

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
CORPORATE PARENTING BOARD
MUNICIPAL YEAR 2014 - 15

CORPORATE PARENTING BOARD

17th NOVEMBER 2014

**REPORT OF THE DIRECTOR OF
LEGAL AND DEMOCRATIC SERVICES**

Agenda Item No.4

**PUBLIC LAW OUTLINE 2014 (PLO)
REPORT**

REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

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1. PURPOSE OF REPORT

To inform the Corporate Parenting Board of the changes introduced by the Public Law Outline in relation to Care Proceedings.

2. RECOMMENDATION

That the Corporate Parenting Board notes the contents of the report and the impact upon Children Services and Legal Services.

3. BACKGROUND

3.1 As members may already be aware, the Public Law Outline (PLO) sets out the procedure for completing public law family cases i.e. care proceedings within 26 weeks. The new and revised PLO 2014 was introduced on the 22nd April 2014 by means of the Children and Families Act 2014 making changes to the Family Procedure Rules 2010. Prior to the PLO becoming statutory on the 22nd April 2014, an interim PLO pilot had been in existence since the 1st July 2013 in some areas and from the 2nd September 2013 in South East Wales. Only very minor amendments were incorporated prior to the PLO becoming statutory based.

3.2 The interim PLO pilot stemmed from the release by Munby P, President of the Family Division of the High Court, in April 2013 of his View from the President's Chamber (1) The Process of Reform. In that "View", he described the proposed reforms as "the most radical reforms in a lifetime" and "little short of revolutionary" and the PLO was considered integral to his proposed monumental reformation of the family justice system. The changes to be introduced under the PLO were motivated by a desire to speed up and streamline public law care proceedings, both to save money and to reduce the amount of time children involved in such proceedings have to wait before having some certainty in their lives. Munby P's view was that "we can and must reduce the excessive length of far too many cases" hence the introduction of the 26 week time limit even though at that time, the length of care cases was averaging in excess of 50 weeks despite the working target at the time being 40 weeks. His message regarding the 26 week time limit was clear and uncompromising: "this deadline can be met, it must be met, it will be met". That message was echoed loudly and clearly by our local Judiciary!

3.3 The PLO introduced a number of changes which were designed to ensure that all care cases are concluded within 26 weeks from the date of issue. The changes included a far greater amount of preproceedings work (particularly assessments) needing to be undertaken by Local Authorities, the filing of shorter but far more focused and analytical documents by social workers and children's guardians, a strong emphasis on all parties meeting tight time schedules for the filing of evidence, a far greater emphasis on more focused "necessary" evidence resulting in more restrictive use of experts during proceedings and also a reduction in the number of hearings. At the very 1st hearing (Case Management Hearing) the court will now define the key issues in the case, identify the evidence that will be required to resolve those key issues, set a timetable for the child and make case management directions to ensure the case is concluded within 26 weeks. The PLO does allow the court to grant an extension to the 26 week time limit but stresses that such extensions are not to be granted routinely and will require specific justification.

3.4 Members should be aware that the introduction of the interim PLO and more recently the new and revised PLO has certainly placed huge pressures upon all Local Authorities in relation to their being able to comply with the tight new schedules. Quite rightly, social workers are once again considered experts in their field but gone are the days when social workers and children's guardians could routinely rely upon the views of psychologists, independent social workers etc before

forming their own views. As “experts”, social workers now have to have confidence in their own abilities and rely upon their own expertise. They are also now faced with the added pressures of having to find additional time to undertake the expected in depth assessments. The 26 week time limit has also placed increased pressures upon the fostering team and the adoption team as all necessary assessments of extended family members and friends who wish to be considered as alternative carers, and any necessary “should be adopted” decisions also all have to be dovetailed to fit in with the 26 week timetable. The legal department has also been impacted as the extremely tight timetables often do not allow room for any slippage whatsoever which causes serious problems if documents are received late. The new PLO has also not found favour with many parents and their lawyers as it limits their ability to acquire additional evidence to challenge the local authority’s evidence. 26 weeks is also a very short period of time for parents to make the necessary lifestyle changes that are often considered essential if they are to have their child/children rehabilitated to their care especially if the parent(s) has/have been suffering from drug and/or alcohol problems for many years. The constant focus on concluding proceedings as quickly as possible has placed additional pressures upon all concerned in care proceedings.

- 3.5 On a more positive note, despite all the challenges faced by the introduction of the PLO, figures announced by the court service at the Local Family Justice Board and the Court Business Users Committee in September confirm that this Authority and indeed all other SE Wales are now on average concluding care cases within the 26 week timeframe – in less than eighteen months, the average length of a care case has now been halved.

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