

## **Divisions Affected -**

# **EDUCATION & YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE – 20 September 2024**

## **Report by Executive Director of People and Transformation**

### **RECOMMENDATION**

The Education and Young People's Scrutiny Committee is **RECOMMENDED** to note and provide any comments and recommendations (for Full Council) on Oxfordshire's Youth Justice Annual Plan for 2024/5 in appendix 1.

### **Executive Summary**

1. Section 40 of the Crime and Disorder Act 1998 sets out the local authority statutory duty following consultation with key partner agency organisations, to formulate and implement an annual youth justice plan setting out:
  - The youth justice provision and delivery of services
  - How the youth justice service is composed and funded, how it operates, and the functions it carries out.
2. Youth Justice Services (YJS) are multi-disciplinary teams set up under the Crime and Disorder Act 1998. The Act places a duty on local authorities and statutory partner agencies (Police, Health & Probation) to co-operate to secure appropriate Youth Justice Services within the local authority area with a primary aim of preventing offending by children and young people.
3. Other relevant legislation includes the Powers of Criminal Courts (Sentencing) Act 2000, Police and Criminal Evidence Act 1984 (PACE) codes of practice the Criminal Justice and Immigration Act 2008 and Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).
4. His Majesty's Chief Inspector of Probation has responsibilities that are set out in Section 7 of the Criminal Justice and Court Services Act 2000, as amended by the Offender Management Act 2007 section 12(3)(a). The legislation requires the Chief Inspector to inspect (section 1) and report to the Secretary of State (section 3) on the arrangements for the provision of probation services. Under Section 7(6) of the Criminal Justice and Court Services Act 2000, HM Chief Inspector of Probation is also conferred to inspect and report on youth justice services.

5. Oxfordshire's Youth Justice Services' last inspection by HM Inspectorate of Probation (HMIP) was published in May 2020, receiving an overall rating of 'Good', with outstanding judgements for partnership and services, and out of court domains.

### **Annual Youth Justice Plan**

6. Guidance for youth justice services (Youth Justice Board, 2024) set out considerations for youth justice partnerships on both the content and structure of the youth justice plan; and asks for reflections on how the service takes a strength-based approach in delivering a "Child First" justice system.
7. A "Child First" justice system means youth justice plans prioritise the best interests of children, recognising their unique needs and potential. Plans are to promote prevention, diversion, and interventions with an aim to minimise criminogenic stigma attached to children's contact with the criminal justice system.
8. Using "Child First" principles Oxfordshire's annual youth justice plan for 2024/5, sets out how the service promotes the development of a pro-social identity for sustainable desistance through building of supportive relationships that empower children to make positive contributions to society and encourage children's active and meaningful participation, engagement, and social inclusion.
9. Oxfordshire's Youth Justice Plan 2024/25 was developed in consultation with the key stakeholder organisation representatives of the Youth Justice Management Partnership Management Board responsible for:
  - Oversight and strategic leadership in developing vision or youth justice service and delivery arrangements.
  - Ensuring the YJS operates according to 'Child First' principles.
  - Determination of how service composition and its funding arrangements.
  - Operational delivery and function.
  - Performance monitoring.
  - Listening to Children's voices.
  - Formulation and implementation of the Youth Justice Plan.
  - Strategic oversight of the standards for children in the youth justice system (YJB, 2019).
  - Oversight in completing actions arising from the Youth Justice Plan and audits of performance.

- Developing and monitoring plans arising from HMIP findings to address areas identified for improvement.
  - Escalating challenges with partner organisations to ensure children receive the services or provision they require.
10. Oxfordshire's Annual Youth Justice Plan 2023-25 covers both strategic and operational delivery arrangements. It provides an introduction, vision, and priorities alongside local context of the service and delivery environment summarising performance against Oxfordshire's Youth Justice Plan in the preceding year 2023/24.
11. The plan sets out four key strategic priorities agreed by the partnership for 2024/5 in further refinement of its priorities from the preceding years plan, alongside local trends, performance and expected outcomes:
- Reducing our First Time Entrants (FTE) rate.
  - Tackling exploitation of children in Oxfordshire.
  - Tackling serious youth violence in Oxfordshire.
  - Improving outcomes for children with Special Educational Needs & Disabilities (SEND) in the criminal justice system in Oxfordshire.
12. Oxfordshire's Annual Youth Justice Plan 2023-25 was submitted to the Youth Justice Board for approval in June 2024.

## **Outcome measures**

13. Oxfordshire's Youth Justice Service uses a suite of performance information to support decision making, including local and regional and national datasets, self-assessment, audit. Insights are contained within the performance data contained within its Annual Youth Justice Plan 2024/5, monitored by Oxfordshire's Youth Justice Management Partnership Board.
14. The Youth Justice Board standards and publications of data are against thirteen youth justice national performance indicators in mandatory reporting requirements for youth justice partnerships:
- **First time entrants to the youth justice system**, young people aged 10 to 17 years receiving a pre-court disposal or conviction. This data is published quarterly per local authority area, for a rolling 12 months and is taken from the Police National Computer (PNC). The FTE figure is compared with the same quarter of the previous rolling 12-month period.
  - Diverting children away from crime and the criminal justice system remains a key national and local priority. Oxfordshire's recent performance has been less than that of comparable areas. It is a high priority for the service and board focus in

2024/25 and we are determined in our ambition to turn this position around through implementation of improvement plans for its achievement. Recent analysis of the local areas cohort of FTE's is already informing opportunities to put children on a different pathway than their initial offending might be predicting.

- **The binary reoffending rate**, frequency and binary re-offending data is published quarterly per local authority area, comparing rolling 12- month data in the preceding 2 years with data from past 3 years, taken from PNC. The binary figure relates to the percentage of young people in the cohort who reoffend, and the frequency figure relates to the number of re-offences per young person.
- **Use of custody**, specifically the number of young people per 1,000 of the 10 to 17 population receiving custodial sentences. compared to the number of children who received a custodial sentence in the same quarter during the previous year.
- **Suitable accommodation** at the start and end of the order by type of order. Additionally, for those leaving custody, it seeks to identify timescales for securing appropriate accommodation in resettlement planning back in the community in exit planning for children's release from serving remand or sentence in custody. The service requirement is recording the number of children in the community and being released from custody into suitable or unsuitable accommodation arrangements
- The number and proportion of children in **Education, training, and employment (ETE)** by suitability, ETE provision type and type of order for children of school age and children above school age, number of learning hours offered and attended.
- The number of children with **SEND** by type of order, whether they have a formal plan in place and in suitable Education, training, or employment provision.
- The number of children screened or assessed to understand for response meeting their **mental health and emotional wellbeing needs**. For children who are already in an arrangement to support their mental health and emotional wellbeing, is the support plan in place.
- The number of children with a screened or identified need for an intervention or treatment to address **substance misuse** and of that, the number of planned/offered treatment and numbers of children attending intervention/treatment.
- **Out of court disposals**, specifically the number of children with interventions ending in the period, the number of children who completed intervention programmes in the quarter and the number of children who did not complete intervention programmes in the quarter.
- The number of **children classified as being care experienced** (known in statute as a 'Looked After Child'), a '**Child in Need,**' subject of a '**Child Protection Plan,**' '**Early Intervention Plan**' or referred to **Early Help**.

- **Management board attendance**, specifically the number of senior partners attending quarterly meetings, and of those, senior partners organisation provision in presentation of data identifying areas of disproportionality.
- The number of children cautioned or convicted of **Serious Violence** on the caseload.
- The number of **victims** resulting from offences committed by children on the caseload, the number contacted, and the number engaged in restorative justice opportunities and responses to those who requested and were provided further information and support.

## Corporate Policies and Priorities

15. Oxfordshire's Youth Justice plan aligns with delivery of the council's corporate strategy priorities to: Tackle inequalities in Oxfordshire and create opportunities for children and young people to reach their full potential.

## Financial Implications

16. Oxfordshire's production of its Annual Youth Justice Plan is a requirement of the Youth Justice Board's (YJB) grant terms and conditions and is necessary for securing ongoing grant funding. The annual completion and sign off the YJB annual grant audit certificates by the local authority S151 officer ensures committed spend of funding from grant income for service delivery and its provisions. It is also a requirement of the terms and conditions of the YJB Grant.
17. The grant is provided by the Youth Justice Board under its power in section 41 of the Crime and Disorder Act 1998. The funding period this year commenced 01/04/2024 and ends on 31/03/2025, unless terminated earlier in line and accordance with the Grant Funding Agreement
18. Oxfordshire's Youth Justice Partnership Management board responsibility ensures the deployment of appropriate resources to meet the changing demands of the cohort, and to increase preventative and out of court disposal interventions.
19. The Youth Justice Service also receives funding from of other sources, which support staffing costs, programmes, and activities across the team to support the children. Partners contribution of staff also forms part of their contribution to supporting the effective delivery of the Service.
20. As an accountable and publicly funded body, the Youth Justice Management Partnership Board is committed to ensuring value for money in delivery of service and its provisions in robust budget management and effective delivery.

Comments checked by:

Jane Billington  
Strategic Finance Business Partner – Children's Services

## Legal Implications

21. Section 40(1) of the Crime and Disorder Act 1998 ("the Act") provides that: (1) It shall be the duty of each local authority, after consultation with the relevant persons and bodies, to formulate and implement for each year a plan (a "youth justice plan") setting out: (a) how youth justice services in their area are to be provided and funded; and (b) how the youth offending team or teams established by them (whether alone or jointly with one or more other local authorities) are to be composed and funded, how they are to operate, and what functions they are to carry out.
22. Further, by section 40(4) of the Act, the local authority must submit their annual youth justice plan to the Youth Justice Board under section 41 of the Act and shall publish it in such manner and by such date as the Secretary of State may direct.
23. In accordance with Regulation 4(1) and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Plan is to be referred to Full Council for ultimate consideration and adoption.

There are no direct potential legal implications contained within this report.

Comments checked by:

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## Equality & Inclusion Implications

24. Pursuant to the Equality Act 2010, the Council and key stakeholder organisations exercising public functions on its behalf must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act to: advance equality of opportunity between those with and without a protected characteristic; and promote good relations between those with and those without.
25. The broad purpose of the duty fulfilment of its duty is its considerations in integrating equality into its everyday business, for constant review in decision making, design of policies and service delivery.
26. There is well documented evidence of racial disproportionality in the criminal justice system for children and adults. Oxfordshire's Youth Justice Management Partnership board regularly monitors disproportionality in performance data, as set out in its Annual Youth Justice Plan. Oxfordshire's youth justice services for children remains committed to being sensitive in its response to the protected characteristics of all children receiving Youth Justice Services in Oxfordshire.

## **Sustainability Implications**

27. There is no current sustainability implications associated with either the contents or recommendations of this report.

## **Risk Management**

28. Oxfordshire's Youth Justice Management Board's Risk Register of service risk issues and mitigating actions identified for 2024-25 is monitored at quarterly Board meetings is set out in its Annual Youth Justice plan on page 19.

**Lisa Lyons**  
**Director of Children's Services**

Appendix 1: Oxfordshire Annual Youth Justice Plan 2024/5

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