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**Protocol between Youth Justice Service & Dudley Children's Services**

**Contents**

1. Introduction

2. Youth Crime Prevention

3. Principles of Joint Working and Management of Risk

4. Early Intervention - Identifying Children and Young People at Risk of Offending

5. Police and Criminal Evidence Act 1984 (PACE Act) – Appropriate Adult Provision for Children and young people.

6. Joint Work with Children Requiring Local Authority Support with Accommodation

7. Young People Appearing in Court - Bail, Remands into Local Authority Accommodation, Youth Detention Accommodation

8. Young Offenders Made the Subject of Court-Ordered Interventions

9. Joint Procedures Relating to Young Offenders Sentenced to Custody

10. Safeguarding Concerns in relation to Young People affected by Gang Activity, Child Sexual Exploitation and Sexually harmful behaviour

**1. Introduction**

1.1 The following protocol clarifies roles and responsibilities where the activities of the Youth Justice Service (YJS) & Children's Social Care interface. It covers:

* Early intervention to prevent offending behaviour and services to Children in Need.

• Children in Care (CIC) and those young people involved in the Criminal Justice System who are Eligible Young People or Relevant Young People with respect to 16+ service provision pursuant to the Leaving Care Services Act.

* Former Children in Care (those who cease to be looked after as a result of sentenced to custody and are not eligible for leaving care support)
* Appropriate adult work
* Young people appearing in court and subject to bail or remand conditions including Youth Detention Accommodation (YDA);
* The provision of services to young people sentenced to community orders or custody.

• Joint work with the Dudley Exploitation Hub (DEX) in relation to children affected Child Sexual/Criminal Exploitation (CSE/CCE)

1.2 This protocol will not specifically address issues concerning information exchange, which is subsumed under a wider protocol between the local authority and its partners; and the local YJS/Police protocol. However, the principle is one of sharing information in order to improve specific agency assessments and joint planning. This includes the YJS notifying allocated social workers where young people living in the borough are charged with offences and CIC staff informing YJS of out of borough charges.

1.3 This protocol should be considered in the context of the child/children’s wider family relationships and the need for agencies to work together in a joined up “whole family” approach. In addition, consideration should be given to children as young victims of crime and their need for ongoing protection and intervention to resolve the potential trauma they may have experienced.

**2. Youth Crime Prevention**

2.1 Traditionally, Youth Justice Services have been delivered to young people being prosecuted at Court. The Crime and Disorder Act 1998 (CDA), however, clarifies the aim of the Youth Justice Service as being to prevent offending behaviour. This entails:

• Targeted intervention for young people at risk of involvement in criminal or anti-social behaviour, preferably at the pre-offending stage.

• Early intervention before patterns of offending behaviour have become firmly established, i.e. schemes of diversion for young people at the arrest stage through Out of Court Disposals (Outcome 22, Youth Caution or Youth Conditional Caution).

• Evidence-based interventions aimed at reducing the risk of re-offending for young people receiving a community penalty or a custodial sentence.

• This protocol will not set out the range of interventions available to children and young people, however, it is acknowledged that young people in the Criminal Justice System can also be victims of criminal & sexual exploitation and require an individually tailored response to their needs.

2.2 The range of services provided or co-ordinated by the YJS with respect to pre-offending intervention, early intervention, and confronting offending behaviour are outlined in the local annual Youth Justice Plan.

2.3 This protocol seeks to improve key areas:

• Define agency roles and responsibilities with respect to young people who offend and their families.

• Increase clarity as to the role and function of partner agencies in the youth justice arena and improve shared understanding of the requirements of Section 17 1998 CDA to ‘do all that is reasonable to prevent crime’.

**3. Principles of Joint Working and Management of Risk**

3.1 The involvement of one agency in a case does not preclude the legitimate involvement of another. The emphasis should be placed upon delivering a 'joined-up' service, rather than segmented interventions. This process will require clear case management, and the active involvement of operational and service managers to prevent young people being left unsupported, inter-agency conflict or, alternatively, duplication of efforts & offers of intervention.

3.2 This protocol provides a framework for working effectively in partnership to prevent offending, reduce re-offending and to mitigate risk factors associated with involvement in crime and other aspects of social exclusion.

3.3 Where Children are already open to Children’s Social Care (statutory social work services) the allocated Social Worker will be consulted in relation to assessment and planning and will be regularly updated on progress by the YJS Case Manager. Assessments will be shared to avoid duplication of effort and improve information sharing. Mutual attendance at planning discussions is encouraged to promote systemic thinking and practice. Similarly, attendance of both agencies at key planning meetings, for example Children in Care Reviews, Integrated Safeguarding Meetings (ISM), Multi Agency Child Exploitation (MACE) and Prevention & Diversion (P&D) meetings. The YJS will aid fully integrated planning.

3.4 In some cases the YJS assessment will identify issues relevant to need or safeguarding indicating a consultation and possible referral to the Multi Agency Safeguarding Hub (MASH).

3.5 Joint Assessment of young people and their families where accepted by the family must always be given active consideration.

3.6 Assessment documentation from Social Care and YJS will be shared for all joint work and respective databases updated appropriately.

3.7 The above principles apply to all young people supervised or supported by the YJS where Children’s Social Care involvement is indicated.

3.8 Any conflict between caseworkers or managers as to allocation of resources or the aim of joint work must be escalated up the management structure one level at a time.

**4. Early Intervention - Identifying Children and Young People at Risk of Offending**

4.1 The process for identifying children at risk of offending, determining the need for intervention and whether this can be delivered on a voluntary basis or requires the imposition of a more formal outcome is described below and relates to concerns raised by:

• Dudley Anti-Social Behaviour Team (ASB);

• Children Social Care staff;

• Police or intelligence sharing meetings

• Schools and other community agencies;

• Parents or young people;

• Police at arrest stage at the police station.

4.2 Concerns about children involved in anti-social behaviour or at risk of offending enter the system by differing routes. Concerns may be conveyed to Children’s Social Care and the YJS by th ASB Team, who may have been alerted by Housing Management Services or the Police. However, in most cases the YJS will be notified via the Police. The process also needs to be sufficiently flexible to respond to concerns raised by schools, and parents themselves, and these may be routed through MASH.

4.3 Children in Care who are deemed at risk of involvement in crime, should be referred directly to the YJS Duty Manager – these discussions shall also be had at YJS/ CIC managers meeting, which occurs on a bi-monthly basis.

4.4 In those instances where a young person is already being worked with by Children’s Social Care, the involvement of the YJS is predicated on the assumption of working in partnership and is not an alternative to Children's Social Care involvement.

4.5 Children’s Social Care staff are encouraged to contact the YJS Duty Manager to discuss concerns about criminal behaviour.

4.6 YJS can also deliver training for foster carers in dealing with offending and teenagers at risk of involvement in youth violence.

4.7 In order to reduce the number of First Time Entrants (FTE) to the Youth Justice System, the YJS in partnership with the Police, Prevention & Diversion service. In consultation with the Police, young people arrested for low gravity offences, with no significant offending history and admitting to the offence may be diverted from prosecution. The diversionary programmes involves sessions covering issues consistent with the needs and/or risk of offending identified by and AssetPlus/P&D assessment and focused on restorative justice principles.

4.8 For higher gravity offences, the police disposal may be a Youth Caution or a Youth Conditional Caution. Interventions will be delivered by YJS in partnership with Children’s Social care staff where appropriate.

**5. Police and Criminal Evidence Act 1984 (PACE Act) – Appropriate Adult Provision for Child and Young People.**

5.1 The Police and Criminal Evidence Act 1984 (PACE Act) introduced responsibilities for Local Authorities and the Police in relation to children and young people. In particular:

• When a young person’s parent/guardian are unavailable, unwilling or involved in the crime then there needs to be a trained appropriate adult present for Police interviews, the taking of fingerprint/photographs and when a young person is to be charged/bailed.

• If a young person is CIC then the YJS will deliver this service on behalf of the Local Authority as their Corporate Parent.

• When a young person is charged with a serious offence and bail is refused, the Police have a responsibility to transfer the young person to the Local Authority that needs to ensure the young person’s attendance at court the next morning. The transfer can be to non-secure or secure accommodation. This is called Remand to Local Authority Accommodation (RLAA).

**Current Provision**

5.2 Since March 2016, young people arrested in the Dudley Borough are dealt with at the Police custody suite in Oldbury. This is also the case for young people from Sandwell and Walsall.

5.3 Responsibility to provide appropriate adult services rests with the three Boroughs’ Youth Justice Services. This is achieved through each service providing a Duty Worker to the custody suite on a rota basis with each area covering for a week at a time. The Duty Worker will provide the service irrespective of which area the young person lives. This service covers the period 9am-5pm Monday to Friday.

5.4 Currently different arrangements exist in each area for out of hours and weekend cover. In Dudley, there is a bank of staff who, on a rota basis, responds to appropriate adult requests from 5pm-10pm weekdays and 9am-10pm Saturday and Sunday. The Emergency Duty Team (EDT) is contacted by the Police who in turn make contact with the PACE Duty Worker. This Worker does not take responsibility for the transfer of the young person, but would refer the matter back to EDT, with the expectation that the Police will return the young person home.

5.5 The Police will contact the YJS as the first point of contact when a young person has been arrested for an offence. As part of their assessment of the situation, consideration will be given to where the young person will live following interview. The Police have the following options following interview:

• To release the young person pending further investigation (RPI or ‘bail’).

• To bail the young person and refer to the combined Police & YJS Prevention & Diversion forum (Decision Making Panel), with a view to recommending an out of court disposal.

• Charge the young person and bail to the next available Youth Court.

• Charge the young person, deny bail, and consider transfer to Local Authority accommodation.

5.6 Where circumstances exist that a young person cannot or will not go home and/or there are concerns around other safeguarding matters, these will be raised with Dudley MASH. The YJS staff and Social Care staff will continue to communicate and support each other until a positive solution is found.

**Concordat on young people in custody**

5.7 In April 2016 the home office published a concordat for young people in custody, which was jointly signed by the home secretary and the minister for state for education. The Concordat sets out each party’s responsibilities and provides a protocol for how transfers should work in practice. Between its signatories, it is both an agreement of understanding and a declaration of commitment to ensuring that these duties are fulfilled.

**6. Joint Work with Children Requiring Local Authority Support with Accommodation**

6.1 In the event of children and young people being assessed by the YJS as requiring accommodation services pursuant to Section 20 1989 Children Act, or they become estranged from their family, the YJS Officer should discuss the concerns with a Social Worker in the MASH, or their allocated duty worker. The necessity for prompt inter-agency action may arise in the following circumstances:

• Where there are concerns raised by the Court about a return to the family home and liaison with Social Care is required immediately to offer reassurance to the court and/or offer alternative addresses.

• Where the Court grants Bail with a condition to reside as directed by the Local Authority (Children's Services) because parents/carers have cannot accept care responsibilities for the child, have not attended court and cannot be contacted, or the Court has imposed a requirement prohibiting a return home:

6.2 In such cases, the YJS Case Manager will liaise with MASH or the allocated Social Worker for appropriate assessment and intervention.

6.3 Where subsequently, the parent or carer is contacted, every effort will be made to support a return home for the young person provided it is in his / her best interests, and bail conditions imposed by the court permit.

• The agreement to accommodate under Section 20 of the Children Act 1989 must be made at the level of Head of Service – Children’s Social Care but would be discussed with relevant Head of Service – Early Help, prior to making an application.

**7. Young People Appearing in Court - Bail, Remands into Local Authority Accommodation, Youth Detention Accommodation**

7.1 The YJS has responsibility for monitoring all young people appearing in court, recording outcomes, and advising the court of services available where appropriate. However, not all young people appearing in court require services provided directly or co-ordinated by the YJS, particularly where young people are remanded to appear on unconditional bail.

7.2 Dudley YJS is required to provide a service to Black Country Combined Youth Court on a Wednesday in Wolverhampton. Where Dudley young people appear in another court or on a non-Youth Court day, Dudley YJS will be contacted by the relevant YJS on duty.

7.3 Where objections to bail are raised, the YJS will provide an assessment wherever possible at the first Court hearing and, where practical, provide or co-ordinate a Bail Supervision and Support (BSS) programme. The bail assessment may give rise to concerns relating to the home circumstances that would warrant a referral to the MASH. In cases where Children’s Social Care is already actively involved, they are expected to retain their involvement and the YJS caseworker will involve the Social Worker in the planning process, and vice versa.

7.4 If the courts refuse bail then they can remand the young person into Local Authority Accommodation with or without conditions. These children then become Children in Care. If a child is already open to the Local Authority, then the YJS Caseworker/Court Officer will contact the relevant Social Worker, who will assess the appropriateness of any future accommodation. If the child is not known to Social Care, a referral will be made to the MASH pending an assessment and appropriate future accommodation. During this the YJS Duty Worker or allocated worker will work collaboratively with colleagues from Social Care to:

1. Support the Social Worker in assessing suitable alternative accommodation.

2. To present a package of support to allow the young person to return home.

3. To assist with engaging the young person whilst accommodation is being identified.

7.5 The allocated Social Worker will work collaboratively with staff from the Youth Justice Service to explore future options when the young person next appears in the Youth Court, including returning the young person home with a bail support package.

The authority must:

• Receive the child

• Provide or arrange for the provision of accommodation for the child whilst the child is remanded to local authority accommodation

• Where a child is remanded to local authority accommodation, it is lawful for any person acting on behalf of the designated authority to detail the child.

7.6 When all of the following criteria are met, the courts may remand a young person into the Secure estate (Youth Detention Accommodation ; YDA):

• The “age “condition: the child must have reached the age of twelve.

• The “offence” condition: one or more offences before the court is a violent or sexual offence, or is an offence punishable in the case of an adult, with imprisonment of 14 years or more.

• The “necessity” condition: that the court is of the opinion that after considering all option for the remand of the child, that only remanding the child into youth detention accommodation would be adequate to protect the public from death or serious personal injury occasioned by further offences committed by the child or, to prevent the commissioning by the child of imprisonable offence.

7.7 Where there is an allocated Social Worker, that Social Worker will carry out all Children in Care (CIC) duties and work closely with the YJS Officer to identify all possible alternatives to a remand to the secure estate including accessing funding through the Access to Resources Panel or if appropriate, to make representation at Legal Gateway.

7.8 The Social Worker will notify their Service Manager for the Independent Reviewing Officer (IRO) Service who will allocate an IRO to the child.

7.9 If the young person was in care prior to remand, the Care Plan should be reviewed alongside the remand plan, with both plans referencing one another.

**8. Young People Made the Subject of Court-Ordered Interventions**

8.1 Court ordered interventions will be supervised by the YJS, in accordance with sentence requirements and the Standards for children in the youth justice system (2019). It would be appropriate for Initial Planning Meetings and reviews of court-ordered interventions to be organised and chaired by a YJS Advanced Practitioner, while Children in Care Reviews are chaired by Independent Reviewing Officers. A single meeting can fulfil both functions if agreed by both services.

8.2 In the event of children who are in care, or Children in Need being charged with an offence and prosecuted in court the following procedures will apply.

• The YJS will notify the allocated social worker within 1 working day of having received notification of the offence, court appearance, or Pre-Sentence Report (PSR) request. The YJS will continue to update the social worker as appropriate. However, where the child is in care, the functions of the YJS do not remove the imperative for the social worker to act In loco parentis as a responsible adult in the court proceedings;

• In the case of Children in Care placed out-of-borough and committing offences, the social worker will notify Dudley YJS of any proceedings within 1 working day of notification of charge, court appearance, or conviction to enable Dudley YJS to liaise with the local YJS as appropriate.

• A Dudley YJS Caseworker will be allocated to track the progress of the case. However, the local YJS will be responsible for delivery of interventions.

8.3 Assessment and intervention is a dynamic process and, on occasion, needs and/or safeguarding concerns will emerge post-sentencing while the young person is being supervised in the community. It is imperative that the case manager in consultation with their line manager continue to manage these concerns through supervision. If already known to Children’s Social Care, they convey the information of concern to the allocated social worker both verbally and in writing. Where there is significant concern, a Review meeting (with young person and parents) or a professionals meeting may be required to bring all agencies together to share information and manage risk and vulnerability issues.

**9. Joint Procedures Relating to Young People Sentenced to Custody**

9.1 The majority of custodial sentences for young people are Detention and Training Orders with a minimum sentence of 4 months and a maximum of 2 years. In general, half of the sentence is served in custody and the remainder served in the community under supervision of the YJS. Young people charged with an offence for which a longer sentence would be appropriate, are committed by the Youth Court to the Crown Court, where they can be sentenced to longer terms of imprisonment. However, it is usually the case that the young person will be released into the community under the supervision of the YJS at the midway point of the sentence.

9.2 The facility exists for the Governor, to allow early release in response to good behaviour. The custodial establishment will inform the allocated YJS worker of the provisional early release date and the mandatory release date at the beginning of the sentence.

9.3 All young people in custody are the subject of a Sentence Plan agreed by the custodial establishment and the supervising YJS, which considers tackling offending behaviour, associated risk factors, education, well-being, and post-release arrangements and continuing supervision (resettlement). The supervising YJS Caseworker will invite any allocated social worker to the statutory review meetings held for young people in custody.

9.4 With respect to any Child in Care (Section 31 1989 Children Act), or who was in care (Section 23 1998 C.D.A, or Section 20 1989 Children Act), care planning meetings and sentence plan review meetings will be attended by both YJS and Social Care staff. The CIC Review and sentence planning review should be held together where timescales allow and be chaired by an Independent Reviewing Officer, this includes the release preparation meeting (Pre-Release Meeting) in custody.

9.5 In the case of Children in Care whether pursuant to Section 31 or Section 20 1989 C.A, it is imperative that the Sentence Plan is integrated with the local authority Care Plan. This may include plans to accommodate upon release, where the young person remains vulnerable.

9.6 Guidance for former children in care provides a duty to assess the needs of young people who cease to be in care when they enter custody and who are not assessed as a ‘Relevant Child’. Responsibilities of the Local Authority to Former Children in Care and Young People in Custody requires:

• A visit to the young person within 10 working days of the entering custody date.

• Completion of an assessment within 20 working days of entering custody date outlining the advice, assistance and support required in custody and on release.

9.7 The above visit and assessment to be completed by whoever was the allocated worker of the young person at the point of entering custody.

9.8 In the event of a young person being entitled to early release, the YJS is required to provide the Secure Estate with details of the intended address for the young person and its suitability for the installation of electronic monitoring. The Secure Estate must receive this information 10 working days before the release date or early release may be denied.

9.9 Planning for release begins at the point of entry into custody and at the first sentence plan meeting held in custody. As soon as concerns are raised about a young person being unable to live with their family on release, the procedures in Section 6 above need to be followed and a referral discussed at the YJS/ Social Care Meeting or with their allocated social worker. This may include a transfer to Children in Care services.

***NB: If no placement has been identified at the release preparation meeting, no less than one month before release, the issue must be escalated to the relevant service and if no address is available at the pre-release meeting this must be escalated to the Director of Children’s Services no later than 7 days prior to the release date.***

**10. Safeguarding Concerns in relation to Young People affected by Child Exploitation or Sexually Harmful Behaviour**

10.1 Safeguarding procedures can provide a key tool for all agencies working with young people in partnership to prevent their involvement with exploitation including that by urban street gangs and organised crime groups. Where a child is ‘affected’ by exploitative activity or serious youth violence, the risk or potential risk of harm to the child may be as a victim, a perpetrator or both.

10.2 The key principles as outlined in the Dudley Safeguarding Board’s guidance in relation to those children is:

• The safety and welfare of the child is paramount;

• Children who harm others are both perpetrators and victims of group or gang activity;

• All agencies act in the interests of the rights of the child as stated in the UN Convention (1989);

• All decisions or plans for the child/ren should be based on good quality assessments and be sensitive to the issues of gender, nationality, culture and sexuality; and

• All agencies should work in partnership with members of local communities, to empower individuals and groups to develop support networks.

10.3 Young people engaged with the YJS who are involved in exploitation/serious youth violence as evidenced by the AssetPlus assessment tool and police intelligence will require the case manager to complete a Risk of Serious Harm and Safety & Wellbeing assessment and make a referral to the Dudley Exploitation Hub for discussion at a MACE meeting if the risk is high or very high. In many cases, the young person will also be vulnerable to harm due to the cyclical nature of the link between offender and victim, their own behaviours including use of weapons, substance misuse, sexually harmful behaviour or Criminal/Sexual Exploitation. The YJS integrated intervention plan will be completed to identify appropriate factors and contingency plans.

10.4 YJS must be invited to attend strategy meetings convened by Social Care and MACE meetings convened by DEx regarding issues of child exploitation and Sexually Harmful Behaviour by children and young people subject to Child Protection or Child in Need Plans or those who are in care.

10.5 Concerns may not be restricted to young people directly involved in exploitation as victims or perpetrators but may include siblings who may be drawn into the margins of this type of activity or may be the victims of reprisals.

10.6 The YJS will therefore align with the agenda of Dudley Exploitation Hub by having attendance at their weekly Exploitation Meetings, as well as at the monthly Criminal Exploitation Partnership Group.

10.7 The YJS also has duties under the radicalisation ‘Prevent’ agenda and sends a representative to Channel meetings to share information and agree strategy with the multi-agency group.

**Relevant Links:**

• Home Office, Police and Criminal Evidence Act 1984 (PACE) codes of practice (2016)

• DSCB Child Sexual Exploitation Strategy 2015-2018

• Knife, Gun and Gang Crime

• Ending Gang Violence and Exploitation

• Criminal Exploitation of Children and Vulnerable Adults: County Lines

• Reducing Knife, Gun and Gang Crime

• Girls and Gangs, The Centre for Social Justice, 2014 (research paper)

• Ending Gang and Youth Violence Community Engagement 2014

• Injunctions to Prevent Gang-Related Violence and Drug Dealing (Home Office) May 2016

• Injunctions to Prevent Gang-Related Violence and Gang-Related Drug Dealing A Practitioners’ Guide Revised Guidance May 2016

• Preventing Gang and Youth Violence: Spotting Signals of Risk and Supporting Children and Young People