

**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)**

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**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 14<sup>th</sup> 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 CO<sub>2</sub> 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)**

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