



**Children and Young People  
Overview and Scrutiny Committee**  
19 March 2014

**Report from the Director of Children  
and Families**

Wards affected:  
ALL

**The Work of the Brent Youth Offending Service**

**1.0 Summary**

- 1.1 This report provides an update on the work of the Brent Youth Offending Service including performance, legislative changes impacting the service and revised inspection arrangements.

**2.0 Recommendations**

- 2.1 The Children and Young People Overview and Scrutiny Committee is asked to note and to consider the report.

**3.0 Detail**

- 3.1 Brent Youth Offending Service (YOS) is sited in the Early Help and Education Division and forms part of the Council's Youth Support Services. The Youth Offending Service is a multi-agency team at the core of interagency working between the Police, Probation Service, Social Care, Health, the Courts and Crown Prosecution Service.
- 3.2 Overall core staffing for the YOS funded via the YJB and the Council in 2013 - 2014 is 25.3 full time equivalent posts (FTE).

This is supplemented by 8 FTE seconded partner and externally funded staff, giving a total staffing establishment of 33.3 FTE. The partner posts and externally funded staff include 4.2 FTE staff funded via the Mayor's Office for Policing and Crime (MOPAC), Metropolitan Police staff 2 FTE, seconded Probation Officer 1 FTE, and a Health worker 0.8 FTE.

- 3.3 The principal aim of the Youth Offending Service is to reduce the risk of young people offending or re-offending. The Youth Offending Service has a responsibility to supervise young people serving court ordered sentences in the community or in custodial settings. The Youth Offending Service also works in partnership with the Police where a Youth Conditional Caution or Triage disposal is issued. Within this work, the Service also has the responsibility to ensure that children and young people are protected from harm and that the public are also protected.
- 3.4 The Service works within Youth Justice Board guidelines, which set the Secretary of State's minimum expectations for youth justice service delivery and practice. These standards address the delivery of effective practice in youth justice services including statutory assessments, safeguarding of children and young people who come into contact with youth justice services and protection of the public from the harmful activities of children and young people who offend.
- 3.5 One of the most significant recent changes in Youth Justice has been the introduction of the provisions outlined in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. There are a number of changes under this Act but amongst the most significant for the work of the YOS are the changes to Out of Court disposals and the introduction of looked after status for children and young people remanded to custody.

3.5.1 Under the previous out-of-court framework, the disposal a young person could receive depended only on the severity of the offence and the previous disposals used.

The LASPO Act reduced and simplified the out of court options to provide three types of disposal.

- Community Resolutions
- Youth Cautions
- Youth Conditional Cautions

Decisions on which disposal to use are based on the severity of the offence, previous offending history and the likelihood of compliance. The views of the victim should also be taken into account. This new approach provides an increased balance in decision making between public interest, public protection and welfare need.

The new disposals may be used in any order, including for young people who have a previous court conviction. A key principle is that the minimum appropriate disposal should be used and should include a restorative justice element. This means that the new disposals can be issued to young people who are already subject to an order and who are, for example, already under supervision by the YOS. The significance of this is that the 'escalator' of reprimands and final warnings is now removed and a young person who has offended and then subsequently commits a much lesser offence might not now automatically progress to the next stage in the youth justice system. In the case of Community Resolutions and Youth Cautions the YOS will be notified. The main likely impact of the new arrangements on the work of the

YOS is that whilst new work for the YOS will be generated by Youth Conditional Cautions, the workload relating to Referral Orders imposed for minor offences should decrease.

The LASPO Act also introduced a simplified remand framework, with the aim of reducing unnecessary remands. Seventeen year olds are now subject to the same remand framework as 12 to 16 year olds, therefore ending their treatment as adults for remand purposes.

The Act introduced two sets of conditions, one of which must be satisfied before a young person may be remanded to Youth Detention Accommodation:

- a. The seriousness of the offence
- b. A real prospect of receiving a custodial sentence and history of absconding and committing further offences on bail or remand

The new arrangements also result in greater financial responsibility for the Local Authority, through Social Care budgets, as Local Authorities now incur the costs of secure remands following a transfer of funding based on usage in previous years. This has provided a clear incentive for all LAs to reduce secure remands, for example by providing robust Bail Support packages.

3.5.2 Most significantly, looked after status has now been extended to all 12-17 year olds given a secure remand. Young people will be eligible for leaving care status if remanded beyond 13 weeks. Social Care have employed a Social Worker to address these new responsibilities.

3.6 There are a number of key performance indicators for the work of the YOS as shown in the tables below:

3.6.1 **Court Orders, Pre Court Disposals and Early Intervention**

	<b>Q1 to Q3 2013 - 2014</b>	<b>Q1 to Q3 2012 - 2013</b>
Number of young people receiving a court ordered sentence	305 ↑	299
Number of young people receiving a Referral Order	142 ↑	115
Number of young people receiving a Youth Rehabilitation Order	90 ↑	111
Number of young people receiving a Detention and Training Order	33↑	28
Number of open cases (no. of young people on active court interventions)	Average 274↑	Average 270
Number of young people supported by Triage	93↓	104
Number of Youth Conditional Cautions	62	
Number of young people with substance misuse issues supported by EACH (target = 48)	79↓	96

Following from the LASPO Act, there is a significant and continuing increase in the number of the new Youth Conditional Cautions, with 37 of the 62 delivered in Q1 to Q3 occurring in Q3. This will impact the nature of caseloads in the YOS over time.

### 3.6.2 Key Performance Indicators

1. The percentage of proven re-offending by young people who have offended.

Reoffending rates are published nationally by the Youth Justice Board and are determined through the binary measurement of Police National Computer data during a twelve month period (October to October). In 2012/13, Brent had a re-offending rate of 45.8%. This is significantly higher than the latest published national rate which was 35.5% in 2011/2012.<sup>1</sup>

At the end of Q2 December 2013-14, the re-offending rate in Brent, based on a rolling 12 month Q2 cohort was 42%. Brent YOS is currently part of a Youth Justice Board national pilot which is looking at re-offending rates in a number of Local Authority areas.

2. The percentage of young people receiving a conviction in court who are sentenced to custody

In the first three quarters of 2013-14 10.6% of Brent young people convicted at court have received a custodial sentence. This compares with 9.8% in the same three quarters in 2012-13. This is contrary to the national trend which shows a decline in custodial sentences. The latest national figures show that the average population in custody (under 18) has reduced by 21 per cent in the 2012-13, and by 36 per cent since 2009-10<sup>1</sup>. The 2009-10 figure in Brent was 4%, rising to an overall 9% in 2012-13.

3. The percentage of young people who have offended who are engaged in suitable education, employment or training

The percentage of young people offending who are participating in EET has averaged 81.6% over the first 3 quarters of 2013-14, compared with an average of 83.6% over the same three quarters in 2013-13.

4. The number of first time entrants to the youth justice system aged 10-17.

First time entrants (FTEs) to the criminal justice system are classified as young people aged 10-17 years, resident in England and Wales, who received their first reprimand, warning, caution or conviction, based on data recorded by the police on the Police National Computer (PNC). In Brent, There have been 121 first time entrants to the youth justice system to the end of Q3 2013-14. This compares with 112 at the same point in 2012-13.

The trend in Brent is contrary to the national downwards trend in the number of first time entrants which fell by 25 per cent between 2011-12 and 2012-13<sup>1</sup>. In the same period in Brent, the FTE rate fell by only three percentage points.

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<sup>1</sup> Ministry of Justice Youth Justice Statistics 2012/13 England and Wales

### 3.6.3 Proportionality: Youth Offending Service users compared to schools population 2012-13

There is an over-representation of Black or Black British young people in the criminal justice system in Brent.

Table 1

Ethnicity	YOS	Schools	Proportionality
Asian or Asian British	12%	30%	-18%
Black or Black British	55%	28%	+27%
Mixed	10%	7%	+3%
Chinese, other and unknown	2%	16%	-14%
White	18%	20%	-2%

Nationally, young people from a White ethnic background accounted for 81 per cent of all young people in 2012/13. Those from a Black ethnic background accounted for eight per cent, those from an Asian ethnic background for four per cent, those from a mixed ethnic background for three per cent, and the Unknown ethnic background for three per cent. The Other ethnic background group made up one per cent. These proportions have been fairly stable since 2006/07<sup>1</sup>.

### 3.6.4 Most Common Offences

The three most common offences by young people in Brent in the current year are drug related offences, violence against the person, including common assault and robbery, theft and handling. These represented 29%, 16% and 11% of all offences respectively in 2012 -13.

The overall national picture shows that in 2012-13 the main offence types for young people were violence against the person, including common assault, (21%), theft and handling (19%) and criminal damage (11 %) <sup>1</sup>.

### 3.6.5 Assessments and Risk Management

The Youth Offending Service uses a statutory assessment framework, Core Asset. In 2012-13 1066 such assessments were completed. Significantly, 688 (65%) of these assessments then triggered a Risk of Serious Harm Assessment (ROSH). 45% of the assessments also triggered a Vulnerability Management Plan (VMP), which sets out measures to protect young people who have offended.

<sup>1</sup> Ministry of Justice Youth Justice Statistics 2012/13 England and Wales

In the same period, 38 referrals of young people who had offended were made under Multi-Agency Public Protection Arrangements (MAPPA). Under the Criminal Justice Act 2003, there are 3 broad categories of offender eligible for MAPPA:

Category 1 - Registered sexual offenders:

Category 2 - Violent offenders: offenders convicted of a specified violent offence\* and sentenced to imprisonment/detention for 12 months or more, or detained under a hospital order.

Category 3 - Other Dangerous Offenders: offenders who do not qualify under Categories 1 or 2 but have been assessed as currently posing a risk of serious harm.

### 3.7 New Inspection Arrangements

The Youth Offending Service is subject to inspection by HM Inspectorate of Probation and the arrangements for inspection are considerably changed from the framework as it was at the time of the last Brent YOS inspection in December 2011.

There are now three types of inspection:

- Full Joint Inspections (FJI)
- Short Quality Screening (SQS) Twenty per cent of Youth Offending Services are subject to a Short Quality Screening in each year.
- Themed Inspections for example Troubled Families, Resettlement

There are six Full Joint Inspections per year, with the first full inspections under the new framework having taken place in September 2012.

There is a two week notice period for full inspection, which consists of two separate weeks. In week 1, Inspectors assess cases and interview case managers. Week two involves partners in Health, Social Care, and the Police and includes interviews with victims, children and young people and parents and carers, discussions with staff and managers and providers of services.

The five key areas covered in a full inspection are:

- Reducing the likelihood of reoffending
- Protecting members of the public
- Protecting children and young people
- Ensuring sentences are served (all sentences of the court, whether custodial or in the community).
- Governance, partnership and management arrangements are effective

The inspection outcome descriptors have been changed so that, for example, where 65-79% previously represented 'good', this performance band is now 'satisfactory'. The descriptors in use from December 2013 are as below:

Case assessment scores	Descriptor	Stars
80% +	Good	★★★★
65-79%	Satisfactory	★★★☆
50-64%	Unsatisfactory	★★☆☆
Less than 50%	Poor	★☆☆☆

#### 4.0 Financial Implications

4.1 Funding for The Youth Offending Service in 2013-14 is made up of the following sources, where staffing costs amount to 95% of overall expenditure.

General Fund	£621,335.00
Dedicated Schools Grant	£114,000.00
Youth Justice Board Grant	£594,745.00
MOPAC	£161,692.00
NHS	£44,000.00
YJB Restorative Justice Training Grant	£900.00
Total	£1,536,675

#### 5.0 Legal Implications

5.1 None

#### 6.0 Diversity Implications

6.1 See table 3.6.3 which shows an over-representation of Black or Black British young people in the criminal justice system in Brent.

#### 7.0 Child poverty implications

A lifetime in the criminal justice system is likely to lead to intergenerational poverty as well as many other problems. The work of the YOS is designed to prevent young people descending into a life of criminal activity and involvement with the law.

#### 8.0 Staffing/Accommodation Implications (if appropriate)

8.1 None

#### Background Papers

National Standards for Youth Justice Services

<http://www.justice.gov.uk/youth-justice/monitoring-performance/national-standards>

Ministry of Justice Code of Practice for Youth Conditional Cautions April 2013  
<http://www.justice.gov.uk/search?collection=moj-matrix-dev-web&form=simple&profile=default&query=Youth+Conditional+Cautions>

Ministry of Justice Youth Justice Statistics 2012/13 England and Wales

[www.gov.uk/government/publications/youth-justice-statistics](http://www.gov.uk/government/publications/youth-justice-statistics)

Full Joint Inspection Framework, Guidance and Criteria

<http://www.justice.gov.uk/about/hmi-probation/inspection-programmes-youth/full-joint-inspection>

## **Contact Officers**

Angela Chiswell  
Head of Youth Support Services  
Brent Civic Centre  
Engineers Way  
Wembley HA9 0FJ

Tel: 0208 937 3667

Email: [angela.chiswell@brent.gov.uk](mailto:angela.chiswell@brent.gov.uk)

**Acting Director of Children and Families**  
**Sara Williams**