

# **Protocol and Procedures**

## **Calderdale Children Looked After and Reducing Criminalisation April 2021**

Youth Justice Board statistics indicate that each year, a disproportionate number of children looked after come into contact with the criminal justice system and the secure estate. Reducing offending amongst children looked after is the joint responsibility of the Police, Children's Services and the Youth Justice Service in order to maximise the role of corporate parenting and achieve best life chances for this vulnerable group of young people.

These procedures are aimed at reducing criminalisation of children looked after, the procedures apply to all Calderdale children looked after whether they are placed within the Calderdale Borough or elsewhere in the country.

There is much research to suggest that children and young people living in foster care and children's homes are more likely to receive a criminal outcome for minor offences such as low-level damage. It is also likely that such behaviour would have been dealt with without police involvement if these children and young people had been living in their own homes. The result of this is that some children looked after enter the criminal justice system inappropriately, and at a much earlier stage, thus having the effect of criminalising their welfare needs.

The aim is to strengthen protective factors to increase their life chances and participation within their communities and reduce their contact with the criminal justice system.

The procedure is to ensure effective inter-agency planning and the active involvement of all relevant agencies/services. Where areas of concern are raised in relation to behaviours which could result in entry into the criminal justice system the following procedures will be followed in all instances.

### **Restorative Principles**

Research from NACRO suggests that restorative justice approaches are a particularly effective way of encouraging a young person to realise the impact of their offence. Such approaches deter them from offending in the future avoiding unnecessary criminalisation of young people in care placements.

All services/professionals involved with children looked after will be offered restorative practice training and work to restorative principles. Professionals include social workers, placement carers and staff, police officers, YJS and virtual school as well as others.

Calderdale has a child in care plan which includes a prevention of offending initiative. This includes residential and fostering placements having a behaviour management plan that actively discourages both foster carers and residential staff from involving the Police unless an act with the potential to cause significant harm is likely to be committed or has taken place.

At the same time there will be liaison with the identified Police Officer, YJS Restorative Practitioners and Children's Social Workers to enable consistent support and advice to staff and young people. This approach will be developed and mirrored across the fostering service.

Where a child or young person in foster care or a child care unit is involved in behaviour which could warrant contacting the police, carers, in conjunction with the young person's social worker, need to consider the nature and seriousness of the incident before deciding whether to involve the police.

The most common types of incidents likely to occur are:

- Violence by a child or young person on another – this can range from minor disagreements to serious assaults where physical injury is caused.
- Violence to staff by a child or young person – this can range from verbal threats to physical acts culminating in assault. Clearly, the person harmed has a right to involve the police, although where there is no immediate threat of violence it may be best to take time out to think about and discuss possible options.
- Damage – need to consider level and value of damage and what the outcome of involving the police will be. Also need to consider context of offence and whether it is part of a pattern of behaviour or an isolated incident.
- Theft from the carer's/ residential home where again the need to consider the context of the behaviour needs to occur

Where children, young people and adults are at immediate risk of or have suffered serious harm the police should be called immediately. This will be defined by the context of the situation.

### **Learning and Development**

It is important that carers and other key agencies understand the aim of this protocol and the council practice of restorative approaches in order to achieve the best outcomes for young people by not criminalising unnecessarily. The YJS is able to provide learning and development opportunities in restorative practice which will raise awareness of restorative justice methods. This will encourage others to consider the context and nature of the behaviour/ offence and when it may be an appropriate alternative to arrest.

### **Practice**

Where such behaviour takes place, the young person will be referred for an assessment by the YJS which will include the young person's social worker and their carer. The professionals involved i.e. social worker, placement staff, YJS case worker and victim restorative officer alongside the YJS seconded police officer will attend an Out of Court Disposal Panel to decide the most appropriate disposal and intervention.

The panel will agree the outcome and allocate additional resources where required. These may include referrals to service for programmes e.g. emotional and mental health support, restorative intervention (which may include advice and support

through to the allocation of a restorative practitioner), weapons awareness work or a restorative intervention which may require allocation of a practitioner.

### **Individual Service Responsibilities**

Services will undertake their agency requirements as standard practice. In addition, in order to reduce the number of children looked after who have a criminal outcome Services will:

- Ensure liaison by all professionals at the first sign of concerns arising to ensure good assessment and planning to provide support and avoid criminalisation where not required.
- Be incorporated into childcare planning including attendance at relevant meetings.
- Attend relevant management meetings ie Missing partnership meeting, CLA and Offending meeting, Gateway and VYPP.
- Provide training for each other's teams on service responsibilities, corporate parenting, emotional wellbeing, restorative approaches etc
- YJS staff and social workers will need to familiarise themselves with the relevant local police and YJS procedures and resources where a young person is placed outside of Calderdale. Liaison will take place to establish preventative actions that may be taken to avoid inappropriate criminalisation
- All services to be involved in providing positive factors to enable young people to achieve their potential and participate fully in their communities



Signed  
Julie Jenkins  
Director Children and Young People's Services

Date:



Signed  
Gareth Crossley  
Chief Inspector Calderdale, West Yorkshire Police

Date:

