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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 205**

**The Secure Accommodation (Scotland) Regulations 2013**

**Placement in secure accommodation of children subject to a relevant order which does not include a secure accommodation authorisation**

**8.**—(1) A child in relation to whom a relevant order is in force which does not include a secure accommodation authorisation may only be placed and kept in secure accommodation where, after the order is made, or granted, as the case may be, the circumstances in paragraph (2) apply.

(2) Those circumstances are—

- (a) that the chief social work officer and the head of unit are satisfied with respect to the child that one or more of the conditions in paragraph (3) is satisfied in respect of the child;
- (b) that the chief social work officer and the head of unit are satisfied that placement in secure accommodation would be in the best interests of the child; and
- (c) that the chief social work officer is satisfied in relation to the placing of the child in the residential establishment providing the secure accommodation, that the placement in that establishment is appropriate to the child's needs having regard to the residential establishment's statement of functions and objectives.

(3) The conditions mentioned in paragraph (2)(a) are—

- (a) that the child has previously absconded and is likely to abscond again and, if the child were to abscond, it is likely that the child's physical, mental or moral welfare would be at risk;
- (b) that the child is likely to engage in self-harming conduct; or
- (c) that the child is likely to cause injury to another person.

(4) A relevant order is—

- (a) an interim compulsory supervision order;
- (b) a medical examination order.

(5) Where the child is placed in secure accommodation under paragraph (1) the chief social work officer must immediately, in writing, inform—

- (a) each relevant person in respect of the child;
- (b) the Principal Reporter.

(6) Where a child has been placed in secure accommodation in accordance with paragraph (1), the Principal Reporter must—

- (a) where an interim compulsory supervision order was made by a children's hearing under section 92 or 120 of the 2011 Act, arrange a children's hearing to take place under section 119 of the 2011 Act before the expiry of the period of 72 hours of the child being placed in secure accommodation;
- (b) where an interim compulsory supervision order was made by a children's hearing under section 93 or 96 of the 2011 Act, arrange a children's hearing to take place under section 96(2) of the 2011 Act before the expiry of the period of 72 hours of the child being placed in secure accommodation;

- (c) where an interim compulsory supervision order was made by a children's hearing under section 96 of the 2011 Act and the children's hearing would be prevented from making a further interim compulsory supervision order by virtue of section 96(4) of the 2011 Act, make an application for an extension or variation of the interim compulsory supervision order under section 98 of the 2011 Act;
- (d) where an interim compulsory supervision order was made by the sheriff under section 98, 99 or 100 of the 2011 Act, apply before the expiry of the period of 72 hours of the child being placed in secure accommodation to the sheriff for a further extension of the interim compulsory supervision order under section 99 of the 2011 Act;
- (e) where the interim compulsory supervision order was made by the sheriff under section 109, 115 or 117 of the 2011 Act, arrange a children's hearing to take place under section 119 of the 2011 Act before the expiry of the period of 72 hours of the child being placed in secure accommodation; or
- (f) where a medical examination order was made by the children's hearing under section 92 or 120 of the 2011 Act, arrange a children's hearing to take place under section 119 of the 2011 Act before the expiry of the period of 72 hours of the child being placed in secure accommodation.