

From: Sue Chandler, Cabinet Member for Integrated Children's Services

Matt Dunkley, Corporate Director of Children, Young People and Education

To: Children, Young People and Education Cabinet Committee – 16th November 2021

Decision No: N/A

Subject: HMIP Inspection of Youth Justice

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All

Summary: In June 2021, Her Majesty's Inspectorate of Probation (HMIP) undertook a full inspection of Kent Youth Justice Services. The report was published on 5th October 2021.

The service overall was rated by HMIP as Requires Improvement. The 12 elements which make up the overall judgements consisted of 2 Outstanding, 4 Good, 4 Requires Improvement and 2 Inadequate gradings.

Inspectors recognised the impact of Covid-19, however, they found some inadequate practice in the quality of assessments, to identify the risk of harm posed by children under their supervision, as well as the planning required to keep children and other people safe.

HMIP acknowledged that the outcomes were generally good for the young people, but more focus was needed in young people's plans on the safety of others affected.

The HMIP report stated that the inconsistencies are "*relatively straightforward to solve*" and believe that improvements "*will be achieved quickly and effectively*".

Recommendation(s): Children, Young People and Education Cabinet Committee is asked to NOTE the information and support the Youth Justice Improvement Plan.

1. Background Information

1.1. Statutory Youth Justice Partnerships

- 1.1.1. Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the statutory partners identified in Section 38 (1, 2) [the local authority (Children's Social Work Services, Education and Early Help and Preventative Services), the Police, the National Probation Service, and Health] to form a Youth Offending Team.
- 1.1.2. Additional partners cooperate in Kent to form the 'partnership', including Her Majesty's Courts and Tribunals Service (HMCTS), the Secure Estate, the Police and Crime Commissioner (PCC) and voluntary sector providers.
- 1.1.3. The principal aim of the partnership is to prevent offending and re-offending by children and young people.

1.2. Kent County Youth Justice Board (CYJB)

- 1.2.1. The Kent Youth Justice Partnership is governed by a Board of partners, chaired by the Corporate Director Matt Dunkley. The Board aims to ensure effective delivery of services to prevent youth crime by:

- Securing and monitoring financial, estates, personnel, strategic planning, effective practice delivery and data management resources
- Championing the provision of effective services for young people at risk of offending or reoffending within their own partner agencies and those agencies they work with
- Steering delivery including contributing to and approving an annual Youth Justice Plan
- Holding each other to account for partnership performance
- Monitoring and scrutinising service performance against the following:
 - reducing reoffending
 - reducing first-time entrants to the youth justice system
 - reducing the use of custody
 - quality and standards
- As well as key elements of effective practice, policies, procedures, local targets, inspections, and feedback from sentencers, partners, service users, staff, volunteers and victims
- Participating in self-assessment and ensuring a QA process identifies strengths and weaknesses
- Driving continuous service improvement

- 1.2.2. An annual youth justice workshop, involving Board members, and partners, considers key strategic and operational issues impacting on youth justice and informs the priorities for the annual Youth Justice Plan.

1.3. The National Youth Justice Board (YJB)

- 1.3.1. The YJB are an executive non-departmental public body sponsored by the Ministry of Justice, with responsibility for overseeing the youth justice system in England and

Wales.

1.4. The Role of HM Inspectorate of Probation (HMIP)

- 1.4.1. Her Majesty's Inspectorate of Probation is the independent inspector of youth offending and probation services in England and Wales. HMIP inspect and report on the effectiveness of probation and youth offending service work with adults and children.
- 1.4.2. HMIP's inspection of Kent in June 2021 was the end of a four-year programme of youth offending service inspections, so Kent should not expect another HMIP inspection within the next four years.

2. **HM Inspectorate of Probation Standards**

2.1. The inspection methodology is summarised below, linked to the three domains in the standards framework:

2.1.1. Domain 1: Organisational Delivery

The following four standards are judged by the evidence submitted in advance (key documents, policies, strategies, guidance, minutes), the presentation to HMIP by the Board Chairs and the Head of Service, and a range of focus group discussions and surveys with the workforce and key partners.

- i. Governance and Leadership
- ii. Staff
- iii. Partnership and Services
- iv. Information and Facilities

2.1.2. Domain 2: Court Disposals

HMIP audited 39 court disposal cases to inspect against these four standards.

- i. Assessment
- ii. Planning
- iii. Implementation and Delivery
- iv. Review

2.1.3. Domain 3: Out of Court Disposals

HMIP audited 26 out of court disposal cases to inspect against the four standards.

- i. Assessment
- ii. Planning
- iii. Implementation and Delivery
- iv. Review

2.2. Ratings Explained

- 2.2.1. For each standard in domains 2 and 3, inspectors judge against key questions about different aspects of quality. For example, assessment has three strands: assessment of risk of harm to others; of the safety and well-being of the child; and of desistance.
- 2.2.2. For each standard, the rating is aligned to the lowest banding at the key question level (a 'limiting judgement').

2.2.3. The HMIP framework assesses 12 standards, grouped under 3 domains. Each standard is scored on a 0-3 scale and then added together to produce an aggregate score and overall rating on a 0-36 scale:

Table 1: HMIP Youth Justice Inspection Scoring and Ratings

Lowest Banding (key question level)	Score per Standard	Aggregate Score	Rating (Standard)
Minority: <50%	0	0-6	Inadequate
Too few: 50-64%	1	7-18	Requires Improvement
Reasonable majority: 65-79%	2	19-30	Good
Large majority: 80%+	3	31-36	Outstanding

3. HMIP Media Statement

3.1. Alongside publication on 5th October 2021, HMIP released a statement to local and national media, and on social media stating:

3.1.1. *Impact of Covid-19 ‘considerable’ as Kent Youth Justice Service (YJS) rated as ‘Requires Improvement’. The Inspectorate gave the YJS an overall rating of ‘Requires Improvement’ but noted that the fieldwork for the inspection reflected a ‘difficult period’ for practitioners.*

3.1.2. *We found inconsistencies in the level of management oversight and in the support offered to new staff. Improvements were also required in the quality of assessments, to identify the risk of harm posed by children under their supervision.*

3.1.3. *However, they have strong leadership and where we have made recommendations to strengthen the service, we have every confidence these will be implemented quickly and effectively.*

3.1.4. *Inspectors praised Kent YJS for its work during the Covid-19 pandemic and noted that it had continued to provide children with consistent access to essential services, such as in-person group sessions and educational and health support.*

3.1.5. *However, where the service may have excelled in supporting desistance, in too many cases its planning to keep children and other people safe did not meet the standards expected.*

3.1.6. *There is a lot for Kent YJS to be proud of – it demonstrates outstanding commitment to integrated services, partnerships and to ensuring children under its supervision have access to appropriate facilities. The inconsistencies should be relatively straightforward to solve.*

3.1.7. *The inspection noted the success of (youth) justice participation apprentices, who speak to children supervised by the YJS – the aim is to channel the voice of children into strategic and operational decisions. This was seen to boost the already solid work of the service in including children, and their families, in a positive and*

supportive way.

3.1.8. Mr Russell concluded: *The accomplishment of the service in their work with children and understanding their needs, is countered with discrepancies in the quality of assessment and planning, and the priority given to protecting victims. A successful balance is required to move the service into an overall rating of 'Good'. Service leaders demonstrated their determination to progress, so this should result in the improvements required.*

3.1.9. HMIP noted the work of the service to support the desistance of offending amongst children as “excellent”. This is further reflected in Kent’s rate of re-offending of (34%) being lower than the national average (38%).

4. Coronavirus Context

HMIP’s report introduction states that “Covid-19 has had a sustained impact in Kent”. While the global pandemic is not the sole reason for the weaknesses identified by HMIP it does give context to some of the challenges felt by practitioners.

5. HMIP Inspection of Kent Youth Justice

5.1. In June 2021 Her Majesty’s Inspectorate of Probation (HMIP) undertook a full, virtual, 2-week inspection of Kent Youth Justice Services. Week 1 scrutinised ‘evidence in advance’ and during week 2 (21-25 June), inspectors undertook fieldwork, comprising stakeholder engagement and case work interviews and audits.

5.2. Summary of HMIP ratings of Kent Youth Justice

Table 2: Summary of HMIP’s Ratings of Kent YJ Against the 12 Standards

Overall Judgement: Requires Improvement	
Domain 1: Organisational Delivery	
1.1 Governance and Leadership	Good
1.2 Staff	Requires Improvement
1.3 Partnerships and Services	Outstanding
1.4 Information and Facilities	Outstanding
Domain 2: Court Orders	
2.1 Assessment	Inadequate
2.2 Planning	Inadequate
2.3 Implementation and Delivery	Good
2.4 Reviewing	Requires Improvement
Domain 3: Out of Court Disposals	
3.1 Assessment	Requires Improvement
3.2 Planning	Requires Improvement
3.3 Implementation and Delivery	Good
3.4 Joint Working	Good

5.3. Key Findings

5.3.1. **Domain 1:** HMIP note that leadership of Kent Youth Justice, the partnership and the Board are all “strong”, citing that “they have shown an impressive commitment to continuing work on their strategic priorities throughout the Covid-19 period, adapting services to strengthen provision where possible. Children reap the benefits of an effective partnership that has the interest, evidence, and resourcefulness to provide a range of evidence-based initiatives, such as the district contextual safeguarding process and serious youth violence project”.

- Practitioners are passionate about their work with children.
- The Kent County Youth Justice Board works effectively; it is well-established, with systems in place to make sure that members understand their roles and responsibilities.
- Strategic leaders across the partnership are decisive and work cohesively to understand and meet the needs of children in the community and in custody.
- The board has an impressive focus on ‘what works’, implementing evidence-based, integrated and innovative initiatives to reduce offending.
- Partners have a genuine interest in understanding and addressing over-representation, especially among children who identify as black, Asian and minority ethnic.
- Partners demonstrate their commitment to listening and responding to the views of victims and children.
- The (youth) participation apprentices provide a good practice model for implementing creative initiatives to strengthen service development.

5.3.2. However, despite the evident commitment to do the best for children, Kent YJS has been unable to sustain an effective approach to case management during the pandemic period”.

- Not all staff have sufficient knowledge and skills to manage the cases allocated to them.
- Some practitioners have considerable workloads.
- Case allocation does not consistently take enough account of the diversity of children.
- Information does not always cascade effectively from the senior leaders to practitioners.

5.3.3. **Domain 2:** HMIP found “enthusiastic practitioners working in a holistic way with families and being appropriately creative and child centred to support positive change. Out-of-court decision-making panel meetings exemplified effective practice, and the additional offer of support attached to informal community resolutions provided the opportunity to work with children whose behaviour might otherwise have escalated. Practitioners work well with their partners to support desistance and help children access appropriate interventions and services”

- The YJ service recognised the link between building relationships and successful outcomes and focused on this appropriately.
- Practitioners worked hard and creatively to maintain meaningful service provision.

- A holistic, strengths-based and solution-focused approach was embedded as normal practice.
- A case formulation 4Ps approach (predisposing, precipitating, perpetuating and protective factors) was used routinely to understand the child's lived experience and how this influenced behaviour.
- In some of the most complex cases, youth justice workers were responsive and insightful, reviewing progress and working well in partnership with the complex adolescent harm management process to address escalating issues.

5.3.4. However:

- There was a lack of consistency in the quality of case management across teams.
- Youth justice workers did not analyse all the factors in a case deeply enough to understand how to support a child's safety and wellbeing and protect victims.
- Underestimation of the risks to the safety and wellbeing of the child and other people affected the quality of planning to address these.
- Work to keep victims safe was not given enough priority.
- There was too little effective management oversight of casework.

5.3.5. **Domain 3:** Overall, work to support desistance was of a high standard.

- The strengths-based, family approach used for out-of-court disposals enabled practitioners to take a responsive, holistic approach to their work.
- The YJ service contributed good-quality information and recommendations to the out-of-court disposal joint decision-making panel.
- Practitioners tailored the implementation of each out-of-court disposal to the needs of the individual case, making sure that this was proportionate to the type of disposal.
- Work to implement informal community resolutions was of consistently good quality.
- Children were supported well to improve their access to education, training, and employment.

5.3.6. However, assessments were too narrow in their focus and lacked analysis of important information.

- There was too little focus on understanding the level and nature of need relating to safety and wellbeing, and the risk of harm that children posed to others.
- Planning did not include appropriate contingency measures to protect the child and others should circumstances in the case change.
- Overall, work to keep others safe required improvement.
- HMIP had concerns that opportunities were being lost to divert children away from the criminal justice system and into services better able to meet their needs.

6. HMIP Recommendations

6.1. HMIP made 6 recommendations to Kent's Youth Justice Service:

- i. Practitioners have the time, knowledge and skills to meet the needs of their cases
- ii. Assessment and planning to keep the child and others safe are thorough and give sufficient focus to protecting victims
- iii. Oversight of case management is applied consistently
- iv. Staff appraisals are timely and add personal and professional value
- v. Staff at all levels understand the activities of the Board (invite observation)
- vi. The partnership Board assures itself that out-of-court disposal decisions are proportionate, and that voluntary outcomes maximise opportunities for support without children being criminalised.

7. Improvement Plan

7.1. The overall requires improvement judgement and the specific failings in assessment and planning which make those gradings inadequate has been a very tough and salutary message to hear. We are absolutely committed to addressing the areas found to be inadequate as a matter of urgency and have begun to do so.

7.2. The service submitted an Improvement Plan to HMIP on 19.10.2021, (attached in full as an appendix to this report), to address HMIP's 6 recommendations as well as each of the areas for improvement identified in the body of the report.

7.3. The action plan has been drafted with the support of key delivery partners, the Directors Management Team, County Youth Justice Board, the senior Youth Justice leadership team, Quality Assurance Professional Standards and Safeguarding, and Information & Intelligence. It has been presented to the YJ workforce and the divisional management team and draws on the expertise and corporate strategies within KCC, partner expertise and experience, and structural service development and learning. The plan will be iteratively updated to reflect progress and workforce development as we travel on our improvement journey.

7.4. The Improvement Plan focusses on 5 key areas of strategic and operational development:

- Creating the capacity and functionality to lead, drive, monitor and assure senior managers and the CYJB of operational service improvements, with a particular focus on case management compliance and management oversight with KCC and YJB policy, guidance, and standards.
- Ensuring that processes and practice for the assessment and planning of risk of harm achieve the required standards to keep young people and their communities safe from harm.
- Ensuring that the capacity and development needs of the workforce are understood, and that quality opportunities achieve the development and embedding of appropriate and improved (practitioner and manager) confidence, skills, and knowledge. Ensuring that staff are supervised and supported to the standards required to manage risk of harm effectively.

- Enhancing communication and engagement between the workforce, managers, senior leaders and the CYJB.
- Developing a proportionate early intervention offer, with joint decision making between the Police and the Local Authority, as an alternative to the imposition of informal and unilateral Out of Court Disposals (informal Community Resolutions).

7.5. Summary of Key Actions:

- Recruit a dedicated operational YJ Service Manager.
- Lead an HMIP improvement 'engagement and development roadshow' series of learning and engagement events with staff and partners which ensures that all staff are proficient and confident in the assessment and planning for the management of risk.
- Build on the work of the new victim service to ensure that robust and meaningful interventions with victims and perpetrators highlight the impact of offending on victims.
- Create and launch a 'YJ Listening' Engagement and Communication Strategy
- Implement Outcome 22 with Police and partners (which provides a diversionary and preventative non-disposal).
- Implement the full Information and Intelligence capability to maximise Core Plus tools and reporting functionalities.
- Develop a bespoke scorecard including key performance indicators to provide assurances for the county and national board.
- Enhance assurance and integration through a refreshed joint auditing and moderation framework with the Quality Assurance Service.
- Refresh the workforce development plan and align it to the Kent Academy to maximise existing Integrated Children's Services (ICS) and YJ bespoke opportunities and methodologies (coaching, shadowing, training, communities of practice, forums, and apprenticeships, specifically to achieve required standards of assessment and planning to manage risk of harm and ensure that all youth justice staff are able to evidence the impact of their learning through their practice with young people.
- Review structural components (roles, responsibilities, progression, succession planning and capacity) to understand performance deficits and inform future staffing developments.

7.6. All actions and progress will be overseen by the Corporate Director, the Director with responsibility for Youth Justice, and the Youth Justice partnership, via the County Youth Justice Board.

8. Appendices

8.1. Kent Youth Justice Service HMIP Inspection Published Report

8.2. Kent Youth Justice Improvement Plan

Recommendation(s): Children, Young People and Education Cabinet Committee is asked to NOTE the information and support the Youth Justice Improvement Plan.

Report Authors

Dan Bride

Job title: Assistant Director

North & West Kent Adolescent Services
and Youth Justice Head of Service

Telephone number: 03000 411732

Email address: dan.bride@kent.gov.uk

Relevant Directors

Stuart Collins

Job title: Director of Integrated Children's
Services (West Kent and EHPS Lead)

Telephone number: 03000 410519

Email address:

stuart.collins@kent.gov.uk

Background Documents

None