



# Care for children on deprivation of liberty orders

Issues & Challenges





# We improve the lives of children and families by putting data and evidence at the heart of the family justice system.



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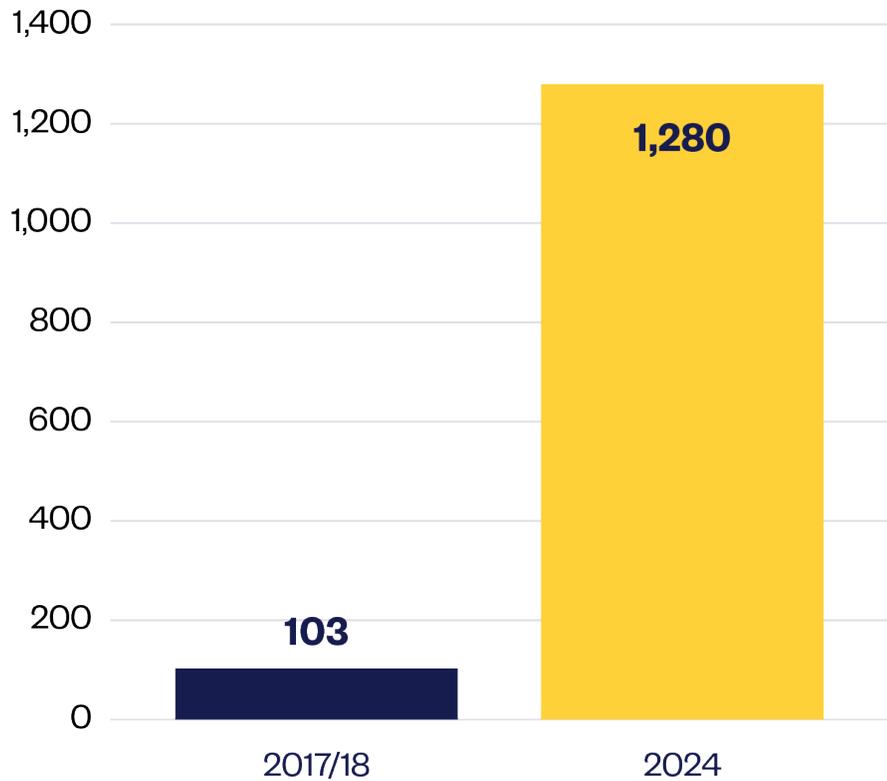
# Deprivations of Liberty

There are three routes for the authorisation of Deprivation of Liberty for under on 'welfare' grounds authorised by the Family Court:

- Secure Accommodation pursuant to Section 25 of the Children Act 1989 or s.119 of the Social Services and Well-being Act (Wales) 2014
- For 16 & 17 year olds who lack capacity, via an application to the Court of Protection pursuant to the Mental Capacity Act 2005
- Under the Inherent Jurisdiction of the High Court

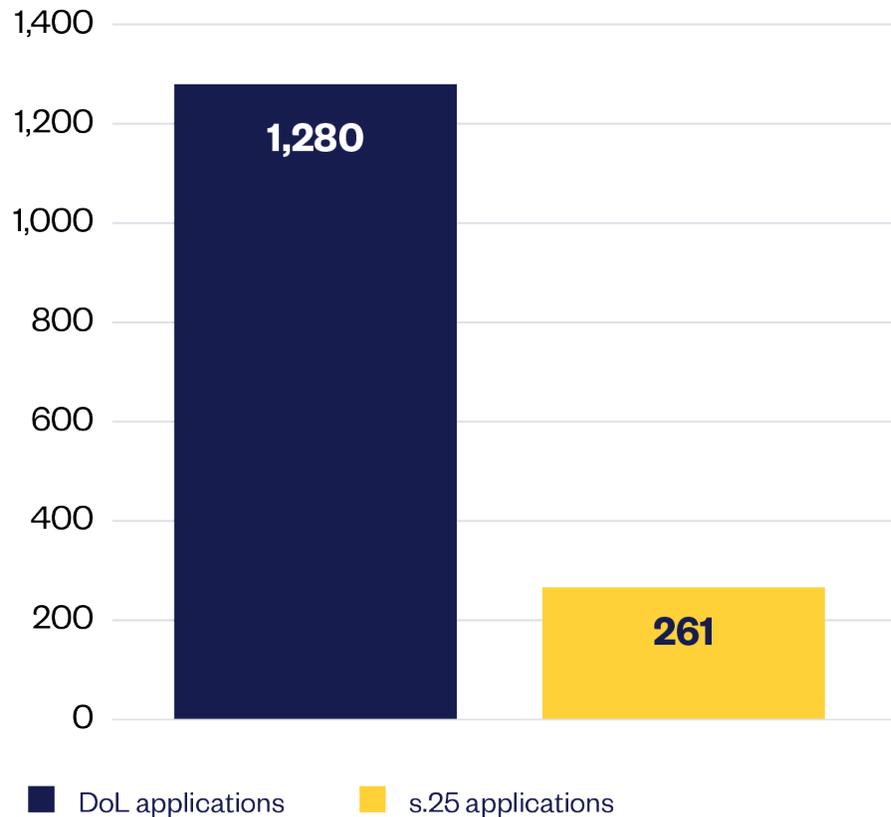
# Rise in use of deprivation of liberty orders

Number of applications per year



Source: Cafcass and Ministry of Justice

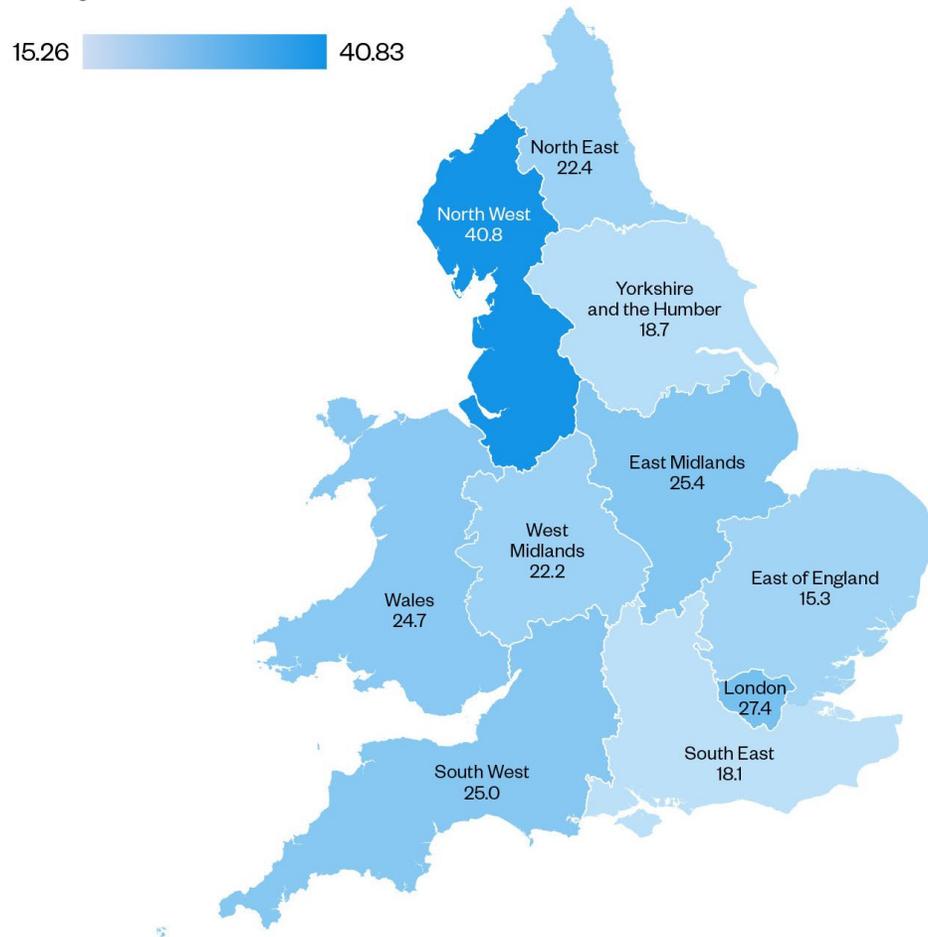
Number of DoL and secure accommodation applications, 2024



Source: MoJ (2025)

# A nationwide problem

Rate of applications per 100,000 children by region, England and Wales, July 2022 to June 2023



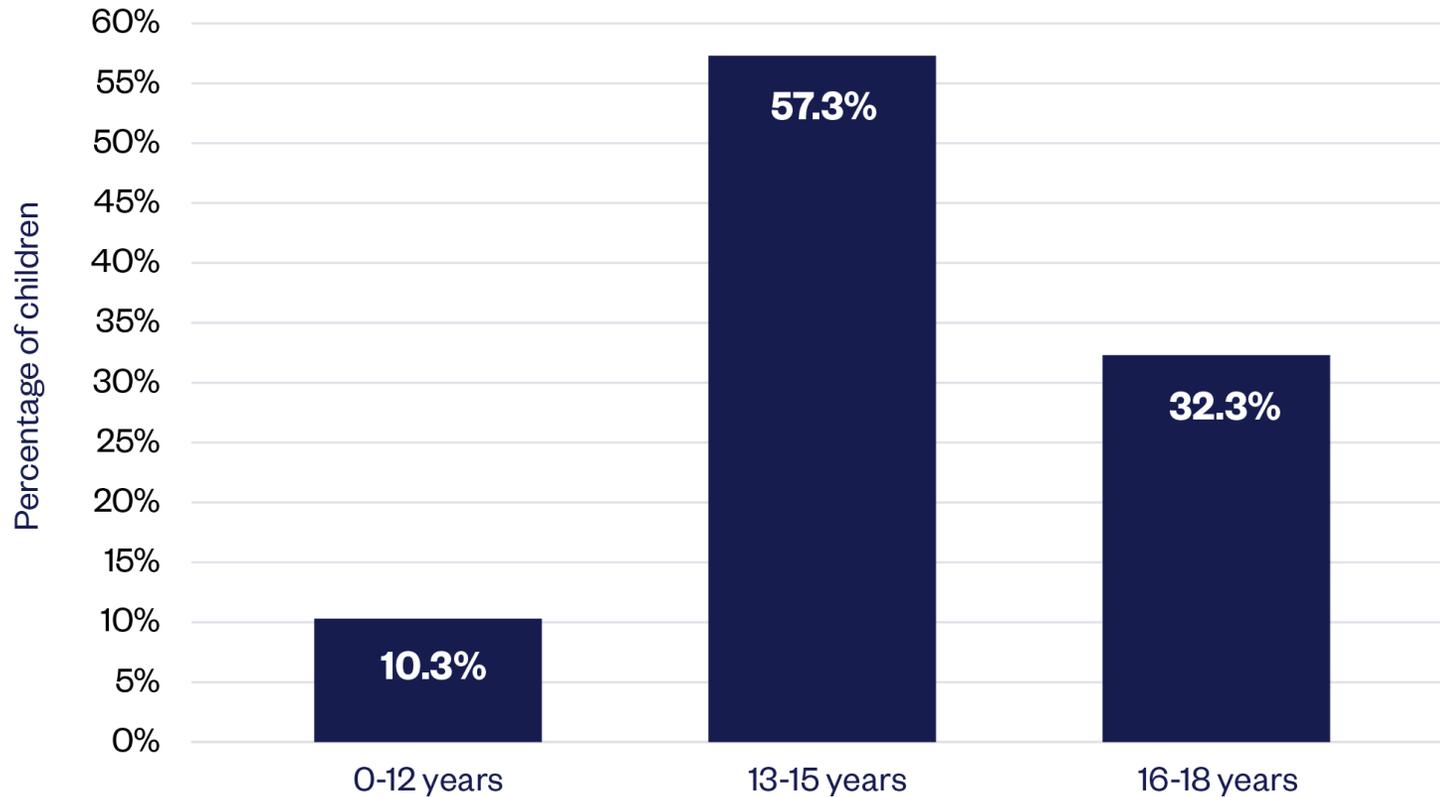
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94% of English local authorities made an application for a deprivation of liberty order in a 12-month period

Source: Nuffield FJO (2023)

# Not only teenagers

## Age of children subject to DoL applications in 2024

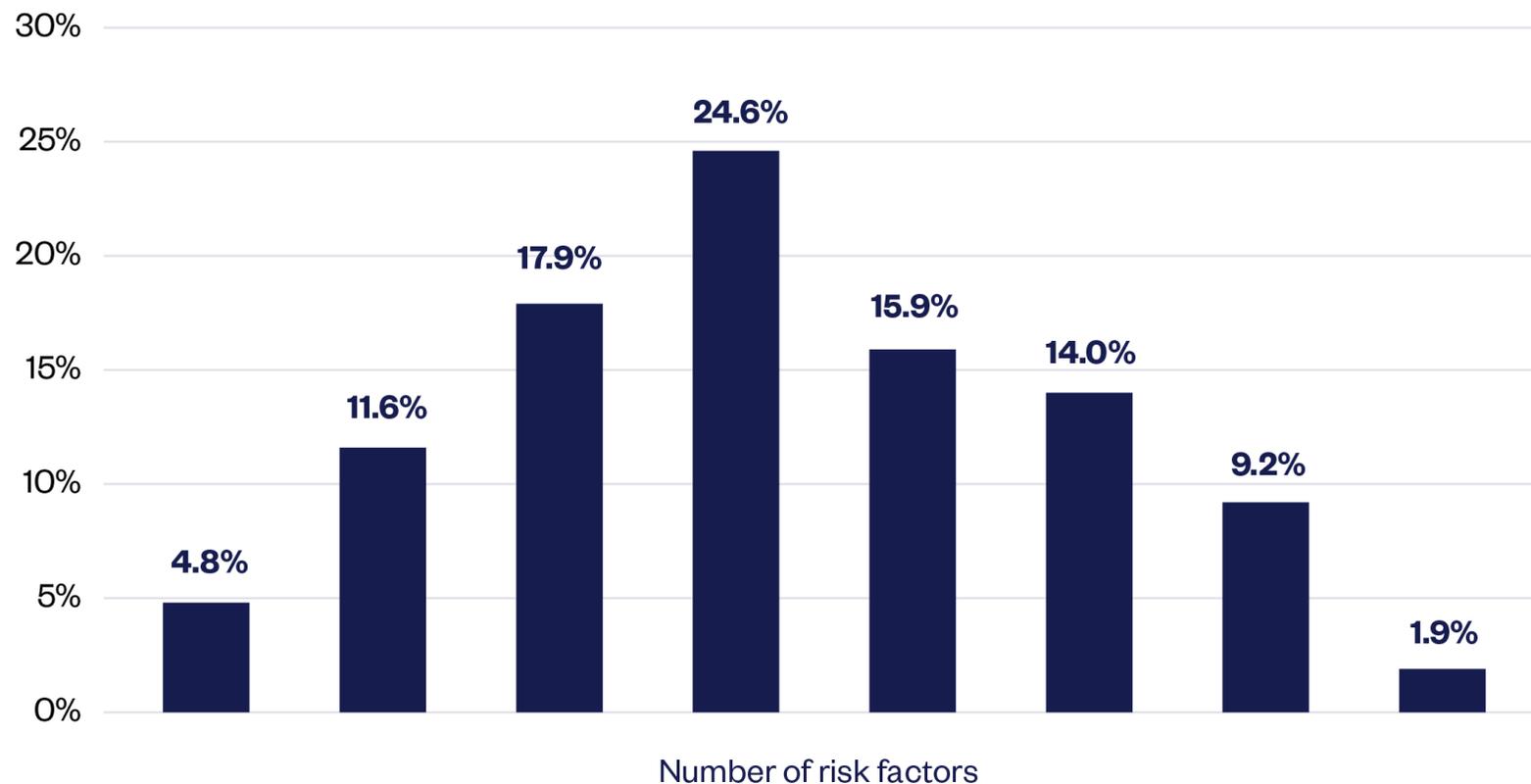


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One in ten is under the age of 13

# Complex lives not complex children

## Aggregate number of risk factors present in all cases

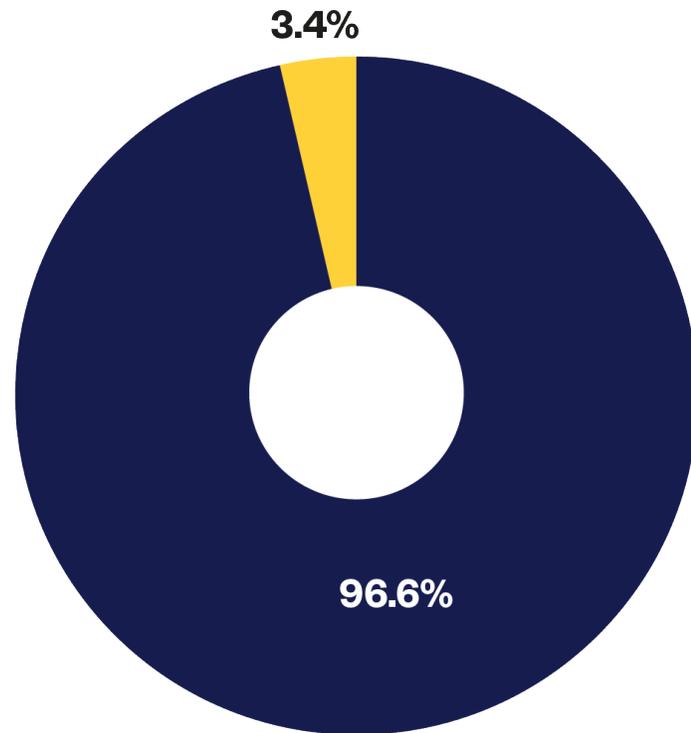


Source: Nuffield FJO (2023)

- being a risk to others
- going missing
- self-harming
- having poor mental health
- having a neuro-developmental disorder
- having a disability
- being sexually exploited
- being criminally exploited
- misusing alcohol/drugs
- having a placement breakdown
- being out of education

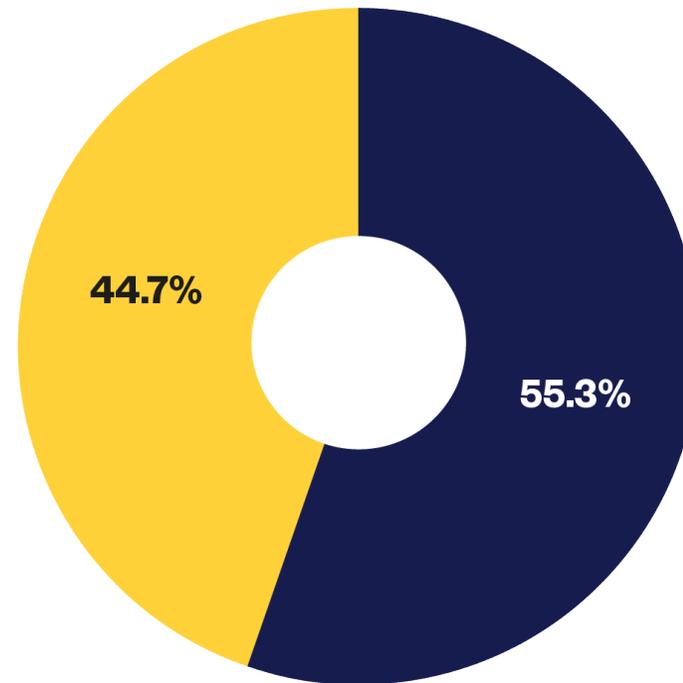
# With systems unable to respond to their needs

Most children are in care



■ In care ■ Not in care

Disrupted care history



■ Multiple placement breakdown ■ Stable placement

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Of 208 deprivation of liberty applications, only 10 children had recently come to the attention of the local authority

Source: Nuffield FJO (2023)

# Disintegration & complexity

- The evidence suggests that presenting needs are similar for children and young people subject to applications and those referred to secure children's homes (Research in Practice, 2025)
- A census of all children and young people living in secure care in England (welfare, youth justice and mental health settings) in September 2016 found that almost 1 in 5 (17%) had moved from another secure establishment to the present one (Hales et al., 2018). At the time of the survey, most of those entering secure care appeared to continue along the same 'legislative path'
- Complexity emerges when multiple professionals and services are involved in children's lives.

# Disintegration & significant challenges

- There just aren't enough placements:
  - Lack of capacity in registered provision & secure
  - Not meeting Mental Health Act thresholds
  - Drive to reduce inpatient 'tier 4' beds
  - Reductions in use of youth custody
- Placements are not always regulated
- It is not uncommon to have 'Bespoke' arrangements involving 3:1 supervision of children in BnBs
- Placements are out of area placements breakdown
- Escalation between agencies
- Issues at transition

Challenging orders is extremely challenging, not least as parents do not receive legal aid

# Children and carers have limited voice

9.6%

Children attended at least one hearing in their case

4.8%

Children spoke to the judge directly before the hearing

5.8%

Children had written to the judge to share their views

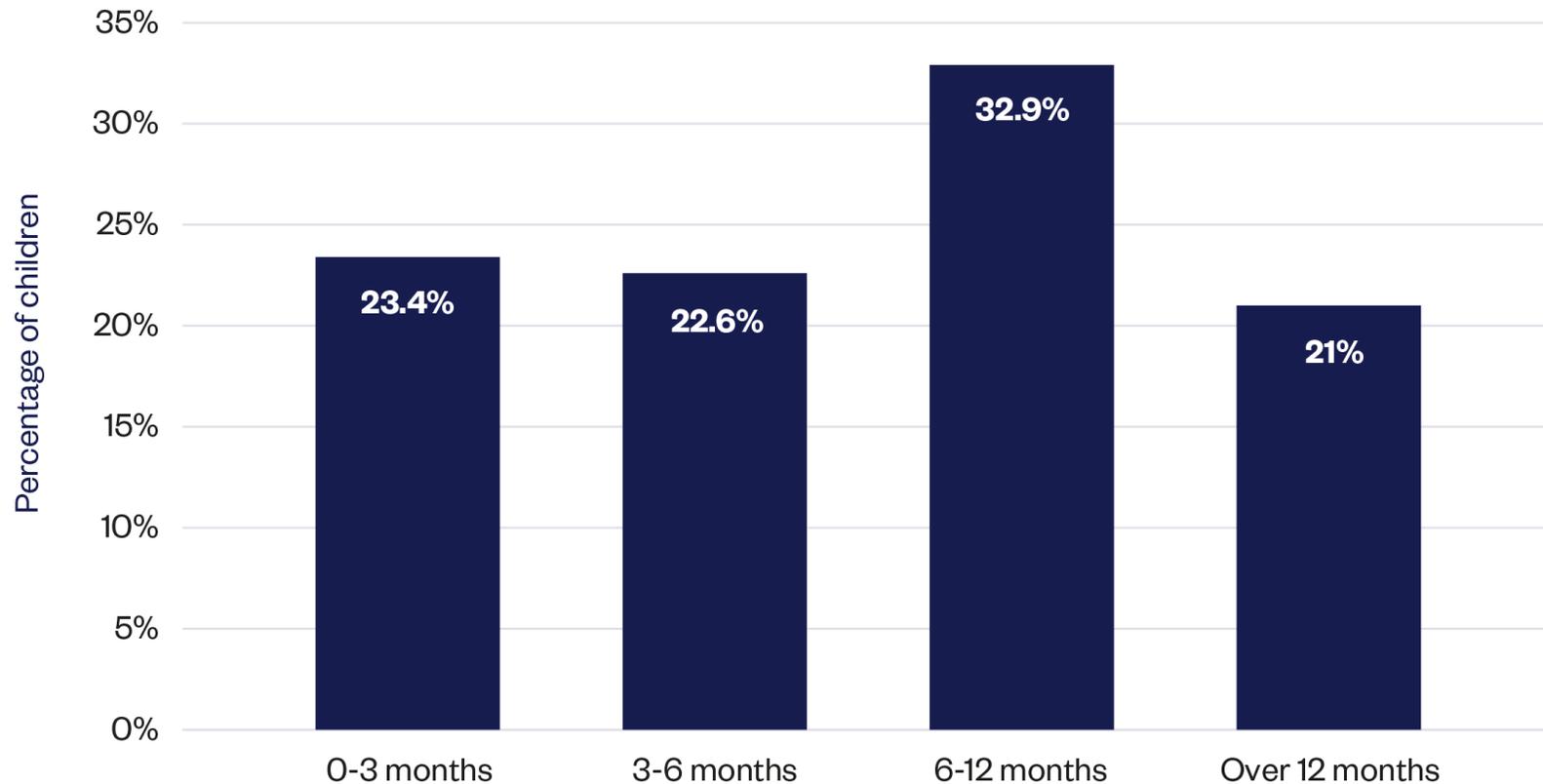
88.5%

Parents and/or carers were not legally represented at any hearing in their case



# Severe, long-term restrictions

## How long are children subject to DoL orders?



Source: MoJ (2025)

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Each child was subject to an average of 6 different types of restriction, including in almost all cases constant supervision.

The use of restraint was permitted in over two-thirds of cases.

Restrictions were rarely relaxed.

Source: Nuffield FJO (2023)

# Life under a DoL order

There is often little therapeutic support and scant, if any education:

- Socially isolated
- Out of education
- Unmet mental health needs
- Short term plans
- Inexperienced staff
- Limited agency



Sources: Nuffield FJO (2024); Office of the Children's Commissioner (2024)

# What does good care involve?

1. Stable valued, trusted relationships
2. Holistic assessment, formulation and tailored plan of intervention
3. Long term support
4. Highly experienced multidisciplinary teams
5. Agency and respect

Source: Nuffield FJO (2023)



# What needs to change?

- An ecosystem of care with the child at the centre
- Building on the Framework for Integrated Care
- Skilled professionals wrap around everyday care, unlock access to specialist support
- Integrated care follows the child into the community
  - Family
  - Transitions
- Reach across organisational boundaries

