



BRIEFING PAPER

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Children: out-of-area and distant placements in residential homes (England)

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Inside:

1. Current legislation
2. Education Select Committee's report on residential care
3. Joint APPG inquiry into children who go missing from care
4. Ofsted thematic report on out of area placements
5. Independent children's residential care review
6. Relevant statistics

Contents

Summary	3
1. Current legislation	4
2. Education Select Committee’s report on residential care	6
2.1 The Committee’s report	6
2.2 The Government response	6
3. Joint APPG inquiry into children who go missing from care	7
4. Ofsted thematic report on out of area placements	9
5. Independent children’s residential care review	11
5.1 Announcement of review and date for report	11
5.2 Sir Martin’s evidence to the Education Select Committee on out-of-area and distant placements	12
5.3 Relevant evidence submitted to the review	13
Children’s Society	13
The Who Cares? Trust	15
6. Relevant statistics	16

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Summary

Ahead of the Westminster Hall debate entitled “Children’s homes” scheduled for 19 April, which is expected to consider the issue of children placed in residential care that is not close to their family, this briefing paper includes information on:

- the current law on distant placements, including those outwith of the local authority that has responsibility for the child;
- recent reports on the issue, including those by the Education Select Committee, the All-Party Parliamentary Groups for Runaway and Missing Children and Adults, and for Looked After Children and Care Leavers, and Ofsted;
- details of the ongoing review of children’s residential care, led by Sir Martin Narey and expected to report in May 2016.

This is a devolved matter, so this paper considers the position in England only.

1. Current legislation

When a child is taken into care by a local authority, pursuant to a care order made by the courts (known as a “looked after child”), then “it shall be the duty of the local authority designated by the order to receive the child into their care and to keep him in their care while the order remains in force”.¹

In respect of children that a local authority is looking after (among others), section 22G of the *Children Act 1989* as amended places a general duty on local authorities “to take steps that secure, so far as reasonably practicable, ... accommodation that (a) is within the authority's area; and (b) meets the needs of those children”.

Section 22C of the *Children Act 1989* as amended states that when “determining the most appropriate placement” for a child in its care, a local authority must, “so far as is reasonably practicable in all the circumstances” of the child’s case, “ensure that the placement is such that it allows C [the child] to live near C's home”.

However, the Department for Education’s [The Children Act 1989 guidance and regulations – Volume 2: care planning, placement and case review](#), published in June 2015, notes that:

There will be circumstances where a distant placement will be the most suitable for a child, such as where the child concerned has complex treatment needs that cannot be met by services within the area of the responsible authority. There will also be children who require an out of authority placement to ensure they can be effectively safeguarded. Such placements will require effective planning, engagement and information sharing with the services likely to be responsible for meeting the child’s needs in the future.²

There is no provision in legislation that prohibits a local authority from placing a child in an “out of area” placement or a “distant” placement.

In order to meet their responsibilities to provide accommodation to the child, the child can be placed in one of a number of settings including a residential home. Where that home is without the local authority’s boundaries, it is called an “out of area” placement.

In addition, the term “distant placement” is also used. The term “at a distance” is defined in law relating to children’s homes as “outside the area of the responsible authority and not within the area of any adjoining local authority”.³

The DfE explained how it settled on this, after it held a consultation which asked how it should be defined:

Given the numerous suggestions we received from consultation respondents about how a distant placement might be defined, we

¹ *Children Act 1989*, section 33(1)

² Department for Education, [The Children Act 1989 guidance and regulations – Volume 2: care planning, placement and case review](#), June 2015, pp56–57, para 3.31

³ *Care Planning, Placement and Case Review (England) Regulations 2010* (SI 2010/959) as amended, regulation 11(5)

5 Children: out-of-area and distant placements in residential homes (England)

have concluded, after careful consideration, that the most operable and practical way of defining a distant placement is a placement that is outside of the placing authority and outside of any bordering authorities.⁴

The above definition is included in the legislation governing the placement of a child "out of area" in a residential home is set out in the *Care Planning, Placement and Case Review (England) Regulations 2010* (SI 2010/959) as amended.

Following the [consultation](#), amendments to SI 2010/959 meant that, under regulation 11, whereas before any out of area placement had to be approved by a nominated officer, an out of area placement that was also "at a distance" had to be approved by the local authority's Director of Children's Services before it was put into effect.⁵

These changes came into force on 27 January 2014.

⁴ Department for Education, [Consultation on improving safeguarding for looked after children: changes to the Care Planning, Placement and Case Review \(England\) Regulations 2010 – Government response](#), January 2014, p28, para 92

⁵ The amendments were made by the *Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013* (SI 2013/3239).

2. Education Select Committee's report on residential care

2.1 The Committee's report

Shortly after SI 2010/959 was amended in this regard in January 2014 (see section 1), the Education Select Committee voiced its support for the changes.

In its March 2014 report, [Residential Children's Homes](#), the Committee said: "we welcome the Government's attempts to ensure that a decision by an authority to place a child at a distance represents an appropriate response to that child's needs", but added it was "concerned that a more robust approach is likely to be required".

It added, "we can see the attraction of adopting a rule which prohibits the placement of children more than 20 miles from home unless there is a proven need to do so". While acknowledging this could be a "blunt instrument" – because of the need to sometimes place in specialist accommodation some way away – the Committee recommended that "the Government commissions a study, assessing the impact of a rule prohibiting local authorities from placing a child more than 20 miles from home, unless there is a proven need to do so".⁶

2.2 The Government response

In its response, the Government said that it "understands the Committee's concerns, we do not believe that conducting a separate study on the implications of a 20-mile radius cap, in isolation from other factors, would help to resolve the core issues affecting the quality of local authority placement commissioning and social work support". Instead, "the solution we and the sector continue to work towards is ensuring sufficient local provision to accommodate the needs of the children in care".⁷

⁶ Education Committee, [Residential Children's Homes](#), 2013–14 HC 716, 12 March 2014, pp25–26, paras 77–82

⁷ Education Committee, [Residential Children's Homes: Government Response to the Committee's Sixth Report of Session 2013–14](#), 2014–15 HC 305, 16 June 2014, pp9–10

3. Joint APPG inquiry into children who go missing from care

In June 2012, the All Party Parliamentary Groups for Runaway and Missing Children and Adults, and for Looked After Children and Care Leavers published a [report](#) following a joint inquiry into children who go missing from care.

One of the report's key recommendation was "Urgent action on 'out of area placements' to reduce the number of children living outside their own local authority, despite evidence which shows that this is often a major factor in causing them to run away and putting them at risk".⁸

The report noted concerns that while "local authorities ... have a duty to ensure that they are able to provide sufficient accommodation within their local authority area to meet the needs of children in care" and a "a duty to ensure that, as far as reasonably practicable, the placement allows the child to live near his/her home and is in the local authority's area", "in 2011, nearly 22,000 of the 65,000 children who were in local authority care were living in placements in a different local authority. Almost 8,000 were placed over 20 miles away from their authority".

The report noted that:

Evidence submitted to the Inquiry suggests that being placed a long way from family and friends is often a factor in causing them to run away and cross-boundary placements often have a detrimental impact on the young person

but also observed that:

the Inquiry also heard that for some trafficked children, being placed out of borough can help break the bonds with their trafficker. The London Safeguarding Trafficked Children Guidance, which the government's Trafficking Strategy recommends is rolled out nationally, specifies that a child should be placed out of borough if this is in their best interests. This must be taken into account when addressing the issue of reducing cross-boundary placements.⁹

Nevertheless, the report found that "Even taking into account that some children in care may need to be placed 'out of area' for reasons of their own safety, the large number of children placed away from home suggests serious failings on the part of many local authorities to meet their sufficiency duties".¹⁰

The report noted that particular risks that out of area placements created for children: "When local authorities place children and young people in residential care in another

⁸ The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers, [Report from the joint inquiry into children who go missing from care](#), June 2012, p11

⁹ As above, p20

¹⁰ As above, p20

local authority, they often have no way of knowing the safety or suitability of the local area around the home in the way that the 'host' local authority would ... Cross-boundary placements may also put a huge physical distance between the social worker responsible for a child and the child themselves. In many cases this results in reduced involvement in a young person's life".¹¹

¹¹ As above, pp20–21

4. Ofsted thematic report on out of area placements

In April 2014, Ofsted published [*From a distance – Looked after children living away from their home area*](#), a thematic inspection which “evaluated the effectiveness of local authorities in discharging their responsibilities to looked after children who live away from their home community”.

The report found that “in 2013, more than one in 10 looked after children lived outside their home local authority area and more than 20 miles from their home community. Young people who live in children’s homes were three times more likely to be living away from their home area than children who are looked after by foster carers”.¹²

Ofsted’s report was based on visits by inspectors to “a sample of nine local authority areas. The report draws on evidence from 92 cases. All cases involved children who were living outside their home local authority area and more than 20 miles from their home community. It also draws on the views of looked after children and young people, carers, and professionals from the local authorities and partner agencies”.¹³

In summary, the report found “worrying findings”, and noted that “The need to improve the care, help and protection for all looked after children, wherever they are living, remains of the utmost relevance and urgency”:

Children who lived out of area but in an adjacent authority often benefited from pre-existing close collaboration between agencies, or from continuing services from the home authority, and could reasonably be considered ‘local’ placements. The nearer a child was living to home, the more likely it was that direct support from ‘home’ services, especially from education or health professionals, could be offered or sustained.

Many placements had provided children with increased stability in their lives. Most children and young people who contributed to the review were satisfied with the support they received and with plans for their futures.

However, in far too many cases local authorities were failing to pay appropriate attention to the quality of care provided to, and the progress of, some of the most vulnerable children in their care, leaving too many children without the support and help that they needed.

In four of the local authorities visited, information was not shared properly with agencies when children moved out of area. In approximately a third of cases tracked, insufficient consideration was given to the quality or appropriateness of placements. In nearly half of the cases tracked by inspectors, the required level of direct support to meet children’s complex needs was not fully in place when a child moved. In a similar number of cases, although

¹² Ofsted, [*From a distance – Looked after children living away from their home area*](#), April 2014, p4

¹³ As above, p4

most children had regular contact with close family members, not enough consideration was given to how children could keep in touch with all the people that were important to them.

Most local authorities were struggling to recruit enough carers to provide the right type of care for a growing looked after children population. For young people who require residential care, there are not enough children's homes in many regions of the country. It is unlikely that these placement shortages will be resolved in the near future and plans by some local authorities to address this remain unfocused.

Corporate parents, including Local Safeguarding Children Boards (LSCBs), generally did not give enough priority to understanding the risks and challenges faced by looked after children living far from home, or how to ensure that children who are unable to live with their families are not further disadvantaged by delayed plans for their future.¹⁴

Ofsted recommended that the Government should:

Review the impact and effectiveness of recent changes to the regulations that strengthen the requirements and duties placed on local authorities and children's home providers to share information about children moving into and out of area and to assess the risks involved in placing children out of area in children's homes. Such a review should be commissioned to ensure that the risks to and needs of children placed out of area are being well managed and overseen by those with responsibility for them.¹⁵

It also made a number of recommendations to local authorities, including that they should "discharge their responsibilities as corporate parents properly, ensuring that they give high priority to the needs of looked after children living out of area and closely monitor the quality and impact of the care and support they receive".¹⁶

¹⁴ As above, p5

¹⁵ As above, p7

¹⁶ As above, p7

5. Independent children's residential care review

Notwithstanding the changes to SI 2010/959 (see section 1), out of area and distant placement for children in residential care continues to be an issue.

During Education questions on the floor of the House in March 2016, the Minister for Children and Families, Edward Timpson, told the House:

I share the hon. Lady's [Ann Coffey's] concern that a large number of children are still being placed out of area in residential care—although of course there are always exceptions to the rule where it is better for them to be so. That is why we have commissioned the independent review from Sir Martin Narey to look at residential care in the round of all care options for children. The review will include how we can have a better spread of residential care in terms of geography and types of care on offer so that children who do see this as their best possible route through the care system have a better prospect than they do currently.¹⁷

5.1 Announcement of review and date for report

The review was announced in October 2015 by the Prime Minister and the Education Secretary, Nicky Morgan. The Prime Minister told the House:

For those who cannot be adopted, we need to make sure that our residential care homes are doing the best possible job. That is why I can announce today that I have asked the former chief executive of Barnardo's, Sir Martin Narey—an excellent public servant who I worked with when he was at the Home Office—to conduct an independent review of children's residential care, reporting to the Education Secretary and me, so that we can take every possible step to give those children the best start in life.¹⁸

The terms of reference of the review are "to explore":

- the role of children's homes within the spectrum of placement options, exploring when and for which children residential care settings of all types should be used
- what works within residential care settings, and how to improve outcomes for the young people placed in them
- what improvements could be made to the way that residential care provision is commissioned, delivered, regulated and inspected to improve outcomes
- any other issues which might contribute to better outcomes for children in care.¹⁹

¹⁷ [HC Deb 7 March 2016 c20](#)

¹⁸ [HC Deb 28 October 2015 c343](#)

¹⁹ Department for Education, [A review of children's residential care: terms of reference](#), 2015, p1

The review issued a call for evidence which run from 28 October 2015 to 31 December 2015. The review team is currently analysing the contributions made to the review.²⁰

The review had been due to report in spring 2016. Sir Martin subsequently gave evidence to the Education Select Committee on the review at the end of January 2016; a transcript is available here, although Sir Martin said he would report “probably [in] May rather than March”.²¹

5.2 Sir Martin’s evidence to the Education Select Committee on out-of-area and distant placements

The issue of out of area and distant placements was raised during the hearing:

Ian Mearns: [...]In the previous report in 2014, we visited Margate, and we understand that coastal towns around the south of England are very similar in that there is an over-provision of children’s homes for the youngsters that live in those localities, and they tend to house youngsters from London. But unfortunately, in those same locations, because they are areas of lower housing costs compared with central London, you also have a whole range of other social problems, which makes them not ideal locations to be housing young people who are extremely vulnerable and troubled. So is it inevitable or are we missing something because when you talk about financial feasibility, that then has to be offset against the long-term costs of getting it wrong?

Sir Martin Narey: I agree very much, Mr Mearns. I have not had a chance to get into this, but I understand that some of those homes in Margate have been closed and there has been some improvement in that. There is a new risk assessment procedure for the registration of new homes where dangers in the immediate environment to children are assessed as part of that registration.

But I also understand that this is a very competitive market. Some local authorities no longer have any residential care of their own—a couple of local authorities very recently have announced the closure of their homes. If they are having to buy from a market, which is primarily in the private sector, but also from other local authorities and some voluntary sector homes, they clearly need to take price into account and providers are locating homes in areas where property prices are relatively inexpensive, for example. I understand that. We just have to make sure, or the Government have to make sure, that they are not putting those homes in areas that will be a danger to the children.

I will just say one other thing. I know from your report that you understand, as I am beginning to understand, some of the circumstances in which it is right for children to be located far from home. I have seen some very impressive and thoughtful examples of that.

²⁰ GOV.UK, [Children’s residential care review: independent call for evidence](#), webpage

²¹ Education Committee, [Oral evidence: Narey review of children’s residential care](#), HC 691, 27 January 2016, Q2

I think there are some children who might be located nearer to home but nevertheless, although they are some distance away, are in quite exceptional homes. I think if I was their parent, I would be quite pleased about that. I do not want to identify the particular homes I have been to, if I may, because, having been to very few, I do not want to reveal identities of children I have spoken to and the staff I have spoken to, but I went to a voluntary sector home two weeks ago. A number of the children in there were from a long distance away. I thought the care was stunning. I thought the quality of the care for the children, the staff's knowledge of the children, the work they were doing with parents to try to make sure that at some point there might be reunification was quite moving. I did not think the distance there was an issue because the quality probably outbalanced the negative issues around distance from home.²²

5.3 Relevant evidence submitted to the review

Although the review itself has yet to publish the papers submitted following its "call for evidence", some organisations have made their submissions available; extracts from those which relate to out of area or distant placements are reproduced below.

Children's Society

In its evidence to Sir Martin's review, The Children's Society said that "this review should use its independence as an opportunity to state clearly that out of area placements are only acceptable when a child is not considered to be safe in their own area".²³

Section 2 of their submission is entitled "Out of area placements" and provides further information on their views; extracts are reproduced below:

Children and young people should always have a genuine choice of placement. They should be able to express their preferred option and enter into a meaningful conversation with their social worker and Independent Reviewing Officer about their options and the opportunities and challenges presented by their preferred options. From our direct work we know that where children are involved in planning their own care and can have a choice of placements they are more likely to co-operate positively with their carers and feel more empowered about their future.

Unfortunately, our direct work also tells us that participation in care decisions, particularly around the choice of placements is not something that happens consistently in practice. Many placement decisions are last minute, driven by what is available at that time rather than by the needs of the child and in some cases driven by the cost.

The availability of placements is also driven by the residential care market. The supply of residential homes in England appears increasingly diverse. Ownership can lie with the Local Authority, private companies or the voluntary sector. Homes often divide

²² Education Committee, [Oral evidence: Narey review of children's residential care](#), HC 691, 27 January 2016, Q10

²³ The Children's Society, [Children's residential care – Consultation response for Sir Martin Narey's Independent Review into children's residential care](#), 21 December 2015, p2

into specialist and non-specialist. These specialisms must be demonstrated in a setting's Statement of Purpose. Some specialist homes are based on therapeutic demands – for example homes specialising in the provision of accommodation for those at risk of sexual exploitation. Other specialist homes provide to specific demographics – like homes dedicated to the 16+ age group.

The type of placement a Local Authority seeks for a child often determines what kind of provision must be used. The 2014 data pack on children's residential homes tells us that 92% of residential placements outside the Local Authority are in private provision.

The current market acts to restrict children's choice. Private homes are usually out of area and expensive but often have a specialism that could provide beneficial extra support for a child. These tensions often cause conflict as the case study below demonstrates [...] This case demonstrates how a decision to pursue specialist care can often result in a trade-off between a non-specialist cheaper local placement and a specialist more expensive distant placement. No-one benefits from this situation. It creates budgetary pressures on the Local Authority and offers the young person an unenviable decision – particularly if they feel they really need specialist help.

Often these conflicts occur because the purpose of residential care is no-longer clear. The established position that foster care is always a better option, particularly kinship care, has resulted in a situation where instead of residential care being a valid option in its own right it has become the option Local Authorities use when all else fails. This results in the residential care cohort of young people being the ones who have had the most traumatic experiences, the most unstable and disrupted lives and, often enter care very late in their childhood.

Recommendations

- This independent review should undertake a thorough analysis of the residential care market, identify market failures and suggest methods by which they could be resolved
- All children should have a say in their care placement. They should be actively involved in decision making with the help of an advocate if necessary
- This review should use its independence as an opportunity to state clearly that out of area placements are only acceptable when a child is not considered to be safe in their own area.
- For children currently in out of area placements, this review should make practical recommendations around how their experience could be improved including:
 - Recommendations to ensure that those placed out of area have as much face to face contact time with crucial support workers like their social worker or others as they would if they lived inside the placing local authority's boundary
 - Give the young people the resources necessary to communicate with and frequently visit their friends and families

15 Children: out-of-area and distant placements in residential homes (England)

- Enable young people placed out of area to have their voice heard through proper consultation and guaranteed representation on Children in Care Councils.
- Provide young people with a welcome pack when they are moved out of area to help them get to know their new local area
- For more information about the recommendations to improve the experiences of young people placed out of area please see our [Handle with Care campaign](#) on The Children's Society's website.²⁴

The Who Cares? Trust

The Trust observed that “Concern in past decades about institutional abuse and the falling out of fashion of residential care have led to a situation where most local authorities no longer own and run children’s homes”, and added that:

We hope that this review will look at the way residential care is commissioned with a view to reducing distant placements that are not in the child’s best interests - given that around one half of children in residential care are in children’s homes which are not in their own local authority, with many placed a considerable distance away from family and friends, entailing disruption to schooling and the shattering of important relationships.²⁵

²⁴ As above

²⁵ The Who Care’s Trust, [“Give Us a Choice” – Response to Martin Narey’s review of children’s residential care by The Who Cares? Trust](#), undated, p2

6. Relevant statistics

Figures for England on distant residential care placements over the past five years are shown in the table below; this includes residential care, as well as other types of accommodation settings such as placements with local authority foster parents.

Children Looked after in England by distance between home and placement

	2010/11	2011/12	2012/13	2013/14	2014/15
20 miles or less from home					
number of placements	49,480	51,130	51,450	53,160	53,500
% of placements	75.5%	76.2%	75.6%	77.2%	76.9%
Over 20 miles from home					
number of placements	10,330	10,540	10,850	11,960	12,430
% of placements	15.8%	15.7%	15.9%	17.4%	17.9%
Unknown or unrecorded					
number of placements	5,760	5,390	5,800	3,770	3,610
% of placements	8.8%	8.0%	8.5%	5.5%	5.2%

[Source: DFE Looked after children statistics](#)

Figures on the number of looked after children placed in residential children's homes (for England and Scotland, where policy is devolved) are shown below:

Looked after children placed in residential children's homes

<i>As at 31 March:</i>	Number of children		% of looked after children	
	England	Scotland	England	Scotland
2011	5,930	703	4.3%	9.1%
2012	5,930	654	4.0%	8.8%
2013	6,070	687	4.3%	8.9%
2014	6,460	696	4.5%	9.4%
2015	6,390	697	4.5%	9.2%

Sources:

[DFE: Children looked after in England 2014/15](#)

[Scottish Government: Children's Social Work Statistics Scotland 2015](#)

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