

Corporate Parenting Panel

19 July 2024

Youth Justice Service Update (Children in Care in the YJ System, First Time Entrants to the YJ System & Transfers from Police Custody under PACE)



Report of Dave Summers, County Durham Youth Justice Service Manager

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 This report provides an update on the work of County Durham Youth Justice Service (CDYJS), with a focus on young people who are also in care, our work to prevent young people from entering the youth justice system for the first time (FTEs) and transfers of young people from police custody to Local Authority accommodation under the Police & Criminal Evidence Act 1984 (PACE).

Executive summary

- 2 CDYJS supervises all young people sentenced by the courts, all young people receiving a police caution and all young people remanded in secure accommodation awaiting trial/sentence. In addition, CDYJS also operates a Triage process and a Pre-Caution Disposal process which provide police officers with an alternative to 'formal' police action. All young people falling into any of these categories (with the exception of Triage) are fully assessed to ascertain their risks of reoffending and/or harm to others and their needs. An intervention plan is then produced which, in the case of young people looked after, is developed and delivered in partnership with colleagues in Children's Social Care and elsewhere.
- 3 The Police and Criminal Evidence Act 1984 requires the transfer of children who have been charged and denied bail, pending their first court hearing, to more appropriate Local Authority accommodation, with a related duty in the Children Act 1989 for Local Authorities to accept these transfers. Section 11 of the Children Act 2004 requires both police and Local Authorities to have regard to the welfare and protection of

children, and in 1991 the UK ratified the UN Convention on the Rights of the Child, agreeing that custody be used “only as a measure of last resort and for the shortest appropriate period of time”.

- 4 On average, around **15%** of the cohort of young people supervised by CDYJS are in Care. At the end of May 2024, that amounted to **25** young people out of a total cohort of **162**.
- 5 ‘First Time Entrant’ (FTE) refers to those young people receiving a caution or conviction for the first time. The latest available data shows **115** young people becoming an FTE in 2023/24. This is a rate of **252** per 100,000 10-17 year olds and is a 40% increase on the previous year. This compares with the Northeast average rate of 178 and a ‘Family Group’ rate of 201. An Improvement Plan has been developed with partners to work to reduce the number of FTEs.
- 6 During 2023 - 2024, Durham Constabulary made 17 requests to DCC for the transfer of young people, detained awaiting hearing in Remand Court, to local authority accommodation. 13 of those requests were met by DCC, the remaining young people being held in police custody until their court hearing.

Recommendation

- 7 Corporate Parenting Panel is recommended to:
 - (a) Note the content of this report

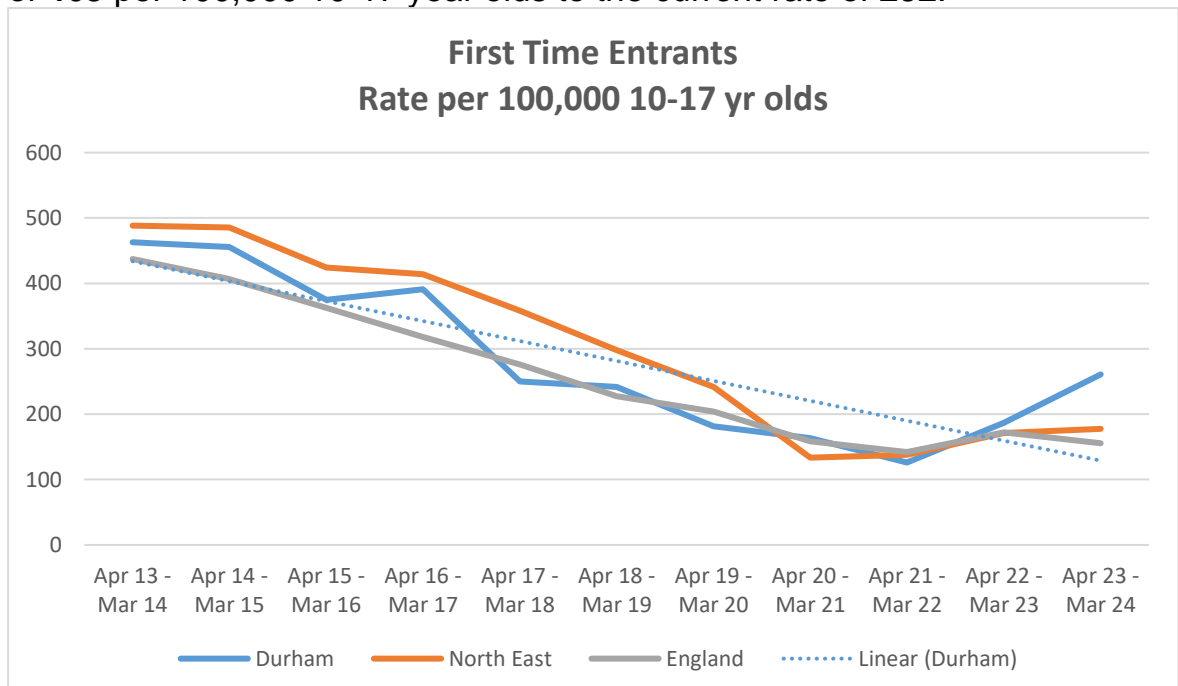
Background

8 County Durham Youth Justice Service (CDYJS), a statutory multi-agency partnership, is part of Children and Young People’s Services, Durham County Council, and is managed by them on behalf of the statutory Management Board. A range of agencies second or deploy staff to CDYJS, these are:

- Durham County Council
- Durham Constabulary
- Probation Service, County Durham & Darlington
- Tees, Esk & Wear Valley NHS Foundation Trust (Funded by ICB, PCC)
- Harrogate & District NHS Foundation Trust (Funded by Public Health)
- Humankind (Funded by Public Health)
- North Tees & Hartlepool Hospitals NHS Foundation Trust (Funded by ICB).

First Time Entrants (FTE)

9 Between April 2013 and Mar 2024, we have achieved a **43.6% reduction** in first time entrants to the youth justice system, from a rate of **463** per 100,000 10-17 year olds to the current rate of **252**.



10 This compares to a North-East average rate of 177.7 and a National average rate of 155.7 per 100,000 10-17 year olds.

- 11 As can be seen from the above graph, there has been an increase in FTEs in the past two years and the development and implementation of an improvement plan is a priority for the partnership in 2024/25.
- 12 In order to ensure improvement in performance in respect of first-time entrants to the youth justice system we have:
- Reviewed, amended and embedded our out-of-court processes in conjunction with Durham Constabulary and One Point Service (Early Help).
 - Developed an escalation process for disagreements in decision making
 - Ensured greater coordination between 'on-street' restorative approaches by police and CDYJS interventions.
 - Implemented a new YJB assessment tool.
 - Undertook a review of service structure and restructured, including greater collaboration with early help colleagues.
- 13 CDYJS takes the view that whilst diversion from caution or prosecution of young people, when appropriate, is the preferred option; this can only be justified if there is a meaningful intervention, by CDYJS and other agencies working together with the young person which aims to reduce the risk of reoffending. Therefore, CDYJS provides the Pre-Caution Disposal (PCD), under which a full assessment of the young person is undertaken, and an intervention programme implemented. Currently, around 75% of young people receiving a PCD do not go on to reoffend.

Young People in Care

- 14 Currently, 15% of the cohort of young people supervised by CDYJS are young people in Care. These include young people who are in Care because of their involvement with the youth justice system through being remanded to youth detention accommodation (secure) whilst awaiting trial or sentence.
- 15 During 2023 – 2024, Remand bed nights (Remands to Youth Detention Accommodation) at **464 nights** (10 young people). Each case where a young person was remanded to youth detention, has been reviewed and in all cases the remand to youth detention was considered appropriate due, mostly, to the seriousness of the offences but also due to the offending history of the young person.
- 16 Case Managers from CDYJS, including Social Workers, assess and plan in respect of young people, jointly with colleagues from Children's

Social Care and other agencies when a young person is looked after. The aim of joint planning is to ensure that decisions taken in respect of the care of a young person, in a looked after review for example, consider the impact that decision may have on the risk of reoffending and to ensure that the care needs of looked after young people are given full consideration in sentence planning.

- 17 We previously undertook a quality audit/review, jointly with colleagues in Children's Social Care and lead by a researcher from Cardiff University, of our work in respect of young people who are looked after to ensure that they are not unnecessarily criminalised for their behaviour compared to young people who are not looked after. This provided us with assurance about processes and practice and resulted in improvements in our joint working.

Transfer under PACE

- 18 Under the Police and Criminal Evidence Act 1984, the detention of a child in Police custody, after charge and whilst awaiting their first court hearing, is permissible only where exceptional circumstances prevent movement (such as extreme weather conditions) or where the child is deemed to pose a risk of serious harm to the public between being charged and appearing at court and no Local Authority secure accommodation is available.
- 19 Once a Custody Officer has determined that a child is to be charged and detained pending their appearance at court, they must decide whether the child poses 'an imminent risk of serious harm to the public'. If it is decided this applies to the child, then they must request the Local Authority accommodate the child, until the court hearing, in secure accommodation. If the Local Authority is unable to identify any available secure accommodation (or it is 'impracticable' to transfer), then the Police may detain the child in Police custody. If the Custody Officer decides that the child does not pose an imminent risk of serious harm, then they must request the Local Authority accommodate the child in 'none-secure accommodation'.

Conclusion

- 20 The numbers of First Time Entrants to the youth justice system has shown increases locally, regionally and nationally however not to the same extent as seen in Durham. Having reviewed the causes of this increase, we believe it is largely driven by a focus on dealing with 'neighbourhood crime' in localities, resulting in greater number of arrests of young people. The impact of a criminal record on the prospects of a young person, should not be under-estimated and is never positive. The aim of our work to reduce first time entrants is to ensure that only those young people for whom there is no acceptable

alternative (due to the seriousness of the offence and/or offending history) are those who are cautioned or prosecuted at court.

- 21 In respect of our work with young people who are looked after by the Local Authority and those transferred from Police custody to secure accommodation under PACE, the evidence suggests that we are operating processes that meet the needs of young people as well as manage the risks they may present to communities.

Background papers

- County Durham Youth Justice Plan 2024 - 2025

Authors

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Appendix 1: Implications

Legal Implications

None

Finance

None

Consultation

None

Equality and Diversity / Public Sector Equality Duty

None

Climate Change

None

Human Rights

None

Crime and Disorder

The statutory duty of County Durham Youth Justice Service is to prevent offending by children and young people.

Staffing

None

Accommodation

None

Risk

None

Procurement

None