Children with CP plans across Local Authorities

(Transfer in Process)

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**GUIDANCE FOR CHILDREN SUBJECT TO A CHILD PROTECTION PLAN MOVING INTO KENT COUNTY COUNCIL BOUNDARY FROM ANOTHER LOCAL AUTHORITY**

**INTRODUCTION**

Children and young people, especially those assessed to be in need or at risk, are likely to be even more vulnerable because of the dislocation that is likely to occur because of moving between local authority areas. Relationships with relatives, friends, schools, and statutory services are likely to be fractured as a result of such moves; alternatively, those seeking to avoid the intervention of statutory services may welcome the opportunity to sever relationships with those that have begun to understand them.

Regardless of the reasons or circumstances of families moving between Local Authority areas, the Children Act 1989 is clear about where the responsibility for safeguarding and promoting the welfare of such children lies **(Section 17 and Section 47): it is with the local authority responsible for the area in which the child is to be "found", i.e. where they are at the time that a concern may arise, which will normally be where they are living.**

However, case responsibility should remain with the authority in who's area they previously resided for a short period of time in specific circumstances, i.e. where the child is already the subject of a protection plan (see below), child in need plan or where an assessment (S17 or S47) has already commenced but is yet to be completed. If the outcome of the assessment is that the child should be the subject of an initial child protection conference or child in need planning meeting, then that conference / meeting should be arranged by the receiving authority, i.e. in which they are then to be found / residing.

**PRE-BIRTH CONSIDERATIONS**

Where there is a concern about the risk to an unborn child, the responsibility for undertaking the pre-birth assessment lies with the home authority, i.e. the authority in who's area the pregnant woman is residing at the time that the concern is first identified. Responsibility will remain with that authority until the completion of the assessment and may then transfer to another authority if the pregnant woman moves. If a pregnant woman is homeless, then the responsibility for undertaking the pre-birth assessment will be with the authority in who's area the concern is first identified, usually through registering for antenatal care. Where a woman has been homeless, and is subsequently detained in custody, the responsibility for the assessment lies with the Local Authority where the prison is located.

Where a pregnant woman has moved or is likely to move repeatedly (more than twice) between local authority areas for short periods of time (less than four weeks), it would be good practice for the originating authority to retain case responsibility until the woman has settled i.e., has been placed in housing for a period that will exceed four weeks. This is to ensure some continuity in the arrangements for the protection of the unborn child.

**CHILDREN SUBJECT TO CHILD PROTECTION PLANS**

When a family with a child/ren subject to a child protection plan moves from one Local Authority area (the originating authority) to Kent County Council (KCC) (the receiving authority), then the responsibility for the monitoring, supervision and updating of that plan must transfer from the originating authority to KCC. In order that the vulnerability of such children is not compromised, such case transfers should take place in a timely manner. During the period prior to the formal transfer of case responsibility, the originating authority should continue to monitor the protection plan

When a family with children subject to a child protection plan moves to another Local Authority area, the originating authority should notify KCC at the earliest opportunity. The originating authority should provide KCC with the following documentation:

* Copies of an up to date (within the last three months) assessment of each of the children in the family which clearly identified the risk(s) to each child (including chronology and genogram).
* Copies of the minutes of all the child protection conferences, core groups and child protection plans relating to the current period for which the children have been subject to a child protection plan.
* A copy of the most recent Child Protection Conference Report and current child protection plan.
* An up to date (within the last week) case summary setting out both the current situation and all relevant background information about the children.
* Confirmation of the family’s tenancy status
* Summary of any legal advice sought and whether the family is subject to pre-proceedings or care proceedings
* List of invitees to be sent an invitation to the transfer in conference in Kent with names and contact details
* Confirmation that the transfer in conference report will be completed either on the Kent template using a Word document or using the Report generated from the Other Local Authority’s system and shared with the family five days prior to the conference taking place.

Within 15 working days of receipt of the documentation referred to above and deciding to accept transfer, KCC should arrange a transfer child protection conference. If necessary, KCC will support the originating authority in undertaking checks on any other residents of the new address as appropriate. At that child protection conference, KCC will formally accept case responsibility if it is satisfied that the child/ren are considered to be ordinarily resident in Kent. The conference should determine whether the children will remain subject to a child protection plan and the contents of that plan.

The Transfer in conference to KCC has the same status as an Initial Child Protection Conference. The Conference will consider whether the children remain at risk of significant harm and whether they should remain subject to a Child Protection Plan in Kent.

Practice in Kent is that the Child Protection Plan will continue at the first Review Child Protection Conference unless one or more of the following apply;

1. The perpetrator of the abuse is incarcerated and does no longer pose a risk to the children;  
     
   and/or
2. There was a critical piece of information that was not made known at the Initial Child Protection Conference, had this been known, t would have prevented a CP Plan being made at the initial Child Protection Conference;  
     
   or
3. The child has become a Looked After Child with no imminent plan to return home.

If the recommendation by the Social Worker at the first review is removal from the Child Protection Plan, evidence must also be provided in their report to Conference that the Area Assistant Director supports this recommendation.   Without this the Child Protection Chair will not end the plan.

If the decision of the Transfer in Conference is to end the Child Protection Plan, the Child Protection Chair must make it explicitly clear why this decision has been made including how safety is established and evidenced.   A Child in Need Plan will be made and Kent’s Policy is that the case will remain open for at least 3 months post Conference.

**REQUEST FOR TRANSFER IN CHILD PROTECTION CONFERENCE TO KENT**

The request for a Transfer in Child Protection Conference to Kent needs to be made on a Request for Support form and sent to the Front Door Service *and* a decision around acceptance made by the relevant district/service (*See flow chart at page 8).*

The role of the Front Door Business Support is to direct the originating authority to the correct District Team, so that the District Team can make a decision on whether to accept the transfer. The District Team will liaise with the originating authority directly and ensure the correct documentation is received and a decision made to accept the transfer or not *(see flow chart.*

To ensure that transfer requests are accurately processed, any requests from other Local Authorities that are sent to KCC Child Protection Conferencing Service or District Teams will be declined and the Authority will be redirected to the Front Door.

It is the responsibility of the originating authority to ensure that all other agencies working with a child subject to a child protection plan are notified that the child has moved to another area. It is the responsibility of each agency in the originating authority to notify their counterparts in KCC that that the child has moved to their area and to transfer relevant documentation as soon as possible. Where a child of school age has moved to KCC and not registered for a school place, the originating Social Worker should support the family around this until transfer, however it will be the responsibility of KCC to treat that child/ren as if they are missing from education and to seek to ensure that their parents or carers register that child for a school place as soon as possible.

Following the transfer child protection conference, the originating authority should end their child protection plan and notify relevant agencies accordingly.

Where the originating authority has been providing or funding services for the child/ren, they should continue to do so for the period originally envisaged by the child protection plan. Where the originating authority is funding the housing costs of the family, they should continue to do so until such point as the family is able to claim benefits or pay for the housing costs themselves. For families receiving financial support because they have No Recourse to Public Funds, the financial support should continue to be provided by the originating authority until such time as the family's immigration status is resolved although all other responsibilities for services under S17 or S47 will transfer to KCC.

The only reasons why case responsibility for children subject to a child protection plan should not transfer from the originating authority to KCC are:

* If the child is looked after by the originating authority or the subject of a statutory order to the originating authority
* If the child has been temporarily placed by the originating authority in the area for the purposes of assessment, treatment (psychological or medical) or education, with or without their parents and will be returning to the originating authority
* If the child has been remanded into custody or received a custodial sentence
* If the child is temporarily living with relatives or friends in the area but will be returning to the care of a parent in the originating area
* If the child and their family have been placed in temporary accommodation in Kent for a specified period of time, which is less than 4 weeks, after which they will be located elsewhere.

*If the child is "placed with" the relative or friend by the originating authority, they the originating authority will be responsible for the assessment and approval of the relative or friend as required by the fostering regulations*

Where the originating authority is dealing with a child through the public law outline, a legal planning meeting has agreed that the threshold has been met but proceedings have not been initiated pending further assessments ie pre-proceedings, then case responsibility should transfer to the receiving authority unless:

* There is evidence of immediate or increased risk resulting from the move.

or

* There is evidence that the family have only moved to avoid legal proceedings.

In such circumstances the originating authority should instigate proceedings immediately.

**TEMPORARY CHILDREN SUEBJECT TO CHILD PROTECTION PLANS**

Even if the originating authority is not transferring case responsibility for any of the reasons listed above, they should still notify KCC that the child has moved into their area as soon as possible. KCC should maintain a "list" of children subject to child protection plans with another authority but resident in their area and ensure that other agencies are notified of the circumstances of those children.

The mechanism for recording other local authority child protection plans on Liberi is for the date and category (e.g. neglect) of the child protection plan to be sent to the [SecureOLA\_LAC@kent.gov.uk](mailto:SecureOLA_LAC@kent.gov.uk) mailbox, and the details will be added to the record. Once the child is showing as CP to another local authority it will be possible to record case notes on the Liberi record even if there isn’t an open referral to Kent.

Where a child/ren and their family have moved or are likely to move repeatedly (more than twice) between Local Authority areas for short periods of time (less than 4 weeks), the originating authority should assess the suitability of the accommodation / other residents of that accommodation to ascertain whether there is a risk to the child. If an immediate risk is identified, then they consider what action to take to safeguard the child see [Initial Contacts and Referrals (proceduresonline.com)](https://kentchildcare.proceduresonline.com/p_contacts_referral.html?zoom_highlight=Referral+to+CSWS#2.-referrals)

It would be good practice for the originating authority to retain case responsibility until that child and family have settled i.e. have been placed in housing for a period that will exceed four weeks. This is to ensure some continuity in the arrangements for the protection of that child. If either the originating authority or KCC identifies that a family are or have been moving repeatedly between areas for short periods of time, then they may discuss and agree such an exceptional arrangement.

**TRANSFER REFUSAL**

KCC may delay the date of the transfer child protection conference if it considers that the documentation provided by the originating authority is incomplete or not of a sufficient standard. Any disagreements about the quality of the documentation should be resolved between managers in the respective services and escalated to the senior manager responsible for safeguarding services in each authority in the event of a disagreement, see [Microsoft Word - 20191015 - Kent Resolution of Professional Disagreement Policy (proceduresonline.com)](https://www.proceduresonline.com/kentandmedway/pdfs/res_prof_disagree.pdf?zoom_highlight=escalation#search=%22escalation%22)

Any disagreements should be resolved within 10 working days from the point of receipt of the documentation.

For the avoidance of doubt, the originating authority should ensure that other agencies within its area are aware that the child / family have moved to another area and that those agencies will notify their counterparts in KCC that this move has occurred.

This guidance relates to duties arising out of the Children Act 1989 and related legislation, regulation and guidance to provide services for children at risk of significant harm and subject to a child protection plan. The transfer of case responsibility from the originating authority to KCC may not always mean that all the responsibilities of the originating authority for the completion of an assessment of need risk have also come to an end. Whilst this is not a reason to delay the transfer of case responsibility for a child protection plan, the originating authority should seek legal advice to ensure that any duties arising out of other sections of the Children Act 1989 or other legislation have also been fulfilled.

**CHILDREN WHO ARE CO-PARENTED ACROSS LOCAL AUTHORITY BOUNDARIES WHO ARE SUBJECT TO A CHILD PROTECTION PLAN**

If there is more than one ‘Responsible Authority’ involved in a child’s case management, it is important that both ‘Responsible Authorities’ fully understand the implications of that child/ren spending time in and between both locations.

It is therefore recommended that:

* Where there is a co-parenting arrangement (however imbalanced) across different areas, the two areas jointly plan for the child/ren’s safety
* The circumstances of the individual case should determine which authority will have the lead responsibility for the child protection plan, and the second authority will consider the need to hold the child/ren on their temporary register.
* Consideration is given to assessing both parents as the national picture of **Child Safeguarding Practice Reviews** (CSPR) indicates that the focus of attention is mainly on the mothers, with little consideration of the role and parenting capacity of fathers.

**WHEN A CHILD/YOUNG PERSON SUBJECT TO A CHILD PROTECTION PLAN MOVES FROM KENT TO ANOTHER LOCAL AUTHORITY**

When a child or young person subject to a CP plan in Kent is known to have moved either permanently or temporarily, then the Kent Social Worker needs to notify the Children’s Social Work service in the receiving area and request a Transfer in Child Protection Conference if appropriate. The Kent Social Worker also needs to inform the CP Chair that the child is no longer in the area.

Diagram

Description automatically generated

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| --- | --- |
| By Email Only | **Front Door Service**  **Integrated Children’s Services**  **Kroner House**  **Eurogate Business Park**  **Ashford**  **Kent**  **TN24 8XU**  **If you have any queries, please contact the District Team** |
|  |  |
|  | **Direct Dial: Insert number for District Team** |
|  | **Email: insert email address for District Team** |
|  | Your ref: |
|  | **Our Ref:** |
|  | **Date:** |

Dear **(name of referrer)**

**Re: CP Transfer In Request for (name of child/children)**

We are writing in response to your notification of the above-named children, who are subject of a Child Protection Plan and moving into the area covered by Kent County Council. It is our understanding that you will be requesting a transfer conference.

The aforementioned child/ren subject to a Child Protection Plan in your Local Authority have been recorded on our system.

Please note your authority will maintain casework responsibility during this period, ending the day of the transfer in conference

It is requested the following documentation be forwarded within 7 working days of receipt of this letter, to our District Team **(insert name of District Team and their email address).** Please do not send this information to the Front Door Service, you must liaise directly with the District Team.

* Copies of an up to date (within the last 3 months) assessment of each of the children in the family which clearly identified the risk(s) to each child (including chronology and genogram)
* Copies of the minutes of all the child protection conferences, core groups and child protection plans relating to the current period for which the children have been subject to a child protection plan
* A copy of the most recent Child Protection Conference Report and current child protection plan
* An up to date (within the last week) case summary setting out both the current situation and all relevant background information about the children.
* Confirmation of the family’s tenancy status
* Summary of any legal advice sought and whether the family is subject to pre-proceedings or care proceedings
* List of invitees to be sent an invitation to the transfer in conference in Kent with names and contact details
* Confirmation that the transfer in conference report will be completed on the Kent template (see attached) and shared with the family 5 days prior to the conference taking place.

This authority’s designated person will arrange the transfer in conference and deal with any further correspondence.

It is expected the family’s current social worker from the originating authority will complete invite lists within 48 hours of being requested to do so in conjunction with the designated Business Support Team within the KCC District. The family’s social worker from the originating authority will be expected to produce a Child Protection Conference report on the Kent template and share this with the family and KCC five days prior to the confirmed date of the conference, where the allocated social worker from your authority will be expected to attend the conference and present their report.

If you require any further information, please do not hesitate to contact **(insert name of District Team)** at **(insert the District Team’s email address)** or contact them on **(insert District Team’s phone number).**

Thank you.

Yours Sincerely

Front Door Business Support Team

Integrated Children’s Services

Kent County Council

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Kent County Council** | | | | |
| **Transfer In Child Protection Conference Report** | | | | |
| **Details of Children:** | | | | |
| Family Name |  | | Given Names |  |
|  |  | |  |  |
|  |  | |  |  |
|  |  | |  |  |
|  |  | | ID Number |  |
| **Conference Dates** | | | | |
| Dates of all Conferences held (prior to TI conference) | |  | | |
| CP Transfer In Conference Planned Date | |  | | |
| CP Conference Due Date | |  | | |
| CP Transfer In Conference Report Completed | |  | | |
| **Reason for convening (Initial CP) Conference** | | | | |
| Reasons for convening CP conference:  The Harm Statement | |  | | |
| **Chronology** | | | | |

|  |  |
| --- | --- |
| Summary of child and family history, including any previous or current professional involvement |  |
| **Relationships** |  |
| Family Composition and Genogram |  |
|  |  |
| **Child/Young Persons Development Needs** |  |
| **Health** |  |
| Child's Needs |  |
| Parenting Capacity |  |
| **Education** |  |
| Child's Needs |  |
| Parenting Capacity |  |
| **Emotional and Behavioural Development** |  |
| Child's Needs |  |
| Parenting Capacity |  |
| **Identity** |  |
| Child's Needs |  |
| Parenting Capacity |  |
| **Family and Social Relationships** |  |
| Child's Needs |  |
| Parenting Capacity |  |
| **Social Presentation** |  |
| Child's Needs |  |
| Parenting Capacity |  |
| **Selfcare Skills** |  |
| Child's Needs |  |
| Parenting Capacity |  |
| **Attributes of Parents'/Carers' Capacities** |  |
| Attributes of Parents'/Carers' Capacities |  |
| **Family and Environmental Factors** | |
| Family history and functioning |  |
| Wider family |  |
| Housing |  |
| Employment |  |
| Income |  |
| Family's social integration |  |
| Community resources |  |
| **Views of Child/Young Person** | |
| Views of child/young person |  |
| Views of Parent(s), Main Carers and Significant Family Members |  |
| **Mapping and Analysis** | |
| What are we worried about? |  |
| What is working well? |  |
| Analysis |  |
| What are the next steps? |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | | | |
|  | Draft Danger Statement(s)  The harm or hurt that it is believed likely to happen to the child(ren)if nothing in the family's situation changes | | Draft Safety Goal(s)  The behaviours and actions the child protection agency needs to see to be satisfied the child will be safe enough to close the case. |  |
|  | |  |
|  | |  |
|  | |  |
| **Comments of Family Members regarding the Content of this Report** | | |  | |
| **Date Report Shared:** | | |  | |
| Comments of child/young person | |  |  | |
| Comments of Parent(s), Main Carers | |  |  | |