



Norfolk protocol on reducing unnecessary criminalisation of children in care and care leavers

Every contact leaves a mark

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1. Introduction

This Norfolk multi-agency protocol seeks to reduce the unnecessary criminalisation of Norfolk's children in care and care leavers up to the age of 25.

'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 protocol reflects the principles and ambition of the National Protocol. It represents a multi-agency partnership commitment and includes the contribution of relevant local agencies and staff. Although not an exclusive list, this includes Local Authority Children's Services; Youth Justice Services, Crown Prosecution Service; Police; HM Courts and Tribunals Service (HMCTS); the local Youth Panel (Magistrates); Care Services (including, kinship, fostering, and local authority and independent sector residential children's homes); Care Leaver services; and other private or voluntary organisations commissioned to support children in care locally.

2. Key principles

Every effort will be made to avoid the unnecessary criminalisation of children in care and care leavers, including through early intervention and prevention services.

This is in recognition that many children in care have experienced abuse and trauma affecting their emotional and behavioural development, and therefore potentially making them particularly vulnerable to involvement in the criminal justice system. Criminalisation can be a barrier to successful transition to adulthood and future life prospects.

Any approach to reducing criminalisation must take account of the intersections of identities including gender, ethnicity, mental health and disability as well as experiences of victimisation. This will ensure that strategies most appropriately meet the needs of the children and young people.

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 objectives are for agencies to work together to prevent and reduce offending, and unnecessary criminalisation, accepting that children's welfare and safety are paramount.

A Child First approach means putting children at the heart of service provision and seeing the whole child, identifying and tackling the influences on offending, and identifying and promoting the influences that help them to move to pro-social, positive behaviour. There are four tenets of the Child First principles:

- Seeing children as children;
- Developing a pro-social identity to promote positive outcomes for the child;
- Collaboration with children;
- Promotion of diversion.

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

Whilst this protocol aims to prevent and reduce offending and avoid criminalisation, victims have a right to be protected from all types of offending. Therefore, where these young people 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.

De-escalation and restorative approaches will underpin response to negative behaviour to help avoid prosecution wherever possible. Restorative Approaches is a proactive approach to building healthy relationships and preventing challenging behaviour and conflicts, focussing on repairing harm over blame and punishment. As such, it gives a positive alternative to prosecution. Restorative interventions 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.

Children attracting a custodial sentence or remand are often the most vulnerable with multiple, over-lapping risks and needs. Norfolk Youth Justice Service (NYJS) and Children's Service departments will 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 will be known and in place well in advance of their release date.

There are two types of children's homes, those run by the Local Authority and Independent Children's Homes, with the latter receiving children from anywhere across the country. Whilst the placing authority remains the responsible corporate parent, the receiving Local Authority area should be informed of these young people and any associated vulnerabilities or risks, which will enable them to better respond to their needs.

All children in care and care leavers placed in Norfolk will receive the same response from the Protocol's signees, regardless of placing authority.

Care leavers are more likely to become involved within the Criminal Justice System and as such early interventions around education and prevention as well as developing safety support networks will be in place to support and empower our young people to make positive choices. This support will start early within In Care Services and continue through Life Beyond Care with the support of internal and external partner agencies.

[Annex 1: Seven corporate parenting principles](#)

3. Best practice/child informed practice

This protocol is designed to reinforce a child centred approach and best practice and has been translated into a child friendly version by Norfolk care leavers.

Listening to, learning from, and acting on children and young peoples' voice is vital to having effective policies and practice to avoid criminalising children and young people.

Seeking children and young peoples' views after an incident, particularly where they have come into contact with criminal justice agencies, and feeding this into agencies policies, practice, their staff learning and approach to behaviour management will help prevent future incidents.

We will seek to learn from National initiatives, and where possible adopt complementary approaches in Norfolk.

[Annex 6: Insights from young people](#)

4. Out of county

Children in care may be placed outside the area of their responsible authority; for example, where it is in their best interests due to safeguarding needs or to access specialist services. All professionals should ensure that this does not cause additional barriers to sharing information and communicating across areas or agencies. The principles on effective, focused and relevant information-sharing are vital to ensuring these young people have the same protection against involvement in offending and criminalisation as those placed in their home authority.

Corporate parenting boards should ensure that systems are in place to identify all children in care they are responsible for who come into contact with the criminal justice system, whether placed within or outside the home authority, to build an accurate picture of their offending, challenging behaviour and any exploitation risks that they face.

The local authority will build reciprocal arrangements to ensure children in care placed outside of their responsible authorities have the same protection from offending behaviour and criminalisation as those placed inside their responsible authority's area. This includes key professionals from the Local Authority where the child may be placed being invited to meetings such as Strategy discussions and Child planning meetings and will include key professionals such as Police and Children's Services where appropriate along with others as necessary.

Where a non-Norfolk child in care comes into contact with the criminal justice system, their responsible authority will be contacted to consult and discuss ways forward. This can include remitting the case back to the child's home local authority area for a decision to ensure that informed decision-making and appropriate action is taken to reduce the risk of repeat offending. It is crucial for Local Authorities to work together in these instances, to share information and decision making to ensure safety and planning is appropriate.

Home local authorities **must** notify the receiving authority and health services that a child or young person is moving into their area either before the placement is made,

or within 5 working days if an emergency placement, as required by Care Planning, Placement and Case Review (England) Regulations 2010. This is completed by the social work teams responsible for individual young people, notifying the receiving Local Authority of the intention to place child in their area.

5. Care leavers

Care leavers 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:

- Local authorities' support to care leavers is underpinned by an appropriate and strong corporate parenting ethos and 'Local Offer' which stipulates the support and services which can be provided to care leavers once they reach the age of 18. 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. For care leavers, this is monitored by Keeping in Touch visits and ongoing Pathway plan reviews taking place to ensure the right support is in place, especially when considered a change in needs or circumstances.
- Leaving care services should develop and maintain constructive working relationships with local criminal justice services to help personal advisers, and other partners supporting care leavers, make the right links to support young people, including 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.
- Local authority policies and guides on leaving care and aftercare services should be developed in consultation with the NYJS and the Probation Service.

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

- Local authorities should put in place measures encouraging care leavers aged 18 to 25 to make their care leaver status known if they come into contact with the 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.
- Where the care leaver consents to their notification, Police and criminal justice agencies should seek and encourage the involvement of the care leaver's former responsible authority and/or their support network in decision-making. This is regardless of whether their contact with police occurs inside or outside that authority. Care leavers are provided with the support of a Personal Advisor, overseen by a Team manager in Life Beyond Care teams up until the age of 21; between the ages of 21-25 the offer of continued support is a choice given to the care leavers who want or need services to remain involved.
- All agencies should ensure that care leavers who come in to contact with the criminal justice system are aware of their rights to legal representation and/or advocacy support.

- Local authorities should achieve good standards of practice in supporting care leavers in custody and meeting their statutory duties. Local authorities must regularly visit care leavers in custody, pathway planning must continue, and it is good practice to ensure that pathway plans are reviewed at least one month before release, to enable sufficient time for effective pre-release planning and to inform the young person of these plans.
- The Norfolk Youth Justice Service or the Probation Service, in seeking to ensure that young people who have served a custodial sentence do not re-offend, should look to help and support their resettlement back into the community and development in to resilient and law-abiding adults.

6. Prevention and diversion

Partner agencies recognise the vital role of early intervention, prevention and diversion in reducing criminalisation of children in care and care leavers.

Services will co-develop an approach that includes early intervention and appropriate response where children and young people do offend. There will be a strong multi-agency approach to diverting children and young people away from formal criminal justice outcomes.

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’.

They should have appropriate training and support to enable them to do so.

7. Placement moves

Ensuring children in care have the right placements that meet their identified needs will significantly contribute to prevention.

The majority of children enter care due to abuse or neglect, and many experience multiple placement moves. Although planned moves can have positive effects and be in the best interests of the child, placement moves can also have negative impact on children. Responses to children and young people who show behaviour which can be experienced as challenging should be mindful of this and seek to avoid contributing to this cycle.

Local authorities will work with the placement provider, carers, and the child to ensure placement stability and responsive care. This will be underpinned by high-quality up-to-date needs assessment, care planning and holistic support. Restorative approaches and other positive preventative approaches can help to prevent placements from breaking down or provide learning from incidents to reduce the risk of future placement breakdowns.

The aim is to support a young person’s placement and utilise in-house Support for Success teams to stabilise placements for both the young people and providers. Where necessary wrap around support will be available.

8. Trauma informed approach

Trauma results from an event, series of events, or set of circumstances that is experienced by an individual as harmful or life threatening and can cause lasting adverse effects.

Trauma informed approaches are grounded in the understanding that trauma exposure can impact an individual's neurological, biological, psychological and social development.

Recognising the signs, symptoms and widespread impact of trauma will assist with supporting children in care and care leavers to feel safe, with people they trust.

Trauma informed practices will address the barriers that can be experienced and seek to avoid re-traumatisation.

Partners will follow the key principles of safety, trust, choice, collaboration, empowerment and cultural consideration.

9. Early intervention/restorative approaches

Restorative and diversionary approaches will underpin responses, whether the behaviour occurs in a child's placement or the wider community.

Restorative approaches seek to establish an environment where mutual regard is foremost, and to repair or resolve a harm that has been perpetrated. It is a process whereby the person harmed has an opportunity to be heard and to state the impact of the behaviour and the harmer has the opportunity to take responsibility for their actions. Restorative interventions 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.

Restorative interventions need to be informed by the following six principles:

- **Restoration** – the primary aim of restorative practice is to address and repair harm.
- **Voluntarism** – participation in restorative processes is voluntary and based on informed choice.
- **Neutrality** – restorative processes are fair and unbiased towards participants.
- **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.
- **Accessibility** – restorative processes are non-discriminatory and available to all those affected by conflict and harm.
- **Respect** – restorative processes are respectful of the dignity of all participants and those affected by the harm caused.

Asking for the child or young person's view of what has happened when responding to an incident is an opportunity to understand their perspective – both to inform decision making about how to respond in their best interests and to avoid criminalisation where possible. Agencies should approach these conversations with

an open mind and be open to the possibility that fault might not lie at all, or in its entirety, with the child or young person.

To avoid causing additional harm, professionals should consider the impact of restorative processes on the child or young person, bearing in mind their individual characteristics such as religion, culture or individual vulnerabilities and experiences.

All professionals have a duty to ensure that any special educational needs (including communication and interaction, cognition and learning and social, emotional and mental health difficulties) presented by children in care, care leavers or those harmed by an incident are identified, acknowledged and addressed in the management of the response to the behaviour.

Restorative approaches and other positive preventative approaches should be used to help to prevent placements from breaking down and provide learning from incidents to reduce the risk of future placement breakdowns.

[Annex 2: Restorative approaches](#)

10. Responding to incidents

This protocol details an attitude where all professionals ask themselves ‘would such behaviour lead to an arrest if the child had been living with my family?’

All parties to this protocol will commit to de-escalation and in-house management, developing and agreeing a clear framework for responding to incidents. The voice of the child should be central to this.

There is an expectation that professionals will minimise the risk of incidents arising through early intervention, and by identifying and providing effective early support. When incidents do arise, carers should strive to manage them at the placement through internal resolution, safety plans, stability meetings and placement plan reviews or a restorative approach without police involvement wherever possible and appropriate.

It should be recognised that each individual case should be assessed with a regard to whether or not 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.

Dynamic risk assessment is an essential tool to help practitioners assess how existing plans apply to the present situation, and structure decision making for their actions and their recording.

[Annex 3: Dynamic risk assessment](#)

Carers need to consider the nature and seriousness of the incident before deciding how to respond and whether to involve the police. It is good practice to have rigorous assessments and plans in place for the response to individual children and young people’s behaviour.

The following considerations should underpin the response to an incident:

- Always working to defuse and/or de-escalate as a first response.
- Understanding the emerging incident from the perspective of a child or young person's experience. Was there a trigger or underlying stressor contributing (e.g. something surrounding family contact or Christmas approaching)?
- Nature and seriousness of the allegation/or incident including any action against a victim.
- Wishes and best interest of the victim.
- Previous incidents of a similar nature by the same child or young person.
- Previous relationship between victim and persons involved.
- Previous behaviour or offending and any bullying/peer pressure/duress.
- Whether the child or young person is (or there is reason to believe they may be) a victim of criminal exploitation, having been coerced to undertake the criminal activity, including by traffickers.
- Probability of a repeat incident.
- Level/value of damage caused.
- Lead-up to the incident including whether there may have been provocation.
- With the consent of the victim, can alternative responses, such as restorative approaches, be appropriately used?
- **Would I have called the police if this was a child or young person in my family?**

[Annex 4: Model framework for deciding how to respond to an incident](#)

The police should not be used for low-level behaviour management or matters which should be resolved under the boundaries of parenting.

Multi-agency agreed problem solving plans and individual response plans should be utilised for either children or homes which require additional support for approaches to challenging behaviours. These can be requested by any agency by bringing together the relevant local partners including Norfolk Youth Justice Service, and Children's Services Family Help and High Needs, with the local policing and problem solving team as initial point of contact.

11. Police custody

There should be a presumption to interview children in voluntary reporting suites, outside of police custody, wherever possible.

Before arresting a young person, officers should consider if it is the practical, sensible and proportionate option in all the circumstances, and whether there are any viable alternatives. In particular officers and staff should be alert to identify and effectively respond to vulnerabilities that may increase the risk of harm, and divert away from custody vulnerable people whose detention may not be appropriate.

Police and Criminal Evidence Act (PACE) Code G states there must be reasonable grounds for believing that arrest is necessary, and this is especially relevant for vulnerable children and young people who are care experienced.

The statutory criteria for what may constitute necessity remain an operational decision at the discretion of the police officer, however, alternatives should be considered and discussed with carers and management staff where possible. Whilst

a warning is not expressly required in PACE, officers should if practicable consider whether a warning which points out the offending behaviour, and explains why, if they do not stop, the resulting consequences may make their arrest necessary.

Per Code C, a young person shall not be placed in a police cell unless no other suitable and safe accommodation is available and the custody officer considers it is not practicable to supervise them if they are not placed in a cell, or that a cell provides more comfortable accommodation than other secure accommodation in the station. Norfolk Constabulary are developing 'child friendly' cells in a trauma informed approach.

All local agencies/protocol partners should sign up, and adhere, to the 'Concordat on children in custody' and seek to avoid holding children overnight in police cells where possible.

A key part of listening to a child's voice where they come into contact with the criminal justice system is ensuring that they understand their rights to legal representation and are supported to access this where needed. If a child is arrested, or voluntarily interviewed, they have the right to free legal advice or they can choose to be represented by their own solicitor.

Children under 17 and vulnerable adults must also have an 'appropriate adult' present during questioning. This may be a parent or guardian but it could also be a social worker, volunteer or a friend or family member aged 18 or over. However, this individual must not be involved in the incident/s being discussed.

Liaison and Diversion (L&D) services identify children and young people who have mental health, learning disability, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system as suspects, defendants or offenders. The service can then support people through the early stages of criminal system pathway, refer them for appropriate health or social care, or enable them to be diverted away from the criminal justice system into a more appropriate setting, if required.

All children in care and those young people identified as a care leaver will be referred to this service at the custody facility. Records about a person's health needs will be shared with the relevant agencies so they can make informed decisions about case management, sentencing and disposal options.

There are a number of projects and operations in custody aimed at improved information sharing, swift safeguarding responses and trauma informed approaches.

Project Addiction, Diversion, Disruption, Enforcement and Recovery (ADDER) operating in Wymondham Police Investigation Centre aims to:

- engage any child, aged 10-17, arrested and taken to Wymondham PIC;
- advocate for children and coordinate/liaise with agencies that are involved or need to be involved, both within Norfolk and out of county local authorities;
- offer a voluntary community intervention to the child and their family from the greater Norwich area and are not open to services.

The Golden Hour approach seeks to improve information exchange and safeguarding responses when children are in Police custody. The Golden Hour enables critical information around a child being held in police custody to be shared in real time between Norfolk Constabulary and Children's Advice and Duty Services

(CADS)/Emergency Duty Team (EDT). This includes sharing of information regarding any safeguarding or welfare concerns which could impact on a child's safe stay in custody or release plans.

12. Recording

All recording must take into consideration the potential detrimental impact of the body of information contained in a young person's personal file, which in turn may affect future life chances. Recording should be objective and non-stigmatising, using factual rather than personally biased wording, with key contextual information included for each incident.

National Crime Recording Standards (NCRS) governs the way in which police record crime and the general principle states an incident will be recorded as a crime for offences against an identified victim if on the balance of probability, the circumstances as reported amount to a crime defined by law, and there is no credible evidence to the contrary.

If police are involved in internal action and made aware that an incident as disclosed amounts to a crime, then this will be recorded as such per NCRS. There is no exemption for police not to record a crime and NCRS specifically states 'cases involving crimes committed against vulnerable persons that are referred to the police must be recorded regardless of any decision to resolve it by the other organisation'.

Crimes can be reported on behalf of victims by individuals (third party reports) which include persons acting in a professional capacity and parents/carers acting as a guardian or responsible adult. They should be regarded as acting on behalf of a victim and where there is no doubt as to their status/position or the veracity of their report they must be recorded as crimes (regardless of whether the victim is aware or has given permission).

13. Outcomes of incidents/prosecution

It is not the intention of the Protocol to dictate or restrict the options available to resolve incidents, but to emphasise the importance of restorative measures and flexibility in determining the most suitable outcome.

Consideration should be given as to whether a child/young person in any other family setting would be criminalised, particularly for an offence that takes place in a care home setting.

Victims and communities have a right to be protected from offending and to have their needs and interests taken into account in decisions on resolutions to offending. Where an incident involves harm to members of the public, the police and/or partners will consult with those involved and explore the potential for it to be resolved through informal resolution wherever possible.

Any decision regarding the outcomes for a child or young person involved in a recorded crime should be made in consultation with the Norfolk Youth Justice Service. The case will be considered by the Diversion Panel to ensure that the correct outcome is agreed to prevent unnecessary criminalisation.

Where children placed out of area are involved, these arrangements should include their responsible authority – this relates to both Norfolk children placed out of county, and children from other Authorities placed in Norfolk.

The use of police discretionary powers to apply an informal resolution response such as community resolution allows for a victim supported response that avoids the criminalisation of the child or young person.

Police should consider which Outcome Code from the National Police Outcomes Framework is most applicable to the decision.

Where the offence is serious enough to merit considering prosecution, individual circumstances and those of the offence should be carefully considered when deciding if charging and prosecution is appropriate. Decision making for children in care and care leavers should be supported with a trauma informed approach. A criminal justice disposal should not be regarded as an automatic response to offending and should only be considered where it is clearly required in the public interest.

14. Crown Prosecution Service (CPS) response

This protocol should be read in conjunction with current Crown Prosecution Service Guidance on Young Offenders and Offending Behaviour in Children's Homes.

It is the responsibility of the signatory agencies to proactively assist the CPS in reaching informed decisions in consideration of children in care and care leavers.

Each home must have a Behaviour Management Policy or Relationship Policy which includes such details: the measures of control, restraint and discipline which may be used in the home; the means whereby positive behaviour is to be promoted; de-escalation steps; child specific risk assessment and strategy; in house management; responsible persons.

A copy of the policy and how it was applied should accompany staff statements, to understand the impact of both the young person and staff's actions in the incident.

All the circumstances surrounding the offence and the child/young person need to be considered before reaching a decision to accept a case for prosecution.

Following the 10 point checklist for offences in children's homes, these factors should all be made available:

- Disciplinary/behaviour policy of the home.
- An explanation from the home regarding their decision to involve the police.
- Information from the home about the recent behaviour of the child or young person including similar behaviour, any incidents in the child or young person's life which could have affected their behaviour, any history between the child/young person and the victim, any apology or reparation, history of the incident and any action taken under the disciplinary policy of the home.
- Views of the victim, including their willingness to attend court to give evidence and/or participate in a restorative justice or other diversionary programme.
- Views of the key worker, social worker, counsellor and Child and Adolescent Mental Health Services (CAMHS) worker on the effect of a criminal justice

intervention on the child or young person, particularly where the child or young person suffers from an illness or disorder.

- Any explanation of information about the offence from the child or young person.
- Provided the child or young person wishes it to be considered, information about the local authority's assessment of his/her needs and how the placement provided by the home is intended to address these issues.
- Any aggravating or mitigating factors.

This information must be on the file at the time of initial submission to enable CPS to discharge their legal review duties. The reasons for the charging/diversion decision should be clearly recorded to show the factors that have been considered by the youth specialist to determine how the public interest is satisfied by a criminal justice disposal.

15. Support for those who enter the Criminal Justice System

Despite all agencies best efforts there will be instances where children in care and care leavers have to enter the criminal justice system.

When a child is charged with an offence, it is important that they are not disadvantaged because of their in care status.

The home authority must ensure that the young person is:

- Legally represented by a solicitor with expertise in youth justice.
- Supported whilst at the police station by an appropriate adult.
- Not held at the police station for longer than is necessary because support and/or accommodation isn't available.
- Supported to understand what is happening to them.
- In addition to their carers, it is good practice for the child's social worker or Personal Advisor to attend court with them, particularly on the day of sentence, to ensure that the child's best interests are represented, that custody is used only as a last resort, and to act as a good parent would if their child was in court.
- If the child has an Independent Child Trafficking Advocate, they should be advised, and attend court to further support the child or young person.

If a child in care receives a community sentence, their carers, social worker and Youth Justice Service case manager should continue to work closely together, share information and clarify their roles and responsibilities to ensure that the child receives the support they need.

Local authorities should ensure there are viable alternatives to a child being remanded to a secure establishment.

If a custodial sentence is likely, the carers, Youth Justice Service worker and the child's social worker should work together to prepare the child or young person, explaining what will happen and how they will be supported. The social worker should feed in any relevant information ahead of the pre-sentence report being prepared.

Children and young people already within the youth and criminal justice systems need protection from escalation and these principles apply equally to them.

Persistent and more serious offending can indicate that the young person has significant unmet needs and responses to offending should recognise this.

Children and young people on remand or custodial sentence are often highly vulnerable with multiple over-lapping risks and needs. They require careful multi-agency oversight and support, including from youth justice services, Children's Services, health services and custodial facilities.

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, and any supervision or licence requirements following custody. Additionally, for those unable to access these options 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'.

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. These should include the young person's wishes and views, and arrangements tailored to their individual needs.

Custodial establishments should nominate a named representative to act as the link with the care planning process for each child in care during their time in custody.

Custodial establishments should do all they can to prepare children and young people for transition back into the community and support transition arrangements.

All children in care 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.

16. Children in care who go missing

It is the responsibility of the corporate parent to put strategies in place to reduce the opportunity for children in care 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 as soon as possible from wherever they have been found, which minimises police contact. However, there may be instances where the environment where the child or young person is found is unsafe for the person sent to collect them and the police will assist them.

There is a clear link between children in care who go missing and the risk of criminality, either as a victim and/or offender. In particular this might include children being groomed and exploited by their peers, adults and organised crime groups.

There will be consistent and effective joint working to respond to incidents of children missing from care and early identification of children that are exposed to risk or harm. A thorough understanding of why they were missing is integral to reducing further missing episodes, and an in-depth return home interview should be completed with appropriate agency intervention to highlighted risks.

17. Roles and responsibilities

Each signatory to the protocol will have an important personal role and responsibility and will also ensure that their internal communications, guidance, training, and policies are consistent with these, and the Protocol's principal purpose.

18. Training

All signatory agencies will encourage a culture of continuous improvement, and ensure staff are trained in or understand the associated risks which can impact on our children and young people.

Professionals working with children in care and care leavers should understand the impact of trauma and abuse on development, particularly their effect on emotional and behavioural development and self-regulation.

All local agencies will contribute to the understanding of local and national factors that can increase children and young people's risk of being criminalised (such as going missing from school, school exclusion or their care placement and cross-area criminal activity focused on vulnerable children and young people, such as county lines). This will be used to inform their practice and local implementation of the protocol, and to target prevention efforts effectively.

19. Information sharing

Effective information sharing and communication is vital to ensuring children in care and care leavers receive the right support to avoid criminalisation, and to assist appropriate decision-making where they do come into contact with criminal justice agencies. This is regardless of the location, type of placement or whether they are placed inside or outside their responsible authority.

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.

Contextual safeguarding information will be shared between agencies, responding to current local risks, with regard to area, county, regional and national threats which impact on our children and young people.

20. Governance

This Protocol will act as an agreement between partners and signatories about expected standards of practice, with agencies implementing and embedding any changes necessary to fulfil these expectations.

Local governance arrangements will ensure implementation, monitoring, evaluation and compliance with these local arrangements.

21. Monitoring and evaluation

The development of a strong understanding of local data and circumstances is important in measuring the success of the Protocol and informing future best practice.

Implementation of this protocol will be underpinned by strong recording, evaluation, and continuous monitoring of all available data. As per information sharing, this data will be shared and scrutinised across agencies to allow the widest understanding of Norfolk's offending and criminalisation of its children in care and care leavers.

22. Signatories

Each Chief Executive will adopt this Protocol with appropriate levels of strategic support, committing fully to the principles and ambition contained herein.

Annex 1: Seven corporate parenting principles

The detail of what local authorities must do to effectively care for children in care and care leavers is addressed through existing legislation, regulations and accompanying statutory guidance.

The corporate parenting principles are intended to secure a better approach to fulfilling existing functions and for the local authority to facilitate as far as possible secure, nurturing, and positive experiences, and enable positive outcomes. They should encourage local authorities to be ambitious and aspirational for their children in care and care leavers.

In order to thrive, children and young people have certain key needs that good parents generally meet. The corporate parenting principles set out seven principles that local authorities must have regard to when exercising their functions as follows:

- To act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- To encourage those children and young people to express their views, wishes and feelings;
- To take into account the views, wishes and feelings of those children and young people;
- To help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- To promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- For those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- To prepare those children and young people for adulthood and independent living.

Annex 2: Restorative approaches

Restorative 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. They also help to repair what has been broken or resolve a harm that has been perpetrated. This way of working needs to be embedded into the culture and ethos of those agencies or organisations using them.

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.

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. Through restorative approaches children learn how their behaviour affects themselves and others and develop an understanding of social responsibility.

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.

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

Annex 3: Dynamic risk assessment

A dynamic risk assessment is a tool for rapid, short-term use during an incident. Given the anxious situation, it needs to be simple to run through. It will usually include considering the following:

- Who is at risk of harm and what is the nature of the risk?
- Does the situation relate to any known risks in the person's history?
- Have they been relating well to others recently?
- How unusual is this behaviour for this young person compared to recently?
- Have there been previous similar incidents?
- Are the factors in this instance known or unknown? Is there likely to be any provocation (e.g. bullying or peer pressure)? Or, is the young person feeling pressures externally (e.g. being exploited or coerced)?
- Understanding the emerging incident from the perspective of the child's or young person's experience and thinking: 'Is this a new trigger or stressor (e.g. something surrounding family or friends or time of year)?' Or, 'is it a known threshold and the plan advises what works in this instance?'
- How likely is the harm to others or the environment, and how serious will it be?
- Has anyone been hurt?
- What are the person's own feelings and wishes regarding the possible risk?
- Would intervening at this moment with this young person really be about safety, or is it about my own feelings of powerlessness and frustration?
- Will the consequences of intervening be less or more harmful than the behaviour itself?
- Is it likely the current episode will be short lived or not? If short, once the episode abates, what can you or another do now to support and sustain their self-control?
- What will be the effect on the rest of the group?
- What would be the consequence be of not intervening?
- Can an alternative course of action be found that has more acceptable degrees of risk?
- Are there enough staff with the right skills to intervene safely and effectively?
- What is the least restrictive and most respectful way of intervening to prevent harm?
- Have we tried all reasonable alternatives?
- Is intervention in their and others' best interests?
- Is intervention the least restrictive option?
- Is the intervention required to be carried out now?
- What is the plan if the intervention cannot be appropriate or timely?
- Would I have called the police if this were my own child?

The outcome of this rapid assessment should be in line with the child's care plan unless there are clear reasons based on the risk of harm that justify overriding it. All decisions should be informed by a rigorous assessment of that individual child's needs, be properly recorded, reported and be kept under regular review.

Annex 4: Deciding how to respond to an incident

Level 1 – low (internal)

These incidents will be dealt with by care home staff/foster carer, with a commitment to early intervention and restorative approaches.

Level 2 – non serious (no risk of harm or further damage)

No immediate police response is required – the incident is reported to the setting manager and child's social worker and a decision regarding police involvement will be discussed by all relevant parties. Where victim/s indicate that they do not wish to make statements in support of potential charge/prosecution, incidents should be recorded and managed internally with a restorative approach without the need to involve the police.

Level 3 – serious (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.

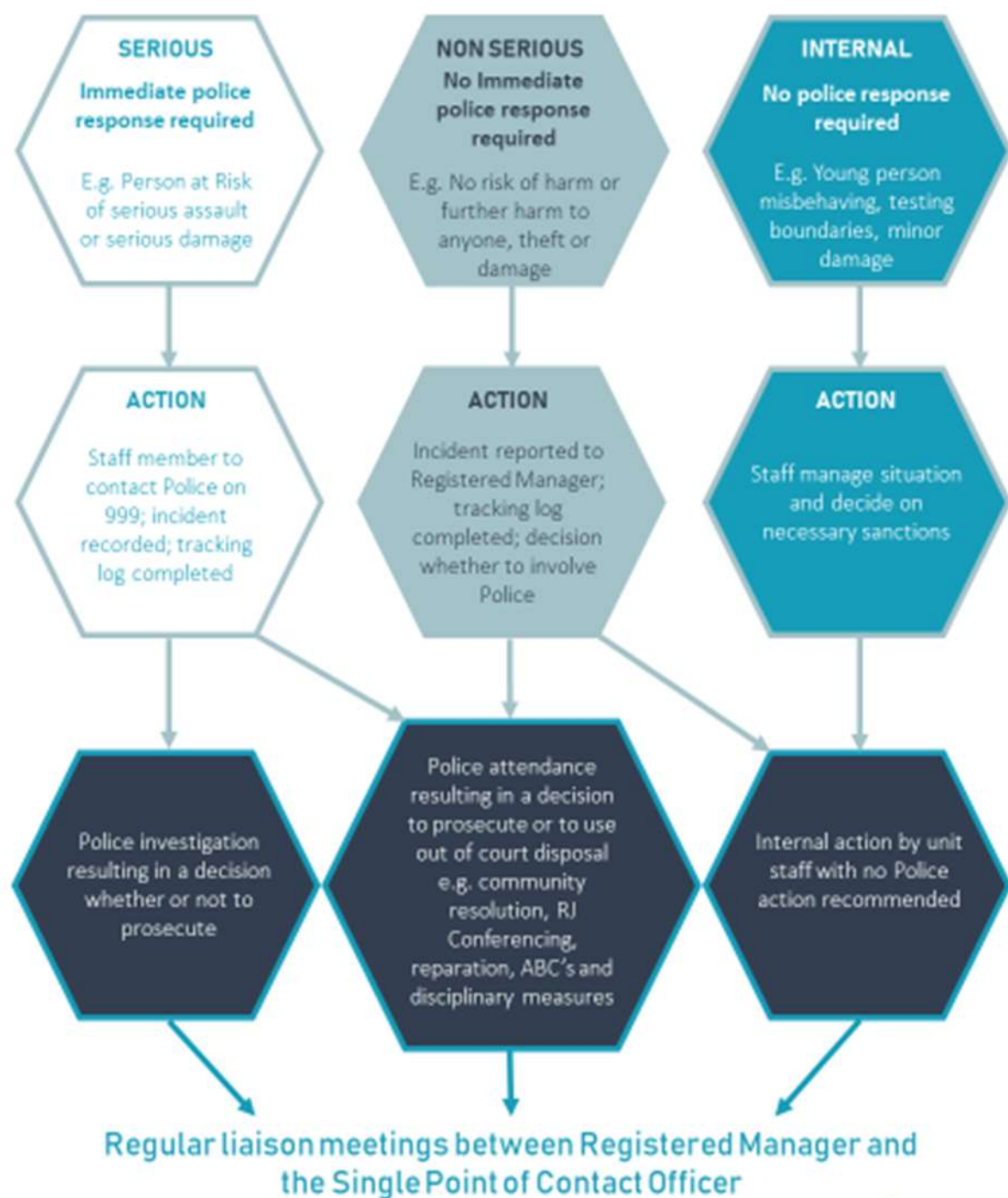
Immediate police response will be required for incidents of serious violence or serious dangerous disorder where children, residential staff, foster parents or carers are at risk of **immediate** serious physical harm. In such situations, carers/placement providers should contact the police via the 999 system. The Emergency Duty Team (EDT) should be contacted if appropriate.

In some circumstances preservation of evidence may be required as part of the police investigation and carers will need to ensure that reasonable steps are taken to retain or preserve articles or scenes relevant to the allegation or investigation.

CHILDREN'S HOMES DECISION TO INVOLVE POLICE

This policy should be followed when any member of staff is considering contacting the Police.

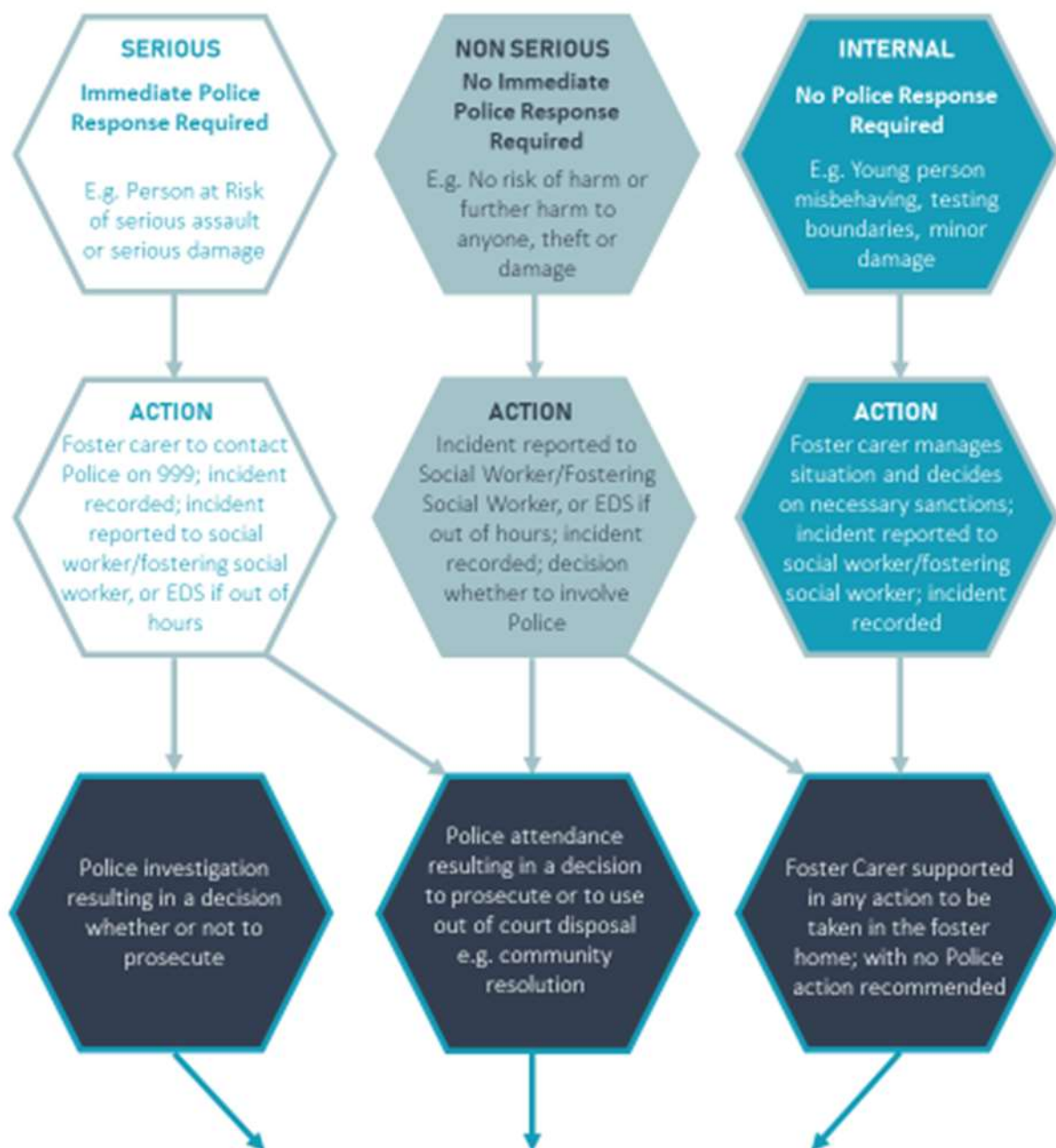
INCIDENT



FOSTER CARERS DECISION TO INVOLVE POLICE

This policy should be followed when a Foster Carer is considering contacting the Police.

INCIDENT



Regular liaison meetings between Social Worker and the Single Point of Contact Officer

Annex 5 : Roles and responsibilities

Health and Mental Health

'Children in care and Young Person Health Service'

Norfolk Community Health and Care (NCH&C) and East Coast Community Healthcare (ECCH) for 5-18

The role of Children in care health services is to promote the current and future physical, emotional and mental health of all children in care (0-18), including UASC, acting on any early signs of health issues. These services are commissioned by Norfolk and Waveney Integrated Care Board, (ICB) which provides oversight to ensure that the statutory guidance "Promoting the Health and Wellbeing of Looked After Children" (2015) is complied with. The Children in care health services undertake holistic, statutory health assessments when a child comes into care and yearly thereafter, for children between 5-18, this includes children placed within Norfolk from other counties. Where a child is placed outside of the Norfolk area, Norfolk and Waveney ICB remain the responsible commissioner, although appropriate arrangements are made for the health assessment to be completed by health services nearer to the child's placement. Norfolk and Waveney ICB and the Provider Looked After Children health services work alongside other services/agencies and carers to support the health care needs of children in care, as well as empowering young people to manage their health on leaving care.

Adult Services

The Preparing for Adult Life (PfAL) service is responsible for ensuring young people make a smooth transition into adult social services and acts as the single referral point. As part of its remit, it works with eligible young people who are In Care young people or Care Leavers.

The PfAL service carries out assessments under the Care Act 2014, when it is likely that the young person will have needs for care and support after they turn 18. For young people under 17 it will get to know the young person through completing a 'PfAL Conversation'. The service will always endeavour to ensure young people can live as independent lives as possible through connecting them to local community-based opportunities.

Where a PfAL worker has reasonable grounds to consider that a young person does not have mental capacity to make a specific decision relating to post 18 social care planning it will carry out an assessment under the Mental Capacity Act 2005. If they are deemed to not have capacity, we will carry out a Best Interest decision meeting.

Anyone is able to make a referral. Referrals can be made for 14-17 year olds where they have a disability (learning disability, mental health needs, autism or physical disability) and are likely to need support from adult social services (under the Care Act 2014), to achieve their identified eligible care and support needs. If a referral is not accepted where appropriate information on alternative support pathways is provided as part of referral feedback.

For young people over 18 open to the service it has safeguarding responsibilities under The Care Act (2014).

The PfAL service works with other teams and agencies across education, health, children's and adults social care, youth support and the voluntary sector to ensure joined up care planning and to help young people achieve the 'four Preparing for Adulthood

(PFA) outcomes' of being independent, being healthy, being part of the community and employment.

Virtual School

The role of the Virtual School is to promote the education of Norfolk's children in care wherever they may be placed. There is also a remit for care experienced children, children with a social worker and those in kinship care arrangements living in Norfolk. This is achieved through support and challenge to schools and other education providers, the local authority, and any other relevant partners.

A key part of our role is ensuring schools and settings have the most up to date information on national and local policies and initiatives, this might include signposting to colleagues leading on this project.

The Norfolk Local Authority Virtual School is located within the Family Help and High Needs Service and is based at County Hall.

Norfolk Youth Justice Services

Norfolk Youth Justice Service is a multi-agency partnership team whose aim is to prevent children from offending and to help them restore the damage caused to their victims. We aspire to make Norfolk an even safer place to live and help children achieve their full potential in life.

We supervise and support children aged 10 to 18 years who have committed offences and have received an out of court disposal or a court order.

Norfolk Youth Justice Service (NYJS) offers diversion which aims to prevent children becoming unnecessarily involved in the Youth Justice System by diverting into more alternative support mechanisms. Diversion is where children with a linked offence receive an alternative outcome that does not result in a criminal record, avoids escalation into the formal youth justice system and associated stigmatisation. Interventions are tailored to meet the individual needs of the child, with a view to reducing first time entrants into the YJS, reducing the risk of re-offending and helping to promote pro-social identity to achieve positive future outcomes. All outcomes are agreed by a multi-agency panel which includes YJS, victim workers, Police and Children's Services. In care status, disparity, trauma and diversity are considered with regards to the child. The impact on a victim is also taken into consideration.

Norfolk Youth Justice Service are committed to reducing the criminalisation of children in care by working closely with them to ensure they are listened to, engaged with, that they are safe, healthy and happy. As the 'Corporate Parent' we have a responsibility to make sure that we work together, and with our partners to provide the best possible care and protection for our children.

As part of the multi-agency diversion process, an Outcome 20 disposal will be available to relevant children. An Outcome 20 decision recognises that targeted intervention work is needed to promote desistance from offending in the future and reflects that a child already has existing relationships within other agencies who are able to deliver the work as part of their planning. All support offered will be proportionate, aimed at addressing unmet needs and supporting prosocial life choices.

Norfolk Constabulary

Norfolk Constabulary will work with a strong partnership approach to ensure the clear focus on reducing criminalisation for both children in care and care leavers.

Whilst we are placed within the Criminal Justice System, our commitments and participation cross many strands from restorative approaches, crime and custody, safeguarding from such risks as criminal exploitation and missing incidents, training and improving staff understanding, signposting, education, and working with the different agencies through the individual's justice journey.

National Probation Service

National Probation Service does not work with children under the age of 18. However, we do work with young people aged between 18 and 25. As an organisation we recognise that when making sentencing proposals on anyone in this age range it is important that we take into account their level of maturity as this may impact on the appropriate proposal. Making the most appropriate proposal is a critical success factor if we are to encourage the young person to successfully complete the community sentence. Similarly, we need to consider the level of maturity when determining how to manage the sentence plan for a young person. This has to be balanced with the need to protect the public and victims and to prevent future re-offending. In support of this a formal maturity assessment is included in our Pre-Sentence Report writing for young people.

Care leavers are over-represented in the offender population, and we are an organisation that is developing our approaches to working with care leavers and recognising the particular needs they may have. This is something that we routinely ask about when preparing pre-sentence reports.

NCC Residential and Semi-Independent Accommodation

The NCC's Residential Children's Home and Supported Accommodation Service currently provides:

Supported Accommodation homes and self-contained supported flats providing 2-4 bedded supportive care and accommodation for 16 to 18-year-olds, helping them prepare for independent living. The Residential Service provides a range of homes to care for children in care, aged 6-17 years, this includes solo/dual bed placements, emergency bed, New Roads hubs and a solo/dual placement for children with disabilities. There are additionally four short break units, this includes two for providing care to children with disabilities and two to children at the edge of care, one specialises in younger children up to 12 years and the other is for adolescents 12-17 years of age.

As corporate parents we believe that the children and young people in our care should be protected and supported against exploitation and criminalisation, with specialist care being the protective factor that helps children and young people avoid becoming involved in risk-taking behaviours, being exposed to exploitation, or becoming involved in the criminal justice system. A robust missing from care procedure is implemented within the Service, which addresses risks of exploitation, radicalisation and an awareness and impact of County Lines upon the young people we look after.

All staff are trained in Signs of safety and Restorative Approaches. We are committed to reducing the criminalisation of children in care and young people. We work hard with a vast range of partner agencies to provide the best possible care and protection for our children.

Annexe 6: Insights from young people

What young people say we can do to prevent them from becoming criminalised

Insights from young people with lived experience were collected to explore their perspectives on preventing criminalisation. The views from young people were considered by the Norfolk Corporate Parenting Board, Reducing Criminalisation sub-group and incorporated in subsequent multi agency workshops. This appendix to the protocol ensures the voice of the young people continues to be shared and can shape and inform practice.

Think SHY

There were key themes from young people about what workers can do following an incident. These are captured in 'Think SHY'.

Slow it down – slow your thinking and your actions, allow space, and talk when I am calm and able to respond.

Here to help – reassure me and tell me it's going to be ok, be aware of what I need from you, it is your role to stop it (the situation) escalating, use your skills, create safety, give me ways to keep my anger away from people.

Your child – My placement needs to feel like home. Stop having stereotypes. Listen. Be aware of life events you can trigger! Identify problems before they arise. See me as an individual.

When thinking about consequence ask me and consider more regular welfare calls when I'm out, reduce my curfew, I can pay for things with my money, help out tasks to earn respect back.

Think SHY

S - Slow it down

H - Here to help

Y - Your child