

 Brent	Corporate Parenting Committee 24 April 2019
	Report from the Strategic Director of Children and Young People
The national protocol on reducing unnecessary criminalisation of looked after children and care leavers	

Wards Affected:	All
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	N/A
Background Papers:	N/A
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1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide information to the Council's Corporate Parenting Committee about '*The National Protocol (The Protocol hereafter) on Reducing Unnecessary Criminalisation of Looked After Children and Care Leavers*', published in November 2018 by the Department for Education (DfE). This report outlines what current practice looks like in Brent and activities underway to further sharpen Brent's response on this issue as it relates to looked after children and care leavers. The protocol can be viewed online at <https://www.gov.uk/government/publications/national-protocol-on-reducing-criminalisation-of-looked-after-children>

2.0 Recommendation(s)

- 2.1 The Corporate Parenting Committee is requested to review and comment on the contents of this report. This is to provide evidence that looked after children and care leavers receive both preventative and rehabilitative support from relevant agencies such as social work teams, youth offending services, probation services and the police when associated with offending behaviour.

3.0 Detail

- 3.1 The Protocol was jointly published by the DfE, Home Office and Ministry of Justice (MoJ) in November 2018. It is aimed at local authority children's services, local care providers, youth offending services, the crown prosecution service, police, HM Courts and Tribunal Services and local health services.
- 3.2. The Protocol draws attention to the fact that the majority of looked after children and care leavers do not come into contact with the criminal justice system. However, it acknowledges that it is a challenge for all agencies to tackle as young people from these groups remain over-represented compared to the general population within the criminal justice system¹.
- 3.3. The Protocol is part of the Government's practical response to recommendations made by three recent reviews into issues affecting looked after children and care leavers. These were conducted by Sir Martin Narey² into residential care, David Lammy MP³ into the disproportionate number of young people in the prison system from black and minority ethnic backgrounds and by Charlie Taylor⁴ into the youth justice system. The Protocol is supported by the Association of Directors of Children's Services and local authorities are urged to adopt the practice model suggested by the Protocol.
- 3.4. The objectives and key principles of the Protocol focus on a practice model that aims to introduce preventative measures, reduce re-offending behaviour and rehabilitate young people who have offended via joint working between relevant agencies. The protocol draws attention to the impact of previous trauma,

¹ In the year to 31 March 2018, 4% of LAC aged 10 or over looked after for at least 12 months were convicted or subject to youth cautions or youth conditional cautions during the year. Looked after children (who have been looked after for at least 12 months) are five times more likely to offend than all children. (<https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2017-to-2018>).

² Sir Martin Narey's Independent Review of Residential Care <https://www.gov.uk/government/publications/childrens-residential-care-in-england>

³ The Lammy Review, (Sep 2017) <https://www.gov.uk/government/organisations/lammy-review>

⁴ Taylor's Review (Dec 2016) <https://www.gov.uk/government/publications/review-of-the-youth-justice-system>

attachment issues and specific vulnerabilities of looked after children and care leavers. Authorities dealing with looked after children and care leavers are urged to be aware of such vulnerabilities and experiences that might contribute to behaviours which could make them vulnerable to involvement in the youth justice system. For example, it is suggested that looked after children and care leavers should not be taken to police stations when their offence does not warrant a charge.

- 3.5 The Protocol recommends that restorative approaches should be used in a child-centred way to enable integrated, coordinated and proactive responses to prevent and address challenging offending behaviour. The voice of the child is particularly emphasised in the Protocol.
- 3.6 It is recommended that planning work commences early to enable effective care and re-settlement of young people on remand or those serving a custodial sentence. Local authorities' Corporate Parenting Boards are advised to make sure systems are in place to identify and build an accurate picture of all looked after children coming into contact with the youth justice system in a holistic way, regardless of where they are placed.
- 3.7 Unaccompanied Asylum Seeking Children (UASC) are specifically mentioned in the Protocol with their additional vulnerabilities to being exposed to the risk of modern slavery, radicalisation or different forms of exploitation.

4. Context in Brent

- 4.1 On a national and local level, with establishment of YOS Management Boards over the last two decades, an on-going focus has been placed on reducing anti-social behaviour and promoting prevention and diversion activities in the youth justice system. Although this focus helped to reduce number of young people entering the youth justice system, professionals started to work with a more challenging, smaller cohort of young people with complex and additional needs. These young people have displayed an entrenched pattern of offending behaviour who require far more personalised, trauma informed interventions and support to change behaviours. The profile of young people known to youth justice system, including those who are LAC, is similar in Brent.
- 4.2 Brent has been identified by the Home Office as one of 30 boroughs in England and Wales with a significant national-level gang issue regarding a more innovative offender management model. The Safer Brent Partnership is developing their new targets and these will link in with future developments for YOS. Although the gang issue is not the only indicator when it comes to offending, it has been an important factor leading to young people becoming LAC at teenage years.
- 4.3 Young people coming in contact with the youth justice system are supported by Youth Offending Service (YOS) in the Early Help Service which is in CYP.

- 4.4 Looked after children and care leavers are known to be a vulnerable group, the majority of whom have suffered neglect, abuse and harm as a child. As at 31st March 2019, Brent had 300 LAC and 326 care leavers. Looked after children and care leavers are supported within the Looked After Children and Permanency (LACP) Service, a part of Children and Young People's Department in the Council.
- 4.5 Brent's Practice Framework has underpinned the work undertaken with LAC and care leavers. As part of this framework, the restorative approach is utilised in conflict resolution between victims and perpetrators when appropriate by colleagues in YOS. A lead professional in restorative justice has been working with practitioners in achieving community resolution. This is in line with the requirements of the practice model suggested by the National Protocol.
- 4.6 Additionally, Brent has been a part of Signs of Safety (SOS) England Innovation Project 2 (EIP 2). SOS has been embedded in early help social work practice that is underpinned by clear assessment of risk and danger and relational social work interventions that are in line with the suggested practice model by the National Protocol

5. Data

- 5.1 Brent YOS data reflects the national picture showing the overrepresentation of Looked After Children within the youth justice system and in particular from BME communities. 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.
- 5.2 In the 18-months since, *Brent Looked After Children and Offending Behaviour*, was presented to the Corporate Parenting Committee on the 24th October 2017, many of the themes and considerations that were highlighted in this report remain the same. In summary, below themes are commonly observed in the cohort of LAC and care leavers who come in contact with offending:
- complex emotional needs of young people and trauma caused by early childhood experiences
 - substance misuse, emotional and mental health difficulties
 - multiple placement changes for teenagers leading to greater instability that is linked to increase likelihood of offending
 - young people living in areas of high crime and high deprivation
 - increased contextual risk (outside of family) for teenagers
 - management of behaviour of children placed in residential homes varies resulting in inconsistent outcomes
 - Difficulties in relation to custody and resettlement in the community
- 5.3 Whilst LAC young people continue to be overrepresented in the youth justice system, it is encouraging that the overall number of LAC young people

supported by the Youth Offending Service (YOS) has decreased from 32 in June 2017 to 24 as at the end of January 2019.

5.4 In January 2019 there were 24 Brent LAC young people supervised by the YOS:

- Eighteen of these young people were subject to a court order and the remaining six had recently completed their order.
- Overall, LAC young people represented 14% of the total YOS caseload:
- Seventy-nine percent were male.
- Sixty-three percent were aged 16 or 17 years.
- Sixty-three percent were of Black African or Caribbean heritage, compared to only 33% from this background in the LAC 10-17 population (Jan '19).
- Fifty-eight percent had committed a drugs offence, 46% a violent offence and 42% committed an offence with an offensive weapon.
- Twelve looked after children, who had been in care for more than 12 months received a caution or conviction in 2017/18. This is lower than the average of Brent's statistical neighbours (13). This also shows that children who have been looked after for longer periods are less likely to offend. In other words, offending behaviour could be one of the factors for children becoming LAC in their adolescence.
- Fifty-three percent of 16-17 year olds were recorded as not in employment, education or training.
- Out of 326 open cases of care leavers, twenty-four are currently in custody. This equates to 7.8% of the total care leavers' population.

6. Brent's practice to reduce criminalisation of LAC and care leavers

- 6.1 There are a number of strategic initiatives in place that drive practice developments and add value to the work undertaken to reduce offending behaviour and support vulnerable young people. One of them is the 'Vulnerable Adolescents Panel' chaired by the Operational Director, Integration and Improved Outcomes. The Panel is held monthly and operates as a platform for learning from practice, sharing information and strengthening collaboration and cooperation of partner agencies to better respond to the needs of adolescents with multiple vulnerabilities.
- 6.2 Additionally, the YOS Management Board, chaired by the Operational Director, Integration and Improved Outcomes, consists of representatives from different agencies including the police, probation, operational social work services, YOS and YJB and courts. The overall aim of the Board is to provide strategic direction for youth justice services, and monitor objectives linked to key performance indicators, within the national framework established by the Youth Justice Board and other locally agreed priorities. The Board aims to reduce re-offending, first time entrants into the youth justice system and reduce use of custody.

- 6.3 In relation to high risk young people, an escalation process is in place. Heads of Service provide a briefing to the Operational Director and the Strategic Director Children and Young People in their statutory role. The DCS and Lead Member are provided with regular updates and briefings about these cases by the Operational Director IIO. These procedures for the recording and reporting of critical incidents internally also demonstrate adherence to Youth Justice Board serious incident requirements.
- 6.4 In relation to an operational response, Brent has a successful track record of joint working between professionals to plan, assess and intervene when it comes to working with LAC and care leavers. For instance, the monthly Resettlement and After Care Meetings involve managers from various services which enables a plan to be developed to help young people after their release from custody. This assists risk management and facilitates smooth transitions back into the community. Similar meetings are taking place with Probation prior to release day of care leavers from custody. This helps in relation to rehabilitation back into community as well as risk management.
- 6.5 The Brent YOS and social work teams have developed effective arrangements and a joint protocol underpinning partnership working when managing cases of looked after children. Brent's joint protocol was received as a piece of national good practice and been placed on the YJB's Effective Practice Resource Hub. The newly refreshed protocol covers three areas of work with LAC:
- 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.
- 6.6 The daily Integrated Risk Management Meeting (IRM) has been in operation since January 2017. The IRM 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. LAC are discussed at this forum when appropriate.

7. Conclusion

- 7.1 The Protocol on reducing unnecessary criminalisation of looked after children and care leavers is a positive step forward to strengthen multi-agency working to support these vulnerable groups. It provides a practice model that focuses on understanding reasons behind offending behaviours displayed by LAC and care leavers most of whom would have had adverse childhood experiences, trauma and complex needs. It makes helpful recommendations for agencies to work in partnership to shift practice that may not be child-focused.
- 7.2 Brent has a successful track record of working in partnership with police, probation, YJB and courts in reducing number of young people coming into the youth justice system. Work is underway to extend the content of the Protocol

YOS and social work teams have to include other partners such as the probation and police, particularly around the work done with care leavers.

- 7.3 Working relationship between YOS and social work teams is stronger, which has over the last two years reduced the number of LAC subject to youth offending orders. However, the cohort of young people who are known as persistent offenders present a challenge to all agencies to safeguard them as well as protecting the public.

Report sign off:

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