

TELFORD & WREKIN COUNCIL

CABINET - 28th JUNE 2012

TITLE – YOUTH OFFENDING SERVICE (YOS) REVIEW

**REPORT OF ASSISTANT DIRECTOR OF FAMILY AND COHESION
and CABINET MEMBER FOR CHILDREN & YOUNG PEOPLE**

LEAD CABINET MEMBER – CLLR PAUL WATLING

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 To determine the most appropriate service model for providing an effective Youth Offending Service (YOS) which meets the Council's priorities and statutory obligation.

2. RECOMMENDATIONS

- 2.1 That work should progress to establish a distinct core model for a West Mercia Youth Offending Service (YOS) and to consider the optimum delivery mechanisms for non core services using a commissioning approach.
- 2.2 That West Mercia Probation Trust as our partner to provide a "clinical lead" for a core YOS, as part of the transition process, is agreed as the preferred way forward, and that implementation should proceed to achieve this. That the Director of Children's Services is given delegated authority to negotiate and agree the terms of this agreement in consultation with the portfolio holder for Children, Young People and Families
- 2.3 That this arrangement is reviewed after 18 months; to allow exploration by the Local Authorities, jointly and individually; through the YOS Management Board, commissioning a single core YOS through a competitive process to secure a third party provider from year three, if that is the conclusion of the review.
- 2.4 That the Assistant Director: Law, Democracy and Public Protection be given delegated authority to sign or seal any such agreement

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Council priorities?	
	Yes	<i>If yes, please list relevant priority</i>

		<ul style="list-style-type: none"> • Vulnerable Children and Adults Protected and Improved Life Chances for All – Healthy & Positive Lifestyles - reduced risk taking behaviour and rates of reoffending • People Feeling Safe and Proud of Where They Live – Creating a Safer Community – promote and address crime through partnership working, ensure public protection and encourage people to take a greater role in their community and create a cohesive community
	<p>Will the proposals impact on specific groups of people?</p>	
	<p>Yes</p>	<p>Through greater integration of services and an increased emphasis on early intervention and prevention we will improve outcomes for children, young people and their families. This will have a positive impact on outcomes by reducing the number of first time entrants to the criminal justice system and reoffending rates for young offenders.</p>
<p>TARGET COMPLETION/DELIVERY DATE</p>		<ul style="list-style-type: none"> • Target Implementation Date – 1st October 2012 – Initial Phase • Target date for publishing detailed proposals to employees – 31st May 2012
<p>FINANCIAL/VALUE FOR MONEY IMPACT</p>	<p>Yes</p>	<p>The 2012/13 gross controllable budget, agreed by the YOS Board for the pan Shropshire YOS is £1.829m funded by a combination of partner contributions and grants from the Youth Justice Board. Telford & Wrekin contribution to the controllable budget is £489k, which reflects a £100k saving on the original contribution implemented in 2011/12. A further £18k needs to be saved to achieve a 20% reduction in the original Telford & Wrekin contribution. It is therefore estimated that controllable funding available for the recommended West Mercia model from Telford & Wrekin, including available grant funding, would be will</p>

		<p>be £875k for a full year. Close financial monitoring and control of costs will need to continue to ensure there are sufficient resources available to implement the transition and continuation of the service within the second half of 2012/13.</p> <p>Further work needs to be completed with other partners to ensure the required service can be met within these resources but it is anticipated that the greater integration, consistency of approach and the economies of scale which will arise from such a model will enable the Council's needs to be addressed within the proposed resource envelope. Changes in other Children's services with an emphasis on targeted early intervention and prevention may also impact on the level of need and therefore resource requirement.</p> <p>TAS 24.5.12</p>
<p>LEGAL ISSUES</p>	<p>Yes</p>	<p>Section 38 (1) of the Crime & Disorder Act 1998 ("the Act") places a duty on local authority to secure the provision of all youth justice services in their area. Interpretation of that section of the Act suggests that where a local authority so chooses, this allows it to engage with an external provider to <u>secure</u> the youth justice services, rather than to provide it itself.</p> <p>Lawyers from the Borough of Telford & Wrekin (the lead authority in partnership with Shropshire Council) , and Worcestershire County Council (the lead authority in partnership with Hereford County Council) have agreed that s38(3) (b) of the Act, provides an acceptable, low risk, method of obtaining the service provision via the West Mercia Probation Trust ("WMPT"). The intention is that fees payable to the WMPT will be drawn from a fund , established under the Act and maintained by the local authority, into which other 'partner, organisations</p>

		<p>contribute, with the service being provided under a 'partnership agreement.' As this process does not involve a formal procurement process there is a theoretical risk of a challenge but the respective views of the local authority lawyers is that this risk is low and that the approach is both reasonable and defensible.</p> <p>There should be a review of any contracts and arrangements which have previously been entered into by the YOS to assess what steps need to be taken to implement change.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>Other impacts/risk/opportunities include:</p> <ul style="list-style-type: none"> • A need to disaggregate the existing YOS (based upon a national funding allocation) and partner budgets • A need to manage protection arrangements for employee disaggregation and protection arrangement across partners • A need to manage partner relationships carefully • Through a YOS local authorities are responsible for funding and delivering all interventions for young offenders. Proposals provide a greater incentive to local authorities to develop preventative services and more effective alternatives to custody for young people.
HR Issues	Yes	<p>In addition to the usual formal consultation with trade unions and employees in the service area, it will be necessary to work closely with all partners to reach agreement on populating proposed new disaggregated structures in order to maximise the redeployment potential for employees and thus manage the risks, including the costs of any potential redundancies.</p>
IMPACT ON SPECIFIC WARDS	Yes	<p>Borough wide impact.</p>

PART B) – ADDITIONAL INFORMATION

3. INFORMATION

4.1 Current YOS situation

- 4.2 The Crime and Disorder Act 1998 requires a local authority to establish, in cooperation with partner agencies, one or more Youth Offending Teams (YOTs) for their areas. The Act also prescribes that a YOT should include representatives from probation, police, PCT or health and a local authority (specifically social workers and a nominated officer from education services). Each YOT should have a manager responsible for coordinating the work of youth justice services locally.

Telford and Wrekin Council meets this requirement through a joint arrangement, with Shropshire Council, hosted by this authority. This was formed in 2000. The primary functions of the Youth Offending Service are to prevent offending and reoffending by children and young people, to safeguard young people within the youth justice system and who are vulnerable to becoming victims of youth crime and to protect the public from harm. The service is overseen by a Management Board comprising senior managers from all of the partner agencies and is currently chaired by the Director of Children Services in Shropshire.

- 4.3 West Mercia has two Youth Offending Services. One covers Shropshire and Telford and the Wrekin, the other covers Herefordshire and Worcestershire. Both services perform well according to inspection reports and they have been effectively managed as joint services across Local Authorities. However, the landscape is changing for Local Authorities and in criminal justice thinking and it is timely to review how the service is delivered. The four Local Authorities, NHS, Police and Probation Trust in West Mercia have established a project to look at the options to do this, and to then support the implementation of a new service, in line with the preferred model chosen through the options appraisal. A project board comprising the Children's Services Directors from each Local Authority and a senior representative of the statutory partners for Youth Offending Services of Police, Probation, and NHS has been established to govern and direct the work of the project.
- 4.4 The key strategic issues (drivers for change) informing this project are:
- The challenging financial position and the need to use resources more effectively whilst continuing to secure effective services
 - Some Councils becoming commissioning bodies, rather than direct providers of services
 - The drive towards local service delivery across all sectors

- The focus on early intervention and prevention to achieve better outcomes for children and adults
- A renewed focus on work with troubled families
- The reduction in numbers of youth offenders, and use of custody

4.5 **Vision, Outcomes and Benefits**

4.6 The project board has established a vision which focuses on preventing youth crime, rather than simply responding to it. This places the Youth Offending Service at the heart of a wider system explicitly focused on prevention and diversion. This will lead to:

- A clear, joined up route for young offenders to obtain timely and appropriate services that integrate with other local services such as health, adult services, children's services, police, schools and others.
- Improved outcomes for young offenders including a reduction in reoffending rates and the use of custody, as well as better life outcomes as set out in Every Child Matters (to be safe, healthy, enjoy and achieve, make a positive contribution, achieve economic wellbeing)
- A viable single and efficient YOS for West Mercia
- Financial savings of at least 20% over a two year period to April 2015

4.7 **Principles for change**

4.8 The project board has also agreed a number of principles for change against which a number of delivery options have been tested. These include:

- Focus on outcomes - young offenders are children first, and although services are performing well, there is an aspiration to improve outcomes for young offenders
- Build on existing strengths of current services
- Collaborate to establish shared services across West Mercia where this needs to be consistent and requires specific expertise
- Make best use of scarce resources
- Apply intelligent, evidence based commissioning
- Maintain and develop local service delivery
- Develop strong leadership in regional criminal justice arrangements
- Ensure there is a strategic and operational fit with development of Prevention and Early Intervention services in Local Authority Services

5.0 **APPRAISAL OF OPTIONS**

5.1 The Youth Offending Service is a statutory service which must be established by the Local Authority in co-operation with other statutory

partners. The purpose of the service is:

- To co-ordinate the provision of youth justice services for all those in the area who need them
- To carry out those functions assigned in the Youth Justice Plan which is agreed annually by each Local Authority

5.2 To consider the options for creating a service across West Mercia, and determine what could be delivered at this level, and at a more local level, the activities (functions) have been defined according to whether they are statutory functions, and whether they specifically have to be undertaken by the Youth Offending Service.

The definitions are set out below (the proposed split of activities (functions) is shown in Appendix A):

Core - activities which are statutory youth justice services (involving assessment, case management, enforcement and court services) which have to be undertaken by a Youth Offending Team (YOT) Member or a YOT under statute,

Non core statutory - youth justice services which need to be available, but do not necessarily have to be undertaken by a YOT member or the YOT.

Non core non mandatory or discretionary - services which are relevant and currently delivered or co-ordinated by YOTs as the result of particular historical funding initiatives, national policy and guidance or local arrangements.

5.3 Two main delivery options have been considered. These are:

- An Integrated Youth Offending Service, incorporating all existing services, particularly statutory services.
- A core Youth Offending Service across West Mercia where a “clinical lead” is provided by the West Mercia Probation Trust, with non core services being commissioned or provided by the local authority.

5.4 The project board concluded that a core YOS across West Mercia with some commissioned non core services provides the best fit against the guiding principles set out in paragraph 4.8.

5.5. **Delivery of Core Service on a hosted basis**

5.6 The host agency will manage (provide a “clinical lead”) for the core services on behalf of the Local Authorities which have statutory responsibility for establishing the YOS for their area. This would be done under a formal partnership (managing agent) agreement, or under contract with each Local Authority if not hosted by a Local Authority, with appropriate governance through a new single YOS Management Board to ensure that the YOS is held to account for delivery at local level for each Local Authority, as well as at strategic level across West Mercia. Each Local Authority would need to

produce a Youth Justice Plan for its area, which would underpin the partnership agreement with the host.

- 5.7 Employment options for staff are being explored, through a formal employee consultation process. The key element is to establish a flexible workforce committed to a service across West Mercia, but with local delivery and engagement with a wider range of services.
- 5.8 Although some of the current non-core services may be able to be directly commissioned by a Local Authority (LA), or alternative arrangements made, it is likely that there will be some in-house provision remaining beyond the next six months. In the medium term it is most practical if the host agency also manages these as part of the YOS, within an appropriate management structure. This provides the opportunity for them to be managed on a West Mercia basis and to prepare for the future as commissioned services. It should be noted that it is envisaged that some non core services in Telford will be delivered by the existing Council teams.
- 5.9 The budget for the Core YOS and the remaining non-core services would be set in line with the size of the new service, probably hosted by a Local Authority to allow maximum flexibility around use of resources, and drawn down by the host agency.
- 5.10 The host is likely to need to provide contracting and procurement support to the YOS, as this function is not well developed, and the scale of commissioning does not warrant separate procurement services.
- 5.11 Establishing a hosted service on this basis is likely to be achievable by October 2012 in shadow format, with formal implementation from April 2013.
- 5.12 Two options have been considered for hosting the Core YOS
 - Core Service hosted by a single Local Authority
 - Core Service hosted by West Mercia Probation Trust (WMPT), achieved by WMPT assuming a clinical lead role, with the majority of staff continuing to be employed by each Council
- 5.13 Both options fit with the principles for change and are achievable. However, there are synergies and additional benefits from core service being hosted by WMPT. It is likely that greater savings can be made through these synergies, and the potential for integrated management of some services over time. This option is compatible with a longer term direction of travel for a new YOS Board to commission the core service from a third party following further review after 18 months.

6. **PROPOSAL**

- 6.1 Having considered the most effective approach, it is proposed that the best way forward is for West Mercia Probation Trust to provide a “clinical lead” for the core YOS, as part of the transition process, and that implementation should proceed to achieve this.
- 6.2 The arrangement will be reviewed after 18 months to allow exploration of commissioning the Single Core YOS through a competitive process to secure a third party provider from year three, if that is the conclusion of the review.
- 6.3 The effectiveness of the new service will be evaluated as part of implementing the commissioning cycle. Opportunities for formal, external evaluation of the new core YOS service for West Mercia will also be explored to support the review, given that there is no direct comparison, and it would be useful to ascertain what has been critical to success.
- 6.4. Non core services will be subject to a commissioning review to gather more information and determine the optimum range and delivery of these services, as well as the best commissioner for those services. The review will be completed before October, and a clear implementation plan drawn up by that time. The interim position for non core services will be as part of the Youth Offending Service, and aligned to the core. In Telford this review will consider opportunities for delivering some non core activities through existing Council services in order to remove overlap and duplication, to enable a “Think Family” approach to be adopted and to ensure an improved transition between services.
- 6.5 There is a commitment to establish a single IT and business systems approach. This will ensure consistency, and will generate efficiencies, though these are still to be determined. However, whilst this is proposed in principle, implementation will be subject to a robust business case.
- 6.6 A detailed review of property options will be undertaken when the detailed structure, size and design of the Core YOS and non-core service is known. This will take account the following principles:
- That the Youth Offending Service operates on a hub and spoke basis, with a central point for teams such as human resources, finance, business support systems. This could operate from existing premises, ideally near the host location.
 - That opportunities to develop local links, and for flexible working in a range of settings are pursued for the YOS, and WMPT and the Local Authorities.

- 6.7 A new governance structure is proposed and this will be further developed and tested to ensure that the YOS is firmly connected to wider partnership working in each Local Authority area. Clear Terms of Reference for the new management board will be developed that include a statement of purpose to ensure that the YOS is given effective strategic direction, and is held to account by all the partners. A shadow board will be set up to oversee implementation and development of the new YOS, whilst managing transition of the current two YOS from May 2012.
- 6.8. A phased approach to implementation is proposed as a practical way forward, but it is the intention to operate the new West Mercia YOS from October 2012 in shadow form, with formal start in April 2013.

7. CONSULTATION

- 7.1 A high level staffing structure has been developed for consultation with staff and stakeholders. The consultation period began on the 31st May and run for a period of 90 days ending on the 29th August. Staff and stakeholders have been asked to consider a rationale and proposals for restructuring and hosting the service. Detailed staffing proposals will be presented by the end of May and will then form part of the consultation process.

8. CONCLUSION

- 8.1 A Pan West Mercia consortia offers the greatest opportunity to meet the key principles set out in 4.8, at least cost.

9. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 9.1 The risk of disaggregating from Shropshire is that current excellent performance and services to young people could be affected due reduction in scale of operation and the need to make savings. To fulfil statutory and court expectations the YOS has to access services quickly in order to provide the court with assessments, programmes and accommodation for justice to be seen to be done. As well as statutory responsibilities the YOS has, for example very good services for restorative work with victims, including reparative activities. These have to be maintained.
- 9.2 The benefits for having a dedicated Telford and Wrekin YOS service is that it would focus on Telford priorities including links to cooperative principles and ways of working particularly within localities using a “Think Family” approach. However the service would be small and hence not big enough to be viable.
- 9.3 The existing YOS services will not easily fit into the proposed service reconfiguration of children’s services in Telford. For example it is likely that partners would require a shared service to maintain responsibility for attendance, substance misuse, commissioning and

performance, services that are provided elsewhere in the Council. A Telford specific YOS or the hybrid suggested West Mercia model would allow greater integration of services across the Borough.

10. PREVIOUS MINUTES

24th November 2011 Policy Review

**Report prepared by Jas Bedesha, Cohesion Service Delivery Manager,
Telephone: 01952 382101**

Appendix A

Determining a Core Offer Activities Currently Undertaken or Commissioned by the two West Mercia YOTs– Identifying the Core Offer

Activities which in statute have to be undertaken by a YOT/YOT member or are so closely linked to those activities ¹ (WM Core Offer)	Activities which are statutory youth justice services but which do not necessarily have to be undertaken by a YOT member or the YOT	Those activities which are not statutory youth justice services which are delivered or co-ordinated by the YOTs as the result of particular historical funding initiatives or national policy and guidance
<ul style="list-style-type: none"> • Joint decision making for Out of Court (OOC) disposals • Assessment of young people subject to Final Warnings, Cautions and Conditional Cautions • Assessment for bail/remand • Assessment for electronic monitoring (for bail conditions) • Post Court Reports (bed booking and Electronic Yellow Envelope (EYE) process) • Provision of reports to court (Pre Sentence Report - PSRs, Final Disposal Report - FDRs, Specific Sentence Report - SSRs and Stand down reports) • Assessment – ASSET (assessment tool introduced by the Youth Justice Board) including 	<ul style="list-style-type: none"> • Appropriate Adult services • Final Warning Intervention Programmes • Bail Supervision Interventions • Statutory parenting interventions (required under Parenting Orders) • Delivery of reparation activities • Recruitment and support of Community Panel Members • Sexual harmful behaviour work • Following YRO requirements: <ul style="list-style-type: none"> ISS Interventions Activities and Programmes Unpaid Work Mental Health Treatment Drug Treatment Drug Testing Intoxicating Substance Treatment Education Provision Some 	<ul style="list-style-type: none"> • Provision of Tier 2 and Tier 3 Substance Misuse Interventions • Provision of mental health interventions • Voluntary parenting support • Mentoring • Targeted preventative interventions to those at risk of entering the Youth Justice System (YJS), e.g. Youth Inclusion Support Panel (YISP) • Interventions to engage and maintain young offenders in Employment Training and Education (ETE) placements • Other activities to support intervention plans, e.g. assistance with accommodation etc • <i>Victim contact regarding</i>

Activities which in statute have to be undertaken by a YOT/YOT member or are so closely linked to those activities¹ (WM Core Offer)	Activities which are statutory youth justice services but which do not necessarily have to be undertaken by a YOT member or the YOT	Those activities which are not statutory youth justice services which are delivered or co-ordinated by the YOTs as the result of particular historical funding initiatives or national policy and guidance
<p>substance misuse and mental health screening</p> <ul style="list-style-type: none"> • Assessment for parenting interventions • Case Management – Parenting Orders, Individual Support Orders, Reparation Orders and Detention Order (DTO)/Custodial Sentences • Co-ordination of Referral Order Panels • Risk Management: Likelihood of Reoffending (LoR), Risk of Serious Harm (ROSH) and Vulnerability • Engagement with partnerships where there is a duty to co-operate (e.g. Local Safeguarding Children Board (LSCB), Multi Agency Public Protection Arrangement (MAPPA) • Enforcement of Community/Custodial sentences • Youth Rehabilitation Order (YRO) - assessments • YRO – Case Management for Activity, Programmes, Supervision, 	<p>supervision contacts for a supervision requirement (not all)</p>	<p><i>involvement in restorative processes²</i></p> <ul style="list-style-type: none"> • <i>Victim engagement in restorative processes</i>

Activities which in statute have to be undertaken by a YOT/YOT member or are so closely linked to those activities¹ (WM Core Offer)	Activities which are statutory youth justice services but which do not necessarily have to be undertaken by a YOT member or the YOT	Those activities which are not statutory youth justice services which are delivered or co-ordinated by the YOTs as the result of particular historical funding initiatives or national policy and guidance
<p>unpaid work, Prohibited activity, exclusion and Intensive Supervision and Surveillance (ISS) requirements</p> <ul style="list-style-type: none"> • YRO – monitoring and enforcement only for electronic monitoring, residence, LA Residence, mental health treatment, drug treatment, drug testing, intoxicating substance treatment and education requirements. • YRO – breach only for AC requirement 		