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**PLO protocol**

**Introduction**

The pre-proceedings process places specific responsibilities on the Local Authority bringing applications, particularly prior to the commencement of care proceedings.

There is a statutory duty to follow the pre proceeding process unless there are immediate safeguarding concerns which mean that the child cannot be protected while the pre-proceedings PLO process takes place.

The pre proceedings process should provide an opportunity to assess the family prior to making any application to Court and provide an opportunity to genuinely work in partnership with the family in order to address and support identified needs in order to avoid court proceedings.

**Principles underpinning the Pre-proceedings phase of the PLO**

* First and foremost, the child’s welfare is paramount.
* The child’s views must be heard.
* Managing and mitigating needs whilst working with the child and their family is key.
* Work with the child and their family requires a collaborative approach to co-producing plans and to positively support change.
* A partnership approach employing the existing skills, knowledge and resources of all partners and agencies involved with the family is vital.
* Accurate and timely recording is vital as are clear communications with the family.
* Court proceedings must be necessary and proportionate, an option of last resort, be clear why this application, why now.
* Timeliness and minimising delay are important.
* The aim should be to complete the process within a maximum of 16 weeks, and wherever possible in a shorter timeframe, informed by the individual child(ren)’s needs and the assessed level of need.

If in doubt all practitioners working in the system should always refer back to these principles.

**Decision to Initiate the Pre-proceedings phase of the PLO**

It Is not always right or proportionate, to arrange a legal gateway/planning meeting just because the necessary threshold is met. Where one is needed, the meeting should be held in a timely way to consider the available information and decide the best course of action to protect the child’s welfare.

The decision to progress to a Legal Gateway Meeting (LGM) will be made by the Service Manager following a pre-LGM discussion with the social work team, the outcome of which will be recorded on LCS by the Service Manager.

The LGM request will be sent to Business Support (**sesta@surreycc.gov.uk**, **nesta@surreycc.gov.uk**, swlegaladmin@surreycc.gov.uk nwsta@surreycc.gov.uk) within 5 working days of the decision to progress to an LGM, using the [LGM Booking Form.](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse1_5)

The Business Support Team will book the LGM into one of the next available date and time which may be in any area across the County. The Service Manager must liaise with Business Support to arrange a meeting and be organised within 10 days of the LGM being agreed to be held.

PART A of the Legal Gateway and Booking Form should be completed by the social worker and quality assured by the team manager prior to meeting and forwarded with the documents listed below to the Childcare Legal Team – **legal.childcare@surreycc.gov.uk** 3 working days prior to meeting

* Updated Chronology.
* GCP2 where relevant
* Family Program in progress(workbook)
* FGC minutes
* C&F Assessment completed in the last six months;
* Other relevant assessments;
* Care plan or a clear indication that options for a plan have been considered;
* Any Supporting documents evidencing concerns – e.g., police notifications;
* A Genogram.

The LGM should be chaired by a suitably senior manager and participants must agree on the specific issues, needs and mitigating factors of relevance.

Factors to be considered:

* What is the lived experience of the child and impact on their wellbeing?
* How long have children’s social care been involved with the family?
* What support has been offered to the family and how have they engaged with this offer?
* What assessments have been completed?
* Have changes already been made by parents to mitigate the identified need factors?

If the legal threshold is met and attendees agree to initiate pre-proceedings then a tailored plan of action [Pre-Proceedings PLO Plan Template](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse1_5) should be agreed, including:

* Any continuing support or any additional direct work with the child during this period?
* Any further support or direct work which could be offered to the family to mitigate identified needs?
* How needs and/or positive changes in this period will be tracked?
* What expert assessments that are required, including who is being assessed, why, plus duration?
* Wider family members to be consulted to offer support or be assessed as alternative carers?

If the legal threshold is met and there is considered to be an immediate safeguarding concern requiring that proceedings are issued immediately, the pre-proceedings PLO process need not be followed.

Following the LGM the Assistant Director will make the decision in respect of a recommendation to enter PLO or proceedings within **48 hours.**

If the decision is to do so, the Local Authority will send to the parents/those with Parental Responsibility either:

[A letter before proceedings](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse1_5) which states that proceedings are being contemplated; or

[A letter of issue](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse1_5) which states that proceedings are being initiated without following the pre-proceedings process due to immediate safeguarding concern.

The proposed PLO letter, PLO Plan and safety plan discussed at the LGM is written by the social worker and sent to the Team Manager within 24 hours of the meeting. The Team Manager will send all these documents to legal who will return within 48 hours. Legal will return all the documents to the Service Manager for signing, returned to the social worker who will hand deliver the letters and forms within 4 working days after the LGM - to the PLO Meeting with parents and solicitors; this will fall in our 10 day timeframe.

The time period for the pre-proceedings phase of the PLO will start **10 working days** after the Initial LGM is held,

All assessments to be undertaken of the parents within the pre-proceedings process will be considered in advance of the pre-proceedings meeting in order to avoid delay and to ensure that the meeting is as effective as possible. Proposals for parenting assessments shall be prepared in advance together with draft Letters of Instruction to experts. Experts can only be instructed within the pre-proceedings process with the prior approval of the Assistant Director. Letters of instruction will be drafted in conjunction with Legal Services.

[The letter before proceedings](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse1_5) will be reviewed by a lawyer and approved and signed by the Service Manager prior to being sent to the parents. Letters to parents will be sent via recorded delivery or hand delivered. There may be some circumstances where it is appropriate to instruct a process server to serve the parents with the letter.

Best Practice would be to ensure that the parents understand the contents of the letter and have an opportunity to discuss it prior to the pre-proceedings meeting. Where a parent may lack capacity or has learning needs, consideration should be given as to whether a discussion involving an advocate/and or legal representative should take place before sending out this letter. Where English is not the first language of one or more parents then interpretation services must be considered and recorded.

A list of solicitors who undertake public law children matters must be provided to the parents, a PLO parents pack and a map/directions to the office location where the meeting is being held. For a remote meeting, Business Support will set up a MS teams meeting or telephone conference. The parents must be given at least **5 clear working days’ notice** of any pre-proceedings meeting to ensure that they have sufficient time to obtain legal representation.

**Expectations under the Pre-proceedings process**

* The PLO brings together a series of steps that ensure the professionals working with children and their families explore all of the realistic opportunities to achieve the best outcome for the relevant children.
* It’s important that practitioners both view and approach this phase not simply as a procedural step to court: pre-proceedings are an intervention in themselves and act as the final chance to manage need by supporting change.
* Every effort should be made to improve outcomes for the child as safely as possible. It also serves to ‘narrow the issues’ if entry to court is required.
* Pre-proceedings may not always secure the required changes. Where all other options have been explored and issuing is the only safe option, the courts will benefit from the work that has been undertaken during pre-proceedings.
* There should be clear communication with the family about identified concerns and the expectation of all of those who are involved in the process, including clear timescales to prevent drift is vital.
* It is crucial that the parents clearly understand this process, what is expected of them, how the LA will work with their family and agree plans. It is important to consider any support parents might need to understand the nature of the LAs concerns e.g., advocacy or interpretation services. Older children will also need support to understand this process.
* The pre-proceedings phase should be no longer than 16 weeks but this is dependent on a myriad of factors, from the child’s needs to the number of professionals involved and a shorter timescale may be appropriate.
* It is important that social workers keep a clear, accurate record of the agreed plan and the status of assessments in progress and/or outcomes to inform future decision-making processes. [Link to the Pre-Proceedings PLO Plan template](https://proceduresonline.com/trixcms2/surreycs/doc-library/%22%20%5Cl%20%22collapse1_5)
* Outcomes should be clearly recorded at the end of the PLO process - escalation to court, an extension to continue working with the family or ‘stepping out’ of the process if sufficient progress has been evidenced. The deciding factor must always be the immediacy of harm.
* If the assessed immediacy of harm increases at any stage during the pre-proceedings process, the Assistant Director may decide that the process should end and an immediate application to Court should be made.

**The Pre-proceedings meeting**

Team Managers will chair the initial pre-proceedings meetings and will finalise the record of the meeting. The proforma Pre-proceedings meeting agenda should be used for all pre-proceedings meetings. [(Link to pre-proceedings meeting agenda)](https://proceduresonline.com/trixcms2/surreycs/doc-library/%22%20%5Cl%20%22collapse1_5)

All PLO meetings will have minutes taken by business support. The chair of the meeting will approve the minutes and forward to Legal Services for distribution to the parent’s legal representatives within 10 working days of the PLO meeting.

**The Pre-proceedings Proforma**

Surrey has adopted a pre-proceedings plan proforma. [(Link to pre-proceedings PLO plan template)](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse1_5) which will be completed at the initial pre-proceedings meeting and reviewed throughout the process.

* It is a record and reminder of the issues of concern and the work that is being undertaken. When necessary, this can be referred to in discussions with parents.
* Its simple layout and format allows the family an opportunity to become involved and invested in the support and assessment.
* It puts into sharp focus the necessary elements that must be reviewed at each review. This is particularly important when considering the progress.
* It is a living document which records the changes that have been identified and it ensures the evidence that is gathered is relevant and fresh if proceedings are contemplated.
* It is important evidence of the work that has been undertake if proceedings are issued. This should be filed with the application to the court.
* If proceedings are issued, it avoids duplication of work particularly (expert) assessments that have already been undertaken.

**Monitoring and Review of Pre-proceedings process**

Families in the pre-proceedings process will be reviewed together with the parents and their legal representatives no later than at **7 weeks**. The date for the review meeting is set at the initial pre-proceedings meeting and will be recorded in the PLO template. It is understood that more than one PLO may be required, for example if a parent is not responding to a specific action, but this can be agreed on a case-by-case need.

A Local Authority lawyer will only attend the review meetings if the complexity of the matter requires attendance at subsequent meetings.

The social work team will hold an internal review meeting with the Local Authority lawyer by no later than **week 14** of the pre-proceedings process in order to review the assessments undertaken and consider the progress and the proposed outcome of the pre-proceedings process.

There may be some circumstances where the pre-proceedings process cannot be concluded within **16 weeks,** and those cases will be discussed with the Assistant Director prior to the 16-week review and agreed by the Assistant Director **within 72 hours** of the 16-week review, and a management oversight will be added to the child(ren)’s record by the Service Manager. Where the pre-proceedings process has been extended, there will be review meetings held every 4 weeks with the parents and their legal representatives within any extension period.

The decision is to end the pre-proceedings process, should be taken by the Assistant Director and the outcome clearly recorded, a letter will be sent to confirm the decision. The PLO plan will be updated and shared with parents’ solicitors.

**Pre-proceedings and the PLO process with unborn babies**

* Please see [Pre-birth Child Protection Procedure](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse1_5) and [Pre-Birth Assessment Timeline](https://proceduresonline.com/trixcms2/surreycs/doc-library/%22%20%5Cl%20%22collapse1_5)
* Pre-proceedings can be initiated for an unborn child and should be held as early as possible, with timescales monitored closely.
* If there is already involvement with the expectant parents, this work must begin as early as possible; the identification of needs, and the provision of support, must happen as soon as possible.
* Some assessments or interventions may not be able to start or finish before birth and specialist medical advice may be required about some of the timings.
* However, the agreement may be completed and agreed prior to the birth.
* If a decision to issue proceedings on birth is made, then draft documents should be ready to send to lawyers prior to birth and parents should be provided with copies at the earliest opportunity.
* Placement options should be considered early on and discussed with parents e.g., parent-and-baby foster placements, so that early permanence is achieved for babies, as appropriate.

Date last reviewed: December 2023

Reviewed by: Fiona Wraith Assistant Director

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