

## North West Safeguarding Children and Young People Placed across Local Authority Boundaries Procedure.

### Introduction

1. This procedure is intended to provide clear guidance for Local Authorities placing looked after children and young people within another Local Authority area. Specific reference should be made to [Out of authority placement of looked-after children: Supplement to The Children Act 1989 Volume 2: care planning, placement and case review guidance](#) of which much of this procedure is based.

### Purpose

2. The purpose of this procedure is to;
  - To provide clear guidance on placing looked after children and young people in an out of area or 'at a distance' placement.
  - To provide guidance in respects of safeguarding processes and implications for both 'home' and 'host' Local Authorities.
  - To advise on a clear escalation policy when concerns arise in relation to cross boundary working.

### Principles

3. The procedure is based on the following regulations and statutory guidance:
  - [The Care Planning, Placement and Case Review \(England\) Regulations 2010](#)
  - [The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review](#) (See page 53 onwards).
  - Procedure and requirements, before placing a child, and in emergency circumstances.

### When do these regulations apply?

4. Where a Looked After child is placed by a local authority in the area of another local authority. These regulations apply to any placement of a child or young person in care who is placed in residential or foster carer outside of their local authority. The regulations do not apply for connected person carers, or foster carers who are registered with the home local authority but live outside the local authority area, or placement with parent cases.

### What is meant by an "out of area" placement?

5. This is any placement not in the local authority's geographical boundaries. These will be placements in local authorities which have a geographical boundary with the home local authority – e.g., for Halton, that is St Helens, Knowsley, Cheshire East, Cheshire West and Chester and Liverpool.

### What is meant by an “at a distance” placement?

6. This is any placement not in the local authority's boundaries and also not within any of the bordering local authorities. Distance such as 20 miles from the local authority no longer applies and should not be used.

### Pre-Placement Procedure

7. The Director of Children's Services should formally nominate a nominated officer to approve all “out of area” placements. In most cases, this will be the Assistant Director or equivalent. **The Director of Children's Services must directly authorise all “at a distance placements” and cannot delegate this authorisation to the nominated officer.** Local authorities placing at significant distance in a contiguous authority, such as in excess of 50 miles, may wish to consider these placements similarly to formal “at a distance placements” and seek authorisation by the DCS.

### Pre-Placement Consultation

8. The commissioning team send the referral to external providers, to complete a matching process, following which a formal offer may be made, which includes a weekly fee and their view on meeting the needs of the child/young person.
9. The placing authorities are required to consult with the respective local authority when they are considering making at a distance placement. They are required to do this is good time to enable a thorough assessment of appropriateness.
  - Basic information about the child
  - Plans for the child's care
  - Services to support the child
10. The host authority must also provide information about their local area.

### Local Offer

11. All Local Authorities should have available their “Local Offer” for children who are placed in their area. This should include the contact details and arrangements for universal, targeted and specialist services available and key contacts in the local authority to contact when making a placement in their area. All local authorities should have this local offer in place since 1 April 2015.
12. The Association of Directors of Children's Services has produced guidance which is detailed below. These are only suggestions based on what has been shared with ADACS by LAs already. Each area will have different service structures, names and access arrangements; where necessary these should be explained for those working with LAC placed in your area but from outside, or the young person themselves.

### 13. Suggested service areas to be covered in 'local offer for LAC'

- Web-links with description and contact details for each of the following (or all together on one page):
- How to contact someone in your area to discuss potential placement from outside (as per duty to 'consult' where the placement is 'at a distance')
- How to contact your area to make a notification of new, changing or ending placement (this will also be made available on the ADACS website)
- General information about the area – population size and types; rurality; geography
- Education services including:
  - Admissions
  - Virtual School details
- Early Years and childcare
- Family Support and Information and Children Centres
- SEN and Disability services and stage of transition under new reforms
- Children in Care Councils and Advocacy Services
- Health Services including:
  - Designated Doctor and Nurse and arrangements for health reviews
  - Mental Health Services
  - Sexual Health Services
  - Drug and Alcohol services
- Youth Justice / YOT contacts
- Youth Services / Connexions etc
- MASH arrangements and/or Missing from Home / Trafficking / Exploitation services, strategies and operational arrangements for sharing information about risk and experiences.

### **Pre-placement risk assessment**

14. The social worker and child are consulted on the offer and instruct commissioning team to complete due diligence. Additional information may be requested at this point in relation to the child's needs. If the offer is deemed to meet the need, commissioning team complete due diligence, which includes:
- Requests from other local authorities who have used provider, including view from host.
  - Ofsted judgement.
  - Regulation 44 reports, and any Information Sharing Protocol notification relating to the provider.
  - Child specific documents are also shared with the social worker including statement of purpose, risk assessment and matching form.
  - Consultation with specialist services, police, and LADO.
  - Consultation with education services to ensure education needs, including any SEN needs, can be met in the host area.
15. Some additional checks may be considered if there is a perceived risk, including a visit or it is a new home. The commissioning team form a view of the organisation and send this to the social worker.

16. The following information should be provided as part of the authorisation process
- The children's home/fostering agency latest Ofsted Inspection report
  - The Statement of Purpose and Function
  - The children's home location risk assessment – this should cover risks that are known or possible because of the location and should be informed by consultation with the police and the local authority
  - A view from the host local authority – this is not specified in the regulations but would suggest this is both the safeguarding team and the commissioners.
  - Why this placement is required and the outcomes it seeks to achieve
  - How education, contact and health needs will be met
  - The view of the child/young person
  - The view of the parent/carer
  - The view of the Independent Reviewing Officer
17. The nominated officer/DCS must satisfy themselves that this is the most appropriate placement and authorise before any placement is made. In emergencies, approval must still be sought in advance of any placement being made and full information in line with regulations must be provided within 48 hours.
18. Once the placement offer has been authorised, they inform the commissioning team who ensure an Individual Placement Plan is put in place, which is appended to the regional contract terms and conditions. If a placement cannot be found via a framework the commissioners go off framework and use their own LA contract and due diligence is often increased.

### **Notification Process**

19. The placing Local Authority must inform the Local Authority in which the child/young person has been placed, via the notification form. The Association of Directors of Children's Services will support this through maintenance of a list of secure e-mail (e.g. Egress) accounts linked to each Director of Children's Services or secure generic email address <http://www.adcs.org.uk/resources/lacnotifications.html> which can be used to make notifications.

### **Notification Form**

20. The Association of Directors of Children's Services guidance suggests the following information items are shared at notification of new or ceased placement
- Child's full name and AKA
  - Date of Birth
  - Gender
  - Placing Authority
  - Social Worker name and contact details (particularly phone, email)
  - Emergency details for home authority
  - IRO details

- Legal status (i.e., sec 20/full care order)
  - Whether this is notification of a new placement, a change or end of placement
  - Date placement started or date due to change or end
  - Carer / institution type (foster carer, children's home or other)
  - What the carer has been contracted to provide, if specialist, for example
  - Carer contact details including address
  - Particular needs or risks to the child such as SEN, disability, youth offending, mental health needs etc – copy of the care plan should be shared to highlight needs
  - Whether the child has an Education, Health and Care Plan, if so, details of the local authority which maintains the Plan.
  - School name and address (old and planned new school if known)
  - GP details (old and/or new if known)
  - Child NHS Number.
21. The above are suggestions based on existing template forms and the guidance. This information could be provided in the body of an email or on a form attached to an email. It could also be collected via a secure online form on the host LA website.
22. The Team Manager should contact the appropriate team manager in the host Local Authority for a discussion to determine roles and responsibilities and ensure, information has been shared.
23. The host authority upon receipt of the notification must inform the education service and the relevant health trust for the area in which the Looked After child is placed must also be notified, consideration must be given to the local police service where appropriate. The manager of a children's home must notify without delay the area local authority (if different from the placing authority) of the admission to/discharge from the home of any child.
24. The Local Authority where the child is placed must maintain a register of Looked After children for whom it is responsible and all looked after children placed in its area, including those children who are the responsibility of another local authority.
25. This register must include:
- Children looked after by the authority.
  - Children looked after by another local authority but placed within the authority, where there has been agreement that the authority will carry out some of the responsibilities of the placing local authority.
  - Children looked after by another local authority but placed within the authority, where the placing local authority continues to carry out all the functions in relation to the child.
26. The Register should include the following information in relation to each child:
- The name, gender, and date of birth of the child.
  - The name and address of the person with whom the child is placed and, if different, the name and address of the child's parents and all those with parental responsibility, including legal status i.e. section 20/full care order.
  - The name of the placing authority.

- Whether the child has a Child Protection plan;
- Whether the child is disabled and/or has an EHCP.
- Where arrangements have been made by the host local Children's Social Care Services to undertake the duties of the placing local authority; what those arrangements are and the name of the person within the placing authority with whom they were agreed.
- The date on which the placement was made and the date when it terminated including the reason for the termination.

### **Joint Local Authority Safeguarding Responsibilities Plan**

27. The Local Authority's Children's Social Care have a statutory duty to carry out Section 47 Enquiries in any of the following circumstances:
- Where there is information to indicate that a child has suffered or is likely to suffer Significant Harm.
  - Where a child is subject to an Emergency Protection Order.
  - Where a child is subject to Police Protection.
28. The responsibility for undertaking Section 47 Enquiries lies with the local authority for the area in which the child lives or is found, even though the child is ordinarily resident in another local authority's area.
29. Where a Section 47 Enquiry is to be conducted in relation to a child who is ordinarily resident in the area of another local authority, her/his home authority should be informed as soon as possible, and be involved as appropriate in the Strategy Discussion. In certain cases, it may be agreed that the home authority should undertake the Section 47 Enquiry (for example where the child is Looked After) and in all cases, the home authority should take responsibility for any further support of the child or family identified as necessary.
30. Where the placing local authority requests that the authority carry out certain functions in relation to the child on its behalf, a formal planning meeting involving representatives of the placing local authority should take place.
31. The Host Local Authority will take responsibility for chairing the meeting. In these circumstances, the authority may agree to undertake the following:
- Supervise the placement in order to be satisfied that the welfare of the child continues to be suitably provided for; and/or
  - Visit the placement on a regular basis.
  - Agreements and considerations will be given in relation to safeguarding processes including section 47, missing episodes, and Information Sharing Protocol notifications.
  - Return Home Interviews.
  - If the placement is unregistered, discussion must take place in regards to Ofsted being notified.
32. The meeting will be recorded and implemented into an action plan, and held on home and host case management systems, and may be reviewed as part of wider meetings such as the Looked after Child Review.

33. It would never be appropriate for the authority to agree to a request to supervise a child placed in secure accommodation and/or subject to Section 53 of the Children and Young Persons Act 1933.
34. Where it is agreed at a planning meeting that the authority will undertake supervision of a placement on behalf of a placing authority, a social worker will be allocated. The placing local authority should be requested to provide sufficient information about the child and the placement to enable the social worker to supervise the placement competently, including the following:
- Care Plan;
  - Placement Information Record;
  - The most recent Review of Arrangements Form.
35. The agreement to supervise the placement should be detailed in writing and signed by a relevant Senior Manager in from the Placing Authority. It should include an expectation that the allocated social worker in the authority will be invited to contribute to the child's Looked After Review.
36. Where a significant incident arises in the placement whilst the child is placed, the authority where the child is placed will be expected to respond to the presenting needs. However, except in an absolute emergency (e.g. where it is not possible to contact the child's social worker or their Team Manager, or if out of hours the placing local authority's Emergency Duty Team), the authority should not take any significant action or remove the child, without consultation with placing local authority.
37. The authority should never take action on the basis of the placing authority's verbal authority but must be certain that required actions are as a result of a written request.
38. At all times case management responsibility remains with the placing authority.
39. In the event that the authority where the child is placed has to have an involvement in an emergency situation where the child is at risk of significant harm and the placing authority cannot be contacted, any action should be on the basis of the requirements of local Safeguarding Children Procedures.

### **Action in relation to placements causing concern**

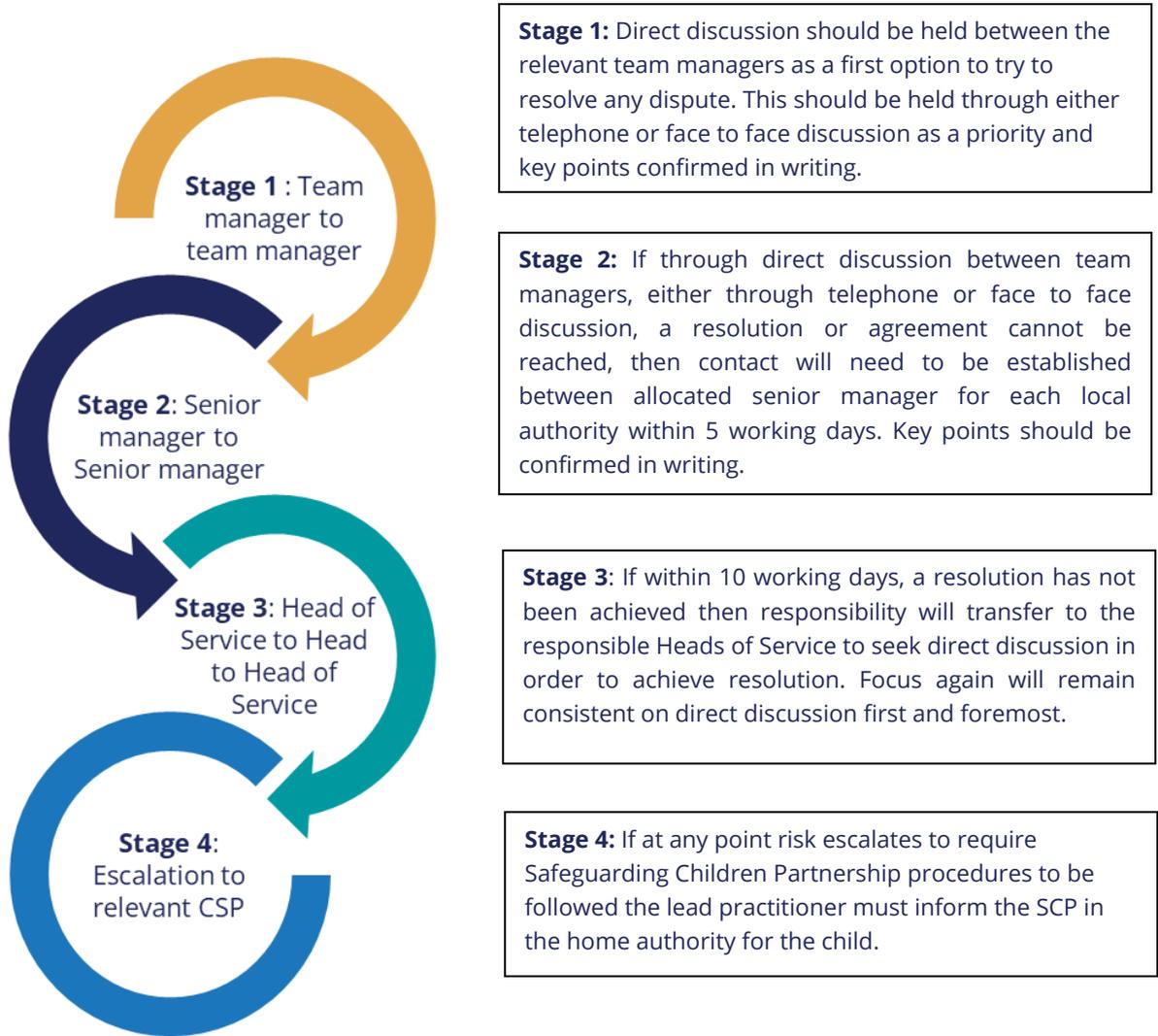
40. Where there is a cause for concern in relation to a placement, including, safeguarding concern, current criminal investigation, quality concern and financial concern, the placing local authority should contact their commissioning team to consider whether an Information Sharing Protocol notification is appropriate. The ISP will be raised with the provider directly, North West ADCS will work alongside the provider and the local authority to develop an action plan or discuss next steps.

41. The ISP is also available for NW local authorities to access. Where appropriate, notification of concerns will be provided via the Placement Northwest Information Sharing Protocol to LAs across the North West in addition to partner commissioning consortia. The Information Sharing Protocol is appended.

**End of Placement Process:**

42. It is the responsibility of the home Local Authority to inform the host Local Authority when the placement has come to an end. The notification must include the reason for the move. Any cause for concern in regard to the placement, must be shared with the host Local Authority.

**Figure 1: Dispute resolution**



**Review**

This procedure will be reviewed not later than **2023**

## Parties to the Procedure

The following local authorities are party to this procedure by virtue of their membership of the North West Association of Directors of Children's Services

- Blackburn with Darwen Borough Council
- Blackpool Council
- Bolton Council
- Bury Council
- Cheshire East Council
- Cheshire West and Chester Council
- Cumbria County Council
- Halton Borough Council
- Knowsley Council
- Lancashire County Council
- Liverpool City Council
- Manchester City Council
- Oldham Metropolitan Borough Council
- Rochdale Metropolitan Borough Council
- Salford City Council
- Sefton Council
- St Helens Council
- Stockport Metropolitan Borough Council
- Tameside Metropolitan Borough Council
- Trafford Council
- Warrington Borough Council
- Wigan Metropolitan Borough Council
- Wirral Council