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Dear Director,

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

This letter summarises the findings of our activity between the 07 and 10 November 2022. The purpose of the review was to provide external scrutiny, assurance and to promote improvement regarding the quality of practice in relation to the care planning for children and young people subject to the public law outline pre-proceedings

### **Summary of findings:**

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

- 1.1. The local authority has established a secure framework for ensuring that the threshold for the Public Law outline (PLO) pre-proceedings has been reached.
- 1.2. There was good evidence that children are central to strategic thinking, decision-making, and operational practice. A culture of partnership working has been driven by senior leaders who have worked hard to operationalise the principles of the Social Services and Well-being (Wales) Act 2014, and who have invested in good-quality services delivered by a skilled and motivated workforce.
- 1.3. The comprehensive range of strategic and operational documents seen, were aligned with the principles and operational best practice expectations identified in the Public Law Outline working group report 2021. These documents were well-embedded and included a decision-making toolkit, signposting workers to current

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

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

policy, practice information and research. An accompanying flow chart reinforces the importance of professional analysis and decision-making. Staff spoken to were confident in the training they had received and their understanding of practice expectations.

- 1.4. The local authority has adopted an outcome focused framework, underpinned by the principles of partnership working and relationship-based practice. Evidence from case files and interviews, demonstrate the authority's ambition and actions taken to ensure that children who need help and protection, receive a timely service that meets their needs. All cases seen, had clear management oversight and the rationale for decisions was recorded.
- 1.5. Most of the care and support assessments seen were thorough, timely and child focused; the best identified the family's strengths and captured the issues arising from the 'what matters conversation' in the child and family's own words.
- 1.6. Social workers were confident that relationship-based practice supported them to have the robust conversations needed with families, to better understand the risks and protective factors for the child. The identification and analysis of risk in the written record was evident but variable and some assessments would benefit from the use of plainer language. Families' ownership of the assessment and the resulting plan would be better supported by a more explicit linkage regarding the impact of the identified concern on the child and what needs to change.
- 1.7. Practice expectations in respect of the assessments of sibling groups, should ensure that children's individual needs are captured and addressed on an individual basis rather than as part of a shared family assessment.
- 1.8. The resulting plans seen, were well targeted and provided and encouraged participation of families in a good range of interventions, aimed at improving outcomes and reducing risk. The investment in preventative services has been key in supporting the authority in its stated aim to 'hold risk safely whilst building on family strengths'. The bespoke nature of the plans seen was a strength. Progress made against the expectations of the plan should be more explicitly recorded in relation to the child's experience and the parents' capacity to change within the child's timeline.
- 1.9. There is rigorous management oversight of pre-proceedings under the Public Law Outline; decision-making is timely and informed by relevant assessment including pre-birth assessments. The arrangements are well organised and supported by bespoke IT systems to track cases through every stage of the PLO system. These arrangements include dates, advice and outcomes from all legal surgeries and the date for review.
- 1.10. Professional decision making has been reinforced. Legal meetings are only held after social work supervision with the team manager and a subsequent case consultation meeting with a Principal Officer has been completed. These professional meetings provide an opportunity to review and address any gaps in assessments, plans, interventions and evaluate progress to date. Staff valued this approach and felt the rigour of the arrangements enabled reflection and helped to ensure that every opportunity to divert families from court intervention was actively explored before the legal gateway meeting.
- 1.11. Trigger points to consider the need for legal advice are embedded in the authority's child protection and looked after children's arrangements (third case conference and second looked after child review). Progress to a legal meeting, is again determined following consultation with a Principal Officer.
- 1.12. Legal support is accessible, effective, and highly valued by staff. Legal services also provide specialist training on the court process including the PLO. The Head of Children's Service chairs the weekly legal surgeries and leads by example by

maintaining a resolute focus on the child's voice, safety and the action needed to achieve child focused positive outcomes. The minutes of the legal meetings seen were comprehensive and captured the often-challenging discussions. Given the complexity of the family dynamics involved an individual decision template for each child would be helpful to ensure clarity of decision-making.

- 1.13. 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. Evidence was seen 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. When identified improvements are not achieved, the authority takes timely and authoritative action. It was noted that children's pre proceeding work has been commended by the courts.
- 1.14. Those staff interviewed stated that the degree of management oversight, working relationships with families and focus on the outcomes for the child gave them confidence in their own professional decision making and a shared understanding of what good practice looks like.

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

- 2.1. The context of the PLO work was described as occurring in an environment of increasing complexity and growing demand including in the number of referrals to children's services.
- 2.2. There is a downward trend in relation to the number of children on the child protection register and those looked after by the local authority reflecting its commitment to prevention and early intervention. Children's services have well-developed quality assurance and audit arrangements that closely monitor and provide assurance against these populations.
- 2.3. Children and families benefit from good range of established early help and preventative services. The SPOC gathers information effectively, which helps to ensure that families receive timely advice and support and are appropriately signposted or directed to the right level of intervention.
- 2.4. The authority has a strong level of experience within its workforce. In relation to the PLO those staff interviewed evidenced good verbal communication skills and were clearly committed to ensuring families and children and young people were well informed about the PLO process and importantly, reinforced the opportunities available to work in partnership.
- 2.5. The pre-proceedings letters seen were based on the 2021 best practice template. A copy of a charter document is also provided to families reiterating the wish to promote an effective and mutually respectful working relationship with them. Parents were routinely provided with information about local legal advice available. By necessity, the language used in the letter remains formal but was generally easy to follow. The identification of the concerns would again be strengthened if written in plainer language. In one case example the letter seen had not been suitably adapted to reflect the parents additional learning needs. The authority is intending to further develop these letters including producing easy to read versions.
- 2.6. Parents and families are not provided with a letter when legal intervention ends which is a missed opportunity to reinforce the positive change made and to reiterate the basis of any future intervention. A PLO meeting is routinely

- convened with parents and their legal representative to support transparency of decision-making including progression or withdrawal from the PLO process.
- 2.7. Children services currently has no leaflets or written information on their PLO process. All staff interviewed provided categorical assurance that social workers personally hand deliver any pre proceeding letters and spend time with family's going through the document and providing information and support. This was not always well reflected in the written record. The PLO process is explained in detail at the first meeting when the family's solicitor is present. Whilst the lack of supportive literature is recognised as a shortfall, this is being addressed through the Performance Improvement Group. The intention is that a range of material will be developed involving those using the service.

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

- 3.1. Ongoing investment in early help and additional family services enable families to access support, often without the need for statutory intervention.
- 3.2. The cases reviewed evidenced that partners have a clear understanding of service thresholds when making referrals. The authority has embedded mechanisms such as a peer review meeting with partners to quality assure early decision making.
- 3.3. Timely safeguarding action is taken where there is a risk of harm, including well attended strategy meetings and initial case conferences. Support is quickly provided while assessments are ongoing, and the resulting care and support plans seen included realistic timescales for outcomes to be achieved. The progress of children subject to care and support, protection and looked after children plans, are reviewed at regular intervals, in accordance with guidance.
- 3.4. Child protection and looked after children plans are suitably informed by decisions made in other fora. For example, whilst IROs remain appropriately independent from the legal planning and PLO meetings they receive the minutes and are aware of legal planning decisions.
- 3.5. The range of services provided within the plans reviewed were proportionate, creative, and well-coordinated. This ensures that parents can utilise relevant help at the time they needed it but prevents them from becoming overwhelmed by global action. The work of the Resource Panel, chaired by senior managers, maintains an oversight of service requests, but also provides an important opportunity to explore alternative resources as needed. Good examples were seen of specific provision being commissioned as required, to meet assessed need e.g., independent child psychological assessment.
- 3.6. The local authority has been involved in the 'Born into Care' research in respect of working with families who may be subject to the pre-proceedings process (Nuffield Family Justice Observatory). In relation to the cases involving pre-birth assessments there was good evidence of:
- Appropriate early identification of risk and referral by health professionals. 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 was safe to do so.

- Creative use of resources and the commissioning of placements e.g., family and baby placements able to transition to community support as needed. Effective contingency planning was seen during the pre-proceedings phase which led to more timely outcomes where the birth parents could not care for their child in the longer term.
  - We heard that women who had or were at risk of, repeated pregnancies that result in children needing to be removed from their care, were being referred to services including the Pause project.
- 3.7. Social workers understand the importance of achieving timely permanency for children. Staff and managers were confident that as far as possible all opportunities for children to remain within their immediate or extended family are exhausted before other options are pursued.
  - 3.8. Written records demonstrated the routine use of genograms and early viability assessments to identify and utilize potential family networks. Inspectors saw good examples of how family group conferencing, chaired by an independent provider Tros Gynnal, was supporting stronger family-led support plans for children and more meaningful safe family time.
  - 3.9. Oversight of permanency planning in relation to children in family placements under section 76 arrangements, has been strengthened and is subject to regular additional review by a Principal Officer. This process aims to ensure that consent is meaningful and that the approach taken secures the best outcomes for the child.
  - 3.10. We saw evidence that children are brought into care through timely decision-making. The planning seen was responsive to concerns of escalating risk while still supporting the potential for positive change, any resulting delays were purposeful and not detrimental to the welfare of child. Head of Children's service chairing the Admissions Panels provides an additional layer of scrutiny and ensures a strong focus on understanding the child's journey into and diversion from care, that supports effective permanence decision-making.

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

- 4.1. There is a strong children's rights ethos and children are helped to understand their rights and entitlements. They are encouraged to access advocacy support to ensure that their voice is heard when plans are made about them.
- 4.2. The relative stability of the social work, "home grown", workforce means that social workers' relationships with children are a strength. Children benefit from established relationships with someone they know and are visited regularly and seen alone.
- 4.3. Social workers strive to establish the child's perspective and involve them, age appropriately, in any assessments and plans. Managers and social workers were confident that relationship building underpins practice, and their understanding of the child's unique experience and context informs professional decision making. Whilst it is positive that such in-depth understanding and knowledge was evident in discussion with workers, it was not always consistently well captured in the written record.
- 4.4. Direct work with children is encouraged and managers and social workers told us that efforts are made to ensure that caseloads are manageable to facilitate this. Workers use a variety of direct work tools to support them in gaining an understanding of a child's experiences. Some meaningful direct work was seen, undertaken at the child's pace, that was having a positive impact on the child. A

- parent told us how much he valued the time the social worker spent with his children helping them make sense of recent changes in the family.
- 4.5. The looked after child review is the primary forum for ensuring that relevant plans are in place to promote the overall welfare of the child and to achieve timely permanency. Care plans for children looked after are reviewed within the required timescale by experienced independent reviewing officers (IROs) many of whom have an enduring relationship with the children and know them well. IROs have contact with the children prior to the review to ensure that children are listened to. Children are proactively invited and supported to contribute to their reviews including with the support of or representation by an independent advocate. The IROs spoken to were confident that all looked after children have a timely relevant care plan and they monitor progress mid-way between reviews to help guard against potential drift.
  - 4.6. Children in the cases reviewed were in suitable placements that met their needs or were being supported to remain safely within their family network. The wishes and feelings of children, particularly older children clearly influenced decisions about where they lived. Relevant concurrent and parallel planning was seen and used well. Despite ongoing recruitment, commissioning, and placement support activity there is a recognised insufficiency of the range and choice of placements available to meet demand.
  - 4.7. Both children's services and Cafcass Cymru described effective working relationships. Recent work including a joint workshop has supported a better understanding of professional perspectives and boundaries while reinforcing the shared aims of the respective organizations to ensure and achieve timely good outcomes for Children. Cafcass Cymru told us improved communication has been supported by stability in the children services workforce and they recognised the significant efforts made to front-load planning, to safely divert families away from court.
  - 4.8. It was noted the local family justice board provides a helpful forum to progress a more collaborative but constructively challenging approach between stakeholders.

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

Yours sincerely



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