



The Public Law Outline, Pre-Proceedings and Threshold The Roles and Responsibility of Agencies

The aims of the Public Law Outline are:

- To help families understand the need for change to avoid the issuing of care proceedings where possible.
- Where proceedings do become necessary, ensuring evidence is consistent and of high quality.

The importance of inter-agency working cannot be over emphasised within this process.

In the first instance as outlined in Section 31(2) of the Children Act 1989 a Court may only make a Care or Supervision Order if it is satisfied:

- (a) that the child concerned is suffering, or is likely to suffer, significant harm; and
- (b) that the harm, or likelihood of harm, is attributable to -
 - (i) the level of care provided/likely to be provided to the child, if the order was not made, is below reasonable expectation.
 - (ii) the child being beyond parental control.

Unless the threshold is crossed, the Court cannot go on to consider whether an Order would be in the child's best interests.

A local authority must provide primary evidence to prove threshold upon the balance of probabilities. Primary evidence relates to the original source of information. In this respect, it is crucial that records do not descend into hearsay. All agencies involved with the child are expected to contribute to the provision of such evidence.

The statutory definition of harm in the Children Act 1989 states that 'harm' means ill-treatment or impairment of health and development. Physical Abuse, Sexual Abuse, Emotional Abuse and Neglect are all categories of **Significant Harm** including 'impairment suffered from seeing or hearing the ill-treatment of another'. **Significant Harm** is the threshold that justifies compulsory intervention in family life in the best interests of children.

To assess whether health or development are being significantly impaired the Act tells us to compare the health or development of the child in question 'with that which could reasonably be expected of a similar child'

It is the joint responsibility of professionals to gather evidence to support threshold which can include, but is not limited to, case notes and records, reports, correspondence and chronology.

This gathering of evidence can be facilitated through good communication e.g. by keeping core group members informed about the progress of any pre-proceedings activity.