

South Lanarkshire Child and Adult Protection Committees



Joint Multi-Agency Transitions Guidance for High Risk or Complex Cases in South Lanarkshire.

Young People (16-18yrs)

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1 Introduction

South Lanarkshire Child and Adult Protection Committees are pleased to offer this Joint Multi-Agency Transitions Guidance for High Risk or Complex cases in South Lanarkshire for Young People aged 16 – 18yrs.

It specifically relates to the challenges for young people and services, where transitional arrangements related to matters of Child Protection and / or Adult Support & Protection. This guidance supports any single agency guidance already in place within your organisation in relation to transitions (16-18yrs).

We recognise that keeping young people at the centre of assessment, planning and review is a core component of Getting It Right for Every Child (GIRFEC). Adhering to these principles means that every child or young person gets the help they need when they need it.

We acknowledge the transition from childhood into adulthood is often difficult. For any young person who might require additional support, it becomes critical that this transition is fully supported by appropriate planning and support between the ages of 16 – 18 years.

Whether there are existing vulnerabilities or whether new concerns arise during this period in a young person's life, we must be clear in our objective to offer the very best service possible.

This guidance is intended for all managers and practitioners across both adult and child protection that plan, manage, and deliver services to those who need it in South Lanarkshire. It is an endorsement of our continued commitment to work in a collaborative way to promote, support and safeguard the wellbeing of all children, young people, and adults.

Safaa Baxter
Independent Chair
South Lanarkshire Adult and Child Protection Committees

2 Equality and diversity

South Lanarkshire Child Protection Committee and South Lanarkshire Adult Protection Committee promote equal access and opportunities to all individuals. All partners are committed to treating people respectfully, fairly, and equally and to tackling discrimination in all its forms. No one should be discriminated against based on race, ethnicity, disability, sexual orientation, religion, gender, or age. All partners within both Committees value diversity and actively challenge discrimination and prejudice. Those who participate in services should be listened to and respected and should have access to services which are fair, consistent, and accessible to everyone, irrespective of their race, ethnicity, disability, gender, age, religious belief, or sexual orientation.

3 Who is this guidance for?

This guidance is designed primarily to support both adult and children's services in working effectively to promote, support and safeguard the wellbeing of young people, and adults. The guidance will be particularly relevant for those working in situations where concerns about the wellbeing of both adults and young people may arise, and for those generally working with young people aged 16-18 years old.

4 Purpose of this guidance

The purpose of this guidance is to highlight some examples of potential protection interface situations for and provide guidance for practice. The term *interface* in this context is used as an umbrella term to describe any situation where there are either potential concerns about the wellbeing or safety of both an adult situations involving young people aged 16 to 18 years (and in certain circumstances, young adults aged up to 25 years).

5 The Context for Child Protection

The new [National Guidance for Child Protection in Scotland \(2021\)](#) describes the responsibilities and expectations for all involved in protecting children. The Guidance sets out how agencies should work together with parents, families, and communities to prevent and protect children from harm caused by abuse and neglect. The Guidance also acts as a useful resource for practitioners on areas of practice and signposts where additional information can be found.

This Guidance is for all practitioners who directly or indirectly, support young people, and families whether they work in health, police, third sector, local authority, or education settings. **The Guidance underlines the responsibilities of adult services to**

consider the needs of children, young people, and their parents where vulnerability and protection needs are identified. This is particularly important for those aged 16-18yrs living in complex or challenging situations and transitioning into adult services. The new National Guidance for Child Protection in Scotland (2021) has a strengthened focus on the rights of children and young people. This should always be considered.

Child Protection and Transitional Arrangements

The identified lead professional will make sure the young person is supported through significant points of transition. They will ensure a planned transfer of responsibility when another practitioner becomes the lead professional, for example if the young person needs the support of adult mental health or addiction services. In some cases, the young person will be subject to child protection processes and will make the transition into adult protection system as part of continued support. The multi-agency support plan will keep young people safe by working together with families and (child and adult services) to improve outcomes.

Consideration must also be given to the identified need of any Looked After Children in South Lanarkshire whether accommodated or not, including secure accommodation, as they move onto aftercare or continuing care as young adults.

Partners continue to have responsibilities for the protection of young people that extend beyond the formal child protection process outlined above. Where a young person between the age of 16 and 18 requires support and protection, services will need to consider which legal framework best fits each person's needs and circumstances. An inter-agency meeting with child and adult services present is essential.

The National Guidance for Child Protection in Scotland (2021) is clear that there are collective responsibilities to work together to prevent harm from abuse or neglect including safe transitions of vulnerable young people towards adult life and services.

Examples of transitional risks and opportunities are:

- Young people who have been impacted by abuse or neglect, who are now moving onto adult life and services
- Young people who are impacted by parental health problems, or by drug and alcohol problems, and are now moving onto adult life and services
- Young people with complex disabilities who are moving onto adult life and services. They and their families often experience a sequence of service changes

and loss of known professional supports within an age band during which their fundamental health and wellbeing needs may change little

- Young people moving between care placements or moving on from family-based, residential, or secure care arrangements. Some of the most emotionally isolated and risky transitional phases may occur several years after the movement between or out of these settings
- Young people in transitional phases who are isolated, separated by the imprisonment of or otherwise removed from those to whom they feel closest, and whose help they need
- Young people in transitional phases within families who find services inaccessible or incomprehensible.

Such phases do not trigger 'child protection' or 'adult protection' processes. There may be trigger points or critical moments when a young person is excluded, isolated, hurt, or afraid, when proactive support can make a long-term difference.

Responsibilities apply in the following types of circumstances:

- (a) Young people are at risk of harm either through their own behaviour or in their community. Examples include sexual exploitation, mental health and self-harm, criminal exploitation, running away/going missing and, or substance misuse.
- (b) Young people over the age of 16 years.

In relation to those who may fall under (a) above. Where such risk is identified, as with other child protection concerns, it is important that a multi-agency response is mobilised and a support plan identified to minimise future risk and that consideration is given to whether compulsory measures of supervision might be required via the Children's Hearing System. Any agency can make a referral to the Children's Reporter.

In relation to those who may fall under (b) above. The appropriate response will depend on several factors such as the type of harm, the source of harm, existing protective factors and the views and wishes of the individual. These must be recorded. The starting point should always be early identification of potential harm, multi-agency information sharing and assessment and open dialogue with the young person. **In all cases, if a young person aged 16-18 years requires support from a targeted service, a Statutory Child's Plan will be required.** This is the case regardless of whether the targeted service is traditionally an "adult" service and/or if the young person is subject to adult support and protection procedures.

In all cases, services should contribute to planned and co-ordinated transitions between services, including geographical transitions within and across local authority and board areas, and transitions to adult life and services.

6 The Context for Adult Protection

Legislative responsibilities in relation to the support and protection of adults at risk of harm are contained within the [Adult Support and Protection \(Scotland\) Act 2007](#) and associated [ASP Reviewed Code of Practice](#). These are complemented by the [West of Scotland Adult Support and Protection Guidance](#). In addition, there are two other Acts which provide provision in relation to the support and protection of adults, these are; the [Adults with Incapacity \(Scotland\) Act 2000](#) and the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#)

All three Acts have similar principals, including that any use of legislation must:

- Provide benefit to the adult, be necessary and be the least restrictive option for the adult.
- Consider the past and present wishes of the adult, where this can be ascertained.
- Ascertain the views of relevant others.
- Respect the adult's individual abilities, background, and characteristics.
- Ensure the adult is not treated less favourably than any other person who does not meet the criteria for an 'Adult at Risk of Harm' in a comparable situation.

Anyone can make an Adult Support and Protection referral for themselves, or for an adult they know or believe may be at risk of (any type of) harm, including self-harm. The adult's consent is not required for a referral to be made. All staff employed by public bodies including Police Scotland, the Local Authority or the NHS Board have a legal duty to refer any adult they know or believe may meet the ASP criteria.

KEY PRACTICE MESSAGE – Moving into Adulthood

All professionals involved in the young person's care, and those who will become involved as the young person moves into adulthood will assist in transition planning for the young person moving into adulthood on the basis that they will have an overview of the young person and the issues affecting them. It is crucial therefore that all professionals are involved in and consulted in relation to any plan for the young person. The views of the young person must always be considered and taken into account in any arrangements being made.

Significant transitions require assessment and must be planned in good time, together with parents and carers, in accordance with applicable local procedures. These are

phases of heightened and predictable vulnerability, as young people move between services or life stages. Disabled young adults must be provided with appropriately adapted learning methods and resources throughout their childhood so that they can help to keep themselves safe as they grow up.

7. Transitional Arrangements

Where a young person who is known to services is approaching their 16th birthday, thoughts should be turning to the transition into the adult process and what that means for the young person and the service. It would be prudent for professionals to be thinking about this in advance of the young person's birthday as provisions may require to be affected immediately when they become 16yrs. The young person must always be consulted. It will depend on the circumstances as to how long in advance preparations will require to be made.

Young People with Health Care or Additional Support Needs during Transitions

In January 2017, [ARC Scotland](#) published the [Principles of Good Transitions 3](#). The purpose of the seven principles is to inform, structure and encourage continual improvement of support for transitions of young people with additional support needs into adulthood.

The Rights of the Young Person

When a young person reaches 16yrs, they will have the legal right to make their own decisions. Those holding parental rights and responsibilities in relation to the young person (whether parents or carers) will only have the right to provide guidance to the young person post 16 yrs. If a Local Authority holds a Parental Responsibility Order or a Permanence Order, the young person has a [right](#) to be supported by having their wellbeing assessed and have access to appropriate services. It may be that those involved with the young person are unhappy with the choices the young person is making. However, if the young person has the capacity to make decisions and does not fall within the definition of an 'Adult at Risk' in terms of the Adult Support and Protection (Scotland) Act 2007 this must be taken into account in any future planning

Where a Compulsory Supervision Order in terms of s83(1) of the Children's Hearing (Scotland) Act 2011 is in place, however, the Children's Hearing will still be able to make decisions in relation to the young person. In the case of a looked after child, support should continue to be offered post 16, whether that be on the basis of 'continuing care' under the Continuing Care (Scotland) Order 2015 and the Continuing Care (Scotland) Amendment Order 2016 or whether that be under the general duty to provide guidance and assistance in terms of Section 29(1) of the Children (Scotland) Act 1995.

The Promise

On 5th February 2020, a [Promise](#) was made to Scotland's infants, children, young people, adults, and families. With reference to moving on decisions about transitions for young care experienced people who move onto independent living or need to return to a caring environment, it states these decisions must be made based on individual need. *Each young care experienced adult will experience their transition as consistent, caring, integrated, and focussed on their needs, not on 'age of services' criteria.*

Information Sharing

The [GIRFEC](#) guidance promotes necessary, appropriate, and proportionate information sharing, which complies with all relevant legal requirements (GDPR). Services should refer to their own information sharing guidance. Practitioners should understand when and how it is appropriate to share information and when they need to seek further advice. They should always consider:

- The circumstances in which information can be shared with another agency
- The importance of involving young people in transition in decisions to share information with another agency, including adult services.

Where there are challenges in information sharing or in decision making across adult and child services. Staff should refer to the SLAPC and SLCPC Escalation Guidance.

8. OTHER FACTORS TO CONSIDER FOR YOUNG PEOPLE IN TRANSITION

CARE & RISK MANAGEMENT (CARM)

Care and Risk Management (CARM) processes may also be applied when a child (aged 12-17) has been involved in an incident of a serious nature (irrespective of the legal status of the incident) or where a pattern of significant escalation of lesser behaviours suggests that an incident of a serious nature may be imminent. The key to effective CARM processes is the inter-agency referral discussion that must occur when concerns of this nature arise. Refer to [CARM](#) Guidance (CYCJ 2021) for further details for young people moving into adulthood.

The key test for triggering these processes should always be the level of risk to the individual young person and whether the risk is being addressed, not the source of risk. In all cases [Trauma Informed Practice in Scotland \(2021\)](#) and an understanding of contextual safeguarding must be considered for the wellbeing of the young person concerned. Understanding contextual harm or protective factors involves considering safety, risks, and stresses within or faced by a family, especially from the young person's perspective.

COUNTY LINES & CRIMINAL EXPLOITATION

Tackling the criminal and sexual exploitation of children and young people is a key priority for South Lanarkshire Child and Adult Protection Committees. This summary guidance deals specifically with the multi-agency response to young people aged up to 18yrs who are suspected to be involved in County Lines activity from another Local Authority area.

Where young people are arrested and charged, usual Police Scotland welfare principles will apply. In all cases, consideration of the health, wellbeing and safety of the young person should be considered.

When a young person (up to 18yrs) is temporarily in the care of Police Scotland but not charged with an offence it is important to note that the **young person is an adult and has not been charged with any offence**. The key priorities are to ensure the immediate needs of the young person are met, risks to wellbeing considered and safe onward travel arranged as appropriate.

TRAFFICKING – NATIONAL REFERRAL MECHANISM

The National Referral Mechanism (NRM) is the UK's framework for identifying victims of human trafficking and/or exploitation and ensuring they receive the appropriate support and protection. The NRM process can create safety and opportunities to recover from harm, encourage participation in criminal investigations and support families.

You do not need to be certain that the person has been a victim of human trafficking and/or exploitation to submit an NRM referral. In all cases the young person should be referred for an inter-agency referral discussion (IRD) where adult and child services will agree how to proceed with transitional arrangements.

MENTAL HEALTH

All mental health staff in child and adolescent services and within adult services must be competent to identify concerns about young people. If you become aware of young people who have experienced, or are at risk of, abuse and/or neglect where mental health is a feature local guidance will apply including consideration of support from CAMHS and / or [Lifelines South Lanarkshire](#).

Consideration should also be given to the impact of mental ill health of a parent or carer the young person concerned. If you are worried that an adult's mental health could put a child or young person at risk of immediate or significant harm, you must act in line with local child or adult protection procedures.

ALCOHOL AND DRUG USE

Addiction services, whether based within health or social work or delivered by a community-based joint addiction team, have an important role to play in the protection of young people. Practitioners from addiction services have a critical role in the continued support of young people who are involved in drug or alcohol use that causes concern through the period of transition. An agreement should be reached by child / adult services on who will lead support between 16-18yrs as part of local planning processes.

Agencies should always act in the best interest of the young person. Where the young person is deemed to have a mental disorder, Police Scotland are responsible for initiating the Appropriate Adult Scheme.

CROSS BORDER CONSIDERATIONS

Where a young person in transition is being seen or supported across more than one local authority / health board area. Early information sharing must take place to identify the lead agency (whether adult or child services) to support the transition taking place.

9. Interface between Adult and Child Protection

Governance, Accountability, and Oversight

South Lanarkshire Child Protection Committee and South Lanarkshire Adult Protection Committee are each accountable to the South Lanarkshire Chief Officers Group Public Protection.

The South Lanarkshire Chief Officers Group governs arrangements for Child Protection, Adult Support and Protection, Gender-Based Violence and MAPPA (multi agency public protection arrangements) Alcohol and Drug partnership and Community Justice Partnership.

Strategic Planning

The aim of public protection is to reduce the harm to children and adults at risk. Public protection requires agencies to work together at both a strategic and operational level to raise awareness and understanding, and co-ordinate an effective response that provides at-risk individuals with the support needed to reduce the risk in their lives.

South Lanarkshire Child Protection Committee and South Lanarkshire Adult Protection Committee lead on strategic planning for child protection and for adult support and protection respectively.

11. Learning and Development

Staff working in adult or child protection must access all appropriate training to ensure they are clear of their responsibilities. Each service is responsible for assessing the learning and development needs of the various staff groups for whom they are responsible and for ensuring such staff access training to meet those needs.

More information is available here:

Child Protection – www.childprotectionsouthlanarkshire.org.uk

Adult Protection – www.adultprotectionsouthlanarkshire.org.uk

General enquires about training to: PublicProtectionOffice@southlanarkshire.gov.uk