



**E S S E X**  
**Safeguarding**  
**Children**  
**B O A R D**

# **A Guide to the Public Law Outline**

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## What is the Public Law Outline (PLO)?

The Public Law Outline (PLO) is a Practice Direction under the Family Procedure Rules which are mandatory court rules. This sets out what should happen before care proceedings are issued, the processes that the courts and court practitioners should follow during proceedings and complies with the statutory 26 weeks' timescale in the amended Children Act within which all care proceedings should be concluded.

The overriding objectives are to work in partnership with children and their families, aiming for clarity and transparency around the potential need for care proceedings and **where possible to avoid the need to issue proceedings**.

The key aims to be achieved through the Public Law Outline are:

- **Helping families** – giving families a final opportunity to make changes to avoid care proceedings and helping them fully understand the consequence of care proceedings.
- **Better informed resolution** – ensuring applications to court are made after all safe and appropriate alternatives have been explored but so as to avoid harmful delay.
- **Preparation for proceedings** – improving the quality and consistency by undertaking assessments before court.
- **During proceedings** – improved case management.
- **Inter-agency working** – ensuring closer professional relationships.

## When would the Public Law Outline be used pre-proceedings?

Public Law Outline pre-proceedings can be used with families where there is ongoing risk of significant harm that is not reducing and where the Child Protection Plan is not supporting the family to make sustained change. PLO pre-proceedings work can only be commenced if the threshold for issuing care proceedings is met. The purpose of a period in PLO pre-proceedings is to encourage safe management of risk while building on family strengths and energising wider family support. The use of the PLO and pre-proceedings should be an opportunity for families to embrace positive change. It should be a point of hope.

### The Children Act 1989

'Threshold' for care proceedings is outlined in the Children Act 1989. Section 31(2) A court may only make a care order or supervision order if it is satisfied:

- (a) that the child concerned is suffering, or is likely to suffer, significant harm;
- and

(b) that the harm, or likelihood of harm, is attributable to:

(i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or

(ii) the child is beyond parental control.

There may be some circumstances when working under a Child In Need plan, the risk of harm increases and it is felt necessary to convene a Child Protection Conference **and** enter PLO pre-proceedings in parallel, but this would be unusual.

## **What happens under Public Law Outline pre-proceedings?**

The Public Law Outline process requires Children's Social Care to arrange a meeting with the parent(s)/carer(s) and their solicitor to see if it is possible to reach agreement about what needs to change to protect the child/ren from significant harm. This will be set out in a 'Letter Before Proceedings'.

The parents are entitled to publicly funded legal representation (free legal aid) and therefore they attend the meeting with a solicitor. The solicitor will be able to help the parents to fairly negotiate an agreement with Children's Social Care to try to avoid the need to go to court. This formal meeting is known as a 'pre-proceedings meeting' or PLO meeting. The Pre-proceedings/PLO meeting will set out and decide:-

- What work has been done to assist the family,
- What needs to change and the timescale for change,
- Who will provide the help to make those changes and
- What additional information or assessments are needed to understand why progress is not being made, these will also assist the court to make its decisions if care proceedings are still necessary.

A PLO Plan must be SMART (Specific, Measurable, Appropriate, Realistic and Timely). The actions that we ask family members to engage with, must be bespoke to their circumstances and what needs to change. We must be able to explain what good looks like so we know we can measure success.

The plan must address what is required to ensure the children are safe enough and be within the potential for the parent(s)/carer(s) to achieve success. We must ensure that there is a timescale when activities are to be completed by, to avoid drift and delay.

## **Who decides to initiate the Public Law Outline process?**

The decision to enter the Public Law Outline pre-proceedings process is made at a Legal Planning Meeting, which is chaired by a Service Manager from Children's Social Care. The Social Worker will present the family with support from the Team Manager and Essex Legal Service will provide advice on whether the S.31 Children Act 1989 threshold has been met and whether there is a need for a court order or not.

The fact that threshold has been met does not automatically mean that the Local Authority will apply for a court order. Thought must be given to what the long term care plan would be for children and if issuing care proceedings will be successful in reducing risk. Experience shows that for some older children placements away from their family does not always reduce risk and can introduce new risk such as frequent missing periods.

## **How does Public Law Outline link with Multi-Agency Child Protection Plans?**

At a Review Child Protection Conference (RCPC) the Child Protection Plan is always reviewed to see what progress has been made. If progress is not sufficient then the Child Protection Plan should be reviewed and amended. However, if professionals at a RCPC believe the plan is not sufficiently managing risk and the prognosis for change is limited then there can be a recommendation for a discussion to be held with the Service Manager about the need to consider a Case Management Discussion or a Legal Planning meeting.

It is only at a Legal Planning Meeting that threshold for PLO can be established. Any PLO plan will be in conjunction with and build on the existing Child Protection Plan. The two plans must have coherence and preferably will be combined into one single plan that is easier for families to manage. PLO will not be a point to 'start-again' with the family but build on what has already been done.

As stated above the decision to begin the PLO process does remain with Children Social Care and if the Legal Planning Meeting does not recommend progression to PLO the reasons for that decision will be fed back to professionals at the next Core Group meeting.

## **When does Public Law Outline end?**

Hopefully, the Public Law Outline process will end when the family have made the changes needed and completed the work that was set out and agreed in the PLO

process. This is entirely in keeping with the PLO ethos. The decision to end the PLO plan is taken by the Service Manager after having had the benefit of legal advice.

However, there will be times where co-operation from parents is still not forthcoming through the PLO process and where risks are not reduced or mitigated. If this happens, a further Legal Planning Meeting will be held where a Children's Social Care Service Manager will consider whether legal action should be taken to safeguard the children.

This decision does need to be approved at the Children's Social Care and Resource Panel or by the Director of Local Delivery, but it is not always necessary or proportionate to instigate care proceedings unless the welfare of the child demands their separation from their parent and either placement in the wider family network or in care. If you do not agree with a decision to end PLO, you should escalate your concerns and ask to speak with the Service Manager who was the decision maker.

## **Information sharing**

It is the responsibility of the allocated Social Worker and Team Manager to keep professionals informed of the progress of a PLO Plan and any changes to the PLO Plan particularly any decision to end the PLO Plan. The normal Child Protection Process will still be followed so there will be regular Core Groups and Review Child Protection Conferences for you to share updates with, and about, the family.