



Children's Safeguarding and Social Work

Corporate Parenting Services
Secure accommodation policy

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1 Introduction

Secure accommodation is a placement option for young people whose needs are so complex that restricting their liberty is the only means of safeguarding and promoting their welfare.

Secure accommodation should only be used where there is a clear need to do so and all other alternatives have been explored and ruled out as unsuitable, but this does not mean that secure accommodation is a placement of “last resort”. For some young people, secure accommodation may be the only way to work with the young person to reduce risk and address their complex needs.

Young people can only be placed in secure accommodation if they are looked after by a local authority and are subject to a secure order. There are two routes into secure accommodation:

- under section 25 of the Children Act 1989 where secure accommodation is deemed necessary to safeguard the young person **(the welfare order)**
- where a criminal court refuses bail and remands a young person into secure accommodation **(the criminal justice order)**.

This policy relates to welfare orders only; for information on policy and procedures around remands into secure accommodation by the criminal courts please refer to the division’s “Young people remanded into care” policy. <https://ascpractice.camden.gov.uk/media/3602/children-remanded-into-the-care-system.pdf>

2 Legal framework

2.1 Criteria for a secure order

The courts will grant a secure order to a local authority where:

- The child is being looked after by the local authority.
- The local authority proposes placing the child in secure accommodation in order to restrict their liberty.
- The proposed accommodation has been approved for use as a secure home by the Secretary of State.

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- The court is satisfied that:
 - the child has a history of absconding and is likely to abscond from any other type of accommodation **and**
 - if they abscond they are likely to suffer significant harm **or**
 - if kept in any other type of accommodation they are likely to harm themselves or others.
- A secure order will safeguard and promote the child's welfare; it must be demonstrated how granting a secure order will meet the child's needs.
- Granting a secure order and restricting the child's liberty is a proportional response; it must be demonstrated how restricting the child's liberty will outweigh any infringement of the child's rights.

2.2 Effect of the order

Secure accommodation orders are permissive orders; this means that the local authority does not have to place the young person in secure accommodation once the order is granted.

However, social workers should be aware that the time for the duration of the order and the review the secure accommodation criteria begin to run as soon as the order is granted and not when the child is placed.

2.3 Role of the court

The role of the court is to safeguard the young person from unnecessary restriction of freedom by ensuring that the criteria for granting an order have been met. A children's guardian will be appointed by the court to safeguard the young person's interests unless it is thought to be unnecessary, and the child should have an opportunity to be legally represented.

2.4 Duration of orders

The court can only authorise a young person's detention in secure accommodation for up to 3 months on the first application. After this, the local authority must re-apply to the court to extend the period on a six-monthly basis.

At each hearing, the court will re-consider whether or not the criteria for making the order still apply, and may make an interim order for the young person to remain in the secure setting if the hearing is adjourned for any reason.

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2.5 Notification

The following people must be notified of any application made to obtain or renew a secure order at least 1 day before the hearing:

- the young person's parents or anyone holding parental responsibility
- the young person's independent visitor, if one is appointed
- any other person whom the local authority feels should be notified.

2.6 Parental consent

Where a young person is accommodated voluntarily under section 20 of the Children Act 1989, the consent of their parents or anyone with parental responsibility must be obtained before the young person can be placed in secure accommodation. In these circumstances, parents will have the right to remove the young person at any time.

Social workers should consider what action needs to be taken in the event of consent being withheld or the young person being removed and may wish to discuss this at the legal planning meeting (see section 3.4.2).

Care proceedings should also be considered where the young person is 16 and has been voluntarily accommodated under section 20 but there are serious concerns that they will discharge themselves from any secure children's home.

2.7 Emergency placement

A local authority can place a young person in secure accommodation without a court order for up to 72 hours within a period of 28 consecutive days, but must obtain a secure order from the court in order to extend this period.

The 72 hours does not have to be a continuous period, and if the period falls over a bank holiday weekend, application to the court must take place as soon as possible following the bank holiday.

To place a young person in secure accommodation without court order, the local authority must be satisfied that the criteria for obtaining an order have been met and that an application will be made as soon as possible.

2.8 Effect of young person's age

Young people under the age of 13 can only be placed in secure accommodation with the prior approval of the Secretary of State, who may

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attach certain conditions to approval such as a time limit on duration or a more stringent review procedure.

Once a young person is 16 they may discharge themselves from secure accommodation if they are accommodated voluntarily under section 20 of the Children Act but not if they are looked after under a care order.

Young people aged 16-21 who have been accommodated at their own request under section 20 of the Children Act 1989 cannot be made the subject of a secure order.

3 Procedures for section 25 secure accommodation

3.1 Assessment

When considering secure accommodation, social workers need to be sure that they are able to meet the eligibility criteria and assessment must demonstrate that the welfare of the young person cannot be adequately safeguarded and no meaningful work can be carried out with them to implement their care plan in any other type of placement.

For thresholds to be reached there would need to be a combination of some of the following indicators:

- the young person has a history of continually running away from placements and whilst away, is at risk of significant harm, for example in contact with concerning adults or found in concerning places
- the young person's drug or alcohol use is out of control and contributing to high levels of risk and harm whilst absent from placements
- there is clear evidence of sexual exploitation whilst away from placement which has been assessed as being at high risk (level 3) under CSE procedures
- the young person presents a serious risk of violence towards others in placements and within the community or has severe emotional and behavioural problems, including self-harming and risk of suicide, that cannot be contained in ordinary placements and is contributing to high levels of placement breakdown.

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Social workers should discuss the possible use of secure accommodation for a young person with their manager and the young person's IRO and any plans for secure accommodation should be considered at the young person's CLA review.

3.2 Planning for secure placement

When planning for secure accommodation, social workers should have a view as to how the young person's needs should be met and what outcomes the placement should achieve in implementing the young person's care plan, and seek to keep the duration of the placement to the minimum amount of time.

Secure children's homes will have differing regimes and variations in the level of restrictions on the young person's movements as well as offering a range of assessment and therapeutic input. All will offer some educational provision.

This should be discussed with the Resources team when obtaining a placement (see section 3.7) and social workers should be able to give some indication of what work will need to be carried out by the secure children's home.

3.3 Post-secure and contingency planning

As secure accommodation orders are subject to review by both the court and the secure accommodation review procedures (see section 4) authorisation to keep a young person in a secure children's home may end at short notice and the young person can be discharged immediately from a secure children's home.

Social workers should be aware that any delay in moving the young person on to their next placement could be an unlawful restriction of their liberty that may be challenged in the court. Many secure children's homes will have a time limit on how long they allow a young person to remain at the unit once the criteria are no longer met and the order has lapsed.

Social workers should plan for what will happen to the young person once the court or the secure accommodation review decides that the criteria no longer apply and have a contingency plan in place, in particular a placement that the young person will go to immediately on discharge. This planning should also cover provision for the young person's education and other services needed to continue to meet their needs.

3.4 Consultation and consent

As part of the decision making process, it is important that social workers consult with the following in order to seek their views:

- the young person
- their parents or anyone with parental responsibility
- the young person's independent visitor, if one has been appointed
- anyone else whom the social worker believes should be consulted.

Social workers must explain to young people and their parents why CSSW believes the young person needs to stay in secure accommodation, how long they will stay there, what work will be carried out and what needs to change before the young person can be discharged.

The social worker should also explain to the young person the importance of being legally represented during the court hearing and help the young person to find a solicitor.

3.5 Authorising the decision

Decisions to use secure accommodation should be planned as far as possible and will need to be authorised at the following:

CLA review

Because use of secure accommodation represents a major change to the young person's care plan, any decision to place a young person in secure accommodation should be made at their CLA review in the first instance.

During the CLA review, the following should be considered:

- details of all actions CSSW has previously taken with regard to the young person to prevent escalation of their behaviour
- the young person's placement history, duration of placements and reasons for placement breakdown
- the young person's history of absconding from placement
- the likelihood of the young person suffering significant harm if they abscond from their current placement or the likelihood of injuring themselves and others if they remain in their current placement
- how a secure placement can meet the young person's identified needs and ensure implementation of their care plan, including any specific objectives and what timescale is needed to achieve these
- other types of placement that have been considered and why they are not considered suitable.

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If it is agreed at the CLA review to place the young person in secure accommodation, the social worker and team manager should immediately inform the CLA service manager for permission to convene a legal planning meeting.

Legal planning meeting

The social worker should convene a legal planning meeting (also known as a risk of secure meeting) to discuss whether or not the criteria for a secure order have been reached and to plan for the young person's care in the event that secure accommodation is likely to be needed.

The legal planning meeting should be attended by:

- the social worker
- their team manager
- the young person's IRO
- the CLA service manager
- a representative from the Resources team.

The meeting should consider:

- whether eligibility criteria for a secure order have been met based on all the evidence available
- whether CSSW need to apply for an interim care order (see section 2.6)
- what type of secure placement would best suit the young person and what secure placements are currently available
- what plans should be put in place for the child following discharge from secure accommodation.

Minutes of the meeting and any decisions taken and action agreed should be distributed to all parties attending and a copy sent to the Director of CSSW.

3.6 Consent of the Director

The Director must agree in writing to the use of all secure accommodation placements. All papers relating to the decision, including minutes of CLA reviews and legal planning meetings, should be made available to them when making this decision.

4. Emergency use of secure accommodation up to 72 hours

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Secure accommodation without a court order (known as the director's order) must be agreed by the Director. It should only be used in emergency situations pending application for a secure order.

In emergency situations where secure accommodation is needed immediately in response to specific incidents, social workers should convene a planning meeting which should be attended by the young person, their parents, their carer and their IRO.

The meeting should follow the same procedures and consider the same criteria as for CLA reviews (see section 3.4.1 above) and legal advice should be sought as to whether the criteria for a secure order have been met.

5. Young person under 13

An application to the court for a secure order cannot be made in relation to a young person under the age of 13 unless the local authority can provide written evidence of the consent of the Secretary of State.

The Director is responsible for liaising with the Department for Education in order to discuss the case and obtain consent to placing the young person in secure accommodation.

The allocated social worker should ensure the following information is made available to the Director in the form of a written report to submit to the DfE in support of the application for consent:

- a copy of the chronology, which should include confirmation of the young person's current whereabouts, or whether they have absconded from care
- a view of the likelihood that a court would find that the criteria for granting a secure order under section 25 are met, and an indication of when such an order will be sought by Camden
- an explanation of why secure accommodation is the most appropriate placement for the young person, and whether a placement has been identified
- an indication of what alternatives to secure accommodation have been considered and why these have been rejected

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- the aims and objectives of the secure placement
- a copy of the young person's current care plan covering the proposed period in secure accommodation and further plans once the young person leaves the placement
- the agreement in writing of the Director to seek approval from the DfE.

The DfE will make a decision on the application on the same day and notify Camden of this immediately, with written confirmation sent later; this consent must be produced when making any application to the court.

It is not necessary to re-apply to the Secretary of State for permission to place the young person each time the secure order is renewed, unless the young person has been discharged from the secure children's home and is being re-admitted.

6. Obtaining a placement

A suitable placement in a secure children's home must be obtained before making an application for a secure order as the court will require details of placement arrangements.

Social workers should complete a placement request record and send it to the Resources team as soon as secure accommodation is being considered so that they can search for a suitable secure placement. A representative from the team should also be invited to all meetings where use of secure accommodation is being discussed.

Social workers should contact the Resources team to discuss the young person's needs and the most suitable placement for them, although often there is limited choice around availability.

Secure units will normally require a risk assessment of the following, and social workers will need to ensure that they provide this information in the placement request record:

- history and risk of absconding
- self harming
- injury to others
- danger to and from the community
- unsupervised visits
- current educational needs, including any special educational needs
- mental health assessment

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- drug or alcohol misuse.

The social worker should also provide the relevant written evidence of authorisation for placing the young person in secure accommodation, ie: parental consent, Director etc.

The change of placement type should be recorded on MOSAIC following general CLA procedures. Social workers should also note in the episode the reasons why secure accommodation is required and on what authority the young person is being placed (ie: director's order, secure order).

7. Court application for a secure order

The allocated social worker should liaise with Legal Services to ensure that they have all relevant information for the application, including:

- the care plan
- minutes of the CLA review where secure accommodation was agreed
- details of contingency plans for when the young person leaves secure accommodation
- written agreement of the Director.

The social worker is also responsible for providing a statement of evidence in support of the application, although it may also be relevant for the young person's current or most recent foster carer or key worker to provide a statement as they are likely to have more detailed information about the young person's vulnerability.

Legal services are responsible for giving notice of the application to the following people at least 1 working day before the hearing:

- the young person
- their parents or anyone with parental responsibility
- anyone caring for the child at the time.

Social workers should attend court for the application and may be required to give oral evidence in support of the application. As well as ensuring that enough evidence is provided to show that eligibility criteria for a secure order have been met, the court will also need information on:

- the young person's overall care plan
- how secure accommodation will support this plan

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- contact between the young person and family members at the secure children's home
- services available at the secure children's home to meet the young person's needs
- contingency and post-placement plans for the continuation of the young person's care and provision of education and other services.

8. Placing the young person

Social workers are responsible for preparing the young person to move to a secure children's home and explaining to the young person the exact levels of restriction to their movement and freedom, and providing as much information about the home as possible.

The social worker should also make any arrangements to transport the young person to the secure children's home. If the child is missing at the time, social workers should make every effort to locate the child. Social workers may want to use escort services to help with transporting the young person.

The placement agreement meeting should take place at the secure children's home when the young person is being admitted and should be attended by:

- the social worker
- the team manager or supervisor (who should chair the meeting)
- the young person
- their parents (where appropriate)
- their key worker.

The social worker should provide the key worker with copies of the young person's care plan and the placement plan should be completed and signed at the meeting. These records should clearly state the aims of the placement and what work needs to be carried out with the young person whilst they are staying in secure accommodation.

The secure children's home should be made aware of what arrangements have been made for the young person to have contact with family members (or what contact has been stopped by court order) and the plan for the young person once they are discharged.

9. Statutory visits

Statutory visits to looked after children placed in secure accommodation follow the same procedures as for all other placements and details can be found at: <https://ascpractice.camden.gov.uk/media/3219/pCLAement-visits.pdf>

10. CLA reviews

CLA reviews will continue to be held whilst the young person is in secure accommodation at the same frequency as for other placements. Details can be found at: <https://ascpractice.camden.gov.uk/media/3220/statutory-CLA-reviews.pdf>

11. Secure accommodation reviews (SAR)

11.1 Review framework

In addition to the CLA review, all secure accommodation placements are subject to a separate review under the Children (Secure Accommodation) Regulations 1991. This review looks at whether or not the young person needs to remain in secure accommodation as a means of safeguarding and promoting their welfare.

The purpose of the SAR (also known as the criteria review) is to examine;

- whether the young person still meets the criteria for being held in secure accommodation and
- whether any other kind of placement is able to meet the young person's identified needs.

To ensure a high level of scrutiny of the use of secure accommodation, the SAR must be conducted by a panel of 3 people, one of whom must be independent of the local authority that placed the young person. The other 2 panel members cannot be involved in the day to day management of the young person's case.

Camden's SAR panel consists of:

- a service manager (who chairs the meeting)
- the manager of the Independent Reviewing Officer service
- a representative from Voice

11.2 Arranging reviews

As soon as it is known that a young person will be placed in a secure children's home, the social worker should:

- liaise with the IRO manager who will advise on possible dates for the first SAR and the name of the service manager who is available to chair the meeting (this is done on a rota basis)
- contact the secure children's home to arrange a date for the first review
- complete the review arrangements, including invitations, in the meetings episode on MOSAIC
- complete a report for the SAR using the template available at: <https://ascpractice.camden.gov.uk/media/3681/secure-accommodation-review-social-work-report.docx>

11.3 Frequency

SARs must be held:

- within 1 month of the young person being placed
- then every 3 months.

It is likely that for convenience, the SAR will be held on the same day as the statutory CLA review. However, the SAR must be held **before** the CLA review as the decision of the SAR will inform the CLA review. For example, the SAR may decide that the criteria no longer apply and the young person should be discharged from secure accommodation.

11.4 Location

All SARs (and statutory CLA reviews) will be held at the secure children's home to enable the young person to attend.

11.5 Invitations

The following people should be invited to attend the SAR:

- the young person
- their parents
- the social worker and team manager

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- the young person's key worker
- any other professional providing a specialist service to the young person.

The social worker is responsible for arranging for invitation letters to be sent out and for ensuring that parents are able to attend by providing financial support if necessary.

The social worker should meet with or contact the young person to discuss the review, obtain their views and to make any arrangements for the young person to have access to an independent advocate should they wish to do so.

If there are concerns that the legal criteria for use of secure accommodation can no longer be met, the social worker and their manager or supervisor should seek legal advice on the matter and contact the IRO manager to discuss whether or not a representative from Legal Services needs to attend the review meeting.

Attendance at SARs, as for CLA reviews, should be kept to the minimum number of people in order to facilitate discussion.

11.6 Consultation

The following people should be consulted regarding the SAR:

- the young person
- their parents or anyone with parental responsibility
- anyone who has cared for the young person and whose views should be taken into account
- the young person's independent visitor (where one has been appointed)
- the local authority managing the secure accommodation where the young person is placed.

11.7 Social work report

The social worker should prepare a report and the views of those people consulted on the SAR should be included in the report.

<https://ascpractice.camden.gov.uk/media/3681/secure-accommodation-review-social-work-report.docx>

The report should be authorised by their manager or supervisor and submitted to members of the panel at least 2 working days before the date of the SAR.

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The report should be shared with the young person and where appropriate, with their parents in advance of the meeting.

12. Conduct of the SAR

12.1 Preparing for the meeting

The social worker is responsible for ensuring that the panel has the following documents at least 2 working days before the SAR:

- the social work report
- care plan
- copy of the court order
- any reports from the secure children's home or other professionals working with the child.

The panel should read all documents provided for the review and ensure that all relevant information is available to help them to make an informed decision.

12.2 Presenting evidence and views

The chair of the panel should meet with the young person before the meeting to ascertain their views and explain how the meeting will be conducted. The meeting should follow the agenda available at:

<https://ascpractice.camden.gov.uk/media/3680/secure-accommodation-review-agenda.docx>

The following people should have an opportunity to give evidence or state their views to the panel:

- the young person (unless there are very good reasons why this cannot happen)
- the young person's representative (where applicable)
- the young person's parents
- the social worker
- the key worker and/or any representative from the secure children's home
- any other professional working with the young person.

The meeting should normally be open but where the panel chair believes that it is not practical or in the young person's best interests to hold an open meeting, it may be necessary for the young person and their parents to only attend to give their views.

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The **social worker** should report on:

- the young person's progress whilst in the secure children's home
- how the placement is contributing to the young person's overall care plan
- the social worker's view on whether the criteria for keeping the young person in secure accommodation are still met
- what contingency plans are in place for the young person should the panel decide that the criteria are not met.

The **key worker** should report on:

- the young person's progress since placement or last review
- details of any concerning incidents that have happened since placement or last review
- the young person's emotional welfare
- the young person's educational attainment
- information on the impact of other inputs provided by the secure children's home on the young person's progress
- the result of any mobility programme.

The young person (through their representative if preferred) should be given an opportunity to challenge the views of professionals and put forward their own views.

12.3 Decisions of the meeting

After all information has been heard, the panel should consider their decision, focusing on whether the criteria for use of secure accommodation remains valid or if any other type of accommodation would be able to meet the young person's needs. The decision should take into account the Children Act 1989 welfare checklist.

When informing the meeting of their decision, the panel chair should make sure that the young person fully understands the reasons for the decision and how it will affect them. If the decision of the panel is that the young person should remain in secure accommodation, the date of the next SAR should be set.

Decisions and recommendations from the SAR should be recorded by the panel chair on the SAR decision sheet available at <https://ascpractice.camden.gov.uk/media/3682/secure-accommodation-review-decision-sheet.docx>

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immediately after the meeting and passed to the Director for a decision on the recommendations.

Minutes of the meeting and the full decisions of the panel should be written up by the IRO manager and distributed to all those who attended the meeting within 7 days.

12.4 Role of the agency decision maker

Decisions made by the SAR panel are recommendations to the local authority that can choose whether or not to accept the recommendation. In Camden, the agency decision maker is the Director.

The panel's recommendations and all documents presented at the meeting should be passed to the Director immediately so that they can make a decision on whether or not to accept the panel's recommendation within 24 hours of the SAR.

The Director should record their decision, giving reasons, on the SAR decision sheet, which should be returned to the IRO manager immediately for distribution to all those who attended the meeting.

In the event that the Director disagrees with the panel with a recommendation to discharge the young person from secure accommodation, the IRO manager should consider what action can be taken.

This may include taking legal advice or returning to the court for a direction on the matter. Equally, the young person's IRO may challenge the decision by making a referral to CAFCASS.

12.5 Discharge from secure accommodation

If it is agreed at the review meeting that the young person should be discharged from the secure children's home, the social worker is responsible for ensuring that any plans for the continued care of the young person are in place and that suitable arrangements are made to transfer the young person to their next placement.

Moving the young person to their next placement should be done in a timely manner as keeping the young person in secure accommodation when the criteria do not apply is a serious breach of their human rights that can be legally challenged.

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Further, many secure children's homes will not continue to keep a young person without proper authorisation; it is therefore imperative that social workers have an alternative placement available for the young person as soon as they are discharged from secure accommodation.

12.6 Recording

The social worker is responsible for ensuring that all relevant SAR documents are uploaded onto the young person's MOSAIC record within 14 days of the date of the meeting.