

IN THE PRESTATYN JUSTICE CENTRE

Civil and Family Justice Centre
Victoria Road
Prestatyn
LL19 7TE

BEFORE:

HIS HONOUR JUDGE GARETH JONES

BETWEEN:

A COUNTY COUNCIL

APPLICANT

- and -

A CHILD VIA HER GUARDIAN

RESPONDENT

Legal Representation

Ms Beattie on behalf of the Applicant
Ms Owens on behalf of the Children's Guardian

Other Parties Present and their status

Miss Hills – Children's Guardian

Judgment

Judgment date: 2 May 2018
Transcribed from 12:07:49 until 12:17:45

Reporting Restrictions Applied: Yes - Children Act 1989

“This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of Court.”

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Number of folios in transcript 21
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His Honour Judge Gareth Jones:

1. I propose to deliver a judgment in an application in which I have already granted a Secure Accommodation Order in respect of a young person, who is 15 years of age.
2. I propose to direct that this part of the judgment is transcribed at public expense. Copies will be provided in due course to the parties to the application and, (unless there is any objection), I propose to make available to representatives of the press, a transcript of this judgment. I will arrange a further hearing at which the mechanics of that decision can be implemented.
3. For reasons which I do not propose to go into at this stage, I have granted a three month Secure Accommodation Order in respect of a young person who is subject to a final Care Order made by me some years ago.
4. The purpose of this part of my judgment is not to deal with the direct circumstances of that application, but to draw attention to the very severe difficulties that have arisen in connection with applications of this kind.
5. This application for a Secure Accommodation Order was listed before a District Judge on 28th March 2018. At that stage, the Court was informed that there were 17 pending referrals for secure beds in secure accommodation units throughout England and Wales. At the time of this initial application, the secure unit identified for the young person, the subject of the application and the order, made that day, could not be identified.
6. The young person concerned was involved not only with a Children Act 1989 application, but also potentially with the criminal justice system also. There was a possibility that a placement might become available outside the jurisdiction of England and Wales, in Scotland, and potentially also that recourse could be had to the use of what is known as criminal “beds” within the same secure accommodation in Leeds.
7. Unhappily, the second possibility did not materialise because of an anticipated pressure of placements for the use of criminal secure accommodation over the Easter period. This meant that the unit reserved places for their use without these “beds” being more generally available for Children Act 1989 placements in the conventional way.
8. That left, immediately at the time of the initial application on 28th March, no identifiable placement being available for the young person, the subject, of the current application. That remained the situation after the grant of the initial Secure Accommodation Order on 28th March, until 16th April when a place was identified for the young person out of this area by a considerable distance.
9. I should indicate by way of background, that the young individual concerned had a number of difficulties which were evident from the making of the final Care Order. In particular, she had struggled to settle within a large number of foster placements. A residential placement was found for her out of this area, that placement also was unable to contain her.

10. She was repeatedly missing from Local Authority foster care and this had happened on several occasions prior to the Local Authority's application. In particular, when she absconded from Local Authority foster care, she was at risk. Potentially she was being preyed upon by older men and she had been found in the company of one such individual on more than one occasion. That individual, ultimately, was the subject of a police investigation.
11. In any event and on any view, she was a fragile individual who required the support of a secure unit to manage and to contain her behaviour. Regrettably, despite the Court sanctioning the initial application on 28th March 2018, as I have said, a placement was unavailable for her for a significant period of time thereafter.
12. There was a possibility of a criminal "bed" being available, in a unit in Leeds. That did not materialise. There was a possibility, also, of a placement being available in Scotland. That was deferred until a date after 2nd April 2018, when the appropriate, amended regulations providing for such a placement outside the jurisdiction of England and Wales came into effect. Hence, the initial interim nature of the first two orders which were made.
13. As I have indicated, at present, a placement has been found for the young person concerned, but that is a considerable distance away. That, unavoidably, creates its own difficulties. The distance involved means that Local Authority key workers have to travel a considerable distance to the location of the secure placement which has been identified. The young person's Guardian and solicitor have had to make a similar journey and the young person's extended family, who maintain contact with her, also have to make a similar journey.
14. This part of my judgment is being published to draw attention to the very significant problems which have arisen, (in this area at least), with the provision of secure accommodation facilities. These orders are not, by any means, made routinely, but they do arise from time to time. The circumstances of the current application are by no means unusual and, regrettably, the shortage of suitable places has now become chronic.
15. Previously, when these orders were made, the Court had before it an identified place and, indeed, a fairly clear plan of what was being proposed so far as the young person was concerned. Currently, that is not the position. Local Authorities are driven to make these applications, which are very often merited, but on the basis that the secure accommodation unit has not been identified and accordingly appropriate plans with regard to visits, therapeutic provision, educational provision and contact provision, simply cannot be provided for the Court.
16. The situation has become a very serious one. There is a need for this to be addressed by the administrative authorities who have responsibility for this area of policy, so that more unit places are made available and are made available within the locality of the young person concerned.
17. The purpose of providing this judgment to the public more widely is to draw attention to this particular area, where deficiencies have become apparent and where remedial action is very urgently called for. This is a situation which is well known to Local Authorities. I trust that it is well known, also, to Cafcass Cymru, who have a responsibility for the children concerned as well and, I hope by the publication of this

judgment, that these difficulties will become known to the administrative authorities, including, if necessary, the Government of Wales and the Central Government in London, and the general public who can see what actually is taking place so far as vulnerable young people in North Wales are concerned.

18. Accordingly, I will arrange for a transcript of my judgment today or part of the judgment today, to be provided at public expense. I will arrange for this case to be relisted and the advocates concerned to attend so that they can consider the judgment. I will provide notification to a representative of the press who can also be present and then, (depending on the reaction of the parties to the judgment provided,) I will decide whether publication in the public interest in this case is appropriate.

This Transcript has been approved by the Judge.

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

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