

**CHILDREN, YOUNG PEOPLE AND EDUCATION SCRUTINY
COMMITTEE**

**REPORT OF THE DIRECTOR OF SOCIAL SERVICES, HEALTH AND
HOUSING – N. JARMAN**

6 October 2016

MATTER FOR INFORMATION

WARDS AFFECTED: ALL

**THE MANAGEMENT OF INCIDENTS AT HILLSIDE SECURE
CHILDREN'S HOME (YOUNG PEOPLE)**

Purpose of Report:

The purpose of this report is to update Members with the new process and procedures on the management of incidents within Hillside Secure Children's Home.

Background:

The Officer had previously reported to Members through a previous report in December 2015 the procedures for the management of Incidents within the Home. The report highlighted the automatic response of reporting incidents to the Police which often resulted in increasing criminalisation of young people or exposure to the Police Service. This was not always the most appropriate response or in the best interest of the child or young person.

Clarity was sort by Members in respect to the processes and how incidents were dealt with. The Members asked for further reassurances on the management of incidents within the Home.

The Officer can report that there was limited guidance in place and no joint agency policy agreement in place at the time. This was confirmed through the Officer's enquiries and subsequent investigation.

The Officer previously reported concerns of growing evidence of a developing culture within the Home in an increasing number of young people being reported to the Police. This was also being mirrored throughout residential care provisions within the community as evidenced through discussions with the Police.

Further evidence was noted by Lord Laming in his recent report, *In Care, Out of Trouble*". *We need to make every effort to avoid the unnecessary criminalisation of children in care, making sure that the criminal justice system is not used for resolving issues that would ordinarily fit under the umbrella of parenting we need to work with our partners to improve our understanding of the child in care to improve outcomes for them.*

National Police Chiefs' Council, 2015

Care needs to mean care. A child in the care of the State should be given the best possible home environment... I am sure there are individual examples of excellent care ...but overall the state is failing children who have already been failed by their families. We fail to give them good quality family care and we punish them when they misbehave... Send them out of the care system with a criminal record and their future burden on society is assured.

Retired Magistrate and School Governor 2015

The Officer concurred with the report findings in that, the main premise of the report was that "Looked After Children" remain significantly over-represented in the Criminal Justice System. This is a national problem which Central and Local Government, and local Criminal Justice Agencies, can and must do more to address.

Reductions in the rate at which children in care are criminalised will not happen by accident. The report highlighted the need for leadership nationally and locally, a commitment to good practice, effective joint working and operations and performance measurement founded on reliable data.

The report noted that there is limited guidance for the Police although the National Police Chief's Council is providing leadership. Where joint working protocols exist between local Agencies, they are not always followed.

The Officer can report to Members that Hillside had already some eight months earlier begun the process of developing a joint protocol. We had

engaged with our partner agencies to develop a local protocol which would reduce the over representation of young people within the Criminal Justice System.

The Officer had contacted Local Authorities across England and Wales to explore what procedures or protocols were in place. The principle point, was to reduce the prosecution of “Looked After” young people and considering alternative responses. This included Restorative Justice approaches, accessing the Youth Offending Service Bureau, internal resolution of matters and the development of closer ties with the Police Service. The Police Service was in full agreement of the proposal that was shared with them.

The Officer reviewed a number of protocols from Sussex and Gwent and formulated the attached (Appendix 1). This document was then used as a basis to develop a joint working agreement with South Wales Police, Western Bay Youth Offending Service in a joined up response.

Joint meetings were facilitated to review internal and external agency processes. It was clear that a jointly agreed protocol be taken forward using Appendix 1 as a point of reference. The attachments 2, 3, and 4 are the agreed processes which the Officer wishes to share with Members through this report. The protocol will be followed by all Agencies when responding to incidents involving young people within the Home.

The main principles of the protocol are as follows:

- The new plan provides a three tier response to incidents that may be identified as a criminal offence.
- When an incident occurs that could be a criminal offence, the residential children's worker is to discuss the incident with the Registered Manager or Rapid Response Team to decide which of 3 courses of action are to be undertaken.
- The parental test should be applied- The new policy and process will ensure that staff will apply the ‘reasonable parent test’ when considering Police involvement. The test will require staff to ask: ***‘If the incident happened in a supportive caring family environment would a reasonable parent involve the Police?’***

Tier of response:

- **INTERNAL**

No police response required

This response will be required if it is decided that a young person was/is misbehaving, testing boundaries, minor damage.

ACTIONS TO BE TAKEN: Staff will manage situation and decide on necessary sanctions.

Whenever possible a 24 hour “cooling off” period should be allowed before contacting police in relation to *NON-SERIOUS INCIDENTS* or *INTERNAL* incidents.

RESULT: Internal action by Hillside staff with no Police action recommended, or invitation to Police to support internal actions.

- **NON-SERIOUS INCIDENT**

No immediate police response required

This response will be required if it is decided that there is no risk of harm or further harm (to anyone), theft or damage.

ACTIONS TO BE TAKEN: Incident reported to Registered Manager and tracking log completed. Decision to be made whether to involve Police.

Staff will apply the ‘reasonable parent test’ when considering Police involvement. The test will require staff to ask: ***‘If the incident happened in a supportive caring family environment would a reasonable parent involve the Police?’***

Whenever possible a 24 hour “cooling off” period should be allowed before contacting police in relation to *NON-SERIOUS INCIDENTS* or *INTERNAL* incidents.

If Police Officer attendance is required Hillside Duty Manager to contact Neath and Port Talbot Youth Offending Officer on 01639 885050 to arrange attendance.

RESULT: Police attendance resulting in decision to prosecute or to use Out of Court Disposal e.g. Community Resolution.

- **SERIOUS INCIDENT**

Immediate Police response required

This response will be required if it is decided that a person is at risk of serious assault, serious damage or the nature of the incident is deemed serious.

ACTIONS TO BE TAKEN: Duty Manager is to contact 999 where the incident will be recorded and tracking log completed.

RESULT: Police will then investigate resulting in a decision of whether or not to prosecute.

This protocol will also utilise the Western Bay Bureau which is an innovative youth crime prevention initiative which is designed to divert young people out of the Criminal Justice System. The Bureau process aims to tackle underlying causes which promote youth crime and seeks to promote pro-social behaviour.

Available Outcomes

- Youth Restorative Disposal
- Youth Caution
- Youth Conditional Caution
- Prosecution

Restorative Approaches / Community Resolution

These are the nationally recognised terms for the resolution of a minor offence or anti-social behaviour incident through informal agreement between the parties involved, as opposed to progression through the traditional Criminal Justice process. Community resolution is a tool to enable the police to make decisions about how to deal more proportionately with low-level crime and is primarily aimed at first-time offenders where there has been an admission of guilt, and where the victim's views have been taken into account.

Restorative Approaches / Community resolution enables Police Officers to use their professional judgement to assess an offence, taking into account the wishes of the victim and the offender's history in order to reach an outcome which best meets the needs of the victim and of the public.

The protocol has been achieved through collaboration with South Wales Police and Western Bay Safeguarding Board. The pilot has been endorsed at the Western Bay Safeguarding Board on the 22nd September.

The protocol was also discussed with the Howard League who visited the home on the 22nd September. They welcomed the initiative and significant benefits to reducing the Criminalisation of young people within the "Looked After Care System".

Financial Impact

There are no financial impacts associated with this report.

Equality Impact Assessment

There are no equality impacts associated with this report.

Workforce Impacts

There are no workforce impacts associated with this report.

Legal Impacts

There are no legal impacts associated with this report.

Risk Management

There are no risk management impacts associated with this report.

Consultation

There is no requirement under the Constitution for external consultation on this item.

Recommendations

Report for information purpose

Reasons for Decisions

N/A

Appendices

- Appendix 1 – Draft-Reducing the Prosecution of Looked After Young People
- Appendix 2 – Agreed Joint Protocol documents

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