



**Joint Working Protocol between
Knowsley Youth Offending Service and
Knowsley Children's Social Care**

1. Summary of Policy

- 1.1 The Youth Offending Service is a statutory partnership between Police, Probation, Children's Services and Health in accordance with the Crime and Disorder Act 1998. The principal aim of the partnership is to prevent offending and re-offending by children and to tackle it effectively through a range of measures when it does occur. Children's Social Care (CSC) and the Youth Offending Service (YOS) are committed to working closely, particularly where there is child protection or child welfare concerns, or when a child is being looked after by Knowsley Borough Council.

2. Summary of Supporting Procedure

- 2.1 The Protocol between YOS and CSC is a working tool, which provides the framework for how we will work together. The approach taken should be one of co-operation and problem solving whilst remaining child focused.
- 2.2 The Appendices are particularly relevant and should be referred to when dealing with particular matters such as bail or accommodation issues.

3. Communicating With Service Users or Carers

- 3.1 Learning, speech and language difficulties are prevalent amongst children within the criminal justice system. When following this protocol, if you need to communicate with children, families or carers, it is essential that the communication is made in a way that is understandable to them. If the child has a learning/ communication need, you will need to ensure that any written communication is in an appropriate form and consider whether it would be advisable to have an advocate available for any discussions.
- 3.2 Additionally where people may be from a different ethnic origin, it is essential to confirm whether English is their first language. If English is not their first language enquiries should be made as to whether written or spoken communications in their first language would be preferred. It is important that information is accessible to all.

4. Statement of Aims and Principles

- 4.1 The Crime and Disorder Act 1998 places a statutory responsibility on all Local Authority departments to consider the implications for crime reduction in their policies and service provision. Knowsley Children's Services actively contribute to this in a number of ways:
- As a member of the Knowsley Children's Safeguarding Partnership
 - As a Statutory member of the Knowsley Youth Justice Strategic Management Board
 - As a financial statutory contributor to the YOS budget.
- 4.2 CSC and the YOS recognise that there are many areas where partnership working can enhance the quality of their services and improve outcomes. These areas are best delivered within a framework of clear agency principles and responsibilities.
- 4.3 The principal aim of the legislation established under Section 37 of the Crime and Disorder Act 1998 is "to prevent offending by children". The YOS is the main vehicle by which this aim is delivered through the following supporting objectives:
- The swift administration of justice
 - Confronting offenders with the consequences of their offending
 - Tackling risk factors in offending
 - Intervention proportionate to the seriousness of the offence
 - Restoration and support to victims of youth crime
 - Reinforcing the responsibilities of parents/ carers.
- 4.4 The Local Authority, which includes YOS and Children's Social Care, has a duty under the Children Act 1989 to "safeguard and promote the welfare of children in need" and to provide a range of appropriate services accordingly. Children "looked after" for whom the Local Authority acts as "corporate parent" are a defined category of children in need along with other children who are deemed to be a "child in need" under S17 of the Children Act 1989. YOS duties should be delivered within the broader context of a Local Authority Children's Plan, Youth Justice Strategic Plan, the local Community Safety Plan and in tandem with an over-arching safeguarding responsibility for children.
- 4.5 Both Services recognise the responsibilities of parents. This agreement is based on the principle that, wherever possible, parents will be involved unless parental involvement is clearly not in the child's best interests, or the interest of justice. In respect of children looked after, the relationship between the YOS and CSC will, so far as is possible, mirror that between the parents and the YOS with any other child. The allocation of respective responsibilities reflects this principle.
- 4.6 The purpose of this Protocol is to define areas of responsibility concerning service provision, practice arrangements and information sharing so that common principles of intervention are established and effective. Where different demands exist between the parties to this agreement, there are measures in place for them to be reconciled.

4.7 CSC and the YOS are both committed to the principle that meeting the needs of a child often requires a multi-skilled and, therefore, joint approach and that this approach will take priority over agency boundary issues. There is also recognition that while interventions will be constrained by resource issues, they will not be resource led.

4.8 Links with other policies/procedures

- Knowsley Safeguarding Children Partnership Child Protection Procedures
- Children’s Social Care Operational Procedures
- YJB Case Management Guidance, YJB Standards for Children in Youth Justice and YOS Multi Agency Risk Management Policy.
- KMBC Joint Homelessness Prevention Protocol for 16-17yr olds
- KSCP Inappropriate and Harmful Sexual Behaviours Policy and Procedure
- Pan Merseyside Protocols such as the Provision of Local Authority Accommodation and Preventing the Unnecessary Criminalisation of Looked After Children.
- National and Local Concordat on Children in Custody.

5. **Service Provision**

5.1 The YOS is required to ensure the provision of a number of statutory services either by providing the service directly, or through another Local Authority department or agency. This section defines the respective role of CSC and the YOS in respect of provision of those core services. Particular attention is given to the role of CSC in relation to its responsibilities to children looked after and other children in need.

These include:

Appropriate Adult under PACE/ Accommodation Responsibilities.	Appendix 1
Accommodation	Appendix 2
Bail Remand & Custodial Sentences	Appendix 3
Reports	Appendix 4
Statutory Community Criminal Justice Interventions and Risk Management	Appendix 5
Quality Standards for CLA	Appendix 6
Parenting Orders	Appendix 7
Referrals to Children’s Services by YOS	Appendix 8
List of Specified Violent and Sexual Offences	Appendix 9

6. Information Sharing

- 6.1 General Principle - Effective joint agency practice will depend to a large extent on the sharing of relevant information between agencies. Section 115 of the Crime and Disorder Act 1998 enables agencies and individuals to disclose information, where that disclosure is necessary or expedient for the purposes of enabling the YOS to discharge its primary functions. It is the responsibility of both services to ensure the Information Sharing Protocol is in place to ensure the legitimacy of these arrangements.
- 6.2 Specific Cases - The YOS and CSC will exchange information relevant to the referral, assessment, planned intervention and review processes in the following individual cases:
- Children/children currently or previously Looked After by the Local Authority referred to the YOS.
 - Children/children currently or previously open to the Local Authority as a "Child in Need" under S17 of the Children Act 1989.
 - Children/children currently or previously open to the Local Authority who are subject to a Child Protection Plan
 - Any child or child reasonably suspected by a member of the YOS to be suffering, or likely to suffer significant harm as defined by Working Together to Safeguard Children 2018 and Local Safeguarding Children Partnership procedures.
 - Where there is a risk to staff, a risk to others or commitment of a crime have been identified.
- 6.3 In all cases where appropriate the relevant authority will advise the children and their parents/carers that appropriate information will be shared, unless to do so would compromise a child's safety and wellbeing.
- 6.4 The YOS will make enquiries in order to establish whether a child is known to CSC and will establish contact with CSC to notify them of YOS involvement.
- Where a child open to CSC is assessed to require further services from CSC, the YOS will contact the relevant team directly, discuss the matter with the allocated social worker and share the completed AssetPlus or Out of Court Assessment pertaining to their disposal or court order.
 - Where a child known to YOS, not currently open to CSC, is assessed as requiring services, the YOS will complete a MARF as would any other external agency.
- 6.5 The YOS will provide to CSC aggregated information on its involvement with Children Looked After, Children in Need and Children with a Child Protection Plan. CSC will provide the YOS with aggregated information on Children Looked After, Children in Need and Children with a Child Protection Plan for the purpose of joint working and effective practice.

7. Maintaining Links

7.1 In order to ensure efficient and effective partnership working, a communication structure will be established with nominated staff links to include the following:

- Nominated YOS Operational Manager to liaise with nominated equivalent manager from CSC in relation to youth justice and safeguarding matters as required;
- Named Independent Reviewing Officer linked to the YOS to provide consultation and guidance where required in relation to safeguarding matters and contribution to Quality Assurance;
- Nominated YOS manager to liaise with nominated EDT manager for all relevant cases
- YOS and CSC nominated managers to meet bi monthly with attendance by CSC Group manager as required.
- Relevant Senior Managers / Heads of service will meet quarterly to monitor and review progress relevant to the protocol, including effective practice and collaboration.

8. Dispute Resolution

8.1 This agreement is designed to provide the framework to reduce the areas of uncertainty between CSC and the YOS. In the event that there is a dispute between the parties to this agreement the principle is that it should be resolved at the management level closest to the area of dispute. In the event that it cannot be resolved at that level the matter should be escalated appropriately, if necessary, to the respective Heads of Service or equivalent within YOS and CSC. The final level of appeal is the Executive Director for Children's Services. KSCP escalation procedures remain applicable and should be used in accordance with KSCP procedures.

9. Diversity Statement

9.1 All signatories to this protocol seek to ensure that it does not disadvantage any groups, or individuals on the grounds of their ethnicity, gender, culture, religious belief, sexual orientation, age or disability. All agencies should also seek to promote and celebrate diversity and give due regard to equality of opportunity.


10. Working Together

10.1 The YOS and CSC will ensure that processes are consistently applied across the services to ensure that staff in both agencies:

- a) Maintain an ongoing dialogue on all areas of common interest to the Borough.
- b) Alert each other to key legislative and policy requirements which either will or may necessitate changes to procedures or practice.
- c) Develop shared practice guidance which is informed by national and local requirements and by learning on a case by case basis.
- d) Share management information which ensures an understanding of the outcomes for children and children where both YOS and CSC have been jointly concerned.
- e) Promote best practice including workshops, CDP, Staff training sessions across the services.
- f) Facilitate joint practice audits to monitor performance and identify training needs.

11. **Approval & Review**

The signatories to this protocol will nominate managers to meet on a quarterly basis for monitoring purposes and be responsible for ensuring formal review.

Signed: 
Name: Celine Gafos
Title: Service Manager
Service: Youth Offending Service


Signed:
Name: Peter Murphy
Title: Assistant Executive Director
Service: Children's Social Care & Targeted Services

Date: September 2020

Review: September 2022

APPENDICES

Appendix 1	Appropriate Adult under PACE/ Accommodation Responsibilities.
Appendix 2	Accommodation
Appendix 3	Bail Remand & Custodial Sentences
Appendix 4	Reports
Appendix 5	Statutory Community Criminal Justice Interventions and Risk Management
Appendix 6	Quality Standards for CLA
Appendix 7	Parenting Orders
Appendix 8	Referrals to Children's Services by YOS
Appendix 9	List of Specified Violent and Sexual Offences

APPENDIX 1

1. Appropriate Adult Services under PACE

- 1.1 This must be read in conjunction with the Home Office Concordat and local protocol on Children in Custody. Knowsley YOS Practice Guidance for the role of Appropriate Adult (2020) is also a useful reference document for practitioners.
- 1.2 The Police and Criminal Evidence Act 1984 (PACE) Codes of Practice provide for an Appropriate Adult (AA) to be called to the police station whenever a child or vulnerable adult, has been detained in police custody. It is the responsibility of the YOS to ensure that an Appropriate Adult (AA) service is provided to all children (10 – 17 years) who are questioned by the Police where a parent or guardian is unable, unsuitable or unwilling to attend. In addition the YOS will retain a record of all Appropriate Adult activity in Knowsley and ensure that all parents are advised of the outcome within 24 hours.
- 1.3 The role of the Appropriate Adult for children up to 5pm will be undertaken, or co-ordinated by the YOS. This includes children placed in residential care in Knowsley, who are not normally resident. For interviews commencing after 5pm the Appropriate Adult will be provided by the Emergency Duty Team (EDT). It is recognised that the best person to act as an Appropriate Adult is someone known to the child. When EDT act as an Appropriate Adult they should complete the necessary paperwork and send it to the YOS by the next morning. For complex cases EDT & YOS should liaise in order to co-ordinate any required further actions.
- 1.4 Where a child is Looked After and not known to the YOS the preferred option would be for a member of staff at the children's home or the Child's Social Worker to act as Appropriate Adult. It is also an expectation for Foster Carers to attend to support children placed with them. In such instances both Social Worker and Foster Carer would be acting as Corporate Parent on behalf of the Local Authority. Where this is not possible or when a child is also known to the YOS negotiation should take place with the YOS regarding the best person to attend.
- 1.5 Children who, having been charged by the Police but have been refused Bail, should be transferred to local authority accommodation, In accordance with Section 21, Children Act 1989 & PACE, Section 38(6). The responsibility to provide suitable accommodation lies with the Local Authority.
- 1.6 This decision will be made according to the principles outlined in the Joint Merseyside Protocol for the Provision of Local Authority Accommodation. The responsibility for the arrangements and provision sit primarily between the Police and Children's Social Care.

APPENDIX 2

2. Accommodation Responsibility relating to age and care status

- 2.1 This must be read in conjunction with the KMBC Joint Homeless Prevention Protocol for 16 and 17 year olds (2019) which provides the relevant detailed operational guidance and pathways.
- 2.2 The responsibility for accommodating a child depends on their age and care status, the law is as follows:

Under-16s

The Children's Act 1989 places clear responsibility for this group with CSC and they must provide accommodation under Section 20 of the Act, or apply for a Care Order under Section 31 if preventative services fail and a child becomes homeless.

Responsibility for the accommodation of 16 and 17 year olds have been clarified via judgements in the House of Lord in that:

- All 16 to 17-year-olds in need of accommodation are entitled to a child in need assessment under section 17 of the Children's Act 1989. Under section 20 of the Children's Act, Social Care may provide accommodation for any child deemed to be a child in need in accordance with section 17 Children Act 1989. Local authorities should presume that any lone, homeless child should be provided with accommodation and under section 20 of the Children Act 1989 unless the child is not in the local authority's judgment (based on an initial screening assessment), a child "in need". In nearly all cases the impact of a child being homeless and their parents being unable to provide them with suitable accommodation or care would result in such significant challenges to the child's welfare, that the child will be a child "in need". Where the criteria for section 20 have been met children's services do not have discretion to choose to use section 17 powers instead to provide accommodation. The effect of providing accommodation under section 20 is of course that the child becomes "looked after" within the meaning of section 22 of the Act. Section 27 of the Children Act 1989 empowers Local Authorities (that are children's services authorities) to ask other authorities, including any local housing authority, for "help in the exercise of any of their functions" under Part III of the 1989 Act. The requested authority must provide help if it is compatible with their own statutory or other duties and does not unduly prejudice the discharge of their own functions. However this does not mean avoiding ownership or passing of responsibility; rather that they can ask another authority to use its powers to help them discharge theirs.
- Eligible or relevant children as defined by the Children (Leaving Care) Act who are not deemed to be a vulnerable child in need under the Children's Act 1989 will have a priority need under the terms of the Housing Act 1996 as amended by the

Homeless Reduction Act 2017 and the Priority Needs Order 2001 and, as such, are the responsibility of the local housing authority.

- Children & Social Work Act 2017 introduces Corporate Parenting Principles which extends the entitlement to a Personal Advisor (PA) beyond the age of 21 to all care leavers up to 25 years old. Local authorities must publish a 'Local Offer' for care leavers, informing care leavers about services they provide under the Children Act 1989, reinforcing corporate parenting principles within local authorities for children in care and care leavers:
 - To act in the best interest, and promote the physical and mental well-being, of those children & children;
 - To encourage those children & children to express their views, wishes and feelings;
 - To take into account the views, wishes & feelings;
 - To help those children & children gain access to, and make the best use of, services provided by the local authority and its relevant partners;
 - To promote high aspirations, and seek to secure the best outcomes, for those children& children;
 - For those children & children to be safe, and for stability in their home lives, relationships and education or work;
 - To prepare those children & children for adulthood and independent living.

CSC and Strategic Housing have agreed to adopt a one front door approach which aims to ensure that there is a consistent approach to all 16 and 17 year old children who seek help from the Council because they have nowhere safe to stay. This means that all children will be referred into the MASH who will take responsibility for referring the child to CSC. CSC will then initiate the assessment process detailed in the KMBC Joint Homeless Prevention Protocol for 16 and 17 year olds (2019). In the event that the child presents directly to Knowsley Housing Options Service (KHOS) either by telephone or in person at one of the drop in surgeries then KHOS will refer the case to the MASH.

Over-18s

- Children over the age of 18 have no statutory entitlement to housing, but may be eligible for assistance from the local Housing Authority, if they can prove they are homeless and vulnerable, and therefore in priority need in accordance with the terms of the Housing Act 1996 and they may be eligible for assistance from social services if they are able to prove they are destitute under the terms of the National Assistance Act 1948.

APPENDIX 3

3. Bail, Remands and Custodial Sentences

On 3rd December 2012 the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) introduced legislation which seeks to reduce the number of children remanded in Youth Detention Accommodation – YDA (custody) unnecessarily. It ensures that all children who are remanded in YDA automatically attain ‘Looked After’ status. The onus is on YOS and CSC to work together to provide appropriate bail packages for those children whose risk does not justify a remand in Youth Detention Accommodation. There is a need for good assessment in respect of children’s needs and close liaison regarding the support that both agencies can provide for the Child. Suitable accommodation will be a key issue.

This protocol must be read in conjunction with Knowsley Children’s Social Care Operational Procedures Manual, Section 5: Services to Looked After Children, specifically 5.1.7 Remands to Local Authority Accommodation or to Youth Detention Accommodation.

3.1. Bail

Since the introduction of the Policing and Crime Act 2017 the use of pre- charge bail has reduced drastically and is used only for those deemed a high risk, being investigated for a serious offence.

Occasionally a child, for whom bail is being considered, does not have a suitable address for bail and parents/carers are refusing to accommodate. In these circumstances the YOS Court Officer/Duty officer will contact the parents/carers to reinforce their parental responsibility. Should parents/carers still refuse to accommodate every effort should be made by YOS and CSC to find suitable accommodation in order to avoid a condition to reside as directed by CSC. It is important that CSC is advised of this potential situation at the earliest opportunity. If a child is known to CSC the allocated social worker should be contacted and they would take the lead in finding suitable accommodation. If the child is not known then Children’s Social Care MASH team should be advised, if not already done so during the Police as part of the arrest notification process.

If the Court subsequently make a condition to “reside as directed” by CSC, CSC will be responsible for determining the placement of the child on bail with assistance from the YOS in respect of assessing needs. If a child is bailed to reside as directed by CSC it is the responsibility of CSC to inform YOS of any failure to comply and YOS will then administer the Breach of Bail.

3.2. Remands into Local Authority Accommodation (RILAA)

RILAA are one part of a continuum of remand services that include Bail Support, Court Ordered Secure Remands (COSR) and Remands to Youth Detention. The YOS will seek to propose supported bail packages to the Court in order that only those children whose offences are so serious or the risk to the public is so great that a remand to Youth Detention is necessary. If a child is aged 17 years or under and is refused bail by the Courts they can be remanded into Local Authority Accommodation. The court has a duty to consult with CSC regarding any conditions prior to the making of a RILAA and it is therefore essential that CSC are made aware of the situation at the earliest opportunity. The CSC staff member receiving this information MUST consult with a manager regarding how to proceed.

The youth remand provisions in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 states all children must now be remanded into local authority accommodation, or (where certain criteria are met) youth detention accommodation. In both situations, the cost of this accommodation must be met by the designated local authority, and the child will attain 'looked-after' status. In situations where a curfew tag is issued, YOS should consider if a GPS Tag would be appropriate for children remanded to the local authority

Children who are RILAA by the Court are in Local Authority care for the period of the remand. The looked after status is the responsibility of CSC. YOS responsibilities fall under Case Management Guidance YJB 2019 for such children. If the child is already in the care of the local authority prior to the remand, CSC must confirm that the placement remains suitable and available. In all other cases the YOS Court Officer should contact the CSC MASH Team or the appropriate CSC Team if the case is open.

The statutory duty for the search and provision of accommodation lies with CSC. However, the YOS will assist where appropriate in respect of assessment of needs and practical tasks. If a child is remanded to LAA the LA have a duty to produce them in court and the allocated social worker should attend to support the child and advise the Court.

The YOS will allocate a case worker for the remand period and there will be close communication between all professionals during the remand period including multi-agency Remand, CLA and Risk meetings. In remanding a child to the care of the local authority, the Court would expect that all reasonable steps are taken to avoid further offending. However, unless the Court has imposed specific restrictions on the accommodation to be provided by the local authority when imposing the remand, the remand placement and any changes to it can be made at the discretion of the local authority. If the placement changes during the remand period this should be done in consultation with the YOS.

A YOS case worker and a social worker must be allocated to the case as the child effectively enters local authority care for the period of the remand (Section 23 (1) of the 1969 Children and Childs Act). The YOS are required under YJB Case Management Guidance 2019 to convene a remand planning meeting within 5 working days and to review the case on a monthly basis with a view to supporting an application for bail. An initial CLA review should be held within 10 days of the first remand placement and reconvened on a monthly basis until the end of the remand period. The YOS worker and allocated social worker should work closely together on this to avoid duplication of work, but the responsibility for providing the secure estate with the relevant looked after documentation lies with the allocated social worker.

3.3 Youth Detention Accommodation (YDA)

Section 130 of the Criminal Justice and Police Act (2001) amends section 23 of the Children and Childs Act 1969, extending the criteria for remands either to local authority Secure Accommodation or to secure estate accommodation for 12-16 year olds. The Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012 introduced a simplified remand framework with 17-year-olds now subject to the same remand framework as 12 to 16 year-olds and introduced legal tests for remands into Youth Detention Accommodation with an emphasis on reducing unnecessary remands. All children remanded into Youth Detention Accommodation will become CLA. The Act requires at least one of two conditions to be met for a child or child who has been charged with or convicted of an offence to be remanded in youth detention accommodation. The two tests include:

- a requirement relating to the seriousness of the offence which must be either a violent or sexual offence or one that is punishable if committed by an adult with a sentence of imprisonment of fourteen years or more (which is a current test); or
- having a 'realistic prospect' of receiving a custodial sentence for the offence the court is currently considering and either:
 - a) a previous history of committing imprisonable offences whilst on remand, or;
 - b) they have a recent history of absconding and committing offences whilst on bail or remand.

When a child is remanded or sentenced to custody, the Youth Custody Service (YCS) decides where they should be placed. This will be either at a secure training centre, secure children's home or under-18 young offender institution (for males only). The YCS's Placement Team will contact YOTs to make sure the needs, risks and circumstances of each child have been taken into account. The secure estate (Youth Detention Accommodation) consists of places in Local Authority Secure Children's Homes (LASCHs), Secure Training Centres (STCs) and Young Offender Institutions

(YOIs). Males aged 15 to 17 years may be remanded to YOIs. The YOS court officer will notify a YOS manager and the relevant CSC of all custodial remands.

In the event of an YDA the YOS will complete an assessment indicating the child's assessed harm or safety and well-being risks and will liaise with the YCSs placement team to identify a suitable vacancy in the 'secure estate'. Where the child is an open case to any other CSC service the YOS will consult the relevant teams regarding the Court decision and placement.

A YOS case worker and a social worker must be allocated to the case as the child effectively enters local authority care for the period of the remand (Section 23 (1) of the 1969 Children and Childs Act). The YOS are required under YJB Case Management Guidance 2019 to convene a remand planning meeting within 5 working days and to review the case on a monthly basis with a view to supporting an application for bail. An initial CLA review should be held within 10 days of the first remand placement and reconvened on a monthly basis until the end of the remand period. The YOS worker and allocated social worker should work closely together on this to avoid duplication of work, but the responsibility for providing the secure estate with the relevant looked after documentation lies with the allocated social worker.

3.4. Risk of Custody:

The YOS aim to prevent children from being remanded in Youth Detention Accommodation (YDA) unnecessarily and/or where appropriate to offer the court viable bail packages if a child has been remanded in YDA. In order to facilitate this, the YOS have a risk of custody panel which aims to explore children at risk of custody who are not already being overseen or managed under other multi agency forums such as CSC Meetings or YOS Multi Agency Risk Management Meeting (MARMM). These take place where a child is wanted on warrant and it is believed that when they appear in Court they are highly likely to be remanded in custody. Due to the nature of these cases, meetings will often need to be convened at short notice so it will not always be possible to have all the relevant people at the meeting but efforts must be made to elicit all relevant views.

The aim of the meeting is to collate all relevant risk information, review this information and agree if a bail application should be supported. There should be a presumption for bail unless the child is assessed as a high or very high risk of serious harm. A package is then put together to offer the Court at the next hearing, with all participants identifying what they are able to offer to support the bail application and address the risks identified.

When a child is an open case to CSC it is important that the Social Worker participates and supports these discussions within existing strategy meetings or CSC review meetings , particularly in situations where there are accommodation issues which may prevent a court from releasing the child on bail. There is also a need for multi-agency

discussion where there is a high risk of a remand in custody and YOS wish to consider an alternative to the child returning to the home address.

When a child is not an open case to CSC but there is a high risk of a remand to custody and YOS wish to consider an alternative to the home address, then a CSC Team Manager / MASH representative will attend the YOS Risk of Custody meeting. Where a child is subject to a multi-agency risk management meeting (MARMM) and at risk of custody. An emergency MARMM can be called to ensure multi agency information sharing and planning.

3.5 Court Process

The YOS may not be aware that a child is at risk of a remand in custody until they appear in Court. Any liaison with CSC regarding alternative accommodation will require an urgent response and in these circumstances the YOS Duty Officer should liaise with the Social Worker if this is a current case to CSC or in their absence their Line Manager. If there is no current CSC involvement the YOS Duty Officer should contact the MASH identifying that this is a potential remand to custody which needs a referral to CSC. The MASH should then confirm which CSC Team this is being sent to and who the Manager is for that Team. Liaison should then take place between CSC Manager and YOS Duty Manager regarding potential accommodation.

If this situation arises on a Saturday or Bank Holiday the YOS Out of Hours Manager should contact EDT. They should make clear that this is a potential remand in custody situation and should be flagged to the co-ordinator and Senior Manager on call for Knowsley CSC. CSC will then make contact with the YOS Duty Manager to discuss potential placements.

If there is a disagreement either prior to or at Court in respect of which Local Authority is responsible for providing the remand bed the YOS Duty Manager should negotiate with the relevant Head of Service from CSC. Again this will require an urgent response from CSC.

Once YOS become aware that a child has been securely remanded the Court Duty Officer should notify the MASH via the normal channels. If Court has taken place on a Saturday or Bank Holiday then notification should be through EDT.

3.6 Detention and Training Orders and Section 91 Orders (Powers of Criminal Court (Sentencing) Act 2000, sections 100 to 107, section 91)

These orders are the responsibility of the YOS, including cases where the child is Looked After. In such cases CSC will undertake the range of duties commensurate with their role as a corporate parent which would include attending review and planning meetings.

Where there has been significant involvement from CSC prior to a child receiving a DTO or Section 91 Order, especially when a child becomes looked after, CSC involvement will not cease, and will be expected to attend pre and post release meetings.

Those children who prior to custody, were accommodated under section 20 should retain their allocated social workers unless, with YOS and Children's Social Care agreement, it is believed that the YOS can effectively manage all of the child's needs, including their accommodation needs on release. For cases which meet this criteria, planning for discharge should begin as soon as possible. The allocated Social Worker, along with the YOS worker, will attend the initial sentence planning meeting, reviews and final review (within 10 days of discharge) meeting. It is the responsibility of the YOS worker to ensure that the social worker and any other relevant CSC staff are notified of the relevant dates for these meetings.

With regard to Children who are Looked After (CLA), statutory reviews of the child's care plan or pathway should continue and Children's Social Care should maintain contact with the child and ensure ongoing contact with siblings/family is facilitated, where this is part of the care plan.

The YOS Worker will ensure that the Social Worker is invited to all review meetings at the YOI, LASCH or STC. When considering where the child should live on release from custody, Children's Social Care will make appropriate plans for suitable accommodation / care in advance of the end of sentence, preferably prior to the mid-term review and keep the YOS informed of developments in this area.

3.7 Release of Children in Care from Remand or Custodial Settings

It is the responsibility of CSC to ensure that children who are in the Care of the Local Authority are collected and transported to their proposed placement upon release from a custodial (or remand) establishment.

3.8 Safeguarding Responsibilities Whilst in Custody:

If a child in custody makes allegations about abuse that happened before they entered the custodial establishment, or it becomes clear that they may be at risk of significant harm on leaving the establishment, the local authority whose area the custodial establishment is located will need to initiate Section 47 enquiries in accordance with the Children Act 1989 and Working Together guidance. They will then negotiate transfer to the local authority in whose area the child was living or will be living. In addition, Knowsley YOS are to notify CSC of the incident, who are required to take action, in accordance with KSCP safeguarding procedures.

If a child in custody dies, or where a child in custody sustains a potentially life threatening injury, or serious and permanent impairment of health or development,

professionals should follow Working Together to Safeguard Children (2018) (Child Death Reviews) &/or KSCP Multi-Agency Learning Review processes. In each of these situations the operational managers are to notify the respective Heads of Service via line management using established formal briefing arrangements and the child's record should be secured.

4. APPENDIX 4 - Reports

- 4.1 In all cases the provision of Pre-Sentence Reports (PSRs) to Courts in criminal proceedings and for Referral Order Panels is the responsibility of the YOS.
- 4.2 Harmful sexual behaviour assessment reports for Court must be completed to a particular specification and require comprehensive assessment of risk including victim awareness. The YOS will have responsibility for co-ordinating this area of work when it comes via the criminal court process. Joint work will be undertaken where appropriate in line with "Children who Display Inappropriate and Harmful Sexual Behaviour: Procedural Guidance (2019)". However CSC may have the lead on the HSB assessment if the Police Investigation took a long period to reach decision of Charge. CSC will be responsible for the provision for this type of assessment/report for children who are not subject to criminal proceedings. Therefore, in such cases YOS will be responsible for the co-ordination of the PSR but the CSC HSB assessors would complete the HSB Report as an addendum to the PSR.
- 4.3 The above provisions apply to all children and children "usually resident" within the Local Authority area requiring a report. Where the child/child is looked after by the Local Authority, or is an open case to the CSC as a Child in Need or on a Child Protection plan, the YOS Officer responsible for the preparation of the report will liaise with the CSC case holder, for access to relevant information to be contained within the report.

APPENDIX 5

5. Statutory Community Criminal Justice Interventions and Multi-Agency Risk Management

The YOS will be the primary agency responsible for scoping, implementing and reviewing criminal justice disposals and court ordered interventions to children in the criminal justice system. These orders will be undertaken by a designated "responsible officer" of the YOS under the management and supervision of a YOS Manager. These orders will be carried out in accordance with relevant legislation, Standards for Children in Youth Justice and Case Management guidance provided by the Youth Justice Board (2019).

Where the child is looked after by the Local Authority, is an open case to the CSC as a “Child in Need” or on a Child Protection plan, the YOS Officer responsible for the order or programme, will liaise with the CSC case holder for access to relevant information. This may inform the content of the assessment, order, or disposal. The responsible officers will liaise with the case holder on the progress of the order or disposal. The responsible officer of the YOS will actively contribute to the Care Plan or review of the child, as requested by the CSC case holder. This will ensure that the work undertaken is compatible with both YOS and CSC Care / Intervention /Risk Plans and that the child can reasonably undertake the interventions.

When a child subject to a YOS statutory order is placed or moves outside of the Knowsley area, Knowsley YOS will request the local Youth Offending Service to ‘care take’ that order on their behalf. If the child remains in that accommodation for more than three months, full case responsibility will then be transferred to the YOS local to that area. There may be occasions when Knowsley remain the responsible Local Authority for that child, in these situations the YOS Head of Service or Operational Manager will be available to act in an advisory capacity on YOS matters relevant to that child.

Children Looked After by Knowsley Local Authority (CLA) subject to a YOS statutory order placed outside of the Knowsley area remain the responsibility of Knowsley YOS. The local YOS will care take the order, however overall risk and case management will remain with Knowsley YOS.

5.1 Risk Management

The Youth Offending Service adheres to a risk led approach to case management. This approach is used in the assessment, planning and intervention stages of all children accessing YOS statutory intervention. Children are assessed in respect of the following of risk:

1. Re-Offending
2. Risk of Harm
3. Safety and Well-being

Children assessed as high or Very High risk in any of the 3 domains will be referred to the YOS Multi Agency Risk Management Meeting (MARMM). These are statutory risk meetings which are chaired by a YOS Manager. The Youth Offending Service is responsible for identifying and inviting the relevant agencies including where appropriate, representatives from CSC. If a child is an open case to CSC, then a representative from this service (usually the allocated social worker) is expected to attend all MARMMs. In the event that the child is not open to CSC then a request should be made by the YOS to the Head of Service in CSC for a CSC representative of an appropriate level to attend the meeting. The appropriate level may vary according to the nature of the meeting or identified need.

The purpose of the MARMM is to:

- Ensure the YOS Case Manager is given support in assessing, devising, coordinating and delivering interventions for high risk cases
- Ensure interventions for high risk children are subject to relevant management oversight, support and scrutiny
- Ensure all appropriate professionals are involved in the information sharing, identification of risk, risk management planning and review of interventions for high risk children
- Ensure that all appropriate risk factors have been identified and appropriate actions identified to address risk, including MAPPA and Safeguarding referrals.

Given the importance of dual planning in these cases it is essential that YOS are invited to and attend all CLA/CP/CIN meetings. Whilst there is a recognition that CLA review meetings should be kept as small as possible given YOS's pivotal role, consideration should always be given to them being invited and children should always be asked for permission to include their YOS Officer.

There will be occasions when a child is a CLA or on a CP Plan and subject to CSC procedures and also identified as a high risk and therefore at the same time subject to YOS MARMM procedures. Given that many of the issues will be the same, it is important that work is not duplicated but also that each Agency manages their own processes. Whilst the child remains assessed by the YOS as High risk a MARMM will take place once every 3 months or more frequently if the risk necessitates. The child's Social Worker or representative **must** attend these statutory meetings. Given that the areas discussed will mirror the information discussed at a CLA/CP/CIN planning meeting CSC may wish to use this meeting as one of their scheduled planning meetings. If this is appropriate at the end of the MARMM meeting any additional issues relating to the CLA/CP/CIN planning can be addressed. The YOS will be responsible for chairing the MARMM meeting. If deemed more appropriate, the MARMM could take place at the end of the CLA / CP / CIN meeting to minimise duplication and maximise staff time where the child's high risk only relates to issues of safety and well-being. This needs to be discussed, with, and agreed by a YOS Manager. It would be useful for the IRO to attend these meetings so that there is a consistency of approach in addressing all the relevant risk issues via each Agency process. Where this is not possible minutes of the meeting will be sent to the IRO who should ensure that relevant issues are reflected in the CLA process.

APPENDIX 6

6. Performance Indicators and Quality Standards for Children Looked After

- 6.1 YOS and CSC share the same objectives with respect to Children Looked After (CLA) that is to reduce the rate of offending by children looked after, closer to the level for all children of the same age, living in the same area. The YOS and CSC support and work under the national protocol on reducing unnecessary criminalisation of looked-after children and care leavers (2018) and the Pan Merseyside Unnecessary Criminalisation of Looked After Children (2018).
- 6.2 In dealing with a looked after child and or child including Children in Need and those on Child Protection Plans, YOS staff will liaise closely with the CSC case holders, foster carers and residential units in carrying out the work of the YOS. The role of the responsible YOS Officer is to provide relevant information to the CSC case holder, in respect of proposals to reduce the prospect of re-offending by these children.
- 6.3 The role of the CSC case holder or residential staff includes:
- Arranging attendance at a Police station when a child looked after is to be interviewed by the Police or answer bail;
 - Arranging transport to and support at Court;
 - Facilitating attendance of the child at the times and places required by the YOS, under the terms of any YOS Orders or Disposals ;
 - Where a child is the subject of a Bail Supervision and Support Package, liaison with YOS staff;
 - Keeping the YOS informed of any changes in circumstances of the CLA e.g. change of address, change of school, outside area offences, any significant change in the level of risk to or from the child;
 - Providing any material assistance to the child to ensure that they are able to comply with the requirements of YOS intervention e.g. provision of bus fares;
 - Participation in the assessment, planning and review process of the YOS for the discharge of disposals and orders with respect to the child.
- 6.4 The YOS will have responsibility for all Out of Court Disposals, Referral Orders, Youth Rehabilitation Orders, Detention and Training Orders and S90/91 Detention. Within this area of work the YOS will ensure that the child receives a quality service in line with the requirements of Standards for Children in Youth Justice and YJB Case Management Guidance. This will mean:

- Regular contact with child as required by the Scaled Approach;
- Sharing with CSC case holder the YOS assessment, plans and reviews of the child; which have been informed by CSC information and knowledge;
- A regular flow of information to the CSC about the progress of the child;
- Participation by the responsible officer of the YOS in CSC assessment, planning and review processes for the child.
- Co-working and support between CSC and YOS to aid engagement, successful completion of their order and participation in community provision, Education Training & Employment (ETE) placements or other services to support their progression and well-being.

6.5 CSC and YOS will also share and support working models such as strength based desistance, signs of safety and contextual safeguarding developments in Knowsley to improve effective assessments, interventions, delivery and outcomes for all relevant children.

APPENDIX 7

7. Parenting Orders

- 7.1 Parenting Orders may be made in criminal or civil proceedings. The YOS has the responsibility for nominating responsible officers for (criminal) Parenting Orders. The YOS will be best placed to undertake assessments where the proceedings are in the criminal courts, or related to a child's offending behaviour. However, it is recognised that normally CSC will have the skills to undertake assessments and run Parenting Orders with regard to matters in the Family Proceedings Court. Responsibility for assessments and orders will therefore normally be undertaken according to whether the case is civil, or criminal. However, there will be exceptions when each agency will request the expertise of the other. These will be agreed on a case by case basis and in the spirit of partnership.
- 7.2 Education Services are responsible for assessments and Parenting Orders in respect of education prosecutions, but joint work between the CSC, YOS and Education will be undertaken to support such Parenting Orders
- 7.3 Breach action, once decided upon, must be referred to the Police for investigation who in turn will give the results of their investigation to the Crown Prosecution Service (CPS). The CPS will then determine whether to prosecute.

APPENDIX 8

8. Referrals to Children Social Care by YOS

8.1 Child Protection:

If a member of the YOS has reason to believe that a child is suffering, or likely to suffer significant harm requiring S47 (Children Act 1989) inquiries they will make an immediate referral to CSC via the MASH Team. This referral process will follow that prescribed in local KSCP safeguarding procedures.

This will include situations where there is an allegation of abuse by a professional working with children. Both CSC and YOS should ensure that the Local Authority Designated Officer (LADO) is notified of such instances.

The procedures must also be followed for a child who is alleged to have committed an abusive act(s) towards another person as specified within the Criminal Justice Act 2005 see Appendix 9

When making such referrals YOS staff must alert their Line Manager immediately, who will evaluate the assessment and advice, following KSCB's Multi-Agency Safeguarding Children Procedures, on the appropriateness of a referral to CSC / MASH. In the absence of their line manager staff must alert the Duty Supervisor.

The YOS referrer will be expected to attend a Strategy Meeting or initial Child Protection Conference. The YOS Worker should contribute towards child protection assessments/plans on a case by case basis as appropriate and in relevant cases the YOS Worker must undertake or review the child's YOS assessment (AssetPlus) to reflect the changing circumstances.

8.2 Children in Need:

Where a member of the YOS considers that the risks demonstrated from an AssetPlus assessment indicate that the child may meet the local eligibility criteria of a child in need under S17 of the Children Act 1989, they will make a referral to the CSC via the MASH team. A referral by MASH to CSC CPT service who will undertake a single assessment of the child's situation; which YOS will be required to contribute to. The single assessment will determine the needs of the child/child e.g. Section 17, Section 47, signposting to Early Help Services. All relevant YOS information including the AssetPlus should be made available to assist CSC who will have the lead responsibility for Care Planning in relation to the outcome of the assessment. The YOS will retain "responsible officer" status for the purpose of discharging core youth justice services.

8.3 Care Leavers:

Where a member of the YOS Team considers that a child previously looked after by a Local Authority, requires support they should make a referral to the CSC via MASH. If CSC considers that the child prima facie meets the eligibility criteria for care leavers' services, they will commence an assessment process. The YOS member making the referral (and any other relevant YOS personnel) may, thereafter, be asked to contribute to the assessment process to determine the needs of the child and contribute to any resultant plan.

8.4 Risk to Children Offences: Children charged with sexual or serious violent offences against other children

YOS should check that a referral/ request for service to CSC/MASH has been made in all cases where there is sexual offending and/or the offence is defined as a serious specified offence under schedule 15 of the Criminal Justice Act 2003 (Appendix 9). This should be undertaken by Police during the investigation but where this has not occurred YOS or YOS Police must ensure the referral is undertaken. In most cases the Police will have already made the referral at an earlier stage using KSCP Inappropriate & HSB Procedural Guidance (2019).

Following referral to CSC/MASH a Strategy Meeting should be held and the YOS Case Manager, Duty Officer YOS Manager will attend. CSC will follow their internal and KSCP procedures and any decision regarding Section 47 investigations will be made at the Strategy Meeting.

YOS will continue to discharge functions in relation to any continuing criminal justice order. In the event that the child is bailed to reside outside of the Authority, therefore involving YOS and cross boundary delivery of supervision, the host and home YOS Operational Managers should agree clear lines of accountability at the outset with a particular emphasis on risk management and review arrangements.

If a serious offence/incident also constitutes consideration for KSCP Rapid review or Multi-Agency learning review then this will be discussed with respective Heads of Service and the relevant Head of Service for Safeguarding & Quality Assurance and KSCP procedure will be followed.

Offences/allegations which are community or media sensitive should be brought to the attention of the respective Heads of Service for YOS and CSC who will ensure notifications are communicated to relevant Executive Directors and Directors as appropriate, following the YOS Media Alert Process or the Children's Service Head of service notification process. YOS and CSC will determine who will lead on such notification based on their involvement and responsibilities in the specific matter.

As stated earlier any child or children who has committed an offence against another child and assessed as posing a medium, high or very risk of harm to either specific individuals or the public, will be subject to YOS Multi Agency Risk Management Procedures (MARMM). A Multi Agency Risk Management Plan will be compiled and if the risk is high or very high a Risk Management Meeting will be convened within a specific timescale, dependant.

During this process if a child is deemed to meet the eligibility criteria for MAPPA (Multi Agency Public Protection Arrangements) a referral to National Probation Service will be made. Once accepted the risk management of this child will move from YOs MARMM to MAPPA and such meetings will be chaired by the Probation Service or Police. A detailed child focused MAPPA plan will be formulated to contain, manage and reduce the risk of the child.

In certain cases, there may be numerous multi agency meetings held to manage the child safety, behaviour and risk posed which all formulate associated plans. When children are subject to statutory intervention from both CSC and YOS there should be agreement on which processes can be blended in order to avoid unnecessary duplication, ensure integration whilst meeting the statutory requirements of all agencies.

8.5 Sexually Harmful/Offending Behaviours

In relation to sexually harmful / offending behaviours staff must follow the Children who Display Inappropriate and Harmful Sexual Behaviour: Procedural Guidance (2019). Often child who display such behaviours can also exhibit distress and trauma. Therefore assessments should not just focus on the harm they pose to others but also their own safeguarding needs. Responding to children displaying inappropriate and harmful sexual behaviours requires a high level of interagency co-operation and information sharing, both to reduce the risk of harm and to assist in needs-led intervention strategies. When identifying such children practitioners need to follow the KSCP Children who Display Inappropriate and Harmful Sexual Behaviour: Procedural Guidance (2019). This document provides detailed guidance on professional roles and responsibilities for those children both in and out of the criminal justice system.

8.6 Risk to Children Assessment/Notification and Review

Any child who commits an offence defined as a sexual or serious specified offence under schedule 15 of the Criminal Justice Act 2003 against a child as outlined in Appendix 9 requires YOS to complete an initial Risk to Children notification form (countersigned by an Operational Manager) and sent to MASH, CSC social worker and CSC QA Unit Manager, as well as recorded on Childview. The notification will identify if an ongoing risk to children exists or if further assessment is required before a decision can be made. This assessment should be carried out by the YOS case manager and based upon all available information from relevant agencies including Police, Health and CSC. The assessment of ongoing risk to children would sit alongside, as opposed to

replace, any required CSC assessment under Sec 17 or Sec 47 of the Children's Act 2004. The Risk to Children pathway and documentation is embedded within the Knowsley YOS Risk Policy and Multi Agency Risk Management Procedure (2018).

Where a child who has commissioned such an offence is assessed as **not** posing an ongoing risk to children this should be evidenced on the Risk to Children Assessment form (countersigned by an Operational Manager) and sent to MASH, CSC Social Worker and CSC QA Unit Manager, as well as recorded on Childview.

YOS should **not** keep registers of children previously identified as a risk, instead they must flag this status on the child's individual case management systems and this must be readily available to YOS Operational Managers. This status must be reviewed as part of the regular review and updating of assessments for that child.

Assessments which conclude there is a risk to children should be evidenced on the Risk to Children Assessment form (countersigned by an Operational Manager) and sent to MASH, CSC Social Worker and CSC QA Unit Manager, as well as recorded on Childview. Information should be shared with other agencies as appropriate and as determined by local information sharing protocols. Likewise outcomes of reviews of assessments which conclude that the child no longer present a risk to other children must be relayed by the YOS to MASH/CSC and CSC Care QA Unit, as well as other relevant agencies.

If a child is deemed to still present a risk to children at the end of their YOS supervision, the exit strategy meeting **MUST** identify the strategy for ongoing risk management. A representative from CSC must attend this meeting and Risk to Children Assessment form shared to relevant teams and agencies, as identified above.

When YOS are unclear regarding the appropriateness of risk to children status the assessment should be undertaken jointly by YOS and CSC and discussed in YOS MARMM, CSC Reviews or meetings for multi-agency input and collaboration in identifying and managing risk.

APPENDIX 9

Specified Violent and Sexual Offences

For a list of specified ad sexual offences and the associated legislation they relate to please refer to the link below:

<https://www.legislation.gov.uk/ukpga/2003/44/schedule/15>

* * * * *