

SUPERVISION ORDER PROTOCOL

Introduction

The aim of this protocol is to set clear guidance when working with children and their families when the court has made a supervision order under section 35 of the Children Act 1989.

When supervision orders are granted and the order is to be transferred to another local authority, it is for the designated local authority to determine how to apply the order. However, how that local authority complies with their duties should be agreed with all parties in court. There should be early liaison between local authorities about the transfer and plan.

In cases where a supervision orders is attached to a special guardianship order careful consideration should be given on whether Islington or another local authority fulfils its duties.

The Law

The Court can make a supervision order to a local authority if it considers that the threshold criteria under section 31(2) of the Children Act 1989 have been met, that it is in the child's best interests to do so and that it considers that it is necessary and proportionate to make such an Order.

A supervision order places the child under the supervision of a designated local authority.

Under the order, the local authority must advise, assist and befriend the child; the order may require the child to comply with any directions given by the local authority which require him or her to do all or any of the following:

- Live at a place specified in directions given by the supervisor;
- Take part in specified activities;
- Report to particular places at particular times.

A supervision order can be made for a period up to a year. This can be extended for any period not exceeding 3 years in total from the date of the first order. No supervision order or care order can be made for a child over the age of 17 years or 16 years if married.

The court can only make a care or supervision order if it is satisfied that the child concerned is suffering, or is likely to suffer, significant harm; and that the harm, or likelihood of harm, is attributable to:

- the care given to the child, or likely to be given to him/her if the order were not made, not being what it would be reasonable to expect a parent to give to him/her; or
- the child being beyond parental control.

If the order is not followed, or the supervisor feels that the order is no longer needed, the local authority should convene a meeting and must consider whether to vary the order, attach requirements to it, or even substitute it for a care order.

A supervision order can also have requirements attached to it. Without requirements the supervision order only requires the local authority to advise, befriend and assist the child.

Under the supervision order, those with parental responsibility for the child become 'responsible persons' and the local authority can ask the court to attach requirements to the supervision order to ensure the following:

- For the supervised child to comply with directions of the supervisor on certain matters such as living in a specified place, joining in on specific activities, and allowing the supervisor to visit them.
- A requirement for the person with whom the child lives with to comply with the directions of the supervisor (this requires the parent's consent, but if agreed upon the granting of the order can be part of the supervision order plan).
- For the supervised child to have a medical or psychiatric examination.
- For the supervised child to have specified treatment for their mental health.

The law does not provide any specific remedy for breaches of a supervision order and the local authority will have to think carefully about how that breach might be dealt with. Options which may be considered are returning the matter to court to vary the terms of the supervision or consider that the child can only be protected by a care order.

If the local authority wants the child to undergo any medical or psychiatric examination, this must be specifically ordered by the court. If the child is of sufficient age or understanding he or she can refuse to undergo the examination.

The supervision order plan

Where the local authority care plan for the child is for a supervision order or if this is the outcome of the court proceedings, the local authority should draft a supervision order plan.

The draft plan should:

- Describe the identified developmental needs of the child, and any services required;
- Include specific, achievable, child focused outcomes intended to safeguard and promote the welfare of the child;
- Include specific, achievable and measurable outcomes for parents/carers to undertake any recommended interventions to maintain change and support the reduction of risk of significant harm;
- Include a contingency plan to be followed if circumstances change significantly and/or require prompt action;
- Clearly identify the roles and responsibilities of family members and other professionals, including the nature and frequency of involvement.
- Clearly set out how the plan will be reviewed and the means by which it will be.

Upon the court granting a supervision order, the social worker should transfer the supervision order plan to the child's CIN plan on LCS. **The plan must reflect everything described in the care plan at court in the final order.**

The team manager must then chair a multi-agency meeting within ten working days of the order being made, to include the main carers and the relevant professionals involved in working with the child or the carers. The purpose of this meeting is to:

- Develop the plan
- Clarify roles and responsibilities
- Identify a core group of agencies and family members involved in the plan

- Agree desired outcomes for the child.

Following this, child in need meetings must be held every 8 weeks or at a frequency determined by the team manager until the supervision order lapses. The deputy team manager should chair all these CIN meetings unless directed otherwise by the team manager.

The 9-month meeting should be chaired by the team manager at which point consideration must be given to whether to allow the supervision order to lapse or whether to make a further application to court.

Supervision orders and child protection plans

If the child is already subject to a child protection plan, the first multi-agency meeting after the making of a supervision order should take the form of a core group or a reconvened review child protection conference. The supervision order plan must be incorporated into the child protection plan or if the plan is ending, into a child in need plan.

It is only in exceptional circumstances that a child subject to a supervision order will also require a child protection plan. Such circumstances may include situations of acute risk and where there is likelihood of a need to return to court.

At any stage throughout the duration of the order, any concern about significant harm to a child should always follow child protection procedures.

Children returning home on supervision orders

Where a court decides that a child returns home after a period of being in local authority care, the first multi-agency meeting must be independently chaired by a child protection coordinator who will then be responsible for creating the outline CIN plan on LCS. The child protection coordinator should also chair the 9-month CIN meeting prior to the supervision order lapsing. In between these two meetings, child in need meetings should be convened every 8 weeks.

Minimum standards

Children subject to supervision orders should follow the same safeguarding standards as children subject to child protection plans (see s.5 London Procedures). This includes:

- Seeing the child at a frequency agreed in the plan (no less than every 10 days for children returning home or high risk relative placements)
- Seeing the child on their own on at least alternate occasions
- Seeing the child's bedroom on at least alternate occasions
- Multi agency meetings to review the plan held every 8 weeks.

At the 9-month review point, the Team Manager will discuss the case with the Service Manager to review how to progress the case. If the matter is going to be returned to Court to either extend the Supervision Order or reissue Care Proceedings, then the Service Manager will ask the Head of Service sign off and this will be recorded on the child's file.

The Team Manager will then update the ACRP tracker accordingly.

See flowchart below.

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10 Working Days

- Supervision order granted
- Social worker transfers supervision order plan to the child's CIN or CP plan on LCS
- Team Manager chairs multi-agency meeting
- If child is on a CP plan, this meeting takes the form of reconvened CP conference or core group
- If child is returning home on a supervision order, meeting is chaired by a CP Coordinator

Every 8 Weeks

- Child in need or core group meetings held every 8 weeks and chaired by DTM unless otherwise directed by Team Manager
- Purpose is to review progress, develop the plan, clarify roles and responsibilities, agree desired outcomes

9 Months

- 9 month meeting chaired by Team Manager/CP Coordinator
- Team Manager has discussion with Service Manager about next steps
- If returning matter to court, Head of Service to sign decision off and record on child's file
- Team manager to update ACRP tracker