

#KeepThePromise



Secure Care

Autumn 2020

Between 2017 and 2020, the Care Review heard the experiences over 5,500 care experienced infants, children, young people, adults and members of the paid and unpaid workforce had of Scotland's 'care system', and their vision for what needed to change. This vision was set out in ['The Promise'](#) which reflected what was heard and detailed the foundations that Scotland's care for its children and families must be built on:



Voice: Children must be listened to and meaningfully and appropriately involved in decision-making about their care, with all those involved properly listening and responding to what children want and need. There must be a compassionate, caring, decision-making culture focussed on children and those they trust.



Scaffolding: Children, families and the workforce must be supported by a system that is there when it is needed. The scaffolding of help, support and accountability must be ready and responsive when it is required.



Family: Where children are safe in their families and feel loved they must stay – and families must be given support together to nurture that love and overcome the difficulties which get in the way.



Care: Where living with their family is not possible, children must stay with their brothers and sisters where safe to do so and belong to a loving home, staying there for as long as needed.



People: The children that Scotland cares for must be actively supported to develop relationships with people in supported to listen and be compassionate in their decision-making and care.

This series of briefings is intended to help Scotland **#KeepThePromise**, highlighting key areas of alignment between what was heard during the Care Review and mapping those to different sectors, in order to guide and inform planning and implementation. They will also bring into focus the substantial amount of overlap between these areas across all parts of the country's workforce. It is hoped that in doing so, the briefings will support inter-sector, partnership discussions on how to take forward Scotland's Ambition, to make it the best place in the world to grow up.

Each briefing begins with a bullet point summary of the 'headline' themes for the sector. The remainder of the document highlights key sector-relevant themes and sections from The Promise giving the relevant page numbers to help signpost readers.

Briefing Summary

- Scotland must fundamentally rethink the purpose, delivery and infrastructure of Secure Care, being absolutely clear that it is there to provide therapeutic, trauma informed support.
- There must be more alternative community-based support that meet the specific needs of children and young people.
- Children's Rights must be upheld in Secure Care, ensuring they have access to all they need for health, education and participation.
- Under 18s in the criminal justice system are children and must be accommodated in secure care rather than YOIs- prison like settings are deeply inappropriate for children.
- Scotland must strive to become a nation that does not restrain its children.
- The workforce must be supported to ensure a caring, relational and trauma-informed response to challenging behaviour.
- Decision making processes must involve children and prioritise their rights and needs.
- The importance of relationships cannot be overstated- Scotland must nurture and sustain positive relationships for care experienced children.

Scotland must fundamentally rethink the purpose, delivery and infrastructure of Secure Care

- p.80** There must be absolute clarity that the underlying principle of Secure Care is the provision of therapeutic, trauma informed support.
- p.80** Secure Care centres can provide quality care, yet the governance and delivery model with four charities and one local authority provider has led to a variety of different cultures and values operating in each of the secure settings.
- p.80** Fundamentally, there are contradictions between Secure Care settings and therefore in the overall provision of Secure Care. Those must be addressed collectively.
- p.80** There is an over-representation of children with additional support needs, demonstrating the inability of other services, including education, to meet the needs of those children.
- p.81** There is a lack of clarity about pathways through Secure Care and decision making driven by overly complex funding and procurement arrangements.
- p.81** Scotland must take responsibility for its most distressed and at risk children and fundamentally rethink the purpose, delivery and infrastructure of Secure Care.
- p.110** Scotland must declutter the landscape of how it cares. Services and provision must be designed on the basis of need and with clear data, rather than on an acceptance of how the system has always operated.
- p. 111** Scotland must stop selling care placements to Local Authorities outside of Scotland.

- p. 111** Scotland must avoid the monetisation of the care of children and prevent the marketization of care.
- p. 111** Scotland must make sure that its most vulnerable children are not profited from.
- p. 111** The standards of care must be consistent across providers and these must continue to be subject to independent scrutiny and accreditation that values what children and families value.

There must be more alternative community based support

- p.81** Scotland must recognise that placing children in highly restricted environments must be used only when necessary and not simply as an escalation when other interventions have failed.
- p.81** Spending time in Secure Care must be as short as possible in order to avoid institutionalisation. Secure Care should not be perceived as a primary setting of care.
- p.81** There must be far more alternatives for community based support and monitoring, where required.
- p.81** Whilst Secure Care may be appropriate for some children, there must be alternative services and support settings in communities that can provide enhanced support.
- p.81** That support must look similar to the principles of intensive family support, in whatever family setting the children are living.
- p.81** Specific residential, therapeutic settings for girls who have been sexually abused and exploited must be developed.

Those girls must not be held in inappropriate settings. Their deep pain and trauma must be recognised across services and settings that uphold their rights and meet their needs in an informed and therapeutic way.

- p.81** Scotland knows that some boys placed in Secure Care have been sexually abused and exploited. Scotland must make sure that they have the therapeutic care and support they need to recover and be kept safe. Their rights must be recognised and upheld in a trauma informed way, so that their pain is not exacerbated by their placement.

Children's Rights must be upheld in Secure Care

- p.26** Scotland must respect, uphold, champion and defend the rights of children and recognise that their rights are most often realised through relationships with loving, attentive caregivers. Scotland must fully incorporate and uphold the UNCRC.
- p.26** Scotland must implement the rights of the child in a way that does not reinforce a focus on policy, process and procedure but supports the ability of children and those around them to connect and develop relationships and cultures that uphold their rights as a matter of course.
- p. 83** Secure Care settings must uphold children's rights. Children must have access to all they need for health, education and participation.
- p.83** The use of Secure Care must uphold children's rights. In all the legal processes that surround the decision to place a child or young person in a Secure Care setting, their rights

must be upheld. They must be consulted and given the chance to express their views and they must be told about their legal rights of appeal. That must not be done in a tokenistic way, but through a culture of care that upholds rights in a way that meets their needs and helps them understand their legal protections.

- p. 83** All children who are placed in Secure Care must have their rights upheld so that education and health are not compromised. There are a disproportionate number of children in Secure Care with additional support needs, and they must have access to all the support services required to achieve the highest possible standard of health.
- p. 83** Children in Secure Care must be given all the support required to maintain contact with their families and carers.
- p. 83** When children are placed in Secure Care, it is imperative that the nature of that time is therapeutic rather than merely based on containment.
- p. 83** There must be a range of therapeutic interventions with Secure Units. Children who enter Secure Care must receive all that they need to support healing and rehabilitation.
- p. 83** There must be thoughtful, trauma informed assessments of children that recognise the totality of their needs. Scotland must recognise the additional support needs of the children in Secure Care and ensure that comprehensive support is available for them. Support must include access to therapies such as speech and language support and mental health support.
- p. 83** Children in Secure Care must have access to education services to support and enhance their learning, rather than disrupt it.

- p.84** The workforce must be supported to care for children who may have had deeply troubling experiences and life stories. The management of the various risks and traumas can only be met by a confident, well-supported, trained and nurtured workforce who are able to step up for young people.
- p.84** Children leaving Secure Care must receive support that ensures that the transition out of a restricted environment happens with thought, planning and care.
- p.84** There must be further investment in supportive intermediate settings so that young people leaving Secure Care are able to access the support they need.
- p.84** Children must not be held in Secure Care because there are inadequate options for them within the community.

Under 18s are children and must not be accommodated in secure care rather than YOIs- prison like settings are deeply inappropriate for children

- p.82** The planning and provision of Secure Care must reflect the needs of children in Scotland to ensure there are sufficient places for those that need them.
- p.82** Scotland must recognise that 16 and 17 year olds are children in line with the UNCRC and must be accommodated within Secure Care rather than within Young Offenders Institutes and the prison estate. This must include children who are on remand and those who have been sentenced. Being placed in prison like settings is deeply inappropriate for children.

- p.82** Ensuring that all 16 and 17 year olds are placed in Secure Care rather than a Young Offenders Institute will change the nature and provision of Secure Care. There must be careful planning around the type of provision required to cater to the diverse needs of the population requiring that care.
- p.82** If a young person turns 18 during their time in Secure Care, there must not be an automatic transfer to a Young Offenders Institute. There must be more scope to remain in Secure Care for those who have turned 18.
- p.82** Any young person who is 'looked after' and is in Secure Care and turns 18, must retain social work support and be able to access through care and continuing care provisions upon leaving Secure Care.
- p. 91** Young Offenders Institutions are not appropriate places for children and only serve to perpetuate the pain that many of them have experienced. There are times where it is right for children to have their liberty restricted, but that must only be done when other options have been fully explored and for the shortest time possible and in small, secure, safe, trauma informed environments that uphold the totality of their rights.

Scotland must strive to become a nation that does not restrain its children.

- p.85** Care experienced children and young adults told the Care Review how frightening, painful and embarrassing the use of restraint is for them. The Care Review has heard from children and care experienced adults that they were restrained in times of distress.
- p.85** Many children and adults felt that members of the workforce who delivered restraint presented as either angry or stressed. The Care Review has been told of restraint being used not to keep children safe, but as a punishment for perceived wrongdoing.
- p.85** The Care Review has also heard from children and care experienced adults who actively sought restraint as it was the only time they felt human touch.
- p.85** Where a child or young person's stress is met by a stressed adult who is unable to respond sensitively and effectively to the child's needs, the stress of both the care giver and the child increases.
- p.85** Restraint does not work for anyone. Pain compliance techniques have no place in a Scotland that aims to ensure its children feel loved.
- p.85** Scotland must strive to become a nation that does not restrain its children. This cannot be simply a statement of intent. Scotland must support its workforce to manage very difficult situations.
- p.85** This means a genuine focus on response to challenging behaviour in a trauma informed way, building relationships

in advance so that a child or young person's history, current circumstances and behavioural triggers are known and can be responded to individually, in advance of, during and after a crisis occurs.

The workforce must be supported to ensure a caring, relational and trauma-informed response to challenging behaviour

- p.85** To ensure a caring response, there must be a curiosity about the reasons behind challenging behaviour, recognising that all behaviour is communication.
- p.85** To reduce restraint, Scotland must ensure that the workforce is nurtured and supported, recognising that children may exhibit challenging behaviours that may at times make them feel scared.
- p.85** Individual members of the workforce cannot manage those behaviours in isolation, they must be supported to put theory into practice and to step in.
- p.85** The responsibility to create an environment which actively reduces the likelihood of restraint is as important as responding appropriately to individual children in crisis.
- p.85** Settings of care must establish a leadership culture that upholds children's rights and applies the values of care, attachment, attunement and co-regulation in day to day life.
- p.85** Scotland must reflect on the impact of the equal protection legislation that removes the defence of 'justifiable assault' to ensure that all children wherever they live, are protected from all forms of violence.

- p.85** Scotland must also pay attention to the use of seclusion, where children are contained and isolated often for long periods. Seclusion is not an acceptable part of trauma informed care.
- p.86** Scotland must ensure that whilst working towards change:
- The rights of children must be at the forefront of every decision about the use of restraint.
 - The practice must only be used to keep people safe and must always follow a model which focuses on co-regulation, so that the workforce reflects on their responses.
 - There must be clear preventative factors built into practice around challenging behaviours, de-escalation and subsequent reflection.
 - Workforce awareness of attachment and attunement must inform all decisions that involve risk and restraint and seclusion.
 - All restraints and use of seclusion must be recorded and reported on so that Scotland can understand its use and monitor progress towards its cessation.
 - Scotland must keep listening to children about their experience of restraint and prioritise a full understanding of the impact of restraint on children. There must be active consideration of the impact not just on one child but on others living in a location where restraint takes place.
 - Scotland must listen to the workforce about their experiences.

- p.100** Scotland must recognise that the workforce is also made up of survivors of trauma. Those with lived experience must be supported to be part of the workforce and nurture their instinct to 'give back,' but there must be recognition of the pain that may accompany that involvement. They must be supported to continue to care.

Decision making processes must involve children and prioritise their rights and needs

- p.72** Attachment and Co-regulation – Secure attachments, based on loving, consistent relationships, must be the bedrock of every decision made about children.
- p. 41** To support parents and ensure Local Authorities are fulfilling their obligations to children and families, Scotland must test the extension of the enforcement and compulsion powers to ensure both families and those with statutory responsibility are compelled to attend and comply with the orders of the Children's Hearing.
- p.41** Whilst working to prevent the criminalisation of children, Scotland must develop a more progressive, rights-based youth justice approach that builds on the Kilbrandon principles and makes them a reality for all.
- p. 42** Everyone involved in The Children's Hearing System must be properly trained in the impact of trauma, childhood development, neuro-diversity and children's rights. That training must be comprehensive and regularly reviewed. Those training requirements must also be required for all the different and various professionals who appear at Hearings, including legal representatives.

- p. 44** Whilst retaining the commitment to the Kilbrandon principles, Scotland must comprehensively assess and consider the role of volunteers in the decision making structure of Hearings.
- p.44** There must be an approach to care and support that is based on early intervention and prevention. In the long term, The Children's Hearing System must plan to shrink and to specialise. Full and proper consideration of implications for the operating model, including the dependency on volunteers, must be integral to this planning.
- p.116** Legal Representation – Scotland must consider the creation of an accredited legal specialism to set standards for legal professionals representing children.

The importance of relationships cannot be overstated- Scotland must nurture and sustain positive relationships for care experienced children

- p.25** Scotland must create an approach to care where maintaining, sustaining and protecting loving relationships is possible and much more probable.
- p. 63:** Relationships that are important to the child – All children must be supported to continue relationships that are important to them, where it is safe to do so.
- p.63** If children are removed from the care of their parents, Scotland must not abandon those families. Families must continue to be provided with therapeutic support, advocacy

and engagement in line with **10 family support principles** of intensive family support.

- p. 67:** Scotland must limit the number of moves that children experience and support carers to continue to care.
- p.68** Any transition in a care experience child's life must be limited, relational, planned and informed.
- p. 87** Scotland should be a good parent to the children it has responsibility for. That means carers and workers must act, speak and behave like a family so that Scotland can be the best parent it can be. Scotland must stop stigmatising the children it cares for.
- p. 88** In all care settings, Scotland must provide and promote positive, regular experiences for children.
- p. 91** Scotland must stop the criminalisation of care experienced children by supporting the workforce to behave and treat children in a way that is relational rather than procedural and process driven.

#KeepThePromise

'The Promise' outlines an approach to family and to care that will mean that Scotland can truly be 'the best place in the world to grow up.' To achieve that, there is considerable work to be done.

This series of briefings is intended to support your organisation in thinking about what it means to #KeepThePromise. It should be used to help you to align organisational policies, strategies and practices with what the Care Review heard, and to identify what changes can be made to those, both now and in the future. The Care Review made clear that it is simply not possible to isolate any one aspect of the system. Therefore, these sector briefings should also help organisations understand who else they need to work with in order to make change happen.

To realise the ambitious scale and extent of change, The Promise Team will need the ongoing input and views of all those with responsibility. Please look at the #KeepThePromise **engagement document** to help you think about the work of change.

The Promise website will be regularly updated with information and resources.

For more information about what the Care Review heard about the secure estate see the **Evidence Framework**.



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