
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 205

The Secure Accommodation (Scotland) Regulations 2013

Placement in secure accommodation of looked after children

9.—(1) A child who falls within paragraph (2) may only be placed and kept in secure accommodation where the circumstances in paragraph (3) are satisfied.

(2) A child falls within this paragraph if the child is—

- (a) being provided with accommodation by a local authority under section 25 of the Children (Scotland) Act 1995; or
- (b) subject to a permanence order.

(3) The 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 referred to in paragraph (4) is satisfied and that placement in secure accommodation is in the best interests of the child;
- (b) 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.

(4) The conditions 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;
- (c) that the child is likely to cause injury to another person.

(5) On a child being placed in secure accommodation under paragraph (1) the chief social work officer must—

(a) immediately notify—

- (i) the child's parents;
- (ii) each relevant person in respect of the child;
- (iii) any person other than a relevant person who appears to the chief social work officer to have (or to recently have had) a significant involvement in the upbringing of the child;
- (iv) the Principal Reporter;

(b) immediately, and in any event not later than 24 hours from the time of the placement, refer the child's case to the Principal Reporter and provide the Principal Reporter with the information mentioned in paragraph (6).

(6) The information is—

- (a) details of the placement in secure accommodation including details of any subsequent placement in secure accommodation and release;
- (b) details of any previous placement in secure accommodation;

- (c) the reasons why the chief social work officer believes that the child may be in need of compulsory measures of supervision;
- (d) the reasons why at the time of the placement in secure accommodation the chief social work officer was satisfied that one of the conditions in paragraph (4) was met and the reasons why, at the time of writing, the chief social work officer continues to be so satisfied or otherwise;
- (e) the views of the chief social work officer and head of unit on whether or not the child should continue to be detained in secure accommodation.