



Serving our communities to  
make them safer and stronger



## Support for Children in Care (CIC) who offend

### Partnership Protocol

Between

North East Lincolnshire Council – Children’s Services – Vulnerable Children – Youth  
Offending Service

And

Humberside Police

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## 1. Purpose

This document details the partnership arrangements between the Youth Offending Service, Humberside Police and Looked After Children's Social Work Services to work together to identify, provide help, safeguard and meet the needs of children in North East Lincolnshire. It specifies roles and responsibilities of the services.

There are, approximately 590 + children in North East Lincolnshire who are 'looked after' by the local authority. Corporate Parenting is a multi-agency responsibility and can only be effectively achieved when it is provided in partnership with other key agencies including the Police and Health Services. 'Corporate Parents' is a concept re-established through the Care Matters White Paper 2007 and, subsequently, set out in the 2018 guidance "Applying corporate parenting principles to looked-after children and care leavers Statutory guidance for local authorities" (Department of Education)

It is imperative that 'our' children see that services work together to make sure that they feel safe, have access to positive activities and are responded to in a timely and efficient manner when they become engaged in behaviours that present increased risk to them or others.

Equally important is that it is understood that this protocol applies to all Children Looked After in all North East Lincolnshire placements. These include, though not exhaustively, local authority and private provider children's homes, local authority and independently managed foster carer homes and other supported accommodation provisions offered to some care leavers aged 16+ years.

For Looked After Children placed away from North East Lincolnshire Council, the partners will use this protocol to attempt to negotiate similar provisions with their equivalents in the area where the child is living.

It is the responsibility of the local authority, through its social care and Youth Offending Services working with its partners, to ensure that Children Looked After do not enter the Criminal Justice System prematurely or disproportionately when compared to other young people.

Equally important is the collaborative work undertaken with the Courts, the Crown Prosecution Service and Defence Solicitors in ensuring that the issues affecting or influencing the lives of Children Looked After are understood and considered whilst in accordance with criminal justice law. By strengthening these links, it will improve the confidence of the legal system in supporting early intervention initiatives and achieve better outcomes for some, if not all, Looked after Children.

The Annual Youth Justice Plan sets out a clear ambition for the Youth Offending Service to reduce the number of Looked after Children within the Youth Justice System through working alongside key partners which are encompassed within this protocol.

The Tackling Offending Protocol is designed to clarify and strengthen support to Children Looked After.

This protocol aims to establish clear guidelines and opportunities for services working with looked after and other vulnerable children to act expediently and creatively to address behaviours that increase the risk of offending or to tackle offending, by or against them, at the earliest possible opportunity.

## **2. Legal Framework**

The Association of Chief Police Officers - Advice for Crime Recording by Police Officers Dealing with Incidents at Children's Homes (1st September 2010)

The Crown Prosecution Service – Legal Guidance regarding Youth Offenders – Offending behaviour in Children's Homes

The Children Act 1989, 2004 and 2008

[Stat guidance template \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

Care Standards Act 2000

Crime and Disorder Act 1998

The Association of Chief Police Officers (ACPO) and Crown Prosecution Service Guidance Summary

Guidance from the individual agencies is offered in relation to offending behaviour in children's homes. ACPO and CPS advocate that where minor offences are committed within the context of the home, due consideration should be given to applying the behaviour management policies, before deciding to involve the police. If police are called to such an incident, the police should still consider whether the policies within the home would be a suitable means of dealing with the incident, giving due consideration to the wishes of the victim. Where a crime is recorded, an out of court disposal, (wherever possible a restorative disposal) should be considered.

Any decision to prosecute a Child Looked After should be taken by a youth specialist within the Crown Prosecution Service.

A criminal justice disposal, whether a prosecution, or an out of court disposal, should not be regarded as an automatic response to offending behaviour by a Looked After Child. A criminal justice disposal will only be appropriate where it is clearly required by the public interest.

Informal disposals such as restorative justice conferencing, reparation, behaviour management plans and disciplinary measures by the home may be sufficient to satisfy the public interest and to reduce the risk of future offending.

### **3. Principles**

Whilst working within the parameters of the law and the frameworks surrounding practice, it is important that locally agreed principles and standards are adopted in relation to tackling offending.

The North East Lincolnshire 'Tackling Offending' principles around vulnerable and Looked After Children are:

- The welfare of the child is paramount (Children Act 1989).
- A restorative intervention should always be considered when dealing with children resident in local authority care
- A criminal justice disposal, at any level, will not be regarded as an automatic response to offending behaviour, regardless of criminal history.
- Public interest and victim empathy will be actively considered in decision making. A criminal justice disposal will only be appropriate where it is clearly required by the public interest.
- Partners will work together to identify vulnerable children most at risk of offending and will work with them through positive activities, aimed at preventing offending behavioural patterns from developing.
- Behaviour Management Plans will be fully implemented to manage 'incidents' in accordance with ACPO guidance.
- The staff and carers of Looked After Children are critical to this protocol and so multi-agency training and support will be provided to them.
- Partners will share intelligence in a timely and appropriate manner to support the implementation of this protocol.

### **4. Identification**

Identification - Multi Agency intelligence gathering, information sharing and evidence ensure informed practice.

It is often the case that the first time the police become aware of a vulnerable young person resident in a local children's home or foster placement is when there is a report made of a crime or Anti-Social Behaviour, or a missing from home report is received.

It is therefore critical to the success of this protocol that there are enhanced practices in place for the early sharing of information and gathering of intelligence between relevant agencies.

By working together to share information about North East Lincolnshire's Looked After Children, it enables the identification of these children and young people most at risk or vulnerable to offending. Children Looked After have often experienced a wide range of Adverse childhood experiences (ACES). Therefore, out of court interventions will focus on building resilience and reducing adversities.

## **5. Prevention**

Children and young people in the care of the local authority are disproportionately involved in the criminal justice system. A robust preventative approach needs implementing in order to reduce this statistic.

Training for all involved professionals needs to be reviewed by partners on an annual basis. All involved in care need to be trained with regards to exploitation of all kinds, and the involvement and recruitment of children looked after and care leavers into Organised Crime Groups and exploitation.

Looked After Children and Young People need to be educated about the ways they are specifically targeted as a vulnerable group, in respect of crime, as part of their preparation for transition into secondary school settings.

The partnership aims to identify the current looked after population at risk of offending or re-offending, but not yet formally linked with the criminal justice system, and target those in order to reduce the numbers for Looked After Children overall.

## **6. Behaviour Management Principles**

Residential Care Homes are required under the Children's Home Regulations 2015 to have a 'Behaviour Management' Policy. In North East Lincolnshire, the same principles of behaviour management will apply to all of our Looked After Children, not just those living in Children's Homes.

The Behaviour Management Policy considers how best to promote positive behaviours within the Children's Homes, but also has a criteria which is adhered to in relation to the expectations of Looked After Children to behave in a manner that is considered to be appropriate. All Children Looked After in Children's Homes will have as part of their placement plan a risk assessment and a behaviour plan which outlines expected behaviours and triggers that could lead to a series of incidents happening.

Children living in foster care will also have their behaviours considered as part of the placement plan and actions will be agreed that aim to promote helpful behaviours and reduce those that could cause problems.

The list below will formulate the ongoing assessment of the young person, Social Care and partners, and incorporated into behaviour management plans. This will be referred to in care planning and looked after children reviews by the local authority. This will also identify when the use of permitted sanctions and when the use of physical intervention will be used by staff in the home:

- A description of the behaviour
- Level of risk
- Known triggers
- Escalating factors
- De-escalation factors

### **Children and Young People in Foster Care**

Foster carers are required to adhere to the Foster Carer Agreement, as defined by the Fostering Services National Minimum Standards (Standard 5) and Regulations (Regulation 13) 2011 and North East Lincolnshire Council's Foster Carer Handbook in managing behaviours of children and young people in a foster placement.

Regulation 13 of the Fostering Services (England) Regulations 2011 requires a Fostering Service to prepare and implement a written policy on acceptable measures of control, restraint and discipline of children in foster care.

Standard 3 of the National Minimum Standards for Fostering Services 2011 requires the service to clearly set out in writing a policy on managing challenging behaviour.

In some circumstances when damage to property or personal items has occurred it may be appropriate for the child to contribute a small monetary amount towards cost of the reimbursement/replacement. This must be proportionate to the child's allowance. It will be individual to each child and must be discussed with the child, their social worker and fostering link worker.

Prospective foster carers will receive guidance on behaviour management, specific to reducing potential criminal activity, on the "Skills to Foster" course. This will be further discussed during their assessment and the control and sanctions policy will be provided in the Foster Carers' Handbook.

### **7. The discovery of illicit substances within the placement setting**

Children's home staff must read this Protocol in conjunction with the National Minimum Standards, with particular attention being paid to the section on illegal substances.

Residential staff and carers must inform the Police immediately if it is established that a young person is using illegal substances or illegal substances are found on the premises. It is important that all action taken is recorded.

All materials must be removed from the young person. Substances and paraphernalia must be stored securely before handing to the Police. These must NOT be disposed of by staff or carers.

These can be handed over for disposal without identifying the name of the young person and no further Police action will be undertaken. However, there should be consideration to signpost to specialist services such as We Are With You or Graft. The signature of the Police Officer removing the material must be obtained. However, repeated incidents of removal of illegal substances from the same young person may require positive Police action thus protecting the young person and other young people, as well as staff/carers.

In the removal and storage of illegal substances appropriate storage containers must be used.

A record of the removal must be kept by staff or carers, which includes:

- The name of the person removing the material
- Conversations with the young person in respect of where the substances came from and any named, involved adults.
- Description of the material
- The circumstances of the removal
- The time and date of the removal
- The time and date the material was placed in a secure storage
- The signature of the person putting the article into storage, countersigned by a second member of staff
- The time and date of notification to the Police and the message number notified by the Police control room
- The time and date the material was removed by the Police and the signature of the officer taking the substances

To ensure that controlled substances are not stored in the Children's Home or placement any longer than necessary it is important that every effort is made to ensure that the Police attend at the earliest possible time. Staff and carers must first contact Humberside Police to arrange for the Police to attend the home placement.

This route helps for the recording of the request on the Police Command and Control System generating a log number for the benefit of the residential staff or carers.

The officer attending is then responsible for recovering the suspected controlled substances into Police possession and, if appropriate, conducting any subsequent investigation in line with existing Police policy.

Alcohol and canisters can be disposed of by staff or carers. It is important that the disposal is witnessed and a record kept which includes:

- Name of the person removing the material
- Description of the material
- The circumstances of the removal
- The time and date of the removal
- The time and date and means of disposal

## **8. Early Intervention**

Nationally, official figures show that Children Looked After are twice as likely as children brought up in their own families to be involved in crime and half of young people in Young Offender Institutes (YOIs) have been in care.

It is therefore evident that children and young people in the care of the local authority are disproportionately involved in the criminal justice system. Therefore, it is vital to maintain a robust preventative approach that consists of early identification of risk, assessment of need and subsequent effective engagement.

Preventative work that should be undertaken by home staff and foster carers prior to police intervention:

- Permitted sanction: To recompense part of the cost to any damage caused or curtailment of leisure activities or extra chores within the home
- Restorative work undertaken by the child and victim to enable a satisfactory conclusion
- Direct work sessions with the young person exploring reasons why a particular behaviour is continuing
- Resources to be identified for a Child Looked After that have not previously been accessed by the individual
- Incentives that have been identified evaluated for effectiveness
- The Behaviour Management Plan strategies reviewed in regard to effectiveness

The above are regularly reviewed in order to keep plans current, effective and agreeable to the individual to ensure proactive working and minimising the use of police involvement.

Records are kept on the individual child's records of all incidents that have occurred including those deemed to be minor and those where immediate police involvement is required in law. If an incident occurs within the Care Home and the police are called, Ofsted are notified. The child's social worker should be notified of every incident.

In all minor incident cases the use of preventative work is evidenced from the outset and fully utilised prior to the escalation of police involvement.

Police intervention may be deemed appropriate due to:

- The level of risk is deemed high and subsequently unmanageable for the staff or foster carers in a particular situation
- The Behaviour Management Plan strategies have failed consistently to produce a positive outcome

In order to support this work, the partners will:

- Ensure continuous joint needs assessments are undertaken via regular meetings between Community Policing staff, YOS, Social Care, and children's homes or relevant Fostering Service team managers. This should be undertaken positively with the minimum level of intrusion, with due regard to the privacy of the child. Central to this process will be the individual needs of the child and protective factors, focusing on outcomes whilst being inclusive of the wishes and feelings of the child or young person with the objective being to reduce or avoid offending behaviour.
- Promote a positive corporate parenting culture with associated aims and objectives, which is aligned with the values and principles of Social Care's Service Delivery Plan.
- Provide on-going training and development for staff and foster carers. This should include Restorative Justice Training, behaviour management, and identification of risk.
- Prioritise access to targeted and universal services for Children Looked After.
- Deliver Preventative work within local communities, via integrated working with Community Policing teams and Youth Services both universal and targeted.
- Maintain strong links with North East Lincolnshire's Youth Diversion Policy.
- Ensure Police and YOS input into group work or key work sessions with children and young people. This is at the request of Children's Home, Social Worker or relevant Fostering Service team manager via the Community Policing team when a particular issue comes to light, for example, in relation to sexual exploitation. Specialist services should provide support where appropriate.
- Support joint work with regard to children at risk of offending behaviour.

## **9. Strategy meetings called by Social Care/Police/Schools**

The Community Policing teams are responsible for liaison with the schools within their area. They are involved in any strategy meetings / Child In Need meetings, and are

well placed to contribute information. There is an understanding and responsibility on all parties to be involved in these meetings, when appropriate.

## **10. Interventions**

Under the Legal Aid, Sentencing & Punishment of Offenders (LASPO) Act 2012, which came into effect on 8th April, 2013, the police have a range of options to deal with any offence committed by a child or young person:

- No further action
- Community Resolution
- Diversion
- Youth Caution
- Youth Conditional Caution
- Charge

To help decide the most appropriate out-of-court disposal for a child or young person, the youth justice out of court team within locality settings will undertake an assessment within ten working days. This covers:

- the likelihood of the child or young person complying with the disposal;
- whether that would be the best way to reduce the risk of re-offending.

This process is available to Children Looked After and this protocol acts to explore the extension of consideration given to all offending by Children Looked After.

Where this is a Child Looked After, an assessment of need and risk is completed and the youth justice out of court team recommends to the Police the most appropriate form of action. Wherever possible this should avoid the criminalisation of the young person. Liaison between the Out of Court Team, the Officer in the Case and the designated YOS Officer will take place regarding the action.

If subject to a court order or out of court disposal, following assessment the YOS/Out of Court Team will invite the relevant social worker, the young person and any other relevant parties to a meeting to decide the most appropriate intervention in order to support the young person to refrain from offending.

## **11. Appropriate Adults**

The Youth Offending Service provides an 'Appropriate Adult Scheme' for children and young people being held in police custody pending investigation. Appropriate Adults (AA) have a role to support children and young people who are:

- Aged 17 years or under
- May have mental health issues (diagnosed or undiagnosed) or mentally vulnerable

The investigation is governed by the Police and Criminal Evidence Act 1984 (PACE) which also offers guidance around the rights of the detained person.

In the event of a Looked After Child or young person being held in custody in North East Lincolnshire, the requirement is for the following:

- An AA will be made available on every occasion.
- The initial approach for an AA will be made to the child's primary carer, including parent, social worker, foster carer or member of staff from the children's home where they live.
- In the event of an AA not being available or suitable from the initial enquiry, custody staff will always ensure that an AA is accessed from the AA Scheme.

## **12. Police Response / Intervention**

In the event of an incident which requires immediate police intervention, residential staff or foster carers will call 999. The nature of the incident needs to be considered as serious, and the decision to contact the police should be taken by the most senior member of staff on duty in the home.

- Serious should be defined as
- An incident where there is an on-going situation which has or will lead to a breach of the peace.
- An on-going restraint where staff feel it can no longer be managed safely due to risk of harm to self or others.
- An offence has been committed and has staff feeling the situation would be best managed via the removal of the young person.

Humberside Police will respond to calls from residential units and homes in a timely fashion and will offer the appropriate support to the residential staff having established the nature of the situation.

The resulting outcome of a call to the police should be one of the following:

- The young person is removed from the home to prevent a potential breach of the peace.
- The young person is arrested for an offence and removed from the home (pending a decision of prosecution).
- The situation becomes more manageable following the arrival of the Police.

## **13. Action by Police Custody Staff**

Police Decision-Makers will ensure that all Children Looked After that come into custody or are arrested and interviewed depending upon the seriousness of the

incident, are where appropriate, bailed to enable consultation between YOS, Children's Services and police to ensure consistent and ethical decision making in respect to the young person.

The arresting officer prior to going off duty will e-mail the YOS on;

- [earlyintervention@nelincs.gov.uk](mailto:earlyintervention@nelincs.gov.uk)

with full details of the incident and those involved. The YOS will conduct an assessment of the incident including discussion with the victim, home staff or carers and any other involved parties and make recommendations back to the investigating officer regarding the most appropriate course of action in relation to disposal within ten working days.

#### **14. Decision to prosecute**

'Youth Specialists' within the Crown Prosecution Service (CPS) are reminded of the need to consider all the circumstances surrounding the offence and the circumstances of the young person before reaching a decision to prosecute and to apply all relevant CPS policies and documents. Failure to do so may result in proceedings for judicial review: *R v Chief Constable of Kent and Another ex parte L*, *R v DPP ex parte B* (1991) 93 Cr App R 416.

The reasons for the charging / diversion decision should be clearly recorded and show the factors that have been considered by a youth specialist to determine how the public interest is satisfied.

#### **15. Need to liaise with CPS/Courts/Police**

The work undertaken with the Courts, CPS and Defence Solicitors will benefit from the partner agencies being represented on the Humber Youth Panel at the appropriate times. By working together this will develop increased confidence in using alternative early interventions for Looked After Children with prosecutions being reserved for the more appropriate or serious offences.

On those occasions where a charge is considered necessary due to the gravity of the offence, or the pattern of offending/previous offending behaviour, it is imperative that a full picture of the young person, assisted by all relevant parties, is presented to the CPS for advice. The YOS seconded Police Officers will be pivotal to ensuring the complete information is available.

#### **16. Participation, Involvement and Consultation**

It is critical that Children Looked After, care leavers and their carers actively engage with the aims and objectives of this protocol. Creating ways in which they can influence key decisions and be proactive around tackling offending behaviour is paramount to its success.

The placements where Children Looked After live vary dependent on their particular and assessed needs. Those providing direct care for Children Looked After, include family members, residential staff in Children's Homes, foster carers and prospective adoptive parents, both from the local authority and from private providers. This protocol applies to carers across all placements and their active involvement in its implementation is essential.

Information is provided and, where necessary, joint training for all staff and carers providing support to Children Looked After around key initiatives, for example, Restorative Justice and Behaviour Management.

North East Lincolnshire has a fortnightly 'Our Voice – Listen Up Group' consisting of care experienced young people who gather and represent the views of the wider looked after population. Senior managers, from the local authority portfolios within the council, work closely with the Council to ensure that the views, wishes and feelings of Children Looked After are appropriately captured and evidenced in the development and implementation of this protocol.

## **17. Court**

Whenever a child in care appears before the courts, a Children's Service representative should be present. YOS should therefore ensure that Children's Services are notified and fully informed of all requirements for court appearances of young people where the young person is in the care of the Local Authority or has active involvement with Children's Services.

YOS officers will alert Children's Services at the earliest opportunity of any young person at risk of remand to Local Authority Accommodation (RLAA) or Remand to Youth Detention Accommodation (RYDA). To avoid unnecessary/inappropriate remands, the YOS should immediately devise a robust bail support package of co-ordinated interventions to manage the young person in the community.

If the Court determines that conditional bail/bail support is not appropriate, the relevant YOS Officer will liaise with either the relevant Children's Service department or the YJB's Secure Placement Service in order to identify the remand accommodation available.

The YOS Court Officer will advise of any RLAA made in court, providing details of where the young person has been placed. In cases where it is deemed inappropriate for the young person to return home or where the parent/s are refusing to have the young person back, the YOS worker will liaise with the relevant Children's Service to consider interventions and strategies to support a return home or identify suitable alternatives at the earliest opportunity.

Following RYDA, the YOS Officer should, at their earliest opportunity and no later than the end of the working day, confirm with Children's Services details of where the young person was sent and the date of the next court appearance.

The designated YOS case manager will advise the relevant Children's Services of any remands made in court. Children and young people are looked after by virtue of being in custody and as such need the same support as any other looked after child.

## **18. Equality and Diversity**

North East Lincolnshire Council recognise and value the diversity of each Child Looked After and ensure that behaviour management and tackling offending is undertaken in a way that is sensitive to those issues. It is important to recognise that different children have different needs and that some of the alternative activities or opportunities may not be appropriate. Work with the individual child, their carers and the YOS is essential to establish and develop suitable alternatives that enable and support a child's engagement.

Services will work together to identify those Children Looked After who present the greatest risk to themselves or others through risk averse behaviours, including missing from home, low level offences or sexually inappropriate behaviour. Services will work collaboratively with the aim being to address their behaviours, without prejudice to the child, through positive engagement rather than more punitive measures initially.

Through partnership work, the identification and targeting of particular areas of concern including gang culture, sexually exploitative behaviours and drug related crime will be undertaken without recourse to the stereotypes commonly associated with those activities.

Services will value and respect children's rights and want to see that they are considered throughout all interventions with Children Looked After. Ensuring that the rights of Children Looked After are protected will be undertaken through promoting and supporting access to the appropriate representation by mentors, advocates and other supportive adults.

## **19. Monitoring and Review**

The success of this protocol will be measured in terms of its impact on the lives of individual Children Looked After, local communities and the overall reduction in offences committed by or against Children Looked After.

The Quality Assurance function of this protocol sits within the local authority however works in partnership with the Police and other partners. Monitoring consistency, continuity and quality in terms of interventions and outcomes for Looked After Children will form the basis of this function.

This protocol will be reviewed annually in line with all other documents associated with meeting the needs of Children Looked After and care leavers and improving outcomes for them.



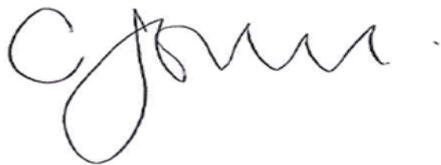
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