



## Joint Working Protocol YJS & Children’s Social Care

Youth Justice Services (incorporating Cheshire East, Cheshire West and Chester, Halton and Warrington)

Approved By	Position	Signature	Date
Tom Dooks	Head of Youth Justice Services		23 January 2026
Amanda Perraton	Cheshire west and Chester Executive Director of Children’s Social Care		3 February 2026
Dawn Godfrey	Cheshire East Executive Director of Children’s Social Care		2 February 2026
Zoe Fearon	Halton Director of Children’s Social Care		23 January 2026
Sharon Cooper	Warrington Director of Children’s Social Care		26 January 2026

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# 1. Introduction

This protocol is a formal agreement of working practice between Cheshire Youth Justice Service (YJS), and the four Local Authorities in Cheshire: Cheshire East, Cheshire West and Chester, Halton and Warrington. The protocol seeks to recognise the specific duties placed upon each agency and will clarify roles and responsibilities so that front line practitioners are able to fulfil these duties. The protocol outlines the working relationships between YJS and Children's Services to ensure the needs of children are met to promote positive outcomes, in compliance with legislation and statutory guidance. It also promotes best practice and provides a framework for its delivery.

The Crime and Disorder Act 1998 sets a legal framework that requires both Children's Services and YJS, as a part of Children's Services to work together to prevent and reduce offending. Equally the Children Act 2004 requires us to work together to promote the safety and well-being of children who we are responsible for. Recognising that the welfare of children is a shared responsibility, all involved must aim for a consistent, continuous service underpinned by strong partnership working - within which resources are effectively managed.

A child is defined as anyone who has not yet reached their 18th birthday in line with the United Nations Convention on the Rights of the Child. We use the term 'child' in this protocol to include children and young people.

Children's Services will be the term used in this protocol to describe up to 31 March 2026, Children's Social Care (CSC) and Early Help (EH) and post 1 April 2026 Family Help (FH) and Multi Agency Child Protection Teams (MACPTs) to reflect the introduction of the Families First model.

## 2. Principles

- Children who offend or who are at risk of offending are children first and are very likely to have other needs and vulnerabilities. We will work in close partnership to meet their needs and improve outcomes. Effective working relationships are essential in identifying need, risk and for delivering a coordinated, effective package of support.
- Children are best cared for and supported within their own families unless it is not safe to do so. It is of paramount importance that agencies work together in the best interests of the child, parents/carers, families, victims and their communities. This will mean providing support to children and their families and minimising risk factors that may be causing concern.
- All practitioners who come into contact with children, their parents/carers and families in their everyday work, have a duty to safeguard, promote the welfare of the child and protect others, including the public.
- Harm to children is reduced through effective multi-agency and multi-disciplinary working, when information is shared effectively across agencies. We will share information in a timely manner and in line with Working Together 2023<sup>1</sup> and any future revisions to that guidance.
- Assessments and interventions should seek to address the wider needs of the family to prevent offending and practitioners should deploy whatever possible resources to help meet the wider safeguarding agenda. To ensure sustainable access to support, workers are encouraged to utilise voluntary sector and community services.

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<sup>1</sup> [Working together to safeguarding Children 2023](#)

- It is expected that where agreement is not immediately reached between practitioners in different services, that the workers involved will attempt to resolve this themselves, in the first instance. If they are unable to come to an agreement, practitioners must refer the matter to their line manager. If this does not resolve the issue, the Pan-Cheshire Escalation policy should be utilised.
- Children's Services will contribute to the statutory aims of the Youth Justice System. This should be achieved by working together to identify appropriate services to meet the assessed needs of children involved in offending.
- When we are involved together in providing a service to a child and their parents / carers, we will be clear about the specific intervention being provided by each service and the intended outcome of this work.
- If there are safeguarding concerns for the child or other children that the child is in contact with YJS, will make a referral to Children's Services.

### **3. Harmful sexual behaviour**

Children's Services will consider completion of a tool, such as ERASE, if a child is presenting with sexualised behaviours that could be defined as harmful. If a child is displaying harmful sexual behaviour, Children's Services are to follow their practice guidance to whether further assessment is required, such as, an AIM3 assessment. If the police are investigating an allegation of harmful sexual behaviour, an AIM3 assessment can be completed, however the alleged offence(s) cannot be discussed with the child. It is crucial that consideration is given to completing an AIM3 assessment to ensure early identification of the concerns, to protect the child and others and to ensure early intervention is put in place to reduce further harmful sexual behaviours.

If a child is subject to a statutory court order for harmful sexual behaviour or a pre-sentence report (PSR) is requested, a full AIM3 assessment will be completed by YJS practitioners and a professionals' meeting will be held to discuss the findings of the assessment and to agree on a multi-agency plan. If the child is open to Children's Services, the child will not be closed until the assessment is completed and a professionals' meeting has been held.

If a child is open to Children's Services when YJS receive an Out of Court Resolution (OOCR) referral, they will remain involved with the family until the OOCR assessment and AIM checklist have been completed and there has been a discussion around the best outcome for the child. If the outcome of the AIM checklist determines a full AIM3 assessment is required, discussions between YJS and Children's Services will take place to determine how this can be progressed, if it is agreed an OOCR remains the best outcome for the child.

There is an expectation, where there is an allegation of a child engaging in harmful sexual behaviour, recent or historical, a strategy meeting should take place between the Police and Children's Services (and YJS if involved at the time).

### **4. Sharing information**

When a Cheshire child in care is placed out of borough and is charged with an offence outside of Cheshire, it is good practice for this information to be shared with YJS by Children's Services, either directly with the YJS Practitioner if the child is open to YJS already or via e-mail to [yjs@youthjusticeservices.org.uk](mailto:yjs@youthjusticeservices.org.uk).

When a child becomes open to YJS, the YJS Practitioner will check Children's Services' case management systems to ascertain whether there is any current involvement with their family. If the child is already being supported by Children's Services, the YJS Practitioner will contact the allocated lead practitioner (or Duty Worker/Team Manager in their absence) directly to notify them of their involvement.

On receipt of a referral for a child, between the ages of 10-18, Children's Services front door should contact YJS to see if the child is known / open. A discussion with the YJS allocated practitioner or YJS Duty worker should take place to share information needed to support decision making using the email above or by contacting YJS on their landline number.

Where a child is open to both YJS and Children's Services, there will be an ongoing process of effective information sharing, including:

- Assessments / reports completed by YJS and Children's Services
- Specialist assessments (with permission from the relevant author/authority)
- Plans (to ensure there is no conflict or duplication)

The expectation would be for practitioners involved with the child from YJS and Children's Services to meet to discuss roles and responsibilities to begin effective joint working from the outset. Where possible a joint home visit could be beneficial by way of an introduction to either service, led and arranged by the service currently working with the child/family/carers. YJS practitioners will be invited to any multi-agency / professional meetings that they are leading on and vice versa for YJS-led meetings.

All YJS practitioners have read access to one or more Children's Services' databases and are able to read and access any critical documents required. Where these documents cannot be found Children's services will make these available.

## **5. Referrals to Children's Services**

YJS are to follow the relevant local authority guidance and instructions in how to make a referral:

- [Making a referral | Cheshire West and Chester Council](#)
- [ChECS - Cheshire East Children's Consultation Service](#)
- [Warrington Safeguarding Partnerships - How to report abuse](#)
- [Integrated Contact and Referral Team \(iCART\) - Halton Safeguarding Children Partnership](#)

The guidance is for everyone who works with children and their families. It advises what support is available in each local authority whatever their needs and provides a framework and practice guide on how all individuals, agencies, partners, and practitioners work together.

The referrer will be notified of the outcome of the referral and there should be joint work following all referrals.

Prior to referrals being recorded as no further action or closed, there will be, as a minimum, a conversation between respective YJS/Children's Services Lead practitioners to discuss the reasons, and to plan next steps and any ongoing support required.

## **6. Referring a child if there are signs of exploitation**

Where child exploitation, or the risk of it, is suspected, YJS practitioners will follow the Local Authority guidance on what steps to take, which includes the completion of the Pan-Cheshire Child Exploitation Assessment Tool. This will be submitted to the Children's Services front-door for the area where the child lives and or where the exploitation is taking place. Access to practice guidance and contextual safeguarding tools can be found on each of the Local Authority Safeguarding Children Partnership sites.

- [Halton Safeguarding Children Partnership](#)
- [Cheshire East Safeguarding Children Partnership](#)
- [Cheshire West and Chester Safeguarding Children Partnership](#)
- [Warrington safeguarding Children Partnership](#)

## 7. Consent

To properly achieve an effective partnership with children and parents / carers, they must be asked for consent for a referral to Children's Services. The expectation is that there should be discussion with the child and their parents/carers prior to any referrals being made.

The exception is where this would put the child or anyone else at risk of significant harm.

If consent has not been sought because of concerns that the child, or others, would be put at risk of significant harm or that it would jeopardise child protection enquiries, the rationale for this should be clearly recorded in the referral made to Children's Services.

## 8. Responsibilities of Children's Services and YJS when a child is arrested

YJS are responsible in providing an Appropriate Adult (AA) service for children in custody from 9am-5pm Monday–Friday. The Emergency Duty Team or Out of Hours teams for each local authority are responsible in providing this service outside of these hours. However, YJS have collectively commissioned an AA Service to undertake this duty. The Service is funded through YJS and contributions from each of the four local authorities. The service provides AAs for children who have been arrested and who are detained in custody where the parent / carer or allocated Children's Services lead practitioner (for a child in care) cannot attend or it is deemed inappropriate for them to act as AA. The commission and the running of the service is reviewed at quarterly meetings with the Police, YJS, AA Service and representatives from all four Local Authorities.

When children are in police custody and a problem arises with their accommodation, the Police, AA commissioned service or YJS will contact Children's Services once alternative accommodation has been explored with the child and family.

If the AA commissioned service cannot respond to an AA request, YJS will undertake this from 9am-5pm Monday-Friday and the Emergency Duty Team or Out of Hours team outside of these times.

If a child has committed a serious offence and are likely to be held overnight until the next available court, there is a duty for Children's Services to source suitable accommodation for that child and make the necessary transport arrangements<sup>2</sup>.

## 9. Out of Court Resolution

When a child is arrested or voluntary interviewed for an alleged offence, the Police will consider whether the child should be referred to YJS for an assessment to consider an OOCR. There is a joint protocol between YJS and Cheshire Police - Cheshire Protocol Between Cheshire Police and Cheshire Youth Justice Services, For the Operation and Delivery of Diversionary and OOCRs for Children, which confirms roles and responsibilities in relation to this area of work. The Police and YJS will use the Child Gravity Matrix Guidance<sup>3</sup> as a triage tool to support decision making for officers and to assist in deciding the most appropriate outcome or disposal for those children, under the age of 18 years, who offend. All outcomes will be discussed and agreed at the OOCR joint decision-making panels, for those referrals made to the YJS for consideration. Adopting a child first, trauma informed approach, the Panel will ensure that a multi-agency discussion takes place to determine the most appropriate and proportionate resolution. In doing this, the Panel aims to prevent the unnecessary escalation of children through the criminal justice system, through agreeing outcomes at the lowest appropriate level, that is commensurate to all the circumstances being considered.

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<sup>2</sup> [Concordat Children in Custody / Section 38 PACE](#)

<sup>3</sup> [Child Gravity matrix](#)

Core members of the Panel will include: YJS Team Manager / Senior Practitioner (Chair), Police, YJS Restorative Justice Worker and Business Support. If there is a lead practitioner from Children's Services, an invite will be extended to that worker.

## **10. Responsibilities of Children's Services and YJS when a child is in court**

After a child has been charged by the Police, there is a presumption that they will be granted bail and summoned to appear before the local Youth Court, which takes place on pre-planned dates. The exception to this is when a child is charged with certain serious offences<sup>4</sup> and bail is denied. The Child will remain in custody or be transferred to the care of the local authority until the next available Court<sup>5</sup>.

At the first bail/remand court hearing, there is always a presumption of bail unless there are certain exemptions<sup>6</sup>. The court can grant either unconditional or conditional bail.

When a court is considering bail, it needs to determine whether it is unconditional or granted with conditions attached. Unconditional bail means being released from the court without any requirement other than to return to the court at an appointed date and time. Conditional bail means that requirements are attached which the child must adhere to during the bail period such as a doorstep curfew and no contact with the victim.

Where bail is not opposed, appropriate conditions, if necessary, will be discussed and the child bailed to the next available Youth Court.

At Court the YJS practitioner will establish with the Crown Prosecution Service (CPS) as to whether bail is to be opposed.

Where bail is opposed, the YJS practitioner in court will complete an assessment, the purpose of which is to identify what can be done to address the objections to bail and determine if a YJS bail package can be offered to the court.

Both early and collaborative engagement with other agencies is key in creating a robust bail package. This is especially the case where the child is unknown to YJS, and collaboration may be needed with wider networks if they have not had any previous involvement with the justice system. YJS will involve the child's parent or carer in the development of the proposed bail package when appropriate.

If there are accommodation issues, only when all necessary checks for alternative accommodation have been exhausted, the YJS practitioner must contact the relevant Local Authority front-door (or Children's Services' allocated lead practitioner if the child is already open) and inform them that support is required to source appropriate accommodation. If suitable accommodation is not found in time for the child's court hearing, the court may bail the child to reside as directed by the local authority.

In the case of a child in care, Children's Services will ensure that the child is represented in court by a parent, foster carer, residential care worker or lead practitioner. It is not appropriate for the YJS worker to take on this role. All other children under the age of 16 must have a parent or carer with them when they attend court during all stages of the proceedings.

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<sup>4</sup> [S25\(2\) Criminal Justice and Public Order Act 1994](#)

<sup>5</sup> [Section 38 PACE](#)

<sup>6</sup> [Section 4 Bail Act 1976](#)

## **11. Responsibilities of Children’s Services and YJS when a child is at risk of being Remanded into Local Authority Accommodation**

Where YJS identify that any type of remand is likely, there should be a phone call to the relevant Children’s Services department in accordance to where the child resides. If the child is already open to Children’s Services, the initial contact should be made with the lead practitioner, duty worker or the team manager. The purpose of this referral is to provide an opportunity for joint planning between agencies to explore robust community-based alternatives with the aim of avoiding an unnecessary and costly remand outcome. This is especially important given the harm that a remand into custody could cause to the child in conjunction with the fact that the child becomes under the care of the local authority upon remand<sup>7</sup>.

Where a child is already open to Children’s Services, there should be effective and early planning to support the development of robust alternative to a remand.

If the child is refused bail, a Remand into Local Authority Accommodation (RLAA) should be considered and Children’s Services consulted on this.

Children’s Services must complete an assessment and must provide accommodation for all children (10–17 year-olds) subject to a RLAA, as per the duties of a local authority to place a child that is remanded, as set out in section 22C of the Children’s Act 1989. Children’s Services must make available adequate provision for remands into their care and that placements are matched appropriately. It is the responsibility of Children’s Services to notify the courts (either orally, in writing or via YJS if necessary) of where they will place the child. RLAA placements can be in the child’s home, with a relative, in foster care, a children’s home or in an ‘other arrangements’ placement if the child’s needs are best met by the services provided in one of the exempted regulated settings<sup>8</sup>. Even if no address is proposed, the court can still remand the child to local authority accommodation with the expectation that accommodation will be found.

RLAA can be imposed with or without conditions and can look very similar to a bail package. RLAA differs from bail in that the local authority acts as a corporate parent to the child and is responsible for them – this level of oversight held by the local authority can address some the court’s reservation around bail. Children’s Services must be consulted about any conditions on the child, or requirements placed upon them before they are imposed and YJS will act as the conduit between the courts and the relevant social care department in these circumstances to ensure conditions imposed are both proportionate and enforceable. Any conditions may later be revoked or varied by the court on application by either the designated authority, or the child. A child on remand is given ‘child in care’ status for their time on remand. YJS must provide support for children subject to a RLAA.

A court that remands a child to local authority accommodation must designate the local authority that is to receive the child. The local authority for this purpose is where the child habitually resides prior to or at the time when the alleged offence or one where the alleged offences were committed. If the child is a child in care, placed in Cheshire, the designated local authority will be the home area local authority who have responsibility for the child.

Note it is important that accommodation for children likely to be remanded into local authority care is determined promptly and Children’s Services have a representative at court to collect a child remanded into their care. YJS staff in court are there to advise the courts on all children appearing before them (including children from outside Cheshire) and cannot be left responsible for caring for children remanded into the care of a local authority until accommodation is found by the relevant authority.

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<sup>7</sup> [THE NEW YOUTH REMAND FRAMEWORK](#)

<sup>8</sup> [The Children Act 1989 guidance and regulations - Volume 2. DfE 2021. s8.18 and s8.77](#)

Breach of RLAA is not a separate criminal offence, but the police can arrest the child if they believe they have breached their conditions. The child must appear before the court within 24 hours<sup>9</sup>. As soon as the court date and time is known, YJS will speak to the child and their carer(s) to answer any questions. The court must determine if a breach took place and decide whether to amend the child's RLAA conditions. The child's solicitor and YJS can argue for the child to remain on RLAA or reconsider bail with conditions, where appropriate, to prevent any unnecessary remands to custody.

## **12. Remand to Youth Detention Accommodation**

A custodial remand is a last resort option and should only be made when it is necessary and fully justified. YJS will be proactive in anticipating where a child may be at risk of custodial remand to ensure a strong community alternative such as Bail Intensive Supervision and Surveillance (bail ISS) or RLAA can be put forward.

The court must only remand a child to youth detention accommodation (YDA) when certain conditions are met<sup>10</sup>. In 2022, the Ministry of Justice tightened the tests to remand a child into custody, for example it now must be very likely that the child will get a custodial sentence<sup>11</sup>. The courts must record their reasons for imposing custodial remand, showing that they have considered the welfare of the child in their decision and have considered RLAA.

A court that remands a child into YDA does so following the child meeting a set of criteria, as seen in Appendix 1. As in the case of RLAA's, the court must designate the local authority, as under the LASPO Act 2012, the child becomes a child in care and the local authority are responsible for the secure accommodation costs for the child<sup>12</sup>, although responsibility for arranging the placement will be retained by the YJB Youth Custody Service (YCS) Placements team.

YCS will decide on the placement based on an assessment covering e.g. child's age, gender and welfare, as well as the availability of placements<sup>13</sup>. YJS will give the YCS a recommendation as to what type of placement would be suitable based on our assessment of the child and their needs (working closely with Children's Services on this). The ultimate decision of where to place the child is taken by the YCS. If there is disagreement on the placement decision, this should be escalated to managers in the YCS's Placement Team, YJS and local authority.

YJS will request that additional monitoring arrangements are put in to place at the custodial establishment for at least the first night of custody, through an Assessment, Care, Control and Treatment (ACCT) plan if there are concerns about the child's emotional mental health. YJS will track any children who are open on an ACCT for more than 24 hours, review assessments and consider arranging a YJS Safety Panel.

Regardless of the type of remand, YJS will always appoint a practitioner to oversee the remand. Responsibilities include, ensuring the welfare and safety of the child whilst on remand and working with the provider to ensure all risk information has been received and understood. Additionally, the YJS practitioner will liaise with Children's Services allocated lead practitioner about the child's child in care status and will keep in touch with the child's parents and carers.

Children's Services and YJS should work proactively in partnership to consider whether bail applications can be supported enabling the child to return home or to an alternative suitably assessed placement.

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<sup>9</sup> [Section 97 LASPO Act 2012](#)

<sup>10</sup> [Section 98 and 99 LASPO 2012](#)

<sup>11</sup> [PCSC Act 2022](#)

<sup>12</sup> [Section 102\(6\) LASPO 2012 with reference to section 103](#)

<sup>13</sup> [Youth Justice Board for England and Wales, Case management guidance, How to manage bail and remands](#)

YJS will work with the secure establishment to put remand plans in place. YJS are required to prepare a detention placement plan (DPP)<sup>14</sup> or similar, while Children's Services is required to prepare a Looked After Child plan.<sup>15</sup> YJS and Children's Services should all prioritise visiting the child in custody to ensure they feel supported. YJS will visit the child at least monthly whilst on remand. Meetings with YJS and Children Services' staff could be combined to prevent repetition and confusion for the child, so joint working between agencies here is key. Although the custodial establishment is responsible for taking care of the child day-to-day, the duty of care towards the child by YJS and Children's Services remains ongoing and active.

YJS will arrange an initial in person meeting with the child within 5 working days from the date of the remand. Within this meeting, continuity of the child's education or training (although many children are not in education at the point of entering custody), as well as any support needed in relation to learning difficulties or disabilities, physical or mental health needs the child may have. This meeting could be combined with a Children's Services Child in Care meeting and should be attended by the child, YJS, Children's Services, the child's parents/carer and the allocated Independent Reviewing Officer (IRO). Remand review meetings will be held monthly after the initial meeting.

A child in care plan should be agreed and put in place, based on the local authority's assessment of the child's needs, no more than 10 working days after the remand starts.

Resettlement into the community after a period on remand can be particularly challenging because the timing of possible release is not known far in advance. It is crucial that planning should begin for the child's resettlement from the start of the remand in case of release at short notice. Children's Services and YJS should closely engage other partners, such as housing, health services and education providers, in the resettlement planning process.

If the child has child in care status for 13 weeks or more whilst on remand (including at least one day on or after their 16th birthday) they are given Care Leaver status when they are no longer on remand.<sup>16</sup> It is the responsibility of Children's Services to help the child understand what provisions can be accessed with their care leaver status. Children's Services should ensure every child eligible for leaving care services has a pathway plan, which sets out the child's entitlements and support. If the child spends less than 13 weeks on remand, they are likely to still be a Qualifying Care Leaver and have entitlement to some support from the local authority.

If a child is sentenced to a custodial sentence for other offences, whilst remanded into YDA, the cost to the local authority for the remand ceases but restarts should the child continue to be remanded for offences when the custodial part of the sentence ends. It is for Children's Services to decide whether the child will continue to have child in care status during this time in consultation with YJS.

### **13. Safeguarding and promoting the welfare of children on remand or sentenced to a custodial sentence**

Children's Services have responsibilities to children from their local authority in custody, if a child is either a child in care or entitled to support from them, for instance as a care leaver or 'child in need'.

The Care Planning, Placement and Case Review (England) Regulations 2010 make provision for the care planning of children with child in care status. Further detailed guidance on local authorities' responsibilities towards children with child in care status in custody is outlined in

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<sup>14</sup> [The Children Act 1989 guidance and regulations – Volume 2: Care planning, placement and case review](#)

<sup>15</sup> [Court bail and remand](#) - Youth Justice Legal Centre (YJLC) Legal Guide

<sup>16</sup> [Section 21 Children Act 1989](#)

An appointed representative of the local authority, usually the lead practitioner must visit the child who has child in care status:

- within a week of entering custody
- every 6 weeks for the first year
- every 3 months after that

Additional visits should also take place if reasonably requested by the child, custodial establishment, YJS or where there are particular circumstances that require a visit.

## **14. Children sentenced to a custodial sentence**

Children can receive custodial sentences, but they will be imposed only in the most serious cases. If a child between 12 and 17 years old is sentenced in the youth court, they could be given a Detention and Training Order (DTO). This can last between four months and two years. In more serious cases, longer-term detention can be imposed in Crown Court where the offence committed carries a maximum sentence, for someone over the age of 21, of at least 14 years' imprisonment or is one of the offences listed in section 250 of the Sentencing Code<sup>17</sup>. A sentence of detention for life or an extended sentence of detention may be imposed if a child is convicted of a specified offence and the Crown Court considers that there is a significant risk of serious harm to members of the public from them committing further specified offences. Detention during His Majesty's Pleasure is a mandatory life sentence and will be imposed when a child is convicted or pleads guilty to murder.

If a child receives a custodial sentence, the responsibilities of the local authority will depend on the child's care status:

If the child is subject to a Care Order under section 31 of the Children Act 1989, they remain a child in care and there is no change to their legal status, and the local authority continues to be responsible for planning and reviewing the care plan;

If the child was an accommodated child under Section 20 of the Children Act, they will lose their child in care status whilst serving the custodial sentence as they are not being accommodated in a placement provided by the local authority. However, children in these circumstances will be entitled to consideration as a former child in care in custody. Local authorities have a duty to visit such children who have ceased to be cared for;

If the child had not been previously a child in care but became one because of being RLLA or Remanded into YDA, they cease to be a child in care on being sentenced to custody. Where, however, the child is aged 16+ and has been a child in care for 13 weeks or more from the age of 14, including any period as a child in care, as a result of the child being remanded, then the child will be a 'relevant child' and should be supported by local authority children's services as a 'care leaver';

If the child is a 'relevant child' and is entitled to support and services as a care leaver, this status remains unchanged while in custody and the local authority that looked after the child retains responsibility for providing support during their time in custody and on release. Some children, including children who become a child in care because of being remanded, will acquire this status while they are in custody on attaining the age of 16. This means children who have spent at least 13 weeks looked after since the age of 14 and were subject to a care order or who were

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<sup>17</sup> [Case management guidance - Custody and resettlement](#) – what custodial sentences are available for children

accommodated or remanded to local authority accommodation immediately prior to entering custody on sentence.<sup>18</sup>

The allocated YJS practitioner will arrange an initial resettlement planning meeting within 10 working days of sentence. A second resettlement meeting should take place a month later. Resettlement meetings should continue at least on a quarterly basis. There should also be meetings at least 3 months prior to release, 6 weeks prior to release and in the last 2 weeks prior to release.<sup>19</sup>

Throughout the time a child is in custody and on release, the Children's Services lead practitioner and YJS practitioner (YJS) will work together to ensure there are effective joint planning arrangements.

When a child first arrives in custody, the Children's Services lead practitioner and YJS practitioner should meet to agree how they will dispense their duties to the child. They should ensure that the support they offer complements each other and avoids confusing the child.

The timing of visits and whether these should be staggered, to provide more regular contact for the child, should be discussed between the allocated lead practitioner and YJS practitioner. Both Services should also be in regular contact with each other without the child to ensure a consistent approach.

YJS practitioners and Children's Services lead practitioners may find it useful to formally note their decisions around contact and planning.

In addition to the care planning requirements, the Children's Services lead practitioner should be invited to all sentence planning meetings. The minimum standard is to attend the first meeting and pre-release meeting. The arrangements and plan for release should be in place 6 weeks prior to release.

Release on temporary licence (ROTL) to support preparation for release, or to maintain family contact should be promoted by the YJS practitioner and Children's Services lead practitioner.

It is not acceptable for children leaving custody to not have accommodation available until the day of release, and all agencies are committed to avoiding this. At the outset of a custodial sentence, planning will be considered for rehabilitation and release from custody. The YJS practitioner will confirm the arrangements for accommodation on release and incorporate this within the Resettlement Plan for the child. If there is a need for alternative accommodation to be in place, because of child's accommodation not being available, or a parent being unwilling for the child to return to their care, the YJS practitioner will make a referral to Children's Services. If the child is already open to Children's Services, the lead practitioner will advise the YJS practitioner of the arrangements for release accommodation. Named accommodation should be available at the point of the pre-release meeting, which is usually 6 weeks before the end of the custodial part of the order. If there are difficulties with this, which have been escalated through discussions with line managers with no satisfactory outcome, this is to be escalated to the Director of Children's Services for the local authority from where the child originates and the YJS Head of Service.

YJS will request that additional monitoring arrangements are put into place at the custodial establishment, through an ACCT if there are concerns about the child's wellbeing. The custodial establishment may also open an ACCT independent of YJS requesting this. YJS will track any children who are open on an ACCT for more than 24 hours, review assessments and consider arranging a YJS Safety Panel, to which the allocated Children's Services lead practitioner will be invited, if open. Regardless of whether the child is open to Children's Services, the local area safeguarding children partnership will be informed and a request for a representative of the

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<sup>18</sup> [Responsibilities of the Local Authority to Former Looked After Children and Young People in Custody](#)

<sup>19</sup> [Case management guidance – Custody and Resettlement](#)

partnership such as an IRO will be made to attend the YJS safety panel to offer independent scrutiny and support.

Pelargonic Acid Vanillyl Amide (PAVA) spray has been authorised for use in a number of Young Offender Institutes (YOIs) that hold children aged 15-18, who are remanded or sentenced to a custodial sentence. The risk of life changing or life ending injury resulting from a serious act of violence against a child/young person or staff member is the central focus of why PAVA could be deployed<sup>20</sup>. There are stringent safeguards around the use of PAVA and YJS are tracking the use of this. Children's Services lead practitioners will be alerted by YJS if PAVA spray has been used on a child open to them and if this triggers an increase in concerns around a child's safety and wellbeing. Convening a YJS Safety Panel will be considered, which Children's Services and a representative from the local area safeguarding children's partnership will be invited to attend. If the child is not open to Children's Services, a request will still be made for a representative from the local area safeguarding children's partnership to attend the Safety Panel.

## 15. Ancillary Orders

As well as giving a criminal sentence to a child, in some circumstances, the court may impose additional orders. These are known as ancillary orders. These can either be aimed at preventing an escalation in anti-social behaviour, which may lead to offending or be added to a sentence. It is the court's decision as to whether an ancillary order is appropriate, based on an assessment of the offence and the individual child.

Some ancillary orders can be imposed in civil court when there is no offence to attach these to. Civil orders are intended to be preventative rather than punitive; however, breach of a civil order is a criminal offence, and it is therefore important to apply them appropriately and with the necessary support for the child and their family.

Ancillary Orders such as:

- Criminal Behaviour Orders (CBOs),
- Sexual Risk Orders (SRO),
- Sexual harm Prevention Orders (SHPO),
- Gang injunctions,
- Stalking Prevention Orders and
- Knife Crime Prevention Orders

require consultation with YJS before they can be imposed.<sup>21</sup> This is to explore whether there are any other options that could be considered, what if any interventions have already taken place and the child's response to these, what support is available to them and their family and whether the ancillary order is likely to be effective in achieving change should this be imposed.

Both early and collaborative engagement with other agencies is key in supporting YJS to be able to make representations to the agency who is applying for the order and in the court arena. This is especially the case where the child is unknown to YJS, and collaboration may be needed with wider networks if they have not had any previous involvement with the justice system. In most circumstances YJS will convene a professionals' meeting and invite Children's Services, amongst other agencies, if the child is open to aid this process and agree what support the child / family may require to prevent the need for the imposition of an ancillary order or to support them should this be imposed.

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<sup>20</sup> [Youth Custody Service Operational Guidance for use of PAVA](#)

<sup>21</sup> [Case management Guidance – Ancillary Orders](#)

## 16. Review and arbitration

It is recognised that professional differences will arise during working together to meet a child's needs. This value of challenge is positive. However, if there are any significant differences that cannot be resolved, then reference should be made to the Pan-Cheshire Escalation Policy.

This document will be reviewed every 3 years by the YJS Head of Service and the Directors of Children's Services (or their designated senior managers) for Cheshire East, Cheshire West, Halton and Warrington. Any concerns relating to the protocol should be addressed for their attention.

## 17. Further guidance

- [The Care Planning, Placement and Case Review \(England\) Regulations 2010](#)
- [The Children Act 1989](#)
- [The Children and Social Work Act 2017](#)
- [Case management guidance - Case responsibility](#)
- [Case Management Guidance – Custody and Resettlement](#)
- [The Children Act 1989](#)
- [The Children and Social Work Act 2017](#)
- Children in Care in the Criminal Justice System Policy
- [Court bail and remand](#) - Youth Justice Legal Centre (YJLC) legal Guide
- [Joint national protocol for transitions in England](#)
- [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)
- Ministry of Justice circular (publishing.service.gov.uk)
- [MOJ Youth Remand Concordat February 2025](#)
- Pan Cheshire Escalation Policy
- [Placing-young-people-in-custody-guide-for-youthjustice-practitioners](#)
- [Police, Crime, Sentencing and Courts Act 2022](#)
- [Remand detention placement plan \(Case management guidance - How to manage bail and remands](#)
- [The national protocol on reducing unnecessary criminalisation of looked-after children and care leavers](#)
- [Working Together to Safeguard Children Guidance 2023](#)
- [Youth Court Bench Book September 2025](#)
- [Youth to adult transition principles and guidance for Wales](#)

**Appendix 1 Flow charts - Conditions for Remand into Youth Detention Accommodation**



