

Families Group
Children in Care Division
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Sanctuary Buildings
Great Smith Street
London SW1P 3BT

To: Directors of Children's Services, England

Cc: Chief Executives of Local Councils with
Children's Services Responsibilities

March 2009

Dear Director

PLACEMENT OF A CHILD UNDER THE AGE OF 13 IN A SECURE CHILDREN'S HOME

This letter is to update local authorities of the contact details for use when seeking Secretary of State approval to place a child aged under 13 in secure accommodation under section 25 of the Children Act 1989, and to provide guidance on how to make an application. Details are attached at Annex A. This replaces the letter of 20 September 2007 (reference 0108070002).

I should be grateful if you would bring the contents of this letter to the attention of all staff within your local authority who may be involved in seeking the approval of the Secretary of State to place a child under the age of 13 in a secure children's home.

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

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

Local authorities must obtain Secretary of State approval before placing a child under the age of 13 in a secure children's home². Secretary of State approval is not needed for placement of children and young people aged 13 and over. Local authorities must still also obtain the necessary court orders.

Once a child's secure placement ends, if a new secure placement is to be made while that child remains under the age of 13, the local authority must again seek Secretary of State approval for that placement. However, if the local authority wish to extend the original secure placement (i.e. where there is no break in the secure placement) further Secretary of State approval is not necessary. Local authorities must however still obtain the necessary court orders.

I hope you'll find this update helpful.

Yours faithfully



SALLY BURLINGTON
Deputy Director
Children in Care Division

Copies to:

Office for Standards in Education, Children's Services and Skills (Ofsted)
Managers of Secure Children's Homes

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

ANNEX A

Step by Step guide for local authorities applying for Secretary of State approval to place a child aged under 13 in secure accommodation

Step 1) Call the Department for Children, Schools and Families (DCSF).

Contact details are shown below. Calls should be made **before 5pm**, preferably as early in the day as possible. Early notification of a possible approval request 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, and request to speak to the Children in Care Duty Officer.

| | |
|--|---------------|
| Jim Brown (first point of contact) jim.brown@dcsf.gsi.gov.uk | 0207 783 8086 |
| Sally Thatcher sally.thatcher@dcsf.gsi.gov.uk | 0207 7838084 |
| Rachel Taylor Rachel.taylor@dcsf.gsi.gov.uk | 0207 783 8255 |
| DCSF public enquiry line (if the above are unavailable during the day please call this number and ask to speak to the Placements Team, Children in Care Division) | 0870 000 2288 |
| Out of hours contact if you are calling <u>after 5pm</u> please call this number and ask to speak to the Children in Care Duty Officer) | 0207 972 3000 |
| Fax number (do not fax without first calling DCSF) | 0207 925 6183 |

Step 2) Provide initial details to the DCSF over the telephone. You will be asked to provide initial information, such as:

- the name and date of birth of the child concerned
- verbal summary of the reasons for the secure placement

- whether a bed in a secure children's home has been identified
- whether the child is currently with the local authority or missing from care (having absconded).
- when the local authority is intending to go to court to seek a secure order.
- why a secure placement is necessary
- the alternatives to a placement in a secure children's home that have been considered and why these have been rejected.

Step 3) Provide written paperwork to the DCSF by email or fax.

Following your phone call to the DCSF you will be asked to provide:

- A full written history/chronology of the child.
- A copy of a contemporary care plan to cover the period of the secure placement. The care plan should include –
 - the aims and objectives of the secure placement.
 - the prospective exit strategy from secure accommodation.
- Agreement in writing **at Assistant Director level or above** to seek the approval of the Secretary of State for Children, Schools and Families.

If you are seeking a placement **out of hours** we may not be able to receive the paperwork above. Greater detail will be taken during the initial phone call and **you will need to provide verbal assurance** that the Assistant Director or above has agreed to the placement.

Step 4) The DCSF will consider the application for approval. The DCSF will discuss the information provided with one of the specialist secure accommodation inspectors at Ofsted. This can take several hours depending on availability. An Ofsted inspector may call you to discuss the case further.

Step 5) The DCSF 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 or fax. The signed, hard copy will be posted to the Assistant Director or equivalent who supported the application by 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 instead be given over the phone.