

# **CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY PANEL**

**6 DECEMBER 2023**

## **WEST MERCIA YOUTH JUSTICE SERVICE**

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### **Summary**

1. The Cabinet Member with responsibility for Children and Families and the Director of Children's Services/Chief Executive, Worcestershire Children First (WCF) has been invited to the meeting to update the Panel on developments relating to West Mercia Youth Justice Service (WMYJS).

### **Background**

2. The report contains background information about the work, performance and joint work with Worcestershire Children First of the West Mercia Youth Justice service. The report has been requested as part of the scrutiny work programme.
3. West Mercia Youth Justice Service is a joint Local Authority Service delivering statutory youth justice services in Worcestershire, Herefordshire, Shropshire and Telford and Wrekin. Since 2016, the Youth Justice Service has been hosted and managed on behalf of the Local Authorities by the Office of the West Mercia Police and Crime Commissioner (OPCC). The Youth Justice Service is accountable to the WMYJS Strategic Management Board, and the Strategic Management Board is accountable to each of the Local Authorities for the delivery of youth justice services. The Strategic Management Board is currently chaired by the Director of Children's Services, Worcestershire County Council.

### **Operational Structure of the WMYJS**

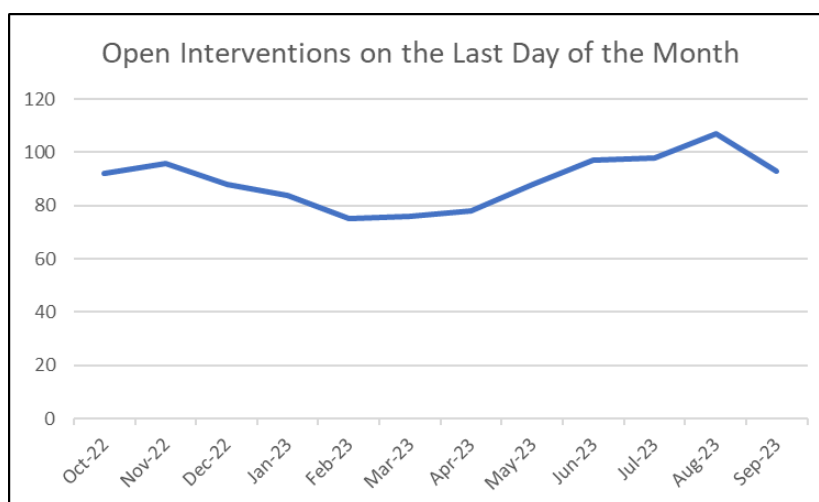
4. The West Mercia Youth Justice Service comprises four multi-agency service delivery teams, aligned to the Local Authority areas, which deliver the majority of services. The reparation service and volunteer services are co-ordinated centrally across the whole service, as are the finance and data/information functions.
5. Each area team comprises the following types of posts; Team Manager, Senior Practitioner, Youth Justice Officers and Assistant Youth Justice Officers, Education, Training and Employment Officer, Substance Misuse Officer, Victim Liaison Officer, Police Officer (secondment), Mental Health Worker (secondment) and Probation Officer (secondment).
6. The Worcestershire Team is comprised of:
  - 1 x full time equivalent (FTE) Team Manager
  - 2.5 x FTE Senior Practitioners, who support the team manager supervising staff and practice

- 5.5 FTE Youth Justice Officers who case manage high risk cases and undertake court work,
- 3.5 x FTE Assistant Youth Justice Officers who primarily case manage low and medium risk cases,
- 1 x FTE Education, Training and Employment (ETE) Officer who liaises with education service and post-16 providers to secure appropriate Education, Training and Employment (ETE) placements for children on YJS interventions,
- 0.8 FTE Substance Misuse Officer who provides drug and alcohol interventions,
- 1 x FTE Victim Liaison Officer, who contacts known victims of youth crime to provide information and offer opportunities to participate in restorative processes,
- 2 x FTE Police Officers, who act as link between WMYJS and the Police, co-ordinate the Joint Decision Making Panel (JDMP) process and assist with victim contact,
- 1 x FTE Probation Officer, who case manages high risk cases and manages the transition from youth justice to probation process for children attaining 18 years of age,
- A mental health worker who provides specialist mental health assessments and interventions and
- 0.1 FTE Speech Therapist, who advises staff working with children who have speech, language and communication needs.

7. Currently the following posts are vacant, 1.5 x FTE Senior practitioners, 3.5 x Assistant Youth Justice Officers, 0.5 x FTE ETE Officer, 1 x FTE Police Officer and 1 x FTE Mental Health Officer.

### Service delivery

8. At the end of September 2023, there were 93 open interventions in the team, which was the same number as at the end of October 2022.



9. The service is responsible for the delivery of youth justice services, as defined in by Section 38 of the Crime and Disorder Act 1998, in short these are:

- the provision of information and reports to court to assist bail, remand and sentencing decisions,

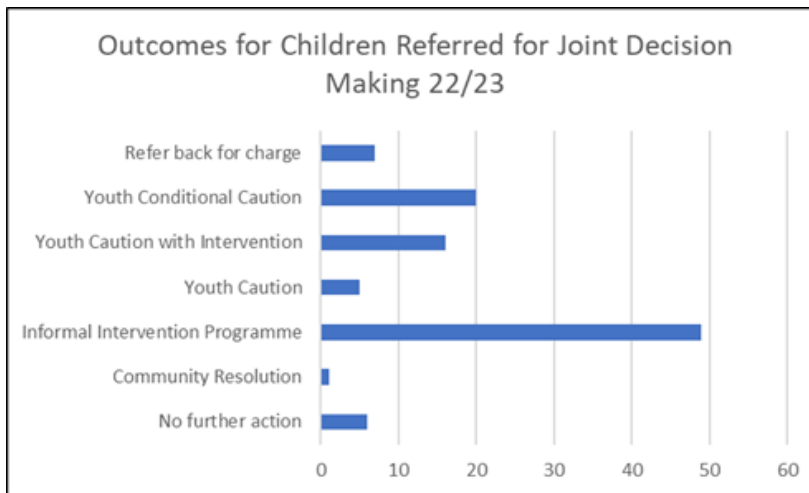
- joint decision making-with the Police-for Out of Court Disposals (Police Cautions and informal disposals to divert children from formal justice system disposals), and delivery of interventions to support these disposals,
  - the provision of Referral Orders and Youth Rehabilitation Orders and
  - the throughcare and resettlement of children subject to custodial sentences.
10. The service additionally has a responsibility to contact known victims of crimes by children to offer information and opportunities to participate in restorative justice.
11. The service is funded by a grant from the Youth Justice Board from England and Wales, which accounts for 51% of the revenue budget for the service, and from contributions from each of the statutory partner agencies. The only commissioned service is the provision of appropriate adults for children in Police custody, which is delivered by a voluntary organisation under contract.

### **Options, Processes and Outcomes used by Youth Justice**

12. The following paragraphs set out the range of options, processes and outcomes used by youth justice when working with children and young people who have been referred into the criminal justice system.

#### Out of Court Disposals

13. Since 2020 decisions for out of court disposals have been made through the JDMPs). All children committing and admitting an offence are referred to the panel, unless they are excluded either due to the seriousness of the offence or other factors identified in the joint West Mercia Police and Youth Justice Service protocol and guidelines. One of the aims of the panel is to ensure that where possible those children who have committed low level offences are diverted away from the justice system and receive support for their desistance through informal disposals.
14. The panels are joint agency consisting of representatives from the Police, Youth Justice Service, Community Panel Members and Worcestershire Children First, and make the decisions based on an assessment of the child conducted by a Youth Justice Officer and information from the victim.
15. The panels have a range of options open to them ranging from, no further action to a youth conditional caution. The panel also have the option to refer the case back to the Police for consideration of a charge to court if the panel assess the case is not suitable for an out of court disposal.
16. In 2022/23, 104 Worcestershire children were referred to the JDMP, of these 104 children 56 (54%) were diverted from formal justice system sanctions. A further 41 (39%) were diverted from court through the use of Police cautions and 7 (7%) were referred back to the Police for consideration for charging to court as the panel assessed they were not suitable for an out of court disposal.



17. A follow up on children made subject to out of court disposals in the period April 2022 to September 2022, has shown that only 16% have re-offended in the year following the out of court disposal being made. This compares to an overall re-offending rate of 30% after 12 months across all justice system outcomes.
18. The most frequently occurring offence type for cases referred to the JDMP in 2022/23 is violence against the person at 59% cases, followed by public order offences, 12% and criminal damage, 9%.

#### Referral Orders

19. In 2022, there were 88 court orders made on Worcestershire children, of these approximately 50% were Referral Orders where the child is referred to a Community Panel, which comprises two trained community panel members, the child and their carer, the youth justice practitioner who has undertaken an assessment on the child and, if they are willing to participate, the victim of the offence. The panel agree a contract with the child which outlines the elements of the intervention plan.

#### Youth Rehabilitation Orders (YRO) and Custodial Sentences

20. Youth Rehabilitation Orders, this single community sentence in the youth justice system accounted for 19 (22%) of the court outcomes. There were 3 custodial sentences and the remaining 26 outcomes were either discharges or fines.
21. The number of custodial sentences, at 3, is low and represents 0.06 sentences per 1,000 youth population compared to the national rate of 0.11. In all cases where a child is at risk of receiving a custodial sentence, the court are offered a robust community-based alternative, unless there is a mandatory sentence for the offence committed. Most usually the alternative offered will be a Youth Rehabilitation Order with Intensive Supervision and Surveillance (ISS), a combination of an intensive intervention programme, up to 25 hours a week, combined with an electronically monitored curfew.
22. Any other requirements that can be added to a YRO, such as exclusion requirement for example, can also be added to the YRO to make the ISS programme even more robust.

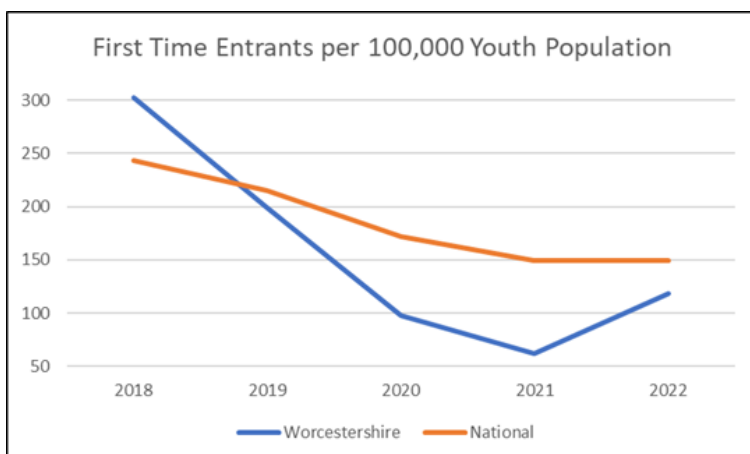
23. Currently, Worcestershire as part of the West Midlands region is piloting new ISS arrangements, which extend the length of order, and include location monitoring.
24. All interventions provided by the youth justice service, at all stages of the youth justice system are based on a comprehensive assessment of child's risks and needs and take a strengths-based approach. The youth justice service employs substance misuse officers so that drug and alcohol interventions are provided directly. In the rare cases where pharmacological interventions may be required, the service works alongside the community drug and alcohol service. In Worcestershire there are also mental health and speech therapist secondees in the team.
25. All children subject to interventions managed by the Youth Justice Service that are assessed as being high risk in terms of safeguarding, their risk to others or likelihood of re-offending have risk plans agreed and reviewed through High-Risk Panels, these panel meetings will include the WCF allocated case worker, if the child is a WCF open case.

### **Performance Indicators**

26. Youth justice services have been subject to three main national performance indicators:
  - first time entrants to the youth justice system,
  - the use of custody and
  - reoffending.

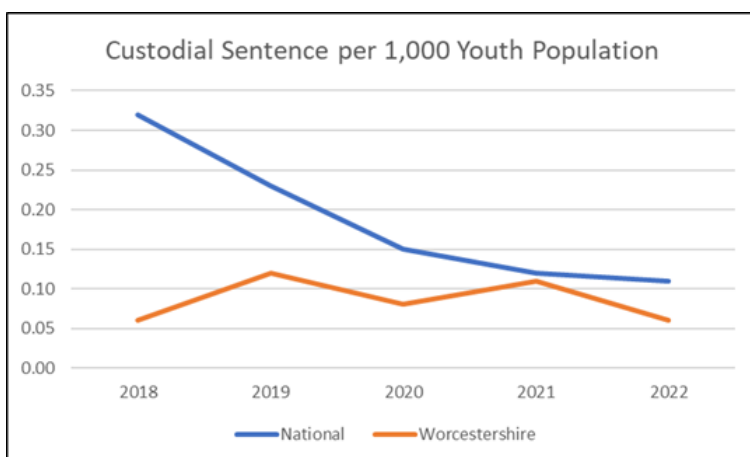
#### First Time entrants to the youth justice system

27. First time entrants are children who receive a first formal justice system disposal, either a caution or conviction. Nationally, the number of children entering the youth justice system for the first time has been reducing over a number of years, and this is the case in Worcestershire. In 2012 there were 314 Worcestershire children entering the youth justice system and in 2022 there were 65, a reduction of 79% over the ten-year period. There was an increase in 2022 from low numbers in 2020 and 2021, although the reasons for this are not known, it is likely that coming out of Covid-19 restrictions will be a factor contributing to this.
28. For comparison purposes first time entrant data is usually expressed as the number of first time entrants per 100,000 youth population. Since 2019 the Worcestershire rate of first time entrants has been lower than the national average. The JDMP process is the main strategy for reducing first time entrants by, where possible, diverting first offences from formal justice system sanctions, whilst addressing the child's risks and needs through the offer of interventions supporting informal disposals.



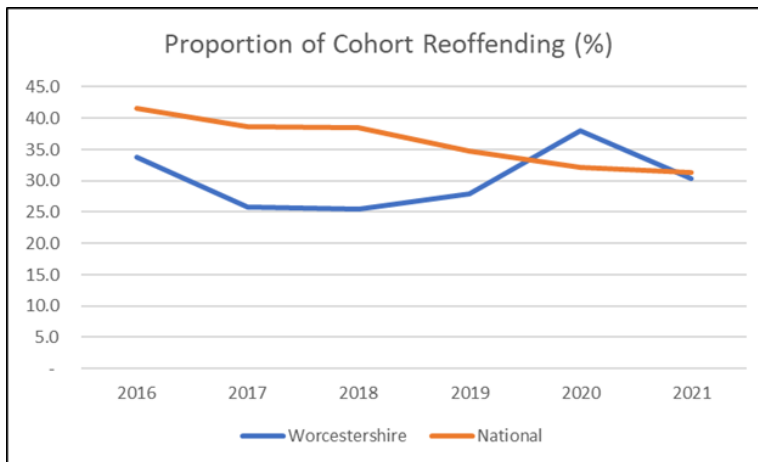
### Use of Custody

29. Use of custody has been previously mentioned, where it was noted that the number of custodial sentences made on Worcestershire in 2022 was 3, representing 0.06 custodial sentences per 1,000 youth population. The graph below shows the Worcestershire rate compared to the national rate for the last five years.



### Reoffending

30. The third performance measure is reoffending, this measures the proportion of children who have received a formal justice system sanction (caution or conviction) who reoffend within a 12-month period following being made subject to the sanction. For the cohort identified in 2021, followed through to December 2022, 30.4% reoffended, compared to 31.4% nationally. Apart from in 2020 the reoffending rate in Worcestershire has been below the national rate.



31. Promoting desistance from offending is the aim of the service’s work with children, interventions delivered to individual children are based on a comprehensive assessment of risks and needs using the national AssetPlus assessment and planning framework, and where children are assessed as high risk, planning is through the multi-agency high risk panel meetings.

#### New Performance Measures

32. Ten new performance measures are being introduced for 2023/24;

- suitable accommodation
- education, training and employment
- special educational needs and disabilities
- mental health care and emotional wellbeing
- substance misuse
- out-of-court disposals
- links to wider services
- management board attendance
- serious violence
- victims

#### **Inspection by HMI Probation**

33. In 2022, the service was subject to an inspection by HMI Probation, and the service was rated as ‘Requires Improvement’ overall. There were nine recommendations.

#### **The West Mercia Youth Justice Service should:**

1. strengthen the quality and consistency of management oversight of practice
2. develop a meaningful focus on diversity in its casework
3. make sure that case managers plan for, and respond effectively to, changing circumstances in a case
4. work effectively with partners in post-court work to keep children and other people safe.

### **The Youth Justice Service Management Board should:**

5. make sure there is capacity at both board and YJS senior management level to fulfil its ambitions for an effective, child-first service
  6. take steps to better understand why some groups of children are overrepresented in the YJS and work to reduce this
  7. address disparities in service provision between localities and commissioned services, and ensure they are providing a consistent and effective response to identified needs
  8. work with partners to ensure out-of-court disposal decisions are proportionate and maximise opportunities for children to receive support without being criminalised
  9. work as a partnership to identify and address obstacles to the successful delivery of the YJS resettlement practice.
34. An improvement plan addressing the nine recommendations was submitted to and approved by the Inspectorate and is being progressed through nine task and finish inspection improvement workstream groups. Each recommendation has a Management Board member lead and a working group to implement the required improvements in practice. All workstreams report to the board.
35. WCF and the Youth Justice Service have been working together on recommendation 4. The working group lead is the Director of Children Services and together with work from other workstreams has achieved the following;
- Hearing the voice of a young person through their lived experience of the criminal justice system and using this to inform changes we make.
  - The development a practice standard document for WCF and WMYJS, that supports and guides professionals when children are on the cusp or entering the criminal justice system.
  - Updated information provided at Court to children and their families making it easier for children to access information through a single card with a QR code to WMYJS website.
  - A poster has been created and placed in police custody cells, to remind Children in Care and Care Leavers how to access support.
  - A new management oversight policy has been created to support with the management of risk.
  - Regular meeting occurs between WMYJS and YJS, to discuss best practise, training opportunities and any arising issues.
  - 'Journey of the child through the criminal justice system' training is provided by WMYJS to WCF.
  - Joint networking events are offered by WCF throughout the year to enhance working relationships and encourage best practise.
  - Service changes have been made in relation to hearing the voice of the victim in Court reports, where appropriate when the WMYJS is preparing a pre-sentence report, the victim of the offence is contacted and asked their views. This information can then be added to the report and can provide extra weight when requesting certain requirements, such as an exclusion requirement, prohibited activity requirement or a stand-alone restraining order, which in turn can reassure the victim and/ or the wider community that appropriate protective measures are in place.



- Learning and development activity across the service in relation to keeping children and others safe is ongoing, WMYJS staff have recently received updated training in the areas of professional curiosity and understanding and responding to a child's diversity profile. Future areas of development and training will focus on staff gaining a greater understanding of how to respond to changes to circumstances and contingency planning.

### **Children at risk of criminal exploitation**

36. Children at risk of or who have entered the criminal justice system, may also be at risk of criminal exploitation. Where exploitation is a concern in a child's life collaboration between Youth Justice Services, Children's Social Care and multi-agency partners is crucial as it allows for a comprehensive approach to address complex needs.
37. Within Worcestershire children under 18 years old who are vulnerable to or experiencing exploitation are referred to Get Safe. This is multi agency professionals working together in a coordinated and focused way to tackle this challenging and ever-changing form of harm and abuse to children here in Worcestershire.
38. The Worcestershire partnership includes, West Mercia Police, WCF, a range of NHS health services, Education, West Mercia Youth Justice, Housing, Probation and Early help services and our voluntary sector all working together with district councils and other support agencies.
39. The Get Safe Partnership is committed to tackling Child Exploitation and supporting victims and their families who experience this. For more information in relation to child exploitation and how to make a referral to get safe please visit [Get Safe - keeping children and young people safe from criminal exploitation | Worcestershire County Council](#)
40. It is recognised that a young person's risk to exploitation does not end when they turn 18 years old. Get There has been a collaborative piece of work undertaken by the GET SAFE partnership with a focus on understanding the needs of young people aged 16 – 25years where there is ongoing vulnerability or risk in relation to criminal exploitation. The 'Get There' approach looks specifically at what next for young people who turn 18 years old and brings together information for young people aged 16 to 25 on careers and training, relationships, money, health and wellbeing, housing and Get Safe. For more information please visit : [Get There | Worcestershire County Council](#)
41. The service works closely with the courts. The Youth Justice Service Team Manager (Worcestershire) meets yearly with youth magistrates and provides youth justice updates including performance data and, when requested, training.
42. At the last meeting with youth panel magistrates, the service provided information and training in relation to child exploitation and the national referral mechanism (NRM). WMYJS also attends wider Court user meetings. Worcestershire Youth Court takes place bi-weekly on a Wednesday and regular written feedback is requested by WMYJS, the feedback provided by the magistrates has been

overwhelmingly positive, below is the essence of the feedback that has been received between August 2023 – October 2023:

- Good Level of information provided in the Pre-Sentence Report.
- Breach report was well set out explained the difficulties the young person was having.
- Youth Justice Court officers were helpful and sensitive to the young people's needs while they are in Court.
- Proposals outlined in the reports were well set out and proportionate and assisted with sentencing.

43. The Local Authorities, and the Youth Justice Service are required to publish an annual Youth Justice Plan, in accordance with the instructions and guidance issued by the Youth Justice Board for England and Wales. The Youth Justice Plan for 2023/24 provides more detailed information on the work of the service and outlines the service's development plan. The plan is appended to this report.

### **Purpose of the Meeting**

44. The Panel is asked to:

- consider and comment on the information provided on West Mercia Youth Justice Service.
- determine what further information or scrutiny is required; and
- agree any comments to highlight to the Cabinet Member with Responsibility for Children and Families.

### **Supporting Information**

Appendix 1 – West Mercia Youth Justice Plan 2023/24

[West-Mercia-Youth-Justice-Plan-2023-2024.pdf \(westmerciayouthjustice.org.uk\)](https://www.westmerciayouthjustice.org.uk)

### **Contact Points**

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### **Background Papers**

In the opinion of the proper officer (in this case the Democratic Governance and Scrutiny Manager) there are no background papers relating to the subject matter of this report:

[All agendas and minutes are available on the Council's website here.](#)