

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 14 – Implementation of Orders

Secure accommodation

Section 151 – Implementation of secure accommodation authorisation

217. This section sets out the way in which secure accommodation authorisations are implemented. It applies where a hearing makes a compulsory supervision order, an interim compulsory supervision order, a medical examination order or a warrant to secure attendance which includes a secure accommodation authorisation. Subsection (3) provides that the chief social work officer of the relevant local authority for the child may implement the authorisation only with the consent of the person in charge of the residential establishment containing the secure accommodation in which the child will be placed. Subsection (4) provides that the chief social work officer must remove the child from secure accommodation where he considers it unnecessary for the child to be kept there or he is required to remove the child by virtue of regulations. Subsection (5) provides that the secure accommodation authorisation ceases to have effect once the child is removed from the secure accommodation under subsection (4).
218. Subsection (6) enables the Scottish Ministers to make regulations with regard to the decisions of the chief social work officer to implement the secure accommodation authorisation or remove the child from secure accommodation and with regard to the decisions of the head of unit to consent to the implementation of the secure accommodation authorisation under subsection (3). Subsection (7) sets out the areas that may, in particular, be covered by regulations. These areas include: the timescales for the decision; the procedures to be followed, the criteria to be applied; who must be consulted; and who must consent to a decision. Regulations may also make provision about the notification of decisions, the giving of reasons for decisions, the reviewing of decisions and the review of an order or warrant containing a secure accommodation authorisation where the head of unit does not consent. Subsection (8) provides that such regulations will be subject to affirmative procedure.
219. The term “chief social work officer” is defined in section 202. The definition refers to both implementation authorities and relevant authorities. This is necessary because under compulsory supervision orders and interim compulsory supervision orders an “implementation authority” will be specified but this will not be the case for medical examination orders or warrants to secure attendance where the duties will fall on the relevant local authority.