

Supporting and managing children who pose a high risk

Fiona Dyer, CYCJ

This Info Sheet outlines good practice principles when considering the placement of children away from home when appropriate community based support services in their home communities are not able to meet their needs, and the associated vulnerabilities and risks.

Overview The Whole System Approach (WSA) is the Scottish Government's programme for addressing the needs of children involved in offending. The ethos is based on the principles of 'Getting It Right For Every Child', and includes evidence from the [Edinburgh Study of Youth, Transitions and Crime](#), promotes a holistic response across all systems and agencies to children which should lead to the majority of children who offend being diverted from statutory measures, compulsory supervision, formal justice systems, and prosecution wherever possible, through early intervention and supports. The WSA also extends to children who become subject to statutory measures, and sets out clear expectations that the Children's Hearing System (the CHS) and the Courts will seek robust community alternatives to detention. Where detention is deemed essential, wherever possible this should be in a secure care rather than prison setting.

The Whole System Approach (WSA) in practice If a child offends, the response should be proportionate to meet the level of risk assessed within the context of the child's needs, rights and vulnerabilities. For the majority, this should be a referral to [Early and Effective Intervention services](#) unless professionals identify a potential need for compulsory measures of supervision, in which case a referral should be made to the Children's Reporter. If the child comes before a Children's Hearing then by making a compulsory supervision order (CSO) the Hearing may also make any condition on that order, but as a minimum the order will place a duty on the local authority to 'provide appropriate supervision and support to the child'.

Intensive community support Where there are concerns that a child's needs, vulnerabilities and behaviours mean there are risks of significant harm to themselves and or others, Children's Hearings have the option to make a compulsory (or interim) supervision order and/or authorise the child's placement in secure accommodation in [certain circumstances](#). Prior to a secure authorisation being made, the local authority and involved professionals should do all they can to offer help and alternative interventions. These could include wraparound intensive supports, a placement with foster carers, kinship carers, 'close support' in a residential children's house with intensive support from social work, partner agencies and family members where appropriate. Wherever restrictive measures are necessary to keep the child and or others safe, a [Movement Restriction Condition](#) (MRC) should also be considered. This [must be considered](#) by the Children's Hearing along with all options before deciding whether to issue secure authorisation.

The Police, CHS and Courts When a child comes into contact with the police they should seek to identify whether the child is subject to a CSO or has social work involvement. This allows the child to be referred to the children’s reporter, or jointly referred to them and the Procurator Fiscal (PF) if the concerns relate to a serious offence. If a child is 16 or 17 years and has had no previous involvement with the CHS and is alleged to have committed an offence, he/she will be reported to the Crown Office and Procurator Fiscal Service (COPFS). The PF has several options including diverting the child from prosecution, or they can prosecute in Court. If the case is referred to COPFS and they decide to raise criminal proceedings against a child, the WSA requires that all children appearing in Court [should be supported](#). If the child is the subject of a referral to the Children’s Reporter or already subject to a CSO, the presiding Sheriff must ask for advice from a Children’s Hearing.

All children under 17 years and six months not actively involved with the CHS, the social worker or relevant partner should liaise with the PF and child’s lawyer to discuss the case being remitted to CHS. National Standards require that a remit to the Children’s Hearing [should also be considered](#) in all criminal justice social work reports.

If a child is appearing from police custody, the court social worker should refer the child to the relevant social work team, or local authority, if different from the Court in which the child is appearing, to ensure they are supported at Court and all alternatives to remand are considered. Options available to local authorities can include those mentioned above, and supervised bail. Research has emphasised that children in custody need to be supported by professionals when subject to bail, an MRC or any intensive support package for them to be successful.

Intensive contained support For those children whose needs are such that the risk they pose cannot be managed safely in the community, secure care should always be utilised rather than custody (CYCJ/IRISS, 2018). Secure care can provide welfare-based age-appropriate facilities, offer relationship-based and therapeutic, trauma and attachment informed support, and a higher ratio of staff to children ([Gough, 2016; Lightowler et al 2014](#)).

If a Sheriff is considering remanding or imposing a custodial sentence on a child, the local authority should provide an update for the court examining all options available including secure care (providing secure care is approved by the Chief Social Work Officer) and intensive support. If the child is under 16 or 18 years and already subject to a CSO, the report should invite the Sheriff to remand the child into the care of the local authority. The local authority will then decide where to place the child. A [website](#) advising of available secure care places should be checked first. If there are no places available, all units should nevertheless be contacted by phone to discuss the case as they may be able to offer an “emergency” bed or assist with a support package of care. If a child is being sentenced under section 205 or 208 of the Criminal Procedure (Scotland) Act 1995, the responsibility for placing the young person lies with Scottish Ministers who will always consider a secure care placement in the first instance. The Children and Young People Placement Manager in the Scottish Government should be contacted on these occasions (childplacementmanager@gov.scot) 0131 244 0996/Out of Hours: 0755 433 2310).

According to the [UNCRC](#), when a child is remanded into, or sentenced to a period of detention, it should be for the minimum time required. The local authority should arrange a review of the child’s case [within 10 working days of a decision being made](#), to plan for the child’s release. The child should be supported throughout their time in secure care or a YOI by their community-based social worker, who should maintain regular contact and attend all reviews as well as [supporting them upon release](#).

w www.cycj.org.uk
e cycj@strath.ac.uk
🐦 [@CYCJScotland](https://twitter.com/CYCJScotland)