



## How to Appeal Placement and Placement Review Decisions

### Appealing Placement Decisions

#### 1. New Placements:

The final decision on where to place children and young people who are remanded or sentenced by the courts is made by a Senior Placement Officer (SPO) within the YCS Placement Team. The SPO will reach their decision having referred to and reviewed a recent (dated within 7 working days of the court date) AssetPlus Custody Module as well having spoken to the Youth Offending Team (YOT) at the court. If the young person has previously been held in the youth secure estate, information from previous periods in custody may be considered. Stability and the availability of accommodation within the youth estate will also need to be considered at the point of placement and may influence where a young person is placed. All available information will be thoroughly reviewed and taken into consideration by the Senior Placement Officer prior to taking a placement decision. The decision and rationale will be articulated within the Placement Confirmation Form (PCF) and will be explained to the YOT via telephone. The final placement decision on the day will be taken by the SPO. A SPO can consult with the duty senior manager, if appropriate.

At any point after initial placement, an appeal against the decision can be made by:

- the designated local council (remand only)
- the local council (when it has a child care order)
- staff at the establishment where the child is placed
- the child's legal representative
- the child and/or their parents or guardians

To place an appeal, full reasons must be submitted in writing and emailed to [YCSTransfers@justice.gov.uk](mailto:YCSTransfers@justice.gov.uk). The young person's placement will be reviewed by the Head of Placements, Casework and Release and Resettlement who will review all available information and will take a decision around whether the initial placement decision was, and remains appropriate. If they have concerns with the decision or feel further information is required from the establishment, they would decide on what the next steps would be and how this information is gathered<sup>1</sup>. This will be concluded within 48 working hours upon receipt of full information.

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<sup>1</sup> If the outcome of the appeal results in concerns around the young person's placement being upheld, the Head of Placements, Casework and Resettlement would decide which course of action would be appropriate i.e. whether the placement requires the use of a Safety and

The establishment identified to accommodate the young person will take custody of the young person and will instigate initial care and sentence planning procedures once the young person arrives within custody. The outcome of this meeting and the subsequent plan could also lead to an appeal of placement where there is an identified risk or significant need which the establishment can not meet. If so, the instigator can share the reasons with the YCS for review. Part of the next steps would be to coordinate an immediate Placement Review via published procedures.

If at any point concerns are reported or raised that suggest the child or young person's placement requires further **immediate review** or is inappropriate, depending on the severity of the concerns raised or situation arising, a Safety and Security move may be the best course of action. This procedure must only be utilised where there is an imminent risk to self or others and where the site can not manage the YP in the immediate future. The YCS Placement Service must be contacted to invoke this process as it allows for a decision and action on a placement review to take place within a much more immediate timescale (within 24 hours of submission). Please discuss this pathway with the Placement Service directly on 0345 36 36 36 3.

## 2. Return Placements:

Where a child or young person has attended court from youth secure estate accommodation, in most scenarios, they will return to the establishment even if a request is made for them to be diverted elsewhere. The Placement Team do not usually divert children and young people via court unless there is clear and robust pre-planning following a Placement Review or Safety and Security move request. Any concerns that have been raised during the course of the court attendance will be shared with the holding establishment in writing (recorded on the Placement Confirmation Form and emailed), as well as over the phone with a duty manager/director/governor as appropriate. YOTs will also be directed to flag concerns/raise formal complaints with the establishment themselves as representatives of the child or young person. If there is an issue that the establishment are not able to resolve or adequately manage, stakeholders may be advised to submit a Placement Review Request. It is otherwise the responsibility of the establishment to effectively safeguard and support the child or young person.

## 3. Appealing Placement Review Decisions

To appeal a Placement Review decision; full reasons for challenging the decision and requesting the case to be reconsidered must be submitted, in writing, via email to [YCSTransfers@justice.gov.uk](mailto:YCSTransfers@justice.gov.uk) as soon as possible following the confirmed decision. Any new information that was not available at the time the decision was taken must be provided. This information and the appeal will then be reviewed alongside the original Placement Review Form by the Head of Placements, Casework and Release and Resettlement. The appeal

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Security form being completed or whether the risks should be further discussed via a professionals multi-disciplinary meeting and a Placement Review. For either pathway, the Head of Placements, Casework and Resettlement will involve the relevant Manager, Director or Duty Governor for the specific establishment and seek immediate assurances around the young persons safety and wellbeing for the duration of any review

decision will be shared within 10 working days of receipt of full information. Please be advised that in the case of an urgent transfer, the appeal may not prevent the transfer from going ahead.

The final decision on an appeal of a young person's placement or placement review, sits with the Head of Placements, Casework and R&R.