**LEGAL GATEWAY PANEL**

**Terms of Reference**

1. **Intended Outcomes**

The Legal Gateway Panel is an internal decision-making and scrutiny body established to achieve improved outcomes for children by:

* Reducing delays in planning for children at risk of significant harm;
* Considering whether threshold is met to initiate Care or Pre-Proceedings;
* Supporting the care of children within their families and communities where this is still a viable and safe option and preventing them from entering the care of the Local Authority;
* Analysing patterns and trends in order to ensure best practice, and inform commissioning intentions and trigger responses from relevant service areas and partner agencies regarding identified practice concerns;
* Promoting cost savings by ensuring the best use of resources and ensuring that accommodation, where used, is used appropriately and only to safeguard children at risk of harm;
* Helping to promote early permanence decisions for children;
* Ensuring full consideration is given to the child’s voice, their ethnicity, culture and disability when planning for their permanence.

The Panel will incorporate legal planning meetings with Social Care Solicitors attending to advise on evidence and threshold.

1. **Key Functions of the Legal Gateway Panel**
* Ensure senior management oversight of cases and scrutiny of the evidence where threshold is met and Pre-Proceedings / or Care Proceedings are agreed;
* The meeting will consider the quality of evidence available and determine the appropriate action which is in the child’s best interests and will achieve the desired outcome;
* Regularly review cases currently within the Public Law Outline (PLO) framework at six weekly intervals to ensure that plans progress in a timely manner, and those cases formally exit from Pre-Proceedings or escalate in to Care Proceedings as appropriate;
* Review cases where there is a request to extend a Supervision Order. Where a Supervision Order is in place, an assessment should be undertaken at 9 months to ascertain if the Order requires extending – any decision must be made 3 months before the current Order ends.
* Review cases where a Section 37 report has been ordered and there is a recommendation to initiate care proceedings and acquire an Order. The Section 37 report should be presented to Legal Gateway Panel two weeks before it is filed with the court;
* Ensure permanence planning arrangements are considered at the earliest opportunity and that cases are referred to the Achieving Early Permanence (AEP) Panel; this includes early identification of primary carers and identification and assessment of non-resident parents and connected persons;
* Liaise with the Dudley Centre for Professional Practice cpp@dudley.gov.uk regarding examples of good practice and in cases where practice and multi-agency working needs to be improved;
* Ensure that assessments and interventions are evidence-based, robust, and engage families to prevent issues escalating; and reduce the likelihood of Care Proceedings being issued;
* Clarify situations where evidence cannot be provided by the Social Worker but will be required for the determination of Care / Pre-Proceedings, for example a Psychological Assessment;
* Ensure safeguarding measures are put in place and reviewed when PLO and or Care Proceedings are issued;
* Provide legal advice to Children’s Social Care about the legal options available to safeguard and promote the child’s welfare. To identify and recommend cases which are suitable for the Family Drug and Alcohol Court and to review voluntary accommodations (Section 20) of children under the age of 16.
1. **Protocol and Function of Legal Gateway Panel**

All new referrals to the Panel must first be agreed and signed by the relevant Service Manager;

* Referrals should be made by opening the Legal Workspace on Liquid Logic and completing the form titled ‘Legal Gateway Referral Form’;
* Referral forms and all relevant documents must be submitted to the Service Manager for comments, quality assurance and approval by 4pm **on the Tuesday before** the next scheduled Panel;
* Approved referral forms and all relevant documents must be submitted electronically to the Panel Administrator via LegalGatewayPanel.CS@dudley.gov.uk by no later than 4pm **on the Wednesday before** the next scheduled Panel;
* The Panel Administrator will finalise and circulate the agenda as well as supporting documents and notify Team Managers and Social Workers when their cases will be discussed/reviewed;
* The Team Manager and Social Worker will attend at their allocated time on the Panel agenda with a clearly evidenced plan of what is required and what decision is being sought from the Panel. An update on the progress of the Pre-Proceedings is needed for reviews;
* If Care Proceedings are to be issued the Panel will clarify timescales for sending the Letter of Intent to issue Proceedings, evidence preparation, enquiries regarding experts, and liaison with the Court Team regarding case transfer and the Local Authority care plan; and a final date by which the application should be made to the Family Court;
* Where Pre-Proceedings are agreed the Panel will clarify timescales for sending the Pre Proceedings Letter and the date for the initial PLO meeting. In addition the Panel will set a review date for the Team Manager and Social Worker to return to Panel and provide an update;
* If Care Proceedings have been issued in an emergency without having been presented to Panel, the allocated Social Worker and Team Manager must provide an update at the next scheduled Panel to allow for scrutiny of the proposed care plan and assessments prior to the Case Management Hearing;
* The Chair of the Panel will be responsible (directly or by appropriate delegation) for taking forward identified patterns and trends and practice concerns to the Dudley Centre for Professional Practice and Head of Safeguarding for partner agencies;
* Immediate notification must be sent to the Placements Team at placementsduty@dudley.gov.uk and Access to Resource Panel Inbox at ARPPanel.CS@dudley.gov.uk regarding any financial decisions around proposed placements;
* Dispute Resolution; there may be occasions when there will be professional differences either by our internal or external partners about the outcome decisions made by Legal Gateway Panel. In these circumstances, the chair must receive in writing within 2 working days of panel a rationale and challenge to panel, this must be sent via the legal gateway inbox. This will then be considered by the chair who will respond within 2 working days. If the matter remains unresolved then the Chief Officer will be notified and they will be required to make a final decision.

**4. Frequency of Legal Gateway Panel**

Legal Gateway Panel will occur weekly on a Friday morning.

However, if the welfare of the child requires that a decision is made prior to the next scheduled Panel; the Head Service will make a decision in consultation with legal services as to whether to issue an application for an Emergency Protection Order or an Interim care Order on short notice.

Where an emergency decision has been made outside of Panel the case must be reviewed at the next scheduled Legal Gateway Panel.

**5. Membership**

Panel membership will comprise;

* Chair - Head of Service or a deputy nominated by the HOS;
* The Local Authority Court Progression Manager;
* Early Help Service Manager or deputy
* A Social Care Solicitor;
* Panel Administrator;
* IRO Representative;
* Service Manager for Fostering and Permanence
* Observer by invitation.

**6. Panel Administration and Information Governance**

* The Panel Administrator will ensure minutes are completed and sent to the chair for quality assurance within 4working days;
* The Chair will then approve the minutes and the Panel Administrator will be responsible for inputting the minutes and decisions onto the legal gateway referral form on Liquid Logic. This form will be shared with the Panel Chair and either they, or the Court Progression Manager signs it off.
* These are legally privileged notes and should not be made available to the parents or other parties in any potential Proceedings;

**7. Information required to be presented at Legal Gateway**

The following documents must be completed in full and made available to the Panel Coordinator:

* Legal Gateway Referral Form;
* Relevant assessments (up to date Child and Young Person’s Assessment (CYPA) and proposed Care Plan, Viability Assessments, Cognitive Assessments, CP medicals). The CYPA must include and analysis of risk, an analysis of intervention along with clear recommendations about the future plans for the child;
* Social work chronology – if this is included in the CYPA then a separate one does not need submitting;
* Genogram which includes the relationships of any family members subject to Viability Assessments. The genogram must include who the immediate family members are for the child on both maternal and paternal sides.

In **exceptional circumstances**, cases where time is of the essence, the Chair can decide to proceed with a Legal Gateway Panel even though all of the required documentation is not available.

**Appendix 1**

**Management of case under Pre-Proceedings process**

**Letter Before Proceedings**

The Social Worker is responsible for completing the Letter Before Proceedings using the templates in Annex B of the statutory guidance, and providing parents with the Pre-Proceedings Parents Guidance Pack.

The Letter Before Proceedings must be sent to a parent(s) and any other person with parental responsibility for the child within 5 working days of Legal Gateway Panel inviting them to attend a Pre-Proceedings Meeting with the Social Worker. The letter must be:

* A summary in simple language of the Local Authority’s concerns and the impact this has on the child;
* A summary of what support has already been provided to the parents;
* What parents need to do and what support will be provided for them to avoid Proceedings, including timescales;
* Information on how to obtain legal advice and advocacy and make clear how important it is for the parent to seek legal representation.

The letter must be reviewed and signed off by the Team Manager.

Where possible, best practice would be to hand deliver the letter and provide parents with a verbal explanation of what actions they should take. If this is not possible then the letter should be posted to the parent via recorded delivery and a follow up phone call made to explain the process.

The parents must take this letter to Solicitors as they will be entitled to non-means-tested legal aid representation and advice for the Pre-Proceedings process. Good practice provides that a parent should have up to seven days notice of a Pre-Proceedings meeting.

It is also advisable to attach with the letter a separate Pre-Proceedings Plan setting out clear expectations of the parents and of the Local Authority so that the parents’ Solicitors can advise them on the plan ahead of the Pre-Proceedings meeting.

**Preparation for the Pre Proceedings Meeting**

To ensure that the Pre-Proceedings Meeting is effective the Local Authority Solicitor should prepare and send the following information to the parents’ solicitors for them to consider and advise their client ahead of the Pre-Proceedings meeting:

* Experts CVs, timescales for assessments and draft letters of instruction;
* Evidence the Local Authority is relying on, any Social Worker documents, Police reports etc;
* Details of support services/agencies that the parents need to engage with as part of the Pre-Proceedings process.

**Pre-Proceedings meeting**

The Pre Proceedings meeting is chaired by a Team Manager and attended by:

* The parent(s);
* Any person with parental responsibility;
* Their Solicitor;
* Social Worker.

The Local Authority Solicitor is not required to attend but will often do so if the parents attend with their own Solicitors. If the Social Worker requires legal advice during the Pre-Proceedings Meeting (PPM), the Local Authority Solicitor will provide such advice away from the PPM.

Dependant on circumstances, if there is a risk to one party by both parents being in the same room, it may be necessary to hold separate meetings for each parent.

A child may attend a PPM if they are of an age and have capacity to contribute to the Pre-Proceedings process. They are not entitled to free legal advice so the Local Authority needs to identify support or advocate for that child.

The PPM provides that during the meeting, the attendees should:

* Agree and sign a Pre-Proceedings/working together plan;
* Specify what assessments and services the parents need to engage in and timescales;
* Identify family members’ details for a FGC or family meeting;
* Set down dates for review and conclusion of the PLO process;
* Clearly outline what steps the Local Authority will take at the end of the process depending on the progress or otherwise of the plan;
* Set out what support the Local Authority will provide to the family.
* Minutes of the meetings should be taken to document parents responses to plan and any concerns they raise. Minutes should be circulated within 5 working days to all attendees.

**Review of Pre-Proceedings**

To minimise drift under Pre-Proceedings, there should be a:

* Midway Review Pre-Planning Meeting at 6 to 8 weeks to consider the progress of the plan and outcome of assessments;
* A final pre-planning meeting 12 to 16 weeks;
* Review legal planning meetings between the Local Authority Solicitor and client to discuss the impact of assessments on the threshold criteria, parallel planning, and any developments influencing the care plan. This is usually reviewed at Legal Gateway Panel the Friday before the midway review meeting and the final pre-planning meeting.

These timescales are subject to the needs of the child and the progress by the parents and therefore Pre-Proceedings can be concluded sooner.

Under the Pre-Proceedings process, the Local Authority must actively consider family and friends because if a child[ren] cannot remain in the care of their parents, the Local Authority has a duty to consider in the first instance placement with family members and friends.

Local Authorities will use family meetings or Family Group Conferences (FGC) to include family members in the decision-making and to identify alternative family carers and support. FGCs are a voluntary process for family members to attend a meeting and agree a family plan for supporting the parent(s) and child[ren]. The meeting is normally organised by a FGC coordinator who is independent of the Local Authority.

If the child is looked after and preliminary assessments of family members are positive, the Local Authority will normally complete a Connected Person’s Assessment, which can be converted into a Special Guardianship Assessment if required.

**Conclusion of the Pre Proceedings process**

The outcome will either be:

* The parent[s] are meeting the needs of their child[ren]. The PLO is stepped down, or;
* The parents have not made meaningful changes so the Local Authority will be issuing Care Proceedings. The PLO process should have narrowed down the issues to be litigated on during the Care Proceedings;
* If positive assessment of family members and the parents do not oppose their child[ren] being placed with that family member, they can then make their own application for a Special Guardianship Order or a Child Arrangement’s Order for residence.

**Appendix 2**

**Commencing Care Proceedings**

Once the decision has been made to commence Care Proceeding, a Letter of Intent to Issue must be sent to the parents and their Solicitors. It informs them that the Local Authority is applying to court for a Care or Supervision Order.

**Preparation for issuing Care Proceedings**

In preparation for issuing Care Proceedings the Local Authority Solicitor must consider the Pre-Proceedings checklist with the Social Work client and ensure the care plan is supported by:

* Robust and up to date assessments;
* Family members have been identified and assessed. If not, the time scales for completing this work without delay;
* Statements are evidence based with comprehensive analysis;
* Chronology has key dates/incidents from past two years unless relying upon earlier incidents in evidence;
* A genogram;
* All relevant social work reports, records and decisions that Local Authority is relying on are available.

The Social Work Evidence Template was introduced in 2014 as a standardised format for all Social Worker statements to be used nationally.

**Issuing an application for Care Order**

On day one, the Local Authority Solicitor must file with their application form a statement, genogram, chronology, care plan, and index of the checklist documents and current assessment of the child. The Local Authority does not need to serve any documentation that is more than two years old unless it is relying upon it in support of their application.

On day two, the Local Authority Solicitor must serve on the parties the documents above and the copies of the actual checklist documents that the Local Authority is relying upon in support of its application and notice of the hearing.

**Appendix 3**

**Reviewing the Supervision Order**

Where the child has been made subject to a Supervision Order, 12 weeks before the Order expires, an updating Child and Young Person’s Assessment should be completed. If a recommendation of this assessment is for the Supervision Order to be extended then the case should be presented to Legal Gateway Panel.

**Appendix 4**

**Reviewing the Section 37 Report**

Where the Court has directed the Local Authority to complete a Section 37 investigation and the recommendation is that the Local Authority should initiate care proceedings and seek an order, the Panel should consider the matter 2 weeks prior to the proposed filing date of the Section 37 report. The Panel should consider the recommendations of the report, and seek legal advice as to whether threshold is met for a Care Order or Supervision Order to be made.

In the first instance however, the Social Worker must discuss the case with a local authority solicitor to ascertain threshold – if an Order is recommended then the case should come to Legal Gateway Panel 2 weeks prior to the proposed filing date.