

The Public Law Outline (PLO) sets out the duties Local Authorities have when thinking about taking a case to court to ask for a Care Order to take a child into care or for a Supervision Order to be made. This is often described as initiating public law 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.

Why is it important?

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

How do we do it?

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:

Letter before proceedings - This letter is sent to the parents. It outlines the main or 'bottom line' concerns and the help that has been provided by Children and Families 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. The letter is sent within 24 hours of the PLO work decision. This letter should be signed by the Head family Safeguarding.

Pre-Proceedings Meeting - This meeting takes place within seven working days of the decision to initiate PLO. 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, the local authority and their legal representative. The safeguarding concerns are highlighted, what support is being offered and what the parent needs to do to reduce the concerns - these are sometimes called 'bottom line' actions. These actions now form the priority actions of the Child Protection Plan.

Period of Change - This period of PLO can run for up to 12 weeks, in exceptional circumstances it may be extended to 16 weeks. 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 by them through, for example Child Protection Core Group Meetings, Conferences and the PLO meetings.

Pre-Proceedings Review - Following the initial meeting, the relevant Service Leader should review the case at four weeks. A further meeting should be held at six weeks with the parents and solicitors to review progress. At eight weeks the Service Leader should again review the case. At week 10 the Service Leader should meet with the social worker, Team Leader and Children and Families Services legal representatives to review the evidence and threshold. This should either conclude that it is appropriate to step down PLO or to present the case to the Legal Gateway Panel to request the issuing of proceedings. At any point in this process if threshold is met to issue proceedings and we have immediate concerns for a child's safety the case should be presented to the Legal Gateway Panel. Equally, if threshold does not remain high enough for PLO - the case can be stepped down. Again, any request to end PLO needs to be presented to the Legal Gateway Panel.



One Minute Guide Public Law Outline (PLO)



PLO ends as progress has been made - If the parents have achieved the 'bottom line' actions that are needed to reduce the concerns, it may be decided that the Local Authority is no longer considering care proceedings and this pre-proceedings work ends. The work to progress the Child Protection Plan will continue, unless so much progress has been made that this plan is no longer required to safeguard the child and a Child in Need Plan is more suitable, or indeed that the social work service no longer needs to be involved. A recommendation for PLO to end (and which plan the child will be subject to) should be made to the Legal Gateway Panel

Pursue Care Proceedings - If the parents have made insufficient progress against the agreed actions, the case should be taken to the Legal Gateway Panel to consider need for extension to pre-proceedings PLO or care proceedings being initiated.

What happens if the local authority decide to initiate Care Proceedings?

The Legal Gateway Panel would need to give approval to initiate care proceedings. Panel members 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 Children and Families legal services, an application will be made to court for Care Proceedings and the parents informed by letter. This application should be made within 5 working days of legal Gateway, unless agreed otherwise.

For more information:

You can read more about pre-proceedings (PLO) in Court Orders and Pre-Proceedings for Local Authorities, April 2014 - Department for Education