

Independent Advocacy Support for Cross-Border Placements in Scotland



This leaflet provides guidance for managers and staff of Secure or Residential Accommodation Units in Scotland regarding Deprivation of Liberty Orders (DOLs) for children under 18 placed from other parts of the UK.

Key Points:

- **DOLs as CSOs:** DOLs are treated as Compulsory Supervision Orders (CSOs) in Scotland, but they are not converted into CSOs. The original placing authority remains responsible for implementing the DOL order and the child's welfare.
- **Placing Authority Responsibilities:** The placing authority must complete necessary legal forms, support the child, cover costs, and ensure the DOL order is legally recognised in Scotland.
- **Scottish Government Responsibilities:** The Scottish Government oversees the process, ensuring the placement is authorised and offering independent advocacy for the child within three days of their move.
- **Advocacy Support:** Independent advocacy helps the child express their views on their placement in Scotland, supplementing existing support systems from their home area.

Offer of Advocacy Support

When a child subject to a Deprivation of Liberty Order (DOL) is placed in a Scottish residential setting, the Scottish Government's Children's Hearings Team will contact the care setting to offer independent advocacy for the child, ideally within 3 days of their move. This is reliant on the placing local authority sending a completed notice and undertaking ahead of the placement starting.

Key Points:

- **Notification and Offer:** The Children's Hearings Advocacy Team informs the care setting about the advocacy organisation that can support the child.
- **Supplementary Support:** Independent advocacy from third sector Children's Hearings national providers complements existing support, such as a Guardian from the child's home area.
- **Purpose:** Advocacy helps the child express their views on their experience in their placement, ensuring it aligns with their child's plan and welfare and helps them make sure their rights are upheld. Advocacy is completely independent of other decision makers and works only for the child.
- **Communication of Concerns:** The residential provider must address any concerns with the placing authority, involving local partners if necessary.
- **Advocacy Role:** If the young person agrees, the independent advocate will visit them in their care setting and will maintain communication by the young person's preferred method. They will listen to the young person and help them communicate their views in planning and review meetings. Even if initially declined, the offer of advocacy will remain open to the child for the duration of their placement and should be regularly discussed with them.

If you have not been contacted by the Scottish Government's Children's Hearing Team within 3 days of the young person's arrival at their placement, please contact: crossborderplacements@gov.scot