



## **Making Connections: Supporting the identification of care leavers in the justice system**

On November 24, 2016, CYCJ and CELCIS facilitated the Making Connections workshop, which was attended by over 40 youth and criminal justice and throughcare/aftercare practitioners and managers from across local authorities, Police Scotland, the Scottish Prison Service, and third sector organisations. The purpose of this workshop was to support the implementation of the agenda for change under the Youth and Criminal Justice section of the [Scottish Care Leavers Covenant](#), particularly [the protocol](#) to support identification. This provided an opportunity to explore current practice in identifying and supporting care leavers; share good practice examples; and reflect on any actions needed by individuals and organisations to improve practice, as well as to begin thinking about how these could be implemented. The workshop included input on:

- Scottish Care Leavers Covenant: Overview and update (Kenny McGhee, CELCIS)
- Youth & Criminal Justice: The Identification Protocol (Debbie Nolan, CYCJ)
- Care Leavers Identification Protocol: Role of the Scottish Prison Service (Susan MacKechnie, Scottish Prison Service)
- Care Leavers Identification Protocol: The Local Authority Perspective (Jean Cullen and Martin McAdam, North Ayrshire Council)

This was followed by group discussions, within which a number of key themes and practice examples were evident.

### **The identification of care leavers and implementing the protocol**

In a number of areas, a question to ascertain care leaver status is already being asked across services including youth justice, criminal justice, adult services, housing and social work duty, unpaid work supervisors etc. In these cases, either that worker will provide information and support regarding entitlements and to fulfil corporate parenting duties or refer to aftercare services. Information sharing protocols and processes for contacting other local authorities who may have been the placing authority for the young person were also reported to be in existence in many areas. However, a number of participants stated this was an area of practice they needed to improve on, particularly for young people aged over 18.

### **What can help?**

- Keeping the question simple, asking this in young people's language and supporting young people to understand what this means. It was suggested that this may include asking about previous involvement with social work and then the onus being on whoever was asking the question contacting the relevant social work service for information to ascertain care leaver status.

A further suggestion was to ask young people about their involvement with aftercare as a means of distinguishing between care experienced young people and care leavers.



- Developing or circulating a protocol is only the first step and efforts need to be made to ensure all practitioners and services know why they need to ask the question; can ask the question; and understand corporate parenting responsibilities. Multi-agency events and training/awareness raising sessions for all relevant staff are important, to both help get the question into people's head and support cultural change in recognising why this is their responsibility.
- We need to respect young people's right not to disclose and recognise that the stigma of care can discourage self-identification. This should not however stop practitioners asking the question.
- Social work systems are an important support in identifying care leavers, which can be aided through the use of a marker/flag system. Lack of shared ICT systems can be a barrier.
- Having a list in each office of all care leavers aged under 26 to aid identification should these young people be re-referred to services (South Lanarkshire Council).
- Identifying all care leavers currently in custody who will be released before their 26<sup>th</sup> birthday and proactively contacting them via letter to highlight and offer support (North Ayrshire Council).
- Good links with Scottish Prison Service (e.g. North Lanarkshire Council has team working in Polmont and Addiewell who are notified of young people in custody and social work systems can be checked to ascertain care leaver status; Dundee City Council have a throughcare worker in Perth Prison).
- The role of the police: Discussion took place on whether Police Scotland should (and the appropriateness and viability of) ask every young person aged under 26 about their care history or whether this should be about providing signposting information. It was acknowledged this may be young people's only contact with justice services and therefore providing the opportunity to disclose is important. It was acknowledged this will require significant effort to communicate this message to all staff and cultural/attitudinal shift. Local discussions have taken place in some areas about this (including North Ayrshire Council) which have been positive and have included the possibility of officers providing young people who identify as care leavers with a card with the free phone contact details for the local authority. Adding a care leaver box on Vulnerable Person forms and database was suggested as another possible aid.

### **Supports post-identification**

It was generally reported that once a care leaver was identified, advice would be offered to the referrer or the young person, an initial needs assessment would be completed and as necessary further assessment or supports (including in respect of their journey through the justice system) would be offered. In some areas there also appeared to be well developed processes and evidence of reciprocal arrangements where the young person was residing in a local authority that was not the placing authority that holds corporate parenting duties for that young person. Similarly, where a young person was still engaging with aftercare services and was moving area, sharing of this information with the local authority they were moving to was well established. It was acknowledged that the way aftercare services are delivered (i.e. service design) varies across local authorities which can be a challenge in linking young people into services. It was however recognised that in most local authorities the numbers of young people accessing aftercare supports are often smaller than would be thought, with



the supports that are accessed often emotional, low level, practical and signposting to other services.

### What can help?

- Making information more readily available about services and entitlements. The importance of this information describing the continuum of care and aftercare- what can be offered, by whom, when and how-was highlighted. We need to think creatively about how this can be done e.g. the use of road maps, flowcharts, as well as starting this information sharing when young people are still in care (e.g. West Dunbartonshire Council have throughcare workers allocated to each children's house who keep an informal level of contact such as visiting for meals to start making links with young people and sharing information on aftercare services).
- Ensuring all staff in local authorities know what their role is in respect of care leavers and what to do next. It is important this covers whoever may take the call or referral about a possible care leaver.
- Asking the young person if they consent to information being shared and what support they think they need and want. Young person's involvement in this and respecting their self-determination (including to live outwith their placing authority) is essential. Dundee City Council as part of the FOI found that those who had re-engaged with aftercare were those who had self-referred, not those referred by other agencies (Criminal Justice, Who Cares? Scotland).
- Clarity about what can and will be provided on the back of identification. It is important that this establishes realistic expectations and acknowledges the different legislative duties for care leavers and care experienced young people.
- Consideration of who is already working with the young person and what support they can offer to meet the young person's needs and fulfil corporate parenting responsibilities, what support can be provided by universal services, and what additionality could be provided by the involvement of aftercare services, while upholding statutory duties and entitlements.
- The more proactive offering of support, reaching out to young people who are not engaging (particularly over 18s) and communicating to young people that the door is always open. While we need to be realistic and recognise some young people may not want to or have the motivation to engage with this support, this should not prevent the active offering of information, support and signposting.
- Regular multi-agency, mixed staffing level meetings to discuss throughcare/aftercare issues (South Lanarkshire Council).
- Consistency of relationships; not moving young people from children and families teams when they turn 16; and where cases have been closed, exploring linking young people back to their previous worker (if appropriate).
- Making decisions about services and support based on need, vulnerability and developmental needs rather than chronological age
- Providing phone support via free phone numbers and drop-in services (North Ayrshire Council)



- Importance of engagement with Sheriffs about attachment, trauma, needs of young people in care and care leavers, and impact of these experiences on the ability to engage and comply with sentencing disposals. While the Sheriff may not want significant information on a young person's background as part of a CJSWR, this is relevant to workers in fulfilling their corporate parenting duties.
- Joining up the conversation and links between agencies (internally and externally) and involving all levels of staff within this (front line to operational and strategic managers), as well as having individuals within organisations who are committed to taking this agenda forward. We need to look beyond organisational boundaries if we are to improve outcomes. Community Planning Partnerships may be an opportunity to start this dialogue and support working together through the continuum of care services.
- Better recording of how many young people request aftercare support but recognise that this contact is not always done through formal means and therefore may be underestimated. FOI request is a starting point for this.

#### **Wider areas of difficulty:**

- Lack of understanding about what corporate parenting is and means still persists across staffing levels and organisations
- The legislative distinction and therefore entitlements of care experienced young people (CEYP) and care leavers. It was acknowledged that CEYP who do not meet the statutory definition of a care leaver may be as vulnerable as those who do and while there may be a moral responsibility and it is good practice to ensure these young people are also supported, the statutory duty to do so under the Children and Young People (Scotland) Act is not there. It is important that expectations of what support will be provided post-identification take this distinction into account and recognise that the 'Plan B' for those who are not care leavers may involve support such as signposting, linking in with universal services etc.

#### **What next?**

At the workshop, participants took away actions that they intended to follow up in their organisation. CYCJ/CELCIS/SCLC are keen to assist and support in any way we can, including any organisation who could not attend the workshop, with this note being made available on our websites as a starting point. We intend to follow up with participants early in the New Year and would be grateful for information about any developments that have taken place on the back of this workshop and the Covenant. The wider issues will be fed back to the SCLC group and beyond as necessary.

For further information and to offer additional feedback, please contact:

- Debbie Nolan, Centre for Youth & Criminal Justice  
[deborah.nolan@strath.ac.uk](mailto:deborah.nolan@strath.ac.uk)  
[www.cycj.org.uk](http://www.cycj.org.uk)
- Kenny McGhee, Centre for Excellence for Looked After Children in Scotland  
[kenny.mcghee@strath.ac.uk](mailto:kenny.mcghee@strath.ac.uk)  
[www.celcis.org](http://www.celcis.org)