

MIDDLESBROUGH COUNCIL

SCRUTINY REPORT

CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL

5th September 2022

Youth Offending and Partnership Working with Schools

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Summary

1. The purpose of this report is to provide an overview of the work of South Tees Youth Justice Service (STYJS) and partnership working with schools. This report includes information on the role of the South Tees Youth Justice Service and outlines planned changes to data requirements in order to capture and evidence impact of offending on educational attainment, truancy and exclusion from school.

Introduction

2. Youth Justice Services supervise 10–18-year-olds who have been sentenced by a court, or who have come to the attention of the police because of their offending behaviour but have not been charged – instead, they were dealt with out of court. Youth Justice Services are statutory partnerships, and are multidisciplinary, to deal with the needs of the whole child. They are required to have staff from the local authority, social care and education, the Police, the Probation Service and local health services. Youth Justice work is governed and shaped by a range of legislation and guidance specific to the youth justice sector (such as the National Standards for Youth Justice) or else applicable across the criminal justice sector (for example Multi-Agency Public Protection Arrangements (MAPPA) guidance). The Youth Justice Board (YJB) for England and Wales monitors performance and issues guidance to them about how things are to be done. South Tees Youth Justice Service (STYJS) covers the two local authority areas of Middlesbrough, and Redcar and Cleveland. The statutory functions of the service are attached as appendix 1 to this report.
3. Youth Justice Service's have 3 national outcome measures; to reduce first time entrants to the youth justice system, to prevent re-offending by children and young people and to reduce the use of custody for young people (both sentenced and remanded).
4. Currently, Youth Justice Services are not required to collect data in relation to educational attainment, truancy or exclusion from school although there are

some key changes being introduced which may assist in being able to provide this information in the future.

5. The YJB have proposed a new set of Key Performance Indicators (KPI's) be implemented from April 2023, one of those KPI's being 'Suitable education, training and employment (ETE)'. In future, Youth Justice Services will be required to capture data in relation to the percentage of children in the community and being released from custody with a suitable ETE arrangement; the percentage of children who have an identified SEND need and of that the percentage who are receiving support'. The intention in revising the current KPI's is to have a clear understanding of how local multi-agency partnerships are operating. The Youth Justice Board believe reporting on this data in future will provide transparency and accountability and assist in recognising the progress of young people and their successes, as well as identifying the barriers and challenges.
6. In June 2022, HMI Probation published their findings from a thematic inspection of Education, Training and Employment services in Youth Offending Teams in England and Wales between November 2021 and January 2022. The report outlined that; "Of the 181 cases inspected, two-thirds (65 per cent) of children (aged 10-17 years) had been excluded from school and almost half (47 per cent) had been permanently excluded. This resulted in some children not participating in any ETE services for two years or more." It went on to say "Children on youth justice caseloads have lives that are filled with disruption, trauma, adverse experiences, poor mental health and specialised needs. The services we spoke to were aware of this, and are striving to put ETE opportunities in place, but it remains the case that there are major barriers to children getting the education or training they so desperately need, if they are to stay away from crime. Services must strive to overcome these hurdles"
7. The report contains a number of recommendations one of which is for the YJB to 'revise their national indicator of ETE engagement to one that provides a more meaningful measure of performance. This should include the levels of educational attainment achieved by children working with the YOT [Youth Offending Team] at the end of the period of supervision and should cover out of court as well as court order cases'. There are also a number of actions which place responsibility upon Youth Justice Management Boards to take action. These are attached as appendix 2 to this report.

Evidence / Discussion

8. The links between young people's education and involvement in criminal behaviour is clearly an important issue which requires a robust response. The HMI Probation thematic report is clear evidence of a case for change for young people in the criminal justice arena and this has been previously recognised by central government. In December 2016, the Charlie Taylor Review of the Youth Justice System in England and Wales was published. (The link to the report is attached as Appendix 4 to this report.) The Taylor report stated that 'education needs to be central to our response to youth offending. All children in England are required to be in education or training until their 18th birthday, but too often

children in the youth justice system have been out of school for long periods of time through truancy or following exclusion. As a result, half of 15-17 year olds in [Young Offender Institutions] YOIs have the literacy or numeracy levels expected of a 7-11 year old. Schools and colleges are crucial in preventing offending. If children are busy during the day undertaking activity that is meaningful and that will help them to succeed in life, whether it be studying for exams, learning a trade or playing sport or music, they are much less likely to offend. Education and training are also the building blocks on which a life free from crime can be constructed’.

9. Furthermore, an article published by One Education in 2017 regarding education in youth custody (Appendix 5 to this report) reported that approximately 90% of young people in the youth custody population have been excluded from school at any one time, compared to 3-5% of general population, and 63% of boys and 74% of girls had been permanently excluded. In addition approximately 40% of young people had not been to school since they were 14 and 90% were not attending before they reached 16 years old. These figures show that those at the most acute end of youth justice system, i.e those in custody have had significant educational issues in comparison to the general population. As of 1 August 2022, just over 25% of the young people open to STYJS were Not in Education Employment or Training (NEET). There is no data currently available in relation to young people open to the service who have been excluded.
10. With regards to data in relation to the relationship between the impact of offending on educational attainment, the practicalities of collecting this data currently mean that individual pupil information cannot be analysed under the terms of General Data Protection Regulations (GDPR). However, this would be data that could be collected in order to satisfy this request. To note, the Local Authority has not held individual pupil GCSE data for the past two years due to the covid 19 pandemic. In addition Youth Justice Services have not had a requirement to collate pupil level data or co-hort data previously. In order to secure this information we will need to adapt current data sharing agreements and in consultation with school leaders work towards securing individual pupil level data. Therefore, moving forwards and in line with proposed HMI Probation expectations to tackle educational attainment and the extent of school exclusion within the Youth Justice cohort, this will be something we can report on in the future.
11. The aforementioned figures show clear evidence that young people in the youth justice system require a robust and joined up response to exclusions, truancy and attainment with education providers, local authority and the youth justice service working collaboratively.
12. STYJS were last inspected by HMI Probation in 2019 and received a ‘good’ rating. There was one ‘area for improvement’ in relation to education in that the inspectorate stated ‘There should be an education representative on the Board and in a specialist role in the staff team’. The STYJS Management Board took immediate action and appointed an Education representative to the Board, and in August 2020 the Education, Training and Employment Specialist joined the

service. This role has been key to improving the education offer in the service and developing pathways into services for young people, including SEND and Inclusion Services and establishing systems to monitor and track those young people identified as NEET. The ETE specialist has also established an extensive network and contact within ETE providers locally to maximise opportunities for young people. In May 2022 the Service secured national accreditation through the SEND Quality Mark in recognition of the work undertaken with partners to meet the needs of young people subject to intervention by the YJS.

13. Young people identified as being at risk of exclusion via their STYJS assessment are now referred to the STYJS Education Team, comprising of the ETE specialist and a dedicated Support Worker. Following a referral, contact is made with parents/carers and also the school to arrange a planning meeting for the young person. The planning meeting determines what support needs to be put in place, taking into account the voice of the child and issues raised by school. The joint protocol between Middlesbrough Council Inclusion Team and STYJS enables effective communication including the sharing of information and planning joint visits. A process has been developed whereby every school age young person who is open to the STYJS is shared with Inclusion Team, and tracked and monitored on a monthly basis. A recent example of this working in practice is one young person who was aged 12, became open to the service and already had extremely low attendance (8% since September 2021). This, coupled with the complex nature of the case and vulnerability issues, had made it difficult for services to support the family. Through weekly sessions a trusting relationship was developed and we were able to capture the voice of the child and discuss barriers. These barriers were discussed with the Inclusion Team and through partnership working solutions were put forward. The young person is now on board with the new plan and has agreed to attend an alternative provision. This case example shows that STYJS service are making a direct impact through relationship building, addressing barriers, and partnership working where real tangible opportunities are being created for young people to engage in school.
14. The development of partnership working with internal partners and external stakeholders was a priority in last year's Youth Justice Plan. Building on this work, one of STYJS strategic priorities in 2022/23 is to 'ensure that the YJS contributes to supporting those young people at risk of exclusion'. (The South Tees Youth Justice Plan for 2022/23 is attached as appendix 3 to this report).
15. In recent months STYJS has developed a prevention offer to young people on the periphery of criminal behaviour, with one of the referral criteria being 'young people at risk of exclusion from school/education'. Referrals are taken directly by the service or via the Multi-Agency Children's Hub (MACH), and can be tailored to meet the needs of the child and the school. The young person's parent/carer must consent to the intervention. Prevention work is in it's infancy however early data shows that only 6% of young people who have received a prevention intervention have subsequently gone on to offend, which compares favourably with re-offending by young people subject to court order or out of court programmes. One young person identified as having low attendance

along with concerns raised by parents was referred to the ETE team. The young person was not open to any services and the ETE Team put together an Education Support plan to prevent further exclusions. This entailed work around emotional regulation, a professional challenge being raised with the school, a referral to MIND and working closely with the young person and parent. Towards the end of the academic year the young person had no exclusions and reported feeling comfortable about the start of new academic year. The plan moving forward is to develop a framework that focuses on prevention where young people can be identified with low attendance in YJS so extensive support can be put into place for cases such as this.

Conclusion

16. There is a clear need for an improvement in the educational experience and outcomes for young people involved in, or at risk of being in, the criminal justice system. This has been recognised by not only central government, but the YJB, the inspectorate and STYJS. Youth Justice Services nor Schools have been required to collate specific data sets before now, although this will be an expectation going forwards. Making such improvements will be complex and it will take time to put appropriate systems in place to capture data for analysis and evaluation.
17. From April 2023, Youth Justice Services will be measured upon a new set of KPI's, and STYJS plan to put in place monitoring systems to ensure that young people and those at risk of exclusion are tracked and supported to access services they need. Furthermore, we will monitor assessment processes for young people identified as at risk of exclusion to ensure that these include effective plans to engage them in ETE. Audit activity of ETE processes will also be undertaken, and we will establish monitoring processes to prepare for the reporting requirements for the proposed ETE KPI's. The YJS Head of Service will also work with the Management Board and Heads of Service within the Education Directorate to take forward the recommendations from the HMI Probation thematic report. This will include the introduction of new data sharing agreements to enable pupil level data to be captured and reported upon, and the implementation of tracking and monitoring systems to analyse and evaluate data in the future with the overarching aim of reducing exclusions and improving the education experience and outcomes for young people.

APPENDIX 1 – STYJS Statutory Functions

Statutory functions include:

- Statutory Responsibility for Court Orders (Community and Custody) as they relate to young people, including all Requirements and Licences
- Compliance with National Standards for Youth Justice 2013 (accountable to Ministers)
- Enforcement of Court Orders and Licences
- Provision of Out of Court Disposals (Youth Cautions and Youth Conditional Cautions)
- Prevention of offending and re-offending by young people
- Provision of Court staffing (Youth, Crown, Remand Courts, including Saturdays and Bank holidays)
- Provision of Bail supervision functions
- Provision of Appropriate Adults for Police interviews
- Provision of Pre-Sentence Reports
- Provision of community volunteers for Referral Order panels
- Recruit, train, manage, supervise and deploy volunteers to carry out statutory functions
- Provision of Referral Order Panel reports
- Provision of YJMIS data/management information to YJB/MoJ regarding youth justice cases
- Delivery of Court ordered reparation to community and victims
- Provision of a service to victims of youth crime
- Comply with arrangements for multi-agency public protection (MAPPA)
- Duty to cooperate with MAPPA, LSCB, VEMT, CSPs etc.
- Duty to cooperate regarding safeguarding and public protection incidents in the community (YJB)
- Statutory duty to provide and support a Management Board for the YJS
- Management and development of the Junior Attendance Centre
- Statutory duty to produce and deliver an annual Youth Justice Plan
- Management of children Remanded to Youth Detention Accommodation (RYDA)
- Statutory duty to cooperate with Children's Services to improve wellbeing of children
- Management of sex offenders (AIM) – young people under 18 years of age
- Provision of Parenting Orders imposed in the Youth Court (criminal matters)
- Provision of ASB escalation supervision (Criminal Behaviour Orders and Injunctions to prevent nuisance and annoyance)

Appendix 2 – Recommendations from the HMIP joint inspection of Education, Training and Employment services in Youth Offending Teams in England and Wales.

The Youth Justice Board should:

2. revise their national indicator of ETE engagement to one that provides a more meaningful measure of performance. This should include the levels of educational attainment achieved by children working with the YOT at the end of the period of supervision and should cover out of court as well as court order cases.

YOT Management Boards should:

3. ensure that all children have a comprehensive ETE assessment

4. monitor, alongside the local authority, key aspects of ETE work for children working with the YOT, including: - the extent of school exclusion in the YOT cohort; - the actual level of attendance at school, college, work or training placement; - the extent of additional support provided to children with SEN/ ALN; - that every child with an ECHP or IDP has this reviewed on an annual basis to meet the statutory requirement.

5. develop ambitious aims for ETE work in the YOT, including the achievement of Level 2 English and Maths by every child

6. establish a greater range of occupational training opportunities for those children beyond compulsory school age
7. monitor and evaluate the levels of educational engagement and attainment in disproportionately represented groups within the YOT caseload in order to develop improvement, including for: - children with an EHCP/ ILP; - children with SEN/ ALN; - children permanently excluded from school; - out of court disposal cases; - children released under investigation.

Appendix 3 – South Tees Youth Justice Service annual plan 2022/23.



South Tees Youth
Justice Service- Youth

Appendix 4 – link to Charlie Taylor Review of the Youth Justice System in England and Wales

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf

Appendix 5

<https://www.oneeducation.co.uk/news-blog/education-in-youth-custody>