**NORTH SOMERSET COUNCIL**

**PROCESS FOR ACCESSING LEGAL ADVICE**

**ON FAMILIES AT THRESHOLD OF CARE PROCEEDINGS**

**Purpose**

Non-urgent Initial Legal Planning Meetings (LPMs) are held at a fixed time each week (Monday morning or Tuesday if Monday is a bank holiday), referred to as LPM Panel.

For urgent legal advice about the possibility of obtaining Emergency Protection Orders, contact the Childcare Legal Team (Legal) at [nsc.legal@n-somerset.gov.uk](mailto:nsc.legal@n-somerset.gov.uk). No LPM paperwork will be required in these circumstances.

**Process**

Arrangements for LPM Panel will be made in advance by Business Support (BS) as follows:

* Send out calendar invites with MS Teams link (for area per rota) to Shelley Caldwell, Lorraine Sherman & Debbie Freeman;
* Ensure a member of BS is available to take minutes.

Consideration as to whether an LPM should be held may be as a result of a recommendation from a Child Protection Case Conference, supervision discussion between SW and TM, a child in care

In all circumstances, the matter should be referred to the relevant Head of Service (HoS) to consider and approve before any paperwork is sent to Legal.

If it is agreed that an LPM is required, the following should be sent to Legal at [nsc.legal@n-somerset.gov.uk](mailto:nsc.legal@n-somerset.gov.uk)) by no later than **5pm on Wednesday** in order to be included in Panel on the date indicted on the Initial LPM Request Form:

* Initial LPM Request Form on current template;
* Up to date Chronology of Significant Events on template;
* Three generational genogram (maternal & paternal);
* Birth Certificate or Court Order or Marriage Certificate (to confirm father’s parental responsibility); doesn’t need to be sent but informed if we have
* Plan agreed at Family Group Conference or Family Network Meeting; can be pulled of the electronic record
* Other documents referred to in the LPM Request and relied upon as evidence of threshold, which are not available on LCS (eg. written agreements or medical / police records).all on LCS

Legal will acknowledge receipt of the LPM Request and confirm that the matter has been provisionally booked into Panel and on what date (time to be confirmed).

By **noon on the Thursday before Panel**, Legal will email to HoS Family Support and Safeguarding (or cover HoS), allocated legal representative, BS (for area per rota) and relevant SWs and TMs and Team Manager BS:

* list of matters to be considered and the time each matter will be considered;
* LPM Request and supporting documents provided with request;
* information in relation to previous proceedings held by Legal;
* Initial LPM Agenda;

**The LPM Panel will consist of:**

* Chair - HoS Family Support and Safeguarding (or cover as arranged by them - HoS Corporate Parenting / Front Door and Family Wellbeing/);
* Legal representative;
* Minute taker – BS for area per rota.

Others who will attend:

* Social Worker and Team Manager for each child;
* Other professionals who have first-hand knowledge and/or are involved in the provision of services for the family.

The LPM will be an opportunity to discuss a family fully, review the evidence and ensure that all necessary actions have been carried out before legal intervention is required.

The social work team wil present the proposed plan and the legal representative will advise about the legal possibilities for achieving the desired plan, threshold for issuing court proceedings or entering into the pre-proceedings process and to give a view about the quality of the evidence available and time frames.

CSC is not compelled to accept legal advice but, if legal advice is not followed, the Chair should explain the reasons why and this will be included in the minutes. If legal advice is not followed, the minutes will be sent to the Assistant Director, copying in the Chair.

The Chair will follow the Initial LPM Agenda to ensure all relevant areas are discussed and to improve the ability of BS to capture relevant information in the minutes.

If the outcome of the LPM is to begin the pre-proceedings process, all actions will be agreed and plotted at the LPM with reference of the Pre-Proceedings practice guidance . The LPM minutes should reflect all actions, who is responsible for each action and the dates agreed for completion; including parenting assessments, risk assessments, psychological/psychiatric reports, DNA testing, hair strand and blood testing, family meetings, kinship assessments. Legal will obtain one copy of the Birth Certificate for use by Legal.

After the LPM, if court proceedings are to be issued or if the pre-proceedings process has been agreed, the matter will be allocated to a member of Legal. Note however that the minutes of the Initial LPM should be agreed with the legal tepresentative who attended Panel.

**Minutes**

**Day 3** - BS sends draft LPM minutes to the legal representative who attended Panel

**Day 5** - Legal sends tracked minutes to Chair, copying in BS (minute taker)

**Day 7** - Chair returns minutes to Legal with any additional track changes or comments and confirms approval subject to those changes

**Day 9** - Legal finalise minutes and send to SW, TL, HoS (if not Chair), BS (to save to child’s file).