

Children and Families Overview and Scrutiny Committee
17 March 2020

REPORT TITLE	Overview of Wirral Youth Justice Service
REPORT OF	Paul Boyce – Corporate Director of Children Service

1.0 REPORT SUMMARY

- 1.1** To provide an overview report of Wirral Youth Justice Service detailing the current performance and services provided.
- 1.2** The Youth Justice Strategic Plan aims to contribute to the wider Corporate and Directorate objectives by providing an efficient service that prevents and diverts young people away from criminal justice, intervenes effectively to prevent re-offending and reduces the use of custody for young people. Effective and committed partnership working will ensure local delivery effectively meets targets and achieves positive outcomes for the young people, families, victims and the wider community in Wirral.
- 1.3** The Youth Strategic Justice Plan is recognized within the Wirral Council Plan as key to the delivery of the following pledges:
- Young people are ready for work and adulthood.
 - Vulnerable children reach their full potential.
 - Wirral' s Neighborhoods are safe.
- 1.4** This matter affects all Wards within the Borough.

2.0 RECOMMENDATION/S

- 2.1** That Scrutiny Committee is requested to note the report and provide any comments.

SUPPORTING INFORMATION

3.0 REASON/S FOR RECOMMENDATION/S

- 3.1** Overview and Scrutiny Committees receive regular updates on various Council services throughout the year. These allow Committees to understand the position of the Council and to scrutinise decisions and performance as required.

4.0 OTHER OPTIONS CONSIDERED

- 4.1** Not applicable.

5.0 BACKGROUND INFORMATION

5.1 GOVERNANCE

5.2 The Youth Justice Service (YJS) is a statutory service as required by the Crime and Disorder Act 1998 to provide youth justice services as a multi-agency partnership between the Local Authority, Police, Probation and Health. Wirral YJS has recently moved from Delivery Services and is now positioned within the Children's Services of Wirral Council. The team is multi-disciplinary with each statutory partner contributing staff and/or resources.

5.3 The strategic aims of the Wirral Youth Justice Service mirror those of the National Youth Justice Board (YJB) and support those contained within the Wirral's partnership 2020 Vision and the Wirral Strategy for Children, Young People and Families. We aim to ensure that we have both the capacity and capability to achieve these aims by ensuring that all statutory partner agencies are strongly represented and actively engaged through the Youth Justice Management Board (YJMB) at a senior level to provide strategic direction, supporting the YJS partnership to effectively prevent offending by children and young people and make a difference to the outcomes of children and young people who offend

5.4 Wirral YJMB meets quarterly and is chaired by the Assistant Director for Safer Wirral Service. In addition to the statutory partners, we also have representatives from Merseyside Fire & Rescue Service, CAMHS, Career Connect, Public Health, Wirral Youth Court, Youth Magistrates, Community Safety Partnership, Targeted Youth Support, Merseyside Police and Magenta Housing.

6.0 YOUTH JUSTICE SERVICE (YJS) OVERVIEW

6.1 As the committee is aware the Youth Justice Service is a Statutory Body who deal with young people aged 10 years to 18 years old who find themselves being arrested by the Police and who are at risk of becoming involved in criminal and/or anti-social behaviour. The general profile of Young People we work with who have been arrested and enter the Criminal Justice Service are predominantly White British males, aged between 14 and 17 years of age.

6.2 There have been many legislative changes over the past five years within the Youth Criminal Justice System. One of the main changes in practice is that of the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) in 2015. It has been recognised for some time that criminalising young people does not lead to good outcomes for young people. The introduction of LASPO was a fundamental move forward in addressing this with the introduction of Community Resolutions, Youth Cautions and Youth Conditional Cautions. Wirral Youth Justice Service have worked closely with Merseyside Police in embedding the new legislation. Historically, if a young person is arrested for their first offence and charged, they would be given a Court date and be prosecuted and then receive a Court Order. Now under LASPO, if they are arrested and admit the offence, they are released to undertake an assessment with the Youth Justice Service where we look at why they committed the offence, what is going on in their lives i.e. School, home community. The case is then presented at a Multi-Agency Panel with Youth Justice Service, Police, Criminal Justice Liaison Team, Education Psychologist and

a community member volunteer. If the panel agree that the young person should be given an Out of Court disposal then a robust short-term intervention with a Youth Justice Case manager will be undertaken usually lasting 6 weeks. As part of the process the Youth Justice Service contact the Victim of the Offence and offer Restorative Justice input in the forms of a letter of apology or a face to face meeting. All young people as part of their Out of Court Intervention have to complete a set number of hours undertaking un-paid community work.

7.0 PERFORMANCE

7.1 We currently have 3 youth justice indicators which are as follows:

- Reduce young people entering the criminal justice system.
- Reduce Reoffending.
- Reduce the use of Custody.

7.2 The three key indicator performance charts are attached as appendices to this report. All the charts in the Appendices compare Wirral's performance with the North West, PCC Merseyside area and England & Wales. The data is taken from the Youth Justice Board for England and Wales Data Summaries.

8.0 RE-OFFENDING

8.1 The annual cohort data for October to September each year is compared from October 2012 to September 2013 up to October 2016 to September 2017. This is the latest published data for youth re-offending. The re-offending binary rate has been gradually decreasing with a slight increase in October 2016 to September 2017. It is important to note that the actual number of children in the cohorts have reduced considerably meaning there are fewer young people going on to offend overall. Those young people who do go on to re-offend in the cohorts are reducing the number of re-offences they commit.

8.2 The resulting smaller cohorts of young people who re-offend comprise a small group of children who have multiple and complex needs and who are persistent offenders.

8.3 Information in relation to re offending is contained with Appendix 1 and Appendix 2.

9.0 CUSTODY

9.1 Wirral YJS has consistently reduced the custody rates over the past 4 years up to March 2019. There has been a slight increase in numbers recently due to the serious nature of the offences committed by the young people in the cohort.

9.2 Information in relation to the use of Custody over the past 5 year is contained in Appendix 3.

10.0 FIRST TIME ENTRANTS TO YJS

10.1 Wirral YJS has successfully reduced the actual number of young people entering the youth justice system for the first time over several years. Recent data published shows an increase in the number first time entrants. The reasons for this are being closely monitored by the Youth Justice Management Board members. Although I can inform members that the most recent quarter returns completed internally last week shows a decrease of First Time Entrants by 0.2%.
Wirral YJS is currently piloting a new initiative together with Merseyside Police called the Youth Inclusion Project, this project aims to reduce the numbers of first-time entrants. It is anticipated that this project could be rolled out within Merseyside if it proves successful and will continue to reduce our First Time Entrants into the Criminal Justice System.

10.2 Information in relation to First Time Entrants is contained within Appendix 4.

11.0 OUT OF COURT DISPOSALS (OOC)

11.1 From 1 January to 31 December 2019 there were 173 OOC interventions of which 10 young people went on to re-offend within 12 months thus giving a re-offending rate of 5.7% for this cohort.

11.2 During the same period in 2019 there were 8 Youth Conditional Cautions and 6 Youth Cautions plus conditions with 2 out of the 14 young people going on to re-offend within 12 months thus giving a rate of 14% for this cohort.

11.3 173 OOC plus 14 YCCs = 187 of which 12 re-offended giving a re-offending rate of 6.4% overall for these two cohorts.

11.4 It is extremely positive to note that 175 young people did not re-offend which equals 93.5% of the full cohort. This highlights that early intervention at the earliest opportunity works.

11.5 Work completed by the Youth Justice Service is undertaken as a partnership, Wirral have the below agencies support young people who are based within the service.

- Substances Misuse Worker
- Child and Adult Mental Health Worker (CAMHS)
- Educational Psychologist
- Career Connect Practitioner
- Probation Officer
- Criminal Justice Mental Health Practitioner
- Victim Worker

12.0 CUSTODY AND APPROPRIATE ADULTS

12.1 Members of the Committee should note that much work has been undertaken in this area. Police will wherever possible not arrest a young person and take them to the Custody suite as this is not the most appropriate place for a child. They will in fact use the powers of voluntary attendance whereby they will write to the young person with an appointment for interview removing the fact that the young person would be taken to be booked into a custody suite and time and finance costs this would occur

as well as the welfare of the child. I believe Wirral has an excellent record of using Voluntary Attendance across the Merseyside Force.

- 12.2** However, there will always be occasions where young people that will need to be arrested and taken to Custody. These are normally when the crime is so serious that the police have little option to ensure the protection of others and often for the protection of the young person themselves. I can inform that Panel that there has been lots of innovative work being carried out in Wirral to look at improving outcomes for young people that are in Custody.
- 12.3** All young people on the Wirral who find themselves in Custody will be offered an Appropriate Adult (AA) to look after the welfare of the young person and in working hours this duty is carried out by the Youth Justice Service. Out of hours it would be the Emergency Duty Team or a specific cohort of Foster Careers who have been specifically trained by the Youth Justice Service and operate on a Rota basis.
- 12.4** All young people who are taken to the custody suite fall under the requirements of the Police and Criminal Evidence Act (PACE) and this is what guides Police staff and Appropriate Adults in dealing with young people. The Act ensure that the young people are well cared for whilst in Custody with independent visitors to ensure that detainees are well looked after whilst in custody. The Act ensure that young people have access to all services for any issues when booking in and there are other supporting services such as the Criminal Justice Mental Health Team based in Custody suites that will undertake Mental Health assessments if deemed necessary and will feed back to the Youth Justice and the Child and Adult Mental Health Services if required. The Appropriate Adults role is to ensure that a young person needs are being meet and to ensure that the Police are adhering to PACE.
- 12.5** Additionally there has recently been the launch of a National Concordat with regards to young people being kept in Custody. Merseyside has drawn up a Merseyside Protocol to uphold the concordat. The concordat aims to address the time spent in Custody and lays out the partner agency duties to ensure that young people are not kept in Custody for long periods of time. It also ensures that when then young person has been interviewed that they must be released. There are certain times where the YP cannot return home and on these occasions the Police can request the Local Authority for either a non-secure accommodation or given strict guidelines in the concordat a secure welfare bed. The availability of emergency non-secure accommodation has in the past been an issue and has resulted in young people being kept in custody for longer periods than necessary. To address this situation, I am pleased to inform Members that Wirral have now identified a small cohort of Foster Careers who are now covering on a rota basis accommodation for young people who are leaving custody and cannot return home for a number of reasons. Although in the early stages of implementation this seems to be working well and regular meeting are held with senior managers to monitor this service. With regards to Secure Accommodation as discussed earlier these will be very rare cases and mainly based around risks as in young people who are deemed a risk of death or serious injury be that physical or psychological to the public. The concordat gives clear guidance of the responsibilities for Police and Local Authorities.
- 12.6** Below are the numbers of young people who have been arrested that have needed an Appropriate Adult these figures are greatly reduce on what they were before

LASPO and Voluntary attendance were brought in. Were numbers would be three times more what they are below.

- Nov – 15
- Dec – 9
- Jan – 12

- 12.7** Every young person who finds themselves in custody have had an Appropriate Adult in place as the Police are bound by PACE and they must have an AA. These AA's may have been Social Care, family, or Youth Justice Service personnel.
- 12.8** To ensure that all Partners are adhering to the Concordat there is a bi-monthly scrutiny panel that dip sample cases that have been in Custody for 12 hours or more to ensure that it was followed and any issues themes or concerns are raised to the Safeguarding to the Directors. (This will not include young people who given the timing of the arrest or if they are under the influence of a substance will be bedded down for an 8 hours period usually when arrested after 11pm).
- 12.9** Occasionally there will be young people who are kept for longer this is usually as they are waiting for the Crown Prosecution Service to make a charging decision or there is a few young people involved in a crime that all need to be interviewed before release.

The Link below is the national publication of the concordat on children in custody which all Police Forces and Local Authorities have signed and are to adhere to. There is also a Pan Merseyside Concordat that is in draft form and should be signed off in the next four weeks.

<https://www.gov.uk/government/publications/concordat-on-children-in-custody>

13.0 FINANCIAL IMPLICATIONS

- 13.1** There are none arising directly from this report.

14.0 LEGAL IMPLICATIONS

- 14.1** The Crime and Disorder Act 1998 requires Local Authority to provide a statutory Youth Justice Service.

15.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 15.1** There are no implications arising directly from this report.

16.0 RELEVANT RISKS

Risk for young people entering the Criminal Justice System and for many detrimental to their future life chances, young people with a criminal offence be that through a community punishment and or custodial punishment find it more difficult to find paid employment. Depending on there offence may find travelling to other countries difficult.

Additionally, for the Local Authority the costs of Young People who are remanded due to risks to others, high risk of re offending whilst on Bail or the nature of the offence is a grave crime. Under LASPO any young person who is remanded to

Custody becomes a Looked After Child under legislation, this also means that the Local Authority has to pay for the time the young person is on remand this could be a number of weeks and at time months given the nature of any Police Investigation. The costs for the are extremely high, and although the Youth Justice Board given each Youth Offending Service a Grant for Remand, this has for the past 5 years since the legislation changed been significantly overspent.

17.0 ENGAGEMENT/CONSULTATION

17.1 No consultation has been carried out in relation to this report.

18.0 EQUALITY IMPLICATIONS

There are no equality implications arising from this report.

19.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

19.1 There are no implications on the environment or climate resulting from this report.

19.2

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APPENDICES

Appendix 1 – 4 are attached to this report

BACKGROUND PAPERS

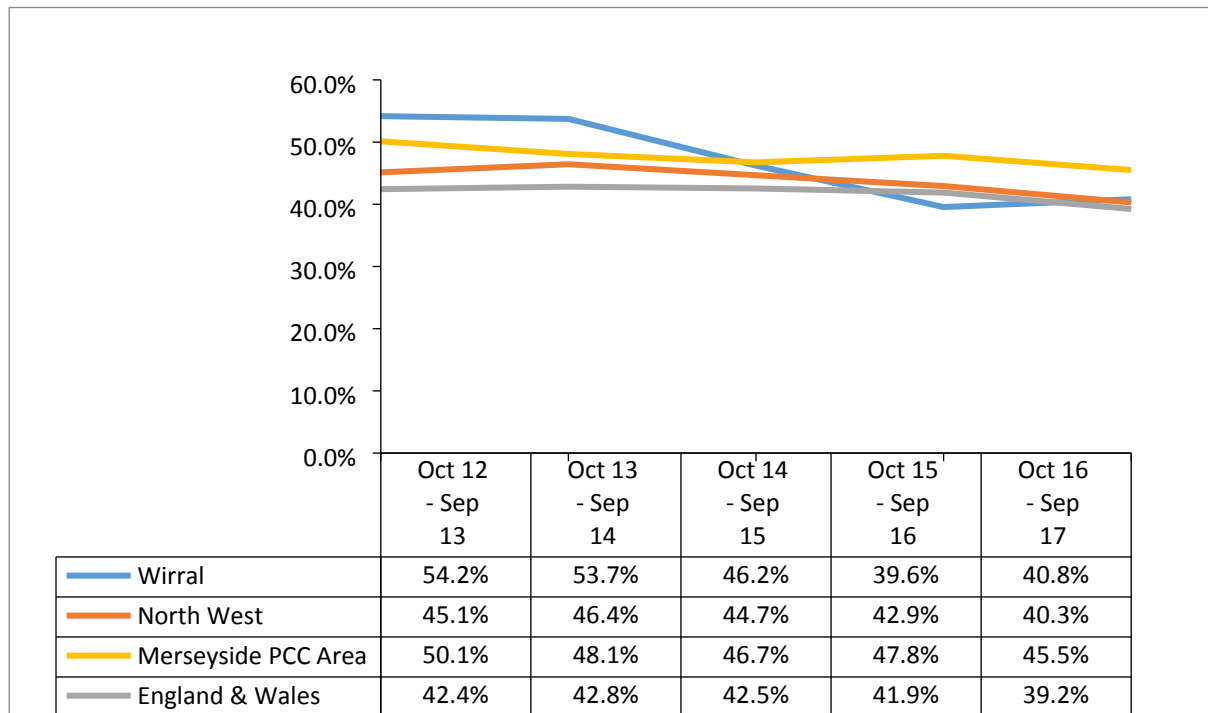
There are no background papers. This is the first report submitted to the Scrutiny Committee regarding the Youth Justice Service.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Not applicable	

Appendix 1:

Reoffending Rate – Annual rated average

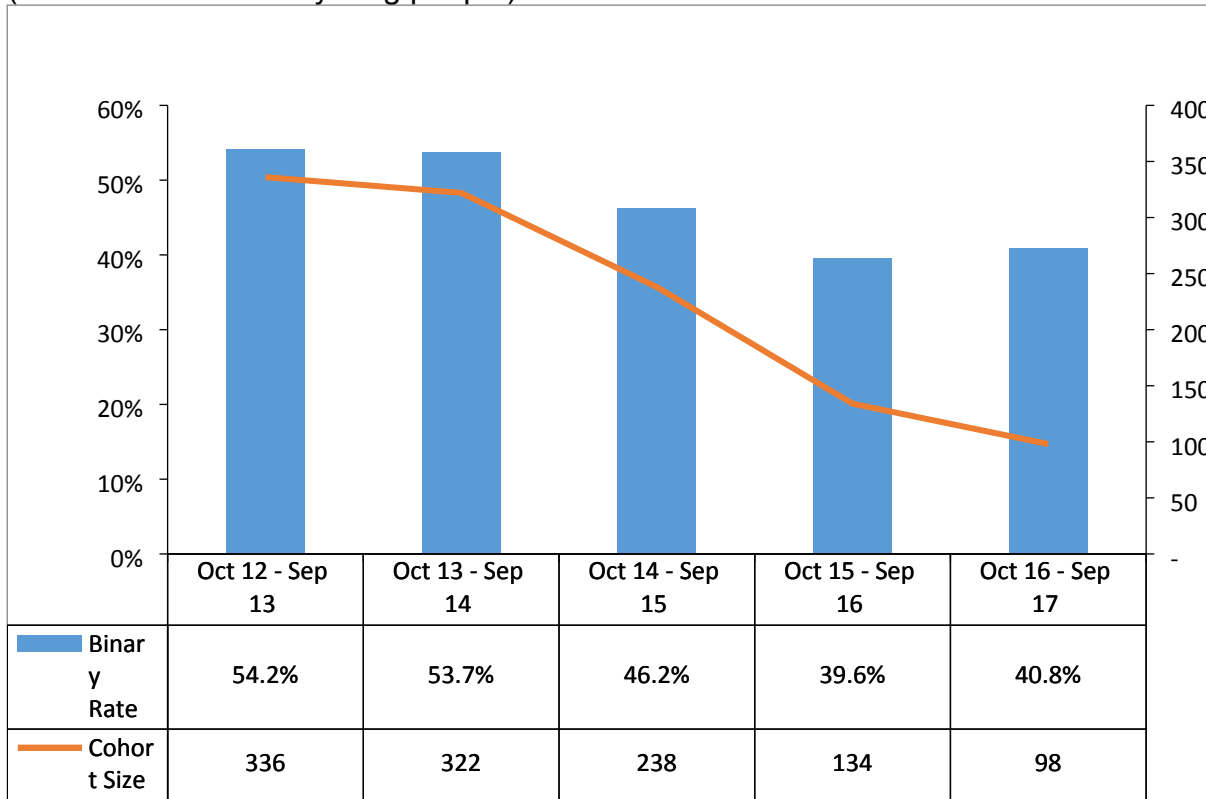


Appendix 2

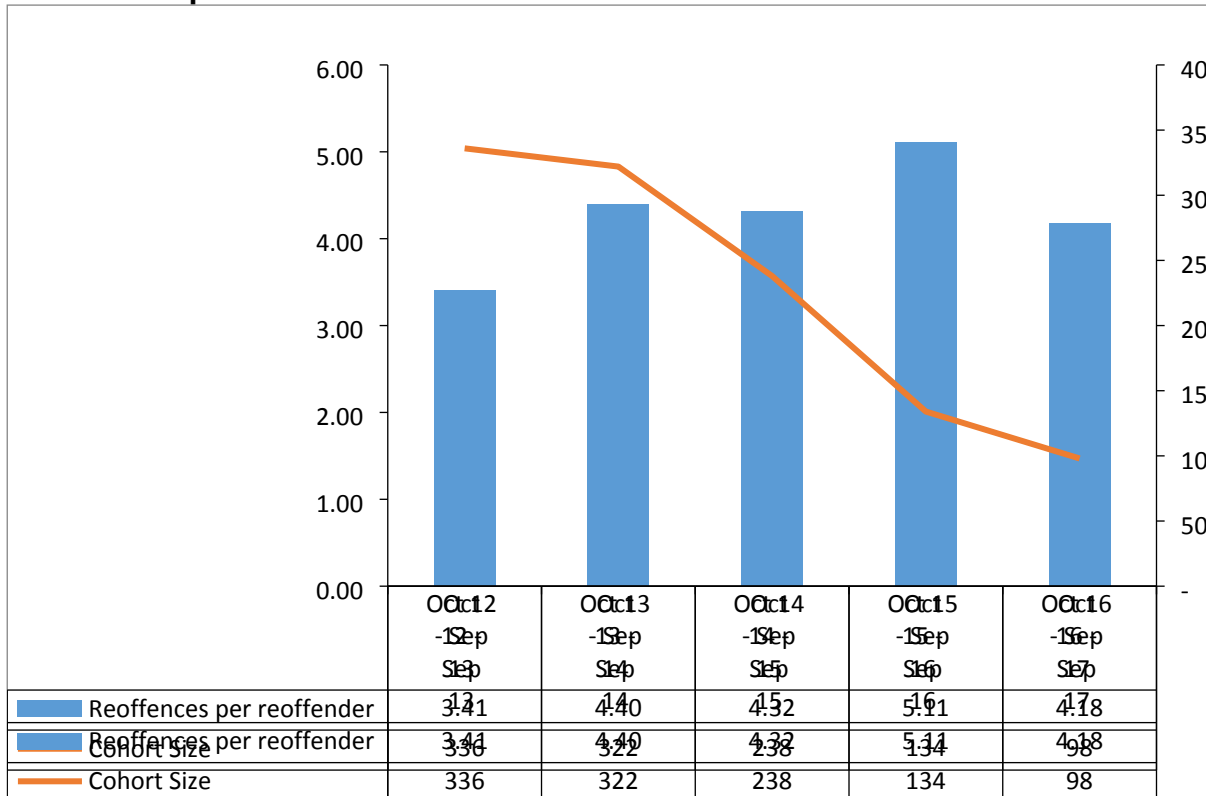
Reoffending rate (Reoffenders / Number in cohort) and cohort size – Annual Weighted Average

(Binary Rate = amount of offences)

(Co-hort = number of young people)



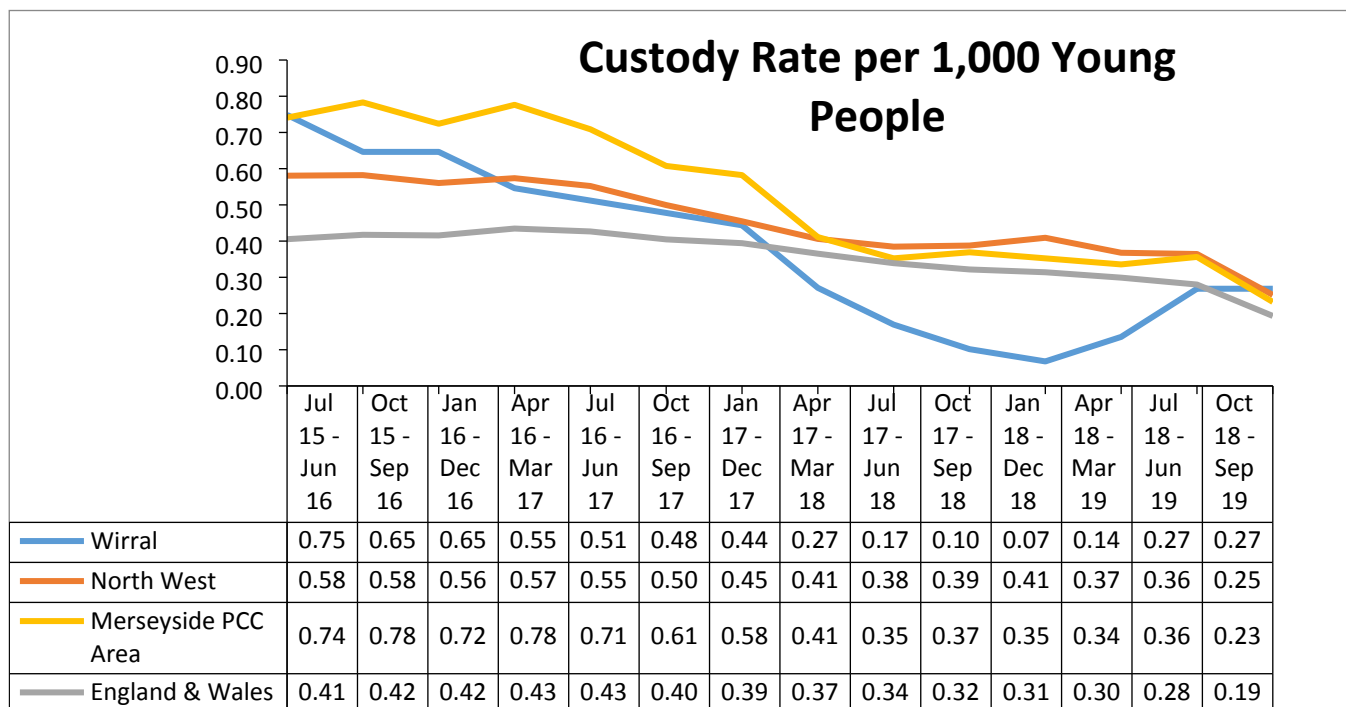
Reoffences per reoffender and cohort size



Source: Youth Justice Application Framework – YOT Data Summary

Appendix 3

Use of Custody



Source: Youth Justice Application Framework – YOT Data Summary

Wirral actual numbers of under 18's in custody

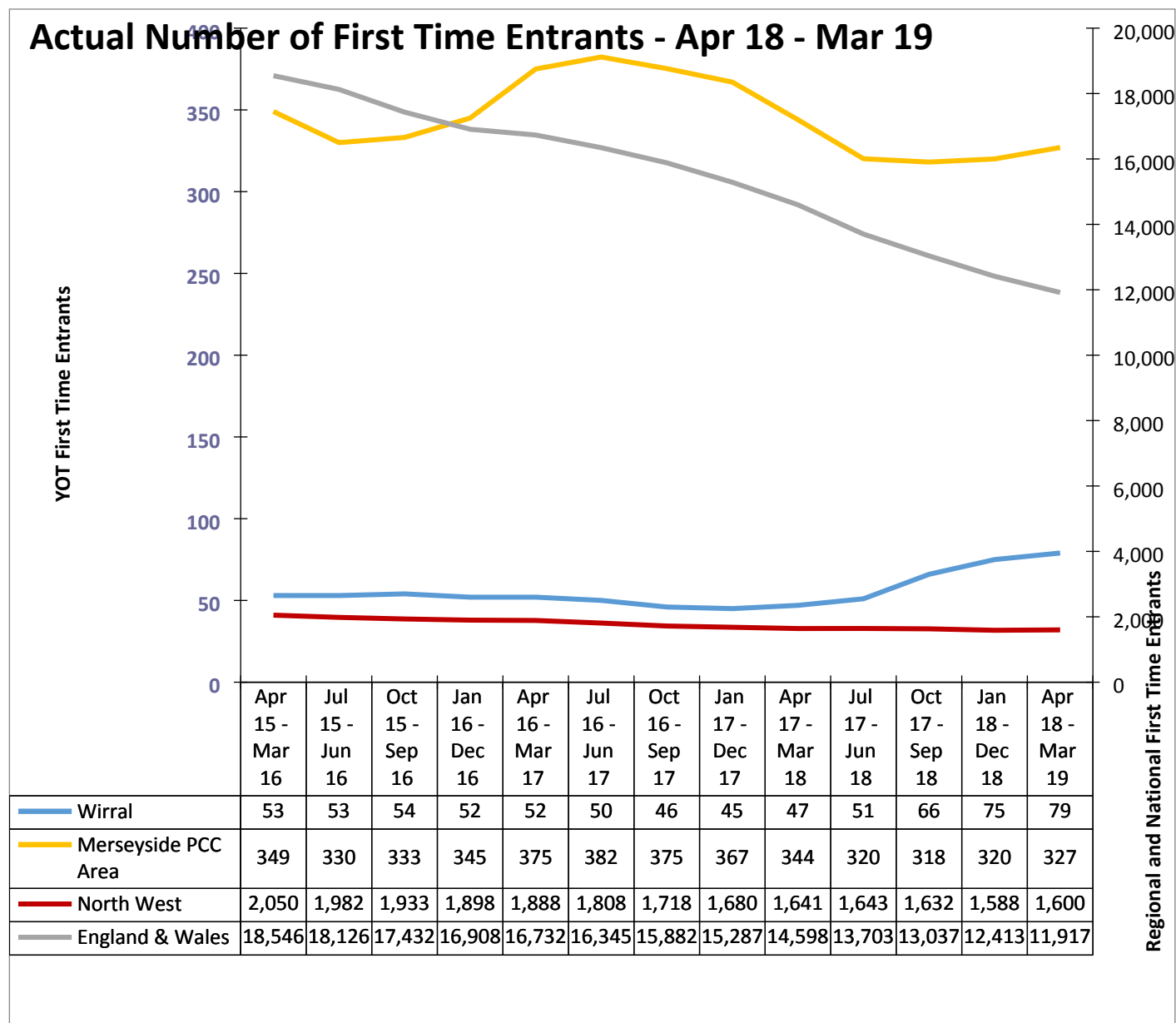
2015/16				2016/17				2017/18				2018/19				2019/20	
Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep
8	7	3	8	4	4	3	5	3	3	2	0	0	1	1	2	4	1

Wirral Under 18's mid-year population rates:

2015 = 29,396
 2016 = 29,303
 2017 = 29,529
 2018 = 29,803

Appendix 4

First Time Entrants to the Criminal Justice System



Source: Youth Justice Application Framework – YOT Data Summary