

Meeting:	Licensing and General Purposes Committee
Date:	7 September 2009
Subject:	Secure Accommodation Reviews
Responsible Officer:	Corporate Director for Children's Services, Paul Clark
Portfolio Holder:	Portfolio Holder for Children's Services, Christine Bednell
Exempt:	No
Enclosures:	Appendix 1 – "SECURE ACCOMMODATION POLICY AND PROCEDURES. APPLICATIONS UNDER S.25 CHILDREN ACT 1989. HARROW COUNCIL"

Section 1 – Summary and Recommendations

This report proposes changing the way that Secure Accommodation Reviews are managed in Harrow which will reflect current best practice nationally

Recommendations:

- The Committee is asked to support the proposal by which Secure Accommodation Reviews are managed as described in the enclosed document entitled "SECURE ACCOMMODATION POLICY AND PROCEDURES. APPLICATIONS UNDER S.25 CHILDREN ACT 1989.HARROW COUNCIL"
- The Committee is asked to amend the Social Services Appeal Panel terms of reference to reflect this position.

Reason: (For recommendation)

- To reflect current national best practice

Section 2 – Report

Background

Restricting the liberty of a child is a most serious step and must only be taken when there is absolutely no alternative. It must be a last resort, with all other options having been considered and rejected. The Local Authority must be able to demonstrate that the child has a history of absconding and is likely to abscond from any other description of accommodation AND 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.

The use of secure accommodation by local authorities is subject to restrictions both in terms of the circumstances in which children they are looking after may be placed in secure accommodation and the maximum periods for which such accommodation may be used, with or without a court order. Where such placements are to exceed 72 hours the local authority must seek the authority of the court.

The local authority's immediate powers to secure a child for up to 72 hours in an emergency can only be used with the agreement of the Corporate Director, Children Services or the Director of Schools and Children's Services in his/her absence.

For application for any child under thirteen years agreement by the Secretary of State is required

In order to restrict the liberty of a child the Local Authority has to follow a number of processes:

- 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 is considered
- A "Secure Accommodation Planning Meeting" chaired by a senior manager considers whether the criteria are met
- Legal advice will invariably be sought
- Permission by the Corporate Director would be required
- The Court would decide whether to extend the period of secure. A Children's Guardian would be appointed
- If parents withhold consent, consideration of application for an interim care order, along with secure accommodation needs to be made.

Given the gravity of taking such action it is therefore necessary for the Local Authority to ensure that the decision-making can stand up to close scrutiny.

It is equally important that the experience of practitioners and advocates of children at a senior level undertaking the review of the Director's decision to place a young person in secure can stand up to outside scrutiny.

The regulations state that the placing authority is required to appoint a minimum of three people to any Secure Accommodation Review Panel. They also require that there must be at least one independent member of the Secure Accommodation Review Panel who is neither a member nor an officer of the Local Authority.

The regulations do not state who the other members of the panel should be, but it is nationally accepted good practice that they should not be people who have had direct involvement in managing the case.

The regulations do not set requirements for the appointment of the Chair. However, it is nationally accepted good practice that an experienced senior manager, independent of the case should chair a Secure Accommodation Review Panel. This may be an Independent Reviewing Officer or Manager. It may also be a Senior Manager employed by the Local Authority who has extensive knowledge of childcare issues but is not part of the line management of the case.

With the introduction of the Independent Reviewing Officers, and an expectation that they monitor the performance of the Local Authority's functions in relation to the child's case it is now good practice that they are one of the Panel Members

Current situation

Currently the Social Services Appeals Panel, a subsidiary of the Licensing and General Purposes Committee undertakes the secure accommodation reviews together with an independent person who chairs the meeting. The terms of reference for the Panel is:

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

Why a change is needed

Given the complexity of the decision making- both in deciding to restrict the liberty of a child and the review of that decision by a Panel- it is now accepted good practice that the make up the Panel demonstrates current and good working knowledge in this complex area. Equally it is now good practice that the Panel members are both independent of the line management of the case and also able to challenge the decision of the Corporate Director on a professional level

Examples of this are as follows. In Wandsworth, a Senior Manager (quality assurance) who is not responsible for the line management of the case chairs the meeting. The other Panel members comprise of an independent reviewing officer and an Independent Person from Voice

Similarly in Westminster, a senior manager, Head of Commissioning, chairs the meeting and is accompanied by an Independent Reviewing Officer and an Independent Person from Voice

Kensington and Chelsea follow the same pattern, with a senior manager independent of the line management of the case chairing the meeting with the other Panel members being an Independent Reviewing Officer and an Independent Person from Voice

Main options

The Committee is asked to support the proposal by which Secure Accommodation Reviews are managed as described in the enclosed document entitled "SECURE ACCOMMODATION POLICY AND PROCEDURES. APPLICATIONS UNDER S.25 CHILDREN ACT 1989.HARROW COUNCIL". This will align Harrow with current national practice

Other options considered

No other options are under consideration

Implications of the Recommendation

If in agreement with the aforementioned recommendation, the Committee is asked to amend the Social Services Appeal Panel terms of reference to reflect this position.

Changing our current practice will remove the burden of the 3-month review cycle.

Financial Implications

There are no significant financial implications of the proposals. Currently the Council incurs a small amount, approximately £800 per case, on appointing an Independent Investigator. Under the proposals this will be a saving for Adults and Housing, where the budget for the Independent Investigator and the administration of the panel is currently held.

This work will now be undertaken in-house by officers from within Children's Services. Children's Safeguarding and Review Unit, who are practiced in the setting up of children looked after reviews, will undertake the administration of the panel. This will be an additional cost for Children's Services that will have to be met from within existing budgets.

Risk Management Implications

It is important that the process of removing the liberty of a child and the review of that decision is able to withstand close outside scrutiny. Changing practices in the delivery of such decision-making will bring us into line with recognised "best practice"

Section 3 - Statutory Officer Clearance

Name: Emma Stabler	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 21 August 2009		
Name: Sharon Clarke	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 20 August 2009		

Section 4 - Contact Details and Background Papers

Contact: Andreas Kyriacou, Senior Professional, Safeguarding and Review, Children Looked After

Background Papers: Appendix 1 – “SECURE ACCOMMODATION POLICY AND PROCEDURES. APPLICATIONS UNDER S.25 CHILDREN ACT 1989. HARROW COUNCIL”

If appropriate, does the report include the following considerations?

1.	Consultation	YES / NO
2.	Corporate Priorities	YES / NO