



## LEGAL GATEWAY PANEL

### Terms of Reference

#### **Purpose of Legal Gateway Panel**

The purpose of the Legal Gateway Panel (LGW) is to provide legal advice to Children's Social Care about the legal options available to safeguard and promote the child's welfare.

The Chair of LGW will take into account the quality of the evidence available, the legal advice in respect of threshold and determine whether to

- a) Commence pre-proceedings (PLO);
- b) Consideration of a matter transferred into to MCC where currently subject to pre-proceedings
- c) Issue Care or supervision proceedings. (s31 proceedings), including ratifying sec 31 decisions made outside of legal gateway;
- d) Issue any other court application, not part of current proceedings (Except discharge of care order and revocation of placement applications and DOLS decisions);
- e) Issue any application following completion of a section 37 report.

The Chair of LGW will also decide:

- f) To de-escalate a case from pre-proceedings if the parent(s) have made sufficient progress in addressing the threshold concerns
- g) If the Local Authority should support a family member or connected person to seek a private law order
- h) In limited circumstances to extend the period of pre-proceedings

If the decision to issue any emergency proceedings (including s31 proceedings, emergency protection order) has been taken by Service Manager on an urgent basis outside LGW, cases must be presented to the LGW within 2 weeks of decision being made.

All section 37 reports should also follow the LGW process.

#### **Decision to present a case to Legal Gateway Panel**

LGW is a Children's Social Care Panel and the decision to refer to LGW and decisions made at LGW rests solely with Children's Social Care

The team manager can recommend that a case should be presented to LGW but the decision to refer a case to LGW must be signed off by a Service Manager. The decisions and actions agreed in this case discussion should be recorded on the child's Liquid Logic record and signed

off by the Team Manager and Service Manager with a clear timescale for presenting the case to LGW.

- A Team Manager will consult with the relevant Service Manager who will decide whether the case should be referred to LGW on all cases that have been with Child Protection Procedures and changes have not been made within the child(ren)s stated welfare and development timescale and in any event, no longer than after a period of 6 months on a Child Protection Plan.
- If the decision of a second Review Child Protection Conference is that a further 6-month planning period is required, the Team Manager will consult with a Service Manager who will decide whether the case should be referred to LGW;
- Where there are significant concerns in respect of an unborn child, a referral to LGW will be made no later than week 12 gestation, or within 2 weeks of notification of a referral into Children's Social Care;
- When a section 37 report has been directed, the social worker and team manager must present the report to the relevant service manager to quality assure the report, having had the benefit of legal advice, prior to report being presented to LGW. The social worker must complete the report in sufficient time to be presented to LGW. It is expected that all section 37 reports will be presented to LGW.
- In any other circumstance where the view of a social worker and team manager is that the child(ren)s welfare can only be safeguarded and promoted by a legal framework, the team manager will consult with the relevant Service Manager who quality assure and will decide whether the case should be referred to LGW.

However, if the welfare of the child requires that a decision is made prior to the next scheduled Panel, the Service Manager for Children's Social Care will make decisions with the benefit of legal advice from the allocated solicitor or through the Legal Telephone Duty Service.

#### Circumstances where re-attendance at LGW is required

The social worker and team manager must attend LGW as directed by the Chair of LGW or Head of Service, including:

- a) When a period of pre-proceedings has been directed to return to LGW;
- b) If there has been a period of delay since the decision to issue section 31 proceedings;
- c) If the Chair has deferred a decision.

#### **Attendance at LGW**

LGW is scheduled on a weekly basis, as follows:

9.30 to 12.30 North Locality on Wednesday of every week;

9.30 to 12.30 South Locality on Thursday of every week;

1.30 to 4.00 Central Locality on Thursday of every week.

The LGW is comprised of Chair (Service Manager), a Legal Advisor (Principal Solicitor), and panel coordinator (business support). The Chair may also seek information from and the views of other parties as necessary including an Adoption Manager and Families First Manager.

The relevant Service Manager will be responsible for ensuring the requirement of 72 hours is met for submission of supporting paperwork to the panel. No papers will be accepted after this point.

The Team Manager and Social worker must attend LGW. Permission to defer can only be given by the Chair.

The Team Manager and Social worker must attend LGW with their diaries as timetabling decisions will be made by the Chair.

### **Information Required to be Presented at Legal Gateway Panel**

In order to allow an informed decision to be made all paperwork must be fully completed with up to date information and be quality assured and signed by the team Manager, the service manager must have oversight before being made available to the Panel Coordinator. The following documents must be completed in full and made available to the Panel Coordinator by 5pm on Thursday the week prior to the weekly Panel. Papers not submitted on time will not be heard unless agreed by The Chair. Once cases are placed on the Agenda, LGW Chair approval will be required to remove the case from the agenda.

- Referral form / Up to date social work assessment
- Genogram
- An up to date social work child impact chronology of significant events
- If the Social Worker is seeking permission to Care Proceedings, the referral form can be accompanied by a completed and quality assured draft SWET and other assessments (e.g. of family members) relied upon for the Order sought. This means that if agreement is given to issue proceedings there is no delay whilst court paperwork is completed
- If the social worker is recommending pre-proceedings the referral form must also include up to 5 deal breakers the parents must complete together with the steps CSC will take during the 16-week period

- If the Social Worker is considering de-escalation the review decision form must be accompanied by a fully updated and quality assured assessment and other assessments completed (e.g. of family members) and pre-proceedings minutes. This enables proper consideration to be given regarding whether the case should be de-escalated, escalated or supporting alternative private law arrangement
- Only the LGW chair can make the decision to de-escalate
- If a section 37 report is being presented to LGW it is only necessary to present the s.37 report.

### **Issues that Legal Gateway Panel will consider**

Full Social Work Permanence Planning must have been undertaken within Locality prior to referral to LGW and having explored all the points below:

- The reasons for the concerns and the evidential base for establishing Significant Harm
- Current risk/complicating factors
- Child(ren) impact analysis
- Consideration of the wider family and whether any family members/connected persons are potentially viable to care for the child on either an interim or permanent basis. Also, whether the required checks and assessments have been completed
- Whether there has been appropriate use of Family Network Meeting and/or Family Group Conference/Meeting
- The steps already taken to assess the issues of concern – i.e. Single Assessment as well as other medical and other expert assessment
- Review of the actions / decisions already taken and where the decisions were made e.g. Strategy Discussion/ Children and Family Assessment/ Child Protection Conference/ other professional meetings
- Whether it may be appropriate to instruct any further expert assessment before the commencement of court proceedings – if so, what is the proposed remit of the instruction, who will do it and what are the agreed timescales?
- Whether there have been previous court proceedings in relation to the family and if so, what steps have been taken to obtain the papers in relation to the family from the court or involved authority?
- Whether Public Law Care Proceedings could be avoided in favour of a private resolution, which might include a Special Guardianship Order or Child Arrangements Order

- Whether Public Law Care Proceedings are necessary and in the child's best interests, and what would be the purpose of such proceedings, including what orders would be sought, and why

### **Outcomes of Legal Gateway Panel**

Case planning should not be taking place within the Court arena. The starting point for LGW is therefore that the pre-proceedings process will be completed on all cases unless there is an exceptional reason. The decision to issue proceedings will only usually be made in circumstances where case planning is ongoing where the child's safety requires the protection of a legal framework. It is expected that at the conclusion of the pre-proceedings process, all assessments, including of family members/connected persons will have been completed and the social worker will be able to advise LGW that court proceedings are required in order to effect the final permanence care plan for the child(ren).

The Chair will consider legal advice in respect of whether the section 31 threshold criteria is met and whether the threshold for interim removal is met.

Having considered all the information made available, and having considered the legal advice provided, the Chair of LGW will decide whether to:

- Continue to work to the current plan within the child's assessed welfare and development timetable. The outcome of Panel might be recommended changes to the plan, reiterating the importance of adherence to the desired outcomes by all involved, and to continue to review the plan through existing processes at specified timescales; or
- Issue a 'letter before proceedings' and convene a meeting with parents and their legal representatives to agree what extra support/ assessment/ expectations are required within the child's welfare and development timetable to prevent the need for the Local Authority to issue proceedings; or
- After the exhaustion of all provisions available through LASPO support a private law resolution to safeguard and promote the welfare of the child; or
- Issue s31 Public Law Care Proceedings where the threshold criteria are met and the interests of the child require it.
- Agree that a section 37 report can be filed.
- Provide a view in respect of interim orders
- In very rare situations authorise a further period of pre-proceedings to be completed within the child(ren)s timescales

- De-escalate pre-proceedings in accordance with agreed permanence plan

### Section 31 proceedings

The Chair will agree a date by which the Quality Assured paperwork will be sent to Legal Services and only the Chair can agree an extension of the recommended timescales. Legal Services will escalate to Head of Service and Service Manager by circulating the weekly pendings list.

### Pre-proceedings

The legal advisor will allocate a lawyer to the case. The time and date of the first pre-proceedings meeting will be set at LGW. The Chair will determine the length of time for pre-proceedings (usually 12 weeks duration from the first meeting to the review meeting but 16 weeks if an expert report is required) and will also set a date for return to LGW which will be no longer than 16 weeks from the decision being made.

### **Recording of Legal Gateway Panel**

The legal advisor will provide a written legal advice by the end of the day after LGW is held. The legal advice will be forwarded to the panel co-ordinator who will upload to the child's electronic case file and add to the gateway episode.

Given the significance of the decisions that can be made at Panel to a child's journey, a legally privileged written account (gateway episode) of the meeting must be available. The written account will set out the final decision of the Chair with a clear rationale for their decision making. The Chair will within 3 working days send the approved minutes to the Panel Coordinator to be uploaded into the child's electronic case file.

These are legally privileged notes and should not be made available to a third party, the parents or other parties in any potential proceedings.

### **Review of Decisions and subsequent LGW Meetings**

Work done by the local authority in pre-proceedings – front loading – is vital for two quite different reasons. Often it can divert a case along a route which avoids the need for care proceedings. When that is not possible, and care proceedings are commenced, work done beforehand will pay rich dividends later on.

To avoid drift a 6 week internal legal review will take place between the allocated lawyer and social worker and team manager. This must be properly recorded and uploaded to child electronic case file. The outcome of this review may be to refer the matter back to LGW sooner than previously directed.

All case discussions and decision making must be properly recorded on the Child's LCS record.