

LEGAL PROCEDURES

Legal advice on the permanency plan must be provided by Legal Services prior to an item being placed on the agenda of the Adoption and Fostering Panel.

The Panel will require a copy of the legal advice to be submitted by the Social Worker together with the other reports.

Legal advice should be sought at an early stage and in any event as soon as the Social Worker decides to make a recommendation to a LAC Review that rehabilitation is not an option or that parallel planning is appropriate. This should be done by the case social worker completing the Legal Services Referral Form 1.

Upon receipt of the Referral Form, the Legal Adviser or another solicitor from Legal Services will then make contact to arrange a first Legal Meeting to discuss the case. This will be a preliminary meeting to familiarise the Legal Adviser/solicitor with the case and to look at work done towards rehabilitation/why rehabilitation is being ruled out.

Once a LAC Review has determined that rehabilitation is not an appropriate option and identified the need for alternative permanent care, then Legal Services Referral Form 2 should be completed. Comprehensive information should be provided, including relevant supporting documentation. The Social Worker must outline their preferred legal route to permanence.

Upon receipt of the Referral Form, the Legal Adviser or another solicitor from Legal Services will again make contact to arrange a second Legal Meeting to discuss the proposed route to permanency. Note that legal advice is sought as to whether or not there are legal grounds and sufficient evidence to pursue the proposed legal route or whether additional evidence needs to be obtained e.g. through a further attempt at rehabilitation or through expert opinion. After the Second Legal Meeting a written permanency opinion will be provided. This is the legal advice that must be given to the Panel.

Legal advice is not sought for a decision or recommendation as to what action should be taken. Social Workers should be clear about the proposed legal route and the reasons for choosing this before seeking legal advice.

If legal advice is to the effect that legal grounds do not exist and/or there is insufficient evidence then a LAC Review should consider whether or not to proceed to the Adoption and Fostering Panel or adopt an alternative course.