

# Family Services

## Document control

<b>Document title</b>	Youth Offending Team and Social Care Protocol
<b>Document description</b>	The protocol outlines the joint working practices required by each of the respective agencies in order to safeguard the welfare of Barnet Young People and to reduce their risk offending and re-offending.
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## Clearance process

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# 1. Introduction

## Purpose of the Protocol

- 1.1. All Children's Service staff are governed by the same values and principles set out in the Children and Young People's plan. They have responsibilities within legislation which includes The Children Act (2004) The Children and Young Persons Act (2008), the Crime and Disorder Act (1989) and the Legal Aid, Sentencing and Punishment of Offenders Act (2012) as well as the objectives outlined in "Every Child Matters". The YOT's annual Youth Justice Plan outlines its objectives and Key Performance Indicators.
- 1.2. The purpose of this protocol is to identify how the Youth Offending Team and Social Care manage their own responsibilities but it also addresses how the Services can work efficiently and collaboratively together within the above frameworks, to ensure that the interests of Barnet young people who are at risk of offending or re-offending are best met.
- 1.3. The aim of this protocol is to set out the shared responsibilities and agreed ways of working. It is important to identify that the roles and responsibilities may need to be negotiated in order to ensure a better outcome for children and young people.

# 2. Shared Principles

- 2.1. It is acknowledged that safeguarding, partnership work; early intervention and prevention, as well as narrowing the gap for children at risk of not achieving their potential are key shared principles.
- 2.2. Some children and young people have complex needs and difficulties that require a dual response from YOT and Social Care. In these cases the lead professional and line management need to be clearly identified. It is accepted by all that effective joint working enhances the quality and future life chances for young offenders and this protocol will aim to clarify the professional roles and responsibilities in these complex cases.
- 2.3. Central to the protocol is the need to ensure that all services are delivered according to anti-discriminatory practice. That diversity issues are taken into account and that the ethnicity, culture, religion, gender and sexuality of young people and their related needs are taken into account.
- 2.4. Children In Care are at a greater risk of entering the Criminal Justice System , particularly custody, than similar aged young people in the general population. It is therefore a shared responsibility to provide a targeted and joined up service to this particular group.
- 2.5. Assessments need to be evidence based and derived from multiple sources. They need to echo the voice of the child as well as those of their parent/carer and other professionals. Labels should be attached to the behaviour and not to the child or young person

# 3. Information Sharing

- 3.1. Senior social care and YOT managers will contribute to the development of each other's strategies within the context of attendance and participation in the YOT Management Board, LSCB subgroups, Gangs, MARAC and MASE strategic group and other meetings where representation is needed.
- 3.2. We are committed to information sharing in accordance with agreed protocols and legislation related to data sharing and protection. This includes the Freedom of Information Act 2000 and taking into account Article 8.2 of the European Convention on

Human Rights, with particular reference to:

- a) Public safety
- b) The prevention of crime and disorder
- c) The protection of health and morals
- d) The protection of the rights and freedom of others.

- 3.3. Any attendee receiving minutes of a YOT or Social Care meeting is entitled to store and share them as necessary within his or her own agency, but should not share the minutes widely with anyone outside the agency, unless this has been agreed by the meeting Chair. Minutes should be kept in the Restricted or Confidential section of agency databases.
- 3.4. If further disclosure with another agency with whom you have links is felt essential, prior permission should be sought from the Chair of the meeting and a decision will be made (share on a need-to-know basis, share information which is proportionate and necessary) as to what information can be shared.
- 3.5. YOS and social care staff should ensure a good exchange of information including the sharing of assessments, records, minutes and reports, and joint attendance at meetings and statutory reviews. All forms of communication should be recorded on ICS and Careworks to evidence what information was shared and why. Shared action plans and agreed targets, with the owner of each action clearly noted, should also be documented on ICS and Careworks.
- 3.6. No case will be closed by either service (social care/prevention) without consultation between both team managers. Where there is disagreement concerning case closure or any other key case decision YOS and CFCS Service Managers will be consulted.
- 3.7. Case audits of joint cases will take place periodically in order to identify good joint practice but also to highlight areas requiring further development. The findings and proposed actions will be jointly presented to the LSCB, Youth Justice Management Board. Team managers from both social care and YOT will be responsible for overseeing their completion.

## 4. Children In Care

- 4.1. The protocol aims to improve and maintain the working relationships between the CIC team and the YOT in order to promote positive outcomes for CIC and Care leavers. To achieve this, both Services will work towards developing consistent communication, including the sharing of assessments and information, as well as delivering joint interventions which are designed to target and address the specific issues faced by CIC.
- 4.2. When a young person has to appear in a Police Station or court their parent, carer, residential worker or social worker should accompany the young person. In cases of an emergency or where the social worker /foster carer may be the victim of the crime then the social care duty officer should be utilised if possible. In the event of difficulties then social care should contact the YOT manager to discuss whether any other options are available.
- 4.3. When a young person is sentenced to a court disposal then the YOT will liaise with the social worker in relation to their attendance and for support with the assessment process, as well as any subsequent intervention planning. The aim should be for staff from both teams to target the key risk and protective areas and to establish an achievable intervention plan which both Services then have a shared responsibility to action. The social worker will retain responsibility as the Lead Professional. The YOS will have access to ICS and will also ensure that YOT assessments are shared with the social worker if they are required to ensure that all documents are contained on ICS.

- 4.4. When a young person's case is being reviewed by the YOS, the YOS case manager will ensure that the allocated social worker is invited to all reviews and planning meetings, including those for young people in custody and that the minutes are shared accordingly.
- 4.5. Where there is an allocated YOS worker and an allocated social worker, it is essential that both workers are notified prior to either service closing a CiC case. Where both Services are working with a young person, no decision which will significantly impact upon the young person or the work being done by the other service should be made without consultation.
- 4.6. Young people who are subject to Care Orders (Section 31), who become the subjects of custodial sentences will remain open CiC cases. In such cases there will be a planning meeting prior to the young person's release which will be chaired by the Social Care and the YOT. For those young people who were subject to Section 20 prior to custody then their LAC status will end at the point of sentence however, the case will remain open to allow for the joint resettlement work to take place and the young person will then be a Child in Need. In relation to short custodial sentences Social Care may use its discretion and decide to keep a Section 20 case open in order to provide continuity.
- 4.7. Should the young person be released after they are 18 years old then they will be allocated appropriate support if they are entitled to services under the Children Leaving Care Act and a referral will be made to the Onwards and Upwards team.
- 4.8. In terms of accommodation, it is important that the social worker notifies the YOT in advance of a change of placement. This is crucial in terms of ensuring that risk measures are met and to enable sound joint working with other relevant parties such as out of borough YOT's. This way the advance planning and consideration can be given to a young person's welfare needs but also to plan around and manage their risk of re-offending and harm.
- 4.9. The YOT Operational Manager and Social Care team managers will meet once a month to discuss all joint YOT/LAC cases. These meeting will problem solve and promote good collaborative practice between the agencies. If there are disputes regarding practice that cannot be resolved at this level then the issues will need to be escalated to the Heads of Service. Emergency meetings will be called as and when necessary.

## 5. Child In Need

- 5.1. 'Child in Need' s.17 assessments - where it is considered in the course of a Youth Offending assessment that the case meets the threshold of a child in need because there is a significant likelihood of significant harm, then the YOT case worker will make a referral to MASH. The YOT officer will supply copies of YOT assessments and any other information required to support the referral and any subsequent social care assessments. In cases where the young person is already known to Social Care then the YOT officer will inform the appropriate social worker and their line manager. This communication will be documented on Careworks.
- 5.2. The YOT officer will ensure that the young person and their parent/carer is aware of and, wherever possible, is in agreement with the referral being made.
- 5.3. The onus will be Social Care to relay the response to the YOT referral and the outcome of any assessment which has been undertaken and any joint work which needs to take place.

## 6. Appropriate Adults

- 6.1. Barnet complies with the Pan London Protocol for YOTs in respect of providing AA's under PACE 1984. Under current PACE (Police and Criminal Evidence Act 1984) Codes of Practice, Children and Young People aged 17 years and under must have an appropriate adult present when interviewed by the Police.
- 6.2. Should a Young Person be arrested and an Appropriate Adult is required to attend the Police Station, it is expected that, in the first instance, the young person's parent or carer will attend. If the child is in residential care, their key worker or Social Worker should attend.
- 6.3. In the event that all options have been explored and there is nobody available to attend the Police Station then the YOT will provide an AA via its commissioned service, The Appropriate Adult Service (TAAS). In the event that an AA is required "out of hours" and a parent/carers or key worker is unable to attend then EDT have the provision to request an Appropriate Adult via The Appropriate Adult Service (TAAS).

## 7. Provision of Accommodation under PACE

- 7.1. Barnet complies with the Pan London Protocol for YOTs in respect of providing AA's under PACE 1984. Under current PACE (Police and Criminal Evidence Act 1984) Codes of Practice, Children and Young People aged 17 years and under must have an appropriate adult present when interviewed by the Police.
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## 8. Remand into Local Authority Care (RiLA)

- 8.1. Where a young person appears in court and the Crown Prosecution Service is opposing bail YOT staff will notify MASH (if the young person is unknown) or the appropriate social work team if the case is allocated. The aim at this stage will be for social care to firstly notify them of the position and secondly establish what social care can offer to enhance a bail support programme and thus divert the need for a remand to take place.
- 8.2. If the young person is already known the YOT will liaise with the social worker who, where possible, should attend court to assist the court with the provision of information. If this is not possible then the Social worker will need to provide the YOT court officer with supporting information.
- 8.3. If the court determines that the case has met the remand criteria and they are unsatisfied that straight forward bail is suitable then they have to firstly consider whether they will remand into the care of the Local Authority. YOT staff will highlight to the court that the Local Authority does not have access to secure accommodation and that any RiLA imposed would be Community based. At this time there would be an expectation by the court that a Social Care representative attends.
- 8.4. The YOT would complete a bail ASSET and work with the Local Authority to determine what type of programme the YOT could offer to work alongside the RiLA. This normally

includes a bail support package and could involve an Intensive Supervision and Surveillance Programme and Curfew requirements.

- 8.5. In the event that the young person was remanded into the care of the Local Authority, then Social Care is responsible for locating a suitable placement. On some occasions the court does make a ruling that the young person should not be placed back in the family home or excludes the young person from a certain area and Social Care will need to heed this direction when placing the young person. In addition to locating a placement, Social Care will need to organise for the young person's transportation from court to the chosen accommodation and ensure that the young person is accompanied by an Appropriate Adult.
- 8.6. Social Care must inform the YOT of the address on the same day in order to ensure that the YOT can immediately implement the bail support package and that any necessary measures are taken to minimise risk. Any change in placement during the remand period should be communicated to the YOS to ensure records are accurate and that the YOT can maintain its role accordingly.
- 8.7. The case will require an allocated Social Worker who will be responsible for implementing CiC procedures, arranging planning meetings and reviews. The YOT should share assessments and attend and contribute to meetings as required.
- 8.8. Carers, Residential Staff and Social Workers are responsible for arranging transport to and from court and for ensuring that the young person has legal representation and that legal aid matters have been arranged.

## **9. Remand to Youth Detention Accommodation (Legal Aid, Sentencing and Punishment of Offenders Act 2012).**

- 9.1. The LASPO Act 2012 dictates that all Young People aged 12-17 who are remanded to Youth Detention Accommodation (YDA) will receive LAC status at the point of remand into custody and Leaving Care entitlement if they are remanded for 13 weeks or more. Youth Detention Accommodation refers to placements at Secure Children's Homes, Secure Training Centres or Young Offender Institutions.
- 9.2. In cases where a young person is at risk of being remanded into Youth Detention the YOT will liaise with MASH/DAT or the designated social care team at the earliest opportunity to discuss how they can jointly support a bail package. This could include social care consideration regarding their place of residence as well as how the YOT and social worker can contribute to the risk management of the young person. The YOT officer at this stage will share the Bail ASSET assessment and any other relevant information with social care. A shared agreement will then be reached in terms of what each team can offer to support bail and presented to the court.
- 9.3. If the young person is CIC then it would be good practice for the Social Worker to attend court to support the bail application. If this is not possible then the YOT will represent the Local Authority and feedback the result.
- 9.4. In the event that the young person is remanded into custody then the YOT will send email notification to the social worker/manager, the IRO manager, the LAC Education officer and the Barnet placement officer who will manage payment. The Youth Justice Board will be responsible for locating the placement and organising and paying for secure transport.
- 9.5. Whilst the young person is in youth detention accommodation the YOT will need to adhere to its National Standards and social care will need to implement CiC procedures. Where possible the custodial and family meetings will be held jointly throughout the young person's time in custody. At the very least, the YOT officer, the allocated social

worker and the IRO should attend the first remand review together and this should be held within 5 working days. This will be co-ordinated by the YOT officer. Effective communication should take place between agencies throughout the young person's remand period and recorded on ICS and Careworks.

- 9.6. The YOT will be responsible for ensuring that social care is aware of future court dates and will give guidance in terms of court procedures, processes and potential outcomes.

## 10. Youth Rehabilitation Order Requirements (YRO)

- 10.1. The Criminal Justice and Immigration Act 2008 introduced the Youth Rehabilitation Order which allows the court to sentence from a menu of 17 possible requirements.

### Local Authority Residence Requirement

- 10.2. The Local Authority Residence requirement can be made for a period up to 6 months. It should only be recommended in cases where it is assessed that the young person's living arrangements have contributed to their offending behaviour and that the addition of such a requirement would assist in their rehabilitation. Prior to recommending such a requirement the YOT would liaise with MASH/DAT in the first instance or with the appropriate social worker if the case was already known. The YOT officer would provide a copy of the ASSET assessment and other supporting information.
- 10.3. In the event that a LA residence requirement is made then the young person must reside in suitable accommodation provided by or on behalf of the Local Authority and social care will need to inform the YOT of the address prior to the sentencing date.
- 10.4. Young people accommodated under this provision are subject to the general provisions of section 23 of the Childrens Act 1989 placing a duty on the Local Authority to assess the young person's needs, create a plan and then review the young person's ongoing care and accommodation for the duration of the order.
- 10.5. The YOT will be responsible for monitoring and enforcing the requirement so it is crucial that the allocated social worker and the allocated YOT officer work closely and communicate effectively at all times. Where possible the allocated YOT officer and Social Worker should collaborate on intervention planning and delivery and be present or provide information to contribute to each other's respective reviews.
- 10.6. Where a placement breaks down during the course of the requirement the YOT officer will need to work with the social worker to re-establish a suitable placement. Where a suitable alternative cannot be found the YOT will need to return the matter to court and request that the order is amended. All communication regarding this will need to be in writing and documented on Careworks and ICS.

### Intensive Fostering requirement

- 10.7. The Intensive Fostering (IF) requirement is deemed to be a robust alternative to custody and can only be considered when the court is dealing with the young person for an offence which is punishable with imprisonment, where the young person was aged under 15 at the time of conviction and deemed to be a persistent offender.
- 10.8. Importantly the court must be satisfied that the behaviour which constituted the offence was due to a significant extent to the living arrangements of the young person and that the imposition of a fostering requirement would assist in that young person's rehabilitation.
- 10.9. Before making a recommendation for an Intensive Fostering requirement the YOT must consult with the social care manager in advance as they will need to provide a suitable foster placement and this recommendation cannot progress unless the local authority confirms a suitable placement in writing.



- 10.10. The YOT caseholder should receive weekly written updates about the young person's progress from the Intensive Fostering team. The YOT should be involved in the planning process, attend looked-after children reviews and any other review of the young person's progress, and be part of the exit plan. The Intensive Fostering clinical team will invite YOT caseworkers to attend a clinical meeting twice a month.
- 10.11. The YOT remains responsible for breach procedures but it is the responsibility of the Intensive Fostering team to inform the YOT caseholder if the programme supervisor deems that the young person is not complying satisfactorily with the programme.

## 11. Barnet YOT/LAC cases residing Out of Borough

- 11.1. The YOT will cross reference all new cases against ICS and in the event that the young person is LAC then they will liaise with the allocated social worker accordingly. If the young person is residing outside of Barnet (or is subsequently moved out of Borough during the course of the court order) then the case management responsibility of the court order will remain with Barnet YOT. The YOT will oversee the transfer of the case to its out of Borough counterparts and it will manage the caretaking request. Barnet YOT will retain overall responsibility for the case, including any enforcement action.
- 11.2. In order to facilitate the smooth transfer of the court order and to ensure that the appropriate risk management measures are in place it is important that the allocated social worker communicates with the YOT and provides the details of the new placement in advance of the young person being moved. It is unacceptable for this information to be relayed after the event as it could potentially jeopardise risk management.
- 11.3. The Barnet YOT officer will continue to attend LAC reviews and feedback information and minutes to the host YOT. Barnet YOT will also obtain weekly feedback reports as to the young person's progress and where applicable share this information with the social worker.

## 12. Gangs, Serious Youth Violence and CSE

- 12.1. The YOT co-chair the Gangs, Serious Youth Violence Panel with the Police. This is attended by the MASH manager and a senior Social Care Manager. The purpose of the panel is to identify those young people identified on the gang's matrix or those deemed to be high risk of harm/vulnerability (including CSE) and to ensure that the risk action plans in place are robust and are achieving their objective in terms of minimising both harm and exploitation. The panel is also the conduit for referrals to MAPPA, IOM, MASE.
- 12.2. Both the YOT and Social Care have a role in terms of information sharing and working together on action planning and intervention delivery in respect of those cases identified. It is acknowledged that these cases should be prioritised and that they warrant a higher level of oversight.
- 12.3. Referrals are generated from the Police via the gang's matrix and via those cases which the YOT identify as high risk of harm/re-offending/vulnerability. Other agencies including social care can nominate cases to present.

## 13. Housing

- 13.1. Any YOT young person who presents as homeless and who is under the age of 18 years will undergo a joint assessment by Social Care and housing and this action is co-ordinated by the housing mediator. It is agreed that when the young person is known to the YOT the YOT officer will share assessments and also support the young person

within the interview if he/she has no appropriate adult present. The role of the YOT officer will be to support the young person but not to influence their decision making.

- 13.2. In the event that the young person elects to receive support from Social Care then the onus will be on the social worker overseeing the case to ensure that good communication is maintained with the YOT officer and that the details of the young person's new address is provided on the same day. This will enable the YOT officer to take any necessary action in terms of transfer and risk management (i.e moving tagging equipment).
- 13.3. In the event that this course of action takes place then the YOT officer and social care will attend a joint home visit and participate in each other's intervention planning and reviews.
- 13.4. If the young person elects to go down the housing route then Social Care will provide them with support for up to 10 days with practical issues (transport/initially finding the property/ensuring they have basic amenities etc).

## **14. Problem Solving and Escalation**

- 14.1. In the event of a difference of opinion between YOS and Social Care then the expectation is that in the first instance the practitioner should attempted to resolve this in a positive way themselves. If they are unable to come to an agreement then the worker should refer this matter to their operational managers and finally to the Head of Service. In emergency or serious cases then the matter should be escalated to the Assistant Director.