

Social Services Appeals Panel (SECURE ACCOMMODATION REVIEW)

AGENDA

DATE: Friday 11 November 2011

TIME: 12.30 pm

VENUE: The Atkinson Unit, Atkinson Centre,
Atkinson Close, Beacon Lane, Exeter, EX4
8N

MEMBERSHIP (Quorum: 3 Members)

Independent Person: Caroline Ellis

Councillors:

Nana Asante
Mrs Camilla Bath

Contact: Daksha Ghelani, Senior Democratic Services Officer
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AGENDA - PART I

1. APPOINTMENT OF CHAIRMAN

To note that the Independent Member, Caroline Ellis, will serve as Chairman of the Panel for this meeting.

2. TERMS OF REFERENCE

To note the terms of reference as set out below:

“To review in accordance with the Children (Secure Accommodation) Regulations 1991 the Keeping of Children in Secure Accommodation.”

3. MINUTES

[Note: Social Services Appeals Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chairman for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Social Services Appeals Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chairman and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].

4. GUIDANCE NOTES (Pages 1 - 2)

To note the enclosed guidance notes which set out the nature of the Panel.

5. EXCLUSION OF PUBLIC AND PRESS

To resolve that the press and public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972:

| <u>Agenda Item No</u> | <u>Title</u> | <u>Description of Exempt Information</u> |
|-----------------------|--|---|
| 6. | The Keeping of a Child in Secure Accommodation | Information under paragraph 1 (contains information relating to any individuals). |

AGENDA - PART II

6. THE KEEPING OF A CHILD IN SECURE ACCOMMODATION

- (a) Report of the Divisional Director Targeted Services, Children's Services (To Follow)
- (b) Report of the Independent Investigator (To Follow)
- (c) Report of the Secure Unit (To Follow)

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SOCIAL SERVICES APPEALS PANEL
SECURE ACCOMMODATION GUIDANCE NOTES

Terms of Reference:

“To review in accordance with The Children (Secure Accommodation) Regulations 1991 the keeping of children in secure accommodation.”

The Panel consists of 2 Councillors and 1 Independent Person, one of whom will chair the meeting. The Independent Person must not be a councillor or officer of Harrow or of the authority that manages the secure unit where the child lives.

1. Use of Secure Accommodation

1.1 A local authority must be satisfied that the criteria in s25(1) Children Act 1989 are met before it may place a child in secure accommodation. The criteria are set out in Paragraph 2.4(1) overleaf.

1.2 The authority must seek an order from the Court to continue that placement for more than 72 hours. If the Court determines that the criteria are satisfied, it may make an Order which **authorises** the child to be detained for a maximum period which it will specify.

1.3 As restricting liberty is a serious step, a child must **only** be placed in secure accommodation when there is no appropriate alternative.

2. Review of Placements

2.1 The local authority must review the placement **within one month of the child being placed in secure accommodation, and then at intervals not exceeding three months.**

2.2 The Review Panel will be advised by a solicitor and a senior social services manager. The Area Manager responsible for the child's placement will present their reasons why the placement should continue. An Independent Person will be appointed to seek the views of the persons listed at paragraph 2.3 and to attend the meeting to advise the Panel.

2.3 The Panel must ascertain and take into account, as far as is practicable, the wishes and feelings of:-

- (a) the child;
- (b) any parent of the child;
- (c) any person who, whilst not a parent of the child, has parental responsibility for the child;

- (d) any other person who has taken care of the child, whose views should be taken into account;
- (e) the child's independent visitor, if appointed; and
- (f) the local authority managing the secure accommodation.

2.4 The Panel must satisfy itself as to whether:-

- (1) **the criteria for keeping a child in secure accommodation continue to apply;**

These are that the child is being looked after by the local authority **and**

- (a) he/she has a history of absconding, is likely to abscond from any other description of accommodation and, if he/she absconds, he/she is likely to suffer significant harm; **or**
- (b) if he/she is kept in any other description of accommodation, he/she is likely to injure himself/herself or others; **or**
- (c) he/she is detained by the Police; charged or convicted of certain serious offences; or has absconded while remanded in local authority accommodation and committed an offence and if he/she is not kept in secure accommodation he/she is likely to:-
 - (i) abscond; **or**
 - (ii) injure him/herself or others;

- (2) **the placement continues to be necessary; and**

- (3) **any other description of accommodation would be inappropriate.**

In doing so, the Panel must have regard to the welfare of the child.

2.5 If the Panel concludes that the criteria for restricting the child's liberty (para 2.4(1)) no longer apply, then unless there are exceptional circumstances it would be unlawful for the child to remain in secure accommodation. Plans must be made to ensure the child's immediate removal to non-secure accommodation.

2.6 If the Panel concludes that the criteria for restricting the child's liberty continue to apply, but decides that either the placement is no longer necessary, or that other accommodation is appropriate, then the local authority must immediately review the child's placement. The local authority is not obliged to accept any of the Panel's conclusions, but would need good reasons to ignore them.

2.7 The Panel must ensure that outcome of the review is notified to all of the parties referred to in paragraph 2.3 above.