Newborn babies & care proceedings

A bulletin for professionals involved in safeguarding babies or at risk of being born

Pre-proceedings

In this issue of *Newborn babies and care proceedings*, we are covering pre-proceedings. This is the period before care proceedings potentially begin, following the local authority sending a 'letter before proceedings' to parents. During this time, a plan is drawn up, agreed with parents and their legal representatives, to help parents either prevent family court action to remove their baby once it is born, or to prepare for that eventuality. The statutory pre-proceedings process was designed to ensure that all the necessary evidence is collected if care proceedings are issued, so that once issued, proceedings can be carried out in accordance with the Public Law Outline (PLO), recently relaunched by the President of the Family Division.

Following Born into Care research on state intervention at birth with eight local authorities and seven corresponding NHS trusts in England and Wales, guidelines have been produced that aim to help improve practice and make processes and procedures more consistent across the state takes safeguarding measures at birth. The draft guidelines have been feasibility tested with the participating local authority and health sites and are due to be superseded with an updated version in March 2023. The best practice advice in the guidelines related to pre-proceedings is that:

Processes are initiated in a timely manner to facilitate careful and planned decision-making.

- Careful consideration is given to escalation from child protection to the PLO process before the baby is born to ensure parents are given sufficient time in pre-proceedings to seek and receive legal advice. This may be particularly important for parents with learning difficulties who may need longer to process complex information.

Below are some good practice examples of support services offered to parents during pre-proceedings by pre-birth teams across the country. They highlight the importance of early referral and intervention.

The next issue of *Newborn babies and care proceedings*, will cover the final Born into Care best practice guidelines in more detail.

SUBSCRIBE to future issues

Baby Team, Brighton & Hove City Council

The Baby Team is part of Brighton & Hove City Council's Children, Families and Learning Directorate and the social work service. The small team of social work staff and parenting workers provide an assessment and intervention service to support families whose unborn and newborn babies have an allocated social worker, and are thus the focus of safeguarding concerns. In the pre-birth period, they accept referrals as early as possible, regardless of the status of other child protection procedures. This group work does not necessarily take place within formal pre-proceedings, but is an example of activity designed to help parents make the most of that period.

***Cas Short**, Early Parenting Assessment Programme Team Manager, explains more about the support provided:*

"We offer group sessions one night weeks to families, ideally including both parents. The group is a closed group. With the initial threshold for assessment already met by the identification of 'risk factors' for the baby, we know that families face the prospect of having to make changes in pregnancy, but for many the capacity to make those changes is compromised by fear, anxiety, and mistrust, which can lead to parents being reluctant to engage with services, or wanting to minimise the potential of risk to their unborn child. Our group is aimed for families who are likely to require additional support to encourage and enhance their capacity to be helped.

"We screen the pre-birth assessments underway in children's social care, and identify a group of up to 10 families that are due to have their babies between two and three months ahead. This gives them enough time to engage in the group, and for this work to inform the care planning process and to be complete by 32-34 weeks gestation. We can then work alongside families who need additional assessment and support during the pregnancy to prepare for court and/or the possibility of their child going to a foster carer placement. Our service also leads a pre-birth drop-in group for social workers to attend.

"Over time we realised that what families in this situation need is the ability to develop mindful thinking, and this led us to move away from teaching parenting skills towards a different approach. Our group is a self-esteem focused strengths-based group looking at developing reflective capacity in pregnancy and building pre-birth resilience to the baby through an experience of being together in exploring thoughts, feelings and fears.

"Our group is a semi-structured reflective space that provides containment, empathy and feeling valued. The two-hour group is run in two blocks with a break for tea and snacks. Each session over the eight weeks has a theme and an exercise to promote discussion and reflection. Examples include themes of self-talk; understanding our emotional responses; building self-compassion; the impact of trauma; the social work process and the importance of feeling connected. Each of our families brings a richness to the group through sharing their stories, thoughts, and feelings throughout the sessions. We usually maintain a relationship with the families who have attended, providing a variety of work, from home visiting through to assessment and court reporting. We run three groups per year."

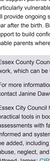
Together for Children Sunderland

Together for Children Sunderland runs children's services in Sunderland. The pre-birth team adopted a new approach, with referrals accepted much earlier in pregnancy than previously – strengthening its relationships with parents and helping to give parents time to make changes. The team also take cases to their legal gateway panel earlier – some as soon as 12 weeks in pregnancy. They have PLO meetings with parents before the intervention plan and assessment work has started – and complete assessments by week 28.

Natalie Elford, Team Manager of the Pre-Birth Team, explains the approach in this film. Click to watch.

Neath Port Talbot Council

In Neath Port Talbot, an unborn working group was set up in 2020 to help decrease the number of newborn babies going into care proceedings. In this film, **Stacey Coe**, Principal Safeguarding Lawyer for the Adult and Children Services at Neath Port Talbot Council, explains that implementing pre-proceedings as soon as referrals are received gives families the best opportunity to make changes, and that starting the PLO process early can ensure parents have the benefit of legal advice, that support services and assessments are ongoing, and that parents have fair participation.



View the video. Click to watch.

Pre-proceedings in Essex in pre-birth cases

***Janine Dawson** is a Service Manager in Essex County Council's North Family Support and Protection, Family Centres and Multi-Disciplinary Team. Here she explains the approach to pre-birth practice:*

"We have changed our systems so that we can work with parents at the earliest opportunity. We aim to start assessments at eight weeks into the pregnancy, and at 17 weeks we will discuss whether the unborn baby needs to be considered for child protection and/or legal planning, and we aim to start that process by 20 weeks.

"We know that once the letter before proceedings has gone out to parents and the formal pre-proceedings period has started, it can take around four weeks for parents to instruct a solicitor, and for the first meeting to be arranged. Once the first meeting has taken place and the pre-proceedings plan has been agreed with the parents and their legal representatives, then work under the plan begins. The pre-proceedings plan is added to the child protection plan and discussed in core group meetings. There is a review again after eight weeks with the Service Manager/Head of Service to look at progress of the plan to prevent drift or delay.

"As soon as the referral is received, parents will be offered a range of supports including from our family support workers and our Family Centres, where the offer includes completing a parenting assessment, specialist assessments where parents have learning difficulties or disabilities, plus interventions such as mentalisation, trauma-based work, and support in the family home. We have a good Family Group Conference service in Essex, and we will start that process as early as possible to work alongside the pre-proceedings plan and discussed in core group meetings.

"We have recently started a new two-year pilot programme – Big Steps. Little Steps – to support parents where previous children have been removed, or where they are particularly vulnerable, isolated and have limited support networks. This small team will provide ongoing support to parents in the pre-birth period and up to just over one year after the birth. Big Steps, Little Steps isn't an assessment service – it provides support to build confidence in parenting, resilience, and networks of support to enable parents where there is a risk of removal at birth."

Essex County Council has developed a video to support practice in pre-birth work, which can be watched here.

For more information on the Essex approach to pre-birth pre proceedings, please contact Janine Dawson: Janine.Dawson@essex.gov.uk.

Essex City Council has also produced a series of **'thinking tools'** – a suite of practical tools in book form – to support social workers in writing high-quality assessments with families. The tools encourage a relationship-based, trauma-informed and systemic approach. There are currently six tools. Further tools will be added, including one on race, culture identity and religion and others on sexual abuse, neglect, and mental health. For more information, please contact Dawn Attreed-James: CIPSL@essex.gov.uk.

Family Rights Group's 'Reimaging pre-proceedings' project

In September 2021, Family Rights Group was successful in securing a major three-year grant from The Legal Education Foundation. With this funding, Family Rights Group will be developing approaches to pre-proceedings work that will embed the messages from research about the importance of working in partnership with families. All elements of the work undertaken will be co-produced with families, in design and delivery, and will involve working closely with a range of practitioners.

The work undertaken will include:

- A national legal and practice programme for the judiciary, co-produced with families
- Producing accessible, tailored advice resources for families, including easy read versions of the Public Law Working Group best practice guidance

The project will also involve a 15-month pilot in two family justice areas in England through which in-depth work will be carried out, aiming to:

- Engender a re-emphasis on early and effective partnership working with families and for this to be demonstrable in the system
- Promote greater insight into the experiences of families interacting with the child welfare and family justice systems

Family Rights Group hopes to announce the pilot areas in early Spring 2023.

Research in Practice resources for practitioners, managers and leaders

Research in Practice has developed an open access Family justice and pre-proceedings hub, which contains a range of resources to support practice in this area, including:The work undertaken will include:

- Briefings with messages from research and policy, including on pre-proceedings
- A set of practice tools
- Multi-media resources from parents and children with lived experience of court proceedings

Ensuring effective practice and just outcomes for families and children will also involve being attuned to the diverse needs of families. The briefing Ensuring equality, diversity and inclusion in the Family Court highlights important areas for consideration.

Developing pre-birth practice: Change Project 2023

The latest Research in Practice Change Project (which commenced in January 2022) explores pre-birth practice in children and family services. It will draw on:

- Findings from the Nuffield Family Justice Observatory funded Born into Care project and other relevant research
- The lived experience of parents
- The practice expertise of partner organisations attending the Change Project

Led by **Claire Mason**, Research Fellow, Centre for Child and Family Justice Research at Lancaster University, the overarching aim is to support participants to develop evidence-informed pre-birth practice in their local multi-agency safeguarding systems. At the end of the Change Project, learning will be shared, and additional resources to further support practice in this area will be developed.

***Newborn babies and care proceedings** aims to support professionals who have the difficult and complex task of assessing whether a newborn baby will be at risk of significant harm if they remain in the care of their parent(s). Each edition will provide links to a range of resources to help professionals better face this challenging area of work and improve practice and support for families.*

Copyright © 2023 Nuffield Family Justice Observatory. All rights reserved.

You may unsubscribe at any time by clicking here or by emailing privacy@nuffieldfoundation.org. For more details of our principles when dealing with personal data, see our Privacy Policy.