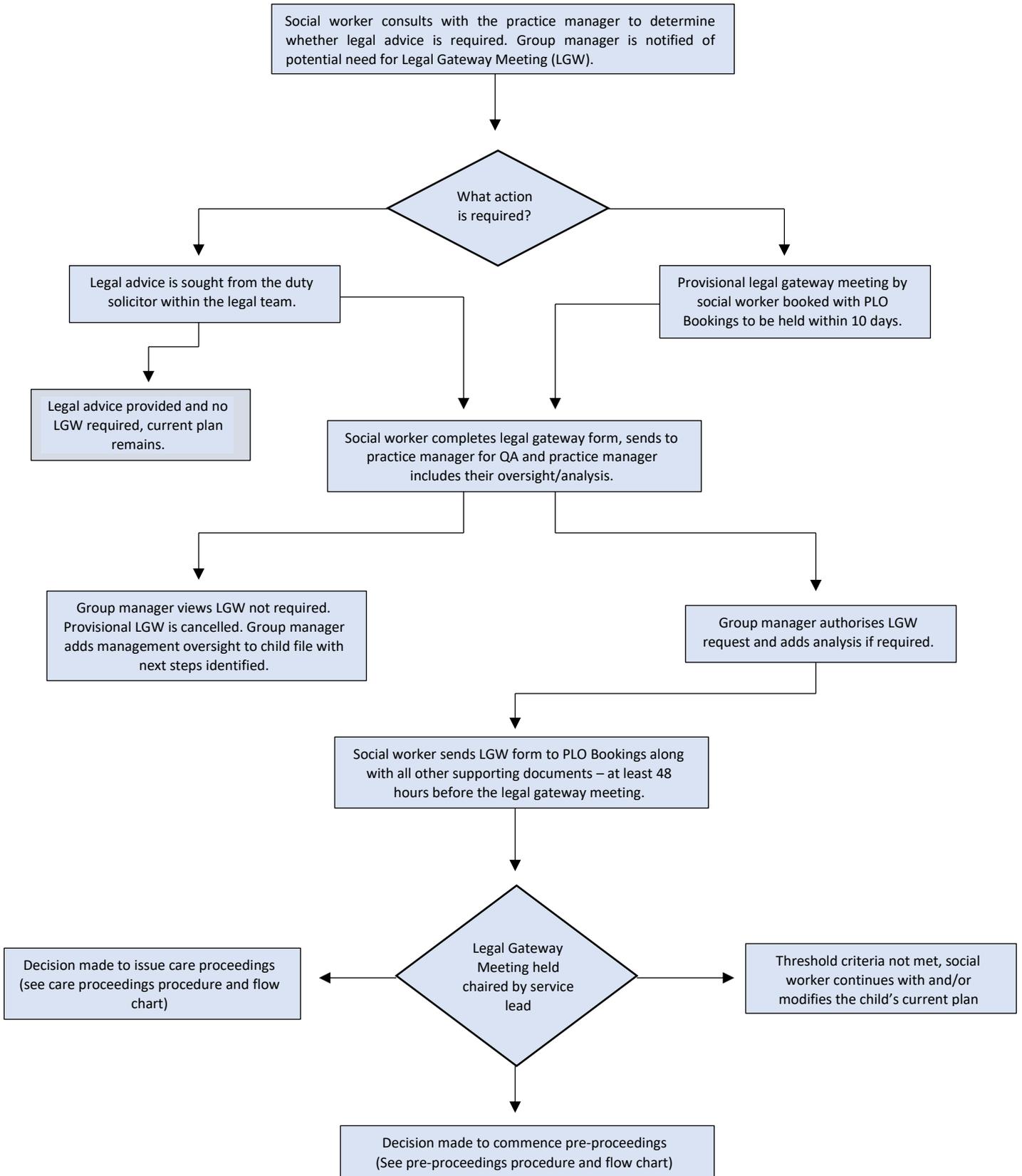


West Sussex Legal Gateway Guidance

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2. Legal Gateway Flow Chart



3. Introduction

The purpose of this protocol is to offer guidance to social workers about the West Sussex process when concerns about children are such that legal advice is required and consideration is being given to commencing the Public Law Outline process or immediate care proceedings.

This protocol will refer to all persons with parental responsibility as parents / carers and will refer to the child as singular, but this is to be interpreted as plural where relevant.

4. Purpose of Meeting

The purpose of the Legal Gateway Meeting (LGM) is for legal advice to be provided to Children's Social Care about the legal options available to safeguard and promote the child's welfare.

5. Decision to Present a Child and Their Family

When a social worker identifies an increased and significant risk to a child, this will be discussed with the practice manager. The practice manager can recommend that a case should be presented at a LGM but the decision to refer a case for a legal gateway meeting must be signed off by a group manager, following receipt of the legal gateway form.

All children who meet the triggers below should be considered for an LGM (non-exhaustive list):

- Consideration that removal from a parents' or family members' care may be required
- The concerns are sufficient that it is considered the Public Law Outline process may be required or that care proceedings are being considered
- Subject to child protection planning for more than 12 months
- 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.
- A child has been subject to S20 for three months or over, where permanence has not been secured.

The practice manager should book a provisional date for a LGM with the legal gateway co-ordinator via PLOmeetingBooking@westsussex.gov.uk The LGM must take place within 10 days of the group manager's agreement to proceed, once agreed the practice manager will confirm the LGM with the legal gateway co-ordinator.

There must be clear management oversight on case notes on the child's file completed by both the practice manager and the group manager of the decision making.

6. Documents

In order to allow an informed decision to be made all paperwork must be fully completed with up to date information and be quality assured by the practice manager with clear management oversight recorded. The legal gateway form must be provided to the group manager for their oversight before being made available to the legal gateway co-ordinator no later than two working days before the LGM date.

The legal gateway form is a decision making document and must contain the background history for the child, details of previous assessment/interventions and the impact that this had for the child, use of family network and key supports, what is working well and what we are worried about, the child's voice, the proposed plan and how this will impact the child, focusing on early permanence. It must also contain an analysis around how it is considered the threshold criteria are met for the commencement of the Public Law Outline process or care proceedings.

If papers are not submitted on time the case will not be presented unless this is agreed by the legal gateway chair. Once an LGM is confirmed with the legal gateway co-ordinator, approval from the legal gateway chair will be required to postpone or cancel the meeting for any reason.

The minimum expectation in respect of paperwork to be provided to the legal gateway are:

- Legal gateway form with practice manager and group manager oversight.
- Up to date impact chronology
- Genogram
- Up to date assessment (in the last six months)
- Current care plan/safety plan
- Any documents relied on, e.g. hair strand test results, cognitive assessment, viability assessment etc.
- Any other documents relevant to establishing whether the threshold criteria are met

7. Process

Frequency	Weekly for South and North
Key membership	Service Lead (chair), Practice Manager (<i>Group Manager if Practice Manager is not available</i>), Allocated Social Worker, Legal Representative, CFIS Practice Manager, Court Progression Officer.

LGMs are chaired by service leads in the Family Support and Protection Service. Therefore, if LGW requests are being made by Assessment and Intervention, Specialist Adolescent Services, or Lifelong Services the service leads for those areas will have oversight of the request and give agreement for the matter to be heard. The legal gateway process will follow with the expectation that the service lead chairing the panel makes the decision taking into account the legal advice.

The agenda for the Legal Gateway Meeting is as follows:

- 1) Social worker summarises the family history and significant events leading to the decision to take legal advice. The child's voice needs to be shared and the social worker needs to set out what they are seeking agreement for.
- 2) The LGM members review and discuss the evidence presented enabling further questions to be put to the social worker and practice manager.
- 3) Legal advice is provided, to always include confirmation as to whether the threshold criteria are established and all the options available to safeguard the child as required
- 4) Service lead decision is made, with next steps and clear timescales identified, setting out who is responsible for actions.

8. Issues to be considered at each Legal Gateway Meeting

The following will be explored and considered within the LGM, but it is expected that the social worker and practice manager would have undertaken full early permanence planning prior to the referral to the LGM and would have explored the points below:

- The reasons for the current concerns and the evidential basis for establishing significant harm
- Current risk/complicating factors
- Child(ren) impact analysis
- 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 and what this has achieved for the child.
- The steps already taken to assess the issues of concern – e.g. 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 e.g. 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.

9. Outcomes and Decision Making

Decisions made at LGM rest solely with Children's Social Care. One of the following outcomes will usually be determined by the LGM:

- a) The threshold criteria for public law intervention are not met. Planned support may continue which could include further assessments or strategy meetings/child protection conferences, possible recommended changes to plan, support of a private law application to safeguard and protect. In addition, a review LGM may be scheduled for a date when further information/assessment has been obtained or
- b) The threshold criteria for public law intervention are met, however for specified reasons a decision is made not to initiate the Public Law Outline process or commence care proceedings at that stage. This may involve a decision to support the child and family for a further period enabling further assessments, possible recommended changes to plan, support of a private law application to safeguard and protect or a potential period of Section 20 (voluntary accommodation) to be considered, In addition a review LGM may be scheduled for a date when further information/assessment has been obtained or
- c) The threshold criteria for public law intervention are met. The decision is made to commence the Public Law Outline process for up to 12 weeks, with a clear plan of extra support/ assessment / expectations which are required within the child's welfare and development timetable with the aim of preventing the need to commence care proceedings, or
- d) The threshold criteria for public law intervention are met. A decision is made to commence care proceedings within a specified time as the safety of the child requires this. Interim care plans to be decided with a focus on early permanence.

10. Record of the Legal Gateway Meeting

The service lead (chair) will provide a rationale of the decision made and send this to the legal gateway co-ordinator within 5 working days. The legal gateway co-ordinator will input this to the legal gateway form and place a case note on the child's file.

The legal advisor will provide written legal advice within 5 working days of the LGM meeting and at the same time to the legal gateway co-ordinator and this will be inputted to the legal gateway form.

After each meeting the court progression officer (CPO) will place a note on the child's file detailing the outcome of the LGM, actions, timescales and who is responsible for undertaking agreed actions. These will be inputted into the legal gateway form by the legal gateway co-ordinator, once all actions are completed the legal gateway co-ordinator will finish the episode on mosaic.

11. Arrangements for Meetings Outside of The Legal Gateway Process

There will be occasions when the presenting risk requires an immediate response that cannot wait for the next LGW, the approach for these circumstances needs to be followed consistently.

Immediate Action Required Today

1. Discussion needs to take place between the practice manager and the group manager whereby agreement is given by the group manager that urgent legal advice is required.
2. Duty solicitor in legal services is contacted for urgent legal advice.
3. Service lead is provided with a rationale as to why urgent action is required, the advice from legal services and proposed care plan. Service lead will make decision as to whether urgent legal action is required, this may be an Emergency Protection Order (EPO).
4. Practice manager will feedback to legal advisor with decisions, instructions and timescales for any further action will be agreed.

Legal Gateway Meeting Required – Immediate Action Not Required Today

1. Discussion needs to take place between the practice manager and the group manager whereby agreement is given by the group manager that legal advice is required before the next legal gateway slot is available.
2. Service lead is provided with rationale as to why legal advice is required and gives agreement for a legal gateway meeting to be held outside of the usual time slots
3. 'PLO Bookings' informed of the request by group manager/practice manager, with brief details of the case and the reason legal advice is required outside of the usual gateway process
4. 'PLO Bookings' liaises with Senior Solicitors in Legal Services to consider the need for and arrange and book a gateway meeting outside of the usual gateway process
5. Social worker provides legal gateway form and supporting documents as set out above.

Review/ Contacts / References	
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