



Department  
for Education

**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**

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## Summary

### About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out duties relating to the application of the Care Planning, Placement and Case Review (England) Regulations 2010 to looked after children who are involved with youth justice services. Local authorities must comply with this guidance when exercising these functions, unless local circumstances indicate exceptional reasons that justify a variation.

This guidance is a supplement to Volume 2 of the Children Act 1989 Guidance and Regulations and provides guidance to local authorities about their functions under Part 3 of the Children Act 1989. It is issued as guidance under section 7 of the Local Authority Social Services Act 1970 which requires local authorities, in exercising their social services functions, to act under the general guidance of the Secretary of State.

### What legislation does this guidance refer to?

- The Children Act 1989 [“the 1989 Act”]
- Care Planning, Placement and Case Review (England) Regulations 2010
- The Legal Aid, Sentencing and Punishment of Offenders Act 2012

### Who is this guidance for?

This guidance is for:

- Local authorities responsible for children’s services, including youth justice services;
- Directors of Children’s Services;
- Frontline managers who have particular responsibilities for the support and care of looked after children;
- Children’s services social workers;
- Youth Offending Team workers;
- Managers of Youth Offending Teams;
- Governors, Directors and Registered Managers of youth detention accommodation;
- Staff working in youth detention accommodation including professionals providing education and health care;

- Social workers based in Young Offender Institutions;
- Managers working in wider services supporting looked after children and care leavers;
- Personal advisers for care leavers; and
- Commissioners of services for looked after children and care leavers.

## Key points

Guidance was first issued in 2010 as chapter 8 of The Children Act 1989 Guidance – Volume 2: Care Planning, Placement and Case Review. It is being re-issued as a stand-alone supplement to take into account amendments to the Care Planning, Placement and Case Review (England) Regulations 2010 [the “Care Planning Regulations”] following changes in the youth remand framework that came into effect in December 2012 as a result of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA).

The Care Planning, Placement and Case Review (England) (Miscellaneous Amendments) Regulations 2013 came into effect in April 2013. These Regulations modified the Care Planning Regulations to take the LASPOA into account. These modifications were needed as:

- a) the decision to remand a child, therefore making them looked after (if they were not already looked after prior to remand) is made by a court, rather than by the designated local authority that will have duties towards them;
- b) local authorities may only have short-term relationships with remanded looked after children, lasting only for the period they remain remanded; and
- c) where a child is remanded in youth detention accommodation (YDA), the child will not be placed by the authority responsible for looking after them, rather they will be placed by the Youth Justice Board’s Placement Service acting on behalf of the Secretary of State (for Justice). In these circumstances the local authority responsible for the child does not have control over the day to day arrangements for safeguarding and promoting their welfare, which includes arrangements for their education/training and health care.

Where a child is remanded to local authority accommodation there will be little change to the authority’s care planning responsibilities. Local authorities are not required to produce a “plan for permanence” for this group of children, though in assessing the child’s needs the local authority will need to consider whether the child might need to remain looked after once the remand has ceased. But where a child, including a child who is already looked after, is remanded to YDA, the local authority will be required to produce a Detention Placement Plan, describing the arrangements for responding to the child’s needs whilst they are detained.

The arrangements outlined in this supplement are intended to ensure that looked after children in contact with youth justice services, including those who become looked after as a result of remand, are provided with appropriate support. Their effectiveness will rely on cooperation and partnership between professionals who work in children's services and those working for youth justice services, including those responsible for the care of children in the young people's secure estate.

## Background

### The Children Act 1989: key principles

A key principle of the 1989 Act is that children are best looked after within their families, with their parents playing a full part in their lives, unless compulsory intervention in family life is necessary. This principle is reflected in:

- the concept of parental responsibility;
- the local authority's functions to provide services which support children and their families; and
- the local authority's duty, unless it is not reasonably practicable or consistent with his/her welfare, to endeavour to promote contact between a looked after child and his/her parents or others.

### Principles in relation to children and their families

Good professional practice in working with children and young people recognises the following principles -

- Time is a crucial element in work with children and should be reckoned in days and months rather than years.
- Parents should be expected and enabled to retain their responsibilities and to remain as closely involved as is consistent with their child's welfare, even if the child cannot live at home either temporarily or permanently.
- If children have to live apart from their family, both they and their parents should be given adequate information and helped to consider alternatives and contribute to the making of an informed choice about the most appropriate form of care.
- Continuity of relationships is important and attachments should be respected, sustained and developed.
- A change of home, caregiver, social worker or school almost always carries some risk to a child's development and welfare.
- All children need to develop their own identity, including self-confidence and a sense of self-worth.

These principles reflect the intention in the 1989 Act, that parents should be encouraged to exercise their responsibility for their child's welfare in a constructive way. The 1989 Act places a strong emphasis on the local authority working in partnership with parents when undertaking their statutory functions.

## Introduction

Looked after children who offend, or who are at risk of offending or re-offending should receive the same quality of care as all other looked after children. The responsible authority has continuing duties and responsibilities as a good corporate parent for such children, including those who are in custody.

Looked after children are nearly twice as likely to be cautioned for or convicted of an offence than their peers<sup>1</sup> and, although estimates vary, it is thought that nearly a third of children in custody have been looked after.<sup>2</sup> Local authorities should have strategies that set out how they will encourage positive behaviour amongst looked after children who may be at risk of offending and the measures that will divert them from involvement with the youth justice system. Fostering services and children's homes should have an approach to care that minimises any police involvement to manage children's behaviour. Children's homes should have protocols with local police forces to cover this issue, in order to prevent children in their care from being needlessly criminalised.<sup>3</sup>

Where a looked after child is thought to be at risk of offending or re-offending, both the care/pathway plan and placement plan should include details about the support that will be provided to prevent this. Such support may take the form of ensuring the child's relevant developmental needs are met through mainstream services but the Youth Offending Team (YOT) in the area where the child is placed will be able to advise on specific preventative services which may also be suitable and appropriate. The Independent Reviewing Officer (IRO) should ensure that care plans adequately address this aspect of the child's needs, and should raise a challenge where a young person's needs are not being adequately assessed, resulting in the possibility of their becoming, or continuing to be, involved in offending behaviour.

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<sup>1</sup>[Outcomes for children looked after by local authorities in England as at 31st March 2012](#)

<sup>2</sup>[HM Prisons Inspectorate thematic inspection of children and young people in custody](#)

<sup>3</sup> National Minimum Standards for Children's Homes 3.22; NMS for Fostering Services 3.10

## Responsibilities

Care planning, placement and case review responsibilities apply to all looked after children, including those involved with youth justice services. Carrying out these responsibilities may, however, be a more complex task because of the involvement of other agencies with different priorities. This chapter provides specific guidance to clarify the interaction between the care and the youth justice systems.

While local authority children's services have primary responsibility for looked after children, they will rely on the support of partner agencies, including youth justice services to be fully effective in their function as "corporate parents" for looked after children involved in, or at risk of entering the youth justice system. The Children Act 2004 places a duty on YOTs and custodial establishments to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children (section 11) and to co-operate with other agencies in the making of arrangements under section 10, and they should have processes in place to fulfil these duties.

Local authorities and YOTs will need to have explicit arrangements in place to support each other's involvement with individual children, including those looked after outside their home authority. This will require information sharing protocols, effective IT systems, up-to-date contact information and joint training for children's services and YOT staff about care planning and remand/sentence planning for looked after children in the youth justice system.

Children detained under criminal justice legislation in secure establishments are subject to the 1989 Act.<sup>4</sup> The responsible authority continues to have responsibilities towards them in the same way as they would to other children in need recognising that the court, by sentencing the child, has determined where s/he will live.

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<sup>4</sup> In the case of YOIs, this was established by judicial review. See *R v Secretary of State* (2002) EWHC 2497.

## Looked after children who have been arrested

If a looked after child is arrested, the responsible authority should ensure that the child has the support of an appropriate adult and a solicitor with the necessary knowledge and skills while at the police station.

The child's social worker and the YOT should also communicate with each other to share relevant information about the child's circumstances and needs. This will include the social worker sharing key information from the child's care plan, including the child's pathway plan where the child is an "eligible child"<sup>5</sup> and the YOT worker disclosing details to the child's social worker about the child's offending history. The Crown Prosecution Service have produced guidance to inform decisions about the prosecution of looked after children in recognition of the fact that it may not always be proportionate or in the public interest to bring charges where an offence has been committed by a looked after child.<sup>6</sup>

Whether the child is charged or not, consideration should be given to reviewing the child's care plan to ensure measures are in place to minimise the likelihood of the child (re)offending. YOTs have a role in prevention and will be able to provide advice on reducing the risk of offending and access to local programmes to divert children from offending behaviour. Any offence related plan drawn up by the responsible YOT should complement the child's care plan.

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<sup>5</sup> Children Act 1989: Schedule 2, 19B.

<sup>6</sup> [Crown Prosecution Service protocol on prosecuting offending behaviour in children's homes](#)

## Looked after children charged with an offence

When a looked after child is charged with an offence it is important s/he must not be disadvantaged by a refusal of bail because of his/her looked after status. The court needs to have confidence that the child will be supported to adhere to any conditions of bail and is living in a suitable placement offering him/her the right support to divert them from offending. Local authorities, in conjunction with the YOT, should work together to develop suitable bail support programmes and specialist placements, such as remand foster care schemes, to ensure there are viable alternatives to the child being remanded to YDA. It is imperative for the local authority responsible for the child and the relevant YOT to work together to identify an appropriate bail address.

The responsible authority must ensure that the child is legally represented by a solicitor with expertise in youth justice. The solicitor should be provided with relevant information about the child's circumstances, needs and care plan. Continuing support must also be provided to the child by professionals and carers that the child's knows and trusts.

## Children not currently looked after

A child who is not already looked after may become so once s/he is involved with the youth justice system (see **Annex 4** for a summary of changes of care status as a result of criminal justice orders). This will occur when the police request a transfer of detention to the local authority pending a court hearing under the Police and Criminal Evidence Act 1984 (PACE). In which case the child must be provided with accommodation under section 21 of the 1989 Act until the hearing and is therefore looked after.

Children aged 10 to 17 who have been refused bail may be remanded to local authority accommodation with or without conditions. 12 -17 year olds who have been refused bail may also be remanded to YDA<sup>7</sup> <sup>8</sup>. In the case of children who were not previously looked after, this will give them the status of a looked after child under section 21 of the Children Act 1989 for the duration of the remand.

It is the responsibility of the local authority to identify a suitable placement for all children transferred to their care under PACE or remanded to their care under section 92 of LASPOA.

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<sup>7</sup> Section 104 Legal Aid, Sentencing and Punishment of Offenders Act 2012

<sup>8</sup>The court cannot remand children aged 10-11 to youth detention accommodation but the local authority can apply for a secure accommodation order in respect of the child under section 25 of the 1989 Act

## Children who are remanded

A court may refuse to remand a child on bail, for example, due to welfare considerations under the Bail Act 1976. The court must then remand the child to local authority accommodation or, if the relevant conditions in the LASPOA are met, remand the child to YDA. During the course of criminal proceedings the remand status of the child may be revisited on a number of occasions, making it difficult for the child and their family to know how long the child will remain remanded in detention. Local authority support to the child and their family during this uncertain time will be important to ensure that a period in custody does not disrupt existing ties between the child and their community.

There may be some children whose alleged criminal activity may be related to their having being trafficked into the UK for exploitation. Where foreign national children are remanded who could match this profile - the designated local authority will need to establish the child's immigration status and whether there is anyone with parental responsibility for the child in the UK. This may involve the local authority attempting to trace family members. In these cases the local authority must establish whether a referral has been made to the competent authority under the National Referral Mechanism (NRM) and make such a referral where this has not been done.

## Remand to Local Authority Accommodation (LAA)

Where a child is remanded to local authority accommodation, the designated local authority is responsible for identifying a suitable placement. For as long as they remain looked after, these children are entitled to the same care planning and review processes as other looked after children.

Children who are already looked after, as they are subject to a care order or because they are accommodated under section 20 of the 1989 Act, may also be remanded under section 92 of the LASPOA. There may though be little point remanding a child who is already looked after to the care of the local authority unless the court wished to impose a condition on where they should live whilst remanded, e.g. prohibiting their placement with named persons.

In developing the care plan for children who become looked after solely as a result of being remanded, the local authority is not required to prepare a "plan for permanence", as required by Regulation 5(a) of the Care Planning Regulations<sup>9</sup>. This amendment to local authority care planning duties recognises that some children will only be looked after for the period they are remanded. In many cases this period will be relatively short. However, consideration must be given to what longer term support or accommodation the child will need following the remand episode. If children need to remain looked after once the period of remand has ceased, then the local authority must comply with all the

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<sup>9</sup> Regulation 47B (2)(b) - The Care Planning, Placement and Case Review (England) (Miscellaneous Amendments) Regulations 2013

requirements of the Care Planning Regulations. The child's social worker must develop a 'plan for permanence' as part of the process of developing the care plan for the child concerned.

Children remanded to local authority accommodation may also be subject to other conditions set by the court, such as a general curfew. Some of these conditions may be monitored electronically.

It will be good practice that wherever possible, working with the child's solicitor and the responsible YOT the local authority should actively work towards securing bail for the child.

## Remand to Youth Detention Accommodation (YDA)

Under section 98 of the LASPOA a child must meet:

- the age condition, i.e. that they are aged at least 12 (but under 18 years of age);
- the offence condition, i.e. the offence(s) to which the remand proceedings relate is a violent offence, sexual offence or one that if committed by an adult is punishable with a term of imprisonment of 14 years or more;
- the necessity condition, i.e. that the court is of the opinion that after considering all the options for remanding the child, including remand in local authority (non-secure) accommodation, only remanding the child in youth detention accommodation would be adequate for the protection of the public from death or serious personal injury occasioned by further offences committed by that child or to prevent the commission by the child of imprisonable offences; and
- the legal representation condition, i.e. the child must be legally represented or not represented for specified reasons that are set out in section 98 (6)(a)(b) or (c).

Under section 99 the child must also meet one of the two "history conditions" set out below.

The first "history condition" under which a child may be remanded is if:

- the child has a recent history of absconding while subject to local authority accommodation or youth detention accommodation, and
- the offence(s) to which the remand proceedings relate is alleged to be, or has been found to have been, committed whilst the child was remanded to local authority accommodation or youth detention accommodation.

Alternatively, the second "history condition" is:

- the offence(s) to which the remand proceedings relate, together with any other imprisonable offences of which the child has been convicted in any proceedings, amount - or would, if the child were convicted of that offence or those offences,

amount - to a recent history of committing imprisonable offences while on bail or remanded to local authority accommodation or youth detention accommodation.

Sections 98 and 99 of LASPOA, therefore, incorporate a detailed set of threshold criteria that need to be fulfilled before it is possible to remand a child aged 12-17 in YDA.

Further information can be found here:

[Ministry of Justice Circular on changes to the youth remand framework following the LASPOA](#)

## **Young people remanded to YDA who were not already looked after children**

The Legal Aid, Sentencing and Punishment of Offenders Act (Children Act 1989) (Children Remanded to Youth Detention Accommodation) Order 2012 has amended some of the duties of local authorities towards children remanded in YDA. The placement and review duties in sections 22C and 22D of the 1989 Act will be disapplied where a child is remanded to YDA, as this group of looked after children are not 'placed' by the local authority. Placement for these children is arranged by the Youth Justice Board's placement service.

Where a child is not already looked after but becomes looked after as a result of being remanded to YDA the role of the local authority responsible for the child's care will be to satisfy itself that day to day arrangements for the child are of sufficient quality to be able to offer an appropriate response to the range of the child's individual needs.

In these circumstances the local authority is not required to prepare a care plan and a placement plan, instead the authority must carry out an initial assessment of the child's needs and use this information to prepare a Detention Placement Plan (DPP). This should describe how the YDA will meet the child's needs<sup>10</sup> and record the roles and responsibilities of the other partner organisations (the local authority and the YOT specifically). The DPP should also take into account the circumstances that contributed to the child's alleged involvement in any offending and the support s/he should be offered when they return to the community to prevent (re)offending.

A DPP must also be drawn up with regard to children who are already looked after and who are remanded to YDA. This will be based on the assessment informing the child's current care or pathway plan. Where children are looked after as a result of a care order (under section 31 of the Children Act) or if they are a 'relevant child' (under section 23A (2)(3) of the Children Act) care/ pathway planning will continue once the remand ceases, whether or not the child is sentenced to custody [see [Requirements following sentence below](#)]

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<sup>10</sup> Regulation 47C (2) - The Care Planning, Placement and Case Review (England) (Miscellaneous Amendments) Regulations 2013

Schedule 2A of the Care Planning, Placement and Case Review (England) (Miscellaneous Amendments) Regulations 2013 (“the 2013 Regulations”) summarises matters to be dealt with in the DPP.

<b>Matters to be dealt with in a Detention Placement Plan [Schedule 2A: Regulation 47C(2)]</b>		
1	<p>How the child will be cared for on a day to day basis and how their welfare will be safeguarded and promoted by the staff of the YDA.</p>	<p>Does the child know about the arrangements in the YDA to keep them safe – e.g. to prevent bullying?</p> <p>Is there a risk of self-harm? What strategies will the YDA follow to minimise this?</p> <p>How well does the child understand their circumstances? What are their wishes and feelings?</p>
2	<p>Any arrangements made for contact between the child and their parent; and any person who is not their parent but who has parental responsibility and between the child and any other connected person including, if appropriate—</p> <p>(a) the reasons why contact with any such person would not be reasonably practicable or would not be consistent with the child's welfare,</p> <p>(b) if the child is not in the care of the responsible authority, details of any order made under section 8 of the 1989 Act,</p> <p>(c) if the child is in the care of the responsible authority, details of any order concerning contact made under section 34 of the 1989 Act,</p> <p>(d) the arrangements for notifying any changes in the arrangements for contact.</p>	<p>Are the child's parents able to fulfil their parental responsibilities to the child whilst in custody? Is action needed by the local authority to facilitate family contact?</p>

3	The arrangements made for the local authority's representative to visit the child, the frequency of visits and the arrangements made for advice, support and assistance to be available to the child between visits in accordance with regulation 31 of the Care Planning Regs 2010.	Children must be visited at no less than the statutory intervals. As with other looked after children, more frequent visiting and contact with the YDA may be required based on the assessment of the child's vulnerability and needs.
4	If an independent visitor (where the child is already looked after) is appointed, the arrangements made for them to visit the child whilst remanded in YDA.	
5	The arrangements made by the staff of the YDA for meeting the child's health needs (including physical, emotional and mental health) and dental care.	Where children who are looked after solely as a result of being remanded, "the 2013 Regulations" disapply local authority duties for arranging health assessments. Health provision for children looked after solely as a result of remand to YDA will be the same as those for any other detained child. The local authority must be satisfied that health professionals and establishment staff are fully aware of the child's health needs and that arrangements are in place to respond appropriately to these. It will be necessary for arrangements to be in place so health staff in YDA share information about their assessment of each looked after child's health needs with community health staff responsible for the oversight and monitoring of looked after children's health.

6	<p>The arrangements made by staff of the YDA for the child's education and training.</p> <p>(a) the name and address of any educational or training institution the child was attending, or any other person providing the child with education or training, immediately before his detention,</p> <p>(b) where the child has a statement of special educational needs, details of the local authority that maintains the statement.</p>	<p>The local authority must establish that the YDA's education staff are aware of, and able to meet, the child's educational needs, including any special needs.</p>
7	<p>The child's personal history, religious persuasion, cultural and linguistic background, and racial origin.</p>	<p>What arrangements does the YDA have in place for meeting the child's religious, cultural or linguistic needs? (Are these appropriate for the child concerned?)</p> <p>This may involve establishing a child's immigration status and whether there is any adult with parental responsibility for the child resident in the UK.</p>
8	<p>The child's development of self-care skills.</p>	<p>How will the routines of the YDA and the support provided to the child offer him/her any necessary opportunities to develop independent living skills?</p> <p>Does the child need money, clothes, books or other practical support?</p>

9	<p>The name and contact details of:</p> <p>(a) the IRO;</p> <p>(b) the independent visitor (if one is appointed);</p> <p>(c) the local authority's social worker;</p> <p>(d) (if the child is an eligible child) the personal adviser;</p> <p>(e) the Virtual Head Teacher for the designated authority responsible for the child's care;</p> <p>(f) the YOT caseworker; and</p> <p>(g) the YDA caseworker.</p>	
10	<p>Details of any support required by the child when the remand ceases and they may no longer be looked after.</p> <p>The DPP must include details about any arrangements for the child's support when s/he ceases to be looked after following the remand, perhaps as a result of their receiving a custodial sentence.</p>	<p>In particular the plan will need to cover:</p> <p>(a) whether the child will need to be accommodated by the designated authority or by another local authority on release; and</p> <p>(b) whether any other services should be provided by the designated authority or by another local authority under the 1989 Act? These could include the provision of support to the child's family or arranging for the child to be referred to other appropriate services?</p>

Where children are remanded it will also be best practice that, wherever possible and appropriate, the responsible authority should, in partnership with the child's lawyer and the responsible YOT, make representations to the court to secure bail or a remand to local authority accommodation.

When undertaking assessments, reviews and visits, it is essential to understand the differing roles of the various partner services. The designated authority should work with other services e.g. YOTs. This may include combining meetings and regularly sharing information to support effective practice, in order to ensure the child's needs are met and to minimise burdensome requirements on the child to participate in multiple assessments.

## Review

Along with arranging for the child to be visited, the designated authority will need to appoint an Independent Reviewing Officer (IRO), to keep the child's DPP under review. Reviews will always need to consider the child's support needs when they cease to be looked after as a result of the remand ending.

Where children are remanded in YDA, staff in the secure establishment should enable the child to speak with their IRO in privacy, unless the child refuses, and arrange a suitable venue for the review to take place.

The review of the plan for looked after child, including children remanded to YDA, must be a child-centred process. Whilst there may be limitations in view of the secure environment, the IRO should consult the child about how they want their meeting to be managed [IRO Handbook 3.29-3.37]. The statutory review must focus on whether there are appropriate arrangements in place for responding to the child's needs whilst they are detained.

The considerations that are likely to be most relevant will be:

- whether there is a DPP in place describing how the child will be supported whilst they remain looked after as a result of being remanded;
- the quality of contact with the local authority;
- arrangements for contact between the child and their family are appropriate and in place;
- whether plans for the child have taken their wishes and feelings into account;
- that arrangements are in place to respond to the child's health and education and training needs;
- that the secure establishment takes into account any specific identity and cultural needs of the child; and
- whether the child will continue to need support from children's services when the remand ceases and they will no longer be looked after.

The process of compiling and reviewing plans for remanded looked after children may uncover concerns about where the child will be living and their future support in the community. Should this be the case, consideration may have to be given to whether the grounds are met for the child to remain looked after once they are no longer remanded.

## Looked after children who are convicted

If a looked after child is convicted of an offence, the child's social worker should provide information to the YOT case manager who is responsible for completing the Assetplus (the YJB assessment of risk factors for offending). The YOT case manager should also consult the child's social worker about the content and recommendations of the pre-sentence report (PSR). This will be used by the court to determine the appropriate disposal, ensuring that mitigating factors arising from the child's life experiences are included and that welfare considerations are reflected in the proposed disposal.

The PSR should include explicit consideration to any safeguarding factors that would make the child particularly vulnerable if sentenced to custody. The responsible authority should also provide information on the interventions and support that would be made available if the child were to receive a community disposal. Copies of the Assetplus, PSR and other reports completed by the YOT should be sent to the child's social worker and placed on the child's case record.

If a custodial sentence is likely, the YOT worker and the child's social worker should work together to prepare the child and his/her family by explaining what will happen and how the child will be supported during and after his/her time in custody.

It is good practice for the child's social worker to attend court with the child, particularly on the day of sentence. Where it is not possible for the child's social worker to be in court, then the child must be accompanied by their foster carer or, if they are placed in a children's home, by the home's registered manager. This is to support the child and also to ensure that the child's best interests are represented, for example by discussing the possibility of an appeal with the child's lawyer, and to ensure that custody is used only as a last resort and not because it appears that a child will not have sufficient support to be rehabilitated in the community.

In any event, prior agreement should be reached with the YOT case manager about how the responsible authority will be notified of the court's decision, including details about where the child will be detained if s/he is sentenced to custody. This notification should be made on the same day as sentencing and be followed up in writing

## Requirements following sentence

Following sentence, the child's legal status as a looked after child may change (see Annex 4).

If the child receives a community sentence, the child's social worker and YOT case manager should continue to work closely together, sharing information and clarifying their roles and responsibilities. If the child is subject to a care order or is an accommodated child s/he will remain a looked after child. Children who were provided with

accommodation under section 21 following a remand to local authority care will cease to be looked after (unless the local authority has assessed that the child's needs are such that they should be accommodated under section 20). If the court imposes a Youth Rehabilitation Order, this can be accompanied by a Local Authority Residence Requirement. Such children are provided with accommodation under section 21 and are therefore looked after. The responsible local authority must be consulted before these requirements are imposed.

If the child receives a custodial sentence, the responsibility of the local authority will depend on the child's care status:

- if the child is subject to a care order under section 31 of the 1989 Act, s/he remains looked after and there is no change to his/her legal status and the local authority continues to be responsible for planning and reviewing the care plan;
- if the child was an accommodated child, s/he will lose their looked after status whilst serving the custodial sentence as they are not being accommodated in a placement provided by the local authority. Children in these circumstances, will however, be entitled to consideration as a former looked after child in custody. There is a duty on local authorities [section 23ZA] to visit such children who have ceased to be looked after. The way in which local authorities are expected to discharge these responsibilities is subject of separate guidance.<sup>11</sup>
- if the child, had not been previously looked after but became looked after as a result of being remanded to local authority accommodation or to YDA s/he ceases to be looked after on being sentenced to custody. Where, however, the child is aged 16+ and has been looked after for thirteen weeks or more from the age of fourteen, including any period as a looked after child as a result of the child being remanded, then the child will be a 'relevant child' and should be supported by local authority children's services as a 'care leaver'.
- if the young person is a 'relevant child' and is entitled to support and services as a care leaver, this status remains unchanged while in custody and the local authority that looked after the young person retains responsibility for providing support during his/her time in custody and on release. Some young people, including young people who become looked after as a result of being remanded, will acquire this status while they are in custody on attaining the age of 16: that is, those who have spent at least 13 weeks looked after since the age of 14 and were subject to a care order or who were accommodated or remanded to local authority accommodation immediately prior to entering custody on sentence. **[See the Care Leavers (England) Regulations (3)(4)(a)]**

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<sup>11</sup> [Statutory guidance on visiting former looked after children in custody](#)

## Custodial sentences

The YJB Placement Service is responsible for identifying the youth detention accommodation where the young person will serve their sentence. The YOT case manager is invited to recommend the establishment that the YOT has assessed as being the most suitable. The responsible authority's social worker, and other staff involved with the child's care, should ensure that their assessment of the child's needs is taken into account to inform this critical decision. The final decision rests with the YJB. The YOT should inform the responsible authority where the child will be serving their sentence on the day it starts. The child's social worker must then aim to arrange to visit the child within five working days. The child's IRO must also be informed.

Where the child is remanded or serving a short sentence and was making good progress in their local authority placement consideration should be given to retaining that placement so that s/he can return there on release. If this is not appropriate, or realistic, in the light of the offence, an alternative placement for the child to move to on release should be identified as soon as is practicable.

## Responsibilities of the local authority to looked after children in custody

***This section concerns children who are subject to a care order.***

The responsible authority remains the corporate parent and continues to share parental responsibility for any child in custody who is the subject of a care order. Neither the YOT nor the secure establishment can exercise this essential function. Children in care are likely to feel rejected and abandoned if the local authority does not remain in touch and fails to exercise its responsibilities to be an effective corporate parent. A fuller account of children's views and detailed practice guidance is available.<sup>12</sup>

The Young Offenders Institution (YOI), Secure Training Centre (STC) or Secure Children's Home (SCH), where the child is serving his/her sentence will have the same need for information as any other residential setting. Within five working days of the child's sentence to custody, the social worker should contact the child's YOT case manager and the designated case supervisor within the establishment to inform them of:

- the child's care status, including his/her entitlement to support as a care leaver;
- persons with parental responsibility for the child;
- name and contact details of the allocated social worker, his/her team manager and IRO;

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<sup>12</sup> Hart, D (2006) Tell Them Not to Forget about Us: A guide to practice with looked after children in custody. London: NCB

- any immediate information necessary to ensure the child's safety or the safety of others<sup>13</sup>
- information about the child's family/carers and contact arrangements;
- information about the child's needs that will enhance the establishment's ability to care for the child;
- the date when the social worker or local authority representative will be visiting the child; and
- the date of any forthcoming review of the child's case.

This should be followed up in writing to the establishment and copied to the YOT case manager.

The child's social worker must visit the child within one week of him/her being sentenced and detained [**Care Planning Regulations 28(6)**]. Subsequent visits must take place at intervals of not more than six weeks for the first year and not more than three months after that. Additional visits should also take place if reasonably requested by the child, the establishment, or by the YOT, or if there are particular circumstances that require a visit.

It is good practice for the social worker to attend the child's remand or sentence planning meetings. Where the child is serving their sentence in a SCH or STC, a visit should also take place if there has been a notification by the Ofsted Chief Inspector of the underperformance of a placement provider (under section 30A of the Care Standards Act 2000 or under Section 47 of the Criminal Justice and Public Order Act 1994) or, where the child is placed in a YOI, concerns about the welfare or safety of children are raised by Her Majesty's Inspectorate of Prisons.

The purpose of the visits is to keep in touch with the child, assess his/her needs and maintain an up to date care plan. The youth detention establishment should facilitate the visit and allow the child to be seen in privacy (out of hearing of an officer), unless the child refuses. Representatives of the local authority will be afforded the status of professional visitor rather than the more limited access to the child that applies to social visitor.

**Looked after children in custody remain entitled to advice, assistance and support from the responsible local authority between visits.**

The social worker must continue to keep the child in mind. The social worker should keep under review whether the child is safe and whether, in view of the authority's assessment of the child's needs, the safeguarding arrangements in the YDA are adequate; and whether the establishment has arrangements in place to respond appropriately to the child's needs to promote their welfare.

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<sup>13</sup> Though the YOT case manager should already have included this information as part of the Assetplus assessment and on the Placement Information Form (PIF).

Specific factors to take into consideration will be:

- Is the child safe?
- Is there a risk of self-harm?
- Does the child need money, clothes, books or other practical support?
- Are education staff aware of and able to meet the child's educational needs, including any special needs?
- Are the health unit and wing staff aware of, and able to meet, the child's health needs?
- Are staff aware of, and able to meet, the child's religious and cultural needs?
- Is the child worried about anything? If so, what?
- What impact has the sentence had on family relationships? Does there need to be help with contact arrangements?
- What action is needed to provide for the child's placement on release?
- Are changes needed to the child's care plan/pathway plan?

This assessment should be informed by the views of the YOT case manager, staff in the YDA, including pastoral care, education and health staff, the child and his/her family.

This assessment will form the basis for an up to date care plan describing how the child's needs will be met in custody and who is responsible for each aspect of the plan. This plan will rely on local authority officers responsible for the child's overall welfare – i.e. the child's social worker, their IRO and the authority's service manager for looked after children's services - being able to satisfy themselves that the arrangements in place within the secure establishment are appropriate in view of the child's individual needs.

## **Action to be taken if there are concerns about the child's safety or welfare**

***This section concerns all children from care in custody i.e. children who remain looked after, children who become looked after as a result of being remanded to YDA and children in custody requiring support as care leavers.***

Children and young people sentenced or remanded in custody are among the most vulnerable, and specific consideration to the safeguarding of this particular group requires on-going support from children's services and Local Safeguarding Children's Boards (LSCBs) in addition to the establishment's day to day duty of care.

The responsible authority does not have the power to change the secure establishment where the child is serving their sentence in the way that it can terminate placements made under section 22C. However, where there are concerns that the child is not being

safeguarded or his/her welfare promoted, there are a number of avenues for the responsible authority to pursue. In the first instance, the authority may be able to resolve the concerns by agreement with the establishment itself.

All members of staff working in secure establishments have a duty to ensure that children are safeguarded effectively. In addition governors, directors and senior managers have a duty to ensure the appropriate procedures are in place to enable them to fulfil their safeguarding responsibilities. These procedures should be shared, reviewed and agreed with the LSCB. They should include, but not be limited to, arrangements to respond to:

- child protection allegations;
- incidents of self-harm and suicide; and
- incidents of violence and bullying.

All children should have a case supervisor within the establishment. In the case of YOIs, they are required to have a 'safeguarding children's manager' and there may also be one or more children and families' social workers based within the establishment who may be able to address the problem. For SCHs and STCs, an approach should be made to the unit registered manager or the Director of the STC, or a designated lead for safeguarding. One option would be to move the child to another unit within the establishment or to provide him/her with additional support or services.

Where issues cannot be resolved at establishment level, the responsible authority may need to involve external agencies. All custodial placements are commissioned by the YJB and the Board is ultimately responsible for ensuring that the secure estate provides safe and appropriate care. The YJB employs monitors to have oversight of standards and performance. LSCBs also have a strategic responsibility for safeguarding arrangements in secure establishments in their area. If the responsible authority is of the view that the child needs to be moved to another establishment, the YJB has a Placement Review Protocol. Placement Reviews can be formally initiated by the:

- YOT;
- establishment; or
- placement team at the YJB.

The responsible authority should contact one of these agencies to arrange a multi-disciplinary meeting to express their concerns and ask that they complete a Placement Review, indicating the degree of urgency if a change of placement is required. Concerns should also be submitted in writing to the YJB placement team and, if they relate to the standard of care being provided by the establishment rather than the specific needs of an individual child, the LSCB and YJB monitor for the establishment should be notified.

Where the need for a change of placement is agreed the child may be moved to another YOI, STC or SCH.

## Complaints and advocacy for children in custody

Within forty eight hours of detention Governors of YOIs must make arrangements to provide each young person's next of kin or other appropriate person (which should include the local authority responsible for a looked after child) with information about visiting, personal property, pastoral care and the sentence planning, review and resettlement arrangements. A letter that includes this information should be sent to the young person's family and to the local authority responsible for the child's care shortly after the child has been detained.

Governors must also make arrangements to ensure that parents and professionals know how to contact the establishment if they have any concerns or complaints about a child's care. The system for responding to complaints operated by a YOI must be in accordance with instructions and guidance contained in PSI 02/2012<sup>14</sup> - *Prisoner Complaints*.

Governors should ensure that the complaints process takes into account children's ages, maturity and individual needs. PSI 08/2012<sup>15</sup> set out the arrangements YOIs should follow so that, wherever appropriate, children in custody have access to advocacy support to help them with a complaint.

All STCs will have a complaints process. The details of these will depend on the company that is managing the Centre. Similarly all SCHs must have a procedure for young people to make complaints and representations about their care that provides for access to help from an advocate if the child requests, or needs, support to make their views known. Social workers will need to familiarise themselves with the complaints processes followed by the establishments where children are detained and should check the child has been provided with and understands information about the complaints process and also about their entitlement to advocacy. The child's awareness of the establishment's processes to enable complaints and access to advocacy support might also be considered at care plan review meetings for looked after children in custody.

## Planning and review process

For children who remain looked after whilst in custody (i.e. children subject to care orders under section 31 of the 1989 Act) the care planning and review process continues, including talking to the child about their wishes and feelings and consulting other key participants in advance of review meetings.

Placement in YDA is a significant change. If a review of the child's care plan is not already due to take place then it is a requirement that one should be scheduled during the period the young person is in custody [**Care Planning Regulations 33(3)(d)**]. The usual statutory timescales for review apply thereafter. Depending on the length of the child's detention, consideration should be given to undertaking a review within the last

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<sup>14</sup> [Prison Service Instructions - Complaints](#)

<sup>15</sup> [Prison Service Instructions - Care and Management of Young People](#)

month before release to ensure the child's care/pathway plan can be updated to meet his/her needs on release, particularly his/her placement needs.

A person within the custodial establishment should be nominated to act as the link with the care planning process. This may be the child's case supervisor but it is good practice to give the child an element of choice wherever possible. For example, a child may have a particularly trusting relationship with his/her personal officer. This link person will be informed of the key elements of the child's care plan and, in turn, keep the child's social worker informed of the child's progress and events within the establishment.

The child's home YOT case manager should also be kept informed of changes to the child's care plan and other relevant information. Subject to the child's agreement, the YOT case manager and the nominated link person within the establishment should be involved in review meetings.

## Sentence planning

Each child detained in a secure setting through criminal justice legislation must have a sentence plan, supervised by the YOT case manager. Sentence planning serves a different purpose from care or pathway planning. The process is designed to plan the activities the child will engage in during his/her time in custody and, for sentenced children, on release into the community. It is aimed primarily at reducing the risk of (re)offending. Meetings are chaired by a YOT worker or a staff member from the establishment.

The child's social worker should always be invited to sentence planning meetings and their professional will be integral to effective resettlement planning. It is good practice for the child's social worker to attend as many meetings as possible but, as a minimum, s/he should attend the first meeting and the release preparation meeting where the release plan is discussed. For longer sentences, or where there are particular difficulties, it will be appropriate to attend more often. If the social worker is not able to attend, the local authority responsible for the child's care must provide relevant information about the child's care or pathway plan to the YOT case manager prior to the meeting. The YOT case manager is responsible for making the links between the respective plans and for feeding information back to the social worker.

Where a review of the child's case, chaired by their IRO has not already occurred, then the responsible authority must arrange for a review to take place prior to the child's release from custody [**Care Planning Regulations 33(3)(d)**]. The timing of this review might be scheduled so it is coordinated with the release preparation meeting.

## Planning for release

The child's social worker and YOT case manager must work together to co-ordinate arrangements for the child's release and subsequent support in the community. The child will continue to have two separate plans: the local authority care plan, which may include a pathway plan (or for a child who became looked after solely as a result of remand, the DPP) and the YOT plan. These must, however be coordinated so the child is clear what will be happening and professionals from both children's and youth justice services understand their respective roles and responsibilities for supporting the child in future and for minimising the possibility of reoffending.

If the child is to continue being looked after, the **responsible authority** will be responsible for the provision of an appropriate placement<sup>16</sup> and for financial support in the community. The child's care/pathway plan should be updated and copies of this made available to the child, the YOT case manager, IRO, the Governor (or director of an STC or Registered Manager of a SCH) and any other agencies that will be involved with supporting the child after release, and, if appropriate, the child's family.

The YOT will be responsible for providing ongoing supervision and interventions targeted at preventing further offending. This will include offending behaviour programmes the child is required to attend, the arrangements for reporting to the YOT and any electronic monitoring. All requirements, including the address where the child must reside, will be recorded in a Notice of Supervision or Licence that the child is required to sign.

There will be potential areas of overlap, where arrangements may be made by either the YOT case manager or local authority social worker, such as education provision or health treatment. Negotiation should take place about which service is best placed to make these arrangements in each case. The local authority responsible for the child's care will ultimately have responsibility for ensuring all measures are in place to enable the child to be provided with appropriate services.

As soon as possible, and at least by the time of the final sentence planning meeting, ten working days before release, the child must be told the content of both the care/pathway plan and the Notice of Supervision or Licence so that s/he is aware of:

- who is collecting him/her;
- where s/he will be living;
- the reporting arrangements;
- sources of support – including out of hours;
- the arrangements for education or employment;

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<sup>16</sup> Where the child is placed in "other arrangements" i.e. a "semi-independent" placement or a placement that is not regulated by Ofsted, the responsible authority must be satisfied that the placement is in "suitable accommodation" – Regulation 27 and Schedule 6

- arrangements for meeting continuing health needs;
- how and when s/he will receive financial support;
- when s/he will be seeing his/her social worker; and
- the roles and responsibilities of the respective practitioners.

## Support in the community

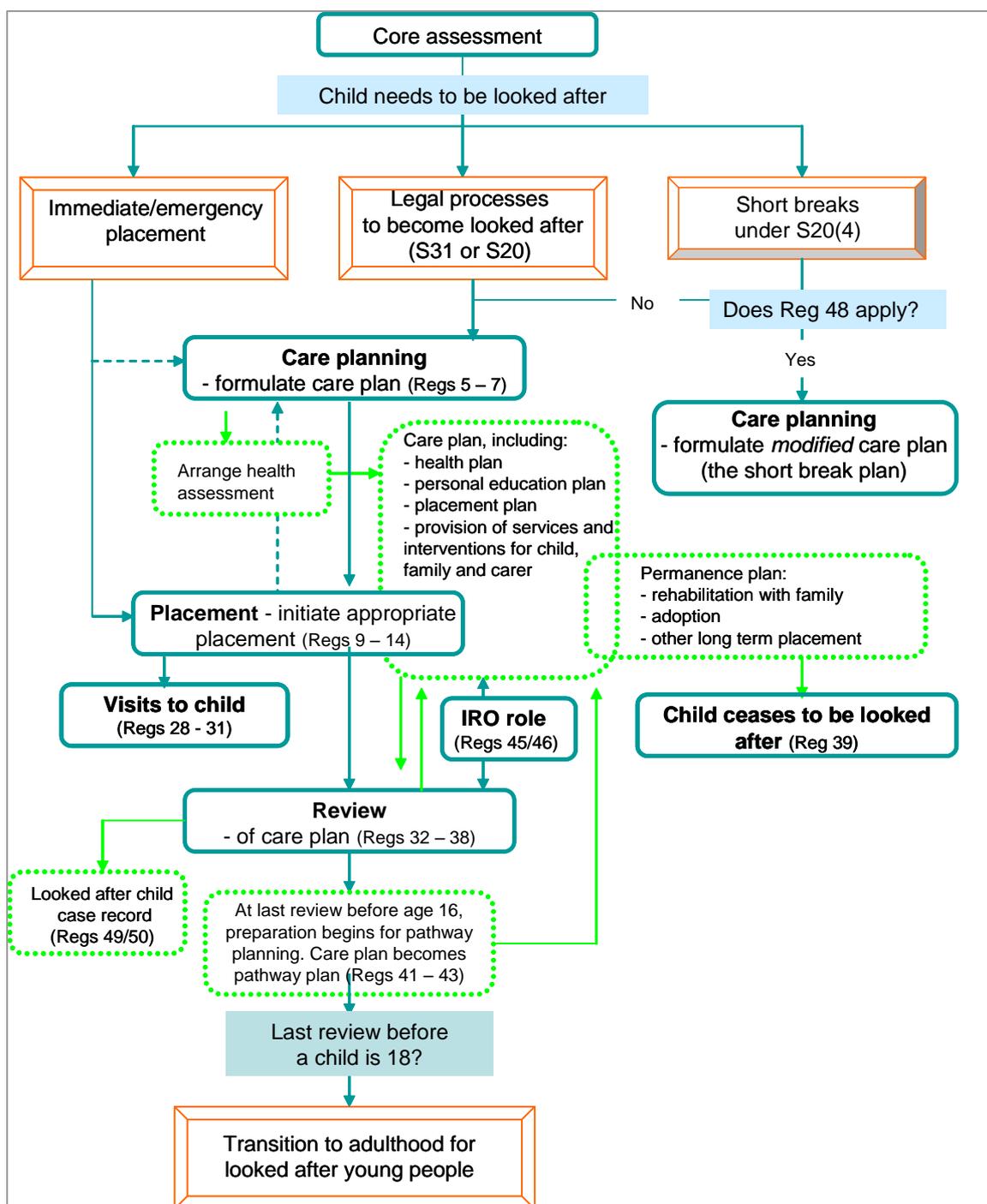
Looked after children, under sentence, returning to the community will continue to be supervised by the YOT case manager; for those on a Detention and Training Order (DTO), the most common custodial sentence, the second half of the term is served in the community. Those on other types of sentence will also be subject to supervision. The responsible authority must maintain contact with children in care during the crucial period following their discharge from custody. The role of the child's allocated social worker in safeguarding the child and promoting his/her welfare is different and more extensive than that of the YOT case manager, whose involvement will be determined by the length of any order and by the child's offending behaviour.

Children are vulnerable in the early days after release and need considerable help, both emotionally and practically, to:

- readjust to living in open conditions;
- meet the requirements for reporting and surveillance;
- sort out finances;
- settle into appropriate accommodation;
- negotiate work or college;
- re-establish relationships with family and friends;
- avoid situations where offending may occur.

The child's social worker and YOT case manager should keep each other informed of significant events, including any changes in service delivery or plans. It is good practice to have some joint meetings involving the child, YOT case manager and social worker, so information is shared and the child receives an integrated service. The YOT should consult the local authority over enforcement issues, particularly if there is a possibility of the child being breached for failing to comply with his/her supervision requirements, i.e. if the YOT considers the child has broken the conditions of his/her Notice of Supervision and issues proceedings to return the child to court, when s/he may be returned to custody (children on Licence can be recalled to custody without returning to court). Where the child is having difficulty in complying with his/her Notice of Supervision or Licence conditions, the responsible authority should work with the YOT to put additional support in place. For example, it might be arranged for a residential care worker to take the child to appointments at the YOT or for a foster carer to text the child as a reminder.

## Annex 1. Overview of the care planning, placement and review process



## Annex 2. Dimensions of developmental need

### Health

1. Childhood and young adulthood are critical stages in the development of behavioural patterns that will affect people's health in later years. Intervening at this stage helps to promote good health and reduce inequalities. Early intervention will therefore support a promotional approach to health and the reduction of inequalities.
2. Good health includes all aspects of health, including emotional wellbeing, dental health, healthy eating and physical activity. It includes the necessity of a child being registered with a GP and should include an emphasis on primary prevention.
3. Good physical and emotional health and wellbeing are key contributors to broader outcomes such as improved learning and achievement and to the long-term prospects of young people as they move into adulthood. We know, for example, that children with poor health are at greater risk of lower levels of educational attainment and of failing to achieve their full potential, which brings lifelong impacts.
4. There is substantial evidence that looked after children share many of the same risks and health problems as their peers, but often to a greater degree. Experience of poverty, chaotic life styles, poor parenting and abuse and neglect mean that many who enter the care system have health needs that have not been adequately addressed. They may also have missed out on routine health surveillance and health promotion before entry to care or accommodation.
5. Improved health outcomes for looked after children require the focus of health care planning to be on health promotion and attention to environmental factors as well as physical, emotional and mental health needs. Children need to understand their right to good health and to be able to access services. They need the knowledge and skills to communicate and relate to others and to take responsibility for themselves.

### Education

1. Education, like health is closely linked to quality of life in adulthood. There is a large body of evidence about the relationship between education and life chances which has informed the current strong policy focus on the education of looked after children. Most parents are very preoccupied with their child's education and educational attainment is highly correlated with parental interest.
2. Children looked after by a local authority suffer from a number of interlocking educational disadvantages. Some are "external" such as the experience of frequently disrupted schooling and the lack of opportunities to acquire basic skills.

Others are pathological, such as low self-esteem. However a crucial factor is the level of expectation of social workers and carers about what the children in their care are capable of and the degree of priority given to educational issues in their daily lives.

3. The importance of education extends to vocational training and employment. Unemployment levels among care leavers have historically been high, related to their poor educational record. Employment encourages self-esteem, provides a clear sense of identity and helps young people develop skills in social relationships and self-presentation.
4. Education is not solely confined to school achievement. It includes the acquisition of skills such as riding a bicycle, swimming, playing a musical instrument and the development of individual special interests and talents. The acquisition of skills improves children's self-confidence which enables them to make further achievements. Such skills also contribute to improved health, particularly mental health.

## Family and social relationships

1. The maintenance or creation of a supportive, affectionate and reliable network of relationships is the foundation stone of children's lives. Historically, such a network may have been perceived rather narrowly by professionals and carers and, at its narrowest, restricted to birth parents. However it is important to promote a wide range of social relationships for children who are looked after as these can help to provide continuity and opportunity; enhance self-esteem, resilience and a sense of personal identity; and nurture the sense of being loved and valued. Contact arrangements are a key vehicle for developing and for maintaining important relationships in the child's life.
2. Most children return home from care or voluntary arrangements to birth parents and support for those relationships while the child is in care or being provided with accommodation are key to a successful return home. It is important that a child has a sense of emotional permanence through a positive attachment to an adult carer, even if s/he is no longer living with them.
3. Relationships with brothers and sisters are often disrupted for a range of reasons and yet are identified by children as some of the most important people with whom they wish to maintain contact. As they get older, friends become more important and can provide important support during difficult times in a child's life and during transitions to home, a new placement or to adulthood. This means that at the time of entry in to care and throughout a care episode, the social worker should ensure that all the people who are significant in a child's life are identified and their details recorded in the care and placement plan.

## Emotional and behavioural development

1. Emotional and behavioural development is concerned with how the child's social and emotional development can be effectively promoted. It is an important dimension of care planning and reviewing, to ensure that difficulties are being addressed and appropriate support and services are being provided to the child, young person and/or carer to support the child's healthy development.
2. Attention should be paid to the quality of the child's experiences in the placement to ensure that carers are trained to provide appropriate responses to the child so that daily life in the home provides a high quality, warm and secure environment with opportunities for engagement in positive activities which build skills and self-esteem. It is also important all those working with looked after children, such as teachers, youth workers and personal advisers are aware of their role in promoting social and emotional development within mainstream and everyday settings.
3. The impact of the experiences of a child before s/he starts to be looked after can often have a negative impact on the child's emotional development, and is frequently reflected in his/her behaviour in their placement, schools and other settings. Emotional and behavioural difficulties may be a trigger for a child entering care in the first place and are often a contributory factor in placement breakdown. Emotional and behavioural problems, often arising from stressful life events, unless sensitively treated, can become entrenched and established patterns of behaviour long after the original situation has passed. Evidence from neuroscience<sup>17</sup> provides clearer evidence of the link between early abuse and neglect and brain development, including the development of social and emotional skills.
4. There is also a clear connection between emotional and behavioural difficulties and school performance either because the child is too depressed or unhappy to access education, because s/he has not had the opportunity to develop effective concentration skills and develop effective relationships with peers, or because s/he lack the basic skills to access the curriculum.
5. Attention should therefore be paid to the quality of the child's experiences in the placement to ensure that carers are trained to provide appropriate responses to the child so daily life provides a high quality, warm and secure environment with opportunities for engagement in positive activities which build skills and self-esteem. It is also important all those working with looked after children, such as teachers, youth workers and personal advisers are also aware of their role in

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<sup>17</sup> See for example Centre on the Developing Child (2007) A Science-Based Framework for Early Childhood Policy: Using Evidence to Improve Outcomes in Learning, Behaviour, and Health for Vulnerable Children. Cambridge, MA: Centre on the Developing Child, Harvard University (Available [here](#)).

promoting their social and emotional development within mainstream and everyday settings.

6. Further information about emotional and behavioural development is set out in the **Statutory Guidance on Promoting the Health and Wellbeing of Looked After Children.**<sup>18</sup>

## Self-care skills

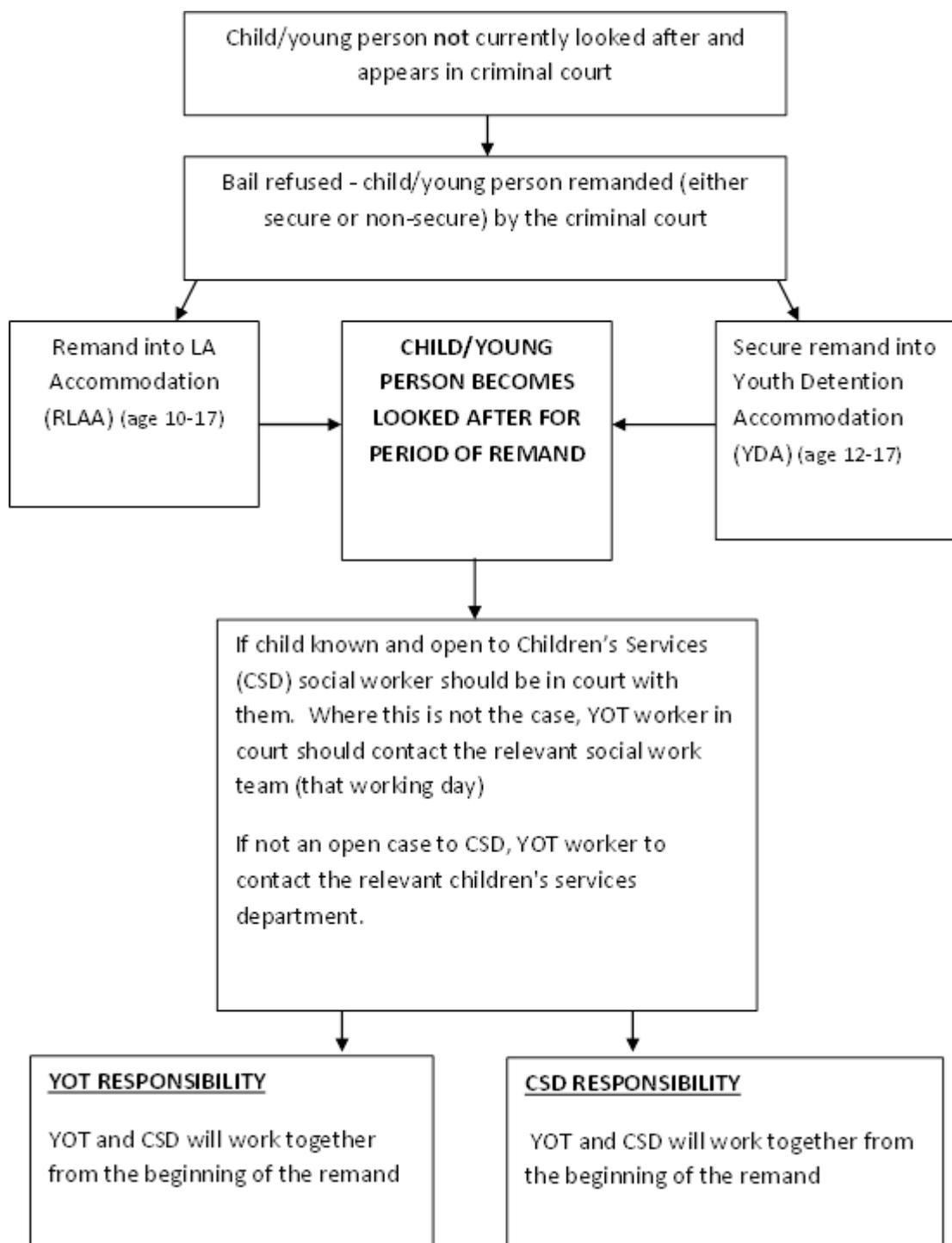
1. A child growing up in his/her own family is gradually given greater responsibility for looking after him/herself, his/her living space, clothes and possessions and for making decisions about how to spend time and money, although the timing and extent of this may vary across families and ethnic and cultural groups. Young adults on the point of leaving home normally expect to take responsibility for most aspects of their lives but the majority will continue to look to their family for a considerable amount of emotional and material support.
2. Parents work on their child's self-care skills from a young age, to ensure s/he has age-appropriate opportunities to develop age-appropriate skills. This is why self-care and competence are relevant for children of all ages.
3. It will be important that milestones for each child, regardless of age, are set in every care plan or pathway plan, with the evaluation of planned outcomes forming part of the review, in order to identify the child's progress and next steps.

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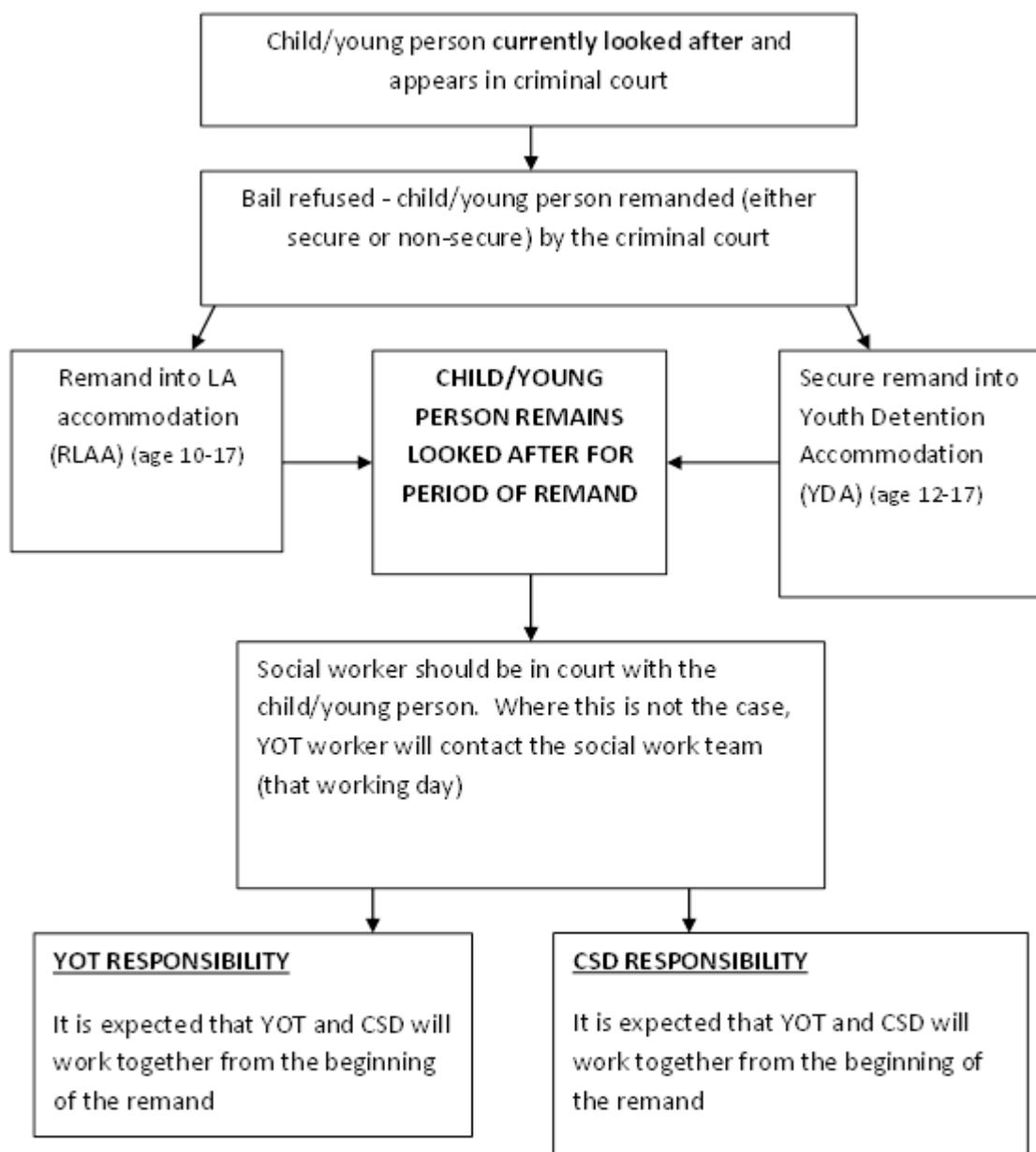
<sup>18</sup> [Statutory guidance on promoting the health and wellbeing of looked after children](#)

## ANNEX 3: A model for joint planning and practice for children on remand

Remand Process Child/Young Person *not* looked after prior to remand by the court



## Remand Process Child/Young person currently looked after by the Local Authority



## Annex 4. Changes to care status as a result of criminal justice decisions

In the following table, shading indicates that the child is looked after.

Previous care status	Criminal justice decision	Effect on care status
Care order (section 31, 1989 Act)	PACE detention i.e. transferred from police detention to care of local authority pending appearance in court	No change – child continues to be looked after
	Remand to local authority accommodation i.e. remanded to placement provided by local authority	Responsible authority continues to have a duty for care planning and review in the same way as for all other looked after children.  DPP required whilst the child is remanded
	Remand to Youth Detention Accommodation	
	Community penalty i.e. convicted of offence but penalty served while resident in community	
	Custodial sentence i.e. convicted of offence and to period of detention in secure establishment	
Voluntary accommodation (section 20, 1989 Act)	PACE detention	No change – child continues to be looked after
	Remand to local authority accommodation	responsible authority continues to have duty for care planning and review – as above.
	Remand to Youth Detention Accommodation	DPP required whilst the child is remanded
	Community sentence	Child is looked after if in placement provided by local authority, including Intensive Fostering scheme
	Custodial sentence	Child ceases to be looked after during period in custody BUT responsible authority has duty to visit [Children Act s.23ZA]

Not currently looked after	PACE detention	Becomes looked after under section 21 of 1989 Act and responsible authority acquires responsibility for care planning and review
	Remand to local authority accommodation	
	Remand to youth detention accommodation	'treated as' looked after – DPP required
	Community sentence: Youth Rehabilitation Order (YRO) with Intensive Fostering or local authority residence requirement	Looked after while in placement
	Other community sentence	Not looked after
	Custodial sentence	Not looked after



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