

Children and Families Scrutiny Committee

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| Report Title | Children and the Justice System |
| Purpose of Report | To update members of Scrutiny Committee on local arrangements for Youth Justice with a particular emphasis on the work underway to prevent the detention of children in police stations following charge. |
| Is this for information or decision? | This report is provided for information. |
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| Organisation | Gloucestershire County Council Children’s Services |

Key Issues:

- 1.0 Youth Offending Teams/Services were established by the Crime and Disorder Act 1998, as multi-agency teams, working with children and young people in order to reduce the risk of offending and re-offending, rehabilitate those who have offended and liaise with victims to encourage reparation. They will also supervise young people serving a community sentence and stay in touch with those sentenced to custody.
- 2.0 Gloucestershire’s Youth Offending Service (YOS) forms part of the Youth Support Team delivered via Prospects and comprises of local authority, police, probation, health and education practitioners. Governance and oversight is provided by a multi-agency Youth Justice Board chaired by a Superintendent from Gloucestershire Constabulary, underpinned by an annual cycle of planning and delivery as set out in the local Youth Justice Plan 2017-19.
- 3.0 The effectiveness of Youth Offending Teams/Services is determined within the context of a range of national indicators:
 - the rate of first entrants to the Criminal Justice System (rate per 100,000 of 10-17 year old population)
 - re-offending (rate per 1,000 of 10-17 year old population)
 - use of custody (rate per 1,000 of 10-17 year old population)
- 4.0 The tables below set out the most recent annual performance data for Gloucestershire YOS against national indicators. This evidences that Gloucestershire YOS is generally performing well in comparison with regional and national benchmarks with the exception of re-offending rates, which although better than national, are above regional comparators.

| First Time Entrants PNC Rate per 100,000 of the 10-17 Population | | | | | | |
|--|------|------|------|------|------|------|
| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Gloucestershire | 492 | 391 | 371 | 294 | 295 | 245 |
| South West | 590 | 457 | 436 | 375 | 335 | 290 |
| National | 556 | 453 | 413 | 374 | 331 | 292 |

| Reoffending Rate per 1,000 of 10-17 Population (New methodology) | | | | | |
|--|---------------|---------------|---------------|---------------|---------------|
| | Jul 11-Jun 12 | Jul 12-Jun 13 | Jul 13-Jun 14 | Jul 14-Jun 15 | Jul 15-Jun 16 |
| Gloucestershire | 1.04 | 1.19 | 1.08 | 1.18 | 1.52 |
| South West | 1.14 | 1.15 | 1.13 | 1.24 | 1.23 |
| National | 1.26 | 1.37 | 1.48 | 1.56 | 1.58 |

| Reducing Custody – rate per 1,000 of 10-17 population | | | | | |
|---|---------------|---------------|----------------|----------------|----------------|
| | Jul 15–Jun 16 | Oct 15–Sep 16 | Jan 16– Dec 16 | Apr 16– Mar 17 | Jul 16– Jun 17 |
| Gloucestershire | 0.13 | 0.09 | 0.11 | 0.16 | 0.13 |
| South West | 0.10 | 0.14 | 0.13 | 0.12 | 0.15 |
| National | 0.26 | 0.36 | 0.37 | 0.37 | 0.43 |

5.0 A further important aspect of the work of Gloucestershire YOS has been to ensure there are robust arrangements in place between Gloucestershire Constabulary and GCC Children's Services to avoid the detention in policy custody for children denied bail, prior to their presentation at Court. The Police and Criminal Evidence Act 1984 requires the transfer of children who have been charged and denied bail to more appropriate Local Authority accommodation, with a related duty within the Children Act 1989 for Local Authorities to accept the transfer.

6.0 In 2015, the Home Office published a Concordat on Children in Custody: Preventing the detention of children in police stations following charge, which provides a framework for partners to refine the practicalities and logistics necessary to meet their collective duty towards children and young people. A local protocol was developed between Gloucestershire Constabulary, Children's Services, Office of the Police and Crime Commissioner and Youth Offending Service in 2016.

7.0 The effectiveness of local arrangements in avoiding the unnecessary detention of children in custody has been explored by Ofsted in their October 2018 monitoring visit and by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) as part of their inspection of Gloucestershire Constabulary's child protection arrangements, also in 2018. Although both processes evidenced progress in raising awareness amongst custody staff and highlighted a number of successful transfers to LA accommodation, there were also occasions in which opportunities to transfer children to appropriate alternative accommodation were missed.

8.0 In order to address matters, a further comprehensive revision of the protocol has been commenced by the Director of Partnerships and Strategy, with detailed input from Jane Probertt, Chief Inspector, Gloucestershire Constabulary and Kate Langley, Service Manager: Youth Justice, alongside support from Legal Services and Commissioning colleagues. A copy of the revised protocol is attached at Appendix 1, with the key changes comprising:

- greater clarity on the local authority considerations in agreeing a secure placement when requested by police (paras 4.8 and 4.9 refer).
- clarification of senior management oversight of decision making and a proforma for recording decision making (Appendix 5 to Protocol).
- a 'spot purchase' arrangement with Vinney Green for a secure bed in the exceptional circumstance this is required.

9.0 Following further discussions with GCC Legal Services and partner leads, the revised Joint Protocol is considered ready for implementation. This will be via a series of 'face to face' briefings with custody staff, Emergency Duty, Social Care and Youth Offending Practitioners, commencing later this month. In addition to oversight by the Youth Justice Board, there will be regular reporting on the effectiveness of the protocol to the Safeguarding Children's Board (and its replacement under Working Together 2018) and Safer Gloucestershire.

Recommendations to the Committee:

Children and Families Scrutiny Committee is requested to note the progress in further developing the local arrangements to avoid the detention of children in police stations following charge and agree to receive an update on progress to a future meeting.

Financial/Resource Implications:

The local authority is not provided with a specific grant or funding stream to meet this duty – costs for children transferred to the care of the local authority are met from existing budgets for children in care.