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| <b>Report to:</b>        | <b>RESILIENT COMMUNITIES SCRUTINY<br/>COMMITTEE</b> |
| <b>Relevant Officer:</b> | Delyth Curtis, Director of People                   |
| <b>Date of Meeting</b>   | 13 October 2016                                     |

## **YOUTH JUSTICE THEMATIC DISCUSSION**

### **1.0 Purpose Of The Report:**

- 1.1 To consider improvements in the Youth Offending Service since Full Joint Inspection in 2013, the impact of developments in the sector and the opportunities the developments present.

### **2.0 Recommendation(S):**

- 2.1 To consider and scrutinise the issues set out in the report and the effectiveness of the response of the Council and its partners.

### **3.0 Reasons For Recommendation(S):**

- 3.1 To help further develop effective responses to offending by children and young people in Blackpool.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:  
  
None.

### **4.0 Council Priority:**

- 4.1 The relevant Council Priority is "Communities: Creating stronger communities and increasing resilience."

## **5.0 Background Information**

- 5.1 Blackpool Youth Offending Team Partnership's vision is to prevent offending and reduce reoffending by young people. Our mission (appendix 7(a)) is to achieve this by working effectively with young people and our partners.
- 5.2 The punitive approach to youth offending outlined in the 1997 "No More Excuses" white paper gave rise to the 1998 Crime and Disorder Act and set the tone across government departments for the rises seen in young people coming into the youth justice system in the middle part of the last decade.
- 5.3 The growth of "sanction detections" in the police imposed formal responses to incidents that would previously have attracted an informal response leading directly to increasingly minor forms of behaviour being drawn into the criminal justice system.
- 5.4 The local experience of this effect caused the lead HM Inspector of Probation to conclude in the Core Case Inspection in 2009 that caseloads twice the national average in Blackpool were a significant barrier to achieving quality and effectiveness in the protection of the public and of children themselves.
- 5.5 The key aim of Blackpool's Youth Justice Strategy and the direction of the Youth Offending Team's resources at that time were to establish a process and services to divert children with low level offending behaviour away from the youth justice system into informal and voluntary forms of support.
- 5.6 Nationally, the number of young people in the criminal justice system has fallen consistently over the last decade. This reflects changes in the way the youth justice system and wider public services respond to children and young people when they start to display problematic behaviour:
- The Youth Crime Action Plan introduced Youth Justice Triage Schemes to divert low level offending by children into restorative alternatives to prosecution;
  - The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced higher thresholds for custodial remands and sentences and
  - New Ministry Of Justice and Youth Justice Board Guidelines for Out of Court Disposals (Cautions) brought more opportunities for Youth Offending Teams to deal with early/low level offending without the need for, or expectation of prosecution from the police.
- 5.7 The success of establishing a partnership approach to commissioning a Youth Justice Triage Service from a third sector provider, with the other two Youth Offending Teams, Lancashire Constabulary and the Police and Crime Commissioner, can be seen in the 80% reduction in the number and rate of 'First Time Entrants' to the youth justice system in Blackpool.

- 5.8 The value of this work to the public sector has recently been estimated. At cost of £3,900<sup>1</sup> per case in the magistrates' court, the total savings to the public purse achieved by diverting 543 children away from prosecution in Blackpool since 2012 would be £2,273,700 and for the whole of Lancashire (2380 children) would be £9,282,000, for a service that cost Blackpool £30,000 in its first year and the Police and Crime Commissioner £175,000 per year since.
- 5.9 From a young person's point of view, the value of making the successful transition into productive adulthood without the barriers that a criminal conviction in childhood creates later cannot be underestimated.
- 5.10 The success of diverting younger children with less complex needs out of the statutory youth justice system has left a smaller, more complex, vulnerable, persistent and expensive cohort for statutory services to manage. Over 50% of the Youth Offending Team cohort have mental health problems; 80% of school aged Youth Offending Team clients have an additional educational need; 50% of school leavers are NEET (Not in Education, Employment, or Training); 56% are assessed as 'high' or 'very high' risk; 45% 'high' or 'very high' vulnerability; and 93% are receiving Youth Offending Team interventions at the 'enhanced' or 'intensive' Scaled Approach levels.
- 5.11 The prevalence of offending and anti-social behaviour by young people is closely associated with the effects of poverty and deprivation. Both are high and have been seen to have risen in Blackpool in recent years.
- 5.12 The number of offenders per 1,000 of the 10-17 population is a contextual measure of the rate of youth offending used by the inspectorate in their reports.
- 5.13 Rates in North West local authorities calculated using the Youth Justice Boards' Youth Data Summary for 2013 were as follows:

|            |    |
|------------|----|
| Blackpool  | 48 |
| Manchester | 32 |
| Salford    | 30 |
| Liverpool  | 24 |
| St Helens  | 22 |
| Rochdale   | 21 |
| Lancashire | 20 |
| Cumbria    | 19 |
| Knowsley   | 19 |
| Tameside   | 19 |

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<sup>1</sup> "What Price Justice?" The Economist, June 29<sup>th</sup> 2013, <http://www.economist.com/news/britain/21580184-better-ways-cut-states-justice-bill-what-price-j>

|   |    |
|---|----|
| Wirral  | 19 |
| Bolton  | 18 |
| Oldham  | 17 |
| Stockport   | 15 |
| Wigan   | 13 |
| Bury  | 12 |
| Trafford  | 12 |
| Cheshire East   | 9  |
| Cheshire West, Halton and Warrington - data not available |    |

Blackpool had the second highest reoffending rate in England and Wales in 2009.

- 5.14 In January 2014 the Youth Justice Board’s Director of Operations wrote to the Chief Executive in response to their monitoring of the high rate of reoffending and made a monitoring placing the Youth Offending Team Partnership in Blackpool in ‘improvement’ status because of concerns about resourcing, high reoffending rates and engaging partner agencies in effective governance.
- 5.15 Children’s Services Commissioning reviews of the Youth Offending Service and business support were subsequently carried out and implemented during 2015.
- 5.16 The Youth Offending Team also joined the Youth Justice Board’s national Re-offending Project, providing the tools and guidance to report a more current picture of re-offending and to allow a more immediate focus to improvement than the data produced by the Ministry of Justice over a two year monitoring period.
- 5.17 Following a monitoring visit in September 2015, the Youth Justice Board Head of Operations and Head of Business Area confirmed the de-escalation of improvement support, confirming that “given Blackpool Youth Offending Team’s demonstrative and consistent progress in relation to performance outcomes and movement against post HMI Probation improvements.”
- 5.18 Live data produced using the Youth Justice Board’s Reoffending Toolkit shows that the re-offending by children and young people in Blackpool is now below the current national average.
- 5.19 The calculation that shows a high rate of re-offending two years before masks a much more positive story in Blackpool. Between 2008/9 and 2012/13 (the latest data available)
- The number of offenders in the cohort has reduced by 348 (59%)
  - The number of re-offenders has been reduced by 149 (58%)
  - The number of re-offences has been reduced by 331 (39%)

- 5.20 The Youth Justice Board continues to recognise and allow for the local challenges we face, congratulating the council and partners in their de-escalation letter of September 2015 for “the local authority wide response to the high levels of disadvantage and deprivation that you face.”
- 5.21 De-escalation of ‘improvement’ status cleared the way for a visit from Lord McNally, Chair of the Youth Justice Board in September 2015.
- 5.22 Lord McNally met two 15 year old girls who had been at the same school, one the perpetrator of an assault on the other, a vulnerable victim. After a face to face restorative justice meeting, both were able to move on, having been able to express their thoughts and feelings over the offence with positive results for each.
- 5.23 Lord McNally wrote in his letter of thanks that “It was inspiring to meet young people who participate in the Restorative Justice scheme and to hear first-hand how the programme helps them to turn their lives around. I was also deeply impressed by the teamwork being shown in addressing the very specific problems Blackpool faces. In particular I was pleased to learn of the across the board improvements made by the Blackpool Youth Offending Team and the leadership it was providing in difficult circumstances.”

## **6.0 Inspection And Subsequent Improvements**

- 6.1 Commenting on improvement work since re-inspection in 2009, HM Inspectorate of Probation concluded in their 2013 inspection of Blackpool Youth Offending Team that, “The progress made by Blackpool since our last inspection was considerable. However, for a Youth Offending Team to be fully effective, it must be supported by a management board that provides strategic leadership and direction for its managers.”
- 6.2 HM Inspectorate of Probation made seven main recommendations, which identified improvements to the strategic membership and performance management of the management board.
- 6.3 They also required improvements to the management of the risk of harm to others and vulnerability, initial assessments, plans and reviews, quality assurance arrangements and the integration of specialist staff into these processes.
- 6.4 Their feedback was positive, recognising that the service had an accurate view of its areas for improvement and that the work to deliver them was in progress at the time of inspection.

## **7.0 The Statutory Youth Justice Strategic Plan**

- 7.1 A review of Youth Justice provision has been commissioned by the Secretary of State. It was due to report in July 2016 but the change of minister has introduced a delay without a published timescale.
- 7.2 The report may result in changes to legislation and delivery models, which, in turn, will require a review of the planning process. However, until findings are clear and consequent changes explored for later in the year, youth offending partnerships have a statutory duty to submit an annual youth justice plan. The guidance remains predominantly unchanged:
- 7.3 Section 40 of the Crime and Disorder Act 1998 sets out the youth offending partnership's responsibilities in producing this plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out:
- how youth justice services in their area are to be provided and funded
  - how the youth offending team (Youth Offending Team) will be composed and funded, how it will operate, and what functions it will carry out.
- 7.4 Blackpool Youth Offending Team partnership created a three-year plan in 2015 in response to Youth Justice Board's increased scrutiny and support outlined above. An update has been signed off by the Youth Offending Team Partnership Management Board and submitted to the Youth Justice Board.
- 7.5 It includes a summary of achievements in 2015-16:
- De-escalation of Youth Justice Board Improvement Support in September 2015
  - Visit from the Chair of the Youth Justice Board, Lord McNally, 22nd September 2015.
  - Restorative Justice. Successful use of the Restorative Justice grant provided by the Youth Justice Board in delivering Blackpool Youth Offending Teams Restorative Justice Strategy with a significant improvement in performance as a result.
  - Performance (Youth Justice Board Youth Data Summary, for the year April 2015 - March 2016)
    - Reducing First Time Entrants. Reduced by 80% since 2009. The rate of First Time Entrants reflects a complex but positive picture of developments in several related strands of the youth justice system.
    - Reoffending rates after 12 months. Improvements outlined in the section above.
    - Use of Custody. Reduced by 80% since 2009. Rates remain low.

- AssetPlus Implementation. Our AssetPlus implementation plan was delivered on time and in full, for the go-live date of 21 March 2016.
- National Standards. The annual Youth Justice Board National Standards Audit was completed, showing good compliance. Actions from the previous year's audit were completed.

## **8.0 Future Policy Direction**

8.1 In September 2015, then Justice Secretary Michael Gove, asked Charlie Taylor to undertake a comprehensive review of the youth justice system.

8.2 Publication of the report in June 2016 has been delayed following ministerial changes.

8.3 Taylor's interim report gave an indication of the policy and practice changes he has been considering:

- Education needs to become the cornerstone of a period in youth custody. He recommends the creation of 'secure schools' for young people in custody to attend, modelled on alternative education provision, possibly run by academy trusts.
- A change in legislation to allow greater flexibility in how areas adapt youth offending to become more integrated with family, youth and mental health services.
- Ways in which 'diversion' can be expanded and whether the youth justice system has the right balance between rehabilitating young people through formal court orders and dealing with offending outside the system.

8.4 It is not yet clear when the report will be published, if at all.

8.5 In the meantime, the Youth Offending Team in Blackpool is being integrated with services to Looked After Children (over 12 years), Connexions, Young People's Substance Misuse and Wellbeing in Sexual Health to reduce duplication and improve outcomes.

8.6 A project board, chaired by the Director of Children's Services, is overseeing the work.

Does the information submitted include any exempt information?

No

### **List of Appendices:**

Appendix 7(a): Youth Offending Service Vision, Mission Values

Appendix 7(b): Restorative Justice Case Studies

## **6.0 Legal considerations:**

6.1 The local authority's statutory duties to provide youth justice services under the Crime and Disorder Act 1998 will need to be considered in the development of services for young people.

**7.0 Human Resources considerations:**

7.1 None specifically in this report

**8.0 Equalities considerations:**

8.1 Issues affecting vulnerable children in the criminal justice system.

**9.0 Financial considerations:**

9.1 None specifically in this report

**10.0 Risk management considerations:**

10.1 None specifically in this report

**11.0 Ethical considerations:**

11.1 None specifically in this report

**12.0 Internal/ External Consultation undertaken:**

12.1 Not applicable.

**13.0 Background papers:**

13.1 None



## Vision, Mission and Values

Blackpool Youth Offending Team Partnership's vision is to prevent offending and reduce reoffending by young people.

Our mission is to achieve this by working effectively with young people and our partners.

Our aims are to:

- i) Reduce the number of first time entrants to the criminal justice system, firstly by preventing the inappropriate use of the criminal justice system to address the needs of vulnerable children and young people, to improve their access to the services available to meet those needs and to improve those services to meet the needs of young people at risk of entering the criminal justice system.
  - ii) By achieving the above and removing those least likely to commit future offences or cause harm from the criminal justice system, then to allow the Youth Offending Team to focus its resources on work with young people within the criminal justice system to reduce re-offending and the risk of their causing serious harm.
  - iii) By achieving the above, to reduce the damaging use of custody for all children and young people by providing or facilitating access to the appropriate services in the community.
- b) Our objectives are therefore:
- i) Decriminalisation
    - (1) Work with the Police and Crime Commissioner, the Police and neighbouring Youth Offending Teams on a youth policing policy to further reduce the numbers of young people drawn unnecessarily into the youth justice system.
  - ii) Diversion
    - (1) Contribute resources and maintain effective links with services to prevent offending.
    - (2) Work with the Police and Crime Commissioner to provide a Youth Justice Triage service to divert young people from the youth justice system into reparative and restorative processes.
    - (3) Manage and chair the Youth Disposal Panel to ensure that Out of Court Disposals are correctly used to address the needs of children whose behaviour puts them at risk of entering the criminal justice system.
  - iii) Decarceration

- (1) Provide a range of robust and effective services to address the assessed needs of young people at every stage within the criminal justice system.
- (2) To maintain effective, credible alternatives to custody at the point of remand and sentence.
- (3) To improve the effectiveness and outcomes achieved by our current programmes and resources to reduce re-offending, including:
  - (a) Intensive Supervision and Surveillance
  - (b) Integrated Resettlement Services
  - (c) Offending behaviour programmes
  - (d) Restorative Justice
  - (e) Work with the court
  - (f) AIM2 (Assessment and work with young people who display sexually harmful behaviour)
  - (g) Accommodation
  - (h) Education, Training and Employment
  - (i) Universal and targeted services provided by or accessed through partner agencies: Education, training and employment; health; substance misuse; mental health; housing and accommodation.

The way in which young people will experience the values that underpin the delivery of our service were developed in consultation with all our staff. Our values are shown below as a set of building blocks based on firm organisational foundations:

|  |   |   |  |   |   |  |  |                            |                                     |                              |                                       |   |
|--|---|---|--|---|---|--|--|----------------------------|-------------------------------------|------------------------------|---------------------------------------|---|
| <b>Respect</b>   | They will feel that we listen to their concerns | They will experience a positive belief that change for the better is possible | They will receive support to identify and achieve positive goals | They will be motivated to achieve goals | The people they work with will be effective in helping to achieve positive goals. | The people they work with will be professionally competent |  |                            |                                     |                              |                                       |   |
| How our service users will experience the service we provide |   |   |  |   |   |  |  |                            |                                     |                              |                                       |   |
| <b>Respectful</b>  | <b>Receptive</b>                                | <b>Positive</b>   | <b>Supportive</b>  | <b>Motivated</b>                        | <b>Competent</b>  | <b>Professional</b>  |  |                            |                                     |                              |                                       |   |
| How we will demonstrate our values in our practice           |   |   |  |   |   |  |  |                            |                                     |                              |                                       |   |
| Management support, supervision, guidance and feedback       | Stability                                       | Resources (tools to do the job)   | Multi-agency commitment and support                              | Health, safety and Security             | A clear strategic vision, aims objectives and goals.                              | Clear policy, procedures and guidelines for practice       | Opportunities for innovation & development | Support in managing change | Access to external personal support | Fair pay, terms & conditions | An effective organisational structure | A working environment conducive to staff and young people |
| What we need from the organisation                           |   |   |  |   |   |  |  |                            |                                     |                              |                                       |   |

**Resilient Communities Scrutiny Committee 13 October 2016.****Youth Offending Team Restorative Justice Case Studies**Offence 1 – Assault x 2

Last New Year's Eve, B assaulted two female taxi drivers after drinking heavily with friends. Two taxi drivers were trying to help him as he struggled to get out of McDonalds where he had gone to buy food and use the toilet. Due to his intoxicated state, the manager decided that B should be removed from the restaurant. B became agitated and assaulted them both.

B was arrested that night and was given a Youth Conditional Caution as a result. One of the conditions required him to make recompense to his victim. His assessment by the Youth Offending Team established that B was very remorseful about his actions. He clearly stated that he wanted to make a face to face apology. Both taxi drivers agreed to meet him and a restorative meeting was set up by the Youth Offending Team's Restorative Justice Worker.

B told the taxi drivers how ashamed he was to have committed these assaults. He said how very sorry he was for what he had done. Both victims were impressed that he had had the courage to face up to them and to apologise.

Surprisingly, one of the victims, who became visibly emotional when during his apology, told him how much she herself had wanted to apologise to him. She stated that she had been feeling guilty since that night and spent time worrying about him in the police cells. She told B that, having a son of similar age, she had so wanted to get him home safe and that instinctively she knew he was a 'decent' lad.

Both victims felt strongly that they wanted B to learn from his mistake, make a practical plan to manage his alcohol intake and continue with his apprenticeship. To date B has not been referred back to the Youth Offending Team and it is hoped he will not be seen by the team again.

Offence 2 - Arson with Reckless Intent

This case involved a 15 year old male setting fire to a crisp packet on a seat in the top deck of the bus. He left the bus a short time afterwards and as a result, the top deck of the bus was burnt out and all passengers had to be evacuated. The bus had to be written off because the damage caused was of significant value.

The victims were consulted after the young person pleaded guilty and was sentenced at Youth Court. The Youth Offending Team Restorative Justice Worker met and consulted with both the Service Delivery Director of Blackpool Transport and the driver of the bus on the day of the fire. The impact the offence had on them was included in the Pre-Sentence Report to the magistrates with a proposal for him to make reparation for the offence.

In this case the victims were not ready to meet with the young person, but requested that he visited the depot to see at first hand exactly what he had done. The Youth Offending Team Restorative Justice Worker took the young person to the depot before sentence, which gave him time to reflect and contemplate how serious this matter was. The victims expressed their satisfaction at this being done.

The Youth Offending Team Restorative Justice Worker carried out a series of 'shuttle mediation' meetings with the victims and the young person. The victims were still saying that they did not yet feel ready to meet him. The young person prepared a letter to the magistrates expressing his remorse for what had happened, to report clearly that he wished to make amends to the victim for his crime and to attend in person at Blackpool Transport Depot to complete suitable reparation work. The Youth Offending Team Restorative Justice Worker attended court on the day of sentence to help magistrates take the victims' feelings into account in making their sentencing decisions.

He was given a community sentence with a number of conditions, one of which was to complete 30 hours of direct reparation to the victims, at their depot to their satisfaction.

To date he has completed 12 hours. He has had the opportunity to take part in a Summer Arts Programme on which he earned accreditation. He now has a part time job and is attending college.

He continues to engage well with his order and has complied with all the conditions.

His supervising Youth Offending Team Officer has enabled him to access the Child and Adolescent Mental Health Service that has resulted in a diagnosis of several conditions, providing medication and further support to help him manage his behaviour in a more positive way.

Remembering that the charity, Guide Dogs for the Blind, is one close to the heart of Blackpool Transport, the young person recently identified a further opportunity to repair harm to the victims by putting himself forward for a sponsored 'Through the Lights Dog Walk' along the Promenade. The response to this proposal by Blackpool Transport has been extremely positive.

Further support from the Youth Offending Team Restorative Justice Worker is supporting the driver of the bus who is currently contemplating a meeting with the young person to express how that matter has affected him and to be able to ask the young person questions about why he did what he did.

The young person will have an opportunity to explain to the driver in person, to express his remorse and regret for his actions as part of an ongoing restorative process that offers benefits for both of them.

At the heart of restorative practice is an opportunity for the victim to have a voice, to gain answers to burning questions and to have a better understanding as to why the crime has been committed which often means that they feel 'empowered' for the first time.

In the majority of cases the apology made to the victim is accepted which, in turn, allows the young person to feel better about themselves and progress towards their goal of not re-offending. The ultimate aim is for both parties to move on in a positive way from what has happened. It is never a 'one size fits all' – 'victim satisfaction' means different things to different victims.