# North Somerset Council Deprivation Of Liberty (DOL) Legal Planning Meeting (LPM) Panel - Terms of Reference

## 1. Purpose of DOL LPM Panel

The DOL LPM aims to consider the best outcomes for children and young people where there is a need to impose restrictions / deprivations on their liberty for their own protection and:

* Consider the best outcomes for children and young people who are:

a) considered to be at risk of Forced Marriage

b) FGM

c) where there is a need to impose restrictions/ deprivations on their liberty for their own protection.

* Ensure the best use of available resources to protect the child from harm
* Consider, track and record cases of children who need a FMPO/FGMPO or a DOL
* Ensure full consideration of all alternatives to children requiring FMPO/FGMPO or a DOL
* Identify multi-agency issues requiring escalation
* Monitor recommendations and actions
* Consider whether any legal action is required where a child is placed in either unregistered or unregulated settings
* Scrutinise and challenge unauthorised restrictions to children’s liberty
* Contribute to analysis of patterns and trends in FMPO/FGMPO and DOL to inform future commissioning intentions
* Trigger notifications to relevant service areas regarding practice concerns
* Monitor DOL applications to ensure consistency and good practice.

## 2. Membership of DOL LPM Panel

* The Chair – Head of Service for Disability Services (a nominated Head of Service to deputise when required)
* Head of Service / Team Manager (TM) from Corporate Parenting Service
* Legal representative
* IRO Manager
* Service Manager for the AHMP and DOLs service from the Adults Service
* Minute taker (Business Support Officer) [from recording]
* TM (on rota basis) from Children’s Service as part of their practice development

## 3. Referral to DOL Legal Planning Meeting

All children where the Social Worker (SW) and TM identify the need for an LPM to consider FMPO/FGMPO or DOL, will be referred to the Panel after seeking and gaining their Head of Service’s agreement. The Panel will explore the details of the case with the SW and TM and make a final decision as to whether the threshold has been met. All possible options and alternatives will also be explored during the meeting. The TM will also be able to see what support the SW will need and how best to provide it.

Specific triggers for a referral to the Panel in relation to DOL will be cases where a child has been moved into a residential home, an unregistered placement or unregulated setting, or cases where there is a request for a package of support which includes 1:1 (or more) supervision of the child, or any other arrangement that may amount to a deprivation of the child’s liberty (such as restrictions on access to the community, restrictions on access to social media, any restraints used for safety).

Specific triggers for a referral to the panel in relation to FGM or FM cases would be notification that a child may be taken out of the country for the purpose of either of those safeguarding events.

All children who have required emergency legal action will be required to be presented at an urgent LPM on the day the emergency arises and subsequently at the **next** scheduled Panel meeting. (The Panel meets weekly on Tuesdays from 9.00am – 11.00am). The SW and the TM will be expected to attend the Panel at the allocated time.

The deadline for Panel papers to be submitted is Thursday by 5pm. Papers sent after this time will usually be held over to the following week. In the event that an urgent decision is required to be made outside of Panel, the respective Head of Service can make the required decision and the case presented at the next available Panel for ratification retrospectively.

## 4. What will the DOL LPM Panel do?

* It will review the completed LPM Template/referral and Checklist submitted.
* Review and consider the quality of the evidence available.
* The primary purpose of the Panel is to establish whether threshold is met for potential proceedings and to decide the best course of action to ensure the child’s safety and wellbeing. This will include consideration of assessments.
* The Panel will identify potentially high risk and high-cost legal cases and plan accordingly.
* All recorded decisions of the Panel are deemed as final and cannot be changed unless the case is re-referred to the Panel for a review.
* Panel may defer a decision until further information is provided.
* The Panel may require other cases that are already in proceedings to be presented to the Panel e.g. for mid-way review of any DOL that has been authorised for more than 3 months, or prior to expiry of any 3+ month DOL order to consider if a further application is needed. A review will also be required if there is a proposed change to the restrictions.
* TMs/Heads of Service may refer a case to Panel at any stage for advice on a new DOL application or the renewal of a DOL of any length including <3 months or prior to expiry.
* All decisions and required actions are to be taken following the legal advice provided and with regard for ensuring the best outcomes for children.
* Any review of a Panel decision must be taken in consultation with the relevant Head of Service.
* All cases referred to Panel are minuted to ensure a proper record of the decisions is retained and ensure accountability.

## 5. DOL LPM Panel Process

a. SW and TM to identify the need for an LPM. Once agreed by the Head of Service the SW will complete the DOL LPM Request Form and Checklist which should be signed off by the TM and Head of Service before being forwarded to Legal by email to nsc.legal@n-somerset.gov.uk.

b. Other recent documents referred to in the DOL LPM request form and Checklist (e.g. assessments) should be provided. Any other documents should only be submitted if they are relevant and will help the Panel reach a conclusion.

c. Requests for attendance at the Panel and the relevant paperwork must be received by Legal by close of business on Thursday before the Panel convenes on the following Tuesday.

d. Legal will book the case into the Panel and notify the SW and the TM of their appointment time.

e. Legal will circulate available paperwork and confirm the agenda of matters for consideration in an email to be sent on the Friday before Panel at the latest. The email will include a request for Business Support to update the DOL LPM Panel calendar invite in accordance with the agenda.

f. Additional information regarding planning and options considered can be requested by Panel. If additional information is required, the Panel may ask for this to be brought back to the next panel.

g. The decisions from the Panel will be recorded on the child’s file by the SW/TM to evidence transparent management decision making. Legal will collect data on the number of cases/children and the Panel outcomes.

h. While challenge is important and critical part of the process, all Panel members and attendees are asked to ensure the atmosphere remains professional and supportive so that colleagues attending have a positive enabling experience.

i. Panel attendees are welcome to share their experience of attending Panel and the Chair will also invite feedback about the experience and ensure learning is shared with all Panel members.

j. There is a clear expectation on the SW and TM to have a good knowledge of the case being presented to assist the Panel make sound well informed decisions.

k. Panel members are asked to be well prepared, having read the paperwork and researched any queries on LCS before the meeting.

l. The Panel Chair will endeavour to provide feedback to attendees with a view to offering encouragement and guidance on how they can improve their practice on their experience at Panel in the future.

m. Minutes of the decisions will be prepared by Business Support (this can be done from a recording of the meeting if Business Support is unable to attend the meeting) and circulated to the legal representative and Chair. Once finalised and approved, Business Support will save the finalised minutes on the child’s record.

n. It is the responsibility of the TM and Head of Service to ensure all decisions and actions outlined by the Panel are complete within any stated timescales.

o. TMs must return to Panel if a recommendation is not or cannot be adhered to.

November 2023