

FAR AWAY FROM THEIR HOMES WITH NO CLEAR, EXIT PLAN

Nagalro Open Letter to Government Urges the End of Deprivation of Liberty Orders for Children Not in Therapeutic Care

Following Nagalro's 2023, multi-disciplinary conference on the growing use of Deprivation of Liberty orders to place children in unregulated accommodation, Nagalro has written and published an open letter to the Secretaries of State for Justice, Education and Health and Social Care.

The letter urges all three ministers to work together urgently to bring to an end the use of Deprivation of Liberty orders, other than in safe and secure therapeutic residential establishments.

The letter points out that, since 2002, 16 secure children's homes in England have closed. Between June 2018 and June 2020, 20 children in local authority care died and 69 suffered serious injuries. The National Child Safeguarding Practice Review Panel, looking into these incidents concluded that many of the children who died or suffered serious harm would have met the criteria to be placed in a secure children's home. The reason why they were not there and kept safe was that 'there was no placement availability of secure beds'.

Nagalro's open letter is attached.

-ENDS-

For further please information contact:

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Notes to Editors:

1. Nagalro is the professional association for Family Court Advisers, Children's Guardians and Independent Social Workers. Its members represent the interests of children in a range of public and private law proceedings. Nagalro members are senior, highly experienced children and family social workers who work in a variety of roles. Many work as independent social workers and risk assessors providing expert witness reports in a wide range of complex cases coming before the family courts; in fostering and adoption agencies; in independent practice providing therapeutic services; as academics; as supervisors, mentors and consultants. Members have significant experience as managers, chairs of Adoption Panels and other specialist social work practitioner roles.
2. The Nagalro website is at www.nagalro.com



Open letter to:

The Rt Hon Alex Chalke KC MP, Secretary of State for Justice;
The Rt Hon Gillian Keegan MP, Secretary of State for Education;
The Rt Hon Victoria Atkins MP, Secretary of State for Health and Social Care

Dear Secretaries of State,

We are writing to you all to urge you and your departments to work together urgently to bring to an end the use of Deprivation of Liberty ('DoL') orders for children and young people, other than those in safe and secure therapeutic residential establishments where they can receive the necessary help for their difficulties and to enable them to return to their lives, families and friends.

Members of Nagalro are regularly involved in cases where local authorities seek orders from the court to deprive a child of their liberty, often acting as the Children's Guardian. The making of a DoL order for a child is a mechanism, created by the Family Division of the High Court and local authority social workers, for situations where a child may well die without urgent action but there is no other available solution to protect them from serious harm. These children often have multiple needs, including mental health, behavioural and emotional problems and many will have experienced abuse, neglect and trauma. When an application is made to deprive the child of their liberty this is usually because there is nowhere else for them to go and the risks that they are experiencing are so severe that depriving them of their liberty is seen as the only way that they can be kept safe. In many cases keeping the child safe actually means keeping the child alive. That is the stark reality.

Although a DoL order is intended to be a temporary measure, we are seeing these children being kept for significant periods of time in unsuitable accommodation, often far away from their homes and communities and with no clear, therapeutic, 'exit plan'. It is not enough to simply keep children locked away without a clear treatment programme to allow them to return to normal, full lives.

The reality of the situation is that we are experiencing a mental health crisis among our children and young people. The solution should be a health and medical-based one. Instead, social workers and judges are left to do whatever they can because there are insufficient mental health resources to meet the need. Despite rising demand, the number of inpatient child mental health beds has fallen by a fifth since 2017. Many of the children held under a DoL order would formerly have been placed in a secure children's home. Since 2002, 16 secure children's homes have closed and those who remain are more likely to accept the children with the lowest, rather than the highest, levels of need, creating a bizarre 'reverse auction' for scarce beds.

The National Child Safeguarding Practice Review Panel recently carried out an analysis of safeguarding incidents relating to looked after children between June 2018 and June 2020. In that two-year period, 20 children being cared for by the State died and 69 suffered serious harm. The authors of that report concluded that, because of the traumas they had experienced, many of these children had a 'high level of complex and challenging needs'. Although these children were the most in need of treatment and protection 'placements are at times impossible to commission'. The report also concludes that many of the children who died or suffered serious harm would have met the criteria, under s25 Children Act 1989, to be placed in a secure children's home 'but there was no placement availability of secure welfare beds'.

Following a 12-month study of DoL applications, the Nuffield Family Justice Observatory set out five principles of care for children in these situations, saying:

'The principles set out what children with complex needs and circumstances – and at risk of being deprived of their liberty – need.'

1. *'Stable, trusted, valued relationships.'*
2. *'Holistic assessment, formulation and a tailored plan of intervention and support.'*
3. *'Long-term support that is tailored to their needs.'*
4. *'Highly experienced, multidisciplinary teams.'*
5. *'Agency and respect.'*

We would unequivocally support these principles and would urge you to ensure that they form the basis of the actions that you should take.

Yours faithfully

Nagalro