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CROSS BOUNDARY PROTOCOL FOR OUT OF HOURS EMERGENCY DUTY TEAM

It is to be expected that the majority of cross-boundary issues will be resolved by discussion, against a background of mutual aid and co-operation between the authorities concerned.

The following protocol is intended to assist in the resolution of those situations, out of hours, where there is some disagreement between authorities as to who should take responsibility. This protocol does not prevent specific authorities from reaching individual agreements on cross boundary issues.

Throughout the protocol the following terms are used:-

Parent Authority - means the authority within whose boundaries the person ordinarily resides.

Host Authority - means the authority within whose boundaries the person physically is when the situation arises which requires resolution.

The resolution of any difficulty will be informed by consideration of two principles;

General Legal Principle

This is driven by any legal power that a parent authority exercises over any of its residents, such as care order or similar under Children's legislation. In this case it is the parent authority's primary responsibility to manage the presenting difficulty.

Possession Principle

This is governed by the current whereabouts of the person. So where a person is present in a host authority and not subject, by virtue of the general legal principle, to any legal power from his/her parent authority then it will be the host authority's responsibility to manage the presenting difficulty.

Any financial situation should be negotiated between host and parent Authority in advance of any expenditure.

The discharge of parent authority responsibilities will not preclude making arrangements with a host authority for any actions taken on behalf of the parent authority.

An absolute key to resolution is good communication and the sharing of any relevant and necessary data.