**West Sussex – Practice Guidance**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

**Notification of Children living Away From Home (Section 85 of Children Act 1989)**

Section 85 of the Children Act 1989 places a duty on local authorities to check on the safety and welfare of children living in residential education or hospital provision for any continuous period exceeding and/or likely to exceed 12 weeks.

The intention behind the legislation is to provide a ‘safety net’ for vulnerable children living away from home where the child is not accommodated under section 20 and where the child is not subject to the usual processes of Care Planning and Review by an Independent Reviewing Officer (IRO)

The legislation is aimed particularly at ensuring the safety and support needs of disabled children and their families. These children are at increased risk of Significant Harm within every category of abuse due to their increased level of dependency on others. The families of disabled children also experience enormous demands upon their parenting capacity in trying to meet a child’s additional needs.

The institutions required to comply with this notification policy include:

* Residential ‘special needs’ schools either joint or single agency funded both ‘in’ and ‘out’ of borough, including maintained and non-maintained boarding schools;
* Hospitals, including small ‘local’ hospitals and independent/private hospitals;
* Psychiatric units including private and voluntary sector units including those that treat young people for dependency on drugs or alcohol.

Note: The Children and Young Persons Act 2008 amends Schedule 2 Part 1 of the 1989 Children Act and clarifies the sort of services appropriate for ‘accommodated’ children away from home (Section 85) including financial help to promote contact, advice, counselling and help for children to holiday with their family as well as the provision of advocacy services.

**Content and Timing of Notifications**

Notifications are required when a child is likely to be resident within an institution for 12 weeks or more and also when a child is discharged after a 3 month period. Notifications to Children’s Social Care will typically contain the following information:

* Child's name;
* Child's date of birth;
* Child’s address immediately prior to admission (or that of mother immediately prior to delivery);
* Date of admission to hospital;
* Ward/Department;
* Name and contact details of parents/carers.

The notifying authority will also inform the parents/carers that the information has been disclosed to Children’s Social Care.

Best practice dictates that notifications should be received at least three weeks before a child has been away from home for the statutory period 12 weeks so that Children’s Care interventions remain within timescale.

**Action Following Referral**

Where Children’s Social Care are notified under this section, they shall:

* take such steps as are reasonably practicable to enable them to determine whether the child’s welfare is adequately safeguarded and promoted while he is living in the accommodation provided by the accommodating authority; and
* consider the extent to which (if at all) they should exercise any of their functions under this Act with respect to the child.
* In cases where children are not known to the Local Authority Action Required; need to agree who will d/w this and undertake initial enquiries.
* In cases where a child is already known to Children’s Social Care it is expected that a Child and Family Assessment will be undertaken by an allocated Social Worker. The statutory requirements relating to visits, planning and review of the case will apply in accordance with the legal status of the child.

**Visits to children notified to the local authority under this Regulation**

The local authority must, in accordance with regulations made under this section, make arrangements for the child to be visited by a representative of the authority.

It is the function of a representative to provide advice and assistance to the local authority on the performance of their duties under section 85(4) or, as the case may be, 86(3).

In accordance with the regulations, the representative should determine:

* the frequency of visiting under visiting arrangements
* circumstances in which visiting arrangements must require a child to be visited and;
* additional functions of a representative

In choosing a representative a local authority must satisfy themselves that the person chosen has the necessary skills and experience to perform the functions of a representative.

**Reference Points;**

<https://www.legislation.gov.uk/ukpga/1989/41>