

# Guidance in Relation to the Child Protection Register and Children Looked After

Cwm Taf Safeguarding Board	Date: September 2018	Status: Approved 27 September 2018
Author: PPG	Previous Version: Sept 2013 (CTSCB)	Review Date: September 2020

## Introduction

The Cwm Taf Safeguarding Board (CTSB) accepts that the majority of children and young people who are looked after by the Local Authority, away from home, will be safeguarded and will not need to be also included on the Child Protection Register. There will however be exceptions to this: for example:

- Young people whose own risk taking behaviour means that despite being subject to a Part 6 Care and Support Plan, they are at risk of significant harm (Child Sexual Exploitation, High Risk Substance Misuse, frequently reported as missing).
- Looked After Young People who won't comply with their Part 6 Care and Support Plan and return home or to an address / carers which present a risk.
- Possible reunification with family where abuse or neglect occurred

The guidance that follows is intended to clarify practice; it replaces all previous CTSCB or CTSB guidance on this matter.

## Beginning Care Proceedings

**If Children's Services are concerned that a child or young person is likely to suffer significant harm and are considering initiating Care proceedings the following steps should be considered:**

- If the child's name is not already included on the Child Protection Register, Child Protection procedures should be followed, and an Initial Child Protection Conference convened.
- It is expected that in all such cases the Public Law Outline will be followed.
- The Initial Conference will consider all the facts in the case and decide whether the child is at continuing risk of significant harm. Even if this threshold has been met, the criteria for placing the child's name on the Child Protection Register do not necessarily apply as the child or young person may be protected by virtue of being looked after away from home in a safe environment. The child's name should only be included on the Child Protection Register if there is a specific reason for concluding that there is a likelihood of them suffering significant harm in their current Care setting. This should not be solely because the court has not yet decided on the outcome of the Care application. The purpose of the Part 6 Care and Support Plan is to address all of the child / young person's needs including any needs / risks relating to their safety.

**If an application for a Care Order has been made, the child's future Care Plan will be decided by the Court. The child will have an appointed**

Children's Guardian and legal representation. The Local Authority, parents and other parties will also be legally represented in this court process.

**PLEASE NOTE:** If children have become Looked After away from home and made subject to an Interim Care Order **before** an Initial Child Protection Conference is held, normally a CLA Review should be held and not an Initial Child Protection Conference. If there is any on-going concern that the children are still at risk of significant harm, the case holding Team Manager should discuss with a senior Safeguarding Manager (Merthyr 01685 724692 RCT 01443 484520) about whether a Child Protection Conference is needed .

## **Arrangements for ensuring looked after children are safeguarded**

- The Part 6 Care and Support Plan for a child becoming looked after will be subject to statutory review conducted by an IRO (Independent Reviewing Officer) at 1 month, 3 month and thereafter 6 monthly intervals, and if there is a change in Part 6 Care and Support Plan.
- The IRO will take responsibility for ensuring the risk of significant harm to the child is clearly addressed within this multi-agency Care Planning and Review process.
- IROs have a statutory responsibility to monitor the Care Planning process and the actions of the Local Authority and report concerns within the organisation including to the Lead Director for Children and to CAFCASS, if they are not resolved. There is a system in place in RCT and Merthyr Tydfil to do so and also to report to the Corporate Parenting Board.
- All Looked After children and all children whose names are placed on the Child Protection Register must have a current assessment under the Multi-Agency risk assessment Framework (MARAF) to identify risk and resilience factors.

## **Children becoming looked after already included on the Child Protection Register**

The SSWB Act Part 6 Code of Practice states that:

When a child who is the subject of a child protection plan (following a section 47 investigation under the Children Act 1989) becomes a looked after child, it will usually no longer be necessary to maintain the child protection plan for that child. However, in a few cases there will continue to be safeguarding issues, and the looked after child will also need to have a child protection plan. (S56)

In practice this means:

- If an application for a Care Order has been made and the child is living away from home, placed in a safe environment with safe arrangements for contact, the Review Conference should recommend de-registration.
- This decision can be made in the knowledge that a Part 6 Care and Support Plan for achieving permanent stable arrangements for the care of the child throughout the remainder of their childhood will be decided by the court, following relevant assessments. The child's best interests will be represented by the court appointed Children's Guardian.
- The Review Conference can also recommend that child protection procedures should be followed if there is a specific significant event or change in the child's circumstances which indicates that the child is at risk of significant harm, e.g. if child is meeting up with an abusive parent outside contact arrangements agreed in their Part 6 Care and Support plan or is placing themselves at risk of harm.
- In exceptional circumstances the Conference might identify a specific likelihood of continuing significant harm and recommend continued registration. Examples of such circumstances are given below.
- The IRO will take responsibility for ensuring the issue of likely significant harm to a child is clearly addressed within the multi-agency Care Planning and Review process. Specifically where reunification with care givers who have allegedly abused the child is being planned, the CLA Review meeting must consider the need to recommend that child protection procedures should be pursued to determine whether there should be a Care and Support- Child Protection plan in place before the child returns home. This decision must be recorded in the written record of the CLA Review.
- Some children on the Child Protection Register will be looked after away from home on a voluntary basis (S76 SSWB Act 2014). If this agreement is within existing Care proceedings working on the No Order principle and the Local Authority Court Care Plan states clearly that emergency action will be taken should agreement to the child being looked after be withdrawn or attempts to remove the child from a safe environment are made, then the Child Protection Conference should recommend de-registration as decisions about the child's long term future will be made by the Court.
- If children become looked after on a voluntary basis (S76 SSWB Act 2014) but no application for a Care Order has been made, then the Review Conference will decide on the information in that particular case in accordance with the All Wales Protection Procedures/National Protection Procedures whether the criteria for Registration continues to be met and whether the child continues to need a Part 4 Care and Support -Child Protection Plan.

## **Placement with Parent for child already on the Child Protection Register**

(The Care Planning, Placement and Case Review (Wales) Regulations 2015  
Part 4 Regs 16-21)

Children subject to Care Orders (including interim) made under S31 Children Act 1989 and on occasion wardship, custodianship and Guardianship Orders can only be placed with parents if the above regulations are complied with. Although the placement decision is the responsibility of a senior manager within Children's Services, the regulations require formal written consultation with Health, Education and other significant agencies.

Pertinent arrangements in relation to this guidance are as follows:

- If children are included on the Child Protection Register and looked after, they will be subject to both CLA Reviews and Child Protection Review Conferences. The meetings should be co-ordinated to ensure all pertinent information is available and the Placement Plan is considered by all involved agencies. All meetings for the child should be chaired by the same Reviewing Officer.
- The Child Protection Conference will consider whether the risk of significant harm remains or whether the likelihood of harm has reduced and/or the family circumstances changed sufficiently to decide upon de-registration.
- It is anticipated that in the majority of cases, de-registration should be recommended as the CLA Planning and Review process will already have decided that the plan for reunification is in the child's best interests and addressed any safeguarding concerns. The Chair of the Conference has a duty to ensure that decisions to continue Registration clearly identify the continuing risk of significant harm and the additional aspects to be included in the part 4 Care and Support-Child Protection Plan that are not already addressed within the child's part 6 Care and Support Plan.
- Children and young people placed with parents will continue to be subject of CLA Reviews, until such time as the court discharges the relevant Order or the young person reaches 18 years. The IRO will take responsibility for reviewing all aspects of the child or young person's Care Plan to ensure appropriate arrangements are in place to safeguard and promote their welfare.
- If children are not currently included on the Child Protection Register, the Children's Services Placement with Parent guidance will be followed. Formal consultation will take place with agencies involved with the child or young person. A CLA review must be held prior to the child's return to parents and will establish an interagency Plan to support the parents and promote the child's welfare following the return home.
- The IRO will take responsibility for ensuring any outstanding concerns in relation to significant harm are addressed in CLA Reviews. If reunification with care givers who allegedly abused the child is being

planned, the CLA Review meeting will always consider whether to recommend that child protection procedures should be pursued to determine whether a Child Protection Conference should be held before the Placement with Parents begins.

- If a child or young person is placed with parents under Placement with Parent Regulations (and is therefore subject to a Care Order) and there are fresh allegations of abuse or neglect, child protection procedures must be pursued to determine whether a Child Protection Conference should be held and/or the child removed from the parents' care.

## **Monitoring arrangements**

The Quality Assurance & Standards Group of the CTSB will take responsibility for monitoring cases where children are subject to dual processes, that is CLA regulations and child protection procedures. Audits are included in the work Plan, frequency annual.