

# Children Living Away from Home (including Children and Families living in Temporary Accommodation and Private Fostering)

see also [Leicestershire and Rutland Safeguarding Children Partnership Leaflets](#)

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## 1. Introduction

Revelations of the widespread abuse and neglect of children living away from home have done much to raise awareness of the particular vulnerability of such children. Many of these revelations have focused on sexual abuse, but physical and emotional abuse and neglect - including peer abuse, bullying and substance misuse - are equally a threat in institutional and other settings.

Concerns for the safety of children living away from home have to be put in the context of attention to the overall developmental needs of such children and a concern for the best possible outcomes for their health and development. For further information please see [Statutory Guidance for Promoting the Health and Wellbeing of Looked After Children \(2015\)](#).

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 - see also **Safe Recruitment, Selection and Supervision of Staff Procedure** and **Allegations Against Persons who Work with Children Procedure**.

For further information please also see [Children from Abroad, including Victims of Modern Slavery, Trafficking and Exploitation Procedure](#).

## 2. Essential Safeguards

The circumstances where children live away from home and family include;

- Boarding schools;
- Children's homes;
- Foster care;
- Private fostering;
- Short Break or Respite Care;
- Hospitals;
- Prisons, young offender institutions, secure training centres, and secure units;
- Army bases;
- Young people who are living independently;
- Students from abroad (including foreign exchange visits);
- Children from abroad placed with friends or relations in the UK;
- Unaccompanied asylum seeking children.

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.

Where services are not directly provided, safeguards should be explicitly addressed in any contract with a service provider.

All settings must ensure that:

- 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 and to external scrutiny; including contact with families and the wider community;
- Staff volunteers and foster carers are trained in all aspects of safeguarding children, are alert to children's vulnerabilities and risks of harm, and knowledgeable about how to implement safeguarding children procedures;
- Children 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, social worker, independent visitor or children's advocate. Children should be made aware of independent advocacy services, external mentors and Childline;
- Staff/carers recognise the importance of ascertaining the wishes and feelings of children and understand how individual children communicate by verbal or non-verbal means;
- Complaints procedures are clear, effective, and 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;
- Bullying is effectively countered - see [Bullying Procedure](#). Effective action to prevent, identify and respond to bullying;
- Recruitment and selection procedures are rigorous and create a high threshold of entry to deter abusers and there is effective supervision and support that extends to foster carers, temporary staff and volunteers - see **Safe Recruitment, Selection and Supervision of Staff Procedure**;
- Contractor/agency 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 (a Whistle-blowing Policy);
- There is respect for diversity, and sensitivity to race, culture, religion, gender, sexuality and disability;

- 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.

Where there is reasonable cause to believe that a child has suffered **Significant Harm**, the Local Authority for the area in which the child is living has the responsibility to convene a **Strategy Discussion/Meeting**, which should include representatives from the responsible Local Authority that placed the child, if different.

At the Strategy Discussion/Meeting it should be decided which Local Authority should take responsibility for the next steps, which may include a **Section 47 Enquiry**.

A complaints procedure should be in place which:

- Is clear, effective, user friendly and readily accessible to children and young people, including those with disabilities and those for whom English is not their preferred language;
- Addresses informal as well as formal complaints. Minor or informal complaints are treated seriously as they may indicate a more deep seated problem or abuse. Systems should be in place to ensure appropriate responses are made to minor complaints.

Records of complaints should be kept by providers of children's services, for example there should be a complaints register in every children's home which records all representations or complaints, the action taken to address them, and the outcomes.

### **3. 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. (see Social Worker Visits to Looked After Children Procedure in the [Leicester City, Leicestershire and Rutland Children and Young People's Service Procedures Manual](#)). 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.

Particular consideration needs to be given to children placed 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. A **Strategy 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.

#### **4. Foster Care**

The Local Authority's duty to undertake a Section 47 Enquiry, 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.

When the concerns relate to a child placed in a foster home outside the area of the responsible local authority - see [Children Moving Across Local Authority Boundaries Procedure](#).

Where there is reasonable cause to believe that a child in foster care has suffered or is at risk of suffering significant harm in the foster placement, the [Allegations Against Persons who Work with Children Procedure](#) will apply and a Strategy Meeting will be held.

In these circumstances, enquiries should consider the safety of any other children living in the household, including the foster carers' own children, grand-children or any children cared for by the foster carers in their home as well as any children whom the foster carers may be caring for or working with outside their home in a voluntary or paid capacity e.g. teaching, faith or youth work, scouts or many other groups.

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 (see Social Worker Visits to Looked After Children Procedure in the [Leicester City, Leicestershire and Rutland Children and Young People's Service Procedures Manual](#)).

## 5. Children in Residential Settings

All residential settings where children and young people are placed, including children's homes and residential schools, whether provided by a private, charitable or faith based organisation, or a local authority, must adhere to the Children's Homes Regulations 2001 and all other relevant regulations (please see [Section 1, Introduction](#)) (see, including the Children (Private Arrangements for Fostering) Regulations and to the relevant [Quality Standards](#)).

Clear records must be kept and reviews and inspections must take place in accordance with Quality Standards and regulations.

Children in such settings are particularly vulnerable and must be listened to.

All such establishments must have in place complaints procedures for children and young people, visiting and contact arrangements with social workers and **Independent Visitors** (for **Looked After** children), as well as parents, advocacy services. 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 of their statutory reviews.

Where there is reasonable cause to believe that a child in a residential setting has suffered or is at risk of suffering **Significant Harm**, a referral must be made in accordance with the **Referrals to Children's Social Care Procedure**. The concerns may range from bullying or abuse by other children to allegations against staff - see **Bullying Procedure, Harmful Sexual Behaviour Procedure** and, where the concerns relate to a member or members of staff and/or the care the child is receiving in the residential setting, the **Allegations Against Persons who Work with Children Procedure** will apply and a Strategy Meeting will be held.

When the concerns relate to a looked after child placed in residential care outside the area of the responsible local authority - see [Children Moving Across Local Authority Boundaries Procedure](#).

Each home should have an unannounced Regulation 33 visit each month to check on the running of the home. Managers are responsible for carrying out Regulation 34 checks.

## 6. Private Fostering

see also [Leicestershire and Rutland Safeguarding Children Partnership Leaflets](#)

### 6.1 Introduction

Following the death of Victoria Climbié local authorities were given a duty to promote public awareness of the requirement to notify them of private fostering arrangements and when possible before they commenced.

A private fostering arrangement is essentially one that is made without the direct 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 for 28 days or more. A close relative is defined as "a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent.

Privately fostered children are a diverse and sometimes vulnerable group which includes:

- Children sent from abroad to stay with another family, usually to improve their educational opportunities;
- Teenagers who, having broken ties with their parents, are staying in short-term arrangements with friends or other non-relatives;
- Language students living with host families.

**N.B.** Asylum seeking and refugee children should not be privately fostered if they are under the age of 16.

### 6.2 Duties of the Local Authority

Under the Children Act 1989, and the Children (Private Arrangements for Fostering) Regulations 2005, private foster carers and those with **Parental Responsibility** are required to notify the local authority of their intention to privately foster or to have a child privately fostered, or where a child is privately fostered in an emergency.

It is the duty of every local authority to satisfy itself that the welfare of the children, who are privately fostered within their area, is being satisfactorily safeguarded and promoted. This includes an initial visit to the child and private foster carers within one week of receiving

notification that the placement has started and subsequent assessment under the **Assessment Framework**. The local authority must also 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.

In Leicestershire, a referral regarding a potential private fostering arrangement should go to the Leicestershire First Response Team. The referral will transfer directly from the First Response Team to Leicestershire Strengthening Families Service (SFS) for completion of an Assessment. Where the outcome of the assessment is that the arrangement is a private fostering viability, the case will remain with the SFS for an in depth assessment of the placement, ongoing support to the carers and completion of statutory visits. If such a visit identifies that the child has unmet needs then SFS will provide support to the child or young person or identify as part of a Child in Need plan the appropriate agency to deliver this service. Where the outcome of the assessment is that the private fostering arrangement is not appropriate and there are risks to the child, either in the private fostering arrangement or should the child return home, the SFS will initiate a S47 investigation. If a child or young person is currently allocated to a team within Children & Young People's Service, that team will continue to work with them. In all cases, the assessment and ongoing support of the private foster carer/s will be conducted by the Fostering Team. For more information, contact First Response (see [Local Contacts](#)).

In Rutland, the Duty and Assessment Team will receive the referral and forward it to the Fostering Team who then completes the private fostering carer's assessment, provides support information for the carer (similar to the connected persons) and undertakes the statutory visits to support the placement within set timescales. Any decision making in relation to Private Fostering arrangements is made by the Fostering Team Manager.

In Leicester, a referral regarding a potential private fostering arrangement should go to the Duty and Advice Service.

When there are concerns about Significant Harm to a child who is privately fostered the local authority and all the other agencies have the same duties to make enquiries as they do to any other child. The concerns must be reported to the local authority where the private foster placement is located in accordance with the **Referrals to Children's Social Care Procedure** and the Safeguarding Children Procedures will be applied.

### **6.3 Signs that a Child is Privately Fostered**

The local authority can only act when it becomes aware of a private fostering arrangement and it has become clear since the introduction of the Act that there are many such arrangements that do not come to its attention. Whilst the majority of private fostering arrangements will not place a child at risk, there will be some who are not properly safeguarded. Therefore it is essential that awareness is raised of the notification



requirements, and the effectiveness of this is monitored to ensure that children are safeguarded when necessary.

Becoming aware that a child is being privately fostered requires vigilance by practitioners. Teachers, health (particularly GPs and Health Visitors) and other professionals should notify the appropriate Duty Team of a private fostering arrangement that comes to their attention, where they are not satisfied that the arrangement has been or will be notified.

There are some signs that may indicate a child is being privately fostered.

In the neighbourhood:

- A child not previously known suddenly starts living with a neighbour;
- A child who lives in the neighbourhood suddenly disappears;
- A neighbour has a number of different children staying with them.

At school, in an early years setting, or youth club:

- A parent has a 'niece' or 'nephew' staying with them for a while;
- A child suddenly disappears without warning;
- A child says they are staying with a friend or relative, or even a stranger;
- A child says that there is another child staying at home with them.

In the doctor's surgery or at a health clinic:

- A patient attends with a child who has not been seen before;
- A patient attends regularly with different children who they refer to as their 'niece' or 'nephew';
- A child mentions that the person they are with is not their parent.

#### **6.4 Duties of Agency Partner Practitioners**

All practitioners involved with children and young people have an important role in relation to privately fostered children. This may include those working with adults, such as probation officers or substance misuse workers, where children may also be present in a household.

If you think that a child may be privately fostered, you can make a significant contribution to safeguard the child/ren by:

- Talking to the adult(s) caring for the child. Check if they are aware of the legal obligation to notify the relevant Duty Team that they are caring for a child. They may not know that what they are doing is private fostering. See [Local Contacts](#);

- Give them a leaflet about [private fostering](#)
- Reassure the carer that if they have been caring for the child for a while, they will be approached sensitively. The local authority wants to support and help private fostering arrangements as well as fulfil its legal obligation in regard to safeguarding children;
- If the adults are aware of the need to notify but refuse to comply, then you should say you have a duty to pass on this information. Consent is not required;
- If in doubt you should ask to see birth certificates and / or asylum registration cards, or refer directly to Leicestershire First Response Team or Rutland Duty & Assessment Team / Duty and Advice Service.

You also have a duty in relation to:

- Check with Leicestershire First Response Team / Rutland Duty & Assessment Team / Duty and Advice Service to ensure that the arrangement has been notified, as failure to notify can place a child at risk;
- Contribute to the assessment of the suitability of the arrangement by providing relevant information about the child or carer when this is requested by the Leicestershire Strengthening Families Service or Rutland Fostering Team or Leicester team;
- Monitor the child's welfare and progress, and provide support and guidance to the child's carer in accordance with your agency's or practitioner remit;
- Be involved in ongoing liaison with the Leicestershire Strengthening Families Service or Rutland Fostering Team or the Leicester team to address any welfare concerns or unmet needs of the child.

[Click here to view Flow Chart of Notification Process for a Privately Fostered Child.](#)

## **7. Children placed by other authorities in privately run residential or foster homes in Leicester, Leicestershire or Rutland**

Children placed in privately run residential or foster homes are the responsibility of their own placing authority. However, whilst the child is living in Leicester, Leicestershire or Rutland these procedures apply (please see [Children Moving Across Local Authority Boundaries Procedure](#)).

Where there is an allegation of abuse by staff or other children or young people, it is the responsibility of Children's Social Care Services (in Leicester, Leicestershire or Rutland) to

convene a strategy discussion. A specific decision of the strategy discussion will be to determine the responsibility for undertaking any enquiries.

The local authority in whose area a child is found in circumstances that require emergency action, is responsible for taking that action. If the child is looked after by, or the subject of a Child Protection Plan in another authority, the first authority should consult the authority responsible for the child. Only when the second local authority explicitly accepts responsibility, is the first authority relieved of the responsibility to take emergency action. Such acceptance should be subsequently confirmed in writing.

## **8. Children in Hospital**

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 be respected. Care should 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.

Children under 16 should not be cared for on an adult ward. Hospital admission data should include the age of children, so that hospitals can monitor whether children are being given appropriate care in appropriate wards.

Hospitals must have policies in place to ensure that their facilities are secure and regularly reviewed.

Any concerns about Significant Harm to a child within a hospital or health based setting must be referred to the Children's Social Care Services in whose area the hospital is located in accordance with the **Referrals Procedure**.

When the child has been in hospital for three months or more, the appropriate health/hospital trust must notify the Responsible Authority i.e. the local authority for the area where the child is normally resident or, if this is unclear, where the child is in hospital. This is so that the local authority can assess the child's needs under the **Assessment Framework** and decide whether services are required under the Children Act 1989.

Any child who is an inpatient in a hospital and about whom there are **Child Protection** concerns, should not be discharged home without a referral to establish that the home environment is safe. The concerns of medical staff must be fully addressed and a plan must be in place to ensure the outgoing promotion and safeguarding of the child's welfare- see the [Referrals to Children's Social Care Procedure](#).

For further reading and information see the National Service Framework for Children, Young People and Maternity Services (NSF) 2004 and the Public Inquiry into Children's Heart Surgery at the Bristol Royal Infirmary 1984-1995: Learning from Bristol.

## 9. Children in Custody

In all cases, the local authority in which a secure youth establishment is located is responsible for the overall safety and welfare of the children in that establishment. Specific institutions in an area must ensure that there are links in place with the Safeguarding Children Partnership and local authorities Under the Legal Aid Sentencing & Punishing of Offenders Act 2012, whenever children under 18 are remanded they become 'looked after' for the period of their remand.

Their home local authority must visit them at specified intervals and prepare a Detention Placement Plan (DPP). The DPP is reviewed in the same way as a Care Plan for a Looked After Child.

Each centre holding those aged under 18 should have in place an annually-reviewed safeguarding children policy which promotes and safeguards the welfare of children, and covers all relevant operational areas as well as key supporting processes, which would include issues such as child protection, risk of harm, restraint, separation, staff recruitment and information sharing for further information please see [Leicester, Leicestershire and Rutland Children's Social Care Procedures](#).

Specific institutions in an area must ensure that there are links in place with the Local Safeguarding Children Partnerships and local authorities.

Leicester Safeguarding Children Partnerships and Leicestershire and Rutland Safeguarding Children Partnerships must:

- Have agreed local protocols with custodial establishments in our area for referral, assessment and provision of services to children and young people in line with legislation, guidance and local procedures. This includes an assessment of the young person's mental health and procedures for addressing third party abuse (i.e. where a child or young person discloses information about the abuse of another child);
- Agree local child protection procedures with the local custodial establishments. Liaison arrangements for undertaking s.47 enquiries, holding strategy and other meetings and undertaking serious case reviews should also be agreed, together with representation on the YOI's safeguarding committee;
- Ensure that local protocols are in place in the event of a death of a young person in custody, or where a young person in custody sustains a potentially life-threatening injury, or serious and permanent impairment of health or development, and that a Child Safeguarding Practice Review is considered, taking account any national guidelines from the Youth Justice Board, DfE and Prisons and Probation Ombudsman (the latter is responsible for investigating all deaths in Prison Service custody).

## 10. Children of Families Living in Temporary Accommodation

Placement in temporary accommodation, often a distance from previous support networks or involving frequent moves, can lead to individuals and families falling through the net.

It is important that effective systems are in place to ensure that children from homeless families receive services from health and education, social care and welfare support services as well as any other specific services, because with frequent moves they may become disengaged from services. For example a child who is not registered with a school or a GP will miss out on basic services such as health screening, eye tests, immunisations and learning to read and write. Where a child who needs specific treatment misses appointments due to moves the problem may become an issue of Significant Harm.

Temporary accommodation, for example bed and breakfast accommodation or women's refuges, may be a location which is not secure and safe and where other adults are also resident who may pose a risk to the child.

All concerns of Significant Harm to a child should be referred to Children's Social Care Services in accordance with the [Referrals to Children's Social Care Procedure](#).

The local authorities' responsibilities for homeless families are set out in the [Homelessness code of guidance for local authorities](#) and [Homelessness: duty to refer](#)

## 11. Foreign Exchange Visits

Children on foreign exchange visits typically stay with a family selected by the school in the host country. Where this is for a period of less than 28 days they are not 'privately fostered'.

In these circumstances the only agency involved is education, with the school making arrangements to select host families and to negotiate the provision of families abroad.

In the event that any child in a household is subject to a **Child Protection Plan** or is the subject of a **Section 47 Enquiry**, the household should (until there is a satisfactory resolution of concerns) be regarded by the school as unsuitable to receive a pupil from an overseas school.

Schools remain responsible for safeguarding and promoting the welfare of children when they arrange school exchange visits abroad. A school must take all reasonable steps to ensure that relevant schools abroad take a comparable approach.