Bournemouth & Poole Local Safeguarding Children Board

DSCB Dorset Safeguarding Children Board

PAN DORSET INTER-AGENCY SAFEGUARDING PROCEDURES

DRAFT REVISION – SEPT 2011

CHAPTER 3

3.7 CHILDREN WHO ARE SUBJECT TO PROTECTION PLANS WHO ARE LOOKED AFTER

Procedures Effective from: **2006**

Last Review Date: **2011**

If you have any comments or queries about the pan-Dorset procedures please contact your agency representative on the Pan-Dorset Policy and Procedures Group or notify the relevant LSCB using the following email addresses:

info@dorsetlscb.co.uk
info@bournemouth-poole-lscb.org.uk

Contents

1.	Background and purpose	3
2.	Decisions about the need for a child who has become looked after to have a continued Child Protection Plan	3
3.	Decisions about whether a child who has become looked after might need a Child Protection Plan as well	4
4.	Deciding whether a Child Protection Plan is necessary when a child is being rehabilitated to parents/carers where there was previously concern	4
Appendix 1	Discontinuing the Child Protection Plan	5

1. Background and purpose

1.1 This guidance is required to address concerns raised about the need for children who are looked after to also have a Child Protection Plan, whilst they were in fact safe because they were looked after by the local authority.

1.2 Working Together 2010 and Care Planning Regulations 2010[1] have brought some clarity to the issue of planning for children who are in care and also subject to a child protection plan:
"*In most cases where a child who is the subject of a child protection plan becomes looked after it will no longer be necessary to maintain the child protection plan. There are however a relatively few cases where safeguarding issues will remain and a looked after child should also have a child protection plan…..*".
(Care Planning Regulations 2010 section 2.10/Working Together to Safeguard Children 2010 section 5.144).

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

1.4 This guidance addresses a number of issues connected with this:

- Deciding whether a CP Plan should continue when a child subject to a CP Plan becomes looked after.
- Deciding whether a child who has become looked after might need a CP Plan as well.
- Deciding whether a CP Plan is needed where rehabilitation is planned.

1.5 Where concurrent Care Plans and Child Protections Plans are to be maintained, Children's Services in Bournemouth, Poole and Dorset will have in place processes which fulfil the expectations of Working Together and Care Planning Regulations. Section 2.11 of the latter state:
"Where a looked after child remains the subject of a child protection plan it is expected that there will be a single planning and reviewing process, led by the IRO, which meets the requirements of both the 2010 Regulations and guidance and Working Together to Safeguard Children."
(Care Planning Regulations 2010 section 2.11/Working Together to Safeguard Children 2010 section 5.136).

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

2.1 Where a child becomes looked after who is subject of a Child Protection Plan, it is likely that the threshold criteria will no longer be met. The child may be subject of a legal order or may be accommodated by agreement with the parent/s.

2.2 The first Child Protection Review Conference following accommodation of the child should, therefore, actively consider whether a Child Protection Plan is still required.

2.3 In addressing this issue, the following areas should be addressed at the Child Protection Conference:

[1] The Children Act 1989 Guidance and Regulations - Volume 2: Care Planning, Placement and Case Review March 2010

- What is the care plan for the child, including timescales?
- What are the Child Protection needs and how are they met?
- What Child Protection needs, if any, arise through potential rehabilitation or contact?

2.4 A decision to discontinue a child protection plan will be based on the criteria set out in the Pan Dorset Inter- Agency Safeguarding Procedures, Chapter 2, Managing Individual Cases In Bournemouth, Dorset And Poole. This is reproduced in Appendix 1.

3. Decisions about whether a child who has become looked after might need a Child Protection Plan as well.

3.1 In most cases where a child becomes looked after, the care planning undertaken will address needs for safeguarding, including planning for the child to have contact with family members. However, in some situations it will be necessary to consider whether a Child Protection Conference should also be convened to make additional / concurrent plans for the child's welfare. The following are scenarios where a Child Protection Conference may need to be convened:

- Where a child becomes looked after as a response to concerns about them having suffered significant harm, or likely to suffer significant harm and the child is not subject of a Child Protection Plan,

and:

- where the parents are unlikely to abide by the agreement to allow the child to remain accommodated until it is considered safe for the child to return home;
- where needs have been identified and can be met through agreement with all parties but the level of parent/carer co-operation and their ability to work in partnership with the local authority to achieve such an agreement is inadequate or unknown;
- where the substitute carers may not be able to co-operate fully with the plan;
- where the child has been removed on an Emergency Protection Order or through Powers of Police Protection, and legal advice suggests that any application for a legal order by the local authority is likely to be unsuccessful;
- where the agreement to accommodation is broken and the child is removed from substitute care, ie foster carers or family members/friends (unless a legal order has meanwhile been granted to ensure the child's safety).
  (This list is illustrative only).

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

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

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

4.3 This should apply to children who are subject to a legal order as well as children who are accommodated by agreement with their parent/s.

Appendix 1

Discontinuing the Child Protection Plan
(Extract from Chapter 2 of Pan-Dorset Inter-Agency Safeguarding Procedures)

2.143 A child should no longer be the subject of a child protection plan if:

- it is judged that the child is no longer continuing to, or likely to suffer significant harm and therefore require safeguarding by means of a child protection plan (for example, the likelihood of harm has been reduced by action taken through the child protection plan; the child and family's circumstances have changed; or re-assessment of the child and family indicates that a child protection plan is not necessary). Under these circumstances, only a child protection review conference can decide that a child protection plan is no longer necessary;

- the child and family have moved permanently to another local authority area. In such cases, the receiving local authority should convene a child protection conference within 15 working days of being notified of the move, only after which event may discontinuing the child protection plan take place in respect of the original local authority's child protection plan; the child has reached 18 years of age (to end the child protection plan, the local authority should have a review around the child's birthday and this should be planned in advance), has died or has permanently left the UK.

Pan-Dorset Note
The status of children subject to a child protection plan must not be changed until the children's views about this have been ascertained (independently of parents) and discussed in the appropriate multi-agency forum. Specifically, the child's view must be ascertained prior to any CP review conference, with the use of advocacy service as necessary and taken into account in the decision making process.

Child Protection Plans must not be discontinued until a Core Assessment has been completed and fully recorded, including an analysis of the child's needs, parenting capacity and family dynamics, including risks and outcomes of interventions. The outcome of the Core Assessment must be included in the social worker's report and considered at the CP Conference during the decision making process.

Discontinuation at a first review conference should only occur in exceptional circumstances, for example where;

- The child is no longer cared for by or living with the person attributed with being responsible for placing them at risk of significant harm e.g. they may be looked after by a member of the extended family or in foster care and permanency planning is in place.
- The child was subject to a pre-birth conference and is the youngest of a sibling group where progress on the child protection plan has been made over a period of time.
- The initial conference was as a result of the family moving from another area i.e. a transfer conference, and the assessment concludes the family's circumstances have changed sufficiently to permanently reduce the risk of harm. This should include an assessment of stability where there is a history of moving home.