Legal Gateway Panel – Protocol

Legal Gateway Panel Meetings are led by the Social Work Team. The appointed Head of Service will chair the meeting. A standard agenda has been created for this meeting, which is attached as Appendix 1, to assist in guiding the areas which will need to be addressed during the meeting. The Lawyer will ask questions, point out any areas of concern and gaps in evidence, seek instructions as to the Local Authority’s preferred position, and advise on the Legal Threshold and evidence to meet this and the proposed plan.

Throughout the course of any PLO Proceedings, the Lawyer will act in an advisory capacity to ensure the Local Authority keeps within the law and the statutory framework. The Lawyer will continue to work with the Social Work Teams to keep children’s cases on track. The Social Work Team remains in an instructing capacity, having taken on board the advice given, and is responsible for meeting deadlines in accordance with the PLO Protocol and Court Orders.

**Procedure to a request a Legal Gateway Panel Meeting where the proposed plan is to issue Care Proceedings (this should only occur in exceptional circumstances such as the need for urgent removal, parents lacking litigation capacity, single issue cases):**

1. The following documents must to be sent to the Team Manager for quality assurance in the first instance and then to the Locality Head of Service for approval for the child’s case to be heard by the Legal Gateway Panel:

• Up to date Single assessment to include and reflect the rationale for immediate issue

• Court Chronology (for the last 2 years)

* The full Social Work Evidence Template (SWET) signed and dated by the Social Worker (please note that the reduced LPM SWET Template is no longer in use)
* Genogram
* The Team Manager and Locality Head of Service Recommendations Form signed and dated by the Team Manager and the Locality Head of Service to be completed within 5 working days of them receiving the papers.

2. Once approval is obtained from the Team Manager and Locality Head of Service, the SWET and the other documents listed above will be forwarded to Executive Support ([cyplpm@gloucestershire.gov.uk](mailto:cyplpm@gloucestershire.gov.uk)) who will list the case at the next available Legal Gateway Panel within 2 weeks. A confirmation email will be sent to all attendees by Executive Support and the meeting will be recorded in the Legal Gateway Panel spreadsheet.

3. If after reading the Legal Gateway Panel papers either the Head of Service, who will chair the Legal Gateway Panel, or the Lawyer who will attend identifies the quality of the papers as inadequate the case may be deferred to a later specified Legal Gateway Panel to allow for the papers to be updated. All other Legal Gateway Panel members will be notified by email. The case should not be deferred any longer than 2 weeks.

**Procedure to a request a Legal Gateway Panel Meeting where the proposed plan is to initiate Pre-Proceedings:**

1. The following documents must to be sent to the Team Manager for quality assurance in the first instance and then to the Locality Head of Service for approval for the case to be heard by the Legal Gateway Panel for Pre-Proceedings:

* Up to date Single assessment to include and reflect the rationale for pre-proceedings
* Court Chronology (for the last 2 years which must include the assessments and interventions offered to the family, as well as their outcome and effectiveness)The completed Jones, Hindley and Ramchandani (2006) Model of Assessing Further Risk of Child Maltreatment, to include the identified patterns of harm
* The Basic Information Form
* Genogram
* The Team Manager and Locality Head of Service Recommendations Form signed and dated by the Team Manager and the Locality Head of Service to be completed within 48 hours of them receiving the papers

2. Once approval is obtained from the Team Manager and the Locality Head of Service, all the documents listed above will be forwarded to Executive Support (email [cyplpm@gloucestershire.gov.uk](mailto:cyplpm@gloucestershire.gov.uk)) who will list the case at the next available Legal Gateway Panel within 2 weeks. A minimum of 1 week is required between Legal Services receiving the papers and the scheduled Legal Planning Meeting. A confirmation email will be sent to all attendees by Executive Support and the meeting will be recorded in the Legal Gateway Panel spreadsheet.

**Procedure at the Legal Gateway Panel:**

1. The Legal Gateway Panel will meet twice weekly. The meeting will usually be convened at Shire Hall (Conference facilities are available).

2. The regular attendees are as follows

* Social worker for the child
* The Team Manager with line management responsibility for the child
* A Head of Service (Chair)
* A Lawyer
* A Team Manager from the Family and Friends Assessment and Support Team
* A Team Manager from the Under 11’s Permanence Team, where appropriate
* Manager from the 11 Plus Team, where appropriate
* TACS Service Manager, where appropriate

3. The Head of Service chairing the LPM has the responsibility to record the outcome of the meeting on LCS within 24 hours. The minutes of the meeting will be prepared by the Lawyer and circulated to all those relevant parties, including the Head of Service and Case Progression Manager, within 4 working days. The Head of Service who chaired the meeting will amend and approve the minutes within 2 workings day of receipt of the minutes and forward to the Locality Head of Service who is responsible for ensuring this is on the child’s file. The outcome of the Legal Gateway Panel will be recorded by the Lawyer on the Legal Gateway Panel spreadsheet and save on CIVICA.

**Decision to issue care proceedings:**

Should the outcome of the meeting be agreement to issue Care Proceedings then the timescale for issuing needs to be agreed at this meeting according to the risks posed to the child, but should be no longer than 10 working days. These dates should be recorded in the minutes:

* Final Notification letter within 5 working days of LPM
* Final version of SWET and Interim Care Plan to be sent to Legal within 5 working days together with checklist documents
* Care Proceedings issued within 10 working days of the LPM

**Decision to initiate Pre-Proceedings:**

When the outcome of the meeting is a decision to enter Pre-Proceedings, the timescales set out in the Pre-Proceedings Timeline Protocol must be complied with. These dates should be recorded in the minutes:

* Letter Before Proceedings to be with parents no longer than 5 working days from the date of the LPM
* Pre-proceedings meeting within 10 working days of the Letter Before Proceedings being received by parents/carers

**Follow up Legal Gateway Panels:**

1. A further Legal Gateway Panel will be convened no later than 2 weeks from the date of the original Legal Gateway Panel or a later date by express agreement, under the following circumstances:

* Where it is decided that there should be a further Legal Gateway Panel for a specific reason.
* In all cases where a decision as to threshold cannot be made at the Legal Gateway Panel due to an absence of all of the relevant information or gaps in evidence that has been presented.

2. This will be reflected in the minutes and recorded on the Legal Gateway Panel spreadsheet by the Lawyer. The follow up meeting will be booked in to the Legal Gateway Panel by Executive Support and if possible the same Lawyer will attend.

3. The social worker will send updating papers to Executive Support ([cyplpm@gloucestershire.gov.uk](mailto:cyplpm@gloucestershire.gov.uk)) prior to the deferred Legal Gateway Panel, but no later than 3 working days prior to the Panel date. The papers will be re-circulated to the Legal Gateway Panel attendees.

**Urgent Legal Gateway Panel Referrals:**

1. Where the Team Manager considers that a matter is in need of urgent consideration but would not necessitate the making of an EPO, they will complete all of the necessary documents as stated above. These documents are sent to the Team Manager for quality assurance in the first instance and then to the Locality Head of Service for approval for this to be accommodated in that week’s Legal Gateway Panel.

2. Subject to the approval from the Locality Head of Service, they will then seek approval from the Principal Lawyer/Senior Lawyer Advocates to accommodate this in the current week’s Legal Gateway Panel by sending the relevant documents for their consideration.

3. If the Principal Lawyer/Senior Lawyer Advocates agree the need for this to be accommodated within the existing Legal Gateway Panel, the Locality Head of Service will forward the documents to Executive Support ([cyplpm@gloucestershire.gov.uk](mailto:cyplpm@gloucestershire.gov.uk)) and copy these to the legal assistants. In the event that there is no space at the Legal Gateway Panel it will be the responsibility of the Legal Liaison Head of Service to triage the children’s cases already booked in to the Panel to accommodate the more urgent matter. The Legal Gateway Panel request will be copied into the relevant Head of Service, as will the Legal Gateway Panel minutes following the meeting. The Lawyer will record the outcome in the Legal Gateway Panel spreadsheet. In the event that this cannot be booked into the existing Legal Planning Meeting Gateway Panel consideration will be given to convening an Extraordinary Legal Planning Meeting (see below).

**Emergency Protection Order Applications:**

1. Where the Team Manager considers that a matter is in need of urgent consideration (e.g. where a child has suffered a suspected NAI and/or there is an imminent risk of danger which would necessitate the making of an EPO). The Team Manager will have a discussion with the Locality Head of Service in the first instance and if agreed they will then have a conversation with the Duty Lawyer and If threshold is agreed then the Team Manager will complete the Team Manager and Head of Service Recommendations Form. The social worker will then provide as many of the required documents that are realistically available. These documents are sent to the Team Manager for quality assurance in the first instance and then to the Locality Head of Service for approval to convene an urgent Legal Gateway Panel.

2. Subject to the approval from the Locality Head of Service, an Extraordinary Legal Planning Meeting/discussion/conference call must take place to record the legal advice, the decision and rationale. The Lawyer will record the outcome in the Legal Gateway Panel spreadsheet. Usual process then to be followed for ensuring these will be saved into the child’s record.

**Key:**

**Locality Head of Service** – the Head of Service for the area within which the child is held

**Head of Service** – the Head of Service who chairs the Legal Gateway Panel on a rota basis.

**Principal Lawyer and Business Partner** (Children and Families) - Legal Team Manager.

**Senior Lawyer Advocates** – Managers/deputies for the Principal Lawyer.

**Duty Lawyer** – Lawyer Advocate within the legal team who is available to give advice on a rota basis

**Appendix 1**

**Agenda for Legal Planning Meeting**

**Chair: Head of Service**

**1. Introductions**: Including roles and purpose of the meeting

**2. Case discussion**. SW team ‘present’ the child’s case.

* Details of the - children being discussed
* Background Information/Brief history (CP conferences/previous proceedings) Has there a been a discussion /referral to FGC
* Current risk factors
* Child impact analysis (to include the child/children’s views)
* Assessments completed (Schedule 4 assessments)
* Further assessments and evidence required
* Parents’ and extended family’s views
* Any other relevant professionals views
* Team Manager’s recommendation and suggested plan
* Has a Family Group Conference been held

**3. Legal advice** on threshold criteria. The Lawyer will have added to the discussion in clarifying intervention to date, assessment outcomes and current situation.

**4. Head of Service decision**:

a. Issue care proceedings- **Letter of Issue within 1 day, statement to TM within 3 working days, statement to Legal within 5 working days, Issue within 10 working days from the LPM**

b. Formal Pre Proceedings – **Letter before proceedings delivered to parents within 3 working days, Pre Proceedings meeting within 10 working days, Review Pre Proceedings meeting within 6 weeks**

c. Review LPM

d. Referral to FGC if not already happened

e. NFA (This outcome could be due to insufficient evidence to meet threshold.)

**5. Risk management strategy** – what is in place to make this child/ren safe today and in the near future

**6. Care Plan**

* Preliminary placement options and necessary assessments (schedule 3 and 4 assessments)
* Action plan including timescales and who is responsible

**7. Any further actions to be tracked**

* TM/SW to add the decisions/actions of the meeting to ICS.
* LPM minutes to be copied to the Case Progression Manager for the purpose of tracking.
* Subsequent to attendance at a Legal Planning Meeting, if there are to be any changes to the decision, a further Legal Planning Meeting should be convened.

**Appendix 2**

**Escalation Process**

Each child’s case requires Legal Services to make an assessment of the merits of a particular plan and the threshold before advising on the recommended approach in line with statute, guidance and case law occasionally, there might be situations where there is a difference of opinion about the next steps. Whilst it is anticipated, this is rare; it would be helpful to set out the Escalation Process, which is as follows:

**Concerns about advice given by Legal Services to Social Care:**

Each child will have a named Lawyer who will have conduct and control of the particular child’s case. If during the course of the matter, there is a concern about the legal advice provided, the Social Worker/Social Work manager may raise the issue with the Head of Service, who will contact the relevant line manager of the Lawyer concerned. The matter will be investigated and a view given regarding the course of action proposed by the Lawyer for the child to the Head of Service Lead.

**Concerns about approach being taken in response to legal advice by Social Care:**

Each child will have a named Head of Service with management responsibility for the team. If, during the course of the matter, there is concern about the response to legal advice provided, the Lawyer may raise the issue with their manager who will contact the relevant Service Leader for the Social Work team. The matter will be investigated and a view taken as to how to progress the case in response to the legal advice. It may be appropriate to hold a further Legal Planning Meeting to resolve any differences of professional opinion. The Service Lead (Legal Liaison) may be consulted and directly involved. If it is not possible to resolve the issues to the mutual satisfaction of professionals the matter may be escalated further.

Throughout the course of any PLO Proceedings, the role of the Lawyer will remain in an advisory capacity, ensure we keep within the law and the statutory framework for PLO Proceedings and will continue to work with the Social Work Teams to keep cases on track. The Social Work Team remains in an instructing capacity having taken on board the advice given and is responsible for meeting deadlines in accordance with the Pre-Proceedings Protocol and Court Orders.