

**HAMPSHIRE COUNTY COUNCIL****Report**

<b>Committee/Panel:</b>	Children and Families Advisory Panel
<b>Date:</b>	8 February 2011
<b>Title:</b>	Update on the work of the Wessex Youth Offending Team and the response to the Justice Green Paper
<b>Reference:</b>	2585
<b>Report From:</b>	Director of Children's Services

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## 1. Summary

1.1. The purpose of this paper is to update the Panel the work of the Wessex Youth Offending Team and in particular to provide a briefing to on the youth justice proposals within the Justice Green Paper that is currently out for consultation.

## 2. Contextual information

2.1. Wessex Youth Offending Team (WYOT) is a statutory multi agency service, consisting of children's services, probation, police and health staff. The principle aim of WYOT is to prevent young people aged under 18, offending and reoffending. Wessex Yot is the largest YOT nationally and covers the four Local Authority Areas of Hampshire, Isle of Wight, Portsmouth and Southampton.

2.2. WYOT is governed by a Management Board with senior representatives from statutory partners. The chairing of the Management Board rotates on an annual basis between the four Local Authorities and the County Council's Director of Children's Services took over the chair at the last meeting on the 17 January 2011. The Deputy Director for Children and Families is the County Council's representative on the Management Board.

## 3. Finance

3.1. Wessex Yot operates a pooled budget to which statutory partners across the four local authorities areas contribute. Hampshire County Council holds the WYOT budget on behalf of the WYOT Management Board and the Head of Finance for the County Council's Children's Services is treasurer to the board.

The County Council's contribution to WYOT in 2010/11 was £2,405,692 out of a total budget of £8,170,864.

- 3.2. In 2011/12, the County Council will be reducing their contribution to Wessex Yot by 10% (£240,692). Other WYOT partners are also reducing their contributions to WYOT in the next financial year. The budget for 2011/12 has not yet been finally agreed as the other major contributor to the WYOT budget (£1,160,530) the Youth Justice Board (YJB) for England and Wales has yet to inform WYOT of the Yot grant for 2011/12.

#### **4. Performance**

- 4.1. Yots currently have 5 national performance indicators, which are detailed below with a commentary below each on Hampshire performance

4.1.1 Reducing first time entrants to the youth justice system.

The rate of the above per 100,000 of population has reduced continuously in Hampshire since 2007/8 (1600) to 1126 in 2009/10 and further reduction looks likely in 2010/11.

4.1.2 Rate of proven reoffending

Reoffending rates vary across the District Council areas of Hampshire. There is good performance in Winchester, Basingstoke and Eastleigh, with Test Valley, Rushmoor, East Hants and New Forest behind these three. There are higher rates of re-offending in Hart, Fareham, Havant and Gosport. Detailed analysis of this shows that as the overall cohort of young people offending has fallen (see 4.1.1) those young people who offend more frequently have not increased in number but now have a disproportional effect on reoffending rates.

4.1.3 Proportion of Young people within the youth justice system receiving a conviction in court who are sentenced to custody

According to WYOT data since 2007 the number of young people in Hampshire receiving a custodial sentence has fallen from 109 to 88 in 2009, a 19.3% reduction. In the first three quarters of 2010/11, 38 young people in Hampshire received a custodial sentence. The numbers of Looked After Children in Hampshire receiving a custodial sentence is closely monitored and fell from 14 to 6 between 2007 and 2009, a 57% reduction.

4.1.4 Young offenders' engagement in education, training and employment

Like many Yots nationally this is an area where Wessex has struggled across the board, The local target for this measure is 70% and as at December 2010 the Hampshire figure was 66.7%. The set up of 14-19 consortia across Hampshire County Council will address NEET performance in line with planned Raising of Participation Age in 2013. The recognition of longer term statutory school age absenteeism in Hampshire has also impacted on performance.

4.1.5 Ethnic composition of offenders on youth justice system disposals

This is an annual measure and in 2009/10 Asian young people were slightly over represented in the Hampshire youth justice population. This is due to the numbers of young people from the Nepalese community coming into the youth justice system in NE Hampshire due to racial tensions that exist in that area. WYOT is well linked in with other partners in NE Hampshire who are working to reduce racial tensions and resultant offending in that area.

- 4.2 In the Justice green paper is proposed to reduce the number of national indicators for Yots from 5 to 3. The indicator described in 4.1.1 to 4.1.3 will be retained and the education, training, employment and ethnic composition on offenders on youth justice interventions will be dropped.

**5. Other key issues**

- 5.1. Wessex Yot is due to have a Core Case Inspection week commencing 23 February 2011, which will look at approximately 120 case files in detail (half of these are likely to be Hampshire cases). The inspection will focus on three key areas; safeguarding, risk of harm and likelihood of reoffending and a rating given for each. Preparations for the inspection are well underway

**6. Justice Green Paper**

- 6.1 The Justice Green Paper was published on the 9 December 2010 under the title *'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders'*. The consultation period for the green paper closes on the 4 March 2011.

- 6.2 One of the seven chapters focuses on youth justice and this provides a summary of that chapter. The remaining chapters relate to proposals about adult offending although there are some implications for young people.

- 6.3 The green paper poses questions throughout to which the government are seeking a response. The questions specifically relating to the youth justice chapter are also included and are numbered as they appear in the green paper. In italics beneath each question potential responses to the questions are suggested.

- 6.3.1 **Q48.** How can we simplify the out of court disposal framework for young people?

*A reduction in the number of out of court disposals available and a loosening of the criteria that apply would be welcomed. An approach similar to the Youth Rehabilitation Order, introduced for the sentencing of young people in November 2009 could be considered, whereby there is a single, understandable disposal used in the vast majority of cases that can a number of conditions attached. This would allow out of court disposals to be continued to be tailor made based on the needs of the young person and associated risks.*

*If the Police are continued to be measured on 'sanctioned detections' then an out of court disposal should count as a 'detection.' e.g. Triage*

*arrangements that are due to be rolled out across Hampshire by 1 April 2011.*

- 6.3.2 **Q49.** How can we best use restorative justice approaches to prevent offending by young people and ensure they make amends?

*Ensure that RJ is embedded right across the youth justice system and within local communities as RJ is resource intensive and cannot be done by Yots alone. A clearer definition of what is meant by RJ would be helpful and there also appears to be a lack of explicit focus on putting victims at the centre of RJ.*

*RJ approaches in dealing with Looked After Children should be heavily promoted.*

- 6.3.3 **Q50.** How can we increase the effective enforcement of youth sentencing?

*The suggestion of compliance panels to ensure consistency in breach proceedings is an interesting concept and could usefully involve trained volunteers such as Referral Order panel volunteers already utilised by Yots. This may support some young people to comply but we are unsure of its usefulness in every case, particularly when the breach is clear cut and a swift return to court is necessary. We are concerned that in such cases the need for a compliance panel could cause unnecessary delay and the young person could reoffend in the meantime. So were are unsure of the need for compliance panels to be enshrined in primary legislation, although we would support their use in good practice guidance for discretionary use.*

*The decision to breach is a serious one and should remain with the Yot. In certain cases when Courts make a community order but are uncertain as to the young person's intention to comply it may assist if a potential court date to review the progress of the order is made at the time of sentence, which could be withdrawn by the Yot if compliance has been good.*

*We would welcome clarity on the procedures for breach of Parenting Orders in particular as the current system is cumbersome and as a result Parenting Orders are rarely returned to court for non compliance. We agree with the guidance in this matter from the Association of Chief Police Officers that Yot Police Officers should take the lead in such breaches.*

- 6.3.4 **Q51.** How can we succeed in reducing the need for custodial remand for young people?

*Ensure the Remand Fostering/Preventing offending resource that we are fortunate to have in Wessex is available in all areas nationally. Increased availability of bail addresses generally via either the Local Authority or the voluntary sector would also assist as would joint training on remands between Yots and Courts would also assist.*

*The use of custody panels in Wessex to review cases where a custodial sentence has been given has contributed to the dramatic fall in custodial sentences (40% between 2008/9 & 2009/10 and a further 25% reduction looks likely in 2010/11) and could also be applied to remands.*

*The wider use of resettlement consortiums where Local Authority's, Yots, the secure estate and the voluntary sector work together to which provide an 'enhanced offer' to all young people leaving custody could also assist, as this group of young people are more likely to be made subject to a remand for any offending post release.*

*Whilst we support the proposal for a single Remand order for 10 to 17 year olds, Local Authority partners of WYOT are greatly concerned about the proposal to make LA's responsible for the whole cost of Court Ordered Secure Remands for 12 to 14 year old boys and 12 to 16 year old girls, unless the equivalent cash resource currently held by the YJB follows, otherwise it will be viewed as a cost shunt onto already hard pressed Children's Services departments.*

- 6.3.5 **Q52.** How do you think we can best incentivise partners to prevent youth offending?

*Ensure that the target to reduce first time entrants to the youth justice system is retained as this will ensure a level of local resource will continue to be targeted at this area. Simplify out of court disposals and if Police sanctioned detection targets are to be retained ensure that the Police are given the credit for detecting low level offending by young people where an informal intervention is undertaken.*

*Financial incentives for Yots and LA's to reduce the numbers of young people going into to custody could be considered, as long as they are proportionate to the risks.*

- 6.3.6 **Q53.** How can we deliver a performance management and inspection regime that achieves our aim to reduce burdens and increase local accountability?

*A risk led approach to inspection would be welcome as would fewer national indicators and a reduced reporting burden to the centre. This would allow greater scope to focus on local priorities. We would suggest that similar approach to that adopted by Ofsted to schools inspection is adopted where those Yots with good Inspection reports have a greater gap between inspection than the current three years and vice versa for Yots with poor inspection outcomes*

*We understand that Asset the assessment tool used by Yots is currently under review and we welcome this. We would also ask that the links between Asset and the Common Assessment Framework (CAF) are looked at as there may be a case for Yots to use CAF instead of Asset. CAF is used by the vast majority of the children's workforce and if CAF could either be adapted for use by Yots to take account of criminogenic factors or for Asset to be adapted so it dovetails with CAF. This would reduce duplication and allow CAF to allow more widespread use of CAF.*

*We would want the statutory annual Youth Justice Plan to continue, but to be less prescribed from the centre to allow local formats to be used.*

- 6.3.7 What are some of the ways we might be able to further involve local communities in youth justice?

*Compliance panels aligned to referral panels would be one way. Increase the use of mentoring schemes would be another. We would also support a greater emphasis in legislation to ensure the voice of young people in the youth justice system is heard, particularly those detained in the secure estate.*

*We think this is also an opportunity to empower Yots and other youth justice services to be given local scope and professional judgement to consider applications from ex offenders for both paid work and volunteering. The experiences of reformed ex offenders can have a powerful and positive influence on young people who offend or are at risk of doing so. We anticipate the reform of the Rehabilitation Act for Offenders referred to in the green paper will assist with this.*

**6.3.8 Q55.** How can the functions of the Youth Justice Board best be delivered by the Ministry of Justice?

*It is vital that the young person's centred approach is not lost within the MoJ and that young people are not treated the same way as adult offenders. We feel that any move to include these functions within the National Offender Management Service (NOMS) would be a backward step in this respect.*

*One area the YJB was very successful at in our view was the number of secondees within it who came from the youth justice front line e.g. Yots, Police and we would encourage the MoJ to continue to make these opportunities available to insure good communication and understanding of the front line.*

*One suggestion we would make is that the MoJ uses the current independent Youth Justice Standing Committee as a key reference point for advice on policy development*

## **7. Future direction**

- 7.1. The numbers of young people in the Wessex Yot area subject to statutory interventions has fallen by 27% in the three years between 2006/7 and 2009/10 and the trend remains downward in 2010/11. There is nothing in the thrust of the green paper to suggest that the Coalition Government wish to reverse this trend.

## **8. Recommendations**

- 8.1 That the Panel notes the contents of this report in particular the implications for the County Council of the proposal in the green paper to create a single remand order for all under 18s making local authorities gradually responsible for the full cost of court ordered secure remands (COSR), as detailed in 6.3.4.
- 8.2 For the Panel to consider the consultation questions posed in the green paper and whether any County Council response to the consultation is required prior to the 4 March 2011 deadline.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	Yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	no
Corporate Improvement plan link number (if appropriate):	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Wessex Youth Justice plan 2010/11	Wessex Yot

## **IMPACT ASSESSMENTS:**

### **1. Equalities Impact Assessment:**

1.1. None

### **2. Impact on Crime and Disorder:**

2.1. The work of WYOT and the direction of travel of the green paper suggest that the numbers of young people being formally dealt with in the youth justice system will continue to fall but that the numbers of young people dealt with informally will increase.

### **3. Climate Change:**

a) How does what is being proposed impact on our carbon footprint / energy consumption?

Not applicable

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not applicable