

Public Law Outline (PLO) Guidance

1. What are Pre-Proceedings (PLO)?

The fundamental purpose of pre-proceedings is to offer a final opportunity within a legal context to help and support families to make the changes they need to safely care for their children and to avoid court proceedings.

“The Pre-Proceedings period offers a final and vital opportunity to explore with (extended) families how best to resolve concerns about the care and protection of children, without going to Court. This is a formal and most serious process and is designed to offer absolute clarity to families about what needs to change to avoid proceedings. For all but the most dangerous situations in which emergency procedures apply, the Pre-Proceedings period is the point of hope: every family gets this final chance.” – Isabelle Trowler, Clear Blue Waters.

The pre-proceedings process aims to:

- Clearly set out for parents the risks identified by the Trust and the impact of this upon their child(ren).
- Make clear to parents the changes which their child(ren) need them to achieve.
- Identify and put in place additional support to help parents achieve these required changes.
- Explore what help and support the family’s wider network can provide.
- Help to achieve permanency in a timely way when there is a need to progress to care proceedings, by front loading assessments and evidence required.

2. Initiating pre-proceedings

It is the responsibility of the allocated team manager and social worker to identify where the risks to a child are not being addressed or reduced through the current intervention. In addition, the child protection chair and/or independent reviewing officer should also challenge when they feel change for a child is too slow resulting in ongoing significant harm being experienced.

When a child is identified at ongoing significant risk of harm, a child planning meeting will be arranged with the service manager, team manager, social worker and court consultant where agreement to progress to legal gateway panel is sought. The social work recommendation will be underpinned by a current social work assessment and chronology that clearly analyses risk, protective factors, and impact on the child(ren).

The child planning meeting, will consider the plan needed within the pre-proceedings process, including the consideration as to whether any expert assessments are required.

The legal gateway referral is to be completed within 5 working days of the child planning meeting taking place and this will include the views of the child protection chair/independent reviewing officer. Referrals must clearly and succinctly outline of the support already provided to the family and why it is necessary to escalate to pre-proceedings. The referral must include the proposed plan for each child, including:

- What the assessment plan will look like (including any expert assessments).
- What the safety plan will look like.
- Views of other involved professionals e.g. CP chairs.
- The proposed timeframe for the work.

The LGP referral for pre-proceedings is approved by the head of service.

The allocated team manager and social worker attend legal gateway panel, where there is scrutiny of the facts and appropriateness of the proposed plan. The request to enter pre-proceedings will either be ratified, declined, or deferred pending further information.

3. What should Pre-Proceedings work include?

When it is decided that children should become subject to the pre-proceedings process, there are specific things that need to happen from the date of the decision. These include:

- **Legal discussion.** Legal services allocate a solicitor following the plan being ratified at legal gateway panel. A case discussion is to take place between the allocated solicitor, the allocated social worker and team manager prior to the letter before proceedings is shared with parents.
- **Letter before proceedings.** This letter will be completed via the child's LCS file and everyone with parental responsibility will need to be provided with a copy. All attempts must be made to find absent parents. The letter will enable parents to understand the risks identified, the impact of these risks upon their child(ren) and the changes which the Trust have identified their child(ren) require them to achieve to avoid care proceedings. The letters need to be succinct, jargon free and evidence based and will be quality assured by the court consultant before sharing with parents.

These letters enable parents to access free independent legal advice and will be hand delivered to parents within 5 working days after the agreement to enter pre-proceedings has been ratified at legal gateway panel.

- **Pre-proceedings plan.** Parents will be provided with a written draft assessment plan which will be discussed and agreed. It is important that the parents have input into the plan, and it is a joint and agreed document. The plan will outline the risks to the children and the changes needed during the assessment period. The support to help parents achieve changes will be identified as well as the expectations of the parents. The actions included in the plan need to be SMART, with the family being provided with clear dates, times, and goals for when changes need to happen – it is essential that the parents understand what successful change looks like. The plan will dovetail with the most important actions in the child in need/child protection plan.
- **An initial pre-proceedings meeting.** These meetings include the child(ren)'s parents, their legal representatives, the allocated social worker, team manager, and the legal representative for the Trust. This meeting needs to take place 10 working days after attendance at legal gateway panel and should be face to face, chaired by the team manager.

The plan to achieve permanence for the child will be central to these meetings with all possible plans for children being considered. It is crucial that the parents clearly understand the pre-proceedings process and what is expected of them and what successful change looks like, as well as the possible outcomes should change not be achieved. It is important to consider parents' capacity, any learning disabilities and/or mental health issues. Parents may require the support of an advocate or an intermediary or an interpreter if English is not their first language.

During this meeting, the letter before proceedings and draft pre-proceedings plan will be reviewed and agreed and any required safety plans will be shared. The social work team will continue to work with the family and understand what they think will help them make the changes needed. The social worker will also discuss the support available from the Trust and seek consent for referrals to support agencies and in relation to any expert assessments sought. Steps must also be taken to identify the family's support network and any potential alternative carers for the child(ren). Consent for a referral to family group conference should be explored if this has not taken place during the child protection process.

The meeting is recorded on the child(ren)'s LCS file within 24 hours of the meeting taking place and the minutes are distributed to parents and the legal representatives within 5 working days.

- **Assessment and intervention.** The purpose of the pre-proceedings process is a genuine opportunity to work closely with families by offering help and support to address their recognised needs in a bid to negate the need to issue care proceedings. All support agencies required including family group conference should be in place, required experts instructed and assessments of parents and proposed alternate carers should be taking place. The process should be no more than 12 weeks in duration with clear timescales for assessment work throughout.

A Parenting assessment in respect of each parent will need to be completed. The progress of the assessment will be monitored in supervision and during child in need or child protection review meetings as well as within the pre-proceedings tracker meetings with the court consultants. Where there is delay or children are subject to pre-proceedings for over 4 months, this will be escalated to the service manager and head of service and a further child planning meeting will be held.

- **Pre-proceedings review meetings.** Review meetings take place every 6 weeks and include the child(ren)'s parents, their legal representatives, the allocated social worker, team manager, and the legal representative for the Trust. The social work team and allocated solicitor for the Trust will need to meet prior to each review meeting to ensure there is a clear understanding of the proposed next steps. The child protection chair/independent reviewing officer and the social worker will also liaise with one another to discuss the progress of the plan prior to the pre-proceedings review meeting.

During this meeting, the pre-proceedings and safety plan is reviewed. The progress of change will be discussed and positive identified and consent for any additional support services will be sought.

The meeting is recorded on the child(ren)'s LCS file and minutes are distributed to parents and the legal representatives within 48 hours.

4. What are the possible outcomes of the pre-proceedings process?

Once the assessments are completed and the recommendations have been agreed by the social work team the next steps will be agreed in a child planning meeting with the service manager, team manager, social worker, Trust solicitor and court consultant. The views of the CP chair are required for the meeting.

The potential outcomes are as follows:

- **Exit pre-proceedings.** If the parents have achieved the changes required to ensure the safety of their children, it will be decided that there can be an exit from the pre-proceedings process.
- **Escalation to Care Proceedings.** If recommendations are to issue care proceedings, a further referral to Legal gateway panel is required to consider the assessment outcomes and recommendations. If the decision to issue proceedings is taken, then the parent(s) will be informed of this in writing.
- **Extension to the pre-proceedings process.** If progress is identified and further time is needed beyond the four-month period, an extension to the PLO process can be agreed with clear timescales and rationale.

❖ **The parents are invited to a final or further PLO meeting to discuss the agreed next steps**