

Meeting: Children and Young People's Board

Date: 24 January 2023



Youth Justice Board

Purpose of report

For discussion

Summary

Keith Fraser, Chair of the Youth Justice Board (YJB), will be joining the Board meeting to give an update on the YJB's work and explore areas for joint working and collaboration with local authorities.

Recommendation

Members are recommended to provide feedback on the challenges and opportunities arising for councils regarding youth justice, share good practice and highlight relevant topics following the presentation from YJB.

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Youth Justice Board



About the Youth Justice Board

1. The [Youth Justice Board](#) (YJB) is a non-governmental public body responsible for overseeing the youth justice system in England and Wales. It works closely with the government and local authorities to understand how well the youth justice system is working and to identify improvements. It delivers grants to the youth justice system, including Youth Offending Teams, and monitors the youth justice system and the provision of youth justice services.
2. The YJB's central guiding principle is developing a Child First youth justice system. This reflects:
 - a. Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
 - b. Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
 - c. Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
 - d. Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.
3. The Youth Justice Board recently brought together stakeholders, including the LGA, to answer how far away we currently are from achieving a 'Child First' system and what can be done to achieve a 'Child First' system. This resulted in a [systems map that made the following recommendations](#):
 - a. recognise the youth justice system as part of a wider system and make changes beyond – like improving understanding of why children offend
 - b. collect the right data and to share it with agencies effectively
 - c. enable greater child and workforce participation and collaboration
 - d. challenge current reforms to go further, including police and courts, and to reflect this in changes to inspection
 - e. review training for youth justice staff, including supporting staff to deal with trauma, and in Wales to build on in-depth trauma informed training already delivered

4. There is a partnership working group led by the YJB looking at over-representation of children from ethnic minority communities in the youth justice system. The LGA has contributed to the development of a protocol on reducing racial disparities in the youth justice system.
5. The YJB wants to ensure it can operationalise the Child First approach in the system and it is key that local authorities are part of this. The YJB sees opportunities for strengthening practice locally and focusing on preventative support for young people. There is a review of Key Performance Indicators for Youth Offending Teams (YOTs) taking place in support of this.
6. The YJB is not responsible for commissioning justice beds, however, it works closely with the Youth Custody Service which is the body responsible for the youth justice estate including commissioning and sourcing places for children in custody.

Government policy on youth justice

7. In May 2022, there was [investment into youth justice services](#) (£300 million over three years) split between an uplift to the youth justice grant and investment into preventative services. This funding is currently being rolled out and councils are exploring different ways of supporting young people locally.
8. Charlie Taylor's review of the youth justice system in 2015, recommended that Youth Offending Institutions (YOIs) and Secure Training Centres (STCs) should be replaced by secure schools. This was intended to ensure education is at the heart of youth custody, along with an improved and integrated health offer, recognising that a productive learning culture cannot be instilled in a prison environment. There is significant value in providing a high quality education to children who are detained, in part to compensate for previous lack of engagement and attendance at school. The Secure School in Medway, to be run by the Oasis Charitable Trust, is behind schedule and not due to open until 2024.
9. A [review of custodial remand](#) was published in January 2022 in response to the Independent Inquiry into Child Sexual Abuse (2019). The review found that in 2021 45% of children in custody were there on remand. A fifth of remand episodes last under 7 days and a large proportion of children on remand were either then acquitted (30%) or did not receive a custodial sentence (36%). There are significant racial disparities in remand with the proportion of children on remand who are from ethnic minorities at 57%, 35% of these black children.
10. This is a cause of concern given that although there are falling numbers of children involved in the youth justice system, a high proportion are remanded in custody and with no custodial outcome after their sentence. Enhanced community provision is being considered as part of this. The LGA is part of the remand working group looking to improve the availability of resources to local authorities to improve remand provision.

LGA youth justice lines

11. The number of children involved in the youth justice system has fallen considerably since 2008 thanks to dedicated work by councils and their partners in youth offending teams. However, councils have been raising concerns that significant reductions to the youth justice grant over the last decade have risked undoing this progress. We have regularly called for an increase to funding for the youth justice system to tackle this and were pleased to see the additional investment in May 2022.
12. However, due to anticipated changes brought about by the impact of the Police, Crime, Sentencing and Courts Bill, plans to increase the number of police officers and courts recovering from the Covid-19 pandemic, analysis by His Majesty's Prison & Probation Service (HMPPS) in October 2021 has projected that youth custody rates are expected to more than double by September 2024. The Ministry expects the number of children aged 15 to 17 in YOIs, which house the majority of children in custody, will double from 343 in July 2021, to 700 in July 2025.
13. Youth justice overlaps with other parts of the system with a significant number of children in the justice system having mental health needs, or drug or alcohol misuse. Children with speech and language and communication needs, looked after children and particular ethnic groups are overrepresented in the justice system. There needs to be a strong join up between health, social care and the justice system. However, the current siloed system makes this challenging.
14. High quality provision is not readily available in secure custody settings, which is reflected in inpatient mental health beds and secure welfare placements. Although there is often capacity to meet increased demand, with a 60% occupancy rate in secure custodial estate, this is often poor quality, not well linked to community services and are too far away from children's families (including little good quality provision for young mothers). The LGA and others have highlighted that often the needs of children in all forms of secure provision are very similar, yet provision is overseen by three different government departments and commissioned by different agencies locally. Improved join up could help to ensure children get the right support for their needs, leading to better outcomes overall.
15. The LGA, Association of Directors of Children's Services (ADCS) and Association of Youth Offending Teams Managers (AYM) published [a joint paper in November 2021 to call for a youth justice system that works for all children](#). Key points from this report include:
 - a. Children who are in contact with the law tend to have more complex needs which are overlapping between education, health and social care.
 - b. Despite an over-all fall in the number of children involved in the youth justice system, the severity of offences are increasing and reoffending also remains high

- c. The funding picture remains stark at both local and national level. We have called for the youth justice grant to at least remain at the same level as it currently is.
 - d. There are significant disparities within the system with the proportion of black and ethnic minority children offending, re-offending and in custody growing.
 - e. The system is fragmented – governance and oversight arrangements are diffuse and performance and contract management remains a concern.
 - f. There are increasing numbers of children on remand, who often will not receive a custodial sentence, this has increased in the recent annual statistics.
16. The minimum Age of Criminal Responsibility (ACR) is set at 10, this is one of the lowest ACR in Europe. In 2021 the LGA's CYP Board agreed this should be increased to 14. Research was commissioned to support councils in their [work with the youngest children](#). We continue to lobby the Government to consider raising the ACR.
17. Members can read more about the youth justice system in the [LGA's youth justice resource pack](#).

Topics for discussion

18. Board members are invited to hear the presentation from Keith Fraser and highlight areas of good practice locally, opportunities for collaboration or local challenges that they would like to raise.

Implications for Wales

19. The YJB also covers Wales.

Financial Implications

20. None

Equalities implications

21. As has been noted throughout this report, children with particular needs or from particular ethnic communities are disproportionately involved in the youth justice system.
22. On average 53% of children in custody were from ethnic minority groups, compared with 32% in the year ending March 2011. Within the same period, the proportion of black children in custody increased from 18% to 29%.

23. While the number of girls in custody is very low, they have some of the most complex needs as they are more likely to have experienced victimisation (sexual and physical) and relationship difficulties. Around one-third of children in custody report a known mental health disorder.
24. Children in care are seven times more likely to end up in prison than their non-care equivalents. In the year ending March 2021, of children in care aged 10 to 17, 2% were convicted or subject to youth cautions or youth conditional cautions during the year (960 out of 40,480 children).
25. The YJB is actively working to explore how to reduce racial disparities in the youth justice system and this requires collaborative working from all stakeholders.

Next steps

26. Officers will use the discussion to inform future work on youth justice and continue to explore opportunities for collaboration with the youth justice board.