

AGENDA ITEM 4

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.. The Independent Person will Chair the meeting and s/he must not be a Councillor or officer of Harrow or of the authority that manages the secure unit where the child lives.

The Panel makes recommendations to the Local Authority in respect of the provision of secure accommodation for relevant children, but the decision in respect of the provision of that accommodation remains with the Local Authority.

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 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 under the Children Act 1989 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 Should the Panel determine that the criteria for keeping the child in secure accommodation criteria, the local authority must review the placement urgently as when the criteria no longer apply then it is no longer lawful for the child to remain in the accommodation, and arrangements should be put in place as a matter of urgency to remove the child to appropriate 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 to determine whether the placement remains appropriate.

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.