**Service Manager agrees to a case being referred to Legal Panel**

Legal Panel takes place every Tuesday afternoon from 2 – 5pm via Microsoft Teams.

The main function of Legal Panel is to give consideration to entering the Public Law Outline (PLO) or whether Legal Proceedings need to be initiated. All requests to accommodate a child/ren into the care of the Local Authority via Section 20 consent (excluding children placed in Connected Carers arrangements) must be presented to Legal Panel, other than emergency situations where this decision can be made by a Service Manager, the case should then be presented in retrospect. The other matters considered by Legal Panel included review of all Section 20 arrangements, discharge of Care Orders, revocation of Placement Orders and consideration of lapse or extension of Supervision Orders.

To make a referral to Legal Panel a **Child LEG: Panel Referral** should be completed within Eclipse.

If consideration is being given to entering the PLO a draft Letter before Proceedings and a 3 generational, annotated genogram should be provided alongside the Legal Panel referral document.

All paperwork must be with the Legal Panel Administrator by Friday at 12pm to be included in Tuesday’s panel agenda. The Administrator can be contacted at Lesley.c.collins@newcastle.gov.uk

**PLEASE NOTE:** Any request for urgent/same day legal advice needs to be made by seeking duty legal advice via child.care.duty@newcastle.gov.uk

**Terms of reference for Legal panel**



**Legal duty advice form**



**Letter before Proceedings template letters**

 

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**Legal Panel**

If Legal Panel makes a recommendation for a case to enter PLO all key dates will be set by Panel, these include a date for a Legal Planning Meeting (LPM), date the Letter before Proceedings (LBP) needs to be shared with parents/holders of parental responsibility and the date the Pre Proceedings meeting must be held by. Additionally, Panel will agree dates of any recommended assessments, such as Parenting Assessments, Viability Assessments or any other necessary assessments. A review date for the case to return panel will also be set.

If Panel make a recommendation for Care Proceedings to be initiated then all key dates will be set by Panel, these include a date for a LPM, as well as date for social work evidence (initial SWET, interim care plan and any assessments completed within the PLO) to be provided to legal services, a further date will be set for legal services to lodge the application with the Court via the portal system. Panel will set a nominal review date for the case to return to Panel, however the case will only need to be considered at Panel if the dates for the filing of the initial evidence have not been complied with. The Team Coordinator should complete the commencement of proceedings checklist, obtaining all necessary documentation legal services required in advance of the lodging of the application, this should be completed within 72 hours of the case being discussed at Panel and a decision made to issue proceedings.

If Panel agree to a child being accommodated into the care of the Local Authority under Section 20 then a date for completion of a **Child in Care: Placement Request** within Eclipse will be agreed.

If Panel are reviewing a Section 20 arrangement and agree this arrangement should continue then a review date for the case to return to panel will be set.

**Commencement of proceedings checklist**



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**Legal Planning meeting** –a date for when this meeting must take place by will be set by Legal Panel

In advance of the LPM best practice is for Team Coordinator to collate all necessary documents and send to the allocated Solicitor (please see commencement of proceedings/pre proceedings checklist document)

LPMs are chaired by a Team Manager and attended by the allocated Social Worker and the allocated Solicitor with conduct of the case (or representative of legal services if the allocated Solicitor is not available).

The LPM will consider and refine the draft Letter before Proceedings, agreeing the final version, consideration will also be given to the need for the commissioning of any expert assessment, including pre birth DNA testing, hair strand testing or other toxicology reports. **PLEASE NOTE** the funding of any expert assessment must be agreed by a Service Manager

Wherever possible a parenting assessment schedule should be set out and agreed and the proposed safety plan also agreed.

Once the documentation is finalised, the Letter before Proceedings, parenting assessment schedule and safety plan should be uploaded to the child’s Eclipse record.

**Example parenting assessment schedule**



**Safety Plan template**





**Send Letter before Proceedings to parents (or any holder of parental responsibility)**

Provide copy of the letter to the allocated Solicitor with conduct of the case so they can share this with parents’ solicitor if instructed.



**Pre Proceedings Meeting** - a date for when this meeting must take place by will be set by Legal Panel

Pre Proceedings Meetings are chaired by a Team Manager

Attended by:

 Social Worker

 Parent/s

 Parents Solicitor

 Local Authority Solicitor or Legal Officer (wherever possible)

 Minutes to be taken by Team Coordinator from Business Support

During the meeting a discussion will take place in respect of the concerns that have led to PLO and what steps need to be taken to try and avoid escalation into Care Proceedings.

The meeting should also consider the following;

Discuss expert assessments which may be required (including hair strand testing and toxicology)

 Identify any alternative carers (in order of priority)

 Sign and agree the Parenting Assessment plan

 Sign and agree the safety plan if required

Minutes of the meeting will be taken by a Team Coordinator and will be sent to the Team Manager (chair of the meeting) within 10 days of the meeting taking place. The Team Manager will then sign off the minutes and send these back to the Team Coordinator within 5 days. The Team Coordinator will then provide a copy of the minutes to legal services who will share with Solicitors instructed by the parents.





**Period of change**

Wherever possible dates of any assessment work agreed at Legal Panel should be met. Any drift or delay should be raised with allocated Team Manager and Service Manager at earliest opportunity. Pre Proceedings meetings should take place approximately every 8 weeks during the period within the PLO.



**Legal Planning Meeting**

A further LPM should take place between the Team Manager, Social Worker and allocated Solicitor once the assessment work directed by Legal Panel has been completed in order to consider the course of action that is being proposed to Legal Panel, this is likely to be one of 3 options, recommendation to exit the PLO, continue in to the PLO for a further period of assessment and support or to consider issuing proceedings.

 

**Legal Panel** – a date for when the case needs to return to panel for review will be set at the initial attendance at Legal Panel

In advance of returning to Legal Panel the Administrator will contact the allocated Social Worker and Team Manager to request that a **Child LEG: Panel Review** document is completed within Eclipse, **PLEASE NOTE** this document must be authorised by a Team Manager and contain a recommendation in terms of next steps. This document will need to be completed by Friday at 12pm in order for the case to be included in the agenda for Legal Panel the following Tuesday.

The Social Worker and Team Manager will be invited to attend Legal Panel to discuss the progress of the case in the PLO and to consider the outcome of assessment work and the recommendation being made to Panel by the Social Worker and Team Manager. The views of the child’s Independent Reviewing Officer (IRO) will also be considered.

Legal Panel will consider the information shared and the proposed recommendation and then make one of the following recommendations.

Continue in PLO for a further period of time

 Exit the PLO

 Initiate care proceedings



**Pre Proceedings review meeting** - a date for when this meeting must take place by will be set by Legal Panel

Pre Proceedings Meetings are chaired by a Team Manager

Attended by

 Social Worker

 Parent/s

 Parents Solicitor

 Local Authority Solicitor or Legal Officer (wherever possible)

 Minutes to be taken by Team Coordinator from Business Support

This meeting should consider the outcome of any assessment work undertaken during the PLO and discuss the outcome of Legal Panel and the recommendations for next steps.

Minutes of the meeting will be taken by a Team Coordinator and will be sent to the Team Manager (chair of the meeting) within 10 days of the meeting taking place. The Team Manager will then sign off the minutes and send these back to the Team Coordinator within 5 days. The Team Coordinator will then provide a copy of the minutes to legal services who will share with Solicitors instructed by the parents.

If the recommendation is to remain in the PLO Legal Panel will set timescales for outstanding assessment work and a date to return to Legal Panel will be agreed

If the decision is to exit the PLO a Pre Proceedings Review Meeting must take place within 10 days of Legal Panel agreeing this course of action

If the recommendation is to enter Care Proceedings, key dates for a LPM and the filing of initial evidence will be set.

**Please refer to separate flow chart**