



Department
for Education

Consultation Response Form

Consultation closing date: 17 September 2013

Your comments must reach us by that date

**Improving safeguarding for looked after
children: consultation on changes to the
Care Planning, Placement and Case Review
(England) Regulations 2010**

If you would prefer to respond online to this consultation please use the following link: www.education.gov.uk/consultations/

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
Reason for confidentiality:	

Name: Holly Towell	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of Organisation (if applicable): Missing People	
Address: Missing People, Roebuck House, 284 Upper Richmond Road West, London SW14 7JE	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Please mark the category which best describes you as a respondent

<input type="checkbox"/> Childrens Home Private Provider (1 home)	<input type="checkbox"/> Childrens Home Private Provider (2-5 homes)	<input type="checkbox"/> Childrens Home Private Provider (6-10 homes)
<input type="checkbox"/> Childrens Home Private Provider (11-15 homes)	<input type="checkbox"/> Childrens Home Private Provider (15+ homes)	<input type="checkbox"/> Childrens Homes Provider (Voluntary/Charitable Sector)
<input checked="" type="checkbox"/> Voluntary sector childrens services organisation	<input type="checkbox"/> Police	<input type="checkbox"/> Local Authority Provider of Childrens Homes
<input type="checkbox"/> Youth justice organisation	<input type="checkbox"/> LSCB	<input type="checkbox"/> Health service organisation
<input type="checkbox"/> Other Government Department	<input type="checkbox"/> Other, please specify	

Please Specify:

1 Do you accept that amendments are required to the Care Planning Regulations, to improve information sharing between placing authorities and area authorities, to effectively safeguard and promote the welfare of looked after children placed in distant out of authority placements?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

Missing People believes the regulations must support local authorities to safeguard looked-after children to the best of their abilities, and as such we accept that amendments are needed in order for the most appropriate frameworks to be in place for them to fulfil this.

2 Do you agree with our proposal to amend Regulation 11 of the Care Planning Regulations so that the decision to place a child in a distant out of authority placement has to be approved by the responsible authority's Director of Children's Services?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

The charity agrees that the decision as to whether a distant out of area placement is suitable and appropriate should be taken at a senior level, and by a named person in order to support accountability. We believe that the Director of Children's Services is the correct person to take this.

We agree with the ethos that the child's feelings will additionally be taken into account when considering out of area placement, as, if they are unhappy about the decision, this could create a 'pull' factor, leading them to run away back to the area they have been moved from to networks of friends, family, and other support (however, there will be occasions whereby, regardless of the child's opinion, moving them away may be in their best interests to protect them from harm). The risks associated with running away have been well-documented, and include child sexual exploitation, substance misuse, and

gang involvement.

3 We do not want to place a barrier to a child being placed in an adjacent authority that may remain close to the child's community or be even closer than a placement within the same authority dependent on borders. Therefore we would value your views as to how "distance" should be defined in this context.

Should distance be based on mileage from the child's home address (20/25+ miles); travelling time or on some other formula – e.g. where a child is placed within a region of co-terminus LAs where information is shared and resources are pooled, they would be deemed to be in a "local" placement?

Based on mileage from the child's home address (20/25+ miles)

Travelling time

Other formula - please specify (e.g. where a child is placed within a region of co-terminus LAs where information is shared and resources are pooled, they would be deemed to be in a local placement?)

Comments:

4 Do you agree with the proposal that area authorities must be consulted before the Director of Children's Services can approve a decision to place a child in a distant out of authority placement?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

Missing People agrees that potential host authorities must be consulted before the DCS can approve a distant out of area placement. We believe that this is integral in order for the placing authority to have full information as to whether the child may be placed, and whether there are any issues connected to it which could leave the child at risk should they be sent there. In addition, it will uncover whether the potential host authority is able to provide for the specific needs of the child's care plan. Without this information, the DCS would not be able to make an informed decision and the child's wellbeing could be jeopardised.

This, however, relies on the quality of the assessment that has been made of the child and their needs ahead of this consultation process, in order for this to be effective – we believe this is paramount.

5 When a placement has to be made in an emergency, what should be the minimum expectation for consultation with the area authority?

Comments:

In an emergency, it should still be expected that there will be some consultation with the potential host authority ahead of a placement going ahead. At a minimum, this should cover critical issues in the shorter term, such as whether there are risk factors in connection to the potential place of care that could be detrimental to the child; for example, if it is being targeted by gangs or for sexual exploitation purposes and there are concerns about the child's welfare. To aid this process, it could be helpful if each authority has key information – regularly updated – about places of care readily available so that any 'red flags' are quickly made obvious.

We suggest that, where emergency placements are made, full consultation still takes place when time permits and that DCS approval is sought as with a non-emergency placements following this. We recommend that a timeframe is established for this, e.g. that it is completed no more than 10 days after the child is placed. Should this full consultation uncover any reasons as to why the placement is not suitable in the longer term, an alternative placement must be sought.

6 Apart from that listed in 3.5, what additional arrangements (if any) will area authorities and placing authorities need to have in place so that there is a meaningful and constructive consultation between authorities when an out of authority placement is being considered? For example, a named contact or dedicated mailbox to alert authorities of incoming placements.

Comments:

Missing People feels it would be valuable, for the consultation, for the placing authority to explain why it feels that placing a child outside its area is in the child's best interests.

As mentioned above, we suggest that it may be helpful for authorities to have key information – regularly updated – about places of care in their area readily available so that they are able to quickly engage in consultations from a fully knowledgeable position.

7 Apart from local children's services, are there other services that should be consulted prior to the DCS being able to approve the placement of a looked after child in a distant out of authority placement – e.g. local health services; the virtual headteacher; local youth justice services.

- | | | | | | |
|-------------------------------------|-----------------------|--------------------------|-------------------------|--------------------------|------------------------------|
| <input type="checkbox"/> | local health services | <input type="checkbox"/> | the virtual headteacher | <input type="checkbox"/> | local youth justice services |
| <input checked="" type="checkbox"/> | other, please specify | | | | |

Comments:

With the assumption that the local authority will be in possession of basic information about the area local to the placement, such as crime levels etc, Missing People believes that consulting other services ahead of the DCS making a decision on a placement must be assessed on a case by case basis. For example, should a child have specific health needs detailed in their care plan, the health service should be consulted to ensure that they are able to provide the service they need.

Should a placement be found to not meet the needs of the child, an alternative one should be sought.

8 Would any of the proposals in section 3 of the consultation document incur any new resource requirements for your organisation? If your answer is "yes" – please describe the additional resources involved.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

9 Do you agree that arrangements for notifications should be strengthened as outlined in section 4 of the consultation document so that they include specific regulatory requirements as to the information (which includes the care plan for the child concerned) that must be provided to the area authority by the placing authority?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

Missing People believes that providing information which must be shared with the area by the placing authority should help to ensure that the former is appropriately knowledgeable of the needs and situation of each newly placed child. We feel that the area authority should then be obliged to outline in writing how it will act on the information it has received to ensure that the child's needs will be met in the placement, and that this should be completed within a pre-set time period.

10 Do you agree that Schedule 2 should be amended so that the provider's strategy for keeping the child safe must usually be included as a significant feature of the Placement Plan for a looked after child?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

The charity strongly supports this amendment. We believe that keeping children safe is a paramount duty of care providers, and as such it is imperative that due consideration is given as to how they will do this for each child in respect of their individual needs. This strategy should be supportive in nature, with a focus on providing children with a safe and caring environment within their placement; it should not be punitive.

11 ***Do you agree that a review meeting should be convened in circumstances where any or all of those listed below request that a review is needed, in response to concerns that a child is at risk in their placement?***

- ***area authority***
- ***registered manager of a children's home or fostering service***
- ***foster carer***
- ***parent***

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

Missing People believes that it is very important that a child's care is reviewed if there are any concerns for their wellbeing. In addition to those cited, we believe that the placing authority should also be able to request a review, along with the child and those connected to their care, such as their social worker.

12 Do you agree that Schedule 7 of the Care Planning Regulations should be amended as outlined in 6.4 of the consultation document?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

We agree that considering the safety of the child should be made an explicit requirement when reviewing a care plan. As well as exploring whether the child is safeguarded we believe that whether they are being effectively supported should also be examined.

The charity feels it is important that the child's perspective and opinions are taken into account throughout this process, and that they are included in the review.

13 Do you agree with the proposal that Directors of Children's Services should approve and sign off the pathway plans for voluntarily accommodated 16 and 17 year olds whenever there is a proposal for them to leave care?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

14 Do you agree that such a change in legislation would help prevent young people leaving care prematurely, so that they only cease to be looked after once they have been properly prepared and provided with a package of support to enable them to make a successful transition to adulthood?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

15 Please add any final comments concerning the effectiveness of the measures on which we are consulting to effectively safeguard and promote the welfare of looked after children, particularly, those placed outside their responsible authority.

Comments:

Missing People welcomes the Government's ambition to create structures within care provision that promote good practice, but underpinning this must be a positive ethos in care settings so that the children feel valued and cared for. If they do not, they may seek to runaway and / or become involved in negative pursuits such as gangs and substance misuse.

It is key that staff are fully trained and take their role within corporate parenting responsibility seriously. They must have a caring nature (explored through recruitment), and promote a safe environment in which the children – many of which are some of society's most vulnerable – are able to fulfil their potential and receive services to help them overcome any existing issues they might be facing.

16 Do you agree that these proposals will improve collaboration between placing authorities and services in the areas where children are placed to improve the effectiveness of safeguarding arrangements and therefore be in children's best interests?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

17 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.	
E-mail address for acknowledgement:	

Here at the Department for Education we carry out research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Responses should be completed on-line or emailed to the relevant consultation email box. However, if you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Coordinator, tel: 0370 000 2288 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed responses should be sent to the address shown below by 17 September 2013

Send by post to: FAO Lydia Affie, Department for Education, Sanctuary Buildings, Great Smith Street, Westminster, London, SW1P 3BT

Send by e-mail to: careplanningregs2010.amendments@education.gsi.gov.uk