



CHILDREN LIVING AWAY FROM HOME May 2011

1. INTRODUCTION

1.1 Revelations of widespread abuse and neglect of children living away from home have done much to raise awareness of the particular vulnerability of children in these circumstances. We should not be complacent that such abuse could not occur again. We need to be continually vigilant so that children today do not suffer as others have.

1.2 All settings where children live away from home should provide the same basic safeguards against abuse, founded on an approach which promotes their general welfare, protects them from harm of all kinds and treats them with dignity and respect. These settings include boarding schools, children's homes, foster care placements, private fostering, hospitals, prisons, young offender institutions, secure training centres, secure units, army bases, foreign students and foreign exchange visits.

1.3 BSCB procedures for safeguarding and promoting the welfare of children apply in every situation and to all settings, including those where children are living away from home.

1.4 Individual agencies that provide care for children living away from home should implement clear and unambiguous procedures to respond to potential matters of concern about children's welfare in line with the relevant legal requirements and BSCB arrangements.

1.5 Each agency's policy and procedures must ensure that there is clear understanding of Buckinghamshire's continuing responsibilities in relation to safeguarding the child, when Buckinghamshire is the local authority covering the area where the child comes from but is currently not resident.

1.6 Disabled children are particularly vulnerable when living / staying in such settings (www.bucks-lscb.org.uk / *Procedures / Abuse of Disabled Children*)

1.7 In addition to sexual and physical abuse, children living away from home may experience emotional abuse and neglect, including peer abuse, bullying and substance misuse, which can be a particular threat in institutional settings.

2. ESSENTIAL SAFEGUARDS

2.1 Safeguards which should be observed in such settings (and explicitly addressed in contracts with external providers) include the need for:

- Children to be valued and respected: staff must communicate directly with them using appropriate verbal and / or non-verbal means and recognise the importance of ascertaining their wishes and feelings
- The adoption of safe recruitment and effective safe termination of employment practices so that care providers are appropriately recruited, assessed and trained

- Children to have access to a trusted adult outside of the establishment/ family
- The establishment/institution itself must be open to the external world and scrutiny
- Respect for diversity and sensitivity to race, culture, religion, gender, sexuality and disability
- Effective supervision and support, extending to temporary/agency staff and volunteers
- Bullying is effectively countered;
- 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.
- Clear procedures and support systems are in place for dealing with expressions of concern by staff and carers about other staff or carers – See BSCB Procedures for Managing Allegations against Staff and Volunteers. (LINK) Organisations should have a code of conduct instructing staff on their duty to their employer and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers. There should be a guarantee that procedures can be invoked in ways that do not prejudice the ‘whistle-blower’s’ own position and prospects.
- Complaints procedures must be clear, effective, 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.
- Children should genuinely be able to raise concerns and make suggestions for changes and improvements which should be taken seriously. Procedures should address informal as well as formal complaints. Systems that do not promote open communication about ‘minor’ complaints will not be responsive to major ones and a pattern of ‘minor’ complaints may indicate more deeply seated problems in management and culture that needs to be addressed

2.2 When there are concerns about significant harm to a child, all Child Protection procedures apply as for children who live with their own families. In addition there are additional procedures relevant to these circumstances.

3. PRIVATE FOSTERING (Please see BSCB page on Private Fostering – www.bucks-lscb.org.uk)

3.1 A private fostering arrangement is one made without the involvement of Children's Social Care for the care of a child under the age of 16 (under 18, if disabled) by someone other than a parent or close relative (i.e. grandparent, aunt, uncle, brother or sister) for 28 days or more. This may include children sent from abroad, asylum seeking and refugee children, teenagers staying in short term arrangements with friends or other non relatives and language students with host families.

3.2 There are Bucks procedures in relation to private fostering which must be followed. Any professional who becomes aware that a child is in a private fostering arrangement should notify 3.3 Children’s Social Care to ensure that this is a placement that has been assessed according to these procedures. (Link to BCC Children’s Social Care Private Fostering Procedures)

3.4 Under the Children Act 1989 private foster carers and those with **Parental Responsibility** are required to notify the local authority of their intention to privately foster or have a child fostered.

3.5 Children's Social Care must satisfy themselves as to the suitability of the private foster carer,

their household and accommodation.

4. CHILDREN ON EXCHANGE VISITS

4.1 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

4.2 Exchanges and Homestays

4.2.1 Full guidance in regard to Exchanges and Homestays can be found in the Resources section of *Evolve*: <http://www.edufocus.co.uk/evolve.asp> - which is the LA web based system for establishments to access to register and plan their visits; which then go to a nominated Education Adviser for approval.

4.2.2 Vetting and CRB Issues:

CRB regulations do not apply to UK-based exchange visits of less than 28 days, but overseas parents should indicate that they consent to the suitability of the selection process that places their child with the volunteer host family.

4.2.3 A CRB check in itself is no guarantee as to the suitability of an adult to work with any given group of young or vulnerable people. The placement of an adult within a situation of professional trust (where young people could be vulnerable to physical or mental exploitation or grooming) should be based on a *common sense* assessment of the risk-benefit.

4.2.4 Visit Leaders should ensure that parents / carers understand that CRB checks are unlikely to be available in countries visited by young people from the UK.

4.2.5 They therefore must ensure that the overseas host school or agency is aware of the need to plan for appropriate home placements. In practical terms, this will mean schools are guided by the host teacher's knowledge of his/her pupils and their families. There is thus an understanding of mutual trust between families sending pupils to stay with an overseas host family.

4.2.6 The Visit Leader should include the following checks:

- CRB checks (where required); (these are required of UK host families for guests staying more than 28 days)
- That appropriate information is shared
- That a code of conduct is agreed
- That families understand that sleeping arrangements are suitable
- That family activities fall within the scope of parental consent
- That transportation (including drivers is suitable) and covered by parental consent

5. CHILDREN LOOKED AFTER BY BUCKINGHAMSHIRE COUNTY COUNCIL

5.1.1 Children and young people in care are amongst the most socially excluded groups in England, and are vulnerable to abuse and may be in care due to abuse.

5.1.2 The educational underachievement of children in care and the direct impact of educational difficulty, on education attainment, future employment prospects, homelessness and entering the criminal justice system are recognised nationally.

5.1.3 BCSB expects there to be a strong working partnership between all key people and agencies involved in the child's life, to enable clarification and allocation of the different roles and responsibilities as "public" parents, to ensure the child is "kept safe". This includes the child/young person and their family as well as the day-to-day carers and others who have a role to play.

5.1.4 Social workers should ensure that a Child Looked After has opportunities to see her/him alone regularly, and at key points.

5.1.5 The role of the Independent Reviewing Officer now includes ensuring they have the opportunity of seeing the child prior to Reviews, speaking to them on their own, when age and developmentally appropriate. In addition to see them at other times, and to ensure the child has contact information to enable them to contact the IRO.

5.2 Children with special needs, in addition to being Looked After

5.2.1 Children who have learning, and/or behavioural difficulties, and/or sensory impairment are particularly vulnerable to abuse. Staff working with these groups of children must be alert to any indications that a child might need to be in need of protection. (See BSCB procedures for Disabled Children (H link)

5.3 Children's rights, Advocacy and Independent Visitors services

5.3.1 Throughout any period of being Looked After, a child must be made aware of their rights under the Children Act 1989, and 2004.

5.3.2 Children and Young People have a right to be heard. They can best describe how it is for them because they know how it feels. Children and Young People have a right to free expression on matters that affect them. Their views should be respected and should be given due weight in accordance to their age and maturity.

5.3.3 On becoming looked after, they must be provided with information about the services provided in Buckinghamshire to promote this. All staff and social workers should also be briefed about these services in their induction.

6. CHILDREN IN HOSPITAL FOR MORE THAN THREE MONTHS

6.1 The National Service Framework for Children, Young People and Maternity Services (NSF) September 2004 sets out standards for hospital services. Hospitals should be child friendly, safe and healthy places for children, with care in an appropriate location and environment. Children should not be cared for in an adult ward

6.2 The local authority must be notified by the hospital if a child is in hospital for more than three months. An assessment visit must then be carried out by the Local authority to establish whether the local authority should monitor the child's welfare. (S.85 of the Children Act 1989)