

North West Pre-Care and Care Proceedings Notification and Transfer across Local Authority Boundaries Procedure

Introduction

1. This procedure is applicable where and the steps set out within should be taken when the following circumstances exist in respect of a child:
 - i. the child is subject of Pre-Care or Care Proceedings in one local authority area; and
 - ii. the child has moved and is now ordinarily resident in another local authority area.
2. Specific provisions are set out for cases where a pregnant mother moves to another local authority area during the latter stages of pregnancy.

Initial actions

3. Case transfer of Children in Need and children subject of a Child Protection Plan should occur in line with the provisions of
 - i. North West Children in Need Moving across Local Authority Boundaries Procedure; or
 - ii. North West Notification and Transfer of Children Subject of Child Protection Plans across Local Authority Boundaries Procedure

Procedures available here <http://adcs.org.uk/regions/north-west>

Next steps

4. Where the referring Local Authority has issued a pre-proceedings letter of expectations this will be reviewed prior to the transfer meeting by the receiving local authority who will determine, with legal advice, whether to issue their own pre-proceedings letter of expectations following the formal transfer of the case.
5. The receiving local authority will attend the initial court hearing and be the named responsible authority for the care order, where one is made, and will be responsible for care planning beyond the initial hearing.

Transfer of case responsibility where a pregnant mother moves to another local authority area during the latter stages of pregnancy

6. It is recognised that on occasions pregnant mothers may choose to take up ordinary residence in a different local authority at a late stage of their pregnancy.
7. Where this does occur it is vital that decisions over which local authority holds case responsibility prior to the issuing of any care proceedings (where they are necessary) will be made in the best interest of the child in all cases.
8. The receiving Local Authority will allocate a social worker to undertake a pre-birth assessment, building on the information made available from the referring Local Authority's own assessment/s to date.
9. The referring Local Authority will make available to the receiving Local Authority all relevant information, including details of any pre-birth assessment activity and analysis that has taken place to date.

10. A transfer meeting will be arranged within 15 working days and will be attended by both local authorities. For child protection this will be transferring case conference. The referring Local Authority will retain responsibility for care planning prior to the case transfer meeting.
11. Where care proceedings have been agreed by the referring Local Authority and an unborn child subject of the proceedings is born before the transfer meeting has taken place, the referring Local Authority will initiate the care proceedings as they will have the relevant background information. Care proceedings are considered to have been 'agreed' where a decision has been taken at a Legal Gateway/Planning Meeting or similar. The referring Local Authority will present the initial evidence to the court in support of any care order application.

Action to be taken in cases where there is dispute or delay in case transfer.

12. Where there is dispute about case responsibility or delay in the receiving authority accepting responsibility for the case, which is likely to impact on the child, the Team Manager should inform their Service Manager.
13. The Service Manager will contact the Service Manager in the other Local Authority to reach agreement about case responsibility.
14. If within 15 days of the child's move, agreement has still not been reached, the Assistant Director / Head of Service in the referring Local Authority will contact the Assistant Director / Head of Service in the receiving Local Authority.

Review

15. This procedure will be reviewed not later than **31 March 2017**

Parties to the Procedure

The following local authorities are party to this procedure by virtue of their membership of the North West Association of Directors of Children's Services. The procedure may be applied to by agreement with other Local Authorities outside the North West on a case-by-case basis, or by ongoing formal agreement.

- Blackburn with Darwen Borough Council
- Blackpool Council
- Bolton Council
- Bury Council
- Cheshire East Council
- Cheshire West and Chester Council
- Cumbria County Council
- Halton Borough Council
- Knowsley Council
- Lancashire County Council
- Liverpool City Council
- Manchester City Council
- Oldham Metropolitan Borough Council
- Rochdale Metropolitan Borough Council
- Salford City Council
- Sefton Council
- St Helens Council
- Stockport Metropolitan Borough Council
- Tameside Metropolitan Borough Council
- Trafford Council
- Warrington Borough Council
- Wigan Metropolitan Borough Council
- Wirral Council