

Public Report

# Birmingham City Council

## Report to Cabinet

Date: 11 December 2018



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**Subject:** YOUTH JUSTICE STRATEGIC PLAN 2018/19

**Report of:** Anne Ainsworth  
Acting Corporate Director, Children and Young People

**Relevant Cabinet Member:** Councillor Kate Booth, Children's Wellbeing  
Cllr Tristan Chatfield - Social Inclusion, Community Safety and Equalities

**Relevant O &S Chair(s):** Councillor Mohammed Aikhlaq, 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 type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005729/2018		
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'. The Youth Justice Service is provided on behalf of the Council by Birmingham Children's Trust.

- 1.2 The Birmingham Youth Justice Strategic Plan reviews the performance of the Service and its partners in 2017/18 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.
- 1.3 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 12 months.
- 1.4 In the period 01/04/2017 to 31/03/2018, the Youth Offending Service worked with 968 young people on court ordered and preventative programmes, representing a decrease of 14.9% from 2016/17. The first time entrant rate fell to 453 young people per 100,000 compared with 545 per 100,000 in 2016, representing an improvement of 16.8%, however Birmingham is performing less well compared to the national average and other Core Cities. Birmingham has sustained one of the lowest re-offending rates of all core cities and is below the national average; however, 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 2018/19, 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 01/04/2017 to 31/03/2018, the Service worked with 968 young people on court ordered and preventative programmes. 549 (56.7%) of these were existing clients. This compares with 1138 young people, of whom 547 (48.1%) were existing clients, the previous year: a decrease of 14.9% from 2016/17. The majority of these young people were male 849 (87.7%) and young women 119 (12.3%). 17 year olds were the most prevalent age in the Service's caseload. Though the overall number of young people worked with by the

Service has fallen, a significant number continue to present with complex needs and high risk behaviours and the Service has increased its intensive interventions from 17.2% in 2016/17 to 20% in 2017/18. In addition, the Service worked with approximately 1039 parents and siblings under its 'Think Family' responsibilities.

- 3.2 The Plan outlines the types of crime committed by young people in the Youth Justice System. The most prevalent offences include Violence Against the Person, which has increased from 514 in 2016/17 to 565 in 2017/18. Theft, motoring and robbery offences have decreased however drug offences have seen a 60.4% increase to 170 drug related offences. The Service has seen an increase in young people on its knife possession programme from 173 to 237.
- 3.3 The first time entrant rate fell between April 2017 and March 2018 to 453 young people per 100,000 (541 young people), compared with 545 per 100,000 in 2016. This is an improvement of 16.8%, however Birmingham is performing less well compared to the national average and the majority of other Core Cities.
- 3.4 Birmingham has sustained one of the lowest re-offending rates of all core cities and is below the national average. Birmingham's reoffending cohort comprised of 1110 young offenders, the largest across the core cities, with 36.1% re-offending, which was one of the lowest percentages of reoffenders of all core cities and compared with 41.9% nationally.
- 3.5 Challenges remain in relation to the use of custody. 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 decreased in the 2017/18 period to 94. This compares to 96 custodial sentences in 2016/17 and has been reducing year on year from the 253 young people sentenced in 2007/08.
- 3.6 The Service continues to monitor education outcomes as a local indicator in recognition of the importance of building and sustaining resilience and protective factors. School aged young people engaged in full time education at the end of their order has increased from 82.4% during 2016/17 to 84.4% in 2017/18. 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 those young people post Order. Post school aged engagement into full time training or employment has reduced from 73.03% to 69.2% however these young people continue to receive support from the Youth Promise Plus programme.
- 3.7 Within the Youth Offending Service all young people are screened for issues of safety and well-being. Between 01/04/2017 and 31/03/2018, 968 young people were assessed for safety and well-being compared with 1138 young people in the previous year. 377 (38.9%) young people were identified with medium or higher vulnerabilities, requiring increased responses to mitigate these, compared with 39.3% in the previous year. The proportion of those assessed

with 'High' or 'Very High' vulnerabilities increased to 10.73% in 2017/18 compared with 9.67% in 2016/17. Responses include referrals to Children's Safeguarding Services, Child and Adolescent Mental Health, intensive family and mentoring interventions, substance misuse and alcohol treatment services.

3.8 The management of young offenders subject to court orders is a key responsibility of the Youth Offending Service. Compared with 2016/17, 2017/18 saw 344 (35.5%) young people assessed as medium or higher risk to others, compared with 418 (36.7%). There has been a decrease in the proportion of young people assessed as high or very high risk to others from 8.5% to 7.84%. The Youth Offending Service continues to lead and chair local Risk and Vulnerability panels in each of the five area teams to discuss those young people assessed at medium to high risk of reoffending, harm and vulnerability. Those young people assessed as posing a high or very high risk to the public from re-offending or causing harm to others are subject to more intensive multi-agency offender management arrangements to address concerns.

3.9 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. Many young people may not relate to their experience as being abusive or exploitative however a number of young people want to end their association with this activity but continue because of coercion and threats to them or their families and are unable to communicate this to professionals including police or 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.

#### **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.

#### **5 Consultation**

5.1 Cllr Tristan Chatfield, Cabinet Member for Social Inclusion, Community Safety and Equalities and Equality and Chair of the Youth Offending Service Management Board has been consulted on the plan. Consultation has also taken place with Councillor Cllr Mohammed Aikhlaq, Chair of Children's Social Care Overview and Scrutiny Committee and Councillor Brett O'Reilly, Cabinet Member for Jobs and Finance and 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**

7.1.2 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 2018/19, the pressures within these budgets and how Birmingham Children's Trust, as provider of this Service, will manage these resources. The Birmingham Children's Trust Assistant Director and Head of Service continue to work with the senior management team 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 on-going review of the Youth Offending service operating model.

7.3.3 The Youth Offending Service partnership's overall delegated funding for 2018/19 is £7,895,423, of which the City Council's contribution (£3,963,838) for staffing is funded from the Birmingham Children's Trust (BCT) approved budget. There are funding pressures in this area that the Children's Trust has to manage within its overall financial envelope

7.3.4 The Birmingham Children's Trust Youth Justice Service continues to experience significant budget pressure in relation to the remand budget. The total funding from the Youth Justice Board and the Local Authority for remands in 2018/19 is £715,615. The total cost of remands for 2017/18 was £1,611,230, a shortfall of £1,055,120. Overall the Youth Justice Board Remand grant has been reduced by £239,632 in the last six years. For 2018/19 the Youth Justice Board grant has increased by £159,503 compared with 2017/18. The service is currently holding six front line vacant posts as a mitigation measure in response to this budgetary pressure and is continuing to explore other mitigating actions.

## **7.4 Public Sector Equality Duty**

7.4.1 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.

7.4.2 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 increased slightly from 21.8% in 2016/17 to 23.7% in 2017/18. 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.

7.4.3 Children in Care (CIC) are an especially vulnerable group and their prevalence in the youth justice system is regularly monitored and reported upon. In 2016/17, 263 young people were currently or had previously been looked after at the point of receiving a substantive outcome.

7.4.4 The latest Local Authority returns identified that 42 (4.6%) of the 912 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 2016 - 31st March 2017, a small reduction from 54 (5.14%) in 2015/16. This compares with the national average of 4.50% 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. This data will be refreshed by central government in December 2018.

- 7.4.5 Young people with a history of being looked after were more likely to be sentenced to custody, with custodial sentences comprising 17.9% (19 young people) of all CIC sentencing. Despite the high proportion being sentenced to custody, young people with a history of being looked after only constituted 5.2% 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 (64.5%) than those who had never been looked after (76.9%).
- 7.4.6 Of the young people remanded to the secure estate during the period, 10 (17.8%) were looked after at the time of remand. These young people accounted for 23.6% (661) of the 3187 remand bed nights during the period.
- 7.4.7 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.

## **8 Background Documents**

- 8.1 List of Appendices accompanying this Report:
1. 2018/19 Youth Justice Strategic Plan
  2. Equality Impact Needs Analysis 2018