

4 January 2023		ITEM: 11
Corporate Parenting Committee		
Response to Urgent Actions 1 & 2 of National Review – Children with Disabilities and Complex Health Needs Placed in Residential Settings		
Wards and communities affected: All	Key Decision: None	
Report of: Dan Jones, Strategic Lead, Child Looked After		
Accountable Assistant Director: Janet Simon, Assistant Director, Children’s Services and Early Help		
Accountable Director: Sheila Murphy, Corporate Director of Children’s Services		
This report is Public		

Executive Summary

The Government has commissioned a National Review of Schools for Children with Disabilities who are also registered as children’s homes. This is due to an investigation into the abusive treatment of children with disabilities placed at Wilsic and Fullerton Hall Schools. As part of this review all Local Authorities were directed to complete two urgent actions, summarised as:

1. To undertake Quality and Safety reviews on all children placed by the local authority in schools registered as children’s homes.
2. To undertake reviews of any Schools registered as Children’s Homes in their area where allegations had been made whether the local authority had children placed there or not.

Thurrock Council has completed the Quality and Safety reviews required in action one and Appendix 1 details this further.

In respect of the second action, Thurrock has no such registered schools within its local authority area.

The Quality and Safety Reviews identified some areas for improved oversight of Residential School placements but no children were found to be at a current risk of harm during the reviews.

1. Recommendation(s)

- 1.1 Members of the Corporate Parenting Committee are informed as to the outcomes of urgent actions one and two**

1.2 Members of the Corporate Parenting Committee are advised on the development work planned to develop our oversight of residential homes and schools for children

2. Introduction and Background

- 2.1 The vast majority of children are able to grow up in their families or family arrangements. Some children cannot remain at home due to the risk of harm they face. Other children cannot remain at home due to the impact of their disability or special educational needs. This latter group of children may require the services of a Specialist School that provides tailored education and residential care. Thurrock Council commissions such provision from private providers.
- 2.2 In March 2021, allegations were highlighted regarding two Specialist residential Schools, Fullerton House and Wilsic Hall schools in Doncaster. The allegations related to wide-spread abuse of children by staff employed there. Both schools are owned and operated by the Hesley Group. Local Authorities from all over the country made placements for children with Special Educational Needs and Disabilities at Wilsic Hall and Fullerton House.
- 2.3 The allegations were investigated, and sufficient evidence was found by Doncaster Council and Ofsted for Fullerton House and Wilsic to be closed and the children moved. Since then, there has been a significant Police investigation and Doncaster Council. The Government has commissioned a national review of residential schools for children with disabilities or complex health needs. The review has recently published its [‘Phase One’](#) Report and will publish a further report in the spring of 2023. The national review required all local authorities to take action in respect of two points detailed in Appendix one and in the original letter to Directors of Children’s Services (See Appendix 2).
- 2.4 As part of the ongoing review Thurrock Council, like all other local authorities, was asked to complete ‘Quality and Safety Reviews’ in addition to the checks that Thurrock Council routinely undertakes. Thurrock Council completed these reviews. Further detail on the actions taken and the outcomes are in the attached report.

3. Issues, Options and Analysis of Options

- 3.1 The report in Appendix 1 details how Thurrock Council has responded to urgent actions one and two. It also details the finding and further actions.
- 3.2 Members will note that one of the requirements set by the National Review is that the report is presented to the Corporate Parenting Committee for their review. To give some local context, Thurrock is currently supporting 3 children in such settings who are looked after. Each Child placed has an education and Health Care Plan which is overseen by the SEND service.

3.3 Looked after children have an allocated social worker, a care plan and an Independent Reviewing Officer. There are regular visits and review meetings to ensure the care plan is carried out and children are safe. These visits and meetings focus largely on the individual child and their experience of their placement. Placements are monitored via these visits and via monitoring visits by the Commissioning Team. All of these Specialist schools are inspected by and registered with Ofsted.

4. Reasons for Recommendation

4.1 Thurrock Council has responded to urgent actions one and two.

4.2 Thurrock Council has identified areas for improvement in the attached report.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 None

6. Impact on corporate policies, priorities, performance and community impact

6.1 None

7. Implications

7.1 Financial

Implications verified by: **David May**
Strategic Lead Finance

There are no immediate financial implications of this report.

7.2 Legal

Implications verified by: **Daniel Longe**
**Principal Solicitor, Children and Adult
Safeguarding and Education on behalf of
Thurrock Council**

The functions of local authorities in relation to children who are 'looked after' by them are set out in the Children Act 1989 and associated regulations and guidance. Specifically in relation to this information page, the principal regulation is the Care Planning, Placement and Case Review Regulation 2010. The guidance which underpins this regulation can be found [here](#).

Local Authorities are under a statutory duty to secure the welfare and safety of children who are looked after by a local authority, regardless of whether such children are placed within or outside of the borough.

There are also strict regulations relating to the placement of children in regulated placements. The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 specifically prohibits local authorities from placing a child under the age of sixteen in an unregulated placement. Therefore, care must be taken not only to ensure that a placement is meeting the needs of the child, but also that they are not unregulated placements unless expressly sanctioned by an order of the High Court under the Inherent Jurisdiction.

Furthermore, additional care must be taken to scrutinise whether the children's liberty are not being deprived and if a deprivation is necessary that appropriate High Court Authorisations are obtained to deprive them of their liberty under the Inherent Jurisdiction. Care must also be taken to ensure that there are appropriate procedures and training in place for staff in dealing with children with complex needs and appropriate training for undertaking restraints and restrictions where necessary and where the requisite court authorisation is in place and are not exceeded.

There is also a duty upon local authorities to arrange for their looked after children to be visited wherever they may be placed. This statutory requirement is set at a minimum of 3 monthly intervals in accordance with reg 28 of the Care Planning, Placement and Case Review Regulation 2010. Indeed, the letter from the Child Safeguarding Practice Review Panel, specifically requests that there be a visit to each child as part of the urgent review that local authorities have been requested to undertake.

You are being invited to consider the result of the urgent investigations requested of Thurrock Council of its children placed in Residential Schools registered as children's home. The outcome must be in line with the statutory regulations outlined above, being that the placements must be regulated and that they are adequately meeting the welfare and safety needs of the borough's looked after children who are placed there and that any deprivations are authorised by the High Court and that any restrictions are not excessive, and that the conditions of the children are not neglectful or inadequate.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

The Service is committed to practice, which promotes inclusion and diversity, and will carry out its duties in accordance with the Equality Act 2010 and related Codes of Practice and Anti-discriminatory policy.

The service recognises that a range of communities and groups of people may have experienced obstruction or the impact of prejudice when accessing services including Social Care and commissioned placements. Both Services are committed to support all children in the care of Thurrock Council to access Initial Health assessments, individual arrangements are made where required to meet needs and address individual concerns.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

- Impact on Looked After Children
- Impact on Children with Disabilities

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1113508/safeguarding_children_with_disabilities_in_residential_care_homes_phase_1_report.pdf

9. Appendices to the report

- **Appendix 1** - Response to Urgent Actions 1 & 2 of National Review – Children with disabilities and complex health needs placed in residential settings
- **Appendix 2** - National Review – Children with disabilities and complex health needs placed in residential settings – Urgent Actions

Report Author:

Dan Jones Strategic Lead, Child Looked After