**Wigan Joint Agency Protocol on Reducing Unnecessary Criminalisation of Looked After Children and Care Leavers**

**November 2022**

**Introduction**

‘We have made significant strides in reducing the criminalisation of children and young people...This is a credit to the agencies and practitioners involved. However, although the vast majority of looked-after children and care leavers do not get involved with the justice system, they remain over-represented compared to others in the criminal justice system…This is a challenge we must meet.’

*(The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018)*

This Wigan local multi-agency protocolseeks to reduce the unnecessary criminalisation of Wigan’s looked-after children and care leavers.

This protocol reflects the principles and ambition of the National Protocol on Reducing Criminalisation of Looked-After Children and Care Leavers.The national protocol describes ‘what’ needs to happen across the country. This local protocol complements this by setting out ‘how’ the national protocol will be implemented locally, and reflects the local structure of services, care populations, stakeholders, governance and decision-making arrangements.

‘A co-developed, whole system approach should be encouraged. This should include prevention (such as addressing cause of adverse childhood experiences and mentoring), early intervention and appropriate response where children and young people do offend.’

*(The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018)*

This protocol represents a multi-agency partnership commitmentto reducing the unnecessary criminalisation of looked-after children and care leavers and includes the contribution of relevant local agencies and staff. Although not an exclusive list, this includes Wigan Children’s Services; Targeted Youth Support Services; Crown Prosecution Service; Greater Manchester Police; HMCTS; the local Youth Panel (Magistrates); Wigan Care Services (including, kinship, fostering, and local authority and independent sector residential children’s homes); Care Leaver services; and any other private or voluntary organisations commissioned to support looked-after children locally.

‘All professionals, including social workers, teachers, police officers, foster parents, children’s home staff and YOT workers, have a duty to ensure that any special needs presented by looked-after children or those harmed (including communication and interaction, cognition and learning and social, emotional and mental health difficulties34) are identified, acknowledged and addressed in the management of the response to the behaviour.’

*(The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018)*

This protocol is aligned with The Deal for Children and Young People, The Deal for Care Leavers and The Deal 2030 strategy. The Deal for Children and Young People recognises the key role local public services play in enabling children and young people to make the most of their strengths in order to remain healthy and resilient. A key part of the Deal is to work in partnership with public services to promote and develop assets which will provide the opportunities required to enable all of our children and young people to be healthy, stay safe, to enjoy and achieve.

**Key principles**

Every effort should be made to avoid the unnecessary criminalisation of looked-after children and those children leaving care, including through early intervention and prevention services. (See ‘Overarching Key Principles section of the National protocol). This is in recognition that many looked-after children have experienced abuse and trauma, affecting their emotional and behavioural development, potentially making them particularly vulnerable to involvement in the criminal justice system, and that criminalisation can be a barrier to successful transition to adulthood and future life prospects.

Inappropriate response to behaviour which can be perceived as challenging can contribute to the breakdown of placements and can be linked to a drift into criminal and exploitative sub-cultures across the country. This impacts not only the likelihood of placements remaining stable and achieving successful outcomes, but the future of care leavers who are dramatically over-represented in the prison population.

The primary objective is for agencies to work together to prevent and reduce 1) offending and 2) the unnecessary criminalisation of looked-after children, accepting that children’s welfare and safety are paramount.

‘As a society, we have a responsibility to ensure we protect the children we care for from unnecessary criminalisation and to ask, ‘would this be good enough for my child?’’

*(The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018)*

It is every professional’s responsibility when working with children to strive to understand the underlying causes of a young person’s behaviour. Understanding the needs and perspective of the child or young person at the centre of an incident and listening to their voice should be central to all agencies practice and their response to incidents involving looked-after children and care leavers.

Whilst this protocol aims to prevent and reduce offending and avoid criminalisation of looked-after children, victims have a right to be protected from all types of offending. Therefore, where looked-after children do offend, it is important that the rights and needs of victims are given due consideration in any decision making process relating to the offending of children. See Annex 2 for details of restorative justice.

 ‘Victims and communities have a right to be protected from offending and have their needs and interests taken into account in decisions on resolutions to offending.’

*(The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018)*

De-escalation and restorative approaches should underpin response to negative behaviour to help avoid the prosecution of looked- after children and care leavers (up to the age of 25) wherever possible. Restorative Justice (RJ) is a process whereby the victim has an opportunity to be heard and state the impact of the behaviour, and the offender has the opportunity to understand the consequences of and take responsibility for their actions. Such RJ approaches can take place informally within the care placement in response to an incident (where police involvement is not required) or as part of a recognised police outcome where it is considered to be appropriate.

This applies to **all** placement types for looked-after children or care leavers.

‘Restorative and diversionary approaches should underpin our response, whether the behaviour occurs in a child’s placement or the wider community.’

*(The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018)*

Children attracting a custodial sentence or remand are often the most vulnerable with multiple, over-lapping risks and needs. Targeted Youth Support Services (TYSS) and Children’s Services need to work together to ensure the young person knows exactly where they are going to live prior to release and be prepared accordingly with a robust resettlement plan. Accommodation and on-going support should be known and in place well in advance of their release date.

**Prevention**

Ensuring looked-after children have the right placements that meet their identified needs will significantly contribute to prevention.

It is important that agencies recognise the vital role of early intervention and prevention in reducing criminalisation of looked-after children and care leavers.

TYSS offers a broad prevention offer to children in care. This includes weekly visits to the homes by a Community Deal Worker, access to voice groups and prevention referrals when there are indications of offending behaviour, support restorative intervention.

It is recognised that caring for and managing children and young people with behaviour which can be perceived as difficult or challenging can be an integral feature of work within care placements. There should be a presumption that foster parents, residential staff and carers will generally manage negative behaviour ‘in-house’. There is an offer of ‘Restorative Approaches’ training to all staff and foster carers and wider training offer to external and internal partners including as part of inductions.

For Care Leavers, support can be accessed through their Personal Advisor. There is also an offer from TYSS for a mentor.

‘The police should not be used for low-level behaviour management or matters a reasonable parent would not have called the police over.’

*(The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018*)

It is necessary for all incidents within placements to be accurately recorded to provide informed histories of children in care. All incidents must be recorded in the child’s personal file. Foster parents, residential staff and carers should bear in mind the potential impact of that record on a child, the child’s privacy and information rights and ensure that recording should be objective, factual and non-stigmatising.

Within our residential provisions, residential staff access an incident form from a Health and Safety portal, these ensure H&S colleagues have timely receipt of all incidents. These are printed and held within the homes documentation with copies sent to the Social Worker. Dependent on the nature of the incident, this might warrant a notification under Regulation 40 (Children’s Home Regulations) to OFSTED.

For children in foster care, the Foster Carer will notify the Social Worker, who with their line manager, will explore if the incident is considered a notifiable event. If so, this will be recorded on a Schedule 7 notification form and procedures followed in accordance with Fostering Standards.

The ‘Home Office Counting Rules for Recorded Crime (HOCR)’ determine when a crime should be recorded by the Police. However, this policy recognises that in some cases an alternate method may be available and a more appropriate way to deal with the situation than via judicial process, even though a police officer may have a crime confirmed to them. The key is that the decision-making process both before and during discussions between the parties involved must be documented to negate the need for a crime report.

It is important to remember that each care home/social worker has the responsibility of care towards the child, with their welfare interests being paramount. Therefore, the requirement to record offences should be considered in conjunction with the desire to avoid unnecessary criminalisation of children.

If these forms below are completed, the incident has been reported with OFSTED thus negating the need for a crime to be recorded by the

* OFSTED Notification Forms and Serious Incident Report Forms;
* Incident Report Form (when Reg 40 not required).

**Responding to incidents**

Wigan’s protocol identifies three categories of response:

* Level 1 - Internal - Child’s behaviour is a concern, minor damage, testing boundaries and can be managed within the setting and appropriate policies which may include support for the child and a restorative intervention;
* Level 2 - Delayed Response - Incident may be reportable by regulations and to the police but there is no immediate risk of harm, further harm or damage;
* Level 3 - Immediate Response - Significant incident and risk of significant harm or damage where police presence is required.

It should be recognised that each individual case should be assessed with a regard to whether there is an immediate risk to personal safety, being mindful that arrest and subsequent contact with the criminal justice system brings its own risks for children.

In circumstances where an offence/incident does not pose any immediate safety risk (and where victim/s indicate that they do not wish to make statements in support of potential charge/prosecution) then such incidents should be recorded and managed internally, without the need to involve the police.

If the decision to call the police is made, then, upon the arrival of the police at the scene, a joint view (police and carer/duty manager) should inform whether arrest is necessary and proportionate. Where arrest is considered necessary, they should go to custody, but always consider using voluntary attendance in all cases.

Where a crime has been committed, this will be recorded by the police. The decision regarding the outcome for the young person should be made using the 10 Point Plan (Annex 3) to assist in decision making about whether to charge a child. If an Out of Court disposal is being considered, referral to TYSS Police Officer should be made. This will allow for an assessment by TYSS with the child, the victim to be consulted and then a joint decision-making process to agree an outcome.

Where children placed out of area are involved, these arrangements should include their responsible authority.

‘In circumstances where informal, community resolution is inappropriate, police should, as a matter of routine, consider diversion from criminalisation/prosecution through discussion in local joint decision-making forums. The forum should consider if using a more substantial restorative intervention, potentially involving other agencies, is suitable.’

*(The National Protocol on Reducing Unnecessary Criminalisation of Looked-After Children and Care Leavers 2018)*

In some circumstances where more serious offending has occurred the police will lead the investigation, and the preservation of evidence may be necessary to secure evidence as part of the investigation.

There will be monthly meeting to explore emerging patterns in children’s homes with TYSS, Social Care and Police (Maddison Officer).

**Where there is an immediate risk to personal safety**

Police should be called to incidents where there is an unacceptable and unmanageable level of risk to personal safety and where it is deemed highly unlikely that order will be restored without police assistance. Immediate police response will be required for incidents of serious violence or serious dangerous disorder where children, residential staff, foster parents or carers are at risk of immediate serious physical harm. In such situations, carers/placement providers should contact the police via the 999 system.

**Support to reduce offending for those who do enter the criminal justice system**

Despite all agencies best efforts, there will be instances where looked-after children and care leavers have to enter the criminal justice system. As per the National Protocol, where this does happen, it should be underpinned by the following principles:

If a looked after child is charged with an offence:

* When a child in care is charged with an offence, it is important that they are not disadvantaged because of their looked-after status. TYSS and Children’s Social Care will work together to ensure there are viable alternatives to a child being remanded to a secure establishment;
* Children’s Social Care and TYSS will ensure that the young person is:

	+ Legally represented by a solicitor with expertise in youth justice;
	+ Supported to understand what is happening to them;
	+ It is good practice for the child’s social worker to attend court with them, particularly on the day of sentence, to ensure that the child’s best interests are represented, and that custody is used only as a last resort;
	+ If the child has an Independent Child Trafficking Guardian (ICTG), they should be advised and be able to attend court to further support the child.
* Wigan Council is a signatory of the Concordat on children in custody and we seek to avoid holding looked-after children overnight in police cells where possible. Wigan Council also adheres to the Greater Manchester Accommodation Protocol. (see attached)



* If a looked-after child receives a community sentence, their social worker and TYSS case manager should continue to work closely together, share information, and clarify their roles and responsibilities to ensure the child receives the support they need with support from their foster carer, home staff and carers;
* If a custodial sentence is likely, the TYSS worker and the child’s social worker should work together to prepare the child, explaining what will happen and how they will be supported. The social worker should feed in any relevant information to TYSS ahead of them preparing the pre-sentence report;
* Children on remand or custodial sentences are often highly vulnerable with multiple overlapping risks and needs. They require careful multi-agency oversight and support, including from TYSS case manager and their social worker;
* Planning for the through-care and resettlement of young people on remand or serving a custodial sentence should start from their entering their remand placement, or custodial establishment, and involve all relevant professionals in their lives. Particular attention should be given to the early identification and provision of suitable post-custody accommodation and education, training and skills opportunities or employment options. A restorative approach could be adopted to support the resettlement of the child to placement with carers or the home. Additionally, for those unable to access employment, education or training in the short-term, comprehensive benefit advice and support should be offered to help avoid any drift back to crime as a source of ‘income’;
* The council has clear on-going responsibilities towards looked-after children in custody set out in Chapter 8 of the *Children Act 1989 guidance and regulations volume 2: care planning, placement, and case review*, which they must fulfil as part of the effective implementation of this protocol;
* If a child in care under a care order enters custody, their social worker must visit them within one week of them being sentenced and detained. Subsequent visits must take place at intervals of not more than six weeks for the first year and not more than three months after that. Additional visits should also take place if reasonably requested by the child, custodial establishment, TYSS or where there are circumstances that require a visit. Social workers should follow the principle of ‘*would this frequency of visits be good enough for my child?*’;
* For children accommodated under Section 20 of the Children Act 1989, the council must ensure an authority representative visits them within 10 working days of their detention and thereafter whenever reasonably requested by relevant partners;
* Many young people will serve relatively short sentences, where visiting more frequently than every six weeks may be appropriate. Needing to prepare relevant plans and the child for release and resettlement should be considered in deciding when and how frequently to visit a child in custody;
* Looked-after children should not be disadvantaged regarding early release compared with other children in custody. Early release and use of release on temporary license can encourage good behaviour and engagement with resettlement plans and, as such, should be considered where possible;
* Resettlement planning should begin at the start of the remand period or sentence and be a continued focus of required planning meetings during the time in custody. Resettlement planning should include the young person’s wishes and views, and arrangements tailored to their individual needs;
* Where a child in care is due to end a period in custody, the child’s social worker and TYSS case manager must work together to co-ordinate arrangements for the child’s release and subsequent support in the community. These arrangements should be developed in collaboration with the young person and tailored to their individual needs. The care/pathway plan and Notice of Supervision or Licence should be confirmed with the child well before release and include key details, such as living arrangements, arrangements for education or employment, financial support, and any supervision or licence requirements following custody;
* All looked-after children should be collected from the establishment at an agreed time on the date of their release and accompanied to their accommodation. Every effort should be made to have this undertaken by someone familiar to them and should not be by escort services. Customised support should be in place to help them successfully re-establish their lives in the community.

Care leavers, up to the age of 25 often remain vulnerable and all agencies should be aware that childhood trauma can continue to affect behaviour and behavioural and emotional development into early adulthood, including poor emotional regulation and impulse control. Care leavers may require carefully planned and well-focused support underpinned by the following principles to both help avoid them offending and support them if they do come into contact with the criminal justice system:

* The council’s support to care leavers is underpinned by an appropriate and strong corporate parenting ethos, where care leavers are treated as we would want our own children to be treated. Personal advisors, or other support networks as agreed in the young adult’s plan, will be crucial as the focal point to ensure that care leavers are provided with the right kind of personal support. Wigan Council recognises our extended duty to provide a Personal Advisor up until the age of 25 if the young person wishes to have a Personal Advisor;
* The Transition and Leaving Care Service work to develop and maintain constructive working relationships with local criminal justice services to help personal advisers, and other partners supporting care leavers and make the right links to support young people. This will include the use of pathway planning to divert them from offending, support them if in custody, or supervise them in the community on release from custody.

Where care leavers do come in to contact with the criminal justice system:

* Wigan Council and partners will put in place measures to identify care leavers up to age 25 who are in contact with police or criminal justice agencies;
* This will allow support services, including their Personal Advisor, to be notified and involved in decision-making and case resolution.

**Working together**

To implement this national protocol effectively, key partners must work together.

The key stakeholders are:

* Wigan Council - Children’s Services;
* Private Children’s Homes;
* Greater Manchester Police - Wigan Division;
* Crown Prosecution Service;
* National Probation Service - Local Youth Panel;
* HMCTS.

**Governance**

Wigan Corporate Parenting Board will provide governance and oversight of this police to ensure implementation, monitoring, evaluation, review and compliance with local arrangements.

**Strategic Planning**

Strategic plans that underpin this policy are-

* The Youth Justice Plan contains actions to reduce offending by children in care and care leavers;
* Corporate Parenting Plan;
* Children’s plan;
* OFSTED improvement plan;
* Local Provider Forum.

**Monitoring and Evaluation**

The actions will be monitored at the Corporate Parent Board and YOT Management Board and data will be used to help evaluate the progress. Consultation and review of the policy will be done through the local Provider Forums. Reg 44 reports are passed to the local authority responsible individual who will sign these off before submission to OFSTED.

Fostering Service will use their performance data to monitor the use of the policy and will report on this in monthly performance reports and annual reports.

**The needs of carer givers**

It is important to acknowledge the needs and wishes of all carers who experience loss and/or harm as a result of incidents. The safety and wellbeing of carers is very important and having access to support to meet these needs and wishes will help in their recovery after an incident.

All carers have access to:

* My Time (Supervision);
* Employee Assistance Programme (EAP);
* Support from a Victim Worker at TYSS;
* Training and learning opportunities.

**Looked-after children who go missing**

The Missing from home protocol is to be followed for looked-after children who go missing.

* <http://www.wiganlscb.com/Docs/PDF/Professional/Missing-from-home-protocol.pdf>

It is the responsibility of the corporate parent to put strategies in place to reduce the opportunity for looked-after children to ‘go missing’, to take immediate action to find them, collect them and bring them home ‘in-house’ as most parents do. Should they be unable to find them, and police are contacted, as the corporate parents, they should collect them ASAP from wherever they have been found, which minimises police contact. However, it is important to acknowledge there may be instances where the environment where the child or young person is found is unsafe for the person sent to collect them. In such circumstances, if foster parents, residential staff/carers having assessed the environment, feel unsafe then the police should assist them in collecting the child.

**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.

**Crown Prosecution Service (CPS) response**

This policy is implemented in conjunction with the CPS guidance on decisions to prosecute looked-after children. This should be read in conjunction with *Offending Behaviour in Children’s Homes – Crown Prosecution Service Guidance Youth Offenders*, the basic principles of which can be applied to all placements.

**Signatures**

Director of Children’s Services

NPS - Tracy Lloyd

CRC

GMP- Liz Sanderson

Court?

**Annex 1: Deciding on how to respond to an incident**

## **INCIDENT**

Level 2

Delayed Response

No risk of harm, further harm or damage

Level 1

Internal

Child’s behaviour is a concern, minor damage, testing boundaries

Level 3

Immediate Response

Risk of significant harm or significant damage

**Outcome**

Internal action by foster carer or care staff. No police action necessary

Regular liaison between care setting and other agencies where appropriate

**Outcome**

Police attend, crime recorded. Joint decision to be made if the issues dealt with by the care setting internally or the police investigate

**ACTION**

Foster carer or care staff manage situation and decide on consequences

**Action**

Contact police, incident recorded and social worker aware

**ACTION**

Incident reported to setting manager or social worker of child/foster carer.

**Annex 2: Restorative Approaches**

The following is based on guidance from the Restorative Justice Council. Restorative approaches, in their simplest terms, seek to repair what has been broken, or resolve a harm that has been perpetrated. This way of working needs a context provided by the development of restorative principles and approaches. These approaches are essentially about building and maintaining positive relationships in a way that becomes the default behaviour and language of all adults and children in the child’s placement. This way of working needs to be embedded into the culture and ethos of those agencies or organisations using them.

Restorative approaches are essentially about working with people to help them understand their own needs and to empathise and, therefore, understand others’ needs – allowing the development of an understanding of the impact of their actions. This understanding of who has been affected, and how they have been affected, is at the heart of restorative working.

Restorative approaches can become the explicit set of principles and practices that inform every communication, regardless of the placement children may be in. It creates a context where children engage actively in learning about their social behaviours, rather than acting as passive recipients of rules and sanctions. Behaviour needs to sit inside a relational context where information is not simply transmitted from one person to another, as if filling an empty vessel.

Restorative approaches aspire to create environments founded on relationships, respect, inclusivity, fairness and tolerance. They also seek to create, through the principles and approaches used, the conditions to promote the development of self-managing behaviours, positive attitudes and, of course, achievement.

Adults should engage children through talk and through using restorative approaches. Children need to be aware how their behaviour affects themselves and others and develop an understanding of social responsibility. They should also be given the responsibility to make things right. Where a child in care changes their behaviour in this context it is because they are buying into the relationship climate.

The restorative process accepts there are rules in every placement type a child may experience but argues that where children are passive recipients of rule-based cultures, social learning and development can be limited to social conditioning. When children are active in managing their own behaviour, social learning occurs.

**Restorative approaches**

Restorative approaches are a process whereby the victim has an opportunity to be heard and to state the impact of the behaviour and the offender has the opportunity to take responsibility for his or her actions. Approaches can range from informal addressing of issues, internal mediation within the placement between young people and foster parent or residential care staff without involving the police, informal resolution such as community resolution that does involve the police, to more intensive restorative work facilitated by specialist restorative practitioners.

Dependent on the process used with the child(ren), from informal to more formal, the member of staff or foster parent conducting the ‘meeting’ will need to have been given appropriate training. In some settings that may have a settled group of children and young people, it may be useful to use peer mentors drawn from the children. Again, training for the young people is essential.

The context of each setting needs to be considered. The age of children, their ethnicity, whether they are unaccompanied migrant children, their gender, religion and other protected characteristics are all factors which must be taken into account as they affect the way a ‘meeting’ would be conducted. This nuanced approach would develop within teams, allowing the most appropriate person to lead when an issue arises.

You need to have skilled facilitators for informal and formal processes39, which will also need to reflect the fact that it is not always obvious who is (or perceives themselves to be) the victim and offender in a dispute or issue. In these cases, the skill of the facilitator/mediator will be paramount. It is essential the facilitator has knowledge of the child or young person and their history to allow maximum chance of success.

Recording use of restorative approaches needs to be established within each setting, including foster placements. The local recording processes for the setting can continue to be used but should also include a way to record restorative interactions across the range of those interactions. Recording will need to be appropriate and adapted to the type of placement. It should not seek to add additional, unnecessary process or burdens. This will allow information on the looked-after child to be available to future foster parents, residential staff or other adults working with the child to inform their practice.

A common language and set of behaviours across local authority services, partner agencies and within third sector organisations that work with local authorities, is vital for this work to be successful. This acts a thread between agencies and provide consistency to the interactions a child receives from them, as well as helping to mitigate against the barriers systems often throw up between agencies.

The six principles of restorative approaches are:

1. Restoration – the primary aim of restorative practice is to address and repair harm. Practitioners should aim to ensure that restorative interventions they carry out are aimed at repairing harm that has been caused. An opportunity for addressing issues participants wish to raise in relation to the harm should be given;

2. Voluntarism – participation in restorative processes is voluntary and based on informed choice. It is imperative that participants come to a restorative intervention of their own free will, having understood the reasons for and methodology of the process. It is the duty of the practitioner to ensure that everyone taking part understands why they are there and their responsibilities in relation to the process;

3. Neutrality – restorative processes are fair and unbiased towards participants. Practitioners are human beings and in many cases may not be neutral to the harm that has been caused. However, it is important that such biases are not permitted to affect the neutrality of the restorative process, which should not be conducted in such a way that it disadvantages or discriminates against any one participant or party;

4. Safety – processes and practice aim to ensure the safety of all participants and create a safe space for the expression of feelings and views about harm that has been caused. Practitioners should aim to ensure that processes are safe by undertaking full and proper preparation in relation to each intervention they provide. Risk assessments are paramount whether conducted ‘on the spot’ (as may be required in the case of ‘street’ or ‘corridor’ restorative interventions) or via the use of detailed risk assessment spreadsheets. Practitioners should be appropriately trained;

5. Accessibility – restorative processes are non-discriminatory and available to all those affected by conflict and harm. Practitioners must be mindful of any inherent biases that could affect their ability to offer a neutral restorative process to any person on the basis of their particular status or background (e.g., their race, nationality or country of origin, gender, offending history, disability, socio-economic or political background);

6. Respect – restorative processes are respectful of the dignity of all participants and those affected by the harm caused. Restorative processes must be conducted in a manner that is respectful to those taking part. If the process, or anyone involved in it, is disrespectful to those taking part, the chances of a successful or positive outcome are significantly reduced. One of the many skills required of a practitioner is the ability to conduct an often highly emotional process in a neutral and measured fashion, and respect is key to delivering restorative interventions in this way.

**Annex 3**

**Crown Prosecution Service (CPS) 10 point check list for**

**Offences in Children’s homes**

Officers who deal with children from care homes are required to receive information

in relation to the 10 questions below before any decision on charge will be made by

CPS reviewing lawyers.

**To be considered by social care staff**

1. Disciplinary policy of the children’s home;
2. Why have the Police been involved and is it agreed in the policy? There should be an explanation from the home regarding their decision to involve the Police which should refer to the procedures and guidance on police involvement;
3. Any informal action / disciplinary action already taken?
4. Any apology / reparation?
5. Victim’s views?
6. Social workers views? The views of the key worker, social worker, counsellor or CAHMS worker on the effect of the criminal justice intervention on the youth, particularly where the youth suffers from an illness or disorder;
7. Care plan for looked after child? If the looked after child wishes it to be considered, information about the local authority’s assessment of their needs and how the placement provided by the home is intended to address them. The local authority should be able to provide this information as it is an integral part of the care plan for the looked after child;
8. Recent behaviour / incidents re the looked after child? Information from the home about the recent behaviour of the youth, including similar incidents and any incidents in the youth’s life that could have affected their behaviour, any history between the youth and the victim, history of the incident and any action under the disciplinary policy of the home;
9. Information about the incident from the looked after child (interview or other)?
10. Aggravating and mitigating factors.