

Decision Maker: CARE SERVICES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: Thursday 2 October 2014

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

Title: IMPLICATION OF CHANGES TO YOUTH REMAND FRAMEWORK

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Chief Officer: Executive Director of Education, Care & Health Services

Ward: (All Wards);

1. Reason for report

- 1.1 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 same report outlined the financial implications of these for Bromley.
- 1.2 This report provides a comparative analysis of the cohort of young people who were remanded during the calendar years 2012 and 2013 (immediately before and immediately following the introduction of the changes to the youth remand framework). The analysis shows (a) that the number of individual young people remanded has increased between the 2 years and (b) that a key factor contributing to the increase has been the re-offending behaviour of those aged 15 years and under.
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2. **RECOMMENDATION(S)**

- 2.1 Members are asked to note and comment on the content of the report.

Corporate Policy

1. Policy Status:
 2. BBB Priority: Children and Young People Safer Bromley
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Financial

1. Cost of proposal N/A
 2. Ongoing costs: Total costs of remand for financial year 2013/14 were
 3. Budget head/performance centre: Placements 808101
 4. Total current budget for this head: £
 5. Source of funding: Ministry of Justice and Council Grant
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Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory: the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. Sections 91 to 107 and Schedule 12
 2. Call-in: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 25 young people projected to be held on remand during 2014/15
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Ward Councillor Views

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

3. COMMENTARY

The Context

- 3.1 The Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO), which came into force in December 2012, with full implementation since April 2013, addresses concerns that too many children, whose alleged offences are not serious and whose behaviour does not pose a risk to the public, are remanded in secure custody. In 2010/11, 26% of all young people in custody were on remand. However, 61% of those on secure remand were acquitted or did not go on to receive a custodial sentence from trial. This indicates that many secure remands of children may be unnecessary. In addition, under the old legislation, 17 year olds were being remanded like adults and not as children. Both practices had attracted public criticism and were not in keeping with the United Nations Convention on the Rights of the Child

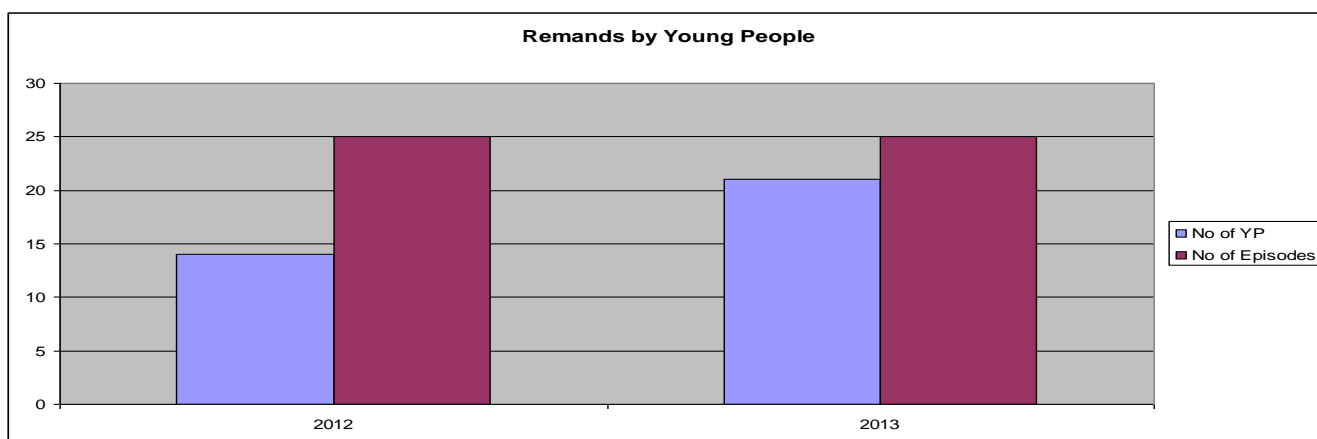
Changes to the Youth Remand Framework

- 3.2 The Legal Aid Sentencing and Punishment of Offenders Act 2012, (LASPO), therefore introduced the following changes to the youth remand framework:
- Children and young people remanded in youth detention accommodation are to be designated Looked After Children status for the duration of their remand.
 - They are now eligible for leaving care services if they are aged 16 or 17 years old and remanded beyond 13 weeks.
 - 17 year olds are to be treated as children and subject to the same remand framework as all other children aged 12 – 18 years and may therefore be remanded to local authority accommodation e.g. foster care or supported accommodation.
 - Courts should aim to place children who are on remand in the community with appropriate packages of support if the risk assessment and nature of the alleged offense permits.
 - All costs of remands to Youth Detention Accommodation are transferred to the Local Authority as an incentive for Local Authorities, through their Youth Offending Partnerships, to reduce unnecessary secure remands to avoid high cost placements.
- 3.3 Local authority “remand accommodation” is provided by or on behalf of a local authority. It has a wide definition and can include the homes of relatives, bail hostels and specialist fostering arrangements. All costs of remands to Local Authority Accommodation e.g. foster care, continue to be met by Local Authorities.
- 3.4 “Youth detention accommodation” is defined in section 102(2) of the LASPO Act 2012 and currently comprises:
- secure children homes;
 - secure training centres;
 - young offender institutions.
- 3.5 Prior to the introduction, in April 2013, of the changes to the remand framework summarised in section 3, Youth Detention Accommodation placement costs had been shared between the Ministry of Justice and Local Authorities as follows; Young Offender Institution - 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.

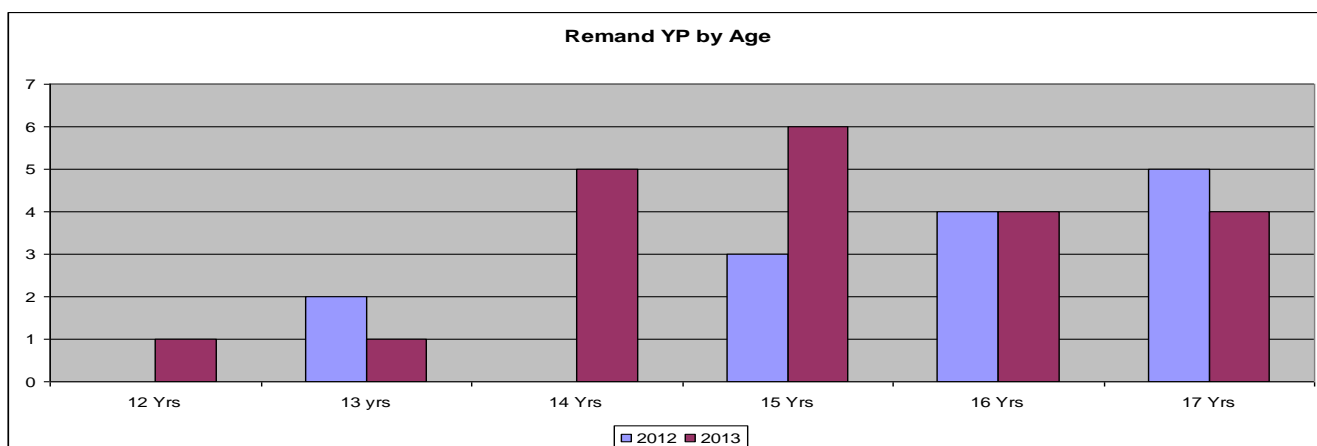
3.6 The Ministry of Justice continues to commission the number of Youth Detention places on behalf of Local Authorities however it has transferred the responsibility for paying for placements to Local Authorities. To support this arrangement the Ministry of Justice has devolved budgets in the form of a non ring-fenced grant allocation. The level of grant allocation has been determined according to their historical share of the total expenditure on Young Offender Institution placements. The funding previously used by the Ministry of Justice to commission Secure Children’s Homes and Secure Training Centre placements is not devolving to Local Authorities. For 2013/14, the Ministry of Justice grant allocation for Bromley was £73,734.

3.7 All young people held on remand are now designated as Looked After Children and, if they are over 16 and on remand for more than 13 weeks, as Care Leavers. Previously, this only applied to those remanded to Secure Children’s Homes, Secure Training Centres and to Local Authority Accommodation. Those who were remanded to Young Offender Institutions (YOI) were previously not deemed eligible. Now those remanded to YOI are also designated as Looked After and may also qualify as Care Leavers. A premium is included within the grant allocation to assist Local Authorities to meet the additional costs of incurred through the extension of Looked After Child status to all young people on remand.

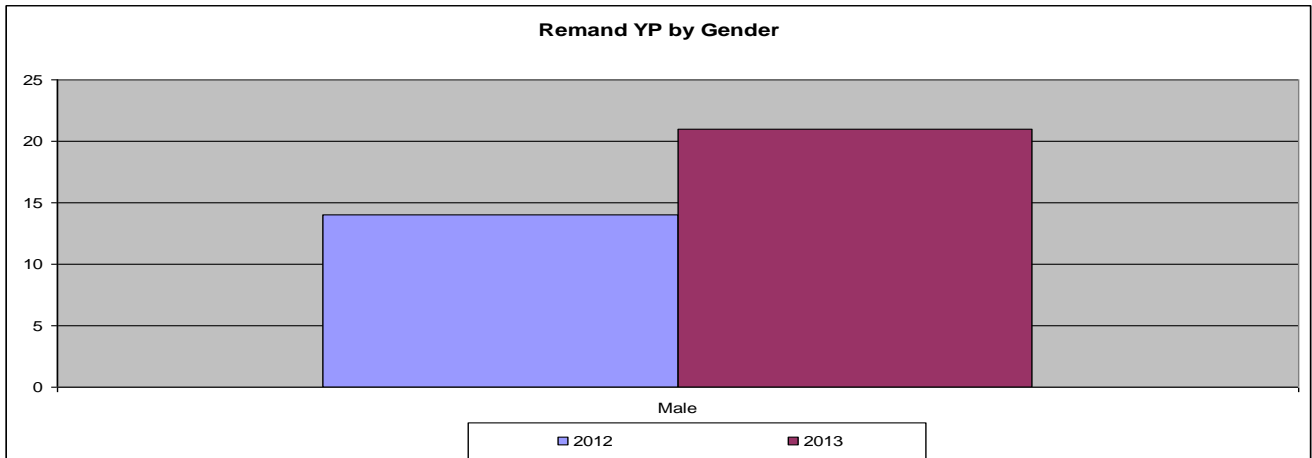
Bromley Young People remanded during January - December (2012 and 2013)



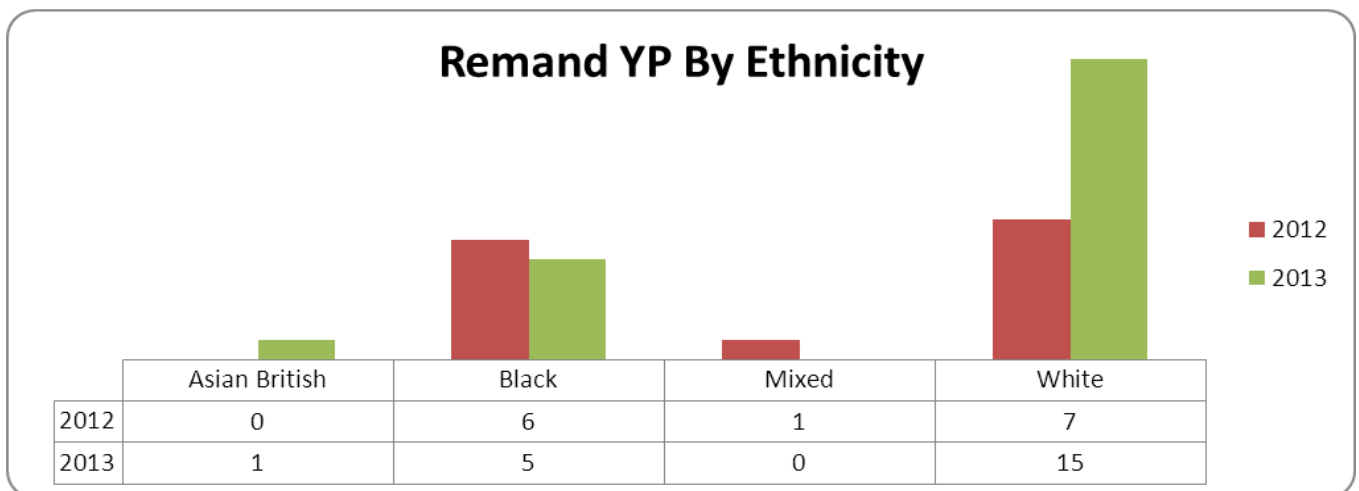
3.8 Between January to December 2013, 21 young people were remanded under the new remand framework, this was an increase of 33% compared with the same period in the previous year when 14 had been remanded.



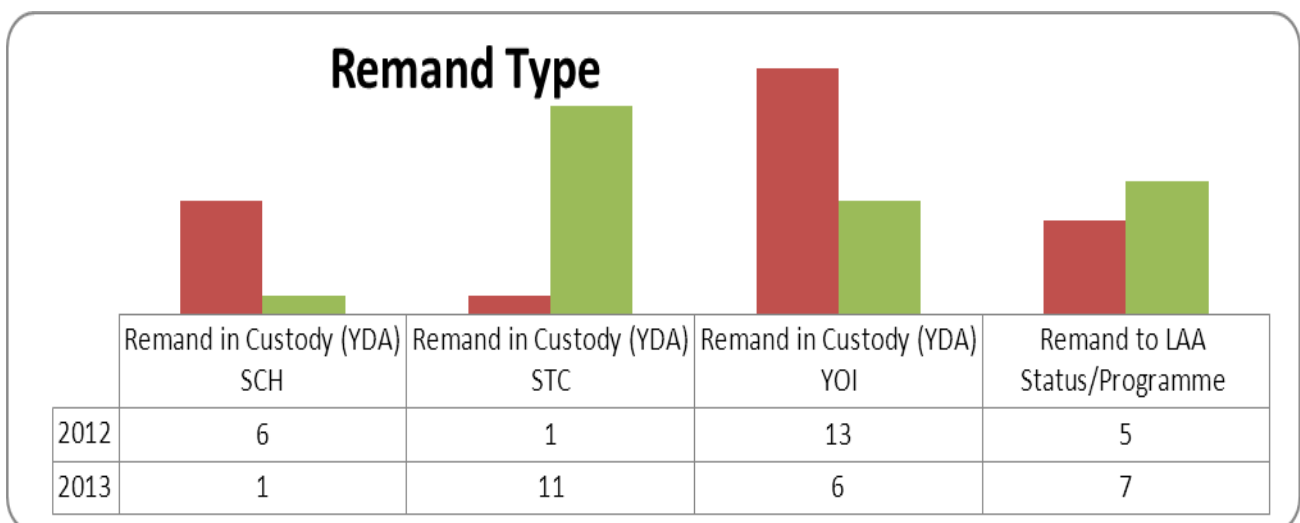
3.9 Just over 62% of the YP remanded in January to December 2013 were aged between 14-15 years. In the previous year this age group was 36% of the total remand cohort.



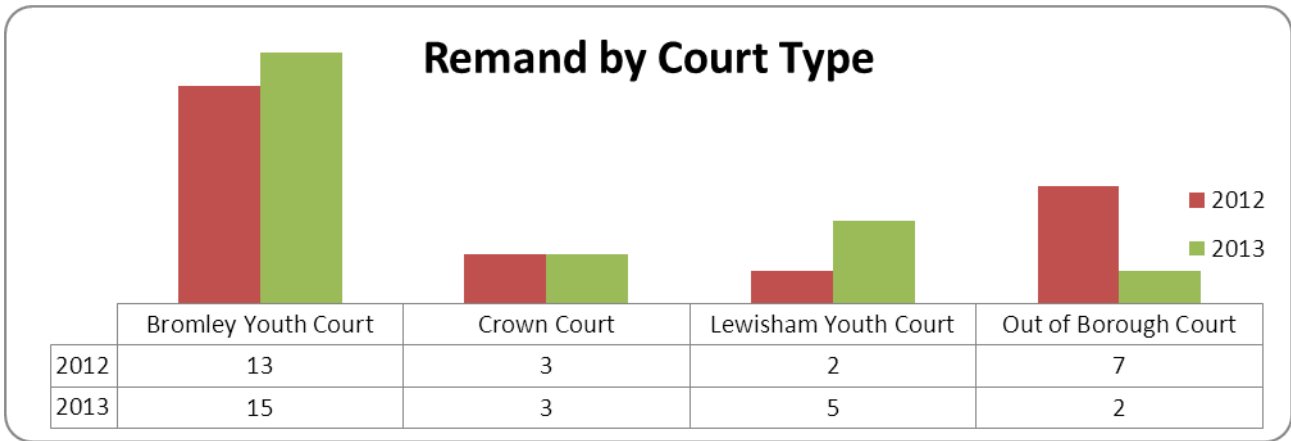
3.10 For the last two years all the young people remanded were male.



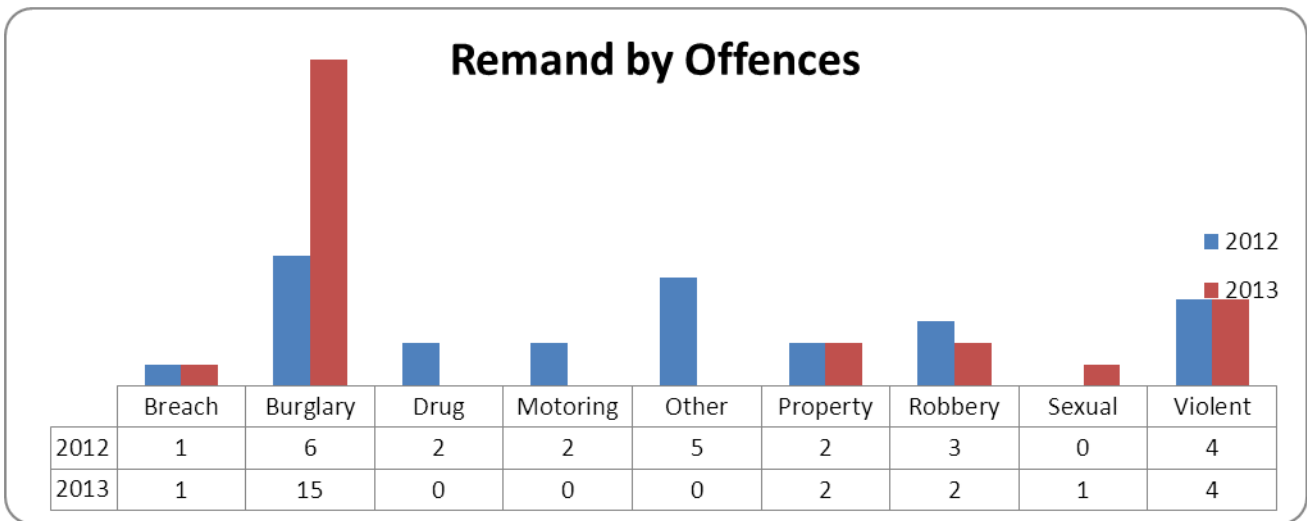
3.11 71% of the total remand population were white in 2013. This is broadly consistent with the ethnic profile of the Bromley YOS population.



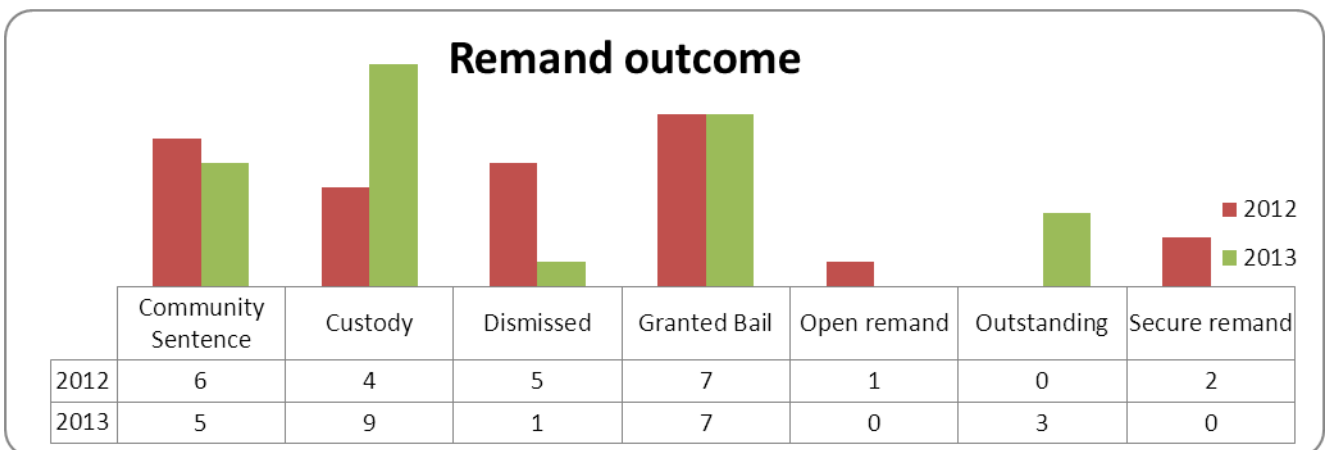
3.12 In year 2013, 44% of the YP who were remanded, were remanded into Secure Training Centre, as compared to 4% of YP for the previous year. This is largely attributable to the increased number of 14-15 year olds remanded relative to the previous year.



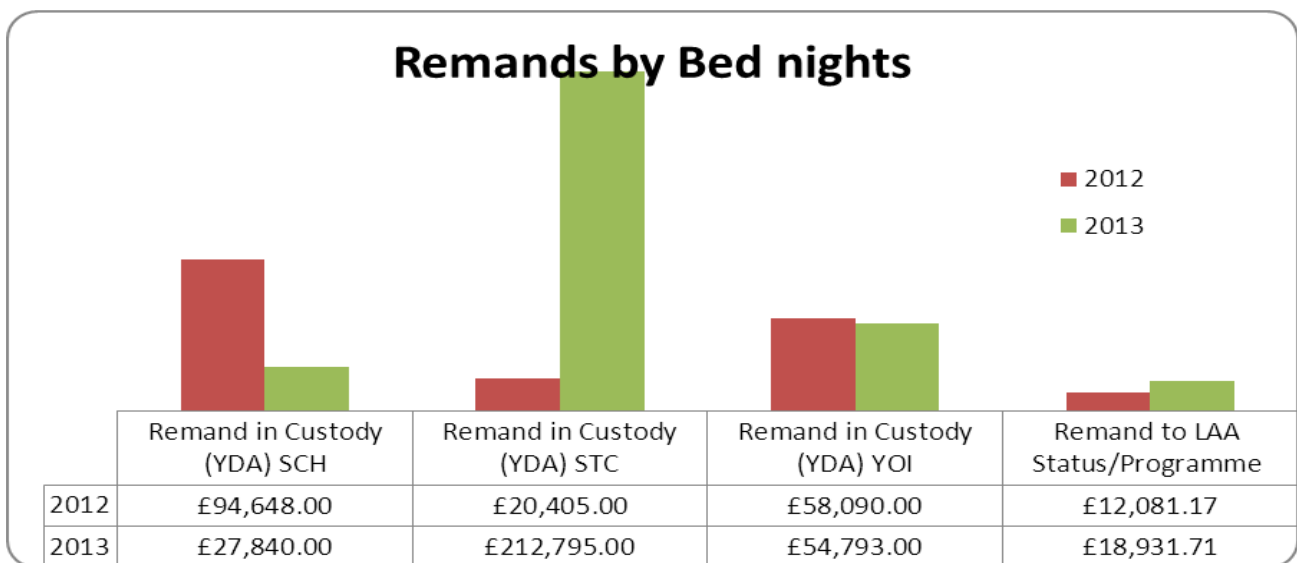
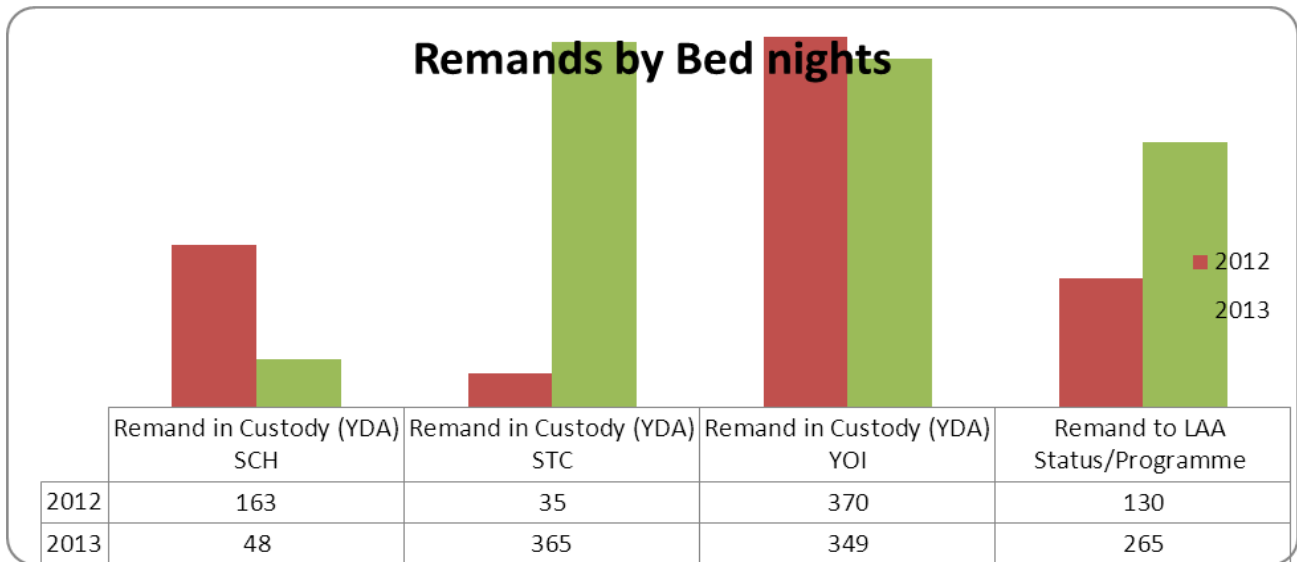
3.13 Based on the above, 60% of the remand episodes were given at Bromley Youth Court.



3.14 As shown above, in 2013, 60% of the young people were remanded due to the Burglary charges.



3.15 During the 2013 reporting period, 36% of the remand cases led to Custodial sentences. In the previous year this was 28.5%.



3.16 The total costs of remand in the year January to December 2013 was £314,359 as compared to £185,224. The cost of accommodation in STC is £579, SCH is £580 and YOI is £163. In 2013, the total cost of remands into Secure Training Centre increased by 91% compared with the same period in the previous year. As described above, this is largely due to the increased numbers of remands of young people of aged 15 and under.

Key Findings

3.17 During 2013, Bromley had a total of 21 individual young people remanded into custody compared to 14 in the previous year. Of these 15 young people were aged 15 and below, equating to 66% of the total young people remanded during 2013. In the previous year, just 2 were aged under 15.

3.18 The analysis clearly shows that the age of the young people remanded is a highly significant factor in the management of Bromley's volume of remands with potentially long term and costly implications. Without corrective intervention the current cohort aged 15 and under could remain involved with the YOS for a minimum of 2-3 years. The cost of appropriate secure accommodation for this age group is significantly higher than that for older age groups. Additional costs to the Council will also derive from all young people held on remand having the status of Looked After Children, and, if they are on remand at age 16 for more than 13 weeks, qualifying for Care Leaver status and entitlement, potentially to age 21.

- 3.19 All of those aged 15 and below that were remanded in 2013 had been known to the YOS for a considerable period of time prior to their current remand episodes and identified as potential re-offenders. They are part of the current Deter Young Offenders (DYO) cohort subject to ongoing review by a multi-agency offender management panel. Analysis indicates that these young people were not attending school, sometimes following exclusion or following a limited timetable. Police data confirms that the timing of their offending coincided with their absence from school. Analysis of the cohort also confirms that their behaviour, attendance at school and family background had given rise to concern for some time prior to the offences leading to their remand and that they were known by police, care and education support services.
- 3.20 The multi-agency YOS Operational Board have agreed that rate of reoffending amongst a specific cohort of offenders (aged 15 and under) is the key priority in addressing the increase in 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 implement a multi-agency approach to reoffending to counter this negative trend.
- 3.21 This approach includes working with 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 educational and pastoral support necessary to ensure that they remain within school or alternative provision during the school day. Poor attendance and behaviour in school is frequently associated with poor speech and language skills and Health have now commissioned a pilot speech and language therapy programme to address this amongst Bromley's young offenders. As parental involvement is key to diversion from offending and to participation in education, training and employment, the families of offenders falling into this category will be prioritised for support from the Bromley Children Project Tackling Troubled Families Programme and Bromley Targeted Youth Support Programme.
- 3.22 Analysis also shows that another factor contributing to the level of remands has been the late granting of bail by the courts after the remand has started. This indicates that the court may not have had sufficient confidence in the proposed bail package when the young person first appears at court and had no choice but to remand the young person pending provision of further information on the risk attached to the individual case. Bromley YOS and Court Service Officers are jointly addressing this.

4. FINANCIAL IMPLICATIONS

- 4.1 A previous report to Members (CS13030) provided detail on the anticipated financial implications of the changes to the Youth Remand Framework.
- 4.2 For Bromley, an estimated £500,000 full year pressure had been identified for placements and other costs associated with children achieving Looked After Children status as a result of LASPO. The allocated grant for Bromley of £73,734 for the year 2013/14 was considered to be insufficient and as a consequence, a sum of £500,000 was set aside in central contingency for 2013/14 should officer forecasts regarding demand be proven. At their meeting of 20 November 2013, the Executive approved drawdown of the Ministry of Justice youth remand grant allocation of £73,734 and the £500,000 which had been set aside in the Council's central contingency. Final actual expenditure on secure remands for the financial year 2013/14 was £269,041 and the projection for the current financial year, based on the remands made by the end of August 2014, is £242,693.

5. LEGAL IMPLICATIONS

5.1 The youth remand provisions in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 come into force on 3 December 2012. Sections 91 to 107 and Schedule 12 make significant changes to the remand framework for 10 to 17 year olds in criminal proceedings. Where a child has been remanded on bail, they will continue to be treated under the Bail Act 1976. Where the court refuses bail, the new youth remand framework introduced by section 91 of the LASPO Act 2012 will permit the court to remand a child to local authority accommodation or to youth detention accommodation. Section 90 and Schedule 11, which also come into force on 3 December 2012, make less extensive, but significant, amendments to provisions affecting adult remand.

5.2 The youth remand framework applies to all children concerned in criminal proceedings. For these purposes a child is defined as a person under the age of 18 (section 91(6) of the LASPO Act 2012). However the age of criminal responsibility in England and Wales is set at 10 years of age.

Non-Applicable Sections:	Personnel and Policy
Background Documents: (Access via Contact Officer)	[Title of document and date]