

CABINET

17 DECEMBER 2013

YOUTH JUSTICE PLAN (POLICY FRAMEWORK)

Portfolio Holder: Councillor Mike O'Brien, Children's Services (Lead Member)

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Summary

This report outlines the Medway Strategic Youth Justice Plan Refresh 2012-2014, which has been developed following discussions and consultations with partner agencies, it also reflects the requirements of the Youth Offending Team (YOT) and the new requirements by the Youth Justice Board to submit a costed plan in respect of their grant to the Youth Offending Team.

1. Budget and Policy Framework

- 1.1 The Medway Strategic Youth Justice Plan is revised on an annual basis and forms part of the Council's Policy Framework. Approval is therefore a matter for Council.
- 1.2 Copies of Medway Strategic Youth Justice Plan (Appendix A), Summary of Changes to refreshed Plan (Appendix B) and Statistical view of the Medway YOT year 2012-13 (Appendix C) have been sent to Cabinet Members, Group Rooms and the Chatham Community Hub. Further copies are also available from the following link:
<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=2887&Ver=4>

2. Background

- 2.1 A Youth Justice Plan is required under the provisions of the Crime & Disorder Act 1998. The Youth Justice Plan is a strategic plan, which is required to be signed off by Medway Council's established procedures prior to formal submission to the Ministry of Justice.
- 2.2 The principal reason for refreshing the plan has been the requirement placed on all YOT's to submit a costed plan in respect of the Youth Justice Grant from the Ministry of Justice. This Youth Justice Plan must be imbedded into the YOT Plan indicating which areas the grant will be applied to. There is a requirement that the grant can only be used to support effective and innovative practice rather than business as usual, see page 34 of YOT plan as set out in Appendix A.

- 2.3 There have also been significant changes made to the Medway Strategic Youth Justice Plan to ensure that the new requirements for the youth justice grant are fully met and where there have been changes or progress made in respect of aspects of the plan these have been reviewed and updated, (a summary of these changes and additions is detailed in Appendix B).
- 2.4 Medway YOT was involved in a serious case review in 2012 and recommendations from the review report published in August 2013 have been implemented and are being embedded into staff practice, and this is reflected in the updated plan.
- 2.5 In view of the financial context, a range of options are being developed to ensure that the statutory functions of the YOT can continue to be delivered or, in worse case scenario prioritised to align the work of the YOT to the resources that are available. Until there is clarity around the levels of YOT partnership funding a number of options are being considered.

3. Contextual Information

- 3.1 The Medway Strategic Youth Justice Plan is a delivery vehicle to sustain the ongoing improvements made by the YOT partnership over recent years. The plan supports key objectives within the following plans:
- Medway Council Strategic Plan
 - Medway Safeguarding Children's Board Business Plan
 - Medway Children & Young People's Plan
 - Integrated Youth Support Services Plan
 - Medway Community Safety Partnership Plan
 - Kent Criminal Justice Board
- The opportunity has been taken to review the plan in terms of providing updated data and statistics covering the period 2012/13 where available and also updating some nationally provided data. Some Youth Justice data has a considerable time lag. All YOT and supporting data has been updated where it is available. There have also been some minor changes made where there is now clarity around positions such as the Police and Crime Commissioner and some Medway organisational changes.
- 3.2 The outcome of the Diversity Impact Assessment screening is attached to this document. This indicates that a full Diversity Impact Assessment is not necessary. (Appendix D)
- 3.3 Sustainability - the resources to deliver the Medway Strategic Youth Justice Plan have been identified within the current budget for the YOT and agreed by the YOT partnership agencies. However a section of the plan seeks to explore the options for continued delivery of the plan against a background of diminishing resources available to the YOT partnership.

4. Risk assessment

- 4.1 A number of important areas of risks have been identified which could impact upon the ability of the YOT to carry out its full range of statutory and other responsibilities. These are outlined below

Risk	Description	Action to avoid or mitigate risk	Risk rating
1. Reduction in partnership support for the YOT	Further reductions to the YOT budget from partner agencies Identified threats include the requirement to re badge the Youth Justice Board (YJB) grant towards developing and sustaining best practice rather than existing business. A further cut to the YOT grant by the YJB is expected but at this time the level is unknown. Further reductions to the current resources of the YOT, either in terms of cash or staff provision, may have a severe impact upon the YOT's ability to deliver on its statutory and strategic objectives.	Discussions are ongoing with partner agencies concerning the likelihood of resource reductions. The priority will be to develop contingency plans to protect the statutory elements of the YOT work if further reductions are made. Discussions with the Police and Crime Commissioner have resulted in an outline of agreement for a 2 year funding arrangement with year on year reductions of 11% and 5% currently.	B/2
2. Changes to financial arrangements around youth remands.	From 1 April 2013 new financing arrangements were in place that required the authority to meet the full costs of custodial remands. A small grant was made by the YJB to cover some of the extra costs. Work has been ongoing to contain remand costs within this grant while also developing sustainable alternatives to custodial remands. However a significant	A range of alternatives for custodial remand has been developed with partners. Close monitoring of potential and actual remand is undertaken and alternatives to custodial remand are always promoted.	A/2

Risk	Description	Action to avoid or mitigate risk	Risk rating
	risk remains, as Medway has not made any additional provision to cover the expected shortfall between YJB grant and likely levels of expenditure for providing alternatives to actual remand costs.		
3. Intensive Supervision and Surveillance Programme.	Currently ISS is a joint programme run by Kent and Medway Youth Offending Services to provide a robust programme (25 hours per week) as an alternative to custodial sentences and remands. With falling custody levels the cost of providing this service has raised in proportion to the number of young people it supports. Discussions are ongoing with Kent YOT around possible changes and reduction in costs. This may lead to breaking up the current partnership arrangements, if so Medway would have to develop its own scheme.	Planning and Feasibility discussions are underway with Medway Youth Service to develop the possibility of a Medway based ISS scheme that meets the full requirements and would have the support of the Medway Youth Bench, but within a cost effective and sustainable budget.	B/2

5. Consultation

- 5.1 The refreshed Medway Strategic Youth Justice Plan has been circulated to partner organisations and will be discussed and endorsed at the meeting of the YOT Management Board held on 12 December 2013.
- 5.2 The Children and Young People Overview and Scrutiny Committee will consider this report on 10 December 2013. The views of the Committee will be submitted to Cabinet in an addendum report. Final consideration and approval of the Plan is a matter for Full Council on 23 January 2014.

6. Financial and legal implications

- 6.1 There are changes in the responsibility for funding the cost of secure remand, which now falls on the Local Authority and whilst this duty is accompanied by additional grant, there is a risk around the volatility in the need for secure remand placements
- 6.2 Section 40 of the Crime and Disorder Act 1998 requires the Council, after consultation with the relevant persons and bodies, to formulate and implement for each year, a plan (a "Youth Justice Plan") setting out:
- (a) How Youth Justice services in their area are to be provided and funded; and
- (b) 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 Recommendations

- 7.1 The Cabinet is asked to consider the views of the Children and Young People Overview and Scrutiny Committee and recommend approval of the Medway Youth Justice Plan, as set out at Appendix A, to Full Council.

8. Suggested reasons for decision(s)

- 8.1 The Medway Strategic Youth Justice Plan has been refreshed and will need to be reviewed by overview and scrutiny committee and Cabinet. There have been consultations with key partners and the adoption of a refreshed plan seeks to address the underlying local causes of youth crime.

Lead officer contact

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Appendices

- a) Medway Strategic Youth Justice Plan refresh 2013/2014 (Contained within Supplementary Agenda No. 1)
- b) Summary of Changes to refreshed Plan (Contained within Supplementary Agenda No. 1)
- c) Statistical view of the Medway YOT year 2012-13(Contained within Supplementary Agenda No. 1)
- d) Diversity Impact Assessment November 2013

Background papers

Medway Youth Offending Team (YOT) Performance Digest for 2012-13 - Highlights performance in key areas of work:

- NI 111 First time entrants to the youth justice system
- NI 19 Rate of proven reoffending by young people who offend
- NI 45 Engagement in Education to Employment by young people who offend
- NI 43 Young people receiving a conviction in court who are sentenced to custody

Diversity Impact Assessment: Screening Form

Directorate Children & Adults	Name of Function or Policy or Major Service Change Medway YOT Strategic Plan 2012 - 2014.		
Officer responsible for assessment Keith Gulvin	Date of assessment Reviewed November 2013.	New or existing? Existing	
Defining what is being assessed			
1. Briefly describe the purpose and objectives	The YOT Strategic Plan set out the strategy and plans for the work of Medway YOT		
2. Who is intended to benefit, and in what way?	Young people and their families will individually benefit as a result of the services that are delivered in respect of this plan. The people of Medway will benefit through the contribution to creation of safer communities.		
3. What outcomes are wanted?	To achieve a reduction in levels and seriousness in the involvement of young people within the criminal justice system, to reduce the use of custody as a disposal and to reduce the numbers of young people entering into the Youth Justice System.		
4. What factors/forces could contribute/detract from the outcomes?	Contribute Support of all YOT partner agencies in respect of committing funding and staff resources to achieve the aims of the plan.	Detract Changes in government policy or legislation within the life of the plan. Un-planned surges of particular criminal activity, by young people, above the normal expected levels. A loss of resources may place acute pressures upon the YOT over time and families currently requiring a service in the future may not receive one.	
5. Who are the main stakeholders?	The main stakeholders are the YOT partnership, victims of crime and the young people and their families who we engage with.		
6. Who implements this and who is responsible?	The YOT Management Board has responsibility for the Plan and the YOT manager is responsible for implementing the YOT Plan		

Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i>?	Yes	Brief statement of main issue
		There is evidence of over representation of the mixed and black ethnic groups compared to their representation in the local population. However this picture is reflected within YOTs with similar demographic populations. This issue will be investigated further.
What evidence exists for this?		
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?		Brief statement of main issue
	NO	No issues have been identified.
What evidence exists for this?		
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?		Young men form the majority of the YOT caseload. There are 20% female clients This is inline with the national picture.
	No	
What evidence exists for this?		
10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?		Brief statement of main issue
	NO	No issues have been identified.
What evidence exists for this?		
11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?		Brief statement of main issue
	NO	No issues identified.
What evidence exists for this?		
12. Are there concerns there <u>could</u> be a differential impact due to people's <i>age</i>?	No	The work of the YOT is focused on YP between the ages of 10 and 17 hence all YOT clients are aged 10 to 17
What evidence exists for this?	The YOT only works with young people within a closely defined age group, i.e. those at or above the age of criminal responsibility.	
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?		Brief statement of main issue
	NO	No issues identified.

What evidence exists for this?		
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?	YES	Some YOT clients do not have English as a first language.
What evidence exists for this?	All YOT clients are screened for ethnicity and other diversity factors.	
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?	YES	Brief statement of main issue
		Young people who are Looked After Children (LAC) form a significant part of the YOT caseload.
		The Plan contains actions that are designed to try and prevent LAC from entering the CJS as well developing effective support mechanisms for those within the CJS working in conjunction with children's services.
What evidence exists for this?	A recent spot check indicated that 27% of clients were LAC or had been in the past.	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	No	Brief statement of main issue
		The needs of individual YP people are thoroughly assessed and services provided based on the assessment.
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?		Please explain
Recommendation to proceed to a full impact assessment?		
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.	

Action plan to make Minor modifications		
Outcome	Actions (with date of completion)	Officer responsible
Gain a greater understanding of the	Review the YOT caseload monitoring information and cases to gain a better understanding of the	YOT Manager

over representation of Mixed and Black ethnic groups in the CJS	reasons for over representation and examine potential actions to remedy this.	

Planning ahead: Reminders for the next review		
Date of next review	May 2014	
Areas to check at next review (e.g. new census information, new legislation due)		
Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?		
Signed (completing officer/service manager)	Date	
Signed (service manager/Assistant Director)	Date	