

Meeting:	Children and Young People Scrutiny Committee
Meeting date:	Monday 17 September 2018
Title of report:	Youth Justice Plan 2018-2019
Report by:	Cabinet member young people and children's wellbeing

Classification

Open

Decision type

This is not an executive decision Not an executive decision. Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

All Wards

Purpose and summary

To review the draft Youth Justice Plan 2018/19 at appendix a, and determine any recommendations to be considered by the executive

The Youth Justice Plan (the plan) forms part of the council's budget and policy framework and is reserved to full council to approve.

The plan is prepared on an annual basis on behalf of Herefordshire, Shropshire, Telford and Wrekin and Worcestershire councils. The basic plan preparation is undertaken by the West Mercia Youth Justice Service according to the deadlines and content requirements set by the Youth Justice Board for England and Wales (YJB).

The plan sets out how youth justice services across West Mercia are structured and resourced and identifies key actions to address identified risks to service delivery and improvement.

Under section 40 of the Crime and Disorder Act 1998, each council has a duty to produce a plan setting out how youth justice services in their area are provided and funded and how the youth offending service for the area is funded and composed, the plan is submitted to the YJB.

The plan for 2018/19 was prepared in June 2018 in line with guidance issued by the YJB in May 2018. The draft plan was agreed by the West Mercia Youth Justice Service Management Board on 12th July 2018.

Recommendation(s)

That:

- (a) the committee determines any recommendations it wishes to make to the executive in relation to the draft 2018/19 plan or to inform the production of the plan for 2019/20.**

Alternative options

1. There are no alternative recommendations because it is a function of the committee to make reports or recommendations on matters within the budget and policy framework of the council.
2. The Youth Justice Plan is required to be produced on an annual basis and the draft has been approved by West Mercia Youth Justice Service management board; one alternative option would be to amend the contents of the plan prior to approval being sought by full council, however the practical implications of this would be that any amendments would need to be approved by the management board, as required by the Youth Justice Plan Guidance issued on behalf of the secretary of State by the Youth justice Board for England and Wales, and by the Councils of the three other Local Authorities in West Mercia.
3. The Youth Justice Plan be recommended to full council for approval but with recommendations for the management board to consider in preparing the Youth Justice Plan for 2019/20.
4. In addition the council could choose not to endorse the adoption of the youth justice plan 2018/19; however, this is not recommended as it is a statutory requirement for the plan to be approved by full council; therefore there are no practical alternative options.

Key considerations

5. The Youth Justice Service is subject to three national indicators. Performance against the indicators is outlined in the plan and actions identified to address the risks to performance improvement. The Herefordshire specific information is set out on pages 24 to 27 of the plan.
6. The first time entrant indicator which is expressed as the number of first time entrants to the youth justice per 100,000 youth population was 447 for Herefordshire in 2017 representing a reduction of 16% from the previous year when the rate was 529. The actual number of FTEs were 86 in 2016 and 72 in 2017. The general trend has been downward since 2012 when the rate was 680. The Herefordshire rate is higher than the rate for West Mercia, 354 and for England 295. The gap between the Herefordshire rate and the rate for England widened between 2013 and 2015, but dropped between 2016 and 2017 by 21%. The reasons for the higher than expected rates of FTEs in West Mercia is not fully understood, but HMI Probation judged that the joint decision process for out of court disposal in West

Mercia is the main driver. It is planned to implement revised out of court disposal decision making processes during 2018/19.

7. The second indicator is the use of custody indicator, which is measured as the number of custodial sentences per 1,000 youth population. The use of custody performance for 2017 was 0.06, this is an improvement on 2016 when it was 0.19, and significantly better than for West Mercia, 0.16 and England 0.39.
8. The third indicator is re-offending. There are two measures both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed that young person in the cohort. The first, the frequency rate, is the average number of re-offences per offender who re-offends. The second measure is the proportion (%) of the cohort who re-offended. Due to the way the Ministry of Justice measure this indicator there is a delay in the results being published. The most recent data available for the preparation of the plan was for the cohort identified between July 2015 and June 2016, whose re-offending was tracked for 12 month period until June 2017.
9. The frequency measure for Herefordshire for this period is 3.47 compared to the West Mercia performance of 4.04 and an England performance of 3.83. The proportion of the cohort re-offending is 43.0%, compared to a West Mercia's 33.9% and England's 41.9%. When taken together although there are proportionately more young people re-offending in Herefordshire than West Mercia as a whole, they are re-offending with less frequency. The service is participating in research to identify the prevalence of adverse childhood experiences (ACEs) in young people in the youth justice system. There is a growing evidence base suggesting that young people who have experienced ACEs need to have those issues addressed before any work to prevent re-offending is likely to be effective. The research outcomes will be used to inform changes in practice in the future.
10. The service was subject to a pilot joint inspection at the end of 2017/18. As the primary purpose of the inspection was to test a new inspection methodology and framework the inspectorate did not publish an inspection report. Commentary on the inspectorate's findings is provided in section 2.4 of the plan. Although the service was judged as requiring improvement overall, across the 12 inspection standards, one was rated inadequate, four requiring improvement and seven rated good. An improvement plan to address the findings of the inspection has been agreed by the management board, and the actions from the improvement plan have been included in the delivery plan on pages 15 to 17 of the Youth Justice Plan.
11. West Mercia Youth Justice Service Management Board have adopted 12 priorities for 2018/19 and 2019/20 grouped under the four main areas of:
 - Our People
 - Our Partnerships
 - Our Performance, Quality and Practice; and
 - Our Governance

The priorities are outlined on pages 12 and 13 of the plan and actions addressing each of the priorities are also included in the delivery plan on pages 15 to 17 of the plan.

12. Although there is overlap in the priorities from the 2017/18 plan the 2018/19 plan provides a greater emphasis on developing the staff of the service, and more focussed on areas for improvement identified through the management board workshops and the independent scrutiny provided through the pilot inspection.

Community impact

13. The principal aim of the youth justice system is the prevention of offending and re-offending by children and young people. The plan sets out an action plan to address the significant risks identified.
14. The plan directly supports two Herefordshire Council corporate priorities;

Enable residents to live safe, healthy and independent lives and to keep children and young people safe and give them a great start in life.
15. The plan supports the council's corporate plan priorities to keep children and young people safe and give them a great start in life; and enable residents to live safe healthy and independent lives. In addition the plan supports priority two of the council's Health and Wellbeing Strategy, in working to reduce offending, anti-social behaviour and re-offending by young people.
16. Reducing the number of first time entrants and the number of repeat young offenders in the youth justice system has been adopted as a key priority area in the Herefordshire Community Safety Partnership strategy for 2017/20 and the Youth Justice Plan directly supports this priority.

Equality duty

17. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
18. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
19. The plan will support the council in its overall duty to promote equality. In particular, the plan makes proposals to improve the outcomes of children and young people who are in conflict with the law, by ensuring their individual needs are assessed and assisting them in accessing services that meet their needs.

Resource implications

Further information on the subject of this report is available from
Keith Barham, head of service West Mercia Youth Justice Service (YJS) Tel: 01905 732200 or
Chris Baird, director for children's wellbeing Tel: 01432 260264, email: cbaird@herefordshire.gov.uk

20. The council's 2018/19 financial contribution to YOS is £197,475. This is budgeted for in the Medium Term Financial Strategy (MTFS) and is sufficient to deliver the youth justice plan.

Legal implications

21. This is a budget and policy framework item, which requires Cabinet to make a recommendation to full Council in line with the Part 3, section 3 of the council's constitution.
22. The council has a statutory duty, as set out under section 40 of the Crime and Disorder Act 1998, to formalise and implement for each year a Youth Justice Plan, following consultation with the relevant persons (police, probation and health services) as set out in section 38(2) of the Act. The plan must set out how youth justice services in the local council area are to be provided and funded; and how the youth offending team established by the local council are composed, funded, how they are operated and what functions they are to carry out. Plans must be submitted to the Youth Justice Board for England and Wales in a form and by a date set by the Secretary of State.
23. The plan appended to this report, when submitted to the Youth Justice Board, will meet this statutory duty.

Risk management

24. The risks are identified in the plan, together with the actions to mitigate them.

Consultees

25. Herefordshire Council, Shropshire Council, Telford and Wrekin Council, Worcestershire County Council, West Mercia Police, the National Probation Service, CCGs and the Office of the West Mercia Police and Crime Commissioner have been consulted through their YJS management board representatives who agreed the plan on 12th July 2018. The Herefordshire Council management board representative is the Director for Children's Wellbeing.
26. The content of the plan was informed by two workshops attended by the management board representatives or their delegates.

Appendices

27. Appendix A – West Mercia Youth Justice Plan 2018/19

Background papers

28. None identified