

FLINTSHIRE COUNTY COUNCIL

REPORT TO: SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY
COMMITTEE
DATE: THURSDAY, 28 FEBRUARY 2013
REPORT BY: DIRECTOR OF COMMUNITY SERVICES
SUBJECT: PUBLIC LAW OUTLINE AND ASSOCIATED
MATTERS

1.00 PURPOSE OF REPORT

1.01 The purpose of this report is to inform members about the Public Law Outline a Framework deployed by Children's Services for cases being considered for an application for a Care Order within the Family Proceedings Court.

2.00 BACKGROUND

2.01 The Public Law Outline (PLO) came into being on 1st April 2008, having been piloted in 10 counties in England and Wales including Liverpool, Swansea and Warrington.

2.02 This protocol replaced the protocol for Judicial Management of Public Law Cases. It is Judge driven, aimed at addressing judicially perceived problems such as

- Delay
- Excessive hearing time
- Costs

2.03 Traditionally of the Public Law cases before the Courts only 20-30% and "single issues" or acute matters (relating to serious injury or allegations of sexual abuse) were heard. The rest were revoked by agreement outside the Court by legal representatives.

70-80% related to chronic neglect cases.

The PLO makes changes in respect of the latter. Those cases that were not heard. The PLO can be ignored in certain cases such as Emergency Protection Orders.

2.04 The PLO evoked changes to the progress through Court. Under PLO there will usually be only three hearings during the life of the case through Court:-

- Case management conference

- Issues resolutions hearings
- Matters before the hearings

2.05 Under PLO there are no fixed timescales. Timescales will be set for the particular needs of the child, for example

- If a child needs their future settled before a change to secondary school
- If a baby may need placing for adoption

3.00 CURRENT POSITION

3.01 The protocol enables Local Authorities to identify their preventative service for each case, implement them and evaluate their effectiveness without the need for a legal strengthening of position to evoke change.

3.02 For example, Families who have children on the Child Protection Register and where the Child Protection Plan is ineffective can be spoken to with their legal representatives present. Local Authority solicitors would attend these meetings.

These meetings are PLO meetings, the purpose of which is to give families an opportunity to make changes in their treatment of their children to prevent further legal interventions being necessary.

Families are written to and our expectations of change clearly set out so that families can seek legal advice.

Local Authority support is explored to help the family address the actions for change set out in the letter.

The meeting then concludes with the clear message that if the family do not make the required changes for their children the Authority will issue legal proceedings.

3.04 Under PLO Guardians who are court appointed officers that report on the child's best interests, (they are qualified social workers), are expected to provide an analysis at each of the three stages of the proceedings.

3.05 Since 1st April 2008 Flintshire Children's Services have held 40 PLO Meetings and a steady increase in care proceedings from 12 per year in 2008 to 37 per year in December 2010.

Over the past two years we have increased our applications for family proceedings by over 100%. This is due to the number of babies and small children placed at significant risk by their parents, either because parents are young people themselves (with troubled and in

some cases tragic backgrounds), or parents have learning difficulties.

Children's Services offer a broad range of preventative and support services which can be deployed in such cases.

- 3.06** Children's Services hold weekly Legal Advice Meetings to discuss these cases that are chaired by a Senior Manager. Social workers and their managers prepare a briefing paper on cases for legal advice to be given. The Legal Advice Meetings can either decide a PLO meeting is required, no further legal action at present or that we need an immediate legal strengthening of our position and family proceedings should commence.

Once family proceedings commence and if the child is removed from the care of their parents the issue of contact between children and their parents/carers has to be considered. These often court ordered arrangements have a significant impact on resources within Children's Services.

4.00 RECOMMENDATIONS

- 4.01** Members note the information in this report and identify any further information or reporting requirements.

5.00 FINANCIAL IMPLICATIONS

- 5.01** Every application for proceedings costs £2,225, during 2012 the costs were £82,325, £700 for the resolutions hearing £1,900 for the final hearing in each case.

In Flintshire we have dealt with some highly complex and challenging issues for which we have received high praise in the Courts. For these cases we have needed the assistance of Queen's Counsel and Senior Counsel. In these cases the cost of Counsel support is very high. For example in the following cases the costs were:

P Case £47,305
CP Case £1,125
H/E Case £41,925

Currently we have a number of cases whereby we have to provide a Mother and Baby Placement. This is due to case law that requires us to avoid separating mothers from their babies.

Given that we are dealing with a large group of babies and very young children that either are placed with their mothers in a Mother and Baby Unit (4 at this point in time) with the potential of 3 this year so far, and need high levels of supervised contact between them, the cost of providing this service in 2012 was £105,365

6.00 ANTI POVERTY IMPACT

6.01 None arising directly from this report

7.00 ENVIRONMENTAL IMPACT

7.01 None arising directly from this report

8.00 EQUALITIES IMPACT

8.01 None directly

9.00 PERSONNEL IMPLICATIONS

9.01 None directly arising from this report, although members should note the resource hungry nature of these interventions

10.00 CONSULTATION REQUIRED

10.01 None directly arising from this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None arising directly from this report

12.00 APPENDICES

12.01 (i) FAQ paper relating to the PLO

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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