Bristol City Council Children and Families and Safer Communities

Practice Direction regarding children placed in 52-week Residential School

Practice Change: To ensure children in a 52 week residential education provision are receiving appropriate care and support from social care.

**Children in 52-week educational provision**

This Practice Direction is to provide clarity where children’s rights to care and support are central the planning when children are living in a 52-week residential education provision.

Bristol City Council want our children in residential educational provision to be cared for in the best quality provision that is assessed to meet their needs.

**Considerations to be taken into account when placing a child in a long-term residential education setting**

Children and young people who spend long periods of time living away from home in residential settings are a vulnerable group. They can be vulnerable to abuse, experience a range of poor outcomes and dwindling contact with their families. The likely impact of a placement in long term residential care away from home on children and young people and their families should be an important consideration when making a placement. The local authority or health body making the placement should look to make the placement close to home where possible.

The Children and Families Act 2014 built on measures provided in the Children Act 2004 by requiring local authorities and health commissioning bodies to make joint commissioning arrangements for education, health and social care provision for children and young people with special educational needs and disabilities. Local authorities are also required to integrate education, health care and social care provision where they consider it would promote the wellbeing of such children and young people.

Local authority staff responsible for services for children in need under the Children Act 1989, should be involved in making decisions about residential placements which are being considered by education and/or health colleagues.

When arranging a residential placement, the accommodating authority should have regard to:

* The views, wishes and feelings of the child or young person and their family. This should have regard to the child's maturity and their capacity to consent and the nature of the decision being sought;
* Ensuring the child or young person and their family are provided with impartial information and support so that they can be as fully involved as possible in making decisions about the child or young person's future accommodation;
* Recognising that some disabled children and young people, such as those who have learning disabilities and/or are on the autism spectrum, may need support to help them understand the issues involved in relation to placements;
* Identify children and young people who may need support in communicating their wishes and feelings. This will depend on their individual needs and could include use of alternative and augmentative communication, British Sign Language Interpreters, and advocates, etc.

Many children who are likely to require residential placements for consecutive periods of more than 3 months will have had a holistic, multi-agency assessment or review of their needs – such as an Education, Health and Care (EHC) (for those who have special educational needs), or a Care and Treatment Review.

There may be exceptions to this where, for example, children or young people are admitted to learning disability hospitals or Assessment and Treatment Units quickly because of urgent mental health needs.

Where this is the case, such a multi-agency assessment must be undertaken as a matter of urgency.

**Determining the Child’s Status: Child in Need or Looked After**

Where a child is placed away from their parents for extended periods it should be considered whether the child should become looked after within the meaning of the Children Act 1989, particularly Section 20 of the Act. While this practice direction focuses on children in 52-week residential educational placements practitioners should be considering the most appropriate status for any child who is placed in long-term residential educational settings.

This decision is a judgment that can only be made after a Single Assessment has been undertaken by a social worker which has included the views of the parents, and others who have parental responsibility, together with the wishes of the child. The full facts and implications of consent should be fully discussed with the parents, and those parental with responsibility.

**The Child and Family Assessment Process**

When considering if a child should become looked after the key question to ask is how to promote and safeguard the welfare of the child most effectively. The assessment, planning and review processes for children in need may be appropriate or the additional requirements for looked after children may be more appropriate, depending on the circumstances of the child and family.

Before making, and when reviewing, a decision about whether to provide accommodation under section 17 or section 20 there should be a careful assessment of the child’s and family’s needs that addresses the following considerations:

* particular vulnerabilities of the child, including communication method;
* whether a child is being deprived of their liberty;
* parenting capacity of the parents within their family and environmental context;
* the length of time away from home and the frequency of such stays – the less time the child spends away from home the more likely it is to be appropriate to provide accommodation under section 17(6);
* potential impact on the child’s place in the family and on primary attachments;
* observation of the child (especially children who do not communicate verbally) during or immediately after the break by a person familiar with the mood and behaviour of the child (for example the parent or school staff);
* views of the child and views of parents – some children and parents may be reassured by and in favour of the status of a looked after child, while others may resent the implications and associations of looked after status;
* extent of contact between carers and family and between child and family during the placement;
* distance from home.

In cases of 52-week placements the significant majority of children should be brought into the care of the local authority to enable us to adequately safeguard and ensure the needs of the child.

In making this decision the child and family assessment should consider whether the family would be able to care for the child should the placement not be provided. In cases where the family would be unable to meet the child’s needs without the placement the local authority should take steps for the child to be brought into the care of the local authority.

Children and family circumstances change over time. Some children may be being supported through an EHCP in a 38-week placement under section 17 and a review of their EHCP might lead to a step up in provision to a 52-week placement. In these situations the SEND caseworker must contact the social care hub to coordinate the allocation of the child to a social worker to undertake a child and family assessment under section 17 to determine whether a child should be brought into the care of the local authority.

**Process:**

Central to the assessment and planning is the view of the young person, and it should be clearly recorded that the young person is aware of the legal framework in which they are being supported, and their view of this, and if any additional support is required to gather their view due to the young person’s communication needs, additional support should be put into place.

* Education or Social care identifies that 52 week residential education placement may be required
* Social Care Hub is contacted by the lead professional (eg social worker or SEND caseworker)
* Social Care Hub reviews EHCP and contacts relevant social work team triggering the child and family assessment under section 17.
* The social care hub supports the team in the assessment process.
* If the assessment concludes that the child can go home at any point if the 52 residential placements were to end, or the parents they can meet the child’s needs at home, then the assessing social worker should consider whether child in need or child in care would be most appropriate framework for this child to be supported under using the above framework for assessment. Where a child is in a 52-week placement their vulnerability to abuse and neglect should always be considered as a significant factor and therefore bringing them into care is likely to be most appropriate in the majority of situations.
* If the assessment of the child concludes that the parents are not able to meet the child’s needs at home and the child could not go home should the residential placement breakdown the ‘child in care’ process should always be followed.
* Where a decision is made to bring the child into care the Social worker will follow the child in care process of authorisation through Placement Panel and Joint Commissioning Panel
* Where a decision is made to support a child living in a 52-week placement under section 17 this requires agreement from the relevant child’s Head of Service and should be reviewed through annual reviews of the child and family assessment.
* The Social Care Hub will remain involved to support the social worker with the EHCP process and planning.
* Once the residential placement is established the child will transfer from Area Services to long term support from the Disabled Children’s team or Through care as usual.

Practice Directions are supported by:

* Working Together to Safeguard Children 2018
* Children and Family Act 2014
* Social Work England Standards
* Southwest Child Protection Procedures
* Bristol Children and Families, Quality Assurance Framework

Objective: the aim of Practice Directions is intended to provide clarity of any change of expectations in practice OR clarity on elements of practice where there is confusion. Practice Directions are intended for practitioners and managers. Practice Directions enable an audit trail of change in practice expectations to be maintained.

Process: Children’s Management Team will consider and approve Practice Directions. The PSW will issue and ensure that Practice Directions are entered onto Tri-x.

Quality Assurance of practice change:

Compliance with Practice Directions will be monitored by deep dive audit and performance indicators where possible.

Placement Panel and Joint Commissioning Panel sign off

Senior Management oversight of child in care and section 17 decision making as set out above.

Service Areas / roles applicable:

All service areas

Date of Change: 11th April 2023

PSW: Becky Lewis