



Children's Services

Child Protection Procedures

Revised August 2011



Leaflet C/1

Child Protection Procedures

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1. Introduction:

- 1.1. This document sets out procedural guidance for the investigation and assessment of referrals of children in need, including children in need of protection, where there may be a risk of significant harm.

- 1.2. The guidance reflects that contained in **Working Together to Safeguard Children 2010**, as well supporting documentation and best practice

- 1.3. It should be read in conjunction with the detailed and comprehensive policy and practice guidance of Worcestershire Safeguarding Children Board, as set out in the Inter Agency Child Protection Procedures for Safeguarding Children. These Inter Agency Procedures are shared with the other three West Mercia LSCBs, Shropshire, Herefordshire and Telford and Wrekin, and are updated as necessary twice yearly. They can be accessed on WSCB's website:

www.worcestershiresafeguarding.org.uk

Working Together to
Safeguard Children
2010

WSCB's Inter
Agency Child
Protection
Procedures for
Safeguarding
Children.

2. Legal Framework:

2.1. Definition of a Child:

The Children Acts 1989 and 2004, and Working Together 2010, define a child as "anyone who had not yet reached their 18th birthday." "The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate for children and young people, does not change his or her status or entitlements to services or protection under the Children Act 1989." (*Working Together 2010*)

2.2. The Children Act 1989

Section 47, Children Act 1989 places a duty on local authorities to make enquiries:

"where a local authority

- a) is informed that a child who lives, or is found in their area –
i) is the subject of an emergency protection order

- ii) is in police protection

- iii) has contravened a ban imposed by a curfew notice within the meaning of Chapter 1 of Part 1 of the Crime and Disorder Act 1998.

- b) has reasonable cause to suspect that a child who lives, or is found in their area is suffering, or is likely to suffer significant harm.

The authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare."

The Children Act
1989

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Section 47 also places a duty on key agencies to assist the local authority in carrying out these enquiries. These include:

- Any local authority
- Any local education authority
- Any local housing authority
- Any health authority
- Any person authorised by the Secretary of State for the purpose of this section.

The Children Act
2004

2.3. The Children Act 2004

- Amended Section 47, Children Act 1989, so that the local authority has a duty to ascertain and give due consideration to the child's wishes and feelings. This reinforces the principles of involving the child in decision-making, which is enshrined in the Children Acts 1989 and 2004, and the Adoption and Children Act 2002
- Section 11 Statutory Guidance requires key agencies to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. This includes ensuring that any contracted or commissioned services are provided having regard to this requirement.

2.4. Categories of Abuse and Neglect

Working Together defines abuse and neglect as "forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or more rarely, by a stranger. They may be abused by an adult or adults, or another child or children." The categories of abuse and neglect as defined in Working Together are:

- Physical Abuse
- Emotional Abuse
- Sexual abuse
- Neglect

Working Together to
Safeguard Children
2010

WSCB's Guidance
for dealing with
cases of Neglect

2.5. United Nations Convention on the Rights of the Child

The UN Convention on the Rights of the Child was adopted by the United Nations in November 1989. It lays out the basic human rights to which children everywhere are entitled. Relevant articles for Children's Services include:

- **Article 1:** Definition of the child: Everyone under the age of 18 has all the rights in the Convention.
- **Article 2:** The Convention applies to every child whatever their ethnicity, gender, religion, abilities, whatever they think or say, no matter what type of family they come from.
- **Article 3:** The best interests of the child must be a top priority in all actions concerning children.
- **Article 12:** States Parties shall assure to the child ,who is

UN Convention on
the Right of the Child

capable of forming his or her own views, the right to express those views freely in all matters affecting the child; the views of the child being given due weight in accordance with the age and maturity of the child.

- For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.
- **Article 19:** Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and mistreatment by their parents or anyone else who looks after them.
- **Article 34:** Governments must protect children from sexual abuse and exploitation.

3.1 The Scope and Purpose of this Guidance

3.1.1 The purpose of this section is to provide guidance for practitioners regarding the process of undertaking Section 47 enquiries where children are believed to be at risk of significant harm and deciding the most appropriate form of intervention to safeguard a child or young person from further harm, including Initial Child Protection Conferences, Child Protection Plans and Review Child Protection Conferences.

3.1.2 The decision to instigate child protection enquiries is a serious one and Children's Services has to strike a balance between exercising its statutory duties under Section 47 of the Children Act 1989, making enquiries and taking any action necessary to protect children from significant harm, and supporting families by assessing the need for services under Section 17 of The Children Act.

Consideration should be given as to whether the circumstances of the case meet the threshold for the child protection processes or whether support can be offered to the child and family to alleviate the family difficulties and reduce the risks of harm to the child or young person, e.g. Family Meetings, Family Support. Further guidance can be obtained regarding providing services to children in need in **Leaflet B1**.

3.1.3 It is important to remember, throughout any assessment of referrals in relation to children in need or children in need of protection, that the needs and overall welfare of the child must be considered at the same time as the safety of the child/young person.

3.1.4 Consideration should always be given to the needs of parents, carers, young people and children in respect of ethnicity, language, culture, religion, disability and sexual orientation. This

WSCB Threshold
Guidance for
Practitioners

[Leaflet B1](#)

may include the requirement to access the services of translators, interpreters, communication specialists, workers from the children with disabilities teams and from Adult Services.

- 3.1.5 It is not the intention of the following guidance to remove the element of professional judgement from the decision-making, but to provide a framework within which that judgement can be safely exercised.

4 Referral and Parental Consent

- 4.1 All referrals to Children's Services should be recorded on the Multi Agency Referral Form, unless it is accompanied by a Common Assessment Framework (CAF)/Co-ordinated Support Plan. It is anticipated that professionals from most agencies will complete the forms and submit electronically or by fax. However, there may be occasions when the worker taking the referral will need to complete the form in response to information received by telephone, in particular in response to urgent child protection concerns. Agencies which make an urgent referral by telephone should be asked to complete a written referral within 48 hours.

- 4.2 The worker taking the referral should always identify clearly whether:

- There are concerns about significant harm or the likelihood of significant harm to a child or young person.
- What the associated risk factors are
- Whether it may be necessary to consider urgent action to ensure the child(ren) is safe from harm.

Referrers should be asked specifically if they have any information about difficulties within the family due to domestic abuse, substance misuse, mental illness and/or learning difficulties.

- 4.3 Upon receipt of a referral indicating the possibility of significant harm to a child the worker receiving the referral must discuss the details with a Manager (Team Manager or Consultant Social Worker) and together they should decide whether the child or young person is in any immediate danger. Any referral that suggests a child is at risk of serious or life-threatening harm will warrant immediate action whatever the category of harm alleged or suspected. Immediate liaison with the Police should take place and there should be no delay in responding.

4.4 Issues of Consent:

Agencies do not require the consent of parents or carers to make a referral when they consider the child has suffered or is likely to suffer significant harm. In some situations it will be appropriate for them to inform the parents, but in others it would not be safe to do so, notably where to do so would:

- Place a child, young person or an adult at risk of harm
- Interfere with a child protection or criminal investigation.

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Working Together
2010, 5.18

Working Together 2010, 5.18, states:

“While professionals should seek, in general, to discuss any concerns with the child and family and, where possible, seek their agreement to making referrals to local authority children’s social care, this should only be done where such discussion and agreement-seeking will not place a child at increased risk of suffering significant harm.”

- 4.5 The Department of Health Guidance, *What To Do If You’re Worried A Child Is Being Abused*, has a particularly helpful Appendix concerning Information Sharing.

What to do if you’re worried a child is being abused

- 4.6. Whilst in principle agencies should seek the consent of a **young person** to a referral to Children’s Social Care, this may not always be possible. It may be considered that it would place the young person at risk to seek their consent or they may refuse to give consent. Under such circumstances it is important to instigate the normal child protection procedures in order that the risks to the young person can be fully assessed. It should be remembered that the child protection legislation and guidance relates to children and young people up to the age 18 years.

- 4.7 Any agency bringing concerns of a child protection nature to the attention of Children’s Services should have the opportunity to discuss their concerns with a qualified Social Worker and should be advised of the outcome of the referral in writing at the completion of the initial assessment.

4.8 **Frameworki/List of Children subject to a Child Protection Plan:**

Frameworki should always be checked to see if the child/family is known to the Department, including ascertaining whether the child(ren) is or has been subject to a Child Protection Plan.

5 **Agency checks:**

- 5.1 The parental permission, or the child’s where appropriate, should be sought before discussing a referral about them with other agencies **unless** to do so may place the child or young person at increased risk of suffering significant harm.

- 5.2 On receipt of a referral indicating that a child is, or may be, suffering significant harm the Social Worker should contact each agency:

- Involved with the child
- Involved with any sibling or other child in the household
- Involved with any adult in contact with the relevant child(ren)

- 5.3 Such agencies will include:

- Medical professionals – General Practitioner, Paediatrician, Psychiatrist, Community Psychiatric Nurse, Community Learning Disability Team
- Health Visiting or school nursing

- School or nursery
- Police
- Probation Service
- Social Services Adult Services i.e. Learning Disabilities, Mental Health
- Voluntary agencies, i.e. Homestart, Sure Start, Connexions, Women's Aid.

- 5.4 The Social Worker should record any information held by these agencies and incorporate the information into the initial and, if relevant, core assessments. It will be used to help inform and evidence the assessment of the level of risk to the child (ren).

6. Strategy Discussion

- 6.1 Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, an urgent Strategy Discussion should be arranged by Team Manager/Consultant Social Worker. This can take the form of a meeting or a telephone discussion, but in complex cases a meeting will be the most effective means of sharing information regarding the child's welfare and planning future action. The Strategy Discussion should involve Children's Social Care, the Police, Health and other agencies as appropriate, e.g. Education. In particular, the referring agency should be invited and relevant agencies which may be working directly with the parent/carer, e.g. Probation, Mental Health Services. In some situations it will be appropriate to invite Legal Services. Agency representatives should be of sufficient seniority to agree action.

- 6.2 If the child is a hospital patient or receiving services from a child development team, the medical consultant responsible for the child's care should be involved.

- 6.3 Where the parents/carers are experiencing difficulties, such as domestic abuse, substance misuse or mental illness, it will also be important to involve the relevant adult services' professionals.

All local Health Trusts, e.g. Worcestershire NHS (PCT), Acute Hospital's Trust, West Midlands Ambulance Service and the Mental Health Partnership Trust, have Safeguarding Leads who can be approached for advice regarding attendance.

- 6.4 A Strategy Discussion may take place following a referral or at any other time, e.g. if concerns about significant harm emerge in respect of a child or young person receiving support under Section 17, a looked after child or a child already subject to a Child Protection Plan. The Strategy Discussion can take the form of a face-to-face meeting or may take place in the form of a telephone conversation.

- 6.5. Except in the cases listed below, the Strategy Discussion/Meeting must take place within a maximum of 2 working days of the

WSCB's Good
Practice Guidance:
Safeguarding
Children and Young
People whose
Parents have Mental
Health Needs

[C1 – Appendix E](#)

identification of concerns of Significant Harm. The urgency of the situation, however may dictate that the Strategy Discussion/Meeting takes place very soon after the referral is received.

- For allegations/concerns indicating an immediate risk to the child (e.g. physical injury or neglect), the Strategy Discussion/Meeting should be held on the same day as the receipt of the referral
- For allegations of sexual abuse, the Strategy Discussion/Meeting should be held on the same day as the receipt of the referral, as this may be required to ensure forensic evidence is obtained.
- Where prior emergency action to safeguard the child has been taken, a Strategy Discussion/Meeting must be held within one working day
- Where the concerns are particularly complex e.g. organised abuse, a Strategy Discussion/Meeting must be held within a maximum of 5 working days, but sooner if there is a need to provide immediate protection to a child

6.6 In all cases where there are special requirements arising from culture, ethnicity or disability, consideration should be given to involving a specialist worker to advise the meeting. Such specialist workers should also be available during the ongoing enquiries.

6.7 The Strategy Discussion should be used to:

- Share available information concerning all the children in the household and other children for whom the allegation has relevance.
- Decide whether a section 47 enquiry should be initiated or continued if it has already begun.
- Plan how the section 47 enquiry should be undertaken. This will include whether the enquiry will be carried out jointly by Children's Services and the Police or by a single agency, usually Children's Services.
- Consider the needs of other children who may be affected, i.e. those living in the same household.
- Consider how the family's race, ethnicity and language will be taken into account and whether an interpreter or specialist worker will be required.
- Consider the need for an interview under the Achieving Best Evidence Guidance (ABE) and to the need for medical examination or treatment.
- Agree when the child will be seen alone (unless to do so would be inappropriate for the child) by the Lead Social Worker and how the child's wishes and feelings will be ascertain so that they can be taken into account when making decisions.
- Identify who will carry out and manage the enquiry from each agency. Appropriately trained and experienced Social Workers and police officers will be required for interviews

under ABE.

- On the basis of the information currently available, analyse the level of risk to the child(ren).
- Agree what immediate action is necessary to safeguard and promote the welfare of the child(ren), including legal action, Emergency Protection Order, Police Powers of Protection, and/or the provision of interim services and support.
- If the child is in hospital, agree how to secure the safe discharge of the child.
- Determine what information about the Strategy Discussion will be shared with the family, unless such information sharing may place a child at risk of significant **harm** or jeopardise police investigations into any alleged offence(s).
- Set a timescale for the enquiries.
- Agree the date for a further Strategy Discussion to review the progress of these enquiries. Alternatively it may be appropriate at this stage to consider the need to convene an Initial Child Protection Conference (ICPC).

NB: If a decision is made to convene an ICPC, this should take place within 15 working days of the Strategy Meeting which agreed that a Section 47 enquiry should be undertaken. Therefore, in such cases a request should be made IMMEDIATELY to the Safeguarding and Quality Assurance Service.

6.8 A written record should be made of the Strategy Discussion, (using the proforma) including the information shared, the decisions reached and reasons for these. This record should be circulated to all parties within one working day. It should also be uploaded into Frameworki. It is the Case Manager's responsibility to ensure that the appropriate episode in the child's Frameworki record is fully completed, including any agreed actions, who is undertaking those actions and within what timescale.

6.9 Any disagreement at the Strategy Discussion/Meeting should be referred urgently to the relevant Service Manager for resolution with the Detective Chief Inspector responsible for the Child Abuse Investigation Units. There should be no unnecessary delay in the investigation of a referral of potential harm to a child.

7. Section 47 (Children Act 1989) Enquiry

7.1 Joint Investigation

It is strongly recommended that two workers should undertake all initial visits in respect of Section 47 investigations. This could include a joint investigation by Police and Children's Services, or by Children's Services and Health or Family Support. The Strategy Discussion will normally have identified the investigating team. Enquiries undertaken in this way give the best opportunity for a thorough and detailed assessment to take place and reflect the need to give consideration to issues of staff safety.

7.2 **Seeing the child/young person**

- 7.2.1 Children should be consulted and involved at all stages of the child protection process as is appropriate to their age and understanding and having regard to the level of risk. Their views, wishes and feelings should be ascertained, clearly recorded and taken into account in the decision making process.

WSCB's Guidance for the Participation of Children and Young People in the Child Protection Process)

Working Together 2010 promotes a “child centred approach” and states: “The significance of seeing and observing the child cannot be overstated.” “Undertaking direct work with the child is key.”

- 7.2.1 Where there is a suspicion that a child or young person is at immediate risk of significant harm, he/she should be seen and spoken with alone by the Lead Social Worker, if age appropriate, as soon as possible, but certainly within 24 hours. In some situations the investigation will require careful planning and timing and it may not be appropriate for the child to be seen within 24 hours. In such circumstances the decision to delay seeing the child should be agreed at the Strategy Discussion and the reasons why must be recorded clearly in the minutes of that Discussion.
- 7.2.2 There is a general presumption that the child/young person will be talked with alone, i.e. by the Social Worker without the presence of either parent. If the Social Worker feels this is inappropriate, e.g. due to the age/maturity of the child, level of distress, they can exercise judgement and talk with the child in the presence of any non-abusing adult as far as that can be established.
- 7.2.4 Consideration should be given to the child's age, level of understanding and ability to communicate. Specialist services should be engaged as appropriate, e.g. Children with Disabilities Team. Consideration should be given to needs arising from race, language, culture and religion and translators and interpreters arranged. These should be suitably trained and experienced and requested through approved agencies.

7.3 **Consent to talk to a Child**

- 7.3.1 Children should not normally be spoken to by Social Workers without the consent of a parent. Such action may undermine partnership working with a family, which should be based upon openness and joint decision-making, and leave the Department open to legal challenge.
- 7.3.2 However Working Together to Safeguard Children does recognise that there are exceptional circumstances where a Social Worker and/or a Police Officer may need to speak to a child, who is believed to be at risk of significant harm, without the knowledge of the parent or carer. Relevant circumstances would include:
- The possibility that the child would be threatened or otherwise coerced into silence.
A strong likelihood that important evidence would be destroyed.

That the child in question did not wish the parent to be involved at that stage and the child is competent to make that decision.

7.3.3 The decision to interview a child, believed to be at risk of significant harm, without parental consent, should be taken at a Strategy Discussion (see Section 5 above) and the reasons for such a decision clearly recorded in the minutes. The reasons must be evidence based, i.e. there must be evidence of significant harm linked to parental behaviour. It is not appropriate to dispense with parental consent for minor injuries or low level concerns.

7.3.4 The decision about when to inform the parent or carer will have a bearing on the conduct of police investigations and staff participating in Strategy Discussions/Meeting should be aware of this.

7.4 Consent to Medical Examination

7.4.1 The decision to carry out a medical examination of a child will normally be made at the Strategy Discussion.

7.4.2 Wherever possible the consent of the child and of an adult with parental responsibility should be obtained. When there is no one with parental responsibility who is willing to give consent, advice should be sought from the County Council's Legal Services as to whether legal action is appropriate.

7.4.3 If a doctor considers that a child requires urgent medical treatment then he/she may examine the child without the consent of a person with parental responsibility.

7.4.4 Dependent upon the child's age understanding and maturity it may be possible for the child to be considered "Fraser Competent" and they may be able to give consent to medical examination/treatment in their own right.

7.4.5 For families where English is not their first language, arrangements should be made for the provision of a suitably trained and experienced interpreter and/or support person.

7.4.6 Where there are communication difficulties arising from factors such as hearing impairment or learning disability then it will be important to have access to the services of a specialist worker or other facilitator.

7.5 Who should undertake the medical examination?

7.5.1 The question of who will carry out a medical examination should be addressed during the Strategy Discussion. Wherever possible medical examinations, carried out as part of section 47 investigations, should be undertaken by a Consultant Paediatrician.

- 7.5.2 When the allegations relate to sexual abuse then the medical examination should be undertaken by a suitably trained and experienced medical practitioner.
- 7.5.3 Where it is suspected that the child has been injured as a result of a criminal act, a Police Surgeon should also be present. The Police will make arrangements for this. The need to avoid the child having more than one medical examination should be high priority.
- 7.5.4 It is essential that the Social Worker prepares the child/young person for the examination, explaining to him/her the reasons for the medical and the process involved. It is also important that their needs and wishes are taken into consideration in planning the examination, i.e. who they would wish to be present and where the examination should take place.

7.6 The Role of the Social Worker at the Medical Examination

- 7.6.1 The Social Worker should plan the medical examination, according to the local arrangements in place.
- 7.6.2 The Social Worker should accompany the child and parents, or carers, to the medical examination in order to supply the relevant background information and to provide the necessary protection and advocacy for the child.
- 7.6.3 In all cases the Social Worker should obtain a written report from the examining doctor(s). This should be made available to the Child Protection Conference.
- 7.6.4 The Social Worker should provide a pro-forma Body Map for the doctor's use. The Body Map can then be attached to any written report in appropriate circumstances.

7.7 Case Management

- 7.7.1 During the investigation the Team Manager should be fully involved in the process of risk analysis and decision-making. Arrangements should be in place for a Team Manager to be consulted at any time. The Team Manager should record the key elements of management discussion, decisions taken and action agreed.
- 7.7.2 The Team Manager should have access to advice from the relevant Operational/Service Manager.

7.8 If Access to the Child is denied

- 7.8.1 If in the course of the Section 47 enquiry, access to a child is denied or frustrated the investigating Social Worker and Team Manager should consider this as a factor in the assessment of risk of significant harm and immediately consider, in consultation with Legal Services, whether or not legal action is necessary to safeguard the child.
- 7.8.2 Such legal action would normally include application for an Emergency Protection Order or a Child Assessment Order.

WSCB's Guidance
for working with
resistant, violent and
aggressive families

7.8.3 A lack of parental co-operation with the enquiries is not a reason to terminate the enquiries prematurely, as this could result in failure to protect a child from harm.

7.8.4 If the criteria for legal action are not met and agencies are unable to gain access to the child, the Social Worker and Team Manager should consider whether to reconvene the Strategy Discussion, or to hold a Child Protection Conference, with the legal advisor present.

8. Outcome of Section 47 enquiries

8.1 At all times during the investigation it is important that the Social Worker and Team Manager, together with their police colleagues, if a joint investigation is being undertaken, evaluate the child's need for immediate protection. The child's race, religion, language, gender, disability and special needs should be taken into account in formulating an initial plan.

8.2 On completion of the enquiries the assessment, risk analysis and outcomes should be recorded on the appropriate template. The assessment should identify the risks to the child as well as any protective factors within the family, wider family or environment.

8.3 **Concerns not substantiated:** Where, following the enquiries, significant harm is not substantiated, the Social Worker and Team Manager should decide whether the child is considered to be a child in need and whether services should be offered to the child and his/her family through a Child in Need Plan or a Co-ordinated Support Plan (CAF).

8.4 **Concerns substantiated, but child not judged to be suffering significant harm:** In such cases there may be substantiated concerns that a child has suffered significant harm, but it is agreed between agencies that a plan for safeguarding the child can be developed and put in place without the need for a Child Protection Conference or Child Protection Plan. Such a decision should be endorsed by a qualified and experienced social work Team Manager.

Agencies and professionals working with the family and child, including those who have taken part in the Section 47 enquiry, have a right to request that Children's Social Care convene a Child Protection Conference, if they have concerns that a child may not be adequately safeguarded.

8.5 Concerns are substantiated and the child is judged to be likely to suffer significant harm: **Where, following the enquiries, the allegation of significant harm is substantiated, consideration should be given to the need to convene an Initial Child Protection Conference. In cases where significant harm is assessed to be continuing this will normally be appropriate.**

- 8.6. **Immediate Protection:** If the assessment indicates that there is a risk to the life of a child or a likelihood of serious immediate harm, the local authority should act quickly to secure the immediate safety of the child. Legal advice should be sought. In some cases it may be sufficient to secure a child's safety by a parent taking action to remove an alleged perpetrator, in other cases it may be necessary to ensure either that the child remains in a safe place or that the child is removed to a safe place, either on a voluntary basis or by obtaining an Emergency Protection Order. In extreme circumstances it will be appropriate to liaise with the Police to explore whether the criteria are met for Police Powers of Protection to be used.
- 8.7 The Social Worker and Team Manager should advise the parents, the carers, the referrer and other agencies involved in the investigation of the outcome of the enquiries in writing as soon as it is appropriate to do so. The child and young person should also be advised in accordance with their age and level of understanding.
- 8.8 In exceptional cases a decision may be taken at the closure of the section 47 enquiry not to inform the parents. This decision should normally only be taken following advice from the County Council's Legal Services. In such cases the reasons for this decision should be agreed in writing by the responsible Team Manager. It is important that any workers involved with the family in the future have access to this information
- 9. Initial Child Protection Conference**
- 9.1 Inter agency Child Protection Procedures**
- 9.1.2 The Inter Agency Child Protection Procedures for Safeguarding Children describes fully the policies of the Worcestershire Safeguarding Children Board (WSCB) in relation to Child Protection Conferences. These can be accessed at www.worcestershiresafeguarding.org.uk
- 9.1.3 An independent Child Protection Co-ordinator will chair all Child Protection Conferences.
- 9.1.4 Any agency affiliated to the WSCB can request a Child Protection Conference, although it is the Child Protection Co-ordinator's task to convene it. If the request is made by an agency to a Team Manager who considers that a Child Protection Conference is not necessary, and is unable to resolve that difference of view with the referring agency, then he/she should consult with the Child Protection Co-ordinator.
- 9.1.5 A decision to convene a Child Protection Conference will only be taken following a Section 47 enquiry and an initial assessment unless there are exceptional circumstances which must be agreed by the Child Protection Co-ordinator.

WSCB's Inter-Agency Child Protection Procedures for Safeguarding Children

9.2. Pre-birth Child Protection Conference:

9.2.1. Where there are concerns that an unborn baby will, or may be likely to, suffer significant harm a decision can be made to convene an Initial Child Protection Conference prior to the baby's birth. Pre-birth Conferences have the same status as an ICPC.

WSCB's
Safeguarding
Around the Time of
Birth

9.2.1. It is essential that Midwifery Services are fully involved.

9.2 Timescales

9.2.1. In line with Working Together to Safeguard Children 2010 Initial Child Protection Conferences "should take place within 15 working days of the Strategy Discussion, or the Strategy Discussion at which the section 47 enquiries were initiated, if more than one has been held."

Working Together
2010, 10.24

9.2.2. The Social Worker's report should be made available to the parents/carers, child/young person and the Chair of the Conference 2 days before the Conference, to allow for adequate preparation.

9.3 Attendance

The Social Worker or Team Manager will compile a list of invitees. This should be emailed to the Safeguarding & Quality Assurance Service.

9.3.1 Invitees should always include:

- Child, depending on age and understanding
- Child's support person/advocate (**Ref 9.6.**)
- Parents*
- Parents' support person/advocate (**Ref 9.5**)
- Extended family members as appropriate
- The Social Worker who conducted the Section 47 enquiry
- Social Work Team Manager
- Police Family Protection Unit
- Senior Nurse Child Protection
- General Practitioner
- Community Midwives (Pre-birth)
- Health Visitor (Under five year old)
- School Nurse
- Early years staff
- School
- Youth Justice/Youth Offending Team

***It is important to "Think Fathers". Unless there are relevant reasons why a father should not be invited to the conference, e.g he presents a threat to the child, the other parent or a professional, then he should be invited.**

9.3.2 The following agencies should also be invited if they have involvement with the family. Consideration should be given to inviting them even if they are not currently involved but have had past involvement and may have relevant information.

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- Consultant Paediatrician
- Probation Service
- Adult Services, e.g. Physical Disabilities, Learning Disabilities, Mental Health, Substance Misuse Services, Domestic Abuse Services
- Education Welfare Officer
- Representative of Armed Forces
- Family Support Team
- Foster carers/residential staff
- Children's Guardian (where proceedings are underway)

9.4. Involvement of family members:

9.5.1 Parents and all persons holding parental responsibility for a child should always be invited to the conference, unless there are grounds for exclusion (see below). This includes a parent who is not currently living with a child. In addition anyone who is currently caring for a child or young person should be invited. Parents will be invited to meet the chairperson 15 minutes before the start of the conference.

9.5.2 Consideration should be given to inviting both parents, where it is safe to do. Working Together to Safeguard Children 2010 suggests that local authorities can be overly "mother focussed" and highlights the importance of involving fathers and the paternal family, who may be able to offer support and protection to the child(ren).

9.5.3 Parents should be encouraged to bring a supporter. This may be an independent advocate, community advisor, solicitor, friend or relative

9.5.4 Consideration must also be given to identifying and addressing any particular needs the parents may have with regard to disability, including sensory impairment and learning difficulties.

9.5.5 Black and minority ethnic parents/carers should be appropriately supported and advised at the Conference. In addition, where parents/carers do not speak English as their first language, arrangements should be made through an approved agency for a suitably trained and experienced interpreter to attend the Conference. This should be discussed with the Chairperson prior to the Conference.

9.5.6. Members of the extended family, e.g. grandparents, aunts and uncles, can also be invited to attend if they have a contribution to make either in providing helpful information to the Conference or in offering support/protection to the child. They may wish to make a written submission to the Conference.

9.5.7. It is recognised that some parents or others with parental responsibility occasionally object to the presence of other relatives at Child Protection Conferences. Such objections must be

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reported to the Child Protection Co-ordinator who has ultimate responsibility for deciding who attends. While it is inappropriate for any parent to veto the attendance of any individual, the CP Co-ordinator may choose to exercise discretion and manage the Conference in such a way as to satisfy the parent's concern, e.g. arrange for the relative to attend separately or to provide their information in a written format.

- 9.5.8. The Child Protection Co-ordinator will decide the composition and conduct of the ICPC, based on the safety and interests of the child, and not on the needs or wishes of any other individual involved.

9.6 Legal advice to conference

Legal advice is not necessary for every Child Protection Conference but the following list details situations in which Legal Services should be consulted about the need for their attendance:

- The child is or has recently been the subject of Police Powers of Protection.
- Children's Services are seriously contemplating, or have already taken, legal action in relation to the child(ren), e.g. Public Law Outline, EPO/Care proceedings.
- Ongoing private law proceedings in relation to the children, e.g. regarding contact/residence/parental responsibility etc.
- Disputes between family members about the exercise of parental responsibility.
- Cases in which the threshold criteria for care proceedings are likely to be met **unless** a Child Protection Plan can be implemented on a voluntary basis with a realistic prospect of success.
- Conferences to which family members intend to bring their legal representatives.

9.7. Information for the Conference:

- 9.7.1. Children's Social Care should provide a written report in the ICS format which provides:

- A chronology of significant events and agency contact with the children and family
- Information on child's developmental needs
- Information on the capacity of parents and family members to safeguard the child
- Information on environmental factors
- Information on the family history
- Wishes, feelings and views of the child/young person
- Views of parents and family members
- A summary and analysis of the information obtained in the course of the initial and core assessment undertaken under section 47.
- The local authority's recommendations to the Conference.
- Team Manager's comments

- 9.7.2. The report should include information about the dates the child was seen and spoken with by the Lead Social Worker. This should include whether the child was seen alone and if not the reasons for this. Also details of anyone else who was present when the child was spoken with.
- 9.7.3. The report should be agreed with the Team Manager, who should add his/her comments/recommendations in the appropriate section in the report. The Manager should also countersign the report.
- 9.7.3. The report should be made available to the parents/carers and the Chair of the Conference 2 days before the Conference, so that both can prepare adequately.
- 9.7.4. The Social Worker should arrive **15 minutes** before the Conference is due to start, so that the report can be distributed and read by the professionals attending the Conference. The Social Worker should bring sufficient copies of the report for all attendees.

9.8. Information to parents/carers and child/young person

- 9.8.1. **The Social Worker should share their assessment report with the parents' views at least 48 hours before the Conference.** The assessment should include the parents' views and a copy should be provided to help them prepare for the Conference. This could include discussing with their solicitor and/or advocate.
- 9.8.2. Consideration must be given to ways of ensuring that the report is provided in a way that is accessible to parents, e.g. translated into a first language, recorded for parents with learning difficulties or visual impairment. In addition consideration should be given to the use of language and a larger font.

Children and family members should be supported in thinking about what they want to convey to the Conference and how best to do this, e.g. by written report which could be read by the Chair of the Conference. Also consideration should be given as to who will support them at the Conference and maybe speak on their behalf.

9.9 Participation of child/young person:

- 9.9.1. Participation by children and young people can take a number of forms, not by attendance alone. Children's views can be presented by a member of the Conference or by another medium, e.g. in writing, pictures, recording. The important principle is that a child's views and wishes should be reported to the Conference and their views and wishes taken into account in the decisions and recommendations made.
- 9.9.2 Young people 11/12 years or over should normally be invited to attend the Conference, unless the individual circumstances

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indicate that this would not be in the child's best interests. Consideration of the appropriateness of a young person attending the Child Protection Conference should be discussed with the Chairperson. In all cases it is advisable to discuss with the Chairperson how best to involve the young person in the Conference process.

- 9.9.3. It will always be necessary for the Social Worker to prepare the child/young person in advance of the Conference to ensure that as far as they are able, given their age and level of understanding, they understand the reasons for the Conference and the process involved.
- 9.9.4 Consideration should also be given as to how the child/young person wish his/her views to be presented to the Conference, who they would want for a support person and whether they wish to be present for the whole of the Conference. Children can present their views in a number of ways – in pictures, in writing or through another person.
- 9.9.5 Any special needs the young person has should be identified and specialist resources provided where necessary, e.g. interpreter, advocate.
- 9.9.6 The Chairperson will always be available to meet the young person prior to the Conference.
- 9.9.7 The letter inviting a child or young person to a Conference will be accompanied by the appropriate WSCB information leaflet developed for the purpose.

9.10 Exclusion criteria:

- 9.10.1 The decision to exclude a parent or carer from a Conference is taken by the Chairperson. A parent or carer will be excluded if:
- There is a strong risk of violence or intimidation by a family member at, or subsequent to, the Conference towards a child or anyone else.
 - He/she is under the influence of drugs or alcohol and unable to participate in a meaningful way.
 - He/she is the subject of legal proceedings, criminal or civil, and there is an order in place that he/she should not have contact with a person who will be attending the Conference.
- 9.10.2 Parents, carers and young people should be advised in writing of the reasons for the exclusion. The Chairperson can offer to meet him/her prior to the Conference to ascertain their views if this would be considered helpful.
- 9.10.3 There will be some exceptional circumstances where the difficulties within the family mean that in order to ensure the safety of attendees, and the effective running of the Conference, the chairperson decides that certain family members should not be

present in the Conference together. This may result in a member of the family being excluded for part of the Conference or a split Conference.

9.11 The Purpose of the Initial Child Protection Conference is to:

- To bring together and analyse, in an inter-agency setting, the information which has been obtained about the child's developmental needs and the parents' or carers' capacity to respond to these needs to ensure the child's safety and promote the child's health and development, within the context of their wider family and environment.
- To consider the evidence presented to the Conference and taking into account the child's present situation and information about his or her family history and present and past family functioning, make judgements about the likelihood of the child suffering significant harm in the future and decide whether the child is continuing to, or is likely to, suffer significant harm
- To decide what further action is required in order to safeguard and promote the welfare of the child, including the child becoming the subject of a Child Protection Plan, what the planned outcomes are for the child and how best to achieve these.

9.12 Chairing the Child Protection Conference:

9.12.1 The Conference will be chaired by a professional who is independent of the operational or line management responsibilities for the case. Wherever possible the same person will chair subsequent Conferences.

9.12.2 The responsibilities of the Conference Chair include:

- Meeting the child and family members before the Conference to ensure they understand the purpose of the Conference and what will take place
- Setting out the purpose and agenda to all those present.
- Emphasising the confidential nature of the Conference
- Enabling all present to make a contribution to the discussion and decision and recommendations. Also those absent who wish to make a contribution
- Ensuring that decisions are taken in an informed and systematic way

9.12.3. The Conference Chair also has a quality assurance role in ensuring that the child protection procedures are adhered to and the process is effective. **(See Section 12)**

9.13 Quoracy

9.14.1 Working Together (5.85) is clear that an Initial Child Protection Conference is not quorate unless, and in addition to Children's Services, "two other professional groups or agencies which have had direct contact with the child who is the subject of the Conference" are present.

9.13.2 If this required quorum is not met then the Initial Child Protection Conference should (at the discretion of the Chair):

- Receive and debate such reports as are available;
- Make any recommendations deemed necessary regarding the immediate safety of the child in question; and
- Reconvene the Initial Child Protection Conference within four weeks.

9.13.3 The above actions can include the development of an interim Child Protection Plan and the child being added to the list of children with Child Protection Plans. This action must be confirmed or otherwise at the re-convened Initial Child Protection Conference.

9.14 Action and decisions for the Conference:

9.14.1 In deciding whether the child should be subject of a Child Protection Plan the Conference should consider:

- Has the child suffered significant harm? **And**
- Is the child likely to suffer significant harm in the future?

The test for likelihood of suffering harm in the future is that either:

- The child can be shown to have suffered ill-treatment or impairment of health or development as a result of physical, emotional or sexual abuse or neglect and professional judgement is that further ill treatment or impairment are likely

OR

- Professional judgement substantiated by the findings of enquiries in this case or by research, is that the child is likely to suffer ill-treatment or the impairment of health or development as a result of physical, emotional or sexual abuse or neglect.

9.14.2 If the Conference decides that the child is likely to suffer significant harm in the future, the child will therefore require inter-agency help and intervention to be delivered through a formal Child Protection Plan. The Chairperson should determine the category of abuse or neglect the child has suffered or is likely to suffer.

9.14.3 Unborn children whose circumstances are discussed within a Child Protection Conference can be made subject of a Child Protection Plan before their birth if the Conference believes that the unborn child may be at future risk of significant harm. The implications of such a decision are that the unborn child will be subject to the same processes as any living child who becomes the subject of a Child Protection Plan.

9.14.4 In making such a decision consideration should be given to the likelihood of the mother leaving the area and whether a Child Protection Plan would provide greater protection to the unborn child in such circumstances.

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Safeguarding
Around the Time of
Birth.

9.14.5 It is absolutely vital that midwifery services are fully involved in the development of the Child Protection Plan via membership of the Core Group. The Child Protection Plan must be discussed with the hospital where it is expected that the child will be delivered, and a copy of the plan lodged within the mother's medical records.

9.14.5 The Conference may decide to defer the decision regarding the need for a Child Protection Plan pending further assessments. A further Conference should normally be arranged within three months, although there may be situations where another period is more appropriate, e.g. to fit with the timing of a police investigation. A contingency plan should be identified if further concerns arise about the child(ren)'s safety and wellbeing during that period.

9.14.7 Following a decision that a child requires a Child Protection Plan, it is the role of the Conference to "formulate the outline Child Protection Plan in as much detail as possible". It should consider and make recommendations about how agencies, professionals and the family should work together to ensure that the child will be safeguarded from harm in the future including:

- Appointing the Lead Social Worker (a qualified and experienced Social Worker)
- Identify the membership of the Core Group of agencies, professionals and family members, who will develop and implement the Child Protection Plan as a detailed working tool. Consideration should be given to the child/young person being part of the Core Group and to how their views can be best represented at the meetings.
- Outlining the Child Protection Plan and identifying what needs to change in order to safeguard and promote the welfare of the child.
- Establishing how children, parents, carers (including those with parental responsibility) and wider family members should be involved in the ongoing assessment, planning and implementation process, and the support, advice and advocacy available to them.
- Establishing the timescales for the meetings of the Core Group and arrange the first meeting within ten working days, which will produce the written Child Protection Plan,
- Identifying what further action is required to complete the core assessment and what other specialist assessments are required.
- Ensuring a contingency plan is in place if agreed actions are not completed or circumstances change quickly.
- Establishing a date for the first child protection review Conference within 3 months (91 days) of the initial Conference.
- Agreeing under what circumstances it might be necessary to reconvene before the agreed date.

9.15 The Outline Child Protection Plan should:

- Identify the factors associated with the likelihood of the child suffering significant harm and ways the child can be protected from harm.
- Identify the required outcomes, which should be measurable.
- Establish short-term and longer-term aims and objectives, clearly linked to preventing the child suffering significant harm, meeting the child's developmental needs and promoting the child's welfare, including contact with family members.
- Be clear about who has responsibility for what actions, including family members, within what timescales.
- Be clear about which professional is responsible for checking that the required changes have taken place.
- Outline how to monitor and evaluate progress against the planned outcomes.
- Include a contingency plan if circumstances change significantly and immediate action is required to protect the child or young person.

9.16 Legal Action

In cases where it is likely that legal action may be considered by the Conference, it is advisable for the Social Worker or Team Manager to seek legal advice prior to the Conference. This advice can then be taken into consideration in the recommendations made to the Conference.

It is the local authority's **duty** to consider the evidence and decide whether to take any legal action. A Child Protection Conference can recommend that care proceedings are instigated, but Children's Services make the decision to proceed.

9.17 Decision that child does not require a Child Protection Plan

If a decision is made that the child does not require a Child Protection Plan, he/she may still need services to promote his/her health or development. The Conference should discuss with the family how best to meet these needs, in particular to consider and make recommendations for a Child in Need Plan, including arrangements for a review of the plan.

9.18 Children looked after by the local authority

9.18.1 Working Together 2010 states that "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."

9.18.2 When a child or young person has been made the subject of a Child Protect Plan and he/she is subsequently made the subject of an Interim Care Order and placed away from home, with arrangements for supervised contact, the risk of significant harm is greatly reduced. Therefore, consideration can be given to removing the child's name from the List of Children who are subject of a Child Protection Plan without the need for a Review

Child Protection Conference. In such circumstances the Child Protection Co-ordinator will write to the relevant agencies requesting their agreement to this action.

In some situations where the safeguarding issues remain, a looked after child should continue to have a Child Protection Plan, e.g. where a child subject to an interim care order remains living at home, pending the outcome of the final hearing, or where a young person's behaviour is likely to result in significant harm to themselves or others.

9.18.3 Children looked after by the local authority with Child Protection Plans

In such cases the intention is that there should be one single planning and reviewing process, led by the Independent Reviewing Officer (IRO). The two reviewing systems should be aligned to enable the full range of the child's needs to be considered in the LAC care planning and reviewing process.

The child protection aspects of the care plan should be reviewed as part of the overall LAC reviewing process, leading to the development of a single plan. The LAC Review should consider whether the criteria continue to be met for the child to remain the subject of a child protection plan and if so outline the key elements of the child Protection Plan.

10 Child Protection Planning/Core Group Working

10.1 The Role of the Core Group

10.1.1 Membership of the Core Group is nominated by the Conference and consists of the Lead Social Worker, who chairs the Core Group meeting, the child/young person if appropriate, family members and professionals who will have direct contact with the family, including the Foster-carer when child is accommodated.

The Core group is responsible for:

- Developing the Child Protection Plan as a detailed working tool, and implementing it, within the outline plan agreed at the Child Protection Conference
- Agreeing frequency of contact with the child – all workers, including the Lead Social Worker.
- Carrying out the tasks identified in the Plan.
- Assisting the Lead Social Worker in planning how the core assessment will be completed
- Ensuring regular and constant exchange of information regarding the child's welfare and protection.
- Informing the Lead Social Worker immediately of any information which raises concern regarding the child's welfare and protection. This should be followed up in writing within 48 hours;
- Supporting the Lead Social Worker in establishing successful inter-agency working.

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Note: Where a (professional) Core Group member is unable to attend a Core Group meeting, a written report should be provided to the Lead Social Worker for inclusion at the meeting.

10.1.2 The relevant **Children's Services' Team Manager will always chair the first meeting of a Core Group** after the Initial Child Protection Conference. Thereafter, the Team Manager or the Lead Social Worker will chair Core Groups, depending on the complexity of the case and the experience of the worker.

10.1.3 All members of the Core Group are jointly responsible for the formulation and implementation of the Child Protection Plan, refining the plan as needed and monitoring progress against specified objectives in the plan.

10.1.4 The first meeting of the Core Group should take place within 10 working days of the Initial Child Protection Conference. The Core Group should develop the outline Child Protection Plan drawn up at the ICPC. This should be distributed immediately to all Core Group members. If necessary a casenote can be added to record any relevant information from the Core Group meeting. Subsequent meetings should be held regularly and as necessary, according to the assessed level of risk and need for close co-operation between agencies to keep the child safe. It is a requirement that the Child Protection Plan is updated and distributed following each Core Group and again a casenote can be added as necessary

Arrangements for Core Group meetings following a Review Conference should again be as is necessary to ensure the Child Protection Plan is moving forward and the child is safeguarded.

10.1.5 The Core Group should meet within **ten working days** of the Conference and then as necessary according to the assessed level of risk.

10.1.6 The Core Group should meet within **ten working days** of the Review Child Protection Conference and then as necessary according to the assessed level of risk. The Core Group following the RCPC should develop the outline Child Protection Plan and it is a requirement that subsequent Core Groups update the Child Protection Plan. This ensures that there will always be a current and relevant Child Protection Plan in place. It is the Lead Social Worker's responsibility to ensure that a copy of the most up-to-date Child Protection Plan is distributed to all Core Group members.

10.1.7 The Child Protection Plan should be recorded on the appropriate format. It should note the actions agreed, by whom and timescales. It should be circulated to all members of the Core Group.

Working Together
2010,

10.2 The Child Protection Plan

10.2.1 The aim of the Plan is to:

- Safeguard the child from further significant harm.
- Promote the child's health and development
- Support the family and wider family to promote the welfare of their child.

10.2.2 The written Child Protection Plan should set out what work needs to be done, why, when and by whom. As detailed in Working Together (5.123) The plan should:

- Include specific, achievable, child focused **outcomes** intended to safeguard and promote the child's welfare;
- Describe the identified developmental needs of the child, and what therapeutic services are required
- Include realistic strategies and specific actions to achieve the planned outcomes. This should include timescales for the completion of actions and what action should be taken if these are not met.
- Set out when (i.e. frequency) and in what situations the child will be seen by the Lead Social Worker, both alone and with other family members or caregivers present;
- Set out clearly the roles and responsibilities for all members of the Core Group, including family members and professionals with routine contact with the child, e.g. health visitors, GP's and teachers, as well as any specialist or targeted support to the child and family. This should include outlining the nature and frequency of their contact with the child and family.
- Lay how progress will be reviewed and assessed.
- Contain contingency arrangements if the plan is not proceeding as planned, resulting in increased risk of significant harm to a child/impairment of health and development.
- Identify any disagreements with the plan

10.2.3 The Plan should be recorded on the proforma and circulated to all members of the Core Group.

10.2.4 Negotiating the plan with parents/carers: The Child Protection Plan should take into account the views of the parents, as long as these are consistent with the child's welfare. Parents should be clear about what needs to change and what is expected of them as part of the Child Protection Plan. The parents/carers should receive a written copy of the Plan in their preferred language. If the family's views are not accepted about how best to safeguard the child, the reasons for this should be explained. Families should be told about their right to complain and make representations, and how to do so

10.2.5 Agreeing the Plan with the Child/Young Person: The Plan should be explained and agreed with the child. The Plan should take into consideration the wishes and feelings of the child. The

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child should be given a copy of the Plan written at a level appropriate to his or her age and understanding and in his or her preferred language.

- 10.2.6 The Lead Social Worker should make every effort to ensure that the children and parents have a clear understanding of the planned outcomes of the Plan, that they accept it and are willing to work within it.

10.3 The Role of the Lead Social Worker:

- 10.3.1 When a child or young person is made the subject of a Child Protection Plan at the Initial Child Protection Conference the Lead Social Worker, Case Manager and members of the Core Group must be identified at the Conference.

- 10.3.2 The Lead Social Worker in all cases will be a member of Children's Services, as it is the agency that has statutory responsibility for the management of child protection in Worcestershire.

- 10.3.3 Children who are subject to a Child Protection Plan should at all times have a nominated Lead Social Worker, who should be a qualified and experienced member of the social work staff.

- 10.3.4 The Lead Social Worker is responsible for ensuring that the outline Child Protection Plan, formulated at the Child Protection Conference, is developed into a more detailed inter-agency plan. An effective Child Protection Plan should be SMART – Specific, Measurable, Achievable, Realistic and Targeted. It is therefore important that plans have clear objectives, understood by all members of the Core Group, including parents/carers and children and young people, where appropriate. Roles and responsibilities should be clearly outlined, with key tasks and timescales.

- 10.3.5. The Plan should also outline the contingency plans, i.e. what action should be taken should the plan prove ineffective in safeguarding the child or young person.

- 10.3.6. The Lead Social Worker should see the child, alone when appropriate, in accordance with the plan. He/she should regularly ascertain the child's wishes and feelings and keep the child informed about the Child Protection Plan and any changes. The Lead Social Worker should record when the child was seen, who else was present and if the child was not seen alone, the reasons for this.

- 10.3.7 The Child Protection Plan should specify the visiting arrangements by each member of the Core Group to the child.

10.4 Duties and Responsibilities of Lead Social Workers

- 10.4.1 The main duties and responsibilities of the Lead Social Worker are to:

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- Ensure that parents and children, if appropriate, are aware of and understand the outcome of the Conference.
- Ensure that all professionals working with the family are aware of the Child Protection Plan, including professionals coming into contact with the child after the Conference, e.g. if the child starts or changes school.
- Ensure that the outline Child Protection Plan recommended by the initial Child Protection Conference is developed into a more detailed inter-agency plan. This will involve all members of the Core Group, including parents/carers and the child if appropriate.
- Ensure that the parents/carers and child have a copy of the plan **and** fully understand their role in enabling the plan to achieve the desired outcome.
- Act as the leading member of the Core Group, co-ordinate the interagency work and monitor the implementation and effectiveness of the Child Protection Plan.
- Co-ordinate the completion of the core assessment with the family, secure contributions from Core Group members in planning how that core assessment will be completed, identify what, if any, specialist assessments are required, and set in motion the arrangements for such specialist assessments to be commenced.
- Act as the central point for the receipt and dissemination of information between all agencies.
- Maintain regular contact with the child and family to monitor the welfare of the child.
- See the child alone on a regular basis, as agreed by Core Group and outlined in the Child Protection Plan (see above) as well as other members of the child's household.
- Keep under review the child's protection and regularly re-assess the level of risk in the family to ensure the child is not being subjected to further abuse or neglect.
- Advise the Case Manager of any important changes in either the child or family situation.
- Inform the appropriate Children's Services if a child with a Child Protection Plan moves to another area.
- Inform the SM for Safeguarding and Quality Assurance of such a move.
- Alert all agencies if a child with a Child Protection Plan is reported as being missing.
- Inform the SM for Safeguarding and Quality Assurance of a missing child or young person with a Child Protection Plan, so that details can be sent to all local authorities.

10.5 Contact with child or young person: Statutory visiting

10.5.1. The Core Group will agree the frequency of professionals' contact with the child, including the Lead Social Worker. This contact should be determined according to the needs of the child, including their need for protection and the identified level of risk.

10.5.2. The Lead Social Worker should undertake **a statutory visit** to the child or young person **at least every two weeks**. In exceptional situations, where the level of risk of harm to the child has reduced, it can be agreed with the Core Group that the frequency of visiting should be reduced, e.g. where progress has been sustained and there is a likelihood that the Child Protection Plan will cease at the next Child Protection Conference. The reasons for this should be recorded and agreed by the Team Manager in casenotes and also in the Child Protection Plan. **However, it should never be less than 4 weeks**. Regular contact must be maintained in order to monitor the child's health and wellbeing, and the risks to the child, and to identify any changes in the child's circumstances.

10.5.3. The Lead Social Worker should talk with the child on his or her own, according to age and understanding. Working Together (2010) states the Worker should develop a "therapeutic relationship, regularly ascertain the child's wishes and feelings and keep the child up to date with the Child Protection Plan and any developments or changes." The Lead Social Worker should gain a knowledge and understanding of the child and their "lived experiences", such that the child is able to talk to them about their worries, but also so that the Worker can identify changes in mood and behaviour, which may have significance.

10.5.4 The Lead Social Worker should record the visit to the child as a statutory visit in the child's electronic record. The recording should include who else was present and if the child was not seen alone the reason for this.

The Lead Social Worker should monitor the child's home circumstances, including bedroom and sleeping arrangements, kitchen and bathroom and toilet.

10.5.5. In addition, the Inter-Agency Procedures state that the child should be seen at least fortnightly by person(s) nominated by the Core Group. These again are minimum requirements.

10.6 Difficulties in implementing the child protection plan

If there are any difficulties in implementing the Child Protection Plan the Lead Social Worker should immediately discuss these with the Team Manager. A number of options should be considered depending on the assessment of risk to the child or young person. These include:

- To convene an immediate Core Group meeting to look at amending/developing the Child Protection Plan to include an increased level of visiting, unannounced visits, greater involvement of wider family members.
- To convene an urgent Review Child Protection Conference
- To seek legal advice regarding immediate protective action

11. Child Protection Review Conference

All the guidance with regard to the involvement of parents/carers

and children and young people referred to earlier, in the section relating to Initial Child Protection Conferences, applies equally to Review Child Protection Conferences.

11.1 Timescales:

11.1.1 Working Together stipulates that in all cases where a child is made subject to a Child Protection Plan at the Initial Child Protection Conference then that decision must be reviewed within a maximum of 3 months (91 days).

11.1.2 If the child remains subject to a Child Protection Plan following the first Child Protection Review Conference, then that decision must be reviewed within a maximum of six months (182 days). This applies also to any subsequent Review Conference.

11.1.3 **It is the policy of the Worcestershire Children's Services that a recommendation to cease a Child Protection Plan and establish a Child in Need Plan cannot be made at the first Review Child Protection Conference without the prior authorisation of an Operational Manager or Service Manager.**

11.1.4 Where necessary reviews should be brought forward to address changes in a child's circumstances.

11.2 Purpose:

11.2.1 The purpose of the Child Protection Review Conference is to:

- Review whether the child is continuing to suffer, or is likely to suffer, significant harm **and** their health and developmental progress against planned outcomes set out in the Child Protection Plan.
- Ensure that the child continues to be safeguarded from harm **and**
- Consider whether the Child Protection Plan should continue or should be changed

The review should consider whether the child is suffering or is likely to suffer significant harm and continue to require safeguarding from harm through a Child Protection Plan.

11.3 Quoracy:

11.3.1 As with Initial Child Protection Conferences, a Review Child Protection Conference is not quorate unless in addition to representatives from Children's Services, there are "at least two other professional groups or agencies which have direct contact with the child who is the subject of the Conference".

11.3.2 Attendees may also include staff whose contribution relates to their professional expertise or responsibility for relevant services.

11.3.3 In exceptional circumstances this minimum quoracy can be breached, but careful consideration should be given to a decision to cease a Child Protection Plan in such circumstances.

11.4 Involvement of children and young people:

As with every stage of the child protection process, the child's wishes and feeling should be sought, presented to the Conference and taken into account during the reviewing and decision-making process.

11.5 Reports to Review Conferences:

11.5.1. Each member of the Core Group should produce an individual agency report for the Conference. These reports will provide an overview of the work undertaken by the family and professionals and evaluate the impact of the interventions against the planned outcomes as set out in the Child Protection Plan.

11.5.2 Any members of the Core Group unable to attend should send their reports to the Lead Social Worker.

11.6 Discontinuing the Child Protection Plan:

11.6.1 Working Together, para. 5.141, states that a child should no longer be the subject of a Child Protection Plan in the following circumstances:

- It is judged that the child is no longer continuing to, or be likely to, suffer significant harm and therefore require safeguarding by means of a Child Protection Plan;
- The child and family have moved permanently to another area (see Section 13). In such cases the receiving local authority should convene a Child Protection Conference within 15 working days of being notified of the move.
- 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 U.K.

In respect of the first bullet point above, only a Child Protection Review Conference can decide that a Child Protection Plan is no longer necessary.

Where the recommendation is to cease a Child Protection Plan the Lead Social Worker should provide evidence that:

- The likelihood of the child suffering significant 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 no longer necessary

11.6.2 It is of critical importance that those factors that led to the original decision to make the child subject to a Child Protection Plan are addressed by the Lead Social Worker in their report to the Child Protection Review Conference

11.6.3 The Lead Social Worker must complete their report using the ICS exemplar 'Report to Child Protection Review Conference' and

must have the report and its recommendations validated by the responsible Team Manager before presentation to the Conference.

11.6.4 The decision to cease a Child Protection Plan should not lead to automatic withdrawal of services to the child and family and the Conference should consider the need for a Child in Need Plan or Co-ordinated Support Plan (CAF)

11.6.5 If the review Conference was not quorate, it is essential that such a decision is not actioned until the Chair of the Conference has written to all the agencies, who were members of the Conference that agreed a Child Protection Plan was appropriate, but did not attend the Review Conference in question, and has sought their views. (See 11)

11.6.6 The letter to agencies following an inquorate Conference should allow ten working days for a response to the Decision and Recommendations of Review Conference and indicate that if no reply is received within that consultation period, then it will be assumed that the agency in question has no objections to the proposal to discontinue the Child Protection Plan.

11.6.7 At the expiry of the ten day period, the Chair of the Conference will:

- Implement the decision to discontinue the Child Protection Plan (assuming there were no objections) **OR**
- Reconvene the Review Child Protection Conference to debate the objections received.

NB: If the responses prompt the need for the Review CPC to be reconvened, then the outcome of the inquorate Child Protection Review Conference becomes "Child Protection Plan to continue".

11.7 Continuing the child protection:

When a decision is taken to continue the Child Protection Plan the Conference should:

- Review and amend the Child Protection Plan as necessary to ensure the child(ren) is/are adequately safeguarded;
- Review membership of the Core Group
- Arrange a date for the next Child Protection Review Conference;
- Arrange a date of the next Core Group Meeting – the Core Group meeting should take place be within ten working days as with the Initial Child Protection Conference.

11.8 Child subject of a Child Protection Plan moves out of area:

11.8.1. When a child with a CPP moves temporarily or permanently to

another local authority area, that LA must be notified immediately.

The Social Worker or Team Manager should immediately:

1. Inform the local duty team and provide basic details, e.g. copies of core assessment, minutes of last Child Protection Conference and Child Protection Plan
2. Inform the Service Manager, Safeguarding and Quality Assurance, and Safeguarding Administration at County Hall, who will arrange with the local authority for the child's name to be added to the temporary list of children with Child Protection Plans.

11.8.2. Case responsibility remains with Worcestershire. If the family have made a permanent move, responsibility remains until agreement has been reached with the receiving local authority and a Transfer-In Conference has taken place. However, a request can be made to the local authority to undertake a visit to see the child and check the suitability of the living arrangements.

11.8.3. The Social Worker should attend the Transfer In Conference and provide an up to date report, in order for the Conference to make an informed decision about whether the Child Protection Plan should continue.

12 Role of the Safeguarding and Quality Assurance Service

12.1 The Independent Chairs (Child Protection Co-ordinators) have a quality assurance role in respect of child protection work in the county. They identify areas of both strong and poor practice. For example they monitor:

- Timeliness of the sharing of reports with families
- Participation of children and young people
- Quality of assessments and reports
- Core Group working and implementation of Child Protection Plans

12.2 The action which the Child Protection Co-ordinator will take regarding concerns about the operational work in respect of a child with a Child Protection Plan will depend on the nature of that concern. A less serious concern will be dealt with by the CPC raising this with the Social Worker and Team Manager, a concern of a more serious nature will be raised with the Team Manager and Operational Manager. There is an expectation that a response will be received by the CPC within five working days.

Where there is a serious concern that a child is not being adequately protected the Co-ordinator will raise this immediately with the relevant Service Manager for operational services, informing the Service Manager, Safeguarding and Quality Assurance.

13 Management of allegations against people who work with children and young people (Including role of the Local

Authority Designated Officer)

13.1.1 Implementation of this Procedure

These procedures are based on Appendix 5 of Working Together to Safeguard Children 2010. They should be used in all cases where it is alleged that a person who works with children or young people has:

- Behaved in a way that **has harmed** a child or **may have harmed** a child.
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates s/he is **unsuitable** to work with children.

13.1.2 In the context of this procedure, the term **“employer”** means the organisation that has a **working relationship** with the person against whom the allegation has been made. **This procedure applies to both paid and voluntary work**

13.1.3 It should be noted that the threshold for concern is "harm" and not "significant harm" as with section 47 enquiries.

13.1.4 The same procedure should be followed with regard to all staff working with children and young people, i.e. in Children's Services, Education, Health and the Police, as well as foster carers, childminders, sports coaches, voluntary and community sector workers.

13.1.5 If concerns arise about a person's behaviour with regard to their own children and that person works with children and young people, then Children's Services will need to consider informing the person's employer in order to assess whether there may be implications for their work.

13.1.6 There may be up to three strands in the consideration of an allegation:

1. Police investigation of a possible criminal offence
2. Enquiries and assessment by the Children and Young People's Social Care Services as to whether the child is in need of protection or in need of services
3. Consideration by an employer of disciplinary action in respect of the individual

13.2. Local Authority Designated Officer (LADO).

13.2.1 Local Authority Designated Officers (LADOs) have key responsibilities in the management of allegations process. In Worcestershire the Child Protection Co-ordinators undertake the role and responsibilities of the LADO.

13.2.2. These include:

- Providing advice to employers regarding allegations against their staff.
- Chairing Independently Chaired Strategy Meetings (ICSMs) to discuss the allegations/concerns and arranging follow up

Strategy Meetings as necessary.

- Oversight of individual cases from all partner agencies of the LSCB if the allegation meets the thresholds.
- Providing advice and guidance to Senior Managers
- Monitoring the progress of cases to ensure they are dealt with within agreed timescales.
- Ensuring a consistent and thorough process for all adults working with children and young people against whom allegations are made.
- Maintaining information databases in relation to all allegations and the outcomes.
- Assisting with the production of qualitative and quantitative reports for the LSCB and the DCFS.
- Liaising with employers, Police and the Crown Prosecution Service.
- Chairing a follow up Strategy Meeting at the end of any enquiries when necessary to consider the possibility of referral to the **Independent Safeguarding Authority**.

13. Process of the Investigation:

13.3.1 Initial Considerations:

Where an allegation is made or there are concerns about a person's suitability to work with children and young people these can be discussed by the employer with the LADO. If the concerns meet the threshold then the employer will be advised by the LADO to make a referral to the Access Centre with a view to a Management of Allegations Independently Chaired Strategy Meeting (ICSM) being convened.

Alternatively the employer can make a referral directly to the Access Centre. This should be done within 1 working day of the employer becoming aware of the allegation.

The LADO should also be informed of any allegations that are made directly to the police or to Children Services.

The Access Centre should open a Children's Services Management of Allegations (LADO) episode and pass to the Duty & Assessment Team (DAT). The DAT should make arrangements for an ICSM or if the matter needs further consideration, the LADO can be approached for advice.

13.3.2 Management of investigations:

Where the concern or allegation relates to a child or young person who is already known to Children's Social Care, i.e. a LAC, child with a Child in Need Plan, the allegation should be dealt with by the DAT to ensure there is independence in the process. The child's Social Worker should be involved in the planning and kept informed of the progress with the investigation. It may also be appropriate for the Social Worker to facilitate introductions and explain the process to the child.

13.3.3 Involvement of parents or carers:

Parent or carers of a child or children involved should be told about the allegation as soon as possible if they do not already

know. Depending on the timing, the Strategy Meeting will discuss how and by whom they should be informed.

There will be some circumstances in which the employer must inform the parents of an incident straight away, for instance if the child has been injured and requires medical treatment. Parents or carers should be kept informed of the progress of the investigation and be told of the outcome where there is no criminal prosecution. If a disciplinary hearing takes place, then the outcome can be shared, although the information considered in reaching a decision cannot normally be shared.

13.3.4 Person subject to the allegation:

If the person does not know already, the decision about when and how to inform him/her will be made at the Strategy Meeting. This should include exactly what information can be provided. He/she should be kept informed of the progress of the investigation by their employer, who should also provide appropriate support to that person during the investigative process. If the person is suspended, the employer should arrange to keep the individual informed of developments in the workplace. If the person is a member of a trade union or a professional association they should be advised to contact that body at the outset of the investigation.

13.4 Independently Chaired Strategy Meeting:

- 13.4.1 If there is cause to believe that a child has suffered or is likely to suffer **Harm** and/or there is concern about a person's suitability to work with children and young people, then an **Independently Chaired Strategy Meeting**, chaired by a Local Authority Designated Officer should be convened as soon as possible. The DAT should arrange the ICSM, firstly confirming a date with the Safeguarding and Quality Assurance Service and LADO.

13.4.2 Attendance at ICSM:

Depending on the circumstances of the case the following should be invited:

- DAT Manager or Consultant Social Worker of area where incident is alleged to have taken place.
- The employer, or a representative of the employer, unless there is a good reason not to do so.
- For voluntary workers, the manager or Chairperson of the VCS organisation, depending on size and structure of the organisation.
- West Mercia Public Protection Team
- Where the allegation is against a member of education staff, the Lead Advisor for Safeguarding in Education.
- Where the allegation is against a Head Teacher, the Chair of Governors.
- Where appropriate, e.g. Children's Services, Education, a representative from Human Resources
- For early years and childcare, Ofsted.
- For foster carers, the Fostering Social Worker.
- For residential workers, the Unit Manager

- For sports coaches, a representative of the Governing Body and Worcestershire and Herefordshire Sports Partnership.

13.4.3 The Strategy Meeting will:

- Share all relevant information about the person who is the subject of the allegation and about the alleged child victim(s).
- Agree and plan the investigation/enquiries, agree key roles and responsibilities and set timescales for tasks to be undertaken.
- Agree what and how information will be shared with the parents/carers and how they will be kept informed of progress.
- Agree what and how information will be shared with the child(ren) involved and how they will be kept informed of progress.
- Consider need for support/therapeutic input.
- Consider whether any other children are affected by the allegations e.g. the person's own children, or other children in the agency setting or elsewhere, for example children placed with foster carers or childminders, attending a youth club, grandchildren
- Determine any action that needs to be taken in respect of any other children identified, including the need for a Section 47 Enquiry
- Decide how regular information and support will be provided to the child and family and by whom
- Agree how and what information will be shared with the subject person.
- Ensure that the person who is the subject of the allegation is kept informed and supported.
- Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with children, so as to inform the employer's decision about this issue (including whether a foster carer's approval should be suspended). This may change as the investigation progresses and should be reviewed regularly
- Where the person will not be suspended, consider the steps necessary to safeguard any children during the investigation.
- Agree how communication will be maintained between the key individuals.
- Consider the need for a further ICSM and. if so, agree arrangements for this.

NB: The LADO will continue to liaise with the employer to monitor progress of the investigation and provide advice and support when required or requested.

13.5 Suspension

The employer will have to consider the suspension of the accused person in any case where there is cause to suspect that a child is at risk of Significant Harm or the allegation warrants investigation by the police or it is sufficiently serious that it might be grounds for

dismissal. A member of staff should not be suspended automatically or without careful thought. Employers must consider carefully whether the circumstances of the case warrant suspension until the allegation is resolved.

The power to suspend is vested in the employer alone; however in circumstances where the Police and/or Children Services are to undertake further enquiries/investigation, the LADO will canvass their views in order to inform the employer's decision-making. This canvassing of views can take place within a Strategy Discussion/Meeting where appropriate.

13.6 Monitoring progress

The LADO should regularly monitor the progress of cases via Strategy Discussion/Meetings or through liaison with professional colleagues, e.g. Police, as appropriate. This should take place at fortnightly or monthly intervals depending on the complexity of the case.

If a police investigation is required, the police should set a target date for reviewing the progress of their investigation and consulting the Crown Prosecution Service to consider whether to charge the individual, continue the investigation or close it down. Wherever possible this review discussion should take place no later than 4 weeks after the initial meeting to consider the allegation. Dates for subsequent reviews, at fortnightly or monthly intervals, should be set at the first review if the investigation is to continue.

13.7 Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated.

The police will not normally provide any information to the Press or media that might identify an individual subject to investigation unless and until that person is charged with a criminal offence.

In exceptional cases the police might depart from this rule but partner agencies should be consulted beforehand with the reasons then documented.

13.8 Resignations and 'Compromise Agreements'

The fact that a person tenders their resignation or ceases to provide a service must not prevent an allegation being followed through in accordance with these procedures.

Whether or not an individual cooperates with an investigation, or remains in employment at its conclusion, it is important that the investigation continues and considers all available evidence in order to reach a judgement about the allegation.

Additionally, 'compromise agreements' (by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both parties agree a formula of words to be used in future

references) should not be used in these cases.

13.9 Record keeping

It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved. This record should be placed on the person's confidential personnel file with a copy given to the individual.

The record should be kept at least until the person reaches retirement or for ten years if that would be longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference.

13.10 Timescales

Every effort should be made to resolve cases as quickly as possible consistent with a fair and thorough investigation.

It is unlikely that cases which require a complex police investigation or a criminal prosecution will be resolved in less than 3 months.

13.11 Historical abuse

Should an adult report abuse that they suffered as a child while living away from home in settings provided by local authorities, the voluntary sector or independent providers, they should be responded to in the same way as contemporary concerns.

In these cases it is important to ascertain whether the person accused is still working with children and, if so, to inform their current employer or voluntary organisation.

13.12 Patterns

It is important that those undertaking investigations be alert to any sign or pattern that suggests the abuse is more widespread or organised than it at first appears. These signs will not necessarily be directly related to abuse but might include blurred professional boundaries, inappropriate behaviour, fraud, deception or the use of pornography.

Where the safety of other children is in question as a result of the allegation, consideration should be given to invoking the WSCB **Complex (Organised or Multiple) Abuse Procedure**.

13.13 Information sharing

At the beginning of the process all agencies involved in the investigation of the allegation, including the employer, should share all information they have relating to the person who is subject of the allegation and their victim(s).

Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer, and/or **Regulatory Authority**, for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded. This will enable the

police and the Crown Prosecution Service to share relevant information without delay at the conclusion of their investigation or any court case. This will enable employers to progress disciplinary proceedings quicker.

Children Services should follow a similar procedure when making enquiries to determine whether the child or children named in the allegation require protection or services, so that any information obtained in the course of those enquiries that is relevant to a disciplinary case can be passed to the employer or Regulatory Body without delay.

13.14 Disclosure of minutes of the Strategy Meeting:

The subject of the allegation may request the disclosure of the minutes of the strategy meeting(s), known as a Subject Access Request. Disclosure should be made in accordance with the Data Protection Act. Under the Data Protection Act (DPA), the LADO is the "Data Owner" in respect of the minutes and advice should be sought by the LADO from the County Council's Information Access Officer, based at County Hall.

In accordance with the DPA, in most situations a copy of the minutes should be provided to the subject, but he/she does not have a right to access all the information contained in the minutes. They should be suitably redacted and anonymised, including:

- Confidential Police intelligence removed
- Details of child(ren) removed
- Third party information removed
- Where appropriate, information anonymised.

Section 29 of the DPA provides for a "crime detection exemption", meaning that information can be withheld from the subject in such circumstances.

A response to a Subject Access response should be made within 40 working days.

13.15 Action following a criminal investigation or a prosecution

The police or the Crown Prosecution Service should inform the employer and the LADO when a criminal investigation or trial is complete, or if it is decided to close an investigation without charge or not to prosecute after the person has been charged.

In these circumstances the LADO will discuss with the employer whether any further action is required and, if so, how to proceed. The information provided by the police and/or Children's Services should inform that decision.

Action by the employer, including dismissal, is not ruled out in any of these circumstances: the range of options will depend upon the circumstances of the case and different standards of proof

required in disciplinary and criminal proceedings.

13.16 Action on conclusion of a case

If the allegation is substantiated and the person is dismissed, or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide their services, the LADO should discuss with the employer the need for the employer to make a referral to the **Independent Safeguarding Authority (ISA)**. Also, if the person is subject to registration or regulation by a professional body the LADO should advise on whether a referral to that body would be appropriate. Under the Safeguarding Vulnerable Groups Act 2006, the employer has a legal duty to refer to the ISA.

If it is decided that a person who has been suspended can return to work the employer, with advice from the LADO, should consider how best to facilitate that. A phased return and/or the provision of a mentor may be appropriate. The person should also consider how the person's contact with the child or children who made the allegation can be best managed if they are still in the workplace.

If an allegation is determined to be unfounded, the employer should refer the matter to Children Services to determine whether the child concerned is in need of services or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the police should be asked to consider whether any further action against the person responsible might be appropriate.

13.17 Cross Boundary issues:

Where a person works in Worcestershire, but lives in another area, the local authority responsible under these procedures is the one where the person is working.

See WSCB Inter Agency Procedures for further clarification.

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