



# Children Who Move Across Local Authority Boundaries: Cross Boundary Protocol

This protocol was developed and agreed by Safeguarding Children Boards and Children's Social Care in Suffolk, Norfolk, Bedford Borough, Central Bedfordshire and Luton and Peterborough and should be used with any other authority.

Updated March 2018

**In the event of any concerns please use the LSCB's Escalation Procedure**

## **1. Transfer of Responsibility for Children Who Move from One Local Authority's Area to Another**

- 1.1 This protocol is relevant to children in need, including those in need of protection, who move between Local Authority areas. This protocol does not cover children who go missing from home, or who go missing with their parents, or who go missing from care.
- 1.2 The basic principle that underpins these arrangements is that these are vulnerable children in need of multi-agency services and that the information about their needs should be available in whichever authority they reside. It applies to those cases where there is significant involvement by more than one agency. Timescales actions and responsibilities are set out under specific headings.
- 1.3 The expectation is that professionals from all agencies will promptly verbally notify and discuss with their counterparts, and that written or electronic information will follow at the earliest opportunity.

## **2. Children to Whom This Protocol Applies**

- 2.1 When a child in need moves between Local Authority areas it is essential that the transferring authority (i.e. the one providing a service and holding information regarding the child and its family) notify the receiving authority (i.e. the one to which they move) of their concerns and the nature of their involvement and plans – and do so in accordance with this protocol and with existing information sharing protocols.
- 2.2 This protocol applies to any child who is currently:
  - Subject of a Child Protection Plan, or has been in the last six months.
  - Subject of a Child In Need Plan.
  - Subject of enquiries under Section 47 or Section 37 of the Children Act 1989 –including an unborn child.
  - Subject of Police Protection, an Emergency Protection Order or a Prohibited Steps Order
  - Formally assessed as a Child In Need under section 17 of the Children Act 1989.
  - Subject of an Initial or Core Assessment.
  - Looked After - whether subject of a Care Order or Interim Care Order, or accommodated

under section 20, or currently subject of Interim Care Proceedings.

- Privately fostered.
- Assessed as being at risk of significant harm.
- Subject of an allegation or concern in relation to an adult who works with children.

### **3. Guidance**

3.1 Much of this guidance is addressed to staff in children's social care. However, all involved agencies should ensure that they give timely and appropriately comprehensive information to their counterparts in other areas when a child or family moves. Additional information is provided for health and education professionals at the end of this guidance.

### **4. Child Subject of a Child Protection Plan**

Working Together 2015 sets the legal framework for these arrangements.

#### **Action to be taken by Children's Social Care**

- 4.1 The transferring authority must provide the receiving authority with the Child Protection Plan and all reports from the previous conference 14 days prior to the 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 becomes known about. An operational manager in the receiving authority should promptly acknowledge acceptance verbally, or raise any questions or concerns about the proposed transfer, and in any event promptly confirm their position in writing.
- 4.2 The receiving authority should hold a transfer-in Child Protection Conference within 15 working days of their receipt of notification from the transferring authority. The date of and other arrangements for this conference should be notified to the transferring authority as soon as possible, and confirmed in writing and efforts should be made to facilitate their attendance.
- 4.3 The following information should be shared in all circumstances.
- Any current assessment including risk assessments and core assessment.
  - The current Child Protection Plan.
  - Subject to the court's permission any legal orders including interim orders.

- Subject to the court's permission any court reports including section 7 or 37 reports.
  - Subject to the court's permission any expert reports in private law proceedings.
  - An evaluation of the implications of the move including the effect on risk increase/decrease as a result of the move.
  - Any identified special needs including health and education
- 4.4 In all cases the person responsible for maintaining records regarding children who are subject of protection plans in the transferring authority must be notified on the day of the move, and they should then immediately inform the receiving area. This should be followed up in writing within 7 working days.
- 4.5 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 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.
- 4.6 There should be no significant change in the child protection plan until the receiving local authority has held a transfer in conference.
- 4.7 Where it is known that a child is only staying temporarily for a finite period of time, the transferring/home authority should inform the receiving authority of the visit, so that it can be recorded appropriately

Please see [East of England Region Joint Protocol on Children Subject to a Child Protection Plan Moving Between Local Authority Boundaries](#) for a detailed practice guidance in relation to children subject to a child protection plan who between authority areas.

## **5. Child Subject To Section 47 Enquiries**

### **Action to be taken by Children's Social Care**

- 5.1 Where a child moves during the course of Section 47 enquiries the investigation should be completed by the authority that commenced the enquiries. The receiving authority must be notified of the enquiries as soon as the move, or any intention to move, is known. They should be involved in any subsequent strategy discussions to determine the way forward, but ownership of the enquiries should remain with the authority that began them.

- 5.2 If the outcome of Section 47 enquiries is that the child appears to be at risk of ongoing significant harm, the receiving authority should take responsibility for convening the Initial Child Protection Conference. They should do this within statutory timescales. The transferring authority should 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 at the earliest opportunity.
- 5.3 The receiving authority should also make enquiries as appropriate, and should share these with the transferring authority to inform the overall assessment.
- 5.4 The family must be kept informed about transfer arrangements, and be provided with the details of a named lead professional during the transfer period.
- 5.5 When there are ongoing section 47 concerns information must be shared about any adult who has been subject to MAPPA, MARAC or Integrated Domestic Abuse Programme (IDAP) arrangements and where there are current child protection concerns in relation to this person.

## **6. Child in Need, Or Subject of Initial or Core Assessment**

### **Action to be taken by Children's Social Care:**

- 6.1 The general principle that underpins these arrangements is that information is only to be shared when this has been explicitly agreed with the parents/carers, and child where appropriate. The exceptions are:
- When the outcome is to move into section 47 enquiries – in which case the guidance detailed above should be followed.
  - When a court requests a report in private law proceedings and the child moves before the assessment has started. All previous information held by the transferring authority will be made available to the receiving authority. Court timescales must be adhered to.
  - Where it is in the best interests of the child to do so in order to prevent significant harm, or serious impairment of health and welfare. Section 5.18 and 5.33 of Working Together to Safeguarding Children 2010 is the guidance that informs those principles.
  - When a child moves during the completion of an initial or core assessment the authority that commenced these assessments should complete them. There must be manager-to-manager discussions about the pragmatic arrangements for completing the core

assessment. The completion of the assessment would trigger a formal referral to the receiving authority where appropriate. Good practice would be that the receiving authority is a partner in the completion of the assessment. When it is clear that further social care intervention will be required these should be jointly agreed between the authorities. The receiving authority will assume case responsibility on completion when further actions are identified.

## 6.2 Information to be shared:

- Any initial or core assessment where child protection concerns have been identified but there is no ongoing risk of significant harm.
- Any assessment that identifies that a child has additional needs which require the intervention of social care.
- Previous child protection reports and minutes where a child has been deregistered within the last 6 months but continues to be a child in need
- Previous care plans where a child has been de-accommodated in the last three months.
- Any family support plan where a child has been in need of Social Care intervention and/or services, ie sponsored child care, family support worker intervention, family centre attendance etc.

6.3 Children with disabilities are defined under section 17 as children in need. The Lead Professional involved with the child should identify what information should be shared.

6.4 Where children are in receipt of overnight short term breaks but do not meet the 'looked after' children criteria, case responsibility will be with the receiving authority. Subject to appropriate consents all relevant information should be shared but the receiving authority may undertake a new child in need assessment.

## 7. A Child Who Is;

**1. Subject of ongoing care proceedings, or**

**2. Subject of a care order and placed at home**

### **Action to be taken by Children's Social Care**

7.1 The information that must be shared between the authorities is contained within statutory regulations, and these must be followed. Where a child is subject of ongoing

proceedings and the child lives outside of the authority that has conduct of the proceedings, the local authority where the child is resident must be informed. This applies in all cases whether the child is with family members or alternative carers. No reports in proceedings can be shared without the court's permission. The protocol for joint care planning within care proceedings will always apply.

7.2 The following information must be shared in all circumstances:

- Notification of any child subject of a care or supervision order where the proceedings have concluded.
- Notification of any child subject of an interim order including an emergency protection order or a child subject of a section 8 order
- Any known injunctions or bail conditions that pertain to the child subject to the proceedings or the carer of the child or any member of the child's family.
- Any child who is subject to the no order principle.
- Any findings of fact against an adult in care proceedings.
- Any identified special needs, including Health and Education.
- Any other child of the household.

7.3 If a child with a statement for special educational needs moves into an area and the above criteria applies, the admission service and the area special needs officers must be informed to ensure the requirements of the statement of special educational need is being met and any required alterations are made. For example, hours and type of support and the name of the school.

## **8. Looked After Child**

The statutory regulations apply in all circumstances.

### **Action to be taken by Children's Social care**

8.1 For any 'looked after' child who is placed outside of their originating authority the following information must be shared in accordance with the Arrangements for Placement of Children (General) Regulations 1991:

- Name of child/young person

- Date of birth
- Gender
- Name and address of parent/person with parental responsibility
- Child Protection Registration details
- Children with Disabilities Registration details
- Legal status
- Adoption status, including date of any adoption
- Name and address of establishment, foster carer or organisation with whom the child/young person is placed
- Date of commencement of placement
- Name and address of school attended
- Placing Authority
- Name and address of social worker
- Details of any arrangement for another Authority/Person/Organisation to supervise or carry out the function in relation to the Placement, including name and address.
- Out of hours service contact telephone number

8.2 The case accountable worker should give formal written notification to the authority where the child is placed with details of the case accountable worker and their manager. This includes agency placements between authorities. The case accountable worker should also inform the designated health professional in the area in which the child is accommodated.

8.3 These arrangements apply to children in receipt of overnight short term breaks that fall within the 'looked after' children criteria.

8.4 In addition to all of the above, the Looked After Child Education Support Service must be informed to ensure the child is supported during the admission and integration process whilst introducing the child to their school or other education provision.

## **9. Child Leaving Care**

This is the subject of national guidance. This can be found on the National Care Advisory Service (NCAS) Leaving care website: [www.leavingcare.org](http://www.leavingcare.org)

## **10. Allegations Made By Children from One Local Authority Who Are Placed In Establishments / Placements in another Local Authority**

- 10.1 This applies to child-to-child allegations and all allegations against adults. All allegations in respect of adults who work in a position of trust with children must be reported to the Local Authority Designated Officer (LADO) in the county where the establishment/placement is based within one working day.
- 10.2 In all circumstances, case responsibility for a LADO referral will be held by the Local Authority where the adult works. Strategy meetings or initial/joint evaluation meetings will be chaired by a designated manager or LADO. Responsibility for managing enquiries will lie with the authority where the allegation is made. If information emerges during the course of the enquiry that the individual against whom an allegation is made additionally works with children in another Local Authority, that authority must be promptly informed, and information shared as appropriate. That Local Authority will have case responsibility in respect of the individual's role in their area, but close working together with the originating authority will be necessary. The police authority where the alleged crime has been committed will investigate as appropriate. The placing authority will be immediately informed - initially verbally with written confirmation to follow. The social worker for the child will attend strategy meetings or initial/joint evaluation meetings as required. Case responsibility for the child will remain with the placing authority.
- 10.3 In the event there is evidence of multiple abuse the authority where the establishment/placement is based will be responsible for resourcing the enquiry but will include all other relevant authorities. The procedures for dealing with complex abuse enquiries will apply. Where there is an allocated social worker for a child in these circumstances they or their manager must remain involved in the investigation as appropriate in terms of attending strategy meetings and providing support to the child and their family. The actual investigation process may need to be independently conducted.
- 10.4 A series of strategy meetings may be required. In all circumstances there must be an action plan and this must be agreed between all agencies involved.
- 10.5 The final strategy meeting should ensure all agencies are clear that the actions that led to

the investigation have been dealt with, minutes must be taken and circulated within 3 working days.

10.6 In addition to the above all of the requirements of chapter 5 of Safeguarding Children and Safer Recruitment in Education 2007 must be met.

## **11. Child on the Sex Offenders Register**

11.1 These children are covered by the public protection arrangements.

11.2 The following information must be shared in all circumstances:

- The risk assessment completed by social care or other.
- The youth offending pre sentence report.
- Any previous child protection reports or minutes relating to the perpetrator.

## **12. Information Sharing In Special Circumstances**

12.1 There are circumstances for all agencies where it will be appropriate to share information about adults where there is reasonable cause to suspect that they may pose a risk to children. These will generally be adults whose behaviour is, or has been, of grave concern but who have not been convicted.

12.2 Bichard compliance is essential and legal advice should be sought in individual cases.

## **13. Responsibilities of Health Professionals**

13.1 Information regarding children who meet the criteria outlined at the beginning of this protocol must be transferred between health trusts in a timely and appropriate manner. If a child is subject of a protection plan, or they are subject to a court order, or they are a child in need and subject of a plan - the records or information should be transferred directly to the office of the designated/named professional in the relevant trust.

13.2 If the Designated Office for Safeguarding Children receive the information, the office will forward this either by secure fax or post to the Named Professionals for Safeguarding Children within the community health service who will then take responsibility for the information and ensure it is passed to the appropriate health professional.

13.3 The caseload holder/trust/department in the receiving authority should be notified at the earliest opportunity by telephone of the family's move. Colleagues in other agencies and

health trusts who have contact with the family should be informed of the move and given up to date information. Practitioners from the transferring authority may be asked to provide a report or attend a transfer-in conference, this should be discussed and an agreement reached regarding a response that best meets the needs of the child/family.

13.4 In all other circumstances information should be shared following normal information sharing agreements.

13.5 Children who need a paediatric assessment should be seen at a site that meets both the needs of the child and the service. It is essential that there be discussion with the paediatrician prior to the assessment to agree appropriate action.

#### **14. Responsibilities of Education Professionals**

14.1 Any information relating to a child that meets the criteria described at the beginning of this protocol must be transferred between schools or other education settings in a timely and appropriate manner. If a child is subject of a Protection Plan or they are subject to a court order, or they are a child in need and subject of a plan, the child's academic and all other records must be transferred to the named school and to other education services if they are to continue to be required/provided. Depending on the admission arrangements, contact should be made with the relevant admission service to ensure the child is registered at an appropriate school immediately. If it becomes known that a child has moved into an authority without a recent education history the child must be tracked through the Dept. of Education school 2 school service.