
WELSH STATUTORY INSTRUMENTS

2018 No. 391

**The Children (Secure Accommodation)
(Wales) (Amendment) Regulations 2018**

Amendments to the Secure Accommodation Regulations

2.—(1) The Secure Accommodation Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (4) of regulation 1 (title, commencement, interpretation and application), for the definition of “secure accommodation” substitute—

““secure accommodation” (*“llety diogel”*), unless the wording indicates that its meaning is restricted to accommodation in Wales, means accommodation which is provided—

- (a) in Wales for the purpose of restricting the liberty of children to whom the criteria in paragraphs (a) or (b) of section 119(1) of the Act apply,
- (b) in England for the purpose of restricting the liberty of children to whom the criteria in paragraphs (a) or (b) of section 25(1) of the Children Act 1989⁽¹⁾ apply, or
- (c) by a secure accommodation service in Scotland as defined in paragraph 6 of Schedule 12 to the Public Services Reform (Scotland) Act 2010⁽²⁾.”

(3) For paragraph (5) of regulation 1 substitute—

“(5) In these Regulations references to the registration of a secure accommodation service in Wales, or a person who is registered in respect of such a service in regulations 8, 9 and 12 are references to registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016⁽³⁾.”

(4) In regulation 4 (applications to court), for paragraph (2) substitute—

“(2) But where regulation 16(1)(a) of these Regulations applies to modify section 119 of the Act so that it applies in relation to children, other than those being looked after by a local authority, who are being provided with accommodation provided or arranged by a Local Health Board, National Health Service Trust or a local authority in the exercise of education functions, then applications to court can only be made by the Local Health Board or the National Health Service Trust which is providing or arranging the accommodation or by the local authority which is arranging the accommodation.

(3) Where regulation 16(1)(b) of these Regulations applies to modify section 119 of the Act so that it applies in relation to children, other than those being looked after by a local authority, who are being provided with accommodation in an independent hospital or a care home, then applications to court can only be made by the independent hospital or care home which is providing the accommodation.”

(5) In regulation 6 (maximum period of authorisation by the court)—

(1) 1989 c. 41.

(2) Paragraph 6 of Schedule 12 to the Public Services Reform (Scotland) Act 2010 ([asp 8](#)) defines a “secure accommodation service” as a service which (a) provides accommodation for the purpose of restricting the liberty of children in residential premises where care services are provided; and (b) is approved by the Scottish Ministers for that purpose.

(3) 2016 anaw 1.

- (a) in paragraph (1)—
 - (i) after “paragraph (2)” insert “of this regulation and regulation 7”;
 - (ii) after “secure accommodation” insert “in Wales”; and
- (b) in paragraph (2) after “secure accommodation” insert “in Wales”.
- (6) In paragraph (1) of regulation 7 (maximum period of authorisation for remanded children), after “secure accommodation” insert “in Wales”.
- (7) For regulation 8 (placement in a children’s home which is registered) substitute—

“8. A local authority may only place a looked after child in secure accommodation—

 - (a) provided in Wales by a secure accommodation service in respect of which the provider is registered,
 - (b) in a home in England which is registered under Part 2 of the Care Standards Act 2000 as a children’s home providing accommodation for the purpose of restricting liberty, or
 - (c) provided by a secure accommodation service in Scotland.”
- (8) For the heading of regulation 8 substitute “Placement in a regulated setting”.
- (9) For regulation 9 (duty to give information of placement in secure accommodation) substitute—

“9.—(1) Where a child is placed in secure accommodation in premises in Wales at which a secure accommodation service is provided by a person other than the local authority which is looking after the child, the person registered in respect of that service must inform the local authority or local authority in England which is looking after the child that the child has been placed there within 12 hours of the placement beginning.

(2) The local authority or local authority in England looking after the child must then confirm to the registered person—

 - (a) its authorisation for the child to be held in secure accommodation;
 - (b) the period of authorisation;
 - (c) details of any order made by a court authorising the placement.”
- (10) For regulation 12 (records to be kept in respect of a child in secure accommodation in a children’s home) substitute—

“12. When a child is placed in secure accommodation in premises in Wales at which a secure accommodation service is provided the persons who are registered to provide a secure accommodation service in respect of those premises must maintain a record for that child which includes—

 - (a) the name, date of birth and sex of that child;
 - (b) details of the care order or other statutory provisions by virtue of which the child is placed in the premises at which a secure accommodation service is provided;
 - (c) details of the local authority or local authority in England placing the child and the name of the authorising officer;
 - (d) the date and time of the start of the placement in secure accommodation;
 - (e) the reason for the placement;
 - (f) the address of the place where the child was living before the placement;
 - (g) the names and relevant details of the persons informed by virtue of regulation 5 of the child’s placement;

- (h) details of any court orders made in respect of the child under section 119 of the Act;
 - (i) details of reviews undertaken under regulation 11;
 - (j) the date and time of any periods when the child is locked on his own in any room other than his bedroom during normal bedtime hours, the name of the person authorising this action, the reason for it and the date on which and time at which the child ceased to be locked in that room;
 - (k) the date and time of the child's discharge and the child's address following discharge from secure accommodation."
- (11) In the heading of regulation 12, for "children's home" substitute "regulated setting".
- (12) In paragraph (1) of regulation 15 (detained children to whom section 119 applies subject to modifications: children detained under the Police and Criminal Evidence Act 1984), after "local authority" insert "or local authority in England".