
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

The Secure Accommodation (Scotland) Regulations 2013

**Placement in secure accommodation of children subject to compulsory supervision orders
which do not include a secure accommodation authorisation**

7.—(1) A child in relation to whom a compulsory supervision order is in force which does not include a secure accommodation authorisation may only be placed and kept in secure accommodation where the circumstances in paragraph (2) apply.

(2) Those circumstances are—

- (a) that the chief social work officer and the head of unit are satisfied with respect to the child that one or more of the conditions in paragraph (3) is satisfied in respect of the child;
- (b) that the chief social work officer and the head of unit are satisfied that placement in secure accommodation would be in the best interests of the child; and
- (c) that the chief social work officer is satisfied in relation to the placing of the child in the residential establishment providing the secure accommodation, that the placement in that establishment is appropriate to the child's needs having regard to the residential establishment's statement of functions and objectives.

(3) The conditions mentioned in paragraph (2)(a) 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; or
- (c) that the child is likely to cause injury to another person.

(4) Where the child is placed in secure accommodation under paragraph (1) the chief social work officer must—

(a) immediately, in writing, inform—

- (i) each relevant person in respect of the child;
- (ii) the Principal Reporter;

(b) immediately and in any event not later than 24 hours from the time of the placement (whether or not the child is still held in secure accommodation)—

- (i) require a review of the compulsory supervision order in relation to the child under section 131 of the 2011 Act; or
- (ii) inform the Principal Reporter of the need for the Principal Reporter to initiate a review of the compulsory supervision order under section 136 of that Act; and

(c) inform the Principal Reporter in writing of—

- (i) the details of the placement and any subsequent placement or release;
- (ii) the reasons why at the time of placement the chief social work officer and head of unit were satisfied with respect to the conditions mentioned in paragraph (2)(a) and the reasons why at the time of writing they continue to be so satisfied or otherwise; and

(iii) the views of the chief social work officer and the head of unit as to the need or otherwise for the child's detention in secure accommodation.

(5) Where, by virtue of this regulation, a review of the compulsory supervision order is required under section 131 of the 2011 Act or the Principal Reporter is required to initiate a review under section 136 of that Act the children's hearing must be arranged to take place before the expiry of the period of 72 hours beginning with the time of the placement of the child in the secure accommodation.