



**Report for:
ACTION/INFORMATION**

Item Number:

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.
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Portfolio(s)	Cllr Yvonne Johnson, Schools and Children's Services
For Consideration By	Corporate Parent Committee
Date to be Considered	19th March 2020
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 Looked after Children (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 Act 2012.

Members will be aware of The Legal Aid, Sentencing and Punishment of Offenders Act 2012 which passed into law in May 2012 with an implementation date for most of the provisions of the Act being implemented on the 3rd December 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 have been passed to local authorities as a pathfinder initiative in 2012 identified that by passing this responsibility to Local Authorities there was a corresponding fall in costs associated with remands amongst the pathfinder sites. As a way of continuing their support the YJB provide 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 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	316,000*	-160,000*

*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	648*

+ Timescale is March – April

***projected to 31/03/2020**

The current cost per night of a YOI placement is £240 per night, STC is £612 per night and SCH is £699 per night. All the facilities have increased their costs by on average £20 per night since April 2019.

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 alternative community provision to remand in custody, and this continues even after a young person has been placed in remand.

If a child is remanded into a YDA facility for more than 13 weeks cumulatively or consecutively they become eligible for leaving care services. Presently we have 3 children on remand. We have had 12 children on remand since April 2019, 3 have passed the 13-week threshold for leaving care support. The offences these 3 children have been on remand for include; robbery, attempted murder and GBH with intent and they were aged 14,15 and 16 on the date they were remanded to a SCH or STC.

The 2018/19 financial year presented with a huge financial challenge due to the number of bed nights occupied. The 2019/20 year has also been a huge challenge with a significant projected financial impact (n= -£160,000) even through there have been less bed nights occupied. The remand offences in 2019/20 include offences of serious assault, robbery where a knife has been used, knife possession, and bail breaches.

The YJS set a challenging bed night target for 2019/20 to reduce the number of bed nights occupied to 900 from 1430 in 2018/19 which we have succeeded in, but the remand costs are still prohibitive.

4. Implications

4.1 Number of LAC children arrested and judicial outcomes.

	2016	2017	2018	+2019
a) Number of LAC Children arrested.	88	46	41	36
b) Number of LAC Children appearing at Court.	44	21	24	21
c) Number of LAC children dealt with Out of Court	12	8	10	8
d) Number of LAC Children whose case is NFA'd	32	17	7	17
e) Number of Children remanded into custody.	9*	6*	18*	12
f) Of (e) how many Children were remanded for more than 13 weeks (LASPO) and become part of leaving Care	1*	2*	5*	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 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 LAC 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. These 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 risen from 7 to 17 in the last period. Even when a case is NFA'd the YJS does seek to support these children through engagement.

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

There was a total of 393 children who were arrested from October 2018 to September 2019 aged between 12 and 17. Most of these children are black or of black British heritage followed by white children, and then children who are mixed heritage. 335 of these children are male and 58 are female.

There is a downward trend of children who are LAC being arrested with 36 Ealing children who are LAC being arrested from January 2019 to December 2019, making a total of 9% of children who are arrested are children who are LAC. 28 offenders are male and 8 are female. 8% of all males who are arrested are for males who are LAC and 14% of all females arrested are females who are LAC.

The index of offences resulting in the arrest for children who are LAC include offences of bail breaches (n=22), drugs possession and possession with intent to supply drugs (n=9) and violence offences (n=14). There is also a sizeable number of instances of robbery (n=7) and criminal damage involving children who are LAC (n=7). 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.

4.4 Re- Offending amongst LAC.

The instances of children who are LAC who have been arrested for an offence and then go on to commit further offences has fallen to 5 children from the previous period where 10 LAC children who re-offended. All the re-offenders in the latest period (January 2019 to December 2019) are male. The offences involve violence, drugs, criminal damage and theft.

The number of re-offences committed by a child has risen in Ealing to 3.06 offences per child from 2.89. This rate is below the regional and National average for re-offending.

In this cohort LAC are likely to go on to re-offend. In 2018 – 2019, 36 current LAC children have offended and 5 have previously re-offended. There is almost a 13% chance that an Ealing LAC will go on to re-offend if they have already offended and this is down from 41% on 2017 – 2018.

LAC feature very strongly in partnership interventions to reduce offending and re-offending, particularly where all partners need to work very closely together to support LAC children. This includes care homes, SAFE, LAC, Leaving Care and Youth and Connexions. In addition, there is a monthly re-offending meeting which reviews the risks of young people going on to re-offend. LAC children are identified through this process to ensure every possible effort is being made to prevent any further offending.

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 and this approach will see a decline in the number of LAC entering the Criminal Justice system, and with intensive partnership support there will be a corresponding fall in re-offending.

All LAC children who have been arrested were referred to Horizons for contact to be made with the child to offer safeguarding support at the earliest

opportunity, even 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 role of the YJS victim's worker in Ealing is being reprofiled to ensure all children who are LAC are supported at the first opportunity after their arrest to ensure these children are supported.

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 will once again be 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.

Ealing Council's Pathways and Apprentice Schemes are proving especially successful in helping children divert from offending lifestyles, and we are endeavouring to target opportunities towards children who are LAC. In addition, for those children involved in gang related activities extensive support is provided to help them exit gangs and develop more positive lifestyles.

The YJS has restructured slightly to provide more expertise to identify programmes which can engage as well as preventing and diverting all children

form offending, but with a specific focus towards children who are LAC. These programmes and the programme lead will be accredited and they will become available for all children who are LAC.

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

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

Appendix A gives details of children remanded into custody.

17. Background Information

Consultation

Name of consultee	Department	Date sent to consultee	Date response received from consultee	Comments appear in report para:
Internal		09/03/2020		
Charles Barnard Carolyn Fair Judith Finlay				
Cllr Yvonne Johnson		09/03/2020		