

	<p style="text-align: center;">Corporate Parenting Committee 24 October 2017</p> <p style="text-align: center;">Report from the Strategic Director, Children and Young People</p>
<p style="text-align: center;">Brent Looked After Children and Offending Behaviour</p>	

1.0 Summary

- 1.1 This report will outline some of the common themes and considerations in working with Looked After Children (LAC) within the youth justice system and known to the Brent Youth Offending Service (YOS).
- 1.2 The report outlines learning from the Youth Justice Board's response to the Laming Report¹, considers the links with data held across the Children and Young People's Department, identifies areas of improved joint practice between the YOS and LAC teams and considers a recent YOS Critical Learning Review.

2. Data

- 2.1. Brent YOS data reflects the national picture showing the overrepresentation of Looked After Children within the youth justice system and in particular within BME categories. A significant number of LAC have an offending history, with the majority's involvement with the criminal justice system preceding their entry to public care.

Analysis of data from June 2017 shows there were 32 LAC young people who were subject of a youth justice court order and under YOS supervision. Of this group:

- 75% were male;
- 54% were aged 16 or 17 years;
- 53% were of black African or Caribbean heritage, compared to only 27% from this background in the overall LAC population;
- The YOS white LAC cohort of 18.5% is slightly less than the wider LAC white population (22.2%).
- Violent related offending and drug offences accounted for 50% of offences.

¹ <http://www.prisonreformtrust.org.uk/ProjectsResearch/CareReview>

- Ten looked after young people, who had been in care for more than 12 months, received a final warning, reprimand or conviction in 2013/14, 2014/15 and 2015/16. This is lower than the national average of 14 throughout this three year period, although the 2016-17 figure has grown to 16. This reflects the late entry to care of a growing number of young people with multiple negative early life experiences.
- Of the 16-17 year cohort 60% were not in employment, education or training.
- The average number of placement moves for this cohort was five – reflecting the challenges in finding and retaining stable homes for older young people with offending behaviours.

3.0 Themes and case studies

- 3.1 Children in care are overrepresented in the youth justice system although the vast majority will not enter it. According to the Department for Education (DfE) there are currently about 70,000 children in care, 30,000 of whom are aged between 10 and 17 (age of criminal responsibility). Of these, between 6% and 8% (1800 – 2400 children) enter the youth justice system. While this figure suggests that most children in care will not enter the youth justice system, it is nevertheless more than double the 3% of children from the general population who offend.

In response to this overrepresentation, the YJB identified a number of recurring themes in their analysis, supported by the local Brent data. The Brent response to these challenges is detailed in section four below.

3.2 Theme 1: The complex emotional needs of young people

Children's early life experiences have a significant impact on their development and future life chances. As a result of their experiences before entering care, children are at greater risk of entering the youth justice system than their peers. Looked after children are more likely to be exposed to the risk factors established in research as associated with the onset of youth offending than the general population of children. Looking at the risk factors for youth crime and those leading to care they show particular similarities. These are backgrounds of deprivation, poor parenting, abuse and neglect – factors that together create risk for a range of emotional, social and behavioural difficulties, including anti-social and offending behaviour.

The Brent LAC / YOS cohort is representative of young people from such backgrounds as shown within both case studies in the attached appendix.

3.3 Theme 2: Multiple placement breakdown for teenagers leading to greater instability

Multiple placement moves are often cited as a reason for instability that is linked to an increased likelihood of offending. The State of the Nation report (Children's Commissioner - 2015) suggests that 50% of LAC children had

between 1 and 4 placement moves within the year and that teenagers were more than likely to experience multiple placement breakdown.

Brent's higher number of average placement moves for its looked after children who offend cohort suggests a greater complexity and severity in presenting behaviours. This is also likely to reflect more Brent young people coming into care at a later stage (15-17) with their needs not satisfactorily met whilst living with their birth families. Young people who enter care late and experience multiple placements are often less invested in substitute family arrangements and with a cycle of placement move it is challenging for key professionals such as social workers or caseworkers to build and sustain meaningful relationships. The second case study in Appendix 1 illustrates this particular point.

3.4 Theme 3: Young people living in areas of high crime and high deprivation.

Ofsted statistics (see appendix) show that just over one in four looked after children lived in areas of the country with much higher than average levels of crime, many of whom lived in semi-independent placements.

The report *Dying to Belong: An In-depth Review of Street Gangs in Britain (2012)* suggests that gangs are more likely to flourish where there are high levels of crime and deprivation and where gangs exist the impact upon young people is significant and involvement is often forced and coerced through fear of victimisation. Two of the case studies below illustrate the influence of gang and drug activity. The high numbers (over 50%) of violent related offending and drug offences in the Brent LAC cohort suggest a strong link with gang activity and sexual exploitation influenced by risk factors that include deprivation, poor parenting, abuse and neglect.

Furthermore the report also stated that children placed out-of-borough or in another county could be at greater risk of exploitation and gang affiliation. These risks can be compounded by frequent placement moves, changes of workers and inadequate monitoring of placements, all of which contribute towards an absence of healthy and trusting relationships with adults and increases the risk of negative outcomes.

3.5 Theme 4: Management of behaviour in residential homes varies resulting in inconsistent outcomes

The absence of agreed thresholds for engaging the police within residential settings can increase the risk of young people being drawn into the criminal justice system and result in children entering the justice system as a result of behaviour that would not attract a formal response had that occurred outside the care system. There are also associated risks of child sexual exploitation when children go missing from the care system and are targeted by street gangs to undertake drug dealing activity across the country.

3.6 Custody & Resettlement into the Community

The number of looked after children who enter custody is relatively small but they are significantly overrepresented. Within Brent the number sentenced and in custody currently is 11 of whom 5 (45%) are LAC. Reported issues in custody for this group included problems on arrival in custody, substance misuse and emotional and mental health problems.

The Pan London Resettlement consortium has set a number of principles and guidelines for the custodial and resettlement period, many of which have been adopted by Brent through our Resettlement and Aftercare Panel:

- 1) For Looked After Children, local authority social workers are to participate fully in resettlement planning, attend sentence planning meetings and keep young people and other professions updated about potential placements.
- 2) Establish agreement that no young person will be asked to present as homeless on release by requiring Children's Social Care and Housing Options services to participate in planning processes at an early stage.
- 3) Recognise that timely and appropriate arrangements for Employment Training and Education, constructive use of time and access to mental and physical health and substance misuse services are likely to be key mitigates of placement breakdown risk.
- 4) Commission a pool of preferred providers of resettlement accommodation and support to include requirements to:
 - Visit and engage young people in custody
 - Communicate via telephone with young people
 - Send young people information about their project or service including respective expectations
 - Work with partners to assist in delivering the Resettlement Offer including facilitating temporary release where appropriate
 - Pay the provider an 'Engagement' fee to cover the above
- 5) Increase levels and flexibility of support to maintain young people in accommodation and use effective contingency planning to sustain progression in the face of setbacks.

4.0 Response to the Identified Themes:

- 4.1 Both operationally and strategically, we have established a better joint working relationship between YOS and children's social work teams. The Brent YOS and social work teams have developed effective arrangements to jointly manage LAC and YOS young people within the youth justice system. These arrangements were positively received at a presentation to the Youth Justice Board earlier this year and have been placed on the YJB's Effective Practice Resource Hub.

There are a number of elements in place that underpin these practice developments and add value to the work case practitioners within both

services provide as well as the resources to meet the needs of young people.

4.2 The Joint Protocol between the YOS and social work teams covers three areas of activity:

- Joint working where young people are remanded to Local Authority accommodation;
- Providing joint support to young people who are transitioning from custody to the community upon release;
- Improved partnership working when children and young people are in the community and are receiving services from both teams.

This joint working provides a forum to agree arrangements as illustrated in third case study in appendix 1, key tasks and responsibilities and highlights the value of multi-agency panels to ensure effective assessment, joint planning and interventions.

4.3 Social work team and YOS case discussions are taking place at a monthly managers meeting. This enables joint planning and interventions to be monitored especially for children and young people who are in the community and for any difficulties to be managed effectively and promptly. The social work team manager will hold responsibility for the welfare issues; the YOS Case Manager will be responsible for the justice issues.

4.4 The monthly Resettlement & After Care Meetings involve managers from both services to allow robust operational planning for a young person's release from custody. This aids risk management and facilitates smooth transitions back into the community.

4.5 An escalation process is in place for high risk cases where the Heads of Service provide a briefing to the Operational Director and the Strategic Director of Children and Young People's Services in their statutory role. The DCS and Lead Member are provided with regular updates and briefings about these cases by the Operational Director for IIO.

4.6 On a strategic level, a number of other pieces of work and activity are being carried out to better understand and respond to the challenges of young people in care who offend:

- Two outcome based reviews (OBRs) looking at children and young people in gangs and those on the edge of care will report later this year on their findings with recommendations that will enhance working across the Council and partner agencies;
- The daily Integrated Risk Management Unit meeting has been in operation since January 2017 and brings police and Brent Council staff together to discuss immediate operational matters regarding children who are missing, at risk of exploitation or involved in the youth justice system.
- A Vulnerable Adolescents' Panel, chaired by the Operational Director for IIO meets monthly to share information amongst partners, confirm

children most at risk and to provide more effective responses to emerging themes and trends. For example a connection between undiagnosed learning needs and offending has led to a new training programme being introduced within the YOS.

- The West London Alliance is working across boroughs to increase the sufficiency and quality of the residential children's homes estate by creating a block contract. This will be in place in 2018 to provide children with a greater likelihood of being placed closer to home and with providers with the relevant skills to manage challenging behaviours.

5.0 Recent Critical Learning Review (CLR) The CLR was prepared in line with the Youth Justice Board's Community Safety & Public Protection Incidents (CSPPI) procedures. It has been discussed at recent YOS Management Boards, chaired by the Operational Director for Integrated and Improved Outcomes (IIO) as well as acknowledged and commented upon by the YJB.

This was prepared by the YOS in February 2017 and concerned a looked after child who was charged and later convicted of murder. This young person's early history reflects the pattern as described above, culminating in him becoming a looked after child in 2015. There followed a number of placements in various parts of the country including unplanned endings as a consequence of his very challenging behaviour.

His contact with the YOS since February 2015 started well with the completion of a short period on a Youth Conditional Caution. However over a six-month period offending escalated with growing violence, exacerbated by his increased use of drugs and involvement in gangs.

The case raised a number of important issues for joint agency working and partnership activity. Of the seven resulting actions, those that were specific to joint working between the YOS and social work teams have been implemented:

- i. The working protocol between YOS and social work teams has been updated;
- ii. Joint managers' monthly meetings are routinely held to discuss & monitor how partnership working is taking place on court orders between the teams;
- iii. YOS workers adhere to the transfer / caretaking process contained in the YJB - National Protocol for Case Responsibility;
- iv. Case managers highlight and report escalating serious risk / well-being & safety concerns immediately to a manager.
- v. The supply and quality of placements for young people is being addressed through partnership work within the West London Alliance as detailed above.

Broader areas for consideration by both service areas and partner agencies within the review included the extent to which professionals understand and can respond to cannabis use amongst young people; the influence of social

media and the impact on behaviour of this less visible world; Section 4 above details

6.0 Summary

This report has highlighted the key themes explaining the over representation of children in care within the Youth Justice system. There is a strong correlation between national research, Brent quantitative data, case studies and the Critical Learning Review described above. Services for children within Brent Council have been jointly working to improve outcomes for this complex cohort both within the secure estate and the wider community. A number of initiatives resulting from this joint working have been described and are leading to more effective interventions. However the challenges remain significant and continued concentrated efforts and resources are required to strengthen practice leading to improved outcomes.

References

YJB - National Protocol for Case Responsibility - Practice Guidance for Youth Offending Teams in England and Wales (May 2014)

Youth Justice Board's response to the Laming Report - 2015 - Keeping children in care out of trouble

OCC – State of the Nation Report, Children in Care and Leavers' Survey (2015)

Ofsted Official Statistics, Children Looked After by Local Authorities (2014)

Centre for Social Justice - 'Dying to Belong' Report (2009)

Pan London Resettlement Consortium – Accommodation Pathway

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APPENDIX 1

1st CASE STUDY

'E' is a 17 year old male who is in care and currently on a licence following release from a Young Offenders' Institute in August 2017. He has been in care for about 15-months in total. E is well-known to the police for being involved in drug dealing within the central and northern parts of the borough. Before entering care there were safeguarding concerns as E lived with his grandparents who found it very difficult to impose boundaries. He had previously lived with his mum but she was unable to care for him due to her own mental illness and drug use.

E's involvement with the YOS pre-dated him coming into care. He has been subject to numerous community penalties including curfews and exclusions. E is a very engaging and talkative young man but he continued to offend and also miss appointments which in the end led to a custodial sentence this year.

E has ADHD and does not take his medication regularly and therefore is very impulsive. He is vulnerable to being exploited by older gang members. He has also experienced a great deal of separation and loss as he misses his family and he also has previously experienced emotional abuse and neglect from his mother. He has missed out on considerable periods of education and he does have an EHCP (education, health and care plan).

E has been discussed regularly at the LAC / YOS managers' meetings to share information about his outstanding offences and his breaches as well as his placement information. In addition he was discussed at the Resettlement and Aftercare panel before he was released. Before release E expressed a desire to go back to his previous placement in Brent. The placement manager had also asked that E return to the semi-independent accommodation as he had previously settled well and many of his needs were being met. The YOS were able to support this plan. This has been a positive outcome. Also as part of the discussion at this meeting YOS were able to agree with the social work team about planning for the licence conditions, including being excluded from areas where he was previously drug dealing and being excluded from the Notting Hill Carnival. E has generally been complying with his licence conditions since release although he remains a high risk case and this is compounded by his not being in education, employment or training.

2nd CASE STUDY

'C' Is a 15 year old mixed black Caribbean/white British boy who entered care earlier this year shortly after receiving a 12-month Referral Order for a robbery offence. At the start of the Referral Order C was still living with his mother but was in a pattern of going missing, assaulting his siblings and being verbally abusive and aggressive to his mother. During this time he was making negative peer associations with children who had also been permanently excluded from school and were suspected of drug dealing. These concerns were passed to social work services and the YOS via the police and the daily Integrated Risk Management meeting (IRM).

When C entered care his needs were outlined as a child who found it very difficult to control his anger and who was dealing with complex family relationships regarding the identity of his father. These were compounded by regular cannabis smoking.

The YOS and social work team were unable to stabilise C and he had not even had a chance to start his referral order before he was arrested for further offences. It was at this point his case was discussed at the joint YOS/LAC managers' meeting. Actions included strategies to break the cycle of placement endings (as he had experienced 4 moves over a 2-month period) and ways to engage meaningfully. C was threatening to his social worker, necessitating a risk management plan. However strategies to intervene proved unsuccessful as C did not comply with his order and this resulted in him entering custody. Services have continued to work together to plan jointly for his release in November 2017 and to work with custody services to consider which interventions will be most likely to succeed.

3rd CASE STUDY

'S' is a 17 year-old female Looked after Child (LAC). She entered care due to the breakdown of her living arrangements as she was beyond parental control. She was frequently going missing from home and misusing alcohol.

Due to her offending behaviour (including assault and criminal damage) she is on a 12-month Youth Rehabilitation Order with Intensive Supervision and Surveillance. At the beginning of 2017, there were concerns regarding her well-being due to cannabis and alcohol misuse. In March 2017 the social work team were concerned about her risk-taking behaviour including missing episodes and possible sexual exploitation.

In response to these concerns S was moved to an address outside of London to help break the cycle of risk taking behaviours and associations. Subsequently through good partnership working between YOS, Police and social workers, S's plan of care and her YOS interventions have been tailored to safeguard her and to ensure that she desists from further offending. As a result S has successfully engaged with her YOS Order, and completed work around consequential thinking, substance misuse, role models, decision making and peer relationships. She has also completed sessions around healthy relationships and personal safety. S successfully completed her exclusion requirement and her curfew, engaging well with YOS and has not committed any further offences.