



WOKINGHAM BOROUGH COUNCIL

Wokingham Prevention and Youth Justice Service

Case Management Guidance: Referral Order

Document Control Information

Title: Case Management Guidance Referral Order

Date: January 2024

Review date: January 2025

Version: 1.0

Classification: Public

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Version	Date	Description
1.0	January 2024	Case Management Guidance Referral Order last reviewed in January 2024.

Acronyms

CPS: Crown Prosecution Service

YOT 1: Police document which serves as notification of the child's arrest and charge or summons to appear in Youth Court.

IYSS: case management information system utilised to record our work

PYJS: Wokingham Prevention and Youth Justice Service

YJB: Youth Justice Board

TVP: Thames Valley Police

Case worker: Youth Justice Workers / PYJS Social Worker / Probation Link worker

Admin: Business support worker

RJ worker: Restorative Justice worker

PSR: Pre-Sentence Report

RFO: Referral Order

ATM: Assistant Team Manager

TM: Team Manager

This guidance should be read in conjunction with the Referral Order Guidance published by Ministry of Justice / YJB in 2018 and the Case Management Guidance published by the Youth Justice Board in 2022.

Referral Orders were introduced by the Youth Justice & Criminal Evidence Act 1999. They are the main sentencing disposal for Youth Courts where the child has not previously been convicted; or where the child pleads guilty to an imprisonable offence (and any associated offences). A RFO will not be available where the sentence for the offence is fixed in law or if the offence has passed the custody threshold and the Court is of the view that a RFO is precluded by custody. The purpose of a RFO is to promote desistance and repair harm. Therefore, under some circumstances, a second RFO will be a discretionary sentencing option available to the Court if the child has pleaded guilty and even if they have a previous conviction.

- Length: 3 – 12 months
- Underpinned by 3 principles: Restoration, Reparation and Re-integration

Overview of the Referral Order process

- Assessment: ASSET+
- Identify panel members and convene panel
- Victim contact Case Formulation / TRM formulation (CAMHS) – where applicable
- Panel reports

- Prepare child for panel
- Initial panel meeting
- The contract
- Progress panel meeting
- Final panel meeting

Referral Orders are subject to the quality assurance of reports, assessments and plans. Through monthly line supervision we also quality assure the delivery of the intervention and risk and safety and well-being management. Where applicable, the case worker should also consult with CAMHS about the Trauma Recovery Model support.

Overarching principles underpinning Referral Order programmes

1. **Engagement:** case workers will seek to engage with the child and parents/carers throughout the duration of our involvement with them and will work to ensure their meaningful participation, including the co-production of plans.
2. **Trust:** case workers will seek to establish meaningful and trusting relationships with the children they work with, adopting a trauma informed approach to their practice.
3. **Diversity:** case workers will consider the diverse needs of each child and will promote equality in access and engagement. Case workers will be aware of children's cultural and ethnic background and consider how these may impact on the child's engagement.
4. **Identity:** intervention plans should contribute to building a child's pro-social identity, underpinned by the Good Lives Model.
5. **Understanding:** case workers will ensure that the child is aware of their rights and responsibilities throughout their involvement with the service. Language and communication should adapt to meet the child's needs and level of maturity. Where the case worker identifies some barriers with language and communication they should consult with the speech and language worker for support and guidance in working with that child.
6. **Effective intervention:** case workers will consider targeted interventions based on the predisposing, precipitating, perpetuating and protective factors of case formulation. Within the time constraints that some Referral Orders may be subject to, interventions will also be prioritised based on where the child is within the cycle of change. The role of other agencies that might be involved with the child and their scope to deliver some of the identified interventions should also be considered.
7. **Effective multi-agency work:** case workers will co-ordinate and prioritise interventions, coordinating them with the targets and outcomes of any other relevant specialist agencies working with the child. Where a child is known or becomes known to Children Social Care, the case worker will be expected to attend and participate in relevant meetings (i.e. CIC reviews, CIN Reviews, ICPC, etc).

8. **Consistency in practice:** case workers will ensure that cases are managed and supervised in line with the relevant Wokingham Borough Council Practice Standards ([Local Resources \(proceduresonline.com\)](http://LocalResources.proceduresonline.com)), as well as the Youth Justice Board's Referral Order Guidance (October 2018), YJB Case Management Guidance (October 2022), National Protocol for Case Responsibility and National Standards for children in Youth Justice (2019), where relevant.
9. **Safety:** case workers will ensure that any risk to the public and the child's safety and well-being is assessed and managed effectively.

Referrals in, Allocations and Good Practice

- Referral Orders are made in Court.
- All Court outcomes (local Courts or out of borough Courts) are received in our shared email inbox. For dates when we cover Court, the Court officer should email the whole team with the Court outcome.
- The ATM (or TM in their absence) must liaise with admin to ensure Court outcomes are recorded on the Z-drive Court outcome folder and on IYSS, and that the Court Orders are uploaded to multimedia. Admin should also ensure that CPS documents are available on file or that they are promptly requested.
- ATM/TM discuss allocations on Wednesday/Thursday based on workloads, skills, experience, and interests of the team.
- Allocations are shared with the team on Thursdays. Specialist workers are also copied in so that they can conduct an initial screening of each child and share outcomes with the allocated case worker.
- At point of allocation, the case worker must liaise with the RFO co-ordinator (ATM) regarding availability of panel members and panel dates.
- Where a direct victim has been identified and they have provided consent to be contacted by the PYJS RJ worker the allocation email will also allocate the RJ worker to the relevant case.
- **Communication with the child:** all appointments (particularly panel meeting dates) and warnings must be communicated directly with the child in writing. It is good practice that for children under 16 years old their parents are copied into any correspondence.
- **Panel meetings:** It is good practice that the initial panel meeting is held within 20 working days of sentencing. When a RFO is made at Court following a PSR sentencing recommendation, the initial panel meeting should be held within 5 working days of sentencing. The date must be agreed and indicated within the PSR. The RFO co-ordinator should provide management oversight when this timeframe is not being met.
- **Volunteer Panel Members:** There must be at least two volunteer panel members at panel meetings, although in exceptional circumstances it will be acceptable to have only one at the Final Panel meeting. Under exceptional circumstances, a manager may have to override the number of panel members and this must be clearly explained to the child, their parent/carers and the attending panel member so that informed decision is made as to whether it is in the best interest of the child to proceed with the meeting. It is good practice

that the same panel members can accompany the child's journey and therefore the panel members who attend the initial panel meeting should attend the progress and final panel meeting. To this effect, at the initial panel meeting, it would be good practice to agree with all present the date of the next panel meetings.

- **Panel meetings attendees:** The child and case worker must always attend the panel meetings. It is good practice that the parents/carers are also invited, particularly for children under 16 years of age. If their presence has been made mandatory at Court, parents/carers must attend at least the initial panel meeting. The victim, where appropriate and agreed, must also be invited to panel meetings only to engage in restorative justice discussions. In lieu of the victim, sometimes the RJ worker may attend the panel to present the victim's views.
- **Reports for panel meetings:** The case worker must always prepare a written report for the panel meeting. For initial panel reports, they must be underpinned by an AssetPlus. All Referral Order reports must include a section that explores the three domains of risk. The report must be QA'd by a manager and be available to panel members at least 2 working days prior to the meeting. For progress, non-compliance, early revocation and final panels, the report must also include details of the work completed (or pending) for each element of the contract. Where a child is sentenced to a RFO following a PSR or they receive an extension following a Breach, Stand-down or Fast Delivery report, the case worker must produce a separate report for the relevant panel meeting. This is because the audience for both reports is different, and the level and detail of information required for a Court report is different to that of a panel report.
- **Preparing the child for the panel meeting:** The case worker must prepare the child and parent/carer for the panel meeting. This will include a virtual or face to face meeting with them prior to the panel meeting where the case worker will go through the report and explain to them what to expect at the panel meeting. This meeting should be appropriately recorded on IYSS.
- **Assessments:** A Referral Order AssetPlus will be completed at the start of the Order and thereafter, service guidance regarding review of AssetPlus will apply. AssetPlus should be reviewed every six months unless there is a significant change in circumstances or a significant event that warrants the review of the risk domains.
- **Intervention Plans:** An intervention plan should be underpinned by the elements of the contract. The plan should be reviewed after each panel meeting.
- **Process stage:** after each panel meeting the case worker must complete the Process tab on IYSS indicating the type of panel meeting, the date it took place, panel members and who were the attendees (i.e. child and parent).

Engaging victims

- For all cases where children have been sentenced to a RFO (with or without a PSR) and provided the victim has agreed on the YOT1 for the PYJS to contact them, the RJ worker should contact the victim within **5 working days of**

sentencing to a) keep them updated about the outcome; b) explore victim support services available and c) offer the victim to take part in the RFO Panel meeting or for their voice to be heard at the panel through a statement read by the RJ worker.

Week 1-3 Assessment & QA

- If the child was sentenced at our Local Court and a PYJS case worker was at Court, they must speak with the child after sentencing. This initial conversation will aim at explaining to the child (and their parent/carers) what to expect post-sentencing and to take their contact details. A leaflet explaining what a Referral Order is should also be handed to the child. The case worker must record this contact on IYSS within 2 working days.
- Case workers must contact the child within **3 working days** of allocation to arrange an initial appointment. **The initial phone contact must be made directly with the child.**
- If the initial telephone contact is unsuccessful, an unannounced home visit should be completed within **5 working days** of allocation.
- Children subject to a RFO must be assessed using the relevant AssetPlus assessment. In completing the assessment, the case worker must include the following.
 - a. At least one interview with the child and a joint interview with the child and the parent/carers.
 - b. A home visit.
 - c. Information provided by specialist workers in their initial screening of the child.
 - d. Discussions with the RJ worker regarding impact on the victim, victim safety considerations, victim's view on restorative approaches.
 - e. Information obtained from MOSAIC checks and any additional information provided by the relevant social worker (or absence thereof).
 - f. Information from relevant education providers.
 - g. Completion of the behaviour/consent form.
 - h. If there are initial concerns around the child's communication, the AssetPlus SLCN tool should be completed. If there are multiple "sometimes" or "yes" answers, consultation with the SAL worker must take place.
- The AssetPlus up to and including the Explanations and Conclusions section must be completed prior to the initial panel meeting and must underpin the initial panel report. The 4W's analysis (why me, why now, why does it continue and what can I rely on) must be included in the Understanding Offending Behaviour section of the AssetPlus.

Week 4 – 6 Initial Panel meeting, Contract and Intervention Plan

- The YJB "Child first" principle should underpin our work. This means that any panel meetings should be used to "create constructive opportunities for children". During panel meetings, volunteers and practitioners should ensure that the child's communication needs are met, using child friendly language and accommodating for any barriers to communication the child may experience.

Acknowledging that children from Black and other ethnic minority backgrounds are disproportionately represented in the youth justice system, we should make panel meetings a safe space for children to explore and consider how their life experiences may have impacted on their behaviours and actions.

- A contract will be agreed at the initial panel meeting, which will inform the child's intervention plan. The contract must be signed by the child (and parent/carer) and uploaded to IYSS multi-media. A copy of the contract should be given to the child and parent.
- All Referral Order contracts must include reparation hours. Hours should be agreed in line with the YJB Referral Order guidance. Reparation placements should be discussed at the initial panel meeting, and they will be agreed depending on availability, the victim's views (if available), the child's interest, the risk assessment, and any special needs the child may have. It is good practice that reparation is scheduled to commence as soon as practicable, and these sessions can be concurrent and in addition to supervision sessions.
- The Referral Order Co-ordinator will use initial and progress panel meetings debriefs with Panel members to monitor that reparation hours have been included in the contract and that reparation has been completed within the first half of the Referral Order.
- Victim impact should be discussed at all panel meetings, particularly where there are identified direct victims. All contracts should include an element of victim awareness and where available, restorative justice interventions.
- Specialist interventions should be considered for specific offences. For example, where the offence relates to sexualised behaviour or communication, a referral to the PYJS Nurse should be considered; if substance misuse has been identified in the assessment as a risk factor to further offending, referrals to Cranstoun should be considered; the support from the Speech and Language worker should be considered for children with communication needs. Consideration should be given to CAMHS assessments where there are concerns around mental health. For children of school age who are not in education, reference should be made to PYJS supporting them to re-engage with school. A referral to Elevate should be considered for all children who are over 16 years old and are not engaged with education, employment, or training.
- In line with the Good Lives model, opportunities to build upon the child's strengths should also be considered. Access to constructive activities should be explored during panel meetings providing the child an opportunity to voluntarily engage with them through the support offered by the PYJS.
- Early revocation processes should be explained and discussed at the initial panel meeting and at subsequent progress meetings so that the child is clear about what needs to happen for their Order to be considered for early revocation.
- It is good practice that panel members agree the dates for future panel meetings at the end of the initial panel meeting. The consistency of panel members will help to develop a trusting relationship with the child and to effectively oversee and monitor their progress.

- The Pathway and Planning section of the AssetPlus must be completed within **5 working days** of the initial panel meeting and must include a separate intervention plan co-produced with the child after the panel meeting. The AssetPlus must be QA'd by the line manager.

Week 6 and onward- Programme Delivery

- The child must have their first supervision session within **5 working days** of the initial panel meeting. Where exceptional circumstances mean that there was a delay in fixing the initial panel meeting (i.e. beyond 20 working days of sentencing), the case worker must continue to have weekly sessions with the child until the initial panel meeting. This will allow for effective monitoring and supervision of the child until the panel is convened.
- The case worker must record all contacts and intervention sessions on IYSS and within **2 working days** of occurrence. Where a significant incident or an immediate risk or safeguarding concern has been identified (i.e. a new arrest; a self-harm incident; the child as victim or perpetrator of serious youth violence), the case note must be completed **on the same day** that the case worker becomes aware of it. For intervention sessions, the relevant template must be used.
- The frequency of contact will be determined at the initial panel meeting and will usually be in line with the AssetPlus scaled approach.
- The risk levels for the child will be identified on the initial AssetPlus and subsequent reviews. AssetPlus will usually be reviewed every 6 months or sooner if there is a significant change of circumstances. Where the change of circumstances may impact on the assessed risk levels the case worker must have an initial discussion with their line manager within **2 working days** of the incident becoming known, to determine whether the AssetPlus, the risk levels and the risk management plan need reviewing. Any changes to risk levels recorded in a report for any type of panel meeting should be underpinned by the relevant AssetPlus review.
- Where the child has been (re) assessed as High / Very High risk of serious harm or safety and wellbeing concerns, a Risk Panel, chaired by the Team Manager (or ATM in TM's absence) must be scheduled within 5 working days of the AssetPlus being completed and relevant professionals must be invited to attend.

Progress Panels

- They must be held at three-month intervals for Referral Orders six months and longer. For five-month long orders we will hold a progress panel at three-month point and a final panel before the end of the Order. Three- and four-month long RFO will only have a start and final panel meeting.
- At the end of progress panels, the child should be clear about what elements of the contract they have completed, which remain pending and which, if any, have been added.
- Early revocation and progress of the reparation activity should also be discussed at every panel meeting. Panel members should be made aware of

any obstacles or barriers in completing reparation hours. It is expected that Reparation hours are completed within the first half of the order.

- Progress panels could be called ad-hoc if there has been a change in circumstances and the contract needs to be reviewed or amended. Examples of such panels may be when a child moves out-of-area when there is no access to resources specified in the current contract, or in the event of a deterioration in health conditions, or significant change in personal circumstances.

Final Panels

- A final panel meeting must be held during the last month of the contract and a maximum of 5 working days prior to the end of the Order to allow for flexibility in the event of non-attendance and outstanding activities.
- At this meeting, the panel should review the child's compliance and engagement with the elements of the order and offer them feedback.
- At the end of the panel, the child should be handed a letter confirming completion of the RFO, which should also include guidance on spent convictions under the Rehabilitation of Offenders Act, 1974.
- After the final panel the case worker should complete the feedback form with the child and upload it in "feedback" folder on Z-drive, and in multimedia on IYSS.
- The case worker must request the case closure to their line manager.

Extension panel

- These panels are convened following a Court extension to any current Referral Order.
- The panel must be convened within 10 working days following sentencing. Where the extension to a RFO follows a recommendation in a PSR or Breach report, the date of the extension panel must be agreed and indicated within the PSR or Breach report.
- The existing contract must be reviewed, and the reparation hours must be adjusted to reflect the extension of the Order.

Non-compliance panel: Failures to Comply and Non-engagement

- Missed appointments without an explanation should be followed up within 24 hours with a phone call or home visit to explore the reasons of the absence. Where the explanation is unacceptable or if the case worker is unable to contact the child, a first warning letter must be sent to them within 2 working days, which must include the next appointment.
- At the next available opportunity, the case worker should explore non-compliance with the child. This exploration should include any barriers to engagement and how to overcome them.
- If a child misses a second appointment without an explanation the same process should be followed. Where the explanation for the absence is unacceptable or if the case worker is unable to contact the child, a second warning letter should be sent to the child, which must include the next

appointment. The case worker should continue to explore barriers to compliance and support the child to re-engage with the Order.

- Where two formal warnings are given and there is a further unacceptable failure to comply, the case worker must inform their line manager and schedule a non-compliance panel meeting within 10 working days of the third missed appointment. This must be notified to the child in writing.
- There must be at least two volunteer panel members at the non-compliance panel meeting. It is good practice that the panel members who attended the initial and progress panel meetings attend the non-compliance meeting, where possible.
- The case worker will have to write a **non-compliance report** for the meeting, which must include a summary of the non-compliance incidents, ways in which PYJS has supported engagement and a recommendation to the Panel members, including whether the Order should be returned to Court. As with other reports, it should include a summary of the three domains of risk, as well as indication of what elements of the contract have been completed and to what extent.
- The purpose of this panel is to use the restorative process to elicit from the child the underlying reasons why they have not complied, and where appropriate explore how they might re-engage with the PJYS. The panel will determine whether to refer the child back to Court or to put in place additional support that will enable the child to successfully complete the contract. This process can be repeated if necessary to encourage compliance by the child.
- Should the panel's decision be to return the child to Court, the case worker must initiate the process to get the case listed in Court within two weeks of the panel taking place. A written **non-compliance report** will be produced for the Court hearing and must be QA'd by the line manager.

Early Revocation panel

- After mid-point of the Order, the Panel, the case worker, or the child, may ask for the Order to be considered for early revocation in the best interest of justice, provided all the elements of the contract have been satisfactorily completed.
- If the case worker wants the panel to consider the early revocation of the Order, they must first consult with their line manager whether the Order meets the early revocation criteria (i.e., mid-point through the order, low levels of risk, successful completion of intervention programme, satisfactory level of compliance, no re-offending). The child having pending matters being investigated by the Police do not preclude Early Revocation. The case worker and the line manager should consider the date and seriousness of the pending allegations, with the line manager providing a written rationale for the decision to make or cancel the Early Revocation application to the Panel.
- Once the application has been agreed with the line manager, the case worker must discuss the early revocation with the child and book an Early Revocation Panel meeting.

- A written report must be prepared for the panel which should include an update on progress on all the elements of the contract, including reparation, an update on the child's assessment (including education, employment, and training status), an update on the three domains of risk, and an update on any victim work completed. An early revocation report must always be underpinned by a reviewed AssetPlus.
- Should the panel agree to return the Order to Court for revocation in the interest of justice this should be clearly set out in writing and the next steps explained to the child.
- Following the panel's decision to return the child to court, the case worker must initiate the process to get the case listed in Court within two weeks of the panel taking place. A written early revocation report will be produced for the Court hearing and must be QA'd by the line manager.

Pre-sentence panel

- The Court may request a PSR to inform sentencing, usually when the offence has passed the custody threshold.
- The PYJS will hold a pre-sentence panel every time that a PSR is requested for a child who has no previous convictions, who has pleaded guilty, and where a RFO is an available sentencing option to the Court.
- The pre-sentence panel meeting should be used to consider the likely content of a RFO contract and used to inform the PSR proposal. **Only**, when the Court has indicated that the custody threshold has been met and that custody is a possible outcome, the pre-sentence panel should consider an Intensive Referral Order contract to provide a credible sentencing option to the Court.
- An Intensive Referral Order contract should involve a timetable of structured activity each week, reflective of the serious nature of the offence.
- The case worker must present the panel members with the necessary information to allow them to consider the elements of the contract should a RFO be made at court.
- These are informal panels to identify the potential elements of a RFO contract. At these panels, the offence must not be discussed with the child and victims should not be invited either. However, the voice of the victim could be brought into the panel through the RJ worker if they have contacted them already.
- A provisional date for the formal initial panel meeting should be set at this meeting, and it should be scheduled for within 5 days of sentencing.
- The youth offender panel however retains the right to determine the content of the contract with the child and their parent/carer post sentence. In theory, this may vary from the contract included in the PSR to the Court.

Case Closure

- After the final panel meeting, the case worker should request the case closure to their manager.



- The case worker and manager must complete the relevant tabs on IYSS, as per the closure check list document.
- The line manager must close the intervention and the caseworker role on IYSS.