



SECURE ACCOMMODATION NETWORK

Good Practice Guidance

Title: Seeking and Maintaining a Placement In a Secure Children's Home (England and Wales) under Section 25 Children Act 1989

Purpose: To inform Social Workers, placement staff and other relevant professionals of the process for applying maintaining and reviewing a welfare placement within a secure children's home.

Date: Friday, 08 July 2005

Please note that this Guidance paper refers only to application for children and young person under welfare grounds – Section 25 Children Act 1989
For information regarding criminal proceedings please refer to your local Youth Offending Team or visit the Youth Justice Board web site www.youth-justice-board.gov.uk.

1. INTRODUCTION

1.1 Each secure children's home offers a high quality of care, education, assessment and therapeutic work to make a positive impact in the lives of young people so they do not remain socially or educationally excluded on their return to the community.

1.2 Restricting the liberty of young people is a serious step, which must be taken only when there is no appropriate alternative.

1.3 A secure placement must be a 'last resort' in the sense that all other options must first have been comprehensively considered and rejected.

1.4 It is important when considering the possibility of a secure placement that there is a clear view as to what is hoped to be achieved by admission and how this fits into the overall care plan.

Refer also to:-

Section 25
Children Act
1989

The Children Act
1989 Guidance
and Regulations
Volume 4
Residential Care
Chapter 8

The Children
(secure
accommodation)
Regulations 1991

www.vcc-uk.org

www.secureaccommodation.net

2.0 THE CRITERIA	Refer also to:-
2.1 Section 25 of the Children Act 1989 sets out the criteria, which must be considered before placing a young person in secure accommodation.	Section 25 Children Act 1989
<p>2.2 Criteria under Welfare Grounds (S25 Children Act 1989):</p> <p>The Local Authority must be able to demonstrate that:</p> <ul style="list-style-type: none"> • <i>S/he has a history of absconding and is likely to abscond from any other description of accommodation</i> <p style="text-align: center;"><i>AND</i></p> <ul style="list-style-type: none"> • <i>If s/he absconds s/he is likely to suffer significant harm</i> <p style="text-align: center;"><i>OR</i></p> <ul style="list-style-type: none"> • <i>If s/he is kept in any other description of accommodation s/he is likely to injure her/himself or other persons.</i> 	<p>The Children Act 1989 Guidance and Regulations Volume 4 Residential Care Chapter 8</p> <p>The Children (secure accommodation) Regulations 1991</p>
2.3 Children under the age of 13 years cannot be placed in secure accommodation without the prior approval of the Secretary of State.	The Children Act 1989 Guidance and Regulations Volume 4 Residential Care Chapter 8.24
3.0 WHAT KIND OF ORDER?	&
3.1 <u>THE 72 HOUR RULE</u>	To Local Authorities Legal and Admin Services for advice on the process of seeking approval.
<p>In an emergency, where the criteria is met and an immediate placement is needed to prevent the risk of significant harm, the social worker should discuss the case with a relevant manager and obtain approval for a Director's Order. Secretary of State approval is still required for those children under the age of 13.</p>	<i>Section 2.3 of this Guidance Paper</i>
3.2 A Director's Order can only extend for a period of 72 hours consecutively or in aggregate in any period of 28 consecutive days. It cannot be repeated for the same child without going to court.	
3.3 Some easement of this provision is provided to meet difficulties which may be faced when a short notice application is made where a 72 hour period expires late on a Saturday, a Sunday or a public holiday.	
3.4 Where a child is placed in secure accommodation at any time between 12 midday on the day before and 12 midday on the day after a public holiday or a Sunday, and:-	The Children Act 1989 Guidance and Regulations Volume 4 Residential Care Chapter 8.35

- *During that period the maximum period of 72 hours expires, and*
 - *In the 27 days before the day on which he was placed in secure accommodation been placed and kept in secure accommodation for an aggregate of more than 48 hours.*
- 3.5 The maximum period (of 72 hours) shall be treated as if it did not expire until 12 midday on the first working day after the public holiday or Sunday. *Refer to your local authority procedures*
- 3.6 Certain authorised managers within the local authority can only make Director's Orders. *Refer to your local authority procedures*
- 3.7 The secure children's home will require a copy of the Directors Order before they will admit the child to their unit.
4. THE WELFARE ORDER (S25)
- 4.1 A welfare order is made on application to the Family Proceedings Court.
- 4.2 Each local authority will have their own procedure, however it is normal practice that the social worker would consult with senior managers before an application was made. *Refer to your local authority procedures*
- 4.3 Initial legal advice should be sought from the local authorities legal section to inform the decision making process.
- 4.4 Permission from the Head of Service or Operational Manager would normally have to be obtained before the application was processed.
- 4.5 The social worker will need to complete a standard application to their Legal and Admin department for commencement of legal/care proceedings. This will trigger CAFCASS into appointing a Children's Guardian who must be appointed prior to the hearing.
- 4.6 The social worker must prepare a report in support of the application stipulating the section under which the application is made, what criteria have been demonstrated and evidence of the incidents.
- 4.7 In the case of young people already looked after by the local authority, it is sometimes helpful to request a report of the attendance of those who have been most involved in the care of the young person.

- 4.8 All adults with parental responsibility should be notified 24 hours in advance of the application. It is good practice to inform all adults with an interest in the welfare of the child.
- 4.9 For a child not on a Care Order or on remand, parental Permission and agreement is needed. A person with parental responsibility for a young person may at any time remove her/him from the accommodation being provided.
- 4.10 If parents withhold consent consideration of application for an interim care order, along with secure accommodation needs to be made.
- 4.11 For those young people who are aged 16 or 17 who are accommodated, an interim or full Care Order should be considered. The legal right to restrict a child's liberty without such an order relies on the voluntary agreement of the young person to reside within the unit.
- 4.12 If he/she does not wish to remain then, without an order, the placing authority and the unit have no legal right to detain the young person.
- 4.13 Anyone with parental responsibility should attend court.
- 4.14 The secure children's home will require a copy of the Welfare Order S25) before they will admit the child to their unit.
5. LENGTH OF WELFARE ORDER
- 5.1 In welfare cases the maximum periods a court may authorise a young person to be kept in secure accommodation are:
- *3 months on first application to the Court*
- AND*
- *6 months in respect of subsequent application to keep the young person in accommodation.*
- 5.2 The Courts can make shorter orders in each case. Courts often prefer to make 28-day orders in the first instance. Social Workers will often need to be prepared to argue the case for a longer order in the first instance.
- 5.3 All secure accommodation orders are permissive orders.

6. FINDING A BED

Refer also to:-

6.1 It is important to be acquainted with what particular secure children's homes have to offer, in terms of the size of the unit, gender mix, accessibility for visiting, any special treatment programmes, cost, etc before applying for an order (including a Director's Order). Information regarding all the local authority secure units can be found on www.secureaccommodation.net

6.2 Enquiries about vacancies can be made to the National Bed Bank, which is run by the Youth Justice Board in London (0207 2713250). The Bed Bank can provide the most up-to-date information of which units have vacancies.

6.3 Information regarding current vacancies and anticipated vacancies can also be found on the SAN web site www.secureaccommodation.net

6.4 For general advice regarding secure accommodation you should contact your most local secure children's home. Secure children's homes will if requested send or fax information about their services.

www.secureaccommodation.net

6.5 A referral form needs to be completed when applying for a Directors Order or a Welfare Order. The referral form can be obtained from the Secure Accommodation Network website.

www.secureaccommodation.net

7. ADMISSION

7.1 Admission to secure accommodation must form part of the care plan, with a clear idea about how it fits in to the overall plan.

7.2 Social workers must have a firm plan about where they want the person to go on discharge, mindful that a discharge could take place at short notice if it is decided that the criteria no longer apply.

7.3 Contingency planning is vital when working with young people in secure accommodation as the Court or a Secure Accommodation Review Panel may discharge them from the secure unit. In these situations the Worker may have little notice.

Section 9 of this Guidance Paper

7.4 The Court making the order will want to hear about the overall care plan and what the social worker envisages for the young person - beyond secure accommodation. The Court will need to be reassured that, as far as possible, there will be continuity of care, education and other professional support when the young person leaves secure accommodation.

7.5 Young people remain Looked After when placed in secure accommodation therefore the LAC accommodation pack should be completed and change of circumstances form completed

7.6 Secure units will not accept an admission without good quality information about the young person including a detailed risk assessment of:-

- *Absconding (and what risk this presents)*
- *Self-harm (including attempted suicide)*
- *Injury to others (residents and staff)*
- *Danger from the community*
- *Danger to the community*
- *Unsupervised visits (at secure unit)*
- *Current educational needs*
- *Statement of Educational Special Needs*
- *Mental Health Assessment*
- *Psychological Assessment*
- *Drug Misuse*

7.7 The information is normally provided within the referral form but it is helpful to send relevant information, including the most recent Core Assessment, Plan and most recent review record. Secure units require a much higher level of information than other children's homes.

Section 6.5 of this Guidance Paper

8. YOUNG PEOPLE AND SECURE ACCOMMODATION

8.1 Whenever possible the young person must be fully informed about what is being considered.

8.2 A young person should be kept informed about the placement once it has been agreed and should not be misled about where they are going and why - even if there is a high risk of absconding.

9. SECURE ACCOMMODATION REVIEW ARRANGEMENTS

9.1 Secure Accommodation Reviews (SAR), sometimes called "Criteria Reviews", should not be confused with Looked After Statutory Reviews, which should be carried out with other placements.

9.2 Secure Accommodation Regulations 15 and 16 set out requirements for SAR's:

- *It requires the local authority that places a young person in Secure Accommodation to hold a SAR within 28 days of the start of the placement and thereafter at intervals not exceeding 3 months.*
- *A SAR should be carried out by a panel of at least 3 persons and is chaired by a reviewing officer.*
- *At least one member of the panel must not be employed by or be a member of the local authority, which is responsible for looking after the young person (either the placing authority or the authority who is looking after the young person on behalf of the placing authority).*
- *Issues of ethnic background and gender should also be addressed in deciding the make up of the SAR panel.*
- *The other two panel members should not be people who have had any direct involvement in placing the young person in secure accommodation.*
- *Independent panel members can be supplied by organisations such as Voice for the Child in Care (VCC).*

9.3 The SAR does not take the place of the Statutory Child Care Review. It should be a quite distinct from any other meeting even if; Statutory Child Care Review takes place on the same day.

10. PURPOSE OF A SECURE ACCOMMODATION REVIEW

10.1 The purpose of Secure Review Meetings is to ascertain whether or not the criteria for restricting the young person's liberty continue to be met.

10.2 The SAR panel is required to consider whether:

- *The criteria for keeping the young person in Secure Accommodation continue to apply*
- *The placement is still necessary*

- *There is any other description of accommodation (possibly with an additional support package) which could safeguard the welfare of the young person and others.*

10.3 The SAR panel, if practicable, should take into account the views and feelings of:-

- *the young person*
- *any person with parental responsibility*
- *any person who has had the care of the young person*
- *the young person's independent visitor, if one has been appointed*
- *a representative of the secure accommodation*
- *the local authority managing the secure accommodation in which the young person is placed when that authority is not the authority who are looked after the young person.*

11. CONDUCT OF THE SECURE ACCOMMODATION REVIEW

11.1 One of the independent panel members should see the young person before the review.

11.2 All reports should be circulated before the meeting.


11.3 The chair will set out the purpose and structure of the meeting and which secure accommodation criteria the panel will be testing.

11.4 The social worker and a representative of the secure unit will then present evidence. There should also be a school report and if relevant psychiatric or psychological reports. Evidence given during the court process is appropriate for the panel to consider alongside more recent/current evidence of the young person's situation.

11.5 Professional's contribution should address the core issues of absconding, injury to self and/or injury to others. The Children Act welfare checklist should also be kept in mind and be considered.

Refer also to:-

- 11.6 The young person and/or his/her representative should be permitted to offer a different view or challenge the evidence presented. Notes should be made in the minutes of different points of view or interpretation of the facts.
- 11.7 The young person and/or his/her representative should then be permitted to present the evidence for the young person and similarly the social worker and representative of the secure unit should be permitted to offer a different view of the facts.
- 11.8 Finally the social worker and/or representative of the secure unit should be asked to summaries the facts and the young person or their representative must summaries their view of the facts.
- 11.9 The review panel should then withdraw to discuss their findings before presenting them to the meeting.
- 11.10 The Chair must sum up and present the findings in language that the young person understands. The chair is responsible for ensuring the young person is fully informed of the decision.
- 11.11 The meeting should then agree the date for the next panel review (if required).
12. PLANNING SAR PANELS
- 12.1 The young person's social worker is responsible for setting up the SAR meeting. This should start as soon as the order has been obtained, as there are only 28 days until the first review.
- 12.2 The Review should be held in the residential unit to ensure that the young person can attend. The worker must contact the secure unit to see if they have any special arrangements regarding review panels and ask for an available date. (Some units may only hold reviews on certain days or times).

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Date:	Friday, 08 July 2005