

Children subject to secure accommodation orders: A data review

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Increasing concern has been raised about the small but highly vulnerable group of children and young people who are deprived of their liberty in various settings in England and Wales, including in secure children's homes, and the lack of information available about these children. This study explores trends in the volume, characteristics and legal outcomes of cases received by Cafcass and Cafcass Cymru that included an application for a secure accommodation order between 2011/12 and 2019/20.

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Executive summary

Increasing concern has been raised about the small but highly vulnerable group of children and young people who are deprived of their liberty in various settings in England and Wales, including in secure children's homes.

Recent reviews published by the Children's Commissioner for England (2020) and Nuffield Family Justice Observatory (Roe 2022) have highlighted the lack of information available about these children. This study aims to help shed further light on the situation by looking at trends in applications to the family court for secure accommodation orders. It explores trends in the volume, characteristics and outcomes of cases received by Cafcass and Cafcass Cymru that included at least one application for a secure accommodation (section 25 (s.25)) order between 2011/12 and 2019/20 in England and Wales.

What is secure accommodation?

Section 25 of the Children Act 1989 and section 119 of the Social Services and Well-being (Wales) Act 2014 authorise the placement of a looked-after child, aged 10–17 years old, in a secure children's home.¹ It sets out the 'welfare' criteria that must be met before a child can be placed in secure accommodation:

- the child has a history of absconding and is likely to abscond from any other description of accommodation
- if the child absconds, they are likely to suffer significant harm
- if the child is kept in any other description of accommodation, they are likely to injure themselves or others.

Secure children's homes are specialist residential homes that are authorised to restrict children's liberty. There are 14 homes in England and Wales. Children can be placed in secure children's homes by the local authority via s.25 of the Children Act 1989, or by the Youth Custody Service.

¹A secure accommodation order cannot be made in relation to a child over 16 who has been accommodated under section 20(5) of the Children Act; or in relation to a child detained under any provision of the Mental Health Act 1983. The placement of a child under 13 must also be authorised by the Secretary of State for Education.

Key findings and reflections

- The overall number of children subject to secure accommodation orders is small, although it has increased in the past nine years. Between 2011/12 and 2017/18 the rate of cases per 100,000 10–17-year-olds in the population approximately doubled, from 3.8 cases per 100,000 in 2011/12 to 7.6 per 100,000 in 2017/18. In 2017/18, 401 children were subject to secure accommodation applications in England and Wales.
- Since 2017/18, the rate has fallen. In 2019/20, 301 children were subject to secure accommodation applications, with an overall rate of 5.5 cases per 100,000 10–17-year-olds in the population. It is of note that this coincides with increased use of the inherent jurisdiction of the high court to deprive children of their liberty in alternative placements (e.g. unregulated placements or non-secure children's homes) (Roe 2022). The inherent jurisdiction can be used when no other statutory mechanisms for depriving a child's liberty apply – for example, if no place is available in a secure children's home. Increased use of the inherent jurisdiction is driven in part by a lack of available placements and capacity within registered secure children's homes to meet demand. This suggests that demand for secure accommodation has not in fact decreased since 2017/18, but that practice and the legal mechanism used to deprive children of their liberty has changed. This is a major cause of concern as orders made under the inherent jurisdiction lack the formal review and regulation requirements of those under the Children Act 1989, and there is a lack of information about the use of these orders, who the children are, and where they are placed (see Roe 2022 for further discussion).
- The majority of cases result in a secure accommodation order in both England (77%) and Wales (57%).
- A smaller proportion of cases result in a secure accommodation order in Wales, compared to England. This may be partly due to a perceived lack of available placements, with just one secure children's home in Wales. Further research is required to understand judicial decision making in cases where a secure accommodation order is refused, and to explore what happens to these children, including use of the inherent jurisdiction to deprive them of their liberty in alternative placements.
- In 2019/20, 228 children were made subject to a secure accommodation order in England and Wales, a decrease from 271 in 2018/19.
- There is evidence of considerable regional variation in the use of secure accommodation. Rates in the North East are substantially higher than those elsewhere in England and in Wales. The rate in the North East over the nine-year period was 11.4 cases per 100,000 10–17-year-olds, compared to a national average of 5.8. The reasons for this variation are not clear from the data and warrant further investigation and collaborative research with local stakeholders. It is likely that there are multiple explanations including, but not limited to, higher rates of care proceedings in the North East, the role of deprivation and access to preventative services, including mental health care, and a higher concentration of secure children's homes in the North East compared to other regions. It is also

possible that other regions may be more likely to use the inherent jurisdiction as an alternative to secure accommodation, and variation in rates of secure accommodation applications may not reflect variation in the number of children being deprived of their liberty across the country.

- There has been a stark shift in the gender distribution of children subject to secure accommodation applications over the last nine years. In 2011/12, far more girls than boys were the subject of applications (69%); by 2019/20, however, this gender difference has narrowed, with an approximately equal number of boys and girls being subject to applications.
- In both England and Wales the majority of applications for a secure accommodation order are made in respect of young people aged 15 and above.
- The number of children who are subject to multiple secure accommodation orders is a cause for concern. In England, approximately a third (34%) of cases involved children who had already been involved in a previous case since 2011/12. Of these children, most (550 children, 62%) appeared in two cases, however around 190 children were subject to three cases (22%) and a further 150 children were subject to four or more cases (17%). In Wales, a fifth (20%) of cases involved children who had already been involved in a previous case since 2011/12. Most of these children were subject to two cases (20 children; 69%).
- This suggests that a significant proportion of children are subject to multiple placements in secure children's homes. It raises important questions about the ability of secure children's homes to address the underlying causes and risk factors that lead to children being placed in secure accommodation, and the (lack of) availability of step-down support in the community to support children's transitions out of secure accommodation and prevent the need for re-admission. There is a need for further research to better understand what type of care and support can promote children's resilience and recovery – both before, within and after secure settings – and reduce the need for further placements in secure accommodation.

Introduction

This study explores trends in the volume, characteristics and outcomes of cases received by Cafcass and Cafcass Cymru that included an application for a secure accommodation order between 2011/12 and 2019/20.

It uses electronic case management data routinely produced by Cafcass and Cafcass Cymru. Data relates to all cases that included at least one application for a secure accommodation order under section 25 (s.25) of the Children Act 1989 (and section 119 (s.119) of the Social Services and Well-being Act 2014 in Wales) that started between 1 April 2011 and 31 March 2020 in England (2,606 cases) and Wales (149 cases).² The data was available in the privacy-protecting SAIL [Secure Anonymised Information Linkage] Databank, hosted by Swansea University (Ford et al. 2009; Lyons et al. 2009; Jones et al. 2014; Jones et al. 2019). Descriptive analyses (frequencies, proportions, calculation of incidence rates) were undertaken to explore the number of cases per year, case outcomes, regional variation in use of secure accommodation, the population of children involved in these cases, and the proportion of children who appeared in multiple cases. The full methodology is available in Appendix A.

S.25 of the Children Act 1989 and s.119 of the Social Services and Well-being (Wales) Act 2014 authorise the placement of a looked-after child, aged 10–17, in a secure children's home.³ It sets out the 'welfare' criteria that must be met before a child can be placed in secure accommodation:

- the child has a history of absconding and is likely to abscond from any other description of accommodation
- if the child absconds, they are likely to suffer significant harm
- if the child is kept in any other description of accommodation, they are likely to injure themselves or others.

The local authority must apply to the family court to authorise a placement in a secure children's home (for longer than 72 hours).

Secure children's homes are specialist residential homes that are authorised to restrict children's liberty. There are 14 homes in England and Wales. Children can be placed in secure children's homes by the local authority via s.25 of the Children Act 1989, or by the Youth Custody Service.

² Note that cases can include multiple applications for secure accommodation orders that relate to the same child. Case-level analysis provides an indication of the total number of children for whom a placement in a secure children's home is sought each year.

³ A secure accommodation order cannot be made in relation to a child over 16 who has been accommodated under section 20(5) of the Children Act; or in relation to a child detained under any provision of the Mental Health Act 1983. The placement of a child under 13 must also be authorised by the Secretary of State for Education.

Strengths and limitations of the study

Increasing concern has been raised about the small but highly vulnerable group of children and young people who are deprived of their liberty in various settings in England and Wales, including secure children's homes, and the lack of information available about these children (Roe 2022; Children's Commissioner for England 2020). These children will often have multiple and complex needs – including mental health problems, self-harming behaviours, challenging behaviours, complex trauma – and may be at risk of or victims of criminal and sexual exploitation. Recently, a handful of studies have explored the characteristics and journeys of children referred to secure children's homes for welfare reasons, although these studies are limited by small samples or use administrative data based on a one or two year timeframe (see for example Williams et al. 2019; Williams et al. 2020; Hart and La Valle 2021). A key advantage of the Cafcass and Cafcass Cymru data therefore is that it provides detail about population-level trends over a longer timeframe (from 2011 for England and Wales). This allows us to identify how demand and characteristics of children and young people have changed over time, for all applications made to the family court to authorise the detention of a child or young person in secure accommodation.

Nonetheless, there are a number of limitations to using Cafcass and Cafcass Cymru data, which is collected primarily for organisational rather than research purposes.

Analysis of Cafcass and Cafcass Cymru data provides an indication of the number of children for whom the placement in a secure children's home is authorised by the family courts – but not the total number of children who are deemed in need of secure accommodation and for whom a placement cannot be found. Before applying to the court the local authority should, in most circumstances, have made a referral to the Secure Welfare Coordination Unit (SWCU), the central body that is responsible for finding placements in secure children's homes, and identified an available home that can accept the referral. We know, however, that demand for placements in secure accommodation far outstretches current availability and capacity within secure children's homes (see Roe 2022 for further discussion). Research suggests that between 39% and 56% of children referred to the SWCU are not found a place (Hart and La Valle 2021; Williams et al. 2020). These children may not be captured in the Cafcass and Cafcass Cymru data.

Placement information is also not currently recorded by Cafcass and Cafcass Cymru.⁴ Therefore, although we are able to identify the legal outcome (i.e. if a secure accommodation order is granted), we cannot say where the child was eventually placed, or for how long. An order will only be granted if a placement is available (see *O (A child: No Available Secure Accommodation)* [2018] EWFC B60).

Finally, Cafcass and Cafcass Cymru currently record limited data about a child or family's ethnicity, although data quality is improving. Information from the SWCU indicates that Mixed and Black African, Black Caribbean and Black British ethnic groups are overrepresented among children referred to secure children's homes for

⁴ Cafcass Cymru has recently introduced a case closure process that tries to capture placement information at the end of proceedings; over time this data will be available for analysis.

welfare reasons (Secure Welfare Coordination Unit (SWCU) 2020). There is therefore evidence of ethnic disproportionality in the number of children referred to secure accommodation (see Roe 2022); this is an important area for further research and Nuffield Family Justice Observatory and Family Justice Data Partnership – a collaboration between Lancaster University and Swansea University – are working with data providers to improve the recording of ethnicity data in the family justice system, and are exploring data linkage opportunities to investigate this further.

Findings

Volume of cases

As a proportion of all older children and young people (aged 10–17) in England and Wales, the total number of children subject to secure accommodation applications is small, with an average of 5.8 cases per 100,000 10–17-year-olds in the population per year over the last nine years (see Figure 1). Between 2011/12 and 2017/18 the rate steadily increased, reaching a peak of 7.6 cases per 100,000 10–17-year-olds in the population (a total of 401 cases) in 2017/18. Since then, the rate has fallen to 5.5 cases per 100,000 in 2019/20 (301 cases).

Figure 1: Rate of secure accommodation applications, England and Wales

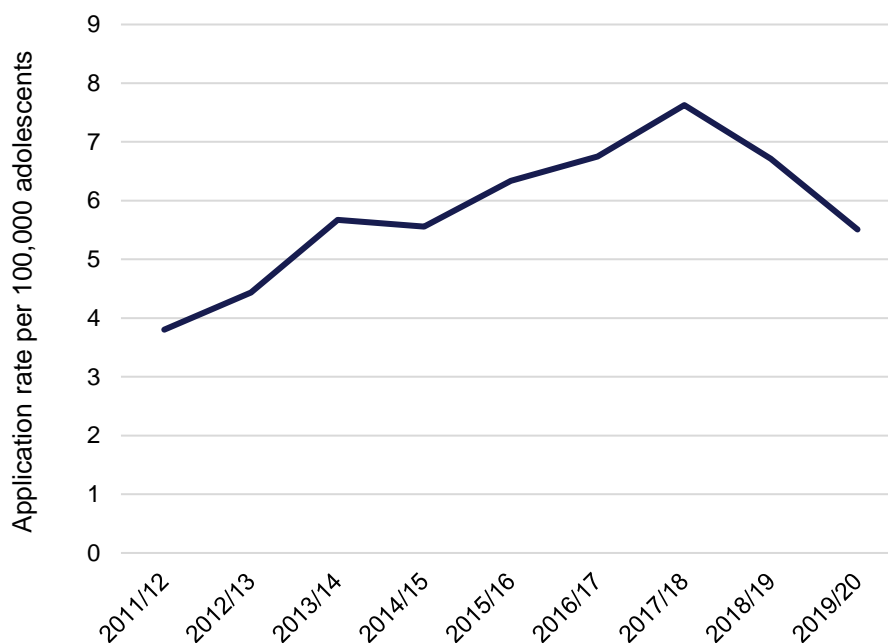
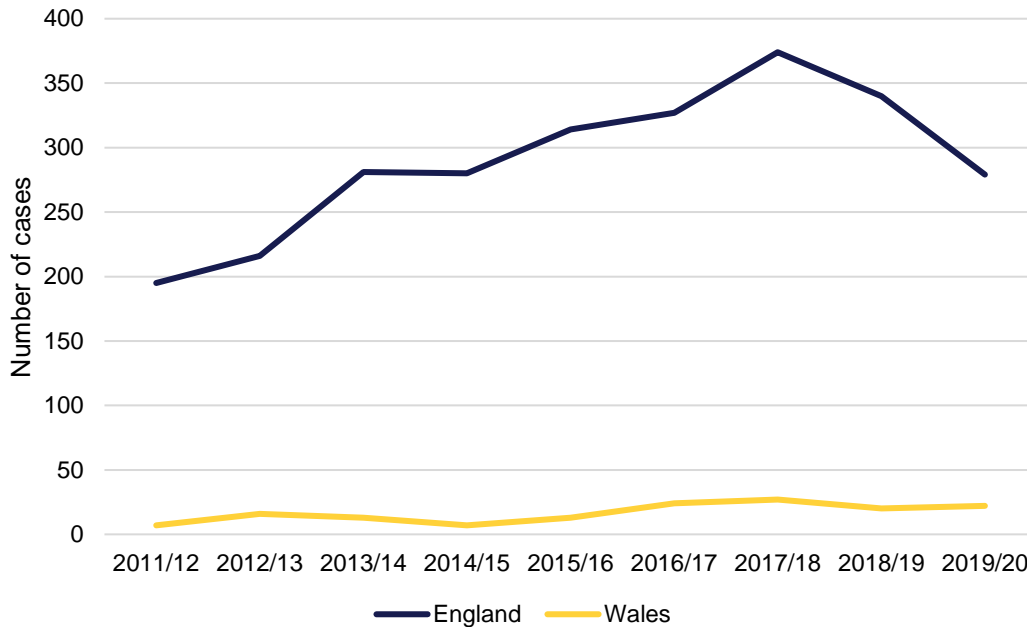


Figure 2 shows the total number of cases that included an application for a secure accommodation order per year in England and Wales separately. In England the number of cases peaked at 374 in 2017/18, and has since fallen. In 2019/20, there were 279 cases that included an application for a secure accommodation order.

In Wales, fewer than 30 cases per year have included an application for a secure accommodation order. The small number of applications in Wales is likely due to the

smaller overall population – application rates, which take into account differences in population size, are similar in both England and Wales.⁵

Figure 2: Number of cases that included a secure accommodation application, England and Wales



Legal outcomes

The majority of cases result in a secure accommodation order in both England and Wales. In 2019/20, 228 children were made subject to a secure accommodation order in England and Wales – a decrease from 271 in 2018/19.

England

In England, around three-quarters (77%) of children were made subject to a secure accommodation order at the close of proceedings; this has remained relatively consistent over time (see Figure 3). Children aged 10–14 were slightly more likely to be subject to a secure accommodation order compared to older children (aged 15 and above), although this difference appears to have narrowed in recent years:

- in 2012/13, 81% of 11–14-year-olds and 68% of children aged 15 and above
- in 2019/20, 76% of 11–14 year-olds and 74% of children aged 15 and above.

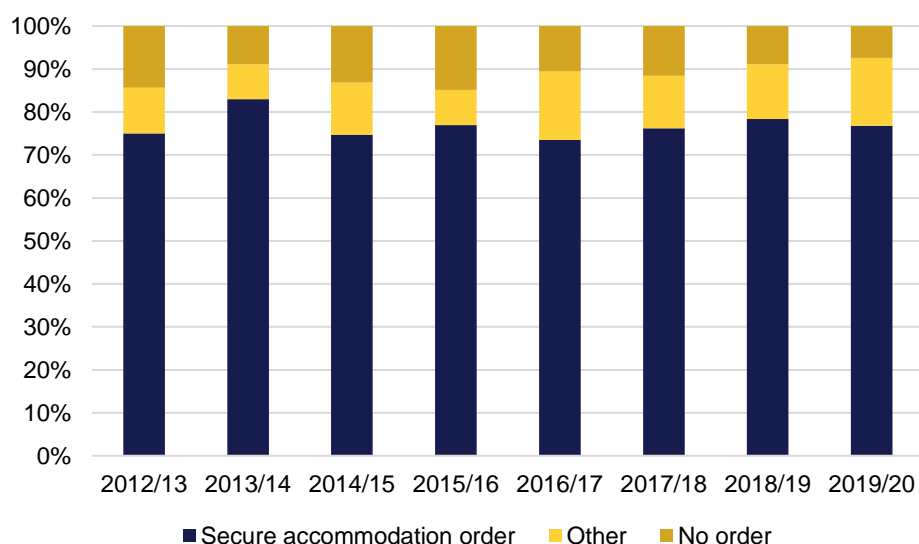
There was no evidence of significant gender differences in outcomes, with girls only marginally more likely to have been given a secure accommodation order than boys (77% compared to 74%).

⁵ Over the nine-year time period, the case rate was 6.0 per 100,000 10–17-year-olds in Wales compared to 7.7 in England. In the last four years the rate has been slightly higher in Wales than in England.

In cases where a secure accommodation order was not granted, it is not clear from the Cafcass data what the reason for this is. It may be that the judge rejected the application on the grounds that the welfare criteria for secure accommodation were not met (as in *A Borough Council v E and Others (No 2) (Refusal of Secure Accommodation Order)* [2021] EWHC 2699 (Fam)), or that the proposed placement did not meet the child's needs. It is also possible that an order may have been refused, or the case may have been withdrawn, on the grounds that a place in a secure children's home cannot be found. Although the local authority is expected to have found a placement prior to applying to court, in practice, and as a result of increasing difficulties in securing a placement, local authorities may make concurrent applications to the court and the Secure Welfare Coordination Unit (SWCU). Further research – for example case file reviews or linking Cafcass data to SWCU placement data – will be necessary to explore this further.

In around a fifth (20%) of cases a care order is granted at the same time as the secure accommodation order. This suggests that the majority of children are already in care before the application for a secure order is made, reflecting findings from previous research (Williams et al. 2020; Hart and La Valle 2016).⁶ Nonetheless, a significant minority of children are coming into care at the same time as being placed in secure accommodation. This suggests that the risk to the child and the child's needs may have escalated very quickly, and/or a lack of sufficient early intervention. The recent Nuffield Family Justice Observatory evidence review highlighted a lack of research and data about children's journeys into secure care, including prior placements and involvement with children's services (Roe 2022); there is a need for further research to explore this.

Figure 3: Legal outcomes of applications for a secure accommodation order, England



⁶ Children may be subject to a care order or accommodated under s.20 Children Act 1989.

Wales

In Wales, just over half (57%) of cases result in a secure accommodation order – a much lower proportion than in England (77%).⁷ It is not clear why the use of secure accommodation orders is lower in Wales. There is only one secure children's home in Wales (compared to 13 in England), which may mean that alternative arrangements are made. It also means that children in Wales might be placed in secure accommodation that is far from home (such as in a secure children's home in England).

Younger children, aged 10–14, were more likely to be made subject to a secure accommodation order – 66% of 10–14-year-olds were made subject to a secure accommodation order compared to just 38% of those aged 15 and above. This raises significant questions given that a majority of applications for secure accommodation relate to older children (see below).

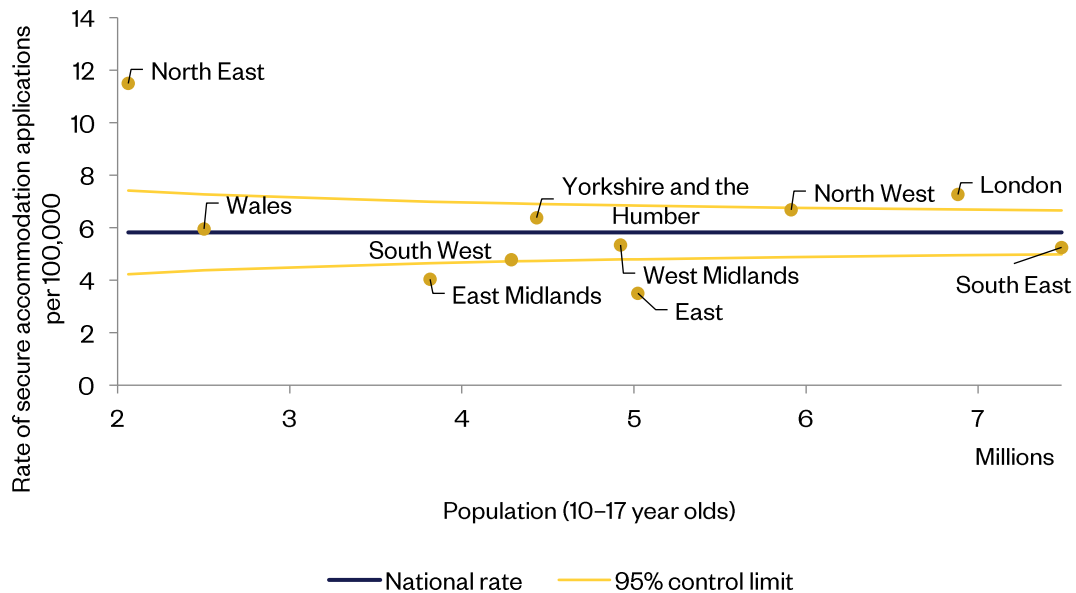
Cafcass and Cafcass Cymru data does not include information about where a child is placed following court proceedings. In most cases, the local authority is expected to have found a placement in a secure children's home, and the child to already be accommodated there, before applying to the court for an order (see *Re AK (Secure Accommodation Order)* [2000] 3 FCR 289). In *O (A child: No Available Secure Accommodation)* [2018] EWFC B60, Her Honour Judge Lazarus stated that a secure accommodation order cannot be made if a placement is not immediately available for the child. We can therefore assume that, in most cases, when a secure accommodation order is made, the child will be placed in a secure children's home, although we do not know where the placement is.

Findings from this study raise questions about what happens to children who are not granted a secure order, and judicial decision making in these cases. In particular, this study has raised concern about older children (aged 15 and above) who, although more likely to be the subject of applications to the family court for secure accommodation, are less likely to receive a secure accommodation order than younger children. For the local authority to make an application to the family court to authorise placement in secure accommodation, the young person is likely to be a significant risk to themselves and/or others. There is a need for further research to identify where these children are placed following court proceedings, including potential use of the inherent jurisdiction to authorise deprivation of liberty in unregulated placements.

⁷ Annual breakdown of final legal order outcomes for Wales is not available due to small case numbers and statistical disclosure control.

Regional variation in use of secure accommodation

Figure 4: Rates of cases involving secure accommodation applications, England and Wales by region (2011/12–2019/20 combined)



Note: Figure 4 shows the case rates in each region for the years 2011/12–2019/20 combined due to small numbers.

There is evidence of considerable regional variation in the use of secure accommodation in England and Wales, with the North East in particular emerging as an outlier (see Figure 4). All other regions are within, or close to, the national average (5.8 cases per 100,000 10–17-year-olds), with London having a slightly higher rate (7.3), and the East Midlands (4.0) and East of England (3.5) a slightly lower rate. The rate in the North East over the nine-year period was 11.4 cases per 100,000.

The reasons for this variation are not clear from the data and warrant further investigation and collaborative research with local stakeholders. A recent report from directors of children's services across the North East stressed the range of unique political, social and economic issues faced by the region, including disproportionate levels of poverty and deprivation (Association of Directors of Children's Services (ADCS) 2021). Hence, there may be a number of possible explanations for higher rates of secure accommodation applications, including, but not limited to the following.

- The North East has the highest rates of young people (aged 10–17 years) subject to care proceedings (Roe, Alrouh and Cusworth 2021) and rates of children in care of all regions in England (Local Government Association 2021). A higher rate of children in care is likely to mean increased demand for secure accommodation, compared to other regions. However, it is also of note that other regions with higher rates of children in care, such as Wales and the North West, are closer to the national average in the use of secure accommodation.

- The North East also has one of the highest concentrations of secure children's homes of all regions in England and Wales (two homes with a total of 42 beds available for welfare placements). Higher availability of secure beds may mean that local authorities are more likely to consider secure accommodation as a viable option, whereas other regions may consider alternative placements first to avoid placing the child far from home. For instance, although Wales has similar levels of deprivation and rates of care proceedings to the North East of England, it has only one secure children's home, which may partially explain why use of secure accommodation appears to be much lower (6.0 cases per 100,000 10–17-year-olds). *X (A Child) and Y (A Child)* [2016] EWHC 2271 (Fam) also highlighted that local authorities in the North of England may be more likely to consider placements in Scotland than other regions.
- Other factors may include the availability and provision of early intervention services and support in the community, including through health and other agencies. Directors of children's services in the North East have highlighted the lack of children's inpatient mental health beds in the region (ADCS 2021). Children in need of these placements could be placed in secure accommodation by children's services as an alternative.
- In this study we have not looked at use of applications to deprive a child of their liberty under the inherent jurisdiction of the high court. When a secure bed is not available, a local authority may use the inherent jurisdiction to deprive a child of their liberty in alternative placements. It is possible that other regions may be more likely to use the inherent jurisdiction as an alternative to secure accommodation, and variation in rates of secure accommodation applications may not reflect variation in the number of children being deprived of their liberty across the country.

It is also of note that rates in London are higher than the national average, although they have fallen from a high of 12.0 cases per 100,000 10–17-year-olds in 2017/18 to 5.0 in 2019/20. There are no secure children's homes in London, meaning that children from London who are subject to a secure accommodation order are likely to be placed far from home. It is also unlikely that demand for secure accommodation has decreased rapidly in the last two years, and the fall in use of s.25 applications in London may be mirrored by an increase in applications under the inherent jurisdiction.

Future planning of secure accommodation provision and support for children in need should take into account regional variation in demand, including use of the inherent jurisdiction.

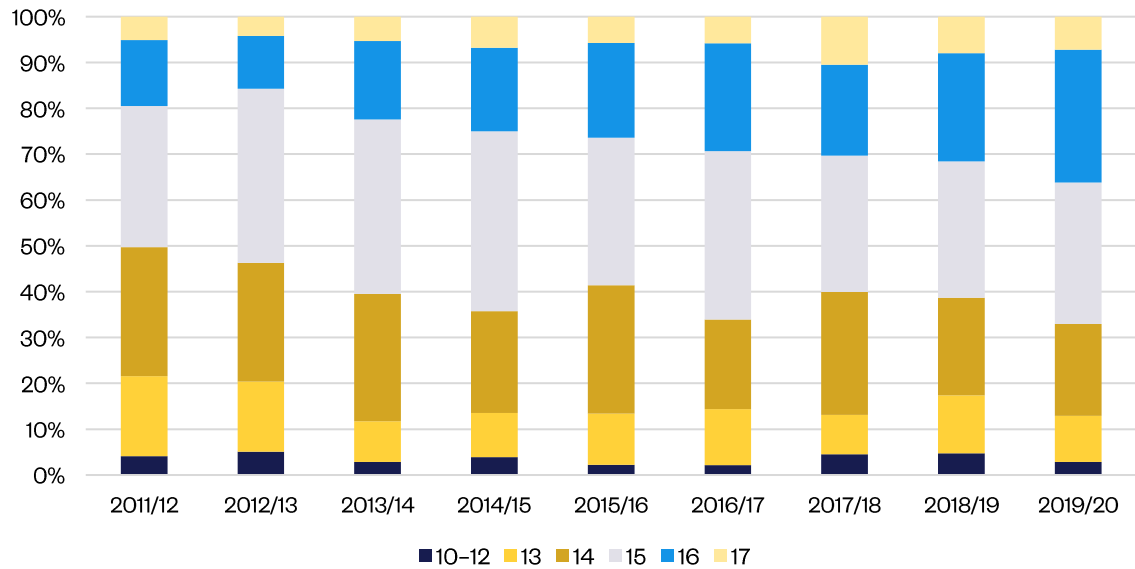
Who are the children?

Age

Cafcass data shows that the majority of applications for a secure accommodation order are made in respect of young people aged 15 and above in England (see Figure 5). There has been a noticeable increase in the number of 16-year-olds subject to a secure accommodation application over time – 28 cases in 2011/12 and 81 cases in

2019/20. These children now make up just under a third (29%) of all children involved in s.25 cases – an increase from 14.4% in 2011/12.

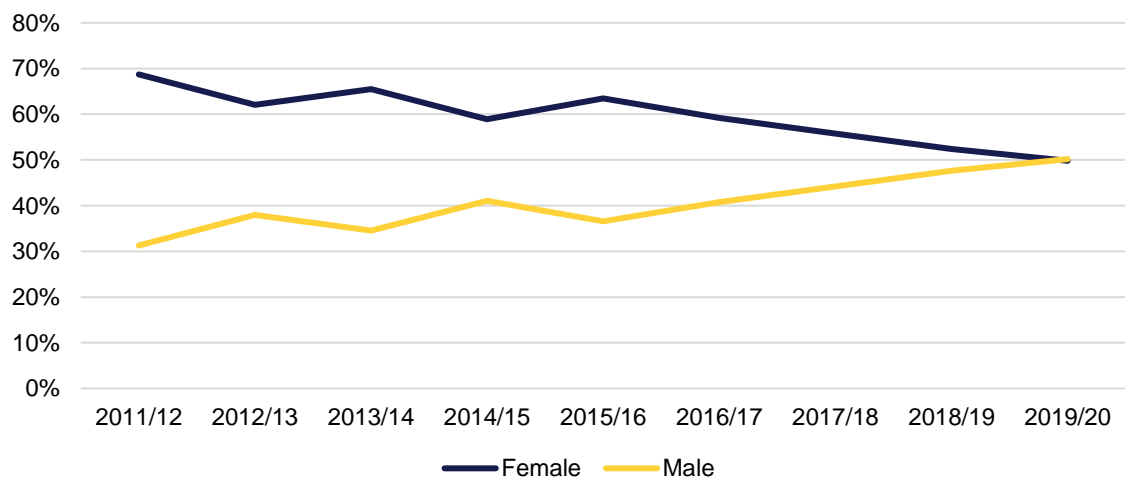
Figure 5: Age of children subject to an application for a secure accommodation order, England



In Wales, the majority of applications (64.4%) are also for young people aged 15 and above. Further breakdown of the data for Wales is not available due to small numbers and statistical disclosure control.

Gender

Figure 6: Gender of children subject to an application for a secure accommodation order, England



The gender distribution of children subject to applications for a secure accommodation order has changed over time (see Figure 6). In 2011/12, far more girls than boys were the subject of applications (69%). Over time this gender difference has narrowed, with an approximately equal number of boys and girls subject to

applications in 2019/20. This reflects findings from recent research, which found an equal split in the number of referrals to the SWCU for girls and boys (Williams et al. 2020; SWCU 2020).

In Wales, 67% of all cases between 2011/12 and 2019/20 related to girls. This is a slightly higher proportion than for England (59%).

There may be a number of explanations for the increase in the number of boys subject to secure accommodation orders that warrant further exploration. Over the same period, there has been a decline in the number of children placed in secure children's homes for youth justice reasons and in youth custody overall (Department for Education 2021; Youth Justice Board 2021). Alongside this, there is increasing understanding and awareness of the risks to children from criminal exploitation, with victims more likely to be boys (Home Office 2021). Nonetheless, this represents a shift in the population of young people placed in secure accommodation and may be placing increased pressure on placement availability, with some homes providing accommodation for girls only.

Repeat cases

We also explored the proportion of children who re-appeared in a subsequent case within the study period.

In England, approximately a third (34%) of cases involved children who had already been subject to a separate case since 2011/12. Of these children, most (550 children; 62%) appeared in two cases, however around 190 children were subject to three cases (22%) and a further 150 children were subject to four or more cases (17%). On average, there was around 27 weeks between cases.

In Wales, we found a similar picture. Approximately a fifth (20%) of cases involved children who had already been subject to a previous case since 2011/12. Most of these children were subject to two cases (20 children; 69%). On average, there was around 39 weeks between each case in Wales.

Under s.25 of the Children Act 1989 the court may authorise a child to be kept in secure accommodation for 3 months (approximately 12 weeks) on the first application and 6 months (approximately 24 weeks) on subsequent applications to the court. According to Cafcass and Cafcass Cymru, in some cases, extension applications may be included in the original case if it remains open to the court and in other instances, particularly when a longer period has passed, the application will be issued as a new case, counted here as a 'repeat case'.⁸ It is possible that a number of repeat cases may therefore be applications to the court to extend the young person's current placement in a secure home, although given the length of time between cases, it is likely that many also involve applications for children re-entering secure accommodation.

This raises significant questions about the ability of secure children's homes to address the underlying causes and risk factors that lead to children being placed in secure accommodation, and the (lack of) availability of step-down support in the

⁸ This may include, for example, applications to move the child to a different secure children's home or to extend the initial application.

community to support children's transitions out of secure accommodation. Research has highlighted a lack of suitable provision in the community, including specialist foster or residential placements, which make transitions out of secure accommodation chaotic and unsettling for the young person, and risks undoing any benefit of the secure placement (see Roe 2022).

Furthermore, children may also be subject to further deprivations of liberty via different legislative routes, for example via the inherent jurisdiction of the high court, the youth justice system or the Mental Health Act. Data linkage would enable further exploration of children's journeys across different secure settings.

Reflections

This study has highlighted trends in the volume of cases that included an application for a secure accommodation order received by Cafcass and Cafcass Cymru between 2011/12 and 2019/20. It provides an indication of the number of children placed in secure accommodation for welfare reasons over time. The findings raise several points for reflection and areas where further research is warranted.

The number of children for whom a secure accommodation order has been sought has fallen in the last two years while the use of inherent jurisdiction has increased

At the same time that this number has fallen, the number of applications to deprive a child of their liberty under the inherent jurisdiction of the high court has increased (Children's Commissioner for England 2020; Roe 2022). This suggests that demand for secure care has not in fact decreased, but that practice and the legal mechanism used to deprive children of their liberty has changed, as a result of shortage of available placements in registered secure children's homes (see Roe 2022 for further discussion of this trend). It is of concern that orders under the inherent jurisdiction do not contain the same review mechanisms as set out in s.25 of the Children Act 1989 and s.119 of the Social Services and Well-being (Wales) Act 2014, and that there is no routinely published national data about where these children are placed.

There is an urgent need for further research to investigate use of the inherent jurisdiction to deprive children of their liberty

This should include where children are placed, regional variation in use, and children and young people's journeys across multiple settings where they are deprived of their liberty.

Further analysis of Cafcass and Cafcass Cymru data will provide some indication of trends in the volume of deprivation of liberty applications that Cafcass is involved in, but there is a need for improved national data collection by the Ministry of Justice, the Department of Education and Welsh Government to record these cases and to routinely publish this data.

We identified marked regional differences in rates of secure accommodation cases

Further research is needed to better understand the drivers of these regional variations, including why some areas appear less likely to place children in secure accommodation. Future planning of secure accommodation provision should take into account variation in local need, including variation in use of the inherent jurisdiction.

A significant proportion of children are involved in repeat cases for secure accommodation orders

This study found that approximately a third of cases in England and a fifth of cases in Wales involved children who had already been the subject of a secure accommodation case since 2011/12. Although there may be a number of explanations for this, it does suggest that a substantial proportion of children and young people continue to be at significant risk of harm and subject to further restrictions on their liberty. There is a lack of research on children's outcomes following a placement in secure accommodation (Roe 2022). Our findings highlight a need to better understand what type of care and support can promote children's resilience and recovery, and reduce the need for further placements in secure accommodation.

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Appendix A:

Methodology

This study analyses trends in the volume, case characteristics and outcomes of cases that included at least one secure accommodation application and were issued to the family courts between 1 April 2011 and 31 March 2020 in England and Wales. It seeks to quantify trends relating to:

- the volume and rates of cases across England and Wales
- regional variation in the use of secure accommodation
- legal outcomes
- age and gender of children involved
- proportion of repeat cases.

Analyses were conducted at the **case level**, involving all cases that included at least one application for a secure accommodation order within the timeframe. Cases may include multiple applications for secure accommodation orders that relate to the same child (i.e. multiple applications may be issued while the local authority finds a placement for the child). Case-level analysis provides an indication of the total number of children for whom a placement in a secure children's home is sought each year.

Data sources

The primary data source for this study is electronic case management data routinely produced by Cafcass and Cafcass Cymru, held securely in the SAIL Databank for research purposes (Ford et al. 2009; Lyons et al. 2009; Jones et al. 2014; Jones et al. 2019).⁹ All cases that include an application for a secure accommodation (s.25) order that started between 1 April 2011 and 31 March 2020 in England and Wales were included (see Bedston et al. 2020 and Johnson et al. 2020 for more information about Cafcass and Cafcass Cymru data). Electronic data of sufficient quality for research is not available before 2011 in Wales; earlier data for England was excluded to align results for England and Wales to allow comparison. Relevant case information included: child's week of birth and gender, case start and end date, local authority, and final legal order. Cases were analysed at the child level.

⁹ The SAIL Databank contains a wealth of anonymised health and administrative data, accessible via a secure data sharing platform. All proposals to use SAIL data are subject to review and approval by the IGRP. All data within the SAIL Gateway are treated in accordance with the Data Protection Act 2018 and are compliant with the General Data Protection Regulation.

Mid-year population estimates from the Office for National Statistics (ONS) were used to calculate incidence rates (2021).

Data curation and derived variables

Variables were derived to answer the research questions from the raw data collected by collected by Cafcass and Cafcass Cymru deposited in the SAIL Databank. This followed similar methodology as set out in Pattinson et al. (2021) and Alrouh et al. (2019). Dr Bachar Alrouh led on the curation of the main dataset for this report.

Age of child: The child's age was calculated as the time between the child's week of birth and the date the first application in the case was issued.

Incidence rates: Population estimates produced by ONS were used to calculate incidence rates per year. Incidence rates were calculated for England and Wales, and the nine regions of England (North East, North West, Yorkshire and the Humber, West Midlands, East Midlands, East of England, London, South East and South West).

Legal order outcome: Final legal orders were defined as the orders made at the final hearing, sufficient for Cafcass to close the case. Three categories of final legal order were created, based on the research questions for this study. These were: secure accommodation order (i.e. a secure accommodation order was given), other order (i.e. no secure accommodation order but another legal order outcome recorded), and no order/case withdrawn.

Analytical approach

Two samples were created for analysis.

The first sample included all child-level cases that included an application for a secure accommodation order, issued between 1 April 2011 and 31 March 2020. This provided a nine-year retrospective observational window (2011/12 to 2019/20) comprising all children subject to secure accommodation applications each year in England (n=2,606 cases) and Wales (n=149 cases). This sample was used to analyse the volume of cases over time, age and gender of children, to calculate national and regional incidence rates, and calculate repeat cases.

The second sample included all cases that had closed and for which a valid final legal order was recorded between 1 April 2012 and 31 March 2020. Cases must be complete in order to be able to investigate case outcomes. This sample was used to calculate legal order outcomes.

Descriptive analyses were carried out, including the calculation of frequencies and proportions to investigate the number of secure accommodation (s.25) cases each year, age and gender of children involved, and legal outcomes. Incidence rates were calculated for England and Wales, and the nine regions of England, to probe regional variation, and to understand how use of secure accommodation applications has changed relative to population trends. Repeat cases were identified by matching cases according to child ID number, a unique child-level identifier in the Cafcass

data. Repeat cases were identified as cases where the child had already appeared in a prior case within the dataset. Variables identifying the number of repeat cases per child and time between case start date were created.

Inferential statistics have not been reported as the descriptive analysis represents the whole population of children subject to secure accommodation applications.

Separate analyses were conducted for England and Wales. Where appropriate, comparisons between England and Wales are made.

Analysis was conducted in IBM SPSS Statistics v.26.

Information governance approval

The project proposal was reviewed by the SAIL Information Governance Review Panel (IGRP) at Swansea University. This panel ensures that work complies with information governance principles and represents an appropriate use of data in the public interest. The IGRP includes representatives of professional and regulatory bodies, data providers and the general public. Approval for the project was granted by the IGRP under SAIL project 0929. Cafcass and Cafcass Cymru, the data owner, also approved use of the data for this project. The agency considered the public interest value of the study, benefits to the agency itself, as well as general standards for safe use of administrative data.

Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare, and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.

Family Justice Data Partnership

The Family Justice Data Partnership is a collaboration between Lancaster University and Swansea University, with Cafcass and Cafcass Cymru as integral stakeholders. It is funded by Nuffield Family Justice Observatory.

SAIL Databank

Cafcass [England] and Cafcass Cymru data used in this study is available from the Secure Anonymised Information Linkage (SAIL) Databank at Swansea University, Swansea, UK, which is part of the national e-health records research infrastructure for Wales. All proposals to use this data are subject to review and approval by the SAIL Information Governance Review Panel (IGRP). When access has been granted, it is gained through a privacy-protecting safe-haven and remote access system, referred to as the SAIL Gateway. Anyone wishing to access data should follow the application process guidelines available at: www.saildatabank.com/application-process