****

**Protocol between**

**Youth Offending Service**

**Children and Young People Department**

**and**

**Children’s Social** **Care**

**Children and Young People Department**

August 2017

Review Date: August 2018

**CONTENTS**

[Summary of Protocol 3](#_Toc490739069)

[1. Partners in this Protocol 4](#_Toc490739070)

[2. Purpose of this Protocol 4](#_Toc490739071)

[3. Information Sharing Procedures 5](#_Toc490739072)

[4. Procedures regarding Appropriate Adult Requests and Looked after Children 7](#_Toc490739073)

[5. Remands into Local Authority Accommodation Procedures 8](#_Toc490739074)

[6. Procedure regarding Youth Justice Court Reports 9](#_Toc490739075)

[7. Procedure regarding Children and Young People on Warrants 10](#_Toc490739076)

[8. Bail Support 10](#_Toc490739077)

[10. Procedures Regarding Period of and Release from Custody 11](#_Toc490739078)

[11. Procedures regarding Child Protection Issues 12](#_Toc490739079)

[12. Transfer Protocol 13](#_Toc490739080)

[13. Review of Protocol 13](#_Toc490739081)

## Summary of Protocol

This protocol aims to explain working practices and procedures arising from the Crime and Disorder Act 1998, and subsequent key legislation from the Children’s Act 1989 and 2004, which impact upon the work of Children’s Social Care (CSC) and the Youth Offending Service (YOS).

This protocol sets out the joint working approach within the Children and Young People Department, between the YOS and CSC teams. The YOS multi agency team includes partners from the Police, Education and Probation Services; whose specific responsibility is to deliver services in accordance with Criminal Justice legislation, with a clear standard operating framework set by the Youth Justice Board in the National Standards for Youth Justice. The CSC team operates as a provider of children's social care inspected by Ofsted.

Although this protocol covers the joint-work of the two teams, it is recognised that there are key areas which need an enhanced partnership approach. These are:

* Joint working where young people are remanded to Local Authority accommodation
* Providing joint support to young people who are transitioning from custody to the community, upon release
* Improved partnership working when children and young people are in the community and are receiving services from both teams.

This review has been undertaken to reflect the changing needs of both teams, particularly the change in legislation, resulting from the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, with particular reference to Looked-After-Children who are remanded into custody. Key changes are:

* Children remanded in custody will be designated looked after by a court (if they were not already looked after) rather than the local authority that will be responsible for them.
* Local authorities will only have duties towards these children as long as they are remanded in custody.
* Children remanded in youth detention accommodation (i.e. secure children’s homes, secure training centres and young offender institutions) will be placed by the Youth Justice Board rather than the local authority responsible for them. This will mean that the local authority will not have control over the day to day arrangements for safeguarding and promoting the child’s welfare.

It is also a reflection of the joint commitment between the YOS and CSC to support joint working arrangements.

## ***Partners in this Protocol***

* 1. The Youth Offending Service (YOS) and Children’s Social Care (CSC) are both teams operating within the Children and Young People Department (CYP).

***Children and Young People Department – Children’s Social Care***

* 1. Work within the framework of the Children’s Act 1989 and other relevant legislation, hold a care management function for Brent children, young people and their carers, where their needs are for care, protection and support.

***Children and Young People Department – Early Help Service, YOS***

* 1. The Crime and Disorder Act 1998 required that from 1st April 2000 every area in England and Wales establish a multi-agency Youth Offending Team that brings together the expertise of the Police, Education, Social Services, Probation and Health. The aims of the YOS are is to, reduce the risk of young people offending or re-offending, ensure court ordered sentences are served, deliver out of Court disposals, protect young people and children from harm and protect the public from harm. ensure court ordered sentences are served, deliver out of Court disposals, protect young people and children from harm and protect the public from harm.
  2. The YOS sits within the Early Help Service which enables access to wider resources that help prevent and reduce crime and offending and improve the life chances of all children and young people in Brent, especially those more vulnerable to escalating problems and entrenched disadvantage. This contributes particularly to Brent Borough Plan 2016-2019 priorities for a ‘*more inclusive borough for those who live and work in Brent including our children, young people and vulnerable residents’* and for *a ‘healthy borough where residents are supported and cared for when they need it most.’*

## ***Purpose of this Protocol***

* 1. Most referrals that come to the attention of either YOS or CSC can be broadly defined as having either welfare or justice concerns. Under Section 11 of the Children Act 2004 all partners are responsible for carrying out their functions having due regard to the need to safeguard and promote the welfare of children and young people.
  2. Welfare concerns include those children who meet the threshold of being in need of help and protection and those who are subject to Looked-After Children arrangements. Youth Justice concerns arise when young people have offended or are at risk of offending
  3. The purpose of this protocol is to clarify the respective roles and responsibilities of all practitioners where children or young people are known to both teams. In such cases, this protocol aims to provide a basis for effective joint -working, providing a framework for delivery.
  4. The protocol does not override the statutory duties and responsibilities of either team, but clarifies the roles and responsibilities for shared cases.

## ***Information Sharing Procedures***

* 1. Some children and young people have complex needs and difficulties, which may require a joint response from CSC and the YOS. It is these cases where there is joint case responsibility that identification of the lead professional and management needs to be clear. Information-sharing is central to improving the outcomes for these children, young people and their families. This is supported by monthly case meetings involving the CSC and the YOS.
  2. There are legal gateways to enable the sharing of information between the YOS and CSC. This includes legislative requirements to share information between youth offending teams and children’s social care teams set out in:
  + The Children Act 1989
  + The European Convention on Human Rights Act 1998
  + Crime and Disorder Act 1998
  + The Data Protection Act (DPA) 1998
  + The Children Act 2004
  + Children (Leaving Care) Act 2000 as amended by the [Planning Transitions for Care Leavers Guidance 2010](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf)

***Assessment and Planning***

* 1. The YOS uses the AssetPlus statutory assessment prescribed by the Youth Justice Board. AssetPlus is a holistic end-to-end assessment and intervention plan, allowing one record to follow a child or young person throughout their time in the youth justice system. This includes assessing the risk of young people re-offending, their vulnerability and any risks they may pose to the public. This assessment informs the preparation of Court reports. The YOS will also use the Early Help Assessment and assessments undertaken by CSC where appropriate.
  2. In keeping with the need to share information and to assist each team to undertake their specific type of assessment each agrees to share a copy of their relevant completed assessments for the purpose of assessing young people who have, or are alleged to have, offended and those children and young people who may be at risk of significant harm. The YOS Service and CSC need to share the following relevant information: Child-in-Need Plan, Child Protection Plan, Child Looked-After Care Plans, Early Help Assessment and AssetPlus assessment.
  3. It is acknowledged by the YOS and CSC that other legal Court documents (i.e. Pre- Sentence Reports (PSR) and Social Care Court Statements) are considered as ***Property of the Court*** and each party can only have full access to the whole document by applying for leave of the Court. This however, should not prevent CSC and YOS staff from sharing relevant information as covered by the key legislation listed above.
  4. Where young people are known to both teams, the YOS Case Manager will consult CSC to seek their input to the PSR and identify any support CSC might be able to offer in any future support package/court disposal.
  5. The YOS records all contacts with children and young people and other case management information in a database, **‘ChildView,’** whilst Social Care records all client contacts and other case management information on **‘Mosaic.’** Identified CSC staff have **‘Read-only access”** to ChildView, specifically those staff working with the Multi-Agency Safeguarding Hub (MASH). CSC staff may also access information by contacting the YOS Duty Team.
  6. ChildView can also be accessed by the FAST Manager.
  7. It is the responsibility of each team to ensure that all database entries are clear and up-to-date.

***Young People in Custody/YOI***

* 1. When a young person is in custody the YOS will alert CSC as early as possible in order to provide notice to CSC and enable them to arrange a support package for that young person upon release. This will particularly have regard to CSC sourcing a suitable release address and appropriate ongoing accommodation.
  2. Planning for re-settlement will always commence at the commencement of a sentence or remand; with decision making and information sharing in respect of facilitating resettlement and reintegration taking place through the monthly Resettlement and After Care Panel meetings chaired by the Principal Officer, Commissioning and Resource Team.
  3. Within one week of meetings, both YOS and CSC staff will ensure that ChildView and Mosaic are updated to record relevant discussions and deliberations.

***Young People in Court***

* 1. Wherever possible, where a young person is known to both teams, YOS Case Managers will inform CSC Workers where the young person is due to appear in Court, and will inform CSC Workers of the outcome.
  2. All information about potential court appearances and custody of young people will be shared via:
     1. Referrals -to be sent by YOS to the MASH who will cascade it to the appropriate CSC team where the young person is not already subject of a plan with the CSC team; or will provide the information directly to the relevant CSC team member where there is an existing social worker assigned to the case.
     2. A monthly Resettlement and After Care Panel meeting, which is held in order to plan strategically for the resettlement of children and young people and identify any instances where bail addresses for remands or approved addresses for licence conditions may be required. The panel members will include the Commissioning and Resource Team, YOS Operations Manager and a CSC representative. The secretariat for the Resettlement and After Care Panel meetings is the YOS, where team leaders are responsible for preparing agendas, meeting minutes and booking meeting rooms. Agendas are distributed at least one week in advance and minutes issued within one week of meetings. The YOS will also notify any social workers about relevant cases for discussion at these meetings.

## ***4. Procedures regarding Appropriate Adult Requests and Looked after Children***

* 1. Where the Police seek an Appropriate Adult they are required in the first instance to make a referral via the Brent Family Front Door/MASH. The referral will then be sent to the Family Adolescent Support Team. This will be organised by the CSC Social Worker.
  2. It is, however, the responsibility of parents and carers to attend the police station where at all possible and it must be established that this has been pursued first.
  3. Out of hours Appropriate Adults in Brent are usually available into the early evening and at weekends facilitated by the Brent Voluntary Appropriate Adult Service Ltd. A referral can be made to them by calling the **DL:  01327 831900.**
  4. Should an Appropriate Adult be required to attend a police station for a Looked after Child, it is expected that in the first instance the young person’s parent or carer will be approached to determine whether they can attend if appropriate. Where the child is in residential care, their key worker might act as the appropriate adult. In the event of the residential staff also being the victim of the offence or if the parent or carer or allocated CSC Team social worker cannot respond, CSC will arrange for an Appropriate Adult volunteer to attend the police station to act as appropriate adult.
  5. Where Brent shares parental responsibility with a parent/carer every effort should be made for the Foster Carer, Key-Worker allocated Social Worker or a duty Social Worker from the team to be present.
  6. If, after initial interview, the young person is bailed to return to the police station for charge or to be issued with a Youth Caution or a Youth Conditional Caution pre-court disposal (either at the police station or YOS premises) a foster carer, residential social worker, Key-Worker, CSC social worker or if out of hours representative of the Appropriate Adult scheme must accompany them. The allocated CSC worker is responsible for organising the child’s or young person’s attendance .
  7. YOS staff cannot act in loco parentis when a child or young person appears in court. The foster carer, residential worker, Key-Worker, social worker from CSC Team or representative of the Appropriate Adult scheme must accompany them. In cases of emergency or where the social worker or foster carer may be the victim of the crime, CSC will reallocate a worker to accompany the young person at court.
  8. Carers, residential and CSC Team social workers are responsible for arranging transport to and from Court.

***Meeting/Review Arrangements***

* 1. When a young person's case is being reviewed by the YOS, the allocated YOS Case Manager must ensure that the allocated social worker is invited to all reviews and planning meetings, including those for young people in custody or remand. A record of all such meetings will be kept on Childview.
  2. Social workers in the CSC Team must ensure that allocated YOS Case Managers are invited to Child Protection Conferences, statutory reviews of LAC care planning meetings where appropriate. Where a young person is the subject of a Child Protection Plan, the YOS Case Manager should be considered a member of the core group and invited to all core group meetings.

## ***Remands into Local Authority Accommodation Procedures***

* 1. As a result of the Legal Aid, Sentencing, and Punishment of offenders Act 2012 (LASPO), young people who are remanded into secure accommodation either by way of secure training centre or YOI receive LAC status. Statutory LAC procedures begin on the day of the remand**.**
  2. A Brent young person who has offended and who is placed by CSC temporarily out of the borough will usually remain the responsibility of the YOS unless the area in which the child is resident agrees to assume full case responsibility. Accordingly, the YOS will be responsible for any negotiations with the YOT in the area where the young person is placed.
  3. It is essential that the YOS are notified by CSC Worker, within one working day of any changes of accommodation in order that they can make the necessary arrangements for case transfer and continue to meet required National Standards of Youth Justice which include alerting the court for the fitting of electronic tagging equipment.
  4. Brent YOS staff will attend court and provide information as requested by the court (or if duty arrangements apply Brent YOS will be represented by Barnet or Harrow YOS). If the young person is a looked after child, the CSC Social Worker will attend court with the child or young person or make alternative arrangements for the child or young person to be accompanied by a parent, carer or an alternative representative of the CSC team. It is the expectation of the Court that this will take place.
  5. As soon as a child or young person is remanded into local authority accommodation, or there is a real likelihood that this will occur, YOS staff will provide details of any conditions attached to the placement and any other relevant information, together with
* *name, date of birth and ordinary address of the young person*
* *information about the charge*
* *information about previous offences*
* *information about objections to bail*
* *a copy of ASSET (if available)*
* *a copy of the bail profile ASSET*
* *a copy of the remand warrant which must include the date on which the individual is to re-appear in court*
* *immigration status*
* *other relevant information (where available).*
* *where the young person is placed*

to the Brent Family Front Door/MASH where the child or young person is not already open to CSC; or to the relevant CSC Key-Worker designated social worker or CSC team where the child or young person is open to CSC.

* 1. Once a referral has been received CSC should seek authorisation from the CSC Head of Service and copy the Commissioning Resource Team. All approved requests from the Head of Service should be uploaded onto Mosaic.
  2. In the same way, any remand notifications received from other sources including out of borough courts, other local authorities, or obtained through overnight arrest information will be sent to the Family Front Door/MASH, and the FAST Team Manager where the young person is not open to CSC or directly to CSC where the young person is open to CSC at the earliest possible opportunity via the YOS Duty System.
  3. The Care Planning and Children in Care Service will respond to any remand into local authority accommodation request within 24 hours and recognise that it is their responsibility to secure the safety of the child or young person remanded whilst decisions about placement are made. If there any delays in CSC progressing information, YOS staff will notify the matter to a Principal Officer or Head of Service.
  4. Immediately when the court orders a child or young person to be remanded into local authority accommodation, CSC must ensure that arrangements are made for the child or young person to be transferred from court to their placement. This includes the duties on CSC to collect and/or transport the child to appropriate premises before the Court closes for the day.
  5. The Commissioning and Resource Service will finalise placement arrangements with providers, completing provider referral forms. This includes advising the Independent Reviewing Officer of these arrangements within 15 working days.
  6. The Care Planning and Children in Care Service will implement LAC procedures to including arranging the planning meetings, reviews and completing assessments.
  7. Where the child is remanded to the care of the local authority, the CSC social worker will arrange for the child or young person to be accompanied at subsequent Court appearances. YOS do not undertake this function.

## ***Procedure regarding Youth Justice Court Reports***

* 1. When the court requests a pre-sentence report in respect of a young person that is known to CSC, the YOS will contact the CSC Team.
  2. If the case is allocated, the YOS Case Manager will liaise with the allocated CSC Social Worker to obtain required information as well as check Childview/ Mosaic for any relevant reports or case summaries.
  3. In the unlikely event that the CSC file is archived, contact will be made with the Planning, Information and Performance section of C&YP to gain access.
  4. Where a pre-sentence report is requested in respect of any child or young person who is currently remanded and facing a custodial sentence, the YOS will arrange to meet with the social worker.

## ***Procedure regarding Children and Young People on Warrants***

* 1. The YOS will notify CSC of any warrants relevant to young people.
  2. In these circumstances, the CSC’s will provide the young person with a basic service and proactively encourage the young person to surrender to their warrant and offer to help them do so if at all possible. This will include CSC notifying the YOS officer and police of the child or young person’s whereabouts.
  3. YOT similarly will encourage a young person to take responsibility for the warrant but if the young person refuses, YOS Case Managers, who include the Police, have the power to take action to ensure that warrant was obeyed.

## ***Bail Support***

* 1. Where required by the Court, the YOS will provide a bail support programme, including, if appropriate, bail on Intensive Support and Supervision (ISS) with or without an electronic curfew (tag), for the young person during the remand period. Brent YOS will provide CSC Social Worker a copy of the Bail Support programme.
  2. In some circumstances, the YOS Case Manager at Court might seek information from CSC about placement options to enable the court to determine if electronic monitoring is an available option.
  3. This is likely to occur rarely and if finding a placement is likely to be a significant issue, this should be advised to the YOS Case Manager at Court in order that suitable representations are made to the court.

1. ***Procedures and Financing for Direct Court Ordered Secure Remands***
   1. A remand to Youth Detention Accommodation is a remand under the terms of the Children’s Act 1989 and the young person is deemed to be “in the care of” the local authority. As with section 5 about remands to local authority accommodation, the Care Planning and Children in Care Service will implement LAC procedures, arranging planning meetings, reviews and completing assessments where required in full consultation with the relevant YOS Case Manager. The YOS Case manager and any relevant members of the CSC team will attend meetings.
   2. Under provisions of the LASPO Act 2012, local authorities are responsible for the full payment for all Youth Detention Accommodation – both court ordered secure remands and remands to YOI.
   3. From time to time the court may make a remand to Youth Detention Accommodation but there will not be a place available in the secure non-prison estate. Where this happens, the child will in effect be **remanded to the care of the local authority**. In these cases: *the local authority is responsible for placement finding and transport as it would in the case of any child ordinarily remanded to local authority accommodation –please note that the CSW social worker must assess the relevant transport related security needs on a case by case basis to ensure that the young person is conveyed or escorted safely to/from the identified accommodation.”*
   4. The YOS will be responsible for contacting the Youth Justice Board Placements team on the day wherever a secure placement is required.
   5. A child or young person remanded to the secure estate should be seen within 5 working days by a member of the YOS in order for a bail support programme to be prepared. If the CSC Team also knows the child they should liaise with YOS in order that joint visits are considered. Good communication and liaison between YOS, CSC and the secure residential unit staff should ensure the provision of adequate and timely information. It is the responsibility of YOS staff to ensure that they initiate communication with CSC staff at the time of the remand.
   6. Arrangements should be made whenever possible so that YOS visits to young people on remand coincide with CSC LAC meetings or vice versa.
   7. Wherever it is not possible to visit jointly, both YOS and CSC will seek to represent each other (if it is permissible by statute) or otherwise convey information to a young person on remand.

## ***Procedures Regarding Period of and Release from Custody***

* 1. Once a child or young person has been remanded to secure facilities the YOS will be responsible for offering a bail support programme for the next available court appearance where appropriate to do so. If conditional bail to attend the bail support programme is granted this will be arranged through the YOS. If the child or young person is known to CSC then the bail support worker will liaise closely with the allocated staff member.
  2. If the child or young person is sentenced to a period in the secure estate then the YOS will be responsible for maintaining contact with them in line with National Standards. Within ten working days, the YOS case manager with staff from the secure state and any CSC worker (where that is possible) will hold and jointly chair an initial planning meeting to agree a sentencing plan within 10 days of the custodial sentence being imposed. The sentencing plan covers:
* preventing offending behaviour when the young person is released
* plans regarding housing, education and health needs of the young person on release
* setting clear and achievable targets for the young person
  1. The sentence plan will also include clear information regarding the anticipated date on which the young person will be released from the secure estate. In all cases this information should be passed immediately by the YOS staff to the relevant CSC where a member of that department was not present at initial planning or review meeting.
  2. When someone is remanded into custody becomes LAC and then is sentenced to a DTO or Sec 91, LAC status will cease.
  3. When a child/young person accommodated under s.20 (Children Act) receives a custodial sentence this status ceases. Whilst this is not automatically re-instated on release CSC will remain in contact with them. If they were, at the time of their sentence, eligible for leaving care services they would become eligible for them on their release. The YOS will provide CSC with release date information. Wherever possible this will be within two days of the commencement of the sentence.
  4. It is essential that good, timely communication and liaison take place between YOS and CSC in order that release plans are known, shared and owned by all concerned. This will be done via the monthly Resettlement and After Care Plan meeting or alternatively through the monthly operational meeting involving YOS and CSC.
  5. A YOS Case Manager will be jointly responsible with secure estate staff for sentence plan review meetings. The first will be held within one month of the above meeting, with further review meetings usually occurring within three months. The final review meeting will be held 10 working days before the young person's release date.
  6. Unless there are safety issues, licence conditions, or the young person is under a Care Order, the YOS will work with the young person and their family to ensure they return to their parent or previous carer. Where the young person can return home, the YOS (along with the parent/ carer) will be responsible for the young person's support on release.
  7. If the young person is either under a Care Order or was previously LAC and is under 16 years of age, or over 16 years but with significant vulnerability issues, the CSC Team will be responsible for seeking suitable accommodation. In these circumstances the allocated CSC social worker, or the responsible Team Manager, will attend sentence planning meetings and reviews.
  8. If the young person is not deemed vulnerable and is under 18 years of age and under a Care Order or was previously looked after by Brent under section 20, the Care Planning and Children in Care Service will be responsible for seeking accommodation and provide relevant financial assistance if relevant.
  9. A small number of young people over 16 years of age cannot return to their parent or previous carer. When it has been identified that there may not be a suitable adult within their extended family or social network who can provide a home for them, a member of Care Planning and Children in Care Service will be invited by the YOS to release and final release preparation meetings. This must be done at the earliest opportunity to ensure that there is sufficient time to secure suitable alternative accommodation.
  10. YOS and SCD CFD will make arrangements for these young people to be re-housed under the Housing Act 1996 and Homelessness Act 2002
  11. Where (10.12) above applies, the YOS Case Manager will assist the young person to apply for Transitional Housing Benefit and other relevant benefits.

## ***Procedures regarding Child Protection Issues***

* 1. When a YOS member of staff identifies child protection issues/concerns, they must immediately report this verbally and in writing to their Line Manager. If their Line Manager is absent, the YOS member of staff will refer the matter to the Duty Manager in the first instance, or in their absence any other member of the YOS Management Team. The YOS Manager will determine whether concerns need to be referred via the Early Help Assessment to the Brent Family Front Door/MASH. CSC Teams will acknowledge receipt of YOS referral in writing in accordance with London Child Protection Procedures.
  2. Child Protection Investigations are the responsibility of the CSC team and Police. They will make the required checks and enquiries and convene all necessary investigation and meetings under the London Child Protection Procedures.
  3. The YOS Case Manager must be invited to attend such meetings, and will be kept informed by the investigating Social Worker of progress and any information they might need resulting from this investigation.
  4. Young people who have offended and who are assessed as posing the highest risk of causing serious harm to others and the likelihood of re-offending will also be referred to YOS High Risk/MAPPA Panel and/or the Brent Offender Management Programme.

## ***Transfer Protocol***

* 1. There are cases in which children and young people require youth justice services while outside the area in which they normally live. All YOTs across England and Wales must operate in accordance with the requirements of the National Protocol for Case Responsibility (2014).
  2. Where the YOS case manager is aware that a Brent child or young person will be moving outside the area as part of youth justice arrangements, the YOS case manager must advise the Brent CSC immediately and within 24 hours, the CSC will have arranged the relevant placement.
  3. If this is delayed, within three working days, the YOS Operation Managers and Team Leaders will have been notified by YOS case workers.
  4. YOS case workers will maintain up to date transfer logs of cases for which they are responsible. The transfer log will be reviewed daily to ensure placements are prioritised.

## ***Review of Protocol***

* 1. This protocol was last reviewed in August 2015. Any on-going areas of development or difficulties need to be reported to the appropriate Principal Officers or Heads of Service in the first instance.
  2. This protocol will be distributed by management to all relevant staff.

**Signed**

***Onder Beter Sue Gates***

***Head of LAC and Permanency Service* *Head of Early Help Service***

***Children and Young People’s Services Children and Young People’s Services***

Date August 2017 Date August 2017

**Appendix 1: Information Sharing – relevant legislation**

**The Children Act 1989**

Section 47 of the Children Act 1989 places a duty on Local Authorities to investigate and make enquiries into the circumstances of children considered to be at risk of ‘significant harm’ and where these enquiries indicate the need, to decide what action, if any, it may need to take to safeguard and promote the children and young people’s welfare. Section 47 states that unless in all the circumstances it would be reasonable for them to do so, the following authorities must assist a local authority with these enquiries if requested, in providing relevant information: any local authority, any local education authority, any housing authority, any health authority, and any person authorised by the Secretary of State.

**The European Convention on Human Rights Act 1998**

European Convention on Human Rights Act 1998, suggests that the right to private life can be justified under Article 8.2 and proportionate. The right to a private life can be legitimately interfered with where it is in accordance with the law and is necessary, for example, for the prevention of crime or disorder, for public safety, for the protection of health or morals, or for the protection of the rights and freedoms of others.’ *(HM Government Information Sharing: Further guidance on legal issues, April 2006)*

**Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 provides a statutory authority, under Section 115, enabling the disclosure of personal information to be considered whenever it is necessary or expedient to the successful implementation of the Act and for the purpose of the prevention or detection of crime.

The information needs regarding this protocol arises under Section 37 of the Crime and Disorder Act 1998: “to prevent offending by children and young people.”

**The Data Protection Act (DPA) 1998**

Organisations which process personal data must comply with the data protection principles set out in schedule 1 of the DPA. These require data to be: fairly and lawfully processed, in particular it shall not be processed unless for limited specified purpose; adequate, relevant and not excessive for those purpose; accurate and up to date; kept for no longer than necessary; processed in accordance with the data subject’s rights under the DPA; kept secure; not transferred to non European Economic Areas without adequate protection.

**The Children Act 2004**

Section 10 of the Act places a duty on each children services authority to make arrangements to promote co-operation between itself and relevant partner agencies to improve the well-being of children and young people in their area in relation to: physical and mental health, and emotional well-being; protection from harm and neglect; education, training and recreation; making a positive contribution to society; social and economic well-being.

**Children (Leaving Care) Act 2000 as** amended by the [**Planning Transitions for Care Leavers Guidance 2010**](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf)**.**

The Act obliges local authorities to delay discharge of a looked after young person until a young person is prepared and ready to leave care, improves the assessment and planning and preparation for leaving care, provides good personal support to young people leaving care, and improves the financial arrangements for young people leaving care.

The Act also makes it clear that the responsibilities for the local authority to act as a corporate parent and it defines for the eligibly to services.