

Report title	Wolverhampton's Youth Justice Plan 2022-2023	
Decision designation	RED	
Cabinet member with lead responsibility	Councillor Beverley Momenabadi Children and Young People	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Emma Bennett – Executive Director for Families	
Originating service	Youth Offending Team	
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Report to be/has been considered by	Directorate Leadership Team	16 June 2022
	Strategic Executive Board	21 June 2022

Recommendation for decision:

The Cabinet recommends that Council:

1. Approves the adoption of the Youth Justice Plan 2022-2023.

Recommendation for noting:

The Cabinet is asked to note:

1. The specific achievement of the Youth Offending Team during 2021-2022 including a reduction in first time entrants, a reduction in re-offending rates and a reduction in the number of young people receiving a custodial sentence.

1.0 Purpose

- 1.1 The purpose of this report is to request that Cabinet recommend to Council the approval of the Youth Justice Plan for 2022-2023. This is the plan relating to the work of the Youth Offending Team (YOT) that is overseen by the partnership YOT Management Board (YMB). The work of this plan is regularly reviewed by the YOT Management Board, which comprises of membership from the City of Wolverhampton Council, West Midlands Police, The Royal Wolverhampton Hospital Trust, Recovery Near You (substance misuse service), National Probation Service, Housing, Public Health, Clinical Commissioning Group, Black Country Healthcare NHS Foundation Trust, the Chair of the Black Country Youth Court Bench and the voluntary sector.

2.0 Background

- 2.1 Under the Crime and Disorder Act 1998, each Local Authority is required to have in place arrangements for the delivery of Youth Justice services usually via a YOT. Central government provides a grant to support local Youth Justice work via the Youth Justice Board (YJB) which sits within The Ministry of Justice. A condition of the grant is the provision of satisfactory services that are outlined in the required production of an annual Youth Justice Plan. The Youth Justice Plan requires Full Council approval, as detailed in the constitution under the budget and policy framework.
- 2.2 The format for Youth Justice planning is prescribed by the Youth Justice Board and has varied over the years. The attached plan is compliant with current guidance and an action plan based on future priorities and risks to delivery is prepared to drive the work.
- 2.3 This plan has involved significant consultation and planning, with contributions from staff within the YOT, the YOT Management Board and young people. A draft of the plan was submitted to YJB on 30 June 2022, with an option to send an updated version following local sign off by the YOT Management Board and approval from Full Council.
- 2.4 In October 2021, Wolverhampton YOT were inspected by Her Majesty's Inspectorate of Prisons (HMIP). This judged the YOT to be good with several areas noting outstanding practice. The plan for 2022-2023 seeks to identify priorities that respond to the HMIP inspection recommendations and the national YJB key performance indicators. There is a clear focus on continuing to reduce the number of first-time entrants (FTE), reducing reoffending and reducing the number of young people who received a custodial sentence.
- 2.5 Specific focus is given to addressing gangs, youth violence and exploitation activity within the city to ensure we are identifying young people at risk and tailoring interventions to take into account the impact of adverse childhood experiences on young people. This priority area of work for the YOT is supported by the citywide Partnership Exploitation Hub, for which the YOT is a key partner. The work of the YOT will assist in developing a better understanding across the region of issues surrounding all forms of exploitation including youth violence.

- 2.6 Draft national guidance around serious violence for responsible authorities was released in May 2021. Whilst this guidance is not yet passed as legislation, Wolverhampton has been proactive in its response. A Violence Prevention group has been established, which includes YOT as a key member, with a focus on mapping current provision, understanding best practice, and undertaking a strategic needs assessment to inform future strategy and delivery.
- 2.7 Partners represented at YMB have also committed to developing a deeper understanding regarding the disproportionality of Black Asian and other Minority Ethnic groups in the youth justice system and to drive forward work and initiatives aimed at addressing this systemically. This will include continued learning and practice development for the team, focusing on trauma informed practice, including neurodiversity; and learning from the HMIP thematic report (October 2021) on the experiences of Black and Mixed Heritage boys in the criminal justice system.
- 2.8 The plan for Wolverhampton YOT will also be aligned to the City of Wolverhampton Council plan priorities. Through a focus on reducing offending behaviour this contributes to ensuring stronger families where children grow up well and achieve, and also creates safer, more cohesive communities.

3.0 Progress

- 3.1 The primary focus of a YOT is to prevent and reduce the offending behaviour of young people aged up to 18. There are three overarching national indicators on which performance is measured; the number of first-time entrants into the youth justice system, the number of young people who reoffend after their first offence and the number of young people who receive a custodial sentence as opposed to a community sentence.
- 3.2 During the last 12 months, Wolverhampton Youth Offending Team (YOT) has continued to be a forward thinking and ambitious organisation, committed to improving outcomes for young people, their victims and creating a safer community.
- 3.3 The recent Her Majesty's Inspectorate of Probation (HMIP) inspection published in February 2022 found: ... *"an effective service, with strengths apparent across assessment and service delivery for both court and out-of-court disposals. Reviewing was also robust in post-court cases. The YOT has an excellent understanding of what is required to deliver services and interventions to children and families, and work to promote this was evident"*.
- 3.4 These findings and the commitment, creativity and passion of the team have been fundamental to the continuing drive for excellence.
- 3.5 The YMB has played an instrumental role in guiding and scrutinising the YOT's work and priorities in the last 12 months. The continued partnership contribution to the YOT is evident of the genuine local commitment to supporting a multi-agency response to young people at risk or involved in the criminal justice system in Wolverhampton.

- 3.6 During 2021-2022, the YOT has continued to make progress and this is evidenced in performance data.
- 3.7 During 2021-2022, local data shows that the first-time entrant rate for Wolverhampton recorded a 38.6% reduction in young people and a 21.6% reduction in the number of offences committed amongst FTE when compared to the previous year. 2020-2021 recorded 44 young people, reducing to 27 during 2021-2022. YJB available data (October 2020 – September 2021) reflects a reduction of 8.5%, higher than the -5.9% recorded by Wolverhampton's YOT family Group (made up of comparative YOTs). The data available from the YJB precedes the introduction of the DIVERT scheme within Wolverhampton YOT.
- 3.8 The DIVERT scheme and the use of Outcome 22 (deferred prosecution) on the YOT's FTE Data has for quarter 3 in 2021-2022 shown a significant impact. The data shows that FTE comparative rates for Quarter 3 2020-2021 (18 young people) and 2021-2022 (4 young people) reported a reduction of 78%, primarily as a result of the use of Outcome 22. This trend is expected to continue and will have a significant impact on the formal decriminalisation of young people in Wolverhampton.
- 3.9 The nationally reported reoffending data has a two-year time delay. Therefore, in April 2018, Wolverhampton YOT introduced the use of the reoffending live tracker toolkit to provide real time data. The use of the live tracker has provided an opportunity to track the most up to date cohort of young people over a 12-month period, and has ensured that 18 year olds leaving the service continue to be tracked using Police National Computer data (PNC). This has provided encouraging data on the levels of reoffending, with quarter four (January – March 2021) recording an 18.2% overall binary rate, compared to a national rate of 34.2%. Overall reoffence per reoffender was 4.50 and the overall reoffences rate across the cohort was at a rate of 0.82. With the exception of the overall re-offences per reoffender rate, all rates were below both the regional and national performance for reoffending.
- 3.10 Use of the reoffending live tracker is recommended by the YJB for all young people who go through the court system and receive a court disposal. However, in Wolverhampton, there is specific focus on trying to avoid the need for young people to enter the court system. Wherever possible, young people will be dealt with out of court. As a result of this, the YOT has taken a local decision to also use the re-offending live tracker for young people who receive an out of court disposal.
- 3.11 The live tracker data for out of court disposals shows that for quarter four in 2020-2021, the overall binary rate for OOCd was 9.1%, with significantly lower reoffending occurring compared to national rate of 37.90%. Overall re-offences per re-offender for Wolverhampton was 3.00 compared to national 3.30, and the overall reoffences rate across the cohort was 0.27 compared to 1.25 national rate.

- 3.12 It is recognised that some children and young people need to be detained in custody for the protection of themselves and the wider community. The YOT Management Board receives regular reports on custody rates and also seeks assurance that those who are detained in the secure estate are those for whom all other options have been exhausted or their sentence is proportionate to the crime committed.
- 3.13 Based on local data, only two custodial sentences were recorded during the 2021-2022 year; a reduction of four when compared to the previous year, a reduction of 67%. Only four young people were subject to Youth Detention Accommodation (YDA) on remand throughout 2021-2022, this was consistent with the 2020-2021 figures although the collective number of nights on remand was over double in 2021-2022.
- 3.14 Ensuring all young people are engaged in education, employment or training (EET) is a key factor when seeking to reduce the likelihood of involvement in the criminal justice system. In the YOT, education performance is based on the educational engagement of young people at the end of a YOT statutory order. Between 2020-2021 and 2021-2022 there has been a 10% increase in overall EET performance, increasing from 54% to 64%. There has also been a notable increase to 63% from 44% within the over school age cohort. However, there has been a reduction in the engagement rates for school aged children from 70% to 61%
- 3.15 Across the full cohort in 2021-2022, 27 (30.3%) were recorded as young people with special educational needs and disabilities (SEND); 20 (22.5%) had an Education Health and Care Plan (EHCP) and 7 (7.87%) recorded SEN Support in school. 15 (75%) of the young people with an EHCP recorded a court disposal. The over-representation of young people with either SEND and EHCP within the YOT cohort was recognised within the YOT HMIP inspection. The inspection team made a recommendation in which it required the YMB to make sure these young people have access to high-quality education and training services that are matched to their needs.
- 3.16 It has been acknowledged that the YOT does not have the commissioning role nor the governance over the provision of services for young people with SEND/EHCPs, however the YMB will be working with the Head of Service for Inclusion and Empowerment and the Head of Skills to advocate and oversee the future provision of services.
- 3.17 The clear focus on education, employment and training aligns with the City's priority around reducing youth unemployment.
- 3.18 Young people were consulted about areas they felt the youth justice plan should be focusing on. The challenge and issue that was strongly emphasised by young people was knife crime. There was a strong view that there is a lack of community-based activities and this results in young people getting into trouble as they are just wandering the streets. Social media was also considered problematic by many young people as they felt it can lead to harassment, exploitation and bullying.

- 3.19 This feedback identifies a continued need to promote Wolverhampton Young Opportunities (Yo!) across the city and the importance of targeted work with more vulnerable groups.
- 3.20 The risk and challenge regarding exploitation, youth violence and gangs is one that is recognised by all partners across the city. In February 2021, CWC launched the Partnership Exploitation Hub. This has enabled a new, innovative approach to co-ordinating the partnership response to these issues. The hub facilitates more timely, effective sharing of information and intelligence, as well as joined-up disruption work. The YOT is represented within the hub.
- 3.21 Alongside the work of the Exploitation Hub, the YOT also co-ordinate a partnership gang's forum on a 6-weekly basis. This is to enable the sharing of information in order to build up a profile across the city of gang activity, to identify any tensions and to ensure individual young people have appropriate support in place.
- 3.22 Importantly, improving the response to all forms of exploitation remains a priority for Wolverhampton Safeguarding Together partnership (WST). Similarly, a Violence Prevention group was established in December 2021 with representation from across the wider partnership, to focus on better understanding local issues, identifying gaps in provision and to explore opportunities for improving partnership working.
- 3.23 The YOT will make a significant contribution to the Violence Prevention group and will continue to implement its response to serious youth violence and exploitation through initiatives like DIVERT and Creating Safety Project. There will continue to be strong risk management and disruption responses to protect young people and communities; and the YOT will ensure interventions around weapons, exploitation and gangs are fit for purpose.
- 3.24 In 2017 David Lammy undertook a review focusing on the discrimination within policing and criminal justice systems in the UK. The review found significant racial bias in the UK justice system. The issue of disproportionality is a key priority for Wolverhampton YOT and the "Black Lives Matter" movement during 2020 brought into sharp focus the continued disproportionality experienced by many Black Asian and other Minority Ethnic groups in the criminal justice system.
- 3.25 This national focus triggered a thematic inspection by HMIP in October 2021 that investigated the experiences of Black and Mixed Heritage boys in the criminal justice system. The key findings and recommendations from this thematic report will assist in shaping the YOT's response to these issues.
- 3.26 During 2021-2022, Wolverhampton YOT has continued to produce a detailed analysis of the experience of Black Asian and other Minority Ethnic groups in Wolverhampton. The findings have continued to identify areas of disproportionality for Black Asian and other Minority Ethnic groups.

- 3.27 The 2011 Census data reported that the split of ethnic groups between 10-17 year olds was split by 39% ethnic minorities and 61% white. Data for 2021-2022 shows that within the YOT cohort, 50% of the cohort were from ethnic minority backgrounds; this represented 1% Asian, 21% Black, 25% mixed heritage and 3% other young people, highlighting the larger disproportionality for black and mixed heritage young people.
- 3.28 The two custody disposals in 2021-2022 both related to young males of black and mixed ethnicity, although it should be noted that custody disposal numbers were low overall.
- 3.29 Police stop and search records for 10-17 year olds in 2021-2022 also shows that there remains an over-representation of young people of black and mixed ethnic groups being subject to stop and search procedures by West Midlands Police when compared to the general population.
- 3.30 The YOT continues to be committed to tackling disproportionality and on promoting a better understanding across the wider youth justice partnership. The DIVERT scheme (deferred prosecution), is one initiative aimed at breaking the cycle of mistrust with the Police and removing the barriers for Black and Mixed Heritage boys accessing pre-court pathways for support.
- 3.31 There will continue to be a focus on disproportionality, with staff receiving cultural competence training to improve the understanding that young people who have experienced racism have had a trauma journey, and through the provision of specialist whole family work for parents of Black and Mixed Heritage boys

4.0 Evaluation of alternative options

- 4.1 The local authority has a statutory duty to submit an annual youth justice plan relating to their provision of youth offending services. The youth justice plan 2022-2023 has been developed following consultation with partner agencies, staff and young people.

5.0 Reasons for decision

- 5.1 The local priorities that have been identified for Wolverhampton not only respond to the local areas of need but also represent an alignment with the strategic priorities identified by the YJB and the recommendations from the YOT inspection (October 2021).
- 5.2 The core vision of the YJB as set out in the YJB Strategic Plan 2019-2022 is:
“A youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. This will prevent offending and create safer communities with fewer victims.”
- 5.3 The youth justice plan 2022-2023 seeks to achieve this vision and some of the key areas that will be given significant priority include:
- Building upon the work with Children and Young People in Care (CYPIC) to further reduce their risks of criminalisation.

- Improving the educational engagement and outcomes for all young people at the YOT, ensuring young people with SEND/ EHCP have access to high quality provision
- Extending the whole family / carer offer within the service
- Addressing areas of disproportionality and promoting wider partnership engagement to reduce areas of significant disproportionality
- Ensuring YOT staff are appropriately trained and confident in having conversations to understand Black, Asian and other minority ethnic children's experiences
- Improving the quality of contingency planning in all cases, when managing and mitigating a child's risk of harm to others
- Continuing the delivery of the DIVERT scheme to further promote the decriminalisation of young people and divert them from the criminal justice system
- Ensuring the integrated health offer is fully embedded in DIVERT scheme in order to promote the commitment that a child will not enter the criminal justice system as a result of an unmet health need
- Expanding the YOT prevention offer
- Promoting the voice of the victim in both preventative and statutory intervention
- Contributing to the co-ordination and proactive response to youth violence, both strategically and operationally
- Empowering young people to share their views and genuinely have an influence on service design and delivery

6.0 Financial implications

- 6.1 The gross partnership provisional pooled budget for 2022-2023 for the Youth Offending Service is £2.3 million. Following the deduction of partnership income contributions, grants and other in-kind contributions of £887,000 from partners the approved net budget for the Council for the Youth Offending Service is £1.4 million.
- 6.2 A breakdown of the partnership pooled budget for the Youth Offending Service is shown in the attached Youth Justice Plan 2022-2023.
[JG/16062022/B]

7.0 Legal implications

- 7.1 Under the Crime and Disorder Act 1998, each Local Authority is required to have in place arrangements for the delivery of Youth Justice services usually via a YOT.
- 7.2 YOT services are mandated in legislation and oversee Statutory Court Orders. It is a requirement for every area in England and Wales to provide YOT services.
- 7.3 A condition of the grant provided by central government is the provision of satisfactory services outlined in the production of an annual Youth Justice Plan.
[TC/16062022/A]

8.0 Equalities implications

- 8.1 The YOT provides services for some of the most vulnerable young people both as offenders, but also as victims of youth crime. There is on-going work to address the potential for disproportionality in the Youth Justice System.
- 8.2 YOT performance data indicates a disproportionate representation of males from Black Asian and mixed heritage ethnic groups. The YOT cannot solely influence and address this disproportionality as the police and the courts are also key in the decisions made when a Black Asian and other Minority Ethnic young person commits an offence.
- 8.3 The introduction of the DIVERT scheme in YOT is innovative practice in seeking to address the decriminalisation of Black, Asian and other Minority Ethnic groups through an improved partnership response between the police and the YOT.
- 8.4 There is also a key role for universal services, e.g. health and education, to deliver early intervention support to prevent Black Asian and other Minority Ethnic young people entering the youth justice system.
- 8.5 Current data suggests that black and mixed heritage males are the key groups to focus on, and the YOT is committed to developing practice and interventions that positively engage young people from Black Asian and other Minority Ethnic communities. Work will continue to identify ways in which the YOT can have influence and impact upon the disproportionality and this will be underpinned by a disproportionality action plan that is overseen by the YMB. The disproportionality action plan will include ongoing equality analysis.
- 8.6 In addition to the issue of race disproportionality, YOT data also identifies an over-representation of young people in the criminal justice system who have special educational needs and disabilities. The YOT will be integral in the citywide work to develop and improve the SEND system in order to ensure early identification of need and access high quality, suitable education provision.

9.0 All other implications

- 9.1 In relation to human resources implications, the YOT is a multi-agency team made up of City of Wolverhampton employees as well as staff who are seconded from other services. YOT employees work to City of Wolverhampton terms and conditions and policies, or those of their seconding agency.
- 9.2 During 2021 - 2022 the YOT moved from its office space at Beckminster house to a newly refurbished office space in Retreat Street. From July 2021 onwards, in line with covid guidance, the YOT has been gradually increasing its use of the building and increasing face to face contact with young people and families. This has enhanced the YOT's interactions with young people and improved the quality of service delivery.

- 9.3 It is known that young people in the youth justice system experience poorer health outcomes. From a health and well being perspective there is therefore a need to ensure all health issues are identified as early as possible There needs to be a focus on ensuring health issues, for example mental health and substance misuse, do not pre-dispose a young person to becoming involved in the criminal justice system.
- 9.4 More broadly, it is important to consider the wider determinants of health and wellbeing. Almost all of the causes of childhood offending lie outside of the direct influence of the youth justice system. For example, within the YOT cohort it is evident that a number of young people have Special Education Needs and experience barriers to engaging in education. Therefore, it is crucial that health, education, social care and other services form a collaborative approach alongside law enforcement agencies, to prevent the offending and reoffending behaviour in children.
- 9.5 The strong strategic representation at YMB provides an opportunity to develop cross-sector partnerships aimed at reducing health and social inequalities.
- 9.6 It is recognised that during 2021-2022, the impact of the covid pandemic and the cost of living crisis has presented a number of challenges including:
- The reengagement of young people back into education/training
 - Loss of family income and increase in financial hardship for many families, creating additional strain within households and parental relationships
 - The long-term impact on young people’s emotional health and wellbeing. Alongside this, the impact on social development, including speech and language, emotional intelligence and resilience.
 - The increase and changing risks associated with exploitation and gang involvement. This includes online methods of grooming and targeting local young people, rather than recruitment of them to go “out of town” for county drug lines.
 - Increased risk of gang and public place violence, due to “pent up” aggression.
- 9.7 The YJB plan for 2022-2023 seeks to address these challenges.

10.0 Schedule of background papers

10.1 Youth Justice Plan 2021-2022

11.0 Appendices

11.1 Appendix 1 – Youth Justice Plan 2022-2023.