

## North West Pre- Care and Care Proceedings Notification and Transfer across Local Authority Boundaries Procedure

### Introduction

1. This procedure is applicable when the following circumstances exist in respect of a child:
  - i. the child is subject of Public Law Outline or Care Proceedings in one local authority area; and
  - ii. the child has moved and is now ordinarily resident<sup>1</sup> in another local authority area.
  - iii. The child has moved and legal advice was about to be obtained to inform if PLO or Care Proceedings threshold has been met.
2. Specific provisions are set out for cases where a pregnant mother moves to another local authority area during the latter stages of pregnancy.

### Initial actions

3. Case transfer of Children in Need and children subject of a Child Protection Plan should occur in line with the provisions of
  - i. North West Children in Need Moving across Local Authority Boundaries Procedure; or
  - ii. North West Notification and Transfer of Children Subject of Child Protection Plans across Local Authority Boundaries Procedure

Procedures available here <https://www.nwadcs.org.uk/key-resources>

### Notification of Transfer

4. Notification of a child subject to PLO, pre- care or care proceedings having moved/intending to move should be brought immediately to the attention of the receiving Local Authority Front Door, or Multi Agency Safeguarding Hub (MASH) in the area into which the child has moved.
5. The Duty Manager in the receiving local authority area should consult records to see whether the child was previously known to services in their area.

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<sup>1</sup> Ordinarily resident is defined in this agreement as:

- The family have moved to another area
- They are clear that they are not planning to return to the area that they previously lived in
- There is evidence that other arrangements to settle into the new area have been made. This could include accessing education, health or other services

6. The Duty Social Worker / Duty Manager should telephone the relevant Social Care office in the referring local authority area and discuss the case with the team manager in order to determine what immediate action is necessary.
7. When a transfer is agreed this will be followed up in writing by the relevant member of staff in the referring authority. As a minimum the following information will be sent securely by the social worker/team manager to the receiving authority:
  - i. Details of all child/ren subject to PLO – name, DOB, current address and planned address gender, ethnicity
  - ii. Details of any brothers and sisters– names, DOB, current address and planned address, gender, ethnicity
  - iii. Details of Parents and/or carers – names, DOB, current address and planned address, gender, ethnicity
  - iv. Details of other adults who will be living at the planned address
  - v. Full details of the allocated Social Worker – their name, work address, telephone number and email address
  - vi. Background information relating to the case – details about previous work including reason for the Child Protection Plan, category of abuse, length of time the child has been the subject of a plan, assessment and intervention work undertaken, the organisations involved and the planned outcomes for the child. This information should specifically include documentation relating to risk of and/or specialist multi-agency intervention pertaining to complex/contextual safeguarding or children missing from home, care or education.
  - vii. Request the responsible local authority to forward copies of the last Assessment, Child Protection Plan, minutes of the Initial Child Protection Conference, Child Protection Review Conferences, minutes from all legal advice meetings.
  - viii. A template is appended to the end of this document that you may wish to use.
8. Once this information is received the case should be allocated to a social worker in the receiving authority. The referring LA will maintain case responsibility until case transfer is formally agreed. Transfers of cases should never stop the referring Local Authority continuing with appropriate planning for children.

### **Planned Legal Advice**

9. If the transferring LA was due to obtain legal advice prior to the child moving into another LA, the legal advice should continue to be obtained, with an up to date risk analysis included in respect of the impact of the families move to a different LA for the safety and welfare of the child
10. The receiving LA should be invited to the above legal meeting, where it is clear that steps have been taken by the family to become ordinarily resident in the receiving LA area.

### **Public Law Outline**

11. Where the referring local authority agreed PLO following legal advice and has issued a letter of expectations, this will be reviewed prior to the transfer meeting by the receiving local authority who will determine, with legal advice, whether to issue their own PLO letter of expectations following the formal transfer of the case.

### **Plan to initiate Care proceedings**

12. Where the referring local authority has issued a pre-proceedings letter of expectations this will be reviewed prior to the transfer meeting by the receiving local authority who will determine, with legal advice, whether to issue their own pre-proceedings letter of expectations following the formal transfer of the case. (see bullet 7 for information that should be shared at this point)
13. The receiving local authority will attend the initial court hearing and be the named responsible authority for the care order, where one is made, and will be responsible for care planning beyond the initial hearing.

### **Pre-Birth where a pregnant mother moves to another LA during pregnancy and care proceedings are planned to be initiated at birth.**

14. Pregnant mothers may choose to take up ordinary residence in a different local authority at a late stage of their pregnancy.
15. Where this does occur, it is vital that decisions over which local authority holds case responsibility prior to the issuing of any care proceedings (where they are necessary) will be made in the best interest of the child in all cases.
16. The receiving local authority will allocate a social worker to undertake a pre-birth assessment, building on the information made available from the referring local authority's own assessment/s to date.
17. The referring local authority will make available to the receiving local authority all relevant information, including details of any pre-birth assessment activity and analysis that has taken place to date.
18. A transfer meeting will be arranged within 15 working days and will be attended by both local authorities. For child protection this will be transferring case conference. The referring local authority will retain responsibility for care planning prior to the case transfer meeting.
19. Where care proceedings have been agreed by the referring local authority and the unborn child who will be subject of the proceedings is born before the transfer meeting has taken place, the referring local authority will initiate the care proceedings as they will have the relevant background information. Care proceedings are considered to have been 'agreed' where a decision has been taken at a Legal Gateway/Planning Meeting or similar. The referring local authority will present the initial evidence to the court in support of any care order application, the receiving local authority should also be present at court.

**Looked After Children, placed out of borough in another local authority area to their home address who are pregnant.**

20. Where a Looked After young person is placed in a local authority outside of their home authority boundaries, they remain ordinarily resident in their home authority. Placement does not bestow ordinary residence on the young person whilst Looked After and placed out of their home borough, unless they are living in independent accommodation i.e. a tenancy in their own right.
21. Where a Looked After young person is placed in a Local Authority outside their home authority boundaries, and is pregnant, responsibility for undertaking the pre-birth assessment, should this be deemed necessary, lies with the placing authority and not with the Authority within which the Looked After child is placed. The unborn child is deemed to be ordinarily resident in the Mother's home authority.
22. The local authority where the Mother who is a Looked After child is placed, may be requested to offer advice and assistance in respect of accessing appropriate services and resources.

**Action to be taken in cases where there is dispute or delay in case transfer.**

23. Where there is dispute about case responsibility or delay in the receiving authority accepting responsibility for the case, which is likely to impact on the child, the Team Manager should inform their Service Manager.
24. The Service Manager will contact the Service Manager in the other Local Authority to reach agreement about case responsibility.
25. If within 15 days of the child's move, agreement has still not been reached, the Assistant Director / Head of Service in the referring Local Authority will contact the Assistant Director / Head of Service in the receiving Local Authority.

**Review**

26. This procedure will be reviewed not later than **31 March 2022**

## **Parties to the Procedure**

The following local authorities are party to this procedure by virtue of their membership of the North West Association of Directors of Children's Services. The procedure may be applied to by agreement with other Local Authorities outside the North West on a case-by-case basis, or by ongoing formal agreement.

- Blackburn with Darwen Borough Council
- Blackpool Council
- Bolton Council
- Bury Council
- Cheshire East Council
- Cheshire West and Chester Council
- Cumbria County Council
- Halton Borough Council
- Knowsley Council
- Lancashire County Council
- Liverpool City Council
- Manchester City Council
- Oldham Metropolitan Borough Council
- Rochdale Metropolitan Borough Council
- Salford City Council
- Sefton Council
- St Helens Council
- Stockport Metropolitan Borough Council
- Tameside Metropolitan Borough Council
- Trafford Council
- Warrington Borough Council
- Wigan Metropolitan Borough Council
- Wirral Council

**Pre- proceedings and Proceedings transfer from another Local Authority**

<b>Referring Local Authority</b>	
<b>Name of referrer</b>	
<b>Email Address</b>	
<b>Contact Number</b>	

**Please ensure that you have included electronic attachments for all relevant documents.**

**These should include:**

- An up to date Assessment,
- Child Protection Plan,
- Minutes of the Initial Child Protection Conference,
- Child Protection Review Conferences,
- Core group minutes,
- Minutes of any legal meetings and confirmation if status, PLO, pre- proceedings, proceedings including key dates if future meetings,
- Letter of expectations if appropriate,
- Any other relevant assessments or information, including the Section 47 Child Protection Enquiry.

<b>Name of child/children (including the names which they are known by)</b>	<b>Date of Birth</b>	<b>Gender</b>	<b>Ethnicity</b>	<b>First Language</b>

<b>Name of Parent/ significant adults/ carers for the children</b>	<b>Date of Birth</b>	<b>Gender</b>	<b>Ethnicity</b>	<b>First Language</b>	<b>Relationship with child</b>

<b>Current Address of the Family</b>	<b>Planned address of the Family</b>

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<b>Background information relating to the case - please provide all information below</b>	
<b>Start date of PLO/ pre-proceedings/ proceedings</b> Delete as appropriate	{DD/MM/YYYY}
<b>If the child is/was subject of a child protection plan please specify start and end dates</b>	{DD/MM/YYYY}
<b>Category of abuse</b>	
<b>Has the child previously been subject to a CPP in your area before the current CPP</b> Please include the start and end dates of previous plans in your area and the category of abuse here	{Yes/ No}
<b>Overview of the historical involvement with the child and their family, including any history of previous adoptions of brothers or sisters or previous periods of being a Looked After Child</b> This information should enable the receiving authority to understand the family's historical and current context and enable them to make defensible decisions.	
<b>Assessment and intervention work undertaken, specifically including risk of and/or specialist multi-agency intervention pertaining to complex/contextual safeguarding or children missing from home, care or education.</b> This information should be detailed enough to ensure that	

<p>the receiving Local Authority can continue with the work that has commenced and avoid a 'start again' approach to services for the family. Please outline both what has worked well and where there are gaps in engagement</p>	
<p><b>The organisations contributing to the plan currently</b> Please also state how they are contributing and how effective engagement is.</p>	
<p><b>The planned outcomes for the child</b> Provide information about short and long term plans for the child/children including any view of the future permanence arrangements for the child.</p>	