

LAC Admissions and Legal Intervention - Terms of Reference

Relevant to all CFN Staff

Objectives

To ensure that where possible children are brought up by their families and within their home community, unless there is clear evidence that it is not in their best interests.

- To ensure that children and families who are the subject of Local Authority intervention have received the appropriate support they need in order to help them make changes and to ensure that any admissions to Local Authority care are appropriate and timely, and that an early return to family is facilitated where possible.
- To scrutinise and consider the evidence available and to ensure that this is used to inform consistent decision making and early care planning.

Possible Legal Intervention

Planned : child/young person to be accommodated : Section 20 Children Act 1989

Any request for a child or young person to become looked after must be approved by Gateway Panel (refer to the Gateway Panel Terms of Reference).

Emergency / unplanned child/young person accommodated : Section 20 Children Act 1989

Any request for a child or young person to become looked after in an emergency or unplanned situation must be approved by the Assistant Director of Childrens' Services (exception being EDT).

The Social Worker must within four weeks of accommodation at the latest request a slot at Gateway Panel (refer to the Gateway Panel Terms of Reference).

Child/Young Person Police Protected (Section 46 Children Act 1989)

The Social Worker will alert the Case Progression Team as to the details of children subject to s46 protection as soon as possible to enable advice/guidance to be provided.

Emergency legal intervention

Any application for an emergency hearing (Emergency Protection Order or Interim Care Order) is to be approved by a Strategic Manager. In this circumstance Case Progression will support with obtaining legal advice (where possible a Legal Planning Meeting should be arranged) and will liaise with the Court if an emergency hearing will be required. The Strategic Manager will ensure the decision making is recorded onto the child's electronic file. A retrospective Gateway Panel meeting will not be required where an Emergency Protection Order or Interim Care Order has been sought.

Secure Accommodation/ Deprivation of Liberty

Refer to the links below.

https://northamptonshirechildcare.proceduresonline.com/p_place_sec_accom.html?zoom_highlight=secure+accommodation

https://northamptonshirechildcare.proceduresonline.com/p_dols.html?zoom_highlight=deprivation+of+liberty#3.-identifying-deprivations-of-liberty-

Section 37 Children Act 1989

Where the Court directs the Local Authority to conduct a Section 37 Report, the Social Worker will arrange an Outcome Planning Meeting to take place no later than 14 days prior to the filing date of the Section 37 Report. The Social Worker and Team Manager will attend at the Planning Meeting, chaired by the Service Manager. A Legal Planning Meeting is to be arranged as soon as possible if it becomes apparent at any time that PLO legal intervention is recommended by the Social Worker (refer to the Legal Planning Meeting Terms of Reference).

Supervision Order

The relevant Service Manager will review a child or young person subject to a Supervision Order no later than three months following the granting of the Order, and each three months thereafter until the Supervision Order expires. More frequent reviews can be arranged if appropriate.

A Legal Planning Meeting is to be arranged as soon as possible if it becomes apparent that further PLO legal intervention is recommended by the Social Worker (refer to the Legal Planning Meeting Terms of Reference).

Relinquished baby

Where a Mother has confirmed her intention to relinquish her baby once born, a request will be made for legal advice by week 34 of the pregnancy or as soon as the intention is confirmed if later than week 34. A legal meeting should be held between the Social Worker, Team Manager and legal advisor with the outcome recorded.

Unaccompanied Asylum Seeking Children

UASC children are reviewed on a case by case basis upon admission as a looked after child. Each child is reviewed 6 months following their admission into care by a Strategic Manager. A Gateway Panel is to be requested if PLO legal intervention is sought (refer to the Gateway Panel Terms of Reference).

Review of Process

These terms of reference will be reviewed within 3 months and no later than 31 March 2020.

Legal Planning Meeting – Terms of Reference

A Legal Planning Meeting will be requested where it is considered that there are safeguarding risks within the family, and the risks cannot be managed by Childrens' Services following Local Authority intervention and support.

A Legal Planning Meeting should also be sought should the following arise :-

- A baby is due to be born to parents where a previous child or young person has been removed from their care within the last five years, the Legal Planning Meeting is to take place no later than week 22 of the EDD;
- The Section 20 toolkit recommends legal advice to be sought;
- Gateway Panel recommends legal advice to be sought.

Membership

In attendance :-

- Social Worker
- Team Manager
- Legal Advisor

Commissioning

The Social Worker will request the Legal Planning Meeting by submitting the relevant documentation to the Service Manager. Once the Service Manager has approved the request and documentation, the Social Worker will make the Legal Planning Meeting request to Case Progression. The request should not be made until all relevant documentation has been prepared and approved to avoid any delays being caused pending the relevant documentation being provided.

Once all relevant documentation has been provided, Case Progression will track the Legal Planning request, and liaise with the legal team. The legal advisor will contact the Social Worker to arrange the Legal Planning Meeting.

Relevant Documentation for a Legal Planning Meeting

- LPM Referral Form;
- Chronology;
- Genogram;
- Child and Family Assessment;
- SoS Mapping;
- Family Plan;
- CP Minutes;
- Any other assessments/Expert Assessments/Police Reports/Agency Reports;
- Judgments or relevant documents from any previous proceedings.

Objective

For legal advice to be provided as to whether the threshold criteria is met, as referred to in s.31(2) Children Act 1989, and to comment upon the current evidence available and any evidence that is to be obtained.

Outcome

The aim of the Legal Planning Meeting is to consider:-

- Whether Legal Threshold is met;
 - The legal advisor will provide the written legal advice to the Social Worker 3 working days from the LPM;
 - The Social Worker will contact the Panel Administrator no later than 3 worker days from the LPM to seek a Gateway Panel (refer to the Gateway Panel Terms of Reference).
- Where legal threshold is not met;
 - The legal advisor will provide the written legal advice to the Social Worker 3 working days from the LPM.
- The strength of the evidence currently available and whether further information or evidence is to be obtained. If further evidence or information is to be obtained, a further LPM is to be arranged within reasonable timescales for the child or young person.

Review of Process

These terms of reference will be reviewed within 3 months and no later than 31 March 2020.

Gateway Panel – Terms of Reference

Objective

The primary consideration is to formulate a social work based child focused decision, to promote and safeguard the welfare of the child or young person, and to consider any immediate risks and how these may be managed within the Local Authority. The Gateway Panel will decide whether any legal intervention will be required.

The Gateway Panel will decide whether any request for a child/young person to be accommodated has been approved in the short term, extended or approved in the long term.

Process

A child or young person will be referred for a Gateway meeting :-

- Where legal advice confirms that threshold is met in accordance with s31 Children Act 1989 following Legal Planning Meeting;
- Where the Strategic Manager has made such a request, despite legal advice that threshold is not met in accordance with s31 Children Act 1989 following Legal Planning Meeting;
- To consider step up into proceedings from pre-proceedings following Case Progression Review (refer to the Pre Proceedings Terms of Reference);
- To consider whether a request for a child/young person to be accommodated has been approved in the short term, extended or approved in the long term;
- To consider the care plan for a child /young person accommodated from an emergency or unplanned situation, within four weeks at the latest of the date of accommodation;
- To consider the care plan for an accommodated child /young person until either approval is provided in the long term, or an alternate care plan agreed;
- To consider PLO legal intervention for a UASC child, following six monthly review by a Strategic Manager.

At the time of making the request the Social Worker will provide the relevant documentation as set out below to the Panel Administrator. The Social Worker will be provided with a time to attend at the Gateway Panel by the Panel Administrator only once all relevant documentation as required has been submitted.

Relevant Documents

The Social Worker must submit to the Panel Administrator when requesting a Gateway Panel :-

To request approval for accommodation or following emergency or unplanned accommodation/ Review of Section 20 (including for UASC children)	Child and Family Assessment Section 20 Toolkit
Following LPM	Papers submitted for LPM Written legal advice
To request step up into proceedings from pre-proceedings	Papers submitted for LPM Written legal advice Pre-proceedings letter Pre-proceedings minutes Family Network Meeting outcome/Family Group Conference (where appropriate) Completed IVA(s) Copy birth certificate Parenting/Risk assessment/other assessments Supporting agency and professional Reports Other supporting evidence, including Hair Strand Testing, DNA testing

Decision Making

The aim of the Gateway Panel is to decide :-

- Whether approval is provided for a child or young person to be accommodated;
 - The reasoning for the agreement to accommodate;
 - How long has accommodation been approved, if the accommodation is short term a further Gateway review must be set;
 - What is required to be completed to enable the child or young person to return home;
 - Whether a LPM should be held.
- Whether the Social Worker should continue to work with the family as part of the Child Protection Process;
 - Whether any services or funding be agreed or recommended to prevent further escalation.
- Whether pre-proceedings should commence, see [Appendix 1](#);
- Whether Public Law Proceedings should commence, see [Appendix 3](#);
- If the recommendation is for the case to return to Gateway Panel, the return date should be booked.

Membership

In attendance :-

- Strategic/Service Manager (Chair)
- Team Manager
- Social Worker
- Case Progression Manager/Officer
- Legal Advisor
- Targeted Support
- Commissioning
- Any other professional considered relevant

Commissioning

All attendees must prioritise attendance for this meeting.

The Panel Administrator will provide the agenda and relevant documents to the Gateway Panel members at least two working days before Gateway Panel date, to allow Gateway Panel members to enable consideration of the information provided.

The Social Worker will present their case to the Gateway Panel members identifying :-

- The relevant parties as per the genogram/ including family composition;
- What is working well;
- What the Social Worker and other professionals are worried about;
- What needs to happen/what is being requested;
- Scaling.

The attendees will go on to ask questions of the Social Worker and Team Manager.

Agenda/Minutes

The Gateway Panel will follow a set agenda arranged by the Panel Administrator and notes of the meeting will be input directly onto CareFirst by the Panel Administrator.

Administration Issues

Contacts

Case Progression Team - cpcaseprogression@northamptonshire.gov.uk

Panel Administrator - AdmissionsandLegal@northamptonshire.gov.uk

APPENDIX 1

Pre Proceedings - Terms of Reference

Objectives

To identify and focus on the key issues, including by assessment work and identifying and evaluating possible family support networks or carers with the aim of making the best decisions and looking for child focused solutions within the timescales for the children.

Gateway Panel Outcomes

- Consider any relevant assessment to be conducted within the PLO pre proceedings;
- Agree on any services or funding that may be available to prevent further escalation;
- Consider whether early Police Disclosure should be requested (legal advisor to obtain);
- Ensure Family Network Meetings are considered;
- Consider whether the Connected Persons Team can be updated relating to any potential connected persons identified for Initial Viability Assessment.

Process Guidance

Week 0	Approve Pre-Proceedings at Gateway
Week 0	SW to send pre proceedings letter to Case Progression (2 days after Gateway). Case Progression to review, and forward the letter to the legal advisor for approval
Week 0	SW to prepare Assessment plans, to be shared with parents
Week 0	SW to request agency reports to be requested/make Relevant referrals
Week 0	SW to make any relevant funding/Commissioning application
Week 0	SW to deliver the pre-proceedings letter/seek parental consent to CAFCASS Plus (where applicable) (3 days after Gateway)
Week 0	SW to liaise with CAFCASS Plus re referral (where applicable)
Week 1	Pre-Proceedings Meeting (with parents and legal present) – (10/14 days after delivery of pre proceedings letter)
Week 1	Assessments to commence
Week 1	Social Worker confirmation re Family Network Meeting
Week 3	Referral for IVA to Connected Person's Team
Week 4	IVA completed
Week 5	Case Progression Review (see appendix 2)
Week 6	Review Pre-Proceedings Meeting (with parents)
Week 11	Case Progression Review (see appendix 2)
Week 12/Week 16	Final Pre-Proceedings Meeting (with parents)

Outcome

The Social Worker will complete the Minutes of the Pre Proceedings meeting during the course of the meeting. The Minutes will be signed by each parent, the Social Worker and the Team Manager at the conclusion of the meeting.

A copy of the minutes will be provided to each parent/relevant party to take away from the meeting.

Review of Process

These terms of reference will be reviewed within 3 months and no later than 31 March 2020

APPENDIX 2

Case Progression Review- PLO Pre Proceedings

Objective

To have an overview of children subject to PLO pre proceedings to ensure their legal intervention is progressing in line with the child's timescales. To ensure relevant and child focused assessments are on track and progressing as required to enable early decisions to be made.

Process

- To support the Social Worker with the contents of the pre proceedings letter;
- To review the progress of the PLO pre proceedings within Case Progression Meetings;
- To escalate appropriately should any delays/problems be identified;
- To ensure assessments have been completed and signed off to enable further decisions to be made;
- Following Service Manager approval and Case Progression Review, to support with decisions to step out of the PLO pre proceedings process;
- To support with the return to Gateway Panel, should request be made to step into PLO Public Law Proceedings .

Relevant Documents

The Social Worker will ensure the Case Progression Manager is updated with any relevant documentation and assessments as completed prior to the Case Progression Meeting, bearing in mind the relevant documentation as set out in the Gateway Panel Terms of Reference (within pre proceedings).

Considerations

The aim of the Case Progression review is to consider:-

- Whether further legal advice is required;
- Whether the current assessments are progressing within agreed timescales;
- Whether any further assessments should be considered or commissioned to ensure child focused decisions can be made;
- To support with the escalation of any issues arising, for example to Commissioning or the legal advisor;
- To ensure relevant escalation should delays be identified;
- To support with decisions relating to stepping out of the PLO –Pre Proceedings process;
- To support with referral to Gateway, should the Social Worker seek approval to for PLO Public Law Orders to be sought (refer to the Gateway Panel Terms of Reference).

Membership

In attendance :-

- Team Manager
- Social Worker
- Case Progression Manager
- Legal Advisor (if requested)
- Any other professional considered relevant

Commissioning

All attendees must prioritise attendance for this meeting.

The Case Progression Meeting will be arranged by the Case Progression Manager at approximately weeks 5 and 11 of the PLO pre proceedings process.

Additional meetings can be arranged at the request of the Social Worker should the following arise :-

- Difficulties with progress have been identified relating to the assessments;
- Consideration is being given to step out of the PLO pre proceedings process;
- The Social Worker considers a request Gateway to seek approval to step into PLO Public Law proceedings is required;
- An emergency situation requiring urgent consideration.

Recording

The Case Progression Manager will record on the child's electronic file the steps agreed to make progress, and will escalate as appropriate any issues arising.

Review of Process

These terms of reference will be reviewed within 3 months and no later than 31 March 2020.

APPENDIX 3

Issue s31 Proceedings - Terms of Reference

Objectives

To make all efforts to ensure cases are front loaded, to enable child focused recommendations and decisions to be made within s31 Proceedings relating to placements and outcomes for children. To make every effort to conclude the Court proceedings within the child's timescales and in conjunction with statutory guidelines.

Gateway Panel Outcomes

- Agree the Order to be sought, and the type of placement to be considered including family placement, Foster for Adoption;
- Agree on the assessments to be undertaken within the proceedings;
- To consider whether early Police Disclosure should be requested (Legal to obtain);
- To update the Connected Persons Team if any IVA's have been identified;
- To agree the date for the issue letter to be delivered to the parents (3 days after Gateway);
- Agree the date the SWET, Care Plan, evidential and checklist documents will be sent to Case Progression (7 days after Gateway Panel).

Case Progression Support

- Case Progression will arrange a meeting with the Social Worker to consider the issuing evidence available;
- Case Progression will review all evidence prepared once finalised and signed off, in readiness to forward to the legal advisor.
- Case Progression will liaise with the legal advisor re updates relating to the issuing paperwork, and to forward the paperwork once finalised and signed off;
- Case Progression will escalate appropriately should any delays be identified with the agreed dates to issue.

Review of Process

These terms of reference will be reviewed within 3 months and no later than 31 March 2020.