

JOINT WORKING PROTOCOL BETWEEN CHILDREN'S SOCIAL CARE AND YOUTH OFFENDING SERVICE

Introduction

This protocol captures the necessary requirements to ensure there is a clear understanding of roles and responsibilities between Children's Social Care (CSC) and the Youth Offending Service (YOS) where a young person aged 10-17 is involved with the criminal justice system.

It is recognised that there may be difficulties at times in this joint working relationship due to the differing main drivers resulting from legislation and guidance, but we need to work together to maintain the balance between 'care and control'. Research shows that young people are best cared for and supported in their own homes so it is of paramount importance that both agencies work together to support young people and their families, minimising risk factors that may be causing concern. A central principle must be observed in that CSC and YOS are to work together to ensure a smooth delivery of service to young people and external agencies. This protocol will be reviewed at 12 month intervals, or sooner if legislation and national guidance requires.

Mission Statement: CYPS CSC and YOS staff have an overarching commitment to work jointly and share information about young people that offend to assist in the reduction of risk of reoffending, harm and vulnerability.

Relevant legislation: Children Act 1989 & 2004; Children (Leaving Care) Act 2000; Crime and Disorder Act 1998; Children and Young Person's Act 1969; Criminal Justice Act 2003; Criminal Justice and Immigration Act 2008; Care Planning Regulations 2010; Legal Aid, Sentencing and Punishment of Offenders Act 2012.

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Young person at the Police station

- **Police interviews:** Where a parent/carer is not able to attend the Police Station, the Police will organise an appropriate adult through the Appropriate Adult Scheme (currently contracted by YOS to Cambridgeshire and Peterborough YMCA). Where a young person is Looked After, CSC will either arrange for a staff member to act as the appropriate adult or contact the Appropriate Adult Scheme.
- **The young person is to be released on bail, but cannot return home (because either their parent/carer or the Police are refusing):** The Police will inform the Contact Centre or EDT (out of hours). Contact Centre staff will inform the relevant unit (for open cases) or refer to the relevant access unit. CSC will make enquiries, consider risks/concerns relating to the home environment then try to arrange the most appropriate placement, at home or with other family in the first instance where possible. If not, permission should be sought from the Head of Service or Director to accommodate in a Local Authority funded placement.
- **The young person is charged with an offence, but cannot return home:** The Police should consider using the PACE bed at the Hawthorns as an alternative to the young person being kept in Police cells overnight. Where appropriate, the Police custody sergeant will inform the Contact Centre or EDT (out of hours) to make this request. CSC will discuss provision with Children's Placements and decide whether a place is available. The Police will transport the young person to the PACE bed, where they will be held until the next available court.

Young person at Court

YOS will manage the court process and ensure relevant CSC staff are involved in discussions as appropriate relating to bail, remand or sentencing issues. Where a young person is subject to a Care Order, a Looked After Child or Remand to Local Authority Accommodation, CSC are responsible for arranging transport to court for the young person. In these cases, the court will generally expect a representative from CSC to be present.

Where a Pre-Sentence Report is requested, the allocated YOS Officer will check whether the young person is open to CSC by using the ICS database. For open cases, the YOS Officer will contact the relevant worker/unit for further details. CSC to provide any further information required within 3 working days of the request and actively contribute information towards the report.

Processes for the following specific court scenarios are shown on the following pages:

- The young person is at risk of remand (RLAA/RyDA)
- The young person is Remanded to Local Authority Accommodation (RLAA)
- The young person is Remanded to Youth Detention Accommodation (RYDA)
- The young person is being considered for a Local Authority Residence Requirement as part of a Youth Rehabilitation Order (YRO)

The young person is at risk of remand (RLAA/Ryda)

YOS will:

Attend court and assess the risk of remand by gathering appropriate information (including from ICS/allocated unit if CSC open case).

Inform the allocated unit (for open cases) or Contact Centre of potential risk of remand.

YOS liaise with CIN (open cases)/ Access (new referrals) unit about appropriate accommodation including responsibility for contacting family members to discuss options.

Discuss and negotiate package of conditions with relevant parties at court as appropriate.

Where RLAA seems likely, make enquiries and complete overview assessment under Schedule 3 or 4 of the Care Planning Regulations 2010.

Confirm address to be proposed to court

Attend court hearing and propose agreed package to court.

CSC will:

Provide appropriate information upon request (e.g. CP/CIN plan).

GM/TM/CSW to consider options for accommodation in liaison with the Head of Social Care – to include home address, other family, care placements.

Young person is Remanded to Local Authority Accommodation (RLAA)

YOS will:

Immediately notify the relevant CIN (open cases) / Access (new referrals) unit.

CSC will:

GM/TM/CSW to confirm placement or current situation regarding placement.

Transfer case from Access unit to CIN unit.

YOS liaise with CIN unit about transport of young person to accommodation and supervision in the meantime if necessary. Where a young person is placed at home, parents remain responsible for transport. Where the placement is yet to be confirmed, where possible YOS will bring the young person to the local area office. If further supervision is required, both services will jointly identify either a YOS sessional worker or CSC Family Support Worker to supervise and transport.

CIN unit to coordinate placement and support package. Permission is required from the relevant Head of Service where a Local Authority funded placement is needed. Social Worker allocated. LAC paperwork and processes commence.

Maintain contact with young person as appropriate and keep CIN unit informed of court appearances. Notify Police if conditions of RLAA are breached.

Where appropriate, make enquiries to undertake full assessment and report under Schedule 3 or 4 of the Care Planning Regulations 2010 within 7 days.

Young person is Remanded to Youth Detention Accommodation (RYDA)

YOS will:

Contact YJB to arrange custodial placement for young person.

Immediately notify the relevant CIN (open cases) / Access (new referrals) unit.

CSC will:

Transfer case from Access unit to CIN unit. Social Worker allocated. LAC paperwork and processes commence.

Where appropriate, allocated YOS worker and CIN unit continue liaison about packages to be proposed at the next court hearing to secure RLAA or release on bail. (N.B. As of 01/04/13 the Local Authority is responsible for funding all RYDAs.)

Arrange and attend Initial Remand Board at custodial placement within 10 working days. Keep CIN unit informed with appropriate information and invite to the board meeting.

Prepare Detention Placement Plan within 10 working days to be signed off by senior manager at custodial placement (usually completed through attendance at Initial Remand Board with allocated YOS worker).

Contribute information to LAC Review and attend where appropriate.

LAC Review to be arranged within 20 working days at the custodial placement involving the appropriate IRO.

Young person is being considered for a Local Authority Residence Requirement as part of a Youth Rehabilitation Order (YRO)

YOS will:

Inform the CSC allocated unit (for open cases) or Contact Centre with 1 working day of the court indicating they are considering this requirement.

Allocated Pre-Sentence Report (PSR) author.

YOS PSR author and social worker liaise about suitability of this requirement and share concerns as appropriate. Where there is disagreement, YOS Team Leader will discuss with CSC Group Manager.

Include CSC recommendation within PSR.

Attend court hearing for sentencing as usual.

Contribute to LAC reviews and processes.

Follow enforcement processes including returning the young person to court for breach if necessary.

CSC will:

Allocate a social worker to complete an assessment of suitability for this requirement.

Complete assessment within 10 days of request, indicating the suitability of the requirement, possible length and likely placement. Head of Service of Director to give permission where Local Authority placement is required.

Attend court hearing for sentencing.

Ensure the young person is taken to the appropriate placement by the best placed person (may be YOS worker).

LAC paperwork and processes commence.

If the young person does not comply with the requirement, inform the allocated YOS Officer immediately and provide sufficient information for enforcement procedures.

Where such a requirement is made...

Arrangements for unaccompanied Asylum Seekers being held in Police custody for criminal offences other than immigration matters

Where this issue is identified, the Police or Appropriate Adult Scheme worker will immediately refer to CSC through the Contact Centre or EDT (out of hours). The Integrated Access Team (IAT) will be informed and a duty worker will contact the Police custody sergeant to establish when the 'holding timeframe' will end and confirm when a staff member will attend to conduct an initial age assessment. Where CSC decide the young person is 'obviously over 18' the appropriate letter will be issued. If not, CSC should make arrangements for a full age assessment to be undertaken. Where this is not possible within the 'holding timeframe', CSC may decide the young person is more than likely to be a minor and they are eligible to be accommodated without prejudice until a full age assessment can be completed.

Should the young person be charged with an offence and be kept in custody to attend the next available court, YOS will attend court in the usual way. The YOS duty worker will need to stress to the court any concerns relating to the risk of the young person absconding. The issue of trafficking and exploitation should be at the forefront of professionals' minds in dealing with such cases. Where young people are Remanded to Local Authority Accommodation (RLAA) or accommodated on release from the Police station and do abscond, CSC will convene a strategy meeting to which YOS will be invited.

Young person is an open case to both CSC and YOS

- **Sharing information about disposals:** YOS will check whether each new case is open to CSC using ICS. The allocated YOS worker will inform the relevant CSC unit about all criminal justice disposals including Youth Cautions, Youth Conditional Cautions and court orders. Where both services are to carry out assessments and/or interventions, the relevant staff will continue to liaise regularly as appropriate.
- **Referral Order Panels:** Young people on Referral Orders are required to attend Panel meetings with an appropriate adult. For Looked After Children YOS will notify the placement and social worker about Panel meetings. Normally the carer or member of staff from the residential placement will attend but where this is not possible, the relevant CSC unit will provide a social worker or other appropriate person.
- **Looked After Child is placed out of county:** The relevant CSC LAC unit will continue to work with young people placed out of county. Cambridgeshire YOS will retain overall case responsibility for the court order but will also request that the YOS in the area where the young person is placed 'care-takes' the order, undertaking contacts and assessment as required.
- **Young person is sentenced to custody and will require a placement on release:** YOS will manage the custodial processes and ensure the relevant CSC unit is kept informed about the young person's progress in custody and are invited to planning meetings. YOS will visit the young person in line with National Standards and be responsible for planning licence supervision and support focusing on offending behaviour on release. The following arrangements apply for particular groups of young people:
 - *Looked After Children (full or interim care order):* The case remains open to CSC and both services are jointly responsible for contributing to the sentence planning and LAC Review processes. The relevant CSC unit and Group Manager, in consultation with Children's Placements, are responsible for identifying an appropriate placement and support for the young person at least 4 weeks prior to the release date. A custodial period should always be considered a continuation of care and young people may become eligible for aftercare services while in custody.
 - *Looked After Children (voluntarily accommodated):* When sentenced to custody, the young person ceases to be accommodated but they should remain an open case to CSC, who remain jointly responsible for identifying services for release. Where re-accommodation is required, the relevant CSC unit and Group Manager, in consultation with Children's Placements, are responsible for identifying an appropriate placement 4 weeks prior to the release date. Permission may be required from CAM in these cases.
 - *Care Leavers:* Where an Eligible Child or Relevant Child is sentenced to custody, the case remains open to CSC, who remain jointly responsible for identifying services for

release. Where re-accommodation is required, the relevant CSC unit and Group Manager, in consultation with Children's Placements, are responsible for identifying an appropriate placement 4 weeks prior to the release date. Permission may be required from CAM in these cases.

- **YOS parenting interventions:** Where a YOS parenting intervention is already taking place and a referral is made to CSC, discussions will take place between staff and relevant managers to decide which agency is best placed to deliver parenting work. Where a young person is open to CSC and the concerns relate primarily to a serious risk of committing anti-social or criminal behaviour inside or outside the home, rather than welfare needs, the social worker should contact the YOS Team Leader responsible for parenting. Where a referral is deemed appropriate, an Initial Assessment or Core Assessment should be provided. The YOS Parenting Team will make their own assessment and then offer voluntary support to the family, which may include one-to-one support or a group. The case will remain open to CSC and the YOS Parenting Worker will contribute to CIN or CP meetings as appropriate.

Young person is open to YOS and identified as being a potential Child In Need or in need of Child Protection

Throughout YOS interventions, staff will be responsible for continually assessing safeguarding issues relating to young people on court orders and their families. YOS also complete a formal vulnerability assessment with all open cases as part of the ASSET process. Where a young person is identified as a potential Child In Need or in need of Child Protection, YOS will refer to CSC through the Contact Centre. Key issues to consider include whether the child is at risk of harm from within the home, from outside the home or from themselves, including mental health. YOS will forward relevant sections of ASSET with the referral.

Where appropriate, Contact Centre staff will forward the referral to an Access Unit who will make contact with YOS and discuss whether there is any role for CSC. If a decision is taken that the young person (and/or their siblings) is likely to be a Child In Need, CSC will undertake an Initial Assessment. If on-going needs are identified, CSC will arrange a CIN meeting and formulate a plan to address these needs. If the young person is identified as in need of protection, CSC will undertake a Core Assessment and Child Protection procedures as necessary. CSC is responsible for arranging and chairing these meetings and YOS will attend and contribute. In exceptional circumstances, a YOS Team Leader may be requested to chair a CIN meeting but a social worker will always attend.

Young people open to YOS considered at 'medium' or higher risk of vulnerability are discussed at Vulnerability Management Panels. Where they are also open to CSC, it is expected that an appropriate worker from the relevant unit will attend these meetings.

Where both agencies are involved over some time, the allocated workers will liaise closely to ensure they work jointly towards the agreed aims within CIN/CP and YOS plans. Where YOS involvement is ending due to the expiry of a court order, YOS will consult with CSC as appropriate. Where CSC are considering closing a case, they will consult with YOS to identify if there are any additional concerns which may require on-going intervention.

Young person is open to YOS and is in need of accommodation or likely to become homeless

CSC are responsible for providing accommodation to all young people where, in their assessment, it is no longer safe or appropriate for them to remain at home with family. In all such cases, YOS staff will explore alternative accommodation options with family as far as possible and then provide CSC with information about the current situation and concerns. CSC staff will assess the situation, explore options for accommodation with family further and apply to CAM to fund an appropriate placement in care where necessary. For urgent needs, CSC will offer support to sustain the current family placement or seek permission to accommodate on an emergency basis from the relevant Head of Service.

- **CSC open case:** YOS worker will contact relevant unit to update them with current information. CSC worker will then review the Initial/Core Assessment and explore options for accommodation.
- **Age 15 or under:** YOS worker will refer to the Contact Centre, who will inform the relevant Access Unit. CSC worker will complete an Initial Assessment and explore options for accommodation.
- **Age 16 or 17:** Following the Southwark Ruling, CSC have a duty to ensure that suitable accommodation is identified for 16 and 17 year olds if they are homeless. YOS worker will refer to the Contact Centre and then continue to offer advice and assistance in seeking accommodation, primarily through the YOS Accommodation Officer. The relevant Access Unit will complete an Initial Assessment and then continue to liaise with the YOS Accommodation Officer to ensure that the young person receives the required support and an appropriate placement is identified, either through entering care as a Looked After Child or through the local housing department. **This also applies to young people in custody who will require accommodation on release and are not previously known to CSC.**

Communication and governance

The following arrangements are in place to ensure good levels of information sharing and communication between the two agencies:

- CSC and YOS will identify link workers in local areas as appropriate.
- Link workers or CSC Group Managers/YOS Team Leaders will attend team meetings at the other agency approximately once every six months.
- CSC and YOS will regularly exchange updated structure charts and ensure there are available for staff to view.
- A senior representative of CSC will attend and represent CSC at the YOS Executive Board.
- YOS Team Leaders will attend and represent YOS at Area Safeguarding Committees.