



"Working in partnership to support young people, families and victims to prevent offending and reduce re-offending to build a safer and stronger community."

Warwickshire Youth Justice Service



The Protocol between Children's Services Children's Services and the Warwickshire Youth Justice Service (WYJS)

1. Introduction

1.1 The principles underlying this protocol include:

- Children and Young People are at the heart of everything we do: 'child first/offender second'.
- The statutory WYJS duty to prevent offending and re-offending.
- That the principles and understanding derived from Contextual Safeguarding and a 'Trauma Informed' approach are evident in our practice and decision making.
- That Restorative Practice is embedded in our work including a 'high support/high challenge approach'.
- That belief that children and young people as far as possible remain living with their own parents or relatives, without the need for them to become looked after by the local authority.
- The County Council's commitment to Corporate Parenting.

1.2 This protocol complies with the following:

- Visits to Former Looked After Children in Detention (England) Regulations 2010.
- Children Act (1989) Guidance Regulations Local Authority Responsibilities towards former Looked after Children in Custody.
- Criminal justice legislation regarding children and young people, in particular the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) (2012).
- 'Standards for Youth Justice' 2020 and associated Case Management Guidance including the Scaled Approach to risk management.
- Warwickshire Protocol for Assessing and Managing the Housing Needs of Homeless Young People.
- Warwickshire Safeguarding Children's Board (WSCB) Procedures including the Escalation Policy
- Modern Slavery Act 2015.

- 1.3 This Protocol also outlines best practice for joint work between Warwickshire Children's Services and Warwickshire Youth Justice Service (WYJS) in respect of young people who access a variety of services within the Directorate, including those experiencing Child Exploitation.
- 1.4 Young people come to the attention of Children Services for a variety of reasons. The reasons for referral can be broadly defined as Welfare or Justice concerns. Welfare concerns can cover a range of issues including Child Protection; Exploitation and Contextual Safeguarding; Child in Need (CIN) procedures and general support/guidance for a young person and their family as part of Early Help. Justice concerns are either as a result of being on the cusp of anti-social behaviour and/or criminal activities or offending by the young person, whether at the point of police interview, Diversion, Out of Court Disposal, or as a result of Criminal Court proceedings/sentence.
- 1.5 Where the nature of the work is predominantly that of justice or welfare, the case management of the case is clear – welfare cases being the remit of local Children's teams, offending/justice cases being the remit of the WYJS. However, where the issues are less easily defined, the way in which case management is determined is crucial to ensure the best possible service for young people and their families/carers.
- 1.6 Where a young person displays anti-social behaviour or offending behaviour, an individual determination will need to be made as to the which agency is best placed to respond to the concern. Clear liaison between Early Help and YJS is crucial to avoid duplication and ensure best fit of services. Where a case is already open to a local children's team a referral will be made to the WYJS for assessment for appropriate youth justice interventions in relation to offending behaviour.
- 1.7 In some cases, both the WYJS and a local children's team may be involved with a young person and a joint working relationship needs to be established. For example, when a young person accommodated by the local authority commits an offence which results in the imposition of a Criminal Order. Although these Orders are supervised by the WYJS, it is recognised that the young person's welfare needs may be the most significant factor that needs addressing, and the commission of an offence uncharacteristic of the young person's behaviour. In these circumstances close joint working will be vital between teams, with clear planning of roles and responsibilities. It is important that young people and families have a clear understanding of these roles and responsibilities, and the distinction in statutory obligations.
- 1.8 The WYJS comprises of staff from many agencies and with a range of skills, including Social Workers, Probation Officers, health staff, Police Officers, Educational Psychologist, victim and parenting practitioners.
- 1.9 This protocol provides an outline for joint working and the transfer of cases between the services. The protocol includes measures for resolving any differences regarding the management of a young person's plan.

2. Protocol for Joint Working and Transfer of Cases between Children's Services and the WYJS.

- 2.1 Where a statutory intervention or OOCDD/Diversion intervention ends within YJS, full consideration should be given to how any unmet welfare needs/protective factors can be met, and this may involve a step-down referral to Early Help.

3. Police Interviews

- 3.1 If an Appropriate Adult is required to attend a police station regarding a child or young person not known to a local children's team, this role is always to be fulfilled by a WYJS Practitioner or Emergency Duty Team (EDT) out of core hours. When the child is known to a Children's team, a clear decision needs to be made about best fit for Appropriate Adult services. All staff undertaking this role must have received relevant training.
- 3.2 Such attendance will only be required where a parent or guardian cannot, or other person with parental responsibility will not undertake the Appropriate Adult role. A clear example of where it may not be possible for the parent to undertake this role would be where s/he is the victim of an alleged offence by the young person. Whenever possible the right and responsibility of the parent to undertake the Appropriate Adult role should always be asserted and encouraged. In respect of a child 'Looked After' by the Local Authority (CLA), an Appropriate Adult service should be offered. Following the interviews, and as soon as practical, the local children's team will be notified by WYJS of the outcome and any actions required resulting from this interview.
- 3.3 Where attendance at court is required the parent/s or guardian/s who have parental responsibility will be required to attend the Court proceedings; if they are unable to attend the child or young person will be supported by the team that is managing the 'Looked After' process. If the local authority holds Parental Responsibility by virtue of an Interim or Full Care order the child's social worker will be required to attend court proceedings.

4. Child Protection

- 4.1 The WYJS Social Worker/practitioner will be invited to Strategy meetings involving cases known to WYJS and will be kept informed of progress and any necessary information they might need resulting from these enquiries. WYJS will provide relevant information relating to cases referred to any such meeting.
- 4.2 Each agency/team will ensure appropriate recording of decisions taken in accordance with child protection procedures.

5. Children and Young People Known to both Services

- 5.1 Where a child or young person is known to both services on either a voluntary or statutory basis, it is the responsibility of the Team Managers to ensure that a Protocol discussion/meeting takes place with the relevant parties. The purpose of the discussion/meeting is to:
- Agree and define the role of each team in respect of their work with the child or young person.
 - Decide how the teams will communicate with regard to progress of the case work.
 - Agree a plan between the teams to meet the needs of the child, young person and their family
- 5.2 The Plan will be reviewed regularly, at intervals agreed at any future Protocol or professionals meeting.
- 5.3 The Action Plan will address the risks, vulnerability of the offender, victim, individuals and the community in order to prevent re-offending, as well as safeguarding the young person. Relevant regard will be given to Contextual Safeguarding and a trauma informed approach.
- 5.4 Following the Protocol Meeting/discussion, if it has not been appropriate for the parent, child or young person to attend, it will be agreed which practitioner will meet the child, young person and family in order to discuss with them the proposed Action Plan.
- 5.5 Where problems are encountered between services in relation to the implementation of the Action Plan, these will in the first instance, be resolved between the practitioners. Where the problems cannot be resolved, the matter will be referred to their Team Managers, who, if they are unable to find a solution, will refer the matter to the operation managers in accordance with the WSCB's Escalation Policy.
- 5.6 If the matter cannot be resolved operationally the WYJS manager and Children's Team Service Manager will ensure the issue is resolved.

6. Children Looked After

- 6.1 It is the local authority's aim to ensure that children and young people as far as possible remain living with their own parents or relatives without the need for them to become 'Looked After' by the Local Authority.
- 6.2 Children and young people may be accommodated, for welfare reasons including those arising from safeguarding concerns or following a 'child in need' intervention.

- 6.3 Children and young people may also become 'Looked After' through the criminal process for justice reasons which include them being:
- 'Looked After' because their family refuse or are unable to continue to care for them,
 - Remanded into Local Authority accommodation without a security requirement,
 - Bailed to reside as directed by the Local Authority,
 - Remanded to Youth Detention Accommodation (YDA)
 - 'Looked After' as part of a requirement of their Court Order or supervision on post-custodial licence.
- 6.4 Where a child becomes 'Looked After' through the Criminal Justice process, WYJS will take responsibility for the Looked After process unless the child is already accommodated by Children's Services. However, a referral will be made to the local children's team if it is believed that the young person will meet the Leaving Care criteria.
- 6.5 For children or young people who are accommodated immediately before the imposition of a custodial sentence, the responsibility to visit within 7 days and successive visits as agreed, remains with the social worker responsible for the Looked After process. Additionally, WYJS has a responsibility to convene an Initial Planning meeting within 10 working days of such an Order being imposed. Therefore, if the local children's team is involved it is best practice that both the local children's team social worker and WYJS practitioner should make a joint visit within 7 working days.
- 6.6 If the parent of a child or young person refuse or are unable to continue to care for him/her once criminal proceedings are finalised, their circumstances will be assessed by the local children's team, and a decision reached as to whether the threshold criteria for becoming 'Looked After' has been met. In these circumstances the two services must agree the long-term plan for the child or young person and clarify the plan and lead responsibilities.
- 6.7 Section 25 of the Children Act 1989 provides for a Local Authority to apply for a Secure Accommodation Order for a 'Looked After' child aged 13 years and over provided set criteria are met. Application to court to restrict the liberty of a child is a serious step and must only be taken when there is no alternative. It should never be because no other placement is available at the time and never as a form of punishment. Where a child is known to WYJS at the time of considering such an application the Children's Team will ensure that WYJS views of such an order are properly considered.
- 6.8 Where a child is subject to a Care Order under section 31 of the Children Act (1989) the Local Authority has an ongoing duty to support the child whilst they are in custody and in planning for their release, transition and resettlement in the community. As Corporate Parent, the Local Authority must assess and plan to meet the needs of the child/young person, as they would if the child/young person was in any placement (s22). This will be carried out by the local children's team and the social worker must ensure that plans for release and resettlement address where the child will live on release and how they will be provided with the support and services required to meet their needs, including the need to be diverted from re-offending.

7. Young People Ceasing to be Looked After

- 7.1 Section 15 of the Children and Young Persons Act 2008 inserts a new section 23ZA into the 1989 Act. This imposes a responsibility on the local authority to ensure that a child who was Looked After by that Local Authority, but has ceased to be so as a result of a custodial sentence is visited by a Local Authority representative (social worker) who will assess their needs, this will be done by the team responsible for the Looked After process. This will take into account previous assessments that have informed the child's care plan and any new information from the assessment undertaken by WYJS or the custodial establishment
- 7.2 Using the single assessment documentation, the social worker should consider the following issues in arriving at their assessment using the single assessment:
- Is there a risk of self-harm?
 - What is the child's emotional state?
 - Does the child need money, clothes, books or other practical support?
 - Are education staff aware of, and able to meet, the child's educational needs, including any special needs or abilities?
 - Health needs
 - Diversity needs including, religious and cultural needs
 - Is the child worried about anything?
 - Does the child know how to access advocacy?
 - Are the child's parents able to fulfil their parental responsibility to the child whilst in custody?
 - Assess if the child can go home on release
 - Alternative living arrangements required if unable to go home
 - The child's wishes and feelings on these matters must be sought
 - Parents views where appropriate must be sought
 - The views of all professional staff involved with the child's care must be sought.

8. Child Becoming Looked After as a Result of the Remand to Youth Detention Accommodation

- 8.1 It is the Social Worker's (normally YJS Social Worker) responsibility to complete an ASSET plus assessment within 20 working days of a child entering custody and this should conclude with an analysis that sets out clear recommendations to the local authority about the advice, assistance and support that the child will need whilst in custody and on release. Regulation 6 of the 2010 regulations set out that the following information must be included in the assessment:
- 8.1.1 Is the child's welfare being adequately safeguarded and promoted?
 - 8.1.2 Are further visits required?
 - 8.1.3 Who will keep in touch with the child whilst they are detained?
 - 8.1.4 Does there need to be help with contact arrangements?
 - 8.1.5 Will it be in the child's best interests to become 'Looked After' on release?
 - 8.1.6 Might the child or family require further services provided by another local authority?
- The recommendations should include proposals for future involvement from the local authority e.g. should visits be maintained whilst the child is in custody.
- 8.2 The social worker must make recommendations about any appropriate advice, support and assistance needed by the child, which could include arranging for their accommodation on release, or planning for them to be looked after again.
- 8.3 Details of ASSET plus will be shared with:
- 8.3.1 The child
 - 8.3.2 The parent/s, unless inappropriate
 - 8.3.3 The Governor or Registered Manager of the establishment where the child is detained
 - 8.3.4 The relevant WYJS case manager
 - 8.3.5 The local authority where the child is being detained, if different from the former authority
- 8.4 The social worker should inform the child's Independent Reviewing Officer (IRO) where a looked after young person is arrested or charged with an offence and, through the reviewing process, ensure that the care planning process sets out measures that will support the child and reduce the risks of further offending.
- 8.5 Although children's services are not responsible for a secure placement and cannot terminate it, the IRO must take steps through the social worker for appropriate action to take place e.g. requests for transfer to an alternative secure placement, referral to a Children's Panel or CAFCASS
- 8.6 Where a child is subject to Youth Detention Accommodation, the WYJS case manager will within 24 hours send to the secure establishment the following:
- 8.4.1 AssetPlus, including the custody module,
 - 8.4.2 Any immediate information necessary to ensure the child's safety
 - 8.4.3 Post Court Report
 - 8.4.4 Education Health Care Plan (EHCP)

- 8.7 Within five working days of a child's sentence the social worker should also provide, through the WYJS secure email system, the following information to the secure establishment:
- 8.4.5 The young person's care history,
 - 8.4.6 Details of those with parental responsibility,
 - 8.4.7 The name and contact detail of the local authority's appointed representative and the relevant operations manager,
 - 8.4.8 Any immediate information necessary to ensure the child's safety,
 - 8.4.9 Relevant information about the child's family/carers and contact details (where different to those in 8.7.2 above).
 - 8.4.10 Relevant information about the child's needs, especially with regard to the child's health & education needs
 - 8.4.11 The date when the appointed representative will be visiting the child.
- 8.8 The child must be visited by their Social Worker within 10 working days of them entering custody unless this is not reasonably practical.
- 8.9 The social worker must ensure that they or a representative also visit the child when reasonably requested to do so by:
- 8.4.12 The child
 - 8.4.13 A member of staff of the establishment where the child is detained
 - 8.4.14 The child's parents or persons with parental responsibility
 - 8.4.15 The relevant WYJS case manager
- 8.10 Where it is agreed that the child will continue to hold 'Looked After' status on release/transition from custody, arrangements should be made for the nominated Social Worker to maintain contact with the child whilst they are in custody. These contacts should be the same as for any other looked after child. Where a visit is not possible a video conference can be arranged through the WYJS.
- 8.11 When planning for release, a Release on Temporary Licence (ROTL) should be arranged by WYJS through the secure estate to enable the young person to attend appointments for the following:
- 8.4.16 Education/Training appointments
 - 8.4.17 Accommodation appointments
- 8.12 WYJS will complete the planning for release, unless the local children's team is managing the looked after process in which case this will be completed in partnership with WYJS, identifying an 'owner' for each element of the resettlement plan.
- Options for the child/young person's placement on release will be as follows:
- 8.4.18 The child's parents or wider family will be able to solely care for the child on release from custody with the required supervision from WYJS,
 - 8.4.19 The child's parents or wider family will be able to care for the child on release from custody, with support under section 17 of the 1989 Act and with supervision from WYJS,
 - 8.4.20 The child will become looked after on release,
 - 8.4.21 The child will live independently, where considered appropriate.

- 8.13 Prior to release WYJS will ensure that the relevant local children's team operations manager, as the local authority designated manager, receives a copy of the Resettlement plan to ensure that its recommendations are acted upon.
- 8.14 The local children's team must be included in discussion regarding planning for release if the plan is for the child to be 'Looked After' or for them to be provided with support in the community from the children's team.
- 8.15 As soon as possible and no later than 14 days before release, the child must be advised of:
- 8.4.22 Who is collecting them,
 - 8.4.23 Where they will be living,
 - 8.4.24 The reporting arrangements to WYJS,
 - 8.4.25 Sources of support – including out of hours,
 - 8.4.26 Arrangements for their education or employment,
 - 8.4.27 Arrangements for meeting continuing health needs,
 - 8.4.28 How and when they will receive financial support,
 - 8.4.29 When they will be seeing their social worker,
 - 8.4.30 The roles and responsibilities of the respective practitioners.
- 8.16 Children returning to the community will be supervised by WYJS. Where the local children's team has agreed extra support is appropriate then the following should be addressed:
- 8.4.31 Any adjustment and support to enable the child to live in the community,
 - 8.4.32 Assistance in meeting the requirements for reporting and surveillance
 - 8.4.33 Re-integration into education or training
 - 8.4.34 Re-establishment of contact with family and, where appropriate
 - 8.4.35 Plans to divert the young person from re-offending
- 8.17 Joint appointments by the WYJS practitioner and local children's team social worker should take place with the child to ensure information is shared and service delivery is fully integrated.
- 8.18 Where the young person becomes looked after on release from custody, their care plan must be reinstated, and the placement plan must be agreed with their placement provider by the social worker managing the looked after process.

9. Children and Young People Looked After 16 years and over

- 9.1 All children and young people 'Looked After' on or after their sixteenth birthday are entitled to a service from their local children's team. When young people become 'Looked After' as part of the criminal justice process, the WYJS must notify the relevant children's team. Multi-agency services will be provided in line with the Warwickshire's Leaving Care policies and procedures, including Warwickshire's Local Offer for Care Leavers.

- 9.2 If a young person is an 'eligible' or 'relevant' care leaver this status remains unchanged while in custody and the responsible local children's team retains responsibility for providing support during his/her time in custody and on release.
- 9.3 The arrangements for review of Care Plans in the secure estate (including Young Offenders Institutions [YOI], Secure Training Centres [STC] and Local Authority Secure Children's Homes [LASCH]) are as follows:
- 9.3.1 The care or pathway plans of eligible or relevant young people will be reviewed by independent reviewing officers,
 - 9.3.2 The review of Detention and Training Orders and s91 Custodial Orders (of the Crime and Disorder Act, 1998), will be reviewed by WYJS practitioners,
 - 9.3.3 The pathway plans of former relevant young people will be reviewed by children's services team managers.
- 9.4 These review meetings will be combined, wherever possible, to ensure information is shared and consistent.
- 9.5 As a 'relevant' young person under the leaving care framework the responsible local authority must allocate a personal advisor who will work with the young person to prepare a pathway plan. Services provided by the Leaving Care team should include:
- 9.5.1 A safe housing option for 16 & 17yr olds to meet their needs and enable them to understand their rights and entitlements.
 - 9.5.2 Support when they reach 18 years and above to find somewhere suitable to live, they will have a priority with the housing department who the leaving care team will work with on their behalf.
 - 9.5.3 Other services available to local Care Leavers in accordance with the Local offer
- 10. Process of Transfer of Case Accountability**
- 10.1 Where cases are being joint worked between the two services, these will be monitored through the Protocol Review Meetings.
- 10.2 Where a transfer of case responsibility between the services is to be considered, a Protocol Meeting should be arranged, where the relevant team managers will agree the future direction. Where these parties are unable to agree a way forward, they will refer to their Operations Managers to decide a final outcome.
- 10.3 If it is agreed that case accountability will be transferred, a meeting should be called between the practitioners and the child or young person and his/her family to inform them of the transfer and the reason for that transfer.

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- 10.4 The responsible children's team will need to amend the Mosaic record where the case has been accepted by them and amend the WYJS practitioner to an assigned worker where there is on-going involvement by WYJS. WYJS will need to amend ChildView record to reflect the decision made.

11. Process of Working with Different Clients in the Same Household

- 11.1 Where workers are working with different children and young people of the same household, clear communication and liaison is important in order to:
- i) Share information
 - ii) Discuss the roles and responsibilities of each worker
 - iii) Discuss the way in which information is communicated between the two services in the future.
 - iv) Discuss how the work will be reviewed.
 - v) Avoid duplication
- 11.2. The distinction between their roles and responsibilities will be discussed with the children and young people concerned and their family in order to ensure that confusion does not arise during future involvement.

12. Young People aged 16yrs and 17yrs Presenting as Homeless

- 12.1 Warwickshire Children's Services and local housing departments have implemented the 'Warwickshire Protocol for Assessing and Managing the Housing Needs of Homeless Young People'. This requires local children's teams and local housing departments to undertake a joint assessment of 16 and 17 year olds housing needs.
- 12.2 WYJS will refer to local children's team when a young person known to them is presenting as homeless.
- 12.3 Upon receipt of a referral from WYJS which suggests that a young person may be in need of accommodation, the local children's team will convene and chair a team around the child meeting in order to consider the full range of options for the young person concerned. This will be in line with current procedures for dealing with children and young people who may need to be looked after by the department and should consider what supports are necessary in order to avoid the young person becoming looked after.

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Signed :

John Coleman

John Coleman

Designation: Assistant Director

Signed:

Sally Nash

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Designation: Warwickshire Youth Justice Service Manager