



Protocol for Joint Working between Specialist Children's Services (SCS) and Early Help Preventative Services (EHPS)

Joint working around and responsibilities towards young people in the criminal justice system

Document Owner	Louise Fisher/Naintara Khosla
Version	0.19
Approved By	SCS and EHPS Joint DivMT
Approval Date	10th July 2017
Issue Date	
Review Date	March 2018

Contents

1.	Introduction and Purpose of the Protocol.....	4
2.	Shared Principles.....	5
4.	Problem Solving, Escalation and Learning from Good Practice.....	7
5.	Child in Need, Child Protection, Children in Care and Care Leavers	7
6.	Children in Care (CIC)	8
7.	Safeguarding children and young people in police custody.....	8
8.	Appropriate Adult	9
9.	Provision of Accommodation under PACE - Section 38 (6)	10
10.	Out of Court Disposal.....	10
11.	Children in Care who are charged with an offence	11
12.	Sentencing.....	12
13.	Appearance in Court	12
14.	Collaboration and support while a young person is a Child in Care and open to Youth Justice 13	
15.	Youth Rehabilitation Order Requirements (YRO).....	14
16.	Local Authority Residence Requirement	14
17.	Remand into Local Authority Care (RLAA)	15
18.	Remand to Youth Detention Accommodation (YDA)	17
19.	Young People Remanded to Youth Detention Accommodation (YDA) who are not already Looked After.....	19
20.	Where the child was Looked After immediately before being remanded to Youth Detention Accommodation.....	20
21.	CIC Review.....	20
22.	Children who turn 18 years of age during their Remand	21
23.	Custody	21
24.	Children in Care Reviews and process for CIC in Custody	23
25.	Social Work Visits	23
26.	Sentence Planning.....	25
27.	Action to be Taken if there are Concerns about the Child's Safety or Welfare	25
28.	Planning for Release and resettlement	26
29.	Support in the Community	29
30.	Gangs, Serious Youth Violence and CSE	29
32.	Kent Youth Justice/LAC cases residing Out of Area	30
	Appendix 1 – Youth Justice and SCS protocols that have been replaced by this document	32
	Appendix 2 – Terms of Reference of Multi-Agency Youth Justice Panel, hosted by Kent Police.....	33

Appendix 3 – Sentencing and Requirements that can be attached to a Youth Rehabilitation Order (YRO)	34
Appendix 4 – Remands to Youth Detention Accommodation criteria – national guidance used by the Courts and issued by Youth Justice Board	35
Appendix 5 – Flowchart of Implication of LASPO Act 2012 for children placed in secure remand or local authority accommodation (from: 5.1.2 Remands to Local Authority Accommodation or to Youth Detention Accommodation of Kent Children's Services Procedures Manual)	36
Appendix 6 – Minimum Standards for meetings and contacts	38
Appendix 7 – What is the Youth Justice Process?	41

This replaces all previous protocols and policies relating to Youth Justice and Specialist Children Services collaborative working

1. Introduction and Purpose of the Protocol

- 1.1. All Kent County Council (KCC) staff working with children are governed by the same values and principles. They have responsibilities within legislation, which includes The Children Act (2004), The Children and Young Persons Act (2008), The Crime and Disorder Act (1989), Care Planning and Regulation Volume 2, The Legal Aid, Sentencing and Punishment of Offenders Act (2012), Care Leavers Regulations Vol 3 2010 (revised 2015), Social Work Act 2017, as well as the objectives outlined in “Working Together” (2015) and the objectives and key performance indicators outlined in the Youth Justice annual plan.
- 1.2. The purpose of this protocol is to identify how the Youth Justice service and Specialist Children’s Services (SCS) manage their own responsibilities and how the services can work efficiently and collaboratively together within the above frameworks, to ensure that the interests and needs of Kent young people who are at risk of offending or re-offending are best met.
- 1.3. This protocol replaces all existing Youth Justice and SCS joint working procedures and protocols that pre-date June 2017. For a detailed list of those procedures and protocols now obsolete please see Appendix 1.
- 1.4. This protocol makes reference to and should be read alongside other key documents relating to youth justice such as:
 - Kent & Medway Joint Protocol on Criminal Justice Agency Involvement with Children in Care (November 2014). (This protocol aims to reduce the prosecution of Children in Care (CIC), wherever possible, by encouraging the use of alternative resolution approaches such as restorative justice).
 - The Transfer of Children to Local Authority Accommodation from Policy Custody – An agreement between Kent County Council and Kent Police. (This policy is to minimise the incidences of young people being detained in custody overnight in line with the Home Office Concordat on Children in Custody¹).
 - Gang Strategy (Links with KSCB chapter 2.2.28 Children Affected by Gang Activity or Youth Violence. (June 2017 Gang Strategy under review)
 - Responsibilities of the Local Authority to Former Looked After Children and Young People in Custody Procedure. (Chapter 5.7.3 TriX)
 - Out of Area Placements (Chapter 5.1.15 TriX)

¹ <http://howardleague.org/wp-content/uploads/2017/03/DRAFT-Concordat-on-Children-in-Custody.pdf>

2. Shared Principles

- 2.1. Effective joint working enhances the quality and future life chances for young people who offend. This protocol aims to clarify the professional roles and responsibilities in these complex cases.
- 2.2. Central to the protocol is the need to ensure that all services are delivered according to anti-discriminatory practice, that equality and diversity issues are taken into account and that the ethnicity, culture, religion, gender and sexuality of young people and their related needs are taken into account, in accordance with the Equality Act 2010.
- 2.3. Children in Care (CIC) are at a greater risk of entering the Criminal Justice System, particularly custody, than similar aged young people in the general population. It is therefore a shared responsibility to provide a targeted and joined up service to this group of young people.
- 2.4. KCC adheres to the principles laid out in the Laming Review 'In Care, Out of Trouble'² which states '*More effective joint working between families, local authorities, youth offending services, CAMHS, the police and other Criminal Justice agencies (is required) leading to substantially improved opportunities for preventing the criminalisation of Children In Care (CIC) and diverting them from the Criminal Justice System (CJS) wherever possible. Where this cannot be done, CIC deserve proper support and fair treatment throughout the Criminal Justice process*'.
- 2.5. Other principles from the Laming Review are:
 - *Strong and determined leadership (is required) at national and local levels, taking a strategic multi-agency approach to protecting CIC against criminalisation. This needs to be underpinned by better data collection so as to improve services for children and families, especially those at risk*
 - *Consistent, early support for children and families and, where necessary, good parenting by the state.*
 - *Investigating and addressing the needs of minority groups of looked after children who are at risk of involvement in the Criminal Justice System.*
 - *Children in Care and care leavers must receive consistent support, and should not feel isolated or unsupported at critical moments including appearance in court or whilst in custody*
- 2.6. Assessments for young people who have complex needs and difficulties that require a joint response from Youth Justice, SCS and Special Educational Needs (SEN) where appropriate, need to be evidence based and derived from multiple sources. They need to echo the voice of the child as well as those of their parent/carer and other professionals.

² <http://www.prisonreformtrust.org.uk/Portals/0/Documents/In%20care%20out%20of%20trouble%20summary.pdf>

3. Information Sharing

- 3.1. Senior SCS and Youth Justice Managers will contribute to the development of multi-agency strategies within the context of attendance and participation in the Kent County Youth Justice Board (CYJB), Kent Integrated Children's Services Board (KICSB), Kent Safeguarding Children Board (KSCB) subgroups and other relevant meetings.
- 3.2. We are committed to information sharing in accordance with agreed protocols and legislation related to data sharing and protection. The Crime and Disorder Act 1998 specifically addresses information sharing. It allows any part of the statutory partnership to share information as long as this has the purpose of prevention or detection of crime by children and young people. Information may therefore be shared between a Youth Justice worker and SCS, including VSK, as long as the purpose is to support the aim of preventing that young person from further offending. The act states:
- 3.3. Any person may disclose information to a relevant authority under Section 115 of the Crime and Disorder Act 1998, 'where disclosure is necessary or expedient for the purposes of the Act (reduction and prevention of crime and disorder)'. 'Relevant authorities', broadly, are the police, local authorities, health authorities (clinical commissioning groups) and local probation boards.
- 3.4. Information sharing includes the Freedom of Information Act 2000 and takes into account Article 8.2 of the European Convention on Human Rights, with particular reference to: a) Public safety; b) The prevention of crime and disorder; c) The protection of health and morals and; d) The protection of the rights and freedom of others.
- 3.5. Any individual receiving information or minutes of a Youth Justice or SCS meeting is entitled to store and share them as necessary within his or her own agency, but should not share the information widely with anyone outside the agency, unless this has been agreed by Head of Service or the meeting Chair.
- 3.6. If further disclosure with another agency is felt essential, prior permission should be sought from the Head of Service or Chair of the meeting and a decision will be made (share on a need-to-know basis, and is proportionate and necessary) as to what information can be shared.
- 3.7. Both services aim to provide full access to respective case management systems. Youth Justice staff will be given read-only access to Liberi, and SCS staff will be given read-only access to CareDirector Youth (CDY) if possible. Use of information stored on these systems will be used only when necessary and appropriate.
- 3.8. Data from Liberi and CDY will be shared between Management Information teams on a monthly basis so that systems are updated and accurate records are maintained.
- 3.9. Youth Justice and SCS staff should ensure a good exchange of information including the sharing of assessments, records, minutes and reports, and joint attendance at meetings and statutory reviews. All forms of communication should be recorded on both Liberi and

CDY to evidence what information was shared and why. Shared action plans and agreed targets, with the owner of each action clearly noted, should also be documented on both Liberi and CDY.

- 3.10. No case will be closed by either service (SCS/Youth Justice) without consultation between both team managers. Where there is disagreement concerning case closure or any other key case decision, Youth Justice and SCS Managers will be consulted.

4. Problem Solving, Escalation and Learning from Good Practice

- 4.1. In the event of a difference of opinion between Youth Justice and SCS, the expectation is that, in the first instance, the practitioners should attempted to resolve this in a positive way themselves. If they are unable to come to an agreement then the worker should refer this matter to their operational line managers and if necessary to the Head of Service/Assistant Directors. In emergency or serious cases then the matter should be escalated to the Head of Service/Assistant Director.
- 4.2. Case audits of joint cases will take place periodically in order to identify good partnerships and practice and to highlight areas requiring further development. The findings and proposed actions will be jointly presented to the appropriate multi agency forums as required.

5. Child in Need, Child Protection, Children in Care and Care Leavers

- 5.1. It is acknowledged that some young people may be open to Youth Justice without any prior or current SCS intervention. For those cases where Youth Justice are working with a young person without SCS involvement, the Youth Justice worker will continue to adhere to Kent Safeguarding Children's Board (KSCB) procedures in regards to safeguarding.
- 5.2. Where it is considered in the course of a Youth Offending assessment that the case meets the threshold of a Child in Need because there is a significant likelihood of significant harm, the Youth Justice Worker will make a referral to CDT. The Youth Justice Worker will supply copies of Youth Justice assessments and any other information required to support the referral and any subsequent SCS assessments.
- 5.3. This protocol focuses on those children open to SCS and Youth Justice, it should be noted that children and young people can be known to SCS for a variety of reasons from being designated a Child In Need in receipt of section 17 services, through to statutory intervention due to significant safeguarding concerns and/or through being in Care or having Care Leaving status. The guidance below applies to all these groups, whilst acknowledging there are specific processes relating to those in Care.
- 5.4. In cases where the young person is already known to SCS, the Youth Justice Worker will inform and work with the appropriate Social Worker and their line manager to share concerns and plan intervention. This communication will be documented on CDY and

Liberi.

- 5.5. The Youth Justice Worker will ensure that the young person and their parent/carer are aware of and, wherever possible, are in agreement with the referral being made.
- 5.6. The onus will be on SCS to relay the response to the Youth Justice referrer, as well as the outcome of any assessment which has been undertaken and any joint work which needs to take place.

6. Children in Care (CIC)

- 6.1. Children in Care (CIC) are at a greater risk of entering the Criminal Justice System, particularly custody, than similar aged young people in the general population. It is therefore a shared responsibility to provide a targeted and joined up service to this particular group.
- 6.2. The protocol aims to ensure joint working between the CIC/AST team's and the Youth Justice Service in order to promote positive outcomes for Children in Care, and Leaving Care. To achieve this, both services will communicate, share risk and other assessments and relevant information. Clear agreed interventions will be in place to target and address the specific issues faced by CIC.
- 6.3. Where a child in care is thought to be at risk of offending (or reoffending), both the Care Plan/Pathway Plan for those aged 16+ and the Placement Plan should include details of the support that will be provided to prevent this. If the child is not placed in Kent, the Youth Offending Service (YOS) of the 'host' authority where the child is placed should also be contacted for advice and guidance. Kent have a Youth Justice Service which works collaboratively with Early Help Units and their focus is to support reducing youth offending. In other Local Authorities, teams may be referred to as Youth Offending Teams (YOTs) or Youth Offending Services (YOS).
- 6.4. The Independent Reviewing Officer (IRO) should ensure that the Care Plan/Pathway Plan adequately addresses any risk of offending. Appropriate challenge should be in place to ensure the care planning for a child looked after and involved with the criminal justice system is robust.

7. Safeguarding children and young people in police custody

- 7.1. Whenever a child open to SCS aged under 18years is arrested and presented at a police station, the responsible Local Authority should ensure that the young person has the support of an Appropriate Adult and a solicitor while at the police station.
- 7.2. The appropriate adult should normally be their parent, carer, residential worker or Social Worker. In cases of an emergency or where the Social Worker/foster carer may be the victim of the crime, the SCS Duty Officer should be utilised if possible. In the event of

difficulties, SCS should contact the Youth Justice Manager to discuss whether any other options are available such as an Appropriate Adult from the Appropriate Adult scheme, (see chapter 8)

- 7.3. The solicitor should have expertise in youth justice, and be provided with relevant information about the young person's circumstances and needs, including key information from the Care Plan (or Pathway Plan if they are an Eligible Child).

8. Appropriate Adult

- 8.1. Under current PACE (Police and Criminal Evidence Act 1984) Codes of Practice, children and young people aged 17 years or under who are either arrested or asked to attend as a voluntary attender must have an appropriate adult present when interviewed by the Police. It is expected that, in the first instance, the young person's parent or carer will attend. This may include a young person's foster carer if felt appropriate. If the child is in residential care, their key worker or Social Worker should attend.
- 8.2. A parent/carer attending may need reassurance or practical assistance to attend the police station and to understand the nature of the role of an Appropriate Adult. Every person acting as an Appropriate Adult should be given a copy of the Home Office (2011) Guide for Appropriate Adults³.
- 8.3. It is especially important that children and young people who are identified as having mental ill health or learning difficulties are properly supported. In such cases it might be preferable for the Appropriate Adult to be a trained professional rather than a relative. However if the young person prefers a relative or objects to a particular person their wishes should, if practicable, be respected.
- 8.4. In the event that all options have been explored and there is nobody available to attend the Police Station then an Appropriate Adult will be provided via Contact Point. The service is accessed via Contact Point but is provided by the Young Lives Foundation.
- 8.5. The Appropriate Adult's role is to protect the interests of the child or young person, to advise and support them, and ensure that they are fairly treated and their needs met. In particular they should be aware of and able to support any:
 - Mental health needs;
 - Learning and communication difficulties;
- 8.6. The Appropriate Adult should let the child or young person know how to access legal support, and can insist that this is provided even if the child or young person refuses it.
- 8.7. For more information on Appropriate Adults, including their role in supporting children and young people, and who can fulfil this role please see Appropriate Adults: Guide for Youth

³ <https://www.gov.uk/government/publications/guide-for-appropriate-adults>

9. Provision of Accommodation under PACE - Section 38 (6)

- 9.1. The Transfer of Children to Local Authority Accommodation from Policy Custody is an agreement between Kent County Council and Kent Police, which details the agreed arrangements around the provision of accommodation. The protocol should be read in conjunction with this document and followed accordingly.

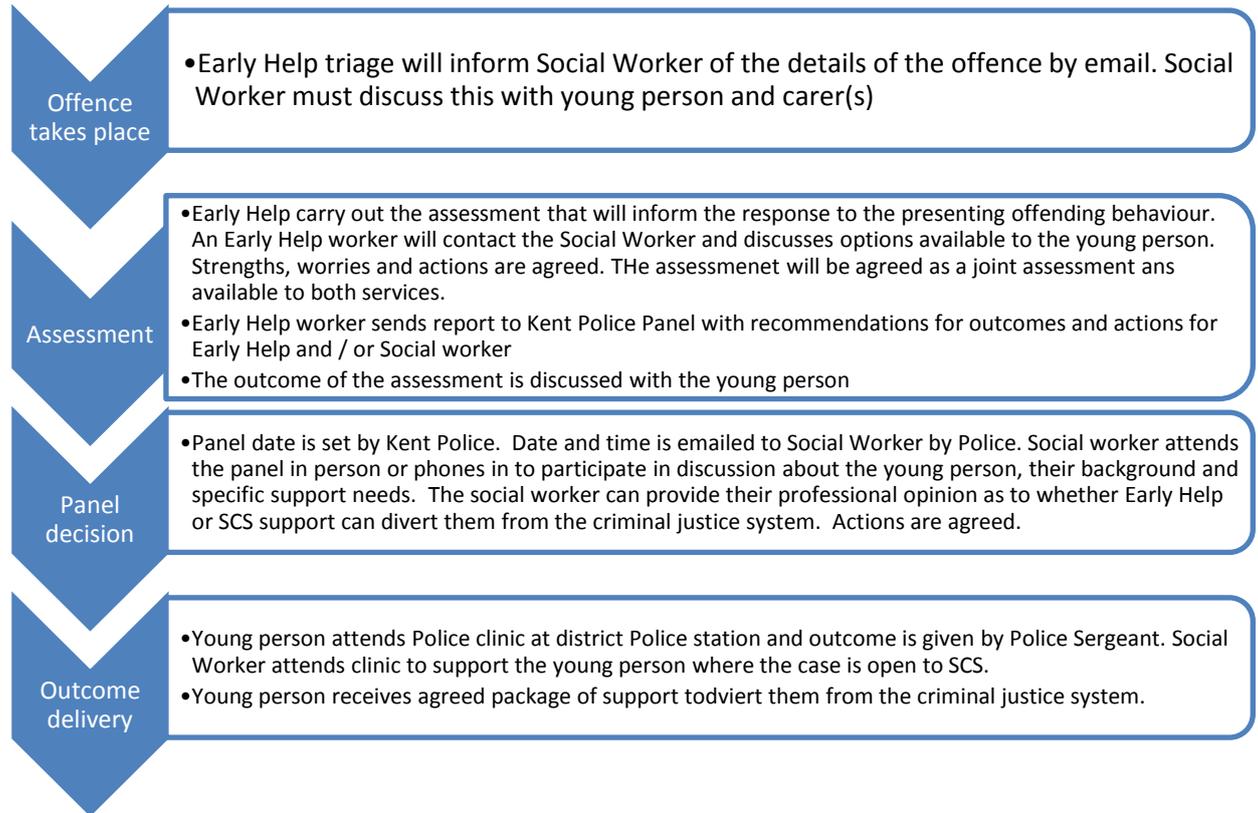
10. Out of Court Disposal

Diversion from the Criminal Justice system

- 10.1. The Kent & Medway Joint Protocol on Criminal Justice Agency Involvement with Children in Care (November 2014) aims to reduce the prosecution of CIC, wherever possible, by encouraging the use of alternative resolution approaches such as restorative justice)
- 10.2. All Children who are being considered for an Out of Court Disposal will be notified by Kent Police to KCC's Early Help Triage team for screening. For those cases that are open to SCS, Triage will inform the allocated social worker, (and where a Child In Care the IRO), of the offence. This notification will be sent by email which includes the Police eYOT form and will specify the details of the offence.
- 10.3. All CIC who offend and are potentially eligible for an Out of Court Disposal will be discussed at the Police Youth Justice Panel between Kent Police, Kent and Medway Youth Offending Services. Kent Specialist Children's Services will attend or participate in the discussion through dialing in to the meeting. The discussion will focus on meeting the needs of the young person, the victim and the prevention of future offending. The panel will monitor progress towards meeting agreed targets and plans.
- 10.4. The police youth justice panel staff will inform the allocated social worker of the date and time of the panel by email. The allocated social worker will be given opportunity to attend or to contribute via telephone to aid the discussions. Details of the panel are:
Address: Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ
Phone number: 01622 652760

⁴ <https://www.gov.uk/guidance/appropriate-adults-guide-for-youth-justice-professionals>

Process and involvement of the Social Worker:



- 10.5. The Kent Criminal Justice Board (KCJB) have agreed a protocol around how to deal with the behaviours of Children in Care which might lead to Police involvement and a possible prosecution. Any staff, including Foster Carers and residential home workers, dealing with young people should make sure that they read, understand and follow the agreed guidance contained within this protocol so that young people in the Care system are not unnecessarily criminalised. (Kent & Medway Joint Protocol on Criminal Justice Agency Involvement with Children in Care November 2014) ([Link to KSCB Procedures](#))
- 10.6. The Youth Justice Panel Steering Group will monitor reoffending of the Out of Court cohort, and findings from this work will inform the County Youth Justice Board and other relevant groups on the effectiveness of the agreed process. *Terms of Reference (TOR) for the Youth Justice Panel can be found at Appendix 2*

11. Children in Care who are charged with an offence

- 11.1. When a Child in Care is charged with an offence, it is important they are not disadvantaged and refused bail because of their status. Courts need to have confidence that the child will be supported to keep any conditions attached to their bail, and they are living in a suitable placement which offers the right support. Local Authorities should provide bail support programmes and specialist placements to ensure there are viable alternatives to a child being remanded to Youth Detention Accommodation.

- 11.2. The local authority, working with the child's solicitor and Youth Justice, should actively work towards securing bail for the child.
- 11.3. Whenever a child in care is charged with an offence, the responsible authority must ensure that the child is legally represented by a solicitor. 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 already knows and trusts.
- 11.4. There can be various reasons for the objection to bail. These include: a history of offending whilst on bail, an intention to interfere with witnesses whilst on bail or a risk of absconding. Full details can be found on the Crown Prosecution Service website: CPS guidance - refusal of bail

12. Sentencing

- 12.1. In cases where a custodial sentence is likely, the Youth Justice 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.
- 12.2. It is good practice for the child's social worker to attend court on the day of sentencing. If this is not possible, then the child must be accompanied by their foster carer or the Home's Registered Manager. This is to ensure that the young person is supported and that the child's best interests are effectively represented via their legal representative who may need to respond to specific and particular issues.
- 12.3. Prior agreement should be reached with the Youth Justice worker 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.

13. Appearance in Court

- 13.1. When a young person is sentenced to a court disposal, the Youth Justice Service will:
 - a) liaise with the social worker in relation to their attendance at all court hearings
 - b) Complete an assessment using the YJB's AssetPlus assessment tool, and a report for the court to inform their decision, This is a Pre-Sentence Report (PSR)
- 13.2. The Youth Justice worker should consult the child's social worker about the content and recommendations of the PSR. This will be used by the court to determine the appropriate disposal (e.g. custodial or community sentence), 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 of any safeguarding

factors that would make the child particularly vulnerable if sentenced to custody. Copies of the AssetPlus, PSR and other reports completed by the Youth Justice worker should be sent to the child's social worker and placed on the child's case record.

14. Collaboration and support while a young person is a Child in Care and open to Youth Justice

- 14.1. When a young person's initial plan is being developed by Youth Justice, the Youth Justice case manager will ensure that the allocated Social Worker and the Independent Reviewing Officer (IRO) are invited to planning meetings and all reviews; including those for young people in custody and that the minutes are shared accordingly. Discussion at these meetings will include:
 - a) What is working well, what are current worries and what needs to happen, following shared Signs of Safety methodology
 - b) Who will support the young person and be responsible for individual actions
- 14.2. Staff attending the meeting will ensure that the right practitioner will offer support to the young person. This will be decided by who is best placed, is most trusted or who has the best relationship with the young person. It is not expected that tasks will be allocated purely by whether they are Youth Justice or Welfare related.
- 14.3. Where there is an allocated Youth Justice Worker and an allocated Social Worker, it is essential that both workers are notified prior to either service closing a CIC case. Where both services are working with a young person, no decision which will significantly impact upon the young person or the work being done by the other service should be made without consultation.
- 14.4. In terms of accommodation, it is important that the Social Worker notifies Youth Justice **in advance** of a change of placement. This is crucial in terms of ensuring that risk measures are met and to enable consistent joint working with other relevant parties such as out of area Youth Offending Services. This will help to ensure that the advance planning and consideration can be given to a young person's welfare needs and to help plan around and manage their risk of re-offending and harm.
- 14.5. The Youth Justice District Manager and SCS Service Managers will meet where necessary throughout the year to discuss all joint Youth Justice/Looked After Children (LAC) cases. These meetings will address any welfare issues for the young people and promote good collaborative practice between the agencies. If there are disputes regarding practice that cannot be resolved at this level then the issues will need to be escalated to the Head of Service/Assistant Director.
- 14.6. Invitations will be extended to staff from both agencies for all planning and review meetings. Copies of assessments, plans and minutes of meetings will be shared and will be stored on Liberi and CareDirector Youth.

15. Youth Rehabilitation Order Requirements (YRO)

- 15.1. The Criminal Justice and Immigration Act 2008 introduced the Youth Rehabilitation Order which allows the court to sentence from a menu of 17 possible requirements. These are listed in Appendix 3.
- 15.2. Where a young person is sentenced to a YRO, they will have their order overseen by a Youth Justice Worker and they will be resident in the local community. For young people who are known to SCS, either as a Care Leaver or Child in Care because they are a Child in Need or there are Child Protection concerns and who are in the criminal justice system, it is important that there is a collaborative approach to assessment, planning and the coordinating of support. The following approaches will be adopted throughout the life of the order.
- 15.3. At assessment, Social Workers and Youth Justice Workers will discuss the areas of concern and areas which are working well in advance of the assessment being written. A shared worry statement will be agreed along with actions to reduce concerns or build on strengths.
- 15.4. All court reports will include a summary of the areas of concern and of strengths. Plans will be drawn up collaboratively between Social Workers, Youth Justice Workers, the young person and their parents or carers. Plans will use the Signs of Safety format. The aim is for staff to target the key risk and protective areas and to establish an achievable intervention plan which both services will have a shared responsibility to action. The Social Worker will retain responsibility as the Lead Professional. Assessments and plans will be shared between Services at all times.

16. Local Authority Residence Requirement

- 16.1. The Local Authority Residence requirement can be made for a period up to 6 months. It should only be recommended in cases where it is assessed that the young person's living arrangements have contributed to their offending behaviour and that the addition of such a requirement would assist in their rehabilitation. Prior to recommending such a requirement the Youth Justice Worker would liaise with the appropriate Service manager.
- 16.2. In the event that a LA residence requirement is made then the young person must reside in suitable accommodation provided by or on behalf of the Local Authority and SCS will need to inform the Youth Justice Worker of the address prior to the sentencing date.
- 16.3. Young people accommodated under this provision are subject to the general provisions of section 23 of the Children Act 1989 placing a duty on the Local Authority to assess the young person's needs, create a plan and then review the young person's ongoing care and accommodation for the duration of the order.
- 16.4. The Youth Justice Worker will be responsible for monitoring and enforcing the requirement so it is crucial that the allocated Social Worker and the allocated Youth Justice Worker work closely and communicate effectively at all times. Where possible, the allocated Youth

Justice Worker and Social Worker should collaborate on intervention planning and delivery and be present or provide information to contribute to each other's respective reviews.

- 16.5. Where a placement breaks down during the course of the residence requirement the Youth Justice worker will need to work with the Social Worker to re-establish a suitable placement. If a suitable placement is found, or when a suitable alternative cannot be found, the Youth Justice worker will need to return the matter to court and request that the order is amended to reflect the change in circumstances. All communication regarding this will need to be in writing and documented on CDY and Liberi.

17. Remand into Local Authority Care / Accommodation (RLAA)

- 17.1. Under the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 all children who are charged with an offence and refused bail must be remanded into local authority accommodation, with or without conditions, or (where certain criteria are met) Youth Detention Accommodation. In both situations, the cost of this accommodation must be met by the designated local authority, and the child will attain Looked After status for the purposes of the Children Act 1989. Therefore, KCC has the same responsibilities to such children as to all other Children in Care, including care planning.
- 17.2. The court will ask the Youth Justice officers in court to identify which is the designated local authority for the child or young person. If a remand to Youth Detention Accommodation is being considered, it is important that this designation is correctly made. For Looked After children and young people, the designation must be to the 'home' authority, regardless of where they are living or where the offence took place.
- 17.3. Where a young person appears in court and the Crown Prosecution Service (CPS) is opposing bail, Youth Justice court staff will notify the relevant Youth Justice Unit, and the appropriate Social Work Team, if the case is already allocated. If it is not allocated then Youth Justice will liaise with Central Duty Team, (CDT). The aim at this stage will be for Youth Justice to firstly inform SCS of the position and secondly establish what SCS can offer to enhance a bail support programme and thus divert the need for a remand to take place.
- 17.4. If the young person is already known, the Youth Justice Worker will liaise with the Social Worker who should attend court to assist the court with the provision of information. If this is not possible then the Social Worker will need to provide the Youth Justice court officer with supporting information.
- 17.5. If the court determines that the case has met the remand criteria and they are not satisfied that straight forward bail is suitable, they have to firstly consider whether they will remand into the care of the Local Authority. Youth Justice staff will highlight to the court that the Local Authority does not have access to secure accommodation and that any RLAA imposed would be community based.

- 17.6. The Youth Justice Worker would complete the Youth Justice Board assessment (ASSET+) and work with the Local Authority to determine what type of programme the Youth Justice Unit could offer to work alongside the RLAA. This normally includes a bail support package and could involve an Intensive Supervision and Surveillance programme and Curfew requirements. The Youth Justice Worker will liaise with the allocated Social Worker to agree what support SCS will provide, and what the final proposal of support will contain.
- 17.7. In the event that the young person is remanded into the care of the Local Authority, then SCS is responsible for locating a suitable placement. On some occasions the court does make a ruling that the young person should not be placed back in the family home or excludes the young person from a certain area and SCS will need to heed this direction when placing the young person. In addition to locating a placement, SCS will need to organise for the young person's transportation from court to the chosen accommodation and ensure that the young person is accompanied by an Appropriate Adult.
- 17.8. A court remanding a child to local authority accommodation may also impose conditions (e.g. to ensure that they do not interfere with witnesses, and makes him/herself available for the preparation of court reports). The designated local authority may apply to the court for such conditions to be imposed.
- 17.9. The court may impose electronic monitoring on children aged 12 and over to secure compliance with such conditions provided that:
- The child or young person has been charged with or convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of 14 years or more; or
 - Is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which s/he has been convicted in any proceedings, amount, or would amount if convicted of the offences with which s/he is charged, to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation; and
 - The court has been notified by the Secretary of State that electronic monitoring arrangements are available in the area and is satisfied that the necessary provision can be made under those arrangements; and
 - The Youth Justice worker has informed the court that the electronic monitoring requirement is suitable for that child or young person (s. 3AA of the Bail Act 1976).
- 17.10. A court may, on the application of the designated authority or the child, vary or revoke any such conditions or requirements.
- 17.11. The child may be arrested without an arrest warrant if there are reasonable grounds for suspecting that the child has broken any such conditions.
- 17.12. SCS **must** inform the local Youth Justice Team of the address on the same day in order to ensure that the Youth Justice Team can immediately implement the bail support package and that any necessary measures are taken to minimise risk. Any change in placement during the remand period should be communicated to the Youth Justice Team to ensure

records are accurate and that the Youth Justice Team can maintain its role accordingly.

- 17.13. The case will require an allocated Social Worker, who will be responsible for implementing CIC procedures, arranging planning meetings and reviews. The Youth Justice Worker should share assessments and attend and contribute to meetings as required.
- 17.14. Where a child is Looked After only by reason of being remanded to local authority accommodation, the Care Plan must be prepared within 5 working days of the child being remanded.
- 17.15. 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. This amendment to local authority care planning duties recognises that some children will only be looked after for the period they are remanded, which may be relatively short.
- 17.16. Local authority support to the child and their family during this time is important, and efforts should be made to ensure that time on remand does not disrupt existing ties between the child and their community. Care planning should consider the young person's needs both during the period of remand and following the court hearing. The Care Plan will also need to consider arrangements for the young person's support should they be convicted and receive a custodial sentence
- 17.17. Care planning should consider the young person's needs both during the period of remand and following the court hearing. The Care Plan will also need to consider arrangements for the young person's support should they be convicted and receive a custodial sentence. Furthermore, local authority support to the child and their family during this time is important, and efforts should be made to ensure that time on remand does not disrupt existing ties between the child and their community.

18. Remand to Youth Detention Accommodation (YDA)

- 18.1. The LASPO Act 2012 dictates that all young people aged 12-17 who are remanded to Youth Detention Accommodation (YDA) will receive LAC status at the point of remand into custody and Leaving Care entitlement if they are remanded for 13 weeks or more. Youth Detention Accommodation refers to placements at Secure Children's Homes, Secure Training Centres or Young Offender Institutions.
- 18.2. A court can only order a Remand to Youth Detention Accommodation where the following conditions (set out in Section 98 and 99 LASPO) are met:
 - 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.

18.3. 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 to Youth Detention Accommodation 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.

The flowchart is detailed in Appendix 4 at the end of this document.

- 18.4. In cases where a young person is at risk of being remanded into Youth Detention Accommodation the Youth Justice Court officer will liaise with CDT or the designated SCS team at the earliest opportunity to discuss how they can jointly support a bail package. This could include SCS consideration regarding their place of residence as well as how the Youth Justice and Social Worker can contribute to the risk management of the young person. The Youth Justice Court Officer at this stage will share the Bail ASSET assessment and any other relevant information with SCS. A shared agreement will then be reached in terms of what each team can offer to support bail and presented to the court.
- 18.5. If the young person is CIC then it is expected that the Social Worker to attend court to support the bail application. If this is not possible then the Youth Justice Worker will represent the Local Authority and feedback the result.
- 18.6. In the event that the young person is remanded into custody then the Youth Justice worker will send email notification to the Social Worker/Manager, the IRO Manager and the LAC

Virtual Schools Team Manager. The Youth Justice Board will be responsible for locating the placement and organising and paying for secure transport. Costs are charged to the Local Authority.

- 18.7. Whilst the young person is in youth detention accommodation the Youth Justice Worker will need to adhere to its National Standards and SCS will need to implement CIC procedures (as set out in chapter 17 – remanded to Local Authority care - RLAA). Where possible, the custodial and family meetings will be held jointly throughout the young person's time in custody. The Youth Justice Officer, the allocated Social Worker should attend the first remand review together. This will be coordinated by the Youth Justice Officer and this should be held within 5 working days. Effective communication should take place between agencies throughout the young person's remand period and recorded on Liberi and Care Director Youth.

19. Young People Remanded to Youth Detention Accommodation (YDA) who are not already Looked After

- 19.1. Where a child is not already looked after but becomes looked after as a result of being remanded to YDA, the local authority responsible for the child's care must be satisfied that the day to day arrangements for the child are of sufficient quality and offer an appropriate response to the child's individual needs.
- 19.2. The local authority is not required to prepare a Care Plan or a Placement Plan; instead, following an initial assessment of the child's needs, a Detention Placement Plan (DPP) should be prepared. A Detention Placement Plan must be completed within 10 working days of the remand.
- 19.3. The DPP should describe how the YDA will meet the child's needs, and record the roles and responsibilities of the other partner organisations. 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.
- 19.4. The provisions as to Health Assessments do **not** apply, but the responsible authority must take all reasonable steps to ensure that the child is provided with appropriate health care services, in accordance with the Detention Placement Plan including medical and dental care and treatment, and advice and guidance on health, personal care and health promotion issues.
- 19.5. Visits should take place in accordance with relevant guidance. (The link to this is here: **Social Worker Visits to Looked After Children Procedure**). The Social Worker should attend the child's remand planning meetings. In addition, 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.

- 19.6. In relation to Looked After reviews (link: **Looked After Reviews Procedure**) the responsible authority does **not** have to consider whether they should seek any change in the child's legal status, whether there is a plan for permanence for the child, or whether the placement continues to be the most appropriate available and whether any change to the placement agreement is likely to become necessary before the next review). However, issues regarding permanence and potential care leaving status and entitlements will need to be considered when a young person is near to release (see chapter 28 of this document).
- 19.7. The provisions as to avoidance of disruption in education, placements out of area and termination of placements do not apply.
- 19.8. The designated authority will need to appoint an Independent Reviewing Officer (IRO), to keep the child's DPP under review in the same way as a care plan.

20. Where the child was Looked After immediately before being remanded to Youth Detention Accommodation

- 20.1. A Detention Placement Plan (DPP) must also be drawn up by the Social Worker for children who are already Looked After and who are remanded to YDA within 10 working Days of the Remand. This will be based on the current Care or Pathway Plan. Where the young person is subject to a Care Order, or is a Relevant Child (for more information, follow the link: **Relevant Child**), the Care/Pathway Plan will continue once the remand ceases whether or not the child is sentenced to custody.
- 20.2. When a child in care is remanded, the IRO should be notified as soon as possible by the allocated SCS social worker.
- 20.3. A copy of the Care/Pathway Plan must also be given to the Governor, Director or Registered Manager of the Youth Detention Accommodation.
- 20.4. The expectations regarding statutory LAC reviews and social work visits still continue in line with national standards.
- 20.5. For further details regarding a Detention Placement Plan, there is guidance available in Section 8.31, Children Act 1989 Guidance and Regulations: Volume 2: Care Planning, Placement and Case Review (2015).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

21. CIC Review

- 21.1. The Child in Care Review must focus on whether there are appropriate arrangements in place for responding to the child's needs whilst they are detained. The review of the DPP for

a child in care, 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.

- 21.2. 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;
 - 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 may no longer be Looked After.
- 21.3. If the review uncovers concerns about where the child will be living or support available to them in the community, consideration may have to be given to whether the child should remain looked after once they are no longer on remand.
- 21.4. Child in Care Reviews of children who are on remand should always consider the child's support needs when they cease to be looked after as a result of the remand ending.
- 21.5. 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.

22. Children who turn 18 years of age during their Remand

- 22.1. Where possible, young people who turn 18 while on remand should remain in the under-18 estate. This will be until the court case has concluded and their sentence given by the court.
- 22.2. When considering whether there is a real prospect that a child will be sentenced to a custodial sentence for the offence to which the proceedings relate and the child is likely to turn 18 before conviction, a custodial sentence can include an adult custodial sentence.

23. Custody

- 23.1. If the child receives a custodial sentence, the responsibilities 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 Children Act 1989, s/he remains looked after and there is no change to their legal status and the local authority continues to be responsible for planning and reviewing the care plan; If the child was an accommodated child, they 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 a Children & Families assessment and where identified as a Child In Need may receive ongoing support through Section 17 support. (see 28.4).

- 23.2. 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'.
- 23.3. 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 (for more information, follow the link TriX chapter 5.7.3: **Responsibilities of the Local Authority to Former Looked After Children and Young People in Custody Procedure**).
- 23.4. The YJB Placement Service is responsible for identifying the youth detention accommodation where the young person will serve their sentence. The Youth Justice case manager is invited to recommend the establishment that has been assessed as being 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. However, the final decision rests with the YJB. The Youth Justice unit 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.
- 23.5. YJB National Standards require a planning meeting within 10 working days of the young person's entry into custody. This planning meeting will be attended by both the Youth Justice Worker and the allocated Social Worker. Where a young person is 16+ and has accrued care leaving status then social worker from CIC will need to ensure that a pathway plan is in place that details the care and support needs of the young person and clearly sets out roles and responsibilities.
- 23.6. 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) with information about visiting, personal property, pastoral care and the sentence planning, review and resettlement arrangements. 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.

24. Children in Care Reviews and process for CIC in Custody

- 24.1. For children who remain looked after while in custody (i.e. children subject to care orders under section 31 of the 1989 Act) the care planning and review process continues.
- 24.2. 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. 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 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.
- 24.3. 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. 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.
- 24.4. The child's home Youth Justice worker should also be kept informed of changes to the child's care plan and other relevant information. Subject to the child's agreement, the Youth Justice worker and the nominated link person within the establishment should be involved in review meetings.
- 24.5. The Reviews must:
 - Be a child-centred process and, within the limitations that will be apparent, take into account how the young person wants their review meeting to be managed;
 - Ensure that the establishment is taking into account the young person's identity and cultural needs;
 - Take the young person's wishes and feelings into account;
 - Focus on whether the arrangements in place are appropriate for the young person's needs whilst they are detained;
 - Look at the quality of contact with the local authority;
 - Ensure that contact arrangements for the young person are appropriate;
 - Ensure that there are arrangements responding to the young person's health, education and training needs;
 - Consider whether Accommodation will be required when the Remand/Sentence period ceases.

25. Social Work Visits

- 25.1. The young person's allocated social worker must visit the young person **within one week** of being sentenced and detained.
- 25.2. Subsequent visits must take place at intervals of not more than 6 weeks for the first year; thereafter at intervals of not more than 3 months. Additional visits should take place if

reasonably requested by the young person, the establishment or the Youth Justice worker, or there are particular circumstances that require a visit (e.g. notification of under-performance of placement provider/concerns about the safety or welfare of the young person).

- 25.3. In addition, 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 HM Inspectorate of Prisons.
- 25.4. 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.
- 25.5. Looked After young people in custody remain entitled to advice, assistance and support between visits.
- 25.6. 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 and to promote their welfare:
- 25.7. Specific factors to take into consideration will be:
 - Is the young person safe?
 - Is there a risk of self-harm?
 - Does the young person need money, clothes, books or other practical support?
 - Are education staff aware of and able to meet the young person's educational needs, including any special needs?
 - Are the health unit and wing staff aware of, and able to meet, the young person's health needs?
 - Are staff aware of, and able to meet, the young person's religious and cultural needs?
 - Is the young person 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?
 - As the social worker there is a need to be aware of the need to challenge unsuitable care arrangements or abuse within a YDA. The young person should be seen on their own and be given the opportunity to disclose any issues.

- 25.8. This assessment should be informed by the views of the Youth Justice worker, staff in the YDA, including pastoral care, education and health staff, the child and his/her family.
- 25.9. It will also 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.
- 25.10. 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 Children in Care 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.

26. Sentence Planning

- 26.1. Each child detained in a secure setting must have a sentence plan, supervised by the Youth Justice worker. Sentence planning is different from care or pathway planning, and 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.
- 26.2. The child's social worker should always be invited to sentence planning meetings and their professional input 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 Youth Justice worker prior to the meeting.
- 26.3. There may be a difficulty to coordinate the minimum visiting requirements that Youth Justice require and those from SCS. Should a difficulty arise then the Social Worker should discuss this with their Line Manager and their Youth Justice counterpart, and an agreement reached as to how the young person will be best supported.

27. Action to be Taken if there are Concerns about the Child's Safety or Welfare

- 27.1. Children and young people on remand or in custody can be particularly vulnerable. When a child or young person is remanded or receives a custodial sentence, the social worker should request a copy of the complaints procedure for the establishment. Social workers should then familiarise themselves with the complaints process and check that the child has been provided with information about, and understands, the complaints process and also about their entitlement to advocacy.
- 27.2. Young people who are remanded / custody should also be provided with information which is routinely given to all children who become looked after. This could include for example:

- Contact details for their Social Worker, Independent Reviewing Officer and sources of support (including out of hours)
 - Contact details for the Children’s Commissioner Advice Line (0800 528 0731/advice.team@childrenscommissioner.gsi.gov.uk)
 - Information on the local Children’s Rights/Advocacy Service/Independent Visitors for Looked After Children.
- 27.3. If a remanded child complains to their social worker about any aspect of their care while remanded, this should be recorded on the child’s electronic record and reported to a manager and the child’s IRO. The most appropriate response will vary depending on the nature of the complaint, and the type of accommodation the young person is remanded to. Where there are concerns that the young person is not being safeguarded or their welfare promoted (for example, relating to the quality of care the young person is receiving, the suitability of the type of placement or concerns around bullying, self-harm, violence or intimidation), it may be possible to resolve the concerns by agreement with the establishment itself. However, depending on the nature of the allegation it could include a referral to Children’s Social Care and possible Section 47 Enquiry if the complaint concerns actual or likely significant harm. For more information follow the link: **Significant Harm**.
- 27.4. If the complaint concerns an allegation against staff, the KSCB allegations procedure should be followed. Complaints in relation to services provided by a local authority should be dealt with under the Complaints and Representations Procedure.
- 27.5. Where issues cannot be resolved at establishment level, and if the responsible authority is of the view that the young person needs to be moved to another establishment, the YJB has a transfer protocol. Transfer requests can be formally initiated by the Youth Justice worker, establishment or placement team at the YJB. The local authority should contact one of these agencies to express their concerns and ask that they complete a Transfer Request Form, indicating the degree of urgency. 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 young person, the LSCB and YJB monitor for the establishment should be notified. The Local Authority should inform the establishment and National Offender Management Service Young People's Team that they have decided to take this course of action.

28. Planning for Release and resettlement

- 28.1. 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; and

- Avoid situations where offending may occur.

28.2. The child's social worker and Youth Justice worker 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 Youth Justice plan. These must 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.

28.3. Planning Meetings - There will be a planning meeting prior to the young person's release which will be chaired by the IRO and attended by SCS and the Youth Justice Worker. Key timescales are:

- Discussions and planning for a young person's resettlement should begin **3 months before** a young person's release. A Child in Care / DPP review meeting should be arranged at this time with attendance from the Social Worker, Youth Justice worker and the IRO as well as any other professionals. This meeting should establish the plan for resettlement and how the needs of the young person will be met.
- The placement will be identified **28 days before the young person's release** to allow professionals to plan for the young person's release and for the young person to visit the accommodation in advance of their release.
- There will be a joint home visit by the Youth Justice worker and SCS social worker within **5 working days of the young person leaving custody**
- A review of the plan completed by the SCS social worker and Youth Justice worker within **15 working days of the young person leaving custody**.

Appendix 6 details the timescales and requirements for all meetings and plans for both Youth Justice and SCS

28.4. For those young people who were subject to Section 20 prior to custody then their LAC status will end at the point of sentence. However, the case will remain open to allow for the joint resettlement work to take place and the young person will then be a Child in Need.

Unless they have already obtained care leavers entitlement. Then they would still receive support as a relevant child.

- a. Should the young person be released after they are 18 years old, they will be allocated appropriate support if they are entitled to services under the Children Leaving Care Act (2000). For those young people who are entitled to care leaving support, the allocated SCS worker should have identified their entitlement and should have referred the young person to the Leaving Care team, in line with Kent's Leaving Care Transfer procedures. This is in order that the Leaving Care service can ensure that an allocated worker can attend the relevant pre release meetings to support release and resettlement.

- b. If a young person is homeless, or threatened with homelessness, then staff should follow the Joint Protocol to address the needs of homeless young people aged 16 to 21 in Kent. This can be found on the Joint Policy and Planning Board website ([link](#)).
- c. In cases where it is known in advance that a young person who is serving a custodial sentence is likely to be homeless on release, it is agreed that SCS and the local district housing representative will conduct a joint assessment at the custodial facility. The need for this should have ideally been identified at the LAC / DPP review outlined in paragraph 28.3 and the joint assessment completed before 28 days of release, as the young person should know where they are going to be living by the final sentence planning meeting 10 working days prior to release.
- d. The same process as outlined above will take place with the added significant difference of both agencies ensuring that they identify and secure suitable housing **prior** to the young person being released. The support which is going to be offered to the young person should also be highlighted at this time.
- e. The housing representative/Social Worker are responsible for communicating with the Youth Justice worker at all stages; firstly to notify them of the outcome of the assessment and; secondly, to confirm the licence address and the nature of the support that is being offered. This will enable the Youth Justice Worker to complete the licence conditions and other surveillance aspects of risk management such as electronic tags and exclusion zones.
- 28.5. If the child is to continue being looked after, the responsible authority must provide an appropriate placement and financial support. The child's care/pathway plan should be updated.
- 28.6. The Youth Justice worker is responsible for providing ongoing supervision and interventions targeted at preventing further offending. There will be potential areas of overlap, where arrangements may be made by either the Youth Justice worker 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.
- 28.7. Where a review of the young person's case chaired by the IRO has not already occurred, the social worker in conjunction with the IRO must arrange for a review prior to the young person's release from custody. The timing might be scheduled so that it is co-ordinated with the release preparation meeting.
- 28.8. As soon as possible, and at least by the time of the final sentence planning meeting 10 working days before release, the young person must be told the content of both the Care 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;
- 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.

29. Support in the Community

- 29.1. Children in Care, under sentence, returning to the community will continue to be supervised by the Youth Justice worker. Children sentenced to Detention and Training Orders serve the second half of the term 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.
- 29.2. The child's social worker and Youth Justice worker 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, Youth Justice worker and social worker, so information is shared and the child receives an integrated service.
- 29.3. Where the local authority has agreed to support the young person on release, the social worker will work alongside the Youth Justice worker during the period of supervision. The function of the social worker, is to plan for the young person's care or for their support in the community and is different and more extensive than that of the Youth Justice worker.
- 29.4. The Youth Justice worker 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. Where the child is having difficulty in complying with his/her Notice of Supervision or Licence conditions, the responsible authority should work with the Youth Justice worker 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 Youth Justice office or the local Youth Hub or for a foster carer to text the child as a reminder.

30. Gangs, Serious Youth Violence and CSE

- 30.1. Both the Youth Justice Team and SCS have a role in sharing information and working together on action planning and intervention delivery in respect of those cases identified. It is acknowledged that these cases should be prioritised and that they warrant a higher level of oversight.

- 30.2. Kent Childrens Safeguarding Board will agree a gangs strategy and action plan which will detail how to refer young people on to partner organisations where there are concerns about possible gang involvement. It is imperative that the strategy is owned and acted upon by all agencies in order to protect children and communities from harm.

31. Housing

- 31.1. If a young person is homeless, or threatened with homelessness, then staff should follow the Joint Protocol to address the needs of homeless young people aged 16 to 21 in Kent. This can be found on the Joint Policy and Planning Board website ([link](#)).
- 31.2. If the young person is also known to Youth Justice, the Youth Justice Worker will share assessments and also support the young person within the interview if he/she would like support.

32. Kent Youth Justice/LAC cases residing Out of Area

- 32.1. The Central Duty Team (CDT) will cross reference all new cases against Liberi and in the event that the young person is LAC, they will liaise with the allocated Social Worker accordingly.

If the young person is residing outside of Kent (or is subsequently moved out of area during the course of the court order), the case management responsibility of the court order will remain with Kent. The Youth Justice Worker will oversee the transfer of the case to the new area and it will manage the caretaking request. The social worker will take responsibility in ensuring that they have followed the Out of Area Placements procedures as highlighted in chapter 5.1.15 TriX and that the Local Authority is notified.

http://kentchildcare.proceduresonline.com/chapters/p_out_area_place.html?zoom_highli ght=5+1+15

- 32.2. Where there are child protection concerns or child is known to be on a child protection plan when the case has been or about to be transferred, the Youth Justice Worker should alert the children's social care service of the receiving Local Authority. The Kent Youth Justice worker will retain overall responsibility for the case, including any enforcement action.
- 32.3. In order to facilitate the smooth transfer of the court order and to ensure that the appropriate risk management measures are in place, it is important that the allocated Social Worker communicates with the Youth Justice Worker and provides the details of the new placement **in advance** of the young person being moved. It is unacceptable for this information to be relayed after the event, as it could potentially jeopardise risk management.
- 32.4. The Kent Youth Justice Worker will continue to attend LAC reviews and feedback information and minutes to the host Youth Justice worker. The Kent Youth Justice Worker

will also obtain weekly feedback reports on the young person's progress and where applicable share this information with the Social Worker.

Appendix 1 – Youth Justice and SCS protocols that have been replaced by this document

- 1 Children in Care and Young People In Contact With Youth Justice Services Procedure (chapter 5.2.3) updated by TRI X in Sept 2016
- 2 Remands to Local Authority Accommodation or to Youth Detention Accommodation Procedure (5.1.5) updated by Tri X in Sept 2016
- 3 Chapter 5.73 - Responsibilities of the Local Authority to Former Children in Care and Young People in Custody Sept 2016
- 4 Practice Guidance Promoting Good Outcomes for Children and Young People - Partnership Working Between Specialist Children’s Services and the Youth Offending Service (published August 2011)
- 5 Protocol between Kent Youth Offending Service and Kent Children’s Social Services – November 2007
- 6 Youth Justice and Social Service protocol (version 5) – agreed at joint DivMT June 2016

Appendix 2 – Terms of Reference of Multi-Agency Youth Justice Panel, hosted by Kent Police
(Agreed – November 2016 by Kent and Medway Youth Justice Services, and Kent Police)

Kent & Medway Youth Justice Team – Multi Agency Panel Meetings
Terms of Reference

Purpose:

- Ensure all disposal decisions regarding young persons are fair and proportionate.
- Treat children as children first and offenders second and to assist them in their adult life without the stigma of a criminal conviction.
- To ensure services are provided based on the identified need, not just upon the imposition of a youth justice disposal.
- To reduce the number of young person's entering the criminal justice system.
- To ensure that Looked After Children are not unnecessarily criminalised
- Consider effective interventions to address offending behaviour and prevent reoffending.
- Use Restorative Justice in all suitable cases – ensuring the young person confronts their offending behaviour and repairs the harm that they have caused.
- Monitor Youth Conditional Cautions to ensure compliance from young persons and consider alternatives where non-compliance is identified.

Membership:

- Kent Police – Youth Justice Team
- Kent County Council Youth Justice services (those providing support to young people receiving an out of court disposal or a post-court disposal)
- Medway Youth Offending Team
- Kent Police – Gangs Representative
- Kent Police – Child Sexual Exploitation Representative
- To consider: Kent County Council Specialist Children's Services

Appendix 3 – Sentencing and Requirements that can be attached to a Youth Rehabilitation Order (YRO)

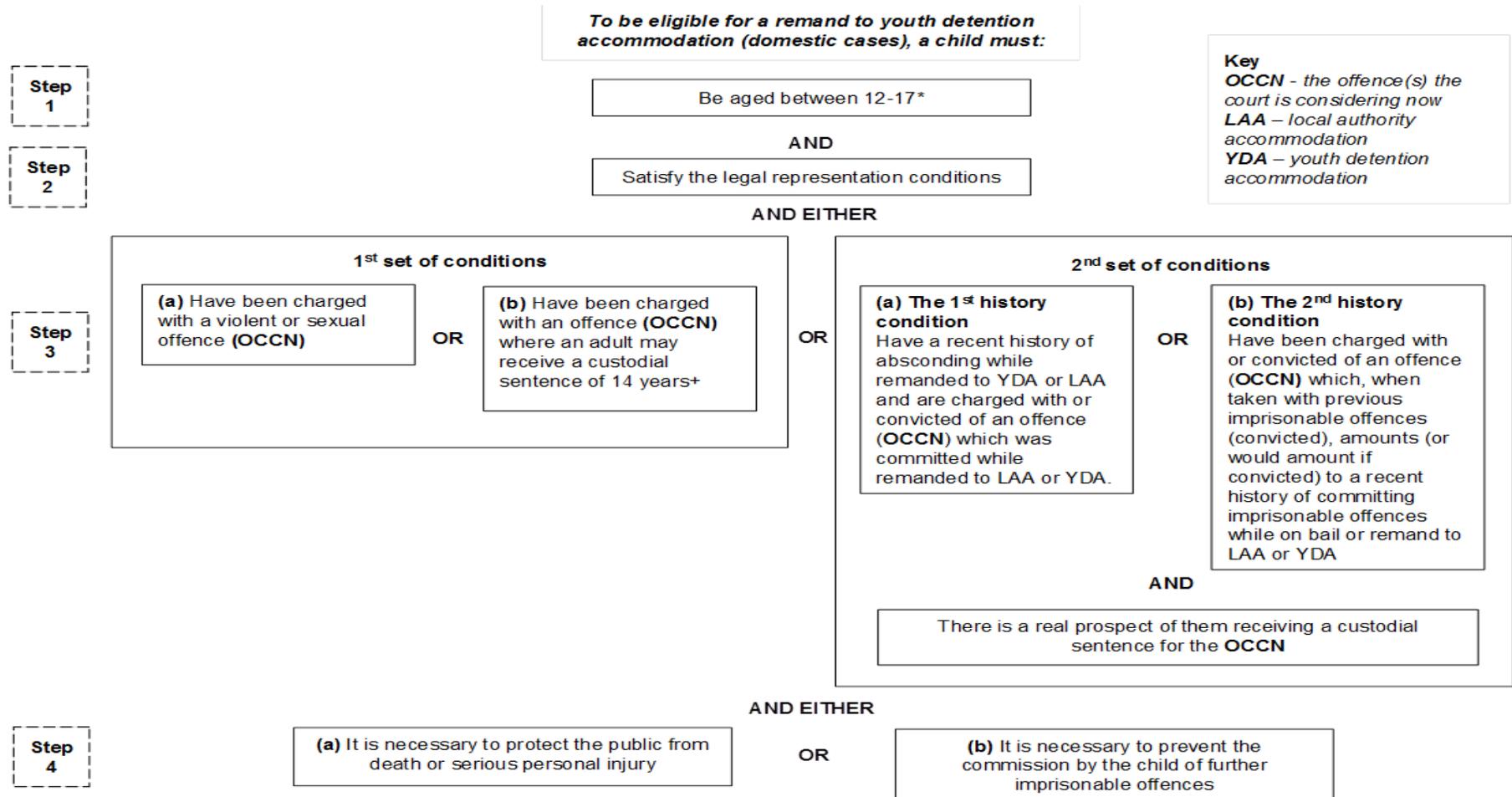
The YRO allows courts to impose one or more of the requirements listed below as part of the court order. Once given, the order will give the young person specific actions to complete in order to fulfil each requirement. These actions will be included in the intervention plan that is written by the Youth Justice worker, the young person and their parent or carer. The planning meeting and planning reviews must be attended by the young person’s Social Worker.

Requirements:

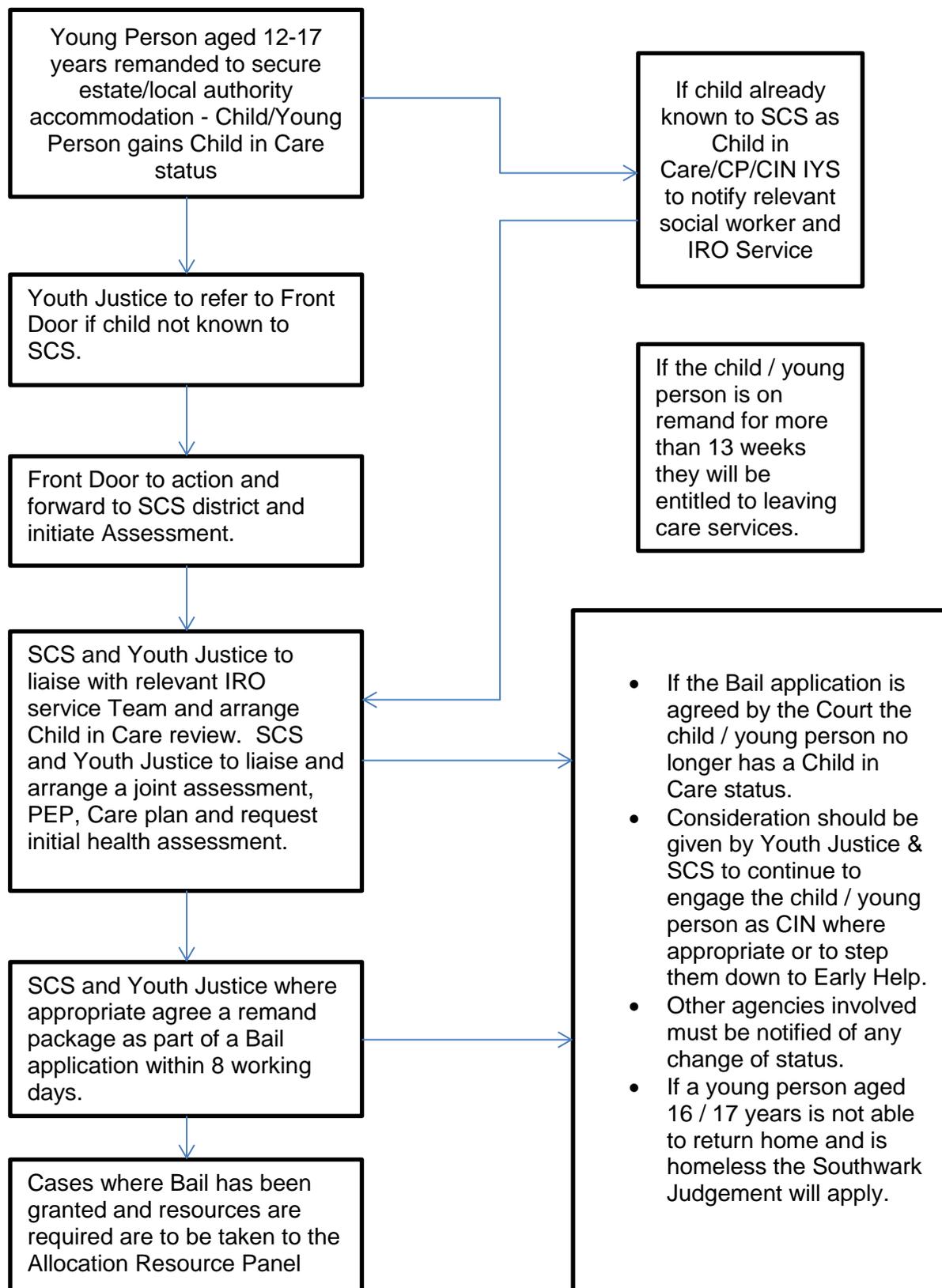
- ✦ Activity Requirement
- ✦ Attendance Centre Requirement
- ✦ Curfew Requirement
- ✦ Drug Testing Requirement
- ✦ Drug Treatment Requirement
- ✦ Education Requirement
- ✦ Electronic Monitoring Requirement
- ✦ Exclusion Requirement
- ✦ Intoxicating Substance Treatment Requirement
- ✦ Local Authority Residence Requirement
- ✦ Mental Health Treatment Requirement
- ✦ Programme Requirement
- ✦ Prohibited Activity Requirement
- ✦ Residence Requirement
- ✦ Supervision Requirement
- ✦ Unpaid Work Requirement
- ✦ YRO with Intensive Fostering (not currently available in Kent)
- ✦ YRO with Intensive Supervision and Surveillance

Appendix 4 – Remands to Youth Detention Accommodation criteria – national guidance used by the Courts and issued by Youth Justice Board

This is the national guidance for courts which determines what steps must be followed before a young person can be remanded to Youth Detention. All courts **must** follow this process as part of their consideration of whether a young person gets bail or not.



Appendix 5 – Flowchart of Implication of LASPO Act 2012 for children placed in secure remand or local authority accommodation (from: 5.1.2 Remands to Local Authority Accommodation or to Youth Detention Accommodation of Kent Children's Services Procedures Manual)



Not CIC immediately before remand to LA accommodation

SCS and Youth Justice to liaise and arrange Child in Care review, joint assessment, Personal Education Plan and health assessment. The child's care plan (which does not need to include plan for permanence) and placement plan completed within 5 working days-led by SCS SW.

CIC immediately before remand to Youth Detention Accommodation?

SCS and YJ to liaise and arrange Child in Care review, joint assessment and Personal Education Plan. Joint Detention Placement Plan to be prepared instead of Placement Plan (led by YJ) within 10 working days. Copy of care plan to be given to Governor, Director or Registered Manager of accommodation (led by SCS SW). Not necessary to arrange Health assessment unless one is due.

Not CIC immediately before remand to Youth Detention Accommodation?

SCS and Youth Justice worker to liaise and arrange Child in Care review and joint assessment. Joint Detention Placement Plan to be prepared instead of Care Plan/Placement Plan (led by YJ) within 10 working days. Health assessment not necessary as considered as part of Detention Placement Plan.

Appendix 6 – Minimum Standards for meetings and contacts

Specialist Children's Services

Children in Need:

- CiN meeting - If a C&F assessment has confirmed that a child is a Child in Need and therefore entitled to services and support under Section 17, then the Social Worker should ensure that an initial Child in Need Meeting is arranged as soon as possible after the completion of the assessment.
- CiN meeting to be held within 6 weeks of the Initial CiN meeting. Then as regularly as needed
- Plan is reviewed within 12 weeks
- Visits – to be agreed based on the needs of the child.

Child Protection

- Initial Child Protection Conference – to be held within 15 working days of Initial Strat discussion
- 1st Core Group to be held within 10 working days of the Initial CP Conference. Then as regularly as needed (minimum every 6 weeks)
- Child protection visits to take place as a minimum of every 10 working days
- 1st CP review conference to be held within 3 months of 1st conference
- 2nd and subsequent reviews to be held minimum every 6 months
- If no improvement by 3rd Conference – (9 months) then Public Law Outline and legal proceedings to be considered.
- If step down from CP to CiN – CiN plan is created at end of CP conference – CiN meeting to be held within 20 working days

Child in Care

- Placement meeting held within 5 days of coming into care
- Initial health assessment request made within 5 days
- PEP meeting to be initiated within 5 days
- Initial visit to child in care to take place within 1 week
- Minimum statutory visits every 6 weeks.
- Initial LAC review within 28 days of placement
- Second review within 3 months of 1st review
- Subsequent reviews every 6 months unless placement change. (Review to be convened with 28 days of move if unplanned placement).

Youth Justice:

Bail Supervision and Support

Make contact with young people and, if under 16, their parents/carers within one working day to explain the obligations and requirements of BSS

Undertake home visits or visits to residential homes on a monthly basis unless the child or young person is assessed as being at risk of harm to themselves or from others, in which case they should be visited weekly.

Remand to Youth Detention Accommodation

Set up and undertake a remand review within five working days of the initial remand

Attend in person a remand planning meeting within 10 working days of the initial remand.

Ensure the young person is visited by Youth Justice staff or partner agencies at least monthly and that this visit takes place separately (but can be on the same day) to the monthly remand planning meeting.

Ensure monthly remand planning meetings take place

All orders

Make initial contact with the child or young person within one working day of the court hearing to explain the nature of the order, how it will work in practice and the consequences of failing to comply (taking into account speech, language, communication needs and learning disabilities and difficulties). This applies to all orders

Undertake home visits (taking into account health and safety considerations) on a regular basis,

Referral Order

Hold an initial youth offender panel meeting within 20 working days of the court hearing in order to agree the contract.

Hold regular youth offender panel review meetings at least once every three months

Youth Rehabilitation Order (YRO)

Prepare the intervention plan within 15 working days of sentence for a YRO

Review and update *Asset* assessments, likelihood of reoffending level and intervention plans at a minimum of three-monthly intervals, or when there has been a significant change in circumstances.

Levels of contact:

Intervention level	Minimum contact for first 12 weeks (per month)	Minimum contact after 12 weeks (per month)
Intensive	12	4
Enhanced	4	2
Standard	2	1

YRO with ISS (Intensive Supervision and Surveillance)

The most likely version of ISS comprises a minimum of 25 hours programmed contact time each week for three months, including support during evenings and weekends. During this period there must be two contacts with the young person per day, seven days per week. This must be followed by a minimum of five hours a week for the next three months, with support during evenings and weekends.

Core elements:

- + education, training (especially basic literacy and numeracy) and employment
- + interventions to tackle offending behaviour
- + reparation to victims or the community in conjunction with National Standard 8: Planning and delivering interventions in the community
- + assistance in developing interpersonal skills
- + family support
- + a curfew supported by electronic monitoring plus two surveillance checks a day;

Custody (Detention and Training Order)

Hold and chair an initial planning meeting to agree the sentence plan within 10 days of the custodial sentence being made.

Visit children and young people serving a DTO of 12 months or less at least monthly (must be separate/distinct from DTO planning/review meetings but can occur on the same day).

For children or young people subject to a DTO of longer than 12 months, the frequency of visits will be agreed as part of the sentence plan, but must not be less frequent than every two months.

Within one month of the initial planning meeting, hold a case discussion to discuss progress at the secure establishment with the child or young person's key worker, personal officer, healthcare/mental healthcare staff as appropriate, and the child or young person to ensure that the sentence plan is being implemented as agreed. Contact details whilst in custody are:

Sentence length	Initial planning meeting	Case discussion	1st review meetings*	Subsequent reviews*	Release preparation meeting	Final release review meeting
4 months	Within 10 working days of arrival	Prior to review meeting	None	None	After 4 weeks (alongside final review)	After 4 weeks (alongside resettlement review)
6 months	Within 10 working days of arrival	4 weeks after initial planning meeting	None	None	1 month before release date	10 working days before release
8 months	Within 10 working days of arrival	4 weeks after initial planning meeting	If early release – none If not early release then 4 weeks before release	None	1 month before release date	10 working days before release
10 months	Within 10 working days of arrival	4 weeks after initial planning meeting	Within 3 months of case discussion	Every 3 months following 1st review	1 month before release date	10 working days before release
12 months	Within 10 working days of arrival	4 weeks after initial planning meeting	Within 3 months of case discussion	Every 3 months following 1st review	1 month before release date	10 working days before release
18 months	Within 10 working days of arrival	4 weeks after initial planning meeting	Within 3 months of case discussion	Every 3 months following 1st review	1 month before release date	10 working days before release
24 months or more	Within 10 working days of arrival	4 weeks after initial planning meeting	Within 3 months of case discussion	Every 3 months following 1st review	1 month before release date	10 working days before release

Release from custody

Ensure that the child or young person reports to the Youth Justice worker on the same day as their release to the community.

Review the sentence plan and attached health care plan within 10 working days of the date of transfer into the community, and subsequently on a three-monthly basis or at the end of the order, whichever is sooner.

Breach of Order

Where a child or young person fails to attend and the explanation given is unacceptable (or no explanation is given within 24 hours), issue a formal written warning within 24 hours

Where two formal warnings are given (for YROs within the 12-month warned period) and a further unacceptable failure to attend takes place, then breach action must be initiated within five working days

Appendix 7: What is the Youth Justice Process?

The Youth Justice Process is best understood as comprising four stages:

1. Prevention including Parenting Interventions, Mentoring, Pre-Court Measures (also known as an Out of Court disposals) including Community Resolution, Caution and Conditional Caution.
2. Anti-Social Behaviour Measures including Criminal Behaviour Orders.
3. Sentences in the community including Youth Rehabilitation Order (menu of 18 requirements); Referral Order (must attend a Young Offender Panel and agree contract); Reparation (requirement to undertake restorative activities); Fine; Conditional Discharge; Absolute Discharge

The Youth Rehabilitation Order (YRO) has 18 individual requirements that are available for inclusion in a YRO. The additional requirements include the Intensive Supervision and Surveillance programme which was developed as a direct alternative to custody.

4. Custodial sentences including Detention and Training Order (4months - 2yrs); Section 90/91 (only for offences for which an adult would receive 14 years or more, e.g. murder, manslaughter, rape).

The Youth Justice Board commissions custodial provision for young people in England and Wales. Custodial sentences are served in one of three types of establishment. The majority of young offenders serve their sentences in Young Offender Institutions (YOI) which are managed by HM Prison Service (now part of the National Offender Management Service—NOMS).

The Secure Training Centres (STC) are also privately run youth prisons which cater primarily for younger children, vulnerable young people and all girls

Local Authority Secure Children Homes (LASCH)

[Links to published reports on Children in Care in the Youth Justice system:](#)

[In Care, Out of Trouble](#) (2016)

[Punishing Disadvantage](#) (2010)

[Tell Them Not To Forget About Us](#) (2006)

[U R Boss website](#) (2017)