Public Law Outline (PLO) Briefing – 2024

Newcastle Children’s Social Care

What is the Public Law Outline?

The Public Law Outline (PLO) sets out the duties Local Authorities have when thinking about taking a case to court. This is often described as initiating care 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.

The 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 the PLO. Usually, when the PLO is initiated, the child has been subject to a Child Protection Plan but insufficient progress has been made. Child Protection Conferences and Core Group meetings 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 pre-proceedings work does not take place.

This guide, however, will focus on the extremely important pre-proceedings work and should be read in conjunction with the PLO Guidance, PLO Flowchart and our TriX Procedures.

What should pre-proceedings work include?

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. These are:

**Legal Panel** –where a case entering the PLO is being considered, this must be ratified by our Legal Panel. The Social Worker will attend Legal Panel with their Team Manager to present the case and the rationale for wanting to enter PLO.

**Legal Planning Meeting** – A Legal Planning Meeting must be held within 10 working days of Legal Panel agreeing for the case to enter the PLO, in some instances the LPM may need to take sooner (Legal Panel will set the date for when the LPM needs to take place by). The meeting is to be attended by the Social Worker, Team Manager and allocated Solicitor. During this meeting the work that is to be undertaken during the period of pre proceedings should be agreed and the Letter before Proceedings should also be finalised. This letter should be sent out to parents, or any holders of parental responsibility, immediately following the Legal Planning Meeting.

**Letter Before Proceedings** - this letter is sent to the parents or any holders of parental responsibility. It outlines the main concerns and the help that has been provided by Children’s Services so far. The parents are invited to a Pre-Proceedings Meeting and advised to get a Solicitor who specialises in family law and to get their wider family involved. The Letter Before Proceedings triggers free legal advice for parents.

**Pre-Proceedings Meeting** - this meeting takes place within 10 working days of the letter being sent, in some instances it may be necessary to hold the PPM sooner (Legal Panel will set the date for when the PPM needs to take place by). The purpose of the meeting is to identify whether it is possible to reach agreement about what needs to happen to protect the child from harm, so that court proceedings can be avoided. The meeting involves parents, their legal representative and the Local Authority. The safeguarding concerns are highlighted, what support is being offered and what the parent needs to do to reduce the concerns. Any viability assessment of family members that could care for the children if they could not remain in their parents’ care need to be considered and timetabled at this meeting. If a number of nominated carer’s are being out forward then parent(s) should be asked to prioritise these.

**Period of change** - this is the time for the parents to make the necessary agreed changes to reduce the concerns. Support is provided by the Local Authority and progress is monitored through, Child Protection Conferences and Core Group Meetings.

**Pre-Proceedings Review Meeting** - this is a meeting held within eight weeks of the initial Pre-Proceedings Meeting. The purpose of the meeting is to review progress made against the plan. Further reviews should take place 8 weeks following the first or subsequent reviews.

**Further Legal Planning Meeting** - A further LPM should take place once the assessment work directed by Legal Panel has been completed and to consider the course of action that is being proposed to Legal Panel

Additional LPMs can take place at any time during the PLO period if there is a need to consider any new information regarding the child and their family, including a change in level or risk and if there is a need to consider a request for an early return date to Legal Panel for review.

What are the possible outcomes of the Pre-Proceedings Review?

The Pre-Proceedings Review is a very important meeting. It will clarify the way ahead following the period of change. There are a number of possible outcomes which include:

**PLO ends as progress has been made** - If the parents have made the required progress, it may be decided that the Local Authority is no longer considering care proceedings and this pre-proceedings work ends. A recommendation for PLO to end should be made by the Social Worker in consultation with the Team Manager and relevant Service Manager. A decision for PLO to end must be presented at Legal Panel when the case is heard for review.

If Legal Panel determine the PLO should end then a final Pre Proceedings Review Meeting should take place, this meeting should be held within 10 days of Legal Panel making this recommendation.

**PLO - further period of change** - If it is felt that further progress can be made through pre-proceedings work, a recommendation could be made to allow a further period for change and to hold a further Pre Proceedings Review Meeting. This review should be held within 8 weeks of the previous review. If Legal Panel make a recommendation for continuation of the PLO then a date will be set for the case to return to Legal Panel for further consideration of the situation.

**Initiate care proceedings** - If the parents have made insufficient progress against the agreed actions or there is a breach in the safety plan or escalation in the level of risk to the child/ren, then the case should be presented to the next Legal Panel to consider care proceedings being initiated.

What happens if the Local Authority decides to initiate care proceedings?

Legal Panel need to give approval to initiate care proceedings unless in urgent situations where this can be agreed with a Service Manager. Each Legal Panel will be attended by a Legal Representative and a Service Manager along with the allocated Social Worker and relevant Team Manager. Those in attendance will need to be satisfied that the required pre-proceedings work has taken place and that the Threshold Criteria for significant harm is met.

Through Legal Services, an application will be made to court. The parents will need to be informed of the decision to issues care proceedings by letter. The parents are advised to instruct a Solicitor who specialises in family law, if they do not already have one, and to get their wider family involved. The letter is sent within one week of the decision made at Legal Panel, in some instances it may be necessary to issue this letter sooner. Legal Panel will set a date for when this letter needs to be sent to parents, a date will also be set for when the social work evidence (initial SWET, interim care plan/s and if applicable any assessment work undertaken during the PLO) needs to be sent to Legal Services. A date will also be set for when Legal Services will need to lodge the application with the court via the portal system.