

This policy applies to all children, 105 of the Children Act 1989 defines a child as being a person under the age of 18.

South Gloucestershire Council (the council) will do everything possible to ensure that all children are in lawful placements.

Section 22A of the Children Act 1989 places a duty on the council to accommodate children in its care. Where the child's welfare permits, the council will seek to ensure that they remain in the care of their parents, with a person that has parental responsibility for them, or with a person who has a child arrangement order for them immediately before being taken into care.

Where it is not possible for the child to live with one of the above people, the council will undertake an assessment of the child's needs and place them (in accordance with the provisions of the Care Planning, Placement and Case Review (England) Regulations 2010) in the most appropriate placement available. This will be one of:

- a) With a relative, friend or other person connected to them and who is also a local authority foster parent or who is temporarily approved in accordance with Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 (the Regulations);
- b) With a local authority foster parent who is not connected to the child.
- c) In a registered children's home; or
- d) In accordance other arrangements as permitted by the Regulations such as a boarding school or a hospital.

Children aged 15 or under

Children aged 15 and under will be placed in either regulated placement (as set out in a), b) or d) immediately above or in a registered children's home as in c) immediately above). Where this is not possible the placement must be authorised by the Director of Children's Services following consideration of:

- a) all information provided in the Notification Form.
- b) legal advice; and
- c) the Director's Decision report regarding the placement.

NB – there may be cases where a child under 15 is also subject to a deprivation of liberty (for example where there are high levels of supervision) which may require separate court authorisation.

Children aged 16 or 17

If a child is aged 16 or 17 South Gloucestershire Council may consider placing a child in an alternative permitted placement as a possible option if appropriate for the individual child. This can include settings such as:

- a) Independent living accommodation,
- b) Semi-independent living accommodation; or
- c) Temporary care and accommodation for the purposes of leisure, cultural or educational activities.

When considering placing a 16- or 17-year-old in independent or semi-independent accommodation, there shall be an assessment prior to the placement to inform the care plan and set out what support is to be provided. In respect of temporary accommodation as per (c) above, it is the purpose and intent of the placement that is relevant and will be considered and recorded on the child's file.

In determining whether a child receives care (rather than support) the assessing social worker will consider each child on their own merits, including the age of the child, their vulnerability, understanding and the level of help that they need. If it is determined that the child does need care, then the child will need to be placed in either a regulated placement or a registered children's home. If an establishment is providing accommodation and care, there will need to be consideration of the child remaining there whilst registration of the provision is sought from Ofsted.

If the young person has no care needs, they can be placed in an unregulated placement. If a young person receives accommodation and care the placement must be provided in accordance with the Regulations.

If the young person has no care needs, they can be placed in an unregulated placement.

Where children are under constant supervision or have a high ratio of supervision this will likely constitute 'care' within their plan, and they will not be placed in independent or semi-independent living accommodation. Regardless of the nature of the placement the level of supervision and / or control will also require the authority of the Court to authorise a deprivation of liberty. In circumstances where the young person lacks the capacity to consent to the arrangements then it may be appropriate to consider an application to the Court of Protection.

If a child is in an unregistered placement when they turn 16 years old and has ongoing care needs the placement will remain unregistered and monitored as set out below. Where the young person does not have care needs the placement will be permitted within the Regulations.

Where a 16- or 17-year-old child requires care and a regulated or registered placement cannot be found, the placement will be authorised by the Director of Children's Services following consideration of:

- a) all information provided in the Notification Form.
- b) legal advice (for unregistered placement only); and
- c) the Director's Decision report regarding the placement.

Monitoring unregulated and unregistered placements

South Gloucestershire Council will keep a record of all unregulated and unregistered placement for all children, and these will be monitored weekly in the Council's unregulated placements forum and relevant updates included on the child's file.

- Unregulated placements will be reviewed on a three-monthly basis.
- Unregistered placements will be reviewed daily, and updates provided to the Director of Children's Services until the child moves to a registered placement.

Summary

This policy recognises that there may, on occasion, be children who are not placed in accordance with the Regulations placements. This may be a child under 16 for whom it has not been possible to identify a foster placement or a children's home or a child aged 16 or 17 who is receiving care over and above that required to provide support whilst living in an independent or semi-independent setting. In these cases, **within 3 working days**, the Director of Children's Services will consider all the options available to the child, the legal advice about the placement, the child's specific history and needs and whether care is being provided

before authorising the most appropriate placement for the child (set out in the notification document) as recorded in a Director's Decision Report.