

THE EAST OF ENGLAND REGION CHILDREN'S SERVICES JOINT PROTOCOL ON SUPERVISION ORDERS

DRAFT 1.4 as at 20.08.15

To be agreed between:

Bedford Borough Council
Cambridgeshire County Council
Central Bedfordshire Council
Essex County Council
Hertfordshire County Council
Luton Borough Council
Peterborough City Council
Norfolk County Council
Southend Council
Suffolk County Council
Thurrock Council

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1.0 Introduction

- 1.1 The purpose of this joint working protocol is to establish a common approach to issues that may arise when a child who is, or who may be about to become, the subject of a Supervision Order moves from an address in one local authority area to an address in another local authority area, within the East of England Region.
- 1.2 One aim is to ensure that there is clarity about the roles and responsibilities of the originating authority from whose area the child is moving, and the receiving authority into whose area the child is moving. Another is to ensure that there are clear and agreed processes to be followed that will safeguard the children in question.
- 1.3 The most important aim of this protocol is to ensure that there is a clear and agreed plan for the implementation of the Supervision Order and any associated care plan, in the form of a child in need plan (or, where there are current child protection concerns, a child protection plan). The child in need plan (or child protection plan) should describe the purpose of the Supervision Order and what it should achieve for the child. It should be developed between the responsible authority, any receiving authority, the person with whom the child will live, any other family members with whom the child will have contact. The child in need plan (or child protection plan) is a multi-agency plan and must set out clearly the services to be provided to the child, so this is clear to all parties. A contingency plan should be included so that parents, carers and children, know what they can expect. It should describe in practical terms what contact there will be with the child and the family, how the casework will be undertaken and the intended outcomes of that work, including work relating to the child's education, health, protection from harm and any contact with family members or others. The child in need plan (or child protection plan) should be set out in writing and agreed between the relevant local authorities by the relevant Service Managers. It should be reviewed by the social worker and responsible team manager in the receiving authority no less than three monthly.
- 1.4 In many cases the child will be living with parents or carers against whom there has been a finding in care proceedings that the child suffered or was at risk of suffering significant harm while in their care. These cases will require support services that reflect this. In other cases, the child may be moving to live in a new area with a relative or another person who was not previously involved in caring for the child. If general support is all that is required, for example during a period of transition or settling in, a Family Assistance Order may be the more appropriate order.
- 1.5 Statutes and Statutory Guidance relevant to this Protocol:
- The Children Act 1989
 - "Court orders and pre-proceedings for local authorities" (April 2014) – Statutory Guidance from the Department of Education
 - Working Together 2015

1.6 The following terms are used in this protocol:

Responsible Authority: The authority that has made an application to the Court in care proceedings, which is named in an interim Care or Supervision Order relating to the child in question.

Designated Authority: The local authority designated by the Court (and in the Supervision Order) as the supervising authority.

Receiving Authority: The local authority into whose area the child has moved to live or into whose area it is proposed that the child will move to live. The authority which is to be proposed as the designated authority.

2.0 Supervision Orders

2.1 “A Supervision Order places the child under the supervision of a designated local authority. Under the order, the local authority must advise, assist and befriend the child; the order may require the child to comply with any directions given by the local authority which require him or her to do all or any of the following:

- live at a place specified in directions given by the supervisor;
- take part in specified activities; and
- report to particular places at particular times.

A Supervision Order can be made for a period up to a year. This can be extended for any period not exceeding 3 years in total from the date of the first order.

The Court can only make a Care or Supervision Order if it is satisfied: that the child concerned is suffering, or is likely to suffer, significant harm; and that the harm, or likelihood of harm, is attributable to the care given to the child, or likely to be given to him/her if the order were not made, not being what it would be reasonable to expect a parent to give to him/her; or the child being beyond parental control.

If the Court is satisfied that the threshold criteria have been met, then it will apply the welfare checklist at section 1(3) of the Children Act 1989 and the ‘no order’ principle.”

[“Court orders and pre-proceedings for local authorities” (Statutory Guidance, April 2014) Chapter 3 paragraphs 5, 6, 7]

2.2 “A Supervision Order shall not designate a local authority as the supervisor unless – (a) the authority agree **or** (b) the child lives or will live in their area” [Paragraph 9(1), Schedule 3, Children Act 1989].

2.3 A Supervision Order (Section 31(1), Children Act 1989) and an Interim Supervision Order (Section 38, Children Act 1989) pending the conclusion of the proceedings are Court orders which can be made in care proceedings. The order can be made whether or not this is the order sought by the local authority in care proceedings. The parent, or other person who has parental responsibility, retains parental responsibility for the child. Interim orders impose the same responsibilities on local authorities as Care and Supervision Orders, with the exception that the Court determines the duration of the interim order. An interim order cannot be made unless there are reasonable grounds for believing that the threshold test (Section 31(2)) has been met. Before making the order the Court must apply the welfare checklist (Section 1(3)) and the no order principle (Section 1(5)).

3.0 Communication Between Local Authorities During Proceedings

- 3.1 It may become clear during proceedings that there is an option for the child to reside with a parent, family member or other person who resides or will be moving to reside in a different local authority area. The Court may consider making a Supervision Order to that authority (the “receiving authority”), into whose area the child will move to live.

The responsible authority (who are the applicant in the care proceedings) should or may be directed by the Court to make contact with the receiving authority in which it is proposed that the child will live, to alert them to the possibility that a Supervision Order may be made. The responsible authority should provide full written information about the case to the receiving authority including a copy of the Court bundle. The Court should be requested by the responsible authority to invite the receiving authority to attend future Court hearings in order for them to make representations on the appropriateness of the Order being made to that Authority.

- 3.2 When the responsible authority makes contact with the receiving authority, the following must occur:

- Within 5 working days (or sooner if directed by the Court) of the Court hearing, the responsible authority’s legal department must send any documents directed by the Court to the receiving authority, and include the details of the next Court date.
- The receiving authority’s legal department and the responsible Children’s Services Service Manager must review the documents and other information and make a recommendation about whether to accept their authority being designated as the supervisor [Paragraph 9(1), Schedule 3, Children Act 1989].
- If there are any concerns the Team Manager must immediately alert their Head of Service.
- The receiving authority’s legal department will notify the responsible authority of its decision on being nominated as the supervisor and agree any arrangements for the receiving authority to attend, become a party to and/or be represented at any future Court hearings.
- If the receiving authority agrees to be designated in Supervision Order then the Service Managers for the respective local authorities must make arrangements to ensure the transfer of responsibilities occurs, and in accordance with the Court directed care plan. The receiving authority should arrange a meeting of relevant professionals and a joint visit to the child and family by the outgoing and incoming social workers.
- Where the child is subject to a child protection plan the above applies in addition to (and is not dependent on) any arrangements that the receiving authority will need to make to convene a child protection conference within 15 working days following the arrival of the child in their area (as per Working Together, 2015, page 49).

If the receiving authority objects to being designated as the supervisor or opposes the Supervision Order due to a disagreement with the proposed care plan, and if the matter cannot be resolved by negotiation, the Court should be asked to determine the supervising authority and/or whether a Supervision Order is appropriate in all the circumstances of the case.

4.0 Children Subject to a Supervision Order

- 4.1 After the Court proceedings have concluded, and while any Supervision Order remains in force, the child may move to live in a different local authority area while the order remains in force. The responsible authority must notify the receiving authority in writing of the child’s arrival in their area. Unless the responsible authority decides to be the supervisor, the notification should request the agreement of the receiving authority to either:

- (i) Implement the Supervision Order on behalf of the responsible authority on such terms as may be agreed; or

- (ii) Agree to be named as the supervising authority and that the responsible authority will apply to the Court for the Supervision Order to name the receiving authority as the supervisor. In certain circumstances it may be possible for the receiving authority to be named in an amended Supervision Order by consent, avoiding the need for a hearing.

It is expected that (i) above will only be used on a temporary basis or where the Supervision Order will expire within three months.

4.2 The notification should include for the child and other children in the household, copies of:

- The Supervision Order and any other Court orders
- Court chronology and social workers statement(s) to the Court
- Specialist or expert assessment reports submitted to the Court
- The latest social work assessment and any risk assessment(s)
- The care plan and any plan for the implementation of the Supervision Order, tasks to be completed and by who
- Any child protection plan and copies of the minutes of the last child protection conference
- A transfer summary.

In such cases consideration needs to be given by the responsible authority's legal department as to whether the leave of the Court is required to disclose the Court papers to the receiving authority. The receiving authority should receive a complete copy of the Court bundle before confirming whether or not it agrees to be designated in the Supervision Order.

4.3 The response to the notification from the responsible authority should be made within five working days. It should be in writing and signed-off by the Service Manager in the receiving authority.

4.4 If the receiving authority agrees to become responsible for the Supervision Order it must state whether it agrees to be named as the supervisor (see 5.1 (i) and (ii) above). The respective service managers in the responsible and receiving authorities will agree a date from which responsibility will transfer, which cannot be before the date on which the Court makes a Supervision Order naming the receiving authority as the supervisor. The receiving authority is responsible for arranging any meeting of relevant professionals to transfer the case, and for arranging a joint handover visit to the child and family by the outgoing and incoming social workers. The receiving authority will review the case within 4 weeks and then three monthly.

4.5 If the receiving authority does not agree to become responsible for the Supervision Order the responsible authority must request the Court to determine which authority should be named as the supervisor.

4.6 Where the child is subject to a child protection plan the above applies in addition to (and is not dependent on) any arrangements that the receiving authority will need to make to convene a child protection conference within 15 working days following the arrival of the child in their area (as per Working Together, 2015, page 49). In such cases the date from which the receiving authority becomes responsible for the case will normally be the date of the initial "transfer-in" child protection conference.

5.0 Disputes

5.1 Other than those matters that should be resolved by the Court, any dispute arising from this protocol which cannot be resolved between the authorities in question will be determined by an independent Director of Children's Services within the Region.