



Children and Young People Subject to Dual Status

Scope of This Chapter:

This chapter outlines the considerations to be taken when a child is subject to a Child Protection Plan and then becomes Looked After.

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Background and Purpose

There are a number of children and young people who are subject to a Child Protection Plan and then become Looked After by the Local Authority (dual status). It is accepted that bringing a child/young person into the care of the Local Authority, either by virtue of a court order or by agreement with the parents/child (s.20 Children Act 1989), provides the child with a more robust safeguarding process than is provided by a Child Protection Plan. This is acknowledged in [Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](http://publishing.service.gov.uk) where it is stated that in most cases where a child who is subject to a Child Protection Plan becomes Looked After, it will no longer be necessary to maintain the Child Protection Plan.

Working Together continues by stating that there may be a number of cases where safeguarding issues remain and a Child Looked After (CLA) should remain subject to a Child Protection Plan. It proposes that these cases are likely to be where a Local Authority obtains an Interim Order in family proceedings but the child who is subject of a Child Protection Plan remains at home pending the outcome of the final hearing or where a young person's behaviour is likely to result in significant harm to themselves or others.

Nottinghamshire and Nottingham City Safeguarding Children Partnership Procedures (the Procedures) acknowledge the above and continue by outlining a local agreement that states that where there are no plans for rehabilitation the Child Protection Plan should be ended. In such circumstances, it may not be necessary to hold a review conference to agree that a Child Protection Plan is no longer necessary.

In Working Together (Page 180 5.141) the grounds for discontinuing a Child Protection Plan are outlined, and in the Procedures the section on ending a Child Protection Plan endorses the same criteria together with the further ground for consideration:

- If it is judged that a child is no longer at continuing risk of significant harm requiring safeguarding by means of a Child Protection Plan, the child and family's circumstances have changed; or re-assessment of the child and family indicates that a Child



Protection Plan is not necessary. Under these circumstances only a Review can decide that a Child Protection Plan is no longer necessary;

- The child and family have moved permanently to another Local Authority area;
- The child has reached the age of 18 years;
- The child has died or permanently left the UK;

The purpose of the policy and practice guidance is to ensure the principle of children and young people being subject to one single plan/review process is adhered to and dual status should only be applied in exceptional circumstances.

Decision Making Regarding the Need for A Child/Young Person Who Has Become Looked After to Have A Continued Child Protection Plan:

Where a Child Looked After is the subject of a Child Protection Plan, it is expected that there will be a single planning and reviewing process which meets the requirements of The Children Act Guidance and Regulations 2010 – Volume 2 Care Planning, Placement and Case Review (the guidance) and Working Together.

When a child or young person subject to a Child Protection Plan becomes Looked After, the social worker must notify the [Independent Reviewing Officer](#) (IRO) team and alert the Child Protection Coordinator (CPC) involved immediately.

When allocating the child/young person the IRO will be informed that the child/young person is subject to a Child Protection Plan; this is to facilitate further discussion and liaison with the Child Protection Coordinator, to collate background information to help inform the first CLA review discussion regarding ending the Child Protection Plan or to continuing with the plan.

If a review Child Protection Conference is to take place before the CLA review arranged date, then consideration should take place at that conference to the Child Protection Plan ceasing.

If the scheduled Review Child Protection Conference is after the date of the first CLA review, those involved in the CLA review could give consideration as to whether the Child Protection Plan needs to continue. However, there should already have been the liaison between the CPC/IRO and Team Manager as noted above to steer those discussions.

It is anticipated that for many children, it will be appropriate for the Child Protection Plan to end at the first CLA Review. It is not expected that any child/young person should be subject to dual status for any longer than necessary and certainly no longer than three months - unless in exceptional circumstances. The report produced for the CLA review will suffice to support the ending of the CP plan and should reflect the discussion between the IRO and the CPC.

Children/Young People Subject to Other Court Directed Orders:

Those children and young people who become subject to other Court orders whilst subject of a Child Protection Plan (e.g. Child Arrangements Order; [Prohibitive Steps Order](#); [Specific Issues Order](#); [Special Guardianship Order](#)) should continue to be subject to the same criteria outlined in 1.4 for continuing or ending a plan. If it is identified that the obtaining of an

order suggests that the child/young person no longer needs to have a Child Protection Plan, the subsequent Review Child Protection Conference after the order is obtained will consider the circumstances and ascertain if the plan should end.

Those children and young people who are subject to other Court orders but not to a Child Protection Plan and there are identified safeguarding concerns, the Procedures must be adhered to and correct processes followed to convene a Child Protection Conference if appropriate.

Children detained under Mental Health Legislation (Mental Health Act 1983):

Notwithstanding the complexities of an individual child's legal situation we must ensure that all children subject of MHA detention are treated as if they are a Looked After Child, whether they are deemed to be looked after or a Child in Need. It is also important that the Team Manager working with a child detained under Mental Health Legislation seek legal advice regarding the specific child they are working with.

Deciding Whether a Child Protection Plan is Necessary When a Child is Being Rehabilitated to Parents/Carers Where There Were Previous Child Protection Concerns:

The rehabilitation of a child/young person to parents/carers where there have been previous concerns that were sufficient to warrant the child/young person becoming looked after needs to be carefully considered.

Part of the consideration can be that a Child Protection Plan could be a positive means of safeguarding the child/young person whilst achieving their rehabilitation to their parents/carers - the risks would be managed through an inter-agency plan and prevent the need for the child/young person to continue to be Looked After.

Version	Purpose/Change	Author	Date
1	New Policy	Nicole Harris John Matravers	16.02.23