

Re A (A Child) (2015)

[2015] EWHC 1709 (Fam)

11/06/2015

Barristers

Sally Bradley

Court

Family Division

Practice Areas

Public Children Law

Summary

It was appropriate to make an interim secure accommodation order in relation to a 13-year-old girl who had shown very challenging behaviour in the residential unit where she was living.

Facts

The applicant local authority sought a secure accommodation order in respect of a 13-year-old girl (X).

X was an adopted child who had shown very challenging behaviour. Her adoptive parents felt that they could no longer care for her, and so she was accommodated under the Children Act 1989 s.20

Held

Section 25 of the 1989 Act provided that no child could be placed in secure accommodation unless it appeared that if she was kept in any other description of accommodation, she was likely to injure herself or others. That threshold was met here. Conventionally, a specific placement would be identified before a secure accommodation order was made. However, that had simply not been possible here, and both the local authority and the guardian had invited the court to make the order in general terms, leaving it to the local authority, in consultation with the guardian, to place X at an appropriate unit as and when one was identified. Counsel had mentioned "an old Scottish case" which apparently stated that one should not make an order without an identified unit in place. That was not a requirement of s.25. In any event, this case was exceptional. There was great urgency, and a secure accommodation order was the only way of protecting X from herself, unless circumstances changed such that a psychiatric disposal became "on offer". It would be appropriate to make an interim secure accommodation order to cover the next two weeks; the court would then review the situation. X could be seen as falling between two stools. She was not amenable to a psychiatric disposal on the expert report available, but she was unable to be contained in ordinary residential homes. It was clearly unsatisfactory that no secure arrangements could readily be found for her and that she remained currently at some measure of risk, however hard the staff struggled to contain it, in the ordinary residential unit where she was placed. The local authority had therefore to continue its efforts to find secure accommodation. The local authority would also be

considering the possibility of obtaining an independent psychiatric report into X's situation, which could then be shared with the Child and Adolescent Mental Health Service team to see if it affected their current opinion (see paras 11-12, 14 of judgment).

Permission

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