



To: Directors of Social Services
Head of Children Services

31 March 2023

Dear Colleagues,

PLACEMENT OF A CHILD AGED UNDER 13 IN A SECURE CHILDREN'S HOME

As you know, a local authority that wishes to place a child under the age of 13 in a secure children's home must seek the prior approval of the Welsh Ministers.

This letter reminds you of the process to be followed. It sets out:

- The circumstances in which approval must be sought
- The procedures to be followed in such cases
- The contact details of the relevant Welsh Government Officials.

Regulation 13 of the Children (Secure Accommodation) (Wales) Regulations 2015 ("the 2015 Regulations") requires a local authority in Wales to obtain the approval of the Welsh Ministers before placing a child aged under 13 in secure accommodation. This applies both to placements within Wales (in Hillside Secure Children's Home), which will be made under section 119 of the Social Services and Well-being (Wales) Act 2014, and placements outside Wales which will continue to be made under section 25 of the Children Act 1989 (for placements in England), and under the High Court's inherent jurisdiction together with a mirror order from the Court of Session in Scotland under the "nobile officium" (for placements in Scotland).

Guidance on the process for seeking approval may be found in the Part 6 Code of Practice, chapter 7 (pages 133-142). The relevant section of the Code is available [here](#).

Such an application usually occurs:

- Where the child has a history of absconding and the local authority considers that he or she is likely to abscond from any other description of accommodation, and is likely to suffer significant harm if they do: or
- Where the local authority considers that if the child is placed in any other description of accommodation he or she is likely to injure himself/herself or

any other persons (section 119 of the Social Services and Well-being (Wales) Act 2014 / section 25 of the Children Act 1989).

(This test is modified in respect of children aged between 12 and 16 who are detained under the Police and Criminal Evidence Act 198. See regulation 15 of the 2015 Regulations / regulation 6 of the 1991 Regulations).

Local authorities are required under the Part 6 Code of Practice to seek further approval from the Welsh Ministers if they wish to return to court to seek an extension to a secure placement and the child is still under the age of 13.

Contacts

During normal working hours, you should contact one of the following:

1. Alistair Davey, Deputy Director, Enabling People: tel: 03000 256319 / 07501 596840, email Alistair.Davey@gov.wales
2. David Sargent, Improving Outcomes; tel: 03000 2530525 / 07772 139999, email David.Sargent@gov.wales
3. Penny Hall, Improving Outcomes: tel: 03000 253095, email Penny.Hall@gov.wales

You will be asked to provide the information contained in the code and we will contact Care Inspectorate Wales (CIW) for a professional view of the case before an approval letter can be issued. It is likely that CIW will contact the local authority to discuss the circumstances of the case.

Out of hours

In exceptional circumstances, where you need to seek approval in an emergency out of hours (17.30 to 08.30) or during a weekend or bank holiday, please contact Alistair Davey on 07501 596840 or David Sargent on 07772 139999.

I would be grateful if you could bring the contents of this letter (including the procedures in the code) to the attention of the relevant staff in your local authority.

Yours sincerely,



Alistair Davey MA Chartered CFIPD
Deputy Director
Enabling People Division