

### **Appendix 1 - Youth Justice Service (YJS) and Children's Social Care (CSC) Protocol about Responsibilities and Joint Working**

#### **Key principles:**

- Decisions about which workers should be allocated and co-allocated to complete a **Specialist HSB Assessment** should be informed by the likely future involvement of CSC and YJS with the child and their family, based on the information available at the time
- Whilst Managers will need to ensure that appropriately experienced and trained staff are allocated to cases, the number of workers involved should be kept to a minimum to reduce repetition and the 'retelling' of the child account
- Regardless of the severity of the harmful sexual behaviour, if there is no prospect of the YJS becoming involved, the responsibility for the **Specialist HSB Assessment** will remain solely with CSC.
- Allocation and co-working decisions should be based on the information available at the time, focusing on the presenting risks and needs; decisions should not be unduly influenced by prior missed opportunities or earlier non-adherence to this guidance.
- Where a case is referred to the HSB Panel, both of the allocated workers should attend to present the case.
- Where appropriate, strategy discussions should include both CSC and YJS and should consider the need for co-allocation and respective accountabilities as outlined in the PPG.
- The need for involvement from CSC and YJS may change over time, depending on new offending or a change in risk or need; decisions will be reviewed based on the information available at that time. If agreement cannot be reached, then standard escalation should apply.
- Owing to the nature of HSB which meets the criminal threshold CSC will remain involved in the majority of cases requiring a Specialist HSB Assessment. These cases will normally be co-allocated across CSC and YJS service areas. Where only one service is involved the Specialist HSB Assessment should be co-allocated within the service holding the case (G-MAP guidance recommends dual-allocation of all AIM2 Framework assessments).
- Where cases are open to both CSC and YJS, evidence of good communication and shared decision making should be prevalent throughout. It is expected that both services will have actions within their service plans designed to minimise and manage identified risks.

#### **1. Out of Court Disposals and sexual offences**

- 1.1 Practice in Nottinghamshire requires the Police to consult with the YJS prior to the issuing of a Youth Caution. An admission of guilt is a pre-condition of a Youth Caution being issued, thus the Police will only refer cases through to the YJS where this admission has been secured. The maximum intervention by the YJS for a child open on a youth caution is three months.
- 1.2 Upon referral from the Police and prior to allocation, the YOT team will screen for CSC involvement to ascertain what prior HSB Assessment has been completed and whether the case has previously been to the HSB Panel. If a **Specialist HSB Assessment** is still outstanding and / or the case has not been to the HSB Panel, then an early decision will be made by the YOT in conjunction with CSC regarding the lead worker for the purpose of **Specialist HSB Assessment** completion and referral. If this work has been commenced by CSC (e.g. Stage 1 AIM2 completed), then they will retain the lead. If there has not been a prior HSB Assessment, then it is expected that the YJS will lead, with CSC co-allocated for the purpose of AIM2 completion and HSB Panel referral (if agreed by the CPC).
- 1.3 As part of the assessment, the allocated YOT worker should ensure that the child and his or her parents/carers fully understand the implications of accepting the disposal. Where the child is being considered for a caution for an offence listed in Part 2 of the Sexual Offences Act 2003, the implications of that Act must be explained. Registration on the Sex Offenders Register following a Youth Caution or Youth Conditional Caution is required for a period of 12 months for those offenders under the age of 18. If the child turns 18 before the caution is administered and therefore receives an adult caution, the registration period is two years.

### 2. Referral Orders made for a sexual offence

- 2.1 Upon referral from the Court and prior to allocation, the YOT team will screen for CSC involvement to ascertain what prior HSB Assessment has been completed and whether the case has previously been to the HSB Panel. If a **Specialist HSB Assessment** is still outstanding and / or the case has not been to the HSB Panel, then an early decision will be made by the YOT in conjunction with CSC regarding the lead worker for the completion of the **Specialist HSB Assessment**. If this work has been commenced by CSC (e.g. Stage 1 AIM2 completed), then they will retain the lead. If there has not been a prior HSB Assessment, then it is expected that the YJS will lead, with CSC co-allocated for the purpose of AIM2 completion and HSB Panel referral (if agreed by the CPC).
- 2.2 The allocated YOT worker will need to ensure that the child understands Part 2 of the Sexual Offences Act 2003 which requires those convicted or warned for relevant sexual offences listed in Schedule 3 to the Act to notify the police of certain personal details (including their name and address) within three days of their conviction or caution. The child must then notify the police whenever these details change and then reconfirm their notified details at least once every twelve months. The general principle is that the notification requirement will apply to children who have

been reprimanded, warned or convicted for an offence listed in Schedule 3 to the Act. That Schedule lists all the relevant offences with the thresholds.

### 3. Sexual Offence convictions and sentencing

- 3.1 If the Court is considering custody or wants to explore sentencing options more fully then sentencing may be delayed for the preparation of reports, including a Pre-Sentence Report (PSR) and a Specialist HSB Assessment which incorporates an AIM2 Assessment.
- 3.2 YJS Court duty officers must be prepared in advance to ensure that the Court is fully informed in terms of any assessments and HSB intervention completed to date, which may include a Stage 1 AIM2 assessment and being presented at the HSB Panel; if there has been a significant delay prior to conviction, there is a significant likelihood that this will be the case. The Court may be satisfied that a full AIM2 is not required in these circumstances, though if requested, the YJS duty Officer should ask for a minimum of six weeks to allow for the preparation of the report.
- 3.2 Allocation should follow as per 2.1 above. Also note 2.2 regarding the Sexual Offences Act 2003.

### 4. Denial and Not Guilty Plea

- 4.1 In the majority of cases it will not be appropriate to complete a full Specialist HSB Assessment if the child is denying offences or pleading Not Guilty to the charges laid, though it may still be appropriate to complete a 'Stage 1' AIM2 assessment (see section 6. **Specialist HSB Assessment**) . Owing to the nature of denial and the likely barriers to working with the YJS in these circumstances, CSC will be required to allocate both the lead and secondary worker.
- 4.2 The views of CSC in relation to any initial bail and remand hearing will be represented by the YJS in court where appropriate. (If the child is Looked After or where court are considering a remand to Local Authority Accommodation, the Court will expect a field Social Worker to attend in person.)
- 4.3 If the child is subsequently found guilty, the YJS will be requested to complete a PSR which will be informed by the HSB Assessment already completed. As per 4.1 above, it is likely that only a Stage 1 AIM2 assessment will have been completed. Refer to section 3 above for further advice regarding how to proceed in these circumstances.
- 4.4 If the child is found not-guilty, the Youth Justice worker will inform CSC, who will continue to be responsible for the HSB Assessment and subsequent intervention.

### 5. Crime Prevention cases involving HSB

- 5.1 In some cases an out of court disposal or conviction may not be suitable or realistic (e.g. CPS may decide that a case is not in the Public Interest to prosecute), though significant concerns may

remain regarding potential risk and criminalisation. In such cases a child may be referred to the YJS for a voluntary Crime Prevention intervention.

- 5.2 Upon receipt of the referral and prior to allocation, the YOT team will liaise with CSC to ascertain what prior HSB Assessment has been completed and whether the case has previously been to the HSB Panel. If a full HSB Assessment is still outstanding and / or the case has not been to the HSB Panel, then an early decision will be made by the YOT in conjunction with CSC regarding the worker accountabilities for the purpose of ongoing HSB Assessment completion and referral. In prevention cases there will be a presumption in favour of CSC leading on uncompleted HSB Assessment and onward referral/liaison with CPC.

### **6. Other cases**

- 6.1 It is expected that some cases will not neatly fit the above scenarios (e.g. case open to the YOT for a non-sexual offence presents with HSB). In these instances, practitioners and managers are asked to apply the above principles to arrive at the most logical and child-centred solution. Any disagreements should be quickly resolved and escalated if necessary to avoid unnecessary delay.