

1. All Children in Custody

Children who are sentenced or remanded in custody are among the most vulnerable. They are away from family and friends, have their liberty significantly restricted, and may be concerned about their future prospects as a result of their offending.

As well as being perpetrators of crimes, they may also be victims themselves.

Previous inquiries and reports into abuse of children living away from home have raised awareness of the particular vulnerability of these children. Specific consideration must be given, therefore, to safeguarding and promoting their welfare both while they are in custody and upon their discharge.

Every custodial setting for children should hold an ethos which promotes their general welfare, protects them from any type of harm, and treats them with dignity and respect.

Where there is a custodial establishment in the area of a LSCB where children may be held, the local authority for the area has the same responsibilities towards those children in custody as it does to other children in the local authority area, and the provisions of Sections 17 and 47 of the Children Act 1989 apply.

Whilst South Tyneside does not have a custodial establishment located in its area, children from South Tyneside may be placed in custody in other areas and whether or not they were in receipt of services immediately before they entered custody, they may require services if they return to South Tyneside upon their discharge. In these circumstances there will be discussions by South Tyneside Children's Social Care - as well as other agencies where appropriate - with the local authority where the custodial establishment is situated, about what post-discharge support services are required.

2. Children Remanded to Secure Accommodation

Children remanded under a Court Ordered Secure Remand are Looked After during the period of the remand. As well as the other regulations that apply, there is a statutory provision that **Looked After Reviews** must take place.

The local authority for the area where the child usually lives must arrange for an assessment of the child's needs, building on any previous assessment completed by the Youth Offending Team (YOT), and plan his/her care in conjunction with the responsible YOT. Care planning will need to consider the child's needs both during the period of remand and following the court hearing. The **Care Plan** will need to take into account arrangements for the child's support where s/he ceases to be Looked After because of receiving a custodial sentence.

Where a child is already Looked After and is remanded, the **Independent Reviewing Officer** (IRO) should be notified by the child's social worker as soon as the child is placed in custody (on remand or following sentence), including the details of where s/he is placed and the relevant order.

3. Looked After Children who go into Custody

Where a Looked After Child who is the subject of a **Care Order** is either sentenced or on remand to a young offender institution (YOI), he or she will remain Looked After during the time in custody and the responsible local authority, i.e. the local authority holding the shared **Parental Responsibility** under the Care Order, has continuing responsibilities towards his or her welfare. The responsible local authority must, therefore, make arrangements for regular social work visits to the child (the first visit must take place within one week of the child entering custody and thereafter every six weeks in the first year and three months thereafter), ensure that their Looked After Reviews continue to take place at the prescribed intervals and support ongoing contact with parents and siblings, if this is in the Care Plan. These responsibilities also include the local authority being closely involved in the re-settlement plans for the child, once he or she is released from custody into the community. For some children this will mean a return to foster care or another type of supported placement.

A child who was previously **Accommodated** under Section 20 of the Children Act 1989 and enters custody, does not remain a Looked After child while in custody. However, the child's social worker should ensure that the relevant YOT is made aware that the child had been Looked After up until sentence. In addition, the local authority has a duty (under the Visits to Former Looked After Children in Detention (England) Regulations 2010) in respect of children who, upon detention, cease to be Looked After, but who are not Relevant and so not entitled to support as care leavers. This may be because they were accommodated, prior to detention, and will leave custody before their 16th birthday, or they are aged 16 or 17 but have been Looked After for less than 13 weeks since the age of 14 (perhaps because they were remanded into local authority accommodation immediately prior to sentence). In these circumstances, under the above Regulations, the local authority must appoint a qualified social worker to visit the child to assess his or her needs. The social worker must make recommendations about any appropriate advice, support and assistance needed by the child, which where necessary, could include arranging for their accommodation on release, which might involve planning for them to be Looked After again.

Children aged 16 and over who were looked after prior to being sentenced may well come within the definition of **Relevant Young People** whilst in custody, in which case, they will be entitled to support as care leavers. The local authority that was looking after the child before s/he entered custody must appoint a **Personal Adviser** and prepare a **Pathway Plan** setting out the support that they will provide to prepare the child for the responsibilities of adulthood. The Pathway Plan must include information about where the child will live on release and the support they will receive to re-establish themselves in their communities with positive plan for their futures, to minimise the possibility of their re-offending.