

**SECURE ACCOMMODATION
ADVISORY GROUP**

INTERIM REPORT

July 2001

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SECTION 1 – INTRODUCTION

Group Membership and Remit

1.1 On 12 January 2000, during the Parliamentary Debate on children and young people looked after by local authorities, Mr Galbraith, then Minister for Children and Education, announced a policy review on secure accommodation.

1.2 The Secure Accommodation Advisory Group was set up under the chairmanship of Sally Kuenssberg, also Chair of SCRA, and comprises representatives from the Secure Units, Directors of Social Work, Children's Panels, the Association of Chief Police Officers (Scotland), the Scottish Prison Service, the Scottish Children's Reporter Administration (SCRA) and the Scottish Executive. Full membership is shown in Annex A.

1.3 The purpose of the Group is to assist Scottish Ministers in further developing the strategic approach to the use of secure accommodation and its alternatives outlined in the 1996 report 'A Secure Remedy' and the 1999 report of the National Planning Group for the care and education services for young people with behavioural problems which include offending.

1.4 The Group adopted the following remit:

'To consider a number of key issues for the future direction of Scottish Executive policy towards the use and development of secure accommodation for children and young people and to offer advice to Scottish Ministers.'

1.5 We have met 7 times between March 2000 and June 2001. Two of these meetings were held on new premises within the secure estate, St Mary's Kenmure, Bishopbriggs, and The Elms, Dundee and the final meeting at the Young Offenders Institution at Polmont.

Initial Report

1.6 The Minister asked for an early report on the following key issues:

- the capital development programme
- whether a new mechanism to monitor the supply and demand patterns in admissions to secure places is needed
- the scope for specialists units

1.7 This is our preliminary Report on these key issues. It is made against the background of existing legislation.

Issues for future consideration

1.8 **1.8 The work of the Group is continuing.** In addition to the three specific areas to which our attention was drawn, we touched on a number of others, listed below, where we consider further work is essential in order to take forward the agenda on secure accommodation provision.

- legislative provisions
- ECHR issues
- secure units as designated ‘national resources’
- ‘close support’
- efficacy of secure placements
- consultation with service users
- educational provision
- access to health care

SECTION 2 – EXECUTIVE SUMMARY

Section 1: Introduction

1.1 A multi-agency group was set up in 2000 to assist Scottish Ministers in developing a strategic approach to the use of secure accommodation and its alternatives.

1.2 At the request of Ministers, this report focuses mainly on the following key issues:

- the capital development programme
- mechanisms to monitor supply and demand patterns
- the scope for specialist units.

Section 2: Conclusions and Recommendations

2.1 There are 3 general conclusions from this initial stage of the group's work:

- There is currently a lack of information on which to base firm advice concerning the number of secure places needed in Scotland. Mechanisms for collection and dissemination of data relating to the provision, use and outcomes of secure care should be put in place as soon as possible.
- Though there are difficulties in accessing secure places when and where needed, there is at present insufficient evidence to demonstrate a clear need for more than the modest expansion of the secure estate currently underway.
- Secure accommodation should be included within a national plan for residential accommodation for children and young people.

2.2 Specific recommendations are listed at the end of the Executive Summary.

Section 3: Context

3.1 Children requiring admission to secure care display a complexity of needs and vulnerability which present challenges to all service providers. Any decisions about the future must take account of the changing policy framework, including such developments as the Youth Crime Review, the development of National Care Standards for children and the implications of the Human Rights Act 1998.

Section 4: General Principles

4.1 Secure accommodation must form part of a graduated scale of care and protection for children and young people, planned and managed strategically in accordance with a national plan and underpinned by the same principles which apply to other forms of residential child care. The quality of care in secure units should be of the highest standard, with a range of services to meet carefully assessed needs of each young person delivered by appropriately trained staff.

4.2 Efficient use of secure places should be supported by a national information system monitoring supply and demand.

Section 5: Capital Development Programme

5.1 Discussion has extended to a wide range of issues relating to the planning, management and funding of secure accommodation and other residential resources for children and young people. Our preliminary conclusions are set out in the following paragraphs.

5.2 Completion of the capital development programme recommended in 'A Secure Remedy' (1996) should be achieved by the replacement of Kerelaw as soon as possible.

5.3 The limited further expansion of places should also continue as planned.

5.4 Current funding arrangements whereby capital projects receive different levels of support from Central Government are confused and inequitable, with a major impact on the bed rates charged by the different units. Urgent consideration is required by Ministers to agree financial supports for secure care which can expedite the proposed developments in an equitable manner.

5.5 Children's panel members and the police have pointed out the difficulties arising from the lack of secure places when and where they are needed, particularly in emergencies. However, lack of adequate statistical information has prevented the group from reaching a consensus view at this stage on whether the case for more secure places has been proven. Many of our recommendations focus on the urgent need to collect robust data to inform future decisions.

5.6 Meanwhile, efforts should continue to develop alternatives to secure accommodation, such as specialist foster care, community-based projects, and the needs led individualised structured packages of multidisciplinary interventions for young people outlined in paragraphs 5.25 to 5.29.

5.7 Future policy developments, particularly relating to treatment of the 16 to 18 year old age group, may have a significant impact on the demand for secure places.

5.8 Presently available resources should be managed more strategically with the 3 large secure units, St Mary's, Rossie and Kerelaw, being viewed as serving all Scottish local authorities and Scottish Ministers' placement responsibilities for court cases.

5.9 A national strategy for secure care should be developed as part of a broader national plan for residential care for children and young people. Local authorities should be asked to contribute to this process by producing an assessment of their future needs based on experience of the previous 12 months of decisions by both children's hearings and courts.

Section 6: Monitoring Supply and Demand

6.1 Up-to-date information about the availability of places at any one time is clearly needed in order to assist placing authorities and maximise the use of present resources. The Scottish Executive should fund a feasibility study into how this information might best be provided.

Section 7: Specialist Services

7.1 Secure units need to be able to develop sophisticated methods of intervention to respond to the complex difficulties presented by the most troubled and troublesome children. Specialist care packages, such as those already being developed in different establishments, are to be encouraged. However, an increase in the number of such specialist units will inevitably affect the overall capacity of the host establishments to accommodate young people, particularly in emergency situations. The development and use of specialist services needs to be monitored and reviewed within the context of the national strategy.

Section 8: Issues Arising from Implementation of the Human Rights Act 1998

8.1 The Human Rights Act 1998 will inevitably have an impact on children's hearings issues in general and the secure care regime in particular. The report highlights a number of areas for of initial attention.

Section 9: Future Issues

9.1 The group will use the outcomes of the investigations recommended in this report to develop further recommendations in due course. These are likely to relate to:

- legislative provisions (particularly ECHR considerations and the relationship between authorisation and admission to secure care)
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- the strategic role of larger secure units in providing a service for the whole of Scotland
- local secure units including development of multidisciplinary support packages for young people in chaos
- effectiveness of secure care
- the place of 16 to 18 year olds within the justice system, including transition planning for child offenders
- The development of specialist services.

A further report to Ministers will deal with these issues.

10. Specific Recommendations

10.1 Work should proceed on the replacement of Kerelaw School as soon as possible. [Paragraph 5.4]

10.2 Ministers should consider as a matter of urgency the current financial support for the provision of secure care. [Paragraphs 5.15 and 9.8]

10.3 Local authorities should co-operate in a retrospective study of the outcomes in terms of actual placements following secure care authorisations by children's hearings. [Paragraph 5.20]

10.4 Records should be kept by secure units of the numbers of young people retained in secure accommodation due to a lack of suitable follow-up facilities. [Paragraph 5.31]

10.5 Statistical information should be gathered to give a representative picture of young people held in penal institutions whose placement, in the future, might be in secure accommodation [Paragraph 5.36]

10.6 There should be further investment in the alternatives to secure care [Paragraph 5.38].

10.7 A national strategy for secure care should be devised as part of a broader national plan for residential accommodation. [Paragraph 5.42]

10.8 Local authorities should be asked to prepare a strategic plan for the integration of services (social work, health and education, accommodation) provided to the most difficult young people – to include assessment of the likely nature and scale of the demand, taking into account experience over the previous 12 months of both children's hearings' and courts' decisions. [Paragraph 5.43]

10.9 The Scottish Executive should fund a feasibility study into providing 24-hour on line information for placing authorities on the number and type of places available or likely to become available within the next week. [Paragraph 6.2]

10.10 Arrangements should be put in place to monitor the development of specialist programmes and to report back to the Group. [Paragraph 7.9].

10.11 Appropriate action should be taken in response to the actual and potential impact of the Human Rights Act 1998 on issues relating to secure accommodation. [Paragraph 8.1]

SECTION 3 - CONTEXT

3.1 Our discussions take place against a developing policy framework of services for the most troubled and troublesome children and young people. Children requiring admission to secure care display a complexity of needs and vulnerability that necessitates clarity in positively intervening in their lives.

3.2 Children requiring admission to secure care express their difficulties in different ways, from serious offending behaviour to self harm. Their behaviour often results in grave risks to themselves and others.

3.3 The complex difficulties of these young people and possible ways of addressing them are discussed in more detail at Section 7.

3.4 There are real problems in meeting these needs both in the community and within secure care. There is consequently a requirement for both local authorities and secure units to develop sophisticated methods of intervention, (again discussed in more detail at Section 7). Every young person admitted to secure care should have a personal care plan which lays out an appropriate package of supports based on the assessed needs of the child or young person. The importance of effective collaboration and partnership between the local authority and the secure estate is critical to the success of positive intervention in the young person's life.

3.5 At present, new funding is available from the Youth Crime Review. This should facilitate the development of community-based services which will help in preventing the need for secure care. It could also allow for the identification and development of additional supports to be provided within the secure units themselves.

3.6 Other relevant policy initiatives include the development of National Care Standards for children in residential care inclusive of secure care. These are being developed by the National Care Standards Committee under the chairmanship of Angus Skinner, Chief Social Work Inspector for the proposed Scottish Commission for the Regulation of Care. Additionally, the provision of appropriate training for residential care staff is being addressed, for example through the Scottish Institute for Residential Child Care and social workers will be amongst the first tranche of those requiring to be registered with the Scottish Social Services Council.

3.7 It is also becoming clear that the implementation of the Human Rights Act 1998 from October 2000 is likely to have significant implications for future provision and use of services. We will keep this developing area, in particular any court decisions, under careful review as our discussions continue. Meantime we offer preliminary views on areas most likely to come under early legal challenge and which we recommend be addressed in the short term. [see Section 8].

3.8 Comparison with England and Wales is not necessarily helpful because different arrangements now obtain in relation to the provision and use of secure accommodation south of the border. This follows a review of the secure estate (including local authority accommodation, secure training centres and young offender

institutions) and the assumption by the Youth Justice Board of responsibility for purchasing the majority of secure places for young people.

3.9 The system of referral to secure accommodation in England and Wales is very different from that in Scotland and numerical comparisons are not therefore straightforward. Young people in England and Wales placed in secure accommodation are either on sentence or remand. Some secure units have some separate 'welfare' beds. In England and Wales there are around 2800 secure places, 450 of which are local authority beds. There are proposals for 3 additional secure training centres which will increase the total to 2930, but it may be some years before these are built. Meantime equal emphasis is being given to pursuing alternatives to custody as to new build.

3.10 Acknowledging work previously undertaken, we began our consideration with a review of the recommendations set out in the reports by Angus Skinner ('A Secure Remedy', 1996) and the National Planning Group (1999). For ease of reference their recommendations are set out in Annex B. We focused first on those which deal with the key issues of this interim report and we will refer back to these earlier reports as other issues emerge.

SECTION 4 – GENERAL PRINCIPLES

4.1 Our discussions have been informed by general principles to which the Group subscribes. These have been developed from the principles contained in the 1992 report ‘Another Kind of Home’ and current guidance on secure accommodation, particularly that contained in Volume 2 of the guidance issued to accompany the Children (Scotland) Act 1995.

4.2 For a young person meeting the legal conditions (set out at Annex C for ease of reference), placement in a secure by a Chief Social Work Officer following a Children’s Hearing unit is a serious intervention which involves loss of liberty and measures of control. The legislation requires that there are regular reviews of whether a child continues to meet the legal conditions for secure placement. There are also regular reviews of young people in secure units who are there following sentence by the courts.

4.3 Essentially, however, we maintain the view that secure accommodation is a form of residential child care which should be underpinned by the same principles which apply to other forms of residential care, as set out in ‘Another Kind of Home’:

- individuality and development
- rights and responsibilities
- good basic care
- education
- health
- partnership with parents
- child centred collaboration
- a feeling of safety.

4.4 We have built upon these to arrive at the following guiding principles in our discussion.

4.5 Meeting Needs

- Secure care should be available for those children and young people who need the highest level of control and supervision whether for their own protection or that of the community.
- Secure care should not be seen as a ‘last resort’ but should be the service of choice and must form part of a graduated scale of care and protection for children and young people for whom statutory intervention is deemed appropriate.
- The assessment of a child’s needs prior to admission must arrive with the statutory care plan. It is vital for units that this information is available in order that purposeful intervention packages can be put in place and outcomes can be measured.

4.6 Quality of care

- The quality of care in secure units should be of the highest standard. Secure accommodation should be a safe, secure environment for individuals and groups, where young people are encouraged to achieve their potential.
- Any period spent in secure care should be within the framework of the care plan and have specified outcomes expected for the young person as a result of the care given.
- In keeping with their care plan, young people in secure units have a right to expect a planned regime of care which takes account of their health (mental and physical) and education needs and is designed to address the issues which have led to their detention. Care planners outwith the unit also have a key role in this process.
- The young person's family should be aware of and fully involved in the care plan wherever possible.
- The young person is entitled to safe contact with her or his family and/or significant others.
- The young person must be made aware of advocacy and support services and information about legal representation and advice.
- Quality of care can be secured only if all staff, both professional and administrative, have been trained appropriately.
- Local authorities have a clear duty to plan for the time when a child is no longer looked after by them. It is important that all those with an input here are involved well in advance.

4.7 Resources

- A range of interventions and services including secure care must be available to meet children's needs.
- The balance of demand for and supply of secure places should be kept under regular review.
- Secure units should have a modern well maintained physical environment and a sufficient level, range and quality of staff in order that the highest quality care can be delivered.
- Units should have access to the full range of resources to meet health and education needs.

4.8 Structure and Organisation

- The provision of secure accommodation should be planned and managed strategically as part of a national plan for services for children and young people.
- Efficient use of secure places should be supported by a national information system accessible to all stakeholders.
- Strategic decisions about secure accommodation should be informed by up-to-date information and research, centrally collected and widely disseminated.

SECTION 5 – CAPITAL DEVELOPMENT PROGRAMME

5.1 We have considered it appropriate to extend our discussions under this heading to a wide range of issues relating to the planning, management and funding of secure accommodation and other residential resources for children and young people.

5.2 In 1996, ‘A Secure Remedy’ recommended that in any redevelopment of secure accommodation the priorities should be:

- a new education block at Rossie
- replacing St Mary’s Kenmure on the existing site
- replacing Kerelaw on a site closer to the areas from which most of the young people come.

5.3 It concluded that there were sufficient places overall but that there might be difficulties in availability from time to time. We have revisited the recommendations and the conclusion.

5.4 We noted that the first 2 priorities have been met and **would urge that work proceeds on the replacement of Kerelaw as soon as possible**. We are aware that a new build on the present site is now under consideration.

Current provision

5.5 There are currently 95 secure places approved by Scottish Ministers. The numbers and locations are shown in Annex D.

5.6 The majority of places (79) are contained in 3 large units, Rossie (Montrose), St Mary’s Kenmure (Bishopbriggs) and Kerelaw (Ayrshire). St Mary’s and Rossie are within the voluntary sector and Kerelaw is operated by Glasgow City Council. In addition, 12 places are provided in the Edinburgh secure units.

5.7 There has been a modest expansion of secure places since 1996. In 1996 there were 88 places and now there are 95 places. The redevelopment of St Mary’s provided 6 additional beds and Dundee City Council have opened The Elms, with 4 secure beds.

5.8 Some limited further expansion is planned, with 6 additional beds proposed with the re-development of Kerelaw, a proposed secure unit of 6 places at Oakbank Residential School (possibly in Aberdeen), and the Board of Rossie has commissioned a feasibility study to re-develop their current 24-bed facility to 30 beds. These various proposals might increase the number of places to around 113 places in the next 3 to 5 years.

5.9 Edinburgh City Council plan to replace Howdenhall as part of a Public/Private Partnership for schools within the city.

5.10 These developments must fit within a national strategy for the care and education of children and young people who experience serious difficulties and disruptions in their lives.

Funding Arrangements

5.11 Until 1986, the Scottish Office provided 100% direct grant to List D schools, including secure units, to meet the cost of maintaining children in these schools. Thereafter, local authorities assumed responsibility for those costs. A net transfer of funds was made to local authorities at the time of transfer.

5.12 Grant assistance from central Government is also available to secure units through the provision of capital grant for building works under section 10 of the Social Work (Scotland) Act 1968.

5.13 Direct revenue payments are also made to secure units to meet the whole cost of those children who, as a result of court decisions, are the responsibility of Scottish Ministers. (At the time of this Report there are 20 sentenced children in secure units.)

5.14 The recently completed education facility at Rossie and the total cost of replacement and expansion of the St Mary's Kenmure facility did not receive 100% capital grant funding from central Government. The level of support was limited to 25% to 30% of estimated costs, with a resultant major impact on the per capita rates charged by these facilities. This was particularly marked in the case of the St Mary's rebuild, where financing of the capital element put an additional £700 per week on the per capita bed rate for the next 10 years.

5.15 The development of appropriate secure care and education facilities and their ongoing maintenance inevitably involves considerable capital expenditure. **Urgent consideration is required by Ministers to agree financial supports for secure care which can expedite the developments currently proposed in an equitable manner.**

Assessment of the need for more places

5.16 We recognise, as did the National Planning Group, that secure care is part of a continuum of provision ranging from community-based resources through residential accommodation to intensive support and secure care. However, the position in practice does not reflect this basic principle consistently across Scotland. Although the number and proportion of secure beds has increased over the period 1988-99, the total number of residential places including children's homes, secure accommodation, residential schools, hostels and homes for children with disabilities at 31 March 1999 was 1,989. This was nearly 5% lower than the 1998 figure and 30% lower than that for 1988. Yet the number and proportion of secure beds has increased over the same period. This puts pressure on all parts of the spectrum including secure accommodation.

5.17 In considering whether there are sufficient secure places, we are aware of the views of the police and children's panel members that more places are needed.

However, this perceived shortfall may not necessarily arise from a lack of places overall but a lack of places when and where they are needed, as ‘ A Secure Remedy’ suggested.

5.18 We consider that a case for more places can only be made if it can be shown that:

- there are insufficient places to meet the decisions of the courts or children’s hearings
- there are no available alternatives to secure accommodation which might achieve the desired outcomes for the young person
- no young people are being held in secure accommodation other than those who need to remain there in order to achieve the desired outcomes
- needs arising from future policy developments (paragraphs 5.31 and 5.36 refer) cannot be met.

5.19 We examined each of these criteria and also considered possible results of current policy developments.

Decisions by children’s hearings

5.20 Details of secure accommodation authorisations from 1995 to 1999/200 have been obtained from the Scottish Children’s Reporter Administration and are attached at Annex E. It was difficult to draw conclusions from these figures, given that it was suggested to us that some decisions made by children’s hearings are constrained by the knowledge that there is no secure place immediately available. Data is clearly needed on placements. **We recommend that local authorities are invited to cooperate in a retrospective study of the outcomes in terms of actual placements following secure care authorisations by hearings.**

5.21 The lack of immediate access to places poses particular problems for the small number of young people in crisis who require to be accommodated as a matter of urgency. The proposed study of outcomes should attempt to assess how far the current system is failing to meet the needs of this group and how many places would be required in this ‘emergency’ category.

Availability of alternatives

Foster care

5.22 Despite recruitment and awareness raising efforts by central government and local authorities, generally there is a shortage of foster carers. NCH Action for Children are running a project to provide specialist foster care for young people at risk of secure placement. This is presently being evaluated by the Scottish Executive with publication of the research expected in the near future. Some local authorities are setting up similar professional fostering schemes, such as the ACE Project in Dundee. This scheme has provided accommodation for a number of young people moving on from secure care. While such projects are to be commended, they are unlikely to yield

sufficient foster places to reduce significantly the demand for secure places for the most troubled young people.

Community-based projects

5.23 The key decisions arising from last year's Youth Crime Review are to expand the currently limited number of programmes and projects addressing the behaviour of persistent young offenders and to work towards a national network of community-based rather than residential programmes. Many local authorities propose extending and developing existing programmes. These will result in alternative disposals for children's hearings and courts to challenge the behaviour of the young people concerned. We endorse this approach but it is too soon to predict whether or not these measures will reduce the numbers meeting the criteria for secure placements.

Residential care in the community

5.24 We noted that 'A Secure Remedy' recommended that 'close support' (or intensive support) units providing intensive staff support for young people with serious behaviour problems be established in each Scottish city to meet the need for intensive care and control of some young people over short periods. These units were envisaged to prevent the need for admission to secure accommodation or provide an aftercare service for young people leaving such accommodation. This would have meant places available to each authority locally. However, it is not a model which has taken off since the Report was published, although the Elms in Dundee is a combined secure and close support unit. This unit has only been fully operational since December 2000 and may provide future evidence on the effectiveness of an integrated approach.

Close Support

5.25 We have considered carefully the recommendation made in 'A Secure Remedy' that there should be a 'close support unit' in each major city in Scotland. Since the report, difficulties with this model have emerged.

- There is no consensus as to what is a 'close support unit'.
- The model of dedicated units linked to secure provision has been criticised partly because of the experience of 'silting up' and partly because of its narrow application.
- The concept of 'close support' needs to be reframed to have a wider application in present circumstances.

5.26 We have redefined 'close support' as a needs led individualised structured package of multidisciplinary intervention for young people in chaos. As such 'close support' should be provided as early as possible and should encompass a range of locally based interventions designed to enhance services for young people whether they be in residential care or at home. Such a model requires a care plan/assessment prior to determining the intervention package.

5.27 Recognising the widely differing needs of young people, different degrees of 'close support' packages are needed. These might range through:

- additional support (extra staffing; working on relationships; short term intensive intervention; no physical security needed)
- enhanced support (high staff ratio with specific specialist skills; working on relationships; medium term intensive intervention; no physical security)
- intensive support (high staff ratio with specific specialist skills; working on relationships; building should assist staff in controlling movement; long/medium/short-term intervention)
- secure accommodation (specialist skills and interventions within physical security; working on relationships; short/medium/long-term).

5.28 As part of Children's Services Plans, local authorities should co-ordinate the range of 'close support' services for young people. Key players in providing the range of services are health, housing, education and social work. A commitment to providing resources would be required from all partner agencies.

5.29 We consider the 'close support' model outlined above would improve outcomes for young people by providing earlier, more appropriate and less restrictive intervention in individual cases. It should increase the capacity of local authorities to meet needs locally and appropriately and could lead to a reduction in the demand for places in secure accommodation and the length of such placements.

Non-secure places attached to units

5.30 There are currently 61 non-secure places in the large units.

Appropriateness of continued stay in secure accommodation

5.31 The results of a snapshot survey of young people in secure accommodation carried out in 1998 indicate that some children may stay longer in secure accommodation than necessary to achieve the desired outcomes because there is no appropriate after-care provision available. The development of close support units could help address this problem. Meantime, **we recommend that records be kept on the numbers of young people detained in secure accommodation due to lack of suitable follow-up facilities.**

Future Policy Developments

5.32 We are aware of certain future policy developments which will put further pressure on secure accommodation in Scotland.

5.33 The report 'A Safer Way' published in 1998 recommended that the then Scottish Office should consult on how to ensure that, by the year 2000, young women under the age of 18 were not held in prison establishments, and on how and by when to achieve the same for males under 18. We are aware that a new Ministerial group on Women Offending chaired by the Deputy Minister for Justice is currently considering how to take this forward. **We send a warning that there are important**

implications for secure and other types of provision to be considered in taking forward this recommendation.

5.34 The latest available prison statistics (Prison Statistics Scotland, 1999) reveal the following information relating to 1999:

- Total young offender direct sentenced receptions for under 18s decreased by 10% in comparison with 1998 figures, with the 627 male receptions in that age group also reflecting a 10% reduction in the same period, and the 35 female receptions in the same age group reflecting a 3% reduction. (Provisional figures for 2000 indicate that these decreases have continued.) Female receptions in the under 21 age group were, however, at their highest level for the decade. (Provisional figures for 2000 show little, if any, reduction.)
- As at 30 June, there were 53 16 year old prisoners in custody (including 1 female) and 175 17 year olds (including 9 females).
- There were 14 unruly certificate remands, including one female, reflecting a continuing reduction in numbers (from 86 in 1995, 66 in 1996, 49 in 1997, and 32 in 1998), with one certificate relating to a 14 year old, 8 to 15 year-olds and 5 to 16 year olds.

5.35 Information provided in response to a Parliamentary Question confirms that, in 1998-99, 620 young people under 16 were held in police cells (excludes the Grampian area, for which no figures were available).

5.36 We recommend that statistical information be gathered to give a representative picture of the numbers, ages and length of stay of young people held in penal institutions whose placement, in the future, might well be in secure accommodation.

5.37 Implementation of the Human Rights Act 1998 means that young people under the age of 16 should only be held in police cells on unruly certificates or be remanded to or incarcerated in penal institutions in extreme circumstances. This has the potential to put added pressure on secure accommodation facilities. The Group will monitor the figures.

5.38 In the absence of adequate data we have not reached a consensus view on whether the case has been proven at present for more secure places. There is certainly a difficulty in having places available when needed. Developing a range of alternatives to secure care is likely to reduce the need for secure places, but this will take time. 5.31. **Until the initiatives outlined in paragraphs 5.22 to 5.29 bear fruit, we would urge further investment in the present alternatives.**

5.39 Once in possession of the necessary data, we will revisit the question of whether there is a need for more secure accommodation.

5.40 Consideration of how the larger units would offer a Scotland-wide facility should also address the question of how to ensure immediate access to a small number of ‘emergency places’ to accommodate young people in crisis.

Management of Present Resources

5.41 Meantime, we considered the case for strategic management of resources presently available. Discussion within our working Group has demonstrated a clear need for dialogue between the Heads of the large secure units at St Mary’s, Rossie and Kerelaw about the availability of resources to deliver appropriate care packages throughout the sector. We consider there is a case for viewing the 3 large units as a national resource, with all local authorities having access to these facilities. This would require a national formal agreement between Government, the units and local authorities. Commitment would have to be made by the 3 secure units to:

- access by all local authorities
- common service planning
- explicit sharing of good practice
- exchange of information

The understanding would be that Central Government would give them priority treatment for central funding.

Broader Long Term Strategy

5.42 **We recommend that a National Strategy for Secure Care should be developed as part of a broader national plan for residential care which derives from the needs of young people and takes account of outside drivers, for example ECHR considerations.** To be translated into action, such a plan would have to gain the support of all key players including Government, local authorities and voluntary organisations, given the mixed economy of local authority and privately run establishments.

5.43 As a first step in pulling together the differing strands of local service planning and delivery within national oversight **we recommend that local authorities be asked to prepare a strategic plan for the integration of services (social work, health and education, accommodation) provided to the most difficult young people, to include assessment of the likely nature, (i.e. diversity and scale) of the demand. The plan should take into account experience over the previous 12 months of both children’s hearings and courts’ decisions.**

SECTION 6 – MONITORING SUPPLY AND DEMAND

6.1 As part of maximising the use of present resources, we considered the difficulties faced by placing authorities, often in circumstances of extreme urgency, in determining the availability of secure places in Scotland at any one time. Our view is that central monitoring of supply and demand together with ready access by placing authorities to this information might help.

6.2 We recommend that the Scottish Executive fund a feasibility study into providing 24-hour on-line information for placing authorities on the number and type of places available or likely to become available within the next week, both in Scotland and in England and Wales (accessing information available there from the Bed Bureau).

SECTION 7 – SPECIALIST SERVICES

7.1 As highlighted in section 3, children and young people requiring admission to secure care have complex needs arising from relationships within their respective communities. On occasion these are compounded by actual or potential mental health problems that are intrinsic to the young people, or induced through substance misuse. There are problems in meeting these needs appropriately, both in the community and within secure care.

7.2 We reviewed a snapshot survey of young people in secure accommodation carried out for the Scottish Executive in March 1998 which showed a lack of assessment of health needs and a dearth of continuing assessment. We are aware that matters have moved on since that time and that better care planning in general is being introduced through the Looked After Children Materials. This requires continuing leadership from the Scottish Executive.

7.3 The Group recognised that early intervention is crucial and can prevent some children having to be placed in secure units later in life. There is a need for careful multi-disciplinary assessment with participation by health professionals, incorporating psychological and psychiatric input. Risk assessment is another important aspect.

7.4 As one of our general principles, we consider that, when a young person is placed in secure care there should be specified outcomes and not merely containment, either for her/his own protection or that of the community. Again, appropriate and effective care based on comprehensive multi-disciplinary assessment of needs and risks is essential.

7.5 As set out in section 3, local authorities and secure units need to be able to develop sophisticated methods of intervention to respond to the complex difficulties – social, emotional, educational and health-related - presented by the most troubled and troublesome children both in the community and in secure accommodation. Appropriate psychological and psychiatric support is a vital ingredient.

7.6 We welcome the development of specialist care packages and consider they are necessary to tackle the following in particular:

- offending behaviour
- anger management
- substance misuse
- low self esteem
- sexual aggression
- bereavement
- self harm
- teenage pregnancy.

7.7 We are already aware of the following specialist units:

At Kerelaw

- a dedicated girls' unit

At St Mary's Kenmure

- 22 day risk analysis/assessment in a discrete six bedded unit within the secure building
- a year long programme for sexually aggressive young people in a specialist discrete house unit accommodating six young people within the secure facility
- a specialist 6 bedded house unit for long term serious offenders, with a Cognitive Skills Programme
- a 6 bedded non-secure facility on campus to assist young people to make the transition from security.

7.8 There may be a need for further dedicated units, for example a 4 to 6 bed unit for young people with mental health problems (being considered by Rossie's Board of Managers), possibly a specialist 3 bed mother and baby unit for teenage mothers also being considered by Rossie, plus a limited facility for those with severe conduct disorder. Issues such as age, gender, and geography must all be borne in mind in setting such programmes in place. Such units might well play a part in ECHR implementation by providing care and protection for all young people within the unit.

7.9 However, the setting up of such specialist units would inevitably affect the overall flexibility and capacity of the larger host establishments to accommodate young people, particularly in emergency situations. This indicates a need for additional resources. **We consider that the position regarding the provision and use of specialist services needs to be monitored and reviewed, and that arrangements should be put in place for regular reports back to this Group. This could facilitate the development of a national strategy.**

SECTION 8 – ISSUES ARISING FROM IMPLEMENTATION OF THE HUMAN RIGHTS ACT 1998

8.1 In the course of our discussions we have been aware of the potential impact of implementation of the Human Rights Act 1998 on children's hearings issues. This, in turn, impacts upon the secure care regime. We will continue to monitor the position closely but even at this early stage **we wish to highlight the need for attention to be given to:**

- **clear criteria for screening panels considering admission of children to secure units and documented reasons for decisions taken**
- **regular reviews of the continuing need to deprive the child or young person of liberty**
- **young people's right of access to legal advice at all stages in the process**
- **ensuring hearings do not take place in secure units unless there is good reason, duly documented**
- **clearly documented reasons for all recommendations and decisions at all times**
- **ensuring that care plans are based on multi-disciplinary assessment, consequent right of access to therapeutic and other services, and follow-on resources in the community**
- **review of arrangements for making decisions about transfer/transition to prison**
- **ensuring practitioners are kept up-to-date as case law develops in this area.**

SECTION 9 – FUTURE ISSUES

9.1 This report is the first stage in developing the picture of the provision and use of secure care. In the future we will develop further recommendations, drawing on information derived from routine monitoring of demand for secure places and the outcomes of other investigations recommended by this report.

Legislative provisions

9.2. We are aware of ECHR implications for secure care with respect to Article 5 of the Convention which deals specifically with the rights of individuals deprived of their liberty. The recent Court of Session judgement in the case of *S v the Principal Reporter and Lord Advocate* found the current arrangements for placement of a child in secure accommodation compliant with Article 5 since this is considered to be for the purpose of ‘educational supervision’. Further challenges are to be anticipated however. We shall give further consideration to ECHR issues and the possible need for any legislative change.

9.3 We have looked briefly at some of the important issues covered in the Sheriff’s Determination in the Fatal Accident Inquiry involving a 16-year-old girl for whom a hearing had authorised placement in secure accommodation but who died of a drug overdose after absconding from a residential unit. The Children (Scotland) Act 1995 invests different levels of responsibility for the decision as to whether or not a child or young person should be detained in secure accommodation. A children’s hearing may attach to a supervision requirement a condition (or grant a warrant) authorising “ that the child shall be liable to be placed and kept in secure accommodation during such period as the person in charge of establishment, with the agreement of the chief social work officer of the relevant local authority, considers necessary”.

9.4 While this tripartite arrangement can work satisfactorily, we are aware that different processes and procedures for implementing these arrangements, particularly as regards the exercise of the chief social work officer’s responsibilities, exist across the country. In addition, the resolution of possible disputes between the head of a secure unit and the chief social work officer as to the appropriateness of admission is problematic.

9.5 We consider that there should be a specific examination of the current legislation in order to test whether the shared responsibility for authorisation and admission could be improved.

Secure units as providing a Scotland-wide facility

9.6 As part of our specific task in relation to the capital development programme, we have looked at the question of what may be entailed by designating a secure unit as a providing a Scotland-wide facility. This can be stated simply as relating to universal access so that children and young people from any part of Scotland may be admitted to a particular facility. The practicality of this needs to be examined,

however, particularly in connection with the development of specialist services within particular secure establishments (see section 7 of this report).

9.7 Viewing the 3 large units as a Scotland-wide resource may also have direct implications for the funding arrangements operated by the Executive in respect of capital redevelopment. We are aware that 100% capital funding ceased in the mid 1980s. We have no particular view as to whether that decision needs to be reviewed. However we are clear that if the three larger units (St Mary's, Rossie and Kerelaw) are required to provide an Scotland-wide facility, there should be an equity of treatment between them when it comes to capital grant from the Executive. These matters are complex, not least in relation to the possibility of Public/Private Partnership deals which may be relevant to the local authority accommodation. **We think that the topic would merit further and deeper examination.**

'Close support'

9.8 We are aware of the danger of looking at secure units in isolation from other forms of provision to which young people are admitted and from which they are discharged. In particular, the relative absence of graduated provision between open and secure units means that some young people may be referred prematurely for admission to secure accommodation. There may also be delays in discharging some young people who no longer require secure accommodation but for whom no appropriate alternative is available. We have proposed a model of service provision through a range of intervention packages as 'close support' which might, in time, reduce demand for secure placements and the length of such placements. We think this model should be considered further by local authorities and partner agencies such as health who would have to make a commitment to providing the necessary resources to allow this to work.

Efficacy of secure placements

9.9 We are aware that the care regimes within secure units are not directly within the scope of this Advisory Group. While not bidding to extend our remit into this area however, we nevertheless believe that the effectiveness of secure placements is an extremely important issue and would flag up the need for national level research into the intended and actual outcomes for children and young people of placement in secure accommodation.

9.10 We will also turn our attention to:

- consultation with service users, particularly young people, in taking forward future work on secure care standards
- standards appropriate to secure care and its effectiveness against the backdrop of ECHR implications.
- the place of 16 to 18 year olds within the justice system
- how planning for transition to prison for child offenders detained in secure accommodation is handled.

9.13 We aim to provide a further report to Ministers on these issues.

ANNEX A

MEMBERS OF SECURE ACCOMMODATION ADVISORY GROUP

Mrs Sally Kuenssberg (Chairman)	Chairman, Scottish Children's Reporter Administration (SCRA)
Mr Stuart Bond (took over David Pia's place on Group)	Social Work Services Inspectorate (SWSI), Scottish Executive Education Department (SEED)
Ms Sandra Campbell	Association of Directors of Social Work (ADSW) and Service Manager, Dundee City Council
Mr Bill Duffy	Principal, St Mary's Kenmure secure unit
Mr Dan Gunn	Governor, HM Young Offenders Institution, Polmont
Mr Chris Holmes	Head of Children and Families/ Criminal Justice Services, Glasgow City Council (previously Head Teacher at Kerelaw)
Ms Romy Langeland	ADSW and Deputy Director of Social Work and Criminal Justice, Glasgow City Council
Mr Gerald McHugh	Head of Young People and Looked After Children Division (YP&LAC), SEED
Mr Kenneth McInnes	Deputy Chief Constable, Fife Constabulary
Ms Erinna McNeil	Chief Executive, Rossie secure unit
Mrs Marion Pagani	Chairman, Glasgow Children's Panel
Mr David Pia (place later taken by Stuart Bond)	SWSI, SEED
Mr Malcolm Schaffer	Reporter Manager, SCRA
Mrs Annette Sharp	Parole and Miscarriages Review Division, Scottish Executive Justice Department
Mr Graeme C Warner	Sheriff
<u>Secretariat</u>	
Ms Angela Wiseman	YP&LAC, SEED
Mrs Catherine Clark	YP&LAC, SEED

A SECURE REMEDY (1996)

List of recommendations

- 1 Each year, police and social work departments should review the arrangements and practice in each force area for children who need to be held in a place of safety before appearing in a court. They should make sure that policies and practice are well co-ordinated and plan and review any improvements which are needed.
- 2 Secure units should review their arrangements for co-ordinating assessments of young people.
- 3 The main secure units should, after consulting local authorities, develop and agree on standard admission forms and assessment procedures.
- 4 Local authorities should give units as much information as possible on each child before the child arrives in secure care. The authorities should complete this information within two working days.
- 5 Each child in secure accommodation should have their own programme of care, education and treatment which meets their needs and aims to change the behaviour which led to them being in secure care. The programme should be decided at the end of the assessment and every member of staff should be told the aims and how they can help.
- 6 Local authorities should consult secure units to agree standards for arranging aftercare and education for the children leaving secure care.
- 7 Greater priority should be given to improving education facilities in secure units. A new education block should be provided at Rossie as soon as possible.
- 8 More attention should be given to guiding the work of teachers and assuring quality in the curriculum. Teachers in secure units should have more opportunities for learning about developments in the national curriculum.
- 9 Education staff should be fully involved in designing assessment forms and procedures. All assessments and work with young people in secure care should be planned and carried out as a single approach to education, care and treatment. All staff should be aware of the main goals for each child and their role in helping the child to reach these goals.
- 10 All care and education staff in secure units should receive training in how to deal with drug, alcohol and substance abuse.
- 11 Each unit's quality development plan should include a section on drug, alcohol and substance abuse which sets out targets for action and a timetable.
- 12 There should be further research into the mental health needs of children in secure accommodation and how these needs should be met.
- 13 The use and design of the isolation cell at Rossie should be reviewed and changed.
- 14 Managers of secure units and local authorities should make sure that the unit can meet the minimum requirement of two staff to anyone group of children during waking hours. In doing so, they must allow for sickness, leave and training. Normally they should plan for three care staff to eight young people. The exact arrangements should depend on the care and education system in the unit.
- 15 Priority should be given to increasing repair, maintenance and furnishing budgets in existing units. In this way, we can reduce the time when beds are out of use.

16 The priorities in a redevelopment plan should be: a new education block at Rossie; replacing Kenmure St Mary's on the existing site; and replacing Kerelaw on a site closer to the areas from which most of the young people come.

17 Close support units should be developed in each Scottish city to meet the need for intensive care and control of some young people over short periods.

18 Local authorities and others should continue to develop community-based care projects for young people who would otherwise end up in secure accommodation. The results of these projects must be assessed.

19 The Scottish Office should, in consultation with local authorities and the secure units set up a Secure Accommodation Admissions Bureau to serve as the first point of contact for any agency wanting to send a child to secure care. The Bureau should also monitor demand and produce monthly reports.

20 Special training options for staff in secure care units should be developed.

21 Staff training in secure units should be improved by:

- managers of secure units introducing plans to meet the national targets for training residential child care staff by 1999; and
- local authorities giving priority to training grants for staff in secure units, including units run by independent agencies.

22 Each secure unit should review its statement of functions and aims and should decide what action it needs to take to be able to deal with the most challenging behaviour.

23 Each secure unit should draw up a quality-development plan for introducing a range of improvements. It should review its plan every three months.

24 Local authorities should review their arrangements for co-operation between social work and education departments in assessing and treating primary school children with serious behavioural difficulties. They should complete these reviews by December 1996 and report the results to The Scottish Office by February 1997.

25 The Scottish Office should commission a review of the research on early intervention with children with serious behavioural problems. After the local authority reviews are completed The Scottish Office should hold a national seminar for social work and education authorities to decide on a plan of action.

26 Young people's care needs should be assessed and planned more effectively by:

- more training;
- adopting a common style for assessments in secure units;
- including social workers in the assessment and care plan; and
- social workers visiting children in secure units every week for the first six weeks and then as a minimum fortnightly.

27 The new local authority children's services plans should recognise the value of residential schools for children with particularly difficult behaviour and should set out how the authority will pay for places for children who need them.

28 A National Planning Group should be set up to oversee the planning, management and development of secure units and care and education services for young people with behavioural problems which include offending. They should pay special attention to developing more effective, early intervention. The Planning Group should report each year to the Secretary of State.

THE REPORT OF NATIONAL PLANNING GROUP FOR THE CARE AND EDUCATION SERVICES FOR YOUNG PEOPLE WITH BEHAVIOURAL PROBLEMS WHICH INCLUDE OFFENDING (1999)

Recommendations

1. The annual review of Children's Services Plans by each local authority should include a strategy to address offending in children up to 18 years of age agreed with other relevant local authority services and external agencies. This should address offending by children looked after by the local authority, both those accommodated away from home and those on supervision living with their families
2. Each local authority should provide information to the Children's Panel and Authority, Reporter, local judiciary, Procurator Fiscal and defence agents about resources and services available through the Children's Hearing system for 16 to 18 year olds.
3. The powers in Section 66 of the Criminal Justice (Scotland) Act 1995 which would enable 100% funding for services for 16 to 18 year olds in the Children's Hearing System should be commenced as soon as possible.
4. The Scottish Office should issue for consultation the draft protocol to minimise the use of custody for children under 18.
5. Statutory child care plans for young people who are looked after must be in place and should be presented when they appear at children's hearings.
6. The Looking After Children materials should be adopted by all local authorities as a means of implementing statutory care planning requirements and assuring good practice in assessment and care planning for individual children.
7. Guidance on statements of Function and Objectives should be revised to require residential units to say explicitly how offending behaviour will be addressed and how they will deal with drug and alcohol misuse.
8. The role of psychiatrists as members of multi-disciplinary teams working with children with severe behavioural and offending problems should be re-emphasised and supported by the Scottish Health Service.
9. The Scottish Office, local authorities and other key agencies should agree a set of performance indicators in relation to work with young people who offend.

LEGAL CRITERIA RELEVANT TO PLACEMENT IN A SECURE UNIT

Extracts from the Children (Scotland) Act 1995

Section 70

“70- (1) Where the children’s hearing to whom a child’s case has been referred under section 65(1) of this Act are satisfied that compulsory measures of supervision are necessary in respect of the child they may make a requirement under this section (to be known as a “supervision” requirement”).

(2) A children’s hearing, where they decide to make such a requirement, shall consider whether to impose any condition such as is described in subsection (5)(b) below.

(3) A supervision requirement may require the child –

(a) to reside at any place or places specified in the requirement; and

(b) to comply with any condition contained in the requirement.

(4) The place or, as the case may be, places specified in a requirement under subsection (3)(a) above may, without prejudice to the generality of that subsection, be a place or places in England or Wales; and a supervision requirement shall be authority for the person in charge of such a place to restrict the child’s liberty to such an extent as that person may consider appropriate, having regard to the terms of the requirement.

(5) A condition imposed under subsection (3)(b) above may, without prejudice to the generality of that subsection –

(a) subject to section 90 of this Act, require the child to submit to any medical or other examination or treatment;

(b) regulate the contact with the child of any specified person or class of persons.

(6) A children’s hearing may require, when making a supervision requirement, that any place where the child is to reside in accordance with the supervision requirement shall not be disclosed to any person specified in the requirement under this subsection or class of persons so specified.

(7) A children’s hearing who make a supervision requirement may determine that the requirement shall be reviewed at such time during the duration of the requirement as they determine.

(8) A supervision requirement shall be in such form as the Secretary of State may prescribe by rules.

(9) Where a children’s hearing are satisfied –

(a) that it is necessary to make a supervision requirement which includes a requirement under subsection (3)(a) above that the child reside in a named residential establishment; and

- (b) that any of the criteria specified in subsection (10) below are satisfied,

they may specify in the requirement that the child shall be liable to be placed and kept in secure accommodation in that establishment during such period as the person in charge of that establishment, with the agreement of the chief social work officer of the relevant local authority, considers necessary.

(10) The criteria referred to in subsection (9) above are that the child-

- (a) having previously absconded, is likely to abscond unless kept in secure accommodation, and, if he absconds, it is likely that his physical, mental or moral welfare will be at risk; or
- (b) is likely to injure himself or some other person unless he is kept in such accommodation.”

Note: Section 66(6) gives the children’s hearing power to grant a warrant authorising detention of a child in secure accommodation if the criteria in section 70 (10) are met.

ANNEX D

SECURE ACCOMMODATION FOR CHILDREN IN SCOTLAND, 2001

School	Managing Council	Open Places	Secure Places	Head of Unit	
Rossie School Montrose ANGUS DD10 9TW Tel: 01674 820 204 Fax: 01674 820 249	Independent	5	25	Ms Erinna McNeil Chief Executive Rossie School MONTROSE Angus DD10 9TW	
St Mary's Kenmure Bishopbriggs GLASGOW G64 2EH Tel: 0141 586 1200 Fax: 0141 586 1224	Independent	6	30	Mr B Duffy Principal St Mary's Kenmure Bishopbriggs GLASGOW G64 2EH	
Kerelaw School Kerelaw Road STEVENSTON Ayrshire KA20 4JY Tel: 01294 606 500 Fax: 01294 463 099	Glasgow	50	24	Mr J Hunter Headmaster Secure Unit Kerelaw School STEVENSTON Ayrshire KA20 4JY	
Howdenhall Children's Unit - Braid Unit 39 Howdenhall Road EDINBURGH EH16 6TY Tel: 0131 664 8488 Fax: 0131 664 3549	Edinburgh	5	5	Mr Frank Phelan Acting Manager Secure Services St Katherine's Centre 29b Balmwell Terrace EDINBURGH EH16 6PS	
St Katherine's Centre - Guthrie Unit 29B Balmwell Terrace EDINBURGH EH16 6PS Tel: 0131 672 1109 Fax: 0131 666 2979	Edinburgh	8	7 (inc 1 emergency bed)	Mr Frank Phelan Acting Manager Secure Services St Katharine's Centre 29b Balmwell Terrace EDINBURGH EH16 6PS	
The Elms Secure Unit Elm Court 317 South Road DUNDEE Tel: 01382 436730 Fax: 01382 436742	Dundee	5	4 (incl 1 emergency bed)	Mr Bert Sandeman Senior Officer The Elms 317 South Road DUNDEE	
	TOTAL	79	95		

ANNEX E

SECURE ACCOMMODATION AUTHORISATIONS, 1995-1999/2000
 (from Statistical Bulletin no. 24, SCRA, 2001)

		1995		1996/97		1997/98		1998/99		1999/2000	
Sex	Age Group	SA Made	SA Cont'd	SA Made	SA Cont'd	SA Made	SA Cont'd	SA Made	SA Cont'd	SA Made	SA Cont'd
Boys	0 to 7	0	0	0	0	6	1	1	0	1	0
	8 to 11	2	3	4	5	2	2	0	0	1	0
	12	3	4	2	2	13	1	10	3	4	1
	13	10	14	8	6	11	7	21	9	16	8
	14	38	24	35	32	33	37	40	22	35	18
	15	37	72	21	39	55	49	56	36	26	12
	16 to 17	1	4	0	1	5	4	4	8	8	6
	All ages	91	121	70	85	125	101	132	78	91	45
Girls	0 to 7	0	0	0	0	2	0	5	0	0	0
	8 to 11	0	0	0	1	4	1	0	0	0	0
	12	2	0	2	0	2	7	0	2	2	0
	13	9	12	4	6	4	1	9	7	3	2
	14	19	20	16	23	21	5	26	10	22	7
	15	23	26	15	21	30	19	16	16	15	7
	16 to 17	3	4	3	4	1	2	1	4	4	2
	All ages	56	62	40	55	52	35	56	39	46	18
Boys and Girls	TOTAL	147	183	110	140	177	136	189	117	137	63