

Secure Accommodation Section 25 Children Act

If the young person is subject to a Care Order or Interim Care Order the allocated Social Worker's Local Authority should apply.

Grounds for secure accommodation met (See below)

If the child is under thirteen years old the Secretary of State's permission is required

If the young person is accommodated under S20 Children act 1989 and is;
-Under sixteen-parental agreement to secure accommodation is required
-sixteen or over- an interim care order or Emergency Protection order is re-

Local Authority secure children's homes should be contacted to gain provisional agreement to a placement.
Details are available on the Secure Accommodation Network's website
<http://www.secureaccommodation.org.uk/>

Application made to the Family Proceeding court initially for up to three months order.
In emergency the Assistant Director may apply the 72hour rule and authorise in writing the holding of a young person for up to 72 hours.

If the young person is a ward of court the judge will be required to make a direction for the child to be placed in secure accommodation.

Section 25 of the Children Act 1989 sets out the criteria, which must be met before a child can be placed in secure accommodation. It provides that a child being looked after by the local authority may not be placed, and if placed, may not be kept in a secure accommodation unless it appears:

- (i) that he/she has a history of absconding and is likely to abscond from anything other than secure accommodation;
- and
- (ii) if he/she absconds he/she is likely to suffer significant harm (Section 25(1)(a));
- or
- (iii) if he/she is kept in anything other than secure accommodation he/she is likely to injure him/herself or other persons (Section 25 (1)(b)).

If the criteria are satisfied, there is a mandatory duty on the Court to make the order. *Re: M (Secure Accommodation Order) (CA) (1995) 1 FLR. 418*

Letter from Deputy Director or above authorising use of a secure placement without a court order. Letter should be on headed paper.

To The Secure Children's Home Manager

Having considered the case of **Child's full name** Date of BirthI **authorise the use of a secure placement for up to 72 hours under 10(1) of *The Children (Secure Accommodation) Regulations 1991*** .

I authorise payment for this placement with immediate effect.

Signature

Full name

Position held

A full billing address and whether a purchase order number will be required to submit invoices should be supplied with the request.

Step-by-step guide for local authorities applying for the approval of the Secretary of State to place a child under the age of 13 in secure accommodation

Step 1): Contact the Department for Education (DfE).

Details are shown below. Calls should be made **before 5pm**, and preferably as early in the day as possible. Early notification of a possible application is helpful, even if a final placement decision has not yet been made.

If you need to make an emergency placement **after 5pm** please call the out of hours number (see below), and request to speak to the Children in Care Duty Officer. **Jim Brown**

(first point of contact)

jim.brown@education.gsi.gov.uk

Mark Burrows

Mark.burrows@education.gsi.gov.uk

DfE Public Communications Unit

If either of the above officials are unavailable during the day please call this number and ask to speak to someone in the Placements Unit, Children in Care Division.

Out of hours contact

If you are calling after 5pm please call this number and ask to speak to the Children in Care Duty Officer.

Fax number

Please do not send a fax without first contacting the Department to confirm someone is there to receive it.

0207 783 8086

0207 783 8079

0370 000 2288

0207 340 7057

0207 925 6183

Step 2): Provide initial details to the DfE official over the telephone.

You will be asked to provide:

- the name and date of birth of the child concerned:
- a verbal summary of the reasons for the secure placement:
- confirmation of whether a bed in a secure children's home has been identified and is available:
- confirmation of whether the child is currently with the local authority or missing from care (having absconded):
- details of when the local authority is intending to go to court to seek a secure order
- an explanation as to why a secure placement is necessary:
- details of what alternatives to a placement in a secure children's home have been considered and why these were rejected.

Step 3): Submit written paperwork to DfE by email (or fax).

Following your phone call to the DfE you will be asked to provide:

- a full written history/chronology of the child:
- a contemporary care plan that covers the period of the secure placement. The care plan should include the aims and objectives of the secure placement and, where possible, the prospective exit strategy from secure accommodation.
- agreement in writing **at Assistant Director level or above** seeking the approval of the Secretary of State.

If you are seeking a secure placement **out of hours** it may not be possible for you to submit the relevant paperwork. Greater detail will be taken during the initial telephone discussion and **you will be required to provide verbal assurance** that the Assistant Director or above has agreed to the secure placement.

Step 4): Consideration of the application.

The DfE official will then discuss the information provided with one of the specialist secure accommodation inspectors at Ofsted. It is possible the Ofsted inspector may contact you to discuss the case further.

Step 5): The DfE will advise you 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. The signed, hard copy of the documents will be posted to the Assistant Director or equivalent that supported the application on behalf of the local authority.

Where applications are made **out of hours**, the approval letter and certificate will not be issued until the next working day. Verbal agreement will be given over the telephone.