

Promoting Effective and Responsible Practice Between West Sussex Youth Justice Service and West Sussex Children's Social Care

This document reflects the formal agreement of working practice between Children's Social Care (CSC) and the Youth Justice Service (YJS).

This document details the roles and responsibilities of the YJS and CSC staff in working with children who come to the attention of the criminal justice system and highlights the assessment of risk in respect of offending behaviour, the court processes and outcomes for children, particularly with regard to remand.

RELEVANT GUIDANCE

Relevant statutory guidance includes:

The Children Act 1989 Guidance and Regulations: Volume 2: Care Planning, Placement and Case Review (Supplement) - Looked After Children and Youth Justice - Application of the Care Planning, Placement and Case Review (England) Regulations 2010 to Looked After Children in Contact with Youth Justice Services (April 2014). The Children Act 1989 guidance and regulations, Volume 2: care planning, placement and case review, June 2015.

1. Principles

The Crime and Disorder Act 1998 established the principal aim of the Youth Justice System as preventing offending by children and young people.

The YJS is part of the Specialist Adolescent Service within Children's Services in West Sussex County Council and is committed to ensuring that the needs of children in conflict with the law are viewed in a holistic way. The aim of this agreement is to ensure that Youth Justice and Children's Services respond in meeting these needs positively and co-operatively.

The YJS and CSC work closely together to meet the needs of children and their families. All relevant information for children and families will be shared and both parties will notify each other and involve each other in planning and review meetings collaboratively. If information is not shared it will be necessary to demonstrate that this is in the child's best interests.

When the YJS and CSC are involved in providing a service to a young person, both agencies must be clear about the specific intervention being provided by each service and the intended outcome of this work. If any service is considering closure of a child's case, it would have to be demonstrated that the needs of the young person had been met and that service involvement is no longer appropriate. A child should not be closed to either service on the basis that either agency has become involved.

All staff are committed to ensuring that every child, young person or adult associated with its activities will be treated with dignity and respect. Access to services and support will be facilitated in a manner that demonstrates a commitment to the valuing of difference and diversity. All staff are committed to ensuring that no person will be treated less favourably because of their individual circumstances or protected characteristics.

2. Child Protection and Safeguarding

If at any time or as a result of the AssetPlus assessment, it is felt that there are child protection concerns, or where safeguarding attempts have been unsuccessful, a written referral will be made to the relevant social work team, or MASH if the case is unallocated, to be dealt with in accordance with the [Pan Sussex Child Protection and Safeguarding Procedures](#). Any written referral should include the detail of the concern, background of the child and family, other agency contacts and any associated risk and vulnerability factors.

In urgent situations consideration may need to be given to contacting emergency services such as the Police or Ambulance Service. In out of hours situations, the referral should be made to the Emergency Duty Team. All referrals will be followed up in writing the same day.

The Youth Justice officer will receive the outcome of the decision made as a result of the referral.

3. Children Looked After and the Criminal Justice System

The South East 7 and the Pan Sussex Protocols state that every effort should be made to avoid the unnecessary criminalisation of Children Looked After (CLA). This is in recognition that criminalisation can be a barrier to successful transition to adulthood and future life prospects, as well as recognising that the life histories of many CLA makes them particularly vulnerable to involvement in the criminal justice system.

It is every professional's responsibility when working with CLA to strive to understand their behaviour and aim to reduce the prosecution of children in care, wherever possible, by encouraging the use of restorative justice approaches. Restorative justice is a process whereby the victim has an opportunity to be heard and to state the impact of the behaviour and the offender has the opportunity to take responsibility for their actions.

Approaches can range from internal mediation within children's homes between young people and staff without involving the Police, to an Out of Court Disposal which does involve the Police. Wherever possible, the action to be taken will be determined following discussions by all concerned, including the child, about the most appropriate response.

4. Assessing and Responding to Risk of Serious Harm to Others

Where a quality assured YJS assessment has determined that a child presents a medium, high or very high risk of harm to children, a referral will be made to the relevant social work team or MASH within twenty-four hours or sooner. All referrals should include the offence analysis and the AssetPlus Judgement in relation to risk of serious harm and likelihood of reoffending. Risk definitions can be found in [Appendix 1: Risk Definitions within Youth Justice Service \(YJS\)](#).

The social work manager will review the referral and decide if a Child and Family Assessment is required and if so whether this is to be completed under Section 17 of the Children Act 1989 or whether a Strategy Discussion is needed to determine the need for S47 Enquiries where a child is deemed to be at risk of significant harm. Following acknowledgement of the referral and inclusion in the assessment process, the YJS will be provided with the relevant outcome in accordance with Children's Social Care Procedures.

The YJS will ensure the young person is discussed at the Complex Safeguarding Panel and a multi-agency risk management plan will be developed. CSC are represented on the panel alongside Sussex Police, Education, Health, CAMHS, Contextual Safeguarding and the Interview Review/Child Protection Advisor Teams.

5. Appropriate Adult

Where a child (under 18) is detained by the Police, it is a requirement of the Police and Criminal Evidence Act (PACE)¹ that an Appropriate Adult² is present when the young person is interviewed at the Police custody suite. In the first instance, the Police will make every effort to contact the parent/guardian or carer to attend as the Appropriate Adult. Where a child is under 18 and a CLA, the responsibility to provide an Appropriate Adult falls to the allocated Social Worker or team, (including the Emergency Duty Team).

Where a child is not a CLA and the parent or guardian cannot attend, a trained Appropriate Adult volunteer will be provided by the YJS. CLA who come into Police custody "out of hours" (e.g. after 5.00pm, but before 9.00 a.m.) may be referred to this scheme, although the local authority should be responding in the first instance.

Where a carer regularly cannot attend, this should be raised by the YJS to the child's Social Worker, independent reviewing officer (IRO) and the fostering/agency placement team.

6. Out of Court Disposals

Where a child accepts responsibility for an offence the Police have the option of taking no further action, administering a Community Resolution, or issuing an Alternative Outcome, Caution or Youth Conditional Caution for offences which are not so serious as to warrant prosecution. All Youth Conditional Cautions or second Cautions can only be given following an assessment by the YJS and jointly agreed decision by the Police and YJS. *(At present this is done via phone communication, however, a Pan Sussex Review is underway and will update with Guiding Principles, this section of guidance).*

All children who admit an offence and for whom the Police are considering an Out of Court Disposal involving the YJS, are referred into the service for assessment. The YJS will initially triage a child and will only progress to a full assessment where it is indicated suitable to do so. CSC records will be reviewed as part of the triage process and contact will be made with the allocated Social Worker or team where a child is known or open.

Where a full assessment is undertaken in respect of children with an allocated Social Worker, the Youth Justice Officer will liaise with the relevant Social Worker and together agree a proposed programme of intervention prior to returning the case to the Police to determine the outcome. A copy of the assessment, together with the proposed rehabilitation programme will be forwarded to the Social Worker.

7. Youth Court Attendance

All children aged 16 or under, attending court should do so with a Responsible Adult. It is not a requirement for this adult to be a person with parental responsibility for the child. The YJS cannot provide a Responsible Adult. Where a child is looked after by the local authority, it is the responsibility

¹ **Police and Criminal Evidence Act 1984**

² **The term 'Appropriate Adult' has a specific meaning in PACE; it refers to the adult who must be present to safeguard the welfare of a child detained at a police station. It should not be confused with the term 'Responsible Adult' which applies in other situations, e.g. accompanying a child at court.**

of the allocated Social Worker or team to be present as the Responsible Adult or arrange for a Responsible Adult to be in attendance; this could be a child's carer. The YJS will notify the allocated Social Worker or team of upcoming court dates and the outcome of all court matters.

8. Bail

Where a child is arrested for a suspected offence, they can be released using a number of legal options: no further action, released under investigation, bailed or charged with the offence.

No Further Action – The child is released with no further action.

Released Under Investigation – The child will be released while the Police investigate the suspected offence. There is no time limit on this process and the child may be released with no date fixed to return.

Police Bail – The child will be released while the Police investigate the suspected offence and will be given a fixed date to return within 28 days. The Police may impose conditions on the child, such as doorstep curfew, reporting, non-associations and exclusions. If a child breaches the conditions of bail they are arrestable.

Court Bail – If a child is granted bail by a court they will be given a fixed date by when to return to court. The court may impose conditions on bail that could include, in addition to those listed above, a condition to 'Live as Directed by the Local Authority' – this does not automatically make a child a CLA and should not be confused with a Remand to Local Authority Care/Youth Detention Accommodation or Youth Rehabilitation Order Local Authority Residence Requirement which does.

In the case of 'Live as Directed by the Local Authority', the local authority will assess where the child should reside which could be with parent/carer, family member, connected person, foster carer, residential/semi-independent accommodation. The CLA status is dependent upon assessment of need and resultant provision. If the child fails to live as directed this would constitute a breach of bail and the Social Worker will need to provide a formal statement outlining this, which will be submitted to the Police via the Police Officer in the YJS.

If the child does not attend court on the date specified, or breaches a condition imposed by the court, they will be arrested and detained for the next available Remand Court.

Where a child commits an offence for which they are charged, eligible for release but where Police have assessed there is no suitable accommodation for them to be released to, they will request a transfer to Local Authority Care under the Pan Sussex Protocol for Transfer of Young People to Local Authority Accommodation from Police Custody. Is the Local Authorities assessment as to where the child is to reside³

9. Remands to Local Authority Accommodation in both Adult and Youth Courts

A Youth Justice Court Duty Officer attends every court where there is a risk a child will be remanded. Where it is believed a child is at risk of being remanded to local authority accommodation (RLAA), they will make the appropriate enquiries of the relevant social work team where the child is habitually resident.

Where there is a risk of RLAA, the Youth Justice Court Officer will attend court and undertake a bail assessment. However, the court may still require a Social Worker or designated worker from the

³ Under Section 21(2)(b) CA 1989 every Local Authority must provide accommodation for children who they are requested to receive under Section 38(6) of PACE Act 1984.

relevant local authority to be present within that court session. The Youth Justice Court Officer will ensure the court is made aware of the practical difficulties for staff from social work teams in meeting short deadlines for attendance at the court and the court will be asked to be clear about the expectations they have for the attending worker.

In the event that a RLAA is likely and assessment indicates risk of harm and risk of reoffending can be managed in the community, the Court Officer (and Social Worker) will offer a Bail Support Programme in partnership with all agencies, outlining the conditions and interventions that can be provided as an alternative to an episode of care.

When a young person is RLAA, they become a CLA and are the responsibility of the local authority. If the child is not already open to the local authority and is habitually resident in West Sussex, the child will be allocated to the relevant Children Looked After Team. The Youth Justice Court Officer will make a referral to MASH for all children remanded to local authority care who were not previously known or open to the Children's Services. This needs to be completed immediately after the court hearing.

A RLAA means that the local authority needs to decide where the child will reside. The local authority could assess that this is with a parent, family member or connected person or within foster care or residential care, unless the court has stipulated they cannot reside at home or with a specific family member. (NB – The court cannot stipulate where a child resides but can stipulate where they cannot be placed).

The child may also have conditions placed upon them, these are called 'Remand Conditions' and could include restrictions such as curfews or exclusion zones. These could be standalone conditions or part of a Remand Support Programme. During a remand, if there is any need for conditions to be altered the YJS can assist in applying to the court for this to be considered.

Where a Remand Support Programme has been made part of the remand conditions the YJS will take responsibility for the management of this, but will look to work collaboratively with the allocated Social Worker to ensure the programme and care plan are reflective of each other and do not duplicate interventions or provisions. The YJS will take responsibility for the preparation of any Pre-Sentence Report.

10. Remand to Youth Detention Accommodation

There is strict criteria which must be met before a Remand to Youth Detention Accommodation (RYDA) can be made⁴ (*Appendix 2*). It is imperative that the local authority in which the child is habitually resident is identified *prior* to remand.

A child who is remanded to YDA automatically becomes a CLA at the point the remand is made and for the duration of the remand. The relevant local authority is financially responsible for the cost of RYDA.

The YJS are responsible for finding a secure placement and arranging secure escort through the Youth Custody Service. The YJS will inform the secure estate of any concerns regarding the safety and wellbeing of the child remanded in consultation with all relevant agencies. This will be based on the YJS Safety & Wellbeing Framework listed in *Appendix 3*. If a boy's safety & wellbeing ability is assessed as high or very high, the Youth Justice Court Officer will consider a placement in a secure training centre (STC) or an approved local authority secure children's home (LASCH). Any girls remanded to YDA can only be accommodated in a STC or a LASCH.

⁴ Legal Aid, Sentencing & Punishment of Offenders Act 2012

The Youth Justice Court Officer will be responsible for notifying managers and senior managers within the MASH, CSC and the YJS, including the Independent Reviewing Officer Service, of the court's decision to remand a child to YDA.

In these circumstances the local authority is not required to prepare a care plan or permanence plan, instead the authority must carry out an initial assessment of the child's needs and use this information to prepare a Detention Placement Plan (DPP). This should describe how the YDA will meet the child's needs⁵ and records the roles and responsibilities of the other partner organisations and the local authority and YJS specifically. The DPP should also take into account the circumstances that contributed to the child's alleged involvement in any offending and the support they should be offered when they return to the community to prevent (re)offending.

A DPP must also be drawn up with regard to children who are already looked after and who are remanded to YDA. This will be based on the assessment informing the child's current care or pathway plan. Where children are looked after as a result of a Care Order or if they are a 'relevant child' care/pathway planning will continue once the remand ceases, whether or not the child is sentenced to custody.

Remand Planning

An initial remand planning meeting must be coordinated by the YJS and Secure Estate and take place within **five** working days of the date of the remand, agreeing the programme of work that the child will complete while in YDA based upon the child's assessed needs. A DPP should be agreed no more than **ten** working days after the initial remand. Every effort should be taken to combine remand and looked after reviews. However, remand reviews are required monthly and the YJS Officer must see the child a minimum of monthly and separately to the formal meetings, although these can take place on the same day.

The YJS is responsible for liaising with the home education authority to ensure their statutory duties continue to be met or with the relevant education or training provider if they are above statutory school age.

Both Assessment and Detention Placement Planning must ensure consideration is given to the longer term needs of the child including whether the child will need to be looked after following the end of the remand period. If the child remains remanded for 13 weeks or longer the child may be eligible for leaving care services.

10. Pre-Sentence Report Requests

Where a Pre-Sentence Report (PSR) is requested the YJS will take responsibility for its preparation, ensuring there is active involvement of the child and the parent/carers in preparation of the report and development of the proposal to the court.

Where the child is known to CSC, the Youth Justice Officer will involve the allocated Social Worker in the preparation of the report and the Social Worker will ensure there is a timely response to requests for information. Both the Youth Justice Officer and the Social Worker will ensure the sentence recommendations made to the court reflect and complement the current care/safety plan.

Where a child's living arrangements are considered to directly impact on their offending, the Criminal Justice and Immigration Act 2008, made provision for a Local Authority Residence Requirement to be imposed for a period of up to 6 months as a requirement of a Youth Rehabilitation Order. Any

⁵ Regulation 47C (2) - The Care Planning, Placement and Case Review (England) (Miscellaneous Amendments) Regulations 2013

consideration of a Local Authority Residence Requirement needs to be approved through the Specialist Adolescent Service Lead. It is important to note that if a child fails to adhere to this requirement, they would in effect be in breach of their order and the matter would be returned to court.

11. Young People Subject to Community Penalties

Where a child is known to both the YJS and CSC, it is essential there is collaborative and joined up working particularly with regard to care and intervention planning. Both agencies will contribute their professional opinion to the assessments, planning and transitions for the children they are working with.

Where a child is known to both the YJS and CSC, every effort will be made by both the YJS and social work staff to attend relevant meetings within each agency and ensure collaborative planning that is reflected within the key agency documents.

Prior to all parenting work the YJS must contact the relevant CSC team and establish opportunities for any joint working and information sharing on any open cases.

12. Integrated Offender Management

Integrated Offender Management (IOM) are a group of children who have been assessed as presenting a high risk of serious harm and re-offending. As such they require a multi-agency response and will be discussed at the Complex Safeguarding Meeting. The Youth Justice Officer and the allocated Social Worker must attend the Complex Safeguarding Meeting or send a representative who knows the child and their circumstances. In urgent situations, an emergency Complex Safeguarding Meeting can be convened and chaired by a Group Manager or equivalent.

13. Secure Estate Work & Resettlement

Children who are open to the local authority and become the subject of a Remand to Youth Detention Accommodation or a custodial sentence will remain open to CSC. The Social Worker will be invited, should attend and contribute to all review meetings at the secure facility.

Prior to the closure of a child's case, relevant assessment must have taken place outlining how the child's needs have been, or will be, met. Consultation between the relevant Youth Justice and CSC staff must take place. If the closure of a case is in dispute then this should be escalated to a senior manager within both the YJS and CSC for a final decision and agreement.

Sentence planning for children in the secure estate is the responsibility of the YJS. The involvement of the allocated Social Worker from the CSC team on open cases will be an essential component to successful rehabilitation and resettlement.

The successful resettlement of children following a custodial sentence relies upon early and effective planning, as such resettlement planning should commence from the point a child enters the secure estate, day 1. The Youth Justice Officer will engage with partners, including the allocated Social Worker, from the start of the custodial sentence and will provide early notification and all remand and sentence planning meetings including consideration of Release on Temporary License (ROTL).

The Youth Justice Officer and the allocated Social Worker will work together to support any ROTL to ensure the child can attend any appointments or activities that will support successful resettlement, e.g. college or job interviews, placement visits, extended family visits or housing appointments.

If release accommodation is likely to be an issue this needs to be identified as early as possible during the remand or custodial sentence. Discussion should take place between the child, their family, the

allocated Social Worker/team and if appropriate, the Youth Homeless Prevention Team. Where appropriate a referral should be made for a joint housing assessment.

14. Vulnerable Young People

Where a child is being exploited or harmed or there are indicators of exploitation or harm, a Complex Safeguarding and Child Exploitation Notification must be completed and submitted in accordance with the Complex Safeguarding Procedures. Where the child is known to both CSC and the YJS this should be jointly completed. Where the child is only known to the YJS it should be completed by the Youth Justice Officer.

The YJS will be represented at every stage and level of the complex safeguarding process. Prior to each meeting the Youth Justice representative will ensure all information is gathered to present at the meeting. Where possible the Youth Justice Officer will also attend the meeting. All decisions from the meeting will be fed back and incorporated into the child's Youth Justice plan.

15. Dispute Resolution

It is acknowledged that for all parties the best interests of children are paramount. However, any differences will initially be dealt with at a case worker level. However, if this cannot be resolved it will be escalated to the Team/Practice Manager level, Group Manager, Service Lead and if necessary, the Deputy Director of Children's Services.

Appendix 1: Risk Definitions within Youth Justice Service (YJS)

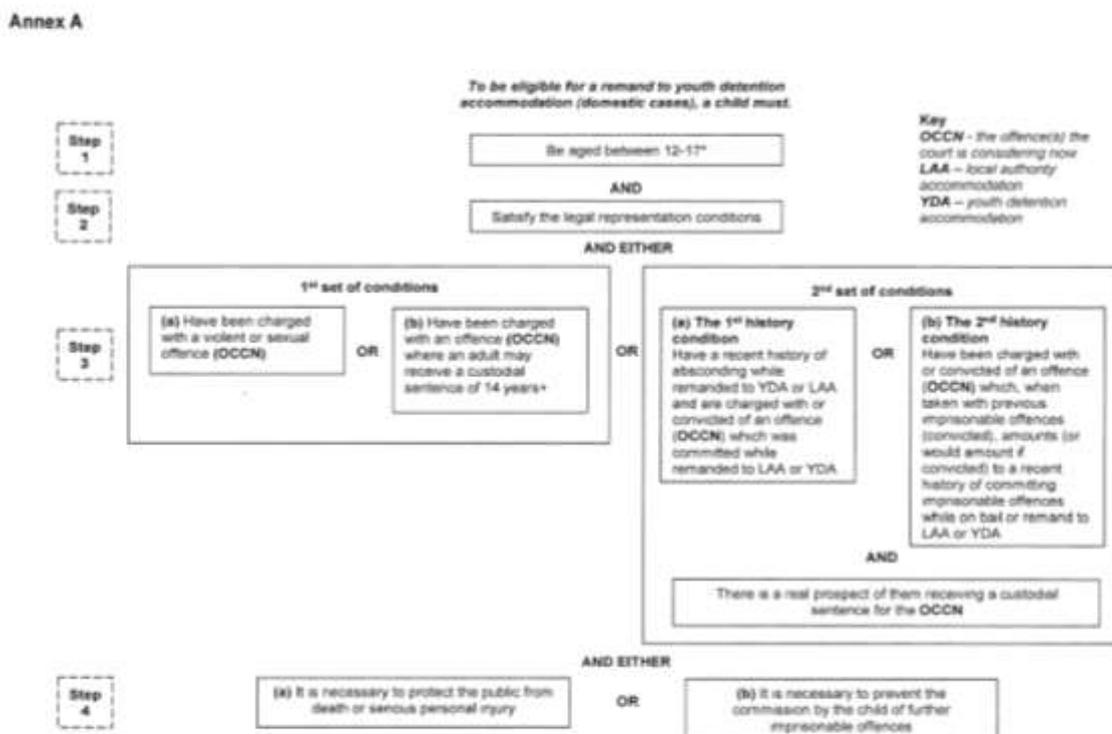
Low Risk: No evidence present to indicate likelihood of serious harmful behaviour in the future. No specific risk management work needed.

Medium Risk: Some risk identified, but the offender is unlikely to cause serious harm unless circumstances change. Relevant issues can be addressed as part of the normal supervision process.

High Risk: Risk of serious harm identified. The potential event could happen at any time and the impact would be serious. Action should be taken in the very near future and the case will need additional supervision and monitoring, e.g. local registration, oversight by middle/senior management.

Very High Risk: Imminent risk of harm identified. The young person will commit the behaviour in question as soon as they are able or as soon as the opportunity arises and the impact would be serious. Immediate action is required and is likely to involve intensive multi agency support and surveillance.

Appendix 2: Remand to Youth Detention Accommodation – Criteria and Flowchart



Appendix 3: Youth Justice Service Safety & Wellbeing Framework

Definitions for Safety & Wellbeing Assessments

Low Risk: No current evidence to suggest that the young person is vulnerable, in terms of risk to their physical, mental or emotional wellbeing:

- The young person may have historic vulnerability, (e.g. difficult family background) but there are adequate protective factors in place to support the young person and he / she has demonstrated that they are sufficiently resilient to manage issues and stressors in their life without additional support;
- This could be, for example a young person who has a supportive parent, or parents, who is/are fully involved with their life and able to support them in achieving their potential, a young person who has sustained education, training or employment and is progressing well with good prospects, or a young person who is in care, but is constructively engaged and has good social networks and it is evident that the young person is coping well on an emotional level with the difficulties they may face;
- Alternatively the low score may indicate a young person where there is no evidence of any issues relating to vulnerability.

Medium Risk: Some vulnerability is identified but the risk to the young person's welfare would not be serious unless there is a change of circumstances:

- Medium vulnerability risk could include multiple factors, such as the impact of a disruptive or difficult family history, (e.g. marital conflict, domestic violence, family breakdown, poor relationships with parents, history of abuse or neglect, accommodation by the local authority, etc.), evidence of discrimination, bullying, social isolation, psychological factors (e.g. Asperger's and Autism, ADHD, mental health issues) or emotional factors, such as depression or self-harm, psychosis or other mental health conditions, educational factors, (e.g. poor educational attainment, emotional and behavioural problems undermining ability to learn, or other disruption to education or training), health issues, substance misuse issues, (e.g. the young person placing their health and wellbeing at risk via risky practices such as excessive or binge drinking) or other environmental or social factors, (e.g. poor housing or social deprivation);
- This category may include young people who abscond or place themselves at risk, but where there are adequate protective factors in place to prevent serious harm, for example, parents or carers take appropriate action or the young person always answers their mobile;
- Such young people may lack resilience and will require a level of additional support, (i.e. as outlined in the VMP) such as referral to Tier 2 mental health support or substance misuse intervention, keep safe work and harm minimisation, monitoring, support with Education/Training/Employment, emotional support and potentially referrals to other services in order to fulfil their potential and keep themselves safe from harm. However, provided that the young person is accessing services and cooperating and the practitioner does not identify risk of immediate physical, emotional or psychological harm, then a medium rating is appropriate.

High Risk: Many or all of the factors identified above are present and the young person is at risk, either from their own behaviour or through the behaviour of others, of physical, emotional or psychological harm which could happen at any time:

- This would indicate that the risk is serious, for example, the young person has threatened or attempted suicide or is regularly self-harming, with potentially serious consequences, or the young person has placed themselves at risk of serious harm from others. For example, they have been sexually or violently assaulted and there are inadequate protective factors in place to prevent recurrence of the harm;
- This category could include young people with serious substance misuse issues, (e.g. intravenous use of Heroin or other drugs, poly-drug use or regular use of hard drugs known to pose a significant threat to health and wellbeing) or whose substance misuse places their health and wellbeing at significant risk, (e.g. excessive or binge drinking in environments where they are not safe, such as with adults who may exploit them);
- Young people who are at risk of sexual exploitation. For example, where there is evidence of association with adults who are known to groom or sexually exploit young people, or where there is evidence of inappropriate sexual relationships with adults;
- Young people who have a serious or life threatening health condition which is not treated, or if they have a serious mental health condition which is untreated, such as depression, especially if this is associated with self-harm or suicidal ideation;
- Young people in this category may lack resilience or the ability to access or benefit from support or intervention. For example, those who are socially isolated and have no family or other support networks, or those who due to their mental or emotional health problems do not seek help or do not trust others to help them, (e.g. young people with a history of severe neglect);

- Such young people will be at risk of significant harm to their physical, emotional or psychological wellbeing if action is not taken to protect and safeguard them.

Very High Risk: Refers to young people meeting the criteria above but where the risk is imminent and likely to have serious consequences, resulting in either death or serious physical harm:

- This would include young people who are expressing suicidal ideation, have made serious attempts on their life and have a stated plan to continue to do this, and have the opportunity and ability to carry out their plans and there are inadequate safeguards in place to prevent this;
- Young people who are self-harming to the degree that their life is at risk, (e.g. repeated and frequent overdoses of medication or drugs) or they have an underlying health condition which makes such self-harm a very significant risk to their life;
- Young people whose substance misuse habits are presenting a risk to their life, such as intravenous use of Heroin or other substances within high risk situations, or injecting into parts of their body which place them at imminent risk of serious physical harm or death, (e.g. in the neck);
- A young person who is resident with or in a relationship with an adult who is likely to seriously assault them, either sexually or physically and where there are no protective factors or safeguards in place to prevent this, (for example, where there is clear evidence of domestic or sexual violence);

This category may include young people where the above factors are present and where the young person is not engaging or has disengaged from services, is homeless, where there is evidence of exploitation in risky situations and where it is subsequently difficult or impossible to safeguard their health and wellbeing or manage the risk of harm to the young person.

Appendix 4: Remands to Youth Detention Accommodation Process

Agreed Practice Procedures between the YJS and CSC.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA) came into force on 3rd December 2012.

One of the significant impacts of this legislation is that from the date of enactment, all children and young people, (including 17-year olds) who are remanded to secure accommodation (custody) within a criminal court will become a CLA under Section 21 of the Children Act, 1989.

A remand is a decision made by the court where they determine a child needs to be held in secure accommodation whilst awaiting sentence or trial.

At Risk of Remand:

Any young person who is identified by the YJS as being at risk of remand will be seen at court by the YJS Court and Initial Assessment Team. The YJS will undertake an assessment and if the child can be managed safely within the community, a Bail Support Programme will be presented to the court. If this is unsuccessful and the child is remanded the following process will be followed:

Placements:

All placements made within a criminal court will be found by the Youth Custody Service in conjunction with the YJS. The placement will be made based upon the vulnerability, age and gender of the child or young person.

Typically, the local placements used are:

- Vinney Green (LASCH) – Bristol;
- Oakhill Secure Training Centre – Milton Keynes;
- Cookham Wood Young Offender Institution (YOI) (Males) – Kent;
- Feltham YOI – London.

Communication:

Following a remand, the communication needs to be open, transparent and timely between CSC and the YJS, specifically between the allocated Social Worker and the allocated Youth Justice Officer.

The Youth Justice Court Officer will notify the following people immediately that a child has been RYDA, providing the name, DOB, the secure estate placement, the reason bail was refused and the child was remanded and the next court date:

- MASH
- Suzanne Stokes, Independent Reviewing Officer Manager
- CIRSSupport@westsussex.gov.uk
- Placement.finding.team@westsussex.gov.uk
- YJS CIA Team Manager
- YJS II Team Manager
- YJS RJ&C Team Manager
- YJS ETE Advisor *Look at Abbreviations*

And copied to:

- YJS Manager
- Service Lead for Specialist Adolescent Service
- Deputy Director of Children's Services

Appendix 5: Youth Justice Outcomes

Pre Court

The Police have introduced Community Resolution (CR) Levels 1, 2 and 3. This is a Restorative Justice outcome and the young person is not brought into the criminal justice system. However, if the young person is not eligible for a CR then the police may either issue the young person with a Caution or refer to the YJS for an assessment with a view to issuing a Conditional Caution. The police reserve the right to make the final decision on a young person's outcome following the assessment.

Court

When a young person is charged with an offence they will appear before a Youth Court (usually a third offence or a more grave first or second offence such as robbery). If the case cannot be dealt with immediately the court will set a future court appearance and decide whether the young person will get:

- Unconditional bail – no conditions;
- Conditional bail – conditions e.g. not to contact the victim before the court date;
- Remanded to custody – the young person is sent to a secure estate until the court date. The YJS has a part-time Remand Support Officer, who is responsible for producing Bail Support Assets and supporting young people at this time.

If the young person pleads not guilty, a date will be set for trial when the magistrates will hear evidence and decide whether or not the person is guilty. If the young person has pleaded guilty then magistrates will decide on the most appropriate action.

The YJS will usually be asked to produce a report on the circumstance of the offence and with recommendations for sentence. This is called a Pre-Sentence Report (PSR) and may be a full report, written update or verbal update. The caseworker will assess the young person using Asset Plus and find out more about the offence details to produce a thorough understanding of the person's circumstances and offending behaviour. The PSR will make recommendations for the most suitable sentence and assist the magistrates with their decision.

If an offence is very serious it may be sent to the Crown Court for sentencing.

Remand

When a young person is remanded into custody, whether the care of the local authority or a secure remand they automatically become a Child Looked After. If the young person has a Social Worker they must be immediately informed. If they are not open to CSC, then the MASH must be informed. For all young people the Youth Justice Social Care Policy must be followed.

Sentences

The main court sentences are:

Referral Order

All young people that plead guilty to a first offence in court must receive a Referral Order of between three and twelve months. The only exception to this is cases where they receive an absolute discharge or, (rarely) the offence is so serious that they are sent to custody.

Once a Referral Order has been made, the young person and their parent/carer attend a Youth Offender Panel, made up of a YJS worker and two volunteers from the local community. A contract

will be agreed and signed, which can include programmes to address offending behaviour and doing some form of community work to repair the harm that was caused by their offence. The conviction is considered "spent" once the contract has been completed and does not therefore give the young person a criminal record.

Youth Rehabilitation Order

The Youth Rehabilitation Order (YRO) is a generic community sentence for young offenders. It is the standard community sentence used for the majority of children and young people who offend.

The YRO represents an individualised risk and needs-based approach to community sentencing, enabling greater choice from a 'menu' of requirements that can include Intensive Supervision and Surveillance Requirement (ISS) as part of a YRO.

An ISS requirement is the most rigorous non-custodial intervention available for young offenders. As its name suggests, it combines unprecedented levels of community-based surveillance with a comprehensive and sustained focus on tackling the factors that contribute to the young person's offending behaviour and assessed needs. An ISS targets the most active repeat young offenders, and those who commit the most serious crimes as an alternative to custody.

The programme aims to:

- Reduce the frequency and seriousness of offending in the target groups;
- Tackle the underlying needs of offenders which give rise to offending, with a particular emphasis on education and training;
- Provide reassurance to communities through close surveillance backed up by rigorous enforcement.

The intensive supervision is for the first 3 months of the order for a maximum 25 hours a week which reduces to a minimum of 5 hours a week for the remainder of the order.

Custody

When no alternative is appropriate due to the seriousness of the offence, history of offending and/or risk to the public, young people may be sentenced to custody.

Detention & Training Order

A Detention & Training Order (DTO) sentences a young person to a period in custody. The order can be given to any young person aged between 12 and 17. The minimum period for the order is four months and the maximum period is two years. The first half of the order is spent in custody (secure accommodation or a young offender institution) and the second half of the order is spent in the community. The community element of the order is supervised by the YJS. The Youth Justice Board is responsible for placing young people in secure accommodation and currently covers all related costs.

Appendix 6: Glossary of Terminology

Youth Justice Service (YJS) Terminology

| | |
|--------|--|
| BSP: | Bail Support Programme |
| CB: | Conditional Bail |
| CPS: | Crown Prosecution Service |
| CSC: | Children's Social Care |
| DPP: | Detention Placement Plan |
| DTO: | Detention & Training Order |
| IOM: | Integrated Offender Management |
| ISS: | Intensive Supervision and Surveillance (an alternative to custody) |
| LASCH: | Local Authority Secure Children's Home |
| LASPO: | Legal Aid, Sentencing and Punishment of Offenders Act |
| PSR: | Pre-Sentence Report |
| RYDA: | Remand to Youth Detention Accommodation |
| RLAA: | Remands to Local Authority Accommodation |
| RJ: | Restorative Justice |
| ROTL: | Release on Temporary Licence |
| RO: | Referral Order |
| ROSH: | Risk of Serious Harm |
| STC: | Secure Training Centre |
| UCB: | Unconditional Bail |

YJS: Youth Justice Service

YOI: Young Offender Institution

YRO: Youth Rehabilitation Order

| | |
|--|--|
| Review / Contacts / References | |
| Document title: | Youth Justice Social Care Policy |
| Date approved: | 9 March 2020 |
| Approving body: | Policy & Practice and QA Steering Group |
| Last review date: | 17 April 2020 |
| Next review date: | March 2022 |
| Related internal policies, procedures, guidance: | SAR Criteria CLA review guidance Youth Justice Protocol Voice of the Child and Young Person |
| Document owner: | Deputy Director Children's Services |
| Lead contact / author: | James Houghton |