

## Protocol for Protecting Children who Move Across Local Authority Boundaries

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### Contents

<b>Protocol for Protecting Children who Move Across Local Authority Boundaries.....</b>	<b>1</b>
<b>Introduction.....</b>	<b>1</b>
<b>Definitions &amp; key concerns.....</b>	<b>2</b>
<b>Responsibilities and procedures for moving out of area.....</b>	<b>2</b>
<b>Responsibilities and procedures for moving into the area.....</b>	<b>3</b>
<b>Information Sharing.....</b>	<b>3</b>
<b>Negotiated Alternatives.....</b>	<b>4</b>
<b>Dispute Resolution.....</b>	<b>4</b>
<b>Children subject to a statutory order in the originating authority.....</b>	<b>4</b>
Children Subject to Child Protection Planning.....	4
Transfer in Conference.....	5
Temporary Moves.....	6
A Child with a Child Protection Plan is about to Leave the Country.....	6
Where the parent is a care leaver.....	8
Where there are Co-Parenting or Shared Care Arrangements.....	8

### Introduction

Children must be provided with safe, reliable and consistent delivery of services if they are moving or being moved across local authority boundaries. Universal services (health and education) are the responsibility of the area in which a child is living. The responsibilities of Children's Services (Social Care) are more complex and described below. Effective transfer of information between services in different geographical areas and agencies is always critical.

This guidance sets out the arrangements for the delivery of Children's Services where:

- children move across Local Authority boundaries in the HIPS area 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. Therefore whilst the guidance specifically covers the responsibility of children's services and the services that they provide, the principles of early and timely sharing of information relating to children and families that move apply to all professionals from any agency.

This Protocol applies to Local Authorities and all agencies working in the Hampshire, Isle of Wight, Portsmouth and Southampton (HIPS) Local Safeguarding Children Partnerships (LSCPs) areas.

It should be read and applied in conjunction with the suite of safeguarding procedures applicable for all agencies working in the HIPS area, including the [Family Approach Protocol](#), [Unborn Baby Protocol](#), [Child Abduction Policy](#) and [Conflict Resolution / Escalation Policy](#), [Children and Families who go Missing](#) . In addition professionals should make reference to the national guidance on [Promoting the Health and Wellbeing of Looked After Children \(2015\)](#).

### Definitions & key concerns

'Originating authority' is the authority in which the child previously lived; and 'Receiving authority' the authority to which (s) he has moved.

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

- A family not being registered with a GP;
- Children missing from a school roll or persistently not attending;
- Homelessness, in so far as it impacts on the welfare of the child;
- Information 'patch worked' across a network of agencies with no single agency holding the whole picture of a family history;
- A&E departments offering treatment to a child who appears not to be engaged with primary health groups;
- A partner fleeing domestic violence.

Staff in all agencies must be alert to the possibility that a child or family who comes to their attention may not be in receipt of universal services. So it is essential that all agencies in contact with families who have moved establish basic information such as full names, dates of birth, previous address, registration with doctor and enrolment in school. The relevant agency must be notified if a child is not appropriately registered / enrolled.

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

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.

### Responsibilities and procedures for moving out of area

When a child, who has an open case record with Children's Services, moves out of HIPS area to live on a temporary or permanent basis in another local authority, the child's social worker will:

- Notify the receiving authority - this may be initially by phone, but must be confirmed in writing within seven days and written notification must include a summary of what action they consider is necessary, what action is agreed and by whom;
- The notification should indicate whether parental consent has been obtained to share the information in question. Such consent is not required if the referral or any assessment includes child protection concerns.
- Share all relevant records before the move (or if that is not possible, with within five working days of being notified that the family has moved). this will include a closing summary, which details what action has been taken and who has agreed to take case responsibility, which must be all recorded on the child's record

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.

All agencies who work with the child and/or their family 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.

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.

### **Responsibilities and procedures for moving into the area**

When a HIPS Local Authority is notified by another Local Authority that a child in need has moved into their area, the relevant team manager in Children Services will:

- Ensure that details of the incoming family members are provided;
- Obtain full details of any previous assessments undertaken, including any financial responsibility exercised by the originating authority; and
- Seek written confirmation of the request for case transfer from the originating authority, including a summary of what action is said to be needed;
- Within fifteen days of first being notified of the move, inform the originating authority in writing, what action is proposed;
- Ensure that a full Child and Family Assessment is completed, as with any other referral, and determine the issues of residence in the area.

The following conditions apply:

- The HIPS Local Authority does not accept case responsibility if the move is a temporary and short-term arrangement lasting for fewer than six weeks - but staff are expected to provide interim support if agreed with the originating authority as in the child's best interest;
- The HIPS Local Authority does not accept financial responsibility where the move is a temporary one as described above; and
- Any acceptance of financial responsibility by the HIPS Local Authority must be confirmed in writing by a Team Manager;
- Ongoing involvement with the originating Local Authority may mean that the HIPS Local Authority will not take on case responsibility and any uncertainty should be discussed with the Area Director/Deputy Director and Legal Services. An example is where children are placed with grandparents, rather than be accommodated under S 20, and where one parent with parental responsibility remains in the originating Local Authority.

### **Information Sharing**

For agencies to maintain contact with children and families who move (especially those who move frequently), information needs to be shared accurately and in a timely manner. Professionals from all agencies 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.

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.

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.

### **Negotiated Alternatives**

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.

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.

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.

### **Dispute Resolution**

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 HIPS escalation and dispute resolution procedures.

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

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, education, police etc., 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.

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.

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

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.

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. This includes unborn babies who are on an unborn child protection plan.

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. This includes prompt notification by the local authority to the originating Integrated Care Board (ICB) where there is any placement move for a looked after child. The originating ICB will then forward onto the new ICB team.

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 from 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.

Cases are deemed to have been transferred only after the transfer child protection conference has taken place and written confirmation has been received.

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

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.

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.

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.



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.

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.

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

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.

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

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.

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) Tel: 020 7008 1500
- The Child Abduction Unit Tel: 020 7911 7047 or 020 7911 7127
- Re-Unite National Council for Abducted Children Tel: 020 7271 8629

#### Child Subject to Section 47 Enquiries

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.

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.

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).

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.

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.

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

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

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.

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 from the originating authority.

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.

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 HIPS LSCP escalation procedures if this is felt to be required.

#### Where the parent is a care leaver

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.

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.

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

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.

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.
- In these circumstances local agencies working with the family need to ensure they communicate and share information with the lead authority, including contributing to assessments and planning.