

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: **CABINET**

Report of: **Chief Executive - Birmingham Children's Trust**

Date of Decision: **24th October 2017**

SUBJECT: **YOUTH JUSTICE STRATEGIC PLAN 2017/18**

Key Decision: **Yes** **Relevant Forward Plan Ref: 004200/2017**

If not in the Forward Plan: **Chief Executive approved** ☐
(please "X" box) **O&S Chair approved** ☐

Relevant Cabinet Member(s) or Relevant Executive Member: **Cllr Brigid Jones - Cabinet Member for Children, Families and Schools.**
Cllr Tristan Chatfield - Cabinet Member for Transparency, Openness and Equality

Relevant O&S Chair: **Cllr Susan Barnett – Schools, Children and Families Overview & Scrutiny Committee**
Cllr Mohammed Aikhlaq
Corporate Resources & Governance

Wards affected: **All**

1. Purpose of report:

- 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 To seek Cabinet approval for this Strategic Plan 2017/18 at Appendix 1.

2. Decision(s) recommended:

That Cabinet:-

- 2.1 Approve the Youth Justice Strategic Plan 2017/18, taking into account the financial implications and the priority actions identified.

Lead Contact Officer(s): Dawn Roberts,
Assistant Director
Early Help, Family Support and Youth Justice.

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3. Consultation

3.1 Internal

Councillor Tristan Chatfield, Cabinet Member for Transparency, Openness and Equality and Chair of the Youth Offending Service Management Board has been consulted on the plan. Consultation has taken place with Councillor Brigid Jones, Cabinet Member for Children, Families and Schools, Councillor Susan Barnett chair of the Schools, Children and Families Overview & Scrutiny Committee and Councillor Brett O'Reilly, Cabinet Member for Jobs and Skills. There has been consultation and engagement with relevant Birmingham City Council services. The Youth Offending governance structure includes representation from these services.

3.2 External

Consultation has taken place with the statutory youth justice partners: West Midlands Police, National Probation Service, and NHS Clinical Commissioning Groups. All statutory partners are represented on the YOS Management Board. Consultation has taken place with young people through self-assessment surveys in setting priorities.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The Plan is consistent with the Early Help Strategy and Safeguarding Improvement Plan for Children's Services 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.

4.2 Financial Implications

(How will decisions be carried out within existing finances and Resources?)

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. The City Council's contribution (£4.36m) is funded from the Early Help and Social Care approved budget. The plan identifies the agreed funding for 2017/18, the pressures within these budgets and how the service will manage these resources. The Head of Service continues 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 ongoing review of the Youth Offending service operating model. There are particular pressures on the funding of remand to custody placements with reducing contributions from the Youth Justice Board and an increase in young people with complex needs remanded into more costly secure provision as an alternative to prison to address their vulnerabilities. The pressures are currently being mitigated by staffing underspends with the Youth Offending service.

4.3 Legal Implications

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.

4.4 Public Sector Equality Duty (see separate guidance note)

- 4.4.1 Cabinet is asked to have due regard to the Equality Assessment (completed August 2017) at Appendix 2. The Plan supports key outcomes in relation to improved life chances for vulnerable people and safer communities.
- 4.4.2 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. 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 21.2% in 2015/16 to 21.8% in 2016/17.
- 4.4.3 Children in care (CIC) are an especially vulnerable group and their prevalence in the youth justice system is regularly monitored and reported on. The latest Local Authority returns identified that 45 (5.14%) of the 875 children aged 10 or older who had been looked after for more than 12 months had a conviction or were made subject to a final warning or reprimand during the period 1st April 2015 - 31st March 2016, a small increase from 40 (4.6%) in 2014/15. This compares with the national average of 4.95%, 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.

- 4.4.4 During 2016/17 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, compared to 7.55% of those who had never been looked after. 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.
- 4.4.5 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%). 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.
- 4.4.6 The Youth Justice Plan identifies the barriers for these cohorts, highlights progress made, and identifies on-going actions to address performance across partner agencies including education and training providers.

5. Relevant background/chronology of key events:

- 5.1 The Birmingham Youth Justice Strategic Plan reviews the performance of the Service and its partners in 2016/17 and outlines the priorities for the next 12 months
- 5.2 Birmingham Youth Offending Service is the largest metropolitan Youth Offending Service in the country and is identified as the most complex by the Youth Justice Board, given its urban context. Overall, Birmingham is maintaining good performance against two of the three national youth justice indicators: reducing re-offending and reducing the use of the Secure Estate. The number of Birmingham young people who entered the youth justice system for the first time increased in 2016/17 following a reduction in 2015/16.
- 5.3 Nationally, whilst the overall number of young people coming to the attention of the youth justice system has fallen, the proportion of those with complex needs and high risk behaviours remains high.
- 5.4 The Youth Offending Service Management Board has set strategic priorities for the Youth Offending Service partnership for 2017/18 and these are outlined within the Plan. They include maintaining and improving performance against the Youth Justice outcomes especially for those cohorts identified with poorer outcomes, and prioritising the safeguarding of vulnerable children and young people.
- 5.5 These priorities have also been informed by feedback from 370 self-assessment surveys completed during 2016/17 by young people, analysing and reviewing performance data and an understanding of 'what works' in achieving outcomes. The Plan is monitored by the YOS Management Board on a quarterly basis.
- 5.6 Cabinet approval was given in January 2017 to create a voluntary Birmingham Children's Trust. A shadow period (from April 2017 to March 2018) has been put in place to test the governance arrangements between the Council and the Trust prior to full transition in April 2018. The Youth Offending Service will be part of this arrangement and therefore its resources and BCC staffing will be TUPE'd into the Children's Trust.
- 5.7 In the period April 2016 to March 2017, the Service worked with 1601 young people on court ordered and preventative programmes, 728 (45.47%) of these were existing clients. This compared with 1369 young people of whom 666 (48.65%) were existing clients in the same period the previous year. This represented an increase of 16.9% from 2015/16.

In addition, the Service worked with approximately 3500 parents and siblings under its 'Think Family' responsibilities.

- 5.8 The majority of young people worked with during 2016/17 were male (1364, 85.20%). Females accounted for 237 clients (14.80%). 17 year olds were the most prevalent age in the Service's caseload. None of the above is significantly different from the previous year.
- 5.9 The number of first time entrant's rate rose between April 2016 and March 2017 to 512 young people per 100,000. This compared with 475 per 100,000 in 2015/16. This rise of 13.7% is indicative of performance that is worse than the national average and core city comparators.
- 5.10 Birmingham continues to sustain its good performance in relation to re-offending by achieving one of the lowest frequency rates (1.12) of all core cities for the 12 month cohort July 2014 – June 2015 (latest Ministry of Justice figures) and is below the national average of 1.27. Within this cohort were 921 young people, the largest across the Core Cities, with 35.8% re-offending, which compared with 38% nationally.
- 5.11 Birmingham has a higher rate of custodial sentences than the national average, although within the range comparable with other core cities. The number of custodial sentences in Birmingham has fallen in the 2016/17 period to 96. This compares to 110 custodial sentences in 2015/16. The offence categories most likely to lead to custody were Robbery (32, 33.3%); Violence Against the Person (19, 19.8%); and Domestic Burglary (14, 14.6%), which together accounted for 67.7% of custodial sentences during the period.
- 5.12 The latest Local Authority returns identified that 45 (5.14%) of the 875 children aged 10 or older who had been looked after for more than 12 months had a conviction or were made subject to a final warning or reprimand during the period 1st April 2016 - 31st March 2017, a small increase from 40 (4.6%) in 2015/16. This compares with the national average of 4.95%.

6. Evaluation of alternative option(s):

There is a legal requirement to produce a Youth Justice Plan.

7. Reasons for Decision(s):

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.

Signatures

Date

Cabinet Member for Children,
Families and Schools
Councillor Brigid Jones

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Cabinet Member for Transparency,
Openness and Equality
Councillor Tristan Chatfield

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Chief Executive
Birmingham Children's Trust
Andy Couldrick


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...12/10/2017.....

List of Background Documents used to compile this Report:

Youth Justice Strategic Plan 2017/18

List of Appendices accompanying this Report (if any):

1. Youth Justice Strategic Plan 2017/18
2. Equality Impact Needs Analysis 2017

Report Version 2

Dated 11/09/2017

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories.
 - (b) what is the nature of this adverse impact.
 - (c) whether the adverse impact can be avoided and at what cost – and if not.
 - (d) what mitigating actions can be taken and at what cost.
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - A summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - The full equality impact assessment (as an appendix)
 - The equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice. (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) Marriage & civil partnership. (b) Age. (c) Disability. (d) Gender reassignment. (e) Pregnancy and maternity. (f) Race. (g) Religion or belief. (h) Sex. (i) Sexual orientation.