

Secure Accommodation Cases Reviewing Sub-Committee (6.3.85)

Social Services Committee (13.2.85)

SS /84-85

SECURE ACCOMMODATION CASES REVIEW

Report by the Chief Executive.

SUMMARY

This report sets out the results of the inquiries made by the Chief Executive as to the Council's failure to comply in a number of instances with the statutory requirement imposed by the Secure Accommodation (No. 2) Regulations 1983 to conduct reviews at intervals not exceeding 3 months of the cases of all children in the Council's care who are kept in secure accommodation.

For information

1. Background

1.1 At its meeting on 21 June 1984 the Committee considered a report (SS.69/84-85) by the Vice-Chair Councillor S.J. Bubb in which he drew attention to 3 cases of children in the Council's care, held in secure accommodation, where the requirement imposed on local authorities by The Secure Accommodation Regulations 1983 (now revoked and replaced by The Secure Accommodation (No. 2) Regulations 1983) to hold a review of the case of each child kept in secure accommodation at intervals not exceeding three months had not been complied with.

1.2 By letter dated 20 June 1984 the Vice-Chair was informed by the Assistant Director (Personal Services) that since The Secure Accommodation Regulations took effect on 24 May 1983, there had been a total of 18 children in the Council's care who had been the subject of secure accommodation orders for various periods.

1.3 Of these 18 children, 6 were the subject of orders which in total duration exceeded three months and therefore ought to have been reviewed under the regulations.

2. The Facts

2.1 In order to comply with the regulations 2 cases ought to have been reviewed for the first time in August 1983, and again in November 1983. Two further cases should have been reviewed for the first time in October 1983 and one of these again in January 1984. The remaining two cases should have been reviewed in March and in May 1984. Both of those were in fact reviewed in June, 1984.

2.2 The inquiries made by the Chief Executive indicate that no formal steps were taken prior to the introduction of the Secure Accommodation Regulations on 24 May 1983 to make arrangements for the required review. However, at its meeting on 22 June 1983 the Social Services Committee considered a report (SS.42/83-84) which drew attention to the new regulations and the additional responsibilities they imposed and proposed amendments to the terms of reference of the Cumberlow Lodge and Secure Accommodation Reviewing Committee ("CLSARC"). The

Committee adopted the recommendations contained in the report and at the subsequent Council meeting on 20 July, 1983 the amended terms of reference were agreed.

2.3 At a meeting of CLSARC on 21 July 1983 a recommendation was made to the Social Services Committee that a sub-committee of CLSARC be established (the Secure Accommodation Cases Sub-Committee) to undertake the review of cases required by the Secure Accommodation Regulations.

2.4 At its meeting on 12 October 1983 the Social Services Committee received the report of CLSARC (SS.63/83-84) and adopted the recommendation for the establishment of the Secure Accommodation Cases Sub-Committee. This decision was subsequently reported to Council at its meeting on 16 November 1983.

2.5 At this juncture the appropriate administrative action could have been taken to convene the first meeting of the new Sub-Committee. There were then four cases which ought to have been the subject of 3 monthly reviews in accordance with the regulations.

2.6 At this time the senior management of the Directorate of Social Services were very heavily engaged in additional work resulting from the industrial action, which had necessitated the closure of the majority of children's homes, and had also given rise to secure difficulties in the management of old people's homes. Whether because of this or a failure of communication it was not until its meeting on 11 April 1984 that the Social Services Committee received a report (SS.4/84-85) dealing with the terms of reference and membership of the Secure Accommodation Cases Sub-Committee.

2.7 The first meeting of the new Sub-Committee took place on 9 May 1984. The Sub-Committee received a report outlining a procedure for reviewing the cases of children in secure accommodation but no cases were considered at this meeting. At a further meeting on 5 June 1984 the Sub-Committee reviewed the cases of three children and the case of a fourth was reviewed at a meeting on 18 June 1984. Subsequently the Committee has met at regular intervals. The present procedure is for the case of every child in secure accommodation to be reviewed at monthly intervals.

### 3. Legal Considerations

3.1 As is stated earlier in this report the Secure Accommodation (No. 2) Regulations 1983, as did the regulations which they replaced, impose an obligation on local authorities to review the case of each child held in secure accommodation at intervals of not more than 3 months. In common with statutory instruments in general the regulations impose a duty which is essentially of an administrative nature so that no penalties are imposed for a breach. Nevertheless it would have been possible whilst the review requirements were not being complied with for someone with a sufficient interest to have made an application to the High Court for administrative review.

### 4. Conclusions

4.1 From the recital of events set out above it is clear that Social Services management were remiss in not making arrangements for the establishment of the Secure Accommodation Cases Sub-Committee well in