

Unit 18: Understand the Youth Justice System as It Relates to Residential Childcare

Unit reference number: J/506/7606

QCF level: 4

Credit value: 3

Guided learning hours: 30

Unit summary

In this unit, you will gain the knowledge and understanding required to enable a residential childcare service to engage efficiently and collaboratively with the youth justice service. You will address working with team members and partnerships relating to the youth justice system, providing a service, which reduces children and young people's involvement with the youth justice system and includes facilitating transfer in and out of the secure estate.

You will develop knowledge and understanding of the role of the youth justice system and how residential childcare services can work in partnership to reduce the risk of children and young people engaging in offending behaviour. This includes exploring the workings of the court system, its role in sentencing and how it interacts with youth justice. You will also learn about the importance of managing transfers to and from the secure estate and the types of secure settings utilised.

Additional information

Theories including

- Pathways theory
- Good lives model
- Theory of Social Capital
- Labelling theory

Methods including restorative approaches

Key agencies including

- Youth offending teams (YOT),
- Probation Service,
- Crown Prosecution Service (CPS),

- Drug and Alcohol Services, Education Services,
- Child and Adolescent Mental Health Services (CAMHS)

Assessment tools including

- National Standards for the Youth Justice Service
- Asset and Onset Framework
- Common Assessment Framework

Disposal options including

- pre-court measures (youth caution, youth conditional caution, final warnings and reprimands)
- Anti-Social Behaviour measures (Acceptable Behaviour Contract, Anti-Social Behaviour Order)
- Other measures (local child curfew, gang injunctions, youth restorative disposal)
- Community sentences (youth rehabilitation order, referral order, fine, conditional discharge, absolute discharge, drinking banning order)
- Custodial sentences

Minimise the high level of breaches: includes accompanying the young person to and from appointments and providing the corporate parent role in court

Poor outcomes includes outcomes in relation to

- physical health and wellbeing
- mental health
- learning and educational achievement
- the establishment and maintenance of positive relationships with family and friends

Within the secure estate: including transfer to adult secure settings and specialist services

Learning outcomes and assessment criteria

To pass this unit, the learner needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria outline the requirements the learner is expected to meet to achieve the unit.

Learning outcomes	Assessment criteria
<p>1 Understand why children and young people in care are vulnerable to engagement in offending behaviour</p>	<p>1.1 Define the term 'offending behaviour'</p> <p>1.2 Summarise theories relating to youth offending</p> <p>1.3 Analyse factors that make children and young people in care particularly vulnerable to engagement in offending behaviour</p>
<p>2 Understand how to reduce the risk of criminalisation of children and young people</p>	<p>2.1 Define the term 'criminalisation'</p> <p>2.2 Explain how poor behaviour management strategies can escalate the criminalisation of children and young people</p> <p>2.3 Analyse the risks of systematically classifying behaviour as offending rather than seeking alternative responses</p> <p>2.4 Describe methods to reduce the risk of criminalising children and young people</p> <p>2.5 Describe principles of the organisation's Police Involvement Policy</p>
<p>3 Understand partnership working in the youth justice system</p>	<p>3.1 Outline the role of agencies involved in the youth justice system</p> <p>3.2 Describe the practitioner's role in relation to the youth justice system</p> <p>3.3 Analyse assessment tools used in the youth justice system</p> <p>3.4 Explain how to contribute to a holistic care plan for a child or young person who is engaged with the youth justice system</p> <p>3.5 Describe processes for informing social workers, and those with parental responsibility, of police involvement</p>

Learning outcomes	Assessment criteria
<p>4 Understand the court system as it relates to youth justice</p>	<p>4.1 Outline legislation relating to the court system for youth justice</p> <p>4.2 Describe the sentencing process</p> <p>4.3 Explain the function of Court Reports</p> <p>4.4 Summarise the main disposal options for children and young people</p> <p>4.5 Describe systems for supporting compliance with disposal requirements</p> <p>4.6 Explain ways to minimise the high level of breaches of disposal requirements by young people in residential care</p> <p>4.7 Describe processes for responding to breaches of disposal requirements</p>
<p>5 Understand the experience of the secure estate</p>	<p>5.1 Describe the different types of secure settings experienced by children and young people</p> <p>5.2 Analyse why children and young people in secure settings are at higher risk of poor outcomes than others in residential care</p> <p>5.3 Describe approaches that improve outcomes for children and young people in secure settings</p>
<p>6 Understand how to achieve successful transfer within and out of the secure estate for children and young people</p>	<p>6.1 Describe the challenges faced by children and young people who are moving within and out of the secure estate</p> <p>6.2 Analyse factors for the successful transfer of children and young people between settings within the secure estate</p> <p>6.3 Analyse factors for the successful resettlement of children and young people in the community</p>

Unit amplification

1 Understand why children and young people in care are vulnerable to engagement in offending behaviour

The term 'offending behaviour': definition – transgressing against or breaking a law or rule

Theories relating to youth offending: Pathways theory; Good lives model; Theory of Social Capital; Labelling theory; Restorative approaches

Factors that make children and young people in care particularly vulnerable to engagement in offending behaviour: peer dynamics; past abuse; neglect; unstable living arrangements; lack of positive role modelling; maltreatment; inadequate/poor quality parenting; poor coping skills; lack of resilience; inadequate resources; support networks

2 Understand how to reduce the risk of criminalisation of children and young people

The term 'criminalisation': definition – when previously legal acts are transformed into crimes by legislation or judicial decision

How poor behaviour management strategies can escalate the criminalisation of children and young people: loss of contact with named person; loss of trust; ineffective boundaries/objectives; peer pressure; challenge; lack of monitoring/supervision; increased opportunity; poor role modelling; lack of planning/review

The risks of systematically classifying behaviour as offending rather than seeking alternative responses: unsupportive of engagement with children and young people; creates risks; does not address behavioural issues; labelling

Methods to reduce the risk of criminalising children and young people: restorative approaches; Multisystemic therapy; Family Functional Therapy; Multi-Dimensional Treatment Foster Care; mentoring; after school activities/recreation; school discipline/management strategies; non-academic activities; Intensive Supervision and Support/Surveillance Programmes; Youth Inclusion and Support Panels; skills training

Principles of the organisation's Police Involvement Policy: contact procedures; risk assessment; safeguarding; confidentiality; reporting; record keeping

3 Understand partnership working in the youth justice system

The role of agencies involved in the youth justice system: Youth offending teams (YOT); Probation Service; Crown Prosecution Service (CPS); Drug and Alcohol Services; Education Services; Child and Adolescent Mental Health Services (CAMHS)

The practitioner's role in relation to the youth justice system: level/frequency of contact; responsibilities; lines of reporting; collaboration; liaison; review; facilitating

Assessment tools used in the youth justice system: National Standards for the Youth Justice Service; Asset and Onset Framework; Common Assessment Framework

How to contribute to a holistic care plan for a child or young person who is engaged with the youth justice system: needs; abilities; aspirations; goals; objectives; involvement of others; collaboration; priorities; staged approach; person centred

Processes for informing social workers, and those with parental responsibility, of police involvement: safeguarding; duty of care; the Data Protection Act 1998; confidentiality; risk; reporting; recording; policies/procedures; agreed ways of working; partnership/inter agency working

4 Understand the court system as it relates to youth justice

Legislation relating to the court system for youth justice: The United Nations Convention on the Rights of the Child; the Children Act 1989 (and Guidance and Regulations implemented in April 2011); the Crime and Disorder Act 1998; the Children (Leaving Care) Act 2000; the Criminal Justice Act 2003; the Children Act 2004; the Local Safeguarding Children Boards Regulations 2006; the Children and Young Persons Act 2008; the Criminal Justice and Immigration Act 2008; the Police Reform and Social Responsibility Act 2011; the Legal Aid, Sentencing and Punishment of Offenders Act 2012; the Health and Social Care Act 2012; the Anti-Social Behaviour Crime and Policing Act 2014

The sentencing process: The Sentencing Council Guidelines; consider offender's age; the seriousness of the crime; if they have a criminal record; if offender pleaded guilty or not guilty; aggravating/mitigating circumstances

The function of Court Reports: Stand-down report – less serious cases; recommends sentence; Reparation Order report – if the court considers a Reparation order may be an appropriate sentence; Action Plan Order report – if offence is serious enough for a community penalty and the Court indicates that a short intensive programme will be the most appropriate sentence; Pre-sentence report – Court requests further detail about the offence and child or young person prior to sentencing; Psychological or psychiatric report – to provide the Court with further information about child or young person's mental health

Disposal options for children and young people: pre-court measures (youth caution; youth conditional caution; final warnings and reprimands), Anti-Social Behaviour measures (Acceptable Behaviour Contract; Anti-Social Behaviour Order); other measures (local child curfew; gang injunctions; youth restorative disposal); Community sentences (youth rehabilitation order; referral order; fine; conditional discharge; absolute discharge; drinking banning order); Custodial sentences

Systems for supporting compliance with disposal requirements: accompanying young people to and from appointments; providing a corporate parent role in court; reporting/recording

Ways to minimise the high level of breaches of disposal requirements by young people in residential care: accompanying the young person to and from appointments and providing the corporate parent role in court

Processes for responding to breaches of disposal requirements: e.g. further offending; non-attendance at identified meetings; non-payment of fines; breach of curfew; further criminal justice interaction; triage; assessment of risk; escalation of disposal/sentencing requirements; Community Resolution; Youth Caution; Youth Conditional Caution; charge

5 Understand the experience of the secure estate

Different types of secure settings experienced by children and young people: young offender institutions (YOIs); secure training centres (STCs); secure children's homes (SCHs)

Why children and young people in secure settings are at higher risk of poor outcomes than others in residential care: physical health and wellbeing; mental health; learning and educational achievement; the establishment and maintenance of positive relationships with family and friends

Approaches that improve outcomes for children and young people in secure settings: Multisystemic therapy; Family Functional Therapy; Multi-Dimensional Treatment Foster Care; mentoring; after school activities/recreation; school discipline/management strategies; non-academic activities; Intensive Supervision and Support/Surveillance Programmes; Youth Inclusion and Support Panels; skills training

6 Understand how to achieve successful transfer within and out of the secure estate for children and young people

The challenges faced by children and young people who are moving within and out of the secure estate: including transfer to adult secure settings and specialist services; transition; acceptance; stigma; access; opportunities; support networks; resources; meeting range of needs

Factors for the successful transfer of children and young people between settings within the secure estate: transition; duty of care; risk assessment; safety and security; effective communication; resources; access; reporting/recording; planning; needs identified/addressed; effective commissioning of services; partnership; clear roles and responsibilities; resettlement plans; agreed ways of working; confidentiality

Factors for the successful resettlement of children and young people in the community: planning meetings; accessing statutory support; integration; resettlement support panels; needs assessment; monitoring; review; implementation of resettlement policy/procedure

Information for tutors

Suggested resources

Books

Bridge J, Bond T and Black J – *A Practical Approach to Family Law* (Oxford University Press, 2004) ISBN 0199264031

Conway H – *Family Law: UK Edition Key Facts* (Hodder Education, 2007) ISBN 034094028X

Herring J – *Family Law (Law Express)* (Longman, 2008) ISBN 1405899530

Muncie J – *Youth and Crime* (SAGE Publications Ltd, 2009) ISBN 9781847874320

Smith R – *Youth Justice: Ideas, Policy, Practice* 3rd edition (Routledge, 2013) ISBN 9780415626514

Standley K – *Family Law* (Palgrave Macmillan, 2006) ISBN 9781403985422

Websites

www.bailii.org – the website of the British and Irish Legal Information Institute provides access to freely available British and Irish legal information, including the youth justice system

www.guardian.co.uk – the website of the Guardian newspaper, providing a wide variety of articles, including articles on the topic of youth justice

www.iclr.co.uk – the website of The Incorporated Council of Law Reporting for England and Wales includes cases relating to youth justice

Other

New Law Journal (Butterworths/LexisNexis Direct/Reed Elsevier (UK) Limited)

Student Law Review (Cavendish)

Assessment

This unit is internally assessed. To pass this unit the evidence that the learner presents for assessment must demonstrate that they have met the required standard specified in the learning outcomes and assessment criteria and the requirements of the assessment strategy.

To ensure that the assessment tasks and activities enable learners to produce valid, sufficient, authentic and appropriate evidence that meet the assessment criteria, centres should apply the *Unit assessment guidance* provided and the requirements of the assessment strategy given below.

Wherever possible, centres should adopt an holistic approach to assessing the units in the qualification. This gives the assessment process greater rigour and minimises repetition, time and the burden of assessment on all parties involved in the process.

Unit assessment requirements

This unit needs to be assessed in line with the Skills for Care & Development QCF Assessment Principles, in *Annexe A*.

Unit assessment guidance

This guidance supports assessors in making decisions about how best to assess each unit and the evidence needed to meet the requirements. Centres can adapt the guidance as appropriate for learners and the particular assessment context.

For learning outcome 1 the learners will need to show an understanding the term 'offending behaviour' and of the theoretical context of youth offending. Reflective accounts could be used and learners should be encouraged to interact with the concepts as required by the assessment criteria and indicate how this knowledge and understanding impact on their current work practices or past experience, and then consider how they could potentially use this knowledge and understanding in their job role to inform their practice.

A professional discussion or reflective account could be used to provide the evidence for learning outcome 1 ACs 1.1, 1.2 and 1.3, where the learners will need to define the key term, review theories concerning to youth offending and evaluate why children and young people in care may be especially vulnerable to engaging in offending behaviour.

For learning outcome 2, the learners will need to show an understanding of the meaning of 'criminalisation', identifying the impact ineffective behaviour management strategies can have on criminalising children and young people.

A reflective account, professional discussion or a report could be used for ACs 2.1, 2.2, 2.3, 2.4 and 2.5 where learners analyse the inherent risks of classifying behaviour as offending and not accessing alternative support. The inclusion of the organisational Police Involvement Policy is also to be addressed.

For learning outcome 3, the learners will need to show an understanding of the vital role partnership working plays in the youth justice system. For learning outcome 3 evidence could comprise of a report or reflective account, covering ACs 3.1, 3.2, 3.3, 3.4 and 3.5. This should include the roles of key agencies, the learner's role and responsibilities and the value of holistic care planning for a child or young person. The account or report should also include methods of communicating with social workers and others of the involvement of the police.

For learning outcome 4, the learners will need to show an understanding of the court system and its functions. The main source of evidence for all assessment criteria can be through using evidence relating to their own place of work or alternatively the learners could generate their evidence through a relevant case study. For example, for AC 4.1 the learner could produce a report for colleagues explaining the impact of legislation on the court system, for AC 4.2 they could include a description of how sentencing is carried out and disposal options a court has. This report, to address ACs 4.3, 4.4, 4.5, 4.6 and 4.7, could include an explanation of Court Reports, Disposal options and their compliance and responding to compliance breaches.

For learning outcome 5, learners will need to demonstrate an understanding of the reasons children and young people in secure settings may experience poor outcomes. The main source of evidence for all assessment criteria can be through using evidence relating to their own place of work or through a relevant case study. For example, for AC 5.1 the learner could use examples or the case study to identify the range of secure settings that may be accessed by a child or young person. For ACs 5.2 and 5.3 the use of a reflective account would provide sufficient evidence, analysing reasons why children and young people in secure settings may be more vulnerable to poor outcomes, describing the approaches used to support a child or young person to improve their outcomes.

For learning outcome 6, the learners will need to show an understanding of the approaches which can be used to effectively transfer inside and out of the secure estate. A reflective account, professional discussion or a report could be used for ACs6.1, 6.2 and 6.3 where learners analyse what is required for a successful transfer within the confines of the secure estate and for children and young people leaving the secure estate.