TriX Procedure and Guidance PLO

**This guidance should be read in conjunction with the core procedure manual**

**1.1 Introduction**

The period when safeguarding concerns are identified is likely to be stressful for both the child and their parents. Early parental engagement in the Child Protection / Child in Need process is vital, as well as keeping the child age appropriately informed of what is being planned.

Of key importance is the need to:

* Family can play a key role in supporting the child and helping the parents to address identified problems. In situations where the safeguarding concerns escalate and a child can no longer live safely with a parent, the Local Authority should seek to place the child with a family member where safe to do so. All cases that are presented to Legal Panel should have either had a Family Group Conference (FGC), have one in progress or have been offered one.
* Complete and keep under review any assessments undertaken and ensure that due regard has been given to any particular issues like the parent’s level of understanding.
* Be very clear about the issues of concern and any timescales agreed for reviewing progress.
* Ensure there is an up to date and detailed genogram of the family network.
* Ensure key details regarding the family and friend network is accurately recorded within Eclipse with contact details being easily accessible.
* Keep an up to date chronology of significant events.
* Regularly undertaken direct work with a child/ren to ensure their lived experiences, wishes and feelings are understood and known.

**1.2 Where the Concerns are not being Addressed or Reduced and the Child / Unborn child Remains at Risk of Harm**

Where the concerns about a child are not being addressed or reduced and the child /unborn child remains at risk of harm, it is the decision of the Local Authority as to whether a child should enter the Public Law Outline Process. However, a view from the other agencies involved with the child should be sought wherever possible.

All referrals to Legal Panel need to be agreed by a Service Manager, if agreement is given to progress to Legal Panel then the Social Worker should complete a Legal Panel referral document within Eclipse, a Team Manager will need to provide their oversight and authorise this referral. Any referral to Legal Panel where PLO is being considered should be accompanied with a draft Letter before Proceedings and a genogram (this should be 3 generational and annotated, containing dates of birth).

There is always a legal representative on the Legal Panel who will be able to advise whether the circumstances of the child meet the threshold for entering the PLO.

The PLO can be initiated in respect of an unborn child and should commence as early as possible.

Legal Panel can make the following decisions;

* No legal intervention required.
* Case to enter the PLO.
* Care proceedings to be initiated.
* Child/ren to enter the care of the Local Authority via Section 20.
* Supervision Order to lapse or an application to extend a Supervision Order
* Discharge of a Care Order.
* Revocation of a Placement Order.
* Decisions can also be made in respect of supporting family members to make their own application for an order, in circumstances where proceedings are not deemed the appropriate course of action.

If a decision is made to enter the PLO then a date will be set for the case to return for review. The Social Worker is required to complete a Legal Panel review document within Eclipse which must be approved by a Team Manager, a recommendation to Legal Panel should be clearly reflected within the review paperwork.

**1.3 What happens next when Permission is given by Legal Panel to enter the PLO?**

If a decision is made by Legal Panel to enter the PLO a Legal Planning Meeting (LPM) must take place with a Solicitor. Legal Panel will set a date by when the LPM must take place. LPMs are attended by the Social Worker, Team Manager and the allocated Solicitor (a duty Solicitor may be identified for the LPM in some circumstances). The Letter before Proceedings (LBP) will be finalised and agreed at the LPM and should be sent to the family immediately following the meeting, a copy must be uploaded to the child’s file and the Solicitor must be provided with the final version so they can provide a copy to the legal representatives for the parents.

About the Letter Before Proceedings:

* The letter allows the parents/holders of parental responsibility to receive free legal advice and representation.
* The Social Worker should ensure that they have identified wherever possible who the parents of the child is and that even if they have played no part in the child’s life up to now, that they are also sent a copy of this letter. Anyone else with parental responsibility needs to receive the letter, for example a child’s Special Guardian.
* The letter should set out in plain language the concerns that have to be addressed to keep the child safe.
* The letter should contain a summary of what support has been provided and what the parent needs to do to avoid proceedings, including timescales.
* The letter needs to be clear about what assessments will be undertaken and the timetable for these assessments, including any specialist assessments.
* A list of solicitors should be included with the letter. Up to date lists are available from Legal Services.
* Wherever possible a parenting assessment schedule should be included with the letter, alongside the most up to date or proposed safety plan. These documents should be discussed, agreed and signed at the first Pre Proceedings Meetings. Copies of these documents should be uploaded on to the child’s records and copies shared with the parents, their Solicitor and the Local Authority’s Solicitor. These documents could form part of the Local Authority’s evidence if a decision is made to issues care proceedings at a later date.

**1.4 Pre-Proceedings Meetings (PPM)**

The meeting should take place within 10 working days of the date the letter was sent, in some instances the PPM may need to take sooner. This allows parents time to seek legal advice and for a Solicitor to be available to represent the parents at the meeting.

Wherever possible meetings should be held with both parents together, any decision to hold split meetings can be taken in the LPM.

The PPM is chaired by the Team Manager or Consultant Social Worker. The Pre-Proceedings Agenda and Guidance must be used and followed. If the parent does not have legal representation the meeting can go ahead, or dependent on the urgency, the meeting could be rescheduled to allow the parent time to consult a Solicitor if that is their intention. Parents should always been encouraged, and in some circumstances assisted, to seek legal representation.

A draft parenting assessment schedule and current or proposed safety plan required to safeguard the child should have been included with the Letter before Proceedings and a copy made available for the meeting. If these documents are not already signed by the parent(s) then this should happen at the Pre Proceedings Meeting and the documents distributed following the meeting. This plan will run alongside any family plan developed through a Family Group Conference but will supersede the Child Protection or Child in Need plan as it focuses on the concerns. However, parents should be encouraged to engage with the contents of all plans.

The plan should consider whether any expert assessments are required, e.g. DNA testing, hair strand and toxicology testing or psychological assessment. The cost of such assessments at this stage is the responsibility of the Local Authority. All expert assessment in the PLO must be agreed by a Service Manager.

A record of the meeting must be takenand should be distributed within 15 working days (in some instances the minutes of the meeting may be required sooner).Such minutes may be required if care proceedings are initiated and also form part of the child’s social care record. Please see the Pre-Proceedings Meeting: Agenda and Guidance.

**1.5 Review Pre Proceedings Meetings**

A review PPM date should be set at the end of the meeting to take place within 8 weeks. If a further review is required this should take place within 8 weeks after the first review. All cases in Pre Proceedings will be tracked via the PLO Tracker, this is updated by the Legal Panel administrator and the Chair of Legal Panel.

At any time if safeguarding concerns escalate this should be raised with a Service Manager, where a decision will be made about returning to Legal Panel for a review or seeking duty legal advice in more urgent situations.

Any case returning to Legal Panel for a review requires the Social Worker to complete a Legal Panel review document which must be approved by a Team Manager.

**1.6 Ending the Public Law Outline Process**

The decision to end the PLO is only made at Legal Panel when the case is presented for a review.

If a decision is made to end the PLO process a clear recommendation should be made as to whether the child will be subject to care proceedings, Child Protection Plan, a Child in Need Plan or the case closed to the social work service. If the case is not entering proceedings, then a final PPM review meeting must be held to formally end the process, this meeting should take place within 10 days of the decision to exit the PLO being agreed by Legal Panel.

**1.7 Recording the Activity on the Child’s Electronic File**

Clear records should be made of all PLO activity on the child’s electronic file. Any standalone documents (not ones generated by and saved within Eclipse) should be uploaded to the child’s file including letters, minutes of meetings, and any other documents. Where the Team Manager or Service Manager provides an update or places a case recording on the child’s file linked to the Pre Proceedings or PLO Process, this must use the **‘PLO Update: Managers Comments’** observation title.