West Sussex Legal Gateway Guidance

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**2.Legal Gateway Flow Chart**

Social worker consults with the Team Manager (TM) to determine whether legal advice is required. Service Manager (SM) is notified of potential need for Legal Gateway Meeting (LGW) and 3-way meeting held at discretion of Service Manager.

What action is required? WHAT WW

Legal advice is sought from the duty solicitor within the legal team as advised by TM.

Provisional legal gateway meeting by social worker booked with PLO Bookings to be held within 10 days.

Legal advice provided and no LGW required, current plan remains.

Social worker completes legal gateway form, sends to team manager for QA and Team Manager includes their oversight/analysis.

Service manager views LGW not required. Provisional LGW is cancelled. Service Manager adds management oversight to child file with next steps identified and closes the episode.

Service Manager authorises LGW request and adds analysis if required.

Social worker sends LGW form to ‘Gateway Duty’ on mosaic attaching all other supporting documents in the step by 3pm the Wednesday before the legal gateway meeting.

Legal Gateway Meeting held chaired by Head of Service

Threshold criteria not met or no further action for legal services, social worker continues with and/or modifies the child’s current plan

Decision made to issue care proceedings (see care proceedings procedure and flow chart)

Decision made to commence pre-proceedings

(See pre-proceedings procedure and flow chart)

Minutes are completed by PLO Meeting Bookings Admin on the Gateway Referral and sent to Head of Service for sign off. Once sign off has been received and Legal notes added. Gateway Referral is finished by PLO Meeting Bookings.

**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 Team Manager can recommend that a case should be presented at an LGM but the decision to refer a case for a legal gateway meeting must be signed off by a Service Manager, following receipt of the legal gateway form*.*

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

* Where a pre-birth conference decides a child is to be made the subject of a child protection plan ahead of birth and there is no active involvement from the extended family
* Where a child has a child protection plan and parental engagement with the process, and support services, has been persistently inconsistent and ineffective, limiting the progress and putting the child at risk of significant harm.
* Where the child has a child protection plan and there has been no progress and/or the impact of the identified concerns has worsened at the point of the second review conference. Every care should be taken to recognise change takes time, particularly where families are experiencing longstanding challenges.
* Families that have previously been through the pre-proceedings process and similar concerns re-occur within a 12-month period.
* Families where the mother or father have had child(ren) removed from their care in the past and there is concern that any presently identified risks cannot be managed with the children remaining in the parents’ care.
* Families where the risks and concerns are sufficiently significant that the matter is highly likely to proceed to court but allowing time for the PLO pre-proceedings.
* Consideration that removal from a parents’ or family members’ care may be required
* Cases of a specific nature e.g. potential inflicted injury and fabricated or induced illness, which are sufficiently serious for formal legal advice to be sought.
* 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.
* A child has been subject to Section 20 for over 16 weeks, with no plan for reunification and taking in to account their age legal advice and planning is required.

The Team 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 Service Manager’s agreement to proceed, once agreed the Team 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 Team manager and the Service 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 Team Manager with clear management oversight recorded. The legal gateway form must be provided to the Service Manager for their oversight before being made available to the legal gateway co-ordinator no later than 3pm the Wednesday prior to 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:

1. The names of the child(ren), their parents and any other significant family members or friends who may be able to offer support, in either the short term or longer term, plus the birth certificate to check parental responsibility or identity papers if non-UK national.
2. The key needs of the children and details of any direct work with them to date.
3. Any relevant child and family assessment completed within the past six months.
4. Genogram (three generational)
5. Chronology
6. The most recent child protection/child in need/child looked after plan
7. Details of any previous expert assessments
8. An overview of the court bundle from any previous proceedings
9. An outline of the proposed plan for working with the family.

**7. Process**

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| **Frequency**  | Weekly for South and North |
| **Key membership** | Head of Service (chair), Team Manager *(Service Manager if Team Manager is not available),* Allocated Social Worker, Legal Representative, CFIS Team Manager, Advanced Social Worker (Permanence Team)/Court Progression Officer. |
| **Optional membership** | Service Manager for relevant Social Work Team, Connected Carers Team, Adoption South East, Placement Finding Team and any connected child’s social worker who may have relevant information. |

LGMs are chaired by relevant Heads of Service. The purpose of a LGM is to consider all the information available and decide if the legal threshold is met and whether to undertake further work with the family outside of a legal framework, commence pre-proceedings or to issue immediate care proceedings. Considering:

1. The specific issues, risks and mitigating factors of relevance at this time, which will include known historical concerns.
2. Continuing support or any additional direct work to be undertaken with the child(ren) during this period.
3. Specify further support the local authority could offer the family to mitigate identified risks.
4. How the local authority will continue to assess the risks and/or track positive changes in this period.
5. Any expert assessments that are required – including who is being assessed, for what purpose, who will undertake the assessment plus the likely duration.
6. Family members who are to be consulted to offer either support or be assessed as alternative carers. Early sharing of necessary information with extended family and the use of Family and Friend Support Meetings are essential, unless good reason why impracticable.
7. Record that the duration of pre-proceedings process will commence from the Initial Meeting Before Proceedings at which the plan will be discussed with the parents; and agreed the frequency of review meetings.

**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 Team Manager would have undertaken full early permanence planning prior to the referral to the LGM and would have explored the points below:

* What is the lived experience of the child(ren) and how is it impacting on their wellbeing?
* How long has social care been involved with the family? What are the concerns, and the history of such concerns, of the local authority and/or agencies?
* Have any changes been made within the family to mitigate the risk factors
* What support services have been offered to the family?
* How has the family engaged with these services and what is the impact on the children’s wellbeing/outcome of this engagement.
* What needs to change/happen and what is the plan for the family moving forward?
* How have social and cultural differences and inequalities been addressed? Have interpreters been consistently used whilst working with the family?
* Is the legal threshold met to commence pre-proceedings or to issue immediate care proceedings?
* 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.
* 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 (Refer to Family and Friends Guidance)
* Whether there has been appropriate use of the Family and Friend Support Meeting and what this has achieved for the child.

**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:

1. 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
2. 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
3. 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
4. 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 Head of Service (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 Advanced Social Worker (Permanence Team) or 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 from 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 LGM slot, the approach for these circumstances needs to be followed consistently.

Immediate Action Required Today

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

 Legal Gateway Meeting Required – Immediate Action Not Required Today

1. Discussion needs to take place between the Team Manager and the Service Manager whereby agreement is given by the Service Manager that legal advice is required before the next legal gateway slot is available.
2. Head of Service 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 Service Manager/Team 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.

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