

Report No.
CSD14017

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Safety PDS Committee

Date: 21st January 2014

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **ANNUAL UPDATE REPORT ON BROMLEY YOUTH OFFENDING TEAM PARTNERSHIP**

Contact Officer: Stephen Wood, Democratic Services Officer
Tel: 020 8313 4316 E-mail: stephen.wood@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

- 1.1 Information briefing to be considered by the Care Services PDS Committee on 22nd January 2014 is also provided to the Public Protection and Safety PDS Committee for consideration.
-

2. **RECOMMENDATIONS**

- 2.1 **Members are asked to note the information provided in the attached briefing.**

Non-Applicable Sections:	Policy, Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	N/A

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council / Supporting Independence
-

Financial

1. Cost of proposal: Not Applicable for providing this reference.
 2. Ongoing costs: Not Applicable for providing this reference.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £367,636
 5. Source of funding: 2013/14 revenue budget
-

Staff

1. Number of staff (current and additional): 10 posts (8.55fte)
 2. If from existing staff resources, number of staff hours: 0.20hrs to provide this reference.
-

Legal

1. Legal Requirement: None to provide this reference
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Attached briefing provided for the information of PP&S PDS Members and Co-opted Members.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

London Borough of Bromley

PART 1 - PUBLIC

Briefing for Care Services and Public Protection and Safety Portfolio Holders 22 and 21st January 2014

ANNUAL UPDATE REPORT ON BROMLEY YOUTH OFFENDING TEAM PARTNERSHIP

Contact Officer: Kay Weiss, Assistant Director, Safeguarding and Social Care
Tel: 020 8313 4602 E-mail: kay.weiss@bromley.gov.uk
Paul King, Head of Bromley Youth Support Programme
Tel: 020 8461 7572 E-mail: paul.king@bromley.gov.uk

Chief Officer: Assistant Director, Safeguarding and Social Care

1. Summary

1.1 This is an annual report to the Care Services and Public Protection and Safety Portfolio Holders on (a) the performance of the Bromley Youth Offending Team (YOT) partnership during 2012/13, and (b) on YOT related operational and strategic developments.

2. **THE BRIEFING**

2.1 **Governance**

Youth Offending Teams in England and Wales are monitored and supported by the Youth Justice Board (YJB), which is an executive non-developmental public body. YJB Board Members are appointed by the Secretary of State for Justice.

The YJB:

- oversees the youth justice system in England and Wales;
- works to prevent offending and re-offending by children and young people under the age of 18;
- ensures that custody for them is safe, secure, and addresses the causes of their offending behaviour.

In November 2011, Central Government confirmed that the leadership of youth justice and the specific functions undertaken by the YJB would be retained within the Ministry of Justice (MoJ).

Bromley's YOT is situated in the Education and Care Services Department with direct line management of the YOT Group Manager through the Head of Bromley Youth Support Programme. The YOT's two tier governance arrangements continue to be strategically and operationally managed through an Executive and Operational Board respectively. The Operational Board is chaired by the Assistant Director of Children's Social Care and Safeguarding ensuring strong strategic links between the two boards. Attendance from the statutory partners and key agencies has been maintained.

2.2 Performance

The YOT produces performance reports for both the Executive and Operational Management Boards, the latter containing a detailed breakdown of offending activity and patterns. The Youth Justice Board monitors performance and requires quarterly data reports against 3 key performance indicators.

2.2.1 NI 111: First Time Entrants to the Youth Justice System (FTEs)

For a fourth consecutive year the number of FTEs has declined. In 2008/09, there were 315 FTEs, in 2009/10 there were 203 and in 2010/11 there were 138. This downward trend continued in 2011/12 with 90 first time entrants and by the end of 2012/13 the FTE was 77.

The continued development of the Triage system which diverts young people who have not previously offended out of the criminal justice system continues to have a significant impact on the number of first time entrants. Changes to the range and use of out of court disposals, as part of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, is also likely to impact on this indicator and also on that for reoffending (see 2.5 below).

2.2.2 NI 19: Rate of Proven Re-offending by Young People who have previously offended

The rate of proven re-offending by young people who have previously offended is arrived at by measuring the actual number of re-offences committed by a cohort of young people during a one year follow-up period following their original conviction in court or pre-court disposal.

Year	Cohort Group	Size of cohort	Number of re-offences within 12 months of original conviction	Frequency rate per 100
2009/10	Jan - March 2009	150	161	107.3
2010/11	Jan - March 2010	115	98	85.0
2011/12	Jan - March 2011	77	138	179
2012/13	Jan - March 2012	74	141	191

The rate, which is expressed as the number of offences per 100 offenders, is susceptible to variation between years resulting from a combination of (a) changes in the size of the cohort and (b) the offending behaviour of individuals within the cohort. The increase in the rate between 2010/11 and 2012/13 is explicable in terms of the statistical effect of a high number of offences being committed by a few members of a smaller cohort than in previous years. Bromley's Deter Young Offenders Panel has identified a key factor in the profile of those offending as a variable engagement in ETE and a prevalence of SEN. Another factor is the transfer, from time to time, of responsibility of offenders to Bromley YOT from other Local Authorities. These transfers of young people (with sometimes highly challenging offending behaviour) arise, for example, following changes of a young person's care placement or family residence or return to community following a period of custody where return to original residence would not be appropriate.

2.2.3 NI 43: Young People Receiving a Conviction in Court who are Sentenced to Custody

Year	Total No of Disposals	Sentenced to Custody	%
2012/2013	247	9	4%
2011/2012	224	15	7%
2010/2011	263	15	6%
2009/2010	347	22	6%

Custodial sentences have decreased significantly over the period 2009/10 - 2012/13. Some of the reduction has been due to the robust and intensive community penalty proposals presented in Court and the mandatory attendance of YOT caseworkers at court in cases where there is a risk of custody. This gives the Court confidence that the YOT is fully supportive of the proposal and that caseworkers are able to answer any queries the Court has in relation to managing the risk and protection of the public where a community sentence is sought. Equally, if a young person has been on bail support packages or Bail Intensive Support and Supervision then Bromley YOS ensures that compliance reports are sent to Court outlining their progress. This aids the Court when considering and possibly imposing a community penalty, based on an appreciation of past compliance. Bromley YOS is committed to ensuring that proposals are realistic and aim to reduce the risk of re-offending. Bromley's custodial figures are low by national and regional comparison and have reached a point where a continued year on year reduction may become difficult to achieve.

2.2.4 NI 45: Engagement by Young People who Offend in Suitable Education, Training and Employment

In 2010/11, 73% of the young people known to the YOS were in education, training or employment at the end of their order. In 2011/12, the proportion in EET had increased to 76% and this level of performance has been maintained in 2012/13. While performance is strong for young people below school Year 12, a higher

proportion of the young people who are Not in Education, Employment or Training (NEET) are in the 16+ cohort. The service continues to work with internal and external education and training providers to address this. The establishment of a Not in EET Multiagency Panel has proved effective, as has the introduction of a Mentoring Scheme to provide 1-1 support to young offenders particularly those whose offending behaviour is a barrier to their participation in EET. The Mentoring Scheme is the outcome of funding received from the Public Protection and Safety Portfolio and from MOPAC.

2.3 Youth Offending Team Workforce

The YOT workforce was subject to a reorganisation which took effect from April 2012.

The key reasons for the reorganisation were:

- actual reductions in the Youth Justice Board (YJB) grant funding of £98,049 in 2011/12 (equivalent to a 21.47% reduction on grant funding from the previous year);
- a requirement to make £40,000 efficiency saving in 2011/12 as part of the requirement to meet 25% savings in Council expenditure as required by Government;
- anticipated further reductions in future YJB Grant funding and public spending
- the recommendations of the Government's Green Paper: breaking the Cycle of Offending: Effective Punishment, Rehabilitation and Sentencing of Offenders (Ministry of Justice, Dec 2010) and the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- the continuing statutory responsibility on local authorities to prevent and reduce youth offending and re-offending.

The new structure has improved the capacity of the YOT to meet the requirements of the Crime and Disorder Act 1998, which provides the legislative framework for YOTs and the responsibilities of statutory agencies (health, police, children's services, including Children's Social Care and Education) to reduce and prevent offending and re-offending.

The Ministry of Justice Green Paper, which sets out direction of Criminal Justice Services for Young People had a clear expectation that comprehensive community alternatives in future to custody will be applied (an intention which was reaffirmed in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO Act 2012), 2012 (see 2.5 below). The new structure has allowed a greater flexibility to respond to this expectation. In addition to ensuring that the new structure of the Bromley Youth Offending Team retains sufficient flexibility to maintain current adherence to legislative principles and to respond to the various demands and challenges of fiscal and political change, the structure has also maintained management oversight of the YOT's casework practice which received endorsement and validation in November 2011's HMIP inspection exercise (see report DCYP12032) and received positive comment in a recent thematic inspection of safeguarding practice within the YOT and Probation Trust (see 2.4.1 below).

Since July 2012, with the objectives of supporting integrated working and creating further cost efficiencies, the Management Team of the Bromley Youth Support Programme has been relocated to the YOT's premises at Mason's Hill. The outcome of this has been improved information sharing between the 2 teams and a closer working on the YOT's offender prevention and intervention remit.

2.4 Her Majesty's Inspectorate of Probation

2.4.1 Inspection Programme

HMIP have introduced a new programme of inspection. Inspection of youth offending work under the new programme now consists of three elements. A full Joint Inspection programme undertaken at short notice, led by HMI Probation, will include contributions from partner inspectorates covering health, children's social care, education and training, and Police. These inspections are targeted at a small number of YOTs each year where performance has given rise to concern, together with some YOTs where published performance is strong and worthy of sharing. A thematic programme undertakes a focused inspection of specific aspects of work across a range of YOTs. Finally, there is also a short screening programme targeted at about 20% of YOTs each year, focussed on the start of sentences.

2.4.2 Thematic Inspection of Safeguarding Practice

At the start of November 2014, the Bromley YOT, Probation Trust, Bromley Children's Social Care (CSC) and the police were subject to a 3 day thematic inspection of safeguarding practice across these agencies. Bromley was 1 of 5 YOTs who to be inspected. The inspectors were looking at the quality and timeliness of assessments and referrals, the action taking to safeguard individual children and young people who are known to these services and the strength of systems for sharing case information. The feedback to organisations was detailed case by case and identified areas for improvement as well as strengths. The final report will be published after April 2014 and will not identify or judge individual authorities in relation to themes or recommended areas for improvement but may identify individual authorities for best practice.

Through a previous report (DCYP12032) members have been advised that HMIP's 2011 inspection of the YOT's casework had noted a considerable improvement since previous inspections. Inspectors had found aspects of the work on safeguarding and reoffending to be notable when compared to other YOTs. The informal feedback given at the end of the Thematic inspection described Bromley YOS as a safe, well managed service a finding that indicates that the service has maintained performance standards observed in the 2011 Inspection. Overall the Thematic Inspection identified some very positive practice despite the cases being inspected being described as very difficult and complex young people. Communication between Children's Social Care and the YOS was observed to be generally effective.

Inspectors specifically observed that:

- initial assessments by YOT caseworkers were sometimes found to be focused on the pre-sentence report and could benefit from incorporating other information

such as the Children Social Care (CSC) background which could provide helpful context to inform sentencing outcome

- the process for return referral forms back from CSC to YOS required review to ensure a greater clarity over how CSC will respond, how joint work will be organised and how cases will be reviewed
- caseworkers could benefit from a wider understanding of what other agencies do and how they might facilitate their case
- caseworkers could consider using local Police intelligence to facilitate cases and, in general could apply a more investigative approach to case management

Officers from YOT and Social Care are developing a cross service improvement plan to address the Inspection Team's observations.

2.5 Legal Aid, Sentencing and Punishment of Offenders Act LASPOA 2012

The Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA) was introduced in November 2012 with full implementation from April 2013. The Act has reformed the justice system and the administration of legal aid and has created a new youth remand and sentencing structure that allows courts a greater flexibility when deciding on appropriate disposals for young people.

The Act introduced some important changes in respect to young people:

2.5.1 Remands

- A more flexible and simplified process is to be introduced for remanding young people into Youth Detention Accommodation (YDA) under 18 years of age, this to include a tariff to restrict the use of remand to offences above a specific gravity
- The Act requires that any child remanded to YDA is to be treated as 'Looked After' by the designated local authority

Prior to the introduction, in April 2013, of changes to the remand framework, YDA placement costs had been shared between the Ministry of Justice and Local Authorities as follows; Young Offender Institutions - Ministry of Justice met all costs; Secure Children's Home and Secure Training Centre - Ministry of Justice met two thirds of cost/LAs met one third of the costs.

Local Authorities are now expected to meet all costs of remands to Youth Detention Accommodation. Report CS13030 was presented to the Executive on November 30 2012 outlining the financial implications of changes to the youth remand framework arising from the LASPOA. Approval was given by the Executive to the draw-down of £500k set aside in central contingency to fund the anticipated volume of remand placements arising from changes to the youth remand framework.

2.5.2 Youth sentences

- Increased discretion on sentencing, which will enable courts to conditionally discharge a young person pleading guilty to their first offence instead of giving a referral order.

- Removal of current restrictions on repeated use of referral orders following a guilty plea.
- Variation to detention and training order recall conditions.

2.5.3 Out of Court Disposals (OCD)

- Reprimands and final warnings have been replaced by youth cautions and youth conditional cautions.

2.5.4 Officers are conducting an analysis of the full year effect of the LASPOA 2012 to inform YOT business planning for 2013/14. Early indications are that the introduction of changes to the remand and OOC has seen a decrease in the use of YDA and an increase in the number of pre or out of court disposals.