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**Bristol Youth Justice Service (YJS)**

**and Children’s Social Care**

**March 2023**

**Principles of Working Together**

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# INTRODUCTION

* 1. This formal agreement between Children’s Social Care (CSC) and the Youth Justice Service (YJS) (new name for the YOT) is a statement around the principles of working between the two services within the Children and Families directorate. Both are guided by the Bristol Safeguarding Policies which can be found on The Source or Tri-x.
  2. Both services are committed to working in partnership towards the prevention of offending by children, as detailed by the Crime & Disorder Act 1998, and to safeguard and promote the welfare of children as detailed by The Children Act 1989.
  3. Working in partnership is enhanced by contact between professionals. Induction of new staff should include visits to each other’s services. Joint training opportunities are welcomed and encouraged.
  4. This agreement looks at the main principles of working and is not designed to cover every eventuality. There will be issues that arise that are not covered by this document and reference should be made to the section on ‘Dispute Resolution’.
  5. Bristol YJS and CSC are guided by the Bristol Practice Framework.

# INFORMATION SHARING

* 1. Information will be shared for the purpose of preventing offending and/or the safeguarding of children in the spirit of working in partnership. YJS staff will provide copies of significant information – these will always include Pre-Sentence Reports (PSR) when completed and risk assessments for any child who is open to service with CSC or Families in Focus (FIF), or when requested by the First Assessment Service (with appropriate consideration to consent) to support multi-agency decision making for children at risk of harm or in need of support. The YJS worker will upload the LCS documents by forwarding to the Business Support Service (BSS). Consideration should be given to adding the above documents to any siblings if relevant for safeguarding purposes.
  2. Children open to the YJS will be identified on LCS with the name of the YJS worker on the case summary. The allocated worker/s will be identified on ChildView by the YJS worker.
  3. YJS staff will have read-only access to LCS to allow sight of social work assessments, plans and reviews. This will assist them in undertaking effective case and risk management decisions of children. YJS will explore the options of Social Care staff having reciprocal read-only access to ChildView.
  4. Social workers will be responsible for inviting the relevant YJS staff to strategy, professional, and risk management meetings pertaining to the child. Social workers will invite YJS to strategies where the child has a YJS worker, and any strategies where there is a likelihood that YJS can provide a safeguarding input. Social workers will also invite YJS to any contextual safeguarding strategies where there is a risk of CCE or youth violence.
  5. YJS practitioners will be responsible for inviting relevant social workers to all sentence planning meetings, case reviews, and risk management meetings. YJS will ensure that MAPPA are aware of any allocated social worker or personal advisor.
  6. Any relevant change in circumstances, in relation to a child who is open to either service, must be communicated to CSC by YJS and vice-versa at the earliest opportunity. Consultation must take place between the services if the change in circumstances, such as an accommodation move, will have a significant impact on agreed supervision requirements.
  7. All staff must be aware of Bristol’s Data Protection Guidance, Policies and Procedures which can be found on the intranet.

# **REFERRAL / INTERVENTION PROCESS**

## 3.1 Safer options

3.1.1 Bristol City Council’s approach to contextual safeguarding is through the fortnightly area Safer Options meetings. These are chaired by CSC and attended by YJS and other partner agencies. Information is shared within these meetings to identify children who are at risk of serious youth violence or contextual safeguarding risk. YJS and CSC can ask for children to be reviewed.

## Referrals to YJS

3.2.1 The entry for children into the YJS is generally via the statutory criminal justice route i.e., the Police and the Courts (Magistrates and Crown) or the Out of Court Disposal panel. This may broaden once the Turnaround Programme is implemented.

## 3.3 Referrals to Social Care

3.3.1 The allocated YJS worker will consider any safeguarding or welfare needs of each child they work with and make a referral to the weekly Locality Meeting if required. If there are immediate safeguarding risks a referral should be made to First Assessment Service (FAS) if required. They will also consider if there are any safeguarding or welfare needs of any other children the child lives with, is associated with, or has significant contact with. If you are making a referral, consideration will be given to the Extra-Familial Harm (EFH) pathway.

3.3.2 Consent for a referral should be sought from a parent / carer(s). If consent is refused, and there is evidence of significant harm to a child, then a referral should be made without consent and the parent / carer(s) advised.

3.3.3 Where there is any joint or clinical supervision, both services will retain records of the supervision on LCS and ChildView.

3.3.4 Where a child is subject to supervision from the YJS and may require accommodation, the YJS will refer to the Joint Housing Protocol for 16- and 17-year-olds. The Homelessness Reduction Act introduces a duty on YJS to notify the Local Housing Authority of children they think may be homeless or threatened with becoming homeless in 56 days.

# ASSESSMENTS AND REPORTS

* 1. The YJS assess all children referred to them. As part of that assessment, YJS workers should consult with CSC and review LCS records.
  2. When CSC undertake an assessment, the social worker will liaise with YJS prior to the assessment and consider the value of undertaking a joint visit.

# SERVICE PROVISION

## 5.1 Appropriate Adults and PACE bed

5.1.1 Appropriate Adult (AA) services for 10- to 17-year-olds are provided by the YJS when parents and carers are unable to act as appropriate adults. If the person is a vulnerable adult, police should contact the Brandon Trust.

5.1.2 If an AA is requested for a child open to CSC, YJS will liaise with CSC to determine the most suitable person to undertake the AA role. The Police and Criminal Evidence Act (PACE) states that ideally the person acting as the AA should be known and trusted by the child or child.

5.1.3 Where a child is arrested, charged, and needs to attend court the following day, a ‘transfer under PACE arrangement’ must be considered by the police rather than detaining the child overnight in police custody. CSC should be notified at the earliest opportunity if a PACE bed is needed.

## 5.2 Children in Care

5.2.1 Where a child in care or care leaver is arrested or charged, CSC can contact YJS staff for advice / support if the child is not already subject to YJS intervention.

5.2.2 The YJS will act as home YJS for all children in care living outside of Bristol who are being supervised by a host YJS.

5.2.3 The Reducing Offending of Children in Care (ROCIC) practitioner works across both services to prevent offending and reoffending of children in care.

5.2.4 Once a child becomes a child in care, responsibility for care planning rests with CSC. The YJS retains statutory responsibility for core youth justice services.

5.2.5 The national framework to help social care and criminal justice agencies keep children in care out of the criminal justice system has been devised to ensure that children who are in care are not disadvantaged by the criminal justice system process for offences committed within their care home environment. The police and CPS must consider the protocol in decision making with relevant offences. The protocol is located at: <https://www.gov.uk/government/publications/national-protocol-on-reducing-criminalisation-of-looked-after-children>.

5.2.6 The IRO should be notified as soon as a looked after young person is placed in custody, including the details of where s/he is placed and the relevant order by the allocated social worker.

## 5.3 Changes in home for Children in Care

5.3.1 It is the responsibility of the allocated social worker to inform the relevant YJS practitioner regarding any planned change in home and legal status. The allocated social worker should discuss any change of home in advance with the YJS practitioner, if practically possible.

5.3.2 The YJS practitioner will be responsible for amending the YRO (Youth Rehabilitation Order) requirements in terms of address or custodial licence conditions in line with the change of placement and will notify the allocated social worker. Any changes to the court order or licence as a result of address change will be discussed with the social worker.

## 5.4 Care Leavers

5.4.1 The transition from care is a significant time for children and it is vital that there is a clear plan to assist and support them. The YJS practitioner, probation officer, social worker and personal advisor should work together and regularly review plans to promote independence, risk management, and safe transition.

5.4.2 YJS practitioners, probation officers, social workers and personal advisors will be invited to: transition meetings, pathway planning reviews, risk management meetings, Multi Agency Public Protection Arrangements (MAPPA) meetings, and sentence planning meetings. They will prioritise attendance as required.

## 5.5 Transitions to Probation

5.5.1 The YJS works to a national model to support children in the criminal justice system who are transferring, or likely to transition to, adult probation service. The YJS worker will ensure that the social worker and/or personal advisor will be invited to relevant transition meetings.

**5.6 IRO responsibilities**

5.6.1 The D of E IRO handbook sets out, (when a child is a child in care through being remanded or a child in care receives a custodial sentence) that the IRO should be advised of any incidents where a child in care is arrested or charged with an offence. If the IRO considers that the child’s care plan needs to be amended, s/he should request a review. This is particularly likely to be the case if the child is charged with a serious offence or his/her offending is persistent and a custodial sentence is a possibility.

5.6.2 When holding a review, the IRO is entitled to co-operation from the establishment, who should facilitate the review by providing a suitable room, enabling the IRO to have a private discussion with the child and enabling the attendance of key participants. Although the child will be the subject of remand or sentence planning meetings, and there is likely to be some overlap in attendance, it is important that the review meeting is a separate event and chaired by the IRO. It will be appropriate to invite the YJS case manager and a link worker from the establishment (such as the youth offending institution social worker or the child’s case supervisor), subject to the child’s agreement, but the child’s privacy needs to be respected.

# COURT WORK (MAGISTRATES AND CROWN)

# 6.1 Service Provision

6.1.1 The YJS provides an officer at sittings of the Bristol Youth Court, relevant Magistrates courts, and will attend Crown Court. The YJS will also attend other local courts for Bristol children. If a Bristol child attends court out of area, the local YJS will provide an officer to attend court who will have been briefed by Bristol YJS. The YJS provides an officer for Saturday and bank holiday courts with associated on-call management cover. On specific occasions, a Bristol YJS officer may attend an out-of-area court.

6.1.2 Where a child in care or care leaver who is open to Bristol appears at court, CSC should ensure an appropriate person attends court with them.

6.1.3 Where a child open to CSC appears in court, the YJS will ensure that the outcome of the case is communicated to the social worker if they are not present at court on the same day.

## Bail

* + 1. Where a child is open to social care, and the court requires bail conditions to be set that either would impact their social care plan or have a financial impact, the YJS will liaise and work with CSC to establish a shared proposal. Where this is known in advance, the plan should be signed off by the relevant managers. To support this, the YJS should advise social care at the earliest opportunity when a child has been charged with a serious offence.

## Remands to Local Authority Accommodation (RiLAA) and Bail conditions to reside as directed by the Local Authority

6.3.1 It is a Bristol City Council (BCC) principle that all children should be brought up within their family wherever possible. If a child does need a new home, time is needed to identify the right place that meets that child’s needs and manage the identified risks. YJS and CSC will ensure this is clearly communicated to the court, and if necessary, ask for additional time to ensure the right decision is made and the right home is found. As with any child on the edge of care it is important that a family network meeting is held as early as possible and all potential kinship carers are considered to avoid the child entering care.

6.3.2 It is the responsibility of the YJS practitioner in court to notify CSC as soon as it becomes apparent that a RiLAA may be ordered. Where the child has an allocated social worker, that worker or their team will be spoken to directly. If the child is not allocated, and there is a planned hearing, the YJS will refer to the relevant Locality Meeting for a multi-agency case discussion. Where there is an unplanned hearing, the YJS will make an urgent telephone referral to FAS who will refer directly into the responsible locality safeguarding team for a rapid response.

6.3.3 If YJS or social workers identify a risk that a child may be made subject to a RiLAA in the future, they should also be referred to the Prevention of Care Panel in order to reduce this risk. If any child is remanded into Local Authority care, the allocated social worker or YJS worker should consider also referring the child to the Prevention of Care panel to consider if the child can safely return home and to support the YJS worker to present a new bail package to the court.

6.3.4 If YJS are unable to identify a bail support package which will sufficiently persuade a court that a RiLAA is not required, then this should be agreed by the YJS Head of Service and the Head of Children’s Services. YJS will update the court on the steps being taken and the timescales around any likely decision.

6.3.5 As soon as it becomes apparent that there is a strong possibility the court will make a RiLAA, the social worker will complete a referral to the placement team, with input from the professional/s who know that child best. If there is sufficient notice, the referral should be considered by the placement panel. If there is insufficient notice, the CSC Head of Service will need to consent.

6.3.6 Once a home has been identified, it is the responsibility of CSC to arrange transport for the child to the remand placement and fund the transport.

6.3.7 If a child is remanded into Local Authority care, Bristol YJS will follow the Use of Custody Review process or refer to the Prevention of Care panel to identify if an enhanced bail support package can be presented to the court in place of the RiLAA.

## 6.4 Remand to Youth Detention Accommodation (YDA)

6.4.1 If a child is remanded into YDA, it is the responsibility of the YJS to complete an AssetPlus (bail and remand module) and liaise with the Youth Justice Board to arrange a suitable placement. The YJS will consult with CSC with regard to the risk and vulnerabilities of the child prior to making a recommendation to the Youth Custody Service with regard to placement.

6.4.2 The YJS will notify CSC of all YDAs. Every child who is made subject to a YDA will be allocated a YJS practitioner and a social worker. A child subject to a YDA becomes a Child in Care for the duration of the remand period. Relevant guidance is located at: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf>

6.4.3 The YJS will coordinate remand planning meetings at the secure establishment with the social worker. Where possible, these will be combined with relevant placement planning meetings. The YJS will forward any minutes received to the social worker/Independent Reviewing Officer.

6.4.4 The YJS will also inform and liaise with the Special Educational Needs and Disability (SEND) team and the virtual school for relevant cases when a child is remanded and invite them to the relevant planning meetings.

## 6.5 Custodial Sentences

6.5.1 The YJS will inform the social worker of any child in care who receives a custodial sentence and will provide details regarding where they have been placed, and risk or safety and wellbeing concerns.

6.5.2 The YJS will invite the allocated social worker to any sentence planning meetings and ensure minutes are shared afterwards.

6.5.3 Where a child is in care, the YJS will provide details to the allocated social worker in relation to expected release dates. Planning for release should take place immediately and form part of all custody review meetings, including any requirement for accommodation on release. It is important at the initial planning meeting to identify factors that will affect accommodation such as licence conditions, exclusion areas, and other known risks.

6.5.4 Where a child is not in care but may not be able to return to their home address on release or other additional support services are required, YJS will make a referral to Locality within three months of their earliest release date.

## 6.6 YRO (Youth Rehabilitation Order) with Local Authority Accommodation (LAA) requirement

6.6.1 If the court are considering a YRO with a LAA requirement, or if this is likely, the YJS practitioner in court will request at least a 3-week adjournment period (15 working days) for a full PSR (Pre-Sentence Report) to be prepared and an assessment of the suitability of the LA accommodation requirement to be considered. YJS will refer to FAS requesting a locality social worker within one working day if the child does not have an allocated social worker. YJS, or the allocated social worker, will refer to the next Prevention of Care Panel and attend.

6.6.2 If there is a likelihood that the child will be made the subject of the requirement then the social worker will complete a placement request and present to the Placement Panel, either following the Prevention of Care panel or at an earlier date if so required.

6.6.3 The social worker and the PSR writer shall meet 4 working days prior to the Court hearing to update and agree on the proposal. The PSR writer will provide the social worker with a copy of the PSR. Bristol YJS will present the PSR in court. The social worker’s attendance at court on the day of sentence will not normally be required however, this can be determined on a case-by-case basis.

# ADOLESCENT SEXUALLY HARMFUL BEHAVIOUR

7.1 There is a joint working policy through the KBSP that outlines working arrangements between Bristol YJS and CSC around children evidencing harmful sexual behaviour. Detail can be found at: [kbsp-harmful-sexual-behaviour-guidance.pdf (bristolsafeguarding.org)](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fbristolsafeguarding.org%2Fmedia%2Fgfbgpj15%2Fkbsp-harmful-sexual-behaviour-guidance.pdf&data=05%7C01%7C%7C921d4ebb2a4c418668e308daefe504dc%7C6378a7a50f214482aee0897eb7de331f%7C0%7C0%7C638086064148027603%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=09a5Ffn%2B2SqSOMwHhi6cI%2BHYHv%2BgSmzzNFjXoDwJrLw%3D&reserved=0)

# EXPLOITATION AND MISSING CHILDREN

* 1. YJS and CSC are committed to working together to identify children at risk and reduce the prevalence of child exploitation and children who are missing.
  2. Bristol’s response to contextual safeguarding, including serious youth violence is co-ordinated through Safer Options. Safer Options are chaired by social care. YJS are represented in each meeting.
  3. The BCC Pathway for children at risk from extra familiar harm is set out in the Children Affected by Extra Familial Harm Pathway Document.

# DISPUTE RESOLUTION

9.1 This agreement is designed to provide a framework for a constructive relationship and minimise the likelihood of dispute arising between the two services. However, it is acknowledged that it cannot cover every eventuality and wherever possible any disputes should be resolved in the spirit of co-operation and partnership at the level closest to the area of dispute. In the event that it cannot be resolved at that level, it should be referred to the YJS Team Leader and relevant CSC Team Manager/DSM and finally, if required, the relevant Service Managers and/or Heads of Service.

**Appendix 2**

**YJS Vocabulary Explained**

**AIM Assessment –** This is an evidence-based assessment tool that can be completed following a young male displaying sexually harmful behaviour. The purpose of this assessment is to identify intervention needs and the level of supervision that is required. Two professionals are required to complete the assessment. Some members of staff at YJS are trained to conduct this assessment as well as other professionals from different agencies.

**AssetPlus –** The tool that we use to complete assessments on the children we work with. Using AssetPlus we assess a child’s risk of reoffending, risk of causing serious harm and safety and well-being (vulnerability).

**Bail –** If a child is released from police custody on bail, they will be given a date to return to a police station. They will also have ‘bail conditions’ that they have to comply with until the given bail date. These conditions often include not entering certain areas or not having contact with other people involved in the case. Children can also be released on **Court Bail** where they may be given an electronically monitored curfew (tag) or a condition to engage with or report to YJS at certain times. Court bail conditions remain in place until the next Court hearing.

**Breach –** If a child does not attend multiple appointments without an acceptable reason or does not comply with what is expected of them during appointments then a child may breach their order and be returned to Court.

**Risk Management Panel–** A meeting that is chaired by a YJS manager for children who are identified as high risk. This meeting can involve professionals from other agencies such as Children’s Social Care, Youth Workers Education etc. The purpose of the meeting is to identify the concerns that we have about a child and create a plan of how to support them in order to reduce their risk.

**Crown Prosecution Service (CPS) –** The Crown Prosecution Service prosecutes criminal cases in Court after they have been investigated by the police. YJS will often refer to CPS papers in assessments or reports.

**ChildView –** The case management system used by YJS (equivalent to LCS).

**Community Resolution –** Previously known as a Youth Restorative Disposal, this is a police disposal that is usually given to children on the first occasion of a child committing a minor crime that they admit to. There is no expectation for a child to work with the YJS if they receive this disposal however intervention is sometimes offered.

**Conditional Discharge –** This can be given in Court if it is felt that intervention is not necessary or not appropriate depending on circumstances. A Conditional Discharge means that a formal sentence will not be given unless further offences are committed during the discharge period (e.g., 6 or 12 months). If someone does reoffend whilst they are subject to a conditional discharge they will be resentenced for the original offence.

**Desistance –** The cessation of offending. In our assessment we identify factors FOR (protective) and AGAINST (risk) desistance and we will often talk about desistance in our assessments and reports.

**Detention and Training Order (DTO) –** A custodial sentence that a child can receive in Magistrates Court. A Detention and Training Order can last for up to 2 years and involves a child spending half of their order in custody and half in the community.

**NFA –** A commonly used police term which means that no further action is being taken on a case.

**Panel meeting –** This is meeting that takes place if a child receives a Referral Order at Court and marks the beginning of the Referral Order. This meeting is facilitated by trained volunteer panel members from the community and is also attended by the child and a parent or carer and their allocated YJS worker. During a panel meeting a contract of work (intervention plan) is created and agreed between everyone at the meeting.

**Parenting Order –** A Parenting Order is an order given at Court where it is assessed that parenting is a significant factor in a child’s offending. It requires a parent or carer to work with the YJS parenting worker for a specified period to develop more appropriate parenting skills so that a child is less likely to offend in the future.

**Pre-sentence report (PSR) –** A report prepared by YJS that is ordered by the Court when more information is required about a child and their offence. This report helps the Court to give a child the most appropriate sentence. The YJS are usually given 3 weeks to complete this report.

**Referral Order –** A Court Order that can last between 3 months and 12 months. Children are eligible to receive a Referral Order if they enter a guilty plea for an offence at Court. Once a child receives this sentence, a panel meeting takes place to officially start the Referral Order.

**Remand –** A child can be remanded into Youth Detention Accommodation (Custody) or Local Authority Accommodation at Court when a serious offence has been committed and community measures put in place through Court bail are not robust enough to manage the risk. When a child is remanded, they automatically become a Child Looked After. **LASPO (2012)** is a piece of Legislation that is used when considering whether a child should be remanded.

**Reparation –** This is a type of intervention that children are often required to complete as part of a Court order with the YJS. It involves a child completing work in the community to repair the harm caused by their offending, either directly (to the victim) or indirectly. Reparation often involves painting and decorating, gardening and charity work.

**Restorative Justice –** Restorative Justice (RJ) is an approach which enables victims of crime to have contact with the person who has committed an offence against them. This contact can involve answering questions that a victim may have, writing a letter to the victim as well as a face-to-face meeting (if appropriate). At YJS, children and victims are supported to engage in this work by our restorative justice workers.

**RUI –** A police term used when someone is released under investigation for an offence following interview.

**Section 250 –** A custodial sentence that can only be given in Crown Court. This type of sentence is reserved for more serious offences where a child is likely to receive more than 2 years in custody.

**YJS** Youth Justice Service (Youth Offending Team may still appear in legislation and older policies/agreements)

**Youth Caution –** A police disposal which involves a child and their parent/carer attending the police station to a caution to formally be delivered by a police officer. The child must admit the offence. Similarly, to a Community Resolution, a child is not required to work with the YJS but intervention may be offered.

**Youth Conditional Caution (YCC) –** This is a police disposal which requires a child to work with the YJS for a set amount of time. A Youth Conditional Caution is given following an assessment by YJS to determine whether this disposal or a Charge to Court is most appropriate. A Youth Conditional Caution will always have at least 1 condition attached to it and if a child does not engage with the YJS they may be taken to Court where they will receive a Court order.

**Youth Rehabilitation Order (YRO) –** This is a Court order that can last for up to 3 years and is made up of requirements that a child must complete over the course of their order. Requirements can include supervision, exclusion areas, activities and programmes and electronically monitored curfews however this is not an exhausted list. Each Youth Rehabilitation Order is individualised to the child’s risks and needs. This type of order is most commonly given after a child has been found guilty of an offence or if they have a significant offending history.

**Youth Rehabilitation Order with Intensive Supervision and Surveillance (ISS) –** This order is considered a direct alternative to custody and may be proposed when there is a very realistic prospect of a child receiving a custodial sentence. ISS is a robust an intensive order where a child may be required to have up to 25 hours of contact with the YJS and other services per week. This involves an electronically monitored curfew and weekend contact and aims to provide structure in a child’s life where this is otherwise missing.