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| http://www.dcsf.gov.uk/system/style/new/img/DfE_Small_Logo.GIFPlacing Children on Remand in Secure Accommodation: Consultation on Changes to the Children (Secure Accommodation) Regulations 1991Consultation Response FormThe closing date for this consultation is: 7 December 2012Your comments must reach us by that date. | frontPageSpacer |
|  |

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

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| --- | --- |
| **Please tick if you want us to keep your response confidential.** | optionBox |
| Reason for confidentiality: |
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| --- | --- |
| Name | textBox |
| Organisation (if applicable) | textBox |
| Address: | textBoxLarge |

If your enquiry is related to the policy content of the consultation, you can contact the Department's national enquiry line on 0370 000 2288 or email SarChanges.CONSULTATION@education.gsi.gov.uk

 If you have a query relating to the consultation process you can contact the CYPFD Team by telephone: 0370 000 2288 or via the Department's ['Contact Us'](http://www.education.gov.uk/help/contactus) page.

Please mark the category which best describes you as a respondent

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| optionBox | Children's home provider/registered manager | optionBox | Police or law enforcement agency | optionBox | Local Authority |
| optionBox | Youth Offending Teams | optionBox | Local Children’s Safeguarding Board | optionBox | Voluntary organisation |
| optionBox | Other Government Department |  |  |  |  |

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1 **Do you agree that the modified test [in Regulation 6(2) of the Children (Secure Accommodation) Regulations 1991] should be revoked for children aged 12-17 who have been remanded by the courts to Local Authority Accommodation?**

**If you disagree can you please give your reasons?**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| optionBox | Yes | optionBox | No | optionBox | Not Sure |

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2 **Do you agree with the proposal at paragraph 3.11 to revoke the ‘modified test' in Regulation 6 of the Children (Secure Accommodation) Regulations  for 10-11 year olds who have been remanded by the courts to local authority accommodation?**

**If you disagree can you please give your reasons?**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| optionBox | Yes | optionBox | No | optionBox | Not Sure |

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3 **Do you agree that the application of the welfare test (described at paragraph 2.4) is sufficient to allow these children to be placed in secure accommodation in appropriate circumstances?**

**If you disagree can you please give your reasons?**

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| --- | --- | --- | --- | --- | --- |
| optionBox | Yes | optionBox | No | optionBox | Not Sure |

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4 **In line with the analysis in paragraph 4.2, do you agree with the proposal  that the modified test in Regulation 6 of the Children (Secure Accommodation) Regulations 1991 should be retained as the test that  the local authority must apply in considering whether to securely detain 12-16 year olds transferred to local authority care under section 38(6) of PACE?**

**If you disagree can you please give your reasons?**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| optionBox | Yes | optionBox | No | optionBox | Not Sure |

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5 **In line with the analysis in paragraph 4.6, do you agree that  the ‘modified test' in Regulation 6(2) should be revoked in favour of the ‘welfare test'  contained in section 25 of the Children Act 1989 for children age 10 to 11 who should  be transferred from police detention to local authority care under PACE?**

**If you disagree can you please give your reasons - e.g. is there a possibility that dispensing with the ‘modified test' currently in Regulation 6 might lead to 10-11 year olds being detained in police custody who might otherwise have been transferred to the care of the local authority?**

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| --- | --- | --- | --- | --- | --- |
| optionBox | Yes | optionBox | No | optionBox | Not Sure |

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Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply **

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

|  |  |
| --- | --- |
| optionBoxYes | optionBoxNo |

All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance)

The key Consultation Principles are:

* departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
* departments will need to give more thought to how they engage with and consult with those who are affected
* consultation should be ‘digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
* the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Responses should be completed on-line or emailed to the relevant consultation email box. However, if you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Coordinator, tel: 0370 000 2288 / email: carole.edge@education.gsi.gov.uk

**Thank you for taking time to respond to this consultation.**

Completed questionnaires and other responses should be sent to the address shown below by 7 December 2012

Send by post to:  FAO Mark Burrows, Department for Education, Sanctuary Buildings, Great Smith Street, Westminster, London, SW1P 3BT

Send by e-mail to: SarChanges.CONSULTATION@education.gsi.gov.uk