

# East Midlands Region Children's Social Care

## Regional Protocols

**Version 1.0**  
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## **INTRODUCTION**

Children's Services departments in East Midlands region are committed to working together in a spirit of mutual cooperation and support. This commitment manifests itself in a number of ways, including

- Regular regional meetings of officers at Tier One, Two and Three of their organisation
- Funding for a regional development programme for Independent Reviewing Officers and Chairs of Child Protection conferences and regular meetings of the managers responsible for these staff groups.
- A regular programme of Peer Challenge and associated service improvement processes

The purpose of cooperating in this way is to promote an ongoing cycle of service improvement in the work we do with the most vulnerable children in our communities. This approach is complemented by a number of regional protocols that set out shared values and principles, which this document brings together.

Regional Protocols do not replace or over-ride statutory guidance or local policy and procedure. They are supplementary to these and set out how authorities in the East Midlands will work together in addressing cross-border issues.

## **GOVERNANCE**

Protocols are developed in response to agreed regional priorities. The proposal to initiate a new protocol can come from any source but can only be authorised by the Regional Tier 2 Group (ie Officers at Director/Assistant Director level).

When the Tier 2 Group agree a new protocol is required they will delegate this to the most appropriate regional sub-group. If there is no obvious regional sub-group the Tier 2 Group will establish a task and finish group to draft the protocol.

The Tier 2 Group will sign off Regional Protocols and ensure they are implemented in their authorities. The Tier Two group will agree a review point, although this can be brought forward where there are issues of concern. The process for reviewing a protocol will mirror that for establishing one, ie it will be commissioned and overseen by the Tier 2 Group.

# REGIONAL CSE STANDARDS

Under review.

## EAST MIDLANDS PROTOCOL FOR MISSING CHILDREN

The purpose of this protocol is to set out how Local Authorities in the East Midland region will work together to ensure that children who go missing from care receive the support that they are entitled to and that information is shared appropriately between the authorities.

Each authority has its own arrangements for responding to missing children, including the provision of return interviews. This protocol is focussed solely on cross-border working arrangements where a child is placed by one authority (the placing authority) in another authority area (the host authority).

This protocol complements the East Midlands Looked After Children Notification protocol that was developed in 2015. To further strengthen the arrangements set out in that protocol it has been agreed that the Placing Authority will notify the Host Authority's Missing Children lead when they are placing a child who is at risk of going missing and/or child sexual exploitation. The Placing Authority will provide the Host Authority's Missing Lead with a copy of the relevant risk assessments and a recent photograph of the young person. This information will be shared prior to the young person being placed or within 24 hours of the placement being made.

When a child who has been placed in another the Host authority goes missing, the Host Authority's 'Missing from Care and Home' protocol should be followed by the carers and other professionals in that Host authority area. The only exception to this is where there is a discrepancy between the Host Authority and Placing Authority in terms of the trigger point for a return interview, lower threshold will always be applied, i.e. some authorities do not undertake return interviews with young people categorised as being absent/missing (no apparent risk) whilst others do. What this means in practice is that if a Placing Authority that would not ordinarily undertake a return interview for a young person categorised as absent/missing (no apparent risk) in an authority area that does, the placing authority will commit to undertaking return interviews for young people falling into this category. The reverse expectation would also be true, which will require the Host authority to share information with a placing authority about all children reported missing/absent.

A notification process for Absent and Missing from placement episodes should be in place between Placing and Host local authorities in each of the East Midland authority areas. This should include the fact that the foster carer or the manager of the children's home is responsible for informing the local Police, the child's social worker, The Missing Children Office in the placing authority and the person(s) holding parental responsibility (PR) – unless the latter is inconsistent with the child's welfare. They should also report to the local Police when the child has returned, and inform the child's social worker and Missing Children Officer in the Placing Authority who should share this information with the child's Independent Reviewing Officer (IRO).

Responsibility for the Return Interview rests with the Placing Authority who will work closely with the Host Authority. Where a child is identified as being at risk of significant harm the safeguarding children procedures in the Host Authority will be followed. The placing authority will share information, including a copy of the return interview, with the host authority. Where this does not this will be escalated as set out below.

Some Authorities in the region offer a return interview service to Placing Authorities, which is available either free or at a cost. Should a Placing authority wish to take advantage of this then they should liaise with the Missing Children Lead in the Host Authority.

## **Escalation**

Where the Missing Children Service in the Host Authority does not receive an update in relation to a return interview within 10 days of the child returning to placement they will liaise with their counter-part in the Placing Authority.

If the return interview, or an update regarding this, is still not received within 5 days this will be escalated to the manager of the Host Authority's Missing Children team, who will liaise with their counter-part in the placing authority.

Where the return interview or an update remains outstanding after a further 5 days then this will be further escalated to the Head of Service/equivalent in the Host Authority who will liaise with their counter-part in the Placing Authority. The Head of Service will agree with their counter-part how to address the issues that should have been covered in the return interview and what further action will be taken to safeguard the child and ensure that any future missing episodes trigger a prompt return interview.

## **Children who go missing frequently, or are identified as particularly vulnerable**

Where a child placed in a host authority by another Local Authority has gone Missing 3 times in a 90 day period a multi-agency meeting should be convened by the Placing Authority. The Host Authority should be invited to this meeting. Attendance by the Host Authority may not always be necessary but the Missing Children Service in the Host Authority should always receive the minutes of such meetings. Where the minutes are not received this will be escalated as described above.

Where missing episodes continue to escalate in either frequency or seriousness the Head of Service in the Host Authority will liaise with their Counter-part in the Placing Authority to ensure that all appropriate measures are in place for the future care and safety of that child. Formal written details will be required so that the child's record can be updated. If the concerns continue this will be escalated to Director level and the host Director send a letter to the placing authority's Tier 2 safeguarding lead, copied to the Director of Children's Services.

## **Analysis**

Each Host Authority will collate information about the number of cases where no Return Interview was completed by each of the other East Midlands authorities. This information will be shared at the regional tier 3 Safeguarding leads meeting twice yearly in order to promote improved performance.

	<b>Missing Contact</b>	<b>Service Manager</b>	<b>Head of Service</b>	<b>Tier 2 Lead for escalation</b>
Derbyshire	Marva Kenny	Post N/A in Derbyshire	Adele Glover	Ali Noble
Northamptonshire	Kimberlea Simpson	Sean Carter	Sean Carter	Matthew Sampson
Derby City	Sheila Mc Gregor MAT Manager (Locality 1&5) Kelly Ormand MAT Manager (Locality 2) Jasvir Bahth MAT Manager (Locality 3&4)	Kate Burton	Jasmine Nembhard-Francis	Hazel Lymbery
Nottinghamshire	Aimee Robinson	Hannah Johnson	Joe Foley	Steve Edwards
Nottingham City	Andrew High	Racheal Osborne	John Matravers	Helen Blackman
Leicestershire	Ayesha Dalby	Donna Smalley	Anita Gurry	Sharon Cooke
Rutland	Steph Logue	-	-	Cathy Smith
Lincolnshire	Amy Lawson (Interim)	Tracey Evans	Andy Cook	Jo Kavanagh
Leicester City	Marianne Dubil	Brendan Seward	Rebecca Small	Caroline Tote

# TRANSFER PROTOCOL: NOTIFICATION OF CHILDREN PLACED WITHIN OR TRANSFERRED BETWEEN LOCAL AUTHORITIES IN THE EAST MIDLANDS

## 1 Introduction

- 1.1 This protocol sets out the action to be taken to ensure arrangements are put in place to safeguard a child or young person when they move to live within another local authority area. **This protocol should be read in conjunction with single agency protocols.**
- 1.2 The overriding principle is that all agencies have a responsibility to ensure that a child or young person is safe. This means that if there are concerns about the welfare of a child or their family, any agency who has knowledge of those concerns must act to ensure that relevant agencies are aware of the concerns and there is agreed clarity about what action is being taken and by whom.
- 1.3 This protocol sets out guidance to assist practitioners and managers to help with the transfer of responsibilities across boundaries.
- 1.4 There will be individual cases that are complex either on a temporary or permanent basis and individuals or families movement across geographical boundaries may present challenges to provider agencies. Unique circumstances exist that are not covered by the protocol explicitly and in such cases it is expected that negotiation occurs to achieve effective arrangements.
- 1.5 **Professional difference of opinion about which agency is responsible must be escalated and resolved (within 48 hours) to ensure children and young people are kept safe. “Boundary arguments” must not get in the way of keeping children safe.**
- 1.6 The protocol sets out guidance in respect of:
- Children subject to a Care or Supervision Order
  - Children subject of a child protection plan
  - Children who are looked after
  - Children in need
  - Children who are in receipt of early help

## 2 Principles

- 2.1 For the purposes of this protocol the terms **“originating local authority”** or **“originating agency”** refers to the authority or agency providing services where the child or family previously lived.
- 2.2 The terms **“host local authority”** or **“host agency”** refers to the authority or agency providing services where the child or family has moved to.
- 2.3 In many cases where there are known concerns, the “originating” local authority will have specific responsibilities in respect of those families who move. However it is noted that **all**



**agencies** may need to take action to ensure that arrangements for families who move keeps them safe. This may mean checking what is happening and escalating concerns if arrangements are not judged suitable.

- 2.4 **Should safeguarding concerns arise**, the local authority where the child is living on either temporary or permanent basis is responsible for S47 enquiries. The “originating” local authority for children living in an area on a **temporary basis** must always be notified by the new “host” local authority of any concerns and be involved in strategy discussions.
- 2.5 The protocol does not seek to repeat sections from the different local safeguarding and child protection procedures. Should any safeguarding concern arise about a child, the individual practitioner must follow their local procedures to make sure action is taken to keep the child safe.
- 2.6 **Permanent Accommodation** - These are considered where families have a new tenancy or permanent living arrangements (such as registered with new GP, School etc).
- 2.7 **Temporary Accommodation** - A move would generally be considered temporary if it is likely to be for less than 3 months. During the temporary stay in an area, the child and family would access services on a temporary basis. The “originating” local authority, and other agencies, must ensure that services are accessed consistent with the plans and liaise with new “host” agencies or services as appropriate. Therefore the more serious the need, the greater the responsibility of an agency to ensure that new services are aware and services are accessed.
- 2.8 **Regular Visiting** - The originating authority and host authority should liaise to ensure that plans are in place (linked to the seriousness of the circumstances) that is agreed by both areas to safeguard the child during regular visits.

### **3 Children in Care, Subject to a Care Order or Supervision Order**

- 3.1 The “originating local authority” retains responsibility for a child in care, or subject to a statutory order until the order is discharged or the Court directs that a transfer of responsibility is appropriate.
- 3.2 The “originating” local authority **must always** notify the “host” local authority of a child in care or subject to a statutory order moving on a permanent or temporary basis into its area in accordance with Care Planning Regulations. If a child in care is subject to a statutory order or licence issued by the criminal courts the “originating” authority retains responsibility for the child with the host authority providing ‘caretaking’ arrangements to manage the conditions of the order
- 3.3 All authorities in the East Midlands have agreed to a standardised procedure for the notification of placements of children in care and then any subsequent change in circumstances including moving out of the authority.
- 3.4 This protocol **“Notification process by local authorities when looked after children are placed within other local authorities in the East Midlands” (see later in document)** indicates the action to be taken when a local authority needs to notify another local authority in the East Midlands region that they are intending to place a child in care within their boundary.

3.5 Should safeguarding concerns arise, the “originating” local authority, responsible for the statutory order for a child living in an area on a temporary basis, must always be notified immediately by the “host” local authority of any concerns and be involved in strategy discussions.

#### **4 Children subject of a Child Protection Plan**

4.1 The “originating” local authority **must always** notify the “host” local authority of a child subject of a child protection plan moving on a permanent or temporary basis into its area, within 48 hours.

4.2 Transfer conferences would be held for:

- Families who have new tenancy or permanent living arrangements (such as registered with new GP, School etc)
- Families who have made a temporary move but with a clear and realistic plan to remain for more than 3 months, or the move has already lasted for 3 months

4.3 The “originating” local authority is responsible for demonstrating how criteria are met to hold a transfer conference.

4.4 A transfer conference must be held within **3 weeks** from the point of the information being provided indicating criteria are met.

4.5 **Temporary accommodation - less than three months – or a regular visitor.** The “originating” local authority must notify a “host” local authority if a child subject of a Child Protection Plan is a regular visitor or temporarily resident in another area – for example in a refuge or to stay with family members for less than 3 months. The “host” authority must keep appropriate records of such children, identifying them as subject to a plan, the key worker, the current plan and contingency arrangements.

4.6 During the temporary stay in an area, the child and family would access local services on a temporary basis. The “originating” Core Group must ensure that services are accessed consistent with the protection plan and liaise with new “host” agencies or services as appropriate.

4.7 Should safeguarding concerns arise for a child living in an area on a temporary basis, the “host” local authority is responsible for any S47 but must notify the “originating” local authority who must then be involved in strategy discussions.

#### **5 Children who may meet the threshold for legal action**

5.1 Where concerns exist **at the point of the move**, that may meet the threshold for care proceedings and/or may require legal action to protect a child, the responsibility for that decision and action remains with the “originating” authority. This applies to both where the cause for the concerns move with the child, AND where a child moves into a dangerous situation, where this is known at the time of the move.

- 5.2 Some families will attempt to evade legal action by moving to a different authority. Local Authorities cannot absolve themselves of their responsibilities by allowing a child to move out of their area.
- 5.2 If a child is subject of action being taken under the PLO, the “originating” local authority **must always** notify the “host” local authority within 48 hours, and agree arrangements for working together to secure appropriate outcomes for the child. Should the required changes within the PLO not be made and there is felt to be a need to issue proceedings then this will normally be the responsibility of the “originating” authority. Whilst the originating LA should take the lead in issuing and seeking a court hearing, designation can be transferred to the Host authority at a future hearing if child and family remain in the Host area. This will be the subject of discussion between the authorities. This will be open challenge/discussion where a child is removed at the first hearing and becomes a looked after child.
- 5.3 This section has been written to align with the **PROTOCOL CONCERNING DESIGNATION OF ORDERS WITHIN CHILDREN ACT PROCEEDINGS. This has been separately agreed between the legal departments of the authorities and their client departments in the East Midlands (plus Peterborough City Council) and is included as an appendix to this document.**

## **6 Children in Need**

- 6.1 Planned permanent move:
- Families who have new tenancy or permanent living arrangements (such as registered with new GP, School etc).
  - Families who have made a temporary move and have a clear and realistic plan to remain for more than 3 months or the move has already lasted for 3 months.
- 6.2 In line with the requirements of WT 2018, “where a child in need has moved permanently\* to another local authority area, the original authority should ensure that all relevant information (including the child in need plan) is shared with the receiving local authority as soon as possible. The receiving local authority should consider whether support services are still required and discuss with the child and family what might be needed, based on a timely re-assessment of the child’s needs”. “Support should continue to be provided by the original local authority in the intervening period. The receiving authority should work with the original authority to ensure that any changes to the services and support provided are managed carefully”. \* Within the East Midlands ‘permanently’ will be interpreted as 6.1 above.
- 6.3 **In the case of a temporary move**, the “originating” local authority retains responsibility and the Social Worker for the child makes a professional judgement based on the circumstances of the case whether the child will require local services as a child in need in the new area during a temporary move (less than three months).
- 6.4 During the temporary stay in an area, the child and family would access services on a temporary basis as agreed in the child in need plan and negotiated with the ‘host authority’.

## **7 Private Fostering**

- 7.1 The social worker for the privately fostered child in the “originating” local authority makes a “transfer” referral to the new host authority in circumstances where the child moving on a permanent or temporary basis would remain a privately fostered child.
- 7.2 Where a child moves into a Private Fostering arrangement in a different Local Authority, the “host” authority has the responsibility to assess and approve the arrangement. If approved, the “originating” authority would normally then make a “transfer” referral for the child to the “host” authority.

## **8 Early Help**

### **For both permanent and temporary moves**

- 8.1 The case worker (lead professional or equivalent) for the child in the “originating” area makes a professional judgement based on the circumstances of the case *and in discussion* with the family whether the child will continue to require Early Help services in the new area to meet their needs.
- 8.2 The case worker makes a referral and includes a proportionate level of additional information dependent of the complexity and level of need of the child in agreement with the family.
- 8.3 If, however, the move is likely to escalate concern for the welfare of a child, the case worker should discuss this with the family and make a referral to the new “host” local authority.
- 8.4 The new “host” local authority should assess the referral detail as per agreed local procedures.
- 8.5 In the event that the new “host” authority does not provide a service, the “originating” referral agency should escalate and challenge the decision if concerns exist that the welfare of the child was likely to be adversely affected.
- 8.6 Should safeguarding concerns arise, the Local Authority where the child is living on either temporary or permanent basis is responsible for S47 enquiries.

## PROTOCOL CONCERNING DESIGNATION OF ORDERS WITHIN CHILDREN ACT PROCEEDINGS

- 1 This Protocol is agreed between the legal departments of the following local authorities:-
  - (i) Nottingham City Council
  - (ii) Nottinghamshire County Council
  - (iii) Leicester City Council
  - (iv) Leicestershire County Council
  - (v) Lincolnshire County Council
  - (vi) Peterborough City Council
  - (vii) Northamptonshire County Council
  - (viii) Derby City Council
  - (ix) Derbyshire County Council
- 2 It is not binding on the Children's Social Care Departments of each named local authority above.
- 3 Its purpose is to avoid wherever possible disputes arising between the named local authorities above over the designation of care, supervision and special guardianship orders where the proposed carers live outside the area of the local authority applying for orders within public law Children Act proceedings.
- 4 Each named local authority agrees on the following principles/procedures:-
  - (i) The legal department of the local authority applying for orders will give notice at the earliest stage possible to the legal department of the local authority within whose area the proposed carers live, of its intention to ask that local authority to be the responsible local authority for any of the orders named at paragraph (3) above. The notice must contain the full names, dates of birth and address including postcode of the proposed carers.
  - (ii) All local authorities named above agree that it is not necessary for the local authority seeking orders to apply to the Court for leave to disclose the Court papers. Disclosure is allowed without the Court's permission under FPR 2010 R12.73(1)(a)(viii); that is where the communication is to a professional acting in furtherance of the protection of children.

- (iii) The local authority applying for orders must not seek to make a local authority named above a party to their proceedings or commit the other local authority to attend Court or ask the other local authority to provide a position statement within specified timescales, without consulting with the other local authority's legal department first.
- (iv) The local authority seeking orders must agree to give the other local authority sufficient time to consider the papers and make some preliminary enquiries on the case to include, where appropriate, meeting the proposed carers. Wherever possible the other local authority should be allowed at least two weeks to consider their position. Other than in exceptional circumstances, the other local authority should not seek to substitute the current assessments with its own assessments but should always be allowed to make comment on existing assessments and type of orders sought.
- (v) The other local authority, on receiving notice set out in paragraph (i) above will allocate a named solicitor as soon as possible and in any event no later than 48 hours after receiving notice. That named solicitor will as soon as possible:-
  - a. contact the Children's Social Care Department within their own local authority to ascertain whether there has been any contact between the respective Children's Social Care Departments; and
  - b. advise that the case should be allocated to the appropriate social work team for the locality in which the proposed carers reside; and
  - c. advise that discussions should take place as soon as possible between the respective Children's Social Care Departments at the appropriate senior management level with a view to seeking an early resolution of any dispute(s).

Dated 22 November 2018

# MEMORANDUM OF COOPERATION – THE EAST MIDLANDS REGIONAL PARTNERSHIP FOR MANAGING THE DEMAND AND SUPPLY OF CHILDREN’S SOCIAL WORKERS

## **Context:**

Nationally and regionally, each council is focused on robust, recruitment and retention to fill social worker vacancies and leadership roles. Success is mixed and much depends on factors like pay and the employment package, as well as reputation, development opportunities, caseloads, quality of support and supervision, together with leadership. A few LAs are experiencing significant service quality issues and their increased recruitment and agency supply activities are affecting the whole supply pipeline. The mis-match in requirements, ie over-demand and under-supply, is affecting all local authorities.

The East Midlands region has decided to adopt the co-operative approach established in the East of England. The West Midlands region has similarly established a region approach.

To manage agency and permanent worker supply and demand, and the costs associated with this, there is a need for more collaborative and strategic approach to secure a more stable and high quality permanent workforce. A number of LA’s are trying to address their own local challenges with limited success, whilst some members of this region have a more stable and good quality workforce.

This Memorandum of Cooperation (MoC) will support more collaboratively work across the East Midlands, to manage the demand and supply of children’s social workers.

## **Scope:**

The scope covers children’s social worker roles for both permanent and agency supply.

Extension of the scope of the MoC to adult’s social worker roles for both permanent and agency supply will be subject to agreement by Directors of Adult Services across the East Midlands in Phase Two.

## **Effective Date of Implementation:**

The effective date for the initial protocols (1-10) will be [Date to be confirmed] although some of these will need phasing-in via a co-ordinated delivery plan.

The effective dates for the remaining protocols (11-16) will be determined in discussion with the Regional DCS Group and will form an ongoing programme of activity supported by a transparent and co-ordinated delivery plan.

## **Governance:**

**At Phase 1, the Regional Directors** of Children’s Services (DCS) Group will be accountable for ensuring that their Service Managers and Directors/Heads of HR and agency suppliers adopt the

protocols. Progress updates and, where necessary, decisions will be presented to the Regional DCS Group at agreed intervals. Initially this is expected to be quarterly.

**At Phase 2, the Regional ADASS Group** will be accountable for adopting and implementing the MoC for adults' social worker roles.

The Regional Chief Executive's Group will also receive progress updates on request.

**Measuring Success:**

Key measures of success, including financial savings, will be agreed with the Regional DCS Group.



**All Local Authority signatories to the Memorandum of CoOperation (MoC) agree to adopt the following protocols as agreed in principle by the Regional DCS Group on 9 November 2015. To commence implementation of protocols 1-10 by 1 December 2016, to be regularly reviewed and amended following discussion and feedback by the Directors of Children's Services and Tier 2 Safeguarding Leads Groups:**

- 1 Adopt a common minimum standard for referencing to help prevent 'recycling' of poor quality permanent and agency workers, ensuring that suppliers/workers provide references from the last employer as the main referee.
- 2 Adopt a regional template for end of placement reviews which includes adequate information on satisfaction levels. To be shared with agency workers and the agency suppliers, and which would form part of reference documentation, to inform any development requirements and address quality issues.
- 3 To work towards fully implementing the terms of this MoC via all their suppliers, i.e. main contractor and any 2<sup>nd</sup> tier suppliers.
- 4 Proactively use their agency supply chain as a pipeline for the supply of permanent workers, in addition to direct recruitment. All LAs acknowledge that working as an interim helps to build experience and enhances productivity.
- 5 Where possible, to consider transition to a 'direct' supply model for qualified social workers (ie employed by the main supplier rather than 2<sup>nd</sup> tier agencies/sub-contractors) with a single or a few key suppliers. This will assist with reducing /maintaining agency pay rates and margins to help address the quality and quantity of workers in the supply chain, and to improve compliance issues, eg professional registration, right to work, DBS and other checks. Those LAs that choose not to move to a direct supply model or whose current agency contracts prevent this, are NOT precluded from participating in the MoC and will be actively encouraged to remain part of this collaborative approach.
- 6 Ensure that permanent and agency workers are clear from the outset of the MoC and how it is being adopted by all signatory LAs and their agency suppliers. LAs and suppliers will provide standardised information on the MoC during recruitment and at induction.
- 7 LAs and all their suppliers (whether providing permanent or temporary supply of workers) to refrain from active 'headhunting' from within those LAs that have adopted the MoC, unless for a promotional role or special/exceptional circumstances. Some rules of engagement will be developed in discussion with LAs for this purpose.
- 8 Work towards limiting agency worker tenure at the outset of each placement so that expectations are managed, eg 12 weeks maximum. This will discourage workers from leaving the security of permanent roles or to convert to a permanent worker, but does require a strategy in each council to ensure that vacant roles are filled as quickly as possible. There is recognition that it will take time to implement this fully so it is therefore proposed to monitor the average length of tenure to assess impact and inform future strategy.
- 9 Consider and draft a 'no recruitment' or placement policy for temporary workers who have joined agencies from the LAs who have adopted the Code, e.g. for 6 or 12 months from date of leaving. This could be included in employment contracts to try to restrict workers from joining other LAs (ie those who are signatories to the MoC) within this time frame unless for a

promotional role. This would be difficult to enforce but is used in other sectors. Some LAs have already adopted this approach with their agency staffing provider.

- 10 **Agreed standardised pay rates across the region for agency Social Workers to manage, spend and increase stability and avoid escalation of market rates. This is to be informed by the East Midlands collective rates and the rates use by LAs bordering the region.**

**Special Notes:**

**It is recognised by the Regional DCS Group that there may be exceptional circumstances that are imposed on an individual Council that require that it take measures, for a specified period of time, that may not be aligned to the agreed regional standardised pay rates for agency Social Workers. It is therefore also acknowledged that in such exceptional circumstances the Group will acknowledge and support the requirement for flexibility with regard to this protocol and that the all parties will continue retain the spirit of the Memorandum of Co-operation.**

**It is also important to note that due regard will be given to the legal and regulatory implications of implementing the Protocols outlined within the Memorandum of Cooperation. Where appropriate, professional advice will be sought to ensure any resulting actions are legally compliant.**

**On date 9 November 2015, the Regional DCS Group also agreed to consider the following protocols and these were endorsed subject to clarity on these being aspirational, to be implemented on a date to be determined, but reviewed by at an appropriate time, to be agreed:**

- 11 Consider applying via the Protocols to all social worker roles in Children's and Adult's Services, and other roles as identified.
- 12 Consider work towards more broadly comparable pay rates across the region for permanent social workers. Some of the savings from reducing temp spend and converting market pay to base pay could support increased pay rates to aid recruitment and retention.
- 13 Work towards greater consistency of employment packages as far as possible across the LAs to reduce competition, given our regional commitment to supporting a quality workforce and capacity across the East Midlands.
- 14 Work with suppliers and LAs to develop a single pool of job ready, highly skilled agency workers that could offer good quality support and resource for failing services. A 'Development' Academy approach could assist with this for use by all agency suppliers and also help support those workers into permanent roles.
- 15 Develop a joint approach to working only with identified universities and colleges to offer high quality training and qualifications for social workers, and use the combined economies of scale from the LAs to help drive cost, quality and outcomes. The numbers of places should be informed by strategic workforce planning.
- 16 Develop a regional approach to workforce planning for social workers to forecast and then help to plan to meet future demand.

# NOTIFICATION PROCESS BY LOCAL AUTHORITIES WHEN LOOKED AFTER CHILDREN ARE PLACED WITHIN OTHER LOCAL AUTHORITIES IN THE EAST MIDLANDS

This protocol indicates the actions to be taken when a Local Authority places a looked after child within another local authority boundary with the East Midlands region.

## 1 Regional Protocol

All authorities in the East Midlands have agreed to this standardised procedure for the notification of placements of looked after children and then any subsequent change in circumstances including moving out of the authority.

## 2 Signatories of this document

- Derby City Council
- Derbyshire County Council
- Leicester City Council
- Leicestershire County Council
- Lincolnshire County Council
- Northamptonshire County Council
- Nottingham City Council
- Nottinghamshire County Council
- Rutland County Council

## 3 Background

The corporate parenting responsibilities of local authorities include having a duty under section 22(3)(a) of the Children Act 1989 to safeguard and promote the welfare of the children they look after, including eligible children and those placed for adoption, regardless of whether they are placed in or out of authority or the type of placement.

This includes the promotion of the child's physical, emotional and mental health and acting on any early signs of health issues.

The local authority that looks after the child must arrange for them to have a health assessment as required by *The Care Planning, Placement and Case Review (England) Regulations 2010*.

Looked-after children should never be refused a service, including for mental health, on the grounds of their placement being short-term or unplanned.

CCGs and NHS England have a duty to cooperate with requests from local authorities to undertake health assessments and help them ensure support and services to looked-after children are provided without undue delay.

Local authorities, CCGs, NHS England and Public Health England must cooperate to commission health services for all children in their area.

*“Too often, local authorities failed to notify other agencies properly when a looked after child had moved into their area. Children who live out of area but in an adjacent authority often benefit from pre-existing close collaboration between agencies”*

(OFSTED 2013)

The following definitions apply for the protocol:

- The 'originating local authority' is the local authority which initially took the child/young person into care.
- The originating clinical commissioning group (CCG) is the CCG for the child's registered GP at the point they were taken into care. Or, if not registered with a GP, the CCG for the geographical area in which they were living.

“Who pays? Establishing the responsible commissioner” (Department of Health 2007)

- The 'receiving local authority' is the local authority to which the child or young person has been placed.
- The receiving CCG is the CCG for the child's registered GP for their new placement. Or, if not registered with a GP, the CCG for the geographical area in which they are now living.

#### **4 Notification from the originating local authority to the receiving local authority when children and young people are transferred across local authority boundaries.**

When an authority wishes to place a child in another authority, the originating local authority will complete the notification form, including the risk assessment questions and attach any additional information to support the risk assessments as negotiated (for example – see section 5). The form is then sent securely to the nominated point of contact person in the receiving local authority where the child will reside.

The nominated point of contact person (in the receiving local authority) will enter the details of the child onto their electronic case management system and inform the nominated point of contact for health to alert them to contact their equivalent in the originating local authority.

The nominated point of contact person (in the receiving local authority) will forward the form to the [Safeguarding Unit - equivalent in each authority] for assessment of risk and follow up with the originating local authority to negotiate that plans are in place to address the risk and ensure the safety and wellbeing of the child.

The nominated point of contact person will forward the form to the Youth Offending Service where it is indicated there is involvement.

Where an originating local authority wishes to request that certain functions are carried out on their behalf by the receiving local authority (e.g. supervision of the placement), then a direct request should be made to the receiving local authority.

*Health notifications – see section 6*

## 5 **Placements where the originating local authority requests that a receiving local authority carry out functions on their behalf**

Where a child is placed by another local authority (originating local authority) within the boundaries of another (receiving local authority), it is possible to negotiate for the receiving local authority to undertake some functions on their behalf. This is more likely to apply where the child is placed with foster carers and will usually extend to the receiving local authority supervising the placement on behalf of the originating local authority.

For example, another authority could undertake to:

- Supervise the placement and be satisfied that the welfare of the child continues to be suitably provided for
- Visit the placement regularly in line with ordinary expectation for looked after children
- Where the child is to be placed in another form of placement (e.g. registered children's Home; voluntary home; or small unregistered children's home), specific reference should be made to the Children's Homes Regulations 2010, before considering whether to agree to a request that the receiving local authority supervise the placement on behalf of the originating local authority.

Any undertaking should be recorded on the child's record and details of the functions signed by both authorities.

It would never be appropriate to agree to a request for another authority to supervise the placement of a child looked after by another local authority and placed in secure accommodation and/or subject to Detention Under Section 92 of the Powers of Criminal Courts (Sentencing) Act 2000.

Where it is agreed at a planning meeting, that a receiving local authority will supervise a placement on behalf of the originating local authority, the case should be allocated to a Social Worker. The originating local authority should also supply sufficient additional information to enable the Social Worker to competently supervise the placement on their behalf.

Agreement to supervise the placement should be detailed in writing and sent by the relevant Head of Service to the originating local authority. In particular, the originating local authority should forward to the receiving local authority a completed set of looking after children materials, which should be [ICS] compliant and may be forwarded electronically:

- Child Care Plan – Looked After Child
- Review of Arrangements (most recent one – if applicable)
- Assessment and Progress Records (most recent one – if applicable)
- Education, Health and Care Plan (if available)
- Any risk assessments and plans, eg

- Is the child subject to a Child Protection Plan?
- Is the child subject to MAPPA?
- Is the child disabled?
- Does the child have a history of running or missing from home?
- Are there any concerns around Child Sexual Exploitation (CSE)?
- Are there any other significant concerns or risks?
- Has a risk assessment been completed?
- Have the Police and/or Youth Offending Service been informed of any risks?

## 6 **Notification to health when children and young people in care are transferred across local authority boundaries**

In alignment with the Statutory Guidance for Promoting the Health and Well-being of Looked After Children (DH & DfE 2015) and Department of Health Guidance "Who Pays? Establishing the Responsible Commissioner" (2007) the local authority has a duty to inform the originating CCG of its intention to place a child out of the local authority area.

When a child starts to be looked after or changes placement, the local authority must, before the placement is made, notify the child's GP, parents (except when clearly inappropriate) and those caring for the child.

The originating local authority will notify the CCG via the Designated Nurse for LAC when a child or young person starts to be looked after, changes placement or ceases to be looked after. This should be no later than 5 days when this is an emergency placement. There is an NHS England directory of secure contact details for Designated Professionals for children in care.

Information sharing about children and young people will:

- Contribute and enable CCGs and health provider organisations to make necessary arrangements to ensure the continuity of healthcare and the objective of providing high quality, timely care for the individual child or young person
- Contribute and enable the safeguarding of children and young people in care with partnership working promoting multi-agency decision making. It must be acknowledged that children placed away from home often have an increased risk of CSE, missing episodes, criminality and complex behavioural issues
- Assist commissioners in planning for the needs of looked after children and young people, and provide local data sets to contribute to relevant strategic planning.

## 7 **Health Assessments for Children in Care placed out of area (OOA)**

Requests for Initial (IHA) and Review Health Assessments (RHA) for children and young people in care placed out of area will be sent from the originating local authority to the originating NHS provider who will forward the request to the relevant receiving NHS provider\*.

For a health assessment to be completed the correct consent is required for not only

undertaking the assessment but for sharing the information.

Essential documentation required:

- Consent to undertake the consultation (eg Coram BAAF from IHA C/YP Part A (pg 1-2) to include name and contact details of GP, social worker and carer
- Consent to view and share health information on the child/young person (eg CoramBAAF consent form)
- The Coram BAAF consent form has a section for a birth parent to consent to view and share their health information, which is ideally shared in the CoramBAAF parental health form (questionnaire). This is desirable from both parents to enable a high quality health assessment
- Copies of previous statutory health assessment reports (includes previous IHA and RHA reports if this is not their first period as a child in care)
- Most recent SDQ if applicable (children between 4 and 17 years – see Statutory Guidance 2015).

If the receiving NHS providers do not return a completed health assessment within the appropriate time frames for the Initial and Review Health Assessment the originating health provider will send a reminder in line with local policy. Any concerns identified will be escalated in line with local policy via the Designated LAC professionals.

*\*Currently the local provider in Derbyshire passes the request onto their CCG for processing.*

## **8 Process if no notification has been made by the originating authority**

In the case of no notification being received by the receiving local authority there should be a review and escalation in line with local policy.

In the case of no notification being received by the CCG where the child/young person has been identified by an alternative route (e.g. identified by health provider) escalation will be undertaken by the Designated Nurse for LAC in the receiving CCG as per local policy. The originating Designated Nurse for LAC will be informed to escalate with the originating local authority following local policy.

## **9 Change in circumstances or end of placement**

All changes in circumstances should also be notified to the receiving local authority and the receiving CCG – the form at Appendix 1 must be used.

This includes:

- A change of placement, address or details within the receiving local authority
- When a child or young person's placement in the receiving local authority comes to an end

It may be necessary at times for local authorities, health providers and Designated Professionals for looked after children to conduct data cleansing activities and this will require liaison and cooperation.

## 10 Safeguarding

Safeguarding is everyone's responsibility and a looked after child is subject to the same safeguarding procedures as a child who is not looked after.

The receiving local authority in circumstances that require emergency action is responsible for taking that action. If the child is looked after by, or the subject of a Child Protection Plan in the originating authority the receiving local authority should consult the originating local authority.

Only when the receiving local authority explicitly accepts responsibility is the originating local authority relieved of its responsibility to take emergency action. Such acceptance should be confirmed subsequently in writing.

The responsibility for undertaking Section 47 Enquiries lies with the receiving local authority.

Where a Section 47 Enquiry is to be conducted in the receiving local authority the originating local authority should be informed as soon as possible, and be involved as appropriate in the strategy discussion/meeting.

In certain cases, it may be agreed that the originating local authority should undertake the Section 47 Enquiry (for example where the child is looked after) and in all cases, the originating local authority should take responsibility for any further support of the child or family identified as necessary.

Where a significant incident arises in placement in the receiving local authority they will be expected to respond to the presenting needs of the child. However, except in an absolute emergency (eg where it is not possible to contact the child's Social Worker or their Team Manager, or if out of hours the originating local authority's Emergency Duty Team), the receiving local authority should not take any significant action or remove the child, without consultation with the child's Social Worker or Team Manager within the originating local authority.

At all times case management responsibility remains with the originating local authority. In the event that the receiving local authority is involved in an emergency situation where the originating local authority cannot be contacted any action should be on the basis of an assessment having been completed.

The receiving local authority should never take action at the request of the originating local authority's verbal authority solely, but must be certain that required actions are as a result of a written request, by fax or email and their own assessment. The Police in the receiving local authority will of course be able to work in partnership with the originating local authority and the receiving local authority to secure the immediate safety of a child.



## Appendix 1:

### LOCAL AUTHORITY NOTIFICATION OF PLACEMENT OR CHANGE OF PLACEMENT OF LOOKED AFTER CHILDREN PLACED OUT OF AREA

This includes notifications of children who move back to originating local authority or cease to be looked after

Name of Local Authority child is being placed with (receiving authority)					
<b>CHILD / YOUNG PERSON DETAILS</b>					
Family Name of Child		First Name/s of Child			
Date of Birth		Gender		Religion	
Ethnicity		Nationality		First language	
Country of birth		Other Language		Interpreter required	
GP practice address (at time of entry into care)					
Child's Legal Status (state order currently in place)					
Name and address [inc. postcode] of Parent(s) / Person(s) with Parental Responsibility					
Name and contact details of child's IRO					
<b>ORIGINATING LOCAL AUTHORITY DETAILS</b>					
Originating local authority - Name and Address and Contact Person details					
Name, address [inc. postcode], email and telephone number of Team Manager					
Name, address, email and telephone number of Social Worker					
Out of hours service contact details					
<b>PLACEMENT DETAILS (in receiving authority)</b>					
Placed with (establishment / foster carer / organisation)					
Name, address [inc. postcode] and telephone number of placement					
Start date of placement					
Is this a series of planned short breaks	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Details		
Expected end date of placement, if known					
Placement type	Foster home – LA				
	Foster home - IFA				
	Registered children's home				
	Registered boarding school				

	Other – please give details	
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**SAFEGUARDING AND SOCIAL CARE INFORMATION**

	Yes	No	Details
Is the child subject to a child protection plan?			
Is the child subject to MAPPA?			
Does the child have a history of running away or missing from home?			
Are there any concerns around CSE?			
Are there any other significant concerns or risks?			
Has a risk assessment been completed? Please specify what type of risk assessment			
Have the Police and/or Youth Offending Service been informed of any risks?			

**EDUCATION INFORMATION**

Name, address [inc. postcode] and telephone number of school or educational provision (originating local authority)			
Name, address [inc. postcode] and telephone number of school or educational provision (receiving local authority – if known)			
Does the child have an EHCP?			
Which local authority will maintain the EHCP?			

**HEALTH INFORMATION**

Originating CCG (if known)			
Does the child have additional needs arising from a physical or learning disability?			
Services/teams involved and contact details			
Does the child have additional needs arising from emotional needs, mental ill-health or risk taking behaviour?			
Services/teams involved and contact details			
Has the originating CCG (Designated Nurse LAC) been notified?			
Has the receiving CCG (Designated Nurse LAC) been notified?			
Date and type of last statutory Health Assessment (HA)			
Contact details of person/NHS provider who completed last HA			

Please refer to NHS England Directory of contact details for CCGs and providers here



**YOUTH OFFENDER INFORMATION**

Is the child subject to any Court order or YOS intervention as a young offender?			
If YES, which is the supervising Youth Offending Service?			
Has the Youth Offending Service in the receiving authority been notified?			



**HAS THE PLACEMENT HAD THE FOLLOWING INFORMATION?**

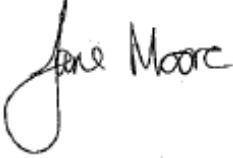

Current Risk Assessment			
Current Pathway Plan			
Police – risk assessment			
Other – please give details			



**END OF PLACEMENT**



Reason placement ended			
End date of placement			

End of placement address (i.e. from within placing authority)			
Receiving local authority notified and date			
Receiving CCG notified and date			
Originating CCG notified and date			

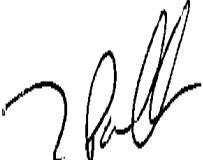
<p><b>Signed:</b></p> 	
<p><b>Name:</b> Alison Michalska</p>	
<p><b>Director of Children's Services</b></p>	
<p><b>Nottingham City Council</b></p>	

<p><b>Signed:</b></p> 	
<p><b>Name:</b> Jane Moore</p>	
<p><b>Director of Children's Services</b></p>	
<p><b>Leicestershire County Council</b></p>	

<p><b>Signed:</b></p> 	
<p><b>Name:</b> Steven Forbes</p>	
<p><b>Director of Children's Services</b></p>	
<p><b>Leicester City Council</b></p>	

<p><b>Signed:</b></p> 	
<p><b>Name: Colin Pettigrew</b></p>	
<p><b>Director of Children's Services</b></p>	
<p><b>Nottinghamshire County Council</b></p>	

<p><b>Signed:</b></p> 	
<p><b>Name: Andy Smith</b></p>	
<p><b>Director of Children's Services</b></p>	
<p><b>Derby City Council</b></p>	

<p><b>Signed:</b></p> 	
<p><b>Name: Jane Parfremment</b></p>	
<p><b>Director of Children's Services</b></p>	

**Signed:**



**Name: Debbie Barnes**

**Director of Children's Services**

**Lincolnshire County Council**

**Signed:**



**Name: Dr T H O'Neill**

**Director of Children's Services**

**Rutland County Council**