

HILLSIDE PRACTICE

GUIDANCE & PROTOCOL

FOR LOOKED AFTER CHILDREN

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This is an adaption of the First Practice Management Policy
Approved by: Dr A K Harvie
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Introduction

Since 2013 there have been a number of changes to government policy as well as updated legislation:

The Children and Families Act 2014 received Royal Assent in March 2014. The Act introduced reforms for tackling delay in the adoption process and for improving the life chances of looked-after children and young people.

The Department for Education has issued statutory guidance for local authorities on implementing the duties in the Children Act 1989 with respect to children and young people who are brought up by members of their extended family, friends or other people who are connected with them (see [Family and friends care: statutory guidance for local authorities](#) Department for Education).

In UK law, children in care are referred to as 'looked after children'. A child is 'looked after' if they are up to 18yrs of age and in the care of the local authority for more than 24 hours. Legally, this could be when they are living in:-

- accommodation provided by the local authority with the parents' agreement
- the subject of an interim or full care order
- the subject of an emergency legal order to remove them from immediate danger
- serving time in a secure children's home, secure training centre or young offender institution
- unaccompanied asylum seeking children.

It is important to note that the term refers to children accommodated voluntarily, including under an agreed series of short-term placements which may be called short breaks, family link placements or respite care. A child will stop being 'looked after' when they are either adopted, returned home or turn 18 however the local authority will continue to support children leaving care at 18 until they reach 21.

Guidance will often refer to the term "Corporate parenting" This is the formal partnership needed between all local authority departments and services and associated agencies, which are responsible for working together to meet the needs of looked after children and young people and includes Primary Care. Accordingly this Protocol must be read in conjunction with local Safeguarding guidelines and the practice Safeguarding Policy .

Practice training requirements

For Practice non-clinical staff - Level 1 safeguarding and in particular understanding of the increased needs of Looked After Children, youth offenders and increased risk of further maltreatment as well as consent issues relating to the child.

For Practice clinical staff - Level 3 safeguarding and in particular understanding of the processes and legislation for Looked After Children including consent, health assessments and after-care services.

Awareness of their health needs

Children and young people who are looked after are amongst the most socially excluded groups in England and Wales and number nearly 70,000 in any year, predominantly in this category as the result of neglect or abuse of all kinds. They have profoundly increased health needs in comparison with children and young people from comparable socio-economic background who have not needed to be taken into care. These

greater needs however, often remain unmet. As a result, many children and young people who are looked after experience significant health inequalities and on leaving care experience very poor health, education and social outcomes'. (Health & Wellbeing of Looked After Children & Young People – April 2013). They are more likely to have developmental delay, be teenage parents and become involved in risk taking behaviour such as substance misuse. Looked after children show significantly higher rates of mental health issues, emotional disorders such as anxiety and depression, hyperactivity and autistic spectrum disorder conditions. All looked after children will have a health care plan, which the social worker keeps.

- Children's early experiences have significant impact on their development and future life chances. As a result of their experiences before entering care, and during care, children in care are at greater risk than their peers." **NSPCC.**
- Children in care are four times more likely than their peers to have a mental health difficulty. **Calculation based on Office of National Statistics data.**
- Children in care are less likely than their peers to do well at school. **DfE (2014) Outcomes for children looked after by local authorities (in England).**

ROLE OF THE PRACTICE

Practices should be aware that there are specialist designated clinicians actively involved in the care of all looked after children both at CCG and Local Authority level but that on occasions GP involvement may be sought.

- To accept looked after children as Registered Patients if within the practice catchment area (*if the child has not already been registered with the practice- and the practice may already have had involvement leading up to their having been deemed "looked after"*)
- To be aware of these children and young people in the same way as for children on the child protection register.
- Read Code for children in care or at risk as appropriate.
- All looked after children and young people have a health assessment soon after they become looked after, they also have review health assessments which may be organised by the Local Authority but can often involve their GP.
- Maintain within the clinical system copies of any health assessments sent to the practice and that advise what health needs have been highlighted.

NICE in 2013 set out 8 Quality Standards for looked after children and their website shows an interactive flowchart that may be of use by practice staff at <https://www.nice.org.uk/guidance/qs31>

Consent Issues that might Arise

Consent depends on the type of order that is in place....

Children placed in care with agreement of their parents under section 20 of the Children Act – parents keep full parental responsibility and their consent is needed for any treatment.

Children placed with a Care Order – Parental responsibility is shared between the parents and social services and either a parent or social work manager could consent for treatment.

NB: Foster Carers do not have the right to consent for treatment.

When a child becomes looked after, the parents sign a parental agreement form, which covers basic treatment such as dental care and immunisations: foster carers should have a copy of this which staff should obtain and ensure a copy is attached to the patient notes.

A mother automatically has parental responsibility for her child from birth while a father usually has parental responsibility if he's married to the child's mother or listed on the birth certificate while same sex partners in a legally-recognised relationship have equal rights. A parent who has not been listed on the birth certificate may apply to a Court for those rights.

In the event of practice staff becoming aware of any problems brought to attention with regard to parental responsibility they should take copies of any Court documents or Birth Certificate and refer the matter to the Practice Manager without delay.

What about confidentiality?

Looked after children and young people are entitled to the same levels of confidentiality as any other child or young person. The Fraser Guidelines are also applicable where appropriate.

If I have a concern about a particular looked after child or young person who do I contact?

In the first instance, staff should refer to the practice Safeguarding Policy [*] without any delay and discuss the matter as soon as possible with a member of the Clinical Staff or the Practice Manager. All looked after children and young people have an allocated Social Worker who is responsible for ensuring their health needs are met. It would be good practice if a contact number for the child's Social Worker or, if you are unable to contact them a Health Liaison Worker if there is one, was attached to the child's clinical records.

RESOURCES AND REFERENCES

www.legislation.gov.uk/ukpga/1989/41/contents

www.nice.org.uk/guidance/qs31

www.education.gov.uk

<https://www.gov.uk/government/publications/inspecting-local-authority-childrens-services-framework>

<https://www.england.nhs.uk/ourwork/safeguarding/our-work/lac/>

www.CQC.org.uk - Nigel's surgery 33: Safeguarding children

[http://www.rcpch.ac.uk/system/files/protected/page/Looked After Children 2015_0.pdf](http://www.rcpch.ac.uk/system/files/protected/page/Looked%20After%20Children%202015_0.pdf)

<http://www.scie.org.uk/publications/guides/guide40/recommendations/health.asp>