

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 25 June 2009	<b>Meeting Name:</b> Corporate Parenting Committee
<b>Report title:</b>		Looked After Children and Youth Offending Services	
<b>Ward(s) or groups affected:</b>			
<b>From:</b>		Assistant Director Children's Specialist Services	

### **RECOMMENDATION(S)**

1. Corporate Parenting Committee notes the new Youth Offending Service Protocol issued in November 2008.
2. Corporate Parenting Committee notes the steps taken to improve preventative and support strategies for children involved in offending behaviour.

### **BACKGROUND INFORMATION**

3. The Youth Justice Board Inspection of the Youth Offending Services in February 2008 and JAR Inspection in April 2008 both recommended that there needed to be improved joint working arrangements between the Children Looked After and Youth Offending Services.
4. There are currently 533 children in care in the London Borough of Southwark. Of these 5 are in care as a result of significant/severe offending behaviour which resulted in criminal courts remanding them into care for extended periods of time and it was subsequently agreed it would be unsafe for them to return home (or their parents are not willing to have them home because of the nature of the offences).
5. It should be noted that the courts regularly remand children into care for a few days whilst court reports are provided to assist the court in determining the most appropriate sentence. In such cases assessment processes are undertaken by the Assessment and Safeguarding Service and Youth Offending Service jointly.
6. Each year Southwark provides performance information relating to the offending patterns of looked after children who have been in care for over a year. Southwark's current performance (September 2008) shows Southwark is performing well. 14 of the 304 looked after children who have been in care for over a year had been convicted or subject to a final warning. This equates to 5% which is a drop of the 7% recorded in 2005, 2006 & 2007.

### **KEY ISSUES FOR CONSIDERATION**

7. Following detailed discussions between the Youth Offending Service, Children Looked After and Assessment and Safeguarding Service a revised youth offending protocol was developed implemented from November 2008.
8. This was launched at a Management Conference for Children's Specialist Services on the 4<sup>th</sup> December and through respective service meetings held in

January 2009.

9. The Protocol (Appendix 1) outlines the following strategies for Southwark's children namely:
  - Youth crime prevention
  - Work with children 8-13 years
  - Young people aged 14-17 years at risk of offending or anti social behaviour
  - Pre court services for young offenders aged 10 -17
  - Young people appearing in court and made subject to court ordered interventions
  - joint procedures relating to young offenders sentence to custody
10. The services provided to looked after children have been integrated throughout the document thereby enabling CLA social workers to understand how the whole youth offending service operates and where different services might apply.
11. The Youth Offending Services provide reports for looked after children appearing in court. Wherever possible Youth Offending Services staff will also attend court for looked after children placed outside the borough to ensure continuity and close communication with children looked after services. If, due to distance, this is not possible, Southwark's Youth Offending Services will liaise with the local Youth Offending Services to ensure full information is exchanged and agreements are reached concerning recommendations made to the court.
12. The CLA service works partnership with Southwark's Youth Offending Service to avoid custodial sentences whenever possible. Research has shown that custody rarely improves outcomes for children and in the case of children in care can result in a placement disruption with its ultimate impact on education and support networks.
13. Southwark's Youth Offending Services has a well established risk management panel attended by all services involved with young people. This panel identifies the most prolific young offenders in Southwark or those presenting the most concern. The CLA service is fully represented on the panel to ensure an integrated approach where a looked after child might reach the panel's threshold. This enables additional resources to be targeted in a coordinated way for certain looked after children to break the cycle of offending behaviour and to assist their re-engagement with core services.
14. The Heads of the Youth Offending Service and Adolescent and Aftercare Service are meeting with the Police in June to identify a specific strategy around information sharing concerning children in care. This is particularly important given that 60% of Southwark's Looked After Children are placed outside of Southwark's boundaries therefore requiring effective information sharing protocols.
15. The joint initiative will also be focusing on how Police, Youth Offending Service and Looked After Services can work more effectively together to promote the stability of young people in care who are members of gangs. This particular area has been of particular concern for both the Youth Offending Service and Looked After Service as children in care are amongst the most vulnerable people in the community to the allure of gang culture and manipulative adults.
16. The process of case hand over and joint working have been reviewed and significantly improved since the YJB/JAR Inspection process. The revised

protocol clearly outlines the lead responsibilities for the assessment and safeguarding service to comprehensively assess the personal family circumstances of all young people remanded into local authority care. Assessment and Safeguarding Services can work with the Youth Offending Service to develop effective family support and community interventions to avoid the need for custody or the repetition of offending behaviour. This ensures that activities of the Youth Offending Services are appropriately channeled whilst addressing any child protection issues. This agreed joint allocation process also ensures that the required early activities (first 6 weeks) of statutory care planning are undertaken to avoid drift should the child have to remain in care for a longer period.

17. Additional training provided for the Youth Offending Service Administration Team has enabled direct inputting of all remands into care onto Carefirst. This enables the Looked After Service, Quality Assurance Unit and Assessment and Safeguarding Service to become immediately aware of a new care episode (remanded into care) and trigger appropriate assessment and looked child statutory activities. This enables Children's Specialist Services to provide Management reports relating to the numbers of children remanded into local authority accommodation, delivery of core assessments and outcomes.
18. During the last eighteen months a health and safety meeting has been established between the Adolescent and Aftercare Service and the Youth Offending Service located at Bradenham. This joint group chaired by Head of Service Children Looked After has delivered joint plans concerning risk assessments, working with difficult and challenging behaviour, reception management, shared resources and revision of all risk assessments relating to outside activities.
19. During 2008/9 agreement was reached that the Head of Operations (YOS) and the Service Manager (Adolescent and Aftercare Service) would liaise immediately should there be any specific issue concerning a named child where there were concerns.
20. There may be occasions whereby a child already in care commits an offence and receives a custodial sentence. Government guidance has provided clarification that children subject to a full care order will remain the responsibility of the local authority during the sentence and would need to be subject to statutory reviews and pathway planning and ongoing support. The guidance also confirmed that children who are subject to S20 (voluntary accommodation) at the point of sentencing would not remain in care during the period of sentencing. Southwark has decided if a child has been in care under Section 20 beyond the second review and is receiving services from the Adolescent and Aftercare Services, that child will be deemed as remaining in care during the period of their sentence.
21. Both groups of children require the support of the CLA Service at the point of discharge from the Youth Offending Institution. Working in partnership with the Youth Offending Services, a discharge training plan is developed prior to discharge and arrangements put in place for accommodation and support (including education, finance and supervision).
22. While there is not a causal link between the long-term stability of children in care and offending, there is no question that children who are in unstable placements are more at risk of falling in a pattern of criminal behaviour in later life. Considerable support is put into residential and fostering placements to prevent breakdown, including therapeutic support, and help with education, mentoring and

independent visitors.

23. All children looked after have regular reviews of their arrangements, and their care plan is updated regularly, this includes identifying measures, which can help young people stay out of trouble, including a referral to the Youth Offending Service for advice and support where warranted.

## **POLICY IMPLICATIONS**

24. There are no policy implications as this report relates to Children's Specialist Service providing services within the current legal framework.

## **COMMUNITY IMPACT STATEMENT**

25. Southwark CLA Service works to promote the 5 outcomes for children in care as outlined in every child matters. It is recognised that placement stability, engagement in education, access to additional activities, linked with health, lifestyles, all contribute to building resilience in young people to avoid offending behaviour.
26. The Youth Offending Service and Looked After Service recognise that offending is a significant concern for the community and is subject to intense scrutiny, especially around gang activity and knife crime. The Youth Offending Service has a range of specialist services and staff who provide targeted interventions for named looked after children as part of a Team around the Child (TAC) approach.

## **RESOURCE IMPLICATIONS**

- 27 Children Looked After and Youth Offending Services are statutory services which are core funded as well as being supported by a targeted central government grant. It is recognised that children remanded into Southwark's care possibly require a specialist placement as a result of serious offending. By their nature these are residential and costly.

## **CONSULTATION**

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director for Communities, Law & Governance**

28. There are no legal implications arising from this report.

#### **Finance Director**

29. There are no financial implications arising from this report.

#### **Human Resource Implications**

30. There are no staffing implications arising from this report.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

## APPENDICES

No.	Title
Appendix 1	Youth Offending Service/CLA Protocol
Appendix 2	2008/9 Remand into Care Carefirst Report

## AUDIT TRAIL

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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director For Communities, Law & Governance	Yes/No	Yes/No
Finance Director	Yes/No	Yes/No
List other officers here		
<b>Executive Member</b>	Yes/No	Yes/No
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**A Protocol Between  
Southwark Children's Services  
Children's Specialist Services Division  
And  
Southwark Youth Offending Team**

**1. Introduction**

Southwark Youth Offending Team is a multi-disciplinary team, managed by an inter-agency management board, with the aim of preventing young people from becoming involved in crime. The local authority Children's services department is a key partner in this endeavour.

The establishment of the YOT by the local authority and its partner agencies is a key requirement of the 1998 Crime and Disorder Act. The services to be provided and/or co-ordinated by the YOT are outlined in S37 1998 CDA, and local arrangements are specified in the Southwark Youth Justice Plan.

The responsibilities of partner agencies within the Youth Justice system are set out in S17 1998 CDA, which places a duty on agencies to consider the impact upon youth crime prevention in the performance of their core functions. This reinforces the responsibilities placed upon local authority Children's services departments pursuant to Schedule II of the 1989 Children Act.

This protocol will not specifically address issues concerning information exchange, which is subsumed under a wider protocol between the local authority and its partners. The respective duties and responsibilities of the YOT and Children's Specialist Services concerning local Child Curfews, and Anti-social Behaviour orders are dealt with elsewhere and will not be specifically addressed in this document.

The following clarifies roles and responsibilities where the activities of the two services interface.

- ◆ Early intervention to prevent offending behaviour, and services to children in need.
- ◆ Children looked after and those young people involved in the Criminal Justice System who are eligible or relevant with respect to 16+ service provision pursuant to the Leaving Care Services Act.
- ◆ The provision of services to children under 10 years of age with respect to Child Safety orders.
- ◆ The provision services to young offenders sentenced to custody.

These activities relate, in broad scope, to the Crime and Disorder Act strategy priorities S06 and S07.

## 2. Youth crime prevention

2.1 Traditionally, Youth Justice services have been delivered to young offenders being prosecuted at court. The CDA 1998, however, clarifies the aim of the Youth Justice Service as being to prevent offending behaviour. This entails:

- ◆ Targeted intervention for young people at risk of involvement in criminal or anti-social behaviour, preferably at the pre-offending stage
- ◆ Early intervention before patterns of offending behaviour have become firmly established, i.e. schemes of diversion for young people receiving Reprimands/Final Warnings and, as of 2002, Referral order programme for young offenders pleading guilty at their first appearance in the Youth Court for offences not warranting custody
- ◆ Evidence-based interventions aimed at reducing the risk of re-offending for young people receiving Reparation orders, Community Penalties and custodial sentences.

2.2 The range of services provided or co-ordinated by the YOT with respect to Pre-offending intervention, Early intervention, and Confronting offending behaviour are outlined in the local annual Youth Justice Plan.

**2.3 The following discusses the roles and responsibilities of the YOT and the Children's Specialist Services, and how areas of interface should be managed in the context of S17 1998 CDA requirements.**

**2.3.1 This protocol seeks to improve key areas:**

- ◆ **Broaden the definition of agency roles and responsibilities with respect to young offenders and their families.**
- ◆ **Increase clarity as to the role and function of partner agencies in the youth justice arena, and improve the shared understanding of the requirements of S17 1998 CDA.**

**2.4 The involvement of one agency in a case does not preclude the legitimate involvement of another. The emphasis should be placed upon delivering a 'joined-up' service, rather than segmented interventions. This process will require clear Case Management, and the active involvement of operational and service managers to prevent young people being left unsupported, inter-agency conflict or, alternatively, wasteful duplication of efforts.**

**This protocol provides a framework for working effectively in partnership to prevent offending, reduce re-offending and to address significant risk factors associated with involvement in crime and other aspects of social exclusion.**

**2.5 The protocol is organized, in the interests of accessibility, into the following discrete areas, but clearly there is considerable overlap.**

- ◆ **Work with children under 10 years at risk of involvement in crime.**
  - ◆ **Young people aged 13 -17 years at risk of involvement in crime.**
  - ◆ **Pre-court services to young offenders aged 10-17 years.**
  - ◆ **Services to young offenders made the subject of court-ordered interventions, including custody.**
3. **Work with children 8 – 13 years**
- 3.1 **The age for criminal responsibility is 10 years and, therefore, younger children cannot commit offences. However, many children misbehave in ways that would constitute an offence if they were aged 10 years or over. Research indicates that the early onset of such behaviour is associated with future persistent and/or serious offending.**
- 3.2 **The Crime and Disorder Act 1998 introduced the Child Safety order to provide local authorities with the means to address effectively concerns relating to this age group.**
- 3.2.1 **A Child Safety order is available in the Family Proceedings Court upon application by the local authority, and the order is a Family Proceedings as defined by SVIII of the 1989 Children Act.**
- 3.2.2 **The criteria for application are:**
- i. **Behaviour which would constitute an offence if aged 10 years or more**
  - ii. **Evidence of being at risk of behaving in a way that would constitute an offence if aged 10 years or older**
  - iii. **Breach of a Local Child Curfew order**
  - iv. **Behaviour likely to cause alarm or distress to persons not living in the same household.**
- 3.2.3 **The local authority must demonstrate that:**
- a. **The grounds are met, and**
  - b. **That the imposition of an order is likely to be effective.**  
**This requires the specification of services to be provided.**
- 3.2.4 **The order must specify the Responsible Officer who may be either an employee of the Children’s Specialist Services department, or a member of the Youth Offending Team. The Youth Inclusion and Support Panel (see below) will determine the lead agency but application for a Child Safety Order must be made by Children’s Specialist Services with the necessary advice and guidance from Legal Services.**
- 3.3 **The order is of 12 weeks duration and may be accompanied by a Parenting order. A Parenting order requires the parent(s) to attend counselling/guidance sessions once per week for a maximum of 12 weeks. Additional requirements, such as ensuring their child attends school regularly may be imposed for up to a year.**



- 3.3.1** The YOT provides a range of services for parents that may be appropriate under these circumstances, and is experienced in the process of assessing the suitability of a Parenting order, which may include intensive support to the whole family provided by the Family Intervention Project.
- 3.4** If breach proceedings are necessitated by the child's failure to comply with requirements without reasonable cause the court may consider Family Proceedings pursuant to S31 1989 Children Act. (The grounds for breach proceedings are set out in Section 7.4.3 of the National Standards for Youth Justice, with which all Responsible Officers must be familiar).
- 3.5** The process for identifying children at risk, determining the need for intervention and whether this can be delivered on a voluntary basis or requires the imposition of an order is set out below. A process map is attached (Appendix I).
- 3.5.1** Concerns about children's behaviour in relation to the criteria outlined in 3.2.2 will enter the system by differing routes. Concerns relating to criteria *iv* may be conveyed to Children's Specialist Services and the YOT by the Anti-Social Behaviour Team, who will have been alerted by Housing Management Services or the police. Breaches of Local Child Curfews, where applicable, will be notified to Social Care by the police. These two areas are addressed in specific protocols elsewhere. In most cases the YOT and Children's Specialist Services will be notified via the police Merlin reports via the Public Protection desk, although the process needs to be sufficiently flexible to respond to concerns raised by schools, and parents themselves, and these may be routed through the Assessment Safeguarding and Family Support Services (ASAFs) or the YOT.
- 3.5.2** Merlin reports are sent to Children's Specialist Services and the YOT, where they are reviewed by the seconded police sergeant for concerns in relation to criteria *i* and *iv*, concerns relating to *ii* and *iii* are most likely to be identified by Children's Specialist Services, and shall be conveyed to the operational manager (YOT) for Early Intervention Services. It is expected that a Child in Need Assessment will have been undertaken prior to notification so that concerns and possible interventions can be specified.
- 3.5.3** All Merlin notifications are entered on the YOT's database for reference. In the event of behaviour likely to result in prosecution, rather than Reprimand, if the child were aged 10 years or over, or a repetition of less serious behaviour, an assessment for intervention is indicated. An officer designated under the joint information sharing protocol will check whether the child is currently allocated to Children's Specialist Services and, also, confirm the child's status with the education services.
- 3.5.4** All cases of concern, whether identified by the YOT or a partner agency with respect to children aged 8 – 13 years, will be discussed at a monthly multi-agency Youth Inclusion and Support Panel meeting. There are two Panels in the borough (North and South) with senior representatives in attendance from the YOT Early Intervention Team, Education, Child and Adolescent Mental Health, Police and the Anti-

**Social Behaviour Unit. The Panels are currently chaired by senior managers from Children's Social Care.**

**3.5.4.1 The YISP will determine whether the threshold for an intervention has been met based on an assessment of the risk factors associated with future involvement in offending or anti-social behaviour (see separate YISP proposals document). If the thresholds are met, the YISP will identify a lead agency:**

- Children's Specialist Services if a Child in Need, or where there are child protection concerns.**
- YOT where risk of Offending or anti-social behaviour is indicated.**
- On occasion other agencies can take on the lead role.**

**The lead agency is responsible for agreeing an Individual Support Plan with the child, family and partner agencies, and the allocated worker will be responsible for co-coordinating and case managing the various agency responses, and reporting back to the YISP as indicated by the chair.**

**3.5.4.2 It is imperative that the Plan is supported by rigorous assessment and it is expected that the YISP-specific Onset assessment tool will be used. This tool will always be used even when Children's Specialist Services have already completed a core assessment as the Onset identifies the criminogenic risk factors to be addressed in an intervention.**

**3.5.4.3 It is a general requirement that children who are referred to the YISP should not be discussed unless there is parental consent. In certain circumstances where consent has not been given but the chair of the YISP takes the view that the concerns about a child or young person outweighs this the YISP will review the young person.**

**3.5.4.4 In some cases children and families may not engage voluntarily. The Panel must then consider the grounds for a statutory intervention with respect to the powers and duties of a local authority pursuant to the Children Act 1989 a Child Safety Order (see above) if the child is aged under 10 years, or an Anti-Social Behaviour Order if 10 years or above. If the grounds for an ASBO application are met, the YISP can fulfil the functions of a properly constituted ASBO conference without recourse to a further conference. All other powers available under the Children Act should also be considered.**

**4. Young people aged 14 – 17 years at risk of offending or anti-social behaviour**

**4.1 Joint working between the YOT and Children's Specialist Services depends upon a reciprocal flow of information, and the provision of appropriate support.**

**4.2 Children's Specialist Services will have numbers of young people in need, or looked after who may be involved, or at risk of involvement in crime. The YOT has a duty to prevent offending by young people and will offer an assessment and, where appropriate, an intervention to address evident criminogenic factors.**

**4.2.1 The YOT provides a group work programme for Children Looked After in in-borough children's homes and foster care.**

- 4.2.2 Children Looked After in other situations, or requiring individual work, and children deemed at risk of involvement in crime should be referred by the ASAFs or CLA Services (Team Manager) to the YOT for the attention of the operational manager (Prevention). The post holder will decide:**
- a. Whether a YOT assessment (using Onset) is appropriate, and**
  - b. On the basis of any assessment whether an intervention should be offered**

**These decisions will be taken in consultation with the referee, but will be based on the evidence of criminogenic risk factors.**

*The involvement of the YOT is predicated on the assumption of working in partnership and is not an alternative to continued Children's Specialist Services involvement (ASAFs.).*

- 4.3 Notification of youths at risk will, ordinarily, be made by police, or the Anti-Social Behaviour Team. The latter is dealt with in a separate multi-agency protocol.**

- 4.3.1 As noted above, Merlin reports are analysed by the police sergeant seconded to the YOT. Youths identified as coming to police notice for criminal behaviour, but not Reprimanded, Warned, or Charged, or anti-social behaviour without reference to SASBU will be offered a YOT assessment after consultation with Children's Specialist Services and the LEA. Where the young person is currently allocated to Social Care joint working will be offered. If the young person is not allocated, the YOT will offer a service separately after due consultation. A young persons status in relation to ASAF or CLA services can be checked by YOT through access to the Care First database.**

- 4.3.2 Where concerns arise, during an assessment or intervention process, relating to broader issues of welfare or child protection, the operational manager (Prevention) will make a referral to the Referral and Assessment Duty Service, or the allocated team or Operational Manager (Court Services) as appropriate. It is imperative that action is not delayed through repetitive assessments of children and their families. It is, therefore, required that the agency receiving the referral, whether YOT or R&A, responds within 1 working day of receipt of the referral.**

- 4.3.3 Procedures with respect to child protection concerns are detailed elsewhere. However, in the event of children and young people assessed by the YOT as requiring accommodation services pursuant to S20 1989 Children Act, R&A or the allocated team should accept the YOT assessment of need until the first review, or an appropriate assessment and plan has been completed. The necessity for prompt inter-agency action may arise in the following circumstances:**

- Where the Court grants bail with a condition to reside as directed by Children's Specialist Services because parents/carers have refused to accept care responsibilities for the young offender, have not attended court and cannot be contacted, or the Court has imposed a negative requirement prohibiting a return home.**

- In such cases, the Operations Manager (Court Services) will refer the case to the Referral & Assessment Service or the allocated team for appropriate assessment and intervention in partnership with the YOT supervising officer. The agreement to accommodate under Section 20 1989 Children Act must be made at the level of service manager within the ASAF.
- A young offender under the age of 16 years subject to supervision in the community by the YOT becomes estranged from their family.
- In such cases, the Operations Manager (Court Services) will refer the case to the Referral & Assessment Service Or the allocated team. The referral should be processed at the earliest point once it becomes apparent that the home situation is breaking down to enable the YOT and Social Services to joint plan an assessment and intervention. In the event that the situation has broken down without advance warning, the Referral & Assessment Service will arrange for accommodation to be provided on the day of referral in consultation with the YOT as to the needs and supervision requirements of the young person. In this event, an inter-agency planning meeting will be convened within 2 working days to determine an agreed course of action.
- Young offenders under the age of 16 years who are estranged from their families at the point of release from custody (see below).

## **5. Pre-court services to young offenders aged 10 to 17 years**

- 5.1 Young offenders in receipt of a Police Reprimand or Final Warning are immediately notified to the YOT. A Final Warning necessitates a YOT assessment and, in most cases, the offer of a 12-week intervention programme. Reprimands who are CLA/CiN, excluded from school, or have siblings who are offenders will also be offered an assessment and intervention.
- 5.2 The Operations Manager (Pre-Court and Prevention) will ensure that with respect to CLA/CiN details of offences and programmes offered will be entered onto the Care First database within 2 working days of the bail-back meeting. The allocated social worker will be contacted by the YOT officer, and notified of outcomes and plans within 1 working day.
- 5.3 The issues outlined in 4.3.2 will be managed as described in that note.

6. Young people appearing in court and young offenders made the subject of court-ordered interventions.

- 6.1 The YOT has responsibility for monitoring all young people appearing in court, recording outcomes, and advising the court of services available where appropriate. However, not all young people appearing in court require services provided directly or co-ordinated by the YOT, particularly where young people are remanded to appear on unconditional bail.
- 6.2 Where objections to bail are raised the YOT will provide an assessment, wherever possible on the day of the 1<sup>st</sup> hearing and, where practical, provide or

co-ordinate a bail supervision programme. The bail assessment may give rise to concerns relating to the home circumstances that would warrant a referral to R&A or the allocated team. This will be progressed via the YOT duty manager. In cases where Children's Specialist Services are already actively involved they are expected to retain their involvement, and the YOT caseworker will involve the Specialist Services caseworker in the planning process, and vice versa. Clearly, open information exchange within the parameters of the information sharing protocol in line with S115 1998 CDA is required.

6.3 The court has the power to Remand into Local Authority Accommodation a young person under the age of 17 years appearing for an offence for which a custodial sentence would be available if they were an adult.

**6.3.1 Young males aged 15 or 16 years will ordinarily be remanded into custody where bail has been refused. However, if assessed as vulnerable by the YOT officer in court, they will be remanded into local authority secure accommodation. Any young person aged between 12 and 14 years remanded for serious offences may be similarly remanded into secure accommodation. Young women may not be remanded into custody under the age of 17 years.**

6.3.2 The majority of young people refused bail will be remanded into open accommodation.

6.3.3 The YOT manages the Children's Specialist Services placement budget for remands and has responsibility for commissioning placements, either through Children's Specialist Services brokerage or, in the case of secure accommodation, through the Youth Justice Board.

**6.3.3.1 Exceptionally, young people will be bailed with a condition to reside as directed by the YOT / Children's Specialist Services. This will occur where the offence(s) does not warrant a remand into local authority accommodation or custody, but the young person cannot offer a safe address for the purposes of bail.**

*In such cases the YOT will commission a placement where appropriate, but will automatically refer the case to R&A or allocated team, given the current estrangement from the primary carers. The case will transfer to the Children Looked After Service if the young person remains looked after at the time of the first review.*

6.4 All young people RiC, RiLAA, or bailed with a condition to reside due to estrangement from primary carers will be allocated a YOT worker to manage the remand, and to liaise with Children's Specialist Services via the provision of services\* as appropriate. However, all young people remanded into local authority accommodation will be notified to ASAF by the YOT officer(s) in court at the point of the remand, and a social worker from ASAF will be allocated within 2 working days. The social worker will be responsible for liaising with any accommodation provider in relation to a placement agreement in consultation with the allocated YOT officer, completing all Looked After Children documentation and ensuring compliance with timescales for statutory reviews in consultation with the Quality Assurance Unit. The ASAF social

worker will retain case responsibility until the first review at which point the case will be transferred to the Adolescent and Aftercare Service. The YOT and ASAFs worker will conduct a joint assessment prior to the first CLA review within 4 weeks, which the ASAF worker will arrange in consultation with the Quality Assurance Unit. At first review a CLA services worker will be allocated for the duration of the looked after episode.

6.5 A critical function of the joint assessment, as well as identifying criminogenic factors, is to assess the possibility/desirability of a return home upon completion of the criminal proceedings. Where this is deemed unlikely or undesirable, the young person will be accommodated (S20 1989 C.A). If the young person can return home with support a joint referral will be made to ASAFs or Localities Team.

6.5.1 In cases where Children's Specialist Services are actively involved it is required that case involvement continue and be integral to the case planning and service delivery process.

*N.B. Where young people are already looked after, the allocated social worker is primarily responsible for ensuring the young person's attendance at court, and that the department is adequately represented in proceedings.*

Where a pre-sentence report is required, this will be completed by the YOT, but details of the young persons Care Plan (or Pathway Plan) must be included.

6.6 Court-ordered interventions will be supervised by the YOT, in accordance with sentence requirements and National Standards for Youth Justice. This role does not preclude Children's Specialist Services remaining involved in a case, or becoming involved after an assessment of need prompted by a YOT referral. It is essential that Joint Planning of Service Provision is appropriately planned and managed. It would be appropriate for reviews of court-ordered interventions to be organized and chaired by a YOT manager, while Child Care reviews are chaired by Independent Reviewing Officers. Where appropriate a single meeting can fulfil both functions if agreed by both services.

6.7 In the event of CLA/CiN being charged with an offence and prosecuted in court the following procedures will apply.

- The YOT will notify the allocated social worker within 1 working day of having received notification of the offence, court appearance, or PSR request. The YOT will continue to update the social worker as appropriate. However, where the child is looked after, the functions of the YOT **do not** remove the imperative for the social worker to act in loco parentis as a responsible adult in the court proceedings.
- In the case of Children Looked After, out-of-borough and committing offences, the social worker will notify the YOT of any proceedings within 1 working day of notification of charge, court appearance, or conviction to enable Southwark YOT to liaise with the home YOT as appropriate

6.8 If a child has been RiLAA until the first statutory looked-after review, arrangements must be made for the young person (CLA) to be transferred to

the CLA Services. This must happen within five working days after the review (to be arranged by the allocated ASAFs social worker).

- 6.9 The Quality Assurance Unit will endeavour to deploy an IRO with specialist knowledge of youth offending processes.

## **7. Joint procedures relating to young offenders sentenced to custody**

- 7.1 Young offenders convicted of serious offences, or where the offending behaviour is considered by the Court to be persistent may be sentenced to custody.

7.1.2 The majority of custodial sentences for young people are Detention and Training Orders with a minimum sentence of 4 months and a maximum of 2 years. In general, half of the sentence is served in custody and the remainder served in the community under supervision of the YOT. Young people charged with an offence for which a longer sentence would be appropriate, are committed by the Youth Court to the Crown Court, where they can be sentenced to longer terms of imprisonment pursuant to S91 or 92 of the Crime and Disorder Act 1998. However, it is usually the case that the young person will be released into the community under the supervision of the YOT at the midway point of the sentence.

7.1.3 The facility exists for the Prison Governor, in both categories of sentence, to allow early release in response to good behaviour. The prison authority will inform the allocated YOT worker of the early release date and the mandatory release date in the early days of the sentence.

7.2 There are significant implications for joint working with young people receiving custodial sentences both pre and post release.

7.2.1 All young prisoners are the subject of a Training Plan agreed by the custodial establishment and the supervising YOT, which considers tackling offending behaviour, associated risk factors, education, well-being, and post-release arrangements and continuing supervision. The supervising YOT officer will invite an officer from the Quality Assurance Unit to the final Training Plan meeting held in custody with respect to any Child Looked After (S31 1989 C.A.), or who was looked after (S23 1998 C.D.A, or S20 1989 C.A.) immediately prior to sentencing and considered to require continuing support upon release from custody. **LOCAL AUTHORITY CIRCULAR LAC (2004)26**

In the case of Children Looked After whether pursuant to S31 or S20 1989 C.A, it is imperative that the Training Plan is integrated with the local authority Care Plan with respect to Children Looked After and/or accommodated. It is recognised that S20 1989 C.A status ceases upon sentencing to custody, but remains good practice for the former care authority to remain involved in the planning process. This may include plans to re-accommodate upon release, where the young person remains vulnerable.

*Children Looked After allocated workers should maintain involvement unless and until a properly constituted statutory review considers that planned objectives have been met, and that satisfactory arrangements consistent with the child's welfare and rehabilitation to the community are in place.*

It is therefore expected that CLA will make arrangements for regular contact with any child who is looked after under a care order while they are in custody, whether by visiting themselves or by making arrangements with the local authority in whose area the YOI or STC is located. The responsible authority should arrange to maintain regular contact with the child and reviews of his care plan or pathway plan should continue. The responsible Team should also ensure that ongoing contact with siblings, where that is part of the care plan, is facilitated. When considering where the young person should live on release from custody, it will be necessary to make appropriate plans in advance of the end of the sentence. It will be important to assess the parental capacity to resume care of the young person or to plan for their move to a placement that is appropriate to meeting the needs identified in the care or pathway plan.  
Local Authority Circular LAC (2004) 6

- 7.3 In the event of a young prisoner being entitled to early release, the YOT is required to provide the Prison Governor with details of the intended address for the young person and its suitability for the installation of electronic monitoring. The Governor must receive this information 10 working days before the release date or early release may be denied, leaving the YOT and local authority open to criticism and possible judicial review. It is imperative that Children Looked After services enable the YOT to comply with these requirements by providing details of the post-release placement 20 days prior to release to enable the premises to be assessed as suitable for the purposes of electronic monitoring.
- 7.4 Some complex cases may require a more flexible approach in relation to referral pathways:
- The domestic arrangements for young offenders supervised by the YOT in the community, whether as part of a custodial sentence post-release, or a community penalty either temporarily or permanently, and appropriate levels of support must be provided without the delay occasioned by repetitious assessment processes.

Therefore, in the case of:

- A young person aged 16 years or over eligible for a leaving care service (a period of Remand into Local Authority Accommodation is relevant to eligibility) the Adolescent & Aftercare Service should accept and action a referral for service from the YOT even if there is not current Children's Specialist Services involvement. Continued service delivery will be monitored through the existing case review process. The YOT worker will invite the CLA Service to the pre-release Training Plan meeting to plan release arrangements, which may include the provision of accommodation under S20 1989 C.A depending upon the assessed vulnerability of the young person, although it is expected that plans will be well-advanced at the point of the pre-release meeting.



- A child under the age of 16 years may need to be accommodated by the Referral & Assessment Service or the allocated team pending joint assessment of need taking account of welfare factors and the risks of re-offending. Subsequent assessment and review should be jointly conducted by Children's Specialist Services and the YOT.

## **8. Further interface issues**

8.1 This protocol does not include issues concerning:

- ◆ The interface between young sex offenders and the child protection process (procedures have been written under separate cover).
- ◆ Service obligations with respect to the investigation and intervention vis complaints of anti-social behaviour, and the application for orders in the Magistrates Court
- ◆ Applications for local child curfew schemes and the implementation of specified notices.

Such documentation will be appended to this protocol as is appropriate.

## **YOUTH OFFENDING SERVICES**

YOS is a multi-agency service, including Social Care, Connexions, Probation Service, CAMHS, Police and PCT, whose principal aim is to ‘prevent young people from becoming involved in offending or anti-social behaviour’. This entails supervising young offenders subject to court orders and intervening to reduce the risk of re-offending, but also diverting young people at risk away from criminal behaviour and into positive activities.

The service is composed of a number of core elements:

## **COURT SERVICES**

The YOT Court Services Team provides a duty service to the Youth Court. Providing staff on a rostered basis to undertake Appropriate Adult duties, supervise young people in the court environs and give oral evidence as appropriate to the circumstances. They are responsible for the preparation of Pre-Sentence Reports and the supervision of a range of Court-ordered interventions following a high quality assessment, in accordance with National Standards and the principles of Effective Practice to address offending behaviour, and the assessment and management of Risk of Harm to others, Safeguarding and the assessment and management of vulnerability.

Southwark is an inner-city borough with a number of high-risk young offenders and therefore we aim to provide high quality interventions and innovative solutions to the problems young people face.

[For further information contact Sharon Barton-Chambers]

## **GANG DISRUPTION PROJECT**

The project aims to challenge young people’s attitudes demystifying the appeal of gangs, and raising consciousness about the effects of negative behaviour.

Based within the Youth Offending Team, the Gang Project is working with individuals who are identified as either known gang members or those on the periphery of involvement, interventions are geared towards exploring the influences on young people, dissecting values and beliefs and assisting them to make more informed life choices.

We offer a 14 week programme that confronts young people on pertinent issues around violence, masculinity, identity, and peer pressure. Using a variety of mediums and sources from visual aids, video, photography, literature and interactive workshops, an emphasis is placed on empowerment and peer education. Where it is felt that individuals are unsuitable for group engagement, one to one work is employed to address issues relating to offending and re-integrating the young person back into society.

[For further information contact Sameera Khan or Amanda Drayton]

## **EARLY INTERVENTION TEAM**

The Early Intervention Team (EIT) is part of the Youth Offending Team and is, along with a multi-agency network, responsible for delivering youth inclusion and support services. The team work with children and young people aged between 8 and 16 who have started to exhibit anti-social and disruptive behaviour and may be at significant risk of offending.

They provide support for parents/carers and young people through mediation and mentoring to help strengthen family relationships.

They support young people by providing group work programmes, one-to-one sessions and constructive leisure activities. They also give support to manage transition to secondary school and home-school liaison to enhance links between home and school.

*[For further information contact Vicky Agnew or Maggie Gilbert]*

## **YOUTH INCLUSION and SUPPORT PANEL (YISP)**

Young people requiring support from more than one service to reduce criminogenic risk factors are referred to multi-agency Youth Inclusion and Support Panels who coordinate holistic intervention plans.

*[For further information contact Vicky Agnew or Maggie Gilbert]*

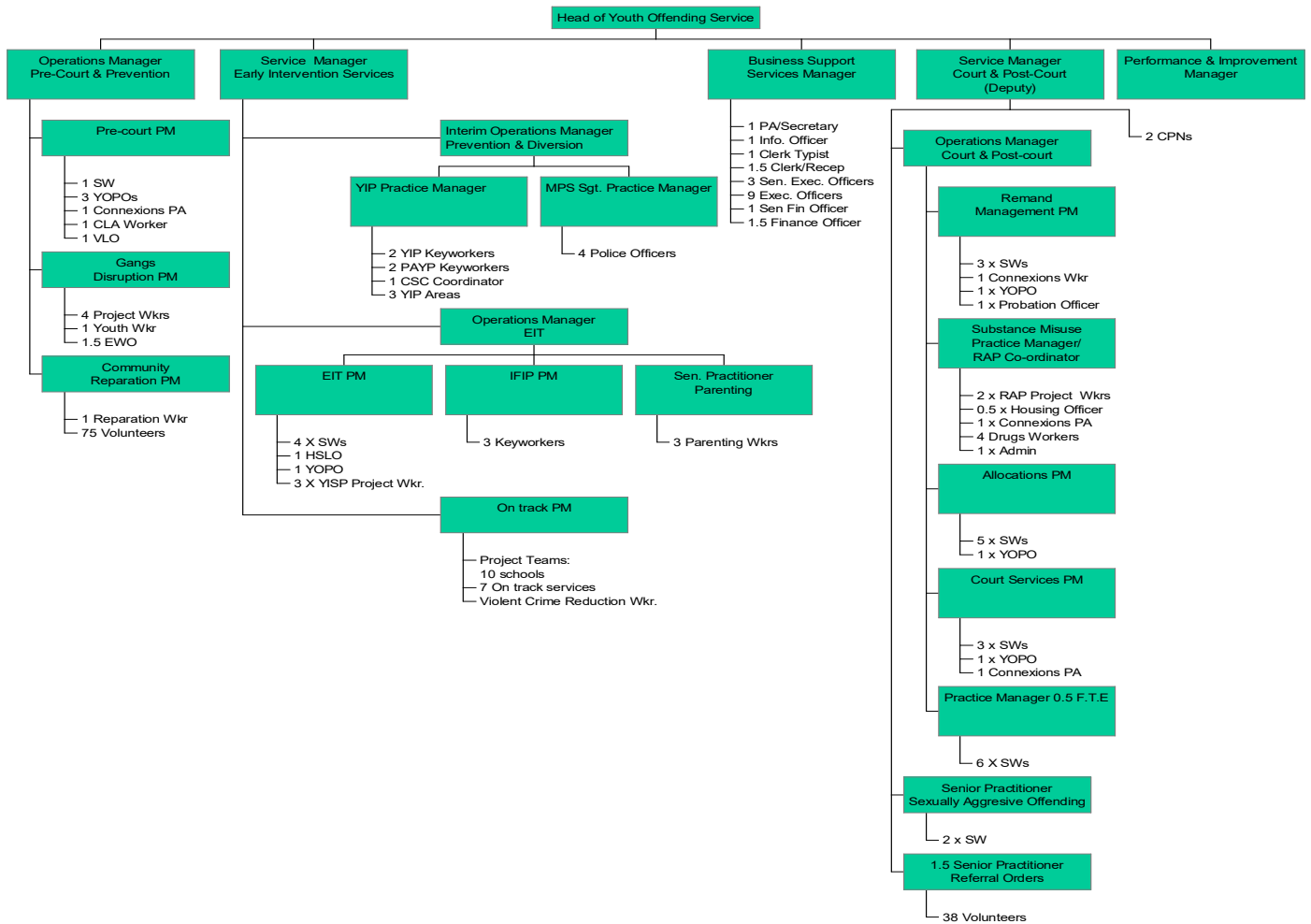
## **YOUTH INCLUSION PROJECTS (YIPs)**

A YIP provides generic youth support for young people, including a range of magnet activities. Targeted support is provided for the 50 most at risk of involvement in crime in the targeted geographical area. This includes dedicated keyworker support.

There are 6 YIPs in the borough, 3 are provided by Kickstart (voluntary sector) and 3 by the YOT in partnership with Southwark Community Games.

*[For further info contact Hannah Edwards or Anna Lumley]*

YOS STRUCTURE – SEPTEMBER 2008



**A Protocol Between**  
**Southwark Children's Services**  
**Children's Specialist Services Division**  
**And**  
**Southwark Youth Offending Team**

**ACCEPTANCE**

**I agree to the terms of the protocol as set out above**

*Signed* ..... *Date:*.....

**Chris Domeney**

Head of Youth Offending Service

*Signed* ..... *Date:*.....

**Rory Patterson**

Asst. Director for Specialist Children's Services

*Signed* ..... *Date:*.....

**Romi Bowen**

Director of Children's Services