

Health Service Circular



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The Secretary of State has powers under a number of provisions in the primary legislation relating to the NHS to give directions to Health Authorities, Special Health Authorities and NHS Trusts. These are legally binding and must be complied with by the recipient. They may be addressed to only one body, or a number of bodies, or all bodies falling within a particular category (such as all Health Authorities).

VISITS BY CHILDREN TO ASHWORTH, BROADMOOR AND RAMPTON HOSPITALS (AMENDMENT) DIRECTIONS

NATIONAL HEALTH SERVICE ACT 1977

To: Ashworth, Broadmoor and Rampton Hospital Authorities

Cc: Health Authorities (England) - Chief Executives
NHS Trusts - Chairmen
NHS Trusts - Chief Executives
Directors of Social Services - England
Councils - Common Council of the City of London, Chief Executive
Councils - Council of the Isles of Scilly, Chief Executive
Councils - County Council Chief Executives
Councils - London Borough Council Chief Executives
Councils - Metropolitan District Council Chief Executives
Councils - Shire Unitary Council Chief Executives
Area Child Protection Committees Chairs - England

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VISITS BY CHILDREN TO ASHWORTH, BROADMOOR AND RAMPTON HOSPITALS (AMENDMENT) DIRECTIONS

NATIONAL HEALTH SERVICE ACT 1977

Summary

This circular covers the amendments to the 1999 Directions and associated guidance to Ashworth, Broadmoor and Rampton Hospital Authorities on the categories of individuals who may accompany a child on a visit, to enable the person with parental responsibility to nominate another parent or relative (as defined in the Directions) to accompany a child on a visit. Where the child is accommodated by a local authority the person with parental responsibility can also, with local authority consent, nominate another person to accompany the child. This may be, for example, a relative, parent, social worker or foster carer. For those children who are the subject of a care order, the local authority will nominate a person to accompany the child. In exceptional circumstances, the Chief Executive of the special hospital can allow a visit where the child is accompanied by a person who is not in any of the relationship categories specified by the Directions. The person who is nominated to accompany the child should know the child well and be able to ensure the child's safety and wellbeing during and after the visits.

The Amendments to the 1999 Directions are intended to enable a child to visit a named patient in a special hospital, in situations where the parent with parental responsibility is agreeable to the visit taking place, and it has been approved by the special hospital, but the parent wishes to nominate another person to accompany the child, for example a grandparent, as they are not able to or do not wish to visit the patient in hospital.

Action

The hospitals are required to ensure that from 1 September 2000 visits by children take place in accordance with these Directions in Part A and the Guidance in Part B of this circular. By 1 September 2000, the hospitals are required to have ensured that:

- procedures for dealing with requests for children to visit are amended in accordance with above amendments to the Visits by Children to Ashworth, Broadmoor and Rampton Hospitals Directions ("the 1999 Directions"); and
- staff are aware of the amendments to the 1999 Directions;
- previous decisions may need to be reviewed on requests for child visits where the individual who would have accompanied the child fell outside the 1999 Directions;
- training programmes should be amended to take account of the extension to the categories of individuals who may accompany a child;
- the system set up to monitor the implementation of the Directions and guidance needs to take account of these amendments.

Associated Documentation

Local Authority Circular LAC(2000)18 refers to the specific tasks to be undertaken by local authority social services departments in relation to who can and will be accompanying a child on visits to a named patient, a copy of which is attached. It is issued as statutory guidance under S7 of the Local Authority Social Services Act 1970.

This Circular has been issued by:

Dr Sheila Adam
Director of Health Services

Part A

VISITS BY CHILDREN TO ASHWORTH, BROADMOOR AND RAMPTON HOSPITALS (AMENDMENT) DIRECTIONS

The Secretary of State for Health, in exercise of the powers conferred upon him by section 17 of the National Health Service Act 1977^a and all other powers enabling him in that behalf, hereby gives the following Directions:-

Citation, commencement and interpretation

1.-(1) These Directions may be cited as the Visits by Children to Ashworth, Broadmoor and Rampton Hospitals (Amendment) Directions and shall come into force on 10 August 2000.

(2) In these Directions "the 1999 Directions" means the Visits by Children to Ashworth, Broadmoor and Rampton Hospitals Directions 1999^b.

Amendment of the 1999 Directions.

2. In paragraph 4(3) of the 1999 Directions, after "the proposed visit" there shall be inserted "or for any other reason he is satisfied that the visit should not take place on that occasion."
3. For paragraph 7(1)(b) of the 1999 Directions, substitute-
 - "(b) subject to sub-paragraphs (2) to (4), the child is accompanied by-
 - (i) a person with parental responsibility for him and with whom he is living, or a parent or relative of the child nominated by that person, or
 - (ii) such other person who has day to day care for him, or
 - (iii) where the child is subject to a care order, a person nominated by the designated local authority in whose care the child is placed under section 31 of the Children Act 1989, or
 - (iv) where the child is provided with accommodation pursuant to section 20 of the Children Act 1989, a person who has parental responsibility for him, or, with the consent of the local authority which is accommodating the child, such other person (including a parent or relative of the child) as he may nominate."
4. After paragraph 7(2) there shall be added-

^a 1977 c.49; section 17 as substituted by section 12(1) of the Health Act 1999(c. 12).

^b HSC 1999/160.

“(3). The Chief Executive may, in exceptional circumstances, allow a visit to take place where the child is accompanied by a person other than as specified in paragraph 7(1)(b)(i),(ii) or (iv) where he considers that this is in the child’s best interests in the particular circumstances of the case.

(4) In this paragraph “parent” and “relative” have the same meaning as in paragraph 2(3).”

Signed by authority of the Secretary of State for Health

Department of Health

Date: 10 August 2000

PART B**VISITS BY CHILDREN TO ASHWORTH, BROADMOOR AND RAMPTON HOSPITALS (AMENDMENT) GUIDANCE**

1. As a consequence of amendments to the Directions governing the Visits by Children to Ashworth, Broadmoor and Rampton Hospitals, the following amendments to the 1999 Special Hospitals Guidance (HSC 1999/160) have been made.
2. In paragraph 6 of the 1999 Hospitals Guidance, after "A child approved for visits in accordance with the Directions must be accompanied by" substitute the following -
 - " • a person with parental responsibility for him/her and with whom the child she is living, or a parent or relative of the child who has been nominated by that parent, or
 - a person who has day to day care for the child, or
 - where a child is accommodated by the local authority under the Children Act 1989, a person with parental responsibility for him/her, or with the consent of the local authority, a parent or relative of the child, or other person to accompany the child, or
 - where the child is subject to a care order, a person delegated by the local authority in whose care the child is.

The person nominated under the third and fourth bullet points above may, for example, be a social worker employed by the local authority or a foster carer. The person accompanying the child should know the child well and be able to ensure the child's safety and wellbeing during and after the visits. The nominated officer can allow a child aged 16 or 17 to visit unaccompanied by such a person if satisfied it is unlikely to prejudice the child's welfare.

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."

3. In paragraph 11, after the first sentence, insert -

"Where a child is accommodated under S20 of the Children Act 1989, a person with parental responsibility will be required to give their consent."
4. In paragraph 17, the fifth bullet point, after "must be accompanied by" substitute -

"one of the persons specified in paragraph 6, except in relation to 16 and 17 year olds who may visit unaccompanied where the nominated officer is satisfied it is safe for them to do so."
5. In paragraph 17, insert at the end of the last bullet point -

"or for any other reasons he is satisfied that the proposed visit should not take place."
6. At the end of paragraph 19(j), insert a new bullet point -

" • Who will be accompanying the child on the visit and the type and nature (for example, quality and duration) of their relationship with the child."
7. For paragraph 19(p) substitute -

"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."