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**London Borough of Wandsworth**

**Joint Working Protocol between**

**Youth Justice Service and Statutory Social Work Services**

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1. **Glossary**

CLA – Children Looked After/Looked After Child

CSE – Child Sexual Exploitation

CCE – Child Criminal Exploitation

CSS – Children’s Social Care Services

HSB – Harmful Sexual Behaviour

YJS – Youth Justice Service

# Introduction

The purpose of this protocol is to clarify roles and responsibilities where the activities of Children’s Social Care and the Youth Offending Service interface. This includes services provided to:

* Young people to prevent offending behaviour (early intervention).
* Young people appearing in court and subject to bail or remand conditions, including youth detention accommodation.
* Young people sentenced to community orders or custody.
* Children in Need.
* Children Looked After (CLA).
* Young people eligible for Leaving Care support.
* Former CLA, who cease to be looked after because of being remanded or sentenced to custody and are not eligible for Leaving Care support.
* Young people affected by gang activity, exploitation, or harmful sexual behaviour.

This protocol seeks to ensure that there are shared objectives which relate to achieving the best possible outcomes for children and young people known to both services. It is important that work s coherent and collaborative for a, joined-up response and support offer to children and young people at risk of offending or who have offended.

# Safeguarding Referrals

If there is a worry or concern about a child or young person, the YJS worker should:

* Contact the allocated social worker or personal advisor for children known to the service.
* If not known, the YJS case officer must speak with the child and family where appropriate and complete a Multi-Agency Referral Form (MARF). This should be sent securely through to MASH; and update the network to inform them of the referral.

# Youth Crime Prevention

Traditionally, Youth Justice Services have been delivered to children found guilty or who have pleaded guilty to an offence. The Crime and Disorder Act 1998, however, clarifies the aim of the Youth Justice Service as being to prevent offending behaviour and its supporting objectives are delivered, through coordinated work at a local level. This entails:

* The swift administration of justice so that every young person accused of breaking the law has the matter resolved without delay.
* Confronting young offenders with the consequences of their offending, for themselves and their family, their victims and their community and helping them to develop a sense of personal responsibility.
* Intervention which tackles the factors (personal, family, social, educational or health) that put the young person at risk of offending, and which strengthens protective factors.
* Punishment relative to the seriousness and persistence of offending.
* Encouraging reparation to victims by young offenders
* Reinforcing the responsibilities of parents.

The range of services provided or coordinated by the YJS with respect to pre-offending intervention, early intervention, and confronting offending behaviour are outlined in the local annual Youth Justice Plan. However, it is the duty of all services carrying out functions in relation to the Youth Justice System to have regard to the principle aims of the Youth Justice Service. This specifically includes a requirement by all agencies to prevent children and young people becoming involved in criminal activity.

# Information Sharing

Information sharing with Children’s Services and the YJS is required to enable both departments to fulfil their duties to children and young people, both statutory and other. This will be consistent will relevant legislation and local policies and procedures. It is important that key meetings are captured on respective files, and minute takers of any meetings for children, must ensure they are recorded within two weeks of the meeting, and sent to respective services.

The YJS is legally empowered to seek information from other agencies if the aim is to pursue a crime prevention strategy (S115 Crime and Disorder Act 1998). The YJS will share information with Children’s Services unless the chid or young person has specifically objected on receipt of the ‘Fair Processing Notice’ and this objection is upheld. The objection may not be upheld if the concerns relate to child protection in this instance, the child or young person must be informed that the YJS is making the referral to Children’s Services.

The Children Act 1989 places a statutory duty on all agencies and services to help the local authority CSC in undertaking section 47 (child protection) enquiries.

**Disclosure of information relating to children and young people known to both children’s social care and the YJS**

**YJS responsibilities:**

* The YJS Business Support Team will check the status of children and young people known to Children’s Services for all new cases to the YJS using the Mosaic (Children’s Service database).
* YJS will open a Core + (YJS database) file for the child.
* If there are concerns that requires a statutory intervention from social care YJS will complete a referral and send to MASH.
* If the child or young person is currently receiving a statutory intervention the YJS will notify the appropriate Social Worker and team administrator.
* The YJS Business Support Officer will record the young person’s Youth Justice unique reference number on the front section of the Mosaic file. The YJS will note on Core+ and the YJS assessment tool Asset Plus, information related to the above i.e., whether the child or young person is known to Children’s Services and status of any current involvement.
* The YJS BSO will add the YJS Worker start and end date on Mosaic.
* Following allocation, the YJS Case Manager will notify the relevant Social Worker, and Team Manager, within 24 hours. The YJS Case Manager will inform the relevant Social Worker or Team Manager, of all expected court appearances and update on court outcomes within 24 hours of receiving the Court outcome.
* Where a child or young person is at risk of remand to custody, the YJS will notify all interested parties including Deputy via a Need to Know. Director The aim of sharing information around a child or young person’s needs, vulnerabilities, risk with the purpose of considering alternative suitable accommodation within the community (Legal Aid, Sentencing and Punishment of Offenders Act 2012).
* The YJS case manager should also consult the child’s social worker about the content and recommendations of the pre-sentence report (PSR) after a child has been convicted of an offence.
* If a custodial sentence is likely, the YJS worker and the child’s social worker should work together to prepare the child and his/her family by explaining what will happen and how the child will be supported during and after his/her time in custody. Social Workers have a lead role and should work closely with YJS to ensure this happens.

**Children’s Social Care Services responsibilities:**

* For all referrals for children and young people aged 10 years old or above, the assessing social worker should check Mosaic to find out if the young person is known to the YJS. If they are, the YJS should be informed of the referral within 24 hours.
* For any new offences by care experienced children placed out of borough, the allocated social worker must notify the YJS within twenty-four hours of obtaining this information.
* The child’s social worker and the YJS should communicate with each other to share relevant information about the child’s circumstances and needs. This will include the social worker sharing key information from the child’s care plan, including the child’s pathway plan where the child is an “eligible child” and the YJS worker disclosing details to the child’s social worker about the child’s offending history.
* If a care experienced child is arrested, the responsible authority (i.e., Wandsworth) should ensure that the child has the support of an Appropriate Adult and a solicitor with the necessary knowledge and skills while at the police station.
* It is good practice for the child’s social worker to attend court with the child, particularly on the day of sentence. Where it is not possible for the child’s social worker to be in court, then the child must be accompanied by their foster carer or if in residential placement, their Key Worker, or the Registered Manager.
* The allocated social worker should liaise with the allocated YJS Case Manager to contribute to the YJS assessment and planning for the child or young person towards a positive outcome.
* When a child or young person is remanded or sentenced to custody, the prison number must be added to Mosaic by the social worker.
* A child remanded to youth detention accommodation is to be treated as a child who is cared for by the designated authority.The allocated social worker must undertake an initial assessment within ten days of a child or young person being remanded to Youth Detention Accommodation. This assessment will contribute to a Detention Placement Plan.
* Within five working days of the child’s sentence to custody, the social worker should contact the child’s YJS case manager and the designated case supervisor The Young Offenders Institution (YOI), Secure Training Centre (STC) or Secure Children’s Home (SCH), where the child is serving his/her sentence will have the same need for information as any other residential setting. The following information should be provided:
* The child’s care status, including his/her entitlement to support as a care leaver.
* Persons with parental responsibility for the child.
* Name and contact details of the allocated social worker, his/her team manager, and IRO.
* Any immediate information necessary to ensure the child’s safety or the safety of others.
* Information about the child’s family/carers and contact arrangements.
* Information about the child’s needs that will enhance the establishment’s ability to care for the child.
* The date when the social worker or local authority representative will be visiting the child.
* The date of any forthcoming review of the child’s case.

# The allocated social worker must visit the child within one week of being sentenced and detained. Subsequent visits must take place at intervals of not more than four weeks for the first year and not more than three months after that. Additional visits should also take place if reasonably requested by the child, the establishment, or by the YJS, or if there are circumstances that require a visit, Care Planning Regulations 28(6).

# Emergency Protection Orders

Police Reports concerning incidents involving or taking place in the presence of a child or young person (P78/Merlin’s) are received routinely by the MASH.

While it would be a rare occurrence, if a child or young person is known to YJS, any recommendation for an application for an Emergency Protection Order (EPO) should be made in the first instance by the Team Manager following discussion with a YJS Manager and the relevant Service Manager. The decision as to whether to apply to the Family Court for an Order will be made by Children’s Services after a Legal Planning Meeting.

Children’s Services will be responsible for the supervision of any child on an EPO or Interim Care Order. If a Parenting Order is made within the proceedings, the Parenting Coordinator in the YJS will be responsible for commissioning the parenting work, and for enforcement of the Order in the event of a breach.

# Stautory Social Work Involvement

Where a child or young person has an allocated social worker in Wandsworth Children’s Services and an allocated YJS worker:

The Social Worker will be:

* The lead for all statutory social work responsibilities for any child who is subject to a Child in Need, Child Protection or Child Looked After Plan.

The YJS Worker will be:

* Responsible for any work arising from the child or young person’s status as an offender.
* Attend all key meetings relating to the child or young person, including, but not limited to, team around the child meetings, strategy meetings, child protection conferences, professional planning meetings, core group meetings, looked after child reviews and group supervision. Where attendance is not possible, the Case Manager or their line manager will be expected to submit a written report, where appropriate

# Care Experienced Children

Where a child or young person is cared for by Wandsworth Children’s Services, the above requirements will apply in addition to the following:

The Social Worker will:

* Consult with the YJS prior to the Looked After Review.
* Ensure that all care plans are shared with the YJS in line with regulatory requirements.
* Where a child is open to the YJS, discuss with YJS colleague plans to place a child or young person out of borough, change of placement or any decision to return a child to the borough.
* If a care experienced child is subject to bail conditions, alert the YJS worker as soon as possible if there is an intention or need to move the young person to an alternative placement.

The YJS Worker will:

* Incorporate care plans into the YJS Supervision Plan for each young person.
* Plan for the local YJS to supervise any young person moving to a placement out of borough.
* Support placement moves for care experienced children subject to bail conditions, through listing at Court and requesting amendment of bail conditions.
* YJS plans for young people to be shared with the social worker and will be uploaded to Mosaic.

The Virtual School will:

* Work alongside Children’s Services and YJS to ensure that every child up to 18 years of age has a robust, effective Personal Education Plan (PEP) completed within statutory timeframes.
* Support the network with ensuring that every child pre-release, has an education plan.
* Support the network with ensuring that education is prioritised wherever appropriate in care planning arrangements. This will include offering support to ensure that children have planned education provision pre discharge and access appropriate schools or education settings.

The YJS will be:

* Invited to and attend all multi-agency meetings relating to young people placed out of borough where children are being managed by an external YJS.

# Remands

Wandsworth YJS is required to provide a service to Wimbledon Youth Court. Where Wandsworth children or young people appear in another court or on a non-Wandsworth day at Wimbledon Youth Court, the London/National YJS protocols require the home YJS to be contacted. This must happen at the earliest opportunity when bail is being refused, in order that negotiations can take place via the ‘host’ YJS who service that court.

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 Social Care.

In matters where Children’s Services is already involved, they are expected to retain their involvement, and the YJS worker will involve the social worker in the planning process, and vice versa.

The court has the power to remand a child or young person into Local Authority Accommodation a young person under the age of 18 years with or without conditions. The status of these children will be care experienced.

Where there is an allocated social worker, that social worker will carry out all care experienced duties and work closely with the YJS officer. This includes statutory social work visits at the following frequency:

* On the day placed (where possible)
* Then within 5 working days of being placed.
* Then at intervals of not more than 30 working days/6 weeks (42 days including weekends).

If the child or young person was care experienced prior to remand, the care plan should be reviewed with the remand plan and the Detention Placement Plan used to record the care plan.

The YJS Duty Manager will email the following contacts (as appropriate) to alert them to the care experienced status of the child/young person. This will be within 24 hours of remand:

* Social Work Team Manager.
* IRO and CP service
* Head of Service.
* Virtual School Head teacher.
* CLA Nurse.

The Bail ASSET and associated documents will need to be uploaded on the Children’s Services database (Mosaic); this is the responsibility of YJS. This will include information about the next court hearing, vulnerability concerns and reasons for refusal of bail where appropriate.

**Process when remanded:**

The YJS will attend the initial remand review meeting within 5 working days of the remand. This will contribute to part 1 of the CLA review. The Social Worker will be invited to this meeting.

The remand planning meetings are usually chaired by the secure estate caseworker who completes the forms: new remand information, initial remand plan, remand objectives and individual education plan. These will be forwarded to the IRO once received from the secure estate caseworker. The allocated IRO will take the information from this meeting as a Part One of the CLA review. In Wandsworth, the LAC Review Part 1 will be completed by the IRO and the child’s Social Worker, with any relevant contributions from the YJS remand paperwork and assessment.

The remand planning meeting which may be considered an opportunity to begin the process of the CLA review, may be the first and last CLAC review if the child or young person is released to a suitable environment with the right level of services to meet their needs. IROs and appropriate Children’s Services will be advised of any changes to CLA status which may include successful bail applications.

CLA Reviews will be completed by IROs with the 1st CLA review completed within 28 days of the remand to YDA, many young people will not be remanded for 28 days and so may not have a review completed. Where a child or young person remains remanded, the IRO must maintain contact between reviews.

A social worker will be allocated within 24 hours of being notified of the remand by the YJS. The social worker will complete their initial assessment within 10 days and information from the YJS may contribute to any assessment. In Wandsworth, the social worker will fully complete the single assessment within 45 working days, whether the young person is remanded to YDA for that full period or not. The Local Authority are responsible for financial assistance to the young person. This includes a monthly allowance and clothing allowance twice a year. These will be initiated by the allocated social worker.

When a child or young person is remanded, a presentation to Care Panel must take place, and subsequent reviews. Care Panel. The YJS case manager should be invited.

# Joint procedures relating to young offenders sentenced to custody.

Planning for the through-care and resettlement of children or young people on remand or serving a custodial sentence should start from their entering their remand placement, or custodial establishment, and involve all relevant professionals in their lives. Particular attention should be given to the early identification and provision of suitable post-custody accommodation, education, training and skills opportunities or employment options. Additionally, for those unable to access employment, education or training in the short-term, comprehensive benefit advice and support should be offered to help avoid any drift back to crime as a source of ‘income’.

All young people sentenced to 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, post-release arrangements and continuing supervision. The supervising YJS officer will invite any allocated social worker to the statutory review meetings held for young people in custody.

With respect to any Child Looked After (Section 31 1989 Children Act), or who was looked after (Section 23 1998 C.D.A), or (Section 20 1989 Children Act) immediately prior to sentencing and considered relevant; the care planning meetings and sentence plan review meetings will be attended by both YJS and Children’s Services. The CLA review and sentence planning review should be held together and be chaired by an IRO, this includes the release preparation meeting, the final review in custody. If the child or young person is subject to CPP the 1st CLA review must address the ending of the CPP

In the case of Children Looked After whether in accordance with Section 31 or Section 20 1989 Children Act (1989), it is imperative that the Sentence Plan is integrated with the local authority Care Plan. This is likely to include plans to accommodate upon release, where the young person remains vulnerable.

Guidance for former care experienced children provide a duty to assess the needs of children or young people who cease to be looked after when they enter custody and who are not ‘Relevant’. (See Responsibilities of the Local Authority to Former Looked After Children and Young People in Custody Procedure).

This requires:

* A visit to the young person within 10 working days of the custody date.
* Completion of a Needs Assessment and Care plan or Pathway Plan within 20 working days of custody date outlining the advice, assistance and support required in custody and on release.

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

Planning for release begins 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.

When a child is sentenced a referral to Care Panel must take place. This will ensure oversight from the Deputy Director, or Head of Service who chairs this panel. A consultation with the Placement team should also be arranged, as a means of identifying likely accommodation resources upon release. Care Panel will be the means in which reviews are undertaken, to ensure timeliness to accommodation upon release. The YJS case manager should be included in this entire process. In instances where notification of release is limited, and accommodation is required, the above process will still apply but the priority being to seek accommodation as quickly as possible.

Guidance states that 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.

# Joint Planning Arrangements

The partner agencies are agreed that there is a need for effective joint planning adhering to a contextual safeguarding approach within all plans for children, CIN, CP, CLA or YJS plans to ensure they are coordinated with each other. Meetings are an important way for the various agencies involved with the child to keep in touch with what is required. The following checklist of questions is useful to have in mind when arranging meetings:

* What is the purpose of the meeting and why is it necessary?
* Who comes to each meeting and why?
* What is the reason for anyone failing to attend?
* Do planning/review meetings clearly specify who is going to do what piece of work?
* Are there, in practice, any restrictions on what services or placements are available for looked after children who have been involved in offending? If so, why?
* How will the young person and their family be included?”

In addition, it will be necessary to determine which is to be the lead partner agency when convening a meeting. In general, this should relate to the type of meeting being called. The partner agencies agree to apply these principles to inviting staff of the other partner agency to meetings concerned.

with care experienced children and young people who are known to be the subject of concern to the other partner agency or who are likely to become the subject of such concern. Every effort should be made to give adequate notice of such meetings, and if the invited partner agency cannot attend an apology with reasons should be tendered in time.

The YJS must always be consulted and invited to attend meetings within Children’s Services connected with their status, for all young people who are subject to criminal court orders, unless a young person objects to this. The IRO should check that this has been done and SW manager should reference this within supervision. If the YJS worker cannot attend, the social worker will notify the YJS of what was agreed at the review.

# Safeguarding concerns relating to gang activity, sexual or criminal exploitation, or harmful sexual behaviour.

Safeguarding procedures can provide a key tool for all agencies working with young people in partnership to prevent their involvement with gangs either as members or victims of gang-involved offending. Where a child is ‘affected’ by gang activity, criminal exploitation or serious youth violence, the risk or potential risk of harm to the child may be as a victim, a perpetrator or both.

Where there is a transfer-in request from another local authority for a child or young person who is subject of a child protection plan that relates to youth offending, gang activity, child criminal exploitation (CCE) or serious youth violence, the YJS Manager should be consulted regarding risk management and safeguarding.

The current arrangements in place in Wandsworth include Multi-Agency, Risk Vulnerable Adolescent Exploitation Panel (MARVE panel’s, Daily Intelligence Briefings (DIB), and trigger plans (grab pack) for vulnerable children and young people. Please refer to the ToR for MARVE, MARVE Plus, and strategic MACE.

YJS Risk Strategy Panels are convened monthly or more frequently to review assessment and planning where there is potential high risk of harm and/or vulnerability. These meetings will also constitute as joint supervision with Children’s Services.

The Youth Integrated Offender Management (YIOM) occur monthly to discuss children and young people where there is a cause for concern in relation to risk of harm and offending. It uses a partnership approach, enabling additionality to safeguard children and young people, victims, and the public. The aim is to achieve sustainable desistance from offending. All partners, including Children’s Services are included in planning and decision making.

Youth Justice Services have duties under the radicalisation ‘Prevent’ agenda and sends a representative to Channel meetings to share information and agree strategy with the multi-agency group.

Where there are concerns about practice or a sense of impasse these should be raised with the Team Manager for the respective team in the first instance. This should be escalated to a Service Manager or Head of Service if there is no response within ten days.

**Community Safeguarding and Public Protection Incidents**

If a young person is arrested for a serious offence such as rape, murder, firearms or is a victim of a serious offence a formal alert notification (Need to Know should be completed by those who know the child or young person and circulated to relevant senior managers. If a child or young person is charged with a serious offence, then a formal notification must be submitted to the Youth Justice Board.

Where a child or young person is convicted of a serious offence such as stated above, WSCP safeguarding procedures for initial reporting and decisions around local review will apply and this may include statutory notification to the Child Safeguarding Practice Review Panel.

1. **Further practice considerations relating to the national protocol on reducing unnecessary criminalisation of looked-after children and care leavers November 2018**

Local implementation of the national protocol will benefit children and young people, local agencies, and health services. It helps children and young people maintain relationships and placement stability. It will help children’s social care to implement the corporate parenting principles, coordinate services to promote positive outcomes for looked-after children and care leavers and reduce their unnecessary criminalisation. For criminal justice agencies, it will help reduce the burden of first-time entrants into the criminal justice system and reoffending.

Although a criminal justice response will remain appropriate in a small number of care experienced children, the national protocol framework, designed to prevent, unnecessarily, criminalising already highly vulnerable children and young people will be utilised within all placement agreements and plans for Wandsworth children in care. It sets out best practice for avoiding the criminalisation of looked-after children and care leavers up to the age of 25.

This requires the local authority to implement an agreement or protocol between care providers (fostering services, children’s homes, and all other arrangements), police forces, Youth Justice Services (YJSs), the Crown Prosecution Service (CPS) and HM Courts and Tribunal Service (HMCTS), local Youth Panel (Magistrates), health services, and other authorities in the area, or where they place children, so agencies respond consistently and share necessary information when incidents occur.

In practice YJS workers and social workers should make every effort to avoid unnecessary criminalisation of care experienced children and care leavers, including through prevention and early help activity. Assessing and addressing cause of adverse childhood experiences within the child’s plan will be a key consideration including the impact of trauma and abuse behavioural development and self-regulation. How this may manifest and be responded to within their care placement should be a key consideration in the child’s plan, detailing agreement on appropriate and measured actions in the event of challenging behaviour.

Many of the causes of youth offending lie beyond the reach of the youth justice system. All professionals should pursue a child-centred approach based on a broad range of agencies providing an integrated, co-ordinated, and pro-active responses to preventing and addressing challenging or offending behaviour. Restorative and diversionary approaches should underpin practice whether the behaviour occurs in a child’s placement or the wider community. The Youth Justice Service can advise and support restorative justice centred work.

Services should also assess the specific needs of children and young people both UK and foreign nationals who have been trafficked or are victims of modern slavery. They should be able to identify where they may have been coerced into undertaking or becoming involved in criminal activity by their traffickers. This includes being aware of the non-prosecution principle in Section 45 of Modern Slavery Act 2015.

Young people leaving care are particularly vulnerable to exploitation or being involved in offending activities. Their Leaving Care (Future First) Personal Advisor allocated when they are aged 16 will be an important element of the young person’s care plan post 18, particularly if they are in custody. Future First provide a range of specialist support that includes assessment and planning. They work alongside Housing, Adult services, the Prison and Probation Service to plan to support the young person to navigate the challenges of transition to adulthood in the community or towards release from custody.

**Escalation Processes**

Where there are concerns operationally regarding any aspect of the protocol not being adhered to, resulting in poor practice; escalation should be enacted. Concerns must be taken to respective supervisors, if this fails to yield appropriate impact, then Heads of Service should be notified as a means of addressing matters. If needs be the Deputy Director must also be cited, if matters remain unresolved, leading to a detrimental impact on the well-being of a child.

# Process for children on remand for social work teams