Safeguarding Children Guideline 1: Parental Responsibility (including care orders)	University Hospitals of Leicester NHS Trust Trust Ref: B32/2019

1. Introduction

This guideline outlines the legal basis of determining who can hold parental responsibility for a child, including how this may be affected by the main care orders.

2. Scope

All staff working within UHL

3. Guideline Standards and Procedures

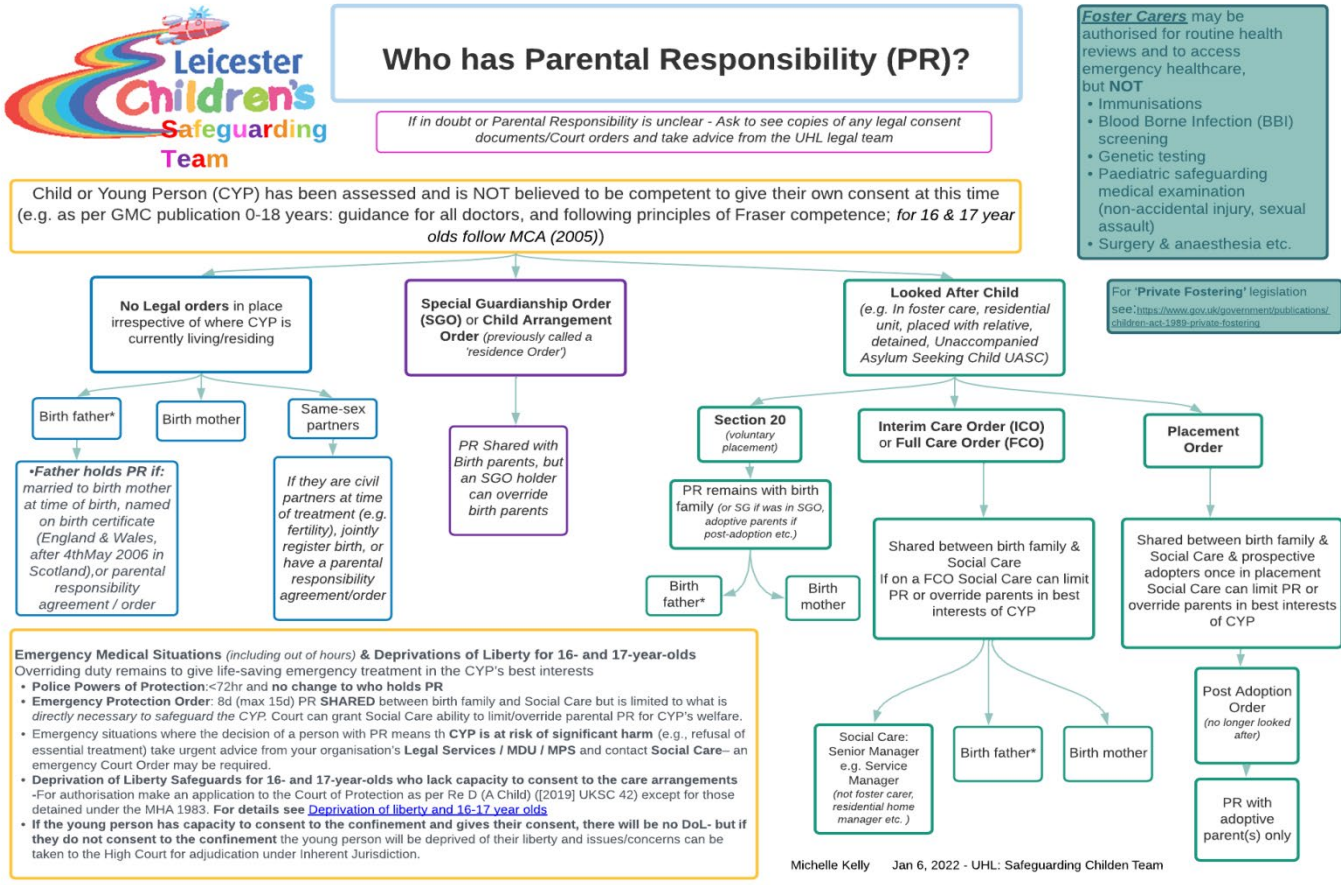
The law sets out who has parental responsibility, also referred to as 'PR'.

3.1 Automatic Parental Responsibility

You have parental responsibility automatically if you are:

- The biological mother of the child;
- The biological father of the child and were married to the mother at the time of the birth;
- The father is listed on the birth certificate;
- You are the adoptive parents once an adoption order has been made;

Even if the marriage breaks down, both father and mother will continue to have parental responsibility.



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3.2 Children subject to care orders

Various care orders can be used to safeguard a child, with varying transfer of parental responsibility. An outline of the most commonly encountered care orders in the Trust is provided below:

i) Emergency Protection Order ("EPO"):

- Anyone can apply to a court for an EPO if they fear that a child is in imminent danger. Almost all applications are made by the local authority.
- They last up to 8 days with a possible extension of a further 7 days, to a maximum of 15 days.
- An EPO is used in exceptionally serious situations. It gives:

  - Limited parental responsibility for the child to whoever applied for the order. This PR is limited to whatever is needed for the child's welfare; and

  - The right to remove the child (or prevent their removal) from where they are now.

ii) Police Protection Order ("PPO"):

- A police constable has the legal right to remove a child from accommodation or prevent removal when they have reasonable cause to believe the child would otherwise be likely to suffer significant harm.
- The order lasts up to 72 hours
- There is no change in PR, but the officer will do what is reasonable in all circumstances of the case for the purpose of safeguarding the child.

iii) Interim Care Order ("ICO"):

- Only the Local Authority or the NSPCC can apply for an ICO from the court.
- An ICO places the child temporarily under the care or supervision of the local authority whilst care proceedings are ongoing.
- An ICO can last up to 8 weeks on the first occasion and be renewed for periods up to 28 days. There is no limit to the number of ICO's that can be made.
- The Local Authority acquires PR for the child when an ICO is in place.

iv) "Section 20":

- This agreement signs over responsibility for the accommodation of a child or young person to the Local Authority. It can be withdrawn at any time by the person with parental responsibility.
- Parental responsibility is not changed by a Section 20 order.

v) Special Guardianship Order ("SGO"):

- This order is made by the Family Court, and places a child or young person to live with someone other than their parent(s) on a long term basis;
- It will secure a young person's long-term placement;
- Grants parental responsibility to the Special Guardian(s);
- Maintains links with the young person's birth parent(s);
- Enables the Special Guardian to have day-to-day control and to exercise their PR to the exclusion of all others with PR except another Special Guardian;
- It does not remove PR from the birth parents, but the Special Guardian takes precedent if a conflict arises.

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3.3 Emergency Medical Situations *(including out of hours)*
Overriding duty remains to give life-saving emergency treatment in the Child/Young person's best interests.

- Emergency situations where the decision of a person with PR means that the child/young person is at risk of significant harm (e.g. refusal of essential treatment) take urgent advice from the UHL Legal Affairs Team (x.18960) or the Safeguarding Children Team (x.15770) and contact Social Care – an emergency Court Order may be required.

  - Leicester City Children's Social Care – 0116 454 1004
  - Leicestershire County Children's Social Care – 0116 305 0005
  - Rutland Children's Social Care - 01572 758 407*(in hours only – out of hours contact Leicestershire Social Care)*

- Where a young person of 16 or 17, who could consent to treatment, or a child under 16 but Gillick competent, refuses treatment, it is not possible that such a refusal can be upheld. Legal advice should be sought. The UHL Guideline for obtaining consent and Consent to Examination or Treatment UHL Policy can assist in these circumstances.

If you are unsure about who has parental responsibility for a child, please contact the Safeguarding Children Team for advice on x15770

4. Education and Training

Training on this guidance is included within the UHL Safeguarding Children mandatory training programme accessed by all staff.

5. Monitoring and Audit Criteria

What will be measured to monitor compliance	How will compliance be monitored	Monitoring Lead	Frequency	Reporting arrangements
None required				

6. Legal Liability Guideline Statement

See section 6.4 of the UHL Policy for Policies for details of the Trust Legal Liability statement for Guidance documents

7. Supporting Documents and Key References

University Hospitals of Leicester NHS Trust Safeguarding Children Policy UHL

Safeguarding Children Guideline 3: Guideline to Obtaining Consent in Safeguarding Children Cases

8. Key Words

Safeguarding Children, Parental responsibility, care orders, police protection order, consent, interim care order, emergency protection order, section 20, special guardianship order,

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This table is used to track the development and approval and dissemination of the document and any changes made on revised / reviewed versions

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