

Supervision Order Policy



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Supervision Order and child protection policy

1. Aim of the policy

The aim of this policy is to provide guidance to all practitioners working in AfC and is aimed at qualified social workers and their managers. The policy puts an onus on AfC and partner agencies actively involved with children and their families. The aim of the policy is to set clear guidance when working with children and their families when the court has made a Supervision Order (SO) Section 35 of the Children Act 1989. The purpose is to ensure that where the making of the order is the final outcome of the proceedings, those social workers and their managers initially manage the case through child protection protocols.

This policy specifically deals with SO's whereby the order remains within the jurisdiction of the London borough of Richmond upon Thames or the London borough of Kingston (AfC). When SO's are granted and the order is to be transferred to another local authority, it is for designated local authority to determine how to discharge the order, however, how that local authority complies with their duties should be agreed with all parties in court. It would be prudent to have early liaison with said Local Authority about the transfer and plan. This should include a discussion with AFC legal services.

In cases where a SO is attached to a Special Guardianship Order careful consideration should be given on how the local authority whether AfC or another local authority fulfils its duties.

2. The Law:

The Court can make a Supervision Order (SO) to a Local Authority (LA) 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 SO 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;
- and report to particular places at particular times.

A SO 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 SO 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.

In practice this means the court have found the child/ren have or are likely to suffer significant harm.

A Supervision Order places the child under the supervision of the LA “the supervisor”.

The LA has 3 duties towards the child under the SO:

- To advise, befriend and assist the child and to take steps that are necessary to give the order full effect
- 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. For **AfC** this would be through the legal planning panel.

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

Under the SO, those with Parental Responsibility (PR) for the child become ‘responsible persons’ and the LA can ask the court to attach requirements to the SO 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.

If the responsible person breaches the SO this does not automatically mean that the SO will become a Care Order. The law does not provide any specific remedy for breaches and the LA will have to think carefully about how that breach might be dealt with. Options which may be considered are to returning the matter to Court to vary the terms of the SO or consider that the child can only be protected by a Care Order.

If the responsible person refuses to allow the LA access to the child then the LA can apply to the court for a warrant to do so. In these circumstances, however, again the LA may wish to consider whether a Care Order might be needed.

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.

3. The Process:

Where the local authority care plan for the child/ren is for a Supervision Order or if this is the outcome of the court proceedings the LA 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/ren;
- 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 judged.

4. Implementing the order.

1. Upon the court granting a SO the social worker should transfer the Supervision Order plan to the child/ren's electronic record within the Child in Need plan form. A copy of the SO must be uploaded onto the child's electronic file.
2. It is essential to note this does not mean the child/ren are no longer deemed to have suffered, or are less likely to suffer significant harm; and all agencies involved in working with the child/ren should always consider risk factors, including repeated patterns in parental behaviour, allegations or disclosures of abuse.
3. The social worker needs to coordinate a network meeting within ten working days of the order being made; to include the main carers and the relevant professionals involved in working with the children or the carers.
4. The supervision order plan should be taken to the first meeting to consider whether any additional outcomes should be added, with specific, achievable and measurable actions.
5. Children subject to SO's should be seen within every ten working days by the social worker, for the first twelve weeks of the order and then reviewed by the multi-agency network; whereupon consideration should be given to reduction or continuation of the visiting frequency. Additional visits by professionals should also be considered or joint visiting and included in the plan.
6. Multi agency network meetings to review the supervision plan should be held a minimum of every four weeks for the first three months. At which point there should be a discussion and decision taken about the frequency of meeting; and a record of the rationale given for any change. Any professional within the multi-agency network can request an urgent meeting.
7. The record of the meeting should be recorded on the child/ren's electronic record in the child in need review update domain. It should reflect on whether the outcomes are being achieved or whether likely risk of significant harm is still present. The record should be shared with the parents/carers and professional members within three weeks of the meeting.
8. The duration of a SO is usually twelve months. The professionals should give a view about the SO lapsing or continuing at the 8 month stage.
9. The social worker should book onto the Legal Planning Panel at nine months from granting of the order. The multi-agency views can be considered by the panel who will then make a decision about allowing the order to lapse or whether other actions, such as, returning to court for an extension of the SO or an application for a care order is required.
10. The LPP decision and rationale to be recorded on the child/ren's electronic record.

11. Any alleged or actual harm to a child/ren should always follow safeguarding processes such as multi agency strategy meetings, S47 investigations or seeking immediate protection.
12. It is rare and only in exceptional circumstances that a child subject to a SO will require a child protection plan. At any stage throughout the duration of the order, if concerns are escalated then child protection processes must be followed and legal advice sought.

5. Overview of intervention:

Multi-agency network meeting: 10 days of making of the SO and 4 weekly thereafter.

Visiting by social worker: every days 10 working days.

Case review: 3 months and consideration given as to whether to continue with CP protocol or step down to CiN protocol.

LPP: 9 months to consider lapse of SO or extension.