

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

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## Introduction

1. This procedure is applicable when the following circumstances exist in respect of a child:

The child is subject of Public Law Outline or Care Proceedings in one local authority area; and

- i. the child has moved and is now ordinarily resident<sup>1</sup> in another local authority area.
- ii. the child has moved and legal advice was about to be obtained to inform if PLO or Care Proceedings threshold has been met.

2. Specific provisions are set out for cases where a pregnant mother moves to another local authority area during the latter stages of pregnancy.

## Initial actions

3. Case transfer of Children in Need and children subject of a Child Protection Plan should occur in line with the provisions of

- i. North West Children in Need Moving across Local Authority Boundaries Procedure; or
- ii. North West Notification and Transfer of Children Subject of Child Protection Plans across Local Authority Boundaries Procedure

Procedures available here <https://www.nwadcs.org.uk/key-resources>

4. These procedures should be supplemented by PLO procedures.

## Notification that the child has moved/ intends to move

5. Notification of a child subject to PLO, pre- care or care proceedings having moved/intending to move should be brought immediately to the attention of the receiving Local Authority Front Door, or Multi Agency Safeguarding Hub (MASH) in the area into which the child has moved.

6. The Duty Manager in the receiving local authority area should consult records to see whether the child was previously known to services in their area.

7. The Duty Social Worker / Duty Manager should telephone the relevant Social Care office in the referring local authority area and discuss the case with the team manager in order to determine what immediate action is necessary.

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<sup>1</sup> Ordinarily resident is defined in this agreement as:

- The family have moved to another area
- They are clear that they are not planning to return to the area that they previously lived in
- There is evidence that other arrangements to settle into the new area have been made. This could include accessing education, health or other services

8. Whilst the receiving authority must immediately be notified of a child subject to PLO, pre-care or care proceedings having moved/intending to move, case transfer may not be decided as the appropriate action for the child and family involved.
9. The appropriate action will be dependent on the stage at which the child and family are at within the PLO process, and decisions should be reached on a consensual basis between local authorities, with the child and family at the centre of decision-making. These stages are outlined below.
10. For the purposes of this procedure, the local authorities will be referred to as the referring authority and the receiving authority even in cases where transfer is not agreed.

## **1. Pre-proceedings**

11. If the transferring LA was due to obtain legal advice prior to the child moving into another LA, the legal advice should continue to be obtained, with an up-to-date risk analysis included in respect of the impact of the families move to a different LA for the safety and welfare of the child. This should be shared with the receiving authority and a joint meeting held as in points 13-16.
12. Where the referring local authority has agreed, following legal advice, to commence pre-proceedings processes and has issued a Letter Before Proceedings, this will be shared with and reviewed by the receiving local authority.
13. Where a referring authority is in the early stages of pre-proceedings, a joint meeting should be held with social care colleagues from the relevant offices of both the receiving and referring local authorities. This meeting should be held within 10 days of notification of the child moving across authority borders.
14. Within this meeting, both authorities should maintain a child-focus and decisions must reflect the best outcomes for children and families. The meeting will be used to discuss the background of the child and the stage of pre-proceedings the child is at.
15. The referring and receiving authorities will work collaboratively to decide on whether it is in the child's best interest to transfer case responsibility. Where these meetings take place, the receiving authority should provide information as described in point 38 to give a comprehensive picture of the child and to avoid drift or delay due to case transfer.
16. Where the decision is made for the responsibility for the child to transfer to the receiving authority, the referring authority must send all information to the receiving authority as specified in point 38, if this has not already been shared in the joint meeting. This must be

received by the receiving authority within 5 days of the joint meeting and decision to transfer.

## **2. Plan to initiate care proceedings**

17. Where a pre-proceedings plan is already in place, the stage at which the pre-proceedings are is key to the decision to transfer/ not transfer case responsibility.
18. A family move can be significant in pre-proceedings and where the referring authority has been supporting the family throughout pre-proceedings, and has knowledge of, and a relationship with, the child and family best practice may determine that the referring authority would retain responsibility until the outcome of the pre-proceedings period. This would apply particularly where a date and a timescale have already been agreed upon, and technical issues around transfer could cause further delays.
19. Where the referring local authority has issued a letter of intention to issue proceedings, this will be reviewed by the receiving local authority, at the point of notification that they are notified of a child moving/intending to move into their area.
20. The receiving and referring local authorities will attend the initial court hearing and the court will determine and name the responsible authority for the care order, where one is made, and will be responsible for care planning beyond the initial hearing.

## **3. Care proceedings are initiated at point of child moving**

21. When a child/ family move after care proceedings have been initiated, the referring local authority would inform the receiving authority but retain case responsibility until the next court hearing date where jurisdiction would be agreed within the court.
22. The referring authority should notify the receiving authority of the next planned court dates and share any key information in the meantime.
23. Where the decision is made for the referring authority to retain responsibility for the child, there should be a conversation between the relevant Social Care office in the referring local authority and the receiving authority, if this has not yet happened. This will contain key information about the family and, where relevant, a discussion of possible support where significant distance from the family may cause a problem for social workers to visit the family.
24. Where the decision is made for the responsibility for the child to transfer to the receiving authority, the referring authority must send all information to the receiving authority as specified in point 38 within 5 days of the decision to transfer the case.

**Pre-birth where a pregnant mother moves to another authority during pregnancy and care proceedings are planned to be initiated at birth**

25. Pregnant mothers may choose to take up ordinary residence in a different local authority at a late stage of their pregnancy.
26. Where this does occur, it is vital that decisions over which local authority holds case responsibility prior to the issuing of any care proceedings (where they are necessary) will be made in the best interest of the child in all cases.
27. Where a pregnant mother moves late in pregnancy, this may impact the receiving authority's ability to effectively complete a pre-birth assessment. In this case, responsibility for the completion of the pre-birth assessment should remain with the referring authority, with the cooperation of the new LA where necessary.
28. Where there is a decision to transfer, the receiving local authority will allocate a social worker to undertake a pre-birth assessment, building on the information made available from the referring local authority's own assessment/s to date. The potential impact of a new social worker on relationships with the mother and plan-development should be considered and co-working or cooperation with the referring authority should be considered.
29. The referring local authority will make available to the receiving local authority all relevant information, including details of any pre-birth assessment activity and analysis that has taken place to date.
30. Where the decision has been agreed to transfer case responsibility, a transfer meeting will be arranged within 10 working days and will be attended by both local authorities. For child protection this will be transferring case conference. The referring local authority will retain responsibility for care planning prior to the case transfer meeting.
31. Where care proceedings have been agreed by the referring local authority and the unborn child who will be subject of the proceedings is born before the transfer meeting has taken place, the referring local authority will initiate the care proceedings as they will have the relevant background information. Care proceedings are considered to have been 'agreed' where a decision has been taken at a Legal Gateway/Planning Meeting or similar. The referring local authority will present the initial evidence to the court in support of any care order application, the receiving local authority should also be present at court, where the decision will be made by the courts.

**Looked after children, who are pregnant, placed out of area in another local authority area to their home address**

32. Where a looked after young person is placed in an authority outside of their home authority boundaries, they remain ordinarily resident in their home authority. Placement does not bestow ordinary residence on the young person whilst looked after and placed out of their home area, unless they are living in independent accommodation i.e. a tenancy in their own right.

33. Where a looked after young person is placed in an authority outside their home authority boundaries, and is pregnant, responsibility for undertaking the pre-birth assessment, should this be deemed necessary, lies with the placing authority and not with the authority within which the looked after child is placed. The unborn child is deemed to be ordinarily resident in the mother's home authority.
34. The authority where the mother, who is a looked after child, is placed may be requested to offer advice in respect of accessing appropriate services.

### **When the child has moved to live in temporary accommodation in another authority**

35. Where a child moves across local authority boundaries into temporary accommodation, the referring authority should retain case responsibility.
36. Where significant distance from the referring authority to the child's temporary accommodations creates challenges, a meeting should be held with social care colleagues from the relevant offices of both the receiving and referring local authorities within 10 days of notification of the child moving across authority borders. This meeting should be used to consider a joint working approach with support for the referring authority in completing visits to the child.
37. A joint working approach should be considered where habitual residence is a significant distance from the referring authority, who will retain case responsibility.

### **When a transfer is agreed**

38. When a transfer is agreed this will be followed up in writing by the relevant member of staff in the referring authority. As a minimum the following information will be sent securely by the social worker/team manager to the receiving authority:
- i. Details of all child/ren subject to PLO – name, DOB, current address and planned address gender, ethnicity
  - ii. Details of any siblings– names, DOB, current address and planned address, gender, ethnicity
  - iii. Details of Parents and/or carers – names, DOB, current address and planned address, gender, ethnicity
  - iv. Details of other adults who will be living at the planned address
  - v. Details of any other family networks, or wider support networks.
  - vi. Full details of the allocated Social Worker – their name, work address, telephone number and email address
  - vii. Background information relating to the case – details about previous work including reason for the Child Protection Plan, category of abuse, length of time the child has been the subject of a plan, assessment and intervention work undertaken, the organisations involved and the planned outcomes for the child. This information should specifically include documentation relating to risk of and/or specialist multi-agency intervention pertaining to complex/contextual safeguarding or children missing from home, care or education.
  - viii. Copies of the last Assessment, Child Protection Plan, minutes of the Initial Child Protection Conference, Child Protection Review Conferences, minutes from all legal advice meetings.

ix. A template is appended to the end of this document that you may wish to use.

The information above must be provided by the referring authority for the transfer to be agreed and to avoid delay and negative impact on the child and the progress of the plan. Please see 'Action to be taken in cases where there is dispute or delay in case transfer.' for follow-up action.

39. Once this information is received the case should be allocated to a social worker in the receiving authority. The referring authority will maintain case responsibility until case transfer is formally agreed. Transfers of cases should never stop the referring local authority continuing with appropriate planning for children.

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

40. Direct discussion should be held between the relevant Social Work team managers as a first option to try to resolve any dispute. This should be held through either telephone or face to face discussion as a priority and key points confirmed in writing. The referring authority should ensure that the required information (see point 38 and appended template) is provided to the receiving authority in a timely manner to avoid delays to transfer discussions and decisions, and escalation.

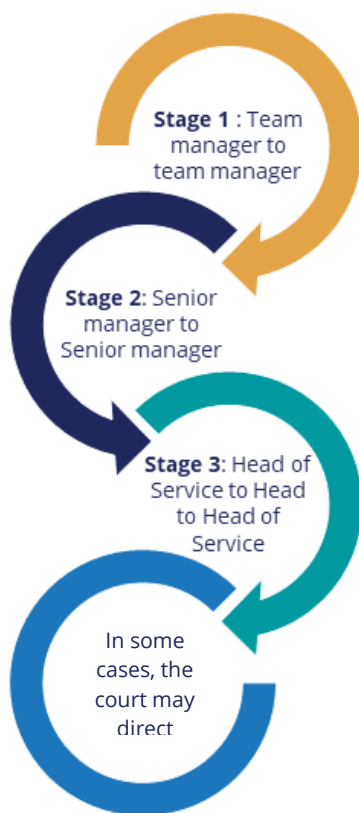
41. Where there is dispute about case responsibility or delay in the receiving authority accepting responsibility for the case, which is likely to impact on the child, the Team Manager should inform their senior manager or equivalent.

42. The Service Manager will contact the senior manager in the other local authority to reach agreement about case responsibility.

43. If within 15 days of the child's move, agreement has still not been reached, the Assistant Director / Head of Service in the referring local authority will contact the Assistant Director / Head of Service in the receiving local authority.

44. In some cases, to reach a resolution where the case involves court proceedings, the Court may direct. In this case, there would be a requirement for both authorities to be heard.

**Figure 1: Dispute resolution**



**Stage 1:** Direct discussion should be held between the relevant Social Work team managers as a first option to try to resolve any dispute. This should be held through either telephone or face to face discussion as a priority and key points confirmed in writing.

**Stage 2:** If through direct discussion between SW team managers, either through telephone or face to face discussion, a resolution or agreement cannot be reached, then contact will need to be established between allocated senior manager for each local authority within 5 working days. Key points should be confirmed in writing and timescales with agreed actions.

**Stage 3:** If within 15 days of the child's move, agreement has still not been reached, the Assistant Director / Head of Service in the referring local authority will contact the Assistant Director / Head of Service in the receiving local authority.

In some cases, to reach a resolution where the case involves court proceedings, the Court may direct. In this case, there would be a requirement for both authorities to be heard.

**Review**

45. This procedure will be reviewed not later than **30 September 2025**.



**Annex A**

**Pre- proceedings and Proceedings transfer from another local authority**

<b>Referring local authority</b>	
<b>Name of referrer</b>	
<b>Email Address</b>	
<b>Contact Number</b>	
<b>Team Manager name and email address/ phone number</b>	
<b>Service Manager / HOS name and email address/ phone number</b>	

**Please ensure that you have included electronic attachments for all relevant documents.**

**These should include:**

- An up to date Assessment,
- Child in Need Plan/ Child Protection Plan and associated documents,
- Minutes of the Initial Child Protection Conference,
- Child Protection Review Conferences,
- Core group minutes,
- Minutes of any legal meetings and confirmation if status, PLO, pre- proceedings, proceedings including key dates if future meetings,
- Letter of expectations; pre-proceedings letter; intention to issue letter, as appropriate,
- Any other relevant assessments or information, including the Section 47 Child Protection Enquiry.

<b>Name of child/children (including the names which they are known by)</b>	<b>Date of Birth</b>	<b>Gender</b>	<b>Ethnicity</b>	<b>First Language</b>

<b>Name of Parent/ significant adults/ carers for the children</b>	<b>Date of Birth</b>	<b>Gender</b>	<b>Ethnicity</b>	<b>First Language</b>	<b>Relationship with child</b>

<b>Current Address of the Family</b>	<b>Planned address of the Family</b>

<b>Details of any other family networks, or wider support networks.</b>	
Include any broader people who are meaningful/ important to a child.	

<b>Background information relating to the case - please provide all information below</b>	
<b>Start date of PLO/ pre-proceedings/ proceedings</b> Delete as appropriate	{DD/MM/YYYY}
<b>If the child is/was subject of a child protection plan please specify start and end dates</b>	{DD/MM/YYYY}
<b>Category of abuse</b>	
<b>Has the child previously been subject to a CPP in your area before the current CPP</b> Please include the start and end dates of previous plans in your area and the category of abuse here	{Yes/ No}
<b>Overview of the historical involvement with the child and their family, including any</b>	

<p><b>history of previous adoptions of siblings or previous periods of being a Looked After Child</b> This information should enable the receiving authority to understand the family's historical and current context and enable them to make defensible decisions.</p>	
<p><b>Assessment and intervention work undertaken, specifically including risk of and/or specialist multi-agency intervention pertaining to complex/contextual safeguarding or children missing from home, care or education.</b> This information should be detailed enough to ensure that the receiving Local Authority can continue with the work that has commenced and avoid a 'start again' approach to services for the family. Please outline both what has worked well and where there are gaps in engagement</p>	
<p><b>The organisations contributing to the plan currently</b> Please also state how they are contributing and how effective engagement is.</p>	
<p><b>The planned outcomes for the child</b> Provide information about short and long term plans for the child/children including any view of the future permanence arrangements for the child.</p>	

## **Annex B**

### **Parties to the Procedure**

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

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