

REPORT TO: SOCIAL WORK COMMITTEE - 15th May 2006
REPORT ON: DETENTION OF CHILDREN
REPORT BY: DIRECTOR OF SOCIAL WORK
REPORT NO: 290 - 2006

1 PURPOSE OF THE REPORT

The report advises members of a protocol between Dundee City Council and Tayside Police concerning the detention of children.

2 RECOMMENDATIONS

2.1 It is recommended that the Social Work Committee: -

2.1.1 notes that a "Detention of Children" protocol has been developed

2.1.2 instructs the Director of Social Work, in conjunction with the Chief Constable and the Chief Executive, to implement the protocol

2.1.3 instructs the Director of Social Work, in conjunction with the Chief Constable and the Chief Executive, to ensure all relevant staff are made aware of the existence of the protocol and are appropriately trained

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report, as training will be provided within existing budgets.

4 LOCAL AGENDA 21 IMPLICATIONS

4.1 The proposals in this report promote improved safety for local communities and the citizens of Dundee.

5 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 The proposals in the "Detention of Children" protocol will ensure the fair and just treatment of children who are detained, in accordance with the principles of the European Convention on Human Rights.

6 MAIN TEXT

6.1 The Human Rights Act 1998 formally incorporated the European Convention of Human Rights into United Kingdom law in October 2000. The Convention requires public authorities to observe three main principles in any actions that it takes:

- Legality - Every action must be permissible by statute or common law
- Necessity or Legitimate Aim - There must be a clear and necessary reason for any action
- Proportionality - Public authorities must consider and balance the rights and needs of individuals against those of the wider society and state. Any restriction of an individual's rights and freedoms must be only what is reasonable to achieve a legitimate aim.

6.2 The above principles have been incorporated into a protocol between Dundee City Council and Tayside Police to govern the various circumstances and scenarios whereby children are detained and/or arrested by the Police. The protocol outlines the obligations and duties on the Police and Dundee City Council that are contained within legislation and local policy/procedure.

6.3 The protocol places clear duties on the Police and the local authority to involve parents in the process where possible and if appropriate to do so. Such involvement helps to reinforce parental responsibility and thereby reduce the likelihood of future problems.

6.4 The main aspects of the protocol relevant to the local authority are,

- the involvement of a social worker to act as an appropriate adult in certain circumstances
- the provision of assistance from a social worker to find appropriate accommodation in certain circumstances
- the provision of accommodation as a "place of safety" for a child in certain circumstances
- the provision of secure accommodation for children who meet specific criteria and in certain circumstances prescribed by legislation

6.5 Multi-agency awareness-raising training will be delivered in the coming months to ensure that relevant staff are aware of the implications of the protocol.

7 **CONSULTATION**

7.1 The Chief Executive, Depute Chief Executive (Finance) and Depute Chief Executive (Support Services) have been consulted in the preparation of this report. Consultation has also been undertaken with the Assistant Chief Executive (Community Planning), and the Directors of Housing, Education, and Leisure and Communities.

8 **BACKGROUND PAPERS**

None.

Alan G Baird
Director of Social Work

Date: 5 May 2006