

THE EAST OF ENGLAND REGION CHILDREN'S SERVICES JOINT PROTOCOL ON CHILDREN SUBJECT TO CHILD PROTECTION PLAN MOVING BETWEEN LOCAL AUTHORITY BOUNDARIES

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Agreed between:

Bedford Borough Council
Cambridgeshire County Council
Central Bedfordshire Council
Essex County Council
Hertfordshire County Council
Luton Borough Council
Peterborough City Council
Norfolk County Council
Southend Council
Suffolk County Council
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1.0 Introduction

- 1.1 The purpose of this joint working protocol is to establish a common approach to issues that may arise when a child who is the subject of a Child Protection Plan moves from an address in one local authority area to an address in another local authority area, within the East of England Region.
- 1.2 One aim is to ensure that there is clarity about the roles and responsibilities of the originating authority from whose area the child is moving, and the receiving authority into whose area the child is moving. Another is to ensure that there are clear and agreed processes to be followed that will safeguard the children in question.
- 1.3 The most important aim of this protocol is to ensure that there is a clear and agreed plan for the implementation of the Child Protection Plan.
- 1.4 Statutes and Statutory Guidance relevant to this Protocol:
- The Children Act 1989
 - "Working Together to safeguard Children 2018

2.0 Child Protection Plan (Definitions)

- 2.1. The following terms are used in this protocol:
- 'Originating Authority' as the local authority where the family previously lived,
 - 'Receiving Authority' as the local authority to which the family has moved;

3.0 Temporary move to another Authority

- 3.1 When a child subject to a Child Protection Plan moves to another Local Authority area on a temp or perm basis, the Originating authority must notify the Receiving Authority in writing that a child subject to Child protection Plan has moved to their area in line with Working Together to Safeguard Children(2018), and at any rate, within 24 hours.

4.0 Where the move is planned and time limited

- 4.1 The originating authority should retain child protection responsibilities where the child protection plan specifies a move out of an authority for a planned time-limited period. Depending on the distance, the originating authority may require assistance from the receiving authority to carry out specific tasks, such as statutory visits etc. These would need to be negotiated between the Team Manager from the Originating Authority and their Counterpart in the Receiving Authority. These may be circumstances where:
- The child temporarily stays with friends/family in another local authority;
 - The child is admitted to hospital in another local authority (e.g. a tertiary treatment centre, Hospitals (specialist));
 - Parent/s, together with children, are provided with time-limited placement in a residential family assessment unit in another local authority;
 - A parent is supported for a time-limited period to live with a specific person (e.g. a relative or friend in another authority).

5.0 Where the Child/ Family move frequently

5.1 The originating authority should also retain child protection responsibilities when a family moves so frequently that the child's welfare cannot be adequately monitored because of the continuing disruption to service provision and information transfer. This does not impact on the obligations on the receiving authority to initiate Section 47 enquiries when a new incident occurs in line with Working Together to Safeguard Children. The local authorities in which the family is temporarily residing must cooperate with the originating authority. The nature of such cooperation should be negotiated between the Team Manager for the originating authority and their equivalent in the receiving authority.

5.2 ***In any such negotiation, the best interest of the child should remain paramount, and the child's need to be safeguarded must be the goal of any negotiation above any boundary issues.***

5.3 Should the family's frequent moves lead to concerns that the safety of the child/ren is increasingly compromised the Originating Authority will lead in deciding whether a Strategy Meeting needs to be convened.

6.0 Where the move is unplanned or indefinite

6.1 Where the child and their family are moving to the receiving authority, and the planned address is temporary, e.g. a refuge, supported housing provision, bed and breakfast or other temporary accommodation, the responsibility remains with the originating authority.

6.2 The Originating Authority and the Receiving Authority will liaise on at least a monthly basis with the view to monitor the progress of the case and continue to confirm plans to secure permanent accommodation. Where a permanent address has been secured the transfer-in conference should be convened within 15 **working days** of written notification of the permanent address.

6.3 If after a period of three months (since the family's move) the child and their family remain living in the receiving Authority, a transfer-in conference must be arranged within 15 working days, and the Transfer In Procedures followed. However, where there are financial obligations under Homelessness legislation, this should be transparently negotiated between the two local authorities prior to the Transfer in conference.

6.4 ***In any such circumstances, the best interest of the child should remain paramount, and the child's need to be safeguarded must be the goal of any decision making above any boundary issues.***

7.0 Permanent Transfer

7.1 When it is known that the child subject to Child Protection Plan has moved to another Local Authority area, and the move is likely to be permanent in line with 7.2 below, the Originating Authority must notify in writing, the Receiving Authority, in line with Working Together 2018. Such a notification must be treated as a referral. The responsibility for a child subject of a protection plan remains with the Originating Authority until the Receiving Authority's transfer in conference.

7.2 The Originating and Receiving Authorities need to agree when a child has deemed to have moved permanently into the area. If there is disagreement, then this needs to be escalated through the dispute resolution process. A number of factors will determine whether a move is seen as permanent. These will include;

- The view(s) of the family;
- The nature of the accommodation in the receiving authority area e.g. do the family have permanent accommodation with an agreed tenancy or ownership of a property?

- Have they relinquished housing in the Originating Authority?
- Have the family registered with professionals in the Receiving Authority area e.g. GPs?
- Are the children attending school in the Receiving Authority?
- Does the family have links to the Receiving Authority?
- How long have the family been staying in the Receiving Authority? If this is over 3 months then this would generally indicate a permanent move;
- Does the family have a history of moving? (refer to 5.1)

7.3 The Receiving Authority must ensure, prior to the transfer in conference, that it has received sufficient relevant information from the Originating Authority to clarify details of the case, responsibility for the child and plans. Relevant information includes:

1. Documents:

- Most recent assessment, Current Child Protection Plan,
- Minutes of the Initial Child Protection Conference, and Plan
- Minutes of the most recent Child Protection Review Conference, and Plan
- Minutes of the most recent core group meeting
- Last visit to the family
- Full chronology
- A tenancy agreement
-
- List of professionals and extended family members (may be a genogram) to invite to the child protection conference (with contact details)

7.4 The Receiving Authority may be some distance away, to the extent that home visits and other tasks cannot be effectively accomplished by a social worker within an Originating Authority. In such cases, the Team Manager of the Originating Authority will negotiate with the Team Manager of the Receiving Authority on what tasks, including statutory visits, the Receiving Authority may be able to implement on behalf of the Originating Authority from the date of the move. The agreement must be confirmed in writing at local authority children's social care first line manager level or above. The Receiving Authority is responsible in law for making enquiries and taking action to safeguard and promote the child's welfare.

There are mandatory responsibilities and obligations of the Receiving Authority when the originating authority formally seeks their support. These are set out in Children Act S27 as follows:

*'Where it appears to a local authority that any authority **F2** . . . mentioned in subsection (3) could, by taking any specified action, help in the exercise of any of their functions under this Part, they may request the help of that other authority **F2** . . . specifying the action in question.*

(2)An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.'

8.0 Transfer in conference

8.1 The Receiving Authority must convene a transfer in conference within **15 working days** from the date that it has been agreed that the child has moved permanently into the area. The manager will record this decision and inform the Originating Authority of the intention to convene a Transfer- in conference. The transfer-in conference should be convened within 15 working days of such a decision

- 8.2 The social worker from the Originating Authority will need to attend the Conference, and will need to have an up to date conference report completed for this conference. This should be received at least 5 days before the Transfer In conference. The social worker from the Receiving Authority may need to have completed their own assessment of the child's circumstances within the receiving area.
- 8.3 The Originating Authority's responsibility for a child subject of a child protection plan ceases when, following a transfer in conference:
- The Receiving Authority's transfer child protection conference makes a decision about the continuing need for a protection plan;
 - Management responsibility for the case is transferred to the receiving authority from an agreed date; and
 - These decisions have been confirmed in writing by the manager designated by that Authority.
- 8.4 The local authority child protection adviser/chair in the Originating Authority must be informed in writing of the result of the transfer in conference and is responsible for notification of other agencies where case responsibility has transferred to a new area.
- 9.0 Other Areas**
- 9.1 **(i) When a child subject to a child protection plan is subject to Public Law Outline/Threshold for proceedings is met.**
- 9.2 All authorities are expected to (and should expect each other to) initiate proceedings as soon as the threshold is met and to defer any transfer of case responsibility between authorities until the proceedings are concluded.
- 9.3 Where a child subject to Child Protection Plan is also subject to Public Law Outline Processes, with the threshold for care proceedings not yet being met, negotiations will need to be entered into between the two authorities as to the best authority to progress this, including the best time for the transfer of case responsibility.
- 9.4 Where legal advice is needed at any time, this must be sought.
- 9.5 Where a child moves permanently (in line with 7.2) into another Local Authority area and an Initial ("transfer") Child Protection Conference occurs at which the child is made subject to a child protection plan in the Receiving Authority's area and at or after which it is agreed the Original Authority cannot continue the Public Law Outline, the Receiving Authority should hold a Legal Planning Meeting to determine whether the threshold for instigating the Public Law Outline is met in their area.
- 9.6 ***In any such negotiation, the best interest of the child should remain paramount, and the child's need to be safeguarded must be the goal of any negotiation above any other***
- 9.7 **(ii) When a child subject to a Child Protection Plan is also subject to Care Proceedings in the Originating Authority with no order in place.**
- 9.8 Where a child subject to CP plan is also subject to Care Proceedings in the Originating Authority, the Originating Authority will maintain case responsibility until the proceedings are concluded, unless directed otherwise by the court. Depending on the distance, the Originating Authority may request support in implementing tasks within the CP plan (Section 27). Unless the child has become ordinarily resident in the receiving area which will then be the authority designated in the

care order (Section 31(8)(a)) legal advice may need to be obtained by both authorities about which should be the designated authority (Section 31(8)(b))

9.9 **(iii) When a child subject to child protection plan is subject to a Supervision Order.**

9.10 The East of England Joint Protocol on Supervision Orders would need to be followed.

9.11 **(iv) Children in Need**

9.12 Planned permanent move:

9.13 Families who have new tenancy or permanent living arrangements (such as registered with new GP, School etc), or families who have made a temporary move and have a clear and realistic plan to remain for more than 3 months or the move has already lasted for 3 months.

9.14 In line with the requirements of WT 2018, “where a child in need has moved permanently* to another local authority area, the original authority should ensure that all relevant information including:

- Copies of the most recent assessments of the children;
- Copies of the child in need plan;
- A case summary and, if the case summary is not up to date, a social work report identifying the needs of each of the children;
- If the children have previously been the subject of a child protection plan, than the originating authority should ensure that the risks and protective factors are clearly described in the case summary,

is shared with the receiving local authority as soon as possible. The receiving local authority should consider whether support services are still required and discuss with the child and family what might be needed, based on a timely re- assessment of the child’s needs”. “Support should continue to be provided by the original local authority in the intervening period. The receiving authority should work with the original authority to ensure that any changes to the services and support provided are managed carefully”. *Within the Eastern Region ‘permanently’ will be interpreted as 7.2 above.

9.15 Temporary move:

9.16 In the case of a temporary move, the “originating” local authority retains responsibility and the Social Worker for the child makes a professional judgement based on the circumstances of the case whether the child will require local services as a child in need in the new area during a temporary move (less than three months).

9.17 During the temporary stay in an area, the child and family would access services on a temporary basis as agreed in the child in need plan and negotiated with the ‘host authority’.

9.18 Where the originating authority has been providing or funding services for the children, they should continue to do so for the period of time originally envisaged by the child in need plan. Where the originating authority is funding the housing costs of the family, they should continue to do so until such point as the family are able to claim benefits or pay for the housing costs themselves. For families receiving financial support because they have no recourse to public funds, the financial support should continue to be provided by the originating authority until such time as the family’s immigration status is resolved although all other responsibilities for services under S17 or S47 will transfer to the receiving authority.

9.19 Although there is no formal requirement to hold a meeting to discuss the transfer of a child in need plan, it would be good practice for the receiving authority to hold such a meeting, especially where the family situation is complex, or the children have previously been the subject of a protection plan.

9.20 The arrangements set out above for the transfer of information about children in need between authorities are subject to the consent of the family. Information about child protection concerns or a concern that a child may be missing education may be transferred without consent.

9.21 (v) **Private Fostering**

9.22 The social worker for the privately fostered child in the “originating” local authority makes a “transfer” referral to the new host authority in circumstances where the child moving on a permanent or temporary basis would remain a privately fostered child.

9.23 Where a child moves into a Private Fostering arrangement in a different Local Authority, the “host” authority has the responsibility to assess and approve the arrangement. If approved, the “originating” authority would normally then make a “transfer” referral for the child to the “host” authority.

9.24 (vi) **Early Help**

For both permanent and temporary moves

9.25 The case worker (lead professional or equivalent) for the child in the “originating” area makes a professional judgement based on the circumstances of the case and in discussion with the family whether the child will continue to require Early Help services in the new area to meet their needs.

9.26 The case worker makes a referral and includes a proportionate level of additional information dependent of the complexity and level of need of the child in agreement with the family. If, however, the move is likely to escalate concern for the welfare of a child, the case worker should discuss this with the family and make a referral to the new “host” local authority. The new “host” local authority should assess the referral detail as per agreed local procedures.

9.27 In the event that the new “host” authority does not provide a service, the “originating” referral agency should escalate and challenge the decision if concerns exist that the welfare of the child was likely to be adversely affected.

9.28 Should safeguarding concerns arise, the Local Authority where the child is living on either temporary or permanent basis is responsible for S47 enquiries.

9.29 **Where there is disagreement between Local Authorities about how the case has been managed by the Originating Authority, including the Quality of Casework.**

Where there is disagreement between the Originating Authority and the Receiving Authority on the quality of case work, a meeting should be arranged between the Team Manager for the Originating Authority and their counterpart in the Receiving Authority, to discuss how this will be progressed. The discussion should agree what remedial action is being requested and the timescale for this, in line with 10.2 below. This should be confirmed in writing by the receiving authority. This should not stop the transfer of case responsibility to the Receiving Authority ***In any such negotiation, the best interest of the child should remain paramount, and the child’s need to be safeguarded must be the goal of any negotiation above any other issues.***

10.0 Disputes

- 10.1 Arrangements for transfer in processes differ between Local Authorities, including where the decision for accepting transfer in cases lies. Working Together to Safeguard Children (2018) states that a transfer in Conference in the Receiving Authority will be convened within **15 working days** of Notification that the family have moved to the area. Eastern Region parties agree that a referral is received when all the requested information has been received by the Receiving Authority, to their satisfaction, in line with 7.3. A decision must be communicated within 48(?) hours to the originating referrer. The list of documents at 7.3 above, would be sufficient. The allocated social worker will liaise with the Decision Maker in the Receiving Authority regarding this. If other documents outside this are listed, the dispute resolution process can be used.
- 10.2 In the event that there is no agreement about the Transfer of case responsibility for any reason, including disagreements about the care plan, case direction or permanency of transfer, or the list of documents required, the Team Manager from the Originating Authority will liaise with the relevant first line manager of the decision maker. This process should be resolved within **5 working days**.
- 10.3 If agreement cannot be reached following discussions between Team Manager and first line manager, then these will be escalated to the Service Manager, who will liaise with the equivalent person in the Receiving Authority. Consideration should be given to whether legal advice should be sought. This process should take **5 working days**. If agreement is still not reached, then the issues can be referred to the respective Heads of Service. This process should take no more than 5 working days.
- 10.4 In the unlikely event that the issue is not resolved by the steps described above and/or the discussions raise significant policy issues, the matter should be referred urgently to the proposed Receiving's LSCP for resolution.

11.0 Negotiated alternatives

- 11.1 In exceptional cases, in response to the circumstances of an individual child, a local authority children's social care first line manager or above may negotiate different arrangements to those set out here, with their equivalent in another local authority.
- 11.2 Such negotiated departure from this procedure should be confirmed in writing by both the originating and receiving local authorities within **48 hours** of the agreement being made.

12.0 Other Disputes

- 12.1 Other than those matters that should be resolved by the Court, any dispute arising from this Protocol which cannot be resolved between the authorities in question will be determined by an independent Director of Children's Services within the Region.

For enquiries regarding this document or amendments, please contact Tendai Murowe at tendai.murowe@hertfordshire.gov.uk