

LOCAL AUTHORITY CIRCULAR**LAC(2000)18**

To: The Chief Executive
County Councils)
Metropolitan District Councils) England
Shire Unitary Councils)
London Borough Councils
Common Council of the City of London
Council of the Isles of Scilly
The Director of Social Services - England

Copy: Area Children Protection Committees Chairs - England
The Ashworth, Broadmoor and Rampton Hospital Authorities
Health Authorities (England) - Chief Executive
NHS Trusts (England) - Chairmen
NHS Trusts (England) - Chief Executives

10 August 2000

Dear Colleague

**AMENDMENT TO GUIDANCE TO LOCAL AUTHORITY SOCIAL SERVICES
DEPARTMENTS ON VISITS BY CHILDREN TO SPECIAL HOSPITALS****1. SUMMARY**

- 1.1 Directions, under Section 17 of the National Health Service Act 1977, governing visits by children to the special hospitals were made on 23 July 1999 to Ashworth, Broadmoor and Rampton Hospital Authorities as Health Services Circular HSC 1999/160. A copy of the HSC is attached. The accompanying Guidance to Local Authorities was issued under Section 7 of the Local Authority Social Services Act 1970.
- 1.2 These directions were amended on 10 August 2000 and a copy of the Visits by Children to Ashworth, Broadmoor and Rampton Hospitals (Amendment) Directions is attached. The corresponding amendments to the Guidance to Local Authority Social Services Departments, which come into force on 10 August 2000, are set out in this Circular. It is issued as statutory guidance under Section 7 of the Local Authority Social Services Act 1970.
- 1.3 The changes to the Directions and Guidance relate to who can accompany the child on a visit to a named patient in a special hospital. **The changes have been made to enable those with parental responsibility to nominate another parent or relative, or for those accommodated by the local authority, a person approved by the local**

authority to accompany a child on a visit to a special hospital. They will apply in situations where the parent with parental responsibility does not wish or is unable to visit the patient, but wishes their child to do so. **Where a child is the subject of a care order, the local authority must decide who will accompany the child.** So as to deal with exceptional and unforeseen circumstances, the Chief Executive, may exercise discretion to allow a child to visit accompanied by a person other than that specified above, if he considers that it is in the child's best interests in the particular and exceptional circumstances of the case. Such cases will need to be given careful consideration to ensure that the child's welfare is adequately safeguarded. The person to accompany the child should be someone who knows the child well and is able to ensure their safety and wellbeing during and after the visits.

- 1.4 The changes set out in the Visits by Children to Ashworth, Broadmoor and Rampton Hospitals (Amendments) Directions will be fully incorporated into the accompanying Guidance to Special Hospitals (Part B Visits by Children to Ashworth, Broadmoor and Rampton Hospitals Guidance) and the Guidance to Local Authority Social Services Departments on Visits by Children to Special Hospitals (LAC(99)23) when they are revised later this year, following their planned review after one year of operation.

2. ACTION

Authorities are asked to take the following action:

- This Guidance is to be actioned on its receipt and be fully implemented by 1 September 2000.
- On receipt of this amendment to the Local Authority Guidance (LAC(99)23), each Director will inform relevant child care staff of the Amendment to the Directions and the accompanying Local Authority Social Services Departments Guidance.
- The Director will need to inform staff, that from 1 September 2000, assessments by the Social Services Department to advise a special hospital on whether it is in the best interests of a named child to visit a named patient should include information about who will accompany the child on visits to the special hospitals, and the type and nature of the accompanying person(s) relationship(s) with the child.
- The Director will need to inform staff that they may need to provide additional information to the special hospitals in respect of child visits which have been or are being processed, or have been turned down on the basis of who was to accompany the child.

3. AMENDMENTS TO LOCAL AUTHORITY GUIDANCE LAC(99)23

- 3.1 At paragraph 4.3(c), the following is to be inserted at the end -

"Those with parental responsibility should also be asked to decide who will accompany the child on a visit. If not the parent with parental responsibility, this should be a parent or a relative (as defined in the Directions) who knows the child well and is able to ensure the child's safety and wellbeing during and after the visits."

- 3.2 At paragraph 4.3(d), the following is to be inserted after the first sentence ending "with those with parental responsibility."

"The local authority should also decide, following consultation with those with parental responsibility, who will accompany the child. It may be a parent or relative, a foster parent, or employee of the local authority who knows the child and is able to ensure their safety and wellbeing during and after the visits."

3.3 After the last sentence of paragraph 4.3(d), the following should be inserted -

"The person with parental responsibility should decide, with local authority consent, who may accompany the child. It may be a parent, relative, foster parent, or employee who knows the child well and is able to ensure their safety and wellbeing during and after the visits."

3.4 At paragraph 4.3(j), an additional bullet point should be added to the list at the end, as follows -

" • who will be accompanying the child on visits, and the type and nature (for example, quality and duration) of their relationship with the child."

3.5 At paragraph 4.3(k), an additional bullet point should be added to the list at the end, as follows -

" • who will be accompanying the child on their visits to the special hospital."

3.6 At paragraph 4.3(p), replace with -

"The nominated officer has the right to refuse a visit, for example, if there are concerns about the patient's mental state at the time of the visit or other circumstances arise which leads him to conclude that the visit should not take place – paragraph 4(3) of the Directions. The reasons for the refusal should be explained to the patient, the person accompanying the child on the visit, and, if appropriate, the child."

4. ENQUIRIES

Enquiries about this Circular should be made to:

Gillian Farnfield, Department of Health (Children's Services Branch), Social Care Group, Room 114, Wellington House, 133 - 155 Waterloo Road, London SE1 8UG. Tel: 020 7972 4069.

Further copies of this Circular may be obtained from Department of Health, PO Box 777, London SE1 6XH, Tel. 0541 555 455 or Fax 01623 724 524. Please quote the code and serial number appearing on the top right-hand corner.

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