

Strengthening Communities: a protocol for professionals to create homes where our children in care and care leavers can thrive and feel part of the communities they live in.

Northamptonshire Joint Protocol for reducing the criminalisation of care experienced children and young people 2025

Table of Contents

1	Background	3
2	Our approach: Principles, aims and priorities	3
2.1	Key Principles.....	3
2.2	Aims of the Belonging Protocol and Decriminalisation Protocol	4
2.3	Priorities	4
3	Our Plan, governance and how we will monitor impact.....	4
3.1	Governance	4
3.2	Action Plan	5
4	Monitoring Impact	6
5	Listening to, learning from, and seeing children as children – ‘Child First’ and Trauma Informed	7
5.1	Child First.....	7
5.2	Trauma Informed	7
6	The Case for Change – national disproportionality and risk factors	8
7	What does our local data tell us?.....	8
7.1	Northamptonshire’s Children’s Trust’s Data	8
7.2	Northamptonshire’s Police data April 24	9
7.2.1	People	9
7.2.2	Demand.....	9
7.2.3	Risk Factors and Key vulnerabilities for under 18s	10
8	Northamptonshire’s Framework.....	10
8.1	Prevention	10
8.2	Providers.....	11
8.2.1	Belonging Protocol- Creating a sense of belonging for our children and young people living in children’s homes and young people’s support accommodation.....	12
8.2.2	Aim of the Belonging protocol	12
8.2.3	Guidance for Providers on when to contact the police	12
8.2.4	The Needs of Carers	12
8.3	Police response	13
8.4	Criminal Prosecution Service (CPS)response.....	14
8.5	Youth Court Magistrates response.....	14
8.5.1	Child First Youth Courts	14
8.5.2	Youth Court Magistrates	14
8.5.3	Youth Court Solutions	15
8.6	Probation and Prison for Care Leavers overs 18	16
8.7	Support following conviction	16
8.7.3	Community based sentencing.....	16
8.7.4	Custodial sentences and resettlement	16
9	Out of county placements.....	17
10	Legislative framework	17
11	Information sharing	18

1 Background

This document is Northamptonshire's locally produced protocol that seeks to reduce the unnecessary criminalisation of children in care and those leaving care. The national protocol¹ describes 'what' needs to happen across the country. This local protocol complements this by setting out 'how' the national protocol will be implemented locally.

This is the second version for Northamptonshire, and in the review and rewriting we are far more ambitious about what we want to achieve and how we are going to do it. We have also engaged with children and young people, placement providers, health and education partners to produce this revised protocol.

This protocol balances the rights and needs of children and young people who are care experienced, any victims, and the rights of carers to involve the Police for a solution focussed outcome.

It is the purpose of this protocol to provide guidance on the options available and to emphasise the importance of flexibility. When deciding upon the most suitable option for managing some of our most vulnerable children and young people who have suffered adverse childhood experiences (ACES) and trauma, a trauma informed approach should be implemented.

This protocol has been developed in parallel to the Serious Violence and Crime Strategy 2024.

The Joint Protocol for the reduction of the criminalisation of children in care and care leavers sits below the Belonging Protocol and alongside the Provider Guidance on when to call the Police.

2 Our approach: Principles, aims and priorities

Local Partnerships

Our key stakeholders are:

- Children In Care
- Care Leavers
- Placement providers, staff and carers
- Police

Children's social care

- Youth Offending service
- Mental health and Criminal Justice Pathway services
- Criminal Prosecution Service
- Probation
- Education

2.1 Key Principles

The overarching key principles of this document are as follows:

- Diversion from the criminal justice system is at the heart of the protocol
- Children should be seen as children and all professionals should be mindful of their trauma and support them using a trauma informed approach
- Promote community cohesion and integration of residential settings so that children in care and care leavers feel comfortable to positively integrate into the community around them
- Young people need to be given the chance to learn from their mistakes through adopting a restorative approach when incidents arise
- Listening to and learning from children and young people
- Agencies asking, 'is this response good enough for my child?'

¹ <https://www.gov.uk/government/publications/national-protocol-on-reducing-criminalisation-of-looked-after-children>

- Go further with preventative measures by increasing our understanding of risk factors and using this to work across the system to strengthen protective factors
- Everything is underpinned by the 'Child First' approach

2.2 Aims of the Belonging Protocol and Decriminalisation Protocol

At the core of this protocol is reducing the criminalisation of children in care and care leavers. However, we wanted the protocol to go further. The aims of this protocol and action plan are as follows:

- To reduce the number of children in care and care leavers being drawn into the criminal justice system
- To establish the primacy of a trauma informed response to incidents involving children in care and care leavers by the police and other agencies
- To consider how we meet the needs of the wider community when incidents occur and respond to these incidents in a way which promotes community cohesion, and integration of the residential setting with its neighbours

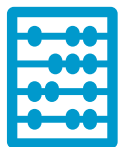
2.3 Priorities

The priorities for the protocol and its implementation through the actions plan are:



Leadership and cultural change

Lead and collaborate with partners to drive the systems change to reduce the unnecessary criminalisation of children in care and care leavers.



Data sharing, evidence and evaluation

Use multi-agency data insights and evidence to improve our understanding of the cause and factors that lead to the criminalisation of children in care and care leavers to bring about the systems change that is needed.



Tackling vulnerabilities

Co-design with children in care, care leavers and providers how incidents are responded to and also strengthen protective factors to being drawn into the criminal justice system.



Place Based

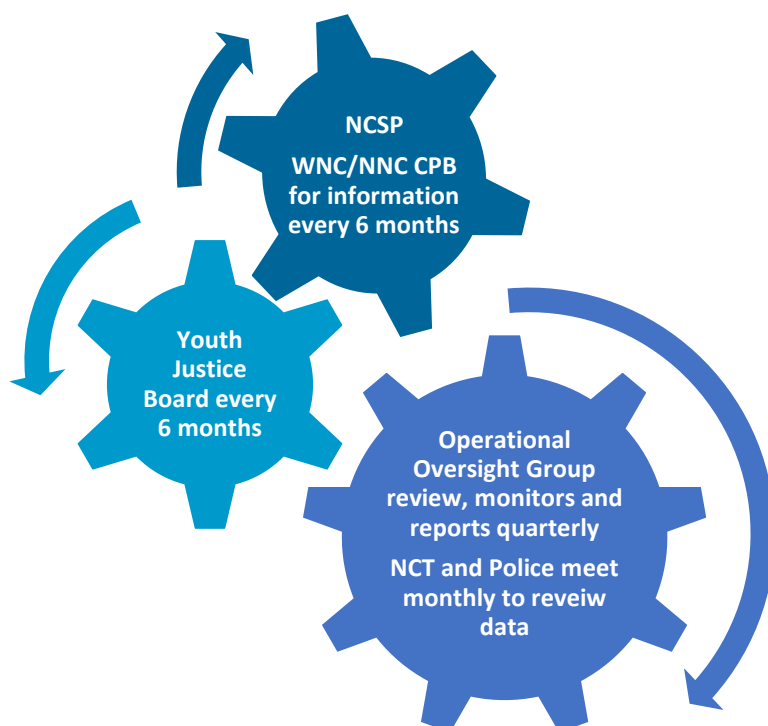
Consider what could be done differently to enable residential settings to be integrated into the local community so that the children and young people living there feel very much part of their local community.

3 Our Plan, governance and how we will monitor impact

Northamptonshire's Partnership is committed to making the Joint Protocol an effective initiative that positively impacts outcomes for our children in care and care leavers. To make this happen there will be regular monitoring and oversight of the data to ensure progress is being made. We know we can go further so an additional action plan has been developed as part of this work and there will also be oversight of this to ensure that it is implemented.

3.1 Governance

The Youth Justice Board (YJB) will have ultimate oversight of the implementation of the Belong Charter, Joint Protocol and the Provider Guidance but the reports will also go to the Northamptonshire Safeguarding Children's Partnership (NSCP) and North and West council's Corporate Parenting Boards for information. The first report to the YJB will be provided in May 2025 and will be 6 monthly thereafter but with the operational meetings taking place more regularly.



3.2 Action Plan

A detailed action plan has been developed to ensure the full implementation of this initiative. The plan below gives the broad headings and actions:

Actions	Outcomes
Leadership and cultural change	
Oversight by YJS management board, multi-agency scrutiny panel, Corporate Parenting Board and the Community Oversight Group	Ensures effective implementation to reduce the criminalisation of children in care and care leavers
Ensure coproduction approach to underpin this work and that children and young people are at the core of its implementation	The lived experience young people and professionals have identified solutions that work so that the protocol has a measurable impact
Ensure solutions are implemented and embedded across all agencies and are sustained	Ensures effective implementation to reduce the criminalisation of children in care and care leavers
Engagement with Regional Ofsted	Ensures effective implementation to reduce the criminalisation of children in care and care leavers
Data Sharing, evidence and evaluation	
Consider data sets and intelligence that can be used to explore trends, patterns and key risk factors	Enabler to be able to effectively monitor the impact of the protocol
Use data to help to understand the problems and identify solutions	Ensures effective implementation to reduce the criminalisation of children in care and care leavers
Evaluate the impact through key performance indicators	Ensures effective implementation to reduce the criminalisation of children in care and care leavers
Tackling vulnerabilities	
Strengthening solutions to address key risk factors	Reduce the criminalisation of children in care and care leavers
Exploring good practice and implementing in full e.g., communication passports, pre charge check list, neighbourhood policing	Reduce the criminalisation of children in care and care leavers
Continue to develop detailed guidance proportionate responses to incidence both inside and outside residential settings by all parties including carers and police	Reduce the criminalisation of children in care and care leavers

Actions	Outcomes
Develop training for both carers and police on response to incidence involving children in care	Reduce the criminalisation of children in care and care leavers
Explore other areas of good practice in residential settings particularly around prevention, diversion and what can be done to improve after an incident	Reduce the criminalisation of children in care and care leavers
Explore further the link between victims and perpetrators within the same settings and how these are more effectively responded to	Reduce the criminalisation of children in care and care leavers
Raise awareness amongst school settings on prevention and diversion and target schools where exclusion rates are high and where they have a high number of those groups that are disproportionately represented within the criminal justice system	Reduce the criminalisation of children in care and care leavers
Explore how the police can use outcome 22 more effectively in response to incidences	Reduce the criminalisation of children in care and care leavers
In addition to providing training to inhouse foster carers consider how we can provide training more effectively to external foster carers	Reduce the criminalisation of children in care and care leavers
Review process to look for opportunities to embed further e.g., brokerage, matching, continuous review and wrap around support	Reduce the criminalisation of children in care and care leavers
Place based	
Implement the Belonging Charter for residential providers to sign up to and provide workshops on best practice	To improve a sense of belonging for children in care in children's homes and young people's supported accommodation
Trial models of good practice in working together to promote community cohesion and integration	To improve a sense of belonging for children in care in children's homes and young people's supported accommodation
Promote and embed models of good practice in working together to promote community cohesion and integration	To improve a sense of belonging for children in care in children's homes and young people's supported accommodation
Ensure that children in care have the same opportunities to take part in community activities	To improve a sense of belonging for children in care in children's homes and young people's supported accommodation
Explore how providers can safely help young people to develop independence skills particularly around healthy relationships and keeping themselves safe (Transitional safeguarding)	To help young people successfully transition to adulthood
Promote the belonging charter to the unitary council planning teams	To improve a sense of belong for children in care in children's homes and young people's supported accommodation

4 Monitoring Impact

The below metrics will be used to inform volume of crime demand involving young people in care; they will be monitored through the development of a bespoke performance dashboard using the Police's data visualisation tool, Qlik.

The metrics will also be measured by whether the occurrences take place within the homes or outside in the community. Volume of occurrences by placement addresses will also be analysed to identify and inform supportive problem-solving approaches between partner agencies where there is high demand in particular settings.

Measure	Target
Outcome: Reduce the criminalisation of children in care and care leavers	
Number of suspect occurrences (people and occurrences)	Decrease

Number of offender occurrences (people and occurrences)	Decrease
Number of charges / summons (people and occurrences)	Decrease
Number of Community Resolution Disposals (people and occurrences)	Increase
Number of Outcome 22s (Diversionary, educational or intervention activity has been undertaken) (people and occurrences)	Increase
Number of Outcome 20s (Other body/agency has investigation primacy (people and occurrences)	Increase
Number of Arrests (people and occurrences)	Decrease
Number of Arrests that result in NFA (people and occurrences)	Decrease
Outcome: To improve a sense of belong for children in care in children's homes and young people's supported accommodation	
Increase the number of residential providers that sign up to the Belonging Charter	Increase

5 Listening to, learning from, and seeing children as children – 'Child First' and Trauma Informed

5.1 Child First

Listening to, learning from, and acting on children and young people's voices is vital to having effective services, policies and support in place to avoid criminalising children and young people.

'Child First' underpins the Standard for Children in the Youth Justice System and will underpin the implementation of this protocol.

The organisations contributing to this protocol have all agreed to child first principles in relation to children in care and care leavers within Northamptonshire committing to:

As children	Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
Building pro-social identity	Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
Collaborating with children	Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
Diverting from stigma	Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

https://yjresourcehub.uk/wp-content/uploads/media/Child_First_Overview_and_Guide_April_2022_YJB.pdf

5.2 Trauma Informed

All professionals supporting children in care and care leavers should be trained in trauma informed practice no matter where they sit in the partnership.

Trauma occurs when an incident, series of incidents or persistent environment leaves a person feeling so threatened or overwhelmed that it leaves a long-lasting impact.

Care experienced young people are more likely to have experienced multiple traumas in comparison to children who have not experienced care, leading to increased difficulty in developing relationships with caregivers, which often leads to difficulties in forming attachments later in life with others. This is the context in which children in care often display

challenging behaviour and needs to be understood by professionals when making decisions on how to deal with a child whose behaviour could come to the attention of criminal justice agencies.

Trauma informed practice encompasses the following:

- Safety
- Trustworthiness and transparency
- Peer support
- Collaboration and mutuality
- Empowerment, voice, and choice
- Understanding cultural, historical and gender issues

6 The Case for Change – national disproportionality and risk factors

There is plenty of research and evidence that shows that there are several risk factors that can lead to a child or young person being drawn into the criminal justice system. These risk factors will be disproportionately represented within statistical data around factors such as being care experienced, ethnicity, gender, neurodiversity and out of education. Some examples are:

- Fewer than 1% of children and young people are in care but up to 50% of children in custody have been in care (Prison Reform Trust 2016)
- 31% of women in prison had spent time in the care system as a child and 24% of men (Ministry of Justice 2023)
- Depending on their ethnicity, care-experienced children were between 2 and 16 times more likely to have youth justice involvement than those who had not been in care (Hunter, Stains and Fitzpatrick 2023)
- Research has shown that levels of unnecessary criminalisation may be higher in some children's homes than in foster care placements (Shaw, 2014)
- Evidence suggests that half of those entering prison could reasonably be expected to have some form of neurodivergent condition (CJI 2021)
- Girls in care are four times as likely to be youth justice involved if they are living in a children's home than girls in care more generally (DfE, 2018; Howard League, 2019)

7 What does our local data tell us?

7.1 Northamptonshire's Children's Trust's Data



7.2 Northamptonshire's Police data April 24

Please note that the data only looks at residential settings of children's homes and independent supported accommodation and does not include foster placements. Occurrences can either mean crime or non-crime incidents.

7.2.1 People

Of the 347 placements used by Northamptonshire Children's Trust since the 1st April 2021, 96% have had police demand associated with them. For under 18s, 174 have crime occurrences and 229 have non crime occurrences.

There are more males (51.3%) in placement settings than females (44.3%), however females are associated with a higher number of occurrences (non-crime occurrences) (56.3%) than females (54.8%). Males under the age of 18 are 1.7 times more likely than females to be involved in crime occurrences as a suspect/offender.

Black ethnicities are over-represented in the children in care population:

- White (39.6%)
- Black (21%)
- Asian (2.5%)
- Mixed (2.3%)
- Other (1.5%)

51.3% of under 18s have at least 1 Adverse Childhood Experience (ACE) across both crime and non-crime occurrences, with the most prevalent being Parental Conflict.

7.2.2 Demand

Two thirds of occurrences within placements are non-crimes with the majority being in relation to normal protocol in responding to missing incidences.

84.2% of police demand results in a negative outcome.
(This is mainly due to the victim not co-operating or evidential difficulties)

12.1% of placements make up 47.6% of overall under 18's suspect/offender crime demand.

The highest proportion of crime occurrences are in relation to assault and the second highest are in relation to criminal damage. A high proportion of these take place within the placement setting.

Where assaults have occurred this was often young people assaulting staff (59% of victims of Assaults were on individuals aged over 25, with 90% of these occurring within the placement address).

7.2.3 Risk Factors and Key vulnerabilities for under 18s

Warning markers are a list of characteristics used within the police to highlight any important information regarding an individual that might be an early indication that something more serious may occur in the future.

We will continue to analyse data sets to gain a better understanding of the risk factors that may lead to a young person, and particularly those in the care system, being drawn into crime. This will support with identifying solutions and working together to strengthen protective factors.

Analysis of police data on the cohorts on the police database that had been involved in antisocial behaviour, gang activity, drug related criminality and serious violence provided information on the precursor risk factors for the involvement at different ages (note case studies sampled are from the general population). This will allow us to understand the most critical stage of intervention.

The following analysis was taken from case studies relating to 400 individuals linked to antisocial behaviour, gangs and drug related crimes.

- Possession of weapons
- Exposure to domestic violence as a child
- Suspect to a crime in teens
- Family member in prison
- Substance misuse
- Regular missing episodes
- Mental health
- Parental separation
- School exclusion

8 Northamptonshire's Framework

The following framework that has been developed to reduce the criminalisation of children in care and care leavers follows the journey of the child through the system:

- Prevention
- Providers response to an incident (please also see separate guidance document)
- Polices response to an incident
- Criminal Prosecution Service response
- Youth Court Magistrates response
- Probation and Prison for Care leavers over 18 years old
- Support following conviction

8.1 Prevention

Within Northamptonshire all agencies agree that preventing children in care and care leavers from ever becoming involved with the Criminal Justice System significantly helps with achieving best outcomes, contributes to desistance and reduces risk of harm.

A key factor in prevention is to ensure that children in care and care leavers have the right placements that meet their needs and that placements (whether foster carers, residential staff or staff working in supported accommodation) will generally manage any perceived negative behaviour 'in house' and the ability to do so should be part of their core training. Police should not be called for matters where a reasonable parent would not call the police, or an alternative, non-criminal response could be effective.

Children in care and care leavers interact with a whole range of agencies and professionals and it is important that all of them understand the reasons why looked after children and care leavers may behave in particular ways; key to this is

their understanding of the impact of adverse childhood experiences and trauma on children, young people, and adults. This will be done through the development of a range of training options; face to face, e-learning and building into current training packages the agreed approach for children in care and care leavers as set out in this protocol.

Where a child or care leaver has had contact with Youth Justice services and has struggled, they should benefit from careful planning by all agencies involved to agree how each agency will respond, support mechanisms available, 'in house' responses, and what worries about safety would warrant police involvement as part of the placement planning and care review.

We will understand and track challenges, worries and responses, and the key to this is the quality of recording around incidents. All incidents must be recorded in the child's personal file, ensuring that information is recorded is written to the child/young person, is objective, non-stigmatising and trauma informed.

8.2 Providers

There are two elements to this:

- Belonging Protocol - Creating a sense of belonging for our children and young people living in children's homes and young people's support accommodation
- Guidance for Providers on when to contact the police

The Belonging Protocol is the overarching document under which the Joint Protocol for the Decriminalisation of Children in Care and Care Leavers sits. All of our current and new providers will be expected to sign up to the protocol and commit to operating under the practice as outlined in it and all of the documents that sit underneath it. This commitment from our providers will then allow us to support their planning application.

Where our data is showing us where providers are falling short of meeting the standards as set out in the Belonging Charter then the escalation process will be followed as outlined below.

The escalation route is as follows and will only be escalated through the system should evidence show no change:

Who	Action
NCT Quality & Outcomes Team	For providers who are looking after our children and young people if evidence shows no change then the NCT Quality & Outcomes team will be informed who will investigate the concerns. They will work with the provider to develop an action plan to improve and provide support from NCT and the Police if training and development are required. If evidence continues to show no change then the matter will be escalated to the NCT Quality Board in line with the NCT Quality Assurance Framework.
NCT Assistant Director for Commissioning, Transformation & Governance and the Assistant Director for Children and Family Support Services and the Youth Justice Service	For placements by other local authorities residing within the county of Northamptonshire the relevant ADs will contact their equivalents at the placing county's local authority.
NCT Chief executive Officer and Northamptonshire Police's Chief Constable	For placements by other local authorities residing within the county of Northamptonshire if evidence shows no change after the AD escalation, then the Chief Officers of NCT and the Police will contact their equivalents at the placing county's local authority.

8.2.1 Belonging Charter - Creating a sense of belonging for our children and young people living in children's homes and young people's support accommodation

There are plenty of studies that the need to form positive social connections and relatedness is universal and fundamental. People have a fundamental need for a psychological and emotional feeling to belong to someone and something that they hold dear.

This charter provides guidance to residential settings on what it might do to help to create a sense of belonging for both children and staff for the child to feel that where they live is truly a home where they can feel safe, first and foremost, but also to be their own person so that they are comfortable and able to flourish.

This guidance is a document that overarches the implementation of the Joint protocol for the decriminalisation of children in care and sits alongside the guidance for providers..

8.2.2 Aim of the Belonging Charter

The belonging charter contributes directly to the third aim of the charter to promote community cohesion and integration of residential settings with its neighbours. The belonging charter will outline simple, proven initiatives that providers, NCT and the police can take to address social isolation and build a sense of belonging within the communities that our children in care live in. Providers will be asked to sign up to the belonging charter as a commitment to create a sense of belonging for our children and young people.

In addition to creating a homely environment where our children and young people can thrive the belonging charter will help to endorse planning applications for a house to become a children's home.

This document is divided into the four elements that contribute to a sense of belonging:

People: Relationships with others

Place: Relationship with the natural world

Power: The ability to exercise power over decision making

Purpose: The quest for meaning

8.2.3 Guidance for Providers on when to contact the police

Adverse childhood experiences (ACEs) can have a negative, lasting impact on children and young people which can then be expressed in challenging behaviours. ACEs are potential traumatic events that can have a negative, lasting effect on health and wellbeing.

A trauma-informed approach must be adopted when interacting with children in care, care leavers and carers, police officers and other professionals are encouraged to be an 'extra' parent and ask themselves 'would this be good enough for my child?' when responding to incidents in children's care homes and other provisions.

Staff and carers need to consider the nature and seriousness of the incident before deciding whether to involve the police immediately, at a later stage, or whether to involve them at all.

Detailed guidance for providers has been developed to support providers with their decision making when responding to incidents involving children and young people in their care.

8.2.4 The Needs of Carers

The effect on carers following an incident can be traumatic and should not be underestimated by providers. Under Regulation 35 (3)(b) of the Children's Home (England) Regulations 2015, Registered Managers are required to speak to the staff involved about the incident within 48 hours, as part of the incident review.

Policies should reflect that at this time, enquiries into health and welfare are made in all instances and where appropriate, these should be recorded in personnel files. This includes any relevant accident records.

Registered Managers and Providers have a duty of care towards their staff, and this includes recognising that being involved in violent or frightening incidents can have a significant impact.

Offering appropriate support in a timely manner to address or reduce any ensuing effects should be part of the home's employment and/or behaviour management policy.

Providers and Registered Managers should also ensure that any issues identified as contributing to the incident are addressed, including updating care plans to minimise the risk of recurring behaviours.

Each home must have a written Behaviour Management Policy which sets out the measures of control, restraint and discipline which may be used in the home and the means whereby positive behaviour is to be promoted in the home. The home should develop an individualised plan for each young person, in line with the home's Behaviour Management Policy. A copy of this policy and a statement from the home setting out how the policy has been applied to the incident should accompany any request for advice on charging and inform the pre charge checklist.

8.3 Police response

The police are more likely to be called to a children's care home than a domestic setting to deal with an incident.

An aim of the police as partners in this protocol is to take a problem-solving approach to reducing calls to the police by working with partners and addressing the underlying issues and causes. We therefore reduce unnecessary contact between police and children in care and care experience young people, which can be detrimental to them. When responding to a call the police will follow good practice as outlined in this protocol. As part of this work the police have reviewed practice across all stages of the police response to ensure that it is a 'Child First' and Trauma Informed approach and have developed a specific action plan to embed this. Some examples are listed below (some of these already take place):

- The Force Control Room: Call handlers will ask specific questions to ensure that care staff have abided by the guidance on 'when to call the police'
- Custody: Will have processes in place to ensure that children are not held in a custody cell unnecessarily, but on occasion when this is necessary, they will do all they can to ensure a swift resolution and that the child is held in detention for as short a time as possible. In collaboration with our partners, they will ensure a swift decision is made
- The Child Exploitation Hub: Will look to identify any opportunities for engagement with those children open to the CE hub, or deemed to be victims of exploitation, when arrested
- Our Missing Persons Investigation Unit: Will look to work with care homes to identify ways to prevent or reduce missing episodes and provide care staff with training. When children do go missing, they will work with the care home in accordance with the Philomena protocol to ensure the child is located and safeguarded. MPIU will also look to signpost care home staff to a single point of contact they can use for non-emergency advice and further training
- The Youth Violence Intervention Unit: will engage with any child open to them deemed to reduce their involvement in violence and/or exploitation
- Neighbourhood Policing: Will be in contact with care home staff and will assist them with problem solving where necessary
- Response Officers: Together with neighbourhood officers above, will receive training on Trauma informed practice and contact with care home staff so that they can best understand the decriminalisation protocol and how it seeks the best outcomes for children in care

The Crown prosecution service has developed a 10-point checklist to inform the decision to charge a child in care who offends and parts of this should be completed at the time of the incident with the rest being completed within 3 days of the incident. This provides vital information for the crown prosecution service further down the line to decide whether to prosecute or not. Placement staff and police should all ensure that is done at the time of the incident. The action plan that underpins this protocol has further actions related to the police's response to incidents so that this good practice continues to be embedded across the Northamptonshire Police Force.

8.4 Criminal Prosecution Service (CPS) response

The decision to prosecute children in care and care experience young people for 'low level' offences committed within a care environment is a major decision and should be taken by a youth specialist. A Criminal Justice disposal will only be appropriate where it is assessed that alternative consequences or actions are not sufficient to address and manage the presenting offending behaviour.

Prosecutors need to consider all the circumstances surrounding the offence and the circumstances of the young person before reaching a decision and need to apply all relevant CPS policies and the Code for Crown Prosecutors. A decision should not be reached without a correctly completed pre charge checklist.

Informal disposals such as a reparative activity within the home, acceptable behaviour contracts and disciplinary measures or sanctions by the home may be sufficient to satisfy the public interest and to reduce the risk of further offending.

8.5 Youth Court Magistrates response

8.5.1 Child First Youth Courts

Northamptonshire Youth Justice Service ensures that all children attending Youth Court have a communication passport which enables the magistrates to understand the child and communicate effectively. The young person should be supported in court by their social worker and/or carer. Whilst there will be a representative from the local Youth Justice Service Present, Court can be a challenging and intimidating place and as such additional support from those who care for them can improve engagement and understanding of the process and reduce any negative emotional impact.

8.5.2 Youth Court Magistrates

The aim of the youth justice system is to prevent and reduce offending behaviour (as directed in the Crime and Disorder act, 1998), and it is also directed that anyone carrying out functions in relation to the youth justice system should also have the same principal aim, this includes the Courts. Northamptonshire Youth Magistrates Court also have an interest in the welfare of any child going into court (this could be as a perpetrator, victim or witness) under the Children and Young Persons Act (1933), in Section 44 it states that, "Every court in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regard to the welfare of the child person and shall in a proper case take all steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training" and as such this underpins the motivations for our children and young people who attend youth court.

Northamptonshire Youth Court and its presiding magistrates are committed to reducing the over representation of children in care and care experienced young people and have highlighted their responsibility in ensuring that they consider the welfare of the child in respect of accommodation and education, training and employment. Magistrates in the youth jurisdiction will be very mindful of the possible trauma any attendance at court can have and the impact it will have on the child's ability to concentrate, understand and communicate. Northamptonshire Youth Justice Service now provide the court with information related to the child's welfare and communication needs so that the Court is able to commit to a child first approach.

Prevention, diversion and out of court resolutions are all desirable outcomes where appropriate and should always be considered as early as possible to prevent the child becoming too involved with any pre-court processes, which is a traumatic experience. Where procedural and legal obligations have prevented an early intervention and the child's case

appears in the court list, strong consideration should be given to the above two priorities of the youth court and consideration of finding exception to case law allowing for an adjournment and time to be afforded to investigate an outcome without criminalisation.

It is therefore important that magistrates are briefed early in the day about the characteristics of the child or young person which will enable a strategy to ensure children and young people will have the best possible chance to engage with the proceedings. The early briefing shall not be about the case, evidence or recommendations which must be heard in court.

Over the past ten years advanced innovative and collaborative youth justice processes have been used in Northamptonshire:

- Magistrates of the Youth Review Panel are invited to attend and support the regular progress case reviews for children and young people on youth rehabilitation orders. Attending as guests of the Youth Justice Service, the magistrates' presence is to demonstrate that sentencers care about those who receive a Court Order and to motivate, inspire and challenge them to successfully complete and benefit from working the professionals of the Youth Justice Service and others
- Problem Solving Hearings are initiated when there is an extraordinarily complex case. The Court will request reports and the attendance of all significant professional persons likely to play a leading role in the rehabilitation of the child or young person and the support of their family. Alongside any presentence report, the Court will use the hearing and testimonies of the attending professionals to carefully craft a Court Order specifically designed to the complexities of the case, the child and their circumstances. Building a professional supportive team approach from the outset, through the sentencing hearing

The number of children and young people being heard before magistrates in the youth jurisdiction increased dramatically when Section 53, of the Criminal Justice and Courts Act 2015 came into force. This provision gave the youth courts the power to commit to the Crown Court for sentence, children found guilty of a grave crime. This was intended to increase the numbers of children and young people tried in the youth court.

8.5.3 Youth Court Solutions

In recognising that most children and young people who offend are often living with other difficulties far outside their own control.

Youth Court Solutions, Northamptonshire's at-court advice and support service operates from the offices in the public area of the Wellingborough courthouse. It is a partnership programme between the Northamptonshire Youth Justice Service and a range of charitable organisations, overseen by The Chrysalis Foundation with the approval of the magistracy, HMCTS and HM Lord-Lieutenant of Northamptonshire.

It seeks to ensure that all young visitors have their broader difficulties addressed offering access to a wide range of services for their clients, children and young people and their families. This may include:

- Help to identify and access local authority, statutory or third sector support services to address the issues which bring children and young people to court
- Introductions to learning and training opportunities to improve employment prospects
- Practical support with financial issues and accommodation
- Information on the working of the criminal justice system

8.6 Probation and Prison for Care Leavers over 18

The HM Prison and Probation service has produced guidance for prison and probation staff when supporting care experienced young people:

Care Experience Matters: A guide to how prisons, probation and local authorities can work together to support people with care experience in custody and on probation.

NCT and the Probation Service have worked jointly and signed up to a memorandum of understanding to reduce the disproportionality of care experienced young adults in the criminal justice system.



NCT have also developed a 'Beyond Custody guidance' to support care experienced young people in readiness for their release from custody'. Its vision is to:

- Refocus on improving our practice with young people who are in custody
- Regular visits, financial assistance and improved resettlement
- Reflect on the current issues in practice
- Keeping up to date with new in practice, laws etc
- Introduce good practice principals
- Improve links with probation and youth offending



It aims to:

- Plan effectively for release
- What does this look like? Meet with YJS, Housing, Probation
- Employment, Mentoring, Education
- Work with partner agencies to formulate plans for resettlement
- Ensure care leavers are aware of the support and how to access help
- Provide a joined-up approach with probation
- EU settlement status when in custody
- What is this likely to mean? Cannot apply, potentially facing deportation

Northamptonshire Youth Justice Service have developed effective resettlement processes and part of the action plan highlighted later in this protocol will be to review both the NCT and NYJS protocol and develop a joint approach.

8.7 Support following conviction

We know that children in care with experience of the criminal justice system have a higher-than-average likelihood to go on to reoffend and as such all partners are committed to working together on intervention planning that promotes desistance.

8.7.3 Community based sentencing

Where a child or young person receives a statutory order the Youth Justice Service or Probation Service, their social worker, personal advisor and any care staff are responsible for working together to support desistance. Youth Justice and Probation plans should include the actions and pledged support of partners involved to ensure that the needs of the child or care leaver are met providing them with the best opportunity to desist from offending.

Within Northamptonshire Youth Justice Service children who are assessed as presenting a high or very high risk of serious harm, high risk of reoffending, or where there are high or very high safety and wellbeing concerns will be discussed in multi-agency Risk, Safety and Wellbeing meetings, all partners engaged with the child or care leaver should attend these meetings.

8.7.4 Custodial sentences and resettlement

Northamptonshire Youth Justice Service is committed to keeping children out of secure environments where possible and in order to promote this where a child is at risk of custody, an alternative to custody multi-agency meeting will be held.

Unfortunately, it is not always possible to keep a child or care leaver out of the secure environment, and as such Northamptonshire Youth Justice Service is committed to positive resettlement for any child who spends time in a secure establishment, whether this be as a result of remand or sentencing for a criminal offence, or on a welfare basis. The service has developed robust positive resettlement guidance, the premise of which is that upon entering a secure environment plan should be based on the child or care leaver's future once they have left this environment.

The premise of this is that the child is engaged and succeeds with a seamless network of support around them, listening to them, and empowering change.

The child or young person should experience that they:

- Feel safe
- Have accommodation
- Know what is expected of them
- Know their family or carers are involved
- Know who is doing what and when
- See professionals working together
- Feel listened too
- Have experienced being Released on Temporary License (ROTL)
- Know what they can do and not do
- Understanding their license conditions
- Are in education, training, or employment

Children and young people receiving a custodial sentence or remand are often the most vulnerable with multiple, overlapping risks and needs. Children in Care are often at an additional disadvantage when in custody than their peers due to them not knowing where they will go to on release, or who they will be living with. It is expected that every child in care in Northamptonshire should know where they are going and meet placement staff prior to being released from custody.

9 Out of county placements

The protocol and associated documents will be promoted to providers on a regular basis and this will include all out of county placements. It will be made clear that there is an expectation that out of county placements providers must follow this protocol. Further work will be undertaken to explore how this might be achieved.

Where a child or young person is placed out of Northamptonshire and is already subject to a Court Order, there should be clear communication between the placing and receiving Local Authority. The placing Local Authority should inform the local YJS that there is a child residing in their area who is subject to Court Orders. There should be clear communication between the placing and local YJS about roles and responsibilities – usually the placing YJS should retain oversight and responsibility for their child or young person but the local YJS (also known as the care taking YJS) may be asked to implement the Order.

Children and young people placed out of Northamptonshire will be expected to access education, either independently or linked to the placement. The child or young person's social worker and virtual school should ensure that the identified education provision is aware of the expectations outlined within this protocol.

Where children from another authority are placed within Northamptonshire providers will also be expected to follow the approach as outlined in this protocol. Northamptonshire Children's Trust will ensure that these providers are made aware of the protocol and make any training or resources available to them.

10 Legislative framework

The following provides a list of the relevant legislation related to this protocol:

- Children's Homes Regulations (2011)

- The Crime and Disorder Act 1998
- Police and Criminal Evidence Act 1984 (PACE) codes of practice
- Legal Aid, Sentencing and Punishment of Offenders Act 2012
- Children's home regulations, including quality standards: guide (2015)
- National Minimum Standards: Fostering Services (2011)
- Criminal Justice Act 2003
- Sentencing Act 2020
- Children and Young Persons Act 1933, Section 44
- Children and Young Persons Act 1969, Section 9

11 Information sharing

It is vital agencies develop an environment of information sharing that demonstrates to young people that agencies work together and keep each other informed of developments in order to serve children's best interests. The Data Protection Act (2018) allows that any practitioner can share relevant personal information about a child lawfully if it is to keep a child safe from harm, or to protect their physical, mental and emotional wellbeing.

All practitioners should aim to gain consent to share information but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that sharing the information will enhance the safeguarding of a child in a timely manner.

In addition to the statutory guidance applying to agencies working with children, the key legal concepts, legislation and terminology relevant to information sharing are contained in: The Data Protection Act 2018; The Human Rights Act 1998; The common law duty of confidence.

The information that could be shared between agencies for contextual safeguarding may include the following:

- Children and young people (both UK and foreign nationals) at risk of being sexually exploited (including regular updating of any CSE assessments), coerced into criminal activity, or trafficked
- Children and young people believed to be criminally active
- Children and young people identified as criminally active being monitored including recording their clothing, times in and out of the homes and any property appearing without formal recognition or identification
- Areas identified as used by drug dealers in the locality of their placement
- Sex offenders living in or near placements if relevant (including notification by police as part of information regularly provided to inform children's home Location Review Risk Assessments)
- Grooming activity in the location
- Gang activity in the location