

PROCEDURES AND GUIDANCE

Children Living Away From Home

Date of original document	July 2009
Date document reviewed	March 2016
Date for next review	Dec 2020



1 GENERAL

The third joint Chief Inspectors' Report on Arrangements to Safeguard Children, published in 2008, continued to highlight the safeguarding of children living away from home.

<http://www.safeguardingchildren.org.uk/>

<http://safeguardingchildren.org.uk/category/safeguarding-children/>

Concern for the safety of children living away from home has to be put in the context of their overall developmental needs and achieving the best possible outcomes for their health and development. Every setting in which children live away from home e.g. *with prospective adopters, Foster Care, Residential Care, Private Fostering, Armed Forces base, Healthcare provision, Partnership Schools (including residential special schools), Prisons, Young Offenders' Institutions, Secure Training Centres and Secure Units* should provide;

- basic safeguards against abuse,
- protection against all kinds of harm, and
- treating them with dignity and respect.

Where children living away from home are in a regulated setting these values are reflected in the relevant National Minimum Standards which include specific requirements on safeguarding and child protection.

Individual agencies that provide care for children living away from home should have clear and unambiguous procedures to respond to potential matters of concern about children's welfare, which are in line with the LSCB's arrangements.

2 ESSENTIAL SAFEGUARDS

There are a number of essential safeguards which should be observed in all settings in which children live away from home which ensure;

- children feel valued and respected and their self-esteem is promoted;
- there is an openness on the part of the institution to the external world;
- external scrutiny, including contact with families and the wider community, staff; and
- carers are trained in all aspects of safeguarding children; alert to children's vulnerabilities and risks of harm; and knowledgeable about how to implement safeguarding children procedures;
- children who live away from home are listened to and their views and concerns responded to;
- children have ready access to a trusted adult outside the institution, e.g. a family member, the child's social worker, independent visitor and or children's advocate, including Child Line;
- staff recognise the importance of ascertaining the wishes and feelings of children and understand how individual children communicate by verbal or non-verbal means;
- there are clear procedures for referring safeguarding concerns about a child to the relevant local authority;
- complaints procedures are clear, effective, user friendly and are readily accessible to children and young people, including those with disabilities and those for whom English is not their preferred language.

N.B: Where services are not directly provided, essential safeguards should be explicitly addressed in contracts with external providers.

Children should genuinely be able to raise concerns and make suggestions for changes and improvements, which are taken seriously; furthermore;

- bullying is effectively countered;
- recruitment and selection procedures are rigorous and create a high threshold of entry to deter abusers;
- there is effective supervision and support, which extends to temporary staff and volunteers;
- contractor staff are effectively checked and supervised when on site or in contact with children;
- clear procedures and support systems are in place for dealing with expressions of concern by staff and carers about other staff or carers.
- there is respect for diversity and sensitivity to race, culture, religion, gender, sexuality and disability; and
- staff and carers are alert to the risks of harm to children in the external environment from people prepared to exploit the additional vulnerability of children living away from home.

3 FOSTER CARE

Foster carers should;

- be provided with full information about the foster child and his/her family, including details of abuse or possible abuse, both in the interests of the child and of the foster family.
- monitor the whereabouts of their foster children, their patterns of absence and contacts.
- follow the recognised procedure for their agency whenever a foster child is missing from their home. This will involve notifying the placing authority and where necessary the Police, of any unauthorised absence by a child. (see Section 5:6 "*Children And Families Who Go Missing*")

The Local Authority's duty to undertake Section 47 enquiries, when there are concerns about significant harm to a child, applies on the same basis to children in Foster Care as it does to children who live with their own families. Enquiries should consider the safety of any other children living in the household, including the foster carers' own children.

The Local Authority in which the child is living has the responsibility to convene a Strategy Discussion, which should include representatives from the responsible Local Authority that placed the child and of the host fostering service or agency. At the Strategy Discussion it should be decided which Local Authority should take responsibility for the next steps, which may include a Section 47 enquiry.

For further details on Section 47 enquiries, refer to ERSCP Section 3.3: "Processes for safeguarding and promoting the welfare of children".

For further detailed guidance on Foster Care refer to "Fostering Services: National Minimum Standards" at

<https://www.gov.uk/government/publications/fostering-services-national-minimum-standards>

4 PRIVATE FOSTERING

A private fostering arrangement is essentially an arrangement between families/households without the involvement of a Local Authority, for the care of a child under the age of 16 (under 18, if disabled) by someone other than a parent or close relative (close relatives are parents, step-parents, siblings, siblings of a parent and grandparents) for 28 days or more. This could be an arrangement by mutual agreement between parents and the carers or a situation where a child has left home against the parent's wishes and is living with a friend and the friend's family.

The period for which the child is cared for and accommodated by the private foster carer should be continuous, but that continuity is not broken by the occasional short break.

Privately fostered children are a diverse, and sometimes vulnerable, group. Groups of privately fostered children include;

- children sent from abroad to stay with another family, usually to improve their educational opportunities;
- asylum seeking and refugee children;
- teenagers who, having broken ties with their parents, are staying in short term arrangements with friends or other non-relatives;
- Children of prisoners placed with distant relatives;
- language students living with host families;
- Trafficked children (see ERSCP Trafficked and Exploited procedures and guidance).

Private foster carers and those with parental responsibility are required to notify Local Authority Children's Social Care of their intention to privately foster or to have a child privately fostered or where a child has been privately fostered in an emergency.

There will be circumstances in which a privately fostered child experiences physical, sexual or emotional abuse and/or neglect to such a degree that it constitutes significant harm. Significant harm is defined as a situation where a child is suffering, or is likely to suffer, a degree of physical, sexual and/or emotional harm (through abuse or neglect) which is so harmful that there needs to be compulsory intervention by child protection agencies into the life of the child and their family.

Teachers, health and other staff working with children should make a referral to Local Authority Children's Social Care and the Police if:

- They become aware of a private fostering arrangement which is not likely to be notified to the Local Authority;
- They have doubts about whether a child's carers are actually their parents, and there is any evidence to support these doubts (including concerns about the child/ren's welfare. See also section 5)

It is likely that Local Authority Children's Social Care will not have been notified of most private fostering arrangements.

When Local Authority Children's Social Care become aware of a privately fostered child, they must assess the suitability of the arrangement. They must make regular visits to the child and the private foster carer.

Local Authority Children's Social Care should visit and see the child alone unless this is inappropriate; they must visit the parent of the child when reasonably requested to do so. The child

should be given contact details of the Social Worker who will be visiting him/her while s/he is being privately fostered.

'The Children (Private Arrangements for Fostering) Regulations 2005', at: www.ecm.gov.uk and the amended Section 67 of the Children Act 1989 strengthens the duties upon Local Authorities in relation to private fostering by requiring them to :

- Satisfy themselves that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted;
- Ensure that such advice as appears to be required is given to private foster carers;
- Satisfy themselves as to the suitability of the private foster carer, and the private foster carer's household and accommodation. The Local Authority has the power to impose requirements on the foster carer or, if there are serious concerns about the arrangement, to prohibit it;
- Promote awareness in the local area of the requirement to notify, advertise services to private foster carers and ensure that relevant advice is given to privately fostered children and their carers;
- Monitor their own compliance with **all** the duties and functions in relation to private fostering, and to appoint an officer for this purpose.

Private fostering can place a child in a vulnerable position because checks as to the safety of the placement will not have been carried out if the Local Authority are not advised in advance of a proposed placement. The carer may not provide the child with the protection that an ordinary parent might provide. In many cases, the child is looked after away from a familiar environment in terms of religion or country.

The "National Minimum Standards on Private Fostering" and guidance for Local Authorities on promoting awareness within their areas is available at:

<https://www.gov.uk/government/publications/national-minimum-standards-for-private-fostering>

5 CHILDREN IN HOSPITAL

The National Service Framework for Children, Young People and Maternity Services (NSF), (2004) sets out standards for hospital services. Standard 6 of the NSF is to be taken alongside the hospital standard, which was published in 2003 to meet the commitment made in the Government's response to the report of the Public Enquiry into Children's Heart Surgery at the Bristol Royal Infirmary 1984-1995

When children are in hospital, this should not in itself jeopardise the health of the child or young person further. The NSF requires hospitals to ensure that their facilities are secure, and regularly reviewed. There should be policies relating to breaches of security and involving the Police. The Local Authority where the hospital is located is responsible for the welfare of children in its hospitals.

Children should not be cared for on an adult ward. The NSF Standard for Hospital Services requires care to be provided in an appropriate location and in an environment that is safe and well-suited to the age and stage of development of the child or young person.

Hospitals should be child friendly, safe and healthy places for children. Wherever possible, children should be consulted about where they would prefer to stay in hospital and their views should be taken into account and respected. Hospital admission data should include the age of children so that hospitals can monitor whether they are being given appropriate care in appropriate wards.

N.B: Section 85 of the Children Act 1989 requires PCTs to notify the 'responsible authority' - i.e. the Local Authority for the area where the child is ordinarily resident or where the child is accommodated if this is unclear, when a child has been or will be accommodated by the PCT for three months or more (for example in hospital), so that the Local Authority can assess the child's needs and decide whether services are required under the Children Act 1989.

The National Service Framework for Children, Young People and Maternity Services (NSF), (2004) is available at

<https://www.gov.uk/government/publications/national-service-framework-children-young-people-and-maternity-services>

6 CHILDREN IN CUSTODY (THE JUVENILE SECURE ESTATE):

The Youth Offending Team is responsible for supporting children temporarily living within the juvenile secure estate, either on remand awaiting trial or sentence or in custody following sentence. The National Standards for Youth Justice Services set out the minimum requirements placed upon Youth Offending Teams in terms of planning and ongoing contact with children in custody.

Children and Young People in custody subject to a Court Ordered Secure Remand are also 'Looked After' Children who will have a designated social worker.

The Youth Justice Partnership for England and Wales (YJB) has statutory responsibility for the commissioning and purchasing of all secure accommodation for children and for setting standards for the delivery of those services.

The 'Secure Estate' comprises:

- Prison Service accommodation for juveniles – Juvenile Young Offender Institutions (YOIs)
- Secure Training Centres (STC's)
- Secure Children's Homes (SCH's)