**Harmful Sexual Behaviour (HSB) Panel**

**Terms of Reference**

# Aims and principles of the Harmful Sexual Behaviour Panel (HSB)

The Harmful Sexual Behaviour (HSB) Panel is a joint Lincolnshire Childrens Services and Lincolnshire Police decision making and advisory panel for admitted youth sexual offences within Lincolnshire.

The Panels function is dependent on the final (after aggravating/mitigating factors have been applied) ACPO matrix youth gravity score of the offence referred:

* The panel will serve as a decision-making panel and determine the disposal/outcome for any sexual offences which gravity score between 1 and 4.
* For offences with a gravity score of 5 the panel will serve as a means of providing a recommendation which will be relayed back to the police and then sent on to Crown Prosecution Service with the rest of the file.

The Panel seeks to ensure all decisions are fully informed, defensible and consider risk of serious harm to others, safety and wellbeing of the young person and the young person’s likelihood of re-offending whilst also ensuring the voice of the young person and victim are heard.

The core principles of the HSB Panel are:

* Proportionality and Discretion – Avoiding the Unnecessary Criminalisation of Young People.
* Acknowledging Diversity and challenging Discrimination.
* Timeliness; avoiding delayed outcomes for both young people and victims.
* Keeping young people and victims informed.
* Ensuring the Voice of the Child is heard within the decision-making process.
* Ensuring effective assessment through holistic information gathering.
* To facilitate a consistent regional approach to dealing with children and young people who commit harmful sexual behaviour (HSB) offences.
* To provide a clear pathway in which the Crown Prosecution Service can seek recommendations from the Youth Offending Services regarding potential outcomes for Gravity Score 4 (ACPO Matrix) HSB offences.
* To act as a decision-making Panel for all child/young person HSB offences (with an admission of guilt and not indictable only) which Gravity Score at anything other than 4.
* To increase transparency, consistency, and proportionality in dealing with harmful sexual behaviour offences through a holistic multi-agency approach.
* To reassure the public and stakeholders that the use of Out of Court Disposals for under 18's committing HSB offences are robust, defensible, and proportionate.
* To ensure victims are empowered by giving them a voice; both through having their views fed into the decision-making process and providing them with the opportunity to engage in a range of restorative opportunities.
* To facilitate a reduction in re-offending by providing a platform through which appropriate assessment, formulation and intervention is identified and delivered to children and young people.
* To support child safeguarding by seeking to improve wellbeing and to empower and protect all children and young people.

**Referral Criteria**

Any Lincolnshire offence that includes sexually harmful behaviour committed by a child/young person can be referred into the HSB Panel provided the below criteria are met:

* Full admission of guilt from the young person
* The young person hasn't since turned 18 (youth disposals would no longer be applicable).
* The evidential threshold has been met.
* The Public Interest threshold has been met.

(Where there are multiple offences whereby only some of the offences are sexual or have a sexually harmful behaviour element a discussion will be had between the Joint Diversionary Panel Coordinator and HSB Panel Coordinator about which panel is most appropriate to deal with the referral).

**Referral process and timescales**

HSB Panel cases are referred by Lincolnshire Police via the Police case management system, NICHE. Referral forms are completed by the investigating Officer before being passed to a supervisor for endorsement and referral. The Police supervisor and/or the Crown Prosecution Service has responsibility for validating that both the Public Interest and Evidential criteria have been met. The referral form contains the following:

* Offence overview.
* Details of young person and next of kin.
* Confirmation re: additional Police system checks completed (GENIE & PND).
* Sgt’s / Supervisor comments including confirmation that Public Interest and Evidential criteria are met.
* Victim details, including an overview of victim views presented to Police and confirmation of whether the victim is happy to be contacted by the F4Me Victim Liaison team.

The HSB Panel co-ordinator checks the NICHE referral pot every Wednesday, referrals are screened, using the relevant AIM (Assessment Intervention and Moving On) Checklists (Appendix 1) to determine if an HSB assessment (AIM assessment) is required. If the criteria are met for an AIM assessment this will be allocated to a Future4Me case manager to complete the AIM and the case will then be listed for the next available HSB Panel, a maximum of 11 weeks from the date of the referral being screened. This process and turnaround window is necessary to allow for an AIM assessment to be completed (10 weeks) and shared with HSB panel members in advance of the panel meeting. If the criteria for an AIM assessment is not met, the case will be listed for HSB panel a maximum of 4 weeks after the screening date.

These timescales ensure that the most informed disposal / recommendation decision can be made and will involve the following information sources being checked:

* YOS/Future4Me records checked re: any current or previous offence focussed intervention. Update requested from current case manager if open. (Facilitated by HSB Panel Coordinator).
* Local Police systems checked for disposals, non-progressed matters, safeguarding reports and intelligence. (Facilitated by HSB Panel Coordinator).
* Police National Computer (PNC) checked for out of area disposals/ongoing matters. (Facilitated by YOS Police Officers).
* Childrens Services records checked re: any current or previous Early Help and/or Social Care involvement with young person and/or family. (Facilitated by HSB Panel Childrens Services / Early Help Practice Supervisor).
* Contact with current school to ascertain attendance, any exclusions and any additional identified needs/SEND. Also checks of historic exclusions. (Facilitated by HSB Panel Education rep).
* Email to local Neighbourhood Policing Teams and ASB Coordinators to see if young person is known for ASB involvement (Facilitated by HSB Panel Business Support).
* Health records checked to show any previous and/or current involvement with Community Paediatrics and/or CAMHS. (Undertaken by Future4Me Health team).
* Views of Young person (and parent/carer) gathered by face-to-face contact. (Undertaken by F4Me/Social Care/Early Help depending on current involvement).

**Pre-Panel Contacts**

**For young people:** The Police Officer in Case will be the initial point of contact for the young person and will explain to them that the matter will be heard at HSB Panel and the potential outcomes of this. The young person will be seen face to face by a professional already working with them or a freshly allocated Future4Me worker if they are not already open to Children Services. The pre-panel face to face contact allows the views of the young person and parent/carer to be gathered and the worker will also give a further overview of the process, discuss potential outcomes as well as covering the consequences of non-engagement with any disposal given.

**For victims:** The Police Officer in Case will gather the victim’s views and will add these to the referral form; they will also confirm if the victim consents to being contacted by the Future4Me Victim Liaison team. If consent is gained, then they will be contacted pre-Panel to gather their views around the impact of the offence and potential outcome and to ascertain if they would be willing to engage in any direct restorative processes with the young person.

**Panel Logistics**

* The Panels cover all referrals from across the county (both east and west Police Divisions).
* The Panel has scheduled meetings fortnightly on a Thursday, meetings are conducted virtually via TEAMS and cancelled if there are no referrals within the referral window.
* Case Sheets will be circulated to Panel members 2 days before Panel to allow sufficient time to read all gathered information.
* The Panel is chaired by a Future4Me team Practice Supervisor; usually this is the Future4Me Hub PS.
* Panel cannot go ahead without a Police representative being in attendance.
* The HSB case sheet format will be used as the framework for the Panel screening process with the assistance of the appropriate AIM Assessment completed prior to panel.
* Panel outcomes will be recorded on both the Niche OEL (by the HSB Panel Police Sgt or HSB Panel Coordinator) and on Childview (by JDP Business Support).
* When the panel acts as a decision-making panel the HSB Panel team will:
* For CR/YRI - Advise the Police Officer in Case once a young person commences engagement with an outcome, the matter will then be finalised at the Police end with the HSB team retaining oversight to ensure all required elements are completed.
* For Youth Caution – Advise the police officer once the caution has been offered and accepted and the matter can be finalised at the police end (For cases of non-acceptance of the YC the process for charge/summons will be completed)
* For YCC – Advise the police officer once the YCC assessment has been completed and conditions have been screened for appropriateness by one of the Future4Me Police Officers. Once the Youth Conditional Caution has been offered and accepted the case manager / HSB team will retain oversight until completion whereby the matter can be finalised at the police end. (For cases of non-acceptance of the YCC or non-compliance with the conditions the process for charge/summons will be completed).
* For Charge / Summons – Advise the police officer in the case of the outcome and they will then arrange for the necessary and appropriate case file to be completed and facilitate the respective summons/charge.

**Panel members:** All HSB Panels have the following core attendees:

* HSB Panel Chair (Oversees discussions and facilitates analysis and screening process).
* HSB Panel Co-Ordinator (Advises on points of policy/procedure as needed).
* Lincolnshire Police – Police Detective Sergeant from the Police Safeguarding Hub (PSH-PVP)
* Social Care, Childrens Services Practice Supervisor.
* Future4Me Victim Liaison Officer.
* Future4Me Youth Offending Officer (with experience of HSB assessment and intervention)
* Specialist practitioner from the CAMHS Harmful Behaviour Service | CYP Complex Needs Service
* Future4Me Clinical Psychologist
* Education Representative Virtual School representative / Pupil Reintegration Team
* Future4Me Business Support (Minute Taker)

**Format of Panel Discussions and decision making**

The HSB Panel Chair will facilitate the Panel discussions; the framework for these discussions is the case sheet and this process will be followed in the same way for each case heard at Panel. Each young person will be analysed and assessed across three core areas:

* Safety and Wellbeing of the young person themselves.
* Risk of Serious Harm the young person presents to others.
* Likelihood of Reoffending.

Panel will rate the young person in each of these areas using a Low/Medium/High/Very High system (definitions of each level contained within Panel guidance). Each will be scored by all Panel members with the majority view being recorded as the agreed level (views or ratings which significantly differ from the agreed level will also be recorded on the case-sheet).

Once all areas have been assessed Panel will move on to the outcome/recommendation section.

The case sheet features prompts which will direct Panel members to consider agreed levels of the three core areas when deciding upon an outcome. These prompts also steer Panel members to rationalise outcomes not involving an offence focussed assessment and/or intervention if certain high agreed levels have been given.

**Proportionality and Discretion** **– Avoiding the Unnecessary Criminalisation of Young People**: The Panel process prompts Panel members to consider the proportionality of any outcome being put in place; this also applies to cases being returned to Panel for non-engagement. There is a significant amount of discretion built into the decision-making process in that the available outcomes are not used in an escalatory, ‘ladder’ type, manner. There are no overarching restrictions directing Panel members to certain outcomes based solely on offence type, number of previous outcomes or in cases of non-engagement.

**Acknowledging Diversity and Challenging Discrimination:** In each case Panel will explore how diversity factors (including the nine protected characteristics: sex, age, race, religion or belief, disability, pregnancy or maternity, sexual orientation, gender reassignment and marriage or civil partnership) have impacted the young person and potentially their offending behaviour. Panel will also seek to ensure any outcome given takes both the young person’s protected characteristics and any identified additional needs into account.

**Victim views:** The victim's views will be evident on the case sheet and will be taken into consideration as the Panel decide upon a disposal decision; however – the views of the victim are not binding. It is the responsibility of both the Police Detective Sergeant and the HSB Panel Chair to ensure that the views of the victim are considered; the voice of the victim will be championed by the Victim Liaison Officer in attendance. If the agreed outcome contradicts the views given by the victim, then Panel will need to justify why they felt the agreed outcome was defensible and appropriate given this contradiction.

**Referrals which have previously been heard at Panel:** There is no restriction on the number of times that a youth can be referred into the HSB Panel. The Legal Aid Sentencing and Punishment of Offenders Act (LASPO) 2012 does not place any limits on the number of community resolutions a young person can have. However, Lincolnshire Future4Me team and Lincolnshire Police fully understand that every decision to give a Community Resolution must be robust, carefully considered, and defensible. To this end, any referrals to the HSB Panel will be screened to see if they meet the trigger point of having had two Lincolnshire Community Resolutions containing an element of 1:1 intervention work within the previous 24 months. If this trigger point is met, then the matter will still be listed at Panel, but this will necessitate the following key points being discussed at Panel:

* Has the young person gone on to commit an offence of similar type even though they have already had a Community Resolution for the previous behaviour?
* Has the young person received offence focussed intervention relevant to the offence?
* Has the young person committed a further offence against a previous victim?
* Given these, and other, factors – is it appropriate and defensible for the young person to be issued with a further Community Resolution?
* Has there been any significant change regarding the young person's personal/home environment?
* Is there current intervention in place which addresses the offending concerns?

**Outcomes available to Panel (Following HSB (AIM) Assessment or where HSB (AIM) Assessment is deemed not required)**

It is important to note that the available outcomes are not used in an escalatory manner and that there are no pre-determined restrictions regarding which outcome(s) any young person can receive. The outcomes available to panel are:

* NFA (No Further Action) – Most likely to be given if offence is not considered to be made out or if it is not considered to be in the Public Interest to pursue the matter. The recommendation for NFA of an offence would have to be Police Sgt led.
* Community Resolution – Any combination of other agency referrals, up to 6 sessions of 1:1 offence focussed intervention and a restorative element (i.e., apology letter, restorative conferencing, community reparation hours).
* Youth Restorative Intervention (12 Weeks - still falls under Community Resolution banner) - Any combination of other agency referrals, up to 12 sessions of 1:1 offence focussed intervention and a restorative element (i.e., apology letter, restorative conferencing, community reparation hours). Commences with a further offence-focussed assessment.
* Extended youth restorative intervention (Up to a maximum of 6 months - still falls under Community Resolution banner) – Similar in every respect to the YRI above, however takes into consideration the complexities often associated with this type of offence via an extended period of intervention.
* Youth Caution.
* Youth Conditional Caution. (See Appendix A for Youth Conditional Caution Overview and Process Guide).
* Charge/Summons to Court.

Panel outcomes other than No Further Action and Charge to Court will nearly always be delivered by the Future4Me team; however – Panel will consider relationship-based practice and the potential cost/benefit of introducing a new professional when considering outcomes and who should deliver these.

All disposals must have a restorative element considered; depending on the outcome given this will either be determined by Panel or in cases where a further offence focussed assessment is to be undertaken will be further explored by the allocated worker (with support from the Victim Liaison team). Wherever possible Panel will seek to offer something directly restorative to any victim who asks for this. There is acknowledgement that with the range/type of offences under the umbrella of the HSB Panel that a restorative may not be appropriate for a myriad of reasons.

**Post-Panel contacts.**

In the first instance HSB outcomes will be relayed to both young people and victims by the Police Officer in Case. The Victim Liaison Officer will also contact the victim (where consent has been given) to further discuss the outcome and to confirm how any directly restorative elements and/or updates (if requested) will be facilitated. If a young person has received a disposal to be delivered by Future4Me then initial contact will be made by the allocated worker within 7 working days of panel date.

**Further assessment and Intervention Plans.**

Any disposal delivered by the Future4Me team will commence with an Intervention Plan being drawn up with the young person. This will be in accordance with the recommendations section of the relevant AIM assessment completed for that young person.

**Panel disagreement re: outcome**

In the event of the Panel being split regarding views on outcome decision then the Chair would cast a deciding vote. Any disagreement regarding a decision made would initially be raised internally within the Police or Future4Me team and would be reviewed by senior management before a decision was made as to whether a decision needed to be re-considered by Panel or if there was an identified development need for the Panel process. decisions may also be subject to review by the Out of Court Scrutiny Panel who will look to ensure that proper process has been followed regarding referral and decision-making.

**Non-engagement with Panel outcomes**

If a young person does not engage with a Panel outcome, then the matter will be referred back to Panel (this differs for Youth Conditional Cautions where guidance dictates that non-engagement must be reported back to the Police resulting in a charge to court). Typically, a case will need to come back to Panel if a young person misses 3 appointments although each case needs to be looked at and considered on its own merits and with consideration of the specific needs of the young person. If a case come back to Panel for non-engagement, then the Panel would expect to see that the following measures have been undertaken to try and engage the young person:

* Contact has been attempted through a range of methods including phone call, text, letter, and unannounced visit.
* Appointments have been offered at an alternate venue if there is an indication that the young person does not want to be seen at home.
* The worker has liaised with family members as appropriate to try and engage with the young person.
* The worker has sought to liaise with any other agencies (including schools) already involved with the young person to arrange joint visits, see the young person at school etc.
* If struggling to make contact, then worker has liaised with JDP team who can check Police systems for alternate contact numbers etc.
* Worker has held discussion with their line-manager to ensure all reasonable measures have been exhausted.

Panel will consider the nature of the non-engagement alongside any new offending and will decide if an alternate outcome needs to be put in place. Panel processes are not governed by an escalatory approach and thus decisions re: alternate outcomes for cases of non-engagement will be made on a case-by-case basis and must remain proportionate to the original offence.

**Complaints**

The channel through which a complaint will be dealt with will depend on the nature of the complaint:

* Complaints re: Future4Me intervention work with young people – Lincolnshire County Council (LCC) complaints procedure.
* Complaints re: Service provided to victims by F4Me Victim Liaison Officers – LCC complaints procedure.
* Complaints re: Panel process not being adhered to (i.e., victim views not heard and considered) – LCC complaints policy.
* Complaints re: Police actions (i.e., investigative issues, delays, decisions to go to Out of Court disposal Panel, staff conduct etc) – Lincolnshire Police complaints procedure.

**Appendix 1**



**Appendix 2**

1. **Youth Conditional Caution Overview and Process Guide**

**Definition**

A Youth Conditional Caution (YCC) allows an authorised person[[1]](#footnote-1) or a relevant prosecutor to decide to give a caution with one or more conditions attached. When a young person is given a conditional caution for an offence, criminal proceedings for that offence are halted while the young person is given an opportunity to comply with the conditions. Where the conditions are complied with the prosecution will not be commenced, where there is no reasonable excuse for non-compliance, criminal proceedings will be commenced for the original offence and the conditional caution will cease to have effect.

Youth Conditional Cautions provide an opportunity, in appropriate cases, to achieve an early, positive response for those young people who are willing to admit their offending and to comply with certain conditions. They aim to support the principal goal of the Youth Justice system which is to prevent offending by children and young people. They allow:

• for a proportionate response in appropriate cases.

• offenders to make swift reparation to victims and communities.

• offenders to be diverted at an early opportunity into rehabilitative services reducing the likelihood of re-offending.

• an offender to be punished by means of a financial penalty.

**Grounds for giving a Youth Conditional Caution**

The following will be taken into consideration by the Joint Diversionary Panel prior to a Youth Conditional Caution decision being reached:

* Full admission of offence (JDP referral criteria).
* There should be sufficient evidence to charge the offender and to give a realistic chance of prosecution (confirmed by referring Police Sgt on JDP referral form).
* Where there is a realistic chance of prosecution it must be considered in the public interest to offer a Youth Conditional Caution (Referring Police Sgt confirms that progression of matter is in the public interest, attending JDP Police Sgt confirms that resolution via Youth Conditional Caution is in the public interest).

In addition to the above the following will be considered by the Joint Diversionary Panel prior to any decision, including a Youth Conditional Caution, being made:

* The circumstances, nature, and seriousness of the offence.
* The age of the young person who has committed the offence.
* Any views expressed by the victim.
* Any wider neighbourhood or community considerations or concerns.
* The perceived value of any prohibitive conditions such as non-contact or geographical exclusion.
* The holistic background, circumstances and offending history of the young person.
* If known the willingness of the young person to comply with conditions.
* the likely effect of the youth conditional caution on preventing offending.
* the likely outcome if the offender was prosecuted.

Previous convictions, reprimands, warnings, cautions or other out of court disposals do not preclude the use of a YCC, however, JDP will consider whether the new offence is part of a pattern of offending that requires a more serious response such as a prosecution.

 **A Youth Conditional Caution may be appropriate where:**

• there has been a sufficient lapse of time to suggest that a previous caution or conviction has had a significant deterrent effect.

• where the current offence is not similar or is unrelated to any previous offence.

• it is the best outcome for the victim and offender dependent on the circumstances of the individual case.

• the offender is willing to comply with conditions and has previously complied with interventions. For example, if they have complied with voluntary interventions as part of a warning or youth caution.

**A Youth Conditional Caution is unlikely to be appropriate where** the offence forms part of a pattern of offending. The Joint Diversionary Panel may consider that a different form of resolution, such as a prosecution, would be a more appropriate alternative for dealing with the offence. A second youth conditional caution should not generally be given for the same or similar offence unless there are exceptional circumstances indicating that it may be appropriate; for example, where the previous youth conditional caution was more than two years earlier. Generally, it will not be appropriate to give a second YCC where the offender failed to comply with the conditions of the previous YCC.

**Youth Conditional Caution conditions:**

In Lincolnshire a Youth Conditional Caution will usually contain both one or more **Restorative** conditions and one or more **Rehabilitative** conditions. Where Restorative and Rehabilitative conditions are not considered suitable to provide an appropriate and proportionate response to the offending behaviour a **Punitive** condition (financial penalty) may be considered.

Alongside any of the above there may be a need for a **Restrictive** condition, such as not to approach a named victim, specified property or geographical location, in cases where this:

\* Would assist in either repairing the harm/damage caused and/or

\* Would support efforts to stop or modify offending behaviour.

\* Is appropriate and proportionate to the offending behaviour.

\*Subsists for a reasonable period of time (up to the length of the YCC).

**Restorative element:**

To make good the loss sustained by the victim or community and to repair relationships, for example:

* to personally repair or make good the damage.
* to undertake unpaid work not exceeding 10 hours.
* to write a letter of apology.
* to participate in restorative justice mediation.
* to pay compensation, or to make payment to an appropriate local charitable or community fund.

**Rehabilitative element:**

To stop or modify offending behaviour, or help reintegrate the offender into society, for example:

* to complete specified offence-focussed intervention.
* not to commit further offences for a defined period of time.

**Punitive element (financial penalty)**

This should only be used in instances where Reparative and Rehabilitative conditions are not considered suitable to provide an appropriate and proportionate response to the offending behaviour. When deciding the appropriateness and level of a financial penalty, it is the income and savings of the youth and not those of the parent or guardian that should be considered. The amount of any financial penalty condition must be set considering the means and ability of the offender to pay. When attaching a financial penalty condition, the amount of the penalty, the designated officer for the local justice area to whom the penalty must be paid, and the address of that officer for payment must be set out in the documentation to be handed to the offender following administration of the YCC.

Maximum amount that may be specified where the offender is aged 14 or over but under 18

* Any summary offence: £30
* Any offence triable either way: £50
* Any offence triable only on indictment: £75

Mitigated amount where the offender is aged 14 or over but under 18

* Any summary offence: Between £5 and £20
* Any offence triable either way: Between £5 and £30
* Any offence triable only on indictment: Between £30 and £50

Maximum amount that may be specified where the offender is aged 10 or over but under 14

* Any summary offence: £15
* Any offence triable either way: £25
* Any offence triable only on indictment: £35

Mitigated amount where the offender is aged 10 or over but under 14

* Any summary offence: Between £5 and £10
* Any offence triable either way: Between £5 and £15
* Any offence triable only on indictment: Between £15 and £20

Note: A financial penalty condition may not be imposed for loitering or soliciting for the purposes of prostitution, possession of any class of drug or an offence under the Road Traffic Act or Road Traffic Offenders Act 1998.

**Duration of Youth Conditional Cautions**

The standard duration of a Youth Conditional Caution will be for a period of 12 weeks. However, should the assessing case manager deem that a longer period of intervention, up to 16 weeks, is appropriate then this recommendation will be made to the YOS Police Officer for approval along with the recommended conditions. In indictable only offences (which would only come to JDP if assessed suitable by the Crown Prosecution Service) then this period can be extended to a maximum of 20 weeks.

Please note: the duration of the YCC must be determined by the required length of intervention rather than other factors (restrictive conditions such as non-contact would always align with length of intervention – a YCC of 16 weeks could not be given to enable a longer restrictive period if the offence focused assessment had indicated that 12 weeks would allow for required intervention to be delivered).

**YCC Process Guide**

**YCC Decision:** Decision will be made by the Joint Diversionary Panel outcomes from which are circulated each Friday.

**Allocation:** case will be allocated within 2 working days of outcome circulation.

**Assessment:** An ASPIRE assessment and accompanying Service/Contingency Plan to be completed within 15 working days of allocation. During this time case manager must also liaise with the Victim Liaison team to ensure that full consideration has been given to the need for, and/or nature of, any prohibitive conditions.

Case Manager to send YCC condition recommendation to YOS Police Officer and the JDP Coordinator within 15 working days of allocation. This is to include recommended conditions and recommended length of Youth Conditional Caution:

**Ratification:** YOS Police Officer will ratify the length and conditions of the YCC within three working days having liaised with the Victim Liaison Officer within this timescale to verify the suitability of any proposed reparative/restrictive conditions. Once agreed this will be relayed back to the YOS Officer and Victim Liaison Officer.

**Issue:** The YOS Police Officer will seek to issue the Youth Conditional Caution within 5 working days of ratification. At time of issue the YOS Police Officer will explain the effect of the Youth Conditional Caution and warn the young person that failure to comply with any of the conditions may result in prosecution for the original offence. The explanation and warning will be given in the presence of an appropriate adult. The young person will sign a document containing details of the offence, the admission to the authorised person, consent to be given a youth conditional caution and details of the conditions attached.

**Non-engagement/breach of condition:**

If a young person does not comply with any of the conditions of the Youth Conditional Caution, then this non-compliance must be referred to the YOS Police Officer. Regarding engagement with intervention, missed appointments will be managed by the allocated YOS Officer but a third missed appointment would be classed as a breach of conditions and referred to the YOS Police Officer.

The YOS Police Officer will consult with the YOS case manager and the Victim Liaison Officer (except in crown offences) and may deem to treat the caution as complete, vary conditions or prosecute for the original offence(s). An alternate form of Out of Court disposal may not be offered. If the non-compliance relates to a restrictive requirement re: contact with a victim, then the decision would usually be for the offence(s) to be prosecuted.

**Appendix B – Information Sharing Statement**

# Introduction

#### The purpose of this statement is to document practical considerations for ad-hoc information sharing. It assists in determining respective responsibilities for compliance with data protection legislation.

#### This statement supports and is in addition to the Information Sharing Agreement in place with Lincolnshire Police, Future 4 Me Team and Lincolnshire County Council Children’s Services. To avoid any doubt, the Information Sharing Agreement shall take precedence over this statement for the Controllers which are party to it.

# Purpose of Sharing

#### This statement facilitates the sharing of information for the purpose of:

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| Supporting The Joint Diversionary Panel (JDP), which is a joint Lincolnshire Childrens Services and Lincolnshire Police decision making panel for admitted youth offences within Lincolnshire. The Panel decides if a youth is suitable for an Out of Court disposal and if so what the nature of this disposal should be. The Panel seeks to ensure all decisions are fully informed, defensible and consider risk of serious harm, safety and wellbeing of the young person and the young person’s likelihood of re-offending whilst also ensuring the voice of the young person and victim are heard.To enable decisions to be fully informed, the panel seek to gather a holistic range of information for JDP analysis from a range of appropriate professionals, individuals, and organisations involved with the young person.This information is used in the Panel assessment process to enable a holistic understanding of offending, support needs and safeguarding concerns. |

# The Sharing Process

#### **What**: The following information will be requested from partners (where necessary and appropriate) and shared with the Panel:

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| * **YOS/Future4Me** records checked re: any current or previous offence focussed intervention. Update requested from current case manager if open. (Facilitated by JDP Coordinator).
* **Local Police systems** (NICHE) checked for disposals, non-progressed matters, safeguarding reports and intelligence. (Facilitated by JDP Coordinator).
* **Police National Computer** (PNC) checked for out of area disposals/ongoing matters. (Facilitated by YOS Police Officers). The Panel would not have sight of any Community Resolutions issued out of area.
* **LCC Childrens Services** records checked regarding any current or previous Early Help and/or Social Care involvement with young person and/or family. (Facilitated by JDP Early Help Practice Supervisor).
* Contact with current **educational establishment** to ascertain attendance, any exclusions, any additional identified needs/SEND as well as details of any input from the LAC or Pupil Re-integration teams. Also checks of historic exclusions. (Facilitated by JDP Education rep).
* Email to local **Neighbourhood Policing Teams** and **ASB Coordinators** to see if young person is known for ASB involvement (Facilitated by JDP Business Support).
* Health records checked to show any previous and/or current involvement with **Community Paediatrics and/or CAMHS** (Child and Adolescent Mental Health Services). (Undertaken by Future4Me Health team).
* Views of **Young person (and parent/carer)** gathered by face-to-face contact – to include the young person's views on the offence, support they feel they may require and the factors which they feel may enable them to avoid further offending. (Undertaken by F4Me/Social Care/Early Help depending on current involvement)
* The views of the **victim** in relation to impact of the offence and how they feel the matter could be resolved (to include whether they would be willing to engage in any form of restorative outcome).
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#### **When**: The information will be shared:

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| The JDP co-ordinator checks the NICHE referral pot every Thursday, referrals are then screened and if criteria are met cases are listed for the JDP Panel to be held 13 days later. Sharing partners should ensure information is shared within this timescale where they are approached for information.The provision of information under this statement is likely to be ad-hoc as it is dependent on the individual circumstances of the case. |

#### **Who**: Only those with a clear business requirement are able to access the shared personal data. The following restrictions apply:

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| Access to information is limited only to those who require access to the information for their role. All Joint Diversionary Panels have the following core attendees:* JDP Chair.
* JDP Co-Ordinator.
* Lincolnshire Police – Police Sergeant.
* Early Help/Childrens Services Practice Supervisor.
* Future4Me Victim Liaison Officer.
* Observers (where required).

In addition to this, the Panel is supported by representation from the following teams:* Education representative (Lincolnshire County Council).
* Specialist Clinical Psychologist input from the CYP Complex Needs Service.

Where the panel identify a safeguarding concern the outcome of the panel may be shared with relevant education providers or organisations not present. Where there is no relevant concern, the information will not be shared further.Case sheets are saved on the Future4Me system, providing access to those involved in the delivery of intervention.Partners who are recognised as a Controller may share the personal data with other parties, where they have determined that there is a lawful basis for doing so. Partners who do so are independently responsible for ensuring that any onward sharing meets the requirements of data protection legislation. |

#### **How**: partners will share information by the following means:

|  |
| --- |
| Partners will ensure their chosen method for sharing information is appropriate and secure.  |

# Governance

#### Any instance of systematic sharing must be compliant with current data protection legislation. The aim of this statement is to demonstrate and evidence the Controllers consideration of the key principles of data protection with regard to the purpose for which information is being shared (as set out above).

#### **Principle 1 - Fair, Lawful and Transparent**

#### The legal basis for sharing this information has been defined as:

|  |
| --- |
| Sharing partners[[2]](#footnote-2) may rely on the following lawful basis for processing:**UK GDPR Article 6(e)** – Public task**UK GDPR Article 9(g)** - Reasons of substantial public interest**DPA 2018, Schedule 1, Paragraph 18** - Safeguarding of children and individuals at risk; and**DPA 2018, Schedule 1, Paragraph 10** - Preventing or detecting unlawful acts.The authority to process the data for the purposes outlined above is derived from section 39 of The Crime & Disorder Act 1998.Where the sharing partner[[3]](#footnote-3) is a Competent Authority and they are sharing for Law Enforcement Processing, they shall rely upon the lawful bases outlined in the Information Sharing Agreement (LP017/F). |

##### Individuals must be provided with concise, accurate and easy to understand information about how their personal data will be used in relation to the purpose through the provision of privacy information.

#### **Principle 2 – Purpose Limitation**

##### Information shared under this statement will only be used for the specific purpose for which it was shared and in no circumstances will the information be processed further in a manner that is incompatible with the purpose as described.

#### **Principle 3 – Data Minimisation**

##### Information shared must be the minimum amount of information required to achieve the purpose and the sharing of this information is necessary to meet the purpose.

#### **Principle 4 – Accuracy**

##### Before sharing information, partners will check that the information being shared is accurate and up to date to the best of their knowledge.

##### Queries about the accuracy of information should be directed to the relevant sharing partner as soon as possible.

#### **Principle 5 – Storage Limitation**

##### When retention periods expire and there is no longer a business requirement to hold the information it must be securely deleted or appropriately anonymised. Sharing partners shall retain the information shared under this statement in accordance with their own retention and disposal schedules.

#### **Principle 6 – Integrity and Confidentiality**

##### Information must be kept secure when it is being shared, handled and at rest.

# Individual Rights

#### Data protection legislation gives individuals certain rights over their personal data.

#### These include:

* The right to access personal data held about them
* The right to withdraw consent
* The right to request that inaccurate data is rectified and incomplete data is completed
* The right to request erasure of data
* The right to request restriction of processing
* The right to data portability
* The right to object to decisions made on the basis of automated processing and/or profiling.

#### Partners are responsible for ensuring they have supporting policies and procedures in place to support individual rights.

# Further Information

#### For all enquires please contact the Single Point of Contact (SPOC):

Tony Pryce

Joint Diversionary Panel Coordinator

Youth Offending

Future 4 Me Team

Lincolnshire Childrens Services

Tony.pryce@lincolnshire.gov.uk

#### For all data protection enquiries please contact the Councils Data Protection Officer:

#### Amy Jaines

#### Data Protection Officer

#### DPO@lincolnshire.gov.uk

# Review

#### This statement will be reviewed annually by Lincolnshire County Council.

#### If a significant change takes place which means that the statement becomes an unreliable reference point, then the statement will be updated as needed and a new version circulated.

#### The review must ensure the statement remains fit for purpose and that safeguards remain relevant and appropriate.

1. This role is split between the attending Joint Diversionary Panel Police Sgt (involved in the JDP decision to give a Youth Conditional Caution) and the Future4Me Police Officer (involved in the ratifying of conditions and issue of the YCC). [↑](#footnote-ref-1)
2. Education Establishments, Community Paediatrics, CAMHS, the Young Person, the Victim. [↑](#footnote-ref-2)
3. Police, LCC Children’s Services, YOS, Future4Me, Neighbourhood Policing Teams, ASB Coordinators [↑](#footnote-ref-3)