

FAMILIES AND SOCIAL CARE

Practice Guidance

Promoting Good Outcomes for Children & Young People:

Partnership Working Between

Specialist Children's Services & The Youth Offending Service

August 2011



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1. Legal Context for the Guidance

The legal context is provided by the following legislation and regulations:

- The Children Act 1989
- The Children Act 2004
- The Crime & Disorder Act 1998
- The Rehabilitation of Offenders Act 1974 (Section 2, Annex A)
- The Children & Young Persons Act 1969
- The Criminal Justice and Police Act 2001
- The Leaving Care Act 2000
- The Criminal Justice & Immigration Act
- The Children (Leaving Care) Regulations 2001
- The Children & Young Person's Act 2008
- National Standards for Youth Justice Services 2009
- Case Review and Care Planning Regulations 2010
- Local Authority responsibilities towards former Looked After Children in custody (England) Regulations 2010.

2. Legal Judgements

(a) Manchester and Sutton High Court Judgements

The interpretation of the requirements of the legislation with respect to the role of the local authority in assessing children & young people in custody for "child in need" and "child protection" services was clarified by both the Manchester Judgement (2006) and the Sutton Judgement (2007):

The Manchester Judgement (Nov 2006) tested the duties of local authorities with regard to child welfare and protection and encompasses ALL children in custody and is not confined to those who have been 'Looked After'.

The Judgement indicated:

- Local Authority Social Services cannot delegate their duties under the Children Act 1989; specifically they cannot delegate them to YOS.
- The role of YOS is defined as preventing re-offending.
- YOS can, and should, refer children to CSS, both under Section 17 requesting an assessment under the Child In Need procedures, and under Section 47, under the Child Protection Procedures.
- Local Authorities should carry out Child In Need Assessments under Section 17 to assess whether a child requires assistance upon release from custody.
- The judgement clarifies that a Child In Need assessment can and should look to future needs.

The Sutton Judgement (SJ (vs.) Sutton 2007) confirmed the responsibility of the Local Authority to undertake a "child in need" assessment with respect to all children and young people in custody with the specific purpose to ensure that on their return to the community they are "suitably" accommodated. N.B. the Howard League are operational in all secure establishments and do follow up with youth offending teams and Local Authorities the case of any child or young person where accommodation

for re-settlement purposes has not been identified. The consequences of not identifying accommodation are the potential for a judicial review.

The Children and Young Persons Act 2008 (clause 15, section 23ZA) prescribes the duty of local authorities to ensure visits to, and contact with, looked after children and others. This section imposes a duty on the local authority to ensure that a child who was looked after by that authority but has ceased to be so as a result of certain circumstances is visited by a representative of the authority. The local authority also has a duty to arrange for appropriate advice, support and assistance to be available for those children.

(b) Southwark Judgement – House of Lords

The guidance on the respective responsibilities of the Youth Offending Service, Specialist Children's Services (SCS) and Local Authority Housing Departments is set out in the "Joint Protocol to address the needs of homeless young people aged 16 to 21 in Kent". This was published by the Joint Policy and Planning Board (JPPB) during 2010 and was prepared in response to the determination of the Southwark Judgement (House of Lords, May 2009).

The Southwark Judgement clarified that a 16/17 year old in need of accommodation would become LAC under S.20.

The judgement clarifies the duty on Specialist Children's Services (SCS) to assess those 16 / 17 year olds presenting as homeless under section 20(3) of the Children Act 1989:

"this duty entails that the local authority would accommodate any child in need aged 16 and 17 whose welfare is likely to be seriously prejudiced without the provision of accommodation".

This specific duty under S.20 takes primacy over the general duty in S.17.

The initial assessment will consider if the young person is a child in need but the S.20 criteria does need to be considered from the outset.

If the young person is in need of accommodation s/he will meet the S.20 criteria in all but very rare cases (see second paragraph below).

Below are relevant paragraphs from the statutory guidance with the '**and**' after child in need being crucial in terms of meeting Southwark requirements:-

2.15 Where a 16 or 17 year old seeks help from local authority children's services or is referred to children's services by some other person or agency (including housing services) as appearing to be homeless or at risk of homelessness, or they are an unaccompanied asylum seeker without a parent or guardian with responsibility for their care, then children's services must assess whether the young person is a child in need, **and** determine whether any duty is owed under section 20 of the 1989 Act to provide the young person with accommodation.

Also:

However, if the young person requires accommodation, then this must be provided by children's services and the young person concerned will become or continue to be (if children's services has provided or secured emergency accommodation) looked after under section 20 of the 1989 Act, with the authority having the responsibilities towards them set out in sections 22 and 23 and once they cease to be looked after, the duties that are owed to care leavers under that Act. The child becomes looked after at the point that the local authority determines the young person needs accommodation (including emergency accommodation) under section 20.

SCS must provide the young person with:

- a clear explanation of the LAC status
- the accommodation that may be provided
- the leaving care services which will be available

If a young person has been properly informed re the implications of LAC status and has refused it but are being supported via S.17 then:

- LA Housing will be involved
- the young person will be able to claim Housing Benefit etc. although SCS may need to help with financial support

3. YOS Referral Process to Specialist Children's Services

When referring individual cases to Specialist Children's Services the YOS worker, with case responsibility, will check, if not already known, via ICS whether the young person is known to SCS and will then provide:

- a summary of the service requirements as identified by YOS
- the most recently completed assessment
- the current intervention plan
- key dates (e.g. planning meetings, release date from custody, Court hearing)

To support the information sharing process both Services will ensure that a sufficient number of staff are able to access each others management information systems (i.e. ICS and Careworks)

Referrals from YOS to CSS will be made via the Contact Centre on the Inter- Agency Referral Form (IAR) which is obtainable from the KCAS County Duty Service.

This can be completed electronically or faxed and sent to the County Duty Service. It will then be forwarded to the relevant Duty & Initial Assessment Team
<http://www.kenttrustweb.org.uk/policy/oaktreedrivehome.cfm>.

If the matter requires an urgent response from SCS a telephone referral should be made to the County Duty Service followed up immediately with a completed IAR

4. Youth Justice & the Looked After Child

(a) Youth Justice Decisions & LAC Status

A detailed definition of the routes via which a child becomes looked after is provided in Kent County Council's policy and procedures paper 'Definitions of a Looked After Child' see:

<http://www.kenttrustweb.org.uk/policy/oaktreedrivehome.cfm>

The relevant parts of this wider definition are all children & young people who are subject to:

- a Care Order (section 31, C.A. 1989)
- an Interim Care Order (section 38, C.A. 1989) or
- an Emergency Protection Order (section 44, C.A. 1989)

Those subject to one of these Orders are "looked after" and the child / young person retains this status even when he / she is subject to a custodial sentence, i.e. KCC remains the 'corporate parent'.

For those children / young people, aged 10 – 17 years, who are charged with an offence(s) and appear before a Court, the following remand decisions, which may be made by either a Youth or Crown Court, will result in them acquiring the legal status of "looked after child". These decisions are:

- **A Remand to Local Authority Accommodation** – Bail has been denied but the Court wish to place the child / young person in a community placement or place with a connected person. The child/young person will be considered as a looked after child irrespective of where they are placed, even if the court agrees to them remaining at home.
- **A Remand to Local Authority Accommodation with a Security Requirement** (also known as a Court Ordered Secure Remand) – Bail has been denied and the Court want the child / young person held in conditions of security in either a Secure Children's Home or a Secure Training Centre. The cost of each placement is currently shared between the Youth Justice Board for England and Wales and the Youth Offending Service.

Additionally a Looked After child (LAC) status will apply when:

- children (not previously looked after) who a Court grants **bail with a condition to reside where the local authority directs** do become "looked after" if they are being provided with a local authority funded placement. NB they are not looked after if the decision is that they should remain at home or if there is a condition imposed by the Court to live as directed by YOS.

However

- **where a child / young person is accommodated under Section 20** (Children Act 1989) when they enter a secure establishment (Young Offender Institution, Secure Training Centre or Secure Children's Home) for sentencing purposes they are not formally looked after during their time in custody.
- (as indicated above) where a child / young person has been accommodated under Section 20 (Children Act 1989) and is made subject to a Remand to Local Authority Accommodation with a Security Requirement they retain a LAC status due to the nature of the remand
- Unaccompanied Asylum Seeking Children - SUASC will continue to provide the same level of service to any child / young person known to

them as though they are looked after or entitled to leaving care services as they do not have a person with parental responsibility for them in the United Kingdom.

Please note that children / young people who are:

- subject to a Care Order retain their LAC status regardless of being in custody.
- Unaccompanied Asylum Seeking Children thought to have a history of convictions which they have not declared and which may merit refusal of entry to the country (as detailed in Annex A) will be held in custody.
- in all cases involving an Unaccompanied Asylum Seeking Child YOS will work in partnership with the SUASC Social Worker responsible within SCS for their care and support. The same actions are required of YOS as with any other Looked after Child.

(b) Youth Justice & The Children (Leaving Care) Act 2000

Decisions made within the youth justice system to remand a child/young person in to local authority accommodation; (therefore their legal status as a LAC) qualifies them for leaving care services (the Children (Leaving Care) Act 2000) as either:

- **an eligible child:** he / she is 16 or 17 years of age and since attaining the age of 14 has spent a period of at least 13 weeks as a “looked after” child. The 13 weeks do not need to be consecutive but he / she must be “looked after” upon attaining the age of 16 years to be an eligible child
- **a relevant child:** he / she was an eligible child but who, at the age of 16 or 17, leaves care

In addition, the Children (Leaving Care) Regulations 2001 do make an exception for:

- children and young people who are **detained in custody / hospital** at the point of attaining the age of 16 – but
- were ‘looked after’ immediately before being detained
- had been looked after for a total of 13 weeks since attaining 14

Young people who are ‘looked after’ for the qualifying period and, whether at the age of 14 or 15, are remanded in custody, sentenced to custody (detention and training order or long term detention in the crown court) or are sentenced to a hospital order (with or without a restriction order) and remain so upon attaining the age of 16, are deemed to be ‘relevant children’.

Guidance on the responsibilities of the Local Authority to “eligible” and “relevant” young people will be found at:

<http://www.kenttrustweb.org.uk/policy/oaktreedrivehome.cfm>.

5. Managing Individual Children & Young People within the YJS

(a) Case Responsibility

- children and young people (aged 10 – 17 years) not looked after prior to involvement with the youth justice service who YOS identify as requiring a CIN assessment – (this would always include those who are serving a custodial sentence and are being prepared for a return to the community) – YOS should be the “lead professional” initially, but this may change depending on the outcome of the Child in Need assessment
- children & young people remanded to local authority accommodation (aged 10 – 17 years) with or without a security requirement. These children & young people are Looked After Children and a SCS Social Worker should be invited to attend the initial remand planning meeting which will be organised by YOS within one working day of the remand decision being made. The planning meeting must consider the likely length of the remand period and if it is thought likely to exceed 28 days the SCS Social Worker will be the lead professional working in partnership with the YOS worker and other partners who remains involved for the duration of the order
- children and young people who enter the UK unaccompanied but who do not claim asylum status remain the responsibility of the CSS district in which they have been arrested. Children and young people who are claiming asylum become the responsibility of the Service for Unaccompanied Asylum Seeking Children (SUASC). An age assessment will be undertaken
- if an unaccompanied asylum seeking young person arrested in Kent is found not to be a Kent Looked After Child but is the responsibility of another local authority; s/he remains the responsibility of that Authority and YOS should inform them of his/her arrest and any decision taken by the Police or the Courts. Should any conflict arise between YOS and the responsible authority, discussions should take place with SCS
- the YOS have a duty to prevent offending by children and young people (Crime and Disorder Act 1998). A Youth Inclusion Support Panel Co-ordinator (YISP) or YOS worker will be allocated where National Standards for Youth Justice (2009) require a child / young person to be assessed with a view to either a voluntary or a statutory intervention being provided to prevent their further offending

(b) Practice issues in respect of Looked After Children

- it is expected that the SCS Social Worker with case responsibility will attend each hearing whenever a Looked After Child is appearing in either a Youth or Crown Court. This is to ensure:
 - i. the Court is fully informed of the plan in place for the child / young person
 - ii. CSS are fully apprised of the requirements arising from the proceedings which have been imposed by the Court
- where a child / young person previously unknown to CSS, has acquired LAC status as a result of a Court decision to remand them to Local

Authority Accommodation a CSS worker will attend the initial planning meeting and that meeting will be responsible for determining whether the remand status will exceed 28 days. If this is the case:

- i. SCS will be responsible for undertaking the role of Lead Professional and a core assessment should be undertaken within 35 days of the initial assessment having been completed
 - ii. A LAC Review should be requested and held within 28 days. This should be chaired by an IRO.
- **Where the child / young person is already LAC at the time of the Court decision and a community disposal is imposed (e.g. Referral Order, Youth Rehabilitation Order):**
 - i. the CSS Social Worker will be the Lead Professional,
 - ii. YOS will include the CSS Social Worker in all assessment, sentence planning and review processes.
 - **Where a custodial sentence is imposed on a looked after child / young person who is subject to a care order:**
 - i. The CSS Social Worker will be the Lead Professional and must continue, in co-ordination with the YOS responsibilities, to visit and offer on going support to Looked After children during the custodial phase of the sentence. The first visit should take place within 10 working days of a child entering custody and ideally should coincide with the Initial Planning Meeting which must be held within 10 working days (National Standards 2009 9.27, 9.28 & 9.29) Should the young person be aged 16/17 and LAC the SUASC/Catch 22 worker will be the lead professional
 - ii. A Looked After Child Review / Pathway Planning meeting should be held within 28 days, followed by minimum statutory timescales and at least a month before release. It is expected that the YOS case manager will attend all meetings relating to the LAC status of the child / young person
 - iii. the YOS case manager will visit the child / young person during the custodial phase with the frequency required by National Standards for Youth Justice (2009)
 - iv. The YOS case manager must involve the CSS Social Worker for the Looked After Child in the resettlement planning for that child / young person
 - v. In the case of care leavers (18-24), there needs to be good communication between the SUASC/Catch 22 teams and the Probation Service. Relevant information needs to be shared from pathway plans. The SUASC/16plus worker will act as the Lead Professional and will be notified by YOS whenever case responsibility is transferred to the Probation Service.
 - **Where a custodial sentence is imposed on an Accommodated child/young person (subject to Section 20):**
 - i. the child / young person will no longer be “looked after” but should be deemed a child in need (Children Act 2008, S23ZA, includes a duty with respect to visiting children formerly Looked After who are in custody and the expected actions are detailed in the Local Authority responsibilities towards former Looked After Children in custody [England] Regulations 2010).

- ii. the SCS Social Worker should remain the Lead Professional and visit the child within 10 working days of the child entering custody. There may be some circumstances when a residential worker or a foster carer familiar to the child might be appropriate to carry out this visit. Ideally the visit should coincide with the Initial Planning meeting (National Standards 2009 9.27, 9.28 & 9.29) which is held within 10 working days of the sentence being imposed and the arrangements for this meeting should be discussed with the relevant YOS case manager.
- iii. the purpose of the initial visit should be to complete an initial assessment (DOH assessment framework) of the child's needs whilst in custody and on release. The assessment should be completed within 20 working days and include proposals for the future involvement of the local authority (NB these may be reflected in the initial Plan. The IRO views and the views of the child's previous carers should also be sought.
- iv. if the parents of the child / young person are unavailable or otherwise unable to exercise their parental responsibility by providing the child with support whilst in custody the child / young person will require ongoing visits, support and practical help from the local authority whilst in custody, as a child in need. (s17, CA 1989).
- v. consideration should be given prior to release as to whether the child should re-acquire LAC status upon release.
- vi. when SCS decides, following an assessment, that it will not be providing any continuing support for a formerly looked after child the designated manager / Social Worker must inform the child / young person's case manager in the YOS, the Governor or Director of the custodial establishment and the child / young person, their parents and others with parental responsibility.
- vii. when a relevant or former relevant young person enters custody, pathway planning must continue. A review of the Pathway Plan should be carried out at least a month before the young person's release to give sufficient time to plan for his or her resettlement.
- viii. when it is agreed that the child / young person will need ongoing support from SCS either whilst in custody or following release or that the child will need to become looked after again, arrangements should be made to maintain contact with the child whilst they remain in custody. These should be discussed with the YOS case manager.
- ix. all young people who were accommodated at age 16 prior to entering custody will be treated as a relevant child and assessments will be carried out by the 16plus team in keeping with the pathway planning process.

(c) Practice issues in relation to Child Protection

- the SCS Social Worker:
 - i. remains the Lead Professional for a child who is the subject of a child protection plan.

- ii. in partnership with YOS should visit the child/young person while in custody to ensure they are supported and their needs are being met.
- SCS & YOS will ensure all YOS staff:
 - i. are aware of and comply with the child protection procedures, and seek a 'consultation' when necessary (Kent trust web link)
 - ii. report immediately any child protection concerns to the relevant district team so that they are addressed appropriately.
 - iii. are aware of the procedures for young people who abuse others and liaise appropriately. (Protocol for working with young people who are sexually active; www.kscb.org.uk). There is a joint commitment between the Services to share responsibility for the assessment of children & young people allegedly involved in sexually harmful behavior.
 - iv. receive safeguarding and child protection training alongside SCS staff provided by the KSCB.

(d) Practice issues in relation to Children in Need:

- Kent & Medway Safeguarding Procedures (2.28.7) state that it is best practice that all children in custody should be regarded as children in need, irrespective of whether or not they were previously known to CSS or YOS
- YOS will only refer in practice those children and young people to SCS who meet the eligibility criteria as children in need and will seek support from Specialist Children's Services on this basis. (Eligibility and Access)_
- YOS will notify SCS within 5 working days of the sentence being imposed on children & young people (10 – 17 years) in custody who meet the eligibility criteria as CIN so that an assessment can take place, prior to release, for the provision of "Children in Need" services in support of their resettlement plan

6. Court Processes

(a) Remand Services

- whenever a Looked After child or care leaver is arrested the SCS Social Worker/16plus worker and the YOS case manager must communicate with each other and share all relevant information about the child's circumstances and needs
- the YOS teams in Kent will co-ordinate bail support and remand services for children & young people remanded or committed on bail by the Courts while awaiting trial or sentence, through the Kent Remand Management Service and in some cases using the Intensive Supervision and Surveillance programme (ISS Bail)
- a Court should be informed of any YOS/Remand Management Service intention to place a child/young person with their immediate family if a Remand to local authority accommodation is actually being considered. In these cases the practice should be to advocate for bail with a condition of residence at the home address
- when the intention of the Court is to order a child to reside where directed by the Local Authority YOS should liaise with SCS
- Kent YOS is responsible for the co-ordination of all remand residential and foster placements and for meeting the costs

(b) Reports – Criminal & Civil Proceedings

- Kent YOS will be responsible for the provision of all Court and Youth Offender Panel Reports ordered in criminal proceedings concerning children & young people ordinarily resident in Kent
- when a YOS worker is writing a Pre Sentence / Referral Order Report on a child or young person who is known to SCS/16plus service, file information will be shared and the allocated worker asked to inform the report
- the YOS worker and SCS Social Worker/16plus worker must consult over the content and recommendations of the Pre-Sentence Report (PSR). There is a need to ensure the child's life experiences are included in the report and any link with the offending behaviour fully understood
- the SCS Social Worker/16plus worker should attend Court with the looked after child on the day of sentencing
- Court reports relating to care proceedings will be written by the allocated SCS Social Worker
- where a Court Report is ordered in civil proceedings arising from an application for an Anti-Social Behaviour Order on a young person, YOS will normally be responsible for preparing the report. However, in cases involving children aged 10-13 years inclusive where YOS has had no previous involvement with the child SCS will be responsible for preparing the report. *(Home Office guidance recommends that a report prepared by the SCS in these circumstances is based on the Framework for the Assessment of Children in Need and their Families (2000))*

Please refer to protocol between YOS and 16 plus which can be found using the following link: <http://www.kenttrustweb.org.uk/policy/oaktreedrivehome.cfm>.

7. Housing for Young People aged 16/17

(a) Leaving Custody

- The Youth Offending Service together with its partners is committed to preventing homelessness.
- If a young person was a 'Looked After Child' i.e. on a Care Order, prior to receiving a custodial sentence, s/he remains so, under the Children Act 1989, and as such is entitled to support and advice including accommodation. The young person's requirements should have been discussed during LAC reviews and various options considered in light of his/her needs. Accommodation may include returning to the foster carer they were placed with prior to sentencing, returning home to live with their parents or moving to supported accommodation. Their SCS/16plus worker will support them
- The SCS Social Worker/16plus worker is the Lead Professional in these instances but YOS will ensure their involvement in sentence planning (custody and community) processes is enabled (e.g. consulting on dates for planning and review meetings)
- If the Child In Need assessment identifies that the provision of suitable accommodation is required, a Child In Need review should be called, extending an invitation to the 16plus service who will contribute to the planning and locating of suitable accommodation. This may not require the young person becoming 'accommodated' upon release, but support can be provided for the young person by SCS as a Child In Need.
- Bed & Breakfast accommodation should not be considered, other than as a last resort, for this group of vulnerable young people and any such arrangements should be maintained for only the shortest possible period. Where it is used it must be properly risked assessed, and the LA Housing for the District should be consulted regarding the suitability of using the particular provider for a young person

(b) YOS Delivered Community Intervention

This section is based on an extract from the protocol relating to young homeless people aged 16 – 21 published by the Joint Policy and Planning Board that is referred to in Section 1 of this guidance.

If a young person known to YOS presents as homeless and reconciliation with his / her family / carers is not possible **the YOS case manager** will:

- approach Specialist Children's Services first to discuss the pending referral and to share all relevant information
- then make a referral via the Kent Contact & Assessment Service (KCAS)

The SCS Duty Officer or KCAS will;

- check the Integrated Children's System (ICS) and Youth Offending Service Information System (Careworks) to see if the young person is already known
- a referral will be created.

If this check reveals that the young person is the responsibility of Catch22 16plus service or the SUASC then the Duty Officer will:

- make immediate contact with the local 16plus Team or SUASC Team by telephone.

If the young person is not the responsibility of Catch22 16plus service or the SUASC then the Duty Officer will attempt to mediate to enable the young person to return to the family home

If the parent/guardian is insistent that the young person cannot return home, but it is safe for them to do so, the duty Social Worker, with support from the YOS case manager will attempt to facilitate return to the family home, at least until the child in need assessment has been carried out.

The assessment will take up to 10 working days to complete and the parent/guardian should be advised of the timescales.

If the parent/guardian is refusing to have the young person back into the family home at all, the duty officer will ascertain whether the young person can stay with a suitable family member or friend until the child in need assessment has been carried out. The family member/friend should be advised of the timescale (10 working days) for the completion of the assessment.

A referral should be made by SCS to the Family Group Conference service.

The Social Worker will advise the young person that if they are unable to return home as to:

- the assessment process under Section 17 of the Children Act 1989
- the implications and the benefits of being considered 'looked after'. (NB a leaflet explaining this information in a clear and easy read format is available)

If the young person is:

- **requesting accommodation and consents** to becoming a "looked after child" the duty Social Worker will arrange accommodation pending the completion of a core assessment.
- **not consenting** to becoming an accommodated child but in need of emergency accommodation, Specialist Children's Services will arrange temporary accommodation using its provision under s 17 of the Children Act 1989 until assessments by Specialist Children's Services and Housing have been undertaken to establish future need.

The duty on SCS to accommodate remains until it is determined that the young person is not a Child In Need.

The Social Worker, if the young person is assessed as not being a Child In Need or is a competent young person making an informed decision to refuse to accept s20 accommodation, a referral should be made to the LHA for an assessment under the homelessness regulations will:

- complete (as fully as possible, including any relevant information obtained from YOS via Careworks) the Kent Joint Young Persons Homelessness Protocol Housing Referral Form (Appendix C of the Joint Protocol)
- fax a copy of the referral form to the Local Housing Authority (LHA) in the District where the young person originates or now resides to arrange a joint initial assessment.
- inform the YOS case manager of the outcome from the discussions with the young person and of the steps subsequently being taken

The JPPB protocol requires joint assessment (SCS and the LHA) in these circumstances.

Specialist Children's Services will retain responsibility for any young person who is:

- after assessment judged to be a child in need

- owed a s20 duty
- the subject of child protection concerns in accordance with the Kent assessment matrix.

SCS may request the assistance of the LHA in accessing suitable accommodation for the young person. This may be:

- supported accommodation
- private rented accommodation in which case the young person will need support
- LA accommodation if appropriate and available, whereby the young person will also need support.

SCS will meet the cost of such accommodation.

8. Escalation Procedures – Achieving Resolutions

Where agreement cannot be reached between a YOS worker and a CSS/16plus worker as to the outcomes from a referral the joint steps to achieving a resolution will be:

- i each worker will inform their respective Team Manager who will liaise with their counterpart
- ii where no resolution is achieved the YOS Team Manager and the CSS / SUASC/16plus Team Leader will refer respectively to the Area Manager and District Manager/16plus Operations Manager
- iii if a resolution is still not achieved the case will be referred to the YOS Head of Service and the responsible SCS Head of Children's Service
- iv
- v if a resolution is still not achieved, the CSS representative on the County Youth Justice Board and the Director of Youth Services

YOS will record on their case management system the outcome achieved at each stage of the procedure

Appendix A

Extract from the Immigration Directorates Instructions

February 2006

Section 2, The Rehabilitation of Offenders Act 1974

Appendix A: The Rehabilitation of Offenders Act & Immigration Control

4.1 Entry Clearance and Leave to Enter

Paragraph 320(18) of the Immigration Rules lists, as a ground on which entry clearance or leave to enter should normally be refused, conviction in any country of an offence which;

- (i) if committed in the United Kingdom, is punishable with imprisonment for a term of 12 months or more, or
- (ii) if committed in another country, would be so punishable if the conduct constituting the offence had occurred in the United Kingdom.

For the purposes of immigration control, the main effect of the Act is to exempt from the provisions of paragraph 320(18) all rehabilitated offenders, regardless of where they were convicted. The effect of the Act on deportation orders resulting from convictions must also be taken into account.

Before a person may be refused entry clearance or leave to enter on grounds of criminal record, the entry clearance officer or immigration officer must determine that the offender is not a rehabilitated person as defined in the Act.

To this end the entry clearance officer or immigration officer must know:

- * The nature of the offence committed;
- * The date of conviction;
- * The nature of the sentence imposed, and whether that sentence has been served, undergone or complied with.

Where it is established that a person has been convicted of an offence which appears to fall within the scope of paragraph 320(18) and is not a rehabilitated person, refusal of entry clearance or leave should normally follow (unless the officer is satisfied that admission would be justified for strong compassionate reasons).

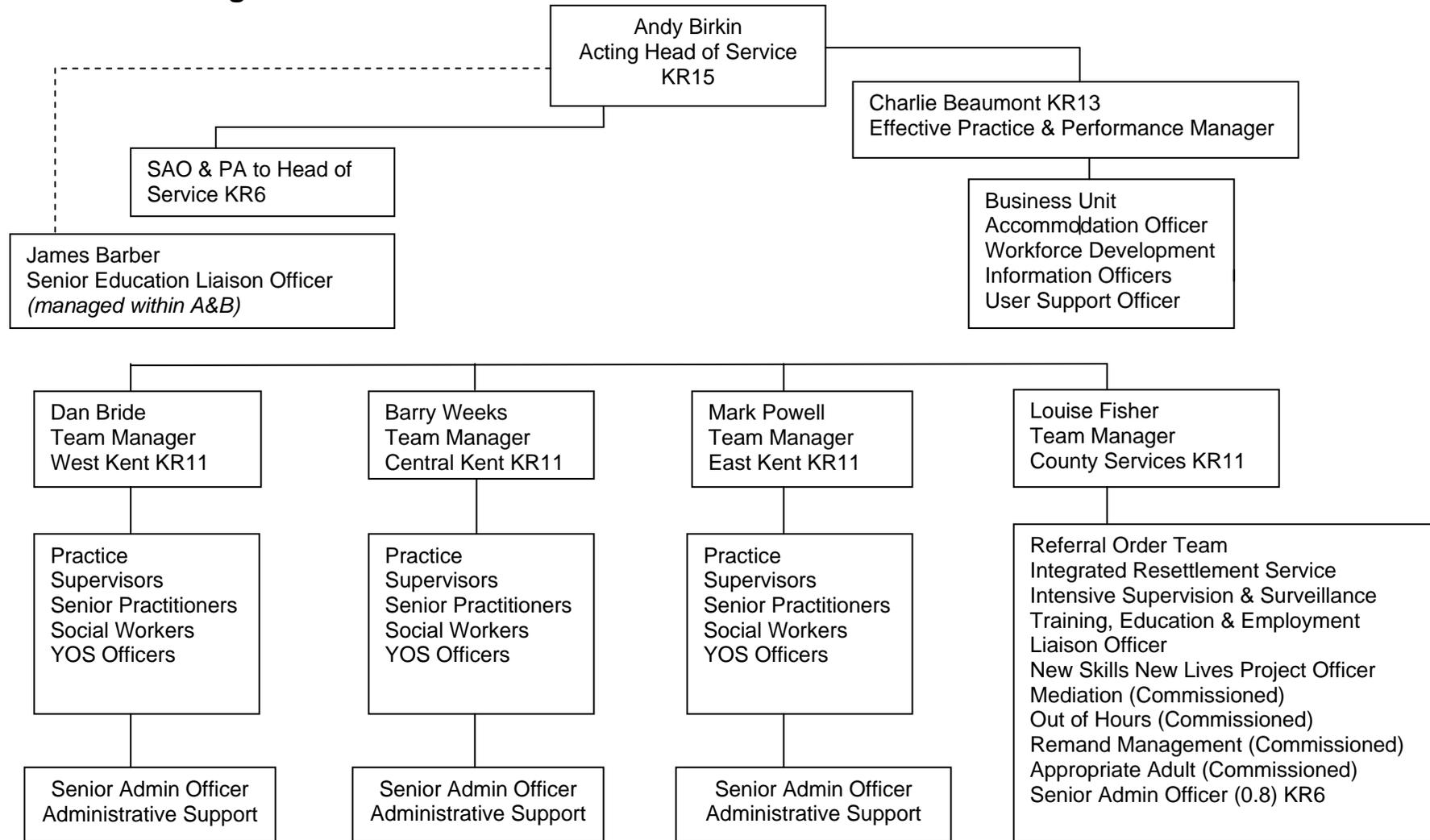
Where it is established that the offender has become a rehabilitated person and their conviction spent, they **may not** be refused leave to enter or entry clearance on the basis of that conviction.

Paragraph 320(19) of the Immigration Rules states that entry clearance or leave to enter should normally be refused where from information available it seems right to refuse entry on the ground that exclusion from the UK is conducive to the public good in light of the person's character, conduct or associations.

Where it is established that a person is a rehabilitated person and a previous conviction spent they may not be refused entry clearance or leave to enter on non-conducive grounds on the basis of that conviction.

Entry clearance officers should refer all cases to ECO Support in UK visas policy section. Immigration officers should refer all cases to a chief immigration officer. It may also be appropriate to seek assistance from the police, particularly where an offender has committed offences in the United Kingdom.

Appendix B: YOS Organisational Structure Chart 01.07.11



Appendix C

Appendix C: 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 Responsible authority continues to have a duty for care planning and review in the same way as for all other looked after children
	Remand to local authority accommodation i.e. remanded to placement provided by local authority	
	Court ordered secure remand (COSR) i.e. remanded to SCH or STC pending court hearing	
	Remand to custody i.e. remanded to YOI pending court hearing	
	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	

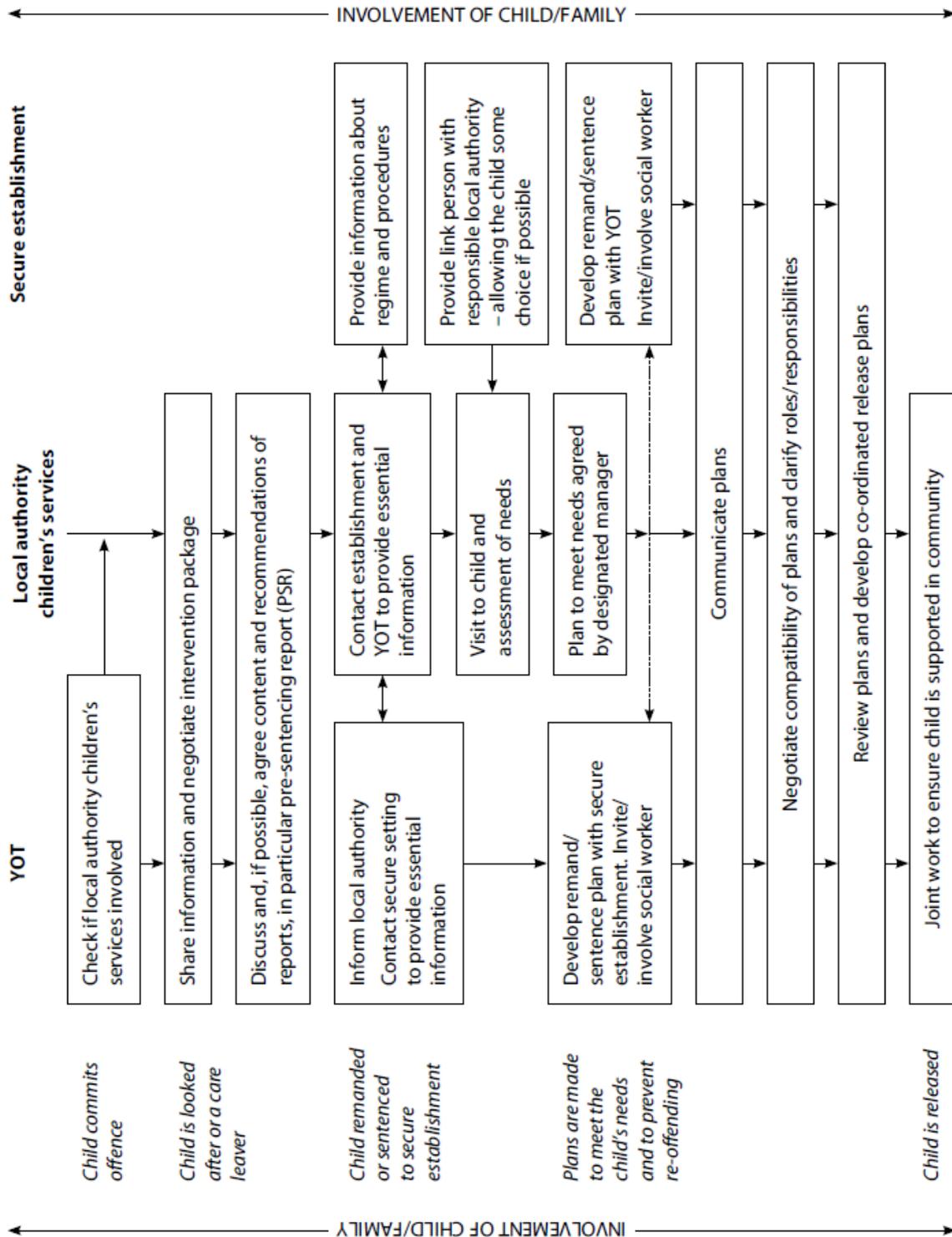
Appendix C

Previous care status	Criminal justice decision	Effect on care status
Voluntary accommodation (section 20, 1989 Act)	PACE detention	No change – child continues to be looked after but under section 21 of 1989 Act
	Remand to local authority accommodation	
	COSR	responsible authority continues to have duty for care planning and review – as above
	Remand to custody	Child ceases to be looked after during period of remand BUT responsible authority has duty to visit
	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
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	
	COSR	
	Remand to custody	Not looked after
	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

The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review (DFE, 2010)

Appendix D

Appendix D: A model for joint planning and practice



The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review (DFE, 2010)