



**NOTTINGHAM CITY COUNCIL**  
**CORPORATE PARENTING BOARD**

**Date:** Monday 18 March 2019

**Time:** 2:30pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham,  
NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Corporate Director for Strategy and Resources**

**Governance Officer:** Adrian Mann **Direct Dial:** 0115 876 4468

- |          |   |                  |
|----------|---|------------------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>  |                  |
| <b>2</b> | <b>DECLARATIONS OF INTERESTS</b>  |                  |
| <b>3</b> | <b>MINUTES</b><br>Minutes of the meeting held on 18 January 2018, for confirmation                  | 3 - 8            |
| <b>4</b> | <b>THE RESPONSE TO MISSING CHILDREN</b><br>Report of the Director of Children's Integrated Services | 9 - 14           |
| <b>5</b> | <b>EDGE OF CARE SERVICES</b><br>Report of the Director of Children's Integrated Services            | 15 - 18          |
| <b>6</b> | <b>REDUCING OFFENDING BEHAVIOUR</b><br>Report of the Director of Children's Integrated Services     | 19 - 92          |
| <b>7</b> | <b>CHILDREN IN CARE COUNCIL</b><br>Verbal update  | Verbal<br>Report |
| <b>8</b> | <b>FORWARD PLANNER</b><br>2019/20 municipal year (meeting dates to be confirmed)                    | 93 - 96          |

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

**NOTTINGHAM CITY COUNCIL**

**CORPORATE PARENTING BOARD**

**MINUTES of the meeting held at Loxley House, Nottingham on 18 January 2019  
from 2.30 pm - 4.00 pm**

**Membership**

Present

Councillor David Mellen (Chair)  
Councillor Glyn Jenkins  
Councillor Neghat Khan  
Councillor Wendy Smith

Absent

Councillor Ginny Klein  
Councillor Jim Armstrong  
Councillor Nicola Heaton  
Councillor Sue Johnson  
Councillor Marcia Watson  
Councillor Cate Woodward

**Colleagues, partners and others in attendance:**

|                |  |
|----------------|--|
| Helen Blackman | - Director of Children's Integrated Services |
| Clive Chambers | - Head of Children in Care                   |
| Ian Crompton   | - Fostering and Adoption Panel Advisor       |
| Ian Hillier    | - Complaints Officer                         |
| TM             | - Foster Carer                               |
| Gill Moy       | - Nottingham City Homes                      |
| Audrey Taylor  | - Service Manager, Fostering and Adoption    |
| Jordan Whatman | - Project Officer, Children in Care          |
| Phil Wye       | - Governance Officer                         |

**41 APOLOGIES FOR ABSENCE**

Councillor Jim Armstrong – other Council business  
Councillor Nicola Heaton – work commitments  
Councillor Ginny Klein – personal reasons  
Councillor Marcia Watson – work commitments  
Councillor Cate Woodward – other Council business

Nick Lee, Director of Education Services

**42 DECLARATIONS OF INTERESTS**

None.

**43 MINUTES**

The minutes of the meeting held on 19 November 2018 were confirmed as a correct record and signed by the Chair.

**44 FOSTERING AND ADOPTION PANEL CHAIR'S REPORT**

Ian Crompton, Panel Advisor, introduced the report on the activity of the fostering and adoption panels, highlighting the following:

- (a) there has been a slight increase in adoption applications for 2018, and a significant increase in adoption matches. This includes both in-house and inter-agency adoptions;
- (b) inter-agency adoptions require fees to be paid so are more of a challenge to fund, and some agencies have recently increase their fees;
- (c) there has been a large increase in mainstream applications for fostering, whilst other authorities nationally are struggling to recruit;
- (d) the four panel Chairs and panel members all reported consistent improvements in the quality of reports presented to the panels, with 88% of reports considered outstanding or good which is an increase from the previous year;
- (e) as part of the government's regionalisation agenda a regional adoption agency will be set up soon. The panels will continue to be heard in Nottingham but will hear wider adoption cases.

It was suggested that Councillors could continue to sit on adoption panels for the regional agency for democratic accountability.

**RESOLVED to note the activity of the fostering and adoption panels.**

#### **45     INSPECTION OUTCOME**

Clive Chambers reported on the outcome of the Ofsted Inspection of Nottingham City's Social Care Services from November 2018, highlighting the following:

- (a) the report judged all areas to require improvement, including the experiences and progress of children in care and care leavers;
- (b) the report, however, acknowledges that a range of services have improved since the previous inspection and that there are areas of good practice across the service. Children are well placed with carers and the authority works well with high-risk children;
- (c) key suggested service improvements included the speed of progressing permanence and the availability of emergency placements when, for example, a child is taken into custody;
- (d) a high number of children were taken into custody over the inspection period, and their care is transferred to the local authority. These may require secure accommodation which can be difficult to find, particularly if a number are taken into custody simultaneously;
- (e) the authority's process for dealing with these children is being reviewed with the police, including new guidance and a tracker so that the authority is informed as quickly as possible so that arrangements can be made;

- (f) an improvement plan is being drawn up following the report and will be presented at the next Board meeting.

The report can be found online at the following link:

<https://files.api.ofsted.gov.uk/v1/file/50048229>

#### **46 ADOPTION AND PERMANENCY**

Audrey Taylor, Service Manager, Fostering and Adoption, introduced the report providing an overview of the permanency performance of the local authority, primarily focusing on adoption activity. The following information was highlighted:

- (a) In Nottingham City there are currently 93 children with adoption plans, 31 of whom are currently matched with adopters. There are also 333 children being supported by means of Special Guardianship Orders;
- (b) 37 children have been adopted so far in this financial year, with a further 14 due to be granted adoption orders by 31 March 2019;
- (c) the authority is currently home finding for 27 children, including seven sibling groups and a high number of 1 year olds;
- (d) 21 prospective adopters are currently being assessed, and the authority has 43 approved households of which 28 have children placed and 15 are awaiting a match. This includes 5 foster carers who wish to adopt;
- (e) this financial year the authority has made 50 applications to the Adoption Support Fund which offers support to adoptive families by enabling them to access bespoke therapeutic support for the child and adopters;
- (f) plans are underway to establish an East Midlands Regional Adoption Agency by April 2019. Staff currently in the adoption and post order team will move over to the new agency which will be hosted by Nottinghamshire County Council;
- (g) the Permanency Panel has been established which reviews proposed plans for permanency and ensures that proposed matches are viable and appropriate for prospective carers and children.

**RESOLVED to note the performance to date in relation to Permanency Planning for Children in Care, which can be in the form of adoption, permanent fostering or special guardianship.**

#### **47 CHILDREN IN CARE SOCIAL CARE COMPLAINTS**

Ian Hillier, Complaints Officer, introduced the report highlighting complaints made specifically by children in care in accordance with the statutory social care complaints procedure, and highlighted the following:

- (a) 24 complaints were received which was an increase from 11 in the previous reporting period. 23 of these 24 complaints were resolved at stage 1 of the

complaints procedure;

- (b) nearly all complaints were resolved within statutory timescale of 20 working days. Of those that were not, one was 1 day outside the timescale and one was 9 days;
- (c) the significant increase in complaints demonstrates that the children in care are finding it easier to make their voices heard through new methods such as MOMO which is an app that the young people can use to contact their social workers;
- (d) MOMO is available to all children in care. If they do not have a mobile phone then it is accessible through computers or handheld devices.

**RESOLVED to continue to support the effective complaints handling of young people in care and understand the required duties of corporate parents in relation to addressing the concerns of young people in care.**

#### **48 EDUCATIONAL ATTAINMENT OF CHILDREN IN CARE**

Jasmin Howell, Acting Head of the Virtual School, introduced the report providing an update on the work of the Nottingham City Virtual School and details of attainment in the 2017-18 academic year. The following information was highlighted:

- (a) the majority of children in care were in schools judged good or outstanding by Ofsted;
- (b) there was a slight drop in the school attendance rate of 1% from the previous year;
- (c) there were no permanent exclusions of children in care, but there were 139 fixed term exclusions which is a decrease from the year before. The reason recorded for the majority of these was 'other';
- (d) 68% of the authority's children have had an up to date Personal Education Plan (PEP) completed in the last 6 months. 6% of children have a PEP that is out of date by over a year and 5% have not yet had a PEP completed. An electronic PEP is being developed which should increase completion rates and timescales;
- (e) a new process for the administration and distribution of Pupil Premium Plus was introduced at the start of the 2017-18 academic year, encouraging and supporting schools to apply for the funding;
- (f) the Virtual School now has the responsibility to provide support, advice and signposting for previously looked after children. A training course specific to these children has been developed for parents of adopted children and special guardians.

The following information was provided during the discussion which followed:

- (g) the completion rate for PEPs should be higher, but it would be almost impossible to achieve 100% for this. Some schools refuse to complete a PEP until the child has been on roll for some time. The electronic system should improve rates as they will be signed off more quickly;
- (h) some schools send children home early as an alternative to fixed period exclusion, and some teachers are unaware of the issues that children in care may have. There are designated teachers who are trained on these specific issues.

**RESOLVED to**

- (1) note and discuss the recent trends and current levels of educational attainment for Nottingham City's children in care in comparison to the performance of all children and children in care nationally;**
- (2) note the current work and interventions of the Virtual School to promote and support the educational achievement of Nottingham City looked after children and previously looked after children.**

**49 CHILDREN IN CARE COUNCIL**

This item was withdrawn from the agenda as Children in Care Council members were unable to attend.

**50 FORWARD PLANNER**

The forward planner was noted.

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**CORPORATE PARENTING BOARD – MARCH 2019**

|  |  |                                     |
|--|--|-------------------------------------|
| <b>Title of paper:</b>   | The Response to Missing Children   |                                     |
| <b>Director(s)/<br/>Corporate Director(s):</b>   | Helen Blackman – Director, Children's Integrated Services  | <b>Wards affected:</b><br>All       |
| <b>Report author(s) and<br/>contact details:</b>   | Racheal Osborne – CSE Coordinator & Missing Children's Team Manager<br><a href="mailto:racheal.osborne@nottinghamcity.gov.uk">racheal.osborne@nottinghamcity.gov.uk</a><br><br>John Matravers – Head of Service for Safeguarding and Quality Assurance<br><a href="mailto:john.matravers@nottinghamcity.gov.uk">john.matravers@nottinghamcity.gov.uk</a> |                                     |
| <b>Other colleagues who<br/>have provided input:</b>   |  |                                     |
| <b>Date of consultation with Portfolio Holder(s)<br/>(if relevant)</b>   | 18 February 2019   |                                     |
| <b>Relevant Council Plan Key Theme:</b>  |  |                                     |
| Strategic Regeneration and Development   |  | <input type="checkbox"/>            |
| Schools  |  | <input type="checkbox"/>            |
| Planning and Housing   |  | <input type="checkbox"/>            |
| Community Services   |  | <input type="checkbox"/>            |
| Energy, Sustainability and Customer  |  | <input type="checkbox"/>            |
| Jobs, Growth and Transport   |  | <input type="checkbox"/>            |
| Adults, Health and Community Sector  |  | <input type="checkbox"/>            |
| Children, Early Intervention and Early Years   |  | <input checked="" type="checkbox"/> |
| Leisure and Culture  |  | <input type="checkbox"/>            |
| Resources and Neighbourhood Regeneration   |  | <input type="checkbox"/>            |
| <b>Summary of issues (including benefits to citizens/service users):</b>   |  |                                     |
| <p>This report sets out the local arrangements in place to respond to children who go missing from home or care. These arrangements have been established because children who go missing have a range of vulnerabilities, including the risk of potential sexual and criminal exploitation and trafficking.</p> |  |                                     |
| <b>Recommendation(s):</b>  |  |                                     |
| <b>1</b>   | For the Corporate Parenting Board to note the content of this report.  |                                     |

**1 REASONS FOR RECOMMENDATIONS**

- 1.1 Corporate Parenting Board members are asked to note this report given the implications for the safety and well-being of children in care.

**2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 Children from all backgrounds will go missing, but there are some groups more likely to run away than others. Research suggests that nationally, 10,000 children run away

from care, home or foster placements each year. These children may face an increased risk of significant harm, including the potential of being exposed to the risk of alcohol and drugs, criminal and sexual exploitation and trafficking.

- 2.2 As indicated in the previous report to the Corporate Parenting Board regarding missing children (March 2018), there are well established arrangements to respond to missing children in Nottingham City. These are based on effective partnership working with key agencies, particularly the Police. This work is undertaken in accordance with both national and local practice guidance, particularly the Nottingham City Safeguarding Children Partnership and the Missing Children Protocol, which is jointly agreed between Nottingham City Council and Nottinghamshire County Council. This protocol was updated (March 2018) to include the new police definitions and risk grades relating to missing episodes, as discussed below.
- 2.3 The protocol recognises the importance of identifying and targeting the response to missing children who are most vulnerable. A key mechanism for doing this has been a differentiation between children who are missing (i.e. those children whose whereabouts are not known or who are deemed vulnerable for other reasons, for example concern regarding possible sexual or criminal exploitation) and absent (i.e. those children who are not where they are supposed to be). These were nationally agreed definitions that are reflected in the Association of Chief Police Officer (ACPO) guidance.
- 2.4 The definition of absent came under increasing scrutiny, due to concerns that a number of vulnerable children were not being fully safeguarded as they were deemed absent rather than missing. As a consequence, in November 2017 the National College of Policing issued further guidance which removed the term absent and introduced a graded risk scale in relation to reports of missing people. This will now be recorded as missing with medium/high risk (any child under the age of 18 cannot be deemed low risk, so if any risk is identified they will be deemed medium or high) and missing no apparent risk. It is important to note that within Nottingham City Council we have consistently adopted the same approach to children reported missing to the Police, irrespective of whether they were categorised as missing with risk or missing with no apparent risk.
- 2.5 Local arrangements are comprised of a number of connected elements:
- Operational – Work with missing children takes place in the context of the wider safeguarding arrangements. Other safeguarding measures make a direct contribution to promoting the safety of vulnerable children who go missing, these include the Multi Agency Sexual Exploitation (MASE) panel, who scrutinise information about children who are at risk of sexual exploitation and also go missing, and the Child Criminal Exploitation Panel (CCEP), who scrutinise information in relation to children who are possibly being criminally exploited. Both panels take place on a monthly basis and will consider a number of children during each meeting.
  - The Sexual Exploitation Investigation Unit (SEIU) within the police have appointed a missing's co-ordinator. This post holder works closely with the Missing Children's Team within the local authority to assist with early identification of any Child Sexual Exploitation concerns.

- In addition to the wider arrangements, there are specific measures in place for missing children. Every month there is a meeting between Police and Children's Social Care staff to discuss those children who have been reported missing most frequently in the previous period. Managers from two of Nottingham City's residential units attend these meetings in addition to the Head of Service for Safeguarding and Quality Assurance and the Missing Children's Team Manager / CSE Co-ordinator. Where a young person is identified as being particularly vulnerable, a meeting will take place to look at how best to support and protect them. This meeting will be chaired by a Team Manager or Independent Reviewing Officer and will involve staff from all agencies who work with the child and family.

### Return Interviews

- 2.6 The Police share information about all young people who are reported missing with Nottingham City Council. The Police also notify Nottingham City when a young person has returned. This information sharing takes place with Nottingham City's Missing Children team, which is a small team that is line-managed by the Child Sexual Exploitation Co-ordinator (CSE Co-ordinator).
- 2.7 When a child goes missing they will be offered a return interview. All return interviews are undertaken by someone independent, i.e. not responsible for the day to day care of the young person. Return interviews for children in care are always undertaken by someone independent of the placement where the young person lives.
- 2.8 The primary purpose of a return interview is to identify / address safeguarding needs and signpost the young person and their family/carers to support. Key to this is identifying the factors which led to the young person to go missing. Consideration is given to both push factors, things that are causing the young person to be unhappy or feel unsafe within their home environment, or pull factors, things outside the home that are attracting the young person to leave home.
- 2.9 There is a secondary benefit from return interviews in that they provide potentially valuable insights into the experiences of the young person who went missing, which can be used to help protect other young people. The Missing Children's Team Manager/CSE Co-ordinator reviews and authorises all return interviews from across the directorate and cross-references the information in them. This has enabled us to identify some young people who were missing but not being reported to the Police, potential locations where young people may congregate and potential adults of concern.
- 2.10 The Ofsted inspection in October 2018 identified the need to further strengthen work in relation to return interviews, and ensure that we maximise the impact of the information generated. We have already taken a number of measures in response to this:
  - The CSE Coordinator is once again able to review return interviews, and authorise them;
  - We now have a process in place to ensure Multi Agency Meetings take place on every child who has been missing 3 times in a 90-day period;
  - The quality of return interviews and the continuity of inputting information onto Liquid Logic is being addressed as an ongoing concern via training and workshops;

- We are reviewing the local protocol to ensure that we are compliant with National Guidance;
- We are working closely with the Analysis and Insight Team to ensure figures are accurate and in turn this will enable us to identify any trends;
- We will be delivering training regarding return interviews for all staff who undertake them; and
- A task and finish group will meet monthly (chaired by the Head of Service) to ensure the above priorities are being implemented and adhered to.

2.11 As reflected in the information above, the response to children who go missing in Nottingham is multi-agency in nature with all key organisations fully engaged in supporting vulnerable children.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

3.1 None.

### **4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

4.1 There are no direct financial implications or value for money issues arising from this report.

### **5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

5.1 None.

### **6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)**

6.1 None.

### **7 EQUALITY IMPACT ASSESSMENT**

7.1 An EIA is not required because the report does not contain proposals or financial decisions.

### **8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

8.1 None.

### **9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

9.1 National College of policing guidance:  
<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/missing-persons/>.

9.2 Nottingham City Safeguarding Children Board Missing Children Protocol.

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**CORPORATE PARENTING BOARD – MARCH 2019**

|   |  |                                     |
|---|--|-------------------------------------|
| <b>Title of paper:</b>  | Edge of Care Services  |                                     |
| <b>Director(s)/<br/>Corporate Director(s):</b>  | Helen Blackman – Director, Children's Integrated Services  | <b>Wards affected:</b><br>All       |
| <b>Report author(s) and<br/>contact details:</b>  | Mark Ball – Edge of Care Hub Manager<br><a href="mailto:mark.ball@nottinghamcity.gov.uk">mark.ball@nottinghamcity.gov.uk</a> . 0115 876 5020<br><br>Tracey Nurse – Head of Service, Children's Social Work<br><a href="mailto:tracey.nurse@nottinghamcity.gov.uk">tracey.nurse@nottinghamcity.gov.uk</a> , 0115 876 4524 |                                     |
| <b>Other colleagues who<br/>have provided input:</b>  | Donna Stenton Groves – Multi-Systemic Therapy Team Supervisor<br>Angela Cheadle – Multi-Systemic Therapy for Child Abuse and Neglect Team Supervisor   |                                     |
| <b>Date of consultation with Portfolio Holder(s)<br/>(if relevant)</b>  |  |                                     |
| <b>Relevant Council Plan Key Theme:</b>   |  |                                     |
| Strategic Regeneration and Development  |  | <input type="checkbox"/>            |
| Schools   |  | <input type="checkbox"/>            |
| Planning and Housing  |  | <input type="checkbox"/>            |
| Community Services  |  | <input type="checkbox"/>            |
| Energy, Sustainability and Customer   |  | <input type="checkbox"/>            |
| Jobs, Growth and Transport  |  | <input type="checkbox"/>            |
| Adults, Health and Community Sector   |  | <input type="checkbox"/>            |
| Children, Early Intervention and Early Years  |  | <input checked="" type="checkbox"/> |
| Leisure and Culture   |  | <input type="checkbox"/>            |
| Resources and Neighbourhood Regeneration  |  | <input type="checkbox"/>            |
| <b>Summary of issues (including benefits to citizens/service users):</b>  |  |                                     |
| <ul style="list-style-type: none"> <li>To update the Board on the current Menu of Services provided at the edge of care, to prevent family breakdown.</li> <li>To provide a brief overview of the effectiveness of these services in building resilience and keeping families together, in order to avoid children coming into care.</li> </ul> |  |                                     |
| <b>Recommendation(s):</b>   |  |                                     |
| <b>1</b>  | To continue to invest in Edge of Care (EoC) Services.  |                                     |
| <b>2</b>  | To consider funding for the Edge of Care Hub (EoCH) post 2020 (PF monies cease in March 2020).   |                                     |

**1 REASONS FOR RECOMMENDATIONS**

- 1.1 Whilst there have been increases in the numbers of children coming into care on a national and local level, the reasons for this increase are primarily due to child protection concerns with children being at risk of significant harm and coming into

care following the conclusion of care proceedings. Edge of Care (EoC) Services target those children and young people at risk of coming into care, due to conflict or family breakdown. These services have had some success in keeping families together, and avoiding more children entering the care system.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 Nationally, the number of children accommodated and those involved in care proceedings is increasing. As a result, most Councils seek to invest in EoC services to support children to remain at home (where possible and where safe to do so) to avoid the trauma of family breakdown.
- 2.2 Over 10 years ago, the Green Paper 'Care Matters' (2006) argued that we "should concentrate our efforts on avoiding the need for care, except for those who truly need its support. We must identify problems earlier and respond quickly and effectively". Our responses must be driven by what we know are the key characteristics of effective interventions. These are:
- multi-disciplinary and multi-agency;
  - centred around the child;
  - sustained, with support continuing as long as it is needed; and
  - evidence-based, i.e., grounded in robust evaluation of what works.
- 2.3 In 2011, Nottingham City Council introduced the EoC Panel, which seeks to provide effective interventions in the way described above. The format of the Panel has changed over the last few years. The Panel sits weekly, chaired by the Head of Service for Children's Social Care. There are on average five families presented at the Panel every week. Originally, Targeted Family Support was the main edge of care service to work with families on the edge of accommodation, and was later joined for a short time in 2012 by the independent provider 'Social Work Choices', who undertook edge of care work.
- 2.4 The Department for Education Research Review ('Rethinking support for adolescents in or on the edge of care', 2014) found that, by the age of 14 years, abuse and neglect accounted for just 42% of entries to care, with 45% accounted for by a mixture of acute family stress, family dysfunction and socially unacceptable behaviour. However, it is important to note that earlier abuse or neglect may also exist in families experiencing acute family stress, and in some cases may account for the family stress.
- 2.5 With this in mind, it was important to ensure the EoC Panel provided a range of services, which would target the children, young people and families referred to in the 2014 Research Review. Work has taken place over the last four years to identify evidence-based interventions likely to support families in addressing difficult periods, reducing problematic behaviours, addressing unresolved trauma and thus preventing breakdown. This investment in EoC Services saves children and families from the trauma of separation and public care costs, since these identified interventions can improve their relationships. Even if an intervention cannot avoid accommodation of a child, it can help to repair rifts in family relationships making a long-term difference.
- 2.6 In 2013, an initiative called Multi-Systemic Therapy (MST) was introduced, providing a therapeutic framework for working with families, and the professional networks around them including schools. The criteria for accessing this type of support included children who displayed anti-social behaviour, who were involved with / or at risk of becoming involved with the criminal justice system and children with poor / low



school attendance. 'MST standard' is not licenced to work with young people in child protection, however, it has demonstrated a huge impact on families overwhelmed by trauma and complex histories. In the same year, the Edge of Care Hub was also created to bridge the gap by providing support to families that did not meet criteria of MST.

- 2.7 In 2016, two further services contributed to the Menu of Services, which can be accessed at the Panel. These were Multi-Systemic Therapy for Child Abuse and Neglect (specifically aimed at child protection) and Safe Families for Children as an earlier intervention.
- 2.8 Since the number of support services and interventions has increased, the Panel can now consider which of the services available best meets the needs of the family, and this allows a more flexible approach to be taken. It is also important to note that families do need to give their consent to work with a particular service. All of these interventions have been established to work with families and prevent children being accommodated by working intensively with the whole family and building resilience, improving parenting and strengthening the relationships between parent / carers and their children.

### **The Edge of Care (EoC) Services – Brief Overview**

- 2.9 The Targeted Family Support Team (0-8yrs) provides an emergency response to families at imminent risk of breakdown. There is a brief intervention of 6 to 8 weeks, which is solution focused with family network meetings.
- 2.10 EoC Hub (0-18) provides intensive support to families in crisis, meets Priority Families criteria, work with complex issues including mental health, pregnant mothers with chaotic lifestyles or a low repertoire of parenting skills. The Hub also works with families who do not meet MST criteria.
- 2.11 MST Standard (working with young people aged 11-18) is a 24/7 on call service that provides an evidence based, licensed programme. It provides intensive home, school and community based services to adolescents and their families who are experiencing difficulties in multiple areas of their lives. There might be family conflict, non-school attendance and the children and young people may be known to the Youth Justice system due to anti-social behaviour. Furthermore, MST works with parents who may suffer with mental and emotional health issues and potentially have unresolved trauma themselves.
- 2.12 MST-CAN (working with young people aged 6-17) is a 24/7 on call support and intensive intervention for families who have physically abused or neglected their children. The aim is to reduce/overcome risk factors that contribute to the maltreatment, such as drug and alcohol misuse.
- 2.13 Safe Families for Children is a faith-based organisation, providing trained volunteers to support and befriend vulnerable families. It aims to prevent their problems escalating, or support them whilst they are in crisis. This service also offers children overnight stays, mentoring support and resources, to relieve family pressures.
- 2.14 All of these services contribute significantly to building resilience in families, reducing problematic parenting behaviours and risk. They create an environment that sensitively confronts and addresses issues that may have been present across

generations. In a number of cases, this has achieved positive change, resulting in children being able to remain safely at home.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

3.1 None.

### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

4.1 EoC Services generate considerable budget relief. PF monies cease in March 2020 and consideration is to be given to EoC Hub funding post 2020.

### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

5.1 None.

### **6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)**

6.1 None.

### **7 EQUALITY IMPACT ASSESSMENT**

7.1 An EIA is not required as the report does not contain proposals or financial decisions.

### **8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

8.1 None.

### **9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

9.1 'Care matters: transforming the lives of children and young people in care', 2006.  
<https://www.gov.uk/government/publications/care-matters-transforming-the-lives-of-children-and-young-people-in-care>

9.2 'Rethinking support for adolescents in or on the edge of care', Department for Education Children's Social Care Innovation Programme, 2014.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/342052/Rethinking\\_support\\_for\\_adolescents.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342052/Rethinking_support_for_adolescents.pdf)

**CORPORATE PARENTING BOARD REPORT 18<sup>th</sup> March 2019**

|   |   |                                     |
|---|---|-------------------------------------|
| <b>Title of paper:</b>  | Reducing Offending Behaviour  |                                     |
| <b>Director(s)/<br/>Corporate Director(s):</b>  | Helen Blackman – Director, Children’s Integrated Services   | <b>Wards affected: All</b>          |
| <b>Report author(s) and<br/>contact details:</b>  | Natalie Pink – Nottingham Youth Justice Service (YJS) Lead for Children in Care, seconded to Leaving Care Service (LCS)<br>0115 8761206<br><br>PC Sam Flint – Children in Care Police Officer (CiC Police Officer), Nottinghamshire Police<br>0115 8763735                              |                                     |
| <b>Other colleagues who<br/>have provided input:</b>  | PC Rebecca Dalby – (CiC Police Officer)<br>Boyd Livingstone – YJS Principal Analyst<br>Shelley Nicholls – Head of Early Help Services<br>Hugh Shiel – Restorative Justice Lead, YJS<br>Sonia Burton – Practice Specialist, YJS<br>Chief Inspector James Woolley, Nottinghamshire Police |                                     |
| <b>Date of consultation with Portfolio Holder(s)<br/>(if relevant)</b>  | 18 March 2019   |                                     |
| <b>Relevant Council Plan Key Theme:</b>   |   |                                     |
| Strategic Regeneration and Development  |   | <input type="checkbox"/>            |
| Schools   |   | <input type="checkbox"/>            |
| Planning and Housing  |   | <input type="checkbox"/>            |
| Community Services  |   | <input checked="" type="checkbox"/> |
| Energy, Sustainability and Customer   |   | <input type="checkbox"/>            |
| Jobs, Growth and Transport  |   | <input type="checkbox"/>            |
| Adults, Health and Community Sector   |   | <input type="checkbox"/>            |
| Children, Early Intervention and Early Years  |   | <input checked="" type="checkbox"/> |
| Leisure and Culture   |   | <input type="checkbox"/>            |
| Resources and Neighbourhood Regeneration  |   | <input type="checkbox"/>            |
| <b>Summary of issues (including benefits to citizens/service users):</b>  |   |                                     |
| <ul style="list-style-type: none"> <li>• To update the Board of the published data for 2017/18 regarding reducing offending behaviour within the Children in Care population.</li> <li>• To update the Board about the activity of the CiC Police Officers and YJS Lead 2018/19 in working together to reduce offending, safeguard Children in Care, and to meet the needs of the Directorate.</li> <li>• To report on the improved sustainability of this work through increased CiC Police Officer capacity.</li> <li>• To highlight the use and promotion of the Multi-Agency Protocol for Nottingham City and Nottinghamshire to reduce the criminalisation of Children in Care.</li> </ul> |   |                                     |

• **To inform the Board of the publication of the National Protocol for reducing the criminalisation of Children in Care and Care Leavers 2018.**

**Recommendation(s):**

|          |  |
|----------|--|
| <b>1</b> | For the Board to note the data regarding reducing offending behaviour within the Children in Care population.  |
| <b>2</b> | For the Board to recognise the importance of sustaining the work of the CiC Police Officers to continue to improve outcomes for Children in Care.  |
| <b>3</b> | For the Board to recognise the diversification of the YJS Lead role, and the benefits of broadening its scope to the wider Directorate.  |
| <b>4</b> | For the Board to note the importance of early identification and intervention in offending within the children in care population, to target resources and inform service development, and embed the use of restorative approaches to reduce the risk of offending across residential, semi-independent and foster care settings. This mirrors the Youth Justice Plan 2017-20. |

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1** The role of CiC Police Officers and YJS Lead, working in close partnership, has previously been suggested as a model of best practice, and this has been recognised in repeat Ofsted inspections: *“The dedicated children in care police officer successfully supports restorative justice interventions, and there have been impressive reductions in offending rates.”* *“Joint work with the police, youth justice service and community-based services results in shared strategic approaches to providing swift and flexibly deployed resources, reducing the risk of young people re-offending.”* (Ofsted 2018)
- 1.2** Nottingham City is the only known authority where CiC Police Officers and a YJS Lead work in close collaboration and to this model. We believe that this has contributed to the marked reduction in offending within the children in care population over time. The Secondment of the YJS Lead to the Leaving Care Service to support management and performance has resulted in some benefit to the wider Directorate in strengthening partnership working. Elements of the role are now embedded within the YJS.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1** National reporting data is submitted annually, based on the Children in Care population in Nottingham City, who have been in care for a year or more, are aged 10-17, and have received a Youth Caution, Youth Conditional Caution or conviction within the year.
- 2.2** Up until (and including) the year 2016/17 we were able to report a 5-year trend in reducing offending behaviour within the Children in Care population. In 2017/18 we maintained our performance in terms of the numbers of Children in Care who have offended. Any difference in actual offending is so minimal it could be considered negligible. However, we have dropped 5 places when comparing performance against other authorities, which now puts Nottingham City into the bottom half of authorities in England and Wales for first time in 4 years (ranking 80<sup>th</sup> out of 152).
- 2.3** The 6.00% figure in the published data has been rounded up from 5.5%. This figure is

due to minor fluctuations in the City Children in Care population and the number of other authorities having improved their performance on this measure this year, both of which are beyond our control. We are encouraged that other Authorities continue to seek out advice and guidance around reducing criminalisation from Nottingham City, with a view to improving outcomes for Children in Care.

## 2.4 **Table 1**

| 2008 | 2009  | 2010 | 2011  | 2012  | 2013  | 2014 | 2015 | 2016 | 2017 |
|------|-------|------|-------|-------|-------|------|------|------|------|
| 9%   | 9.80% | 9%   | 9.80% | 8.70% | 8.20% | 6%   | 6%   | 5%   | 6%   |

(Source <https://www.gov.uk/government/publications/local-authority-interactive-tool-lait>)

National reporting data is submitted annually, based on the Children in Care population in Nottingham City, who have been in care for a year or more, are aged 10-17, and have received a Youth Caution, Youth Conditional Caution or conviction within the year.

- 2.5** The Local Measure is reported quarterly and tells us all Children in Care who have offended in Nottingham City, regardless of time spent in care. For both the measures, the trends continue to show significant improvements over the past 5 years, particularly in the case of the national measure. (Source Youth Justice Quarterly issue 2018-19 Q1.)
- 2.6 Specialist roles:** The role of the CiC Police Officer continues to be jointly funded by Nottinghamshire Police and Nottingham City Council. PC Rebecca Dalby joined PC Sam Flint in the role of CiC Police Officer in January 2018 and is a valued colleague.
- 2.7** The YJS Lead role is incorporated within a 3-day Case Management post. The YJS Lead was Seconded to the Leaving Care Service in March 2018. The focus of this role was to support management and increase capacity and performance within the Service. There have been additional benefits to this team by improving and formalising links with YJS and Probation and providing consultation.
- 2.8 Protocol:** The CiC Police Officer, YJS Lead and Nottinghamshire Police worked alongside the Crown Prosecution Service, Service Managers for Children in Care and Placements to develop a protocol, with a view to further reducing the criminalisation of Children in Care, embedding restorative justice and early intervention in Nottingham and Nottinghamshire. The YJS Board ratified this document in July 2017. The YJS Lead and CiC Police Officers facilitated a multi-agency training event for the City on 29th March 2018, to embed this learning. *“So good to share practice – to know how to use the Protocol”* (participant). The YJS Lead has also presented to Nottinghamshire Youth Offending Service. The CiC Police Officers shall be offering guidance to the Prisoner Handling Team, Nottinghamshire Police, regarding the Protocol.
- 2.9** We propose that the publication of the ‘National Protocol on reducing the unnecessary criminalisation of Looked After Children and Care Leavers’ (DfE 2018) published in November 2018, should prompt a multi-agency review of the current Protocol. This asks *“would this be good enough for my child?”* and extends a consideration to care leavers. We shall endeavour to continue to lead in this area in collaboration with our partners and neighbouring authority.
- 2.10** In late 2015 the YJS Lead worked with colleagues and partners to assess our practice against the recommendations of ‘In Care, Out of Trouble’ (2016) ([www.prisonreformtrust.org.uk/carereview](http://www.prisonreformtrust.org.uk/carereview)), with a view to evidencing our strengths and identifying areas of potential improvement. Initial findings were presented to the Service Manager and Head of Children in Care March 2018. These findings can inform the review of our local Protocol.

- 2.11 Children in Care Arrest Screening:** The difficulty of early and effective identification of Children in Care on arrest was identified as a concern in 2015, and an Arrest Screening Programme devised to pro-actively divert Children in Care from prosecution where appropriate. The Arrest Screening Programme is now embedded within the YJS, with the YJS Lead providing consultation only.
- 2.12 Practitioner Forums:** These Fora are chaired by the CiC Police Officer's and YJS Lead for the benefit of Local Authority, Private providers, Foster Carers, and invited members of the voluntary sector. Representatives from Children in Care and Placements Teams now routinely attend, as do the Leaving Care Service. Resources are promoted, guest speakers present and best practice is shared. Participants are invited to 3 Forums per year. Evaluation has been wholly positive, with key themes being the opportunity to network and share learning from each other and guest speakers. The November 2018 Forum showcased resources and protocols for identifying and responding to weapons-enabled offending, including launching the Child Criminal Exploitation Tool, the work of the Serious Youth Violence Hub, Schools Officers (based in schools to work preventatively with young people) and an interactive workshop by the 'Street Doctors' volunteers. *"One of the most interesting Forums I have been to", "This is a valuable Forum that should be supported at every level"* (participant).
- 2.13** An extra-ordinary Practitioner Forum was held in 2018 led by Naomi Matthews, NCC Data Protection Officer, in order to highlight GDPR regulations and requirements, and this has prompted further work to ensure practitioners feel confident in sharing information appropriately and legitimately. The first Practitioner Forum for 2019 is due to be held in April, with a focus on transition to adulthood.
- 2.14 Child Sexual Exploitation (CSE):** The CiC Police Officers have contributed to the profile and provision available to tackle CSE in the City, including training for hotel staff and actively participate in disruption work. The benefits of this work extend beyond the Children in Care population. The CiC Police Officer continues to chair the Concerns Network Meeting, a multi-agency forum, which collates and distributes pieces of information where concerns for potential CSE have been identified. The CiC Police Officers continue to work jointly with the National Working Group (NWG). For 2019 the CiC Police Officers are working jointly with the NWG to raise awareness and enable staff to identify risk and challenge appropriately within sports facilities.
- 2.15** The CiC Police Officers have created a girls-only boxing provision in collaboration with Javid Khaliq, World Champion boxer, to empower young women. *"Coming to the boxing club has stopped me from assaulting other young people in my home. It has taught me how to control my anger."* (Young person, 2018)
- 2.16 Restorative Approaches:** The YJS will renew their Restorative Services Quality Mark (RSQM) this year, demonstrating their continued commitment to quality provision throughout the service. Since last year the YJS have continued to offer the 3-day Restorative Approaches training to residential staff and will be delivering another in February 2019. The YJS completed a number of successful restorative conferences including one between a victim of a violent offence and the offender in the presence of both parents. The YJS has established an Out Of Court Disposal Triage system and meet every week in an effort to reduce the numbers of young people entering the Youth Justice System. The Restorative Justice Coordinator has established protocols and working practice guidelines with Victim Care to ensure all 'person's harmed' have a voice.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

3.1 None

#### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

4.1 The post of CiC Police Officer is jointly funded by Nottinghamshire Police and Nottingham City Council. Reduction of offending and missing reports have both a short and long term financial benefit across the authority and partners, as well as safeguarding Children in Care and improving outcomes.

4.2 There continues to be a strong cross service commitment to this area of work. In order to reflect the change in the YJS Lead role, the budget costs for this will now be met from the Children in Care service area.

4.3 “The rate at which a minority of children move from care into the criminal justice system is not inevitable... *Good practice can dramatically reduce the long term costs that arise when young people get sucked into the criminal justice system unnecessarily – one study calculated a return of £3.41 for every £1 invested.*” (In Care, Out of Trouble 2016)

4.4 Training in restorative approaches is provided to Local Authority homes by the YJS Restorative Justice Co-ordinator free of charge. A competitive fee is charged to private providers, which supports the capacity of YJS to continue specialist posts.

#### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

5.1 None, N/A.

#### **6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)**

6.1 None, N/A.

#### **7 EQUALITY IMPACT ASSESSMENT**

7.1 An EIA is not required.

#### **8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

8.1 Joint Protocol Nottingham City and Nottinghamshire.

#### **9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

9.1 ‘In Care, Out of Trouble’ (2016) [www.prisonreformtrust.org.uk/carereview](http://www.prisonreformtrust.org.uk/carereview).

9.2 <https://www.gov.uk/government/publications/national-protocol-on-reducing-criminalisation-of-looked-after-children>.

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Department  
for Education



Home Office



Ministry  
of Justice

# **The national protocol on reducing unnecessary criminalisation of looked-after children and care leavers**

**November 2018**

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## Acknowledgements

This protocol has only been possible thanks to the support of the stakeholders who have helped co-develop it. The Department for Education would like to thank them for their help and endorsing the protocol



The Association of Directors of Children Services (ADCS) supports the content of this document and considers it to be a good practice model, offered by way of assistance, and therefore urges all local authorities to adopt the practices described within the document to achieve better outcomes for children and young people.

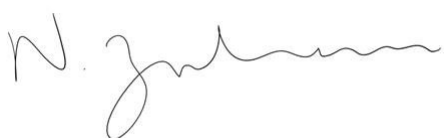
## Ministerial foreword



I, and this government, are deeply committed to supporting our most vulnerable children to have the best possible outcomes and life chances. Where the state has undertaken to look after a child, we have a particularly profound responsibility to protect, support and advocate for them just as any family would.

Whilst the vast majority of looked-after children do not get into trouble, for a small number, contact with the criminal justice system can make it that bit harder to achieve positive outcomes. Whilst never taking away from the need to take responsibility for actions and their consequences, the right approach in responding to challenging behaviour or during contact with criminal justice agencies can help avoid unnecessarily criminalising looked-after children and care leavers, and promote better outcomes for them and society.

I am, therefore, very pleased to be able to publish this national protocol to provide a framework to help local areas reduce criminalisation of looked-after children and care leavers. This has been co-developed with a wide range of stakeholders and I would like to thank them for their help and support. Achieving the best outcomes for children in care and care leavers can only be achieved by strong multi-agency working at a local and national level. The development of this protocol by leaders in the statutory and voluntary sectors, from across children's social care, justice, police and health, illustrates the importance that we, collectively, place on helping vulnerable children and young people achieve their full potential.

A handwritten signature in black ink, appearing to read 'N. Zahawi'.

**Nadhim Zahawi MP**

**Parliamentary Under Secretary of State for Children and Families**

# 1. Introduction

- 1.1. This national protocol is aimed at local authority children's services, local care providers (fostering services, children's homes and other arrangements), police forces, Youth Offending Teams (YOTs), the Crown Prosecution Service (CPS) and HM Courts and Tribunal Service (HMCTS), local Youth Panel (Magistrates), and local health services including mental health. Its key purpose is to encourage and provide the framework for these agencies to co-develop local arrangements to reduce the unnecessary criminalisation of looked-after children and care leavers.
- 1.2. Where a child is looked after by the state, we have a responsibility to safeguard and promote their welfare and to act as good corporate parents so they can each reach their full potential. The United Nations Convention on the Rights of The Child includes preventing criminalisation of children and highlights the importance of this in protecting children. This is particularly true for children and young people with additional vulnerabilities such as looked-after children and care leavers. Ultimately the question we must ask is: *'would this be good enough for my child?'*
- 1.3. Although a criminal justice response will remain appropriate in a small number of cases, this framework is designed to prevent, unnecessarily, criminalising already highly vulnerable children and young people where possible. It sets out best practice for avoiding the criminalisation of looked-after children and care leavers up to the age of 25, and we encourage all areas to implement this as soon as possible.

## The challenge

- 1.4. We have made significant strides in reducing the criminalisation of children and young people. In the last decade, the number of young people as first-time entrants to the youth justice system has dropped by 85%.<sup>1</sup> This is a credit to the agencies and practitioners involved. However, although the vast majority of looked-after children and care leavers do not get involved with the justice system, they remain over-represented compared with others in the criminal justice system<sup>2</sup>.

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<sup>1</sup> [Youth Justice Annual Statistics 2016-17](#) (see Supplementary Tables, Chapter 2, Table 2.1)

<sup>2</sup> In the year to 31 March 2018, 4% of LAC aged 10 or over looked after for at least 12 months were convicted or subject to youth cautions or youth conditional cautions during the year. Looked after children (who have been looked after for at least 12 months) are five times more likely to offend than all children. ([Children-looked-after-in-england-including-adoption-2017-to-2018](#)).

- 1.5. Coming into contact with the criminal justice system tends to increase the likelihood of offending, and children and young people, especially the most vulnerable, such as looked after children, should be diverted from it wherever possible.
- 1.6. This is a challenge we must meet. First, we must recognise that the vast majority of looked-after children enter care due to abuse and neglect, and the impact of trauma and abuse, or additional vulnerabilities<sup>3</sup>, on emotional and behavioural development. This can result in behaviour perceived as challenging and should inform responses to such behaviours. Secondly, we must ensure our response to incidents does not initiate or exacerbate negative behaviour and contribute to unnecessary police involvement or criminalisation.
- 1.7. Additionally, in light of the David Lammy MP and Charlie Taylor reviews<sup>4</sup>, we should be aware of, and respond to, the additional vulnerabilities of Black Asian and Minority Ethnic looked-after children, who find themselves over-represented in both the care and youth justice systems.
- 1.8. We must meet the challenge of balancing the rights and needs of highly vulnerable children and young people and those of their carers and/or the public in deciding how to respond to incidents, and whether a formal criminal justice response is appropriate.
- 1.9. This national protocol is a practical response to these challenges. It draws on recommendations in the Narey<sup>5</sup> (residential care), Laming<sup>6</sup> and Taylor reviews and good practice across the country. In Surrey, the South East protocol has helped reinforce a holistic approach to incidents from criminal justice and children's social care agencies. This has resulted in a 92% decrease in first time entrants to the youth justice system (1,499 first-time entrants to youth justice system in 2007/8 compared with 113 in 2017/18) and an 18% drop in reoffending between 2007/08 and 2017/18. The national protocol is designed to reinforce and extend such practice, and encourage a culture of continuous improvement. **We are seeking to minimise the risk of criminalising looked-after children and care leavers in order to improve their life chances.**
- 1.10. The protocol is a framework for best practice for those working with looked-after children, **in all types of placement**, and care leavers up to age 25. It aims to:

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<sup>3</sup> For example, Autism or communication difficulties

<sup>4</sup> [The Lammy Review \(sept 2017\)](#) and [Taylor review-of-the-youth-justice-system \(Dec 2016\)](#)

<sup>5</sup> [Sir Martin Narey's independent review of children's residential care in England \(2016\)](#)

<sup>6</sup> [In care and out of trouble - An independent review chaired by Lord Laming \(2016\)](#)

- Avoid the prosecution of looked-after children and care leavers wherever possible and appropriate, by encouraging a response to incidents which reduces the likelihood of criminalisation, offending or reoffending through promoting:
  - an understanding of trauma and attachment and their impact on neuro-development and behaviour amongst all key professionals;
  - an understanding of where children (UK as well as foreign nationals) may have been coerced and subsequently criminally exploited (for example, through running county lines or in cannabis cultivation);
  - the use of positive parenting whilst in care;
  - learning from incidents;
  - listening to children and young people's voice/views and using this to inform practice;
  - the development of strong understanding of local data and circumstances;
  - use of restorative approaches; and
  - an attitude where all professionals ask themselves '*would such behaviour lead to an arrest if the child had been living with their family?*'
- Encourage local authorities and children's services trusts to implement the protocol between care providers (fostering services, children's homes and all other arrangements), police forces, Youth Offending Teams (YOTs), the Crown Prosecution Service (CPS) and HM Courts and Tribunal Service (HMCTS), local Youth Panel (Magistrates), health services, and other authorities in the area<sup>7</sup>, or where they place children, so agencies respond consistently and share necessary information when incidents occur.
- Encourage local authorities to include or refer to this protocol in their 'local offer' to care leavers.
- Encourage health commissioned services to provide enhanced high quality mental health assessments and support to looked after children and young

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<sup>7</sup> This list is not exhaustive and other agencies or partners can and should be included where helpful in preventing and reducing unnecessary criminalisation of looked-after children and care leavers.

people as a basis to all-health planning, given that research shows that they have a higher level of such needs than the general population.

- Provide the key principles and core for the development of arrangements that ensure that looked-after children and care leavers get the same protection from criminalisation regardless of where they live or the type of placement they are living in (implementation should be underpinned by strong interrogation and use of all available data, contributing to the area's joint strategic needs assessment).
- Ensure a degree of consistency across the country by offering a common reference and core for all areas' arrangements.

1.11. The national protocol is a recommended framework and common core to use in the implementation of arrangements for reducing the unnecessary criminalisation of looked-after children and care leavers<sup>8</sup>.

1.12. Implementation of the protocol will benefit children and young people, local agencies and health services. It helps children and young people maintain relationships and placement stability. It will help children's social care to implement the corporate parenting principles, coordinate services to promote positive outcomes for looked-after children and care leavers, and reduce their unnecessary criminalisation. For criminal justice agencies, it will help reduce the burden of first time entrants into the criminal justice system and reoffending.

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<sup>8</sup> Where local arrangements or protocols already exist, this protocol should provide opportunity to review and refresh these arrangements.



## 2. Overarching key principles

2.1. As a society, we have a responsibility to ensure we protect the children we care for from unnecessary criminalisation and to ask '**would this be good enough for my child?**' As corporate parents, local authorities must, under the Children and Social Work Act 2017, have regard to seven corporate parenting principles, including '*to promote high aspirations, and seek to secure best outcomes*' for the young people they look after, and ensure that relevant partners understand how they can assist local authorities apply the principles in relation to the services those partners may provide.

2.2. A strong corporate parenting ethos recognises the care system is not just about keeping children safe, but also about promoting recovery, resilience and wellbeing. This requires corporate parents to ensure that work across social care, placement providers, educational settings, health services, the police and other criminal justice partners, prevents unnecessary criminalisation. Local arrangements will provide a set of commitments on behalf of partner agencies. They should be based on the following principles:

- Every effort should be made to avoid unnecessary criminalisation of looked-after children and care leavers, **including through prevention activity**. This is in recognition of the fact that looked-after children's experiences can contribute to behaviours that make them particularly vulnerable to involvement in the youth justice system, potentially affecting their future life prospects. A co-developed, whole system approach should be encouraged. This should include prevention (such as addressing cause of adverse childhood experiences and mentoring), early intervention and appropriate response where children and young people do offend.
- Listening to and learning from children and young people.
- All professionals working with looked-after children and care leavers should understand the impact of trauma and abuse on development, particularly their effect on emotional and behavioural development and self-regulation. Professionals, including YOT workers, social workers, teachers, children's home staff and foster parents, health services, police, CPS, HMCTS and local Youth Panel (Magistrates), at both senior and frontline levels, should receive appropriate training in this regard.
- All local agencies should contribute to the understanding of local and national factors that can increase children and young people's risk of being criminalised (such as going missing from school or their care placement and cross-area criminal activity focused on vulnerable children, such as county lines). They should use this to inform their practice and local implementation of the protocol, and to target prevention efforts effectively.

- All agencies should understand the specific needs of children and young people (both UK and foreign nationals) who have been trafficked or are victims of modern slavery. They should be able to identify where they may have been coerced into undertaking or becoming involved in criminal activity by their traffickers. This includes being aware of the non-prosecution principle in Section 45 of Modern Slavery Act 2015.
- Victims and communities have a right to be protected from offending and to have their needs and interests taken into account in decisions on resolutions to offending.
- Restorative and diversionary<sup>9</sup> approaches should underpin responses, whether the behaviour occurs in a child's placement or the wider community (see section on [A restorative approach](#) and [Annex 2 Restorative Approaches](#)).
- Many of the causes of youth offending lie beyond the reach of the youth justice system. All professionals should pursue a child-centred approach based on a broad range of agencies providing an integrated, co-ordinated and pro-active response to preventing and addressing challenging or offending behaviour.
- Children and young people already within the youth and criminal justice systems need protection from escalation and these principles apply equally to them. Persistent and more serious offending can indicate that the young person has significant unmet needs and responses to offending should recognise this.
- Children and young people on remand or custodial sentence are often highly vulnerable with multiple over-lapping risks and needs. They require careful multi-agency oversight and support, including from youth offending teams, Children's Services, health services and custodial facilities.
- Planning for the through-care and resettlement of young people on remand or serving a custodial sentence should start from their entering their remand placement, or custodial establishment, and involve all relevant professionals in their lives. Particular attention should be given to the early identification and provision of suitable post-custody accommodation and education, training and skills opportunities or employment options. Additionally, for those unable to access employment, education or training in the short-term, comprehensive benefit advice and support should be offered to help avoid any drift back to crime as a source of 'income'.

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<sup>9</sup> Specific approaches that have been developed as alternatives to prosecution after an offence has been detected.

- All professionals, including social workers, teachers, police officers, foster parents, children's home staff and YOT workers, have a duty to ensure that any special educational needs (including communication and interaction, cognition and learning and social, emotional and mental health difficulties<sup>10</sup>) presented by looked-after children or those harmed by an incident are identified, acknowledged and addressed in the management of the response to the behaviour.
- Health services have a duty to give parity of esteem to the mental health needs as to the physical health of children and young people and to assist partner agencies to understand how children can best be supported to divert them from criminal behaviour.

2.3. The majority of children enter care due to abuse or neglect<sup>11</sup>, and many experience multiple placement moves<sup>12</sup>. Although planned moves can have positive effects and be in the best interests of the child, placement moves can also have negative impact on children. The damage of pre-care experiences and placement moves can contribute to an increasingly negative cycle, where placement moves lead to worsening behaviour as a communication of unmet needs which becomes hard for the young person to break. Responses to looked-after children and care leavers who show behaviour which can be experienced as challenging should be mindful of this and seek to avoid contributing to this cycle. As such:

- Local authorities need to work with the placement provider, carers, and the child to ensure placement stability and responsive care. This needs to be underpinned by high-quality up-to-date needs assessment, care planning and holistic support. Restorative approaches and other positive preventative approaches can help to prevent placements from breaking down or provide learning from incidents to reduce the risk of future placement breakdowns.
- Corporate parenting boards<sup>13</sup> should ensure that systems are in place to identify all looked-after children they are responsible for who come into contact with the criminal justice system, whether placed within or outside the home authority, to build an accurate picture of their offending, challenging behaviour and any exploitation risks that they face. This should be used to support children and young people to reduce the risk of further criminalisation.

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<sup>10</sup> See [SEND-code-of-practice-0-to-25](#)

<sup>11</sup> 61% of children starting to be looked after in the year to 31st March 2018 were identified as having a primary need of abuse or neglect. ([Children-looked-after-in-england-including-adoption-2017-to-2018](#) ).

<sup>12</sup> Of children looked after at 31 March 2018, 32% had two or more placements during the year ([Children-looked-after-in-england-including-adoption-2017-to-2018](#) )

<sup>13</sup> Corporate parenting boards or panels look strategically at the way in which their looked-after children and care leavers experience services.

### 3. The voice of the child

3.1. Article 12 of the United Nations Convention on the Rights of the Child states that the child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child. Article 13 provides the child with the right to express his or her views, get information and share their ideas. The requirement for looked-after children's wishes and feelings to be taken into account is enshrined in Section 22 of the Children Act 1989. Encouraging children and young people to express their views, wishes and feelings and taking these into account, is also a key part of the corporate parenting principles to which local authorities must have regard to when exercising their functions in relation to looked after children. Listening to, learning from, and acting on children and young peoples' voice is vital to having effective policies and practice to avoid criminalising children and young people. This should be underpinned by:

- Seeking looked-after children and care leavers' input into the implementation of local arrangements for delivering this protocol.
- Asking for the child or young person's view of what has happened when responding to an incident. This is an opportunity to understand the child or young person's perspective - both to inform decision making about how to respond in their best interests and to avoid criminalisation where possible. Agencies should approach these conversations with an open mind and be open to the possibility that fault might not lie at all, or in its entirety, with the child or young person.
- Seeking children and young peoples' views after an incident, particularly where they have come into contact with criminal justice agencies, and feeding this into agencies' policies, practice, their staff learning and approach to behaviour management to help prevent future incidents.
- Providing advice, information and support to secure the support of an advocate.<sup>14</sup>
- The views of looked-after children and care leavers should be sought when commissioning health services, including accessing support services for both physical and mental health needs.

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<sup>14</sup> Further information on advocacy for is available in [Providing Effective Advocacy Services for Children and Young People Making a Complaint Under the Children Act 1989](#) and [The Independent Reviewing Officers Handbook](#).

- 3.2. In addition to the above, a key part of listening to a child's voice where they come into contact with the criminal justice system is ensuring that they understand their rights to legal representation and are supported to access this where needed. If a child is arrested, they have the right to free legal advice or they can choose to be represented by their own solicitor. This must be explained to them at the police station.
- 3.3. Children under 17 (and vulnerable adults) must also have an 'appropriate adult' present during questioning. This may be a parent or guardian but it could also be a social worker, volunteer or a friend or family member aged 18 or over. However, this individual must not be involved in the matter.
- 3.4. If a child is charged with an offence they have the right to be legally represented (Article 6, European Convention on Human Rights). If a child does not have the means to pay for the legal assistance then, in most circumstances, they have the right to legal aid.

## 4. Unaccompanied asylum-seeking and migrant children

4.1. Unaccompanied asylum-seeking and migrant children who are looked after are especially vulnerable should they go missing from their care placement. Not only are they at risk of being exploited or mistreated, they are also often at heightened risk of being coerced into crime, including being radicalised. The Government has published separate statutory guidance that is underpinned by a safeguarding strategy to support local authorities and their partners in the care of this cohort of vulnerable looked-after children.<sup>15</sup> This must be carefully considered and used to inform development of local arrangements.

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<sup>15</sup> [Strategy setting out the government's commitments to safeguard and promote the welfare of unaccompanied asylum seeking and refugee children](#) and [Statutory guidance on care of unaccompanied migrant children and child victims of modern slavery](#)

## 5. Supporting the further development of effective inter-agency relationships and information sharing regarding preventing criminalisation

5.1. Effective information sharing and communication is vital to ensuring looked-after children and care leavers receive the right support to avoid criminalisation and to assist appropriate decision-making where they do come into contact with criminal justice agencies. This is regardless of the location, type of placement or whether they are placed inside or outside their responsible authority, and is underpinned by the following principles:

- Local authority children's services, carers, police, schools, local health services (including mental health services) and independent child trafficking advocates (ICTAs)<sup>16</sup> should build positive relationships and communicate with each other to help resolve any problems where they arise.
- Agencies (local authorities, police, care settings, health services, education settings and criminal justice agencies) develop a joint protocol on reducing unnecessary criminalisation of looked-after children and care leavers. This should ensure a shared understanding among all agencies of the vulnerabilities of looked-after children and care leavers as a cohort, effective prevention activity and that the responsible (or formerly responsible) authority and carers are informed if looked-after children or care leavers come into contact with the police/criminal justice agencies.
- Agencies develop an environment of information sharing which demonstrates to young people that they (the agencies) are working together and sharing information to serve the young person's best interest. Where there is a lawful basis for sharing information, the Data Protection Act (2018) and the General Data Protection Regulation (as applied by the Data Protection Act 2018), allow practitioners to process relevant personal information about a child to keep them safe from harm or to protect their physical, mental and emotional wellbeing.
- All local authorities should have reciprocal arrangements in place to ensure looked-after children placed outside of their responsible authorities have the same protection from offending behaviour and criminalisation as looked-after children placed inside their responsible authority's area. If not, this tool should assist in developing such arrangements.

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<sup>16</sup> Independent Child Trafficking Advocates were implemented in Greater Manchester, Hampshire and the Isle of Wight and nationally in Wales from January 2017.

- Agencies should consider and outline how, within the existing legal framework, they will ensure necessary and relevant information is shared with children and young people's solicitors/ legal representatives.

5.2. To be clear, this does not mean that all information contained in every child's care plan needs to be shared with all agencies. The aim of the above principles is to set clear expectations of professionals to use their judgement to share the **appropriate** information needed to safeguard looked-after children and care leavers and ensure relevant agencies know they are vulnerable so they can respond appropriately and help avoid criminalising them unnecessarily. This should be done within the existing legal framework, particularly the Data Protection Act 2018 and the General Data Protection Regulation. To support this, we strongly urge seeking legal advice when beginning local implementation of the protocol and when necessary thereafter.



## 6. Responding to incidents

6.1. Carers need to consider the nature and seriousness of the incident before deciding how to respond and whether to involve the police.

6.2. It is good practice to have rigorous assessments and plans in place for the response to individual children and young people's behaviour. Effective de-escalation requires practitioners to make rapid and structured assessments of the immediate and foreseeable risks, taking into account the care planning, risk assessment and positive behaviour support/safe handling planning for that individual child or young person, including:

- when to decide not to make an intervention - when you can restore safety in another practicable way; and
- when to decide on an intervention – when you consider there are not enough adults to physically intervene safely, or when you consider it clearly unsafe, for example, the young person has a weapon.

6.3. 'Dynamic risk assessment' is an essential tool to help practitioners assess how existing plans apply to the present situation, and structure decision making for their actions and their recording. Further information on dynamic risk assessment is available in [Annex 3](#).

6.4. The following considerations should underpin the response to an incident:

- Always working to defuse and/or de-escalate as a first response.
- Understanding the emerging incident from the perspective of a child or young person's experience. Was there a trigger or underlying stressor contributing (e.g. something surrounding family contact or Christmas approaching)?
- Nature and seriousness of the allegation/or incident including any action against a 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 perpetrator.
- Previous behaviour or offending and any bullying/peer pressure/duress.
- Whether the child or young person is (or there is reason to believe they may be) a victim of criminal exploitation, having been coerced to undertake the criminal activity, including by traffickers.

- Provision of mental health services prior to the incident and if there has been good engagement from the child or young person.
- Probability of a repeat incident.
- Level/value of damage caused.
- Lead-up to the incident including whether there may have been provocation.
- With the consent of the victim, can alternative courses, such as restorative approaches, be appropriately used?
- Would I have called the police if this were my own child?

**6.5. The police should not be used for low-level behaviour management or matters a reasonable parent would not have called the police over.** Any incident reported to the police, which amounts to a crime, will be recorded. Understanding the potential for a child or young person having their details retained on police databases, which remain searchable and potentially discloseable into adulthood, should allow those caring for looked-after children to make an informed judgement about involving the police. It is important for all agencies and those caring for looked-after children to be clear about how they will decide how to respond to an incident. A model framework for doing this is included in [Annex 4](#).

## Police involvement in decision-making

**6.6. Police decision-making when responding to incidents involving looked-after children should be underpinned by the following principles:**

- An expectation that local authority officers, residential care workers or foster parents will demonstrably support looked-after children in a way that meets the child's needs and minimises the risk of incidents arising. When incidents do arise, carers should strive to manage them at the placement through internal resolution without police involvement wherever possible and appropriate.
- Where this is not possible due to the severity of the situation, or where there is concern about immediate safety, police should consider use of discretionary powers to apply an informal resolution response (such as community resolution). Where the police are required to record an incident as a crime but feel further action (other than safeguarding) is not in the public interest they

have the discretion to resolve the report accordingly by applying Outcome 21 from the National Police Outcomes Framework.<sup>17</sup>

- Children and young people should not be taken to police stations on matters that are unlikely to lead to charges. However, where this is necessary, they should be adequately supported by their responsible local authority or care setting. Police, social workers, and carers should also consider what will happen when the child is discharged from the station.
- In circumstances where informal community resolution is inappropriate, the police should, as a matter of routine, consider diversion from criminalisation/prosecution through discussion in local joint decision-making panels<sup>18</sup>. The panel should consider if using a more substantial restorative intervention, potentially involving other agencies, is suitable. It should take into account the wishes of those harmed as well as seeking to address the needs of the young person who offends to reduce the risk of repeat offending. It is good practice for such procedures to include a cooling-off period and sufficient time for decisions to be informed by the advice of key professionals (e.g. registered manager and key worker, foster parents, social worker or police link workers for residential settings).
- Where the child or young person does not admit to an offence, or where the offence is serious enough to merit considering prosecution, individual circumstances and those of the offence should be carefully considered when deciding if charging and prosecution is appropriate.<sup>19</sup> Looked-after children and care leavers can be particularly vulnerable and targeted for criminal exploitation. Any decision to charge and prosecute a young person should take into account whether their actions are due to such exploitation or human trafficking or modern slavery. If they are a victim of trafficking or modern slavery, the non-prosecution principle within the Modern Slavery Act 2015 should be considered and, if appropriate, applied. Furthermore, the local authority should be pro-active in assisting the Crown Prosecution Service in reaching informed decisions when considering cases involving looked-after children.

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<sup>17</sup> Outcome 21 in the Police Outcomes Framework provides that, where police consider further investigation to support taking formal action against a named suspect is not in the public interest, the matter can be closed with no further action taken.

<sup>18</sup> Joint Decision-making panels are multi-agency panels designed to consider and provide informed decision-making, based on various child records, on the most suitable case disposal. The panel has regard to the best interests of both children and victims of crime, with a view to protecting potentially vulnerable children and obligation to protect the public.

<sup>19</sup> Although only applying to offences committed in children's homes, the [Crown Prosecution Service Guidance on Youth Offenders](#) section on Behaviour in Children's Homes provides a useful way of looking at aggravating and mitigating factors when deciding whether prosecution of looked-after children is appropriate regardless of the child's type of placement.

- Ensuring children and young people understand their right to legal representation (as set out in [paragraphs 3.2 – 3.4](#)), including where they are voluntarily interviewed in their placement.
- Where a looked-after child comes into contact with the criminal justice system, their responsible authority is contacted and has input in to decision-making.

## Health services

6.7. Designated doctors and nurses for looked-after children have a key role in ensuring that local health services fulfil their role in improving the health of looked-after children. Local health services may help to assess risk and provide support after an incident, helping to prevent children and young people from being criminalised by reducing risk of future incidents. Designated doctors and nurses for looked-after children are a key partner in developing local arrangements based on this protocol<sup>20</sup>.

## Looked-after children placed outside the area of their responsible local authority

6.8. Looked-after children may be placed outside the area of their responsible authority; for example, where it is in their best interests due to safeguarding needs or to access specialist services. All professionals should ensure that this does not cause additional barriers to sharing information and communicating across areas or agencies. The principles on effective, focused and relevant information-sharing are vital to ensuring these young people have the same protection against involvement in offending and criminalisation as those placed in their home authority.

- All local authorities should have reciprocal arrangements in place to ensure looked-after children placed out of area have the same protection from offending behaviour and criminalisation as those placed within their responsible authority area.
- Where a young person offends, it will be the duty of those in the area where the offence takes place to consult and discuss ways forward with the child's responsible authority. This can include remitting the case back to the child's home local authority area for decision to ensure that informed decision-making and appropriate action is taken to reduce the risk of repeat offending.

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<sup>20</sup> Further information on designated doctors and nurses for looked after children is available in [Promoting the health and well-being of looked-after children: Statutory guidance for local authorities, clinical commissioning groups and NHS England](#).

- Home local authorities **must** notify the receiving authority and health services that a child or young person is moving into their area either before the placement is made, or within 5 working days if an emergency placement, as required by [Care Planning, Placement and Case Review \(England\) Regulations 2010](#).<sup>21</sup>

## Response to incidents occurring outside of the care placement

6.9. Response to incidents occurring outside of a care placement should be underpinned by the following principles:

- Where an incident involves harm to members of the public, the police (and/or partners) will consult with those involved and explore the potential for it to be resolved through informal resolution wherever possible.
- Decision-making should be referred to joint decision-making panels<sup>22</sup> (other than where the young person does not admit responsibility for their actions). The panels should ensure that their decisions are underpinned by information from professionals associated with the child, so that appropriate services and consistent support can be provided to address the unmet needs of those involved, support use of restorative practice and reduce the risk of further offending.

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<sup>21</sup> Regulation 13 of the Care Planning, Placement and Case Review (England) Regulations 2010, as amended, requires the responsible authority to notify the area authority in writing of the arrangements for a Child's placement before the placement is made or, if the placement is made in an emergency, within five working days of the start of the placement unless it is not reasonably practicable to do so.

<sup>22</sup> See footnote 16

## 7. Care leavers up to the age of 25

7.1. Care leavers often remain vulnerable and all agencies should be aware that childhood trauma can continue to affect behaviour and behavioural and emotional development into early adulthood, including poor emotional regulation and impulse control. Care leavers may require carefully planned and well-focused support underpinned by the following principles to both help avoid them offending and support them if they do come into contact with the criminal justice system:

- Local authorities' support to care leavers is underpinned by an appropriate and strong corporate parenting ethos and 'Local Offer'<sup>23</sup>. Personal advisors, or other support networks as agreed in the young adult's plan, will be crucial as the focal point to ensure that care leavers are provided with the right kind of personal support<sup>24</sup>.
- Leaving care services should develop and maintain constructive working relationships with local criminal justice services to help personal advisors, and other partners supporting care leavers, make the right links to support young people, including the use of pathway planning to divert them from offending, support them if in custody, or supervise them in the community on release from custody.
- Local authority policies and guides on leaving care and aftercare services should be developed in consultation with the YOT and the Probation Service.

7.2. Where care leavers do come in to contact with the criminal justice system:

- Local authorities should put in place measures encouraging care leavers aged 18 to 25 to make their care leaver status known if they come into contact with the police or criminal justice agencies. This will allow support services, including their Personal Advisor, to be notified and involved in decision-making and case resolution.
- Where the care leaver consents to their notification, Police and criminal justice agencies should seek and encourage the involvement of the care leaver's

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<sup>23</sup> Local authorities are the 'corporate parent' to all care leavers, including those released from custody. The Children and Social Work Act 2017 requires authorities to consult on and publish a 'Local Offer'. This must provide information about the services and support available to care leavers in their local area, including on their statutory entitlements and any discretionary support the local authority might provide.

<sup>24</sup> Once a young person ceases to be looked after, if they are a "relevant child", or a "former relevant child", the local authority must appoint a Personal Advisor (PA) to support them up to the age of 21, and up to 25 if requested. They act as the focal point to ensure that care leavers are provided with the right kind of personal support.

former responsible authority and/or their support network in decision-making. This is regardless of whether their contact with police occurs inside or outside that authority.

- All agencies should ensure that care leavers who come in to contact with the criminal justice system are aware of their rights to legal representation and/or advocacy support.
- Local authorities should achieve good standards of practice in supporting care leavers in custody and meeting their statutory duties.<sup>25, 26</sup> Local authorities must regularly visit care leavers in custody, pathway planning must continue, and it is good practice to ensure that pathway plans are reviewed at least one month before release, to enable sufficient time for effective pre-release planning and to inform the young person of these plans.
- The YOT or the Probation Service, in seeking to ensure that young people who have served a custodial sentence do not re-offend, should look to help and support their development in to resilient and law-abiding adults.

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<sup>25</sup> Local authorities duties towards care leavers are outlined in [Children Act 1989 Guidance and Regulations Vol 3: transition to adulthood for care-leavers](#)

<sup>26</sup> It should be noted that not all care leavers will want support from their LA; this is their choice.

## 8. Support to reduce offending for those who enter the criminal justice system

8.1. There will be instances where looked-after children and care leavers have to enter the criminal justice system. However, if a looked-after child is charged with an offence, it is important that they are not disadvantaged because of their looked-after status, and local authorities should ensure that there are viable alternatives to a child being remanded to a secure establishment. The home authority must ensure that the young person is:

- Legally represented by a solicitor with expertise in youth justice.
- Supported whilst at the police station by an appropriate adult.
- Not held at the police station for longer than is necessary because support and/or accommodation isn't available.
- Supported to understand what is happening to them.
- In addition to their carers, it is good practice for the child's social worker to attend court with them, particularly on the day of sentence, to ensure that the child's best interests are represented, that custody is used only as a last resort, and to act as a good parent would if their child was in court.
- If the child has an Independent Child Trafficking Advocate, they should be advised, and attend court to further support the child or young person.

8.2. All local agencies/protocol partners should sign up, and adhere, to the [Concordat on children in custody](#) and seek to avoid holding looked-after children overnight in police cells where possible.

8.3. If a looked-after child receives a community sentence, their carers, social worker and YOT case manager should continue to work closely together, share information and clarify their roles and responsibilities to ensure that the child receives the support they need.

8.4. If a custodial sentence is likely, the carers, YOT worker and the child's social worker should work together to prepare the child or young person, explaining what will happen and how they will be supported. The social worker should feed in any relevant information to the YOT ahead of them preparing the pre-sentence report.



# Roles and responsibilities towards a looked-after child in custody

## Local Authority

8.5. Local authorities have clear on-going responsibilities towards looked-after children in custody set out in Chapter 8 of the [Children Act 1989 guidance and regulations volume 2: care planning, placement and case review](#), which they must fulfil as part of the effective implementation of this protocol. The text below does not restate all the duties and is **NOT** an exhaustive list; however, in fulfilling these duties:

- If a child in care under a care order enters custody, their social worker must visit them within one week of them being sentenced and detained<sup>27</sup>. Subsequent visits must take place at intervals of not more than six weeks for the first year and not more than three months after that. Additional visits should also take place if reasonably requested by the young person, custodial establishment, YOT or where there are particular circumstances that require a visit. Social workers should follow the principle of *'would this frequency of visits be good enough for my child?'*
- For children accommodated under Section 20 of the Children Act 1989, local authorities must ensure an authority representative visits them within 10 working days of their detention and thereafter whenever reasonably requested by relevant partners<sup>28</sup>.
- Many young people will serve relatively short sentences, where visiting more frequently than every six weeks may be appropriate. Needing to prepare relevant plans and the child for release and resettlement should be considered in deciding when and how frequently to visit a child in custody.

## Resettlement<sup>29</sup>

- Looked-after children should not be disadvantaged regarding early release compared with other children in custody. Early release and use of release on

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<sup>27</sup> Regulation 28(6) of the Care planning, placement and case review (England) Regulations 2010.

<sup>28</sup> This is set out in the [Visits to Formerly Looked-After Children in Detention \(England\) Regulations 2010](#). These regulations also set out the relevant parties able to request visits.

<sup>29</sup> Statutory requirements for local authorities on planning for release are set out in chapter 8 Children Act 1989 guidance and regulations volume 2: care planning, placement and case review. This best practice guidance should be read in conjunction with this.

temporary license can encourage good behaviour and engagement with resettlement plans and, as such, should be considered where possible.

- Resettlement planning should begin at the start of the remand period or sentence and be a continued focus of required planning meetings during the time in custody<sup>30</sup>. Resettlement planning should include the young person's wishes and views, and arrangements tailored to their individual needs.
- Where a child in care is due to end a period in custody, the child's social worker and YOT case manager must work together to co-ordinate arrangements for the child's release and subsequent support in the community. These arrangements should be developed in collaboration with the young person and tailored to their individual needs. The care/pathway plan and Notice of Supervision or Licence should be confirmed with the child well before release<sup>31</sup> and include key details, such as living arrangements, arrangements for education or employment, financial support, and any supervision or licence requirements following custody<sup>32</sup>.
- All looked-after children should be collected from the establishment at an agreed time on the date of their release and accompanied to their accommodation. Every effort should be made to have this undertaken by someone familiar to them and should not be by escort services. Customised support should be in place to help them successfully re-establish their lives in the community.

## Secure establishments

- Custodial establishments should nominate a named representative to act as the link with the care planning process for each child in care during their time in custody.
- Custodial establishments should do all they can to prepare children and young people for transition back in to the community and support transition arrangements.

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<sup>30</sup> Planning requirements will vary depending on a child's status prior to entering custody. Relevant requirements are set out in Chapter 8 of the [Children Act 1989 guidance and regulations volume 2: care planning, placement and case review](#).

<sup>31</sup> Ideally, these arrangements should be confirmed well before the 10 days prior to release required by Children Act 1989 guidance and regulations volume 2: care planning, placement and case review statutory guidance.

<sup>32</sup> Paragraphs 8.76 to 8.80 of the [Children Act 1989 guidance and regulations volume 2: care planning, placement and case review](#) set out the requirements regarding planning for release.

## 9. A restorative approach

9.1. Restorative justice gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime – it empowers victims by giving them a voice. It also holds offenders to account for what they have done and helps them to take responsibility and make amends.

9.2. A restorative approach is essentially about working with people to help them understand their own needs and to empathise with and, therefore, understand the needs of others, allowing them to develop understanding of the impact of their actions. This can range from informal day-to-day restorative approaches related to building relationships through to more formal restorative justice conferences.

9.3. Restorative approaches seek to establish an environment where mutual regard is foremost, and to repair or resolve a harm that has been perpetrated. It 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 their actions. Restorative approaches need to be informed by the following six principles:

- Restoration – the primary aim of restorative practice is to address and repair harm.
- Voluntarism – participation in restorative processes is voluntary and based on informed choice.
- Neutrality – restorative processes are fair and unbiased towards participants.
- Safety – processes and practice aim to ensure the safety of all participants and create a safe space for the expression of feelings and views about harm that has been caused.
- Accessibility – restorative processes are non-discriminatory and available to all those affected by conflict and harm.
- Respect – restorative processes are respectful of the dignity of all participants and those affected by the harm caused.

9.4. To avoid causing additional harm, professionals should consider the impact of restorative processes on the child or young person, bearing in mind their individual characteristics such as religion, culture or individual vulnerabilities and experiences. The child or young person should be given an opportunity to have their voice heard, as set down in [The Voice of the Child](#) section. It should not be automatically assumed that a child or young person is solely to blame for an event and they should be afforded an opportunity to put their version of events across.

Further information on restorative justice is available at [Annex 2](#).

## 10. Implementation and governance of the protocol

10.1. To implement this national protocol effectively, key partners will need to co-develop and sign up to a protocol/arrangements appropriate to their needs. **It is vital that such arrangements are co-produced with ALL partners, including care providers, from the first to last stage.** This process should include:

- Identification and involvement of all agencies/ organisations necessary to ensure effective implementation of the protocol locally.
- Named senior leaders in all necessary partners agreeing to the protocol and committing to driving implementation of the protocol in their organisation.
- Agreeing a local accountability structure and appointing a body to monitor the implementation and effectiveness of the protocol at regular intervals. This can be an existing structure, such as the three local safeguarding partners. The accountability structure agreed should seek to involve care provider representatives and looked after children themselves.

10.2. Arrangements, based on the recommended framework set out in this protocol, will act as an agreement between agencies about expected behaviour and standards of practice. A model local arrangement is set out in [Annex 1](#). This sets out the minimum expectations of local arrangements. Agencies will then need to implement and embed changes necessary to fulfil the agreed arrangement. Therefore, governance will sit with local partnerships and we expect local areas to monitor impact on looked-after children and care leavers, including local data on offending behaviour.

10.3. Where a protocol is in place, Ofsted would look at this through the lens of promoting positive outcomes for looked-after children and care leavers, implementing the corporate parenting principles and reducing the unnecessary criminalisation of looked-after children elements of the Inspections of Local Authority Children's Services Framework.

10.4. To ensure that the number of local arrangements remains practical, we expect local authorities and all partners to work together at regional level to develop local arrangements. This will reduce the number of different arrangements carers and/or care settings have to take account of and help ensure local arrangements cover a sufficiently large area to be effective in promoting cross-boundary communication.

10.5. Where this protocol is implemented, please can you inform [NationalProtocol.IMPLEMENTATION@education.gov.uk](mailto:NationalProtocol.IMPLEMENTATION@education.gov.uk) at the Department for Education. At a national level, the effectiveness of this protocol will primarily be measured by the number of areas informing the Department for Education that they are/have implemented local protocols on reducing criminalisation of looked-

after children and care leavers. The Government will continue to collate and publish data on the number of looked-after children subject to youth cautions, youth conditional cautions or convictions (as recorded in the looked after children statistical 1st release published by the Department for Education)<sup>33</sup>.

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<sup>33</sup> The Legal Aid, Sentencing and Punishment of Offenders Act 2012 abolished reprimands and final warnings and replaced them with a new system of youth cautions and youth conditional cautions which came into force on 8 April 2013. This new formal youth out-of-court disposal framework provides a proportionate and effective resolution to offending and supports the principal statutory aim of the youth justice system of preventing offending by children and young people.

# Annex 1: Model local multi-agency protocol

## Introduction

*'We have made significant strides in reducing the criminalisation of children and young people...This is a credit to the agencies and practitioners involved. However, although the vast majority of looked-after children and care leavers do not get involved with the justice system, they remain over-represented compared to others in the criminal justice system...This is a challenge we must meet.'*

**The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

This (NAME OF JURISDICTION, e.g. Sussex) **local multi-agency protocol** that seeks to reduce the unnecessary criminalisation of (e.g. Sussex's) looked-after children and care leavers.

Insert date and date of review

This protocol reflects the principles and ambition of the **National Protocol on Reducing Criminalisation of Looked-After Children and Care Leavers**. The national protocol describes 'what' needs to happen across the country. This local protocol complements this by setting out 'how' the national protocol will be implemented locally, and reflects the local structure of services, care populations, stakeholders, governance and decision-making arrangements.

*'A co-developed, whole system approach should be encouraged. This should include prevention (such as addressing cause of adverse childhood experiences and mentoring), early intervention and appropriate response where children and young people do offend.'*

**The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

This protocol represents a **multi-agency partnership commitment** to reducing the unnecessary criminalisation of looked-after children and care leavers, and includes the contribution of relevant local agencies and staff. Although not an exclusive list, this includes: Local Authority Children's Services; Youth Offending Services; Crown Prosecution Service; Police; HMCTS; the local Youth Panel (Magistrates); Care Services (including, kinship, fostering, and local authority and independent sector residential children's homes); Care Leaver services; and any other private or voluntary organisations commissioned to support looked-after children locally.

*'All professionals, including social workers, teachers, police officers, foster parents, children's home staff and YOT workers, have a duty to ensure that any special needs presented by looked-after children or those harmed (including communication and*

*interaction, cognition and learning and social, emotional and mental health difficulties<sup>34</sup>) are identified, acknowledged and addressed in the management of the response to the behaviour.'*

#### **The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

## **Key principles**

Every effort should be made to avoid the unnecessary criminalisation of looked-after children, including through early intervention and prevention services. (See '[Overarching Key Principles](#)' section of the National protocol). This is in recognition that many looked-after children have experienced abuse and trauma, affecting their emotional and behavioural development, potentially making them particularly vulnerable to involvement in the criminal justice system, and that criminalisation can be a barrier to successful transition to adulthood and future life prospects.

Inappropriate response to behaviour which can be perceived as challenging can contribute to the breakdown of placements and can be linked to a drift into criminal and exploitative sub-cultures across the country. This impacts not only the likelihood of placements remaining stable and achieving successful outcomes, but the future of care leavers who are dramatically over-represented in the prison population.

The primary objective is for agencies to work together to prevent and reduce 1) offending and 2) the unnecessary criminalisation of looked-after children, accepting that children's welfare and safety are paramount.

*'As a society, we have a responsibility to ensure we protect the children we care for from unnecessary criminalisation and to ask 'would this be good enough for my child?''*

#### **The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

It is every professional's responsibility when working with children to strive to understand the underlying causes of a young person's behaviour. **Understanding the needs and perspective of the child or young person at the centre of an incident and listening to their voice should be central to all agencies practice and their response to incidents involving looked-after children and care leavers.**

Whilst this protocol aims to prevent and reduce offending and avoid criminalisation of looked-after children, victims have a right to be protected from all types of offending. Therefore, where looked-after children do offend, it is important that the rights and needs

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<sup>34</sup> See [SEND-code-of-practice-0-to-25](#)



of victims are given due consideration in any decision making process relating to the offending of children.

*‘Victims and communities have a right to be protected from offending and have their needs and interests taken into account in decisions on resolutions to offending.’*

**The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

De-escalation and restorative approaches should underpin response to negative behaviour to help avoid the prosecution of looked-after children and care leavers (up to the age of 25) wherever possible. Restorative Justice (RJ) is a process whereby the victim has an opportunity to be heard and state the impact of the behaviour, and the offender has the opportunity to understand the consequences of and take responsibility for their actions. Such RJ approaches can take place informally within the care placement<sup>35</sup> in response to an incident (where police involvement is not required) or as part of a recognised police outcome where it is considered to be appropriate.

*‘Restorative and diversionary approaches should underpin our response, whether the behaviour occurs in a child’s placement or the wider community.’*

**The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

Children attracting a custodial sentence or remand are often the most vulnerable with multiple, over-lapping risks and needs. Youth Offending Teams (YOT) and Children’s Service Departments need to work together to ensure the young person knows exactly where they are going to live prior to release and be prepared accordingly with a robust resettlement plan. Accommodation and on-going support should be known and in place well in advance of their release date.

## **Prevention**

Ensuring looked-after children have the right placements that meet their identified needs will significantly contribute to prevention.

It is important that agencies recognise the vital role of early intervention and prevention in reducing criminalisation of looked-after children and care leavers. Services should co-develop an approach that includes: prevention (such as addressing cause of adverse childhood experiences and mentoring), early intervention and appropriate response where children and young people do offend.

It is recognised that caring for and managing children and young people with behaviour which can be perceived as difficult or challenging can be an integral feature of work

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<sup>35</sup> This applies to **all** placement types for looked-after children or care leavers.

within care placements. There should be a presumption that foster parents, residential staff and carers will generally manage negative behaviour ‘in-house’. They should have appropriate training and support to enable them to do so.

*‘The police should not be used for low-level behaviour management or matters a reasonable parent would not have called the police over.’*

#### **The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

It is necessary for all incidents within placements to be accurately recorded to provide informed histories of those in care. All incidents must be recorded in the child’s personal file. Foster parents, residential staff and carers should bear in mind the potential impact of that record on a child, and recording should be objective and non-stigmatising.

## **Responding to incidents**

As part of co-developing and agreeing local arrangements, all parties should commit to de-escalation and in-house management, developing and agreeing a clear framework for responding to incidents similar to the one shown in [Annex 4: Deciding on how to respond to an incident](#) of the national protocol. The voice of the child should be central to this.

In circumstances where an offence/incident does not pose any immediate safety risk (and where victim/s indicate that they do not wish to make statements in support of potential charge/prosecution) then such incidents should be recorded and managed internally, without the need to involve the police.

It should be recognised that each individual case should be assessed with a regard to whether or not there is an immediate risk to personal safety, being mindful that arrest and subsequent contact with the criminal justice system brings its own risks for children.

If the decision to call the police is made, then, upon the arrival of the police at the scene, a joint view (police and carer) should inform whether arrest is necessary and proportionate. Where arrest is considered necessary there should be a presumption to interview children in voluntary reporting suites, outside of police custody, wherever possible.

Where a crime has been committed, this will be recorded by the police. The decision regarding the outcome for the young person should be made in consultation with (Insert here reference to your arrangements e.g. Triage or Central Youth Intervention Team (CYIT) and joint decision-making arrangements for informed consideration of out of court disposal options. Where children placed out of area are involved, these arrangements should include their responsible authority).

*'In circumstances where informal, community resolution is inappropriate, police should, as a matter of routine, consider diversion<sup>36</sup> from criminalisation/prosecution through discussion in local joint decision-making forums<sup>37</sup>. The forum should consider if using a more substantial restorative intervention, potentially involving other agencies, is suitable.'*

#### **The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

In some circumstances where more serious offending has occurred the police will lead the investigation, and the preservation of evidence may be necessary in order to secure evidence as part of the investigation.

### **Where there is an immediate risk to personal safety**

Police should be called to incidents where there is an unacceptable and unmanageable level of risk to personal safety and where it is deemed highly unlikely that order will be restored without police assistance. Immediate police response will be required for incidents of serious violence or serious dangerous disorder where children, residential staff, foster parents or carers are at risk of immediate serious physical harm. In such situations, carers/placement providers should contact the police via the 999 system.

### **Support to reduce offending for those who do enter the criminal justice system**

Despite all agencies best efforts, there will be instances where looked-after children and care leavers have to enter the criminal justice system. As per the National Protocol, where this does happen, it should be underpinned by the following principles:

If a looked after child is charged with an offence:

- When a child in care is charged with an offence, it is important that they are not disadvantaged because of their looked-after status. Local authorities should therefore ensure there are viable alternatives to a child being remanded to a secure establishment.
- The home authority must ensure that the young person is:
  - Legally represented by a solicitor with expertise in youth justice.

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<sup>36</sup> The specific approaches that have been developed as alternatives to prosecution for use after an offence has been detected.

<sup>37</sup> Joint Decision-making panels are multi-agency panels designed to consider and provide informed decision-making, based on various child records, on the most suitable case disposal. The panel has regard to the best interests of both children and victims of crime, with a view to protecting potentially vulnerable children and obligation to protect the public.

- Supported to understand what is happening to them.
- It is good practice for the child's social worker to attend court with them, particularly on the day of sentence, to ensure that the child's best interests are represented and that custody is used only as a last resort.
- If the child has an ICTA, they should be advised and be able to attend court to further support the child.
- All local agencies/protocol partners should sign up and adhere to the [Concordat on children in custody](#) and seek to avoid holding looked-after children overnight in police cells where possible.
- If a looked-after child receives a community sentence, their social worker and YOT case manager should continue to work closely together, share information and clarify their roles and responsibilities to ensure the child receives the support they need.
- If a custodial sentence is likely, the YOT worker and the child's social worker should work together to prepare the child, explaining what will happen and how they will be supported. The social worker should feed in any relevant information to the YOT ahead of them preparing the pre-sentence report.

## Working together

All agencies (including children's social care, Youth Offending Services, the Crown Prosecution Service, Police, HMCTS, the local Youth Panel (Magistrates), all types of care settings<sup>38</sup>, Care Leaver services, and any other private or voluntary organisations, commissioned to support looked-after children locally), working together is key to delivering shared objectives in reducing offending by looked-after children and care leavers and protecting the public.

To implement this national protocol effectively, key partners, including care providers, will need to co-develop and sign up to a protocols/arrangements appropriate to their needs. This process should include:

- Identification and involvement of all agencies/organisations necessary to ensure effective implementation of the protocol.
- Named senior leaders in all necessary partners agreeing to the protocol and committing to driving implementation of the protocol in their organisation.

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<sup>38</sup> This includes, kinship, fostering and residential children's homes.

- Agreeing an accountability structure and appointing a body to monitor the implementation and effectiveness of the protocol at regular intervals. This can be an existing structure, such as the three local safeguarding partners.

## Governance

Insert here reference to your local governance arrangements, e.g. The local Corporate Parenting Board or three safeguarding partners will provide governance to ensure implementation, monitoring, evaluation and compliance with local arrangements.

*“Arrangements, based on the recommended framework set out in this protocol, will act as an agreement between agencies about expected behaviour and standards of practice. A model local arrangement is set out in [Annex 1](#). This sets out the minimum expectations of local arrangements. Agencies will then need to implement and embed changes necessary to fulfil the agreed arrangement. Therefore, governance will sit with local partnerships...”*

**The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018**

## Strategic Planning

Insert here reference to any Reducing Offending by Looked-After Children Strategic Plans and reference to any local arrangements/structures with responsibility for delivering against these plans (e.g. Any multi agency Steering Groups or Forums that are part of implementation of the strategy).

## Monitoring and Evaluation

Reference here how you intend to monitor and evaluate progress, how you create arrangements to understand the needs (e.g. learning and development) of your care providers. How can issues and concerns arising be addressed and escalated if necessary?

## Roles and responsibilities

Identify here the particular personnel with specific roles and responsibilities, such as senior staff in each agency responsible for implementing in their agency, ‘link workers’ (police or social care) to residential homes, necessary frontline practitioners.

## The needs of carers

Reference how, you manage the needs of foster parents, residential staff and carers who experience loss and/or harm as a result of incidents. This includes identifying who has the duty of care to offer support, particularly when frightening or abusive incidents have significantly impacted upon their wellbeing. The absence of such support not only risks failure in ‘duty of care’ but may leave affected foster parents, residential staff/carers with unmet needs. Such circumstances are potentially unhealthy for all involved and may

leave affected carers feeling that their needs can only be met through pursuit of formal justice. We know that this is never in the best interests of children but we must meet our obligations to address the needs of those who care for them. Support for staff could take the form of access to an assistance programme, access to mediation service or providing access to relevant learning and development training opportunities.

## **Looked-after children who go missing**

This is an opportunity for the protocol to reference agreed local procedures on responding to looked-after children who go missing (this is often the local Safeguarding Children's Board procedure – "Procedure for children and young people missing or absent from home and care").

It is the responsibility of the corporate parent to put strategies in place to reduce the opportunity for looked-after children to 'go missing', to take immediate action to find them, collect them and bring them home 'in-house' as most parents do. Should they be unable to find them and police are contacted, as the corporate parents, they should collect them ASAP from where ever they have been found, which minimises police contact. However, it is important to acknowledge there may be instances where the environment where the child or young person is found is unsafe for the person sent to collect them. In such circumstances, if foster parents, residential staff/carers having assessed the environment, feel unsafe then the police should assist them in collecting the child.

## **Information sharing**

It is vital agencies develop an environment of information sharing that demonstrates to young people that agencies work together and keep each other informed of developments in order to serve children's best interests. The Data Protection Act (2018) allows that any practitioner can share relevant personal information about a child lawfully if it is to keep a child safe from harm, or to protect their physical, mental and emotional wellbeing. All practitioners should aim to gain consent to share information but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that sharing the information will enhance the safeguarding of a child in a timely manner.

In addition to the statutory guidance applying to agencies working with children, the key legal concepts, legislation and terminology relevant to information sharing are contained in:

- The Data Protection Act 2018
- The Human Rights Act 1998
- The common law duty of confidence

The information that could be shared between agencies for contextual safeguarding may include the following:

- Children and young people (both UK and foreign nationals) at risk of being sexually exploited (including regular updating of any CSE assessments), coerced in to criminal activity, or trafficked.
- Children and young people believed to be criminally active.
- Children and young people identified as criminally active being monitored including recording their clothing, times in and out of the homes and any property appearing without formal recognition or identification.
- Areas identified as used by drug dealers in the locality of their placement.
- Sex offenders living in or near placements if relevant (including notification by police as part of information regularly provided to inform children's home Location Review Risk Assessments).
- Grooming activity in the location.
- Gang activity in the location.
- Add, subtract or sequence as appropriate to your locality.

## **Crown Prosecution Service (CPS) response**

This policy is implemented in conjunction with the CPS guidance on decisions to prosecute looked-after children. This should be read in conjunction with *Offending Behaviour in Children's Homes* – [Crown Prosecution Service Guidance Youth Offenders](#), the basic principles of which can be applied to all placements.

## **Signatures**



## Annex 2: Restorative Approaches

The following is based on guidance from the Restorative Justice Council. Restorative approaches, in their simplest terms, seek to repair what has been broken, or resolve a harm that has been perpetrated. This way of working needs a context provided by the development of restorative principles and approaches. These approaches are essentially about building and maintaining positive relationships in a way that becomes the default behaviour and language of all adults and children in the child's placement. This way of working needs to be embedded into the culture and ethos of those agencies or organisations using them.

Restorative approaches are essentially about working with people to help them understand their own needs and to empathise and, therefore, understand others' needs – allowing the development of an understanding of the impact of their actions. This understanding of who has been affected, and how they have been affected, is at the heart of restorative working.

Restorative approaches can become the explicit set of principles and practices that inform every communication, regardless of the placement children may be in. It creates a context where children engage actively in learning about their social behaviours, rather than acting as passive recipients of rules and sanctions. Behaviour needs to sit inside a relational context where information is not simply transmitted from one person to another, as if filling an empty vessel.

Restorative approaches aspire to create environments founded on relationships, respect, inclusivity, fairness and tolerance. They also seek to create, through the principles and approaches used, the conditions to promote the development of self-managing behaviours, positive attitudes and, of course, achievement.

Adults should engage children through talk and through using restorative approaches. Children need to be aware how their behaviour affects themselves and others and develop an understanding of social responsibility. They should also be given the responsibility to make things right. Where a child in care changes their behaviour in this context it is because they are buying into the relationship climate.

The restorative process accepts there are rules in every placement type a child may experience but argues that where children are passive recipients of rule-based cultures, social learning and development can be limited to social conditioning. When children are active in managing their own behaviour social learning occurs.

### Restorative approaches

Restorative approaches are 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 informal addressing of issues, internal mediation within the placement between young people and foster parent



or residential care staff without involving the police, informal resolution such as community resolution that does involve the police, to more intensive restorative work facilitated by specialist restorative practitioners.

Dependent on the process used with the child(ren), from informal to more formal, the member of staff or foster parent conducting the 'meeting' will need to have been given appropriate training. In some settings that may have a settled group of children and young people, it may be useful to use peer mentors drawn from the children. Again, training for the young people is essential.

The context of each setting needs to be considered. The age of children, their ethnicity, whether they are unaccompanied migrant children, their gender, religion and other protected characteristics are all factors which must be taken in to account as they affect the way a 'meeting' would be conducted. This nuanced approach would develop within teams, allowing the most appropriate person to lead when an issue arises.

You need to have skilled facilitators for informal and formal processes<sup>39</sup>, which will also need to reflect the fact that it is not always obvious who is (or perceives themselves to be) the victim and offender in a dispute or issue. In these cases, the skill of the facilitator/mediator will be paramount. It is essential the facilitator has knowledge of the child or young person and their history to allow maximum chance of success.

Recording use of restorative approaches needs to be established within each setting, including foster placements. The local recording processes for the setting can continue to be used but should also include a way to record restorative interactions across the range of those interactions. Recording will need to be appropriate and adapted to the type of placement. It should not seek to add additional, unnecessary process or burdens. This will allow information on the looked-after child to be available to future foster parents, residential staff or other adults working with the child to inform their practice.

A common language and set of behaviours across local authority services, partner agencies and within third sector organisations that work with local authorities, is vital for this work to be successful. This acts a thread between agencies and provide consistency to the interactions a child receives from them, as well as helping to mitigate against the barriers systems often throw up between agencies.

The six principles of restorative approaches are<sup>40</sup>:

1. Restoration – the primary aim of restorative practice is to address and repair harm. Practitioners should aim to ensure that restorative interventions they carry out are aimed at repairing harm that has been caused. An opportunity for

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<sup>39</sup> If the child doesn't speak English, part of this will include ensuring a suitable interpreter is present where necessary.

<sup>40</sup> "[Principles of restorative Practice](#)" guidance.

addressing issues participants wish to raise in relation to the harm should be given.

2. Voluntarism – participation in restorative processes is voluntary and based on informed choice. It is imperative that participants come to a restorative intervention of their own free will, having understood the reasons for and methodology of the process. It is the duty of the practitioner to ensure that everyone taking part understands why they are there and their responsibilities in relation to the process.
3. Neutrality – restorative processes are fair and unbiased towards participants. Practitioners are human beings and in many cases may not be neutral to the harm that has been caused. However, it is important that such biases are not permitted to affect the neutrality of the restorative process, which should not be conducted in such a way that it disadvantages or discriminates against any one participant or party.
4. Safety – processes and practice aim to ensure the safety of all participants and create a safe space for the expression of feelings and views about harm that has been caused. Practitioners should aim to ensure that processes are safe by undertaking full and proper preparation in relation to each intervention they provide. Risk assessments are paramount whether conducted ‘on the spot’ (as may be required in the case of ‘street’ or ‘corridor’ restorative interventions) or via the use of detailed risk assessment spreadsheets. Practitioners should be appropriately trained.
5. Accessibility – restorative processes are non-discriminatory and available to all those affected by conflict and harm. Practitioners must be mindful of any inherent biases that could affect their ability to offer a neutral restorative process to any person on the basis of their particular status or background (e.g. their race, nationality or country of origin, gender, offending history, disability, socio-economic or political background).
6. Respect – restorative processes are respectful of the dignity of all participants and those affected by the harm caused. Restorative processes must be conducted in a manner that is respectful to those taking part. If the process, or anyone involved in it, is disrespectful to those taking part, the chances of a successful or positive outcome are significantly reduced. One of the many skills required of a practitioner is the ability to conduct an often highly emotional process in a neutral and measured fashion, and respect is key to delivering restorative interventions in this way.

## Annex 3: Dynamic risk assessment<sup>41</sup>

A dynamic risk assessment is a tool for rapid, short-term use during an incident. Given the anxious situation, it needs to be simple to run through. It will usually include considering the following:

- Who is at risk of harm and what is the nature of the risk?
- Does the situation relate to any known risks in the person's history?
- Have they been relating well to others recently?
- How unusual is this behaviour for this young person compared to recently?
- Have there been previous similar incidents?
- Are the factors in this instance known or unknown? Is there likely to be any provocation (e.g. bullying or peer pressure)? Or, is the young person feeling pressures externally (e.g. being exploited or coerced)?
- Understanding the emerging incident from the perspective of the child's or young person's experience and thinking: '*Is this a new trigger or stressor* (e.g. something surrounding family or friends or time of year)?' Or, '*is it a known threshold and the plan advises what works in this instance?*'
- How likely is the harm to others or the environment, and how serious will it be?
- Has anyone been hurt?
- What are the person's own feelings and wishes regarding the possible risk?
- Would intervening at this moment with this young person really be about safety, or is it about my own feelings of powerlessness and frustration?
- Will the consequences of intervening be less or more harmful than the behaviour itself?
- Is it likely the current episode will be short lived or not? If short, once the episode abates, what can you or another do now to support and sustain their self-control?
- What will be the effect on the rest of the group?
- What would be the consequence be of not intervening?
- Can an alternative course of action be found that has more acceptable degrees of risk?
- Are there enough staff with the right skills to intervene safely and effectively?
- What is the least restrictive and most respectful way of intervening to prevent harm?
- Have we tried all reasonable alternatives?
- Is intervention in their and others' best interests?
- Is intervention the least restrictive option?
- Is the intervention required to be carried out now?
- What is the plan if the intervention cannot be appropriate or timely?

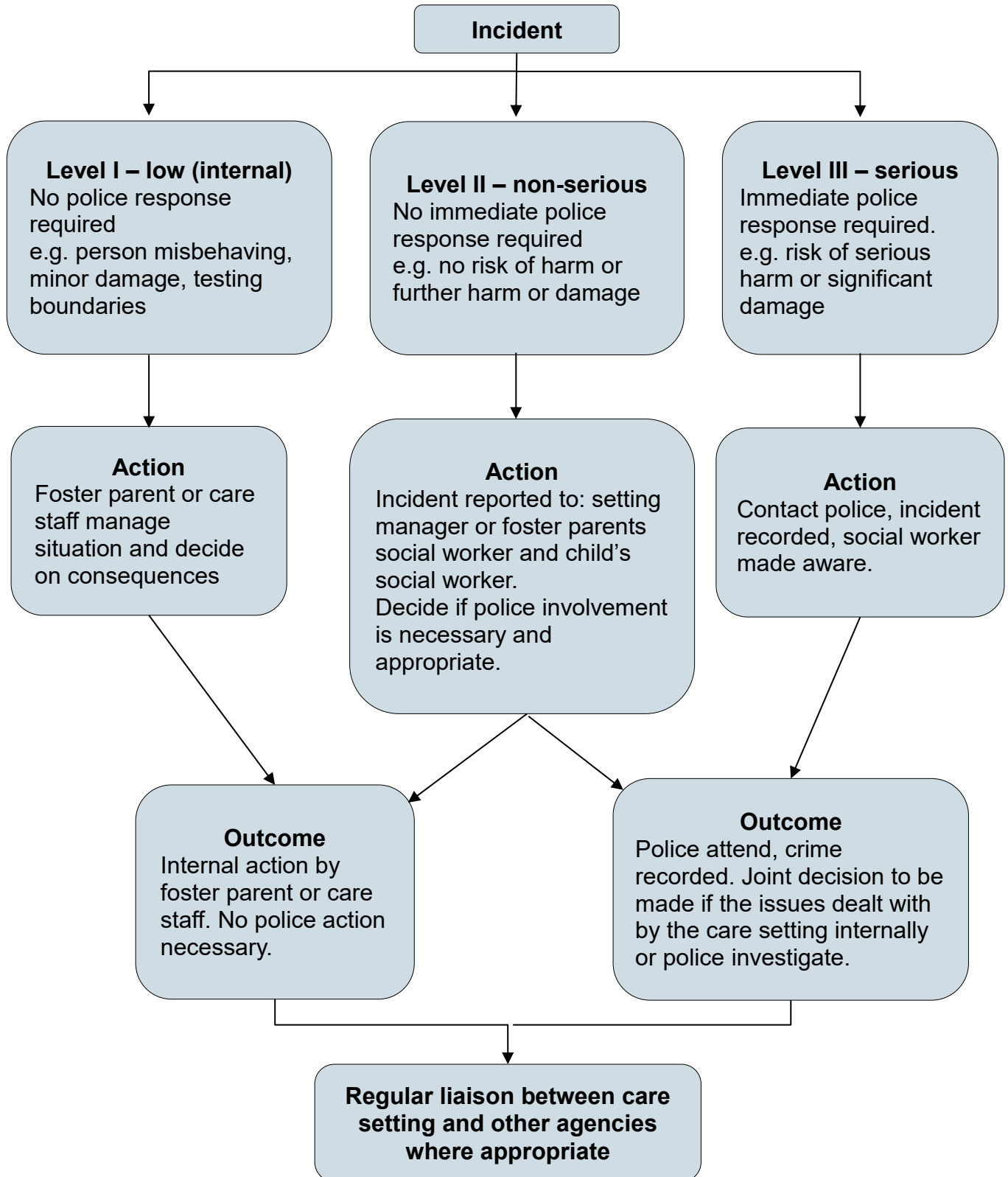
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<sup>41</sup> This annex was developed with the assistance of the National Centre for Excellence in Residential Child Care

- Would I have called the police if this were my own child?

The outcome of this rapid assessment should be in line with the child's care plan unless there are clear reasons based on the risk of harm that justify overriding it. All decisions should be informed by a rigorous assessment of that individual child's needs, be properly recorded, reported and be kept under regular review.

## Annex 4: Deciding how to respond to an incident<sup>42</sup>



<sup>42</sup> Adapted, with permission, from the Pan Dorset Protocol To Reduce Criminalisation of Children and Young People in Care

## Annex 5: Liaison and diversion services

Liaison and Diversion (L&D) services identify children, young people and adults who have mental health, learning disability, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system as suspects, defendants or offenders.

The service can then support people through the early stages of criminal system pathway, refer them for appropriate health or social care, or enable them to be diverted away from the criminal justice system into a more appropriate setting, if required.

L&D services aim to improve overall health outcomes for people and to support people in the reduction of re-offending. It also aims to identify vulnerabilities in people earlier on, which reduces the likelihood that people will reach a crisis-point and helps to ensure the right support can be put in place from the start.

The main things that L&D services do for the people they see are identification, screening, assessment and referral to other services. These are explained below:

**Identification:** Criminal justice agencies working at the Police and Courts stages of the pathway are trained to recognise possible signs of vulnerability in people when they first meet them. They then alert their local L&D service about the person.

**Screening:** Once someone is identified as having a potential vulnerability, the L&D practitioner can go through screening questions to identify the need, level of risk and urgency presented. It also helps determine whether further assessment is required.

**Assessment:** Using approved screening and assessment tools, an L&D practitioner will undertake a more detailed assessment of the person's vulnerability. This provides more information on a person's needs and whether they should be referred on for treatment or further support.

**Referral:** The L&D practitioner may refer someone to appropriate mainstream health and social care services or other relevant interventions and support services that can help. A person is supported to attend their first appointment with any new services and the outcomes of referrals are recorded. L&D services will also provide a route to treatment for people whose offending behaviour is linked to their illness or vulnerability.

The police, youth offending teams, probation and the judiciary make decisions based on the evidence and information presented to them. L&D services record all information about a person's health needs and share these with relevant agencies so they can make informed decisions about case management, sentencing and disposal options.

## Annex 6: Resources

Statutory guidance and regulations:

- [Children Act 1989 guidance and regulations volume 2: care planning, placement and case review](#) - Chapter 8 covers local authorities children's services responsibilities towards looked after children in contact with the youth justice system.
- [The Department for Education Quality standards for children's homes](#), particularly the positive relationship standard, the protection of children standard and engaging with the wider system.
- [The Children's Homes \(England\) Regulations 2015](#)
- [Working together to safeguard children](#) - Statutory guidance on inter-agency working to safeguard and promote the welfare of children.
- [Modern Slavery Act 2015](#)
- [Care of unaccompanied and trafficked children statutory guidance for local authorities](#) This sets out the steps local authorities and staff running local multi-agency safeguarding arrangements should take to plan for the provision of support for looked-after children who are unaccompanied migrant children, and who may be victims, or potential victims, of modern slavery.
- [Safeguarding children who may have been trafficked practice guidance](#) This guidance is for local authorities, to help agencies and their staff safeguard and promote the welfare of children who may have been trafficked.
- [Applying corporate parenting principles to looked after children and care leavers](#)
- [Crown Prosecution Service guidance on youth offenders](#), particularly the section relating to 'offending behaviour in children's homes'

Other supporting guidance:

- [The South East protocol on reducing criminalisation of looked after children](#)
- '[Principles of restorative Practice](#)' guidance (Restorative Justice Council 2015)
- The [Ofsted single inspection framework for children's services](#), in particular the key judgement: '*The experiences and progress of children looked after and achieving permanence*'. This 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.'*

#### Research or reviews:

- 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 youth offending team managers should ensure: '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; and 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'.
- [The Lammy Review of Black, Asian and minority ethnic representation in the criminal justice system \(sept 2017\)](#)
- [Taylor review-of-the-youth-justice-system \(Dec 2016\)](#)
- [Sir Martin Narey's independent review of children's residential care in England \(2016\)](#)
- [In care and out of trouble - An independent review chaired by Lord Laming \(2016\)](#)
- [Youth Restorative Justice Intervention Independent Evaluation Final Report \(GDT Social Impact Analytics, 2014\)](#) Independent evaluation of Surrey County Council's Youth Restorative Intervention.

#### Other resources:

- [MindEd.org](#) - a free educational resource on children and young people's mental health for all adults from NHS England.





Department  
for Education

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**POLICE**  
PROUD TO SERVE



Nottinghamshire  
County Council



## **Reducing Offending Behaviour**

**Joint Protocol Between;  
Nottinghamshire Police, Nottingham  
City Youth Offending Team,  
Nottingham Integrated Children and  
Families service, Nottinghamshire  
Youth, Families and Social Work  
and the Crown Prosecution Service.**

**A multiagency approach to prevent  
unnecessary criminalisation of children in care,  
by assisting in the determination of an effective,  
appropriate and proportionate response to  
offending and anti social behaviour in the home  
or community.**

**Created By**  
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**PC Sam Flint BEM- Notts Police**  
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**Joanne Reynolds – CPS**

**Supported by**  
**Sharon Clarke- NCC Children's Social Care**  
**Shelley Nicholls- NCC YOT**  
**Steve Edwards – Nottinghamshire Youth**  
**Families and Social Work**

**With thanks to the young people from the**  
**Nottingham City Children in Care and Care**  
**Leavers' Councils, who have contributed to the**  
**development of this Protocol.**

Safeguarding is everyone's responsibility. It is vital in the prevention of offending and criminalisation, and protection of vulnerable young people, that agencies develop and maintain an environment of information sharing.

The protocol aims to strike a balance between the rights and needs of the children and young people who are looked after, the victim, the rights of carers and the provider's decisions to instigate Police action.

It is the purpose of this protocol to provide guidance on the options available and to emphasise the importance of flexibility, in deciding upon the most suitable option for dealing with some of our most vulnerable children and young people.

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## **Reducing Offending Behaviour**

### **1. Background**

It is recognised the vast majority of young people who enter the care system do not exhibit criminal behaviours and never become subject of police investigation. However, children in care are disproportionately represented in the Justice System, yet are some of society's most vulnerable children and young people.

This protocol provides guidance and support for decision making when a child in care commits an act deemed inappropriate or criminal. It provides a structure to aid the level of response to address behaviours.

The protocol and guidance takes the following documents into account:

- The Crown Prosecution Services guidance "The CPS: Youth Offenders"
- ACPO guidance on Out of Court Disposals and ACPO Children and Young People Strategy.
- OFSTED framework for inspection of Children's Homes 2015.
- The National Crime Recording Standards.

#### **1a. Introduction**

The standardised guidance and tools contained within this protocol provide a framework for embedding good practice and communicating this to young people in care and their carers. When carers report an incident to the police, it does not necessarily result in a police investigation. Incidents are dealt with on a case by case basis, ensuring an appropriate, proportionate and necessary investigation is conducted.

Wherever possible, as defined in this protocol, the action to be taken will be determined following discussions with all concerned, including, wherever possible, the young person, and any victim.

Carers will need to use professional judgement when deciding on the appropriate course of action and whether a police response is required. Guides have been produced to assist in this decision making process –see appendix 1 (Traffic light documents).

Wherever possible regular liaison between local police and carers will provide an opportunity to share information, develop better understanding of each agency's responsibilities and practices and build positive relationships.

It is recommended police will provide a contact or local champion for carers as part of local policing arrangements.

### 2. Requirement for Police Involvement.

The **nature** and **seriousness** of any incident should be considered before deciding whether to involve the Police immediately, at a later stage, or whether to involve them at all.

Any communication between carers and the Police regarding the incident must be clear and factual.

Any information regarding concern for potential or perceived radicalisation of young people should be reported to the police and the team around the child immediately.

### 3. Categories of Response

It is recognised caring for and managing children in care, who may have experienced a range of traumas, can result in difficult or challenging behaviours. Carers will generally manage problematic situations within the home, except where they are so severe that immediate Police involvement is essential to prevent harm to young people, carers or others.

The protocol identifies three categories:

- **Internal** - No police involvement
- **Non-immediate** - Police informed and appropriate and proportionate delayed response/discussion.
- **Immediate** - Requires immediate police response/investigation.

**If the situation changes you must inform the police control room immediately to ensure the appropriate and proportionate response.**

#### 3a. Internal incidents

Minor incidents (such as behaviour that would generally be dealt with by a parent or carer in a home situation,) will be addressed using a range of informal approaches, including: sanctions, restorative approaches and behavioural contracts. These may be dealt with within regular community or house meetings and addressed with all residents or family members of the home. Police will be informed if deemed appropriate, in relation to the incident and wider safeguarding concerns.

#### 3b. Non-immediate incidents

An incident where ASB/crime has been committed and no immediate Police response is required. For example, an incident of theft, assault or damage has occurred and there is no significant threat, risk or harm identified. The incident should be reported to the Registered Manager, who then records the discussion with a carer if appropriate.

## **Reducing Offending Behaviour**

Foster carers should inform the child/young person's social worker at the first opportunity to discuss.

The victim's voice should always be considered.

Where police advice and support is needed, the carer should contact the Police control room to discuss a delayed or scheduled visit, or a telephone conversation with the crime recording management team.

Carers must be clear about their expectations of the police when reporting a 'non immediate' incident. E.g. do they want support in a matter that has already been resolved by the carers, or do they want to report a crime to the police for investigation. **(See crime recording below)** This is vital regarding how the police grade and record the incident.

### **Note.**

Police taking a call for service must establish the reason for the call to ensure the appropriate and proportionate response to the reported incident, preventing any unnecessary police investigation or the criminalisation of young people.

### **3c. Immediate incidents**

An incident of violence or behaviour requiring an immediate Police response where children/young people or carers are at risk of immediate serious physical harm. In such situations carers should ring 101/999.

Carers will need to ensure reasonable steps are taken to retain articles/evidence or preserve the scene of a crime relevant to any criminal allegations or potential Police investigations.



### 4. Recording

#### 4a. Recording incidents by carers

It is necessary for incidents to be accurately recorded to inform assessment planning and intervention. All incidents must be recorded in the personal file for each young person and cross-referenced in the relevant log book.

Carers should report and record all significant or notifiable incidents as per Integrated Children and Families/Youth Families and Social Work guidelines and inform the team around the child .i.e. YOT/YOS worker, TYS-Prevention worker and social worker.

#### 4b. Recording of incidents reported to the Police.

##### **National Crime Recording Standards.**

All incidents reported to the police as a crime will be given a crime number/ occurrence number in accordance with Home Office guidelines.

**\*\*This does not always mean a criminal prosecution will take place\*\***

The Police can record an outcome disposal of:

A- Outcome 20 (Police acknowledge the behaviour has been dealt with in an alternative way).

B- Outcome 21 (Not in the public interest to prosecute).

**Or**

Where the victim is not willing to support a prosecution, this can be recorded to close an incident/finalise an occurrence.

**\*\*There is an expectation that all alternative measures (disposals) have been exhausted i.e. behaviour contracts, restorative justice sanctions before any criminal prosecution\*\***

#### 4c. Recording of non immediate incidents by the Police

Incidents discussed by the Police and carers, in relation to behavioural matters, should be recorded on the young persons care record and Police intelligence systems, if appropriate.

Non-immediate incidents reported by carers as a crime will be recorded by the Police and appropriately and proportionately investigated.

#### 4d. Recording of immediate incidents by the Police

Any identified criminal offences will be recorded as crimes and appropriately and proportionately investigated.

### 5. Substance Misuse

The misuse of controlled drugs within a young persons' home, or placement is a serious issue and it is essential the response is prompt and effective.

Carers will need to balance their duty of care for the young people in the home, and their role in managing young people's behaviour, as well as their responsibilities to the wider community. In practice Carers should share information with the Police if established that a young person is using illegal substances or if illegal substances are found on the premises. A referral/consultation with relevant drugs and alcohol service for the area must always be completed. The Social Worker should always be kept informed.

It is important that all action taken is recorded by carers.

Drugs and drug-related materials should be stored securely in a safe or locked device. These should **not** be disposed of, pending any investigation and the appropriate advice sought for disposal.

If the quantity of substance and/or associated paraphernalia indicates a young person may be involved in distribution this concern needs to be reported to the police immediately.

The police investigation will be appropriate and proportionate to the reported incident.

#### **5a. Record of the removal/seizure by carers should be kept by carers.**

A record of the removal/seizure should be kept by carers and include the following:

- Time and date of the removal
- Name of the person removing the material
- Description of the material
- Circumstances of the removal
- Time and date the material is placed in secure storage
- Signature of the person putting the article in to the storage countersigned by a second member of staff
- Time and date the material was removed by the Police
- Name and signature of the Police Officer removing the material
- A photo of all items seized is advisable to protect staff against any future discrepancies.

To ensure controlled substances are not stored in homes any longer than necessary or transported unnecessarily by care staff, it is important every effort is made Police and care staff work together to ensure the earliest opportunity for secure disposal.

## **Reducing Offending Behaviour**

Carers can dispose of alcohol and canisters (aerosols) but it is important the disposal is witnessed and a record kept, see previous list above.

### **6. Weapons**

If a knife or weapon is found in a young person's room information needs to be recorded and shared with the young person's professional network and police, so a risk assessment can be completed.

The team around the child should consider opportunities for the young person to receive education on this issue.

The police should be given an opportunity to decide if the weapon needs retaining prior to any disposal. Please follow list (5a).

If it is suspected a young person is carrying a weapon, they should be encouraged to surrender the weapon to care staff, but at no point should care staff put themselves at risk. The Police must be informed.

Staff/Carer to contact relevant early intervention/crime prevention worker from YOT/YOS to request resource support.

### **7. Sexual Offences**

When considering incidents of sexting or potentially sexually harmful behaviour, the risks associated with the behaviour need to be balanced with the potential long term implications of criminalising young people and the information being disclosed.

The police should be contacted if there is an immediate risk of harm, a complaint has been made, there is an identified power imbalance, or indicators of grooming or CSE. There needs to be consultation with the team around the child and with the CSE coordinator for Integrated Children and Families/Nottinghamshire Children's Social Care.

Agencies should follow their own process of screening and risk assessment. Consideration should be given to specific education and further discussion through the City ASHA panel or County equivalent.

Carers need to adhere to internal health and safety, de-brief documents, anti-bullying, and other internal procedures.

### 8. Prosecution requirements: - 10 point plan.

The decision to prosecute children in care for 'low level' offences committed within a care environment is a major decision and should be taken by a youth specialist. Prosecutors need to consider all the circumstances surrounding the offence and the circumstances of the youth before reaching a decision and need to apply all relevant CPS policies and the Code for Crown Prosecutors. The following 10 point check list will form part of the prosecution information for offences committed within the home. This should be completed by the officer in the case in liaison with the professional team around the child. This Guidance is not intended to cover all offending: however some of the principles may be helpful for other offences, when deciding if prosecution is in the public interest.

Children and young people who live in children's homes are at a high risk of offending behaviour because:

- Many looked after children are between the ages of 14 and 17, which is regarded as the peak offending age range
- In some children's homes they are likely to be living with young people who have been remanded to local authority accommodation, and may be susceptible to group offending behaviour
- They may be living in accommodation far from their home, so may lack support from friends and family
- Many looked after children display challenging behaviour, which may be a reaction to past experiences of abuse and neglect; and/ or have been diagnosed as experiencing Attention Deficit and Hyperactivity Disorder and Oppositional Defiant Disorder. Their offending behaviour may be caused by or otherwise linked with the disorder
- Their behaviour is likely to be more challenging and demanding because of their family experience, the breakdown of foster placements and frequent moves from other children's homes
- Living in a group with other challenging and demanding children of the same age gives rise to greater potential for conflict, bullying and peer group pressure
- It is important that all people feel safe in the place where they live and work.

The police are more likely to be called to a residential home than a domestic setting to deal with an incident of offending behaviour by an adolescent. Specialists should bear this in mind.

A criminal justice disposal, whether a prosecution, reprimand or warning, should not be regarded as an automatic response to offending behaviour by a child in care, irrespective of their criminal history. This applies equally to young people with previous offending history or none. A criminal justice disposal will only be appropriate where it is clearly required.

## Reducing Offending Behaviour

Informal disposals such as 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 further offending.

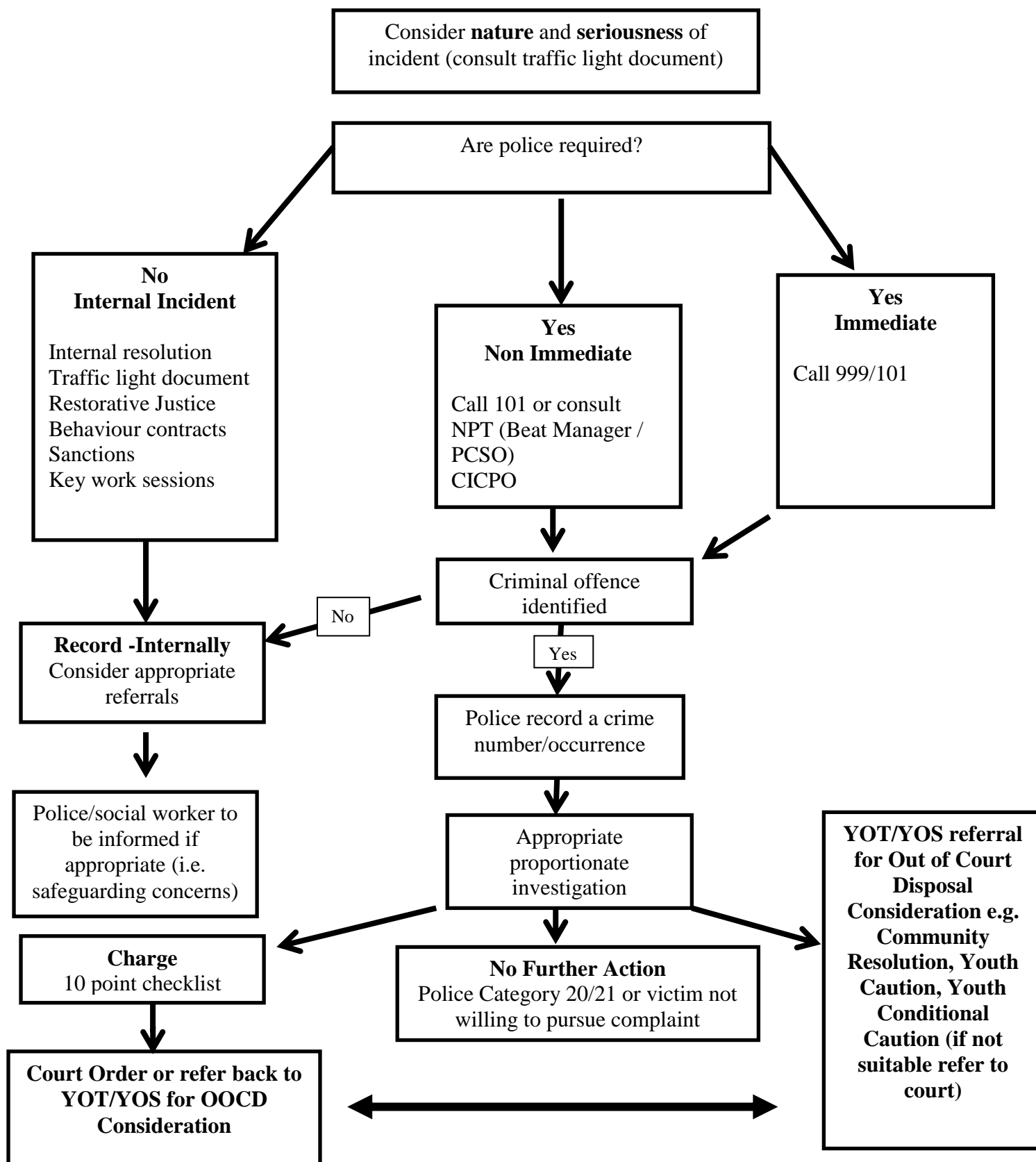
The Checklist provides the investigation with a tool to assess that all forms of disposal have been exhausted and sufficient information is available to CPS for a charging or prosecution decision.

The 10 point plan should be completed jointly with the police, Social Worker or carers.

### 8a. 10 Point Checklist

|    |   |
|----|---|
| 1  | Disciplinary Policy of Children's Home?<br>Has the jointly agreed guidance been followed?   |
| 2  | Why have the police been involved and is it as agreed in the policy?<br>Evidence of factors taken into consideration.   |
| 3  | Any informal action/disciplinary action already taken?<br>Historic information about sanctions around the same offence  |
| 4  | Any apology/reparation?   |
| 5  | Victim's views? Eg is the victim supportive of a prosecution  |
| 6  | Social Worker's views?  |
| 7  | Care Plan for Looked After Child? Is there a move imminent?   |
| 8  | Recent behaviour/incidents re looked after child?   |
| 9  | Information about incident from looked after child (interview or other)?<br>What are the thoughts of the young person about the incident and their own behaviour? |
| 10 | Aggravating and Mitigating Features?  |

## 8. Reducing Offending Behaviour Flow Chart



### All Situations

Consider: Targeted Youth/Crime Prevention Support (YOT/YOS), Drugs & Alcohol Referrals, NSPCC, Protect and Respect, RAISE, Women's Aid (use the areas relevant support services).

Discuss any concerns within professional teams and consider CAMHS consultation and restorative approaches.

## 10. Organisational Sign Off

To evaluate compliance with the protocol liaison should be held between the local Police Authority, Social Services Unit Managers, Placement Service Managers and Youth Offending Service

**Signed:** 

Dated: 10/07/2017

Name: Ted Anthill

For Nottinghamshire Police

**Signed:** 

Dated: 10/07/2017

Name: Steve Comb

For Nottingham City Children's and Young Peoples Service

**Signed:** 

Dated: 10/07/2017

Name: Shelley Nicholls

For Nottinghamshire Youth Offending Service

**Signed:** 

Dated: 30/5/2018

Name: Steve Edwards

For Nottinghamshire Youth, Families and Social Work Department

**Signed:** 

Dated: 30/5/18

Name: Rachel Miller

## Reducing Offending Behaviour

For Nottinghamshire Youth Justice

**Signed:** 

Dated: 10/07/2017

Name: Alison Michalska

For Nottinghamshire Children's and Young Peoples Service

**Signed:** 

Dated: 10/07/2017

Name: Janine Smith

For Crown Prosecution Service Nottingham

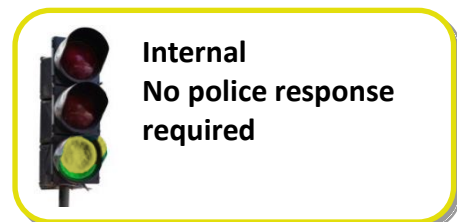
### 11. Organisational Implementation Checklist;

| Action                                       | Complete | By Whom                       | When |
|--|----------|-------------------------------|------|
| All agencies sign off                        |          |                               |      |
| Training/awareness carers                    |          |                               |      |
| Training/awareness young people              |          |                               |      |
| Training/awareness Police Officers           |          | Internal processes            |      |
| Training/awareness Crown Prosecution service |          | Internal processes            |      |
| Regular Liaison                              |          | Police officers and care home |      |
|  |          |                               |      |



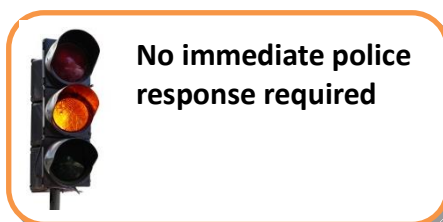
## 11. Appendix 1- Traffic Light Documents

### What we can expect of each other



**Internal  
No police response  
required**

*E.g. Testing boundaries, 'minor' damage*



**No immediate police  
response required**

*E.g. No ongoing risk of harm.  
Repeated / worsening behavior*



**Immediate response  
required**

*E.g. Serious assault or damage where a  
person / people are at risk of harm*

#### Action

- Carers manage situation, refer back to this agreement



- Informal restorative justice, agree sanctions/actions
- Record action
- Inform social worker / YOT worker if there is one
- Invitation to police to support internal actions, consider preventative support

#### Action

- Discuss behavior with Manager/Supervising Social Worker
- Record behaviour



- Discussion with the police (Beat manager PCSO, CiC Officer) and team around the young person
- Decision for police investigation, restorative justice or preventative work
- Record decision and outcome on young person's records

#### Action

- 999
- Once staff and young people are safe, record behavior and inform Social Worker/EDT and YOT worker if there is one



#### • Police Investigation

Charge to court: restorative justice will be considered as part of any sentence

No charge. Consider restorative justice or preventative work

Regular contact and meetings between carers and Neighbourhood Policing Teams to build relationships and communication

This shows the process that your carers will go through when thinking about how to respond if there is behaviour that needs to be challenged in your home, so that everyone can feel safe and supported. This process will be used in Nottingham City, in foster care, Local Authority and private homes so that everyone is treated in the same way.

**Rights:** Young people and carers have the right to;

- Be respected
- Feel safe
- For their belongings to be their own
- To have a voice and speak out

**You are able to contact:**

**Advocacy Service**

**Crimestoppers: 0800 555 111**

**Nottinghamshire Police: 101 or 999 in an emergency (if you or someone else is in danger)**

## Reducing Offending Behaviour

### Things to consider...

*The following factors should be considered when deciding what action to take when there has been unacceptable behaviour by a child or young person.*


**The list is not exhaustive, and does not reflect any order of priority:**

- Nature and seriousness of the allegation
- Severity of any injury/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
- Does the response need escalating?
- Previous relationship between victim and offender
- Previous behaviour or offending, bullying/peer pressure/duress
- Probability of a repeat incident
- Potential impact of formal police involvement on the child / young person
- Views of carers, Social Worker and other professionals including health & YOT where appropriate
- View of Beat Manager or CiC Police Officer
- Appropriateness of police action / court proceedings
- Future best interest of all parties concerned
- Message sent to other young people / confidence in being able to report crimes and in knowing they may not result in court proceedings
- Availability of alternative courses 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
- Potential impact on the young person, the placement or home including staff and residents if the behaviour escalates or is repeated or the young person has previously displayed this behaviour.
- The availability of any diversionary activity
- Reparation ideas (work best where come from young people and linked to offence)
- Could include: Tidying up mess caused, helping to fix damage, sit down meeting, letter of apology, chores etc.

## Reducing Offending Behaviour

### How do you feel now?

Where would you score what happened using the Signs of Safety scale and why?



**Internal**  
**No police response**

***Signs of Safety**  
score 7-10 (No risk)*

*E.g. Testing boundaries, 'minor' damage*  
Why?.....  
.....  
.....



**No immediate police response**

***Signs of Safety**  
score 4-6*

*E.g. No ongoing risk of harm. Repeated / worsening behavior*  
Why?.....  
.....  
.....



**Immediate response**

***Signs of Safety** score 1-3 (Most risk)*

*E.g. Serious assault or damage where a person / people are at risk of harm*  
Why?.....  
.....  
.....

**Action**

- Carers manage situation, refer back to this agreement



- Informal restorative justice, agree sanctions,
- Record action
- Inform social worker/YOT/YOS worker if there is one.
- Invitation to police to support internal actions, consider preventative support

**Action**

- Discuss behaviour with Manager/Supervising Social Worker
- Record behaviour



- Discussion with the police (Beat manager PCSO, CIC Officer) and team around the young person
- Decision for police investigation, restorative justice or preventative work
- Record decision and outcome on young person's records

**Action**

- 999
- Once staff and young people are safe, record behavior and inform Social Worker/EDT and YOT/YOS worker if there is one



- Police Investigation**

Charge to court: restorative justice will be considered as part of any sentence

No charge. Consider restorative justice or preventative work

**Regular contact and meetings between carers and Neighbourhood Policing Teams to build relationships and communication**

#### To the person/s harmed (if present):

What happened?  
What were you thinking? Then/now?  
What has been the hardest thing for you?  
What do you need to help repair the harm/  
resolve this conflict?

#### To the person causing harm/conflict:

What happened?  
What were you thinking? Then/now?  
How were you feeling?  
What do you need to do to repair harm  
Resolve this conflict?

## Reducing Offending Behaviour

How do you think your community has been affected by your behaviour?

.....  
.....  
.....

Do you have any needs individual to you that we need to think about when we are making decisions about your behaviour?

.....  
.....  
.....

How can you/we prevent this from happening in the future?

.....  
.....  
.....

Do you need support from anyone else to do this?

.....  
.....  
.....

Both share an example of when you (the young person) has done something nice/behaved well

.....  
.....  
.....

**Actions**

.....  
.....  
.....  
.....

Signed \_\_\_\_\_  
Date (Young Person)

Signed \_\_\_\_\_  
Date (Worker)

## Corporate Parenting Board

### Reporting Schedule: Forward Planner

### 2019 - 2020

| Report<br>(Corresponding Strategic Priority Statement)   | Report Lead  | Draft Report submitted for Advice | Draft Report Submitted for Departmental Sign-off | Draft Report Submitted to Constitutional Services | Chair's Briefing | Final Report Submitted to Constitutional Services | Corporate Parenting Board |
|--|--|-----------------------------------|--|---|------------------|---|---------------------------|
| <ul style="list-style-type: none"> <li>Quality Assurance Visits of Regulated and Non-regulated Residential Provision</li> <li>Have Your Say Survey 2018</li> <li>Physical Health</li> <li>Children in Care Council (Verbal Update)</li> <li>Report Forward Planner</li> </ul>    | <ul style="list-style-type: none"> <li>Kay Sutt</li> <li>Jon Rea</li> <li>Kathryn Higgins</li> <li>Jon Rea</li> <li>Cllr Mellen</li> </ul>                           |                                   |  |   |                  | 21 May 2019                                       | 3 June 2019               |
| <ul style="list-style-type: none"> <li>Pathway Planning / Transitions</li> <li>Foster Carer Recruitment and Retention</li> <li>CiC Performance Report (Q3/Q4 18/19)</li> <li>Children in Care Council (Verbal Update)</li> <li>Report Forward Planner</li> </ul>                 | <ul style="list-style-type: none"> <li>Sharon Clarke</li> <li>Audrey Taylor</li> <li>Clive Chambers</li> <li>Jon Rea</li> <li>Cllr Mellen</li> </ul>                 |                                   |  |   |                  | 3 July 2019                                       | 15 July 2019              |
| <ul style="list-style-type: none"> <li>Care Leavers' Service Annual Report</li> <li>Children in Care CAMHS Team Report</li> <li>Independent Reviewing Officer Service Annual Report</li> <li>Children in Care Council (Verbal Update)</li> <li>Report Forward Planner</li> </ul> | <ul style="list-style-type: none"> <li>Lynn Pearce / Your Voice Wilf Fearon?</li> <li>Alison Platkiw (Case Studies)</li> <li>Jon Rea</li> <li>Cllr Mellen</li> </ul> |                                   |  |   |                  | 4 September 2019                                  | 16 September 2019         |

| <b>Report<br/>(Corresponding Strategic Priority<br/>Statement)</b>   | <b>Report Lead</b>   | <b>Draft Report<br/>submitted for<br/>Advice</b> | <b>Draft Report<br/>Submitted for<br/>Departmental<br/>Sign-off</b> | <b>Draft Report<br/>Submitted to<br/>Constitutional<br/>Services</b> | <b>Chair's Briefing</b> | <b>Final Report<br/>Submitted to<br/>Constitutional<br/>Services</b> | <b>Corporate<br/>Parenting Board</b> |
|--|--|--|---|--|-------------------------|--|--------------------------------------|
| <ul style="list-style-type: none"> <li>▪ Performance Report (Q1 and Q2 2019/20)</li> <li>▪ Children in Care and Care Leavers Strategy Review</li> <li>▪ Advocacy Annual Report</li> <li>▪ Independent Visitor Annual Report</li> <li>▪ Children in Care Council (Verbal Update)</li> <li>▪ Report Forward Planner</li> </ul> | <ul style="list-style-type: none"> <li>▪ Clive Chambers</li> <li>▪ Clive Chambers</li> <li>▪ Children's Society</li> <li>▪ SOVA</li> <li>▪ Jon Rea</li> <li>▪ Cllr Mellen</li> </ul>   |  |   |  |                         | <b>6 November 2019</b>   | <b>18 November 2019</b>              |
| <ul style="list-style-type: none"> <li>▪ Fostering and Adoption Panel Chairs Update</li> <li>▪ Adoption and Permanency</li> <li>▪ Complaints Service Report</li> <li>▪ Educational Attainment of Children in Care</li> <li>▪ Children in Care Council (Verbal Update)</li> <li>▪ Report Forward Planner</li> </ul>           | <ul style="list-style-type: none"> <li>▪ Audrey Taylor</li> <li>▪ Audrey Taylor</li> <li>▪ Patrick Skeet</li> <li>▪ Jasmin Howell</li> <li>▪ Jon Rea</li> <li>▪ Cllr Mellen</li> </ul> |  |   |  |                         | <b>8 January 2020</b>  | <b>20 January 2020</b>               |
| <ul style="list-style-type: none"> <li>▪ Edge of Care Provision</li> <li>▪ Reducing Offending Behaviour</li> <li>▪ Children in Care Council (Verbal Update)</li> <li>▪ Report Forward Planner</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Tracey Nurse / Mark Ball</li> <li>▪ Sam Flint / Natalie Pink</li> <li>▪ Jon Rea / CiC-C Member</li> <li>▪ Cllr Mellen</li> </ul>              |  |   |  |                         | <b>4 March 2020</b>  | <b>16 March 2020</b>                 |

- **SPS 1: Health**
- **SPS 2: Permanency**
- **SPS 3: Resilience and Independence**
- **SPS 4: Educational Attainment**
- **SPS 5: Suitable Accommodation**
- **SPS 6: Offending Behaviour**

## **ATTENTION: IMPORTANT CHANGES TO REPORT SUBMISSION**

All\* reports scheduled to be presented to the Board must be produced and submitted through the corporate report management system – see link to access the system and for guidance:

<http://gossweb.nottinghamcity.gov.uk/nccextranet/index.aspx?articleid=10263>

When submitting the report for advice, you will be prompted to select reviewers. The following reviewers should be selected:

- Clive Chambers
- Jordan Whatman

When submitting the report for departmental sign-off, you will be prompted to select reviewers. The following reviewer should be selected:

- Helen Blackman

(\*This only applies to reports produced by local authority staff. External partners should continue to submit reports via email to [jordan.whatman@nottinghamcity.gov.uk](mailto:jordan.whatman@nottinghamcity.gov.uk) no later than 10.00am on the date stated.)

Please note that additional reports may be added to the schedule by request of the Chair or other Board Members. Reports are also subject to schedule changes.

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