

# Tell them not to forget about us

A guide to practice with looked after children in custody

Di Hart



Every Child Matters  
Change For Children





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Change For Children

**Di Hart**

NCB promotes the voices, interests and well-being of all children and young people across every aspect of their lives.

Published by the National Children's Bureau. Registered Charity Number 258825.  
8 Wakley Street, London EC1V 7QE. Tel: 020 7843 6000

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ISBN 1-904787-67-3



## Foreword

The Government is committed to supporting effective multi-agency working to help support all children and young people, and to improve the outcomes they achieve in life. It is crucial that children do not fall between agencies, and that each agency works as effectively as it can with the others involved in that child's life. That means getting the right systems in place to facilitate this, and not to hinder it.

For the small number of looked after young people and care-leavers who are sentenced to custody, it is particularly important that the local authority children's services fit seamlessly with the way the youth justice system operates. For most young people the local authority remains their 'corporate parent' and continues to have statutory and moral responsibilities for providing that young person with the support any good parent would. This applies throughout the young person's sentence.

Equally, it is important that staff in the custodial establishment understand the young person's care status and can help give them the right support to make a successful transition back home once their sentence is completed.

That is why the Government funded NCB to undertake this project, and why we are so enthusiastic about the very practical model that has been designed to help social workers, YOT workers and others involved in a young person's life work more effectively together.



Maria Eagle  
Parliamentary Under Secretary of State for Children and Families



Rod Morgan  
Chair, Youth Justice Board



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# Part 1: The Case for Change

## Background

### *Purpose of this Guide*

This guide is aimed primarily at Children's Services Authorities<sup>1</sup> to support their work with looked after children and care leavers who are imprisoned within Young Offender Institutions (YOIs). It will also be relevant for Youth Offending Teams (YOTs) and staff in YOIs. Although the research did not include Secure Training Centres (STCs), the messages about effective planning are equally applicable. It is written in recognition of the fact that a significant proportion of children<sup>2</sup> in custody have been in the 'care' system at some point and are still entitled to social work support.

The challenge for social workers and managers is **how** to deliver this support when the children are living in establishments over which they have no control – and whose workings are not easy to understand. During the preparation of this guide, practitioners and children reported an 'over to you' culture where agencies passed responsibility backwards and forwards rather than working together. One child speculated on why her social worker was no longer making plans for her and thought it was:

*because you're in prison and they've got care of you now.*

This was not necessarily because of a lack of concern or commitment: although both youth justice and social care systems exhort the benefits of joined-up working, they make it extraordinarily difficult to achieve.

This guide aims to support practice by providing:

- key messages from 12 case studies of looked after children in prison
- a model to assist social workers, YOTs and prison/STC staff to work together
- briefing notes on aspects of child care and youth justice policy, research and practice
- practical exercises and checklists
- examples of good practice and protocols
- a list of references and sources of information
- templates for information-sharing, assessment and planning that are compatible with the Integrated Children's System.

<sup>1</sup> Local Authority services for children have been reconfigured under the Children Act 2004, combining social services and education under a Director of Children's Services. The term Children's Services Authorities is used instead of social services departments to reflect this change.

<sup>2</sup> The term 'children' is generally used, although the age of those referred to will be 12 (STCs) or 15 (YOIs) and above. This is in recognition of their legal status as children within the Children Act 1989 and the UN Convention on the Rights of the Child. The term 'young people' only appears in quoted material and where users would consider this the norm, for example in a description of the youth justice system.

## **Setting the scene**

*The worst place for a kid to go is prison – they get abused, bullied, end up killing themselves. They might as well have left them at home in the first place.*

The above comment was made by a looked after child in prison (see page 20 for a definition of 'looked after child'). He felt there was little point in removing children from abusive parents if their experiences in public care were negative and led to even worse outcomes.

The over-representation of looked after children and care leavers in the criminal justice system poses a fundamental challenge for children's services. The reasons for this are complex, but there is emerging evidence that the ways in which agencies respond to looked after children may be a contributory factor in this criminalisation and even accelerate their pathway to custody (NACRO 2005). If looked after children do come to the notice of criminal justice agencies, care must be taken to ensure they do not receive an overly punitive response and, if such children do go into custody, services must be sensitive to the fact that their lives are already fragmented and strive to minimise the damage and disruption that a custodial remand or sentence can cause.

There can be fewer groups less likely to achieve the five outcomes set out in *Every Child Matters* (Treasury 2003) – being healthy, staying safe, enjoying and achieving, making a positive contribution, and achieving economic well-being – than looked after children in custody. Concern about the welfare and safety of **all** children in prison has been highlighted by a number of recent reports (Department of Health 2002; CRAE 2002; CSCI 2005) but within this vulnerable population, children who have experienced the 'care' system are particularly at risk, including a risk of suicide

## **Legal and policy context**

In 2002, Mr Justice Munby ruled that children in prison continue to be eligible for support under the Children Act 1989 [R v Secretary of State (2002) EWHC 2497]. As a result, the Department for Education and Skills (DfES) issued a circular [LAC(2004)26] (DfES 2004a) confirming the responsibility of local authorities towards children in need within YOIs, including looked after children. Yet two years after his original judgement, Mr Justice Munby has recently ruled that a local authority's plans for a looked after child in prison were 'little more than worthless' [R (J) v Caerphilly County Borough Council. 11 April 2005].

Part of the difficulty arises from the fact that such children are subject to two different planning systems: the DfES Looking after Children system (LAC) and the Youth Justice Board (YJB) remand or sentence planning system. These are based on different conceptual frameworks (welfare versus criminogenic) and operate in isolation from each other. DfES are currently leading on the development of a common approach to assessment and planning within children's social care for all children in need: the Integrated Children's System. They are also leading on a Common Assessment Framework (CAF) for *all* agencies who have concerns that a child might need additional support. Meanwhile, work is being undertaken by the YJB to strengthen the sentence planning process through the development of a software tool to ensure the flow

of information within the criminal justice system. This is an ideal opportunity to, if not integrate, at least ensure compatibility between the respective systems.

### ***Looked after Inside project***

In recognition of the need for change, DfES funded the Looked after Inside project to consider the care planning system for looked after children and care leavers within YOIs. The aim of the project was to identify the key issues in effective planning for these children; to recommend any changes needed to improve the planning process; to develop an integrated model for making needs-led plans; and to produce practice guidance and tools for local authority staff.

The work was informed by 12 case studies of children in prison who were: looked after on a voluntary basis (s20) or subject to a care order (s31) immediately prior to sentence; or who met the criteria for support as care leavers. The children were interviewed during their time in prison, a selection of their planning meetings were observed and details of release plans noted. A sample of the children's social workers, YOT workers, and parents or carers were also interviewed. The children were seen again three months after release to establish the effectiveness of the plans. The key messages from the project have informed the development of this guide, and direct quotations from the children – and practitioners – are used throughout the text.

The picture that emerged was one of fragmented planning and poor outcomes. There was a tendency for the welfare approach of local authority children's services to be marginalised whilst youth justice processes took centre stage. Yet children's services are those that should be providing looked after children with holistic support into adulthood, long after the youth justice system has bowed out. This is not a criticism of the many dedicated practitioners involved with the children in the project. There were examples of effective joint working but these were achieved in spite of, rather than because of, the systems within which practitioners were operating. The children themselves expressed a real fear of being forgotten in the midst of this confusion.

## Looked after Inside project: key messages

### *Identifying care status*

A fundamental difficulty in planning for looked after children in custody is the fact that we do not know how many there are or what their exact care status is. The reason for this lack of data lies in the way each agency defines, collects and shares information. Specific difficulties are as follows.

- ASSET (the assessment system used by YOIs) does not effectively capture children's care status, particularly their entitlement to services under the Children (Leaving Care) Act 2000.
- Legal definitions of the 'care' status of looked after children entering custody are confusing and therefore poorly understood. For example, children who have been accommodated by agreement (s20) are not deemed to be 'looked after children' when they are in prison.
- As a result of the above factors, information about individual children's care status is often inaccurate, incomplete and not consistently shared between agencies.
- There is no comprehensive collation of data at local or national level, with significant gaps in the DfES/local authority information systems and no systematic data analysis of care status by the YJB or YOTs.

These deficiencies mean that prison staff cannot rely on the accuracy of information about a child's looked after status. In an audit of the sentenced children in one juvenile YOI, 25% of records were ambiguous and further investigation identified a number of looked after children or care leavers whose status had been missed. The final analysis suggested that 7% of the population were subject to care orders; 12% had been in voluntary care prior to sentence and were 'relevant' care leavers; 20% had a care history but were not eligible for care-leaving services; and for 5%, their status remained unresolved. This constitutes almost half the population.

Why is this important? If we cannot identify looked after children and care leavers within the prison system, we cannot make effective plans for them – as individuals or collectively. We risk confirming the perceptions of one participant in the project:

*Once you're in prison, you're just forgotten.*

These problems are currently the subject of discussion within the DfES and YJB, and changes in information systems are planned.

### **The case studies**

Twelve children from three YOIs agreed to participate: four young women and eight young men. They ranged in age from 15 to 18 and had all been in care prior to being sentenced to custody, although their exact care status varied. Six had been subject to care orders and six had been in voluntary care: all within different local authorities. Their entitlement to support as care leavers also

varied: two children were deemed not to be eligible/relevant and their cases had been closed when they were sentenced. Of the 12 children who participated in the project, only three understood their care status and its implications for their ongoing support.

The children's personal circumstances were not the subject of the work, although they did volunteer information about their reasons for becoming looked after. Most had become looked after between the ages of 10 and 14 because of family breakdown or other parenting difficulties and did not have an established pattern of offending behaviour at that time.

### **Assessment and planning**

*It's all a mess ain't it? – there's nothing there.*

Looked after children and care leavers who enter custody are subject to two planning processes:

- the DfES/local authority system for care-planning or pathway planning
- the YJB/YOT system for sentence planning.

For children on a Detention and Training Order, the latter covers their sentence in the establishment and in the community. There was a general consensus, shared by the children, that these processes do not fit together.

### **Care and pathway planning**

Local authority planning systems were effectively marginalised, with few Looking after Children reviews taking place once children were in prison. This was partly because of the confusion about what should happen: one local authority insisted that they were no longer legally obliged to hold reviews even if a child was on a care order; another held a review for a child who had been in voluntary care, although he was technically no longer looked after. The children were familiar with the review system and noticed this disruption.

*I was due for a leaving care one but it didn't happen.*

Even where social workers perceived the need to continue with their plans, they struggled to understand how to adapt their formats. Some had tried to add the review on to a sentence-planning meeting, with mixed results. One social worker described holding a review but being embarrassed about the fact that none of the questions seemed relevant. He had also sent prison staff the consultation form for residential worker/foster carers but they had not felt it appropriate to complete it. Most children were unclear whether they had a plan or not.

*I'm sure I have got a plan – don't know what's in it.*

The LAC(2004)26 circular (DfES 2004a), has attempted to clarify the position. It confirms that local authorities remain responsible for children on care orders and eligible care leavers during their time in prison and must plan for their release. It also states that children who have been accommodated under s20 should be the subject of assessment and planning, even though they lose their

looked after status on imprisonment. This is to be welcomed, although there is some scope for confusion in that it gives this responsibility to the local authority where the child is to live on release. (The model proposed later suggests that an assessment should be undertaken by the local authority who was caring for the child before their imprisonment, who could then negotiate the transfer of responsibility to another authority if that seemed more appropriate).

### **Sentence planning**

Sentence planning meetings, in contrast, were held as a matter of routine and were well-attended by YOT staff. The involvement of parents and social workers in these was patchy, and they were not always invited. At times, the need to involve social workers was only recognised when accommodation was being discussed towards the time of release. One social worker referred to the fact that he had parental responsibility for the child and would have to provide financial support and accommodation on release but had felt excluded from the planning process. He described his decision to 'gatecrash' a meeting to ensure that he could be involved; whilst another worker said she felt 'like she was begging' to be involved. In contrast, prison and YOT staff shared a perception that some social workers 'heave a sigh of relief' when children they are responsible for go into custody and may be only too glad to opt out.

Sentence planning is currently a service-driven rather than a needs-led system, in spite of the rhetoric, with a tendency to slot children into whatever is available. As a result, Sentence Planning Meetings can feel formulaic with each child effectively receiving the same plan: education or training, gym, offending behaviour programmes, and possibly substance misuse work.

*It's not proper stuff. Just about courses and certificates.*

They are also extremely bureaucratic, with several forms that are designed to be completed and signed during the meeting. There is a consultation form for the child but it is not user-friendly and does not encourage the child to raise issues of concern.

*All they done was write it and ask me to sign it.*

There appears to be a particular anomaly for children subject to s91 sentences (long term detention for grave crimes, see page 26). Although there is a similar sentence planning system, this ceases abruptly when the child reaches 18 and responsibility transfers from the YOT to the probation service. The current policy of the probation service is not to undertake visits in prison and their emphasis in the community is on surveillance. Neither does the probation service have working links with leaving care services. For some young people who had served long sentences, this potentially left them with very fragmented support.

### **Intervention**

Although children were aware of deficiencies in the planning systems, this was of less importance than the service they received from specific practitioners. They had a sophisticated understanding of differing roles and responsibilities, recognising that YOT workers were primarily concerned with their offending behaviour – to '*help me stop doing crime*' – and in advocating on their behalf

with children's services; whilst social workers had a broader role in 'looking after' them. Prison staff were seen as responsible for solving problems arising within the prison rather than anything more far-reaching.

Because of the fundamental role of social workers – sorting out money, accommodation and family difficulties – they were the most important to the children: and the most likely to be found wanting. This was not just because they provide essential material support but because 'they're like your mum and your dad'. The fact that some social workers seemed to disappear when the child went into prison was extremely hurtful.

*I told him I wanted to see him – even just to say goodbye – but he hasn't come.*

Children were also very distressed by the failure to give them any money during their time in prison, and had picked up discrepancies between local authorities in their policies. The lack of money was felt to put them at a disadvantage and lay them open to bullying. They were also concerned about their clothing and other allowances: with some local authorities committed to saving these for the children to have on release, whilst others seemed to consider children ineligible.

*I reckon they should support them as much as they can – send them postal orders so they can buy things – biscuits, shower gel – little things that help. They were meant to send £8 a week – they only sent it once.*

This apparent failure to address the children's needs whilst in prison is part of the overall confusion felt by social workers about what their role should be. They cannot be assumed to know the rules about pocket money or visits, and some described pressure from their managers *not* to visit because other work was seen as more pressing. At times social workers had tried to participate by attending sentence-planning meetings but struggled to understand how they could contribute.

*When I went to a meeting, I didn't really know what I was there for – I felt like an advocate for the young person.*

In fact, the children placed more value on seeing their social worker on an individual basis. Of course many parents face these dilemmas when their children go into prison and have to find out for themselves how to provide support. There is no reason why 'corporate' parents shouldn't be able to achieve the same.

The services offered within the prison were of some value to the children, although this was patchy. Some found the opportunity to catch up with basic skills or receive vocational training useful, although they were critical of the fact that this did not build on previous assessments or attainments. Others appreciated specific aspects of the regime or just 'time to think'. Overall, they did not rate the cognitive programmes ('stupid little courses') designed to help with their offending behaviour; and anger management courses received particularly negative feedback.

*I had too many anger management courses before I came in. It don't work at all – just makes you angrier.*

When they were asked about what *had* helped, they were more likely to cite relationships with individuals than the service as such. The qualities that were particularly valued were people who had done what they said they would do and who seemed to value the child for him or herself.

*She sent me a postcard from Jamaica – she must still think about me  
mustn't she?*

### **The future**

#### **Planning for release**

Although some aspects of the regime were perceived as helpful, the children were inevitably focused on what would happen when they were released. They had very modest aspirations, just wanting a 'normal' life.

*Just normal stuff really – have a job and all that.*

Similarly, the things that would help them achieve this were also modest: somewhere decent to live, enough money, and something to occupy them were most commonly cited. Several children did stress that these things must be in place quickly.

*It's no good giving me an appointment with Connexions in 2 weeks.*

There was considerable consensus with practitioners here, and the release plans made for the children reflected this. Ironically, the agency least involved with the plan was children's services yet they held the key to both financial support and accommodation in most cases: and without accommodation being resolved, it was difficult for other plans for work or education to be finalised. Only two children on short sentences had placements retained for them: accommodation was a major concern for the others and arrangements were only made just before release. Four children were released to family or friends, with the lack of a viable alternative being a contributory factor; and three to supported hostels.

Other aspects of the children's release plans related to their supervision by, and reporting arrangements to, the YOT. These were detailed and specific, particularly for the children who were granted early release and therefore subject to electronic monitoring and curfew. Four children were also subject to Intensive Supervision and Surveillance Programmes (ISSPs), requiring them to undertake 25 hours of supervised activity a week. Some YOT workers recognised the need to keep social workers involved, so arranged joint appointments, but this was not standard. For the children on ISSPs, there was little time left for the social workers to see the children, and they tended to defer to the youth justice practitioners. A difficulty with the intensive nature of this intervention is the fact that it is time-limited, being determined largely by the length of the order. Unless care is taken to prevent it, other services are pushed aside and may not be in place when youth justice supervision requirements cease.

Plans for work or education, in contrast, were not specific. Typically, it would be left to the ISSP or Connexions workers to sort this out on release in spite of the

children and their parents/carers stressing the importance of it happening quickly.

### Follow-up

Ten of the children have been released so far and are sharing their perceptions about what happened. Within three months of release, seven were convicted of further offences, with four of these returning to prison. This number may rise when outstanding matters are dealt with by the courts. The children on ISSPs and/or electronic tags seemed to have particular difficulty. All the tags were cut off by the children at some point, and three of the four ISSPs were breached. Once the child realised breach was the likely outcome, most went on to commit new offences.

*I cut the tag off – I was keeping to it for 3 or 4 weeks and he told me I was breached so I thought there's no point and cut it off. So I thought I might as well go back to crime – robbing.*

The value of intensive monitoring for such a volatile group of children, whilst they were also coping with new placements in unfamiliar surroundings and/or family pressures, must therefore be questionable. The quality of some of the ISSP provision was also criticised by the children.

*They just let me blag them ... They didn't really care – they weren't really bothered.*

Five of the children also experienced a breakdown in their placement, including all who had been placed with family or friends. There appeared to have been a strong element of 'wishful thinking' in the ability of turbulent families to reintegrate a child with considerable problems. Perhaps the most worrying finding is that none of the children had received any education or employment within three months of release. The children said that the proposed courses had not materialised and that they had been unable to find work. This was the cause of considerable frustration to them, particularly in view of the value they had placed on this as part of their rehabilitation.

*The training that had been promised didn't get sorted out. I told my YOT worker I need something sorted out or I'd be back in jail. He promised me something would be sorted out in July but nothing was.*

The children were disappointed about what had happened to them. Some took responsibility themselves, saying that the help was there but they hadn't used it properly; others felt that the services had been lacking and that practitioners hadn't 'really cared'.

*I won't lie to you, they did make plans but I just broke them – because I could.*

### What works?

There are positives, however, and a picture is emerging of the factors that do seem to enable the children to survive. Feeling valued as a person was certainly helpful. One child was placed with exceptional foster carers and was able to recognise – and value – the commitment they had made to him. Another

has maintained a number of key relationships – including a mentor who he confidently predicts will still be interested in his progress when he is 30. A couple cite practitioners who are willing to ‘fight their corner’ in spite of the bureaucracy by, for example, keeping the case on in spite of the child moving out of their area.

The value of ‘informal’ support by people not part of the regulatory framework could also be important.

*As soon as they come out, have a youth worker – more on a level that’s going to help them. Don’t give them a boring old fart who says ‘you’re a bad boy – you’ve just come out of jail’. You’re not going to listen to him!*

Linked with this, a distinction was made between practitioners that had **done** something and those who had simply expected the child to report for appointments. This reflected a general lack of confidence in dealing with the world unaided. For example, two young people stressed the importance of having someone accompany them to Job Centre appointments. This indicated a need for support that was not always apparent from the image the children presented to the world.

*The Connexions worker – more talk than action! Just shows me things – ‘this is good’. Yes, but how do you go about getting it?*

The work confirms the difficulty in meeting the needs of this group of children. Although there are some encouraging developments, such as the piloting of social work posts within YOIs and the inclusion of some YOTs in children’s trust arrangements, where a range of local children’s services are joined together, it is clear that full integration between the social care and youth justice systems is not a political objective at the moment. Instead, methods of joint working must be developed to ensure that systems are compatible at an operational level and it is, in fact, practitioners that hold the key.

### **Lessons for practice**

- Information on a child’s care status must be captured and shared between social care and youth justice agencies. This will require adequate data systems and well-informed staff. There is also a benefit in collating and analysing this data to inform service development at a local level.
- There should be a concerted effort to address the disadvantage that looked after children face, in order to keep them out of custody.
- If looked after children are imprisoned, they must not be abandoned or forgotten by outside agencies.
- Although formal programmes have their place, children value relationships above all and need to feel that someone is taking an interest in them.
- Children’s services authorities **MUST** remain involved – and be the key agency. They have primary responsibility for safeguarding and promoting the child’s welfare in a way that other agencies do not.
- There needs to be a better fit between sentence plans and care/pathway plans. At the moment, sentence plans tend to dominate but are not consistently achieving good outcomes for looked after children.

- Plans and interventions need to achieve a balance between surveillance and support, particularly with regard to accommodation, education and employment. In the absence of these supports, surveillance can be perceived by the children as punitive and uncaring.
- Children must not be set up to fail on release. For some children, the level of organisation required to comply with electronic tagging and ISSPs is not achievable – particularly if they are living in new or unsatisfactory accommodation.
- Children may lack confidence in their ability to undertake even basic tasks in the community, and appreciate informal and practical support with these.

## Part 2: Working Together

### A model for joint planning and practice

This model describes the process that should be followed when looked after children, and relevant and former relevant care leavers enter custody (see page 21 for definition of relevant and former relevant). It is important to begin before that, however, with an expectation that agencies should work together to *avoid* such children being remanded or sentenced to custody wherever possible.

The model applies to children's services authorities, YOTs and custodial establishments. It should be read in conjunction with the NACRO handbook on *Reducing Offending amongst Looked after Children* (NACRO 2005) and Local Authority Circular (2004)26 *Safeguarding and Promoting the Welfare of Children and Young People in Custody* (DfES 2004a).

### **Response to offending**

#### **Identifying the involvement of other agencies**

It is expected that children's services authorities and YOTs will have robust arrangements to check each other's involvement with individual children, including those placed outside their home authority. This will require information-sharing protocols, effective IT systems, up-to-date contact information and staff training.

If a looked after child or relevant care leaver (aged 10–17) is arrested, the social worker<sup>1</sup> and the YOT worker must communicate with each other and share relevant information about the child's circumstances and needs. This will include the social worker passing on key elements from the child's care plan or pathway plan and the YOT worker disclosing details of the child's offending.

Former relevant care leavers (aged 18–24) will come to the attention of the probation service rather than the YOT. Practitioners will need to be proactive in seeking to elicit each other's involvement, but the same principle of sharing relevant information from the pathway plan applies.

The Children Act 2004 has strengthened the duty for key agencies, including YOTs, YOIs and STCs, to safeguard and promote the welfare of children and to cooperate with each other.

#### **A welfare response**

It is important to ensure that looked after children are not disadvantaged by their care status through, for example, facing charges which would not be brought against children living at home, or a refusal of bail because they live in a children's home. YOTs and social workers should work together to develop

<sup>1</sup>The term social worker is used throughout to mean social worker and/or personal advisor. The Children (Leaving Care) Act 2000 states that care leavers should be supported by a personal advisor but some authorities combine the roles. The latest judgement in *R(J) v Caerphilly County Borough Council* has challenged the validity of this.

interventions to address the child's offending behaviour, including bail support and specialist placements, so that there are viable alternatives to a punitive response.

If the child is convicted of an offence, the YOT worker (or probation officer) should consult the social worker over the content and recommendations of the pre-sentence report, ensuring that mitigating factors arising from the child's life experiences are included and that welfare considerations are reflected in the proposed disposal. Explicit consideration should be given to factors that will make the child particularly vulnerable if sentenced to custody and should be included in the report.

If a custodial sentence is likely, the YOT worker and social worker should work together to prepare the child (and family if appropriate) by explaining what will happen and how the child will be supported during and after their time in custody.

It is good practice for the social worker to attend court with the child, particularly on the day of sentence. This is in order to support the child but also to ensure that the child's best interests are represented, for example by discussing the possibility of an appeal with the child's legal representative.

Working together will be supported by the development of joint protocols clarifying: the objectives and priorities of each agency; the roles and responsibilities of workers; expectations regarding service provision; and a method for resolving disputes. It will also require a commitment from each agency to provide adequate resources.

### ***Custodial remand or sentence***

#### **Information sharing**

##### *Children's services authorities*

Although a prison or STC is not a placement in the usual sense, the staff have the same need for information about the child as with any other residential setting. If the child is remanded or sentenced to custody, regardless of their legal status, the social worker must contact the establishment caseworker (sometimes known as resettlement worker or throughcare worker) and/or the social worker based in the prison to inform them of:

- the child's care status
- who has parental responsibility
- name and contact details of the allocated social worker and team manager
- any immediate information necessary to ensure the child's safety
- relevant information about the child's family/carers and contact arrangements
- the date when the social worker will be visiting the child.

This should be followed up by the social worker completing a Custody Information Record (see page 53) and sending this to the establishment.

The social worker should also provide relevant information from the child's care or pathway plan, education plan and health plan. This level of information sharing is not embedded in current practice and will require a change in management culture, and staff awareness.

#### *Prison service/STC*

The caseworker or prison social worker should provide information on:

- visiting arrangements for practitioners and for family/friends
- systems for providing money, clothing and other belongings to the child
- the sentence planning system
- arrangements for speaking to the child on the phone or sending letters
- contact details of prison/STC staff, including those on the wing
- arrangements for keeping the social worker informed of significant events, such as transfers.

Again, this will require a change in culture and awareness, particularly amongst YOI staff, and a process will need to be developed. This could be an extension of the information currently provided to parents.

#### **Assessment of needs**

The allocated social worker must visit the child, regardless of the child's legal status, within one week to assess the child's needs whilst in custody. Managers will need to amend current systems to make this an explicit requirement. Although responsibility for some children may transfer to another children's services authority once a plan has been made (see DfES 2004a), it is important for the child that this initial visit and assessment is undertaken by those who have been looking after him/her prior to imprisonment.

A specific format has been designed for this assessment and plan: the Interim Custody Plan (see page 61) and it includes the following questions.

- Is the child safe?
- Is there a risk of self harm?
- What is the child's emotional state?
- Does the child need money, clothes, books or other practical support?
- What impact has the sentence had on family relationships?
- Does there need to be help with contact arrangements?
- Are the education staff aware of and able to meet the child's educational needs, including any special needs or abilities?
- Are the health unit and wing staff aware of, and able to meet, the child's health needs?
- Are staff aware of, and able to meet, the child's religious and cultural needs?
- What action is needed to provide for the child's accommodation on release? Which local authority will be responsible for arranging this?

- Is the child worried about anything? If so, what?
- Are changes needed to the child's care plan/pathway plan?

This assessment will form the basis for an interim plan as to how the child's needs will be met in prison and who is responsible for each aspect of the plan. For children who were looked after or care leavers at the point of imprisonment, regardless of care status, plans must be approved by a manager. It would be good practice to ensure that this was undertaken by the head of the looked after children service in consultation with the independent reviewing officer (IRO); but each authority should make it explicit where responsibility lies and the protocol that should be followed.

#### Differences according to legal status

Responsibilities will differ according to the legal status of the child and LAC(2004)26 sets out the expectations regarding this. The implications for good practice are as follows.

- If the child is subject to a **care order**, they continue to be looked after whilst in custody; and the children's services authority with the order is responsible for ensuring their needs are met.
- If a child has been in **s20 care**, they are not formally looked after during their time in custody, but they remain entitled to an assessment and plan to meet their needs during their time in custody and on release. This will include early consideration as to whether they will become looked after again on release and, if so, by which local authority. If there had been no plan for the child to cease being looked after, then the presumption must be that the child *will* require accommodation on release. LAC(2004)26 states that the local authority in which the YOI is situated is responsible for identifying where the child will live on release and for contacting them. If the assessment concludes that the child requires neither support from children's services whilst in prison **nor** further accommodation, evidence should be provided about the alternative plans for meeting their needs; and these should be approved (as above) before the case can be closed.
- If the child is an **eligible or relevant care leaver** their status remains unchanged whilst in prison and the local authority that looked after them retains responsibility for providing support during their time in custody and on release (see DfES 2004b). Some children will achieve this status whilst they are in custody on attaining the age of 16: that is, those who have spent 13 weeks looked after since the age of 14 and were in s20 care or remanded to local authority accommodation immediately prior to imprisonment.
- Similarly, the status of **former relevant care leavers** remains unchanged during their time in prison and the responsible local authority will remain the one that looked after them. It will be particularly important for social workers to retain contact with the children and plan for their support because adult prisons and probation officers will be less familiar with their entitlement to ongoing support as care leavers.

- Children who have been looked after for significant periods but were not deemed to be so immediately prior to imprisonment may be considered ineligible for local authority support as care leavers. Their circumstances will need further investigation to ensure that they were *not* looked after: going missing from a placement is not the same as being discharged from care. The social worker in the prison should undertake these checks. In any event, such children are entitled to an assessment as **qualifying children**. It must also be remembered that any child may be a child in need, regardless of their legal status, if their development would be impaired without the provision of services from the local authority (Department for Education and Skills 2004a).

### Planning and review process

A person within the custodial establishment should be nominated to act as the link with the children's services authority's planning process. With YOIs, it is suggested that this link person be the prison social worker but it is good practice to give the child an element of choice wherever possible. For example, a child may have a particularly trusting relationship with their personal officer (see page 31). Whoever is nominated, there should be arrangements for back-up in the person's absence. This link person will be informed of the key elements of the child's plan and, in turn, keep the child's social worker informed of events within the establishment.

### *Care, pathway or child in need plans*

Independent reviewing officers are responsible for agreeing the process for reviewing the child's plan. Again, this is likely to differ according to the child's legal status but the Interim Custody Plan will feed into the process.

- For children subject to **care orders** the usual Looking after Children planning and review process applies, including advance consultation with the child and other key participants. It is good practice to undertake a review during the first month of the sentence and within the last month before release, but minimum statutory timescales apply in between.
- For children who were looked after under **s20**, the plan will not be reviewed under Looking after Children arrangements but it is good practice to review it as a child in need plan.
- For **relevant and former relevant care leavers**, the usual pathway planning review process applies.

If the child is in agreement, the nominated link person within the establishment and YOT worker should be invited to care, pathway or child in need review meetings.

The agenda for the review will need to take the prison setting into account and it is suggested that the Interim Custody Plan will act as a prompt to relevant questions. Large and formal review meetings may not be the most appropriate way of undertaking reviews in custody. The child should be actively consulted about the most useful process. Some children may want a meeting: others may

prefer just to meet the IRO or the chair of the review and their social worker. Again, the IRO is responsible for negotiating this.

### *Sentence planning*

Sentence planning serves a different purpose from care or pathway planning. It is designed to plan the activities the child will engage in during their sentence both in custody and in the community. It is currently service-led rather than needs-led and primarily aimed at reducing the risk of re-offending. Given these different purposes, it is not proposed that the planning meetings be combined but that robust links be made between them.

The social worker should always be invited to sentence planning meetings and it is good practice for them to attend whenever possible. As a minimum it is suggested that the social worker attend, during a short sentence, the first meeting and the meeting where the pre-release plan is discussed. For longer sentences or where there are particular difficulties, it will be appropriate to attend more but the main focus of the social work task is to meet regularly with the child and to establish ongoing liaison with YOT worker and establishment link worker.

The child's link person within the establishment (see above) is responsible for feeding relevant information about the child's children's services authority plan into the meeting. The YOT worker is responsible for making the links between the respective plans and, if the social worker is not present, feeding information back. The Chair of the meeting must ensure that these functions are fulfilled, particularly if key staff have been absent from the meeting.

### *Planning for release*

Social workers must be involved in the plans for release. In most cases, they will be responsible for the provision of accommodation and financial support. They must also be involved in discussions about early release and the child's ability to cope with any additional supervision requirements, such as electronic monitoring or ISSP. Again, this requires a shift in culture. Wherever possible, arrangements should be made for children to visit prospective placements and employment or educational facilities and to meet relevant practitioners before their release.

It is important that contact with social workers is facilitated by the release plan (although not part of the enforceable reporting arrangements) to ensure that the child maintains a relationship with them. It is essential that there is clarity about who is responsible for each element of the release plan and the arrangements for communication and enforcement.

As soon as possible **before** release the child must know:

- who is collecting them
- where they will be living
- the reporting arrangements
- sources of support – including out of hours
- the arrangements for education or employment

- arrangements for meeting continuing health needs
- how and when they will receive financial support
- when they will be seeing their social worker
- the roles and responsibilities of the respective practitioners.

This plan should be in writing with copies available for the child and all practitioners.

### ***Support in the community***

The social worker must remain a presence in the child's life. Their role is different and more extensive than that of the YOT worker, whose involvement will be determined by the length of any order and the child's offending behaviour rather than their needs. Children are vulnerable in the early days after release and need considerable help, both emotionally and practically, to:

- meet the requirements for reporting and surveillance
- sort out finances
- settle into accommodation
- negotiate work or college
- re-establish relationships with family and friends
- resist the temptation to drink or use drugs excessively
- avoid situations where offending may occur.

It is good practice to have some joint appointments, with the child, YOT worker and social worker, so that information is shared and the child receives an integrated service. The YOT worker should consult the social worker over enforcement issues, particularly if there is a possibility of the child being breached – specifically, when the YOT worker considers the child has broken the conditions of their Order and issues proceedings to return the child to court. Social workers and YOT workers should keep each other informed of significant events, including any changes in service delivery or plans to close the case.

This model is illustrated in the flow chart on the following page.



## Part 3: Briefings

### Understanding care status

The term 'looked after child' was introduced in the Children Act 1989 and replaced the description of children being 'in care'. It means that children are looked after by the local authority away from their parents but is an umbrella term covering different types of legal status. It is important to understand these differences because they have implications for the respective responsibilities of parents and local authorities, and for the child's entitlement to services, including ongoing support after leaving care. Legal status is further complicated when a child goes into custody. The most important categories for practitioners to establish are as follows.

1. **Subject to Care Order (s31 Children Act 1989)**
- 2a. **Accommodated – by voluntary agreement with parents or unaccompanied asylum seeker (s20 Children Act 1989)**
- 2b. **Remanded to local authority accommodation (s23.1 Children and Young Persons Act 1969)**
3. **Entitled to leaving care services (Children (Leaving Care) Act 2000)**

**1. Subject to Care Order (s31 Children Act 1989)** Where the Family Proceedings or High Court consider that a child has suffered, or is likely to suffer, significant harm, it makes this order to place the child in the care of the local authority. This enables the named local authority to share parental responsibility for the child with the parents, and to decide where the child must live. This will usually be a foster home, children's home or other residential establishment but some children on care orders may live with parents or with family members. Care orders last until the child's 18<sup>th</sup> birthday unless formally revoked by the Court.

*Care orders are not affected by the child's imprisonment. The local authority's responsibilities remain the same, apart from the fact that it cannot determine where the child will live whilst remanded or sentenced to custody.*

**2a. Accommodated – by voluntary agreement with parents (s20 Children Act 1989)** Where parents/carers are having difficulty in caring for their child it may be agreed that the local authority will 'accommodate' the child, that is, look after the child on their behalf. They will provide a placement for the child in a foster home, children's home or other residential establishment. Once a child is 'accommodated', the local authority will be responsible for planning for their care in the same way as if he or she was the subject of a care order. The local authority does not have parental responsibility for the child and if the parent requests that the child be returned to their care then the child will be discharged from accommodation and is no longer looked after.

Where a child enters the country as an unaccompanied asylum seeker, the local authority is responsible for assessing their needs. If they are under 16 or between 16 and 18 and vulnerable, then there is a presumption that

unaccompanied asylum-seeking children will need to be provided with accommodation under s20, as above.

- 2b.** Where a criminal court decides to remand a child pending trial to local authority accommodation (with or without a secure requirement), the local authority has a duty to find a suitable placement for them. The child is 'accommodated' and entitled to the same planning and review processes as children in category 2a above (s23 Children & Young Persons Act 1969).

Where a secure requirement is in operation, children may now be placed in an STC (s133 Criminal Justice and Police Act 2001). These children are also deemed to be looked after. However, children remanded to custody and placed in YOIs are not.

*Prisons are **not** deemed to be accommodation provided by the local authority. Once children who are 'accommodated' under s20 or remanded to local authority accommodation enter prison they are no longer looked after by the local authority, although the local authority may retain responsibility to provide a leaving care service (see below).*

- 3.** Whatever route they have followed, all 'looked after' children may be entitled to leaving care services [Children (Leaving Care) Act 2000]. This applies to children of 16 and above who have been 'looked after' for 13 weeks from their 14<sup>th</sup> birthday and:
- a) are still 'looked after' (*'eligible children'*)
  - b) were 'looked after' but left care aged 16 or 17 (*'relevant children'*) OR were looked after immediately prior to detention in a custodial setting on attaining the age of 16.

Both eligible and relevant children become '*former relevant children*' when they reach the age of 18 and continue to be eligible for support.

Where children have a history of being 'looked after' but do not meet the above timescales the Local Authority still has the power to offer advice and assistance until the age of 21 (*'qualifying children'*).

*Children's entitlement to care-leaving services continues when they are remanded or sentenced to custody.*

### **Planning process**

Every looked after child must have a **care plan** setting out the overall objective for their care and how the authority will meet their specific needs, such as education and health. This plan will be drawn up in consultation with the relevant agencies (for example schools) and usually with the parents. The plan should take account of the child's wishes and feelings. The local authority must formally review this care plan at least every 6 months.

Every care leaver is entitled to a **pathway plan** from the age of 16 detailing the ongoing support they will receive from the local authority to prepare them for leaving care and to provide subsequent support, including the provision of accommodation, financial and personal support. Their pathway plan will

continue until the age of 21, or 24 if the young person is still in education or training, but the local authority is no longer responsible for providing financial maintenance or accommodation after the age of 18.

**An exercise to test knowledge of the care status of children in prison is available on page 39. It can be used as an individual or team exercise.**

## Understanding the youth justice system

The current youth justice system was introduced in 1998 with the passing of the Crime and Disorder Act and the establishment of the Youth Justice Board (YJB) and Youth Offending Teams (YOTs). Its primary purpose is to prevent offending by children and young people under the age of 18. The age of criminal responsibility in England and Wales is 10 but younger children may be the focus of attention if they are thought to be at risk of developing offending behaviours. The system is not designed to meet welfare needs, although there is a recognition that unmet need may be a causal factor in offending behaviour. The following summary of the system is based on information available on the YJB website ([www.youth-justice-board.gov.uk](http://www.youth-justice-board.gov.uk)).

### ***Youth offending teams***

There is a YOT in every local authority in England and Wales. They are made up of representatives from the police, probation service, social services, health, education, drugs and alcohol misuse, and housing. Each YOT must submit an annual youth justice plan to the YJB.

### ***Pre-court orders***

When young people first get into trouble, behave anti-socially or commit minor offences, they can be dealt with outside of the court system. Police and local authority can use a variety of pre-court orders including those listed below.

#### **Acceptable behaviour contract**

An acceptable behaviour contract is given when a local authority and YOT identify a young person who is behaving anti-socially at a low level. With the young person and their parents/carers, they agree a contract under which the young person agrees to stop the patterns of behaviour that are causing nuisance to the local community and undertake activities to address their offending behaviour. If they breach the terms of the contract, the local authority can use this to get an anti-social behaviour order (ASBO) applied to the young person.

#### **Anti-social behaviour order**

An anti-social behaviour order can be applied for by the police and/or a local authority. The order can be used with anyone who is 10 years of age or over and is behaving in a manner that causes distress or harassment to someone or some people who do not live in their own household. An anti-social behaviour order stops the young person from going to particular places or doing particular things. If they do not comply with the order, they can be prosecuted.

#### **Local child curfew**

Under a local child curfew, a local authority or local police force can ban children under 16 from being in a public place during specified hours (between 9pm and 6am) unless under the control of a responsible adult.

#### **Child safety order**

This order only applies to children under 10 years of age. It can be applied to a child who has committed an offence, has breached a local child curfew or has

caused harassment, distress or alarm to others. Under a child safety order, a social worker or officer from the YOT supervises the child. If the order is not complied with, the child can be the subject of a care order.

### ***Arrest and detention***

If police decide to take action because they suspect a child has committed a criminal offence, they must interview the child in the presence of an 'appropriate adult'. This will normally be a parent or guardian but can also be a representative of the local authority or other responsible adult. Their role is to ensure that the young person understands what is being said and that the interview is conducted fairly. The Police and Criminal Evidence Act 1984 (PACE) sets out the way in which suspects must be treated.

Following the interview, police may decide to take the matter further. If it is a first or second minor offence, a system of Reprimands and Final warnings can be used by the police.

#### **Reprimand**

A reprimand is a formal verbal warning given by a police officer to a young person who admits they are guilty of a minor first offence.

#### **Final warning**

A final warning is a formal verbal warning given by a police officer to a young person who admits their guilt for a first or second offence. Unlike a reprimand, however, the young person will automatically be referred to the YOT for an assessment to determine the causes of their offending behaviour and to provide a programme of activities to address them. The assessment system used by YOTs is ASSET. It is designed to identify the factors in the young person's life linked with offending behaviour so that the risk of future offending can be assessed and appropriate interventions planned.

### ***Bail and remand***

Where a young person is charged by the police after committing further offences, or a young person is charged with a more serious offence, the matter will be brought to a Youth Court. If the young person is charged with a serious offence, the Youth Court refers the case to the Crown Court. If the case cannot be dealt with immediately, the court will make a decision as to whether the young person will be bailed or remanded into custody.

#### **Unconditional bail**

A young person remanded on unconditional bail is required to return to court on a specific day at a specific time, but apart from this requirement there are no other conditions attached to their bail.

#### **Conditional bail**

A court will remand a young person on conditional bail to ensure that the young person attends court on the next occasion, does not re-offend whilst on bail and does not interfere with witnesses or obstruct the course of justice. Conditional bail can range from a fairly low level, where a young person has to report to a police station; to much more demanding levels, where the young person is supervised by a YOT on a bail-support and supervision programme. YOTs can

include electronic tagging and/or an Intensive Supervision and Surveillance Programme (ISSP) as part of bail supervision and support programmes.

**Remand to local authority accommodation**

Remanding a young person to local authority accommodation involves the young person being looked after by the local authority. Conditions can be applied to remands to local authority accommodation as with bail. Unless the type of accommodation is a condition of the remand, the local authority can choose what type of accommodation it provides for the young person. A Remand Fostering Scheme is currently being piloted by the YJB.

**Secure remand**

Courts use secure remand for young people whose offences are particularly serious or who have offended frequently. Young people on secure remand are usually placed in Secure Children's Homes (SCHs) or Secure Training Centres (STCs). The Youth Justice Board is working to ensure that remands to custody (that is, prison) are made only on the most serious and persistent young offenders.

***The juvenile secure estate***

There are three types of secure accommodation in which a young person can be placed. Together these make up the juvenile secure estate.

**Secure training centres**

Secure training centres (STCs) are purpose-built centres for young offenders up to the age of 17. They are run by private operators according to Home Office contracts, which set out detailed operational requirements. There are now four STCs in England:

- Oakhill in Milton Keynes
- Hassockfield in County Durham
- Rainsbrook in Rugby
- Medway in Kent.

They house vulnerable young people who are sentenced to custody in a secure environment where they can be educated and rehabilitated. They differ from Young Offender Institutions (YOIs) in that they have a higher ratio of staff to young offenders (a minimum of three staff members to eight trainees) and are smaller in size, which means that an individual's needs can be met more easily. The regimes in STCs are constructive and education-focused. They provide tailored programmes for young offenders that give them the opportunity to develop as individuals which, in turn, will help stop them reoffending. Trainees are provided with formal education 25 hours a week, 50 weeks of the year.

**Secure children's homes**

Secure Children's Homes (SCHs) focus on attending to the physical, emotional and behavioural needs of the young people they accommodate. They are usually run by local authority children's services authorities, and overseen by the Department of Health and the Department for Education and Skills. SCHs provide young people with support tailored to their individual needs. To achieve this, they have a high ratio of staff to young people and are generally small

facilities, ranging in size from 6 to 40 beds. SCHs are generally used to accommodate young offenders aged 12 to 14; girls up to the age of 16; and 15- to 16-year-old boys who are assessed as vulnerable.

### **Young offender institutions**

Young Offender Institutions (YOIs) are facilities run by the Prison Service. They accommodate 15- to 21-year-olds. The YJB is only responsible for placing young people under 18 years of age in secure accommodation. Consequently, some of these institutions accommodate older young people than STCs and SCHs. The Board commissions and purchases places for under-18s, who are held in discrete juvenile wings.

YOIs have lower ratios of staff to young people than STCs and SCHs and generally accommodate larger numbers of young people. Consequently, they are less able to address the individual needs of young people. YOIs are generally considered to be inappropriate accommodation for more vulnerable young offenders.

### **Sentences**

If the young person pleads guilty or is convicted of the charge, they are sentenced. The YOT will be asked to prepare a Pre-sentence Report (PSR) to assist the court in reaching a decision on the most appropriate sentence.

If young people are sentenced to custody, the YJB is responsible for allocating a place. This could be an SCH, an STC or a YOI. Age, vulnerability and gender are taken into consideration when allocating a placement, but YOIs provide the majority of places. There are two types of custodial sentence within the youth justice system: Section 90/91 and the detention & training order.

#### **Section 90/91**

If a young person is convicted of an offence for which an adult could receive at least 14 years in custody, they may be sentenced under Section 90/91. This sentence can only be given in the Crown Court. If the conviction is for murder, the sentence falls under Section 90, otherwise the sentence will be under Section 91. The length of the sentence can be anywhere up to the adult maximum for the same offence, which for certain offences may be life.

#### **Detention & training order**

The detention & training order (DTO) sentences a young person to custody. It can be given to 12- to 17-year-olds. The length of the sentence can be between four months and two years. The first half of the sentence is spent in custody, whilst the second half is spent in the community under the supervision of the YOT. The court can require the young person to be on an ISSP as a condition of the 'community period' of the sentence.

For all the remaining sentences (listed below), the young person will remain in the community.

#### **Intensive supervision and surveillance programme**

ISSP is the most rigorous non-custodial intervention available for young offenders. As its name suggests, it combines unprecedented levels of community-based surveillance with a comprehensive and sustained focus on tackling the factors that contribute to the young person's offending behaviour.

ISSP targets the most active repeat young offenders, and those who commit the most serious crimes.

**Supervision order**

A supervision order can last up to three years. A range of conditions can be attached to a supervision order when the sentence is used for more serious offences. These are called 'specified activities' and can last for up to 90 days. Examples of 'specified activities' might be participation in an ISSP, drug treatment (for young people aged 16+), curfews, or residence requirements which might require a young person to live in local authority accommodation for the period of the sentence.

A young person receiving a supervision order is also required to take part in activities set by the YOT which could include repairing the harm done by their offence, either to the victim or the community, and programmes to address their offending behaviour such as anger management.

**Community rehabilitation order**

This sentence is only available to courts for young people aged 16–17. It is equivalent to a supervision order, but for this specific age range. It is supervised by a YOT and can include activities as for a supervision order.

**Community punishment order**

This sentence is only available to courts for young people aged 16–17. It requires a young person to complete unpaid community work for a period of 40–240 hours. The sentence is supervised by the probation service community service team.

The above sentences can be combined into a Community Punishment and Rehabilitation Order.

**Action plan order**

An action plan order is an intensive, community-based programme lasting three months. The order is supervised by the YOT. The programme developed by the YOT is specifically tailored to the risks and needs of the young person. It can include repairing the harm done to the victim of the offence or the community, education and training, attending an attendance centre or a variety of other programmes to address a young person's offending behaviour.

**Attendance centre order**

An attendance centre order sentences a young person to attend an attendance centre. Attendance centres are normally run by the police. The regime typically involves discipline, physical training and social skills. The order can last up to 36 hours depending on the age of the offender and the seriousness of the offence.

**Referral order**

A referral order is given to a young person who pleads guilty to an offence when it is his/her first time in court. The only exceptions are if the offence is so serious that the court decides a custodial sentence is absolutely necessary, or the offence is relatively minor in which case an alternative such as a fine or an absolute discharge may be given.

When a young person is given a referral order, he or she is required to attend a youth offender panel, which is made up of two volunteers from the local community and a panel adviser from a YOT. The panel, with the young person, their parents/carers and the victim (where appropriate), agree a contract lasting between 3 and 12 months. The aim of the contract is to repair the harm caused by the offence and address the causes of the offending behaviour. The conviction is 'spent' once the contract has been successfully completed. This means that in most circumstances the offence will not have to be disclosed by the young person when applying for work.

**Reparation order**

Reparation orders are designed to help young offenders understand the consequences of their offending and take responsibility for their behaviour. They require the young person to repair the harm caused by their offence either directly to the victim (this can involve victim/offender mediation if both parties agree) or indirectly to the community. Examples of this might be cleaning up graffiti or undertaking community work. The order is overseen by the YOT.

**Fine**

The size of a fine reflects the offence committed and the offender's financial circumstances. For a person under 16 years of age, the payment of the fine is the responsibility of their parents/carers and their financial circumstances will be taken into account when the level of the fine is set.

**Conditional discharge**

A young person receiving a conditional discharge receives no immediate punishment. A period of between 6 months and 3 years is set and, as long as the young person does not commit a further offence during this period, no punishment will be imposed. However, if the young person commits another offence during this period, they can be brought back to court and re-sentenced.

**Absolute discharge**

A young person is given an absolute discharge when they admit guilt or are found guilty, but no further action is taken against them.

All sentences where the young person is to be kept within the community are open to the following orders.

**Curfew order**

This sentence requires a young person to remain for set periods of time at a specified place.

**Parenting order**

Parenting orders can be given to the parents/carers of young people who offend, truant or who have received a child safety order, anti-social behaviour order or sex offender order. It lasts for 3 months, but can be extended to 12 months. It does not result in the parent/carer getting a criminal record.

A parent/carer who receives a parenting order will be required to attend counselling or guidance sessions. They may also have conditions imposed on them: such as attending their child's school, ensuring their child does not visit a particular place unsupervised or ensuring their child is at home at particular times. A failure to fulfil the conditions can be treated as a criminal offence and the parent/carer can be prosecuted.

**Drug treatment & testing order**

The drug treatment & testing order is used for young offenders who have drug misuse issues that require treatment. The order lasts between 6 months and 3 years and the young person must agree to comply with the order before it can be made. Under the order, the young person receives regular drug testing and treatment in the community. The young person receiving the order is supervised by the probation service.

**Note: This information is accurate at the time of publication but a new Criminal Justice Act is proposed which will alter the sentencing framework, and include a simplification of community sentences. For up-to-date information see the YJB website [www.youth-justice-board.gov.uk](http://www.youth-justice-board.gov.uk).**

See also:

NACRO (2001) *A brief outline of the youth justice system in England and Wales as at December 2001.*

[www.nacro.org.uk/data/resources/nacro-2004120258.pdf](http://www.nacro.org.uk/data/resources/nacro-2004120258.pdf)

## Understanding the prison system

### *Prison establishments*

The majority of children aged 15, 16 and 17 who are detained or remanded within the criminal justice system are held in prison service establishments, usually known as **Young Offender Institutions** (YOIs). This age group are referred to as '**juveniles**', whereas those aged between 18 and 21 are known as '**young offenders**'. Juveniles should always be detained separately from adults, including these young offenders, in recognition of their legal status as children. Some establishments are for juveniles only; others are mixed sites – that is, they also hold 18–21 year olds, but there are separate buildings for juveniles.

Female children are held within the 'women's' or 'female' estate and, as a result of previous concerns regarding young women being held with adults, new young women's units have been established.

Some establishments are for remanded and sentenced children; others are for sentenced children only. The children are usually referred to as '**trainees**'.

Details of all prison establishments can be found on the following website [www.hmprisonservice.gov.uk/prisoninformation](http://www.hmprisonservice.gov.uk/prisoninformation). This also provides telephone numbers, maps and travel directions.

### *Rules and regulations*

The prison service has specific guidance regarding juveniles. Copies of these Prison Service Orders (PSOs) can be found on the prison service website, as above. Of particular relevance is PSO 4950: *Regimes for Juveniles*. For children detained under section 91 for grave crimes, PSO 4960 applies.

Although they do not specialise in juvenile issues, the Prison Reform Trust publish a number of useful information booklets, including some for prisoners. These explain processes and procedures for prisoners and are also available in downloadable form from their website [www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk).

Prison systems are complex, and may appear to have many rules and regulations surrounding their operational management and delivery of services that can appear frustrating, and sometimes obstructive, from a community perspective. There are many good reasons for these regulations. Young people, their families and carers may need you to help them understand these complexities. By asking for information or checking about procedures you can greatly assist in supporting the children (and those in their support network) through the experience of being in custody.

Some rules will differ according to whether the child is on remand or sentenced.

### *Reception and induction*

When children arrive in the establishment, they go into a specially designated **reception** area. Here they will receive screening for health problems,

vulnerability and risk to others. They will be searched and provided with clothing. They will also be given a '**first night pack**' containing a radio, stationery and writing materials, phonecard and magazine. Some establishments may add other items, such as toiletries. Each child must also be given an **information pack** containing information about the establishment, complaints procedure and so forth.

Following reception, there is a process of **induction** to introduce the trainee to prison routines and to allow for a period of assessment. This usually takes place on an induction unit before the child is assigned to a wing.

### ***Key personnel***

Each establishment will have a unit within the prison or a group of staff who will be responsible for the management of the sentence plans and reviews for the children and young people in their care. These staff members may be called **caseworkers, throughcare or resettlement workers**. They will liaise with external agencies, particularly YOTs and social workers. The YJB is currently funding **social work posts** in juvenile prison establishments for a temporary period. These posts will be managed by the local children's services authority; and it is not yet known whether they will continue once YJB funding is withdrawn.

It is important that both the children/young people and their social worker/YOT workers/parents and carers, establish who is the contact person or contact point in the team for each of their clients/children. Liaison and regular contact helps both the internal staff and the outside agencies to plan for and assist the young people appropriately. If you are having difficulty in identifying who this person is, the child's YOT worker should be able to assist you.

Each child will also have been assigned a **personal officer** on the wing where they are accommodated. They are responsible for supporting the child, although the way they exercise this role varies. If the child is having difficulties, it is worth asking to speak to them.

Each prison establishment has a system of **duty governors**. This senior member of their staff maintains operational oversight of the establishment on a given day. Emergency information regarding a child's needs, circumstances, or welfare should be communicated to the duty governor as they are then able to establish sufficient support for the child/young person.

### ***Remand and sentence planning***

Every child in prison is subject to a **remand- or sentence-planning** system, which is designed to assess their needs and set objectives for their time in prison. It will also set out what will happen for the community element of their sentence, if they are on a detention and training order. Parents, social workers and YOT workers should be invited to attend these planning meetings. The child and prison staff will also attend, and there may be input from the health and education units or other people with key information. The meetings will be chaired either by the YOT worker or a member of the prison staff. The frequency and format of the meetings are determined by the YJB and more information is available on their website [www.youth-justice-board.gov.uk](http://www.youth-justice-board.gov.uk)

## **Contact**

Keeping 'in contact' is very important to a young person's welfare when they are in prison.

Children/young people in prison service establishments use (internally purchased) phonecards/allocated credits (phone pin system) to make their phone calls. Children and young people need to be supported financially to purchase these cards/credits, in order to maintain this necessary link to their external support networks.

Most establishments allow children and young people to phone their 'external' workers when there are specific circumstances of high need, but when these calls are made from staff offices, external-based workers need to be aware that a staff member will be with the child/young person. External people are also able to phone in and speak to the child if essential, although again this is constrained by the child's availability and pressures on staff time and should be restricted to the lead professional.

Children also appreciate getting cards and letters from professionals and it helps to reduce their fear of being forgotten.

## **Visits**

Visits from social workers are referred to as '**legal**' or **professional visits**, and can be arranged by phoning the establishment and requesting to book one. Photographic identification is required for anyone visiting a prison. This includes 'legal' visitors. It may take some time to gain access to the establishment, and searches of visitors' property, and sometimes personal, searches, will be undertaken. The items that can be taken in on visits are extremely restricted. Mobile phones, for example, are banned. It is worth establishing these rules before visiting to make access easier. Always arrive well in advance of your booked visit to allow time for these entry procedures.

If you want to hold a review of the child's care or pathway plan, special arrangements can be made through the child's caseworker or social worker within the prison.

Families and friends can arrange **social visits** to the child but, again, these are subject to the particular rules of the establishment. It is important to let the prison know if there are particular people that the child is not allowed to have contact with. There is an **assisted visits scheme** to help families on a low income, which the prison/YOT will be able to advise on.

## **Risk and vulnerability**

If a child or young person communicates information to you regarding risks to their welfare – self-harm risks, being bullied, child-protection concerns for example – you can raise a Child Protection Referral to the Internal Child Protection Coordination, and should always notify a member of staff immediately about risks of self-harm or suicide. If the child or young person is not subject to a programme of support regarding issues of self-harm or suicide vulnerability, you can ask to open this process by completing the relevant

booklet called either an 'f2052sh' or an 'ACCT' form. A child who is **subject to 2052** or ACCT will receive additional support and monitoring.

Children/young people who have been charged or convicted of certain sexual/violent offences as specified under the Criminal Justice Act 2003, will come under the **Public Protection Arrangements** for the prison service. This will also apply to those children and young people charged or convicted under the Harassment Act 1997. This will mean that permission will need to be supplied for them to contact others who may be deemed vulnerable. Delays in confirming that the contacts sought are agreed can mean that the children or young people are unable to have full access to external support networks. Agreed lists of contacts need to be sorted out and very quickly if the children and young people are not to be disadvantaged.

### ***Child protection***

Every establishment that holds juveniles has a **Child Protection Coordinator** or a **Head of Safeguard** for the establishment. These people manage and coordinate internal safeguarding and welfare processes and so are useful contacts. If your client is currently on the child protection register, or there is other relevant information that the establishment needs to be aware of in relation to child protection, please inform the relevant coordinator or head of safeguard for the holding establishment.

### ***Health***

All children and young people entering and leaving prisons are screened to identify any health problems. Relevant/immediate health needs regarding your client should be made known to the **reception** section of the prison on the day of arrival.

All prisons have **healthcare** services, though not all establishments have inpatient units. Healthcare sections of prisons also include access to mental health screening and/or services. Healthcare sections in prisons often receive little information regarding 'looked after' children's previous health status, or indeed even current health needs and plans. Transfer of information, as appropriate, can enable health staff in prisons to enable access to appropriate check-ups/inoculations and so on. Please note that services such as opticians, and dental check-ups will be subject to a waiting period, so early notification of this need is very important.

If the Looking After Children documentation is provided to healthcare units in advance, it can be completed in time for reviews, and health plans can be kept up to date.

### ***Property and money***

There are rules about the items of property and clothing that children are allowed. It is usual for these items to be brought in by their parents/carers through routine social visits. For those 'looked after' this 'social' or 'domestic' visit will not always be taking place, so they can be disadvantaged in terms of not gaining access to property that they need.

Permission is required for property to be brought in by professionals and efforts should be made to establish what the correct procedure is for the particular establishment where the child/young person is being held. Be prepared to have to ask, and then notify the establishment of the date of property arriving, in writing. Be prepared, also, for all property to be searched.

Similarly, there are rules about money. Children still need money, even though their basic care needs may be met. They may receive some money from the establishment if they are engaged in work or education but will want to be able to purchase such items as snacks, toiletries and magazines. They may also want to purchase greeting cards and phonecards to stay in touch with people outside. Children can open an account within the prison where their money is held and can order items through a system called **canteen**.

It is important for children to have access to items that will make them feel more comfortable, or to money to purchase these items.

### ***Status***

'Looked after children' and care leavers are often unsure of their status and what this means in terms of access to support and contact with their local authority. Information given to them to assist with this, helps when making internal plans designed to work towards resettlement.

### ***Governors and other applications***

Children and young people in prisons will have to use many paper-led systems to request things or ask for changes (wing moves, establishment moves, to change or shop for their property, for example). Ensuring that they understand these procedures, and that they take time, is important.

### ***Complaints***

Prison establishments have a **complaints procedure**. Forms for this should be available on all units in each establishment. Children and young people may sometimes need assistance to complete these forms.

### ***Advocates***

**Independent advocacy services** operate in all juvenile establishments. These services are separate from the independent visitors/advocates accessed from within the care system.

### ***Rewards and sanctions***

There is a system for rewarding positive behaviour and imposing sanctions for problematic behaviour. It is based on incentives so that privileges, such as having a television in the cell or increased **association** (time to socialise with other trainees), can be earned or withdrawn. Each establishment will set out how this works, and levels of the incentive scheme may be called 'basic' 'enhanced' and so on.

There is also a system of adjudication for dealing with breaches of the rules. The child may have to appear before a governor and punishment may be imposed if the matter is proved. In serious matters that constitute a crime, police can be asked to investigate and charges may be brought.

### ***Physical restraint and segregation***

Prison establishments use a system of physical restraint known as **C&R** (Control and Restraint), which is based on pain compliance. Records must be kept of these incidents. The system of behaviour management within all secure establishments is currently being reviewed by the YJB.

Children can be held in **special cells** on their own. This is sometimes known as segregation, '**seg**' or **single separation**, and is meant to be used in order to manage risky behaviour rather than as a punishment. Children awaiting adjudication are usually held in the segregation unit.

### ***Temporary release***

It is sometimes possible for children to be allowed **temporary release** from prison establishments to attend interviews and assessments for education/accommodation placements, and/or employment opportunities. This can assist with the child's resettlement but social workers and YOT workers need to know that it may take up to 6 weeks to process the required forms and checks. It is therefore important that workers seek to start planning for this in a timely fashion. Release on temporary licence may be referred to as **ROTL**.

Temporary release is not a right, and workers and young people need to be prepared for times when information has come to light or circumstances have changed and the release suddenly cannot take place. Early and robust plans to manage any risks and support the young person/people are important.

### ***Early release***

The date when sentenced prisoners will be released is fixed at the point of sentence. In some circumstances, early release can be granted if the trainee has cooperated within the regime.

### ***Release arrangements***

The sentence planning meeting before release should set out the practical arrangements for the day of release. This should include transport arrangements and any immediate financial support.

*With thanks to* Sue Howarth, Oxfordshire Youth Offending Team

## Part 4: Resources

### Roles and responsibilities checklists

Checklists for good practice in reducing offending by looked after children are provided in the NACRO handbook (NACRO 2005). The following checklists develop those messages for children who are at risk of, or who are, remanded or sentenced to custody.

#### ***Social worker***

When a looked after child or care leaver is arrested and/or charged with a criminal offence, you are responsible for:

- ensuring that the child is accompanied by an appropriate adult and, if necessary, has access to a legal representative
- sharing relevant information with the YOT about the child's needs, circumstances and plans
- working with the YOT to provide a package of support to maximise the child's chances of getting bail
- contributing relevant information and advice to the YOT for the pre-sentence report
- accompanying the child to court or arranging for a parent/carer to do so
- considering how to prevent the child offending in future.

If the child is remanded or sentenced to custody, you are responsible for:

- providing essential information to the custodial establishment, including any risks that the child may pose to self or others, both verbally and in writing
- visiting the child within one week and beginning an assessment of needs
- supporting the child to have contact with family and friends
- making a plan as to how the child's needs will be met in custody and on release
- confirming the plan and review process with line manager/independent reviewing officer
- implementing the aspects of the plan you are responsible for, including financial support and accommodation
- keeping in touch with the child whilst in custody
- liaising with a designated link worker within the establishment and the child's YOT worker
- contributing to the sentence planning process, particularly the release plan, and making sure that it is suitable for the child's abilities and needs
- supporting the child after release.

***YOT worker***

If a looked after child or care leaver is arrested and/or charged with an offence, you are responsible for:

- establishing the child's care status, including entitlement to leaving care services
- sharing relevant information with the child's social worker
- working with the social worker to prevent the child from committing further offences
- establishing relevant information from the social worker to inform the content of ASSET and the recommendations of the pre-sentence report
- working with the social worker to maximise the child's chances of bail.

If the child is remanded or sentenced to custody, you are responsible for:

- ensuring that the custodial establishment is aware of the child's care status and social worker's contact details
- liaising with the social worker and contributing to children's services planning and review processes
- involving the social worker in the sentence planning process and making sure the plans are compatible
- ensuring that release plans and intervention include the role of the social worker, and reflect their assessment of the child's abilities and need
- maintaining contact with the social worker after the child is released.

***Link worker within custodial establishment***

If you are the link worker for a looked after child/ care leaver you are responsible for:

- eliciting relevant information about the child's needs, circumstances and plans from the social worker
- advising the social worker on how the regime works
- informing the social worker of relevant events concerning the child within the establishment
- attending children's services planning and review meetings, if the child consents, or receiving relevant information from the meetings
- acting as a link between the sentence planning process and the children's services planning process
- establishing that the child is receiving the planned services within the establishment
- providing opportunities for the child to talk to you about any problems they are experiencing whilst in custody.

### ***Managers within children's services***

You are responsible for supporting looked after children and care leavers at risk of custody by:

- establishing high quality appropriate adult arrangements for looked after children and care leavers
- providing suitable placements and packages of support that will provide a credible alternative to custody.

In relation to individual children who enter custody, you are responsible for:

- creating an ethos of proactive 'corporate parenting' for looked after children and care leavers who enter custody and for providing the necessary resources to make this a reality
- ensuring that the establishment receives relevant information to enable them to safeguard the child and promote their welfare
- ensuring that the child is visited by a social worker within one week, that an assessment of needs is undertaken and a suitable plan made
- approving, in conjunction with an IRO, the plans for children who have lost their status as looked after children and for ensuring that the case is only closed if and when you are satisfied that the child is not in need
- providing services to address identified needs in custody and on release.

### ***Independent reviewing officers***

You are generally responsible for the quality of care-planning and pathway planning for looked after children and care leavers in relation to offending behaviour by:

- making sure that children's care/pathway plans includes measures to prevent them from offending
- reporting any deficiencies in the service or trends in relation to offending behaviour to managers and monitoring the response.

In relation to individual looked after children and care leavers who enter custody, you are responsible for:

- making sure that each child has a plan that reflects their particular needs within a custodial setting
- establishing a timescale for their care/pathway plan to be reviewed according to the child's needs and circumstances, and not less than the statutory minimum
- monitoring the implementation of plans and the effectiveness of services provided
- ensuring that review arrangements are satisfactory and that children and parents/carers are able to contribute their views in spite of the setting
- making sure that plans/reviews are linked to sentence plans.

## Exercises

The following exercises can be used in a variety of ways: by individuals working alone, in team meetings or within training events. They are particularly useful for facilitating discussion within multi-agency groups and enabling the respective roles and responsibilities of different practitioners to be explored.

### ***Exercise 1: Test your knowledge of care status***

This exercise is designed to provide information about:

- the way different types of looked after status are affected by entering custody
- the ways in which children become entitled to services as care-leavers
- the changes in status that may occur during their time in custody and on release.

#### **Method**

If the exercise is used in a group setting, divide participants into pairs or groups of 3 – 4. Where possible, there should be a range of knowledge and role within each pair/group. Give each person a copy of the exercise and ask them to discuss the scenarios and try to agree an answer.

Allow 10 – 15 minutes.

Reconvene into a large group and invite each group to say what they think the answer is. Check this with other groups and allow them to score 1 for a correct answer to each part of the question (current care status, status on release and exact description of care category). The maximum score is therefore 12.

Invite the group to ask questions and share experiences about the complexities of the care status of children they have worked with.

Distribute copies of the Answer Sheet (page 44) and the Briefing on Understanding Care Status (page 20)

### Test your knowledge of care status

Consider the following scenarios of children in prison and try to agree on the child's care status. Tick the correct answers. If possible, describe the child's status in more detail, for example 'relevant care leaver'.

**Steve** – Steve is 16 and subject to a care order. He is serving a DTO and is due to be released just after his 18<sup>th</sup> birthday.

	Yes	No	Maybe ...
Is Steve currently a looked after child?			
Is he eligible for support as a care leaver?			
Comments/specific legal status			

**Elijah** – Elijah is 17. He was accommodated as an unaccompanied asylum seeker from the age of 12 and lived with foster carers until leaving care and moving to a hostel when he was 16. He will be released when aged 17½.

	Yes	No	Maybe ...
Is Elijah currently a looked after child?			
Is he eligible for support as a care leaver?			
Comments/specific legal status			

**Chris** – Chris was unknown to SSD until he was 15. As a result of his offending behaviour, he was remanded into local authority accommodation. After 15 weeks he was given a short custodial sentence. He will be 16 in a couple of weeks and 17 when he is released.

	Yes	No	Maybe ...
Is Chris currently a looked after child?			
Is he eligible for support as a care leaver?			
Comments/specific legal status			

**Julie** – Julie is 15½. She has been looked after on and off by agreement with her parents since she was 7. She has a pattern of running away from placements and was staying with her aunt when she was sentenced to a DTO a few weeks ago – she is due for release at 16.

	Yes	No	Maybe ...
Is Julie currently a looked after child?			
Is she eligible for support as a care leaver?			
Comments/specific legal status			

**Exercise 2: Working together: a case study**

This exercise could also be used within teams or training events but will be most effective where participants come from different agencies.

The exercise is designed to:

- establish a shared understanding about the needs of young offenders in custody who are also children 'in need'
- facilitate discussion about the factors and services that will improve outcomes after release into the community
- draw out perceptions about the roles and responsibilities of key practitioners
- begin the process of clarifying roles and responsibilities to achieve a more holistic service for children.

**Method**

Divide participants into small groups, either mixing practitioners from different agencies or working within single agency groups. Give each group a copy of the exercise and ask them to discuss the first part of the task regarding the factors that will contribute to a good outcome for Jamie. Ask them to try to reach a consensus, but to note any areas of disagreement. They should record their conclusions on flipchart paper. Allow 15 minutes for the task.

Reconvene into the large group and take feedback.

Return participants to their small groups to complete the second part of the task regarding the respective roles and responsibilities of the key practitioners. Again ask them to attempt to reach a consensus but to note any disagreements. Allow 20 minutes.

Debrief the responses within the large group and facilitate a general discussion about best practice, and the barriers/solutions to this.

Distribute the Model of Effective Practice (page 19) and any Briefings relevant to participants

**Facilitators Note**

It is particularly important to enable different practitioners to work effectively together. Roles and responsibilities should be clarified, and any myths/tensions explored.

There are no 'right' or 'wrong' answers but key points to cover in the discussion include:

- Jamie is not technically looked after whilst in custody but is entitled to services as a care-leaver (he was look after for more than 13 weeks after his 14<sup>th</sup> birthday and was still looked after or in custody on reaching the age of 16). He may also need to be looked after again on release. The Local Authority who cared for him are responsible for providing him with a Pathway Plan setting out the support he will receive to support him into independence. They are also required to provide him with financial support and accommodation until he is 18.

- In order to achieve a good outcome on release, Jamie will benefit from the provision of suitable/supportive accommodation, which is arranged as soon as possible *before* release.
- He will also need to be in suitable education or employment, again secured *before* release.
- He will need to have enough money to live on and to have the first payment available immediately on his release.
- He will need clear and achievable reporting requirements that are coordinated between his social worker and YOT worker.
- Perhaps most importantly, he will need a network of supportive relationships that will help him with his emotional, behavioural and family difficulties.
- The primary role of the social worker will be to promote Jamie's welfare. This will include all aspects of his needs from the provision of practical services such as accommodation and financial support, health services and access to education or employment. It will also include supporting him in meeting other needs such as identity, emotional well-being and self care skills. The social worker should visit Jamie in custody and liaise with the YOT worker and key staff within the YOI.
- The primary role of the YOT worker is to reduce Jamie's offending. This will include an assessment of the factors that have contributed to his offending in the past and planning interventions to address these. Interventions may include planned programmes of activity or cognitive behaviour courses. It must be recognised that there is a considerable overlap between 'welfare' and 'offending' needs. The YOT worker therefore has a role in ensuring that other services are in place to help and support Jamie and will need to have regular contact with Jamie's social worker so that plans are coordinated. The YOT are also responsible for the Sentence Plan, which will be in operation whilst Jamie is in custody and on release until the end of the DTO.
- The case-worker within the YOI will be responsible for organising sentence planning meetings and for regular liaison between the YOI and the YOT. They will also be responsible for ensuring that any problems facing Jamie whilst in custody are addressed, and the relevant people notified.

## **Working together: a case study**

### **Jamie**

*Jamie (16) has been looked after by agreement since he was 14. His mum had problems of her own and felt unable to cope with his challenging behaviour. Since coming into care, Jamie has been placed in several children's homes. His offending behaviour escalated and he is now serving a DTO for street robbery. The children's services authority say that Jamie is no longer looked after and it is unclear what support they intend to offer him. Jamie's YOT worker is very worried about what will happen to Jamie when he leaves prison but is clear that the YOT cannot provide accommodation. Meanwhile, Jamie seems very low and has asked the caseworker in the prison to talk to his mum and see if she will have him back home when he is released.*

### **Task**

What are the three most important factors in achieving a good outcome for Jamie on release?

1 .....

2 .....

3 .....

What do you think are the respective roles and responsibilities of the:

- children's services social worker?
- YOT worker?
- prison caseworker?

**Answers: Test your knowledge of care status**

**Steve** – Steve is 16 and subject to a care order. He is serving a DTO and is due to be released just after his 18<sup>th</sup> birthday.

	Status now	Status on release
Looked after child	√	
<b>Not</b> a looked after child		√
Eligible care leaver	√	
Relevant care leaver		
Former relevant care leaver		√
Qualifying child		

The fact that Steve is subject to a care order under the Children Act 1989 means that he remains a looked after child while he is in prison. He is also an 'eligible' child under the Children (Leaving Care) Act 2000. Once he reaches the age of 18 his care order will lapse and he will become a former relevant care leaver entitled to support until the age of 21 (or 24 if still in education or training). He is entitled to care/pathway planning whilst in prison.

**Elijah** – Elijah is 17. He was accommodated as an unaccompanied asylum seeker from the age of 12 and lived with foster carers until leaving care and moving to a hostel when he was 16. He will be released when aged 17½.

	Status now	Status on release
Looked after child		
<b>Not</b> a looked after child	√	√
Eligible care leaver		
Relevant care leaver	√	√
Former relevant care leaver		
Qualifying child		

Elijah was looked after under s20 of the Children Act because there was no one else in this country to care for him. This means that he loses his looked after status on entering prison. Because he has been looked after for more than 13 weeks since his 14<sup>th</sup> birthday and was still looked after on reaching the age of 16, he is a relevant care leaver. This entitles him to pathway planning and support while he is in prison and on release until the age of 21 (or 24).

**Chris** – Chris was unknown to SSD until he was 15. As a result of his offending behaviour he was remanded into local authority accommodation. After 15 weeks he was given a short custodial sentence. He will be 16 in a couple of weeks and 17 when he is released.

	Status now	Status on release
Looked after child		
<b>Not</b> a looked after child	√	√
Eligible care leaver		
Relevant care leaver		√
Former relevant care leaver		
Qualifying child		

Chris was looked after purely because of his remand to local authority accommodation under s23.1 of the Children and Young Persons Act 1969. He therefore lost his care status on being sentenced and is not currently entitled to

any automatic support. However, because he was looked after for more than 13 weeks after his 14<sup>th</sup> birthday and will reach the age of 16 whilst in custody, he will then become a relevant care leaver. This will entitle him to pathway planning and support during the remainder of his sentence and on release until the age of 21 (or 24).

**Julie** – Julie is 15½. She has been looked after on and off by agreement with her parents since she was 7. She has a pattern of running away from placements and was staying with her aunt when she was sentenced to a DTO a few weeks ago – she is due for release at 16.

	Status now	Status on release
Looked after child		
<b>Not</b> a looked after child	√	
Eligible care leaver		
Relevant care leaver		??
Former relevant care leaver		
Qualifying child		??

Julie is clearly not looked after now because she has only ever been in s20 care, and this status is lost on entering prison. The question as to her care-leaving status is unclear. It will depend on whether she was deemed to have ceased to be looked after when she was sentenced. Factors to consider are: was she placed with her aunt by the children's services authority? Or was she deemed to be missing from care? If so, she can still be considered a relevant care leaver. On the other hand, if a review or other process had notified her that she was officially discharged from care, and/or she had been settled with her aunt for 6 months or more, she would only be a qualifying child.

## Practice examples

### ***Shared principles***

Camden YOT and Children in Need service have developed a statement of *Shared Principles* (below), which introduces their protocol for joint working.

- Some children and young people have complex needs and difficulties which may justify a dual response from the YOT and Children in Need services. Effective joint working enhances the quality of life chances for looked after children.
- Children and young people who offend are children at risk.
- Research indicates that looked after children are a group of children and young people who are at a higher risk of entering the criminal justice system. That is not to say that all looked after children offend and re-offend, as many do not.
- Because of over-representation of black and minority ethnic groups within the criminal justice system and amongst Children in Need, there is a requirement to raise awareness around issues of race, culture and religion and identify good practice in service delivery.
- Assessments and interventions need to be holistic and multi-disciplinary. Labels are to be attached to the behaviour not the child or young person.

From: *Camden Youth Offending Team and Children in Need.*

### ***Sharing information***

Hillingdon YOT and Children's Services have a clear protocol on sharing information.

- In all cases referred to the YOT, the admin team will undertake the appropriate background checks to clarify the involvement of other agencies. Equally, it is important that social services officers make similar enquiries of the YOT when working with a new case.
- Where a case is allocated in both teams, the officers should exchange appropriate information directly regarding any developments from their particular professional perspectives.
- When a child is placed outside the borough, such information rarely reaches the YOT but it is reported to the allocated social worker by the Unit or foster carer. In such cases, the allocated worker will notify the YOT of any contact the child has had with the youth justice system so that YOT records can be updated.
- Where a looked after child ceases to be a client of the YOT, a copy of the closing summary and final ASSET assessment form should be forwarded to the childcare social worker.

From: *Protocol for the working relationship between the YOT and the Social Services Department (Children and Families Division). Hillingdon.*

### ***Specialist posts***

Some YOTs and children's services have created specialist posts; or have designated existing staff to take lead responsibility for looked after children who offend.

Westminster YOT have appointed a social worker with a childcare background to act as a resource for colleagues when responding to looked after children. The postholder has established liaison meetings with the looked after and leaving care teams and provides regular training. She is the allocated YOT worker for a number of looked after children and works in close partnership with their social worker, arranging three-way appointments with the child.

### ***Joint working arrangements between YOTs and children's services***

Some authorities have formalised the expectations of YOT workers and social workers working together within joint protocols, as in the following example.

Although the nature and level of services from the YOT and Children in Need (CIN) teams may vary, the CIN worker is always the key worker for all looked after children and all childcare or placement planning.

a) Children/young people who are both a looked after child **and** entitled to a statutory YOT service within the criminal justice system, will be allocated a YOT worker and allocated a CIN worker who will liaise closely and work together.

b) The relevant CIN worker must be notified of remands to local authority accommodation within 5 working days. Should the young person remain in foster care or an open residential unit, case responsibility will transfer to the relevant CIN within 6 weeks of the initial placement.

- The YOT will focus on offence-based issues. CIN will focus on welfare issues. Funding needs to be negotiated in advance at a planning meeting, as YOT do not have Section 17 [a budget for children in need] or an accommodation budget.
- YOT or CIN caseworkers will make contact with each other within 5 working days of a newly allocated case.
- YOT and CIN caseworkers will arrange a multi-agency meeting within 10 working days, in order to agree roles, responsibilities, joint working and liaison arrangements.
- YOT and CIN caseworkers will share records, minutes, reports and invite colleagues to meetings and childcare reviews.
- There must be joint consultation on care plans, pre-sentence reports and placement planning in relation to CIN.
- Team managers and senior practitioners will liaise closely and consult on joint cases including allocations, care planning, reviews and key management decisions.
- No case will be closed by either team without consultation between the team managers of each service. Where there is disagreement concerning case closure or any other key case decision, YOT and CIN principal officers will be advised of this immediately and will liaise as appropriate.

From: *Camden Youth Offending Team and Children in Need*

### ***Casework within YOIs***

Each YOI has a team whose purpose is to coordinate sentence planning arrangements and to liaise with external agencies. The scope of these teams varies but some work on a casework model, as shown in the example below.

The casework team within Huntercombe YOI have interpreted their role widely. Each child has an allocated caseworker and a recording format has been developed to capture information about key events concerning the child and conversations with external agencies. The team have familiarised themselves with the 'looking after children' materials and facilitate Looking after Children reviews within the establishment. The team have also set up a system of shift working so that each child is seen by a member of the team on arrival. External agencies can alert the caseworker to any areas of particular vulnerability, including the circumstances of looked after children, that the establishment needs to know.

### ***Throughcare and resettlement***

If children are to achieve successful outcomes, planning should be a seamless process.

West Berkshire YOT have established a multi-agency approach to the throughcare and resettlement needs of young people in custody, in partnership with Connexions, education, CAMHS, housing and children's services. They have a written policy which starts before sentence – ensuring that children are adequately prepared for the possibility of custody – and ends at the completion of post-release supervision. It clarifies the part that all agencies will be involved in, including the expectation that social workers for looked after children and for care leavers will be invited to attend all meetings.

From: *West Berkshire YOT Throughcare and Resettlement Policy and Procedures.*

### ***Support from children's services authorities***

Some children's services authorities have recognised the particular needs of looked after children – or more usually care leavers – in prison and have adapted their service accordingly.

Norfolk Children's Services Authority are developing practice standards for working with children and young people serving custodial sentences. These include expectations about maintaining contact, ongoing planning and challenging the system if concerns arise. They have also made a commitment to continue funding for placements wherever possible so that the young people have a settled base and can return to familiar surroundings on release.

Other authorities have considered the financial needs of eligible and relevant care leavers in prison, who would normally be receiving weekly maintenance payments from the authority. Plymouth leaving care service developed the following protocol for such children.

A young person (aged 16–18) who is held on remand or is sentenced to detention in YOI will receive an allowance of £12.50 per week. They will retain their entitlement to birthday and festival allowances. These allowances will be retained until their release.

Sandwell have adapted their service as follows.

Sandwell leaving care team have agreed with young people in prison that they will save their weekly allowance for them on condition they engage in something useful, such as education or training whilst in custody. They will also consider making one-off payments to meet specific needs within the establishment.

## References & further reading

- Children's Rights Alliance for England (2002) *Rethinking Child Imprisonment: A report on young offender institutions*. London: Children's Rights Alliance for England.
- Commission for Social Care Inspection (2005) *Safeguarding Children: The second joint chief inspectors' report on arrangements to safeguard children*. Newcastle: Commission for Social Care Inspection.
- Department of Health (2002) *Safeguarding Children: A joint chief inspectors' report on arrangements to safeguard children*. London: Department of Health.
- Department for Education and Skills (2000–2005) *Integrated Children's System: Briefing Papers*. [www.dfes.gov.uk/integratedchildrenssystem](http://www.dfes.gov.uk/integratedchildrenssystem)
- Department for Education and Skills (2004a) *Safeguarding and Promoting the Welfare of Children and Young People in Custody, LAC(2004)26*. [www.dfes.gov.uk](http://www.dfes.gov.uk)
- Department for Education and Skills (2004b) *National Protocol: Inter-authority arrangements for care leavers*. Local Authority Social Services Letter (2004)20.
- Goldson, B (2002) *Vulnerable Inside: Children in secure and penal settings*. London: The Children's Society.
- HM Treasury (2003) *Every Child Matters*. Norwich: The Stationery Office.
- Holmes, C and Gibbs, K (2004) 'In Safe Hands', *Community Care*, 18–24 March, 35–36.
- Home Office (2004) *Every Child Matters: Change for children in the criminal justice system*. Nottingham: DfES Publications.
- NACRO (2005) *A Handbook on Reducing Offending by Looked After Children*.
- NACRO (2001) *A brief outline of the youth justice system in England and Wales as at December 2001*. Youth Crime Briefing, December 2001 [www.nacro.org.uk/data/resources/nacro-2004120258.pdf](http://www.nacro.org.uk/data/resources/nacro-2004120258.pdf) (accessed 9 December 2005)
- Voice for the Child in Care (2004) *Locked up, looked after?* London: Voice for the Child in Care.
- Youth Justice Board (2001) *T1: A Proposals for DTO Training Plan*. London: YJB.

## Further information

For information on the DfES approach to looked after children and care leavers

*Quality Protects Research Briefings. Research in Practice.*  
[www.rip.org.uk](http://www.rip.org.uk)

For information on the Youth Justice Board approach to practice with young offenders:

*Key Elements of Effective Practice*  
[www.youth-justice-board.gov.uk/PractitionersPortal](http://www.youth-justice-board.gov.uk/PractitionersPortal).

For feedback from children and young people:

Growney, T (ed) (1998) *Shout to be Heard*. London: Voice for the Child in Care.

Shaw, C (1998) *Remember My Messages: The experiences and views of 2000 children in public care in the UK*. London: Who Cares? Trust.

Lyon, J, Dennison, C, and Wilson, A (2000) *Tell Them So They Listen: Messages from young people in custody*. Home Office.

Wilson, D, and Moore, S (2003) *Playing the Game: The experiences of young black men in custody*. London: The Children's Society.

## Appendix 1 – Custody information record

## CUSTODY INFORMATION RECORD

A Custody Information Record should be completed for all looked after children and care leavers who are remanded or sentenced to a Young Offender Institution or Secure Training Centre.

**This form contains confidential information that should only be shared in accordance with the Data Protection Act 1998.**

<b>YOUNG PERSON'S DETAILS</b>					
Family name _____ Given names _____					
Date of birth _____ Gender: Male <input type="checkbox"/> Female <input type="checkbox"/>					
Young person's first language or preferred means of communication: _____					
Is an interpreter/signer required? Yes <input type="checkbox"/> No <input type="checkbox"/>					
Placement address prior to custody: _____ _____					
<b>Postcode</b> _____ <b>Tel.</b> _____					
Placement type					
1.	Placement with parent(s)	<input type="checkbox"/>	7.	Specialist residential placement (therapeutic)	<input type="checkbox"/>
2.	Placement with relatives/friends	<input type="checkbox"/>	8.	Specialist residential placement (residential school)	<input type="checkbox"/>
3.	Foster placement with relatives/friends	<input type="checkbox"/>	9.	Specialist residential placement (health, including CAMHS)	<input type="checkbox"/>
4.	Foster placement	<input type="checkbox"/>	10.	Secure accommodation	<input type="checkbox"/>
5.	Placement with adopters	<input type="checkbox"/>	11.	Supported lodgings	<input type="checkbox"/>
6.	Residential placement (children's home)	<input type="checkbox"/>	12.	Other, please specify: _____	<input type="checkbox"/>
Is this placement still open? Yes <input type="checkbox"/> No <input type="checkbox"/>					

<b>YOUNG PERSON'S ETHNICITY</b>
<b>Insert ethnicity codes</b>
Child/young person's ethnicity _____
Child/young person's religion _____
Child/young person's nationality (if not British) _____

<b>YOUNG PERSON'S CARE STATUS</b>
<i>This refers to care status immediately prior to remand/sentence</i>
Care Order (Note: Still a 'looked after child' whilst in custody) <input type="checkbox"/>
Accommodated (Note: Not a 'looked after child' whilst in custody) <input type="checkbox"/>

**CARE-LEAVING STATUS**

Currently entitled to services as a care leaver Yes  No   
 Entitled to services as a care leaver on release Yes  No

**SAFETY**

Is there any essential information required immediately by the establishment in order to keep the young person safe? Yes  No   
 Or to safeguard others? Yes  No

*Specify or indicate where additional information can be obtained.*

**PEOPLE WITH PARENTAL RESPONSIBILITY**

	Name	Relationship to young person	Contact details
Parents			
Others			

**RESPONSIBLE CHILDREN'S SERVICES AUTHORITY**

Responsible children's services Authority \_\_\_\_\_ Case no \_\_\_\_\_

Team \_\_\_\_\_

Name and address of the social worker \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_ Tel. \_\_\_\_\_

Email address \_\_\_\_\_

When will the first visit take place? (NB should be within 1 week) \_\_\_\_\_

Frequency of subsequent visits \_\_\_\_\_

Dates of planned LAC/Pathway review meeting: \_\_\_\_\_

If not arranged, what is the timescale for arranging this? \_\_\_\_\_

Name of team manager \_\_\_\_\_

Tel. \_\_\_\_\_

**OUT OF HOURS CONTACT**

Name (please print) \_\_\_\_\_

Tel. \_\_\_\_\_

**OTHER KEY AGENCIES**

G.P. Name \_\_\_\_\_

G.P. Address \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_ Tel. \_\_\_\_\_

Other Agencies (*please specify*):

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_ Tel. \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_ Tel. \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_ Tel. \_\_\_\_\_

**DETAILS OF CUSTODIAL PLACEMENT**

Is the young person: Remanded  Sentenced

Date entered custody \_\_\_\_\_ Release date (if known) \_\_\_\_\_

Address of custodial establishment \_\_\_\_\_

Postcode \_\_\_\_\_ Tel. \_\_\_\_\_

Wing/Unit \_\_\_\_\_

Is there anyone to whom the young person's address should not be given? Yes  No

If **yes**, please provide details \_\_\_\_\_

Name \_\_\_\_\_

Address: (*if known*) \_\_\_\_\_

Relationship to child: (*if known*) \_\_\_\_\_

**DETAILS OF KEY CONTACTS WITHIN CUSTODIAL ESTABLISHMENT**

Name of personal officer \_\_\_\_\_ Tel. \_\_\_\_\_

Name of case-worker/resettlement worker \_\_\_\_\_ Tel. \_\_\_\_\_

Name of social worker within YOI \_\_\_\_\_ Tel. \_\_\_\_\_

## ESSENTIAL INFORMATION ABOUT THE YOUNG PERSON

### EMOTIONAL and BEHAVIOURAL DEVELOPMENT

Does the young person display any behaviour patterns including abusive incidents to self or others that have been of concern to current or previous carers? Yes  No

If **yes**, please explain why:

*This could include aggression, anxiety/ withdrawal, self-harm, inappropriate sexual behaviour, offending, substance misuse, lack of awareness of personal safety.*

How are these behaviours managed?

Has/Is the young person receiving support to deal with these issues?

Are there additional resources required or available to assist the establishment in meeting the needs of the young person?

Is there further information about the young person's behaviour that the establishment needs to know at this time? *It is important that establishments are provided with information about positive aspects of a young person's behaviour and development and how to reward positive behaviour.*

### HEALTH

Has the young person had a health assessment within the last year? Yes  No

Does the young person have a Health Care Plan? Yes  No

If so, has a copy been made available to health care staff within the establishment (with the young person's consent)? Yes  No

Will the establishment be responsible for keeping the record up to date? Yes  No

Is the young person disabled? Yes  No

If **yes**, please give details of all disabilities.

Is the young person using any medication? Yes  No

**Medication:**                      **Purpose:**                      **Form e.g. cream, tablet:**

**Dose:**                                  **How given:**                      **When given:**

Does the young person have any outstanding medical or dental appointments? Yes  No

**Purpose:**

**Name, designation and contact details of health professional concerned:**

Is the child/young person known to suffer from any allergies? Yes  No

*Please specify:*

If so, how are these managed e.g. does the child/young person require an epipen? *An epipen may be prescribed if a child/young person suffers from extreme allergic reactions e.g. nuts, bee stings.*

*Please specify:*

Does the young person have any other medical condition(s) which require monitoring?

*Please specify:*

Does the young person use any special equipment? E.g. hearing aid, special footwear.

*Please specify:*

If necessary, have arrangements been made for the establishment to receive any **essential** equipment required by the young person? Yes  No

Does the young person have specific dietary needs or restrictions for health reasons or through their own choice, i.e. young person might choose to be vegetarian? Yes  No

*Please specify:*

## EDUCATION

Details of school/college or other educational provision attended by young person before they entered custody

**Name:**

**Address:**

**Postcode:**                      **Telephone:**

Key contact i.e. Head Teacher, Form Tutor:

If the young person is not in education or training, what were the plans to meet their educational needs?

Does the child/young person have a Personal Education Plan? Yes  No

Tick box if completed and attached

If not, when will information be provided:  /  /

Who will liaise with the education and training staff within the custodial establishment?

Name:                                      Position:                                      Tel.                                      email:

**FAMILY and SOCIAL RELATIONSHIPS**

What are the arrangements for contact between the young person and family/friends? All members of the child/young person's family and other significant people for the child/young person must be listed, even where contact arrangements are not yet in place. Brothers and sisters should include half- and step-siblings. Other significant people can include extended family members, friends and previous carer(s).

**Person:**

**Frequency:**

**Type:** *face to face, telephone, letterbox*

**Arrangements:**

Is there anyone with whom contact with the young person is restricted or forbidden?

Name:

Relationship:

Address:

**Postcode:**

**Telephone:**

Has a court made any order or recommendation restricting contact? Yes  No

If **yes**, please give details and indicate whether the establishment has a copy of any order:

**IDENTITY**

Does the young person want anyone else to know where they are, in addition to those listed above? If so, please give details and indicate who will contact him or her:

Name:

Relationship:

Address:

**Postcode:**

**Telephone:**

To be contacted by:

Does the young person regularly attend a place of worship? Yes  No

Give brief details of any religious practices to be observed, including any specific dietary needs for religious reasons?

Is there any other information in relation to the child/young person's religious, cultural or linguistic needs that it would be helpful for the establishment(s) to know?

Will any additional services be provided to support the establishment to meet the young person's religious or cultural needs?

**SELF-CARE SKILLS and SOCIAL PRESENTATION**

Please list the young person's hobbies, special interests and leisure activities.

Has the young person been receiving support with self-care skills and social presentation?

*Please specify:*

**OTHER**

Is there any other information that would assist the establishment in safeguarding or promoting the young person's welfare?

**Have all sections of the Custody Information Record been completed at the time the child/young person was placed in the establishment?**

Yes  No

If no, when will it been completed? .....

**Signed by team manager**

Name (*please print*):

Signature:

**Date Record completed:**

**Date copied to all parties:**

**Signed by team manager**

Name (*please print*):

Signature:

Date:

## Appendix 2 – Interim custody plan

## LOOKED AFTER CHILDREN AND CARE LEAVERS: INTERIM CUSTODY PLAN

An Interim Custody plan must be completed for each looked after child or care leaver who is remanded or sentenced to custody whatever the young person's care status (see explanatory note below). All young people in these circumstances are entitled to an assessment of their needs by the children's services Authority that was caring for them prior to custody. An initial visit should take place within a week of remand/sentence. The Interim Custody Plan will feed into the existing care planning and pathway planning process or, for children who are no longer looked after nor entitled to leaving care services, it will feed into the child in need planning process.

Young people should be actively involved in the assessment and planning processes. Key elements of the assessment and plan should be communicated to a Link Worker within the custodial establishment. This could be the YOI social worker or allocated caseworker, or could be someone chosen by the young person.

If the young person had a pathway plan prior to entering the custodial establishment, has a copy been provided for the establishment? Yes  No

### Part One – Assessment

Given names		Family name	
Gender:	Male <input type="checkbox"/>	Female <input type="checkbox"/>	Date of birth <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Address of establishment			
Postcode		Telephone	
Name of link worker within establishment			
Telephone			
Name of young person's social worker			
Office address of young person's social worker			
Postcode		Telephone	
Name of young person's personal advisor			
Office address of young person's personal advisor			
Postcode		Telephone	
Date Needs Assessment commenced		Date assessment completed	
Date Interim Custody Plan completed		Date Care/Pathway/CIN Plan will be reviewed	
Children's Services Authority case number			

#### Explanatory note re Care Status of looked after children/care leavers entering custody

Young people subject to care orders (s31) remain looked after whilst in custody; but those who were accommodated (s20) or remanded to local authority accommodation prior to sentencing lose their looked after status during this time.

Some children will have acquired leaving care rights prior to custody and others may acquire these rights whilst in custody. This applies to children of 16 and above who have been 'looked after' for 13 weeks from their 14<sup>th</sup> birthday and are:

- still 'looked after' (*'eligible children'*)
- were 'looked after' but left care aged 16 or 17 (*'relevant children'*) OR were looked after immediately prior to detention in a custodial setting on attaining the age of 16.

Those involved in assessment	Yes	No	If any of those listed have not been consulted please give reason(s) why
Young person			
Mother			
Father			
Other family member(s)			
Previous carers			
Link worker in establishment			
Independent visitor/mentor			
YOT worker			

### The purpose of the plan

The Interim Custody Plan is intended to ensure that plans are adapted to meet the particular needs of looked after children and care leavers entering custody. It builds on, but does not replace, previous plans and assessments. This planning document is in two parts:

- Part one records a summary of the assessment of the young person's needs and abilities
- Part two sets out the Interim Custody Plan for the young person based on this assessment.

The assessment should begin within one week of the young person entering custody. Young people must be actively involved in the assessment process. Assessments must take account of any needs that result from the young person's ethnicity, language, religion, culture, sexuality or any disability or impairment.

The following should also be consulted unless there is an exceptional reason not to do so:

- the young person's parents, and/or others with parental responsibility
- other family members who are important to the young person
- anyone caring for the young person prior to custody – relatives, their foster carer or staff in residential homes
- the young person's link worker within the establishment
- Any independent visitor, mentor or Connexions personal advisor offering support to the young person
- the YOT worker.

The Interim Custody Plan should also take account of any existing assessments and plans relating to the young person. These may include the:

- Assessment and Progress Record
- Care Plan
- Custody Information Record
- Personal Health and Education Plans
- Health Action Plan
- Transition Plan
- Pathway Plan.

A copy of the Interim Custody Plan should be given to all young people as part of the assessment and planning process.

**NEEDS ASSESSMENT – HEALTH**

In completing this section it will be important to agree with the young person the information about their health that they are happy to share with others. This might include family members, health care staff within the establishment, link worker, and other professionals such as teachers.

	Yes	No	Further information
Does the young person have unmet health needs?			
Are establishment staff aware of and able to meet these health needs?			
If the young person has a disability, are they able to access any services or equipment they might need?			
Does the young person have access to advice, support and treatment with sexual difficulties, smoking or substance misuse within the establishment?			
Does the young person have access to a suitable diet and exercise?			
Has custody had an adverse impact on the young person's emotional and mental health?			
Is the young person safe within the establishment?			
Does the young person have access to appropriate emotional and mental health services within the establishment?			
<b>Unmet needs</b>			

**NEEDS ASSESSMENT – EDUCATION, TRAINING AND EMPLOYMENT**

Every young person will have a Personal Education Plan or Pathway Plan that should inform this section of the assessment.

	Yes	No	Further information
An agreed plan for education, training or employment was in place for the young person before custody			
The custodial establishment is aware of the plan and can contribute towards it whilst the young person is in custody			
The young person's school/college/employment placement will be retained whilst they are in custody			
The young person is in need of support to enable them to reach their educational potential			
Work needs to be done with the young person to increase chances of employment			
The custodial establishment is aware of the young person's need for support with education and employability and can provide it			
<b>Unmet needs</b>			

**NEEDS ASSESSMENT – IDENTITY**

Identity refers to more than the young person's culture and ethnicity. This section should provide an insight into the how the young person views him or herself.

	Yes	No	Further information
Is the custodial establishment able to communicate with the young person in their first language?			
If not, what other arrangements have been made to communicate with the young person?			
The young person relates well to his/her ethnic and cultural background			
The custodial establishment is able to respect and respond to the young person's ethnic and cultural identity			
The young person is aware of their religious heritage, for example observance of festivals and holidays			
The custodial establishment has facilities for the young person to pursue their religion			
Has the young person's sense of identity been affected by their entering custody?			
<b>Unmet needs</b>			



**NEEDS ASSESSMENT – EMOTIONAL AND BEHAVIOURAL DEVELOPMENT**

It will be important that the Interim Custody Plan is informed by information from any professionals working with the young person. However, the information to be shared in this assessment should be discussed with the young person and professional(s) concerned.

	Yes	No	Further information
The young person has good relationships with practitioners/teachers/employers/carers in the community			
The young person has good relationships with adults within the custodial establishment			
There have been no concerns about the young person's relationships with peers in the community			
There are no concerns about the young person's relationships with peers within the establishment			
The young person deals with frustration and anxieties with the support available to them			
The young person is managing to adapt to the custodial regime			
The reasons for the young person's offending behaviour are being tackled whilst in custody			
The young person understands why they are in custody and is able to manage their feelings about it			
<b>Unmet needs</b>			

**NEEDS ASSESSMENT – SELF-CARE SKILLS AND SOCIAL PRESENTATION**

Self-care skills cover a range of practical and social skills including finance.

Accommodation is covered in the section of the needs assessment that covers Family and Environmental Factors.

<b>Skills</b>	<b>Yes</b>	<b>No</b>	<b>Further information</b>
Is the young person able to achieve the following within the establishment:			
• manage their money			
• choose a healthy diet			
• look after their clothes and belongings			
• keep their cell/room clean			
• manage personal hygiene			
• maintain a healthy lifestyle, including sexual health			
• access rights/representation services, for example, advocates, complaints procedures			
• make use of services available within the establishment, e.g. mentoring			
• establish friendships and participate in social activities			
• keep themselves safe?			
<b>Unmet needs</b>			

**SELF-CARE SKILLS – FINANCE**

**What was the young person's level of financial independence before custody?**

Managed all of own finances       Managed most of own finances

Managed some of own finances       Did not yet manage finances

<b>Income</b>	<b>Amount</b>	<b>Details</b> Including what will happen to any unpaid allowances
What money will be available to the young person whilst in custody?		
• Earnings from employment		
• Money from family		
• Pocket money from establishment		
• Pocket money from children's services		
• Clothing allowance		
• Leaving care allowance		
• Birthday allowance		
• Christmas allowance		
• Savings/outstanding allowances		
• Other		

<b>Expenditure</b>	<b>Amount</b>	<b>How will this be funded?</b> What is the young person expected to pay for and what will the children's services authority provide?
What will the young person need to buy whilst in custody?		
• Toiletries		
• Snacks and drinks		
• Clothing		
• Phonecard		
• Books/magazines		
• CD player		
• Gameboy		
• Greeting cards/presents		
• Hobbies/leisure		
• Outstanding debts/fines		
• Other		

*What are the arrangements to provide the young person with financial support whilst in custody? If the young person is not 'looked after' whilst in custody, who is responsible for financial assistance?*

**NEEDS ASSESSMENT – SUPPORT**

This section should assess the support provided to the young person by their birth family, previous carers, children’s services authority, custodial establishment and YOT.

Further information

**NEEDS ASSESSMENT – FAMILY AND ENVIRONMENTAL FACTORS**

This section should contain an assessment of the impact on the young person, and those providing him/her with support, of wider family and environmental factors. Include information about the attitude of the family and community to the young person’s imprisonment.

Further information

**NEEDS ASSESSMENT – CRIMINAL MATTERS**

This section should contain an assessment of the impact on the young person, and those providing him/her with support, of any unresolved criminal matters, e.g. bail applications, appeals against sentence, outstanding charges, requirements of sentence such as tagging.

Further information

**FAMILY AND ENVIRONMENTAL FACTORS – ACCOMMODATION**

Where was the young person living prior to entering custody?  
*Including, type of accommodation*

If the young person is a parent, what is the impact of parenthood on their accommodation needs?

	Yes	No	Further information
The young person's belongings are secure and insured whilst they are in custody			
The young person's previous accommodation is still available to them on release and is suitable			
<ul style="list-style-type: none"> <li>If 'yes', the necessary action has been taken to secure and maintain this accommodation</li> </ul>			If not, why not?
<ul style="list-style-type: none"> <li>If 'no', what is the young person's preference for type and location of accommodation on their release?</li> </ul>			
Will the young person be able to manage in the type of accommodation they are requesting?			
If not, what supports are needed to enable them to manage?			
Is the lack of suitable accommodation preventing the young person being granted bail/early release?			
Have steps been taken to make sure suitable accommodation is available in advance of the expected release date?			
Have the young person's release conditions been taken into account when deciding accommodation needs?			
Have the causes of the young person's offending behaviour been taken into account when deciding accommodation needs?			
<b>Unmet needs</b>			

## Analysis

The analysis should list the factors that are having an impact on different aspects of the young person's development, particularly those arising from their being in custody, and explore the relationship between them. This process of analysing the information available should result in a clear understanding of the young person's needs, and what types of service provision would best address these needs both during their time in custody and on release.

## Part Two – The Plan

### Guidance

Need	Information for inclusion in Custody Plan
<b>Health and Development</b>	Information about support necessary to lead a healthy lifestyle, e.g. dietary needs
	Details of any specialist treatment required and how the young person will obtain this whilst in custody
	Any issues that impact on the young person's safety
	Emotional and mental health needs, with details of services necessary to meet these
<b>Education/Training/ Employment</b>	Education or training objectives and how custodial establishment will assist with these
	Details of any information/support necessary
	Information about the young person's individual goals and ambitions for work on release
	Plans for arranging education, training and employment on release
<b>Emotional and Behavioural Development</b>	Young person's ability to maintain positive relationships whilst in custody
	Ability to manage practical and emotional impact of custody
	Details of how causes of offending will be tackled
<b>Identity</b>	The plan should be based on a clear understanding of how the young person defines their own identity since entering custody
	It should clarify how the young person will be supported to sustain a positive image and maintain links with their heritage
<b>Family and Social Relationships</b>	Information about the practical and emotional support their family will offer the young person to maintain family and other relationships
	Details about other significant people who will support the young person during custody and on release
<b>Practical and other skills necessary for young person to manage in custody</b>	Evaluation of the young person's relevant practical, social and emotional skills
	Information about the skills that he/she may need to acquire to enhance his/her abilities to manage, both in custody and on release, and any support necessary to develop these skills
<b>Financial Arrangements</b>	Information about the financial support necessary to meet the young person's needs whilst in custody
	Arrangements for providing this support
	Information about any outstanding allowances and how these will be paid
	Details of financial support available on release
<b>Accommodation</b>	Details of the young person's accommodation needs on release based on their views and needs
	Arrangements and timing for accommodation to be secured
	If young person will be moving to another authority, arrangements for providing support
<b>Offending Behaviour</b>	Details of assistance that will be provided to support young person with any outstanding criminal proceedings or implications of their sentence

### Health and Development

Please detail the arrangements that should be put in place to meet the young person's current and predicted health needs. Please note who will be responsible for each action, when it will be carried out and how progress will be monitored.

Young person's identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: e.g. hours per week	Person/agency responsible	Date services to commence/commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

### Education/Training/Employment

Please detail the arrangements that should be put in place to meet the young person's current and predicted education/training/employment needs. Please note who will be responsible for each action, when it will be carried out and how progress will be monitored.

Young person's identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: e.g. hours per week	Person/agency responsible	Date services to commence/commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

**Emotional and Behavioural Development**

Please detail the arrangements that should be put in place to meet the young person's current and predicted emotional and behavioural needs. Please note who will be responsible for each action, when it will be carried out and how progress will be monitored.

Young person's identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: e.g. hours per week	Person/agency responsible	Date services to commence/commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

**Identity**

Please detail the arrangements that should be put in place to meet the young person's current and predicted needs relating to their identity. Please note who will be responsible for each action, when it will be carried out and how progress will be monitored.

Young person's identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: e.g. hours per week	Person/agency responsible	Date services to commence/commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

**Family and Social Relationships**

Please detail the arrangements that should be put in place to support the young person to maintain relationships with family and friends. Please note who will be responsible for each action, when it will be carried out and how progress will be monitored.

Young person's identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: e.g. hours per week	Person/agency responsible	Date services to commence/commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

**Social Presentation and Self-care Skills**

Please detail the arrangements that should be put in place to meet the young person's current and predicted social presentation. Please note who will be responsible for each action, when it will be carried out and how progress will be monitored.

Young person's identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: e.g. hours per week	Person/agency responsible	Date services to commence/commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

**Financial**

What are the financial implications of the plan? How will the young person be supported financially?

	<b>Objectives</b>	<b>Person responsible</b>	<b>Financial arrangements/cost</b>	<b>Date from</b>	<b>Date to</b>
<p>What financial arrangements need to be put in place to support the plan?</p> <p>These should include details of payments to the young person whilst in custody and on release</p> <p>This section should also specify the arrangements if the young person is not looked after whilst in custody and/or will be moving to another local authority area on release</p>					

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

**Support** Please detail the arrangements that should be put in place to ensure that, where appropriate, the young person maintains contact with their birth family. This section of the plan should also outline how the authority, as corporate parent, will support the young person including arrangements for maintaining contact with them. Please note who will be responsible for each action, when it will be carried and out and how progress will be monitored.

Young person's identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: e.g. hours per week	Person/agency responsible	Date services to commence/commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Family and Environmental Factors** Please detail the arrangements that should be put in place to meet any needs arising from family or wider environmental factors. Please note who will be responsible for each action, when it will be carried and out and how progress will be monitored.

Family and environmental factors affecting child/young person's identified developmental needs	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: e.g. hours per week	Person/agency responsible	Date services to commence/commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

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**Self-Care Skills – Accommodation**

Please detail the arrangements that should be put in place to meet the young person’s current and predicted accommodation needs. Please note who will be responsible for each action, when it will be carried and out and how progress will be monitored.

Young person’s identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: <i>e.g. hours per week</i>	Person/agency responsible	Date services to commence/ commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

**Offending Behaviour**

Please detail the arrangements that should be put in place to meet the young person’s need for support with any outstanding criminal proceedings or requirements of their sentence. Please note who will be responsible for each action, when it will be carried and out and how progress will be monitored.

Young person’s identified developmental needs, strengths and difficulties	Actions undertaken and/or services to be provided to meet these needs	Frequency and length of service: <i>e.g. hours per week</i>	Person/agency responsible	Date services to commence/ commenced	Planned outcome: <i>progress to be achieved by next review or other specified date</i>

**Contingency Plan: What is the contingency plan if any of the above arrangements fall through or cannot be financed?**

### Young person's views

It is expected that young people will be consulted and involved in the development of their Custody Plan. This section is intended to provide young people with an opportunity to give their views on the final version. **It is important to establish whether the young person has any other worries that are not addressed.**

### Release plan

It is essential that clear arrangements are made for the young person before their release from custody.

Is the young person aware of:

Who is collecting them	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Where they will be living	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The reporting arrangements	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Sources of support – including out of hours	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The arrangements for education or employment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Arrangements for meeting continuing health needs	Yes <input type="checkbox"/>	No <input type="checkbox"/>
How and when they will receive financial support	Yes <input type="checkbox"/>	No <input type="checkbox"/>
When they will be seeing their social worker	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The roles and responsibilities of the respective practitioners	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Agreements	This Plan has been discussed and agreed with:		If not involved please explain why
	Signature	Date	
Young Person	_____	_____	
Mother	_____	_____	
Father	_____	_____	
Personal Advisor	_____	_____	
Social Worker	_____	_____	
Other	_____	_____	

Young person's care status whilst in custody: s31  Child in Need

Young person's leaving care status: Eligible  Relevant  Former relevant  Qualifying

ISBN 1-904787-67-3



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