
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Children's Hearings (Scotland) Act 2011
(Implementation of Secure Accommodation
Authorisation) (Scotland) Regulations 2013**

Review of decision not to implement the secure accommodation authorisation

7.—(1) Where the chief social work officer has made a decision not to implement the secure accommodation authorisation, or where regulation 5(3) applies, a person mentioned in paragraph (2) may request a review of that decision.

(2) Those persons are—

- (a) the child; and
- (b) each relevant person in respect of the child.

(3) Where the chief social work officer receives a request for a review under paragraph (1) the chief social work officer must, within 72 hours of receiving the request, carry out a review by complying with the requirements in paragraph (4).

(4) The requirements are—

- (a) to consult and take into account the views of—
 - (i) the child, taking into account the age and maturity of the child;
 - (ii) each relevant person in respect of the child;
 - (iii) the head of unit;
- (b) to assess—
 - (i) whether one or more of the conditions specified in section 83(6), 87(4) or 88(3) of the Act continue to apply in respect of the child; and
 - (ii) the child's needs and whether placement in secure accommodation would be in the child's best interests;
- (c) to record—
 - (i) the information obtained in respect of the review; and
 - (ii) the decision and the reasons for reaching that decision, on whether the child should be placed in secure accommodation;
- (d) to send notice to—
 - (i) the child where, taking account of the child's age and maturity, the chief social work officer considers that the child is capable of understanding the effect of the decision;
 - (ii) each relevant person in respect of the child;
 - (iii) the Principal Reporter;
 - (iv) the head of unit;
- (e) to send with the notice the reasons for making the decision.

(5) A request for a review under paragraph (1) must be made within 72 hours of—

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013 No. 212

- (a) receiving the notice under regulation 5(2)(b); or
- (b) where regulation 5(3) applies, the expiry of the period mentioned in that paragraph.