

A Safe Future? Finding a way forward for the secure care sector in Scotland

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Abstract

Secure care restricts the liberty of children and young people under the age of 18. As such, secure care is a form of residential care intended to meet the needs of the very small number of children and young people whose safety and wellbeing (or that of others) is at considerable risk and whose significant needs, for a particular period in their lives, are such that they can only be met safely in the highly controlled setting of secure care. The Scottish Government has commissioned Centre for Youth and Criminal Justice (CYCJ), based at University of Strathclyde, to undertake an independent, analytical, practice focused and strategic review of secure care provision for children and young people in Scotland, reporting in March 2017. I took up the role of secure care national adviser to lead this review in August 2015. In this think piece I reflect on the initial six months of the project work in relation to the differing stakeholder perspectives, experiences and expectations, of the purpose and function of secure care and how these tensions impact on the secure care workforce.

Keywords

Children and young people, secure care, commissioning, high risk and vulnerability, Scotland

Introduction

Children and young people can be placed in secure care through the Children's Hearings Scotland system or the Courts. At any one time, around 75% of young people placed in secure care are there on welfare, care and protection grounds rather than as a consequence of their having been remanded or sentenced in relation to a criminal offence.

The average age of young people when they are placed is nearly 15 years, but there are very rare occasions when children under 12 have been secured (Scottish Government information 2013/14).

The legal framework is designed to ensure that there are robust safeguards and requirements so that young people are only secured when this is absolutely necessary, and remain in secure care for no longer than absolutely necessary. The stated Scottish Government policy, legislation, and regulations surrounding

secure care clearly places secure care within a continuum of care and interventions, however.

This also applies in relation to the transition out of secure care, where there are requirements and expectations that recognise young people who have been deemed to be in such danger that it has been necessary to secure them, should have clear supports in place to meet their needs as they move on from secure care.

The Secure Accommodation (Scotland) Regulations 2013 set out the definitions and parameters of secure care. The Children's Hearings (Scotland) Act 2011 provides the legal framework for consideration and decision making by children's hearings, in relation to the issue of what is commonly referred to as 'secure authorisations'. There are clear practice standards in place for children's panel members (Practice and Procedure Manual, Children's Hearings Scotland, 2013) which set out the duties of panel members in law when considering a secure authorisation. Once a Children's Hearing does issue a Compulsory Supervision Order (CSO) or Interim Compulsory Supervision Order (ICSO), with secure authorisation, the responsible Local Authority Chief Social Work Officer has certain powers and duties in relation to whether that secure authorisation is implemented.

In the same way there are National Standards (National Standards for Youth Justice Provision, Appendix 1 to the National Youth Justice Practice Guidance), which state that secure care and detention should be used only when it is the most appropriate disposal, and that consideration has been given to alternatives.

These safeguards recognise secure care as something 'else', separate from other forms of care because of the restrictions on liberty and other freedoms. But concurrently, they recognise secure care as a part of the whole system in relation to high risk and vulnerability and upholding the Kilbrandon principles that our response to troubled and troubling young people should be welfare based, meeting their needs whilst also addressing deeds.

The remit set by Scottish Government for the secure care national project aims to build on the outcomes of the Securing Our Future Initiative (SOFI), the most recent previous national review of secure care, which published its report in 2009.

The Scottish Government's objectives for the secure care national project are:

1. Identifying and helping to promote current best practice across the secure care sector.
2. Assisting with the review of current placement and transition mechanisms and the transition experiences of children and young people coming into, moving within and moving on from secure care.
3. Identifying and exploring the quality of alternatives to secure accommodation in children and young people's services across Scotland.
4. Developing future medium/longer term options for the sustained operation of the secure estate and providing recommendations for the Scottish Government, secure care providers, local authorities and their representative bodies, to consider.
5. Building capacity to make comparisons with (and learn from) other administrations in the UK and beyond.
6. Monitoring the profile and needs and characteristics of children and young people in secure care.
7. Considering the extent and quality of implementation of the nine recommendations from SOFI and reflecting on progress, projecting beyond 2017 to 2019.
8. Engaging fully with all stakeholders concerned with the secure estate to scope and assess strategic options for key partners involved with commissioning, providing and purchasing services from secure providers.
9. Ensuring every element of the work is cognisant of - and aligned with - the Children and Young People (Scotland) Act 2014.

Secure care is self-evidently extreme care. When we secure a young person, we lock them up in order to keep them (and sometimes others) safe. This means that secure care is a high cost service in every sense. The stakes are high, the financial costs are high, the risks are high, and the impact of securing a child or young person is immediate.

But secure is also a high value service. This is not just extreme care. It's intense care. A young person's right to liberty is restricted – but it can also be a lifesaving decision to secure for some young people who have been taking (or have been exposed to) risks that threaten their ultimate right, to life.

In the months that I have been working with the secure care sector and with connected colleagues and agencies, I have begun to understand what this means. The depth of powerful feelings, positions and beliefs about what secure care is, what it does and what it could and should be.

Listening, learning and lived experience

So what you're saying is like you're some kind of minion, right? You don't run things but you can let the high heidjins in the Government know what we think? Well...I dinnae ken, what's the point of us talking to you or any of them cos no one ever listens to us [young people in care] anyway.

(Gayle, 15)

It's a damp grey October morning in 2015, and I'm sitting in a classroom at one of Scotland's five secure care centres, where I have been trying to articulate to a group of six very smart and insightful young people what the role of secure care national adviser is, and why I am keen to hear and learn from them and from other young people. At this point I'm just glad that I got agreement early on from the Scottish Government to describe the work that it has commissioned CYCJ to deliver ('the Secure Care Strategic and Transitions Advisory Function') as the secure care project.

This is the first of a series of focus sessions that will take place with young people and secure care sector staff during 2015 and early 2016. I've chosen to approach the project from the point of here and now, and from the centre out. By that I mean in the first months of the project I'm spending considerable time with secure care experienced young people and the secure care workforce. I will build from this by taking what I hear, observe and learn, out to all other concerned stakeholders. In five months' time I will have been privileged to hear the lived and practice experience, perspectives and contributions of fifty young people and one hundred and fifty staff across the secure care sector.

But right now I am listening to Gayle (not her real name). Sitting with her arms folded she passes succinct judgement on the Scottish Government and politicians in general. She explains that her past experience of adults in decision making roles – at children's hearings and looked after reviews, among other things – has convinced her that her perspective and concerns will not be listened to, let alone understood or acted on by those in powerful positions. An absorbing group discussion develops and by the end of the hour together, the young people have identified a number of areas for change and action that they believe might improve young people's experience of transition into, and on from, secure care, as well as day to day living whilst in secure. This includes more training for panel members and social workers, and better support for families, to ensure that young people feel less powerless in the lead up to an admission, at

children's hearings and coping with the experience of being secured, often a distance away from their home area.

Various dictionary definitions of a minion include 'a follower or underling of a powerful person, especially a servile or unimportant one, a bootlicker, a lackey, a sycophant, a toady'...I could go on. I am also aware that the Minions movie franchise, (which I think Gayle might have been referencing), is based on the premise that the Minions lead a servile existence doing the bidding of others. I try to hold on to the likeable and entertaining characters and one-liner wisdom instead.

I am absolutely clear that my role is not to be a minion to any one party or perspective but I do hope I'm going to be able to find ways of serving the best interests – and keeping the voices, experiences and perspectives of care experienced young people – absolutely central to this review.

Definitions and dialogue

Over the months that followed that first focus group meeting with young people in secure, Gayle's initial sentiments were echoed often. Frustration, resignation and sometimes suspicion was expressed by some of the young people and by many more of the professionals as to the purpose of (and motivation for) this review.

'Haven't we been here before?' secure care staff and others asked. 'Why another review now? Is this about cost cutting? Aren't we just going over the same ground again? What's actually going to change to make things better for young people and to achieve sustainability for the sector?'

I encountered many staff, in the secure care centres and from placing Local Authorities and third sector providers, who expressed significant anxieties about the future. A senior manager in one of the secure care centres told me that 'Sometimes it feels like we're providing a service that nobody really wants, for young people who nobody knows what to do with and who feel like nobody cares about them'.

I also heard that the majority of staff are proud about the work that they do with and for young people in crisis and distress. Many expressed frustration and sadness at what they regard as a lack of recognition and a widespread misunderstanding about this work and about secure care. A majority of residential and education care and support practitioners who took part in the first round of focus sessions to explore issues around transitions, identified a need for more information sharing about the sector with social work staff and managers, placing officers and panel members.

In the focus discussions, practitioners across the centres described having to 'myth bust' with young people who prior to admission had believed that secure care was 'prison' due to what they had been told by other young people, families, and sometimes professionals. Some young people were concerned that they would be locked in their room for 23 hours a day. Many of the young people I met with talked about secure care not being what they had expected or feared.

There have been considerable changes and developments since SOFI in the way in which the Scottish secure care sector delivers care, education and relational as well as physical security to often very troubled, highly vulnerable young people. This was particularly evident to me during discussions and fact finding around how the secure centres respond to psychological distress and the impact of trauma and adversity. From initial exploration with stakeholders in the broader sector, it doesn't appear that the scale and pace of change that has taken place across the secure care services is widely recognised or understood.

All of the not for profit centres have health and wellbeing teams, most of which have been significantly expanded in recent years. These teams are led by able and experienced clinicians and practitioners, and the work they do with young people but also with colleagues, seems to be impacting positively on culture, with the language of nurture and attachment informed, trauma informed practice becoming common currency.

Several of the centres have engaged with national studies and initiatives to find out more about the challenges and hurts that young people being secured have experienced, and how these might best be responded to. It is clear that the majority of young people have experienced loss, bereavement, and trauma and that there has been developmental and psychological impact from this.

The sector itself, through this work, is demonstrating its capacity to respond and change – if the majority of young people being secured are struggling due to the impact of loss, multiple adverse life experiences and trauma, then it would seem to be common sense that the secure care centres develop themselves to provide a nurturing, safe and therapeutic way of being. Care as treatment in its broadest sense.

The Care Inspectorate and Mental Welfare Commission recognised secure care centres' good practice in meeting the needs of children and young people with diagnosed mental health difficulties in a joint report following work undertaken at all the centres in 2013/4.

The secure care centres have been visited by UK Government officials currently reviewing the Youth Justice System in England and by professional groups, academics and ministers from other European countries, seeking to explore examples of best practice and innovation.

At a time when secure care in England is under the spotlight following the exposure of abuse of young people at Medway secure youth justice centre (Panorama, BBC 2015) and the interim report of the Youth Justice review argues for a radical shake up of secure, recognising that education provision in the youth justice secure sector falls far short ([Ministry of Justice, 2016](#)), this Scottish review must recognise the strengths and possibilities of the secure care sector here.

Beginning to think about secure care as a crisis, distress and trauma response, however, raises questions about the tensions and contradictions in the Scottish system. The impact of current and (near) future likely further public sector funding cuts and restraints, combined with end date of the contract with the current providers (June 2017) brings additional pressure for this review.

For the secure care sector itself (which directly employs less than one thousand people), memories of the impact of the implementation of two of the nine Securing Our Future Initiative (SOFI) recommendations does not feel distant (Scottish Institute of Residential Child Care, 2009). SOFI, which was a discrete piece of work linked to the National Residential Childcare Initiative (NRCCI), reported in 2009, and the Scottish Government and Convention of Scottish Local Authorities (CoSLA) accepted its nine recommendations in full (The Scottish Government, 2009).

SOFI recommended a planned reduction in the secure estate and a focused piece of work to establish a national commissioning framework. Both of these recommendations were taken forward and as a result between 2009 and 2012 two of Scotland's seven secure care centres were closed and a national contract framework was established, so that Scotland Excel now negotiates fees with the four not-for-profit secure care centres (one is run by City of Edinburgh Council) on behalf of the 32 Scottish Local Authorities, who have a legal duty to deliver or procure secure care services.

SOFI set out a vision beyond secure care – its central aspiration was that we reach a position where no child or young person in Scotland required to be secured. The Scottish Government still aspires to this. And I have not met anyone working in the sector who does not have hope that at some point in the future we might live in a society in which it was not necessary to restrict a young person's right to liberty in order to ensure that child or young person's immediate and medium term safety.

But in the real world here and now, the SOFI statement still holds true that there are and will continue to be for the foreseeable future:

a small number of children whose needs and risks, for a particular period in their lives, can only be managed in the controlled setting of secure care. We recognise the important role that secure care has to play in providing the intensive support and safe boundaries that enable these highly vulnerable young people to re-engage and move forward positively in their communities; (Scottish Institute for Residential Child Care, 2009, p.6).

Secure care should not be viewed (or reviewed) as a separate, disjointed episode in a young person's growing up. And the financial and procurement arrangements cannot be separated from a meaningful commissioning process. The shift towards therapeutic crisis and trauma response culture within the secure settings is not reflected in the way in which secure care is defined and described or the time frames around placements. As one wellbeing practitioner asked: 'How can you heal fourteen years of hurt, trauma and adversity in a twelve week placement?'

The development of a national strategy would enable evidence and needs based decisions to be taken about what we want from secure care – What is the future vision for meeting the needs of high risk, high vulnerability young people and where does secure care 'fit' within this?

A national strategy can only be achieved though if there is a shared and collective understanding of the place and purpose of secure care in the continuum of interventions.

Early fact finding suggests that a core task for the project is to create the space for stakeholders to have that debate, to explore fundamental questions around the value (in every sense) of secure care, and to recognise its strengths, limitations and potential.

Local Authority colleagues have variously defined secure care to me as a 'last resort', as 'holding and containment' as 'short term stabilisation' but also as a 'safe and nurturing' trauma recovery facility.

So the secure care project approach has to be one of inquiry, seeking and gathering practice evidence and lived experience. This has so far involved structured focus group meetings, which are written up and can be cross referenced, and in the case of the Scottish Children's Reporter Administration and Children's Hearings Scotland, surveying of individuals and localities by questionnaire.

Formal research is planned by CYCJ colleagues in relation to the role of the Chief Social Work Officer and Local Authority approaches for Summer 2016 and this work will inform an Interim Report to be published in June 2016.

Disclaimer

This think piece was written in a personal capacity and the views expressed are those of the author and do not necessarily represent the views of the Centre for Youth and Criminal Justice.

About the author

Alison Gough is the secure care national adviser, based at the Centre for Youth and Criminal Justice (CYCJ). She is a qualified social worker with a background in children and families' practitioner and management roles in several local authorities. She also worked in the Scottish voluntary sector including for nearly five years as the head of a large residential school care resource. Most recently she was Director with Children Hearings Scotland from 2012, and part of the team that established the National Children's Panel. She is passionate about promoting the rights and wellbeing of care experienced young people.

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