

Gate 1 Business Case

Date: 20th April 2010

Project Title: Public Law

Directorate: CEF

Project Manager:

Rhonda Miedziolka

Business Owner:

Barbara Foster

Budget Holder:

Barbara Foster

Resource Requirements

Revenue funding in **existing** budget £160,000

Revenue funding required – **new** £300,000

Phasing of expenditure 2010/11 £

Full Year £300,000

Other resources required
(please specify)

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Baseline/Context

In 2008, the Government introduced the Public Law Outline, designed to improve the process by which the needs of children, young people and their families were considered in Care Proceedings under Section 31 of the Children Act 1989. The PLO requires local authorities to attempt to resolve issues pertaining to the safety and care of children and young people before proceedings commence. The expectation (so far unrealised) is that very expensive court time will be minimised and proceedings will become more efficient. The PLO requires greater input from local authority legal services at an earlier stage in proceedings.

Although there was initially a reduction in the number of care proceedings initiated in Thurrock (and elsewhere) because of the requirements of the PLO (completing tasks prior to proceedings rather than during the course of the proceedings). However, the number of proceedings has now increased due to the following factors:

- Heightened awareness of risk due to publicity on safeguarding leading to increased number of referrals and children looked after;
- Reassessment of existing cases by new management team has identified some cases where legal intervention was required;
- The initial "time lag" in proceedings that was consequent on the introduction of the PLO no longer applies.

Growth Justification and Evidence (including benefits of growth and implications of not going ahead)

The combination of factors outlined above resulted in increased expenditure during the course of 2009/10 with more care proceedings requiring greater legal input and the increased use of expert opinion, which is not optional to support the plans put to the courts – the total overspend for the year was just over £400k.

The number of proceedings initiated cannot be predicted; the time taken to prepare for proceedings should reduce as managers and lawyers become more accustomed to the use of the PLO; strategies to reduce the use of counsel and experts will have an impact over the course of 2010/11. However, there will continue to be a much greater use of legal advisors at an earlier stage in proceedings in the future and additional resources will be required to fund this.

The growth will enable the council to fulfil its statutory obligations. If additional funding is not provided and either poor or no legal advice is available to social work staff and their managers, there would be a delay in proceedings and a risk that proceedings were not initiated or undertaken thoroughly and therefore an increased risk of harm to children and young people.

Risks

There is a need for social work staff and their managers to receive good quality, timely legal advice prior to, when initiating and during the course of legal proceedings. At a time of heightened scrutiny and increased demand, the need to ensure that this advice is provided is paramount. It is therefore essential that additional resources are provided to ensure that the most vulnerable children are protected.

Stakeholder Engagement

Legal Services have been consulted on the need to increase resources whilst making better use of these that are available. It has been agreed that additional funds will be used to increase the seniority of the existing legal team, to improve the quality of the advice provided, reduce the need to commission counsel and to improve relationships with the local courts in order that council staff can be seen to be providing timely and thorough reports to the courts.