A Place to Call Home

What's care got to do with it?

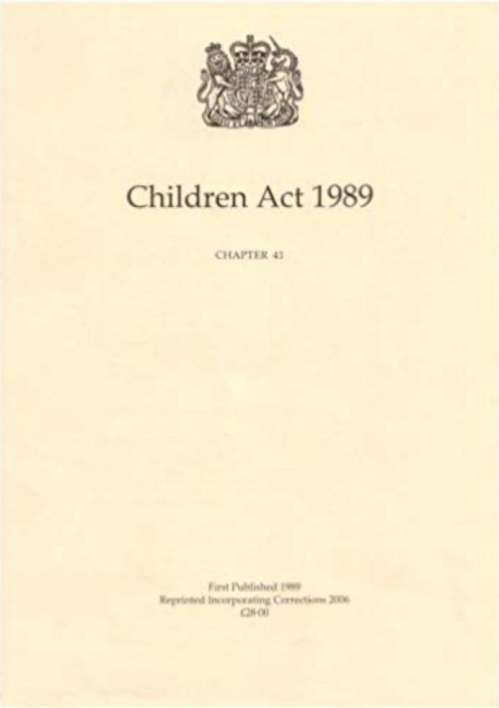
Carolyne Willow, Article 39

“The care system, social services and government made me feel like I didn't want to be around no more.

I wanted to see my mum for the last time and get out of this world where no-one cares about me.”

Kieran, aged 17
(living in unregulated homes since the age of 15)

Entering care (the law)


Children Act 1989

CHAPTER 41

First Published 1989
Reprinted Incorporating Corrections 2006
C28·00

20 Provision of accommodation for children: general.

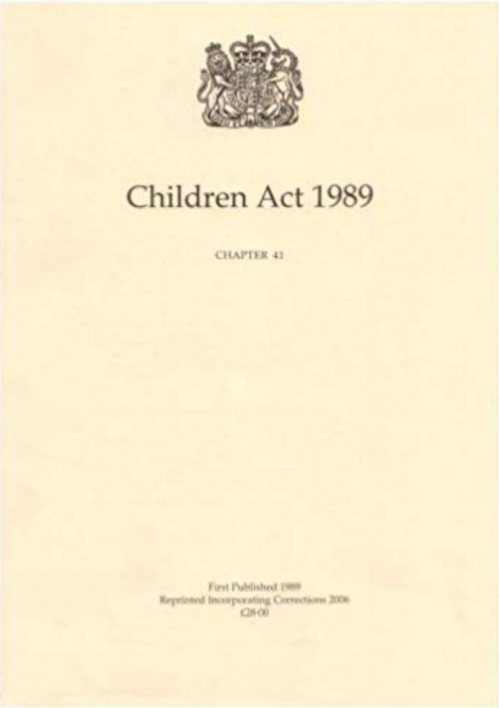
(1)Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—

(a)there being no person who has parental responsibility for him;

(b)his being lost or having been abandoned; or

(c)the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

Entering care (the law)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31 Care and Supervision

(2)A court may only make a care order or supervision order if it is satisfied—

(a)that the child concerned is suffering, or is likely to suffer, significant harm; and

(b)that the harm, or likelihood of harm, is attributable to—

(i)the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
(ii)the child's being beyond parental control.

Children in care – 31 March 2018

75,420 children

73% of children are the subject of a care order

19% voluntary agreement (accommodated)

63% of children are looked after due to abuse or neglect

62% of children are aged 10-17 years

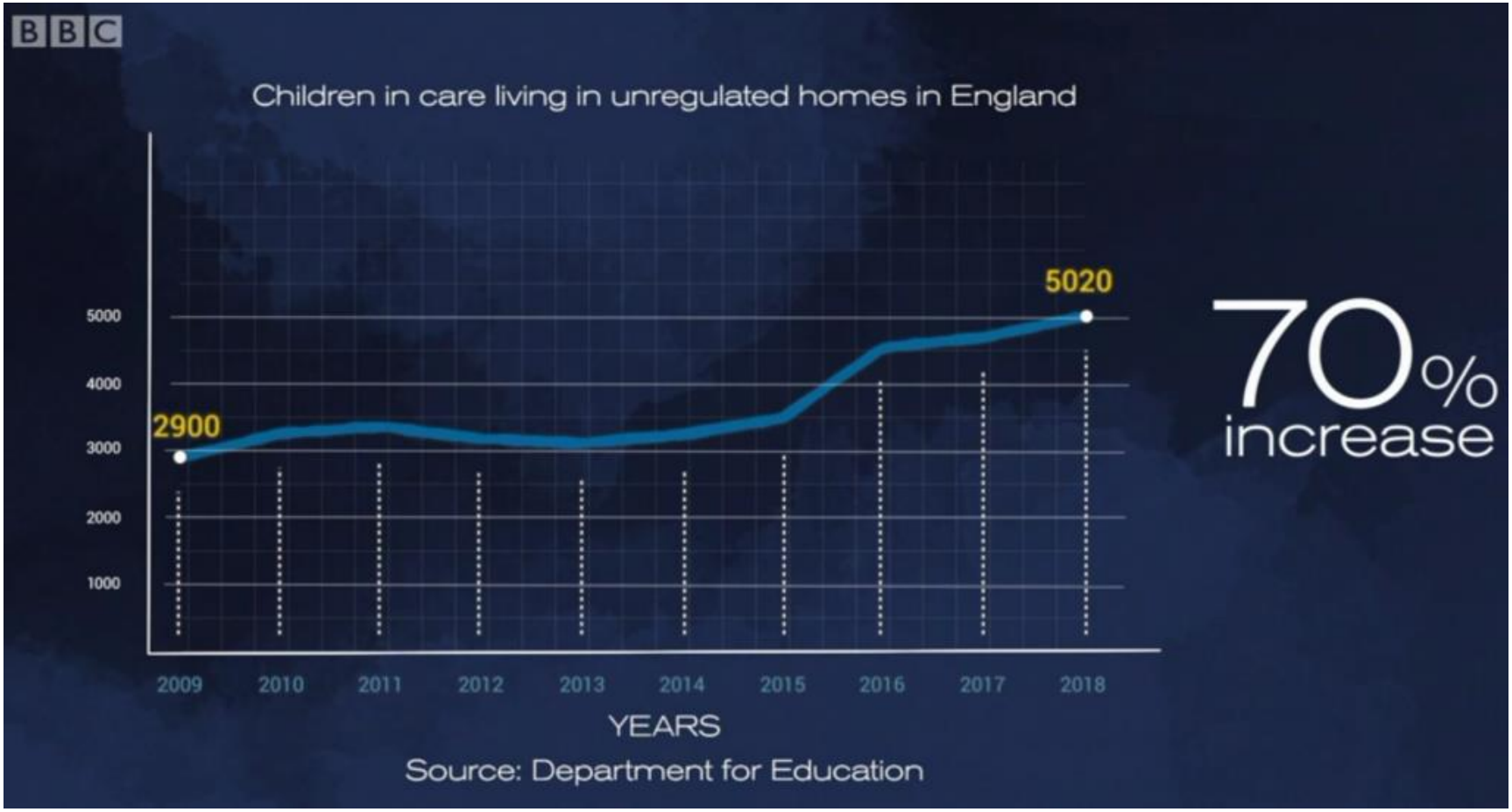
Children in care – 31 March 2018

75,420 children	73% living with foster carers 48% living outside their local authority area
73% of children are the subject of a care order	
19% voluntary agreement (accommodated)	
63% of children are looked after due to abuse or neglect	
62% of children are aged 10-17 years	

Table 4. Number of children placed in out of area placements by type of placements, comparison across 4 years (n=42)

	Semi-independent living NOT subject to regulations	Secure Children's Home	Children's Home subject to regulations	Residential Care Home	NHS/ Health Trust	Family Centre	Young	All foster placements combined
at 31 March 2016	125	51	1094	53	42	34	51	5868
at 31 March 2017	138	66	1186	52	40	39	63	6008
at 31 March 2018	224	65	1273	96	35	42	89	6407
at 31 March 2019	279	50	1268	128	30	71	89	6552
Percentage change from 2016 to 2019	123%	-2%	16%	142%	-29%	109%	75%	12%

All Party Parliamentary Group for Runaway and Missing Children and Adults, No Place At Home, September 2019



BBC Newsnight investigation, 2019

Michelle Donelan, Children's Minister

[I]t is completely unacceptable for a child to be in placed in a setting that does not meet their needs and keep them safe, and I am considering the checks and inspections needed.

Currently, a small but growing number of children are placed in settings that are not registered with Ofsted. Some of these settings are not registered because they provide only accommodation and not care, although they may provide some support. They offer semi-independent living for older children and care leavers who are ready to live with some independence, and they can act as a stepping stone to adult life… we set a high bar for the level of care that must be provided by registered children's homes, and children who need this care should not be placed anywhere else.

I have received reports from Ofsted, local authorities and police forces about some younger children living in unregulated, semi-independent provision. Let me be clear again that I do not want children under the age of 16 to be living in an environment without care. Today, I call on all local authorities to put their houses in order on this issue and to ensure that further action is taken.

House of Commons debate, 15 October 2019

Convention on the Rights of the Child

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding…

Article 20

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

Children and Social Work Act 2017
Corporate parenting principles

(a)to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;

(b)to encourage those children and young people to express their views, wishes and feelings;

(c)to take into account the views, wishes and feelings of those children and young people;

(d)to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;

(e)to promote high aspirations, and seek to secure the best outcomes, for those children and young people;

(f)for those children and young people to be safe, and for stability in their home lives, relationships and education or work;

(g)to prepare those children and young people for adulthood and independent living.

Children and Social Work Act 2017
Corporate parenting principles

(a)to act in the best interests, and promote the physical and mental health and well-being, of those children and young people; **we'll know you, and do what's best for you**

(b)to encourage those children and young people to express their views, wishes and feelings; **we'll encourage you to say what you think and feel**

(c)to take into account the views, wishes and feelings of those children and young people; **we'll take what you think and feel seriously**

(d)to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners; **we'll make sure you have the same opportunities as other children and young people**

(e)to promote high aspirations, and seek to secure the best outcomes, for those children and young people; **we want the best for you, and we'll work hard for that**

(f)for those children and young people to be safe, and for stability in their home lives, relationships and education or work; **we'll keep you safe and happy**

(g)to prepare those children and young people for adulthood and independent living. **we'll help you get ready for the rest of your life**

TOGETHER FOR CHILDREN

30 General Election pledges

23. Ensure semi-independent supported accommodation is subject to registration, regulation and independent inspection, and that providers are required to safeguard and promote each child's welfare. Introduce a legal presumption that children in care stay in accommodation where they are provided care and support until at least 18, unless this conflicts with the young person's wishes and is not in their best interests. Prohibit the use of semi-independent supported accommodation in all circumstances for children under the age of 16.
UNCRC articles 2, 3, 4, 6, 20 and 39

Throughout our deliberations I asked all concerned to look at things from the point of view of the children and to ask "would this have been good enough for me when I was a child" or "would this be good enough for my children".

Frank Dobson Foreword,

Government's Response to Children's Safeguards Review, 1998

Article 39

PROMOTING AND PROTECTING CHILDREN'S RIGHTS IN INSTITUTIONAL SETTINGS

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