article 39

ADVOCACY CLINIC

Out-of-area placements

Wednesday 16 September 2026,11am-1pm on Zoom

For members of the Children and Young People's Advocates Network

Out of area placements for looked after children

Maya Achan, Barrister at Coram Chambers

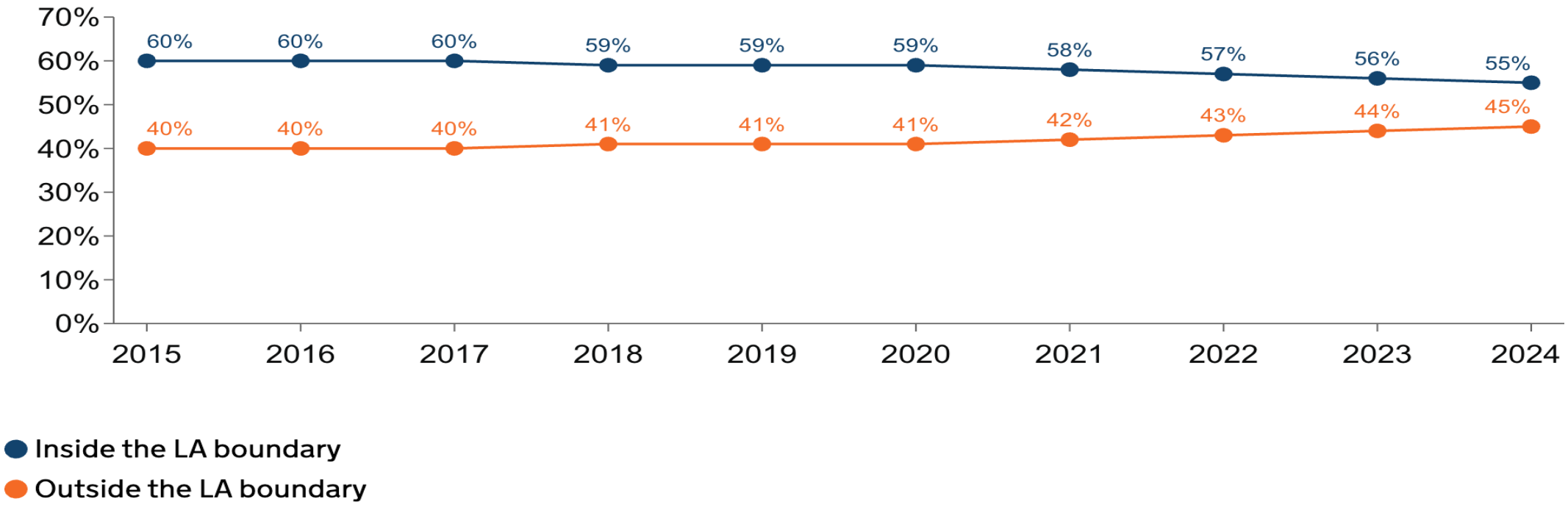
The problem- why are we talking about this?

In the year ending March 2024:

- 45% of all LAC were placed outside the LA boundary
- 22% of all LAC were placed more than 20 miles from home
- On average, LAC who were placed for adoption were furthest from home, at 24 miles, followed by residential schools and residential settings at 23 miles.

Proportion of CLA by placement locality

CLA at 31 March, England, 2015 to 2024



Footnotes

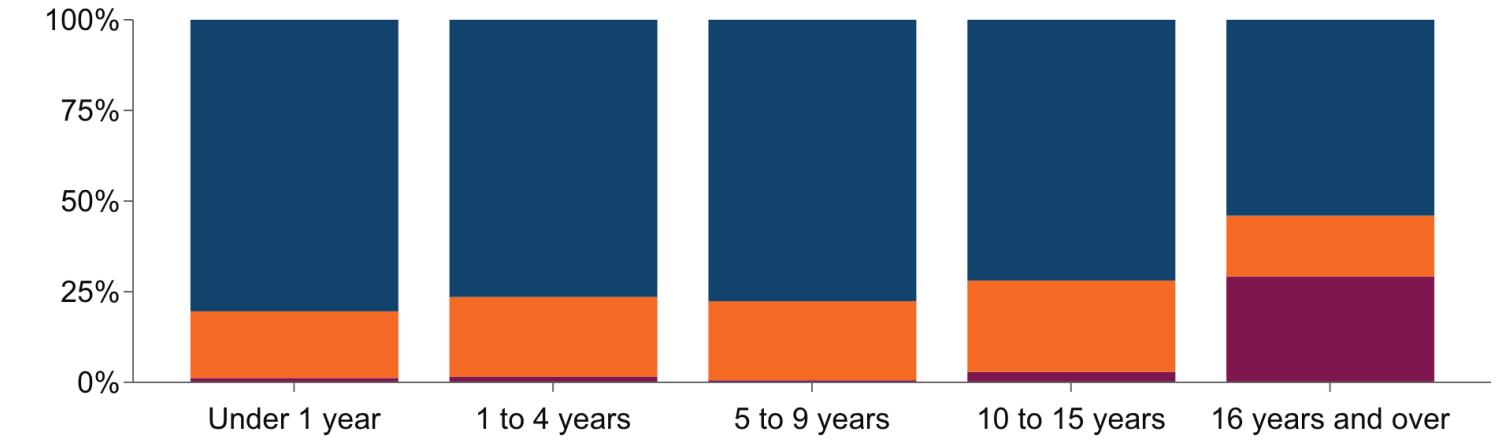
1. Numbers have been rounded to the nearest 10. Percentages rounded to the nearest whole number. Figures in some tables may be suppressed, denoted by a 'c', percentages <0.5% are denoted by a 'k' . Historical data may differ from older children looked after publications which is mainly due to amendments made by local authorities after the publication. Figures exclude children looked after under a series of short-term placements.

Source: SSDA903

- Local authorities in smaller, urban, and densely populated areas, such as those within Greater London and major UK cities, often place LACs outside their jurisdictional boundaries.
- In contrast, larger and more rural LAs typically place children within their own boundaries.

Proportion of CLA by age and placement distance

CLA at 31 March, England, 2024



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2. For CLA with a placement distance not known or not recorded - in most cases this will be because the child was UASC, but it could also be because the home address was not known or for reasons of confidentiality.

Source: SSDA903

- At 31 March 2024, 58% of White LAC were placed inside the LA boundary — the highest proportion of any ethnic group.
- Black, African, Caribbean or Black British are most likely to be placed outside the LA boundary (56%).
- LAC from the remaining ethnic groups show a more balanced distribution -slight majority placed outside the LA boundary (53%).

What does that mean for outcomes for children?

- Family - contact with parents, siblings, wider family network
- Friends
- Schooling
- Clubs, hobbies, activities
- Mental health – CAHMs, resources
- Stability and the importance of 'permanence' for children

A crisis in resources

This article is more than **4 months old**

Nearly fivefold increase in children in unregulated social care settings in England

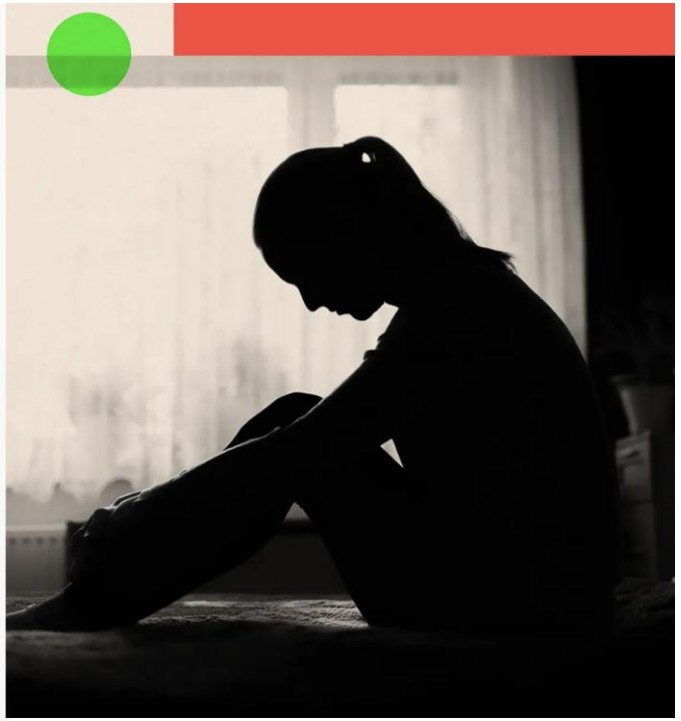
Exclusive: Vulnerable children being placed in caravans and Airbnbs when Ofsted-inspected homes cannot be found

- 'It's soul-destroying': the struggle to house vulnerable children

BBC INDEPTH

Why illegal children's homes are being paid up to £2m per child by councils

21 May 2026



This article is more than **4 months old**

'It's soul-destroying': struggle to house vulnerable children can leave breaking law as only option

Social workers in England say they often have no choice but to place children in unregistered settings because no one else will take them

- Big rise in children in unregulated social care settings

LEGAL FRAMEWORK

Section 22C of the Children Act 1989

(8)The local authority must ensure that the placement is such that

(a)it allows C to live near C's home;

(b)it does not disrupt C's education or training;

(c)if C has a sibling for whom the local authority are also providing accommodation, it enables C and the sibling to live together;

(d)if C is disabled, the accommodation provided is suitable to C's particular needs.

(9)The placement must be such that C is provided with accommodation within the local authority's area.

The caveat: Section 22C (7)

When determining the most appropriate placement for a child, the Local Authority must (subject to other rules in this Part)….

(b)comply, so far as is reasonably practicable in all the circumstances of C's case, with the requirements of subsection (8); and

(c)comply with subsection (9) unless that is not reasonably practicable.

The Red Book- Part II, Section 12C

Regulations under section 22C may, in particular, impose requirements which a local authority must comply with—

(a)before a child looked after by them is provided with accommodation at a place outside the area of the authority; or

(b)if the child's welfare requires the immediate provision of such accommodation, within such period of the accommodation being provided as may be prescribed.

N.B. Secretary of State may make regulations under S22C(11)

Care Planning, Placement and Case Review (England) Regulations 2010

When deciding to place a child outside of the area of the responsible LA, with anyone other than a connected person or approved as a foster carer by the responsible LA, must not be put into effect UNTIL:

1. It has been approved by a nominated officer.

2. In the case of a proposed placement which is also at a distance (meaning it is outside the area of the responsible authority and not within the area of any adjoining local authority), the decision must not be put into effect until it has been approved by the director of **children**'s service

- Before approving such a decision, save in the case of a placement made in an emergency, the nominated officer or (as the case may be) the director of children's services must be satisfied that:
- (1) the child's wishes and feelings have been ascertained and given due consideration;
- (2) the placement is the most appropriate placement available for the child and consistent with the child's care plan;
- (3) the child's relatives have been consulted, where appropriate;
- (4) the area authority has been notified or consulted as appropriate; and
- (5) the independent reviewing officer has been consulted.

Placement Plan- Regulation 9

- 9.—(1) Subject to paragraphs (2) and (4), before making arrangements in accordance with section 22C for C's placement, the responsible authority must—
- (a)prepare a plan for the placement ("the placement plan") which—
- (i)sets out how the placement will contribute to meeting C's needs, and
- (ii)includes all the matters specified in Schedule 2 as are applicable, having regard to the type of the placement, and

- (b)ensure that—
- (i)C's wishes and feelings have been ascertained and given due consideration, and
- (ii)the IRO has been informed.

Disruption to Education – Regulation 10

- 10.—(1) Subject to paragraphs (2) and (3), if C is a registered pupil at a school in the fourth key stage, a decision to make any change to C's placement that would have the effect of disrupting the arrangements made for C's education must not be put into effect until it has been approved by a nominated officer M1.
- (2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that—
- (a)the requirements of regulation 9(1)(b)(i) have been complied with,
- (b)the educational provision made for C at the placement will promote C's educational achievement and is consistent with C's personal education plan,
- (c)the designated teacher M2 at the school has been consulted, and
- (d)the IRO has been consulted.

Duty to Promote Contact

Schedule 2, Part II CA 1989

15(1)Where a child is being looked after by a local authority, the authority shall, unless it is not reasonably practicable or consistent with his welfare, endeavour to promote contact between the child and—

- (a)his parents;
- (b)any person who is not a parent of his but who has parental responsibility for him; and
- (c)any relative, friend or other person connected with him.

Communication between authorities

Re Y (Children) (Special guardianship: responsible local authority) Suffolk County Council v Nottinghamshire County Council **[2012] EWCA Civ 1640**

28. As has already been intimated, out of area placements in prospective special guardianship cases may very well become much more common. A number of matters have arisen in this case which may well arise elsewhere. A few reflections may therefore not be out of place. It was for this reason that we decided to put our judgment in writing.

29. The law both prescribes the incidence of responsibility and provides for a high degree of flexibility. If a child is a looked after child then responsibility lies with that authority; if not, it lies with the authority in whose area the child resides. It is therefore of critical importance when a child is placed out of area to have regard as to whether a child should or will remain looked after (i.e. under an interim care order or accommodated) or not (i.e. under a residence order). At the same time the local authorities involved should co-operate from the earliest stage in deciding who will in fact execute the statutory duties that arise and who will fund that work. Local authorities have powers to make sensible arrangements between themselves wherever primary legal responsibility may in fact lie.

30. The role of the court should also be carefully considered. Section 14F imposes duties on a local authority but it does not empower the family court to direct how or (in some aspects) even whether such duties are to be performed. Moreover the statute gives the court no power to make directions as to payment of money or provision of services. Of course judges may properly express views to local authorities and are entitled no doubt to expect that they will receive serious consideration (just as judges can and do express views about adoption and care plans)and of course it is only the judge who in the end can make the special guardianship order.

31. Special guardianship is potentially a very effective way of securing kinship care without on the one hand distorting family structures by adoption and without on the other leaving the child as a child in care with all the consequences so often resented by a growing child who feels stigmatised. It is essential both that local authorities in 'out of area' placements should co-operate with each other as early in the process as is practicable in the particular case and also that the court is clear about its role and powers. They may not be as extensive as is thought or as a judge may wish but I have no reason to think that the judge cannot make a valuable contribution to the process as is often done in both adoption and care cases where the court has the confidence of the parties involved.

WHAT CAN WE ACTUALLY DO?

Limitations to Challenge

1. This is something which the courts have little power over.
2. Resources are a problem.

What we CAN do

- Check that LA has complied with all of its duties under statute and regulation?
  - Have the family properly been consulted
  - Have the child's wishes and feelings been ascertained
  - Has the child's school been spoken to if KS4 and disruption to education?
- Placement referral- was it detailed enough?
- Did the Local Authority do all they could to prioritise the child remaining in area?

Mitigation of harm

- How is the LA going to ensure contact takes place regularly, with travel properly funded and without unreasonable disruption to the child and parents?
- How is the LA going to support the child being able to access mental health support,
- What is the disruption posed to the child's education, and how can they be supported to avoid this i.e. travel to and from previous school?