

## **Leicester City Youth Offending Service - Risk of Future Harmful Behaviour Policy**

### **1. Introduction**

This policy should be read in conjunction with:

- [YJB Case Management Guidance](#)
- [YJB AssetPlus guidance](#)
- [YJB National Standards](#)
- MAPPA guidance
- Leicester City YOS DYO protocol
- AIM 2 assessment policy/guidance.

The purpose of this policy is to enable practitioners and managers to make defensible decisions and promote effective practice in the assessment and management of young people who pose a risk of harm to others.

In order to achieve this, the following policy highlights the roles and responsibilities of practitioners, operational managers and senior management within the YOS for those young people where a future risk of harmful behaviour towards others has been identified. This includes all future harmful behaviour that a young person might engage in, not just behaviour that meets the threshold for serious harm (AssetPlus guidance).

There will be cases where a young person will be assessed as posing both a risk of harm to others and to themselves due to safety and well-being issues. In these cases the appropriate Leicester Safeguarding Children's Board (LSCB), Social Care and Health procedures and internal safeguarding procedures should be adhered to in conjunction with this policy.

### **2. Identification and Assessment of Harmful Behaviour**

1. All young people open to the YOS on a statutory Order and Out of Court Disposals will have an assessment undertaken in AssetPlus to identify all future harmful behaviours that the young person might engage in. Utilising their professional judgement and with sound justification, practitioners will identify behaviours/offences, in the Explanations and Conclusions section of AssetPlus, that the young person might realistically commit, whether harmful or seriously harmful to others.
2. Practitioners will assess the Risk of Serious Harm (ROSH) to others for all young people and identify a risk level of either Low, Medium, High or Very high. Serious harm is defined as 'Death or injury (either physical or psychological) which is life threatening and / or traumatic and from which recovery is expected

to be difficult, incomplete or impossible.” (Youth Justice Board). The risk of serious harm is the likelihood of this outcome.

3. By completing the future behaviour sub-section of Explanations and Conclusions in ASSETplus , practitioners will determine the **Type, impact, context, likelihood** and **imminence** of future harmful behaviour occurring in both a community and custodial setting.
4. Determination of the overall ROSH judgement will consider the **impact** ratings for the harmful behaviour and /or offences (AssetPlus guidance page 135). If the only behaviour or offences that have been identified have impact ratings of slight, minor or medium – they would not meet the threshold for serious harm and therefore a Low ROSH judgement would apply. Practitioners will ensure that behaviour/offences that do not meet the ROSH threshold, are still addressed in the Youth Justice Integrated Plan in the Pathways and Planning section of AssetPlus.
5. Professional judgement will be used to determine the ROSH judgement when there are behaviours/offences that have been identified with a major or critical impact with consideration to be given to likelihood and imminence in making this judgement.
6. The Explanations and Conclusions section of AssetPlus will also identify the following: Dangerous young people/those posing a risk of harmful behaviour to children and those that meet the criteria for MAPPA.
7. Operational managers will be responsible for countersigning the Explanations and Conclusions section of all AssetPlus assessments. This will ensure the quality assurance of judgements and ratings in relation to all harmful behaviour.

### **3. Planning to manage Harmful Behaviour**

1. The Pathways and Planning section of AssetPlus is an integrated Youth Justice plan that must be completed by the practitioner. This section pulls together all the priority behaviours, such as future harmful behaviour in order to inform the key areas of intervention and translate these into specific targets.
2. The mitigation of future harmful behaviour should be prioritised in terms of the sequencing of interventions/targets, especially so where the ROSH level is High or Very High.
3. Where future harmful behaviour is identified, whether this is of a serious nature or not, the integrated youth justice plan should utilise both internal and external controls/actions to manage this behaviour. The use of external controls/actions is likely to be greater where the behaviour meets the threshold for serious harm and the ROSH level is assessed as High or Very High.
4. For those young people in secure establishments, the management of harmful behaviour in this setting must also be addressed. Practitioners should not lose sight of the level of risk in the community whilst the young person is in custody.

5. Professional judgement, risk levels and adherence to the responsibility principal will be employed to determine the appropriate combination and number of internal and external controls/actions.
6. Countersignature from operational managers will ensure that the content and quality of this section has been checked and agreed by a manager and will represent the shared responsibility for judgements made regarding future harmful behaviour.

#### **4. The Management of Harmful behaviour**

1. The management of all harmful behaviour, whether of a serious nature or not requires the practitioner to respond to 'significant change' in a timely manner. Wherever possible, team managers should identify a timescale for the updating of AssetPlus.
2. The practitioner should utilise their professional judgement to determine whether certain events, circumstances or information received would necessitate a review of AssetPlus. The practitioner should consult with the line manager if there is any doubt over what would constitute a 'significant change'. The following are examples to illustrate the point, not an exhaustive list: Charge or arrest for further offending/possession or use of a weapon/gang affiliation/any safeguarding or public protection incidents. Management oversight during case supervision will ensure that the issue of 'significant change' is discussed, recorded and appropriate actions set in order to manage escalating harmful behaviour.
3. For those cases where the serious harm threshold is met and the level is assessed as High or Very high, the following risk management processes must be implemented:
  - Notification to the DYO co-ordinator/ DYO classification and subsequent implementation of DYO protocol (please see separate policy). Referral to the IOM/MAPPA single referral process meeting where 'added value' is identified in relation to the most complex and challenging DYO cases.
  - Timely referral of the case to the Case Management and Diversity Panel (CM&DP) and subsequent reviews a minimum of every 3 months. This ensures senior management oversight of the case as the meeting is chaired by the Service Manager.
  - Regular senior management and team manager discussion at the re-offending toolkit meeting. Operational managers can utilise their discretion in relation to how often cases are shared and discussed in this forum.
  - Cases will be prioritised for senior management and team management oversight during monthly quality assurance days.
  - Police Intelligence will be utilised as a form of supervision and monitoring. The frequency of Police Intelligence checks and the weighting applied to information from this source will be at the discretion of the practitioner and line manager. (please see Police Intelligence guidance further on).
  - Victim safety must be included in the targets for intervention and will include both internal actions to address issues such as level of victim empathy etc and external controls/actions to promote victim safety such as prohibited contact

with the victim/exclusions on Licences and as a requirement for YRO's where appropriate. If a young person is sentenced to 12 months or more in custody, the Probation Victim Contact Team will be responsible for making contact with the victim to explore specific measures to keep them safe. We still, however, have a responsibility to plan to ensure their safety too.

- Practitioners must include and prioritise targets for intervention that address harmful behaviour.
- Practitioners must be pro-active in initiating and contributing to the multi-agency management of the case. Those cases that meet the threshold for serious harm and are assessed as a High or Very High ROSH will require a strong multi-agency response.

*For note: For those cases assessed as a medium ROSH or below, or of posing a risk of any future harmful behaviour, the above processes may be applicable and appropriate. This will be at the discretion of the practitioner and line manager and should be discussed in case supervision.*

## 5. Additional management of harm procedures

1. **MAPPA** - Leicester City YOS are responsible for identifying any cases which meet the MAPPA eligibility criteria at the earliest opportunity and must ensure that the appropriate MAPPA category and Level are identified and recorded in AssetPlus. Information sharing meetings at the appropriate level should be held for all MAPPA cases. MAPPA cases must be referred to the Case Management and Diversity Panel within 4 weeks of sentence.

MAPPA information sharing meetings will always initially default to Level 1. The YOS must refer to Level 2 and 3 when appropriate and Level 1 meetings will always consider whether the case requires escalation to Level 2 or 3.

2. **Domestic Abuse** - For cases where Domestic abuse is a feature of the young person's offending and/or behaviour. The practitioner, in consultation with the line manager, must consider the completion of a Domestic Abuse, Stalking and Honour Based Violence (DASH 2009) assessment and/or referral to Multi Agency Risk Assessment Conference (MARAC). The YOS will attend MARACs where appropriate to share information relating to cases of high risk domestic abuse.

Referrals to Social Care and Health for statutory or non-statutory provision such as Early Help/MST/CP or CIN Plans may also be appropriate, especially in cases where the domestic abuse is perpetrated against family members, especially children.

3. **Sexually Harmful Behaviour (SHB)** - With regards to young people with sexually harmful offending and/or behaviour, the YOS will implement the AIM 2 assessment guidance. Consultation/information sharing will also be required with Social Care and Health colleagues and consideration given to CUAB procedures. MAPPA arrangements will also be implemented for those young people who are required to sign the Sex Offenders Register.

4. **EXTREMISM** - If there are concerns around young people exhibiting ideologies that promote the use of harmful behaviour towards others, the YOS will make a referral to PREVENT.

## 6. Management of Habitual Knife Carriers

For the purpose of this documentation, the current national definition of a “Habitual Knife Carrier ( HKC) “has been utilised. This definition is under review locally.

*“A habitual knife carrier is determined by the police as any individual that has come up at least twice on the Police Niche Database for Possession of an Offensive Weapon / Knife / Bladed Article or Knife Injury excluding Domestic Abuse offence in the last two years.*

*AND;*

*At least one of the above offences is in the last 12 months unless this subject has been in prison for a period in the last 12 months.”*

Leicestershire Police will periodically send a list of young people identified as a Habitual Knife Crime Carrier to YOS management team and a number of agencies.

The HKC status comes to an end when the subject has not been involved in an incident recorded on Niche relating to a knife within the last 12 months.

If a young person is identified as a habitual knife carrier then YOS staff should adhere to and implement the following:

- The risk management principles in relation to serious harm and safeguarding as identified in the YOS risk of harm policy and additional Leicester City Council Safeguarding management processes.
- The designated YOS Seconded Police Officer/s will carry out police check via Niche database to verify the Habitual Knife Carrier Status and record the information as well as update characteristics tab on CAPITA database .
- The YOS Seconded Police Officer and/or the Offender Manager Coordinator will liaise with Leicestershire Neighbourhood areas or Knife SPOC to establish the suspected/identified motive(s) for the behaviour, for example links to Urban street gangs, organised crime groups, self –protection, retaliation. This liaison will also establish what risk management strategies have been implemented by the Police in response to the behaviour in order to safeguard the young person and members of the community.
- If the information obtained indicates a risk of serious harm to others or significant safety and wellbeing issues for the young person, then a discussion must take place with the relevant Team Manager and Service Manager about appropriate actions to manage the risk issues.
- An immediate discussion should take place about the personal safety of staff and other service users particularly if the information indicates a high risk of serious of harm to others or significant safety and wellbeing issues with the relevant Team Manager or in their absence, the Duty Manager. This should include a staff safety plan as well as a risk assessment (measures and controls) on appropriateness of YOS activities such as reparation, group work and attendance centre etc.

- The safety plan should be recorded in YOS management documentation on CAPITA and forwarded immediately to YOS management team. This should be shared with staff where appropriate.
- The YOS Case Manager in consultation with the Team Manager must determine whether the identification of the young person as a HKC, requires a referral to CSC.
- Where young person and family are open to both Children's Social Care and YOS, a discussion should take place between both agencies to determine the right course of action.
- The YOS case manager should carry out a review of ASSETPLUS documentation particularly if the information suggests an increased risk of future harmful behaviour and safety and well-being so that the assessment and plans are in place adequately address the risk and safeguard the young person and others.
- Following a review of the documentation, the team manager should ensure through the countersigning process that the mitigation of harm-related behaviour and safety and well-being issues are prioritised in pathways and planning.
- Joint visits should be undertaken to disclose their status to young people and parents as well as explore actions to address risk domains.
- YOS staff must liaise with YOS ETE staff as well as the education establishments following the receipt of this information to both inform safety planning and management of risk. ( all schools and post 16 establishments will be sent this list as well).
- Cases should be discussed at the Case Management & Diversity Panel or via a strategy discussion (facing and online) within timescales reflective of the level of risk/future harmful behaviour and safety and wellbeing.
- Team Manager should consider the allocation of an advocate.
- In some exceptional circumstances, the YOS may need to consider a referral to MAPPA – category 3, for example if the young person is identified through intel as potentially dangerous but is not being supervised through any statutory processes.
- HKC cases should also be prioritised during case supervision between the team manager and the YOS officer.
- HKC cases will also be discussed as part of the Deter Young Offenders Ragging process and therefore will receive additional monitoring.
- HKC cases will be prioritised through QA processes and reviewed through the use of the reoffending toolkit meetings.

## 7. Police Intelligence Guidance

The provision and use of Police intelligence is an integral part of the management of harmful behaviour as this will contribute to and inform risk management as well as safeguarding decisions. The difficulties with establishing the reliability and validity of Police Intelligence information is acknowledged by virtue of it being 'intelligence'. The weighting applied to the intelligence provided by the Police is dependent on the professional judgement and discretion of the practitioner and team manager in consultation with the YOS seconded Police Officer and this could result in raising the assessed level of risk.

All Police Intelligence information must be recorded on AssetPlus in the 'other behaviours of concern' subsection in a timely manner. The Assetplus future harmful behaviour (behaviour /offence/victims) will also require a review. Consideration should be made about how this information impacts on Safety and wellbeing section of the assessment. In some cases, the information provided may constitute a 'significant change'. Wherever possible, team managers should identify a timescale for the updating of AssetPlus.

The following are the principles that should be applied to the use of Police Intelligence in informing the assessment and management of harmful behaviour:

- The frequency with which Police Intelligence reports are being provided on the young person.
- Whether the information provided via Police Intelligence corresponds with other multi-agency information/concerns or YOS concerns.
- Consider the reliability and validity of the source of the Police intelligence and confirm this wherever possible
- Consider whether the behaviour identified in the intelligence report represents an established pattern of behaviour of this nature.
- Consider the severity of the behaviour being reported.
- Consider whether the intelligence being provided suggests links to organised crime etc.
- Consider whether the intelligence being provided suggests extremist ideology concerns.
- Under no circumstances should Police Intelligence be discussed with the young person or family without prior consultation with YOS seconded Police Officer/team manager as Intelligence can come from a number of sources some of which may be sensitive.
- Should always consider actions to be undertaken in consultation with Team manager in response to police intelligence dissemination

In order to make a request for police intelligence the staff member is required to send the seconded police officer an email which should include the rationale /detail/nature of the requests (this satisfies data protection laws). The request must be made from a secure LCC to Police address. Each request must be recorded in our CAPITA Database.