

From: Roger Gough, Cabinet Member for Children, Young People and Education

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To: Corporate Parenting Panel – 21 July 2017

Subject: **LOOKED AFTER CHILDREN IN THE CRIMINAL JUSTICE SYSTEM; A SUMMARY OF THE TAYLOR, LAMING AND LAMMY REVIEWS**

Classification: Unrestricted

Electoral Divisions: All

Summary: The report will summarise the work of three reviews that incorporate Children in Care in the Criminal Justice system. It will also provide an update of the picture in Kent for this cohort of children within the Criminal Justice system.

Recommendation: Members of the Corporate Parenting Panel are asked to **CONSIDER** the information contained within the report and **COMMENT** on the issues raised and the impact on Children in Care in Kent.

1. Introduction

1.1 There are currently three relevant reviews which relate to Children in Care (CiC), or who have experienced care, in the Criminal Justice system. The Taylor review examined the Youth Justice system, the Laming review considered Looked After Children (LAC) in the Youth Justice system and the Lammy review, which has published emerging findings, is reviewing the experience of Black, Asian and Minority Ethnic individuals within the Criminal Justice system.

2. The Taylor review

2.1 The Taylor review established particular principles around the Youth Justice system. These included that children should be treated differently to adults; education is central to any response to youth offending; minor offending should be dealt with outside of the Criminal Justice system; a multi-agency approach is critical.

2.2 The Government response to the Taylor review has focused primarily on youth custody; two secure schools will be established, staffing numbers in Young Offender Institutions will be increased and education will be at the heart of youth custody. Responses to other areas of the report are that the Ministry of Justice will review or consider current practice but do not contain specific details about actions to be taken.

- 2.3 *Education and Health*. The report raises concerns about the role of education and health as part of the statutory response to Youth Offending, and identifies national questions about high thresholds and a different culture within health, and education playing a peripheral role in rehabilitation.
- 2.4 Diversion. The report calls for swift decisions to be taken locally so that there is little delay between the young person's behaviour and the response to that behaviour from services. Diversion schemes should have easy access to other services such as health and education. It is recommended that the Local Authority, Police and Health jointly operate diversion schemes and the report states that, 'youth offending should be dealt with at the lowest possible level, avoiding... unnecessary escalation... a simple justice response to offending will not be sufficient.'
- 2.5 The critical performance measures for Youth Justice Services are to monitor first time entrants, the numbers of young people who enter custody and also reoffending rates. The review suggests that there is reporting on the number of LAC, the quality of services they receive and outcomes they achieve, those who are Black, Asian and Minority Ethnic, and those who are Not in Education Employment or Training.

3. The Laming review

- 3.1 Young people. The review found that 94% of young people in care do not get into trouble with the law, but more than 50% of young people in custody were either in care or had been at some point, and CiC were significantly over-represented in the Criminal Justice system with many reporting having a poor experience. Young people reported that they often felt isolated and unsupported at critical moments, and particularly needed support when they had court appearances or were entering and spending time in custody.
- 3.2 Leadership. There is an emphasis in the review on strong leadership to prevent unnecessary criminalisation of LAC. This specifies the development of a local authority strategy to improve outcomes for LAC in the Criminal Justice system, regular reporting to Directors of Children's Services on CiC in the Criminal Justice system and close working relationships between children's services and Criminal Justice agencies with the common aim of ensuring LAC are protected from unnecessary criminalisation.
- 3.3 Diversion and Early Intervention. The review identified that collaborative working between the Police, Crown Prosecution Service Children's Services and Youth Justice services was essential to minimise police involvement in responding to challenging behaviour, that decisions to prosecute should be informed by an understanding of a young person's circumstances and general character, and young people in care should be offered peer mentors to help them engage in positive diversionary activities.

4. The Lammy review

- 4.1 The Lammy review has published an analysis paper which found that black women were more than twice as likely to be sentenced to custody as white women, and black men were more than 40% more likely than white men when looking at specific offences. They were also more likely to be remanded into custody before trial than their white counterparts. The number of Muslim prisoners has doubled in the last decade
- 4.2 Young people. 41% of youth prisoners are from minorities backgrounds, compared with 25% ten years ago, despite prisoner numbers falling by some 66% in that time.
- 4.3 The Lammy review is currently drawing up recommendations which will shortly be provided to the Government.

5. The Kent Picture

- 5.1 In April 2017 Kent Youth Justice services restructured to support the development of a wholly integrated approach. Within the restructure there were improvements made to the working arrangements between Youth Justice and Education Services including Virtual School Kent, Pupil Referral Unit, Inclusion and Attendance, Special Education Needs, and Skills and the Employability Service. The focus of the changes has been to improve the education attainment of young people known to Youth Justice.
- 5.2 As part of the reconfiguration of Emotional Health and Wellbeing Services, the redesign incorporates a greater focus on the rapid assessment and support of young people within the Youth Justice system.
- 5.3 The Kent County Youth Justice Board currently monitors performance within the Criminal Justice system, including CiC and those from a Black, Asian or Minority Ethnic background.
- 5.4 In Kent the performance has been positive as the number of First Time Entrants has fallen from 614 in 2014/15 to 300 in 2016/17. The numbers of young people in custody have also fallen from 44 to 28 in the same period, and the rate of reoffending has reduced.
- 5.5 The number of young people involved within the Criminal Justice system has fallen in the past three years, as there has been an increased focus on diversion and collaboration between KCC and Kent Police. However, the number of CiC in the Criminal Justice system has remained relatively unchanged in the same period

Diagram 1: YOT caseload as at the last day of each quarter

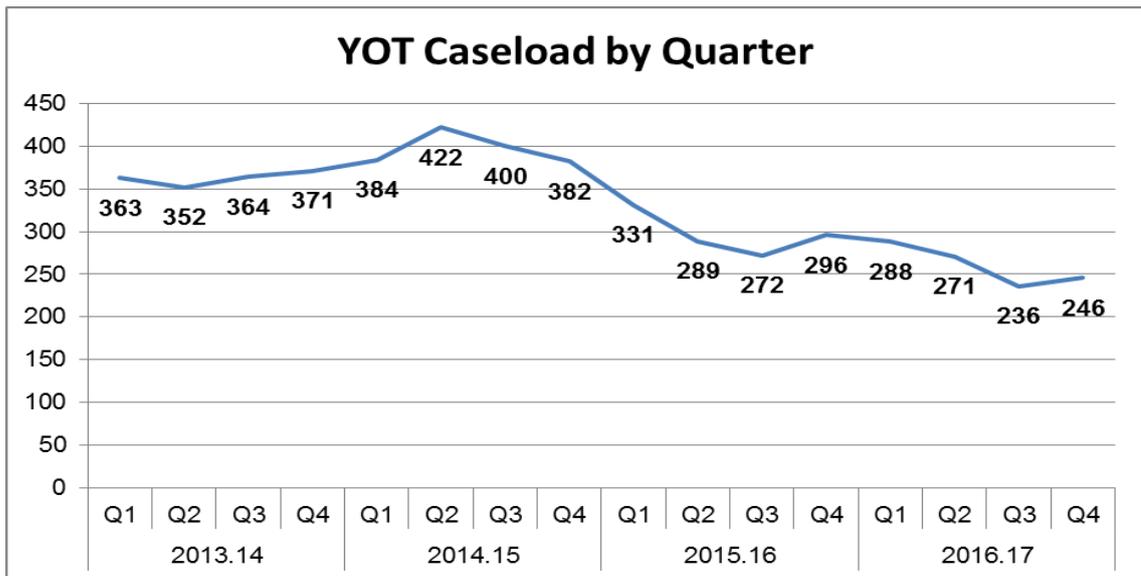
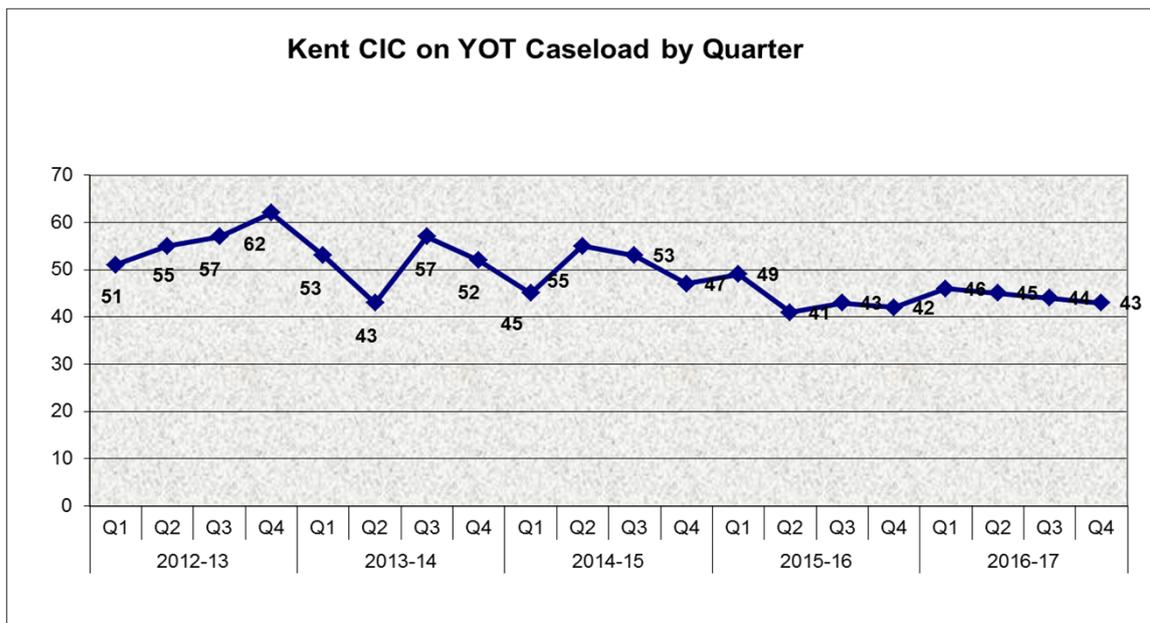


Diagram 2: Kent CiC open to YOT as at the last day of each quarter



5.6 The CiC within the Youth Justice system in the last quarter of 2016/17 can be charted against the findings of the Laming review with the following characteristics:

YOT caseload as at 31 March 2017		
Total YOT caseload	246	
Kent CiC	43	17.5%
Children in Need	40	16%
Number subject to a Child Protection Plan	6	0.25%

Care leavers (over 18 and open to YOT)	14	5.6%
Unaccompanied Asylum Seekers	4	1.6%
BAME Representation	39	15.8%
	Of the CiC (Total: 43)	Of the Care Leavers (total 14)
Community sentence	37	9
Custodial sentence	5	4
On remand	1	1
BAME	6	2

5.6 There are currently protocols between Youth Justice services and Children's Services which aim to improve outcomes for those children open to statutory children's services:

- a) The Transfer of Children to Local Authority Accommodation from police custody – this ensures that young people are not kept unnecessarily in police cells
- b) The Specialist Children's Services (SCS) and Youth Justice Joint Protocol – this provides guidance for staff to ensure appropriate joint planning and working for young people known to both SCS and Youth Justice. There is an emphasis on keeping young people out of the criminal justice system and to minimising the use of custody
- c) The Kent Criminal Justice Board Kent CiC Protocol – this provides guidance for all criminal justice agencies on how to reduce the unnecessary prosecution of CiC by encouraging the use of alternative resolution processes

5.7 In April 2016 Youth Justice Services and Kent Police agreed a process for dealing with all minor offending through an out of court disposal. As part of this process, representatives from Kent and Medway Youth Justice Teams sit on a panel with Kent Police and review the cases of all LAC before a decision is made about the support to be offered and the most appropriate criminal justice outcome. The expectation is that the child's social worker will also contribute to this panel.

5.8 The County Youth Justice Board has commissioned six-monthly deep dives to explore the practice and joint planning for Kent LAC known to the Criminal Justice system.

6. Conclusion

6.1 The findings from the reviews identify that CiC are over-represented within the Criminal Justice system, and that those from a Black, Asian or Minority Ethnic background may be treated less favourably than their white counterparts.

6.2 The reviews identify some areas where services can collaborate around leadership, scrutiny and delivery which will make a positive impact on these children within the Criminal Justice system

6.3 Within Kent the numbers of LAC within the Criminal Justice system have not reduced in line with their non-looked after counterparts. The review of the protocols and the ongoing scrutiny of joint working relationships is intended to bring about improvements to the positive outcomes of LAC.

7. Recommendations

7.1 Recommendation: Members of the Corporate Parenting Panel are asked to **CONSIDER** the information contained within the report and **COMMENT** on the issues raised and the impact on Children in Care in Kent.

8. Background Documents

The Taylor review of the Youth Justice System
<https://www.gov.uk/government/publications/review-of-the-youth-justice-system>

The Laming review of Looked After Children in the Youth Justice System
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/In%20care%20out%20of%20trouble%20summary.pdf>

The Lammy review of of the treatment of, and outcomes for, Black, Asian and Minority Ethnic (BAME) individuals in the Criminal Justice System (CJS)
<https://www.gov.uk/government/organisations/lammy-review/about>

9. Contact Details

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