

Managing Risk In Schools and Other Settings

Stuart Allardyce, Children's Service Manager, Barnardo's

This paper offers support for Named Persons and other professionals when making decisions about Risk Management with young people involved in offending behaviour.

Each year a minority of serious offences involving interpersonal violence and harmful sexual behaviour are committed by children and young people in Scotland under the age of 18. These situations are relatively uncommon, but whenever a young person is charged with a serious offence the named person and / or lead professional, along with other professionals where appropriate, will need to consider what constitutes proportionate safety planning to ensure that other children and members of the public are protected from further harm.

In many cases it may take some months before an offence of a serious nature is dealt with by the Children's Hearing or the adult criminal justice system. During this time it can often feel like a young person's life is 'put on hold' and professionals – teachers, social workers, support workers etc. – are left with uncertainty about what they can do to manage and reduce risk and confusion about how they meaningfully engage with the young person while the allegations remain untested in law.

CYCJ has recently produced [a paper](#) for professionals working with children and young people that provides guidance on defensible and ethical practice with young people in these kinds of situations. The key messages from that paper are:

- Even though an offence has not been tested in law, it is appropriate to convene a multi-agency meeting bringing together social work, police, health, education, third sector and housing (where relevant). This meeting should follow the Care and Risk Management Guidelines (CARM) outlined in the [Scottish Government's FRAME under 18s guidance](#).
- This CARM multi-agency group (for young people 12 years and over) should decide on what kinds of assessment are necessary to help understand risk and needs in relation to home, community, school and other settings. Assessments will need to be as specific as possible about risk to meaningfully inform safety planning and ensure that all opportunities for development and learning are not unduly restricted. Any reports should acknowledge that the offence is untested and remains an allegation. It may be appropriate to use a risk assessment tool to inform decision making; an assessment without recourse to a relevant tool or framework is likely to over or underrate risk. Any report should note that conclusions about risk are drawn only to inform proportionate and defensible risk management.

- For children under age 12 issues around risk and how it should be managed need to be covered in meetings focusing on a child's care and protection e.g. child protection case conferences, child's planning meetings etc.
- The CARM multi-agency group should advise on how the young person and family should be engaged in this assessment process. Even if a young person is in denial, they and their family should always be encouraged to participate in the assessment to ensure that there is a rounded understanding of the child's social development and background and to encourage their active involvement in safety planning. In some circumstances the child may be advised by their solicitor not to engage with an assessment on the grounds that it may be interpreted as an implicit admission of guilt – the decision to engage however ultimately lies with the child and their parents / carers.
- The young person should not be encouraged by professionals to discuss their offence in any detail while the decision about whether the case is to be dealt with at a Children's Hearing or in court is pending or if a decision has been made to deal with the case in the adult criminal justice system. This is to avoid allegations that the child has been coached and / or evidence is contaminated prior to being tested in law. If a decision has been made for the case to be dealt with at a Children's Hearing, a more detailed discussion with the young person about their offending may be appropriate to inform relevant assessments.
- Decisions to exclude the child from an educational setting should ideally be made in the CARM multi-agency meeting to ensure that risk is not displaced from the school to the community. It is important that an alternative education provision is identified.
- There is often a concern that therapeutic or intervention work should be put on hold while a decision is made about the young person's offence for fear of prejudicing the legal case against the child. The child's well-being is of paramount consideration and, as such, the provision of therapeutic or practical support should not be delayed until after the offence is disposed of. It would be inappropriate to undertake offence focused work while the offences are untested in law, but the best outcomes for all children need to be driven by [GIRFEC principles](#) promoting wellbeing indicators. This principle should inform the CARM multi-agency group's decision about what interventions and opportunities can safely be offered to progress the young person's social development at a time which may involve considerable stress and anxiety for child and family. A child under the age of 18 accused of a serious offence remains a child first and foremost, and needs to be supported in a sensitive and appropriate manner to grow and develop.

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Our work focuses on three key areas: practice development, research and knowledge exchange.

CYJ produces a range of monthly factsheets on youth justice and related topics. You can find these by visiting www.cycj.org.uk



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