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;
* 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; and
* Be very clear about the issues of concern and any timescales agreed for reviewing progress.

**1.2 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 become subject to pre-proceedings. However, a view from the other agencies involved with the child should be sought wherever possible.

With the permission of the Team Manager and the relevant Service Manager, a referral should be made to Legal Panel.

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 going into pre proceedings. As such Legal Panel, whilst deciding whether to initiate pre proceedings/proceedings will also act as the legal planning meeting.

Pre proceedings can be initiated in respect of an **unborn child** and should be held as early as possible, ideally at or before 24 weeks into the pregnancy.

Pre-proceedings work is often referred to as Public Law Outline or PLO.

**1.3 What happens next when Permission is given by Legal Panel to Enter into Pre Proceedings?**

The local authority will send the parents and anyone with parental responsibility a [Letter Before Proceedings](https://leedschildcare.proceduresonline.com/chapters/forms_library_cms.html#court_proc). This is a prescribed format which cannot be altered. The proposed Letter Before Proceedings MUST be drafted by the Social Worker and Team Manager and taken to Legal Panel to ensure the letter and its contents can be reviewed and scrutinised by a legal representative and can inform the Legal Panel discussion.

There is a slightly different version for an unborn child – this is the [Letter Before Proceedings - Unborn Child](https://leedschildcare.proceduresonline.com/chapters/forms_library_cms.html#court_proc).

About the Letter Before Proceedings:

* The letter allows the parents/carers to receive free legal advice and representation;
* The letter should go out within **5 working days** of Legal Panel giving permission for pre-proceedings to commence;
* The Social Worker should ensure that they have identified wherever possible who the father / mother 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;
* The letter should set out in plain language the ‘**bottom line concerns**’ that have to be addressed to keep the child safe. If the child is subject to a Child Protection Plan the Team Manager should agree the concerns with the Independent Reviewing Officer. There are likely to be no more than 3 to 4 concerns that are the ones that meet threshold;
* The letter should contain a summary of what support has been provided and what the parent needs to do to avoid proceedings, including timescales;
* A draft of the plan required to safeguard the child should be in the PLO letter;
* A list of solicitors should be included with the letter. Up to date lists are available from Legal Services.

**1.4 Pre-Proceedings Meeting**

The meeting should take place no more than **7 working days** after the parent has received the letter. This allows parents time to seek legal advice and for a solicitor to be available to represent the parent(s) at the meeting.

It may be necessary to hold separate meetings for each parent if there is a risk to one party by having all parents in the same room.

The PLO process can be confusing for parents who struggle understandably to distinguish the Pre-Proceedings Meeting from others they may have to attend such as Core Groups. Careful consideration should be given about the timing of this meeting to ensure that it does not clash or is too close to any other meetings the parent has to attend. If the child is subject to a Child Protection Plan, the Independent Reviewing Officer should be consulted about how this can be achieved and whether a Core Group or Review Child Protection Conference should be rescheduled.

Please refer to the [**PLO and Child Protection Workflow**](https://leedschildcare.proceduresonline.com/chapters/forms_library_cms.html#court_proc) for guidance on how these two processes work together.

The meeting is chaired by either the Team Manager or CSDM. The Pre-Proceedings Agenda and Guidance is 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.

A draft of the plan required to safeguard the child should have been included in the PLO letter and a copy made available for the meeting and ideally signed by the parent. 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 ‘**bottom line 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, substance misuse testing, or psychological assessment. The cost of such assessments at this stage is the responsibility of the local authority.

The meeting must be recorded in **minutes and should be distributed within 7 working days.** Such minutes will 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 Meetings**

A review meeting date should be set at the end of the meeting to take place within 6-8 weeks. If a further review is required this should take place within 12-16 weeks, i.e. 6-8 weeks after the first review. The Team Manager is responsible for ensuring that dates of any and all review meetings are recorded within the PLO Tracker.

If two reviews have been held and the necessary changes have not taken place for the case to come out of PLO the case should be either re-presented to Legal Clinic for agreement to initiate proceedings or the Responsible Service Manager must record on the child’s file the rationale for the case remaining in PLO and detail this within the PLO Tracker.

At any time if safeguarding concerns escalate, permission can be sought via Legal Panel or in an emergency, a Service Manager, to issue proceedings.

**1.6 Ending the Public Law Outline Process**

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.

A recommendation for PLO to end (and to which plan the child will be subject to) should be made by the social worker in consultation with the Team Manager and ratified by the relevant Service Manager. A decision for PLO to end must be presented at Legal Panel.

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

Clear records should be made of all the pre-proceedings activity on the child’s electronic file. Any standalone documents (not ones generated by and saved within CareFirst/ 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.