



Section 85/86 (Children Act, 1989) Welfare Checks for Children Accommodated in Educational Residential or Health Provision

SCOPE OF THIS CHAPTER

This procedure outlines the action to be taken by Children's Services, in accordance with Section 85 and Section 86 Children Act 1989, following notification by a Health Authority or an Education Service that they are accommodating a child or young person.

Contents

- 1. Background**
- 2. Duty to Inform the Responsible Local Authority**
- 3. Procedure**
- 4. Confidentiality**
- 5. Actions Following Welfare Visit**

1. Background

Section 85 of the Children Act (1989) requires Health and Education Authorities to notify Children Social Care (SCS) when they have either accommodated a child for more than 12 weeks, or at the time they first accommodate the child, intend to accommodate a child for more than 12 weeks.

Section 86 of the Children Act requires anyone providing accommodation for a child in a residential care home or nursing home for more than 12 weeks, or intend at the outset to accommodate them for more than three months, to notify Children Social Care.

The purpose of these requirements is to help safeguard the welfare of children who spend a substantial amount of time in hospital, residential school, care home or nursing home and to prevent situations where children may have no one effectively exercising parental responsibility on their behalf.

2. Duty to Inform the Responsible Local Authority

Where any Health Authority or Local Authority intends to or actually provides accommodation for a consecutive period of at least 12 weeks, the Health or Local Authority must notify the responsible Local Authority.

The responsible authority is either the Local Authority where the child appeared to be ordinarily resident before the period of accommodation, or, if it is not obvious where he was ordinarily resident (travellers/no fixed abode and so on), the Local Authority where the accommodation is actually situated.

Once the local authority receives notification as the responsible authority, reasonable steps need to be taken to decide whether the child's welfare is adequately

safeguarded and promoted whilst accommodated in the residential school, as well as considering if there is a need to 'exercise any functions' under the Children Act (1989).

3. Procedure

(See [Section 85 / 86 \(Children Act, 1989\) Welfare Check Workflow](#))

Notification is through completion of the Multi Agency Safeguarding Hub (MASH) Referral Form. Once the referral form is received, MASH opens a record on CareFirst for the child/young person, and completes an 'Initial Contact' with the outcome of NFA (no further action) notification only, unless threshold is met at that point for MASH checks.

The referral form must be forwarded to the Safeguarding and Quality Assurance Service (SQAS), via the Independent Reviewing Officer (IRO) Admin inbox. The referral form is then e-mailed to an IRO Manager (or covering manager in their absence). The IRO Manager must then identify an IRO who will be responsible for arranging and undertaking the Welfare Check (use [Section 85 / 86 \(Children Act, 1989\) Welfare Check Report template](#)).

The Welfare Check visit must be completed within 10 working days and the report must be completed within 5 working days of the visit. The report should then be forwarded to the IRO's line manager for consideration.

4. Confidentiality

The child or young person has the right to refuse consent to the distribution of the full Welfare Check Report. However, this is subject to the duty of the practitioner completing the Welfare Check to report specific concerns of significant harm or risk of significant harm. Children and young people must be informed of this. In addition to this, children and young people must also be informed that, while the full Report may not be distributed on their request, recommendations will be forwarded to all relevant parties.

5. Actions Following Welfare Visit

After the Report has been considered by the IRO Manager, the following outcomes are possible: -

- a. No further action – another visit scheduled in 6 months
- b. Concerns raised and one or more of the following actions need to be undertaken;
 - i. Notify the provider of concerns and instruct that they take remedial action
 - ii. Make a referral to the Designated Officer (DO)
 - iii. Inform the child/young person's social worker
 - iv. Make a referral to MASH

Once the report has been signed off, it must be returned to the IRO for uploading into CareStore. The IRO must follow up any actions within 28 days or sooner, depending on the seriousness of any concerns.

End