



# **Legal Gateway Panel**

## **Protocol and guidance**

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## Contents

1. Scope of this document
2. Terminology
3. Purpose of legal gateway panel
4. Requesting a child's case is heard by a legal panel to consider starting pre-proceedings or care proceedings including first applications for Supervision Orders (includes guidance on document completion)
5. Requesting a child's case is considered by the legal gateway panel meeting to consider discharge of a Care Order, varying, or extending a Supervision Order or revocation of a Placement Order.
6. Requesting a legal gateway panel meeting to consider discharge of a Care Order, revocation of a Placement Order, or extension or variation of a Supervision Order
7. Agreeing a child's case can be considered at a legal gateway panel.
8. Legal gateway panel: format and roles
9. Preparing for and presenting a child's case to a legal gateway panel - guidance
10. Legal gateway panel outcomes and timescales
11. Minutes and tracking
12. Urgent circumstances
13. Children' case tracking process
14. Disagreements, escalation, and complaints

Appendix 1. Summary table

Appendix 2. Flow chart

Appendix 3. Legal principles

Appendix 3. Pre-proceedings timeline

Appendix 4. Care proceedings timeline

Appendix 5. Case Management Order Template

Appendix 6. Standards for effective child protection planning

## 1. Scope of this Document

- a) This document sets out the arrangements for convening and running **legal gateway panels** and **children's case tracking meetings/process**. It defines purpose, accountabilities, process, participation, documentation, and dispute-resolution measures.
- b) It provides guidance for social workers and team managers on achieving good quality documentation.
- c) It covers legal matters that fall within the Public Law Outline (PLO)<sup>1</sup>.
- d) It does not cover arrangements relating to Secure Accommodation Orders, Recovery Orders, leave to oppose adoption orders, or Deprivation of Liberty Safeguards (DOLS)<sup>2</sup>. These are addressed in the document Legal Advice Meetings - Protocol and Guidance<sup>3</sup>

## 2. Terminology

- a) **Legal Gateway Panel:** a child-specific panel convened and recorded as set out below. The name and purpose are established in statutory guidance.
- b) **Legal Advice Meetings (LAMs)** are child specific meetings relating to legal actions other than those covered by legal panels. They are a GCC mechanism and not governed by statutory guidance.
- c) **Children's Case Tracking meetings/discussions** have a function distinct from children's cases presented to the legal gateway panel. This is set out below.

3. **Pre-proceedings review meetings** are the meetings between the allocated Social Worker, Team Manager, parents and where appropriate the legal adviser that take place periodically to review progress when a child is in pre-proceedings.

## 4. Purpose of a Legal Gateway Panel

- a) A legal panel is held to consider whether a child's case should be subject to:
  - i. starting pre-proceedings
  - ii. starting care proceedings (including stepping up from pre-proceedings, recommendation to issue proceedings following the completion of a S37 report and first applications for Supervision Order)
  - iii. seeking discharge of a Care Order, or revocation of a Placement Order
  - iv. extending or varying a Supervision Order.
  - v. The panel will also make the decision if the children being considered through a legal gateway panel should come into the care of the local authority.
- b) A legal panel will often, but not always follow a period on a child protection plan, when insufficient sustainable progress in reducing risk is made. Appendix 4 sets out GCC's standards for effective child protection planning.
- c) The purpose of a legal gateway panel is to consider the children's situation, to obtain legal advice and decide next steps for the child.

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<sup>1</sup> [http://www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_12a](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12a)

<sup>2</sup> Mental Capacity Act 2005

- d) In doing this the panel members will evaluate the available evidence and, having regard to the legal advice given at the legal gateway panel by the legal adviser present, decide in principle about whether the *threshold criteria*<sup>4</sup> have been met or continue to be met.
- e) The members of panel then decide, based on a robust analysis of the level of assessed risk, whether the local authority should take one of the steps listed above (4a).
- f) When considering whether to commence care proceedings, the panel must consider whether a further period of support for the family is in the best interests of the child, with the aim of avoiding proceedings; or whether there is immediate risk of significant harm to the child to warrant issuing proceedings immediately.
- g) The final decision of the panel rests with the chair. The steps for resolving disagreements about the decision are set out below in section 13.
- h) The panel should identify evidence gaps, set out what if any additional assessments will be required, and consider the draft initial care plan for the child, considering all possible permanence options.

## 5. Requesting the legal panel to agree pre or care proceedings.

- a) When a child's social worker believes insufficient progress is being made to protect a child from significant harm, they should discuss their concerns with their team manager. The team manager may agree that a child's case should be considered by the panel, or alternatively, ask the social worker to gather more information and/or complete further work with the family.
- b) In most situations, prior to considering pre-proceedings, the child will have been subject of child protection processes to address the risk of significant harm. The social worker or team manager should also consult the child protection conference chair when considering requesting a legal gateway panel meeting. Accountability for agreeing to make a formal request for a legal gateway panel meeting remains with the social work team overseen by the group manager or head of service.
- c) If a child is already accommodated under s20 of the Children Act 1989 and the proposal is to initiate pre-proceedings, the social worker or team manager should consult the independent reviewing officer (IRO). Again, accountability for agreeing to make a formal request for a legal gateway panel meeting remains with the social work team overseen by the group manager.
- d) Once the group manager has agreed, via the case tracking process, that a child's case should be referred to the legal gateway panel, the social worker should complete and collate the necessary documentation as follows.
  - i. **Request for a Legal Gateway Panel slot form.** This is a key document as it summarises the facts that support the social work team's view that the threshold criteria are met. It must include basic information about the child and their family; a brief outline of the key evidence of harm or the likelihood of harm; the proposed interim care plan for the child with options and proposed next steps. It needs to identify succinctly what the issues are for the child: the nature of the significant harm caused or likely; evidence of that harm; a summary of

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<sup>4</sup> Children Act 1989 s31 <https://www.legislation.gov.uk/ukpga/1989/41/section/31>

interventions undertaken by the social worker or and/or other agencies, with an analysis of why these interventions have not worked; and what are the proposed next steps. Where the child is already accommodated under s20 of the Children Act 1989, the summary should indicate why it has become necessary to seek a Care Order.

- ii. An **up-to-date chronology** covering the previous two years only. This should show the evolution of concerns, responses, progress or lack of progress, impact on child, outcomes, and decisions. This should include **key events** in the child's life and their impact. The social worker should not assume that LiquidLogic chronologies will serve the purpose required for the panel. These may be too long, with too many entries that do not describe key events; or too brief, with key events missing. Significant events from other agencies' involvement may be salient. These could include, for example, evidence of the child not being taken to dental and medical appointments for chronic conditions when considering child neglect; prosecution of parents for persistent unauthorised school absence; arrests and convictions; and parental mental health crises. It is worth taking time to develop a good chronology as it will save time later.
  - iii. A detailed **genogram showing a minimum of three generations**. These should show clearly current and past relationships, names, and dates of birth. It is helpful to annotate the genogram to show significant information, such as supportive relationships, domestic abuse risks and if an individual is in prison. This can provide an at-a-glance understanding of significant factors in a child's life.
  - iv. An **up-to-date single assessment** (or pre-birth assessment). This assessment should have been undertaken no longer than 3 months prior to the legal gateway panel date. All relevant up-to-date information, since the assessment was written, will need to be summarised in the request form and supporting evidence should be available. It must provide a clear understanding of the child's circumstances **as they are**, not as they were. This does not mean that past harm is irrelevant, rather that the assessment must consider the actual and likely impact of that harm on the child so far and in the future. It should also consider the impact of steps to eliminate and mitigate that harm.
  - v. **Draft initial pre-proceedings letter**, setting out the reasons that the pre-proceedings process is needed, what support has been provided already to the child and family, what needs to happen to avoid the local authority initiating care proceedings at the end of the pre-proceedings process, what ongoing support is available to the child and family and what (if any) assessments need to be completed during the pre-proceedings process.
  - vi. Draft **social work evidence template and draft interim care plan (SWET)** if the recommendation is to issue proceedings.
  - vii. Other documents **only as relevant** (i.e., that provide evidence in relation to the question of threshold). Any previous judgement, including fact finding judgments, from previous care proceedings that have been made in respect of the parents or children, or siblings of the child(ren) being considered at the legal gateway panel should be included. It is important not to include documentation unless it contributes additional understanding of the current situation and legal threshold. Relevant documents include medical, parenting, cognitive, capacity assessments as well as the child's current plan, final evidence from previous care proceedings and minutes of the most recent strategy meeting, child protection conference or looked after child statutory review.
- e) The team manager should review the completed documents and satisfy themselves that they address the threshold criteria, clearly showing the evidence and impact on the child/ren and to recommend the proposed plan. They should review the evidence with their group manager. Both team manager and group manager are required to sign off the request for a legal gateway panel

slot prior to submission. A request, with submission of the documents listed above, should then be made to panel administrator. If the group manager does not agree with the threshold, they should record their decision clearly in the child's record. If this is disputed, then a reflective discussion should be held with the assistant director

## **6. Requesting a legal gateway panel meeting to consider discharge of a Care Order, revocation of a Placement Order, or extension or variation of a Supervision Order**

- a) When a social worker believes there is a case for seeking discharge of an existing court order, or extending/varying a Supervision Order, the steps to be taken are the same as those described above, Section 4. They should discuss with their team manager why they believe the proposed course of action is necessary, focusing on what has changed that means a different direction is needed.
- b) If the team manager agrees there may be a case for the proposed course of action, the team manager/social worker should meet with the group manager to complete a case tracking discussion (using the case tracking template). In doing so, they must provide a clear explanation of why a panel slot is needed, with evidence of progress, lack of progress and significant changes in circumstances. Again, there should be consideration of the evidence relating to threshold.

## **7. Agreeing a Legal Gateway Panel can take place.**

- a) The decision to request a legal gateway panel rests with the group manager for the team concerned. If, following a case tracking discussion, the group manager agrees a legal gateway panel slot is needed, the social worker will complete the relevant paperwork and share with the team manager and group manager.
- b) The group manager will read, and quality assure the documents. If they conclude the documentation does not meet the required standards, they may require revisions and defer their decision about progressing to legal gateway panel. Deferment will be for no longer than two weeks.
- c) Once the group manager has approved the request for a legal gateway panel meeting, they will forward the documents listed above to legal planning mailbox (email [cyp1pm@gloucestershire.gov.uk](mailto:cyp1pm@gloucestershire.gov.uk)).
- d) The panel administrator will then arrange for the child's situation to be discussed at the next legal gateway meeting and will circulate the documents one week prior to meeting and log the meeting on the dedicated spreadsheet. In exceptional circumstances the paperwork can be received up to 4 days prior to the legal gateway slot.
- e) The senior lawyer advocate will review the documents at this stage and if they believe there are gaps that would prevent full consideration of the evidence, they will advise the chair accordingly. The chairperson may decide to delay the legal gateway panel meeting to allow for the required changes to be made, or to go ahead if the social worker is able to provide the information in writing or verbally.
- f) The child's case must be presented in legal gateway panel within two weeks of the request being approved.
- g) The legal representative will take a record of the meeting and record their legal advice, and this will be sent to the panel administrator on the legal gateway panel recording template. This will then be

sent to the panel chair for final sign off. The panel administrator will then complete the minute template in the child's record (LiquidLogic).

## 8. Legal Panel: format and roles

- a) **Legal gateway panel discussions will follow a set agenda.** This is found in the LiquidLogic document *Legal Gateway Panel Minutes*, which is intended to capture in a single document all basic information, the agenda for the meeting and the record of the meeting.
- b) **The role of the social worker and team manager** at a legal panel is to set out their analysis of the risk to the child/ren, highlighting and summarising the key evidence in relation to the threshold criteria. They should expect others at the panel to provide robust challenge and questioning. This is essential as it helps test the strength of the evidence and identify gaps. It is better to find weaknesses in this forum than in court. It also shows why it is important to prepare the case and the supporting documentation very thoroughly before a legal gateway meeting is agreed.
- c) **The role of the local authority legal adviser** is to evaluate the evidence presented by the social worker and the team manager and provide privileged legal advice on whether it is sufficient to conclude the threshold criteria are met. Their advice will also address the legal options for achieving the local authority's desired aims for the child. In doing so, they will ask questions, seek clarification, and identify areas of concern and gaps in the evidence. Their advice will both support the protection of children and ensure that the local authority acts within the relevant statutory frameworks, specifically advice on s31 of the Children Act 1989 if care proceedings are being considered, which includes the care plan for the child.
- d) **The role of the Service Director/Assistant Director** is to chair the panel, ensuring that all voices are heard, and to confirm the outcome, including any instructions to the legal adviser. In doing so they must carefully consider the legal advice.

### Members:

- Chair (Service Director/Assistant Director). Where possible, the assistant director will be from a different area to the children being presented that day.
- Legal adviser. The legal adviser will be one of the senior lawyer advocates or a lawyer advocate who has conduct of a related case in pre/care proceedings.
- Social worker, team manager and group manager
- Children's legal case progression managers
- Panel administrator
- Other members may be invited for specific children egg TACS and FGC

## 9. Preparing for and presenting to a legal gateway panel – Guidance for social workers

- a) Prepare well. Be ready and able to say what it is about the child's story that has led you to conclude a legal intervention is necessary, what you are proposing and why we need the outcome proposed.
- b) Use the request for legal gateway panel slot form to structure your input, drawing on evidence from your other documents to support your arguments.
- c) Be clear about the evidence in relation to the threshold criteria.
- d) Be clear about the child's experiences and their impact on the child – actual (concrete evidence) and likely (using research).
- e) Be clear about the interventions and their impact or lack of impact.
- f) Be ready to be challenged and respond to challenge. It's better to test your case and arguments for the first time in the legal gateway meeting rather than in court.

## **Discussions and questions that will be considered at the legal gateway panel meeting.**

- a) **What do we know now?** Does the single assessment provide adequate background information about this family and clear analysis?
- b) Have there been previous care proceedings and what do the assessments from any previous proceedings tell us about current parenting?
- c) What has the child told us through direct work and observations?
- d) Feedback from professional partners

### **What is going well?**

- e) What are the family's strengths?
- f) What support has been offered?
- g) What has kept the local authority out of proceedings so far?

### **Why now?**

- h) What has happened recently that has increased risk or reduced the protective factors in this family?
- i) Has a Family Group Conference taken place to explore the support the extended family or friends can offer? Does this support help to sufficiently manage the current risk?
- j) If the family situation has changed, what needs to be different to return the family back to a position of safety?
  - a. Is there somewhere else the family could be that would make them safer, such as a refuge or staying with another family member?
  - b. Is there another parent who can provide safe care?
  - c. Is there someone who can stay with the family to reduce the risk?
  - d. Would the risk to the children be reduced if they were with another family member? How could that be achieved and would there need to be restriction in place? (need to ensure that a private family arrangement is not converted to S.20 through restrictions on the parents)
- k) Timescale of the child/ren
  - a. Developmental stages
  - b. Attachment needs.
  - c. Need for security, stability, and permanency.
  - d. Important dates in the near future, school moves, etc.
- l) What support can Children & Families services provide to help manage the current risk?
- m) Why can't the risk be managed under the current plan?

### **Contribution of partners**

- n) Is there information that partners know about the children and family that helps us understand and manage risk?
- o) Do our partners have information that might help us in our decision making?

### **Parents Capacity**

- p) Do the parents have access to advocacy services?
- q) Is there any capacity, language, accessibility issues?
- r) If the parents have provided good enough care before, what has changed now.



## Family views

- s) Views of the parents
- t) Children's views
  - a. What do they tell us about their lived experience?
  - b. What would the child/ren like to happen and is there any reason why this can't be progressed?
- u) Views of extended family or other significant people

## What would be different?

- v) What do you want to change?
- w) How would the child's life be different if we progress to pre or care proceedings?
- x) What would the plan be if we progress to pre or care proceedings?
- y) What order would be applied for and with what objective?

## 10. Legal Gateway Panel: outcomes, actions and timescales

- a) When a legal panel has taken place to consider pre-proceedings or care proceedings, there are four possible outcomes.
  - i. To initiate pre-proceedings.
  - ii. To issue care proceedings.
  - iii. To defer decision to a future legal gateway panel meeting to seek further information.
  - iv. To take no further legal action.

### b) Decision to initiate pre-proceedings:

- i. In this event, the timescales set out in the pre-proceeding's timeline protocol (Appendix 2) must be followed. This requires that:
- ii. The *letter before proceedings* must be with the parents no later than the date agreed in panel.
- iii. The first *PLO meeting* should take place within ten working days of the date of receipt by the parents of the *letter before proceedings*.
- iv. A review *meeting* must take place no later than week 10 after the initial PLO meeting with parent/s.
- v. The legal panel minutes must include the specific dates agreed.
- vi. GCC aims to conclude pre-proceedings within 16 weeks.
- vii. The social work team will organise a pre-proceeding planning meeting with the lawyer with conduct of the case prior to the initial pre-proceedings meeting with parents and their advocates.

### **c) Decision to issue care proceedings:**

- i. In this event, the legal gateway panel will agree the timescale for issuing, having full regard to the risks posed to the child. The minutes must include the specific dates agreed.
- ii. The timescales will vary according to circumstance, but the absolute limits are as follows.
- iii. The *letter of issue* must be hand-delivered to the parent(s) by a date agreed in the panel meeting. The chair has discretion to agree a slightly longer timescale to prevent the risk of harm either to a child, a parent or a social worker or other staff member. Any such delay must be short, proportionate to the circumstances and noted, with rationale, in the child's record.
- iv. The final version of the SWET and interim care plan must be sent to the legal adviser within five working days of the Legal Panel.
- v. Proceedings must be issued *at the latest* on the 10<sup>th</sup> working day from the decision. (Appendix 3).
- vi. If the legal panel members have concluded that threshold is met and that additions or amendments are required to the paperwork before the local authority issue proceedings, this must be factored into the timetable and completed within the absolute limits as defined above.
- vii. The social work team will organise a Case Management Order (CMO) Planning Meeting prior to the application being made where care proceedings have been agreed.

### **d) Decision to defer to a future legal gateway panel**

- i. This decision may be made when the legal panel concludes there is a specific reason to hold a further legal panel.
- ii. It will also be made in all cases where a threshold decision cannot be made at the legal panel because there are gaps in evidence presented or relevant information is absent.
- iii. In all such circumstances the legal panel will schedule the case to return to a future legal panel. This should normally be no later than two weeks from the date of the original legal panel but may be later at the discretion of the chair.
- iv. A decision to defer must be recorded with reasons in the minutes of the original legal panel and recorded on the legal panel spreadsheet by the attending legal adviser (kept by Legal Services).
- v. The follow-up legal panel meeting will be booked into the agreed next date by the panel administrator and where possible the same chair and legal adviser will attend.
- vi. The social worker will send revised papers that comply with the requirements set out above (2.c) to [cypnpm@gloucestershire.gov.uk](mailto:cypnpm@gloucestershire.gov.uk) (no later than four working days prior to the legal panel date for circulation to legal panel members).

## **11. Legal Panel: minutes and tracking records**

- a) In all cases the panel administrator will record the outcome of the legal panel in within the child's record (LCS) within 24 hours.

- b) The legal adviser will take brief notes of the meeting, recording key points of the discussion and actions. The legal adviser will complete their summary of legal advice and the draft threshold and agreed care plan within 3 days of the legal panel. Once the chair has confirmed accuracy, the panel administrator will enter the minutes and the legal advice in the legal planning meeting minutes template in the child's record (see above 7 g). This should be completed within five working days of the panel. The panel administrator will return completed minutes to the legal advisor.
- c) The outcome of the legal gateway panel meeting will be recorded by the legal administrator on the legal panel spreadsheet.

## 12. Urgent Circumstances

- a) Where the social worker and team manager consider a child's circumstances are so serious and immediate as to require an Emergency Protection Order they must follow the procedures set in in Tri-X, 1.4.1  
[https://gloucestershirechildcare.proceduresonline.com/p\\_app\\_emer\\_prot\\_ord.html#2.-decision-to-apply-for-an-epo](https://gloucestershirechildcare.proceduresonline.com/p_app_emer_prot_ord.html#2.-decision-to-apply-for-an-epo)
- b) Where the social worker and team manager consider that a child's circumstances need urgent consideration but are not serious enough to require an Emergency Protection Order they should discuss their concerns with the group manager who will then discuss these with a senior lawyer advocate and principal lawyer without delay. The senior lawyers should be sent a summary by email copying in all senior lawyer advocates and the principal lawyer to request an urgent legal planning meeting. In doing so the social worker should share the most up to date documents available. If the group manager concludes on the social worker's information and analysis and the legal advice that the threshold criteria may be met, it will then be discussed retrospectively at the next planned legal gateway panel. The social worker and team manager must ensure completion of all necessary documents as above (2.c). The team manager should provide quality assurance before submitting the documents to their group manager.
- c) Once the group manager and the senior lawyer advocate are satisfied that the documents are of sufficient quality, they will proceed in line with the requirements set out in section 3 above. If the group manager and the senior lawyer advocate have different opinions on the urgency, they will seek to resolve it through direct discussion. If they are unable to do so the matter will be referred without delay to the service director or nominated alternative individual in children's services for a final decision.
- d) If the next legal panel has no capacity to consider the child's case and an extraordinary legal gateway panel will be arranged if agreed by the panel chair. Any legal advice given by a lawyer in an emergency or urgent situation, must be recorded in writing and sent to the social worker to whom the advice was given, copying in the team manager and group manager.

### 13. Children's Case Tracking Meetings

- a) For the purposes of the legal gateway panel, a case tracking meeting should take place:
- i. When the social worker and team manager feel that a legal gateway panel slot is required to start pre-proceedings or to issue care proceedings.
  - ii. whenever the social worker, team manager and allocated lawyer believe it is necessary to issue care proceedings.
  - iii. in all pre-proceeding's cases, before the 16 week point to consider whether to issue proceedings, step down from pre-proceedings or extend pre-proceedings. Extension beyond 16 weeks should be rare and only on the authorisation of the group manager.
  - iv. in active care proceedings: - when an issue arises that alters the court timetable; where there is an urgent development in the case, where significant new evidence comes to light.

### 14 Disagreements, escalation, and complaints

- a. Very occasionally within a full legal panel there may be a disagreement between the chair and the legal adviser. Specifically:
- i. the chair may believe it is in the child's best interests to proceed against legal advice; or
  - ii. the legal adviser may disagree with the decisions of the chair in the light of the legal advice.
- b. In such circumstances, the chair and the legal adviser must discuss the matter with each other, either during or after the legal panel, to see if it is possible to resolve it at this stage.
- c. If it cannot be resolved by further discussion between the chair and the legal adviser in this way the following escalation process should be followed. This will apply when they believe that on balance the evidence suggests the threshold criteria are met and it is in the child's best interests to issue care proceedings.

#### Stage 1:

There will be many occasions when the chair will be the service director for safeguarding and care and in these circumstances, it is expected that the situation will be resolved at stage 1.

#### Stage 2:

In circumstances where the legal gateway panel has been chaired by an assistant director, a discussion between the service director, the principal lawyer, and the assistant director for legal services director will hold a discussion. This must take place in sufficient time to enable the timetable for issuing proceedings to be followed if that is the decision. The evidence will be considered with possible outcomes as are:

- The original legal advice is revised. In this case the meeting will discuss and agree the next steps in the legal process.
- The original legal advice is accepted.

- The legal advice remains unchanged but the designated individual for children's services concludes the child's interests are best served by proceeding against that advice. In this case, the matter will progress to a stage 3 escalation.
- A written record of the meeting will be made by the legal team and added to the child's record. This will have the status of legally privileged information.

### **Stage 3:**

- If the Stage 3 escalation relates to legal advice, it is important to understand that this process is not about challenging the legal advice itself. Rather, it is about considering whether to proceed against that legal advice, having full regard to the evidence, legislation and case law and possible risks to the child and the reputation and risk to the council.  
The service director for safeguarding and care will seek to reach agreement with the assistant director of legal services about the way forward. If agreement cannot be reached, the director for safeguarding and care will confirm their decision, which may be to proceed against legal advice. If the assistant director of legal services believes such a decision would be a significant risk to the council, they may choose to ask the director of children's services (DCS) to review it.

A written record of the stage 3 escalation meeting/decision will be made by the legal adviser. This will be added to the child's record and have the status of privileged information. The DCS will meet with the service director for safeguarding and care and the assistant director for legal services, consider their respective views and decide whether to confirm the director for safeguarding and care's decision or to overturn it.

### **Proceeding against legal advice**

- Once a decision to proceed against legal advice is confirmed at this stage of the escalation process, the assistant director of legal services will notify the council's monitoring officer.

### **Complaints and concerns**

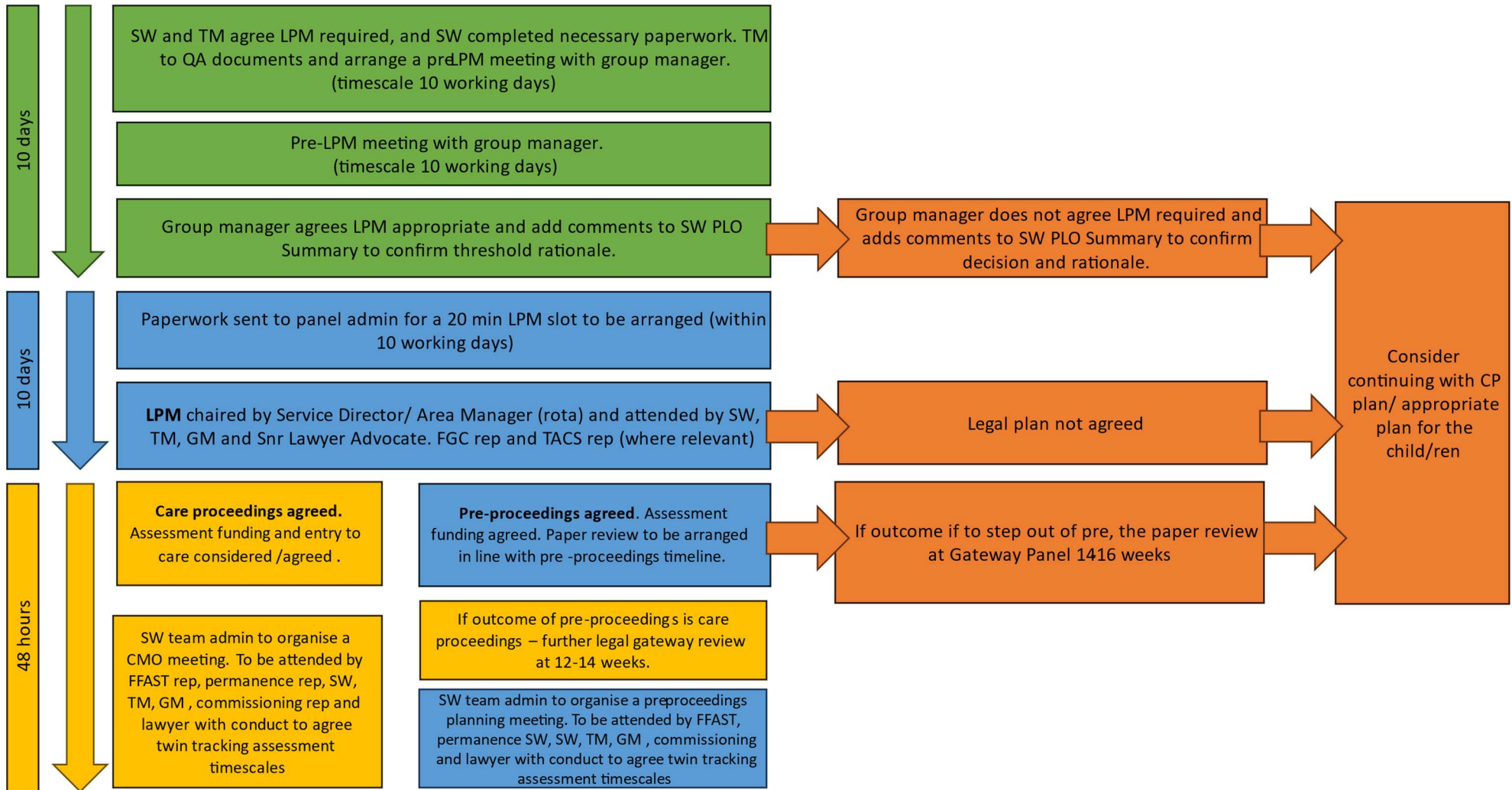
- Complaints about the judgement, decision-making, conduct or capability of any party at a legal panel should wherever possible be resolved between the parties directly. Where this is not possible the matter should be escalated to an assistant director and/or the director for safeguarding and care, the principal lawyer and the assistant director of legal services addressed in line with the council's normal procedures.

## Appendix 1: summary of requirements

Theme	Purpose	Participants	Documentation
Legal Gateway Panels	<p>Make decisions against threshold to</p> <ul style="list-style-type: none"> <li>• Enter pre-proceedings.</li> <li>• Issue proceedings for Care or Supervision Order (including children already s20)</li> <li>• Discharge Care Order</li> <li>• Supervision Order</li> <li>• Revoke Placement Order</li> <li>• Extend or vary a Supervision Order</li> </ul>	<p><u>Members of the Panel</u></p> <ul style="list-style-type: none"> <li>• Chair</li> <li>• Legal Adviser – Senior Lawyer Advocate level or appointed lawyer.</li> <li>• Case Progression Officer.</li> <li>• Panel Administrator</li> </ul> <p><u>Required in all circumstances.</u></p> <ul style="list-style-type: none"> <li>• Social Worker</li> <li>• Team Manager</li> <li>• Group Manager</li> </ul> <p><u>Others as relevant</u></p> <ul style="list-style-type: none"> <li>• Family Group Conferencing representative</li> <li>• TACS Service Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Request for a legal panel gateway slot form.</li> <li>• Up to date genogram</li> <li>• Up to date chronology</li> <li>• Up to date single assessment (within 3 months of date of the Panel)</li> <li>• Social work evidence template (draft) where the recommendation is to issue proceedings.</li> <li>• Any previous Judgments or court orders where there have been previous proceedings.</li> <li>• Other documents only as relevant</li> </ul>
Case tracking meetings/discussions	<p>Decides against threshold whether to</p> <ul style="list-style-type: none"> <li>• step down from pre-proceedings.</li> <li>• step up from pre-proceedings to issue care proceedings.</li> <li>• extend pre-proceedings.</li> </ul> <p>Takes place in all cases of pre-proceedings in or before Week 8 or 12. Where circumstances change or new evidence emerges indicating a different direction may be required, a review should take place as soon as possible (having regard to risk). It should not wait until Week 16. That is a limit, not a target.</p>	<p><u>Required in all circumstances.</u></p> <ul style="list-style-type: none"> <li>• Allocated Social Worker.</li> <li>• Team Manager</li> <li>• Group Manager</li> <li>• Allocated Lawyer.</li> </ul>	<ul style="list-style-type: none"> <li>• Case tracking form</li> <li>• Other documents only as relevant, for example a recent parenting assessment if undertaken.</li> <li>• There is no expectation of a new single assessment unless one has been undertaken.</li> </ul>

Appendix 2: Flowchart

# Legal Gateway Process Chart



## Appendix 3: Legal principles

### A. Significant harm

Please ensure that In *Re L (Care: Threshold Criteria)*[2007] 1 FLR 2050 is followed:

Hedley J held that the policy to be applied when determining whether harm was 'significant' arose from the principle that the State should only exceptionally intervene with compulsive powers; [CA 1989, s 31](#) and ECHR, Art 8 both contemplated the exceptional rather than the common place. Society must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent; it is not the province of the State to spare children all the consequences of defective parenting.

### B. Proportionality

Stressing that the principle of proportionality must be applied when considering an application for a care order, Hale LJ in *Re C and B (Care Order: Future Harm)* [\[2000\] 2 FCR 614](#), said: 'The principle has to be that the local authority works to support, and eventually reunite, the family, unless the risks are so high that the child's welfare requires alternative family care.'

It does not follow that every case where there is any significant risk of harm to a young child should result in a care order in which the plan is adoption. In a direct reference to ECHR, Art 8, Hale LJ went on to observe: 'Intervention in the family must be proportionate, but the aim should be to reunite the family when the circumstances enable that, and the effort should be devoted towards that end. Cutting off all contact and the relationship between the child and their family is only justified by the overriding necessity of the interests of the child.'

### C. Must set out the facts to support the threshold Criteria

In *Re A (A Child)* [\[2018\] EWCA Civ 1282](#), Sir James Munby P gave detailed guidance in relation to the establishment of the threshold criteria and the need to specify in the case of each allegation how and why it would, if true, give rise to a risk of significant harm to the child. A rigorous approach to the threshold criteria is particularly vital where the care plan is for adoption.

### D. The Test of Interim Separation

One impact of the [HRA 1998](#) is that the court should abstain from premature determination of the case unless the welfare of the child demands it.

It is a mistake to confuse the threshold for an interim order ('reasonable grounds for believing' that s31 threshold is satisfied) with the question of what interim order, if any, should be made.



Even where the interim threshold criteria are met and there is a need for an interim order, the court must be careful to give separate consideration to the question of whether removing a child from parental care is justified at an interim stage; the interim decision must necessarily be limited to issues that cannot await the final hearing and must not extend to issues that are being prepared for determination at that hearing.

In *Re C (A Child) (interim separation)* [2020] 1 FLR 853, Peter Jackson LJ summarised the approach established by case law:

- '(1) An interim order is inevitably made at a stage when the evidence is incomplete. It should therefore only be made in order to regulate matters that cannot await the final hearing and it is not intended to place any party to the proceedings at an advantage or a disadvantage.
- (2) The removal of a child from a parent is an interference with their right to respect for family life under Art. 8. Removal at an interim stage is a particularly sharp interference, which is compounded in the case of a baby when removal will affect the formation and development of the parent-child bond.
- (3) Accordingly, in all cases an order for separation under an interim care order will only be justified where it is both necessary and proportionate. The lower ('reasonable grounds') threshold for an interim care order is not an invitation to make an order that does not satisfy these exacting criteria.
- (4) A plan for immediate separation is therefore only to be sanctioned by the court where the child's physical safety or psychological or emotional welfare demands it and where the length and likely consequences of the separation are a proportionate response to the risks that would arise if it did not occur.
- (5) The high standard of justification that must be shown by a local authority seeking an order for separation requires it to inform the court of all available resources that might remove the need for separation.

## Appendix 4: 16 Week Pre-Proceedings Timeline

Week	Action
	<p><b>Legal gateway Panel.</b></p> <p><u>Before this meeting can be held:</u></p> <ul style="list-style-type: none"> <li>• The request for legal panel slot document to be completed which includes the team manager and group manager signatures.</li> <li>• Single Assessment.</li> <li>• Chronology.</li> <li>• Genogram, and any other documents as laid out in the Legal Panel Protocol.</li> <li>• Date child referred to Children’s Social Care.</li> <li>• Date child subject to S20 (if applicable).</li> <li>• A draft letter before proceedings.</li> </ul> <p><b>Within 24 hrs of the legal panel</b> - actions agreed and recorded by panel administrator as a case note in the child’s record. Case progression managers to be copied into the case note for the purpose of tracking.</p> <p><b>Within 24 hrs of the legal panel</b> – Lawyer updates the legal panel spreadsheet.</p> <p><b>Within 5 working days of legal panel</b> – Record of the discussion and legal advice are set out in writing and sent <b>only</b> to the panel administrator. When completed, the panel administrator will share with the panel chair for final sign off and then the panel administrator will complete the legal panel record within the child’s record and finalises these and sends a pdf version to the legal adviser of the panel - Senior Lawyer Advocate</p> <p><b>Within 5 working days of the legal panel</b> - the social work team must organise a pre-proceeding planning meeting, with the allocated lawyer, kinship and permanence team representatives as appropriate.</p>
	<p>CVs and timescales for any experts’ assessments agreed at legal panel should be ready for the first PLO meeting and social worker to send to the allocated lawyer a parenting assessment plan if needed the day before the PLO meeting. The pre-proceedings agreement should ne agreed in the meeting with parents and not beforehand.</p>
Week 1	<p><b>Initial PLO meeting takes place</b> (lawyers to attend).</p> <ul style="list-style-type: none"> <li>• The meeting is chaired by the Team Manager.</li> <li>• Plan agreed and is written up by the Team Manager.</li> </ul>

	<ul style="list-style-type: none"> <li>• Dates should be set at the first meeting with parents and their solicitors, and the key dates doc (timeline) completed by lawyers and circulated</li> <li>• Any outstanding Stage 1 viability assessments commence by allocated social worker. these include viability assessments of Reg. 24, planned kinship placements and/or special guardianship assessments.</li> <li>• Any referrals for stage 2 viability assessments to be sent to the kinship team within 48 hours.</li> <li>• Any final adjustments are made to genogram.</li> <li>• Updated schedule of kinship carers is sent to legal.</li> </ul>
Week 2	<p><b>Pre-Proceedings Agreement</b> is typed up by social worker/Team Manager and sent to parents' solicitors by legal services and signed by all. Signed agreement is attached in the documents section of the child's record. Case progression manager to be alerted by legal if agreement is not received.</p> <ul style="list-style-type: none"> <li>• Experts (psychological, psychiatric) are instructed by legal if necessary and as agreed by legal gateway panel. Assistant Director approval required before instruction. If funding is required for agreed assessments, then it is the responsibility of the social work team to seek approval.</li> <li>• Tests (hair strand, DNA, learning capacity) are sought by legal by the allocated lawyer or paralegal.</li> </ul>
Week 5	<ul style="list-style-type: none"> <li>• Stage 2 viability assessments of kinship carers are completed by the Kinship Team social worker. These are sent to safeguarding social worker within 24 hours of completion. Children and Families social worker will respond within 48 hours to confirm if Stage 3 assessment is to commence.</li> <li>• Schedule of kinship carers is updated by Children and Families social worker and sent to Legal (allocated lawyer or paralegal).</li> <li>• Full Stage 3 assessments of kinship carers will commence by the Kinship Team.</li> </ul>
Week 7/8	<p><b>Case Tracking Meeting/Discussion</b> takes place between group manager, social worker, team manager and allocated lawyer, to discuss progress and review pre-proceedings plan (which is attached to the initial pre-proceedings agreement)</p> <ul style="list-style-type: none"> <li>• This discussion is arranged by the social work team.</li> <li>• Any recommendation to issue care proceedings will require a Request for Legal Gateway Slot form will then need to be considered at the next legal gateway panel. Minutes of all care planning will be sent to group managers for approval, as well as to the case progression managers for the purpose of tracking.</li> <li>• Social worker attaches the minutes in the documents section of the child's LiquidLogic file and they or the team manager cross-reference this in case- notes within five working days.</li> <li>• If no progress has been made by this meeting the child's situation needs be considered for care proceedings (papers should be with legal within 10 working days and case should be issued within 15 working days - court timeline then to be followed).</li> <li>• If there is delay in achieving actions agreed at this point the case is referred to the case progression manager who will meet with the social worker and Team Manager to discuss and agree a plan to address the delay. In the event of further difficulties in addressing this delay, the Area Manager will be alerted.</li> </ul>
Week 8	<p><b>Pre-Proceedings Review Meeting</b> is arranged and chaired by the social work team manager. Local authority and parent's lawyers attend this if there has been a decision to issue care proceedings to agree initial directions and threshold.</p>

	<ul style="list-style-type: none"> <li>• Any drug and alcohol test results are discussed.</li> <li>• Schedule of kinship carers is updated, and schedule sent to legal rep.</li> <li>• Writing of the child permanence report (CPR) will commence if appropriate.</li> <li>• Updated pre-proceedings plan (section 8 of the agreement is reviewed) is prepared and circulated by the social work Team Manager including the permanence team if required for adoption planning. This agreement is sent to the parents' solicitors by GCC legal rep and signed by all parties. The signed agreement is attached in the documents section of the child's LiquidLogic file within a week. Case progression managers will be notified by legal if agreement is not received.</li> </ul>
Week 8	<p><b>Mid-point review between the safeguarding and kinship team social workers is held for all kinship assessments, including planned and Regulation 24, as well as special guardian assessment.</b></p> <p>Draft support plan for prospective special guardians is prepared jointly by the child's social worker and the kinship team social worker at this stage, if applicable.</p>
Week 12	Final assessments should be completed by this stage.
Week 12	<p><b>Further Case Tracking Meeting/Discussion/ care plan meeting</b> takes place and is chaired by the group manager. The allocated social worker, team manager, and allocated lawyer. Kinship team (if applicable) also to be invited. Consideration of section 8 pre-proceedings plan, taken from the last pre-proceedings review. Consider whether:</p> <ul style="list-style-type: none"> <li>• If no progress made, then consider care proceedings or continue in pre-proceedings if it is likely that it can be diverted from court or closed. This will need to be considered at the next legal gateway panel.</li> <li>• If the decision is to issue care proceedings, this will need to be considered at the next legal gateway panel. The SWET and care plans to be with legal rep within 10 working days. The allocated lawyer will then issue within five working days following receipt of paperwork.</li> <li>• Outcome of mid-point review of full kinship assessments is discussed.</li> <li>• Group Manager to record the discussion as a case note within the child's LiquidLogic record and legal case progression managers to be copied into this for the purpose of tracking. Legal services prepare and circulate minutes. Social worker to attach the minutes in the documents section of the child's LiquidLogic file and cross-reference this in the child's record within five working days.</li> <li>• If the decision is to continue with pre-proceedings and it looks likely that the child's case will need to remain in pre-proceedings beyond week 16 this will need to be ratified at the next legal gateway panel.</li> </ul>
Week 13	<p><b>Pre-proceedings review meeting</b> takes place and is arranged and chaired by the social work Team Manager. Lawyers should attend to agree threshold and initial court direction if care proceedings are to be issued.</p> <ul style="list-style-type: none"> <li>• Full assessments of family members and expert reports should be available and discussed.</li> <li>• Kinship carers will be advised of outcome of assessments and should be supported to seek legal advice where appropriate.</li> <li>• Decision from Review Legal Meeting/care planning meeting will be fed back to family.</li> </ul>

	<ul style="list-style-type: none"> <li>• If the decision is to issue care proceedings or to extend pre-proceedings an updated pre-proceedings plan (contained in Section 8 of the Agreement) is prepared and circulated by the social work Team Manager, including the permanence team to enable adoption planning. This agreement is signed by all parties and sent to the parents' solicitors by legal rep. The signed agreement is attached in the documents section of the child's LiquidLogic record within five working days. Case progression manager to be notified by Legal if agreement is not received.</li> <li>• If the decision is to end pre-proceedings, then pre-proceedings will end with immediate effect. This is treated as final pre-proceedings review meeting. Letter to end pre-proceedings to be sent to parents (see template) by social worker</li> </ul>
Week 15	<p><b>Final pre-proceedings meeting</b> is arranged, <b><u>if required</u></b>, and chaired by the social work team manager. (Lawyers will not attend unless otherwise advised).</p> <ul style="list-style-type: none"> <li>• Family is advised of the local authority's final plans.</li> <li>• Updated pre-proceedings agreement is prepared and circulated by the social worker/team manager, including the permanence team to enable adoption planning. This agreement is signed by all parties and sent to parents' solicitors by GCC legal rep. Signed agreement is then attached in the documents section of the child's LiquidLogic file within five working days. Case progression managers to be notified by legal services if agreement is not received.</li> </ul>
Week 16	<p>Pre-proceedings ended or care proceedings issued. If a recommendation is made to issue care proceedings, this must be agreed at the next legal gate way panel.</p> <p>Decisions to issue care proceedings should be made by week 12 or earlier to allow SWET and care plans to be with legal within an appropriate timescale for issuing prior to the end of the 16 weeks. If this cannot be achieved as new concerns come to light between week 12 and week 16 then the group manager should confirm agreement to extend pre-proceedings to allow appropriate time to issue (unless an EPO situation)</p>

## Appendix 5: Court Timeline – 26 Weeks

Week		Action
Week 1 – Day 1          Day 2		Legal Services lodge application form C110A – with: <ul style="list-style-type: none"> <li>• SWET statement</li> <li>• All current assessments,</li> <li>• Chronology</li> <li>• Genogram</li> <li>• Threshold (Legal to prepare)</li> <li>• Allocation proposal (Legal to prepare)</li> <li>• Index of checklist documents (Legal to prepare)</li> <li>➤ Court issue case</li> <li>➤ Court considers allocation of case (which court?)</li> <li>➤ Legal serves application form and evidential documents on the parties</li> <li>➤ Court makes standard directions for the filing of LA case summary, case analysis by Guardian, parents’ responses etc.</li> <li>➤ LA starts CPR and completes draft schedule of kinship carers (to be filed in court)/ identifies all family members/convene FGC/starts viability assessments if not already done so and book adoption medical.</li> </ul>
3 (no later than 2 days before CMH)		Advocates meeting – arranged by solicitor for the child to consider: <ul style="list-style-type: none"> <li>• Parties’ position</li> <li>• Experts (whether “necessary” and if so questions LOI to be drafted)</li> <li>• Disclosure</li> <li>• Need for contested ICO</li> </ul> LA case summary filed and draft case management order.
4 (by day 18)		<b>CMH</b> Court to give detailed case management directions – instruct any outstanding assessments/experts/order adoption medical if no ICO Fully timetable and list for IRH (consider timetable for the child and whether extension beyond 26 weeks necessary)

Week		Action
5	•	<ul style="list-style-type: none"> <li>• Stage 2 viability assessments extended family completed</li> <li>• Schedule of Kinship carers to be updated and schedule to be sent to legal</li> <li>• <b>FCMH</b> (only if necessary)</li> </ul>
6-8	•	<ul style="list-style-type: none"> <li>• Case Tracking Meeting /discussion to be convened to consider the balance sheet of options as per S7 of the SWET. Meeting to be convened by legal – CPW (child permanence worker) to attend. Draft balance sheet to be updated by the safeguarding SW and circulated prior to the meeting.</li> </ul>
9	•	<ul style="list-style-type: none"> <li>• Meeting to review progress of kinship carers and to formulate a support plan – to be convened and drafted by the kinship team’s SW. Support plan to be signed off by HOS for Permanence.</li> </ul>
12	•	<ul style="list-style-type: none"> <li>• Expert/SW/Stage 3 Kinship Assessments completed</li> <li>• schedule of kinship carers to be updated -sent to legal (and filed)</li> </ul>
13	<ul style="list-style-type: none"> <li>• Final care planning meeting convened by social work team (legal to attend). Minutes and updated balance sheet in S7 of SWET to be completed by social work team and sent to all those present and to Locality Area Manager</li> <li>• Legal complete and send Agency Decision Maker (ADM) for adoption the legal advice (pro forma) if plan adoption</li> <li>•</li> <li>• CIC review (must take place prior to ADM)</li> <li>• Child Permanence Report (CPR) completed and sent to agency adviser if plan adoption.</li> </ul>	
14	CPR/health/expert/assessments sent to ADM	
15	ADM / LA Final evidence and PO application lodged if appropriate	
17	Parents’ final evidence filed	
19	Advocates’ meeting/ Guardian’s analysis/LA case summary	

20	<b>IRH</b> /case management order or finalise if possible
26	<b>FH</b>



## Appendix 6: Case Management Order Template

Case no. [Case number]

In the Family Court sitting at [Court name]

The Children Act 1989

The Adoption and Children Act 2002

The child[ren]

[Name of child] [Girl] / [Boy] [dob dd/mm/yy]

[Name of child] [Girl] / [Boy] [dob dd/mm/yy]

**ORDER MADE BY [NAME OF JUDGE] AT THE CASE MANAGEMENT HEARING ON [DATE] WHICH IS THE FIRST CASE MANAGEMENT HEARING WITHIN THESE PROCEEDINGS**

**CMO NO. [NUMBER] AT TIMETABLE WEEK NO. [NUMBER]**

**The parties and representation at this hearing**

The applicant is [name of local authority], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

The first respondent is [name], the [relationship to child], [in person], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

The second respondent is [name], the [relationship to child], [in person], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

The third respondent[s] [is] / [are] the child[ren] (by their children's guardian [guardian name], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

The intervener is [name], the [relationship to child], [in person], represented by [barrister/solicitor name] [instructed by [solicitor firm name]] whose contact details are [chambers/firm name], [phone number], [email]

### **Confidentiality warning**

**The names of the family and the child[ren] are not to be disclosed in public without the court's permission.**

### **Compliance warnings**

**All parties must immediately inform the allocated judge as soon as they become aware that any direction given by the court cannot be complied with and to seek in advance an extension of time to comply.**

**In the event that a party fails to comply with directions and/or fails to attend any hearing without good reason the court may make final orders including care orders and placement orders at that hearing.**

### **General provisions in this order, the first case management order, to apply in subsequent case management orders**

**The following provisions in this first case management order shall apply throughout these proceedings unless the subsequent order expressly makes different provision:-**

- i. The declaration made under the heading of "Jurisdiction".**
- ii. The identification of an allocated judge under the heading "Allocation".**
- iii. The provisions made under the heading of "Documents/Bundles".**

**iv. The provisions made under the heading of “Variation of orders”.**

**IT IS DECLARED THAT:**

1. The court in England and Wales has jurisdiction in relation to the child on the basis that:
  - a. the child is habitually resident in the jurisdiction of England and Wales.

**RECITALS**

**AND UPON** the court recording that:

- a. the hearing was listed as a case management hearing;
- b. the advocates met for pre-hearing discussions today from xxx until the start of the hearing at xxx, during which time the advocates also took instructions from their respective clients;
- c. the advocates appeared in Court today from xxx until xxx;
- d. the Court allowed the advocates a further one hour, to finalise the draft order, which shall be recorded as the time the hearing ended, which is xxx;
- e. it was not possible for the Court to endorse Family Advocacy Scheme Advocates’ Attendance Forms (‘FAS’ forms) at this hearing;
- f. in accordance with the Civil Legal Aid (Remuneration) Regulations 2013 and section 7 of the 2013 Standard Civil Contract:
  - (i) the total attendance time of the advocates was xxxx

the advocates’ bundle was under xxx pages

**AND THE COURT ORDERS**

**Interim care/supervision orders**

2. In the interim the child is placed in the care of Warwickshire County Council for the duration of these proceedings or until further order.

**Family Group Conference**

3. The local authority must consider whether to convene and, if appropriate, make a referral for a family group conference (FGC) and must by 4.00pm on **[date] (week no.)** either:
  - a. confirm the date the FGC is to be held; or
  - b. if it is not proposed to hold a FGC, explain why not.
4. The local authority may disclose the case papers to the FGC Co-ordinator to prepare a report for a FGC, which report may be disclosed to all members of the FGC.
5. The local authority must within 14 days after the FGC is held send minutes of the FGC to the court and to the other parties.

**Threshold**

6. The local authority shall by 4.00pm on **[date] (week no. 5)** send to the court and parties the agreed threshold document. Liberty to the local authority to amend this document by no later than **[date] (week no. 17)**

**Alternative carer assessments**

7. **[If not filed already as part of the Gatekeeping Directions]** The parents must by 4.00pm on **[date] (week no. 2/3)** file and serve the connected carer's form which provides the local authority with the details (including contact details) of any other person they wish to be considered as alternative carers for the child in the event that the child cannot be returned to or remain with the parents. If the parents fail to comply with this direction, it may mean that any person put forward late cannot be considered because of the delay it would cause to the child's timetable.
8. The local authority must, by 4.00pm on **[date] (week no. 5)** send to the to the court, to the person being assessed and to the other parties viability assessments of the following
  - a. [insert];
  - b. The local authority may apply to review whether an assessment should be continued or cancelled in the event that it contends that the proposed carer is not a realistic option for care.
9. In the event that the viability assessment of **[insert]** is positive, the local authority must by **[date] (week no. 15)** send a full special guardianship or connected person foster care assessments, together with any support they may be able to offer to the parents in the event of reunification in the community, to the court and to the other parties.
10. The local authority is requested to consider funding a one-off session of legal advice (at legal aid rates) for one potential carer (or joint carers) for consideration of the legal basis upon which they seek to care for the child (for example as foster carers or special guardians).
11. In the event that the viability assessments are negative the local authority must by **[date] (week no. 6)** on completion of the assessment write to the person assessed with a copy of the assessment, with a list of local solicitors who are members of the Children Accreditation Scheme, explaining that in the event that the person challenges the assessment they must:
  - a. seek legal advice as soon as possible;
  - b. inform the local authority in writing within 7 days that they dispute the factual assertions of the assessment and/or its conclusions; and apply to the court by way of a C2 application for the matter to be listed for a court hearing by **no later than week 7 (week beginning [insert])**.
12. In the event that the full assessments are negative the local authority must forthwith on completion of the assessment (**no later than week 15**) write to the person assessed with a copy of the assessment, confirming the date, time and venue of the next court hearing and a list of local solicitors who are members of the Children Accreditation Scheme, explaining that in the event that the person challenges the assessment they must:
  - c. seek legal advice as soon as possible;
  - d. inform the local authority in writing within 7 days that they dispute the factual assertions of the assessment and/or its conclusions; and
  - e. apply to the court by way of a C2 application for the matter to be listed for a court hearing by **no later than week 16 (week beginning [insert])**.

#### **Parenting assessment by local authority**

13. The local authority must undertake a parenting assessment of the mother, **[[Name]** and the father, **[[Name]**, as joint and as sole carers and must file the assessment report, to include any appropriate transition plan, by no later than 4.00pm on **[date] (week no. 13)**
14. In the event that the parents have any cognitive or physical difficulties, the assessment must address:
  - a. whether, and if so how, such difficulties impact on their ability to parent;
  - b. what steps have been taken by the local authority to ensure that the parent understands and is able to engage in the assessment;
  - c. what support has been given, and is proposed, to enable the parent to meet the needs of the child;
  - d. active consideration of the parents' capacity to change.

#### **Drug and alcohol testing**

17. **[[Name]** [accepting] / [disputing] [illegal drug] / [alcohol] usage as follows: **[insert]**, **[his]** / **[her]** solicitors must by 4.00pm on **[date] [Week 13]** , prior to the filing date of the Parenting

Assessment in paragraph 13. obtain and send to the court and to the other parties a [hair strand (EtG and FAEE)] [and] [CDT blood] test report which shall cover:

- a. use of cannabis, cocaine, amphetamines, heroin, MDMA, [*insert other*] in the preceding [3] / [6] months;
- b. segmented by month;
- c. excessive alcohol consumption (by EtG and FAEE testing);
- d. whether it is possible to say whether the results obtained are consistent with the accepted usage.

18. The court may draw a negative inference from failure to comply with any [drug] / [alcohol] testing requirement.
19. The costs of the testing and report [and fitting and removing the TACT bracelet] must be [shared equally between the parties] / [paid by [*name*]] provided that the cost of any therapeutic work undertaken may not be a disbursement against any party's public funding certificate.

### Final evidence

20. The local authority must by 4.00pm on [**date**] (**week no. 18**) send their final evidence and care plans to the court and to the other parties.
21. The parents must by 4.00pm on [**date**] (**week no. 20**) send their final statements of evidence to the court and to the other parties.
22. The children's guardian must by 4.00pm on [**date**] (**week no. 22**) send a final case analysis to the court and to the other parties.

#### **Advocates' meetings**

23. The child's solicitor must arrange an advocates' meeting on the following weeks:
  - a. **Week 9 – on [**date**] at 4pm** to review progress of assessments and any transition plans
  - b. **Week 22- on [**date**] at 4pm**

24. The agenda for the advocates' meeting on [**date**] at **week 22** must include:
  - a. agreement of a threshold document setting out any remaining issues for the court to decide;
  - b. an agreed witness template for the hearing on [**date**]

#### **Directions in Relation to any Application for a Placement Order**

25. The local authority shall take all steps to enable a decision by the Agency Decision Maker (ADM) regarding placement for adoption of [**insert Child's name**] (including adoption medicals and child permanence reports) and to ensure the ADM's decision regarding any placement application is made by no later than 4pm on [**date**] (**week no. 18**)
26. By 4pm on [**date**] (**week no. 18**) the local authority shall issue any application for a placement order (with the Annex B report, the statement of facts, the child permanence report and the ADM record of decision).
27. By no later than **7 days before the issues resolution hearing (week 23)**, the local authority shall serve the child permanence report and the ADM's record of decision on the children's solicitor, but those documents shall not be included in the court bundle unless requested by any party and ordered by the Court by no later than the issues resolution hearing. The child permanence reports shall not be served on the parents unless so ordered by the Court.
28. The following directions shall apply immediately upon issue of an application for a placement order:
  - a. the child [**insert**] shall be made a party to the application;
  - b. the existing children's guardian in the care proceedings shall be appointed as the child's guardian;
  - c. the evidence in the care proceedings shall be admitted in the placement proceedings and vice versa;

- d. the parents' final evidence in the care proceedings shall include their response to the placement order application and the request to dispense with their consent;
- e. the children's guardian's final analysis and recommendations in the care proceedings shall include an analysis in respect of the placement order application;
- f. the placement order application shall be listed and heard at the same time as the application for a care order; and
- g. the child shall not attend the final hearing of the application.

#### **Issue resolution/early final hearing**

29. There will be an **Issues Resolution Hearing** at Coventry Family Court before **[insert]** at **[insert]** on **[date]** (**week no. 23** (allowing 2 hours). The parties and their legal representative must attend by 1 hour before the time listed for pre-hearing discussions.
- a. The parties other than the local authority must by 3 working days before the IRH/EFH send to the court and to the other parties their position statements setting out clearly what issues remain, including any issues about threshold, and identifying those witnesses whose evidence is required to address the remaining issues.
  - b. The local authority must by 11.00am on the working day before the IRH send a case summary and draft case management order to the court and to the parties. The case summary must
    - i. identify the issues agreed at the advocates' meeting and those which remain to be decided;
    - ii. identify the witnesses whose evidence is needed to resolve the remaining issues;
    - iii. include a witness template for the final hearing.
  - c. All evidence, including expert evidence, must have been filed at court and sent to the parties by the time of the IRH.
  - d. The court may treat that hearing as an early final hearing, may take evidence and may make final orders.
  - e. If the parents fail to attend the hearing without good reason the court may make final orders including care and placement orders.
  - f. The children's guardian must attend this hearing unless she has a prior professional commitment and has been excused at the time the IRH is fixed.

#### **Documents/Bundles**

- 30. No document other than a document specified in an order or filed in accordance with the Rules of any Practice Direction shall be filed without the court's permission.
- 31. Court bundles must be prepared and lodged at court in accordance with Practice Direction 27A.
- 32. Permission is not given for the court bundle to exceed 350 pages
- 33. The local authority must provide a witness bundle for any hearing at which evidence is to be called.

#### **Variation of orders**

- 34. Any application to vary this or any other order is to be made to the allocated judge on notice to all parties.
- 35. An application to vary this or any other order may be made by email to the allocated judge provided the party seeking variation seeks the prior agreement of the other parties and when seeking the variation must submit a draft order and confirm whether:
  - a. the proposed variation is agreed; and, if so
  - b. to what extent the proposed variation would affect the timetable for the proceedings.

Dated **[insert]**

#### **SCHEDULE**

### **Child's current arrangements**

1. The child is living with her mother in a mother and baby foster placement and is having contact with the father, **[insert]** three times per week

### **Allocation**

2. The proceedings are allocated to District Judge Montanaro

### **Timetable for the proceedings**

3. 26 weeks from the date of issue of these proceedings will expire on **29<sup>th</sup> August 2023**

### **Timetable for the child{ren}**

4. The key dates for the child are as follows:
  - a. Adoption medical tbc – no later than week 16 – **20 June 2023**
  - b. LAC reviews: week 16 (week beginning **19 June 2023**)

### **Threshold**

5. The threshold criteria will be filed in week 5

### **The key issues in the case are:**

6.
  - a. Do the parents have the capability of meeting the child's needs?
  - b. Can any of the connected persons appropriately meet the child's needs?
  - c. Can the parents meaningfully engage with professionals and sustain the necessary changes in their parenting and home conditions, in particular in the light of the mother's substance misuse?

### **The parties' positions are:**

7.
  - a. The local authority seeks an interim care order until the outcome of assessments are known
  - b. The parents seek to care for Freya-Rose as a couple and separately.
  - c. The parents do not oppose the making of the interim care order
  - d. The guardian supports the current interim care plan and supports the making of the interim care order
  - e. The parents agree to undergo hair strand testing and engage in assessments

### **Alternative carers**

8. The following persons are identified as possible alternative carers:
  - a. **[insert]**
  - b. **[insert]**
9. The parties have identified all the persons they wish to be assessed as possible alternative carers and the court has explained to them that any persons identified by them in the future may not be assessed due to the delay not being consistent with the timetable for the child.

### **Other relevant matters:**

## Appendix 7: Standards for Effective Child Protection Planning

- In order to provide the children with the best outcome possible we need to ensure that all child protection plans take account of their need for physical, emotional and legal permanence.
- All child protection plans need to include timescales and a contingency plan in case necessary progress is not made. Contingency planning involving escalation to PLO must reflect the recommendations of the Public Law Working Group report of March 2021<sup>i</sup>.
- All child protection plans should be outcome-focused and based on achieving long- term sustainable improvements in the child's quality of life and outcomes. All child protection plans should include a multi-agency, collaborative and child focused approach towards permanence.
- Statutory guidance requires a second review child protection conference to take place at no later than nine months. This is a limit, not a target, and reviews can and should be held earlier where circumstances indicate this is necessary, for example where there is a significant reduction or increase in risk meaning a different approach may be needed.
- All child protection plans must address actual and likely impact of abuse and or neglect on the child or young person. This will be evidenced by relevant tool kits for example, neglect, exploitation and pre-birth, as well as research.
- All child protection plans will be informed by a thorough assessment of
  - parental and carer strengths and vulnerabilities
  - their capacity to make changes within the child's timescales
  - their ability to sustain change.
- The chair of a child protection conference should ensure discussions take place about any parental assessments that may be required if the child protection plan is progressed to PLO. These should be started no later than the second review child protection conference, and earlier if indicated by the needs, risks and circumstances of the child(ren).
- The social worker should consult with the conference chair at the earliest opportunity when any significant decision is taken or change to planning is being considered. The outcome of consultation **must** be recorded on the child/young person's file. Case accountability remains through the social worker's line management.
- FGCs are an important means of enabling families to identify their own solutions, including possible alternative carers. As such, wherever possible a FGC should take place no later than the first review conference. However, individual family members have the right to decline to take part in a FGC. Social workers should provide every encouragement but cannot insist. Where an individual declines, this must be noted clearly in the record, along with evidence of efforts made to encourage.
- In almost all circumstances, child protection plans should require a referral to FGC by the first review child protection conference. Rarely it may be unwise to hold a FGC, for example where it may increase risk to a child or other person. A clear rationale for any decision not to convene a FGC must be clearly recorded in the child's record.
- The child protection conference Team Manager will arrange a dedicated supervision with the chair, for each child six weeks prior to the second review child protection conference (and no later than month nine). Where concerns have been raised and not been resolved, the conference chair's Team Manager may invite the allocated social worker and Team Manager to a reflective meeting in order to review jointly the child/young person's case. The outcome of the discussion should be recorded on the child/young person's file.

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