**Terms of Reference: Legal Gateway Panel**

*Version Control*

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| Date | Details | Updated by |
| 01/11/2022 | Implementation  |  |
| 01/02/2021 | Annual Review | Shaun Evans and Helena Svedang |
| 09/02/2023 | Annual Review | Becky Thompson, Karen Ogle, Louisa Jones and Helena Svedang |

**Purpose / role of the Legal Gateway Panel**

The Legal Gateway Panel (LGP) has the decision-making function in relation to consideration of threshold to initiate Public Law Outline through pre-proceedings or care proceedings. This includes:

* **Decision to enter the pre-proceedings process.**
* **An application for a public law order in relation to a child/children.**
* **Decision to make an application to extend a Supervision Order or to endorse the decision for the Supervision Order to lapse.**
* **All discharge of Care Orders.**
* **Review of all children cared for subject to Section 20 consent at 10 weeks from date of Section 20 starting (excluding sixteen and seventeen years old, or any cared for subject to section 20 as UASC).**
* **All children subject to Police Powers Protection will have an Emergency Legal Gateway Panel meeting.**
* **Where children subject to an Emergency Protection Order and there is consideration to not seek further legal proceedings, this will be a decision for the Legal Gateway Panel.**
* **Decision to make a DoLS application (pending change of legislation and move to Liberty Protection Safeguards).**
* **Decision to initiate Section 31 care proceedings within private law proceedings (e.g Section 37 reports).**
* **Where significant concerns are identified for an unborn baby, the social work team should be aiming for referral to Legal Gateway Panel at least 16 weeks prior to expected due date, to allow for a 12 week PLO pre-proceedings process if Legal Gateway Panel decides threshold is met. This should also be reflected in the oversight provided by the Unborn Baby Panel.**

Exceptions to the above may include the urgent request for legal advice which may result in an application for an Emergency Protection Order or an abridge Interim Care Order application. In these circumstances, the family/child will need to be presented to panel retrospectively if it is not possible to hold an Emergency Legal Gateway Panel meeting in timescales.

**Aims and responsibilities**

* To ensure every attempt has been made to support, advise and protect children as part of social work practice before consideration is given to the move towards legal intervention in child and families lives
* To provide a clear rationale and clear expectations of the social work intervention required including subsequent actions in situations whereby the Panel makes a decision NOT to move towards legal intervention.
* To ensure oversight of the practice leading to the issuing of public law proceedings and that this is in line with the requirements of the Public Law Outline (2014, as updated).
* To ensure the application of consistent practice and threshold in decisions to initiate pre-proceedings or care proceedings stages of PLO.
* To ensure that improving outcomes for children remains at the centre of any decisions in relation to PLO and all alternatives have been considered.
* To make timely and proportionate financial decisions in respect of for specialist assessments, hair-strand testing etc. to be commissioned.
* To gather appropriate information to inform sufficiency planning.
* To ensure that outcomes are as positive as they can be for children.

**Membership**

* Head of Service – Chair (or nominated Officer)
* Legal representative
* Service Manager – SAFS, SATS or Regulated Services depending on service bringing the request
* Representative in relation to Placements
* Fostering/SGO team Managers
* Family Group Conference Team Manager
* Court Quality Assurance Manager

**Decision-making**

The role of the Panel Chair will be to gather and listen to the views of all Panel members in respect of the decisions which need to be made, however the final determining position will be that of the Chair of the Panel.

In the event of any significant disagreement or conflict, the Chair will seek to convene a critical friend discussion with another Head of Service, within one working day, and will communicate the outcome in terms of the decision by writing to all Panel members.

Any financial decisions need to be made by the Chair of the Panel, in line with the scheme of delegation. This is in relation to any requests, regardless of the outcome of Panel in terms of legal planning.

**Review**

A review of the Terms of Reference for Legal Gateway Panel is to be undertaken annually.

**Working Methods**

* The meeting will be held every week, normally on a Thursday afternoon from 1pm.
* Referrals to panel must be made by 4pm on Mondays. This includes evidence of Service Manager and/or Head of Service endorsement; if not, the referral will be sent back and the presentation will not be heard. This includes a draft SWET (should the recommendation be to issue) and a draft PLO letter (if the recommendation is to initiate pre-proceedings).
* The referral will be made on Legal Gateway Panel referral form and sent to the Legal Gateway inbox via email (legalgateway@torbay.gov.uk - please send just one email with all documents which should be signed off by Team Manager and Service Manager).
* A draft SWET must be submitted if the Care Planning Meeting supporting a referral to Legal Gateway Panel is indicating the need for a decision to issue legal proceedings. In any situation whereby a SWET is not produced however the decision by Legal Gateway Panel is to issue, the SWET must be with legal within 5 working days or sooner if identified by the Chair.
* Minutes will be recorded by the Panel administrator who will add the actions and decisions to child / young person’s LCS file and a Legal Case Note. The Panel administrator will provide minutes of each Panel within one working day to the Panel Chair for endorsement and the Panel administrator will then upload all supporting documents and referral to child’s LCS file in documents within one working day, and by the end of the working week (before 5pm Friday).
* The Panel administrator will circulate the minutes to the Team Manager and Social Worker to complete their actions and ensure the child’s case file is kept updated. Legal Trackers are updated by the QA Court Manager following Legal Gateway Panel.
* Team Manager and Social Worker must prioritise attendance at the meeting to give a verbal update or arrange for a colleague to attend on their behalf.
* Team Managers and Social Workers will be allocated a specific time slot to attend Panel:
	+ The administrator will confirm with the social worker and/or Team Manager the time to attend in case of any changes prior to the panel meeting.
	+ It is important you are on time for the meeting and if the Panel is running ahead of time, the administrator will come find you / call for your earlier attendance.
	+ If there is an urgent request after panel referral cut-off time, please refer to HOS who will advise whether the child’s case needs to be referred to Panel for consideration.
* Late applications will only be heard by Panel in exceptional circumstances
* If an emergency Legal Gateway Panel is required, this must be discussed with the relevant Head of Service and an emergency Legal Gateway panel requested. The social work team should send an alert email and telephone call to the panel administrator as soon as possible if an emergency panel is required along with any supporting documents. The administrator will then coordinate and send invites.

**Presentation Guidance for Social Workers and Team Managers**

The social worker and team manager are required to ensure the relevant Legal Gateway Panel referral form and the supporting documents is produced.

The Social Worker, accompanied by the Team Manager, will present the information pertaining to the child and any relevant information to the panel.

The Panel Chair has delegated authority to determine the appropriate expert reports required as part of any PLO process and authorise the required expenditure.

If there is a placement need identified, this will need to be agreed within the established scheme of delegation and governance structure. The Chair of Panel, in conjunction with the child’s Head of Service, can agree to initiate in-house placement searches, or IFA searches in conjunction with the Divisional Director of Safeguarding. Any request for unregistered or residential setting can only be agreed through the Independence Placement Overview Panel, with the explicit agreement of the DCS.

**All information and reports are confidential and only for the purpose of the panel, unless individuals are tasked with actions.**

***In respect of the mechanisms for tracking, please see the separate document: Legal Tracking Meeting Terms of Reference***