[](http://www.bournemouth.gov.uk/)

**LEGAL GATEWAY PANEL**

**TERMS OF REFERENCE**

**JANUARY 2017**

**SCOPE AND FUNCTION**

Legal Gateway Panel has the initial decision making and onward tracking function around all children’s cases requiring any one of or a combination of the following:

1) An application for a Public Law Order in relation to a child including those that are currently the subject of the pre proceedings PLO process.

2) Cases to be considered for the Pre Proceedings PLO process.

3) A decision to accommodate a child under Section 20 of the Children Act and subsequently where the panel requires a review of s20 arrangements.

4) All admissions to local authority care, including admissions to residential and fostering placements and admissions to care with relatives (in line with regulation 24 of the Care Planning, Placement and Case Review Regulations 2010).

5) Urgent cases – in relation to immediate action in order to protect a child or children including those cases where a legal planning meeting has taken place and an application has been issued or is in preparation.

6) In all cases requests for use of resource will be made to the panel in advance of any such resource being provided.

7) Tracking of care planning within Public Law Proceedings at the mid-way point and scrutiny and oversight of Final Care/Permanence Plans prior to filing.

**URGENT CASES**

In urgent circumstances where the safety of a child will be seriously compromised and emergency action is required, a Legal Planning Meeting/Discussion will be held (either in person or over the telephone). The meeting shall consist of the Team Manager, the Social Worker, Service Manager and Legal Adviser. The meeting will seek advice from legal services and consider whether it is appropriate to make an urgent application to court before the matter is formally considered by the Legal Gateway Panel. The decision of the Legal Planning Meeting must be recorded on the child’s record immediately and the case must be presented to the next scheduled Legal Gateway Panel.

Retrospective written approval shall be given to the decision taken to issue proceedings by the Legal Gateway Panel Chair at the next available Panel.

**LEGISLATIVE AND PROCEDURAL CONTEXT**

**These terms of reference should be read in the context of:**

. The Children Act 1989 and updated Working Together to Safeguard Children (2013);

. The Public Law Outline (2013) and local procedure;

. Care Planning, Placement and Case Review Guidance and Regulations (2010);

. DFE – Court Orders and Pre-Proceedings for Local Authorities – April 2014.

Legal Gateway Panel exists in the context of National Guidance in relation to the development of professional social work practice which emphasises the importance of effective Assessment and Risk Management strategies, maximises the use of early help services and diverts away from acute service provision in cases where this is in the best interests of children.

The Legislative and Procedural context provides for professional actions which promote better outcomes for children weighing all of the options for them, including engagement with extended families and friends’ networks and considering Private and Public Law options and ensuring any move toward permanency for children is within the timescale of the child.

The provisions within the Public Law Outline, require early assessment and planning for children (where possible outside the legal process) and places an emphasis on Local Authorities to fully understand and articulate the impact on the child of the care he / she receives and the capacity of parents / extended family members and friends to meet these needs. This requirement must be applied to all children’s cases at the earliest opportunity in case work.

**PURPOSE**

1) Ensure the application of consistent practice across all teams in decisions regarding children.

2) Monitor cases going through Pre-Proceedings PLO and maintain an accurate record of these through a Case Proceedings Tracker.

3) Ensure that decisions to provide Local Authority care to a child / children are likely in all cases to lead to better outcomes for the child / children concerned and are provided only in cases where all other options for the safe care of the child / children have been exhausted.

4) Ensure practice leading to issue of Public Law Proceedings is in line with the requirements of the Public Law Outline (2013, as updated);

5) Ensure consistency in decision making where requests for issue of public / private law proceedings are made, prior to issue of those proceedings.

6) Ensure FGC’s are used consistently with all families in crisis when alternative care or Proceedings is a possible option.

7) Oversee and manage the volume of requests for care provision and legal applications in relation to children, in line with budgets and resource allocation and reduce any unnecessary financial commitment on the Local Authority.

8) Provide advice on the plans for the children, the options available and the quality of the proposed evidence being prepared for proceedings.

**LEGAL GATEWAY PANEL COMPOSITION**

Service Managers x 2

Legal Advisor

PLO/Court Team Manager

ART

Virtual School

LAC Nurse

SEN input or other case specific specialist input should the need arise.

**ATTENDANCE AT PANEL**

The social worker and the relevant Team Manager will attend for each case submitted to the Panel.

**DURATION AND VENUE**

Weekly (Wed morning)

Town Hall – Law Library

**PROCESS AT PANEL**

Panel members will read all documentation in advance of the panel meeting.

Panel attendees should be prepared to briefly present the case to the panel specifically in relation to the issues (including risk assessment) prompting the request for accommodation / issue of proceedings (private or public law).

Panel members will consider the issues and determine (in line with Directorate wide priorities, the risk management issues in the particular case and the identified outcomes for the child / children) the appropriate resource provision to the family.

Minutes of the discussion, including panel decisions will be provided within 5 working days of the panel meeting for inclusion on the child’s social care file.

**RECORDINGS OF THE PANEL MEETINGS**

Minutes of the discussion, including panel decisions and Legal advice will be provided to the social worker, line manager and the legal services team within 5 working days of the panel meeting for inclusion on the child’s social care file / legal file.

**Confidential** – The legal advice section of the discussion will be recorded separately to the substantive minutes. The minutes relating to the legal advice given at the meeting is subject to legal professional privilege and shall not be disclosed to any person, save Local Authority staff, upon request.

Any interested party (save Local Authority staff) for example a legal representative of a party involved with a particular child wishing to have sight of the decision making process recorded with the substantive minutes in relation to a particular case, shall make such a request in writing to the chair of the panel stating the nature of the request and the basis upon which the information is sought.

**OVERVIEW AND REPORTING ARRANGEMENTS**

A report of panel activity and outcomes with thematic considerations will be provided by the Panel Chair to inform the quarterly Ambitions Plan review.

Cases progressing to Proceedings will be tracked at the mid-way Care Planning point and once Final Care Plan is drafted by a smaller core group of Panel members to ensure robust tracking, avoid any drift or delay and ratify the Local Authorities Permanence Plans for the child/ren.