

Children Who Are in Hospital for More Than Three Months Policy

V4.0

December 2018

Summary

This Policy provides instruction and guidance for Ward Managers regarding the legal requirement to notify Children Social Care under Section 85, Children Act 1989.

Section 85 of the Children Act 1989 covers children placed by health authorities in NHS hospitals. The Act requires a health authority accommodating a child for more than 3 months to notify the Local Authority who must then satisfy itself that the child's welfare is "adequately safeguarded and promoted". In some cases this will require an initial or core assessment to be undertaken to determine the child's needs.

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1. Introduction

1.1. This Policy provides instruction and guidance for Ward Managers regarding the legal requirement to notify Children Social Care under Section 85, Children Act 1989. Royal Cornwall Hospital trust (RCHT) is required by law, to notify the Local Authority (LA) when the child has been with them for a consecutive period of at least 3 months. Section 85 of the Children Act 1989 covers children placed by health authorities in NHS hospitals. The Act requires a health authority accommodating a child for more than 90 days/3 months to notify the Local Authority who must then satisfy itself that the child's welfare is "adequately safeguarded and promoted". In some cases this will require an initial or core assessment to be undertaken to determine the child's needs.

1.2. This version supersedes any previous versions of this document.

1.3. Data Protection Act 2018

(General Data Protection Regulations – GDPR) Legislation

1.3.1. Should you write a document that relates to or contains information relating to the handling of or entries in health or corporate records, then consideration should be given to the GDPR regulations and how this applies within the document. If your policy does include records/capturing information, a paragraph needs to be inserted at the beginning of the document under section 1.

1.3.2. The Trust has a duty under the DPA18 to ensure that there is a valid legal basis to process personal and sensitive data. The legal basis for processing must be identified and documented before the processing begins. In many cases we may need consent; this must be explicit, informed and documented. We can't rely on Opt out, it must be Opt in.

1.3.3. The DPA18 covers how the Trust obtains, hold, record, use and store all personal and special category (e.g. Health) information in a secure and confidential manner. This Act covers all data and information whether held electronically or on paper and extends to databases, videos and other automated media about living individuals including but not limited to Human Resources and payroll records, medical records, other manual files, microfilm/fiche, pathology results, images and other sensitive data.

1.3.4. DPA18 is applicable to all staff; this includes those working as contractors and providers of services.

1.3.5. For more information about your obligations under the DPA18 please see the 'information use framework policy', or contact the Information Governance Team rch-tr.infogov@nhs.net

2. Purpose of this Policy/Procedure

Royal Cornwall Hospital trust (RCHT) is required by law, to notify the Local Authority (LA) when the child has been with them for a consecutive period of at least 90 days/3 months. They also need to notify the LA when the child is discharged. The LA that must be notified is the Local Authority in whose area the child normally resides.

However, if the child is not known to any Local Authority, the Local Authority where the hospital is situated will need to be notified. For example, if a child has travelled from another country for medical treatment or a trafficked child/ abandoned child whose origins are not known. If the child is accommodated in an Independent/Private Care Home or Hospital (not NHS), the Local Authority where the hospital is situated must be notified.

3. Scope

All Managers, Clinical Directors and Divisional/Departmental Managers throughout the Trust are required to instigate action to ensure the appropriate implementation of the Policy within their area(s) of control.

4. Definitions / Glossary

4.1. For the purpose of the act a 'child' is defined as a person under the age of 18 years at the time when the notification to the "responsible authority" is made.

4.2. The "responsible authority" is the Local Authority where the child was normally resident immediately prior to admission.

4.3. In respect of a recently born infant the "responsible authority" is that where the Mother was normally resident immediately prior to delivery.

5. Ownership and Responsibilities

This process should be followed whenever a child is a patient in RCHT for a consecutive period of at least 90 days/3 months. The clinician responsible for the child completes the Multi-Agency Referral Unit form and sends a copy to the Named Nurse for Safeguarding Children.

5.1. Role of the Managers

Line managers are responsible for:

- Ensuring that all staff, particularly newly appointed staff, are aware of the policy and its application.
- It is the responsibility of Ward Managers, where children are accommodated, to display notices in patient areas informing parents/carers of this obligation (Appendix 1).
- Ensuring that the referral process is undertaken and recorded as per this protocol.

5.1.1. Overseeing Audit of compliance.

5.2. Role of Safeguarding Children Operational Group (SCOG)

SCOG is responsible for:

- Ensure that this policy is maintained and updated whenever necessary to reflect current best practice and national guidance, and that updated policy is uploaded to the document library.
- Overseeing Audit of compliance.

5.3. Role of Individual Staff Members

All staff members are responsible for:

- Understanding and applying the Policy in their everyday practice.
- Ensuring that the referral process is undertaken and recorded as per this protocol.
- Maintaining accurate records of the child's admission and length of stay.
- Informing the parents/carers of the child of the legal requirement to inform Children Social Care.

6. Standards and Practice

6.1. Principles:

6.1.1. To ensure that the welfare of all children and young people who have been a patient at RCHT/WCH for a consecutive period of at least 90 days/3 months by making a referral to the Local Authority (LA), Multi Agency Referral Unit (MARU) so an assessment can be undertaken under Section 85 of the Children Act 1989.

6.1.2. To ensure the LA is notified when the child is discharged.

6.2. This section of the document along with appendix 1, 2, 3 and 4 form the main body of the policy.

6.2.1. Appendix 1: provides a flow chart for the management of children that remain in hospital for more than 90 days.

6.2.2. Appendix 2: provides the information to parent's guidance document and should be laminated and displayed in all relevant clinical area's e.g Neo Natal Unit (NNU) and Paediatric Wards.

6.2.3. Appendix 3: provides a statement that can be copied into the MARU referral form (accessed via: intranet/AZServices/C/Child Protection) along with guidance about completion of this Multi-Agency Referral Unit form.

6.2.4. Appendix 4: Proforma of letter to the Local Authority form Named Nurse for Child Protection.

7. Dissemination and Implementation

7.1. This policy, once approved, will appear on the RCHT Intranet Documents Library. There will be direct access to this from 'Sisters Shelf' and AZ Services.

7.2. This policy will be communicated via the RCHT New Policy Document alert to all users.

8. Monitoring compliance and effectiveness

Element to be monitored	Prospective audit of adherence to this policy.
Lead	Named Nurse for Safeguarding Children
Tool	Review records of those children that have been accommodated at RCHT for more than 90 days annually.
Frequency	Annual Audit.
Reporting arrangements	Audit/Monitoring reports will be distributed to the Lead Clinicians and Paediatric Lead Nurse.
Acting on recommendations and Lead(s)	Approved and monitored by departments and overseen by SCOG.
Change in practice and lessons to be shared	The Named Nurse/Named Doctor with the Paediatric Lead Nurse will identify a lead member of the team to take each change forward where appropriate.

9. Updating and Review

This policy will be reviewed three years from the date of issue. It may be required to review prior to that date if patient safety reports identify areas for concern or if relevant additional national statutory guidance is published.

10. Equality and Diversity

10.1. This document complies with the Royal Cornwall Hospitals NHS Trust service Equality and Diversity statement which can be found in the ['Equality, Diversity & Human Rights Policy'](#) or the [Equality and Diversity website](#).

10.2. Royal Cornwall Hospitals NHS Trust is committed to a Policy of Equal Opportunities in employment. The aim of this policy is to ensure that no job applicant or employee receives less favourable treatment because of their race, colour, nationality, ethnic or national origin, or on the grounds of their age, gender, gender reassignment, marital status, domestic circumstances, disability, HIV status, sexual orientation, religion, belief, political affiliation or trade union membership, social or employment status or is disadvantaged by conditions or requirements which are not justified by the job to be done. This policy concerns all aspects of employment for existing staff and potential employees.

10.3. Equality Impact Assessment

The Initial Equality Impact Assessment Screening Form is at Appendix 6.

Appendix 1. Governance Information

Document Title	Children Who Are in Hospital for More Than Three Months Policy V4.0			
Date Issued/Approved	28/09/2018			
Date Valid From	December 2018			
Date Valid To	December 2021			
Directorate / Department responsible (author/owner)	Wendy Perkin, Named Nurse for Safeguarding Children			
Contact details	01872 254551			
Brief summary of contents	Children who are in hospital for more than three months: Notifications to Children's Social Care under Section 85, Children Act 1989.			
Suggested Keywords	.90 day Notification			
Target Audience	RCHT	CFT	KCCG	
	✓			
Executive Director responsible for Policy	Kim O'Keeffe, Director of Nursing			
Date revised	28/09/2018			
This document replaces (exact title of previous version)	Children who are in hospital for more than three months: Notifications to Children's Social Care under Section 85, Children Act 1989. V3.0			
Approval route (names of committees)/consultation:	Safeguarding Children Operational Group.			
Divisional Manager confirming approval processes	Kim O'Keeffe, Director of Nursing			
Name and Post Title of additional signatories	Wendy Perkin, Named Nurse for Safeguarding Children			
Name and Signature of Divisional/Directorate Governance Lead confirming approval by specialty and divisional management meetings	{Original Copy Signed}			
	Kim O'Keeffe, Director of Nursing			
Signature of Executive Director giving approval	{Original Copy Signed}			
Publication Location (refer to Policy on Policies – Approvals and Ratification):	Internet & Intranet	✓	Intranet Only	

Document Library Folder/Sub Folder	Clinical/Children Safeguarding
Links to key external standards	None
Related Documents:	South West Child Protection Procedures (SWCPP) Children Act 1989 Working Together to Safeguard Children (2018)
Training Need Identified?	No

Version Control Table

Date	Version	Summary of Changes	Changes Made by
17 Aug 2007	V1.0	Initial document	Liz Macload Named Nurse Child Protection
07 Mar 2012	V2.0	Changes made	Graham Taylor Named Doctor Child Protection
Jul 2015	V3.0	Complete review and rewrite	Anna Brimacombe Named Nurse Child Protection
28 Sep 2018	V4.0	Reviewed, making sure information still relevant. No major changes made	Wendy Perkin Named Nurse for Safeguarding Children

All or part of this document can be released under the Freedom of Information Act 2000

This document is to be retained for 10 years from the date of expiry.
This document is only valid on the day of printing

Controlled Document

This document has been created following the Royal Cornwall Hospitals NHS Trust Policy on Document Production. It should not be altered in any way without the express permission of the author or their Line Manager.

Appendix 2. Initial Equality Impact Assessment Form

Name of the policy Children who are in hospital for more than three months: Children Who Are in Hospital for More Than Three Months Policy V4.0						
Directorate and service area: Women Children and Sexual Health			Is this a new or existing Policy? Existing			
Name of individual completing assessment: Wendy Perkin Named Nurse for Safeguarding Children			Telephone: 01872 254551			
1. Policy Aim* Who is the strategy / policy / proposal / service function aimed at?		Policy for clinicians to manage children who are in hospital for more than three months: Notifications to Children's Social Care under Section 85, Children Act 1989.				
2. Policy Objectives*		That RCHT meets its statutory requirements under Sec 85 Child Act 1989				
3. Policy – intended Outcomes*		As above				
4. *How will you measure the outcome?		Annual audit				
5. Who is intended to benefit from the policy?		Children accommodated in hospital for more than 90 days				
6a) Who did you consult with		Workforce	Patients	Local groups	External organisations	Other
6b) Please list any groups who have been consulted about this procedure						
What was the outcome of the consultation?		Not required.				

7. The Impact
Please complete the following table. **If you are unsure/don't know if there is a negative impact you need to repeat the consultation step.**

Are there concerns that the policy **could** have differential impact on:

Equality Strands:	Yes	No	Unsure	Rationale for Assessment / Existing Evidence
Age		x		This policy specifically ensures that children under 18 yrs old have their needs assessed if a long term patient.
Sex (male, female, trans-gender/ gender reassignment)		x		
Race / Ethnic communities /groups		x		
Disability - Learning disability, physical impairment, sensory impairment, mental health conditions and some long term health conditions		x		
Religion / other beliefs		x		
Marriage and Civil partnership		x		
Pregnancy and maternity		x		
Sexual Orientation, Bisexual, Gay, heterosexual, Lesbian		x		

You will need to continue to a full Equality Impact Assessment if the following have been highlighted:

- You have ticked “Yes” in any column above and
- No consultation or evidence of there being consultation- this excludes any *policies* which have been identified as not requiring consultation **or**
- Major this relates to service redesign or development

8. Please indicate if a full equality analysis is recommended **Yes** **No**

9. If you are not recommending a Full Impact assessment please explain why:
No areas indicated

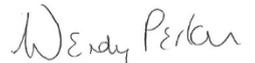
Statutory requirement

Signature of policy developer / lead manager / director		Date of completion and submission
Wendy Perkin		28.09.2018
Names and signatures of members carrying out the Screening Assessment	1. Wendy Perkin	
	2. Human Rights, Equality & Inclusion Lead	

Keep one copy and send a copy to the Human Rights, Equality and Inclusion Lead, c/o Royal Cornwall Hospitals NHS Trust, Human Resources Department, Knowledge Spa, Truro, Cornwall TR1 3HD

This EIA will not be uploaded to the Trust website without the signature of the Human Rights, Equality & Inclusion Lead.

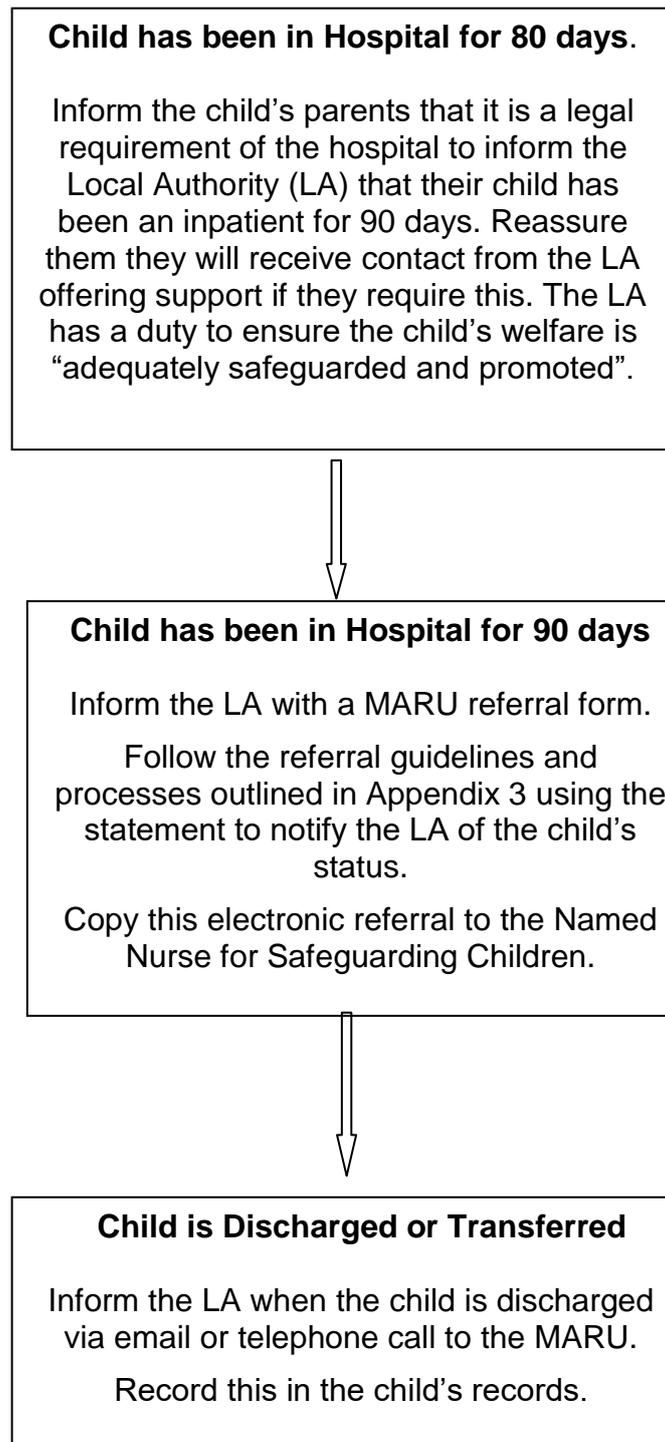
A summary of the results will be published on the Trust's web site.

Signed 

Date 28 September 2018

Appendix 3.

Notifying the Local Authority when a Child has been a patient in RCHT for 3 months/90 days or more



Appendix 4. Sample of Poster

HAS YOUR CHILD BEEN IN HOSPITAL FOR THREE MONTHS?

INFORMATION FOR PARENTS/CARERS

It is a legal requirement* that Hospitals tell the Local Authority, Children's Social Care Department, when a child has been a patient, or is expected to be, in hospital for 90 days/3 months or more.**

The Children's Social Care Department may then assess if additional facilities and support are needed to help you to meet your child's needs.

The team at RCHT will inform social care:

- Child's full name
- Child's Date of Birth
- Child's address
- Date of admission to hospital/ward/department
- Parents name and contact details
- Child's General Practitioner

RCHT team will contact you when this information has been shared.
We will also inform social care when your child is discharged.

*Section 85 Children Act 1989

** Under the age of 18 years

If you require any further details please speak to the Ward Manager

Appendix 5.

The Staff member caring for the Child

when they have been a patient in RCHT for 3 months or 90 days must:

- Ensure the parents/carers have been advised of this legal requirement.
- Complete a MARU referral form which is accessed through the Intranet via:

Sisters Shelf/Safeguarding Children/ Multi-Agency Referral Unit form or AZServices/C/Child Protection Internet/ Multi Agency Referral Unit Form

This form must be completed electronically and sent via the link. The referral should be cc'd to the Named Nurse for Safeguarding Children so a letter can be sent to the Local Authority – Appendix 4.

Details of the Child must be completed as fully as possible' including the Parent/Carers details and contact numbers:

What is your involvement with the family (include how long you have known the family, in what capacity and what work you have been doing to support them):

Role of Referrer: Clinicians details

Give specific reasons for referral (include strengths and difficulties and any specific incidents that have prompted your concern):

You may use this statement: Royal Cornwall Hospital Trust (RCHT) is formally notifying the Local Authority, Cornwall Children Social Care, under Section 85, Children Act 1989, that(Childs name) Has been a patient on...(Ward details)...Royal Cornwall Hospital Trust (RCHT), for 90 days/3 months.

What are the specific risks? What do you think needs to happen and who should be involved? (indicate what needs and risks are most concerning you):

You may want to add some details about the Child, including their health status and needs, but this is not essential. (Remember to write without jargon and explain any medical terms)

Are you concerned about child sexual exploitation (CSE). If yes, what is the nature of your concern?

NO

What do you expect to happen next (be specific about focus for any assessment and who you think should contribute to that assessment)?

The Local Authority undertake an assessment to ensure the child's welfare is "adequately safeguarded and promoted".

Appendix 6. Sample of Letter Used by Named Nurse

Royal Cornwall Hospitals 
NHS Trust

Named Nurse for Safeguarding Children
Pendragon House
Royal Cornwall Hospital
Gloweth
TRURO
TR1 3XQ

Date:

Duty Social Worker:

Dear

Child's Name:

Date of Birth:

Date of Admission:

Contact details parents/carers:

Who has parental responsibility for the child?

Ward/Department:

Child's General Practitioner:

Under Section 85 of Children Act 1989, I would like to inform you that the above child has been accommodated by this hospital for a period of three months/has now been discharged from this hospital.*

Date of Discharge*:

His/her parents/carers are aware of this notification.

Yours sincerely

Name

cc *child's* notes

parents/carers

* Delete as appropriate