

Falkirk Health & Social Care Partnership

Secure Care Accommodation Staff Practice Guidance

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Contents

1. Introduction	p. 3
2. Secure Care Pathway and Standards	p. 4
3. Children's Rights	p. 5
4. What is Secure Care Accommodation?	p. 6
5. Secure Care Accommodation as a last resort	p. 8
6. Request for Secure Care Accommodation	p. 10
7. Authorisation for Secure Care made by the Children's Hearing	p. 12
8. Children and Young People who are supported under Section 25 of the Children (Scotland) Act 1995.	p. 14
9. Children & Young People who need to be placed in Secure Care Accommodation in an emergency.	p. 15
10. Reviews of Children & Young people placed in Secure Care Accommodation	p. 16
11. Requests for review of decisions by CSWO or appeals.	p.18
12. Secure Care Accommodation for Children & Young people in conflict with the law who are detained following court.	p. 19
13. Leaving Secure Care Accommodation	p. 21
14. Useful links and required paperwork	p. 23

Introduction

The purpose of this guidance is to support Children's Social Work Services and multi-agency partners in considering, requesting, implementing and reviewing secure care accommodation. It provides a practice framework, outlines legal requirements and sets out local expectations for supporting children who are in, on the edge of, or moving on from secure care.

In line with the most up to date legislation, policy and best practice guidance, Falkirk Council want to ensure that children and young people who are placed in secure care accommodation have their rights respected and receive support that is trauma informed, in keeping with the ambitions of the Promise.

The conditions for placing a child/young person in secure accommodation are set out in section 83(6) Children's Hearings (Scotland) Act 2011:

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

Secure care accommodation may be **authorised** by the Children's Hearing or the Court with reference to the Children's Hearing (Scotland) Act 2011. However, it is **implemented** by the Chief Social Work Officer (CSWO) of the local authority and the Head of the relevant Secure Unit. The child or young person may only be placed in secure accommodation for as long as the Chief Social Work Officer and the Head of the Secure Care provision considers it necessary, if at all. They must agree that at least one of the above and both of the following apply:

- a) Secure care accommodation is in the best interest of the child or young person.**
- b) That the facility providing secure care accommodation is able to meet the needs of the child or young person.**

There is also a duty placed on the CSWO to regularly **review** the case and confirm whether these conditions continue to be met, and that the placement in secure care accommodation continues to be in the child's best interests. Specific guidance in relation to **reviews** can be found in **section 10. Reviews of Children & Young people placed in Secure Care Accommodation**

1. Secure Care Pathway and Standards Scotland

The Secure Care Pathway and Standards Scotland have been co-produced with children and young people who have experience of secure care accommodation and provide all practitioners supporting children who are in or on the edge of secure care with clear expectations to improve practice.

The Pathway and Standards set out what all children in or on the edges of secure care in Scotland should expect across the continuum of intensive supports and services. They provide a framework for ensuring the rights of children and young people are respected and improve experiences and outcomes.

Who are these standards for?

- Children and young people, their parents/carers, families and advocates to understand what their rights are and what they should expect from corporate parents and professionals when being intensively supported in the community or a secure care setting.
- All corporate parents to inform strategic decisions on resource priorities, service design, commissioning, joint working arrangements, self-evaluation and individual support to children and their families.
- Secure care services in their strategic and operational development, and self-evaluation.
- Regulators and inspectorates as part of their future scrutiny and improvement plans.

The most up to date version can be found via this [link](#).

2. Children's Rights.

The Promise Scotland was established in March 2021 with a dual responsibility of oversight of progress towards Scotland's commitment to Keep The Promise and to provide support for its delivery by leading, collaborating, and driving change. One of "the fundamentals" of change that The Promise Scotland set out in its Plan 21-24 is "to respect children's rights".

The United Nations Convention on the Rights of the Child (UNCRC) is now incorporated into Scots law and is critical to ensuring children's rights are at the centre of all decision-making. Under this Act all children will be considered children up to their 18th birthday regardless of their legal status, such as on a compulsory supervision order (CSO) or not. All public authorities will have to protect the rights of every child and act compatibly with UNCRC requirements when carrying out functions to which the Act applies.

Whilst secure care accommodation in Scotland strives to provide holistic, child-centred, rights respecting environments and care, this should still only be required for a very small number of children and young people. Regardless of whether a child or young person is in a welfare or justice orientated system the responses must be rights respecting. We must devise individualised, developmentally and trauma informed plans that are designed for each child taking account of their lived experience.

The range of adversity and trauma children and young people may experience, and the prevalence and interconnection of these adversities reinforces why children *"must be treated with humanity and respect for their inherent dignity, in a manner that takes into account their age and specific needs* (UNCRC). Critically, where there is the possibility a child may be deprived of their liberty, *"there must be the possibility that an alternative measure"* (JODA, 2013) can be put in place. More guidance in relation to this can be found in section 5.

Falkirk Council is committed to respecting, upholding, promoting and defending the human rights of children and young people on the edges of and in Secure Care in line with the aims of The Promise. Secure Care settings also must uphold children's rights. The child or young person's social worker must ensure that advocacy and/or legal representation is arranged for them. The websites and organisations below are some of the places that children and young people can access advocacy.

<https://enquire.org.uk/service/falkirk-childrens-rights-service/>

<https://www.whocaresscotland.org/>

<https://www.clanchildlaw.org/>

3.What is Secure Care Accommodation?

Secure Care Accommodation is one of the most intensive and restrictive forms of care available to children and young people in Scotland.

“No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of the last resort and for the shortest appropriate period of time.”

Article 37(b) UNCRC

The Secure Accommodation (Scotland) Regulations 2013 and Public Service Reform (Scotland) Act 2010 define secure accommodation as **accommodation provided for the purpose of restricting the liberty of children in a residential establishment, where care services are provided**. Children can be cared for in locked care settings up to the age of 18 due to extremely high levels of need, risk and vulnerabilities experienced in these children’s lives. Secure Care aims to provide intensive support, care and education to keep these children safe and to meet their needs, improve wellbeing and promote positive outcomes. Placement in secure care can be necessary and provide the right interventions for children to protect them and keep them and others safe at certain points in their lives (CYCJ, 2020a; Independent Care Review, 2020).

Children in secure care can be placed there through:

- **The Children’s Hearings System.**
- **The Justice System having been remanded or sentenced at Court.**
- **Via powers of the Chief Social Work Officer – The Chief Social Work Officer in Falkirk is Sara Lacey. Sara reviews recommendations about placing and removing children and young people from Secure Care and she has specific powers to make decisions about this.**
- **Temporary Police powers.**

Scotland has four secure care centres. Contact details and information about placement vacancies can be found at <https://www.sanscotland.org/>.

- **The Good Shepherd Centre**
- **Kibble Safe Centre**
- **Rossie Secure Accommodation Services**
- **St Mary’s Kenmure**

Each secure care centre has several locked children's houses. Each house has individual en-suite bedrooms and each with its own communal living, dining, and relaxation spaces. The individual children's houses are connected to a school or education base, recreational spaces, activities rooms and areas where children and young people can spend time with family and other people they care about. The secure care centres are staffed at all times.

Secure care is first and foremost a form of care, aiming to provide therapeutic, trauma-informed care and support. Secure care centres are approved and licenced by the Scottish Government and registered, monitored and inspected by the Care Inspectorate and Education Scotland. It is important that children and young people are involved in the decision to place them in secure accommodation. They should be supported to understand why it is in their best interest to be there by their social worker and/or advocate. Links to advocacy can be found in section 13.

4. Secure Care Accommodation as a last resort.

Alternatives to secure care should always be considered and assessed as required under section 97 of the Children's Hearing (Scotland) Act 2011. Most young people can be cared for within a community-based setting and this should be considered the preferred way.

Depriving a child of their liberty infringes on one of their most fundamental human rights and impinges on associated rights to freedom of association and family life. Under Article 37 of the UNCRC "...no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention, or imprisonment of a child...shall be used only as a measure of last resort and for the shortest appropriate period of time". If this right is to be upheld, all professionals must understand the legal routes into secure care and consider the options available as an alternative to placing a child in secure care accommodation on a case-by-case basis when engaging in the risk assessment process.

What can be considered as an alternative to secure care accommodation?

- **Intensive community-based supports.**

Where possible, the Team Around the Child (TAC) will access intensive community-based supports as an alternative to secure care accommodation to manage, reduce risk and prevent the need for secure care accommodation. Social workers will be able to access information on available resources they can refer to from Social Work Assistant Team Managers, Social Work Team Managers and Locality Managers. This will create opportunities to design individualised, needs led packages of support for children as an alternative to secure care accommodation.

- **Care and Risk Management planning and registration**

Care And Risk Management (CARM) [national guidance](#) is applicable with children and young people aged 12 to 18 years where any or all of the following may be present:

- sexually harmful behaviour and/or violence is displayed.
- intent and potential for harm requires formal risk management processes.
- a pattern of behaviour suggests a more serious incident may be imminent.
- where a child or young person has been involved in an incident of a serious nature

(Irrespective of the legal status of the incident).

CARM is a multi-agency framework designed to assist with the early identification, assessment and management of children who display **behaviours assessed as being harmful to themselves or others.**

Falkirk Council ensure that needs are met in line with Getting It Right for Every Child, and links are made with the Child's Plan and Child Protection procedures. Through the [CARM](#) process, the risk of harm presented by aspects of a children's behaviour will be managed effectively and minimised through effective communication, information sharing, assessment, multi-agency decision making and the implementation of effective risk management plans.

- **Child Protection planning and registration**

All children in Scotland have the right to be protected from abuse or neglect.

There is extensive [evidence](#) highlighting that children who come into conflict with the law, or who are involved in more serious incidents are usually Scotland's most vulnerable, victimised and traumatised children. These children and young people may not only need protection from risks within the family home, but also from risks present external to the family home (such as in the wide range of other places and spaces they spend time (parks, shopping centres, schools, estates, streets etc). In which circumstances contextual safeguarding should be considered.

For the few children whose behaviour may present a risk of serious harm to others, it may be appropriate to address identified needs and risks under [child protection procedures](#).

- **Movement Restriction Condition – updated criteria (applicable from 1/3/2027)**

A **Movement Restriction Condition (MRC)** is a plan, agreed formally by a Children's Hearing as part of a child's Compulsory Supervision Order, that includes the use of an Electronic Monitoring Tag It **does not** need to meet the secure care criteria in order to be used. Under the updated framework introduced by the **Children (Care and Justice) (Scotland) Act 2024**, the test for applying an MRC is now **separate and distinct** from secure authorisation. An MRC may be considered where **a child's health, safety or development is at risk, or where the child is likely to cause physical or psychological harm to another person**, even where the threshold for secure care is not met. [\[legislation.gov.uk\]](#)

This change intentionally **decouples** the criteria for MRCs from those for secure care, enabling MRCs to act as a more flexible intervention and an alternative to deprivation of liberty.

This means that an MRC can be considered and applied without the need to convene a Secure Care Screening Meeting, as it no longer requires the secure care criteria to be met.

More detailed guidance on the practical use of MRCs, including assessment, decision-making and implementation can be found in the **separate national guidance** produced by the Children and Young People's Centre for Justice (CYCJ) (insert link once complete).

5. Request for Secure Care Accommodation

In most circumstances the request for secure care must be recorded on the ***APPLICATION FOR PLACEMENT OF YOUNG PERSON IN SECURE ACCOMMODATION*** paperwork (See Appendix 4). This will be completed during **The Secure Care Screening Meeting** and sent to the CSWO for consideration of authorisation. Children's rights, parents/carers and the young person can be invited if appropriate. Out of hours this will be completed as soon as practically possible or the next working day.

(Refer to Section 6 of this guidance for more information.)

Prior to **The Secure Care Screening Meeting**, included in the ***APPLICATION FOR PLACEMENT OF YOUNG PERSON IN SECURE ACCOMMODATION*** the social worker should provide:

1. The most up to date Child's Plan
2. The Integrated Lead Professional Assessment report
3. Any CARM/CP Formulation and Risk Assessment
4. Any other relevant assessments (e.g CAMHS, SaLT, Ed Psych, other psychological assessments etc)
5. An up-to-date chronology
6. Evidence of the Secure Criteria being met and evidence of why risk of harm cannot be managed in the community.
7. Evidence of the child or young person's views. Standard 5 of the Secure Care Pathway and Standards states the child or young person must be included in decision making. Therefore, it will only be in exceptional circumstances where the views of the child or young person are not included prior to a secure care decision being made. Where they are not included, it should be recorded clearly why this is the case and what attempts have been made to support the child or young person to give their views.

If secure care is made at very short notice and the child or young person's views cannot be gained prior to them going to stay there, their views will be obtained within 48 hours by the Social Worker ideally visiting the child or young person.

The child or young person's views should include their understanding of the reason for secure care being recommended, checking that they understand their rights including the right to appeal, and views on staying in touch with their family and friends while in secure care. The Lead Professional should ensure all views important to the child are gathered, recorded accurately and shared.

Views can be gathered in a range of ways including utilising the My View app, Children's rights, advocacy, or other creative methods and should take account of speech, language and communication needs (**links to relevant services can be found in section 3**).

8. Relevant person(s) views. Similarly, if the decision to place the child or young person in secure care accommodation is made at very short notice and the views of the child or young person's relevant person (s) have not been obtained, these should be gathered and clearly recorded by the Social Worker within 48 hours.
9. The views of the Head of the Secure Unit should be provided and their consent for the child to be placed within their service should be provided.

Following the Secure Care Screening Discussion, the completed template will be shared with the CSWO who will consider the request and confirm their decision to **authorise** or **not authorise** secure care accommodation. The reasons for the decision made will be clearly outlined and whether the criteria for secure care accommodation is met and in the best interest of the child.

The child or young person should be notified within **72 hours** of the CSWO decision in writing using the **Secure Care Accommodation Decision Letter (See Appendix 8)**.

Each relevant person to the child or young person.

- The Head of the Secure Care Accommodation Unit
- The Principal Reporter.

If the decision of the CSWO is to **authorise** secure care accommodation, the head of the Secure Care Accommodation has **48 hours** from receiving notification of the CSWO decision to send written notification of their decision and reasons for reaching that decision.

If the Head of the secure care accommodation agrees, the child or young person will be placed in secure care accommodation. However, if the Head of the secure care accommodation unit **does not** consent the CSWO must seek a review of the order containing secure care authorisation.

The Principal Reporter must hold a Children's Hearing within **72 hours** of receiving this notification.

If the decision of the CSWO does **not authorise** secure care accommodation an alternative package of support will be reviewed or developed. Guidance in relation to this can be found in the previous section **(5. Secure Care Accommodation as a last resort.)**.

If the decision of the CSWO is **not** to authorise secure care accommodation the social worker must clearly record this decision and reasons for this decision in the child or young person's file including **(See Appendix 1 for more information)**:

- a) The legal criteria are deemed not to be met.
- b) There has been a change in circumstances that means secure care accommodation would not be in the best interest of the child or young person.
- c) A suitable secure care accommodation placement is not available.
- d) The head of the secure care accommodation unit does not consent.
- e) Any other reasons.

6. Authorisation for Secure Care made by the Children's Hearing

Sections 83(6), 87(4) and 88(3) of the Children's Hearings (Scotland) Act 2011 specify the conditions which must be met for a Children's Hearing to authorise the use of secure accommodation. These 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.**

The Children's Hearing (Scotland) Act 2011 Act specifies that one or more of these conditions must be met to authorise the use of secure accommodation.

The 2011 Act further specifies under section 83(5)(a), section 87(3)(a) and section 88(2)(a) that a compulsory supervision order, medical examination order, or a warrant to secure attendance may include secure authorisation only if the residential establishment where the child should be placed is named in the order.

Having considered the other options available (including a movement restriction condition) the children's hearing is satisfied that it is necessary to include a secure accommodation authorisation in the order.

For this reason, it is important that social workers and/or other lead professionals who are recommending the use of secure accommodation, can demonstrate the range of other options that have been tried, considered and/or ruled out before they make a recommendation of secure care authorisation.

After a recommendation is made by a Children's Hearing or Court, it is then necessary under **Regulation 4 of The Children's Hearing (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013** ([link](#)) for the CSWO to make a professional assessment about whether or not to implement secure accommodation authorisation.

This requires reviewing the child's situation in order to determine if an implementation of the secure care accommodation authorisation is in the child's best interests and coming to a judgement about if a child continues to meet the secure conditions laid out in sections 83(6), 87(4) and 88(3) of the 2011 Act stated above.

This must be done within **72 hours** of receiving notification of the Hearing's decisions. If this is not done within 72 hours the CSWO will be deemed to have made a decision not to implement secure care accommodation authorisation. Therefore, it is important that the CSWO is provided with the information as detailed within **Section 6. Request for Secure Care Accommodation** as quickly as possible- to allow for decisions to be made within timescale. **See appendix 2 for the Outline of the Decision-Making Process.**

Following approval from the CSWO to implement the secure care accommodation authorisation, the “Secure Care Accommodation Decision Letter” must be sent to the following people:

- the Principal Reporter.
- the Child/Young Person’s Parents.
- all Relevant Persons.
- the Head of Unit.
- Lead Professional (when not the Social Worker).
- the Named Person.

The relevant finance department should be notified

An Individual Placement Agreement (IPA) should also be completed and sent to procurement and Commissioning team.

Following non-approval of secure from the CSWO the “Secure Care Accommodation Decision Letter” must be sent to the following people:

- the Principal Reporter.
- the Child/Young Person’s Parents.
- all Relevant Persons.
- the Head of Unit.
- Lead Professional (when not the Social Worker).
- the Named Person,

The above notifications must be sent following:

- The Children’s Hearing which initially authorised placement in secure accommodation (in an emergency this will have taken place within 72 hours of placement) and any subsequent Hearings.
- After the first review (7 days after placement).
- Monthly thereafter (following each required monthly review).

7. Children and Young People who are supported under Section 25 of the Children (Scotland) Act 1995

Section 25 sets out provision for local authorities to provide accommodation for “any child living, or found, within the area if they consider that to do so would safeguard or promote his welfare” (S25.2).

The definition of a “child” for the purposes of section 25 would cover any child under 18. If accommodation was to be provided under section 25 to a child aged 16 or over then this could only be done with their agreement.

The ability to place a child in secure care who is not subject to a Compulsory Supervision Order (CSO) with secure accommodation is governed by the Secure Accommodation (Scotland) Regulations 2013. The Children’s Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) Regulations 2013 apply to those where a CSO with secure accommodation authorisation is in place.

Where a child is not subject to a relevant order (including Permanence Orders or CSOs without a secure accommodation authorisation attached), the means by which they can be placed in secure care are limited. A Court can detain a child in Secure Care Accommodation (in terms of section 44 of the Criminal Procedure (Scotland) Act 1995), or the police under regulation 12 of the secure regulations where the police have kept the child in a place of safety under section 22 or 53 of the Criminal Justice (Scotland) Act 2016. Otherwise, they can only be placed in secure care if they are “looked after” and specifically if they are being provided with accommodation in terms of section 25 of the Children (Scotland) Act 1995.

In these situations, there are regulatory requirements on the CSWO and the Principal Reporter. The maximum period during which a child may be kept in secure accommodation without the authority of a Children’s Hearing or Sheriff is up to 72 hours in any period of 28 consecutive days. Placing a child in secure care by a local authority may trigger Children’s Hearing involvement and it is essential that the local authority notify the Principal Reporter immediately of any such placement. The Reporter will make a decision if a Children’s Hearing is to be convened and on what grounds within 96 hours. However, this cannot be on offence grounds for an offence that a child is appearing at court for as the Procurator Fiscal is dealing with that case.

The introduction of the Children (Care and Justice) (Scotland) Act 2024 amends section 199 of the Children’s Hearing (Scotland) Act 2011 which defines “child” for the purposes of that Act. **A child will now be defined as anyone under 18**, meaning all children can be referred to the Principal Reporter, if appropriate, where there are concerns for the child’s care or welfare, including the child’s involvement in offending behaviour.

Where a child is to be taken to and kept in a place of safety under certain child assessment/protection measures, the child could be placed in secure accommodation under any of these orders or by the police if the secure accommodation criteria (see below) are also met. Scottish Ministers can make provision by regulations about such placements (section 3).

8. Children & Young People who need to be placed in Secure Care

Accommodation in an emergency.

When a child or young person appears to meet the criteria for secure care accommodation the social worker should discuss this with their Team Manager.

If the Team Manager is in agreement with the risk assessment, they should contact their Locality Manager in the first instance then the CSWO and provide the reasons why secure care accommodation is felt to be necessary. Should they agree, a **Secure Care Screening Meeting** will be arranged, and the guidance detailed in **Section 4. Request for Secure Care Accommodation** should be followed. This will include providing the information required for the ***APPLICATION FOR PLACEMENT OF YOUNG PERSON IN SECURE ACCOMMODATION.***

For out of hours authorisation the Emergency Duty Team (EDT) will:

In the event of an emergency placement being required information will be gathered out of hours by any involved staff such as police/health/care providers and this will be discussed with A Locality Manager in social work. Requests will then proceed to the CSWO for consideration of all available information and assessment about whether the young person is meeting secure care criteria.

- If secure care is authorised, the CSWO signed authorisation will be sent on the same day to the Principal Reporter and the Head of secure care accommodation Unit. (The **secure accommodation decision letter** will be issued to all parties on the next working day.)

This will be sent electronically together with the supporting write up to the Falkirk generic mailbox (FalkirkMailbox@scra.gov.uk) to then be forwarded to the relevant children and family locality team mailbox.

As soon as possible within working hours the child or young person's social worker will then send the **Secure Care Accommodation Decision Letter** to

- the Child/Young Person's Parents.
- all Relevant Persons.
- Lead Professional (when not the Social Worker).
- the Named Person (this applicable given the challenge in legislation?)
- **The relevant finance department should be notified.**
- **An Individual Placement Agreement (IPA) should also be completed.**

The Principal Reporter must hold a Children's Hearing within **72 hours** of receiving this notification of secure authorisation.

9. Reviews of Children & Young people placed in Secure Care Accommodation.

Children must be fully involved and listened to in all discussions, decisions, recommendations and plans for their care and future planning (Article 12 UNCRC). Once a child is placed in secure care accommodation there is a duty on the CSWO to regularly review this decision to assess if secure care authorisation is in the child's best interest. The CSWO will make this decision following information given to them after Looked After Away from Home Reviews. These reviews will be attended by the Team Around the Child who will consider the updated assessments, recommend a child's plan and state if they believe the child continues to meet the secure criteria. **See Appendix 3 for specific details.**

The allocated social worker must ensure that the following Reviews take place to allow the CSWO to decide about the child's placement in secure accommodation: -

- A **first review within 7 days** of the placement start date chaired by the relevant social work Team Manager, Assistant Team Manager, or independent Child Care Review Officer.
- A **second review within 1 month** from the date of the first review chaired by an independent Child Care Review Co-Officer.
- Thereafter, **subsequent reviews within 1 month** from the date of the previous review chaired by an independent review officer to allow the CSWO to review their decision.
- The decision for a child or young person to remain in secure care accommodation will be based on information shared by the "Team Around the Child" at the review. This should be evidence based, informed by a thorough and up to date assessment and formulation of risk and include the views of everyone involved including the child or young person and their relevant people.
- Secure Care Accommodation Review **minute and plan** must be produced immediately after the review and sent to the CSWO for consideration. The **minute and plan** must and include:
 - Summary of the reasons why secure care accommodation was agreed to be appropriate.
 - Discussion of any changes from when the placement was made.
 - Evidence of what supports are in place (including access to advocacy/legal support).
 - Discussion about whether the child or young person continues to meet the criteria for secure care accommodation.
 - Confirmation of the recommendation for continued need for secure care accommodation (or not).

- Note of any disagreement.
- Assuming the CSWO approves continued secure care, that decision should be forwarded, by the social worker using secure email, to the relevant secure provision for Head of Unit to confirm agreement.
- The social worker, as the Lead Professional for the child or young person should ensure the information leading to the decision of the CSWO, and the decision itself, is communicated to the child or young person and their relevant person(s).
- The child or young person and their relevant people should be made aware of their right of appeal and may appeal either the decision of the CSWO to continue to implement Secure Authorisation or not to continue to implement Secure Authorisation.

10. Requests for review of decisions by CSWO or appeals.

The child and their relevant person(s) are required to be informed of their right to appeal against the decision to implement or not to implement a secure accommodation authorisation under section 162 of the Children's Hearings (Scotland) Act 2011. They should also be informed that they may request a review of the decision where the decision is not to implement a secure accommodation authorisation. Such a review is additional to the right of appeal under section 162. To ensure the child and their relevant person understand that they have these rights, it would be good practice to include in the notification some statement about their right to request a review of decisions and the timescales involved. The child or relevant person can appeal within 21 days of the decision to the sheriff against the decision of the Children's Hearing or the CSWO. This appeal will be heard within 3 days.

Requests for Review of CSWO Decision

Where the CSWO decides to implement/not to implement the Secure Accommodation Authorisation, the child/young person and each Relevant Person in respect of the child may request a review of that decision by the CSWO (Regulation 7). On receipt of such a request, the CSWO must review their decision within **72 hours** of receiving that request. This review by the CSWO should follow the same consultation and notification process as required for the reviews detailed above in section 9 of this procedure.

Appeals to Sheriff

The child/young person or Relevant Persons may appeal to the Sheriff with reference to Section 162, Children's Hearings (Scotland) Act 2011. They can do this independently. However, good practice would be to suggest they appoint a legal representative. The appeal can be made in respect of the decision of the CSWO to:

- implement a secure accommodation authorisation (Regulation 12).
- not to implement a secure accommodation authorisation (Regulation 13).
- to remove a child/young person from secure accommodation.

Appeals against CSWO to detain a child in secure care accommodation.

- Appeals can be made by the child plus one or more relevant person(s) or two or more relevant persons.
- Appeals must be made within 21 days of decision by CSWO.
- Appeal is made to the Sheriff and must be heard in private.
- It must be disposed of within 3 working days following the day the appeal was made.

- The Sheriff may wish to hear evidence or request a report, including from the CSWO or SW (See appendix 3 for more detailed information).

11. Secure Care Accommodation for Children & Young people in conflict with the law who are detained following court.

Police Powers

Where Police Scotland believes a person is under 16 years old, or where a child is aged 16-17 years old and is subject to a CSO or ICSO and requires to be kept in a place of safety until they can be brought to court, the child can be placed in secure accommodation in certain circumstances.

Children on Remand

For children under 16 years old placed on remand, the local authority is responsible for the placement, payment for this placement, and transport to and during the child's time in secure care.

The local authority must have received a warrant from the court requiring that the child is remanded to secure accommodation or if the child has been committed to the care of the local authority, and agreement has been reached between the CSWO and the Head of the relevant of the secure unit that this placement is necessary.

Children who have been sentenced

For children sentenced under section 44 of the Criminal Procedure (Scotland) Act 1995: Children can be sentenced under s.44 where they have appeared at court and have pled or been found guilty of an offence and the Sheriff has ordered that the child be detained in residential accommodation. It is for the local authority to determine the appropriate residential placement, and this can include secure accommodation if the requirements under regulation 11 of the Secure Accommodation (Scotland) Regulations 2013 are met (see section 5). The child may only be kept in secure accommodation for so long as the CSWO and Head of the secure unit considers necessary. The local authority is responsible for the placement, payment for this placement and transport to and during the child or young person's stay in secure care.

For children sentenced under sections 205(2) (all children under 18 convicted of murder) or section 208 (that is a child aged under 16 or aged 16/17 and subject to a Compulsory Supervision Order convicted under solemn procedures) of the Criminal Procedure (Scotland) Act 1995: The Scottish

IN CONFLICT WITH THE LAW

For children who commit very serious crimes there is an option for them to be jointly reported to the children's reporter and the procurator fiscal and together they will decide whether prosecution through the court is appropriate. The court may then sentence, or alternatively return the young person to the hearing to be dealt with. A young person who appears in court accused of an offence, where bail is not considered appropriate, can be remanded to the care of the local authority responsible for them under section 51 of the Criminal Procedures (Scotland) Act 1995. Local authorities are then responsible for placing that young person in secure care.

Government is responsible for the placement, payment for this placement and transport to and during the child's stay in secure care.

For children sentenced under section 44 of the Criminal Procedure (Scotland) Act 1995 the role of Local Authority is to procure an appropriate secure placement via linking and matching discussions.

For children or young people sentenced under sections 205(2) or 208 of the Criminal Procedure (Scotland) Act 1995 (as detailed above): The Children and Young Person's (CYP) Placement Manager at Scottish Government must have received a warrant from the court and completed a placement order detailing which secure unit the child will go to. All documentation is managed via Scottish Courts and Tribunal Service.

Remittal to Children's Hearing System from Court.

All children aged 12 to 18 years can be remitted from the Court to the Children's Hearing System unless the sentence is fixed by law s.49 (5) Criminal Procedure (Scotland) Act 1995. For children and young people subject to a Compulsory Supervision Order/Interim Compulsory Supervision Order then the High Court may, and the Sheriff Court will, obtain advice from the Children's Hearing System, at which point the courts involvement ceases, unless the child appeals the decision to remit to the Children's Hearing System.

12. Leaving Secure Care Accommodation

The decision for a child or young person to leave secure care will be made by either the CWSO, the Children's Hearing System or the Court.

Where a children's hearing or a sheriff makes the decision to terminate a Secure Care placement this is with immediate effect.

Where the CSWO makes the decision to terminate secure care this will be based on information provided by the 'Team around the Child' and clearly evidenced in the Child's Plan and Secure Care Accommodation Review Minute. This will ensure that the decision is evidence based, informed by a robust, up to date multi agency assessment and formulation of risk. This decision should include the views of the child or young person and their relevant people.

The CSWO is responsible for withdrawing the implementation of secure care accommodation authorisation and will require:

1. Clear evidence there has been a reduction in need, risk and vulnerability. If the conclusion is that secure care is no longer appropriate, this should be reflected in the review minute and child's plan.
2. The minute of the review should detail what supports are assessed appropriate as part of the exit strategy and that those identified will be in place.
3. The timing of the planned exit from secure care should be made explicit in the recommendation that evidences why secure care is no longer necessary.
4. The CSWO and Head of Unit must receive the minute and child's plan well within the time frame of recommended exit.

Planned transitions.

Just as children should be prepared for entering secure care, they should also be prepared for leaving. Planning for a child move from secure care should start at the point of when they begin their stay in secure care. Children must be fully involved in and influence all decisions and plans for their future in a way that works for them in a way that they understand and feel comfortable with. Children will be supported to understand their rights and have access to legal representation and advocacy. Transitions are a time of insecurity, disorientation, and stress, and leaving secure care can be a very difficult, emotional and challenging time for children. The availability of the child's support networks will be integral to their successful move to wherever "home" will be after secure care accommodation and this should be considered in transition planning.

In relation to “After” secure care, The Secure Care Pathway and Standards state:

AFTER

39. I understand my rights when planning for my future and I have access to the legal advice, representation and high-quality independent advocacy I need.

40. My plans for moving on meet all my needs. They involve everyone who has responsibility to care for and support me.

41. I am fully prepared for making the transition from the service and this is taken at a pace which means I am completely ready.

42. I am confident that people I know well and have trust in will continue to be involved in supporting me after I leave the service.

43. I have as much choice as possible about the place I am moving to and can visit. I get to know the people there as they have been involved in planning with me for the move.

44. I have all the care and support I need to build the future I want, from everyone who has a role or responsibility, for as long as I need it.

These points are what children tell us that they want and should inform our planning. Plans for moving on should include opportunities for visiting any new placements. Children need time to build new relationships and have the right to maintain any existing relationships with any adults they want to keep in touch with from secure care accommodation.

Time out with secure care

As part of planning and preparing for a child’s transition from secure care, time is often spent out with secure care in a phased process of testing the child’s readiness for this. Prior to this, a transition needs and risk assessment and risk management plan will be completed to assess readiness, identify any concerns and detail how these will be managed. The plan will be agreed with secure care centre staff, Lead Professional, social worker and their manager.

The plan will include:

- Time out with the secure care accommodation often starting within the centre’s grounds and progressing to a pattern of time out with the centre (day, overnight, weekend). This can be with secure care staff and/or other professionals.
- Planning agreed in relation to how needs, vulnerabilities and risks will be managed, and the level of support and staff supervision required.
- Planning agreed in relation to how any strengths can be encouraged and supported.
- Visits to the family home/local area if appropriate

Plans after secure care.

It is the responsibility of the Lead Professional to ensure community supports as detailed in the Child's Plan are in place for when the child leaves secure care (Scottish Government, 2011).

13. Useful Information

- [Good Practice Guidance - The Children's Hearings \(Scotland\) Act 2011 \(Implementation of Secure Accommodation Authorisation\) \(Scotland\) Regulations 2013 \(www.gov.scot\)](#)
- <https://thepromise.scot/resources/2020/keepthepromise-secure-care.pdf>
- <https://www.cycj.org.uk/>
- <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>
- <https://www.cycj.org.uk/what-we-do/starr/>
- [Secure-Investigation.pdf \(cypcs.org.uk\)](#)
- <https://www.oijj.org/sites/default/files/archivospaginas/alternativestodetentionforjuvenileoffenders.pdf>
- <https://www.cycj.org.uk/wp-content/uploads/2024/06/Children-Care-and-Justice-Scotland-Act-2024-Info-Sheet.pdf>
- <https://www.cycj.org.uk/wp-content/uploads/2023/07/Section-17-FINAL.pdf>



Appendix 1 Decision
NOT to implement se



Appendix 2 Outline
of the Decision Makin



Appendix 3 -
Appeals.docx



Appendix 4
CONSIDERATION OF



Appendix 5
Authorisation for Sec



Appendix 6 Children
and Young People wh



January 2020 -
Appendix 1 - Impleme



Secure - Letter 3 to
Young Person HSCP



Secure - Letter 4 to
Young Person HSCP T

Falkirk Health & Social Care Partnership

Secure Care Accommodation Procedure

September 2026



Foreword

Secure care is one of the most significant decisions that can be made for a child or young person. It involves the deprivation of liberty and must therefore be exercised with the highest levels of professional judgement, clear legal basis for decisions, and care. It applies to a very small number of children and young people whose needs, vulnerabilities and risks are such that a highly structured care environment where liberty is restricted for safety purposes is required for a period of time.

As Chief Social Work Officer, I hold specific statutory responsibilities in relation to secure care decision-making. In Falkirk, this responsibility sits with me, or with the Depute CSWO acting on my behalf. These decisions are never taken lightly. They require careful consideration of risk, rights, alternatives, and the individual circumstances of each child.

This updated procedure reflects both current legislation and emerging national policy. It aligns with the Children's Hearings (Scotland) Act 2011, the Criminal Procedure framework, and the changes introduced through the Children (Care and Justice) (Scotland) Act. It also anticipates forthcoming developments so that our practice remains consistent, forward-looking, and legally robust.

Importantly, this is not simply a procedural document. It is intended to support confident, consistent, and rights-based practice. It sets out clear expectations of how decisions are made, how risk is assessed, and how we ensure that secure care is always considered as a last resort, with all alternative supports explored and evidenced.

Children's rights are central throughout. The incorporation of the UN Convention on the Rights of the Child into Scots law, alongside Scotland's commitment to Keep The Promise, requires us to ensure that any decision to restrict a child's liberty is lawful, necessary, proportionate and in their best interests. Children must be involved in decisions about their lives, supported to understand those decisions, and have access to advocacy and representation.

The procedure recognises that effective decision-making requires meaningful engagement with parents, carers, and partner agencies, recognising their knowledge, responsibilities and contribution, and ensuring their views are actively sought and given due consideration.

This refresh provides greater clarity on roles, decision-making responsibilities, and processes, and aims to be accessible and practical for those using it. It should support practitioners and managers to navigate complex situations with confidence, while ensuring appropriate professional oversight and assurance.

Ultimately, our responsibility is to ensure that children and young people receive the right care, in the right place, at the right time — and that any use of secure care is justified, necessary, and as short as possible.



Sara Lacey

Chief Social Work Officer

Contents

1. What is Secure Care
2. Legal Framework and Principles
3. Movement Restriction Conditions
4. Routes into Secure Accommodation
5. Process 1 – Local Authority Application
6. Process 2 – Children’s Hearing Authorisation
7. Process 3 – Sheriff Authorisation (Place of Safety)
8. Police Powers
9. Senior Decision-Making (CSWO)
10. Implementation and 72-Hour Requirements
11. Notifications and Communication
12. Out of Hours Secure Admission
13. Appeals and Reviews of Decisions
14. Reviews and Ongoing Authorisation
15. Forward Planning
16. Moving On
17. Equalities and Rights
18. Secure Care Pathway Standards

Introduction

Alternatives to secure care should always be considered and assessed as required under section 97 of the Children's Hearing (Scotland) Act 2011. Most young people can be cared for within a community- based setting and this should be considered the preferred way.

Depriving a child of their liberty infringes on one of their most fundamental human rights and impinges on associated rights to freedom of association and family life under Article 37 of the UNCRC

"...no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention, or imprisonment of a child...shall be used only as a measure of last resort and for the shortest appropriate period".

If this right is to be upheld, all professionals must understand the legal routes into secure care and consider the options available as an alternative to placing a child in secure care accommodation on a case-by-case basis when engaging in the risk assessment process.

[UN Convention on Rights of a Child \(UNCRC\) - UNICEF UK](#)

1. What is Secure Care Accommodation?

Secure Care Accommodation is one of the most intensive and restrictive forms of care available to children and young people in Scotland. It is locked residential care for children which aims to provide intensive support, care and education to keep these children safe and to meet their needs, improve wellbeing and promote positive outcomes.

1.1 Secure accommodation is a deprivation of liberty and must only be used:

- As a measure of last resort
- For the shortest possible time
- Where it is necessary and proportionate

1.2 Falkirk Council will ensure all decisions regarding secure care:

- Are child-centred, rights-based and trauma-informed
- Align with The Promise, GIRFEC, and UNCRC incorporation
- Reflect the Care and Justice (Scotland) Act 2024, ensuring:
 - Care-based responses are prioritised
 - Criminalisation of children is avoided
 - Liberty is restricted only when justified

2. Legal Framework and Principles

2.1 The conditions for placing a child or young person in secure accommodation are set out in section 83(6) of the Children's Hearings (Scotland) Act 2011. At least one of the following must apply:

- a) The child/young person has previously absconded and is likely to abscond again, and if they were to abscond, their physical, mental or moral welfare would be at risk.
- b) The child/young person is likely to engage in self-harming conduct.
- c) The child/young person is likely to cause injury to another person.

2.2 Practice must demonstrate:

- Least restrictive intervention
- Full consideration of alternatives
- Participation of the child and family
- Clear evidence of necessity

3. Movement Restriction Conditions (MRC)

A Movement Restriction Condition (MRC) is formally agreed by a Children's Hearing as part of a child's Compulsory Supervision Order, that includes the use of an Electronic Monitoring Tag.

3.1 An MRC should be considered:

- Prior to a recommendation for secure care
- As a direct alternative to secure care

3.2 To implement an MRC the Team Around the Child must:

- Demonstrate secure care would otherwise be required
- Have agreement from a locality manager that this option is appropriate.

4. Routes into Secure Accommodation

Children may enter secure accommodation via:

1. Local authority application via powers of the Chief Social Work Officer
2. Children's Hearing authorisation
3. Sheriff authorisation (place of safety)
4. Court remand or detention
5. Police Powers

For routes 1& 2 CSWO/ Depute CSWO approval/ratification is required before any placement is agreed

5.Process 1 – Local Authority Application

5.1 A locality manager may recommend secure care where:

- Legal criteria are met
- There are no alternative options available

5.2 The request must:

- Evidence risk and how criteria is met
- Demonstrate why alternatives are insufficient
- Include the child's and parent/carer's views
- Have been considered at a multi-agency secure screening meeting
- Detail intended outcomes

5.3 Documentation must clearly distinguish current versus historical risk

5.4 If Locality Manager agrees a multi-agency secure care screening meeting will be convened to consider the request. The following people should attend:

- Police
- Health
- SW

- Members of TAC
- Minute Taker

5.5 The Locality Manager must alert the CSWO/Depute CSWO as soon as possible that a secure screening meeting is being convened.

5.6 Immediately following secure care screening the CSWO/Depute CSWO should be furnished with:

- Minutes of secure care screening meeting
- Risk assessment
- Child's Plan
- The outcomes to be achieved by the provider and the child.

5.7 Dissent

Any professional disagreement regarding the need for, implementation of, or continuation of secure care must be clearly recorded and presented to the CSWO as part of the recommendation.

5.8 Decision Making

5.8.i Following consideration of all available information the CSWO (or Depute CSWO) must decide whether to:

- Approve secure authorisation recommended by social work
- Implement or not implement an authorisation made by a Children's Hearing

5.8.ii The CSWO must be satisfied that:

- The child meets legal criteria
- Secure care is necessary and proportionate
- The placement meets the child's needs

5.8.iii All decisions must consider:

- The child's welfare and rights
- Views of child and family
- Availability of alternatives to secure care

5.9. Implementation and 72-Hour Requirements

5.9.i Where secure care is approved:

- A Children's Hearing must take place within **72 hours**

5.9.ii The Hearing may:

- Continue the placement
- End the placement
- Replace with alternative measures

6. Process 2 – Children's Hearing Authorisation

6.1 A recommendation to SCRA for secure accommodation must be agreed in advance with the CSWO/Senior service manager

6.2 Under the Children's Hearings (Scotland) Act 2011, a Children's Hearing may authorise the use of secure accommodation where at least one of the statutory secure criteria is met.

6.3 When a Hearing includes secure authorisation, implementation of that authorisation is the responsibility of:

- the **Chief Social Work Officer (CSWO)** of the local authority, and
- the **Head of the relevant secure care centre.**

6.4 Where a Hearing issues a Secure Authorisation:

- The CSWO must decide whether to implement it within **72 hours**, if not implemented within 72 hours the authorisation lapses.

6.5 A child or young person may only be placed in secure care through the CH route where:

- Both the CSWO and the Head of Unit agree that at least one secure criterion continues to apply; and
- Both agree that:
 - **a)** secure care is in the child or young person's best interests; and
 - **b)** the secure care centre can meet the child or young person's needs.

6.6 Secure accommodation may continue only for as long as both the CSWO and the Head of Unit consider it necessary.

7. Process 3 – Sheriff Authorisation via CSO/SCRA/Summary Sentencing

- 7.1 A Sheriff can make a decision to secure a young person via a place of safety as part of a CSO or where a young person has plead guilty or is found guilty of a summary offence in accordance with Section 44(3) of the Criminal Procedure (Scotland) Act 1995.
- 7.2 The Sheriff may order the detention of a young person under section 44(1) of the Criminal Procedure (Scotland) Act 1995. In this case the local authority will exercise the same powers and duties as the young person being subject to a CSO without the need to refer to SCRA.
- 7.3 Responsibility for implementation in such cases rests with the local authority, including determining whether a residential setting or secure care is required, and therefore the matter should be immediately escalated to Chief Social Work Officer for decision-making arrangements.
- 7.4 The CWSO must be furnished with the written decision of The Sheriff and the conditions of the order to review the Sheriff's reasoning and identified risks and confirm whether the legal basis for secure accommodation is appropriate.
- 7.5 If CSWO assesses need for secure care the same process will follow as for processes 1 and 2.

8. Process 4- Sheriff Authorisation via Remand or Sentencing

8.1 Where children enter secure care through the Court, the CSWO's role varies depending on the specific legal route.

a) If a child is remanded to the care of the local authority, and the Court does not specify secure accommodation:

- The CSWO and the Head of Unit must jointly determine whether secure care is required.
- In these situations, the CH-style decision-making framework and secure criteria apply.

Where a Sheriff authorises secure accommodation:

- Locality Manager and CSWO must be notified immediately

8.2 Where secure accommodation is ordered by a court on a remand basis:

- No CSWO approval is required
- The child must be placed in secure accommodation as directed by the Court.
- In these cases, review requirements follow the justice system's framework, although children must still be treated as looked after for planning and review purposes.
- In these circumstances only the court can authorise removal of the Secure Authorisation

8.3 All children aged 12 to 18 years can be remitted from the Court to the Children's Hearing System unless the sentence is fixed by law under *s.49(5) of the Criminal Procedure (Scotland) Act 1995*.

8.4 For children and young people already subject to a Compulsory Supervision Order (CSO) or Interim CSO, the High Court may, and the Sheriff Court will, seek advice from the Children's Hearing System. At that point, the court's involvement ceases unless the child appeals the decision to remit to the Hearing.

8.5 Any child under 18 who is remanded or sentenced and placed in secure accommodation must be treated as if they were a Looked After Child for the duration of their stay. This means:

- They must be included in Looked After Reviews
- They must have an up-to-date Child's Plan
- Their rights to participation, advocacy and legal representation must be upheld in the same way as for all looked after children

8.6 Review requirements for children in secure care due to remand or sentence differ slightly from those placed via welfare/CSO pathways. Timescales and expectations follow the justice framework but the child will still require regular multi-agency review, with information provided to the CSWO as appropriate.

9. Police Powers

- 9.1 All children under 18 must be treated as children for the purposes of police custody and place-of-safety decisions.
- 9.2 Where Police Scotland believes a person is under 18, and the child requires to be kept in a place of safety until they can be brought before a court, the child may be placed in secure accommodation where the statutory secure care criteria are met.
- 8.3 This ensures all under-18s are afforded consistent protections, procedures and safeguards in line with the CCJ Act.

10. Decision-Making (CSWO)

10.1 Following consideration of all available information the CSWO (or senior service manager) must decide whether to:

- Approve secure authorisation as recommended by social work
- Implement or not implement an authorisation made by a Children's Hearing

10.2 The CSWO must be satisfied that:

- The child meets legal criteria
- Secure care is necessary and proportionate

- The placement meets the child's needs

10.3 All decisions must consider:

- The child's welfare and rights
- Views of child and family
- Availability of alternatives to secure care

11. Implementation and 72-Hour Requirements

11.1 Where secure care is approved a Children's Hearing must take place within **72 hours**

11.2 The Hearing may:

- Continue the placement
- End the placement
- Replace with alternative measures

12. Notifications and Communication

12.1 After the CSWO decides whether to implement secure care, the Secure Care Accommodation Decision Letter must be sent to:

- The Child
- The Principal Reporter
- The child's parents
- Relevant Persons
- The Head of Unit
- Lead Professional (if different from SW)
- The Named Person

*The finance department must also be notified, and an **Individual Placement Agreement (IPA)** completed where secure care is implemented.*

It is the responsibility of the allocated SW/TM to distribute the letters to **all relevant persons**.

12.2 Notifications must also be issued following:

- The Hearing that authorises secure care
- The first review (7 days after placement)
- Monthly reviews thereafter

12.3 Communication will be:

- Clear and accessible
- Rights-based

13. Out of hours Secure authorisation

- 13.1 In the event of Secure Authorisation being required out of hours EDT will gather as much information as possible. This will be discussed with a Locality manager and decision taken to proceed or not.
- 13.2 Appropriate requests will then proceed to the CSWO/Depute CSWO for consideration of all available information and assessment about whether the young person meets the criteria for secure care.
- 13.3.1 If secure care is authorised, the CSWO signed authorisation will be sent on the same day to the Principal Reporter and the Head of the Safe Centre with a copy of the Secure Care Accommodation Decision Letter. If out of hours, it says CSWO will send paperwork to SCRA on the same day if possible. However, it may be the next working day depending on when out of hours the request is made.



January 2020 -



SECURE CARE

Appendix 1 - Implementation of CSO.26

- 13.3.2 As soon as possible within working hours the child or young person's social worker will then send the Secure Care Accommodation Decision Letter to
- the Child/Young Person and their Parents/Carers.
 - all Relevant Persons.
 - Lead Professional



Secure - Letter 3 to Young Person HSCP



Secure - Letter 4 to Young Person HSCP

- 13.4 The Principal Reporter must hold a Children's Hearing within 72 hours of receiving this notification of secure authorisation.

14. Appeals and Reviews of Decisions

- 14.1 The child and their relevant person(s) are required to be informed of their right to appeal against the decision whether to implement a secure accommodation authorisation.
- 14.2 The child/young person or Relevant Person in respect of the child may request a review of that decision by the CSWO.
- 14.3 This request must be made within 21 days
- 14.4 On receipt of such a request, the CSWO must review their decision within 72 hours of receiving that request.
- 14.5 The child or relevant person can appeal within 21 days of the decision to the sheriff against the decision of the Children's Hearing or the CSWO.
- 14.6 This appeal will be heard within 3 days

15. Reviews and Ongoing Authorisation

- 15.1 The CSWO must review all placements within 7 days of admission and at least monthly thereafter
 - 15.1.1 Children must be fully involved and listened to in all discussions, decisions, recommendations and plans for their care and future planning (Article 12 UNCRC). Once a child is placed in secure care accommodation there is a duty on the CSWO to regularly review this decision to assess if secure care authorisation is in the child's best interest.
 - 15.1.2 The CSWO will make this decision following information given to them after Looked After Away from Home Reviews. These reviews will be attended by the Team Around the Child who will make a recommendation to the CSWO which is evidence based, informed by a thorough and up to date assessment and formulation of risk and include the views of everyone involved including the child or young person and their relevant people.
- 15.2 All reviews must consider:
 - Continued necessity of secure care
 - Whether criteria are still met
 - Progression toward moving on
- 15.2.1 A first review within 7 days of the placement start date will be chaired by an Independent Reviewing Officer.
- 15.2.2 A second review within 1 month from the date of the first review chaired by an Independent Reviewing Officer.

15.2.3 Thereafter, subsequent reviews within 1 month from the date of the previous review chaired by an independent reviewing officer to allow the CSWO to review their decision.

15.3 Review reports must be completed by all agencies and include:

- Updated risk assessment
- Progress toward moving on
- Recommendation

15.3.1 It is the responsibility of the Independent Reviewing Officer to ensure that reports are collated prior to any review

15.3.2 Secure Care Accommodation Review minute and plan must be produced immediately after the review and sent to the CSWO for consideration.

15.4 The minute and plan must and include:

- Summary of the reasons why secure care accommodation was agreed to be appropriate.
- Discussion of any changes from when the placement was made.
- Evidence of what supports are in place (including access to advocacy/legal support).
- Discussion about whether the child or young person continues to meet the criteria for secure care accommodation.

15.5 At any time, the CSWO may end the placement if they believe the criteria for secure care is no longer met.

16. Forward Planning

16.1 Given deprivation of liberty should be for the shortest time possible then exit planning must:

- Begin at the point of admission
- Have a clear written moving on plan in place
- Fully involve child/young person and their parent/carer.

16.2 Children will be supported to understand their rights and have access to legal representation and advocacy.

- 16.3 Transitions are a time of insecurity, disorientation, and stress, and leaving secure care can be a very difficult, emotional and challenging time for children. The availability of the child's support networks will be integral to their successful move to wherever "home" will be after secure care accommodation and this should be considered in transition planning.
- 16.4 Plans for moving on should include opportunities for visiting any new placements.
- 16.5 Children need time to build new relationships and have the right to maintain any existing relationships with any adults they want to keep in touch with from secure care accommodation.

17. Moving On

- 17.1 The decision for a child or young person to leave secure care will be based on information provided by the 'Team around the Child' and clearly evidenced in the Child's Plan and Secure Care Accommodation Review Minute.
- 17.2 This will ensure that the decision is evidence based, informed by a robust, up to date multi agency assessment and formulation of risk. This decision should include the views of the child or young person and their relevant people.
- 17.3 The CSWO is responsible for withdrawing the implementation of a secure accommodation authorisation where the placement has been made through the Children's Hearings route.
This responsibility does not apply in cases where a child is remanded or sentenced.
- 17.4 As part of planning and preparing for a child's transition from secure care, time is often spent out with secure care in a phased process of testing the child's readiness for this. This is usually called "mobility".

Prior to this, a transition needs and risk assessment and risk management plan will be completed to assess readiness, identify any concerns and detail how these will be managed. The plan will be agreed with secure care centre staff, Lead Professional, social worker and their manager.

The plan will include:

- Time out with the secure care accommodation often starting within the centre's grounds and progressing to a pattern of time out with the centre (day, overnight, weekend). This can be with secure care staff or other professionals.
- Planning agreed in relation to how needs, vulnerabilities and risks will be managed, and the level of support and staff supervision required.
- Planning agreed in relation to how any strengths can be encouraged and supported.
- Visits to the family home/local area if appropriate

17. Equalities and Rights

Falkirk Council is committed to respecting, upholding, promoting and defending the human rights of children and young people on the edges of and in Secure Care in line with the aims of The Promise. Secure Care settings also must uphold children's rights. Staff must ensure that children understand their rights and be supported to exercise them

18. Secure Care Pathway Standards

The Secure Care Pathway and Standards Scotland were created to improve the experiences of children and young people who are in, or on the edges of, secure care, leading to better and brighter outcomes

[Home - Secure Care Pathway and Standards Scotland](#)

Useful Information

[Good Practice Guidance - The Children's Hearings \(Scotland\) Act 2011 \(Implementation of Secure Accommodation Authorisation\) \(Scotland\) Regulations 2013 \(www.gov.scot\)](#)

<https://thepromise.scot/resources/2020/keepthepromise-secure-care.pdf>

<https://www.cycj.org.uk/>

<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

<https://www.cycj.org.uk/what-we-do/starr/>

[Secure-Investigation.pdf \(cypcs.org.uk\)](#)

<https://www.oijj.org/sites/default/files/archivospaginas/alternativestodetentionforjuvenileoffenders.pdf>

<https://www.cycj.org.uk/wp-content/uploads/2024/06/Children-Care-and-Justice-Scotland-Act-2024-Info-Sheet.pdf>

<https://www.cycj.org.uk/wp-content/uploads/2023/07/Section-17-FINAL.pdf>

[Children and young people in conflict with the law: policy, practice and legislation](#)

[Info Sheet 85 update](#)

Appendix 1

CONSIDERATION OF PLACING A YOUNG PERSON IN SECURE ACCOMMODATION

Name: LCS number:	Age:
D.O.B:	Present Placement:
Legal Status:	

Parent/Carers Name:
Home Address

Social Worker's Name:

Locality:

Email Address:

Reporter's Name:

Email Address:

Secure Care Accommodation Screening

Date:

Please list the name and role of anyone consulted or involved in a secure screening meeting:

Criteria for Secure Care Accommodation

Please identify which criteria is met:

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

1. Family Composition and synopsis of current family situation:

2. Summary of care history of young person:

3. Nature and degree of current risk specifically relating to referral criteria:

4. Please outline alternative options to secure care which have been considered, tested or ruled out. What was rationale for this decision making?

5. Have all members of the TAC agreed with this recommendation?

6. What outcomes do you believe can be achieved from the young person moving to secure care accommodation and how long would you anticipate them staying there?

7. Forward planning – where do you think would best meet the young person's needs when they move on from secure care?

8. What is the young person's understanding and views about their current circumstances and consideration being given to secure care?

9. Have they had access to independent advocacy/legal advice in relation to this?

10. What are the views of the parent(s) and/or carer(s) about secure care being considered for the young person?

11. Has this recommendation come via a Looked After/CARM Review or has an order been made by the Children's Hearing with secure authorisation for the young person?

If so, which of the above and on what date?

Please detail any supporting paperwork provided as part of this referral i.e Child Assessment and Plan, CAMHS report, Chronology, YJ structured risk assessment, CARM reports, minutes of recent meeting

Locality Manager Comments:

Recommendations to the Chief Social Work Officer: -

Signed:
Locality Manager (meeting Chair)

Date:

Appendix 2: Secure Accommodation Notification Letter.

Dear (insert name),

My name is Sara Lacey, and part of my role is to make sure that any decision which may restrict your liberty is considered very carefully. I know that decisions like this have a big impact on your life, and I take this responsibility seriously.

Depending on the legal process that applies to your situation, the decision about secure care is guided by different laws. These may include:

- **The Children's Hearings (Scotland) Act 2011** and the *Implementation of Secure Accommodation Authorisation (Scotland) Regulations 2013*
- **The Children (Care and Justice) (Scotland) Act 2024**
- **The Criminal Procedure (Scotland) Act 1995**, where the court has ordered that you must be placed in secure accommodation

Why secure care is being used

You are receiving this letter because it has been decided that secure care is needed to help keep you safe or to keep other people safe. This may be because (delete the ones that do not apply):

- a) You have previously left somewhere you were meant to stay (absconded) and are likely to do this again, and if this were to happen, your **health, safety or development** would be at risk.
- b) You are likely to engage in **self-harming behaviour**.
- c) You are likely to cause **physical or psychological harm** to another person.

What this means for you

Based on all the information available, I believe that secure care is the safest and most appropriate place for you right now.

If your secure placement was authorised through the Children's Hearings System:

I have considered the secure accommodation authorisation and have decided that it should **continue to be implemented**. This means that you will continue to live at (insert name) for now.

If the court has directed that you must be placed in secure care (for example through remand or sentencing):

The court has made a legal order requiring that you stay in secure care. In these situations, I do not have the power to change or remove the court's decision, but I will continue to make sure your rights are upheld and that the support you receive meets your needs.

Your rights

You have rights and choices, and the people around you must help you understand them:

- **If your placement is through the Children's Hearings route**, you can **appeal my decision** within **21 days**, and you can also **ask me to review my decision within 72 hours** of getting this letter.
- Your **solicitor** and **children's rights worker** can help you understand your rights and support you if you want to appeal or ask for a review.

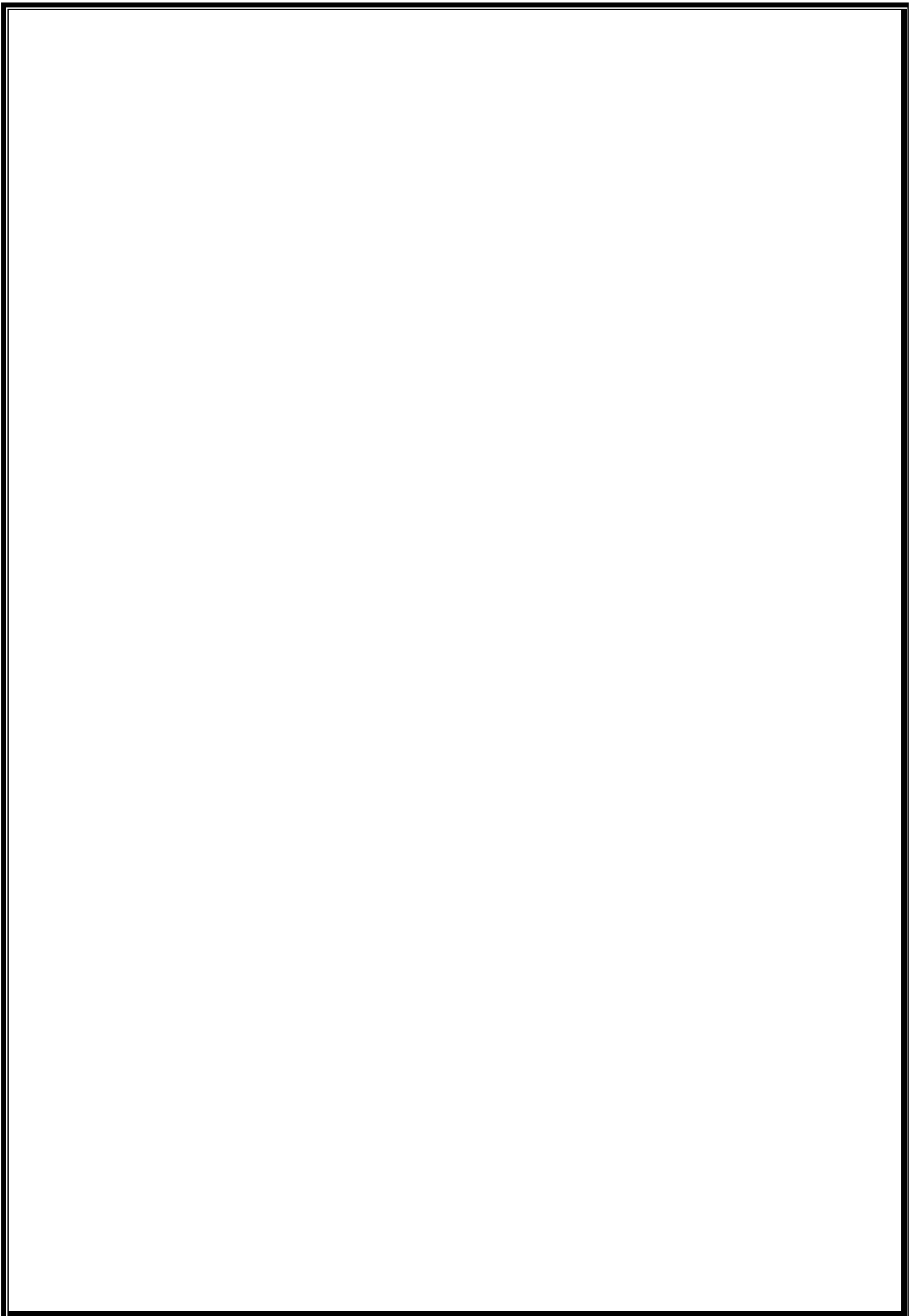
No matter the legal route, you have the right to:

- be involved in decisions about your life
- understand what is happening and why
- get help from advocacy or a lawyer
- stay in touch with people who are important to you (unless the law says otherwise)

Yours sincerely,

Sara Lacey

Chief Social Work Officer
Falkirk Council



Checklist -Secure Care Recommendation

The strongest secure care assessments show a clear line from:

**Evidence → Analysis → Why Other Options Failed → Why Secure Care Is Needed Now
→ Expected Outcomes**

**Can I clearly explain why secure care is necessary, proportionate, and in this
child's best interests right now?**

1. Evidence and Risk

- ☐ What are the key risks to the child and/or others?
- ☐ Are concerns recent, persistent, or escalating?
- ☐ What evidence suggests these risks will continue without intervention?

2. Analysis (The Most Important Section)

- ☐ Have I explained **why** the risks exist?
- ☐ Have I linked behaviours to underlying needs, trauma, adversity, or vulnerability?
- ☐ Have I explained why the risks are likely to continue or worsen?
- ☐ Am I analysing the significance of events rather than simply describing them?

3. Alternatives to Secure Care

- ☐ What less restrictive options have been tried?
- ☐ What support has been offered (family, community, education, health, CARM, Child Protection, placement support, MRCs)?
- ☐ What was the impact?
- ☐ Why can these options no longer safely manage the risks?
- ☐ Can I demonstrate that secure care is the **least restrictive effective option**?

4. Child and Family Voice

- ☐ What are the child's views about the proposed secure care and how have these influenced the assessment?
- ☐ What are the views of parents/carers and wider support network?
- ☐ What strengths, aspirations, and protective relationships have been identified?

5. Why Secure Care Now?

- ☐ Why is urgent intervention required at this point?
- ☐ What are the likely consequences if secure care is not used?
- ☐ How does secure care reduce the identified risks?
- ☐ How will secure care improve safety, wellbeing, and future outcomes?

6. Planning for Success

- ☐ What are the goals of the placement?
- ☐ How will progress be measured?
- ☐ How will family involvement be maintained?
- ☐ What is the transition plan?

Final Sense Check

Before submitting, ask yourself:

Is there sufficient evidence to justify restricting liberty?

Have I balanced risks, needs, strengths, and protective factors?

Would an independent decision-maker understand and be persuaded by my analysis?

Secure Care Review: Ending Implementation Checklist

A strong recommendation explains:

Evidence → What has changed → How risks are now managed → Why secure care is no longer necessary, proportionate and in the child's best interests.

1. Current Situation

- ☐ Child's Plan, assessment and chronology are up to date.
- ☐ Significant changes identified.
- ☐ Strengths, resilience and protective factors have increased.

2. Secure Care Criteria

- ☐ I have considered statutory secure care criterion and clearly stated whether the criteria continue to be met.
- ☐ Evidence is current and reflects present and future risk.
- ☐ The impact of vulnerabilities on behaviour is understood.

3. Risk Assessment

- ☐ Risks have been reviewed
- ☐ Protective factors are clearly identified.
- ☐ I have explained how any remaining risks can be safely managed.

4. Alternatives to Secure Care

- ☐ Less restrictive options have been explored.
- ☐ Future placement and support arrangements are identified.

☐ Risk management and contingency plans are in place.

5. Child and Family Participation

☐ The child's views, wishes and feelings have been sought and recorded.

☐ Parents/relevant persons' views have been considered.

6. Professional Analysis

☐ My assessment explains what has changed, not just that incidents have reduced.

☐ I have explained why risks have reduced or can now be managed differently.

☐ I have considered the child's rights, welfare and best interests.

☐ My recommendation is evidence-based and clearly justified.

7. Transition Planning

☐ Future placement is confirmed.

☐ Transition and support plans are in place.

☐ Review and contingency arrangements are in place.

Final Check

Before making a recommendation, ask:

☐ Have I clearly evidenced whether the legal criteria still apply?

☐ Have I demonstrated that risks can be managed safely without secure care?

☐ Is the child's voice evident throughout?

☐ Have I balanced risks, vulnerabilities, strengths and protective factors?

☐ Would an independent decision-maker understand why secure care is no longer necessary?