

PROCEDURE	TASK ALLOCATION
Procedures	
2 CHILDREN OVER 13 YEARS OF AGE	
2.1 A child/young person over the age of thirteen, who is looked after by the Local Authority (accommodated or the subject of a Care Order) <u>may</u> be placed in secure accommodation where the grounds exist for making an application.	All staff to note
3 GROUNDS	
<p>3.1 The grounds for making a secure accommodation application in civil proceedings are as follows:</p> <p>(a) he or she has a history of absconding, and is likely to abscond from any other form of accommodation <u>and</u> is likely to suffer significant harm if he or she absconds; <u>or</u> he or she is likely to injure himself/herself or other persons if accommodated in any other form of accommodation</p> <p>(b) The Welfare Check List applies to these applications (Section 1 (3) Children Act 1989).</p> <p>(c) The provision for No Order under Section 1 (5) of the Children Act 1989 also applies.</p> <p>3.2 As soon as a decision is made that a secure accommodation application is likely, Children's Social Care Services should liaise with Legal Services to discuss the grounds and the making of the application.</p>	<p>All staff to note</p> <p>Team Manager and Legal Section</p>
4 DECISION TO APPLY FOR SECURE ACCOMODATION ORDER	
4.1 A multi-agency meeting, involving Legal Services, should be convened to facilitate this.	Social Worker and Team Manager
4.2 A senior manager in the Children's Social Care Services, with no immediate case management responsibility, must chair the meeting. This is usually carried out by the Service Manager (Children in Care) or deputy	Service Manager (Children in Care) or deputy
4.3 Information from Legal Services on whether grounds exist will	Legal Service /

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<p>be required at the meeting.</p> <p>4.4 Information must be gained prior to the meeting as to the availability of a secure placement including the cost. Please also refer to Procedure: Placement of Children and Young People with External Residential Providers (LO3(u))</p> <p>4.5 The appointment of an Independent Person from an appropriate outside agency to attend the first and subsequent reviews should be discussed at the meeting.</p> <p>4.6 If the decision is made to proceed with a secure accommodation placement, approval for funding must be sought from the Head Of Service (Children’s Social Care Services). The Head Of Service will need details of the proposed placement, the duration and the cost.</p> <p>The Head Of Service should be asked to authorise the placement for the period up to the child/young person’s first review (within one month of placement commencing).</p> <p>4.7 In emergency situations placement may take place without this meeting, but it must be held as soon as possible afterwards to share information.</p> <p>See also Section 7 (Emergencies)</p>	<p>Social Worker</p> <p>Social Worker</p> <p>All to note</p> <p>Social Worker / Team Manager / Service Manager</p> <p>Social Worker / Team Manager</p>
<p>5 PREPARING THE APPLICATION</p>	
<p>5.1 A minimum of 48 hours notice should be given to the Legal Service in advance of any proposed placement. This will give Legal Service the time to liaise with the Court to set up a hearing and for the application to be issued and served.</p> <p>5.2 One days notice to all parties is required before an application can be heard.</p> <p>5.3 Legal Services are responsible for serving the Secure Accommodation Order notices to relevant parties. If necessary and where possible Children’s Social Care Services will help.</p> <p>5.4 The longer the notice that can be given to the Legal Service the better prepared the Local Authority’s case will be and the greater the likelihood that Court time can be made available.</p>	<p>Team Manager and Legal Service</p> <p>Legal Services and if necessary Social Worker</p>
<p>6 EVIDENCE REQUIRED TO SUPPORT THE APPLICATION</p>	
<p>6.1 Evidence will be required at the hearing to support the Local</p>	<p>Social Worker</p>

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Authority's application.	with Team Manager
6.2 Specific areas to be covered in evidence will be any details of absconding, reasons why absconding is considered likely, what significant harm is considered possible if the child / young person does abscond, and details of the proposed secure placement.	
6.3 Evidence in statement form is desirable, but verbal evidence will be sufficient in emergency applications.	
6.4 A psychiatric report may be relevant to the application, especially with regard to the likelihood of significant harm. The child/young person's social worker should inform the Legal Section if there is psychiatric involvement. 6.5 The Legal Section should liaise with the Child and Adolescent Mental Health Service (CAMHS) to obtain a report if it is relevant to the application.	Social Worker and Legal Section

7 EMERGENCIES

7.1 In an emergency the Local Authority has the power to restrict the liberty of a child/young person aged 13 or over for a period not exceeding 72 hours without the authority of the Court. The 72 hours may be consecutive or an aggregate in any period of 28 consecutive days (Reg.11(1))	All staff to note
7.2 Regulation 11(3) allows a limited extension to 72 hours where it expires late on a Saturday, a Sunday, or public holiday.	
7.3 This limited extension of the 72 hours rule is intended to cater for emergency placements where the major proportion of the 72 hours has been used and it is unlikely to be possible to arrange for an application to be heard by a Court before the 72 hours expires.	
7.4 In any other type of placement an application must be brought before the Court within the 72-hour period if the intention is that the placement should continue beyond that period, especially where the period expires on a day the Court does normally sit.	All staff to note
7.5 The 72 hours rule is <u>only intended for emergencies</u> . Where possible all admissions to secure accommodation must be properly planned and dealt with by the Court.	All staff to note
7.6 In an emergency, approval to restrict a child/young person's liberty must be given by the Head of Service who must be	Head of Service (Children's Social

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satisfied with the care arrangements made.	Care Services)
8 DURATION OF THE ORDER AND FIRST REVIEW	
8.1 The maximum initial period for which a Court may authorise a child/young person to be kept in secure accommodation is three months.	All staff to note
8.2 Courts may from time to time authorise a child/young person to whom Section 25 of the Act applies to be kept in secure accommodation for a further period not exceeding 6 months at any one time.	All staff to note
8.3 The Order is permissive in that it enables but does not oblige the Authority to continue the placement for the duration of the Order. Secure placements once made should only be maintained for as long as the criteria apply (as outlined in Section 3 of this procedure).	All staff to note
9 FIRST REVIEW	
9.1 The first review must take place within one month of placement commencing.	Social Worker and Team Manager
9.2 The review must be chaired by a Senior Manager, usually the Safeguarding Children Unit Manager.	Safeguarding Children Unit Manager
9.3 In addition to the Independent Person described in Section 4.5, the review panel should also include an Elected Member of The Council. This person should be appointed by the Child in Care Team in discussion with the Chair of the Panel.	Child in Care Team / Chair of Panel
9.4 The Elected Member should be chosen from the list of Councillors with Children's Portfolio, and on occasions where there is no suitable member available, may be substituted by another Officer who is independent of the case.	Child in Care Team / Chair of Panel
9.5 A report must be provided by the Social Worker, giving the reasons why the child / young person still meets the criteria to remain in secure accommodation. This report must cover the welfare checklist outlined in The Children Act 1989	Social Worker
9.6 A decision should be made at the review as to whether the	Review Panel

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<p>criteria for the placement is still met and whether the placement is still required. A recommendation should then be made to the Head of Service (Children's Social Care Services).</p> <p>9.7 The Head of Service must approve any extensions of placement beyond the first month.</p>	<p>Head of Service</p>
10 CHILD/YOUNG PERSON'S LEGAL REPRESENTATIVE	
<p>10.1 The child/young person must be legally represented in secure accommodation applications. The Legal Service will, on liaising with the Court ensure that appropriate arrangements are made.</p>	<p>Legal Section</p>
<p>10.2 The Court will decide to appoint a Children's Guardian, unless it does not consider this is necessary to protect the welfare of the child/young person.</p>	<p>Court</p>
11 SECOND REVIEW PANEL	
<p>11.1 A second review panel should be planned at 10 weeks from the first review.</p>	<p>Social Worker</p>
<p>11.2 The Independent Person and the Elected Member are also required for the second review panel.</p>	<p>Social Worker</p>
<p>11.3 A decision should be made at the review panel as to whether the criteria for the placement are still met and whether the placement is still required. The procedure outlined in 9.2 to 9.5 should be followed.</p>	<p>Review Panel</p>
<p>11.4 If a decision is made to apply to extend the secure placement beyond the original 3 months, with the Head of Service approval, the Legal Service should be notified as soon as possible and at least 14 days in advance of a hearing, so that an application to renew the order can be drafted and issued by the Court. This can only take place in <u>extreme</u> circumstances, and following a risk assessment of the child / young person's welfare needs.</p>	<p>Review Panel, Head of Service (Children's Social Care Services) and Legal Service</p>
12 FURTHER APPLICATION TO COURT	
<p>12.1 Once a child's secure placement ends, if a <u>new secure placement</u> is to be made while that child remains under the age of 13, the local authority must again seek Secretary of State</p>	<p>All to note</p>

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approval for that placement.	
12.2 However, if the local authority wish to <u>extend the original secure placement</u> (i.e. where there is no break in the secure placement) further Secretary of State approval is not necessary.	
12.3 Local authorities must however still obtain the necessary court orders.	
12.4 Where a further application to Court has been decided those persons with parental responsibility for the child / young person should be notified, as should the Independent Visitor.	Legal Service
12.5 No notice period is established for renewal applications. The Legal Service will arrange for notification but will require the name of the Independent Visitor from the child/young person's social worker.	Legal Service and Social Worker
12.6 Evidence will be required in support of the renewal application, covering the areas mentioned above (6), together with a report on the child/young person's placement and progress from the Secure Unit.	Social Worker to obtain
12.7 A representative from the Secure Unit should also be available to come to Court.	Social Worker to arrange
12.8 Given that these are unlikely to be emergency applications, evidence should be available in the form of written statements.	Social Worker and Team Manager

13 ESCORT AND TRANSPORTATION OF CHILDREN/YOUNG PEOPLE
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<p>13.1 Where young people are placed in secure accommodation under civil proceedings it will be because there will be serious concerns for the child/young person's welfare if they were not to be placed in such accommodation.</p> <p>Where children/young people are transported to a secure unit their safety and the safety of staff involved must be reasonably ensured.</p> <p>This may require the Local Authority paying for assistance from the Police in certain instances.</p>	All staff to note
<p>13.2 If the child / young person needs to leave the secure accommodation for any reason (e.g. hospital, court, contact, meetings etc.) then there will need to be careful planning and</p>	Social Worker & Team Manager / Children's Service

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<p>safe arrangements made by those staff involved.</p> <p>The arrangements will need to be authorised by the Team</p> <p>13.3 The safe arrangements will need to include a clear understanding of the reasons for the visit, the time allowed, the supervision and control arrangements, transport and what contingency plans exist for emergencies.</p>	<p>Manager / Safeguarding Unit Manager</p>
<p>14 APPLICATION TO THE SECRETARY OF STATE FOR APPROVAL</p>	
<p>14.1 A Local Authority wishing to place a child under the age of 13 in a secure children’s home should discuss the case with a representative of the Children in Care Division of the DfE.</p> <p>14.2 The LA must also submit initial information in a written document without delay</p> <p>14.3 A suggested form, to help ensure that all necessary information is provided, is included in Appendix 1 This form also contains DfE contact details</p>	

INFORMATION FOR LOCAL AUTHORITIES

PROCEDURES TO BE FOLLOWED FOR PLACEMENT OF A CHILD UNDER THE AGE OF 13 IN A SECURE CHILDREN'S HOME

The purpose of this Information Note is to remind local authorities about the process they must follow when seeking the approval of the Secretary of State to place a child under the age of 13 in secure accommodation under section 25 of the Children Act 1989, and to update the list of contacts. This Information Note replaces guidance issued to local authorities in March 2009.

The attached Annex sets out the process for making an application.

The contents of this letter should be brought to the attention of all staff within the authority who may be involved in seeking such approval.

Background

A child or young person who is being looked after by a local authority may only be placed in a secure children's home where:

- he or she has a history of absconding, and is likely to abscond from any other form of accommodation and is likely to suffer significant harm if he or she absconds; or
- he or she is likely to injure himself/herself or other persons if accommodated in any other form of accommodation ¹.

Local authorities must obtain the approval of the Secretary of State before placing a child under the age of 13 in a secure children's home ². This approval is not required for the placement of children and young people aged 13 and over but local authorities must still also obtain the necessary court orders.

Once a child's secure placement ends the local authority must again seek the approval of the Secretary of State if a new secure placement is required while that child remains under the age of 13. However, if the local authority wishes to extend the original secure placement (i.e. where there is no break in the secure

¹ see section 25 of the Children Act 1989, note modification made by regulation 6 of SI 1991/1505.

² See regulation 4 of the Children (Secure Accommodation) Regulations 1991 (SI 1191/1505), amended by SIs 1992/2117 and 1995/1398)

placement) further approval is not necessary. Here again, however the local authority must still obtain the necessary court orders.

Placements Unit
Children in Care and Adoption Division

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.

<p>Jim Brown (first point of contact)</p> <p>jim.brown@education.gsi.gov.uk</p>	0207 783 8086
<p>Mark Burrows</p> <p>Mark.burrows@education.gsi.gov.uk</p>	0207 783 8079
<p>DfE Public Communications Unit</p> <p>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.</p>	0370 000 2288
<p>Out of hours contact</p> <p>If you are calling <u>after 5pm</u> please call this number and ask to speak to the Children in Care Duty Officer.</p>	0207 340 7057
<p>Fax number</p> <p>Please do not send a fax without first contacting the Department to confirm someone is there to receive it.</p>	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.