# **Youth Justice Service Logo FINALWest Mercia Youth**

# **Justice Service**

# **Management of Risk Policy**

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## Introduction

West Mercia Youth Justice Service (WMYJS) is responsible for the supervision of children and young people who are the subject of Out of Court Disposals with an element of Youth Justice Supervision and/or intervention; and statutory Youth Justice interventions imposed by Courts which carry an element of Youth Justice Supervision.

Management of risk is an integral part of the work of WMYJS. This document will:

* Define Management of Risk in the Youth Justice context; and provide an outline of WMYJS expectations in respect of defensible decision making, information sharing and victims in the context of risk management.
* Set out overall expectations and roles in respect of risk management for the Management Board, Leadership Team and Operational Staff within WMYJS.
* Outline a WMYJS statement in respect of Continuing Professional Development and Risk Management

## 1.1 Associated Guidance/Procedures

The following should also be read in conjunction with this document:

* [WMYJS Management of Risk Procedures (Chapter 12 Operational Manual)](file:///Q:\YOS\Departmental\WMYJS%20Operating%20Manual\WMYJS%20Operating%20Manual%20May%202019%20Under%20Review.docx)
* West Mercia Youth Justice Service Single Agency Safeguarding Policy and Procedure February 2018 [Q:\YOS\Departmental\WMYJS Operating Manual\WMYJS Supporting Docs\Policies\WMYJS Single Agency Safeguarding Policy & Procedure Feb 2018.doc](file:///Q:\YOS\Departmental\WMYJS%20Operating%20Manual\WMYJS%20Supporting%20Docs\Policies\WMYJS%20Single%20Agency%20Safeguarding%20Policy%20&%20Procedure%20Feb%202018.doc)
* [West Mercia Youth Justice Service Working with Victims Policy](file:///Q:\YOS\Departmental\WMYJS%20Operating%20Manual\Supporting%20Docs\WMYOS%20Working%20with%20Victims%20Policy.doc) [Q:\YOS\Departmental\WMYJS Operating Manual\WMYJS Supporting Docs\Policies\WMYJS Working with Victims Policy (Feb 20).doc](file:///Q:\YOS\Departmental\WMYJS%20Operating%20Manual\WMYJS%20Supporting%20Docs\Policies\WMYJS%20%20Working%20with%20Victims%20Policy%20(Feb%2020).doc)
* YJB Case Management Guidance: <https://www.gov.uk/government/collections/case-management-guidance>.
* MAPPA guidance: <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>.
* West Midlands Safeguarding Children’s Procedures:
* <http://westmidlands.procedures.org.uk/>. In particular Persons Posing a Risk to Children: <http://westmidlands.procedures.org.uk/pkply/regional-safeguarding-guidance/persons-posing-a-risk-to-children>.
* Working Together to Safeguard Children:
* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf>
* Community safeguarding and Public Protection Incidents (CSPPI) – Standard Operating Procedures for Youth Offending TeamsMarch 2017:

<https://www.gov.uk/guidance/report-serious-incidents-guide-for-youth-justice-practitioners>

* SHPO/SRO Legislation:

<https://researchbriefings.files.parliament.uk/documents/SN05267/SN05267.pdf>

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## Management of Risk in WMYJS

The overall aims of WMYJS in relation to management of risk are to:

* Reduce reoffending (s37 Crime and Disorder Act 1998)
* Protect the public (actual and potential victims) (s325(6**)** of the Criminal Justice Act 2003)
* Safeguard and promote the welfare of children and young people (s11 Children’s Act 2004)

Management of risk is defined as:

*Risk assessment*

All children and young people who are subject to WMYJS intervention are assessed using the Youth Justice Board approved assessment tool AssetPlus. They are assessed according to 3 categories of risk as follows:

* Risk of Reoffending by the child or young person
* Risk of Serious Harm posed by the child or young person to others
* Risks to a child or young person’s Safety and Wellbeing

Risk within the context of this policy therefore relates to all of the above categories.

*Enhancing internal controls:*

The co-ordination and/or delivery of interventions designed to enable children and young people and their parents/carers to reduce identified risks through their own decisions and actions.

*Minimising risk through external controls or actions:*

Putting in place or contributing to external controls or actions in order to mitigate or minimise risks. These are restrictions or conditions placed upon the child or young person; or actions carried out by agencies who have statutory powers (such as Courts, Police, Children’s Services, Youth Justice Services, Probation Services etc). Any external controls placed upon or actions taken in regards to a child or young person; or their parent/carer must be: reasonable, proportionate and necessary to the risks that they are assessed as posing or the level of risk toward themselves posed by others.

*Contingency Planning:*

Identifying possible triggers or circumstances in which risks could increase and identifying clear action plans in the event of such changes occurring. This includes preparing for significant transitions for the child or young person (such as leaving care, entering or leaving youth detention and/ or at the end of WMYJS involvement). Exit planning arrangements for future risk and safety plans will be addressed and discussed following the final High Risk Panel pertaining to the young person.

*A Multi-Agency approach:*

Children and young people who are the subject of WMYJS intervention are, more often than not, also in regular contact or have involvement with other agencies or organisations such as: Educational establishments; Local Authority Children’s Services (including targeted early help services); health services (such as Child and Adolescent Mental Health Services), the secure estate (youth detention accommodation providers) and the Police. These agencies will hereafter be referred to as “partner agencies”.

An effective and collaborative multi-agency approach to management of risk at both the operational and strategic levels of WMYJS is therefore vital in order to achieve the overall aims of risk management. WMYJS Risk assessments and management plans should integrate all relevant risk information and actions from other agencies; and recognise areas for development in respect of information sharing.

Joint Decision Making Panel arrangements:

Following the recent service wide implementation of Joint decision making panels, all young people will now be assessed for a preventative/diversionary disposal using the revised shortened assessment tool found in the JDMP guidance folder. The assessment will follow the same three categories for assessing a child:

* Risk of Reoffending by the child or young person
* Risk of Serious Harm posed by the child or young person to others
* Risks to a child or young person’s Safety and Wellbeing

The management of risk process for all Joint decision making panel disposal outcomes is included and outlined in the WMYJS operational manual and JDMP guidance in the WMYJS Q Drive.

## 2.2 Defensible Decision Making

Decisions and actions relating to the management of risk must be defensible:

* By being based on evidence from a variety of verified sources, which is thoroughly evaluated to assess the risks posed to or by the child or young person; identifying what specific factors are contributing to the assessed risks.
* Can be justified as reasonable, proportionate and necessary in order to manage the risks assessed as being posed.
* Recorded on the electronic WMYJS Case Management System or authorised electronic case filing systems. Confidential information must be recorded securely and labelled as such.

## 2.3 Information Sharing and Risk Management

All children and young people and their parents/carers who enter WMYJS are expected to read/have explained to them and sign the WMYJS Behaviour Standards Agreement which includes a Confidentiality Statement and Declaration of understanding. This enables information to be shared on a “need to know” basis to enable the provision of a service and where necessary with the child or young persons and their parent/carers agreement; except where information is required to be shared with regard to concerns for the safety of the young person or others, or where the information relates to an offence.

All staff should be aware of and comply with their legal responsibilities to protect the personal and sensitive information of individuals as outlined in the Data Protection Act 1998 and Human Rights Act 1998. They should also be aware of their statutory powers and obligations to disclose/share information without explicit consent in the following circumstances:

* For the prevention of crime and disorder (s115 Crime and Disorder Act 1998);
* Safeguarding and promoting the welfare of children (s11 Children’s Act 2004).
* Public Safety or the protection of rights and freedoms of others (Article 8(2) Human Rights Act 1998)

All staff should follow the 7 golden rules regarding sharing information as outlined in the Government Publication: “Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers” (July 2018) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/721581/Information\_sharing\_advice\_practitioners\_safeguarding\_services.pdf

All disclosures of information containing identifiable information to other professionals without the explicit consent from the young person or their parent/carer must be defensible (see Defensible Decision Making above)

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## 2.4 Victims and Risk Management

Victim safety is paramount and the management of risk of children and young people by WMYJS must form part of the risk management of the child. Even when victims have chosen not to have contact with the service if victim safety concerns are apparent there must be liaison with relevant agencies to ensure their ongoing safety- namely the YJS victim Officer, probation, YJS seconded police and local police when considering prohibited activity requirements and planning for possible exclusion zones. Victim safety concerns should be clearly analysed and identified within assessments, discussed as part of the WMYJS High Risk Panel forum or MAPPA Forum, and addressed in pathways and planning- external controls. Identifiable victim information should not be contained on the young person’s case record unless there is a need to do so to ensure the victim’s safety and as long as the information has formed part of the formal evidence for criminal or civil proceedings (and so is already known to the child or young person). Otherwise this information should be stored separately in either victim of confidential files.

## 2.5 Management oversight

The management of risk is a shared responsibility for all staff working in WMYJS. Management oversight of risk is vital to ensure that expected standards of risk management practice (as defined above) are being adhered to. Management Oversight should be carried so as to ensure that individual practitioners and teams and managers are critically reflecting upon their practice on a continual basis in order to ensure the most effective management of risks from and to the children and young people with whom WMYJS works.

Management oversight of risk management is therefore enabled through the following means:

* Supervision (group and individual)
* Learning and Development opportunities/ formal reviews of practice (individual/team/service)
* Review of WMYJS Training and Development Plan
* Case discussion/debrief/reflective practice
* Chairing of High Risk Panels (MAPPA Level1)
* MAPPA Level 1 Notification and screening process and Disclosure (please refer to the WMYJS Operational Manual for full details)
* Attendance at MAPPA Meetings
* Performance Monitoring (including dip sampling of cases and intensive auditing)
* Quality Assurance and Countersigning
* Child Safeguarding Practice Reviews/Agency Learning Reviews

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## 3. Governance and Accountability

The responsibility for Management of Risk is shared throughout every level of the service and requires co-operation from partner agencies.

## 3.1 WMYJS Management Board

The Management Board enables WMYJS to achieve the overall aims of risk management by:

* Ensuring that the WMYJS is organised and structured to enable the effective management of risk.
* Providing strong Board oversight of risk through performance and quality monitoring; and addressing any issues which arise.
* Monitoring Community Safeguarding Public Protection Incidents and any action plans arising from learning; including those arising from Youth Justice Board National Standards audits or Government led inspections (including Ofsted or Her Majesty’s Inspectorate of Probation)
* Responding to any concerns escalated by the WMYJS Leadership Team or Case Manager through CSP\learning reviews which identifies structural or organisational barriers to effective risk management.

## 3.2 WMYJS Head of Service

The Head of Service provides the strategic leadership for WMYJS to achieve the overall aims of risk management by:

* Representing WMYJS at a strategic level at all West Mercia Local Authority Areas’ Safeguarding Children’s Boards; Community Safety Partnerships; and the West Mercia Multi-Agency Public Protection Arrangements Senior Management Board.
* Engaging relevant partners at a strategic level to enable the effective management of risk; including escalating concerns that cannot be addressed by Team Managers.
* Ensuring resources are appropriately deployed and organised to enable the effective management of risk.
* Ensuring that there is a comprehensive Management of Risk Policy and Operational Procedures for all staff.
* Ensuring that Performance and Quality Assurance processes are in place to monitor operational management of risk and so enable effective service oversight and management of risk.
* Ensuring that all staff have access to and receive relevant professional development opportunities and information to enable them to effectively management risk.
* Directly line manage all Team Managers to ensure shared and strategic management oversight of risk.
* Ensuring that any concerns which identifies structural or organisational barriers to effective risk management are escalated to the WMYJS Management Board or other Boards outlined above.
* Notifying the Youth Justice Board and WMYJS Management Boards of any Community Safeguarding Public Protection Incidents; ensuring learning reviews take place where appropriate and ensuring actions arising are completed.

## 3.3 WMYJS Leadership Team

The Leadership Team is comprised the Head of Service, Team Managers and Senior Practitioners.(Extended Leadership Team). Whilst Team Managers hold overall responsibility for the functions below; they can delegate responsibility to Senior Practitioners in order ensure service resilience and representation.

The Leadership Team provides strategic representation and operational leadership in their Local Authority Areas to achieve the overall aims of risk management by:

* Oversight of and Panel representation at forums (which require management representation to oversee risks; make decisions or deploy resources) where identified children which are known to or are likely to become known to the Youth Justice Service are discussed for the purposes of risk management including:
  + Level 2 and 3 Multi-Agency Public Protection Arrangement (MAPPA) Meetings (Team Managers only to Level 3 MAPPA);
  + Channel Panel Meetings;
  + Multi-Agency Child Sexual Exploitation Panel’s/meetings;
  + Multi Agency Risk Assessment Conferences (MARAC).
  + Any other meetings related to risk management which require Management Oversight or deployment or resources (such as other Safeguarding or Risk Strategy Meetings, Child Protection Conferences or Child Looked after reviews).
* Engaging relevant partners at a Local Area and operational management level to enable the effective management of risk; including escalating concerns that cannot be addressed by Practitioners.
* Working together to ensure that resources are appropriately deployed and organised to enable the effective management of risk both within their local area teams and across the WMYJS Area.
* Ensuring that all entrants to WMYJS, through their Local Area Teams, are appropriately identified, allocated to Case Responsible Workers and managed according to this Policy and the WMYJS Management of Risk Procedures.
* Chairing WMYJS High Risk Panels to enable management oversight of all children and young people assessed as **high** risk across one or more of the three categories of risk, or MAPPA eligible – See WMYJS Operational Manual for further guidance.
* Supporting and adhering to the WMYJS Quality Assurance and Performance Processes by:
  + Ensuring an AssetPlus is completed for every child or young person in line with National Standards and the WMYJS Operational Manual.
  + Ensuring that all AssetPlus in which a child or young person is assessed as a **High** risk in any of the 3 categories is quality assured and countersigned using the WMYJS AssetPlus Countersigning Tool and timelines set out in the WMYJS Operational Manual.
  + Ensuring that AssetPlus completed by all practitioners across the service are regularly quality assured using the WMYJS AssetPlus Countersigning Tool
  + Ensuring that work involving victims is evident/quality assured in line with the WMYJS Victim Policy.
  + Ensuring that local area agency risk policies are followed to enable strategic oversight of risks.
* Ensuring that all children and young people who are MAPPA eligible are appropriately identified and the MAPPA processes adhered to– See WMYJS Management of Risk Procedures
* Ensuring that all staff involved in the direct management of risk receive regular supervision, support and management oversight in line with WMYJS Supervision Policy and WMYJS Management of Risk Procedures.
* Ensuring that all staff have access to and receive relevant training, learning development opportunities and information to enable them to effectively manage risk.
* Recording all management oversight of risk management in line with agreed processes.
* Maintaining professional knowledge and understanding of risk management policies, procedures, guidance and research; and ensuring that this learning is appropriately disseminated to frontline staff.
* Regularly updating and formally escalating if necessary to the WMYJS Head of Service any concerns or areas of good practice in relation to risk management through individual supervision or Leadership Team Forums.
* Notifying the WMYJS Head of Service of any Community Safeguarding and Public Protection Incidents as defined by the Standard Operating Procedures and implementing any learning actions where required.
* Notify the WMYJS Head of Service of Critical Incidents and custodial sentences and any cases in which a young person/family may be discussed via media platforms.

## 3.4 Youth Justice Officers/Assistant Youth Justice Officers (Case Responsible Workers)

Youth Justice Officers (YJO’s) and Assistant Youth Justice Officers (AYJO’s) have operational responsibility for ensuring that the overall aims of risk management are delivered by:

* Undertaking comprehensive assessment and case planning with young people referred to WMYJS in line with the WMYJS Operational Manual, Youth Justice Board National Standards, case management guidance and all of the associated guidance/procedures outlined in this document.
* Ensuring that all AssetPlus assessed as high risk are sent to a Team Manager/Senior Practitioner for quality assurance and countersignature in line with the WMYJS Operational Manual AssetPlus Timelines.
* Co-ordinate the delivery and monitor the assessed risks of children and young people in line with the WMYJS Operational Manual, Youth Justice Board National Standards and all of the associated guidance/procedures outlined in this document.
* Actively engaging in multi-agency risk management with other professionals by:
  + Identifying and maintaining regular liaison with any professional(s) within and outside of WMYJS, who are working with a child or young person and their parent/carer or who have statutory powers of enforcement (Police/ Children’s Services); commensurate with the level and nature of risk(s) assessed as being posed by or towards the child or young person.
  + Ensuring that the work of other professionals is integrated into AssetPlus assessments and is appropriately shared if this enable effective risk management.
  + Contributing to other agency plans which impact on the management of risk; including ensuring there is WMYJS representation (attendance or written submission) at statutory or preventative meetings.
* Maintaining awareness of and adhering to local area referral processes where children or young people meet the criteria for:
  + WMYJS High Risk Panels
  + MAPPA
  + MARAC
  + PPRC
  + Integrated Offender Management
  + Safeguarding (Children’s and Adults)
  + Channel Panel
  + Child Exploitation
  + Any other local available referral pathways related to management of risk for individual young people.
* Presenting cases at WMYJS High Risk Panels, MAPPA, MARAC, Joint decision making panels, professionals meetings, or any other risk management forums as required.
* Attending regular management supervision, and ensure management advice and agreement from a Team Manager/Senior Practitioner before making referrals as outlined above.
* Escalating any professional difficulties to effective multi-agency risk management/working arrangements which cannot be resolved by the practitioner themselves.
* Maintaining their professional knowledge and understanding of risk management policies, procedures, guidance and research.
* Recording all risk management decisions and actions on the child or young person’s; their parent/carers and/or the victims case record; ensuring recording is labelled as Confidential if it is not appropriate to be seen by the young person for public protection, safeguarding or protecting sensitive third party information.
* Regularly update the WMYJS Area Team Manager as to any concerns or areas of good practice in relation to risk management through individual supervision or Area Team/Service Forum.
* Notifying a WMYJS Area Team Manager of any Community Safeguarding and Public Protection Incidents as defined by the Standard Operating Procedures.

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## 3.5 Other WMYJS/Seconded Staff

It is also an expectation that all other WMYJS staff/seconded staff (Police, Probation, Health)/volunteers who work with the Youth Justice Service, are aware of the this policy and associated documents outlined within in and adhere to the aspects of it that are relevant to their roles. In particular it is expected that all staff working within WMYJS will share responsibility for protecting the public by reducing the risk of offending and managing the risk of harm to others; as well as ensuring the safeguarding of all children and young people through;

* Sharing information relating to risk with case managers, line managers and appropriate others.
* Recording any information relating to risk accurately and in a timely manner either on the WMYJS Case Management database or filing systems or (if they do not have access to such systems) ensure this information is shared in a timely manner to facilitate recording on the system to take place.

## 4. WMYJS Professional Development and Risk Management

WMYJS is committed to providing sufficient time and resource to the continuing professional development of staff to ensure that they are capable of carrying out their duties in respect of risk assessment and management as outlined above. Professional development and learning opportunities will be incorporated into the WMYJS Learning and Development plan for practitioners.