

CORPORATE PARENTING PANEL

Date and Time :-	Tuesday 20 September 2022 at 4.30 p.m.
Venue:-	Rotherham Town Hall, Moorgate Street, Rotherham.
Membership:-	Councillors Browne, Burnett, Z. Collingham, Cusworth (Chair), and Pitchley (Vice-Chair)
Contact	Dawn Mitchell, Governance Advisor Dawn.mitchell@rotherham.gov.uk

The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

AGENDA

1. Apologies for absence

To receive the apologies of any Panel Member who is unable to attend the meeting.

2. Declarations of Interest

To receive declarations of interest from Members in respect of items listed on the agenda.

3. Exclusion of the press and public

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

4. Minutes of the previous meeting held on 13th May, 2022 (Pages 3 - 7)

To consider the minutes of the previous meeting of the Corporate Parenting Panel held on 13th May, 2022, and approve them as a true and correct record of the proceedings.

5. Looked After Children Council Update

6. Leisure Pass - Update

7. Performance Monitoring - June, 2022 (Quarter 1) (Pages 9 - 21)

8. Rotherham Youth Justice Service Multi-Agency Protocol to support the Decriminalisation of Looked After Children (Pages 23 - 54)

9. Urgent Business

To determine any item which the Chair is of the opinion should be considered as a matter of urgency.

10. Additional Meeting

To consider a date for the meeting that should have taken place in June.

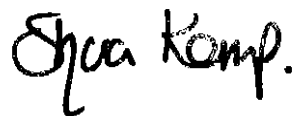
11. Date and time of the Future Meetings

Further meetings of the Corporate Parenting Panel will be held on:-

Tuesday, 13th December, 2022

Tuesday, 28th March, 2023

commencing at 5.00 p.m. in Rotherham Town Hall.



Sharon Kemp,
Chief Executive.

CORPORATE PARENTING PANEL
Friday 13 May 2022

Present:- Councillor Cusworth (in the Chair); Councillors Browne and Pitchley.

Apologies for absence:- Apologies were received from Bird, Castledine-Dack, Z. Collingham, Cooksey, Griffin and Yasseen.

37. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

38. EXCLUSION OF THE PRESS AND PUBLIC

There was no business requiring the exclusion of the press and public.

39. MINUTES OF THE PREVIOUS MEETING HELD ON 15TH FEBRUARY, 2022

Arising from Minute No. 32 (Leisure Cards for Looked After Children and Leaving Care Young People), Rebecca Wall, Sharon Sandell and Chris Siddall had attended the LAC Council meeting in order to get a better understanding from them of what they were looking for in a Leisure Card.

Work was taking place on exploring across the whole Council as to whether there were any appropriate funding resources. A report would then be submitted to the appropriate Directorate Leadership Teams for consideration.

The very minimum the young people were asking for was swimming at the community leisure centres; it was not just for the Local Authority but for the leisure centres and what they did for their communities. Through conversations with them, an offer had been made to foster carers for swimming lessons.

Pete Douglas stated that the Virtual School had been aware there was free gym membership available through the Big Sister Project for girls aged between 9-15 years (<https://www.womeninsport.org/press-release/girls-offered-free-gym-memberships-to-encourage-active-lives-as-part-of-new-big-sister-project/>). The free 6 month membership offer included unlimited use of the gym and swimming pool, a selection of group workout classes and free access to virtual classes and resources through the Places Leisure Locker App.

It was noted that the leisure centres had been invited to the Young Peoples' Festival on 22nd July to share what they could offer.

This was something that had come from the young people in Rotherham that wanted to be able to access services. All Looked After Children were

encouraged to be part of out of school activities and part of their LAC review. It was not to replace but to add value to what was already there.

All LAC, those placed within and out of the Borough had been invited to the Festival. A key part of the day would be consultation with a particular steer on emotional wellbeing and mental health.

Catherine Hall reported that there the Health footprint would change very shortly when it became the Integrated Care System covering the whole of South Yorkshire bringing more opportunity to work together and opportunities to get a better offer for our children. The aim of the Integrated Care Partnership was to reduce inequalities and predominantly our children lived within a 20 miles radius. It did not start until 1st July and not all of the statutory guidance was out as yet.

Resolved:- (1) That the minutes of the previous meeting held on 15th February, 2022, were agreed as a correct record.

(2) That an update on the Integrated Care System be submitted to the September meeting.

40. CORPORATE PARENTING PANEL TERMS OF REFERENCE

The proposed refreshed Terms of Reference were submitted for consideration which incorporated all comments received.

The Chair thanked everyone for their time and involvement in the refresh of the Terms of Reference.

Discussion ensued with the following issues raised:-

- Should the Police be represented on the Panel? It was felt that there were wider issues raised with all children in the Borough that sat with the Rotherham Safeguarding Children's Board
- Representatives of the LAC may ask for specific Directorate representation to attend meetings

Resolved:- (1) That the refreshed Corporate Parenting Panel Terms of Reference be approved.

(2) That the Reducing Unnecessary Criminalisation of Looked After Children be submitted to the June meeting together with appropriate Police representation.

41. INDEPENDENT REVIEWING SERVICE ANNUAL REPORT 2020-2021

Consideration was given to the Independent Reviewing Service (IRO) Annual Report 2020-21. The IRO annual report was a statutory requirement providing an update on the breadth of IRO activity within the year.

The report reflected the work undertaken by the IRO Service between April 2020 to March 2021 detailing key performance figures and how the Service met its stated aims and responsibilities to Looked After Children. It also included children's views on the Service that they had received and actions for the Service and wider system for the year ahead.

Discussion ensued with the following issues raised/clarified:-

Reviews

- During the pandemic, the reviews had taken place via Teams; as soon as the restrictions had lifted IROs had been back out seeing the children in their settings
- IROs were clear they did not want to review without clear information

Health

- One of the continuing key challenges was Dental. Proposed incentives were being worked on in an attempt to get young people to engage in dental care. There was also an issue with regard to signed consent should a LAC require anaesthesia as well as registration with a NHS dentist
- Rotherham Health's standards were very high and the Initial Health Assessments checks were extremely thorough

Quality and Compliance

- A Quality and Compliance form was completed before every IRO review and scale what they thought the record was like in relation to the care plan. Significant positive increase had been seen
- Need to improve the timeliness of some of the paperwork for reports to ensure within statutory compliance
- Every child in Social Care was tracked with the IRO working very closely to ensure it was shared in their care planning work

Foster Carers

- The pandemic had caused anxiety for some of the foster carers due to their age and requirement to shield. Work had taken place to make such the best decision were taken together and that the Service knew which children were in school
- A number of foster carers had resigned

Virtual School/Education

- The Virtual School welcomed the challenge from IROs
- The Virtual School did not provide home elective education. They had had children come who had been home educated and they had supported them back into mainstream education
- One of the biggest issues in secondary education was ensuring that the Personal Education Plans were of the highest quality. Head Teachers had access to them as it was their document and they signed them off. They were reminded that it was their duty to inform the Virtual School of an exclusion/considering an exclusion
- 14 of the 16 Rotherham schools would be taking up the Trauma Informed Practice training. It was hoped that the remaining 2 (unable to release staff) would be able to participate
- The Strategic Lead for Inclusion was introducing, both for primary and

secondary, inclusion panels so where a school was thinking/considering exclusion, they would be encouraged to submit the case before a panel for consideration and wider support. The panel would be made up of other Heads and a Local Authority Officer who could try and provide some help and guidance

- From September there would be a one year pilot of an outreach team for secondary schools. It would provide supportive intervention with the aim of that the one person learning would be able to spread it across the school, improving the skill set of the school and support assistance so it could meet the needs more effectively rather than escalating a child through the system

IRO Line Management

- Currently line managed by the Head of Safeguarding, Learning and Development and reports directly to the Strategic Director
- Their visibility and footprint sat within the child's recording – they were asked to record visits to children and report within the system to make sure they were visible and have line management supervision ever 4-6 weeks
- It allowed them to be the other voice in the team and worked in a very restorative way
- IROs were experienced Social Workers – “critical friend”
- They used Liquid Logic and it had to be recorded as part of the child's record

Resolved:- That the Independent Reviewing Service Annual Report 2020-21 be noted.

42. QUARTER 3 CORPORATE PARENTING PERFORMANCE

Consideration was given to the Quarter 3 2021/22 Corporate Parenting performance report which provided a summary of performance for Key Performance Indicators across the Looked After Children (LAC) Services. Appendix 1 of the report submitted provided performance on a page giving an overview of the Service's performance in comparison to the same period 2020/21 and Appendix 2 provided trend data, graphical analysis and benchmarking data against national and statistical neighbour averages where possible.

The report highlighted:-

- The number of children and young people looked after had risen (+4) to 574
- 49 children became Looked After giving a total year to date of 129 an increase of 7 to the same quarter in 2020/21
- 42 children ceased to be Looked After (151 to date) compared to 41 in 2020/21 (120 year to date). This showed a significant year to date increase (+31)
- 91.3% of all Looked After Children plans were up-to-date (-0.6%) in comparison to last year (91.9%)

- A small decrease in the number of Looked After Children in a family based setting (-0.7%)
- 124 in-house foster carer households registered at the end of the quarter in comparison to 153 (-29) continuing the reducing trend. There had been 8 approvals so far and 31 de-registrations).
- Of the 574 children and young people looked after by Rotherham, 5 were known to the Youth Offending Team
- 21 children had been adopted since April 2021 with a number still in the adoption pathway. This was a reduction of 5 from 2020/21
- The number of up-to-date dental checks had increased to 42.7% in comparison to quarter 3 last year (20.7%) and the number of up-to-date Health Assessments had increased to 83.4% (80.1% 2020/21)
- 94.7% of reviews were completed within timescales
- 98.3% of LAC had a PEPE compared to 97.9% Autumn Term 2020

Resolved:- That the Quarter 3 2021/22 performance report be noted.

43. URGENT BUSINESS

There was no urgent business to be considered.

44. DATE AND TIME OF FUTURE MEETINGS

Resolved:- That meetings for the 2022/23 Municipal Year take place on:-

Tuesday, 14th June, 2022
 13th September
 13th December
 28th March, 2023

all commencing at 4.30 p.m. in the Town Hall, Rotherham.

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Public Report
Corporate Parenting Panel

Committee Name and Date of Committee Meeting

Corporate Parenting Panel – 20 September 2022

Report Title

Corporate Parenting Performance Report – Qtr 1 2022/23

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Suzanne Joyner, Strategic Director of Children and Young People's Services

Report Author(s)

Rebecca Wall, Head of Children in Care

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Rebecca Harrison, Performance Officer

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Ward(s) Affected

Borough-Wide

Report Summary

This report provides a summary of performance for key performance indicators across the Looked After Children (LAC) services. It should be read in conjunction with the accompanying performance data reports, Appendix 1 which provides performance on a page giving an overview of the services performance in comparison to the same period 2020-21 and Appendix 2 which provides trend data, graphical analysis, and benchmarking data against national and statistical neighbour averages where possible.

Recommendations

1. The panel is asked to receive this report with the accompanying dataset (Appendix 2) and consider any issues arising.

List of Appendices Included

Appendix 1 Performance on a page

Appendix 2 Looked after children quarterly performance – June 22 (Qtr1)

Background Papers

Children's Social Care Monthly Performance Report – June 22 (Qtr1)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Corporate Parenting Performance Report – Qtr 1 2022/23

1. Background

- 1.1 This report provides evidence to the council's commitment to continuous improvement and providing performance information to enable scrutiny of the impact on the outcomes for children and young people in care. It should be read in conjunction with the accompanying performance data report which provides trend data, graphical analysis, and benchmarking data against national and statistical neighbour averages.
- 1.2 Targets, including associated 'RAG' (red, amber, green rating) tolerances, are included. These have been set in consideration of available national and statistical neighbour benchmarking data, recent performance levels and, importantly, Rotherham's local service context.
- 1.3 All benchmarking data is as at the latest data release by the DfE and relates to 2020/21 outturn.
- 1.4 The narrative supplied within the report has been informed by the Assistant Director for Children's Services and the Head of Service – Children in Care.

2. Key Issues

- 2.1 As stated in other recent reports, services and interventions offered by the council have continued to be impacted upon by Covid-19. RMBC children and young people's service have worked to minimise the negative impact ensuring effective care planning continues to support each young person's stability and progress.
- 2.2 **Looked After Children** – At the end of quarter 1 we saw the number of children and young people we look after reducing further to 536. This is a reduction of 13 since the start of the year (April 22) and is 27 below the same period in 2021/22 when there were 563.

During Q1 36 children became looked after, compared to 27 in quarter 1 2021/22, and 57 children ceased to be looked after, compared to 61 in the same quarter last year.

The benchmark measure of 10k population rate of children looked after has reduced to 93.3 at the end of quarter 1 compared to 97.9 last year. This is now below our statistical neighbour's average of 99.4 but remains significantly higher than the national average of 67.0.

There are currently 17 unaccompanied asylum-seeking children (UASC) that are looked after by the LA. The commissioning team are working to ensure we are able to offer placements and accommodation commensurate to need. We know this is a potential ongoing pressure due to the growing need to support more UASC, and impact on local placement sufficiency is being monitored. The service have also received training from Solihull and ENTRAIID to support confidence building and understanding of the asylum process. Pathways into service have been agreed as well as an approach to commissioning age assessments.

2.3 Plans – At the end of the quarter, 96.1% of all LAC plans were up to date, which is an increase (+1.1%) in comparison to last year when it was 95.0% at the same point.

2.4 Placements – The percentage of LAC in a family-based setting continues to be consistent reaching 80.0% at the end of the quarter. 64.6% of long-term LAC had been in a stable placement for at least 2 years at the end of quarter 1 showing a reduction of 4.0% when compared to the same period last year (68.6%). Placement stability is an area of focus that the fostering service, responsible Team manager and IRO have been engaged with to review what works and what their roles are in working to prevent placement breakdowns. The fostering service has sought to strengthen placement stability via completing the mapping assessment to identify support needs and ensure these are met via the service. The fostering service is expanding their support offer recruiting additional Family Support workers and an extended on-call support offering after hours and weekend contact, as these have been highlighted as best practice. Team Around the Child meetings are in place to support all placements, with a particular focus at linking in support from the agency or Rotherham Therapeutic Team earlier, to prevent disruption.

The percentage of children having had 3 or more placements in the last rolling 12 months has risen to 11.2% which is above the latest statistical neighbour (7.8%) and national averages (9.0%). This is also a 1.6% increase on the same period in 2021/22 when there was 9.6% of children at the end of the quarter. The work linked to the team around the child will support strengthening placement stability. Additional support packages to grow foster carers for older children, have also been proposed and piloted, to improve local sufficiency.

2.5 In-house fostering – There were 120 in-house foster carer households registered at the end of the quarter in comparison to 143 (-23) last year. There were 2 foster family approvals in quarter 1 creating 4 new placements, however, there were 7 deregistrations with each foster family having 1 placement each therefore equating to 3 less placements at the end of the quarter. At the end of the period there was a total of 5 prospective foster families in the recruitment process, all of which have panels scheduled between July and September.

Placement sufficiency remains a key focus and Brightsparks continue to support us with fostering recruitment work. After a slower start there has been an increase in potential foster carers progressing to assessment this quarter.

2.6 Youth Offending – Of the 536 children and young people looked after by Rotherham at the end of the quarter, 5 were also known to the youth offending team.

2.7 Adoptions – 8 children have been adopted since April 2022 and when compared to the same period last year when there had been 9 adoptions, this is a reduction of only one adoption.

At the end of quarter 1, the A10 measure (Average number of days between a child becoming LAC and having an adoption placement) was 457.6 days (475.4 days Qtr1 2021/22) and the A2 measure (Average number of days between placement order and being matched with adoptive family) was 185.8 days (282.3 days Qtr1 2021/22). This is a positive reduction and the A2 figure from placement order to adoptive match indicates that we are matching children and placing with

adoptive families sooner. There has been less reduction in the A1, which is linked to the court delays caused by the recent Covid-19 pandemic, but we are starting to see an improvement this year (2022/23).

- 2.8 Health** – The number of up-to-date health and dental checks had fluctuated due to the Covid-19 pandemic in particular the dental checks due to the enforced closure of most dentists or emergency care only being available. We are now starting to see an improvement with the percentage of up-to-date dental checks reaching 72.1% at the end of quarter 1, in comparison to 30.7% at the end of the same quarter last year.

In quarter 1, 27 initial health assessments were completed with 17 of them being in time (63.0%). This is 2.2% below last year when 65.2% (15/23) of assessments had been completed in time, however it should be noted that more have been completed this year overall.

- 2.9 Reviews and visits** – 93.3% of reviews were completed within timescales set in quarter 1, which equates to 335/359 reviews in time.

At the end of the quarter, 98.9% of visits were up-to-date and within timescale of the national minimum standard. At the same period in 2021 96.8% were in time, showing a 2.1% increase this year.

- 2.10 Education** – At the end of the spring term 2021/22, 97.5% (397/407) of LAC had a PEP compared to 98.1% (413/421) spring term 2020/21.

Rotherham has a local standard to ensure that each PEP is of good quality and refreshed every term (rather than the annual minimum standard). At the end of the spring term 2021/22, 92.1% (375/407) of those LAC with a PEP had a PEP completed within the term, compared to 87.4% (368/421) spring term 2020/21.

PEP meetings have been held for the majority of learners in the summer term 2021/22 and the data is currently being collected and verified in preparation to be reported in Qtr 2 2022/23.

- 2.11 Care Leavers** – At the end of quarter 1 there were 302 young people in the care leavers cohort which shows a reduction of 10 when compared to the same point in 2021 (312). 85.0% of these care leavers had an up-to-date pathway plan at the end of the quarter which is a 3.4% improvement when compared to the same period last year (81.6%).

96.4% of care leavers were in suitable accommodation compared to 86.5% at quarter 1 last year. Of the 11 in unsuitable accommodation 5 are in custody. However, the percentage of care leavers in employment, education, and training (EET) shows an 11% increase with 72.2% at the end of this quarter compared to 61.2% at the same point in 2021.

3. Options considered and recommended proposal

- 3.1** The full corporate parenting performance report attached at Appendix 2 represents a summary of performance across a range of key national and local indicators. Corporate Parenting Panel members are therefore recommended to consider and review this information.

4. Consultation on proposal

4.1 Not applicable

5. Timetable and Accountability for Implementing this Decision

5.1 Not applicable

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 There are no direct financial implications to this report. The relevant Assistant Director and Budget Holder will identify any implications arising from associated improvement actions and Members and Commissioners will be consulted where appropriate.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 There are no legal implications to this report.

8. Human Resources Advice and Implications

8.1 There are no direct human resource implications to this report. The relevant Assistant Director and Heads of Service will identify any implications arising from associated improvement actions and Members and Commissioners will be consulted where appropriate.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The performance report relates to services and outcomes for children in care.

10. Equalities and Human Rights Advice and Implications

10.1 There are no direct implications from this report.

11. Implications for CO₂ Emissions and Climate Change

11.1 There are no direct implications within this report.

12. Implications for Partners

12.1 The Partners and other directorates are engaged in improving the performance and quality of services to children, young people, and their families via the Rotherham Safeguarding Children's Partnership (RSCP). The RSCP Performance and Quality Assurance Subgroup receive this performance report within the wider social care performance report on a regular basis.

13. Risks and Mitigation

13.1 Inability and lack of engagement in performance management arrangements by managers and staff could lead to poor and deteriorating services for children and young people. Strong management oversight by Directorship Leadership Team and the ongoing weekly performance meetings mitigates this risk by holding managers and workers to account for any dips in performance both at a team and at an individual child level.

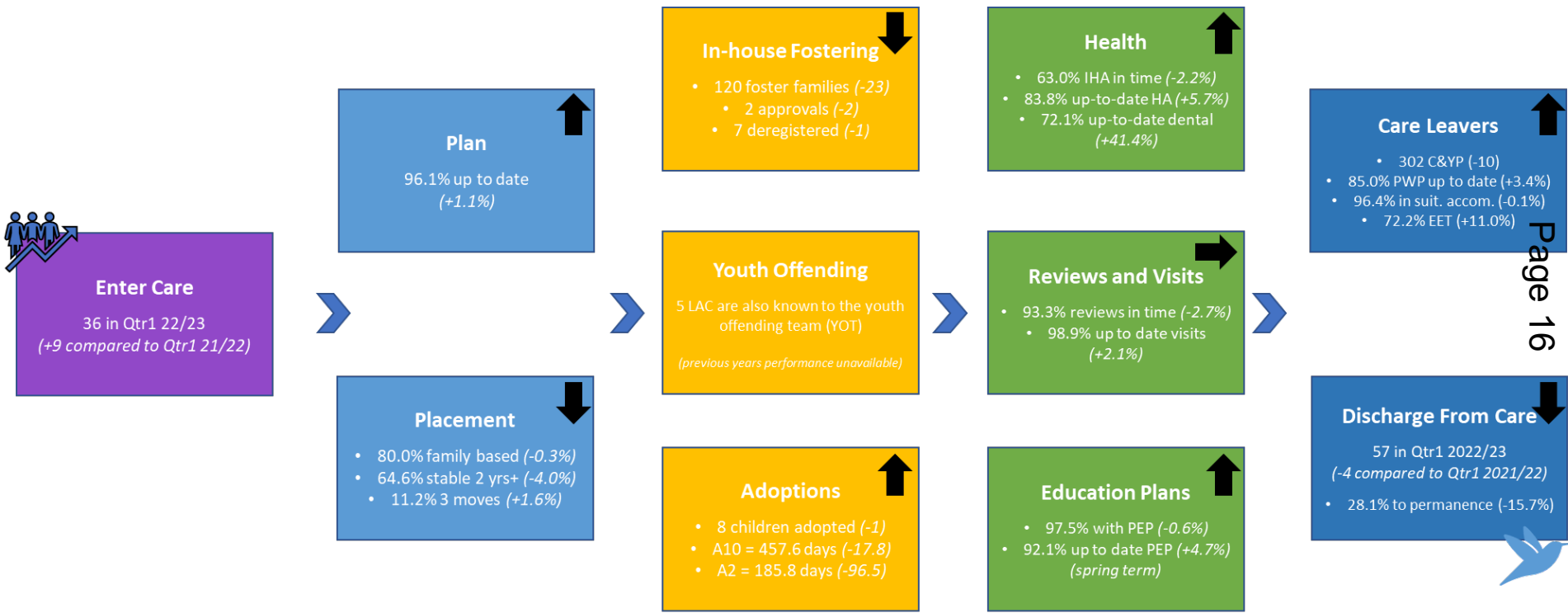
14. Accountable Officer(s)

Rebecca Wall, Head of Children in Care,
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Monica Green, Assistant Director Safeguarding Children
monica.green@rotherham.gov.uk

This report is published on the Council's [website](#).

Performance on a Page As of 30th June 2022 (Qtr 1 22/23)



All performance is cumulative or as at the end of June 2022 (end of quarter 1) unless otherwise stated. Figures in brackets show the difference compared to the same period in the previous year (2021/22).

↑ Good performance ↓ Bad performance → Stable performance

Children's and Young People Services Corporate Parenting Performance Report

As at month end: June 2022 (Qtr 1)

Document details

Status: Issue 1

Date created: 19/08/2022

Created by: Performance & Quality Team

Contact: cyps-performance@rotherham.gov.uk

***Please note:** Data reports are not dynamic. Although care is taken to ensure data is as accurate as possible every month, delays in data input can result in changes in figures when reports are re-run retrospectively. To combat this at least two individual months data is rerun for each indicator where necessary.*

Our Vision

“Working with Rotherham’s children, young people and families to be safe, resilient and successful”

Looked After Children Performance Summary

As at month end: June 2022 (Qtr 1)

*DOT - Direction of travel represents the direction of 'performance' since the previous month showing if the number or percentage has gone up or down. Colours have been added to help distinguish better and worse performance with the exceptions of measures that are for information only. Key Below:-

- increase/decrease in number/percentage = improvement in performance
- increase/decrease in number/percentage = decline in performance
- number/percentage remained same as previous month

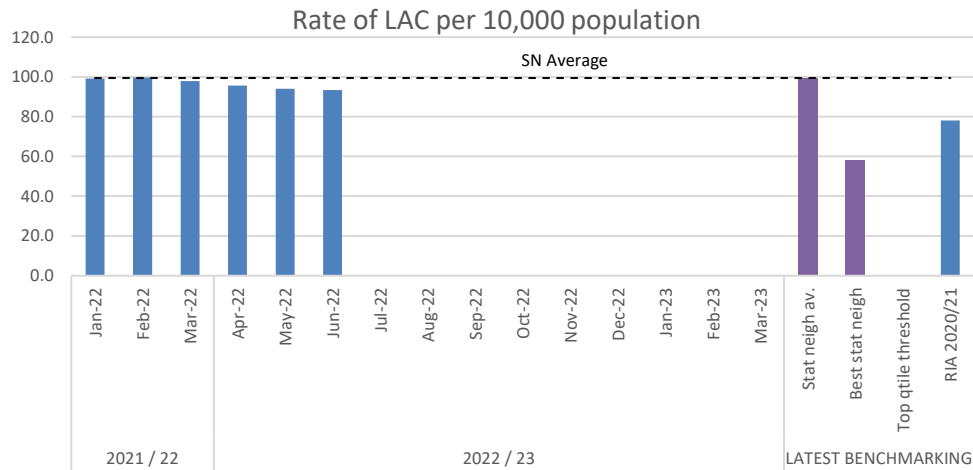
- increase in number/percentage (info measures)
- remained same as previous month (info measures)
- decrease in number/percentage (info measures)

REF NO.	INDICATOR	Success Measures Council Plan	TIMELINE	DATA NOTE	2022 / 23					TARGET & TOLERANCES			YR ON YR PERFORMANCE		LATEST BENCHMARKING						
					Apr-22	May-22	Jun-22	2022/23 YTD	Good perf is	DOT* (month)	RAG (month)	Red	Amber	Green (target)	2021/22	Yr on Yr trend	Stat neigh av.	Best stat neigh	Nat av.	Top qtile threshold	RIA 2020/21
4.1	No. of looked after children	TB5	monthly	Count	549	540	536	-	info	↓				562							
4.2	Rate of looked after children per 10,000 population aged 0-17	CH04	monthly	Rate per 10,000	95.6	94.0	93.3	-	low	↓		95.2+	-	<95.2	97.8		99.4	58.0	67.0	-	78.0
4.3	No. of admissions of looked after children	TB4	monthly	Count	15	10	11	36	info	↑				175							
4.4	No. of looked after unaccompanied asylum seeking children (UASC)		monthly	Count	15	15	17	-	info	↑											
4.5	% of eligible looked after children with an up to date plan		monthly	%	94.7%	95.9%	96.1%	-	high	↑		<87%	87%+	95%+	96.6%						
4.6	% of looked after children visits up to date & completed within timescale of national minimum standard		monthly	%	98.0%	98.7%	98.9%	-	high	↑		<90%	90%+	98%+	96.8%						
4.7	% of looked after children care plans reviewed within timescales		monthly	%	94.3%	92.2%	93.8%	93.3%	high	↑		<87%	87%+	95%+	94.3%						
4.8	% of looked after children having an initial health assessment within timescale		monthly	%	41.7%	76.9%	100.0%	63.0%	high	↑					68.5%						
4.9	% of looked after children with a up to date health assessments		monthly	%	93.8%	90.7%	83.8%	-	high	↓		<87%	87%+	95%+	71.0%						
4.10	% of looked after children with a up to date dental assessments		monthly	%	75.4%	75.4%	72.1%	-	high	↓		<87%	87%+	95%+	44.0%						
4.11	No. of LAC who are known to the youth offending team (YOT)		monthly	Count	5	6	5	-	info	↓											
4.12	No. of children with an Education Health & Care plan in the LAC cohort		monthly	Count	110	104	100	-	info	↓											
4.13	No. of LAC having at least one missing episode within the period		monthly	Count	14	17	11	26	info	↓				64							
4.14	No. of children who have ceased to be looked after children		monthly	Count	20	18	19	57	high	↑				212							
4.15	No. of special guardianship orders (SGO) or child arrangement orders (CAO) granted after a period of being LAC (Legal Status)		monthly	Count	5	10	3	18	info	↓				85							
4.16	No. of LAC who have ceased to be looked after due to a SGO or CAO	TB5	monthly	Count	1	2	7	10	info	↑				42							
4.17	% of LAC who have ceased to be looked after due to permanence (SGO, CAO, Adoption).		monthly	%	25.0%	16.7%	42.1%	28.1%	high	↑		<27%	27%+	35%+	34.8%						
4.18	% of long term LAC in placements which have been stable for at least 2 years		monthly	%	69.8%	67.1%	64.6%	-	high	↓		<62%	62%+	70%+	70.2%		67.1%	71.0%	70.0%	74.0%	
4.19	% of LAC who have had 3 or more placements - rolling 12 months		monthly	%	11.7%	11.3%	11.2%	-	low	↓		16%+	8%+	<8%	9.3%		7.8%	5.0%	9.0%	7.0%	
4.20	% of LAC in a family based setting		monthly	%	79.6%	78.9%	80.0%	-	high	↑		<77%	77%+	85%+	79.4%						
4.21	% of LAC placed with parents or other with parental responsibility (P1)	TB4	monthly	%	4.2%	3.9%	4.1%	-	low	↑				4.6%							
4.22	% of LAC in kinship care		monthly	%	9.7%	8.9%	8.4%	-	high	↓		<8%	8%+	12%+	10.5%						
4.23	No. of placements that have been created for children via foster care (approvals)		monthly	Count	0	0	2	2	high	↑				13							
4.24	No. of adoptions completed within 12 months of SHOBPA		monthly	Count	1	0	3	4	high	↑				4							
4.25	Av. days between a child becoming looked after and having a adoption placement (A10)		monthly	YTD Average	696.0	615.4	457.6	-	low	↓		487+	-	<487	418.9		350.1	274.0	367.0	317.5	348.0
4.26	Av. days between a placement order and being matched with an adoptive family (A2)		monthly	YTD Average	302.5	263.0	185.8	-	low	↓		121+	-	<121	292.2		160.4	90.0	175.0	135.5	168.0
4.27	No. of care leavers		monthly	Count	293	305	302	-	info	↓				292							
4.28	% of eligible LAC & Care Leavers with an up to date pathway plan		monthly	%	82.9%	81.6%	85.0%	-	high	↑				82.8%							
4.29	% of care leavers in suitable accommodation		monthly	%	96.2%	97.0%	96.4%	-	high	↓		<88%	88%+	96%+	96.6%		91.1%	97.0%	88.0%	94.0%	
4.30	% of care leavers in employment, education or training		monthly	%	70.3%	72.1%	72.2%	-	high	↑		<58%	58%+	66%+	71.6%		53.1%	73.0%	52.0%	58.0%	
4.31	No. of care leavers who are former unaccompanied asylum seeking children (UASC)		monthly	Count	15	15	17	-	info	↑											

Looked After Children (LAC)

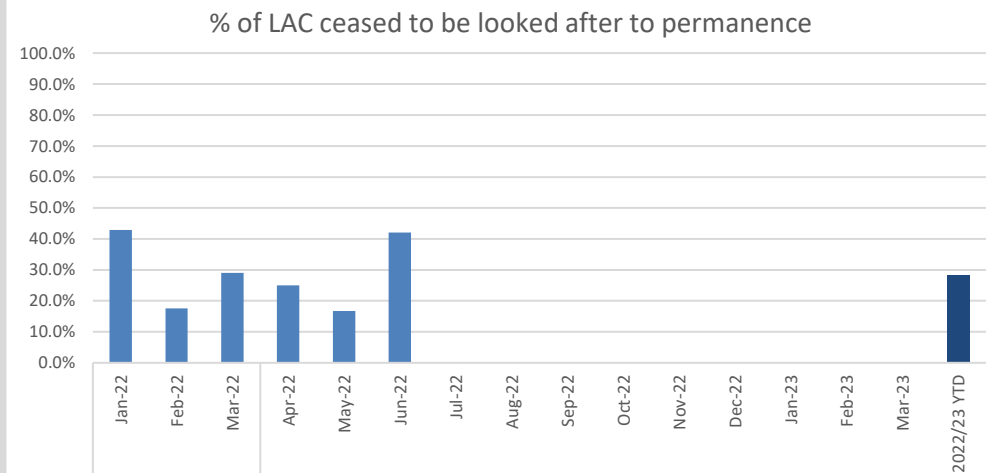
Children in care are children who have become the responsibility of the local authority either voluntarily by parents struggling to cope or through an intervention by children's services because a child is at risk of significant harm. LAC review meetings are convened to consider the plan for the welfare of LAC and how to achieve permanence for them within a timescale that meets their needs. The LA is responsible for visiting LAC wherever they are living to ensure his/her welfare continues to be safeguarded and promoted and the LA should ensure that every LAC has his/her health needs fully assessed and a health plan clearly set out.

536 LAC as at period end

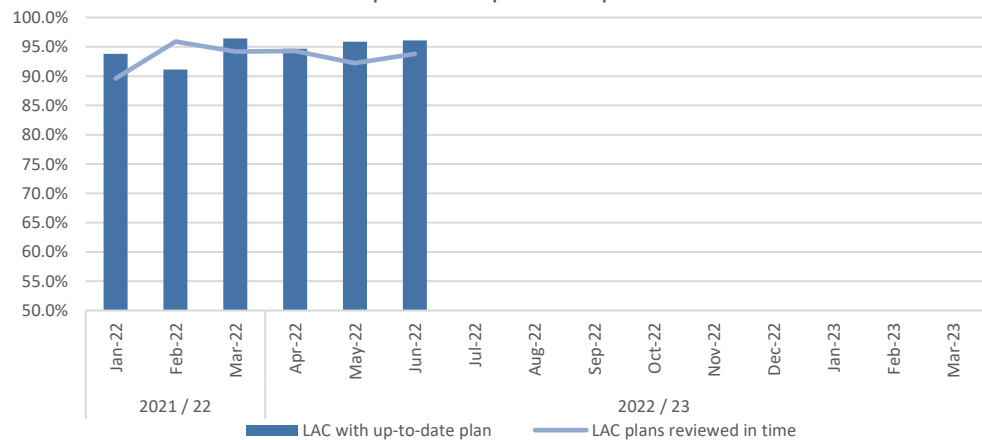


36 Admissions (ytd)

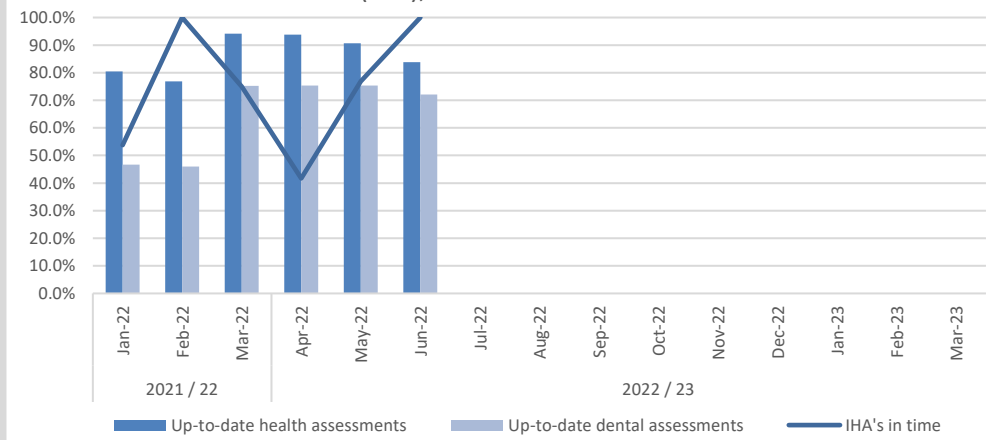
57 Discharges (ytd)



% of LAC with an up-to-date plan and plan reviewed in time



LAC initial health (IHA), routine health & dental assessments



98.9% of LAC visits are up-to-date & complete (NMS)

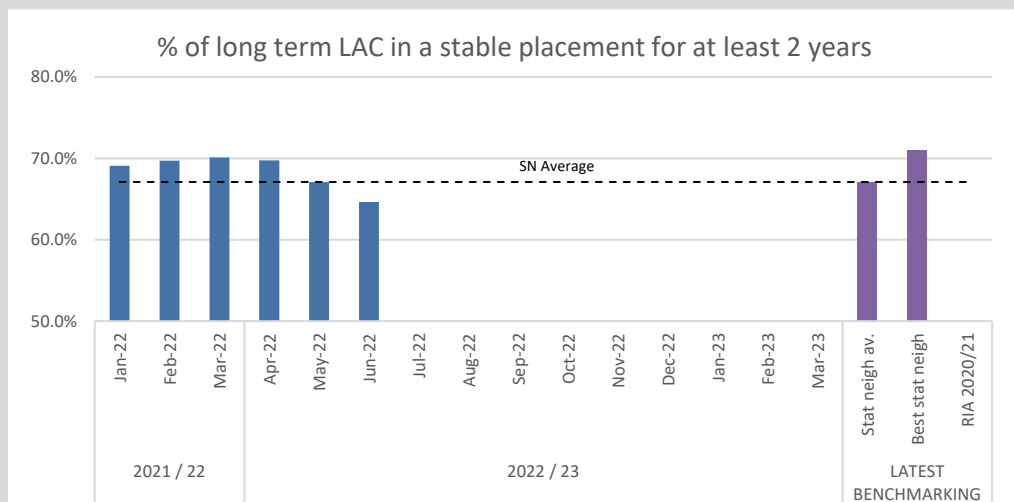
(National minimum standard is within 1wk of placement, then 6wkly till in placement for 1yr, then 12wkly after.)

63.0% of IHA's completed in time (ytd)

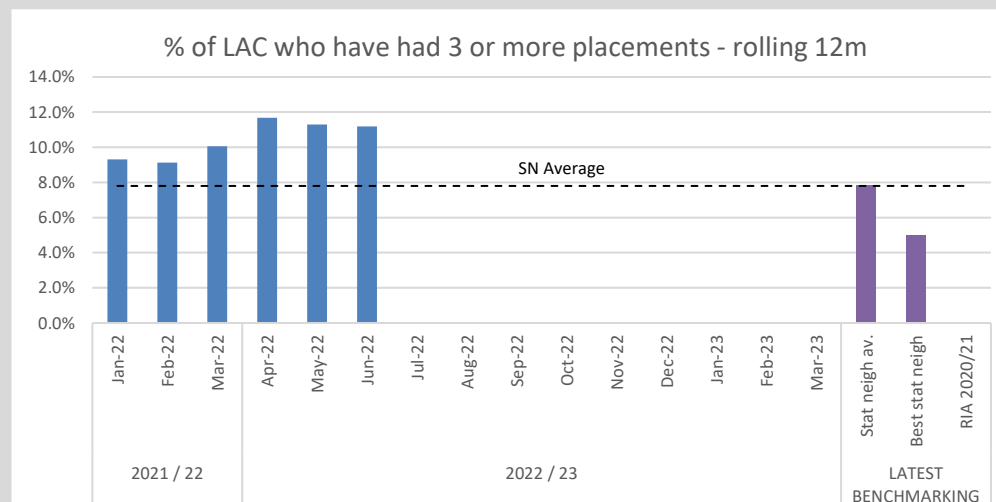
Placements

A LAC placement is where a child has become the responsibility of the local authority (LAC) and is placed with foster carers, in residential homes or with parents or other relatives. A foster care family provide the best form of care for most looked after children. Rotherham would like most of its children to be looked after by its own carers so that they remain part of their families and community.

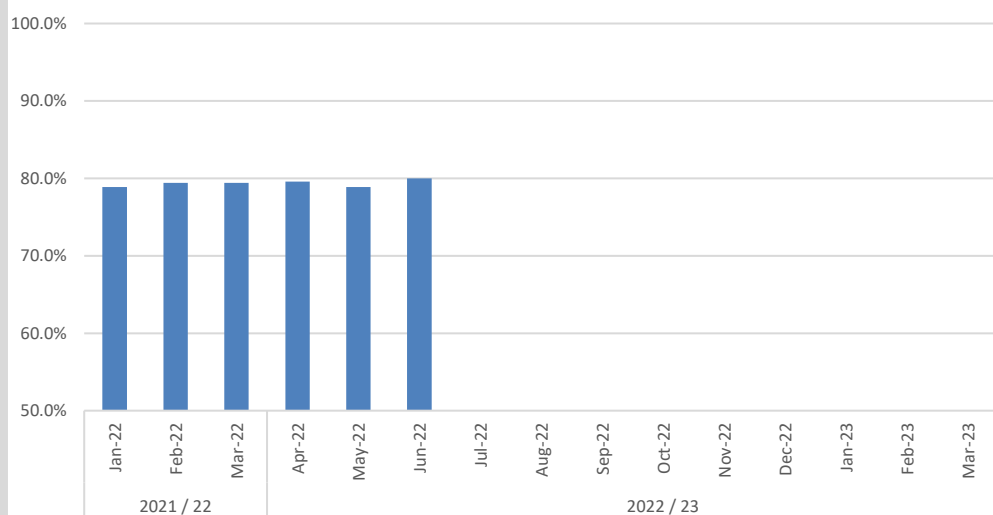
64.6% of long term LAC in a stable placement for 2 years+



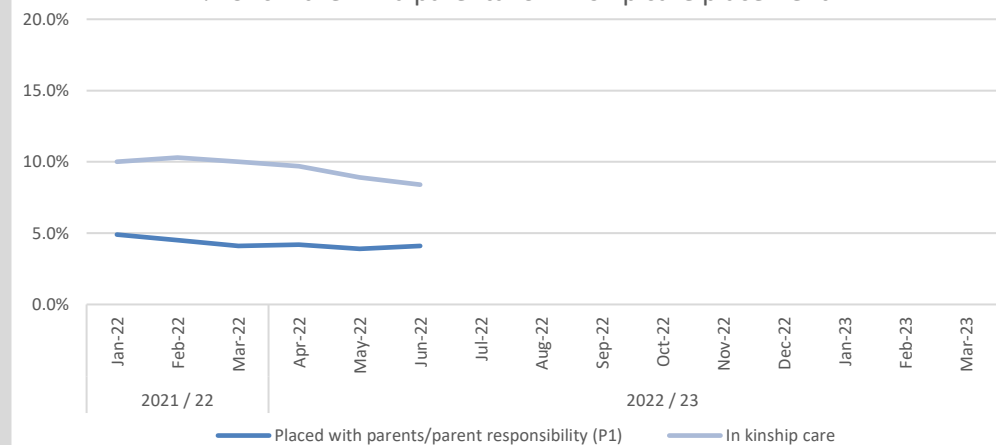
11.2% of LAC have had 3+ placements as at period end



% of children in a family based placement



% of children in a parental or kinship care placement



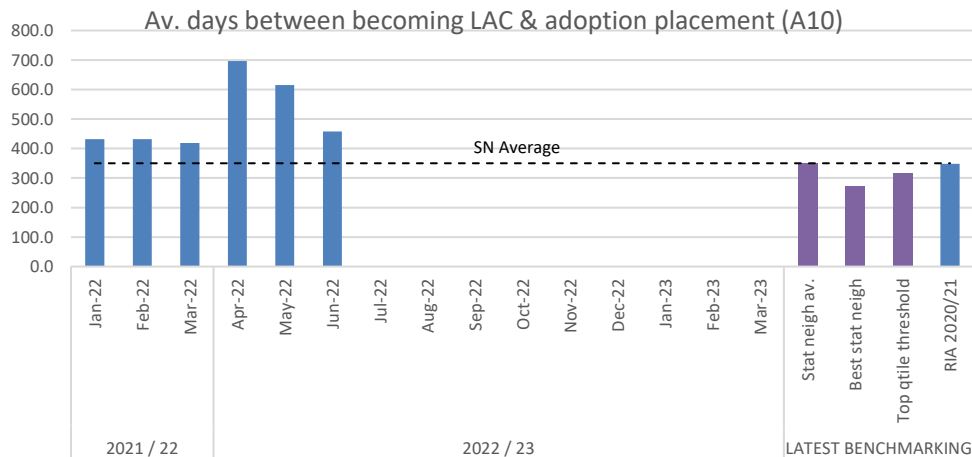
2 placements created via foster carer approvals (ytd)

Adoptions & Care Leavers

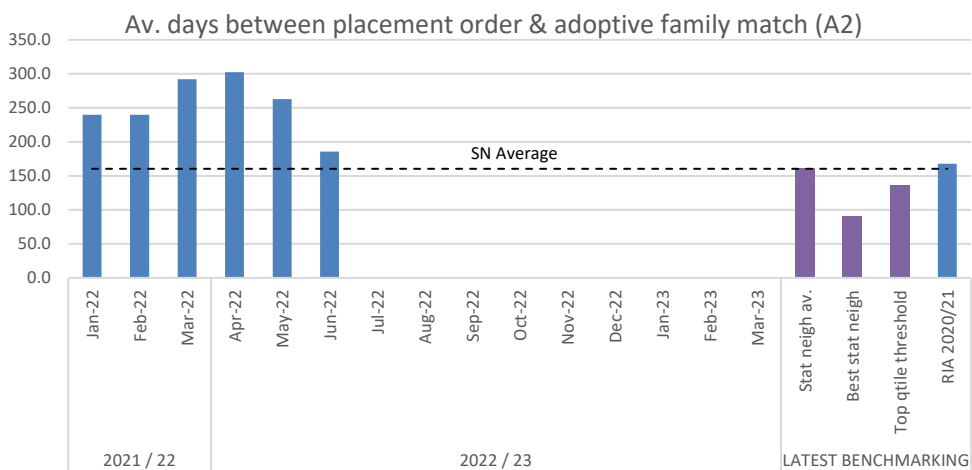
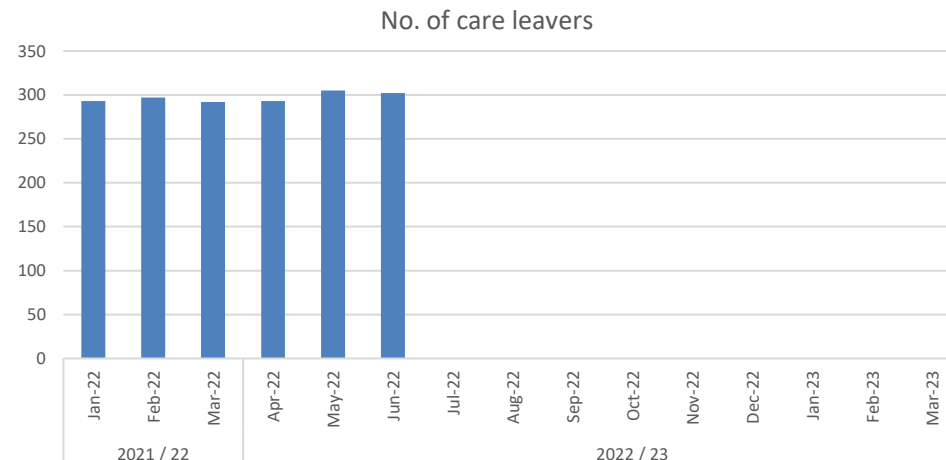
Following a child becoming looked after, it may be deemed suitable for a child to become adopted which is a legal process of becoming a non-biological parent. The date this is agreed to be in the best interests of the child is known as their 'SHOBPA'. Following this a family finding process is undertaken to find a suitable match based on the child's needs, followed by placement with their adopter(s). Placement are monitored and assessed before the final adoption order is granted.

A care leaver is, a person 25yrs or under; has been looked after by a LA for 13wks+ since 14yrs; and has been looked after by a LA at school-leaving age or after.

Adoptions



Care Leavers



302 care leavers as at the period end

85.0% of eligible LAC & care leavers had an up to date pathway plan at the period end

96.4% of care leavers were in suitable accommodation at the period end

72.2% of care leavers were in employment, education or training at the period end

4 adoptions completed within 12 months of SHOBPA (ytd)

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Committee Name and Date of Committee Meeting

Corporate Parenting Panel – 20 September 2022

Report Title

Rotherham Youth Justice Service Multi-Agency Protocol to support the decriminalisation of Looked after children

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Suzanne Joyner, Strategic Director of Children and Young People's Services

Report Author(s)

Rebecca Wall, Interim Assistant Director Children's Social care

rebecca.wall@rotherham.gov.uk**Ward(s) Affected**

Borough-Wide

Report Summary

The attached Multi-Agency Protocol has been developed in conjunction with the wider partners and agreed at the Rotherham Youth Justice Partnership Board. The protocol aims to recognise that most Looked After Children and care leavers experience adverse childhood experiences and trauma prior to coming into care. With placement moves and education disruption, Looked After Children are less likely to have consistent, healthy, and meaningful relationships with adults who are supportive and loving. With less than one per cent of children in England entering the care system, half of the children detained in Youth Offending Institutes are, or have been, within the care system. Looked After Children and care leavers from Black and minority ethnic backgrounds are at an even bigger disadvantage. More than half of the children in prison are or have been in care, with over half of them being from Black and minority ethnic backgrounds.

RMBC, as corporate parent, Rotherham Youth Justice Partnership Board and wider partners want to be part of turning this curve and committing to work to support best outcomes for our Children in Care.

Recommendation

The Panel is asked to receive this report as for information and discussion.

List of Appendices Included

Appendix 1 - Rotherham Youth Justice Service Multi-Agency Protocol to support the decriminalisation of Looked after Children

Appendix 2 - Leaflet for young people - Rotherham Youth Justice Service Multi-Agency Protocol to support the decriminalisation of Looked after Children

Background Papers

The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Council Approval Required

No

Exempt from the Press and Public

No

Rotherham Youth Justice Service Multi-Agency Protocol to support the decriminalisation of Looked After Children Error! Reference source not found.

1. Background

The Multi-Agency Protocol to support the decriminalisation of Looked After Children has been developed by the Rotherham Youth Justice Partnership. This Protocol represents Rotherham's multi-agency partnership commitment to reducing the unnecessary criminalisation of Looked After Children and care leavers and includes the contribution of relevant local agencies and staff. Although not an exclusive list, this includes: RMBC Children's Services; Youth Offending Services; Crown Prosecution Service; South Yorkshire Police; HMCTS; the local Youth Panel (Magistrates); Care Services (including, kinship, fostering, and Rotherham and independent sector residential children's homes); Care Leaver services; and any other private or voluntary organisations commissioned to support looked-after children locally.

This Protocol reflects the principles and ambition of the National Protocol on Reducing Criminalisation of Looked After Children and Care Leavers. The national Protocol describes 'what' needs to happen across the country. This local Protocol complements this by setting out 'how' the national Protocol will be implemented locally, and reflects the local structure of services, care populations, stakeholders, governance, and decision-making arrangements.

The National Protocol on Reducing Unnecessary Criminalisation of Looked After Children and Care Leavers 2018 set out a clear position the Protocol must be:

'A co-developed, whole system approach... That should include prevention, early intervention and appropriate response where children and young people do offend.'

The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018.

2. Key Issues

The RMBC as corporate parent, Rotherham Youth Offending Board and wider partners, want to be part of turning this curve and committing to work to support best outcomes for our Children in Care. This Protocol sets out the roles and responsibilities of each group involved in the care of Looked After Children and care leavers in reducing their involvement in crime because each and every one of these groups has their part to play in protecting these vulnerable young people from a life of crime. This includes children's home carers, foster parents, police officers, the Crown Prosecution Service, health services and local authorities.

The organisations who have signed up to this Protocol have agreed to the following key principles:

- Diversion from the criminal justice system is at the heart of this protocol
- Children should be seen as children.
- supporting desistance
- Listening to and learning from children and young people
- Agencies asking, 'is this response good enough for my child?'

Through this Protocol, we will be able to work better together, across the Borough, reduce the number of young people who have been within the care system being criminalised; and then being further drawn into crime; and instead, divert them instead towards a more positive future.

3. Options considered and recommended proposal

3.1 The attached report is for consideration and review by Corporate Parenting Panel.

4. Consultation on proposal

4.1 The report is for information and further discussion at Corporate Parenting Panel.

5. Timetable and Accountability for Implementing this Decision

5.1 This report will be shared at Corporate Parenting Panel on the 14th June, 2022, and the strategy has an associated delivery plan which sits under the Rotherham Youth Justice Board.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 There are no financial or procurement implications

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 There are no legal implications to this report.

8. Human Resources Advice and Implications

8.1 There are no direct human resource implications to this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The report and proposals are relevant to all children looked after and the aim of the review and action plan is to improve the outcomes for children looked after by Rotherham.

10. Equalities and Human Rights Advice and Implications

10.1 There are no direct implications from this report, but it is noted that aim of the protocol is to ensure that children and looked after young people are not unduly prejudiced against because of their Looked after status or living arrangements. The protocol sets out clearly the commitment to support young people to have their voice heard, access to advocacy and legal support and the roles and responsibilities the partnership holds in their role as corporate parent.

11. Implications for CO₂ Emissions and Climate Change

11.1 There are no direct implications within this report.

12. Implications for Partners

12.1 The Multi-Agency Protocol has been developed and agreed by partners and delivery will be assured via the Rotherham Youth Justice Partnership Service.

13. Risks and Mitigation

13.1 The Multi-Agency Protocol clearly sets out the risks associated with being looked after and the increased risk of criminality. The aim of the Protocol is to ensure that we seek to mitigate this risk as individual partners and how the different agencies work together. A protocol alone will not make the difference needed and the key principles and actions agreed will be delivered and assured by the Rotherham Youth Justice Board.

14. Accountable Officer(s)

Rebecca Wall, Interim Assistant Director Children's Social care
rebecca.wall@rotherham.gov.uk

This report is published on the Council's [website](#).

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ROTHERHAM GUIDANCE TO SUPPORT THE DECRIMINALISATION FOR LOOKED AFTER & LEAVING CARE YOUNG PEOPLE

This guidance sets out the agreed roles of Rotherham Council, partners and all adults involved in the care of you in reducing any involvement in crime.

THE REASONS FOR THIS GUIDANCE ARE TO

- # Lower the number of young people who are looked after from being criminalised;
- # To help stop you from getting involved with crime;
- # And help you move towards a more brighter future.



HERE'S THE 5 KEY POINTS OF THE GUIDANCE



DIVERSION

- # We will work with you and your family to help stop you from being involved in crime
- # We will help you understand possible consequences of your actions.

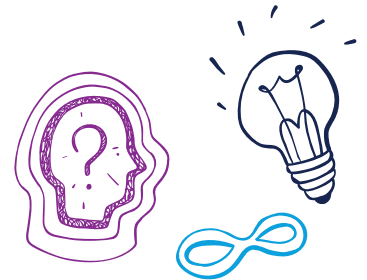
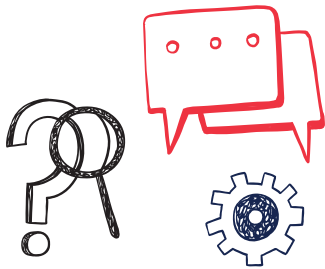


CHILDREN & YOUNG PEOPLE

- # We will recognise your experiences and situations within care
- # We will support you to understand what is happening and help you through everything.

LISTENING TO YOU

- # We will listen to your story, act on what you tell us and learn from you
- # Your voice is important to **all our** work!



BREAKING THE CYCLE

We will help you to:

- # Understand and value yourself and your own self worth
- # Provide Access to opportunities to help you achieve your goals
- # Feel a valued person with education, work and good friendships.



IS OUR RESPONSE GOOD ENOUGH FOR MY CHILD?

Rotherham Council share a responsibility to you to ensure we always:

- # Advocate for you
- # Treat you fairly and with respect
- # Make sure the help you receive is the excellent quality we expect for our own children.



For more information and support please contact your Personal Advisor or Social Worker

www.rotherham.gov.uk

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ROTHERHAM YOUTH JUSTICE SERVICE MULTI-AGENCY PROTOCOL

To support the decriminalisation for Looked After Children



Proud to work with Rotherham's
children · young people · families

www.rotherham.gov.uk

Rotherham
Metropolitan
Borough Council 

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EXECUTIVE SUMMARY

Most looked-after children and care leavers have experienced adverse childhood experiences and trauma prior to coming into care. With placement moves and education disruption, looked after children are less likely to have consistent, healthy, and meaningful relationships with adults who are supportive and loving.

Without these relationships, children and young people in care are often left hugely vulnerable to criminal and sexual exploitation and the use of illegal substances. As a result, sadly, they are more than twice as likely to be cautioned or convicted of an offence compared to their peers. With less than one per cent of children in England entering the care system, half of the children detained in Youth Offending Institutes are, or have been, within the care system. Looked-after children and care leavers from Black and minority ethnic backgrounds are at an even bigger disadvantage. More than half of the children in prison are or have been in care, with over half of them being from Black and minority ethnic backgrounds.

Rotherham Council as corporate parent, Rotherham Youth Justice Partnership Board and wider partners want to be part of turning this curve and committing to work to support best outcomes for our Children in Care. This protocol sets out the roles and responsibilities of each group involved in the care of looked-after children and care leavers in reducing their involvement in crime – because each and every one of these groups has their part to play in protecting these vulnerable young people from a life of crime. This includes children’s home carers, foster parents, police officers, the Crown Prosecution Service, health services and local authorities.

The organisations who have signed up to this protocol have agreed to the following key principles:

- Diversion from the criminal justice system is at the heart of this protocol
- Children should be seen as children.
- Supporting desistance
- Listening to and learning from children and young people
- Agencies asking, ‘is this response good enough for my child?’

Through this protocol, we will be able to work better together, across the borough, reduce the number of young people who have been within the care system being criminalised; and then being further drawn into crime; and instead, divert them instead towards a more positive future.



David McWilliams

Chair of Rotherham Youth Justice Partnership Board
Assistant Director, Early Help Business Support & Family Engagement

I. INTRODUCTION

‘We have made significant strides in reducing the criminalisation of children and young people...This is a credit to the agencies and practitioners involved. However, although the vast majority of looked-after children and care leavers do not get involved with the justice system, they remain over-represented compared to others in the criminal justice system...This is a challenge we must meet.’

The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018.

This Rotherham local multi-agency protocol that seeks to reduce the unnecessary criminalisation of Rotherham’s looked-after children and care leavers.

This protocol reflects the principles and ambition of the National Protocol on Reducing Criminalisation of Looked-After Children and Care Leavers. The national protocol describes ‘what’ needs to happen across the country. This local protocol complements this by setting out ‘how’ the national protocol will be implemented locally, and reflects the local structure of services, care populations, stakeholders, governance and decision-making arrangements.

The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018 set out a clear position the protocol must be:

‘A co-developed, whole system approach... That should include prevention, early intervention and appropriate response where children and young people do offend.’

The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018.

This protocol represents Rotherham’s multi-agency partnership commitment to reducing the unnecessary criminalisation of looked-after children and care leavers and includes the contribution of relevant local agencies and staff. Although not an exclusive list, this includes: Rotherham Council Children’s Services; Youth Justice Services; Crown Prosecution Service; South Yorkshire Police; HMCTS; the local Youth Panel (Magistrates); Care Services (including, kinship, fostering, and Rotherham and independent sector residential children’s homes); Care Leaver services; and any other private or voluntary organisations commissioned to support looked-after children locally.

2. KEY PRINCIPLES

2.1 Diversion from the criminal justice system is at the heart of this protocol

Every effort should be made to avoid the unnecessary criminalisation of looked-after children, including through early intervention and prevention services. (See 'Overarching Key Principles section of the National protocol). This is in recognition that many looked after children have experienced abuse and trauma, affecting their emotional and behavioural development, potentially making them particularly vulnerable to involvement in the criminal justice system, and that criminalisation can be a barrier to successful transition to adulthood and future life prospects.

The primary objective is for agencies to work together to prevent and reduce offending and the unnecessary criminalisation of looked-after children, accepting that children's welfare and safety are paramount. Whilst this protocol aims to prevent and reduce offending and avoid criminalisation of looked-after children, victims have a right to be protected from all types of offending. Therefore, where looked-after children do offend, it is important that the rights and needs of victims are given due consideration in any decision-making process relating to the offending of children.

'Victims and communities have a right to be protected from offending and have their needs and interests taken into account in decisions on resolutions to offending.' The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018

De-escalation and restorative approaches should underpin response to negative behaviour to help avoid the prosecution of looked- after children and care leavers (up to the age of 25) wherever possible. Restorative Justice (RJ) is a process whereby the victim has an opportunity to be heard and state the impact of the behaviour, and the offender has the opportunity to understand the consequences of and take responsibility for their actions. Such RJ approaches can take place informally within the care placement in response to an incident (where police involvement is not required) or as part of a recognised police outcome where it is considered to be appropriate.

2.2 Children should be seen as children.

Children in care and in the criminal justice system face judgement, punishment and statutory outcomes while having experienced loss, shame, and trauma through neglect, sexual or physical abuse and emotional abuse. This behaviour from such children is often an indicator of their trauma, both past and present. These are children learning to manage complex emotions alongside complex systems and are in a system expecting them to develop independence and maturity when they first need the opportunity to trust and manage structure (trauma informed child development).

2.3 The aim is to support desistance

This means helping develop the pro-social identity of children to achieve positive outcomes. Evidence has shown that key elements for helping young people to stop offending are a positive social identity and a positive outlook. To foster this, trusted and meaningful relationships are key. The young person also needs to be afforded chances to learn from mistakes (without accepting the behaviour but asking what they have learnt from this and how they want to move forward). A restorative approach that both identifies the harm caused and allows the young person to let go of the painful feelings of shame is key to supporting the development of an ongoing positive outlook. The young person also requires access to opportunities to develop.

2.4 Listening to and learning from children and young people

Listening to, learning from, and acting on children and young peoples' voice is vital to having effective policies and support in place to avoid criminalising children and young people. It is also vital to making sure the correct support is put in place to help children and young people resolve problems and avoid future contact with the criminal justice system.

It is every professional's responsibility when working with children to strive to understand the underlying causes of a young person's behaviour. Understanding the needs and perspective of the child or young person at the centre of an incident and listening to their voice should be central to all agencies practice and their response to incidents involving looked-after children and care leavers.

2.5 Agencies asking, 'is this response good enough for my child?'

Corporate parenting refers to the shared responsibility across the council and wider partners to ensure that children and young people in our care or leaving care are supported to thrive. The local authority has a unique responsibility to the children we care for and also to our care leavers.

A trauma-informed approach must be adopted when interacting with looked after children, and carers, police officers and other professionals are encouraged to take on a corporate parent ethos and ask themselves 'would this be good enough for my child?' when responding to incidents in children's care homes and other provisions.

Staff and carers need to consider the nature and seriousness of the incident before deciding whether to involve the police immediately, at a later stage, or whether to involve them at all. Foster carers, residential staff and carers should have the skills to manage negative behaviour, and the police should not be used for low-level behaviour management or matters where in other circumstances a reasonable parent would not involve the police.

The YJ Partnership in Rotherham actively champions the Corporate Parenting role for all Looked After Children involved with the Youth Justice Service in Rotherham and is clear that this involves advocating on behalf of these children and on assessing whether the services received have been 'good enough' and addressing any shortfalls for both individual children and for the Looked After cohort



3. VOICE OF THE CHILD

Article 13 of the United Nations Convention on the Rights of the Child, provides every child with the right to express his or her views, get information and share their ideas. The requirement for looked-after children's wishes and feelings to be taken into account is enshrined in Section 22 of the Children Act 1989. Encouraging children and young people to express their views, wishes and feelings and taking these into account, is also a key part of the corporate parenting principles to which local authorities must have regard of when exercising their functions in relation to looked-after children.

Listening to, learning from, and acting on children and young peoples' voice is vital to having effective services, policies and support in place to avoid criminalising children and young people. It is also vital to making sure the correct support is put in place to help children and young people resolve problems and avoid future contact with the criminal justice system.

This should be underpinned by the following:

- Consultation with children and young people to ensure that there is an understanding of the experiences of Looked After Children and Care Leavers in Rotherham and whether the services and structures that are designed to support them are having an impact.
- Supporting young people to develop their self-confidence, self-efficacy and identity by supporting them to improve local services through their own experiences and stories.
- An Understanding of the underlying causes of a young person's behaviour, in a trauma informed context is essential. Consequently, understanding the needs and perspective of the child or young person at the centre of an incident and listening to their voice should be central to all agencies practice and their response to incidents involving looked-after children and care leavers.
- Asking for the child or young person's view of what has happened when responding to an incident. This is an opportunity to understand the child or young person's perspective - both to inform decision making about how to respond in their best interests and to avoid criminalisation where possible. Agencies should approach these conversations with an open mind and be open to the possibility that fault might not lie at all, or in its entirety, with the child or young person.
- Children and young people should have access to a mediator outside the conflict, such as a social worker, another carer in the home or another trusted adult before police involvement.
- Children and young people's views should be asked for and be taken into account in any reports written about the incident, including police, children's homes and other social care reports.
- Children should be informed of what has been said and written about them and to have an opportunity to challenge anything they believe is untrue or unfair. Professionals should consider the long-lasting impact these reports can have on children's lives and ensure they are accurate, balanced, moderate in their use of language (for example, consider the effect of words such as "aggressive" and "violent") and include the voice of the child.
- Providing advice, information and support to secure the support of an advocate.

4. PREVENTION

Ensuring looked-after children have the right placements that meet their identified needs will significantly contribute to prevention. Rotherham YJ Partnership Board and partner agencies recognise the vital role of early intervention and prevention in reducing criminalisation of looked-after children and care leavers. This protocol reflects the ongoing commitment to services co-developing their approach that includes prevention (such as addressing cause of adverse childhood experiences and mentoring), early intervention and appropriate response where children and young people do offend.

It is recognised that caring for and managing children and young people with behaviour which can be perceived as difficult, or challenging is key to name and address. This applies to all placement types for looked-after children or care leavers. There should be a positive presumption that foster carers, residential staff and carers have the skills set to manage negative behaviour. This should have been part of their core training and skill development. The police should not be used for low-level behaviour management or matters a reasonable parent would not have called the police over.

Where a young person is placed who has struggled and there have been previous contacts with YJS and police, careful planning and agreement about what support is in place, and what worries about safety would warrant contacting the police, should be discussed and carefully considered and review as part of the placement planning and care review. This includes an agreement about how agencies should respond.

Key to understanding and tracking worries for young people is the quality of recording around incidents. All incidents must be recorded in the child's personal file. Foster carer, residential staff and carers should bear in mind the potential impact of that record on a child, and recording should be objective, non-stigmatising and trauma informed.



5.RESPONDING TO INCIDENTS

It is reported that 71 per cent of children in care who are criminalised have emotional or behavioural health concerns compared to 51 per cent of all children in care. Many looked-after children often display the most challenging behaviour due to their pre-care and post-care adverse childhood experiences (ACEs). This can be exacerbated by experiences in care and/ or other problem ongoing in their lives. ACEs are potentially traumatic events that can have negative, lasting effects on health and well-being such as:

- Verbal abuse
- Physical abuse
- Sexual abuse
- Physical neglect
- Emotional neglect
- Parental separation
- Household mental illness
- Household domestic violence
- Household alcohol abuse
- Household drug abuse
- Incarceration of a household member

These ACEs can have a significant influence on problematic behaviour and likelihood of youth justice involvement. A trauma-informed approach must be adopted when interacting with looked after children, and carers, police officers and other professionals are encouraged to take on a corporate parent ethos and ask themselves 'would this be good enough for my child?' when responding to incidents in children's care homes and other provisions.

Staff and carers need to consider the nature and seriousness of the incident before deciding whether to involve the police immediately, at a later stage, or whether to involve them at all. Where possible the child should be referred to mental health support services.

Within Rotherham we have co-developed and agreed local arrangements, which demonstrate our partnership commitment to de-escalation and in-house management, developing and agreeing a clear framework for responding to incidents. An example is the Rotherham (Police) Juvenile Process (**Appendix 1**), which highlights roles and key point of communication.

In circumstances where an offence/incident does not pose any immediate safety risk (and where victim/s indicate that they do not wish to make statements in support of potential charge/prosecution) then **such incidents should be recorded and managed internally, without the need to involve the police**. It should be recognised that each individual case should be assessed with a regard to whether or not there is an immediate risk to personal safety, being mindful that arrest and subsequent contact with the criminal justice system brings its own risks for children. If the decision to call the police is made, then, upon the arrival of the police at the scene, a joint view (police and carer) should inform whether arrest is necessary and proportionate (**Appendix 1**).

Where arrest is considered necessary there should be a presumption to interview children in voluntary reporting suites, outside of police custody, wherever possible. Where a crime has been committed, this will be recorded by the police.

The decision regarding the outcome for the young person should be made in consultation with Rotherham YJS and Rotherham Children's Services (as corporate parent), supporting informed consideration of out of court disposal options.

Where children placed out of the Rotherham area are involved, these arrangements should include their responsible authority).

‘In circumstances where informal, community resolution is inappropriate, police should, as a matter of routine, consider diversion; from criminalisation/prosecution through discussion in local joint decision-making forums. The forum should consider if using a more substantial restorative intervention, potentially involving other agencies, is suitable.’

The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018.

In some circumstances where more serious offending has occurred the police will lead the investigation, and the preservation of evidence may be necessary in order to secure evidence as part of the investigation. Where there is an immediate risk to personal safety Police should be called to incidents where there is an unacceptable and unmanageable level of risk to personal safety and where it is deemed highly unlikely that order will be restored without police assistance. Immediate police response will be required for incidents of serious violence or serious dangerous disorder where children, residential staff, foster carers, or carers are at risk of immediate serious physical harm. In such situations, carers/placement providers should contact the police via the 999 system.

As highlighted above where young people with complex needs move placements careful planning and consideration of how an incident will be responded to, by all agencies including local police, should be considered as part of the placement planning and review. This is especially key when placing young people out of area, to support positive working relationships and communication.



6. PROSECUTION OF INCIDENTS IN CHILDREN'S HOMES

The police are more likely to be called to a children's home than a domestic setting to deal with an incident of behaviour by an adolescent. The Crown Prosecution Service has devised a national 10-point checklist to inform the decision to prosecute a child, (**Appendix 2**),

The 10 Point Checklist requires a systematic approach to the decision to prosecute a Looked after Child who offends in Children's Homes. The decision-maker is required to ask the following questions:

- What is the Disciplinary Policy of the Children Home?
- Why the Police have been involved and is it as agreed in the Policy?
- Has any informal / disciplinary action already been taken?
- Has there been an apology or reparation?
- What are the Victim's views?
- What are the Social Worker's views?
- What is the Care Plan for the Looked After Child?
- What is said of the recent behaviour of the Looked After Child?
- Information about the incident from the child
- Are there any aggravating or mitigating features?

Prosecutors are required to consider all the circumstances surrounding the offence and the circumstances of the youth before reaching a decision and to apply all relevant CPS policies and documents. Failure to do so may result in proceedings for judicial review:

R v Chief Constable of Kent and Another ex parte L, R v DPP ex parte B (1991) 93 Cr App R 416.

There are many reasons why a Looked After Child may offend within a Care Home, Foster Home or Residential Facility. It may be that the Children's Home is not best fit for the child, it has too many inexperienced staff, the child's Care Plan no longer fulfils their needs, the placement is unsuitable, there are difficulties in their relationship with other residents or staff, bullying or peer group pressure, the child has suffered traumatic personal events, emotional hurt, has behavioural difficulties, medical issues, grief, fear, immaturity and the absence of support from friends and family.

The context of any incidents or offending must always be carefully considered. The decision to impose a formal out of court disposal or prosecute should always be taken as a last resort after informal measures and diversions have all been fully explored and considered.

Each home must have a written Behaviour Management Policy which sets out the measures of control, restraint and discipline which may be used in the home and the means whereby positive behaviour is to be promoted in the home. The home should develop an individualised plan for each young person, in line with the home's Behaviour Management Policy. A copy of this policy and a statement from the home setting out how the policy has been applied to the particular incident should accompany any request for advice on charging.

7.SUPPORT FOR LOOKED-AFTER CHILDREN IN CONTACT WITH THE CRIMINAL JUSTICE SYSTEM

Looked-after children who are in contact with the Youth Justice System (YJS) will have an assigned Rotherham Youth Justice Service (YJS) case worker and be under the Youth Justice Planning Framework. It is important that the care plan in place and any interventions delivered by the YJS for a child in contact with the YJS are aligned.

The child in care will be facing two allocated workers (Youth Justice Worker and a Social Worker)- both writing plans to address their needs and both making decisions about significant aspects of their life - alongside a range of other professionals involved in the delivery of these plans. Therefore, it is essential that the network around the child is working together and agreeing the direction of travel in the best interests of the child.

No plan is effective without the voice of the child. Both services should have mechanisms for gathering the voice of the child, through direct work and self-assessment forms, alongside participation forums and a Children in Care Council, both of which should be feeding back to both services to inform practice.

Despite all agencies best efforts, there will be instances where looked-after children and care leavers have to enter the criminal justice system. As per the National Protocol, where this does happen, it should be underpinned by the following principles:

If a looked after child is charged with an offence:

When a child in care is charged with an offence, it is important that they are not disadvantaged because of their looked-after status. Within Rotherham we work to ensure there are viable alternatives to a child being remanded to a secure establishment.

Rotherham will ensure that the young person is:

- Legally represented by a solicitor with expertise in youth justice.
- Supported to understand what is happening to them.
- Has their Social Worker attend court with them, particularly on the day of sentence, to ensure that the child's best interests are represented, and that custody is used only as a last resort.
- If the child has an ICTA, they should be advised and be able to attend court to further support the child.

Rotherham and local agencies have signed up and adhere to the Concordat on children in custody and with the aim of avoiding holding looked-after children overnight in police cells where possible.

If a looked-after child receives a community sentence, their social worker and YJS case manager should continue to work closely together, share information and clarify their roles and responsibilities to ensure the child receives the support they need.

If a custodial sentence is likely, the YJS worker and the child's social worker should work together to prepare the child, explaining what will happen and how they will be supported. The social worker should feed in any relevant information to the YJS ahead of them preparing the pre-sentence report.

8. THE NEEDS OF CARERS

The effect on carers following an incident can be traumatic and should not be underestimated by providers. Under Regulation 35 (3)(b) of the Children's Home (England) Regulations 2015, Registered Managers are required to speak to the staff involved about the incident within 48 hours, as part of the incident review.

Policies should reflect that at this time, enquiries into health and welfare are made in all instances and where appropriate, these should be recorded in personnel files. This includes any relevant accident records. 1

Registered Managers and Providers have a duty of care towards their staff and this includes recognising that being involved in violent or frightening incidents is not part of most people's 'normal' experience. Offering appropriate support in a timely manner to address or reduce any ensuing effects should be part of the home's employment and/or behaviour management policy.

Providers and Registered Managers should also ensure that any issues identified as contributing to the incident are addressed, including updating care plans to minimise the risk of recurring behaviours.

For foster carers or family-based carers, the Supervising Social workers and allocated Social Workers for the children placed in their care, will play a key role in offering support and guidance, which includes opportunities to reflect and consider the impact for them as individuals. This reflection and planning for any future incidents, supports building resilience and confidence, supporting diversion from placement breakdowns or potential future criminalisation.



9. LOOKED-AFTER CHILDREN WHO GO MISSING

It is the responsibility of the corporate parent to put strategies in place to reduce the opportunity for looked-after children to 'go missing', to take immediate action to find them, collect them and bring them home 'in-house' as most parents do. Should they be unable to find them, and police are contacted, as the corporate parents, they should collect them ASAP from wherever they have been found, which minimises police contact. However, it is important to acknowledge there may be instances where the environment where the child or young person is found is unsafe for the person sent to collect them. In such circumstances, if foster parents, residential staff/carers having assessed the environment, feel unsafe then the police should assist them in collecting the child.

It should be acknowledged by all parties that regular police interactions into a looked-after child's life when repeatedly reported missing can eventually normalise police involvement. Whilst a policing response to risk and vulnerability is clearly part of a joint agency safeguarding response, the expectation of the police to intervene on every occasion of returning home late, challenging behaviour and pushing of boundaries is not effective and is not a safeguarding response in itself.

As mentioned previously, a culture of overreliance on the police to respond to minor incidents in the care placement applies equally to looked-after children being reported missing.

Within Rotherham we have the Local Rotherham Missing policy and are part of the wider South Yorkshire Missing Protocol. **missing_home_care.pdf (proceduresonline.com)** The Philomena Protocol has been launched across the South Yorkshire Police Service and aims to ensure all parties are informed on how to better prepare for missing children incidents. At the point of reporting, the level of risk and the sharing of information under existing Rotherham Child Protection Procedures should be outlined. The protocol promotes supportive engagement between the police and high-demand care placements where reporting behaviours are shown to be less than optimal. (**Appendix 4 – Philomena Protocol flow chart**).

The Philomena protocol requires a "multiagency trigger plan/find me plan" for any child who has, or it is believed will be subject to multiple missing episodes, or where there is thought to be a risk of them going missing and coming to harm. The purpose of this plan is to direct initial enquiries when a child goes missing. It will include information such as key people in the child's life; any known contact numbers, social media profiles and addresses of interest; recent missing episodes, where they were found and with whom; and vulnerabilities and risks, including any sanitised police intelligence that can be shared, and any ongoing criminal investigations. The police shall share the plan with the host authority police force when a child is placed out of area to allow an appropriate response to any missing episodes in the host area.

10. PLACEMENTS OUT OF AREA

When commissioning an out of area placement, the commissioning team will ensure that the provider is committed to following this protocol and specifically to using non-criminal responses to behaviour in the care setting. This commitment will form part of the placement contract.

When a child is at risk of coming into contact with the police, preparation work should be undertaken by the placement commissioning service with both the placement and local police (including missing and exploitation police where appropriate) to the placement about the needs of the child and young person, and agreement should be reached about how incidents will be managed, in line with this protocol. This should also cover any possible contextual safeguarding issues in relation to the local area of the placement to ensure a joined-up approach to managing any potential risks to the child or young person being placed, in terms of the area or community that they are being placed in.

It is recognised that children and young people placed outside of Rotherham are often those with the most complex needs. Careful consideration should be made by the placing Local Authority about how the cultural and identity needs of their children and young people will be met, as well as how positive narratives can be promoted about them, to avoid inappropriate or unnecessary criminalisation of children in their care.

Where a child or young person is placed out of Rotherham and is already subject to a Court Order, there should be clear communication between the placing and receiving Local Authority. The placing Local Authority should inform the local YJS that there is a child residing in their area who is subject to Court Orders. There should be clear communication between the placing and local YJS about roles and responsibilities – usually the placing YJS should retain oversight and responsibility for their child or young person but the local YJS (also known as the care taking YJS) may be asked to implement the Order.

Children and young people placed out of Rotherham will be expected to access education, either independently of or linked to the placement. The child or young person's social worker and virtual school should ensure that the identified education provision is aware of the expectations outlined within this protocol.



II. GOVERNANCE

For all agencies (Children's Social Care, YJS, CPS, Police, HMCTS, all types of care settings, Care Leaver Services, and any other private or voluntary organisations, commissioned to support looked-after children locally), working together is key to delivering shared objectives in reducing offending by looked-after children and care leavers and protecting the public.

To implement this national protocol effectively within Rotherham, key partners, including care providers, have co-developed and signed up to agreeing local partnership protocols which reflect the key principles.

This has included agreeing an accountability structure with the YJS Board in Rotherham having the responsibility to monitor the implementation and effectiveness of the protocol at regular intervals.

The Reducing the Offending of Looked After Children will be a key priority in the Rotherham Youth Justice plan and the monitoring and evaluation of targets and ambitions set in the plan is the responsibility of the Rotherham Youth Justice Partnership Board (RYJPB).

Any concerns regarding the operation of this protocol will be raised between the individual agencies in the first instance in the spirit of working together and agencies commit to resolving issues speedily and at the lowest possible level.

The RYJPB will be the forum for hard to shift problems to be debated and considered and the chair of the RYJPB will have the final say in any disputes.

This Protocol will be reviewed on an annual basis through the RYJPB.



12. INFORMATION SHARING

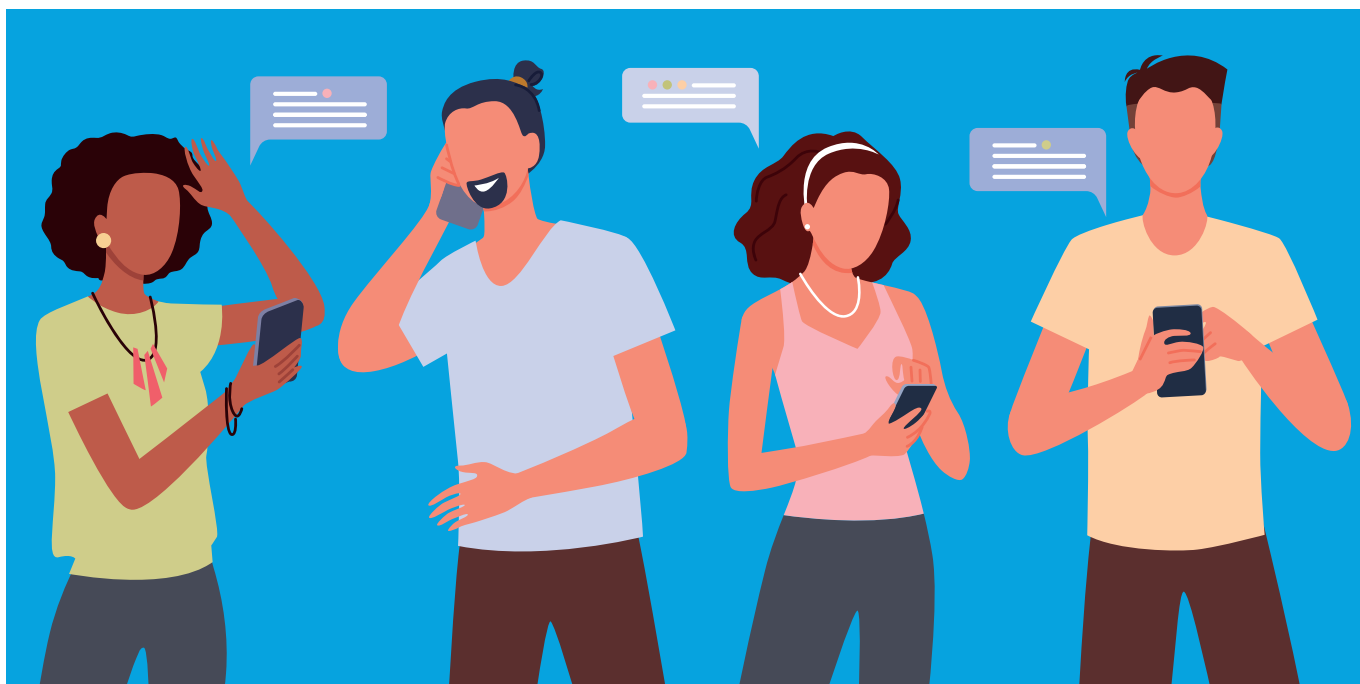
It is vital agencies develop an environment of information sharing that demonstrates to young people that agencies work together and keep each other informed of developments in order to serve children's best interests. The Data Protection Act (2018) allows that any practitioner can share relevant personal information about a child lawfully if it is to keep a child safe from harm, or to protect their physical, mental and emotional wellbeing.

All practitioners should aim to gain consent to share information but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that sharing the information will enhance the safeguarding of a child in a timely manner.

In addition to the statutory guidance applying to agencies working with children, the key legal concepts, legislation and terminology relevant to information sharing are contained in: The Data Protection Act 2018; The Human Rights Act 1998; The common law duty of confidence.

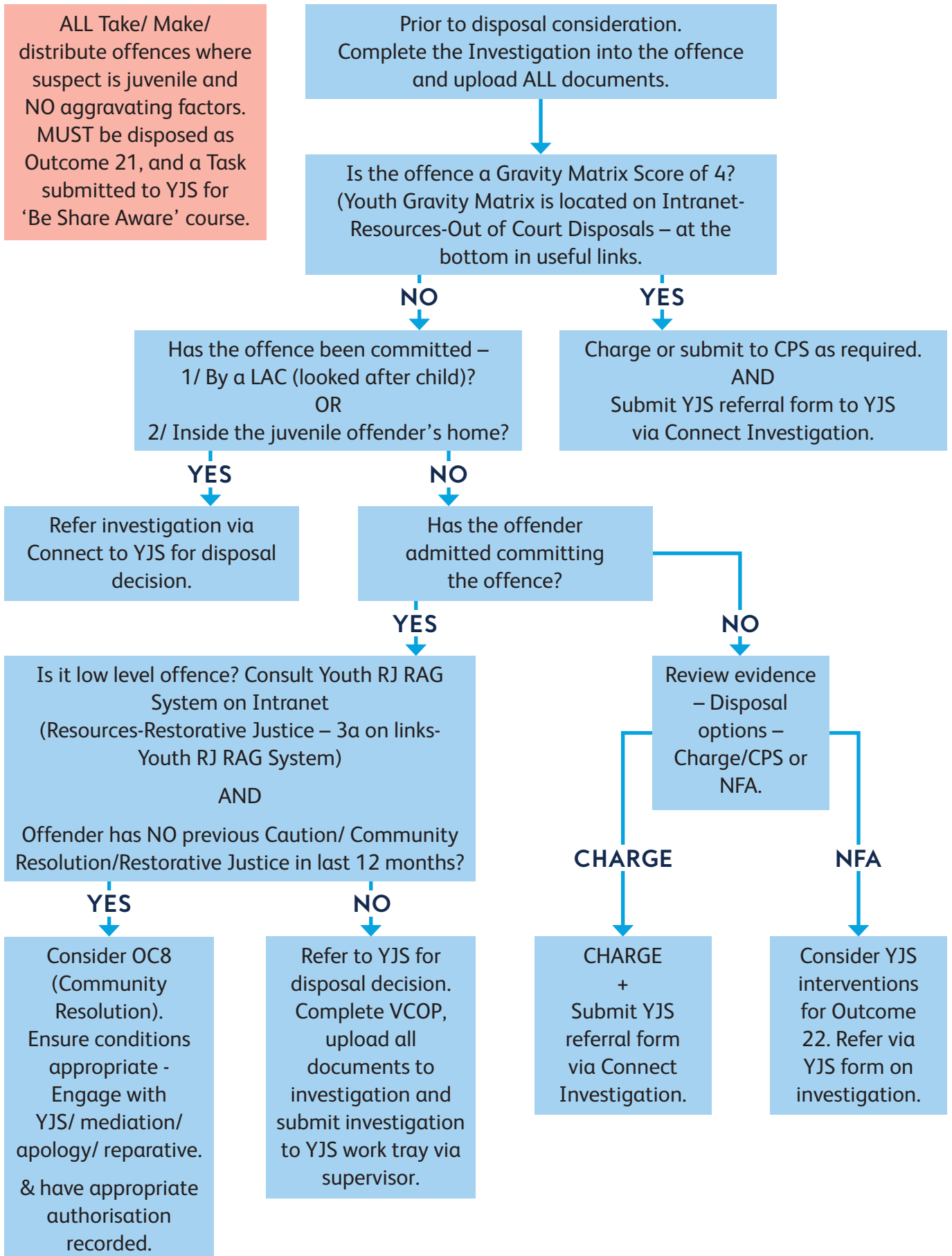
The information that could be shared between agencies for contextual safeguarding may include the following:

- Children and young people (both UK and foreign nationals) at risk of being sexually exploited (including regular updating of any CSE assessments), coerced into criminal activity, or trafficked.
- Children and young people believed to be criminally active.
- Children and young people identified as criminally active being monitored including recording their clothing, times in and out of the homes and any property appearing without formal recognition or identification.
- Areas identified as used by drug dealers in the locality of their placement.
- Sex offenders living in or near placements if relevant (including notification by police as part of information regularly provided to inform children's home Location Review Risk Assessments).
- Grooming activity in the location.
- Gang activity in the location.



APPENDIX I

Juvenile Offender Process (Age 10 – 17yrs)



PRIOR to any investigation being referred to YJS for a disposal decision you MUST

1. Complete the investigation, upload ALL documents and complete VCOP.
2. Identify the Gravity Matrix score.
3. Stipulate the offence/s you are wanting a disposal decision for.

If OC8 has been completed by OIC close investigation and send a TASK to YJS.

*Do not allocate the investigation to YJS.

Any safeguarding, welfare concerns, identified risk – You MUST submit VAVC form.

APPENDIX 2

CPS 10-point Checklist: The Decision to Prosecute

Prosecutors are reminded of the need to consider all the circumstances surrounding the offence and the circumstances of the youth before reaching a decision and to apply all relevant CPS policies and documents. Failure to do so may result in proceedings for judicial review: *R v Chief Constable of Kent and Another ex parte L*, *R v DPP ex parte B* (1991) 93 Cr App R 416.

The 10-point checklist for offences in Children's homes setting out the required information before a proper decision can be taken on looked after children (this includes all voluntary arrangements, foster placements and secure training centres).

Factors that should be considered include;

1	Disciplinary/behaviour policy of the Children's home?
2	Why have the Police been involved and is it as agreed in the behaviour policy? An explanation from the Home regarding their decision to involve the police, which should refer to the procedures and guidance on police involvement.
3	Any informal / disciplinary action already taken by the home? Information from the Home about the recent behaviour of the youth, including similar behaviour and any incidents in the youth's life that could have affected their behaviour, any history between the youth and the victim, any apology or reparation by the youth, history of the incident and any action under the disciplinary policy of the Home.
4	Any apology / reparation? Information from the Home about the recent behaviour of the youth, including similar behaviour and any incidents in the youth's life that could have affected their behaviour, any history between the youth and the victim, any apology or reparation by the youth, history of the incident and any action under the disciplinary policy of the Home.
5	Victim's views? The views of the victim, including their willingness to attend court to give evidence and/or participate in a restorative justice or other diversionary programme.
6	Social Workers Views? The views of the key worker, social worker, counsellor or CAHMS worker on the effect of criminal justice intervention on the youth, particularly where the youth suffers from an illness or disorder.
7	Care Plan for Looked after Child? If the looked after child wishes it to be considered, information about the local authority's assessment of his/her needs and how the placement provided by the Home is intended to address them. The local authority should be able to provide this information as it should be an integral part of the Care Plan for the looked after child.
8	Recent behaviour at the home / previous incidents
9	Information about the incident from the looked after child (e.g. informal interview at the home)
10	Any aggravating or mitigating factors? Prosecutors should consider all of the aggravating and mitigating features when deciding on the appropriate outcome.

Prosecutors should consider all of the aggravating and mitigating features when deciding on the appropriate outcome.

Aggravating features include:

- The offence is violent or induces the genuine fear of violence in the victim
- The offence is sexual
- The offence is motivated by hostility based on the gender, sexuality, disability, race, religion or ethnicity of the victim
- The victim is vulnerable
- The damage or harm caused is deliberate and cannot be described as minor
- The offence forms part of a series of offences
- Informal measures have been ineffective in preventing offending behaviour

Mitigating features include:

- The damage or harm caused is at the lower end of the scale and has been put right
- Appropriate action has already been taken under the disciplinary procedure or other informal disposal
- Genuine remorse and apology to the victim
- The behaviour is a symptom of a disorder or illness that cannot be controlled by medication or diet. Refer also to Mentally Disordered Offenders
- Care should be taken where it appears that the youth has deliberately refused medication or deliberately consumed a substance knowing that his or her behaviour will be affected.
- Isolated incident or out of character
- The young person is under extreme stress or appears to have been provoked and has overreacted

The reasons for the charging/diversion decision should be clearly recorded and show the factors that have been considered by a youth specialist to determine how the public interest is satisfied.

APPENDIX 3

CPS guidance: Offending Behaviour in Children's homes

The decision to prosecute looked after children for low level offences committed within a children's home is a major decision and should be taken by a youth specialist, who, wherever possible, will be a volunteer who has attended the CPS Youth Offender Specialist Course and is a Senior Crown Prosecutor.

A national protocol to reduce the criminalisation of looked after children and care leavers was published in December 2018. This provides a framework for criminal justice and local agencies to co-develop local arrangements in order that they can respond consistently, and share necessary information, to help achieve better outcomes for looked after children and care leavers.

This guidance is intended to assist youth specialists in determining where the public interest lies when it is alleged that a looked after child has committed an offence in the children's home where he or she lives. It is not intended to apply to all offences committed by looked after children; although some of the principles may be helpful when applying the public interest stage of the Full Code Test to offences committed outside the home.

Children and young people who live in children's homes are at a high risk of offending behaviour because:

- Many looked after children are between the ages of 14 and 17, which is regarded as the peak offending age range
- In some children's homes they are likely to be living with young people who have been remanded to local authority accommodation, and may be susceptible to group offending behaviour
- They may be living in accommodation far from their home, so may lack support from friends and family
- Many looked after children display challenging behaviour, which may be a reaction to past experiences of abuse and neglect; and/ or have been diagnosed as experiencing Attention Deficit and Hyperactivity Disorder and Oppositional Defiant Disorder. Their offending behaviour may be caused by or otherwise linked with the disorder
- Their behaviour is likely to be more challenging and demanding because of their family experience, the breakdown of foster placements and frequent moves from other children's homes
- Living in a group with other challenging and demanding children of the same age gives rise to greater potential for conflict, bullying and peer group pressure

The police are more likely to be called to a children's home than a domestic setting to deal with an incident of offending behaviour by an adolescent. Specialists should bear this in mind when dealing with incidents that take place in a children's home. However, where offending behaviour occurs in a family context, the CPS Domestic Violence Policy would apply wherever a partner, sibling, parent or other family member experiences violence at the hands of a youth. **It is important that all people feel safe in the place that they live, whether that is in a family home or children's home and that they have confidence in the criminal justice system to intervene and protect them where this is necessary.**

A criminal justice disposal, whether a prosecution, youth caution or youth conditional caution, should not be regarded as an automatic response to offending behaviour by a looked after child, irrespective of their criminal history. This applies equally to persistent offenders and youths of good character. A criminal justice disposal will only be appropriate where it is clearly required.

Informal disposals such as restorative justice conferencing, reparation, acceptable behaviour contracts and disciplinary measures by the home may be sufficient to satisfy the public interest and to reduce the risk of future offending.

Behaviour Management policies

All children's homes, whether they are run privately or by the local authority or voluntary sector must comply with the Children's Home Regulations 2001, which are mandatory, and the National Minimum Standards, which are issued by the Secretary of State under section 23 Care Standards Act 2000. These are minimum standards, not examples of good practice, and Homes should aspire to exceed them. Copies of these documents are available at:

- <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00030-2011>
- <http://www.legislation.gov.uk/ukpga/2000/14/section/23>

Each home must have a written behaviour management policy that sets out the measures of control, restraint and discipline which may be used in the children's home and the means whereby appropriate behaviour is to be promoted in the home. **A copy of this policy and a statement from the home setting out how the policy has been applied to this incident should accompany any request for advice on charging.**

Each home should have a clear written policy, procedures and guidance for staff based on a code of conduct that sets out control, discipline and restraint measures that are permitted and must reinforce positive messages to children for the achievement of acceptable behaviour. The consequences of unacceptable behaviour should be clear to staff and children and must be appropriate to the age, understanding and individual needs of the child. It must also be recognised that unacceptable or challenging behaviour may be the result of illness, bullying, disabilities such as autism, ADHD or communication difficulties.

Standard 22 National Minimum Standards for Children's Homes requires staff to respond positively to acceptable behaviour, and where the behaviour of children is regarded as unacceptable by staff, is responded to by constructive, acceptable and known disciplinary measures approved by the registered person. Control and disciplinary measures should encourage reparation and restitution. Corporal punishment, deprivation of food and drink and punishing a group for the behaviour of an individual may not be used as a disciplinary measure, and financial penalties are restricted to the imposition of a reasonable sum, which may be paid by instalments, by way of reparation (Rule 17 CHR 2001).

Unless the registered person can show it is inappropriate, the home should also have procedures and guidance on police involvement in the home, which has been agreed with the local police. Staff should know about the agreement with the police and should be clear when the police should be involved. (Paragraph 22.15 National Minimum Standards for Children).

APPENDIX 4

