



**Report for:
ACTION/INFORMATION**

Item Number:

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| Contains Confidential or Exempt Information | NO (If yes state which paragraph of the Access to Information Rules, the exemption relates) |
| Title | Report on Looked After Children (LAC) and Youth Offending. |
| Responsible Officer(s) | Carolyn Fair, Director, Children and Families Services, Gary Jones, Assistant Director, Children's Social Care. |
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| Portfolio(s) | Cllr Yvonne Johnson, Schools and Children's Services. |
| For Consideration By | Corporate Parent Committee |
| Date to be Considered | 18th March 2021 |
| Implementation Date if Not Called In | |
| Affected Wards | All Wards |
| Area Committees | |
| Keywords/Index | LAC - YJS |

Purpose of Report:

- a) To outline to members the number of children remanded, and the end of year projected corresponding costs
- b) To outline to members the instances where Children who are Looked after (LAC) have offended, reoffended and their offences.
- c) To inform Members of the range of support and partner involvement to divert children who are LAC away from offending and re-offending.

1. Recommendations

- 1.1 Members are invited to note this report and identify any additional information they would like to receive.

2. Reason for Decision and Options Considered

This report updates members on the number of children who are LAC who have been arrested, the offences they have committed and how they have been involved with the Youth Justice system (YJS) in Ealing.

It updates members on the number of children who have become eligible for leaving care support having been remanded for over 91 days under the Legal Aid, Sentencing and Punishment of Offender Act (LASPO) 2012.

This report also updates members on the joint working in place between all internal partners to ensure all children who are LAC receive the best possible support to prevent them from offending or re-offending.

3. Background

3.1 Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

Members will be aware of The Legal Aid, Sentencing and Punishment of Offenders Act 2012 which passed into law in May 2012.

The area that members are being updated on relates solely to remands into Youth Detention Accommodation (YDA). YDA is the overarching phrase which now covers Young Offender Institutes (YOI) Secure Children's Homes (SCH) and Secure Training Centres (STC). LASPO was introduced to provide equitable treatment to all children remanded into custody, irrespective of age or gender as there was an inherent anomaly prior to LASPO for children aged 17 where they did not receive the level of support as children of a younger age.

Prior to December 2012 the full cost for YOI accommodation and two thirds of the cost for SCH and STC was met by the Youth Justice Board (YJB). As a result of the LASPO legislation there has been a change in the way payments are made for children on remand to YDA. All the costs to pay for remanded children has been passed to local authorities as research identified that by passing on this responsibility to Local Authorities there was a corresponding fall in costs associated with remands. As a way of continuing their support the YJB provides an annual grant contribution to pay for YOI placements and the LAC aspects of any young person on remand. The YOI / LAC grant was determined after extensive consultation between the MOJ, YJB and Local Authorities and this grant is reviewed annually.

3.2 Grant Allocation

| Year | Total | Total Remand Spend | +/- |
|------------|---------|--------------------|----------|
| 2015 / 16 | 172,749 | 444,661 | -271,912 |
| 2016 / 17 | 150,000 | 122,449 | 27,551 |
| 2017 / 18 | 94,654 | 69,431 | 25,223 |
| 2018 / 19 | 117,895 | 549,649 | -431,754 |
| 2019 / 20 | 155,767 | 270,093 | -114,326 |
| 2020 / 21* | 187,000 | 200,000 | -13,000 |

*projected spend

This grant is based on the number of 'bed nights' Ealing children occupied on remand based on the previous year. A bed night is taken as a period between midnight on one day to midnight the following day.

3.3 Bed night allocations

| Year | Total Youth Detention Accommodation |
|------------|-------------------------------------|
| 2015 / 16 | 1390 |
| 2016 / 17 | 557 |
| 2017 / 18 | 331 |
| 2018 / 19 | 1430 |
| 2019 / 20 | 440 |
| 2020 / 21* | 400 |

+ Timescale is March – April

*projected to 31/03/2020

The current cost per night of a YOI placement is £321 per night, STC is £453 per night and SCH is £762 per night. The YOI and SCH facilities have

increased their costs by on average £70 per night since April 2020, while the costs of STC accommodation fell by £159 per night since April 2020.

Every week the amount of days that a child spends on remand, and our cumulative number of bed nights occupied is monitored closely. Every effort is made to find an alternative to remand in custody within the community, and this continues even after a young person has been placed in remand.

Table showing ages on remand, total number of children remanded and total bed nights.

| Ealing | Ages | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17+ | Total | Bed nights |
|------------------|------|----|----|----|----|----|----|----|-----|-------|------------|
| 2010-11 | | 0 | 0 | 0 | 0 | 0 | 6 | 8 | 31 | 45 | 2793 |
| 2011-12 | | 0 | 0 | 0 | 1 | 0 | 5 | 13 | 23 | 42 | 1124 |
| 2012-13 | | 0 | 0 | 0 | 0 | 0 | 2 | 11 | 14 | 27 | 1037 |
| 2013-14 | | 0 | 0 | 0 | 0 | 1 | 3 | 6 | 14 | 24 | 1244 |
| 2014-15 | | 0 | 0 | 0 | 0 | 1 | 2 | 4 | 8 | 15 | 989 |
| 2015-16 | | 0 | 0 | 0 | 0 | 1 | 6 | 4 | 9 | 20 | 1368 |
| 2016-17 | | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 6 | 9 | 578 |
| 2017-18 | | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 4 | 6 | 331 |
| 2018-19 | | 0 | 0 | 0 | 0 | 1 | 3 | 3 | 11 | 18 | 1430 |
| 2019-20 | | 0 | 0 | 0 | 0 | 2 | 3 | 4 | 3 | 12 | 440 |
| 1.4.20 - 01/3/21 | | 0 | 0 | 0 | 0 | 1 | 1 | 3 | 2 | 7 | 400 |

If a child is remanded into a YDA facility for more than 13 weeks cumulatively they become eligible for leaving care services. Presently we have 1 child under 18 on remand. We have had 7 children on remand since April 2020, all male, 3 have passed the 13-week threshold for receiving leaving care support. The offences these 3 children have been on remand for include robbery, GBH and possession of drugs with intent to supply and they were aged 14,16 and 17 on the date they were remanded to a SCH, STC or YOI.

The grant allocation continues to present a financial challenge due to the number of bed nights occupied in YDA. The trend of remands is downward but individual incidents which involve several children can quickly create a significant pressure. The remand offences in 2020 / 21 include offences of serious assault, drugs and robbery. In all cases a knife or offensive weapon has been used or seen at the time of the offence.

The YJS sets itself an annual challenging bed night target to decrease the number of children remanded. In 2019 / 20 the vision was to reduce the number of bed nights occupied to as low a level as possible but not to exceed 900 from the 1430 bed nights the year before. In 2020 / 2021 the vision was to reduce the level to below 450 which we are on course to achieve. More

children are being placed in the SCH and STC accommodation than YOI accommodation due to their age when they were remanded.

4. Implications

4.1 Number of LAC children arrested and judicial outcomes.

| | 2016 | 2017 | 2018 | +2019 | +2020 |
|--|------|------|------|-------|-------|
| a) Number of LAC Children arrested. | 88 | 46 | 41 | 36 | 20 |
| b) Number of LAC Children appearing at Court. | 44 | 21 | 24 | 21 | 18 |
| c) Number of LAC children dealt with Out of Court | 12 | 8 | 10 | 8 | 7 |
| d) Number of LAC Children whose case is NFA'd | 32 | 17 | 7 | 17 | 16 |
| e) Number of Children remanded into custody. | 9* | 6* | 18* | 12 | 7 |
| f) Of (e) how many Children were remanded for more than 13 weeks (LASPO) and become part of leaving Care | 1* | 2* | 5* | 3* | 3* |

* Timescale from April – March

+Timescale from Jan – Dec

4.2 Crime Profiles of Children on remand in Custody

Most children remanded into custody are for offences relating to violence which includes robbery, serious assaults, bail offences and knife offences. There are incidents where children repeatedly breach their court conditions and they are remanded into custody because of the breach. There is no automatic requirement for a young person to be remanded into custody solely due to the nature of the offence. The LASPO provisions amended the guidelines to Magistrates, and now before a remand into custody is made a Court must consider:

- The seriousness of the offence or
- The likeliness of imposing a custodial sentence based on the history of the young person should they be found guilty at Court.

Ealing YJS has an extremely productive working relationship with the Magistrates Court, which allows the partnership working between all agencies in the Criminal Justice system to work closely together for the benefit of the young person.

The trend of children who are looked after appearing at court is marginally down from the previous period and the number of children who are LAC being dealt with through the Out of Court (OOC) process is down on the previous period. The OOC process allows for a child to be kept out of the criminal justice system with alternative interventions being put into place. The YJS works with the police to make every effort to refer all children through the OOC process, and especially LAC. The OOC alternatives include a community resolution, caution or conditional caution. The YJS can also promote to the police to decide to no further action (NFA) a case, as well as promoting a charging option for a child. The number children who are LAC whose arrest has resulted in the NFA'ing of their case has dropped slightly from 17 to 16 in the last period. Even when a case is NFA'd the YJS does seek to support these children through engagement. A significant number of OOC referrals relate to the personal possession of drugs.

4.3 COVID

The COVID lockdown period has meant that there have been some delays and adjournments of court cases. At one point in April there were 56 young people awaiting a court appearance due to their cases being adjourned. The Courts have made adjustments, and as a result there are now very few adjournments. All adjourned cases were reviewed by the YJS to explore alternatives through the OOC process. This process was successful in removing several cases from the court lists. Engagement and assessments started with the children through a blend of face to face and virtual meetings for the children and their families and interventions were put into place to offer as much support as possible, as soon as possible at a time when children were very anxious about the lockdown and COVID implications for their futures.

The number of cases coming through the YJS for court has fallen slightly due to the lockdown, but the number of cases coming through the OOC process has remained constant throughout the lockdown.

LAC have been supported by the YJS and internal partners through the lockdown period to ensure they are safe and engaged in online and face to face programmes. The Youth clubs at Westside and Bollo have remained open, with strict measures in place through the lockdown so allow vulnerable children can continue to access local support and professionals can meet

children in an environment where they feel safe. The Young Adult Centre has continued to run online Zoom engagement events for children, and the Connexions Service has continued to work in the secondary schools supporting children with their education and career pathways.

4.4 Offending of children who are LAC dealt with by the YJS.

There is a downward trend of children who are LAC being arrested with 20 Ealing children who are LAC being arrested from January 2020 to December 2021. There was a total of 285 children who were arrested in this time. This made a total of 7% of children who are arrested are children who are LAC which is down from 9% in the previous report.

The index of offences resulting in the arrest for children who are LAC include offences of drugs possession and possession with intent to supply drugs and violence offences. There is also a sizeable number of instances of robbery. The YJS is very active in working with the police to prevent children who are LAC from appearing at court for offences of criminal damage, particularly where a care home is involved.

4.5 Interventions in place to reduce LAC offending and re-offending.

The YJS is already working closely with the LAC and Leaving Care Teams to reduce offending or re-offending by LAC. This approach has continued during the lockdown period with all partners working closely together to support the children.

All LAC continue to be referred to Horizons for contact to be made with the child to offer safeguarding support at the earliest opportunity. This occurs before a referral is made to the YJS. This allowed for any interventions to be progressed immediately. LAC children living in Ealing but from another area are offered initial support and their dedicated case worker is informed of the situation.

The details of every child on remand and every LAC child arrested is shared between the YJS, LAC and leaving care teams to ensure all partners are fully aware of the children the YJS is working with and for individual managers to monitor the interventions for these children. The Leaving Care team has access to the YJS database to ensure they are fully aware of the YJS plans for a child who is LAC so both teams can work together to support the child. An individual case worker in the YJS is the single point of contact for all LAC enquiries to better engage and support the activities relating to the child.

The allocated Social Worker from the Leaving Care Service forms part of the panels/ Groups held by the respective services who discuss the appropriate interventions for the young person, and their family.

Where a young person is remanded to YDA and subsequently returns to the care of their parents/Carers they are still eligible under statute to receive a service from the Leaving Care Team. In these cases, the allocated worker works closely with the YJS who are charged with the responsibility to support the young person within a legal framework. The allocated worker provides wider support to the young person and their family.

Social Workers and Leaving Care Workers have a statutory obligation to keep “in touch” with the Young Person, and ensure advice and assistance is offered.

Horizons targets early intervention and intensive support to looked after children and care leavers at risk of offending and reoffending. This includes a key focus on support to help children engage in education, training and employment and access health and accommodation support where required.

The YJS has restructured slightly to provide more expertise to identify programmes which can engage as well as prevent and divert all children from offending. Many of the programmes are available online for caseworkers to access in order to support children that we are supporting.

5. Financial

There are no direct financial implications arising from this report. However, the remand budget for bed nights does come under extensive pressure every year.

6. Legal

The key legislation is the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Children Act 1989

Care Planning, Placement and Case review regulations 2010

Ealing Youth Justice Strategy 2019 – 2020.

7. Value for Money

The support provided children who are LAC is regularly reviewed to ensure that resources are being used effectively to maximise their engagement opportunities including educational achievements.

The Access to resource Team commission a number of external providers, with clear criteria based on the needs of remanded young person. The providers offer 24hr staffing options with CCTV. The accommodation is in the form of small units.

The package options vary from high to low level support. All children are placed on a high package initially; this is reduced depending on the Young Person's needs and circumstances.

A matching process and risk assessment is conducted at the point of entry; Children are carefully placed to prevent gang affiliations/ associations.

The London Resettlement Partnership is seeking to identify alternative placement options to remands and custody as well as better support following release from custody.

8. Risk Management

There is a risk element when working with children who have gang involvement or/and affiliations. Staff safety is monitored using a number of internal mechanisms.

- Staff Safety Panel
- P&V Panel
- Case transfer Meetings.
- Staff Supervision
- Management Meetings
- Re-offending and risk of offending meetings

These controls have allowed us to mitigate the risks to date.

8. Community Safety

Delivering better outcomes for Looked after Children and reducing offending and re-offending among Ealing's children.

9. Links to Strategic Objectives

The support provided by Ealing Council to keep children safe, and in helping children achieve their full potential are major strands in the Future Ealing Strategy and Corporate Plan.

10. Equalities and Community Cohesion

Equality Impact is consistently reviewed and evaluated in terms of service delivery.

11. Staffing/Workforce and Accommodation implications:

None

12. Property and Assets

None

13. Any other implications:

None

14. Consultation

15. Timetable for Implementation

16. Appendices

17. Background Information

Consultation

| Name of consultee | Department | Date sent to consultee | Date response received from consultee | Comments appear in report para: |
|---|------------|------------------------|---------------------------------------|---------------------------------|
| Internal | | 02/03/2021 | | |
| Gary Jones Carolyn Fair Judith Finlay | | | | |
| Cllr Yvonne Johnson | | 03/03/2021 | | |