



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 9

SECURE CHILDREN'S HOMES AND SECURE 16 TO 19 ACADEMIES

163 Temporary release from secure children's homes

- (1) This section applies to a person who is detained in a secure children's home in pursuance of—
 - (a) a sentence of detention,
 - (b) a detention and training order or a further detention order,
 - (c) a detention order under Schedule 5A to the Policing and Crime Act 2009 (breach of gang injunction), or
 - (d) a detention order under Schedule 2 to the Anti-social Behaviour, Crime and Policing Act 2014 (breach of anti-social behaviour injunction).
- (2) The Secretary of State or the manager of the home may temporarily release a person to whom this section applies.
- (3) A temporary release under this section may be granted subject to conditions.
- (4) A person who is temporarily released under this section may be recalled at any time by the Secretary of State or the manager of the home (irrespective of which of those granted the release).
- (5) A manager of a secure children's home must have regard to any guidance issued by the Secretary of State about the use of powers of temporary release under this section.
- (6) In this section—

“detention and training order” has the same meaning as in the Sentencing Code (see section 233 of that Code) and includes an order made under

Status: This is the original version (as it was originally enacted).

section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 211 of the Armed Forces Act 2006;

“further detention order” has the same meaning as in Schedule 12 to the Sentencing Code (see paragraph 1 of that Schedule) and includes an order made under section 104(3) of the Powers of Criminal Courts (Sentencing) Act 2000 and a further detention order made by virtue of section 213 of the Armed Forces Act 2006;

“manager”—

- (a) in relation to a secure children’s home in England, means the person who is registered under Part 2 of the Care Standards Act 2000 as the manager of the home or, in a case where no such person is registered, the person who is registered under that Part as the person who carries on the home;
- (b) in relation to a secure children’s home in Wales, means the person who is designated as the responsible individual in respect of the home for the purposes of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;

“secure children’s home”—

- (a) in relation to England, means a children’s home, within the meaning of section 1 of the Care Standards Act 2000, which provides accommodation for the purposes of restricting liberty;
- (b) in relation to Wales, means residential premises which provide a secure accommodation service within the meaning of Part 1 of the [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#).

- (7) In section 49 of the Prison Act 1952 (persons unlawfully at large), after subsection (4) insert—

“(4ZA) For the purposes of this section a person who, after being temporarily released in pursuance of section 163 of the Police, Crime, Sentencing and Courts Act 2022 (temporary release from a secure children’s home), is at large at any time during the period for which they are liable to be detained pursuant to their sentence shall be deemed to be unlawfully at large if the period for which they were temporarily released has expired or if they have been recalled under that section.”

164 Secure 16 to 19 Academies

- (1) In section 1B of the Academies Act 2010 (16 to 19 Academies), at the end insert—

“(4) A 16 to 19 Academy may provide secure accommodation for its students, but only if it is approved to do so by the Secretary of State.

(5) “Secure accommodation” means accommodation that is provided for the purpose of restricting liberty.

(6) The Secretary of State may grant approval under subsection (4) subject to conditions.

(7) A 16 to 19 Academy which provides secure accommodation for its students is to be known as a secure 16 to 19 Academy.”

- (2) In section 12 of that Act (charitable and trust corporation status of Academy proprietors etc), at the end insert—

Status: This is the original version (as it was originally enacted).

- “(5) The setting up, establishment and running of a secure 16 to 19 Academy is to be treated as a charitable purpose that falls within the description in section 3(1)(b) of the Charities Act 2011 (advancement of education) for the purposes of—
- (a) this section,
 - (b) the Charities Act 2011, and
 - (c) any other enactment that applies (in whatever way) the definition of “charitable purpose” in section 2 of that Act.
- (6) But subsection (5) is to be disregarded in determining, in accordance with section 3(1)(m) of the Charities Act 2011, whether a purpose may be regarded as analogous to, or within the spirit of, a purpose falling within paragraph (b) of section 3(1) of that Act.”
- (3) In section 248(1) of the Sentencing Code (meaning of “youth detention accommodation”), after paragraph (b) insert—
- “(ba) a secure 16 to 19 Academy.”.
- (4) In the Children’s Homes (England) Regulations 2015 (S.I. 2015/541)—
- (a) in regulation 2 (interpretation), in paragraph (1), in the definition of “secure children’s home”—
 - (i) after “means” insert “—
 - (a) ”;
 - (ii) at the end insert “; or
 - (b) a secure 16 to 19 Academy (see section 1B(4) to (7) of the Academies Act 2010);”;
 - (b) in regulation 3 (excepted establishments)—
 - (i) in paragraph (1)(b), for “as” substitute “other than a secure 16 to 19 Academy, as those terms are”;
 - (ii) omit paragraph (1A).