

Bracknell Forest Youth Offending Service

Bracknell Forest Education, Children's Services and
Libraries Department



**Policy and Protocol
for the
Prevention of Offending
of
Looked After Children**

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1 Purpose

It is recognised that looked after children are disproportionately represented within the criminal justice system and within the secure estate. This policy highlights the need for a strategy between key agencies that targets this group of young people who research has shown are at high risk of offending and re-offending. The aim is to strengthen protective factors to increase their life chances and participation within their communities and reduce their contact with the criminal justice system. The success of this will hinge crucially upon developing a shared understanding of the outcomes being sought for looked after children, effective inter-agency planning and the active involvement of all relevant agencies.

2 Background

Youth Justice Board statistics indicate that each year, a disproportionate number of looked after children come into contact with the Criminal Justice System. They are also over-represented in unemployment figures, teenage pregnancy figures and within the secure estate. Research has shown that the main risk factors predictive of involvement in offending behaviour relate to family breakdown, domestic violence, lack of educational opportunities and achievement, negative peer influences and poor mental/emotional health. These correlate closely with some of the reasons why a child or young person may become looked after. Therefore, it follows that reducing offending amongst looked after children is the joint responsibility of the Police, Children's Services and the Youth Offending Service (YOS) in order to maximise the role of corporate parenting and to maximise the life chances of this vulnerable group of young people.

3 Statutory duties of Local Authorities and YOS

3.1 Local Authorities, Care Plans and the role of the Corporate Parent

When a child or young person becomes 'looked after' their case is subject to statutory review within 28 days. A Care Plan must be prepared for that review to consider, and this must be forwarded to the Independent Reviewing Officer within 5 working days before the review is held. The review will then make recommendations regarding all the care arrangements and plans. A second statutory review must be carried out no later than 3 months after the first review and thereafter subsequent reviews must be carried out at six monthly intervals. The Children Act 1989 and its associated regulations and guidance provides the framework for assessment, planning, intervention and review of looked after children. The Care Plans set the overall objectives for children's care within the context of safeguarding and promoting welfare and needs. The corporate parent role ensures that young people in care receive the same support and guidance that reasonable parents would give to their own children. This encompasses the prevention of offending and the provision of support if the young people do offend with the aim of leading law-abiding lives in the future.

3.2 Youth Offending Service

Under the Crime and Disorder Act 1998, the primary role of the YOS is to prevent offending and re-offending by children and young people through targeted programmes. It involves a standardised assessment using the Youth Justice Board's national assessment tool ASSET to determine why they have offended, what their family and lifestyle circumstances are, their educational status, whether there are any substance misuse issues, their mental/emotional health needs and the risk they pose to themselves and others. The intervention is then devised on the basis of this assessment and delivered and reviewed by the YOS in conjunction with other key agencies. These interventions can take the form of pre-court work

such as Reprimands and Final Warnings, post court work on statutory court orders or within the secure estate where a custodial sentence has been imposed.

3.3 Assessment and Partnership working

The reasons why young people enter the looked after system are often similar to those that contribute to their offending and re-offending. Effective practice suggests that in respect of looked after children who offend, the success of the intervention will depend upon the quality of the assessment of need and a shared understanding amongst professionals of the context and nature of those needs and of the outcomes being sought. A shared ownership of the issues relating to looked after children and effective inter-agency planning will result in more co-ordinated assessments and subsequent care and support packages being devised.

In order to achieve this, the YOS will:

- ensure that when it receives a new case, checks will be made to ascertain whether the child or young person is looked after
- ensure that it's social workers either hold the case, or have a direct input into the assessment process
- liaise with the allocated Local Authority Social Worker and obtain a copy of the care plan to ascertain what the needs are and what work is already in place to reduce the risk of offending
- undertake an assessment using ASSET and prepare any necessary pre-sentence reports for the Court
- liaise regularly with the allocated social worker about progress and unmet need
- undertake regular reviews of their work in conjunction with the young person, their family and other key agencies

Children's Social Care will:

- share information with the YOS regarding their assessments of looked after children known to the YOS
- provide a copy of the care plan to YOS staff undertaking assessments
- participate in YOS reviews of voluntary/statutory work
- ensure that YOS staff are invited to looked after children's reviews in relevant cases
- ensure that the care plan includes strategies to prevent or reduce offending by looked after children and young people
- attend planning meetings and statutory reviews within the secure estate to ensure that effective through-care is provided

In order to encourage a shared understanding of the issues and of the outcomes being sought, the YOS and Local Authorities should:

- set up monthly management meetings to identify new LAC cases. Where the child is not involved with the YOS, arrangements will be made for an assessment of the risk of offending to take place
- produce common caseload lists and discuss these at the above monthly meetings. Any specific issues which emerge will be discussed within teams and with the relevant YOS and CSC caseworker.
- provide training for each others teams about the looked after system and the criminal justice system.

4 Restorative Justice

4.1 Restorative Justice for Looked After Children

There is much research to suggest that children and young people living in foster care and children's homes are more likely to be prosecuted for minor offences such as low level Criminal Damage. It is also likely that this behaviour would have been dealt with without police involvement if these children and young people had been living in their own homes. The result of this is that some looked after children and young people enter the Criminal Justice System inappropriately, and at a much earlier stage, thus can have the effect of criminalising their welfare needs. Research from NACRO suggests that restorative justice approaches are a particularly effective way of encouraging a child or young person to realise the impact of their offence and to deter them from offending in the future.

4.2 Arranging a Restorative Justice Conference as an alternative to arrest

The Youth Offending Service has close links with the Restorative Justice Department at Bracknell Police Station and also, many of its own staff are trained as level one Restorative Justice facilitators:

- Where a child or young person in foster care or a children's home commits an offence, carers need to consider the nature and seriousness of the incident before deciding whether to involve the police
- The most common offences likely to occur are:
 - a. violence by a child or young person on another – this can range from minor disagreements to serious assaults where physical injury is caused
 - b. violence to staff by a child or young person – this can range from verbal threats to physical acts culminating in assault. Clearly, the victim has a right to involve the police, although it may be in their best interests where there is no immediate threat of violence to take time out to think about and discuss possible options.
 - c. criminal damage – need to consider level and value of damage and what the outcome of involving the police will be. Also need to consider context of offence and whether it is part of a pattern of behaviour or an isolated incident
- Where children, young people and adults are at immediate risk of serious harm or have suffered serious harm or where there has been substantial damage to property, the police should be called immediately.
- Where a child or young person commits a minor offence such as low level Criminal Damage, consideration needs to be given as to whether the Youth Offending Service should be contacted to ascertain whether a restorative intervention is an appropriate alternative to police involvement. This could be initiated by the allocated social worker, the police or the carers themselves.
- Where appropriate, the YOS will arrange to meet the aggrieved and the young person separately in order to carry out a full assessment of whether a restorative justice intervention is appropriate and if all relevant parties, are agreed a restorative justice conference will be arranged. It is accepted that the consent of the aggrieved is needed before this can proceed and that in some cases, there will be good reasons why the police should charge that young person instead, e.g offence seriousness, aggrieved withholds consent

4.3 Training for carers and other key agencies

It is important that carers and other key agencies understand its purpose, function and the process for it to happen. The YOS, in consultation with the Family Placement Team and allocated social worker, can deliver to training to carers and social services staff jointly with Bracknell Forest Police representatives in order to raise their awareness of restorative justice methods. This will encourage them to consider the context and nature of the offence and when it may be an appropriate alternative to arrest.

5 Custodial Sentences and Secure Remands

Custodial sentences and secure remands are a last resort. They should only be imposed when the court considers the offence to be so serious that only detention will protect the public, or when offending has been very persistent and no other bail package or community penalty has been effective in reducing offending. When young people enter the secure estate they become exposed to people more entrenched in offending than themselves which negatively affects rehabilitation. In all cases where the use of detention or secure accommodation is being considered the YOS and social work staff will work closely together to enable alternative options to prevent re-offending to be fully explored.

6 Looked After Children placed outside Bracknell Forest

Where a young person is accommodated out of the area, the Bracknell Forest YOS will retain case management responsibility for the case, but seek the assistance of the local area YOS in supervising the young person in accordance with National Standards. The same principles for supporting looked after children and providing them with services aimed at the prevention of offending still apply. All care and criminal justice agencies involved with looked after children placed out of area should be encouraged to adopt the same thresholds and standards set out in this policy document and should be provided with a copy.

For any child or young person accommodated out of area the allocated social worker will familiarise themselves with the policy and practice of the care provider in preventing and responding to offending behaviour and will ensure that the YOS is kept informed of any offending / criminal proceedings in the case. It is important to ensure that in the event of behavioural difficulties arising that the looked after child is not referred for police action and possible prosecution where alternative informal action is more appropriate. This applies particularly to domestic disputes and offences of low level criminal damage where for the child to become involved in the criminal justice system may be unnecessary and counter productive.

YOS staff and allocated social workers will in addition need to familiarise themselves with the relevant local police and YOS procedures and resources in the area where the child is placed and liaise with them to establish what preventive actions may be taken as an alternative to arrest when those agencies do become involved.

7 Links to other relevant work

Reducing offending amongst looked after children and young people requires an integrated, multi-agency approach to assessment and planning. Strengthening positive factors is a key feature of reducing offending by enabling children and young people to achieve their potential and participate fully within their communities. This lays the foundations for a successful transition to adulthood and independence. This can be achieved by:

- improving educational opportunities for children and young people in care

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- improving their access to health services
- improving their access to leisure services
- the provision of support for young people leaving care

As part of the overall plan to prevent and reduce offending by looked after children and young people, the YOS should:

- develop effective partnership working with the Careers/Connexions Service through their Education Professional
- develop strong links with CAMHS through their seconded Psychologist/Health Worker
- develop effective partnership working with the After Care Team through their Social Workers

8 References

This document is based on the Nacro good practice guide 'Reducing Offending by looked after children' (2003)