



# Protocol for Protecting Children who Move Across Local Authority Borders

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## Preface

This Protocol applies to Local Authorities and agencies working in the Pan-Hampshire , or 4LSCB area (Hampshire, Isle of Wight, Portsmouth and Southampton).

It should be read and applied in conjunction with the suite of safeguarding procedures applicable for all agencies working in the Pan-Hampshire area, including the Joint Working Protocol, Unborn Baby Protocol, Missing Child Policy and Multi Agency Escalation Policy. The full suite of policies and procedures can be found at <http://4lscb.proceduresonline.com/> .

## 1. Introduction

- 1.1 Local authorities, the Police, Health services and Youth Offending Teams have a specific 'duty to co-operate' to ensure better outcomes and to improve the well-being of all children, including children who move frequently.
- 1.2 The responsibility for delivery of the universal services offered by Health and Children's Services (Education) belongs to the area in which a child is living.
- 1.3 Arrangements for the delivery of targeted children's services are more complex. This guidance sets out the arrangements for the delivery of Children's Services where:
  - children move across Local Authority boundaries in the Pan-Hampshire area (Hampshire, Isle of Wight, Portsmouth and Southampton) either to live or to receive services, on either a temporary or permanent basis, and safeguarding concerns arise; and
  - they are also, Children in Need, children under Section 47 Investigation including those in need of protection and subject to Children Protection Plans, as defined by the Children Act 1989, or they are Looked After Children.

The effective, timely and robust transfer of information is critical in such circumstances.

- 1.5 Children and families who move most frequently between local authorities are homeless families, asylum seekers and refugees, families experiencing domestic violence and abuse, gypsy and traveller families and looked after children. It is also important to recognise that some families will move between authorities to avoid or divert professional contact where safeguarding or child protection concerns have been identified
- 1.6 Frequent movers can find it difficult to access the safe, reliable and consistent delivery of services they need. For those already socially excluded, moving frequently can worsen the effects of their exclusion and increase the vulnerability of the children and have an impact of their health and well-being.
- 1.7 The need to safeguard children in these circumstances is widely recognised as a compelling priority.

## 2. Purpose

- 2.1 This guidance focuses specifically on safeguarding responsibilities in relation to children who move across Local Authority boundaries, and where they are Children in Need, including those in need of protection and subject to Child Protection Plans as defined by the Children

Act 1989, and Looked After Children; and other children receiving an out of authority service where child protection concerns arise within that service.

2.2 It provides a framework for the Local Authorities in the Pan-Hampshire area to establish respective responsibilities on behalf of children where an assessment has identified that it is in their interests to receive support or protection.

2.3 It should be noted that in relation to Looked After Children, this guidance specifically focuses on responsibility for child protection enquiries where children are placed, or receiving services, outside of their originating authority. It is in addition to, and does not affect, the notification arrangements required under the Care Planning, Placement and Case Review (England) Regulations 2010.

2.4 This guidance:

- Defines the terms 'originating authority' as the local authority where the family previously lived, and 'receiving authority' as the local authority to which the family has moved. 'Responsible Authority' refers to when there may be more than one local authority working with a case / family, all of whom have legal responsibility for certain areas of work.
- Defines 'home authority' as the local authority holding case responsibility, or, if the child is not on active caseload to Children's Social Care, as the local authority where the child is living. The term 'host authority' refers to the authority where the child may be found, is visiting for a short break or in receipt of specified services (e.g. education). The home or host authority could also be an 'originating' or 'receiving in authority.'
- Defines 'ordinary residence' as the place where the person with parental responsibility for the child lives.
- Covers both temporary and permanent moves, regardless of the nature of the accommodation in which the child and/or family are living e.g. private or public housing. It sets out the arrangements for case responsibility, during such temporary and permanent moves according to the legal status of the child, and negotiated alternatives in exceptional cases.
- Addresses local authority children's social care cases and other responsibilities in relation to children in need, including those in need of protection. Other local authority services and other agencies will have arrangements determined by different legislation and guidance;
- Excludes LA housing provision or LA children's social care funding of housing or subsistence costs included in a child in need plan. These remain the responsibility of the originating local authority until the housing issue is resolved, although the receiving authority may become responsible for other aspects of service delivery.
- Sets out the information that needs to be shared to ensure that appropriate arrangements are in place to safeguard children and promote their welfare.

2.5 The Local Authorities who have agreed to this guidance are:

- Hampshire
- Isle of Wight
- Portsmouth
- Southampton

### **3. Key Principles**

- 3.1 It is best practice for children in need to receive services from agencies which are local to where they live. This applies particularly to health, education and social work services.
- 3.2 Where an authority is providing services to a child in need or has identified a child in need, and the child moves to a new address, it is essential that these assessments and / or services are effectively co-ordinated and transferred to local agencies. This includes children who move in planned or in unplanned circumstances across local authority boundaries. In either case where a child is allocated in a LA and moves to another LA area, the originating authority must notify the receiving LA that the child has moved into their area. Agreement can then be reached about which LA will work with the family from that point, i.e. which will be the responsible authority, what handover arrangements are to be made or information to be shared.

Where a planned move is taking place, the responsible local authority will need to undertake a home visit and make relevant enquiries to satisfy themselves this is appropriate for the child / young person. The application of this principle in relation to the different legal status of children is set out in Section 7 below on case responsibility.

- 3.3 The guidance
- Upholds the paramountcy of children's welfare;
  - Encourages the review and reassessment of the needs and risks as a child's circumstances change;
  - Supports the making of defensible decisions in the best interest of the child as well as managing service-provision within inter-authority arrangements;
  - Requires the negotiation of agreed actions between managers within respective authorities and confirmation of those agreements in writing.

### **4. Negotiated Alternatives**

- 4.1 In exceptional cases, in response to the circumstances of an individual child, a LA children's social work first line manager or above may negotiate different arrangements to those set out here, with their equivalent in another authority. Examples of exceptional arrangements are given in Section 10 of this guidance and Section 9 sets out the arrangements when the originating authority retains responsibility for a child subject to a Protection Plan.
- 4.2 In such cases it should be evidenced why an alternative arrangement is in the best interests of the child. This should be clearly recorded as a management decision on the child's record.

4.3 Such negotiated departure from this procedure should be confirmed in writing by both the originating and receiving authorities within 48 hours of the agreement being made.

## **5. Identifying children at risk of harm**

5.1 When families move frequently, it is more difficult for agencies to identify risks and monitor a child's welfare.

5.2 All professionals in all agencies should be alert to the possibility that a child and family who have moved may not be in receipt of universal services, and that the parents may move to conceal other risk factors, and / or to actively avoid intervention from universal and targeted services. Where possible professionals should speak to families to ascertain the voice of the child and views of the parent in an effort to establish the reason for moving across boundaries, and, help them consider what impact such moves may have on the child(ren) (such as school curriculum changing, health providers changing etc).

5.3 The following circumstances associated with children and families moving across authority boundaries are a particular cause for concern:

- A child and family, or pregnant woman not being registered with a GP;
- A child not having a school place or whose attendance is irregular;
- A child or family having no fixed abode (e.g. being homeless or living temporarily with friends and relatives) in so far as it impacts on the welfare of the child;
- Several agencies holding information about the child and family, which is not coordinated, and/or which has not followed the child or family (i.e. information which is missing or has gaps);
- A move which disrupts an assessment or planned work with the child or their family which is likely to identify safeguarding concerns or address the child's needs;
- Repeated assessments and interventions offered to a family with little evidence of improved outcomes
- Children moving out of a Local Authority and subject to a Court Order
- Children with complex medical conditions.

## **Where there are Co-Parenting or Shared Care Arrangements**

5.4 Where there is more than one 'Responsible Authority' involved in a case, it is important that both 'Responsible Authorities' fully understand the implications of that child spending time in and between both locations and a decision may need to be made regarding which Local Authority has the lead responsibility.

5.5 Therefore, it is important that:

- When children are on a Child Protection Plan and there is a co-parenting arrangement across different areas, it will need to be determined which Authority will have lead responsibility for the Plan. The second Authority will need to hold the child on a

temporary plan and contribute to the lead authority's assessments and planning. Reviews will be managed by the lead Authority;

- In these circumstances the lead authority will need to include both parents / those with parental responsibility in the assessment of their child - the national picture of Serious Case Reviews indicates that the focus of attention is mainly on the mothers, with little consideration of the role and parenting capacity of fathers.

## 6. Information Sharing

6.1 For agencies to maintain contact with children and families who move frequently, information needs to be shared accurately and in a timely manner. Professionals should therefore:

- Ensure that all forenames and surnames used by the family are provided, ensuring the correct spelling of all names used;
- Ensure that accurate dates and places of birth for all household members, wherever possible;
- Record all addresses used by the family within the last two years;
- Clarify relationships between the child and other household members, if possible with documentary evidence;
- Undertake checks and ask the child and family which statutory or voluntary organisations they are in contact with.

6.2 When a family move to another area and there are concerns about the welfare of a child of the family, all agencies are responsible for:

- Ensuring that other agencies who have been working with the child and family are aware of the move; and
- Providing all relevant information as detailed in this protocol to colleagues in equivalent agencies in the receiving area

This should be done before the move where possible, otherwise as soon as possible afterwards.

6.3 Professionals in originating authorities must ensure that their counterparts in the receiving authority have been sent a copy of all relevant records before the move, or if that is not possible, within five working days of being notified that the family has moved. In order for the referral to be received the originating authority must provide full details of the current issues and concerns and actions taken to address these. The receiving authority should provide confirmation of receipt and agreement of next steps to be taken. If agreement is not reached the matter should be escalated to achieve resolution, and all key decisions recorded.

- 6.4 If agencies in the receiving authority become aware of a family moving into their area in circumstances that suggest there may be cause for concern about the welfare of one or more children, they will contact their equivalent agencies in the originating area to request information. On receiving the request, the first line manager for the relevant originating authority's services is responsible for providing the information within one working day.
- 6.5 Professional staff in receiving authorities must ensure that they request relevant records from their counterparts in originating authorities immediately when notified of the move.
- 6.6 Where the immigration status of the child and their family is not confirmed or where there are safeguarding concerns, the UK Border Agency should be notified of any movements.
- 6.7 Where a young person who is receiving services as a care leaver moves into another LA area there is no duty to notify the receiving authority. However, it is good practice to work with the young person and gain their agreement to notify the new local authority.
- 6.8 Case responsibility in relation to looked after children and children who are the subject of Protection Plans is set out in Section 7.

## **7. Case Responsibility**

- 7.1 The authority in which a child has their 'ordinary residence' is normally responsible for providing the child with LA Children's Social Care Services, subject to the exceptions set out in paragraph 7.2 below.
- 7.2 If a child moves their place of ordinary residence, the circumstances when responsibility is retained by the originating authority are when the child is:
- Subject to a care order or an interim care order in the originating authority;
  - Accommodated by the originating authority;
  - Subject of a child protection plan in the originating authority;

Responsibility for leaving care services for a parent/expectant parent who is also a care leaver also remain with the originating authority (see Paragraph 7.9)

- 7.3 Where housing and any subsistence costs are being provided by the originating authority (previous place of 'ordinary residence'), these costs should continue to be borne by the originating authority until the child and family's housing needs are resolved. Other LA children's social care, or other services, should be provided by the receiving authority in accordance with this procedure.

### **Child subject to a statutory order in the originating authority**

- 7.4 This section covers children subject to:
- a full care order
  - an interim care order

- any form of supervision or family assistance order
- an emergency protection order
- a child assessment order
- or subject to current use of police protection powers remain the responsibility of the originating authority.

7.5 Where a care, supervision or family assistance order is in force, the receiving authority may (and this must be confirmed in writing by a LA children's social care first line manager or above) agree to provide required services on behalf of the originating authority. In all circumstances an assessment should be undertaken and a legal strategy meeting convened, including partner agencies, i.e. Health agencies, as necessary. However, the legal responsibility remains with the originating authority. The agreed position must be confirmed in writing by both the receiving and originating authority.

7.6 Any matters requiring a strategy discussion & subsequent child protection enquiry which may arise in respect of a looked after child are the responsibility of the local authority in whose area the child is residing or happens to be in at the time, unless both authorities agree that the originating authority will undertake this role. In this instance, the originating authority must see the child within 24 hours of this decision being made. As an example, if a child normally resident in Local Authority A, but was placed by that Local Authority in a residential home in Local Authority B, it would be the responsibility of Local Authority B to carry out any assessments on any subsequent issues, such as a Section 47 investigation.

All strategy meetings and other child protection enquiries should include partner agencies i.e. health, as per normal practice.

### **Where the parent is a care leaver**

7.7 Where a child is a mother / expectant mother or father and is accommodated or subject to leaving care arrangements (potentially up to 25 years), and is placed by the originating authority in another local authority area, the authority in which the mother is living is responsible for the baby. As noted in paragraph 7.2 above, responsibility for 'care leaver services' to either parent remain with the originating authority. Close working relationships between the two authorities will be particularly important in these cases.

## **Children Subject to Child Protection Planning**

- 7.8 When families move frequently, it is more difficult for agencies to identify risks and monitor a child's welfare. It is imperative that the child / young person's social worker (or Manager/duty worker if the social worker is not available), is made aware of the change of address and that arrangements are made to ensure that all professionals are notified.
- 7.9 If a move is planned, professionals from all agencies must verbally notify and discuss with their counterparts any planned moves, in advance if this taking place be it temporary or permanent.
- 7.10 In all cases the responsible authority requesting transfer of a child subject to a Child Protection Plan must notify the receiving authority of the planned move. This notification must take place when the authorities are aware a move is planned or has taken place. This should be followed up in writing within 2 working days.
- 7.11 Whether a temporary or permanent move is to take place, the receiving authority should promptly confirm the notification with his/her counterpart in the transferring authority. Until a transfer in conference takes place the authority the child is moving form remains the responsible authority. Any questions or concerns about the proposed transfer must be raised at this time and the transferring authority must provide all relevant information. This verbal confirmation should be recorded at the time in the child's file in both receiving and transferring authorities, and the transferring authority should follow this up in writing within 2 working days.
- 7.12 **Cases are deemed to have been transferred only after the transfer child protection conference has taken place and written confirmation has been received.**

## **Transfer/ sharing of information between authorities**

- 7.13 The transferring authority must provide the receiving authority with the Child Protection Plan and all reports from the most recent conference 10 working days prior to the planned move. If this is not possible because the move has already happened or is imminent, the information should be provided on the day the move is confirmed.

## **Transfer in Conference**

- 7.14 The receiving authority should hold a Transfer Child Protection Conference within 15 working days of their receipt of notification and agreement to hold a transfer in conference from the transferring authority. Except where:
- the transferring authority agrees to continue to hold the Child Protection Review Conference, or;
  - the child is due to move from the Local Authority within 15 working days or within a short space of time;
  - the child is only to be resident in the Local Authority for a short period with plans to move back to the original authority or a different authority, or;

- the child is in temporary accommodation and it is not clear what the future arrangements will be.

Useful criteria to judge the permanence of a move will include security of housing arrangements; registration of the child with a GP; enrolment in an education or an 'Early Years' provision.

- 7.15 In the event of a Transfer Child Protection Conference not being held, there is no change in the responsible authority however, it is vital that agreement is reached regarding actions to ensure the child's welfare is safeguarded if the responsible authority is requesting assistance from the authority the child is temporarily residing. Such arrangements must be recorded by both authorities.
- 7.16 The transfer Child Protection Conference should take place within 15 working days. Within the first 7 working days, arrangements for the Child Protection Conference should be notified to the transferring authority and confirmed in writing – all efforts should be made to facilitate their attendance. The transferring authority must give priority to attending. In exceptional circumstances, attendance via video conference can be arranged.
- 7.17 The transferring authority should provide the receiving authority with details of each agency's named staff in order that reports can be requested. The following information should be shared in all circumstances:
- Any current assessment including risk assessments.
  - The current Child Protection Plan, previous conference reports and minutes.
  - Any relevant legal orders.
  - An evaluation of the implications of the move including the impact on current risk increase/decrease.
  - Any identified specific needs including health and education or disability. Where a child does have a known health condition, health partners should be included in any early transfer discussions so that appropriate planning for the provision of relevant services can be made. This will also assist in ensuring any specialist services can be commissioned at the earliest opportunity.
- 7.18 Typically the transferring authority remains responsible for all statutory visits to the child and family. There may though be occasion where the transferring authority requests the receiving authority to undertake welfare visits prior to conference. However this will need to be fully discussed and agreed, if this does take place the manner in which that information will be recorded and presented at conference will be agreed in writing.
- 7.19 **It is the transferring authority's responsibility to ensure the Child Protection Plan continues to be implemented until formal transfer has been agreed at a transfer in conference.** This includes core group activity and Lead Social Worker/ Key Worker responsibility. Actions may be taken by the receiving authority on behalf of the transferring authority and this should be agreed at Team Manager level and recorded by both authorities. There should be no significant change in the Child Protection Plan until the receiving authority has held a transfer in conference.

## Temporary Moves

- 7.20 In all cases, a temporary move could cover a range of situations from holiday stays to moves to the care of relatives. The circumstances should always be checked with the child's Lead Social Worker, appropriate checks undertaken & the authority the child is currently residing be notified that a child subject to a child protection plan is currently residing in their area, providing full details of the plan and who they are residing with and for how long their intended stay will be for.
- 7.21 Where it is known that the child has moved out of the area for a temporary period, however long or short, the area where the child is temporarily residing must be provided with the relevant information and contact numbers as follows:
- The Lead Social Worker must contact the local authority the child is currently residing in where the child is temporarily resident to provide them with the relevant personal details and the last Child Protection Plan.
  - The child will remain subject to a Child Protection Plan in the transferring authority until the criteria for ceasing the Child Protection Plan are met or a transfer in conference is convened.

### **A Child with a Child Protection Plan is about to Leave the Country**

- 7.22 Where it becomes clear a child is going to leave the country in circumstances other than for a planned short holiday, an urgent Child Protection Review Conference (CPRC) must be convened to discuss how the child will be safeguarded. If there is insufficient time to convene a CPRC a s47 strategy meeting should be held in order to discuss how best to safeguard the child's welfare. Legal advice should be sought and consideration should be given to taking legal action to obtain a Court Order if this is felt to be the only way to safeguard the child.
- 7.23 The Head of Service/District Manager should always be notified if a child who is subject to a Child Protection Plan is leaving the country. If the child is moving to either Scotland or Northern Ireland a transfer conference or equivalent can take place as detailed above. Scotland and Northern Ireland have different legal systems thus legal advice must be sought from the receiving authority's legal advisers.

If the child has already left the United Kingdom advice can be sought from:

The Foreign & Commonwealth Office  
Consular Department (Protection of Minors)  
Clive House  
Petty France  
London  
SW1H 9HD  
Tel: 020 72704116

The Child Abduction Unit  
Tel: 020 7911 7047  
Tel: 020 7911 7127

Re-Unite National Council for Abducted Children  
Tel: 020 7271 8629

## **8. Child Subject to Section 47 Enquiries**

- 8.1 Where a child moves during the course of a Section 47 enquiry, the investigation should be completed by the authority that commenced the enquiries. In some instances, it may be necessary for the receiving authority to ensure the safety of the child in such circumstances the receiving authority's information and assessment (where appropriate) should inform the transferring authority's Section 47 enquiry.
- 8.2 The receiving authority must be notified of a s47 enquiry being undertaken as soon as the child and family have moved, or any intention to move, is known. They will also be invited to participate in any subsequent strategy discussion or meeting to determine the way forward. Ownership of the s47 enquiry will remain with the transferring authority that instigated it.
- 8.3 If the outcome of a s47 enquiry is that an Initial Child Protection Conference (ICPC) is needed a discussion will be needed between Team managers to agree in which authority the ICPC will take place, typically this will take place in the authority initiating the s 47 enquiry. This should do this within statutory timescales (15 working days).
- 8.4 The transferring authority will provide the receiving authority with a verbal report on the outcome of the enquiries on the day that the enquiries are completed, and confirm this in writing within 48 hours.
- 8.5 The receiving authority should also gather information as appropriate and share this with the transferring authority to inform the overall risk assessment. The lead Social Worker from the transferring authority is responsible for keeping the family updated and during this time. If the outcome of the ICPC is a Child Protection Plan a decision will be needed regarding a transfer child protection conference as set out above. If there is any other outcome from the ICPC discussion will be needed with the authority the child and family are residing in regarding transfer of the case for ongoing intervention. Discussion between the transferring and receiving authority Team Managers must take place to identify case management transfer arrangements as appropriate.
- 8.6 In all cases information must be shared about any adult who has been subject to MAPPA, High Risk Domestic Abuse concerns or been discussed at MARAC

## **9. Transfer of a Child in Need in receipt of services from the originating authority (not looked after or subject of a child protection plan)**

- 9.1 Where a child and/or family in receipt of Children's social care services move to another authority, it is the responsibility of the originating authority to notify and refer to the receiving authority in writing of their circumstances and any ongoing need for services, providing all relevant assessments and plans.
- 9.2 The receiving Children's social care authority should determine based on the information provided how best the child's needs will be met in relation to local service provision and

make a decision on the child and family's eligibility for service provision within 24 hours of receiving the referral form the originating authority.

9.3 The originating authority may retain case responsibility for a limited period unless a professional decision is taken to close the case or the receiving authority agree in writing to provide a service prior to this date.

9.4 If the receiving authority does not agree to provide a service, the originating authority may retain case responsibility for a limited period, and make representation to challenge the decision using the 4LSCB escalation procedures if this is felt to be required.

### **Exceptional arrangements**

9.5 Exceptions to the transfer of case responsibility may be made when -

- The originating authority is providing a time limited service which requires consistent professional input;
- The originating authority is completing an assessment
- The family moves so frequently that transfer of case responsibility would be likely to disrupt service provision, information gathering and/or monitoring of the child's welfare; or
- The originating authority is providing a specified package of support such as housing / subsistence for a defined period (e.g. family are 'over stayers' within the terms of immigration legislation or subject to benefit / housing restrictions under 'habitual residence' regulations, or are housed by LA children's social care, having being deemed 'intentionally homeless');

In these situations case responsibility will typically remain with the originating authority.

9.6 The originating authority must provide a copy of the child in need plan which includes an intention to continue to offer a service for a defined period in excess of one month e.g. subsistence payments, housing costs, completion of an assessment.

In this situation the originating authority retains responsibility for the funding of the services set out in the child in need plan until such time as the need is no longer required. Packages of care funded by Health will need to be addressed between health commissioners.

9.6 The receiving authority may assume responsibility for the provision of the service, in which case the originating authority will meet the costs in full.

9.7 If child protection concerns arise, the authority where the child is resident are responsible for undertaking the s47 enquiry within their area but may agree that they be undertaken by the originating authority where they continue to hold case responsibility.

### **Information Sharing and Consent**

9.8 Where a child in need is receiving services, but is not looked after or subject of a protection plan, the originating authority must (in addition to informing relevant agencies in the

originating authority) inform the receiving authority in writing of the plan, with intended date of move and details of the child's identified needs.

- 9.9 Parental consent is required to share information in this situation and if this is not granted the first line manager in the originating authority must consider whether grounds exist to share information without consent. The rest of this section is then dependent on consent having been given or refusal set aside (with clear reasons for this)
- 9.10 If the originating authority was unaware of the move before it occurred, the notification must occur within one working day following its discovery.
- 9.11 The originating authority holds the responsibility for sharing full information to the receiving authority, including information from other agencies where appropriate and providing information in writing within 24 hours of contacting the receiving authority.
- 9.12 The receiving authority and agencies are responsible for requesting additional information in writing and the originating agencies are responsible for providing it.

## **10. Dispute Resolution**

- 10.1 Should it not be possible to resolve disagreements at first line manager level, they should be immediately escalated through the management structure (Team Manager, District Manager/Head of Service through to Assistant Director) who will liaise with their other LA counterpart, in accordance with LSCB escalation and dispute resolution procedures.