

Natalie Don-Innes, Minister for Children, Young People and the Promise

Via email: MinisterCYPTP@gov.scot , scottish.ministers@gov.scot

20 February 2025

Dear Minister

I am writing to raise serious and urgent concerns about capacity within the secure accommodation sector. I understand you have been receiving regular briefings on this and expressed your disappointment in the situation yesterday in the Parliament. I am making this correspondence public due to the significant level of risk I consider to exist and due to the safety of children in Scotland being a matter of public interest.

My office has today been made aware of a number of cases over the last few months, two of which are ongoing at the time of writing, where a secure authorisation has been made by a children's hearing, and a Chief Social Work Officer has determined that a secure placement is necessary, but no bed has been available for that child.

I have been told that instead of a placement in a safe and therapeutic environment, with integrated education and mental health support, children have instead had to be placed in what has been described to me as 'cobbled together' provision, with social workers and others trying to find ways of keeping them safe.

We are concerned to hear that there may in effect be a two-tier system in operation, in which children placed through the hearings system are less likely to get a bed than children placed by the court. Children assessed as meeting the secure threshold via the hearings system are not at any less risk or in any less need of protection.

It is important to be clear that responsibility for the legislative arrangements related to secure, the related policies and practice, and the human rights of **all children** requiring secure care, rests with Scottish Ministers.

I welcome the general direction of travel, including the provisions in the Care and Justice (Scotland) Act 2024 which finally resulted in an end to the detention of children

in Polmont YOI. I have also welcomed the Reimagining Secure Care work. But despite Government having long lead-in times to prepare the infrastructure for legislative change, progress has been too slow. It must now be accelerated as a matter of urgency.

While I acknowledge that the moratorium on admissions to St Mary's has contributed to increased pressure on the system, there has been a lack of urgency around action and progress made by Scottish Ministers to take the necessary steps to ensure that there is sufficient secure provision to meet the need.

My office contributed to the inquiry held by the Scottish Parliament's Justice Committee in 2019 in which we argued that the key question was to ask:

"which risk we are happier to bear. Are we happier for beds to be in secure and underutilised, or for a child to need a bed but not be able to access one?"

That remains my offices very strong view. I was therefore surprised and disappointed to hear you say in the Parliament on 8 January 2025 that:

"...redundant overprovision would run contrary to keeping the Promise and would be intolerably expensive."

I suggest that what is intolerable is that a vulnerable child should be denied the support and protection they require when they require it, with all of the obvious and significant risks that entails.

There clearly remain serious issues with the capacity and resilience of the sector which are impacting now on the safety, rights and wellbeing of some of Scotland's most vulnerable children.

I would be grateful to receive an urgent response with the following information, before we meet on 13 March 2025:

- How many children in each of the last six months have been unable to be placed in secure when a hearing authorised the placement and a CSWO determined that it was necessary?

- What consideration is Scottish Government giving to national co-ordination of secure placements given the crisis the system is currently experiencing?
- What steps is Scottish Government taking to ensure that sufficient secure beds, of sufficient quality, are available for the children who need them? When will this detailed information be made available to the Scottish Parliament for their scrutiny?

Yours sincerely



Nicola Killean

Children and Young People's Commissioner Scotland