



Bedford Borough Council and
Central Bedfordshire Council

working together



A Guide for Staff working with Looked After Children under the provisions of LASPO in Bedfordshire Youth Offending Service and Bedford Borough/Central Bedfordshire Children's Services.

It is important that Looked After Children (LAC) receive a consistent level of service and support. This guidance aims to provide staff with a clearer understanding of their roles and responsibilities for LAC under the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).

The following information applies to existing LAC who are remanded and young people who attain looked after status solely as a result of a criminal remand. In the latter instance, young people remanded into the care of the Local Authority (RILLA) or Youth Detention Accommodation (YDA) become LAC under section 21 of The Children Act 1989 and are entitled to the same level of service provision as other LAC. Staff will therefore comply with the Care Planning, Placement and Case Review (England) Regulations (CPPCR) 2010 and the 'Application of the CPPCR to Looked after Children in contact with Youth Justice Services' 2014.

Included within this document is a breakdown of the remand criteria, agency responsibility flowcharts, the care planning modifications for remanded LAC and a list of useful contact details. There is also information regarding the Local Authority's responsibilities to LAC and Care Leavers as well as the LA's obligations to visit LAC or former LAC serving custodial sentences.

For further details including wider service areas, staff should consult the 'Joint Protocol for BYOS and Children's Services 2015'.

Abbreviations

RILLA – remand into local authority accommodation

YDA – Youth Detention Accommodation

DPP – Detention Placement Plan

YOS – Youth Offending Service

CS – Children's Services

LAC – Looked After Child

CL – Care Leaver

IRO – Independent Reviewing Officer

MASH - Multi Agency Safeguarding Hub – BBC's first point of contact

Access and Referral Team – CBC's first point of contact

Azeus – BBC Children's Services case management system

Frameworkki - CBC Children's Services case management system

Remand Criteria

Before a Court can remand a child/young person in criminal proceedings, a set of conditions must be met. This is briefly outlined as follows:

Remanded into Local Authority Accommodation (RILAA)

Children and young people who are refused bail and are aged 10-17 can be RILLA. The Court can also impose additional remand conditions for example, a curfew, non-association with named individuals and/or not reside with a named individual.

LASPO Part 3 Chapter 3 sec 92 states that:

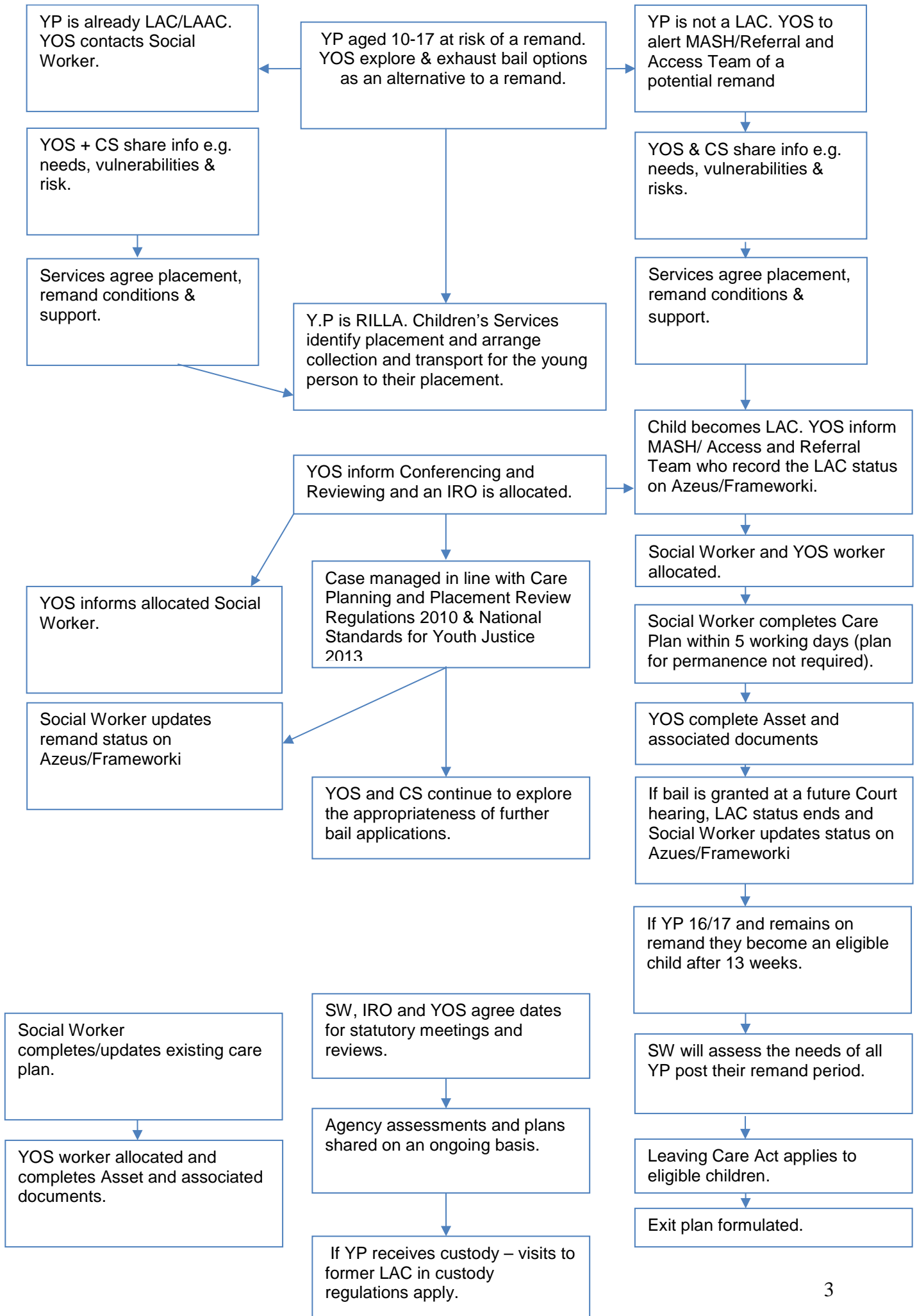
- (1) A remand to local authority accommodation is a remand to accommodation provided by or on behalf of a local authority.
- (2) A Court that remands a child to local authority accommodation must designate the local authority that is to receive the child.

Remanded to Youth Detention Accommodate (RYDA)

LASPO Part 3 Chapter 3 sec 98 states: A Court can only remand a youth into YDA if the following conditions are met:

1. The age condition is that the child has reached the age of twelve.
2. The offence condition is that the offence is one or more of those offences—
 - (a) Is a violent or sexual offence, or
 - (b) Is an offence punishable in the case of an adult with imprisonment for a term of 14 years or more.
3. The necessity condition is that the court is of the opinion, after considering all the options for the remand of the child, that only remanding the child to youth detention accommodation would be adequate—
 - (a) To protect the public from death or serious personal injury (whether physical or psychological) occasioned by further offences committed by the child, or
 - (b) To prevent the commission by the child of imprisonable offences

YOS & Children's Services Responsibility Flowchart for RILLA



The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, defines all children aged 10-17 years old who have been refused bail as a Looked After Child under section 21 of the Children Act 1989 for the duration of the remand. As such the Local Authority has the responsibility to manage the case in line with the Care Planning, Placement and Case Review Regulations 2010, the YJB Case Management Guidance 2014 and National Standards for Youth Justice 2013.

Children's Services Timescales

- Placement Planning meeting within 3 working days
- Care Plan and Placement Plan within 5 working days
- LAC review within 20 working days
- Second review within the first 3 months and then 6 monthly thereafter

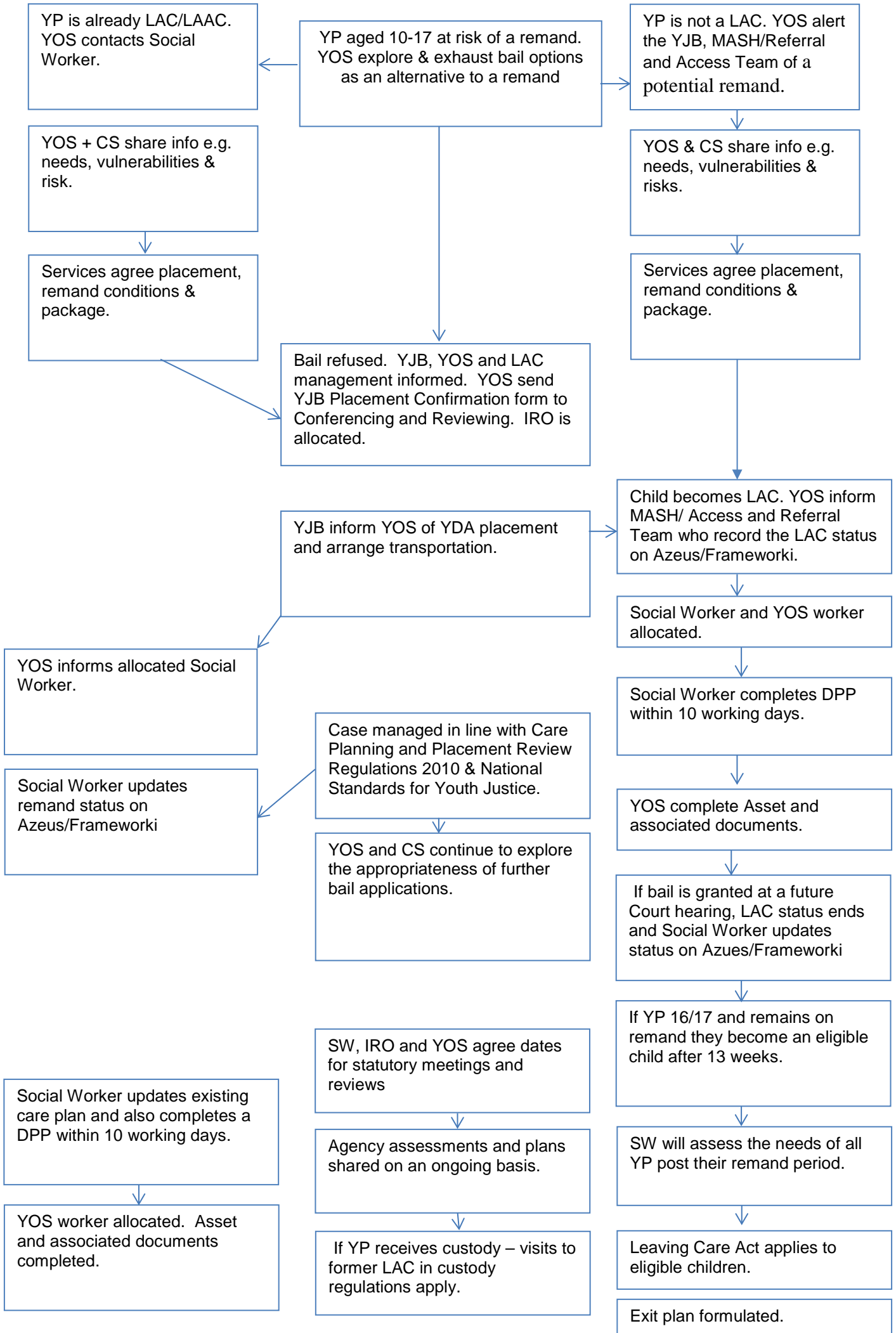
Social Worker Statutory Visits

- Within 1 week of the start of the placement and any subsequent new placement
- 6 weekly thereafter

YOS Timescales

- Initial remand discussion with the Social Worker to take place within 5 working days to explore future bail applications
- Asset updated and completed within 10 working days
- Initial remand meeting within 10 working days and review meetings monthly thereafter
- Receive monthly welfare visits by YOS worker [whilst these visits can be held on the same date, they must be distinct from remand planning meetings but can be held alongside a LAC review]
- ASSET to be reviewed on a monthly basis, or on receipt of risk of harm/vulnerability information and/or a change in circumstances

YOS + C.S Responsibility Flowchart for RYDA



The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, defines all children aged 10-17 years old who have been refused bail as a Looked After Child under section 21 of the Children Act 1989 for the duration of the remand. As such the Local Authority has the responsibility to manage the case in line with the Care Planning, Placement and Case Review Regulations 2010, the YJB Case Management Guidance 2014 and National Standards for Youth Justice 2013.

**Children’s Services
Timescales**

- A Detention Placement Plan* is required within 10 working day of the remand (a care plan, health plan and a plan of permanence is not required)
- YP who were existing LAC at the point of their remand will require an update to their existing Care Plan
 - LAC review within 20 working days
 - Second review within the first 3 months and then 6 monthly thereafter

Social Worker Statutory Visits

- Within 1 week of the start of the placement and any subsequent new placement
- 6 weekly thereafter

YOS Timescales

- Initial remand discussion with the Social Worker to take place within 5 working days to explore future bail applications
- Asset updated and completed within 10 working days
- Initial remand meeting within 10 working days and review meetings monthly thereafter
- Receive monthly welfare visits by YOS worker [whilst these visits can be held on the same date, they must be distinct from remand planning meetings but can be held alongside a LAC review]
- ASSET to be reviewed on a monthly basis, or on receipt of risk of harm/vulnerability information and/or a change in circumstances

- *DPP Example Overleaf

Detention Placement Plan

For further details of what should be included within a DPP, please see page 17 of the attached guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300342/Guidance_revised_following_consultation.pdf

	<u>Needs Dimension</u>	<u>Considerations for the designated authority</u>
1	Health	Are the health professionals and establishment staff aware of, and able to meet, the child's health needs?
2	Education/Training	Are the secure establishment's education staff aware of, and able to meet, the child's educational needs, including any special needs or abilities?
3	Emotional and behavioural development	Is there a risk of self-harm? What is the child's emotional state? What are the arrangements for the establishment to respond appropriately to the child's emotional and developmental needs – talking into account any learning difficulties or disabilities?
4	Family and social relationships	Are the child's parents able to fulfil their parental responsibilities to the child whilst in custody? Is action needed by the LA to facilitate family contact?
5	Self-care skills	Does the child need money, clothes, books or other practical support?
6	Identity	Are the child's ethnic, cultural, linguistic and religious needs being met appropriately by the establishment?
7	Social Presentation	How well does the child understand their circumstances? What are their wishes and feelings? What steps are needed to prepare the child for the remand ceasing, perhaps because they are sentenced to custody? [Record which services are responsible]

Modifications to Care Planning Arrangements for Remanded Young People

Child's Legal Status	Remand into Local Authority Accommodation (RILAA)	Remand to YDA
<p>Already Looked After and then Remanded</p> <p><i>It is unlikely that a child who is already looked after would also be remanded to RILAA.</i></p>	<p>Care Plan is maintained.</p> <p>A placement plan is prepared/ revised within 5 working days of the remand in order to take into account the circumstances which led to the child being remanded.</p> <p>Review chaired by IRO within 20 working days.</p>	<p>Care Plan is maintained and reviewed following the remand. However:</p> <p>LA must also complete a Detention Placement Plan (DPP*) within 10 working days which is agreed and signed off by the custodial establishment on behalf of the Governor/Director of the YDA.</p> <p>Review chaired by IRO within 20 working days.</p>
<p>Not looked after prior to remand</p>	<p>The responsible LA must draw up a care plan but CPR 5(a) is disapplied and the responsible authority will not need to prepare a "plan for permanence".</p> <p>A placement plan must be prepared and agreed with the accommodation provider within 5 working days.</p> <p>Review chaired by IRO within 20 working days.</p>	<p>Child is LAC but they are being accommodated by the YDA not the local authority. A care plan, a health plan and a plan for permanence is not required, and instead:</p> <p>The LA must draw up a DPP within the DA, which is agreed and signed off by the custodial establishment on behalf of the Governor/Director of the YDA.</p> <p>Review chaired by IRO within 20 working days.</p>

Eligible, Relevant, Former Relevant Children

Local Authorities have a duty towards eligible, relevant and former relevant Young People under the Children (Leaving Care) Act 2000 of which the following information has been taken from. The 'Responsible Authority' is defined as the last Local Authority to look after the child/young person. Young people who offend and who are either 'Eligible, Relevant, Former Relevant' continue to qualify under the duties of the Act even if they are sentenced to a community sentence or imprisonment (this also includes financial support for those in custody).

Title	Definition	Entitlement and LA Responsibility
Eligible Child	A Young Person 16-17 years old who has been looked after for a period or periods of at least 13 weeks and is still looked after. This total does not include a series of short-term placements of up to four weeks where the child has returned to the parent.	Eligible children are looked after and entitled to the same level of support as every other looked after child. From their 16 th birthday, the responsible authority must also: <ol style="list-style-type: none"> 1. Undertake an assessment of need. 2. Complete and maintain a pathway plan. 3. Appoint a Personal Advisor. 4. Provide assistance with costs associated with education and training. 5. Provide an income to cover accommodation and maintenance, travel and leisure costs (the amount and access to should be detailed on the pathway plan).

<p>Relevant Child</p>	<p>A young person who is aged 16 and 17 who is no longer in care but was previously looked after for at least 13 weeks since the age of 14, and for some time whilst 16 and 17.</p> <p>A young person is also 'Relevant' if he/she was looked after for a period of at least 13 weeks beginning after their 14th birthday but on their 16th birthday were detained either in a Hospital, Remand Centre, Young Offenders Institution or Secure Training Centre.</p> <p>If a young person returns home for a period of 6 months or more to be cared for by a parent, and the return home has been formally agreed as successful, he or she will no longer be a Relevant Young Person. However, if this placement breaks down and the Young Person is under 18 years of age, they will again become a relevant child.</p>	<p>From their 16th birthday, the responsible authority must:</p> <ol style="list-style-type: none"> 1. Keep in touch. 2. Undertake an assessment of need. 3. Provide a Personal Advisor. 4. Maintain and review a 'Pathway Plan'. 5. Provide assistance with costs associated with education and training. 6. Provide an income to cover accommodation and maintenance, travel and leisure costs (the amount and access should be detailed on the pathway plan).
------------------------------	--	---

<p>Former Relevant Child</p>	<p>A young person aged 18 to 21 who has either been eligible or relevant children or both.</p> <p>If at the age of 21, the Local Authority is still supporting them with education or training then he or she will remain a former relevant child until the end of the agreed programme and up until the age of 25.</p>	<p>Responsibilities to Former Relevant Children:</p> <ol style="list-style-type: none"> 1. Keep in touch. 2. Undertake an assessment of need. 3. Provide a Personal Advisor. 4. Maintain and review a 'Pathway Plan'. 5. Provide assistance with costs associated with education, training and employment. <p>21+ and in education:</p> <ol style="list-style-type: none"> 1. Keep in touch. 2. Financial assistance for training vacation accommodation (see qualifying young people).
-------------------------------------	---	--

<p>Qualifying Children and Young People</p>	<p>Qualifying young people are defined as aged under 21 or under the age of 24 if in education or training who are no longer accommodated but were looked after at any time after reaching the age of 16 but did not qualify as an eligible child.</p>	<ol style="list-style-type: none"> 1. Take reasonable steps to keep in touch. 2. Provide advice and assistance. <p>The LA has powers to:</p> <ol style="list-style-type: none"> 1. Contribute towards expenses incurred by them in living near the place where they are, or will be, employed or seeking employment or in receipt of education or training. 2. Make a grant to enable him to meet expenses connected with his education or training. <p>If the Young Person is in full time further or high education and requires accommodation during a vacation because his term time accommodation during a vacation because his term time accommodation is not available, then the LA shall assist by:</p> <ol style="list-style-type: none"> 1. Providing him with suitable accommodation during the vacation, or; 2. Pay him enough to enable him to secure such accommodation himself.
--	--	--

<p>Visits to Former Looked After Children in Detention Regulations</p>	<p>Applies to Young People who are not on a care order but who were looked after (Section 20 or LASPO) at the point of receiving a custodial sentence or when detained in Hospital</p> <p>OR</p> <p>Aged over 16+ who were remanded for less than 13 weeks and those under 16 who are not the subject of a Care Order.</p>	<p>The Responsible Authority must:</p> <ol style="list-style-type: none"> 1. Visit within 10 working days of their detention and thereafter as request to do so by: the Young Person, the Custodial Establishment, the relevant YOS or the parent/s or other person with parental responsibility. 2. Prepare a written report which must include: An assessment of the Young Person's needs in respect of their welfare whilst in custody and on their release. 3. Whether the Young Person requires accommodation on release and/or any other services. 4. The frequency and timing of any further visits. 5. Arrangements to promote contact between the young person and their family.
---	--	--

Useful numbers and contact details

Bedfordshire Youth Offending Service

Enterprise House
36 Old Forde End Road
Bedford
MK40 4PF
Tel: 01234 276400
Secure email: firstname.surname@bedford.gov.uk.cjism.net

Bedford Borough Council

Borough Hall
Cauldwell Street
Bedford
MK42 9AP
01234 267422

Multi Agency Safeguarding Hub (MASH)

Mon -Thurs 08:45 – 17:20
Fri 08:45 -16:20
Tel: 01234 718700
Email: mash@bedford.gcsx.gov.uk

Out of Hours Emergency Duty Team:

Tel: 0300 300 8123

Conferencing and Reviewing:

Email: conferenceandreviewdutydesk@bedford.gov.uk

Central Bedfordshire Council:

Watling House
High Street North
Dunstable
LU6 1LF
0300 300 800

Access and Referral Hub:

Mon -Thurs 08:45 – 17:20:
Fri 08:45 -16:20
Tel: 0300 300 8585
Email: Cs.accessandreferral@centralbedfordshire.gov.uk

Conferencing and Review:

Email conferenceandreviewdutydesk@centralbedfordshire.gov.uk

Out of Hours Emergency Duty Team: 0300 300 812
: 0845 36 36 36