STATUTORY INSTRUMENTS

1983 No. 652

CHILDREN AND YOUNG PERSONS

The Secure Accommodation Regulations 1983

Made - - - -	*28th April* 1983
Laid before Parliament	*3rd May* 1983
Coming into Operation	*24th May* 1983

The Secretary of State for Social Services in relation to England and the Secretary of State for Wales in relation to Wales in exercise of the powers conferred upon them by sections 21A and 39 of the Child Care Act 1980(**a**) and of all other powers enabling them in that behalf hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Secure Accommodation Regulations 1983 and shall come into operation on 24th May 1983.

Interpretation

2. In these regulations, unless the context otherwise requires—

"the 1980 Act" means the Child Care Act 1980;

"the 1972 Regulations" means the Community Homes Regulations 1972(**b**);

"care authority" means a local authority which has in its care a child to whom Part III of the 1980 Act applies by virtue of section 17 of that Act;

"independent visitor" means a person appointed under section 11 of the 1980 Act;

"secure accommodation" means accommodation in a community home for the purpose of restricting the liberty of a child resident therein.

Approval by Secretary of State of secure accommodation

3. Accommodation shall not be used as secure accommodation unless it has been approved by the Secretary of State for such use and in approving accommodation for use as secure accommodation the Secretary of State may impose such terms and conditions as he sees fit.

(**a**) 1980 c. 5; section 21A was inserted by section 25 of the Criminal Justice Act 1982 (c. 48) and came into operation on 24th May 1983 (*see* the Criminal Justice Act 1982 (Commencement No. 2) Order 1983 (S.I. 1983/182)).

(**b**) S.I. 1972/319.

Placement of child aged under 10 in secure accommodation

4. A child under the age of 10 years shall not be placed by a local authority in secure accommodation unless that authority has obtained the permission of the Secretary of State prior to such placement.

Section 21A(1) of the 1980 Act not to apply in certain exceptional cases

5. Section 21A(1) of the 1980 Act (use of accommodation for restricting liberty) shall not apply in respect of a child committed to the care of a local authority under section 23 of the Children and Young Persons Act 1969(**a**) (remand to care of local authorities) in the following cases—

(a) where the child is charged with or convicted of an offence imprisonable in the case of a person aged 21 or over for 14 years or more, or

(b) where the child is charged with or convicted of an offence of violence, or has been previously convicted of an offence of violence,

and in either case it appears that any accommodation other than that provided for the purpose of restricting liberty is inappropriate because that child is likely to abscond from such accommodation, or to injure himself or other people if he is kept in any such accommodation.

Duty to inform care authority of placement

6. Where a child in the care of a local authority is placed in secure accommodation which is not managed by his care authority the local authority which manages that accommodation shall inform the care authority within 24 hours of the placement.

Maximum period in accommodation for restricting liberty without juvenile court authority

7. The maximum period beyond which a child in the care of a local authority may not be kept in accommodation provided for the purpose of restricting liberty without the authority of a juvenile court is 72 hours, whether consecutively or 72 hours in aggregate in any consecutive period of 28 days.

Maximum period of authorisation by juvenile court

8. Subject to regulation 9, the maximum period for which a juvenile court may authorise a child in the care of a local authority to be kept in accommodation provided for the purpose of restricting liberty is 3 months.

Further periods of authorisation by juvenile court

9. Â juvenile court may from time to time authorise a child in the care of a local authority to be kept in accommodation provided for the purpose of restricting liberty for any further period not exceeding 6 months.

(**a**) 1969 c. 54.

Duty to inform parents and others in relation to children in secure accommodation

10. Where a child in the care of a local authority is kept in secure accommodation and it is intended to seek the authorisation of a juvenile court to keep the child in that accommodation, the child's care authority shall as soon as possible inform the child's parent or guardian, if practicable, and the child's independent visitor, if one has been appointed, of such intention.

Appointment of persons to review placement in secure accommodation

11. Each care authority shall appoint at least two persons who shall review at intervals not exceeding three months the case of each child in the care of that authority where that child continues to be kept in secure accommodation.

Review of placement in secure accommodation

12.—(1) The persons appointed under regulation 11, in addition to satisfying themselves in relation to each case which they review that the criteria for keeping the child in secure accommodation continue to apply, shall satisfy themselves that the placement in such accommodation continues to be appropriate and in doing so shall have regard to the future requirements of the child whose case is being reviewed.

(2) In undertaking the review referred to in paragraph (1) the persons appointed shall ascertain and take into account the views of—

(a) the child, and

(b) the parent or guardian of the child, if practicable, and

(c) any other person who has had the care of the child, whose views the persons appointed consider should be taken into account, if practicable, and

(d) the child's independent visitor, if one has been appointed, and

(e) the local authority managing the secure accommodation in which the child is placed, if that authority is not his care authority.

(3) The care authority shall inform all those whose views are required to be taken into account under paragraph (2) of the outcome of the review.

Records to be kept in respect of a child in secure accommodation

13. Whenever a child is placed in secure accommodation the local authority which manages that accommodation shall ensure that a record is kept as to—

(a) the name, date of birth, sex and age of that child on placement in secure accommodation, and

(b) the care order or other statutory provision by virtue of which the child is in the community home and in either case particulars of any other local authority involved with the placement of the child in that home, and

(c) the date and time of his placement in secure accommodation, the reason for his placement, the name of the officer authorising the placement, and where the child was living before such placement, and

(d) all those informed by virtue of regulations 6, 10 and 12, court orders made by virtue of section 21A of the 1980 Act and reviews undertaken in respect of the child by virtue of regulation 12, and

(e) the date and time of his discharge and his residence following discharge from secure accommodation,

and these records shall be available for inspection by the Secretary of State who may require that copies of them be sent to him at any time.

Revocation of regulations 11 to 14 of the 1972 Regulations

14. Regulations 11, 12, 13 and 14 of the 1972 Regulations are hereby revoked.

Signed by authority of Secretary of State for Social Services.

K. Clarke,
Minister of State,
Department of Health and Social Security.

28th April 1983.

Nicholas Edwards,
Secretary of State for Wales.

28th April 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide that accommodation used for the purpose of restricting the liberty of children in community homes must be approved by the Secretary of State and impose requirements in respect of the placing of children in such accommodation.

The Regulations specify exceptional cases where the criteria provided by section 21A(1) of the Child Care Act 1980 (as inserted by section 25 of the Criminal Justice Act 1982) for placing and keeping children in care in accommodation provided for the purpose of restricting liberty are not to apply in relation to children committed to the care of a local authority under section 23 of the Children and Young Persons Act 1969 (children remanded or committed for trial).

The Regulations specify 72 hours as the maximum period beyond which a child in the care of a local authority may not be kept in accommodation provided for the purpose of restricting liberty without the authority of a juvenile court. They also specify 3 months as the maximum period for which a juvenile court may authorise a child to be kept in such accommodation and empower a juvenile court from time to time to authorise further periods not exceeding 6 months.

The Regulations also revoke regulations 11 to 14 of the Community Homes Regulations 1972 which are superseded by these Regulations.

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