

Remand Protocol between West Mercia Youth Offending Service and Herefordshire Children's Service's

Introduction

1.1 This is a protocol between West Mercia Youth Offending Service (YOS) and Herefordshire Council Children's Services and is intended to lay out a pathway between our Services when dealing with children and young people who are at risk of being refused bail and who have been remanded. This agreement can also be used as guidance for practitioners & includes services working out of hours.

2. Background and Contextual Information

2.1 The Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) introduces a *single remand order* for the detention of youth offenders aged 12 to 17. As part of the changes the budget for the provision of remand beds for 15 to 17 years olds will transfer to local authorities. The new remand framework was implemented on the 3rd December 2013. The transfer of financial responsibilities will be implemented from 1st April 2013.

The Key Changes

2.1 The introduction of the new Remand Framework (Youth Detention Accommodation).

The single remand order, YDA, replaces the previous remand into custody for 15 – 17 year olds and the Court Ordered Secure Remand (Remand to LAA with a Security Requirement) for 12 to 14 year olds. The Act also raises the maximum age for a Remand into Local Authority Accommodation from 16 years to 17 years.

2.2 The introduction of Looked After Status for all young people who are remanded into the secure estate.

When a young person has been remanded he/she will become a Looked After Child.

2.3 Changes to transport.

Previously the responsibility for arranging and paying for transport between the Court and STCs or SCHs for young people subject to a Court Ordered Secure Remand has been with the Local Authority. Transport is now covered by a national contract let to SERCO, and Local Authorities will no longer be required to pay directly for this service, an amount will be deducted from funding transferred to the Local Authority to take account of this. This arrangement is to be kept under review.

2.4 Changes to the criteria for making a remand to the secure estate

The court must be satisfied that a young person meets specified criteria before they can be remanded to YDA. The criteria are set out below;

- the offence must be either a violent or sexual offence, or one that, if committed by an adult, is punishable with a sentence of imprisonment of fourteen years or more (this is an existing test); and

- There is a 'realistic prospect' of receiving a custodial sentence - the young person must have a history of committing offences or absconding while on remand.

Central Government estimate that the more stringent method of determining whether a young person is eligible for a remand will result in a reduction of remands to the secure estate by 15%. This reduction has been factored into the allocation of funding to be made to Local Authorities.

The start point for the court if they want to deny bail will be the Remand to Local Authority Accommodation.

2.5 Transfer of Costs

Local Authorities will be expected to pay the cost of all remands to the secure estate from 1st April 2013. There is to be a transfer of funding to the Local Authority for this purpose.

3. Identified procedures for the Youth Offending Service prior to a remand decision.

3.1 This section details the roles and responsibilities of Youth Offending Service staff in relation to RLAA and YDA.

3.2 The YOS will identify, by 9.15 a.m., any young people who have been detained overnight by the Police and are due to appear before the Court that day.

3.3 The YOS will identify if that young person is known to Children's Services, is a looked after child and which Local Authority is responsible for them.

3.4 The YOS will perform initial checks on the suitability of the young person's address by using the Police database, Children's Services database, YOS database and from information received from family or carers in attendance at Court.

3.5 The YOS will, as early as possible, discuss any overnight Police detentions with the Crown Prosecution Service (CPS) and the Court and identify if there is an intention to apply to refuse bail.

3.6 The YOS will inform the Multi Agency safeguarding Hub (M.A.S.H), at the earliest opportunity, if there is the potential for a RLAA or YDA and provide any information they may have up to that point by contacting the Manager of the (M.A.S.H). The urgency of the referral will be made clear at that point

3.7 The YOS will, if that young person is not already open to the YOS, complete a Bail assessment, using ASSET, to identify as much information as possible that could enable us to address any concerns the Court and Crown Prosecution Service may have as to the risk of re-offending/harm the young person presents in the community. This will also form the assessment for the placement requirements. This will be made available to the M.A.S.H where possible & practical

3.8 If there is an indication that bail will be refused, the YOS will explore the possibility and feasibility of presenting to the Court:

- a. Bail, with or without conditions.
- b. Bail Supervision and Support through intervention with the YOS.
- c. Bail Intensive Supervision and Surveillance through the YOS.

3.9 The YOS will request that the Court adjourn the young person's case until later in the day to enable the YOS the opportunity to 'consult' with the Local Authority to prepare a joint robust package to meet the Court's concerns regarding risk to the public.

3.10 The YOS will, if a RLAA and YDA is a significant possibility, contact M.A.S.H to:

- a. Request a placement is identified
- b. Discuss if specific conditions can be attached to a RLAA to address risk
- c. Determine a plan to demonstrate to the Court how the YOS and Children's Services will work closely together to manage the remand

3.11 The YOS will send, via connectivity, a Bail ASSET and Placement Alert Form to the Youth Justice Board (YJB) Placements Team to inform them of the possibility of a YDA.

3.12 The YOS will, in partnership with Children's Services, present a suitable bail package or RLAA package to the Court.

4. Identified procedures for Children's Services prior to a decision to accommodate a young person in local authority accommodation or in a secure remand

4.1 The M.A.S.H will, if the young person is not already open to Children's Services, process the information provided to them from the YOS.

4.2 If the young person is open to Children's services, the Social Worker will liaise with YOS & make a referral for a placement.

4.3 The Children's Placement Service will, if a RLAA or YDA is possible, identify a placement and provide the details of the placement to the YOS, including a statement of purpose, staffing and security arrangements, and other information that may assist the Court in making their decision.

4.4 M.A.S.H will alert Children's Placement Service about any potential need if appropriate to prevent any unnecessary delay. Children's Placement Service will regularly provide the YOS with the duty manager rota and contact details.

4.5 Children's Services can in exceptional circumstances, provide a member of staff at Court to provide further specific knowledge of the young person, the care system, the proposed placement and statutory requirements for looked after children, in addition to any further information the Court may require. Children's Services Team Manager will decide on any Children's Services representation.

4.6 Children's Services will, if necessary and possible, attend an emergency planning meeting with the YOS, at any venue, to construct a joint robust package around the young person to address any concerns the Court may have and avoid unnecessary YDA's due to a lack of information and preparation.

5. Identified procedures for the Youth Offending Service after a RLAA or YDA decision.

5.1 The YOS will immediately, following the Court's decision, inform Children's Services of the outcome if a representative from Children's Services is not present. (including if no placement is required)

5.2 If a RLAA is made, the YOS has no power to hold a young person following the Court's decision and there is an expectation that a representative from Children's Services will be in attendance.

5.3 If a RLAA is made, and there is an agreement to manage the remand together with Children's Services, the YOS will allocate a worker to co-work the remand.

5.4 If a RLAA is made with conditions, for example Intensive Supervision and Surveillance, the YOS will allocate a worker who will co-work the remand.

5.5 If a YDA is made, the YOS will immediately inform the YJB Placements Team who will commission a bed in a Secure Children's Home or Secure Training Centre.

5.6 If a YDA is made, the YOS will complete a further cell assessment to evaluate the young person's welfare and vulnerability following the Court's decision.

5.7 If a YDA is made, the YOS will send a Post Court Report to the YJB Placements Team detailing any welfare/vulnerability concerns, which in turn will be forwarded to the receiving secure establishment.

5.8 If a YDA is made, the YOS will inform Children's Services of which Secure Children's Home or Secure Training Centre the young person has been sent to.

5.9 If a YDA is made, and the young person's parents are not in attendance at Court, the YOS will contact the young person's parents unless there are extraordinary issues that should preclude this.

5.10 The YOS will determine if there is a possibility of de-escalating the level of remand at a future Court appearance and ascertain whether the young person and their family are advising their solicitor that they want to appeal the decision.

5.11 If a YDA is made, the YOS will notify the Local Authority regarding any education requirements.

5.12 If a YDA is made, the YOS will share with Children's Services any assessments or plans that have been completed.

5.13 As soon as the YOS are informed, the YOS will inform Children's Service of an appeal date to enable a new RLAA/Bail Package to be devised.

5.14 The YOS will write a Pre-Sentence Report, following a plea or finding of guilt, in conjunction with Children's Services.

6. Identified procedures for Children's Services after a RLAA or YDA decision.

6.1 If a RLAA is made, a representative from Children's Services will, where relevant, be in attendance at Court to take the young person into their custody and transport them to their placement.

6.2 If a RLAA is made, Children's Services will, if not already known, inform the YOS of the young person's placement.

6.3 If a YDA is made, Children's Services will book the secure transport to escort the young person to their placement.

6.4 If a YDA is made, Children's Services will liaise with the allocated YOS worker to invite them to Looked After Children meetings.

6.5 If a YDA is made, Children's Services will provide the YOS with copies of assessments and plans that are completed.

6.6 Meetings will focus on both the needs of the child & the risks posed by them, with a view to de-escalating if the assessment suggests it is safe to do so.