

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 [Children Act 1989: care planning, placement and case review - GOV.UK \(www.gov.uk\)](http://www.gov.uk) of which much of this procedure is base.

Purpose

2. The purpose of this procedure to:
 - I. Provide clear guidance for Local Authorities placing looked after children and young people in an out of area or 'at a distance' placement.
 - II. Provide guidance in respects of safeguarding statutory duties, processes and implications for both 'home' and 'host' Local Authorities.
 - III. Provide an escalation policy to support Local Authority resolution when concerns arise in relation to cross boundary working.

Principles

3. The procedure is based on the following regulations and statutory guidance:
 - I. [The Care Planning, Placement and Case Review \(England\) Regulations 2010](#)
 - II. [The Children Act 1989 guidance and regulations Volume 2: care planning, placement, and case review \(See page 53 onwards\)](#).
 - III. 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

Referral and Due Diligence

7. Children's Social Care complete a referral to commissioning to instigate a placement search, which includes the following;
 - I. Local Authority information
 - II. Child or young person basic details
 - III. Child or young person care and support needs
8. Following an offer from a provider, the commissioner will consult with Children's Social Care. If the offer is deemed to meet the need, commissioning team complete due diligence, which includes:
 - I. Requests from other local authorities who have used provider, including view from host
 - II. Ofsted judgement and inspection report
 - III. Regulation 44 reports
 - IV. Information Sharing Protocol notification relating to the provider
 - V. Child specific documents are also shared with the social worker including statement of purpose, risk assessment and matching form
9. Additional checks may be considered if there is a perceived risk, including a visit to a new home. The commissioning team form a view of the provider and send this to Children's Social Care.

Out of Borough Consultation

10. Regulation requires the placing Local Authority consult with the host Local Authority when they are considering making a distant placement. This is to be done in good time to enable a thorough assessment of appropriateness of the local area's ability to meet the child and young person's needs.
11. At the point a placement offer is made from a provider, an out of borough consultation should take place between the home and host local authorities.

- I. Basic information about the CYP.
 - II. The needs of the CYP which would need to be met by local area services
 - III. The response from the host authority on the ability of local services to meet the stated needs, including their local offer. (*see below*)
12. Following which a formal offer may be made, which includes a weekly fee and their view on the providers ability to meet the needs of the child/young person.
13. Good practice templates have been created to support the commissioning process for each requirement, including referral, due diligence and out of borough consultation.

Local Offer

14. The host authority must also provide information about their local area as part of the out of borough consultation process.
15. 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. The out of borough consultation, best practice template provides an opportunity for this information to be shared.
16. 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 ADCS 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.
17. 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 ADCS 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.
18. In cases of **emergencies, the consultation process should be completed within 5 working days**. This process and the information provided can support care planning and permanence responses within Children's Social Care.

Authorisation

19. 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, 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.
20. The following information should be provided as part of the authorisation process:
- I. The children's home/fostering agency latest Ofsted Inspection report
 - II. The Statement of Purpose
 - III. 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
 - IV. 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.
 - V. Why this placement is required and the outcomes it seeks to achieve
 - VI. How education, contact and health needs will be met
 - VII. The view of the child/young person, parent/carer and Independent Reviewing Officer.
21. 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.
22. Once the placement offer has been authorised, the commissioning team are informed, and an Individual Placement agreement is completed by Children's Social Care.

Notification Process

1. Regulation requires that the home/placing Local Authority must give written notification to the host Local Authority of their intention of placing a child or young person in their area. If the placement is made in an emergency, this must be completed within five working days of the start of the placement, unless it is not reasonably practicable to do so. It also requires children's homes to notify their host local authority when a child is placed with them by another authority. *(See below notification form)*
2. The Association of Directors of Children's Services will support this requirement 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.
3. 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. The Local Authority may wish to devise a register for Looked After children and young people in their area. *(see below for guidance)*
4. During the notification process, there is an **additional requirement for a Children's Social Care Team Manager to Team Manager conversation**. The Team Manager who has responsibility for the child or young person looked after, should contact the appropriate team manager in the host Local Authority who holds responsibility for the notification process and likely to exercise statutory duties. This discussion should consider the following:
 - I. Respective safeguarding duties and responsibilities. *(see joint responsibilities guidance below)*
 - II. Consider sharing of information that support the host local authority and services to meet the child or young person needs.
 - III. Confirm that Ofsted have been informed of an unregulated placement by the placing/home authority.

Notification Form

5. 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.
6. 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.

Register for Looked After Children

7. 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.
8. This register should include:
- I. Children or young people looked after by the authority
 - II. Children or young people 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
 - III. Children or young people 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
9. The Register should include the following information in relation to each child:
- I. The name, gender, and date of birth of the child
 - II. 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
 - III. The name of the placing authority
 - IV. Whether the child is disabled and/or has an EHCP or SEN needs.

- V. 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
- VI. 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

10. 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.
11. 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.
12. 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, the child or young person's 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.
13. 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. The Host Local Authority will take responsibility for chairing the meeting. In these circumstances, the authority may agree to undertake the following:
 - I. Supervise the placement in order to be satisfied that the welfare of the child continues to be suitably provided for; and/or
 - II. Visit the placement on a regular basis.
 - III. Offer and complete Return Home Interviews.
14. 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.
15. 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:

- I. Care Plan;
 - II. Placement Information Record;
 - III. The most recent Review of Arrangements Form.
16. 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. Similar considerations to be made where the host offers and undertakes Return Home Interviews.
17. 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.
18. 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. At all times case management responsibility remains with the placing authority.
19. 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 professionals or placements/ settings causing concern.**
20. Working Together to Safeguard Children requires that every local authority has a designated officer role (LADO) responsible for the management and oversight of child protection allegations made against staff and volunteers who work with children and young people. The host authority LADO leads on any referrals, complaints, and concerns relating to the workforce in Children's Home and other provision in health and education in their Local Area.
21. Regulation requires the registered person to notify OFSTED, the placing authority, and other partners when a serious incident occurs. Some incidents are clearly defined as serious and will require an automatic notification, such as a child death (which must also be reported to the Secretary of State for Education) or an allegation of abuse against someone in the home.
22. Where there is an allegation which involves the co-ordination of cross border communication and activities, there should be clear identification of a single lead LADO.

The guiding principle as to which LADO leads is where the organisational risk to a Local Authority rests.

23. Usually therefore, the LADO in the area where the service provided to child or young person is based, will act as lead LADO in the management of allegations. This allows for information and intelligence to be held in the most appropriate Local Authority to support the establishment of potential patterns of concern.
24. It is the responsibility of placing/home authority to record this locally, however the host LADO may consider liaising with the placing/home LADO.
25. Where there is a cause for concern in relation to a placement, including,
 - I. Safeguarding concern
 - II. Current criminal investigation
 - III. Quality concern
 - IV. Financial concern

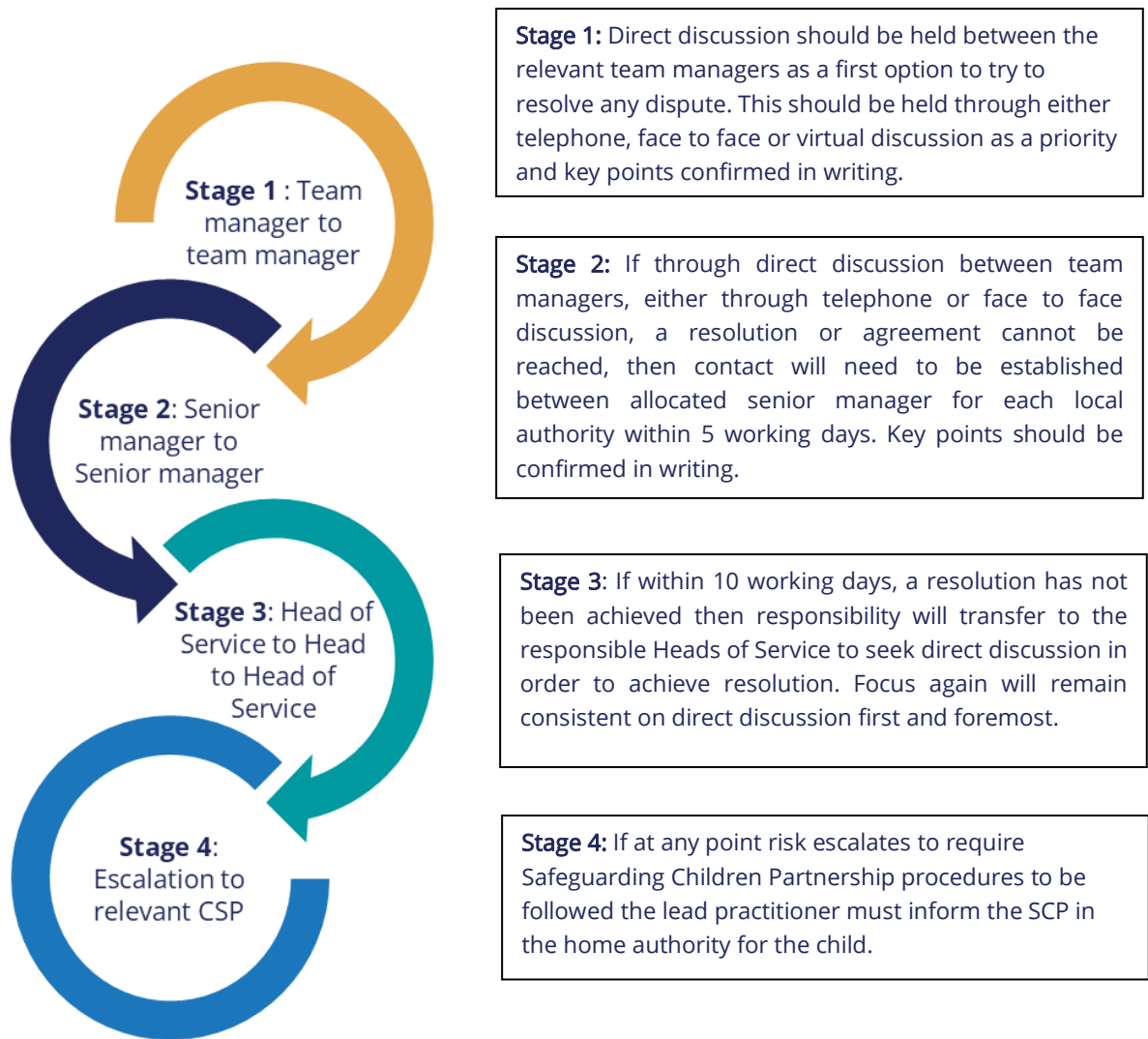
The placing local authority should contact their commissioning team to consider whether an Information Sharing Protocol notification is appropriate.

26. The ISP will be raised with the provider directly, Northwest ADCS will work alongside the provider and the local authority to develop an action plan or discuss next steps. (*See template and guidance for more information*).
27. 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:

28. 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.
29. Notification with respect to children admitted into, or discharged from, a children's home. The registered person must notify, without delay, the local authority for the area in which the children's home is located of every discharge of a child from the home.

Figure 1: Dispute resolution



Review

This procedure will be reviewed no later than **December 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