

To: Community Policy Overview Scrutiny Committee -12th
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Subject: The Youth Rehabilitation Order & The Scaled Approach

Classification: Unrestricted

Summary: This report sets out the new sentencing arrangements for 10 – 17 year olds provided by the Youth Rehabilitation Order and identifies the required changes to service delivery, by the Youth Offending Service, resulting from the implementation of the Scaled Approach. The expectations of the Statutory Partners making up the YOS partnership to match the known needs of the youth offending population to their services are clarified.

FOR INFORMATION

1. INTRODUCTION

- 1.1 The Youth Rehabilitation Order and the Scaled Approach were implemented on the 30th November 2009 and their introduction has been supported by a revised set of “National Standards for Youth Justice Services”.
- 1.2 The Youth Rehabilitation Order provides a restructuring of the community penalties available to the Courts for the youth (10 – 17 year olds) population.
- 1.3 The Scaled Approach requires the Youth Offending Service (YOS) to prioritise resources for the purposes of public protection and for the safe management of children and young people. The expectation is that the welfare needs of the youth offending population are met by services, specifically Children’s Services, within the statutory YOS partnership.
- 1.4 This paper provides a summary of the details of both the Youth Rehabilitation Order and of the Scaled Approach and of their implications for YOS. It also includes two case scenarios at Annex A to illustrate the service and practice implications arising from both the new Order and the change in approach to the management of risk.

2. THE YOUTH REHABILITATION ORDER

2.1 The Criminal Justice and Immigration Act 2008 requires Courts (Youth & Crown), when sentencing the youth population, to consider:

- (i) the principal aim of the youth justice system – this is the prevention of offending by children and young people &
- (ii) the welfare of the child / young person

2.2 The Youth Rehabilitation Order (YRO) has become the sole community penalty available to the Courts. Children and young people receiving this disposal will have appeared before a Court on at least one previous occasion and will have committed an offence serious enough for their liberty to be restricted via the use of community supervision. There is no limit to the number of occasions on which the Court may impose a YRO.

2.3 Courts in the county can support the imposition of the YRO by the use of one or more requirements, one of which, Intensive Supervision & Surveillance, can only be imposed as an alternative to custody. The requirements offer the Courts the opportunity to apply a flexible and individualistic approach to the risks which YOS has identified as being specifically associated with a child's or young person's offending behaviour.

2.4 The requirements available to the Court can be grouped thematically:

- (i) general monitoring (e.g. Supervision)
- (ii) offending behaviour specific (e.g. Programme & Activity)
- (iii) restricting the movement and activities of children and young people in order to reduce clearly identifiable risks (e.g. Exclusion & Electronic Monitoring)
- (iv) treatment for substance misuse and for mental health needs
- (v) the accommodation and care needs of children and young people &
- (vi) attendance at school

2.5 Preparatory work was undertaken with partners, including Police, Probation, Children's Social Services and Children and Adolescent Mental Health Services, and with commissioned services, such as those for substance misuse, to enable YOS staff to be well positioned to respond positively to the expectations of the Courts and to the outcomes from assessments.

3. THE SCALED APPROACH

3.1 The Scaled Approach is designed to ensure that a match is achieved between the assessed level of the risk of re-offending and of serious harm to others presented by the individual and the intensity of the intervention (e.g. the frequency of the contact with the young person) provided. This matching should make sense to the child / young person as they will be in

a position to clearly associate actions taken as part of their intervention with the seriousness and persistence of their offending behaviour.

- 3.2 The risk assessment relies on a national tool which uses a scoring process. The score determines the degree of risk and so the level of intervention. There are three levels, Standard, Enhanced and Intensive with the frequency of contact increasing in line with the concerns regarding the degree of risk. This process is illustrated in the table below.

Intervention level	Minimum no. of contacts per month for first 3 months of order	Minimum no. of contacts per month for remainder of order
Intensive	12	4
Enhanced	4	2
Standard	2	1

- 3.3 Organising the contacts with which the child / young person must comply is the responsibility of the YOS case manager. They may include compliance with a range of requirements and where the child / young person fails to comply they will be returned to Court with the possibility that they may receive a more restrictive penalty which may include custody.
- 3.4 As a result of this development the high risk offender will be the priority for YOS resources. The role of the Police Officers within the Service has been changed to enable them to focus on this population and to work collaboratively with their colleagues based in the five Police led Offender Management Units who are targeting the most prolific offenders in the county.

4. YOS PREPARATIONS

- 4.1 Work to enable an effective implementation was undertaken with the :

- (i) Courts (Magistracy & Legal Advisors) with the support of the three Youth Panel Chairs. A joint workshop, that was well received, was held on the 22nd October with the objective of achieving a mutual understanding as to the interpretation of the Scaled Approach and to the application of the requirements which may be attached to the Youth Rehabilitation Order
- (ii) YOS practitioners to ensure their familiarity with the Scaled Approach and the YRO and to further increase the competence amongst practitioners in both assessment and risk management
- (iii) staff from the national Youth Justice Board by participating in national and regional working groups to enable YOS to be fully aware of the requirements of the legislation and the new Standards and of the successful strategies being employed by other YOTs

- 4.2 The Youth Justice Board estimated that the implementation of the Scaled Approach and the YRO would be resource neutral. YOS, as part of a restructuring of the Service, organised for each of the five locality Teams making up the Service to have a sufficient number of both experienced

and qualified practitioners, drawn from the existing staff group, to match the projected demand for interventions with high risk children and young people.

5. CONCLUSION

- 5.1 YOS has fully prepared for the changes required by the YRO and the Scaled Approach. The joint work with both the Police and with the Courts should prove to be decisive in ensuring a shared understanding with them of both the priority population and the actions which can be taken. These developments are clearly integral to the overall prevention strategy for children and young people being overseen by the Children's Trust (priority 6 of the Children & Young People's Plan).
- 5.2 A critical concern will continue to be the ability of YOS practitioners to access specialist services provided by partners that are relevant to the identified needs of the youth offending population, particularly where they are seen to present a risk of harm to others.

6. RECOMMENDATION

- 6.1 Members are asked to NOTE this report.

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Case Scenarios

The purpose of the Annex is to illustrate how the Youth Rehabilitation Order and the Scaled Approach will be applied in practice by the use of two separate case scenarios.

The first of the scenarios concerns a 16 year old male who has a growing offending history which is strongly associated with alcohol misuse and the second involving a 12 year old girl with evident welfare needs to which her offending behaviour appears to be linked.

Scenario 1

John is a 16 year old who has been charged with two separate offences of Assault Occasioning Actual Bodily Harm committed on the 30th November. A Pre Sentence Report has been requested by the Youth Court which YOS has 15 working days to complete.

His plea of guilty to these assaults means that he has re-offended during the first three months of his current 1 Year Supervision Order (the most commonly used community penalty prior to the implementation of the YRO) which was imposed for an earlier Common Assault which he committed, when drunk, on a friend with whom he had argued. The intervention plan for the Supervision Order had focussed on:

- (i) a referral to the Young People's Substance Misuse Service with the objective being to assist him in learning to reduce his excessive drinking which was a factor common to his last four offending episodes all of which had either violence against the person or public order characteristics
- (ii) work with the family as periods of tension between John and his parents appeared to coincide with his bouts of excessive drinking
- (iii) joint work with the Connexions Worker to assist John to start employment training – he had left school with no formal qualifications and struggles with both literacy and numeracy
- (iv) enabling John to start playing for a football club close to his home so making it accessible without support from his family – the objective was to encourage efforts to counter the potential health problems arising from his drinking and to revive a former interest at which he had had some success
- (v) anger management – learning with John what tends to trigger his periods of anger and how he might find ways to either avoid the trigger(s) or learn to respond in a socially acceptable manner

Little progress had been made in the short time the Supervision Order and John's rather ambivalent attitude to each of the key objectives of the intervention plan coupled with the new assaults meant that the Court were anticipating YOS would be offering a community intervention that would be restrictive on John's liberty.

The assessment prior to the report identified a number of areas of risk with the most prominent being associated with:

- substance misuse – his drinking was increasing particularly during the evenings / early mornings although it was not clear how he was able to afford the purchase of alcohol
- family and personal relationships – his relationship with his parents had continued to deteriorate which had encouraged him to spend much time away from the family home
- education, training & employment – his poor school record and his having yet to take up any training opportunity had left him feeling disconsolate as to his future
- his attitude to offending and his lack of motivation to change – he was able to provide a rationale for his offending and could not see why he needed to change his lifestyle although he had begun to enjoy the football he had restarted and was prepared to make a serious attempt at treatment designed to reduce his alcohol usage

The overall finding was that he was at considerable risk of re-offending and that he did present a risk of serious harm to others when he had been drinking as an excess of alcohol tended to make him very volatile. His drinking was on the increase and so was the risk he presented.

The score provided by the assessment meant that he:

- was a Deter Young Offender – therefore he would be targeted jointly by Kent Police (the Offender Management Unit) and the YOS Police Officer would be integral to the intervention plan
- would be subject to an intensive intervention with a minimum of three contacts per week

As a result of these findings the YOS practitioner proposed in the Pre Sentence Report (advice to the Court on the reasons for a young person's offending and the strategy, including possible sentences, for addressing it) the following:

- (i) a revocation of the Supervision Order so that he could have one sentence for all of his outstanding offences
- (ii) a Youth Rehabilitation Order with the following requirements:
 - supervision – to build on the work previously undertaken with John and to oversee and co-ordinate the other requirements he would have to meet
 - electronic monitoring – despite tensions at home the curfew between 8.00pm – 7.00am would for 3 months preclude him from going out drinking at night, his most vulnerable period to excessive drinking

- intoxicating substance treatment – he had expressed a willingness to comply with a treatment programme (a prerequisite for such a requirement to be attached to a YRO)
- activity – a mix of indirect reparation and efforts to achieve a face to face mediation session with the two victims of his assaults, young people living on the same estate as himself. The YOS Victim Liaison Officer had contacted both victims who had indicated an interest in receiving an apology from John

A Parenting Order was not proposed as both parents had consistently supported previous YOS interventions and were willing to be integral to the delivery of the YRO, as in part had been shown by their agreement to have electronic monitoring equipment installed in their home.

The overall intervention plan meant that John would be:

- meeting weekly with his YOS case manager, a Named Drugs Worker and the YOS Police Officer
- his opportunity to drink away from his home in the evenings would be removed for 3 months
- monitored by the Police Officers from the Offender Management Unit who would alert YOS to any observations of him drinking during the day in public, to him mixing with known offenders and to any involvement he may have in anti social behaviour
- engaged with the Connexions Worker based in YOS to engage him in training

The requirements used by the Court are sensitive to the risks he poses both to others and to re-offending. The level of intervention increases his exposure to positive influences while ensuring he is aware that his behaviour is being monitored.

Scenario 2

Sarah is a 12 year old who has been charged with an offence of theft and is appearing before a Court for the first time.

She previously received a year earlier a Final Warning from the Police for an offence of Criminal Damage, committed when she smashed the wing mirror of her father's car following an argument with him.

She lives with her mother and stepfather, and two young siblings. All three children are currently known to Children's Social Services and have been assessed as "children in need" and all have child protection plans in place as a result of "neglect". The family are dependent on State Benefits and Sarah has no money of her own, a factor seen as significant to this offence as she stole a £5 note from the parent of one of her friends who she was visiting at the time. The offence was accepted as being an impulsive act as the money had been left on a table. Sarah indicated her sadness at losing a valued friend

as a result of the theft. The family from whom she had stolen the money had banned their daughter from joining up with her, even at school.

She presents as withdrawn during the assessment and preparation of the report for the Youth Offender Panel (she had received a Referral Order for three months at the Court hearing, a Referral Order being the outcome for over 90% of children and young people making their first appearance before a Court and pleading guilty) she was reluctant to engage with the YOS case manager.

Her rationale for this was that she had not enjoyed good relationships with previous Social Workers and had acknowledged little benefit from their interventions despite a reported improvement with respect to both her relationships with her mother and stepfather and their better care of her and her two sisters.

She remains angry with her father, who lives on the same estate, for leaving the family three years earlier as they had been better off when he had been living with them as his work record was good. She is envious of her two younger half brothers who have been the result of her father's current relationship with his partner. They are enjoying the benefits of his money which she believes she is entitled to.

Her attendance at school has for the most part been reasonable but her attainment levels are not strong. This is seen as being the result of a lack of confidence and poor parental interest. She has surprised, the YOS case manager learns, her teachers by the apparent success of her adjustment to secondary school life and the reports from her new school are more promising than those given previously by her primary school.

The YOS case manager learned from the family's Social Worker that the Child Protection Plan had as its main objectives:

- improving the parenting skills of the mother and stepfather whose own relationship is stable despite the financial pressures
- budgeting and other basic life skills so that the limited income available to the family may be better used to enhance the physical wellbeing of Sarah and her siblings
- re-engagement of Sarah's father in the support of his children via improved access arrangements
- Sarah's attendance at an after school club with a view to her developing interests which can give her confidence and widen her circle of friends

The assessment indicated she presented no risk of serious harm to others and that the risk of her re-offending was diminishing as areas of the Child Protection Plan were beginning to see progress being made.

The areas of highest risk, although the scores were not significant, were found to be related to:

- "family and other personal relationships" which could be anticipated given the history of problems within the

reconstituted family and the involvement of Children's Social Services

- "neighbourhood" – the estate Sarah lives on has a high level of deprivation with offending not unusual behaviour by both young people and adults

The outcomes from the assessment highlighted her vulnerability but indicated no more than a "standard" youth justice intervention was required, meaning that contact between YOS & Sarah would be organised on a fortnightly basis. The critical areas of work were to continue to be undertaken with her Social Worker and the family support service and successful outcomes from these interventions were seen by the YOS case manager as likely to reduce Sarah's risk of re-offending.

The intervention delivered by YOS will, as a result, focus on Sarah:

- understanding why she succumbed to the temptation to take the money from her friend's home
- being aware of the impact of the offence on her friend and the resulting consequences for herself
- making an apology to the friend and her family with the objective to achieve, possibly via a referral to the local Mediation Service or via pastoral care at school, a reconciliation with the friend

Close collaboration between the YOS case manager and the Social Worker from Children's Social Services will ensure a suitable and proportionate response to Sarah's offending behaviour and to the reasons underpinning it.

The case manager will ensure that the intervention plan is supported by a Vulnerability Management Plan, outlining the CSS role and the support that will be invested by the Education representative based in YOS with the school to ensure Sarah's progress can be sustained.