

FDAC PROCESS – EARLY FDAC REFERRALS FOR ASSESSMENT AND INTERVENTION UNDER PUBLIC LAW OUTLINE

PROCESS THROUGH WHICH CASES ARE IDENTIFIED, REFERRED AND INTERVENTION IS AGREED UPON

BEFORE PLO

1. Cases are to be identified very early when there are significant concerns due to domestic abuse, mental health, alcohol and/or drug misuse, and any other solvable problem, and it is highly likely that the case will progress to a Legal Planning meeting at some point.
2. Cases can be referred as early as 10 weeks into pregnancy, and as late as 26 weeks by any professional. For cases where the mother is past 26 weeks pregnant, and entering their third trimester then discussion will need to take place between the FDAC service manager and the referrer to consider whether an exception is possible.
3. If the case is referred to Early FDAC before a referral to CSC has been made, by a midwife or other professional, we will expect and check that the family has been referred to social services at the same time as Early FDAC. There will furthermore be an informal discussion between a senior member of the Early FDAC team and a senior manager within the local authority to check that there are no compelling grounds for Early FDAC refusing the case (such as chronic psychosis, severe learning disability, or a history of perpetrating sexual abuse).

On the basis that the parent has been referred for the Early FDAC assessment and intervention a member of the Early FDAC team will undertake to meet with the parent to discuss the process and the research process. The parent can decide where this meeting takes place, and whether they want the referrer present. This meeting is for the Early FDAC team to explain what is being offered and answer questions and not to carry out an assessment.

Following this initial meeting a parent will be advised to seek legal advice about entering the process and being involved in a pilot project. If they do not have a lawyer who will agree to advise them at this stage, then Early FDAC will offer them a list of solicitors who have agreed to offer pro bono advice at this stage.

A member of the Early FDAC service will be available to meet with the solicitor and parent if this is requested.

4. For cases already open to the Local Authority but not in PLO process yet then the LA should follow the normal Local Authority processes:
 - Strategy meeting

- Core assessment
 - pre birth Conference
 - Legal planning meeting, letter before action.
 - PLO Meeting/Pre-Proceedings Meeting
5. If a case has not been referred to Early FDAC but meets the criteria then the option should be raised with the Head of Service, at the pre birth child protection conference and/or legal planning meeting. If it is decided to follow the Early FDAC route, the FDAC Team Leader should be contacted to discuss referral pathway and availability to take the case. The allocated SW should have their Head of Service agreement before any referral is made.
 6. Once agreement has been reached between the parent and the Early FDAC service that the parent is opting in to the process, the Early FDAC assessment and Intervention Planning Meeting (IPM) will then be set up.

The primary aim is to complete a comprehensive assessment and then to link the parent to the appropriate resources to assist with addressing their difficulties. This will contribute to the prognosis/care plan. Following the IPM the early FDAC team will produce an assessment and Intervention Plan to form the basis of the early FDAC work prior to any Public Law Outline process or until PLO or proceedings are initiated, if deemed necessary.

Early FDAC require the Local Authority to attend the Intervention Planning Meetings (IPM). These dates will be confirmed with the Early FDAC team to avoid any necessary delays.

ENTERING PLO

7. If the case is to enter PLO a letter before proceedings should then be sent to the client and in this letter the LA will ensure that continuing Early FDAC will be mentioned as the Local Authority's preferred option for assessment and intervention.

On the basis that the parent has a solicitor to represent them, a pre-proceedings meeting would then take place where Early FDAC, and the possibility of entering FDAC at the point of birth, is discussed and agreement sought to proceed with the Early FDAC assessment and intervention. Parents have the opportunity to opt out at this stage.

8. At this stage a member of the Early FDAC team can attend the pre-proceedings meeting, or a further PLO meeting at the request of the parent's solicitors to discuss the process.
9. The letter before proceedings will state, and it should be clarified at the pre-proceedings meeting that the client's engagement with Early FDAC pre-proceedings is

likely to have a bearing on the care plan the Local Authority will adopt if proceedings are initiated into FDAC

FDAC would offer our standard assessment package unless there was a special reason to vary this and an agreed set of papers relating to the case should all be sent to Early FDAC.

10. The child protection process will continue in parallel and Early FDAC will not have a direct involvement in this process, although the team will provide updates to any review conference.
11. Review IPMs (with Early FDAC) to review the intervention plan and progress will be held every 8 weeks following the first IPM. The level of engagement/progress is likely to influence whether the Local Authority continue to work with the family outside of the PLO, under the PLO or whether an order should be sought and the case be brought into Court when the child is born.

PREMISE UNDER WHICH THE PRE-PROCEEDINGS EARLY FDAC INTERVENTION SHOULD BE OFFERED

12. The Early FDAC approach is to offer an assessment and intervention pre-proceedings in accordance with the current FDAC assessment/intervention plan just as is offered under the current arrangements during proceedings.
13. The client would be presented with an option to opt in or out of Early FDAC at their first meeting with Early FDAC or at a pre-proceedings meeting. There is no compulsion to engage at this stage.
14. Any referral to the Early FDAC pre-proceedings must be agreed by the client through a legal representative. Only legally represented clients (under pro bono arrangements or via public funding for PLO) will continue to be accepted into the Early FDAC process.
15. If the case enters PLO, the pre-proceedings Early FDAC assessment and intervention will represent an assessment under the Public Law Outline process, in accordance with the requirements of the Experts Practice Direction 2008, which states that:
16. "When experts' reports are commissioned before the commencement of proceedings, it should be made clear to the expert that he or she may in due course be reporting to the court and should therefore consider himself or herself bound by this guidance. A prospective party to family proceedings relating to children (for example, a local authority) should always write a letter of instruction when asking a potential witness for a report or an opinion, whether that request is within proceedings or pre-proceedings (for example, when commissioning specialist assessment materials, reports from a treating expert or other evidential materials); and the letter of instruction should conform to the principles set out in this guidance."

17. FDAC will be treated as an independent expert in the case prior to any initiation of public law proceedings. They will not be involved in any of the Local Authority's parallel processes (i.e. Child Protection) prior to the initiation of proceedings but will provide reports and minutes to all parties.
18. If the case does proceed into the FDAC court, this will essentially take out the initial assessment stage of the FDAC process. A Review Intervention Planning Meeting would be convened in the place of the Initial Intervention Planning meeting.
19. Early FDAC cases are to be heard in FDAC court in the first instance. It may be at the first hearing the court endorses a move to alternate child care proceedings.
20. If a parent attends Early FDAC pre-proceedings assessment and treatment programme they will be able to retain the right to revert to normal proceedings if an application to the Court is initiated. However, if the case exits FDAC at any initial or subsequent hearings, the Early FDAC team will be available to give evidence as a "pre proceedings expert" when the case reverts to usual proceedings.

AFTER COURT

If a parent remains in FDAC through the care proceedings, the Early FDAC team will continue to offer assessment and intervention through the proceedings and beyond whatever the outcome. The Early FDAC process is for up to 2 years.

NO COURT

If a LA does not initiate proceedings when the child is born the Early FDAC team will continue to offer assessment and intervention for up to 2 years.