

11 December 2012		ITEM 6
Children's Services Overview and Scrutiny Committee		
YOUTH OFFENDING SERVICE FUNCTION AND PERFORMANCE		
Report of: James Waud, Strategic Leader, Youth Offending Service, Adolescent Services, Troubled Families		
Wards and communities affected: All	Key Decision: No	
Accountable Head of Service: Barbara Foster, Head of Care & Targeted Outcomes		
Accountable Director: Jo Olsson, Corporate Director, People Services		
This report is: Public		
Purpose of Report: To update Members on the Youth Offending Service		

EXECUTIVE SUMMARY

To give an overview of the duties and responsibilities of the YOS, its current performance and funding arrangements

1. Recommendations

This report has been requested by the Committee and is for information only.

2. Background

- 2.1 Youth Offending Services (YOS) were created by the 1998 Crime and Disorder Act to prevent offending and re-offending by young people between the ages of ten and seventeen years. The YOS effectively has a dual duty; to provide interventions that turn young people away from crime, maximise their potential and keep them safe but also to protect the public from their actions.

- 2.2 YOS is responsible for the enforcement of all criminal court orders and for the delivery of interventions attached to those orders plus the planning and through care of those young people serving custodial sentences. Much of the work is done in the criminal courts both Magistrates (Youth) and Crown who cannot, in law, operate without YOS Officers in attendance to guide and advise in respect of suitable and available disposals that address identified risk factors. YOS also provide risk assessed bail packages offering viable alternatives to Remands in Custody and Court Ordered Secure Remands. Thurrock YOS is held in high esteem by legal advisors, advocates and magistrates. This is important as it is only with the confidence of the courts that we can achieve the best outcomes for our young people.
- 2.3 The YOS is multi-disciplinary, staffed and funded by partner agencies in Police, Social Care, Education, Probation, Health and the Ministry of Justice via the Youth Justice Board to whom it reports. It has a governance board, comprising senior members of partner agencies with a reporting line to the Children and Young People's Partnership. Line management of staff is through the Council and YOS manages staff from the partner agencies.

3 Structure and Staffing

- 3.1 The YOS is in three parts. The biggest function has seven case managers, including the seconded probation officer, who manage all the court work, intervention, enforcement and through-care from prison. The Youth Inclusion Support Programme (YISP) and Triage focus on prevention and consist of two full time officers plus some sessional workers who deliver prevention programmes for 8-16 year olds and pre-court diversion programmes for 10-17 year olds. The third function is ISS (Intensive Supervision and Surveillance) who also have two full time staff plus sessionals who deliver programmes for the most prolific/dangerous/high risk cases as a direct alternative to custody. Young people on those programmes receive a minimum twenty five hours, seven day per week contact.
- 3.2 Supporting all three functions are a CAMHS specialist seconded from Health, a Police Officer from Essex Police and a substance misuse worker.
- 3.3 There is also a second CAMHS worker funded by direct grant from the Department of Health to support the Triage programme.
- 3.4 YOS also employs a victim support worker as part of our statutory duty to offer reparation to victims of youth crime. Reparation may be direct in the form of Restorative Justice Conferences where victim and perpetrator meet under carefully controlled conditions or indirect in the form of unpaid work in the community. Much of this is done with the elderly population, either in their own homes or in sheltered housing complexes. This work generates some very appreciative letters.

- 3.5 Thurrock YOS has enjoyed an extremely stable workforce over the years and has thus created a body of experience and expertise and an intimate knowledge of the borough and its offending population.
- 3.6 This year however has seen some major changes with the three year secondment of one of the YOS Operations Managers and two of the core case work team to the Troubled Families programme. This, plus the departure of other key staff, including the seconded Probation Officer, has left the service desperately short of people across all the crucial areas and it is to the credit of the remaining staff that their commitment and willingness to work flexibly outside of their normal roles has enabled service delivery to continue – albeit it with some loss of performance.
- 3.7 These vacancies are slowly being filled and it is hoped that by the new year we will be back to strength in numbers if not experience.

4 Performance

- 4.1 Thurrock is a low spending authority generally and has the smallest YOS in the country. The value for money indicators are therefore good for Thurrock's YOS. Thurrock YOS generally achieves a lower re-offending rate than the national, regional and family averages.
- 4.2 Thurrock YOS had two inspections in January of this year, one from the Care Quality Commission and one from HMI Probation.
- 4.3 The CQC inspection was very positive especially in terms of the local arrangements whereby YOS CAMHS and substance misuse services are located within the YOS building. The clear, collaborative and joined up approach between these services and case managers was seen as a real strength. The only criticism was the lack of physical health assessments and processes for follow – up. These are now in place with colleagues from Health providing this service.
- 4.4 The HMI inspection was very positive and generated the following message from the Youth Justice Board.

“Please accept my congratulations on your very strong performance in the recent Core Case Inspection. To have secured two excellents and one good is a testimony to a lot of hard work from your staff as well as excellent leadership from the two of you.

Please pass on my congratulations to all your staff.

With my best wishes

John

John Drew
 Chief Executive
 Youth Justice Board for England and Wales
 1 Drummond Gate
 London
 SW1V 2QZ

4.5 The above refers to scores across the three areas inspected – safeguarding, risk of harm and risk of re-offending.

5 Custody

5.1 To put this in context, a total of 54 “so serious” Pre Sentence Reports were ordered and completed in the period 2011/12 where the court had indicated that custody was to be the first option on sentence. The fact that only 18 of these resulted in a custodial sentence is again testimony to the risk management skills of staff and the confidence that the courts have in those skills.

5.2 Until the counting rules change we are likely to see a continued rise in the percentage of custodials. This is reflected nationally especially in those authorities which, like Thurrock, have effective court diversion schemes like Triage. As the number of sanctioned detections drop the percentage of those that are custodials will rise – even though the numbers remain much the same. We predicted this two years ago.

Use of custody			
	10-11	11-12	12-13 Q1
Thurrock	4.9% (12)	11%(18)*	10.8% (4)
Family	6.3%	Not available	Not available
National	5.5%	Not available	Not available
<p><i>Commentary: As a result of community solutions and the success of TRIAGE in greatly reducing the first time entrants to the youth justice system in Thurrock (a reduction of 40% on the 2010 cohort), the reduction in those appearing before the Courts & undergoing sentencing has greatly reduced (see below) & those that are appearing for sentencing are therefore the more serious & persistent offenders and at higher risk of custodial sentence. Additionally the lesser crimes are now being dealt with by the prevention/pre-Court disposal and can no longer be used to counter balance custodial sentences which are expressed as a percentage of total disposals.</i></p>			

6 Re-offending

6.1 The percentage re-offending rate continues to be the lowest in region, family and national. (please note there is a year's drag for this data as it is based on re-offending activity in the year following the conviction).

	Thurrock	Region	Family	National
binary rate - Jul 09 - Jun 10 cohort (latest period)	29.6%	30.3%	31.1%	34.1%
binary rate - Apr 09 - Mar 10 cohort	27.8%	29.5%	30.2%	33.3%

This will hopefully give a more meaningful indication of direction of travel as similar problems with counting rules apply to the re-offending cohort as with remands. We expect the total number of disposals to drop but be populated by a more difficult set of offenders. Neighbourhood Resolutions and Triage will effectively remove many of the "easy wins" from the Police National Computer, which is where the data is collected, and thus percentage figures start to look worse although actual numbers may drop. This has been reflected nationally as other YOS adopt court diversion schemes.

First Time Entrants to Criminal Justice System

2010/2011

	Thurrock	Region	Family	England
Reduction in First Time Entrants (since same period last year)	-59.5%	-27.9%	-39.5%	-24.8%

2011/2012

	Thurrock	Region	Family	England
Reduction in First Time Entrants (since same period last year)	-53.1%	-24.1%	-14.3%	-19.3%

Again Thurrock is performing well against all other comparators with the highest reductions in First Time Entrants.

7 Violent Crime and knife crime

7.1 Reporting Year 10-11

444 recorded offences for youths in Thurrock

69 of these relate to the violence against the person act

7 of these are possession of an offensive weapon

4 of these are for bladed articles (the other 3 are for a pole, an imitation fire arm and a sheath.

Reporting year 11-12

201 recorded offences for youths in Thurrock

63 of these relate to the violence against the person act

5 of these are possession of an offensive weapon

2 of these are bladed articles

Knife crime therefore continues to account for less than 1% of offences committed in Thurrock by Youths in 11-12.

7.2 Education, Training, Employment (ETE)

There is one area of where the YOS traditionally underperforms. The number of young offenders engaged in education, employment or training has rarely risen above 55%. Although this is no longer a National Indicator, it is a local one, Performance in 2010/11 improved dramatically with an end of year figure at 69%. This was in part due to some new systems and arrangements put in place at the beginning of the year and a redoubling of efforts by staff. The biggest challenge is the 16+ group and this year we have set up a service within the YOS using the Education Training & Employment (ETE) Personal Advisors from Adolescent Services. Figures so far look promising with an end of an of year figure for 11-12 being 65% and the current rate for the first 2 quarters of 12-13 being 63.5%. However, the national picture is grim with youth unemployment at its highest level for twenty years and it is difficult to counteract this trend especially with young people who have the added disadvantages of poor school attainment and a criminal record.

8 Funding

8.1 Thurrock YOS suffered a cut of Ministry of Justice funding in 2011/12 of 21% amounting to some £93,000. Interagency finance (police, health, probation) was £94,000 which was just £500 less than the previous year owing to a 5% cut from probation. The rest of that year's total budget of £865,000 was made up from the council contribution.

- 8.2 This current year YOS funding from the Ministry of Justice was cut by a further £14,000 to a total of £345,000 which resulted in the loss of some staff hours dedicated to ETE and reparation. Interagency finance remained the same and the LA contributed the remainder bringing the total to £845,000.

Next year will bring further challenges as The Ministry of Justice has indicated that further cuts to the grant will occur plus the current Home Office funding will go to the Police Crime Commissioner (PCC) who will have to decide whether to return it to the YOS or use it for other purposes.

9 Links with wider Children's Services

- 9.1 In 2010 the links between YOS and Social Care were strengthened by the YOS Service Manager becoming responsible for Adolescent Services (previously Targeted Youth Support). This last year has seen the continued integration of the services which should improve the delivery of service to those young people who are known to both services, or who are at risk of entering the criminal justice system, with resources from both services being used to enhance the breadth and effectiveness of each.

YOS staff work closely with Social Care colleagues and are made aware of care plans before implementing their own intervention plans which must, of course, take any Looked After Child (LAC), Child in Need (CIN) or Child Protection Plans (CPP) into account to ensure cohesion and non-duplication of work.

- 9.2 Prior to his departure this year the YOS substance misuse worker worked one day per week in Adolescent Services which is beginning to improve the engagement of those young people who previously would not use community provision even when referred.
- 9.3 We are currently recruiting to this post and will continue this arrangement plus additional closer ties with the community provision delivered by Thurrock Young Persons Drug & Alcohol Service (TYPDAS) via the voluntary organisation, Open Door.
- 9.4 YOS also gained additional pathfinder funding from the Department of Health last year as a result of operating one of the top thirty performing Triage schemes in the country. This funds a Child & Adolescent Mental Health Service (CAMHS) health post which, although a YOS resource that brings additional screening and intervention to Triage cases, also gives a service to young people identified by social care as being at risk of offending and to the Pupil Referral Unit (PRU).

10 Issues And/Or Options

- 10.1 Future direction of YOS now appears to be settled as the indications are that the government like the model and will largely continue with it
- 10.2 The biggest changes will take place in December of this year when all young people on remand will become LAC and April of next year when custodial remand costs will be paid by the Local Authority rather than the Ministry of Justice in order to incentivise Local Authorities to provide more robust alternatives such as Intensive Fostering. The formula for calculating how much funding will devolve has not yet been absolutely finalised but what is clear is that devolved funds will only cover the costs for 15-17 year olds in YOI's (Youth Offender Institutions) at £173 per night and not the costs of 12-14 year olds and vulnerable older youths held in Secure Training Centres at £603 per night.
- 10.3 There are clear financial risks to the Local Authority (LA) insofar as the devolved monies will be small, about £53,000, and there will be no contingency funding for what the Ministry of Justice call "spike events".
- 10.4 For example, a case where two young people commit a serious crime and are remanded in custody awaiting a Crown Court trial for six months would generate a cost to the LA of £217,000.
- 10.5 Whilst the YOS will, as it always has, offer the courts robust bail packages as an alternative, these events are neither predictable nor always manageable as the Courts will take the view that public protection overrides all other considerations.
- 10.6 A consultation exercise has just taken place and these concerns have been raised by YOS Managers nationally and the Association of Directors of Social Services (ADSS). We await a final decision on these issues.

11 Diversity and Equality

- 11.1 Last year (11-12) the BME element of Thurrock's offending population was:-

- 81.5% White British
- 6.5% Mix/Dual background
- 1.7% Asian and Asian British
- 8.9% Black and Black British
- 1.1% Unknown**

The latest data which is probably the best comparator is the schools data which is as follows:-

- 75.1% White British
- 3.7% Mix/Dual background
- 3.3% Asian and Asian British
- 10.4% Black or Black British
- 4.9% White other or unknown

It can be seen from this that the BME population are not over represented in the offending population.

Approximately 30% of all offences were committed by young women with the type of offence being as one would expect. Robbery, burglary and violent offences predominantly male and shoplifting predominantly female.

12 Consultation (Including Overview And Scrutiny, If Applicable)

Not applicable

13 Impact On Corporate Policies, Priorities, Performance And Community Impact

- 13.1 All aspects of Crime and Disorder Act, including Section 17, as YOS statutory duty is prevention of offending and re-offending.
- 13.2 The work that YOS undertakes with young offenders has a clear impact on the community's perception of crime and fear of crime.

14 Implications

- 14.1 Youth crime is a major issue for most communities and must be seen to be tackled effectively. Whilst most people look to the police in the first instance to tackle crime it is what happens post apprehension that impacts on the community especially in the management of violent or sexual offenders.
- 14.2 With government policy determined to reduce the use of custody this will inevitably mean more high risk offenders needing to be managed in the community which will have resource implications in addition to the risks outlined above.

14.3. Financial

Implications verified by: **Mike Jones**

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mxjones@thurrock.gov.uk

These are contained in the main body of the report.

The further proposed cuts to the funding received by government, detailed in para 8.2 will be considered as part of the Council's medium term financial strategy.

14.4 **Legal**

Implications verified by: **David Lawson**

Telephone and email: **01375 652087**
David.lawson@bdtlegal.org.uk

This report is for information only and there are no legal implications arising from this report.

14.5 **Diversity and Equality**

There are currently no diversity issues arising from the data or the practices of the YOS. However, given the changing demography of the borough we are monitoring this closely.

Implications verified by: **Samson DeAlyn**
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sdealyn@thurrock.gov.uk

This report is for information only and therefore has no diversity implications

14.6 **Other implications**

Section 17 (Crime & Disorder Act 1998), Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental.

Section 17 States:

Duty to consider crime and disorder implications

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- (2) This section applies to a local authority, a joint authority, **[F1**the London Fire and Emergency Planning Authority,**]** a police authority, a National Park authority and the Broads Authority.
- (3) In this section—
 - “local authority” means a local authority within the meaning given by section 270(1) of the **M1**Local Government Act 1972 or the Common Council of the City of London;

- “joint authority” has the same meaning as in the **M2**Local Government Act 1985;
- “National Park authority” means an authority established under section 63 of the **M3**Environment Act 1995.

Duties and responsibilities as described in the Crime and Disorder Act 1998 and subsequent Criminal Legislation have been implemented.

14.7 **Conclusion**

Thurrock has seen a year on year reduction in youth crime and the YOS provides an important, if largely unseen, service that contributes significantly to that, and, by default, to the community’s perception of Thurrock and their own safety.

14.8 **Background papers used in preparing this report**

N/A

14.9 **Appendices to this report:**

N/A

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