
SECURE CARE:
An Inspection of Secure Accommodation at
Shamrock House and Linden House

SECURE CARE: AN INSPECTION OF SECURE ACCOMMODATION AT
SHAMROCK HOUSE AND LINDEN HOUSE

Report by:

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SOCIAL SERVICES INSPECTORATE

The Social Services Inspectorate (SSI) is a professional division of the Department of Health Social Services and Public Safety (DHSSPS). It is independent of Health and Social Services Boards (HSS Boards) and Health and Social Services Trusts (HSS Trusts), voluntary and private sector providers and seeks to include the perspective of service users, carers and lay people in inspection work. The purposes of the SSI are:

- to inspect social services and criminal justice provision and its organisation and management;
- to evaluate voluntary organisations grant aided by DHSSPS;
- to provide professional advice and expertise to Ministers, Departments and social care and criminal justice agencies on the formulation, implementation and review of social services, and related health policies, and the effective and efficient delivery of social services;
- to facilitate the conduct of business between the Departments and HSS Boards, HSS Trusts, the independent sector and other agencies; and
- to develop, promote and manage effectively, programmes such as training and staff development.

The SSI is authorised by the DHSSPS to inspect services for children under Article 149 of the Children (Northern Ireland) Order 1995, (Children Order).

EDUCATION AND TRAINING INSPECTORATE

The Education and Training Inspectorate (ETI) provides inspection services for the Department of Education, the Department for Employment and Learning and the Department of Culture Arts and Leisure. ETI also adopts a working partnership approach, when necessary, to participate in professional joined-up inspection activities with other public service bodies.

The key purpose of ETI is to promote the highest possible standards of learning and teaching in schools, colleges, institutions and establishments in Northern Ireland.

ETI contributes to the promotion of improvement by monitoring, inspecting and reporting on the standard of education being provided by those bodies and on the standard of professional practice among those who support teaching and learning.

ETI also advises the Departments on any aspect of education and training or of policy, which the Departments may refer to them or on which they think advice is appropriate.

1. INTRODUCTION

1.1 In January 2001, the Social Services Inspectorate (SSI) undertook a quantitative analysis into the use of secure accommodation in Northern Ireland between November 1996 and January 2001. Recommendation 5 of the subsequent report (“Quantitative Analysis into the use of secure accommodation in Northern Ireland between November 1996 and January 2001: Shamrock House July 2001”), stated that SSI should:

“consider the need for an inspection of secure accommodation to provide information on a range of areas which this inspection has highlighted as worthy of further attention . . .”

This inspection takes forward that recommendation and in doing so complements, with qualitative information, the earlier inspection.

Inspection Objectives

1.2 The inspection brief is reproduced in full at Appendix 1, the following are the objectives of the inspection:

- to evaluate the planning, decision making and placement arrangements for children prior to applications being made for a secure accommodation order;
- to assess how Care Plans developed to support such applications have been implemented following admission to and discharge from secure accommodation;
- to assess the quality of practice and determine the outcome for children;
- to make recommendations to assist with the development of effective planning for children for whom secure accommodation is required;
- to consider the commissioning arrangements which exist between HSS Boards and the Ulster Community and Hospitals Trust (UCHT) in relation to providing secure accommodation for their resident population;
- to consider the operation of the independent review process in relation to children placed within secure accommodation and make recommendations to develop further this process;
- to consider arrangements put in place to safeguard and promote the wellbeing of children referred to secure accommodation when no place was available to enable a placement to be made;
- to consider how the rights of children are promoted by the existing legislative and policy context;
- to evaluate the educational environment and the educational provision for children within secure accommodation;
- to make recommendations to enable a review and development of policy in relation to the provision of secure accommodation.

Standard

1.3 The standard against which the service was inspected was the Planning Standard set out in “Quality Living Standards for Services: Children who live away from home”, (SSI, 1997). There are 4 elements to this standard:

- assessment;
- planning;
- review; and
- management arrangements.

The aim is to establish the basis for the decision to use secure accommodation as a means of meeting the needs of individual children and to place this within the context of planning both prior to and after their admission to secure accommodation.

Inspection Methodology

1.4 The inspection involved the following key activities:

- the collection of pre-inspection information;
- the collection of statistical information on children placed in secure accommodation in the 2 years prior to 31 August 2001;
- examination of case files held by HSS Trusts in respect of a sample of 20 children who were admitted to secure accommodation during the study period. This sample was randomly selected;
- examination of the case files maintained in secure accommodation on the sample of 20 children;
- a detailed examination of 7 of the 20 children whose case files were examined. This entailed:
 - discussion with the children;
 - their parents/carers;
 - their field social worker;
 - their key worker during the time of their stay in secure accommodation;
 - their Guardian ad Litem (GAL);
 - senior managers within the relevant HSS Trust;
- an examination of a sample of 8 children’s case files who had been referred during the 2 years prior to 31 August 2001 but who had not been placed in secure accommodation following that referral;

- evaluation of the educational environment and the educational provision within secure accommodation;
- interviews with secure accommodation staff and their managers;
- interviews with members of the Northern Ireland Judiciary.

In the course of the inspection, inspectors also attended one meeting with teaching staff, 2 staff meetings for residential social workers and 3 hearings for Secure Accommodation Orders, which were held within secure accommodation.

1.5 The inspection fieldwork commenced on 18 October 2001. The inspection team comprised:

Marion Reynolds	:	Lead Inspector
Patrick Manning	:	Education and Training Inspector
Ruth Sinclair	:	Consultant
Rosie Mitten	:	Lay Assessor

Mrs Maire McMahon, Assistant Chief Inspector, managed the inspection team, and Patricia McDowell, Social Services Analysis Branch, provided statistical and analytical support. A Reference Group supported the inspection team in the planning of its work by providing advice and assistance (see Appendix 2 for Membership).

1.6 The inspection team wishes to acknowledge the co-operation and assistance provided throughout the inspection from the following:

- the social work and teaching staff at Shamrock House and Linden House and their managers;
- social services staff across the 11 HSS Trusts;
- staff from the Northern Ireland Guardian ad Litem Agency (NIGALA);
- members of the Northern Ireland Judiciary.

We would also wish to acknowledge the help provided by children, their parents and carers. Further copies of this and the earlier report referred to at Para 1.1 are available on request from SSI, telephone 028 9052 0625.

2. SECURE ACCOMMODATION: THE WIDER CONTEXT

Introduction

- 2.1 Since the commencement of the Children (Northern Ireland) Order 1995, in November 1996, secure provision for looked after children who are the responsibility of HSS Trusts has been available on a regional basis at the Lakewood Centre, Bangor. Until 24 January 2001, there were 8 secure places located at Shamrock House. On that date, the opening of a second secure unit, Linden House, provided 7 additional places.

Location and Premises

- 2.2 The 2 secure accommodation units are located on a large campus site, with 3 other children's homes, which are commonly described as "open units", although physical separation is strictly maintained through high wire fencing which encloses the secure accommodation units. All of these facilities are managed by the UCHT. One of the "open units" was temporarily moth-balled during the course of this inspection (November 2001) to enable staff to be re-deployed to Linden House, which had been experiencing staffing difficulties since it opened. At the time of the inspection, there were a total of 20.5 core residential social work and child care staff employed within secure accommodation. To augment the roster, secure accommodation managers also employed on a regular basis 12 casual staff. In addition there was a number of other casual staff who were used less frequently. HSS Trust staff perceived that the reliance on casual staff had implications for the admission of children to secure accommodation over weekend periods (See Para. 2.24). Secure accommodation managers reported, however, that the use of casual staff would not result in any admission being refused. They would, however, consider it good practice to plan the admission of a young person with complex needs. During the course of the inspection, 4 of the 20.5 core staff left their employment, (20%). Recruiting and retaining staff to work within secure accommodation was noted by managers as an ongoing issue.
- 2.3 Also on the campus is Rathgael Juvenile Justice Centre, which is managed by the Northern Ireland Office (NIO). The NIO is currently developing parts of the site for the new juvenile justice provision, which will replace both the Rathgael Juvenile Justice Centre and Lisnevin.
- 2.4 Neither Shamrock nor Linden were purpose built as secure accommodation, consequently the premises have considerable limitations in terms of:
- the separation of living accommodation from schooling;
 - restricted internal and external space for recreational and leisure purposes;
 - bedrooms which are too small and do not meet current space requirements;
 - limited bathroom and toilet facilities;

- an absence of air-conditioning, a particular problem during the summer in the bedrooms given the limit to which windows can be open. The fact that these windows have recently been effectively triple glazed to reduce the risk of children absconding is likely to increase their oppressiveness during the summer months.

Residential social workers and education staff recognise that the premises restrict the work, which they undertake with the children and also contributes to the intensity of contact between the children. The structure of the premises also mitigates against the level of security being varied across the residential group to meet the varying needs of the children. **It is recommended that the Ministerial Task Force on Children Matter consider as a matter of urgency the replacement of the secure units because of the accommodation deficits within the existing facilities.**

The Care Continuum

- 2.5 In Northern Ireland at the present time the continuum of residential childcare service identified within “Children Matter: A review of residential child care in Northern Ireland” (1998), has not yet been developed. Consequently, between the HSS Trusts’ “general purpose” children’s homes and secure accommodation there is a lack of specialist/differentiated residential provision for children, other than the places provided at the 2 Regional Centres, located at Lakewood and Glenmona Resource Centre. Where the behaviour of a child cannot be managed in a children’s home, the absence of other appropriate resources can result in the escalation of the difficulties the child faces to the point where an admission to secure accommodation is required.
- 2.6 The Ministerial Taskforce on Children Matter was established in July 2000 to drive forward the programme of expansion outlined in “Children Matter”. The Taskforce’s Phase 1 Report (2001) seeks to expand the number of places in children’s homes by 77 by March 2003. The Taskforce is currently working on Phase 2, which is the establishment of specialist/differentiated services. For secure accommodation to operate effectively it needs to be part of a continuum of services which encompass:
- permanency planning for children unable to have a secure family life with their family of origin;
 - parenting education and support for parents experiencing difficulties discharging their parenting duties;
 - ready access to support and other services, such as community based psychology and psychiatry services;
 - a wide range of community based services for adolescents, such as specialist fostering services or supported living arrangements;
 - an adequate number of residential child care places;

- a range of specialist and differentiated residential facilities addressing the needs of children with:
 - emotional and psychological difficulties;
 - eating disorders and self-harming behaviours;
 - challenging and confrontational behaviour which places them at risk of offending;
 - educational difficulties which will require units with education on site;
- a range of post secure accommodation services designed to underpin any progress made by children during their period in secure accommodation.

2.7 The model set out above demonstrates the need for secure provision to be complemented by specialist fostering placements for adolescents and community and hospital child and adolescent services which can be accessed in a timely fashion. The planned expansion of the inpatient adolescent beds from 6 to 16 may help to take pressure of both the children’s homes and residential sector. The plans, in the draft Criminal Justice legislation for care custody orders for children aged under 14 also have considerable implications for the residential sector. Given the ongoing pressures within the residential and secure accommodation sectors, **it is recommended that the Ministerial Task Force on Children Matter review its timescales for the delivery of the Phase 2 expansion of residential services to ensure that new specialist children’s homes are brought on line to underpin existing provision.**

The Legislative and Policy Context

2.8 The legislative basis for the provision of secure accommodation is set out in Article 44 of the Children Order, which states that a child shall not be placed or **kept** in secure accommodation unless it appears that:

- “(a)(i) he has a history of absconding and is likely to abscond from any other description of accommodation; and
- (ii) if he absconds, he is likely to suffer significant harm; or
- (b) that if he is kept in any other description of accommodation he is likely to injure himself or other persons.”

In assessing whether harm is significant, this must be determined in accordance with Article 50(3) of the Children Order.

2.9 It is, therefore, unlawful to restrict the liberty of a child unless the criteria set out in Article 44 are met, no matter how short the period. Similarly, a child must not continue to have his liberty restricted once the criteria cease to apply, even if there is in existence a court order authorising the restriction of his/her liberty (see Para 15.23, Residential Care, Volume 4 of the Children Order Guidance and Regulations).

2.10 Article 44 of the Children Order does not apply to the following:

- children detained under any provision of the Mental Health (Northern Ireland) Order 1986 (Regulation 3(1) of the Children (Secure Accommodation) Regulations (Northern Ireland) 1996 as provision already exists for such children to have their liberty restricted;
- children who are aged 16 or over but under 21 provided with accommodation by a HSS Trust in any home under Article 21(5) of the Children Order;
- children subject to a child assessment order under Article 62 of the Children Order.

2.11 The Guidance to the Children Order states:

“restricting the liberty of children is a serious step which must be taken only when there is no appropriate alternative. It must be a “last resort”, in the sense that all else must first have been comprehensively considered and rejected - never because no other placement was available at the relevant time, because of inadequacies in staffing, because the child is simply being a nuisance or runs away from his accommodation and is not likely to suffer significant harm in doing so, and never as a form of punishment”. (Para 15.5, Residential Care).

2.12 Legislatively the intention is to restrict the use of secure accommodation to those situations where it is absolutely necessary and to ensure that it is only used for as long as necessary. The Guidance states:

“Care should be taken to ensure that children are not retained in secure accommodation simply to complete a pre-determined assessment or treatment programme (Para 15.5 Residential Care).”

2.13 For children whose detention in secure accommodation is for over 72 hours in any period of 28 consecutive days, the approval of the courts must be sought.

2.14 The Children Order and its regulations and guidance are designed to give effect to human rights requirements, specifically:

- (i) Article 37 of the UN Convention on the Rights of the Child, which states that:

“No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used as a measure of last resort and for the shortest appropriate period of time”.

- (ii) Article 5 of the European Convention on Human Rights (ECHR) states that:

“Everyone has the right to liberty and security of person.”

It then establishes 6 exceptions which enables the deprivation of one’s liberty in “accordance with a procedure prescribed by law.” The exceptions established are:

- (a) the lawful detention of a person after conviction by a competent court;
- (b) the lawful arrest or detention of a person for non compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
- (c) the lawful arrest or detention of a person for the purposes of bringing him before the competent legal authority
- (d) the detention of a minor by lawful order for the purposes of educational supervision; or his lawful detention for the purpose of bringing him before the competent legal authority;
- (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics, drug addicts or vagrants;
- (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country”

2.15 In the main, Article 5(1)(d) of the ECHR is the exception relied upon in relation to the restriction of children’s liberty under Article 44 of the Children Order. This provision makes 2 expressed exceptions in relation to the restriction of children’s (minors) liberties. These are:

- (i) detention for the purpose of educational supervision. In *Bouamar v Belgium* 11 EHRR 1, the European Court of Human Rights held that Article 5(1)(d) did not preclude “the use of an interim custody measure being used as a preliminary to a regime of supervised education without itself involving any supervised education. In such circumstances, however, the imprisonment must be followed by actual application of a regime in a setting (open or closed) designed and with sufficient resources for the purpose.”
- (ii) bringing a minor before a competent legal authority. Kilkelly states that the detention of minors under Article 5(1)(d) is concerned with the removal of children from what are considered to be harmful surroundings and that, under this provision, the child need not have committed any criminal offence. She also submits that the provision is non-punitive and its aim is to protect young people from harm and to prevent them from sliding into criminality (Kilkelly, U, “The Child and the European convention on Human Rights” (P44).

2.16 The definition of “education supervision”, in relation to Article 5(1)(d), was helpfully established by the court of appeal in *Re K* (November 2000). The court found that the use of secure accommodation was a deprivation of a child’s liberty within the meaning of Article 5, but that in this particular case its use fell within the exception set out in Article 5(1)(d). In effect, there was compatibility between the Children Act 1989 provision in relation to the use of secure accommodation (in Northern Ireland Article 44) and Article 5(1)(d) of the ECHR. “Education supervision” was interpreted in its widest sense to include all aspects of a local authority’s discharge of its corporate parenting responsibilities for a child. This accords with the definition of education supervision reached by the European Court (*Koniarska v UK*), which stated:

“in the context of the detention of minors, the words “education supervision” must not be equated rigidly with notions of classroom teaching. In particular, in the present context of a young person in local authority care, educational supervision must embrace many aspects of the exercise, by the local authority, of parental rights for the benefit and protection of the person concerned.”

2.17 The effect of the *Re K* judgement and Article 5(1)(d), is that a court, in considering whether the criteria set out in Article 44 are met, should also cross-check to ensure that the programme of work which the child will receive while his/her liberty is restricted is designed to be “education supervision”. The court, therefore, needs to be informed of the intended purpose for which secure accommodation is required and the likely time needed to undertake the planned work. At the initial hearing it is recognized that details may, of necessity, only be in an outline form.

Commissioning Arrangements

2.18 Secure accommodation, while managed by the local HSS Trust, is a regional service. Each of the 4 HSS Boards purchases places which are then used by their provider HSS Trusts. The number of places commissioned by each Board is:

EHSSB	7
NHSSB	2
SHSSB	2
WHSSB	<u>4</u>

Total 15

Theoretically, HSS Boards share places with one another but in practice this occurs infrequently given the level of demand for places.

2.19 The following table sets out the number of children in each HSS Board’s population and the rate of residential and secure places per 10,000 of the child population. Appendix 3 reproduces this information by Trust.

Board	Under 18 population *	Rate of LAC per 10,000**	No of residential places***	Rate of residential per 10,000	Rate of use secure accom. per 10,000
EHSSB	52,348	73.7	153	10.	0.49
NHSSB	101,462	50.5	54	5.3	0.2
SHSSB	81,921	34.1	47	5.7	0.24
WHSSB	72,722	59.1	70	9.6	0.55
Northern Ireland	408,453	59.1	324	7.9	0.35

* Source: Child Benefit data, September 2001

** Source: Regional Information Branch, 31 March 2001

*** Source: Report of the Children Matter Taskforce, June 2001

2.20 Both the EHSSB's and the WHSSB's rates of residential and secure accommodation are above the Northern Ireland average, with the NHSSB having the lowest level of provision in relation to the size of its child population. In considering the possible reasons for the above, deprivation data was analysed. Appendix 4, Tables 27 and 28, provide a summary of the data at both HSS Trust and Board levels and show that there are higher levels of deprivation and child poverty within the EHSSB and WHSSB. North and West Belfast and Foyle HSS Trusts have significantly higher levels of disadvantage than other HSS Trusts. The data are, therefore, suggestive that economic and social disadvantage maybe associated with higher levels of children requiring to be looked after and/or placed in secure accommodation. The small size of the current sample means that these findings need to be interpreted with a degree of caution, they do however, accord with other research which establishes a correlation between disadvantage and higher incidence of children being looked after (Source: Bebbington and Miles, summarised in Jackson S. (ed) "Nobody Ever Told Us School Mattered", BAAF, 2000.)

Current Admission Arrangements

2.21 Across HSS Boards and HSS Trusts there are various arrangements currently in place to allocate secure accommodation places. When a child's need for secure accommodation has been identified most HSS Trusts have developed a pro forma to complete to enable approval for its use to be given by a senior manager. Often the recommendation regarding the need for secure accommodation is made at a Looked After Children (LAC) review or other planning meeting. The assessment of the child's need for a secure placement is made by the child's social worker and is then endorsed by the Team Leader before being passed to a senior manager within the HSS Trust for final approval. Recommendations or priority applications are then brought to the attention of the HSS Board and a place allocated whenever that HSS Board has a free place. Within the EHSSB, the 4 provider HSS Trusts meet as a Panel to determine the allocation of a place between each of their priority cases. The arrangements in place across Northern Ireland means that there is not a consistent

approach to the allocation of places and there is the potential for a child in greatest need not being allocated a place due to the operation of the allocation and commissioning arrangements. As the admission arrangements currently operate they are in the inspectors' view a rationing device. Given the adequacy of existing residential provision already referred to in Paras. 2.5 and 2.6, the inspectors recognise the complex nature of making choices within the current system. Arrangements do, however, need to be developed to ensure that children's needs rather than geographical location or commissioning arrangements determine placement choices.

2.22 Current commissioning arrangements can result in a place being available in secure accommodation, but not for a specific child, as it has not been purchased by his/her commissioning HSS Board. These arrangements are unsatisfactory as they may result in children not being placed according to their assessed need. **It is recommended that a regional referral panel be established to ensure that places are allocated on a needs assessment basis. The secure referral panel should meet weekly and should consider:**

- the need for a secure placement;
- the purpose of the placement; and
- the proposed exit strategy.

Where the panel accepts that a child would benefit from a secure accommodation placement it should review at its weekly meetings the support provided to safeguard and promote his/her welfare pending an admission and whether or not he/she continues to require a secure accommodation place.

2.23 A referral panel would ensure a greater focus on the work required during the child's residence in secure accommodation and would remove any geographical determinants on admission arrangements. For such a referral system to work effectively it would also require that each HSS Trust meet the cost for the places which it uses. In this way HSS Trusts, which develop alternatives to secure accommodation will have the finance to create innovative responses to the needs of children. **It is recommended that the financial arrangement for the commissioning of secure places are considered with a view to costs being met directly by the HSS Trust responsible for a child's placement.**

2.24 Structuring referrals and admissions in the way outlined above would also require that secure accommodation operate at less than maximum occupancy levels. During the period covered by the inspection, the occupancy level was 83.2%, although as this was largely due to children spending time in children's homes prior to their discharge, the actual availability of places was lower than this figure suggests. Lower occupancy levels would enable use to be made of the 72-hour rule to address emergency situations. Field social workers and their managers described to the inspectors, considerable levels of frustration in relation to their inability to acquire

from secure unit managers a short admission for children using the 72-hour rule. A number of these staff claimed that they had been informed that the secure units do not accept emergency admissions. Other interviewees noted difficulties in acquiring a placement within secure accommodation during weekend periods, which they associated with the high number of casual staff used to complement the core residential teams over these periods. The legislation is designed to enable a child to be held for periods of up to 72 hours, in any consecutive period of 28 days, without recourse to the courts. **It is, therefore recommended that protocols are established between HSS Trusts and secure accommodation managers to ensure the availability of secure accommodation places under the 72-hour rule.**

Conclusion

- 2.25 *Secure accommodation to be used effectively has to be part of a process. In itself it is unlikely to change children's behaviour dramatically given that the average length of stay for children is 14 weeks (see Para. 3.1, Table 6). The absence of a range of resources to meet the needs of children in Northern Ireland, the current structure of secure units and the commissioning of places are all issues requiring to be addressed if secure accommodation is to be used to maximum effect for children.*

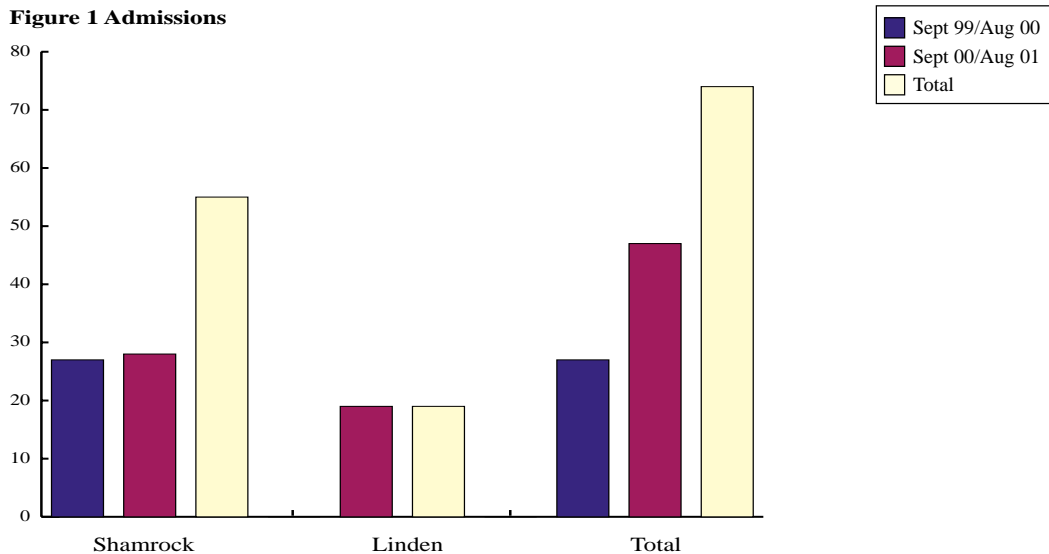
3. PROFILE OF THE POPULATION

3.1 Admissions to secure accommodation

Main points

- There were 74 admissions to secure accommodation during the inspection period.
- The majority of these were to Shamrock House, which had 55 admissions in all.
- Between its opening in January 2001, and the end of the inspection period (August 2001), Linden House had 19 admissions.
- The rate of admissions was similar for both secure units.

Figure 1 Admissions



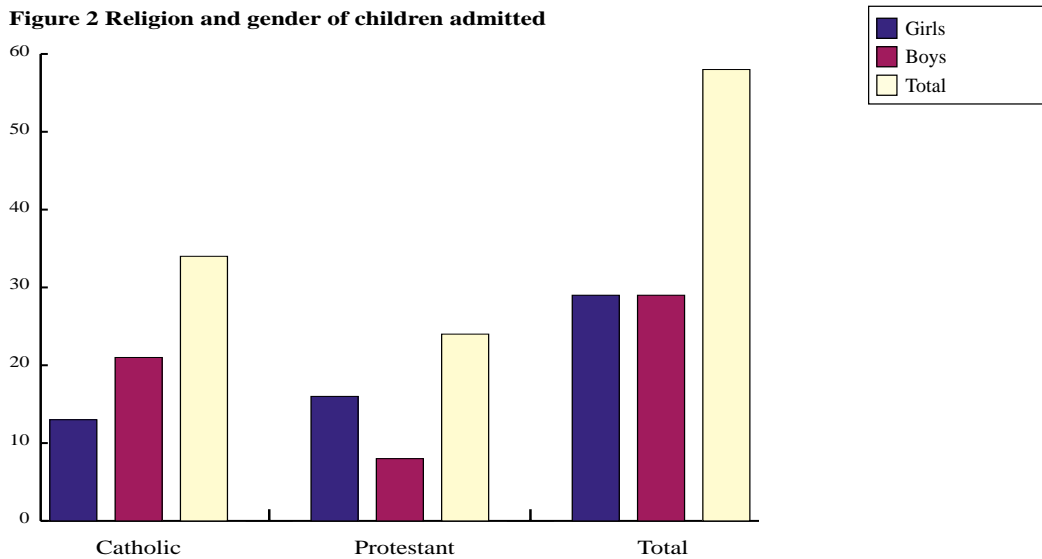
(Linden House was not opened until January 2001)

Children admitted and re-admitted

Main points

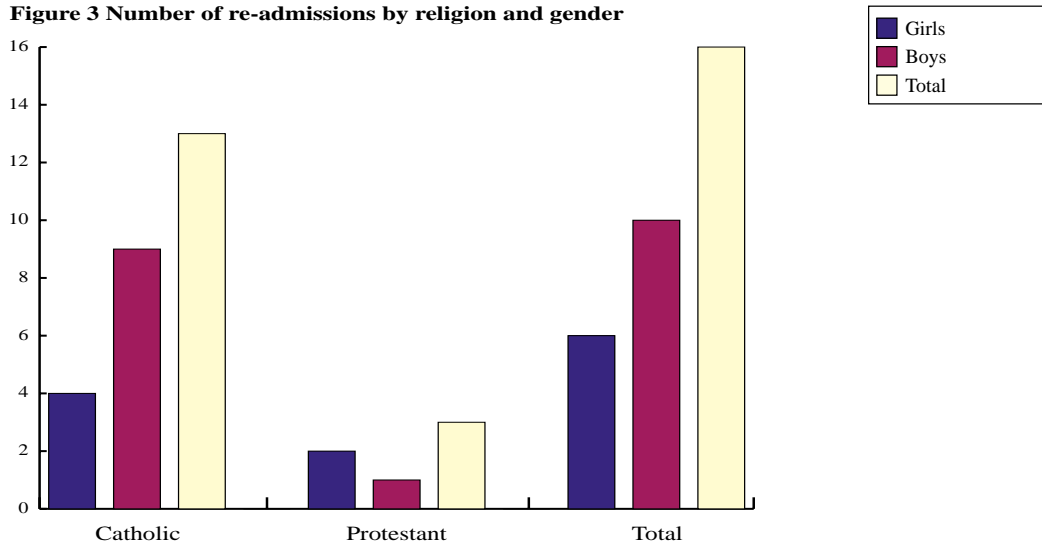
- Fifty-eight children in all were admitted over the inspection period.
- An equal number of girls and boys were admitted, but more Catholic (34) than Protestant (24) children were admitted. The reasons for this disparity are explored later in this section.
- Catholic boys admitted (21) far outnumbered Catholic girls admitted (13). In the case of Protestant children, there were only half as many boys (8) as girls (16) admitted.

Figure 2 Religion and gender of children admitted



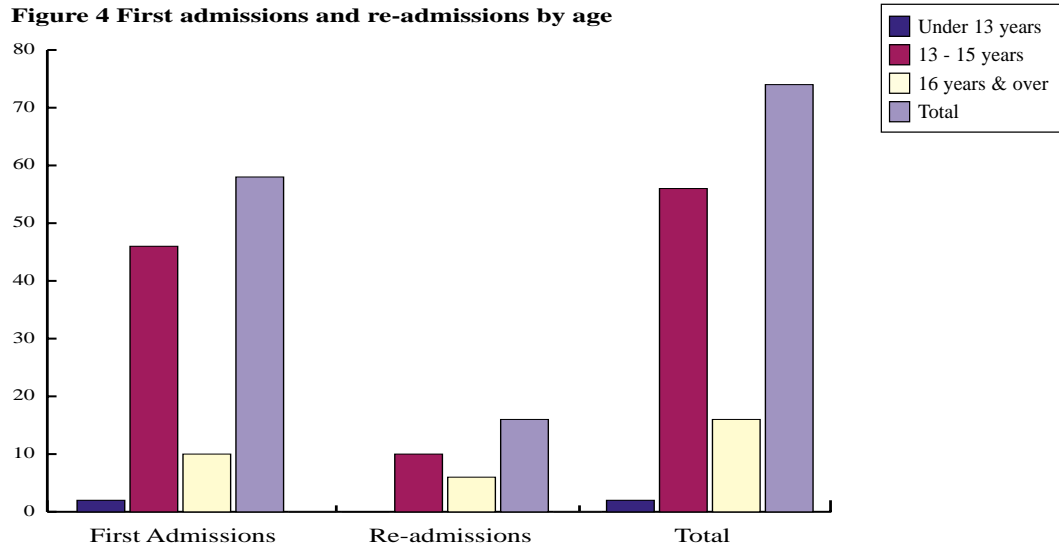
- There were 16 re-admissions in total; 12 children were admitted on 2 occasions, and 2 were admitted on 3 separate occasions during the inspection period.
- Far more re-admissions were in respect of Catholic children (13) than Protestant children (3), and more were for boys (10) than girls (6).
- More than half of all re-admissions (9) were for Catholic boys.

Figure 3 Number of re-admissions by religion and gender



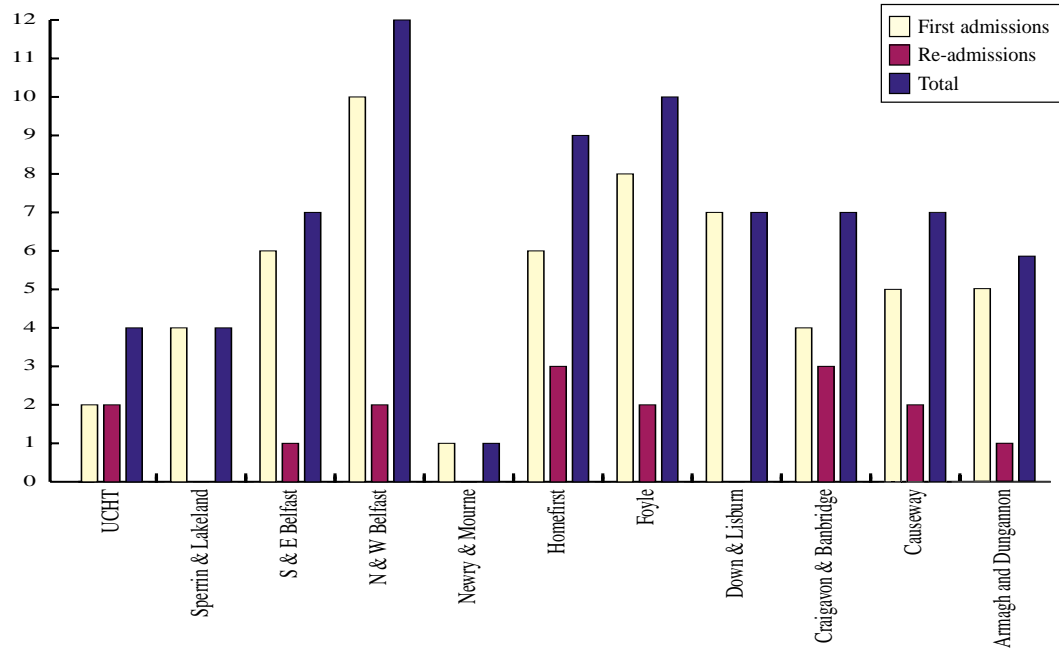
- The majority of children admitted (46) were aged between 13 and 15 years of age.
- Only 2 children admitted were aged under 13 years of age, while 10 of those admitted were aged 16 years or older.
- None of those children re-admitted were aged under 13 years.

Figure 4 First admissions and re-admissions by age



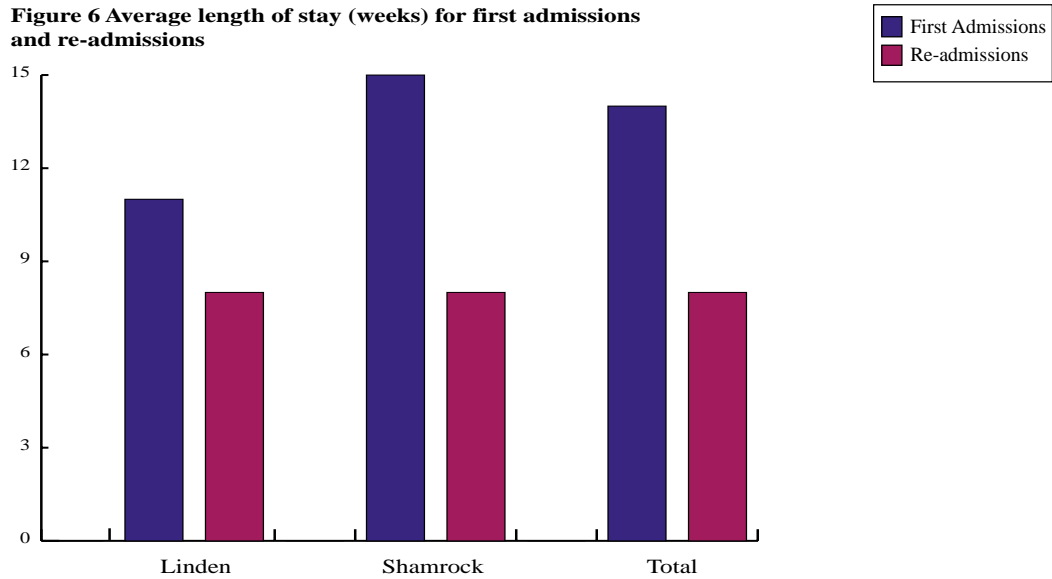
- The highest numbers of admissions were from North and West Belfast (12) and Foyle (10) HSS Trusts.
- The lowest number of admissions (1) was from Newry and Mourne.

Figure 5 First Admissions and Re-admissions by Trust



- The average length of stay for children admitted for the first time was 11 weeks for children admitted to Linden and 15 weeks for those admitted to Shamrock.
- The average length of stay for all re-admissions was 8 weeks.

Figure 6 Average length of stay (weeks) for first admissions and re-admissions

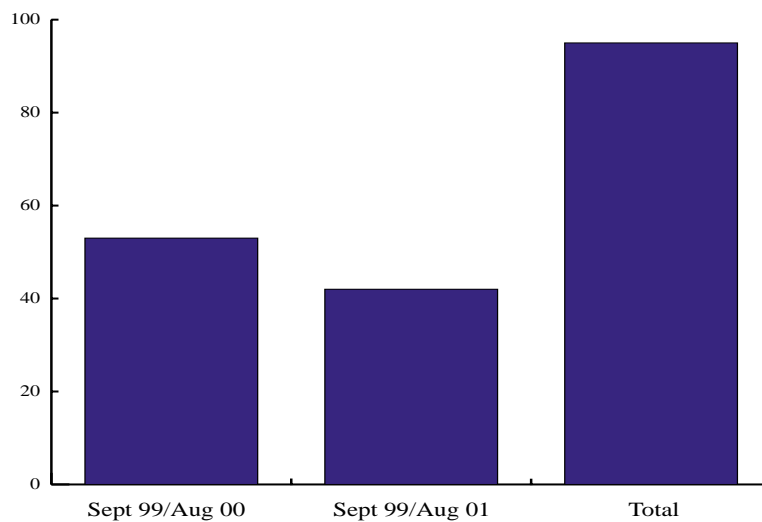


3.2 Referrals to secure accommodation

Main points

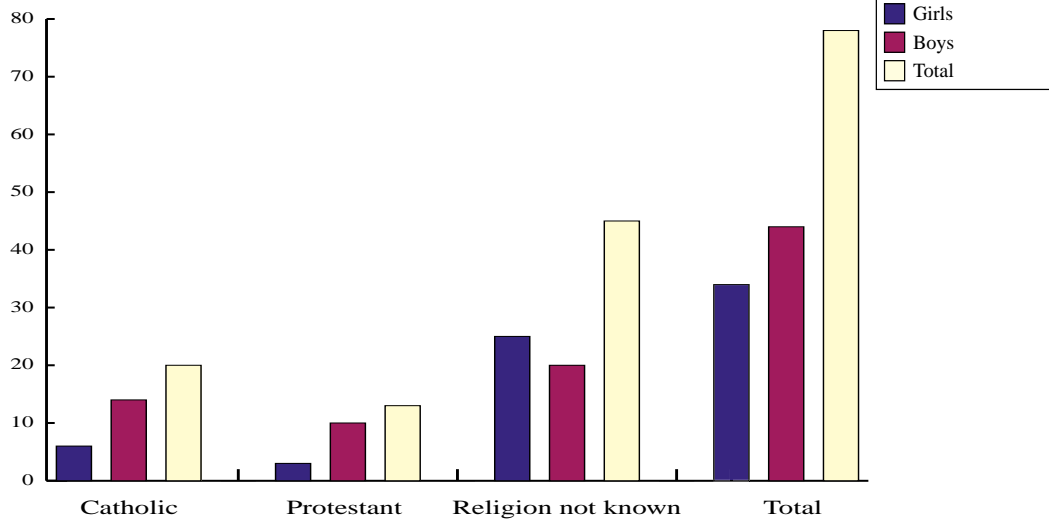
- There were 95 referrals to Secure Accommodation during the inspection period, 53 between September 1999 and August 2000, and 42 in the following 12 months.

Figure 7 Referrals to Secure Accommodation



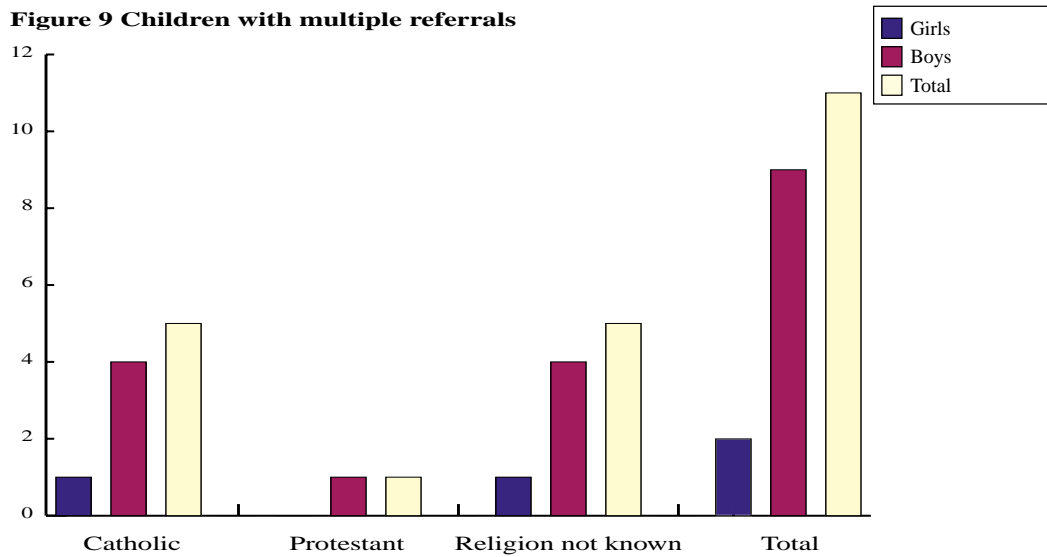
- Religion was recorded for less than half (33) of the 78 children referred over the inspection period.
- Of those children for whom religion was recorded, 20 were Catholic and 13 were Protestant.
- More boys than girls were referred, but not accepted, for secure accommodation during the inspection period.

Figure 8 Children referred by gender and religion



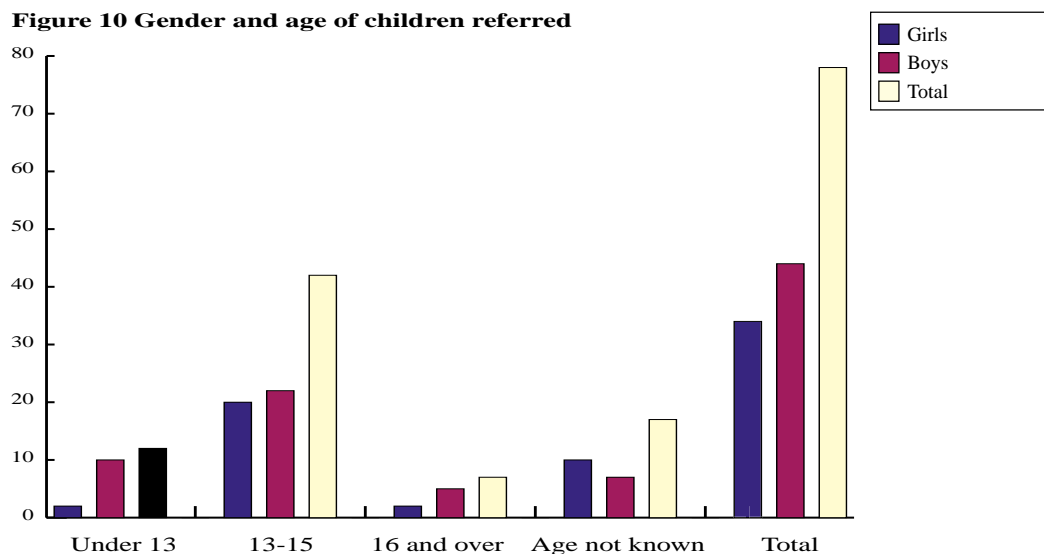
- Of those children referred on more than one occasion, the majority of those for whom religion was recorded, were Catholic.
- Boys by far outnumbered girls among those with multiple referrals.
- Although the numbers are small, the fact that similar numbers of girls and boys are accommodated in secure accommodation, whereas boys outnumber girls among those referred, might suggest that girls are more likely to be accepted on referral.

Figure 9 Children with multiple referrals



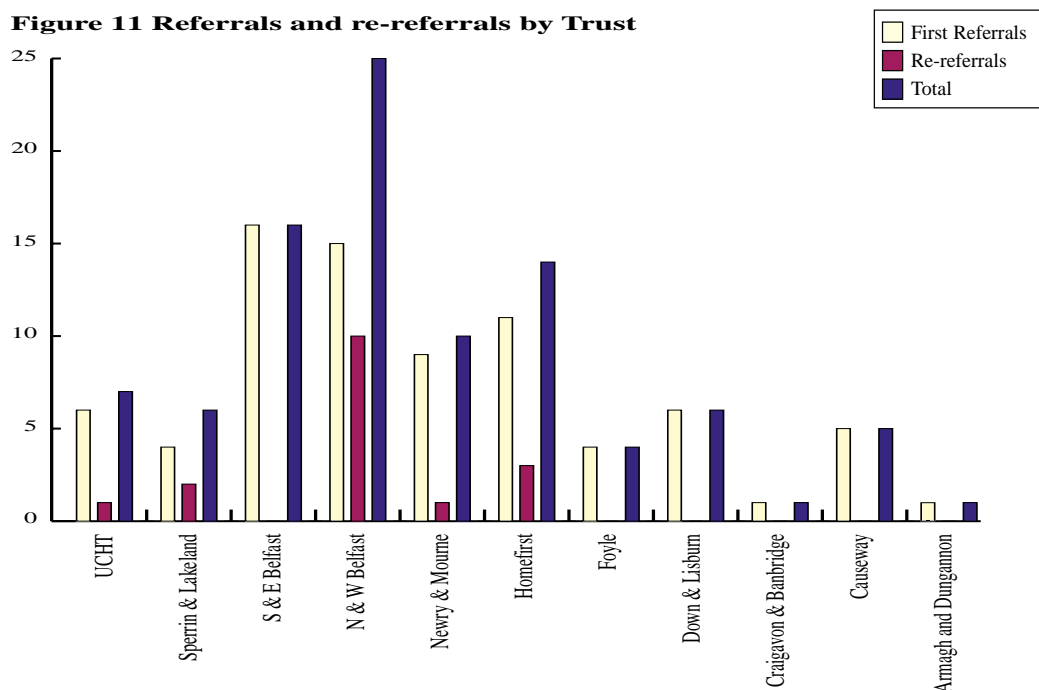
- The majority (42) of children referred were aged between 13 and 15 years old.
- Approximately a fifth (12) of those for whom age was recorded (61) were aged under 13 years. This contrasts with the age profile of those actually admitted to secure accommodation over the Inspection period. Of those admitted, only 2 out of 58 children were aged under 13 years. Again, findings from such a small sample should be interpreted with caution, but the figures suggest that those aged under 13 years are less likely than older children to be accepted on referral.

Figure 10 Gender and age of children referred



- The highest number of first referrals came from South and East (16) and North and West Belfast (15) HSS Trusts.

- However, the highest number of re-referrals came from North and West Belfast, which as a result, far outnumbered the other HSS Trusts in the total number of referrals made (25).
- Only one referral was made by each of Armagh and Dungannon and Craigavon and Banbridge HSS Trusts.
- Ten referrals were made by Newry and Mourne HSS Trust, in contrast to only one child from this HSS Trust being admitted to secure accommodation over the inspection period.



3.3 Rates of secure accommodation admissions and Looked after Children (LAC)

- Rates of secure accommodation admissions and LAC appear to be highly related to the level of disadvantage experienced within HSS Trusts' areas; the three HSS Trusts' areas with the highest rates of children looked after (North and West Belfast, Foyle and South and East Belfast) also rank highly on deprivation and child poverty.
- UCHT and Newry and Mourne HSS Trusts are exceptions to this pattern. Whereas UCHT ranks lowest on deprivation and child poverty, it shows the 4th highest proportion of its child population in care. Newry and Mourne HSS Trust, on the other hand has comparatively low rates of LAC and children admitted to secure accommodation, but shows moderate levels of poverty and deprivation.

- Due to the very low numbers of children involved, any interpretation of these figures must obviously be tentative. The apparent link between deprivation, poverty and admission to secure accommodation may, however, go some way towards explaining the difference in rates of admission between Catholic and Protestant children.

Figure 12 Deprived wards as a proportion of all wards in Trust and the proportion of Catholics in Trust

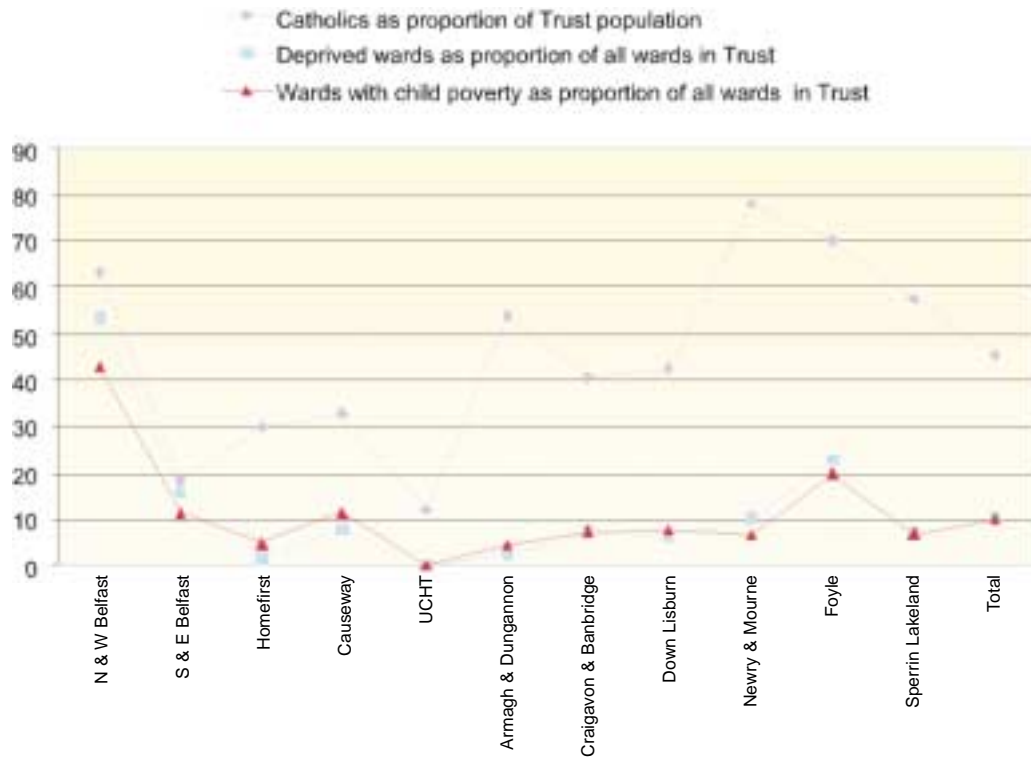


Figure 13 Children in Secure Accommodation per 10,000 children in Trust

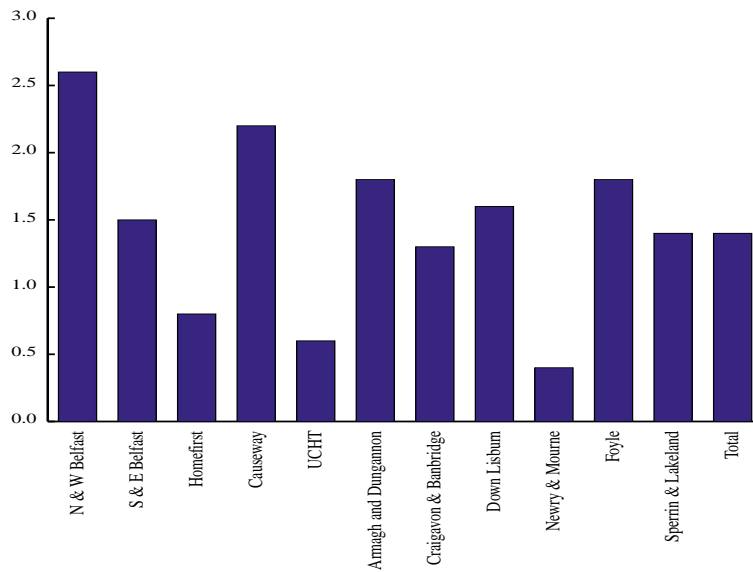
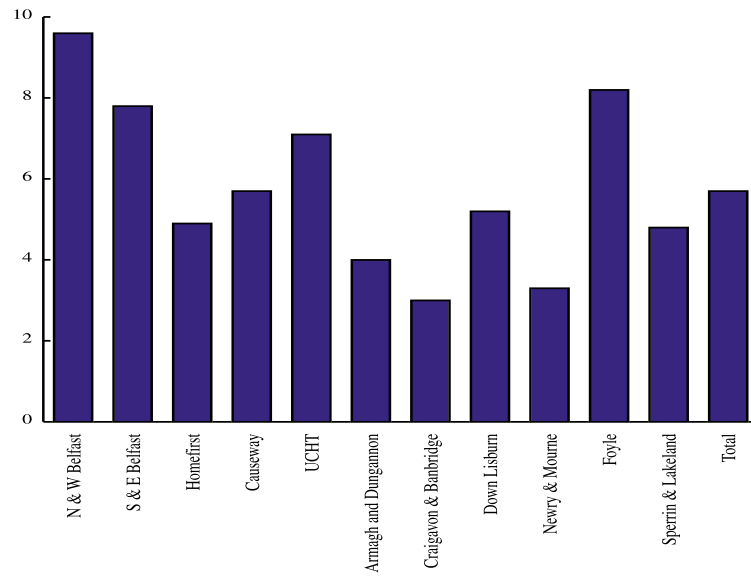
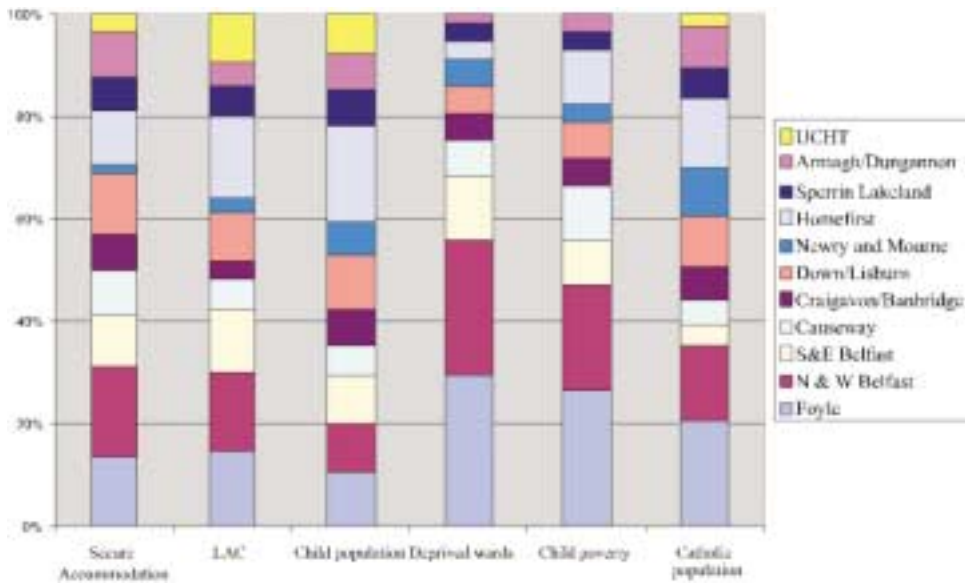


Figure 14 Looked After Children per 1,000 children in Trust



Figures 15 Rates of admission to secure accommodation, LAC and HSS Trusts' Characteristics



3.4 From children’s case files the following information was obtained on the 20 children who were admitted to and the 8 children referred to secure accommodation.

	Admitted Children	Referred Children	Total
Out of School before in care	18	8	26
Absconding from care	18	8	26
Absconding prior to admission to care	16*1	7*1	23
Admitted to care before age of 10	4	1	5
Admitted to care over 10 years of age	16	7	23
History of substance abuse	14	6	20
History of Abuse	16	8	24
History of Self-harming	12	2	14
Aggressive behaviours - verbal and physical	19	7	26
Referred/Involved with Child Adolescent and Mental Health Services (CAMHS)	18	6	24
Parental/Family and Relationship Problems	17*2	7*3	24

*1 Information not available on 1 child from each group

*2 Information not available on 2 children

*3 Information not available on 1 child

3.5 The above information indicates that these children have a range of emotional difficulties and behaviours which makes caring for them challenging. This is reflected in the fact that 14 of the admitted children and 3 of the referred children were, during their time in care, charged with offences by a HSS Trust. Charges related to either damage to property or assaults on staff. The level of criminal charges by HSS Trusts is a source of concern, as it results in these seriously disadvantaged children being further marginalized. Often staff who had responsibility for the child’s management made the decision regarding police involvement and the charging of children, without the prior agreement of HSS Trusts’ managers. This has the potential to result in decisions, which may not always take into account the wider context of the child’s behaviour, or the long-term consequences of pursuing a criminal charge. Inspectors recognise that the day-to-day care of some of these children is demanding and challenging. To ensure that decisions relating to prosecutions are well informed **it is recommended that HSS Trusts develop an independent process, at Programme Manager level, to consider all the facts prior to reaching a decision to charge any child. This system should be used before any child is charged with damaging HSS Trusts’ property.**

3.6 Further evidence relating to the challenges which caring for these children presents is the number of placement moves which they experienced within the looked after

system prior to their admission to secure accommodation. Of the 20 children admitted to secure accommodation:

- 4 were admitted to care before they were 10 years of age, on average these children had 12 placements moves (range 5 to 19);
- 4 children were admitted to care between the ages of 10 and 13, on average they had 9 moves (range 6 to 13); and
- 12 were aged 13 and over when they first were placed in care, the average number of placement moves was 11 (range 4 to 17).

The level of disruption, particularly given that many of these young people had only a relatively short care history is a matter of significant concern and is addressed again at Para. 6.14.

- 3.7 The challenges, which these children present within the care system stem from a range of behaviours that were well established or entrenched prior to their admission to care. Patterns of behaviour relating to absconding, being out of school and misuse of substances were established before their admission to care. The fact that 80% of these children had also experienced neglect and/or abuse of an emotional nature indicates that within their families of origin their needs had not always been addressed in a constructive manner. This is also borne out by the high number of children who had parental and or family relationship difficulties.
- 3.8 The fact that 7 of the children admitted to secure accommodation and 4 of the 8 children referred had been threatened and/or beaten by paramilitaries also shows that within their wider social context they also experienced major difficulties.

Conclusion

- 3.9 *The children both admitted to and referred to secure accommodation have a range of individual, family and societal difficulties, which places them in considerable need and at risk of marginalisation and social exclusion. The range of their needs and the entrenched nature of some of these children's behaviours places considerable demands on those charged with addressing and meeting their needs. Essentially, many of these children were entering adolescence with all of its challenges, with a range of complicating life events. Generally, they lacked a constructive relationship with a parent figure to guide them through this important period of their lives. Shortfalls in meeting their needs at this transitional stage in their development has the potential to cause them long-term difficulties in all aspects of their lives.*

4. EDUCATION AT LAKEWOOD SECURE UNITS

Introduction

- 4.1 The education provision within secure accommodation is part of the Lakewood School and is under the management of the school's vice-principal. There are 4 teachers, assisted by 4 classroom assistants, providing education for up to 15 pupils, which is currently the number of places within the secure units of Shamrock and Linden Houses. Of the children resident at the time of the inspection, one pupil was in year 8, one in year 10, 8 were in year 11, 3 were in year 12, and 2 were in year 13. The pupils are divided into four classes, two in each secure units, with pupils largely allocated to classes on a chronological age basis. The exception is class four in Shamrock where, out of the class total of 5, one child is in year 8 while 2 are in year 13 and, therefore, above statutory school age. The 2 pupils in 13 year attend a small number of classes on a voluntary basis and have no access to a vocational programme designed to meet their particular needs.
- 4.2 The length of time the pupils spend in secure residential care is variable and can range from as short a time as a few weeks to in excess of 6 months. The length of stay has implications for the nature of the education provided. A majority of the pupils have had limited contact with schools prior to their admission to secure accommodation and only a small minority have a statement of special educational need. On admission to secure accommodation children experience a 2-week induction programme, which is designed to ease the pupils' introduction to the school. This arrangement results in the pupils spending much of their time out of class; a shorter, more sharply focused induction programme would be of benefit given the limited time which some children spend within the secure units. **It is recommended that the period of induction be shortened to facilitate pupils' early engagement with the education available within the secure units.**

Main Findings

- 4.3 The quality of teaching is good and, at times, is very good. The teachers are ably supported by the classroom assistants who work in close collaboration with them to support the pupils' learning. Within the constraints of the accommodation and resources available, the teachers are generally successful in motivating the pupils to participate in their learning and to take pride in their achievements. It is important to ensure that structures are in place to support the pupils in their transition from the school to educational settings within the community and build on the work, which teachers have commenced, in relation to re-engaging them with education.
- 4.4 Given that many of the young people in the secure units have had some previous problems engaging in education, and most have attended school infrequently in the past, it is commendable that the staff have managed to establish a good rapport with them and relate to them in an atmosphere of mutual respect. Evidence from individual, and group discussion with pupils indicates, that the pupils regard the

teachers and classroom assistants with affection and respect and accept that the staff are committed to their education and welfare.

- 4.5 A number of factors constrain the quality of education provided; the poor quality of the classroom accommodation, the lack of facilities for physical education, art and design, design technology, home economics, music and science. As a result of the dearth of facilities for the practical subjects, the pupils experience a very narrow and restricted curriculum, which militates against their successful re-integration into mainstream schools when they are eventually discharged. The teachers' planning focuses appropriately on developing the pupils' skills in literacy and numeracy and on establishing a sound programme of personal and social development (PSD); it is evident that many of the pupils make good progress in these areas. There are, however, serious concerns about the breadth and balance of the curriculum and about the effectiveness of the education provided in enhancing the pupils' prospects in returning to their own schools. The current curriculum within the school does not provide sufficient challenge for the more able pupils.
- 4.6 In discussion with the pupils, many of them raised the lack of physical education facilities, both indoor and outdoor, as a significant factor in their own lack of fitness and, for some, increasing weight gain. During the inspection these pupils spent much of their time indoors in cramped teaching accommodation; there are grounds, therefore, for the pupils' concerns.
- 4.7 While there is some evidence of effective collaboration between the care staff, teachers and the youth worker, in designing and implementing the PSD programme, the opportunities to integrate the care and education programmes are insufficiently exploited. There are also issues relating to the management of children in school when their behaviour is disruptive/difficult and the need for more collaborative approaches by care and education staff to ensure that children are managed within the school rather than being returned to the care of residential social work staff. (See Para. 6.10).

Conclusion and Recommendations

- 4.8 The nature and appropriateness of the classrooms within secure accommodation is questioned. The current classrooms are too small for purpose, the pupils lack personal space where they can exercise some independence and there is very little separation between school and "home". In order to bring more normality to the pupils' lives, **it is recommended that the teaching accommodation be separated from the pupils' living accommodation.** This will require the provision of a dedicated school area, within secure accommodation, where the pupils can experience a curriculum matched to their diverse needs and which will be suitable for the implementation of a broad and balanced curriculum. This would also allow for mixing of pupils from both houses in the educational setting, thereby facilitating a more equitable distribution of pupils to classes based on chronological age.
- 4.9 Many of the pupils within the secure units present with co-morbid conditions, for example attention deficit hyperactivity disorder (ADHD), conduct disorder,

oppositional defiance disorder and moderate learning difficulties (MLD). There is a need for joint care and education, staff training to create better awareness of such conditions and the psychology of adolescence in general. Better communication between the education and residential social work staff should be promoted to establish consistency of approach, to ensure collaboration on the ongoing need to promote positive behaviour and to enhance the pupils' acquisition of appropriate life skills. **It is recommended that consideration is given to establishing a Secure Accommodation Directorate which would be responsible for co-ordinating the work of social work and teaching staff, with professional support systems developed to underpin the professional practice of these staff.**

- 4.10 Currently, there is a lack of educational information on pupils entering secure accommodation, for example statements of special educational needs, educational psychologists' reports and statements of attainment from their last school. **It is recommended that the head of school contact the Education and Library Board (ELB) from which the pupil comes, immediately upon entry to the school, to ascertain what information is available and to inform the ELB that they should be investigating possible schools for the pupil to return to on discharge.** This arrangement would have the effect of alerting the relevant ELB to its continuing responsibility for the pupils while they are in residential care and would ensure that education is made available on their discharge. As a number of children remain out of school following their discharge from secure accommodation, it is important to create mechanisms which build on the work which has commenced while the child was being cared for within the secure units.
- 4.11 At the time of the inspection, 2 pupils were above statutory school age and, attended classes on an intermittent and voluntary basis. While the teachers endeavoured to provide realistic educational experiences while they were in class, these pupils spent much of their day within the secure units watching television. **It is recommended that a vocational educational programme be provided to equip the pupils for accessing further education when they leave secure residential care.** While the school has responsibility for the education of pupils between 11 and 16, it is important that a more structured day is devised for the pupils over 16, involving care and education staff, which will take account of the pupils' emotional and psychological needs and prepare them more effectively for life in the community.
- 4.12 Following the baseline inspection in November 2000, as part of the School Support Programme (SSP), it was recommended that the ELB should appoint an educational psychologist (EP) part-time, an education welfare officer (EWO) part-time and a full-time youth worker, to help develop an integrated education for the pupils in care on the Lakewood site. A beginning has been made to implementing this recommendation with the appointment of a youth worker and an EWO; the EP who was appointed left to take up another post. Already the benefits of a multi-disciplinary approach are being noted but much remains to be done. **It is recommended that the ELB continue to seek to appoint a psychologist or acquire expert help until such a post is filled and, that the management of the school endeavour to develop further the integrated approach to the education of**

children in care, by promoting partnership between teachers, classroom assistants, the EP, the EWO, the youth worker and the residential social work staff. The multi-disciplinary team need to meet and agree a mission statement, objectives and principles for the work carried out in secure accommodation.

Concluding Remarks

- 4.13 *The many difficulties, outlined in this report, highlight the educational disadvantage the pupils in the secure residential units experience prior to, during and following their admission to secure accommodation. Despite the best efforts of the management and staff of the school, it is apparent that the current educational provision fails to meet the diverse needs of this very marginalized and disadvantaged group of pupils. Significant changes need to be made if these young people are to derive maximum benefit from the education provided during their time in secure accommodation and to ensure that realistic educational opportunities are available to them on discharge.*

5. ASSESSMENT

- 5.1 Assessment is the collection and evaluation of information relevant to an identified purpose. It has several phases which overlap with care planning, action and review. The foundation of effective care planning is a structured and individualised assessment of the child's needs and the family's capacity to meet these. Assessment involves the collection and collation of a range of information from a variety of sources, which is then analysed to inform decisions about how best to intervene to meet the needs of the child and/or the family. The purpose of assessment is, therefore, to inform and focus the work with children, identifying what resources are needed and the goals by which one can assess progress over time. At its simplest level assessment is about gathering relevant information and using it to determine the child's needs, how these needs could be met, identifying the range of inputs available from a variety of sources and securing those interventions.
- 5.2 Assessment is a dynamic process, which is also inter-active. It requires the involvement of the child and where possible his/her parents and the range of professionals or agencies with whom the child has contact.

Early intervention and preventative approaches

- 5.3 As noted at Para 3.4, the majority of the 20 children placed in secure accommodation had been admitted to care for the first time when they were over 10 years of age, with 12 being admitted when they were 13 years of age or older. On admission to care they had already established patterns of behaviour relating to school attendance, absconding and substance misuse. From the case files it would appear that many of these children had come to the attention of health visitors, child psychiatry, teachers or the police because of their behaviours without this necessarily informing a referral to social services or a multi-disciplinary assessment of their needs. Generally, prior to their admission to care, these children had received no substantial services from social services. As the examination of case files was limited to the 2 years prior to the children's admission to secure accommodation it is not possible for the inspectors to determine how many children had been referred to social services prior to their behaviours becoming unmanageable for their parents. It is, however, clear that there are a range of preventative strategies which could be developed to address children's behaviours at an earlier stage. Developing preventative approaches requires inter-agency working as it is clear from the range of the behaviours that there is a need for collaboration between social workers, teachers, the police and CAMHS professionals. Preventative approaches which the inspectors judged should be in place to complement the fostering, residential and secure accommodation sectors include:
- earlier provision of parenting support and education to parents experiencing difficulties discharging their duties to their children. The majority of children admitted to secure accommodation were admitted to care during early

adolescence. This suggests the need to provide parents with increased support and education to help them guide their children through adolescence. **It is recommended that HSS Trusts consider supporting the development of, or providing, a range of support services to parents experiencing difficulties caring for their children, with consideration being given to support for parents caring for younger adolescents;**

- earlier identification of children who are experiencing difficulties at school either due to their behaviours or school attendance. Permitting school based difficulties to become established patterns of behaviour increases the risks of children being alienated from the education process with all the longer term disadvantages associated with this such as limited future employment and earning opportunities. **It is recommended that HSS Trusts in partnership with ELBs seek to establish arrangements for the identification of children at risk of poor school attendance or exclusion from school and develop services to ensure that these children's rights to education are exercised and ensured;**
- earlier and more structured responses to children who run away from home. Often by the time these children were admitted to public care they had established behaviour in terms of absconding which persisted throughout their time in care. A recent study by the Social Exclusion Unit (still to be published) found that dealing with the consequences of running away is expensive in the longer-term, both in terms of costs to public services and opportunity costs. It is estimated, for example, that it costs £71k to support each rough sleeper to leave the streets, while the costs of a 16-18 year old not in education, employment or training over their lifetime are £45k in opportunity costs and £52k in public finance costs. The study concluded that reducing the numbers of young runaways, therefore, carries considerable financial benefits. **It is recommended that DHSSPS in collaboration with the NIO, the Department of Education and the Police Service of Northern Ireland establish guidance to inform the response to children who run away from home;**
- provision of programmes addressing solvent/substance abuse which are made available to children ahead of them becoming involved in such behaviours. **It is recommended that HSS Trusts and ELBs co-operate to develop programmes to address solvent/substance abuse within the school curriculum and commission community based preventative services;**
- earlier identification of children whose parents are unable to provide them with a satisfactory standard of parenting and a stable family life. From the case files inspectors identified 4 children where the emotional bond between parent and child was judged to be dysfunctional and unhealthy from early childhood. **It is recommended that HSS Trusts ensure that there are arrangements in place for the early identification of children who could benefit from permanency planning and that staff receive the training and support to advance the HSS Trusts' permanency policy.**

- 5.4 Due to the nature of the inspection, already commented upon at Para 5.3, an exact estimate of the number of children whose future could have been secured through permanency planning or adoption cannot be established. It was, however, clear that some children would have benefited from earlier intervention to provide them with a family life away from their birth parents. From discussion with Guardians ad Litem (GALs), social workers and senior managers it was apparent to inspectors that the issue of permanency planning is now firmly on staff's agenda. In the longer term it is hoped that this, together with the preventative strategy outlined above, will reduce the need for children's admission to secure accommodation.
- 5.5 Preventative work requires good assessment skills in respect of those who work with children and the ability to draw information from other professionals or agencies involved with children. As outlined in Section 3, the nature of these children's needs is complex and social services alone would be unable to meet these needs without a multi-disciplinary, inter-agency approach. Of particular importance is inter-disciplinary approaches involving CAMHS, education services, the police and the voluntary and community sectors. In advocating strongly the need for inter-disciplinary approaches and strategies to meet the complex range of needs which these children have, inspectors are mindful that these children demonstrate real difficulties engaging with professionals. The repeated evidence in the case files was of children referred to a range of other services, yet either refusing to attend or failing to engage with these possible sources of help. The view of inspectors was that recognition of these children's difficulty in engaging with others should inform a different approach to working with them. An alternative is for key personnel who have a relationship with the child to use other professionals in a consultancy role so that they are "skilled up" to work with the child themselves. **It is recommended that Trusts establish consultancy arrangements to support residential and field social workers in their direct work with children.**

Assessment Structure and Quality

- 5.6 Several HSS Trusts have developed an assessment pro forma for use by social workers, while others have provided training to staff on the Department of Health's Assessment Framework Model. In the case files sampled, however, it was more usual to find assessments in the form of court reports, reports for child protection case conferences and looked after children reviews.
- 5.7 The quality of assessments varied widely both within and across HSS Trusts. At times the focus of the assessment seemed to be restricted to the referred child and his/her behaviour with limited consideration given to the parents' management skills or the likely implications of any shortcomings in this area for their care of other children within the family. While in the main, inspectors assessed the standards of assessment to be satisfactory, there were some examples of excellent practice where social workers had:
- clearly assessed the needs of the child;

- identified the contribution of the family and/or situational factors to both the child’s current situation and the potential for change;
- established clear objectives in relation to what needed to be done, by whom and in what timescale.

5.8 There were, however, examples of a failure to pull together the wealth of information which was available on the child and his/her family to formulate an assessment of needs and the development of an action plan to address them. In these situations, inspectors found considerable detail in respect of the child’s behavioural difficulties but little attempt to understand these within the wider family/social context. At times this wider understanding was inhibited by either the child’s or the parent’s failure to engage with social services.

Assessing co-operative working

5.9 Some parents’ failure to engage in a meaningful way with social services was not used to inform social workers’ assessment of the appropriateness of accommodating their children under Article 21 of the Children Order. There was evidence in a number of cases that a “partnership working” approach was used with parents whose behaviour and actions suggested a lack of a meaningful engagement with social services, a detached and at times hostile approach to their children, and a failure to attend review meetings or to provide information to assist with developing a comprehensive assessment of the child within the family.

5.10 The Children Order promotes the concept of working, where possible, in partnership with parents. This is, however, a principle of practice not a dictum. In some cases where children had been accommodated under Article 21, inspectors noted that on the child’s admission to secure accommodation a reassessment of whether a care order should be sought alongside the application for a secure accommodation order was undertaken. This practice is commended as it ensures that where a HSS Trust needs to secure the placement of a child it has the appropriate powers to safeguard and promote the child’s welfare. In discussion with social workers and senior managers regarding the decision to accommodate children under Article 21 rather than applying for a Care Order, a number of factors emerged which appeared to influence the decision not to seek a care order. These included:

- the parent was not opposing the HSS Trust’s proposed action, even though their engagement was likely to be limited;
- a perception that the “No Order” principle required social services only to seek a Care Order when it was necessary for their work;
- a questioning of what additional powers or safeguards would follow on from acquiring a Care Order;
- a reluctance to seek a Care Order due to the additional work and time pressures which court work placed on already over-stretched staff.

- 5.11 It is of significant importance that HSS Trusts have the right legislative base to discharge their responsibilities for children where parents, as inspectors noted in a small but significant number of cases, use their authority inappropriately and/or punitively towards their children. In 3 cases, of children accommodated under Article 21, inspectors noted that parents had indicated that they wished the child to be returned to their care. While a Secure Accommodation Order was held in respect of these children, these orders immediately lapsed on the parents' request and the children should either have been discharged, or a legal order sought to ensure their ongoing well being. **It is recommended that HSS Trusts ensure that when a decision is made to accommodate a child consideration is also given to what, if any, parental responsibility the HSS Trust needs to acquire to ensure that it is enabled to promote and safeguard the child's welfare.**
- 5.12 Of significant concern to inspectors was the view that the court processes were too costly in terms of the investment of social work time. The Children Order Advisory Committee has recently commissioned work on the use of interim orders and the cost of court work in public law cases. **It is recommended that findings from these studies is used to improve the interface between the courts and social services to ensure that HSS Trusts are facilitated by the legal processes to bring appropriate cases to the attention of the courts for adjudication.**
- 5.13 General issues noted regarding assessment included:
- there was a tendency on children's admission to care to establish a plan for early rehabilitation with the family in the absence of any information or assessment regarding either the family's functioning or what changes needed to occur in the child's and/or the family's functioning to make this an option which is sustainable in the longer term;
 - there was a tendency to refer these children to a range of experts for assessment purposes, even though their failure to engage was well recognised and in a number of instances there was already considerable information on the child which had not been analysed to inform the work with him/her;
 - there is no agreed format in use across Northern Ireland to inform the assessment process. In individual HSS Trusts, where a pro forma for assessment exists, there was limited evidence of its use. **It is recommended that the DHSSPS provides guidance on developing an assessment model to ensure that children are assessed in a holistic and comprehensive manner;**
 - there is a wealth of information held in respect of these children. The absence, however, of regular case summaries or hand-over summaries means that this information is not easily accessible within the case file and in some instances it is not readily available to inform planning. **It is recommended that HSS Trusts ensure that regular case summaries and transfer summaries are prepared and available on children's case files.**

Assessments by other professionals

- 5.14 Both prior to and during their time in secure accommodation children have been referred for assessment to a range of education and clinical psychologists and/or child and adolescent psychiatrists. Copies of these assessments were available in a minority of cases. It was more usual to find a letter which summarised the conclusion of these professionals. Inspectors noted a tendency to re-refer children to these specialists, with one educational psychologist refusing to re-assess the child as he had been assessed 3 times already, with the most recent assessment being less than 6 months old.
- 5.15 Of the 20 children admitted, 6 of their case files contained a Statement of Educational Need (SEN). As 18 of these children had serious educational and behavioural problems which meant that prior to their admission to either care or secure accommodation they had established school based problems, inspectors judged that potentially more of them could have benefited from the statementing process. **It is recommended that the Department of Education consider issuing guidance to schools on the earlier identification, assessment and treatment of children experiencing school-based difficulties.**
- 5.16 There are considerable waiting lists for CAMHS services across Northern Ireland. Children's access to these services both prior to their admission to secure accommodation and during their stay there is, therefore, limited. The location of the secure units also makes it difficult for local HSS Trusts' CAMHS professionals to provide a service for children on their admission to secure accommodation. This means that children on admission to secure accommodation may not have access to the professionals with whom they will have to relate on their discharge.
- 5.17 Currently, UCHT employs a clinical psychologist at Lakewood Centre on a part-time basis to provide cover for the full time Educational Psychologist who is undergoing training to become a Clinical Psychologist. The present arrangements provide psychology services on 2 days each week for the 2 secure units and the 3 open units. Given the demands on the Clinical Psychologist's time, the amount of direct work he can undertake with children is limited. The Clinical Psychologist, therefore, felt that the expectation of having to complete a clinical assessment on many of the children admitted was unrealistic, particularly given the timescales set by the courts. To compensate for the lack of time available to the Clinical Psychologist to work directly with children, the psychologist provides a consultancy service to secure accommodation staff, to assist them manage specific behavioural difficulties. The Clinical Psychologist has been involved with Team Leaders and secure accommodation managers to develop a risk assessment model to assist staff in managing children who present with self-harming behaviours, (See Paras 5.19 and 5.25).
- 5.18 Four of the 20 children whose case files were examined had a diagnosed mental health difficulty in the form of ADHD, compulsive disorder or depression. There were also children with no mental health diagnosis on medication usually prescribed

for depressive or psychotic type disorders. As a number of children also display, from time to time, self-harming behaviours, arrangements are in place to provide one to one supervision of them within secure accommodation. During the course of the inspection such safeguards were in place for one young person who was deemed to be at serious risk of self-harm. It is the view of the inspectors that the psychological needs of 2 of the young people during the course of the inspections were such as to have required their transfer from secure accommodation to more specialist services. One of these young people was subsequently admitted to a psychiatric facility, while the other is waiting for a place.

- 5.19 Staff in secure accommodation reported that they felt supported by the clinical psychologist in managing children who displayed self-harming behaviours, although they question the quality of life for other residents because of these children's particular needs. While inspectors commend the efforts, which secure accommodation staff and their managers take to ensure the safety of such children, it is their view that it is not always appropriate for some of these children to be maintained in secure accommodation. Plans to expand the number of inpatient adolescent psychiatric beds and to provide secure inpatient facilities for adolescents are, in the inspectors' view, a more appropriate means of caring for children who require constant supervision to prevent them from self-harming. **It is recommended that UCHT develop protocols with CAMHS services to inform the appropriate retention of children within secure accommodation or where necessary their transfer to the new in-patient adolescent facilities.**

Assessment within secure accommodation

- 5.20 On a child's admission to secure accommodation, staff seek to acquire a comprehensive range of admission information. A pro forma has been devised to collate this information. Staff use this information as the basis of establishing their understanding of the child's needs. Within both secure units there are also pro formas in place to assist staff assess children's needs in relation to their health needs and their life skills. In a significant number of children's case files these forms had either not been completed or had been only partially completed. As these forms provide a means of identifying any short falls in the child's level of functioning or performance **it is recommended that staff should make use of information provided by HSS Trusts and assessment tools to focus their work with children. Their managers should monitor the completion of the pro formas provided to guide staff's work with children and assure their quality.**
- 5.21 Staff within secure accommodation have a unique opportunity to assess children during their stay, as for perhaps the first time, these children are detained in one place for a specified period of time. There are arrangements in place to involve residential staff in the planning and review arrangements and while their observations contribute to the assessment of the children during their period in secure accommodation, they do not provide a report on their findings. From discussion with staff, inspectors were informed that, in general, staff prepared reports that tend to be supportive of the report prepared by the field social worker, rather than produce

an assessment report. Inspectors would not wish to see a proliferation of reports to the courts but do think it would be helpful if increased recognition was given to the assessment work which is undertaken by secure accommodation staff. This is particularly useful in determining placement options for children. From discussion with staff, inspectors were informed that on occasions secure accommodation staff have had significant concerns regarding the post placement plans for some children. In some instances, they noted that there was a resistance to resume the child's care within local children's homes and the potential for an early break down of the placement was deemed as high. From examples provided to the inspectors there is a basis for some of the staff's concerns regarding the decision to return children to children's homes where both they and the staff lack commitment to work together.

- 5.22 Secure accommodation staff recognise that the absence of a range of placement types or choice means that at times HSS Trusts have limited options in respect of where a child is placed. They do, however, feel that an outreach service from them might assist children in their transfer back to community based placements and also provide additional support to residential staff. **It is recommended that consideration be given to developing a short-term outreach service within secure accommodation to work with children and residential staff to aid children's transition from secure accommodation.** Such an approach would ensure a continuity of provision of specialist services and ensure that children's placement in secure accommodation is part of an integrated process of support rather than an event. It would also build on the ongoing involvement, which HSS Trusts' field and residential social workers should maintain with children during the period they are accommodated within the secure accommodation. (see Para. 5.31).

Delays in assessments

- 5.23 Inspectors noted that at times the reason for children's ongoing placement in secure accommodation was justified by the fact that the planned assessment of the child had either not commenced or had not been completed. In a secure accommodation hearing, which inspectors attended, one child following 6 months in secure accommodation was still waiting for assessments to commence. During the court hearing the Resident Magistrate commented that one had to ensure the placement was for treatment and with the present delays there was the potential for secure accommodation to be viewed as incarceration. Given the delays in this case the HSS Trust was arranging for private consultations.
- 5.24 The restriction of a child's liberty is a serious step and inspectors were concerned that no mechanism existed to "fast track" these children's referrals to a range of experts. If necessary assessments should be provided for privately to reduce the time children's liberty is restricted. **It is recommended that HSS Trusts develop "fast tracking" arrangements, which would in effect afford priority to children in secure accommodation for assessment purposes.**

- 5.25 In discussion with secure accommodation staff, inspectors were informed that at times children were referred for assessment without, in their opinion, there being a clear idea of its purpose or what additional information it would provide to inform the planning process. One member of staff noted that at times he viewed the request for assessment as a means of extending the placement given the known delays in gaining access to CAMHS services. In addition to fast tracking children's referrals to specialist services **it is recommended that UCHT consider the level of provision of dedicated psychiatry and clinical psychology provided within secure accommodation to ensure that there are appropriate services available for children during the period they are cared for in the secure units.** (See Paras 5.17 to 5.19).

Assessments and legal processes

- 5.26 The ECHR became embodied in domestic law with the commencement of the Human Rights Act 1998 in October 2000. In the case files examined there was evidence, in a small number of cases, that the implications of this legislation were beginning to be considered as part of the assessment process. From discussion with members of the Northern Ireland Judiciary it is apparent that within the Judiciary there is a clear recognition of the additional dimension which this legislation brings to their work. Judges and Resident Magistrates expressed the view that they were using Article 5(1)(d) as a means of clarifying and elaborating on Article 44 criteria. Essentially, Article 44 was seen as providing the reason for a child's liberty being restricted, while Article 5(1)(d) provided the purpose for the restriction of liberty. From discussion with members of the Judiciary it was apparent that they wished to see a Care Plan in place which outlined the purpose of secure accommodation, the proposed exit strategy and the likely timescale required to complete this work. Some members of the Judiciary expressed the view that they were reluctant to make a full order until they had a clear exit strategy in place. Others felt there was benefit in making Interim Secure Accommodation Orders for short periods of time to ensure a child's rights were not breached. In general, members of the Judiciary indicated that they were content with the standard of social workers' assessments, although some comments indicated a lack of satisfaction with the specificity within the assessment regarding the additional work, which would be undertaken within the secure units. There was general frustration within the Judiciary regarding the availability of expert witnesses and the delays in acquiring assessments from CAMHS professionals.
- 5.27 From discussion with social workers, frustration was expressed at what is seen as an increasing tendency by the Judiciary to use Interim Secure Accommodation Orders, some of which were of limited duration. Social workers noted that this practice places considerable additional time demands upon them. In some instances transporting the child to courts and attending short hearings took up a full day of their time. The inspectors understood the views and dilemmas facing both members of the Judiciary and social services staff. The decision of Wall J in *Re J (Minors)* [1994] 1FLR 253 that a trial judge could not use the device of an Interim Care Order (i.e. not make a final decision) in order to exercise some form of control or supervision over a Local Authority, would appear to have some relevance to how

Interim Secure Accommodation Orders should be used. The House of Lords decision in *Re W* and *Re W & B* (2002) will provide greater clarity and direction relating to the use of interim orders and confirms that, once a Care Order has been granted, the Court has no continuing role in relation to the implementation of the Care Order.

- 5.28 The impact on children of repeated use of Interim Secure Accommodation Orders has also to be weighed as these orders create uncertainty for children about their future. This means that often children are unable to focus on any help that may be available to them during their stay in secure accommodation. Inspectors were also concerned by social workers' and children's comments about all the child's negative qualities being outlined in court to ensure the granting of a Secure Accommodation Order. This has the potential to seriously undermine the relationship of trust that a child has with his social worker.
- 5.29 Systems of checks and balances relating to children's rights are available through their solicitors and Guardians-ad-Litem. In the view of the inspectors, it would be more appropriate for abuses of children's rights to be the subject of a legal challenge, rather than the case being subject to repeated Interim Orders. In some of the cases examined by inspectors Interim Secure Accommodation Orders were made for periods of 2 or 3 days. In such a short time frame it was difficult for the inspectors to assess what meaningful work could be undertaken with children.
- 5.30 It was evident from discussion with members of the Judiciary that they are awaiting the outcome of an Appeal in the House of Lords in relation to the *Re W&B* and *Re W*, cases, in which Thorpe LJ proposed starring key aspects of the Care Plan to enable a case to be returned to court if these elements of the plan were not implemented. The outcome of this Appeal will be significant in clarifying the relationship between the courts and social services in public law cases.
- 5.31 Good quality assessment with a clear plan for the purpose of secure accommodation is essential if children whose liberties are restricted are to benefit from the process. From discussion with social services staff and members of the Judiciary it is clear that the demands of Article 5(1)(d) are now firmly established and that the assessment process is beginning to consider assessing children's needs within a wider rights context. Members of the Judiciary noted that in recent court reports, social workers were being more specific about the programme of work required while the young person resides in secure accommodation. **It is recommended that an assessment of the child's need is used to inform the decision to use secure accommodation, determine its purpose and establish a contract of work with the child during and post his/her stay in secure accommodation. This contract should have clearly assigned tasks with established time scales for their attainment and be subject to regular review.**
- 5.32 Some members of the Judiciary also noted that in making assessments, social services had to be more aware:

- that lack of resources is not a defence for a public body in failing to meet the assessed needs of a child;
- that failure to provide services to children in need can constitute a breach of their rights (Bedfordshire case).

It is recommended that HSS Trusts establish the training needs of their staff, to ensure that they are skilled in assessment techniques, have a sound understanding of the legislative basis which underpins their work with children and are informed about children’s rights and their implications for their practice. As much of their work with children also requires that staff work with other agencies and professionals, HSS Trusts should ensure that training provides the skills necessary for inter-disciplinary working.

Conclusion

- 5.33 *There is evidence of considerable assessment activity in the form of collecting and collating information. There is, however, a need for improved analysis of the information held on case files. Referrals for other assessments should have a specified purpose and should seek to complement the information already held on case files. There is also a need for more timely access to specialist services, particularly CAMHS. To ensure that children enjoy the maximum benefit from their time in secure accommodation it is essential that an assessment of need be undertaken which identifies what work needs to be commenced with the child during his/her period in secure accommodation and following discharge.*
- 5.34 *The central role of the ECHR is to ensure that restricting a child’s liberty is exceptional and to this degree it is consonant with the Children Order. In itself it poses no threat to social services or the courts, rather it serves as a cross-check that the action being taken in relation to an individual child is fair and necessary.*

6. PLANNING

6.1 Planning ensures that work is focused, targets are set, and progress can be monitored over time. Planning includes setting long-term goals through the overall Care Plan, as well as medium and short-term objectives and the decisions necessary to ensure these are achieved. Often these will be recorded through the LAC review process. At all times the short and medium-term decisions must work towards achievement of the overall Care Plan. To be effective planning needs to be underpinned by a comprehensive assessment process and be part of a continuous process of decision-making and review. In respect of looked after children, the planning process is articulated as the Care Plan. The term Care Plan is not used in the primary legislation (Children Order) but it is found within the Children Order Regulations, which require that a written Care Plan is available in respect of each looked after child (Regulation 3, The Arrangements for Placement of Children (General) Regulation 1996). When making plans for looked after children there is a requirement upon HSS Trusts to consult with all relevant parties, including parents and children. The Looking After Children (LAC) Care Plan form has been designed to enable, and evidence, HSS Trust's compliance with their statutory duties in relation to planning for children in public care. The Children Order guidance states that the purpose of planning:

“is to safeguard and promote the child's welfare . . . The drawing up of an individual plan for each looked after child will prevent drift and help to focus work with the family and the child”.

(Para 2.18, Family Placements and Private Fostering, Volume 3, Children Order Regulations and Guidance).

6.2 Care planning is central to working with children and families as good quality decisions and long-term planning are essential to ensure good outcomes for children. Inspectors during this inspection considered the planning process prior to, during and post children's admission to secure accommodation. All but 1 of the 20 children admitted to secure accommodation had at least one Care Plan on their case files, with the majority of children having a Care plan in place prior to their admission to secure accommodation.

Planning prior to admission to secure accommodation

6.3 Fifteen of the 20 children who were admitted to secure accommodation had had a Care Plan in place prior to their admission. Of the 8 children who were referred for admission, 3 had a Care Plan available on their case files. Two of these 3 children were subsequently admitted to secure accommodation. In total 3 of the 8 children referred for admission to secure accommodation were subsequently admitted. **It is recommended that HSS Trusts ensure that a Care Plan is available in respect of each looked after child and that this plan is used to focus the work with the child and his/her family and to inform service and resource allocations.**

- 6.4 In the main the overall long-term goal for children was not well established within Care Plans. Often the stated overall goal was “time-limited assessment” and this did not change over extensive periods of time. In addition, plans to return children to the care of their parents persisted even when repeated attempts at rehabilitation had failed, or in the absence of a commitment from parents to provide for their children.
- 6.5 In the Care Plans available on children admitted to care when aged 10 years of age and over, there was a tendency on admission to care to state the overall goal as a return to the care of their parents. Often this decision had been reached prior to an assessment having been completed in respect of the child’s and/or family’s situation and had not been changed when a fuller assessment was available. As a consequence, of what inspectors considered premature decision-making which was not subsequently revisited when more information was to hand, children were often returned home once their behaviour became more settled within a residential setting. In the cases examined none of these arrangements were sustained, due, in the inspectors’ opinion, to work not having been done within the family to ensure that the child returned to a changed situation.
- 6.6 The link between assessment and planning was at times not well established. Examples of this included:
- on occasions the assessment of the child detailed his/her need for stability of placement. Despite this assessment, plans for the child appeared more driven by events rather than the assessed need. Examples, which typified this related to transferring children from one children’s home to another when their behaviour was difficult to manage, either on a short-term or longer-term basis. Inspectors’ discussion with fieldwork staff and their managers highlighted that in many cases attempts were made to support residential staff to maintain the child in placement. These actions were not, however, generally apparent in children’s case records. The practice of moving children around different residential units, while in the short-term removing pressure from one group of staff, has in the medium term the potential to destabilize other residential units. **It is recommended that HSS Trusts develop a range of supports to help enable residential staff maintain a child in placement thereby limiting placement disruption and promoting children’s emotional and social well being;**
 - on occasions children were referred to “time out” facilities, such as Roscor, in an effort to maintain their placements with their families when the assessment was that these children required a residential placement. Inspectors noted in some of these instances that time-out was used to protect the functioning of a HSS Trust’s own residential units or in the absence of any places within the residential sector. Where, however, a child’s assessed need is for a residential placement it is unlikely that respite arrangements will be adequate;
 - the assessment regarding the need for secure accommodation was on occasions made when there were no places available to the HSS Trust. In the intervening period between assessment and the acquisition of a secure place there was limited

evidence of developing innovative approaches to safeguard and protect the child's welfare in the absence of an appropriate placement. **It is recommended that:**

- **whenever a child is assessed as requiring secure accommodation that a support package is developed to ensure his/her well being in the event of a secure placement not being immediately available; and that**
- **details regarding unmet need and the safeguards put in place should be made available to the HSS Trust's Director of Social Work to inform planning and service developments.**

Planning during children's period in secure accommodation

6.7 Care Plans for 16 children were developed during their stay in secure accommodation. Generally, these Care Plans were developed during the course of the court proceedings for secure accommodation orders. Within secure accommodation steps have been taken to establish a core-planning group, which aims to meet on a monthly basis to plan the work with the child and the steps needed to reintegrate him/her to a community setting. From discussion with staff it would appear that input into this planning mechanism varies across HSS Trusts. As can be seen from Section 7, there is already an established review system for looked after children, which generally meets on a regular basis during the child's time in secure accommodation. Given the time commitments, which are associated with both the court processes and the review arrangements, established under the Review of Children's Cases Regulations (Northern Ireland) 1996, inspectors felt it unlikely that an additional planning forum would be likely to command the commitment of staff external to secure units. Inspectors do, however, endorse the concept of a core-group to take forward the implementation of a child's Care Plan. **It is, therefore, recommended that attempts be made to incorporate the "in-house" planning process with the LAC review arrangements to ensure the maximum efficiency of decision-making for children. Attempts should be made to ensure the concept of a core-group is used within the revised arrangements.**

6.8 Plans of work with children during their stay in secure accommodation are available in a number of the secure accommodation case files. Generally, the areas of work outlined are drawn from the decision of the most recent LAC review. There were occasions when there was specificity about the programme of work which needed to be addressed during a child's time in secure accommodation, this was not, however, a general situation. It was more usual to find a list of tasks, which required to be addressed without either the establishment of priorities or an indication of who was responsible for taking forward this work and within what timescale. The nature of many of the children's problems means that they are likely to require considerable assistance post their period in secure accommodation. There was no example of a programme of work designed to address children's long-term needs with appropriate contingency plans, focusing on the work required post their stay in secure accommodation.

6.9 A contract of work was found on a number of children's secure accommodation record. Generally, work outline in the contract was assigned to staff within the secure units, although there was provision to detail the work of the child's social worker, the child or family it was less likely that these sections were completed. There is also a monthly work sheet to detail work, which has been undertaken in secure accommodation and to review this against the placement objectives. There was, however, limited evidence that work was monitored against the goals or that the ongoing appropriateness of goals was reviewed. **It is recommended that a clear programme of work be established for each child, which:**

- addresses meeting his/her needs both during and post the placement in secure accommodation;
- establishes the input of field and residential social workers with whom the child will have contact post his/her discharge;
- establishes the arrangements for the child's ongoing education; and
- addresses any additional supports required by the child.

To maximise the effectiveness of this approach the construction of the contract and review of progress would need to be informed by and linked to the LAC review process.

6.10 Inspectors formed the view from discussion with both staff and children that more work was undertaken in the secure units than was evident from the case records maintained by secure unit staff. Explanations for recording standards provided by staff were that ongoing staffing difficulties within the units, the reliance on casual staff and the intensity of staff's contact with children limited the time available for record keeping. Examples provided by staff and witnessed by inspectors included staff reporting sick just prior to them being required for duty. Of significant concern to inspectors was the practice whereby teaching staff returned children who misbehaved to the care of secure unit staff. This means that staff have no protected time during the day to complete administrative tasks or to liaise with other key staff to plan their work with children. The teachers are supported by classroom assistants and work with small class sizes. Inspectors, therefore, took the view that except for exceptional situations children should for the duration of the school day be out of their living accommodation. **It is recommended that priority be afforded to recording the work undertaken within secure accommodation both to ensure that the child's needs continue to be addressed and to provide evidence that the purpose of the placement, in terms of educational supervision, is being met. It is further recommended that only in exceptional circumstances should a child be returned to the secure units by teaching staff. Where such action is necessary it should be preceded by a discussion with the Team Leader of the secure unit.**

Planning for children post secure accommodation

6.11 While some children's Care Plans were up-to-date and dealt with their post secure accommodation needs, this was not the practice norm. For the majority of children the Care Plan devised for the Secure Accommodation Order hearing tended to continue following their discharge. On occasions, this meant the plan prepared for the court continued even when the overall goals for the child had changed. In some of these situations it appeared that the decisions of LAC reviews were being used to focus the work with children and families rather than the Care Plan being revised or updated to reflect changes. Issues relating to children's care post secure accommodation, which were of particular concern to inspectors were that:

- decisions at times did not demonstrate the continuity of planning for children, there was, therefore, the absence of a link between the plans for children prior to, during and after their period in secure accommodation;
- decisions regarding their post secure placement were made late in the day and the opportunity to phase the child into a new placement was, therefore, limited. Inspectors felt that the lack of phasing had a potential to limit the successful re-integration of the child into a new placement;
- decisions were made to return a child to the care of their families on discharge often without any preparation of the family for the child's return home or any phasing of the return to assess the capacity of the parents to cope with the child's behaviours. There were 2 occasions when the decision to return the child to the care of a parent was made when the assessed need was for a specialist unit in England but the parents were uneasy about placing the child outside Northern Ireland. In both these situations the children were the subjects of a care order. The basis for altering the placement decisions in these cases was not apparent from the case files and inspectors formed the view that the planning was reactive in nature. Neither of these situations produced good outcomes for the children concerned;
- decisions in several cases occurred regarding a change of social worker around the time when the child was to be discharged from secure accommodation. Given the scale of changes which children have to adapt to in moving from a totally secure situation to a community placement **it is recommended that where possible HSS Trusts seek to limit changes in the child's social worker and ensure that each child is phased out of secure accommodation to a placement deemed suitable to meet his/her assessed needs.**

Implementation of Care Plans

6.12 The outcome for children who have either been resident or been referred to secure accommodation, was considered by inspectors in terms of how their placement arrangements accorded with the plans for their care on discharge from secure accommodation. Inspectors also considered readmission rates and how many

children had become a parent since their discharge. In relation to the latter, 2 of the 10 girls admitted to secure accommodation were now parents. It is not possible from the case files to determine how many, if any, of the boys had become a parent. In relation to re-admission rates, 11 of the 20 children whose case files were examined had been admitted more than once to secure accommodation. One child in a 5 year period had had 6 secure placements. The average time that re-admitted children remained in secure accommodation was 8 weeks (range one day to 23 weeks).

6.13 At the commencement of the inspection the living arrangements for the children whose case were examined by the inspectors was:

Placement	Admitted Children	Referred Children	Total
Children's home	6	0	6
Home/family	4	2	6
Secure Accom.	3	3	6
Indep. Living	2	0	2
Juvenile Justice	2	0	2
Bed & Breakfast	1	0	1
Supported living	1	0	1
Temp. Accom.	1	0	1
Homeless Hostel	0	1	1
Boyfriend's family	0	1	1
Shared care	0	1	1
Total	20	8	28

6.14 On their discharge from secure accommodation, or at the time a request was made for a placement for the 8 children not then admitted to secure accommodation, the majority of children were living within a residential unit, while a small number were living at home (see Appendix 4, Table 19). It is clear that in terms of their placement experiences that these children have continued to experience disruption on their discharge from secure accommodation and are continuing to pose management challenges to those who work with them. The level of support which children receive following their discharge from secure accommodation varied and it is noteworthy that children approaching 16 years of age are often more likely to be placed outside the care system. Inspectors recognise that maintaining these children within the children's residential sector as it is currently staffed and resourced is problematic, however, given their range of emotional, social, family and educational difficulties their premature move to independence is unlikely to result in good outcomes for them. **It is recommended that HSS Trusts develop a range of supported living situations capable of addressing the accommodation and care needs of children.**

6.15 Inspectors were concerned to note that 3 of the children living outside either the care or a family systems were aged under compulsory school leaving age and were in living arrangements which were unlikely to safeguard and promote their welfare, 2 of

these children were the subject of care orders while another had no parent exercising parental responsibility. In discussion with staff, inspectors were informed that there were no appropriate services to manage these children's behaviours and they presented considerable challenges within the care system. In one instance, inspectors noted the decision was made to discharge the child from care because it was assessed as less risky for care to be resumed by the family. Even though the child's placement with the family had subsequently broken down and the current living arrangements were deemed to present risks to the child's physical and mental health there was no reappraisal of the decision to discharge the child from a residential unit.

- 6.16 Of the children returned home there is little indication that their behaviour patterns have altered. Rather it seems that HSS Trusts' personnel are willing to accept that these children are living in risk situations at home. It is apparent from some of these children's case files that their parents are experiencing difficulty managing their behaviours and that requests for the child's re-admission either to care or secure accommodation have been made.
- 6.17 Inspectors recognise and appreciate the challenge, which these children present to those who care for them. It is, however, unlikely that their premature discharge from care or living at risk within the community is likely to contribute to addressing the range of complex needs evident in many of these children's assessments. As a corporate parent, HSS Trusts have specific responsibility for children in public care, they also have a general duty to safeguard and promote the welfare of children in need. Under the Social Information Systems (SIS) indicators of children in need, used by the Children's Service Planning process, and under the New TSN agenda these children are "in need" and entitled to appropriate services to meet their needs.
- 6.18 The inspectors noted a good example of an innovative approach to caring for a child. This related to a child who was discharged from secure accommodation to a children's home, where this placement failed relatively quickly. The HSS Trust established a supported living arrangement, which also incorporates a programme of home tuition on basic literacy skills, a work placement and regular support visits from an after-care social worker. From discussions with this child, the carer and HSS Trust personnel it would appear that at this time these arrangements are providing the child with a good standard of care and support. Inspectors commend the HSS Trust for the integrated way it is seeking to meet this child's needs. It is recommended that HSS Trusts develop a range of innovative placement options to ensure they are capable of discharging their specific and general duties to children. **It is further recommended that in each situation where a young person is placed in a living situation such as a bed and breakfast, homeless hostel or temporary accommodation that this arrangements is approved by the HSS Trust's Director of Social Work who should detail what safeguarding arrangements are established to promote the child's welfare during the duration of any such placement.**

The standard of Care Plans and exit planning

- 6.19 There was considerable variation in the standard of Care Plans available on case files. While a small number of Care Plans were specific in terms of the short, medium and long-term goals that needed to be addressed, many lacked specificity. Care Plans also provide a means to signpost the way forward for children following their stay in secure accommodation. Inspectors noted in a number of cases a degree of delay in planning for children specifically aimed at addressing their needs post their stay in secure accommodation. Developing exit plans early in the process is essential if continuity of care for children is to be achieved. From Care Plans presented to the courts, inspectors noted that during the court proceedings these were generally well developed, specified the exit plan and were capable of being built upon.
- 6.20 Members of the Northern Ireland Judiciary and Guardians ad Litem commented to inspectors on the need for early development of exit strategies to structure the work undertaken with the child within the secure units and to commence the process of phasing him/her back to a placement in the community. The Children Order guidance notes that placing a child in secure accommodation should be “part of the Trust’s overall plan for the child’s welfare”. It also advises that HSS Trusts should from the earliest opportunity establish how long the child is likely to need a secure placement and establish “the arrangements for bringing the placement to an end” (Para 15.7, Volume 4). Early development of an exit strategy, therefore, is a means of ensuring that the use of secure accommodation is demonstrably part of the process of caring for a child. **It is recommended that the decision to use secure accommodation is seen as part of a process and that developing a timely exit strategy is seen as part of the overall planning for a child.** It is recognised that the detail in the exit plan may vary during the time the child remains in secure accommodation but a “wait and see” approach should not be adopted as this results in drift and limits the opportunities to phase children back to community based placements.
- 6.21 At times it appeared to inspectors that the decisions of the LAC reviews served to structure the work with children and their families, rather than the Care Plan. Provided these day-to-day decisions are informed by and consonant with the overall plan for the child such an approach ensures a responsive approach to meeting children’s needs. There were, however, occasions when the “fit” between the overall plan and review decisions was poor and the Care Plans should have been updated to ensure a closer relationship between short, medium and long term decisions. Decisions of the LAC review should relate to the attainment of the overall plan for the child or where the plan is no longer relevant inform its revision.
- 6.22 Inspectors also noted in some cases a tendency to complete a new LAC Care Plan after each review, even when the overall plan for the child had not changed. This is an unnecessary burden on social work personnel. **It is recommended that HSS Trusts ensure that Care Plans are developed which establish the overall goals for the children’s care and that these Care Plans are updated when the overall**

plan is changed by LAC reviews.

6.23 From discussion with staff and the case files it appeared to inspectors that planning was often resource rather than needs led. In the absence of a range of other specialist residential and adolescent psychiatry beds in Northern Ireland staff have on occasions no alternative placement options for children who present major challenges within the children's home sector. Staff recognised that many of these children had highly complex needs which would not be resolved in the short-term, and that secure accommodation is only intended to be used as "a last resort" and for as short a time as possible. The absence of placement choice resulted in:

- children being placed in secure accommodation in the absence of a more appropriate placement;
- children remaining in secure accommodation for longer than would have been necessary had there been a specialist unit to cope with their assessed needs;
- children being discharged to a placement which was unlikely to be able to manage them within either the size of the group or the mix of children cared for within the unit.

HSS Trusts' personnel and secure accommodation staff discussed the frustration, which they experienced due to the lack of places, the absence of specialist units and the inhibitions these gaps in services place on the planning process. Paragraphs 2.4 and 2.7 have already highlighted the need for developments in this area to be expedited by the Ministerial Taskforce. **It is recommended that HSS Trusts seek to recruit specialist foster care placements for adolescents to augment the developments, which are planned within the residential and adolescent psychiatry sectors.**

6.24 In a number of children's case files inspectors' noted that consideration was afforded to placing children in specialist units in Great Britain. In the absence of specialist provision in Northern Ireland this action maybe necessary, it does, however, impose considerable social costs on the child and his/her family and considerable economic costs on HSS Trusts (See Para. 8.6). Inspectors noted that, where a specialist placement was being sought, this served to prolong the period the child spent in secure accommodation. While some of this wait is unavoidable there were instances in the inspectors' view when administrative arrangements delayed the child's placement. An example of this is one child where a decision regarding a specialist placement was made but confirmation was not provided to the unit's managers regarding financing the placement. Until written confirmation was available this unit would not commence its admission process in relation to introducing the child to the unit. Delays in this instance resulted in the child having to be discharged to a children's home within the Trust pending a transfer to the specialist unit. Unfortunately, the children's home was unable to manage the child whose behaviour then deteriorated to such an extent that the specialist unit would not consider a placement. In the inspectors' view the opportunity to settle this child had been lost because of an unresponsive administrative process.

- 6.25 The absence of schooling for children post their discharge from secure accommodation was of significant concern to inspectors. Children's case files indicated that often the child's social worker and children's home staff made repeated applications to a range of local schools within the controlled, maintained and integrated sectors in an effort to have the child placed in education. There are also examples of refusals to accept a child being appealed but with no success. As the children have begun to re-establish a pattern of attending school it is important that progress in this area is capable of being built on when the child is discharged from secure accommodation. Having a structure to the day is also likely to have positive effects in relation to maintaining the residential placement. **It is recommended that HSS Trusts and ELBs develop protocols to ensure that children discharged from secure accommodation have education provided either within a school or in some other way immediately on their discharge to maintain the progress made by children while resident in a secure unit.**

Involvement of others in the care planning process

- 6.26 The care planning process is intended to involve all relevant parties including the child and his/her parents. While some Care Plans were countersigned to evidence the involvement of relevant others, there were occasions when from the way the form had been completed it appeared not to have been developed and agreed by all parties. There were also on occasions no indications that parents or children had received a copy of the Care Plan. In HSS Trusts with an Independent Chair for their LAC Reviews it was clear from the case files that the Chairperson quality assured the Care Plans and returned them where signatures in respect of children, parents or others were missing. In these HSS Trusts it was also more usual to find evidence that the care plan had been circulated to all relevant parties. This practice is commended. **It is recommended that each HSS Trust has a system in place to quality assure the standard of Care Plans and to ensure that there is evidence that all involved parties receive a copy of the Care Plan as per the requirements established in the Review of Children's Cases (Northern Ireland) Regulations (1996).**

Conclusion

- 6.27 *Care Plans were generally available in respect of the children admitted to secure accommodation but fewer than half of the referred children had a Care Plan available on their case files. The standard of care plans varies considerably and at times it is not evident that HSS Trusts have complied with the regulations in terms of involving relevant others in the planning process and ensuring that they receive a copy of the Care Plan. Planning processes appear to be compromised by the lack of placement choice and at times decisions seemed to be resource rather than needs led. The need for early exit plans when a child is admitted to secure accommodation is essential if secure accommodation is to be part of a process rather than a on-off event. The outcomes for children who were placed in secure accommodation were generally poor and inspectors thought that this was linked to the lack of specialist placement options, a failure in many instances to phase children back into a*

community placement and a failure to re-engage these children within the school system. The needs of these children are such that a short period in secure accommodation is unlikely to turn their behaviours around. It can, however, settle the child in one place to begin the process of work with him/her on a range of issues. Many of these children need Care Plans, which address in specific terms how their needs will be met in the longer term with short and medium term aims established which contribute to attaining the overall goal. In general there was a tendency to plan for these children either from review to review or for their time in secure accommodation. Planning without a long-term strategy is unlikely to meet the needs of these children.

- 6.28 *Planning for children who were referred to secure accommodation but who were not admitted at the time of referral raised a number of questions for inspectors relating to the action which HSS Trusts took to safeguard and promote the welfare of these children. Having identified that these children may meet the criteria set out in Article 44 of the Children Order, inspectors would have expected to see a more proactive approach to caring for them. The absence of any Care Plan for 5 of the 8 children was a source of concern as was the lack of services provided to meet identified gaps arising from a failure to acquire a secure placement.*

7. REVIEWS

- 7.1 The following section will consider the operation of the LAC reviews, which are regulated by the Review of Children's Cases Regulations (Northern Ireland) 1996 and the Independent Review process, established by the Children (Secure Accommodation) Regulations (Northern Ireland) 1996.

LAC Reviews

- 7.2 The purpose of the LAC review is to review the implementation of decisions and to plan future work. The review is, therefore, part of a continuous process of reconsideration of a child's Care Plan and is an essential component of a dynamic planning approach. The Guidance to the Children Order states:

“The purpose of the review is to ensure the child's welfare is safeguarded and promoted in the most effective way throughout the period he is looked after or accommodated. Progress in safeguarding and providing for the child's welfare should be examined and monitored at every review and the plan for the child amended as necessary to reflect any significant change”. (Para 3.1, Volume 3).

- 7.3 Regulations 2 and 3, establish the minimum requirements in terms of the timescales for convening reviews. The Guidance to the Children Order also requires that “reviews should be chaired by a member of staff above senior social worker level”. (Para 3.13, Volume 3) Details of those who should be consulted as part of the review process and notified of its outcome are set out in Regulation 7. Inspectors focused on these 3 elements when considering the operation of the review process.

(i) Timescales

- 7.4 Generally, reviews were held within the statutory timescales and lapses, which did occur, tended to be of a short duration. In a number of cases it was evident that reviews were occurring more frequently than the minimum requirement set by the regulations due to the complexity of these cases. As the minimum timescales are statutory requirements **it is recommended that each HSS Trust ensure that LAC reviews occur within the required timescales and that it has arrangements in place to monitor compliance levels.**

(ii) Chairing

- 7.5 Reviews were in a minority of cases chaired by a senior social worker with day-to-day responsibility for managing the child's case. The inspectors' view was that this arrangement did not afford the degree of oversight and priority necessary for cases of this complexity. There were 4 HSS Trusts which had appointed Independent Chairs for the looked after children's reviews. These posts are all graded above senior social worker level, as advised by the Guidance. Inspectors noted that the standard of the LAC review forms and minutes in these cases were usually of a high standard

and there was evidence that the Independent Chair undertook a quality check of the review forms to ensure they evidenced compliance with the HSS Trust's statutory duties. The complexity of children's needs means that their reviews should be chaired by a senior member of staff who has the authority to allocate resources to meet their assessed needs.

- 7.6 The standard of completion of LAC review forms and minutes varied considerably. There were examples of very good practice but there were also cases where the quality of the documentation gave the impression that the process was completed in a perfunctory manner to meet minimum requirements. The role of the Chair should be to ensure a clear focus on the purpose of the review and its links with both the planning of services and the eventual outcomes for a child and his/her family. It is recommended that each HSS Trust ensures that reviews are chaired by a member of staff above senior social worker level who has received training on chairing planning meetings.

(iii) Consultation

- 7.7 In the LAC documentation it was, in some situations, difficult to assess whether children, parents and relevant others had been consulted, due to the standard of completion of documentation. In the main it was apparent, however, that consultation occurred prior to reviews and in some situations both the child and his/her parents completed a consultation form providing written comments for the review group. Generally, children attended their reviews and this was particularly the case during their period in secure accommodation. There were, however, a number of parents who either did not attend the reviews or attended infrequently.
- 7.8 From discussions with children and their parents, inspectors gained the view that both felt they had been given the opportunity to comment and to attend review meetings. They did, however, have different perspectives on whether their comments were listened to, with children generally stating that they felt their views were heard. Parents, however, were more sceptical about the degree to which their views had the capacity to influence decision-making. Some reported that the decisions were already made and their ability to alter them was limited. Others reported that they had withdrawn from the review process as decisions, which were made were not acted upon and the next meeting then went over the same ground. The level of parental attendance at reviews may be associated with their perception of its value.
- 7.9 In a number of cases, inspectors found that in addressing the progress made on the decisions reached at the previous review, a practice which is highly commended, there was evidence that some decisions had not been implemented. In the most extreme case inspectors noted a key issue which was identified in the child's assessment carried forward from review to review and still not implemented even though the child was resident in secure accommodation for 6 months during which time the review group had met bi-monthly. **It is recommended that each HSS Trust develop a monitoring system to ensure that decisions are implemented, or where they cannot be taken forward because of resource difficulties, that**

information on unmet need is collated to assist with service planning and the allocation of resources. (See Para.8.4)

- 7.10 Notification of the outcome of reviews was evident in a number of cases and was most clearly apparent in HSS Trusts, which employed an Independent Chair. The Independent Chair generally ensured that the appropriate section of the LAC review form was completed to evidence compliance with this requirement. In some other cases there was a copy of the covering letter that was sent out with the LAC review form. Given the size of the case files the latter practice, particularly when it is associated with filing a copy of each letter sent inviting individuals to a review, can add considerably to the bulk of the paper records. There were also situations where the case files did not evidence that the outcome of the reviews were appropriately circulated, although from discussions with children and parents, inspectors formed the view that the issue was one of a recording nature. **It is recommended that HSS Trusts ensure that recording on case files provides evidence of compliance with statutory requirements.**

LAC Review - Conclusion

- 7.11 The LAC review process is generally operating in line with the regulation and guidance but there is considerable variation in the standard of completion of LAC review forms and minutes both across and within HSS Trusts. Of significant concern to inspectors were the delays and indeed the failure at times to implement decisions made at LAC reviews. The review is an integral part of the planning process and has the capacity to promote a dynamic and responsive approach to working with children if operated in a structured way.

The Independent Review Process

- 7.12 Regulation 10 of the Children (Secure Accommodation) Regulations requires that a HSS Trust should establish a panel of 3 persons, one of whom must be independent of the HSS Trust, to review within one month and thereafter at intervals of not more than 3 months, a child's placement in secure accommodation. Regulation 11 requires:

“Persons appointed under Regulation 10 to review the keeping of a child in secure accommodation shall have regard as to whether or not:

- (a) the criteria for keeping the child in secure accommodation continue to apply;
- (b) the placement in such accommodation in an authority home continues to be necessary; and
- (c) any other description of accommodation would be appropriate for him;

and in doing so shall have regard to the welfare of the child whose case is being reviewed”.

7.13 Regulations 11(2) and 11(3) also establish those who should be consulted prior to and notified about the outcome of the independent review, this includes children, their parents and those with parental responsibility. The following will look at the scheduling of the independent review and the consultation process.

(i) Scheduling of the Independent Review

7.14 In the majority of cases, the initial review was scheduled in line with statutory requirements and staff within the secure units afforded considerable priority to promoting compliance with these requirements even though responsibility for convening these meetings rests with the relevant HSS Trust. There were, however, breaches in relation to the scheduling of the Independent Reviews. Breaches noted by the inspectors included:

- for admissions of over one month (56 in total), a quarter were not reviewed within one month;
- four of the 17 second reviews which should have been carried out, took place within the 3 months time limit;
- five children should have had 2 rather than the one review that was held; and
- a small number of children were accommodated for up to 10 weeks without their case having been subject to an Independent Review.

7.15 There was some ambivalence about the operation of the Independent Review system as the timescale for these meetings tended to be very close to the court hearings. Inspectors were told that in some cases the Independent Review was meeting a day or 2 before or after a court hearing for a secure accommodation order and that the proximity of both events served to undermine the purpose of the review (see Para 7.12).

7.16 Although an independent person sits on each review there were questions raised about the actual independence of this process. There was a view expressed that in the absence of appropriate resources to manage the child within a HSS Trust, there was the potential to consider whether the child would continue to meet the criteria if discharged rather than focusing on whether or not he/she met the criteria at the time of the Independent Review.

7.17 From discussion with secure accommodation and HSS Trusts staff, inspectors formed the view that in some situations the absence of any appropriate resource within the community did influence the decision of the Independent Review group as it recognised that the progress made by the child within the secure unit could not be sustained in a non-specialist setting. Inspectors appreciate the dilemmas faced by the Independent Review group in situations like this but its function is to assess whether or not the child currently meets the criteria set out in Article 44 not to speculate on his/her future likelihood to meet the criteria. It is also the view of inspectors that the

Independent Review's remit should include consideration of the programme of work undertaken with the child within the secure unit to ensure that "education supervision" as required by the exception stated in Article 5(1)(d), is being provided. In light of the comments made regarding the timing of the Independent Review, its operation and the implications of the European Convention of Human Rights **it is recommended that the DHSSPS reviews the Children (Secure Accommodation) Regulations in relation to the remit and structure of the Independent Review and consider means of enhancing its independence.**

(ii) Consultation

7.18 There was considerable variation in the consultation arrangements, which operated in relation to the Independent Review. In some instances children informed the inspectors that they had not been invited to attend the Independent Review. In other cases it was apparent that children and their parents were invited to contribute in writing to the review and to attend part of the meeting. Some HSS Trusts sought only the written comments of children and their parents. In some of the latter situations there appeared to have been little guidance offered to either the child or the parents to inform their contribution to the process. In some instances, therefore, the input from both the child and his/her parents was minimal. Inspectors viewed the level of involvement of children and parents in the Independent Review process, as a reflection of the priority afforded to this process by individual HSS Trusts. There were some situations where the Independent Review appeared to be completed as an administrative function. Inspectors commend the practice of inviting children and their parents to the Independent Review as it underscores for them, the priority afforded to ensuring that the restriction of children's liberty is a serious matter, which requires to be kept under review. From discussion with children and parents, inspectors found that some were unsure whether or not they had attended an Independent Review and that there was some confusion between this process and the LAC reviews.

7.19 Evidence that children, parents and relevant others had received notification of the outcome of the Independent Review and the reasons for the HSS Trust's "for taking, or not taking, such action", was not generally found on the case files examined by inspectors. **It is recommended that HSS Trusts ensure that Independent Reviews take place within the statutory time limits and that children, their parents and relevant others are enabled to participate in the Independent Review process and receive written confirmation of the decisions reached as required by Regulation 11(3) of the Children (Secure Accommodation) Regulations.**

Independent Review - Conclusion

7.20 *There are significant questions raised regarding the operation of the Independent Review process, which suggest that it may not be operating to maximum effect as a safeguard when children's liberty is restricted. The proximity of the Independent Review meetings to court hearings does, in the inspectors' view, have the potential to undermine this process. There is the potential to enhance the independence of this process by taking it totally outside the HSS Trusts' remit.*

8. MANAGEMENT ARRANGEMENTS

- 8.1 HSS Trusts have a duty under the Children Order to take reasonable steps designed to avoid the need for children within their areas to be placed in secure accommodation (Schedule 2, Para 8(c) of the Children Order). This requires that HSS Trusts consider the existing range of alternative facilities and services which are available locally, identify any gaps or shortcomings in existing provision and identify how best to meet these. The Children Order Guidance further requires that decisions to seek a placement for a child in secure accommodation should be taken at “not less than Programme Manager level”. (Para 15.6, Volume 4). The following section, therefore, considers:
- (i) the monitoring arrangements within HSS Trusts in relation to existing services; and
 - (ii) the authorisation arrangements for the placement of children within secure accommodation.
- (i) Monitoring Arrangements**
- 8.2 Inspectors discussed with both fieldwork and management staff the arrangements, which were in place within HSS Trusts to ensure that information from operational level was used to inform service planning and resource allocation. Across HSS Trusts there was considerable variation in the approaches employed to enable HSS Trusts to acquire information. In Northern Ireland there is no standardized method used to collect information on individual cases to establish general trends or to collate information on the adequacy of existing services. Some field social workers were unclear how decision-making at senior level within their HSS Trusts took account of experiences from practice.
- 8.3 One HSS Trust has developed a tool for reporting monthly to its Directors of Social Work on the discharge of its statutory duty, which it is considering amending to include reference to gaps in service provision and their implications for the care of children. This process is commended and inspectors were of the opinion that it could also be a useful means of providing information to an HSS Trusts’ Board relating to its discharge of its corporate parenting responsibilities. It is, therefore, recommended that each HSS Trust develop a report on the discharge of its statutory duties, which is presented to its Board at least on a quarterly basis.
- 8.4 HSS Trusts, collate information on unmet need on a quarterly basis across a range of services. The inspectors are aware that HSS Trusts are working together to improve the collection of this information to ensure it is comparable across Northern Ireland and to improve its quality. The inspectors commend this work. From discussion with managers it is apparent that from this information they are aware of the pressures faced by their staff due to:

- the waiting lists for CAMHS services;
- the level of demand on both fostering and residential services;
- the practice of placing children, with at times conflicting needs, in the same residential unit and the consequence of this for other children and staff;
- the lack of a range of specialist residential and fostering placements which would enable placement choice;
- the level of demand for secure accommodation.

Managers recognise that all aspects of the child welfare service are under pressure and that this has negative consequences for the recruitment and retention of family and childcare social workers.

- 8.5 Within HSS Boards and Trusts the Children's Services Planning process is seen as the means of working with other agencies and professions to meet the needs of children in a holistic and comprehensive way. There is evidence from discussion with staff of considerable commitment to working together with others to meet children's needs. It is recognised that the range of children's difficulties are such that a multi-disciplinary, inter-agency approach is required to meet their needs. There is, however, a lack of services on the ground, both at preventative or tertiary levels, to meet children's needs. Social workers and their managers are, therefore, working in a context where choices are limited. In the absence of a range of specialist services, social workers acknowledged that some children's behaviours deteriorated to such a level that placement in secure accommodation became necessary. Staff also recognised that there were some situations where children remained in secure accommodation because of the lack of specialist residential facilities.
- 8.6 Some of the more specialist residential services needed by children could not be provided either at a HSS Trust or HSS Board level. Current planning mechanisms do not, however, address sufficiently inter-Board approaches to developing small-scale specialist provision. Possibly as a consequence of this, inspectors noted in a number of HSS Trusts that specialist services were being sought in Great Britain for some children rather than action taken to develop similar services in Northern Ireland. In the absence of specialist provision here, HSS Trusts have to consider placements in other parts of the UK. Given that such action was observed across a number of HSS Trusts, it is the view of inspectors that there is the potential to develop specialist units within Northern Ireland. Inspectors are conscious that at this time a sub-group of the Children Matter Taskforce is considering the configuration of specialist residential services, which should be provided. This work is welcomed and recommendations have already been made regarding the need to expedite this work (Para 2.4, 2.7 and 6.24).
- 8.7 Of concern to inspectors were situations where HSS Trusts' discharge of their statutory duties to individual children was in doubt. Specific instances, which were noted by inspectors related to:

- children under compulsory school leaving age being accommodated in bed and breakfast or temporary accommodation;
- consideration being given to placing some children with relatives even when there were either child protection concerns or a child of that family was also in care. In 2 of these situations relatives were advised to seek a Residence Order, as the HSS Trust would not, because of the family's situation, be able to approve the child's placement with them;
- children living with family friends whose placements were not regulated under either the Arrangements for Placement of Children (General) Regulations or the Children (Private Arrangements for Fostering) Regulations (Northern Ireland) 1996;
- the adequacy of the steps taken to ensure that children's welfare was safeguarded and promoted whenever there was not an appropriate placement available for them and pending a place becoming available.

8.8 Inspectors took the view that at times decisions were taken on the ground due to resource difficulties, which were not conveyed to the HSS Trust's Director of Social Work or the Trust's Board. The general absence in case files of evidence that they are monitored either at first, middle or senior management levels means that there is no routine mechanism to identify individual children whose care has at times been compromised. **It is recommended that HSS Trusts develop arrangements for the routine examination of case files at various levels within the organization and uses this information to inform staff development and training programmes.**

(ii) Authorisation for the use of secure accommodation

8.9 Generally, HSS Trusts use a pro forma when a place is being sought for a child in secure accommodation. This form is completed by the child's social worker and should be signed by the social worker, his/her Team Leader, and the HSS Trust's decision maker who approves the plan in relation to the use of secure accommodation. Inspectors noted that one HSS Trust does not use this pro forma, the reason provided to inspectors was that the HSS Trust makes limited use of secure accommodation and approval is given at Programme Manager level following discussion with relevant personnel.

8.10 From discussion with staff it is clear that senior managers are well aware of children who are presenting with either concerning or challenging behaviour prior to receipt of the request to endorse an application for secure accommodation.

8.11 The guidance to the Children Order states that:

“the placement of a child in secure accommodation should, wherever practicable, arise as part of the Trust's overall plan for the child's welfare” (Para 15.7 Volume 4).

Inspectors formed the view that the current pro forma could be enhanced if the following additions were included in it:

- an outline of the purpose of secure accommodation for the child;
- an indication of the expected duration of the placement;
- an indication of the arrangements needed to bring the placement to an end.

The latter would also enable the HSS Trust's decision maker to commit the necessary resources to the attainment of the child's exit strategy. This has the potential to reduce the time during which a child's liberty is restricted by limiting the potential for a delay in his/her discharge from secure accommodation. (See Para. 6.24) **It is, therefore, recommended that the pro forma used for authorising a child's admission to secure accommodation is amended to demonstrate how the use of a secure placement is part of the overall plan for the child's welfare and to outline the likely exit strategy.**

- 8.12 At times the pro formas requesting permission to use secure accommodation had not been countersigned by all parties. From discussion with staff and their managers, however, inspectors were informed that a member of staff of at least Programme Manager level endorsed all authorisations. Some HSS Trusts' require that their Directors of Social Services give approval. Inspectors particularly commend this as it demonstrates the priority afforded by the HSS Trust to decisions, which will result in the restriction of a child's liberty.

Conclusion

- 8.13 *Management arrangements in relation to authorising a child's placement in secure accommodation are well informed by the Children Order Guidance. In relation to existing monitoring arrangements there is considerable variation across HSS Trusts and at this time there is no established mechanism for notifying a HSS Trust's Board about the discharge of its statutory duties. As performance in this area should be used to plan services and allocate resources, inspectors recommended that HSS Trusts' Board should ensure that it is provided regularly with information on the discharge of their statutory functions (See Para. 8.3).*

9. HUMAN RIGHTS CONSIDERATIONS

- 9.1 The ECHR was incorporated into domestic law by the Human Rights Act 1998, which was commenced in October 2000. This means that domestic courts can consider human rights issues. It further requires that all legislation must be compliant with the ECHR and that public authorities must act in a way which is compatible with the ECHR. Inspectors considered the findings, which are set out in preceding sections, from a rights perspective. The following section is not intended to highlight potential breaches of human rights which is a matter for the courts to adjudicate on, rather it seeks to raise awareness of some of the key issues which may have human rights implications for policy and practice in relation to the use of secure accommodation.
- 9.2 As already noted at Para. 2.16, there is compatibility between the enabling legislation, the Children Order and its associated regulations, and the ECHR in respect of restricting the liberty of a child. The secure accommodation provisions of the Children Order were informed by the ECHR. The ECHR is a means whereby HSS Trusts and others working with children can consider their actions to ensure they are legal, proportionate, necessary, founded on best available information and that there are procedures which hold individuals to account for their actions. The ECHR, therefore, provides a means for cross checking decisions and actions to ensure they are fair and reasonable.
- 9.3 The ECHR contains little which is specific to children's rights, therefore, the European Court of Human Rights, in applying the ECHR, has used the United Nations Convention on the Rights of the Child (UNCRC) as a means of interpreting the ECHR as it applies to children's cases. This approach is helpful as the UNCRC is drafted specifically for children. Inspectors will apply this approach to enable them to consider children's rights to play and health. The issues addressed in the following section are:
- the right to liberty and security (Article 5, ECHR);
 - the right to play and leisure (UNCRC);
 - the right to health (UNCRC);
 - the right to education (Protocol 1 of the ECHR);
 - the right to family life (Article 8, ECHR);
 - the right to a fair trial (Article 6, ECHR).

Recommendations relating to the issues raised in this section have been established in earlier parts of this report and are, therefore, not repeated here.

(i) The Right to Liberty and Security

- 9.4 In all but one of the cases where secure accommodation was used the inspectors were completely satisfied with the basis on which the child's liberty had been restricted. The exception was the case in which secure accommodation was used for a child where there was concern that a risk was posed to other children living in the same children's home. The placement in secure accommodation was used to enable the degree of risk to be assessed. From the case files it appeared to inspectors that all the information considered by the multi-disciplinary team was available at the time the decision was made to restrict the child's liberty. When the multi-disciplinary team reviewed the case a number of weeks later there was no evidence to substantiate that this child was a risk to others. Despite this the child remained in secure accommodation. In circumstances such as the above, the inspectors' view was that a child's liberty should not be restricted while additional information was being sought or where grounds had not been established to substantiate the concern that a risk was posed to others.
- 9.5 At Para. 5.11, the issue of retaining children in secure accommodation who were accommodated under Article 21 of the Children Order is discussed. There is a need to ensure that the legal basis for a child's placement in secure accommodation is still extant even where a Secure Accommodation Order is held in respect of an individual child.
- 9.6 Inspectors were concerned about the length of time which children spent in secure accommodation, particularly when this was to enable them to undergo assessment by CAMHS professionals. The restriction of a child's liberty is a serious step to take and there is a need to develop a process, which reduces to a minimum the length of time when a child's liberty is restricted (see Para. 5.23). Inspectors were also concerned at the number of children with both diagnosed and undiagnosed psychological or psychiatric conditions who were cared for in secure units to reduce the harm that they may cause to themselves. In some instances inspectors considered that these children required specialist provision and that while secure accommodation staff took every care to ensure their welfare was safeguarded that these children's needs were not always capable of being appropriately met within secure accommodation (see Para. 5.19).
- 9.7 It is vitally important to note that there is consonance between the Children Order and Article 5 of the ECHR only to the extent that the criteria for the use of secure accommodation continues to apply and that the purpose of the restriction of liberty is educational supervision. The operation of the Independent Review process provides the capacity to maintain checks on the ongoing legality and appropriateness of maintaining a child within secure accommodation.

(ii) The Right to Play and Leisure

- 9.8 The limited space both indoor and outdoor within the secure units restricts the opportunities for children's play and restricts the range of leisure opportunities

available to them. The outdoor space is limited to a small hard surface play area. Indoors the premises have limited space for vigorous play or to allow for a range of leisure activities. The appropriateness of the premises has been addressed more fully at Para. 2.4. Whenever children's liberty is restricted they need the opportunity to engage in play and leisure activities, and this need is even greater for children who remain in secure accommodation for significant periods of time.

(iii) The Right to Health

- 9.9 Many of the children admitted to secure accommodation have experienced very disrupted life experiences immediately prior to their admission due to their pattern of running away and abusing substances or solvents. Despite this there was no evidence on their case files of a health assessment being conducted on their admission to secure accommodation to identify any medical issues that needed attention. Secure accommodation managers reported however, that all children admitted are seen by nursing staff at the first opportunity. At that time a full medical history is taken from the young person. A check would also be made to ascertain if there was evidence of injury or bruising to the young person. Managers also noted that young people would be weighed and measured, with their co-operation. Information on children's weight on admission and discharge was available for 8 of the 20 children whose case files were examined. Of these 8 children, one child lost one pound and 7 children put on weight during their time in secure accommodation. The highest weight gain was 27 lbs, with the average gain being 15lbs (range 3 lbs to 27 lbs). None of the children who gained weight were underweight at the time of their admission to secure accommodation. In discussion with children, inspectors were informed that they had concerns about their general fitness while in secure accommodation and a number noted that they had put on weight (see Para. 4.6). The explanation provided by one girl, who thought she had put on between 2 to 2½ stones while in secure accommodation, was that there "is nothing to do but eat, sleep and watch TV". While some of these children's life-style meant they were underweight on their admission and that regular meal patterns were of benefit to them, there was evidence that a number of children have significant weight problems which have potential long-term health implications.
- 9.10 A number of the children's life-style in terms of smoking, early use of alcohol and misuse of solvents and substances creates a number of health issues for them. While in secure accommodation their access to alcohol and other substances is restricted, many, however, continue to smoke with the consent of their parents. The maximum number of cigarettes which a child has access to is 7 per day, which in many instances is less than they would have smoked within the community. Secure accommodation staff seek to discourage smoking and efforts are made to increase children's understanding of the associated health risks. It is essential that those children who enter as non-smokers are dissuaded from smoking and that established smokers are provided with appropriate education and support to help them stop.

9.11 Children’s access to CAMHS professionals prior to, during and post their discharge from secure accommodation is of considerable concern. For children to receive the help they require there needs to be ready accessibility to appropriate services (see Para 5.16).

(iv) The Right to Education

9.12 It is evident from the case files that in general children either admitted to, or referred to, secure accommodation had considerable school based difficulties with many of them being out of school for substantial periods of time (see Para 3.4). It is also evident that during their time in secure accommodation, while many are re-introduced to the education system that the curriculum available to them is quite restricted. In addition there is no vocational or academic provision for children post compulsory school leaving age. The problem of acquiring education on discharge from secure accommodation also reduces the ability to build on the progress, which a number of children had made, during their stay in a secure unit (see Section 4). The nature of the formal education available to these children is, therefore, of significant concern to inspectors.

9.13 The basis for restricting a child’s liberty under Article 5(1)(d) of the ECHR is for the purposes of education supervision. From discussion with staff and children, inspectors formed the view that there were a range of programmes in place to satisfy this requirement. Often, however, this was not well documented in either the secure accommodation records or the contract of work developed to inform the work with the children. There is a need to ensure that records kept provide an account of work completed with a child and how this was “educational supervision” (see Para 6.10).

(v) Right to Family Life

9.14 Children’s right to family life requires that where a child’s family of origin cannot provide for his or her care, efforts should be made to provide alternative care with either another family or in a placement capable of providing a child with good enough parenting. The issues in this regard relate to:

- the early identification of children who could have had their futures secured through permanency planning as infants (see Para. 5.3);
- how HSS Trusts exercise their parenting responsibilities for children, particularly those children whose behaviours/needs present significant management challenges. The practice of placing children in Bed and Breakfast situations, or other arrangements which do not address their care and accommodation needs are, therefore, practices which require consideration in light of HSS Trusts’ corporate parenting responsibilities (see Para. 6.15).

(vi) Rights to a Fair Trial

9.15 Article 6 of the ECHR states:

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...”

Inspectors were informed of significant delays in relation to the granting of secure accommodation orders. At times social workers judged that decisions were not reached within a “reasonable time”. The ECHR has not adjudicated on what constitutes a “reasonable time” and there is recognition that some delay is purposeful and justifiable. Instances, as noted in one case file, of 12 interim orders and 38 direction hearings do, however, raise concerns about the length of time taken to acquire an order. As noted at Para 5.12, the COAC has commissioned research on the use of Interim Orders and inspectors expect that this study will inform future practice.

9.16 The issue about courts using Interim Orders to supervise/control the practice of the HSS Trusts’ personnel was raised with inspectors. Recent practice of granting Interim Secure Accommodation Orders for very short periods of time lend to the view that these are issued for monitoring purposes as it is unlikely that any meaningful work could be undertaken within these very tight timescales. Children need to know what is going to happen to them if they are to focus on the programme of work planned for them within secure accommodation. It is necessary that the needs of the children help to dictate what is a “reasonable time” in secure accommodation cases (see Para 5.27).

Conclusion

9.17 *Children have a range of rights which both legal and administrative processes must be mindful of, if these rights are to inform the work with children. The above discussion is provided to assist those who work with children to consider their practice in its wider sense. As can be seen, from Section 7 on the LAC reviews, considerable progress has been made in facilitating children’s right to be heard when decisions about them are being made. The embodiment of the ECHR in domestic law is recent. It is the inspectors’ view that the implications for practice of the key rights noted above will become more and more evident as those working with children become more familiar with the children’s rights agenda.*

CONCLUSION AND RECOMMENDATIONS

- 10.1 This inspection has considered secure accommodation in its widest context. It has not been an inspection of the secure units located on the Lakewood site as this function rests with the Registration and Inspection Unit of the EHSSB, rather it has looked at the planning process which underpins the decision to use secure accommodation for specific children. The inspectors also considered planning for children during and post their placement within secure accommodation. The effective operation of secure accommodation within the continuum of the child welfare system requires that it is part of a range of services available for children and is used as a process rather than an event. Inspectors were conscious that the current number and type of residential, fostering and community services available for children reduces placement choice and has consequences both for their care prior to their admission to, and discharge from, secure units. While resources have implications for the services provided, inspectors also found that at times the use of secure accommodation was seen as an event rather than as part of a process. If the outcome for children is to be maximised, secure accommodation must be part of a process with clear objectives set for the placement and a post discharge plan developed to ensure that the long-term needs of children are addressed.
- 10.2 The complex nature of children's needs prior to, during, and post their stay in secure accommodation requires that a range of services and professionals work together to effectively and comprehensively address meeting their needs. The need for collaborative and joint working between teaching and residential staff within secure accommodation has been addressed. There is also a need for more collaborative working between HSS Trusts' staff and secure accommodation staff and other professionals with whom children have contact. The nature of the work with these children requires an inter-agency, multi-disciplinary approach. To this end a number of recommendations have specifically focused on joint working and the need for staff training on both a uni- and multi-disciplinary basis.
- 10.3 To improve the planning process and to ensure better outcomes for children, inspectors have made a number of recommendations addressed to central government departments, HSS Boards and Trusts, ELBs and the managers of the secure units. In taking forward these recommendations inspectors believe that the experiences of some of the most vulnerable children in our society can be better served.

Recommendations

1. The Ministerial Task Force on Children Matter should consider as a matter of urgency the replacement of the secure units because of the accommodation deficits within the existing facilities (Para 2.4).
2. The Ministerial Task Force on Children Matter should review its timescales for the delivery of the Phase 2 expansion of residential services to ensure that new specialist children's homes are brought on line to underpin existing provision (Para 2.7).

3. HSS Boards should consider establishing a regional referral panel to ensure that places are allocated on a needs assessment basis. The secure referral panel should meet weekly and should consider:
 - the need for a secure placement;
 - the purpose of the placement; and
 - the proposed exit strategy (Para. 2.22).
4. The financial arrangement for the commissioning of secure places should be considered with a view to costs being met directly by the HSS Trust responsible for a child's placement (Para 2.23).
5. Protocols should be established between HSS Trusts and secure accommodation managers to ensure the availability of secure accommodation places under the 72-hour rule (Para 2.24).
6. HSS Trusts should develop an independent process, at Programme Manager level, to consider all the facts prior to reaching a decision to criminally charge any child. This system should be used before any child is charged with damaging HSS Trusts' property (Para 3.5).
7. The period of induction should be shortened to facilitate pupils' early engagement with the education available within the secure units (Para 4.2).
8. The teaching accommodation should be physically separated from the pupils' living accommodation (Para 4.8).
9. Consideration should be given to establishing a Secure Accommodation Directorate which would be responsible for co-ordinating the work of social work and teaching staff, with professional support systems developed to underpin the professional practice of these staff (Para 4.9).
10. The head of school should contact the Education and Library Board (ELB) from which the pupil comes, immediately upon entry to the school, to ascertain what information is available and to inform the ELB that they should be investigating possible schools for the pupil to return to on discharge (Para 4.10).
11. A vocational educational programme should be provided to equip the pupils for accessing further education when they leave secure residential care (Para 4.11).
12. The SEELB continue to seek to appoint a psychologist or acquire expert help until such a post is filled and that the management of the school endeavour to develop further the integrated approach to the education of children in care, by promoting partnership between teachers, classroom assistants, the EP, the EWO, the youth worker and the residential social work staff (Para 4.12).

13. HSS Trusts should consider supporting the development of, or providing, a range of support services to parents experiencing difficulties caring for their children, with consideration being given to support for parents caring for younger adolescents (Para 5.3).
14. HSS Trusts should in partnership with ELBs seek to establish arrangements for the identification of children at risk of poor school attendance, or exclusion from school, and develop services to ensure that these children's rights to education are exercised and ensured (Para 5.3).
15. DHSSPS should, in collaboration with the NIO, the Department of Education and the Police Service of Northern Ireland, establish guidance to inform the response to children who run away from home (Para 5.3).
16. HSS Trusts and ELBs should co-operate to develop programmes to address solvent/substance abuse within the school curriculum and commission community based preventative services (Para 5.3).
17. HSS Trusts should establish consultancy arrangements to support residential and field social workers in their direct work with children (Para 5.5).
18. HSS Trusts should ensure that when a decision is made to accommodate a child consideration is also given to what, if any, parental responsibility the HSS Trust needs to acquire to ensure that it is enabled to promote and safeguard the child's welfare (Para 5.11).
19. Finding from studies commissioned by the COAC should be used to improve the interface between the courts and social services to ensure that HSS Trusts are facilitated by the legal processes to bring appropriate cases to the attention of the courts for adjudication (Paras 5.12 and 9.15).
20. The DHSSPS should provide guidance on developing an assessment model to ensure that children are assessed in a holistic and comprehensive manner (Para 5.13).
21. HSS Trusts should ensure that regular case summaries and transfer summaries are prepared and available on children's case files (Para 5.13).
22. The Department of Education should consider issuing guidance to schools on the earlier identification, assessment and treatment of children experiencing school-based difficulties (Para 5.15).
23. UCHT should develop protocols with CAMHS services to inform the appropriate retention of children within secure accommodation or where necessary their transfer to the new in-patient adolescent facilities (Para 5.19).
24. Secure accommodation staff should make use of information provided by HSS Trusts and assessment tools to focus their work with children, their managers should

monitor the completion of the pro formas provided to guide staff's work with children and assure their quality (Para 5.20).

25. UCHT in collaboration with other HSS Trusts should consider developing a short-term outreach service within secure accommodation to work with children and residential staff to aid children's transition from secure accommodation (Para 5.22).
26. HSS Trusts should develop "fast tracking" arrangements, which would in effect afford priority to children in secure accommodation for assessment purposes (Para 5.24).
27. UCHT should consider the level of provision of dedicated psychiatry and clinical psychology provided within secure accommodation to ensure that there are appropriate services available for children during the period they are cared for in the secure units (Para 5.25).
28. HSS Trusts should ensure that an assessment of the child's need is used to inform the decision to use secure accommodation, determine its purpose, and establish a contract of work with the child during and post his/her stay in secure accommodation. This contract should have clearly assigned tasks with established time scales for their attainment and be subject to regular review. (Para 5.31).
29. HSS Trusts should establish the training needs of their staff, to ensure that they are skilled in assessment techniques, have a sound understanding of the legislative basis which underpins their work with children, and are informed about children's rights and their implications for their practice. As much of their work with children also requires that staff work with other agencies and professionals, HSS Trusts should ensure that training provides the skills necessary for inter-disciplinary working. (Para 5.32).
30. HSS Trusts should ensure that a Care Plan is available in respect of each looked after child and that this plan is used to focus the work with the child and his/her family and to inform service and resource allocations (Para 6.3).
31. HSS Trusts should develop a range of supports to help enable residential staff maintain a child in placement thereby limiting placement disruption and promoting children's emotional and social well being (Para 6.6).
32. HSS Trusts should ensure that:
 - whenever a child is assessed as requiring secure accommodation that a support package is developed to ensure his/her well being in the event of a secure placement not being immediately available; and
 - details regarding unmet need and the safeguards put in place should be made available to the HSS Trust's Director of Social Work to inform planning and service developments (Para. 6.6).

33. Secure accommodation managers should endeavour to incorporate the “in-house” planning process with the LAC review arrangements to ensure the maximum efficiency of decision-making for children. Attempts should be made to ensure the concept of a core-group is used within the revised arrangements (Para 6.7).
34. HSS Trusts should ensure that a clear programme of work is established for each child, which:
 - addresses meeting his/her needs both during and post the placement in secure accommodation;
 - establishes the input of field and residential social workers with whom the child will have contact post his/her discharge;
 - addresses the arrangements for the child’s ongoing education; and
 - establishes any additional supports required by the child (Para 6.9).
35. Secure accommodation managers should ensure that priority be afforded to recording the work undertaken within secure accommodation both to ensure that the child’s needs continue to be addressed and to provide evidence that the purpose of the placement, in terms of educational supervision, is being met (Para. 6.10).
36. Teaching staff should ensure that only in exceptional circumstances would a child be returned to the secure units by teaching staff. Where such action is necessary it should be preceded by a discussion with the Team Leader of the secure unit (Para 6.10).
37. Where possible HSS Trusts should seek to limit changes in the child’s social worker and ensure that each child is phased out of secure accommodation to a placement deemed suitable to meet his/her assessed needs (Para 6.11).
38. HSS Trusts should develop a range of supported living situations capable of addressing the accommodation and care needs of children (Para 6.14).
39. HSS Trusts should develop a range of innovative placement options to ensure they are capable of discharging their specific and general duties to children. It is further recommended that in each situation where a young person is placed in a living situation such as a bed and breakfast, homeless hostel or temporary accommodation that this arrangement is approved by the HSS Trust’s Director of Social Work who should detail what safeguarding arrangements are established to promote the child’s welfare during the duration of any such placement (Para 6.18).
40. HSS Trusts should ensure that the decision to use secure accommodation is part of a process and that developing a timely exit strategy is seen as part of the overall planning for a child (Para 6.20).

41. HSS Trusts should ensure that Care Plans are developed which establish the overall goals for children's care and that these Care Plans are updated when the overall plan is changed by LAC reviews (Para 6.22).
42. HSS Trusts should seek to recruit specialist foster care placements for adolescents to augment the developments, which are planned within the residential and adolescent psychiatry sectors (Para 6.23).
43. HSS Trusts and ELBs should develop protocols to ensure that children discharged from secure accommodation have education provided either within a school, or in some other way, immediately on their discharge to maintain the progress made by children while resident in a secure unit (Para 6.25).
44. Each HSS Trust should have a system in place to quality assure the standard of Care Plans and to ensure that there is evidence that all involved parties receive a copy of the Care Plan as per the requirements established in the Review of Children's Cases (Northern Ireland) Regulations, 1996 (Para 6.26).
45. Each HSS Trust should ensure that LAC reviews occur within the required timescales and that it has arrangements in place to monitor compliance levels (Para 7.4).
46. Each HSS Trust should ensure that LAC reviews are chaired by a member of staff above senior social worker level, who has received training on chairing planning meetings (Para 7.6).
47. Each HSS Trust should develop a monitoring system to ensure that decisions are implemented, or where they cannot be taken forward because of resource difficulties, that information on unmet need is collated to assist with service planning and the allocation of resources (Paras 7.9 and 8.4).
48. HSS Trusts should ensure that recording on case files provides evidence of compliance with statutory requirements (Para. 7.10).
49. The DHSSPS should review the Children (Secure Accommodation) Regulations in relation to the remit and structure of the Independent Review and consider means of enhancing its independence (Para 7.17).
50. HSS Trusts should ensure that Independent Reviews take place within the statutory time limits and that children, their parents and relevant others are enabled to participate in the Independent Review process and receive written confirmation of the decisions reached as required by Regulation 11(3) of the Children (Secure Accommodation) Regulations. (Para 7.19).
51. Each HSS Trust should develop a report on the discharge of its statutory duties, which is presented to its Board at least on a quarterly basis (Para 8.3).

52. HSS Trusts should develop arrangements for the routine examination of case files at various levels within the organization and uses this information to inform staff development and training programmes (Paras 7.10 and 8.8).
53. The pro forma used for authorising a child's admission to secure accommodation should be amended to demonstrate how the use of a secure placement is part of the overall plan for the child's welfare and to outline the likely exit strategy (Para 8.11).

APPENDIX 1

INSPECTION OF SECURE ACCOMMODATION

1. The focus of this inspection is secure accommodation provided under Section 44 of the Children (Northern Ireland) Order 1995; no consideration is, therefore, given to secure provision made under the juvenile justice legislative framework.

Background

2. From 24 January 2001, 15 secure accommodation places are available at the Lakewood, in Bangor, for the care population in Northern Ireland (rate 0.3 places per 10,000 children aged under 18). These facilities are managed by the Ulster Community and Hospital Trust (UCHT). Prior to the interim expansion of 7 places, which came into effect on 24 January there were 8 secure places for care children, located at Shamrock House (Lakewood). The increase in secure places occurred as the response to ongoing concerns regarding the adequacy of secure provision within Northern Ireland. These concerns were expressed by HSS Boards and Trusts and by some members of the Northern Ireland Judiciary. They also found expression in the report of the HSSPS Committee Report into “Residential Care and Secure Accommodation, which stated that:

“in the short term, there is clearly an urgent need for extra secure accommodation places”, (Para 91).

The Committee’s Report, however, noted that the planned expansion of residential child care provision, with children’s homes having a clearer focus and a greater degree of specialisation, would have the potential to reduce the need for children to be placed in secure accommodation.

3. In January 2001, the Social Services Inspectorate (SSI) completed a one-day examination of the use of secure accommodation at Shamrock House between 4 November 1996 and 24 January 2001. A number of issues were identified during this preliminary examination and one of the recommendations was for a fuller inspection of secure accommodation; this planned inspection takes forward that recommendation. The report on the use of secure accommodation is available on request from SSI on 028 90520625.

Legislative Context

4. The Children Order introduced a more systematic approach to the individual assessment of children and the arrangements for planning and reviewing decisions designed to meet their assessed needs. These provisions are important elements in promoting and safeguarding children’s welfare and have the potential to improve the quality of care provided to them. It also for the first time regulated the use of secure accommodation for children. The purpose of secure accommodation is to “restrict

the liberty” of a child. Paragraph 15.5 (Volume 4, Residential Care) states:

“restricting the liberty of children is a serious step which must be taken only when there is no appropriate alternative. It must be a “last resort” in the sense that all else must first have been comprehensively considered and rejected - never because no other placement was available at the relevant time, because of inadequacies in staffing, because the child is simply being a nuisance or runs away from his accommodation and is not likely to suffer significant harm in doing so, and never as a form of punishment”.

5. The intention of the legislative framework provided by the Children Order is to protect children from unnecessary and inappropriate placements in secure accommodation. It also ensures that administrative decisions made by HSS Trusts are scrutinised and endorsed by the court where a child’s placement in secure accommodation is to exceed 72 hours, either consecutively or in aggregate in any 28 consecutive days. Article 44 of the Children Order provides that a child to whom the Article applies shall not be placed or kept in secure accommodation unless it appears that:

“(a) (i) he has a history of absconding and is likely to abscond from any other description of accommodation: and

(ii) if he absconds, he is likely to suffer significant harm; or

(b) that if he is kept in any other description of accommodation he is likely to injure himself or other persons.”

It is unlawful for a child to have his/her liberty restricted unless one of these criteria is met. Similarly, once a child no longer meets one of the criteria his/her liberty may no longer be restricted even if a court order authorising the restriction is still in existence.

6. Human Rights legislation also addresses the issue of the restriction of liberty. Article 5 of the European Convention on Human Rights states:

“Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following circumstances and in accordance with a procedure prescribed by law:

- a) the lawful detention of a person after conviction by a competent court;
- b) the lawful arrest or detention of a person for non compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
- c) the lawful arrest or detention of a person for the purposes of bringing him before the competent legal authority...;
- d) the detention of a minor by lawful order for the purposes of educational supervision;

- e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics, drug addicts or vagrants;
 - f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country.....”.
7. Article 5 1 (d), clearly requires that the deprivation of a child’s liberty will only be justified in circumstances where the detention is for the purposes of educational supervision. The Court of Appeal in England has ruled that in each case where a secure accommodation order is applied for in respect of a minor that the court, must have regard to the requirements of Article 5 1 (d) to ensure compatibility with the ECHR.
8. In defining education supervision the European Court of Human Rights has stated (Koniarska v UK) that:

“in the context of the detention of minors, the words “educational supervision” must not be equated rigidly with notions of classroom teaching. In particular, in the present context of a young person in local authority care, educational supervision must embrace many aspects of the exercise, by the local authority, of parental rights for the benefit and protection of the person concerned.”

This inspection of secure accommodation will, therefore, include consideration of the education environment provided within the 2 secure units.

Inspection Objectives

9. The main objectives of this inspection are:
- to evaluate the planning, decision making and placement arrangements for children prior to applications being made for a secure accommodation orders;
 - to assess how care plans developed to support such applications have been implemented following admission to and discharge from secure accommodation;
 - to assess the quality of practice and determine the outcome for children;
 - to make recommendations to assist with the development of effective planning for children for whom secure accommodation is required;
 - to consider the commissioning arrangements which exist between Boards and UCHT in relation to providing secure accommodation for their resident population;
 - to consider the operation of the independent review process in relation to children placed within secure accommodation and make recommendations to develop further this process;
 - to consider arrangements put in place to safeguard and promote the wellbeing of children referred to secure accommodation when no placement was available to enable a placement to be made;

- to consider how the rights of children are promoted by the existing legislative and policy context;
- to evaluate the educational environment and the educational provision for children within secure accommodation;
- to make recommendations to enable a review and development of policy in relation to the provision of secure accommodation.

Timetable

10. The timetable for the inspection is:

initial planning and development of methodology	: July-August 2001
notification to Trusts of inspection	: mid September 2001
inspection fieldwork	: mid October 2001
collating and analysis	: Nov.-December 2001
report writing	: Jan.- February 2002
dissemination	: April - May 2002

Standards

11. The planning standard against which the service will be monitored is set out in 'Quality Living Standards for Services: Children who live away from home' (SSI, 1997). There are 4 elements to this standard:

- assessment;
- planning;
- review; and
- management arrangements.

Inspection Team and Reference Group

12. The inspection team will consist of 3 inspectors (Marion Reynolds (SSI), Patrick Manning (Education and Training Inspectorate (ETI)) and Ruth Sinclair (External Consultant)), a statistician (Patricia McDowell) and a lay assessor (to be appointed) managed by Maire McMahon, Assistant Chief Inspector. A reference group has been established to assist and inform the process of inspection. The members of the reference group are:

Marion Reynolds	Lead Inspector
Patricia McDowell	Statistician
Rosie Mitten	Lay Assessor
Tara Caul	Children's Law Centre
Patricia Campbell	Development Worker, VOYPIC
John Pinkerton	Social Work Department, QUB
Patricia O'Kane	Northern Ireland Guardian ad Litem Agency
Peter McCrory	Registration and Inspection Unit, EHSSB
Tony Rodgers	ADSS, SHSSB

Methodology

13. The inspection will involve the following activities:
- collection of pre-inspection information;
 - collection of statistical information on children placed in secure accommodation in the 2 years prior to 31 August 2001;
 - examination of a sample of case files in respect of children admitted to secure accommodation and a detailed examination of a proportion of these children's cases;
 - examination of a sample of case files of children referred during the 2 years prior to 31 August 2001 but not subsequently placed in secure accommodation;
 - evaluation of the educational environment and the educational provision within the secure units;
 - interviews with staff, children and families for the cases subject to detailed examination;
 - interviews with HSS Trusts' senior managerial staff;
 - interviews with key personnel from other agencies, including the Judiciary and the Northern Ireland Guardian-ad-Litem Agency.

Pre-inspection documentation

14. The following pre-inspection documentation will be requested from Lakewood:
- details of all children admitted to secure accommodation in the 2 years preceding 31 August 2001, including information about the referring HSS Trust and the names of staff responsible for the management of the child's case;
 - details of all children referred during the 2 years preceding 31 August 2001 indicating which children were not subsequently admitted to secure accommodation;
 - information regarding commissioning arrangements between UCHT and the 4 HSS Boards in relation to the provision of secure accommodation;
 - information relating to the independent review process, including details regarding the number of times it has met in respect of each of the sample cases selected for examination;
 - copies of any surveys or work undertaken by UCHT, the Education and Training Inspectorate, or the Registration and Inspection unit in relation to the provision of secure accommodation.

Liaison with HSS Trusts

15. HSS Trusts with children selected for examination will be asked to appoint a liaison member of staff with whom the Inspection Team can liaise throughout the course of the inspection. This staff member will also be consulted about accessing families and children selected for the detailed case study.

Inspection fieldwork

16. The inspection will be based at Lakewood but will draw from records of children placed by the 11 HSS Trusts in the 2 year period ending 31 August 2001.
17. The fieldwork component of the inspection is estimated as requiring 20 days across HSS Trusts. Prior to the fieldwork commencing, inspectors will meet with Lakewood and HSS Trusts' personnel to brief them about the inspection.
18. The sample of children's case files to be examined will be randomly selected from the list of children admitted to secure accommodation in the 2 year period preceding 31 August 2001.

19. Interviews will take place with the following:

In-depth case study:

- secure accommodation key worker;
- child, depending on his/her willingness to participate;
- parent(s)/ previous carer;
- social worker;
- senior social worker;
- guardian ad litem.

Management/Staff Interviews will take place with a sample of:

- HSS Trusts Directors of Social Services
- Programme Managers;
- Assistant Principal Social Workers;
- UCHT managers responsible for secure accommodation;
- Managers of the 2 secure units based at Lakewood.

Other Agencies

- Director, Northern Ireland Guardian-ad-Litem Agency
- Members of the Northern Ireland Judiciary
- Solicitors from the Children's Panel
- Registration and Inspection staff

20. At the conclusion of the inspection preliminary feedback on findings will be provided to and an opportunity will be given for comment on these by Lakewood and HSS Trusts. Within 4 weeks of the completion of the inspection fieldwork, HSS Trusts will be provided with a draft report. HSS Trusts will check the factual accuracy of this report within a 3 week period and where appropriate agreed changes will be made to the inspection findings. The final report will be completed 3 months after issue of the initial draft report.

APPENDIX 2

MEMBERS OF THE INSPECTION REFERENCE GROUP

Marion Reynolds	Lead Inspector
Patricia McDowell	Statistician
Rosie Mitten	Lay Assessor
Tara Caul	Children's Law Centre
Patricia Campbell	Development Worker, VOYPIC
John Pinkerton	Social Work Department, QUB
Patricia O'Kane	Northern Ireland Guardian ad Litem Agency
Peter McCrory	Registration and Inspection Unit, EHSSB
Tony Rodgers	ADSS, SHSSB

APPENDIX 3

Trust	LAC & Children in Secure Accommodation per 10,000 children in Trust⁽¹⁾⁽²⁾
North & West Belfast	98.21
South & East Belfast	79.75
Ulster Community & Hosp	71.75
Down Lisburn	53.69
Eastern	75.35
Causeway	59.35
Homefirst	49.25
Northern	51.55
Armagh & Dungannon	42.24
Craigavon & Banbridge	30.82
Newry & Mourne	33.00
Southern	35.28
Foyle	84.05
Sperrin Lakeland	49.76
Western	70.41
Northern Ireland	60.52

⁽¹⁾ Figures for Secure accommodation relate to first admissions during the two years prior to the inspection September 1999 - August 2001

⁽²⁾ Looked After Children figures relate to March 2001

APPENDIX 4

Table 1 Admissions per year

	Shamrock	Linden	Total
Sept 99 - Aug 00	27		27
Sept 00 - Aug 01	28	19	47
Total	55	19	74

Table 2 Admissions by gender

Girls	35	47%
Boys	39	53%
Total	74	100%

Table 3 Admissions by religion

Catholics	47	64%
Protestants	27	36%
Total	74	100%

Table 4 Admissions by gender and religion

	Catholic	Protestant	Total
Girls	17	18	35
Boys	30	9	39
Total	47	27	74

Table 5 Legal status on admission

	1st admissions	Re-admissions	Total
Care order	36	12	48 (65%)
Accommodated	22	4	26 (35%)
Total	58	16	74 (100%)

Table 6 Children by gender

Girls	29	50%
Boys	29	50%
Total	58	100%

Table 7 Children by religion

Catholics	34	59%
Protestants	24	41%
Total	58	100%

Table 8 Children by gender and religion

	Catholic	Protestant	Total
Girls	13	16	29
Boys	21	8	29
Total	34	24	58

Table 9 Re-admissions by gender

Girls	6	38%
Boys	10	62%
Total	16	100%

Table 10 Re-admissions by religion

Catholics	13	81%
Protestants	3	19%
Total	16	100%

Table 11 Re-admissions by gender and religion

	Catholic	Protestant	Total
Girls	4	2	6
Boys	9	1	10
Total	13	3	16

Table 12 First Admissions and re-admissions by age

	First Admissions	Re-admissions	Total	
Under 13 years	2	0	2	3%
13 - 15 years	46	10	56	76%
Over 15 years	10	6	16	22%
Total	58	16	74	100%

Table 13 Children by age and gender

	Girls	Boys	Total	
Under 13 years	0	2	2	3%
13 - 15 years	23	23	46	79%
Over 15 years	6	4	10	17%
Total	29	29	58	100%

Table 14 Children by age and religion

	Catholics	Protestants	Total
Under 13 years	1	1	2
13 - 15 years	28	18	46
Over 15 years	5	5	10
Total	34	24	58

Table 15 First admissions and re-admissions by Trust

	First Admissions	Re-admissions	Total
Armagh & Dungannon	5	1	6
Causeway	5	2	7
Craigavon & Banbridge	4	3	7
Down and Lisburn	7	0	7
Foyle	8	2	10
Homefirst	6	3	9
Newry and Mourne	1	0	1
N & W Belfast	10	2	12
S & E Belfast	6	1	7
Sperrin & Lakeland	4	0	4
UCHT	2	2	4
Total	58	16	74

Table 16 average length of stay (weeks) for first admissions and re-admissions

	First Admissions	Re-admissions
Linden	11	8
Shamrock	15	8
All	14	8

Table 17 Average length of time to first review

	Number of weeks	
	First Admissions	Re-admissions
Linden	4	4
Shamrock	4	4
All	4	4

Table 18 Reviews within 31 days of admission, subsequent reviews within 3 months

	First reviews		Subsequent reviews	
Reviewed within 31 days	42	75%	4	24%
Not reviewed within 31 days	14	25%	13	76%
All cases due for review	56	100%	17	100%

Table 19 Place of admission and discharge

	Admitted from	Discharged to	Not yet discharged	Discharged to place of admission
All home/family/foster placements	9	14	0	4
All Children's homes	44	22	10	14
All Juvenile Justice	7	10	0	3
Others	14	28	3	3
Total	74	74	13	24

Table 20 Referrals per year

Sept 99 - Aug 00	53
Sept 00 - Aug 01	42
Total	95

Table 21 Referrals by gender and religion (where known)

	Catholic	Protestant	Religion not known	Total	
Girls	8	3	27	38	40%
Boys	22	11	24	57	60%
Total	30 (32%)	14 (15%)	51 (54%)	95	100%

Table 22 Children referred by gender and religion (where known)

	Catholic	Protestant	Religion not known	Total	
Girls	6	3	25	34	44%
Boys	14	10	20	44	56%
Total	20 (26%)	13 (17%)	45 (58%)	78	100%

Table 23 Children with multiple referrals by gender and religion (where known)

	Catholic	Protestant	Religion not known	Total	
Girls	1	0	1	2	
Boys	4	1	4	9	
Total	5	1	5	11	

Table 24 Children referred by gender and age (where known)

	Girls	Boys	Total		
Under 13	2	10	12	15%	
13-15	20	22	42	54%	
16 and over	2	5	7	9%	
Age not known	10	7	17	22%	
Total	34 (44%)	44 (56%)	78	100%	

Table 25 Children with multiple referrals by gender and age (where known)

	Girls	Boys	Total
Under 13	1	1	2
13-15	1	4	5
16 and over	0	3	3
Age not known	0	1	1
Total	2	9	11

Table 26 Referrals and multiple referrals by Trust

	First referrals	Re-referrals	Total
Armagh and Dungannon	1	0	1
Causeway	5	0	5
Craigavon & Banbridge	1	0	1
Down Lisburn	6	0	6
Foyle	4	0	4
Homefirst	11	3	14
Newry and Mourne	9	1	10
N & W Belfast	15	10	25
S & E Belfast	16	0	16
Sperrin & Lakeland	4	2	6
UCHT	6	1	7
Total	78	17	95

Table 27 Rates of secure accommodation admissions and children looked after by characteristics of HSS Trusts

	Children in SA per 10,000 children in Trust	LAC per 1,000 children in Trust	Deprived wards as proportion of all wards in Trust	Wards with child poverty as proportion of all wards in Trust	Catholics as proportion of Trust population
N & W Belfast	2.60	9.56	53.57%	42.86%	63.40%
S&E Belfast	1.54	7.82	15.91%	11.36%	18.29%
Homefirst	0.77	4.85	1.56%	4.69%	30.10%
Causeway	2.17	5.72	7.69%	11.54%	32.74%
UCHT	0.63	7.11	0.00%	0.00%	12.07%
Armagh/Dungannon	1.84	4.04	2.27%	4.55%	53.86%
Craigavon/Banbridge	1.34	2.95	7.32%	7.32%	40.38%
Down/Lisburn	1.62	5.21	5.89%	7.84%	42.67%
Newry and Mourne	0.40	3.26	10.00%	6.66%	78.39%
Foyle	1.83	8.22	22.67%	20.00%	70.12%
Sperrin Lakeland	1.38	4.84	6.90%	6.90%	57.55%
Total	1.37	5.70	10%	10%	45.42%

Table 28 Proportions of all secure accommodation admissions and all children looked after by characteristics of HSS Trusts

	Children in SA	LAC	Child Population	Deprived wards (bottom 10%)	Wards with child poverty (poorest 10%)	Proportion of all Catholics in NI
N & W Belfast	17.24	15.24	9.42	26.32	21.05	14.15
S&E Belfast	10.34	12.59	9.52	12.28	8.77	4.78
Homefirst	10.34	15.74	19.19	3.51	10.53	13.34
Causeway	8.62	5.47	5.65	7.02	10.53	4.36
UCHT	3.45	9.36	7.78	0	0	2.28
Armagh/Dungannon	8.62	4.56	6.67	1.75	3.51	8.05
Craigavon/Banbridge	6.90	3.65	7.31	5.26	5.26	6.49
Down/Lisburn	12.07	9.32	10.58	5.26	7.02	9.79
Newry and Mourne	1.72	3.36	6.08	5.26	3.51	9.84
Foyle	13.79	14.91	10.72	29.82	26.32	20.93
Sperrin Lakeland	6.90	5.80	7.08	3.51	3.51	5.99
Total	100	100	100	100	100	100

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