



# Protocol for Protecting Children who Move Across Local Authority Borders

Revised: August 2023  
Review Date: August 2025  
Author: Swindon Safeguarding Partnership  
Document owner: Swindon Safeguarding Partnership

Contents	Page
1. Introduction	3
2. Purpose	4
3. Key Principles	5
4. Negotiated Alternatives	5
5. Identifying Children at Risk of Harm	6
6. Information Sharing	7
7. Case Responsibility	8
8. Child Subject to Section 47 Enquiries	12
9. Transfer of a Child in Need in receipt of services from the originating authority (not looked after or subject of a child protection plan)	12
10. Early Help cases	14
11. Education and Health Care Plans	15
12. Dispute Resolution	16

## 1. Introduction

1.1 Local authorities, the Police, Health services, Education Services and Youth Offending Teams have a specific 'duty to co-operate' to ensure better outcomes and to improve the well-being of all children, including children who move frequently. This guidance also extends to unborn babies.

1.2 The responsibility for delivery of the universal services offered by Health and Children's Services belongs to the area in which a child is living.

1.3 Arrangements for the delivery of targeted children's services are more complex. This guidance sets out the arrangements for the delivery of Children's Services where:

- They are also, Children in Need, children under Section 47 Investigation including those in need of protection and subject to Children Protection Plans, as defined by the Children Act 1989, or they are Children who are Looked After
- Early Help support arrangements are in place
- Children who have an Education and Health Care Plan

The effective, timely and robust transfer of information is critical in such circumstances. Therefore whilst the guidance specifically covers the responsibility of children's services and the services that they provide, the principles of early and timely sharing of information relating to children and families that move apply to all professionals from any agency.

1.4 Children and families who move most frequently between local authorities are families who are homeless, asylum seekers and refugees, families experiencing domestic abuse, gypsy and traveller families and children who are looked after. It is also important to recognise that some families will move between authorities to avoid or divert professional contact where safeguarding or child protection concerns have been identified.

1.5 Frequent movers can find it difficult to access the safe, reliable and consistent delivery of services they need. For those already socially excluded, moving frequently can worsen the effects of their exclusion and increase the vulnerability of the children and have an impact of their health and well-being.

1.6 The need to safeguard children in these circumstances is widely recognised as a priority.

1.7 Relevant agencies involved with the case must adhere to the ICPC Process, other Professionals should follow their own cross-border protocols.

## 2. Purpose

2.1 This guidance focuses specifically on safeguarding responsibilities in relation to children who move across Local Authority boundaries, and where they are Children in Need, including those in need of protection and subject to Child Protection Plans as defined by the Children Act 1989, and Children who are Looked After; other children receiving an out of authority service where child protection concerns arise within that service and those children receiving Early Help support and who have an Education and Health Care Plan.

2.2 It provides a framework for the Local Authorities to establish respective responsibilities on behalf of children where an assessment has identified that it is in their interests to receive support or protection. It also provides a framework for professionals from other agencies to promote early and proactive information sharing regarding children who are likely to or do move across Local Authority boundaries.

2.3 It should be noted that in relation to children who are looked after, this guidance specifically focuses on responsibility for child protection enquiries where children are placed, or receiving services, outside of their originating authority. It is in addition to, and does not affect, the notification arrangements required under the Care Planning, Placement and Case Review (England) Regulations 2010.

2.4 This guidance:

- Defines the terms 'originating authority' as the local authority where the family previously lived, and 'receiving authority' as the local authority to which the family has moved. 'Responsible authority' refers to when there may be more than one local authority working with a case / family, all of whom have legal responsibility for certain areas of work.
- Defines 'home authority' as the local authority holding case responsibility, or, if the child is not on active caseload to Children's Social Care, as the local authority where the child is living. The term 'host authority' refers to the authority where the child may be found, is visiting for a short break or in receipt of specified services (e.g. education). The home or host authority could also be an 'originating' or 'receiving in authority'.
- Defines 'ordinary residence' as the place where the person with parental responsibility for the child lives.
- Covers both temporary and permanent moves, regardless of the nature of the accommodation in which the child and/or family are living e.g. private or public housing. It sets out the arrangements for case responsibility, during such temporary and permanent moves according to the legal status of the child, and negotiated alternatives in exceptional cases.
- Addresses local authority children's social care cases and other responsibilities in relation to children in need, including those in need of protection and those receiving early help support. Other local authority services and other agencies will have arrangements determined by different legislation and guidance;
- Excludes LA housing provision or LA children's social care funding of housing or subsistence costs included in a child in need plan. These remain the responsibility of the originating local authority until the housing issue is resolved, although the receiving authority may become responsible for other aspects of service delivery.
- Sets out the information that needs to be shared to ensure that appropriate arrangements are in place to safeguard children and promote their welfare.

### 3. Key Principles

3.1 It is best practice for children in need to receive services from agencies, which are local to where they live. This applies particularly to health, police, education and social work services.

3.2 Where an authority is providing services to a child in need or has identified a child in need, and the child moves to a new address, it is essential that these assessments and / or services are effectively co-ordinated and transferred to local agencies. This includes children who move in planned or in unplanned circumstances across local authority boundaries. In either case where a child is allocated in a LA and moves to another LA area, the originating authority must notify the receiving LA that the child has moved into their area. Agreement can then be reached about which LA will work with the family from that point, i.e. which will be the responsible authority, what handover arrangements are to be made or information to be shared.

Where a planned move is taking place, the responsible local authority will need to undertake a home visit and make relevant enquiries to satisfy themselves this is appropriate for the child/young person. Other agencies may also need to make contact and / or undertake visits, for example, health visitors. The application of this principle in relation to the different legal status of children is set out in Section 7 below on case responsibility.

3.3 The guidance

- Upholds the paramountcy of children's welfare
- Encourages the review and reassessment of the needs and risks as a child's circumstances change;
- Supports the making of decisions in the best interest of the child as well as managing service-provision within inter-authority arrangements;
- Requires the negotiation of agreed actions between managers within respective authorities and confirmation of those agreements in writing.

### 4. Negotiated Alternatives

4.1 In exceptional cases, in response to the circumstances of an individual child, a LA children's social work first line manager or above may negotiate different arrangements to those set out here, with their equivalent in another authority

4.2 In such cases it should be evidenced why an alternative arrangement is in the best interests of the child. This should be clearly recorded as a management decision on the child's record.

4.3 Such negotiated departure from this procedure should be confirmed in writing by both the originating and receiving authorities within 48 hours of the agreement being made.

## 5. Identifying Children at Risk of Harm

5.1 When families move frequently, it is more difficult for agencies to identify risks and monitor a child's welfare.

5.2 All professionals in all agencies should be alert to the possibility that a child and family who have moved may not be in receipt of universal services, and that the parents may move to conceal other risk factors, and / or to actively avoid intervention from universal and targeted services. Where possible professionals should speak to families to ascertain the voice of the child and views of the parent in an effort to establish the reason for moving across boundaries, and, help them consider what impact such moves may have on the child(ren) (such as school curriculum changing, health providers changing etc.)

5.3 The following circumstances associated with children and families moving across authority boundaries are a particular cause for concern:

- A child and family, or pregnant woman not being permanently registered with a GP;
- If a family are registered with a GP it can take time for their records to transfer from one practice to another, which can cause delays in understanding family members medical and other relevant history.
- Children and / or their parents / carers with complex mental health needs.
- A child not having a school place or whose attendance is irregular;
- A child or family having no fixed abode (e.g. being homeless or living temporarily with friends and relatives) in so far as it impacts on the welfare of the child;
- Several agencies holding information about the child and family, which is not co-ordinated, and/or which has not followed the child or family (i.e. information which is missing or has gaps);
- A move which disrupts an assessment or planned work with the child or their family which is likely to identify safeguarding concerns or address the child's needs
- Repeated assessments and interventions offered to a family with little evidence of improved outcomes
- Children moving out of a Local Authority and subject to a Court Order, including Children Looked After
- Children with complex medical conditions.
- Children with an EHCP

### **Where there are Co-Parenting or Shared Care Arrangements**

5.4 Where there is more than one 'Responsible Authority' involved in a case, it is important that both 'Responsible Authorities' fully understand the implications of that child spending time in and between both locations and a decision may need to be made regarding which Local Authority has the lead responsibility.

5.5 Therefore, it is important that:

- When children are on a Child Protection Plan and there is a co-parenting arrangement across different areas, it will need to be determined which Authority will have lead responsibility for the Plan. The second Authority will need to hold the child on a temporary plan and contribute to the lead authority's assessments and planning. Reviews will be managed by the lead Authority;

- In these circumstances the lead authority will need to include both parents / those with parental responsibility in the assessment of their child - the national picture of Serious Case Reviews indicates that the focus of attention is mainly on the mothers, with little consideration of the role and parenting capacity of fathers.
- In these circumstances local agencies working with the family need to ensure they communicate and share information with the lead authority, including contributing to assessments and planning.

## 6. Information Sharing

6.1 For agencies to maintain contact with children and families who move frequently, information needs to be shared accurately and in a timely manner. Professionals from all agencies should therefore:

- Ensure that all forenames and surnames used by the family are provided, ensuring the correct spelling of all names used;
- Ensure that accurate dates and places of birth for all household members, wherever possible;
- Record all addresses used by the family within the last two years;
- Clarify relationships between the child and other household members, if possible with documentary evidence;
- Undertake checks and ask the child and family which statutory or voluntary organisations they are in contact with.

6.2 When a family move to another area and there are concerns about the welfare of a child of the family, all agencies are responsible for:

- Ensuring that other agencies who have been working with the child and family are aware of the move; and
- Providing all relevant information as detailed in this protocol to colleagues in equivalent agencies in the receiving area

This should be done before the move where possible, otherwise as soon as possible afterwards.

6.3 Professionals in originating authorities must ensure that their counterparts in the receiving authority have been sent a copy of all relevant records before the move, or if that is not possible, within five working days of being notified that the family has moved. In order for the referral to be received the originating authority must provide full details of the current issues and concerns and actions taken to address these. The receiving authority should provide confirmation of receipt and agreement of next steps to be taken. If agreement is not reached the matter should be escalated to achieve resolution, and all key decisions recorded.

6.4 If agencies in the receiving authority become aware of a family moving into their area in circumstances that suggest there may be cause for concern about the welfare of one or more children, they will contact their equivalent agencies in the originating area to request information. On receiving the request, the first line manager for the relevant originating authority's services is responsible for providing the information within one working day.

6.5 Professional staff in receiving authorities must ensure that they request relevant records from their counterparts in originating authorities immediately when notified of the move.

6.6 Where the immigration status of the child and their family is not confirmed or where there are safeguarding concerns, the UK Border Agency should be notified of any movements.

6.7 Where a young person who is receiving services as a care leaver moves into another LA area, it is good practice to work with the young person and gain their agreement to notify the new local authority.

6.8 Case responsibility in relation to children looked after and children who are the subject of Protection Plans is set out in Section 7.

## 7. Case Responsibility

7.1 The authority in which a child has their 'ordinary residence' is normally responsible for providing the child with LA Children's Social Care Services, subject to the exceptions set out in paragraph 7.2 below.

7.2 If a child moves their place of ordinary residence, the circumstances when responsibility is retained by the originating authority are when the child is:

- Subject to a care order or an interim care order in the originating authority;
- Accommodated by the originating authority; including children on remand

Responsibility for leaving care services for a parent/expectant parent who is also a care leaver also remain with the originating authority (see Paragraph 7.9).

Care leavers under the CLCA 200 remain the responsibility of the originating authority however, the originating can request assistance from the host authority

### **Child subject to a statutory order in the originating authority**

7.3 Children subject to:

- a care order
- an interim care order
- an emergency protection order
- any form of supervise on order
- a child assessment order
- or subject to current use of police protection powers remain the responsibility of the originating authority.

Where the originating authority is requesting the Court to make a supervision order for a child who lives out of their local authority i.e. if the family move out of area during proceedings or a child is placed with a connected person out of the originating authority's area. The originating authority's legal department must contact the receiving authority and provide relevant court documents in order for them to consider the making of a supervision order .If the host authority agree the making of the supervision order then the court will make the order to that local authority. If the receiving authority disagree with the making of the order then they must complete a statement to the court outlining the rationale for their disagreement and may be asked to attend court regarding the matter.

7.4 Where a care, supervision or family assistance order is in force, the receiving authority may (and this must be confirmed in writing by a LA children's social care first line manager or above) agree to provide required services on behalf of the originating



authority. In all circumstances an assessment should be undertaken and a legal strategy meeting convened, including partner agencies, i.e. Health agencies, as necessary. However, the legal responsibility remains with the originating authority. The agreed position must be confirmed in writing by both the receiving and originating authority.

7.5 Any matters requiring a strategy discussion & subsequent child protection enquiry which may arise in respect of a child who is looked after, are the responsibility of the local authority in whose area the child is residing or happens to be in at the time, unless both authorities agree that the originating authority will undertake this role. In this instance, the originating authority must see the child within 24 hours of this decision being made. As an example, if a child normally resident in Local Authority A, but was placed by that Local Authority in a residential home in Local Authority B, it would be the responsibility of Local Authority B to carry out any assessments on any subsequent issues, such as a Section 47 investigation. All strategy discussions and other child protection enquires should include partner agencies i.e. health, police, education, as per normal practice.

### **Where the parent is a care leaver**

7.6 Where a child is a mother / expectant mother or father and is accommodated or subject to leaving care arrangements (potentially up to 25 years), and is placed by the originating authority in another local authority area, the authority in which the mother is living is responsible for the baby. As noted in paragraph 7.2 above, responsibility for 'care leaver services' to either parent remain with the originating authority. Close working relationships between the two authorities will be particularly important in these cases.

### **Children Subject to Child Protection Planning**

7.7 When families move frequently, it is more difficult for agencies to identify risks and monitor a child's welfare. It is imperative that the child / young person's social worker (or Manager/duty worker if the social worker is not available), is made aware of the change of address and that arrangements are made to ensure that all professionals are notified. This includes unborn babies who are on an unborn child protection plan.

7.8 If a move is planned, professionals from all agencies must verbally notify and discuss with their counterparts any planned moves, in advance if this taking place be it temporary or permanent.

7.9 In all cases the responsible authority requesting transfer of a child subject to a Child Protection Plan must notify the receiving authority of the planned move. This notification must take place when the authorities are aware a move is planned or has taken place. This should be followed up in writing within one working day.

7.10 Whether a temporary or permanent move is to take place, the receiving authority should promptly confirm the notification with his/her counterpart in the transferring authority. Until a transfer in conference takes place the authority the child is moving from remains the responsible authority. Any questions or concerns about the proposed transfer must be raised at this time and the transferring authority must provide all relevant information. This verbal confirmation should be recorded at the time in the child's file in both receiving and transferring authorities, and the transferring authority should follow this up in writing within one working day.

7.11 Cases are deemed to have been transferred only after the transfer child protection conference has taken place and written confirmation has been received.

Transfer/ sharing of information between authorities

7.12 The transferring authority must provide the receiving authority with the Child Protection Plan and all reports from the most recent conference 10 working days prior to the planned move. If this is not possible because the move has already happened or is imminent, the information should be provided on the day the move is confirmed.

### **Transfer in Conference**

7.13 The receiving authority should hold a Transfer Child Protection Conference within 15 working days of their receipt of notification and agreement to hold a transfer in conference from the transferring authority. Except where:

- the transferring authority agrees to continue to hold the Child Protection Review Conference, or;
- the child is due to move from the Local Authority within 15 working days or within a short space of time;
- the child is only to be resident in the Local Authority for a short period with plans to move back to the original authority or a different authority, or;
- the child is in temporary accommodation and it is not clear what the future arrangements will be.

Useful criteria to judge the permanence of a move will include security of housing arrangements; registration of the child with a GP enrolment in an education or an 'Early Years' provision.

7.14 In the event of a Transfer Child Protection Conference not being held, there is no change in the responsible authority however, it is vital that agreement is reached regarding actions to ensure the child's welfare is safeguarded if the responsible authority is requesting assistance from the authority the child is temporarily residing. Such arrangements must be recorded by both authorities.

7.15 The transfer Child Protection Conference should take place within 15 working days. Within the first 7 working days, arrangements for the Child Protection Conference should be notified to the transferring authority and confirmed in writing - all efforts should be made to facilitate their attendance. The transferring authority must give priority to attending. In exceptional circumstances, attendance via video conference can be arranged.

7.16 The transferring authority should provide the receiving authority with details of each agency's named staff in order that reports can be requested.

The following information should be shared in all circumstances:

- Any current assessment including risk assessments.
- The current Child Protection Plan, previous conference reports and minutes.
- Any relevant legal orders.
- An evaluation of the implications of the move including the impact on current risk increase/decrease.
- Any identified specific needs including health and education or disability. Where a child does have a known health condition, health partners should be included

in any early transfer discussions so that appropriate planning for the provision of relevant services can be made. This will also assist in ensuring any specialist services can be commissioned at the earliest opportunity.

7.17 Typically the transferring authority remains responsible for all statutory visits to the child and family. There may though be occasion where the transferring authority requests the receiving authority to undertake welfare visits prior to conference. However this will need to be fully discussed and agreed, if this does take place the manner in which that information will be recorded and presented at conference will be agreed in writing.

**7.18 It is the transferring authority's responsibility to ensure the Child Protection Plan Continues to be implemented until formal transfer has been agreed at a transfer in conference.** This includes core group activity and Lead Social Worker/ Key Worker responsibility. Actions may be taken by the receiving authority on behalf of the transferring authority and this should be agreed at Team Manager Level and recorded by both authorities. There should be no significant change in the Child Protection Plan until the receiving authority has held a transfer in conference.

### **Temporary Moves**

7.19 In all cases, a temporary move could cover a range of situations from holiday stays to moves to the care of relatives. The circumstances should always be checked with the child's Lead Social Worker, appropriate checks undertaken & the authority the child is currently residing be notified that a child subject to a child protection plan is currently residing in their area, providing full details of the plan and who they are residing with and for how long their intended stay will be for.

7.20 Where it is known that the child has moved out of the area for a temporary period, however long or short, the area where the child is temporarily residing must be provided with the relevant information and contact numbers as follows:

- The Lead Social Worker must contact the local authority the child is currently residing in where the child is temporarily resident to provide them with the relevant personal details and the last Child Protection Plan.  
The child will remain subject to a Child Protection Plan in the transferring authority until the criteria for ceasing the Child Protection Plan are met or a transfer in conference is convened.

### **When a child is Privately Fostered**

7.21 Where a notification is received that the private foster carers have moved to a different Local Authority, the Private Fostering Social Worker must contact the Local Authority where the carer has moved to. The Social Worker must provide the new Local Authority with the name and address of the private foster carer, the name of the child being privately fostered and the name and address of the child's parents.

7.22 If a notification is received from another Local Authority about a private foster placement in the Swindon area, care should be taken to ensure that full written information is received from the previous authority including, where available, details of any previous assessments of suitability, reports on the subsequent progress of the placement and any concerns that may have arisen."

## 8. Child Subject to Section 47 Enquiries

8.1 Where a child moves during the course of a Section 47 enquiry, the investigation should be completed by the authority that commenced the enquiries. In some instances, it may be necessary for the receiving authority to ensure the safety of the child in such circumstances the receiving authority's information and assessment (where appropriate) should inform the transferring authority's Section 47 enquiry.

8.2 The receiving authority must be notified of a s47 enquiry being undertaken as soon as the child and family have moved, or any intention to move, is known. They will also be invited to participate in any subsequent strategy discussion or meeting to determine the way forward. Ownership of the s47 enquiry will remain with the transferring authority that instigated it.

8.3 If the outcome of a s47 enquiry is that an Initial Child Protection Conference (ICPC) is needed a discussion will be needed between Team Managers to agree in which authority the ICPC will take place, typically this will take place in the authority initiating the s 47 enquiry. This should do this within statutory timescales (15 working days).

8.4 The transferring authority will provide the receiving authority with a verbal report on the outcome of the enquiries on the day that the enquiries are completed, and confirm this in writing within 48 hours.

8.5 The receiving authority should also gather information as appropriate and share this with the transferring authority to inform the overall risk assessment. The lead Social Worker from the transferring authority is responsible for keeping the family updated during this time. If the outcome of the ICPC is a Child Protection Plan a decision will be needed regarding a transfer child protection conference as set out above. If there is any other outcome from the ICPC discussion will be needed with the authority the child and family are residing in regarding transfer of the case for ongoing intervention. Discussion between the transferring and receiving authority Team Managers must take place to identify case management transfer arrangements as appropriate.

8.6 In all cases information must be shared about any adult who has been subject to MAPPA, High Risk Domestic Abuse concerns or been discussed at MARAC.

## 9. Transfer of a Child in Need in receipt of services from the originating authority (not looked after or subject of a child protection plan)

9.1 Where a child and/or family in receipt of Children's social care services move to another authority, it is the responsibility of the originating authority to notify and refer to the receiving authority in writing of their circumstances and any ongoing need for services, providing all relevant assessments and plans.

9.2 The receiving Children's Social Care authority should determine based on the information provided how best the child's needs will be met in relation to local service provision and make a decision on the child and family's eligibility for service provision within 24 hours of receiving the referral from the originating authority. The rationale for the decision should be clearly recorded on the contact/referral and this decision should be communicated in writing to the originating authority.

9.3 The originating authority may retain case responsibility for a limited period unless a professional decision is taken to close the case or the receiving authority agree in writing to provide a service prior to this date.

9.4 If the receiving authority does not agree to provide a service, the originating authority may retain case responsibility for a limited period, and make representation to challenge the decision using the LSCB escalation procedures if this is felt to be required.

### **Exceptional arrangements**

9.5 Exceptions to the transfer of case responsibility may be made when:

- The originating authority is providing a time limited service which requires consistent professional input;
- The originating authority is completing an assessment
- The originating authority is providing a specified package of support such as housing /subsistence for a defined period (e.g. family are 'over stayers' within the terms of immigration legislation or subject to benefit / housing restrictions under 'habitual residence' regulations, or are housed by L children's social care, having being deemed 'intentionally homeless').

In these situations case responsibility will typically remain with the originating authority.

9.6 The originating authority must provide a copy of the child's assessment and the child in need plan which includes an intention to continue to offer a service for a defined period in excess of one month e.g. subsistence payments, housing costs, completion of a an assessment.

In this situation the originating authority retains responsibility for the funding of the services set out in the child in need plan until such time as the need is no longer required. Packages of care funded by Health will need to be addressed between health commissioners.

9.7 The receiving authority may assume responsibility for the provision of the service, in which case the originating authority will meet the costs in full.

9.8 If child protection concerns arise, the authority where the child is resident are responsible for undertaking the s47 enquiry within their area but may agree that they be undertaken by the originating authority where they continue to hold case responsibility.

### **Information Sharing and Consent**

9.9 Where a child in need is receiving services, but is not looked after or subject of a protection plan, the originating authority must (in addition to informing relevant agencies in the originating authority) inform the receiving authority in writing of the plan, with intended date of move and details of the child's identified needs.

9.10 Parental consent is required to share information in this situation and if this is not granted the first line manager in the originating authority must consider whether grounds exist to share information without consent. The rest of this section is then dependent on consent having been given or refusal set aside (with clear reasons for this)

9.11 If the originating authority was unaware of the move before it occurred, the notification must occur within one working day following its discovery.

9.12 The originating authority holds the responsibility for sharing full information to the receiving authority, including information from other agencies where appropriate and

providing information in writing within 24 hours of contacting the receiving authority. Other agencies who are working with the family should share relevant information with their counterparts in the receiving authority area (subject to parental consent to share as outlined above).

9.13 The receiving authority and agencies are responsible for requesting additional information in writing and the originating agencies are responsible for providing it.

## 10. Children Receiving Early Help Support

10.1 It is acknowledged that practice will vary between Local Authority areas. For example, some areas may have multi-agency teams, or a Single Point of Access to their services, others do not.

- This guidance will assist children's services to work in the best interests of children and young people to achieve improved outcomes and fulfil their potential. It is not concerned with maintaining organisational boundaries.
- The home address of a child/young person defines the 'Home' Local Authority for responsibility regarding processing and coordinating requests for Early Help and single assessments for Early Help.
- Practitioners are not expected to deliver services outside their normal areas of delivery unless prior agreement has been made between the practitioner and their line manager.
- Where Schools, Early Years, Youth Services, Voluntary agencies or Health professionals are located in a different Local Authority to that of the 'home' Local Authority of the child / young person, it is recognised that there may be difficulties over accessing resources, as means of access and thresholds for services may vary between Local Authorities. Where a child or family is disadvantaged through this process, the case may need to be considered flexibly and individually by all organisations involved in the TAC/F and action plan, across both Local Authorities involved.

10.2 Wherever possible Early Help Managers/Coordinators/Leads will seek to resolve issues by direct discussion.

10.3 Practitioners involved in an Early Help assessment of need or request for help / referral to another service, who identify at any stage that a child or young person is at risk of significant harm, must follow their local safeguarding procedures. It is best practice to inform the child/young person and family that this is happening unless doing so is likely to expose the child/young person to further risk. Practitioners should always seek local advice if they are unsure.

### **Transferring an Early Help Assessment / Request when a family moves across Boundaries**

10.4

- Ask the family if they wish to access Early Help support in the new Local Authority in order to share information with new Local Authority. Consent is required.
- Lead Professional/Lead agency to make contact with the receiving authority and securely transfer information to the identified person.

- The originating authority should consider the need for convening a TAC/F meeting where required to handover to review needs and agree the next action plan.
- Ensure the child and family are aware of the handover process and are clear what is going to happen next. A handover Team Around the family should be convened with the family present.
- Originating authority will close interventions and the receiving authority will record Information and take appropriate action.

## 11. When children have an Education and Health Care Plan (EHCP)

11.1 When a child or young person with an EHC plan moves into a different local authority's area, the EHC plan will need to transfer to the new local authority.

11.2 The legal requirement for the new LA to start making the provision in the EHC plan is set out in Regulation 15 of the Special Educational Needs and Disability Regulations 2014. There is also guidance for LAs in the [SEN and Disability Code of Practice](#) at paragraphs 9.157 to 9.161.

### Transfers between local authorities

11.3 Where a child or young person moves to another local authority, the 'old' authority must transfer the EHC plan to the 'new' authority. The old authority must transfer the EHC plan to the new authority on the day of the move, unless the following condition applies. Where the old authority has not been provided with 15 working days' notice of the move, the old authority must transfer the EHC plan within 15 working days beginning with the day on which it did become aware.

11.4 The old authority should also transfer any opinion they have received under the Disabled Persons (Services, Consultation and Representation) Act 1986 that the child or young person is disabled. Upon the transfer of the EHC plan, the new authority becomes responsible for maintaining the plan and for securing the special educational provision specified in it.

11.5 The requirement for the child or young person to attend the educational institution specified in the EHC plan continues after the transfer. However, where attendance would be impractical, the new authority must place the child or young person temporarily at an appropriate educational institution other than that specified – for example, where the distance between the child or young person's new home and the educational institution would be too great – until the EHC plan is formally amended. The new authority may not decline to pay the fees or otherwise maintain the child at an independent or non-maintained special school or a boarding school named in an EHC plan unless and until they have amended the EHC plan.

11.6 The new authority may, on the transfer of the EHC plan, bring forward the arrangements for the review of the plan, and may conduct a new EHC needs assessment regardless of when the previous EHC needs assessment took place. This will be particularly important where the plan includes provision that is secured through the use of a direct payment, where local variations may mean that arrangements in the original EHC plan are no longer appropriate. The new authority must tell the child's parent or the young person, within six weeks of the date of transfer, when they will review the plan (as below) and whether they propose to make an EHC needs assessment.

11.7 The new authority must review the plan before one of the following deadlines, whichever is the later:

- Within 12 months of the plan being made or being previously reviewed by the old authority,  
or
- Within 3 months of the plan being transferred

11.8 Some children and young people will move between local authority areas while they are being assessed for a plan. The new authority in such cases should decide whether it needs to carry out an EHC needs assessment themselves and it must decide whether to undertake an EHC needs assessment if it receives a request from the child's parent or the young person. The new authority should take account of the fact that the old authority decided to carry out an EHC needs assessment when making its decision. If it decides to do so then it should use the information already gathered as part of its own EHC needs assessment. Depending on how far the assessment had progressed, this information should help the new authority complete the assessment more quickly than it would otherwise have done.

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## 12. Dispute Resolution

12.1 Should it not be possible to resolve disagreements at first line manager level, they should be immediately escalated through the management structure (Team Manager, District Manager/Head of Service through to Assistant Director) who will liaise with their other local authority counterpart, in accordance with the Swindon Safeguarding Partnership escalation procedures.

[https://safeguardingpartnership.swindon.gov.uk/downloads/download/38/escalation\\_policy](https://safeguardingpartnership.swindon.gov.uk/downloads/download/38/escalation_policy)