

Care Proceedings Programme Newsletter

Issue 10

18 December 2007

Counting down to April 2008

The countdown to going live in April 2008 has started ...

The statutory guidance for local authorities will be published:

- ◆ In England – January 2008
- ◆ In Wales – January 2008

The Public Law Outline will be published early in 2008.

April 2008 will see implementation of statutory guidance and PLO in both England and Wales

Care Proceedings Programme Website

A dedicated website has now been launched. You will be able to find links to all key documentation.

Latest news will also be put there, so it will be worth checking back regularly.

www.justice.gov.uk/guidance/careproceedings.htm

NEW

- ◆ Planning for implementation
- ◆ Training is coming to a place near you
- ◆ News from the 10 Initiative Areas

Inside

NEW!

This Newsletter, and all future editions, is now available in an MS: Word text only version. If you would like to receive the text only version, please contact careproceedings@hmcourts-service.gsi.gov.uk

Training ...

Inter-Agency

There will be 25 inter-agency one-day training seminars, one in each of the HMCS administrative areas in England and Wales, delivered on our behalf by Children Law UK.

These events will each train 100 people – so we have the capacity to train up to 2,500 people. The training will be for everyone working in the system. But those who attend will need to cascade the information to their colleagues.

The training be free for nominated representatives from groups including local authorities and Cafcass in England & Wales, and HMCS. A number of fee-paying places will also be available at each seminar for the legal profession, and these will attract CPD points from the Bar Council, Law Society and ILEX.

Dates and venues for the training have now been announced – book early to secure your place by contacting:

plo@tactcare.org.uk or visit: www.tactcare.org.uk/pages/en/pub_law_train.html

Judiciary, Magistracy and Legal Advisers

Judicial Studies Board has already commenced training of key members of the Judiciary and Magistracy as well as Legal Advisers. Those trained by JSB will then cascade the information down to colleagues on a local basis.

The President of the Family Division has written to all DFJs asking them to use local Family Business Committees to support cascading information.

- ◆ **Start preparing your organisation now for April 2008**
- ◆ **Make contact with other agencies in your area and start planning how to work with each other on the new procedures**
- ◆ **Cascade information to your colleagues – make sure they are as well informed as you are**
- ◆ **Check back to the Care Proceedings Programme website regularly**

What should I be doing?

Pre-Proceedings

A key part of our Programme is to ensure that non-means tested pre-proceedings advice is available to parents.

We are providing all local authorities in England and Wales with a template pre-proceedings letter, written in simple language, to be sent to parents or those with parental responsibility. It will be important to use this letter, or a similar letter relevant to specific circumstances, for pre-proceedings advice, as it includes “trigger” phrases that will ensure that LSC accept a claim from the solicitor the parents approach.

This letter will make clear to parents that proceedings will be initiated unless steps are taken to address the local authority’s concerns. It will also explain that parents can obtain free legal advice, and include a list of local family panel solicitors.

Statutory Guidance

The text of the statutory guidance for local authorities in England is now being finalised by DCSF, and they expect to publish it early in the New Year ... So check on the Care Proceedings website for the latest information.

The final version will reflect the responses to the consultation, and, for those of you that attended the Care Proceedings conference in July, you will be pleased to know that your feedback will also have been considered. The guidance will include a short introduction, summarising the key points, in simple language, that you will be able to extract and use as a reminder for you and your colleagues.

Guidance for Wales is currently being finalised, and we also expect it to be published in January 2008.

Implementation Planning

The inter-agency Implementation Steering Group (ISG) is co-ordinating national implementation in England and Wales. The ISG has been working to agree the training package mentioned above. They are also considering what work will need to be done during 2008/09 to "bed-in" the guidance and PLO to ensure full compliance.

It is vital that all agencies and local authorities start planning now for April 2008 to enable smooth implementation. Whilst much of the statutory guidance captures existing best practice, local authorities will need to review their processes to ensure this is being followed. The PLO represents a substantial departure from the existing Public Law Protocol.

A detailed Q&A can now be found on the Care Proceedings website. This will be regularly updated as new questions are asked that are of general interest.

- ◆ More than 60% of children are under 6 years at the time of application
- ◆ Care cases take on average 12 months to progress through the system
- ◆ 23% of all adult prisoners have been in care as children

Did you
know?

Public Law Outline

The Judicial Review Team are finalising the text of the PLO. They are drawing on the experience and feedback from the Initiative Areas, and the responses received to the targeted consultation that took place earlier this year.

They are also working closely with the teams from the Department for Children Schools and Families, and the Welsh Assembly Government that are finalising the Statutory Guidance. This is to ensure that the two documents precisely and seamlessly dovetail together, and support each other.

The final version, and the accompanying Practice Direction, will be available for download from our website in the New Year. The current version, which is being used in the initiative areas, is also available from our website to assist your preparations.

What's happening in the Initiative Areas?

All 10 initiative areas are fully up and running now. With care proceedings taking an average of 51 weeks in the county courts, it will be Summer 2008 before we are able to undertake any meaningful evaluation of the success of these early initiatives in the areas that started first – other areas that only recently commenced will be unable to support any evaluation until late 2008.

Already a number of issues have been identified within the initiative areas, and learning from this, we are addressing these in the guidance and Practice Direction. There have been some difficulties in phrasing the pre-proceedings letter in such a way as to trigger Level 2 funding from LSC – as mentioned elsewhere, we are producing template letters which will include the key phrases the LSC are looking for. We are also clarifying the application checklist mentioned in both guidance and PLO, and there is to be a clearer explanation as to the court's expectations of Interim Care Plans.

One advantage already identified – listing the Final Hearing much later in proceedings (when all issues have been identified) is already having a beneficial effect in areas such as Liverpool, with waiting times for Final Hearings reduced to 8 weeks. Other feedback suggests that with more detailed case management and issue analysis being undertaken, there may well be a consequent reduction in the number of experts instructed, with a resultant reduction in delay.

Most of the initiative areas have found that establishment of some form of inter-agency project team to support the work has a positive effect both with implementation and, more generally, inter-agency working – this is in line with the President's recommendation to DFJs that local committees be set up.

From 1 October 2007, parties to care and placement proceedings can disclose court reports (including CAFCASS reports and judgments) to adoption panels without leave of the court. This applies to proceedings in all tiers of court.

Amendments have also been made to the application form for a Placement Order (Form A50) – more details on the HMCS website.

In the
News

You can help us ...

Contact the Programme

Care Proceedings Programme Office

4.22 Selborne House
Ministry of Justice
54-60 Victoria Street
London SW1E 6QW

DX 11700 Selborne House

Email: careproceedings@hmcourts-service.gsi.gov.uk

Tele: 020 7210 0603

Are you organising an event locally or regionally to promote the reforms?

Do you know of any events or conferences coming up between now and April where the reforms are likely to be on the agenda?

Are there any publications, including trade or professional papers, that we should be submitting articles to?

If so – we would like to hear from you! ...

The Programme Office is keen to support events and publicity at all levels to support the reforms.

For small events, we can provide literature, including specially tailored editions of this Newsletter. For larger events, we may be able to provide a stand and staff to field questions, or possibly a speaker to address your meeting.