

Committee: **Corporate Parenting Panel**  
 Date: **17 January 2014**  
 By: **Interim Director of Children’s Services**  
 Title of Report: **Reducing the rate of prosecution of Looked After Children**  
 Purpose of Report: **To update the Panel about the Pan Sussex Joint Protocol to reduce the rate of prosecution of LAC and to inform the Panel of the wider South East regional protocol to reduce offending and criminalisation of LAC.**

**Recommendation: The Panel is recommended to note both the pan Sussex and wider South East protocols and to support their implementation within East Sussex.**

**1. Financial Appraisal**

1.1 The implementation of the protocols will be carried out within existing recourses. There are potential cost savings if LAC can be prevented from entering the Criminal Justice system as this could reduce the potential for placement breakdown and for the consequent need for more costly alternative placement solutions.

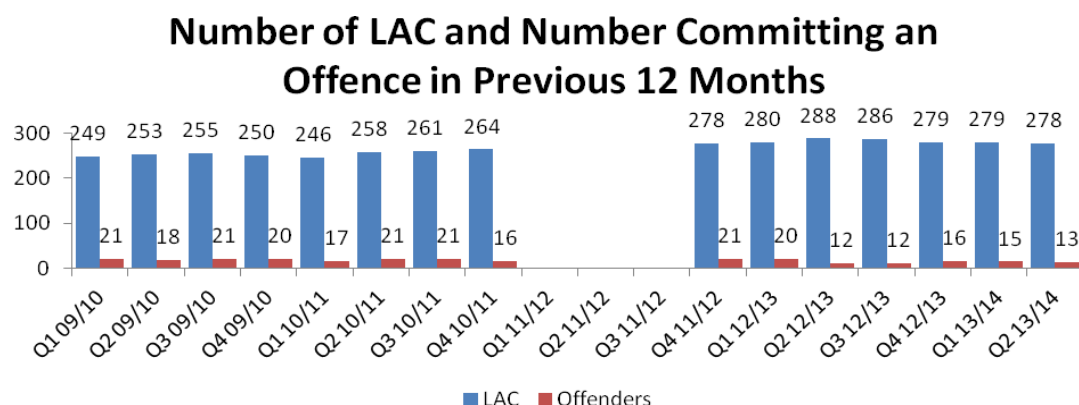
**2. Background and Context**

2.1 There has been developmental work undertaken across Sussex over the last couple of years to reduce the prosecution and criminalisation of LAC. A Pan Sussex Protocol was agreed and implemented last year (attached at Appendix 1). The Protocol offers a partnership approach, including contributions from the Youth Offending Team (YOT), Children’s Services, the Crown Prosecution Service, Sussex Police, the Courts, as well as foster carers and private children’s homes. The standards and guidance in the protocol act as a framework for ensuring best practice for dealing with LAC across Sussex.

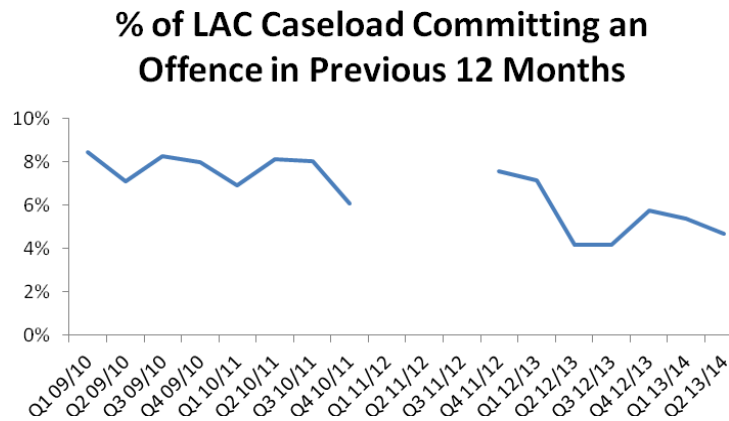
2.2 There has been further work undertaken across the south east region to reduce unnecessary criminalisation, provide additional protection for LAC and to ensure the service they receive is of high quality and consistent. This has resulted in the development of a South East regional protocol (Final Recommended Draft attached at Appendix 2) and a best practice knowledge bank. We do not experience the same levels of over representation in East Sussex that some others in the region do. In 2013/3 there was an average of 5.73% of the LAC population who committed an offence in the previous 12 months and an average of 14% of the Youth Offending Team cohort was LAC. These are however still significant enough numbers for the need to continue to address this issue. The shared principals in the protocol include avoiding unnecessary criminalisation; ensuring informed decision making; effective information sharing across services and boundaries; reparation of harm and ensuring the needs of victims are reflected; restorative justice principles; equity for young people placed out of area; and young people to be placed in home authority wherever possible.

**3. East Sussex Data**

3.1 The chart below shows the actual numbers of LAC for each quarter and the number of LAC who had committed an offence in the previous 12 months. There is data missing during 2011/12 as the measure was dropped during this time.



The chart below shows the percentage of the overall LAC numbers that had committed an offence in the previous 12 months.

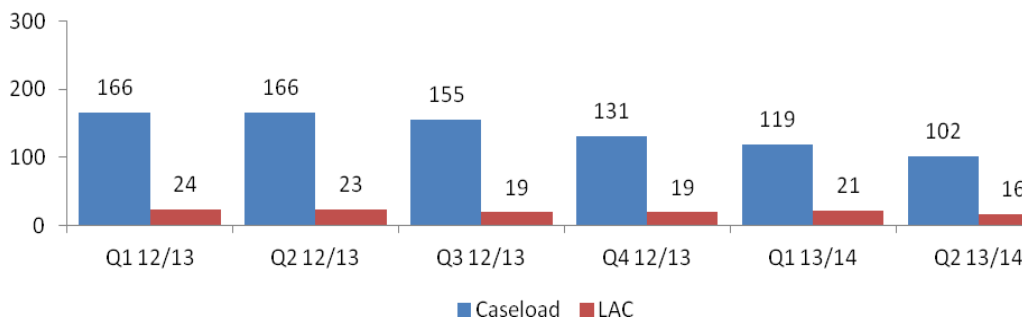


Quarter Two of 12/13 was the lowest percentage of LAC committing an offence during the period at 4.17%. The highest percentage was Q1 of 09/10 at 8.43%.

### 3.2 LAC Young People as a proportion of the YOT Caseload

The chart below shows the number of young people on the YOT caseload on the last day of each quarter, and the number of those young people that are recorded as LAC.

**Number of YP on Caseload and Number recorded as LAC**



### 3.3 LAC Young People placed outside of East Sussex

According to the list of children Looked After in November 2013 and placed externally, one young person had a previous YOT involvement, and one was looked after as a result of his offending behaviour.

## 4. Next Steps

4.1 The following actions now need to be progressed:

- The South East Regional Protocol now requires formal sign off from the Local Authority Leaders and Police Chief Constables.
- Work needs to be done to expand the agreement beyond the South East Region.
- The Pan Sussex protocol is due to be reviewed in 2014/5

## 5. Conclusion and Reason for Recommendation

5.1 In 2012 East Sussex County Council signed up to the pan Sussex protocol to reduce the rate of prosecution of Looked After Children. To date this work has been successful and an action plan was drawn together to embed this work across the county. Since then there has been further work across the region to agree an overarching protocol to complement the existing local protocol. The data demonstrates that East Sussex does not experience the significant level of over representation that other authorities in the South East experience. However we continue to work closely with partners across the region to ensure better outcomes for this vulnerable group of young people.

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Local Members: All

BACKGROUND DOCUMENTS: None



# A Joint Protocol to Reduce the Prosecution of Looked After Children

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## 1. INTRODUCTION

This document is based upon the good practice already in place across Sussex to meet the needs of Looked After Children within children's' homes and foster placements. This includes the contribution of staff from the Local Authority Youth Offending Teams, the Crown Prosecution Service, Police, HMCTS, the Magistracy, as well as foster carers and independent children's' homes. This Protocol has been designed to reinforce and extend such practice and to contribute to a culture of continuous improvement.

It is anticipated that the standards and guidance contained within the Protocol will act as a framework for ensuring best practice in dealing with Looked After Children across Sussex. The Protocol aims to strike a balance between the rights and needs of the children and young people, the rights of staff and foster carers, and the decision to involve the Police and/or CPS.

The Protocol supports Department of Education National Minimum Standards for Children's' Homes, which state that "the homes approach to care minimises the need for Police involvement to deal with challenging behaviour and avoids criminalising children unnecessarily".

The Protocol aims to reduce the prosecution of Looked After Children, wherever possible, by encouraging the use of restorative justice (RJ) approaches. Restorative Justice is a process whereby the victim has an opportunity to be heard and to state the impact of the behaviour and the offender has the opportunity to take responsibility for his or her actions. Approaches can range from internal mediation within children's' homes, without involving the Police, between young people and staff, to community resolutions which do involve the Police.

A Community Resolution is defined as any action that is requested by the victim, which is agreed by the offender and is considered appropriate and proportionate by the officer (see Appendix G). Community resolution places the victim very much at the centre of the process, and allows the victim to propose the outcomes to put right the harm caused by the offender. If the victim does not wish the harm done to them to be repaired in this way, then community resolution is not an outcome which will be considered.

The Protocol underlines the importance of regular and effective liaison between children's' homes staff and managers, the social worker and managers, the Youth Offending Service, local Neighbourhood Policing Teams, and Youth Specialist Prosecutors.

Whilst all staff and foster carers working with Looked After Children have a duty to report known or suspected crimes to the Police, they will need to use their judgement about where the threshold lies, particularly if the information to hand is slight and the crime, or suspected crime, is of a minor nature.

The fact that staff or carers report an incident does not mean that the Police will follow a pre-determined course of action or in some cases any action at all, although there are circumstances where the Police must record and investigate incidents as a crime. Wherever possible, as defined in this Protocol, the action to be taken will be determined following discussions by all concerned, including the young person, about the most appropriate response.

## 2. DECIDING WHETHER OR NOT TO INVOLVE THE POLICE

It is recognised that caring for, and managing young people with difficult or challenging behaviour is an integral feature of residential care work. Children's home staff and foster carers will generally manage problematic situations except where they are so severe that immediate Police involvement is essential in order to avoid physical assault or damage.

### 2.1 Ongoing Liaison

Police involvement in children's homes could be through the Neighbourhood Policing Teams, Neighbourhood Schools' Officers and Missing Person Co-ordinators. (See Appendix A for details of how to contact your local NPT, NSO or MPC). It must be emphasised that a good working relationship is the most effective way to respond to young people with difficulties, and it is in this area that consideration should be given for joint agency training.

Regular liaison meetings between Neighbourhood Policing Teams and staff in children's homes would provide for discussion of not serious incidents within the home to identify the appropriate method of resolution, including:

- Internal action by children's home staff with no Police involvement
- Invitation to local Neighbourhood Policing Team to support internal action being taken by staff in children's homes by attending a meeting with the young person and staff at the home
- Formal Police investigation primarily by the Neighbourhood Policing Teams and any resulting action

This liaison meeting will also provide an opportunity to share more general views and co-operation and develop a better understanding of each Agency's responsibilities and practices.

It is not the intention of this Protocol to restrict the options available to staff in children's homes and Police but to emphasise the importance of flexibility in determining the most suitable option for dealing with children and young persons. Additional advice and support could be sought from the child's social worker.

### 2.2 Individual Incidents

The Protocol identifies three categories of Incident, and outlines how each category should be dealt with:

#### ***Internal , Not serious, Serious***

A flow diagram is shown at Appendix B.

#### **Internal Incidents**

It is anticipated that relatively minor incidents will be addressed by using routine internal policies and procedures. Referral to the Youth Offending Service for the area should be considered.

## **Not Serious Incidents**

An incident where no immediate Police response is required for example where assault or damage has occurred and there is no risk of reoccurrence/significant harm to people, or incidents of theft. The incidents should be reported to the Registered Manager who then has the responsibility of identifying the appropriate course of action. In addition staff within the home should inform the child/young person's Social Worker at the first opportunity.

It is important to avoid any unnecessary reporting of incidents to the Police. Should the Registered Manager decide and/or the victim wishes that formal Police involvement is necessary, where possible this should be through on going liaison with local Neighbourhood Policing Teams.

When a situation involving a child or young person is to be discussed at the regular meeting the child's Social Worker should be informed and they may wish to join the discussion.

If the discussion needs to be held sooner the Registered Manager should arrange for a member of the Neighbourhood Policing Team to visit the home as soon as possible. If no member of this Team is available the Manager should contact the Police Control Room to request a scheduled response visit by another Officer.

In certain circumstances preservation of evidence may be an issue and residential staff will need to ensure that reasonable steps are taken to retain articles relevant to any criminal allegation or Police investigation.

A referral to the Youth Offending Service for the area should be considered for those cases considered not serious or internal.

## **Serious Incidents**

Incidents of violence requiring an immediate Police response where children/young persons or staff are:

- At risk of immediate serious physical harm
- Where there is a risk of substantial damage to property, or
- Risk of significant disorder with the home or placement.

In such situations the senior member of staff on duty should contact the Police using the 999 system. Foster carers should also use the 999 system in these situations and contact the Emergency Duty Service for further support.

### **3. REQUIREMENT FOR POLICE INVOLVEMENT**

Staff and carers need to consider the nature and seriousness of the incident before deciding whether to involve the Police immediately, at a later stage, or whether to involve them at all, but all matters should be entered in an incident log for residential children's homes, and in the incident log file for foster carers. It is crucial that communication between children's home staff, foster carers and the Police regarding an incident is clear and factual.

#### ***Factors to be Considered***

The following factors should be considered when determining what action to take. The list is not exhaustive, and does not reflect any order of priority:

- Nature and seriousness of the allegation
- Severity of the injury sustained/nature of threat received by the victim
- Wishes and best interest of the victim
- Previous incidents of a similar nature by the same child or young person
- Previous relationship between victim and offender
- Previous behaviour or offending, bullying/peer pressure/duress
- Probability of a repeat incident
- Potential impact on the child/young person following formal Police involvement
- Appropriateness of Police action/court proceedings
- Future best interests of all parties concerned
- Message sent to other young people/Confidence in being able to report crimes and confidence in knowing they may not result in court proceedings
- Availability of alternative causes of action, e.g. restorative approaches with the consent of the victim, referral to the Youth Offending Service
- Level/value of damage caused
- Requirement for formal investigation, e.g. insurance claim requires a crime reference report

The following situations are the most common ones in children's homes where Police involvement might be requested. (Please also refer to the Checklist at Appendix C.)

#### **3.1 Violence Against Person, Criminal Damage, or Theft**

##### ***Violence by a child or young person on another***

These are incidents between residents within the home ranging from minor disagreements through to serious assaults where physical injury is caused. Such incidents can be complicated by having two vulnerable parties. Residential staff and foster carers will need to ensure that health and safety reporting procedures are followed, and will also need to follow their own internal policies for dealing with violence in the home.

##### ***Violence to staff or foster carers by a child or young person***

Violence towards staff members or carers can vary from verbal threats to physical acts amounting to assault. Whilst each home and placement has the responsibility of care towards young people their welfare needs to be balanced with the rights of staff and carers not to be subjected to violence in the course of their duties.



Such incidents are affected by factors similar to those listed above, and staff and carers should be encouraged to report any incidents that cannot be dealt with through alternative means. Where there is no immediate continuing threat of violence it is in the best interests of the staff member or carer to take time to discuss and consider possible options.

This can include a referral to the Youth Offending Service which will give consideration to the necessary intervention. This however, does not remove the individual's right to involve the Police. Following such incidents it is important that staff and carers utilise standard de-briefing processes.

Staff and carers should also ensure risk assessments are updated or completed in relation to the risk of violence or injury to themselves or colleagues. A professional meeting could be a useful method by which to assess these risks and look at ways this risk could be reduced.

### ***Criminal Damage within the Home or Placement, or to Staff or Carers' Cars or Property***

The majority of criminal incidents involving Police relate to damage to the children's home or placement. It is important to see these in the context of the needs of the child and whether involving the Police is an effective and proportionate response.

### ***Theft within the Home or Placement***

Most offences of theft within the home or placement are likely to be of low value, but the possible start of criminal behaviour, although it should be emphasised that value is a subjective issue relative to the victim.

## **3.2 Hate Incidents and Crime (Racist, Religion, Homophobic, Gender, Disability)**

The following sections set out the definition of Hate Incidents and Crime to help inform the decision making process in determining the categories of response for children's homes staff and carers.

The following guidelines should be adhered to:

- All possible steps should be taken by the Police at local level, in consultation with other agencies to encourage the reporting of hate incidents and crimes.
- It should be made clear that all behaviour policies held within children's homes should cover the areas as indicated as hate crime and it be made clear how staff, carers and residents should deal with it. Homes and placements should themselves handle low level daily occurrences and their management of this aspect of discipline should be subject to inspection.
- A multi-agency approach to such incidents can ensure that help is provided to victims of these incidents providing them with a range of options for reporting and ensuring that the young person is sufficiently supported.

In the recording of hate crime the minimum data content required should be as follows:

- Reported to: (The person receiving the report such as Registered Manager, Unit staff , Police Officer)
- At: (Location reported at): (i.e. Home, Police Station, etc)
- Referred by: (the Agency or other person referring the victim to the Police if the incident is being referred)
- Time and date of report and nature of incident.

### **Definitions**

A hate incident is defined as any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

A hate crime is defined as any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.

It is vitally important to note that all hate crimes are hate incidents. However some hate incidents may not constitute a criminal offence and therefore will not be recorded as a hate crime. For example, making inappropriate reference to the colour of someone's skin, in a non-confrontational social setting, may well be perceived as a racist incident. However there may be insufficient evidence that it would constitute a racist crime. It is important to understand this distinction.

The Police are responsible for data collection in relation to hate incidents and hate crimes. It is important that this data is comprehensive and sufficiently robust to establish trends and inform an intelligence driven response.

- Racist Incident - Any incident which is perceived to be racist by the victim or any other person.
- Homophobic Incident - Any incident which is perceived to be homophobic by the victim or any other person.
- Transphobic Incident - Any incident which is perceived to be transphobic by the victim or any other person.
- Faith Related Incident - Any incident which is perceived to be based upon prejudice towards or hatred of the faith of the victim or so perceived by the victim or any other person.
- Sectarian Incident - Any incident which is perceived to be sectarian by the victim or any other person.
- Disablist Incident (or sometimes referred to as a disability incident) - Any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person.
- Ageist Incident - Any incident which is perceived to be ageist by the victim or any other person

### **3.3 Disorder in or around the Home or Placement**

The area of disorder is subjective and requires judgement by staff to avoid unnecessary Police involvement for minor infringements of discipline. The main factors that should be considered are:

- Nature and seriousness of the disorder
- Risk or threat of violence
- The wishes of and impact on the immediate community
- The availability of alternative courses of action

### **3.4 Trespass within and around Home or Placement**

All incidents of trespass by persons unknown should be reported to the Police as visits/trespass by outside associates of residents can be dealt with effectively under the Harassment Act, which will protect young people and staff/carers.

### **3.5 Substance Misuse**

#### **3.5.1 Reducing the risk of drug taking**

The misuse of controlled drugs within a children's home or placement is a serious issue and it is essential that the response is prompt and effective. In response to incidents staff and carers will be guided by the Government's Tackling Drugs Strategy, which has four main aims:

- Help young people to resist drugs use in order to achieve their full potential in society.
- Reduce the acceptability and availability of alcohol and other drugs to young people.
- Minimise the health risks and other damage associated with substance use by young people.
- Increase the safety of communities from drug related crime.

Residential Staff or carers will need to balance these principles with their duty of care for the young people in the home or placement and their role in managing young people's behaviour as part of their care responsibilities as well as their responsibilities to the wider community.

#### **3.5.2 The discovery of drugs within the placement setting**

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

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

All materials must be removed from the young person. Drugs and drug related material must be stored securely before handing to the Police. These must **NOT** be disposed of by staff or carers.

These can be handed over for disposal without identifying the name of the young person and no further Police action will be undertaken. The signature of the Police officer removing the material must be obtained. However, repeated incidents of removal of illegal substances from the same young person may require positive Police action thus protecting the young person and other young people, as well as staff/carers.

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

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

- The name of the person removing the material
- Description of the material
- The circumstances of the removal
- The time and date of the removal
- The time and date the material was placed in a secure storage
- The signature of the person putting the article into storage, countersigned by a second member of staff
- The time and date of notification to the Police and the message number notified by the Police control room
- The time and date the material was removed by the Police

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

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

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

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

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

## **4 CHILDREN MISSING OR ABSENT FROM CARE**

The potential risk to any children whose whereabouts are unknown requires an immediate assessment. Only when the risk assessment identifies the child as 'missing' or 'absent' should notification be made to the Police.

A joint Protocol has been agreed between Sussex Police and the Children Services in Brighton & Hove, East and West Sussex in relation to the reporting of incidents of 'absent' and 'missing'. A flowchart outlining the process is contained at Appendix D.

### **4.1 Determine whether the child is 'absent' or 'missing'**

It is important that carers make an initial assessment of whether the child is 'missing' or 'absent'.

Missing is "anyone whose whereabouts cannot be established and where the circumstances are out of character, or the context suggests the person may be the subject of crime or at risk of harm to themselves or another".

The child should be considered missing where their location or reason for absence is unknown and/or there is cause for concern for the child because of their vulnerability or there is potential danger to the child or to the public.

The decision to report a child as missing should not be taken in isolation, unless the circumstances dictate it is not feasible to do so (e.g. child has run off from carers on an escorted trip). Staff should consult with the senior staff member on duty; foster carers should liaise with the child's social worker or Emergency Duty Service staff. Each case must be decided on merit and a formal missing person report to the Police may be actioned earlier in some circumstances than others.

If, however, the child is not where they are expected to be but does not meet the criteria for 'missing', they may be considered as 'absent'. Absent is defined as "A person not at the place where they are expected or required to be". This could, for example, be where a child has stormed out after an argument or has failed to return at the agreed time.

In determining the type of absence, reference should be made to the child's individual risk assessment and care plan, together with knowledge of the child and patterns of behaviour. The fact that the child may have gone missing on a number of previous occasions does not reduce the risk and a decision must be reached on a case by case basis.

### **4.2 Report to the Police**

All incidents, whether 'absent' or 'missing', should be reported to the Police, but the responsibility for managing an absence lies with the staff of the care home or foster carer. There is an expectation that staff or foster carers will make reasonable enquiries to locate the absent child and encourage them to return to where they should be.

The rationale for reporting the child as absent, rather than missing, must be recorded in writing and the incident reviewed regularly in light of any enquiries made or information received. The Police must be informed of any developments.

It will also be the responsibility of care staff or foster parents to inform any other interested party with caring responsibilities for the child (eg parent, social worker, responsible social authority if different) of any absence or incidence of missing.

If the child has gone missing from foster care and a risk assessment has not been completed in advance, the foster carer must contact the child's social worker/duty social worker or emergency duty team (if out of hours), who will assist with completion of the risk assessment and advise on reporting the child to Police.

#### ***4.3 Return to children's home or foster placement***

Through regular liaison between the care homes and local Neighbourhood Policing Teams consideration should be given to the use of a restorative justice/community resolution approach to the reintegration of the young person into the children's home or foster placement on their return.

## **5 INFORMATION SHARING**

The setting out of arrangements for information sharing and disclosure in line with the provisions of Data Protection Act and Crime and Disorder Act Section 115 (see guidance at Appendix E).

Also refer to the SCJB Multi-Agency Information Sharing Guidance.

## **6 RECORDING OF INCIDENTS**

### **6.1 Recording of Incidents**

#### ***By residential staff***

It is necessary for incidents within children's homes to be accurately recorded so as to provide informed histories on the children and young persons looked after, assisting with assessments and liaison meetings.

All incidents must be recorded in the personal file of each young person and entered in the Home's Day Book/ Incident Log. Risk assessments should be reviewed. This provision also applies to incidents discussed through regular liaison with local Neighbourhood Policing Teams and where relevant Missing Person Co-ordinators.

#### ***By foster carers***

It is necessary for incidents within foster care placements to be accurately recorded so as to provide informed histories on the children and young persons looked after, assisting with assessments and liaison meetings.

All incidents must be recorded in the ring binders of each young person and reported to the family placement social worker and the child's social worker. Risk assessments should be reviewed.

### **6.2 Whether to Record (Police)**

In April 2002, the police service in England (and Wales) adopted the National Crime Recording Standard (NCRS). It governs the way in which the police record crime. Under this standard, the police will record an incident as a crime (notifiable offence) against an identified victim if, on the balance of probability

[a.] the circumstances as reported amount to a crime defined by law (the police will determine this, based on their knowledge of the law and counting rules);

#### **AND**

[b.] there is no credible evidence to the contrary.

In most cases, the belief by the victim (or person reasonably assumed to be acting on behalf of the victim) that a crime has occurred is sufficient to justify recording although this will not be the case in all circumstances.

In the normal course of events the parent / guardian / representative can reasonably be assumed to be acting on behalf of the victim. The criteria is not age specific and each incident has to be judged on its own merits.

### **3<sup>rd</sup> Party Report**

Where there are grounds to suspect that a victim related crime may have taken place, but no victim (or person reasonably assumed to be acting on behalf of the victim) can



immediately be found or identified, the matter should be recorded as a third party report, until such time as the victim is located or comes forward.

All incidents reported to the Police, whether from victims, witnesses or third parties and whether crime related or not, will result in the registration of an incident report by the Police.

Where an incident is reported to the Police directly via the Sussex Police Contact Centre, Public Service Desk or attending officer then the Force Policy for recording of incidents and crimes should be adhered to.

### **6.3 When to Record (Police)**

A crime should be recorded as soon as the decision to record has been made (or as soon as possible afterwards).

To ensure compliance with the counting rules, offences which come to the notice of the Police through involvement in children's homes, must be recorded, unless the criteria as stated above applies.

It is important to remember that each children's home has the responsibility of care towards the resident young persons with their welfare interests being paramount. Department for Education National Minimum Standards for Children's Homes dictate that each home must have a clear written policy on managing behaviour, which includes supporting positive behaviour, de-escalation of conflicts, discipline, control and restraint that all staff understand and apply at all times. Consequences of unacceptable behaviour should be clear to staff and children, and must be appropriate to the age, understanding and individual needs of the child. Therefore, the requirement to record offences should be considered in conjunction with the desire to avoid unnecessary criminalisation of young people who are looked after by the Local Authority.

### **6.4 Recording of serious incidents by the Police**

Given the immediate response aspect of this category, offences which come to the notice of attending officers would be of such a nature as to require recording unless there were exceptional extenuating circumstances.

### **6.5 Recording of Not Serious Incidents by the Police**

Not serious incidents reported to the Registered Manager which warrants Police investigation will be recorded as crimes provided they meet the Home Office recording criteria.

Incidents that are considered suitable for internal resolution by children's home staff or other agency do not need to be reported to the Police, however, the staff should record full details and decisions within the children's home register.

## **7 PROSECUTION OF INCIDENTS BY CROWN PROSECUTION SERVICE**

### **7.1 Offending Behaviour in Children's Homes.**

The decision to prosecute Looked After Children for low level offences committed within a children's home is a major decision and should be taken by a youth specialist who has attended the CPS Youth Specialist Course and is at least a Senior Crown Prosecutor.

The guidance should be considered in conjunction with the code for Crown Prosecutors, CPS Policies Statements and legal guidance.

The Police are more likely to be called to a children's home than a domestic setting to deal with an incident of offending behaviour by an adolescent. The Crown Prosecution Service should bear this in mind when dealing with incidents that take place in a children's home.

It is important that all people feel safe in the place that they live, whether that is in a family home or a children's home, and have confidence in the criminal justice system to intervene and protect them where it is necessary.

A criminal justice disposal, whether a prosecution, reprimand, or warning, should not be regarded as an automatic response to offending behaviour by a Looked After Child, irrespective of their criminal history. This applies equally to a persistent offender and adolescents of good character. A criminal justice disposal will only be appropriate where it is clearly required by the public interest.

Informal disposals such as a referral to the Youth Crime Prevention Panel, restorative justice conferencing, reparation, acceptable behaviour contracts and disciplinary measures by the home may be sufficient to satisfy the public interest and to reduce the risk of future offending.

### **7.2 Behaviour Management Policies**

Each home must have a written Behaviour Management Policy that sets out the measures of control, restraint and discipline which may be used in the children's home and the means whereby appropriate behaviour is to be promoted in the home. A copy of this policy and a statement from the home setting out how the policy has been applied to the particular incident should accompany any request for advice on charging.

### **7.3 The Decision to Prosecute**

Youth Specialists should consider all the circumstances surrounding the offence and the circumstances of the child/young person before reaching a decision, and apply the Code for Crown Prosecutors and all relevant CPS Youth Policies

Factors that should be considered include:

- Disciplinary Policy of the home
- An explanation from the home regarding their decision to involve the Police
- Information from the home about the recent behaviour of the child or young person including similar behaviour, any incidents in the child or young person's life which could have affected their behaviour, any history between the

child/young person and the victim, any apology or reparation, history of the incident and any action taken under the disciplinary policy of the home.

- Views of the victim, including their willingness to attend court to give evidence and/or participate in a restorative justice or other diversionary programme.
- Views of the key worker, social worker, counsellor, CAMHS worker on the effect of a criminal justice intervention on the child or young person, particularly where the child or young person suffers from an illness or disorder.
- Any explanation of information about the offence from the child or young person.
- Provided the child or young person wishes it to be considered, information about the Local Authority's assessment of his/her needs and how the placement provided by the home is intended to address them

#### **7.4 Aggravating and Mitigating Factors**

Aggravating and mitigating features should be considered when deciding on the appropriate outcome.

##### ***Aggravating factors include:***

- The offence is violent or induces a genuine fear of violence in the victim
- The offence is sexual
- The offence is motivated by hostility based on gender, sexuality, disability, race, religion or ethnicity of the victim
- The victim is vulnerable
- The damage or harm caused is deliberate and cannot be described as minor
- The offence forms part of a series of offences
- Informal measures have been ineffective in preventing offending behaviour

##### ***Mitigating factors include:***

- The damage or harm caused is at the lower end of the scale and has been put right
- Appropriate action has already been taken under the disciplinary procedure or other informal disposal
- Genuine remorse and apology to victim
- The behaviour is a symptom of a disorder or illness that cannot be controlled by medication or diet
- Isolated incident, or out of character
- The child or young person is under extreme stress or appears to have been provoked and has over-reacted

## 8 MONITORING

To evaluate compliance with this Protocol, regular meetings should be held between the Police, Children's Homes and Foster Care Providers, Youth Offending Services, and CPS. This will be done via a Looked After Children multi-agency steering group on behalf of the Sussex Criminal Justice Board.

The group will also ensure that this document is reviewed on an annual basis.

**Name & Position ----- Sussex Police**

**Signature ----- Dated -----**

**Name & Position ----- CPS**

**Signature ----- Dated -----**

**Name & Position ----- HMCTS**

**Signature ----- Dated -----**

**Name & Position ----- ESCC**

**Signature ----- Dated -----**

**Name & Position ----- WSCC**

**Signature ----- Dated -----**

**Name & Position ----- BHCC**

**Signature ----- Dated -----**

**Name & Position ----- CHILDREN'S HOMES**

**Signature ----- Dated -----**

**Name & Position ----- FOSTER CARERS**

**Signature ----- Dated -----**

## Appendix A

### CONTACTS

Each area in Sussex has a dedicated Neighbourhood Policing Team (NPT) which includes Police Officers, Police Community Support Officers and Neighbourhood Schools Officers.

There are a number of ways that you can find the contact details of your local NPT. You can:

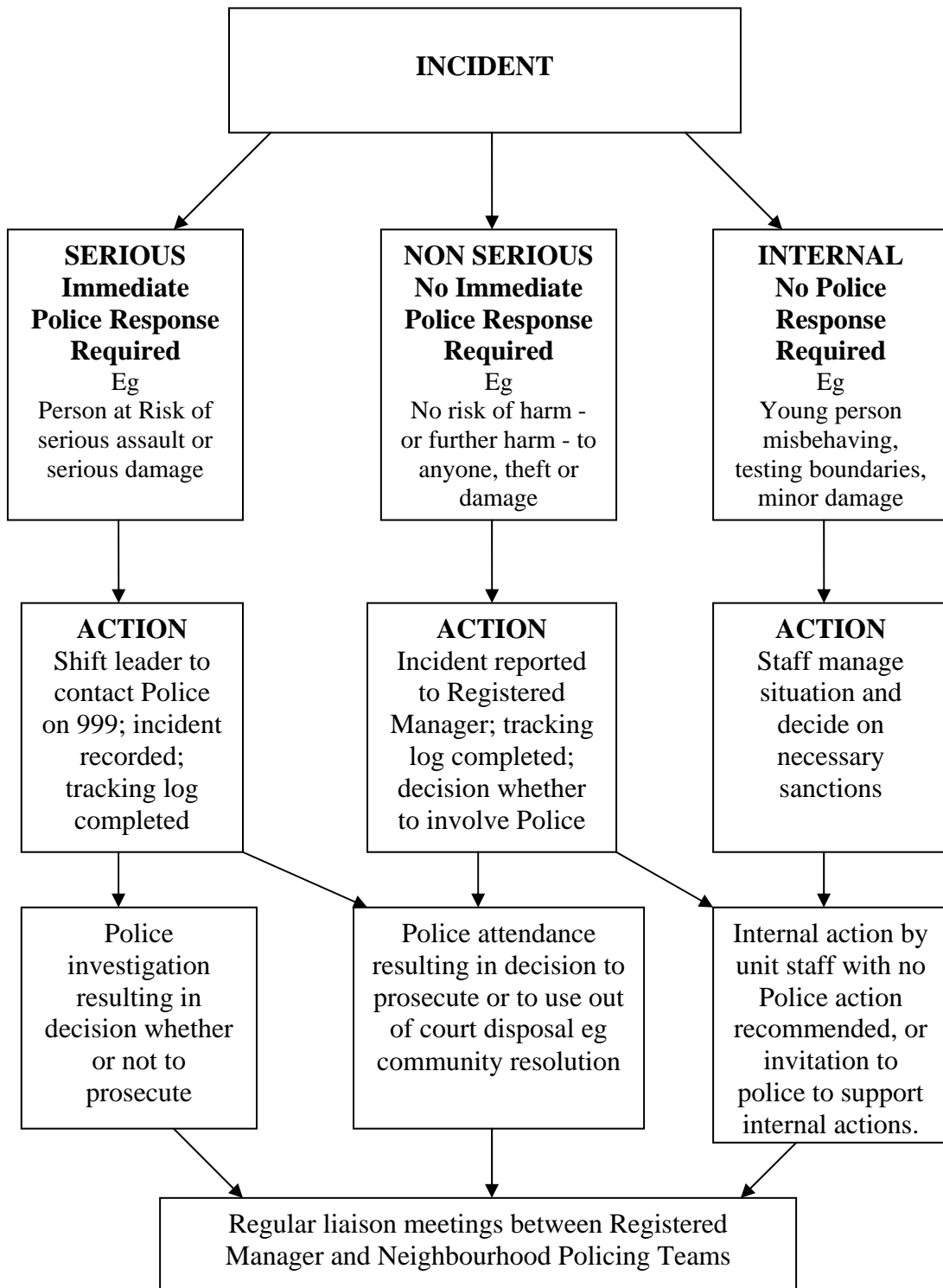
- Call the Sussex Police non-emergency number **101**
- Visit your local Police station
- Visit the Sussex Police website at [www.sussex.police.uk](http://www.sussex.police.uk). Click on Your Neighbourhood, Your District, select your district and then your ward.

On the website you will also find how to sign up to Community Messaging so that you receive emails about policing in your area.

## Appendix B

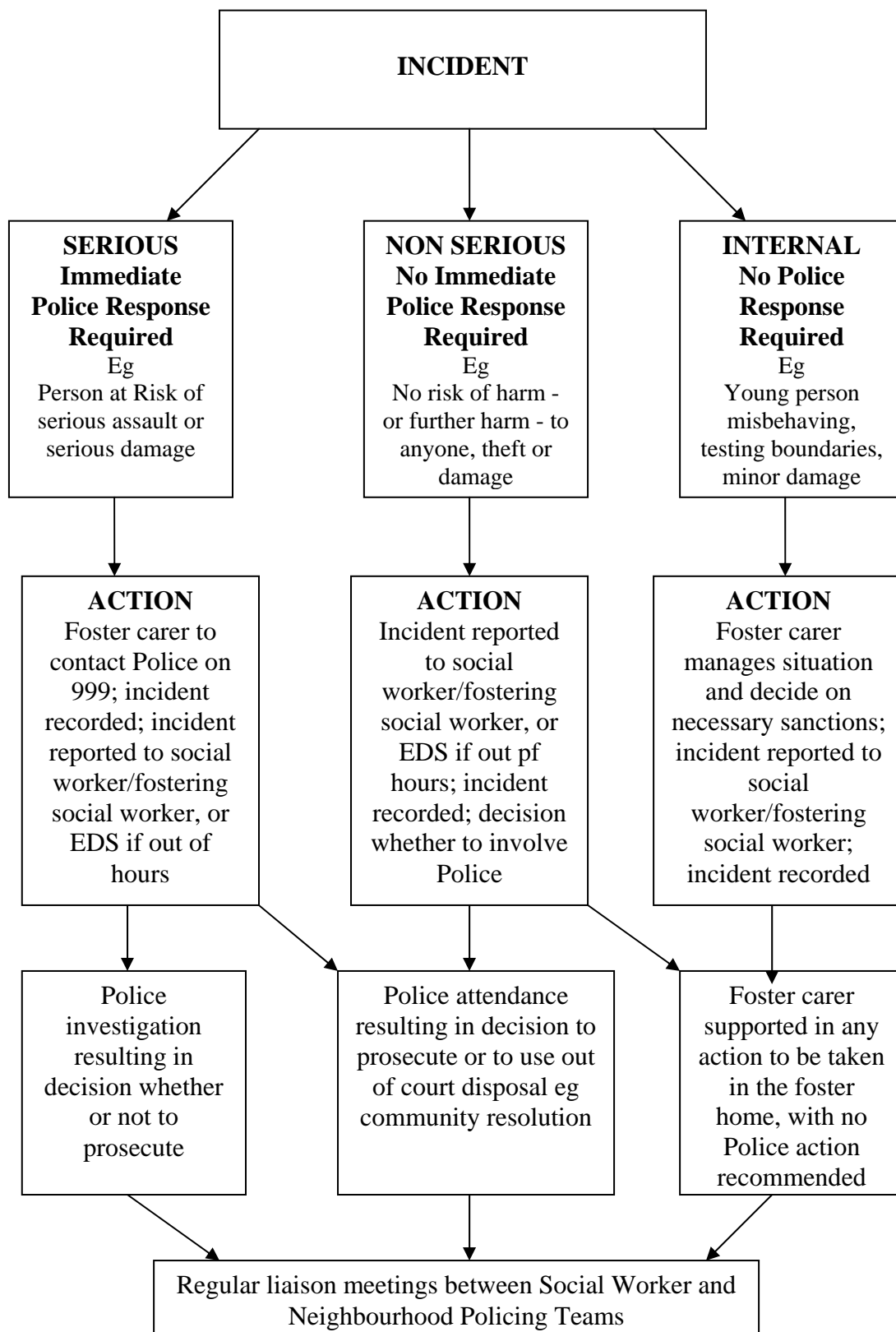
### CHILDREN'S HOMES DECISION TO INVOLVE POLICE

This policy must be followed when any member of staff is considering contacting the Police.



## FOSTER CARERS DECISION TO INVOLVE POLICE

This policy must be followed when a Foster Carer is considering contacting the Police.



## Appendix C

### CHECKLIST TO BE USED WHEN DECIDING WHETHER TO INVOLVE THE POLICE

Name of young person(s)/staff involved in incident \_\_\_\_\_

Offender \_\_\_\_\_ Victim \_\_\_\_\_

Date Incident Occurred \_\_\_\_\_ Location of Incident \_\_\_\_\_

Nature of Incident (please circle)

**Violence by a child or young person on another** Once Ongoing

**Violence to staff or foster carers by a child or young person** Once Ongoing

**Criminal Damage within the Home or Placement** Once Ongoing

**Criminal Damage to Staff or Carers' Cars or Property** Once Ongoing

**Theft within the Home or Placement** Once Ongoing

**Hate Crime (Racist, Religion, Homophobic, Gender, Disability)** Once Ongoing

**Disorder in or around the Home or Placement** Once Ongoing

**Trespass within and around Home or Placement** Once Ongoing

**Substance Misuse** Once Ongoing

Other (please describe) \_\_\_\_\_

Who has been affected? (please list): \_\_\_\_\_

Any other comments: \_\_\_\_\_

**Before I contact the Police, I confirm that I have already completed the following:**

Internal Enquiry Yes No

Internal Discussion Yes No

Internal Restorative Conference Yes No

Referral to YOT Yes No

Referral to Social Worker Yes No

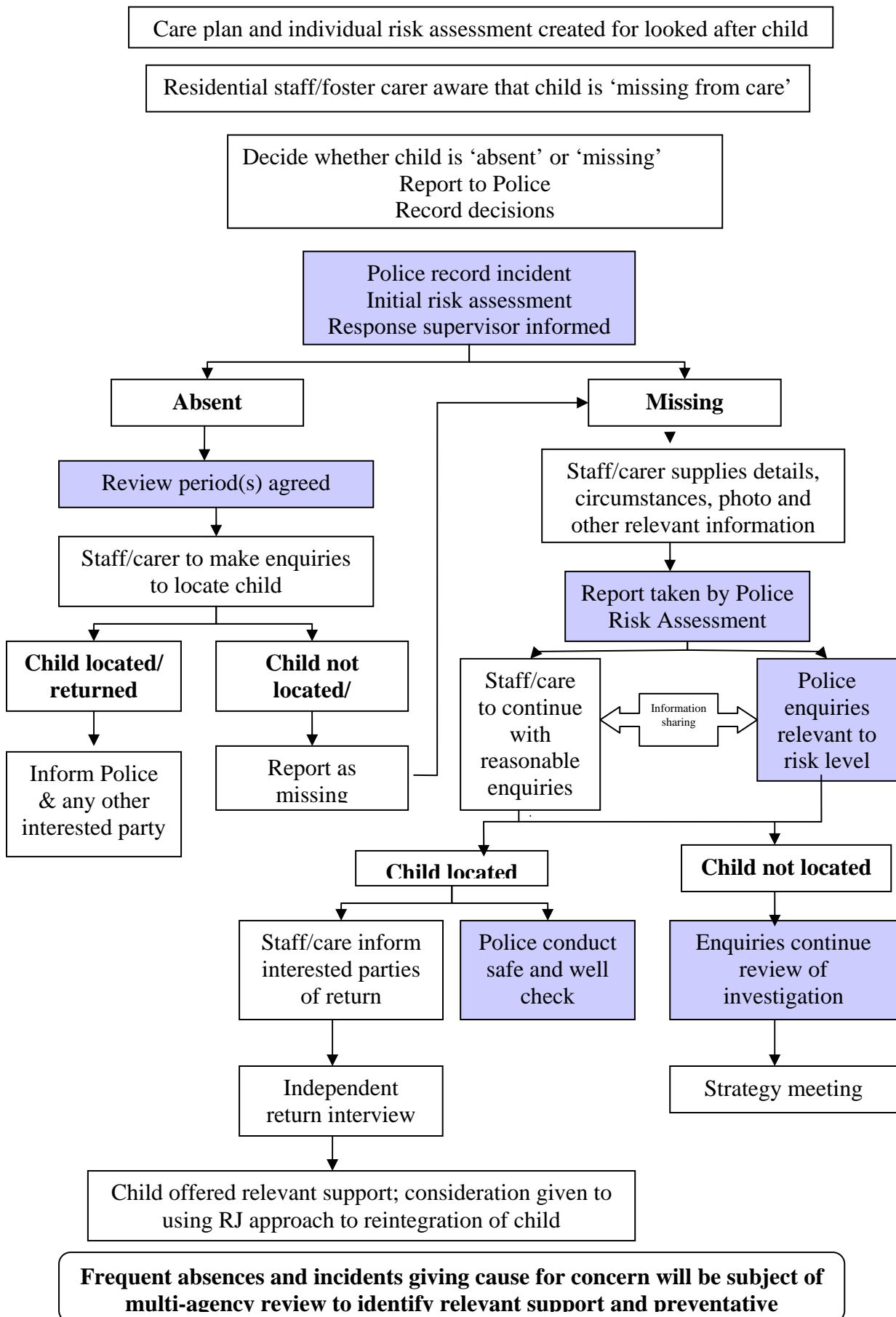
Sanction Type: \_\_\_\_\_

Referred to Police By \_\_\_\_\_ (print name)



**Appendix D**

**MISSING FROM CARE PROCESS FLOWCHART**



## **Appendix E**

### **GUIDANCE ON INFORMATION SHARING**

The following guidance on information sharing between agencies under section 115 of the Crime and Disorder Act 1998 was issued in November 1998 in a joint statement by the Home Office and Data Protection Registrar:

Before public or statutory bodies can disclose information, they must first establish whether they have power to do so and/or whether they have a responsibility to do so. Once the question of power is resolved, they must carry out the disclosure in a lawful manner.

#### **THE POWER TO DISCLOSE**

The Police have an important and general power at common law to disclose information for the prevention and detection of crime. Indeed, both the public and the Government expect them to use their powers and their knowledge to prevent crime and to reduce crime and disorder. There are no restrictions on the disclosure of information, which does not identify individuals.

#### **THE CRIME AND DISORDER ACT 1998**

The Act introduces a number of measures to control crime and disorder, all of which depend on close co-operation, including the proper exchange of information:

- section 17: duty to prevent crime and disorder;
- sections 6&7: formulating and implementing strategy;
- section 39: youth offending teams;
- section 1: anti-social behaviour orders;
- section 2: sex offender orders;
- section 15; local child curfew schemes;
- section 16: contravention of child curfew notices.

Public bodies collect information, which will be central to the Act's partnership approach; but they may not previously have had power to disclose this information to the Police and others. Section 115 provides that any person can lawfully disclose information 'for the purposes of the Act' to the Police, local authorities, probation service or health authority (or persons acting on their behalf), even if they do not otherwise have this power.

Section 115 ensures all agencies have a power to disclose: it does not impose a requirement on them to exchange information, and so control over disclosure remains with the agency which holds the data. Information exchange, whether carried out under the power in section 115 or under any other common law or statutory power, is therefore controlled by the normal data protection regime and common law. The public rightly expects that personal information known to public bodies will be properly protected. However, the public also expects the proper sharing of information, as this can be an important weapon against crime. Agencies should, therefore, seek to share information where this would be in the public interest.

## **LAWFUL EXERCISE OF THE POWER TO DISCLOSE**

Any disclosure of personal data must have regard to both common and statute law, for example defamation, the common law duty of confidence, and the data protection principles -unless and to the extent that any Data Protection Act exemptions apply. The principles require that such information is obtained and processed fairly and lawfully; is only disclosed in appropriate circumstances; is accurate, relevant, and not held longer than necessary; and is kept securely.

The best way of ensuring that disclosure is properly handled is to operate within information sharing Protocols carefully formulated by the agencies involved. Section 115 of the Crime and Disorder Act 1998 can be used to reinforce the many and existing and successful Protocols for the sharing of information for crime and disorder purposes between, for example, the Police and probation service. The Home Office and the Office of the Data Protection Registrar have issued guidance on the preparation and use of Protocols.

Further guidance may be obtained from the Criminal Policy Strategy Unit at the Home Office or the Compliance Manager at the Office of the Data Protection Registrar

## **Appendix F**

### **EXPLANATION OF DISPOSAL OPTIONS**

#### ***Community Resolution***

Community Resolution is not a criminal conviction but it may be disclosed under the Criminal Record Bureau (CRB) enhanced disclosure process subject to the nature of employment being sought.

#### ***Reprimands and Final Warnings***

A Reprimand or Final Warning is not a criminal conviction, but a record will be created recording the fact an individual has received such a sanction and this will be held on the Police National Computer.

The juvenile must admit the offence in order for a reprimand or warning to be given. If the juvenile has not been reprimanded or warned previously then a reprimand shall be given (unless the offence is so serious as to require a final warning). If the person has been reprimanded previously then a final warning shall be given. If the juvenile was warned two years or more previously and the offence is not so serious as to require a charge then a further warning may be given on one more occasion.

Any further occurrences will normally result in the juvenile being charged leading to a court appearance in the Youth Court.

Applications for certain jobs, either paid or unpaid, require a Criminal Records Bureau check (CRB check) to be carried out. CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust. Reprimands and Final Warnings remain on a person's record until their 100th birthday, and will be disclosed to any employer asking for a CRB check.

If the offence admitted is a sexual offence, this may mean that the person will have their name added to the Violent and Sex Offender Register and the person will have to agree to certain conditions around registration.

## **Appendix G**

### **COMMUNITY RESOLUTIONS - POLICE GUIDANCE**

Community Resolutions provide an opportunity for officers to deal with offences at a low or community level without the recourse to arrest and formal sanction. It provides officers with the opportunity to make professional and discretionary judgements about whether or not the formal criminal justice system should be invoked. Putting the wishes and expectations of the victim first, officers have the discretion to offer the victim the opportunity for the crime to be dealt with through a resolution process. A Community Resolution is defined as any action that is requested by the victim, which is agreed by the offender and is considered appropriate and proportionate by the officer.

The following 'Decision Making Model' is for use for deciding whether either a Level 1 or Level 2 Community Resolution is appropriate.

<p><b><u>NO AUTHORITY REQUIRED</u></b></p> <p><b>RESOLUTION CAN BE APPLIED IF:</b></p>	<p><b>Offences can include:</b></p> <ul style="list-style-type: none"> <li>○ Burglary OTD</li> <li>○ Vehicle interference</li> <li>○ Criminal damage</li> <li>○ Theft</li> <li>○ Common assault</li> <li>○ S4 Public Order</li> <li>○ S5 Public Order</li> </ul>	<p style="text-align: center;"><b>Low Risk Offences</b></p> <p><b>Officers use their professional judgement and six considerations –</b></p> <ol style="list-style-type: none"> <li>1. Is the offence solvable?</li> <li>2. Does offender admit the offence and are they remorseful &amp; willing to take part in the process?</li> <li>3. What are the views of the victim?</li> <li>4. What is the profile of the offender?</li> <li>5. What is the community impact?</li> <li>6. Can you deal with it as a Level 1 Community Resolution?</li> </ol>
<p><b><u>SERGEANTS AUTHORITY REQUIRED</u></b></p> <p><b>CAREFUL CONSIDERATION AND JUSTIFICATION IS REQUIRED BEFORE DISCRETION CAN BE APPLIED:</b></p>	<ul style="list-style-type: none"> <li>• Domestic Abuse (non-partner/ex partner)</li> <li>• Repeat victim, same offender</li> <li>• Neighbourhood priorities</li> <li>• Hate crime (SIU)</li> <li>• High community impact</li> <li>• History of offender</li> <li>• 2 + Harassment</li> </ul> <p>Resolution can be used even if offender has previous reprimand, final warning, caution, convictions, FPND - <u>but</u> consider: suspect motivation, impact on victim, family impact, current offending profile. For DA – the DASH risk assessment <b>must</b> be graded as 'Standard', for a CR to apply.</p>	<p style="text-align: center;"><b>Medium Risk Offences</b></p> <p><b>Officers use their professional judgement and six considerations –</b></p> <ol style="list-style-type: none"> <li>1. Is the offence solvable?</li> <li>2. Does offender admit the offence and are they remorseful &amp; willing to take part in the process?</li> <li>3. What are the views of the victim?</li> <li>4. What is the profile of the offender?</li> <li>5. What is the community impact?</li> <li>6. Can you deal with it as a Level 1 Community Resolution?</li> </ol> <p>For these offences officers will refer the decision to a Sergeant who will use the principles of the ACPO Gravity factors (Plus and Minus Factors) to assist them in using their professional judgment in their decision making rationale.</p>
<p><b><u>INSPECTORS AUTHORITY REQUIRED</u></b></p> <p><b>These offences do not usually apply, however in exceptional circumstances can be authorised</b></p>	<ul style="list-style-type: none"> <li>• Domestic Abuse (partner/ex-partner) DASH RA = Standard</li> <li>• Serious crime</li> <li>• Child protection</li> <li>• Vulnerable adult offences</li> <li>• PPO, DYO, ASBO</li> <li>• Sex offences</li> <li>• Drugs offences</li> <li>• Honour Based Crime</li> </ul>	<p style="text-align: center;"><b>High Risk Offences</b></p> <p><b>Officers use their professional judgement and six considerations –</b></p> <ol style="list-style-type: none"> <li>1. Is the offence solvable?</li> <li>2. Does offender admit the offence and are they remorseful &amp; willing to take part in the process?</li> <li>3. What are the views of the victim?</li> <li>4. What is the profile of the offender?</li> <li>5. What is the community impact?</li> <li>6. Can you deal with it as a Level 1 Community Resolution?</li> </ol> <p>Additionally, an Inspectors authority is required.</p>







# South-east protocol to reduce offending and criminalisation of children in care

## The challenge

Children in care (CiC) continue to be significantly over represented in the youth justice system relative to their non-looked after peers. Work to date across the south-east has established that published figures on offending by CiC are unreliable and the extent of their over-representation is likely to be significantly higher than the reported 'two to three times more likely to offend' than non-looked after peers. We also know that CiC are significantly over represented in the custodial system with surveys of prisoners and those in secure youth settings indicating that at least one quarter of all those incarcerated have spent some time in local authority care in their childhood.

So, the challenge is two-fold. First, it is incumbent upon us to recognise the pre-existing risk factors that place CiC at greater risk of offending and take steps not to exacerbate these. Secondly, the challenge is to provide the children and young people in our care with additional protection.

The HMI Probation, Ofsted and Estyn<sup>1</sup> report and the recent Justice Committee<sup>2</sup> report concluded that the youth justice system is currently failing children in care and care leavers. Both have recommendations for changes in practice to ensure more and better support and improved collaboration to prevent the unnecessary criminalisation of these vulnerable young people.

Significant progress is being made to address these challenges across the south-east region however, 15-51% of CiC are placed outside of their home local authority. Further reductions in CiC offending will only be achieved through improved joint working between all agencies and local authorities across the whole region. The regional protocol is designed to provide an overarching set of principles to inform the processes that will ensure CiC are kept out of the criminal justice system wherever possible and that those who do enter the criminal justice system are provided with services that are most likely to reduce re-offending. Although this is a regional protocol, the aspiration is that it will apply to all children including incoming children from areas outside of the south-east region, and that in time the protocol will apply nationwide.

<sup>1</sup> 'Looked after children: An inspection of the work of youth offending teams with children and young people who are looked after and placed away from home.' A Joint Inspection by HMI Probation, Ofsted and Estyn.

<sup>2</sup> <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmjust/339/339.pdf> House of Commons Justice Committee: Youth Justice.

## Introduction

This protocol covers the following local authorities: Brighton and Hove, East Sussex, Hampshire, Isle of Wight, Kent, Medway, Portsmouth, Southampton, Surrey, West Sussex and police services in Surrey, Kent, Hampshire and Sussex.

Each local authority within the region has either produced, or is working towards the production of a locally agreed protocol with their respective police force outlining detailed policies and procedures. This protocol does not seek to replace these local protocols but rather provides an overarching agreement that ensures that any child in care (CiC) within the region is afforded the same protection and consideration wherever in the south-east region they may live. This is irrespective of the type of placement setting and should include all of those CiC who are in kinship care and those living independently, as well as those in residential and foster care. It is based upon the good practice already in place across the south-east region and has been designed to reinforce and extend such practice and to contribute to a culture of continuous improvement.

It is anticipated that the principles contained within the protocol will act as a framework for ensuring best practice in dealing with CiC across the region. The protocol aims to strike a balance between the rights and needs of the children and young people, the rights of staff and foster carers and members of the public (where offending is outside of the care setting itself) and the decision to involve the police and/or Crown Prosecution Service.

The protocol aims to reduce the prosecution of CiC wherever possible, by encouraging the use of restorative justice (RJ) approaches. RJ is a process whereby the victim has an opportunity to be heard and to state the impact of the behaviour and the offender has the opportunity to take responsibility for his or her actions. Approaches can range from internal mediation within children's homes between young people and staff without involving the police, to informal resolution such as community resolution which does involve the police, to more intensive restorative work facilitated by specialist restorative practitioners.

## Key principles

### General

- A. Every effort should be made to avoid unnecessary criminalisation of children in care (CiC). This is in recognition that criminalisation can be a barrier to successful transition to adulthood and future life prospects and in recognition that the life histories of many CiC make them particularly vulnerable to involvement in the criminal justice system.
- B. It is every professional's responsibility when working with CiC to strive to understand the underlying causes of a young person's behaviour.

- C. Victims and communities have a right to be protected from CiC offending and an entitlement to have their needs and interests taken into account in finding ways forward in the aftermath of challenging/offending behaviour.
- D. Restorative approaches should underpin our response, whether or not this behaviour occurs 'in-house' or out in the wider community. This involves a commitment to work restoratively not only with those CiC but also those who they may have harmed by their behaviour.
- E. All professionals within the system should pursue an integrated approach to reduce CiC offending.
- F. Those CiC already within the criminal justice system also need protection from escalation and these principles should apply to them equally.
- G. CiC attracting a custodial sentence or remand are often the most vulnerable with multiple, over-lapping risks and needs requiring careful oversight and support from youth offending teams, Children's Service departments and custodial facilities. If their involvement in offending is to be successfully addressed preparation and planning for their through-care and resettlement should start from their point of entry into the establishment and involve all relevant professionals in their lives. Particular attention should be given to the early identification of suitable post-custody accommodation.
- H. All professionals have a duty to ensure that any special needs presented by CiC (or those harmed) such as mental illness or speech and language difficulties are acknowledged and addressed in the management of the response to the behaviour.
- I. It is in the best interests of young people to remain within their 'home' authority wherever appropriate where they can benefit from the services of their own corporate parents.
- J. Corporate parenting boards have the key responsibility for ensuring their children are protected from offending and criminalisation and should ensure that work is effective across social care and with criminal justice partners to achieve this.
- K. Corporate parenting boards must be confident that they have an accurate picture of offending by children in their care and should ensure systems are in place to identify all those who are offending whether placed within the home authority or outside.

### **Police involvement and decision making**

- L. It will be an expectation of all local authorities that staff and carers of children in care (CiC) will strive to manage challenging behaviour at the placement address by way of internal resolution without involvement of the police wherever possible.
- M. Where this is not appropriate such as where there is concern about immediate safety, and where police become involved, the police should consider use of discretionary powers to apply an informal resolution response (such as community resolution).

- N. In circumstances where such a response is inadequate in the face of the seriousness of the offence then police should routinely consider potential for diversion from criminalisation/prosecution through discussion in local joint-decision making forums (wherever these have been established under 'legal aid, sentencing and punishment of offenders act 2012') and to consider suitability for a restorative case managed informal resolution, wherever such disposals are available: taking into account the wishes of those harmed and where the CiC makes admissions to the offence. The good practice principle here is for procedures to allow for a cooling off period, for decisions to be reached in slow time and informed by key workers/officers (such as police link workers for residential settings) to advise on case progression/diversion.
- O. Where CiC decline to make admissions or where the offence is serious enough to merit consideration of prosecution then Crown Prosecution Service guidance on decisions to prosecute looked after children: 'Offending behaviour in children's homes – Crown Prosecution Service guidance' should be actively applied. Furthermore, it should be the responsibility of the local authority to proactively assist the Crown Prosecution Service in reaching informed decisions in consideration of CiC cases.

### **Children in care placed outside of their local authority**

- P. Children in care (CiC) placed outside their local authority should be afforded the same protection against involvement in offending and criminalisation as those placed within their local authority.
- Q. Every south-east local authority should ensure that there are reciprocal arrangements giving other local authority CiC the same protection as home CiC and the opportunity to achieve the same outcomes as their peers.
- R. Where a CiC offends out of area then it will be the duty of those in the area in which the offence has taken place to consult and discuss ways forward with the CiC's home authority, to ensure informed decision-making and that appropriate action is taken to address the risk of repeat offending in the future.
- S. To assist in the above each local authority/police area will work to ensure that a directory of key contacts is in place to ease communication across the region.
- T. The 'crime and disorder act 1998 section 115' ensures that all agencies involved in preventing offending have the power to disclose information for the purpose of preventing crime and disorder. It is vital in the prevention of offending, and protection of vulnerable young people that agencies develop an environment of information sharing that demonstrates to young people agencies working together, and keeping each other informed.
- U. With the above in mind the home local authorities will notify the receiving authority (within five working days) that a CiC is moving into their area, to mitigate against the risk that decisions will be made without knowledge of a young persons' 'looked after' status.

## Response to incidents occurring outside the care placement

- V. In respect to incidents that occur outside of the care placement that may involve harm caused to members of the public then ideally police and or partners will consult with those involved and explore potential for cases to be dealt with by means of informal resolution (restoratively) wherever this is possible and within the scope of local joint decision-making arrangements.
- W. Local decision-making practices will vary from one area to another but as a general principle in all cases (other than where there is a clear non admission of responsibility) all children in care (CiC) decision making ought to be referred to the new joint decision-making panels that have arisen from the 'legal aid, sentencing and punishment of offenders act 2012'. These joint decision making panels need to have special regard to decision making in respect to CiC that ensures decision making is informed by information gathered from professionals associated with the child with a view to ensuring that the best possible service can be mobilised to address the unmet needs of those involved, support any restoration and work to reduce the risk of further offending.

The principles of this protocol are applicable to the ten local authorities and four police forces who are signatories. The protocol is applicable to all placements, including foster and children's homes, both local authority, private and voluntary provision wherever the location within these local authorities..

The protocol supports the Department of Education national minimum standards for children's homes, which state that: "the homes' approach to care minimises the need for police involvement to deal with challenging behaviour and avoids criminalising children unnecessarily".

This protocol further supports the Ofsted inspection framework which under the key judgement: 'The experiences and progress of children looked after and achieving permanence' says that local authorities are likely to be judged as good if:

"Any risks associated with children and young people offending, misusing drugs or alcohol, going missing or being sexually exploited are known by the local authority and by the adults who care for them. There are plans and help in place that are reducing the risks of harm or actual harm and these are kept under regular review by senior managers" (page 18).

This protocol further supports the HMIP thematic report, 'Looked after children: An inspection of the work of youth offending teams with children and young people who are looked after and placed away from home' which recommends that youth offending team managers should ensure that:

- accurate information about children and young people who are looked after and placed outside their home area is sent promptly to the youth offending team in the new area
- assessments, intervention plans and reviews on children and young people take full account of the impact of being looked after
- the enforcement processes for court orders and post-custodial licences are sensitive to, and take account of, the circumstances of children and young people who are looked after

- action is taken, where appropriate, to increase the number of children and young people who are dealt with through restorative justice measures when they offend within the residential setting.

## Implementation – action required

The protocol creates a set of new imperatives for all signatories to work together across the region to:

- provide and maintain an up to date list of relevant contacts
- notify other local authorities when children in care (CiC) are placed in another authority (within five working days)
- further develop informed joint decision-making arrangements at a local level that takes full account of children's 'looked after' status and circumstances
- consultation between 'host' and 'home' local authorities/police authorities.

Signatories:

Local Authority Leaders and Chief Constables