



## **Birmingham Children's Trust and Solihull Children's Services**

### **Protocol for Transfer of Case Responsibility Between Authorities for Children with a Child in Need Plan, Child Protection Plan or for Children in Care**

#### **1. Purpose**

1.1 The purpose of this document is to set out the agreed arrangements between Birmingham and Solihull when responsibility for a child's case needs to transfer between the two areas.

1.2 This protocol applies to children who have a Child Protection Plan, Child in Need Plan or to children in Care. It is recognised that responsibility for a child will remain with the local authority where the family previously lived if the child is the subject of a statutory order.

These include:

An Emergency Protection Order

Any child who is subject to Police Protection Powers.

An Interim Care Order

A Care Order

Any form of Supervision or Family Assistance Order

A Child Assessment Order.

1.3 This document does not replace the existing West Midlands Regional Protocol – but confirms local agreement between Birmingham and Solihull to ensure the child's safety and welfare remain central, while any transfer decision is made in a timely way.

1.4 The intention is that the document provides a reference point for clear guidance in such situations for staff of both authorities at all levels of the organisation.

1.5 This protocol does not take account of every situation, it is recognised that in some very exceptional cases, Children's Services managers may negotiate specific arrangements in response to the circumstances of an individual child. In such cases,

the rationale and plan should be clearly recorded in each agency's child case file with clear evidence of management oversight.

## **2. Principles**

**2.1 *The overriding principle is that the child's interests remain paramount and are held as more important than the application of any procedure and protocol.***

2.2 Case transfer should take place at the most appropriate time for the child and family, taking account of the practicalities of travel and the involvement of professionals from other agencies in delivering the existing plan for the child. Attention will be paid to the stage of the work in the originating authority when planning any transfer.

2.3 The originating authority will retain responsibility until the transfer process is complete; the child will therefore always have a named social worker responsible for delivering and overseeing work with the family.

2.4 Authorities agree that delay and confusion can occur for families where a case is being transferred and actively seek to avoid this. The originating authority will provide the recent social work assessment underpinning the existing plan and the transfer request. It is agreed by the authorities that the receiving authority will not need to undertake an assessment of its own prior to case transfer. There may however be a need to clarify some elements of the work to date. This will prevent any delay for the child.

2.5 Where it is necessary to transfer responsibility between authorities, the transfer will be completed promptly and efficiently in a planned way, ensuring clarity of responsibility for the child's safety at all times.

2.6 All requests for transfer will be prioritised and considered respectfully, as will any disagreement and challenge between professionals. Where there is disagreement, resolution will be undertaken respectfully and in line with the escalation process outlined in section five of this document.

2.7 Managers should avoid defensiveness and be prepared to review decisions and plans with an open mind.

## **3. Actions Needed Before Transfer Request is Formally Made**

3.1 The originating authority will immediately notify the receiving authority of the move in writing. This will be done via an established email inbox – as for formal

receiving-in requests. This ensures that there is a case file open and that temporary alert markers have been added to the child's file in the receiving authority.

3.2 Practitioners in the originating authority must ensure that members of the family are aware that information will be shared with agencies in the receiving authority.

3.3 The rationale for the transfer of case responsibility will be recorded on the child's case record by both authorities.

#### 4. Receiving-in Process

4.1 The decision to transfer case responsibility will take into account the progress and the stage of work in the originating authority; this is to ensure that any planned transfer request is made at an appropriate point in the child's journey.

4.2 Before making a transfer request, the originating authority will ensure that the family intend to move permanently to the new area. Both authorities must consider:

- The provision of temporary housing and/or commitment to the provision of permanent housing by the receiving local authority.
- The establishment of a private tenancy by the family.
- The family have been living in the new authority for 3 months **and** are expressing a clear intention that they wish to remain permanently.

4.3 Where the originating authority is unclear as to whether the residence criteria are met, the advice of Legal Services' will be sought.

4.4 The originating authority will provide the receiving authority with: A report to the next review meeting, whether Child Protection Children In Need or Children In Care

- The most recent review meeting minutes.
- The current plan including current involved services.
- Confirmation of the child's legal status.
- Confirmation of the outcome and progress of any legal meeting or proceedings.
- Social Work Chronology.

4.5 The originating authority will make contact with the receiving authority via a single-purpose email in-box.

4.6 A decision will be made by the receiving authority regarding the transfer and an agreement-in-principle will be made. The timescale for transfer will be agreed.. A telephone discussion between the respective team managers will be held. For Child

Protection cases this may be via a Strategy Discussion. If agreement cannot be reached, the escalation process will be used to resolve issues.

4.7 Where it has been agreed that a case will be transferred, team managers will confirm an agreed transfer date and transfer point for example, in the case of children with a Child Protection Plan, this will be via a formal Child Protection conference in the receiving authority. For children in care or in need, team managers will agree an appropriate point of transfer.

4.8 Following the completion of the transfer, the receiving authority will provide written confirmation to the originating authority of its acceptance of case responsibility. The receiving authority will ensure that a similar note is recorded on its own case record for the child.

## 5. Process for Resolving Differences/ Escalation Process

5.1 It is expected that each authority will reach agreement on transfer requests through timely and respectful application of this protocol. The escalation protocol should be used only when reasonable efforts to resolve differences of opinion or application of the protocol have not been successful in achieving a resolution. If a resolution cannot be reached, the escalation process set out below will be used.

5.2 Where the receiving authority Team Manager does not agree to accept a case, the originating authority must be provided with a clear written rationale. The receiving Team Manager will make themselves available to hold a case discussion if requested.

5.3 The originating authority will retain responsibility for the case until the escalation process is complete and an agreed way forward is secured.

5.4 If agreement cannot be reached **within 15 working days of a request to transfer a case**, this must be escalated to senior managers. At all stages of the escalation process, explanations and rationales will be clearly shared in written form.

5.5 **Escalation Stage One:** Head of Service to Head of Service.

If Team Managers are unable to reach agreement, the originating authority Team Manager will escalate to their own Head of Service providing details of actions, decisions, rationale and specific areas of disagreement. The Head of Service in the originating authority will raise the matter with their respective colleague in the receiving authority.

The Heads of Service must reach a decision or move to next stage within five working days. The outcome and rationale will be recorded in each agency's case record.

## **5.6 Escalation Stage Two: Assistant Director to Assistant Director.**

If agreement is not reached, the Head of Service in the originating authority will escalate to their own Assistant Director providing details of actions, decisions, rationale and specific areas of disagreement. The Assistant Director in the originating authority will raise with their respective colleague in the receiving authority.

The Assistant Directors must reach a decision or move to next stage within five working days. The outcome and rationale will be recorded in each agency's case record.

## **5.7 Escalation Stage Three: Director of Children's Services to Director of Practice, Birmingham Children's Trust.**

If agreement is not reached, the Assistant Director in the originating authority will escalate to their own Director providing details of actions, decisions, rationales and specific areas of disagreement. The Director in the originating authority will take the matter forward with the Director in the receiving authority.

The Directors in each of the authorities will be the final decision makers.