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| **Title: Protocol for the Exercise of Joint Responsibilities between Bexley Youth Offending Service (YOS) and Bexley Children’s Social Care (CSC)** | |
| ***Date of publication:***  *May 2018*  ***Date of review:*** *June 2020*  *Next review: June 2021* | ***Responsible Manager:*** *Deputy Director, Children’s Social Care & Deputy Director for Educational Achievement and Inclusion* |
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| **Associated statutory guidance and regulations:**  Working Together to Safeguard Children (July 2018), the London Child Protection Procedures (Updated September 2019)  Pan London Child Sexual Exploitation Operating Protocol (June 2017)  The National Youth Justice] Protocol for Case Responsibility (January 2018)  The Home Office Concordat on Children in Custody (October 2017)  London Protocol for the provision of local authority accommodation for children held in police custody (July 2019)  Section 37 of the Crime and Disorder Act 1998 | |
| **Key Objectives (including Signs of Safety principles to apply)** | |
| The purpose of this protocol is:   * to confirm the commitment of CSC to delivering their individual key responsibilities and co-operate in the joint objectives, where relevant, of YOS responsibilities * to confirm that suitable arrangements are agreed and in place between services provided by the YOS and CSC * to confirm the commitment of CSC under Section 17 of the Crime and Disorder Act 1998 to prevent offending by children and young people * to confirm the commitment of CSC and YOS under Section 15 of the Children and Young Persons Act 2008 (which inserted a new section 23ZA into the 1989 Children Act) to comply with the guidance and regulations of the local authority’s responsibility towards former Looked After Children in custody * to confirm the commitment of CSC to comply with Chapter 3 of LASPOA and associated guidance * to confirm the commitment of the YOS to promote the safety and well-being of children and young people * to confirm the commitment of the CSC stemming from the Youth Justice assessment framework and for Youth Rehabilitation Orders (YRO) as outlined in the Criminal Justice and Immigration Act 2008 in relation to related requirements such as a local authority residence requirement. * to confirm that the YOS will operate in accordance with the Pan London Child Protection Procedures (updated September 2019), Working Together to Safeguard Children (updated July 2018) and the Pan London Child Sexual Exploitation Operating Protocol (amended September 2019) alongside Bexley CSC and Bexley Safeguarding Partnership (S.H.I.E.L.D.) | |
| **Detailed advice:**  **As follows** | |

**Protocol for the Exercise of Joint Responsibilities**

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**between**

**Bexley Youth Offending Service**

**and**

**Bexley Children’s Social Care**

**February 2020**

**Next Review February 2021**

**Protocol for the Exercise of Joint Responsibilities between the Youth Offending Service and Children’s Social Care.**

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**1. INTRODUCTION**

The welfare of children and young people is a shared concern, all involved must aim for a consistent, continuous service within which resources are effectively managed. This provides a framework to support these objectives and should be read in conjunction with Working Together to Safeguard Children (July 2018), the London Child Protection Procedures (Updated September 2019) and the Pan London Child Sexual Exploitation Operating Protocol (amended September 2019), the National Youth Justice] Protocol for Case Responsibility 2018, the Home Office Concordat on Children in Custody (October 2017) and the London Protocol for the provision of local authority accommodation for children held in police custody (July 2019)

Section 37 of the Crime and Disorder Act 1998 states;

(1) It shall be the principal aim of the Youth Justice System to prevent offending by children and young persons.

(2) In addition to any other duty to which they are subject, it shall be the duty of all persons and bodies carrying out functions in relation to the Youth Justice System to have regard to that aim.

The importance of working together to safeguard young people, reduce risk of harm and re-offending is an essential element of the work undertaken by the YOS. For non-criminal matters the YOS will refer to partner agencies, e.g. for young people aged 16/17 who are homeless or are at risk of homelessness a referral by the YOS would be made to the Multi-Agency Safeguarding Hub (MASH) who will make a decision about whether the child requires accommodation and/or a child and family assessment is required which incorporates the principles of the Southwark Judgment.

This YOS/CSC protocol and information sharing arrangements gives due regard to the General Data Protection Regulation (GDRP) and there will always be a presumption to gain consent to share information. However, should consent to share information be denied in matters where there are safeguarding or public protection concerns or where the judicial process will be impeded by this refusal (e.g. consent to share information for a court ordered pre-sentence report) the YOS will override the need for consent to be obtained as part of our defensible decision making process.

**2. PURPOSE OF THE PROTOCOL**

The purpose of this protocol is:

* to confirm the commitment of CSC to delivering their individual key responsibilities and co-operate in the joint objectives, where relevant, of YOS responsibilities
* to confirm that suitable arrangements are agreed and in place between services provided by the YOS and CSC
* to confirm the commitment of CSC under Section 17 of the Crime and Disorder Act 1998 to prevent offending by children and young people
* to confirm the commitment of CSC and YOS under Section 15 of the Children and Young Persons Act 2008 (which inserted a new section 23ZA into the 1989 Children Act) to comply with the guidance and regulations of the local authority’s responsibility towards former Looked After Children in custody
* to confirm the commitment of CSC to comply with Chapter 3 of LASPOA and associated guidance
* to confirm the commitment of the YOS to promote the safety and well-being of children and young people
* to confirm the commitment of the CSC stemming from the Youth Justice assessment framework and for Youth Rehabilitation Orders (YRO) as outlined in the Criminal Justice and Immigration Act 2008 in relation to related requirements such as a local authority residence requirement.
* to confirm that the YOS will operate in accordance with the Pan London Child Protection Procedures (updated September 2019), Working Together to Safeguard Children (2018) and the Pan London Child Sexual Exploitation Operating Protocol (3rd edition June 2017) alongside S.H.I.E.L.D. – Bexley Safeguarding Partnership Policies.

**3. RESPONSIBILITIES OF THE YOUTH OFFENDING SERVICE AND CHILDREN’S SOCIAL CARE**

3.1 **Responsibilities of the YOS to promote the safety and well-being of children and young people**

The Children Act 2004 sets out a requirement for YOTs to co-operate with all local children’s services in their duty to promote the safety and well-being of children and young people. This will be achieved by the following:

* the YOS, in conjunction with CSC, will care plan in advance services for young people leaving custody giving due regard to issues relating to risk and safety and wellbeing
* the YOS will seek a consultation in the MASH where they are worried about a child and will refer concerns through the MASH on a case by case basis as appropriate
* CSC will be the lead agency for cases involving Child In Need, Child Protection (CP), Looked After Children or those Remanded to the Local Authority (REMLAA) or to Youth Detention Accommodation (YDA)
* the YOS will contribute to reviews of children who are looked after, subject to child in need or child protection plans who are also offending
* YOS Intervention plans involving a looked after child will inform and complement the overall care plan and Pathways Plan for Eligible, Relevant and Former Relevant children
* the YOS will share, through the YOS’s Multi-Agency Risk Management or the Complex Needs Panel, the Multi-Agency Serious Violence Prevention Panel (SVPP), the Operational MASE meeting, and the Multi Agency Public Protection Arrangements (MAPPA) process, information on relevant children and young people who are known to the YOS
* The YOS will provide Youth Justice Services if offences are committed by children and young people placed in the area by other authorities, and will liaise with Bexley CSC and the child’s home area if there are any concerns which may require investigation under Section 47, Children Act 1989. The Chair of the YOS Management Board will be a member of the Bexley Safeguarding Partnership S.H.I.E.L.D. and the YOS will submit reports to the Partnership including relevant data and issues arising relating to the YOS cohort profile and re-offending data as requested. The YOS will be a member of the Strategic MASE to contribute to the multi-agency strategic response to contextual safeguarding in Bexley.
* The YOS and CSC will have due regard and operate in accordance with the Pan London Child Protection Procedures (2018), Working Together to Safeguard Children (2018) and The Children Act 1989 (2015) Volume 2 Care Planning, Placement and Care Review – Children Who Are Remanded.

3.2 **Responsibilities of Children’s Social Care under Section 17 of the Crime**

**and Disorder Act and Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012**

CSC will contribute to fulfilling the statutory aims of the youth justice system.

This will be achieved through:

* provision of social care services to meet the assessed needs of children and young people in the Criminal Justice System, child protection intervention, children in need services, S20, family support services, secure placements on welfare grounds and REMLAA and YDA
* CSC will ensure that Looked After Child reviews for children and young people in the criminal justice system are conducted in accordance with National Standards for Youth Justice (including those in custody and REMLAA or YDA)
* CSC will share information with the YOS on children and young people considered to be at risk of offending.

3.3 **CSC and SHIELD policies**

The Pan London Child Protection Procedures, Working Together to Safeguard Children and the Pan London Child Sexual Exploitation Operating Protocol are available to download on the internet. All CSC protocols and policies are available on Tri-Ex <https://bexley.proceduresonline.com/index.html> and SHIELD protocols and policies are available at [www.bexleylscb.org.uk](http://www.bexleylscb.org.uk).

1. **INFORMATION SHARING PRINCIPLES AND ARRANGEMENTS**
   1. **The Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 states that information should be shared between agencies if it contributes to the reduction or prevention of offending. This is the measure that should be used on a case by case basis when the YOS and CSC share information.

This definition is appropriately interpreted to include the sharing of information with whom it may concern to protect children, young people and staff. The sharing of relevant information is recognised as crucial for assessment, planning and intervention processes.

CSC provides the YOS with a read-only access to the CSC database for the purpose of information sharing. It is not possible for this set up to be reciprocated, however YOS will share information with CSC on a case by case basis.

At the earliest opportunity the YOS and CSC will consult with each other when a child or young person is known to either. They will share all relevant information in order to reach a joint decision about the most appropriate course of action for the young person

The YOS and CSC will use a Secure Email Facility to exchange information when communicating externally

A record of disclosure will be made by the YOS and CSC on their respective databases.

4.2 **InitialDisclosure of Information to Children’s Social Care regarding children and young people in, or at risk of going through, the Youth Justice System**

4.2.1 **Police to Local Authority**

When a young person aged 10-17 is arrested or comes to police notice, this will be recorded by the arresting/attending officer on MERLIN. Any initial safeguarding concerns identified by the arresting officer will have been dealt with by police and highlighted on MERLIN. Out of hours, the Council’s social care Out of Hours team is contacted by Police; at other times, CSC contact is made via the MASH.

Within 3 working days, the Public Protection Desk (PPD) within Bexley Borough Police,

based within the MASH, will screen and forward, where relevant, the MERLIN record onto

Bexley YOS police officers.

The YOS police officers, based within the MASH, receive a MERLIN notification and conduct research and a risk assessment, adding more relevant information known about the individual to the MERLIN. Where the YOS police officers identify new safeguarding concerns, they will notify CSC/MASH. Once the YOS police officers’ checks are complete, the Police Electronic Notification to YOS (PENY) will be forwarded to the YOS, normally within 3 working days.

For more information about the YOS/Police notification process, please refer to Bexley

YOS/Police information sharing protocol available on Tri-Ex and in the YOS handbook.

4.2.2 **YOS to Children’s Social Care**

On receipt of the PENY notification, the YOS will check whether the child has previously

been the subject of a PENY, is known to Children’s Social Care or is already under YOS supervision. Where any safeguarding concerns are identified by the YOS post arrest or a sexual or violent offence by a young person has been alleged, the YOS will discuss the

MERLIN with a MASH manager if they are not already open to CSC. Where necessary,

the YOS will make an inter-agency referral to CSC.

Where the young person is open to CSC, the YOS will check that the MERLIN has been recorded on CSC database and advise the allocated social worker of the PENY report on

the day of receipt and no later than 2 working days of receipt. The YOS will also advise

other children’s services, e.g. Early Help, where it is known that they are working with the

family/young person and it is appropriate to do so.

For young people released under investigation, following arrest and pending investigation

(i.e. no active YOS supervision), the YOS will also determine whether an inter-agency referral to CSC is required.

In Bail or investigation matters, pending charge, the YOS will not contact the alleged offender or their family/carer until the outcome of the investigation is confirmed by police. For welfare concerns arising from the alleged offence, the MASH will decide whether the criteria for a child and family assessment has been met, and will consider signposting to other services. Where the YOS checks identify that CSC has not been aware of the investigation, the YOS will discuss the circumstances with a MASH manager to decide if the report should be re-submitted into the MASH for screening or if an inter-agency referral is required.

Where the investigation outcome results in a referral to YOS for out of court disposal, in matters involving sexually harmful behaviour, the YOS will review with police and determine what pathway is appropriate. This review will bear in mind issues relating to the need for appropriate information sharing with schools and other prevention and diversionary services to safeguard the child and other children. In such instances the YOS will discuss with the MASH and, if deemed necessary, will complete an inter-agency referral to CSC.

The YOS will inform the allocated social worker of the outcome of Bexley Court hearings and adjournment dates on the day they receive notification, wherever possible, and for hearings at courts outside of Bexley, as soon as they are informed.

If the young person is placed out of borough by CSC and new offences come to the notice of the allocated social worker, they must advise the YOS of these new matters, wherever possible, on the day they are informed.

4.3 **Young people charged with a sexual offence or subject to a notification requirement under the Sexual Offences Act 2003**

Where a child or young person is charged with an offence who, if convicted, would be subject to a notification requirement under the Sexual Offences Act 2003 (The sexual offences are set out in Schedule 3 of the SOA 2003 and the other non-sexual offences are contained in schedule 5 of the same Act)., the young person’s personal particulars and full details of the offence will be sent by the YOS to CSC within two workingdays of the notification of referral. It would be expected that CSC would receive initial details into the MASH but this will be checked by the YOS. The YOS and CSC will jointly consider if a serious incident notification to the Director of Children’s Services is required.

Where a Looked After Child is arrested and released on police bail or pending investigation for an alleged offence, as above, the notification should be made immediately, either way (YOS to CSC, CSC to YOS), as it may have implications for their placement and out of borough supervision arrangements. The YOS and CSC will jointly consider if a serious incident notification to the Director of Children’s Services is required.

On conviction of an offence, as above, the Pre-Sentence Report (PSR) and AssetPlus assessment will be provided to the relevant CSC Social Worker to ensure that the child’s or young person’s details are properly recorded and disclosed to relevant authorities when required.

Where a young person is charged with a less serious sexual offence, the YOS will inform the MASH and any arising safeguarding issues (for example, if the young person lives with younger children) will be carefully considered. Where appropriate, the YOS will complete an inter-agency referral to CSC.

1. **LIAISON AND DIVERSION FOR LOOKED AFTER CHILDREN**

Where a Looked After Child is alleged to have committed an offence whilst placed in residential accommodation, with foster carers, in semi-independent or other placements, the allocated social worker will discuss with the YOS if the child can be diverted for an out of court disposal or Triage

5.1 **Triage Referrals to the YOS can be considered when:**

* the police and CPS deem the offence low gravity score;
* the police and CPS decide there are mitigating circumstances suitable for a referral to the YOS for an out of court disposal (Triage/Diversion, Youth Caution or Youth Conditional Caution)
* the child or young person has admitted the offence.

Where the above eligibility criteria appears to be met, the Police will refer the case to the Bexley weekly Out of Court Disposal Panel for decision-making. The YOS will invite CSC to the meeting to support the sharing of relevant information to aid decision making. Where a Youth Caution or Youth Conditional Caution is being considered, the YOS will undertake a full assessment using AssetPlus, as part of which the allocated worker will liaise with CSC. Where the panel considers that triage can be offered, the child will be invited for a Triage clinic for assessment and co-production of a plan. The allocated social worker will be invited to this.

**6. APPROPRIATE ADULT (AA) ARRANGEMENTS, SERVICES AND POLICE BAIL**

6.1 **Responsibilities of the YOS and CSC:**

**Appropriate Adults (AA) and Local Authority Accommodation Transfers**

AAs have a duty to safeguard the interests of detained children and a role in protecting their rights. This includes observing whether police and local authorities carry out their legal duties in relation to accommodation transfers, and telling them if they do not. AAs should also seek to identify any potential barriers to bail and inform the YOS and the MASH as soon as possible. This will enable the YOS to meet their responsibilities as per Youth Justice Board Bail & Remand Case Management Guidance to liaise with police to address concerns through bail information and/or bail supervision & support. It will also enable the MASH and Children’s Placement Service to meet their responsibilities for the provision of local authority accommodation.

PACE Codes of Practice state that in the case of a juvenile [child aged 10-17], Appropriate Adult means: **“***his parent or guardian (or, if he is in care, the care authority or voluntary organisation. The term, ‘in care’ is used in this code to cover all cases in which a juvenile is ‘looked after’ by a Local Authority under the terms of the Children Act 1989”* [Code C, 1.17(a)(i).

The YOS is responsible for the provision of Appropriate Adult Services between 9am to 5pm Monday to Friday (excluding Bank Holidays) where parents/carers or other family members cannot attend as AA. The police custody sergeant will contact the YOS during office hours or CSC Out of Hours team outside of normal office hours.

In the case of children and young people in the care of the Local Authority, the organisation providing accommodation and day-to-day support should fill this role, or the allocated social worker. If an offence has taken place by a Looked After Child within a care home, staff from the establishment cannot act as an AA and the social worker must attend. In the case of children and young people working with other key-workers, for example, Early Help services, the allocated worker should fill this role. Foster carers cannot act as an AA.

Where a request is made for an AA, basic details should be obtained from the referring Custody Sergeant before a decision is made as to whether it is appropriate to attend. The YOS or CSC duty worker must ask for the child or young person’s name, address and date of birth and ask on what offence the child or young person has been arrested, who has already been approached to act as AA and why this has been deemed inappropriate. Where a request for an AA is made the YOS/CSC will make background checks regarding CSC status, previous court orders, bail conditions, warrants, antecedent compliance, and the nature of previous convictions (e.g. violent, sexual). If the record checks reveal concerns regarding the child or young person regarding likelihood of self-harm or specific medical needs, the YOS and/or other agencies who are acting as AA will bring these to the attention of the attending AA and the Custody Sergeant. If there are concerns regarding the child or young person’s physical or mental health, (including the influence of drugs or alcohol) the worker will ask for medical advice to be sought. The YOS AA procedure includes standard health screening and safeguarding questions and should be completed by the YOS, Early Help workers and CSC AAs.



AAs must ask the Custody Sergeant to arrange for a solicitor to be present. This may mean a revision of the time the interview will take place and that the officer in the case is ready to proceed. This should be ascertained before attending the police station.

In all cases, should the CPS or Police decide to offer a caution at the police station, an AA must be present and ensure that the young person has had access to legal advice prior to accepting the caution. The AA must check that the young person has been advised of the implications of accepting a caution, in particular, in relation to future criminal record disclosures and other arising consequences of accepting a caution (e.g. sexual offences which would be subject to MAPPA monitoring). In most cases, it is expected that for Out of Court disposals a referral is made to the YOS for a decision on which intervention is most appropriate, i.e. Triage, Youth Caution, Youth Conditional Caution and it is less likely that a caution will be issued at the police station.

When a child or young person is not able to return home immediately, (for example because they have been arrested for assaulting a parent or sibling), a request for Accommodation under S20 (S20) Children Act 1989 may be required if there does not appear to be any alternative suitable arrangement. Any request for a child or young person to be accommodated under S20 should be referred to the MASH if the child is not known to CSC or to the allocated worker if the child is known to CSC, who will follow S20 procedures including the requirement to obtain parental consent. Where the young person is aged 16 or over and the parents have abrogated any responsibility for the child, CSC must follow S20 procedures. If the YOS is providing the AA, the YOS AA will alert the MASH or the allocated social worker as soon as it transpires that this is a likely outcome from the arrest and home situation.

When a child or young person is denied bail and is to be detained until the next available court under Police and Criminal Evidence (PACE) regulations, requests for accommodation are to be referred to the MASH or the allocated social worker and Children’s Placement Service who will be responsible for the provision of accommodation. The law does not recognise the legitimacy of a situation where a local authority fails to provide non-secure accommodation (whereby the type of accommodation required is for CSC to determine, bearing the custody officer’s views in mind). Where the Police request secure accommodation, CSC will consider whether the criteria for this under s.25 Children Act 1989 are met. Full guidance can be found in The Home Office Concordat on Children in Custody (October 2017) and the London Protocol for the provision of local authority accommodation for children held in police custody (July 2019)

The AA should take a copy of the charge sheet for YOS/CSC records. They should ensure that the child or young person understands what has happened, any bail conditions imposed and the implications of not complying with these, and the next steps in the process.

The AA must report back the conclusion of the service and record/notify relevant agencies of any issues of concern. This should include:

* anything in the area of risk or safeguarding;
* the outcome of the interview;
* any bail conditions imposed.

The CSC duty social worker will review requests for an AA for the victim of an offence.

Appendix 1 at the end of this protocol provides further details of AA responsibilities and legal framework.

6.2 **Parental involvement**

It is expected that the parent is the most appropriate person to attend a PACE interview (unless they have a conflict of interest as either victim or co-defendant in the offence). It is important to ensure that parents carry out this function whenever possible. This includes the parents of children and young people who are accommodated by the Local Authority, although not those who are subject to Care Orders under S31, Children Act 1989 (see below).

Where the parents are not available immediately, but will be at a future time and date, police should be asked to grant (47/3) bail until parents are able to attend. This would usually be possible for minor offences, but not where the child or young person may present a risk to the public or him/herself.

6.3 **Looked After Children**

Where the child or young person is living away from the family, the YOS/ MASH/Allocated social worker will undertake checks to ascertain the child’s or young person’s legal status. If the child or young person is subject to a Care Order under S31, Children Act 1989, the Local Authority shares parental responsibility with the parents(s) who have parental responsibility for the child or young person and CSC will nominate an AA.

If the child or young person is looked after by the Local Authority under S20, Children Act 1989, enquiries should be made about the nature of his/her placement, and his/her circumstances. For children and young people looked after under S20 the parent continues to hold Parental Responsibility, the Local Authority does not share this responsibility.

The allocated CSC Social Worker should be able to advise whether it would be appropriate for the parents to attend as AA. As a general rule, parents have a responsibility to act as AA, but they may be estranged from the child or young person, be co-accused, or there may be orders restricting access of the parent to the child or young person. Where it is inappropriate for the parent to attend, the allocated social worker must attend to act as AA or, where they are unavailable, the YOS and CSC will agree who is most appropriate to provide the AA.

The allocated social worker should ascertain what time the interview will take place and arrange to attend before that time. Although young people may choose not to exercise their right to legal representation, the AA should robustly encourage them to do so whilst being mindful as to whether the young person is deemed to be Fraser competent to make this decision themselves.

1. **REFERRALS TO CHILDREN’S SOCIAL CARE**

7.1 Referrals to CSC are made to the MASH or allocated social worker between 0900 – 1700 hours. CSC Out of Hours team be contacted outside of these times.

YOS referrals to CSC must be submitted in writing on the Bexley Interagency Referral Form after discussion with the duty Senior Social Worker within the MASH. The referral form may be accompanied by any additional YOS information/report available. Where there are doubts about whether or not a referral should be made, the YOS will contact the MASH for a consultation.

7.2 **Requests for Accommodation under Children Act 1989**

Where it is clear at the outset, or later becomes apparent, that the child or young person will need to be considered for Local Authority Accommodation at the end of the period, CSC and the YOS will discuss the plans for a child to become Looked After with the allocated Social Worker at the earliest opportunity as they will be responsible for the decision making and placement process.

Any request for a child or young person to be accommodated under S20, should be referred to the allocated Social Worker or to the MASH team if a new referral and the child is not already known to CSC. MASH, or the allocated social worker, will raise the request with a head of Service, who has decision making authority. Where the YOS and CSC disagree on whether a child or young person should be accommodated, it should be escalated to the Deputy Director of CSC for a final decision.

**8. ASSESSMENT**

8.1 **General**

The YOS and CSC agree that the assessment of a child’s or young person’s needs as presented in the various assessment formats by either YOS or CSC staff are of equal standing and will be mutually respected. Welfare services required to meet a child’s or young person’s needs, such as accommodation, family support or advice, will remain the remit of CSC. Care and intervention plans for children and young people for whom the YOS also has a responsibility should always be shared and developed jointly.

All workers will ensure minimum duplication of effort and content where both child and family assessments and AssetPlus assessments are being undertaken, to join up work and avoid a young person and their families/carers experiencing assessment fatigue and potentially disengaging. Efforts will be made to ensure that children and young people are not asked to repeat the details of their circumstances to more than one assessor.

8.2 **AssetPlus**

AssetPlus has been designed to provide a holistic end-to-end assessment and intervention plan, allowing one record to follow a child or young person throughout their time in the youth justice system. It focuses in depth on areas of a young person’s life most likely to be associated with offending behavior or desistance. It is the responsibility of the YOS for undertaking AssetPlus assessments.

AssetPlus provide an assessment, analysis and plan for managing the risk of re-offending (including violent and sexual offending), risk of harm and risk to safety and well-being.

8.3 **Assessment Framework**

Where children are open to both the YOS and CSC, each service will contribute information to inform the assessment processes of both agencies and ensure that assessments are shared in full between each other.

Child and family assessments are coordinated by CSC social workers.

Where YOS complete their involvement with a Looked After Child who has been subject to a community sentence or out of court disposal they should provide the allocated social worker with a copy of their final report.

8.4 **Risk of Harm**

If either CSC or the YOS has information, either historical or current, that suggests that the child or young person may present a risk of harm to themselves or others, or re-offending, this must be shared as soon as it is known. It is the responsibility of each agency to record these risks on their case file/relevant database and make arrangements to notify relevant partner agencies as early as possible.

Risk of Serious Harm to others should be assessed using information from a wide range of sources, including parents, schools, police and Community Safety. The *AssetPlus Risk to Others Risk of Serious Harm (ROSH) judgement* will be at the centre of any risk assessment decision for the YOS.

All children or young people known to the YOS who meet one or more of the following criteria will be referred to the YOS’s Multi-Agency Risk Management Panel:

* All cases meeting the threshold of “intensive” under the Scaled Approach (i.e. high likelihood of re-offending and/or risk of serious harm to others)
* MAPPA or Integrated Offender Management status
* Those subject to Bail Intensive Supervision and Surveillance (ISS)
* Those subject to custodial sentences will be reviewed at least 1 month prior to their earliest possible release date, in order to oversee licence conditions
* Those who have met ‘Dangerousness’ criteria under schedule 15 of the Criminal Justice Act 2003
* Those who have been convicted of a serious sexual offence
* Those motivated to re-offend by discriminatory attitudes or violent extremism
* Those subject to review by the SVPP
* Those cases which are currently in the medium risk category but where there are significant concerns about possible escalation of behaviour, including Community Safety intelligence of involvement in significant anti-social behaviour.

Or the Complex Needs Panel:

* All young people subject to Court Orders for whom the risk to their safety and/or wellbeing is deemed medium or higher. Young people engaged with Triage or Out of Court Disposals or other services may also be included where there are particular concerns about their vulnerability.
* This will include young people such as those whose safety and wellbeing may be compromised due to homelessness, family breakdown and abuse, mental health issues, self-harming, or additional needs such as autism or learning disability.
* Young people who meet the criteria for discussion at Complex Needs Panel will be excluded where they are already being reviewed through the YOS Risk Management Panel in order to avoid unnecessary duplication.

CSC will provide a social worker (where a young person has an allocated social worker or where there has been recent involvement which may better inform professionals involved with the young person), to attend the YOS’ Multi-Agency Risk or Complex Needs Panels. The allocated social worker will receive an invite to attend either panel. YOS admin will also send a copy of the invite to the social worker’s line manager and the relevant CSC service manager, to enable managers to ensure attendance in all cases.

The YOS will distribute the relevant extracts of minutes of both Panels to the relevant social workers, their line managers, and other professionals involved where relevant (e.g. Early Help).

If the child or young person is thought to present a significant risk of harm to family members or the community, a MARAC or Multi-Agency Public Protection Arrangements (MAPPA) referral should be made. This will be organised by the YOS.



[MAPPA policy guidance](file:///C:\Users\hsaare\AppData\Local\Microsoft\Youth%20Offending%20Team\YOT%20Handbook\M\MAPPA\mappa-guidance%202012%20part1.pdf) is available within Bexley YOS’s handbook and should be referred to before a MAPPA referral is completed where there is uncertainty about a case eligibility. Queries should be raised with the YOS Assistant Team Manager leading on post court in the first instance; however, the local Senior Probation Officer (NPS) is the borough’s MAPPA lead and can also be contacted to discuss any possible referrals.

If it is considered that a child or young person may be at risk of suffering abuse or neglect in accordance with child protection/safeguarding legislation, then the matter must be reported as soon as possible to the MASH or the Out of Hours team during out of hours team and if necessary the YOS will complete and inter-agency referral to CSC.

8.5 **Parenting Work**

The YOS Family Worker undertakes an assessment jointly with the allocated YOS worker where a child is under 16 years of age. The YOS family worker is able to provide support to parents where there are issues around parenting, relationships or other concerns such as housing or finances, which might impact on the young person (and/or their offending). Where required, the YOS will propose a Parenting Order to the court as part of Pre-Sentence or Breach Reports. The YOS family worker can refer directly into relevant services and programmes such as Non-Violent Resistance (NVR), Functional Family Therapy or Multi-Systemic Therapy (MST).

Where joint work is being undertaken by YOS and CSC and the parent is subject to a Parenting Order or working with the YOS Family Worker in a voluntary capacity, there will be a clear indication of roles and responsibilities between the workers from each agency to avoid duplication of work.

8.6 **Education**

The Head of Virtual School and Looked After Children Education team will work alongside YOS and the looked after child’s allocated social worker to support looked after children in finding appropriate educational provision and monitor engagement.

8.7 **Health**

The YOS will undertake health screening of young people involved in the criminal justice system or referred for an out of court disposal and work alongside health services including CAMHS to support young people to engage in appropriate health services and monitor engagement. Where the young person is a looked after child, the YOS will work alongside the Looked After Child nurse and allocated social worker to support access into the relevant services.

**9. WORK IN COURT**

The YOS shares court duty arrangements with Greenwich YOS at Bexley Court and weekend court duty with Lewisham, Bromley and Greenwich at Bromley Court on a rota system. The Court protocol should be read in conjunction with section 6. of the YOS/CSC protocol and is located in the YOS handbook. [N:\Directorate of Social & Community Services\Children & Families\Youth Offending Team\YOS Handbook\P\Policies, Procedures & Protocols\Bexley Court & Bexley YOS protocol.pdf](file:///C:\Users\hsaare\AppData\Local\Microsoft\Youth%20Offending%20Team\YOT%20Handbook\P\Policies,%20Procedures%20&%20Protocols\Bexley%20Court%20&%20Bexley%20YOT%20protocol.pdf).



9.1 **Preparation of Pre-Sentence Reports**

When a PSR is requested the YOS will check the CSC database to establish if the child or young person is known or has been known to CSC.

If so, the report writer will liaise with CSC to gain relevant information for the PSR. A copy of the PSR will be provided to CSC, where the case is currently open or has been known to CSC.

In cases where it is necessary for the YOS to view case files, the YOS will read the CSC database and, where appropriate, request relevant documents are provided to the YOS.

If the subject of the PSR is an open case to CSC, the recommendations in the conclusion of the report will be discussed with the allocated Social Worker. Proposed interventions will be tailored to target both the factors that contribute to offending and to support the young person’s care plan priorities.

9.2 **Preparation of Stand-Down Reports**

Stand-down reports are prepared in court “on the day”. YOS staff are usually working to a one hour deadline.

In cases where the child or young person is known to CSC, the YOS Court Duty Officer will liaise with the allocated Social Worker or in their absence, their team manager to gain relevant information and to discuss a proposal within the relevant court deadline.

If the information received from CSC indicates that the case requires a more complex assessment, the Court Duty Officer will request an adjournment for a full PSR.

9.3 **Attendance at Court by Children’s Social Care**

Whilst at Court, the role of the YOS is to provide a service to the local Magistrates’ and Crown Court. In those cases open to CSC where a Looked After Child is required to attend planned court hearings (in or out of Borough), the attendance of the allocated Social Worker and the escort arrangements remain the responsibility of CSC in the absence of parent(s)/carer(s).

Attendance at criminal court proceedings by a worker from CSC will be decided on a case by case basis with prior consultation with the YOS. It is the responsibility of CSC to ensure that an appropriate adult is in attendance at court to support looked after children. The role of the Social Worker in court is as the corporate parent and to inform the court regarding the looked after child or young person’s well-being and plans.

**10. BAIL AND REMAND AND OVERNIGHT DETENTION IN POLICE CUSTODY**

A disproportionate number of young people who have been looked after by Local Authorities experience custody. Every effort should be made to ensure that this number is reduced and that all episodes of overnight detention in police custody and remands to Youth Detention Accommodation for any young people, i.e. not just for looked after children, are fully informed and appropriate decisions are made. For Bail and Remand outcomes, the decision would however, be subject to the Crown Prosecution Service’s (CPS) opposition to bail representations to the Court and the Court’s final decision. Where requested, the YOS will provide their assessment of the risk that young person may present to the public.

The YOS will record the number of episodes and nights a young person spends in police detention and Youth Detention Accommodation and record subsequent outcomes of these detentions for monitoring purposes. The YOS will provide YOS Management Board with this data for additional scrutiny at least annually and as requested by the Safeguarding Partnership S.H.I.E.L.D.

10.1 **Young People Appearing in Court from Police Custody**

The YOS will discuss bail issues with the CPS and liaise with the legal advisor to identify any young people who may become at risk of bail refusal.

The YOS will interview all young people produced from police custody before the case is called into court (subject to judicial discretion to proceed).

10.2 **Remands to Local Authority Accommodation (REMLAA)**

Local authorities have a legal duty under Section 21 of the Children Act 1989 to provide accommodation for all children and young people remanded to local authority accommodation.

It is expected that the court will not, subject to judicial discretion, impose a bail condition for a young person to reside as directed by the local authority nor impose other conditions without consulting the relevant local authority/home YOS.

Where the YOS has pre-notice of an appearance in court and possible REMLAA the YOS will liaise with the MASH or allocated social worker and Children’s Placement Team on the day of notification so that placement planning and assessments can be commenced by CSC colleagues.

Where the YOS does not have pre-notice of the young person’s appearance in court, the YOS will notify the MASH, allocated social worker and Children’s Placement Team at the point of establishing that a remand to local authority accommodation is possible.

The YOS will liaise with the court regularly to request that youths in custody awaiting court appearances are dealt with as a priority. The YOS will also advise CSC MASH and placements team as soon as is practicable where they are made aware of a possible REMLAA.

As soon as the YOS is aware of accommodation being required they will phone the MASH and Children’s Placement Team to provide basic details of the child or young person and YOS will send over a completed copy of YJB AssetPlus module (Bail assessment).

Any child or young people subject to REMLAA are a Looked After Child. CSC will identify an allocated social worker at the point of remand and follow The Children Act 1989 guidance and regulations Volume 2: care planning, placement and care review.

CSC will decide the most appropriate placement for the child or young person (this may include home or with family members), taking into account directions from the Court in relation to where there child is not to reside the CSC assessment will take into account the opinion of the YOS and police to decide if it is appropriate to place a remanded child or young person at the same address at which s/he was living at the time of the offence. The YOS will provide CSC with all relevant information to assist the assessment process and a copy of the warrant of commitment. It will be CSC’s responsibility to forward this to the relevant placement provider.

Where the YOS is providing bail support, any additional intervention during the remand period will be jointly agreed between the YOS and CSC.

If the Remand into Local Authority Accommodation takes place after 6pm on weekdays, Saturday or Bank Holiday courts, the YOS will liaise with the CSC Out of Hours team which will be required to complete CSC responsibilities.

Locally, Saturday and Bank Holiday Court duty arrangements are covered by Bexley, Bromley, Greenwich and Lewisham YOS, Therefore this liaison may be undertaken by a duty worker from another YOS.

CSC will arrange for the young person to be collected from the Court and the transport to their placement. If CSC is unable to immediately confirm the transport arrangements, the YOS worker will accompany the young person to Bexley Civic Offices where the young person will be met by a CSC representative who will take over the supervision of the young person.

CSC will be responsible for notifying both the YOS and Police about a child or young person who has failed to reside as directed as this will be a breach of remand for which the young person can be arrested and brought before the court. The allocated social worker may have to give evidence in court to support this breach.

Local Authority remands will be managed as a joint responsibility of the YOS and CSC. CSC will ensure that it makes available adequate provision for remands to its care.

The YOS will notify the Court where a child or young person will be placed if they are REMLAAd.

10.3 **Initial Placement Meeting**

There should be an initial placement meeting within three working days of the remand, chaired by CSC, and attended by representatives of the YOS, relevant CSC worker, family members and placement providers. The purpose of the meeting is to clarify roles, responsibilities, information exchange, action to be taken in case of breach of conditions/requirements of remand, consider prospects and plans to support future application for bail and escort arrangements.

Where a child is Looked After only by reason of being remanded to local authority accommodation, the [Care Plan](http://trixresources.proceduresonline.com/nat_key/keywords/care_plan.html) and [Placement Plan](http://trixresources.proceduresonline.com/nat_key/keywords/placement_plan.html) must be prepared within 5 working days of the child being remanded.

The Care Plan does not need to include the plan for permanence/long-term plan for the child’s upbringing, unless it is considered that the child needs to remain looked after once the period of remand has ceased. However, consideration must be given to what longer term support or accommodation the child will need following the remand episode.

10.4 **Remand Reviews**

Remand Reviews are held monthly by the YOS, where there is YOS involvement, with CSC in attendance.

10.5 **Subsequent Court Appearances whilst REMLAA**

CSC is responsible for arranging and funding escorts for this and subsequent court hearings. This will be done in consultation with the YOS.

CSC will ensure that the young person is escorted from the placement to court punctually, is accompanied in the courtroom and is responsible for transportation arrangements from court back to the placement.

In the event of a young person absconding from a local authority accommodation placement CSC will immediately advise the YOS who will advise the court at the earliest opportunity. On the date of hearing the YOS will inform the court of the reasons for any non-appearance when known.

10.6 **Remand to Youth Detention Accommodation (YDA)**

Children and young people aged 12 - 17 who have been refused bail may be remanded to YDA if the relevant criteria is met (10 and 11 year olds can only be remanded to Local Authority Accommodation). In the case of children who were not already looked after, this will give them the status of a Looked After Child under s20 of the Children Act 1989 for the duration of the remand.

The court will consult with the YOS before remanding a young person into YDA. The decision to impose a remand to YDA on a child or young person is for the court. Once the order is made the local authority (LA) has no option other than to comply with these directions.

All arrangements for the placement of a young person in secure accommodation, following a remand to YDA, will be carried out by the YOS in liaison with the Youth Custody Service within Her Majesty's Prison & Probation Service (HMPPS).

At the earliest opportunity when a remand to YDA is imminent, the YOS will inform the allocated SW if the child is an open case to CSC, the MASH Duty team manager if the child does not have an allocated SW, and the Children’s Placement Service manager.

CSC is responsible for ensuring that all Looked After Child paperwork is completed within 24 hours of the placement being confirmed and for coordinating an initial health assessment and Looked After Child review.

The YOS will provide a copy of the warrant of commitment to the CSC as soon as it is received.

LASPOA 2012 introduced two sets of conditions – one or other must be satisfied before a remand to YDA can be made by the Court:

1. The seriousness of the offence;

2. There is a real prospect of receiving a custodial sentence & history conditions

In the case of each child remanded to YDA the court must designate a local authority; - if the child is already “looked after” by a local authority then the court MUST designate this authority;

If the child in not already looked after then the court MUST designate either

* the authority in which the child habitually resides or
* the authority in which the offence was committed.

One or other of the above two conditions need to be met before a remand to YDA can be made.

The Children’s Placement team or the allocated social worker will alert the Manager of the Independent Reviewing Officer (IRO) of the need to allocate an officer to carry out the statutory child care review procedure.

Funding for the remand to YDA is the responsibility of the Local Authority. The Ministry of Justice will invoice the LA for the full cost of the remand to YDA period.

The Children’s Placement Team manager will oversee and monitor the costs. In addition the costs for secure transport are the responsibility of the LA. The Youth Custody Service will arrange the secure escort services required as part of the remand to YDA and invoice the LA for the full cost.

In relation to children Remanded to Local Authority Accommodation or YDA, the Care Planning Regulations were amended by the Care Planning, Placement and Case Review (England) (Amendment) Regulations 2013. See also [Children Act 1989 Guidance and Regulations: Volume 2: Care Planning, Placement and Case Review (Supplement) - Looked After Children and Youth Justice - Application of the Care Planning, Placement and Case Review (England) Regulations 2010 to Looked After Children in Contact with Youth Justice Services (April 2014)](http://lambethchildcare.proceduresonline.com/pdfs/lac_yth_justice.pdf).

Otherwise, the care planning arrangements are the same as for all other Looked After Children.

10.7 **Where the child was Looked After immediately before being remanded:**

A Placement Plan must be prepared within 10 working days of the remand. This will usually be based upon the assessment that has informed the current Care / [Pathway Plan](http://trixresources.proceduresonline.com/nat_key/keywords/pathway_plan.html). This role cannot be delegated to the YOS. The YOS will seek to jointly arrange such a meeting with the allocated CSC social worker and ensure both the placement plan and the YOS’s initial sentence plan is completed.

A copy of the Care / Pathway Plan must also be given to the Governor, Director or Registered Manager of the YDA;

The provisions as to Health Assessments (see [Health and Looked After Children Procedure](http://lambethchildcare.proceduresonline.com/chapters/p_health_care_asmnts_plans.html)) do not apply.

10.8 **Placement Plans must:**

Set out how the YDA will contribute to meeting the child’s needs;

Include the address of the YDA and be agreed with, and signed by, the Governor, Director or Registered Manager of the YDA.

Placement Plans must include:

* How, day to day, the child will be cared for and the child’s welfare will be safeguarded and promoted, particularly noting if there is a risk of self-harm, emotional or Mental Health problems;
* Assurance that the child is aware of how they are going to be kept safe, including the YDA’s policy on Bullying;
* Any arrangements made for contact between the child and parents/persons with Parental Responsibility / [Connected Persons](http://trixresources.proceduresonline.com/nat_key/keywords/connect_pers.html) including, if appropriate, the reasons why contact would not be reasonably practicable or would not be consistent with the child’s welfare; details of any orders made under sections 8 or 34 of the Children Act 1989;
* The arrangements for the child’s health (including physical, emotional and mental health) and dental care including any arrangements for the giving or withholding of consent to medical or dental examination or treatment;
* The arrangements for the child’s education and training which seek to meet any specific needs of the child;
* What arrangements the YDA has that might appropriately develop independent living skills;
* The arrangements for social worker visits, the frequency of visits and the arrangements made for advice, support and assistance to be available to the child between visits;
* If an [Independent Visitor](http://trixresources.proceduresonline.com/nat_key/keywords/independent_visitor.html) is appointed, the arrangements made for them to visit the child.
* The child’s personal history, religion, cultural and linguistic background, and racial origin. This may include establishing a child’s immigration status and whether there is anyone who has [Parental Responsibility](http://trixresources.proceduresonline.com/nat_key/keywords/parental_respons.html);
* The name and contact details of:
* The IRO;
* The Independent Visitor (if one is appointed);
* The social worker;
* The Personal Advisor appointed if the child is an Eligible child;

The social worker must ensure:

* The child is offered practical support where appropriate, e.g. clothes, money, books, etc;
* That the child’s wishes and feelings have been ascertained and given due consideration;
* Where the child was Looked After immediately before being remanded, that the Independent Reviewing Officer has been informed of the remand.

See Matters to be dealt with in a Detention Centre of the Children Act 1989 Guidance and Regulations: Volume 2: Care Planning, Placement and Case Review (Supplement) - Looked After Children and Youth Justice - Application of the Care Planning, Placement and Case Review (England) Regulations 2010 to Looked After Children in Contact with Youth Justice Services (April 2014).

The YOS and CSC social worker will ensure that the arising initial sentence planning meeting plan and the Detention Plan (DP) plan are completed in tandem and dovetail and correlate with each other. Plans should be made to address social and offence related risk factors, to ensure, as far as is possible, that once released from custody they do not re-offend and have integrated resettlement plans on their release.

10.9 **Remand Reviews**

Along with arranging for the child to be visited, CSC will appoint an IRO to keep the child’s DP under review.

Where a child is remanded in YDA, the IRO is entitled to expect that the secure establishment facilitates a venue to speak to the child in private, unless the child refuses.

10.10 **Additional Joint Responsibilities**

Where information relates to victims in sensitive cases such as serious sexual assaults, indecency, or child abuse cases, written consent for the sharing of such information may be needed from the victim or the person with parental responsibility. The YOS and CSC will confer to decide which agency will lead on obtaining this consent.

However in the event of a person refusing permission to divulge the information required, the Local Authority will still provide it, if there are clear child or public protection grounds for doing so.

A child or young person can make choices about use of information if they are considered to be competent under the Fraser Guidelines, i.e. they have the maturity to understand the significance to them of the decision they are being asked to make. It is the child’s/young person’s allocated social worker, or the social worker based in the YOS who has been asked to provide the information that makes this judgment.

10.11 **Bail Supervision and Support Programmes**

In order to prevent a REMLAA or to YDA, the YOS will, where appropriate, make representations to the Court to remand the child or young person on bail and where necessary, offer a bail supervision and support programme.

Where a decision is made not to offer a community bail package, the LASPOA provisions apply as set out in Section 10.4.

The YOS will assess for and construct a bail support package, where appropriate, taking into account the placement identified. Bail support may include support to be provided by foster carers or residential workers. The package to be offered will be communicated to the allocated Social Worker or to the MASH before being presented to the Court, where practicable. Any bail support package will take into account any existing care plan for the child or young person.

If additional family support, or assistance with accommodation, is required to support the bail supervision and support programme, the YOS will discuss these needs with CSC or other relevant agency, e.g. Housing.

For those children and young people allocated to CSC, the YOS will work alongside the allocated Social Worker, providing advice regarding identification of offence related risk factors, and ways in which these may be addressed. Throughout the duration of the bail support programme the allocated YOS worker will liaise regularly (a minimum of at least once a month) with the allocated social worker and both will attend relevant reviews and meetings, e.g. Looked After Child, Child Protection, Child In Need, YOS risk panel.

10.12 **17 year olds remanded on bail**

Where a 17 year old may be remanded on bail, the Local Authority may decide to fund a placement whilst on bail. Where such a decision is made, the process for seeking a placement should be discussed with the MASH and relevant social care team, young person and their parent/carer where applicable.

10.13 **Electronic Tagging**

The YOS court duty officer who makes the assessment will ensure that both the policeand CSC databases are accessed to gain information on the suitability of the proposed household for the bail or care into Local Authority Accommodation address. In situations where this is not possible the YOS court duty officer will contact the MASH.

In those cases where the proposed use of tagging is for children and young people already accommodated in Local Authority accommodation, the consent to tagging being used at the proposed address must be obtained, where appropriate from the parent/carer, residential unit, Children’s Placement Service and social worker.

It is the responsibility of the Children’s Placement Team and Social Worker to confirm their consent in writing to the YOS within 24 hours (see consent form for electronic monitoring). Where this is not agreed, it should be referred to the YOS and CSC Heads of Service for a decision.

It is the YOS’s responsibility to ensure that the details of the electronic monitoring contract are forwarded to the relevant Social Worker and placement.

Should it be necessary for an emergency change of placement to be made by CSC or the Out of Hours team, details of the new placement will be sent to the YOS by the named Social Worker as soon as possible and in any event no later than 24 hours after the change of placement has been made. The YOS will notify the electronic monitoring service provider and the Police. The bail address will need to be amended and the young person needs to attend Court for this. It is the responsibility of the CSC Social Worker to ensure the young person attends.

**11. YOUNG PEOPLE SENTENCED TO CUSTODY AND S20**

Local Authorities have a duty (Section 23ZA of the 1989 Act) to appoint a representative to visit and assess children who were looked after under S20 and who therefore cease to be looked after when they enter custody.

The Initial Sentence Planning Meeting needs to take place in the custodial institution within 10 working days to be compliant with National Standards for Youth Justice Services. The YOS will seek to arrange the meeting and the allocated CSC social worker will attend.

CSC will appoint an Independent Reviewing Officer (IRO) to keep the child or young person’s care plan under review.

The CSC assessment will include whether the child will need to be accommodated again on release. Bexley CSC will provide Looked After Child services from the allocated social worker, who will continue to plan for the young person’s needs post-custody and for care leaving services.

These children fall under regulation 39 of the Care Planning, Placement and Care Review Regulations- "The care plan must include details of advice, assistance and support that the responsible authority intend to provide for the young person when the young person ceases to be looked after by them".

The CSC assessment has 3 possible outcomes:

1. Parents are able to meet the child's needs whilst in custody and resume care on release:

a) With YOS input only

b) With YOS input and as a Child in Need support

2. Parents can meet child's needs whilst in custody but cannot resume care on release:

a) child will need to become a Looked After Child on release or

b) child does not want to become Looked After on release but will require accommodation and/or support as a Child in Need.

3. Parents cannot meet the child's needs whilst in custody or on release:

a) child to become a Looked After Child on release.

11.1 **Detention and Training Orders**

The YOS will manage these orders in accordance with National Standards for Youth Justice Services. CSC will only have involvement in the sentence planning and preparation for the young person’s release where that young person is looked after and will continue to be looked after on release, where the young person will become looked after on release or where the young person is a care leaver.

The YOS will be responsible for co-ordinating resettlement plans including Education, Training and Employment provision and accommodation in readiness for the young person’s release.

The YOS will liaise in good time with CSC regarding the transfer of a Looked After Child from custody to the community and CSC should attend a pre-release planning meeting with the YOS at least four weeks ahead of release from custody date.

For young people in need of accommodation post release, CSC will be responsible for confirming accommodation arrangements and the release address at the pre-release custodial planning meeting four weeks in advance of release.

**12. SAFEGUARDING IN THE SECURE ESTATE**

If information is received by the YOS or by the Local Authority indicating that there is a reasonable cause to suspect a young person in custody or YDA is suffering, or is likely to suffer, significant harm (Section 31 Children Act 1989), it is the Local Authority CSC in whose area the custodial establishment is located, which is responsible for undertaking the Section 47 enquiries.

Significant harm ‘means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another (e.g. domestic abuse), ‘development’ means physical, intellectual, emotional, social or behavioural development, ‘health’ means physical or mental health; and ‘ill-treatment’ includes sexual abuse and forms of ill-treatment which are not physical’.

Under Section 31(10) of the 1989 Act, where the question of whether harm suffered by a child is significant on the child’s health and development, their health or development shall be compared with that which could reasonably be expected of a similar child.

Proper consideration must also be given to issues of confidentiality to ensure that whilst relationships with service users are soundly based on trust, children and young people are protected by the sharing of information in accordance with the requirements of the London Child Protection Procedures and the Bexley Local Safeguarding Children Board.

# 13. CO-ORDINATED INTERVENTIONS

13.1 **General Work**

In cases where joint work is being undertaken by the YOS and CSC, the role of the YOS Officer is to undertake work to address the factors contributing to the young person’s offending, building on any strengths, while the social worker is responsible for the welfare of the child or young person.

The role, responsibilities and resource commitment of each service should be clearly identified in each plan and should define what pieces of work will be carried out jointly in order to ensure a holistic service is being provided.

Each plan should outline how the child or young person and their family will be informed about the different roles of each worker. Plans should be co-produced with young people and their parents/carers. Where possible, meetings where plans are drawn up or reviewed, such as Child in Need or Youth Rehabilitation Order planning meetings should be joined up to increase co-ordination and so families are not required to attend multiple meetings.

Each plan should detail how liaison between workers from each service will take place.

Managers will maintain oversight of plans through the provision of reflective supervision. Within this forum managers and workers will explore the progress of partnership working with all agencies involved with the child.

The effectiveness of plans and partnership working will also be reviewed through collaborative audits undertaken by Service and Operational managers during Practice Week and through multi-agency audits on a bi-annual basis. CSC monthly audits completed by managers will pay particular attention to the involvement of YOS where relevant, and identify areas for development in partnership working as necessary. Monthly screening audits are undertaken in the YOS and these will, where relevant, include a focus on the quality of partnership working between YOS and CSC.

13.2 **Community Sentences**

The YOS will manage these orders in accordance with the National Standards for Youth Justice Services. Where a child is open to both the YOS and CSC, close liaison between workers and agencies must be maintained.

Where a review meeting is held by either agency the allocated worker from each agency must be invited and should make every effort to attend or provide a progress report in their absence. Where possible, review meetings should be joined up.

Should either of the allocated workers leave their respective teams, it shall be the duty of the relevant Manager to re-allocate the case as a matter of urgency and notify the other agency.

13.3 **Out of Borough Placements**

All Looked After Children or young people that are placed outside of their home borough remain the responsibility of the home borough. When the YOS receives a caretaking request from a home borough to supervise a child or young person subject to an order whilst placed in Bexley, the YOS will advise the MASH of the request to ensure CSC has been advised of the placement and relevant risk assessments can be shared between CSCs.

Where a Bexley Looked After Child is placed outside of Bexley and is serving a community sentence, Bexley YOS will make a care-taking request to the host YOS but will maintain overall responsibility, outside of the day to day running of the Order by the host YOS, including instigating breaches and writing of pre-sentence reports.

CSC will notify and keep the YOS informed about any offending behaviour of a child or young person placed out of borough. Bexley YOS will liaise with the local host YOS where the child or young person resides and act as a conduit for the information flow between all relevant agencies but this will not replace usual CSC responsibilities, statutory contacts and reviews.

CSC is responsible for informing the YOS of any changes to placements at the earliest possible stage.

13.4 **Requirements set out in the Scaled Approach and Youth Rehabilitation Order (YRO)**

The Scaled Approach aims to ensure that interventions are tailored to the individual, based on an assessment of their risks and needs. Interventions are more effective when their intensity is matched to an assessment of the likelihood of the person re-offending, and are focused on the factors most likely to support desistance.

The YOS and CSC will direct time and resources to young people appropriately, in accordance with their risk assessment. The YOS will consult with CSC for any proposals requiring CSC intervention, such as a YRO Requirement for LA Residence as CSC will need to place in conjunction with YOS guidance.

13.5 **Attendance at inter-agency and partnership meetings**

The YOS will meet with colleagues from the relevant CSC teams to monitor and review joint cases as required.

Where cases are open to both services, the following meetings will be attended as necessary:

CSC Meetings:

1. Child Protection Conferences
2. Strategy Meetings
3. Professional Meetings/Case Mapping
4. Children in Need Meetings
5. Child Care Reviews
6. Pathways plan reviews for Eligible, Relevant and Former Relevant Y/P
7. Legal Planning Meetings
8. Remand Reviews
9. Case Management Review

YOS Meetings:

1. Referral Order panel meetings
2. Youth Rehabilitation Order intervention planning and review meetings
3. Initial Sentence Planning and review meetings in custody, as well as Pre-Release meetings;
4. Remand planning meetings and reviews;
5. Community reviews as part of licences upon release from custody
6. Complex Needs and Risk Management Panel Meetings

Other relevant meetings

1. SVPP meetings
2. Channel Panel
3. MAPPA
4. MARAC
5. MASE

CSC and YOS will attend MAPPA and SVPP where required. With regards to SVPP, where the child being discussed has an allocated social worker they will be invited to attend; where there isn’t an allocated worker the CSE and missing lead will attend.

Where children are open to CSC their allocated social worker will be invited to attend the YOS’s Risk Management and Complex Needs Panels. Minutes will be provided from the meeting, which the allocated social worker will add to the child’s case file.

Relevant extracts from the minutes of the YOS’s risk management and complex needs panel meetings will be sent to the allocated social worker to record on the CSC database. The YOS will escalate to CSC service managers any concerns relating to panel non-attendance or risk/vulnerability as required.

If and when case disagreements arise and are found intractable to satisfactorily resolve, the issue will be raised with the Head of YOS and CSC for a resolution.

CSC will attend any relevant meeting regarding YOS’s supervision of children and young people, such as Referral Order Panels and contribute to YOS intervention plans.

The allocated YOS worker will be invited to attend CSC meetings, particularly child protection conferences, child protection or child in need meetings and looked after reviews, where they will provide input on about their involvement and contribute to decision making for the young person. Where the YOS worker is unable to attend the meeting an update of their involvement will be provided to the CSC allocated social worker. The YOS worker will be provided with minutes from relevant meetings. Any concerns about non-attendance, or lack of joint working involving a YOS worker will be escalated to the YOS service manager as necessary.

YOS will attend the daily MASH meeting, inputting and gathering information as necessary.

**No Further Action/Stepping Down**

It is recognised, as when joint working with any professionals, that a point will come when involvement with a child will come to an end. This needs to be completed in a planned way to avoid support for a young person coming to an abrupt end.

YOS and R&A

If involvement from YOS comes to an end whilst R&A are completing an assessment the YOS worker will make the R&A social worker aware. The YOS worker will arrange a meeting with the young person and the worker from R&A. The YOS worker will tell the young person that their work is coming to an end but the assessment will continue and the R&A worker will let them know the outcome. If the worker from R&A completes their assessment with an outcome of no further action, they will be responsible for informing YOS and arranging a meeting. If it is felt that the young person will benefit from support from YOS the R&A worker will need to have this discussion before the assessment is completed, and a meeting held with the family to discuss ongoing work.

If both services identify that their involvement is due to come to an end around the same time the workers should meet to explore whether the young person requires further support, and from where. Once identified both workers should meet the young person, and family, talk to them about the ending of both services’ involvement and where ongoing support will be provided.

YOS and FSCP

The expectation of making each other aware is the same for YOS & FSCP as for YOS and R&A. As children involved with FSCP are subject to child protection or child in need plans, it is expected that decisions to end involvement will be shared within child in need or core group meetings, with decisions being clearly recorded in the meeting minutes.

**14. CHILDREN AND YOUNG PEOPLE WHO GO MISSING**

There is a Bexley Missing from Care or Home Protocol for Children’s Services (2019) <https://bexley.proceduresonline.com/files/ch_missing_home.pdf?zoom_highlight=missing+from+home#search=%22missing%20from%20home%22> This should be read in conjunction with the Bexley Children Missing from Home and Care and Child Sexual Exploitation operational guidance document (2016) and should be followed for all children who are missing alongside statutory guidance outlined in section 2.

All Looked After Children at the point of placement must have the appropriate missing and associated risk assessment paperwork completed by the allocated social worker. This should be shared with the carers including residential homes.

The missing risk assessment information is continually updated in the light of new information and this is completed by the carers and the social worker for the duration of the placement. This will be provided to the police if there is a missing episode. This includes children who are reported missing but are not placed within Bexley. Carers should notify the police and be clear whether a child is missing or absent from placement. The definitions are clearly noted in Bexley procedures.

Police will complete a Merlin which will be sent to the local authority where the child resides. Carers should also contact emergency duty out of hours team and notify Bexley CSC if a child is missing. Children who are placed out of area will be monitored by the police in the area in which they reside. The allocated social worker will liaise with the local police and ensure that the missing procedures are followed. The local Children’s Services Directorate will be notified at the point of placement by the allocated social worker when young people are placed out of area.

Where the YOS is working with a young person who is reported missing or who has regular missing episodes, CSC will convene and lead any subsequent strategy and legal planning meetings and the YOS will attend.

The YOS will liaise closely and share any information with CSC and police to assist decision making and reviews.

**15. CHILDREN AND YOUNG PEOPLE AT RISK OF INVOLVEMENT IN OR HARM FROM SERIOUS YOUTH VIOLENCE, GANGS, SEXUAL EXPLOITATION OR EXTREMISM (INCLUDING VIOLENT EXTREMISM)**

Where the YOS identifies young people at medium or high risk of harming others, being harmed by others, violent extremism or where there are concerns that a young person may be at risk of sexual exploitation, YOS case managers will discuss the situation with the YOS Senior Practitioner or above and, where appropriate, a referral to the YOS risk management or complex needs panel will be made and an interagency referral to CSC submitted. They may also consider and/or make a referral to targeted youth services or commissioned services for support. Please refer to the YOS’s Risk Policy for more detail on the YOS’s risk and vulnerability management. [N:\Directorate of Social & Community Services\Children & Families\Youth Offending Team\YOS Handbook\P\Policies, Procedures & Protocols\YOS Risk Policy and Procedures.doc](file:///C:\Users\hsaare\AppData\Local\Microsoft\Youth%20Offending%20Team\YOT%20Handbook\P\Policies,%20Procedures%20&%20Protocols\YOT%20Risk%20Policy%20and%20Procedures.doc)



The YOS will also consider whether the circumstances warrant an immediate inter-agency referral to CSC and for a strategy meeting with both CSC and YOS. Consideration should be given for a referral to the multi-agency SVPP, the Channel Project (prevent extremism) or for a notification to the Operational MASE to oversee the supervision, monitoring, enforcement and interventions which form part of plans to manage risk and safety and wellbeing.

Where the YOS decides that a notification to Bexley’s MASE is required, the YOS case manager will ensure a referral to CSC has been completed prior to the notification and submit to their line manager prior to submission.

Operational MASE is attended by YOS managers on a weekly basis. Where a YOS notification has been made, the case manager may also attend with the YOS manager at the first panel discussion to aid the panel’s quality assurance oversight of risk management arrangements.

**16. MODERN DAY SLAVERY**

Modern Day Slavery (MDS) is an umbrella term, encompassing human trafficking, slavery, servitude and forced labour.

There are additional forms of exploitation and in October 2017 the Government produced ‘A Typology of Modern Slavery Offences in the UK’ to categorise modern slavery offences and provide an evidence base for responding to the crime of modern slavery.

There is no single type of victim or pathway into modern slavery but there are those groups who may be more vulnerable to be targeted and, therefore, more likely to be victims of MDS – e.g. unaccompanied children, children travelling with unrelated adults, young girls and women and children who are involved in the criminal justice system.

In March 2015 the Modern Day Slavery Act 2015 was enacted which placed a number of duties on LAs to identify and refer modern slavery child victims and consenting adult victims through the National Referral Mechanism (NRM). Councils also have a duty to notify the Home Office of adults who do not consent to enter the NRM.

As well as the Modern Slavery Act 2015 there are a number of other pieces of legislation that have an impact on local authorities’ role in supporting victims of, and tackling, modern slavery, including:

* Crime and Disorder Act 1998
* Care Act 2014
* Children Act 1989
* Immigration Act 2016.

The aforementioned guide identifies four distinct areas where LAs can play a role in tackling MDS. These are:

* identification and referral of victims;
* supporting victims – this can be through safeguarding children and adults with
* care and support needs and through housing/homelessness services;
* community safety services and disruption activities;
* ensuring that the supply chains councils procure from are free from modern slavery.

Modern slavery intersects with many different areas that YOS and CSC are involved with, and a number of different officers may come across it whilst going about their everyday duties. For YOS and CSC, officers may come across trafficking or modern slavery whilst working on issues around crime, gangs, drug selling and cannabis cultivation in addition to sexual exploitation.

This list is not exhaustive and there will be many other places where council staff may come across modern slavery or trafficking.

Under Section 52 of the Modern Slavery Act 2015, LAs are under a duty to notify the

Home Office when they identify a potential victim of modern slavery. The Act states that where a public authority has reasonable grounds to believe that a person may be a victim of slavery or human trafficking it must notify the Secretary of State. This is done by completing the referral to the NRM where they are under 18 (the NRM referral template is located in the YOS handbook). If they are aged over 18, consent for a referral to the NRM must be obtained prior to referral and where consent is not given, there is a duty to notify using MS1 template in the YOS handbook).



There are multiple indicators that would give you reasonable grounds to believe that a person is the victim of MDS but these will be different depending on the type of exploitation that is relevant to the person. For example, some of the cases that we have come across are young persons involved in gangs and drug smuggling (County Lines) and indicators that they are victims of MDS and that a referral should be made to the NRM are that they are forced to commit this offence under threat of violence either to themselves or their families if they do not do so.

YOS and CSC should be familiar with the referral processes that are in place when they come across a potential victim of modern slavery.

The YOS must make an immediate inter-agency referral to CSC, via the MASH, for any young person under 18 who may be a potential victim.

Following the referral, CSC and the YOS should jointly decide who should lead the referral to the NRM. The referrer will share subsequent reasonable and conclusive grounds decisions with the other agency.

For young people over 18 who may be a potential victim, the YOS must first seek their written consent to make a referral to the NRM. Where this is refused, the YOS must complete an MS1 notification to the Home Office under the duty to notify.

Once a referral is made the potential victim will receive a ‘reasonable grounds to believe’ decision from the Home Office usually within 5 days of the referral. This will indicate whether there are reasonable grounds to believe that the person is a victim of MDS or not. If this is a positive decision then there will be period of reflection and recovery of 45 days. This will allow the victim to recover from their ordeal and to reflect upon what they want to do next.

During this period of reflection there will be further consideration of the facts of the case and a decision will be made as to whether there are conclusive grounds to believe that the person is the victim of MDS. If this is a positive decision then the person should be provided with support as is necessary.

**17 SERIOUS INCIDENT NOTIFICATIONS (SIN))**

17.1 Serious Incident Notifications are the Bexley process for informing senior managers and where appropriate senior Councillors about serious incidents. This ensures that there is appropriate management oversight of cases where there are serious concerns in relation to the safety, welfare and/or education of a child or young person. It ensures that the senior team is always well briefed about important issues in advance so that they are well placed to respond to enquiries from other Councillors, the press or partner agencies. There are a number of circumstances where the Deputy Director should always be informed, which are set out in the Serious Incident Notification Policy.

Where a SIN is made in relation to a child known to both YOS and CSC, the managers taking responsibility for the SIN in either service must discuss which agency will lead on the submission. The lead agency must seek input from the other service prior to submission of the SIN and share the agreed SIN with the other service.

From 8 May 2018, the YJB ceased its policy for local authorities to report to them new CSPPIs whilst a young person is under YOS supervision.

If there is a serious incident in the community then local authorities will act according to the following guidance and legislation:

• Working Together to Safeguard Children (2018)

• Multi-Agency Public Protection Arrangements (MAPPA) guidance (2018)

• Serious Further Offences (SFO)

• Local Children’s Homes (England) Regulations (2015)

When any member of staff receives information that a young person currently known to the YOS either on a statutory order or YOS prevention programme is involved in a serious incident (formerly YJB’s Community Safeguarding and Public Protection Incidents) whilst under YOS supervision, a Bexley SIN must be completed. For this purpose a SIN incident is defined as:

a) Death;

b) Commits or attempts suicide;

c) or where a young person is the victim of, or is charged with, a Serious Incident defined under Public Protection:-

d) Murder;

e) Manslaughter;

f) Rape;

g) A MAPPA registered young person commits a MAPPA Serious Further Offence (SFO)

A SIN notification must be completed and forwarded to Bexley’s Director of Children’s Services within 24 hours where required. The circumstances of the incident should be reviewed within 10 working days from notification or as advised by the Head of Service of the YOS, CSC or the DCS. The review should be undertaken by a YOS Operational Manager who has not had direct involvement with the case, where possible.

In addition to the above incidents requiring a SIN, discretionary incidents including serious self-harm, sexual abuse/exploitation, and incidents with unique or concerning circumstances, may require a SIN. These incidents also require immediate reporting to a manager for oversight of not only the continued management of the case but also consideration of YJB notification.

Please refer to Bexley SIN template and Policy Guidance for more information – please see links below.

<https://bexley.proceduresonline.com/files/ser_incid_notif_pol.pdf> <https://bexley.proceduresonline.com/files/ser_incid_notif_template.docx>

17.2 **BSCB and YOS Management Board notifications**

The YOS will inform YOS Management Board and Bexley Safeguarding Partnership Manager of the SIN findings as directed by the Chair of YMB who receives the SINs. Where the young person is known to both the YOS and CSC, the review will be jointly undertaken or referred to an independent senior manager, via the BSCB where a Serious Case Review is called, to complete the investigation.

The Chair of YOS Management Board will be informed and the YOS will advise YOS Management Board of the SIN findings and arising action plan within YMB management reports. YMB will monitor the implementation of the action plan until completion and their sign-off.

**18.BUDGETS AND FUNDING**

CSC will fund the costs of placement, remand and transport costs.

The YOS will track remand bed nights to aid CSC budget monitoring arrangements.

The YOS funds interventions that are required as part of the young person’s intervention plan.

**19. CONFLICT RESOLUTION and Escalataions**

If there is a conflict between YOS and CSC workers regarding assessments or intervention it is expected that the allocated workers from both teams should try to resolve the matter in the first instance. If this is not successful, the matter will be escalated to YOS assistant team manager and CSC team manager to resolve, involving the workers if felt necessary. In the event that the matter remains resolved it will be escalated to the YOS service manager and the relevant CSC service manager to resolve. It is anticipated that only in exceptional circumstances there will be a need for intervention by a head of service or deputy director.

**20. REVIEW OF THIS PROTOCOL**

This will take place on an annual basis and be undertaken jointly by the Head of Service, Children’s Social Care and the YOS Head of Service

Signed on Behalf of Children’s Social Care

Fiona Cisneros, Deputy Director

Children’s Social Care

Date:

Signed on behalf of the YOS

Lauren Ovenden, Deputy Director

Educational Achievement and Inclusion

Date:

To be reviewed annually, next review: June 2020

**Appendix 1**

**Appropriate Adult (AA) responsibilities and legal framework**

When a person is arrested by the police and taken to a police station they have three basic rights:

* Free and independent legal advice;
* To have someone informed of their arrest;
* To consult the [**Police and Criminal Evidence Act 1984 (PACE) Codes of Practice**](http://www.homeoffice.gov.uk/police/powers/pace-codes/) concerning police powers and procedures.

All children and young people aged 10 – 17 who the police arrest or interview as a voluntary attender should have an AA present. This is defined in the Police and Criminal Evidence Act 1984. All children and young people in police stations in the local authority area must get this service, even if they do not live in Bexley.

If a family member or carer is not able to attend, the Local Authority must supply an AA. The service must be available seven days a week, with arrangements made for out of office hours.

The AA is required to be present during the course of the police interview and key investigation stages conducted in the police station. The aim of this provision is to safeguard the rights and welfare of young people and vulnerable adults in custody.

The AA’s role is to protect the interests of the child or young person. They should advise and support them and ensure that they are fairly treated and their needs met. In particular they should be aware of and able to support any:

* mental health needs;
* learning;
* communication difficulties.

The first choice for an AA should be a parent, carer or other responsible family member. No one known or suspected of involvement in the offence or its investigation may be an AA.

The main responsibilities include:

* supporting and assisting the child or young person while in detention including during any interview
* ensuring the child or young person understand their rights
* observing whether the police are acting fairly, properly and with respect for the rights of the child, and telling them if they are not
* inspecting the child or young person’s custody record in agreement with the custody officer
* assisting with communication between the child or young person and police

It is also important that the AA is aware of local specialist provision linked with custody such as:

* liaison and diversion schemes
* the out-of-court disposal process

This will help the child or young person access these services and know what happens next.

Whenever possible the service must be provided within two hours of the request being made, providing legal representation is in place and any additional services, such as an interpreter, have been arranged. The AA attending should have advance warning of any risk or safeguarding issues and any speech, language or communication needs.

If the child or young person is detained for an extended period or there are extensive delays, it may be necessary to change the AA. This should be done in consultation with the custody sergeant and managed to reduce delays. An AA attending the police station may also be asked to act for another child or young person. An AA should consider whether there is time to do this and still provide a quality service.

The AA should introduce themselves at the custody desk and have access to the custody record. They should then see the child or young person alone and explain their role and assess any welfare needs. They should let the child or young person know how to access legal support, and can insist that this is provided even if the child or young person refuses it.

The AA must not discuss the detail of the offence with the child or young person, as they could risk being called as a witness. For the same reason, when the solicitor attends, the AA must not be present.

During the police interview the AA should ensure the child or young person understands the proceedings, and that their welfare needs are met. AA’s must be present during:

* the administration of youth cautions and youth conditional cautions
* decisions to extend the timescale during which the child or young person is detained
* decisions to bail (release under investigation) the child or young person to re-appear at a police station at a later date
* charging the child or young person with an offence
* the taking of photographs, fingerprints or DNA intimate or strip searches (the AA must be of the same gender as the child or young person).

Appendix 2

**RMP/CNP PROCESS**

YOS admin send extracts of cases to social workers and copy in manager

YOS admin send out minutes to distribution list - Minutes to be circulated to panel members within one week of the meeting

YOS admin send emails & calendar invites to social workers (copy Managers in) inviting them to the panel with an approximate time they should attend

YOS admin send out agenda & calendar invites to distribution list – to be sent to panel members one week prior to the meeting