

**City of York**

**Safeguarding Children Partnership**



City of York Safeguarding Children Partnership

# Out of Authority Looked After Children Protocol



<b>Title</b>	<b>Out of Authority Looked After Children Protocol</b>
<b>Version</b>	Version 2.0
<b>Date</b>	08/10/2021
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### Update and Approval Process

Version	Group/Person	Date	Comments
Version 2.0	Rose Howley	08/10/2021	Updated Draft Version
Version 1.0	Sara Sherwood Sue Young-Freeman Clare Davies	11/05/21	Draft version written

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<b>Review Date</b>	October 2023
<b>Reviewing Officer</b>	CYSCP Business Unit

## 1. City of York Context

The City of York Council is a unitary authority area in North Yorkshire. The local authority is a single tier governing body responsible for providing all local services and facilities throughout the city.

## 2. Introduction to Out of Authority Looked After Children (OOALAC)

The statutory guidance for Out of Authority Looked after Children: Supplement to The Children Act 1989 Volume 2: care planning, placement and case review guidance updated July 2021 and associated regulations strengthen responsibilities of local authorities to notify other local authorities if they place a looked after child within their area. It also requires children's homes to notify their host local authority when a child is placed with them by another local authority<sup>1</sup>.

Where a child who is not looked after is placed in a health or education placement for three months or more, or with that intention, the placing authority also has a duty to notify the host local authority prior to placement or as soon as practicable thereafter.

When one local authority places a child which it is looking after within the area of another local authority regardless of the type of placement, they are required to:

Consult with the other Local Authority prior to making the decision to place the child;

Notify the other Local Authority prior to a placement being made (and subsequently when the placement ends) as well as providing sufficient information about the child and placement.

There are three main reasons for this:

1. To enable The City of York Council to provide relevant information to the other Local Authority to support their decision-making;
2. To enable The City of York to know of all looked after children resident in The City of York including those placed here by another Local Authority;
3. To allow the City of Council to effectively respond should an emergency situation arise such as a child protection concern or missing episode.

All such children will have a record of their placement on Mosaic following notification, regardless of whether the City of York Council has any ongoing involvement with the child or placement.

<sup>1</sup> Children and Families Act 2004 (The Children Act Guidance and Regulations Volume 2 – Care Planning, Placement and Care Review updated July 2021)

### 3. What City of York Council will provide

On receipt of a notification the Multi-agency safeguarding Hub (MASH) will undertake the following actions:

- Scrutinise the notification to ensure that sufficient information has been provided;
- Where sufficient information has not been provided, contact the placing Local Authority and request the provision of the appropriate information within five working days;
- Scrutinise the information for any areas of specific risk including child exploitation and or a history of running away from care;
- Where these factors are present, a social worker in MASH will provide information to the Manager of the Child Missing and Exploitation Team (CMET) to enable consideration and discussion at the multi-agency Risk assessment Meeting (RAM) or the Multi-agency Child exploitation and missing meeting (MACEM) and any other intervention from the CMET Team as required.

Significant Incidents during Placement:

The City of York Council is responsible for undertaking any emergency action necessary to protect a child who lives or is found in our area, even if their normal residence is in a different Local Authority and even if another Local Authority has Parental Responsibility for the child.

Therefore where an incident takes place that meets the threshold for a S47 Enquiry it will be the responsibility of The City of York Council to initiate this process.

In undertaking this duty we must inform the home authority as soon as possible and must involve them in our Strategy Discussion. This Strategy Discussion will identify whether a S47 Enquiry is required and if so, how it will be undertaken.

In most cases where circumstances mean that this is likely to lead to a more effective outcome it will be agreed that the home or placing Local Authority should undertake the S47 Enquiry. This agreement should be clearly recorded in the Strategy Discussion documentation and thereafter the City of York Council will have no further involvement.

Where the S47 Enquiry is being undertaken by the City of York Council we must consult appropriately with the placing authority.

The City of York Council should not take any steps to remove the child from their placement without consultation with the placing authority unless it is an emergency and to do so would place the child at greater or prolonged risk of harm.

When City of York Council places children outside of their local authority it is expected that staff will follow the steps outlined in this protocol and liaise with the host authority to identify and local variations.

## 4. Duty to consult and notify

There will be circumstances where a distant placement will be the most suitable for a child, such as where the child concerned has complex treatment needs that cannot be met by services within the area of the responsible authority. There will also be children who require an out of authority placement to ensure they can be effectively safeguarded. Such placements will require effective planning, engagement and information sharing with the services likely to be responsible for meeting the child's needs in the future.

City of York's Multi Agency Safeguarding Hub (MASH) will provide local information and intelligence around the potential placement, seek information from Police, Health and Local Authority Partners (including LADO) within the Multi Agency. This does not mean they will veto over the responsible authority's placement decisions but allow local discussion and information sharing and consideration for contextual safeguarding concerns to take place via the Multi Agency Safeguarding Hub, it is important to allow enough time to share information prior to the placement being finalised.

The MASH is a multi-agency team made up of representatives from a range of services, including Social Care, Early Help, Police and Health Professionals and is a single point of contact for all concerns about children. To speak directly with the Multi-Agency Safeguarding Hub phone **01904 551900** or email **MASH@york.gov.uk**.

### 4.1 Health

When a Looked after Child is being placed out of area, it is the responsible authority who must ensure that the child's health needs can be met at the proposed placement.

To do this they need to;

4. Establish what the child's health needs are and what is required to meet these needs.
5. Where the child will require specialist health services such as CAMHS or other specialist paediatric services, the responsible authority should consult with the Clinical Commissioning Group (CCG) that commissions secondary healthcare in the host area to establish whether the placement is appropriate and able to meet the child's needs.
6. Where the child has complex needs the responsible authority can have a discussion with the Designated and Named Professionals for looked-after children in the host area authority who will be a valuable source of advice and information.

If the child is to be accommodated in a children's home that offers specialist health care such as therapeutic care, the responsible authority must be confident that the professional care provided will meet the assessed health needs of the individual child.

The responsible authority, as a corporate parent should work with children's home staff to secure the health services that each child needs. In particular, social workers and other relevant officers in the authority responsible for a looked-after child should work with the home to:

- Agree the specific responsibilities of the home towards supporting the health needs of every child at the time the placement is made.
- Ensure that these responsibilities are recorded in the child's placement plan. This must include recording permission from a person with parental responsibility for the child for staff to administer first aid and non-prescription medication, and clearly agreed responsibilities for the administration of prescription medication.
- Be confident that staff in the home have sufficient understanding of relevant local health provision, including the functions of the Designated Doctor and Designated Nurse for Looked after Children in their area, and can support children to navigate these services, advocating on their behalf where necessary and appropriate.
- Should share the plan with the responsible CCG, the host CCG and the local Named Nurse for Looked after Children to clarify that what is proposed can be provided locally.

Staff in residential settings should also support the child to register with a GP and Dentist locally and to access statutory health assessments and any medical appointments necessary to meet their identified health needs.

When a child/ young person attends for an Initial Health Assessment, they must be accompanied by a worker who has all the relevant background information to share with the paediatrician undertaking the health assessment.

The worker accompanying the young person must be aware of the importance of the health assessment, and the significance sharing relevant information has in ensuring a meaningful and comprehensive assessment is undertaken.

**Designated Nurses** – Tel: 07920 266404

Deputy Designated Nurse – Tel: 07909 686821

**Specialist Nursing Team for Looked after Children** – Tel: 01423 542367

Email: [ny.lacnurses@nhs.net](mailto:ny.lacnurses@nhs.net)

## 4.2 Education

Consideration should always be given to securing appropriate education at the same time as planning a new care placement. It is inappropriate, except in exceptional emergency circumstances, to place a child in City of York without arranging a school admission at the same time.

The aim of the Virtual School is to enhance the life opportunities for children in care by supporting their education and enabling them to achieve the best they can.

The Virtual school does not replace the school or educational provision of a looked after child - it is an additional resource which exists to support and challenge all those involved in the education of looked after children. To contact City of York Virtual Head Teacher email [virtualschool.head@york.gov.uk](mailto:virtualschool.head@york.gov.uk) Children and young people placed in City of York by other local authorities will remain the responsibility of the placing LA however the Virtual School in York provides advice and support to all designated teachers in our schools.

For school admissions in City of York you can email [education@york.gov.uk](mailto:education@york.gov.uk) or visit the school admissions portal which can be accessed using the link here: [www.york.gov.uk/SchoolAdmissions](http://www.york.gov.uk/SchoolAdmissions).

For children and young people with an EHCP you will need to contact [Sendept@york.gov.uk](mailto:Sendept@york.gov.uk) to request a school place using the SEN Code of Practice consultation [process.education@york.gov.uk](mailto:process.education@york.gov.uk) or phone 01904 551554.

### 4.3 Police

North Yorkshire Police will share police information and intelligence in respect of out of authority looked after children with their home police force. The home force will then share with the respective responsible authority social worker.

All out of authority looked after children placed in City of York will be flagged with a 'LAC flag' on the North Yorkshire Police NICHE system.

### 4.4 Notification

Notifications must highlight any specific risks or vulnerabilities to assist services in City of York to respond effectively.

City of York Council expects all responsible authorities to ensure the host authority is notified verbally either by contacting the Multi-Agency Safeguarding Hub (MASH), [mash@york.gov.uk](mailto:mash@york.gov.uk) or 01904 551900 during office hours or the emergency duty team 01609 780780 out of hours.

## 5. Emergency Placements

An emergency placement occurs only when it is necessary to place a child without notice in order to safeguard their welfare and ensure their safety. In the case of a placement made in an emergency, the responsible authority must notify City of York Council using the process as outlined in section 4. The approval of the Director of Children's Services from the responsible authority is still required and s/he must be satisfied that the child's wishes and feelings have been ascertained and given due consideration and that the placement is the most appropriate placement available consistent with the Care Plan.

Following an emergency placement City of York Council require a fully completed notification form submitted within one working day of the placement move as outlined in Section 4 of this procedure.

## 6. Missing from Home and Care

Within City of York there is a Missing from Home and Care Joint Protocol which has been agreed by North Yorkshire Police, North Yorkshire County Council and the City of York Council which outlines the process for dealing with Missing Children.

The Missing from Home and Care Joint Protocol can be found here:

[www.yor-ok.org.uk/Safer%20Children%20York%202014/cyscp-resources.htm](http://www.yor-ok.org.uk/Safer%20Children%20York%202014/cyscp-resources.htm)

Where an Out of Authority Looked after Child goes missing from home or care the responsible authority have a duty of care to undertake the missing from home or care return interview within 72hrs.

## 7. Private Children's Residential Home Providers

The Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013 introduced changes to the Children's Homes Regulations 2001 and the Registration Regulations. Regulation 31(1A) and (1B) of the Children's Homes Regulations 2001 introduced a requirement for providers or managers to ensure that premises used for the purposes of a children's home are appropriately and suitably located so that children cared for by the home are:

- effectively safeguarded, and
- able to access services to meet the needs identified in their care or placement plans

Where an Out of Authority Looked after Child is accepted for placement within a Private Residential Children's Home in City of York we ask that the Registered Manager notifies City of York Council without delay in accordance with Regulation 41<sup>2</sup>.

## 8. Information Sharing Arrangements

The City of York Safeguarding Children Partnership recognise the importance of effective information sharing arrangements between placing local authorities, residential settings and local safeguarding partners in order to ensure that all children in City of York are safe.

All City of York Safeguarding Children Partnership partners are committed to sharing relevant information with the placing local authority and residential setting in order to support them discharge their legal duties. However, to do so the placing local authority and residential setting need to ensure that robust information sharing arrangements are in place.

When a child is placed in a private residential setting within City of York there is an expectation that the placing responsible authority will ensure that the child's Care and Placement Plans include arrangements for the dissemination and collation of relevant safeguarding information to and from City of York Safeguarding Children Partnership partners within City of York. This is to ensure that local partners can effectively contribute to the safeguarding of the child whilst placed in City of York.

<sup>2</sup> The Children's Homes (England) Regulations 2015



Placing responsible authorities and/or residential settings should contact the City of York's Multi Agency Safeguarding Hub to discuss urgent safeguarding concerns by either speaking directly with the Multi Agency Safeguarding Hub via phone 01904 551900 or email [MASH@york.gov.uk](mailto:MASH@york.gov.uk), or alternatively out of hours using the Emergency Duty Team 01609 780780.

Residential Children's Homes and Foster Carers need to ensure they work with the responsible authorities to ensure information is appropriately shared to safeguard the children in their care.

Registered Managers are invited to attend the Multi Agency Child Exploitation meeting (MACEM). MACEM meetings discuss perpetrators, areas of concern, contextual safeguarding concerns and community intelligence with the aim to work together and disrupt exploitation. To be added to the attendance list or to speak with the Chair we ask that contact is made via [MASH@york.gov.uk](mailto:MASH@york.gov.uk) or call 01609 535123 asking to speak to somebody in relation to MACEM process. Additional detail regarding MACEM and Contextual Safeguarding can be found here.

All requests for City of York's Safeguarding Children Partnership information required by Registered Managers for Safe Area Reports under Regulation 46 are required to be sent to [MASH@york.gov.uk](mailto:MASH@york.gov.uk) in order that these can be co-ordinated by City of York Safeguarding Children Partnership partners. The requests will be subject of discussion at local MACEM meeting in order to provide an appropriate and meaningful response. The reviews should consider the following:

- Whether the location of a home represents a risk that children will be targeted for sexual exploitation.
- Whether the location of the home influences the potential that a vulnerable child could be a victim of violent crime.
- Whether there is a likelihood of children becoming drawn into gang crime or anti-social behaviour in the local area.
- The appropriateness of the local neighbourhood as a location to care for vulnerable children with experiences of trauma, abuse and neglect.

**All Out of Authority Looked after Children remain the responsibility of the placing Local Authority.** Any local City of York Safeguarding Children Partnership partner with information relating to a safeguarding concern or risk to any specific out of area placed child or children should notify the relevant responsible authority for that child without delay. The information should also be shared with the City of York Multi Agency Safeguarding Hub in order that local risk determination can take place.

## 9. Escalation Process

Any professional who has concerns regarding a placement provider, responsible authority or relating to the management of the setting should escalate this through their own agency child safeguarding lead.

If a partner agency identified significant concerns regarding a provider, concerns must be raised without delay to Ofsted as the regulator. It is important to note that if there is a concern relating to the welfare or safety of a child this should be referred to the [Multi-Agency Safeguarding Hub \(MASH\)](#).

## 10. Definitions

Subject	Definition
Out of Authority	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.
At a Distance	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.
Looked After Children	A child is 'looked after' if they are in the care of the local authority for more than 24 hours
CYSCP	City of York Safeguarding Children Partnership <a href="http://www.saferchildrenyork.org.uk/">www.saferchildrenyork.org.uk/</a>
Host authority	The local authority for the area in which the child is placed or is to be placed where this is different from the responsible authority.
Nominated officer	A senior officer of the responsible authority, nominated in writing by the Director of Children's Services, for the purposes of approving placement decisions made under the Care Planning Regulations.
Placement provider	A foster carer; registered person for a children's home; or the person responsible for the child's accommodation where they are placed in other arrangements. Connected persons may also be placement providers, as are parents, if the child is placed under Part 4, Chapter 1 of the Care Planning Regulations.
Responsible authority	The local authority which looks after the child.

## 11. Useful links

[Exploitation Guidance](#)

[MACEM Terms of Reference](#)