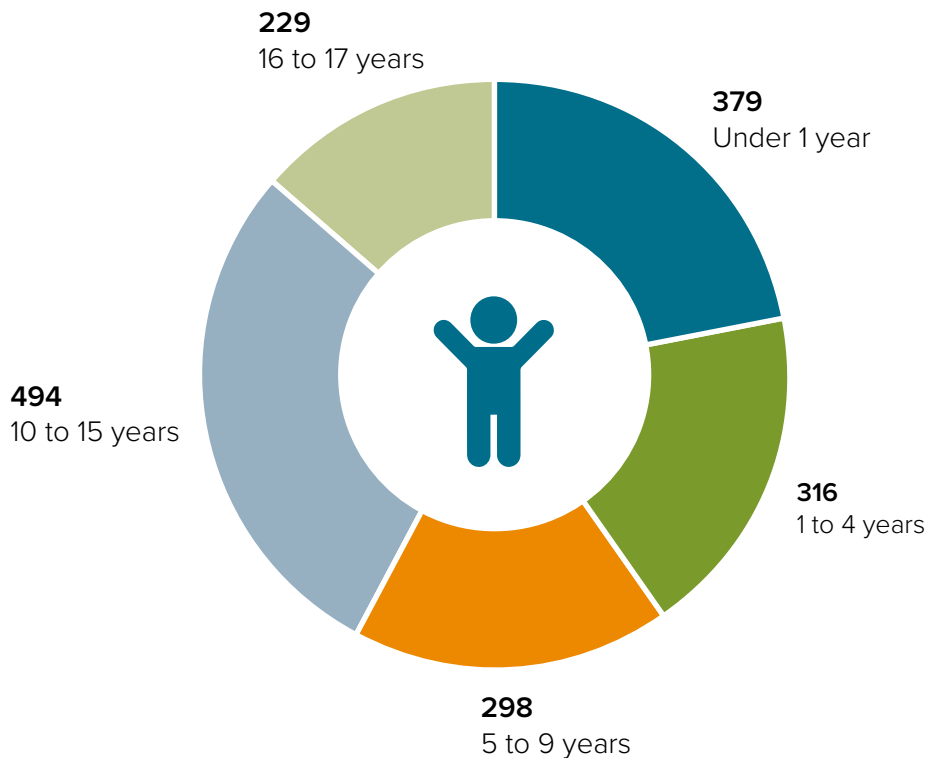
1,716 Total number of children who became looked after from 1 April 2021 to 31 March 2022.



Of the **1,716** children looked after during the PLO timeframe, **876** children (**51%**) had been included on the Child Protection Register within the last 3 years.



The number of children becoming looked after during the PLO timeframe by age profile:



Summary of key findings



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

- Children are at the core of decision-making and operational practice, as well as being central to strategic thinking in local authorities. Practice is underpinned by a strength-based, outcome focused approach, in line with the core principles of the Social Services and Well-being (Wales) Act 2014.
- Children's safety is prioritised whilst local authorities work to divert children and young people from becoming subject to proceedings wherever possible. Where risks to children are identified, a clear and comprehensive system is in place in most local authorities to track and review cases through care pathways, legal planning meetings and the pre-proceedings stages of the PLO.
- 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.
- Outcomes for children are clearly enhanced where there is a continuity of social worker, and the practitioners involved know the families they are working with well.
- Feedback from other parties, including CAFCASS and the judiciary suggests the deployment of temporary / agency social workers is an increasing issue across Wales. Whilst our fieldwork did not identify this as a particular issue, some local authority senior managers also acknowledged the disruptive impact the lack of experienced social workers can have in effectively overseeing PLO work.
- Plans aimed at improving outcomes for children are better supported by families, parents and carers when there is clear link between the specified action, its impact on the child, and the change which is required.
- Most of the care and support assessments we saw were thorough, timely and child focused. The best of these were tailored to reflect and analyse specifically identified individual needs and concerns.
- Children's access to their PLO-related documentation would be enhanced by the use of plainer language, thereby making them more user friendly.
- Documentation related to the PLO and associated processes should be routinely shared with children and their families, with records clearly reflecting this. This was not found to be standard practice across the four local authorities we visited.
- Where there are brothers and sisters involved, each individual child's unique circumstances should be considered and recorded separately within their own social care records.
- Each of the local authorities we visited during our fieldwork activity had established a secure framework for ensuring the threshold for the Public Law outline (PLO) pre-proceedings had been reached. Even where the threshold had not been reached, local authorities continue doing all they can to divert away from Court, which, in line with PLO principles, is seen as a means of last resort.



2. Are arrangements in place to support effective communication and collaborative planning with parents/significant others about the PLO, including the opportunities for change?

- Collaborative partnership working with families by local authorities and partner agencies is key to achieving effective and timely decision-making within the PLO pre-proceedings process.
- We saw many examples of well-timed, integrated approaches providing effective support for children and their families from a range of partner agencies, whose well-coordinated interactions were tailor-made to meet the needs of those involved.
- Immediate safeguarding concerns are acted upon and informed by well-coordinated safety plans.
- Multi-agency decision making enhances a cohesive approach to children's safety by drawing on the expertise and resources of several departments and agencies. This enables local authorities to keep children and young people at home with their families as and when appropriate, often under very complex circumstances.
- Children and families benefit from a good range of established early help and preventative services. This is most impactful when information is gathered effectively at the outset and utilised to ensure that families receive timely advice and support.
- The availability of, and access to supporting documentation clearly explaining the wider PLO process and what it means for children, young people and their families/carers is variable, and in some instances completely lacking.
- The absence of supporting literature clearly inhibits participant's understanding of the PLO process, through what can be a challenging and difficult period.





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

- Decision-making for permanence is generally timely, and plans are regularly reviewed to avoid drift in decision-making.
- Clear decision-making to issue care proceedings is evident, with the justification for reaching this decision set out in detail. Once care proceedings commence, these are mainly determined within the prescribed 26-week timeframe. Where delays occur, authorities seek to understand the cause and assist with facilitating future improvements.
- Children and young people are supported to remain with their families where it is safe for them to do so, in line with PLO Best Practice Guidance. This is reflected in an established culture of not issuing proceedings unless other avenues have been explored. Children are removed from their families only when this is clearly in their best interests.
- Children evidently benefit from the significant amounts of direct work undertaken by social workers, and their capacity to continue to do this is critical. The need to maintain this level of commitment was understood by senior managers and continues to be largely successfully delivered, despite the often-intense workforce pressures and other challenges faced by local authorities.
- The positive impact on outcomes for children of approaches such as Family Group Conferences, to assist in effective early planning for permanence, is widely recognised. However, the use of these for the identification and involvement of wider family networks at the earliest possible stage in the pre-proceedings process is something of a mixed picture, which could be improved upon.
- The fact that over half of children/young people subject to the PLO pre-proceedings process during the survey timeframe did not go into legal proceedings suggests this process can be effective in reducing the need to pursue more formal Court interventions. The relatively low number of children subject to PLO pre-proceedings after becoming looked after can also be seen as reflecting Public Law Working Group good practice guidance.





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

- Children are actively helped to understand their rights, and this is underpinned by a positive recognition of the need to promote a children's rights ethos.
 - Children are encouraged to access advocacy support via independently commissioned agencies to help ensure that their voice is heard when plans are made about them. However, there is a need to promote access to advocacy earlier in the process, and to do so more robustly, rather than simply recording that the 'active offer' has been made.
 - Access to advocacy for parents involved in the PLO process is variable and needs to be more actively promoted.
 - Children clearly benefit when extensive, often sensitive work is undertaken to ascertain their individual views. However, such practice is not routinely embedded, resulting in missed opportunities to ensure that approaches aimed at capturing the voice of the child/young person are fully reflected throughout the decision-making process.
 - Further work is required to ensure the voice of the child is routinely considered and captured at the centre of all PLO and care planning related activity.
- Individual children's lived experience can become lost when they are represented only as part of a sibling group, with no separate voice reflecting that of each child.
 - Effective mechanisms also need to be put in place to ensure PLO-related documentation is routinely shared with children, and that this is accurately reflected in their social care record.
 - We saw that the wishes and feelings of children, particularly older children, clearly influenced decisions about where they lived. However, despite ongoing recruitment, commissioning, and placement support activity there is a recognised deficiency in both the range and choice of placements available to meet current demand. This means that some children are not afforded the protection of living in registered placements.



Detailed findings

Key Line of Enquiry 1



Is there a systematic approach to ensuring the threshold for Public Law Outline pre-proceedings has been reached?

- Practice is underpinned by a strength-based, outcome focused approach, in line with the core principles of the Social Services and Well-being Act. We saw good evidence of children being central to strategic thinking, decision-making, and operational practice.
- Survey responses showed local authorities are using social work practice models which actively promote child-centred, strength-based outcome focused work, supporting timely and proportionate decision-making and intervention.
- Professionally led decision-making is well established and undertaken within a framework of meetings or panel reviews in the lead up to any legal gateway meeting.
- These professional meetings provide an opportunity to review and address any gaps in assessments, plans, interventions and to evaluate progress to date. This collaborative approach helps to ensure all feasible avenues have been proactively explored to divert children and families away from Court intervention. Staff clearly value this approach and feel the rigour of the arrangements also supports and promotes their own professional development.
- Local authorities visited during our fieldwork activity have established a secure framework for ensuring the threshold for the Public Law outline (PLO) pre-proceedings has been reached.

In Rhondda Cynon Taf, their approach had recently been re-evaluated as part of a comprehensive review into its wider PLO-related processes, which was informed by the publication of the Public Law Working Group report.

- Local authorities prioritise maintaining the child's safety whilst working to divert children and young people from becoming subject to proceedings wherever possible.
- They reported how practice is being strengthened to ensure decision-making is directly informed by 'the child's lived experience' including a shared professional understanding of what this means. This strength-based culture, based on a child and family-focused approach, aims to promote positive outcomes, whilst ensuring risks and concerns are appropriately identified and managed. In the best examples, social workers are confident relationship-based practice supports them to have robust conversations with families, enabling them to better understand the risks and protective factors for the child.



- Practice is enhanced when there is a continuous relationship with the same social worker over a period of time, and practitioners clearly know the families they are working with.
- Some assessments require improvement as they lack clear analysis and do not set out in sufficient detail potential options and ways forward based on consideration of the individually identified strengths, challenges and risks.
- We also saw delays in assessments taking place, which potentially could impede decision-making and ultimately affect the provision of timely support.
- Some assessments clearly identify the strengths of individual children and identified family members but these would be more robust if they were more explicitly linked to specific risk reduction. Others would benefit from the clearer identification and monitoring of identified risks.
- Families that are 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. Again, in the best examples, families are supported to stay together, assisted by an extensive range of bespoke support which has been tailor made to recognise and build on acknowledged strengths, whilst addressing identified risks.
- Most of the care and support assessments seen were thorough, timely and child focused. The best of these are tailored to reflect and analyse specifically identified individual needs. They are also regularly reviewed, clearly identified the family's strengths and capture the issues arising from the 'what matters' conversation in the child and family's own words, conveying a clear sense of their lived experience.

In Rhondda Cynon Taf, social care records clearly identify concerns, and we saw the detailed options analysis document is used to underpin balanced decision-making in children and young people's best interests and considers a range of presenting factors.

- The social care records we reviewed show how partner agencies generally have a clear understanding of thresholds when making safeguarding referrals.
- In the best examples, local authorities have embedded mechanisms such as peer review meetings alongside partner agencies to quality assure their early decision-making, and the management of risk.

- Where progress made against specific expectations of the plan are explicitly recorded in relation to the child's experience and the parents' capacity to change, these are particularly impactful. Plans are better supported by families/parents/carers when there is a clear link between the action, the impact on the child, and the change which is required.
- Risks are clearly identified, with an understanding as to how these can best be reduced, managed, and/or improved upon by all parties involved.

In the best examples reviewed, the identification and analysis of risk is well presented, clearly setting out the basis on which decision-making is undertaken, resulting in positive options for both parents/carers and children.

- Where risks to children are identified, a clear and comprehensive system is in place in most local authorities to track and review cases through care pathways, legal planning meetings and the pre-proceedings stages of the PLO. We saw a number of instances where families had been appropriately diverted out of PLO, with the children involved experiencing a significant reduction of risk with no need for further protection through legal means.
- We saw that effective management oversight of pre-proceedings under the PLO is in place. Although, in some instances improvements in quality assurance could improve learning and help inform future practice.
- Decision-making is timely, professionally led, and informed by relevant assessments (including pre-birth assessments). The most effective of these arrangements are supported by dedicated IT systems designed to track children and families through every stage of the PLO process.

In Torfaen, we saw a designated ‘Court Hearing’ module on the Wales Community Care Information System (WCCIS) database, to which local authority solicitors also had access. This proved particularly useful in readily accessing key documentation and facilitating the monitoring of progress and prevention of drift. In Neath Port Talbot ‘trigger points’ to consider the need for legal advice were embedded in the authority’s child protection and looked after children’s arrangements.

In almost all instances, the use of plainer language would enhance the accessibility of records to children and young people by making them more user friendly. We did not see evidence of documentation being routinely shared with children or their family following meetings or updates, which represents a significant shortcoming.

Where siblings are involved, each individual child’s unique circumstances should be considered and recorded separately in their care planning documentation.



Key Line of Enquiry 2



Are arrangements in place to support effective communication and collaborative planning with parents/ significant others about the PLO including the opportunities for change?

- Collaborative partnership work with families is key to achieving effective and timely decision-making within the PLO pre-proceedings process. We saw that families subject to legal planning and pre-proceedings work are given extensive support and opportunity to make effective change before further legal action is taken, even where the legal threshold for intervention has been reached.
- We saw evidence that when parents successfully engage in helping to improve their children's lives, legal planning is ended but with appropriate care and support services continuing as needed. Equally, it is clear that when identified improvements are not achieved, local authorities take timely and authoritative action.
- Multi-agency meetings to consider early intervention opportunities provide a more cohesive approach to children's safety, by drawing on the expertise and resources of several departments and agencies.

- We saw excellent examples of local authorities keeping children and young people at home with their families, under very complex circumstances, which often involved effectively coordinating the support of a range of partner agencies.

“ 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. ”

(Comment from a father)

- Immediate safeguarding concerns are acted upon and informed by well-coordinated safety plans. Effective support from partners within the safeguarding process is evidenced by well attended strategy meetings and initial case conferences.

In Conwy County Borough Council, we saw collaborative partnership working in action during our observation of 'Edge of Care' and 'Early Intervention' panels, which were well attended by a range of partner agencies and organisations.

- Best outcomes are achieved when children and families benefit from a good range of established early help and preventative services. This is most impactful when information is gathered effectively at the outset and utilised to ensure that families receive timely advice and support. They could then be signposted or directed to the right level of appropriate intervention.
- The Public Law Working Group review of the use of Section 76 is generally welcomed by local authorities and seen as reinforcing partnership work with families. This also provides a framework to ensure children



are protected while relevant interventions, including reunification work, are undertaken. Recent increases in the use of Section 76 orders were explained by local authorities partially by higher numbers of family breakdowns brought on by the pandemic. It is also important to note local authorities use of this measure, alongside strength-based interventions, to help secure a child's timely return home.

- Local authorities are keen to ensure children, young people and their families are well informed about what is expected of them when PLO is initiated, whilst reinforcing the benefits and opportunities of working together.
- We saw social workers and their senior managers have a good understanding of how PLO pre-proceedings arrangements in their area work, coupled with a commitment to informing children and families about what this process means for them. Some of the established arrangements in place to inform parents and carers about the specific implications of the PLO process were inevitably constrained due to inhibited face-to-face communications during the recent pandemic.

“ I have never felt unsupported or alone managing PLO cases. The decision-making process is really clear and I know I can access any of the management team, including the Head of Children's Services if I need to. ”

(Comment from a practitioner)

- The 'letter before action' is a key document, which aims to make it clear to parents what the risks are leading to a local authority's consideration of initiating the PLO process. This also sets out what they and their wider support networks can do to bring about positive change and avoid further legally based interventions. Local authorities have clearly worked to revise this where necessary, both in line with Public Law Working Group (PLWG) Good Practice Recommendations, and to improve the clarity and accessibility of this document.

“ I see the PLO letter as another opportunity for engagement. It's not simply a letter, it's a chance to sit down with parents and outline to them what they are doing well and what the concerns are. I have found it to be a very useful tool for parents to aid engagement and understanding. ”

(Comment from a practitioner – Rhondda Cynon Taf)

In Neath Port Talbot this is accompanied by a 'charter' document (again in line with PLWG recommendations) with the aim of promoting an effective and mutually respectful working relationship between families and practitioners when children are subject to statutory intervention.

- In instances where communication at this important stage has not been well-managed, the potential for detrimental impact on outcomes for children and their families is significant. For example, due to delays in documentation being sent out due to unavoidable changes to key practitioners. In another instance a letter had not been suitably adapted to reflect the recipients' additional learning needs. In one assessment process we saw, there was acknowledgement that both parents had learning difficulties and were vulnerable. However, this isn't explicitly considered by the local authority when considering subsequent contact and communication, such as the letter before proceedings, parenting assessment plans and family group conference meetings.
- Practitioners, including those that are newly qualified, and recently recruited social workers, are given regular opportunities to receive training in specific topics, including the PLO process. This is seen to be most beneficial when staff from partner agencies such as health and education are included in such initiatives, thereby furthering their joint understanding of particular roles and responsibilities within PLO. Some multi-agency partners spoke of their limited knowledge in terms of their specific role and the thresholds for PLO. Many could identify the thresholds for significant harm but not those relating to the PLO and were not aware of threshold documentation.

The availability of, and access to supporting documentation explaining the wider PLO process and what it means for both children/young people and their families/carers is variable. The absence of accessible supporting literature inevitably inhibits communication with participants, through what can be a challenging and difficult period.

Some authorities have recently re-visited this and re-designed information leaflets, whilst others had identified the need to do so, as a matter of priority. We heard practitioners routinely spend time explaining both the process itself and the specific implications for those involved, to assist their greater understanding of what can be a complex process.

We heard that, along with other local authorities, Torfaen already has joint training initiatives in place with Child and Family Court Advisory and Support Service (CAFCASS) Cymru, as part of their induction programme, and in NPT legal services provide PLO-related training.

Key Line of Enquiry 3



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

- It is clear, in line with PLO Best Practice Guidance, local authorities are 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.
- Children are removed from their families only where this is clearly in their best interests. Other agencies endorsed this approach, including CAFCASS Cymru who confirmed that a range of interventions will have been explored before resorting to Court.
- The progress of children subject to care and support, child protection and looked after children plans is reviewed at regular intervals, in accordance with established timescales.

- In the best instances, individually tailored support is provided at an early stage. For example while assessments are ongoing, and the resulting care and support plans include realistic timescales for the achievement of specifically identified outcomes.
- Social workers undertake significant amounts of direct work with children, and their capacity to continue to be able to do this is critical. The need to maintain this level of commitment is understood by senior managers and has been largely successfully delivered, despite the often-intense workforce pressures and other challenges faced by local authorities.

The utilisation and potential effectiveness of approaches such as family group conferences, early viability assessments and genograms to assist in effective early planning for permanence is recognised. However, the actual implementation of such mechanisms, for example in relation to the identification and involvement of wider family networks, at the early stages of the pre-proceedings process is something of a mixed picture.



- When used to best effect, we saw practitioners clearly supported families and their wider networks to feel empowered in the earlier facilitation of strengths-based care and support outcomes. In other instances, it is clear opportunities for reframing some of the conversations around informal support networks are being missed, which may otherwise have assisted in reducing delays in the identification and assessment of alternative carers.

- Where there are significant changes during the PLO process, advice is sought in a timely manner to escalate or reduce interventions as required, whilst also minimising drift in decision-making. More work is required on contingency planning to ensure the good practice seen in this area is more consistently applied.
- Decision-making for permanence is generally timely, and plans are regularly reviewed. We saw evidence of clear decision-making to issue care proceedings, with the justification for reaching this decision set out in detail. Once care proceedings commence, these are mainly determined within the 26-week timeframe. Where delays occur, the local authority seek to understand the cause and assist with facilitating future improvements.
- Survey findings confirmed that, of those becoming children looked after during our PLO survey timeframe, just over half were the subject of PLO pre-proceedings. In common with our fieldwork findings, local authorities fed back that the relatively high number of children who are the subject of PLO pre-proceedings before becoming looked after, reflected their strength-based prevention strategies aimed at diverting further statutory intervention which is in line with Good Practice Guidance expectations.
- The relatively low numbers of children subject to PLO pre-proceedings after becoming looked after could also be seen as reflecting Public Law Working Group (PLWG) good practice guidance. This demonstrates the effective monitoring of individual care plans and a proactive response to changes in assessed need or risk.
- As referenced in the PLWG report, we saw that most local authorities visited were adopting practice (or were in the process of doing so) in line with Nuffield Family Justice Observatory report, [Born into care](#) (October 2018). We saw that in relation to pre-birth assessments under this framework, there is good evidence of:
 - appropriate early identification of risk and referral by health professionals and close working relationships with maternity services
 - a timely safeguarding response to referrals and assessments that resulted in prompt and proportionate action taken by experienced staff who focused on ‘what matters’ to children and families
 - persistent outcome-focused efforts made by professionals to engage with families with the aim of supporting children to stay within the birth family if it is safe to do so
 - creative use of resources and the commissioning of placements, for example, family and baby placements are able to transition to community support as needed
 - when effective contingency planning is seen during the pre-proceedings phase, this tended to lead to more timely outcomes where the birth parents could not care for their child in the longer term.
- We heard that women experiencing repeat pregnancies where children are removed have access to specialist support services, such as the MAGU project in Rhondda Cynon Taf and the Pause project in Neath Port Talbot and elsewhere.



- In other instances, managers told us of challenges in relation to care planning for unborn babies, especially when mothers only become known to the local authority at a later stage. Wherever possible they intervened early and provided 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.
- We heard that more complex situations, such as those requiring the involvement of medical opinion and/or more extensive Court related processes represented more of a challenge to local authorities and their partner agencies in working preventatively.



Following their recent PLO review, Rhondda Cynon Taf identified the need for an improved service offer for unborn and newly born children. The local authority has significantly invested in the delivery of a new approach to supporting unborn and newly born children. An integrated pathway is now being delivered across early intervention and edge of care services, which focuses on building skills and resilience and thereby reducing risk.

- Legal advice for the PLO process is readily accessible across all four local authorities. Evidence of good quality, readily available legal advice was also observed through documentation and confirmed during interviews with staff. The minutes of the legal meetings seen were comprehensive and effectively captured often-challenging discussions. In some of the local authorities visited, legal services also provided specialist training for staff on the Court process, including the PLO, and had an active role in quality assurance.

Key Line of Enquiry 4



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

- Local authorities told us they strive to ensure the voice of the child is routinely embedded in practice. Practice is being further strengthened to ensure decision-making is directly informed by ‘the child’s lived experience’. We saw instances where extensive, sensitive work is being undertaken to capture the child’s views. The best examples of this evidenced creativity in the way the social workers were communicating with children, utilising additional tools as appropriate, to elicit and reflect their individual voice.
- Enhanced outcomes for children and young people are successfully achieved when there is continuity of practitioner involvement. Children benefit from an established relationship with someone they know and have built a relationship with.

The positive impact this can have on outcomes for children is illustrated in one parent’s feedback about how much they valued the time a social worker had spent with their children helping them make sense of recent changes in their family:

“The social worker is 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.”

- However, in other instances, opportunities were missed to ensure that approaches aimed at capturing the voice of the child/young person are fully reflected in the decision-making process. For example, an extensive ‘a day in the life’ methodology had been successfully completed with a child, which was not then analysed or incorporated into any subsequent assessment, child protection reports, or care planning viewed on their social care record.
- Practitioners consistently demonstrate an in-depth understanding and knowledge of the child’s perspective and ‘voice’, underpinned by their detailed understanding of the child’s lived experience. However, this is not always consistently well captured in the written social care records. 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.
- Several local authorities are keen to emphasise their use and integration of modern technology in promoting the individual’s voice in the PLO process, for example using the Mind of My Own (MOMO) app. Other recent initiatives such as that from the Family Justice Young Persons Board/CAFCASS Cymru ‘In Our Shoes’ may also prove helpful in facilitating this.

Further work is required to ensure the voice of the child is routinely considered and captured at the centre of all PLO and care planning related activity and documentation. When this is achieved, it can lead to an improved focus on how each child can achieve their individually tailored well-being outcomes. Meaningful, early offers of advocacy could support the PLO pre-proceedings process to be more accessible for children and young people.

- Overall, there is positive recognition of the need to promote a children's rights ethos, and children are actively helped to understand their rights and entitlements. They are encouraged to access advocacy support via independently commissioned agencies to ensure that their voice is heard when plans are made about them. However, the reasons behind these offers not being taken up aren't always explored or recorded.
- Senior managers and practitioners recognise the need in some instances to promote access to advocacy earlier in the process, and to do so more robustly, rather than simply recording that the 'active offer' has been made. In other cases it is unclear what specific arrangements are in place to support disabled children and others with restricted means of communication to access the specialist or augmented forms of advocacy they may require.
- Parental advocacy is less universally considered, although awareness of the need to provide access to this valuable service is growing. We heard directly from one parent

who felt they were able to participate much more fully in the PLO pre-proceedings process after they had been supported to access informal advocacy. In contrast to this, we also saw another parent with limited support networks and documented vulnerabilities themselves, for whom there was no consideration or offer of any advocacy support reflected in the social care record.

- Independent Reviewing Officer's (IRO's) clearly have a prominent role in overseeing care planning and related processes and undertake this independently from the legal planning and associated PLO processes. They are, however, aware of progress and decision-making in relation to these, as appropriate. When undertaking this role most effectively, IRO's provide good oversight by maintaining relationships with children and young people over time, and actively seeking their views so they can advocate effectively for them. They can also provide appropriate challenge where necessary around deficiencies in care planning, and the pace of implementation for identified individual outcomes. However, we saw limited evidence of this in practice.
- We heard from local authorities and CAFCASS Cymru about effective professional links between them, at both operational and strategic levels. These links promote valued local representation of the child and provide forums for shared opportunities for learning and development. In some local authorities these are further developed by initiatives involving legal services, for example, in relation to a planned roll-out of further training in response to the recent relaunch of the PLO.
- It is also apparent that early notification to CAFCASS Cymru of their required input in forthcoming PLO cases, as recommended in the Public Law Working Group report, has been standard practice in many areas for some time. Another area had undertaken joint work in relation to supervision orders, following an initiative from the local family justice board (LFJB) on what good care planning looks like.

- We heard from a number of agencies that their local family justice board (LFJB) provides a helpful forum for the different agencies involved to work collaboratively, whilst also promoting an approach based on constructive challenge between stakeholders. It was also acknowledged by local authorities that further work was required to embed their ‘shared respect’ charters, as recommended by the Public Law Working Group.
- Children and young people are being supported to remain safely within their family network or are in suitable placements that meet their needs. The wishes and feelings of children, particularly older children, clearly influence decisions about where they live.
- However, despite ongoing recruitment, commissioning, and placement support activity there is a recognised deficiency in both the range and choice of placements available to meet current demand.
- In terms of placement type and location, survey results show that, at the time when proceedings were first instigated, over half of children were either living with their parents (subject to an interim order, or with no order) or in a kinship placement. Significantly, a large majority of these placements were within the child’s own local authority, with a number of others placed in neighbouring authorities. Only a small number were accommodated either elsewhere within Wales, or exceptionally, outside Wales.



Acknowledgments

CIW would like to thank all the children, young people, families and carers who shared their experiences with us.

We also acknowledge the willingness of practitioners from local authorities and partner agencies, including CAFCASS and the judiciary, to assist us with this activity, at a time when resources were particularly stretched.



Annex 1: Methodology

Phase one consisted of a national survey of all 22 local authorities which gained a snapshot assessment of all those children and young people who became looked after and who were subject to the PLO pre-proceedings between the survey timeframe of 1 April 2021 to 31 March 2022 (details of our findings in relation to this can be found in Appendix 3).

As part of this survey, local authorities were also invited to highlight recent progress in their pre-proceedings practice, following the publication of the PLWG report, including any best practice or identified barriers to further improvement (details of our findings in relation to this second element of the survey can be found in Appendix 4).

Phase two of our activity involved fieldwork in four local authorities:

- Neath Porth Talbot
- Torfaen
- Rhondda Cynon Taf
- Conwy.



This was undertaken between November 2022 and March 2023, and comprised of selecting a small number of social care records in each local authority based on pre-determined criteria. Then we talked to as many people as possible who were involved in these, including children, young people and their families, about their experiences of the PLO pre-proceedings.

The key questions we set out to answer mirror those considered in our 2016 review:

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

Specific lines of enquiry included – How current practice arrangements in relation to PLO pre-proceedings ensures:

- the parallel aims: of successfully diverting families away from the need for proceedings; or identifying whether proceedings are required and in such a way that if proceedings are necessary the case can be presented effectively
- the clear identification of concerns, actions taken to support change, to build on family strengths and evaluate progress made
- consistent, timely, professionally led threshold decision-making in relation to initiating pre-proceedings avoiding unnecessary delay
- shared expectations between professionals including legal services about their role in the pre-proceedings phase of the PLO
- that care proceedings are initiated where the safety and welfare of the child demands it and the legal threshold is met, reducing the use of urgent applications
- record keeping is accurate and timely in line with best practice guidelines
- systems support the effective close management and monitoring of the assessment and support plan timeline including entrance and exit into the PLO (minimising delay for the child while capturing the evidence needed if proceedings are contemplated).

2. Partnership: Are arrangements in place to support effective communication and collaborative planning with parents/significant others about the Public Law Outline, including the opportunities for change?

Specific lines of enquiry included – How current practice arrangements in relation to PLO pre-proceedings support:

- the meaningful engagement with parents and relevant others
- a shared identification and understanding of the current concerns that results in a co-produced deliverable plan that promotes necessary change
- parents and carers to achieve transparent 'good outcomes'; including the potential for children and young people to be safely diverted from becoming the subject of public law proceedings. Parents and carers are informed about the PLO arrangements, what the process means and the potential opportunities available – e.g., 'letter before action'.

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

Specific lines of enquiry included – How current practice arrangements in relation to PLO pre-proceedings ensure that:

- care and support planning is timely, and plans are regularly reviewed and directed by the safety and lived experience of the child
- partnership working is effective, and families, carers, and their children get help that is well co-ordinated and makes sense to them
- legal advice for the PLO process is of good quality, readily available and easily accessible
- local authorities identify and utilise family members early, as support and alternative carers to enable the child to remain in their family (e.g. genograms, Family Group Conferences)
- children and young people live in stable placements
- arrangements to ensure there is no delay in progressing PLO process, but that court is recognised as an option of last resort and proceedings are only initiated where the safety and welfare of the child demands it, and the legal threshold is met
- effective early planning for newborns and support for babies to avoid proceedings/delay.

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

Specific lines of enquiry included: How current practice arrangements in relation to PLO pre-proceedings ensure that:

- children are seen/seen alone, have a voice and that the lived experience of the child underpins the thinking, decision-making and actions of all involved
- children and young people have a voice, their views are sought listened to and are accurately reflected in the record
- children and young people are actively involved in any assessments and plans, and these are routinely shared with them
- records include the creative approaches, observation and detail of the social workers interpretation of information resulting from such direct work children and young people are facilitated to develop good professional relationships with those who help them, and they feel respected and valued by them
- the role of the IRO and conference chairs assists proactive and timely planning and the promotion of good practice, to achieve more consistent and effective decision-making where the voice of the child and the needs of the family are recognised
- formal and informal advocacy is both promoted and encouraged as needed.
- arrangements with CAFCASS Cymru promote effective arrangements for its representation of the child (e.g. protocol – that includes notification of any earlier proceedings, including the name of a previously allocated children’s guardian and the children’s solicitor).

Scope

Phase one – A National Survey

Our intention was to gain a snapshot assessment of the national context through a short online data survey completed by all 22 local authorities. The survey tool was issued on 21 September 2022 and returned by local authorities by 19 October 2022.

This consisted of two elements – further detailed information about the profile of the children and young people between 1 April 2021 to 31 March 2022 who became looked after and those children and young people who were subject to the PLO/pre-proceedings process.

The second element invited local authorities to highlight progress in their PLO pre-proceedings practice, including any best practice or identified barriers to improvement.

Phase two – Fieldwork

This activity enabled CIW to explore what is currently working well for people in need of care and support subject to the PLO pre-proceedings process, as well as identifying potential areas for improvement.

The fieldwork took place in four local authorities chosen to reflect a range of demographics across Wales: Neath Port Talbot; Torfaen; Rhondda Cynon Taf, and Conwy. Each of these were undertaken over three days on a 'virtual basis' between November 2022 and March 2023, and followed up by a letter setting out our findings which was sent to the local authority and published on CIW's website.

In advance of our activity, the following 'core documents' were requested, if available:

- strategic and operational structure for delivering children's social services
- the local authority's family support preventative support and permanency strategy (or equivalent)
- the local authority's risk assessment model/approach

- the local authority's supervision policy
- anonymised profile of children on the child protection register (CPR) including length of time on CPR, registration category, age and gender
- anonymised profile of children currently Section 76 including length of time and age at start date of episode of care
- workforce profiles by teams

Pre-PLO guidance documents requested:

- protocol/practice guidance for managing PLO process
- trigger points and decision-making process
- legal gateway meetings
- underpinning models of practice

Courts documents requested:

- relevant protocols or agreements with the courts, CAFCASS Cymru, or others, as appropriate
- performance information and quality assurance activity related to the PLO pre-proceedings/PLO process for the period June 2021 to June 2022
- the tracking process for children entering and leaving the PLO system (children's services and legal services) for the period June 2021 to June 2022
- information available for families/children or young people with respect to the PLO process
- example PLO notification letter
- recording templates used to provide evidence to the Court
- documents reflecting additional changes/developments arising since the publication of the PLO working group report in March 2021

Our methodology included a short presentation by the selected local authorities, detailing their current model/approach/decision points used by children's services to manage their PLO pre-proceedings arrangements.

Inspectors reviewed up to six individual electronic social care records in each of these local authorities. These were pre-selected by CIW, and categorised against the following specified criteria.

- **Category 1**
Cases where the child had been subject to the PLO pre-proceedings between these dates.
- **Category 2**
Cases where the child had been subject to the PLO pre-proceedings and did not go on into legal proceedings but remained with his/her parents and the proceedings were discontinued.
- **Category 3**
Cases where the child had been subject to the PLO pre-proceedings previously (i.e. two or more separate episodes).
- **Category 4**
Cases where the child had NOT been on the CPR before becoming looked after.
- **Category 5**
Cases where the child had been subject to PLO pre-proceedings before becoming looked after under Section 76.

Case file review methodology

In each local authority, three of the selected electronic files were reviewed through 'single agency' case tracking interviews involving:

- the relevant social worker
- team manager
- case conference chair/IRO, and
- local authority legal representative for the case.

One of the selected electronic files was reviewed by the fieldwork team through a multi-agency case review meeting. Participants invited by the local authority included:

- social worker, team manager and operational manager
- case conference chair/IRO
- legal service representatives
- core group members (not the child or family) if child on Child Protection Register

- representatives from education and health if not included in above
- carer/residential worker
- family group conference chair.

Interviews

The views and experiences of those engaged with local authorities are central to the CIW review process. The local authority was requested to seek agreement, where possible/appropriate, from the child/young person and or their family to talk with inspectors, about their experience of the PLO pre-proceedings process. CIW provided a letter to the local authorities in order for them to share these with individuals who had agreed to talk to us.

Interviews were also held where possible with other key parties including:

- legal services representatives
- head of children's services
- focus group of principal officers key to decision-making
- regional representatives from CAFCASS Cymru.

Designated family judge representatives from across Wales were also spoken with after the completion of our fieldwork activity.



Annex 2: Survey findings – quantitative

National findings – local authority responses to survey questions

Part 1: Data feedback on the PLO pre-proceedings

The data which has been used to produce these charts was collected from a national survey of all 22 local authorities. The data has not been validated and can only be relied upon to give a general snapshot of the children and young people who became looked after and those children subject to the PLO pre-proceedings process across Wales.

The local authorities provided information on the arrangements for PLO pre-proceedings for children and young people between 1 April 2021 and 31 March 2022 – referred to in this section as the PLO timeframe.

Whilst some comparators with the data collected in the 2016 report have been included, we recognise that direct comparison is not practicable.

The challenging context including that of increased demand resulting from COVID-19 is acknowledged.

As part of the national review, authorities were asked to respond to a series of survey questions aimed at producing a profile of pre-proceedings and PLO activity across Wales. It was positive that unlike the 2016 report all authorities were able to extract most of the data requested from their electronic systems.

Public Law Outline timeframe

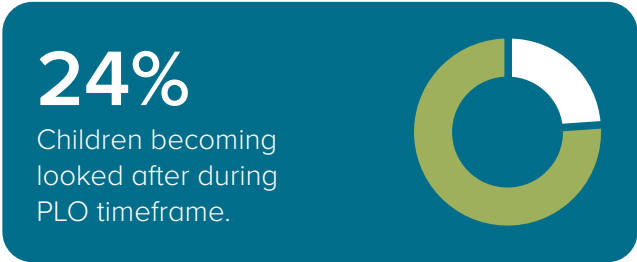
1 April 2021 to 31 March 2022

1. Children Looked After (CLA)

As of 31 March 2022, the local authorities reported that **7,042 children** were identified as looked after. Of this figure, **1,716** became looked after during the PLO timeframe, representing roughly one quarter (**24%**) of the total population of children looked after across Wales. *(Compared to the previous PLO review in 2016, **373 fewer children** became looked after during the current PLO timeframe. In 2016 **2,089** children became looked after during 1 April 2014 to 31 March 2015).*



The number of children who became looked after between 1 April 2021 and 31 March 2022



Local authorities told us:

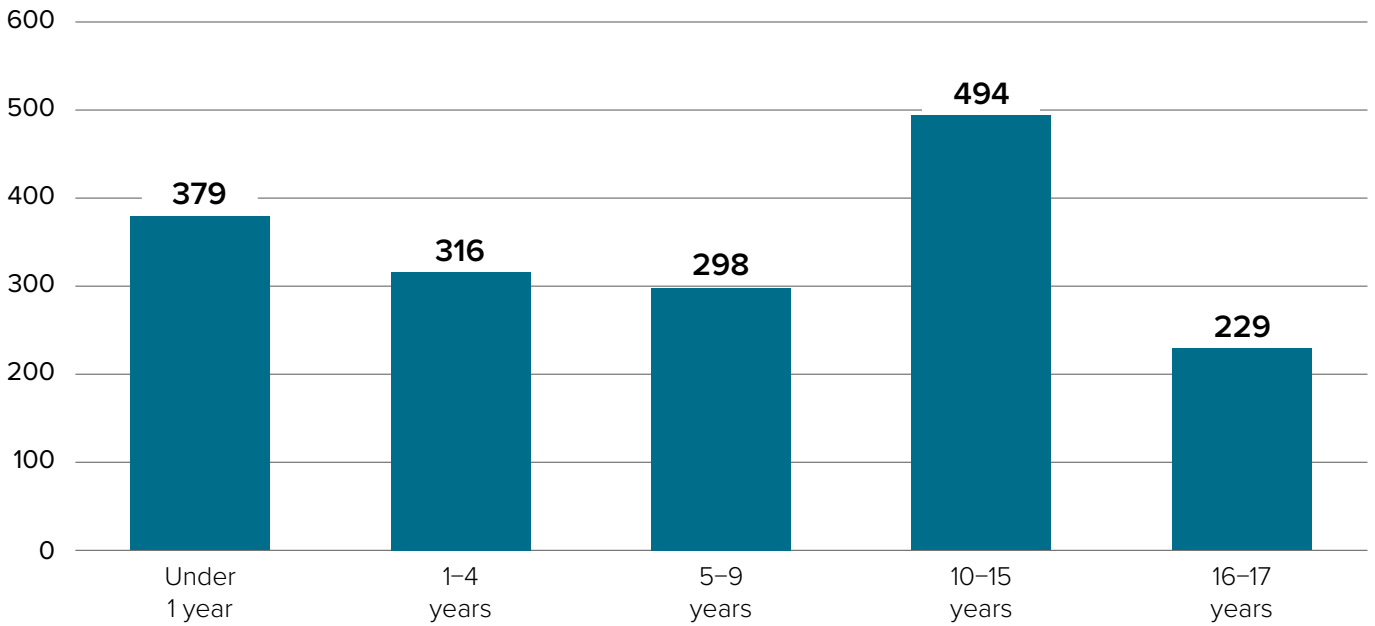
- that they routinely captured and interrogated data to better understand their population of children looked after
- any reductions in their children looked after numbers were attributed to:
 - an improved strategic focus on safely reducing the population of children looked after
 - the impact of their early preventative arrangements in supporting children to remain within their families
- increases in the population of children looked after were attributed to:
 - the cumulative impact of COVID-19 particularly in relation to adolescent and parental mental wellbeing issues
 - an increase in family breakdown for older young people

The data provided highlighted variations between local authorities in relation to the age profile of their children looked after.

- Some local authorities reported recent increases in the number of babies entering the care system, following pre-birth assessments, some of which involved families where previous children had already been removed.
- Several local authorities highlighted the impact of Unaccompanied Asylum Seeking Children (UASC) and National Transfer Scheme on overall numbers of older children entering the care system.

Age profile: the highest number of children looked after during the PLO timeframe continue to be in the 10 and over age range, as reflected in our 2016 PLO review findings (figure 1a). It is likely that not all of these, and particularly the older age group, would be subject to the PLO pre-proceedings process.


Figure 1a: The number of children becoming looked after during the PLO timeframe by age profile



Profile of children looked after: Children with a disability

3% (58 children)

Children looked after, designated as a child with a disability



At local authority level the number of disabled children looked after were low (*reflecting our 2016 findings*). Several authorities reported no disabled children became looked after during the relevant timeframe.

Use of emergency protection order (EPO) and police protection powers (PPP) during the PLO timeframe

(To note: children who were subject to either an EPO or PPP were not included in the sample of cases reviewed as part of the fieldwork).

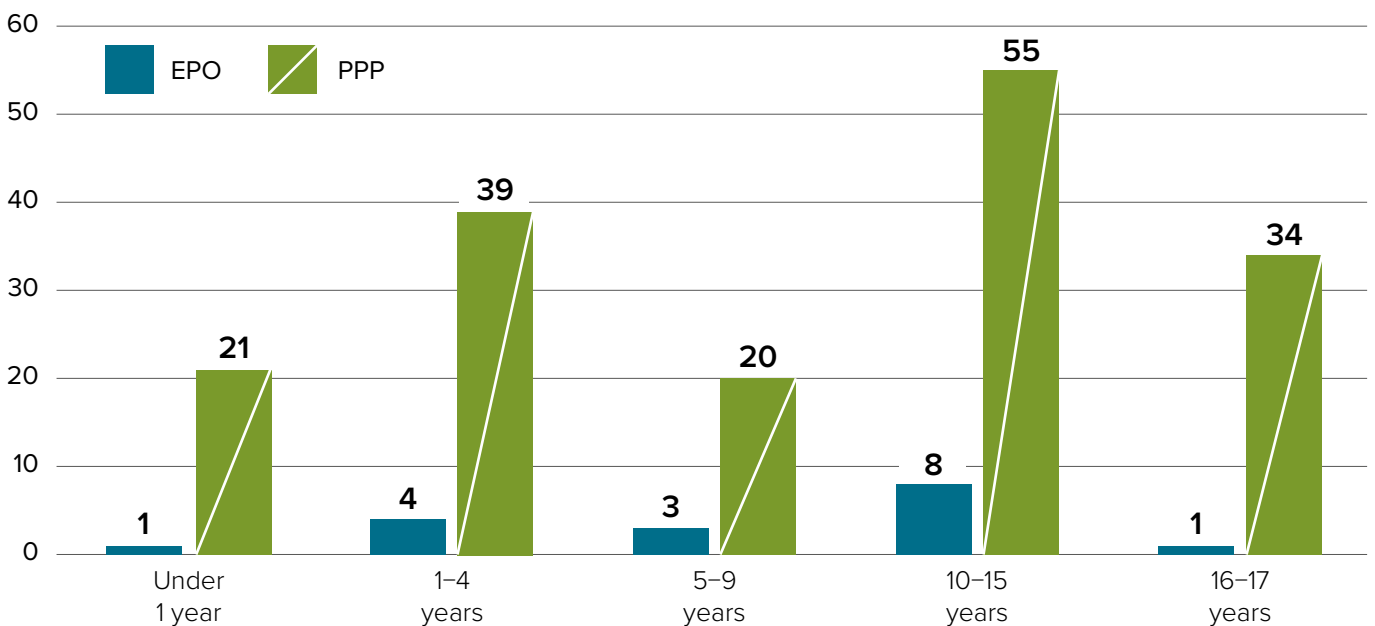
Overall, 186 children were subject to an EPO or PPP during the PLO timeframe, a reduction compared to the 202 children reported in the 2016 PLO review. While the numbers were relatively low, they included some marked local authority variation especially in relation to the use of Police protection powers.

- 17 children were subject to an Emergency Protection Order (EPO) – (9%).
- 169 children to Police Protection Powers (PPP’s) (91%).

What local authorities told us

- They described the use of EPOs as an exceptional measure.
- The use of PPPs was described as infrequent, but by necessity responsive to such incidents as:
 - non-accidental injury
 - rapid deterioration of parents’ or young people’s mental health
 - escalation of young people’s risky behaviour.
- Variation in the number of children subject to PPP across authorities was described as inflated by the number of sibling groups involved.
- It was highlighted that not all children subject to PPP continued as children looked after.

Figure 1b: The number of children looked after during the PLO timeframe by age profile and those subject to an EPO/PPP



2. Children on the child protection register (CPR)

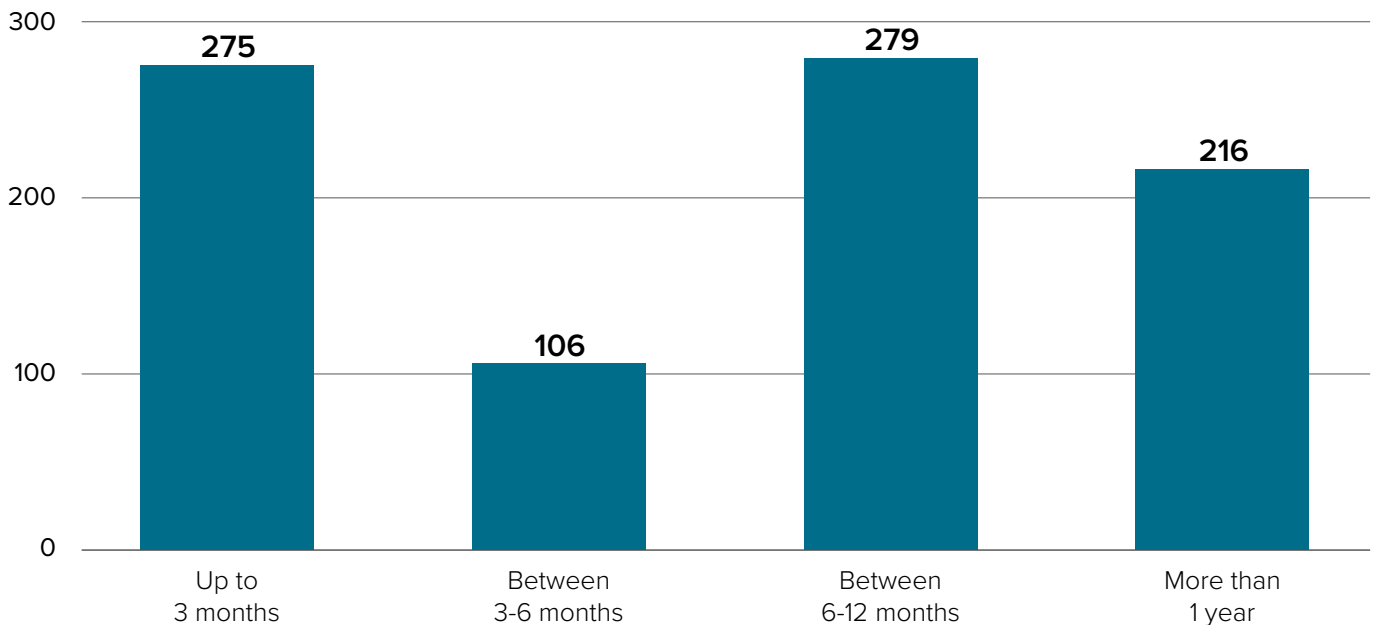
Of the 1,716 children looked after during the PLO timeframe, 876 children (51%) had been included on the CPR within the last three years (*this figure is lower than the 1,113 children on the CPR reported for the PLO 2016 review*).



Of these:

- **3%** had been on the CPR on more than one occasion
- **31%** stayed on the register up to the first review (3 months)
- **57%** were on the register for at least 6 months
- **25%** were on the CPR for at least one year

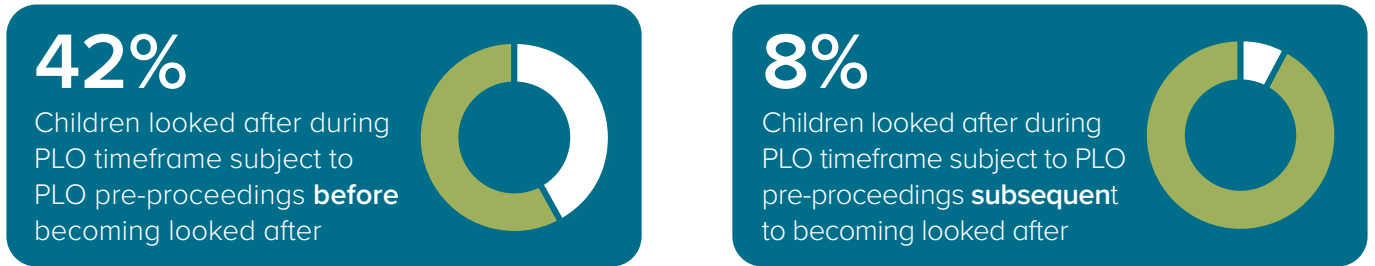
Figure 2a: The number of children looked after during the PLO timeframe that were on the CPR within the last 3 years by duration



What local authorities told us

- They were confident in their child protection case conference arrangements.
- Child protection conferences were described as ‘a strong multi-agency forum, working in partnership with parents, to reduce risk of significant harm and to promote the child’s well-being’.
- Re-registrations were generally low and routinely monitored by most authorities.
- Re-registrations were mainly identified as resulting from new or emergent issues, the impact of sibling groups, changes in parental mental health or concerns resulting from new adult relationships within the household.
- The interface between child protection registration and the use of the Public Law Outline (PLO) pre-proceeding process was described as embedded and maturing. Parallel decision making between the two arrangements was cited as evidence of the strong commitment to prevention and the efforts made to support families to make timely and sustainable change.
- Local authorities were confident that children included on the child protection register were escalated appropriately into the PLO and described established management oversight trigger points for instigating legal gateway discussions.
- Local authorities identified that children not subject to child protection registration prior to proceedings, often included those who progressed directly into proceedings, often because of a sudden specific incident or for example at birth following a pre-birth assessment.

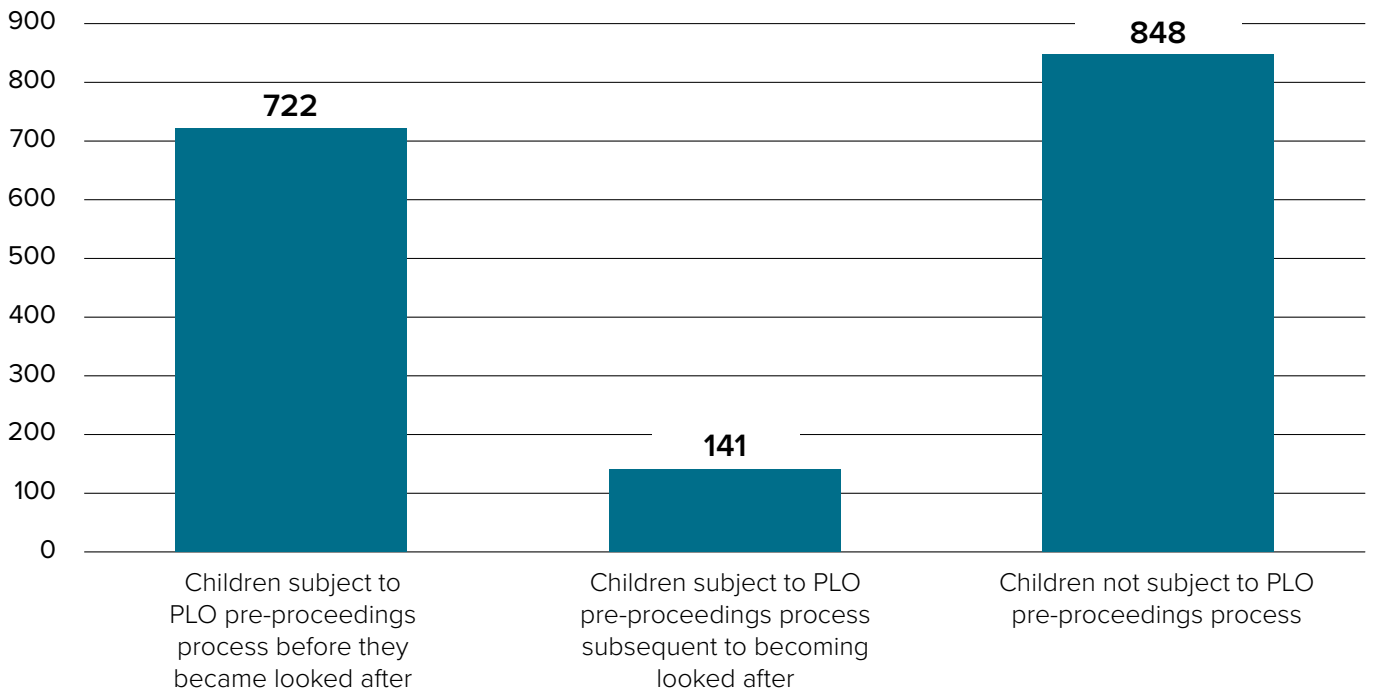
3. Children who became looked after between 1 April 2021 to 31 March 2022 and subject to PLO pre-proceedings



Of the **1,716 children** looked after during the PLO timeframe, a total of **863 (50%)** were the subject of PLO pre-proceedings and **848** were not¹.

- **42%** were the subject of PLO pre-proceedings before becoming looked after *(Compared to the 40% of children reported in the PLO 2016 review)*.
- **8%** were subject to PLO pre-proceedings subsequent to becoming looked after.
- **50%** of children looked after were not subject to the PLO pre-proceedings process.

Figure 3a: The number of children looked after subject to PLO pre-proceedings before and subsequent to becoming looked after, during the PLO timeframe



1. The total children looked after adds up to 1,711 during the PLO timeframe in this section, as three local authorities either under or over-reported some children.

What local authorities told us

- The relatively high number of children subject of PLO pre-proceedings before becoming looked after met the expectations of guidance and reflected their strength-based prevention strategies aimed at diverting families from further statutory intervention and escalation into court.
- Robust legal planning and management oversight arrangements supported:
 - the front loading of the PLO pre-proceedings
 - early withdrawal from, or progression into, proceedings
 - timely conclusion of proceedings within timescales.
- The relatively low number of children subject to PLO pre-proceedings subsequent to becoming looked after was viewed as reflecting guidance.
- The instigation of the PLO pre-proceedings in these circumstances as demonstrating effective monitoring of the child's care plan and responsiveness to changes in assessed need or risk.
- The use of the PLO pre-proceedings used in conjunction with Section 76 was also cited as a means of supporting families to access legal advice.
- The number of children looked after not subject to the PLO pre-proceedings process was described as:
 - resulting from some children escalating straight into court to secure their immediate safeguarding arrangements or for fact finding
 - evidence of partnership working with families, including the use of Section 76 as a preventative measure
 - increased numbers of young people made subject to Section 76 with the active consent of their parents/PR holder or supported to live independently
 - including the number of UASC or young people subject of the National Transfer Scheme.

4. The legal status of children who became looked after between 1 April 2021 to 31 March 2022

The legal status of the **1,716 children** at the time they became looked after between 1 April 2021 and 31 March 2022 was reported as follows².

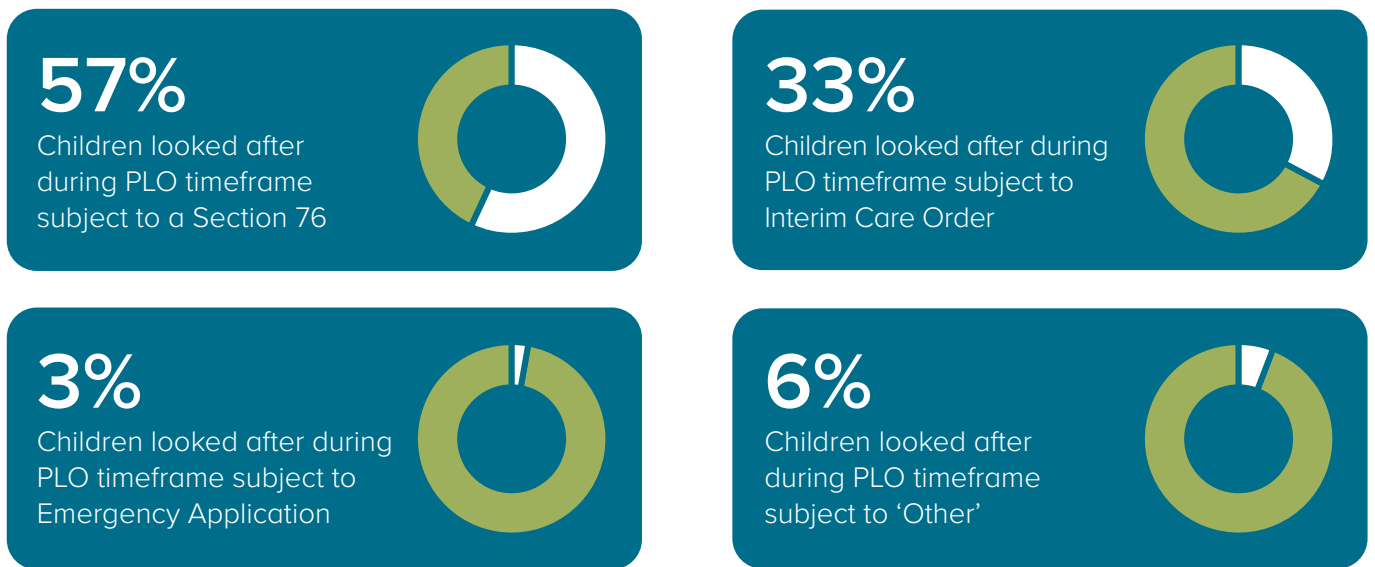
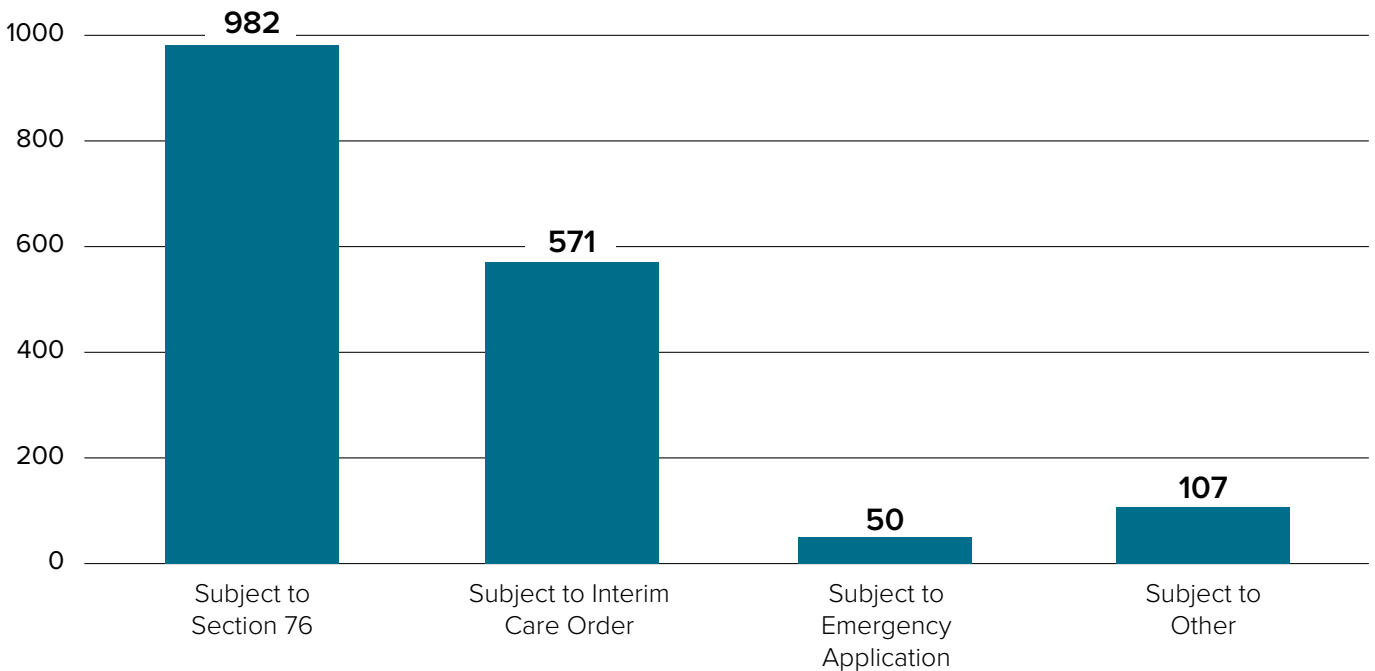


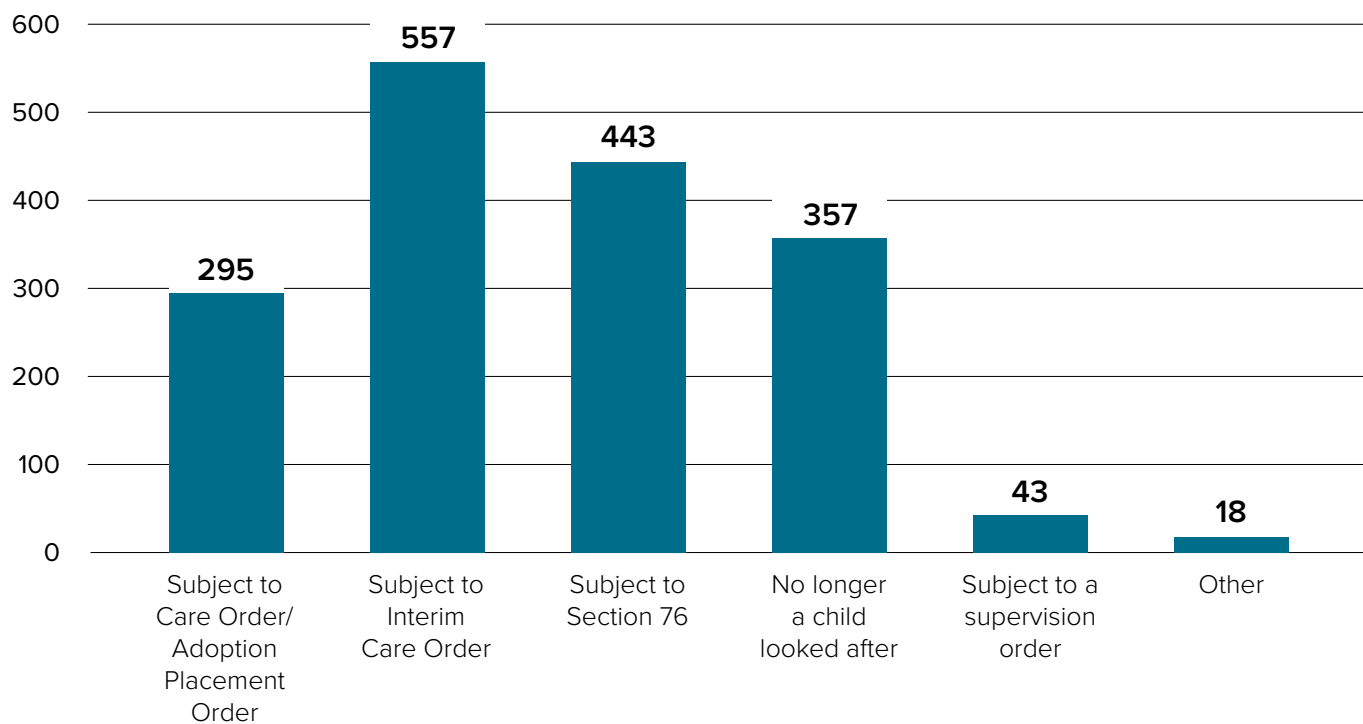
Figure 4a: The legal status of those children at the time they became looked after between 1 April 2021 and 31 March 2022



2. The total children looked after adds up to 1,710 during the PLO timeframe for this section, as six children were under-reported on or not placed in a legal status category by one local authority.

Of the **1,716 children** who became looked after during the PLO timeframe, the current legal status as of 1 April 2022 is reported as follows³.

Figure 4b: The current legal status, as of 1 April 2022, for those children looked after during the PLO timeframe



3. The total children looked after adds up to 1,713 during the PLO timeframe for this section, as three children were under-reported on or not placed in a legal status category by one local authority.

5. Children looked after subject to Section 76 who went on to become subject to legal proceedings and/or an order during the period 1 April 2021 to 31 March 2022

Of the **982 children** looked after subject to a Section 76 during the PLO timeframe, **363 children (37%)** went on to legal proceedings and or an order.

37% Children looked after subject to Section 76 who went on to legal proceedings and or an order.


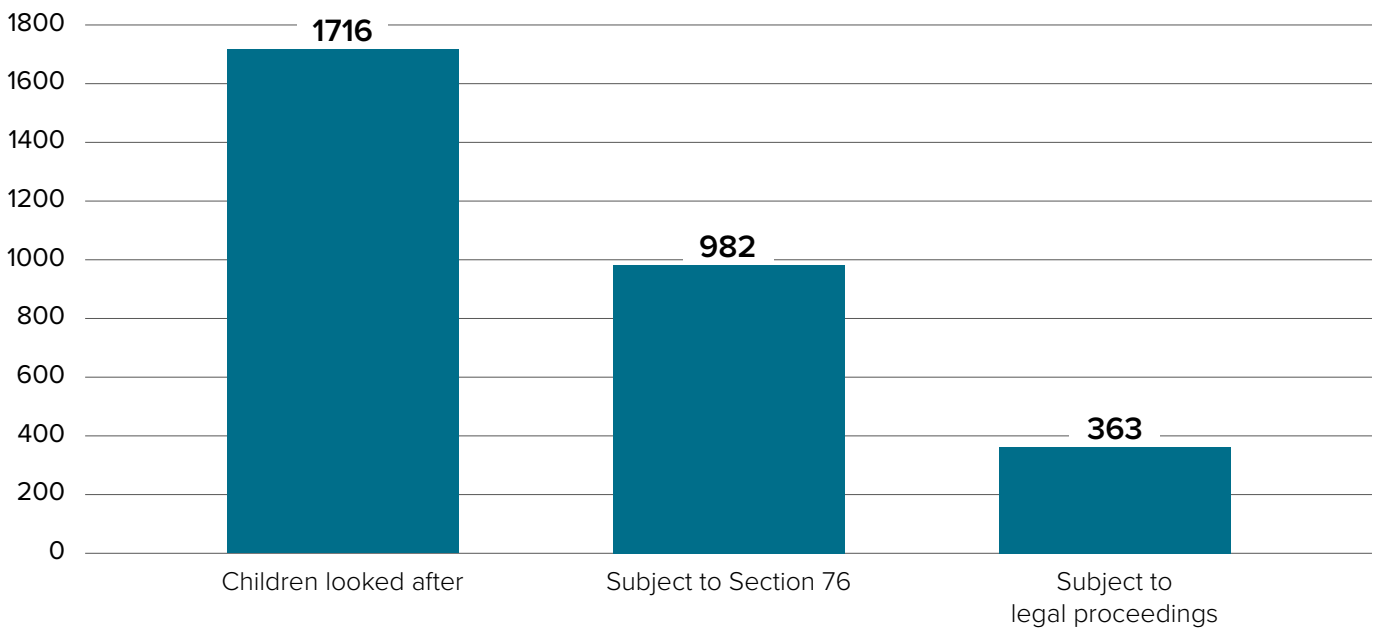


Figure 5a: The number of children looked after, subject to Section 76 who went on to legal proceedings and or an order



What local authorities told us

Initial legal status

- The use of interim care orders at the time children became looked after, are seen as reflective of working in partnership with families and proportionate.
- The use of Section 76 at the point of accommodation ensures that children reside by agreement, in a safe and secure environment, while assessment and interventions are undertaken with families to determine whether safe reunification is possible.
- Work has been undertaken to strengthen the ability of parents and PR holders to make decisions on the basis of informed consent in relation to Section 76.
- The use of Section 76 was said to have been impacted by increased numbers of older young people becoming looked after, due to family breakdown and mental wellbeing issues during COVID-19.

Change in legal status

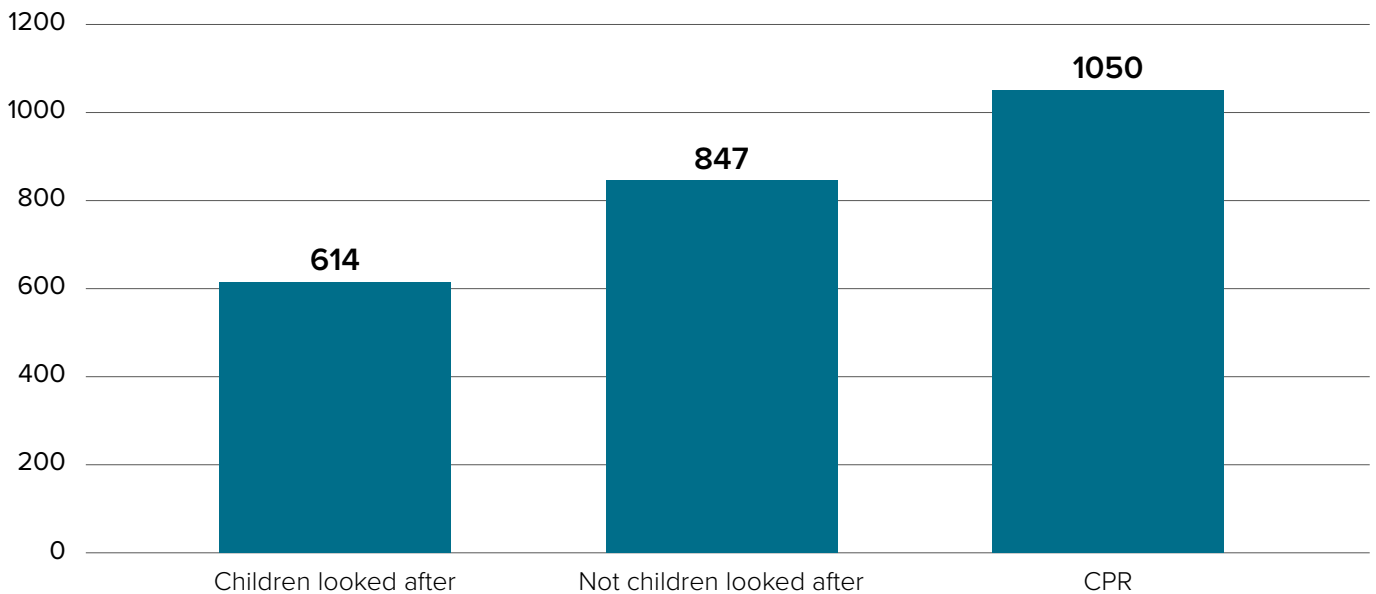
- Local authorities were confident in their range of planning and management oversight arrangements including robust legal planning meetings and Section 76 monitoring systems.
- The number of children 'ceasing to be looked after' was cited as evidence that the use of section 76 alongside strength-based interventions help to secure a child's timely planned return home.
- Changes in legal status were said to demonstrate the readiness to act in the best interest of the child, when significant harm thresholds are reached and shared parental responsibility is needed to secure the child's safety.
- Care planning is informed by the principal of 'least order' and all options are positively explored, for example use of SGOs and supervision orders.
- Local authorities welcomed the ongoing re-evaluation of the use of Section 76 and supervision orders.

6. Total number of children subject to the PLO pre-proceedings process, during the period 1 April 2021 and 31 March 2022 (by looked after and CPR status)

Overall, a total of **1,461 children** were subject to pre-proceedings during the PLO timeframe (1 April 2021 – 31 March 2022). Of these:

- **614 (42%)** were children looked after
- **847 (58%)** were not children looked after
- of the total **1,461 children** subject to the PLO pre-proceedings process, **1,050** of these children (**72%**) were also on the Child Protection Register.

Figure 6a: The number of children subject to the pre-proceedings process during the PLO timeframe by looked after and child protection status



7. Total numbers of children subject to the PLO pre-proceedings process, during the period 1 April 2021 and 31 March 2022, that did not enter legal proceedings

Of the total **1,461 children** subject to the PLO pre-proceedings process during the period 1 April 2021 and 31 March 2022:

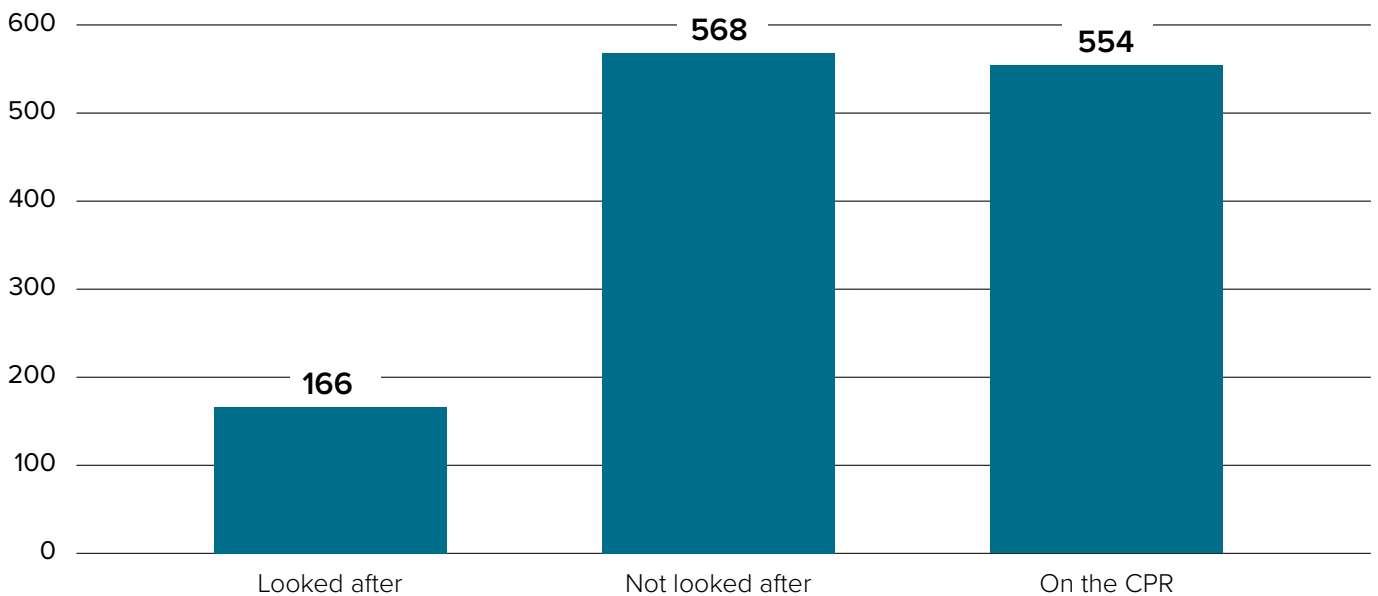
- **734** children did **NOT** go into legal proceedings.

This data illustrates that the pre-proceedings process can be effective in reducing the need to apply for a care or supervision order.

Of these:

- **23% (166)** were children looked after
- **77% (568)** were not children looked after (*Compared to 343 children reported in the 2016 PLO review, however it is noted not all authorities were able to capture this data*)
- **75% (554)** children’s names were also on the CPR during the PLO timeframe

Figure 7a: The number of children subject to the pre-proceedings process during the PLO timeframe by looked after status that did not enter legal proceedings



What local authorities told us

- Practitioners’ ambition is in line with the key messages in the Public Law Working Group report.
- They discontinue the PLO pre-proceedings process including circumstances where the legal threshold is met. However, the sustainability of identified improvement is kept under review.
- Children who do not go into legal proceedings or become looked after are routinely supported after stepping down from the PLO pre-proceedings process, through a child protection or care and support plan.

8. Children who had been through the PLO pre-proceedings process during the period 1 April 2021 and 31 March 2022 who had been previously subject to pre-proceedings within the last 3 years

Of the total **1,461 children** subject to the PLO pre-proceedings process during the PLO timeframe:

99 children (7%)

had been previously subject to the process within the last 3 years



9. Children subject to an urgent rather than a planned court application during the period 1 April 2021 and 31 March 2022

212 children (15%)

were subject to an urgent rather than a planned court application during this period



What local authorities told us

- The above numbers of children involved included several sibling groups.

Use of repeat PLO pre-proceedings

- These were described as infrequent and most local authorities monitored these arrangements.
- Circumstances resulting in further episodes of PLO pre-proceedings included additional children/newborn babies in the family, escalating risky behaviours of young people and lack of sustained improvement outside the pre-proceedings arena.

Use of urgent applications

- This was described as relatively low and monitored.
- The use of the term 'urgent' did not necessarily denote a lack of planning as such applications often involved:
 - newborn babies (subject to planning but court papers issued at birth)
 - contested removal from Section 76 care, resulted in court application as part of contingency planning
 - urgent applications, including whilst in PLO pre-proceedings, often related to a single incident such as non-accidental injury, breakdown of family safety networks, parents escalating mental health, substance misuse or domestic abuse or where lack of co-operation required an immediate response.

10. Placements: Children subject to care proceedings 1 April 2021 – 31 March 2022 accommodation at the time proceedings were first instigated

Local authorities reported that overall, **1,222 children** were subject to care proceedings during the period 1 April 2021 and 31 March 2022.

Of these:

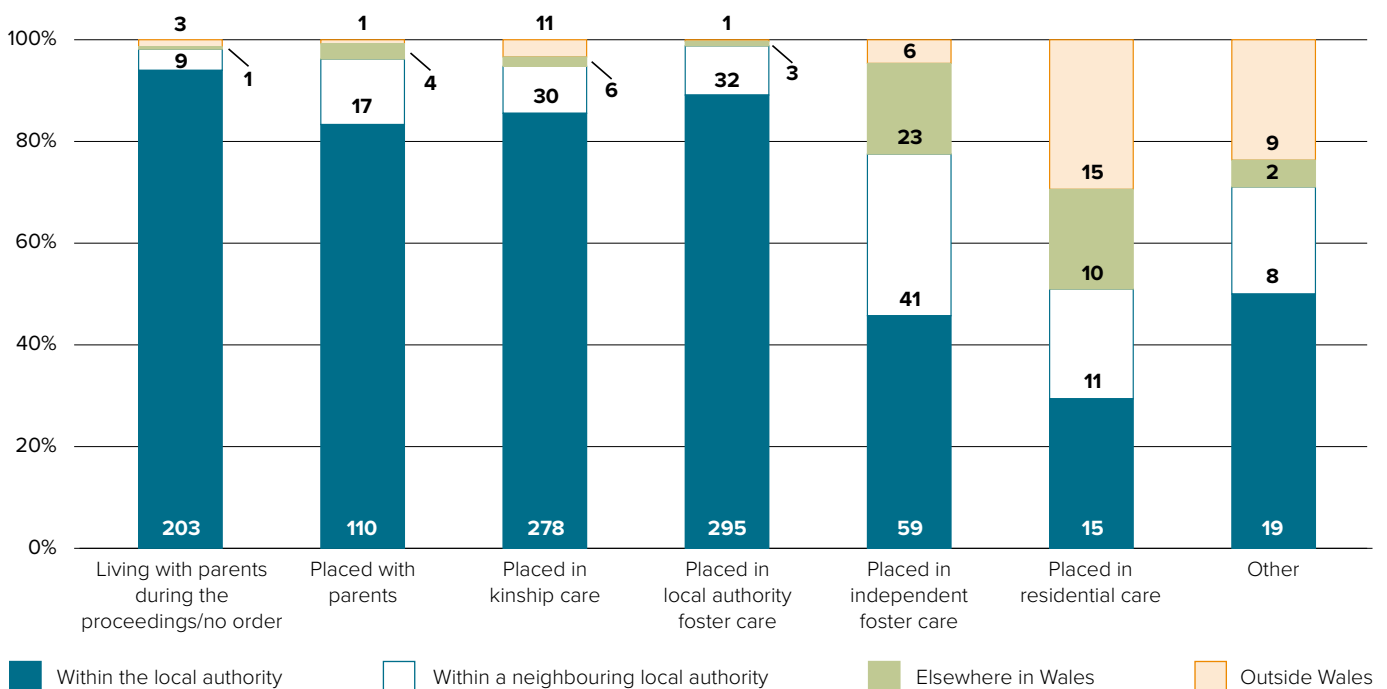
- **216 (18%)** were living with parents during the proceedings subject to no order
- **132 (11%)** were placed with parents subject to an interim order
- **325 (27%)** were in kinship care placements
- **331 (27%)** in local authority foster care
- **129 (11%)** in independent foster care
- **51 (4%)** were placed in residential care
- **38 (3%)** were accommodated as ‘other’ (including independent living, newborns in hospital settings, residential parent child placement unregistered placements).

Of the **1,222 children** subject to care proceedings in this timeframe:

- **979 children (80%)** were accommodated within their home local authority.
- **148 children (12%)** were accommodated within a neighbouring authority,
- **49 (4%)** were accommodated elsewhere within Wales and
- **46 (4%)** accommodated outside Wales*.

*It is noted of the children accommodated outside Wales, most were in residential care. A number placed outside Wales were in kinship care so within their birth family. Several were in placements reported as ‘other’ including independent living, new-borns in hospital settings, residential parent child placements and unregistered placements).

Figure 10a: The number of children in care proceedings during the PLO timeframe, that are accommodated as follows:



Local authorities told us:

- that despite the instigation of proceedings, they continue to actively work in partnership with the family;
- all efforts are made to maintain the child with parents or in kinship placements where safe to do so; and
- the child's family and cultural uniqueness is a priority and as far as possible children are placed within their home authority.

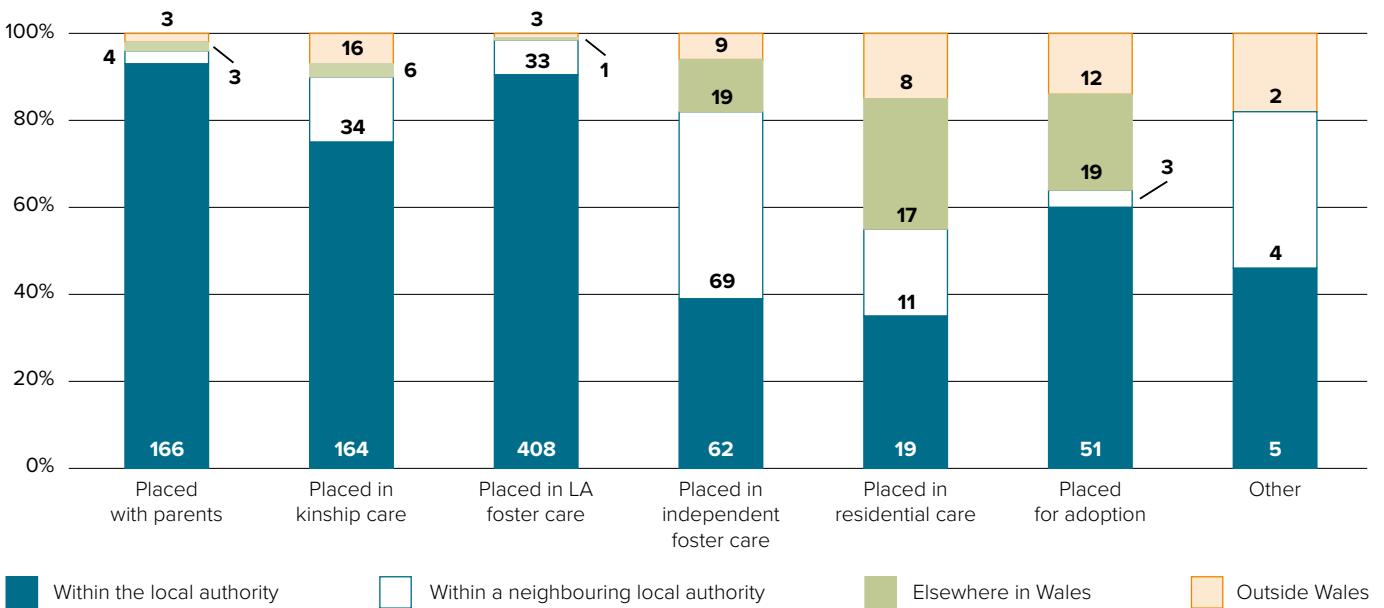
11. Children subject to a final care order between 1 April 2021 and 31 March 2022 by placement type

1,151 children were made the subject of a final care orders during the period.

Of these:

- 176 (15%) were placed with parents
- 220 (19%) placed in kinship care
- 445 (39%) were placed in local authority foster care
- 159 (14%) were placed in independent foster care
- 85 (7%) were placed for adoption
- 55 (5%) were placed in residential care, and
- 11 (1%) were placed under 'other'.

Figure 11a: The number of children subject to a final care order between 1st April 2021 and 31st March 2022 by placement type and location



Of the 1,151 children subject to a final care order:

- 875 children (76%) were accommodated within their home local authority
- 158 children (14%) were accommodated within a neighbouring local authority
- 65 children (5%) were accommodated elsewhere in Wales
- 53 children (5%) were accommodated outside of Wales.

Data Quality

The data in this report is used to monitor the use of PLO pre-proceedings throughout Wales. It is submitted by local authorities to CIW, but it is not verified.

Where values have been presented in the report or figure, along with their sum total, the percentage values may be slightly different due to the rounding of values.

Annex 3: Survey findings – qualitative

National survey findings – local authority self-assessment

Background

All children's social services in Wales were asked to complete a self-assessment regarding progress in their implementation of the best practice guidance contained within the public law outline 2021 report, in relation to work with families prior to court proceedings.

'The main aim of the best practice guidance on pre-court work with children and families is to share learning and practical tools to support practitioners in local authorities to confidently make consistent, timely, and balanced decisions around the initiation of pre-proceedings. The guidance seeks to encourage confident practice.'

Self-evaluation

As an initial snapshot the survey asked children's services to provide:

a brief evaluation of their pre-proceedings processes, highlighting both best practice and any challenges.

Overview

- All 22 local authority children services responded to the self-assessment.
- Further work with the local family justice board was needed to develop and embed a shared respect charter informed by best practice.
- Collaborative partnership work with families was clearly highlighted as key to effective timely decision making within the Public Law Outline (PLO) pre-proceedings process.
- All highlighted the importance of maintaining the child's safety whilst working to divert children and young people from becoming subject to proceedings where possible.
- All were confident that their pre-proceeding operational arrangements met the expectations of guidance and identified encouraging progress in relation to embedding the best practice recommendations.

What local authorities told us

- They adhere to the Social Services and Well-being Act (Wales) 2014 (SSWBA) and the requirements of pre-proceedings guidance.
- Robust senior management and legal gateway arrangements have been embedded to support oversight of the PLO pre-proceedings process.
- The voice of the child was described as a well embedded priority, with creative, sensitive work routinely undertaken to capture the child's views.
- Mechanisms, including additional quality assurance systems, were highlighted as integral to supporting consistent professional decision making.
- Most viewed the findings of the 2021 best practice guide as reinforcing their existing models of practice and that they were easily incorporated into their procedures.
- Practice was being strengthened to ensure decision-making was directly informed by 'the child's lived experience' including a shared professional understanding of what this means.
- Existing social work practice models were described as promoting child-centred, strength-based outcome focused work, supporting timely and proportionate decision making and intervention.

Practice guidance and protocols

Local authorities were confident they had compliant practice guidance and protocols in place.

- The survey responses highlighted any changes in practice expectations had been accompanied by training for practitioners.
- Whilst some indicated their procedures had already reflected the 2021 best practice guidance, others had updated their arrangements or were actively progressing this.

What local authorities told us

Work had been undertaken to embrace and disseminate the 2021 best practice guidance. The range of work included:


- updating guidance on pre-proceedings, the court application, case management, Section 76 SSWBA and special guardianship;
- review of legal advice arrangements and practice directives to strengthen and support timely professional decision-making;
- improved standardisation of templates across processes to better capture relevant information and support strength-based analysis; and
- refreshed practice flow charts, including pre-birth and newborn babies, aimed at strengthening links to early prevention work with families and front-loading guidance expectations.

Training and quality assurance mechanisms

While practice tools had been updated to accompany best practice guidance, it was recognised that training was needed if they were to promote practice consistency. Training examples included:

- practitioners training provided by or with the legal departments
- team specific as well as local and regional workshops on the best practice guidance and new tools.


Feedback in relation to progress against specific survey questions

 **Question 1: Have the local authority and family justice board partners adopted the best practice guidance on pre court work published in March 2021?**

95% of local authorities confirmed they and their family justice board partners had adopted or were in the process of adopting the best practice guidance.

What local authorities told us

- It was identified that some regional training in relation to the 2021 report and resulting practice guidance had been impeded by a lack of dedicated implementation funding, but this was being progressed.
- They had assured themselves that their operational mechanisms already met best practice requirements or had now adopted or were trialling the best practice tools contained within the guidance.
- They welcomed the 2021 report and accompanying best practice guidance and viewed the stated intention of the guidance as intrinsic to their work i.e. 'to improve the ability of social workers, senior managers, children's guardians, the legal professions and the judiciary to promote the welfare and protection of children by working in partnership with families to achieve the best outcomes in a fair and timely manner'.

 **Question 2: Has the local authority adopted the best practice tools on pre court work published in March 2021 including Revised Social Work Evidence Tool (SWET)?**

a. Revised Social Work Evidence Tool (SWET)

100% of authorities confirmed they have adopted the revised social work evidence tool.

What local authorities told us

- While the revised SWET, including for urgent applications, has been implemented, ongoing work is still needed to embed the use of the format to ensure consistency of practice.
- The SWET was a valued tool as it supported transparency in pre-proceeding processes and helped to reinforce practice links to the preventative agenda and strength-based outcome focused work with families.

Practice support arrangements identified included:

- peer and legal support arrangements more routinely available to staff undertaking this area of work;
- relevant templates and best practice examples developed and disseminated to staff to both encourage consistency of application and support confidence in the use of the tools; and
- strengthened managerial oversight, prior to filing the SWET statement, to provide assurance that the relevant essential evidence has been captured and is contained within the document.

b. Sample assessment agreement (setting out the assessment and support plan as part of the pre-proceeding phase of the PLO)

All local authorities confirmed their arrangements met the expectations of the 2021 best practice sample assessment agreement.

- **32%** said their systems, already met the sample assessment agreement expectations.
- **68%** had adopted the sample assessment agreement.

What local authorities told us

The sample assessment agreement was generally described as a useful tool that built on existing practice arrangements including:

- the principles underpinning social work practice models, such as ‘Signs of Safety’
- legal planning mechanisms that routinely capture relevant information including the range and relevance of assessments to be undertaken, any ongoing work needed and why, how this would be co-produced, developed and shared with children and families etc.

It was recognised that, as with any new format, practice in relation to the use of the sample assessment agreement needed to be embedded and informed by practice learning.

c. Has the local authorities’ ‘letter before action’ been adapted to reflect the principles set out in the 2021 best practice guidance?

All local authorities responded that work had been completed or was in progress to ensure their letter before action reflected 2021 best practice guidance.

- **5%** had not changed their letter and were confident it already reflected best practice.
- **90%** of authorities stated they had adapted their letter before action to reflect best practice.
- **5%** were reviewing their letter to ensure best practice compliance.

What local authorities told us

- Work has been undertaken to ensure letters were suitably professional highlighting the seriousness of the issues but also accessible minimising the use of jargon.
- Templates and exemplars had been developed to support best practice; these include free text to enable letters to be bespoke to the individual circumstances.



Question 3: Has the local family justice board progressed work, using the Best Practice Guidance (PLO report 2021), to develop a shared respect charter for how professionals work positively together and how they work with families to provide support?

Most local authorities confirmed the local family justice board had progressed or was progressing work to develop a “shared respect charter” in line with the 2021 best practice guidance.

- **50%** had developed a shared respect charter.
- **45%** were working on a shared respect charter.
- **5%** were yet to commence this work.

What local authorities told us

The intention and principles of a shared respect charter were generally valued and welcomed. The survey responses indicate that a range of work has been or is being undertaken to progress this work.

Examples included:

- regular meetings of the FGB with the “shared respect charter” routinely on the agenda;
- models of practice and arrangements adopted that promote and value partnership working with children and families with an emphasis on strength and relationship based social work practice; and
- work to undertake an FJB audit, scoping the steps necessary to support implementation of the 2021 guidance; including authorities sharing and comparing examples of model charters, to identify relevant learning.
- Some authorities reported they whilst they had a local “shared respect charter” the best practice recommendations needed to be developed on a regional basis.
- It was highlighted that the charter required a significant cultural change between professional partners and confidence that the principles of such a charter can be relied on would take time to mature.
- Responses indicated more work was needed to develop the multi-agency partnerships’ shared understanding of the value of the pre-proceedings support provided to children and families. This needs to be understood in terms of diverting families from court but also in terms of the benefits that focused pre-proceeding work provides, should the case go to court.

**Question 4: Does the local authority's children's social services have management systems in place for tracking children and family's entry into and exit from pre-proceedings?**

All authorities confirmed that their children services have management systems in place for tracking entry into pre-proceedings. Most authorities also had

arrangements for tracking families exit from the pre-proceeding arrangements.

- **100%** had entry tracking systems (into pre-proceedings)
- **95%** had exit tracking systems (from pre-proceedings)
- **5%** were currently developing an exit tracking system.

What local authorities told us**Data systems**

- Children's services have not adopted one homogenous approach, to tracking entry and exit into pre-proceedings. However, they were generally confident their systems supported children services management oversight of the pre-proceeding process.
- Some local authorities reported that they had located responsibilities for tracking pre-proceedings within identified posts.
- Other local authorities had recognised the benefit of developing their operational templates to capture entry and exit into pre-proceedings, explicitly including the decision making rational.
- They routinely record pre-proceedings on their electronic system, WCCIS, updated by business support staff. Some used WCCIS to capture legal decision making, store PLO minutes etc.
- Several responses stated that while they used their electronic system to track pre-proceedings they had also developed or were developing a specialised database that collected additional information and these augmented their arrangements.

Interface with legal services

- Most local authorities indicated they had strong partnership arrangements with legal services and viewed this as integral to supporting timely informed but professional led decision-making.
- Some described their tracking systems as jointly owned across children and legal services, while others described systems that met the needs of the different division but complimented each other.

Additional tracking mechanisms examples included:

- regular (sometimes weekly) legal case meetings/reviews, chaired by senior children's services managers, to discuss potential escalation into pre-proceedings, progress against plans, and exit from pre-proceedings or the need to issue an application to the court
- such arrangements were described as helping to ensure the safety and best interest of the child was central to decision making and that social work was appropriately front loaded to support timely diversion from court or an application to court.



Question 5: Does the local authority’s legal services have systems in place for tracking children and families’ entry into and exit from pre-proceedings?

Most authorities confirmed that their legal services had management systems for tracking entry into and exit from pre-proceedings.

- **82%** confirmed legal services have systems in place for tracking children and families’ **entry** into pre-proceedings.
- **77%** confirmed legal services have systems in place for tracking children and families’ **exit** into pre-proceedings.

The authorities that did not have these tracking systems in place indicated they were currently developing these mechanisms.

What local authorities told us

- Some legal services were said to be currently refreshing their pre-proceeding tracking arrangements looking to learn from best practice.
- Children’s services identified that legal services tracking systems could be improved to include longer term destinations and outcomes for children.
- Most legal services had tracking arrangement, for example, some maintained a spreadsheet of all cases involved in the PLO pre-proceedings.



Question 6. Does the local authority have established mechanisms in place to ensure that any extension to the duration of pre-proceedings beyond 16 weeks is identified at the start of the process, agreed at a relevant LPM with the oversight and involvement of a senior manager?

Most authorities confirmed that they have established mechanisms to ensure any extension

to the duration of pre-proceedings, beyond 16 weeks, is identified at the start of the process, agreed at a relevant LPM with the oversight of a senior manager.

- **86%** confirmed they had relevant mechanisms in place.
- **14%** indicated that they were currently developing these mechanisms.

What local authorities told us

- Any changes to their extension practice arrangements would always reflect best practice guidance.
- Most authorities described their embedded legal planning arrangements as chaired by a senior children services manager and tracked through their IT or recording systems.
- Most authorities were confident that protocols and practice meant practitioners were cognisant of timescales and the need to reconvene a legal planning meeting should an extension be required.
- Timescales and review points are routinely established at the first legal gateway meetings and said to be adhered to as far as possible to drive positive meaningful progress and prevent potential drift or delay.
- The uniqueness of family circumstances is well understood, and extensions are agreed through the review process as needed for example to provide assurance that positive change or progress can be safely maintained.
- It was highlighted that despite the development of relevant mechanisms and close management oversight the complexity and vagaries of family circumstances mean that it is not always possible to predict the need for an extension at the start of the process.



Question 7: Has the local authority and CAFCASS Cymru, or the local FJB, developed an early notification protocol for providing advance notification of all care/EPO applications, enabling CAFCASS Cymru to make advanced/preliminary arrangements for representation of the child?

Several authorities confirmed they had developed an early notification protocol with CAFCASS providing advance notification of all care/EPO applications.

- **73%** confirmed they had an early notification protocol with CAFCASS Cymru.
- **27%** had yet to develop an early notification protocol with CAFCASS Cymru, but some of these had ad hoc arrangements they were relying on.

What local authorities told us

- Some local authorities highlighted that their arrangements were still being improved and work was needed to embed the process to ensure the arrangements were used consistently.
- Several authorities that did not have a formal early notification protocol identified that this was on the LFJB agenda and or the issue was being discussed at quarterly meetings routinely held with CAFCASS Cymru.
- The notification email was described as including agreed sufficient core information regarding the family and the child to enable CAFCASS Cymru to make advanced/preliminary arrangements for representation of the child.
- Most of those who had early notification arrangements with CAFCASS described mechanisms whereby children services or legal services sent an ‘advanced notification’ e mail to CAFCASS Cymru, some using a recently developed portal, indicating a new court application was to be made.



Question 8: Has the Public Law Working Group review of the Public Law Outline influenced or had any impact on the local authority’s or FJB’s view or use of Section 76?

All local authorities (**100%**) affirmed that the Public Law Working Group review of the Public Law Outline had influenced the local authority and Family Justice Board’s view and use of Section 76.

What local authorities told us

- They identified the use of Section 76 as a proportionate preventative measure.
- Their tracking and review arrangements had been significantly strengthened to ensure that the use of Section 76 was appropriate and supported timely and effective permanency planning.
- They gave Section 76 due regard in their decision making and highlighted its relevance especially in relation to older young people, mother and baby placements, and as a means of supporting PLO pre-proceeding plans as well as therapeutic interventions.
- The Public Law Outline review on the use of Section 76 was generally welcomed and seen as:
 - reinforcing partnership working with families
 - supporting strength-based outcome focused practice
 - a positive means of ensuring children are protected while relevant work, including reunification work is undertaken.



Question 9: Has the Public Law Working Group review of the Public Law Outline influenced/had any impact on the local authority/FJB view or use of supervision orders?

Most of the local authorities (95%) confirmed the Public Law Working Group review of the Public Law Outline had influenced/impacted on the local authority/FJB view and use of supervision orders. Most reported an increase in the use of such orders.

Some local authorities indicated that the best practice guidance had limited impact, but this was only because it reflected their current practice.

A small minority of local authorities expressed more ambivalence regarding the impact of the review on the use of supervision orders and some of these identified a reduction in the use of supervision orders.

What local authorities told us

- Most authorities reported they had refreshed their policies in line with best practice guidance and reinforced that care orders should only be recommended in exceptional cases.
- Several authorities indicated that they had engaged the judiciary and CAFCASS in a dialogue around supervision orders and they were now more receptive to their use.
- Some however indicated that they continued to experience pressure from courts to conclude proceedings with a care order, including when the child was placed with parents.
- A supervision order was viewed as more effective than a care order in certain circumstances, particularly where the plan involved the child remaining at home or within their family network.
- The development of accompanying review systems was highlighted to ensure oversight of progress and to support timely applications to extend a supervision order or escalation to a care order should circumstances require it.
- All said that their arrangements gave active consideration of a supervision order as a final order and included the development of a detailed plan regarding risk management and the ongoing work to be undertaken with the family where a supervision order applied.



Question 10: Since 2021 have you introduced any new mechanisms to capture the voice and experience of the child?

100% of local authorities confirmed they had either introduced new mechanisms or strengthened existing arrangements as needed to capture the voice and experience of the child.

What local authorities told us

- Direct work and relationship building with children is valued as a core social work task.
- Capturing, understanding, and utilising the voice of the child was highlighted as an embedded practice priority.
- Professional understanding and analysis of the child's 'lived experience' is being strengthened to inform decision-making.
- Early family group conferencing is increasingly used and described as supporting a better understanding of the child within their family network.
- 'What does the child want', 'what does the child say' and 'what does that tell us about their lives' was described as underpinning social work practice models.
- The availability and use of independent advocacy, mainly issue based, is promoted throughout the child's involvement with children's services. Parental advocacy was also said to be more routinely available.
- Creative measures are increasingly utilised including digital and interactive systems to encourage children and young people to participate in their assessments and plans and to be heard. The 'Mind of My Own' app was cited by several local authorities.
- Most local authorities recognised recording has not always reflected practice and have worked to develop and or strengthen their recording arrangements including assessment, safeguarding and legal planning meetings arrangements to capture the child's voice, wishes and feelings.

Annex 4: Glossary

Glossary with explanations shared from a glossary created by CAFCASS and the Family Justice Young People's Board (FJYPB)

CAFCASS: Child and Family Court Advisory and Support Service and Child and Family Court Advisory and Support Service Cymru –

This is an organisation which works with children and young people and their families, and then advises the family court on what it considers to be in the best interests of each child.

CG: children's guardian –

Sometimes when the problems within a family are really difficult then the family court will ask for a children's guardian to help them. The children's guardian is an independent person who is there to keep the court focused on what is best for the child or young person. They will also appoint a solicitor to act for the young person in court.

FGC: family group conference –

All of the important people in a child's life get together to check that they are safe. It means that everyone knows what is happening and keeps them safe.

LFJB: Local Family Justice Board –

The Family Justice Board was set up to improve the performance of the family justice system and to promote the best possible outcomes for children who come into contact with it.

FJYPB: Family Justice Young People's Board –

A group of over 50 children and young people aged between seven and 25 years old who live across England and Wales and either had direct experience of the family justice system or have an interest in children's rights and the family courts. They work to promote the voice of children and young people that experience family breakdown including those children and young people who are involved in family court proceedings.

ICO: interim care order –

This means that the local authority makes decisions about a child rather than their own parents for the short-term before the family court makes a final order. The child will get a social worker to make the decisions day to day.

IRO: independent reviewing officer –

IROs help to make sure the best decisions are made for children looked after by the local authority. Their main focus is to make sure that the care planning process for each child or young person is meeting their needs, and to ensure that his/her current wishes and feelings are given full consideration.

SGO: special guardianship order –

This family court order allows another person to become a child's 'special guardian'. It is for children who cannot live with their birth parents and gives parental responsibility to the special guardian so that they can make decisions alone about the child's life.

s.76: Section 76, voluntary accommodation –

A section 76 is a voluntary agreement between parents and local authority children services. It allows a child (or children) to be placed with foster carers or another family member.