

<p>Ref: YJS/YOT/CSF Joint Protocol for CP, Reoffending and LAC</p> <p>Effective: Mar 2017</p> <p>Review date: May 2021</p> <p>Author: Roberta Evans (Youth Justice) Paul Angeli (CSC&YI)</p>	<p>CHILDREN'S SOCIAL CARE & YOUTH INCLUSION</p> <p>POLICIES & PROCEDURES</p> <p>CHILDREN'S SERVICES</p>	
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Joint Working Protocol for Youth Justice and other teams in Children's Social Care

PURPOSE OF PROTOCOL:

The purpose of this protocol is to clarify the arrangements between the Youth Justice Team (YJT), who act as the local Youth Offending Team and other sections within the Children, Schools and Families Department (Children's Social Care & Youth Inclusion) to deliver services effectively and efficiently through partnership to help prevent the likelihood of reoffending, manage child protection issues and safeguarding concerns.

Please note: this protocol is continually reviewed by all members of staff for suitability, effectiveness and customer focus to ensure we can improve upon the service we provide. If you have any comments on this protocol, please complete an improvement form included in the 'Issue, Control and Revision' procedure (1.0).

APPROVED BY:

JOB TITLE: **Head of Children's Social Care and Youth Inclusion**

DATE: **March 2017**

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1. Introduction

- 1.1 This protocol represents the arrangements between the Youth Justice Team and other sections within the Children, Schools and Families Department (Children's Social Care and Youth Inclusion) to deliver services effectively and efficiently through partnership to help prevent the likelihood of reoffending, manage looked after processes, child protection issues and safeguarding concerns.
- 1.2 It outlines the underlying aims and principles of our shared approach before describing an overview of some roles and responsibilities of the Children's Social Care and Youth Inclusion teams and the Youth Justice Team. The protocol acts as a framework for service development. It covers a wide range of issues which include [Looked After Children](#) (LAC), Youth Justice legislation, Police Regulations, [London Child Protection Procedures](#) (in particular regarding Children Harming Others and [Safeguarding Children affected by Gang Activity / Serious Youth Violence](#), Criminal Behaviour Orders (CBOs), Accommodation (under the Southwark Ruling – see [DCSF, Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation, \(2010\)](#)) and Education provision for children and young people.

(See also [London Child Protection Procedures: Safeguarding Children affected by Gang Activity / Serious Youth Violence](#))

- 1.3 This protocol will be reviewed bi-annually to ensure that it accurately represents the practice and related legislation of the YJT, CSC and Youth Inclusion teams. Any changes to the protocol must be agreed by the respective parties.

2. Aims

- 2.1 To ensure that all services are proactive in the early identification of [Children in Need](#).
- 2.2 To ensure the provision of joint assessments, case planning and co-ordinated services to children, young people and families known to sections within the Council and the Youth Justice Team.
- 2.3 To ensure good co-operation, communication and collaborative decision-making between services.
- 2.4 To ensure that Children and Young People are 'listened to' - we will seek to involve them at each stage of the Criminal Justice process.
- 2.5 Ensure that services within CSF avoid duplication of work and we work towards, where possible, a principle of one family one team.

3. Principles

- 3.1 Children and Young People are best cared for and supported within their own homes. It is of paramount importance that agencies work together in the best interests of the child/young person, carers, families, victims and their communities. This will mean providing support to young people and their families and minimising risk factors that may be causing concern.
- 3.2 All those who come into contact with children, their parents and families in their everyday work, including staff who do not have a specific role in relation to child protection, have a duty to safeguard and promote the welfare of the child and help reduce their risk of harm to themselves and others and any risk of offending.
- 3.3 Risk to children is reduced through effective multi-agency and multi-disciplinary working and when information is shared effectively across agencies.
- 3.4 A multi-agency approach to assessment and service provision is in the best interests of children and their parent and/or carers and the public.
- 3.5 Assessments and interventions should seek to address the wider needs of the family to prevent wider offending and case managers should deploy whatever possible resources, (e.g. MST and parenting provision), to help meet the wider safeguarding agenda. To support sustainable access to support workers are encouraged to utilise voluntary sector and community services.
- 3.6 The link between school attendance and offending is well known. All case managers should ensure that helping to increase compliance around school attendance is an important role in supervision and consider the need for increasing attendance through the use of requirements (Education) within the [Youth Rehabilitation Order](#). This may also require close liaison with the Education Welfare Service.
- 3.7 It is expected that where agreement is not immediately reached between staff in different services, that the workers involved will attempt to resolve this themselves, in the first instance. If they are unable to come to an agreement, the workers must refer the matter to appropriate line managers.
- 3.8 We need to work together in the best interests of the Child /YP to determine who is best placed to deliver the required action, maintaining the balance between 'care and control' and where possible understand that these two drivers are not contradictory.

4. Information Sharing

- 4.1 Proper consideration must be given to issues of confidentiality to ensure that children and young people are protected by the sharing of information in accordance with the [London CP Procedures](#). Consideration must also be given to the Data Protection Act 1998 and Crime and Disorder Act 1998.
- 4.2 It is essential for both services to accurately record the names, dates of birth,

addresses, legal status of both family and youth justice proceedings and any involvement of other agencies and areas of concern for all children in families known to them. Access to different case management systems is now possible. In line with good practice the Youth Justice teams (YJT) and Children's Social Care (CSC) teams will check whether the child, young person or family is known to the other service particularly at the initial assessment stage.

4.3 CSC and YJT must record the involvement of the other agency on the electronic case record – CareWorks (YJT) & CareFirst/Mosaic (CSC) - when both are working with a young person.

5. Responsibilities

5.1 The Children's Social Care teams will be primarily responsible for providing services under the Children Act 2004 and the Children and Families Act 2014 and other associated legislation.

5.2 The Youth Justice Team will primarily be responsible for providing services under the Crime and Disorder Act 1998 and The Criminal Justice and Immigration Act 2008 and other associated legislation.

5.3 Main Responsibilities of the Youth Justice Team to promote the safety and well-being of children

5.4 The Children Act 2004 sets out a requirement for Youth Offending Teams to co-operate with all local children's services in their duty to promote the safety and well-being of children and young people. This will be achieved by a general overview in the following areas:

- (a) Youth Justice managers will ensure that all YJ staff members are aware of, have access to and follow the [Pan London Child Protection procedures](#);
- (b) The YJT will provide youth justice court duties and provide timely information regarding decisions made at youth court to CSC about children already known to that service;
- (c) The YJT will refer child protection concerns to Children's Social Care (MASH) and contribute towards child in need or Child Protection Plans while the young person remains on a court order;
- (d) The YJT is responsible for completing all specialist youth justice documentation, including the assessment tool ASSETPlus, which provides judgements in regard to a young person's likelihood of reoffending, risk of harm to others and risk of adverse outcomes due to safety and wellbeing concerns. CSC has responsibility for its own documentation, e.g. CP or LAC paperwork;
- (e) The YJT will contribute to reviews of Looked After Children who are also on a court order and be invited to all statutory LAC Reviews;

- (f) Plans for interventions carried out by the YJT for a young people known to CSC will inform and complement the overall Social Care Plan;
- (g) The YJT will work closely with the relevant Social Care Team concerning all Remands into Local Authority accommodation (RiLA) and Youth Detention Accommodation (YDA) remands. This will be the MASH if the young person is not currently allocated.
- (h) As per the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, where a young person is subject to YDA, the young person becomes Looked After. See Appendix 1 for LASPO Protocol;

See also: [Remands to Local Authority Accommodation or to Youth Detention Accommodation](#)

- (i) To ensure good contingency planning, the YJT will liaise with CSC regarding the transfer of looked-after children from custody to the community at least 2 months before the potential release date;
- (j) The YJT will prepare resettlement services for young people leaving custody and where the child or young person can not return to their family home will plan in advance with Children's Social Care and the Housing Department for their release. Consideration for the 'Southwark Ruling' should be given in regard to young people aged 16 and 17 who can seek local authority care without the need for a parent entering into a S.20 voluntary care agreement;
- (k) The YJT will share, through the MAPPAs (Multi-Agency Public Protection Arrangements) process information on children who pose a risk to the local community. The CSC safeguarding manager also attends MAPPAs and will cascade information to the relevant CSC team;
- (l) The YJT will provide Out of Borough youth justice teams with information if offences are committed by children placed in our area by other authorities. This may involve liaison with the respective Children's Social Care Team if there are any concerns which may require investigation under Section 47 of the Children Act 1989;
- (m) The YJT is represented on the Merton Local Safeguarding Children Board by the Assistant Director. The YJT is also represented at the MSCB Policy-Subgroup 'Promote and Protect' and the 'Teenage Pregnancy and Substance Misuse Board' by the Team manager;
- (n) The YJT is also represented at the Missing Persons, Children Missing Education and Multi-Agency Sexual Exploitation panels.

5.5 Main Responsibilities of children's services under section 17 of the Crime and Disorder Act 1998 to prevent offending by children

5.6 Children's Social Care work with children, young people and families where there are multiple concerns about the child or young person and or where difficulties have

already caused significant adverse effects. CSC contributes to fulfilling the statutory aims of the youth justice system by the following:-

- a) CSC will ensure that Children in Need assessments are undertaken within the statutory timeframes and once an assessment is completed, undertake direct work with the family to ensure the young person remains with their family. On rare occasions the young person may need to be accommodated under S.20 but this is very much a last resort;
- b) Provision of social care services to meet the assessed needs of young people who offend under Children's legislation may include children in need and family support services, commissioning services to meet specific needs of the child or family and if necessary S.20 accommodation;
- c) CSC Services will ensure that Looked-After Children Reviews are conducted within statutory timeframes for any young people who offend and are looked after and that the YJT participate in any care planning arising from those reviews. This group of children will include those in custody;
- d) The YJT is a team within the Family and Adolescent Service, where CSC can refer for Transforming Families or My Futures interventions, including parenting support, education engagement and family therapy;
- e) CSC staff should contact the YJT directly when there is an identified need relating to offending or risk of offending. While it is a matter for the YJT to decide what response is appropriate, a decision will be made based upon our commitment to partnership working and our principal aim to prevent youth offending;
- f) CSC staff will invite the YJT to any strategy meetings that involve Harmful Sexual Behaviour by children aged 8 years or over to ensure a specialist multi-agency response and planning of assessment;
- g) As per the [London Child Protection Procedures, Risk management of Known Offenders](#), CSC and YJT should jointly consider the risks and needs of young people affected by or involved in gangs;
- h) When a young person is due to be detained overnight by Police, the police are required to consult with the local authority about transferring him/her to local authority care (seeking a 'PACE bed'). This call will be made to the CSC Emergency Duty Team. If the Custody Sergeant deems it necessary for Public Protection then this may be a request for secure accommodation. Only unless it is impracticable to do so the young person should not remain in Police Custody overnight.

6. Appropriate / Responsible Adults

6.1 There are a number of stages in the youth justice system process that an appropriate or responsible adult is required to support the young person. For Looked After Children it is expected that the social worker will either act in this capacity or arrange necessary cover, including the oversight of any involvement of family members meeting this role.

6.2 Police interviews

6.3 All young people under the age of 18 years who are arrested and booked into custody for a police interview require an Appropriate Adult. The Police can also arrange a voluntary interview (known as Caution +3) that should also have an Appropriate Adult present. The role of the [Appropriate Adult \(AA\)](#) includes specific duties at various points, from booking into custody to interview, charge or release.

6.4 The YJT operates an Appropriate Adult service for young people when a Police interview is required and a family member or social worker is either unable or inappropriate (e.g. witness to or victim of the offence).

6.5 The service is provided 24/7 at stations where Merton Police arrests are taken (current Custody Suite is Sutton). During office hours the police refer to YJT, while the Appropriate Adult Service will respond directly to out of hours calls.

6.6 The Appropriate Adult Service is also provided for vulnerable adults and includes all Merton arrests (whether the individual resides in Merton or not). Those arrested out of borough are covered by that local Appropriate Adult Service.

6.7 Court appearances

6.8 The YJT will be responsible for liaising with court officials in respect of forthcoming appearances, provision of background information and written reports. YJT Court Duty Officers can provide advice and support to children/young people when they appear at the Wimbledon Youth Court if notified in advance of their attendance by the allocated Social Worker.

6.9 The YJT court officer is not able to act as a Responsible Adult for the purposes of the court hearing. Wherever possible parents and or carers should accompany the young person to court. Exceptions may be where carer or parent is a witness or victim in criminal matters.

6.10 As soon as the YJT are notified that a Looked After Child/young person is due to appear in court, the YJT will inform the relevant CSC Team. Wherever possible arrangements for accompanying a young person to court should be clearly defined in all Placement Plans.

6.11 For all Looked After Children it will be the responsibility of the social worker to ensure there are suitable arrangements in place to accompany the young person to court and ensure that they have access to appropriate advice and representation.

7. Remands to LA Accommodation or Youth Detention

- 7.1 The YJT will advise Children's Social Care Service Managers in advance if there is a possibility of a young person appearing at court where bail is being opposed and may be refused by the court and therefore being remanded into the care of the Local Authority or to Youth Detention Accommodation, both of which will result in the young person becoming a Looked After Child.
- 7.2 Wherever possible, planning and liaison between YJT and CSC should happen prior to any court date giving sufficient time to enable decisions to be made in regard to resources, which can then inform the court and outcome.
- 7.3 Planning should start at the earliest opportunity for when a remand episode may end. Should the need for Local Authority accommodation be indicated beyond the remand episode, this should be considered by the relevant Service Manager as soon as possible. It is the YJT responsibility to notify CSC of the critical time scale and the responsibility of CSC to make any resource requests.
- 7.4 Young People who are entitled to services under the Leaving Care Act 2000 will continue to receive such services alongside any statutory responsibilities discharged by YJT.

7.5 Remands to Local Authority Accommodation (RiLA)

- 7.6 Remands to LA Accommodation should only be used as a last resort after establishing that there are no suitable family members or other 'committed' person able to assume the care of the young person. The YJT will undertake a Bail Recommendation assessment to consider suitability for bail and the conditions that can reduce the concerns of the court or prosecution.
- 7.7 Young people who are Remanded into Local Authority accommodation (RiLA) become looked after children by virtue of S.21 of the Children Act 1989. The statutory responsibility for their welfare rests with the local authority, and will be managed by the CSC, including Looked After Child Reviews and completion of LAC forms.
- 7.8 Placement arrangements for RiLA children/young people are the responsibility of the relevant CSC team and their Service Manager. These will require a referral to the Access to Resources Team if a non-family member placement is required. However, workers need to be aware that if a young person is placed with family they remain Looked After and therefore a family placement requires authorisation from the Head of Service (Assistant Director). The Court can also direct conditions in relation to the RiLA that can be similar to bail conditions and can include restricted addresses where the young person lives.
- 7.9 Youth Detention Accommodation (YDA) placements are arranged by the Youth Justice Board (YJB) and jointly funded by the YJB and the local CSC Placement Team. The placement decision is based on the information received by the YJT Court Officer in regard to the child/young person's vulnerability and risk to others, which will also be determined by their age. The placement could be at a Secure Children's Home (SCH), Secure Training Centre (STC) or Young Offenders Institute

(YOI).

- 7.10 The YJB arrange the escorts for transport for YDAs. If requested, the YJT can arrange escorts to and from the Court for RiLA but would expect Social Care colleagues to make these arrangements for more welfare related journeys.
- 7.11 Reviews for Children and young people who are accommodated following youth justice proceedings will be mutually arranged by the allocated workers ensuring that the Social Worker takes responsibility for notifying the Independent Reviewing Officer.
- 7.12 CSC remain responsible for providing appropriate local authority remand placements and fulfilling statutory responsibilities for reviewing and monitoring placements for Looked After Children.
- 7.13 The YJT is responsible for all input relating to offending behaviour. The YJT will also be responsible for liaising with court officials in respect of forthcoming appearances, supporting the placement, provision of bail packages and pre-sentence reports. The YJT will fulfil its obligations to the young person as defined by National Standards in regard to contact, targeted interventions and enforcement of court conditions. Any changes will be incorporated into the care plan by the social worker.
- 7.14 Remands to Youth Detention Accommodation**
- 7.15 Where a young person is subject to a court ordered remand to youth detention accommodation (whether they are placed in a secure children's home, secure training centre or young offenders institute), the young person automatically becomes Looked After. There is a separate Appendix to cover this which can be found in the Children's Services Procedures (LASPO) – See Appendix 1 below.
- 7.16 The YJT will co-ordinate appropriate through care support during the period of the remand. This will involve CSC where there is an allocated Social Worker with case responsibility. The YJT will be responsible for the provision of youth justice services, including preparation of the Court Report and relevant documentation including the ASSETPlus (YJB assessment tool).
- 7.17 Child Protection / Safeguarding**
- 7.18 If information is received by the YJT or by the local authority indicating that a young person in custody or secure accommodation is suffering or is likely to suffer significant harm, it is the local authority children's social care service in whose area the custodial establishment is located which is responsible for carrying out section 47 enquiries in relation to any child in custody who they have reasonable cause to suspect is suffering, or likely to suffer, significant harm. (See [Local Authority Circular LAC \(2004\)26](#)). The YJT and CSC will liaise to ensure appropriate representation at any strategy meeting or child protection conference arising out of section 47 enquiries. (See [London Child Protection Procedures, Child protection S47 Enquiries](#)).

8. Custody Sentences

- 8.1 The YJT will have overall responsibility for initial sentence planning, ongoing review and subsequent planning for discharge during the custodial part of the DTO. The YJT will also be responsible for the supervision plan on return to the community.
- 8.2 In relation to children and young people who are subject to Care Orders (Section 31 Children's Act 89) CSC has a particular responsibility as a Corporate Parent to participate in the sentence planning process throughout the entire sentence.
- 8.3 If a young person has been on remand prior to a custodial sentence, the Looked After status as part of that remand ceases. However, where young people have been accommodated under [Section 20] immediately prior to a remand or DTO being imposed, CSC has a responsibility to ensure that there are appropriate care arrangements available on release. The extent to which the case remains open and active will depend on factors such as the period of detention, the length of time the young person has been accommodated, the current Care Plan, the involvement of parents and the likely care needs at the point of discharge.
- 8.4 Section 15 of the children and Young Persons Act 2008, inserted a new section 23ZA into the 1989 Act, imposing a duty on the local authority to visit children who cease to be Looked after as a result of being sentenced to custody and who are not Eligible for leaving care support. This applies to young people who were either looked after under section 20 of the 1989 Act prior to being remanded or sentenced to custody or those who were looked after by virtue of having been remanded to local authority care under section 23(1) of the CYP Act 1969 on being sentenced.
- 8.5 CSC must appoint a representative, who should be a qualified social worker, to visit the young person within 10 working days of their entering custody to complete an assessment of the young person's needs whilst in custody and on release. The role must not be fulfilled by a YJT worker. However, any future support should be provided in conjunction with any on-going interventions provided by the YJT case practitioners.
- 8.6 CSC must appoint a designated manager to receive reports from the social worker and decide on how the local authority will act on their recommendations. The London Borough Merton designated manager will be the Service Manager (LAC Permanency and Placements). If this manager does not accept the recommendations about ongoing support, the YJT case practitioner and operations manager should be informed.
- 8.7 Any disputes arising from this decision will be resolved by the relevant senior Managers no later than 28 days prior to the young person's potential release date. It will be the responsibility of the YJT to inform CSC at least 2 months prior to the release date and to convene a final review 4 weeks prior to ensure adequate planning. The relevant CSC team will be invited to this meeting.

Custody Licences and Electronically Monitored Early Release

- 8.8 Where a young person subject to a Care Order (Section.31 Children's Act 89) or previously Looked after under Section 20 is being returned to accommodation, the agreement of the relevant registered care provider should be sought prior to any installation of electronic monitoring equipment within the property relating to that accommodation. The necessary permissions and contractual arrangements need to

be in place. It is expected that arrangements will be in place prior to the young person's release from custody or at the latest on the day of release. It will be the responsibility of the YJT to ascertain to which cases these measures will apply and to contact the relevant CSC team to obtain placement details.

- 8.9 Where a young person has been accommodated for three months prior to a custodial sentence there should be a presumption in terms of good practice that cases will remain open. This does not rule out closure, but this must be fully tested against what is in the young person's best interests. In the event of a case being closed or held on a dormant basis and where the need for local authority accommodation is subsequently identified, a CSC representative (MASH or long-term team worker) will be expected to attend the relevant final review. Any young person previously accommodated under Section 20 may need to be referred to a Resource Panel following a final review recommendation.

9. Youth Rehabilitation Orders with requirements

- 9.1 The Criminal Justice and Immigration Act introduced the Youth Rehabilitation Order (YRO) in November 2009. The YRO contains up to 18 requirements, many of them have relevance to joint work with other agencies including Social Care.
- 9.2 The residence requirement, (for 16 and 17 year olds), and local authority residence requirement can be made by the Court on the recommendation of the YJT. The YJT will complete an assessment and then liaise with relevant CSC staff when either of these requirements are being proposed.
- 9.3 In addition, programme requirements can involve other services. A separate protocol has been agreed between the YJT and the Youth Service about the provision of programme requirements especially where the young person is already engaged with the Youth Service in the Borough.
- 9.4 The oversight of a number of prohibitive requirements has been agreed through a protocol with the Police locally. These include doorstep curfews, exclusions and prohibitive activities. All these measures provide tools to help safeguard and promote issues of public protection and the reduction of reoffending.
- 9.5 Intensive Foster is a specific requirement available as an alternative to custody. It is an expensive option but relies on having suitable foster carers and the young person signing an agreement to strict restrictions.

10. Offender Management

- 10.1 The Local Authority have a Youth Offender Management Panel (YOMP) that coincides with the Police's Gangs Multiagency Panel (GMAP). If any cases discussed at this panel have an allocated social worker they will be expected to attend the panel within the allotted time, which can usually be agreed at a time convenient to the worker. An update should be provided in regard to the young person's home situation or placement, education, engagement in positive activities and any other information that will assist the panel in regard to risk management. Any cases heard at MAPPA will not be heard at YOMP.

- 10.2 A Serious Youth Violence Protocol is in place to assist YJT and CSC workers in considering how to respond to young people who may be at risk of involvement in serious youth violence, either as an offender or victim. This includes consideration for Chapters 8, 12 and 15 of the [London Child Protection Procedures](#).
- 10.3 The Merton LSCB have updated a [Harmful Sexual Behaviour Protocol](#) that includes guidance in regard to identifying and responding to harmful sexual behaviour by children / young people. This outlines how the YJT should be invited to Strategy Discussions and meetings in regard to young people aged 8 years or older, whether or not they are subject to a current court order or YJT intervention.
- 10.4 YJT are informed directly by courts of Schedule 1 convictions. Any MAPPA subject moving out of the area is notified between MAPPA's and the respective police Jigsaw teams.
- 10.5 Representatives of both the YJT and CSC attend (as necessary) the Multi Agency Public Protection Panel (MAPPA), where information about new sex offender registrations and existing cases are shared by the police. The YJT have a specific protocol relating to MAPPA referral arrangements and responsibilities under its 'duty to cooperate'.

11. Other areas related to Partnership working

11.1 Triage Scheme

11.2 Since June 2010 the YJT has operated, in partnership with the Police and Crown Prosecution Service, a Triage Scheme whose purpose is to divert young people from the criminal justice system. All young people considered for Triage will be assessed in line with the Triage Protocol Framework and information will be exchanged and referrals made as appropriate with other sections of CSF.

11.3 CSF staff should be aware of Triage arrangements if a young person is arrested by the Police and is likely to be charged with a criminal offence. Young people triaged (within the guidelines) would be required to attend Wimbledon Police Station and complete any relevant work for the police not to proceed with the charge. It is vital that when a young person is a Looked After Child or has a Child Protection Plan that the relevant Social Care Team is informed and engaged.

11.4 Anti Social Behaviour and Criminal Behaviour Orders

11.5 The national guidance stipulates that the YJT will be consulted prior to a Criminal Behaviour Order being sought in the court. There are very few made on young people in Merton and the majority of these are made post sentence. Locally agreed procedures are that the ASB Team and the police (where they are seeking CBOs) will first consult and discuss with the YJT.

12. The Education of Young People who offend

12.1 The YJT will make the education of young offenders a priority and facilitate joint planning with schools, Education Welfare Service, SEND Team, education providers in order to achieve positive educational outcomes and ensure that each young person is enrolled at school or an appropriate education placement.

12.2 The YJT has an Education Practitioner funded by the Local Authority Education Department. They have responsibility to provide support and advice on educational issues to team members and liaise with schools about young people known to the YJT.

12.3 The Education Practitioner will advise secondary schools of young people from that school found guilty in court of offence(s) and made subject to a court order.

12.4 YJT case practitioners will ensure that they maintain regular contact with the school / Educational establishment when a young person is being supervised on court orders / on release from custody on Licence. This is to ensure that role expectations and functions are clear and that there is agreement for any joint areas of working and any duplication of service provision is avoided.

12.5 At the point of a Pre-Sentence report being prepared for the Court information will be sought from the school / educational establishment at this stage to help towards

assessing the young person's maturity / developmental levels / behavioural issues as well as obtaining specific education details about attendance, educational circumstances, achievements and outcomes.

- 12.6 The Education Practitioner contacts the Education Welfare Service and the SEND team to ascertain if the young person is an open case. This will assist in helping to coordinate the best plan for the young person which may involve penalty notices / Parenting Orders, a Youth Rehabilitation Order with an Education requirement or specific adjustments to the interventions to support the young person's education and learning needs.
- 12.7 The YJT will work with Custodial Institutions when young people are in custody to ensure their educational needs are addressed. This particularly relates to the need to obtain information from schools and other educational establishments to share with Institutions so that as far as possible disruptions do not occur.
- 12.8 The YJT Education Practitioner will ensure that there exists an effective relationship between the YJT and Melbury College (Melrose Special School and the SMART Centre, Merton's Pupil Referral Unit).
- 12.9 Alternative Education is an important link with these organisations as they will have a number of young people with offences on roll. Regular monitoring and joint planning is essential across these parties.
- 12.10 A representative from Melbury and Youth Inclusion attend the Youth Offender Management Panel to ensure direct oversight of the most high-risk young offenders, the YJT Education Practitioner attends to provide a link between alternative education providers and this Panel.
- 12.11 When a young person is out of education and is without a school place, a referral needs to be made to the Children Missing from Education Panel (CME). This panel meets on the last Thursday of the month between 2.30pm - 4.30pm to identify the route for education for that young person. This might be via the SMART centre / alternative Education or Mainstream provision or SEN Panel. This latter provision would involve School Admissions (School Admissions Manager & School Admissions Coordinator) based within the Civic Offices. School Admissions allocate places for Merton residents for all schools in Merton or in other Boroughs and it is important that all mainstream schools inform Admissions of all starters and leavers.
- 12.12 In between monthly CME meetings the YJT (Education Officer / Case practitioner) need to inform Admissions of urgent cases so decisions or other considerations can be made before the CME Panel. An agenda spreadsheet is accessible by the Education Practitioner so comments / updates can be made to those young people on the existing list or to add a new referral. They will also attend the CME panel each month.
- 12.13 A 'Fair Access Panel' has a membership that involves all Merton secondary Schools' Heads, Merton's Youth Inclusion Manager, SEN and School admissions. It meets every month to discuss those young people without a school place at a mainstream School or require funding for alternative education to be agreed by School Heads. The YJT Education Practitioner is available to attend this Panel to

provide information or updates in regard to young people known to the YJT. Head teachers agree the placement process of any young person who is deemed hard to place and is out of school.

12.14 Good Practice Guidance for identifying and safeguarding Children Missing from Education (CME) has been written (2010) Appendix 2 below includes summary. The following extract relates to the responsibilities for YJT:

- a) Ensure that young people who have committed offences remain or become engaged with education provision;
- b) Work with the designated EWO based in YJT to ensure that support and guidance is provided;
- c) Notify CME Officers/CME/OSP Panel when young people are found guilty of an offence or where they are being released from Juvenile detention to ensure that educational provision may be identified;
- d) Where Young offender is a Merton Resident and found not to be in education they will be added to the CME list;
- e) If a case transfers to Merton YJT from another YOT and the young person is out of education a referral must be made to CME Officers and their name added to the CME/OSP;
- f) If already on a Community Order a formal transfer of the case will take place between the relevant Youth Justice Teams;
- g) Where young people are bailed to an address the courts will advise the Youth Justice Team where the young person lives and educational engagement will be followed up.

12.15 The Education Welfare Service (EWS) provides a range of services and support which include the following:

- a) Provide an invaluable source of information about children / young people and their families through a history of previous / current contact;
- b) Able to work alongside the Education School Admissions Team to help obtain places when YP have been released from custody or move into Merton. Borough without a school place;
- c) Provide Advice in Appeal cases;
- d) Provide support and advice at the point of transfer between Primary and Secondary schools through the 'Choices Advisor';
- e) Advice re attendance / support for attendance of offenders;
- f) Support to parents to enable young people to attend education.

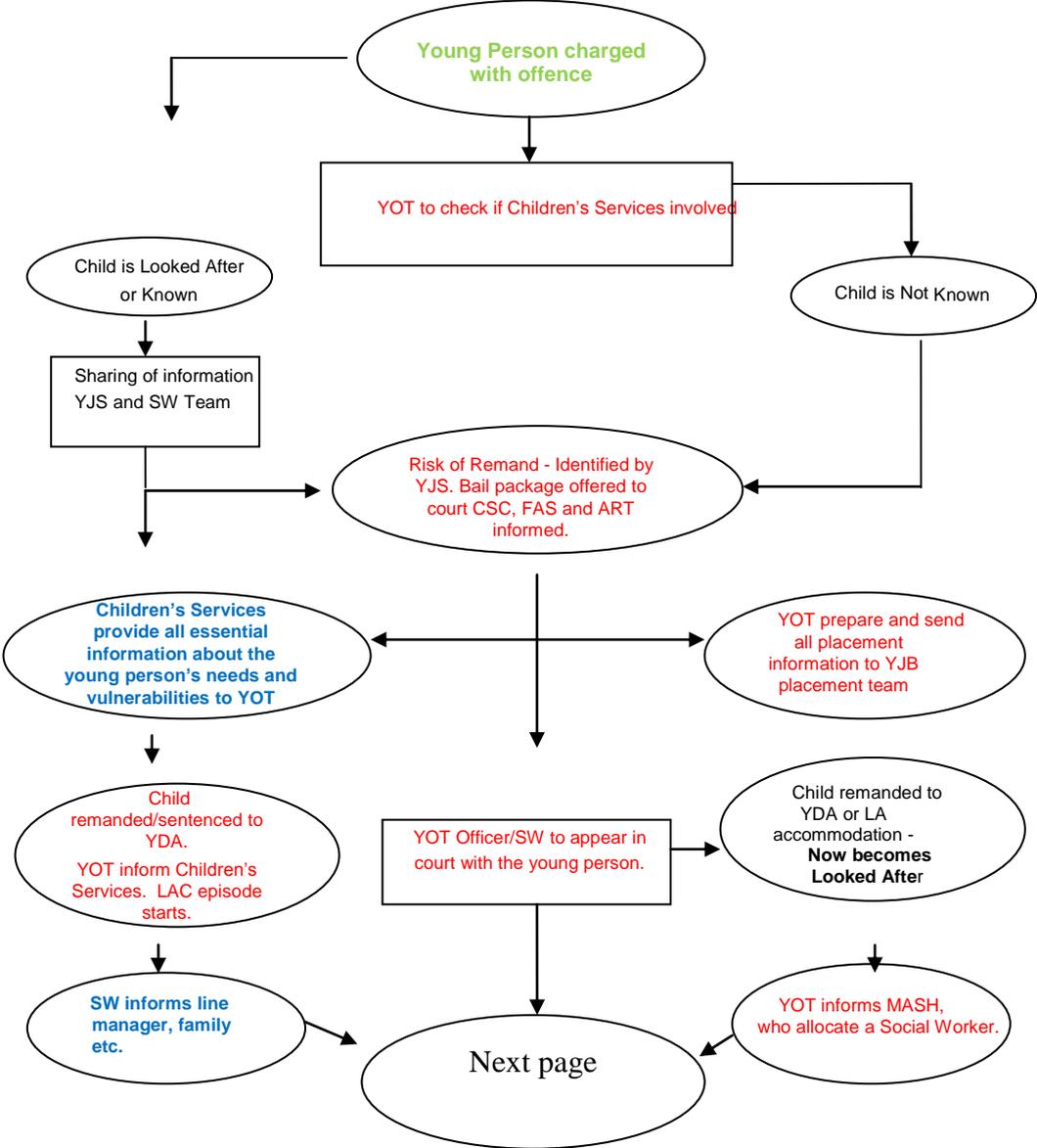
12.16 The SEN Team is based in the Civic Centre and consists of an SEN Manager and Senior and Assistant Case Officers, including also a Principal SEN Case Officer. They oversee the Education Health and Care Plan (EHCP) process.

12.17 The YJT must notify the SEN Team within 5 working days when a young person with an EHCP is sentenced to custody. At this point the SEN team will ensure that the current EHCP is sent to the Institution together with the last annual review and other related documents. This might be supplemented with any other professional advice.

- 12.18 Due to reforms in the Children and Families Act 2014, a young person in custody with an EHCP should be provided with a provision to ensure that their needs can continue to be met in custody. This is the responsibility of the Home Authority.
- 12.19 In planning for release it is essential the SEN team also receive details in regard to release dates and are involved in all plans in preparation for release. This is also important for any young people identified as requiring a residential placement.
- 12.20 Should the young person serves less than a total of 6 months in custody they are likely to be placed back into their education setting within the Borough and any community EHCP re-instated. If they are resident in another Borough the young person will be transferred to that Borough by the SEN Team.
- 12.21 For those serving over a year in custody the EHCP may no longer be valid, particularly if they are turning 16 years during their custodial period and a new assessment might need to be carried out. EHCPs are supported from the age of 2-19 and up to 24 years old if they remain in education.
- 12.22 **In the community** decisions about the assessment, needs and education provision of young people on an EHCP are made by the case officer within the statutory document. This process will take into account the views of interested parties including the views of parents and education establishments. The case officer has the powers to name a 'maintained' (LA) School in the 'Statement' providing they have reasonable grounds after period of consultation. The case officer will oversee the SEN review meeting progress which must occur annually for children 5 years or over. An interim review can take place at anytime during the year should there be concern(s).
- 12.23 The Local Authority has access to a number of provisions that offer education, training and employment or apprenticeships. Information about this provision is sent to the YJT Education Practitioner on a regular basis and shared with the YJT to inform access to opportunities. This will include any services that can support young people who are Not in Education, Employment or Training (NEET), or at risk of NEET, as either a 'co-working' relationship or 'step-down' service to continue working with young people or maintain the ETE status achieved at the end of the order, (currently 80% - 90% of young people who complete court orders are successfully attending ETE).

Appendix 1: Remand Responsibility Flowchart

Key:
 Red = YOT
 Blue = Children's Services
 Black = Both



YOT informs placements team, YJB and provide any updated risk/vulnerability information.

SW makes ART referral if remanded to LA.

The placements team ID most appropriate placement based on information provided. (if remanded to LA then this sits with the ART team)

SW/YOT send immediate information to establishment within **48 hours**. YOT Officer and SW agree date to conduct joint visit to custody within 7 days (**5 working days**)

YOT officer, IRO, SW, Family attend planning meeting in custody, also attended by DSW and custodial case worker and agree DPP (initial planning meeting and initial remand meetings need to take place within 10 days and joint meetings should take place where possible)

SW, YOT Officer, IRO agree subsequent dates for statutory review meetings, maintaining placement meeting etc.
(YJB National Standards re timescales and those of the DfE Care Planning & Review Regulations should apply)
Should liaise with YDA at earliest opportunity to book room/time etc.

Young person becomes "eligible" at 13 weeks of being remanded post 16.
If released post 18 consideration needs to be given to their needs as a care leaver.

At least 4 weeks prior to release – address and exit plan agreed by all relevant parties with roles and responsibilities defined

Child Released
Agree any on-going joint work to ensure child is supported in community

APPENDIX 2

Children Missing From Education Reporting form

This form can be downloaded from <http://intranet/departments/csf-index/csf-forms.htm> and sent to education.welfare@merton.gov.uk, sent by the internal courier or posted to London Borough of Merton, EWS 10th floor Civic Centre, Morden. Surrey. SM4 5DX;

EDUCATION IS THE HUMAN RIGHT OF EVERY CHILD AND YOUNG PERSON

Do you know a child or young person aged 5-16 who isn't receiving an education?

To report a child or young person who is missing out on their education please telephone the Education Welfare Service on 020-8545-4021, e-mail to education.welfare@merton.gov.uk

Details of person reporting

Your name:

Your contact details (telephone & email):

Details of young person believed not to be receiving an education

Child's names (including any aliases):

Child's D.O.B. or approximate age:

Child's address:

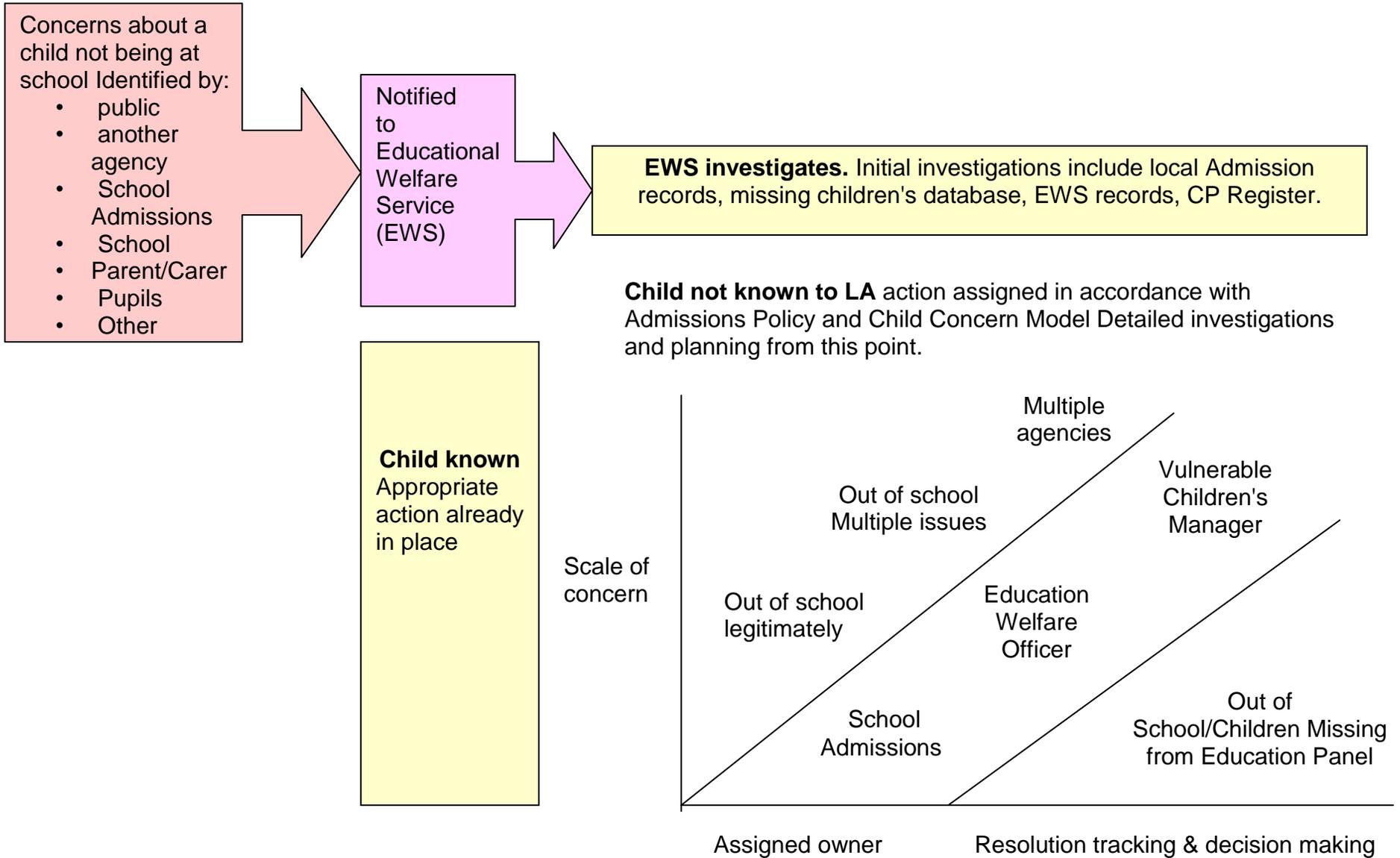
Child's school:

Child's gender and ethnicity:

Details of your concerns

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Children out of school - A high level view of the LA's approach.



Children Out of School – EWS Approach

Identified by:

- Public
- Another agency
- School
- School Admissions
- Parent/Carer
- Pupils
- Other.....

Public, parent, student, telephone in with concern. EWS complete Missing Out on Education form

Other agency complete Missing Out on Education form sent by post or e-mail

Schools complete EWS referral form.

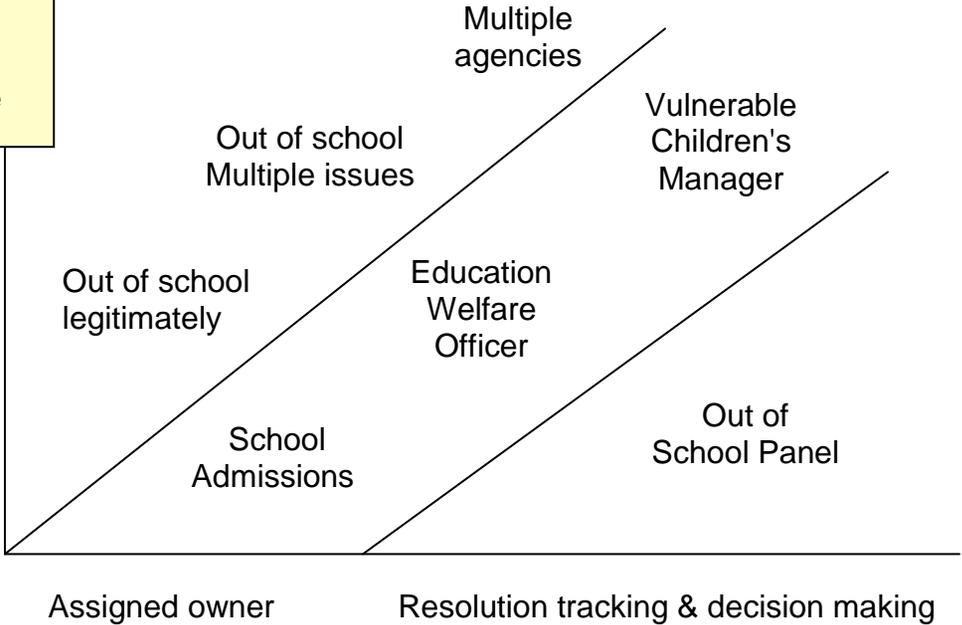
EWS investigates. Following removing children from roll, dealing with missing children and the transfer of information using CTF procedure as detailed in Merton's Attendance Policy.

Child known

Appropriate action already in place

Child not known to LA Detailed investigations and planning from this point

How to report a child missing out on education publicised in My Merton and Children Missing From Education reporting form sent to Housing, Police, YOS, Social Care, Health, Youth Service, Connexions, Voluntary Organisations Libraries and Leisure Centres.





Escalation Procedure

To be read in conjunction with the London Child Protection Procedures

[http://www.londoncp.co.uk/chapters/profess conflict res.html](http://www.londoncp.co.uk/chapters/profess%20conflict%20res.html)

Authors: Paul Bailey Merton Lead:	Date: March 2016 Version 1	Approved By MSCB: 28 June 2016	Review Date: June 2018
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1. Introduction

- 1.1 This procedure is a guide to be referred by managers and practitioners working in the London Borough of Merton when managing and seeking to resolve situations of professional disagreement and conflict between partner agencies in relation safeguarding children and young people.
- 1.2 Single agency professional disagreement is to be managed using individual agency procedures
- 1.3 This procedure should be read in conjunction with the London Child Protection Procedures <http://www.londoncp.co.uk/chapters/professconflictres.html>
- 1.4 Professional disagreement and conflict must not place children and young people at risk and adherence to this procedure in regard to the time frames and escalation process is essential to good practice. The timely and effective resolution of professional disagreement and conflict between professionals is important to ensure there is no delay in the assessment and decision making process.
- 1.5 Professional disagreements could arise in a number of areas, but are most likely to arise around thresholds, roles and responsibilities, the need for action and communication. Some examples may include:
- Where one professional disagrees with the action of another around a particular course of action, such as closing involvement with a child or family.
 - Where one worker or agency considers that another worker or agency has not completed an agreed action for no acceptable or understood reason.
 - Where one agency considers that the plan is inappropriate and that a child's needs are not being best met by the current plan. This could include a disagreement that a particular agency does not feel it needs to be involved, but another does.
 - Where a member of staff or an agency considers that the child's safeguarding needs are better met by a Child Protection Plan and have requested that a Child Protection Conference be called and feel that this has been refused.

2. Aim of this procedure

2.1 This procedure aims to the promote effective management professional disagreements and conflict and achieve the following;

- avoid professional disputes that put children at risk, obscure the focus on the child, or delay decision making;
- resolve difficulties (within and) between agencies quickly and openly;
- identify problem areas in working together where there is a lack of clarity and to promote resolution via amendment to protocols and procedures.

2.2 The safety of children and young people is paramount and any professional disagreement or unresolved issues should be escalated using this procedure and with an understanding of safeguarding risks for the child.

3. Escalation Process

- 3.1 Professionals providing services to children and their families should work cooperatively across all agencies, using their skills and experience to make a robust contribution to safeguarding children and promoting their welfare within the framework of discussions, meetings, conferences and case management.
- 3.2 All agencies are responsible for ensuring that their staff are competent and supported to escalate appropriately intra-agency and inter-agency concerns and disagreements about a child's well-being.
- 3.3 Concern or disagreement may arise over another professional's decisions, action or lack of actions in relation to a referral, an assessment or an enquiry.
- 3.4 Professionals should attempt to resolve differences through discussion and/or meeting within a working week or a timescale that protects the children from harm (which ever is less).
- 3.5 Most day-to-day inter-agencies differences of opinion will require a LA social care manager to liaise with their (first line manager) equivalent in the relevant agencies e.g.
- Police detective sergeant
 - Designated safeguarding children health professional
 - Designated safeguarding children teacher
- 3.6 Resolution should be sought between agencies at practitioner level in a prompt and timely way. Where attempts to resolve the professional disagreement are unsuccessful and one worker/agency continues to believe that the child remains at risk of significant harm the escalation process is to be followed. The agency / practitioner have the responsibility to escalate the concern using this procedure.
- 3.7 Management of profession disagreement and escalation involves the following stages;
- Recognition that there is a disagreement over a significant issue, which impacts on the safety and welfare of a child
 - Identification of the problem, and clarity about the disagreement and what you aim to achieve. These two stages could involve consulting a colleague to clarify thinking.
- 3.8 Initial attempts should be made to resolve the problem. This should normally be between the practitioners who disagree, unless the child is at immediate risk. **(timeframe 2 Working days)**
- 3.9 It should be recognised that differences in status and/or experience may affect the confidence of some workers to pursue this unsupported.
- 3.10 If unresolved, the problem should be referred to the worker's own line manager or Designated Safeguarding Lead, who will discuss with their opposite number in the partner agency. (**timeframe 1 Working day**).
- 3.11 If the problem remains unresolved, the line manager will escalate the professional disagreement (see flow chart).

- 3.12 If the professional disagreement remains unresolved, consideration will be given to referring the matter to the MSCB Quality Assurance Sub Group to offer mediation as soon as possible bearing in mind the impact on the child or young person. The Chair of the Quality Assurance Sub Group may decide to involve the MSCB Independent Chair.
- 3.13 Each agency will keep a record at all stages, by all parties. In particular this must include written confirmation between the parties about an agreed outcome of the disagreement and how any outstanding issues will be pursued.
- 3.14 At each stage it is important that the person who originally raised the concern is given feedback on what action has been taken in response. It is the responsibility of the person to whom the issue is referred to ensure that clear and timely feedback is provided.
- 3.15 When the issue is resolved, any other concerns arising from the process should be identified and referred to the agency's representative on the MSCB for consideration by the relevant MSCB Sub-Group to inform future learning and possible changes to existing policies and procedures.
- 3.16 It may also be useful for individuals to debrief following professional disagreement to facilitate reflection and learning from the process.

Whistleblowing and LADO

Please note that this procedure does not apply to cases where there may be concerns about the behaviour or conduct of another professional that may impact on a child's safety and well-being. In such cases, reference should be made to the agency's own Whistleblowing Policy / Raising Concerns at Work Policy, Safeguarding Policies and the Local Authority's Designated Officer (LADO).

Appendix A: Local Safeguarding Children Board Inter-agency Escalation Procedure for Professionals with Child Protection or Child Welfare Concerns

At all stages actions/decisions must be recorded in writing and shared with relevant personnel

If a professional is unhappy with a decision or response from any agency following a referral

Professional discusses with manager/named Designated Safeguarding Lead in his or her own agency

.7 Internal Escalation

Manager/Named Professional/ Designated Safeguarding Lead in meeting Agency discusses concern/ response with the opposite number in the agency

If concern continues the Manager/Named Professional/Designated Safeguarding Lead in Referring Agency discusses concern/response with the relevant Designated Lead or managers 'up the line'.

Named professional advises concerned professional of outcome at this stage.

The Designated Lead for Child Protection will liaise with his/her equivalent lead officer immediately on becoming aware of the situation, enabling the decision to be discussed at a Senior Management level as appropriate and action agreed.

If the Designated Lead for Child Protection is unable to influence the decision, he/she will inform the Chair of the MSCB Quality Assurance Sub Group in order that the decision can be reviewed.

Chair of Quality Assurance Sub Group informs MSCB Chair if additional independence required.

Inter-Agency Escalation

Designated Lead for Child Protection provides feedback to professionals with original concern

At all stages actions/decisions must be recorded in writing and shared with relevant personnel

THE WELFARE OF THE CHILD IS PARAMOUNT

Appendix B: Escalation Contacts within Agencies

Where professional disagreements have not been resolved at a local level, escalation to the following key roles must be considered:

Childrens Social Care

Quality Assurance & Practice
Development Manager
0208 545 3211

Education

Education Schools:
Assistant Director for Education

LBM Education Staff
Immediate Line Manager

Health

Merton CCG
Designated Nurse
0203 668 1848

Metropolitan Police Serv

MPS Crime Manager,
Detective Chief Inspector
020 8649 3046