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| 19 March 2024 | | ITEM: 10 |
| Corporate Parenting Committee | | |
| Children Looked After in the Youth Justice System | | |
| Wards and communities affected: All | Key Decision: Non- Key | |
| Report of: Clare Moore, Head of Service, Youth Justice, and Prevention | | |
| Accountable Assistant Director: Janet Simon, Assistant Director, Children’s Social Care and Early Help | | |
| Accountable Director: Sheila Murphy, Executive Director of Children’s Services | | |
| This report is Public | | |
| Version: Final | | |

Executive Summary

The report provides an overview of the numbers of Children Looked After within the Youth Justice System in Thurrock. Those that are in custody, those receiving statutory intervention, or diversion.

Children’s early life experiences have a significant impact on their development and future life chances. As a result of their experiences before entering care, and during care, children in care are at greater risk of entering the youth justice system than their peers. Looked-after children are more likely to be exposed to the risk factors established in research as associated with the onset of youth offending than the general population of children. Risk factors for youth crime, and the factors leading to reception into care are similar. Risk (and protective) factors for young people who offend are categorised across four domains: the family; school; community; and those which are individual, personal, and related to peer group experiences.

The LA has a duty in line with the care planning statutory guidance states:

‘Where a looked after child is thought to be at risk of offending or re-offending, both the care/pathway plan and placement plan should include details about the support that will be provided to prevent this. Such support may take the form of ensuring the child’s relevant developmental needs are met through mainstream services but the Youth Justice Service (YJS) in the area where the child is placed will be able to advise on specific preventative services which may also be suitable and appropriate. The Independent Reviewing Officer (IRO) should ensure that care plans adequately address this aspect of the child’s needs and should raise a challenge where a young person’s needs are not being adequately assessed, resulting in the possibility of their becoming, or continuing to be, involved in offending behaviour’.

Commissioner Comment:

1. Recommendation(s)

1.1 That members note the work undertaken to safeguard Looked After Children and divert them the Youth Justice System

1.2 That Members scrutinize the data and provide challenge in relation numbers of the children who have contact with the Youth Justice System.

2. Introduction and Background

2.1 The primary aim of the youth justice system is to prevent offending by all children and young people.

The concept of 'child first' guides the work of the Thurrock Youth Justice Service. This means that we will:

- prioritise the best interests of children, recognising their needs, rights and potential.
- build on children's individual strengths and capabilities to support their social identity and stop any further involvement in crime. This leads to safer communities and fewer victims.
- work with children constructively to support children to fulfil their potential and make positive contributions to society.
- encourage children's active participation, engagement, and wider social inclusion. All work is a meaningful collaboration with children and their parents/carers.
- promote a childhood removed from the justice system, using prevention, diversion, and minimal intervention.

2.2 Research evidence nationally, shows that children with care experience are over-represented in the criminal justice system. The vast majority of children in care do not come into contact with the criminal justice system. Contact with the youth justice system is a particular issue for a small cohort of young people. The association between care and justice is an area of concern, particularly at the 'higher end' of the youth justice system, that is, when children are prosecuted in the courts and are placed in detention.

In November 2018, the Ministry of Justice, The Home Office and the Department for Education wrote a protocol on reducing the unnecessary criminalisation of looked after children and care leavers.

Implementation of the protocol benefits children and young people, local agencies, and health services. It helps children and young people maintain relationships and placement stability. It helps children's social care and it's partners to implement the corporate parenting principles, coordinate services to promote positive outcomes for looked-after children and care leavers, and reduce their unnecessary criminalisation. For criminal justice agencies, it will help reduce the burden of first-time entrants into the criminal justice system and reoffending.

A strong corporate parenting ethos recognises the care system is not just about keeping children safe, but also about promoting recovery, resilience and wellbeing. This requires corporate parents to ensure that work across social care, placement providers, educational settings, health services, the police and other criminal justice partners, prevents unnecessary criminalisation. Local arrangements will provide a set of commitments on behalf of partner agencies. They should be based on the following principles:

- Every effort should be made to avoid unnecessary criminalisation of looked after children and care leavers, including through prevention activity. This is in recognition of the fact that looked-after children's experiences can contribute to behaviours that make them particularly vulnerable to involvement in the youth justice system, potentially affecting their future life prospects.
- Listening to and learning from children and young people.
- All professionals working with looked-after children and care leavers should understand the impact of trauma and abuse on development, particularly their effect on emotional and behavioural development and self-regulation. Professionals, including YJS workers, social workers, teachers, children's home staff and foster parents, health services, police, CPS, HMCTS and local Youth Panel (Magistrates), at both senior and frontline levels, should receive appropriate training in this regard.
- All local agencies should contribute to the understanding of local and national factors that can increase children and young people's risk of being criminalised (such as going missing from school or their care placement and cross-area criminal activity focused on vulnerable children, such as county lines). They should use this to inform their practice and local implementation of the protocol, and to target prevention efforts effectively.

2.3 In response to the protocol, the Thurrock Youth Justice Governance Board, chaired by the executive Director of Children's Services, prioritises the multi-agency support given to Children in Care, through regular scrutiny of the data, via quarterly reporting.

Thurrock's Youth Justice Out of Court Disposal Policy refers specifically to Looked After Children. *'As a result of the over representation and criminalisation of children looked after in the criminal justice system. The panel will seek to divert children looked after from statutory youth justice outcomes wherever possible in line with the Thurrock Youth Justice Plan.'*

3. Issues, Options and Analysis of Options

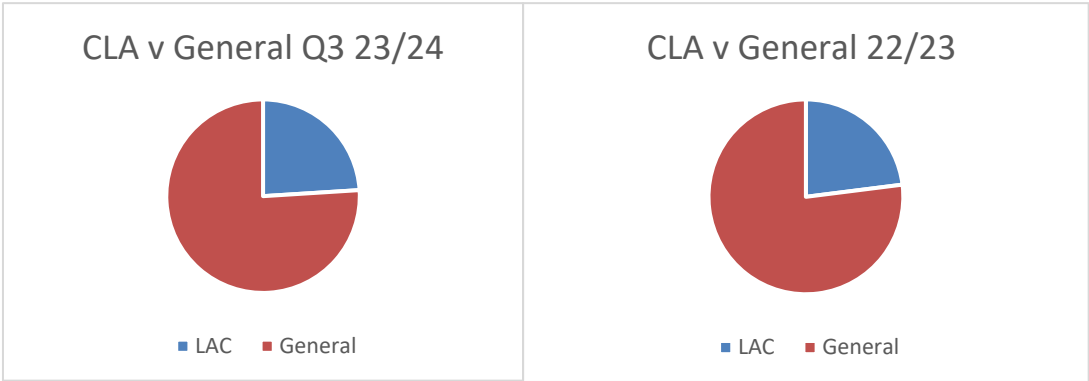
The majority of children in care are from backgrounds of deprivation, poor parenting, abuse, and neglect – factors that together create risk for a range of emotional, social

and behavioural difficulties, including anti-social and offending behaviour. Furthermore, certain childhood experiences, such as abuse by adults, or time spent in public care, have been shown to be correlated with school exclusions and youth crime. Based on the above, it may therefore not be the fact of being in care in itself that increases the risk of being drawn into the youth justice system, but rather the type of childhood experiences. Furthermore, considering the complex needs identified with looked-after children, a degree of overrepresentation could be expected.

When considering the data below, consideration needs to be given to the very small numbers of children and young people that offend in Thurrock. Benchmarking against other Local Authorities is not currently available. However, a revised data set via the Youth Justice Board was launched nationally in August 2023, which should make benchmarking data available from Q1 of 24/25.

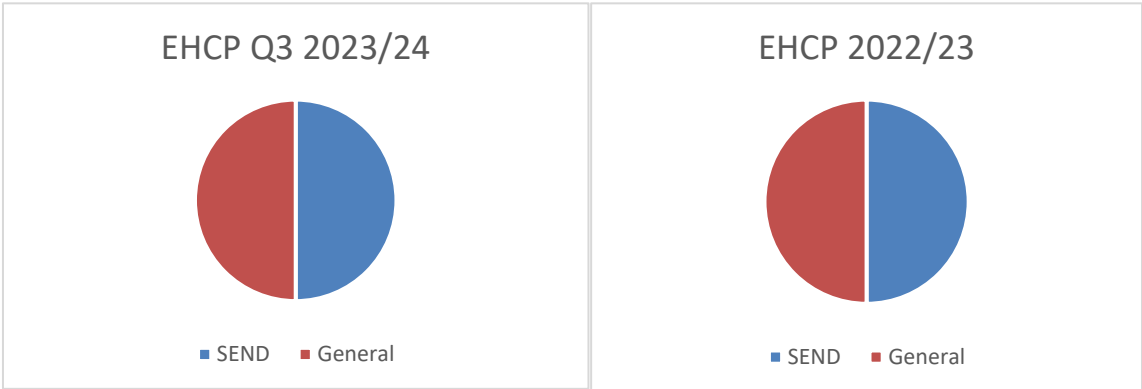
3.1 Youth Justice Services Statutory Outcomes: Children Looked After.

A statutory intervention is undertaken when a child has been convicted by the courts or made subject to a Youth Caution or Youth Conditional Caution and consequently has YJS intervention.



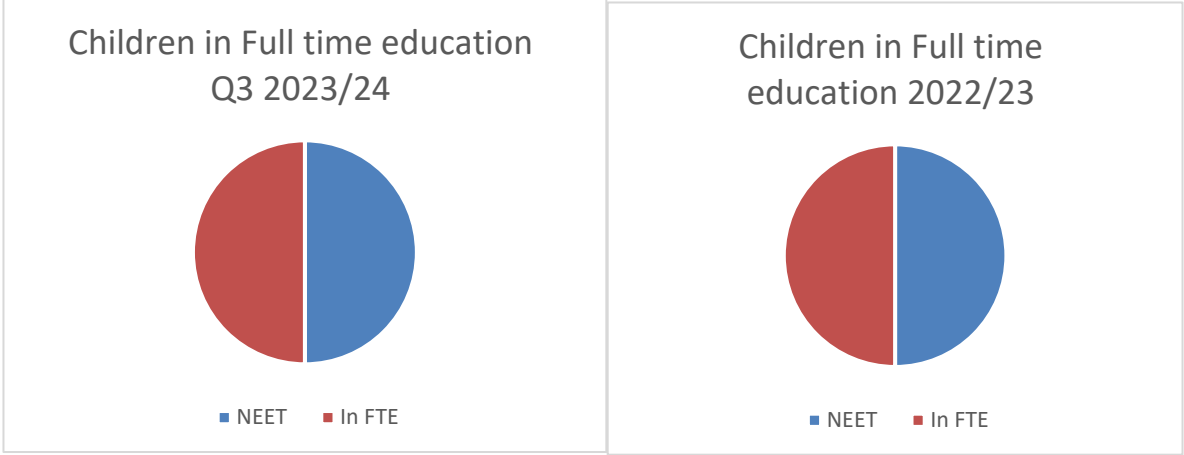
As at the third quarter of 2023/24 there were 31 children recorded as having statutory outcomes with Thurrock YJS and 6 of these children were looked after. The 6 looked after children represented 19% of the young people completing statutory interventions. This is in line with the trend for the last five years.

Children Looked After: SEND/EHCP



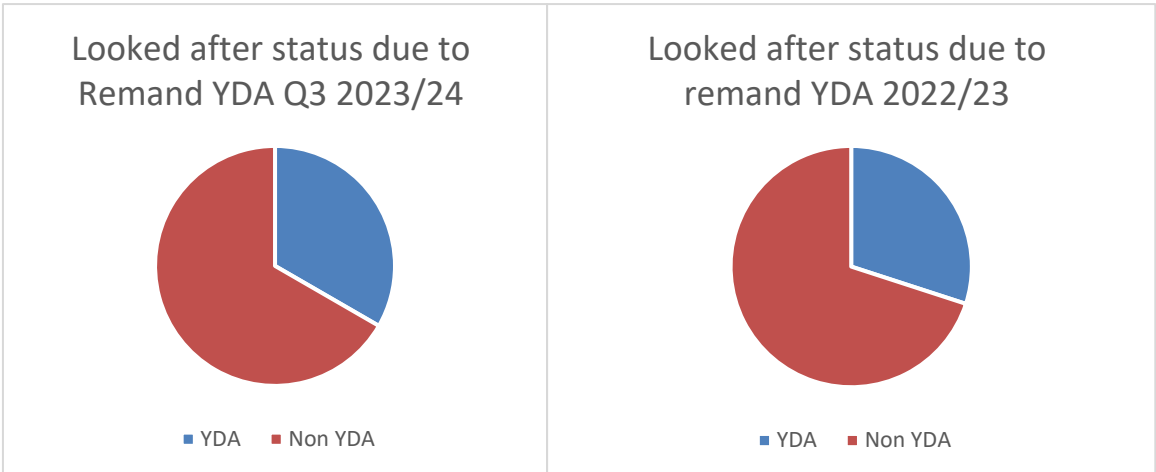
During quarter 3 50% of looked after children on statutory interventions with Thurrock Youth Justice Services had recorded SEND/EHCP. This compares to 50% for the last financial year.

Children Looked After: Full Time Education



Education, Training and Employment is reported on the last day of intervention and requires children of school age to receive and attend a minimum of 25 hrs a week and those over school age a minimum of 15 hours per week. During Q3 2023/24 50% of our looked after children on statutory youth justice outcomes were recorded as in full time education or employment. This compares to 50% for the 2022/23 financial year.

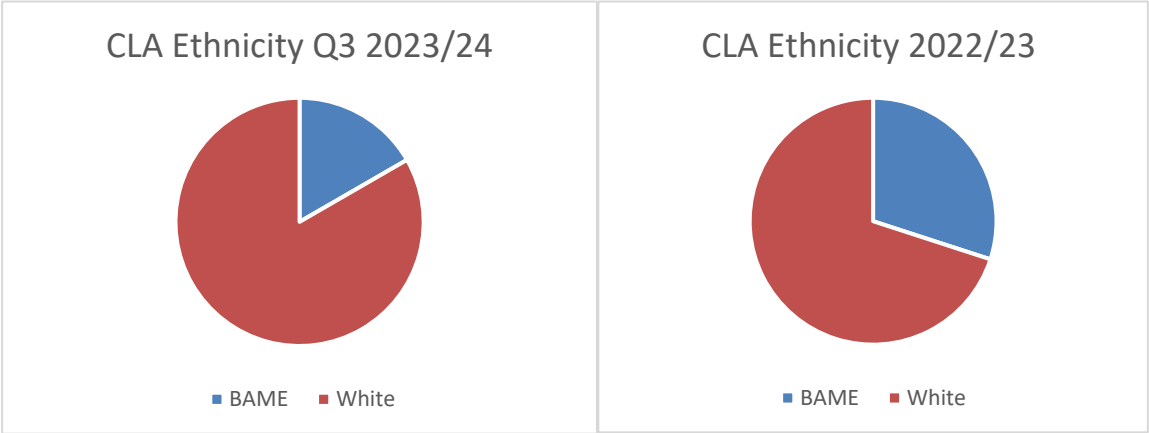
Children Looked After: Remand to Youth Detention Accommodation



Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, any child that is made subject to a Youth Detention Accommodation Order (remand in custody) by the Courts automatically becomes looked after by the local authority.

No new children were made subject to Youth Detention Accommodation during the third quarter of 2023/24. However, we currently have 1 young person already subject to Youth Detention Accommodation. The young person is classified as CLA due to his remand in custody.

Children Looked After: Ethnicity of looked after children on statutory Youth Justice Interventions.

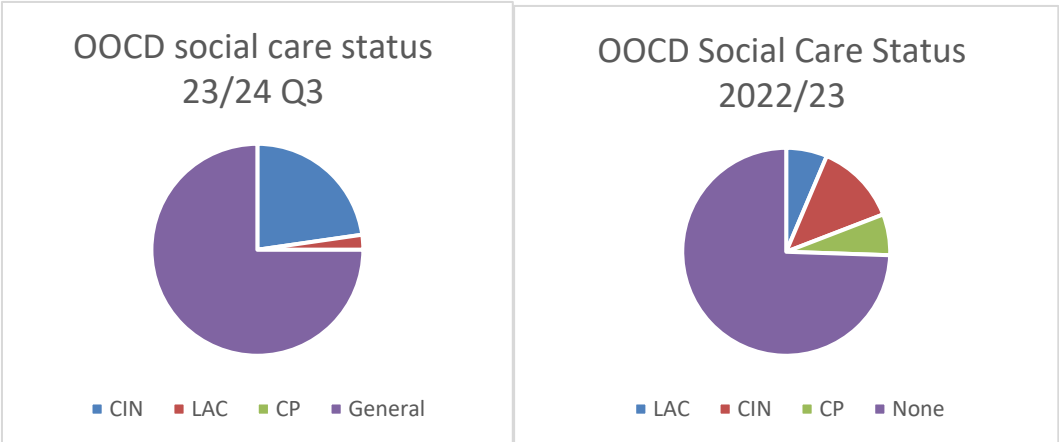


During quarter 3 of 2023/24 17% of the looked after children on statutory youth justice interventions were Black, Asian or Mixed Ethnicity. This compares to 30% for the last financial year.

Social Care status of children on out of court disposals

As at the third quarter of the 2023/24 financial year the out of court disposal panel dealt with 45 offences relating to 44 Thurrock children, of which one child had looked after status.

Thurrock YJS and Essex Police are committed to the national protocol aimed at reducing the criminalisation of Children Looked After. This approach will be supported with a local pan-Essex protocol to ensure there is a focus on diverting any child (where possible) who is Looked After from the Criminal Justice System.



In respect of social care status for children discussed at Thurrock Youth Justice Out of Court Disposal Panel during quarter 3 of 2023/24 2% had LAC status. This compares to 3% with LAC status for the last financial year.

4. Reasons for Recommendation

- 4.1 For the Corporate Parenting Committee to gain an understanding of the complexity of why children and young people in care commit crimes, due to their current status and their family history and circumstances.

For the Corporate Parenting Committee to be assured that Children and Young people in care that have involvement with the Youth Justice Service remains a priority and the data is regularly reported to the Multi Agency Youth Justice Governance Board.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Not applicable

6. Impact on corporate policies, priorities, performance, and community impact

- 6.1 The term 'Corporate Parent' means the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for the children who are looked after by Thurrock Council.

A child in the care of the council looks to the council to be the best parent it can be to that child. Every member and employee of the council has the statutory responsibility to act for that child in the same way that a good parent would act for their own child.

Every good parent wants the best for their child, to see their child flourish with good health, to be safe and happy, to do well at school and enjoy good relationships with their peers. To make the most of leisure opportunities, hobbies, and interests, and to grow towards adulthood equipped to lead independent lives and make their way as adults in higher education, in good careers and jobs, and to be financially secure.

When Looked After Children become known to the Youth Justice Service, the Local Authority has a corporate responsibility to ensure that they are diverted away from the Justice System and minimise reoffending.

7. Implications

7.1 Financial

Implications verified by: **David May,**
Head of Financial Management

The Youth Justice Service are supported by Grant payments and the general fund.

7.2 Legal

Implications verified by: **Judith Knight**
Interim Deputy Head of Legal (Social Care and Education)
23 February 2024

The Council has a duty to safeguard and promote the welfare of all children that are looked after. The Council is also under a duty to have regard to the corporate parenting principles in Section 1 of the Children and Social Work Act 2017.

The Council must plan for such children in line with the Care Planning, Placement and Case Review (England) Regulations 2010 and the associated statutory guidance, Volume 2 of the Children Act 1989 guidance and regulations.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer.

There are no direct diversity and equality implications arising from this report. The service collects the data within this report, including equality monitoring data, which is scrutinised by the Youth Justice Governance Board on a quarterly basis.

All information regarding Community Equality Impact Assessments can be found here: <https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 Risks

Not applicable.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

The Local Authority has a duty to safeguard and promote the wellbeing of children. This involves working with multi-agency partners, both internal and external, including Police, Health, education. Childrens Social Care, the Courts and Community Safety

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Not applicable

9. Appendices to the report

- None

Report Author:

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Childrens Services