

SECTION 6

THE INITIAL CHILD PROTECTION CONFERENCE AND THE CHILD PROTECTION PLAN

This Section sets out –

- The timing and purpose of the initial child protection conference;
- The actions to be taken to encourage the full involvement of the child and parents in the conference;
- The criteria for deciding whether the child needs a child protection plan;
- The actions to be taken if the child needs a child protection plan;
- The arrangements for circulating the minutes of the conference; and
- The arrangements for dealing with disagreements and complaints.

The Appendix to this Section sets out

- The agenda for a child protection conference;
- The responsibilities of the participants at the conference;
- The tasks to be addressed by a child protection conference; and
- The issues to be covered in an outline child protection plan.

1. GUIDANCE

Working Together to Safeguard Children [2010] Chapter 5 Paragraphs 5.82 – 5.110, 5.144 – 5.155

The words in this typeface are additions or amendments made in response to the 2010 edition of this guidance.

2. INTRODUCTION

2.1 Child protection conferences are managed (convened, chaired and recorded) by the Child Protection and Review Unit in the Children, Young People and Families Directorate, acting on behalf of Birmingham Safeguarding Children Board. There are two types of conference:

- **The initial child protection conference** including pre-birth conferences, and
- **Child protection review conferences** including “receiving-in” conferences - see [Section 8](#) of these procedures [Review Conferences and Discontinuing the Child Protection Plan].

2.2 If both Child Protection Procedures and Safeguarding Adults Procedures have been implemented in respect of the same household, the respective chairs will work together to coordinate the processes.

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Human Rights Act

- 2.3 The process of a child protection conference may raise issues under the Human Rights Act. These issues are discussed in [Section 2](#) of these procedures [Essential Information].

3. ADMINISTRATION OF THE INITIAL CHILD PROTECTION CONFERENCE

Timing and venue

- 3.1 Child protection conferences should be held at a time and place likely to be convenient to as many people as possible, and invitations should be sent out as far in advance as possible. A written invitation with a minimum of 5 working days notice should be given, unless exceptional circumstances make this inappropriate
- 3.2 All initial child protection conferences must take place within **15 working days** of the strategy discussion which agreed to initiate section 47 enquiries. In any specific case, the timing will depend on the urgency of the case and the time needed to obtain relevant information about the child and family.

Pre-birth conferences

- 3.3 When section 47 enquiries give rise to concern that an unborn child may be at future risk of significant harm, children's social care may need to convene an initial child protection conference before the child's birth. Issues relating to concerns about risk to unborn babies are discussed in [Section 10](#) of these procedures [Unborn Babies at Risk of Abuse].

Purpose

- 3.4 The initial child protection conference brings together family members, the child where appropriate, and those professionals most involved with the child and family. Its purpose is:
- To bring together and analyse information about the child's developmental needs, and the capacity of the parents or carers to respond to those needs, to ensure the child's safety and to promote the child's health and development within the context of their wider family and environment;
 - To consider the evidence presented to the conference **and, taking into account the child's present situation and information about the family history and past and present family functioning**, make judgements about the likelihood of the child suffering significant harm in the future;
 - **To decide what future action is required in order to safeguard and promote the child's welfare, including the child becoming the subject of a child protection plan, what the planned developmental outcomes are for the child and how best to intervene to achieve these.**

If the child is looked after by the local authority at the time of the initial child protection conference, it will not normally be necessary to devise a child protection plan - see [Section 8](#) of these procedures [Review Conferences and Discontinuing the Child Protection Plan] at Chapter 8.

- 3.5 Birmingham Safeguarding Children Board has agreed an agenda for initial conferences which will be found in the Appendix to this Section.

The chair

- 3.6 The Child Protection and Review Unit in the Children, Young People and Families Directorate will provide a chair who is independent of operational or line management responsibilities for the case. Wherever possible the same person should chair subsequent review conferences in respect of the same child.

Agencies and professionals involved

- 3.7 Those attending conferences should be there because they have a significant contribution to make, arising from professional expertise, knowledge of the child and family or both.
- 3.8 The lead social worker will complete the conference convening checklist setting out who should be invited. If the conference concerns an unborn child, an invitation must also be sent to the midwifery service and the paediatric service.
- 3.9 The doctor/paediatrician who examined the child during the section 47 enquiries should be invited to the conference, and should submit a report. If there are complex medical issues, the team manager should consider whether to seek advice from, or invite, a medical professional who can present the medical information in a manner which enables conference attendees to understand it and evaluate it from a sound evidence base.
- 3.10 Professionals and agencies who are invited but are unable to attend should submit a written report including an opinion on whether the threshold for a child protection plan is met. ***Wherever possible a well briefed agency representative should attend to speak to the report.***

Responsibilities of participants

- 3.11 The responsibilities of participants at child protection conferences are set out in the Appendix to this Section.

Quorum

- 3.12 As a minimum, every conference should be attended by children's social care and at least two other professional groups/agencies who have had direct contact with the child who is the subject of the conference. In exceptional cases, where a child has not had relevant contact with three agencies, the chair has discretion to proceed with fewer agencies represented. The chair will notify the Assistant Director/Safeguarding of any conference which proceeded although inquorate.

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The lead social worker's report

- 3.13 Before the conference, the lead social worker must discuss the section 47 Core Assessment Report with the parents and, if appropriate, the child and update it. At least 24 hours before the conference he/she should give a copy of this report to the conference chair, the parents and, if appropriate, the child.

4. INVOLVEMENT OF CHILDREN AND PARENTS

- 4.1 The parents (including absent parents) should normally be invited to the conference and helped to participate. The child, subject to considerations of age and understanding, should also be given the opportunity to attend if she/he wishes. The parents and/or the child may wish to bring a friend, advocate or supporter (see Paragraphs 4.8 - 9 of this Section).
- 4.2 If the chair decides that one or both parents are to be excluded from all or part of the conference, she/he must ensure that the reasons for this decision, together with any supporting evidence, are documented in the conference record.
- 4.3 ***If the child's attendance is neither desired by him/her nor appropriate, the children's social care professional who is working most closely with the child should ascertain their wishes and feelings and make these known to the conference.***
- 4.4 It is essential that any parent or child who attends a conference is fully prepared in advance. It is the responsibility of the lead social worker and team manager to ensure that they understand the conference process and that they are aware of who is to be invited. Each agency also has a responsibility to inform them of the content of any report that they intend to submit.
- 4.5 The involvement of family members should be planned carefully. It may not always be possible to involve all family members at all times in the conference:
- It may not be in the child's interests to attend at the same time as the parents;
 - Family members may not wish to speak in front of one another; and
 - Professionals may have concerns about violence or intimidation.

Consequently it may be necessary to exclude one or more family members from a conference, in whole or in part (see Paragraphs 4.10 - 11 of this Section).

- 4.6 Before the initial conference, the chair will meet the parents and, if appropriate, the child, to explain the purpose, membership and process of the conference and to check that they have received a copy of the social worker's report. If the parents are to be excluded from part of the meeting, the chair will explain the reasons for this, and how it is to be managed.
- 4.7 If the parents do not attend the conference, either because they are excluded or because they decline the invitation to attend -
- The lead social worker will ensure that they have an opportunity to communicate their views by another means, for example by informing a professional, or sending a letter to the chair;
- And
- The decisions and recommendations of the conference will be communicated to them, in person whenever possible, by the end of the next working day.
This will normally be the responsibility of the lead social worker.

Advocates and supporters

- 4.8 When inviting the parents or child to a conference, the lead social worker will give them information about local advice and advocacy agencies and explain that they may bring a friend, advocate, or supporter. This is particularly important if the child or parent has learning difficulties or mental health problems - see [Section 20](#) [Working with Parents who have Mental Health Difficulties] and [Section 27](#) [Working with Parents who have a Learning Disability] of these procedures. The chair may rule that it is inappropriate for a particular friend or supporter to attend the conference.
- 4.9 If the supporter is a lawyer, he/she attends only as an adviser and supporter and not as a legal representative: a child protection conference is not a tribunal at which witnesses are examined.

Excluding parents

- 4.10 Before the conference the participants should advise the chair of any reservations they may have about the involvement of the child and/or parents.
- 4.11 It may occasionally be necessary to exclude a parent completely from the conference. This decision will be taken by the chair and should be exceptional. The chair will not exclude a parent unless his/her presence:
- Would prevent a full and proper discussion of the child's interests, or
 - Would be likely to result in serious physical harm or serious emotional trauma to one or more of the other parties involved in the conference.

This will generally be true only if the parent has a history of violence or intimidation.

5. ACTION AND DECISIONS FOR THE CONFERENCE

5.1 ***The child protection conference will consider the following questions when determining whether the child should be the subject of a child protection plan –***

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

5.2 The test for this is that either:

- The child can be shown to have suffered ill-treatment or impairment of health or development as a result of physical, sexual or emotional abuse or neglect, and professional judgement is that further ill-treatment or impairment is likely; or
- Professional judgement, substantiated by the findings of enquiries in this individual case or by research evidence, is that the child is likely to suffer ill-treatment or the impairment of health or development as a result of physical, sexual or emotional abuse or neglect.

5.3 The conference must also consider the position of any siblings or other children in the household.

5.4 Where there is disagreement about the need for a child protection plan, the decision will be made on the majority of agencies invited to the conference. If there is no majority, the chair will have the casting vote.

Child not in need of a child protection plan

5.5 A child may not need to be the subject of a child protection plan, but she/he may nonetheless be in need of help to promote her/his health or development. In these cases ***the conference and the family should consider the child's needs and what further help and support would assist the family in responding to them.*** Subject to the family's views and consent it may be appropriate to continue the core assessment ***and to draw up a child in need plan or an integrated support plan.***

Child in need of a child protection plan

5.6 If the conference believes that the child is at continuing risk of significant harm, it will draw up an outline child protection plan in as much detail as possible (see the Appendix to this Section).

5.7 The conference should set the date for the first core group meeting (within 10 days of the initial conference) and agree a date for the first child protection review conference (within 3 months of the initial conference).

- 5.8 The conference chair will decide which category of abuse (physical, sexual, emotional abuse or neglect) most reflects the current presenting concerns. Guidance on the interpretation of these categories will be found in [Section 2](#) of these procedures [Essential Information].
- 5.9 The conference chair will ensure that the decision of the conference and, where appropriate, the category of primary concern, the name of the lead social worker and the core group membership are noted on the child's electronic social care record and circulated to all those invited to the conference within one working day.
- 5.10 The conference chair will ensure that each parent of the child, and anyone else who holds parental responsibility, is notified in writing that the child is subject of a child protection plan.
- 5.11 If the child is considered to be in need of a child protection plan, the conference will carry out the specific tasks listed in the Appendix to this Section.

Inter-agency issues

- 5.12 When a child is to be the subject of a multi-agency child protection plan, the conference will make recommendations about the actions of agencies, professionals and family members. There is an expectation that all agencies and professionals will comply with these recommendations: if any agency or professional feels unable to do so, they must notify the conference chair of this, giving reasons and stating the alternative action to be taken.

6. RECORD OF THE MEETING

- 6.1 All initial child protection conferences must have a dedicated person to take notes and produce a record of the meeting. The record will reflect the agenda in the Appendix to this Section, and will include the outline child protection plan.
- 6.2 The chair will ensure that all those who were invited to the conference are notified of the conference decision (whether or not the child needs a child protection plan) and, where appropriate, the category of primary concern, the name of the lead social worker and the membership of the core group, within one working day.
- 6.3 Within five working days after the conference the Child Protection and Review Unit in the Children, Young People and Families Directorate will circulate the child protection plan to all core group members. They will circulate the record of the conference no later than six weeks before the next review conference. This record is confidential and professionals should not disclose it to third parties without the consent of either the conference chair or the lead social worker.

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6.4 The chair may instruct that specific information be removed from the copies of the record that are supplied to the parents or to the child. This may only be done if:

- ***The child or parent was excluded from that part of the conference; and***
- Disclosing the information would compromise the child's welfare or safety or any criminal investigation; or
- The conference owes a duty of confidentiality to the person who was the source of the information, and disclosing the information would identify that person.

7. DISAGREEMENTS

Disagreements about the need for a conference

7.1 The decision not to proceed to an initial child protection conference will be made by the team manager in children's social care and must be endorsed by the Operations Manager. Any agency that disagrees with this decision should refer the matter in writing to the Assistant Head of Child Protection and Review, who will make a final decision within 10 working days of receipt of the request.

Disagreements about the outcome of a conference

7.2 If the parents or child disagree with outcome of conference, they may complain about it - see Chapter 8 of this Section.

7.3 If a professional feels that the outcome of the conference does not arise from a proper application of these procedures to the available information, they should put their concerns in writing to the Assistant Director/Safeguarding in the Directorate of Children, Young People and Families. An Assistant Head of Child Protection and Review will then review the file and the decision against the threshold criteria and, if it is agreed that another conference is required, this will be held within 15 working days.

7.4 If the chair feels that the decision made by the conference would not safeguard the child's welfare, they will report the matter to the Assistant Head of Child Protection and Review, who will review the matter as above.

7.5 Resolution of any disagreement must not delay any action agreed at the child protection conference: during consideration of any disagreements the decision of the conference will stand.

8. COMPLAINTS ABOUT A CHILD PROTECTION CONFERENCE

8.1. Complaints about the work of individual professionals or agencies, including complaints that BSCB processes and procedures have not been followed, will be referred to the agency concerned. A complaint that the chair has failed to follow BSCB procedures in the conference will be dealt with through the complaints procedure of children's social care.

8.2. A complaint about a child protection conference decision may relate to:

- The process of the conference;
- A decision that the child should be, or should not be, the subject of a child protection plan; or
- The category of primary concern.

8.3 A complaint about a conference may be made by:

- A parent or person with parental responsibility;
- The child;
- A person who has a significant role in the child's life; or
- A professional acting on behalf of the child (for example a solicitor or a children's guardian).

A professional who was invited to the conference will not be eligible to use this procedure.

8.4 The chair will inform the child and family at the conference of the right to complain, and the letter informing the family of the conference decision will draw attention to this right.

8.5 **If a complaint is made about the outcome or process of a conference, the child protection plan will continue to operate while the complaint is being considered.**

8.6 A complaint about the outcome or process of a conference must be passed to the chair of the conference, who will initially attempt to resolve the matter informally. If the chair is unable to resolve the issue informally within 14 days, she/he will tell the complainant that they may submit a formal written complaint. If appropriate, the chair will arrange assistance in doing this.

8.7 The conference chair will immediately send the written complaint to the Assistant Director/Safeguarding in the Directorate of Children, Young People and Families.

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- 8.8 There is a time limit of 28 days after receiving a formal written complaint. Within this time:
- The Assistant Director/Safeguarding must convene an interagency panel of three senior representatives of Birmingham Safeguarding Children Board;
 - The inter-agency panel must consider the appeal;
 - If the chair of the panel considers it necessary, the panel may arrange to meet with the complainant and/or the conference chair
- 8.9 All three panel members must have knowledge of child protection procedures and processes and must not have had any previous involvement in the case.
- 8.10 The decision of the panel will focus solely on whether the BSCB procedures were followed and whether the decision that is being complained about follows reasonably from the proper observation of these procedures.
- 8.11 The panel chair will notify the complainant and the conference chair of the panel's decisions in writing. This letter must state whether or not the panel upholds the complaint and what recommendations, if any, it makes. This letter must be sent within 28 days of the formal written complaint.
- 8.12 If the panel does not uphold the complaint, they will notify the complainant and the conference chair that the decision of the original conference will remain.
- 8.13 The inter-agency panel cannot change the decision, or remove an existing child protection plan, or change the category of concern: if it upholds the complaint, it will instruct the team manager to reconvene the conference under a different chair. The reconvened conference should be held as quickly as possible.
- 8.14 After considering the information available to the original conference, the decisions of the interagency panel, and any new information, the reconvened conference will make a new decision. If the decision is that the child needs a child protection plan, the chair will decide the category of primary concern.

APPENDIX

AGENDA - INITIAL CHILD PROTECTION CONFERENCE

- Introductions, apologies and exclusions;
- Family structure;
- Reports received;
- Report from children's social care;
 - Social work report, section 47 enquiries and relevant background information.

[At a review conference this becomes –
Chair's summary of child protection planning and outline of current child protection plan.
Social work report, progress against recommendations of child protection plan, significant events.]
- Agency contributions;
- Views of child and of parents/carers;
- Chair's summary;
 - Risk factors and protective factors.
 - Analysis of risk.
 - Outline of threshold criteria.
- Discussion: Threshold criteria for child protection planning;
- Decision;
 - And any dissent.
- Recommendations;
 - Threshold met and –
 - Chair's decision: Category of primary concern;
 - Formulation of outline child protection plan;
 - Name of lead social worker;
 - Core group members and date of first core group meeting;
 - Date of first review conference.
 - OR
 - Threshold not met and –
 - Identify ongoing needs of child and how they will be met;
- Agree responsibility to inform child and parents/carers if they did not attend.

**CHILD PROTECTION CONFERENCE –
RESPONSIBILITIES OF PARTICIPANTS**

All participants are responsible for:

- Providing details of their involvement with the child and family, and information concerning their knowledge of the child's health and development and the parents' capacity to safeguard the child and to promote his/her health and development;
- Making a clear distinction, in both written and oral reports, between fact, observation, allegation and opinion;
- If they attend with a written report, bringing sufficient copies for distribution to conference attendees;
- Being clear about the extent to which they are able to commit their agency's resources;
- Contributing to the assessment of risk in accordance with their responsibilities;
And acknowledging any conflict of interest where they consider their primary responsibility is to an adult rather than the child;
- Agreeing their part in the child protection plan;
And notifying the chair of any failure or inability to carry out agreed actions and of any alternative action carried out.
- Working in accordance with the statement of principles in Section 1 of these procedures; and
- If unable to attend, providing a written report and details of their availability to attend future conferences.

The Children, Young People and Families Directorate is responsible for:

- Convening the conference
- Arranging a venue that can meet the needs of children or parents as required;
- Providing a written report which summarises and analyses the information obtained in the course of the initial assessment and section 47 enquiries;
- Providing a record of the meeting;
- Arranging advice, when required, on racial and cultural issues so that the child's racial, religious, cultural and language needs are promoted; and

The chair is responsible for:

- Meeting the child and family members in advance to ensure that they understand the purpose of the conference and what will happen;
- ***Setting out the purpose of the conference to all present, determining the agenda and emphasising the confidential nature of the conference;***
- ***Enabling all those present, and absent contributors, to make their full contribution to discussion and decision-making;***
- ***Ensuring that the conference takes the decisions required of it in an informed, systematic and explicit way;***
- Facilitating agreement around the multi-agency plan; and
- ***Being accountable to the Director of Children's Services for the conduct of the conference.***

CHILD PROTECTION PLAN – TASKS OF CONFERENCE

If the child is considered to be in need of a child protection plan, the conference will carry out the following specific tasks:

- Appointing the lead social worker;
The lead social worker must be a qualified, experienced social worker employed by the Children Young People and Families Directorate.
- Identifying the membership of a core group of professionals and family members;
- Establishing how the child, parents and wider family members should be involved in the assessment, planning and implementation process, and the support, advice and advocacy available to them;
- Establishing timescales for meetings of the core group, production of the child protection plan and child protection review meetings;
- ***Identifying what further action is needed to complete the core assessment and any specialist assessments that may be needed;***
- ***Outlining the child protection plan, in particular identifying what needs to change in order to safeguard and promote the child's welfare;***
- Ensuring that a contingency plan is in place if agreed actions are not completed or if circumstances change;
For example, if a carer fails to achieve what has been agreed, a court application is not successful or a parent removes the child from a place of safety.
- Identifying an appropriate person who will explain to the parents the nature of the concerns about their child and the actions they can take to address them;
- Agreeing a date for the first child protection review conference (within three months of the initial conference); and
- Setting the date for the first core group meeting (within 10 days of the date of the initial conference);

OUTLINE CHILD PROTECTION PLAN

The outline child protection plan should:

- Identify factors associated with the likelihood of the child suffering significant harm and ways in which he/she can be protected;
These should be based on the current findings from the assessment and information held from any previous involvement with the child and family.
- Establish short-term and longer-term aims and objectives
These must be clearly linked to reducing the risk of harm to the child and promoting her/his welfare, including contact with family members;
- Be clear about -
 - ◇ What actions are to be taken;
 - ◇ Who will have responsibility for each action – including actions to be taken by family members; and
 - ◇ What timescales are set for each action;
- Set out when and in what situations the child will be seen by the lead social worker and by other core group members, both alone and with other family members or carers present; and
- Outline ways of monitoring and evaluating progress against the outcomes set out in the plan.