

3.5 Looked After Children and Other Children Living Away from Home

Version 1	Ratified	September 2022
	To be reviewed	TBC

A child is 'looked after' (in care) if they are in the care of the local authority for more than 24 hours. Children can be in care by agreement with parents or by order of a court. Under the [Children Act 1989](#), a child is legally defined as 'looked after' by a local authority if he or she:

- gets accommodation from the local authority for a continuous period of more than 24 hours
- is subject to a care order (to put the child into the care of the local authority)
- is subject to a placement order (to put the child up for adoption).

Children who are looked after may be living:

- with foster parents;
- at home with their parents under the supervision of Children's Social Care;
- in a residential children's home;
- with extended family members (known as kinship placements);
- with friends of the family (also known as non-relative placement); or
- other residential settings like boarding schools, hospitals, prisons, young offender institutions, secure training centres, secure units and army bases

Therefore, even though the child is looked after, they may not be living in what may be traditionally seen as a "care" environment. This procedure is also relevant in relation to private fostering and foreign exchange visits.

Every setting in which they live should provide the same basic safeguards against abuse, founded on an approach that promotes their general welfare, protects them from harm and treats them with dignity and respect.

These values are reflected in the [Fostering Service Regulations](#), the [Adoption Agency Regulations](#), the [Children's Homes Regulations](#) and the [Children \(Private Arrangements for Fostering\) Regulations](#) and in the [National Minimum Standards](#), and [Quality Standards](#), which contain specific requirements on safeguarding and child protection for each particular regulated setting where children live away from home.

Risks

Many children live away from home because of concerns about their home life. It is important that their welfare is protected when they are being cared for by another agency or institution. Children who are looked after are:

- at greater risk of being bullied or abused by peers;
- more likely to be the target of sexual exploitation;
- significantly more likely to run away from home;
- at greater risk of misusing substances due to early life experiences;
- more likely to suffer social, emotional and mental health difficulties due to trauma;
- at a higher risk of having some form of developmental delay;
- potentially going to have issues with their identity; and
- more likely to experience physical health conditions in later life (COPD, stroke, heart disease) as well as a greater risk of having current unidentified/unmet health needs.

It should be noted that disabled children and children for whom English is an additional language are particularly vulnerable when they are living away from home.

What you can do

All services working with children who are looked after should refer to the Statutory Guidance on Promoting the Health and Wellbeing of Looked-After Children (DfE and DoH 2015) in order to fulfil their responsibility to ensure looked-after children have access to any physical or mental health care they may need.

Whilst many organisations will have a designated member of staff responsible for the welfare of children who are looked after, it is everyone's responsibility to make sure that they are safeguarded.

- Be aware of signs of abuse and neglect.
- Be aware of vulnerabilities of children in care.
- Focus on the individual needs of the child.
- Know what the specific plans are for any looked after child that you are responsible for.
- Listen to the child's voice and act upon it.
- Work collaboratively with other agencies.
- Report any concerns to the designed safeguarding lead and follow your safeguarding procedures.

Children who are looked after by the Local Authority

Children who are looked after in public care have particular needs. Individual children may be hard to reach and have little regard for their own safety. It is the responsibility of all practitioners to ensure that these children are safeguarded and their welfare is promoted.

Regulations regarding [Independent Reviewing Officers](#) (2004 and 2010) give specific guidance on duties in reviewing in relation to children who are looked after in public care. These apply to all children who are subject to care orders (either interim or final) whether they are living in residential care, with foster carers, independently or at home. They also relate to children who are voluntarily accommodated in public care.

Social workers should ensure that a looked after child is seen alone regularly and at key points in line with statutory requirements. Care should be taken to listen to the wishes and views of the child, and these should be recorded.

Children should always be given the opportunity of seeing the Independent Reviewing Officer (IRO) and speaking to them on their own (if age and developmentally appropriate) at the time of each statutory review.

The safety and appropriateness of the plans and arrangements for a child who is looked after in public care are considered at the statutory review meeting, a multi-agency forum which takes place on a regular basis and should be fully recorded. Any practitioner who has concerns about the welfare of a child should raise their concerns at that meeting or, if more urgent, bring them to the attention of the social worker or Independent Review Officer at any time.

The duty of the local authority to undertake a [Section 47 Enquiry](#) when there are concerns that a child has or is likely to suffer significant harm applies to children who are in the care of the local authority as it does to children who live in any other situation.

Protecting children who move or are placed outside of Local Authority boundaries

Particular consideration needs to be given to children placed or moving outside of the local authority area. This includes consideration of the child's health and wellbeing needs, especially if the child has complex health needs.

When a Looked after Child is moved or placed out of the area, liaison about their health needs must take place with the Looked after Health Team. A meeting should take place in such circumstances, to ensure that all necessary arrangements are in place in the receiving authority, to ensure the child does not suffer significant harm from lack of provision. This is particularly important if the child has complex health needs which potentially require physical intervention / medication management to protect life.

If the child or young person is subject to a Care Order or Interim Care Order, they remain the responsibility of the originating local authority until the order is discharged or expires. If the child or young person is accommodated, they remain the responsibility of the originating authority until s/he is discharged from accommodation or agreement is reached.

Please refer to the HIPS Procedure on [Protecting Children who Move Across Local Authority Borders](#)

Foster care

As foster care is undertaken in the privacy of the carer's own home, it is important that children have a voice outside the family. Social Workers are required to see children in foster care on their own and evidence of this should be recorded on the child's records.

Foster carers should monitor the whereabouts of their foster children, their patterns of absence and contacts, and follow the recognised agency procedure whenever a foster child is missing from their home.

Fostering Social Workers should offer carers supervision and support. They must carry out an unannounced visit each year to the foster home

Private fostering

A private fostering arrangement is one that is made privately (without the involvement of a local authority) for the care of a child under the age of 16 years (under 18, if disabled) by someone other than a parent or close relative, in their own home, with the intention that it should last for 28 days or more.

Under the Children Act 1989, private foster carers and those with parental responsibility are required to notify the local authority of their intention to privately foster or have a child fostered.

Children's social care must assess the suitability of the private foster carer, the household and accommodation. The local authority must arrange to visit privately fostered children at regular intervals. Children should be given the contact details of the social worker who will be visiting them while they are being privately fostered.

For more information on private fostering including how to notify the relevant local authority please follow the links below:

- Hampshire: <https://www.hampshirescp.org.uk/professionals/private-fostering/>
- Isle of Wight: http://www.iowscp.org.uk/private_fostering
- Portsmouth: <https://www.portsmouthscp.org.uk/parents-carers/private-fostering/>
- Southampton

Useful links:

- [Children \(Private Arrangements for Fostering\) Regulations 2005](#)
- [Ofsted, Private fostering: better information, better understanding](#)

Children's homes and residential schools

Children's homes provide support and care for some of the most vulnerable children and young people. Each child in care should be provided with the right placement at the right time, and residential childcare should be a positive and beneficial choice for the children and young people living in children's homes.

The key principles of residential child care are ([Guide to Children's Home Standards](#)):

- Children in residential childcare should be loved, happy, healthy, safe from harm and able to develop, thrive and fulfil their potential.
- Residential childcare should value and nurture each child as an individual with talents, strengths and capabilities that can develop over time.

- Residential childcare should foster positive relationships, encouraging strong bonds between children and staff in the home based on jointly undertaken activities, shared daily life, domestic and non-domestic routines and established boundaries of acceptable behaviour.
- Residential childcare should be ambitious, nurturing children's school learning and out-of-school learning and their ambitions for their future.
- Residential childcare should be attentive to children's need, supporting emotional, mental and physical health needs, including repairing earlier damage to self-esteem and encouraging friendships.
- Residential childcare should be outward facing, working with the wider system of professionals for each child, and with children's families and communities of origin to sustain links and understand past problems.
- Residential childcare should have high expectations of staff as committed members of a team, as decision makers and as activity leaders. In support of this, children's homes should ensure all staff and managers are engaged in on-going learning about their role and the children and families they work with.
- Residential childcare should provide a safe and stimulating environment in high-quality buildings, with spaces that support nurture and allow privacy as well as common spaces and spaces to be active.

Children's homes and residential schools (private, charitable or faith-based) must adhere to the Children's Homes Regulations 2001 (as amended by the Children's Homes (Amendment) Regulations 2015, associated guidance) and all other relevant regulations and to the relevant [Quality Standards](#).

Where there is reasonable cause to believe that a child in a residential setting has suffered, or is likely to suffer, significant harm, a referral must be made to children's social care in accordance with the [Referrals Procedure](#).

See Department for Education [guidance and regulations on care planning, placement and case review](#).

Children in hospital

- The [National Service Framework for Children, Young People and Maternity Services \(NSF\)](#) sets out standards for hospital services
- Care Quality Commission, [From the pond into the sea: Children's transition to adult health services](#)
- NICE, [Transition from children's to adults' services for young people using health or social care services](#)

Children under 16 should not usually be cared for on an adult ward. If they are aged 14 or over, they may be given a choice as to whether they wish to be cared for on an adult ward. For further information, refer to the [National Institute for Health and Care Excellence's \(NICE\) recommendations](#).

Section 85 of the Children Act 1989 covers children placed by health authorities in NHS hospitals. The Act requires a health authority accommodating a child for more than 90 days/3 months to notify the local authority who must then satisfy itself that the child's welfare is "adequately safeguarded and promoted". In some cases this will require an initial or core assessment to be undertaken to determine the child's needs.

Children in custody

- The [Concordat on Children in Custody](#) sets out the responsibilities for police forces and local authorities' responsibilities towards children in custody
- [Legal Aid Sentencing and Punishment of Offenders Act 2012](#), children are remanded to the care of the local authority and are managed within the statutory LAC framework.

Young Offenders Institutions which accommodate Juveniles (16-18) must have policies and procedures in place which set out their duties to safeguard and promote the welfare of the children in their care.

Children of families living in temporary accommodation

Children may be at risk of harm when they are living in temporary accommodation that also houses adults, for example B&Bs, hostels or refuges.

Placement in temporary accommodation can lead to children and families becoming disengaged from health, education, social care and welfare support systems.

All concerns about the welfare of a child or of significant harm to a child should be referred to children's social care in accordance with the [Referrals Procedure](#).

- See [Children and Families Moving across Local Authority Boundaries Procedure](#) when the child concerned is in a foster home outside the area of the responsible local authority.

Useful Links

Please see the following national guidance:

- Department for Education guidance on [promoting the education of looked-after children and previously looked-after children](#)
- Department for Education guidance on [reducing criminalisation of looked after children and care leavers](#)
- NICE quality standard on [looked after children and young people](#)
- NSPCC guidance on [looked after children](#)