

LOOKED AFTER CHILDREN OR YOUNG PEOPLE.

[1] MALAP Definition:

What does 'Looked After' mean?

*All children experience difficulties during the course of their childhood and adolescence. Some circumstances however, such as bereavement, parental separation, neglect or an abusive incident can mean that the child cannot be cared for in the home (although this may be for a short period of time). In simple terms **Looked After Children and Young People are children in the care of the Council, through a Care Order made by a court or voluntary agreement with their parent(s) to accommodate them. They may be looked after in a children's home, by foster carers, or other family members. All unaccompanied asylum seeking children are also Looked After Children***

[2] Legal Definition:

The term 'Looked After' was introduced by the Children Act in 1989, and refers to children and young people who may be (MALAP 2007):

- *Looked After by the local authority by agreement with, or at the request of, their parents, perhaps because of problems within the family that are making it hard for them to cope, or with their own consent if aged 16 or 17. No court proceedings are involved and parents retain full parental responsibility. They are known as 'accommodated'. (Section 20 of the Children Act 1989)*
- *In the care of the local authority on a Care Order or Interim Care Order. A court must make this order, if the threshold criteria are met and if the 'no' order presumption is satisfied, and this creates shared parental responsibility between the parents and the local authority. (Section 31 of the Children Act 1989)*
- *Remanded to local authority care by a court. (Section 21 (2)(C)(i) of the Children Act 1989).*
- *Subject to an Emergency Protection Order. These are usually made in situations of crisis, where a child or young person needs immediate protection, and allows the local authority parental responsibility for the duration of the order. (Section 44 of the Children Act 1989).*

