



**Handbook of Joint Working
Between
YOUTH OFFENDING SERVICE
&
CHILDREN AND YOUNG PEOPLE'S
SERVICES**

**Promoting Good Outcomes for Children
and Young People**

Version: February 2016



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1. Purpose

- 1.1 The purpose of this partnership agreement is to clarify the roles and responsibilities between Children's Services and the Youth Offending Service.
- 1.2 A number of children and young people who are involved in, or are at risk of becoming involved in, offending will also be children in need. Those signed up to this practice guidance are committed to, wherever possible, avoiding delays due to disputes about who should undertake specific pieces of work in relation to these young people. Recognising that the welfare of the child is a shared concern, all involved will aim for a consistent, continuous service within which resources are effectively managed.

2. Legislation and Legal Context

This agreement is written within the context of;

- The Care Planning Placement Regulations 2010
- The Criminal Justice and Immigration Act 2008
- The Children and Young Person's Act 2008
- The Children Act 2004
- The Criminal Justice Act 2003
- The Anti Social Behaviour Act 2003 T
- The Powers of Criminal Courts (Sentencing) Act 2000
- The Leaving Care Act 2000
- Care Standards Act 2000
- The Crime and Disorder Act 1998
- The Data Protection Act 1998
- The Education Act 1996
- The Children Act 1989
- The Rehabilitation of Offenders Act 1974 (section 2, Annex A)
- The Children and Young People's Act 1969
- National Standards for Youth Justice Services 2009

- 2.1 The Crime and Disorder Act 1998 outlines Children's Services and the Youth Offending Service (YOS) amongst the agencies that are required to work together to reduce youth crime. The YOS aims to reduce and prevent offending by children and young people. Staff employed in both settings will therefore demonstrate a shared commitment to:
 - Preventing offending
 - Promoting alternatives to children being remanded to Local Authority accommodation
 - Helping children/ young people develop a sense of self worth and responsibility
 - Strengthening protective factors for young people at risk
 - Anti-discriminatory practice
- 2.2 The interpretation of the requirements of the legislation with respect to the role of the local authority in assessing children & young people in custody for "child in

need” and “child protection” services was clarified by both the Manchester Judgement (2006) and the Sutton Judgement (2007):

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

The Judgement indicated:

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

- 2.2.2. The Sutton Judgement (SJ (vs.) Sutton 2007) confirmed the responsibility of the Local Authority to undertake a “child in need” assessment with respect to all children and young people in custody with the specific purpose to ensure that on their return to the community they are “suitably” accommodated.
N.B. the Howard League are operational in all secure establishments and do follow up with youth offending teams and Local Authorities the case of any child or young person where accommodation for re-settlement purposes has not been identified. The consequences of not identifying accommodation are the potential for a judicial review.

- 2.3 The Children Act 2008 (clause 15, section 23ZA) prescribes the duty of local authorities to ensure visits to, and contact with, looked after children and young people.
- 2.4 The Children Act 2004 S11 also includes Children and Young People’s Services and the YOS as having a statutory responsibility to take action to safeguard and promote the welfare of children.

3. Definitions

3.1 Young Offenders

A child or young person between the age of 10 and 17 years inclusively who has been convicted for an offence. Although not specified as such in the Children Act 1989, the Derby and Derbyshire Safeguarding Children Procedures recognise young offenders as “Children in Need”

A child or young person who has not been convicted of an offence, but is identified as being at risk of offending will apply, for the purposes of this protocol, to a child or young person who is open to and receiving a programme of intervention delivered or commissioned to be delivered by the Derby City Youth Offending Service as identified in 3.2.

3.2 Child in Need

Defined under the Children Act 1989 as those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development, or it will be significantly impaired, without the provision of services.

3.3 Significant Harm

Significant harm through the Children Act 1989 is the threshold that justifies compulsory intervention in family life in the best interests of children. It gives the Local Authority (Children’s Social Care) a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering from or likely to suffer significant harm (s47). The Act does not provide exact definitions or absolute criteria of what constitutes significant harm. However, S 3.72 of the Derby and Derbyshire Safeguarding Children Procedures provides factors for consideration, including degree and extent of physical harm, duration and frequency of abuse and the extent of premeditation

3.4 Common Assessment Framework (Single Assessment/ Early Help Checklist)

The CAF is a nationally standardised approach to conducting an assessment of a child’s needs. It provides a holistic assessment of the child’s needs in the context of the individual, the family and the community and is undertaken when it is believed that a child has additional needs. The CAF is not used when there are concerns that a child may be at risk of serious harm.

3.5 An **Early Help Assessment** is a brief assessment done by Children and Young People’s Services within seven days of receipt of referral. It builds on referral details by recording information about the child’s developmental needs, by providing an analysis of this information and determining appropriate responses to referrals

3.6 A **Single Assessment** is an in-depth assessment done by Children and Young People’s Services within 35 working days for those individuals identified as having

complex needs. The core assessment is also used by Children and Young People Services to undertake S47 enquiries. It addresses the needs of a child and the capacity of his or her parents or care givers to respond appropriately to these needs within the wider family and community context.

- 3.7 **ASSET PLUS** is an assessment profile for statutory use with all youth offenders who enter and leave the youth justice system. It provides YOS with a consistent means of assessing the risks of re-offending. The profile covers the areas of a young person's life most linked to offending behaviour, including the risk of serious harm to others

4. Roles and Responsibilities

The Derby and Derbyshire Safeguarding Children Procedures (DDSCP) clarifies the roles and responsibilities in its appendix as follows:

- Children's Social Care act as the principal point of contact for children about whom there are welfare concerns (A1.5) and are responsible for coordinating an assessment of the child's needs, to keep the child safe and promote his or her welfare, and of the wider family circumstances (A1.7).'
- The Youth Offending Service's principal aim is to prevent and reduce offending by children and young people (A1.87). Many children and young people open to YOS will also be children in need. YOTs have a duty to carry out their functions so that they safeguard and promote the welfare of children (A1.88).

4.1 Respective Assessments

- 4.1.1 Where a young offender is recognised as a child in need and qualifies for an Initial Assessment, this will be completed by Children's Social Care within 10 working days. ASSET PLUS and referral information will form part of this assessment to minimise duplication and avoid unnecessarily repetition of their circumstances to more than one assessor.
- 4.1.2 Responsibility for single assessments lies with Children Social Care staff. Responsibility for ASSET PLUS assessments lies with YOS staff.
- 4.1.3 ASSET PLUS assessments will provide an assessment, analysis and plan for managing the risk of re-offending, concentrating on areas of a young person's life most likely to be associated with offending behaviour.
- 4.1.4 The YOS will continue to use ASSET PLUS as its principle assessment tools, but will contribute towards other assessment processes, including Early Help Assessment (through the Pre-assessment checklist) and single Assessments.
- 4.1.5 The YOS will meet the identified offending behaviour needs of young people for the duration of current involvement within the youth justice system if the interventions required are deliverable within its current multi-agency structure and available resources. Current involvement is young people that are on criminal

Statutory Orders, court directed Bail Support and Supervision Programmes, YOS Prevention Programmes for those young people that meet the eligibility criteria, and Individual Support Orders, as defined by the Anti Social Behaviour Act 2003.

- 4.1.6 Those signed up to this protocol agree that the assessment of a child's needs as presented in the various assessment formats by either YOS or Children and Young People Services are of equal standing and will be mutually respected.

4.2 Case Responsibility

4.2.1 Not Looked After / Not known or currently open to Social Care:

Children and young people (aged 10 – 17 years) who are not looked after prior to involvement with the youth justice service - **YOS will be the lead professional**, but this may change depending on the outcome of any Child in Need assessment which will always include those who are serving a custodial sentence and are being prepared for a return to the community

4.2.2 Previously unknown/ closed to Social Care and acquires LAC status as a result of a Court decision to remand them to Local Authority Accommodation / Youth Detention Accommodation

Children and young people (aged 10 – 17 years) who are not looked after or open prior to remand to Local Authority accommodation / Youth Detention Accommodation - **YOS will be the lead professional**, but this may change depending on the length of remand and outcome of referral to VCM where ongoing needs have been identified

4.2.3 Already open to Social Care/ MAT and acquires LAC status as a result of a Court decision to remand them to Local Authority Accommodation / Youth Detention Accommodation.

Social Care/ MAT will be the lead professional

4.2.4 Already LAC at the time of the court decision and a community disposal is Imposed Social Care/ MAT will be the lead professional

4.2.5 Where a custodial sentence is imposed on a looked after child / young person who is subject to a care order – see section 8

S31 LAC status remains - Social Care/ MAT will be the lead professional
S20 LAC status ceases but young person should be deemed a child in need (CPPR and Children Act 2008 inserts duty with respect of visiting children formerly Looked After S23ZA) therefore Social Care/ MAT worker should retain lead professional and consideration should be given prior to release as to whether the child should re-acquire LAC status upon release

5. Mandatory Procedures - Referrals to Children's Social Care

5.1 S 47 Child Protection

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- 5.1.1 A referral will be made to Children's Social Care First Contact Team on the same working day by the YOS for those young people who are identified as being at risk of significant harm under Section 47 of the Children Act 1989 by telephone and subsequently confirmed by completing the multi agency referral form as contained in Appendix 5 of the Derby and Derbyshire Safeguarding Children Procedures.
- 5.1.2 For cases where the YOS identifies that a young person requires immediate protection and emergency action due to the belief or knowledge that there is imminent risk to the life of a young person or likelihood of serious imminent harm, the YOS will notify both Children's Social Care and the Police immediately upon receipt of that information.
- 5.1.3 Where young person is known, enquiries will be directed to the relevant allocated social care worker. If the young person is not an open case, the referral details will be passed through to the First Contact Team.
- 5.1.4 All referrals made by the YOS will include the information stipulated in sections 4.6 and 4.7 of the Safeguarding procedures. The YOS will incorporate the relevant information sections of the ASSET PLUS assessments into the additional information section of the referral form to support the reason for the referral.
- 5.1.5 The YOS will inform parents before referring to Children's Social Care and gain consent, unless such action is deemed inappropriate, for example if it placed the young person at greater risk to doing so. However, in accordance with the sections 3.30 -3.32 of the Safeguarding procedures, the YOS' overriding consideration in these cases will be the welfare of the child and will share information without if it believes that the young person is in need or at risk of significant harm.
- 5.1.6 Children's Social Care will decide and record next steps of action within one working day of receipt of initial referral and will notify the referrer of these actions.
- 5.1.7 The YOS will follow up any referral in writing within 2 working days using the agreed referral form within the Safeguarding procedures. Children's Social Care will acknowledge the written referral within one day of receiving it.
- 5.1.8 Practice Issues in relation to Child Protection**
The social worker remains the Lead Professional for a child who is the subject of a child protection plan and YOS will ensure all YOS staff are aware of and comply with:
- i The child protection procedures, and seek 'consultation' when necessary
 - ii The procedures for young people who abuse others and liaise with Social Care appropriately. There is a joint commitment to share responsibility between the services for the assessment of children & young people allegedly involved in sexually harmful behaviour
 - iii Child protection training alongside CSC staff provided by the safeguarding children's board

5.2 S17 Children in Need

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- 5.2.1 Where there are non-urgent requests for social care services or Multi Agency Team locality services, a referral will be made to the Vulnerable Children's Meeting within the relevant locality area for consideration of allocation for those young people having complex needs
- 5.2.2 The YOS will complete the EHA Pre-assessment checklist; ASSET PLUS assessment and single agency request form and send referrals to the relevant locality Single Point of Access clerk;
- Beaufort Business Centre – Locality 1 and 5
 - Stanley Road - Locality 2
 - Ashtree House - Locality 3 and 4
- Each referral will be considered within the weekly Vulnerable Children's Meeting and the referrer will be notified of the outcome.

5.3 Transitions to Multi-Agency Teams

- 5.3.1 Where a child is assessed as requiring **additional** services and a MAT worker is allocated, the YOS and MAT worker will agree respective roles to avoid duplication. They will specify respective areas of work and outcomes to be achieved and record within their intervention plans.
- 5.3.2 Lead professional status should be agreed between the two agencies. This will depend on the nature and length of intervention and who is best placed. Regular communication and update of information is essential to ensure effective partnership working.
- 5.3.3 Referrals can be undertaken at any time but particularly considered when period of statutory intervention is approaching its end. See appendix 4

6. Accommodation

6.1 Remand to Local Authority Accommodation

- 6.1.1 The YOS will undertake assessments for Bail Support and Supervision Programmes to explore all alternative accommodation in order to avoid young people entering the Children in Care system. Where appropriate, Children's Social Care Teams or MATS will assist the YOS in diverting young people from Local Authority accommodation. Respective responsibilities are outlined in Appendix 1.

6.1.2 Non Open Cases to Children's Social Care

- 6.1.3 A young person Remanded to Local Authority Accommodation will be viewed as a Child in Need (in accordance with Safeguarding Procedures s3.680). The YOS will contact the Head of Service (Residential and Leaving Care) to request a placement. The YOS will also immediately (within 1 working day) inform the IRO

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office that a young person has become looked after so that a 28 day review can be arranged in a timely fashion

- 6.1.4 The Youth Offending Service will complete the initial LAC forms; manage the remand placement and send information to the single point of access
- 6.1.5 The YOS will arrange and chair the 72 hour meeting, complete the LAC paperwork and send to relevant Single Point of Access clerk and IRO team. Where other services are required this will be undertaken via referral to the respective Vulnerable Children's Allocation Meeting as per s6.8 above.
- 6.1.6 The YOS will be responsible for completing any Pre-Sentence Reports, addressing criminal behaviour and managing any specific programmes of intervention contained within the remand programme. The preparation of formal Court reports by the YOS will include consultation with residential and fieldwork staff
- 6.1.7 If at the 28 day review stage the child or young person remains remanded to local authority accommodation, the YOS will attend the statutory review and complete the paperwork. The YOS will invite all other involved agencies including Children's Social Care where need has been agreed at the respective locality Vulnerable Children's Allocation Meeting.
- 6.1.8 If prior to the 28 day review the child or young person is sentenced and returns home (or to alternative non local authority accommodation), the YOS will cancel the planned statutory review.
- 6.1.9 If prior to the 28 day review, the remand status has ended but the young person still requires accommodation under s20 as a CIN, a YOS manager will refer the young person at the earliest opportunity to the relevant locality team's weekly vulnerable children's meeting in order to request a placement and allocation of a Social Care Worker. Where the 28 day review is imminent, the YOS will be flexible and continue with the review whilst the social care worker is appointed. The locality team will be responsible for the care plan and convening future reviews from this point onwards. The YOS will support the review process and attend all subsequent meetings.

6.1.10 Open Cases to Children's Social Care/ MAT

- 6.1.11 The YOS will inform the relevant Social Care or MAT Manager and allocated social worker of remand status and contact the Head of Service (Residential and Leaving Care) to request a placement. The YOS will also immediately (within 1 working day) inform the IRO office that a young person has become looked after so that a 28 day review can be arranged in a timely fashion
- 6.1.12 The YOS will undertake to arrange and chair the 72 hour meeting, complete the

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LAC paperwork and send to the allocated Social Worker and IRO team. The allocated Social Worker will attend the 72 hour meeting.

- 6.1.13 If at the 28 day review stage the child or young person remains remanded to local authority accommodation, the YOS will convene the statutory review and complete the paperwork. YOS will invite the Independent Reviewing Officer and the allocated social worker.
- 6.1.14 If prior to the 28 day review the child or young person is sentenced and returns home (or to alternative non local authority accommodation), the YOS will cancel the planned statutory review.
- 6.1.14 If prior to the 28 day review, the remand status has ended but the young person still requires accommodation under s20, a YOS manager will notify the allocated social worker at the earliest opportunity to request a placement. The locality team will be responsible for the care plan and future reviews from this point onwards. The YOS will support the review process and attend all subsequent meetings.

6.2 –Remands to Local Authority Accommodation or to Youth Detention Accommodation (see also Placements in Secure Accommodation Procedure <http://derbycsc.proceduresonline.com/chapters/contents.html>)

6.3 Reside as Directed by the Local Authority (S3.6) Bail Act 1976

- 6.3.1 The Act does not specify the conditions that can be used in which circumstances to address the exceptions to unconditional bail. As a result, magistrates have wide discretionary powers to impose whatever conditions they feel are necessary.
- 6.3.2 To clarify the situation for the Local Authority, the YOS will, when circumstances arise relating to accommodation needs for young people, request that the court follow Remand to Local Authority Accommodation procedures to address specific accommodation needs. The YOS will then follow the remand process as outlined in section 7.

6.4 S20 Accommodation

6.4.1 Open and Non Open Cases to Children’s Social Care

- 6.4.2 Where a child or young person requires accommodation, the YOS will ensure every effort is made to secure alternative accommodation or return and re-integrate the young person back into their family environment prior to notification to Children’s Social Care.

- 6.4.3 If the young person is already an open case within a locality team, the YOS will notify the allocated social worker and request a placement. The relevant locality team will be responsible for the care plan and convening LAC reviews from this point onwards.
- 6.4.4 If the young person is not an open case, the YOS will contact the First Contact Team to request a placement and allocation of a social care worker. Should this result in the young person being accommodated and/or require an ongoing social care service, this will be transferred to the relevant locality team who will be responsible for the care plan and convening LAC reviews from this point onwards.

6.4.5 Homeless; 16 and 17 year olds

Where the young person is not already open to social care, the YOS will refer young people to Housing Options as per the Joint Housing Protocol. Housing will refer young people, where appropriate to Social Care as per the Housing Protocol. Where joint assessments are required between Social Care and Housing to establish the status and support needs of that young person in line with the protocol requirements, the YOS will contribute to the process by sharing information and their own assessments.

6.5 Youth Rehabilitation Order (YRO) - Local Authority Residence Requirement.

The Criminal Justice and Immigration Act 2008 introduces a generic community order for young people – the Youth Rehabilitation Order. From 30.11.09, Courts are able to attach a local authority residence requirement (Section 1 (1) (j) and paragraph 17 of Schedule 1) to a YRO requiring a child or young person under the age of 16 years to reside in accommodation by or on behalf of the local authority specified in the Order. This will be for a period of up to 6 months where the existing living arrangements have contributed to their offending behaviour. This may include foster care or independent living support and or stipulate that the young person is not to reside with a specified person. (see appendix 2 for detail regarding Youth Rehabilitation Order)

7. Looked After Child Status and Youth Justice

- 7.1 For those children / young people, aged 10 – 17 years, who are charged with an offence(s) and appear before a Court, the following remand decisions, which may be made by either a Youth or Crown Court, will result in them acquiring the legal status of “looked after child”. These decisions are:
- **Remand to Local Authority Accommodation** – Bail has been denied but the Court wish to place the child / young person in a community placement. **The child/young person will be considered as a looked after child irrespective of where they are placed, even if the court agrees to them remaining at home.**

- **Remand to Youth Detention Accommodation**– Bail has been denied and the Court want the child / young person held in conditions of Security in either a Secure Children’s Home Secure Training Centre or a Young Offender Institute.

- 7.1.1 LAC status will apply when children (not previously looked after) who a **Court grants bail with a condition to reside where the local authority directs** do become “looked after” if they are being provided with a local authority funded placement. NB they are not looked after if the decision is that they should remain at home or if there is a condition imposed by the Court to live as directed by YOS.
- 7.1.2 Where a child / young person is accommodated under Section 20 (Children Act 1989) when they enter a secure establishment for remand in custody (15-17 years only remanded to YOI under adult remand legislation) or for sentencing purposes they are **not** looked after during their time in custody. However in Derby, where a young person is sentenced to less than 12 months Detention and Training Order and the likelihood of ongoing needs is envisaged at point of release, Social Care/ MAT will keep the case open and work with YOS regarding respective roles and functions – see CPPR section 7.2
- 7.1.3 Unaccompanied Asylum Seeking Children Derby Social Care will continue to provide the same level of service to this group as though they are looked after or entitled to leaving care services as they do not have a person with parental responsibility for them in the United Kingdom.
- 7.1.4 Children subject to a full care order retain their LAC status regardless of being in custody and those Unaccompanied Asylum Seeking Children thought to have a history of convictions which they have not declared and which may merit refusal of entry to the country will be held in custody.

7.2 Care Planning Placement Regulations 2010 - Looked After Children in contact with Youth Justice Services

Whilst local authorities have primary responsibility for looked after children, they are entitled to expect the support of partner agencies, including youth justice services. The Children Act 2004 places a duty on Youth Offending Teams (YOTs) and custodial establishments to make arrangements to safeguard and promote the welfare of children (section 11) and to cooperate with other agencies (section 10), and they should have processes in place to fulfil these duties.

7.3 Response to offending behaviour

- 7.3.1 Local authorities and YOTs should have well understood arrangements in place to support each other’s involvement with individual children, including those looked after outside their home authority. This will require information-sharing protocols, effective IT systems, up-to-date contact information and staff training. In Derby these arrangements are as follows;

- 7.3.2 If a looked after child is arrested, the Youth Offending Service will ensure that the child has the support of an appropriate adult and solicitor with the necessary knowledge and skills whilst at the police station.
- 7.3.3 The child's social care or MAT worker and the YOS will communicate with each other and share relevant information about the child's circumstances and needs. This will include the social or MAT worker passing on key information from the child's care plan or pathway plan and the YOS worker disclosing details of the child's offending.
- 7.3.4 Whether the child is prosecuted or not, consideration should be given to reviewing the child's care plan in conjunction with the YOS to ensure that measures are in place to address the causes of the child's offending.

7.4 Children charged with an offence

When a looked after child is charged with an offence it is important that looked after children are not disadvantaged by a refusal of bail because of their status. The court needs to have confidence that the child will be supported to adhere to any conditions of bail and is living in a suitable placement. Local authorities, in conjunction with the YOS, should work together to develop suitable bail support programmes to ensure that there are viable alternatives to the child being remanded to secure accommodation.

7.5 Sentencing

- 7.5.1 If a looked after child is convicted of an offence, relevant information will be exchanged between the social care and/ or MAT worker and YOS worker to enable completion of the pre-sentence report (PSR) which will be used by the court to determine the appropriate disposal. The YOS worker should consult the child's social worker or MAT worker over the content and recommendations of the PSR, ensuring that mitigating factors arising from the child's life experiences are included and that welfare considerations are reflected in the proposed disposal.
- 7.5.2 Explicit consideration should be given to factors that will make the child particularly vulnerable if sentenced to custody and should be included in the report. The responsible authority should also provide information on the interventions and support that would be made available if the child were to receive a community disposal. Copies of the ASSET PLUS, PSR and other reports completed by the YOT must be sent to the child's social worker.
- 7.5.3 If a custodial sentence is likely, all workers will agree how they will work together to prepare the child and their family by explaining what will happen and how the child will be supported during and after their time in custody.
- 7.5.4. It is good practice for the allocated social worker or MAT worker to attend court with the child, particularly on the day of sentence. This is in order to support the child, but also to ensure that the child's best interests are represented, for example

by discussing the possibility of an appeal with the child's legal representative. In any event, prior agreement should be reached with the YOS about how the decision of the court will be notified to the responsible authority, including details of the child's placement if they are sentenced to custody. This notification should take place on the same day as sentencing, and be followed up in writing.

- 7.5.5 If the child receives a community sentence, the local authority social or MAT worker and supervising YOS officer will continue to work closely together, sharing information and clarifying their roles and responsibilities in relation to the child. The child will remain a looked after child.
- 7.5.6 If the child receives a custodial sentence, the responsibility of the local authority will depend on the child's legal status:
- if the child is subject to a care order under section 31 of the Children Act 1989, there is no change to their legal status and the local authority continues to be responsible for planning and reviewing their care;
 - If a child was accommodated under section 20, he or she will lose their looked after status while serving the custodial sentence because they are not being accommodated in a placement provided by the local authority. They may however, be entitled to consideration as a child ceasing to be looked after¹. The new duty set out in section 23ZA also imposes a duty on local authorities to visit such children in custody and will be the subject of separate guidance.
- 7.5.7 If a child was remanded to the care of the local authority under section 23 of the Children and Young Person's Act 1969, they cease to be looked after on being sentenced to custody.
- 7.5.8 If the child is a relevant care leaver, this status remains unchanged whilst in custody and the local authority that looked after the child retains responsibility for providing support during their time in custody and on release. Some children will acquire this status whilst they are in custody on attaining the age of 16: that is, those who have spent 13 weeks looked after since the age of 14 and were subject to a care order or in section 20 care or remanded to local authority accommodation immediately prior to entering custody². These issues will be addressed in the revised guidance on children leaving care.

7.6 Placement in Custody

- 7.6.1 Where the child is remanded or serving a short sentence, and was making good progress in their placement before entering custody, consideration should be given to retaining that placement so that they can return there on release. If this is not appropriate, in the light of the offence, or practicable in terms of the length of the sentence and therefore cost, an alternative placement should be sought as soon as is practicable during their time in custody

¹ Care Planning, Placement and Case Review (England) Regulations [2010] Regulation Regulations 46(3)(e) and 53(2).

² Children (Leaving Care) Regulations 2001. Regulation 4

7.6.2 The YJB is responsible for identifying a placement for all children entering custody. The YOS are invited to recommend the establishment that they consider to be most suitable and the local authority should ensure that they contribute their opinion. The final decision rests with the YJB. The responsible local authority should be informed of a looked after child's placement in custody by the YOS on the day the placement takes place. The social worker can then arrange to visit their child and their IRO must also be informed.

7.6.3 The secure establishment will have the same need for information about the child as any other residential setting. Within five working days of the child's remand or sentence to custody, the social care worker should contact the establishment's caseworker (sometimes known as resettlement or through care worker) and/or the social worker based in the YOI to inform them of:

- the child's care status, including their entitlement to support as a care-leaver;
- persons with parental responsibility for the child;
- name & contact details of the allocated social worker, their team manager and IRO;
- any immediate information necessary to ensure the child's safety;
- relevant information about the child's family/carers and contact arrangements;
- relevant information about the child's needs that will enhance the establishment's ability to care for the child;
- the date when the social worker or local authority representative will be visiting the child and the date of any forthcoming review of the child's case.

7.6.4 It will be good practice for the child's social care/ MAT worker or representative of the responsible authority to visit the child within one week of their being placed. This representative should be the child's allocated social care worker or personal advisor, unless there are particular reasons why this is inappropriate, and should in any event be a qualified social care worker or a practitioner working under the supervision of a qualified social care worker employed by the authority. The role must not be fulfilled by a YOS worker. Subsequent visits must take place at intervals of not more than six weeks for the first year and not more than 3 months after that. Additional visits should also take place if reasonably requested by the child, the establishment, or the YOS, or if there are particular circumstances that require a visit.

7.6.4.1 For example, it is good practice for the social worker to attend the child's remand or sentence planning meetings. Where the child is placed in an SCH or STC, a visit should also take place if there has been a notification under the Care Standards Act 2000 or, where the child is placed in a YOI, concerns about the welfare or safety of children are raised by Her Majesty's Inspectorate of Prisons.

7.6.4.2 The purpose of the visits is to keep in touch with the child and maintain an up to date care plan. The establishment should facilitate the visits and allow the

child to be seen in privacy, unless the child refuses. Social workers should be afforded the same status as legal visitors (to be agreed with NOMS) rather than the more limited access to the child that applies to family visits. The social worker should consider whether the child is being adequately safeguarded and their welfare promoted. Children in custody remain entitled to advice, assistance and support in between visits from the local authority. Specific factors to take into consideration are as follows:

- a) Is the child safe?
- b) Is there a risk of self harm?
- c) Does the child need money, clothes, books or other practical support?
- d) Are education staff aware of and able to meet the child's educational needs, including any special needs or abilities?
- e) Are the health unit and wing staff aware of, and able to meet, the child's health needs?
- f) Are staff aware of, and able to meet, the child's religious and cultural needs?
- g) Is the child worried about anything? If so, what?
- h) What impact has the sentence had on family relationships? Does there need to be help with contact arrangements?
- i) What action is needed to provide for the child's placement on release?
- j) Are changes needed to the child's care plan/pathway plan?

7.7 Action to be taken if concerns about the child's safety or welfare

7.7.1 The local authority does not have the power to terminate the placement of a child who has been remanded or sentenced to custody, as they can under section 22C. However, where there are concerns that the child is not being safeguarded or their welfare promoted, there are a number of avenues for the local authority to pursue. In the first instance, the authority may be able to resolve the concerns by agreement with the establishment itself. All YOIs are required to have a Safeguards Manager and there are a number of children and families' social workers based within YOIs who may be able to address the problem, as may the managers of SCHs and STCs. For example, the child could be moved to another unit within the establishment or provided with additional support or services. In cases arising such as these the YOS will lead all investigations into concerns with full consultation with the social or MAT worker/ manager.

7.8 Sentence Planning and review process

7.8.1 For children who remain looked after whilst in custody, the care planning and review process continues, including advance consultation with the child and other key participants. A review should be held early in the child's sentence even if it means bringing forward a review, as going into custody is a significant change in circumstances and so requires changes to the care plan. The usual minimum

statutory timescales for review apply thereafter. Depending on the length of the child's stay in custody, consideration should be given to undertaking a review within the last month before release.

- 7.8.2 The child's supervising YOS officer should also be kept informed of changes to the child's care plan and other relevant information. Subject to the child's agreement, the supervising YOS officer and the nominated link person within the establishment should be invited to attend review meetings.
- 7.8.3 Remand and sentence planning serves a different purpose from care or pathway planning. The process is designed to plan the activities the child will engage in during their time in custody and, for sentenced children, in the community. It is aimed primarily at reducing the risk of offending. Meetings are chaired by a YOS worker or a staff member from the establishment.
- 7.8.4 The social care or MAT worker will always be invited to remand or sentence planning meetings and their input will be integral to effective resettlement planning. It is good practice for them to attend all planning and review meetings. However, as a minimum they should attend the initial planning meeting and the release preparation meeting. For a short sentence it might be good practice that the local authority attends the first meeting and the release preparation meeting where the release plan is discussed. For longer sentences or where there are particular difficulties, it will be appropriate to attend more often.
- 7.8.5 If the social worker or MAT worker is not able to attend, they must provide relevant information about the child's care or pathway plan into the meeting to the supervising YOS officer prior to the meeting. The supervising YOS officer is responsible for making the links between the respective plans and feeding information back.

7.9 Planning for release

- 7.9.1 The local authority must be involved in the plans for release. In many cases, they will be responsible for the provision of a placement and financial support in the community. Wherever possible, arrangements should be made for children to visit prospective placements and employment or educational facilities and to meet relevant practitioners before their release. There are facilities for a child to be granted Release on Temporary Licence (ROTL) or Mobility to allow outside visits to take place. As soon as possible, **and at least one week before release**, the child must know:
- who is collecting them;
 - where they will be living;
 - the reporting arrangements;
 - sources of support – including out of hours;
 - the arrangements for education or employment;

- arrangements for meeting continuing health needs;
- how and when they will receive financial support;
- when they will be seeing their social worker;
- The roles and responsibilities of the respective practitioners.

- 7.9.2 Sentenced looked after children returning to the community will continue to be supervised by the YOS. For those on a Detention and Training Order (DTO), the most common custodial sentence, the second half of the term is served in the community but the child can be recalled if they do not comply with the conditions within their Notice of Supervision. For children who have served other types of sentence, they are released on Licence and can again be recalled.
- 7.9.3 The local authority **must** remain a presence in the child's life during the period of supervision by the YOS. Their role is different and more extensive than that of the supervising YOT officer, whose involvement will be determined by the length of any order and the child's offending behaviour.
- 7.9.4 The social worker/ MAT worker and supervising YOS officer should keep each other informed of significant events, including any changes in service delivery or plans. It is good practice to have some joint meetings involving the child, supervising YOS officer and local authority social worker, so that information is shared and the child receives an integrated service. The YOS should consult the local authority over enforcement issues, particularly if there is a possibility of the child being breached for failing to comply with the conditions of the DTO, that is, when the YOS considers the child has broken the conditions of their Notice of Supervision and issues proceedings to return the child to court, when they may be returned to custody (children on Licence can be recalled to custody without returning to court). Where the child is having difficulty in complying with their "release" conditions, the local authority should work with the YOS to put additional support in place.

8. Youth Justice & The Children (Leaving Care) Act 2000

See also Leaving Care and Transition Procedure and Responsibilities of the Local Authority to Former Looked After Children and Young People in Custody
(<http://derbycsc.proceduresonline.com/chapters/contents.html>)

- 8.1 Decisions made within the youth justice system to remand a child/young person in to local authority accommodation; (therefore their legal status as a LAC) qualifies them for leaving care services (the Children (Leaving Care) Act 2000) as either:
- **an eligible child:** he / she is 16 or 17 years of age and since attaining the age of 14 has spent a period of at least 13 weeks as a "looked after" child. The 13 weeks do not need to be consecutive but he / she must be "looked after" upon attaining the age of 16 years to be an eligible child

- **a relevant child:** he / she was an eligible child but who, at the age of 16 or 17, leaves care

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

- children and young people who are **detained in custody / hospital** at the point of attaining the age of 16 – but;
 - were ‘looked after’ immediately before being detained
 - had been looked after for a total of 13 weeks since attaining 14
- 8.2 Young people who are ‘looked after’ for the qualifying period and, whether at the age of 14 or 15, are remanded in custody, sentenced to custody (detention and training order or long term detention in the crown court) or are sentenced to a hospital order (with or without a restriction order) and remain so upon attaining the age of 16, are deemed to be ‘relevant children’.

9. Parenting Orders

- 9.1 The application for and issuing of Parenting Orders is documented under Section 444 of the Education Act 1996, The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007, Section 8 of the Crime and Disorder Act 1998, Sections 18, 26-29 and 85 of the Anti Social Behaviour Act 2003 and Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000 (by virtue of section 324 of and schedule 34 to the Criminal Justice Act 2003

9.2 Use of Parenting Orders

- 9.2.1 The YOS and Children and Young People’s Directorate will advocate and promote the use of parenting interventions and support, including use of Parenting Contracts, on a voluntary basis, where it is appropriate to do so, before enforcing parenting interventions through the use of statutory Parenting Orders.
- 9.2.2 The YOS and Children and Young People’s Directorate will be committed to the application for and enforcement of statutory Parenting Orders, where attempts to engage parents on a voluntary basis have been unsuccessful and it has been assessed by either Service that a Parenting Order is necessary.

9.3 Availability, Consultation and Management of Parenting Orders

- 9.3.1 Parenting Order availability to either Children and Young People’s Directorate/ MAT or the YOS is outlined in Part 3 Parental Responsibilities of the Anti Social Behaviour Act 2003 or Section 444 of the Education Act 1996, The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007.

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- 9.3.2 The YOS will consult the relevant departments within Children and Young People's Directorate (Education Welfare / Social Care), when considering application for a Parenting Order or entering into a Parenting Contract with a parent(s), where aforementioned departments have current involvement.
- 9.3.3 The YOS will inform the relevant departments within Children and Young People's Services of the outcome of any such applications, including the duration, content and requirements of the Parenting Contract or Order including issues of; non compliance; enforcement or breach action to be undertaken.
- 9.4 **S 26 - Parenting Order in relation to Criminal Conduct and Anti Social Behaviour** - The YOS through the designated EISS parenting officer will apply, manage and enforce such Parenting Orders as outlined in National Standards for Youth Justice Services 2009. (see appendix 3)
- 9.5 **S 20 - Parenting Orders in relation to exclusion from school – EISS** designated parenting officer will apply, manage and enforce such Parenting Orders

10. Information Sharing

- 10.1 Agencies are entitled to share information on young people under S115 of the Crime and Disorder Act 1998 that is relevant to the sole purpose of preventing criminal activity.
- 10.2 Children's Social Care and the YOS will share information under S10 & 11 of the Children Act 2004, to protect children from harm and neglect, where they believe that the young person is in need or at risk of significant harm.
- 10.3 The YOS will, upon request of Children's Social Care Teams/ Multi Agency Teams, provide additional assessment information than contained within the Multi Agency Referral Form. This may include complete ASSET PLUS assessments, Risk of Serious Harm ASSET PLUS, Safety and Well Being Plans or information relating to MAPPA (Multi-Agency Public Protection Arrangements) Children's Social Care will upon the request of the Youth Offending Service provide relevant assessment information including Initial and Core Assessments
- 10.4 Designated YOS staff will access initial screening information through access to the CYP Database, Liquid Logic.

11. Confidentiality

- 11.1 It is recognised that thoughtful consideration must be given to issues of confidentiality in all cases, to prevent effective relationships with services users being undermined where rules of confidentiality appear to have been needlessly broken

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1. Permission for release of information to go in written reports by all CYP Social Workers and YOS members must be sought from those who hold Parental Responsibility. Generally, if two people hold Parental Responsibility, it is acceptable to ask one. If one parent has a Residence Order as well as Parental Responsibility, they should be approached first.
 2. In the event of a person refusing permission for the divulging of the information required, the YOS and Children and Young People's Services will still provide it if there are clear child/ public protection grounds for doing so.
 3. All workers will be aware that where the information relates to victims in sensitive cases such as rape, indecency or another child is victim of child abuse, written consent for the sharing of such information may be needed from the victim or the person with parental responsibility.
- 11.2 A child can make choices about use of information if they are considered to be "Fraser Competent" i.e. have the maturity to understand the significance to them of the decision they are being asked to make. It is the child's allocated Social Worker, or the YOS worker providing/ contributing to the report, who makes this judgment.

12. Escalation Procedures – Achieving Resolutions

Where agreement cannot be reached between a YOS worker and a Social Care/ MAT worker as to the outcomes from a referral the joint steps to achieving a resolution will be:

Each worker will inform their respective Team Manager who will liaise with their counterpart

Where no resolution is achieved the YOS Manager and the Social Care Manager will refer to respective Heads of Service

If a resolution is still not achieved, the matter should be referred to the relevant Service Directors

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

13. Monitoring and Review

The practice guidance will be reviewed on an annual basis or when significant changes occur through legislation or re-structure. Reviewing the guidance will include:

- The impact of the protocol on timely and effective communication
- Resource issues

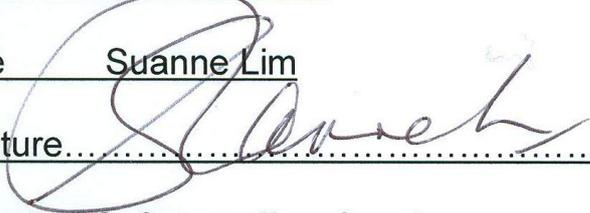
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Signatories

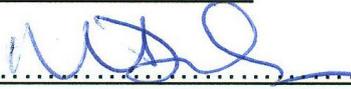
Youth Offending Service

Name Suanne Lim

Signature.......... Date 6-2-12

Integrated Safeguarding Services

Name Maureen Darbon

Signature.......... Date 6-2-12

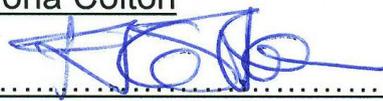
Locality 1 & 5

Name Steve Baguley

Signature.......... Date 6-2-12

Locality 2

Name Fiona Colton

Signature.......... Date 7-2-12

Locality 3 & 4

Name Kevin Murphy

Signature.......... Date 6-2-12

Specialist Services

Name Elena Constantinou

Signature.......... Date 6/2/12

Where a court is likely to make a direction/order Remand to Local Authority Accommodation (LAA) / Local Authority Care (LAC) / Youth Detention Accommodation

Task	Responsible officer
Alert Assistant Head of Service – YOS – Duty or Designated AHOS	Court Duty Officer – YOS
Alert Head of Service - Residential & Leaving Care Service	Assistant Head of Service – YOS
Checks to be carried out with CYPD for any previous history	Court Duty Officer – YOS
Informing court of outcome of checks	Court duty officer – YOS
Complete ASSET PLUS Assessment	Court Officer - YOS

Where a court makes an order (Remand to LA/ LAC / COSR)

Task and Timescale	Responsible officer	Paperwork
Provision of Bail ASSET PLUS Assessment to Head of Service - Residential & Leaving Care Service including any risk assessment - same day	Court duty officer – YOS	<ul style="list-style-type: none"> ASSET PLUS Safety and Well Being Plan (where applicable)
Placement identification – same day <ul style="list-style-type: none"> RLA Remand to Youth Detention Accommodation 	Head of Service - Residential & Leaving Care Service Duty Manager – YOS	
Completion of initial LAC paperwork – same day	Court duty officer – YOS	<ul style="list-style-type: none"> Detention Placement Plan Change in Circumstances Form form
Assessment of need for, and arrangement of, transport to placement – including holding location if necessary – same day	Duty Manager – YOS and Court duty officer – YOS RLAA / RLAC: If the young person is an open case to CYPD this will be subject to negotiation	
Consent to funding (specialised transport only for COSR) – same day	Head of Service - Residential & Leaving Care Service	
Inform Independent Reviewing Team Request date and time for 28 review Request a medical health assessment same day or within 24hours of	Court duty officer – YOS	

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RLAA		
All paperwork forwarded to the Designated Assistant Head of Service – YOS or Duty Manager within 24 hrs.	Court duty officer – YOS	
Arrangement of 72 hr placement planning meeting within 24hrs	Designated Team Manager – YOS or Duty Manager	
All copies of initial LAC paperwork and Green movement form forwarded to the Independent Reviewing Team prior to 72 meeting	Designated Team Manager – YOS or Duty Manager	<ul style="list-style-type: none"> • Invite list • Detention Placement Plan
Chair planning meeting	Designated Team Manager – YOS or Duty Manager	
Completion of 72 hour LAC paperwork at meeting	Designated Team Manager – YOS and allocated case worker	<ul style="list-style-type: none"> • Detention Placement Plan
Send paperwork to Independent Reviewing Team within 24 hours	Designated Team Manager – YOS or Duty Manager	<ul style="list-style-type: none"> • Detention Placement Plan
Co-ordination of Remand/LAC plan Ensuring adherence to plans, including effective partnership with placement. Where young person is sentenced prior to the 28 day review and no further accommodation is required, IRO Team must be informed on date of sentence and the 28 day review cancelled.	Case Manager & Designated Team Manager – YOS Case manager - YOS	
Where young person is not sentenced and remains subject to remand status, YOS to proceed to preparation for 28 day review Day 21 <ul style="list-style-type: none"> • Prepare YP and parent for meeting ensuring they have “this is your review” papers to complete • Complete review paperwork – send to IRO 3 days before 	Designated Team Manager – YOS or Duty Manager	<ul style="list-style-type: none"> • This is your review” • Review of Arrangements • Looking After Children Care Plan • Pathway Plan (if young person approaching their 16th birthday) • Personal Education Plan (PEP) • Health Care Plan

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<ul style="list-style-type: none"> • Medical form CA2 		
28 Day Review	Chaired by Independent reviewing Officer	Above paperwork ready and discuss need for further reviews

Custody

Where a release date is identified and local authority accommodation may be required – no later than 12 weeks prior to release date identified

Task	Responsible officer
Notify IRO team with date of pre-release meeting at least 12 weeks prior to expected release date	Case Manager – YOS
Assessment of possible accommodation and other needs	Social Worker – CYPD
Through care meeting/ Looked After Review	IRO – chair re: overall needs including accommodation Case Manager – YOS – leads re: conditions around release

Youth Rehabilitation Order (YRO) – Local Authority Residence Requirement

The Criminal Justice and Immigration Act 2008 introduces the YRO< a generic community order for young people. From 30.11.09, Courts will be able to attach a local authority residence requirement (Section 1 (1) (j) and paragraph 17 of Schedule 1) to a YRO requiring a child or young person under the age of 16 years to reside in accommodation by or on behalf of the local authority specified in the Order. This will be for a period of up to 6 months where the existing living arrangements have contributed to their offending behaviour. This may include foster care or independent living support and or stipulate that the young person is not to reside with a specified person.

Young people accommodated under this provision are subject to the general provisions of s23 of the Children Act 1989 and the Children and Young Persons Act 1969.

A Court may not include a local authority residence requirement as part of a YRO unless:

- the behaviour which led to the offence was, to a significant extent, due to the living conditions of the young person. This must be evidenced appropriately in the relevant sections of the ASSET PLUS assessment.
- the addition of a local authority residence requirement will assist the rehabilitation of the young person

The Court may also not attach a local authority residence requirement unless it has consulted with:

- a parent/ guardian of the young person unless it is not appropriate to do so
- the local authority in which the young person is to reside and which will be specified in the order

The period for which the young person must reside in accommodation provided by or on behalf of the local authority specified in the order cannot:

- exceed 6 months
- include any period after the young person has reached the age of 18
- Finally, a court may not make a local authority residence requirement unless the young person was legally represented at the relevant time (i.e. when the court were considering whether to attach such an order) or if they were not represented, they must have been offered such representation and subsequently refused or failed to apply for it.

The Youth Justice Board and Department for Children, Schools and Families view that this requirement should be used sparingly and where all other avenues of intervention to address living arrangements have been exhausted. Therefore, it has been agreed locally that local authority residence requirements will only be used when the following options have been explored but have to date either been deemed not suitable or have not had the desired effect;

- Voluntary parenting support from either the Community Safety Partnership Parenting Practitioner or CYPD under S17 Child In Need
- A Parenting Order or Contract
- Family Intervention Project
- Any other form of family/accommodation support or parenting skills development delivered by a recognised statutory or third sector organisation.

Pre-Sentence

Courts will be able to make young people subject to a local authority residence requirement in the following circumstances:

- Where a young person has been convicted of a criminal offence and is to be sentenced for that offence
- Where a young person is subject to an existing YRO and breaches that Order, (a local authority residence requirement can replace or be added to any requirement/s that are already in place as part of the YRO)

Where a local authority residence requirement is being considered by the court as a requirement option, a YOS manager will notify and consult with Children and Young People's Department within 2 working days of adjournment to ensure the department has sufficient time to identify a placement and that arrangements exist within the department for the child or young person to be accommodated for the relevant period of time in a suitable and appropriate placement.

The court report author or allocated Case Manager must also prior to sentence, consult with the parent/legal guardian of the child/young person, unless to do so would not be appropriate.

Court report authors must also request that a supervision requirement is made alongside the local authority residence requirement to ensure that a YOS Case Manager is allocated to the case to provide ongoing monitoring and management of the order, including liaison with the CYPD/placement providers.

The Children and Young People's Department will:

Identify an appropriate and suitable accommodation placement for the child or young person for the duration relevant to that outlined by the court (maximum available is 6 months) and feedback to the YOS via the YOS Manager/ Case Manager or court report author no later than three working days prior to sentence on the availability (or not) of such a placement.

Post Sentence

In circumstances where a young person is made subject to a YRO with a local authority residence requirement, the YOS will:

1. Via the Court team send information on the court outcome to the Independent Reviewing Officer, the Assistant Director of Children's Social Care, the Social Care Reception Team at Ashtree House.
2. Allocate a Case Manager to that young person, who will be responsible for the management of the court order, including taking the appropriate action where there are any issues around non-compliance.
3. Arrange a meeting with the young person their allocated Social Worker, placement provider and where appropriate their parent/s, primary carer/s to ensure all parties fully understand what is required of them and the consequences of any non-compliance with the order. The allocated Case Manager will then need to ensure that arrangements are in place for the relevant LAC paperwork to be completed in time for the relevant LAC planning and review meetings.
4. Ensure all relevant staff from the CYPD are invited to attend an intervention planning clinic (unless the LAC planning meeting can meet this need), which should design a YOS

- intervention plan that should complement any CYPD plans and should also identify contingency plans, should the placement become at risk of breakdown.
5. Ensure that the Case Manager sets up, as a minimum, a fortnightly set of reporting arrangements with the placement provider to ensure that information is passed to the YOS on the compliance of the young person with their YRO with local authority residence requirement.
 6. Attend all CiC planning and review meetings to ensure that the plans are tailored to that young person's specific needs and risk factors, including the need for compliance with the local authority residence requirement and services are in place to reduce the risk of re-offending.
 7. Maintain responsibility for making decisions on whether to take enforcement action on a young person's failure to comply with their order, in conjunction with the placement provider and allocated Social Worker.
 8. Where placements look as though they may break down during the course of the requirement, the YOS will work with the CYPD to attempt to re-secure the child or young person in suitable and appropriate accommodation to ensure ongoing compliance with this requirement. In situations, where an alternative provision cannot be located, the YOS Case Manager should consider returning the case to Court to have the YRO amended.
 9. Ensure that the ASSET PLUS assessment and intervention plan is reviewed on a quarterly basis and that at the end of the local authority residence requirement, the young person's progress with their requirement is evaluated and recorded in the ASSET PLUS and intervention plan.

The CYPD will:

Ensure that a suitable placement can be located for a young person at the point of sentence.

10. Ensure that a Social Care Worker is allocated to the case who can: liaise with the YOS and placement providers in relation to any non-compliance or placement breakdown, complete LAC paperwork and provide additional family work or support that may be necessary to help a young persons move back home from local authority care.
11. Ensure that a LAC planning meeting takes place within the relevant timeframe and that the YOS Case Manager is invited to this meeting. This meeting should also, where possible address the YOS intervention plan, to ensure that all actions necessary to reduce the risk of re-offending are considered and form part of the LAC plan. Where it is felt by the YOS that a separate intervention planning clinic meeting is necessary, the Social Worker and a representative from the placement will attend this meeting on the invite of the YOS Case Manager.
12. The placement provider will provide the YOS Case Manager with, as a minimum, fortnightly feedback on the young person's progress within the placement. This should include behaviour, compliance with any requirement specified within the order and any family contact issues as relevant.
13. Ensure that LAC review meetings take place within the relevant timeframes and pass on details pertaining to these meetings, such as times, dates and venues to the YOS. Where an accommodation placement breaks down, make alternative arrangements and pass the details of these arrangements to the YOS and also liaise with the YOS as to whether the reasons for the breakdown should also be considered as grounds for breach action.

14. Make contact with the YOS within 24 hours of any behaviour by a young person that suggests a potential failure to comply with the order in order for a discussion to take place on whether a warning letter should be issued or whether a case needs to be returned to Court for breach action.
15. At the end of the requirement, ensure all relevant information is passed on to the YOS so that a full evaluation of progress and assessment of future needs and risks can be made.

Enforcement

Where young people have been made subject to a YRO with a local authority residence requirement, their engagement with this by way of not living where directed or residing with someone they are prohibited from as specified in the order can be dealt with by way of statutory enforcement action.

The National Standards for Youth Justice Services (2009) are clear in that the YOS Case Manager is responsible for enforcement of the Court Order. It is stated within the National Standards that where a young person fails to comply with the requirements of their order 3 times within a 12 month warned period (triggered when the young person receives their first formal warning), they must be returned to Court, unless breach action is stayed by a YOS Manager. Breach responsibilities for Case Managers include:

- The issuing of Formal and Final Warning letters
- Listing cases for breach at Court
- Ensuring that all relevant evidence to substantiate the breach is collated, including evidence from the placement provider/allocated Social Worker.
- Ensuring young people are summonsed to Court
- The completion of breach packs, including a breach report which should make recommendations to Court as to the YOS' view of the most pertinent outcome as a result of a breach.
- Ensuring the placement provider/allocated Social Worker is made aware of all warning letters issued, Court dates pertaining to breach and the outcome of all breach hearings at Court.

In relation to enforcement, the CYPD's responsibilities will include:

- Notifying the YOS in written form within one working day of instances where a young person fails to comply with the requirements of their order.
- Passing on all information pertaining to non-compliance to the YOS when they are notified of any breach action, which may include completing a Section 9 witness statement, where a young person is likely to oppose a breach, to be included in the breach pack (completed by the YOS Case Manager) for Court.

Appendix 3

Parenting Orders

Parenting Orders: Legislation and Policy Context

The application for and issuing of Parenting Orders is under Section 444 of the Education Act 1996, The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007, Section 8 of the Crime and Disorder Act 1998, Sections 18, 26-29 and 85 of the Anti Social Behaviour Act 2003 and

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Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000 (by virtue of section 324 of and schedule 34 to the Criminal Justice Act 2003).

The Ministry of Justice, Youth Justice Board, Department for Children, Schools and Families Guidance for Parenting Contracts and Orders 2007 and the Youth Justice Board National Standards 2009 requires each local authority to outline roles and responsibilities of its Youth Offending Service and Children and Young People's Department in relation to the assessment of the appropriateness and application for Parenting Orders and the subsequent management, monitoring and enforcement of them.

Parenting Order in relation to Criminal Conduct, Anti Social Behaviour and Education

Parenting Orders in respect of criminal conduct and anti social behaviour as defined in Section 26 of this Act will be applied for, managed and enforced by the Youth Offending Service as outlined in National Standards for Youth Justice Services 2009. This will include the identification and allocation of a Case Manager to manage the Order. The designated Case Manager within the YOS will be the Senior Parenting Practitioner

The designated Parenting Practitioner will in accordance with the requirements outlined within the National Standards for Youth Justice Services:

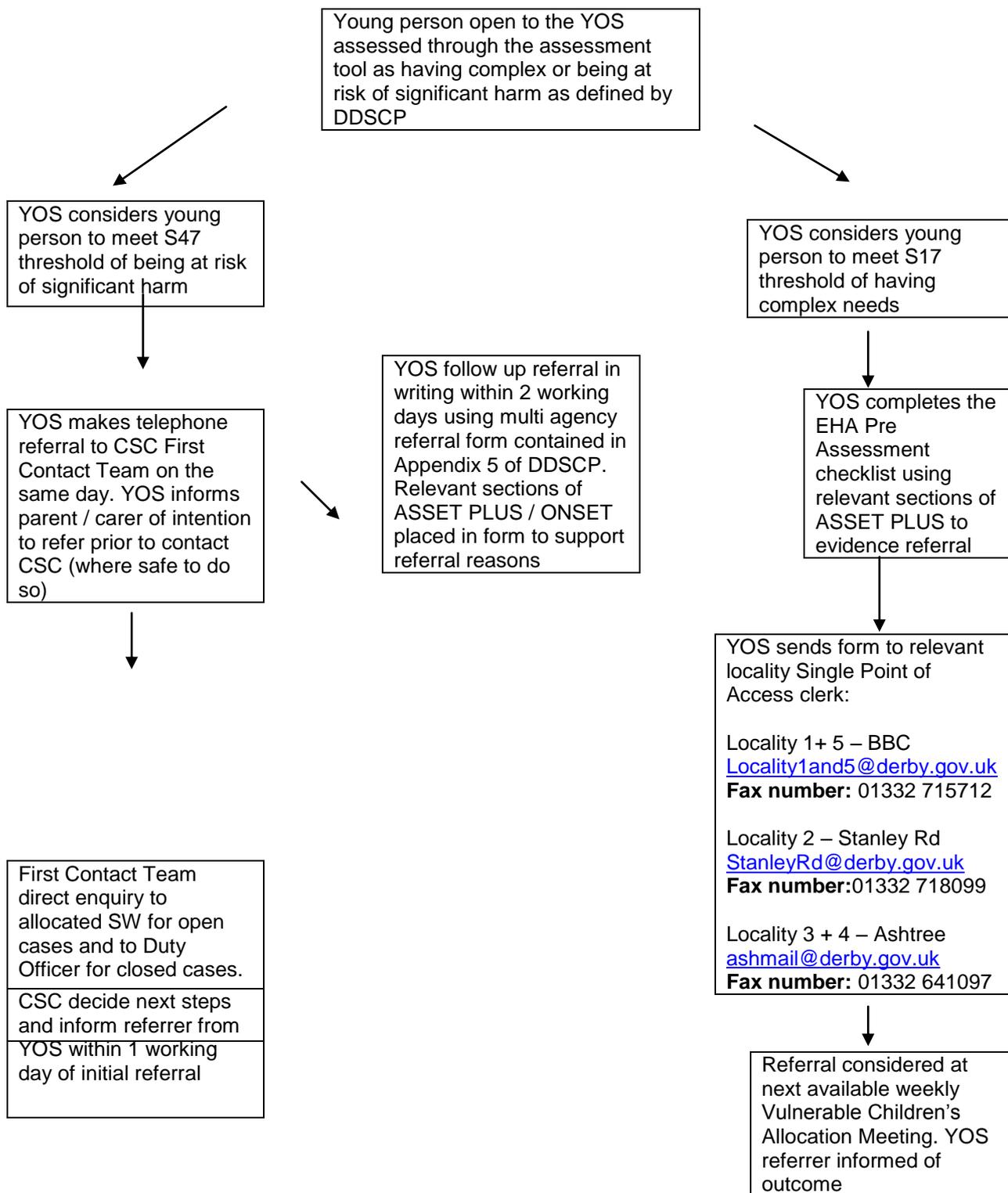
- Make first contact with the parent(s) within one working day of the court hearing in order to:
 - explain the requirements of the order, check the parents understand and are aware of the consequences of non compliance
 - agree a draft plan for meeting the requirements of the order
 - make arrangements for other agencies, where involved, to be consulted if relevant
- Where the parents are directed to programmes other than with the SPP, hold a pre-meeting not more than two weeks before the first session commences
- Hold group work sessions or parenting support contacts at least fortnightly
- Hold a meeting with the parents to evaluate the Order when the requirements have been met
- If the parents fail to comply with a requirement, including missing an appointment, contact them within one working day by visit, telephone or letter to determine the reason for non-compliance.
- If the reason for non-compliance is not acceptable, issue a formal warning in writing
- If there is more than one unacceptable failure in a period of three months, hold a meeting with the parents and any other agency involved to review the order. This meeting should explore whether the order can be made to work, whether it should be returned to court to request an amendment or revocation, or whether the failure to comply should be reported to the police for enforcement action. The outcome of the meeting should be recorded.

Appendix 4

Flowchart Process for Section 17 and 47 Procedures between Derby City Youth Offending Service and EIIS

The following flowchart outlines the agreed processes outlined within the Handbook of Joint Working between Derby City YOS and CYPD.

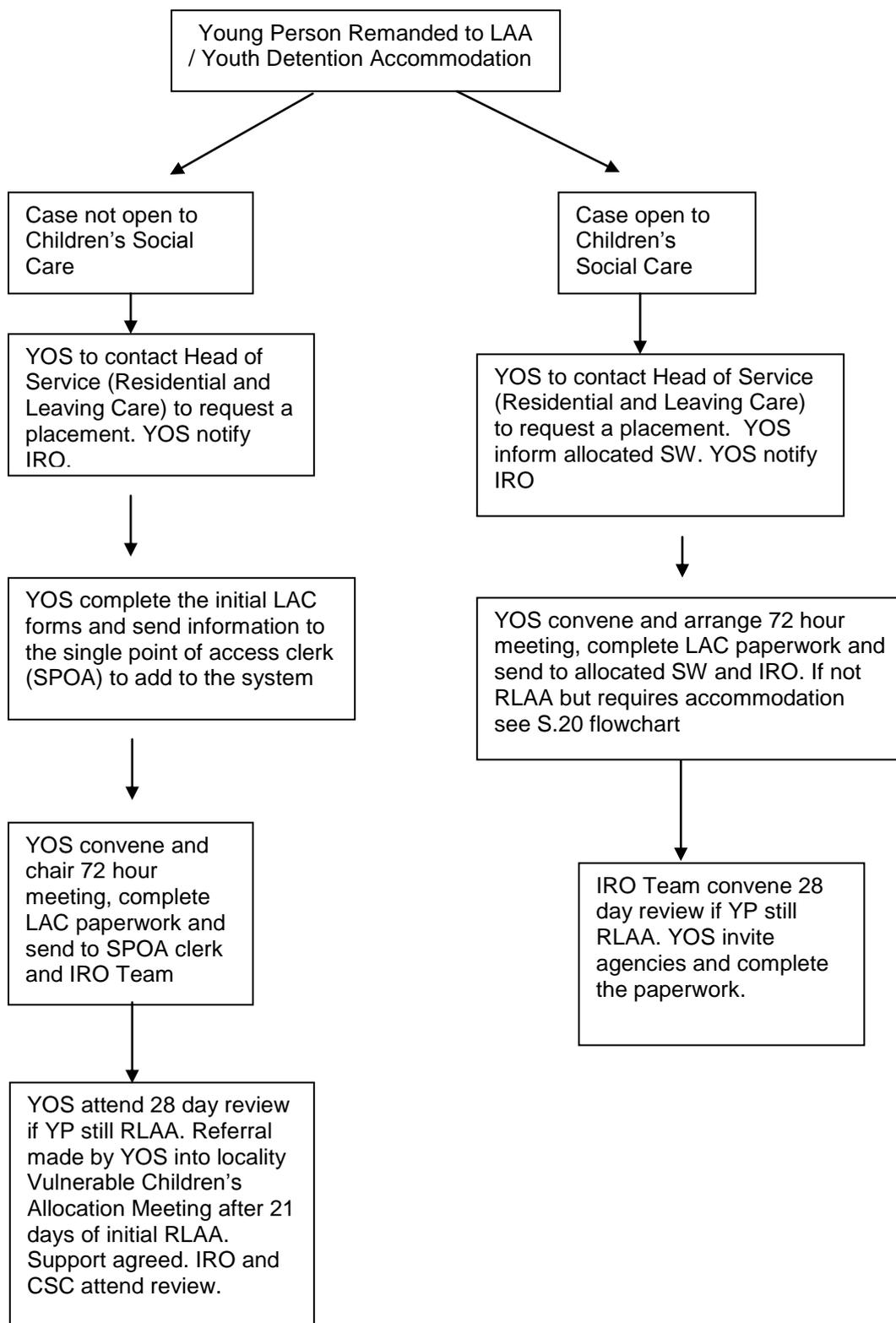
Classification: OFFICIAL



Appendix 5

Flowchart Process for Remands to Local Authority Accommodation between Derby City Youth Offending Service and Children and Young People's Department

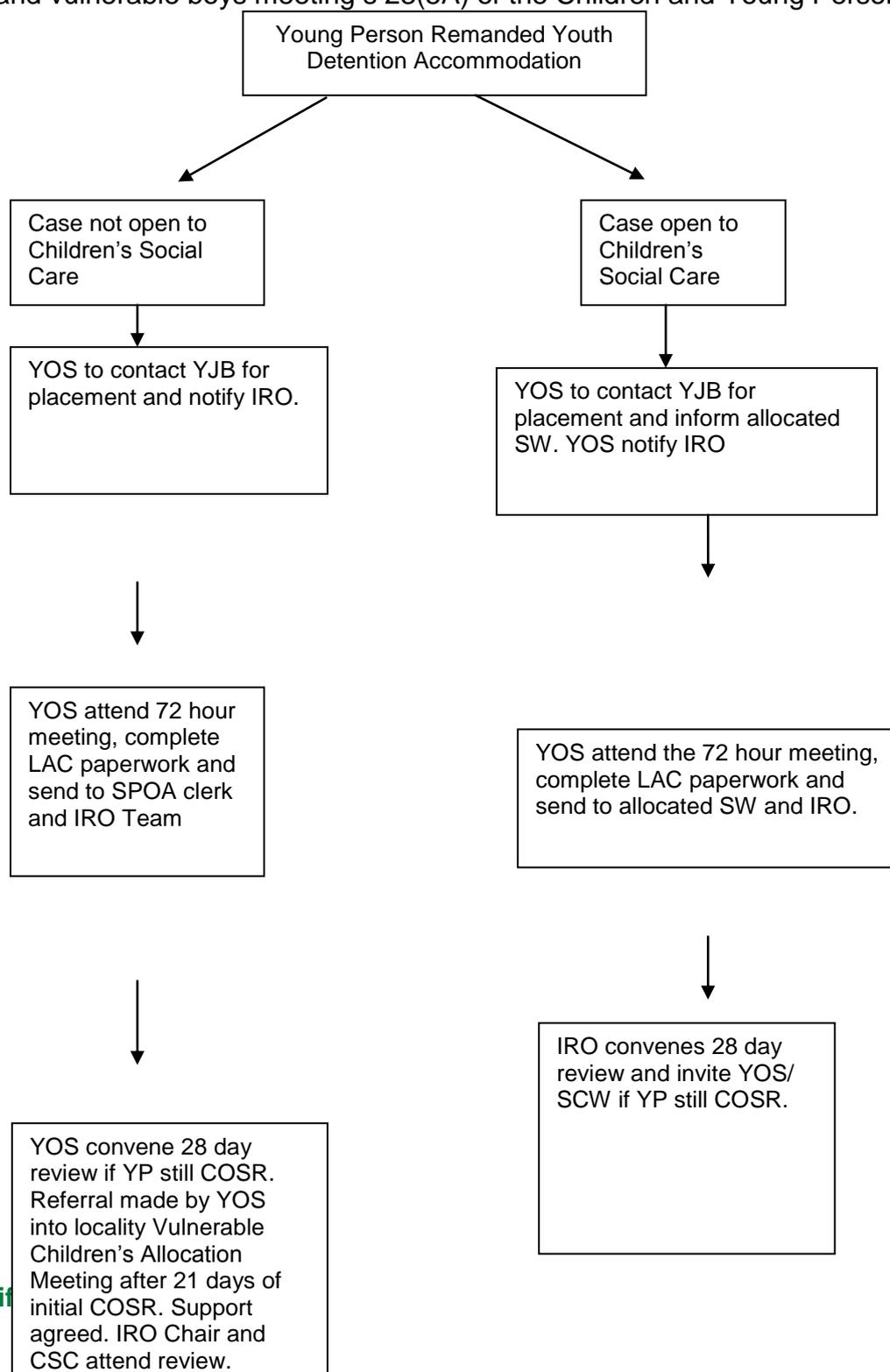
The following flowchart outlines the agreed processes within the Handbook of Joint Working between Derby City YOS and MAT/ Social Care.



Appendix 6

Flowchart Process for Court Order Secure Remands between Derby City Youth Offending Service and Children and Young People’s Department

The following flowchart outlines the agreed processes within the Handbook of Joint Working between Derby City YOS and CYPD. Eligibility, 12–14-year-olds boys and 15 and 16-year-old girls (and vulnerable boys meeting s 23(5A) of the Children and Young Persons Act 1969



Appendix 7

Flowchart Process for Section 20 Accommodation and 16/17 Year olds between Derby City Youth Offending Service and Children and Young People's Department

The following flowchart outlines the agreed processes within the Joint Working Protocol between Derby City YOS and CYPD.

