

<b>Meeting:</b>	<b>Children and Young People Scrutiny Committee</b>
<b>Meeting date:</b>	<b>Monday 16 September 2019</b>
<b>Title of report:</b>	<b>Youth Justice Plan 2019 - 2020</b>
<b>Report by:</b>	<b>Cabinet member children and families</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision.

## **Wards affected**

(All Wards);

## **Purpose and summary**

To review the draft Youth Justice Plan 2019/20 at appendix a, and agree for the plan 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 2019/20 was prepared in May 2019 in line with guidance issued by the YJB. The draft plan was agreed by the West Mercia Youth Justice Service Management Board on 24<sup>th</sup> May 2019.

## Recommendation(s)

That:

- (a) **The committee determines any recommendations it wishes to make to the executive in relation to the draft Youth Justice Plan 2019/20 (appendix a).**

## Alternative options

1. There are no alternative recommendations because it is a function of the committee to make reports or recommendations to the executive 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 2020/21.
4. In addition the council could choose not to endorse the adoption of the youth justice plan 2019/2020; 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. West Mercia Youth Justice Service is a multi-agency, multi-disciplinary service which delivers statutory youth justice services across West Mercia. Youth justice services are defined in the Crime and Disorder Act 1998, but in summary carry out joint decision making with Police for second and subsequent Youth Cautions and all Conditional Youth Cautions, provide reports and information to the Courts to aid remand and sentencing decisions, provide bail information and supervision, carry out case management of community sentences and manage and provide through care of young people receiving custodial sentences. The services are delivered from community based teams aligned to each of the four Local Authority areas. The Herefordshire team is based in Hereford.
6. The service is accountable to a management board comprising senior officers from each of the statutory youth justice partnership agencies. Herefordshire Council's management board representative is the Director for children and families.
7. The annual Youth Justice Plan sets out how the service is structured and resourced and outlines the 2019/20 improvement action plan for the service addressing the priorities agreed by the management board. A short review of 2018/19 and commentary on the service's performance against the national youth justice indicators is also provided along with some specific data on Herefordshire shown in appendix 4 of the plan and reproduced as an appendix of larger graphics (appendix 2) to this report .The key priorities for the two year period 2018/19 and 19/20 are:-

- Priority 1: Our People
  - 1.1 Promote in-service progression and ensure that appraisals are used effectively
  - 1.2 Strengthen staff development programmes
  - 1.3 Improve staff morale, motivation and encourage engagement
- Priority 2: Our Partnerships
  - 2.1 Improve multi-agency engagement at high risk and decision making meetings
  - 2.2 Ensuring young people's mental health needs are met
  - 2.3 Review and improve policy and practice in relation to out of court disposal decision making thereby contributing to a reduction in the number of first time entrants
- Priority 3: Our Performance, Quality and Practice
  - 3.1 Develop our quality assurance and performance framework in collaboration with our partners
  - 3.2 Ensure adequate interface with Children Services information systems
  - 3.3 Develop our practice and encourage innovation
- Priority 4: Our Governance
  - 4.1 Communicate our vision and priorities to our staff, partners and stakeholders
  - 4.2 Develop Board Member links to WMYJS to support service development and improve engagement with staff and service users
  - 4.3 Anticipate and mitigate future risks to the long term delivery of our vision

Actions addressing each of the priorities are also included in the delivery plan on page 9 of the plan.

- 8. 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 14 to 16 of the plan.
- 9. First time entrants. There were 52 in the year October 2017 to September 2018, which is a decrease of 31 from previous year when there were 85 first time entrants. This is out of 16,101 young people aged 10-17 in Herefordshire and represents less than one third of one percent of this group, approximately one in every 300. The actual numbers are therefore very small. The general trend in Herefordshire has been downward since 2012.
- 10. For the purposes of the youth justice service the indicator is expressed as the number of first time entrants to the youth justice per 100,000 youth population. This rate was 338 for

Herefordshire in the year October 2017 to September 2018, continuing a year on year reduction that sees the current rate statistically significantly lower than in 2012. The Herefordshire rate is higher than the rate for West Mercia, 294 and for England 255. Given the small numbers and expression as a rate, the comparison with West Mercia is not statistically significant, but the comparison with the rate for England is.

11. The reasons for the higher than expected rates of first time entrants in West Mercia is not fully understood, and given the very small actual numbers it is difficult to draw conclusions from individual years. HMI Probation judged that the joint decision process for out of court disposal in West Mercia is the main driver. Out of court disposals are a method of resolving offences without prosecution before the court, and include the informal disposal of community resolution and the formal Police sanctions of Youth Cautions and Youth Conditional Cautions. A revised model of joint decision making to address this issue was agreed in 2018/19 and is being implemented in 2019/20 with implementation in Herefordshire being in advance of the other 3 local authority areas.
12. The second indicator is about the use of custody, which is measured as the number of custodial sentences per 1,000 youth population. The use of custody performance for 2018 was 0.06, the same as in 2017, and is better than for West Mercia, 0.07 and England 0.32. However, due to the small numbers involved (one custodial sentence in Herefordshire in 2018), none of these differences are statistically significant.
13. The third indicator is re-offending. There are two measures which both measure 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 April 2016 and March 2017, whose re-offending was tracked for 12 month period until March 2018.
14. The frequency measure for Herefordshire for this period was 3.38 offences per re-offender compared to the West Mercia and England performance of 3.23 and 3.90 respectively. The proportion of the cohort re-offending was 41.0%, not significantly different to the national rate of 40.6%. The performance range nationally for the frequency measure is 2.30 to 6.67 and the binary measure 20.2% to 63.3% placing Herefordshire in top quartile of the national performance range for the frequency measure and the second to top quartile of national performance range for the binary measure. At the Council Meeting in October 2018, it was asked if information could be provided on re-offending in the cross over period between youth offending and the early years of adulthood. Unfortunately the Youth Justice Service does not have access to data on young adult offenders and is unable to provide the analysis requested. The Head of the Youth Justice Service is investigating whether the Community Safety Partnership analysts have access to data to be able to provide the information requested. During 2018/19 the service took part in research commissioned by the West Midlands Combined Authority 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 service, therefore, is planning to implement trauma informed practice during 2019/10

## Community impact

15. In accordance with the adopted code of governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining, the right mix of these is an important strategic choice to make sure outcomes are achieved. The council needs robust decision-making mechanisms to ensure our outcomes can be achieved in a way that provides the best use of resources whilst still enabling efficient and effective operations and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review.
16. 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.
17. 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.
18. 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.
19. 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

20. 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.
21. 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.
22. 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**

23. The council's 2019/20 financial contribution to YOS is £189,576. This is budgeted for in the Medium Term Financial Strategy (MTFS) and is sufficient to deliver the youth justice plan.

## **Legal implications**

24. This is a budget and policy framework item, which is recommended from cabinet to full Council in line with the Part 3, section 3 of the council's constitution.
25. 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.
26. The plan appended to this report, have been submitted to the Youth Justice Board, and meets this statutory duty.

## **Risk management**

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

## **Consultees**

28. The draft will be considered by the children and young people scrutiny committee at its meeting on 16 September 2019 and their views will be made available to the cabinet member before signing off the report for publication in the Cabinet agenda.

## **Appendices**

Appendix 1 – West Mercia Youth Justice Plan 2019/20

Appendix 2 – Youth Justice Plan 2019/20 Herefordshire larger graphs

## **Background papers**

None identified