

**St Helens Council**

**Children’s Services**

**Pre Proceedings (PLO) Policy**

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| **STATUTORY GUIDANCE** | | |
| Revised Public Law Outline  Pre-Proceedings Protocol  Pre-Proceedings Procedure  PLO Flow Chart Link | | |
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1. **INTRODUCTION**

The Department for Education ‘Court Orders and pre-proceedings for Local Authorities (April 2014) sets out the statutory guidance, outlining the key principles of the Children Act 1989 and explains the changes in respect of the court related sections of the Act.

The guidance follows the Family Justice Review (November 2011) which noted that care proceedings cases were taking far too long. The review introduced a timescale of 26 weeks for care proceedings.

The following information should be read in conjunction with the Pre-Proceedings Protocol.

1. **WHAT IS PLO**

The Public Law Outline (PLO) sets out the duties Local Authorities have when thinking about taking a case to Court to ask for a Care Order to take a child into care or for a Supervision Order to be made. This is often described as initiating public law proceedings.

Under Section 31 Children Act 1989, a Court may only make a Care Order or Supervision Order if it is satisfied that the Threshold Criteria have been met. Under the Public Law Outline (2014) and the Children and Families Act 2014, guidance states that care and supervision proceedings should be completed within 26 weeks.

PLO sets out, amongst other duties, that Local Authorities must ensure they identify concerns they have about a child early and where possible provide support for the family to address these concerns. This is pre-proceedings work and it is often what is referred to when social workers talk about PLO. Usually, when PLO is initiated, the child has been subject to a Child Protection Plan (guide) but insufficient progress has been made. Child protection core group meetings and conferences continue throughout the PLO process.

Where the social worker feels that the risk of harm to a child is so great, or the case is so urgent, a decision may be made that the case should go straight to Court and the pre-proceedings work does not take place. The decision to progress to Pre-Proceedings is agreed at Legal Gateway Panel, which is a weekly panel chaired by a Head of Service with a legal representative and colleague professionals in attendance.

When it is decided that pre-proceedings (PLO) work with the family will take place, there are specific things that need to happen from the date of the decision.

1. **Management of cases under Pre-proceedings process (PLO)**

The work required within the period of pre-proceedings is vital for two reasons:

* It may divert a case along a route which avoids the need for proceedings;
* When that is not possible, and proceedings have to be commenced, the preparatory work will facilitate the smooth running of the case.

Sir James Munby, the then President of the Family Division set out the expectations of the Local Authority.

He recommended that:

* Local Authority lawyers be involved in advising and assisting their social work clients, at an early stage;
* A properly organised legal planning meeting is invaluable and can be the key to achieving timely outcomes to care proceedings

The parents are represented by their own legal advocate. A plan is formulated which is reviewed every 4 weeks. The maximum timescale for Pre-Proceedings is 16 weeks.

The plan is reviewed by the Legal Gateway Panel throughout the duration of the pre-proceedings process to ensure that the identified work is progressing and decision making is undertaken in a timely manner to safeguard the children.

1. **Conclusion of the pre-proceedings process**

There are a number of outcomes which can be considered including

* Progress has not been achieved, concerns continue for the children and care proceedings should be initiated
* Progress has been achieved which supports stepping down from pre-proceedings to either a Child Protection or Child in Need Plan
* The children are living with a family member and the parents do not oppose this arrangement continuing. An application for a private order can be made by extended family members to safeguard the children.
* Under exceptional circumstances a further period of support may be required. This must be with the approval of the Legal Gateway Panel and the Assistant Director will be advised. Pre-Proceedings must not exceed 26 weeks.

The outcome of pre-proceedings requires the approval of the Legal Gateway Panel and should be evidenced by assessments and completed plans. All recommendations to the Legal Gateway Panel should have been discussed and agreed by the Head of Service prior to attending Legal Gateway.

1. **Commencing Care Proceedings**

Once the decision has been made to commence Care Proceedings, a Letter of Issue is sent to the parents and their Solicitor(s). It informs them that the Local Authority is applying to Court for a Care or Supervision Order.

Where the Local Authority is completing a S37 report for Private Proceedings and the outcome is to recommend a Care or Supervision Order to the Court, this recommendation will be brought to Legal Gateway Panel to approve the recommendation in line with the TOR.

1. **Appendices**

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| **Title** | **Document** |
| Flow Chart |  |
| Pre-Proceedings Protocol |  |
| Statutory Guidance Court and Pre-Proceedings |  |