

GUERNSEY STATUTORY INSTRUMENT

2009No 88.

**Children (Secure Accommodation)
(Guernsey and Alderney) Regulations, 2009**

<i>Made</i>	<i>22nd December, 2009</i>
<i>Coming into operation</i>	<i>4th January, 2010</i>
<i>Laid before the States</i>	<i>, 2010</i>

THE HEALTH AND SOCIAL SERVICES DEPARTMENT in exercise of the powers conferred upon it by section 68 and 120 of the Children (Guernsey and Alderney) Law, 2008^a and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

ACCOMMODATION WITHIN THE BAILIWICK

Criteria for designation.

1. Accommodation provided for the purpose of restricting the liberty of a child within the Bailiwick may only be designated as secure accommodation if the Chief Officer of the Department is satisfied that it fulfils the requirements of regulation 2.

Requirements.

2. Secure accommodation shall be -

(a) designed to prevent unauthorised entry or exit,

^a Order in Council No. XIV of 2009

- (b) facilitate supervision and minimise opportunities for self-harm while providing accommodation which is, in so far as is practicable, appropriate to its purpose and function,
- (c) properly maintained and furnished, and
- (d) operated in accordance with any current policies, procedures and guidance of the Department governing the provision of secure accommodation.

Standard of care of children in secure accommodation.

3. Without prejudice to the requirements set out in regulation 2, a child placed in secure accommodation should receive in so far as is necessary, practicable and appropriate the same standard of care as a child otherwise in the care of the States.

Designation.

4. Designation of accommodation may be made on such terms and conditions as the Chief Officer of the Department thinks fit and may include -

- (a) the maximum number of children who can be accommodated, and
- (b) the duration of designation.

Period of designation.

5. Accommodation may only be designated as secure accommodation for a period not exceeding 3 years.

Review of designation.

6. The designation of secure accommodation will be reviewed in accordance with any current policies, procedures and guidance of the Department governing the provision of secure accommodation at intervals of not less than 3 years.

ACCOMMODATION OUTSIDE THE BAILIWICK

Accommodation outside the Bailiwick.

7. Accommodation provided for the purpose of restricting the liberty of a child outside the Bailiwick may only be designated as secure accommodation if the Chief Officer of the Department is satisfied that it -

- (a) complies with the law governing secure accommodation within the jurisdiction of the accommodation, and
- (b) is approved for such use within that jurisdiction at the time of the placement.

Interpretation.

8. (1) In these Regulations, unless the context requires otherwise -

"accommodation" shall include associated outdoor areas,

"Chief Officer of the Department" includes any person acting by or under his authority,

"Children Law" means the Children (Guernsey and Alderney) Law, 2008,

"Department" means the States Health and Social Services Department,

"placement" means placement under section 69 or 71 of the Children Law,

and other expressions have the same meanings as in the Children Law.

(2) The provisions of the Interpretation (Guernsey) Law 1948^b shall apply to the interpretation of these Regulations throughout Guernsey and Alderney.

(3) Any reference in these Regulations to an enactment is a reference thereto or from time to time amended, replaced, re-enacted, extended or applied.

Extent.

9. These Regulations have effect in Guernsey and Alderney.

Citation and commencement.

10. These Regulations may be cited as the Children (Secure Accommodation) (Guernsey and Alderney) Regulations, 2009 and shall come into force on the 4th January 2010.

Dated this 22nd day of December, 2009



A. H. ADAM

Minister of the States Health and Social Services Department

For and on behalf of the Department

^b

Ordres en Conseil Vol. XIII, p. 355.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Children (Guernsey and Alderney) Law, 2008 by the Health and Social Services Department. They make provision relating to the designation and standards of secure accommodation provided for the purpose of restricting the liberty of any child. The Regulations include arrangements for review and the imposition of conditions.

