



Working in partnership to prevent youth offending in Somerset



Protocol for Joint Working - Somerset Children’s Social Care (CSC) and Somerset Youth Justice Service (YJS)

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Foreword - The Somerset County Context

Somerset covers an area of 1,333 square miles (3,452 square kilometres) and is the 12th largest geographical county in England. According to the Office of National Statistics (ONS), 48% of Somerset's population is classified as living in a rural area compared with 52% living in urban areas. This makes it one of the ten most rural local authorities in England.

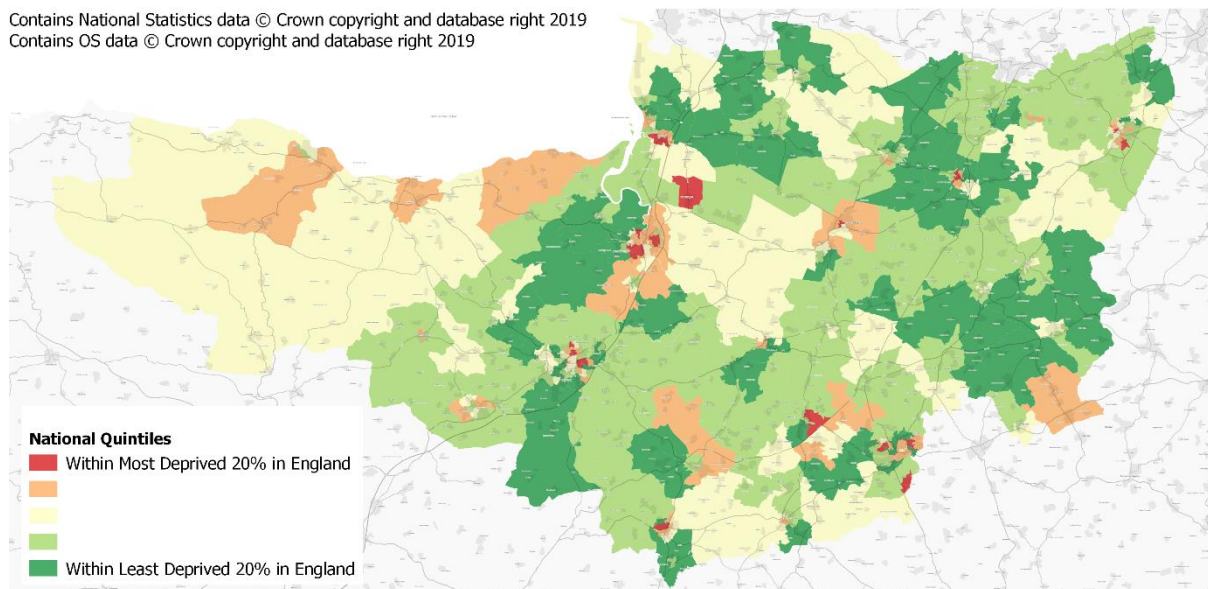
There are 559,400 people resident in Somerset (*mid-2018 estimate*); 110,700 are children under the age of eighteen and 29,000 of are aged 0-4. There were 5,224 births in Somerset during 2018.

Overall levels of deprivation in Somerset are lower than national averages but there are significant pockets of multiple deprivation, particularly in some larger urban areas.

According to the Income Deprivation Affecting Children Index (IDACI) Somerset has 27 neighbourhoods (LSOAs) classified as being within the **20%** most deprived in England. Somerset has 13 neighbourhoods (LSOAs) classified within the **10%** most deprived in England for IDACI; with six in Bridgwater, three in Taunton, and one each in Frome, Highbridge, Shepton Mallet and Yeovil.

Income Deprivation Affecting Children Index (IDACI) 2019 by LSOA

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Source: MHCLG (2019). LSOA (Lower-layer Super Output Area) is a unit of geography for the collection and publication of small areas statistics. Each LSOA equates to around 1,500 people, or 600 households. There are 327 LSOAs in Somerset.

1. Introduction

- 1.1 The purpose of this protocol is to ensure that children and young people receive the appropriate service when in both the social care and criminal justice systems. It provides clarification of roles when both Children's Social Care (CSC) including the Prevention Family Intervention Service (FIS) and the Somerset Youth Justice Service (YJS) are involved with the same child or family and outlines best practice for joint work between the two sectors. It clarifies case management responsibility between the services and includes measures for resolving any differences regarding the management of a young person's offending behaviour work. The protocol will be reviewed annually by both services.
- 1.2 The principles underlying this protocol include:
- The County Council's commitment to Corporate Parenting
 - The YJS's priority for the prevention of offending and re-offending
 - The principle that children should, as far as possible, remain with their own parents or relatives, without the need for them to become looked after.
 - Where reference is made to "children" this includes 16- and 17-year-olds.
- 1.3 This protocol complies, and should be read in conjunction with:
- Visits to the Former Children in Detention (England) Regulations 2010
 - Concordat on Children in Custody 2017
 - The Children Act 1989 Guidance and Regulations: Volume 2: Care Planning, Placement and Case Review [Supplement] "Looked After Children and Youth Justice" 2014.
 - Criminal justice legislation regarding children and young people and in particular the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) (2012).
 - Youth Justice National Standards and Case Management Guidance
 - Somerset Safeguarding Children Partnership (SSCP) Procedures including the Escalation process
 - Children who go missing from home and care procedures (Somerset Safeguarding Children Partnership 2023)
 - Somerset Protocol for Reducing Offending by Children Looked After
 - Somerset Harmful Sexual Behaviour Protocol May 2022 – (This is due to be updated following agreement from Health to sign up to the protocol alongside Education)

2. Jointly worked cases

- 2.1 Young people come to the attention of CSC and YJS for a variety of reasons. Overall, the reasons for referral can be broadly defined as welfare or justice concerns. Welfare concerns can cover a range of issues from child protection

to broad support and guidance to a young person and their family under Child in Need (CiN) procedures or through FIS provision. Justice concerns are either because of, being on the edge of anti-social behaviour and/or criminal activities, or offending by the young person, whether at the point of police interview, out of court disposal, or because of criminal court proceedings.

- 2.2 The primary purpose of the YJS is to prevent offending and reoffending by children and young people.

Where a young person is already currently open to CSC and is at risk of offending, or reoffending, or at risk of becoming a victim of a young offender, but is not currently involved with the YJS, CSC may seek advice from the YJS in respect of interventions or work which CSC staff could be supported or trained to deliver.

Decisions about this advice and support or training will be made by a team manager, the YJS operational or strategic manager and will reflect the balance of priorities of work at the time. A Planning Meeting to establish how this work will proceed may be called either by CSC or YJS.

- 2.3 In some cases, both the YJS and CSC may be involved with a young person and joint working arrangements will need to be established. A common situation is that a young person accommodated by the Local Authority commits an offence which results in the imposition of a criminal order. In these cases, Court orders will normally be supervised by the YJS, unless otherwise agreed. CSC will continue to remain the lead agency where there are child protection concerns. Agencies will work closely together to ensure the best outcome for the child.

- 2.4 Where both agencies are involved, it is important that both work to ensure children and families are given a clear understanding of their respective roles and understand the responsibilities of CSC and YJS, including the similarities and distinctions and their statutory obligations. To ensure that agencies work together effectively, where a child or young person is known to both services, on either a voluntary or statutory basis, it is the responsibility of the relevant team managers of both CSC and YJS to ensure that a Planning Meeting takes place attended by both agency practitioners and any other relevant parties. The purpose of the Planning Meeting (which may be held virtually) is to:

- Agree and define the role of each team with respect to the child or young person
- Decide how the teams will communicate about the progress of case work. This is particularly important where the child or young person is subject to

a Court order and requirements of the order feature work undertaken by CSC.

- YJS practitioners will share the young person's intervention plan with the CSC practitioner along with assessed Risk of Harm and Serious Harm to others and Safety and Well Being concerns. CSC practitioners will share the young person's plan including welfare concerns.

YJS staff should use the case note type 'YJS/CSC planning meeting' to record the discussion, with a duplicate recording added to LCS by the social work case holder.

- 2.5 The YJS holds regular Multi Agency Risk Panels (MARP) which oversee Level 1 management multi agency public protection arrangement (MAPPA) cases and other cases where children are considered to represent a high or very high risk of causing serious harm to others, or at high or very high risk of suffering significant harm themselves. The YJS will notify CSC of the cases under consideration with the expectation that social workers attend or provide a report to inform the Risk and Safety and Well Being Panel when they cannot attend. Where the child is assessed as being at high/very high risk of causing serious harm to others or is assessed as high/very high risk of suffering significant harm, they will be reviewed at the YJS MARP not less than bi-monthly.
- 2.6 Following the Planning Meeting it will be agreed which interventions each agency will focus on with the child/young person and family to minimise overlap of agency work and to not confuse the child/young person and family. This will also be agreed at reviews, including reviews at the MARP.
- 2.7 Where problems are encountered between partners these will in the first instance be resolved between the practitioners. Where the problems cannot be resolved in this way, the matter will be referred to their respective managers, who, if they are unable to find a solution, will refer the matter to the Operation Manager in accordance with the CSC's Resolving Professional Differences Protocol.

3. Police Interviews

- 3.1 When a child is to be interviewed by the police, the Police and Criminal Evidence Act 1986 (as amended), requires that an "Appropriate Adult" must be present. This should normally be a parent/carer but on some occasions, none will be willing, or available to attend, or it would not be appropriate (e.g., because they are the victim of the alleged offence).

In these circumstances this responsibility will be discharged by a trained YJS Volunteer or (exceptionally) Practitioner, other than out of office hours when a volunteer or staff member from the CSC Emergency Duty Team (EDT) will act in this role.

Exceptionally and subject to capacity issues, the YJS may not be able to supply a volunteer or staff member and will then look to colleagues in CSC Social Work or Prevention teams as a support.

- 3.2 Following the interviews, and as soon as practical, CSC will be notified by YJS of the outcome and any required actions that result from this. If the child is charged and is not given police bail, the police will request overnight accommodation from CSC, as set out in the "Concordat on Children in Custody."
- 3.3 If a Strategy meeting is convened following the commission of an offence by a child/young person CSC will ensure that the YJS are invited as core members.

4. Children in Criminal Courts

- 4.1 The YJS will always attend Court when a child is to be dealt with; this may be Youth Court, Magistrates' Court or Crown Court. The child should be accompanied by a parent and where the parents or guardian(s) have parental responsibility, they will be expected to attend the court proceedings and can be summonsed should they fail to exert Parental Responsibility appropriate to the Court's needs.

However, if a parent cannot, or will not attend, the young person may need to be supported at Court by CSC if open to social care at that time or by a suitably trained and supported YJS volunteer. The YJS volunteer would act as a suitable person over the age of 18 to ensure the child's welfare needs are met in court and that the proceedings are conducted in a manner allowing the child to understand and take part in the process.

Where CSC has parental responsibility by virtue of an interim or full Care Order, they will attend Court in addition to any parent attending.

- 4.2 Where a Criminal Court orders that the YJS prepare a Pre-Sentence Report, CSC will be approached for any information relevant to the purpose of the report, i.e., to protect the public and to safeguard the child in Court.

In principle CSC will seek to provide such information, but it is recognised that information held in connection with other court proceedings may not be disclosable without a Court Order or specific consents.

- 4.3 Where Family Court proceedings are impending or underway, CSC may seek information from YJS about a specific child or children.

In principle YJS will seek to provide this in accordance with its safeguarding duty. There may be a small number of occasions when permission to disclose will be required from a third party.

5. Child Protection

- 5.1 When a child protection issue is to be investigated and the child or young person is known to the YJS, the investigation will be undertaken by a CSC Social Worker, who will make the necessary enquiries and checks. If necessary, CSC will convene a “strategy meeting” under the Child Protection Procedures.

The YJS will be invited to send an appropriate representative to this strategy meeting and will be kept informed of subsequent progress and any necessary information they might need resulting from these enquiries. YJS will attend meetings when invited and will take a chronology of their involvement with the case. Each agency will ensure appropriate recording of decisions taken in accordance with child protection procedures.

6. Harmful Sexual Behaviour

- 6.1 Where a child under the age of criminal responsibility (10) displays harmful sexual behaviour this will be treated as a safeguarding issue. CSC may seek advice from the multi-agency Reactive and Harmful Sexual Behaviour (RaHSB) forum, but the YJS staff group will not generally have the experience to work with this age group.
- 6.2 Where an allegation of Harmful Sexual Behaviour is made against a child aged 10-17 this should be reported to the police. Whilst a police investigation is in progress, a full AIM3 informed assessment or intervention is not able to be completed lest this compromises any subsequent prosecution. The Police and Crown Prosecution Service may however seek pre-existing information or an opinion of intervention options from the YJS to aid charge decision making.
- 6.3 Where the police and Crown Prosecution Service decide that there will be no further action in relation to the allegation, but concerns remain that there are risks to other children, the case will be referred to the RaHSB forum for a multi-agency discussion about next steps; this may include an AIM3 assessment and intervention work with the child against whom the allegation were made, on a voluntary basis.

One principle of AIM3 is that the assessment and intervention should be undertaken by a pair of workers. Trained workers in assessment and intervention are available in YJS, Social Care and Prevention teams, with several trained supervisors for this work county wide. The up-to-date list of trained professionals in AIM3 is held by the YJS team leaders and operational manager.

- 6.4 Where there is a finding of guilt by admission as part of the cautioning process, or as an outcome of Court proceedings, the YJS will be responsible for the delivery of AIM3 work. However, a request for joint work will be made for suitably trained workforce colleagues to co-work this from within CSC.

For further guidance refer to the HSB Protocol revised in May 2022 (*next review due May 2023*)

7. Looked After Status and Criminal Orders

7.1 It is the Local Authority's aim to ensure that children and young people, as far as possible, remain with their own parents or relatives without the need for them to become looked after. However, children may be looked after for several reasons including because of Criminal Justice processes. This will occur when a child appearing in Youth Court is:

- Remanded to youth detention accommodation
- Remanded into Local Authority accommodation
- Bailed to reside as directed by the Local Authority

7.2 Where the child is already looked after under S. 20 or S.31 1989 Act, none of these orders change that status and CSC continue to have a duty for care planning and review as for other looked after children. Where the child becomes looked after *because of* one of these orders, the case will be managed by CSC with appropriate input from the YJS, particularly in relation to bail conditions.

7.3 Where a child is sentenced to custody:

- For children who are looked after under S.20 1989 Act, their looked after status ceases but CSC has a duty to visit – contact should be maintained as the child may regain CLA (Children Looked After) status upon release.
- For children who are looked after S.31 1989 Act they continue to be looked after
- For children who were looked after only because of one of the preceding court orders they cease to be looked after, but CSC has a duty to visit

For further guidance see [Annex 8](#) 'Changes to care status because of criminal justice decision'

7.4 YJS has a responsibility to convene a Detention and Training Order planning meeting within 10 working days of a child being sentenced to custody. Where CSC is involved, it is best practice that both the social worker and / or FIS worker and YJS practitioner make a joint visit to the young person within 7 working days to assure compliance with both the welfare and justice legislation.

A Looked After Child will be subject to a statutory Looked After Review within 28 days of entering custody, a statutory visit within 1 week of placement and at intervals of no less than 6 weekly thereafter. The statutory visit will be recorded on the required format and entered on to both the CSC and the YJS electronic case management systems. The responsibilities are set out in the Care Planning Regulations and YJB National Standards.

- 7.5 Where a young person's parents are unable to continue to care for them once criminal proceedings are finalised, their circumstances will be assessed by CSC and a decision reached as to whether the threshold criteria for becoming looked after has been met. In these circumstances it will be necessary for there to be a professional dialogue between the involved services to agree the long-term plan for the young person and to clarify lead responsibilities.
- 7.6 Where it is agreed that the young person will need on-going support, either whilst in custody, or on their release, or that the young person will need to become looked after on an on-going basis, arrangements should be made to maintain contact with the young person whilst they are in custody. For looked after young people these contacts should be the same as for any other looked after young person i.e., at a frequency of no less than every 6 weeks during the first year. These visits will be coordinated and combined with national standards for visits by the YJS, as appropriate and recorded as statutory visits.

8. Release from Custody

- 8.1 When planning for release, Mobility should be arranged by YJS through the secure estate to enable the young person to attend appointments for the following:
- Education/Training appointments
 - Accommodation appointments.
- 8.2 YJS will complete the planning for release, working with CSC where there is to be ongoing involvement. Arrangements for education, training and employment will need to be agreed and progressed. Living options for the young person upon release will be as follows:
- The young person's parents, or wider family, will be able to care for the young person on release from custody, with support under section 17 of the 1989 Act and with supervision from YJS
 - The young person's parents, or wider family, will be able to care for the young person on release from custody solely with supervision from YJS
 - The young person will become looked after on release
 - Independent living will be arranged if appropriate

The relevant CSC Operations Manager should also receive a copy of the release plan to ensure that its' recommendations are acted upon.

- 8.3 If the recommendation is not agreed by the CSC Operations Manager s/he will inform:
- The relevant YJS Operations Manager
 - The Governor or manager of the secure establishment
 - The parents, where appropriate

This is so that alternative arrangements can be made and agreed. Agreements must be achieved prior to the young person's release, for the young person to understand and be able to fully comply with the release plan.

8.4 When the plan for release is for the young person to become looked after, or for them to be provided with support in the community by the local CSC but not through being a looked after child, the CSC social worker or FIS worker must be involved. Plans for the young person's release and consideration at this point will take account of any risks posed by the young person. In this case as soon as possible and no later than 14 days before release, the YJS worker, CSC social worker or FIS worker must inform the young person of:

- Who is collecting them
- Where they will be living
- The reporting arrangements to YJS
- Sources of support – including out of hours
- The arrangements for education or employment
- Arrangements for meeting continuing health needs
- How and when they will receive financial support and clothing
- When they will be seeing their social worker
- The roles and responsibilities of the respective practitioners

8.5 Young people returning to the community will be supervised by YJS and a Planning Meeting will be convened with CSC to determine any additional support required and how this will be provided.

9. Young People Looked After 16 years plus

9.1 When a young person is approaching 16 years of age the focus is on supporting their preparation for adult life. If the young person is considered *eligible* then this is achieved through the normal process of Pathway Planning.

9.2 The YJS will notify the county Children Looked After and Leaving Care Service when they have contact with a young person who meets their eligibility criteria, irrespective of the young person's living arrangements. Services will be provided in line with the Leaving Care National Protocol and Somerset's Leaving Care policies and procedures.

9.3 The young person's status as an *eligible* or *relevant* care leaver remains unchanged, where the young person is in custody and the leaving care service retains responsibility for providing support during his/her time in custody and on release. The local authority has a duty to assess the young person's needs and provide a pathway plan. This should be completed by the person who knows the young person best, usually the allocated worker. This should include arrangements for the support that they will be provided with upon their release from custody, including arrangements for their accommodation and maintenance if they have not reached the age of 18 years.

10. Working with different children/young people in the same household

10.1 Where YJS are working with a young person in a family where other young people of the same household are being supported by CSC, a Planning Meeting between practitioners and relevant others will be called to:

- Share information
- Discuss the roles and responsibilities of each worker
- Discuss the way in which information is communicated between Services
- Discuss how the work will be reviewed.

The distinction between their roles and responsibilities will be discussed with the children and young people concerned and their family, to ensure that confusion does not arise during future involvement.

11. Serious Incident Notification

11.1 From 1 April 2022 the Youth Justice Board (YJB) has introduced a mandatory system to report and record some categories of serious incidents. This means that all services are expected to notify the YJB when one of the following incidents has occurred.

The prescribed incidents must be notified to the YJB within one working day of the YJS becoming aware of an incident involving a child. If clarity is sought about the categorisation of incidents and the application of the procedures, then the YJB can be contacted via the Serious Incidents mailbox for guidance (seriousincidentsnotification@yjb.gov.uk) The YJS should notify the YJB of a serious incident if a child is charged with committing one of the following notifiable incidents outlined below:

- Attempted Murder
- Murder/Manslaughter
- Rape
- Grievous Bodily Harm or Wounding with or without intent – section 18/20 –
- A Terrorism related offence
- Or - Dies while on the YJS caseload or up to 20 calendar days following the end of YJS supervision

The notification should be submitted to the YJB within 24 hours of the charge being made or, in the case of the death of a child, the date the service became aware of that death. In the event where there may be more than one YJS involved in the child's case, the expectation is that the completion of the

notification will be the responsibility of the YJS that was delivering youth justice services to the child at the time of the incident.

All relevant YJS that have information to contribute should do so, co-ordinated by the notifying YJS. If the child is charged with committing a listed notifiable incident, the YJS that will be supervising going forward should report the incident. The notifying YJS must notify the local CSC irrespective of whether the child is already known to or working with CSC as other process may come in to play.

11.2 The criteria for a Critical Learning Review in relation to safeguarding of child are:

- The death or attempted suicide of a young person who is being supervised in the community by YJS or by another project that the YJB supports, including prevention programmes
- Where a young person under the supervision of YJS is the victim of a specified offence

The YJB are, in addition to requiring local YJS to submit a Serious Incident notification, asking that all published reviews of any relevant notified serious incidents be submitted to the YJB via the serious incidents' mailbox at the point of completion/publication. The YJB does not require the submission of any internally produced learning reviews, only those that are published.

11.3 The criteria for a Critical Learning Review in relation to offending is that while under the supervision of a YJS or within 20 working days of the end of supervision, a young person is charged with any of the following offences:

- Murder, attempted murder, or manslaughter
- Rape
- Torture
- Kidnapping
- False imprisonment
- Firearms offences.

12. 16- and 17-year-olds presenting as homeless

12.1 If a young person known to YJS is at risk of homelessness, a discussion should take place with the local Family Intervention Service (FIS) manager to explore whether mediation home by the FIS Mediation Service may be a suitable course of action. If mediation is not suitable or is unsuccessful, the YJS will refer the young person to the local CSC social work team for assessment as per the agreed protocols.

12.2 YJS will contribute to the assessment by social work colleagues and agree how it will contribute to the management of potential homelessness.

- 12.3 Upon receipt of a referral (using the Early Help Assessment) from YJS, CSC will follow their current procedures to consider the range of options for the young person concerned to ensure they are effectively safeguarded.

13. Resettlement

[Somerset YJT resettlement policy](#)

Signed



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