



Centre for Professional Practice

# **Dudley MBC Protocol between Children's Services and the Youth Offending Service**

**Revised  
March 2018**



## Contents

---

1. **Introduction**
2. **Youth Crime Prevention**
3. **Principles of Joint Working and Management of Risk**
4. **Early Intervention - Identifying Children and Young People at Risk of Offending**
5. **Police and Criminal Evidence Act 1984 (PACE Act) – Appropriate Adult Provision for Children and young people.**
6. **Joint Work with Children Requiring Local Authority Support with Accommodation**
7. **Young People Appearing in Court - Bail, Remands into Local Authority Accommodation, Youth Detention Accommodation**
8. **Young Offenders Made the Subject of Court-Ordered Interventions**
9. **Joint Procedures Relating to Young Offenders Sentenced to Custody**
10. **Safeguarding Concerns in relation to Young People affected by Gang Activity, Child Sexual Exploitation and Sexually harmful behaviour**

## 1. Introduction

---

1.1 The following protocol clarifies roles and responsibilities where the activities of Children's Social Care and the Youth Offending Service (YOS) interface. It covers:

- Early intervention to prevent offending behaviour and services to Children in Need;
- Children Looked After (CLA) and those young people involved in the Criminal Justice System who are Eligible Young People or Relevant Young People with respect to 16+ service provision pursuant to the Leaving Care Services Act;
- Former Looked After Children (those who cease to be looked after as a result of being remanded or sentenced to custody and are not eligible for leaving care support);
- Appropriate adult work
- Young people appearing in court and subject to bail or remand conditions including Youth Detention Accommodation (YDA);
- The provision of services to young people sentenced to community orders or custody;
- Joint work with young people affected by gang activity, Child Sexual Exploitation (CSE) or Sexually Harmful Behaviour (SHB).

1.2 This protocol will not specifically address issues concerning information exchange, which is subsumed under a wider protocol between the local authority and its partners; and the local YOS/Police protocol. However, the principle is one of sharing information in order to improve specific agency assessments and joint planning. This includes the YOS notifying allocated social workers where young people living in the borough are charged with offences and CLA staff informing YOS of out of borough charges.

1.3 This protocol should be considered in the context of the child/children's wider family relationships and the need for agencies to work together in a joined up "think family" approach. In addition consideration should be given to children as young victims of crime and their need for ongoing protection and intervention to resolve the potential trauma they may have experienced.

## 2. Youth Crime Prevention

---

2.1 Traditionally, Youth Justice Services have been delivered to young people being prosecuted at court. The Crime and Disorder Act 1998 (CDA), however, clarifies the aim of the Youth Justice Service as being to prevent offending behaviour. This entails:

- Targeted intervention for young people at risk of involvement in criminal or anti-social behaviour, preferably at the pre-offending stage;
- Early intervention before patterns of offending behaviour have become firmly established, i.e. schemes of diversion for young people at the arrest stage through the Triage programme, Youth Caution or Youth Conditional Caution;
- Evidence-based interventions aimed at reducing the risk of re-offending for young people receiving a community penalty or a custodial sentence.
- This protocol will not set out the range of interventions available to children and young people, however, it is acknowledged that young people in the Criminal Justice System can also be victims of (CSE) gang involvement, drug running (County Lines) and require an individually tailored response to their needs.

2.2 The range of services provided or co-ordinated by the YOS with respect to pre-offending intervention, early intervention, and confronting offending behaviour are outlined in the local annual Youth Offending Plan

2.3 This protocol seeks to improve key areas:

- Define agency roles and responsibilities with respect to young people who offend and their families;
- Increase clarity as to the role and function of partner agencies in the youth justice arena, and improve shared understanding of the requirements of Section 17 1998 CDA to 'do all that is reasonable to prevent crime'.

### 3. Principles of Joint Working and Management of Risk

---

- 3.1 The involvement of one agency in a case does not preclude the legitimate involvement of another. The emphasis should be placed upon delivering a 'joined-up' service, rather than segmented interventions. This process will require clear case management, and the active involvement of operational and service managers to prevent young people being left unsupported, inter-agency conflict or, alternatively, wasteful duplication of efforts.
- 3.2 This protocol provides a framework for working effectively in partnership to prevent offending, reduce re-offending and to mitigate risk factors associated with involvement in crime and other aspects of social exclusion.
- 3.3 Where Children are already open to Children's Social Care (statutory social work services) the allocated Social Worker will be consulted in relation to assessment and planning, and will be regularly updated on progress by the YOS Worker. Assessments will be shared to avoid duplication of effort and improve information sharing. Mutual attendance at planning discussions is encouraged to promote systemic thinking and practice. Similarly attendance of both agencies at key planning meetings, for example Children Looked After Reviews, Children's Social Care (CSC) and Integrated Safeguarding (ISM) or Integrated Offender Management (IOM) Meetings (YOS) will aid fully integrated planning.
- 3.4 In some cases the YOS assessment will identify issues relevant to need or safeguarding indicating a consultation and possible referral to Single Point of Access (SPA) and also the Multi Agency Safeguarding Hub (MASH) through YOS/MASH representation.
- 3.5 Joint Assessment of young people and their families where accepted by the family must always be given active consideration.
- 3.6 Assessment documentation from Social Care and YOS will be shared for all joint work and respective databases updated appropriately.
- 3.7 The above principles apply to all young people supervised or supported by the YOS where Children's Social Care involvement is indicated.
- 3.8 Any conflict between caseworkers or managers as to allocation of resources or the aim of joint work must be escalated up the management line one level at a time.

#### 4. Early Intervention - Identifying Children and Young People at Risk of Offending

---

4.1 The process for identifying children at risk of offending, determining the need for intervention and whether this can be delivered on a voluntary basis or requires the imposition of a more formal outcome is described below and relates to concerns raised by:

- Dudley Anti-Social Behaviour Unit (DASBU);
- Children Social Care staff;
- Police or intelligence sharing meetings
- Schools and other community agencies;
- Parents or young people;
- Police at arrest stage at the police station.

4.2 Concerns about children involved in anti-social behaviour or at risk of offending enter the system by differing routes. Concerns may be conveyed to Children's Social Care and the YOS by DASBU, who will have been alerted by Housing Management Services or the police. However, in most cases the YOS will be notified via the police. The process also needs to be sufficiently flexible to respond to concerns raised by schools, and parents themselves, and these may be routed through SPA/MASH.

4.3 Children Looked After who are deemed at risk of involvement in crime, should be referred directly to the YOS Advanced Practitioner who has the lead for Children Looked After.

4.4 In those instances where a young person is already being worked with by Children's Social Care the involvement of the YOS is predicated on the assumption of working in partnership and is not an alternative to Children's Social Care involvement.

4.5 Children Social Care staff are encouraged to use the Advanced Practitioner lead to discuss concerns about criminal behaviour.

4.6 YOS also offers training for foster carers in dealing with offending and teenagers at risk of involvement in gangs or serious youth violence.

4.7 In order to reduce the number of First Time Entrants (FTE) to the Youth Justice System the YOS, in partnership with the police, operate a Triage service. In consultation with the Police, young people arrested for low gravity offences, with no significant offending history and admitting to the offence may be diverted from prosecution. The diversionary programme involves 4-6 sessions covering issues consistent with the needs and/or risk of offending identified by and ASSET Plus assessment and focused on restorative justice principles.

4.8 For higher gravity offences, the police disposal may be a Youth Caution or a Youth Conditional Caution. Interventions will be delivered by YOS in partnership with Children's Social care staff where appropriate.

## **5. Police and Criminal Evidence Act 1984 (PACE Act) – Appropriate Adult Provision for Child and Young People.**

---

5.1 The Police and Criminal Evidence Act 1984 (PACE Act) introduced responsibilities for Local Authorities and the Police in relation to children and young people. In particular:

- When a young person's parent/guardian are unavailable, unwilling or involved in the crime then there needs to be a trained appropriate adult present for Police interviews, the taking of fingerprint/photographs and when a young person is to be charged/bailed.
- If a young person is CLA then the YOS will deliver this service on behalf of the Local Authority as their Corporate Parent.
- When a young person is charged with a serious offence and bail is refused, the Police have a responsibility to transfer the young person to the Local Authority that needs to ensure the young person's attendance at court the next morning. The transfer can be to non-secure or secure accommodation.

### **Current Provision**

5.2 Since March 2016, young people arrested in the Dudley Borough are dealt with at the Police super cellblock in Oldbury. This is also the case for young people from Sandwell and Walsall.

5.3 Responsibility to provide appropriate adult services rests with the three Boroughs' Youth Offending Services. This is achieved through each service providing a Duty Worker to the cellblock on a rota basis with each area covering for a week at a time. The Duty Worker will

provide the service irrespective of which area the young person lives. This service covers the period 9am-5pm Monday to Friday.

5.4 Currently different arrangements exist in each area for out of hours and weekend cover. In Dudley, there is a bank of staff who, on a rota basis, responds to appropriate adult requests from 5pm-10pm week days and 9am-10pm Saturday and Sunday. The Emergency Duty Team (EDT) is contacted by the Police who in turn makes contact with the PACE Duty Worker. This Worker does not take responsibility for the transfer of the young person, but would refer the matter back to EDT, with the expectation that the Police will return the young person home.

5.5 The Police will contact the YOS as the first point of contact when a young person has been arrested for an offence. As part of their assessment of the situation, consideration will be given to where the young person will live following interview. The Police have the following options following interview:

- To bail the young person following further investigations.
- To bail the young person and refer to the combined Police YOS Decision Making Panel, with a view to recommending an out of court disposal.
- Charge the young person and bail to the next available Youth Court.
- Charge the young person, deny bail, and consider transfer to Local Authority accommodation.

5.6 Where circumstances exist that a young person cannot or will not go home and/or there are concerns around other safeguarding matters, these will be raised with Dudley SPA/MASH. The YOS staff and Social Care staff will continue to communicate and support each other until a positive solution is found.

### **Concordat on young people in custody**

5.7 In April 2016 the home office published a concordat for young people in custody, which was jointly signed by the home secretary and the minister for state for education. The Concordat sets out each party's responsibilities and provides a protocol for how transfers should work in practice. Between its signatories, it is both an agreement of understanding and a declaration of commitment to ensuring that these duties are fulfilled.

## **6. Joint Work with Children Requiring Local Authority Support with Accommodation**

---

6.1 In the event of children and young people being assessed by the YOS as requiring accommodation services pursuant to Section 20 1989 Children Act, or they become estranged from their family, the YOS Officer should discuss the concerns with a Social Worker in the SPA, or their allocated worker. The necessity for prompt inter-agency action may arise in the following circumstances:

- Where there are concerns raised by the Court about a return to the family home and liaison with Social Care is required immediately to offer reassurance to the court and/or offer alternative addresses;
- Where the Court grants Bail with a condition to reside as directed by Children's Social Care because parents/carers have refused to accept care responsibilities for the young offender, have not attended court and cannot be contacted, or the Court has imposed a negative requirement prohibiting a return home:
  - In such cases, the YOS Officer will liaise with SPA/MASH or the allocated Social Worker for appropriate assessment and intervention in partnership with the YOS Supervising Officer;
  - Where subsequently, the parent or carer is contacted, every effort will be made to support a return home for the young person provided it is in his / her best interests, and bail conditions imposed by the court permit;
  - The agreement to accommodate under Section 20 1989 Children Act must be made at the level of Head of Service – Children's Social Care, but would be discussed with relevant Head of Service – Early Help, prior to making an application.

## **7. Young People Appearing in Court - Bail, Remands into Local Authority Accommodation, Youth Detention Accommodation**

---

7.1 The YOS has responsibility for monitoring all young people appearing in court, recording outcomes, and advising the court of services available where appropriate. However, not all young people appearing in court require services provided directly or co-ordinated by the YOS, particularly where young people are remanded to appear on unconditional bail.

7.2 Dudley YOS is required to provide a service to Black Country Combined Youth Court on a Wednesday in Wolverhampton. Where Dudley young people appear in another court or on a non-Youth Court day at Wolverhampton, Dudley YOS will be contacted by the relevant YOS on duty.

7.3 Where objections to bail are raised, the YOS will provide an assessment wherever possible at the first Court hearing and, where practical, provide or co-ordinate a Bail Supervision and Support (BSS) programme. The bail assessment may give rise to concerns relating to the home circumstances that would warrant a referral to the SPA/MASH. In cases where Children's Social Care is already, actively involved they are expected to retain their involvement, and the YOS caseworker will involve the Social Worker in the planning process, and vice versa.

7.4 If the courts refuse bail then they will remand the young person into Local Authority Accommodation with or without conditions. These children then become Children Looked After. If a child is already open to the Local Authority, then the YOS Officer/Court Duty Officer will contact the relevant Social Worker, who will assess the appropriateness of any future accommodation. If the child is not known to Social Care, a referral will be made to the SPA pending an assessment and appropriate future accommodation. During this the YOS Duty Worker or allocated worker will work collaboratively with colleagues from Social Care to:

1. Support the Social Worker in assessing suitable alternative accommodation.
2. To present a package of support to allow the young person to return home.
3. To engage the young person whilst accommodation is being identified.

7.5 Local Authority Social Care Allocated Worker will work collaboratively with staff from the Youth Offending Service to explore future options when the young person next appears in the Youth Court, including returning the young person home with a bail support package.

The authority must:

- Receive the child
- Provide or arrange for the provision of accommodation for the child whilst the child is remanded to local accommodation
- Where a child is remanded to local authority accommodation, it is lawful for any person acting on behalf of the designated authority to detain the child.

7.6 When all of the following criteria are met, the courts may remand a young person in to the secure estate:

- The “age “condition: the child must have reached the age of twelve.
- The “offence” condition: one or more offences before the court is a violent or sexual offence, or is an offence punishable in the case of an adult, with imprisonment of 14 years or more.
- The “necessity” condition: that the court is of the opinion that after considering all option for the remand of the child, that only remanding the child into youth detention accommodation would be adequate to protect the public from death or serious personal injury occasioned by further offences committed by the child or, to prevent the commissioning by the child of imprisonable offence.

7.7 Where there is an allocated Social Worker, that Social Worker will carry out all Children Looked After (CLA) duties and work closely with the YOS Officer to identify all possible alternatives to a remand to the secure estate including accessing funding through the Access to Resources Panel or if appropriate, to make representation at Legal Gateway.

7.8 Where there is no allocated Social Worker, the YOS Social Worker will be responsible for CLA duties including the Single Assessment. During this time the YOS Officer will continue to identify all possible alternatives to a remand to the secure estate including accessing funding through the Access to Resources Panel or if appropriate, to make representation at Legal Gateway. If the young person remains in Care, the case will be presented at Transfer Panel and the case will transfer to the Children Looked after Team.

7.9 In either situation, the Social Worker will notify the Service Manager for the Independent Reviewing Officer (IRO) Service who will allocate an IRO to the child.

7.10 If the young person was Looked After prior to remand, the Care Plan should be reviewed with the remand plan and the Detention Placement Plan used to record the Care Plan.

## 8. Young Offenders Made the Subject of Court-Ordered Interventions

---

8.1 Court ordered interventions will be supervised by the YOS, in accordance with sentence requirements and National Standards for Youth Justice. It would be appropriate for Initial Planning Meetings and reviews of court-ordered interventions to be organised and chaired by a YOS Advanced Practitioner, while Children Looked After Reviews are chaired by Independent Reviewing Officers. A single meeting can fulfil both functions if agreed by both services.

8.2 In the event of children who are Looked After or Children in Need being charged with an offence and prosecuted in court the following procedures will apply.

- The YOS will notify the allocated social worker within 1 working day of having received notification of the offence, court appearance, or Pre-Sentence Report (PSR) request. The YOS will continue to update the social worker as appropriate. However, where the child is Looked After, the functions of the YOS do not remove the imperative for the social worker to act In loco parentis as a responsible adult in the court proceedings;
- In the case of Children Looked After, placed out-of-borough and committing offences, the social worker will notify the Dudley YOS of any proceedings within 1 working day of notification of charge, court appearance, or conviction to enable Dudley YOS to liaise with the local YOS as appropriate;
- A Dudley YOS officer will be allocated to track the progress of the case. However, the local YOS will be responsible for delivery of interventions.

8.3 Assessment and intervention is a dynamic process and, on occasion, needs and/or safeguarding concerns will emerge post-sentencing while the young person is being supervised in the community. It is imperative that the case manager in consultation with their line manager through supervision. If already known to Children's Social Care convey the information of concern to the allocated social worker both verbally and in writing. Where there is significant concern a Review meeting (with young person and parents) or a professionals meeting may be required to bring all agencies together to share information and manage risk and vulnerability issues.

## 9. Joint Procedures Relating to Young Offenders Sentenced to Custody

---

- 9.1 The majority of custodial sentences for young people are Detention and Training Orders with a minimum sentence of 4 months and a maximum of 2 years. In general, half of the sentence is served in custody and the remainder served in the community under supervision of the YOS. Young people charged with an offence for which a longer sentence would be appropriate, are committed by the Youth Court to the Crown Court, where they can be sentenced to longer terms of imprisonment. However, it is usually the case that the young person will be released into the community under the supervision of the YOS at the midway point of the sentence.
- 9.2 The facility exists for the Prison Governor, to allow early release in response to good behaviour. The prison authority will inform the allocated YOS worker of the early release date and the mandatory release date in the early days of the sentence.
- 9.3 All young people in custody are the subject of a Sentence Plan agreed by the custodial establishment and the supervising YOS, which considers tackling offending behaviour, associated risk factors, education, well-being, and post-release arrangements and continuing supervision. The supervising YOS officer will invite any allocated social worker to the statutory review meetings held for young people in custody.
- 9.4 With respect to any Child Looked After (Section 31 1989 Children Act), or who was looked after (Section 23 1998 C.D.A), or Section 20 1989 Children Act.) immediately prior to sentencing and considered relevant; the care planning meetings and sentence plan review meetings will be attended by both YOS and Social Care staff. The CLA Review and sentence planning review should be held together where timescales allow and be chaired by an Independent Reviewing Officer, this includes the release preparation meeting (final review) in custody.
- 9.5 In the case of Looked After Children whether pursuant to Section 31 or Section 20 1989 C.A, it is imperative that the Sentence Plan is integrated with the local authority Care Plan. This may include plans to accommodate upon release, where the young person remains vulnerable.
- 9.6 Guidance for former children looked after provides a duty to assess the needs of young people who cease to be looked after when they enter custody and who are not 'Relevant'. (See

Responsibilities of the Local Authority to Former Looked After Children and Young People in Custody Procedure). This requires:

- A visit to the young person within 10 working days of the custody date; and,
- Completion of a Single Assessment within 20 working days of custody date outlining the advice, assistance and support required in custody and on release.

9.7 The above visit and assessment to be completed by whoever was the allocated worker of the young person at the point of custody.

9.8 In the event of a young person being entitled to early release, the YOS is required to provide the Manager of the Secure Estate provision with details of the intended address for the young person and its suitability for the installation of electronic monitoring. The Secure Estate must receive this information 10 working days before the release date or early release may be denied.

9.9 Planning for release begin at the first sentence plan meeting held in custody. As soon as concerns are raised about a young person being unable to live with their family on release, the procedures in Section 6 above need to be followed and a referral discussed at the YOS/ Social Care Meeting or with their allocated social worker. This may include a transfer to Children in Care CiC services.

**NB:** New guidance states that if no placement has been identified at the release preparation meeting, no less than one month before release, the issue **MUST** be escalated to the relevant service and if no address is available at the pre-release meeting this must be escalated to the Chief Officer of Children's Services no later than 7 days prior to the release date.

## **10. Safeguarding Concerns in relation to Young People affected by Gang Activity, Child Sexual Exploitation or Sexually Harmful Behaviour**

---

10.1 Safeguarding procedures can provide a key tool for all agencies working with young people in partnership to prevent their involvement with gangs either as members or victims of gang-involved offending. *Where a child is 'affected' by gang activity or serious youth violence, the risk or potential risk of harm to the child may be as a victim, a perpetrator or both.*

10.2 The key principles as outlined in the Dudley Safeguarding Board's guidance: Safeguarding children affected by gang activity / serious youth violence are:

- The safety and welfare of the child is paramount;
- Children who harm others are both perpetrators and victims of group or gang activity;
- All agencies act in the interests of the rights of the child as stated in the UN Convention (1989);
- All decisions or plans for the child/ren should be based on good quality assessments and be sensitive to the issues of gender, nationality, culture and sexuality; and
- All agencies should work in partnership with members of local communities, to empower individuals and groups to develop support networks.

10.3 Young people engaged with the YOS who are involved in a gang as evidenced by Asset Plus assessment tool and police intelligence will require the case manager to complete a Risk of Serious Harm assessment and, take the case to IOM if the risk is high or very high. In many cases, the young person will also be vulnerable to harm due to the cyclical nature of the link between offender and victim, their own reckless behaviours including use of weapons, substance misuse, sexually harmful behaviour or Sexual Exploitation. The YOS integrated Intervention Plan will be completed to identify appropriate factors and mitigation actions.

10.4 YOS must be invited to attend strategy meetings convened by Social Care regarding issues of gang involvement, Child Sexual Exploitation or Sexually Harmful Behaviour by children and young people subject to Child Protection or Child in Need Plans or who are Looked After.

10.5 Concerns may not be restricted to young people directly involved with gangs as victims or perpetrators but may include siblings who may be drawn into the margins of gang-involved offending or may be the victims of reprisals.

10.6 YOS has duties under the radicalisation 'prevent' agenda and sends a representative to Channel meetings to share information and agree strategy with the multi-agency group.

**Relevant Links:**

- ***Home Office, Police and Criminal Evidence Act 1984 (PACE) codes of practice (2016)***
- ***DSCB Child Sexual Exploitation Strategy 2015-2018***
- ***Knife, Gun and Gang Crime***
- ***Ending Gang Violence and Exploitation***
- ***Criminal Exploitation of Children and Vulnerable Adults: County Lines***
- ***Reducing Knife, Gun and Gang Crime***
- ***Girls and Gangs, The Centre for Social Justice, 2014 (research paper)***
- ***Ending Gang and Youth Violence Community Engagement 2014***
- ***Injunctions to Prevent Gang-Related Violence and Drug Dealing (Home Office) May 2016***
- ***Injunctions to Prevent Gang-Related Violence and Gang-Related Drug Dealing A Practitioners' Guide Revised Guidance May 2016***
- ***Preventing Gang and Youth Violence: Spotting Signals of Risk and Supporting Children and Young People***