



DARLINGTON

Borough Council

Legal Planning Process

Children's Social Care, People Group

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Legal Planning Process

1. Introduction and Overview

1.1 Aim of this procedure

The aim of this procedure is to detail Darlington Borough Council's process for convening a Legal Gateway meeting, what standards are required to be met when attending a Legal Gateway meeting and the procedure to be followed. It also details the process for reviewing care planning via Care Planning meetings and Review Care Planning meetings.

1.2 What is the Legal Gateway meeting and its purpose

A Legal Gateway meeting (hereinafter referred to as LGM meeting) is a formal meeting attended by relevant officers and a legal representative, as detailed within section 3 below. This formal meeting is required to be held in order to ensure consistency in decision making, consistency in information provided for decision making, an auditable process and to allow for statutory and practice functions to be conducted correctly.

The purpose of a LGM is for the Local Authority to

- Seek legal advice regarding threshold criteria for public law proceedings including whether the Public Law Outline should be instigated to allow for pre-proceedings work to be undertaken with the family or where there has been a request for a section 37 report prior to filing to discuss and agree the outcome of the report, or where a child needs to be removed from parent's care.

The issues to be considered at the LGM include the following:

- The reasons for the concerns, the evidential basis for establishing significant harm and whether the Threshold Criteria have been met;
- What plans have already been in place and why these have not been successful;
- Why Public Law Care Proceedings are necessary - their aim, objective and purpose;
- Whether there is a need for an immediate order to protect the child;
- Whether the case is compliant with the PLO;
- Whether a Letter Before proceedings should be issued.

Where Care Proceedings are under consideration the Social Worker must have previously discussed this with their Team Manager during appropriate case discussions (such as during a case supervision) and with their Service Manager and a decision made as to whether there is sufficient evidence-based information to initiate legal proceedings. All other possible actions should have been fully explored before the option of initiating legal proceedings is pursued. Proceedings

should only be issued following a period under a Letter Before Proceedings unless there is a need to issue care proceedings urgently or there is a rationale for bypassing this.

Once a decision has been made by the relevant Service Manager that a LGM is needed, a LGM request form will be completed on LCS and sent to the SM to add their rationale. This will then be sent to the 'Legal' tray on LCS where a record of the meeting will be recorded. A HOS must be present at all LGMs.

Structure and recording of Legal Gateway meetings

Meetings will be recorded on LCS and the following agenda should be followed to ensure consistency

Attended by:

Mary Smith – your social worker

Ann Brown – Team Manager

What has happened in the past? (A brief overview of past involvement and why we became involved with the family during this referral period)

You have been open to a social worker previously as your Mum has struggled with drug use. There were worries you were left home alone and that you weren't going to school. You have been on a child protection plan in 2020 for 9 months and it seemed your Mum had made progress. You were referred by Police on 22nd January 2024 after Police were called to your home. Your Mum was under the influence of alcohol and Police were concerned she couldn't care for you. Police took you to your Grandma Joyce's that evening and you have remained there to date with your Mum's agreement.

What is happening now and what is the impact on the child?

Your Mum is drinking alcohol heavily. She has told us she is drinking up to 10 cans of lager a day. Your Mum said this has gradually got worse since her relationship with her ex-partner ended. Your Mum has told us she feels very low and she is using alcohol to try and make herself feel better. The impact on you is that you have told us you would often be hungry as Mum would not buy food and you were only eating at school. You have told your Grandma you feel scared when Mam drinks the 'mucky beer' as she shouts at you and you hide in your bedroom.

What are the positives and strengths for the family? (think family network)

Your Mum knows her alcohol use is a worry and she has agreed to work with us to try and get the help she needs. At the moment your Mum has said she wants you to stay with Grandma Joyce whilst she gets the help she needs. Grandma Joyce understands the worries we have about your Mum and she has told us when your Mum was struggling she wouldn't let her see you. Your Grandma wants to keep looking after you for as long as Mum needs.

What is the cause of the concerns?

Your Mum is struggling with her mental health. She feels very low and sad, as a result she has turned to alcohol to try and make herself feel better.

What needs to happen?

At the moment your Mum is working well with us. We need to offer her a period of time to work with us to make changes. Your Mum needs to work with alcohol services and seek support from her G.P. We need to help your Mum to access alcohol services.

Legal advice

The advice was that threshold is met to issue care proceedings given the concerns alongside the history of involvement. However, as there is no urgency as you are safe with your Grandma and your Mum is agreeing to this; a letter before proceedings could be issued.

Outcome

A letter before proceedings is to be issued. This is a letter which is sent to parents, for you this is your Mum as your Dad is not known. The letter will explain what we are worried about and what needs to happen to prevent us needing to go to Court to seek an order. This will enable your Mum to get legal advice.

Actions

Letter to be drafted by X

Pre-proceedings meeting to be held on X at X, in person.

1.3 What is a Review Care Planning Meeting

The purpose of a review care planning meeting is to review progress under the child's plan whether this be through PLO or care proceedings.

- To monitor and review cases which are subject to pre-proceedings and to consider possible revocation of Care Orders. This will include discussion of Section 20 cases where a legal view may be that the threshold criteria are met and to consider if public law Care Proceedings are more appropriate than a voluntary arrangement;
- To determine whether it may be appropriate to instruct any further specific or specialist assessment; if so, the proposed remit of the instructions, the areas to be addressed, who should complete the assessment and the likely timescales;
- To determine who is responsible for progressing what, e.g. obtaining evidence from other sources, and timescales;
- To determine whether a child should be placed with a Connected Carer;
- To determine whether a Supervision Order should be allowed to expire, or whether an application should be made to request an extension of the Order.

Please note this list is not exhaustive.

1.4 What is a Final Care Planning meeting and its purpose

The purpose of a Final Care Planning meeting is for the Local Authority to:

- Consider what the final plan for the child should be
- Determine what final Orders should be sought at the final hearing;
- Whether there is a need to revoke a Placement Order;
- Whether a discharge of a Care Order is appropriate and timely and what Orders, if any, should be sought in its place.
- **This should take place prior to a Children’s Looked After Review where the final care plan should be presented to the review**

Structure and recording of Final Care Planning meetings

- Attended by;
- How are the children?
- What assessments of parents have been completed?
- Have any assessments of the child been completed?
- What other assessments have been completed? Including any connected carers assessments
- What is the social worker’s recommendation and outcome of assessments?
- Legal advice:
- What is our final care plan for the child? Including what order if any we are seeking, where the child will live and what family time will look like.

2. Objectives of the Meetings

- To promote best practice and planning for children, young people and the families of Darlington;

- To review the progress of the child/children's plan to ensure that exemplary and positive working practices are being applied;
- To assist in the development of excellent working practices, particularly in response to the changing requirements imposed by the Court process;
- To monitor those cases that are likely to be placed before the Court in a timely manner with regard to the child/children's needs;
- To ensure that funding is in place to enable the collection of evidence needed for care planning and/or a court application;
- To ensure that high risk cases are considered and referred at a strategic level;
- To make timely service and financial decisions in relation to children and young people of Darlington who are on the edge of care;
- To ensure appropriate documentary evidence is collected for the purpose of Court proceedings and internal care planning; and
- To provide a quality assurance function.

3. Membership

Panel meetings must consist of the following:-

- Head of Service and/or a Service Manager(s);
- Local Authority Lawyer for the People Group.

4. Attendance

The Team Manager/Advanced Practitioner and Social Worker must attend to discuss the case. Social Workers who attend the Panel meetings must have sufficient knowledge of the case to present information to the Meeting.

5. Documentation

The LGM record should be completed (see LCS) to evidence the managerial decision-making process and rationale. Any recommendations made by the Independent Reviewing Officers should also be included within the record.

The most recent and relevant assessment(s) are to be submitted with the LGP meeting record. Wherever possible these assessments should be complete, however, it is acknowledged there may be instances where it is not possible for assessments to be complete (for example due to a

withdrawal of section 20) and in such circumstances it is expected that assessment work completed to date together with any views formed should be filed in a suitable format so that LGM members can be advised of the issues and risks at hand.

6. **Administrative Arrangements**

Business Support Procedure for booking into Panel meetings

To book a meeting slot the Social Worker is to e-mail SocialServicesWP@darlington.gov.uk indicating the child’s Liquid Logic number and initials, and what type of meeting as described below:

LGM meetings	45 minutes
RCPM meetings	30 minutes
FCPM Meetings	60 minutes

The dates, times and venues of LPM meetings are as follows:-

Team	Date	Time	Venue
Assessment and Safeguarding / Children With Disabilities	Every Monday	10am to 12pm	Virtual – Microsoft teams
	Every Wednesday	2pm – 5pm	
LATC			

The legal gateway meeting record will be on LCS in the ‘legal’ tray and minutes will be added to the document.

It should be noted that LGMs, RCPMs and FCPMs can be booked outside of the Panel dates if required should a matter need to be discussed urgently, or when Panels are fully booked and the matter cannot wait for an available slot. Permission to book a Panel meeting outside of the Panel must be provided by a Head of Service/Service Manager and the Legal Department.

Review and tracking of cases

The relevant Service Manager, Team Manager and the Principal Solicitor will maintain a tracking system which will monitor and ensure adherence to the decisions of the Panel meetings (where this decision is to issue an LBP or proceedings) and that timescales are met and are compliant with the PLO to avoid drift and delay.

Quarterly performance information will be fed into Director’s Performance Clinics to monitor the rate of legal intervention for families, identifies themes and areas of strength/learning.

7. **Decision Making and Recording of Decisions**

The Panels will be responsible for both service and some financial decisions. Whilst the Panel can agree that money needs to be spent (e.g. for medicals and drug tests in line with the pre-proceedings protocol), the budget for legal expenditure is held by the Assistant Director for Law and Governance with delegated responsibility to the Principal Solicitor. Should there be a dispute

regarding the commissioning of expert evidence or testing a meeting will be held with the Assistant Director for Law and Governance for a formal determination.

Decisions will be made taking into account the views of Panel meeting members. The Head of Service will however have the final decision if there is no majority agreement. Decisions are expected to be complied with save for exceptional circumstances. Non-compliance with the advice of the Panel will be notified to the Head of Service who will discuss with the Assistant Director.

The Head of Service or Service Manager will record the decisions made at Panel on the child's electronic file via the legal form.

The Solicitor providing legal advice will complete a Legal Advice Note. This will be sent to the Social Worker, Team Manager and others present at the Panel. The Social Worker will upload this onto Care Store and add a case note to signpost the reader to the advice note. The written legal advice will ordinarily be provided within 10 working days unless required sooner.

All cases which progress into legal proceedings should go through the LGM meeting. Cases which have had to progress to court as an emergency in order to safeguard a child should be presented at the next LGM.

8. Quality Assurance

The Panel members will collate performance management information on a monthly basis in relation to:-

- Decisions/advice made and outcomes in terms of compliance;
- The number of cases entering the PLO pre-proceedings setting;
- The number of cases entering proceedings.

9. Review of the Panels

The purpose, function and membership of the Panels will be reviewed on an annual basis by the Heads of Service, Service Managers and Principal Solicitor.