

Children Looked After

Children's Services

Procedures for the consideration of placing a child in secure accommodation under welfare criteria

**West Sussex County Council
Children's Services**



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1. Principles

- 1.1 Placing a child in secure accommodation is one of the most serious actions open to children's social care services. The deprivation of a child's liberty denies him or her of basic human rights and should only be considered when all measures to keep the child safe in the community have been considered and tried.
- 1.2 The criteria for placing a child in secure accommodation are to be found in S.25 of the Children Act 1989. They are:

"Secure accommodation

S.25 Use of accommodation for restricting liberty

- (1) Subject to the following provisions of this section, a child who is being looked after by a local authority may not be placed, and, if placed, may not be kept, in accommodation provided for the purpose of restricting liberty ("secure accommodation") unless it appears —**
- (a) that —**
- (i) he has a history of absconding and is likely to abscond from any other description of accommodation; and**
- (ii) that 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."**

- 1.3 An exit plan for the child must be determined during consideration of placement in secure accommodation; that is, what needs to happen in order for the child to leave secure accommodation. This may include assessments which it has not been possible to carry out in the community because the child has been missing.

2. Procedure

- 2.1 If consideration is being given to a child being placed in secure accommodation, the child must be aware that this is the case.
- 2.2 Many children placed in secure accommodation are in care under voluntary arrangements; that is through the provisions of S.20 of the Children Act 1989. In this case, the parent (s) must be involved in decision making.

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- 2.3 If consideration is given to a young person being placed in secure accommodation, there must be a prior discussion with the IRO as this is a significant change for the young person. The IRO will consider the need for and timing of a review meeting and may attend the meeting below (2.4).
- 2.4 The recommendation that secure accommodation is agreed must be made by an At Risk of Secure Accommodation meeting.
- 2.5 This meeting must be chaired by a manager at Principal Officer level or above.
- 2.6 Consideration must always be given to inviting the young person being considered and his/her parent (s) to such a meeting.
- 2.7 Legal Services should be present at the meeting. If they are unable to send a representative, consultation must have taken place prior to the meeting to establish advice as to whether the child meets the criteria for secure accommodation.
- 2.8 If the legal advice is that the child does meet the criteria, this does not imply that the child **must** be placed in secure accommodation; other courses of action to keep the child safe in the community must continue to be considered.
- 2.9 The IRO will be kept informed of the outcome of this process. If the IRO does not agree with the outcome of the meeting, they will have the opportunity to raise this through the Problem Resolution Process. (This also applies to the decision making process below)

3. Decision Making

- 3.1 All decisions to place a child in secure accommodation must be made by the Operational Director, Children and Families, or by the Executive Director.
- 3.2 The Operational Director can agree placement in secure accommodation for a period of time up to 72 hours without the Order of a Court when a child is in immediate danger.
- 3.3 In these circumstances, the matter must be placed before the Court as quickly as possible.
- 3.4 If a child under 13 is to be placed in secure accommodation, this must be agreed by the Secretary of State.

4. Processes following placement in secure accommodation

- 4.1 The social worker must arrange to visit the child within one week of placement.
- 4.2 The social worker must arrange for a review of the secure accommodation criteria to take place within four weeks of placement. This review must be chaired by a manager at the level of Principal Officer or above.
- 4.3 The meeting must also be attended by an independent person who must be either at Principal Officer level. The IRO will be informed about the timing of the Secure Accommodation Review in order to consider if they should attend and so that the timing of the looked after child review can be considered. or may be an Independent Reviewing Officer, but not acting in that role. There must also be a representative from VOICE, who will see the child before the review and ensure that his or her views are represented.
- 4.4 Parents must be invited to this review, unless there is good reason why that should not be the case.
- 4.5 A Review of Arrangements for Looked After Children must also be arranged. This may take place on the same day as the Review of Secure Accommodation criteria since much of the information shared will be relevant to both meetings.
- 4.6 The review of the secure accommodation must consider all aspects of the child's life, including health, education, their relationships with peers and staff, any instances of restraint and reports from staff in the secure unit, as well as psychological, psychiatric or any other assessment reports. It must always consider the exit plan – that is, what needs to happen before the child can leave secure accommodation.
- 4.7 The review must also always consider mobility for the child and when and how this should take place.
- 4.8 Full minutes of the meeting must be taken. These are normally taken by the Chair in order to avoid the formality of having a minute taker in attendance.
- 4.9 All reports from the secure unit must be summarised in the body of the minutes, and appended to them in full.
- 4.10 Minutes must be sent to the Director of Operations, who may wish to be involved in decisions about the length of time that a child remains in secure accommodation.

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4.11 If psychiatric, psychological or other assessments are to be undertaken while the young person is in secure accommodation, this must be identified at the outset and the process for these taking place set in motion. Such arrangements must not be left until the first review.

'Secure Accommodation Reviews: A practical guide' (2012) has been produced by VOICE. Please visit their website for further information (www.coramvoice.org.uk)