

Birmingham City Council

Report to Cabinet

Date 25 June 2019



Subject: YOUTH JUSTICE STRATEGIC PLAN 2019/22

Report of: Director for Education and Skills
Dr Tim O'Neill

Relevant Cabinet Member: Cllr Kate Booth, Children's Wellbeing

Relevant O &S Chair(s): Cllr Kath Scott - Education and Children's Social Care

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006605/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1. Executive Summary

- 1.1 The Local Authority has a statutory duty under Section 40 of the Crime and Disorder Act 1998 to consult with partner agencies to prepare and implement an annual Youth Justice Strategic Plan, setting out how Youth Justice Services are to be provided and funded and how the youth offending team or teams established by them are to be composed and funded, how they are to operate, and what functions they are to carry out, outlining the contributions of the City Council and its partners towards the principal aim for the youth justice system: 'the prevention of offending by children and young people'.
- 1.2 The Birmingham Youth Justice Strategic Plan outlines current performance benchmarked against comparators, the latest evidence on what works and the priorities for 2019 -2022 (which will be refreshed and updated annually). The Plan has been informed by self-assessment surveys by young people.
- 1.3 The Plan reviews the performance of the Service and its partners in relation to the three national indicators: first time entrants into the criminal justice system; reducing reoffending and reducing the use of custody. The Service's Management Board also monitors the performance of other local indicators identified as significant contributors to achieving broader outcomes, including a young offenders' engagement in suitable full-time Education, Training and Employment (ETE), which in relation to this, the Service continues to perform well against the national average and other Core Cities.
- 1.4 The plan identifies the barriers for these cohorts highlighting progress made and sets out priorities and on-going actions across partner agencies to address performance over the next three-years, which will be subject to an annual review.
- 1.5 In the period 01/04/2018 to 31/03/2019, the Service worked with 778 young people on Court Orders and those subject to Youth Conditional Cautions. This compares with 968 young people in the previous year. Though the overall number has fallen, there has been a rise in the proportion presenting with complex needs and high-risk behaviours requiring enhanced and intensive interventions. The Service also worked with a further 250 young people including those subject of community resolutions and anti-social behaviour disposals. In addition the Service directly supported 118 victims of crime.
- 1.6 The first-time entrant rate fell between January 2018 and March 2019 to 378 young people per 100,000 compared with 473 per 100,000 in 2017. This is an improvement of 16.5%. Birmingham has sustained one of the lowest reoffending rates amongst the Core Cities and is performing above the national average. Challenges remain in relation to the use of custody, where Birmingham has a higher rate of custodial sentences than the national average, although within the range of other Core Cities.

2. Recommendations

- 2.1 That Cabinet approves the Youth Justice Strategic Plan 2019/22, taking into account the financial implications and the priority actions identified, and forwards to Full Council to adopt.

3. Background

- 3.1 In the period 01/04/2018 to 31/03/2019, the Service worked with 778 young people on court ordered programmes and those subject to Youth Conditional Cautions. This compares with 968 young people in the previous year. Though the overall number has fallen, there has been a rise in the proportion presenting with complex needs and high-risk behaviours requiring enhanced and intensive interventions. Additionally, the Service has provided services for 68 young people on Court Orders who are the responsibility of other local authorities but are placed in Birmingham under the YJB's 'Caretaking' responsibilities.
- 3.2 The Service triaged 299 Community Resolutions during the year, directly working with 44 young people who were deemed as requiring interventions. The Service also worked with a total of 138 young people on anti-social behaviour disposals, and specialist programmes such as: harmful sexual behaviour (7-17 years) and funded preventative programmes. The Service also has a duty under the Victims Charter to support victims of crime and directly supported 118 victims. During 1st April 2018 – 31st March 2019 victim satisfaction rates reported were 95.4%.
- 3.3 The Youth Offending Service is also required to work with a wider client group, including adults delivering whole-family interventions under the Think Family Programme. The Service receives attachment fees to extend its work and has delivered interventions to 1310 families under Phase Two. So far, 526 whole family outcomes that have been significant and sustained have been achieved with targets to achieve 786 by March 2020.
- 3.4 The Plan outlines the types of crime committed by young people in the Youth Justice System. The offence categories with the highest prevalence of offending were: violence against the person, motoring, robbery, theft and Handling and drugs. Although the most prevalent crimes were the same as in the previous year, violence against the person, theft, drugs and motoring offences showed a reduction in number and proportion, whilst robbery saw an increase.
- 3.5 The YOS delivers interventions that tackle knife carrying among young people who offend as part of a court order who are convicted of any offence where a knife, or the threat of a knife, is a feature. In 2018/19, 314 young people went through this Knife Possession Programme (up from 237 young people in 2017/18) showing improved identification of young people not charged with knife offences who nevertheless were in possession at the time ('knife enabled' offences). Of the 237 going through the programme in 2017/18, 3 young people were subsequently re-convicted of offences involving knives within the following 12 months. The Service is currently tracking the 314 young people and will report on performance at the YOS Management Board.

- 3.6 The first-time entrant rate fell between January 2018 and March 2019 to 378 young people per 100,000 compared with 473 per 100,000 in 2017. Whilst this is an improvement of 16.5% Birmingham is performing less well compared to the national average and mid-range in relation to our Core City comparators. . The majority of the 378 young people who were first time entrants were aged 15-17, with 47% aged 16 or older. 15% of first time entrants were female. The most prevalent offences amongst first time entrants were Violence against the Person (including Knife Crime), Motoring offences and Drugs.
- 3.7 Birmingham has sustained one of the lowest re-offending rates of all core cities and is below the national average. Within this cohort were 1057 young offenders, the largest across the Core Cities, with 36.5% re-offending, which was one of the lowest percentages of re-offenders of all Core Cities and compared with 40.1% nationally. Birmingham's frequency rate per 100,000 is below the national average at 1.11 compared with the national rate of 1.60 and has the best performing rate of Core Cities.
- 3.8 Birmingham has a higher rate of custodial sentences than the national average, although within the range of other Core Cities. The number of custodial sentences in Birmingham increased in the 2018/19 period to 99. This compared to 94 custodial sentences in 2017/18 and has reduced from the 253 young people sentenced in 2007/08.
- 3.9 The Service continues to monitor education outcomes as a local indicator in recognition of the importance of building and sustaining resilience and protective factors. Of the 587 young people with programmes ending in 2018/19, 426 (72.57%) were in full time full time education or employment at the time their programme finished. The Birmingham Children's Trust and Birmingham City Council Education Managers have established triage and panel arrangements for all those young people not in suitable or full time education and this will support these young people post Order.
- 3.10 Within the Youth Offending Service all young people are screened for issues of safety and well-being. Between 01/04/2018 and 31/03/2019, 778 young people were assessed for safety and well-being compared with 969 young people in the previous year. 400 (51.4%) young people were identified as having medium or high vulnerabilities, requiring an increased response to mitigate these, compared with 38.8% in the previous year. The proportion of those assessed with 'High' or 'Very High' vulnerabilities increased to 16.0% in 2018/19 compared with 10.7% in 2017/18. Responses included referrals to Children's Safeguarding Services, Child and Adolescent Mental Health, intensive family and mentoring interventions and substance misuse and alcohol treatment services.
- 3.11 The management of young offenders subject to court orders is a key responsibility of the Youth Offending Service. Those young people assessed as posing a higher risk to the public from re-offending or causing harm to others are subject to more intensive multi-agency arrangements including increased offender management and enhanced interventions, to address concerns.

Compared with 2017/18, 2018/19 saw an increase in the proportion of the Service's caseload presenting other than a 'Low' risk to others from 344 (35.5%) in 2017/18 to 355 (45.6%) in 2018/19.

- 3.12 The Scaled Approach lays down, within National Standards, the levels of contact that each young person subject to a court order will receive and each young person is set an 'intervention level' which is regularly reviewed within the 'Asset Plus' framework. Compared with 2017/18, 2018/19 saw an increase in the proportion of young people within the Service's caseload assessed on the Enhanced and Intensive level of intervention from 68.7% to 72.7%: these require higher contact levels than the Standard intervention level.
- 3.13 Nationally and locally there have been rises in serious violence including knife crime. In Birmingham there has been a 19% increase in knife crime across the City when comparing police figures for 2017/18 and 2018/19. The levels of youth violence across Birmingham have increased by 10% when comparing the figures for 2017/18 and 2018/19. A key Community Safety Partnership priority is to continue to reduce violence across communities and to tackle exploitation 'county lines', urban street gangs and child sexual exploitation. This Plan outlines current activity and plans across the partnership to reduce the impact on victims and communities.
- 3.14 The Plan identifies that Criminal Exploitation, including "County Lines" and gang affiliation are complex and developing areas of youth justice, social work and family support practice. Young people at risk of or being criminally exploited or those affiliated to gangs are influenced by their peer group and adults external to the family network and broader partnership work is required that addresses these extra-familial contexts that are often outside the control of their families. The Plan outlines the partnership work across the statutory, voluntary and community sector to ensure early identification of all young people exploited to safeguard and support them to make positive life choices and the partnership work to disrupt exploitation. Plans include establishing new Contextual Safeguarding arrangements led by the Children's Trust.

4. Options considered and Recommended Proposal

- 4.1 The Youth Justice Plan is the City Council's response to the requirement in the Crime and Disorder Act 1998 (Section 40) that every Local Authority should join together with partner agencies to produce an annual Youth Justice Plan. Therefore, Cabinet is asked to approve the plan.

5. Consultation

- 5.1 Councillor John Cotton, Cabinet Member for Social Inclusion, Community Safety & Equalities and Chair of the Youth Offending Service Management Board has been consulted on the plan. Consultation has also taken place with Councillor Tristan Chatfield, Cabinet Member for Finance & Resources. There has been consultation and engagement with relevant Birmingham City Council services.

The Youth Offending governance structure includes representation from these services.

6. Risk Management

- 6.1 The Youth Justice Plan highlights risks to future delivery and the controls to manage that risk.

7. Compliance Issues

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The Plan is consistent with the Early Help Strategy and Safeguarding Improvement Plan for Birmingham Children's Trust and contributes to the Council Business Plan, which includes working together to make people safe, especially the most vulnerable; improving health and wellbeing and ensuring that young people are in employment, training or education. It focuses on how partners in Birmingham will ensure that services for children and young people in the City are delivered in a manner which reduces youth crime and re-offending, protects the public from harm, promotes safeguarding, takes into account the views of victims and utilises restorative justice where appropriate. The participation of members of the community as volunteers and Referral Order Panel members increases the transparency and accountability of the Service, contributing to a reduction in the fear of crime within communities.

7.2 Legal Implications

- 7.2.1 There is a statutory duty upon each local authority, pursuant to S40 of the Crime and Disorder Act 1998, to formulate and implement, after consultation with the relevant persons and bodies each year, a Youth Justice Plan. The Plan sets out how youth justice services in their area are to be provided and funded; and how the youth offending team or teams established by them (whether alone or jointly with one or more other local authorities) are to be composed and funded, how they are to operate, and what functions they are to carry out.

7.3 Financial Implications

- 7.3.1 The plan outlines the resource and funding arrangements for the Youth Offending Service, including those from its statutory partners, the Youth Justice Board and the Community Safety, Police and Crime Board.
- 7.3.2 The plan identifies the agreed funding for 2019/20, the pressures within these budgets and how the Service will manage these resources. The Assistant Director and Head of Service continue to work with the senior management team in the Children's Trust and partners to implement a strategy to address the challenges to funding and to meet the savings the Service is required to make, which includes an ongoing review of the Youth Offending Service operating model.

- 7.3.3 The Youth Offending Service partnership's overall delegated funding for 2019/20 is £7,729,055. For 2019/20 a 2% pay award is payable to all Birmingham Children's Trust staff. The Birmingham Children's Trust contribution for staffing includes an increase to fund this. However there was no additional funding for the pay award for all grant funded posts. This has created a turnover (shortfall in the staffing budget) of £38,309 for the service. In addition, there is also a further £290,681 turnover built into the 2019/20 staffing budgets. For 2019/20 the Youth Justice Board grant allocation has not been confirmed. For the YJ plan it has been assumed that funding will be reduced by 1%.
- 7.3.4 The Service continues to receive 'Think Family' funding of £646,862, as part of an Investment Agreement, to take on additional responsibilities related to whole family interventions and continuing engagement with families post the statutory order, where outcomes have yet to be met. This funding has continued at the same level as 2018/19. Whilst this has increased workloads, it provides significant opportunities to increase family resilience and improve outcomes. National funding for the Troubled Families programme is due to end March 2020, which will impact significantly on family support and YOS funding.
- 7.3.5 The Service continues to experience significant budget pressure in relation to the remand budget. The total funding from the Youth Justice Board and Birmingham Children's Trust for remands in 2019/20 is £1,035,311. The 2019/20 HM Prison and Probation Service Remand Grant allocation has been confirmed as £887,314.
- 7.3.6 The total cost of remands for 2018/19 was £1,635,768, resulting in a year end overspend of £1,066,291. For 2019/20 there has been a significant price increase in the cost of bed nights for Remand placements across all three bed types. If during 2019/20 bed nights continue at the same level as 2018/19 this would result in an additional cost pressure of £883,675. The Service is currently holding vacant posts as a mitigation measure in response to this budgetary pressure.

7.4 Procurement Implications (if required)

- 7.4.1 None

7.5 Human Resources Implications (if required)

- 7.5.1 None

7.6 Public Sector Equality Duty

- 7.6.1 Cabinet is asked to give due regard to the Equality Assessment at **Appendix 2**. The Plan supports key outcomes in relation to improved life chances for vulnerable people and safer communities. Cabinet is particularly asked to

consider the analysis of disproportionality, which sets out offender data based on a group's representation in the context of the general population.

- 7.6.2 Black or Black British young people remain over-represented in the Criminal Justice System in relation to the general 10 - 17 population. The proportion of offenders from Black or Black British background fell from 23.1% in 2017/18 to 21.6% in 2018/19 with a reduction in the number of young people with proven offences from the previous year. The Partnership continues to take action to reduce this over-representation including contributing to preventative work to reduce school exclusions and gang affiliation which is significant to this agenda.
- 7.6.3 National research has concluded that children in care are disproportionately represented in the criminal justice system and recommends the use of restorative justice as an alternative form of behaviour management for minor offences. The latest Local Authority returns¹ identified that 48 (5.0%) of the 954 children aged 10 or older who had been looked after for more than 12 months had a conviction or were made subject to a youth caution during the period 1st April 2017 - 31st March 2018, a small increase from 42 (4.6%) in 2016/17. This compares with the national average of 4.1% and has been supported by Police and Crown Prosecution Service practices to reduce criminalisation of young people in care for minor offences such as criminal damage. Performance for 1st April 2018 – 31st March 2019 is expected October/November 2019.
- 7.6.4 Young people with a history of being looked after were more likely to be sentenced to custody, with custodial sentences comprising 11.5% (14 young people) compared with 9.5% of all sentences. Despite the high proportion being sentenced to custody, young people with a history of being looked after only constituted 3.4% of First Time Entrants during the period. However, young people with a history of being looked after were less likely to be in full time ETE at the end of their order (54.9%) than those who had never been looked after (75.8%). Of the young people remanded to the secure estate during the period, 12 (15.2%) were looked after at the time of remand. These young people accounted for 18.0% (995) of the 5513 remand bed nights during the period.
- 7.6.5 To ensure that Children in Care are not disadvantaged by being allocated to a new worker when a new placement moves them from one catchment area to another, the Service allocates a worker to them from their 'home' team and this worker is responsible for ensuring they receive the necessary support and intervention irrespective of where they are placed, either within the city or an out-of-city placement. In addition to Birmingham Children in Care, the Service also provides a service to other local authorities who place their young people within Birmingham.

¹ <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2017-to-2018>

8. List of Appendices accompanying this Report (if any):

Appx 1 - 2019/22 Youth Justice Strategic Plan

Appx 2 - Equality Impact Needs Analysis 2019

9. Background Documents