



Derby City Council

## **Legal Gateway Panel – Terms of Reference**

### **1. Intended Outcomes**

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

- Considering whether threshold set down under section 31 Children Act 1989 has been met and if so, whether:
  - Care proceedings should be initiated or
  - The needs of the child/ren can continue to be safeguarded in the short term and a period of Public Law Outline (PLO) should be entered into to offer an opportunity, under a legal framework and schedule of expectations, for changes to be made to avoid care proceedings.
  - If the section 31 threshold is not met, to determine if the family should be referred for further consideration (or remain reviewed) under child protection/child in need procedures.
- Reducing delays in planning for children who have suffered or are at risk of significant harm.
- 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 system.
- Helping to promote early permanence decisions for children.

### **2. Main Activity**

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The Panel will address the following key issues:

- Ensure that senior DCC children's Social Care management and legal advisers scrutinise the evidence in order to determine whether the threshold is met and pre-proceedings/or care proceedings are agreed.
- Receive verbal reports from Social Workers and/or Team Managers on the main areas of concern and the potential grounds for proceedings while highlighting whether the child(ren) is/are at risk of actual or potential significant harm.
- Ensuring regular and systematic review of cases currently within the Public Law Outline (PLO) framework to ensure that plans progress in a timely manner and those cases formally exit from the pre-proceedings process or escalate into care proceedings as appropriate.
- Review cases of children subject to Child Protection (CP) Plans where there remain on-going issues of concern regarding parental capacity for change and the overall implementation and progress achieved under the plan. These plans are reviewed at CP review conferences but can be brought to panel where there is no progress being made against the plan and there are

continuing concerns or escalating concerns as regards significant harm to the child/ren.

- Ensure permanence planning arrangements are considered at the earliest opportunity and this includes identification and assessment of suitable family members as potential carers and early discussion as regards suitable legal routes to secure permanence.
- Ensure that viability assessments are sufficiently robust so that any suitable family members can be identified in order to reduce the likelihood of care proceedings being issued.
- Scrutinise the support package previously offered to the family to see whether any other resource can be utilised to reduce risk and divert from proceedings.
- It is expected and good practice that a Family Network meeting has been convened prior to the Legal Gateway Panel meeting and that minutes have been taken which can be reviewed by the court.

### **3. Function of Legal Gateway Panel**

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- The Social Worker and/or Team Manager will attend at their allocated time on the Panel agenda to present the case and answer any questions from panel members and this will include a clear evidenced plan of what is required and what decision is being sought.
- The Panel will make recommendations for future action which the Social Worker and Team Manager will need to follow within any stipulated timescales. This includes the timely submission of paperwork to the legal department if care proceedings are to be issued.
- The role of the Panel is to determine if the section 31 threshold is crossed and then to decide if the case should proceed into care proceedings or alternatively via the pre proceedings PLO or into Child Protection/Child in Need).
- The Panel will endorse/challenge the plan and advise in respect of further steps that need to be taken. – focussing on outstanding assessments etc. Examples of the panel's possible recommendations could be listed or a link to the pro forma for gateway decisions/minutes.
- Emphasis should be placed on extended family with information for genograms having been gathered for Gateway and Viability Assessments having been completed and submitted with the paperwork to Gateway.

### **4. Frequency of Legal Gateway Panel**

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- Panel will be held weekly on a Friday morning at the Council House, Derby.
- The first part of the Panel will consider up to four cases where care or pre-proceedings are being considered and the second part of the meeting will review case progress reports submitted by Social Workers four weeks after the original Panel meeting.

### **5. Membership**

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Panel membership will comprise:

- Chair – Either: Director of Children's Social Care and Early Help/Head of Children's Social Care Fieldwork/Head of Service Children's Quality Assurance/Head of Service Children's Specialist Services
- A representative from the Council's legal department

- Head/Deputy Head of Service Early Help or Team Manager Early Help

In attendance:

- Allocated Social Worker and/or Team Manager
- Business Support Officer from Panel and Minute Taking Support
- Social worker student or new staff as observers with consent from the Chair

## **6. Panel Administration**

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- Requests for new cases to the Panel must be submitted to Panel and Minute Taking Support by the Social Worker.
- Panel and Minute Taking Support will allocate up to four thirty-minute (forty-five if more than three children are involved in the family to be discussed) agenda slots on the agendas for meetings.
- If there are more than four cases on the agenda the list of cases is to be sent to Judith Russ, HoS, or in her absence Andrew Kaiser, HoS, who will decide if a case or cases can be either moved to the next Panel meeting or can be dealt with in an alternative way.
- All relevant paperwork as specified must be submitted electronically to Panel and Minute Taking Support on the Wednesday before the next scheduled Panel meeting.
- Essential papers required are:
  - Chronology
  - Genogram
  - Single Assessment - updated within six months of Panel
  - Minutes of the LCMM
- Preferred additional papers to be submitted:
  - Viability assessments of relevant family members
  - Any parenting assessment or Graded Care Profiles
  - Information concerning the child and family's nationality is also to be brought to Gateway if not included in the Single Assessment
- Panel and Minute Taking Support will circulate the agenda papers to Panel members. These will also include progress reports from the Panel meetings held four weeks previously.
- A Business Support Officer from Panel and Minute Taking Support will take the minutes at the meetings. Draft minutes will be prepared and sent to the Chair for approval by the Wednesday following the Panel meeting.
- Recommendations from the meetings will be conveyed to the Social Worker/Team Manager by the Business Support Officer following the meeting.
- Comments from the Panel members concerning the progress reports will be sent to the Social Worker/Team Manager by the Business Support Officer following the meetings.
- A spreadsheet of the progress reports to indicate the outcomes and when they are due to be considered by the Panel will be maintained by Panel and Minute Taking Support.
- Panel and Minute Taking Support will prepare the progress report templates and send these for completion to the relevant Social Worker/Team Manager.

- Signed minutes will be stored electronically in a confidential folder and also sent to the Social Worker/Team Manager/legal department by Panel and Minute Taking Support.
- The Social Worker/Team Manager will ensure the minutes are stored on that child's LCS Open text (Live Link) file.

**Revised: July 2020**

**Next Review Date:**