

## Children's Services Scrutiny Committee

Meeting to be held on Wednesday, 6 December 2017

Electoral Division affected:  
(All Divisions);

### Secure Accommodation

Contact for further information:

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#### Executive Summary

The report provides an overview in relation to secure accommodation, including the criteria and reasons why children may require placement in a secure children's home. It also highlights some of the challenges when placing a child in secure accommodation.

#### Recommendation

The Children's Services Scrutiny Committee is asked to note and comment on the report.

### Background and Advice

Restricting the liberty of a child/young person in order to safeguard their welfare is a serious step which must be taken only when there is no appropriate alternative. A secure placement must be a 'last resort', in the sense that all other options must first have been comprehensively considered and rejected. When considering the possibility of a secure placement there must be a clear view as to what is hoped to be achieved by the admission and how this fits into the overall care plan for the child. The liberty of children and young people can only be restricted in premises approved as secure accommodation by the Secretary of State for Education – secure children's homes.

### The Criteria

Section 25 of the Children Act 1989, sets out the criteria for placement of a child in secure accommodation. The local authority must be able to demonstrate that:

- S/he has a history of absconding and is likely to abscond from any other description of accommodation and
- If s/he absconds s/he is likely to suffer significant harm.

OR

- If s/he is kept in any other description of accommodation s/he is likely to injure her/himself or other persons.

In an emergency the Director of Children's Services (DCS) can authorise a child's placement in secure accommodation for up to 72 hours. However, if the placement is to exceed 72 hours, an application must be made to the court. A child under the age of 13 years cannot be placed in secure accommodation without the prior approval of the Secretary of State.

### **Duration of the Order**

The order will last for a maximum of three months on first application and then for periods of up to six months in respect of subsequent applications. However, courts often prefer to make 28 day orders in the first instance. All Secure Accommodation Orders are permissive. I.e. it allows, but does not compel the local authority to hold a child in secure accommodation. This means that regardless of the length of the court order, if during the course of the order the child no longer meets the criteria, the local authority must remove the child from secure accommodation. Contingency planning is therefore vital.

### **Secure Children's Home Placements**

The Youth Justice Board (YJB) commissions secure placements. Enquiries regarding vacancies can be made to the National Bed Bank which is run by the YJB. Placements are limited and secure children's homes have a referral process and can refuse to offer a placement. Identifying a secure placement can therefore be extremely difficult. There are no secure children's homes in Lancashire and the majority of placements are a significant distance away. For example, Glasgow, Durham, Peterborough, Eastbourne, Southampton and Leeds. For young people this can be extremely difficult as family and friends may be unable to visit them as frequently as they would like and it also makes the transitional process of reintroducing the child/young person into their local community more challenging.

The average cost of a placement in secure accommodation is between £6,000-£6,500 per week.

### **Secure Accommodation Reviews**

The secure accommodation review has the distinct purpose of determining whether the criteria for the child/young person to remain in secure accommodation continues to be met. The first review is held within 28 days of the start of the placement and thereafter at intervals not exceeding three months. In accordance with the Secure Accommodation Regulations, the local authority is required to appoint a panel of three members, including an independent person (who is not a member or officer of the local authority) to undertake the review. It is good practice that the other two panel members are not directly involved in the management of the case.

It is important that the independent panel member sees the child/young person before the review to obtain their wishes and feelings and that they are encouraged to fully participate in the meeting, presenting their views on whether the Secure Accommodation Order should continue and being allowed to challenge the evidence presented should they so wish. The review panel then withdraws to discuss their findings before presenting them to the meeting. The Chair must summarise and

present the findings in language that the child/young person understands and is responsible for ensuring they are fully informed of the decision.

## **Children's Needs**

Children/young people who require secure accommodation often have multiple and complex needs and are extremely vulnerable. High risk indicators include repeat missing from home episodes, being the victim of child sexual exploitation, displaying sexually harmful behaviours, mental health concerns, alcohol and substance misuse, involvement in criminal activity, including the use of violence and young people who pose a significant risk to themselves through self-harm. Where children/young people become subject to a Secure Accommodation Order, this means that these risks couldn't be managed safely in the community and that there was sufficient evidence of this, such as a variety of placements and services having been provided which did not reduce risk.

Over the past 12 months (October 2016 to September 2017) Lancashire has placed ten young people, (four boys and six girls) in secure accommodation. One boy and one girl have been placed in secure accommodation twice within this 12 month period due to risks escalating again to the point where they couldn't be managed safely within a community setting.

An audit has been completed of children/young people placed in secure accommodation to assess the quality of practice, including adherence to procedures, care planning, quality of services prior to the secure application, management oversight and preparation for discharge of the order. The findings will be shared with managers and practitioners to ensure the learning is embedded and the recommendations will be taken forward.

## **Consultations**

N/A

## **Implications**

This item has the following implications, as indicated:

Placing a child in secure accommodation is a serious step and restricts their liberty. However, in some circumstances this may be the only option to safeguard their welfare. Robust safeguards are in place to ensure the appropriate use of secure accommodation, including the requirement for DCS approval, scrutiny of the application by the court and appointment of a Children's Guardian (an independent person appointed in legal proceedings to promote the child's welfare and ensure that the arrangements made for the child are in his or her best interests). If during the course of the order the child no longer meets the criteria for an order, the local authority must remove the child from secure accommodation. Failure to do so could result in legal challenge.

**Risk management**

N/A

**Local Government (Access to Information) Act 1985  
List of Background Papers**

Paper	Date	Contact/Tel
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NA

Reason for inclusion in Part II, if appropriate

NA