1. **Document Information**

|  |  |
| --- | --- |
| **Terms of Reference:** | Legal Gateway Panel |
| **Date:** | 01.02.2024 |
| **Version:** | V1.0 FINAL |
| **Author:** | Cathy Jones/Jacqueline Sims |
| **Owner:** | Cathy Jones |

1. **Document Control**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Version** | **Date** | **Author** | **Change Ref** | **Pages/Section affected** |
| V0.1 | 29.01.2024 | D. Raymond | Initial draft | All pages |
| V0.2 | 01.02.2024 | C. Jones | Updated draft | Purpose amended to include information around cases from Assessment service |
| V0.3 | 01.02.2024 | D. Raymond | Updated draft | Edits |
| V1.0 | 06.03.2024 | D. Raymond | Final version | All pages |

1. **Sign Off**

|  |  |
| --- | --- |
| Position | **Date** |
| Legal Gateway Planning | SMT February 2024 |

|  |  |
| --- | --- |
| Date Adopted | **March 2024** |
| Review Frequency |  |

**Outline**

This guidance clarifies the role of the Legal Gateway Panel (LGP) in the context of permanence planning for children. It identifies how the panel fits with statutory processes for children within the community, the [Public Law Outline](https://devonchildcare.proceduresonline.com/p_care_supervis_plo.html), and Permanence Panel, and restorative practice. We know that most children do best when they are supported to live within their own families and natural networks. The role of this panel is to support consistent, high-quality decision making and promote a culture of shared accountability, with Senior Management oversight of decisions that may result in significant interventions in family life.

**What does 'Legal Gateway' mean?**

The Legal Gateway is the point at which the responsible team has reached a recommendation, based on evidence of actual or likely harm to a child or young person, that legal intervention is required to safeguard a child and plan for their permanence. The Panel may also be used to request that a child becomes looked after under Section 20, although requests will be considered at the Practice and Resources panel where this relates to family breakdown rather than safeguarding concerns.

### Purpose

* To ensure that decision making across the locality is consistent and proportionate, and that proposals to intervene in family life are supported by clear care plans, designed to improve outcomes for children.
* To ensure that every effort to offer support and protection is made to enable children to live safely within their own families and communities before the initiation of legal proceedings, where it is safe to do so. This includes Senior Managers supporting practitioners to identify suitable resources or partnerships that may facilitate this outcome.
* To ensure that robust and holistic assessments have been completed to inform evidence-based decision making.
* To have oversight and quality assure Social Work evidence prior to entering pre-proceedings or care proceedings.
* To ratify recommendations to progress to the Public Law Outline (PLO) and the appropriateness of any specialist assessments required, including cost. This recommendation is passed to the Legal Gateway panel following a Legal Planning meeting chaired by a Locality Service Manager.
* To review the progress of all children subject to the Public Law Outline, after two months, to ensure the end of the process or to progress to care proceedings.
* To ratify recommendations for initiating proceedings.
* To review all children in proceedings every 8 weeks thereafter until conclusion.
* To review recommendations of Secure Panel Reviews at the following Legal Gateway Panel.
* Children transferred from the Assessment and Intervention Service will be heard at the LGP following a Legal Planning Meeting being completed, and if agreed to enter pre-proceedings the child will transfer to the Children and Families team at the initial PLO meeting, or if it is agreed to issue care proceedings the child will transfer at the first court hearing.

**Outcomes**

Having considered all the information made available to it, the Legal Gateway Panel will decide the appropriateness of any of the following steps:

* For the Social Work team to convene a child protection conference, or to devise a more robust child in need plan that supports the family and may avoid the need for legal intervention in family life. The panel may advise on additional resources or professional consultations that would support this outcome, such as family group conference, working with a restorative coach or seeking services from a partner agency such as Adult Mental Health.
* Issue a “pre-proceedings letter” and convene a PLO meeting
* Support a private law resolution to safeguard and promote the welfare of the child
* Consider whether the child should be accommodated under Section 20
* Issue S31 Public Law Care proceedings where the threshold criteria are met, and the interests of the child require it
* Defer decision for further information
* Set a future review date to ensure PLO, or proceedings plans and timescales are adhered to.

**Emergency Decisions made outside of the Panel**

Any decision made outside of the Panel, or on an emergency basis, can only be made by the Deputy Director Children’s Services or, a Children’s Social Care Head of Service. (However, any decisions in relation to residential care or secure placements must be escalated to the Director of Children’s Services in their absence.) These decisions must be brought to the next panel retrospectively with all the required information.

**Review of Decisions**

To ensure that decisions made at the Legal Gateway Panel are progressed within the agreed timescales, updates will be timetabled at the panel and obtained from relevant managers and Social Workers as appropriate. This will ensure management oversight and challenge, to avoid drift and delay for the children and young people concerned. Where a written review is required by panel, the Service Manager will be responsible for providing this information by the date requested by the panel chair.

**Membership**

* Chair – Head of Service
* Area Service Manager
* Principal Solicitor (written legal advice in advance if unable to attend)
* Adopt Southwest representative.
* Family Finder representative
* Court Progression Managers
* IRO (where a child is already in care)

**Attendance**

* Service Manager for Assessment and Intervention or DCS where the child is open to their team
* Relevant Team Manager & Social Worker will attend to present their recommendation.

**Frequency of Meetings**

Weekly on a Thursday morning between 9.00am - 11.00am and 11.30am – 1.30pm. There will be 2 panels – North/Mid & East and Exeter/South.

**Ways of Working**

Where cases are being presented to Panel for consideration or review, the relevant

reports must be completed and authorised by 10am on the Wednesday prior to the

Panel. The following documentation is needed:

*Paperwork required for* ***ALL new cases****:*

* Panel request form
* Up to date Child & Family Assessment
* Draft Court Care Plan (if relevant)
* Draft PLO letter (if relevant)
* Chronology.

*Paperwork required for* ***reviews****:*

* Panel request form
* Legal Planning Form
* Any other relevant new or updated documents including information relating to permanence planning and relevant key dates (court timetabling, filing of assessments).

A written summary of the meeting will be taken by the Panel Administrator. The written summary will set out the panel decision with a clear rationale for their decision making. The notes will be produced with 1 working day of panel and ratified by the Panel Chair within 2 working days of receipt.

Once ratified:

* The decision will be uploaded to the child’s file on Eclipse
* The detailed notes, including Legal advice will be added to the Legal record. These notes are legally privileged and cannot be shared with other parties and organisations.
* A master copy of the meeting notes is held on the Legal Gateway Panel shared folder and can be accessed by all Panel members.
* The Home Team will have access to the information and approvals given for placement searches if appropriate to care planning agreed.