



# Maintaining Children's Family and Community Links Whilst in Custody

## A Local Birmingham YOS Process

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## 1. Introduction

**1.1** This document sets out the process that relevant YOS staff need to follow to ensure that children in custodial establishments (sentenced or on remand) can maintain appropriate contacts with their family and people in the community whilst in custody.

**1.2** Maintaining contact with people in the child's local community and with family is an important part of constructive resettlement. However, it needs to be balanced with ensuring the child in custody and others they seek contact with, are safeguarded.

**1.3** The YOS case manager will lead on the process of determining if those people the child requests contact with, are appropriate (this relates to telephone and face to face contact). The case manager will be supported by the YOS Police Youth Crime Officers (YCOs).

**1.4** This process has been drawn up in consultation with West Midlands Police and the Youth Justice Board (YJB) have had sight of this document.

**1.5** At the time of writing, there is no YJB or YCS guidance around this process, however it is understood that a future update to the YJB Case Management Guidance will include such. Once published, this may prompt a review of this document. There is however a document issued by the Ministry of Justice and HM Prison and Probation Service: *Authorised Communications Controls and Interception Policy Framework*. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1136688/authorised-communications-controls-interception-pf.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1136688/authorised-communications-controls-interception-pf.pdf)

**1.6** If YOS staff have any problems getting information to undertake checks, appropriate escalations need to be made in line with the Birmingham Safeguarding Children Partnership Resolution and Escalation Protocol. This is the link to this protocol for staff to reference as and when. [https://westmidlands.procedures.org.uk/assets/clients/6/Birmingham%20downloads/Resolution\\_and\\_Escalation\\_Protocol\\_FINAL%201.pdf](https://westmidlands.procedures.org.uk/assets/clients/6/Birmingham%20downloads/Resolution_and_Escalation_Protocol_FINAL%201.pdf)

**1.7** Work to undertake checks needs to be completed in a timely manner and although some timescales will be out of the control of YOS staff, YOS staff need to progress this process as quickly as possible to reduce any unnecessary delays in the child's contact with others.

## 2. Prior to the Child Going into Custody

### 2.1 Discussing the Process with the Child and their Parent/Carer

**2.1.1** As part of the work to prepare the child for a possible period in custody, there should be discussions with them and their parent/carer about the need to ensure they are able to maintain appropriate contact with people in the community.

**2.1.2** Part of this discussion will include the need to make them aware that when checks are made on individuals, the person will be told the child is in a custodial establishment but not where they are placed or their offence/s.

**2.1.3** It needs to be explained that there might be some people the child requests contact with who are deemed not appropriate for example:

- other children or adults they have offended with
- victims of their offending
- people they present a risk to
- people who may present a risk to them

**2.1.4** It is hoped that discussions at the earliest stage about why some contacts will not be approved, will reduce the list of inappropriate contacts being put forward in the first instance.

### **3. When the Child is in Custody**

#### **3.1 Encouraging the Child to Complete their Contact List**

**3.1.1** The child should be encouraged to devise the list of requested contacts as soon as possible and may need support with this.

**3.1.2** Clearly parents or carers living with the child will be approved unless there is subsequent information which raises concern that contact would not be appropriate and this would need further exploration and with management oversight and referral to children's social care as appropriate.

**3.1.3** The Details the Child Needs to Provide:

- The name and contact number of the person.
- Date of birth if this is known (if this is not known the police are still able to undertake the check, however, they may not be able to be completely certain they have the right person, so this will need to be considered and other checks done to try to establish it is the right person)
- If the person is a child, their parent/carer details.
- Details of their relationship to the child in custody.
- The reason they want to contact with them.

#### **3.2 Gathering Information**

**3.2.1** Discussions about the people on the child's contacts list needs to take place at the initial review meeting, so the case manager can start to gather information and hear the opinions of those present, including the child and their parent/carer.

**3.2.2** Parents and carers of the child in custody need to consent to the child having such contact. Where there seems to be an unreasonable refusal, this should be discussed with the parent or carer to try and understand their concern.

**3.2.3** If the child in custody is looked, the initial discussion about consent needs to be made with the child's social care Social Worker.

If there are people on the list unknown to the YOS, initial discussions need to be made with agencies working with the family.

**3.2.4** Where the suggested contact is not known directly by the child in custody, the assumption should be that this contact will not be permitted unless in exceptional circumstances (eg a parent's new partner). Given this, there could be some people on the list, which further checks are not needed as they are clearly not appropriate.

**3.2.5** For those contacts where it is agreed further checks are required, the case manager needs to contact the people on the list and explain that the child has requested contact with them and ask for details about their relationship with the child. **At this stage, no information should be shared in relation to where the child is placed or the nature of their offences**, although it is accepted that they may already know this information.

**3.2.6** If the person on the list is under 18, contact should be made with their parent or carer initially to get their consent and then contact with the child if there is consent. If the child is looked after, contact should be made with their Social Worker in the first instance.

**3.2.7** If contact is wanted and the person agrees to checks being made, including a police check, the case manager should begin the checking process.

### **3.3 The Checking Process**

**3.3.1** The YOS case manager will make a request to YCOs by completing Request For Information Form [Requesting information from a YCO form.dotx \(sharepoint.com\)](#) and explaining the reason for the check. On the form the case manager will also state if there is a Youth Offending Manager (YOM) allocated to the child. The form will then be sent to the YCO generic email: [bham\\_yots\\_referrals@westmidlands.police.uk](mailto:bham_yots_referrals@westmidlands.police.uk).

**3.3.2** If there is a YOM involved, the YCO on duty will send the request to the YOM and if no YOM, the duty YCO or the YCO for the relevant area team will undertake the check.

**3.3.3** The YCO or YOM will check CONNECT and PNC and provide details to the case manager of any concerning information they would need to know to inform their decision making or confirm there is no concerns from police records. Such information would include:

- if the person has been a co-accused with the child
- if the person has been a victim of the child,
- if there are concerns about the person's risk to others or specific risk to the child in custody.

**3.3.4** The case manager will liaise with key agencies working with the child or family or those who have recent previous involvement.

**3.3.5** Where the person the child wants contact with is living outside Birmingham, the relevant YCO needs to liaise with police colleagues in the relevant youth justice service to request the police checks.

**3.3.6** The case manager will also need to liaise with other appropriate services in the other area. This will usually be social care. Where necessary the case manager may require support from social care colleagues in Birmingham to assist.

**3.3.7** Once all appropriate information has been gathered, the case manager will decide if they can approve the person as a suitable contact for the child. They should involve the relevant YCO/YOM and the CSC social worker (if there is one) to support this decision making. They may need to seek advice or support from their line manager as necessary.

**3.3.8** The case manager will then contact the relevant member of staff in the establishment with the decision.

**3.3.9** The child and parent/carer need to be informed by the case manager when a contact has not been approved by them. Clearly some of the detail of why may not be able to be shared with them. This will need to be a decision taken on a case-by-case basis.

## **4 Further Information/Expectations**

### **4.1 Need for the Custodial Establishment to Liaise with YOS**

**4.1.1** Custodial establishments should not authorise contacts without them being sent to YOS for a view on suitability. However, the final decision on approving the contact is the responsibility of the establishment.

### **4.2 Further Contact Requests**

**4.2.1** If the child wants to add further contacts to the list, the process described above needs to be followed. However, if there is not a review meeting within 10 working days, checks should not be delayed, and the discussion had with relevant staff.

### **4.3 Repeat Requests for Contact with Adults**

**4.3.1** If the child is repeatedly requesting contact with unknown adults, this is clearly something to be concerned about and will need to be explored further and discussed at the next review meeting.

### **4.4 Future Concerns About Anyone on the Agreed List**

**4.4.1** If concerning information about anyone on the agreed contact list becomes known, a review of the appropriateness of this contact will need to be undertaken.

#### **4.5 Third Parties Joining Telephone Calls**

**4.5.1** There have been some instances when an individual on the child's agreed contact list has spoken to the child on the phone and added in another person to the call. This has included dialling in the victim of the child in custody and further victimising them. There is also the concern that someone who presents a risk to the child could be added to the call.

**4.5.2** It is difficult to put measures in place to prevent this, so YOS staff need to be mindful about this possibility. Where there are direct victims and previous concerns about victim intimidation, there needs to be conversations with the YOS Restorative Practice Worker who may be in contact with the victim and can share information and discuss any concerns with the case manager. Any concerns about possible 3<sup>rd</sup> parties joining calls needs to be flagged up immediately with the secure establishment and discussed with the child and parent/carer. A review of the suitability of that person remaining on the contact list should be undertaken.

#### **4.6 Recording the Checks Made**

**4.6.1** All actions involved in the checks need to be recorded on the child's contact record by the YOS staff undertaking the action. Due to the confidentiality of some information disclosed, some entries may need to begin with 'NOT TO BE DISCLOSED'. See Practice Expectations document for further details. [Youth Offending Service - Contact Recording Expectations July 2022.pdf - All Documents \(sharepoint.com\)](#)

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March 2023