



# **Children Who Move Across Local Authority Boundaries**

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## **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, Hertfordshire and Luton and staff in Suffolk should seek to apply this guidance in all situations where responsibilities need to be transferred across a Local Authority boundary.

## Policy Version History

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Version	Date	Review Date	Author	Approved at LSCB PPE/TQS
	December 2012	December 2015	Ali Spalding	
7	July 2019	July 2022	Tracy Murphy, Professional Adviser, LSCB.	

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

This protocol is about children in need, including those in need of protection, who move between Local Authority areas. It is not about children who go missing from home, or who go missing with their parents, or who go missing from care.

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.

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.

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

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.

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

## Guidance

Much of this guidance is addressed to workers 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.

## Children Who are the Subject of a Child Protection Plan

Working Together 2018 sets the legal framework for these arrangements.

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

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 along with the Core Group notes. This request will be accepted once it is confirmed that the child is living *permanently* in Suffolk. Temporary residence will not trigger a transfer-in child protection conference. 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. The transferring authority should send the Child Protection Plan and all reports to Customer First in Suffolk who will then send these through to safeguarding. The area safeguarding manager in the receiving authority will make the decision along with the relevant area service manager. They should jointly acknowledge acceptance verbally or raise any questions or concerns about the proposed transfer, and in any event promptly confirm their position in writing.

The receiving authority should hold a transfer-in Child Protection Conference within 15 working days of their receipt of notification from the transferring authority once it is confirmed that the child is living *permanently* in Suffolk. 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. The receiving authority should provide the transferring 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 and Social Works assessments and must include a full chronology.
- 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.

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.

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.

There should be no significant change in the child protection plan until the receiving local authority has held a transfer in conference.

Please see detailed LSCB practice guidance in relation to Suffolk's Child Protection conference procedures on the Suffolk LSCB website.

## **Temporary Move to Another Authority**

When a child subject to a Child Protection Plan moves to another Local Authority area, the originating authority must notify the receiving authority in writing that a child subject to a CPP has moved to there area in line with Working Together to Safeguard Children (2018).

## **Unaccompanied Asylum-Seeking Children (USAC)**

Under S17 of the Children Act 1989, the Local Authority has a general duty to safeguard and promote the welfare of children in their area. This includes unaccompanied asylum-seeking children who have no parent or guardian in this country. A USAC child provided with accommodation under S20 of the Children Act 1989 is a 'looked after' child.

The provision of alternative accommodation in other areas outside of the responsible Local Authority may provide additional protection to children at risk from traffickers. This option should be actively considered for those known to be at high end risk. EAST authorities should convene a working group to consider inter-authority arrangements.

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

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

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.

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.

The receiving authority should also make enquiries as appropriate and should share these with the transferring authority to inform the overall assessment.

The family must be kept informed about transfer arrangements and be provided with the details of a named lead professional during the transfer period.

When there are ongoing section 47 concerns information must be shared about any adult who has been subject to MAPPA, MARAC or IDAP arrangements and where there are current child protection concerns in relation to this person.

## **Child in Need or the Subject of a Social Work Assessment**

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

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. Chapter 2 of Working Together to Safeguard Children 2018 outlines the guidance that informs these principles.
- When a child moves during the completion of a Social Work assessment the authority that commenced these assessments should complete them. There must be manager-to-manager discussions about the pragmatic arrangements for completing the 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.

### **Information to be shared:**

- Any assessment where child protection concerns have been identified but there is no ongoing risk of significant harm, along with relevant and up to date chronology.
- 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 i.e. sponsored childcare, family support worker intervention, family centre attendance etc.

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. Please refer to national information sharing guidance, including GDPR, on the Suffolk LSCB website.

Where children are in receipt of respite care 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 assessment.

## **Child who is the subject of ongoing care proceedings or the subject of a care order and placed at home**

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

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.

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.

If a child with an EHCP for special educational needs moves into an area and the above criteria applies, the Family Service must be informed to ensure the requirements of the EHCP is being met and any required alterations are made.

## **Looked After Children**

The statutory regulations apply in all circumstances.

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

For any 'looked after' child who is placed outside of their originating authority the following information must be shared in accordance with 'Care Planning, Placement and Case Review Regulations 2010' (England).

- 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
- Name and address of establishment, foster carer or organisation with whom the child/young person is placed
- Date of commencement of placement
- Placing Authority
- Name and address and contact number for 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
- Date of termination

The Social Worker overseeing the case 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.

These arrangements apply to children in receipt of respite care that fall within the 'looked after' children criteria.

If the child is school age, the Virtual School 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.

Suffolk Children and Young People's Services will make email contact with the placing authority of any Looked After Child that comes to their attention who has been placed in Suffolk by another Local Authority. The expectation is that the placing local authority will provide details as outlined above within a seven-day period.

Failure to provide details within seven working days will trigger a further e-mail reminder to the case accountable worker and their Manager.

In the case of information remaining unforthcoming, the matter will be escalated to the Head of Corporate Parenting within Suffolk Children and Young People's Services.

### **Incidents/concerns in a private children's home concerning a child placed by another local authority**

Any professional in any agency who is made aware of a serious incident in a private children's home concerning a child placed by another Local Authority (This may be via A&E, in the LADO role as a visiting professional etc) will take the following actions:

- Advise the relevant children's home that there is a requirement for Ofsted to be notified along with the placing authority and any other relevant people.

"Guide to the Children's Homes Regulations including the Quality Standards" April 2015

- Advise them that there is an agreed LSCB multi agency protocol and that you will be completing a referral for the MASH via the Portal.

On receipt of the referral the MASH will notify the placing authority in writing within a maximum period of 48 hours. In the event of repeated referrals to the MASH pertaining to an individual child/young person placed by another Local Authority, the LSCB Escalation Protocol will be enacted at the third referral of a significant incident.

### **Child leaving Care**

This is the subject of national guidance and can be found in the Children and Social Work Act 2017. There are two national guidance documents following the 2017 Act: "Extending PA Support to all Care Leavers to Age 25" Feb 2018 and "Promoting the Education of Looked After Children and Previously Looked After Children" Feb 2018.

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

This applies to child-to-child allegations and all allegations against adults. All allegations in respect of adults who work with children must be reported to the Local Authority Designated Officer (LADO) in the county where the incident took place within one working day.

In all circumstances, case responsibility for a LADO referral will be held by the Local Authority where the incident took place. Strategy meetings or initial evaluation meetings will be chaired by a designated manager. 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 evaluation meetings as required. Case responsibility for the child will remain with the placing authority.

In the event there is evidence of multiple abuses the authority where the establishment/placement is based will be responsible for providing the resources to instigate 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.

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.

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.

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

These children are covered by the public protection arrangements and the following information must be shared in all circumstances.

- The risk assessment completed by Social Care or other.
- The youth justice pre-sentence report.
- Any previous child protection reports or minutes relating to the perpetrator.

## **Information Sharing in Special Circumstances**

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.

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

Bichard compliance refers to the vetting procedures and recommendations from the Bichard Inquiry of 2004.

## **Responsibilities of Health Professionals**

Information regarding children who meet the criteria outlined at the beginning of this protocol must be transferred between health organisations in a timely and appropriate manner. If a child is subject of a Child Protection Plan, or they are subject to a court order, or they are a child in need and subject of a CiN/Family Network Plan, the records or information should be transferred directly to the office of the designated/named professional in the relevant agency/organisation.

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 organisations who have contact with the family should be informed of the move and given up to date information. Practitioners from the transferring Local Authority area 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.

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

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.

Clarity follow up for injuries/failure to thrive.

## **Responsibilities of Education Professionals**

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 Child Protection Plan or they are subject to a Court Order, or they are a Child in Need and subject of a CiN/Family Network Plan, the child's academic and all other records must be transferred to the named school and, if other education services are to be provided, in the first instance the Senior Education Welfare Officer.