



## ***West Sussex Youth Justice Service***

### ***Engagement & Compliance Policy***

**2021**



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## 1 Introduction

- 1.1 This policy sets out the principles and practice of West Sussex Youth Justice Service (YJS) in respect of the engagement and compliance of children subject to YJS intervention, either on Court Orders, Out of Court Disposals (OOCd) or engaging in prevention work. The policy outlines best practice, including expectations on practitioners and Team Managers in achieving the best outcomes for children and families. The policy serves as a guide to practitioners and also as a statement of aims and objectives for the service.
- 1.2 This policy has been developed by a collaboration of Team Managers, Senior Youth Justice Officer's (SYJO) and all operational staff via working groups. The policy sets out processes in line with current practice and models but will need to be reviewed to reflect future changes in YJS practice.
- 1.3 This policy should also be read in conjunction with YJS Maturity Guidance.

## 2 The Key Principles of Engagement - How we Engage Children

- 2.1 Below are the key principles of practice staff within the YJS will use when working with children engaged with the YJS. All staff will be expected to adhere to these principles at all times so as to facilitate the best interventions and outcomes for children and families.

**Diversity:** We seek to understand and consider children's individual needs in all our interventions and decision-making (e.g. ethnicity, language & communication needs, maturity, emotional wellbeing needs, etc.). See Appendix 5 for Diversity Questionnaire.

**Relationships:** Our priority is to build positive attachments with the child, to seek their trust and engagement, to demonstrate understanding, ensure they feel their voice is heard and show empathy and genuine care. We will aim to keep the child in mind with regular communication that suits them (e.g. text, email, social media, phone calls).

**Trauma Informed:** In our work with children and families, we will consider the impact of developmental trauma, adverse childhood experiences and attachment styles, so as to understand and put into context a child's presenting behaviours and provide interactions and interventions which are responsive to a child's needs and risks.

**Desistance:** We will consider and analyse individual and societal factors, which promote a child's desistance from offending by building on and developing strengths to support a pro-social, non-offending identity.

**Consistency and Continuity:** We will model a consistent approach whether children are complying or not, with patience, persistence, and a friendly approach. Wherever possible, the YJS will facilitate continuity of worker for the child and family and avoid change unless this is deemed necessary.

**Respect:** We will treat children and their families with respect, with a non-judgemental approach, manner, and language.

**Modelling:** We will always model behaviour to children which creates an atmosphere of mutual trust and respect, for example, by identifying strengths, giving praise, and focussing on things the child is doing well, e.g. strength-based approaches.

**Participation:** We will work alongside or *with* children, involve children and take their views into account when deciding where and when to meet, what the sessions will involve and when making decisions about their interventions.

**Transparency and Clarity:** We will be honest with children and their parents/carers regarding enforcement decisions and clearly explain expectations of them and listen to their expectations of the YJS.

**Empathic Approach:** We will be sensitive to the underlying needs and trauma of children in respect of their behaviour, particularly attachment issues/ lack of trust, and aim to engage children within a client centred approach in which responsibility for engagement and motivation lies with the practitioner.

**Decision-Making:** Complex decisions around engagement and compliance will be made on the basis of the dual considerations of risk, safety and achieving the best outcome for the child, rather than on processes.

**Accountability:** Enforcement action and decisions show a clear line of accountability, with accurate recording and line management oversight of any divergence from local guidance on contact levels and National Standards (e.g. extenuating circumstances).

### 3 Pre-Appointment Engagement

- 3.1 The first contact with a child or family should be via telephone, rather than letter and will be the start of the engagement process, therefore all the above principles must apply.
- 3.2 The child and family should be given a choice of venues and times where possible and the venue should be safe, suitable and child friendly. For some children, a home visit will be a good starting point for engagement. For others, a neutral venue may be more suitable.
- 3.3 YJS practitioners should always contact the parents or carers about the appointment and ideally speak to the child before sending out letters.
- 3.4 Prior to the first contact, practitioners should speak to the person that has last worked with the child to gather information, specifically around what works best in terms of engagement and building a relationship.
- 3.5 The child should have been given the opportunity to talk through the terms and expectations of their Court Order or OOCd at the start of any intervention. In some cases, this will be completed at Court. See Appendix 1 and 2 – Court Order and OOCd forms, which were designed with oversight from a Speech & Language Therapist to explain the expectations of engagement with the YJS to children via clear language and pictures.

### 4 Putting Principles into Practice

- 4.1 Practitioners will take account of each child's personal and social circumstances and emotional state, providing individualised care and intervention.
- 4.2 The YJS will aim to understand each child's attachment style and respond in a way that is complimentary to it.
- 4.3 Practitioners should draw on the support of specialist staff and partners when it is felt a family dynamic requires this in order to support change.
- 4.4 YJS professionals will liaise closely with others working with the child and their family, to support change and to share information about the child's engagement and progress.
- 4.5 Consistency and predictability in practice is regulating and containing for children and young people. Such practice supports the development of trusting and valued relationships. However, the principle of equitable treatment should be applied to each case based upon an

understanding of each child's or young person's specific needs, abilities, and maturity. This should be explained to the child and the thinking behind the expectations clearly recorded.

- 4.6 When challenging children about their behaviour and attitudes, this should be non-confrontational and done in a professionally curious way using motivational interviewing techniques, active listening, reflection, and rephrasing.
- 4.7 The development of trusting relationships often forms a critical part of behaviour change. It is accepted that where the child has experienced trauma, loss, abuse, neglect, or attachment/family difficulties; developing a trusting rapport with a worker may take time. However, a balance must be struck between developing relationships and effectively managing risks. The absence of trust cannot automatically preclude targeted intervention taking place to address risk, reduce reoffending, promote safety, and build strengths.
- 4.8 Practitioners are encouraged to be flexible in their engagement on the basis that the relationship with the worker is a priority in terms of achieving outcomes. For example, out of office work with the child may replace office-based meetings where this will improve the trust and relationship or where the child struggles within an office environment. Examples include walk and talk sessions, going to a youth centre or café, an activity, sport, or interpersonal skills sessions (dependent on budget), whilst bearing in mind the need for confidentiality and anonymity.
- 4.9 Practitioners may use their discretion to manage interventions, for example, provided there are adequate external controls and the child is engaging well in sessions, the required contact levels indicated by their risk judgement can be met by a range of activities and professional contacts. The key focus will be developing a trusting rapport with the child so that the child is empowered to access appropriate intervention to meet their needs (e.g. this could involve taking a child to an interview, to college or supporting them to attend a CAMHS appointment).
- 4.10 With respect to the above, the focus of the session should be recorded in the usual way, so that the aim and outcome of the session is clear and defensible.
- 4.11 Any divergence from the required contact level with the child, as indicated by their risk judgement and the local guidance to National Standards, in terms of contact or enforcement should be defensible, discussed with the line manager or a YJS Team Manager and clearly recorded as a 'Professional Judgement' entry on the Contact log of the Intervention tab on the child's electronic record.
- 4.12 Sickness or Injury: A child can self-certificate for up to 5 working days. The YJS will use creative means to ensure children are properly monitored if they call in sick, for example, unannounced home visits (especially if there are risk/ safety concerns) or contacting the parents/ carers. If a child is sick for longer than 5 days, it is expected that medical treatment will be sought and verified. If a child is experiencing mental ill health, they can effectively be signed off, and although the YJS should not be enforcing the Order/ O OCD, welfare checks and visits should be made by the practitioner (in agreement with the child). If a child cannot verify sickness which leads to a compliance/ engagement panel or breach proceedings, the YJS will make all possible efforts to verify the illness before proceeding with breach.
- 4.13 Late attendance, re-arranging appointments, or other behaviours which appear to be avoidant or non-compliant might be acceptable in some circumstances. In respect of such compliance issues, YJS staff will aim to ensure consistent practice, messages, and expectations of children in respect of their intervention and attending appointments. As above, overall engagement and the child's circumstances will be considered but if in doubt, practitioners should consult their line manager or a YJS Team Manager / Senior YJO. In all cases, the reasons for lateness or re-arranging should be explored and any issues dealt with.

- 4.14 Practitioners will be given clear guidance about appropriate boundaries and flexibility but also the bottom lines for engagement or enforcement action by their line managers.

## 5 Responsibility of Line Managers

- 5.1 Team Managers will seek to match children to practitioners wherever possible. For example, if a child has requested to work with a male or female or other considerations.
- 5.2 All practitioners will have access to monthly supervision where their line manager will facilitate discussions around engagement and the impact a case is having on the worker, for example, caused by projection or emotional demands of the role.
- 5.3 Line managers recognise the importance of clinical/ reflective supervision for practitioners, especially where the child has complex trauma, emotional or psychological issues.
- 5.4 Line managers will use the coaching approach to enable reflective supervision and to empower practitioners to make good and defensible decisions based on the principles above.
- 5.5 Practitioners will bring to supervision sessions specific concerns they have around engagement or the relationship with a child and what they feel is the best solution.
- 5.6 Where there are examples of good practice in engagement, these will be shared via team meetings or the Effective Practice Forum to enable the learning of others.
- 5.7 The final decision on enforcement will remain the responsibility of the Team Manager, given the need for a clear line of accountability, especially where there are public protection or safety concerns.

## 6 Stuck Cases: When the practitioner feels unable to engage the child in a meaningful way to effect change

- 6.1 Practitioners will use supervision, ad-hoc supervision, or group supervision/ practice forums to discuss complex engagement or compliance issues and reflect on best practice. Practitioners can also request a case formulation be undertaken with YJS Psychologist to ensure the approach being used is the most effective from a trauma informed practice perspective. This can be extended to include the professional network working with the child and family to ensure all professionals have a consistent and collaborative trauma informed approach which is using the most appropriate interventions in terms of the attachment styles for the child and family.
- 6.2 Where all efforts to engage a child are not proving successful, following discussion with line manager, cases can be re-allocated if this is in the best interests of the child and the child has identified that this would work better for them. The line manager should have a conversation with the child, ideally face to face, to review the Court Order / OOC and the relationship with the worker, so the child can give honest feedback and their views and thoughts can be heard. In all decisions where the case manager is changed, the child's views will be sought and taken into consideration.
- 6.3 In principle, the YJS will never give up on a child but where the child's engagement or compliance does not enable the safe management of the risk of harm to the public or their own safety and wellbeing, or the Order / intervention is unworkable due to the child's inability to comply, the YJS will consider revocation of Orders. Such decisions will need to be made by Team Managers and in cases where there is a risk of custody, the YJS Service Manager must be consulted.

- 6.5 Where there is limited assessed risk of re-offending or harm to the public, the YJS will consider the interests of justice and whether the Order or intervention should be managed with minimal or alternative contact (e.g. youth worker/ sporting activity, school), or revoked with a recommendation for a Conditional Discharge or alternative disposal.

## 7 Enforcement

- 7.1 Where all efforts have been made by the YJS, professionals and the family to facilitate engagement but this is not working and the child is showing persistent and/or wilful non-compliance with the terms and expectations of their Order or OOCd, breach proceedings or where appropriate referral back to the OOCd panel, should be instigated (See Appendix 4 – Breach Process Guidelines).
- 7.2 In the majority of cases a child must be offered an Engagement Panel prior to breach to discuss and explore the reasons for their non-compliance or difficulties engaging. The YJS will aim to use this panel to agree a plan to avoid breach proceedings.
- 7.3 Where a child demonstrates a pattern of non-compliance with their Order or OOCd, consideration must be given to convene an Engagement Panel or instigate breach proceedings. This must be discussed, and action agreed with the line manager or a YJS Team Manager. A "Management Oversight" entry must be recorded on the child's electronic record detailing a record of the discussion and the decision taken, which is defensible.
- 7.4 Breach proceedings can be instigated without the use of an Engagement Panel, where a child has completely disengaged with the YJS and is not contactable or where the child is assessed as presenting a significant risk of serious harm to the public and they are not compliant with the intervention being delivered to manage the current presenting risk.
- 7.5 Equally, where there are significant concerns about the child's safety and wellbeing and they have disengaged with the YJS, e.g. they are missing, consideration should be given to utilising the breach process and the issuing of a warrant, if this is the best or only measure to ensure their safety.

## 8 Engagement Panels

- 8.1 An Engagement Panel should be considered when a YJS case manager is unable to engage a child in meaningful intervention or when a child is not attending their YJS appointments. This should be used as a supportive measure to help children engage with their Order / OOCd and attend YJS appointments, reducing the need for Court breach / OOCd Panel review and possible further criminalisation. The purpose of the Engagement Panel is to review the progress of the Order/ OOCd, make sure the child is aware of the consequences of not complying and to identify any aspects of the intervention that have gone well and could be built upon. It is an opportunity to hear the voice of the child and their parent /carer, identify and remove barriers to engagement, whilst promoting flexible ways of engagement via an agreed plan, which can be reviewed at regular intervals. (See Appendix 3 – Engagement Panel Action Plan). The Engagement Panel Action Plan should be completed with the child and is by no means prescriptive in its format. More creative versions of the plan are encouraged to enable and support the child's ownership and engagement.
- 8.2 ***When should they be used?:*** In most circumstances, Engagement Panels should be considered where a child has displayed a pattern of non-engagement over a short period of time, resulting in the child being in breach of their Order or OOCd. Although not compulsory, the YJS Case Manager may also wish consider the use of the Engagement Panel for cases where there has been a high number of acceptable absences to fully review how the Order is going and

consider how engagement could be improved. Similarly, Engagement Panels could be considered when there has been a breakdown in the relationship between the YJS Case Manager and the child.

- 8.3 **Environment:** The time and place of an Engagement Panel should be considered carefully and take account of the individual needs of the child, so that they are given every opportunity to engage fully in the process. Venues where the child has repeatedly failed to attend should not be used.
- 8.4 **Attendees:** The meeting should be chaired by a Team Manager/Senior YJO and attended by the child, their parent/carer and the YJS case manager. Specialist YJS staff and Social Workers are encouraged to attend or to submit information in writing in advance of the meeting. In the absence of a parent/carer, the YJS should consider inviting others like a close friend and family member or someone who can support the child through their Order / OOCd.
- 8.5 **Meeting Structure:** The Team Manager / Senior YJO will be responsible for agreeing with the Case Manager the method or structure of the meeting. A restorative, trauma informed or other solution focussed / strength-based approach should be used to ensure the panel is forward looking rather than being punitive. The child's voice is central to this meeting.
- 8.6 Following introductions, the YJS Case Manager should outline the child's compliance to date and inform the meeting of good progress as well as any challenges. Specialist workers could then provide an update. The child and their parent/carer should be given time and space to explore the barriers to engagement. The Chair will need to consider the information and then decide whether or not breach proceedings will be progressed through the Courts or the OOCd is returned to the OOCd panel for consideration. Where it is agreed the Order / OOCd should continue, the group will collectively agree an achievable action plan which all attendees will sign up to at the meeting. The child's engagement will continue to be monitored by the YJS Case Manager with regular reviews of the action plan.
- 8.7 Engagement panels do not automatically erase all previous formal warnings and a case by case decision should be made by the YJS Case Manager with oversight from their line manager before being explained to the child. Decisions of this nature will depend largely on the child's assessed risk at that time as well as their individual circumstances.
- 8.8 If a child fails to attend their Engagement Panel but is able to provide an acceptable explanation, they should be offered a further opportunity to attend before a decision is made about whether or not to instigate breach proceedings. These processes are intended to be flexible so that they can respond to the complex needs of children and therefore should be completed in consultation with the line manager or another YJS Team Manager.

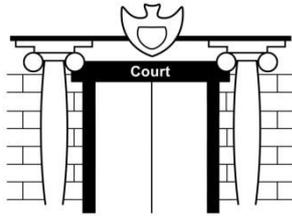
## 9 Referral Order Non-Compliance Panel

- 9.1 Under the terms of the Referral Order the child's progress and compliance with the Referral Order contract is monitored by the panel which holds regular review meetings attended by the child (and parent/carer where appropriate) and also hold ad hoc non-compliance panels where appropriate. These panel are led and chaired by volunteer Panel Members.
- 9.2 If the child is not complying with the contract, for example by failing to attend a panel or satisfactorily completing contract activities, the YJS case manager must take appropriate action. This will mean following up either through a visit, telephone call, text, email or letter at the earliest possible occasion to establish whether there is an acceptable reason for non-compliance and to re-establish engagement.

- 9.3 Where the explanation is unacceptable, a formal written warning should immediately be given. Where two formal warnings are given and there is a further unacceptable failure to comply, the YJS case manager is advised to refer the child back to the youth offender panel, unless there are extenuating circumstances and with the agreement of their line manager.
- 9.4 A panel meeting must be convened as soon as is practicable. The purpose of this panel is to use the restorative process to elicit from the child the underlying reasons why they have not complied, and where appropriate explore how they might re-engage with the YJS. The panel might also consider how the primary carer might support the child in complying. Ultimately, the panel will determine whether to refer the child back to court or put in place additional support that will enable the child to successfully complete the contract. This process can be repeated if necessary or more regular reviews put in place to encourage compliance by the child.
- 9.5 The panel should identify any recent changes in circumstance in a child's life that may affect compliance, assess whether the YJS or other agencies have provided the required support to the child and identify with assistance from the child and their parent/carers what support they may need to enable future compliance.
- 9.6 In some cases, the panel may agree that the contract was too demanding thereby making it too difficult to comply with and should consider varying the contract. Any variation or panel discussion about compliance and the outcomes of it, should be agreed with the child and their parent/carers and communicated to relevant support services.
- 9.7 However, where a child is unwilling to address non-compliance and/or work to a new plan following the panel, then consideration should be given to returning the child back to court to consider resentencing. In such cases, the panel's reasons for referring the case back along with what they would like the court to consider must be set out in a Panel Statement that will be prepared as part of the Breach Pack (See Appendix 4 – Breach Process Guidelines).

| <b>Review/Contacts/References</b> |  |
|-----------------------------------|--|
| Document title:                   | West Sussex Youth Justice Service Engagement & Compliance Policy                           |
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| Approving body:                   | West Sussex Youth Justice Service Management Board and Policy & Practice Qa Steering Group |
| Last review date:                 | January 2021   |
| Revision history:                 | 3  |
| Next review date:                 | January 2023   |
| Document owner:                   | West Sussex Youth Justice Service Management Board / Sara Pordham, YJS Service Manager     |
| Lead contact/author:              | David Bolger, Intensive Interventions Team Manager   |

**Appendix 1: Expectations of the Order**



**Your Court Order &  
the Youth Justice Service (YJS)**

**Name:** ..... **Date of Birth**.....

**Address:** .....

.....

.....

**Telephone Number:** .....

**School/College:** ..... **We will contact your School/College.**

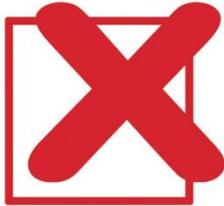
|  |  |
|--|--|
|  | <p>At ..... Court today, you were given a ..... Order for ..... months.</p> <p>It starts today, ....., and will finish .....</p> <p>You must work with the YJS until your Order is completed on.....</p>   |
|  | <p>You will have a Supervising Officer. This is someone from the YJS who will support you during this time.</p> <p>The Supervising Officer will contact you to arrange your first meeting.</p> <p>You will need to go to meetings regularly.</p> <p>You may also need to meet with other people who work with the YJS.</p> |



**While you are on this Order, you must...**

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>✓ Agree to reasonable requests made by your Supervising Officer</li> <li>✓ Follow the rules for appropriate behaviour at any place you visit as part of this Order</li> </ul> |
|  | <ul style="list-style-type: none"> <li>✓ Tell your Supervising Officer of any change of address</li> <li>✓ Tell your Supervising Officer of any change of phone number</li> </ul>                                    |
|  | <ul style="list-style-type: none"> <li>✓ Attend all appointments</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>✓ Be on time and at the right place for all appointments</li> </ul>   |

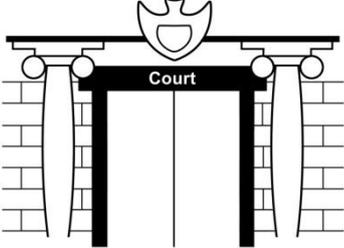
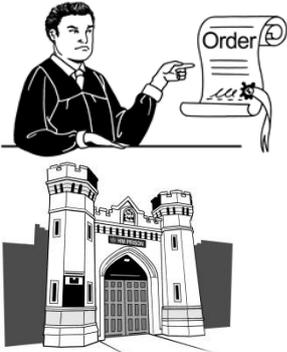
|   |   |
|---|---|
|  | <p>✓ Allow YJS staff to visit you at home</p> |
|---|---|

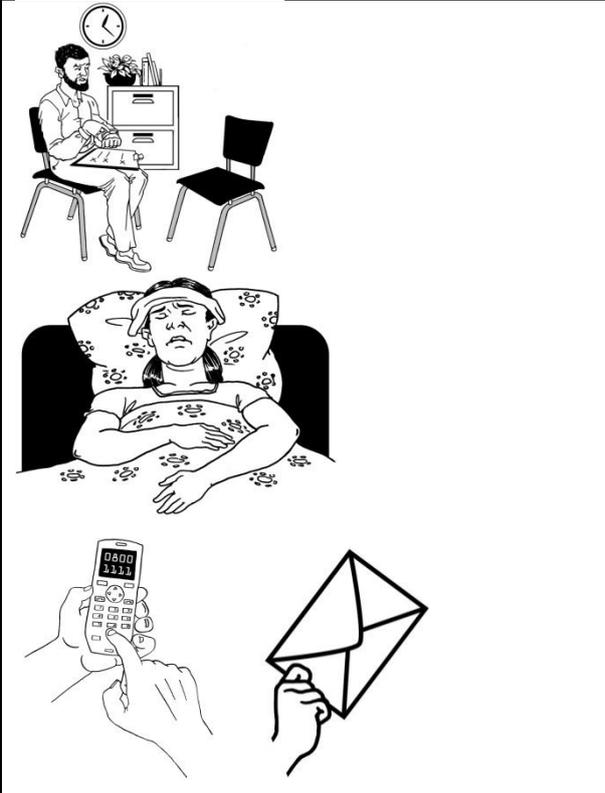


**While you are on this Order, you must not**

|   |   |
|---|---|
|   | <p>✗ Be offensive to staff or members of the public. This includes using offensive language (including racial abuse) and other behaviours</p> |
|  | <p>✗ Miss an appointment or be late</p>   |
|  | <p>✗ Offend again</p>   |
|  | <p>✗ Be under the influence of alcohol, solvents or non-prescribed drugs when you attend appointments</p>                                     |

|   |  |
|---|--|
|  | <p>✗ Take part in fighting, violent or aggressive behaviour or threats of violence</p>             |
|  | <p>✗ Do anything that stops the Order working properly. This will include not keeping to plans</p> |

|   |   |
|---|---|
|   | <p>YOU MAY HAVE TO GO BACK TO COURT IF YOU DO NOT KEEP APPOINTMENTS</p> <p>YOU MAY HAVE TO GO BACK TO COURT IF YOU DO NOT KEEP TO EVERYTHING THAT YOU HAVE TO DO AS PART OF YOUR ORDER</p>                        |
|  | <p>Going back to Court for not keeping to the order is called breach. This is serious. The court may give you extra punishment or sentence you again.</p> <p>This could mean you might have to go to custody.</p> |

|   |   |
|---|---|
|  | <p>So, if you <b>CAN NOT KEEP</b> an appointment, you <b>MUST</b>:</p> <ul style="list-style-type: none"> <li>• Have a good reason such as illness or interview</li> <li>• Contact the YJS office as soon as possible before the appointment</li> <li>• Have proof such as interview letter or doctor's letter</li> </ul> |
|---|---|

**A:** These instructions were explained to me on .....

I understand these instructions. I have received a copy of these instructions.

Name (print): ..... Signed: .....

**B:** I am the parent/carer/responsible adult (delete as applicable) for the above person

My name is: .....

I am aware that ..... has been made subject to the above Order.

I agree to actively encourage them to attend all the appointments and to cooperate fully with their Order.

Signed: .....

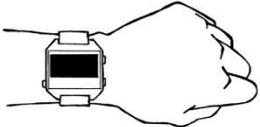
Date: .....

Appendix 2: Expectations of the Community Resolution / Youth Caution /  
Conditional Caution:

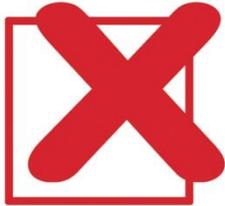


## Your Out of Court Disposal & the Youth Justice Service (YJS)

### While you are working with YJS, you must...

|   |  |
|---|--|
|    | <ul style="list-style-type: none"> <li>✓ Agree to reasonable requests made by your Supervising Officer. This is someone from the YJS who will support you during this time.</li> <li>✓ Follow the rules for appropriate behaviour at any place you visit as part of this work</li> </ul> |
|   | <ul style="list-style-type: none"> <li>✓ Tell your Supervising Officer of any change of address</li> <li>✓ Tell your Supervising Officer of any change of phone number</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>✓ Attend all appointments. The Supervising Officer will contact you to arrange your meetings.</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>✓ Be on time and at the right place for all appointments</li> </ul>   |

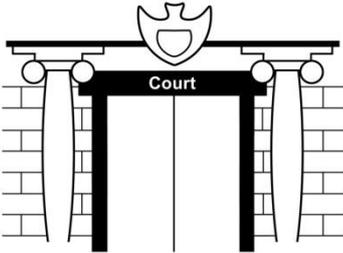
|   |   |
|---|---|
|  | <p>✓ Allow YJS staff to visit you at home</p> |
|---|---|



**While you are working with the YJS, you must not**

|   |   |
|---|---|
|   | <p>✗ Be offensive to staff or members of the public. This includes using offensive language (including racial abuse) and other behaviours</p> |
|  | <p>✗ Miss an appointment or be late</p>   |
|  | <p>✗ Offend again</p>   |
|  | <p>✗ Be under the influence of alcohol, solvents or non-prescribed drugs when you attend appointments</p>                                     |

|   |  |
|---|--|
|  | <p>✗ Take part in fighting, violent or aggressive behaviour or threats of violence</p> |
|---|--|

|   |   |
|---|---|
|  | <p>With a Youth Conditional Caution, if you do not complete the conditions expected of you within 12 weeks, you can be charged to attend Court.</p> |
|---|---|

|  |   |
|--|---|
|  | <p>So, if you <b>CAN NOT KEEP</b> an appointment, you <b>MUST</b>:</p> <ul style="list-style-type: none"> <li>• Have a good reason such as illness or interview</li> <li>• Contact the YJS office as soon as possible before the appointment</li> <li>• Have proof such as interview letter or doctor's letter</li> </ul> |
|--|---|

**A:** These instructions were explained to me on .....

I understand these instructions. I have received a copy of these instructions.

Name (print): ..... Signed: .....

**B:** I am the parent/carer/responsible adult (delete as applicable) for the above person

My name is: .....

I am aware that ..... has been made subject to a  
Community Resolution/Youth Caution, Youth Conditional Caution (delete as  
applicable),

I agree to actively encourage them to attend all the appointments and to co-  
operate fully.

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

Appendix 3: Engagement Panel Action Plan

# Engagement Panel Action Plan

Things my YJS Worker will do to help me with my Order

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Things that I will do to attend my appointments.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Things my carers, family or friends can do to help me with my Order.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Child:

YJS Officer:

Parent / Carer / Friend:

Date:

Date for Review:

N.B. This should be copied and pasted into a document and changed to landscape orientation.

## Appendix 4: Breach Process Guidelines

### **OUT OF COURT DISPOSALS**

Where a child has failed to engage with their OOC, the YJS case manager should follow the breach processes as indicated above in Section 7 - Enforcement and Section 8 – Engagement Panels of this policy.

Where breach action is required the case must be discussed and agreed with the line manager. If the breach is of a Community Resolution or Youth Conditional Caution only, contact should be made with the CAI Team Manager or Senior Youth Justice Officer, so the child can be listed for review at the multi-agency OOC panel. There is no recourse if the breach is for an Alternative Outcome or Youth Caution as engagement is voluntary.

The YJS case manager must then complete a review of the OOC assessment tool, completing the closure section detailing the engagement and compliance issues. This must be at least 5 working days prior to the panel date so the report can be quality assured by the line manager and ready to circulate to the OOC panel member 3 days prior to the panel date.

### **COURT ORDERS:**

Wherever possible the Case Manager should attend Court to put the Breach to the Magistrates.

### **Referral Orders:**

- 1) Breach for a Referral Order requires the Legal Advisor to review the application for breach before the Court can proceed to a breach hearing.
- 2) Complete the E Summons as per guidance (see appropriate folder)  
**G:Drive/Youth Offending Team/Resources/Court Forms** and ensure that the form is kept to one page only. Enter your name in the 'Information has been laid by'. Ideally, please allow at least two weeks' notice, in order for the young person to obtain legal representation.
- 3) Complete a Statement of Facts, ensuring the dates match that of the Breach.
- 4) Send the E Summons, Statement of Facts, Panel Statement and Court Order to the following email addresses:  
[DutyLegalCoverKSS@justice.gov.uk](mailto:DutyLegalCoverKSS@justice.gov.uk)  
[ss-sussexlistings@Justice.gov.uk](mailto:ss-sussexlistings@Justice.gov.uk)
- 5) The Duty Legal Advisor will consider the evidence and will take a decision as whether to proceed with the breach. If they approve the breach, listings will then agree a date for the breach to be heard at Youth Court. The case manager may prefer to suggest a Court date on the E Summons but this requires confirmation by listings.
- 6) Following this, you will be advised of the breach hearing date. Once this confirmation is received send a copy to admin, requesting they send it to the child. Keep this confirmation on

client file. **Please note it is the Case Officers responsibility to send this to admin and they will not automatically do this.**

- 7) Complete your Response to Supervision – Again please ensure your dates match that of the E summons and Statement of Facts. Please arrange this to be quality assured by a manager in plenty of time for the Court Hearing.
- 8) Complete your Breach Pack which should always contain:
  - Signed E Summons
  - Original Court Order
  - All Crown Prosecution Service (CPS) paperwork for the offences relating to the sentence you are breaching.
  - Quality assured Statement of Facts
  - Quality assured Response to Supervision
  - Breach Panel Statement.
  - Referral Order contract (if applicable)
  - Engagement Panel Action Plan
  - Appointment letters that correspond to the dates of breach.

Without all the above information the Legal Advisor can exercise their right to refuse to hold the Breach Hearing. It is vital that this is completed in full before the hearing date. **It is the Case Officers responsibility to ensure Admin has all the required information prior to the Court Hearing.**

- 9) Ensure that discussion has taken place with the young person and parent/carer so that they are fully aware of the contents of the reports and the recommendation.

**Youth Rehabilitation Orders & DTO Licences:**

1. Complete the E Summons as per previous guidance (see appropriate folder) **G Drive/Youth Offending Team/Resources/Court Forms** and ensure that the form is kept to one page only. Enter your name in the 'Information has been laid by'.
2. Complete the Statement of Facts double checking the correct dates of breach are entered.
3. Send the E summons as an attachment requesting to list the case along with the completed Statement of Facts and the original Court Order form. These should be on the client file in G Drive. Send to:  
[DutyLegalCoverKSS@justice.gov.uk](mailto:DutyLegalCoverKSS@justice.gov.uk)  
[ss-sussexlistings@Justice.gov.uk](mailto:ss-sussexlistings@Justice.gov.uk)
4. The Duty Legal Advisor will agree (or reject) your summons accordingly and will let you know the decision via email. They will also notify listings, and ideally this will be the same day although on occasion you may need to chase the Legal Advisor for confirmation. Do not presume the case is listed until you have received email confirmation from the Legal Advisor/listings.

5. Once confirmation of the breach hearing date is received, send a copy to admin, requesting they send it to the child. Keep this confirmation on client file. **Please note it is the Case Officers responsibility to send this to admin and they will not automatically do this.**
6. Complete your Response to Supervision – Again please ensure your dates match that of the E summons and Statement of Facts. Please arrange for this to be quality assured in plenty of time for the Court Hearing.
7. Complete your Breach Pack as above – this should always contain:
  - Signed E Summons
  - Original Court Order and in the case of DTO licence breach, a copy of the licence
  - All Crown Prosecution Service (CPS) paperwork for the offences relating to the sentence you are breaching.
  - Quality assured Statement of Facts
  - Quality assured Response to Supervision
  - Appointment letters that correspond to the dates of breach.
8. Ensure that discussion has taken place with the young person and parent/carer so that they are fully aware of the contents of the reports and the recommendation.

#### **Breaches when Child turns 18**

1. If the child turns 18 by the time breach is instigated this needs to be dealt with by the adult Magistrate Court.
2. The process is exactly the same as above for both RO's and YRO's, however adult Breach Courts are held in both Worthing and Crawley Magistrates Courts. It will be necessary to check with the local probation area, on which days and times, these Courts will hear Breaches.
3. Once the Response to Supervision is completed and quality assured liaise with the relevant Court Probation team to advise the likely outcome. Please note that if the Court revokes the Order, then it' powers are limited to those available to the Court at the time of the original sentence.
4. As breaches are prosecuted by YJS/Probation you will be expected to attend Court.

Worthing Probation: 01903 216321

Crawley Probation: 01293 225518

Ask to speak to the Probation Court Teams

#### **Revocation or Amendments of an Order**

1. If consideration is being given to revoking a Referral Order on the grounds of good progress, the matter should be first discussed at a Referral Order panel meeting. If the panel are in agreement, a Statement should be obtained to that effect. For all other Orders, a discussion should have taken place previously with the case officer's line manager.
2. The case officer should complete an Application to Vary/Discharge an Order form. This, together with the Panel Statement (for a Referral Order), copy of original Order and Response to Supervision (quality assured by a Manager), should be sent to:

[DutyLegalCoverKSS@justice.gov.uk](mailto:DutyLegalCoverKSS@justice.gov.uk)

[ss-sussexlistings@Justice.gov.uk](mailto:ss-sussexlistings@Justice.gov.uk)

It will be important in the email to clearly state that the young person and parent/carer will be invited to attend Court by letter and that no summons will be issued.

3. The Duty Legal Advisor will agree (or reject) your application accordingly and will let you know the decision via email. They will also notify listings, and ideally this will be the same day although on occasion you may need to chase the Legal Advisor for confirmation. Do not presume the case is listed until you have received email confirmation from the Legal Advisor/listings.
4. Once confirmation of the breach hearing date is received, send a copy to admin and write to the child and parent/carers to notify them of the Court date, inviting them to attend. Keep this confirmation on client file. **Please note it is the Case Officers responsibility to send this to admin and they will not automatically do this.**
5. The Court prefer to meet with the young person to discuss their progress, but it is not obligatory that the child attends. They do not require legal representation for an early revocation on the grounds of good progress but if the application is to vary an Order, they should be legally represented.

### **CROWN COURT BREACHES:**

#### **Breach Proceedings at Lewes Combined Crown Court sitting at Lewes/Hove/Brighton Crown Courts**

1. Complete a Crown Court eSummons and send, together with Statement of Facts (quality assured by Manager) and copy of Order to Probation at Lewes Crown Court, by email to the following addresses:

[Mark.howard@justice.gov.uk](mailto:Mark.howard@justice.gov.uk)

[Seenps.lewes.combinedcourt@justice.gov.uk](mailto:Seenps.lewes.combinedcourt@justice.gov.uk)

The Probation Officer at Lewes Crown Court will put the matter before a Judge to sign the eSummons and this will be returned to YJS for us to serve on the young person and parent/carer. It is helpful to note in the email if the sentencing Judge reserved a breach to themselves.

2. You must serve the summons on the defendant at least 7 days before hearing and retain a photocopy of the signed summons with a signed certificate of service. You must instruct the offender to contact their solicitor as soon as possible.
3. Send an email, to advise that the Judge has authorised the breach, at least a week prior to the hearing date to:
 

[sussexcrownclerks@justice.gov.uk](mailto:sussexcrownclerks@justice.gov.uk)  
[listing.lewes.crowncourt@justice.gov.uk](mailto:listing.lewes.crowncourt@justice.gov.uk)

4. Prepare a breach pack to be sent to Probation Officer at Lewes Crown Court, who will upload the documents onto the digital case system at Court. The pack should include:
  - Summary of Evidence (Brief outline of breach dates etc)
  - Application to Court (Containing proposal, i.e. order to continue with penalty, or revoke and re-sentence)
  - Copy of the Summons (endorsed with certificate of service) and Information to Court.
  - Copy of the original order.
  - Details of the original offence. (CPS documents – case summary)
  - Up to date previous convictions.
  - Original Pre-Sentence report.
  - Copies of any agreements and all relevant correspondence, warning letters etc
  - Copy of any medical evidence if relevant.

Mark Howard, Probation Officer at Lewes Crown Court will offer support and assist with any questions (01273 778843/07971 254106

5. You should contact WSCC Legal Dept at the earliest possible opportunity, preferably at point the decision has been taken to take breach action, to advise them of the need for representation.
6. Prepare breach pack for Counsel which should also include:
  - A contact log for the relevant period of the breach
  - In Unpaid Work cases, an up to date record of work log, with the number of hours completed / outstanding.
7. Case manager should be prepared to attend hearing or if not available, a Court Officer from the CIA Team, with whom there should be a discussion.

#### **Revocation or Amendment of an Order**

1. An application must be made to the resident Judge. Send the application, by email to the addresses below, to Lewes Crown Court Probation office and a Court duty officer will then put it before the Judge for their approval.

[Mark.howard@justice.gov.uk](mailto:Mark.howard@justice.gov.uk)

[Seenps.lewes.combinedcourt@justice.gov.uk](mailto:Seenps.lewes.combinedcourt@justice.gov.uk)

2. If approved, then procedure as above but no need to instruct Counsel in cases of **Early Revocation on the grounds of Good Progress**. For other applications to amend or revoke, counsel must be instructed. The defendant must be summoned to attend the Crown Court for all applications to revoke or amend and the defendant will likewise need to know at which court the case will be heard and will need to contact the court the day before. They should also be advised to seek legal representation.
3. The Revocation or Amendment pack must contain:-
  - Application to Court ( Containing proposal)
  - Copy of the Summons (endorsed with certificate of service) and Information to Court.
  - Copy of the original Order.
  - Up to date previous convictions.
  - Original Pre-Sentence report.

Copies of the pack should be sent to:-

[sussexcrownclerks@justice.gov.uk](mailto:sussexcrownclerks@justice.gov.uk)

[listing.lewes.crowncourt@justice.gov.uk](mailto:listing.lewes.crowncourt@justice.gov.uk)

[Mark.howard@justice.gov.uk](mailto:Mark.howard@justice.gov.uk)

[Seenps.lewes.combinedcourt@justice.gov.uk](mailto:Seenps.lewes.combinedcourt@justice.gov.uk)

### **First-Instance Warrants**

When a child is out of contact with the YJS and they have no way of getting in touch with the child it may be advisable to issue a first instance warrant.

1. Complete the Information part and the Warrant sections of the template, not the summons part.
2. Amend the Warrant in the part which instructs police to arrest, to tell them to bring the offender to either the Magistrate/Crown Court (dependant on where the Order was made). Put the offender's last known address on the address section.
3. Amend the Information part to show the date of hearing as "On a date after the execution of the Crown Court bench warrant".
4. Complete a separate brief report, as an "Application for a first-instance warrant" outlining the circumstances. You need to show good reason why it is not possible to proceed by way of summons, and that there is no way of serving a summons. You do not need to cover details of the grounds for the breach, which would be included in the Summary of Evidence and Application to the court. You would need to confirm that you are not aware of any solicitors acting, who might be able to contact the defendant or accept service on his/her behalf.
5. E-mail the **Information** section (with the breach failures), the **warrant**, and the **application for warrant**, in the same way as a summons, to the Probation Court Duty Officer:

[Mark.howard@justice.gov.uk](mailto:Mark.howard@justice.gov.uk)

[Seenps.lewes.combinedcourt@justice.gov.uk](mailto:Seenps.lewes.combinedcourt@justice.gov.uk)

6. The CDO will take the Information to be sworn before the resident Judge in chambers, with the warrant and application. The Judge will then decide on your application, i.e. whether a first-instance warrant can be issued, or whether it must nevertheless proceed by summons.
7. If a warrant is issued, the CDO will present it to the Court who will issue it electronically to the police as soon as they can.
8. The CDO will confirm to the case manager if a warrant has been issued. You must then send, *as soon as possible*, the **breach pack** with all necessary enclosures as detailed above, to CC Listings, Counsel, and Probation in case the warrant is executed immediately.

### **Contested Breaches**

If an offender denies the breach, the Court may adjourn to a date to determine **witness availability** and set a contested hearing date. The court will aim to hear a contested breach case within three weeks.

If you are aware the young person will deny the breach, organise witness availability and send to counsel to prevent delay. A hearing date could then be arranged immediately. Relevant witnesses will usually be the Case Manager, anyone to whom the young person has been instructed to report (e.g. partnership agencies) or any other relevant witnesses. Counsel will usually advise which witnesses are required, and whether any witnesses can provide written evidence in advance (S9 Statements) thus avoiding their attendance.

If a date is set where the witnesses are unavailable, please contact **Listings Office** below, as soon as possible, so that an alternative date can be arranged. Listings should advise the time. The time and venue may change late in the day preceding the hearing, and you should contact Listings after 3.30pm the day before, to see if it is listed at Lewes, Hove, or Brighton court.

Please prepare s9 Witness statements as relevant to the particular breach, and as advised by Counsel. These must be served on defence and there must be sufficient time for this to be served and considered by the defendant before the contested hearing. The young person should be reminded that they will require legal representation.

**List of Contacts :**

Initial contacts regarding breaches should be to the **Lewes** address:

Lewes Crown Court Liaison **Probation**, The Law Courts, High Street, Lewes, Sussex BN7 1YB.  
Tel :01273 487608

Address for **Hove** for defendants (on the summons):

Hove Crown Court, Lansdowne Road, Hove BN3 3BN  
The CCLU office number  
Tel : 01273 778843  
Fax : 01273 720532

Address for **Brighton** for defendants (on the summons):

Brighton Crown Court, Edward Street Brighton  
The CCLU office number:  
Phone/fax : 01273 695941

For contact with **Court Duty Officers** :

It is usually best to e-mail. The **general office** line is as above – 01273 487608

**LISTINGS OFFICE :**

Lewes Crown Court, **Listings Office** , The Law Courts, High Street, Lewes, Sussex BN7 1YB.

Tel : 01273 485203

[listing.lewes.crowncourt@justice.gov.uk](mailto:listing.lewes.crowncourt@justice.gov.uk)



## Appendix 6: Consent Forms

**WEST SUSSEX YOUTH JUSTICE SERVICE  
PARENT/CARER'S  
CONFIDENTIALTY and CONSENT FORM****When other people need information about you**

It is important that you understand that West Sussex Youth Justice Team works in partnership with the Local Education Authority, National Health Service and Child and Adolescent Mental Health Service, Probation, Children Services, and the Police, as well as other statutory and non-statutory agencies.

We may need to share information about you with these agencies, and we will always endeavour to seek your consent before doing so, however;

There may be times where we **must** share information about you. In these circumstances we do not have to ask for your permission.

Examples of this are:

- If there is a concern you are putting yourself at risk of harm
- If there is concern that you are putting another person at risk of harm
- If there is a concern that you may be involved in further offending.

Although we may not ask your permission in these circumstances, we will always make sure that you are aware that we have disclosed information about you.

## **Parental Consent**

### **I wish my child/charge:**

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#### **(Full name of child in capitals please)**

To be allowed to take part in all/any activities provided by the Youth Justice Service, should it be for Reparation, Unpaid Work, Junior Attendance Centre, Sports Projects or Intervention Programmes. I agree to them taking part in any or all of the activities described.

I have ensured that my child understands that it is important for their safety and for the safety of the group that any rules and any instructions given by the staff in charge are obeyed. I understand that if my child/charge does not adhere to the rules, they may be asked to leave the session and sent home.

I understand that, while the Youth Justice Service staff in charge of the party will take all reasonable care of the children, unless they are negligent, they cannot be held responsible for any loss, damage or injury suffered by my child/charge arising during or out of the activity/journey.

I understand that it may be necessary for my child/charge to be driven in a car or minibus. Staff undertaking this duty will do so wherever possible in a West Sussex County Council approved car. Staff who choose to use their own vehicles, will only be able to do so if they have insurance that covers them for business use.



**I give consent for my child/charge to partake in activities as stated above**

**Yes**

**No**

**I understand the behaviour and safety expectations whilst attending appointments with the YJS**

**Yes**

**No**

**I give consent for my child/charge to be transported by YJS staff**

**Yes**

**No**

**I consent to any emergency medical treatment necessary during the course of the visit for my child/charge.**

**Yes**

**No**

Print Name (Parent/ Guardian / Carer) .....

Signed (Parent/ Guardian / Carer) .....

Date:.....

Print Name (Child) .....

Signed (Child ) .....

Date:.....

**If you wish to make a complaint about the service you have received. Please contact us on 0330 222 3336 and ask for the Duty Manager.**