

# Children's Social Care Legal Gateway Meeting



## 1. Statement of Purpose and Function

The Legal Gateway Meeting (LGM) is an internal forum that makes decisions regarding children whose plans need to be progressed within the Public Law Outline (PLO), and regarding children's legal status and care arrangements for children who need to come into Care, children in Care (CiC), and children who have a plan to return home.

All CiC should have a plan for permanence, which can be achieved by way of reunification, kinship care or other family arrangements, special guardianship, adoption (including Fostering For Adoption) or long-term fostering. For most CiC, permanence is achieved in conjunction with legal Orders: Care Orders, Child Arrangements Orders, Special Guardianship Orders or Adoption Orders (usually following Care and Placement Orders). For some CiC, ongoing voluntary arrangements (section 20) remain appropriate, for example, children who are accommodated due to significant additional needs and Unaccompanied Asylum Seeking Children (UASC). For some children in Care, their care and safety planning require legal advice, to ensure that decision making is lawful.

[The Care Planning, Placement and Care Review Regulations \(2010\)](#) sets out the responsibilities of social workers, their managers and Independent Reviewing Officers (IROs) to ensure that all CiC have a permanence plan identified by the time of their second Child Looked After (CLA) review, which must be held no later than 4 months after the child became *looked after*. IROs have specific responsibilities to monitor and review the progress of permanence plans for all CiC and to challenge identified delay using the Dispute Resolution Process (DRP).

Contingency plans are an important part of care and permanence planning for CiC, until such time as a permanence plan has been achieved. Dependent on the child's welfare, the paramount considerations in permanence planning for all CiC should be, in order of priority: reunification to parental care; kinship care / Special Guardianship or other legal Orders placing a child within their family network; adoption; or an agreed plan of long-term fostering. For UASC, permanence plans are interdependent with Home Office decisions regarding claims for asylum.

## 2. Objectives

The LGM ensures that a child's legal status is appropriate, decision-making regarding their care plan is lawful, and that their plan is progressing towards permanence without delay. The LGM shares and discusses information presented regarding individual children so that the Chair can make decisions about plans for children who need to progress within the PLO and review the progress of plans within PLO.

### **3. Membership**

The LGM is an internal mechanism only within BCP Children's Services and core membership consists of:

- Service Manager for Children and Families First and PLO Court Teams (Chair)
- Legal Services
- Team Manager for the PLO and Court Team
- Service Manager for the IRO Service
- Team Manager for Parenting Assessment and Contact Service
- Aspire Permanence Co-Ordinator
- Business Support

Service Managers for the Assessment Service, Children in Care or Child Health and Disability Team (CHAD) are required to attend the LGM when the plan for a child under their responsibility is being considered, alongside the relevant team manager and social worker.

Social workers completing connected persons (kinship) assessments and Special Guardianship assessments are invited to attend Pre-Final Care Planning Meetings.

In exceptional circumstances there may be good reason to invite another professional, including those from outside of BCP Children's Services, to the initial case discussion part of the meeting, however they must leave the meeting prior to any legal advice being provided, as this is privy to the local authority.

### **4. Frequency, Agenda and Case Preparation**

The LGM takes place weekly on a Tuesday morning. LGM referral forms must be agreed by the team manager and service manager before being submitted to the LGM Co-ordinator no later than Thursday 1pm of the preceding week.

All referrals should make clear what decision is being requested of the LGM and the evidential basis for the recommended course of action.

All referrals should be accompanied by an up-to-date assessment and child's plan; genogram; chronology; and any other relevant assessments already undertaken. Equally, a family network meeting should have been held to explore the support the wider family and community can provide for the child. The impact on the child must be clear.

The agenda is circulated to core members and all relevant social workers, team managers and service managers on the Friday morning before the following week's LGM.

It is the responsibility of Service Managers to ensure the attendance of social workers and team managers and that case discussion and preparation is undertaken prior to attending the LGM.

### **5. Remit**

All children, including unborn children, who meet the criteria below must be presented to the LGM. The LGM considers requests for legal advice and decisions regarding whether threshold is met and:

- Requests for a child's plan to progress into PLO pre-proceedings;
- Review of all plans progressing within PLO pre-proceedings;
- Decisions to exit PLO pre-proceedings;
- All arrangements where a child has been removed under Police Powers of Protection;
- Arrangements where children already have a social worker, and they begin living with someone who does not have Parental Responsibility (PR) for them or the person with PR's care of the child is restricted in any way;
- All children newly accommodated under section 20 in order to review the appropriateness of their legal status;
- Arrangements for a child in Care where there are additional safeguarding measures required in order to supervise or keep the child safe (eg increased supervision or monitoring; restricting access to mobile phones; additional physical security measures which could require consideration of a Deprivation of Liberty Order);
- Decisions to issue care proceedings;
- Review of the progress of care proceedings at 12 weeks (Review Legal Gateway Meeting);
- Ratification of final care plans in care proceedings (Pre-Final Care Planning Meeting);
- Decision required for a Care Order to be discharged;
- Any other change in circumstances that requires the local authority to apply for an Order to be revoked or discharged;
- Section 37 reports prior to submission to Court to consider whether threshold is met to initiate proceedings;
- Recommendations regarding the threshold criteria for Secure Accommodation – however the decision to proceed must be made by a Service Director in consultation with this Director of Children's Services (DCS).

## 6. Outcomes and Recording and Completing Actions

The LGM makes decisions having had the benefit of legal advice and identifies and agrees the SMART actions required to progress the decisions made. Actions may include:

- i) reconvening a LGM following the gathering of further evidence;
- ii) recommending additional support and intervention required as an alternative to PLO / care proceedings / accommodation (eg Edge of Care support, reunification support);
- iii) timescales for issuing a PLO1 letter (intention to initiate pre-proceedings) and for the first PLO meeting to be held;
- iv) agreement and review of interventions required during PLO pre-proceedings in order to increase the child's safety and divert away from care proceedings (to inform the content of the PLO1 letter);
- v) identification of the date by which the progress of PLO pre-proceedings should be reviewed at a LGM;
- vi) agreement to any actions required in order to progress evidence and parental inclusion (eg drug testing, paternity testing, DWP traces)
- vii) identification of any assessments required to be undertaken by the child's social worker or the Parenting Assessment team;
- viii) identification of all viability, kinship or Special Guardianship assessments, or the steps required in order to ensure all prospective connected carers have been identified (Family Network meeting and outcomes / network explored);
- ix) agreement to any assessments that need to be externally commissioned in order to progress pre-proceedings or the child's care plan;
- x) timescales for the preparation of evidence and initial care plans in order to issue care proceedings or an application to discharge an Order, including notifying parents of this intention;

- xi) formal notification to Aspire Adoption regarding consideration of Foster to Adopt arrangements or a parallel plan which includes adoption;
- xii) identification and review of all parallel planning options in care proceedings;
- xiii) ratification of final care plans for children who are the subject of care proceedings;
- xiv) any actions required to be taken in order to determine whether a child's care and supervision arrangements potentially constitute a Deprivation of Liberty and actions required to put this before the Court;
- xv) recommendations regarding Secure Accommodation - the decision to proceed must be made by a Director in consultation with this Director of Children's Services (DCS).

The specific actions identified for each child are made available within three working days and will be recorded on the child's Mosaic case notes by the LGM administrator as follows: 'Title' *Legal Gateway Meeting Actions (date)*; 'Type of Note' *Legal Gateway*. All actions should include who is responsible for undertaking each action with a specified date by which each action is to be achieved.

The legal advice for each child received should be recorded on the child's Mosaic case notes by the LGM administrator as follows: 'Title' *Confidential Legal Advice (date)*; 'Type of Note' *Legal Gateway*.

A record of the decisions, actions and legal advice are also recorded on the LGM referral document and uploaded to the child's documents in Mosaic. This document should be updated by the social worker, approved by the responsible team manager and service manager, and submitted to the LGM Administrator whenever the child's plan requires review at a subsequent LGM.

The minutes of the LGM are privy to the local authority and therefore cannot be shared with external agencies.