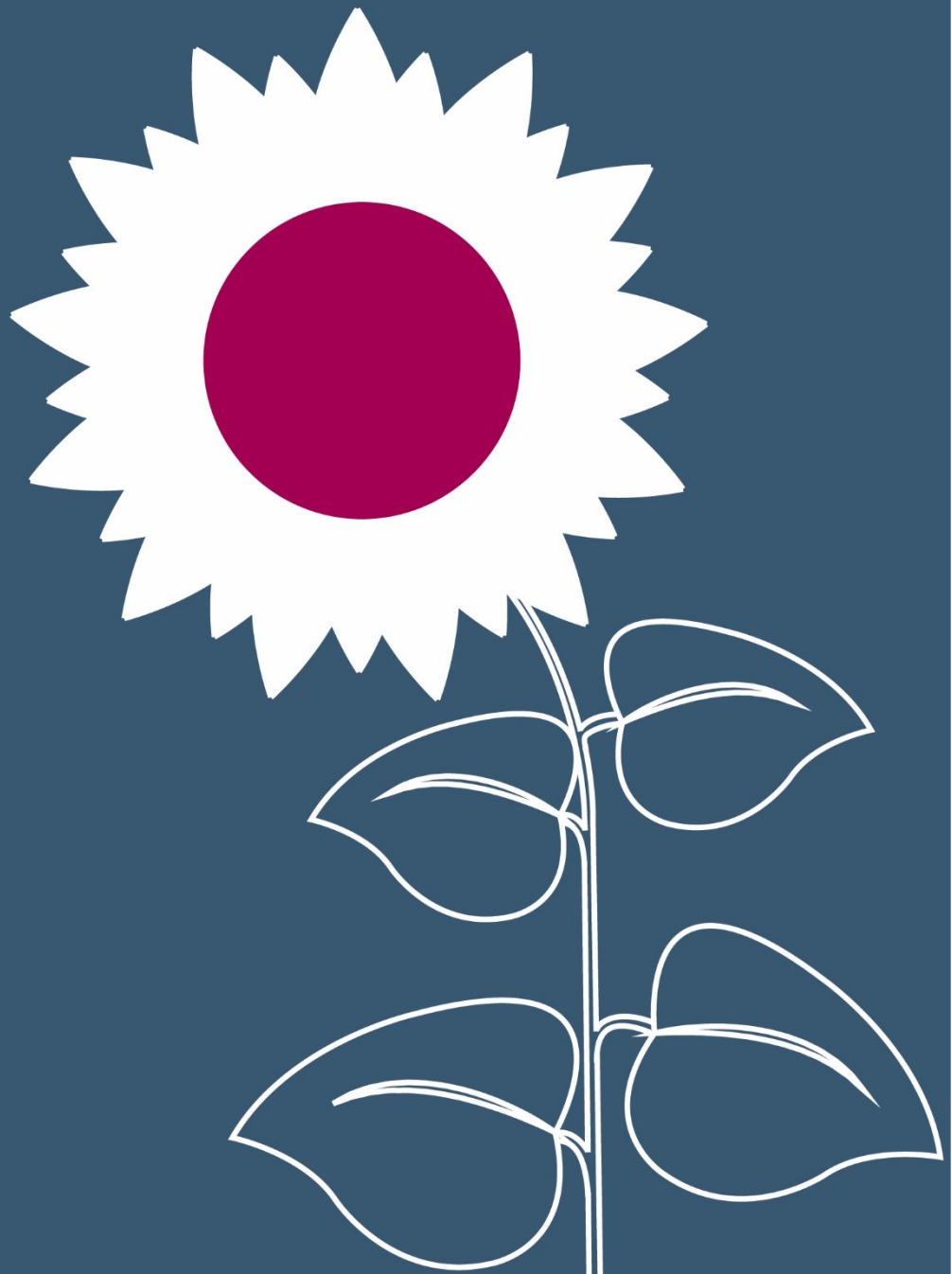


Secure Accommodation

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Review February 2024



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1 Introduction

- 1.1 There are two routes by which a young person may be kept in secure accommodation:
- Application under Section 25 Children Act 1989
 - Court ordered secure remand (Section 97 Crime and Disorder Act 1998)
- 1.2 Applications by Children and Family Services, Early Intervention and Children’s Social Care are only made under Section 25 Children Act 1989. This sets out the ‘welfare’ criteria which must be met before a looked after child/young person may be placed in secure accommodation.
- 1.3 The **‘Welfare’ criteria** are:
- That the child/young person has a history of absconding and is likely to abscond from any other description of accommodation and
 - If the child/young person absconds, s/he is likely to suffer significant harm, or that
 - If the child/young person is kept in any other description of accommodation s/he is likely to injure her/himself or others.

- 1.4 Restricting the liberty of a child/young person is a serious step which must be taken only when there is no appropriate alternative and there must be a clear view of the aims and objectives of such a placement. It must be a last resort in the sense that all other options for placement of the child/young person have been fully considered and rejected. It should never happen because no other placement was available at the time, because the child is simply being a nuisance or runs away from his accommodation but is not at risk of significant harm, and never as a form of punishment.
- 1.5 The use of secure accommodation should be for the minimum period necessary, following an assessment of likely risk to the child/young person, others and public safety. A child/young person must not continue to have his/her liberty restricted once the criteria cease to apply, even if there is a Court Order currently in existence.
- 1.6 A Court may authorise a child/young person to be kept in secure accommodation for a maximum period of:
- 3 months on the first application to the Court
 - 6 months on subsequent applications to the Court
- 1.7 A child/young person in care may not be placed in secure accommodation when:
- They are under 13, unless the Secretary of State gives prior specific approval. The exception is when there is a court order requiring a child/young person to be kept in secure accommodation, when the Secretary of State's approval is not required.
 - They are over 16 and have asked to be accommodated.
 - They are subject to a Child Assessment Order, detained under the Mental Health Act or sentenced under Section 53 of the Children and Young Persons Act 1933.
 - Accommodation would be or is being provided on a voluntary basis and a parent objects to a secure placement.

2 Application under Section 25 Children Act 1989 – Planned Placements

Stage 1

- 2.1 At the point that it is determined that a placement in secure accommodation on welfare grounds may be required, and throughout the subsequent process of identification, planning and placement, the social worker must consult and take account of the views of:
- The child/young person
 - The child/young person's parents
 - Anyone who is not a parent but has been caring for or looking after the child/young person
 - Other members of the child/young person's family who are significant to the child/young person
 - The child/young person's school or education authority
 - The Youth Offending Service, if the child/young person is known to them
 - Any health professional
 - Any other professional working with the child/young person
- 2.2 If a child is in care under Section 20 Children Act 1989, the agreement of all those with parental responsibility is needed for applications in respect of young people under 16 years of age. If the parents or those with parental responsibility oppose the application, and the placement is necessary to safeguard the child and promote their welfare, then an emergency application for a Care Order may need to be considered to enable the secure order application to be made. If the young person is over 16 years an application for a secure order may only be made if the young person consents to the application or the local authority holds parental responsibility in respect of him.
- 2.3 The social worker must consult at all stages with the Service Manager. The Service Manager must take a lead role in progressing planning for the child and must liaise with the CIC Strategic Manager in authorising the application and agreeing the placement of the child in secure accommodation.
- 2.4 Following discussion between the social worker, the Service Manager and the Strategic Manager, the Service Manager should consult with the Placement Finding Team about placement options for the child and with Legal Services about the grounds for a secure order application. If no alternatives to secure accommodation are identified and Legal Services agree that the criteria are met for a secure order application, the social worker should complete Parts 1 and 2 of the Accommodation Request/Placement Referral form and present it to the Strategic Manager for authorisation.

- 2.5 If agreed by the Strategic Manager, the Accommodation Request/Placement Referral Form should be passed to the Placement Finding Team who will liaise with the Children in Care Strategic Manager to obtain agreement to the placement for an emergency placement. The case should be presented to the Case Directions Meeting for agreement in the case of planned placements.
- 2.6 The Placement Finding Team will then take the necessary actions to identify an available secure accommodation place.
- 2.7 If the application is agreed by the CIC Strategic Manager/Legal Gateway Meeting, in consultation with the Assistant Director, Legal Services should be advised to proceed with the application for a secure order. The application forms C1 and supplement C20 should be sent to Legal Services when completed by the social worker.
- 2.8 A Statement of Evidence will be required from the social worker. The Statement will cover:
- Presenting problems
 - A background and chronology of the case
 - Conclusions and reasons for the application, including the exit plan
- Legal Services will advise about the evidence to be presented to the court when making the application.
- 2.9 The social worker must ensure that the young person has independent legal representation in court.
- 2.10 Appropriate notification of the application should be given, where practicable, to:
- The child's parent
 - Any person who is not a parent but who has parental responsibility for him
 - Any other person who the local authority consider should be informed.
- 2.11 Service of the Court papers on the respondents to the application should be effected as a matter of urgency once the papers have been lodged with, and processed by, the Court. The social worker and/or Legal Services will be responsible for lodging the papers with the Court and collecting them for personal service on the Respondents.

PRACTICE GUIDANCE

The rules provide that one days' notice is given to respondents of such applications, although the Court may abridge time for service in exceptional circumstances. If less than one days' notice is to be given it is essential that the liaison take place with the Court as to whether the Court will abridge time for service. It should not be "taken as read" that the Court will always allow service to be abridged.

Stage 2

- 2.12 Once a placement and a secure order is obtained the social worker will make practical arrangements with the secure unit for the young person's admission.
- 2.13 A risk assessment will need to be carried out regarding appropriate transport arrangements to the placement. It is anticipated that unless exceptional circumstances prevail, transportation will be undertaken by a recognised escort service. Under no circumstances must a child/young person subject to a Secure Accommodation Order be transported alone by a member of staff.
- 2.14 The original Secure Order, not a copy, must be presented to the Secure Unit at the time of admission. The Social Worker should ensure that the Unit's rules and regulations are made available to the child/young person on arrival at the unit.
- 2.15 Once the placement is made the social worker should complete Form 903 for loading on Liquidlogic and should send a copy to the Conference and Reviewing Unit to inform them of the placement in order for the statutory review and secure order review to be arranged.
- 2.16 If the young person has been placed in another local authority area a copy of Form 903 should be sent by the pod co-ordinator to the relevant local authority.
- 2.17 Within three days of the placement a planning meeting must be held to establish the Placement Plan and the Care Plan for the young person. If the child was previously accommodated this meeting will update the Care Plan in light of the secure placement. The meeting will be chaired by the Service Manager.

3 Application under Section 25 Children Act 1989 – Emergency Placements

- 3.1 Emergency placements may be made in secure accommodation without a court order. Such placements may only be for a maximum of 72 hours in any 28 day period. The social worker must make arrangements for a court hearing within the 72 hours.
- 3.2 The Assistant Director's approval must be given for any emergency placements. Only a Court can grant permission for placements beyond 72 hours.

4 Application under Section 25 Children Act 1989 – Children under 13 years

4.1 Regulation 4 of the **Children (Secure Accommodation) Regulations 1991** requires a local authority to obtain Secretary of State approval before placing a child under 13 in a secure children's home. The procedure is as follows:

- The procedures outlined in 2.1 – 2.6 should be followed
- Written permission to approach the Secretary of State for approval for a secure placement should be sought from the Assistant Director.
- The written documentation will include the following:
 - ✓ A full written history/chronology of the child and whether the whereabouts of the child is known
 - ✓ A view of the likelihood that a court would find that the criteria for restriction of liberty are satisfied and an indication of when the local authority is intending to go to court to obtain a secure accommodation order;
 - ✓ An explanation of why secure accommodation is the only appropriate method of dealing with the child and whether a bed in a secure children's home has been secured;
 - ✓ An indication of the alternatives to secure accommodation that have been considered and why these have been rejected;
 - ✓ The aims and objectives of the secure accommodation placement;
 - ✓ A copy of a contemporary care plan which includes a prospective exit strategy from secure accommodation;
 - ✓ Agreement in writing at Assistant Director level or above to seek the Secretary of State's approval;

4.2 Officials from the DfE will then discuss the information provided with one of the specialist secure accommodation inspectors.

4.3 The DfE will then advise the local authority of the Secretary of State's decision. Where an application is approved, a letter and certificate will be issued to the local authority on the same day via email or fax (whichever is more convenient). The signed, hard copy will be sent to the Deputy Director.

4.4 Applications for the approval of the Secretary of State should be made during office hours and at the earliest possible time. However, where in exceptional circumstances this is not possible, the local authority should telephone the Department's 'out of hours' telephone number, 0207 972 3000 and ask for the Children in Care Division Duty Officer. Where applications to place a child under the age of 13 in a secure children's home are made outside normal office hours, the letter and certificate confirming the Secretary of State's approval will not be issued until the next working day.

5 Court Ordered Secure Remands to Local Authority Accommodation

- 5.1 The Youth Court have the power to make court orders for secure remands to local authority accommodation/Secure Training Centres. The Court can authorise a child/young person to be kept in local authority secure accommodation/a secure training centre for the same length as the remand, up to a maximum of 8 days. Where the child/young person is committed for a hearing at the Crown Court, the Court can authorise a child/young person to be kept in secure accommodation/secure training centre for a maximum length of 28 days. If the Crown Court hearing does not take place within the 28-day period, an application to renew the order can be made.
- 5.2 Following the remand, the young person is a child in care and procedures should be followed as for all children in care. The social worker should complete all documentation for admission of a child to care or for a change of placement if the young person is already in care.
- 5.3 The Youth Offending Service are responsible for arrangements in respect of court ordered secure remands when the young person was not previously in care. If the Youth Offending Service become aware that a young person not previously in care may be remanded to secure local authority accommodation/secure training centre, the responsible Youth Offending worker will notify The Safeguarding Referral Team (SRT) of the possible remand. SRT will identify whether the child is already known to a social worker in which case the information will be passed to the allocated worker, or the case will be allocated to a social worker from the Safeguarding Team, for them to liaise with the Youth Offending Service, attend court if required and to undertake any initial assessments/actions required in respect of the court ordered secure remand.
- 5.4 If the child is remanded while already in care the responsible social worker should liaise with the Youth Offending Service at all stages. If the young person was remanded to local authority accommodation and subsequently is assessed as needing secure accommodation, the Youth Offending Service will assist in the procedures.
- 5.5 In the case of 12 - 14 year old boys and 12 - 16 year old girls, the legislation requires local authorities to place these young people in local authority secure accommodation if the court order a secure remand. In the case of 15 - 16 year old boys who are judged by the court to fall within the vulnerability definition in section 98(3) of the 1998 Act, the local authority must place them in local authority secure accommodation if the court orders a secure remand.
- 5.6 In the above cases, once the young person has been remanded the local authority is immediately responsible for the care of the young person and it is illegal for her/him to spend any time in police cells. A room is designated within the custody suite for the detention of young people on secure remands. The Youth Offending Service worker or social worker is expected to remain with the young person until the arranged transport arrives.

- 5.7 Where a secure placement has been identified, the Youth Offending Service are responsible for transport arrangements for those children not previously in care and Children and Young People's Services, Early Intervention and Children's Social Care for those children who are in care. A risk assessment will need to be carried out regarding appropriate transport arrangements to the placement.

6 Statutory Reviews

- 6.1 A review should be held within four weeks of the placement where the Care Plan will be reviewed. This review will be chaired by the Conference and Review Unit. Thereafter, statutory reviews will be held in accordance with statutory requirements.
- 6.2 The Independent Reviewing Officer (IRO) must liaise with the Secure Accommodation Panel Chairperson to decide a date for the first secure accommodation review and the statutory review. The child/young person's Secure Accommodation Review and the statutory review will run concurrently.
- 6.3 The exit plan for the child/young person from secure accommodation must be incorporated within the care planning process which will be subject to statutory review.

7 Secure Accommodation Reviews

- 7.1 Secure Accommodation Reviews are only required in respect of children placed in secure accommodation following applications under Section 25 Children Act 1989. Secure Accommodation Reviews are not required for court ordered secure remands to local authority accommodation.
- 7.2 The Secure Accommodation Review does not take the place of a statutory review. In all cases, the outcome of the Secure Accommodation Review must be reported to the Statutory Review.

Setting up the Secure Accommodation Review Panel

- 7.4 A Panel will need to be established in respect of every secure placement. The Panel should consist of a Strategic Manager independent of the case (Chair), a Service Manager independent of the case and an independent representative.

Regulation 15 of The Children (Secure Accommodation) Regulations 1991 requires the local authority looking after a child in secure accommodation under a Section 25 Secure Accommodation Order to appoint three persons, at least one of whom must be independent of the authority, to review the child's placement.

The Panel does not have the power to discharge the child from secure accommodation but can ask the local authority to further review the case.

- 7.5 The IRO responsible for chairing the child's statutory review will also be present at the Review Panel Meeting for the purpose of conducting the statutory review of the child's Care Plan which will continue at the conclusion of the Secure Accommodation Review Panel Meeting.

7.6 The Panel is required to satisfy themselves as to whether:

- the criteria for keeping the child in secure accommodation continue to apply
- the placement in such accommodation continues to be necessary
- there is any other type of accommodation that would be appropriate

It is important to recognise that the Order to place the child/young person in Secure Accommodation is a permissive one. This means that where the grounds for making the Order no longer apply the child/young person must be discharged from the secure unit.

Arranging Secure Accommodation Review Panel Meetings

7.7 The Secure Accommodation Review Panel Meeting will be scheduled in line with Secure Accommodation Regulations:

- within one month of the start of the placement
- thereafter at intervals not exceeding three months

7.8 The Secure Accommodation Review Panel Meeting will take place in the Secure Unit where the young person is residing.

7.9 The Meeting will be set up by the Strategic Manager chairing the meeting in liaison with the Conference and Review Unit. Reports will be requested to be submitted 3 working days in advance of the Meeting to allow consideration by the Chair of how the meeting should be conducted.

8 Preparation for Secure Accommodation Reviews

8.1 Prior to the Secure Accommodation Review Panel Meeting, it is the responsibility of the child/young person's social worker to ensure that the following is undertaken:

- The child/young person and parent/carer are clear about the purpose of the Secure Accommodation Review and are given adequate support to prepare for it, which may include arranging for an advocate to assist them particularly where the child/young person is under 13 years of age, or has special needs or requires extra support.
- The Social Worker should go through the contents of the Report and proposed Care Plan with the child/young person.
- The views of all other interested parties are sought including:
 - ✓ Any person not being a parent/carer of the child/young person but who has parental responsibility for the child/young person
 - ✓ Any other person who has had the care of the child/young person to include previous carers
 - ✓ The child/young person's Independent Visitor if one has been appointed

- ✓ The person managing the Secure Accommodation in which the child is placed
- ✓ Children's Guardian where appointed

If the views of any of the above people not being presented to the Secure Accommodation Review Panel then the reasons for this must be clearly recorded in the written report.

- 8.2 Five days prior to the Secure Accommodation Panel Review date, the allocated social worker will provide the Secure Accommodation Review Panel Chair with a copy of the child's care plan, the original court report and a Report of events subsequent to placement in secure accommodation incorporating the views of all those consulted about the placement and endorsed by the Service Manager. Minutes of the last Looked After Review must be attached to the Social Worker's report.
- 8.3 The secure unit will be asked to provide reports from Education, secure unit staff and any psychiatrist/psychologist involvement. The report should evaluate the progress made with the child/young person and state the Unit's view as to whether the criteria still apply and whether any other description of accommodation would be appropriate rather than remaining in secure accommodation.
- 8.4 The Secure Accommodation Review Panel Chair will consider the reports in advance of the meeting and will make the decision on the basis of the reports provided whether any participant needs to be excluded for all or part of the meeting. The Chairperson will forward the reports to the Panel members.
- 8.5 In advance of the meeting, the independent representative should ascertain and take into account the wishes and feelings of:
 - The young person
 - Any parent of the young person
 - Any person with parental responsibility for the young person
 - Any other person who has had care of the young person
 - Any Independent Visitor appointed for the child

9 Conduct of the Secure Accommodation Review Panel Meeting

9.1 The meeting will be attended by:

- Social worker
- Secure Unit representative
- Parents
- Young person
- IRO

9.2 The Panel will consider the Review Report, the notes and decisions of the most recent Looked After Review and the views of the people consulted about the placement.

9.3 The Panel will listen to the views of those contributing to the meeting and will form a view about whether they believe the criteria for secure accommodation continue to be met.

9.4 In considering these matters the Panel must have regard to the child/young person's welfare, safety and assessed needs. It is not sufficient, simply, to retain a child/young person in secure accommodation to complete an assessment or treatment programme or whilst other accommodation is sought. Regard must be given to the fact that it is unlawful for the liberty of a child/young person to be restricted unless the criteria are met, no matter how short the period of security.

9.5 The Panel will make a decision having considered all the information provided. The Panel Chair will inform participants of the decision at the meeting if it is clear that there is unanimous agreement during the discussion at the Meeting. In exceptional circumstances the Panel may need to consider their decision in private and participants will be asked to leave the room for this purpose. The Panel's decision will then be conveyed to them by a nominated Panel member. The decision may be accompanied by recommendations on related issues, for example as to mobility, visiting and contact arrangements.

9.6 The child/young person's social worker should arrange to see the child/young person following the Review Meeting to explain the decision to him or her. The social worker should also inform all those whose views have been taken into account of the outcome of the Review, and what action, if any, the Local Authority proposes to take in relation to the child/young person in the light of the Review, and their reasons for going so. All communications should be confirmed in writing.

9.7 The Panel's decision should be recorded, together with reasons for the decision, and the minutes sent to the participants at the Review. A copy of the minutes should also be provided to the Assistant Director.

9.8 Where relevant, a date for the next Review Panel should also be arranged by the Chairperson.

10 Support and Monitoring of Secure Placements

- 10.1 The child/young person's social worker must visit the child/young person in the placement within one week of the placement and then at the statutory specified intervals. This is the minimum level of visiting and most children in secure placement should be visited at a much greater frequency.

11 Ending of Placements

- 11.1 Where the Exit Plan indicates that the child/young person needs Local Authority accommodation, the Accommodation Request/Placement Referral Form should be completed by the social worker and sent to the Placement Finding Team.
- 11.2 Form 903 should be completed within 1 working day of the ending of the placement which must then be sent to the designated team clerk for loading onto CareFirst.
- 11.3 When a child leaves secure accommodation continuing planning and support for the child must be provided within a Child in Need Plan or a CIC Care Plan.

Appendix 1 – Secure Accommodation Review Agenda and Record of Review

1. Young person’s details

Full Name:	
M/F:	
Date of Birth:	
Current Legal Status:	
Ethnic Origin:	
Date admitted to SA:	
Date of SA Order:	
Order expires:	

2. Secure Home details

Name of Secure Children’s Home:	
Date of Secure Accommodation Review:	

3. Purpose of meeting

The panel should satisfy themselves that:

- a) the criteria for keeping the young person in secure accommodation in a community home continue to apply, and
- b) such a placement continues to be necessary and whether or not any other description of accommodation would be appropriate for him; and in doing so they must have regard for the welfare of the young person.

Secure Criteria: Children Act 1989: Section 25(1)

“ (a) i. he has a history of absconding and is likely to abscond from any other description of accommodation; and ii. if he absconds, he is likely to suffer significant harm;

or

(b) that if he is kept in any other description of accommodation he is likely to injure himself or other persons”

4. Present at Secure Accommodation Review

Review Panel Members	
1.	
2.	
3.	
Others attending	
1.	
2.	
3.	
Apologies	
1.	
2.	
3.	

5. Social Work Report

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6. Secure Children's Home Report

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7. Information/reports from other professionals as appropriate
e.g. Psychiatrist, and/or Psychologist

8. Views of young person

9. Views of parents

10. Other relevant carers

11. Views of Guardian

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12. Secure Criteria Panel

Decision Which criteria continue to apply?
Does the placement continue to be necessary?
Reasons
Recommendations

13. Date and time of next SAR

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