CITY OF WOLVERHAMPTON C O U N C I L **Cabinet** 12 July 2023

Report title Youth Justice Plan 2023-2024

Decision designation RED

Cabinet member with lead Councillor Chris Burden

responsibility Children, Young People and Education

Key decision Yes

In forward plan Yes

Wards affected All Wards

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Report to be/has been

considered by

Directorate Leadership Team 15 June 2023 Strategic Executive Board 20 June 2023

Recommendation for decision:

The Cabinet recommends that Council:

1. Approves the adoption of the Youth Justice Plan 2023-2024.

Recommendation for noting:

The Cabinet is asked to note:

 The specific achievement of the Youth Offending Team during 2022-2023 including an increased prevention offer aimed at preventing young people entering the criminal justice system, a reduction in re-offending rates and a continued low 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 2023-2024. 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, YOT volunteers and young people. A draft of the plan was submitted to YJB on 30 June 2023, with an option to send an updated version following local sign off by the YOT Management Board and endorsement from Full Council.
- 2.4 Wolverhampton YOT is currently judged to be 'good' following an inspection in October 2021. The plan for 2023-2024 seeks to identify priorities that continue to respond to the inspection recommendations, the national YJB key performance indicators and the local needs identified across the partnership. 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 Missing and 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 To support the work around tackling youth violence, new legislation in the form of the Serious Violence Duty commenced in January 2023. The Duty was introduced in response to an increase in violence over the last decade and the impact this has on victims and their families. It requires services to work together to share information, target partnership interventions and collaborate to prevent and reduce serious violence within local communities.
- 2.7 Whilst the Duty did not come into effect until January 2023, the partnership in Wolverhampton had already commenced work following the publication of draft guidance in May 2021. A Violence Prevention group was established, which includes YOT as a key member. Work to date has included the mapping current provision, understanding best practice, and undertaking a strategic needs assessment to inform future strategy and delivery.
- 2.8 The YOT has continued to develop its understanding of disproportionality and expanded the prevention offer with the aim of young people not entering the formal Criminal Justice System (CJS). During 2022-2023 significant activity has been undertaken to ensure that YMB members have a greater strategic perspective on the issues of disproportionality. This work has sought to target systemic disproportionality further downstream in the Criminal Justice System, such as tackling education inequality and access to health provision, especially mental health support.
- 2.9 The YOT performance report, alongside regular spotlights on areas of practice and input from young people, have been presented to the YMB and have collectively highlighted the lived experiences of young people. All this information has been considered to influence and shape the priorities for 2023-2024.
- 2.10 The plan for Wolverhampton YOT is 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 Wolverhampton YOT has been recognised year on year as a high performing team. This was affirmed by Her Majesty's Inspectorate of Probation (HMIP) inspection October 2021. The report 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 During 2022-2023 the commitment, creativity and passion of the team have continued and has fully encompassed the 'Child First Offender Second' principles which seek to prioritise the best interests of the child; ensure services are child-focussed and developmentally informed; and promotes children's strengths and capabilities as a means of developing their pro-social identity for sustainable desistence. This has been implemented within a blended approach to public protection, in which the needs and the voice of victims will be at the heart of promoting individual and community safety.
- 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 2022-2023, the YOT has continued to make progress and this is evidenced in performance data.
- 3.7 Based on local data, the total number of First Time Entrants (FTE) for Wolverhampton in 2022-2023 was 36, this is a slight increase compared to 27 in the previous year (3.7% increase) but remains lower than the three years prior to this. There has been a significant reduction over the past five years with 57% fewer FTE when compared to 2018-2019.
- 3.8 YJB available data (October 2021 September 2022) reflects a reduction of 46% in the rate of FTEs per 100,000 10–17-year-olds when compared to the comparative period of the previous year; three times higher than the reduction (-16%) recorded in Wolverhampton's YOT Family Group (made up of comparative YOTs). A reduction in the rate of FTEs has been seen nationally and regionally since 2018, Wolverhampton has recorded the largest decline amongst its comparators reducing from 348 in 2018-2019, to 109 in the most recent data set (October 2021 September 2022).
- 3.9 Wolverhampton's Out of Court Disposal (OOCD) includes a diversion at the point of arrest scheme known as DIVERT. This has significantly changed practice within the out of court arena since it was established in November 2021. The DIVERT scheme is a joint endeavour to promote the diversion of young people away from the CJS using a Joint Decision-Making Panel (JDP). This year 20222-2023, there have been 119 young people discussed at the JDP and this has resulted in 77% of these young people receiving a deferred prosecution (Outcome 22). Of these young people, 99% successfully completed their intervention with YOT following the Outcome 22. rate.
- 3.10 Prevention work has been a key priority during 2022-2023. The prevention offer has expanded to include 3 key programmes Back on Track, Creating Safety and the

- Turnaround programme. The aim is to provide a genuine opportunity to prevent escalation into offending.
- 3.11 The Back on Track (BOT) project works with Year 7, 8 and 9 young people identified by their schools at risk of exclusion, has been designed to reduce the associated risks of involvement in offending behaviour. BOT focusses on reducing the disproportionate representation of Black Caribbean and White & Black Caribbean males excluded from mainstream education and subsequently entering the youth justice system, as well as those with undiagnosed SEND, which is also an overrepresented group within YOT.
- 3.12 The Creating Safety Project (CSP) works with young people identified with exploitation concerns including gang related activity, where there is an increased risk of young people entering the criminal justice system. The project has been designed to use the frameworks of contextualised safeguarding and supports young people to identify their safety issues, understand what safety means to them regarding physical, emotional, financial and location/place. The project is designed to work with young people and their families to support them to create and maintain their own and others safety.
- 3.13 Turnaround is an early intervention programme led by the Ministry of Justice and Wolverhampton YOT has received funding to support 127 young people between January 2023 and March 2025. It aims to improve outcomes for children and young people who do not currently meet the threshold for statutory YOT support but who may still be at risk of youth offending. People referred to the programme are given an indepth holistic assessment of their needs and receive bespoke support from the Youth Offending Team and other agencies or partners as appropriate.
- 3.14 A total of 32 Prevention Programmes have been recorded in 2022-2023, equating to an average of eight per quarter. The majority (81%) were males, 81% were received by young people aged between 14 and 17 years. 53% relate to young white people, 28% were from a mixed ethnic background, 16% were black young people and 3% were Asian.
- 3.15 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. Quarter 4 during 2022-2023 recorded a 11.6% (a reduction from 18.2% in the previous year) overall binary re-offending rate, with 2 reoffences per reoffender rate (4.50 in the previous year). The overall reoffences rate across the cohort was at a rate of 0.23 (0.82 in the previous year). All local Wolverhampton reoffending rates fell below both the regional and national performance for reoffending, with the regional binary rate being 25.2% and the national rathe being 31.2%.

- 3.16 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.
- 3.17 The live tracker data for out of court disposals shows that for quarter 4 in 2022-2023 the overall binary rate for OOCD was 13%, with significantly lower reoffending occurring compared to national rate of 31.2%. Overall re-offences per re-offender for Wolverhampton was 1 compared to national 3.54, and the overall reoffences rate across the cohort was 0.13 compared to 1.16 national rate.
- 3.18 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.
- 3.19 Based on local data, 3 custodial sentences were recorded during 2022-2023; an increase of one compared to two recorded in the previous year, equating to a 50% increase due to such low numbers. All three sentences were received by males, aged between 16 and 17 years of black ethnicity. The custody rate for Wolverhampton has reduced significantly since 2020 and is currently lower than the national average, West Midlands and YOT family average. This aligns with the YOT's ambition to ensure that the secure estate is only used for the critical few, in which the risks cannot be adequately managed in the community and the impact on the victim has been significant.
- 3.20 From April 2023, there are additional national key performance indicators to further monitor the work of YOTs. These indicators include suitable accommodation for young people both in the community and for those being released from custody; education employment and training for the entire YOT cohort and not just those at the end of an order; YOT young people with Special Educational Needs and Disabilities (SEND); mental health care and emotional wellbeing; substance misuse; out of court disposals; and links to wider services. Work has been undertaken to ensure the YOT report against these new indicators.
- 3.21 Although monitoring engagement in education was not a national indicator during 2022-2023, Wolverhampton YOT has continued to monitor the engagement in education in education, employment or training (EET) as it is recognised that this is a key factor when seeking to reduce the likelihood of involvement in the criminal justice system.
- 3.22 Throughout 2022-2023, 30 young people had orders closed, 15 of those young people (50%) had some level of Special Educational Needs (SEN); nine had an Education Health and Care Plan (EHCP) and six required a level of SEN support. Most young people with SEN were above statutory school age at the point of their order closing

- 3.23 Overall, 27% of young people were achieving their target hours (16 or more) at the end of their order in 2022-2023. This is a significant reduction compared to 64% in 2021-2022. For young people of statutory school age, engagement was 50% whereas it was 18% for those above statutory school age.
- 3.24 22 young people were not achieving the target EET hours at the end of their order; of those, 17 (77%) were unemployed and / or not in EET, two (9%) were receiving ten hours of home education per week (below statutory target), two were enrolled at Pupil Referral Units but were not in attendance and one young person (5%) was receiving on remand provision of 15 hours per week (just below the 16 hours target).
- 3.25 The level of EET engagement in 2022-2023 has been an enduring concern for Wolverhampton, especially the access to and quality of post 16 provision and the level of young people with SEN/EHCP within the cohort. It has remained a priority focus for the YMB and in 2023-2024 the Head of Service for Inclusion will continue to lead on several key actions in the YOT service plan. This includes the introduction of the SEND provision quality assurance framework, and a review of the Pupil Referral Units/ Alternative Provision. There needs to be a continued focus on young people having access to high-quality education and training services that are matched to their needs. This aligns with the city's priorities around reducing youth unemployment and improving SEND provision.
- 3.26 Young people were consulted about areas they felt the youth justice plan should be focusing on. The challenges and issues identified included:
 - Poverty / money problems
 - · Gangs and crime, specifically knife crime
 - · Mental health issues and drug use
 - Social media leading to issues outside the home

Feedback from the young people has specifically influenced the priorities for 2023-2024.

- 3.27 The risk and challenge regarding exploitation, youth violence and gangs is one that is recognised by all partners across the city. In February 2021, City of Wolverhampton Council (CWC) launched the Partnership Missing and Exploitation Hub as part of a whole system review to exploitation. This has enabled a new, innovative approach to coordinating 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.
- 3.28 Alongside the work of the Exploitation Hub, the YOT also co-ordinate a partnership gang's forum on a 6-weely 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.

- 3.29 Importantly, improving the response to all forms of exploitation remains a priority for Wolverhampton Safeguarding Together partnership (WST). Similarly, there is a Violence Prevention group with representation from across the wider partnership aimed at developing a better understanding of local issues, identifying gaps in provision and exploring opportunities for improving partnership working
- 3.30 In 2022-2023 an independent thematic review was commissioned by WST to understand the impact of the whole system response to exploitation that was implemented in 2021. The thematic review seeks to demonstrate the impact of the improved partnership response and describe how the local approach to exploitation continues to develop and evolve.
- 3.31 In parallel to the exploitation review, a deep dive was also conducted in response to 3 incidents where young people were tragically or seriously injured as a result of knife crime. The review seeks to understand the key characteristics and potential reasons why individuals carry knives and seeks to explore opportunities to increase capability and capacity within the whole safeguarding system to raise awareness/ educate young people, parents and professionals on how to address and minimise risks.
- 3.32 Both of these reviews will be published later in 2023. The learning and recommendations will be presented to YMB and the YOT will be a key partner in the implementation of the recommendations.
- 3.33 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 and mixed ethnic background young people in the criminal justice system.
- 3.34 This national focus triggered a thematic inspection by His Majesty's Inspectorate of Prisons (HMIP) in October 2021 that investigated the experiences of Black and Mixed Heritage boys in the criminal justice system. The YOT has established a task and finish group to consider the key findings and recommendations from this thematic report and this will assist in shaping the YOT's response to these issues.
- 3.35 The 2021 Census data reported that the split of ethnic groups between 10 17-year-olds was 50% white and 50% ethnic minorities. This reflects an increase of 11% of youths of ethnic minorities when compared to the 2011 Census data for 10–17-year-olds where 39% were reported as ethnic minorities and 61% were white. Within the 2021 census ethnic minority data, 12% were identified as Black, 11% mixed ethnic backgrounds and 23% Asian or British Asian.
- 3.36 There remains therefore an over-representation of young people of black and mixed ethnicities receiving YOT outcomes in 2022-2023 with 27% identified as black compared

- to 12% of the 10–17-year-old population; and 28% were identified as mixed ethnicities compared to 11% of the 10–17-year-old population in Wolverhampton.
- 3.37 Positively, the impact of DIVERT shows an increase in young people from ethnic minority backgrounds receiving Outcome 22 and Out of Court disposals. This was identified in the Lammy report as a significant area of disproportionality within the CJS. Of the DIVERT cohort, 46% were from mixed ethnic backgrounds which is more in line with the 2021 census 10-17 population data.

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 2023-2024 has been developed following consultation with partner agencies, staff, volunteers 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 Business Plan 2023-2024 is:
 - "....for a Child First youth justice system: 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 20223-2024 seeks to achieve this vision and some of the key areas that will be given significant priority include:
 - A co-ordinated and focussed response to youth violence and knife related offending, both strategically and operationally, promoting a public health response by all youth justice partnerships.
 - Providing young people with alternative activities, and pathways out of conflict and exploitation, for example, lived experience mentors, social media awareness and the provision of activities that build resilience and ambition for the future, including the expansion of the use of accredited Award Scheme Development and Accreditation Network (ASDAN) awards.
 - Working strategically and operationally to improve education engagement and the local SEND/EHCP and alternative education placements for pre and post 16-yearolds offer.

- Ensuring the integrated health offer is fully embedded in all YOT interventions to promote the commitment that a child will not enter the CJS because of an unmet health need.
- Continuing the delivery of the DIVERT scheme to further promote the decriminalisation of young people and divert them from the CJS, reducing first time entrants.
- Embedding of the new co-ordinated prevention offer from YOT, including Turnaround, Back on Track and Creating Safety Project.
- Promoting restorative practice and the voice of the victim in all YOT interventions and ensuring the victim perspective is central at assessment, planning, delivery, and review stage.
- An extension of the whole family / carer offer within the service, with a specific focus
 on supporting families with black and mixed ethnic background boys.
- Empowering young people to share their views and genuinely have an influence on service design and delivery in the future through our participation offer.
- Addressing specific areas of identified disproportionality, with a partnership response to education, access to health, issues of deprivation and neighbourhood exploitation risks.
- Investing in YOT staff to build their own resilience and expertise in working with young people to affect change and promote opportunities to desist from offending.

6.0 Financial implications

- 6.1 The gross partnership provisional pooled budget for 2023-2024 for the Youth Offending Service is £2.5 million. Following the deduction of partnership income contributions, grants and other in-kind contributions of £945,000, the approved net budget for the Council for the Youth Offending Service is £1.5 million.
- This is provisional subject to final confirmation of the funding amount from the Youth Justice Board, The Board has advised that pending formal delegation, plans should be on the basis that at least the same level of funding received in 2022/2023 will be received in 2023/2024; this has been reflected in the figures above.
- 6.3 A breakdown of the partnership pooled budget for the Youth Offending Service is shown in the attached Youth Justice Plan 2023-2024.
- 6.4 The Council has received additional grant funding of £429,000 over a three year period from the Ministry of Justice to support the Turnaround Programme and funding of

£261,000 has been identified for the continued support of the Back on Track Programme over a two year period, both programmes have been subject to separate reports with additional funds to be approved in Q1 reporting. [JG/13062023/O]

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/12062023/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 and mixed ethnic backgrounds The YOT cannot solely influence and address this disproportionality as the Police and the courts are also key in the decisions made when a 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 and mixed 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 and mixed 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 and mixed 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 overrepresentation 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 2022 2023 the YOT has continued to operate from its office space in Retreat Street, 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 predispose 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 crosssector partnerships aimed at reducing health and social inequalities.
- 9.6 It is recognised that during 2022-2023, the impact of the cost of living crisis has presented a number of challenges including:
 - 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 in risks associated with exploitation and gang involvement.
- 9.7 The YJB plan for 2023-2024 seeks to address these challenges.

- 10.0 Schedule of background papers
- 10.1 Youth Justice Plan 2022-2023
- 11.0 Appendices
- 11.1 Appendix One Youth Justice Plan.