



Corporate Parenting Committee

19 January 2022

Report from the Strategic Director of Children and Young People

The London Protocol on Reducing Criminalisation of Looked After Children and Care Leavers

Wards Affected:	All
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	0
Background Papers:	Reducing Criminalisation of Looked After Children and Care Leavers - A Protocol for London (https://www.london.gov.uk/mopac-publications-0/reducing-criminalisation-looked-after-children-and-care-leavers)
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1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide information to the Council's Corporate Parenting Committee about the London Protocol (The Protocol hereafter) on Reducing Criminalisation of Looked After Children and Care Leavers, published

in March 2021¹. A previous report on reducing the criminalisation of looked after children and care leavers was presented to the Corporate Parenting Committee in April 2019 following the publication of a national protocol on this issue.

- 1.2 This report provides a summary of the London Protocol and sets out Brent's position around current practice and actions taken to reduce the criminalisation of children in care and care leavers. It contains evidence of services and approaches provided to looked after children and care leavers at a strategic and operational level.

2.0 Recommendation(s)

- 2.1 The Corporate Parenting Committee is asked to review and comment on the content of this report.
- 2.2 The Corporate Parenting Committee advocates in support of the key principles set out within the London Protocol on behalf of looked after children and care leavers when exercising their duties as corporate parents.

3.0 Detail

- 3.1 In November 2018, a national protocol on reducing unnecessary criminalisation of looked after children and care leavers was published by the Department for Education (DfE), Home Office and Ministry of Justice (MoJ). The protocol was the first national guidance aiming to tackle this issue. It provided a framework for local authority children's services, local care providers, youth offending services, the crown prosecution service, police, HM Courts and Tribunal Services and local health services.
- 3.2 The national protocol's key objectives and principles focused on a practice model that aimed to introduce preventative measures, reduce re-offending behaviour and rehabilitate young people who had offended through effective joint working between relevant agencies. The protocol highlighted the impact of previous trauma, attachment issues and specific vulnerabilities of looked after children and care leavers. All agencies were encouraged to use a trauma-informed approach to their practice. The Protocol recommends that restorative approaches should be used in a child-centred way to enable integrated, coordinated and proactive responses to prevent and address challenging offending behaviour.

¹ <https://www.london.gov.uk/mopac-publications-0/reducing-criminalisation-looked-after-children-and-care-leavers>

- 3.3 A Pan-London Protocol on reducing criminalisation of looked after children and care leavers was published by the Mayor's Office for Policing and Crime (MOPAC) in March 2021. The London Protocol contains the core principles stipulated in the National Protocol and sets out a framework for practice relevant to London. The London Protocol is aimed at local authority children's services, local care providers (fostering services, children's homes and other arrangements), the Metropolitan Police Service, educational settings, Youth Offending Teams (YOTs), the Crown Prosecution Service (CPS) and HM Courts and Tribunal Service (HMCTS), magistrates sitting in local youth courts and health services in London, including mental health. It provides the principles and tools to facilitate the co-ordinated, consistent multi-agency practice that is needed to prevent unnecessary criminalisation.
- 3.4 The London Protocol has a central question at its heart: "**will this be good enough for my child**". It encourages all agencies to ask this question when working with looked after children and care leavers who are exhibiting offending behaviours. Furthermore it has suggested a key set of principles for professionals when working with looked after children who come into contact with the criminal justice system, e.g. seeing children as children and embedding collaboration with children.
- 3.5 The London Protocol provides a practice model for all professionals in their responses to reducing criminalisation of looked after children. Safeguarding children who are subject of or at risk of harm outside the home (referred to as 'contextual safeguarding') is emphasised in the Protocol and roles and responsibilities of each agency have been amplified.
- 3.6 Areas within the Protocol that require further development include work being undertaken across agencies to more effectively support adult care leavers to reduce criminalisation. The next review of the Protocol will be published in March 2024.

4. Brent's practice to reduce criminalisation of LAC and care leavers

- 4.1 Looked after children and care leavers are known to be a vulnerable group with adverse childhood experiences such as suffering neglect, abuse and harm. Brent has 334 looked after children (aged 0-18) and 430 care leavers aged (18-25) as of 30th Nov 2021. All children in care in Brent are allocated to social workers up to their 18th birthday. Young people leaving care post 18th birthday are allocated to personal advisors who are professionals with experience of working with children and young people.
- 4.2 Children in and leaving care are supported within the Looked After Children and Permanency (LACP) Service. LACP has 6 social work teams and 3 leaving care teams supporting children and young people. Young people coming into contact

with the youth justice system are supported by the Youth Offending Service (YOS) in the Early Help Service of CYP.

- 4.3 While LAC continue to be overrepresented in the youth justice system, the overall number of LAC supported by the YOS in Brent has declined since April 2021 - there were 18 LAC supervised by the YOS in September 2021 compared to 25 in April 2020. There are currently 9 Brent care leavers supported by Probation. There are 24 care leavers in prison which makes 8% of leaving care population supported by Brent.
- 4.4 In 2021 Brent CYP refreshed its Practice Framework for all staff working across the department. The refreshed framework contains a specific emphasis on trauma informed approaches in recognition of the need to better understand and therefore respond to the needs of young people. The framework supports focused activity to improve practice with vulnerable adolescents and is evidenced through the following activity:
 - a) A six-monthly report on the progress of contextual safeguarding is considered by the Corporate Management Team to ensure a council-wide response for vulnerable adolescents. The last 6-monthly report was produced in November 2021 covering the period April 2021 to September 2021.
 - b) The Contextual Safeguarding Strategic Group, chaired by the Operational Director, Integration and Improved Outcomes, reviews data and current trends with a view to identify strengths and areas for improvement. The group is held bi-monthly and operates as a platform for learning from practice, sharing information and strengthening collaboration and cooperation of partner agencies to better respond to the needs of adolescents with multiple vulnerabilities. Through the group Brent leads on a clear multi-agency approach to discuss services available for young people at risk of exploitation in Brent. This includes resources commissioned by Brent services as well as pan-London Projects applied locally.
 - c) The YOS Management Board, chaired by the Operational Director, Integration and Improved Outcomes, consists of representatives from different agencies including the police, probation, operational social work services, the Youth Justice Board and the courts. The Board aims to provide strategic direction for youth justice services, and monitor objectives linked to key performance indicators, within the national framework established by the Youth Justice Board and other locally agreed priorities. The Board reviews multi-agency activities aiming to reduce re-offending, reduce first time entrants into the youth justice system and to reduce the use of custody.
 - d) In relation to high risk young people, an escalation process is in place. Heads of Service provide a briefing to the Operational Director and the Strategic Director Children and Young People in their statutory role. The

DCS and Lead Member are provided with regular updates and briefings about these cases by the Operational Director IIO. These procedures for the recording and reporting of critical incidents internally also demonstrate adherence to Youth Justice Board serious incident requirements.

- e) In 2020 Brent received funding from the Youth Justice Board to establish a BAME Covid-19 Pathfinder programme. The programme supports BAME young people to reengage or engage with education, empowering young people to offer feedback on the services they have used and providing young people with access to a range of positive activities. The aim of the programme is to reduce the numbers of young people from Black and Asian backgrounds from coming into contact with the youth justice system. Whilst the programme does not directly work with LAC, through preventative measures it helps young people to remain within their families and communities, reducing the likelihood of them being at risk of entering the care system.
- 4.5 Brent has well-established operational practice when it comes to working with LAC and care leavers who come into contact with the youth justice system. Some of the key examples are as follows:
- a) Brent social work teams within the Localities and the LACP services have established links with YOS, reinforced by a revised joint protocol (October 2021). This protocol provides clarity on the respective roles and responsibilities of all practitioners where children or young people come into contact with the youth justice system. It aims to provide a basis for effective joint-working, providing a framework for delivery underpinning partnership working. The joint YOS and Social Care protocol references the March 2021 London-wide Protocol and it covers three specific areas of work with looked after children:
- Joint working where young people are remanded to Local Authority accommodation;
 - Providing joint support to young people who are transitioning from custody to the community upon release;
 - Improved partnership working when children and young people are in the community and are receiving services from both teams.

On 30th November 2021 eight cases of looked after children who were on YOS Orders were jointly audited by CYP staff across service areas (LACP, Early Help and Inclusion). The audits highlighted a number of strengths in the system such as good management oversight, strong working relationships between YOS and SW Teams; evidence of voice of young people captured, evidence of positive relationship with young people and its impact. They also drew attention to some challenges around young people coming to care late with very complex needs and professionals having some difficulty to support them appropriately before their 18th birthdays.

- b) A monthly Resettlement and After Care Meeting involving managers from various CYP services discuss and develop plans to help young people who are to be released from custody. This activity assists risk management and facilitates a smooth transition back into the community.
- c) Resettlement meetings take place with Probation prior to the release day of care leavers from custody. This helps in relation to rehabilitation back into the community as well as risk management. A draft joint protocol between Brent CYP and Probation was completed in December 2021 and will be finalised in February 2022. This approach is expected to provide further clarity on roles and responsibilities of professionals working with care leavers who come into contact with the justice system.
- d) Since October 2021 the YOS and social work teams have undertaken joint group supervision, using our practice approach called 'Signs of Safety'. This is to assist both YOS case managers and social workers to develop their understanding of high-risk / complex cases as well as have the opportunity to reflect together and develop joint safety planning.
- e) A forum has been established with providers of semi-independent accommodation in the borough to support them in their quality assurance activity as well as to offer training in a number of areas, including how to manage challenging behaviours and de-escalation of concerns to avoid involving the police unless it is necessary to do so.
- e) The Exploitation, Violence and Vulnerability Panel (EVVP) which is jointly chaired by Brent Council services and the police, leads on operational planning and co-ordination work between partners, driving strong interventions in response to individual young people at risk of exploitation. Most of the young people who are referred have contact with the youth justice system and therefore the EVVP plays a key role in triggering interventions and resources to assist safety planning for young people.
- f) A weekly operational meeting between CYP staff and the Police looks into individual cases of children who are missing from home or care – some of whom are at risk of or are engaged in criminal behaviours. Key themes from these discussions feed into the EVVP which brings about consistency of practice.

5. Conclusion

- 5.1 The London Protocol is a positive step forward, enabling professionals to embed a trauma-informed approach in their practice with looked after children and care leavers coming into contact with the youth justice system. Inspired by the National Protocol, the London Protocol solidifies a practice model for agencies and offers helpful practical tools when it comes to understanding the reasons for the behaviours of looked after children as well as planning an effective joint response.

- 5.2 Brent has a strong working relationship with agencies such as care providers, police, probation, health and schools and colleges. There are well-established systems and structures in place to support young people with both preventative and rehabilitative interventions, endorsed by joint protocols.
- 5.3 The issue of transitional safeguarding for care leavers, which is linked to reducing criminalisation of adult care leavers, remains a developing area of national practice. Brent has made progress, overseen by the Children's Trust, to develop a local response. However, a London-wide approach to this challenging area has not yet been established. It is anticipated that the London Protocol will be strengthened further to include a practice model and tools for all agencies working with care leavers on the subject of transitional safeguarding when it is reviewed by March 2024.

Report sign off

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