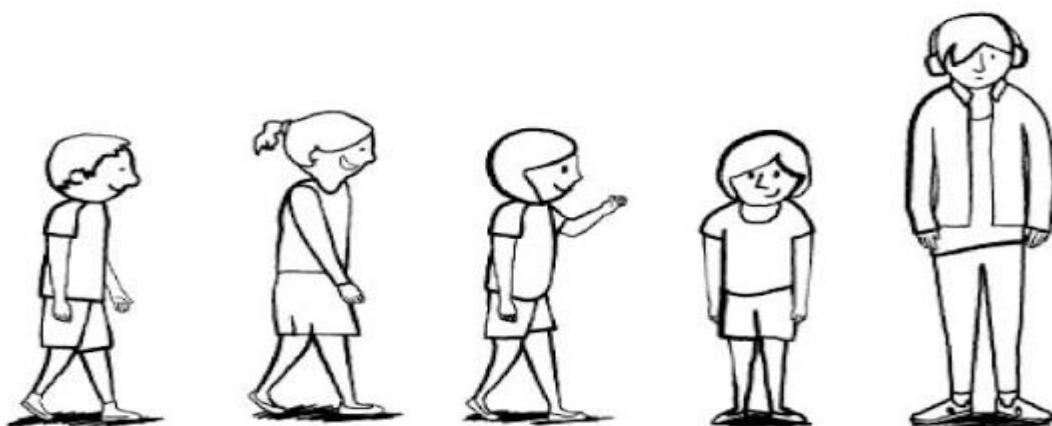


**Manchester Care Leavers Protocol**  
**between**  
**The Leaving Care Service,**  
**The National Probation Service,**  
**Social Work,**  
**The Virtual School**  
**& Youth Justice Service**

May 2019



## **Introduction**

Manchester City Council along with partners from the public, private and voluntary sectors, has a vision that by 2025, Manchester will be one of the top cities in the world, a great place to live and thriving with talent as well as fair and well-connected. The lives of children and young people are firmly placed at the heart of this vision having listened to what they have said about their ambitions and aspirations. Children and young people are this city's future prosperity and we want them to be safe, happy, healthy and successful. We want to see all our young people fulfilling their potential, to make sure they can access a high-quality education and good support into adulthood.

## **Care Leavers in Manchester - What We Want to Achieve**

Manchester City Council has a duty to provide support to all care leavers up to the age of 25 and in line with the vision for all children, wants to ensure that each young person has the best opportunities to fulfil their potential and go forward to have a safe, happy, healthy and successful life.

Children and Young People in Manchester who are or have been Looked After have asked professionals to use the term 'our children and young people'. As the corporate parent, Manchester City Council has made a promise to our children and young people including those leaving the care system to:

- respect you
- care for you
- support you and
- help you grow.

## **Care Leavers in the Youth Justice Service**

We recognise that nationally, there is an over-representation of children and adults in the criminal justice system who have previously been in the care system. In Manchester, we are working together with partners to prevent and divert our children away from court wherever possible. For those who do commit more serious offences, the Youth Justice Service offers assessment and support to reduce the risk of further re-offending. In recognition of the need to work in an integrated way with other services, the Youth Justice Service has a dedicated Leaving Care Social Worker who is embedded within the Leaving Care Service.

The post-holder directly supervises care leavers who are on the Youth Justice caseload and has strong links and knowledge of the Youth Justice system so enables workers in both services and care leavers to get a better understanding of relevant legislation and processes. The Leaving Care Social Worker will be a key point of contact between workers in the community and those in custodial establishments so that resettlement planning for a care leaver in custody will be effective. They will also ensure that the transition from Youth Justice to Probation and other children's to adult's services is a smooth one for those young people who reach 18 during their sentence.

## **The Care Leavers Protocol - How we will do this**

This agreement has been developed to clarify roles and responsibilities between those agencies with responsibility for care leavers who are in the criminal justice system. The purpose is to guide both the care leaver and the professional through the many transitions that are taking place at this stage in a young person's life so that a positive pathway into adulthood is identified and supported. Whilst this sets out the roles and responsibilities, it should be flexible enough to address the individual needs, wishes and feelings of each young person and their situation. The process is important but within the context of listening to the experiences and views of care leavers, it should be adapted where possible to help achieve the best possible outcomes for each young person. The Youth Justice Social Worker will have a key role to play in making this happen.

## **The Agencies**

**Manchester Youth Justice Service** is a multi agency service governed by a partnership of agencies including Manchester City Council, Greater Manchester Police, National Probation Service and the NHS. This service is funded by partners with the major contribution coming from the Youth Justice Board. The principal aim of this service is to prevent young people aged 18 and under from offending and to reduce risks of re-offending. The Service aims to effectively address the causes of behaviours via tailored interventions. Youth Justice Assessments of Risk and Vulnerability (Safety & Well-Being) factors are imperative to service delivery. Promoting the welfare of young people and informing levels of required public protection are also key priorities.

**Children's Social Care** provides statutory social work support to children and families in Manchester where they are in need of support through a Child in Need, Child Protection or where they become Looked After. Children's Social Care have responsibilities under Section 17 of the Crime and Disorder Act 1998 to prevent children from committing a crime.

Children's Social Care staff contribute to fulfilling the statutory aims of the youth justice system by;

- Ensuring that Child in Need assessments are undertaken within the statutory timeframes and that there are plans to address the child's needs, including their offending behaviour;
- Discharging the Children's Act 1989 Part III Family Support responsibilities and Part V Child Protection duties;
- Ensuring that responsibilities towards young offenders who are Looked After Children, children with a Child Protection Plan and those who are privately fostered, are carried out in accordance with the relevant statutory regulations;
- Children's Social Care staff will share information about children known to be at risk of offending, making referrals for support where appropriate;
- Where a young person is remanded they are considered a Looked After Child and will be allocated to a Social Worker to fulfil all relevant statutory regulations.

**The Leaving Care Service** delivers support in line with the requirements of the Children Leaving Care Act 2000 and subsequent legislation and guidance; with case-holding responsibility transferring from Children's Social Care at the point an allocated Social Worker is not required and the young person's needs can be effectively managed by the

Personal Advisor Service.

When the young person is under the age of 18, their allocated Social Worker leads on the formulation of a Pathway Plan with support from the Personal Advisor who plots out the young person's route to independence, their ambitions, aspirations and the services and support they need to make a successful transition. Responsibility for the delivery/coordination and review of Pathway Plans for over 18's is the responsibility of the Personal Advisor; at the point the Social Worker ends involvement.

**The National Probation Service** is responsible for supervising criminal Court Orders on those over 18, including both custodial and community sentences. A young person will be supervised by a named Probation Officer who will want to meet regularly to discuss their living and arrangements, employment and offending behaviour.

**The Virtual School** is responsible for managing and monitoring the planning of our children's education and eventual route into training and employment; whilst actively supporting and advocating for our children to have meaningful education, employment and training opportunities / experiences. Thus, accessing high-quality education settings and encouraging children and professionals involved with them to be ambitious and support them achieve their aspirations.

All of our young people have a Care Plan which includes a Personal Education Plan (PEP) up until their 18<sup>th</sup> birthday. A timely PEP is completed with a Social Worker's involvement whether or not the young person is attending Education, Employment or Training (EET) provision. The 'Virtual School' oversees the PEP process and quality assures every plan. On reaching the age of 16 years and 3 months, the young person's care plan is superseded by a completed Pathway Plan. The PEP process continues up to the age of 18 and informs the development of the EET aspect and Pathway Plan. The Pathway Plan considers a range of dimensions of need including accommodation, health and education/employment/training and the young person's ongoing need to be looked after. The Pathway Plan should detail the type of help the young person will be receiving and from whom and ensures that the young person achieves independence at a time when they are fully prepared and ready to make a success of this.

### **Roles and responsibilities of Manchester Youth Justice**

- The Youth Justice Social Worker in the Leaving Care Service should be aware of all care leavers on the Youth Justice caseload and will supervise many of these directly.
- Upon allocation of a case it is the responsibility of the allocated Youth Justice professional to access the Social Care case-record to confirm the status of the young person and note this plus the name of the relevant PA on the Youth Justice Case-Management System, Childview.
- The Youth Justice case-manager is responsible for making contact with the appropriate PA to arrange a Care Planning meeting within 10 days of allocation. They must also invite the PA to any Case Planning Forums, Detention and Training Order or Remand meetings.
- The Youth Justice case-manager also needs to ensure that the Independent Reviewing Officer (IRO) is involved and informed so they are kept fully up to date with any significant changes in the Care Plan.

- The Youth Justice case-manager is responsible for sharing assessments of Risk and Vulnerability (Safety & Well-Being) with Children's Services and/or The Leaving Care Service to support with the continued planning for the care leaver.
- When a child enters custody the allocated Social Worker, Personal Advisor and Youth Justice case-manager need to work together from the outset to plan for the resettlement of the young person in the community. Contingency planning should also take place, to ensure in cases where the young person is released from custody, that early plans are in place to ensure a smooth transition.
- Prior to any child being released from custody there should be a discharge planning meeting (or equivalent) involving all key professionals who will be supporting the young person including the IRO. Particular consideration needs to be given to where the young person will live. For those who do not have an identified placement for their release from custody, a referral should be made at least 6 weeks prior to their release date by the allocated Social Worker to the Centralised Placement Team. Any concerns relating to gaps in care planning should be flagged with a more senior manager and escalated where appropriate.
- All resettlement plans are presented to the Edge of Care Panel which is chaired by a Senior Manager. If the plans are unclear or not in place, the chair will set actions for those professionals who are jointly responsible for managing the case.

### **Transition between Youth Justice and the National Probation Service (NPS)**

In Manchester, the Youth Justice Service and NPS work closely to make sure transitions of those young people who have reached 18 are managed smoothly. There is an agreement in place that Probation Officers who are seconded into Youth Justice Teams, are required under a Transitions Agreement, to set up multi agency meetings with the young person and their new Probation Officer, once the transfer paperwork has been completed. For Care Leavers, this process must include the Leaving Care PA too. Each seconded Probation Officer will be asked to inform the Leaving Care PA of the planned transition paperwork/assessment and to ensure they are invited to the Transitions Meetings so that they can, in effect, hand the case over to them and NPS at the same time. For each young person who is experiencing a transition to the NPS, this is usually not a rushed process and generally, there will be good opportunities to meet their Probation Officer in advance and understand what is required and what support is offered under Probation supervision.

### **Roles and responsibilities of Children and Leaving Care Services**

- Children's Services and the Leaving Care Service are responsible for checking if a young person is known to the Youth Justice Service.. The Social Worker or PA can contact Business Support, the Youth Justice Leaving Care Social Worker or Duty Officer who will access the database to check. *North cases- Tel 0161 234 3800. South and Central cases- Tel 0161 219 6330.*
- Children's Services and the Leaving Care Service are responsible for ensuring that details of all Social Workers, IRO's and Personal Advisors are up-to-date and on the Social Care database.

- Once a child is aged 15 years 9 months, Children's Services will refer to the Leaving Care Service who are responsible for allocating within 7 days of receipt. Upon allocation the Leaving Care Service will contact the relevant Youth Justice worker to arrange to meet within 10 working days for case planning.
- Relevant Social Worker and/or Leaving Care PA's will be invited and will attend the first viable Remand Review or Detention and Training Order Review.
- The relevant Social Worker and/or Leaving Care PA are responsible for attending the first Case Planning Forum to discuss risk and vulnerability factors.

### **Manchester Complex Needs Accommodation Panel.**

This is a forum to address complex housing issues for care leavers with the option of accessing a fast track process. Representatives from Children's Services, Youth Justice, Leaving Care Service and Housing sit on this monthly panel. See Appendix B for Terms of Reference

### **Where to go if there are unresolved issues**

The Youth Justice Leaving Care Social Worker should be the first point of contact for specific queries about young people known to both services. Other workers can also be contacted.

If problems are not resolved via telephone contact then, concerns should be detailed in an email to the allocated case worker and copied to their respective team manager. The Leaving Care Social Worker is a key contact in these situations. Matters that are not resolved need to be escalated in all relevant services.

The Leaving Care Service Manager meets with Children's Services Manager Lead on a weekly basis to discuss risk management plans where there has been a critical incident. The relevant YJ Manager will also be invited to these meetings where the young person is currently under the supervision of the YJ Service. These meetings also contain discussion of young people where issues have been raised in relation to progression of plans and is an additional forum where concerns can be raised.

### **Summary**

This agreed protocol sets out how we will work together to deliver our promise to our children in Manchester. We want to support and encourage our young people to be the best they can be. This means empowering them to make their own decisions and helping young people to be independent and take charge of their own lives. We want our children to grow into confident adults fulfilling their potential and becoming active citizens in their own local communities. To achieve this, the agencies and professionals who have agreed to deliver this promise need to work together to provide, in a coordinated way, the support, guidance and care needed by each young person as they move to adulthood and independence.

# Appendix A

## The Promise

## Appendix B

### Understanding who can access leaving care support.

Any child that is looked after by a Local Authority for a specific period of time within a specific age bracket meets the criteria to receive this support.

### Acquiring LAC status.

There are two main routes to accessing the Looked After system under the Children Act 1989:-

a. Section 20 of the Children Act 1989.

A child is accommodated by the local authority with the consent of those with parental responsibility. This can include placements with family members or friends, local authority carers or homes. If the young person is 16 or 17 years old, they do not need the consent of those with parental responsibility in order to be accommodated by the local authority.

b. Section 31 of the Children Act 1989 (Care order).

Care Orders can only be made by a Court and will only be granted when the Court deems this necessary to protect the child or young person. Once a Care Order is made, the local authority obtains parental responsibility in addition to the other parental responsibility holders.

### Responsible Local Authority for provision of leaving care services

The relevant authority is the one which last looked after the young person.

### Eligible Child.

- Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and who are still looked-after post 16.
- The Children Act 1989 complimented by 2010 Regulations, places a duty on the local authority from the point, "where the young person becomes an eligible child and it is envisaged that s/he will be leaving care, the pathway plan must be prepared which must include the child's care plan". The plan is to be reviewed every 6 months. Whilst they remain Looked After, the young person will continue to have a timely PEP review up until their 18<sup>th</sup> birthday.
- Once the eligible child becomes 15 years and 9 months old, the social worker will refer to The Leaving Care Service via MICARE (Liquid Logic) electronic database. The Leaving Care Service has weekly allocations meetings where a personal advisor will be allocated.

### **Relevant Child.**

- A relevant child is not currently being looked after by any local authority, but before last ceasing to be looked after, was an eligible child, and are aged 16 or 17.
- It is the duty of each Local Authority to take reasonable steps to keep in touch with a relevant child for whom it is the responsible authority and to refer to the Leaving Care to appoint a Personal Advisor.
- If a Pathway is not already in place, one should be created. Guidance is unclear as to who is responsible for the completion of this. In Manchester the Leaving Care service generally complete this.
- The responsible Local Authority will safeguard and promote the child's welfare unless they are satisfied that his/her welfare does not require their assistance. They will support him/her by maintaining or accessing suitable accommodation, providing other required support and in some cases financially supporting.
- If the Local Authority, despite taking reasonable steps, have lost touch with a relevant child, they must without delay '(a) consider how to re-establish contact; and (b) take reasonable steps to do so, and while the child is still a relevant child must continue to take such steps until they succeed'. (Care Leavers Act 2000).

### **Formerly Relevant Young Person.**

- Will have been an eligible or relevant child prior to turning 18 years old.
- Manchester Local Authority has a duty towards a formerly relevant young person post 18 years if they were the last responsible authority, or if the child turned 18 whilst in their care and immediately before ceasing to be looked after by them, was an eligible child.
- The Local Authority 'must take reasonable steps' to keep in touch with a former relevant child whether currently in their area or not and if they lose touch with him/her, they are to re-establish contact.
- They must continue the appointment of a Personal Adviser for a formerly relevant child and continue to keep the Pathway Plan under regular review.
- The Local Authority has a duty to give a former relevant child assistance to the extent that his welfare and educational or training needs require it. In exceptional circumstances financial support can be accessed until the age of 21 years or longer if his Pathway Plan includes education or employment that extends beyond his/her 21<sup>st</sup> birthday.

### **Qualifying Child.**

- Qualifying care leavers are those who were in care after the age of 16 but who are not eligible or relevant because they do not fulfil the 13 week criteria. These care leavers must be under 21 (or 25 if they are in further education or training).
- They were accommodated, in a variety of other settings, for example residential education, or mental health provision or private fostering or Special Guardianship.
- This also includes care leavers who are 16-21 who are under a Special Guardianship Order or a Special Guardianship Order was in place when the person turned 18 and the person was looked after by the Local Authority immediately before the Special Guardianship Order was made.
- A 16 or 17 year old who has lived for a continuous period of six months with a



parent or someone with parental responsibility, will no longer be a relevant child. However, if this arrangement breaks down before they turn 18 and the young person ceases to live with the person concerned, they would again become relevant child. A child subject to a Section 31 Care Order continues to be looked after until the Order is revoked, even if they are residing with parents.

- Local authorities should set out how they propose to financially support young people in these circumstances, taking into account the financial circumstances of their parent/s.

# Appendix B

## Legislation.

### Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).

#### Remanded young people and relevant sections of the LASPO Act.

- Section 104(1) of the LASPO Act provides that a child who is remanded to youth detention accommodation will be treated as looked after by the Local Authority designated by the Court under Section 102(6).
- Youth detention accommodation is defined in section 102(2) of the LASPO Act 2012 and currently comprises: Secure Children's Home; Secure Training Centre and Youth Detention accommodation.
- Children remanded to local authority accommodation will continue to be looked after by the Local Authority designated by the court under section 92(2).
- Local Authority accommodation is provided by or on behalf of the relevant Local Authority. It has a wide definition and can include the homes of relatives.

### Children Act 1989 as amended by the Children (Leaving Care) Act 2000

- The main purpose of the Act is to help young people who have been 'looked after' by a Local Authority, with their transition from care to living independently with stability. To do this it amends the Children's Act (c.41) to place a duty on Local Authorities to assess and meet needs.
- The responsible Local Authority is under a duty to assess and meet the care and support needs of eligible and relevant children and young people and to assist former relevant children, in particular in respect of their employment, education and training.

## Finance regime.

- The Act simplifies the arrangements for financial support of young people leaving care.
- The Act places Local Authorities under a new statutory duty to support these care leavers. (Appendix A)
- The Local Authority will be able to ensure that young people in and leaving care are suitably accommodated, supported and advised according to their needs, rather than simply given money and obliged to fend for themselves.

# Appendix C

## The Role of Personal Advisor

### **Leaving Care Service: Personal Advisor role for Social Workers**

The Leaving Care Service will provide an allocated worker for young people (YP) who are eligible for a Personal Advisor from the age of 16, through to 21 or 25 under some circumstances. This summary sets out what you can expect.

The YP's initial Pathway Plan will be developed by their Social Worker and will accompany the YP through their transition into independence. The Social Worker is responsible for the formulation and the review of the Plan up to the age of the YP reaching 18, at which time the Personal Advisor will take over lead responsibility as the Social Worker ends their involvement.

Between the ages of 16-18 there is a joint period of working with the YP's allocated Social Worker and the PA must:-

- Take an active role in supporting the Social Worker with the formulation of the Initial Pathway Plan and later reviews, utilising knowledge of local services and process to inform the plan. This includes the PA to explore with the YP their aspirations in relation to Health, Education and Accommodation.
- Where the YP lives outside of Manchester and plans to remain there, work with the Social Worker to identify local services. This will mean making initial contact with the local Leaving Care Service for advice and to make them aware the YP lives in their area.
- Attend all LAC Reviews and take responsibility for the progression of key tasks as identified in the plan.
- When invited, attend the Permanency Panel to contribute to the permanency planning for the YP with the SW.
- Meet the YP regularly, so as to form a relationship with them, in order to ascertain their needs and aspirations. As the YP approaches a move to independence, contact should become more frequent so as to promote positive engagement and reduce any anxieties the YP may be feeling, so they feel well supported.
- All case notes to be uploaded within 2 days on MiCare (Liquid Logic) under specific headings of discussion, i.e.- Education, Health, Accommodation and Aspirations etc.

Personal Advisors must:-

- Work with individual Care Leavers to explore and consider accommodation options and to assist care leavers in securing safe and suitable accommodation, by working with housing colleagues in line with the shared housing protocols.
- Ensure that the YP receives their full entitlement to financial benefits, by providing effective support and advocacy.
- Ensure that the YP obtains funding through statutory agencies i.e. Department of Work and Pensions, if eligible. Care Leavers are identified as a vulnerable group and the PA must support the YP, to ensure they are identified as such and to register for Benefits as soon as possible on turning 18, so they have full access available support.
- Ensure that the YP are aware of their entitlements and different potential funding streams as are relevant to their situation.
- Work closely with all YPs leaving care, to ensure that they enter, remain and achieve in positive education, employment and training destinations.

- Work with the YPs Social Worker to ensure that their previous Personal Education Plans (PEPs) inform the development of their Pathway Plan. The PA will try to attend all PEP meetings but it is **a requirement** to attend the YP's final PEP meeting prior to them leaving care.
- Ensure YPs have greater and improved access to health care and professional health advice and to this end, the LAC Nurse Team are available for advice and support.
- Encourage YPs to register with their local GP and with a dentist.
- Encourage YPs to access more specialist health services as needed.
- Encourage YPs to understand all aspects of health needs including physical, sexual and mental health needs. This may be around helping the YPs to understand and support them to make healthy lifestyle choices.

### **Young People in custody and/or involved in the Criminal Justice System:-**

This is a particularly vulnerable group who need well planned and focused support. Statutory Guidance states that Personal Advisors must-

- Provide information to the worker completing the Criminal Justice risk assessment and provide information for the Pre-Sentence Report. Particular attention should be given to vulnerability (safety & Well-Being) issues, should they be given a custodial sentence
- Visit the YP, within 10 working days of their sentence into custody.
- Be proactive in engaging with the lead professional such as Youth Justice, Probation Officer or lead named worker in the Secure Estate.
- Attend relevant meetings including Remand Review's or DTO's for under 18's and the relevant meetings for over 18's.
- Pay particular attention to any accommodation issues including arrangements for release and where there is a short sentence, liaison with their provider so as to ensure stability in accommodation and prevent arrears from accruing.
- Where accommodation has been lost, work closely with agencies to identify appropriate accommodation on release and communicate the plan no less than 14 days prior to release to the YP.
- Ensure that there is clear comprehensive support plan in place for the YP post release and acknowledgment that this as a particularly vulnerable period.