

**St Helens Council**

**Children’s Services**

**Legal Gateway Panel**

**Terms of Reference**

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| **Version Control** | **Date** |
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1. **Scope and Function**

The Legal Gateway Panel has the initial decision-making function around all children’s cases requiring any one of or a combination of the following:

* A decision to accommodate a child under Section 20 of the Children Act
* A decision to continue S20 accommodation of a child
* An application for a public law order in relation to a child, including those that are currently the subject of the pre-proceedings PLO process.
* Cases to be considered for the pre-proceedings PLO process.
* Ending Pre-Proceedings
* All admissions to Local Authority care, including admissions to residential and fostering placements as well as admissions to care with relatives (in line with regulation 24 of the Care Planning, Placement and Case Review Regulations 2010).
* Urgent cases – in relation to immediate action in order to protect a child(ren) including those cases where a legal planning meeting has taken place and an application has been issued, or is in preparation.
* *Where a S37 direction is made when the panel should consider the matter about 2 weeks prior to the proposed filing date of the S37 report.*
* Retrospective cases where a child(ren) have been placed in an emergency, either by the Local Authority or by Police Powers of Protection (S46 CA 1989).
* Where a Care or Supervision Order has been directed by the Court
* Discharge/Renewal of Supervision Order

In all cases, requests for use of resource will be made to the panel in advance of any such resource being provided.

1. **The Panel’s purpose is to:**
* Ensure the application of consistent practice across all teams in decisions regarding children.
* Monitor cases going through pre-proceedings PLO and keeping an accurate record of these through the Case Proceedings Tracker process.
* Ensure that decisions to provide Local Authority care to a child(ren) are likely in all cases to lead to better outcomes for the child/children concerned, and are provided only in cases where all other options for the safe care of the child(ren) have been exhausted.
* Ensure oversight of the practice leading to issue of public law proceedings and that this is in line with the requirements of the Public Law Outline (2013).
* Ensure consistency in decision making where requests for issue of public/private law proceedings are made, prior to issue of those proceedings
* Oversee and manage the volume of requests for care provision and legal applications in relation to children, in line with budgets and resource allocation and reduce any unnecessary financial commitment on the part of the Local Authority.
* Provide legal advice on the plans for children, the options available and to assess the quality of the proposed evidence being prepared for proceedings. Planning for children also covers permanency in the form of applications for Child Arrangement Orders and Special Guardianship Orders.
* Ensure early planning in respect of potential placements for child(ren).
* Review decisions of the Legal Gateway Panel via the Tracker
1. **Permanence Planning**

The Legal Gateway Panel will ensure that they follow the key principles of Permanence Planning in order to ensure that all children have a secure, stable and loving family to support them through childhood and beyond and to give them a sense of security, continuity, commitment, identity and belonging.

The Legal Gateway Panel will question how they can ensure the child’s permanence needs be met as part of their discussion and decision making

The Principles are as follows: -

* Family solutions: If it is not possible for the child to be cared for by their birth parents then options within the extended network of family and friends will be considered as a priority;
* Belonging: develop a feeling of belonging to someone who is parenting a child on a daily basis;
* Security: A feeling of security and being loved as a member of a permanent family or care setting;
* Stability: The child expects the placement to continue and be stable;
* Voice: The child’s wishes and feelings along with their age and understanding must be taken into account in planning for permanence;
* Identity: To be consistent with or fully able to support her/his ethnicity, language, religion and culture. Note that due consideration no longer has to be given to a child’s religious persuasion, racial origin and cultural and linguistic background when matching a child and prospective adopters;
* Life story: The child accepts her/his birth family and history and her/his parents are encouraged and supported to provide information about themselves and about the child’s birth and early life;
* Family and friends: The child is a member of an ‘extended family’ and part of a wider long-term network of family and friends. The carers should nurture and promote the child’s ability to build long term friendships and relationships with their peers and other adults;
* Contact: The child has positive on-going contact with parent(s), family and friends where appropriate. The purpose of the contact should be clearly defined in the child’s plan and meet the child’s needs;
* Siblings: children will be placed together whenever possible unless the individual needs of children indicate that children’s needs will be better met placed separately;
* Learning: Stability in educational provision and training;
* Self-confidence: Positive engagement in sports, hobbies and interests in order to promote their resilience and build self-confidence;
* Independence: The child is assisted and supported into independence when s/he chooses and this is safe and appropriate;
* Staying put: the child feels a sense of obligation from their carers as s/he moves into adolescence and adulthood; belonging does not end at the age of 18 years;
* Timeliness: Decision-making must be within the child’s time scales in order to prevent drift;
* Twin track or parallel planning: including concurrent planning, may provide a means to securing permanence at an early stage for some children;
* Early planning: A child’s permanence plan should be established at the 4 month review and recorded in the IRO Decisions Report;
* Review: where a child remains looked after in care then planning should be subject to continuous assessment and review.
1. **Urgent Cases**

In urgent circumstances where the safety of a child will be seriously compromised and emergency action is required, a Case Management Meeting will be convened

The meeting shall consist of the Team Manager, the Social Worker, Head of Service.

The meeting will seek advice from legal services and consider whether it is appropriate to make an urgent application to Court before the matter is considered by the Legal Gateway Panel.

The decision of the legal planning meeting must be recorded on Liquid Logic immediately.

1. **Panel composition**

Chair – Head of Service, SW Assessment Service

Legal Advisor,

Placement Commissioning,

SCUQA Representative

Admin support.

1. **Attendance at Panel**

The social worker and the relevant Team Manager / Advanced Practitioner will attend for each case submitted to the Panel.

1. **Frequency of Panel**

Panel will be held every Wednesday at Atlas House from 2.00pm.

Completed panel papers should be sent to LegalGateKeepingPanel@sthelens.gov.uk by Monday at 12noon for that weeks’ panel.

Attendance at the group is required by both the allocated Social Worker and Line Manager (or Advanced Practitioner where appropriate) for individual children’s cases.

A time for attendance will be provided by the designated administrator to the panel for all attendees at 20-minute intervals.

Should there be any dispute around the advice or recommendations given at panel and in cases where the dispute cannot be resolved, the matter may be escalated to the Senior Assistant Director.

1. **Papers to be submitted to Panel**

The Social Worker will complete the template for Legal Gatekeeping Panel (link)

Additional papers to be presented to the panel could be: -

* Recent C&F Assessment
* Genogram
* Risk Assessment
* Parenting Assessment
* Pre-birth Assessment (where appropriate)
* Cognitive / PAMS / Psychological / Psychiatric Assessments completed
* Drug / Alcohol Test Results
* DNA test results
* School Reports
* Sibling Assessments
* Child Protection Plan / Conference Report
* Family Group Conference / Family Meeting Report
* Specialist Medical Assessment
* Special Guardianship Order Report
* Viability Assessment
* Fostering Assessment
* Health Assessment / Medical Report
* Family Nurse Partnership Report
* Police Report
* ISW report
* Specialist Assessments
* FIW Report
1. **Process at Panel**

Panel members will read all documentation in advance of the panel meeting.

Panel attendees should be prepared to briefly present the case to the panel specifically in relation to the issues (including risk assessment) prompting the request for accommodation / issue of proceedings (private or public law).

Panel members will consider the issues and determine (in line with Directorate wide priorities, the risk management issues in the particular case and the identified outcomes for the child/children) the appropriate resource provision to the family.

Actions for completion will be recorded after discussion of each child

A review timescale will be set at each Legal Gateway Panel

Minutes of the discussion, including panel decisions will be provided for inclusion on the child’s social care file.

Review all children considered at Legal Gateway Panel and ensure that the recommendations are monitored and reviewed on a regular basis as per timescales set.

1. **Recording of panel minutes**

Confidential – the minutes relating to the legal advice given at the meeting is subject to legal professional privilege and shall not be disclosed to any person, save Local Authority staff, upon request.