

Decisions while awaiting trial: Remand Fostering

<p>Context</p> <p>72% of young people held on remand have not committed a violent or sexual offence¹</p> <p>The UK holds more young people on remand than most other European countries²</p> <p>In 2007/08 503 young people under the age of 14 were remanded in custody.²</p> <p>Young people in conflict with the youth justice system also present with welfare needs, and would often qualify as 'children in need'.³</p> <p>Young black men and young men from mixed race backgrounds are more likely to be remanded to custody than their white counterparts. Research findings indicate that 1/3 of black young men remanded in custody did not result in a conviction, compared to a 1/5 of cases involving white young men⁴.</p> <p>The UN Committee on the Rights of the Child has raised concerns about the conditions children and young people are held in and the lack of purposeful activity for young people in custody⁵</p> <p>Whilst in remand foster care young people display a low rate of re-offending.⁶</p>	<p>The rights of young people awaiting trial</p> <p>UN Convention on the Rights of the Child.</p> <p><i>'No Child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;'</i>⁷</p> <p><i>'A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and offence'</i>⁸</p> <p>UN Standard Minimum Rules for the Administration of Juvenile Justice.</p> <p><i>'Whenever possible, detention pending trial shall be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home'</i>⁹</p> <p><i>'Any diversion involving referral to appropriate community or other services</i></p>
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¹ Nacro Cymru (2002)

² YJB Annual Workload Data 2007/08

³ Social Exclusion Unit (2002), Arthur, (2004).

⁴ Youth Justice Board (2004). *Differences or Discrimination?*

⁵ UN Committee on the Rights of the Child (2002)

⁶ Lipscombe, J. (2002)

⁷ UN Convention on the Rights of the Child, (1989). Article 37b.

⁸ UN Convention on the Rights of the Child, (1989.) Article 40.4

⁹ UN Standard Minimum Rules for the Administration of Juvenile Justice. 13.2

	<i>shall require the consent of the juvenile, or his or her parents</i> ¹⁰
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SERVICE NAME

Wessex Community Partnerships is a fostering service for young people awaiting trial who otherwise would have been remanded to custody. The service is run by NCH, and adopts a multi-agency approach in providing young people with a non-judgemental, safe, caring and welfare led placement while they are awaiting trial.

What does the service do?

Young people come to the attention of the service through referrals from the local Youth Offending Team's (YOT's). Information received from the YOT includes the young person's family background, a history of their offending behaviour and any information on risk taking behaviours. This information is used as the basis for an assessment process, which establishes whether the young person is suitable for placement by the service.

Once a young person has been accepted for as suitable for foster placement, they are consulted about the qualities they would like their foster carers to have. Whenever possible the young person is matched to a foster family that reflects their wishes though this is not always possible due to the number of foster families participating in the scheme. The YOT puts forward the case for foster placement at court, when the magistrate is considering pre-trial disposal. In the majority of cases, the magistrate supports the foster placement over custody, in line with current government policy.

A full care planning meeting takes place within 72 hours of the start of the foster placement involving a multi disciplinary team, the foster carers, the young person and their parents. The meeting assesses the welfare needs of the young person and how these can best be met. Young people's needs can be wide ranging and include education, training, health and emotional support needs. The meeting also puts in place activities for the young person during the day, which can involve re-integrating the young person back into education or identifying training and employment opportunities appropriate to the young person. During the meeting decisions around contact with family members and the parameters of the young person's bail are discussed. The young person is able to contribute at any point during the meeting, and have their say in what they feel should happen to them.

The service provides advocacy and support services to the young person and their foster family throughout the placement and foster carers have access to 24 hour emergency advice and support.

Young people are consulted on their views throughout the placement, and have the opportunity to speak to their project worker in private. Any concerns raised by the young person are fed back to the young person's foster carers. Young people are also given the opportunity to provide feedback on the service they received at the end of their placement.

¹⁰UN Standard Minimum Rules for the Administration of Juvenile Justice. 11.3

Outcomes

- Young people are given a placement in the community and in a family environment;
- Young people receive help with their offending behaviour e.g. counselling;
- Only 6% of young people re-offend whilst in their foster placement¹¹;
- Young people recall their foster placements positively, and see the experience as an opportunity to address their offending behaviour, Lipscombe, 2002;
- Young people are able to engage in educational and employment activities.

How is the work an example of rights based or participative practice?

- A community alternative to custody is offered in line with Article 40 of the UN Convention on the Rights of a Child;¹²
- Young people receive a multi disciplinary input and are able to access educational, employment and recreational activities;
- Young people are given the opportunity to express their views throughout their placement in line with Article 12 of the UNCRC;
- A research evaluation has found that young people are given the opportunity to participate, Lipscombe, 2001.

¹¹ Lipscombe, J. (2002a)

¹² United Nations Convention on the Rights of the Child, 1989, Article 40.