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SECTION 4

SECTION 47 CHILD PROTECTION ENQUIRIES

The following are the procedures of Warwickshire Safeguarding Children Board on how agencies and professionals should work together in handling individual cases where there are concerns about the welfare of a child, together with concerns that a child may be suffering or is at risk of suffering, abuse or neglect in Warwickshire.

4.1 Response to a referral

Once the referral has been accepted by Local Authority Children's Social Care the lead professional role falls to a Social Worker.

The Social Worker should clarify with the referrer, when known, the nature of the concerns and how and why they have arisen.

Within one working day of a referral being received a Local Authority Social Worker should make a decision about the type of response that is required.

This will include determining whether:

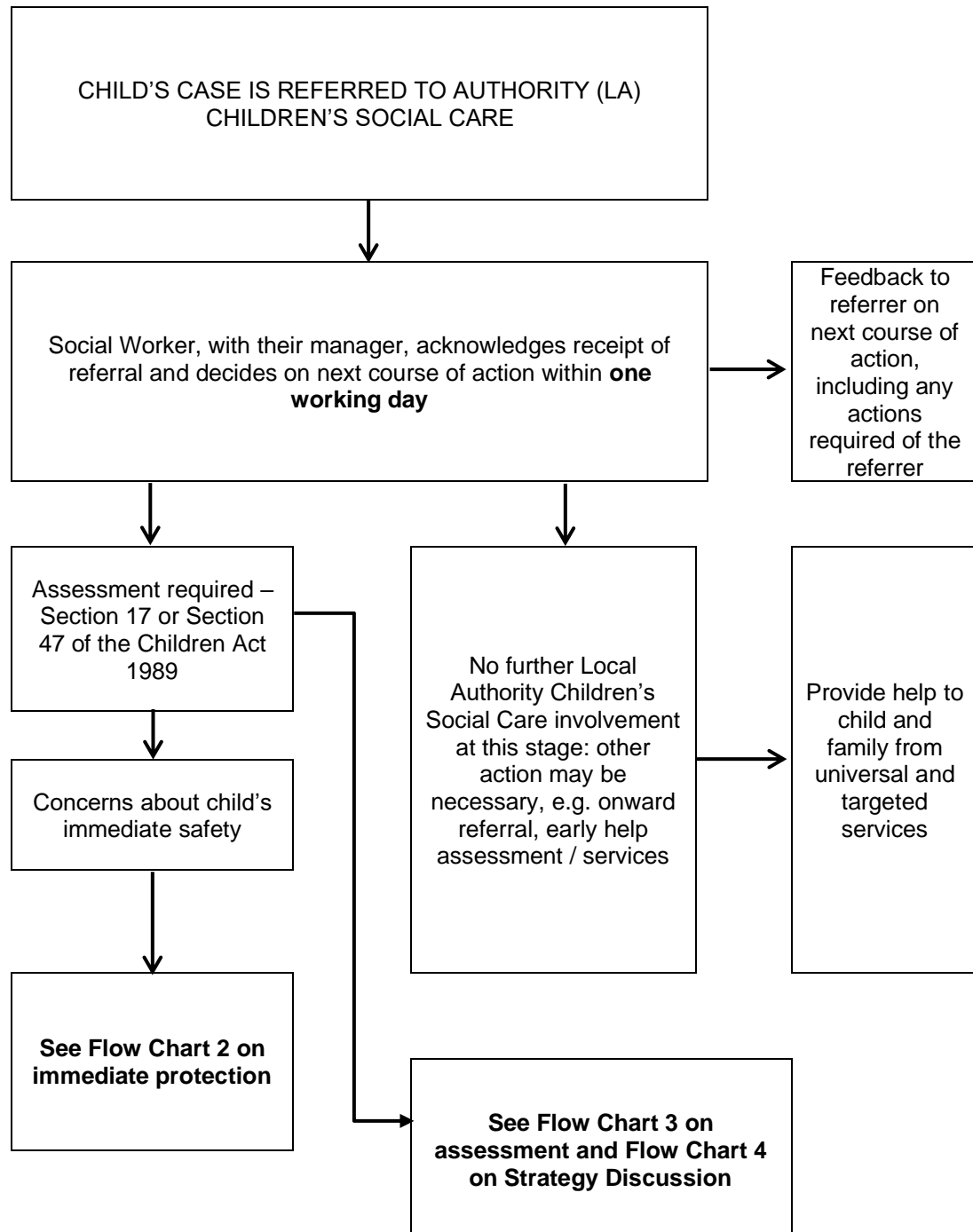
- the child requires immediate protection and urgent action is required;
- the child is in need, and should be assessed under Section 17 of the Children Act 1989;
- there is reasonable cause to suspect that the child is suffering, or likely to suffer, significant harm, and whether enquires must be made and the child assessed under Section 47 of the Children Act 1989;
- any services are required by the child and family and what type of services; and
- further specialist assessments are required in order to help the Local Authority to decide what further action to take.

4.2 Action to be taken

The child and family must be informed of the action to be taken.

Local Authority Children's Social Care should see the child as soon as possible if the decision is taken that the referral requires further assessment. Where requested to do so by Local Authority Children's Social Care, professionals from other parts of the Local Authority, those in health organisations and Housing Authorities have a duty to cooperate under Section 27 of the Children Act 1989 by assisting the Local Authority in carrying out its Children's Social Care functions.

Flow Chart 1: Action Taken When A Child Is Referred To Local Authority Children's Social Care Services



4.3 Immediate Protection

Where there is a risk to the life of a child or a likelihood of serious immediate harm, Local Authority Social Workers and / or the Police should use their statutory Child Protection powers to act immediately to secure the safety of the child.

If it is necessary to remove a child from their home, a Local Authority must, wherever possible and unless a child's safety is otherwise at immediate risk, apply for an Emergency Protection Order (EPO). Police powers to remove a child in an emergency should be used only in exceptional circumstances where there is insufficient time to seek an EPO or for reasons relating to the immediate safety of the child.

An EPO, made by the Court, gives authority to remove a child and places them under the protection of the applicant.

When considering whether emergency action is necessary, consideration should always be given to the needs of other children in the same household or in the household of an alleged perpetrator.

The Local Authority in whose area a child is found in circumstances that require emergency action (the first authority) is responsible for taking emergency action.

If the child is looked after by, or the subject of a Child Protection Plan in another authority, the first authority must consult the authority responsible for the child. Only when the second Local Authority explicitly accepts responsibility (to be followed up in writing) is the first authority relieved of its responsibility to take emergency action.

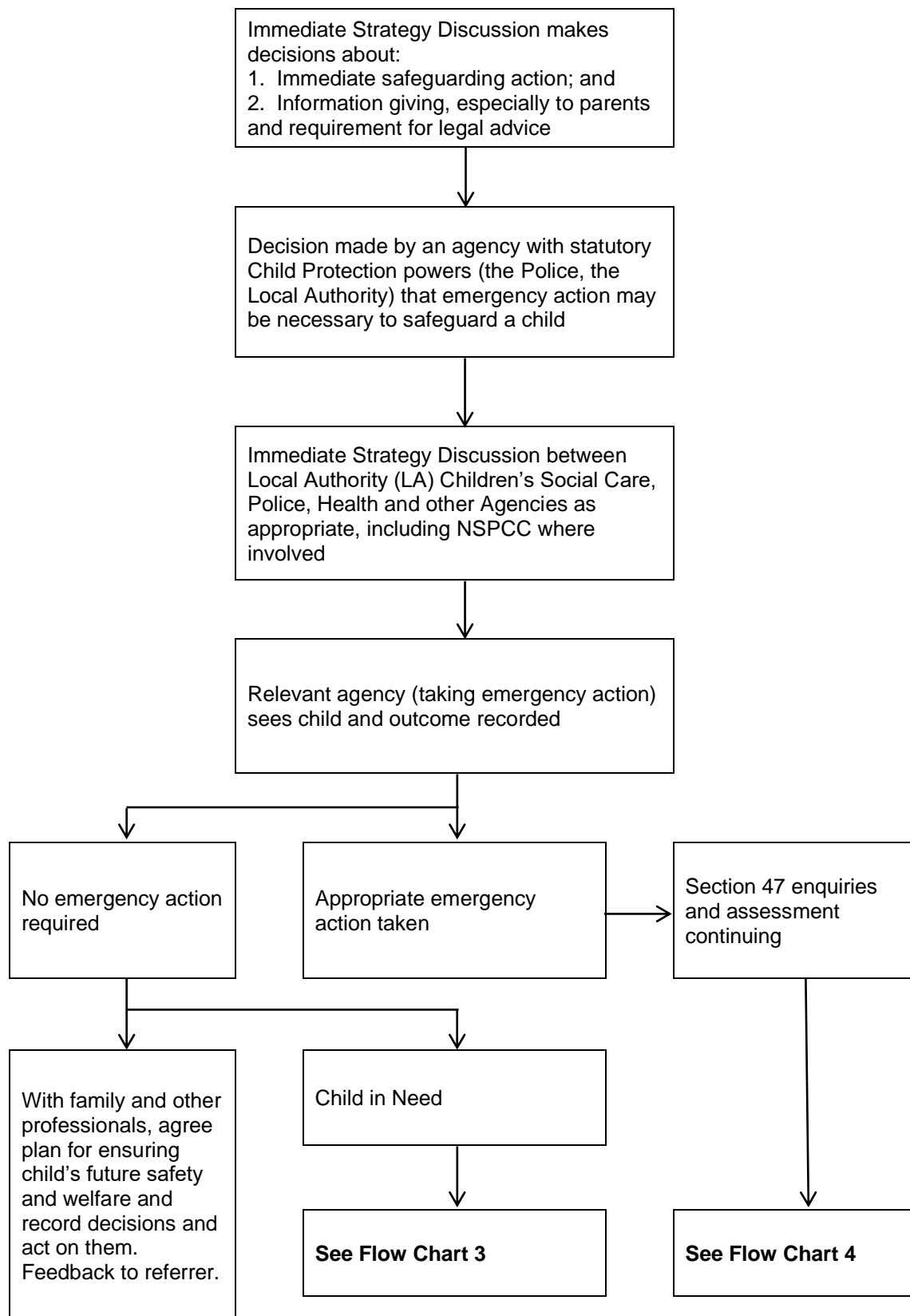
4.4 Multi-agency working

Planned emergency action will normally take place following an immediate Strategy Discussion between Police, the Children's Team and other Agencies as appropriate. Where a single agency has to act immediately to protect a child, a Strategy Discussion must take place as soon as possible after such action to plan next steps.

Social Workers or the Police should:

- see the child (this should be done by a practitioner from the agency taking the emergency action) to decide how best to protect them and whether to seek an EPO; and
- wherever possible, obtain legal advice before initiating legal action, in particular when an EPO is being sought.

Related information: For further guidance on EPOs see pages 55-65 of Volume 1 of the Children Act Guidance and Regulations, Court Orders.

Flow Chart 2: Immediate Protection

4.5 Assessment of a child under the Children Act 1989

Following acceptance of a referral by the Local Authority Children's Social Care, a Social Worker should lead a multi-agency assessment under Section 17 of the Children Act 1989. Local Authorities have a duty to ascertain the child's wishes and feelings and take account of them when planning the provision of services. Assessments should be carried out in a timely manner reflecting the needs of the individual child, as set out in this chapter.

Where the Local Authority Children's Social Care decides to provide services, a multi-agency child in need plan should be developed which sets out which agencies will provide which services to the child and family. The plan should set clear measurable outcomes for the child and expectations for the parents. The plan should reflect the positive aspects of the family situation as well as the weaknesses.

Where information gathered during an assessment (which may be very brief) results in the Social Worker suspecting that the child is suffering or likely to suffer significant harm, the Local Authority should hold a Strategy Discussion to enable it to decide, with other agencies, whether to initiate enquiries under Section 47 of the Children Act 1989.

Assessments should determine whether the child is in need, the nature of any services required and whether any specialist assessments should be undertaken to assist the Local Authority in its decision making.

Social Workers should:

- lead on an assessment and complete it in line with the locally agreed protocol, according to the child's needs and within 45 working days from the point of referral into Local Authority Children's Social Care.
- See the child within a timescale, manner and place that is appropriate to the nature of the concerns expressed at referral and subsequent strategy discussion, according to an agreed plan;
- Conduct interviews with the child and family members separately and together, as appropriate. Initial discussions with the child should be conducted in a way that minimises distress to them and maximises the likelihood that they will provide accurate and complete information, avoiding leading or suggestive questions.
- Consideration must be given to seeing the child's living environment including sleeping arrangements, kitchen, bathroom and other key areas of the home.
- Record the assessment findings and decisions and next steps following the assessment.

- Inform in writing all the relevant agencies and the family of their decisions and if the child is a Child in Need, of the plan for providing support.
- Inform the referrer of what action has been or will be taken.

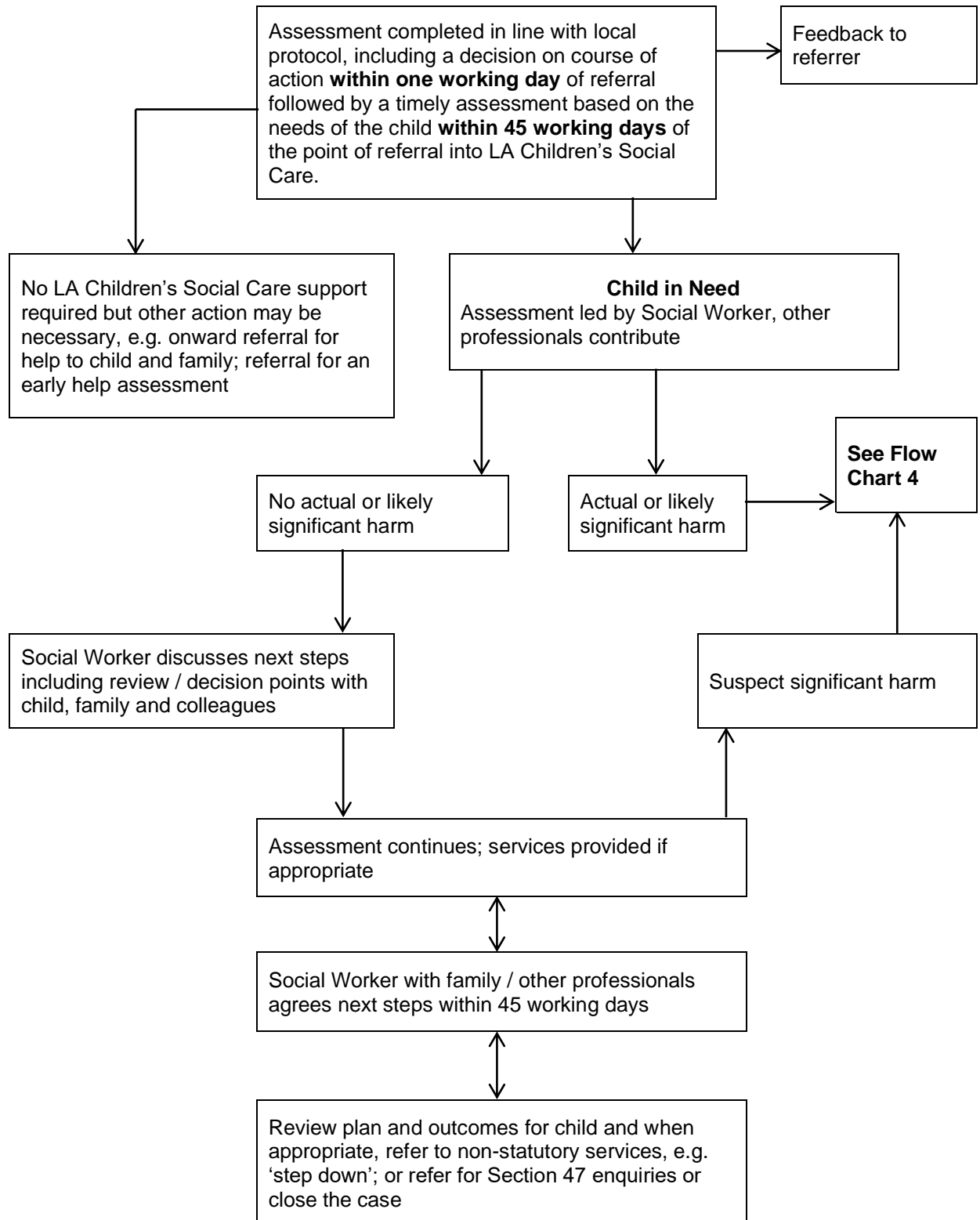
The Police should:

- Assist all other agencies to carry out their responsibilities where there are concerns about the child's welfare, whether or not a crime has been committed. If a crime has been committed, the Police should be informed by the Local Authority Children's Social Care.

All involved professionals should:

- Be involved in the assessment and provide further information about the child and family; and
- Agree further action, including what services would help the child and family and inform Local Authority Social Care if any immediate action is required.

Flow Chart 3: Action taken for an assessment of a child under the Children Act 1989



4.6 Strategy Discussion

Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm there should be a Strategy Discussion involving Local Authority Children's Social Care, the Police, Health and other agencies, such as the referring agency. This might take the form of a multi-agency meeting or phone calls and more than one discussion may be necessary. A Strategy Discussion can take place following a referral or at any other time, including during the assessment process.

Local Authority Children's Social Care should convene a Strategy Discussion to determine the child's welfare and plan rapid future action if there is reasonable cause to suspect the child is suffering, or is likely to suffer, significant harm.

A Local Authority Social Worker and their manager, Health Professionals and a Police representative should, as a minimum, be involved in the Strategy Discussion. Other relevant professionals will depend on the nature of the individual case but may include:

- the professional or agency which made the referral;
- the child's school or nursery; and
- any health services the child or family members are receiving.

All attendees should be sufficiently senior to make decisions on behalf of their agencies.

The Strategy Discussion should be used to:

- share available information;
- agree the conduct and timing of any criminal investigation; and
- decide whether enquiries under Section 47 of the Children Act 1989 should be continued.

Where there are grounds to continue enquiries under Section 47 of the Children Act 1989, decisions should be made as to:

- what further information is needed if an assessment is already underway and how it will be obtained and recorded;
- what immediate and short term action is required to support the child, and who will do what by when; and
- whether legal action is required.

The timescale for the assessment to reach a decision on next steps should be based upon the needs of the individual child, consistent with the local protocol and certainly no longer than 45 working days from the point of referral into Local Authority Children's Social Care.

The principles and parameters for assessments undertaken under Section 47 of the Children Act 1989 should be:

- Child centred. Where there is a conflict of interest, decisions should be made in the child's best interest;
- Rooted in child development and informed by evidence;
- Focussed on action and outcomes for children;
- Holistic in approach, addressing the child's needs within their family and wider community;
- Integrated in approach;
- A continuing process, not an event;
- Transparent and open to challenge;

and should:

- Ensure quality of opportunity
- Involve children and families
- Build on strengths as well as identifying difficulties
- Lead to action, including the provision and review of services

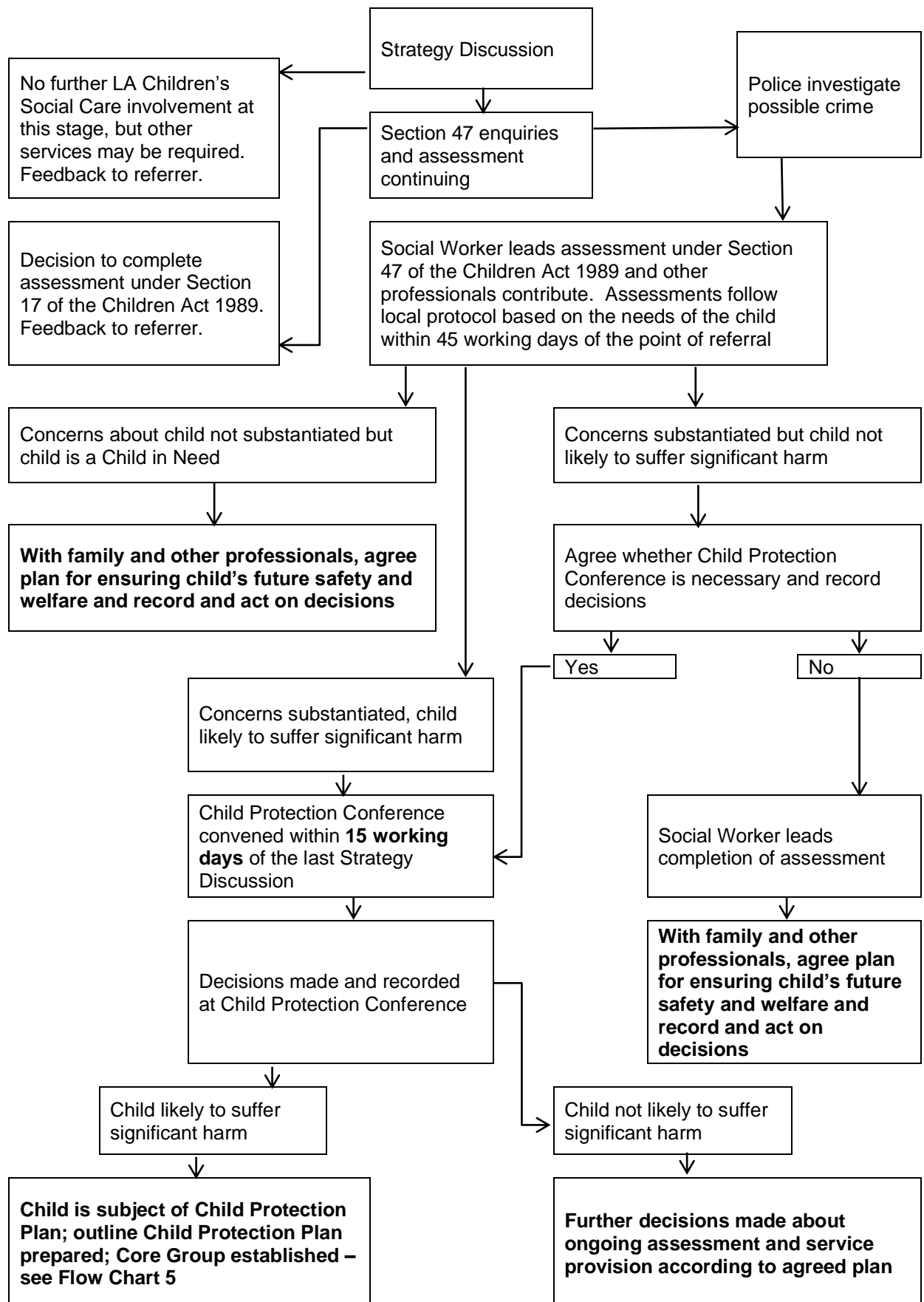
Social Workers and their managers should convene the Strategy Discussion and make sure it:

- considers the child's welfare and safety and identifies the level of risk faced by the child;
- decides what information should be shared with the child and family (on the basis that information is not shared if this may jeopardise a police investigation or place the child at risk of significant harm);
- agrees what further action is required, and who will do what by when, where an EPO is in place or the child is the subject of Police powers of protection;

- records agreed decisions. Provides copy of decision and agreed actions at the conclusion of the discussion and circulates formal minutes within 3 working days;
- follows up actions to make sure what was agreed gets done.

The Police should:

- discuss the basis for any criminal investigation and any relevant processes that other agencies might need to know about, including the timing and methods of evidence gathering; and
- lead the criminal investigation (Local Authority Children's Social Care have the lead for the Section 47 enquires and assessment of the child's welfare) where joint enquiries take place.

Flow Chart 4: Action following a Strategy Discussion

4.7 Initiating Section 47 enquiries

A Section 47 enquiry is carried out by undertaking or continuing with an assessment in accordance with the guidance set out in this chapter and following the principles and parameters of a good assessment.

Local Authority Social Workers have a statutory duty to lead assessments under Section 47 of the Children Act 1989. The Police, Health Professionals, teachers and other relevant professionals should help the Local Authority in undertaking its enquiries.

A Section 47 enquiry is initiated to decide whether and what type of action is required to safeguard and promote the welfare of a child who is suspected of, or likely to be, suffering significant harm.

Social Workers with their managers should:

- lead the assessment in accordance with this guidance;
- carry out enquiries in a way that minimises distress for the child and family;
- consider whether it is necessary to see the child that day weighing up the possible risks, the changing picture, and any other relevant factors;
- in any event give priority to seeing the child who is the subject of concern to ascertain their wishes and feelings; assess their understanding of their situation; assess their relationships and circumstances more broadly;
- interview parents and/or caregivers and determine the wider social and environmental factors that might impact on them and their child;
- systematically gather information about the child's and family's history;
- analyse the findings of the assessment and evidence about what interventions are likely to be most effective with other relevant professionals to determine the child's needs and the level of risk of harm faced by the child to inform what help should be provided and act to provide that help; and
- follow the guidance set out in Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures, where a decision has been made to undertake a joint interview of the child as part of any criminal investigation.

The Police should:

- help other agencies understand the reasons for concerns about the child's safety and welfare;

- decide whether or not Police investigations reveal grounds for instigating criminal proceedings;
- make available to other professionals any evidence gathered to inform discussions about the child's welfare; and
- follow the guidance set out in Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures, where a decision has been made to undertake a joint interview of the child as part of the criminal investigations.

Health Professionals should:

- undertake appropriate medical tests, examinations or observations, to determine how the child's health or development may be being impaired;
- provide any of a range of specialist assessments. For example, physiotherapists, occupational therapists, speech and language therapists and child psychologists may be involved in specific assessments relating to the child's developmental progress. The lead health practitioner (probably a Consultant Paediatrician, or possibly the child's GP) may need to request and coordinate these assessments; and
- ensure appropriate treatment and follow up health concerns.

All involved professionals should:

- contribute to the assessment as required, providing information about the child and family; and
- consider whether a joint enquiry/investigation team may need to speak to a child victim without the knowledge of the parent or caregiver.

4.8 Outcome of Section 47 enquiries

Local Authority Social Workers are responsible for deciding what action to take and how to proceed following Section 47 enquiries.

If Local Authority Children's Social Care decides not to proceed with a Child Protection Conference then other professionals involved with the child and family have the right to request that Local Authority Children's Social Care convene a Conference, if they have serious concerns that a child's welfare may not be adequately safeguarded. Agencies should follow WSCB escalation policy (Appendix 18)

Concerns of significant harm are not substantiated:**Social Workers and their managers should:**

- discuss the case with the child, parents and other professionals;
- determine whether support from any services may be helpful and help secure it; and
- consider whether the child's health and development should be re-assessed regularly against specific objectives and decide who has responsibility for doing this.

All involved professionals should:

- participate in further discussions as necessary;
- contribute to the development of any plan as appropriate;
- provide services as specified in the plan for the child; and
- review the impact of services delivered as agreed in the plan.

Concerns of significant harm are substantiated and the child is judged to be suffering, or likely to suffer, significant harm:**Social workers with their managers should:**

- convene an Initial Child Protection Conference (see section seven for details). The timing of this Conference should depend on the urgency of the case and respond to the needs of the child and the nature and severity of the harm they may be facing. The Initial Child Protection Conference should take place within 15 working days of a Strategy Discussion, or the Strategy Discussion at which Section 47 enquiries were initiated if more than one has been held;
- consider whether any professionals with specialist knowledge should be invited to participate;
- ensure that the child and their parents understand the purpose of the Conference and who will attend; and
- help prepare the child if he or she is attending or making representations through a third party to the Conference. Give information about advocacy agencies and explain that the family may bring an advocate, friend or supporter.

All involved professionals should:

- contribute to the information their agency provides ahead of the Conference, setting out the nature of the agency's involvement with the child and family;
- consider, in conjunction with the Police and the appointed Conference Chair, whether the report can and should be shared with the parents and if so when; and
- attend the Conference and take part in decision making when invited.

4.9 Initial Child Protection Conferences

Following Section 47 enquiries, an Initial Child Protection Conference brings together family members (and the child where appropriate), with the supporters, advocates and professionals most involved with the child and family, to make decisions about the child's future safety, health and development. If concerns relate to an unborn child, consideration should be given as to whether to hold a Child Protection Conference prior to the child's birth.

The purpose of the Conference is to bring together and analyse, in an inter-agency setting, all relevant information and plan how best to safeguard and promote the welfare of the child. It is the responsibility of the Conference to make recommendations on how agencies work together to safeguard the child in future.

Conference tasks include:

- appoint a Lead Social Worker who should be a qualified and experienced Social Worker with the Local Authority. This could be achieved by a co-working or supervisory relationship between a less experienced Social Worker and a more experienced Social Worker;
- identifying membership of the core group of professionals and family members who will develop and implement the Child Protection Plan;
- establishing timescales for meetings of the core group, production of a Child Protection Plan and for Child Protection Review meetings; and
- agreeing an outline Child Protection Plan, with clear actions and timescales, including a clear sense of how much improvement is needed, by when, so that success can be judged clearly.

The Conference Chair:

- is accountable to the Director of Children's Services. Where possible the same person should chair subsequent Child Protection Reviews;
- should be a professional, independent of operational and/or line management responsibilities for the case; and
- should meet the child and parents in advance to ensure they understand the purpose and the process.

Social Workers with their Managers should:

- convene, attend and present information about the reason for the Conference, their understanding of the child's needs, parental capacity and family and environmental context and evidence of how the child has been abused or neglected and its impact on their health and development;
- analyse the information to enable informed decisions about what action is necessary to safeguard and promote the welfare of the child who is the subject of the Conference;
- share the Conference information with the child and family beforehand (where appropriate);
- prepare a report for the Conference on the child and family which sets out and analyses what is known about the child and family and the Local Authority's recommendation; and
- record Conference decisions and recommendations and ensure action follows.

All involved professionals should:

- work together to safeguard the child from harm in the future, taking timely, effective action according to the plan agreed.

WSBC should:

- monitor the effectiveness of these arrangements.

4.10 The Child Protection Plan

Actions and responsibilities following the Initial Child Protection Conference

The aim of the Child Protection Plan is to:

- ensure the child is safe from harm and prevent him or her from suffering further harm;
- promote the child's health and development; and
- support the family and wider family members to safeguard and promote the welfare of their child, provided it is in the best interests of the child.

Local Authority Children's Social Care should:

- designate a Social Worker to be the lead professional as they carry statutory responsibility for the child's welfare;
- consider the evidence and decide what legal action to take if any, where a child has suffered, or is likely to suffer, significant harm; and
- adhere to the local protocol for timeliness of circulating plans after the Child Protection Conference.

Social Workers and their managers should:

- be the lead professional for inter-agency work with the child and family, coordinating the contribution of family members and professionals into putting the Child Protection Plan into effect;
- develop the outline Child Protection Plan into a more detailed inter-agency plan and circulate to relevant professionals (and family where appropriate);
- undertake direct work with the child and family in accordance with the Child Protection Plan, taking into account the child's wishes and feelings and the views of the parents in so far as they are consistent with the child's welfare;
- complete the child's and family's in-depth assessment, securing contributions from Core Group members and others as necessary;
- explain the plan to the child in a manner which is in accordance with their age and understanding and agree the plan with the child;
- coordinate reviews of progress against the planned outcomes set out in the plan, updating as required. The first review should be held within 3

months of the Initial Conference and further reviews at intervals of no more than 6 months for as long as the child remains subject of a Child Protection Plan;

- record decisions and actions agreed at Core Group meetings as well as the written views of those who were not able to attend, and follow up those actions to ensure they take place. The Child Protection Plan should be updated as necessary; and
- lead Core Group activity.

The Core group should:

- meet within 10 working days from the Initial Child Protection Conference if the child is the subject of a Child Protection Plan;
- develop the outline Child Protection Plan, based on assessment findings, and set out what needs to change, by how much, and by when in order for the child to be safe and have their needs met;
- decide what steps need to be taken, and by whom, to complete the in-depth assessment to inform decisions about the child's safety and welfare; and
- implement the Child Protection Plan and take joint responsibility for carrying out the agreed tasks, monitoring progress and outcomes, and refining the plan as needed.

4.11 Child Protection Review Conference

The Review Conference procedures for preparation, decision-making and other procedures should be the same as those for an Initial Child Protection Conference.

Social workers and their managers should:

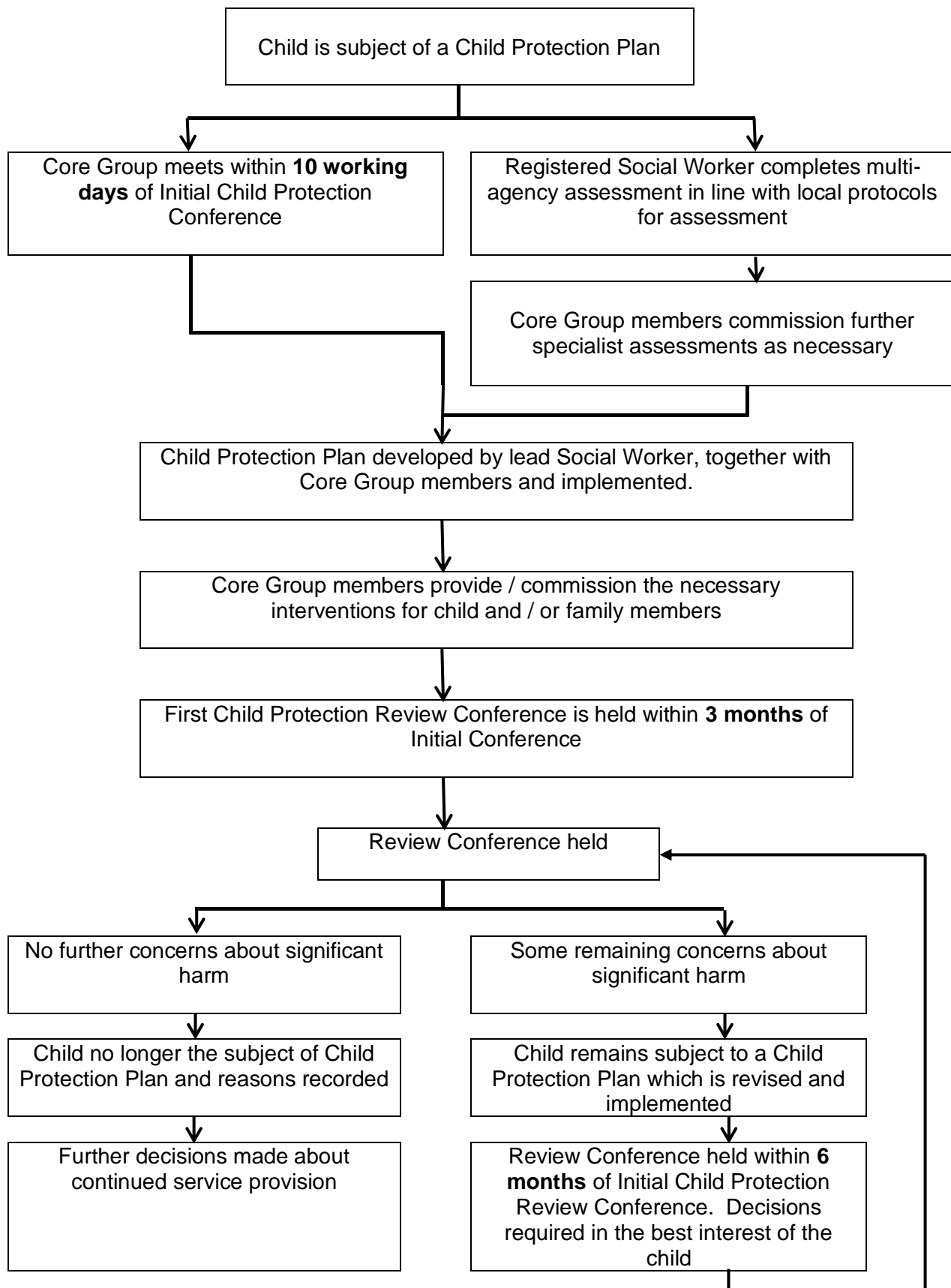
- attend and lead the organisation of the Conference;
- determine when the Review Conference should be held within 3 months of the Initial Conference, and thereafter at maximum intervals of 6 months;
- provide information to enable informed decisions about what action is necessary to safeguard and promote the welfare of the child who is the subject of the Child Protection Plan, and about the effectiveness and impact of action taken so far;
- share the Conference information with the child and family beforehand, where appropriate;

- record Conference outcomes; and
- decide whether to initiate Family Court Proceedings (all the children in the household should be considered, even if concerns are only expressed about one child) if the child is considered to be suffering significant harm.

All involved professionals should:

- attend, when invited, and provide details of their involvement with the child and family; and
- produce reports for the Child Protection Review. This information will provide an overview of work undertaken by family members and professionals, and evaluate the impact on the child's welfare against the planned outcomes set out in the Child Protection Plan.

Flow Chart 5: What happens after the Child Protection Conference, including the Review?



4.12 Discontinuing the Child Protection Plan

A child should no longer be the subject of a Child Protection Plan if:

- it is judged that the child is no longer continuing to, or likely to, suffer significant harm and therefore no longer requires safeguarding by means of a Child Protection Plan;
- the child and family have moved permanently to another Local Authority area. In such cases, the receiving Local Authority should convene a Child Protection Conference within 15 working days of being notified of the move. Only after this event may the original Local Authority discontinue its Child Protection Plan;
- the child is looked after under a Court Order or under Section 20 of the Children Act 1989 with an agreed permanence plan (see section 7.27); or,
- 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 United Kingdom.

Social workers with their managers should:

- notify, as a minimum, all agency representatives who were invited to attend the Initial Child Protection Conference that led to the plan; and
- consider whether support services are still required and discuss with the child and family what might be needed, based on a re-assessment of the child's needs.