

Secure Criteria Accommodation Review Practice Guide

Secure children's homes can offer a level of expertise, assessment skills, intensive staffing levels and specialist treatment programmes, which are simply not available in any other home. They have proved to be an effective way of helping children who present significant risk of harm to themselves or others. Restricting the liberty of children to safeguard their welfare is a very serious step. This should be taken only when the needs of the child cannot be met by a more suitable home elsewhere.

Children can be placed in secure accommodation if there is a concern about their welfare or if they pose a danger to others.

An application must be made to Court, who will consider if the conditions of section 25 of the Children Act 1989 are met and if so, the Court will make a secure order.

If an urgent decision needs to be made, it is possible for the Executive Director for Social Care and Practice to agree the use of Secure Accommodation without the authorisation of a court for up to 72 hours.

The decision to apply for Secure Accommodation Order must be approved by the Executive Director, Social Care and Practice.

Children under the age of 13 years cannot be placed in secure accommodation without the prior approval of the Secretary of State who may include terms and conditions about placement.

Section 25 Children Act 1989 restricts the liberty of a child who –

- **has a history of absconding and is likely to abscond from any other description of accommodation; and if s/he absconds is likely to suffer significant harm**
- or**
- **if kept in any other description of accommodation, is likely to injure him/herself or other persons.**

The Welfare Criteria is:

- **The child has a history of absconding and is likely to abscond from any other description of accommodation; and**
- **If the child absconds, (s)he is likely to suffer significant harm; or**
- **If the child is kept in any other description of accommodation (s)he is likely to injure her/himself or others.**

N.B. only one of these two criteria above needs to be established. The welfare principle (established in Section 1 the Children Act 1989), although it remains relevant, is not of paramount consideration under Section 25.

Decision to apply for Secure Order

When thinking about whether a child should be placed in Secure Accommodation there should be an Initial Secure Accommodation Criteria meeting. This is chaired by a Head of Service not involved with the child to ensure independent oversight. The meeting should also include Legal services.

The meeting should clearly outline why, at this stage in planning, the child's needs would be best met via Secure Accommodation considering the welfare criteria for Secure Accommodation. The child's chronology of significant events should be provided to inform the decision.

The Initial Secure Accommodation Criteria meeting should consider what needs to be achieved during the placement and what needs to happen to step down from Secure Accommodation.

It is also important that the child's views, alongside any parent / guardian and professionals supporting the child are considered.

If there is agreement to progress with Secure Accommodation, then the information needs to be provided to the Executive Director for approval.

There needs to be careful consideration for children who are 16 -17 years of age and Section 20 accommodated.

A child provided with accommodation under Section 20(3) Children Act 1989 may be made subject to a secure accommodation Order.

However, a child provided with accommodation under Section 20(5) Children Act 1989 cannot be made subject to a secure accommodation Order.

The discussions with legal services need to be clear to ensure that the right steps are taken.

If there is agreement to progress with Secure Accommodation, then the minutes of the meeting and the child's chronology needs to be provided to the Executive Director as immediately as possible and within 24 hours for approval.

See Appendix 1 for the template for the minutes of meeting to decide to progress with Secure Accommodation.

Placement Referrals

Making a request for Secure Accommodation is made by the social worker and can only be made through accessing:

[Make a Secure Welfare Referral – Secure Children's Homes](#)

Placement Coordination must be informed when the secure placement has been made so the correct arrangements for invoicing and contracts can be put in place. It is important to keep Placement Coordination up to date well in advance of any release date so that appropriate time can be given to finding an onward placement. Given that the needs of the child are likely to be challenging upon release, searches for placements out of secure can take many months.

Timescales

An order can be made for a maximum of 3 months on the initial application and further period of up to 6 months.

The court may grant shorter orders if this is in line with the need of the child.

The Secure Accommodation Review

The purpose of the Secure Accommodation Review is to assess whether the criteria for the keeping a child in secure accommodation continues to apply and whether the placement continues to be necessary, and whether any other description of accommodation would be more appropriate, having had regard for the child's welfare.

The first review must happen within 1 month of the placement starting and then at monthly intervals.

This is a completely different meeting from the Child in Care review and is not a substitute meeting.

Even if for practical reasons it is necessary to hold another meeting on the same day, it is important that the Secure Accommodation Review is held first, so that the decision can inform any child in care review or planning meeting that may follow.

The Secure Accommodate Review meeting only applies only to children subject to Section 25 Secure Accommodation Orders. It does not apply to children who are detained in secure children's homes because of having been sentenced or remanded through the youth justice system.

It is the responsibility of the Trust and not the staff in the secure children's home, to set up the review at the relevant secure unit. This task is usually delegated to the social worker.

The review should discuss the following -

- The wishes and feelings of the child
- Views of the family
- Views of any carer
- Views of the young person's independent visitor if one has been appointed
- Views of the guardian
- Information from the social worker
- Information and reports from other professionals as appropriate – psychologist, psychiatrist, education, IRO, secure accommodation staff

The child and their parents should be invited to the Secure Review.

Decisions

The decision as to whether the criteria are no longer met is for the Trust to make, considering the recommendations of the panel.

If the review recommends that the criteria for restricting the child's liberty no longer applies or that the placement is no longer necessary or that another type of placement is more appropriate, then a child in care review should be arranged urgently. The child in care review

should consider how the child's needs will be met in a non-secure setting and plan how the move will be managed so that it takes place in accordance with the needs of the child.

The panel should deliberate their decision in private.

Once a decision has been reached, the chair will complete the minutes of the panel and provide these and all relevant document to the Executive Director for ratification.

The Chair of the panel will then share the outcome and recommendations within 5 working days.

Once a decision has been reached, the chair will share the Panel's recommendations. In some instances, it may be appropriate for the child to be advised of the outcome separately by someone who knows the child well such as the social worker or key worker.

The Panel

The review should be undertaken by at least 3 people one of whom must be independent – not a member or officer of the local authority (Reg 15). It is not good practice for anyone who has had direct involvement in the placing of the child to sit on the panel i.e. social worker, team manager, secure home staff or IRO.

The service manager who has oversight for the IRO service should be invited to be part of the panel.

The panel composition should seek to be sensitive to issues that may be relevant to the child such as their ethnicity, background or gender.

Role of the Independent Person

The main role of the Independent Person is to be an active member of the decision-making panel and maintain an independent stance and challenge any decisions that are not consistent with good practice and relevant guidance and regulations.

The Independent Person should meet with the child in advance of the meeting (if the child is willing) to explain their role, ensure that the child is aware that they are not their advocate and discuss their experience of the placement in secure accommodation to consider whether they feel their needs could be best met elsewhere.

An Independent Person can be secured via Coram BAAF. There is a financial implication for this which will need to be agreed.

[Independent Persons for Secure Accommodation Reviews - Coram Voice](#)

Role of the Panel Chair

The Secure Accommodation Panel should be chaired by a person independent of the care planning of the child including line manager and the IRO. The chair should also be independent of any resource allocation to ensure that there are no conflicts of interest.

The Head of Service who chaired the Initial Secure Accommodation Criteria meeting will continue to oversee the Secure Review.

The chair should explain the process and be clear regarding next steps at the end of the review including scheduling a follow up review where appropriate.

Ensure that all reports have been received by the secure unit and panel members at least 1 week before the review date and that it is formally minuted.

Supporting the child

The child should always be encouraged and supported to attend the review and participate in a manner of their choice. The social worker or key worker should help the child prepare for the meeting.

The child should also be offered the option of an advocate who can attend the secure review meeting with them or on their behalf if they wish. To avoid any confusion the differences between an advocate and Independent Person should be emphasised to the child.

Arrangements should also be made for the right person to check in with the child after the meeting.

The child should also be made aware of the availability of the complaints process.

Points to consider for good practice

- Planning should start straight away regarding next steps, this should mean that where there is a possibility of a review panel recommendation that the criteria for detaining the child no longer apply, contingency planning is already in place.
- Good discharge arrangements need to be in place including support to enable a successful integration transfer into the community.
- Ensure that there are appropriate arrangements in place for education or training.
- Ensure that the discharge plans are based on assessed need which help inform next steps.

See Appendix 2 for the template for Secure Accommodation Review Meetings

This guidance must be read with the relevant procedure on Trix –

[Secure Accommodation \(Criteria\) Reviews](#)



Appendix 1 – Template for Minutes of decision to progress with Secure Accommodation

Appendix 2 – Template for Minutes of Secure Accommodation Review Panel

Appendix 3 – Letter to the secure home from the Executive Director

Minutes of decision to progress with Secure Accommodation

Date of meeting:

Minutes of meeting to be shared with Executive Director within 24 hours.

Child's Name	
Date of Birth	
LCS Number	
Attendees Names and Role	
Apologies	

Reason for request for Secure Accommodation
<p>When requesting Secure Accommodation there needs to be consideration whether the criteria for keeping a child or young person in secure accommodation applies, whether such a placement is necessary and whether any other form of accommodation would be appropriate.</p> <p>The 'welfare' criteria is:</p> <ul style="list-style-type: none"> • The child has a history of absconding and is likely to abscond from any other description of accommodation. • and If the child absconds, (s)he is likely to suffer significant harm; • or If the child is kept in any other description of accommodation (s)he is likely to injure her/himself or others.
What is the legal advice
What other options have been tried to prevent Secure Accommodation
Views of relevant people on making request for Secure Accommodation
<ul style="list-style-type: none"> • The wishes and feelings of the child

- Views of the family
- Views of any carer
- Views of the young person's independent visitor if one has been appointed
- Views of the guardian
- Information from the social worker
- Information and reports from other professionals as appropriate – psychologist, psychiatrist, education, IRO, secure accommodation staff

Aim of plan including focus on discharge arrangements
Meeting decision
Actions
Signed by Head of Service
Oversight by Executive Director
Date application is to be made.
Date

Appendix 2



Minutes of Secure Accommodation Review Panel

Date of meeting:

Child's Name	
Date of Birth	
LCS Number	
Date Secure Order made	
Date Secure Order ends	
Panel	Chair – Second Person – Independent Person – Panel Legal Advisor –
Attendees Names and Role	
Apologies	

Purpose of the Meeting

The Secure Panel is responsible for considering whether the criteria for keeping a child or young person in secure accommodation continue to apply, whether such a placement continues to be necessary; and whether or not any other form of accommodation would be appropriate.

The 'welfare' criteria is:

- The child has a history of absconding and is likely to abscond from any other description of accommodation;
- and If the child absconds, (s)he is likely to suffer significant harm;
- or If the child is kept in any other description of accommodation (s)he is likely to injure her/himself or others.

Background to the Secure Order Application

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Update following Placement
<ul style="list-style-type: none"> • The wishes and feelings of the child • Views of the family • Views of any carer • Views of the young person's independent visitor if one has been appointed • Views of the guardian • Information from the social worker • Information and reports from other professionals as appropriate – psychologist, psychiatrist, education, IRO, secure accommodation staff
Aim of plan including discharge arrangements
Panel Decision (Panel to discuss in private and take legal advice)
Actions
Date of Next Review
Signed by Chair
Date

Minutes of meeting to be shared within 5 working days

Appendix 3



Bradford Children and Families Trust

Sir Henry Mitchell House
4 Manchester Road
Bradford
West Yorkshire
BD5 0QL

PRIVATE & CONFIDENTIAL

FAO

Add address of secure home

ruth.terry@bradfordcft.org.uk

Add date

Dear Sir/Madam

Reference:

Name: Name of child

Date of Birth: add personal information

This letter is to confirm that I authorise the use of a secure placement for up to 72 hours under 10(1) of The Children (Secure Accommodation) Regulations 1991 for add name of the child. This is on the basis that add name of the child meets all of the following criteria:

- The child has a history of absconding and is likely to abscond from any other description of accommodation; and
- If the child absconds, (s)he is likely to suffer significant harm; or
- If the child is kept in any other description of accommodation (s)he is likely to injure her/himself or others.

I confirm that, if required, during this time application will be made by my Department to the Court for a Secure Accommodation Order subject to Section 25 of the Children Act 1989.

I also confirm this young person has not been placed in secure accommodation under this provision for a period of 28 days immediately preceding this placement.

Yours faithfully

Ruth Terry MBE

Executive Director, Social Care & Practice