

# Guidance in Relation to the CPR and Children Looked After

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## **CTSCB Guidance in relation to the CPR and children looked after**

### **Introduction**

CTSCB accepts that the majority of children and young people who are looked after by the council, away from home, will be safeguarded and will not need to be also included on the CPR. There will however be exceptions to this for example:

- Young people whose own risk taking behaviour means that despite being subject to a Looked After Child Care Plan, they are at risk of significant harm (Child Sexual Exploitation, High Risk Substance Misuse, repeated Missing).
- Looked After Young People who won't comply with their Looked After Care Plan and return home or to an address / carers which present a risk.

The guidance that follows is intended to clarify practice; it replaces all previous LSCB and ACPC guidance on this matter.

### **Beginning Care Proceedings**

- If Children's Services are concerned that a child or young person is likely to suffer significant harm and are considering bringing care proceedings the following steps should always be taken.
- If the child is not already included on the CPR, the All Wales Child Protection Procedures 2008 will be followed; a strategy meeting convened, S47 enquiry and core assessment conducted and a referral made for initial Child Protection Conference.
- Emergency action might be necessary as soon as a referral is received or at any stage of the child protection process. However, planned emergency action should normally follow immediately from the strategy discussion or strategy meeting, taking account of legal advice and the views of the children involved. Where a single agency has to act immediately to protect a child, a strategy discussion/meeting should take place as soon as possible afterwards.
- It is expected that in all such cases the Public Law Outline will be followed.
- The initial conference will consider all the facts in the case; and decide whether the child has or is likely to suffer significant harm. Even if this threshold has been met the criteria for registration does not necessarily apply as the child or young person may be protected by virtue of being looked after away from home in a safe environment.
- If children are already looked after away from home by the time of initial conference it is likely they will be safeguarded, therefore they should only be included on the CPR if there is a specific reason for there continuing to be a likelihood of them suffering continued

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significant harm in their current care setting. This should **not be** solely because the court has not yet decided on the outcome of the care application. The purpose of the Looked After Child Care plan is to address all of the child / young person needs including any needs / risks relating to their safety.

- The initial conference can if necessary make a contingency plan to reconvene should there be a specific significant event or change in the child’s circumstances, for example if there is a plan to reunify child and family before the proceedings are concluded.
- If an application for a care order has been made the child’s future care plan will be decided by the Court. The child will have an appointed Children’s Guardian and legal representation, the LA, parents and other parties will also be legally represented in this court process.

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

- The care plan for a child becoming looked after will be subject to statutory review conducted by an IRO (Independent Reviewing Officer) at 1 month, 3 month and thereafter 6 monthly intervals and if there is a change in care plan.
- The IRO will take responsibility for ensuring the risk of significant harm to the child is clearly addressed within this multi-agency care planning and review process.
- Specifically where reunification with caregivers who have allegedly abused the child is being planned the review meeting will **always** consider whether the Child Protection Conference should be reconvened. The decision will be recorded in the review document.
- IROs have a statutory responsibility to monitor the care planning process and the actions of the LA and report concerns within the organisation including to the lead Director for Children and CAFCASS, if they are not resolved. There is a system in place in RCT and MT, to do so and also to report to the Corporate Parenting Board.

### **Children becoming looked after already included on the CPR**

The All Wales Child Protection Procedures 2008, Para 3.15.2. state;  
 “Where a child cannot live at home and has a care plan which meets their care and protection needs, a review should recommend de-registration unless there are exceptional circumstances”.

CTSCB has already endorsed these procedures therefore in practice this means,

- If an application for a care order has been made and the child is living away from home, placed in a safe environment with safe arrangements for contact, the review conference should recommend de-registration.

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- This decision can be made in the knowledge that a care plan for achieving permanent stable arrangements for the care of the child throughout the remainder of their childhood will be decided by the court, following relevant assessments. The child's best interests will be represented by the court appointed Children's Guardian.
- In exceptional circumstances the Conferences might identify a specific likelihood of continued significant harm and recommend continued registration.
- The review conference can also identify a contingency plan to reconvene should there be a specific significant event or change in the child's circumstances for example a plan to reunify child and parents prior to the conclusion of proceedings.
- The IRO will take responsibility for ensuring the issue of likely significant harm to a child is clearly addressed within the multi-agency care planning and review process. Specifically if reunification with caregivers who have allegedly abused the child is being planned the review meeting will always consider whether the child protection conference should be reconvened. The decision will be recorded in the review document. Children's Services are unlikely in the future to seek a care order when the plan for the child is reunification with parents such situations are likely to be best managed through the Child Protection process.
- Some children on the CPR will be looked after away from home on a voluntary basis (S 20 Children Act 1989). If this agreement is within existing care proceedings working on the no order principle and the LA plan states clearly that emergency action will be taken should agreement to the child being looked after be withdrawn or attempts to remove the child from a safe environment are made; then the same arrangements outlined above will apply as decisions about the child's long term future will be made by the Court.
- If children become looked after on a voluntary basis (S20 Children Act 1989) but no application for a care order has been made, then the review conference will decide on the information in that particular case in accordance with the All Wales Child Protection Procedures 2008 whether the criteria for registration continues to be met and whether the child continues to need a child protection plan.

### **Placement with Parent Regulations 1991**

Children subject to Care Orders (including interim) made under S31 Children Act 1989 and on occasion wardship, custodianship and guardianship orders can only be placed with parents if the above regulations are complied with. Although the placement decision is the responsibility of a senior manager

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within Children's Services the regulations require formal written consultation with Health, Education and other significant agencies.

Pertinent arrangements in relation to this guidance are as follows;

- If children are included on the CPR and looked after they will be subject to both LAC and Child Protection Reviews. The meetings should be co-ordinated to ensure information is available and the placement plan is considered by all involved agencies.
- The Child Protection Conference will consider whether the risk of significant harm remains or whether the likelihood of harm has reduced and/or the family circumstances changed sufficiently to decide upon deregistration.
- It is anticipated that in the majority of cases deregistration should be recommended as the LAC planning and review process will already have decided that the plan for reunification is in the child's best interest and addressed any safeguarding concerns. The Conference Chair has a duty to ensure that decisions to continue registration clearly identify the continued risk of significant harm and the additional aspects to be included in child protection plan not already addressed within the child's care plan.
- Children and young people placed with parents will continue to be subject of LAC Reviews, until such time as the court discharges the relevant order or the young person reaches 18 years. The IRO will take responsibility for reviewing all aspects of the child or young person care plan to ensure appropriate arrangements are in place to safeguard and promote their welfare.
- If children are not currently included on the CPR, the Children's Services Placement with Parent Regulations policy will be followed. Formal consultation will take place with agencies involved with the child or young person. A LAC review must be held prior to the child's return to parents and will establish an interagency plan to support the child on return home.
- The IRO will take responsibility for ensuring any outstanding concerns in relation to significant harm are addressed. If reunification with caregivers who allegedly abused the child is being planned the review meeting will **always** consider whether the child protection conference should reconvene.
- If a child or young person is placed with parents under these regulations subject to a care order and there are fresh allegations of abuse the guidance set out in the part 3 of the All Wales Child Protection Procedures will be followed including decisions about referral for Child Protection Conference.

### **Monitoring arrangements**

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

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