Guidance to YOIs on the Continuation of Professional and Social Visits

Children in custody are more likely to be legally in the care system and to have Special Educational Needs (SEN) or Autistic Spectrum Disorder (ASD) than their peers in the community or any of their peers who are known to statutory services. They are more likely to have been sexually or criminally exploited than those peers, which makes them significantly more likely to be isolated and significantly less likely to have the personal resources to cope with isolation from the adults who might be a protective and supportive factor.

Adolescence is a point of childhood development when the harm they may have experienced in early childhood can be healed or exacerbated and it is our responsibility to use the best resources available, which includes families and key community professionals, to promote their welfare and to address this extreme vulnerability. The vulnerability of our children is not mutually exclusive from the risk they pose to others and addressing the first is key to mitigating the latter. Our responsibility to safeguard children must include those with legal responsibility for the children and for safeguarding generally.

There are a range of legal responsibilities toward children which require us to be able to facilitate visits.

1) Case Law from 2002 (Howard League vs MoJ) – decision was that Children Act 1989 applies equally to children in custody; this includes the LA's Sec 47 Duty which means they must have access to those children. This also covers the rights of the child to a service as a child in care or care leaver (Children (Leaving Care) Act 2000).
2) Care Planning Placement and Case Review Regulations require that children who are legally in care must be visited by those who are their corporate parent
3) Youth Justice National Standards requires that YOTs are enabled to visit.
4) Our Section 11 Duty (Children Act 2004) requires us to ensure that children are safe and to engage with partner agencies to that end.
5) The powers of the Director of Children's Services and the Local Safeguarding Children Partnerships means that in theory, they could insist that our children are seen by relevant professionals.

We are ensuring that both professional and social visits are done via video link facilities where possible and appropriate to the needs of our children and we use their vulnerability factors to determine whether a face to face

visit is a more effective tool in keeping children safe in the immediate and long term.

When determining that the threshold is crossed and a physical visit from either a family member or key professional is warranted establishments should consider the following:

- The SEN or ASD characteristics of the child and their ability to engage via a video enabled visit
- The technology available to the professional or family members including those with caring responsibilities is not adequate to facilitate a virtual visit.
- A professional assessment of the importance of the visit to be determined in consultation with those requesting the visit and a member of staff of sufficient authority, notably at least at Custodial Manager with escalation to Head of Function for resettlement to resolve differences of opinion. Examples might include but are not limited to; legal professionals require a visit with the child to determine key points in relation to their defence, remand hearings or sentencing; YOTs and their provider services are required to complete a full assessment of the child for the purpose of presentence assessment or resettlement planning; where a social worker is required to exercise their duties under the Children Act 1989 and video link is not deemed to be effective for the reasons already stated; where a visit is determined essential by their designated Corporate Parent.