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**LEGAL GATEWAY PANEL**

**TERMS OF REFERENCE**

**March 2021**

**Purpose of the Panel**

The Purpose of the Legal Gateway Panel is to provide robust management and legal oversight of any Public Law proceedings relating to children. The panel will ensure that children’s cases are considered through a robust case management structure designed to prevent drift and delay and to ensure that the best possible outcomes for children are achieved. Where safeguarding concerns have reached the threshold criteria under section 31 of the Children Act 1989 cases should be presented to the Legal Gateway Panel for discussion.

In addition to deciding whether to enter a period of pre proceedings or to issue proceedings, legal gateway panel also:-

* Sets timescales and reviews all cases in the Public Law Process.
* Ratifies any emergency decisions made regarding children becoming accommodated (including out of hours): Senior Management and legal to be notified immediately when Children removed by the Police using their Protective Powers.
* The Legal Gateway Panel has a role in ensuring that a ‘vison for permanency’ is established at the earliest stage for all children. Permanency Panel holds responsibility for monitoring the actual permanency planning for Children in Care. However, a cross-over of membership between the two Panels will provide continuity of decision making and approach across the two Panels.
* Review the legal tracker to consider timeliness and progress of cases within care proceedings, pre proceedings, private proceedings and any cases waiting to be issued.
* Where the Court has made a Supervision Order the case will be reviewed by the Legal Gateway Panel 3 months before the order is due to expire.

Where the Panel makes a decision which has resource implications, the Chair has the authority to agree these to avoid additional discussion at resource panel. This should ensure that work can be commissioned with a minimum of delay to further support timely outcomes.

The Legal Gateway Panel is chaired by a senior manager in Children Services who will be supported and given advice by a solicitor from the local authority. The Panel discussion will be formally recorded by the panel administrator and notes shared with the attending Social Workers, Team Managers, and the legal representative.

**Legal Gateway Panel Discussion**

The Legal Gateway Panel will consider the plan proposed by the child’s Social Worker and the responsible Team Manager and may ask questions to clarify the details of the case.

The Social Worker and Team Manager must provide a clear rationale for the plan they are presenting. Children’s cases should not be presented at Panel simply for legal advice or case management advice – this is not the role of the panel.

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**If a decision is made that threshold is met the options at the Legal Gateway Panel are:-**

**OPTION ONE**

**Pre-Proceedings**

“The pre-proceedings period should be resurrected as the key point of hope at which local authorities can work with families to develop long term, sustainable plans for the children of concern. Particularly in circumstances where the decision to go to court would be crossing the thin red line, every effort should be made to avoid the truly burdensome and costly action of initiating court proceedings” (Isabelle Trowler Chief Social Worker (2018)

The Pre- Proceedings period should be a time of intense planning and support. This period should include effective interventions with families to help them make the changes necessary to keep children safe. It is not a stepping- stone in the process to issuing proceedings.

Pre-Proceedings starts with a robust presentation to Legal Gateway Panel / PLO Panel which should be done by the social worker and their team manager. It must be based on evidence and threshold being met-ideally using SOS case mapping. A Primary Permanence Plan for the child must be presented at panel alongside the other documents. Legal Gateway is an opportunity to get support and advice from Legal Services on threshold, points of law, case law etc. If a decision is made that a case will enter the PLO process this will trigger the social worker and their manager to begin preparing and gathering the necessary assessments and evidence needed if proceedings are commenced. This “frontloading” enables good quality, timely social work.( NELC aim for assessments and case work to be completed in a timely manner so as to avoid drift and delay and ensure that, should it become necessary to make an application to the Court under s.31 of the Children Act 1989, the Court can determine such proceedings swiftly (wherever possible within the 26 week timetable).

Progress will be closely monitored by managers and any drift and delay for children will be addressed. This pre-action period allows The Local Authority to be clear with children, parents and carers about the extent and immediacy of any safeguarding risks. It also provides the opportunity for parents to have free support and advice from a legal representative.

Following a decision at legal gateway that a period of pre- proceedings is needed to help progress planning and avoid drift for a child, a letter will be hand delivered to birth parents/ all those with PR within 2 working days to advise them of our concerns and invite them to a meeting with their legal representatives.

**OPTION TWO**

**To Issue Proceedings**

The Panel may after hearing the facts of a matter form a view Pre Proceedings is not appropriate and indicate the Commencement of Proceedings then the social worker and their team manager shall prepare the initial paperwork for the commencement of the Proceedings with Court Liaison Officer to have oversight to ensure consistent quality within 5 working days and to have papers with Legal Services within a further 2 days and for Legal Services to issues within 5 working days

If the Legal Gateway panel decides that immediate safeguarding measures need to be taken to safeguard a child, the social worker and their team manager will prepare the initial paperwork for the commencement of the Proceedings and have the papers with Legal Services within 2 days. The Proceedings will be issued as soon as practicable but no longer than 4 working days from receipt into Legal Services.

There may be cases where the immediate risk to a child is so great that a decision is needed outside of panel arrangements that proceedings need to commence. This decision can be made by the Head of Safeguarding. In these circumstances, the case must be discussed, and all documents considered retrospectively at the next available Legal Gateway Panel.

**Public Law Proceedings**

The decision to issue proceedings is a serious matter. managers must be assured that all efforts have been made to safely divert children from becoming the subject of proceedings. Once the option has been taken, and children are subject to court proceedings, a fully informed decision about their future lives must be fairly and swiftly made.

Senior leaders need to have a clear overview of Public Law activity within the service. It is important that they track those cases that come to legal gateway and move into PLO. They must ensure that decision making for children is robust, consistent, and accurately recorded.

**Membership and Meeting Details**

The panel consists of:

* Head of Safeguarding and Assessment – Chair
* Head of Child Protection and Court – Co-chair
* Local Authority Legal representative
* A Service Manager from CSC
* Court Liaison Officer
* Locality Lead
* Service Manager - Adoption Team
* Service Manager - Fostering Team
* Family Group Conferencing Coordinator
* Legal gateway panel administrator

**The Administrative Arrangements for the Legal Gateway Panel**

* The panel takes place on a weekly basis – Every Wednesday 9am – 12pm.
* Emergency Panels can be convened if necessary.
* The agenda is sent out weekly and Social Workers should attend Panel as requested.
* The responsible manager with overall supervision of the Social Worker is expected to attend the Panel with the Social Worker when a case is heard for the first time.
* A Panel Administrator will service the Panel in respect of:
* Arranging the agenda, including dates for reviews
* Collating the relevant paperwork for the Panel
* Taking Panel minutes and arranging their subsequent circulation.
* Record the minutes onto the child file within LL.
* All paperwork for the panel must be submitted by 12:00 two days before the Panel takes place. This allows Panel members time to read the papers prior to the Panel taking place. Paperwork submitted after this date will not be considered until the subsequent Panel.

**Decision Making**

Where possible, the decision to which threshold it met will be achieved via consensus within the panel. In the event of disagreement around a Panel recommendation or decision, the Chair’s decision is final, subject to any challenge being brought by either the Service Manager or Senior Solicitor within 2 (3) working days. In the event of a challenge, the final decision will rest with the Chief Officer for Social Care.