

## Pre-proceedings: helping children, saving court resources

Use of the pre-proceedings process in England has not kept pace with the increase in care proceedings for children. Unless use of the process is encouraged the courts will face increasing amounts of care proceeding cases.

As part of the 2008 Public Law Outline (PLO) reforms to care proceedings regulation, the 'pre-proceedings process' was introduced with two aims: to ensure assessments were undertaken before proceedings in court, and to divert cases of abuse and neglect of children from the courts – saving court resources and completing care proceedings more quickly.

When a local authority has decided that a child's circumstances justify court proceedings, it is required to send the parents a 'letter before proceedings' explaining the concerns, inviting them to a meeting, and providing the option of legal aid so they can attend with a lawyer.

Research led by Judith Masson at the University of Bristol explored the use of the pre-proceedings process in six local authorities in England and Wales, and how effective it was in diverting cases from court and reducing delay for children. The research showed that the pre-proceedings process succeeded in diverting cases from court. However, for cases that did go on to legal proceedings the courts appeared to take no account of the pre-proceedings stage.

The introduction of a new PLO in 2013-14, backed by the Children and Families Act 2014, has had some success in reducing the length of cases. The pre-proceedings process remains an important means of securing fairness for parents and families and ensuring cases are well prepared for the courts.

### Key findings

- Use of the pre-proceedings process varied between local authorities.
- The process was supported by social workers and their managers, who saw it as a more ethical and respectful way to work with families at risk of care proceedings.
- Parents felt supported by having their lawyer at the pre-proceedings meeting – helping to engage with children's services and improve care.
- The pre-proceedings process succeeded in diverting cases from court. About a quarter of cases did not enter care proceedings, either because parents' care improved or alternative arrangements were agreed.
- However, the pre-proceedings process did not shorten care proceedings. The courts generally disregarded pre-proceedings and ordered further assessments.
- More parents are obtaining legal advice for pre-proceedings, following a marked decline in 2012.

## Policy relevance and implications

- There is a need to raise awareness of pre-proceedings work, including assessment, for all professionals involved in care proceedings.
- There should be explicit reference to the pre-proceedings process in the 'Working together' guidance for child protection.
- The Department for Education (DfE), the Ministry of Justice (MoJ) and the professions should foster more dialogue between local authorities, private lawyers, courts, parents and children's rights organisations about the use of 'Section 20 accommodation' – agreements with parents to look after children.
- The DfE and MoJ should assist in disseminating good practice models for early help, promoting parental engagement and working with extended families and other contacts – in conjunction with local authorities and other childcare organisations.



### BRIEF DESCRIPTION OF THE PROJECT

The report *Partnership by Law?*, based on an ESRC-funded study, examined the use of the pre-proceedings process introduced as part of the Public Law Outline 2008 regulations, the impact on families and professionals, and on the outcome of the cases where it was used.

*Partnership by Law? The pre-proceedings process for families on the edge of care proceedings*

Web: [www.bristol.ac.uk/media-library/sites/law/migrated/documents/partnershipbylaw.pdf](http://www.bristol.ac.uk/media-library/sites/law/migrated/documents/partnershipbylaw.pdf)

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Families on the edge of care proceedings: the operation and impact of pre-proceedings processes in children's social care (ESRC grant RES-062-23-2226)

Web: [gtr.rcuk.ac.uk/project/3EA84203-F239-470F-A70C-C4B9413181F2](http://gtr.rcuk.ac.uk/project/3EA84203-F239-470F-A70C-C4B9413181F2)

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