

**Public Law Outline**

**Threshold for pre-proceedings**

**Information required for review by Team and Service Manager prior to decision making**

In order to allow an informed decision about whether a child(ren) should be presented to the Legal Gateway Meeting, the Social Worker, Team Manager and Service Manager must have reviewed relevant and up to date information as listed below and met with the Case Progression Officer. This is best done in a 4-way meeting. This discussion must include a recorded analysis and management oversight for the child’s file on how the threshold for commencement of pre-proceedings is met and is focused on the following:

* The reasons for the current concerns and the evidential basis for establishing significant harm.
* Current risk/complicating factors.
* An impact analysis on the child(ren).
* Consideration of the wider family and whether any family members/connected persons are potentially viable to care for the child on either an interim or permanent basis. Also, whether the required checks and assessments have been completed.
* Whether there has been appropriate use of the Family Network Meeting/Family Group Conference and what this has achieved for the child.
* The steps already taken to assess the issues of concern, for example, child and family assessment as well as other medical and other expert assessment.
* Review of the actions/decisions already taken and where the decisions were made, for example, strategy discussion, child and family assessment, child protection conference or other professional meeting.
* Whether it may be appropriate to obtain further expert assessment before the commencement of court proceedings – if so, what is the proposed remit of the instruction, who will instruct the expert and prepare any letter of instruction and what are the agreed timescales.
* Whether there have been previous court proceedings in relation to the family and if so, what steps have been taken to obtain the papers in relation to the family from the court or involved authority. If this has not taken place who will do this moving forward.
* Whether public law care proceedings could be avoided in favour of a private resolution, which might include a Special Guardianship Order or Child Arrangements Order being made.
* Whether public law care proceedings are necessary and, in the child’s, best interests, and what would be the purpose of such proceedings, including what orders would be sought, and why.

**Pre-proceedings threshold triggers**

All children who meet the triggers below should be considered for discussion in the Legal Gateway Meeting. This is a non-exhaustive list:

* Consideration that removal of the child(ren) from a parents’ or family members’ care may be required.
* The concerns are enough that it is considered the pre-proceedings process may be required or that care proceedings are being considered.
* Cases of a specific nature, for example, potential inflicted injury and fabricated or induced illness, which are sufficiently serious for formal legal advice to be sought.
* Children subject to child protection planning for more than 12 months.
* Children subject to child protection planning on two or more occasions within the last 3 years and/or for similar concerns.
* Where there are significant concerns in respect of an unborn child, to be presented prior to week 28 gestation.
* When a parent has already had a child removed from their care as a result of care proceedings.
* A child has been subject to Section 20 (Children Act 1989) and considering their age, legal advice and planning is required.

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