

City of York

Legal Gateway Meetings - Terms of Reference

1. Intended Outcomes

The Legal Gateway Meeting (LGM) 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 any identified practice concerns;
- 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

LGM will incorporate social care solicitors attending to advise on evidence and threshold.

2. Key Functions of the Legal Gateway Meeting

- 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 threshold which is in the child's best interests and will achieve the desired outcome.
- Ensure permanence planning arrangements are considered at the earliest opportunity, this includes early identification of primary carers and identification and assessment of non-resident parents and connected persons;
- Ensure that assessments and interventions are evidence based and 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 care / pre – proceedings for example a psychological assessment;

- Ensure safeguarding measures are put in 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.

3. Protocol and Function of Legal Gateway Meetings

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

- LGM paperwork and all relevant documents must be submitted to the Service Manager for comments prior to submission;
- Approved LGM paperwork and all relevant documents must be submitted electronically to the LGM Administrator Business Support Hub Level 1 by no later than 12pm **on the Wednesday before** the next scheduled Panel on the Monday;
- 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 LGM agenda with a clear evidenced plan of what is required and what decision is being sought from LGM. An update on the progress of the pre proceedings is required;
- If care proceedings are to be issued LGM will clarify timescales for sending the Letter of Intent to issue proceedings evidence preparation, enquiries regarding experts, 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 LGM will clarify timescales for sending the Pre Proceedings Letter and the date for the initial PLO meeting. In addition LGM will set a review date for the Team Manager and Social Worker to return to LGM and provide an update and confirmation that the plan is progressing within given timescales;
- If care proceedings have been issued in an emergency without having been presented to LGM, 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 LGM will be responsible (directly or by appropriate delegation) for taking forward identified patterns and trends and practice concerns to the relevant Group Manager;
- Once the minutes have been approved by the chair, the Minute Taker will upload the case minutes in Documents on each child's record on Mosaic and add a case note.
- Dispute Resolution; there may be occasions when there will be professional differences about the outcome decisions made by Legal Gateway Meeting. In these circumstances, the chair must receive in writing within 5 working days of LGM a rationale and challenge to LGM. This will then be considered by the chair who will

respond within 5 working days. In consultation with the relevant Group Manager, this may result in the case being presented to another LGM. If the matter remains unresolved then the Assistant Director will be notified and they will make the final decision;

4. Frequency of Legal Gateway Meetings

Legal Gateway Meetings will occur fortnightly on a Monday morning.

However, if the welfare of the child requires that a decision is made prior to the next scheduled LGM; the Group Manager will make a decision in consultation with legal services and either convene an earlier LGM or make a decision 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 LGM the case must be reviewed at the next scheduled Legal Gateway Meeting.

5. Membership

LGM membership will comprise:

- Chair – group manager for Safeguarding Interventions or Achieved Permanence or a deputy nominated by the GM;
- The Court Team Manager;
- A Social Care Solicitor;
- Minute Taker;
- IRO Representative;
- Observer by invitation

6. Legal Gateway Meeting Administration and Information Governance

- The Minute Taker will complete the Legal Gateway minutes and send them to the Chair to be approved. This is to be done within 24 hours for urgent cases and within 5 working days for other cases.
- The Chair of the meeting will sign off the minutes and send to the minute taker who will upload the relevant case minutes onto the child's record on Mosaic and add a case-note.
- 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 Meetings

The following documents must be completed in full and made available to the panel;

- LGM form
- For application to issue proceedings – SWET. This may be in place of the LGM form
- All must include within them the most up to date relevant assessments including any proposed Care Plans, Viability assessments, Cognitive assessments or CP medical's
- Social Work Chronology
- Genogram which includes the relationships of any family members subject to viability assessment.

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

Appendix 1

Management of case under Pre-Proceedings process

Letter before Proceedings

The Team Manager is responsible for completing the letter before proceedings.

The letter before proceedings must be sent to a parent(s) and any other person with parental responsibility for the child 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
- 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 time scales
- information on how to obtain legal advice and advocacy and make clear how important it is for the parent to seek legal representation

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 ten working 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, time scales for assessments and draft letters of instructions
- 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 Service Manager and attended by:

- the parents(s)

- any person with parental responsibility
- their solicitor
- A Social Care solicitor
- social worker

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 LA needs to identify support or Advocate for that child.

During 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 time scales
- 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

Review of pre-proceedings is undertaken the Child Legal Review Meeting

To minimise drift under pre-proceedings, there should be a:

- midway review pre-planning meeting—six to eight weeks to consider the progress of the plan and outcome of assessments
- review legal planning meetings between the local authority solicitor and client to discuss the impact of assessments on the threshold criteria, parallel planning, any developments influencing the care plan

These time scales 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 other 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. FGC's 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.

Where preliminary assessments of family members are positive, the local authority will normally complete a special guardianship assessment or a connected persons assessment, if the child is looked after.

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 order for residence.

Appendix 2

Commencing care proceedings

Once the decision has been made to commence care proceeding, a Letter of 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 worker 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 social work statement, genogram, chronology, and 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.