**Joint Working Agreement between Lancashire Children's Social Care and Lancashire Child and Youth Justice Service.**

* **Child First**
* **Restorative**
* **Trauma-Informed**

1.1 The Crime and Disorder Act 1998 places a statutory responsibility on Youth Offending Teams and all Local Authority Directorates to consider the implications for crime and disorder reduction in their policies and service provision.

1.2 In Lancashire we believe it is a responsibility of all services within the authority as well as our partners to reduce offending by children.

1.3 The central aim of this working agreement is to ensure children within Lancashire, where possible, are not criminalised. Where this is not possible the key aim will be to ensure that the intervention is focused at the least level of intervention but with the most appropriate level of support, and that this intervention and ongoing interventions successfully reduce the risk of re-offending.

**2. The legal and policy frameworks that guide this document**

2.1 Children's Social Care (CSC) and Child & Youth Justice Service (CYJS) have a working agreement which will operate within the legal and policy framework of the below, though this list is not exhaustive:

* Children Act 1989,
* Children (Leaving Care) Act 2000,
* Children Act 2004,
* The Criminal Justice and Immigration Act 2008,
* The Assessment Framework for Children in Need and their families,
* Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO),
* The statutory responsibilities of the Local Authority for children looked after,
* The Lancashire Safeguarding Children Procedures and
* The Prison Reform Trust's *In Care out of Trouble* report.
* The National Policy on reducing the unnecessary criminalisation of children looked after and care leavers (2018).
* Working Together to Safeguard Children 2018

**3. Guiding Principles of this agreement**

3.1 First and foremost it is the responsibility of all professionals in Lancashire to ensure that children are kept safe, and that their needs are met. This should be at the forefront of all professionals involved. Lancashire Child & Youth Justice Service and Children's Social Care need will take a Trauma-Informed, Restorative and Child-First approach in supporting children who offend or are at risk of doing so.

3.2 Adolescence, by its nature as a discreet stage of development, leads to children experiencing various transitions. These may be more normalised transitions, such as that between a Primary and Secondary school, however as children known to CYJS regularly have additional vulnerabilities, their experiences of change and disruption are likely to be more acute. Such transitions can include but are not limited to:

* Changes in care arrangements, including moving placements as a Looked After Child
* Transitioning between different schools, including reduction in timetables or exclusions
* Entering and leaving a secure setting
* Transitioning to adult services including adult social care, adult health services and Probation services.
* All of the above may involve changes in professionals, presenting a disruption in professional relationships for children.

3.3 It is recognised that given the nature of the presenting needs of children who come into contact with criminal justice agencies, specialist knowledge is needed. Children's Social Care and Child & Youth Justice Service will work closely together to ensure a holistic response to these children and their families. Where case responsibility is to be determined, this will be done through a recognition of the presenting needs of the child and family in order to ascertain the most appropriate lead agency.

**Children's Social Care processes**

**4. Safeguarding and ensuring children's needs are met.**

4.1 Working Together to Safeguard Children clearly defines that it is everyone's responsibility to safeguard children. Services must work closely together in order to ensure a joined-up response to children who are at risk of committing offences. This cohort of children are particularly vulnerable and often need a co-ordinated response from agencies to ensure they and their families are supported to avoid the risk of prolonged contact with the criminal justice system.

5. ***Child Protection***

* 1. If CYJS staff considers that a child is suffering or at risk of suffering significant harm and/or at risk of causing significant harm to others, CYJS staff must alert their CYJS manager immediately. The CYJS manager will evaluate the assessment and give advice, on the appropriateness of a referral to CSC, following Lancashire's Safeguarding Children Procedures. If immediate protective action is required, a child protection referral must be made by telephone; if the young person is open to CSC to the relevant CSC Manager; if not open to CSC, the referral needs to be made directly to the MASH (0300 123 6720 )
  2. It is an expectation that the CYJS Practitioner informs the child / parent / carer that a referral has been made to CSC, unless to do so places anyone at risk of significant harm or risks compromising a police investigation.
  3. Where there is a risk to the life of a child or a likelihood of serious immediate harm, CSC and the Police will act quickly to secure the immediate safety of the child. However, on occasions, CYJS staff may need to use their judgement to take protective action themselves; this should be done in consultation with a manager. Consideration must always be given to safeguarding any other children in the household.
  4. Following this, a strategy discussion must always be considered in all cases. This includes where the risk to life is as a result of harm caused by others to the child, or where the child may have harmed themselves. CYJS will be expected to be involved in the multi-agency strategy discussion, section 47 investigation and attend all relevant meetings.
  5. In all cases where a child who has displayed sexually harmful behaviour comes to the attention of CYJS and/or CSC a level 4 referral must be generated and a strategy discussion/meeting must take place under section 47 of the Children’s Act 1989. CSC will convene a strategy discussion/meeting within 24 hours of disclosure in relation to the alleged abusing child and the child victim where there is reasonable cause to suspect that the child concerned has experienced or is at risk of significant harm. Where a strategy discussion relates to an alleged abusing child who is over the age of 10, a representative from the CYJS must be invited to attend.
  6. For further information regarding children who have displayed sexually harmful behaviour please refer to the Pan Lancashire Procedure for Children Who Display Sexually Harmful Behaviour and LCYJS's AIM assessment and Intervention process.



* 1. Where CYJS/CSC become aware of a child alleging to have committed a serious violent offence, this must be viewed through a risk but also welfare lens. Such offences include but are not limited to Section 18 Grievous Bodily Harm, Manslaughter and (Attempted) Murder. If CYJS are the first agency to become aware of the violent or sexual offence taking place, they must make a referral into MASH at Level 4 on the Lancashire Continuum of Need and request a strategy discussion. In all cases, CYJS must be invited and attend.
  2. If a child is arrested under the Terrorism Act (2000), CSC and CYJS must work together to consider the specific risk and safeguarding concerns. A Strategy Discussion will be convened in all cases and CYJS must attend. Agencies will endeavour to share any information they are able to, mindful of the information restrictions that often surround these types of offences. See also paragraph 12.8.
  3. The Complex Safeguarding Team and CYJS must work together to safeguard children experiencing or at risk of criminal exploitation. The Complex Safeguarding team should alert the CYJS Team Manager where a child known to their service requires a strategy discussion so that a representative from CYJS may attend.
  4. The outcome of the section 47 will be considered by the review strategy discussion/meeting, a CYJS manager will be invited to this meeting. This will determine whether it is appropriate to request an Initial Child Protection Conference or Multi Agency Risk Management (MARM) meeting. If it is decided that an Initial Child Protection Conference is required then Lancashire Safeguarding Children's procedures take precedence.
  5. If the child goes on to be supported via a Child Protection Plan, CYJS must attend all relevant Core Groups and professionals meetings. The Child Protection Plan and CYJS's plans must reference one another and show clear joint-working between agencies.
  6. CYJS will chair and lead the MARM process with children known to the CYJS. CSC, Police, Education, Health and relevant others will be expected to attend meetings. This meeting should be held within **5 working days, from the point of notification,** a record of the meeting will be taken including a summary of discussion and agreed actions.A Multi Agency Risk Management Plan will then be produced with clear SMART objectives. If the child is not open to CYJS then CSC will manage the case appropriately.
  7. For children known to CYJS and being managed through the MARM meeting process, the management and reduction of risk will be formally reviewed **every 8 weeks** or more frequently if there is a significant change in circumstances or it is assessed as necessary at the multi-agency risk management meeting.
  8. All children assessed as high/very high risk of harm to others and/or those who have committed a sexual offence will be reviewed following CYJS's internal high risk review meeting in line with the CYJS Managing Risk in the Community procedures. If the child is open to CSC, the manager and SW involved will be invited to this on a case by case basis. Where possible, a MARM should be held prior to discussion at HRR.
  9. If the child is assessed as experiencing high/very high safety and wellbeing concerns, a discussion at HRR should also be considered. As above, this would ordinarily take place after a MARM or other appropriate multi-agency forum already in place to support the management of the case.

6. ***Notification of Significant Events***

6.1 Events that are classed as Significant Events will be reported on the day of incident via the full line management route, to their Head of Service and the Directorate Safeguarding Manager.

6.2 Where the child is known to the CYJS only then it will be the responsibility of the CYJS social worker to complete the notification and submit, in line with the guidance. CYJS should liaise with colleagues in MASH for consideration of threshold as appropriate. Where the child is also known to CSC, it should be the CSC Social Worker who completes the notification.

6.3 If the child is not known to either agency, CYJS should ensure colleagues in MASH have the information (usually via the CYJS PC) but MASH will take the lead in terms of completing a significant event and considering threshold for the child. This process must be cross-referenced with the above processes for children where the significant event constitutes an alleged serious violent or sexual offence.



**7. Assessment for children where significant harm threshold is not met (including Children in Need)**

* 1. Any discussion about a child's welfare should be recorded on CareWorks by the CYJS practitioner. This should include a note of the date and who took part in the discussion. At the close of a discussion, there should be clear and explicit agreement about who will be taking what action, or that no further action will be taken. However, such discussion should never delay emergency action to protect a child.

7.2 If after the discussion with the CYJS manager and in consideration of the ‘Lancashire's Continuum of Need', CYJS staff consider a child's need is complex and requires an assessment from CSC, information will be shared with MASH using the most recent CYJS Assessment. The same process is applicable for homeless 16/17 year olds. The documents should be sent electronically to the Customer Access Team who will forward to MASH [cypreferrals@lancashire.gov.uk](mailto:cypreferrals@lancashire.gov.uk).

* 1. Equally, if the MASH receive a referral for a child aged 10+ from a source external to CYJS, they will check with CYJS if the child is known to their service. If a child is known (or has been known within the past six months), CYJS will complete the CYJS section of the MASH assessment on LCS, in order to share information.



* 1. If the child is currently open to CSC the CYJS practitioner, in discussion with the CYJS Practice Manager should discuss the concerns with the relevant CSC Manager, recording the discussion and agreed outcome on LCS and CareWorks.
  2. The MASH or relevant CSC team will inform the CYJS of the outcome if CYJS have not heard within 3 working days then CYJS are responsible to follow up.
  3. If CYJS do not agree with a response from MASH the CYJS Manager should follow the MASH escalation process (see paragraph 19)
  4. As with Child Protection cases, CYJS must attend all Child in Need meetings and related professionals meeting, ensuring that the child's CSC and CYJS assessments and plans are clearly reference one-another and promote joint-working throughout.

**8. Children Looked After (CLA)**

8.1 The expectations around CLA are weaved throughout relevant sections of this document. However recommendations from the Prison Reform Trust's report *In Care out of Trouble* specifically highlight:

* A requirement for local authorities to hold regular senior-level, strategic meetings with their multiagency partners with the common aim of improving outcomes for looked after children, including protecting them from criminalisation. This must provide a commitment to share information, promote good practice and make joint decisions about matters affecting looked after children locally. This recommendation will be met through attendance at the Youth Justice Management Board by multi agency partners including CSC and the Police and the Strategic In Care out of Trouble meeting.
* Local authorities must always notify criminal justice agencies promptly (youth justice services, the police, the Crown Prosecution Service, the courts, and custodial establishments) when a looked after child comes into contact with the criminal justice system.
* There must be short time limits within which information about a looked after child must be communicated to other agencies at each stage of the criminal justice process, including when a looked after child is placed in a custodial setting.
* Every effort must be made by the local authority to facilitate family support for the child at all stages of the criminal justice process where this is safe and in the child’s best interests, and in accordance with the child’s wishes and feelings.

8.2 LCYJS's Prevention and Diversion service's offer targeted intervention to children to avoid them becoming First Time Entrants into the Criminal Justice System. Where a Looked After Child comes to the attention of Police, diversion away from formal processes should be utilised wherever possible. The commitment to this is vocalised in the Pan-Lancashire Reducing Criminalisation of Looked After Children and Care Leavers document



8.3 Where diversion is not possible, It is a requirement that when child who is a Child Looked After appears before a criminal court, that the CSC Social Worker attends the Court appearance with the child. The CYJS case manager must ensure that they provide the CSC Social Worker with the details of the court appearance as soon as possible to enable the CSC Social Worker to attend.

8.4 Children who are Looked After are likely to undergo more transitions than the wider cohort of CYJS children. These transitions are also more likely to equate to significant life events. CSC and CYJS practitioners should work together to ensure all transitions, including changes of care arrangements, transitions into and out of custody and transitioning into adult health, social care and justice systems are appropriately supported.

8.5 Children may become Looked After by virtue of being remanded into the Care of the Local Authority or into Youth Detention Accommodation. See sections 16 and 17 for more guidance around the procedures required in this instance.

* 1. CYJS should be aware that if a child is placed by parents with extended family or friends, CSC must be informed. Private Fostering Regulations must be followed, and relevant assessment and support processes applied.

**CHILD & YOUTH JUSTICE SERVICE PROCESSES**

**9. Children detained by Police**

9.1 When a child is arrested and taken into Police Custody, Lancashire Constabulary should give consideration to completing a Police Safeguarding Report, which would trigger a MASH Contact or information sharing with the relevant CSC for open cases. In addition, the child should be seen by the Liaison and Diversion service whilst in custody. Liaison and Diversion is a health service which assesses the physical and emotional health and well-being of the child whilst in custody. They also provide key information relating to their care and share information with relevant agencies. Liaison and Diversion also acts as a point of referral and assertive follow up for these children to ensure that they can access and are supported to attend, treatment and rehabilitation appointments.

9.2 Where the Liaison and Diversion Service have had contact with a child in Police or Court Custody, due diligence should be given to ensuring this information is shared appropriately with MASH/ allocated social worker in CSC where appropriate.

***10. Appropriate Adults in Police Custody***

10.1 The Crime and Disorder Act 1998 (section 38), specifically places a duty on Local Authorities, via their CYJSs, to ensure the provision of Appropriate Adults to safeguard the interests of Children detained or questioned by Police officers. Lancashire CYJS currently commission this service to Child Action North West. The service is available to all children up to their 18th birthday where a parent/carer is not available to act as their Appropriate Adults. Appropriate Adults will also attend whenever a Looked After Child is in Police Custody.

10.2 Where significant safeguarding concerns are raised whilst the child is in Police Custody, the Appropriate Adult must ensure this is shared with the Custody Sergeant. It is the responsibility of the Custody Sergeant to ensure MASH/EDT are alerted. Appropriate Adult's may also share these concerns if their level of concern warrants this.

10.3 Following attendance at the police station, the Appropriate Adult will fill in an Outcome form and send to the CYJS Secure Mailbox. A CYJS Manager will then screen the form for any safeguarding concerns which should trigger a referral into MASH. Equally, if the child is found to be known to CSC, CYJS will ensure that the information about the child's detention is shared promptly. If the screening identifies potential safeguarding concerns, there should be a professional discussion between the CYJS manager and a MASH Practice Manager to discuss whether an assessment/strategy discussion is necessary. Procedures noted above in relation to serious violent and sexual offences should be followed in all instances.



***11. PACE accommodation processes***

11.1 Where accommodation issues arise following a Police PACE interview (e.g., parents refuse to have the child home) Police will inform the local CYJS. If this is out of hours then Police will inform EDT. During office hours a CYJS worker will attempt to resolve the family issues so that the child may return home or find an alternative suitable placement; if this is not possible, a referral to CSC should be made.

11.2 If the criteria for PACE accommodation are met, CSC will accommodate unless it can be shown that it is impracticable to do so. The CYJS Team Manager with lead responsibility for PACE bed transfers should be advised of any child being held inappropriately in Police custody.

11.3 Additional information regarding LCC and Pan-Lancashire PACE procedures can be found in the following documents:

 

12. **Prevention and Diversion**

12.1 The CYJS are committed to supporting children to reach their full potential and move through their adolescence without the concern about how a Criminal Record may affect their future life chances. In addition, the CYJS is dedicated to providing positive services for victims of crime and creating safer communities by the prevention of offending.

12.2 For some children, there is a need to respond to their offences via statutory Youth Justice processes. However, for a significant proportion, the primary aim of reducing the risk of re-offending, protecting the public and upholding the child's welfare can be done via less formal routes.

12.3 There is a strong evidence base that prolonged contact with criminal justice agencies actually increases the risk of the child coming to police attention again. It is this acknowledgement that has led to Lancashire Youth Offending Team, in partnership with Lancashire Police developing their Prevention and Diversion Schemes.

12.4 The Prevention service offer a range of groupwork and targeted intervention packages to children at risk of entering the criminal justice system. Referrals for targeted intervention primarily come from the Police, however referrals from CSC will be considered on a case by case basis. For children already open to CSC, there will be an initial consultation as to the added value of a referral into the Prevention service and the consideration of the most appropriate practitioner to deliver offence-specific work.

12.5 Other potential pathways into the Youth Justice Prevention service include children involved with or stepping-down from the Complex Safeguarding team who may need focused intervention around exploitation. Again, these children need to be discussed on a case by case basis with the Prevention Practice Manger.

12.6 In addition, the Prevention team have links with LCC's Outreach service. Where potential criminal behaviour or criminal exploitation was a significant contributory factor towards a child entering care or being on the edge of care, the Outreach service can hold a professional consultation with the Prevention service about potential exit and step-down planning from the intensive support that Outreach provide.



12.7 Referrals into CYJS's Diversion service come from Police following the commission of an offence. If the child is already allocated to a CSC Social Worker, a professional discussion will be held at point of CYJS screening to establish whether additional CYJS support is needed. If children are diverted to CSC, the assessment and plan remains the responsibility of CSC. CYJS can offer consultation and assistance with regards any additional work needed to support the child's health and wellbeing, reduce any risk to others and promote desistance. If a diversion programme with CYJS intervention is required, a CYJS assessment will be completed. It is expected that this assessment takes full account of any existing assessments and plans for the child and establishes clear links to these.

12.8 The Prevention and Diversion service's also have a key role to play in supporting children who may be at risk of radicalisation. This vulnerable cohort of children are likely to require a multi-agency response, which may include referrals into Prevent and Channel processes. CYJS can contribute to this response where appropriate via either a referral into the Prevention service or as part of a package of support following a Police/Court outcome.

**13 Community Orders**

13.1 When a child is made subject to a Court Order, services must work in partnership to ensure holistic and co-ordinated packages of support for children and their families. Offending behaviour by children is first and foremost a safeguarding need. Where children are already open to CSC (Child In Need, Child Protection, Looked After) the allocated social workers in CSC and CYJS should liaise at the earliest possibly opportunity to co-ordinate assessments, plans and intervention support. CYJS should attend CIN reviews, CP conferences, Core Groups and CLA Reviews. Children's plans both within CYJS and CSC should reflect the involvement of the other agency and case files in both services should evidence the joint work being completed to support a child's desistance and safety.

13.2 When a child's involvement with either CYJS or CSC is due to cease, clear exit planning should take place which reflects the work completed by both services thus far and any persisting unmet need for the child.

***14. Community Behaviour Orders, Sexual Risk Orders, Sexual Harm Prevention Orders***

14.1 The above orders are orders which can be pursued by the police (or in specific circumstances local Councils) in respect of children whom they deem to be persistently offending/behaving anti-socially or at risk of perpetrating sexual harm to others. Prior to making an application for any of the above orders, Police should request a consultation with CYJS. CYJS are of the opinion that such consultations should be multi-agency to consider a holistic response to the child and their family and to ensure procedures around children who exhibit sexually harmful behaviour are followed. Where there is an allocated social worker for the child, they should be included in any such consultation. Where the child is not known to CSC, CYJS should request a consultation with MASH to see whether additional support from CSC or CFW services would support to child to avoid further criminalisation and offer safeguards to themselves and any potential victims. The MASH/CYJS CBO process details this further.



**15. At Court – Bail Supervision and Support (Crime and Disorder Act 1998)**

* 1. The CYJS is responsible for providing Bail Information and Supervision. The principle aims of Bail Information and Supervision are:-
* To provide information to assist the Court in the Bail and Remand decision making process.
* prevent offending on bail;
* To ensure the appearance of the young person at court to reduce delays in the court process;
* To reduce the potential for inappropriate remands to Local Authority Accommodation and remands to Youth Detention Accommodation.
  1. All children who are at risk of being refused bail from court are assessed for appropriateness of Bail Supervision and Support by CYJS. CSC must be informed at the earliest opportunity if a child is at risk of being remanded to Local Authority or Youth Detention accommodation. Where the child is remanded to Local Authority Accommodation further joint assessment will be undertaken by CYJS and CSC.

***16.Bailed to reside/remands to Local Authority Accommodation***

* 1. The CYJS and CSC will work together to prevent children being accommodated by the Local Authority.
  2. The CYJS must inform CSC at the earliest opportunity of children at risk of being remanded to Local Authority accommodation or 'bailed to reside'.A joint CYJS/CSC discussion of the young person’s immediate needs and risk should be completed by telephone or in person so a suitable placement can be identified.
  3. During the joint CYJS/CSC discussion the following options should be considered:-
* foster care
* Placement with a connected person. This would constitute a regulation 24 placement and all due process need to be followed.
* children’s residential unit;
* supported lodgings (with support in Remand cases – Bail Supervision / Family Support)
  1. If these placements are not available or it is jointly agreed the child may be considered for an agency placement with agreement from the Senior Manager CSC or weekly Senior Manager Panel.
  2. In the event it is considered appropriate for the child to live at home, a joint assessment should be undertaken between CYJS and CSC. Home Placement Procedures will be applicable, and CSC Senior Managers will consider all relevant risk factors.
  3. When a child is remanded to Local Authority accommodation the Local Authority has the same powers and duties to the child as for any other child whom the Local Authority is looking after. CYJS will attend relevant meetings to jointly work with the child.
  4. All 'bail to reside as directed' and Remands to Local Authority accommodation cases will become an open case to the CYJS and will be allocated to a CYJS practitioner. The case will be managed through the team’s case management procedures. Cases will be continually assessed for appropriateness of Bail Supervision.
  5. The primary responsibility for a child who becomes a ‘child looked after’ due to being remanded or bailed to reside as directed by the Local Authority lies with CSC. CSC as the lead agency for Children Looked After are responsible for ensuring the completion of all CLA documents. However if the child is not an open case to CSC and known to CYJS then a discussion will take place between the Practice Managers to decide who is the most appropriate to hold the case. If it is decided that CYJS is the most appropriate then the CYJS will hold the case on behalf of CSC and will undertake the assessment, planning and delivery of services to the child and their family. CYJS will ensure appropriate information is recorded on LCS and CareWorks and will ensure that all remands are monitored and information shared with CSC on a regular basis. Legal advice is available in relation to a child's status when bailed in criminal proceedings. In all cases it is expected that support and guidance is available to CYJS from the CSC Team Manager in the relevant area.
  6. If a child is ‘bailed to reside as directed by the local authority’ the child may become a 'child looked after'. This will be the case in the event the Local Authority determines where the child should be placed. It is the responsibility of CSC in consultation with CYJS to decide where the child is placed and to determine the subsequent legal status. CSC and CYJS will work together to determine the best placement for the child. As in the case of a child being remanded to local authority accommodation they may be placed at home unless other bail conditions do not permit this. Practice Guidance regarding the process for placement requests is available.
  7. When a child becomes Looked After, Health CLA teams and Education colleagues in pupil access teams will be notified within 5 working day, following receipt of an LCS alert.
  8. For children already known to CSC the allocated CSC practitioner will hold case responsibility for all children becoming looked after subject to remand or bailed to reside. The allocated CSC and CYJS practitioners should agree and record the allocation of tasks at a Care Planning meeting to avoid duplication of work.
  9. When the child leaves court the CYJS practitioner will escort the child to either the CSC, CYJS office, the identified placement, if available and in accordance with the assessment of risk. The CYJS practitioner and CSC Social Worker will agree supervision of the child until a suitable placement is identified. CSC and CYJS will liaise in relation to who takes the child to the placement and subsequently transports to and from Court for further appearances. This applies to a child bailed to reside as directed or remanded to Local Authority accommodation and when parents or carers are unable, unsuitable or unwilling to take responsibility. As the child becomes 'looked after' it is a requirement that the 'child looked after' will be supported by the residential worker, foster carer or childcare Social Worker.
  10. A Placement Planning Meeting will be convened within a **maximum of 5 working days** to review the placement and establish the future Care Plan. The meeting will be chaired by the allocated CSC social worker or CYJS PM, dependent on case-holding responsibility. The roles and responsibilities of the CSC and the CYJS will be clarified at this meeting.
  11. LCS placement documentation will need to be completed for all children deemed to be looked after. If the child was not previously allocated to a CSC practitioner, and CYJS assume case responsibility on behalf of CSC, the CYJS practitioner will complete the documentation. The relevant locality CSC Practice Manager will provide support to this process.
  12. The allocated worker, within either CYJS/CSC is responsible for convening the Statutory Review meeting. This will be chaired by an Independent Reviewing Officer.

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**17. Remands to Youth Detention Accommodation**

* 1. The Court may, in certain circumstances, impose a remand to Youth Detention Accommodation (YDA) to children who are not granted bail or remanded to Local Authority Accommodation. These children become Looked After by virtue of their secure remand status (Legal Aid, Sentencing and Punishment of Offenders Act, 2012).
  2. All children subject to YDA, placed in Young Offenders Institutions, Secure Training Centres and Secure Children's Homes, will become an open case to LCYJS and will be allocated a CYJS Social Worker. The case will be managed through the LCYJS's case management procedures. Cases will be continually assessed for appropriateness for a community based bail package. This should be considered in conjunction with CSC, particularly if the bail package proposes alternative Local Authority accommodation or where there are potential safeguarding implications for the child and/or siblings if they were to return home. Issues around accommodation should not be the sole reason for children entering or remaining on secure remand. Any such issues must be escalated to senior managers in both CYJS and CSC.
  3. If a child was not open to CSC prior to being made subject to a YDA then a discussion will be held between CYJS and CSC Practice Managers and a decision will be made about who is best placed to undertake the CLA requirements and processes. If a child is already open to CSC at the point they become remanded to YDA, CSC will manage the CLA process with support from CYJS. In all cases it is expected that support and guidance is available to CYJS from aTeam Manager in CSC.

17.4 Looked After Reviews must be held in accordance with statutory timescales and chaired by an Independent Reviewing Officer.

* 1. Procedure and flowchart for Remand to Youth Detention Accommodation



1. **Detention and Training Orders and Section 91 Orders (Powers of Criminal Court (Sentencing) Act 2000, sections 100 to 107, section 91)** 
   1. The case management of children subject to Detention and Training Orders are the responsibility of CYJS.
   2. Where a child under 16 who has previously been accommodated as a result of a voluntary agreement under section 20 of the Children Act enters custody to serve a custodial sentence they do not remain a looked after child. However, a responsible CSC officer has a duty to visit all children and young people who have ceased to be accommodated (Children Act 1989 s.23ZA).
   3. CSC will attend pre and post release meetings as required, and contribute to relevant assessment processes for all Children Looked After and Care Leavers who are subject to a custodial sentence. All relevant information will be shared and considered by the CSC Social Worker and Practice Manager in deciding what further actions are appropriate.

* 1. If a child is subject to a Care Order whilst placed in Custody, CSC statutory responsibilities remain during the child's time in custody. In such cases, CSC will undertake the range of duties and statutory responsibilities commensurate with a Child Looked After, and ensure attendance and relevant planning at pre and post release meetings.
  2. When there has been significant involvement from CSC prior to a child receiving a DTO or Section 91 Order, CSC will remain open for 3 months and will attend pre and post release meetings.
  3. The CYJS, through the AssetPlus assessment will consider planning for the child's release and whether prior to release, a referral to CSC is needed to update the C&F assessment and consider if the child needs support under a Child's Plan or to become a Child Looked After. This assessment will be a joint assessment between CYJS and CSC but led by CSC. The outcome of the C&F assessment and planning for release are to be discussed at an Internal Care Planning Meeting prior to the final Remand Planning Meeting before release.
  4. CYJS will provide services to all children subject to a custodial sentence through local case management. CYJS must ensure all relevant health and education processes are followed, including notifying virtual school of the child's detention.

18.8 Resettlement planning, including obtaining appropriate post-release accommodation, must be completed 21 days before a child’s release from custody (regardless of whether they are Looked After or not) when the period of time in custody allows this. The governing governor, director or head of the secure establishment must notify the Director of Children’s Services when resettlement planning has not been completed within this time period. Where this does not occur, CYJS must escalate to the FARY Head of Service and Director of Children's Services via internal line management structures.

* 1. The transition out of custody and into the community is a critical one and failure to plan appropriately is known to have significant implications for detained children. All agencies must ensure clear resettlement planning, commenced at the earliest possible opportunity, utilising CYJS's resettlement tools.

**19. Joint-Working and Escalation**

19.1 Throughout these procedures, the importance of joint-working between CYJS and CSC is highlighted. Agencies working together will support children and families to navigate through complex systems which can have significant impacts on their future. Which agency takes lead responsibility is likely to vary from case to case dependent upon a number of factors. This decision should always be taken following discussion between professionals. Where there is a lack of shared consensus, this should be escalated through the usual line management structures in both services.



20. These procedures set out the basis for joint working arrangements between CSC and CYJS, in order to best meet the needs of children who come to the attention of the police and Courts. In adopting shared principles of being Child-First, Trauma-Informed and Restorative, both services contribute to supporting children to avoid entering and there-after becoming entrenched in criminal justice processes. In continuing to work together to view children who offend through a welfare rather than criminal lens, key professionals can ensure children and families have access to child-focused support to move away from the criminal justice system.