
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose requirements in relation to the placement of children in secure accommodation.

Regulation 2 sets the maximum period which a local authority can hold a child in secure accommodation without authorisation from a court. Regulation 3 imposes procedural requirements on the local authority in relation to such arrangements.

Regulation 4 imposes restrictions on who may apply to a court for authorisation to hold a child in secure accommodation. Regulation 5 requires local authorities to notify certain people when making such an application and regulations 6 and 7 set the maximum periods which a court may authorise.

Regulation 8 prevents a local authority from placing a child in secure accommodation anywhere other than a children's home registered for that purpose. Regulations 9, 10 and 11 deal with the requirements for notification of such a placement and the requirements local authorities to make arrangements to review secure placements. The persons reviewing a placement must make a recommendation to the local authority about whether the placement should continue. Regulation 12 sets out the records which must be maintained in relation to secure placements.

Regulations 13 to 16 deal with how section 119 of the Social Services and Well-being (Wales) Act 2014 ("the Act") applies to particular groups of children. Regulation 13 requires local authorities to have the approval of the Welsh Ministers before placing a child under the age of 13 in secure accommodation. Regulation 14 identifies certain categories of children to whom section 119 of the Act does not apply and section 15 identifies certain children in relation to whom the test set out in section 119 is modified. Section 16 provides for persons other than local authorities who are looking after children to make applications to hold a child in secure accommodation and for modification of the provisions of section 119 to fit those circumstances.

Regulations 17, 18 and 19 deal with consequential and incidental amendments to regulations which have application in relation to Wales prior to the coming into force of these Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained by contacting the Health and Social Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.