

Joint practice guidance for  
working with young people  
in the Criminal Justice  
System in Children's  
Services  
in Walsall

Reviewed in August 2020

Walsall Right 4 Children

## Contents

		Page
1	<a href="#"><u>Principles, Objectives and Scope</u></a>	3
2	<a href="#"><u>Guidelines for Joint work</u></a>	4
3.	<a href="#"><u>Specific Arrangements for Joint Work</u></a>	6
4.	<a href="#"><u>Young people who are placed on bail from Court</u></a>	9
5.	<a href="#"><u>Young people who are remanded from Court</u></a>	10
6.	<a href="#"><u>Reports for Courts and Community Panels</u></a>	14
7.	<a href="#"><u>Sentencing</u></a>	14
8.	<a href="#"><u>Young People where there are risks of needing accommodation</u></a>	17
9.	<a href="#"><u>Preventing Offending of Looked After Children and Children in Need</u></a>	17
10.	<a href="#"><u>Serious Incidents</u></a>	17
11.	<a href="#"><u>Out of hours working</u></a>	18
12.	<a href="#"><u>Information Sharing</u></a>	19
13.	<a href="#"><u>Review and Resolution</u></a>	19
14.	<a href="#"><u>Signatories</u></a>	20
<b>Appendices</b>		
○	<a href="#"><u>Appendix A</u></a> – Glossary and Officers	21
○	<a href="#"><u>Appendix B</u></a> - Changes to care status as a result of criminal justice decisions	22
○	<a href="#"><u>Appendix C</u></a> - Relevant guidance, policies and procedures	24

## 1. Principles, Objectives and Scope

1.1 The overriding principle of this protocol and our ongoing work is to ensure the effective joint work between staff across services for young people to help and support children and young people who offend, or who are at risk of offending. Such help and support being individualised, working within the professional boundaries of all service areas and promoting the 'Walsall Right 4 Children' vision across the partnership to ensure that we have;

*The right child,  
In the right place,  
At the right time,  
For the right amount of time.*

1.2 Objectives for joint work between the services are:-

- To prevent young people entering the criminal justice system
- To protect children and young people from emotional, physical and sexual abuse and neglect
- To prevent and reduce offending and anti-social behaviour by young people.
- To ensure young people are supported throughout the Youth Justice System
- To reduce the need for children and young people to be accommodated by providing relevant services and by identifying resources in the wider family and community
- To ensure children and young people participate in planning services for themselves and others
- To support the early help offer for all children, young people and families
- To minimise the cost of acute services and accommodation placements
- To reduce the cohort and support those who are missing or at risk of sexual exploitation
- To reduce the cohort by providing support to children at risk of criminal exploitation
- To develop staff understanding of identifying children at risk of criminal exploitation
- To identify and support children and young people at risk of sexually harmful behaviours.

1.3 This protocol applies to Walsall Youth Justice Services and Walsall Children's Social Care including;

- Emergency Duty Team (EDT)
- Initial Response Service (IRS) which includes the Multi Agency Support Hub (MASH)
- Safeguarding and Family Support Service
- Looked After Children's Service
- Transition and Leaving Care Team

- Children with Disabilities Team
- 1.4 The 1998 Crime and Disorder Act placed a duty on all local authorities to create a 'Youth Offending Team (YOT)' made up of the statutory partners of health, education, social care, police and probation services. In Walsall, the Youth Justice Service (YJS) is a multi-agency team, managed on behalf of the Multi-Agency Consortium as set out by the 1998 Crime and Disorder Act. The YJS is located within the Local Authority, Children's Services and most practitioners and managers are employed by the local authority, however as a multi-agency service, professionals from partnership agencies are also integrated into the service.
  - 1.5 Youth Justice Services' partner agencies include:
    - Walsall Metropolitan Borough Council
    - West Midlands Police
    - Staffordshire and West Midlands Probation Trust
    - Walsall CCG
    - Black Country NHS Partnership Foundation
    - The Beacon, Substance Misuse Service
    - Other Statutory and Voluntary Sector providers

## **2. Guidelines for Joint Work**

- 2.1 For all new referrals to the Youth Justice Service (YJS) the Children's Service database, Mosaic, will be checked to determine whether there is ongoing involvement with Children's Social Care (this will be done by the Youth Justice Officer). If further information is needed, the YJS worker will contact the allocated social worker, or the MASH where there is not an allocated social worker.
- 2.2 Consideration must be given for lateral checks to be undertaken with the YJS database. This will be done by the allocated worker in MASH, whenever deemed useful.
- 2.3 Where the Youth Justice Service has concerns about actual or potential harm to a young person open to them, a referral will be made to MASH, or if the young person is already open, directly to the young person's social worker or duty worker within the appropriate team. Referrals to MASH must be in accordance with the WSCB procedures (copies of which are located at [www.wlscb.org.uk](http://www.wlscb.org.uk) ). This will be accompanied, where appropriate, by the ASSET+ (youth justice assessment of risk and needs) and any other relevant assessment and reports. These concerns must be followed up in writing to the allocated worker or to the duty worker.
- 2.4 In every situation where there is ongoing involvement with Children's Social Care and the Youth Justice Service there will be a plan held in each agency in respect of the child. In all cases, plans will be shared and where possible the child or young person should only tell their story once and our services should

join up around them. For Children's Social Care this will be either a Child in Need Plan, a Child Protection Plan or for children who are Looked After, a Care Plan or Pathway Plan and for those previously looked after a Pathway Plan. For Youth Justice Services, the written plan will usually be an integrated intervention plan. These plans must reflect the involvement and planning of the other agency and plans must compliment rather than duplicate or conflict in priorities and approach. Both agencies are responsible for review arrangements of their individual plans. Reviews must be coordinated and consultation between agencies prior to key decision making and reviews must be evidenced on the case files. The YJS and Children's Social Care hold monthly Risk Management and Vulnerability panels (RMVP) for high risk young people. During these meetings the plans to effectively manage risk and vulnerability will be reviewed and signed off by YJS and Social Care management jointly. The allocated social worker and youth justice officer should attend RMVP when their young person is being discussed. A copy of the YJS risk management plan will be shared with the allocated social worker and will be held on the child's social care record.

- 2.5 In addition YJS hold regular Planning Meetings to ensure effective, co-ordinated and multi-agency planning and review. In all cases the allocated social worker, or the team manager for the team holding the case, should be invited to attend. Although Youth Justice National Standards will dictate when our initial planning meeting will need to occur, every effort should be made to join up LAC and YJS planning meetings to avoid duplication and the young person having to tell their story twice. For Looked After Children, their Independent Reviewing Officer (IRO) will be kept informed by the allocated social worker.
- 2.6 Attendance of multi-agency representatives at RMVPs and YJS planning meetings will enable a tailored and co-ordinated response to be developed and agreed in relation to the young person's welfare and criminogenic needs. It will also provide a platform to ensure that the views of the child and their carer's are sought and at the forefront of the planning.
- 2.7 The guidelines for deciding upon roles and responsibilities is that YJS will take the lead in work in relation to offending behaviour (criminogenic needs) and Children's Social Care services will take the lead in other work (welfare needs), either directly providing services, or co-ordinating services, such as accommodation placements (both housing and section 20 accommodation) and family support.
- 2.8 Youth Justice staff will attend all statutory Social Care meetings including Child Protection Conferences, Core Groups, Looked After Child Reviews, Child In Need meetings and professional or strategy meetings.
- 2.9 At any time, both services are able to offer advice and consultation to each other via their duty officers / allocated worker or duty manager. It is the responsibility of all agencies to share any information pertaining to the safety of children and public protection at the earliest opportunity.

- 3.0 The YJS will consult with the allocated social worker or a manager within the Safeguarding and Family Support team in preparation of Pre-Sentence Reports, breach reports, recall reports or any other reports for Court or the secure estate.

### **3. Specific Arrangements for Joint Work**

#### **3.1 Police Interviews with Young People under Police and Criminal Evidence Act (1984) (PACE)**

Once a young person (up to their 18<sup>th</sup> birthday) has been arrested, the Police, under PACE, will require an Appropriate Adult to attend the Police interview. In all circumstances it is the responsibility of the Police to identify an Appropriate Adult; this will usually be a parent, carer or family member of the young person. When it is not possible for a parent, carer or family member to act as an Appropriate Adult, whether through them being a victim or witness or if they refuse to attend, the Police, YJS and Children's Social Care will follow the guidance below to ensure an Appropriate Adult is present.

#### **3.2 When the request is outside normal office hours:**

After 5.15pm (Monday – Thursday) and between 4.45pm (Friday) and 9:00am (Monday), the Emergency Duty Team (EDT) will identify an Appropriate Adult in the absence of any suitable family members, foster carers, etc. Notification of this should be made to YJS by sending the completed PACE form and a record will also be entered onto the Children's Services database. On receipt of the completed PACE form the YJS duty manager or duty worker will ask admin to complete a Children's Services database check to get any additional details. If the case is open to Children's Social Care, the EDT worker will notify the allocated social worker and admin mail box by e-mail. If there is an urgent need for response, EDT will address and update allocated social worker and admin via email in readiness for their return to work.

#### **3.3 When the request is within normal office hours:**

From 1<sup>st</sup> April 2016, Walsall YJS entered into an arrangement with Dudley and Sandwell Youth Offending Teams to provide Appropriate Adult services for young people from all three areas on a rota basis. Each service provides cover for a full week (Monday to Friday- 9.00am to 5.15pm) and facilitates Appropriate Adult work for all young people irrespective of the area they reside and their involvement with Children's Services.

The youth justice worker will be required to make appropriate contact with the young person's local YJS and Children's Services to ascertain involvement and known issues and to establish which professional is best placed to undertake the role of Appropriate Adult.

It may be most suitable for a worker from Social Care to act as the young person's Appropriate Adult, if it is in the best interests of the young person or family. The Social Care worker will make this decision in conjunction with the Youth Justice worker on AA duty.

The Youth Justice worker who acted as the Appropriate Adult for a child known by Social Care will then return the Appropriate Adult documentation to the local YJS. Walsall YJS will then forward the information to the allocated worker in Walsall Social Care.

### **3.4 Transfer of Young Person from Police Custody (under PACE)**

Following an interview of a young person at the Police station, the Police may charge the young person with an offence; and can then either release the young person on Police bail or; if the Police object to bail, ask the Local Authority via the YJS or EDT to find suitable accommodation (either housing or section 20 accommodation as appropriate) under PACE, until the young person's attendance at the next available Court. YJS or EDT will seek to clarify the reasoning and need behind all such requests as part of the robust assessment of the young person's need for accommodation. All requests for a PACE bed should be made and responded to in line with the Concordat for Children in Custody 2014.

If accommodation is provided, the young person becomes 'looked after' until they appear back in Court. In all cases where a PACE transfer has been requested, the receiving worker must assess the welfare of the young person in terms of balancing overnight accommodation in Police cells, with the age and vulnerability of the young person, any journey times involved in reaching the placement and induction time at that placement.

Authorisation from the Director (Social Care), or Head of Service, on the recommendation of a group manager or EDT is necessary for all new LAC placements. They will need explanation of what alternatives to placement have been considered.

### **3.5 For Young People Needing PACE Accommodation without a Secure Requirement:**

If the Police request a 'non-secure' PACE bed, the YJS or EDT worker will attempt to contact Children's Social Care via the MASH, or the allocated social worker where there is one, with a request for the young person to be accommodated overnight. Director or Head of Service approval is needed. The YJS or EDT worker will work together to jointly arrange accommodation for the night for the young person, including transport, and to make arrangements to ensure the young person gets to the next available Court. The YJS or Social Care worker dealing with young person can ask the Police for assistance in transporting the young person to the accommodation if necessary (although this is not guaranteed).

### **3.6 For Young People Needing PACE Accommodation with a Secure Requirement:**

The YJS or EDT worker can contact the Youth Custody Service (YCS) Placement Team<sup>1</sup> who could identify possible PACE beds depending upon the time of the request. Placements via the YCS are reserved to those young people remanded or sentenced into custody via the Court, therefore it will be necessary to consider secure placements via Children's Services Placements Team. The Social Care or EDT worker will ring the establishment where the secure PACE bed has been identified to confirm availability and provide appropriate information to the unit. This will enable the secure unit to decide on the suitability of the young person's transfer. The establishment has a maximum of one hour to make a decision on accepting the young person.

Whenever a child or young person is transferred to Local Authority accommodation, the allocated social worker will, without delay, advise the parent or carer of what has occurred and where the young person has been placed. If the child or young person did not have an allocated social worker prior to the PACE transfer the YJS worker will notify the parents / carers. Information about bail conditions and pending Court appearances will also be given to the parents and carers as appropriate.

The YJS, Social Care or EDT worker will also contact other relevant persons, eg. Secure Transport Provider<sup>2</sup>, and put them on warning for a possible transfer. If the young person is not known to Children's Social Care then a referral must be made to the MASH.

Once a placement has been agreed, the YJS, Social Care or EDT worker will arrange for the secure transport provider to transport the young person to the secure accommodation and arrange for them to take the young person to the next available Court.

In all cases, the appropriate paperwork should be transferred to the establishment with the young person, e.g. the receiving establishment's referral assessment form, ASSET+ assessment, all relevant care plans, via secure email or fax. However, it should be noted that the YJS might not have this information if the young person is not previously known to the Criminal Justice Service.

As soon as the young person remanded under PACE appears at Court, they cease to be looked after, unless they are remanded to custody (youth detention accommodation), in which case they will continue to be a looked after child until they cease to be remanded to youth detention accommodation. If they are sentenced to custody the young person will cease to be a looked after child.

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<sup>1</sup> YCS placements can be contacted on 0845 3 63 63 63 option 5 during office hours, or option 2 outside of office hours, or via secure e-mail on; YJBPlacements-WestMidlands@yjb.gov.uk.cjsm.net

<sup>2</sup> Safecare transport – 01925 224989

### 3.9 **Attendance at Court**

Youth Justice Services have a specific role to undertake within the Youth Court and as such are unable to represent any young person at Court (therefore cannot act as Appropriate Adult). YJS workers at Court can offer advice, guidance and support to the Court and as such to young people on behalf of the Court.

3.10 **All young people not currently open to Children's' Social Care Services**  
Getting to Court: Parents / carers retain responsibility for ensuring the young person's attendance at Court and to represent the young person at Court.

3.11 **All young people receiving a service as a Child in Need from Children's Social Care**  
Getting to Court: Parents/carers retain responsibility for ensuring the young person's attendance at Court and to represent the young person at Court. If they are not able to attend, and if there is an allocated social worker, they should attend on their behalf. Children's specialist services may also provide financial assistance if required to get to Court.

If a child on a bail support package to Walsall YJS is classed as a 'Child in Need' then it is the YJS's responsibility to seek to ensure their attendance at Court, unless agreed otherwise with Children's Social Care.

3.12 **Looked After Children**  
Getting to Court: Children's Social Care are responsible for ensuring a young person's attendance at Court and to identify a suitable person to represent the young person, if a family member if not available or appropriate.

When a young person is placed out-of-borough, Children's Social Care may request that a representative from the young person's placement (residential worker / foster carer) ensures their attendance at Court and to represent the young person in Court.

3.13 **Young people aged who are looked after or are relevant care leavers under the definition of the Children (Leaving Care) Act 2000.**  
Getting to Court: Children's Social Care are responsible for ensuring a young person's attendance at Court wherever possible, and to identify a suitable person to represent the young person in the absence of suitable family members or carers.

## 4 **Young people who are placed on bail from Court**

4.1 **Bail Support:**  
When the Crown Prosecution Service (CPS) are objecting to Bail the YJS will assess young people for Bail Support packages, including an Intensive Surveillance and Supervision (ISS) programme. Where the young person is open to Children's Social Care, the relevant YJS worker will liaise with the allocated social worker regarding the suitability of the package.

If the young person is 'looked after', contact will need to be made with the social worker and consideration given to the carer's (or residential home manager's) views regarding electronic tagging.

If a young person is on a Bail Support package, then it is the YJS's responsibility to ensure the young person's attendance at Court, unless agreed otherwise with Children's Social Care.

#### 4.2 **Electronic monitoring**

Where the Court is considering making a young person with Looked After status subject to electronic monitoring ('tagging') either as bail conditions, remand conditions, a community sentence or post custody licence conditions, the YJS worker must consult, where possible, with the Children's Social Care worker regarding suitability. A joint assessment should be undertaken of the young person's circumstances, including carer's views (foster carers, residential staff or parents) in accordance with Home Office guidelines. Where electronic monitoring is imposed, the YJS worker or Court staff will make the necessary arrangements with the monitoring service contractor regarding the young person's living arrangements and circumstances.

#### 4.3 **Young people who are Bailed to Live as Directed by the Local Authority:**

This condition can be used for all young people up to age 18 (or who are over 18 years old but committed the offence(s) before they were 18 years old), when the Court has concerns about the address of a young person, or where a young person is homeless. This condition places the onus on the Local Authority to find the young person appropriate accommodation until their next Court appearance. If the young person is not able to return home, given the time pressures, the YJS worker will take responsibility for exploring other accommodation options with the young person, this must include family and friends.

If the young person is not known to Children's Social Care, the YJS worker will contact the MASH/Children's Social Care, or if they are an open will inform the allocated social worker/duty worker.

The YJS worker will liaise with the social worker about practical arrangements for a placement, including arrangements for return to Court and retention of the bail sheet which needs to be added to the Children's Services database.

Following the Court's decision to bail a young person to live as directed by Children's Services, the YJS will forward a completed ASSET+ assessment to the MASH or the allocated social worker as soon as practicable, but within 24 hours.

All services should work together to avoid using B&B accommodation.

## 5 **Young people who are remanded from Court**

### 5.1 **Young people who are remanded to youth detention accommodation (YDA) from Court.**

A YJS Court Officer will explore alternatives to the Remand in line with Youth Justice policy, procedures and expectations. All young people remanded to YDA become Looked After Children (LAC). The Youth Custody Service (YCS) will determine the type of YDA required based on the individual circumstances and vulnerabilities of the young person in question. The Youth Justice Board identify an appropriate placement in the secure estate (be it a Secure Children's Home, Secure Training Centre or a Young Offenders Institution) based on information contained in a Placement Information Form, ASSET+ and Post Court Report (ASSET+ custody module) provided to them via the YJS Court Officer.

The YJS worker will inform MASH/IRS ideally as soon as there is an indication of a potential remand. If this is not possible they will inform the MASH/IRS as soon as one occurs.

The YJS worker will complete a bail/remand ASSET+ whilst at Court to inform the Court of the suitability of bail or remand.

Following the Court's decision to remand a young person into the secure estate, the YJS will forward a completed ASSET+ assessment to the MASH as soon as practicable, but within 24 hours.

MASH would then allocate a social worker and the LAC process would start. See relevant LA policy for details.

A YJS worker will be allocated to all young people remanded to custody and will be responsible for remand planning, including the initial planning meeting (within 5 days of the remand).

A young person subject to a Care Order will continue to have an allocated social worker and will continue to be reviewed through the statutory review system. The YJS worker and social worker will liaise with each other regarding review and planning meetings. The child will continue to be looked after following release.

If on sentence, the young person is likely to receive a community penalty the allocated social worker will complete a Child and Family Assessment to determine the level of need for the young person on release. This will then determine how the young person will be supported by Children's Services and partners on their release back into the community. The allocated YJS worker will be expected to contribute to the assessment.

If a young person is remanded for a period over 13 weeks and some or all of this is over their 16<sup>th</sup> birthday they will become eligible for a pathway plan and associated Leaving Care Services under the terms of the Children (Leaving Care) Act 2000. If the young person has a pathway plan with a

comprehensive needs assessment, there may not be a need for a Child and Family Assessment. In these instances, it will be subject to social worker/manager discretion.

In the event that there is a dispute or difference of opinion as to the vulnerability of a young person, all information will be placed before the Court and each agency will ensure appropriate representation at the hearing.

Within 10 days, the YJS will complete the following documentation and review meeting:-

- Bail Asset and any risk or safeguarding documents (previous record will be used if available),
- Placement Information Form (ASSET+ custody module),
- Post Court Report (ASSET+ custody module)
- A Remand review at the placement,

Within 10 days, IRS will complete the LAC documentation including:-

- The Children and Family Assessment,
- The placement plan with delegated authority section completed.
- The LAC Care Plan

A joint visit at the secure placement will be arranged in order to conclude the assessments and remand review and to jointly plan for release. If the young person's remand exceeds 10 days, then IRS will seek to transfer the young person to corporate parenting. YJS and Social Care will work together to ensure the best outcome for the young person going forward, particularly in relation to preventing the occurrence of any future remand episodes.

The following information provides an overview of guidance in relation to the legislation affecting this area of work:

#### Remands of children otherwise than on Bail

Refer to [Part 3, Chapter 3 - Sections 91-107 of the LASPO Act](#) 2012.

The Act aims to reduce the use of secure remand for children and young people.

- The current, complex remand arrangements will be simplified into a 'single remand framework'.
- The costs of keeping a young person in custody on remand will be transferred to local authorities, in order to provide an incentive to use remand more sparingly.
- The status of 'looked after child' will apply to all young people on remand.
- A charged/convicted young person must meet one of two conditions - or 'tests' - before they are remanded into custody:
  - seriousness of the offence - the offence must be either a violent or sexual offence, or one that, if committed by an adult, is punishable with a sentence of imprisonment of fourteen years or more (this is an existing test)

- 'realistic prospect' of receiving a custodial sentence - the young person must have a history of committing offences or absconding while on remand
- 17 year olds can now be remanded in secure children's homes or secure training centers, not just young offender institutions. (The Act has defined a child as a person under the age of 18).
- If the young person is remanded to local authority accommodation, the local authority (designated by the court) must receive the young person and provide/arrange suitable accommodation for them (as per the duties of a local authority to place a child that is remanded as set out in section 22C of the Children Act 1989).
- A Court can impose conditions on a child remanded to local authority accommodation similar to conditions that can be imposed on a child remanded on bail. The court can also 'impose requirements' on the local authority to make sure these conditions are adhered to, e.g. by using electronic monitoring.

## 5.2 **Court Remand to the Care of the Local Authority (RCLA)**

A worker will be allocated from the YJS to explore alternatives to the remand in line with youth justice policy, procedures and expectations. If the young person is not open to Children's Services, the YJS worker at Court will contact the MASH to inform them of the situation. This should be done as soon as there is an indication from the Court of a potential RCLA.

Upon receipt of a RLCA the young person becomes a Looked After Child.

Following the Court's decision to remand a young person into Local Authority Accommodation, the YJS will forward a completed ASSET+ assessment to the MASH or allocated social worker as soon as practicable, but within 24 hours.

An admissions form must be completed by Children's Social Care, the group manager advised will then inform the Director (Social Care) or Head of Service.

If the child or young person does not already have an allocated social worker, the team manager in the allocated Children's Social Care team, will allocate a named worker and liaison will take place between Children's Social Care and YJS.

Children's Social Care will take lead responsibility for identifying and making a suitable placement. They will also be responsible for transporting the young person to and from Court. Family placement options must always be considered, such as placement with friends and family under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010.

The allocated social worker in Children's Social Care will convene a placement planning meeting to prepare the placement plan, within five working days of the start of the placement. Where possible this will also include the Initial Remand Planning Meeting. The meeting will jointly plan

actions, roles and responsibilities between YJS and Children's Social Care including arranging transport for future Court appearances and agree the date for the first statutory review, or any other meetings needed before the end of remand period. The YJS worker will work with Children's Social Care to explore alternatives to the remand for future Court appearances.

## **6 Reports for Courts and Community Panels**

It is the responsibility of the YJS worker to complete a Pre-Sentence Report (PSR), a PSR must be clearly identified as such and all reports to the Youth Court from Children's Services need to be sent via the YJS.

When a YJS worker is allocated a PSR or Panel Report, he/she must always check if the young person is, or has been, known to children's specialist services.

The YJS worker will liaise with the relevant social worker involved and discuss Children's Social Care involvement and any possible recommendation for the Court, including when considering a Youth Rehabilitation Order (YRO) with a Local Authority Residence requirement and/or electronic tagging.

Any YJS proposal within a Court report for a Local Authority Residence Requirement will need prior approval from a group manager or above within specialist services.

## **7 Sentencing**

### **7.1 All Community Sentences:**

Where a young person has an allocated social worker, the YJS worker will, at the start of the Order, arrange to meet the social worker to identify roles and responsibilities. This should include arrangements for transport and any financial commitments, review meeting dates and risk management meetings. For young people who are Looked After Children, Children's Social Care will retain responsibility for facilitating the means for attendance at appointments relating to the Order.

The YJS will ensure that any YJS plans are inclusive of Children's Services plans and contain shared objectives.

The YJS require copies on file of:

- the Initial Assessment/any other assessments
- CP/Care/Pathway/CIN plans
- Minutes of statutory meetings
- Chronologies/genograms

The YJS will share with an allocated social worker a copy of:

- The ASSET+
- Minutes of any meetings (Planning meeting/Risk panels)

For Looked After Children who are placed out-of-borough, Walsall YJS will liaise with the relevant local Youth Justice / Offending Service to request that the local team delivers against the young person's Court Order and intervention plan. Walsall YJS will retain overall case responsibility for all children and young people who remain out of borough Looked After Children in line with the Youth Justice Board's protocol for case responsibility. Children's specialist services will notify the YJS worker of any proposed or actual change in placement as soon as practicable.

Please reference section 4.2 above regarding electronic monitoring (tagging)

## **7.2 The Youth Rehabilitation Order (YRO)**

If the Court is considering a YRO with a Local Authority Residence Requirement it will adjourn the matter for the completion of a PSR (reference 3.5). The YJS worker will notify the YJS team manager who will inform Children's Social Care of the suggestion that a YRO with a Local Authority Residence Requirement needs to be considered.

A YRO with a Local Authority Residence Requirement will only be deemed appropriate if the behaviour of the young person which led to the offence was, to a significant extent, due to the living conditions of the young person; and the addition of a Local Authority Residence Requirement will assist the rehabilitation of the young person.

The YJS worker will confirm if the Youth Justice ASSET+ assessment and social work assessment indicates a clear link between accommodation and offending or not, and as such, if a YRO with a Local Authority Residence Requirement would be appropriate. Children's Social Care will identify a suitable placement. If the placement is out of borough the YJS worker will also need to liaise directly with the out of borough authority to confirm they will receive a YRO with a Local Authority Residence Requirement

Any YJS proposal within a Court report for a Local Authority Residence Requirement will need prior approval from a group manager or above within Social Care.

Young people accommodated on a YRO with a Local Authority Residence Requirement are subject to the general provisions of section 23 of the Children Act 1989, placing a duty on the local authority to assess the child's needs, plan and review the child's care and accommodate the child for the duration of the Order. A young person who is the subject of a YRO with a Local Authority Residence Requirement becomes a Looked After Child at the point of sentence for a maximum period of 6 months, Children's Social Care are responsible for funding the placement.

When a young person is made the subject of a YRO with a Local Authority Residence Requirement there will be regular joint review meetings in line with National Standards for Youth Justice and Looked After Children reviews. In addition to this the YJS worker, and the allocated social worker will

communicate on at least a weekly basis to ensure that the accommodation remains stable and suitable. Any proposed moves must be shared with the YJS worker immediately as the Court Order may need to be amended (which is the responsibility of the YJS worker). Any difficulties in compliance will be discussed at a review meeting and wherever possible breach action should be avoided and managed through alternative means such as planned moves and additional support.

### 7.3 **Custodial Sentences:**

A YJS worker will be allocated to all young people sentenced to custody and will be responsible for sentence planning, including the initial meeting (within 10 working days of the sentence), the pre-release planning meeting and planning to set licence conditions for the community element of the custodial sentence, this will need to include a clear exit strategy. Resettlement in the community needs to be considered at the starting point of a custodial sentence, including the potential need for a care placement upon release.

Unless already subject to a Care Order, the young person does not become a Looked After Child.

Young people subject to a Care Order will continue to have an allocated social worker and their care planning will continue to be reviewed through the statutory review system.

Young people who were voluntary accommodated (section 20) prior to their sentence are not considered to be Looked After Children whilst in custody. However, an agreement needs to be made as to whether Children's Social Care support is still appropriate given need and length of sentence, and if the young person will become voluntarily accommodated (Section 20) again upon release.

Care Leavers legal status remains unchanged and the Local Authority that Looked After them retains responsibility for providing support to them when in custody and on release.

For all cases where a young person is open to a team within Children's Social Care, the relevant workers should attend all custodial review meetings and in particular the pre-release planning meeting, in order to establish clear plans regarding; accommodation, licence conditions, transportation home, reporting instructions and support networks to include financial arrangements. When a young person is a Looked After Child, transportation and accommodation arrangements and costs are the responsibility of Children's Social Care. In all other situations, the YJS will support parents / carers to ensure appropriate arrangements are in place, or alternatively liaise with partner agencies to ensure needs are met.

Should the young person be closed to Children's Social Care, the YJS must consider a referral to MASH if an assessment of the young person's need is required. Depending on the length of sentence, consideration must be given

to whether accommodation will be required upon release and if so, the young person will remain open to Children's Services whilst the sentence is served and joint planning and reviews will be expected.

## **8 Young People where there are risks of needing accommodation**

If YJS has assessed a young person as possibly needing accommodation, they will complete the MARF (located on [www.wlscb.org.uk](http://www.wlscb.org.uk) ) and attach the ASSET+ assessment to refer/or provide this information to Children's Social Care where further consultation will be undertaken. Children's Social Care will assess whether the criteria is met for the young person to be accommodated in Local Authority care.

Children's Social Care can only fund placements where they have agreed the need for accommodation and when the following criteria are met:

- there is serious risk of significant harm to the young person if accommodation is not provided and
- alternatives to accommodation, eg. family arrangement with friends and family have been explored and exhausted and
- the placement has been recommended by the Director (Social Care) or Head of Service.

## **9 Preventing Offending of Looked After Children and Children in Need**

### **9.1 Preventing Offending of LAC and Children in Need**

Where a Looked After Child or Child in Need may be at risk of offending and involvement with the Police, the young person should be referred to the Youth Justice Crime Prevention Team by Children's Social Care for advice, assessment and intervention. This can also include siblings.

The social worker is responsible for ensuring that any Community Resolutions, Youth Cautions and Youth Conditional Cautions are recorded on the Children's Services database and taken into account in assessments and planning.

Relevant information such as any completed child and family assessments and plans should be shared (within information sharing guidance) with the YJS Crime Prevention Team. Conversely, any assessments and plans undertaken by the Crime Prevention Team should be shared with the social worker.

## **10 Serious Incidents**

### **10.1 Identifying community safeguarding and public protection incidents.**

The YJS are no longer required to report the incidents or alleged incidents to the Youth Justice Board. However, the YJS Performance and Partnership Board maintain oversight of serious incident reporting. The list of safeguarding incidents have been aligned with requirements for both Serious Case Reviews (England) and Child Practice Reviews (Wales). It is the responsibility of the YJS to identify a safeguarding or public protection incident and follow the YJS Serious Incident Procedure.

## **11. Out of Hours Work**

Responsibility for dealing with urgent situations, requiring action outside of office hours will fall to the Emergency Duty Team.

The duty team manager for YJS will ensure that EDT have appropriate information about resources, warning of situations or young people likely to demand their direct intervention via email or telephone, this is particularly important and relevant for transfers under PACE, Appropriate Adult interviews as well as in managing risk and vulnerability issues.

YJS practitioners will ensure that up-to-date information is available on accessible information systems (via e-mail and / or ChildView). This is particularly important where the public or staff may be at risk. Case file recording should include warning indicators.

A duty manager, on call, system operates during weekends and bank holidays and the duty manager on call can be contacted, alternatively there are emergency contact details available in the emergency contact booklet.

### **11.1 Saturday and Bank Holiday Court Cover**

Saturday and Bank Holiday Courts are currently held at Walsall magistrates Court and services are delivered on a rota basis by the four Black Country Youth Justice Services (Walsall, Wolverhampton, Sandwell and Dudley).

The YJS duty worker will contact the Court on or before 8.45am (or as soon as possible thereafter) if any young people have been refused bail and are to be produced in Court that day. The YJS worker will gain basic details of the young person, including which local authority they reside. The worker will need to reference to Children's Service database and the YJS database where possible and contact the Youth Justice Board if a placement is required.

The YJS duty worker will attend Court, meet with the young person to undertake an assessment that needs to be undertaken (ASSET+) and cover the Court proceedings, in line with Youth Justice policy, procedures and expectations.

The allocated YJS duty worker (regardless of which of the four Black Country Court areas they are employed by) will cover all young people appearing in Court regardless of their home address. They will refer to Walsall EDT any issues relating to Walsall young people.

Any bail or remand actions under section 4 will need to reference the EDT manager on call, in place of the Director (Social Care).

## **12. Information Sharing**

In addition, all Children and Young People's services comply with the statutory guidance 'Information Sharing: Guidance for Practitioners and Managers' 2008 and the General Data Protection Regulation 2016. All employees are required to complete the Council's data protection training.

All young people who have contact with the YJS sign an agreement which details confidentiality in line with data protection requirements.

YJS, EDT and Children's Social Care should share relevant information which will safeguard children and young people, promote their welfare and prevent crime, in accordance with both local and national guidance (above), legislation and good practice requirements.

In normal office hours, emails and telephone contact should be made with each other to gather information. Additionally, the YJS has read only access to the Children's Service database. It may be possible for practitioners to arrange to visit each others offices to review paper files or full access to databases to review all of the information held on a young person. The YJS database is in the process of being implemented into the MASH.

Out of Hours, Emergency Duty Team has access to YJS system – ChildView. See Appendix E for more detail on the information sharing protocol.

## **13. Review and Resolution**

### **13.1 Review**

This Protocol was written in June 2010 and then reviewed in: October 2010, January 2011, January 2012, May 2012, January 2013 and October 2013, June 2015, January 2016, March 2017, February 2019 and August 2020. It will be jointly reviewed annually or in response to particular issues as and when required.

The group manager with Strategic Lead for Youth Justice Services and group managers for Children's Social Care will meet every 6 months to review the implementation of the protocol, to agree any joint actions and to resolve any problems as appropriate.

### 13.2 **Joint oversight.**

The Looked After Children’s Team, Safeguarding and Family Support and the YJS work well together and have a joint oversight process in place. A quarterly meeting should be held between YJS, LAC and SFS management to discuss young people known to both services. The purpose of the meeting is to:

- Provide managerial oversight of this cohort of young people.
- Ensure effective joint working.
- Enable the effective sharing of information (as per this protocol)
- Identify areas for learning and good practice.
- Remove any barriers and discuss issues that have arisen.

### 13.3 **Resolution**

Prompt resolution of any disagreement is fundamental to this protocol. Attempts should be made to do this at team manager level at the first instance. If these fail to achieve satisfactory resolution, then it should be escalated to the next management tier without delay.

## 14. **Signatories**

Signed:

Colleen Male,  
Director of Social Work, Children’s Services.



Phil Rutherford,  
Group Manager- Strategic Lead for Youth Justice Services

<b>Version</b>	<b>12</b>
<b>Signed off date</b>	
<b>Review Date</b>	<b>August 2021</b>

## Appendix A - Glossary and Officers

### Officers:

Executive Director of Children's Services- Sally Rowe  
Children's Services, Director- Social Care- Colleen Male  
Head of Service – Corporate Parenting- Jivan Sembhi  
Head of Service- Help and Protection- Adele Ellis  
Head of Service- Strategic Safeguarding- Carol Boughton  
Group Manager- LAC and TLC- Zoe Morgan  
Group Manager- SFS- Deon Prescod  
Group Manager- SFS- Rita Homer  
Group Manager- SFS- Jade Reid  
Group Manager- MASH/IRS/Exploitation – Becky Warren  
Group Manager- IRO- Debbie Sylvester  
Group Manager- Strategic Lead for Youth Justice Services- Phil Rutherford

### Glossary:

AA- Appropriate Adult  
ASSET+- YJS Assessment  
CIN- Child In Need  
CLR- Critical Learning Review  
CP- Child Protection  
EDT– Emergency Duty Team  
LAC- Looked After Child  
MASH- Multi Agency Screening Hub  
PACE- Police And Criminal Evidence  
RCLA- Remand to the Care of the Local Authority  
MRVP- Multi-agency Risk and Vulnerability Panel  
SCR- Serious Case Review  
YJB- Youth Justice Board  
YJO- Youth Justice Officer  
YJS – Youth Justice Service  
YRO- Youth Rehabilitation Order  
WSCB- Walsall Safeguarding Children's Board

## Appendix B – Changes to care status as a result of Criminal Justice Decisions

Previous Care status	Criminal Justice decision	Effect on care status
Care order  (section 31, 1989 Act)	PACE detention i.e. transferred from Police detention to care of local authority pending appearance in Court	No change – child continues to be looked after
	Remand to local authority accommodation i.e. remanded to placement provided by local authority	Responsible authority continues to have a duty for care planning and review in the same
	Remand to Youth Detention Accommodation	
	Community penalty i.e. convicted of offence but penalty served while resident in community	
	Custodial sentence i.e. convicted of offence and to period of detention in secure establishment	
Voluntary accommodation  (section 20, 1989 Act)	PACE detention	No change – child continues to be looked after but under section 21 of 1989 Act
	Remand to local authority accommodation	
	Remand to custody	Child remains looked after during period of remand
	Community sentence	Child is looked after if in placement provided by local authority, including Intensive Fostering scheme
Not currently looked after	Custodial sentence	Child ceases to be looked after during period in custody BUT responsible authority has duty to visit
	PACE detention  Remand to local authority accommodation	Becomes looked after under section 21 of 1989 Act and responsible authority acquires responsibility for care planning and review

	Remand to custody	LASPO Act provisions from December 2012 class all young people remanded to custody as LAC.
	Community sentence: Youth Rehabilitation Order (YRO) with Intensive Fostering or local authority residence requirement	Looked after while in placement
	Other community sentence	Not looked after
	Custodial sentence	Not looked after

## **Appendix C - Relevant guidance, procedures and policies**

WSCB – Safeguarding Procedures

Walsall Social Work Services Procedures

Walsall Youth Justice Services Practice Procedures

National Standards and Case Management Guidance for Youth Justice Services

Working together to Safeguard Children

“Tell them not to forget about us” – National Children’s Bureau 2006

[http://www.ncb.org.uk/dotpdf/tell\\_them\\_not\\_to\\_forget\\_web.pdf](http://www.ncb.org.uk/dotpdf/tell_them_not_to_forget_web.pdf)

Howard league for Penal Reform “the overnight detention of children in police cells”

[www.howardleague.org](http://www.howardleague.org)

Walsall YJS Serious Incidents Procedure

Children Act 1989 Guidance and Regulations Volume 2. Care Planning, Placement and Case Review

Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review (Supplement) Looked after Children and Youth Justice

Application of the Care Planning and Case Review (England) Regulations 2010 to Looked after Children in Contact with Youth Justice Services)

Children Act 1989 Guidance and Regulations Volume 3 Planning Transition to Adulthood for Care Leavers.

Legal Aid, Sentencing and Punishment of Offenders Act 2012

Criminal Justice and Immigration Act 1998

Concordat for Children in Custody 2014