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Leicestershire Procedure for Guidance on decision making for children who are subject of Child Protection and Looked After Children Processes. (To be read in conjunction with LSCB procedures (16)) [Link](#)

Applies to-

Children subject to child protection plans and Looked After

The aim of this guidance is to ensure clarity about the planning process for children in Leicestershire who are becoming or have become Looked After and who are also subject to Child Protection Plans (dual status)

The guidance is based on the premise that the planning and review processes for looked after children are sufficiently robust to address issues of concern and provide adequate safeguarding arrangements for children.

Occasionally and in exceptional circumstances, there will be some children who require dual status. This would include for example children who are S.20 accommodated but where there are plans for them to return home in given timescales or for example where they are subject to care proceedings but remain at home. Any dual status arrangement should be for the minimum possible period of time necessary and consistent with preventing significant harm.

However children should generally not be subject of dual status. Children who are Looked After should not be living with a level of continuing risk of significant harm that requires a child protection plan. The child's care plan should address their safeguarding needs.

Where there are two planning processes it can result in unnecessary duplication and confusion about which is the decision-making forum resulting in potentially risk factors being overlooked. This can also result in confusion about which plan to follow for families and professionals.

Where a child who is subject of a child protection plan becomes Looked After it is expected that there is a single planning process, which meets the requirements of The Children Act 1989 Guidance and Regulations 2015 Volume 2: Care Planning, Placement and Case Review and Working Together to Safeguard Children 2018.

In the Independent Reviewing Officers handbook March 2010 – Statutory Guidance for IRO and LA on their functions in relation to case management and review for looked after children section 3.40 it states that:

3.40 In most cases where a child is the subject of a child protection plan and becomes looked after it will no longer be necessary to maintain the child protection plan. There are however a relatively few cases where safeguarding issues will remain and a looked after child should have a child protection plan. These cases are likely to be where a local authority obtains an interim care order in family proceedings but the child who is the subject of a child protection plan remains at home pending the outcome of the final hearing, or where a child's behaviour is likely to result in significant harm to themselves or others.

3.41 Where a looked after child remains the subject of a child protection plan it is expected that there will be a single planning and reviewing process, led by the IRO which meets the requirements of both the Regulations and the Guidance Working Together to Safeguard Children.

Children who are already looked after.

Children who are already looked after will not usually be the subject of child protection plans, though they may be the subject of a Sec 47 enquiry. The circumstances in which a child who is looked after may be subject to a child protection plan or be considered for a child protection conference would include:

- A child, who is the subject of an interim care order, who remains at home pending the outcome of the final family court proceedings hearing;
- A child, who is subject of proceedings without any order, pending the outcome of the final family court proceedings hearing;
- A child subject to a care order who is to be returned to their birth family / returned home (**LSCB procedures highlight:** If the decision of the Review is that an initial child protection conference should be convened, the child's social worker must request it to take place within 15 days of the case review decision.)

Decisions about the need for a child who has become looked after to have a continued Child Protection Plan.

Where a child who is subject of a child protection plan becomes looked after it is likely that the criteria of being at risk of significant harm will no longer be met. The child may be subject of a legal order or may be accommodated by agreement with the parent/s.

Each situation should be carefully considered by the Team Manager, Child Protection Conference Chair and IRO. Factors to be considered are whether the LAC Care Plan sufficiently incorporates the safeguarding needs.

It is the responsibility of the IRO to consider the views of the child's social worker, relevant partner and the views of the child and family to assess if the risk has been reduced by the child becoming looked after. If the IRO was not the child's Child Protection Chair then the IRO should also seek the views of the Child Protection Chair. At the 28 day ROA the IRO will gain the views of all agencies in relation to the need for a continuation of the Child Protection Plan. If all agree the Child Protection Plan is no longer necessary then the IRO will arrange for the child to cease to be subject of a Plan and formally write to all agencies and the family, explaining the change of circumstances and inform them of the discontinuation of the Child Protection Plan.

Deciding whether a child protection plan is necessary when a child is being rehabilitated to parents / carers where there was previously concern.

Rehabilitation of a child to parents / carers about whom there were concerns sufficient to warrant the child becoming looked after needs careful consideration. Decisions will be taken based on the currently assessed levels of risk to the child. Planning for rehabilitation will include measures to ensure the child's safety and well-being.

If it is proposed that a child subject to a care order should be returned to their birth family / returned home, the members of the statutory looked after child case review para 4.3 of Regulations and Guidance Volume 2 (2015) considering the proposal for rehabilitation must decide and record whether an initial child protection conference should be convened. If the decision of the Review is that an initial child protection conference should be convened, the child's social worker must request it, ensuring the necessary statutory processes have been followed.

In some cases a Child Protection Plan can be a positive means of achieving children's rehabilitation, where concerns still exist but risks can be managed through such an inter-agency plan.

Decisions about Children who are removed from accommodation unplanned

If a parent removes or proposes to remove a child looked after under s20 from the care of the local authority and there are serious concerns about that parent's capacity to provide for the child's needs and protect them from significant harm, the social worker must discuss the case with the children's social work manager and make a decision about whether a child protection enquiry should be initiated. If a child protection enquiry is initiated, the reasons for this must be clearly recorded on the child's record and may lead to an initial child protection conference. In such circumstances, the LA children's social worker and manager should consider whether legal action is required to protect the child.

Children subject of a Child Protection Plan who become subject of another order e.g. Interim Supervision Order; Special Guardianship Orders, Interim Child Arrangement Order, Child Arrangement Order.

In circumstances where children are subject of the above orders it maybe that they continue to be at risk of significant harm. However the legal order and /or involvement of the Court proceedings is viewed as sufficient to meet the needs of the child.

- 1) When the above orders are gained in court the social worker will inform the Independent Chair of the Child Protection Conference.
- 2) The Child Protection Conference will be brought forward to consider the continued need for a child protection plan.
- 3) If a child is subject of an interim of full order through court proceedings they will not usually also need a Child Protection Plan and their safeguarding needs can be managed and reviewed via a Child In Need Plan and any ongoing court proceedings.
- 4) The review conference will consider the interim/final order that has been agreed in court and ensure these elements are part of the ongoing Child In Need Plan. The review conference will set the date for the first CIN meeting within 6 weeks.
- 5) The Chair of the review conference will always consider a clear contingency that is specific to the needs of the child. The contingency will include that if safeguarding concerns escalate then safety planning needs to address these concerns and further legal advice gained to safeguard the child.