

WORKING TOGETHER:

Criminal Justice Social Work Services and Youth Action Services in Highland

**A protocol document outlining the working
arrangements between the two services**

August 2008

The Protocol Document between Youth Action Service and Criminal Justice Service June 2008

INTRODUCTION

This reviewed protocol between Criminal Justice Social Work Services (CJS) and the Youth Action Service (YAS) sets out guidelines for the provision and development of an integrated service between Criminal Justice Social Work Services and Youth Action Service for young offenders under eighteen living in Highland.

CRIMINAL JUSTICE AND YOUTH ACTION – THE INTERFACE

CJS is well established in Highland, and provides a range of statutory and voluntary services for adult offenders (over 16yrs) both in prison and in the community.

The remit of YAS includes working with those up to the age of 18 with a view to offering young offenders a range of services, including support and advice with substance misuse problems, to address their behaviour at an early stage. The YAS provides a specialist service within Children's Services.

Location of staff and offices for both CJS and YAS are attached as appendices for information.

The main interface, therefore, between CJS and YAS is with 16 and 17yr olds, and includes addressing:

- Substance misuse issues
- Parenting Orders
- Community Reparation
- Offending Behaviour

WORKING TOGETHER

CJS and YAS remain committed to the development and maintenance of good working relationships to ensure consistent, seamless service delivery. YAS are able to provide a range of services to young offenders being supervised by CJS. It is considered **essential** that effective communication, sharing of information and joint working is undertaken between agencies. YAS representatives will also attend appropriate CJS team meetings within their locality, and joint training between both parties will be undertaken.

UNDERLYING PRINCIPLES

- 1) CJS will be responsible for the writing of reports on young offenders, and for their supervision – unless YAS have had prior involvement (in which case this is subject to negotiation).
- 2) The principle of joint working in preparation of reports is vital, wherever possible; and
- 3) Action plans in all areas of work including SERs should be clear in identifying both the agreed work, and the party responsible for its delivery.
- 4) CJS will always supervise a statutory order on a case management basis, with YAS undertaking specific work that is outlined in the initial assessment and action plan.

TRANSITION ARRANGEMENTS YAS TO CJS

Where a young person is subject to a supervision order this will not be terminated whilst there are outstanding cases to be heard in an adult court. This is to ensure that when a young person is subsequently placed on an adult court order (or Work Order, Structured Deferred Sentence or Diversion) that there is a more joined-up transfer from YAS to CJS.

When a young person becomes an open case to CJS there **must** always be a **planning meeting** with YAS to exchange information and consider (where applicable) the ex-Looked after Children Protocol. This is a protocol between the Integrated Children's Service, CJS and YAS for the purpose of ensuring the delivery of services in relation to the statutory provision of through and aftercare assessment, review and support for young people likely to and who meet the *Supporting Young People Leaving Care in Scotland, Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities (Scottish Executive, 2004)*. This sets out the responsibilities of each agency, particularly in relation to information sharing and the lead professional.

THE FRAMEWORK

SOCIAL ENQUIRY REPORTS

- 1) CJS are responsible for the preparation of SER's on all offenders' under including those under the age of 18yrs. (*However, if the client is known to YAS, it may be prudent for the Youth Action Team (YAT) to undertake the report, which must be discussed and agreed by the relevant CJS team manager and YAS staff member.*)
- 2) If the client is currently or historically known to YAS, the report writer **must** obtain background information from the relevant team, e.g. written information or a meeting with a YAT worker.

- 3) **It is the responsibility of the CJS social worker to liaise with YAS.**
- 4) If the CJS social worker is considering a probation order, he/she must discuss and agree the contents of an action plan with the YAS worker.
- 5) In the SER, a recognised risk assessment tool will be used, and where appropriate a SMR25 must be completed. Where the young person is an open YAS case, a YAT worker will provide CJS with an Asset risk assessment. A SASI assessment can also be undertaken for substance misuse and the SAVRY violence assessment tool for offences involving violence.
- 6) The CJS social worker must remember that in an SER, an action plan involving work from YAS can be identified as part of a structured deferred sentence following liaison and agreement.

CHILDREN'S HEARING

- 1) CJS **must** be proactive in identifying cases that come before the court which could potentially be referred back to the Children's Hearing.
- 2) The Court duty worker must identify/record likely cases on the SER request form for the attention of the Team Manager/Senior Social Worker.
- 3) Liaison with relevant YAS/Children's Services should take place at the earliest opportunity.
- 4) If the Court do refer the case back to the Children's Hearing, it then becomes the responsibility of the YAS.

WORK ORDERS (Inverness area only)

- 1) Work Orders are the statutory responsibility of CJS.
- 2) For young offenders, YAS can be involved in the assessment and undertaking of prescribed activities alongside the Criminal Justice Officer (Work Orders).
- 3) It is imperative that YAS is involved in confirming the Action Plan and Assessment at an early stage.
- 4) It is the responsibility of the Criminal Justice Officer (Work Orders) to initiate contact with the YAS if appropriate.
- 5) Contacts and work undertaken by YAS will be formally recorded on CareJust (observations).
- 6) Enforcement in the event of non-compliance remains the responsibility of the Criminal Justice Officer (Work Orders). To this end, should any client fail to attend with YAS as instructed, the YAS worker must inform the Criminal Justice Officer (Work Orders) within one working day. This

can be done by e-mail or using the messaging functionality on CareFirst.

PROBATION ORDERS

- 1) Probation Orders are the statutory responsibility of CJS.
- 2) If YAS involvement is identified and agreed in the SER, CJS will operate supervision on a case management basis in accordance with National Objectives and Standards for Social Work Services in the Criminal Justice System (NOS).
- 3) It is imperative that once the order has been made the CJS case manager must arrange a planning meeting with the YAT worker to confirm the Action Plan and exchange information.
- 4) Where the young person is an ex-looked after child, the protocol between the Integrated Children's Service, CJS and YAS must be considered (see above – Transition Arrangements).
- 5) Work undertaken by the YAT worker must be recorded on CareJust (observations).
- 6) The YAT worker must be invited to all formal reviews.
- 7) It is the responsibility of the CJS Social Worker to enforce the terms of the order, and to submit breach proceedings. Therefore, if a client fails to attend an agreed meeting with the YAS worker, then that worker must inform the CJS Social Worker within one working day. This can be done by e-mail or using the messaging functionality on CareFirst.

DIVERSION FROM PROSECUTION

- 1) CJS hold responsibility for all diversion cases, although these may be operated on a case management basis.
- 2) Where the referral involves a young offender, there must be liaison with YAS regarding potential involvement.
- 3) Where work is undertaken by YAS it will be conducted in accordance with Scottish government guidelines for Diversion.
- 4) Where the final report is undertaken by the YAS, it must be forwarded to CJS within 3 weeks (to remain within the timescale agreed with the Procurator Fiscal)
- 5) The responsibility for submitting the final report to the Procurator Fiscal remains with the CJS Social Worker.

STRUCTURED DEFERRED SENTENCE (Inverness area only)

- 1) CJS holds the responsibility for the management of SDS cases, although this may be on a case management basis.
- 2) If the referral involves a young offender, then liaison must take place between the SDS Social Worker and YAS regarding possible contact.
- 3) Work undertaken by YAS will be in accordance with Scottish government Guidelines on SDS.
- 4) The supplementary SER will remain the responsibility of the CJS Social Worker, and involve liaison with YAS if appropriate.

SEX OFFENDERS

Sex Offenders will continue to be supervised and managed by CJS. Those young people under the age of sixteen convicted of a sexual offence will be managed within the existing services for children.

VIOLENT AND DANGEROUS OFFENDERS

- 1) Where a risk has been identified, the relevant CJS Team Manager/Senior Social Worker **must** arrange a meeting with the YAS Senior Social Worker to consider the case/nature of risk and agree a risk management strategy.
- 2) All relevant paperwork must be forwarded to YAS, including a risk assessment. Risk assessments will include risk of offending and harm (to self and other). Any Health and Safety risk (to staff) will also be considered.

THROUGH CARE

- 1) If a young offender is subject to a Statutory Licence, this will remain the responsibility of CJS in accordance with NOS.
- 2) The YAS must be invited to any pre-release meeting where appropriate. Invitations will be the responsibility of the Prison based Social Worker.
- 3) The CJS Social Worker must liaise with the YAS.
- 4) Because young offenders serve their sentence outwith Highland, it is important that the agreed protocol (attached) is followed.

PARENTING ORDER

These Orders will be the responsibility of the Children's Services. However, it may be that CJS have contact with either the parent or the child concerned.

YAS will take responsibility for identifying if there is any ongoing contact with CJS. They will also take the lead in initiating contact with the CJS Social Worker to obtain information, and for further appropriate liaison.

REVIEWING AND MONITORING THE FRAMEWORK

CJS and YAS will monitor the efficiency and effectiveness of this framework. This will be carried out by the CJS Principal Officer and the YAS Resource manager and information obtained from CareFirst and CareJust. This will include:

- The number of SERs prepared on 16 and 17 year old offenders.
- The number of SERs that are open or closed cases to YAS.
- The number of Probation Orders made.
- The number of Probation Orders where work is undertaken by the YAS.
- The characteristics of young offenders, including age, gender, ethnicity.
- The number of cases involving substance misuse as a primary/secondary issue (information to be gathered from the SMR25).

In order to quality assure how effectively services are working together, quarterly audits will be undertaken in respect of:

- A sample of SERs to look at the exchange of information between CJS and YAS.
- A sample of probation orders to look at the number of planning meetings undertaken where the young offender was an open or closed case to YAS.

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