

Decision Maker: Public Protection and Safety PDS Committee

Date: 1st October 2014

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

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

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Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

- 1.1 To update the Committee on the performance of the Bromley Youth Offending Service, and on related operational and strategic developments.
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2. **RECOMMENDATIONS**

- 2.1 **The Committee is asked to note the contents of the report, and to comment as appropriate.**

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council/Safer Bromley/Supporting Children and Young People
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £ 367,636
 5. Source of funding: 2014/2015 Revenue Budget
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Staff

1. Number of staff (current and additional): 10 posts (8.75fte)
 2. If from existing staff resources, number of staff hours: Maintaining Co-opted Membership up to date involves about an hour's work.
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Legal

1. Legal Requirement: Legal Aid, Sentencing and Punishment of Offenders Act 2012.
 2. Call-in: Not Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This Report is just intended for members of the Public Protection and Safety PDS Committee.
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Ward Councillor Views

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

3. COMMENTARY

3.1 The report provides updates on the following:

- Governance
- Performance
- First time entrants into the Youth Justice System
- Re-Offending Rates
- Custodial Sentences
- Training and Employment
- The Probation Inspection Programme
- Safeguarding Practice

3.2 The report identifies **reoffending** as the YOS priority for 2014/15

4 POLICY IMPLICATIONS

The report (S:2.5) outlines anticipated policy focus to address the problem of re-offending.

5 FINANCIAL IMPLICATIONS

N/A

4. LEGAL IMPLICATIONS

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.

5. PERSONNEL IMPLICATIONS

N/A

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	For any queries relating to background documents or questions on the report content, please contact Mr Paul King.

London Borough of Bromley

PART 1 - PUBLIC

Briefing for Care Services Portfolio Holder
Thursday 2 October 2014

ANNUAL UPDATE REPORT ON BROMLEY YOUTH OFFENDING TEAM PARTNERSHIP

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1. Summary

- 1.1 This is an annual report to the Care Services Portfolio Holder on (a) the performance of the Bromley Youth Offending Service (YOS) partnership during 2013/14, and (b) on YOS related operational and strategic developments.

2. THE BRIEFING

2.1 Governance

Youth Offending Services 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 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 YOS is situated in the Education and Care Services Department with direct line management of the YOS Group Manager through the Head of Bromley Youth Support Programme. The YOS's two tier governance arrangements are 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 YOS produces performance reports for both the Executive (annually) and Operational Management Boards (quarterly), 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)

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. At the end of 2013/14, there had been a slight increase to 80. 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, has also impacted on this indicator.

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 per 100
2009/10	Jan - March 2009	150	161	107
2010/11	Jan - March 2010	115	98	85
2011/12	Jan - March 2011	77	138	179
2012/13	Jan - March 2012	74	141	191
2013/14	Jan-March 2013	64	146	228

The rate (expressed as the number of offences per 100 offenders) is highly 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.

Analysis has shown that the increase in the rate between 2012/13 and 2013/14 is attributable to a proportionately higher number of offences being committed by members of a very specific cohort of offenders. Key characteristics of this cohort are variable engagement in Education, Training and Employment; a prevalence of SEN (particularly speech and language difficulties) and an increasing number of young people aged 15 and under. An additional factor contributing to the rise in the rate of reoffending, is the transfer, from time to time, of the responsibility for managing offenders from other Local Authorities to Bromley YOS. These case transfers (of young people with sometimes highly challenging offending behaviour) arise following changes of a young person's care placement or family residence or their return to the community following a period of custody where the return to the original place of residence would not be appropriate.

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

Year	Total Disposals	Sentenced to Custody	Custody as % of Total Disposals
2009/2010	347	22	6
2010/2011	263	15	6
2011/2012	224	15	7
2012/2013	247	9	4
2013/14	197	23	11

Custodial sentences decreased significantly over the period 2009/10 - 2012/13. Some of the reduction had 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 YOS 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. However, after a long period during which the number of custodial sentences has decreased, the trend is reversing. Analysis of court outcomes has shown that this is linked, in large part, to the increased reoffending rate noted above.

In addition to the 3 YJB performance indicators a priority for Bromley YOS is participation in Education, Training and Employment which is key to sustaining diversion away from offending behaviour.

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 continues to prove effective, as does the Mentoring Scheme which provides 1-1 support to young offenders particularly those whose offending behaviour is a barrier to their participation in EET. The Mentoring Scheme receives funding from the Public Protection and Safety Portfolio and from the Mayor's Office for Police and Crime and is delivered by the Bromley Education Business Partnership.

2.3 Her Majesty's Inspectorate of Probation Inspection Programme

HMIP's inspection of youth offending work 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.

2.3.1 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 Service were subject to a 3 day thematic inspection of safeguarding practice across these agencies. Bromley was 1 of 5 YOTs 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 did not identify or judge individual authorities in relation to themes or recommended areas for improvement but did identify individual authorities as examples of 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

Following this feedback from HMIP, officers from YOT and Social Care implemented a cross service improvement plan to address the Inspection Team's observations.

HMIP published the final report on the Inspection in August 2014 which is available at the HMIP website at <http://www.justiceinspectorates.gov.uk/hmiprobation/inspections/4003/>

In the report, Bromley YOS practice was identified for positive mention in respect to the quality of safeguarding assessments and for the use of police intelligence to direct case management by YOS and Care Service staff.

Bromley have also contributed to a Thematic Inspection on resettlement of young offenders following custody. The inspection took place in July 2014 and involved a single case from Bromley. No feedback was provided by the Inspectors.

2.4 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:

2.4.1 Remands

- A more flexible and simplified process is to be introduced for remanding young people into Youth Detention Accommodation (YDA) and Local Authority Accommodation, 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

2.4.2 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.

2.4.3 Out of Court Disposals (OCD)

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

Officers have conducted a comparative analysis of the full year effect of the impact of the LASPOA 2012 on the number and type of young people who are being remanded to custody. The implications of this are the subject of a separate report to members which is to be presented to the meeting of the Care Services Policy Development and Scrutiny Committee at their meeting of October 2014. The analysis shows that the number of individual young people remanded has increased between the 2 years. A key factor contributing to the increase in the number of remands is the re-offending of 14-15 year olds referred to above. In a previous report (CS13030) Members were advised of changes to the youth remand framework that had been introduced through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which came into force from 1st December 2012. The report advised that the introduction of these reforms have been accompanied by a transfer of financial responsibility for secure remands from the Youth Justice Board and Ministry of Justice to Local Authorities. Final actual expenditure on secure remands for the financial year 2013/14 was £269,041. The projected expenditure for the current financial year, based on the remands made by the end of August 2014, is £242,693.

2.5 Addressing Reoffending – YOS Service Priority 2014/15

Reoffending amongst a specific cohort (young people aged 15 and under) is now a headline concern for Bromley YOS. It has given rise to a negative trend in the YOS' reoffending and custody performance indicators and is also having an impact on the level of secure remands. With support from the Youth Justice Board, as part of a national pilot to address persistent offending, Bromley YOS are working with partners to develop a multi-agency approach to reoffending.

A priority of this approach will be to work with the Bromley Children in Care Virtual School Service to ensure that all young people known to the YOS and who are Looked After by the Local Authority have in place robust Personal Education Plans together with the support necessary to help them to remain within school or alternative provision during the school day. As poor speech and language skills are strongly associated with poor attendance and behaviour at school and Health have now commissioned a pilot speech and language therapy programme to address this in Bromley's young offenders and particularly our prolific reoffending cohort. Parental involvement is also key to diverting children and young people from offending and supporting their participation in education and the families of offenders falling into the reoffending cohort will now be identified for specific assistance from the Bromley Children Project Tackling Troubled Families Programme and Bromley Targeted Youth Support Programme.