

## NOTICE OF MEETING

# CHILDREN AND YOUNG PEOPLE'S SCRUTINY PANEL

**Tuesday, 4th January, 2022, 6.30 pm – Woodside Room, George Meehan House, 294, High Road, Wood Green, N22 8JZ**

**This meeting will be webcast – view it [here](#)**

**Members:** Councillors Makbule Gunes (Chair), James Chiriyankandath, Josh Dixon, Emine Ibrahim, Sarah James, Tammy Palmer and Daniel Stone

**Co-optees/Non Voting Members:** Yvonne Denny (Church representative), Lourdes Keever (Church representative), Anita Jakhu (Parent Governor representative) and KanuPriya Jhunjhunwala (Parent Governor representative)

**Quorum:** 3

### **1. FILMING AT MEETINGS**

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

### **2. APOLOGIES FOR ABSENCE**

### **3. ITEMS OF URGENT BUSINESS**

### **4. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

## **5. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS**

To consider any requests received in accordance with Part 4, Section B, Paragraph 29 of the Council's Constitution.

## **6. MINUTES**

To approve the minutes of the previous meeting.

## **7. SCRUTINY OF THE 2022/23 DRAFT BUDGET/5 YEAR MEDIUM TERM FINANCIAL STRATEGY (2022/23-2026/27) (PAGES 1 - 66)**

To consider and comment on the Council's 2022/23 Draft Budget/5-year Medium Term Financial Strategy (MTFS) 2022/23 – 2026/27 proposals relating to Children and Young People.

## **8. CHILDREN'S SOCIAL CARE: ANNUAL REPORT 2020 (PAGES 67 - 94)**

To consider and comment on the Annual Report for Children's Social Care.

## **9. HARINGEY SAFEGUARDING CHILDREN'S PARTNERSHIP - ANNUAL REPORT**

To consider the Annual Report of the Haringey Safeguarding Children's Partnership.  
(TO FOLLOW)

## **10. HMIP THEMATIC INSPECTION ON "THE EXPERIENCES OF BLACK AND MIXED HERITAGE BOYS IN THE YOUTH JUSTICE SYSTEM (PAGES 95 - 176)**

To consider the outcome of the HMIP Thematic Inspection into “The experiences of black and mixed heritage boys in the youth justice system” April – June 2021.

**11. WORK PROGRAMME UPDATE (PAGES 177 - 184)**

To consider the future work plan for the Panel.

**12. DATES OF FUTURE MEETINGS**

- 7 March 2022

Rob Mack, Principal Scrutiny Officer  
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Fiona Alderman  
Head of Legal & Governance (Monitoring Officer)  
River Park House, 225 High Road, Wood Green, N22 8HQ

Wednesday, 22 December 2021

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- Report for:** Budget Scrutiny Panels
- Housing and Regeneration Scrutiny Panel, 9<sup>th</sup> December 2021
  - Environment and Community Safety Scrutiny Panel, 14<sup>th</sup> December 2021
  - Adults and Health Scrutiny Panel, 16<sup>th</sup> December 2021
  - Children and Young People Scrutiny Panel, 4<sup>th</sup> January 2022
  - Overview and Scrutiny Committee, 13<sup>th</sup> January 2022
  - Overview and Scrutiny Committee, 20<sup>th</sup> January 2022

**Item number:**

**Title:** Scrutiny of the 2022/23 Draft Budget / 5 Year Medium Term Financial Strategy (2022/23-2026/27)

**Report authorised by:** Jon Warlow, Director of Finance and Section 151 Officer

**Lead Officer:** Frances Palopoli, Head of Corporate Financial Strategy & Monitoring

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** N/A

### **1. Describe the issue under consideration**

- 1.1 To consider and comment on the Council's 2022/23 Draft Budget / 5-year Medium Term Financial Strategy (MTFS) 2022/23 – 2026/27 proposals relating to the Scrutiny Panels' remit.

### **2. Recommendations**

- 2.1 That the Panels consider and provide recommendations to Overview and Scrutiny Committee (OSC), on the 2022/23 Draft Budget/MTFS 2022/23-2026/27 and proposals relating to the Scrutiny Panel's remit.

### **3. Background information**

- 3.1 The Council's Overview and Scrutiny Procedure Rules (Constitution, Part 4, Section G) state: "The Overview and Scrutiny Committee shall undertake scrutiny of the Council's budget through a Budget Scrutiny process. The procedure by which this operates is detailed in the Protocol covering the Overview and Scrutiny Committee".
- 3.2 Also laid out in this section is that "the Chair of the Budget Scrutiny Review process will be drawn from among the opposition party Councillors sitting on the Overview and Scrutiny Committee. The Overview and Scrutiny Committee

shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 of the Constitution”.

#### **4. Overview and Scrutiny Protocol**

4.1 The Overview and Scrutiny Protocol lays out the process of Budget Scrutiny and includes the following points:

- a. The budget shall be scrutinised by each Scrutiny Review Panel, in their respective areas. Their recommendations shall go to the OSC for approval. The areas of the budget which are not covered by the Scrutiny Review Panels shall be considered by the main OSC.
- b. A lead OSC member from the largest opposition group shall be responsible for the co-ordination of the Budget Scrutiny process and recommendations made by respective Scrutiny Review Panels relating to the budget.
- c. Overseen by the lead member referred to in paragraph 4.1.b, each Scrutiny Review Panel shall hold a meeting following the release of the December Cabinet report on the Draft Budget/MTFS. Each Panel shall consider the proposals in this report, for their respective areas. The Scrutiny Review Panels may request that the Cabinet Member for Finance and/or Senior Officers attend these meetings to answer questions.
- d. Each Scrutiny Review Panel shall submit their final budget scrutiny report to the OSC meeting on 20th January 2022 containing their recommendations/proposals in respect of the budget for ratification by the OSC.
- e. The recommendations from the Budget Scrutiny process, ratified by the OSC, shall be fed back to Cabinet. As part of the budget setting process, the Cabinet will clearly set out its response to the recommendations/proposals made by the OSC in relation to the budget.

#### **5. 2022/23 Draft Budget & Medium Term Financial Strategy (MTFS) 2022/27**

5.1 The approach taken to the financial planning process has been markedly different this year, planned to lead to what is now a very different kind of budget being proposed. We have been clear from the onset that we need to continue our council change agenda, particularly in light of the ongoing effects of the Covid-crisis and change in needs that that has brought about. We have also recognised that this type of change is difficult and takes time, and that the Council-wide huge exercise that is now starting to consider how the new four year borough plan should be framed will provide the essential new plan for that change. Our 2022/23 budget strategy also allows us to better focus on the delivery of the next year of our already agreed savings strategy, which in itself represents £12m.

- 5.2 Our strategy therefore has been to look to align fundamental future budget decisions with knowledge of our fundamental future funding position, in the context of that new borough plan, which means that next year's MTFS will be pivotal in this. We have also gone into this budget round knowing that the Council as part of its outturn for 20/21 was able to assign £10m into the Strategic Budget Planning reserve, in anticipation of the timescales that would be associated with such future change.
- 5.3 This planned approach to our multiyear financial planning, coupled with a short term improvements in the assumable level of government grant funding, allows a draft budget for next year which addresses essential budget growth requirements totalling of £11.8 in 2022/23 across most parts of the organisation, over and above that already assumed in the existing MTFS. This strategy does require a short-term use of balances in the 22/23 financial year to make this possible.
- 5.4 This considered use of one-off funding will enable the Council to have more time and space to determine the new programme of change required to address the structural c. £20m gap in the medium term, which will align with the launch of the Council's new Borough plan.
- 5.5 The revenue growth within this budget will address, not just the pressures in our main demand led services (Adults, Children's and temporary accommodation), but also bolster budgets where necessary to ensure that we are a sustainable, stronger and fit for purpose organisation in the best position to tackle the sizeable change required to meet the structural funding gap in the medium term. The priorities that have framed this budget are:
- Ensuring that we can meet the growing need of our most vulnerable residents – through substantial additional investment in children's and adult's services; and in resources for the provision of temporary accommodation and with our partners investing in earlier intervention and early years.
  - Enhances support for women and girls impacted by domestic abuse and other forms of violence
  - Supports our ambitious plan to play our part in tackling the climate emergency
  - Invests where necessary to ensure we are a sustainable and fit for purpose organisation able to deliver the high-quality services our residents, businesses and partners expect, with co-production running through everything we do
  - Invests for the long term in our public realm including roads, pavements and parks; our schools and young people's services; and our Civic Centre.
- 5.6 The Spending Review announcements in late October (SR21) provided some level of financial improvement to this and other authorities for next year's budget however, beyond 2022/23 the majority of funding remains cash flat. This means that for 2023/24 and 2024/25, increasing their Council Tax level is the only means by which local authorities, including this council, can generate more corporate funding to protect services and respond to demand led growth. This

draft Budget therefore includes an assumption of additional income from a general Council Tax increase of 1.99% (the threshold set by government is 2%) and a further Adults Social Care Precept of 1% (the maximum allowed by Government), which give a total Haringey Council Tax charge increase of 2.99% for 2022/23, with the same assumptions built into the draft MTFS for the following two years for modelling purposes. This proposed increase for 2022/23 forms part of the budget consultation.

- 5.7 In summary, this meeting is asked to consider the proposals relating to the services within its remit and to make draft recommendations to be referred to the Overview and Scrutiny Committee on 20th January 2022 for discussion, prior to approval and referral to Cabinet for consideration in advance of the Full Council meeting on 22nd February 2022. For reference the remit of each Scrutiny Panel is as follows:
- Housing & Economy Priorities - Housing and Regeneration Scrutiny Panel
  - Place Priority - Environment and Community Safety Scrutiny Panel
  - People (Children) Priority – Children and Young People Scrutiny Panel
  - People (Adults) Priority – Adult and Health Scrutiny Panel
  - Your Council Priority – Overview and Scrutiny Committee
- 5.8 As an aide memoire to assist with the scrutiny of budget proposals, possible key lines of enquiry are attached at **Appendix A**. This report is specifically concerned with Stage 1 (planning and setting the budget) as a key part of the overall annual financial scrutiny activity.
- 5.9 **Appendix B** is the Draft 2022/23 Budget & 2022/27 MTFS considered by Cabinet on 7<sup>th</sup> December 2021. This report sets out details of the draft Budget for 2022/23 and Medium-Term Financial Strategy (MTFS) 2022/27, including proposed revenue budget adjustments and capital proposals. This includes details of estimated funding for 2022/23 and the remainder of the planning period and highlights areas of risk.
- 5.10 **Appendix C** provides details of the new revenue budget proposals relevant to each Panel/Committee.
- 5.11 **Appendix D** provides details of the new capital investment proposals relevant to each Panel/Committee. Details of the proposed funding source are clearly identified. The Council's Capital Programme provides a framework for spend but does not constitute the approval to spend on specific projects. Approval to spend on particular projects is usually granted by cabinet decisions (e.g., contract awards). All capital projects must be financed, for example by external sources such as grants, or S106/CIL, or if no external funding is available, the Council can borrow to fund the project.
- 5.12 Where we do have to borrow to finance a project, there is an ongoing cost to the Council's revenue budget to repay the debt and pay interest on the

borrowing costs: a rule of thumb for an average project is that for each £1m of capital financed by borrowing there is a £55k per annum revenue cost. Many of the schemes within the capital programme are 'self-financing': these schemes are funded by borrowing however, they will generate an ongoing revenue betterment to the Council, which will offset the costs of borrowing once the scheme is completed.

- 5.13 Appendix E** lists the proposed 2022/23-2026/27 capital programme relevant to each Panel/Committee. This includes previously agreed investment plus the additional investment identified as part of this financial planning process and detailed in Appendix D.
- 5.14 Appendix F** lists the previously agreed MTFS savings relevant to each Panel/Committee.
- 5.15** Attention is also drawn to the 2021/22 Quarter 2 Finance Update Report presented to Cabinet on 7<sup>th</sup> December 2021 which provides a summary of the in-year budget implications facing the authority which has informed the 2022/23 Draft Budget proposals now presented. The Council's 2020/21 Budget Book provides details of service budgets for the current year.

## **6. Contribution to strategic outcomes**

- 6.1** The Budget Scrutiny process for 2022/23 will contribute to strategic outcomes relating to all Council priorities.

## **7. Statutory Officers comments**

### **Finance**

- 7.1** There are no financial implications arising directly from this report. Should any of the work undertaken by Overview and Scrutiny generate recommendations with financial implications then these will be highlighted at that time.

### **Legal**

- 7.2** There are no immediate legal implications arising from this report.
- 7.3** In accordance with the Council's Constitution (Part 4, Section G), the Overview and Scrutiny Committee should undertake scrutiny of the Council's budget through a Budget Scrutiny process. The procedure by which this operates is detailed in the Protocol, which is outside the Council's constitution, covering the Overview and Scrutiny Committee.

### **Equality**

- 7.4** The draft Borough Plan sets out the Council's overarching commitment to tackling poverty and inequality and to working towards a fairer Borough.
- 7.5** The Council is also bound by the Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act

- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

7.6 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

7.7 The Council's priorities are underpinned by a focus on tackling inequality with the principles embedded within the Borough Plan equalities objectives. COVID-19 has served to widen existing inequalities with adverse impacts experienced by protected groups across a number of health and socioeconomic outcomes. The Council is committed to targeting its interventions to reduce inequality despite the financial constraints detailed in this report. This is evident through ongoing investment in policies that seek to improve outcomes for individuals with protected characteristics and / or vulnerable residents, such as the proposed over £6m in Children's, Adults and Temporary Accommodation and £0.6m for the Violence against Women and Girls agenda.

7.8 Any comments received will be taken into consideration and included in the Budget report presented to Cabinet on 22nd February 2021.

## **8. Use of Appendices**

Appendix A – Key lines of enquiry for budget setting

Appendix B – 2022/23 Draft Budget & 2021/26 Medium Term Financial Strategy Report (presented to Cabinet 8<sup>th</sup> December 2020)

Appendix C – 2022/23 New Revenue Budget Proposals

Appendix D - 2022/23 New Capital Budget Proposals

Appendix E – Proposed 2022/23-2026/27 Capital Programme

Appendix F – Previously agreed MTFS savings

## **9. Local Government (Access to Information) Act 1985**

Background papers: 2021/22 Quarter 2 Finance Update Report - Cabinet 7<sup>th</sup> December 2021

<https://www.minutes.haringey.gov.uk/documents/s128419/Q2%20Finance%20Update%20Report%20Cabinet%2007%20Dec%202021%20ver1.0%20FINAL.pdf>

2021/22 Budget Book

[https://www.haringey.gov.uk/sites/haringeygovuk/files/council\\_budget\\_for\\_2021-22.pdf](https://www.haringey.gov.uk/sites/haringeygovuk/files/council_budget_for_2021-22.pdf)

## **Financial Scrutiny: Understanding your Role in the Budget Process**

This document summarises issues and questions you should consider as part of your review of financial information. You might like to take it with you to your meetings and use it as an aide-memoir.

### **Overall, is the MTFS and annual budget:**

- A financial representation of the council's policy framework/ priorities?
- Legal (your Section 151 Officer will specifically advise on this)?
- Affordable and prudent?

### **Stage 1 – planning and setting the budget**

Always seek to scrutinise financial information at a strategic level and try to avoid too much detail at this stage. For example, it is better to ask whether the proposed budget is sufficient to fund the level of service planned for the year rather than asking why £x has been cut from a service budget.

Possible questions which Scrutiny members might consider –

- Are the MTFS, capital programme and revenue budget financial representations of what the council is trying to achieve?
- Does the MTFS and annual budget reflect the revenue effects of the proposed capital programme?
- How does the annual budget relate to the MTFS?
- What level of Council Tax is proposed? Is this acceptable in terms of national capping rules and local political acceptability?
- Is there sufficient money in “balances” kept aside for unforeseen needs?
- Are services providing value for money (VFM)? How is VFM measured and how does it relate to service quality and customer satisfaction?
- Have fees and charges been reviewed, both in terms of fee levels and potential demand?
- Does any proposed budget growth reflect the council's priorities?
- Does the budget contain anything that the council no longer needs to do?
- Do service budgets reflect and adequately resource individual service plans?
- Could the Council achieve similar outcomes more efficiently by doing things differently?

### **Stage 2 – Monitoring the budget**

It is the role of “budget holders” to undertake detailed budget monitoring, and the Executive and individual Portfolio Holders will overview such detailed budget monitoring. Budget monitoring should never be carried out in isolation from service performance information. Scrutiny should assure itself that budget monitoring is being carried out but should avoid duplicating discussions and try to add value to the process. Possible questions which Scrutiny members might consider –

- What does the under/over spend mean in terms of service performance? What are the overall implications of not achieving performance targets?
- What is the forecast under/over spend at the year end?
- What plans have budget managers and/or the Portfolio Holder made to bring spending back on budget? Are these reasonable?
- Does the under/over spend signal a need for a more detailed study into the service area?

### **Stage 3 – Reviewing the budget**

At the end of the financial year you will receive an “outturn report”. Use this to look back and think about what lessons can be learned. Then try to apply these lessons to discussions about future budgets. Possible questions which Scrutiny members might consider –

- Did services achieve what they set out to achieve in terms of both performance and financial targets?
- What were public satisfaction levels and how do these compare with budgets and spending?
- Did the income and expenditure profile match the plan, and, if not, what conclusions can be drawn?
- What are the implications of over or under achievement for the MTFS?
- Have all planned savings been achieved, and is the impact on service performance as expected?
- Have all growth bids achieved the planned increases in service performance?
- If not, did anything unusual occur which would mitigate any conclusions drawn?

How well did the first two scrutiny stages work, were they useful and how could they be improved?

**Report for:** Cabinet 07 December 2021

**Title:** 2022-23 Budget and 2022-2027 Medium Term Financial Strategy

**Report**

**authorised by :** Jon Warlow, Director of Finance

**Lead Officer:** Frances Palopoli, Head of Corporate Financial Strategy & Monitoring & Thomas Skeen, AD Finance

**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key

**1. Describe the issue under consideration**

- 1.1 This report sets out details of the draft General Fund (GF) Budget for 2022/23 and Medium Term Financial Strategy (MTFS) 2022/27, including estimated income (funding) and expenditure adjustments and new and revised capital proposals at a Priority level. The report recommends that budget proposals are released for public consultation and Scrutiny consideration.
- 1.2 Whilst life is returning more to normal following the pandemic, the impacts of Covid continue to be felt in our communities and by the council. Central Government funding has been received for many of the direct costs of Covid but the social impacts of the pandemic are driving high levels of need in our borough and this leads to ongoing rising demand for our services. The in year budget update is forecasting overspends on both Children's and Adults care services, a not insignificant amount of which is driven by Covid legacy issues.
- 1.3 Haringey has also seen some of the sharpest rises in the number of people claiming Universal Credit of anywhere in the UK and seen a significant rise in the number of families entitled to Free School Meals and the Council Tax Reduction Scheme. We know the cost of living rises and cut to Universal Credit will mean it will be a very challenging winter for many of our residents.
- 1.4 The approach taken to the financial planning process has been markedly different this year, planned to lead to what is now a very different kind of budget being proposed. We have been clear from the onset that we need to continue our council change agenda, particularly in light of the ongoing effects of the Covid-crisis and change in needs that that has brought about. We have also recognised that this type of change is difficult and takes time, and that the Council-wide huge exercise that is now starting to consider how the new four year borough plan should be framed will provide the essential new plan for that change. Our 2022/23 budget strategy also allows us to better focus on the delivery of the next year of our already agreed savings strategy, which in itself represents £12m.

- 1.5 Our strategy therefore has been to look to align fundamental future budget decisions with knowledge of our fundamental future funding position, in the context of that new borough plan, which means that next year's MTFS will be pivotal in this. We have also gone into this budget round knowing that the Council as part of its outturn for 20/21 was able to assign £10m into the Strategic Budget Planning reserve, in anticipation of the timescales that would be associated with such future change.
- 1.6 This planned approach to our multi year financial planning, coupled with a short term improvements in the assumable level of government grant funding, allows a draft budget for next year which addresses essential budget growth requirements totalling of £11.8 in 2022/23 across most parts of the organisation, over and above that already assumed in the existing MTFS. This strategy does require a short term use of balances in the 22/23 financial year to make this possible.
- 1.7 This considered use of one-off funding will enable the Council to have more time and space to determine the new programme of change required to address the structural c. £20m gap in the medium term, which will align with the launch of the Council's new Borough plan.
- 1.8 The revenue growth within this budget will address, not just the pressures in our main demand led services (Adults, Children's and temporary accommodation), but also bolster budgets where necessary to ensure that we are a sustainable, stronger and fit for purpose organisation in the best position to tackle the sizeable change required to meet the structural funding gap in the medium term. The priorities that have framed this budget are:
- Ensuring that we can meet the growing need of our most vulnerable residents – through substantial additional investment in children's and adult's services; and in resources for the provision of temporary accommodation and with our partners investing in earlier intervention and early years.
  - Enhances support for women and girls impacted by domestic abuse and other forms of violence
  - Supports our ambitious plan to play our part in tackling the climate emergency
  - Invests where necessary to ensure we are a sustainable and fit for purpose organisation able to deliver the high-quality services our residents, businesses and partners expect, with co-production running through everything we do
  - Invests for the long term in our public realm including roads, pavements and parks; our schools and young people's services; and our Civic Centre.
- 1.9 Included within this £11.8m is funding for:
- Significant investment to support vulnerable residents, with over £6m in our demand led budgets in Children's and Adults Social care and Temporary Accommodation.
  - Investment in our Violence Against Women and Girls agenda of £0.6m
  - Investment in our climate and physical environment with increased funding of £0.5m for proactive tree maintenance, and £0.3m investment in highways drainage cleansing and maintenance

- Ensuring we remain a sustainable and fit for purpose organisation  
Investment of over £1m in our back office functions such as legal, information governance, procurement and social care commissioning to ensure we are able to support and enable the organisation
  - Recognising the strategic importance of coproduction and participating with investment of £0.1m in this area.
- 1.10 The draft Budget incorporates the Council's current best estimate of the implications of the Spending Review 2021 (SR21) and highlights the key risks that could impact upon the financial plans now proposed. The detailed funding allocations will be announced in the Local Government Funding Settlement after this report is published. Variations from the current assumptions will be taken into consideration before the Final Budget for 2022/23 and Medium Term Financial Strategy (MTFS) 2022/27 are considered by Cabinet, including its response to the consultation, and Full Council for ratification in March 2022.
- 1.11 The SR21 provides some level of financial improvement to this and other authorities for next year's budget however, beyond 2022/23 the majority of funding remains cash flat. This means that for 2023/24 and 2024/25, increasing their Council Tax level is the only means by which local authorities, including this council, can generate more corporate funding to protect services and respond to demand led growth. This draft Budget therefore includes an assumption of additional income from a general Council Tax increase of 1.99% (the threshold set by government is 2%) and a further Adults Social Care Precept of 1% (the maximum allowed by Government), which give a total Haringey Council Tax charge increase of 2.99% for 2022/23, with the same assumptions built into the draft MTFS for the following two years for modelling purposes. This proposed increase for 2022/23 forms part of the budget consultation.
- 1.12 The Council's fees and charges have been reviewed and are dealt with elsewhere on this meeting agenda, however in summary there are no new significant charges proposed as part of this draft budget report, the default position will be that fees and charges will increase in line with inflation (3.5%), except where there are good reasons to depart from this.
- 1.13 The Council always maintains a five year future forecast of its finances via its MTFS. After the above assumptions it is still forecasting a gap of circa £10m for 2023/24 after the forecast application of £4m reserves; then increasing to nearly £25m by the end of the MTFS period. This points towards a demanding budget round again next year and this underlines the significance of the Council's proposal's for council tax increases this year.
- 1.14 How this future gap will be closed will need to be addressed by this time next year. Given the extent of changes already factored into our plan, this will be very challenging to the Council.
- 1.15 Our capital programme also provides important opportunities to address our communities' needs, however the Council's finances are tightly constrained, so affordability is a key consideration when additions are made to this. The report also sets out proposed additions to the current General Fund Capital Programme totalling over £102m (£27m in 2022/23) including funding for:

- Investment to support our most vulnerable young people with £6.2m for residential care provision in Children's Social care
  - Investment in our climate with over £0.5m investment in wildflower meadow and tree planting
  - Ensuring we remain a sustainable and fit for purpose organisation with £9m investment in digital projects and a new data centre
  - Significant ongoing investment in our public realm with over £3m investment in parks and park assets, £2.4m in the New River Sports Centre, £28m investment in roads and highways assets, and £30m investment to secure the future of the Civic Centre and bring this back into use as the Council's primary office location
- 1.16 For schools, the indicative Dedicated Schools Budget (DSB) funding, which is ring fenced for the delivery of education services, is also outlined. This includes the concerning implications of the on-going budget pressure on the High Needs Block (HNB) from legislative changes to service provision responsibilities introduced in the 2014 Children and Families Act. While this is, to an extent, addressed by the increase in High Needs Dedicated Schools Grant (DSG) grant announced for 2022/23 and onwards, the council has a significant annual deficit and a difficult legacy position to be addressed in the form of a negative carried forward DSG reserve. The Government is working with small numbers of authorities with the most significant HNB overspends each year to address their HNB positions (Haringey's level of overspend does not presently make it eligible to join this cohort), however this will not address the systemic pressures faced by large numbers of authorities including Haringey.
- 1.17 The report includes the draft Housing Revenue Account (HRA) revenue budget and HRA Capital programme, including the future years' HRA Business Plan. This is a complex plan and Members should be aware that there may be further changes before the final budget package is presented in February. The Council has the ability under the social housing rent standards to increase rent by no more than September CPI plus 1%. Given that the CPI at September 2021 is 3.1%, rents in council-owned housing stock would increase by no more than 4.1% (CPI plus 1%) from 4 April 2022 (the first Monday in April).
- 1.18 The 2022/23 Budget and 2022/27 MTFS will continue to be refined between now and mid-February when the final plans will be presented to Cabinet for consideration before recommending to Full Council on 1 March 2022 for ratification. This report will include the detailed implications of the local government funding settlement figures and the Cabinet's response to consultation.
- 1.19 The developments most likely to impact on the final 2022/23 Budget plans presented in this February report are:
- further clarity on the funding announcements contained within SR21
  - funding changes in the provisional & final Local Government Finance settlement
  - the outcome of public consultation, equalities impact assessments and any recommendations from Overview and Scrutiny committee
  - further refinement of the HRA business plan and consequent changes to the capital programme

- any other major developments or significant change in current assumptions impacting on the organisation's budgets including further responses required to the Covid-19 pandemic

## **2. Cabinet Member Introduction**

- 2.1 The Council's approach to its annual budget setting has been markedly different this year, reflecting the fundamentally changed environment we operate in as we recover from the pandemic. Our communities will continue to feel the ongoing effects of the pandemic for many years to come, and this will translate into increased demand for our services on many fronts, but particularly in our demand led areas (Children, Adults and Temporary Accommodation). Taking into account this increased demand, our funding position looking forward will remain challenging, and we are therefore clear that the Council will need to progress a change agenda to ensure we continue to best support residents in a financially sustainable way. We have therefore adopted a strategy which makes calculated investments in key priority service areas and will enable the Council to focus on developing its change agenda for delivery in future years, which will align with the launch of the Council's new borough plan.
- 2.2 Whilst the spending review announcements in October did announce some additional funding for the sector, and which we assume will be of benefit to Haringey as is set out in this report, the level of this is in no way anticipated to allow the Council to set a balanced budget in future years without the need for further savings to be delivered. This follows on from a decade of austerity measures, and in the new context of rising demand for our service post the pandemic, exacerbating the financial challenges we face.
- 2.3 The spending review also made clear that the sector as a whole will have no new additional funding for the 23/24 and 24/25 financial year, besides that which is raised from local taxpayers from business rates and Council tax. It is disappointing that the Council will not be able to anticipate any increased core government grant funding for the second and third years of our MTFS.
- 2.4 As part of this budget the Council proposes to raise Council tax by 2.99% (which includes an adult's social care precept increase of 1%). The increase for a Band D property (excluding the GLA element) will be 83 pence per household per week, and we continue to have a comprehensive Council Tax Reduction Scheme that means that over 16,000 residents pay no Council Tax at all. We recognise that raising council tax at this time will be an additional ask at a challenging time for some. However, without these resources we would have to cut back our support and services for the most vulnerable in our borough. We do not believe that this is the right thing to do.
- 2.5 In summary, I am pleased to be able to present here the Draft 2022/23 Budget and 2022/23-26/27 MTFS: despite unprecedented organisational challenges we have adopted a realistic budget strategy, to support the work of the Council.

## **3. Recommendations**

3.1. It is recommended that Cabinet:

- a) Note the initial General Fund revenue and capital budget proposals and financial planning assumptions set out in this report and note that they will be refined and updated after the final Local Government Finance Settlement is received in January 2022 and also to incorporate further budget changes as required;
- b) Note the Draft General Fund 2022/23 Budget and MTFS (2022-27) detailed in this report and Appendix 1;
- c) Note the Draft revenue and capital budget growth proposals summarised in Sections 7 and 8 and Appendices 2 and 5;
- d) Note the Draft General Fund Capital Programme for 2022/23 to 2026/27 as set out in Appendix 4;
- e) Note the Draft Housing Revenue Account (HRA) revenue and Capital Programme proposals and HRA Business Plan as set out in Section 9;
- f) Note the 2022/23 Draft Dedicated Schools Budget (DSB) and update on the DSG reserve position set out in Section 10;
- g) Note that the detailed proposals will be submitted to Overview and Scrutiny Committee / Panels in December 2021 and January 2022 for scrutiny and comments;
- h) Agree to commence consultation with residents, businesses, partners, staff and other groups on the 2022/23 Budget and MTFS 2022-2027;
- i) Note that an updated 2022/23 Budget and MTFS (2022-27) will be put to Cabinet on 22nd February 2022 to be recommended for approval to the Full Council meeting taking place on 1st March 2022;
- j) Delegate the final decision on whether or not to participate in the proposed 8 borough business rates pool from 1 April 2022 to the Director of Finance in conjunction with the Lead Member for Finance.

**4. Reasons for decision**

- 4.1 The Council has a statutory requirement to set a balanced budget for 2022/23 and this report forms a key part of the budget setting process by setting out the forecast funding and expenditure for that year. Additionally, in order to ensure the Council's finances for the medium term are maintained on a sound basis, this report also sets out the funding and expenditure assumptions for the following four years in the form of a Medium Term Financial Strategy.

**5. Alternative options considered**

- 5.1 The Cabinet must consider how to deliver a balanced 2022/23 Budget and sustainable MTFs over the five-year period 2022/27, to be reviewed and ultimately adopted at the meeting of Full Council on 1<sup>st</sup> March 2022.
- 5.2 Clearly there are options available to achieve a balanced budget and the Council has developed the proposals contained in this report after determining levels of both income and service provision. These take account of the Council's priorities, the extent of the estimated funding shortfall, the estimated impact of wider environmental factors such as the Covid-19 pandemic and the Council's overall financial position.
- 5.3 These proposals are subject to consultation, both externally and through the Overview & Scrutiny process, and the outcomes of these will inform the final budget proposals.

## **6. Background information**

- 6.1 The Council has access to five main sources of funding:
- Business Rates
  - Council Tax
  - Grants
  - Fees & Charges
  - Reserves

Business Rates and Grants are largely driven by the outcome of Spending Reviews and the Local Government Finance settlement.

- 6.2 The following paragraph provides an update on the Spending Review 2021 (SR21) including current assumptions about the pending Provisional Local Government Finance Settlement, which is not expected to be received until mid December, after the publication of this report.
- 6.3 This is then followed by a section on each of the main sources of funding which set out the assumptions made in this draft 2022/23 Budget & MTFs.

### **SR21 and Local Government Finance Settlement 2022/23**

- 6.4 On 27 October 2021 the Chancellor delivered the Spending Review 2021 (SR21) and the Autumn Budget. The latter set out the Governments' taxation and public expenditure plans for the year ahead, and SR21 confirmed departmental resource and capital budgets for the three years 2022-23 to 2024-25 and Devolved Administration's block grants for the same period. For the previous two years, the government has only held single-year Spending Reviews, with 2019 being a single year due to the political turbulence around Brexit, and 2020 being a single year, given the COVID-19 pandemic.
- 6.5 The published Autumn Budget and SR2021 document is laid out across the following key themes:
- Investing in growth
  - Supporting people and businesses

- Building back greener
- Levelling up
- Advancing Global Britain
- Seizing opportunities for Brexit

6.6 The Government also announced its top priorities in the SR21 to where much of the additional funding has been allocated which includes:

- **Health & Social Care** - with SR21 reconfirming previous commitments on a new Health and Social Care Levy and confirming £4.2bn over the next three years for 40 new hospitals and over 70 hospital upgrades.
- **Education** – SR21 confirms an additional £4.7bn by 2024/25 for the core schools' budget in England, over and above the SR19 settlement for schools. In addition, SR21 makes available £2.6bn over the period for new school places for children with special educational needs and disabilities (SEND) in England.
- **Housing** – SR21 reconfirms previous announcements on the Affordable Homes Programme (£7.5bn across SR21) and remediation to the highest risk buildings with unsafe cladding (£3bn across SR21); and also provides £639m in funding by 2024/25, a cash increase of 85% compared to 2019/20, as part of the government's commitment to end rough sleeping.
- **Criminal justice** – SR21 provides an extra £540m by 2024/25 to recruit the final 8,000 police officers to meet the government's commitment of 20,000 additional officers by 2023; and provides funding for an additional £785m in 2024/25 to manage the increased number of offenders being brought to justice and reduce waiting times in the criminal courts.
- **Local government** – providing a multi-year settlement and an average real-terms increase of 3% a year in core spending power.

6.7 The UK's economy and public finances have recovered faster than expected in the Office for Budget Responsibility's (OBR) November 2020 and March 2021 forecasts. The vaccines' effectiveness, combined with consumers and businesses adapting to public health restrictions has led to upwards revisions on overall output. GDP is expected to grow by 6.5% in 2021. However, the rebound in demand has been met with supply constraints driven by changes in migration and trading in the context of Brexit, thus leading to higher prices and pressure on wages.

6.8 CPI inflation has risen sharply from 0.9% last year to an expected peak of 4.4% in the second quarter of 2022. This is then likely to fall and stabilise around the MPC's 2% target from 2024 onwards. Unemployment is set to peak at 5.5% in the fourth quarter of 2021, thereafter, it is set to drop and stabilise at around 4.2 in the medium-term, still higher than the pre-pandemic levels.

6.9 The funding allocations to Local Government are summarised in the following two tables. The first shows Core Spending Power (CSP), which includes core grants, business rate income and council tax. The latter shows Local Government Departmental Expenditure Limits (DEL).

## Core Spending Power

Table 2 – Local Government Core Spending Power (cash values)

	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	Cash change (2021-22 to 2024-25)	Real terms change (2021-22 to 2024-25)
<b>CSP</b>	<b>46.2</b>	<b>49.1</b>	<b>50.4</b>	<b>53.7</b>	<b>56.6</b>	<b>58.9</b>	<b>8.5</b>	<b>4.7</b>
Annual change £bn		2.9	1.3	3.3	2.9	2.3		
Annual change %		6.3%	2.6%	6.5%	5.4%	4.1%	5.3%	3.0%

- Core Spending Power for local authorities is estimated to increase by **£8.5bn** from **£50.4bn** in 2021-22 to **£58.9bn** in 2024-25 - an average of **3% p/a** in real terms (5% in cash terms). (NB - this includes assumptions about council tax which won't be confirmed until the PLGFS in December).

## Local Government DEL

Table 3 – Local Government DEL (cash values)

	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	Cash change (2021-22 to 2024-25)	Real terms change (2021-22 to 2024-25)
Underlying LG DEL	7.5	8.6	9.1	9.0	9.1	9.1		
Total LGDL Growth				1.8	3.0	3.6		
o/w ASC reform				0.2	1.4	2.0		
o/w Other growth				1.5	1.5	1.5		
o/w Supporting Families				0.04	0.07	0.09		
o/w Cyber Resilience				0.01	0.01	0.01		
<b>Total LG DEL</b>	<b>7.5</b>	<b>8.6</b>	<b>9.1</b>	<b>10.8</b>	<b>12.1</b>	<b>12.7</b>	<b>3.6</b>	<b>2.8</b>
Change £bn		1.1	0.5	1.7	1.3	0.6		
Change %		14.7%	5.8%	18.7%	12.0%	5.0%	11.9%	9.4%

- DLUHC civil servants have confirmed the figures in the LG DEL in Table 3 above, which includes:
  - **£4.8bn of new grant funding** (averaging £1.6bn per annum) over the SR21 period
  - **£3.6bn of funding as part of the adult social care reforms** (see next section)
  - **£200m for the Supporting Families programme** (rising from £40m to £90m by 2024-25).
  - **£38m for cyber security challenges**, cyber resilience, and data protection.

6.10 The announcements in the SR21 which are more pertinent to setting the 2022/23 Budget are described in the following paragraphs along with the estimated impact for Haringey. Up to the point that the draft Local Government Finance Settlement is published, which is not expected before early-mid December, the final detail will not be known, and the figures must be treated as best estimates.

6.11 The government stated that all departments would receive real terms funding increases over the 3 years with local government receiving an average real terms increase of 3% per annum. This increase is based on calculated core spending power (CSP) which includes core grants, business rate income and council tax. The increase in CSP is largely driven by three factors:

- £4.8bn new grant funding averaging £1.6bn per annum. Some of this is assumed to fund the change to employer national insurance contributions and,

due to the funding profile, only improves our spending power in Year 1 of the MTFS;

- £3.6bn new grant funding for Adults Social Care changes. This will not be a budget betterment for local authorities as it will be required to cover new costs (in particular reduced income). This is the main driver of 'spending power increases' in Years 2 and 3;
- Council Tax and Adults Social Care Precept (ASC) increases, funded by local residents.

6.12 Overall, the stated 'increase in core spending power' only partially improves Haringey's budget position and it should be noted that in years 2 and 3 of the MTFS the real betterment is all driven by increased Council Tax assumptions.

6.13 The referendum threshold for increases in council tax will remain at 2% for 2022/23 which is in line with the existing MTFS. Additionally, the SR21 announced that local authorities will be able to levy a 1% adult social care precept in each of the 3 years of the SR. Full details of the council tax referendum principles and adult social care precept flexibility will be provided in the Provisional Local Government Finance Settlement along with detailed allocations of most grants.

6.14 The SR21 made announcements for all government departments some of which is likely to impact Haringey although at this point, it is not possible to make any firm assumptions about the financial impact for Haringey and any changes arising from these will need to be reflected in the March 2022 report.

6.15 In summary, the sectoral view is that SR21 did not address existing or future demand led social care pressures nor did it proffer any solution to the national DSG High Needs Block position (besides new capital funding for SEND). There was no mention of any further direct C19 funding for local government although it did confirm the freezing of the multiplier in 2022/23 along with a new temporary relief directed at retail, hospitality and leisure. Finally, there were no announcements made about the wider funding reform including the expected significant changes to the business rates system.

## **Business Rates**

6.16 When the new localised business rates system was introduced in 2013, it set a 'baseline' for each local authority against which growth could be measured. It was recognised that the baseline would need to be re-visited after a number of years to ensure that the incentive to grow businesses in local areas was maintained.

6.17 The intention was for business rates baselines to be reset from April 2020 however, both SR19 and SR20 confirmed annual delays. The last formal announcement was for a reset in April 2022. While the SR21 was silent on this point the wider local government sector expects another postponement and this has been modelled in the current draft budget with the expectation that S31 grants continue at a similar level to 2021/22. As Haringey is a top up authority, even if this assumption proves incorrect, it is expected that a similar level of

funding will accrue from a redistribution of business rates income in the form of additional/alternative grant.

- 6.18 The Council participated in the London Pool for three years (2018/19 – 2020/21). London chose not to continue the Pool in 2021/22 due to the significant impact that the C19 pandemic had had on the business community and therefore forecast revenues. A London-wide pool for 2022/23 was modelled but wasn't able to make a sufficiently robust economic case for taking forward. However, the Council has been invited to be part of a smaller 8 London borough pool, which as an initiative is still at a developmental stage, but work to date does suggest a much-improved risk reward profile than the previous London wider pool. The decision to proceed or not does not need to be taken until 28 days after the publication of the provisional local government finance settlement when all parties will have the full funding details not announced at SR21. It is therefore proposed that the final decision to participate in the pool is delegated to the Director of Finance and Lead Member. Given the uncertainty over the actual financial benefit, and indeed if the pool will actually proceed, nothing has been built into the Budget/MTFS model which is a prudent approach.
- 6.19 Currently, the MTFS assumes a 1.9% increase in business rates income, including RSG, across the MTFS period.
- 6.20 The planning assumption across the MTFS period is that there will be no net growth in the business rates taxbase / hereditaments. This is in line with previous assumptions.
- 6.21 The estimated mandatory reliefs applied to Haringey businesses are c. £4.0m in 2022/23. These reliefs cover, among others, discounts for small businesses and will be fully reimbursed via Section 31 Grants by Central Government.
- 6.22 SR21 announced a continuation of the freeze to the business rates multiplier in 2022/23. The Council will be fully reimbursed for this via a Section 31 grant. The final figures will be reflected in the February report.
- 6.23 The forecast income across the MTFS period from business rates related income, including revenue support grant is shown in table 6.1 below.

**Table 6.1 – Business Rates Related Income Forecast**

Business Rates Related income Forecast Income Forecast	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000
Revenue Support Grant	22,115	22,118	22,561	23,012	23,472	23,941
Business Rates Top Up	58,412	61,695	62,915	64,134	65,416	66,724
Retained Business Rates	22,137	21,218	21,642	22,291	22,737	23,192
NNDR Surplus/(Deficit)	(225)	(225)	(225)	-	-	-
S31 Grants / Redistributed Growth Funding (post reset)	6,515	4,000	4,000	4,000	4,000	4,000
Share of Pool Growth	-	-	-	-	-	-
<b>Total</b>	<b>108,954</b>	<b>108,807</b>	<b>110,892</b>	<b>113,437</b>	<b>115,625</b>	<b>117,857</b>

6.24 There continues to be uncertainty around the business rates regime beyond 2022/23 although SR21 and recent announcements suggest that no large-scale amendments to the model as it exists are to be expected. However, a date for the business rate baseline reset is still to be confirmed as is the outcome of the Fair Funding Review. This will impact on business rates as it derives each authority's baseline funding against which growth is measured.

6.25 Because of the uncertainty beyond 2022/23, the assumptions in Table 6.1 and their impact on the MTFS are open to significant risk.

### Council Tax

6.26 The following assumptions have been made about Council Tax:-

- A 1.99% increase in Council Tax in 2022/23 and for each subsequent year is assumed (subject to the referendum limits set by Government)
- A 1% increase in ASC Precept for 2022/23 to 2024/25 inclusive, as announced in the SR21
- The tax base is forecast to grow by 3.5% in 2022/23 after a budgeted reduction of 1.5% in 2021/22 due to assumptions about the negative impact on the building trade caused by the C19 pandemic. 1.5% is assumed in 2023/24 whereafter assumed growth returns to 1% pa to the end of the MTFS planning period
- The collection rate is now assumed to improve to 95.75% for 2022/23 and 96.0% in 2023/24 before reverting back to the pre-Covid 19 level of 96.5% in the subsequent years.
- The Council Tax Collection Fund account surplus was refined and reduced as part of last year's financial planning process to reflect the forecast impact of the C19 pandemic on revenues. These forecasts remain unchanged in this Budget and MTFS.

6.27 The resulting projections for Council Tax income and Band D Rates are set out below. These figures are subject to confirmation of the council tax base, which is due to be finalised in January 2022 and formal Council ratification of Council Tax Rates in March 2022.

Table 6.2 Council Tax Assumptions

COUNCIL TAX ASSUMPTIONS						
	2021/22 £000	2022/23 £000	2023/24 £000	2024/25 £000	2025/26 £000	2026/27 £000
Taxbase before collection rate	81,392	80,151	82,956	84,200	85,042	85,892
Taxbase change	-1.5%	3.5%	1.5%	1.0%	1.0%	1.0%
Taxbase for year	80,151	82,956	84,200	85,042	85,892	86,751
Collection Rate	95.50%	95.75%	96.00%	96.50%	96.50%	96.50%
<b>Taxbase after collection rate</b>	<b>76,544</b>	<b>79,430</b>	<b>80,832</b>	<b>82,066</b>	<b>82,886</b>	<b>83,715</b>
Council Tax increase	1.99%	1.99%	1.99%	1.99%	1.99%	1.99%
Social Care precept	3.00%	1%	1%	1%	0%	0%
Band D rate	£1,441.05	£1,484.13	£1,528.50	£1,574.19	£1,605.51	£1,637.45
<b>Council Tax Before Surplus (£000)</b>	<b>£110,304</b>	<b>£117,884</b>	<b>£123,552</b>	<b>£129,187</b>	<b>£133,074</b>	<b>£137,079</b>
Previous Year (Estimated) Surplus	£1,925	£1,925	£1,925	£2,175	£2,175	£2,175
CIPFA Counter Fraud Income	£25	£25	£25	£25	£25	£25
<b>Council Tax Yield (£000)</b>	<b>£112,254</b>	<b>£119,834</b>	<b>£125,502</b>	<b>£131,387</b>	<b>£135,274</b>	<b>£139,279</b>

## Grants

6.28 The Council receives a number of grants in addition to its main funding allocation. The Council is mostly allowed to use these grants to fund any council services, but some are ring-fenced, which means they can only be spent on specific services.

### Social Care Grants

6.29 Some estimated inflationary increases are applied to the values in Table 6.3 below, however the SR 21 announced that specific grants would remain 'cash flat'. This is subject to confirmation at the Draft Local Government Finance Settlement in December and will need to be kept under review and the MTFS will be updated when further details emerge. Forecast figures for 2023/24 onwards remain uncertain and should these assumptions not materialise, it could have a significant impact on the current forecast gap across those years.

6.30 It should also be noted that all these social care grants have been netted against the service budget expenditure heads rather than being shown separately.

Table 6.3 – Social Care Grants

Original Grant Name	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'001
Better Care Fund (BCF) - (CCG Contribution)	6,017	6,047	6,138	6,138	6,138	6,138
Improved Better Care Fund (iBCF)	9,518	9,566	9,709	9,709	9,709	9,709
Social Care Support Grant	6,960	6,995	7,100	7,100	7,100	7,100
Additional Social Care Support Funding	1,766	1,766	1,766	1,766	1,766	1,766
<b>Total</b>	<b>24,261</b>	<b>24,373</b>	<b>24,713</b>	<b>24,713</b>	<b>24,713</b>	<b>24,713</b>

### Core Grants

6.31 Following the outcome of the SR20, the current MTFS assumptions for the Core Grants received by Haringey are as follows:

- The Local Council Tax Support Administration grant, the Housing Benefit Admin grant are assumed to be cash flat but continue across the MTFS;
- The Public Health grant is currently still assumed as cash flat across the MTFS however SR21 indicated an inflationary increase to this grant. This funding is ring-fenced to Public Health activities and the MTFS will be updated for the February 2022 report to reflect the actual allocations;
- The Council Tax Support grant ceases as this was provided purely to mitigate the impact of the C19 pandemic on numbers eligible for council tax support schemes;
- Business rates S31 grants – this has been addressed in section 6.17;
- New Homes Bonus and the Lower Tier Services Grant – the current MTFS already assumed that these grants would be phased out. This continues to be the thinking however, based on the SR21 announcements, the draft MTFS assumes that a similar level of funding will be provided along with an estimated step up of £5.5m. Until the provisional local government finance settlement is published these remain estimates. Final figures will be included in the February report.

6.32 The table below shows assumptions about these grants over the 5-year MTFS period.

**Table 6.4 – Core Grants**

Grant Name	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000
Council Tax Support Grant	457	457	457	457	457	457
Housing Benefit Admin Grant	1,491	1,491	1,491	1,491	1,491	1,491
Public Health Grant	20,353	20,353	20,353	20,353	20,353	20,353
New Homes Bonus (NHB)	1,208	656	0	0	0	0
Business Rates - Section 31 Grants	6,515	4,000	4,000	4,000	4,000	4,000
Council Tax Support Grant	3,606	0	0	0	0	0
Lower Tier Services Grant / NHB Replacement	756	7,464	7,464	7,464	7,464	7,464
<b>Total</b>	<b>34,385</b>	<b>34,421</b>	<b>33,765</b>	<b>33,765</b>	<b>33,765</b>	<b>33,765</b>

### **Fees and Charges**

- 6.33 The Council's policy in relation to varying external income requires service managers to review the level of fees and charges annually as part of budget setting and that charges should generally increase by the rate of inflation to maximise allowable income.
- 6.34 The setting of fees and charges, along with raising essential financial resources, can contribute to meeting the Council's objectives. Through the pricing mechanism and wider market forces, outcomes can be achieved, and services can be promoted through variable charging policies and proactive use of fees to promote or dissuade certain behaviours.
- 6.35 In the main, fees and charges are set at a level where the full cost of provision is recovered through the price structure. However, in many circumstances those charges are reduced through subsidy to meet broader Council priorities.
- 6.36 Each year the Council reviews the level of its fees and charges through consideration of a report by the Cabinet and its Regulatory Committee where it is a requirement that they are considered and approved outside of the Executive.
- 6.37 The impact of fees and charges increases have been included in the MTFS projections.

### **Use of Reserves**

- 6.38 The Council's (Non-Earmarked) General Fund Balance is held to cover the net impact of risks and opportunities and other unforeseen emergencies. The funds held in the General Fund Reserve can only be used once and therefore are not a recurring source of income that can meet permanent budget gaps.
- 6.39 In setting a balanced budget for 2022/23 the Council would use £5.8m of reserves which had been previously earmarked for this purpose. As part of its outturn for 2020/21 the council was able to assign £10m into the Strategic Budget Planning Reserve in anticipation of the timescales that would be associated with future budget changes. The 2023/24 General Fund forecast presently assumes that the balance of this £10m will be required in that year.
- 6.40 The March 2022 Cabinet and Full Council reports will provide a more comprehensive review of the overall sufficiency of Council reserves as part of the S151 statement. However, it should be recognised here that the need to maintain sufficient levels of reserves to help the authority cope with unforeseen changes in circumstances must be more important now than ever before.

### **Summary of Corporate General Funding Assumptions**

6.41 A summary of the of the funding assumptions and breakdown of funding sources is set out in the table.

**Table 6.5 – Funding Assumptions**

	Source of Funding	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
		£'000	£'000	£'000	£'000	£'000	£'000
Table 6.1	Revenue Support Grant	22,115	22,118	22,561	23,012	23,472	23,941
	Top up Business Rates	58,412	61,695	62,915	64,134	65,416	66,724
	Retained Business Rates	22,137	21,218	21,642	22,291	22,737	23,192
	NNDR Growth	-	-	-	-	-	-
	NNDR Surplus/(Deficit)	(225)	(225)	(225)	-	-	-
Table 6.2	Council Tax	110,302	117,884	123,552	129,187	133,074	137,079
	Council Tax Surplus	1,950	1,925	1,925	2,175	2,175	2,175
Table 6.4	New Homes Bonus	1,208	656	0	0	0	0
	Public Health	20,353	20,353	20,353	20,353	20,353	20,353
	Other Core Grants	12,825	13,411	13,411	13,411	13,411	13,411
	<b>Total (External) Funding</b>	<b>249,077</b>	<b>259,037</b>	<b>266,134</b>	<b>274,564</b>	<b>280,639</b>	<b>286,876</b>
	Contribution from Reserves	1,688	5,879	4,121	-	-	-
	<b>TOTAL FUNDING</b>	<b>250,765</b>	<b>264,916</b>	<b>270,255</b>	<b>274,564</b>	<b>280,639</b>	<b>286,876</b>

## 7. General Fund Revenue Assumptions

### 7.1 2021/22 Financial Performance – General Fund Revenue

- 7.1.1 The 2021/22 Budget Update report, also part of this Cabinet agenda, provides an update on the Quarter 2 budget position. It continues to differentiate between the General Fund (GF) direct impact of C19 on agreed budgets and MTFs savings as distinct from other base budget issues (although it should be noted that many of these base budget issues will be a consequential rather than direct impact of the pandemic).
- 7.1.2 The overall GF forecast variation from budget stands at £23.0m with £12.87m attributable to C19 and £10.2m to base budget pressures. The former has remained in the line with the forecast provided at Qtr1 and the £9.1m un-ringfenced emergency C19 grant plus other specific grants and income compensation are still expected to offset the £12.87m in full.
- 7.1.3 More worryingly, the forecast base budget pressure has increased by £5m compared to Qtr1 and now stands at £10.2m. The largest impact continues to be felt in the two care service priorities, accounting for £9m of the £10.2m; much of this appears driven by the legacy impact of C19. However, all other priority areas are forecasting pressures of over £1m totalling £15m gross. This figure is netted down to the £10.2m by expected underspends on corporate budgets, predominately interest payments due to the lag in capital programme spend.
- 7.1.4 A further, as yet unquantified potential pressure has been highlighted in the Temporary Accommodation (TA) budgets which has seen a reduction in rent collection rates.

- 7.1.5 Included within the GF forecast pressures described above is a £5.8m shortfall in MTFs savings delivery representing 55% of the total plan. Currently the relevant services have largely described these as slippage in delivery however a small number of proposals are now not thought to realistically be able to be achieved as planned largely due to the impact of C19 on the economic environment. The draft 2022/23 Budget now proposed acknowledges these forecasts and plans to re-profile £1.250m with a further £0.750m permanently written out. This position will be kept under review and will be revisited as part of the final February budget report.
- 7.1.6 Covid-19 is also expected to continue to impact on Business Rates and Council Tax (Collection Fund) income, both in year and arrears and the forecast impact has been built into the draft proposals presented in this report. The 2021/22 Budget and 2022/26 MTFs agreed last year spread the estimated business rates deficit over three years and this assumption has been reviewed and reaffirmed. It should also be noted that as part of the 2020/21 year end process bad debt provisions for all the council's key income streams were augmented to recognise as far as possible the estimated impact of C19 on individuals and businesses to fully settle their accounts with the council. With the ever increasing reliance on local tax revenues and other fees and charges to fund services a close watch will be kept on collection rates and any required adjustments to this draft Budget will be advised as part of the final budget report in February 2022.
- 7.1.7 The year end Dedicated Schools Grant (DSG) forecast continues to be in deficit against the agreed budget. At Qtr2 £6.3m is forecast, all against the High Needs Block which continues to be driven by the increasing number of Education, Health and Care Plans (EHCP) in recent years. It should be stressed that following clear guidance last year, this is not a pressure that statutorily impacts the GF however it remains a significant concern for the whole sector.
- 7.1.8 In summary, the key underlying budget pressures that have manifested during this financial year to date, which services cannot mitigate, have been taken account of and built in to the 2022/23 budget setting process.

## **7.2 The 2022/23 Budget and 2022-26 MTFs Strategy**

- 7.2.1 The approach taken to the financial planning process has been markedly different this year, planned to lead to what is now a very different kind of budget being proposed. We have been clear from the onset that we need to continue our council change agenda, particularly in light of the ongoing effects of the Covid-crisis and change in needs that that has brought about. We have also recognised that this type of change is difficult and takes time, and that the Council huge exercise that is now starting to consider how the new four year borough plan should be framed will provide the essential new plan for that change. Our budget strategy also allows us to better focus on the delivery of the next year of our already agreed savings strategy, which in itself represents £12m for 2022/23.

- 7.2.2 Our strategy has been to look to align fundamental future budget decisions with knowledge of our fundamental future funding position, in the context of that new borough plan, which means that next year's MTFS will be pivotal in this. We have also gone into this budget round knowing that the Council as part of its outturn for 20/21 was able to assign £10m into the Strategic Budget Planning reserve, in anticipation of the sorts of timescales that would be associated with such future change.
- 7.2.3 The authority's advanced multi year financial planning, coupled with a short term improvements in the assumable level of government grant funding, now makes it possible to have a draft budget which, for next year, can address essential budget growth requirements totalling of £11.8 in 2022/23, over and above that already assumed in the existing MTFS across most parts of the organisation. This strategy does require the short term use of balances in the 22/23 financial year to make this possible.
- 7.2.4 Looking forward, this judicious use of one-off funding will enable the Council to achieve a stronger platform to approach the new programme of change required to address the structural c. £20m gap in the medium term, which will align with the launch of the Council's new Borough plan.

### **Budget Growth / Pressures**

- 7.3 The main corporate assumptions across the MTFS period are outlined below followed by a section focussing on the policy priorities and service specific items.

### **7.4 Pay Inflation**

- 7.4.1 The pay deal for 2021/22 has still to be agreed as an offer of 1.75% was rejected and put to a ballot of members. Based on this challenge and also the forecasts for inflation next financial year alongside well documented increases in cost of living, the budget available for the pay award in 2022/23 has been increased to allow for c. 3%. This falls back to c. 2% pa across the remainder of the MTFS period.

### **7.5 Non-Pay Inflation**

- 7.5.1 The impact of inflationary increases in the demand led services is addressed as part of the overall annual demand modelling exercise. For all other non-pay inflation, the assumption continues that the services will broadly have to manage within existing budgets, thus absorbing any inflationary pressures. However, in recognition that some contracts include inflation-linked increases and utility costs continue to be volatile and difficult to predict an annual allowance is built into the budget to address these items should they arise. Due to the inflation forecasts provided in SR21 which suggests that RPI could reach 4.4% an increased sum has been built in for 2022/23 totalling c£2.6m. Thereafter the annual allowance returns to £1m pa.

### **7.6 Employer Pension Contributions**

7.6.1 The outcome of the last triennial valuation, which covered the period 2020/21 – 2022/23, confirmed that the Pension Fund performance allowed for a decrease in the Council's contribution rate of 0.5% each year for those three years, equating to a saving of c. £0.5m per annum each year. No assumptions have been made about the next triennial valuation.

## **7.7 Treasury & Capital Financing**

7.7.1 The MTFs has been updated to reflect the capital financing costs associated with the new capital schemes that are proposed. These are reflected in the Capital Strategy at section 8 of this report.

7.7.2 These figures may require revision depending on the outcome of consultation and scrutiny of the capital investment proposals between now and the final Cabinet report in March 2022 & the final Treasury Management Strategy Statement presented to Full Council later that month. Government funding announcements with further detail following SR21 may also cause some of these figures to be revisited (for example where it becomes clear that grant funding will be made available to fund certain capital schemes).

## **7.8 Levies**

7.8.1 The current assumption is that all Levy costs except the North London Waste Authority (NLWA) levy will remain broadly in line with the 2021/22 figures across the period.

7.8.2 The NLWA's North London Heat and Power Project will replace the existing Energy from Waste plant at the Edmonton EcoPark with an Energy Recovery Facility and includes a new Resource Recovery Facility. This major project will have financial implications for each of the 7 London boroughs involved, representing 2 million people. The 2021/22 budget was increased by £0.7m to address the step up for that year. No further increases were built into the existing MTFs but the Budget now presented includes a further £0.5m p.a. from 2022/23, a prudent estimate due the forecast impact of increased borrowing costs associated with the new facility which must be met by the levy.

7.8.3 The 2020/21 Levy was lower than the council's budgeted figure and it was agreed for this amount to be transferred to the council's reserve in order to smooth the future financial pressure. This will be drawn on when required. The budget assumptions across the MTFs period will be revisited before February, when the intended Levy levels will be announced for 2022/23.

## **7.9 Policy Priorities**

7.9.1 Since 2018/19, the following policy priorities have received additional funding through the annual budget setting cycles:

- Council Tax Reduction Scheme - £1.6m
- Youth Services programme - £0.25m
- Apprenticeship support - £0.134m
- School meals pilot - £0.05m

- London Living Wage – pump priming to deliver
- Free Schools Meals £0.3m funding in 2022/23 and 2022/23
- Welfare Assistance Scheme £0.3m funding in 2022/23 and 2022/23
- Voluntary and Community Sector – £0.25m in 2022/23 only
- Youth Services – £0.25m in 2022/23 only
- Haringey University Bursary Scheme - £0.12m over 3 years
- Recruit Local People - £0.10m over 2 years

7.9.2 Despite the significant challenges to set a balanced budget for 2022/23, £300k of policy growth has been incorporated into the draft budget and MTFS as follows:-

- Residents & Communities Engagement and Participation (£0.1m):  
The pandemic emphasised the importance of residents & communities engagement and participation. This investment will enable us to further develop their involvement in local decision making, shaping the services they use and be part of co-producing the borough of the future.
- Environment/climate investment (£0.2m):  
The Council is investing in the public realm and playing our part in tackling the climate emergency, and will invest our resources strategically in these areas.

## 7.10 Service Budget Adjustments Required

### Service Growth Budget Adjustments

7.10.1 As stated above, the 2022/23 Budget process has focussed on stabilising the Council's overall position by recognising existing and newly manifested pressures, many of which are products of the pandemic and on-going structural underfunding at a national level.

7.10.2 An extensive exercise was carried out over the summer and autumn to gather data and evidence to enable informed decisions to be made about where to direct the limited resources; not all items of growth put forward were able to be accommodated however the proposed budgets are as realistic as possible.

7.10.3 The existing MTFS had a certain level of growth assumed (£8.609m for 2022/23 alone) which have been reviewed but found to still be sound.

7.10.4 The table below summarises the new service specific growth proposals highlighted as part of this year's process.

## Table 7.1 – New Service Growth Budget Adjustment Proposals

	2022/23 (£000)	2023/24 (£000)	2024/25 (£000)	2025/26 (£000)	2026/27 (£000)	TOTAL (£000)
Adults and Health	2,409	(42)	0	2,789	2,821	7,977
Children	4,172	144	420	620	20	5,376
Housing, Regeneration & Planning	2,070	(460)	(375)	0	(30)	1,205
Environment & Neighbourhood	1,401	51	(100)	0	0	1,352
Customer, Transformation & Resources + Corporate	1,797	(500)	0	0	550	1,847
	11,849	(807)	(55)	3,409	3,361	17,757

7.10.5 As clear from the table, the service areas requiring the most growth continue to be the People related priorities of Adults, Health and Children. Some of this will be met from the application of the additional 1% ASC precept that is proposed to be levied in 2022/23.

7.10.6 However, unavoidable or demand growth has been identified in all directorates. The following provide a flavour of what this growth will be used for with the full detail set out in Appendix 2:

- Significant investment to support vulnerable residents, with over £6m in our demand led budgets in Children's and Adults Social care and Temporary Accommodation.
- Investment in our VAWG agenda of £0.6m
- Investment in our climate and physical environment with increased funding of £0.5m for proactive tree maintenance, and £0.3m investment in highways drainage cleansing and maintenance
- Ensuring we remain a sustainable and fit for purpose organisation  
Investment of over £1m in our back-office functions such as legal, information governance, procurement and social care commissioning to ensure we are able to support and enable the organisation

## 7.11 Budget Reduction Proposals / Savings

7.11.1 The Council has previously agreed **£13.3m** of savings to be delivered across the period 2022-2026 and these are set out below.

**Table 7.2 – Agreed Savings 2022-2026**

Priority	Total				
	2022/23	2023/24	2024/25	2025/26	Total Savings
	£000	£000	£000	£000	£000
Housing	340	51	12	1	404
People - Adults	4,161	535	-	-	4,696
People - Children	1,679	130	230	0	2,039
Place	2,649	(1,370)	1,360	170	2,809
Economy	100	100	100	70	370
Your Council	751	6	-	-	757
<b>Total Savings - Priorities</b>	<b>9,680</b>	<b>(548)</b>	<b>1,702</b>	<b>241</b>	<b>11,075</b>
Cross-Cutting Proposals	2,250				2,250
<b>Total Savings</b>	<b>11,930</b>	<b>(548)</b>	<b>1,702</b>	<b>241</b>	<b>13,325</b>

7.11.2 No new budget reduction proposals are proposed for 2022/23 in line with the agreed financial planning strategy; instead focus has been placed on robustly challenging the existing agreed savings programme identifying where slippage might occur, how this could be mitigated and also acknowledging any savings that, largely due to wider economic conditions, were no longer deemed deliverable.

7.11.3 This review highlighted £1.250m savings slippage and £0.750m undeliverable. The impact of this has been built into the draft 2022/23 Budget but work will continue between now and the final report in February to further refine the figures.

## 7.12 Summary Revenue Budget Position 2022/23 – 2026/27

The summary revenue budget position, including current projected gaps is identified below.

**Table 7.3 – Summary Revenue Budget Position**

	2021/22 Budget	2022/23 Draft Budget	2023/24 Projected	2024/25 Projected	2025/26 Projected	2026/27 Projected
Priority Area	£'000	£'000	£'000	£'000	£'000	£'000
Housing	16,102	16,939	16,888	16,876	16,875	16,875
People - Children	58,289	60,359	60,609	61,299	61,919	61,939
People - Adults	83,208	82,164	83,625	86,727	89,516	92,337
Place	23,999	22,142	23,569	22,115	21,945	21,945
Economy	6,166	7,154	6,854	6,429	6,359	6,329
Your Council	32,995	36,333	35,452	35,452	35,452	36,002
Non-Service Revenue	30,006	39,825	53,544	60,366	67,722	74,922
<b>Council Cash Limit</b>	<b>250,765</b>	<b>264,916</b>	<b>280,541</b>	<b>289,264</b>	<b>299,788</b>	<b>310,349</b>
Planned Contributions from Reserves	(1,688)	(5,879)	(4,121)			
Further Savings to be Identified	-	(0)	(10,286)	(14,700)	(19,149)	(23,473)
<b>Total General Fund Budget</b>	<b>249,077</b>	<b>259,037</b>	<b>266,134</b>	<b>274,564</b>	<b>280,639</b>	<b>286,876</b>
Council Tax	110,302	117,884	123,552	129,187	133,074	137,079
Council Tax Surplus	1,950	1,925	1,925	2,175	2,175	2,175
RSG	22,115	22,118	22,561	23,012	23,472	23,941
Top up Business Rates	58,412	61,695	62,915	64,134	65,416	66,724
Retained Business Rates	22,137	21,218	21,642	22,291	22,737	23,192
NNDR Surplus/(Deficit)	(225)	(225)	(225)	-	-	-
<b>Total (Main Funding)</b>	<b>214,691</b>	<b>224,616</b>	<b>232,369</b>	<b>240,799</b>	<b>246,875</b>	<b>253,112</b>
<b>Core/Other External Grants</b>						
New Homes Bonus	1,208	656	0	0	0	0
Public Health	20,353	20,353	20,353	20,353	20,353	20,353
Other core grants	12,825	13,411	13,411	13,411	13,411	13,411
<b>TOTAL (Core/Other External Grants)</b>	<b>34,386</b>	<b>34,421</b>	<b>33,765</b>	<b>33,765</b>	<b>33,765</b>	<b>33,765</b>
<b>Total Income</b>	<b>249,077</b>	<b>259,037</b>	<b>266,134</b>	<b>274,564</b>	<b>280,639</b>	<b>286,876</b>

7.12.1 The draft General Fund Budget 2022/23 presently has a budget gap of £5.879m, which is expected to be covered from reserves.

7.12.2 In undertaking this multi-year financial planning, the levels of uncertainty and risk increase substantially beyond the immediate budget for next year. Reference has been made above to the scale of the assumption made in regard to current and future years grants. This report elsewhere highlights the many other risks that may impact and increase the size of the gaps forecasted above for years 2 and beyond. This authority, like all other social care councils, must be particularly concerned about the risks regarding its care services finances. While the year-on-year cash limit profiles for our care services detailed above have been prepared with reference to best intelligence on future years grants, demographics, savings and other pressures, these need to be kept under closest review.

### 7.13 Review of assumptions and risks 2022/23 – 2026/27

7.13.1 The Council's Section 151 Officer has a statutory responsibility to assess the robustness of the Council's budget and to ensure that the Council has sufficient contingency/reserves to provide against known risks in respect of both expenditure and income. This formal assessment will be made as part of the final report on the Council's budget in March 2022 and will draw on independent assessments of the Council's financial resilience where available however, it is critical that this report outlines the assumptions and approach to risk taken when arriving at the budget proposals included in the draft Budget & MTFs.

7.13.2 Given the increased financial pressure that is falling upon this council's budget and the uncertain national political picture, this statutory role is acquiring more and more significance. The number and breadth of potential risks and level of uncertainty, particularly around the Covid-19 pandemic and Government funding, underlines the need to maintain both a budgeted resilience contingency and keep general and earmarked reserves at current levels.

7.13.3 The main uncertainties and risks identified to date which may impact on the Council's budget for 2022/23 and over the period of the MTFs are:

- Funding assumptions for 2022/23 are subject to the final local government settlement expected in January 2022 and therefore there may be changes; at this point we have yet to receive the provisional figures which places more risk on the current assumptions.
- On-going uncertainty about the final impact of the Covid-19 pandemic on 2021/22 budgets and also future years.
- The ongoing economic impacts of Brexit may continue to put pressure on costs and increase inflation; staffing in critical social care & health services, on local tax income levels
- Uncertainty over whether the London wide business rates pool will be reconstituted from 2023/24 and lack of clarity of the financial implications if it does
- The continued pressure on High Needs Block Dedicated Schools Block (DSG) resources, lack of a clear strategy for resolution from the DfE, although it is now confirmed that deficits are not to be funded by general fund resources
- The expected Fair Funding Review and redesign of the Business Rates Retention scheme did not complete during 2021/22 as expected. The impact on funding for the Council on the eventual outcomes of both are not known at this time although these could be overtaken by the Levelling Up agenda and associated funding distribution methodologies
- Increases in London Living Wage, or the minimum wage impacting the Council directly or through contracted spend in future years.
- The impact of pay and general inflation pressures above current assumptions
- General population increases that are expected over the next 5 years and any associated growth in demand - other than specifically allowed for – may lead to financial pressure. Conversely, in the immediate term, falls in numbers of families with children living in the borough are creating ongoing pressures for schools which are funded on a per pupil basis from the Government.

- Planned actions to increase Council managed temporary accommodation options do not progress at the pace expected and/or are potentially exacerbated by Covid-19
- The Council's Transformational Programmes do not deliver the required savings, do not deliver savings quickly enough, or are impacted by demographic trends particularly in critical areas such as Children's and Adults Social Care and Temporary Accommodation.
- Any further deterioration in the forecast 2021/22 position including non-delivery of in year savings
- Business rates base negatively impacted by the impact of Covid-19, permanent shifts to on-line services and any economic slowdown

## **8. Council's Capital Strategy and Capital Programme 2022/23 – 2026/27**

### **8.1 Introduction**

8.1.1 This is the fourth capital strategy report that has been prepared since it became a mandatory requirement upon local authorities. It gives a high-level overview of how capital expenditure, capital financing, and treasury management activities contribute to the provision of public services. It also provides an overview of how the risks of the capital programme are managed and the implications for future financial sustainability.

8.1.2 The Covid-19 pandemic has affected the deliverability of the Council's capital strategy, but the council has responded to the new challenges. In particular the capital programme for 2021/22 has continued to provide for an acceleration of the school streets programme, revisions to the public realm works to create Covid-19 safe public spaces through widening pavements and works around school streets to make them safe. Despite the pandemic significant works have been undertaken to 8 schools and Pendarren.

8.1.3 Looking forward the Council's capital investment proposals include continued investment in the school estate, new investment in creating an in-borough Children's residential care provision, and increased investment in the infrastructure of the borough's parks and streets. Historically the Council received significant funding from TfL to support the highways of the borough. The pandemic hit TfL's finances hard, and it has not been able to provide the same level of support to boroughs. The Council's proposals allow for funding of the type of work previously funded by TfL in 2022/23 to be met by Council borrowing. In future years it has been assumed that external grant will be available to fund these works, in line with announcements made at SR21.

8.1.4 The Council has an accommodation strategy that is responding to the new ways of working and service demands. The strategy assumes that it will consolidate the Council's offices into the Civic Centre. This would be achieved through the necessary refurbishment of the Civic Centre and the creation of a new annex. There is also further investment in property to enable the Council to

maximise the value of its property on Station Road. It is anticipated that investment in the annex will generate savings that will pay for the investment.

- 8.1.5 The Council is also investing in its digital offering to ensure that our customers receive the best possible service.
- 8.1.6 The Council continues to invest in housing through its new homes programme. This expenditure is contained within the housing revenue account (HRA) and is reported here in summary form and elsewhere on the agenda in detail.

## **Background**

- 8.1.7 Capital expenditure in local government is defined in statute and accounting practices/codes and as such must be complied with. Within these rules, capital budgets and capital expenditure decisions offer the opportunity for the Council to profoundly affect the lives of its residents, businesses, and visitors in both the immediate and the longer term.
- 8.1.8 Capital programmes can shape the local environment (e.g. through the provision of new housing, traffic schemes or regeneration schemes); positively impact people's lives (e.g. through creating appropriate housing for adults with learning difficulties or investment in parks and open spaces); transform the way the Council interacts with local residents (e.g. through the libraries investment programme or proposals for locality provision); and deliver fit for purpose schools. The Council continues to plan for its use of capital expenditure to positively impact people's lives.
- 8.1.9 The key objectives for the Council's capital programme are to deliver the outcomes described in the borough plan and assist the Council in meeting the financial challenges that it continues to face. However, affordability is also a key consideration, as investment in capital schemes which requires the Council to borrow to fund the schemes impacts on Council revenue budgets.

## **8.2 Capital expenditure and financing**

- 8.2.1 Capital expenditure is where the Council spends money on a project, with the view to derive economic benefit from the outcome of the expenditure, for a period longer than twelve months. This also includes spending on assets owned by other bodies, and loans and grants to other bodies enabling them to buy assets.
- 8.2.2 The table below shows a high-level summary of the Council's outline capital spending in the medium-term i.e. for the financial years 2022/23-2026/27 which shows the continued and growing capital investment that is being undertaken to support the achievement of the borough plan objectives and to improve people's lives.

Table 8.1: Capital expenditure plans overview 2022/23 - 2026/27

	2021/22 Budget (£'000)	2022/23 Budget (£'000)	2023/24 Budget (£'000)	2024/25 Budget (£'000)	2025/26 Budget (£'000)	2026/27 Budget (£'000)	Total (£'000)
<b>Previously Agreed</b>							
<b>General Fund Account (GF)</b>	288,854	190,863	150,613	120,687	67,469		<b>818,485</b>
<b>Housing Revenue Account (HRA)</b>	277,033	346,575	334,086	375,571	222,787		<b>1,556,052</b>
<b>Total =</b>	<b>565,887</b>	<b>537,438</b>	<b>484,699</b>	<b>496,258</b>	<b>290,256</b>		<b>2,374,537</b>
<b>Proposed</b>							
<b>General Fund Account (GF)</b>		233,320	214,368	158,079	101,153	23,519	<b>730,439</b>
<b>Housing Revenue Account (HRA)</b>		397,264	356,920	276,158	213,540	197,193	<b>1,441,075</b>
<b>Total =</b>		<b>630,584</b>	<b>571,288</b>	<b>434,237</b>	<b>314,693</b>	<b>220,712</b>	<b>2,171,514</b>

- 8.2.3 The capital programme is composed of individual priority programmes. Within these priority totals there are schemes and within most schemes there are individual projects. For instance, Scheme 302, Borough Roads, will contain individual projects on individual roads.
- 8.2.4 Where additional funding is proposed for an existing scheme this has been added to the project rather than creating a new scheme.
- 8.2.5 About a third of the capital programme is composed of schemes that are wholly funded by Council borrowing and that are not self-financing. These schemes largely reflect the statutory duties of the council. In large part these schemes are not able to attract external resources to either supplement or supplant Council borrowing.
- 8.2.6 The Children's Services capital programme is largely reliant on Council borrowing. For the period 2022/23-2026/27 the Council is planning to spend £92.9m on schools, of which approximately £28.9m is funded through government grant leaving a borrowing requirement of £64m. The majority of the cost of the increased investment in schools falls on the Council's revenue account through increased borrowing costs.
- 8.2.7 The Adults Services capital programme is £72.8m, the majority of the programme is self-financed at £56m. In addition there is £13.9m grant funded expenditure.

- 8.2.8 Within the Place priority the proposed capital programme for the period 2022/23-2026/27 is broadly estimated at £103.6m of which approximately £30.7m is externally funded.
- 8.2.9 The Economy capital programme has an estimated value of £367m, of which £133.5m is funded externally and £184.2m is self-financing. Council borrowing in this part of the capital programme is proportionately lower than in others at £49.3m. The majority of this borrowing is to match fund to the Tottenham Hale Regeneration project, the Tottenham High Road Strategy and the Wood Green Regeneration Strategy.
- 8.2.10 The basic premise for the Economy programme is to provide a funding envelope within the budget and policy framework which enables the council to respond to opportunities in a timely way. This means that this capital programme is both front loaded and prone to reporting slippage.
- 8.2.11 The General Fund Housing programme has no schemes that rely on borrowing as they are all self-financing.
- 8.2.12 The Your Council capital programme is estimated at £92.1m with the majority, £59.7m funded through borrowing. £43.3m of this borrowing relates to the asset management function of the Council and the Civic Centre refurbishment, with investment of £15.4m in ICT to improve services.
- 8.2.13 The inclusion of a scheme within the capital programme is not necessarily permission to spend. Most schemes will be subject to the completion of an approved business case that validates the high-level cost and time estimates contained within the programme. An integral part of the business case will be an assessment of the risks that a project faces and once a project is agreed, the review of the risk register is a standing item on the agenda for the project's governance arrangements.
- 8.2.14 There are a range of schemes within the General Fund capital programme that will only proceed, if they are estimated to result in a net reduction in expenditure. That reduction will include the cost of financing the borrowing and contribute to the MTFS through making savings or increasing income. These schemes are known as self-financing schemes. The decision to proceed with these schemes will follow the production of a detailed business case that supports the investment and identifies reductions in expenditure.
- 8.2.15 Services bid annually as part of the Council's budget setting process. The bids are assessed against their "fit" in relation to the Borough Plan, the asset management plan and meeting the objectives of the medium-term financial strategy (MTFS). In addition, schemes have been considered for their contribution to economic recovery, to growth, to jobs, and to creating a Covid-19 safe public realm.
- 8.2.16 The Housing Revenue Account (HRA) is a ring-fenced account, which ensures that the Council's housing activities are not subsidised by the Council's non-housing activities. It also ensures that the Council's non-housing activities are

not subsidised by its HRA. HRA capital expenditure is recorded separately. The table below details the proposed capital expenditure plans by priority.

**Table 8.2: Capital expenditure plans by priority**

	2022/23 Budget (£'000)	2023/24 Budget (£'000)	2024/25 Budget (£'000)	2025/26 Budget (£'000)	2026/27 Budget (£'000)	Total (£'000)
<b>People - Children's</b>	25,421	26,694	24,671	14,301	1,831	<b>92,916</b>
<b>People - Adults</b>	17,956	40,474	8,515	3,471	2,377	<b>72,794</b>
<b>Place</b>	25,594	22,445	20,688	18,988	15,861	<b>103,576</b>
<b>Economy</b>	131,619	101,474	81,306	52,643	0	<b>367,042</b>
<b>Housing (GF)</b>	1,000	1,000	0	0	0	<b>2,000</b>
<b>Your Council</b>	31,731	22,281	22,900	11,750	3,450	<b>92,112</b>
<b>Total General Fund (GF)</b>	<b>233,320</b>	<b>214,368</b>	<b>158,079</b>	<b>101,153</b>	<b>23,519</b>	<b>730,439</b>
<b>Housing (HRA)</b>	<b>397,264</b>	<b>356,920</b>	<b>276,158</b>	<b>213,540</b>	<b>197,193</b>	<b>1,441,075</b>
<b>Overall Total</b>	<b>630,584</b>	<b>571,288</b>	<b>434,237</b>	<b>314,693</b>	<b>220,712</b>	<b>2,171,514</b>

8.2.17 Appendix 4 includes the previously agreed schemes plus any changes since the last budget (up to and including the December 2021 Cabinet), plus the new schemes proposed. It also indicates how each scheme is financed.

8.2.18 Appendix 5 provides details of the new schemes proposed. The following paragraphs provide a high-level description of each priority's new capital proposals.

### 8.2.19 Children's Services

There is one new scheme proposed for Children's Services and that is for the creation of an in-borough residential centre. This would provide high quality provision at a lower cost. The site or sites for the provision have not been identified at this time. The scheme is included in the capital programme as self-financing.

### Adult Services

The continued focus of the Adults Services capital programme is to enhance the lives of disabled and older adults. The 2021/22 capital programme delivery has been severely affected by Covid-19 and is therefore delayed. Accordingly, the aim for the coming period is to deliver those schemes that are delayed.

### 8.2.20 Place

The existing Place priority capital programme is designed to make the borough a cleaner and safer place where residents can lead active and healthy lives. The proposed new capital schemes build on these priorities with additional investment.

A previously significant source of funding for the borough's infrastructure were grants received from Transport for London (TfL). Due to the financial situation of TfL these grants have largely ceased. Even though these grants have ceased the works still need to be undertaken.

Part of the new investment is to offset the TfL reductions but there is additional investment in the borough's pavements, and additional funding for the Parkland Walk Bridges programme as well as investment in our parks to provide greener and more comfortable spaces. The programme also allows for the continuation of investment in street lighting and borough roads. The funding for the highways scheme and the accident reduction scheme are included in the programme as being funded by Haringey borrowing in 2022/23. In future years it has been assumed that there will be external funding provided to undertake the works, in line with announcements from SR21 about national funding for works for highways, potholes, resurfacing and bridges.

### 8.2.21 Economy

The new proposal, in relation to the HALS service and builds on this existing programme of funding of the Good Economy Recovery Plan.

### 8.2.22 Your Council

The initial proposals contain significant investment in Council assets and services. There is a new proposal for an annex to the Civic Centre which will consolidate most all Council offices onto one site and at the same time allow for new uses for the buildings on Station Road. The proposals also have significant investment in IT systems and infrastructure to ensure that the customer experience is as good as it can be.

### 8.2.23 Financing

All capital expenditure must be financed from either an external source (government grant or other contributions), the Council's own resources (revenue, reserves or capital receipts) or debt (borrowing, leasing, Private Finance Initiative). The Council's capital programme has moved to a financing strategy that seeks to ensure that investment via the capital programme is self-financing or funded from external resources wherever possible. The draft capital programme for 2022/23-2026/27 is analysed in the table below and shows that the majority of schemes being proposed (68%) are either self-financing or funded via external resources:

**Table 8.3: Financing Strategy**

	General Fund Borrowing		External (£'000)	Total (£'000)
	Met from General Fund (£'000)	Self-Financing met from Savings (£'000)		
People - Children's	57,808	6,200	28,908	<b>92,916</b>
People - Adults	2,885	56,020	13,889	<b>72,794</b>
Place	64,473	8,413	30,690	<b>103,576</b>
Economy	49,318	184,237	133,487	<b>367,042</b>
Housing - GF	0	2,000	0	<b>2,000</b>
Your Council	59,662	32,450	0	<b>92,112</b>
<b>Total</b>	<b>234,146</b>	<b>289,319</b>	<b>206,974</b>	<b>730,439</b>

8.2.24 The self-financing schemes will normally only proceed if they produce a reduction in expenditure that includes reductions enough to cover the cost of financing the investment (council borrowing). This is necessary to ensure that the investment contributes to meeting the financial challenges that the Council faces. It is noted however, that in some limited circumstances, that schemes may proceed even if they do not produce a reduction in expenditure enough to cover the cost of financing the investment.

8.2.25 As debt needs to be repaid the Council is required by statute to set aside from its revenue account an annual amount sufficient to repay borrowings. This is known as the minimum revenue provision (MRP). The MRP for the period is set out below:

**Table 8.4: Estimated MRP**

	2021/22 Budget (£'000)	2022/23 Budget (£'000)	2023/24 Budget (£'000)	2024/25 Budget (£'000)	2025/26 Budget (£'000)	2026/27 Budget (£'000)
MRP	8,734	13,379	19,414	23,469	26,629	28,903

8.2.26 The Council's cumulative outstanding amount of debt is measured by the capital financing requirement (CFR). This increases when new debt financed expenditure is incurred and reduces when MRP is made. The increase in MRP in 2022/23 is due to the end of the MRP holiday and was addressed in detail in the Treasury Management Strategy considered by Council in February 2021.

**Table 8.5: Prudential Indicator: Estimates of Capital Financing Requirement**

	2021/22 Budget (£'000)	2022/23 Budget (£'000)	2023/24 Budget (£'000)	2024/25 Budget (£'000)	2025/26 Budget (£'000)	2026/27 Budget (£'000)
CFR	1,365,827	1,471,470	1,874,703	2,121,746	2,219,544	2,256,741

### 8.3 Asset Management

8.3.1 The Council maintains an approved Asset Management Plan, which has previously been approved by Cabinet.

### **Asset Disposals**

8.3.2 When a capital asset is no longer needed, it may be sold, and the proceeds (known as capital receipts) can be spent on new assets or can be used to repay debt. Repayments of grants, loans and non-treasury investments also generate capital receipts. The Council is currently permitted by legislation to spend capital receipts to deliver cost reductions and/or transformation. This is known as the flexible use of capital receipts and this flexibility is currently due to expire on the 31<sup>st</sup> March 2025.

8.3.3 As stated above, capital receipts can be used to fund capital expenditure or repay debt. The budget assumption is that capital receipts will not fund capital expenditure or debt repayment. It is anticipated that the capital receipts received in the MTF period covered by the flexibility (up to 31<sup>st</sup> March 2025) will be used to deliver cost reductions and/or transformation. There is a separate policy statement and schedule of proposed initiatives to utilise capital receipts flexibly.

### **Treasury Management**

8.3.4 The Council has a separate Treasury Management Strategy Statement (TMSS) that deals in detail with treasury management matters. The Capital Strategy document repeats some of the information contained within the TMSS but places the information in the context of the capital programme and Borough Plan.

8.3.5 Treasury management is concerned with keeping enough but not excessive cash balances available to meet the Council's spending needs, while managing the risks involved. Surplus cash is invested until required, while a shortage of cash will be met by borrowing. This is to avoid excess credit balances or overdrafts at the bank. The Council is typically cash rich in the short term as cash revenue income is received before it is spent but cash poor in the long-term as capital expenditure is incurred before it is financed. The revenue cash surpluses are offset against capital cash shortfalls to reduce borrowing.

### **Borrowing Strategy**

8.3.6 The council's main objectives when borrowing is to achieve a low but certain cost of finance while retaining flexibility should its plans change in the future. These objectives are often in conflict as the Council seeks to strike a balance between cheap short-term loans and long-term fixed loans where the future cost is known, but higher.

8.3.7 Projected levels of the Council's total outstanding debt (which comprises borrowing, PFI liabilities and leasing) are shown below and compared to the capital financing requirement.

## **Table 8.6: Prudential Indicator: Gross Debt and the Capital Financing Requirement**

	31/3/21 Actual (£'000)	31/3/22 Budget (£'000)	31/3/23 Budget (£'000)	31/3/24 Budget (£'000)	31/3/25 Budget (£'000)	31/3/26 Budget (£'000)	31/3/27 Budget (£'000)
Borrowing Debt	555,915	811,902	1,300,494	1,689,734	1,935,338	2,030,955	2,064,909
PFI & Lease Debt	27,303	28,164	19,471	15,297	10,938	8,421	7,921
<b>Total Debt</b>	<b>583,218</b>	<b>840,066</b>	<b>1,319,965</b>	<b>1,705,031</b>	<b>1,946,276</b>	<b>2,039,376</b>	<b>2,072,831</b>
Capital Financing Requirement	837,822	1,365,827	1,471,470	1,874,703	2,121,746	2,219,544	2,256,741

8.3.8 Statutory guidance is that debt should remain below the capital financing requirement, except in the short-term. As can be seen from the above, the Council expects to comply with this requirement.

### Affordable Borrowing Limit

8.3.9 The Council is legally obliged to set an affordable borrowing limit (also termed the authorised limit for external debt) each year. In line with statutory guidance, a lower operational boundary is also set as a warning level should debt approach the limit.

**Table 8.7: Prudential Indicator: Authorised limit and operational boundary for external debt**

	2021/22 limit (£'000)	2022/23 limit (£'000)	2023/24 limit (£'000)	2024/25 limit (£'000)	2025/26 limit (£'000)	2026/27 limit (£'000)
Authorised limit – borrowing	1,272,356	1,381,999	1,789,406	2,040,807	2,141,123	2,178,820
Authorised limit – PFI & leases	30,981	25,702	20,192	14,438	11,116	10,456
<b>Authorised limit – total external debt</b>	<b>1,303,337</b>	<b>1,407,701</b>	<b>1,809,598</b>	<b>2,055,246</b>	<b>2,152,239</b>	<b>2,189,276</b>
Operational boundary - borrowing	1,222,356	1,331,999	1,739,406	1,990,807	2,091,123	2,128,820
Operational boundary – PFI & leases	28,164	23,366	18,356	13,126	10,106	9,506
<b>Operational boundary – total external debt</b>	<b>1,250,521</b>	<b>1,355,365</b>	<b>1,757,762</b>	<b>2,003,933</b>	<b>2,101,228</b>	<b>2,138,325</b>

8.3.10 Although capital expenditure is not charged directly to the revenue account, interest payable on loans and MRP are charged to revenue, offset by any investment income receivable. The net annual charge is known as financing costs. This is compared to the net revenue stream i.e., the amount funded from Council Tax, business rates and general government grants.

**Table 8.8: Proportion of financing costs to net revenue stream**

	2021/22 Budget (£'000)	2022/23 Budget (£'000)	2023/24 Budget (£'000)	2024/25 Budget (£'000)	2025/26 Budget (£'000)	2026/27 Budget (£'000)
Financing Costs General Fund	12,198	15,807	22,108	25,424	26,174	29,374
Proportion of net revenue stream	4.86%	6.01%	8.36%	9.26%	9.33%	10.24%
Financing Costs HRA	16,242	16,333	22,737	27,474	30,027	31,469
Proportion of net revenue stream	15.10%	14.42%	18.97%	21.22%	21.75%	21.94%

8.3.11 It can be seen that over the MTFs period that the General Fund ratio increases. However, whilst costs of financing investment increases there will be offsetting revenue savings from those schemes which are self-financing, and these savings will be reflected in reduced service area budgets. It is also possible that once business cases are prepared that some of the schemes within the capital programme may well not proceed. The ratio also increases for the HRA. This level of ratio has been modelled into the current version of the evolving HRA business plan and capital programme and is affordable.

### **Governance**

8.3.12 Decisions on treasury management investment and borrowing are made on a daily basis and are delegated to the Director of Finance. There is a further sub-delegation to members of the Director of Finance's staff to facilitate day-to-day operations. Whoever is making the decision(s) will need to act in line with the treasury management strategy as approved by full Council.

## **9. Housing Revenue Account (HRA)**

9.1 The HRA is the Council's record of the income and revenue expenditure relating to council housing and related services. Under the Local Government and Housing Act 1989, the HRA is ring-fenced and cannot be subsidised by increases in council tax. Equally, any surplus in the HRA or balances held in reserves cannot be transferred to the General Fund. Since April 2012, the HRA has been self-financing. Under self-financing Councils retain all the money they receive from rent and use it to manage and maintain their homes.

### **Draft HRA Financial Plan Overview**

- 9.2 This revised financial plan encapsulates the council's HRA 5-year Revenue & Capital Budget/MTFS. It is supported by 30-Year Financial model developed this year, which enables the council to take a longer-term view of the HRA. This is particularly important in the context of sustained existing stock maintenance & housing development and allows us to plan for the future of our housing stock more accurately and sustainably.
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- 9.4 The Plan enables the modelling of the revenue and capital implications of all planned work in the HRA to deliver Borough Plan priorities and provided the basis for understanding the affordability of current capital programme delivery plans and assessing options to ensure a viable HRA over a longer period.
- 9.5 Assumed rents on new builds and acquisition reflect recent valuation exercise across wards where development is taking place. Forecasts of the PWLB borrowing rate and updated inflation (CPI) which informs the existing homes rent charges and affects cost have been incorporated.
- 9.6 This Financial Plan supports the greater proportion of the new homes being developed for social rents, which has increased from 75% to 82%. This is made possible by increased grant in the Affordable Homes Programme (AHP) 2021-26, forecast reductions in borrowing costs, and council rent increase.
- 9.7 There is a proposed increase in spend on Major works (existing homes), and Carbon reduction, which further highlights the Councils commitment to improving the quality of life of residents, ensuring residents live healthier lifestyle and combating climate change.
- 9.8 The comprehensive financial plan addresses the affordability of the entire HRA capital programmes, which includes the new homes build and homes acquisition programmes, and existing stock maintenance, carbon reduction programmes for both existing stocks and new stocks, fire safety programmes and the BWF estate renewal programme.
- 9.9 It includes a long-term assessment of maintenance, improvement, and management requirements, as well as forecasts on income streams such as rents, in line with rent standards, and other future developments. The impact of the current pandemic on rent collection and delay in capital programmes are also reflected in the HRA financial plan.
- 9.10 Built into this revised financial plan is an increase in the level of HRA working balance to £20m next year, in recognition of the potential financial risk associated with such an extensive expansion programme in the HRA. There is also a provision for one off cost of insourcing of housing services, as currently managed by Homes for Haringey (HfH).

## The main sources of income to the HRA: Rents and Service Charges.

### Housing rents

- 9.11 The Council sets the rents in council-owned properties every year, in accordance with the government's social housing rent policy. The government, through the Regulator of Social Housing, prescribes the formula for calculating social housing rents. These rents are also called national formula rents and exclude service charges.
- 9.12 The Council sets the rents in council-owned properties every year, in accordance with the government's social housing rent policy. The government, through the Regulator of Social Housing, prescribes the formula for calculating social housing rents. These rents are also called national formula rents and exclude service charges.
- 9.13 The national formula for setting social rent is intended to enable LAs to set rents at a level that allows them to meet their obligations to their tenants, maintain their stock (to at least Decent Homes Standard) and continue to operate a financially viable HRA, including meeting their borrowing commitments.
- 9.14 The formula is complex and uses national average rent, relative average local earning, relative local property value, and the number of bedrooms to calculate the formula rent.
- 9.15 Formula rents are subject to a national social rent cap. The rent cap is the maximum level to which rents can be increased to in any one financial year, based on the size of the property. Where the formula rent would be higher than the rent cap for a particular property, the national social rent cap must be used instead. Rent caps for 2022/23 are as follows:

Number of bedrooms	Rent cap
1 and bedsits	£155.73
2	£164.87
3	£174.03
4	£183.18
5	£192.35
6 or more	£201.50

### Rents in Existing Council Homes - General Needs & Sheltered/Supported Housing

- 9.16 Individual council rents in Haringey are below the formula rents in many properties. This is because historically Haringey rents were set lower than the formula rent. In contrast, many social landlords, particularly Housing Associations, have historic rents that were set higher than formula rent. To create a level playing field, the government introduced rent restructuring in 2003 to converge actual rents towards the formula rent. The government abandoned rent restructuring in 2015/16, when it imposed a 1% rent reduction for four

years, under the Welfare Reform and Work Act 2016. The Council complied with the legislation and the 1% rent reduction ended in 2019/20.

- 9.17 The Rent Standard permits Local Authorities in England to increase tenants' rents every year by no more than the CPI at September of the previous year plus 1%, at least until 2024/25. Therefore since 2020/21, existing council tenants' rents could only increase by no more than CPI inflation plus 1%. However, the government allows Local Authorities to charge formula rents on homes when they are re-let following a vacancy.
- 9.18 The current rent for 2021/22, approved by Cabinet on 9 February 2021, was set at the 2020/21 rent uplifted by 1.5%. The rent increase is due to the CPI (inflation) rate in September 2020 of 0.5% plus 1% allowed by the government.
- 9.19 The Council has the ability under the social housing rent standards to increase rent by no more than September CPI plus 1%. Given that the CPI at September 2021 is 3.1%, rents in council-owned housing stock would increase by no more than 4.1% (CPI plus 1%) from 4 April 2022 (the first Monday in April).
- 9.20 Applying this rent increase of 4.1% would give £3.4m of additional income to the Housing Revenue Account (HRA) from tenants' rents. This has been reflected in the HRA Financial plan. There is also an assumed annual rent increases of current CPI of 2% plus 1% in the forecasts for 2023/24 and 2024/25. Then a reversion to CPI of 2% only for the remaining life of the HRA financial plan.
- 9.21 Provisional rents for existing general needs and sheltered/supported housing tenants for 2022/23 have been calculated on the basis that their weekly rents increase by no more than 4.1% from 4 April 2022. As such the average weekly rent would increase by £4.35 from £106.14 to £110.49.
- 9.22 There is a range of rents across different sizes of properties. Table 1 sets out the proposed average weekly rents and the average rent increases for 2022/23 by property size.

**Table 1**

Number of Bedrooms	Number of Properties	Current average weekly rent 2021/22	Proposed average weekly rent 2022/23	Proposed average rent increase	Proposed percentage increase
Bedsit	136	£86.11	£89.64	£3.53	4.1%
1	5,367	£91.20	£94.94	£3.74	4.1%
2	5,139	£106.29	£110.65	£4.36	4.1%
3	3,725	£121.71	£126.70	£4.99	4.1%
4	603	£138.57	£144.25	£5.68	4.1%
5	109	£162.10	£168.75	£6.65	4.1%
6	15	£168.45	£175.36	£6.91	4.1%
7	2	£159.39	£165.93	£6.54	4.1%
8	1	£180.44	£187.84	£7.40	4.1%
<b>All dwellings</b>	<b>15,097</b>	<b>£106.14</b>	<b>£110.49</b>	<b>£4.35</b>	<b>4.1%</b>

The council will continue to charge formula rents on re-lets to new secure tenants.

### **Rents in New Council Homes – General Needs & Sheltered/Supported Housing**

- 9.23 The Council has an ambitious council housing delivery programme, and over the next few years, a large number of newly built and newly acquired council homes will be delivered and ready for new tenants.
- 9.24 The maximum weekly rent allowed by the government for a tenant granted a tenancy in a new home for the first time is formula rent (subject to national rent cap). The HRA financial plan includes additional rental income at the average formula rent for the new homes in the delivery programme.
- 9.25 The council will continue to let new homes at the relevant formula rent for the new homes and the HRA financial plan is built on that basis.

### **Rents in Temporary Accommodation**

- 9.26 All properties acquired since 1 April 2019 for housing homeless households held in the HRA are leased to Haringey Community Benefit Society (HCBS) and let by HCBS at Local Housing Allowance (LHA) rent levels.
- 9.27 The HRA financial plan includes these rental incomes from 2021/22 to 2027/28. From year eight, it recognises incomes from these properties at formula rent, with the normal annual rent increases of CPI, as these properties are assumed will revert to the HRA after 7 years of lease.
- 9.28 From 4<sup>th</sup> April 2022, all other council-owned properties used as temporary accommodation but not leased to HCBS will have their rents increased by 4.1% from their current levels.

### **Tenants' Service Charges**

- 9.29 In addition to rents, tenants pay charges for services they receive which are not covered by the rent. The Council sets tenants' service charges at the start of each financial year to match budgeted expenditure.
- 9.30 Service charges must be set at a level that recovers the cost of the service, and no more than this. Charges are calculated by dividing the budgeted cost of providing the service to tenants by the number of tenants receiving the service.
- 9.31 Therefore, a flat rate is charged to tenants receiving each service and the weekly amount is fixed. The amount tenants pay increases where the cost of providing the service is anticipated to increase. Equally, charges are reduced when the cost of providing the service reduces or where there has been an over-recovery in the previous year.

**Tenants currently pay for the following services:**

- Concierge
- Grounds maintenance
- Caretaking
- Street sweeping (Waste collection)
- Light and power (Communal lighting)
- Heating
- Estates road maintenance
- Door entry system maintenance
- Sheltered housing cleaning service
- Good neighbour cleaning service
- Converted properties cleaning
- Window cleaning service.
- TV aerial maintenance

**Tenants living in sheltered and supported housing also pay the following additional support charges:**

- Sheltered Housing Charge
- Good Neighbour Charge
- Additional Good Neighbour Charge

- 9.32 The applicable charges for 2022/23 will be calculated and presented for Cabinet approval in February 2022 when the budgeted costs of providing each service is agreed.

**Rent consultation**

- 9.33 There is no requirement for tenant consultation because Haringey Council's rents are set in accordance with government rent standard and no new charges are being introduced for the tenants' service charges. However, tenants must be given at least four weeks' notice before the new rents for 2022/23 start on 4 April 2022.

9.34 This will follow the consideration by Cabinet in February 2022 and will include:

- Council housing rent charges for 2022/23
- Proposed weekly tenants service charges for 2022/23
- HRA hostel rent charges for 2022/23

### **HRA Expenditure**

9.35 The Council's Arms' Length Management Company (ALMO), Homes for Haringey (HfH) manages the dwellings stock and garages on behalf of the Council. The management fee the council pays for these services is budgeted at £41.8m for 2022/23. This includes £19.7m for repairs and about £1.9m for housing demand functions. Cabinet will be deciding on whether to bring HfH back in-house. It is expected that this will bring efficiency and financial saving but this not quantifiable at this time.

9.36 Other significant items of expenditure include the capital financing charge and depreciation. The capital financing charge is the interest on HRA loans and internal funding and is budgeted at almost the same level as 2021/22 due to low interest rate forecast for next year's potential borrowings.

9.37 The proposed HRA capital programme supports the delivery of over £2bn investment in our existing stock over the next 30 years, and now supports the delivery of about 3,771 homes, of which about 3,105 are for social rent. This is an improvement, over a 10-year period, in the number of new homes planned to be delivered and the ratio of social rent homes to market sales homes.

9.38 There are of course risks such as the impact of the current pandemic, COVID-19 on collection of rent, the impact of government policy changes in respect of types of tenancy, rent levels, right to buy, and treatment of voids. Importantly, HRA budget and forecasts continue to assume a revenue contribution to capital outlay (RCCO) minimum of £8m. This means that the surplus after expenditure should not be below £8m. It also assumes an increased working balance of £20m.

9.39 This is a complex plan and Members should be aware that further changes are anticipated before the final budget package is presented in February, though this will not affect the rent proposals for 2022/23 included here.

9.40 A finalised version will be presented to Cabinet and Full Council for approval in February 2022 and March 2022 respectively. It should be noted that any changes in the final version will not affect the rent proposal contained in this draft report.

### **Draft HRA 5 Years MTFs (2022/23-2026/27)**

9.41 The HRA budget for 2022/23 is a balanced budget maintaining a reasonable revenue contribution to capital of £10.5m. This report sets out the proposed HRA 5 years Budget/MTFS in the Table below. It accommodates the scale of development presently assumed within the business and financial planning in

terms of its impact of the future years HRA revenue position. It also takes into consideration the September CPI and its impact in next year's rent charges.

**Table 9.3 - Draft HRA 5-Year Revenue Budget (2022/23 – 2026/27)**

Housing Revenue Account (HRA)	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Income & Expenditure	2022-23	2023-24	2024-25	2025-26	2026-27	5 Years
	£'000	£'000	£'000	£'000	£'000	£'000
<b>Income</b>						
Dwellings Rent Income	(90,004)	(96,012)	(104,539)	(112,101)	(116,692)	<b>(519,348)</b>
Void Loss	900	960	1,046	1,121	1,167	<b>5,194</b>
Hostel Rent Income	(2,342)	(2,402)	(2,464)	(2,506)	(2,549)	<b>(12,263)</b>
Service Charge Income	(11,721)	(12,263)	(13,074)	(13,881)	(14,368)	<b>(65,307)</b>
Leaseholder Income	(7,850)	(7,882)	(8,107)	(8,337)	(8,574)	<b>(40,750)</b>
Other Income (Garages /Aerials/Interest)	(2,242)	(2,282)	(2,323)	(2,366)	(2,409)	<b>(11,622)</b>
<b>Total Income</b>	<b>(113,259)</b>	<b>(119,881)</b>	<b>(129,461)</b>	<b>(138,070)</b>	<b>(143,425)</b>	<b>(644,096)</b>
<b>Expenditure</b>						
Repairs	19,700	20,095	20,924	22,215	22,994	<b>105,928</b>
Housing Management	20,158	20,214	20,119	20,988	21,610	<b>103,089</b>
Housing Demand	1,917	1,955	1,994	2,034	2,075	<b>9,975</b>
<b>Management Fee (HfH)</b>	<b>41,775</b>	<b>42,264</b>	<b>43,037</b>	<b>45,237</b>	<b>46,679</b>	<b>218,992</b>
Estates Costs (Managed)	10,720	10,935	11,153	11,376	12,079	<b>56,263</b>
Provision for Bad Debts (Tenants)	2,820	2,976	3,198	3,397	3,517	<b>15,908</b>
Provision for Bad Debts (Leaseholders)	188	189	195	200	206	<b>978</b>
<b>Total Managed Expenditure</b>	<b>13,728</b>	<b>14,100</b>	<b>14,546</b>	<b>14,973</b>	<b>15,802</b>	<b>73,149</b>
Other Costs (GF Services)	5,379	5,487	5,597	5,708	5,823	<b>27,994</b>
Other Costs (Property/Insurance)	4,552	3,011	2,561	2,612	2,664	<b>15,400</b>
Capital Financing Costs	16,333	22,737	27,474	30,027	31,469	<b>128,040</b>
Contribution to Major Repairs (Depreciation)	20,955	21,915	23,365	24,816	25,684	<b>116,735</b>
<b>Revenue Contributions to Capital</b>	<b>10,537</b>	<b>10,367</b>	<b>12,881</b>	<b>14,697</b>	<b>15,304</b>	<b>63,786</b>
<b>Total Expenditure</b>	<b>113,259</b>	<b>119,881</b>	<b>129,461</b>	<b>138,070</b>	<b>143,425</b>	<b>644,096</b>
<b>HRA (Surplus) / Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### **Draft HRA 5 Years Capital Programme (2022/23 – 2026/27)**

- 9.42 This represents the capital implications of the new draft HRA financial plan where the current pandemic has placed a strong emphasis on meeting the needs of homeless households while ensuring that the needs of the existing stock are met. It also focuses on the delivery of new homes, renewal of BWF estate, carbon reduction in existing stock, and fire safety of the entire stock.
- 9.43 The HRA MTFS is geared towards maximising the use of other available resources and use of borrowing as last resort, while maintaining a working balance of £20m. The MTFS capital programme funding assumes a mix of grant funding, S106 monies, revenue contribution and prudential borrowing. The total capital investment in 2022/23 is £397m, fully funded from revenue contribution, grants, RTB retained receipt, Major Repairs Reserve and borrowing.

**Table 9.4 - Draft HRA 5 Year Capital Programme (2022/2 – 2026/27)**

Housing Revenue Account (HRA)	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Investment & Financing	2022-23	2023-24	2024-25	2025-26	2026-27	5 Years
	£'000	£'000	£'000	£'000	£'000	£'000
<b>Capital Investment</b>						
Major Works (Haringey Standard)	44,967	57,049	60,024	61,425	62,742	286,207
Carbon Reduction Works (Affordable Energy)	6,265	6,242	6,367	6,495	6,624	31,993
Fire Safety Works	6,120	5,470	7,573	7,577	7,729	34,469
Broadwater Farm Works	17,156	11,653	22,394	15,458	1,127	67,788
<b>Total Existing Stock Investment</b>	<b>74,508</b>	<b>80,414</b>	<b>96,358</b>	<b>90,955</b>	<b>78,222</b>	<b>420,457</b>
New Homes Build Programme	177,150	219,668	123,152	31,627	18,335	569,932
New Homes Acquisitions	111,390	22,280	21,744	55,007	63,606	274,027
TA Acquisitions	34,216	34,558	34,904	35,951	37,030	176,659
<b>Total Capital Investment</b>	<b>397,264</b>	<b>356,920</b>	<b>276,158</b>	<b>213,540</b>	<b>197,193</b>	<b>1,441,075</b>
<b>Capital Investment Financing</b>						
Grants (GLA)	59,752	53,020	73,768	31,150	23,275	240,965
Major Repairs Reserve	20,955	21,915	23,365	24,816	25,684	116,735
Revenue Contributions	10,560	10,367	12,881	14,697	15,304	63,809
RTB Capital Receipts	11,231	11,344	11,458	11,781	12,034	57,848
Leaseholder Contributions to Major Works	6,679	9,548	10,144	8,198	7,180	41,749
S.106 Contributions	1,000	152	0	0	0	1,152
Market Sales Receipts	529	1,937	12,660	84,373	60,535	160,034
Borrowing	286,558	248,637	131,882	38,525	53,181	758,783
<b>Total Capital Financing</b>	<b>397,264</b>	<b>356,920</b>	<b>276,158</b>	<b>213,540</b>	<b>197,193</b>	<b>1,441,075</b>

### Major Works – Haringey Standard

- 9.44 The major works investment standard has been designed to ensure that the Council maintains its statutory and legal duties and keeps homes safe and warm. It comprises internal, external and works to communal areas, including all items affecting decency.

### Carbon Reduction Works

- 9.45 The budget provision would support extensive measures including internal and external solid wall insulation, loft and cavity wall insulation, and renewables e.g., installation of solar panels.

### Fire Safety Works

- 9.46 The proposed £35m is to ensure that all housing stock continues to meet changing statutory requirements. The programme includes front entrance door replacements, window infill panel replacements, automatic Fire Detection (AFD) to street properties, automatic Fire detection and compartmentation works to timber clad buildings, Intrusive Fire Risk Assessments (FRA) and follow up works.

### Broadwater Farm Works

- 9.47 This allocation of £68m is to address major safety and refurbishment works on the estate, including the demolition of three blocks, strengthening and refurbishment works of remaining blocks, a new Decentralised Energy System, upgrade to cold water supply, and redesign works for the entire estate. The cost

of replacement homes in Northolt, Tangmere and Stapleford North (Broadwater Farm) will be contained within the New Homes build budget.

### **New Homes Build and Acquisition**

- 9.48 This Financial plan continues to provide to meet the Council's commitment to the delivery of high-quality Council homes at social rents. This is an integral part of the Council's core HRA business, with a delivery programme that is viable in the long term. The total estimated cost of new build homes and acquisition in the financial plan is £844m over the period of the MTFS.

### **Existing Homes Acquisitions – TA**

- 9.49 The Council's TA acquisition programme is based on the purchase of homes and subsequent leasing to the Haringey Community Benefit Society ('the CBS') to provide housing to households in housing need nominated to it by Haringey Council. This scheme will generate adequate rental income to cover the cost of capital and associated cost. There is also a General Fund (GF) saving generated by the provision of homes to homeless households in the HRA via reduction in the use of privately-owned temporary accommodation in GF. This Financial plan has allocated £177m over the MTFS period for this scheme.

## **10. Dedicated Schools Budget (DSB)**

- 10.1 Schools budgets are substantially funded from the ring-fenced Dedicated Schools Grant and two other funding streams (Pupil Premium and Post 16 Grant) which are, in effect, passported to schools. Spending must be consistent with the requirements of the prevailing schools and early years funding regulations. There are requirements for Schools Forum to act as a decision-making and/or a consultative role in determining budget levels for each year.
- 10.2 The financial position reported at Quarter 2 2021-22 sets out the forecast year end position. This highlights the budget pressures in the High Needs Block which is estimated to add an additional £6.9m to the existing deficit of £17.0m to give a forecast deficit of £23.9m by the end of 2021-22.
- 10.3 Table 10.1 below sets out Haringey's Dedicated Schools Grant allocations for 2020-21, the minimum rebased DSG baseline allocation for 2021-22 and the provisional National Funding Formula (NFF) allocation for 2022-23.

**Table 10.1 Haringey's Dedicated Schools Grant Allocation**

<b>Gross Dedicated Schools Grant</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23 Provisional NFF</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Schools Block</b>	<b>200.15</b>	<b>**212.17</b>	<b>214.99</b>
<b>Central School Services Block</b>	<b>2.95</b>	<b>2.91</b>	<b>2.84</b>

<b>Early Years Block ***</b>	<b>20.83</b>	<b>21.04</b>	<b>21.04</b>
<b>High Needs Block</b>	<b>40.99</b>	<b>45.52</b>	<b>49.47</b>
<b>Total DSG</b>	<b>264.92</b>	<b>279.67</b>	<b>288.34</b>

\*\* The 2021-22 Schools Block includes £6.19m Teachers Pay and Pension grant rolled into the DSG and continues to be rolled into DSG for 2022-23

\*\*\* The Early Years Block allocation for 2021-22 has not yet been announced but is assumed to be at the same rate for 2022-23

- 10.4 Before 2021-22 the teachers pay and pension grants were paid as separate grants. This has now been rolled into the DSG and any teachers pay awards or pledges to increase the starting salary for newly qualified teachers will need to be met from the overall DSG grant.
- 10.5 Overall, Haringey's provisional NFF allocation for 2022-23 is an increase of 3.1% equivalent to £8.67m. This is based on the October 2020 pupil census numbers and the final allocation will be based on the October 2021 pupil census numbers. Bearing in mind the pupil numbers will change from year to year, the cash impact of this provisional funding by block is:
- Schools Block - uplift of 1.33% equivalent to £2.8m.
  - Central School Services Block - has lost 2.5% equivalent to £0.07m.
  - Early Years Block – Not applicable as the funding is to be announced.
  - High Needs Block – uplift of 8.67% equivalent to £3.95m.
- 10.6 The actual financial position for the Dedicated Schools Grant is dependent on the final school's finance settlement for 2022-23, which is due in December 2021.
- 10.7 The Schools Forum will consider these figures at their December 2021 and January 2022 meetings.
- 10.8 The 2021 spending review (SR21) announced additional money for schools. This appears to be an increase of around 2% in real terms to the overall school system. Details are still to be released and it is unclear how much additional money will be available to schools once pay awards and increases in National Insurance Contributions are taken into account.
- 10.9 The DfE have consulted on the implementation of the hard National Funding Formula from 2023-24, which focuses on reforms to the School Block and Central School Services Block. The Council supports a funding system that continues to enable local discretion on the allocation of schools funding so that decisions being made are more responsive to the needs of schools.

### **DSG Reserves**

- 10.10 As at Quarter 2, the DSG Reserves is expected to close with a cumulative deficit of £23.4m at the end of 2021-22. The pressure is in the High Needs Block (HNB) and is mainly due to the increase in the number of children with Education, Health and Care Plans (EHCPs) within the borough. The HNB

funding allocation has increased by over 8% in 2021-22 compared to 2020-21, however the increase in costs due to the increase EHCPs is greater than the funding available.

**Table 10.2 2021-22 Year End DSG reserves forecast**

<b>Blocks</b>	<b>Opening DSG deficit at 01/04/2021 £m</b>	<b>Q2 2021-22 Forecast £m</b>	<b>Forecast closing DSG deficit 2021-22 £m</b>
<b>Schools Block</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Central School Services Block</b>	<b>0.08</b>	<b>0.00</b>	<b>0.08</b>
<b>Early Years Block **</b>	<b>-0.11</b>	<b>0.00</b>	<b>-0.11</b>
<b>High Needs Block</b>	<b>-16.99</b>	<b>-6.38</b>	<b>-23.37</b>
<b>Total DSG</b>	<b>-17.02</b>	<b>-6.38</b>	<b>-23.40</b>

\*\* The Early Years Block has not yet been announced, however projected to be all passported to providers

10.11 The pressure on the DSG budget is acknowledged by government as a national issue. The outcome of the Government's SEND Review will influence policy (and budgets) and will factor into any future deficit recovery plans. This still is awaiting publication. The Council is producing a DSG Management Plan which will be coproduced with various stakeholders, including School's Forum and shared with the DFE, which will detail the various actions to manage the DSG deficit. The plan is a live document which will continue to be shared periodically with the DFE.

## **11. Consultation & Scrutiny**

11.1 The Council, as part of the process by which it sets its budget, seeks the views and opinions of residents and service users which is used to inform the final decision of the Council when setting the budget.

11.2 As such a formal consultation is being planned, the result of which is expected in January, and will be shared with Cabinet to enable them to consider and reflect any amendments in the final February report.

11.3 Statutory consultation with businesses will also take place during this period and any feedback will be considered and, where agreed, incorporated into the final February report. A detailed consultation plan is attached at Appendix 6.

11.4 Additionally, the Council's budget proposals will be subject to a rigorous scrutiny review process which will be undertaken by the Overview and Scrutiny Panels and Committee during December/January on a priority themed basis. The Overview and Scrutiny Committee will then meet in January 2022 to finalise its recommendations on the budget package. These will be reported to Cabinet for their consideration. Both the recommendations and Cabinet's

response will be included in the final Budget report recommended to Full Council in March 2022.

## **12. Statutory Officers comments**

### **Finance**

- 12.1 Ensuring the robustness of the Council's 2022/23 budget and its MTFs 2022/23 – 2026/27 is a key function for the Council's Section 151 Officer. This includes ensuring that the budget proposals are realistic and deliverable. As the MTFs report is primarily financial in its nature, comments of the Chief Financial Officer are essentially contained throughout the report.
- 12.2 The draft General Fund Budget 2022/23 requires a planned draw down from reserves of £5.9m in order to be balanced and this position will be reviewed in the February report.
- 12.3 The formal Section 151 Officer assessment of the robustness of the council's budget, including sufficiency of contingency and reserves to provide against future risks will be made as part of the final budget report to Council in March.

### **Procurement**

- 12.4 Strategic Procurement notes the contents of this report and will continue to work with services to enable cost reductions.

### **Legal**

- 12.5 The Head of Legal & Governance has been consulted in the preparation of this report, and makes the following comments.
- 12.6 The Local Authorities (Standing Orders) (England) (Regulations) 2001 and the Budget and Policy Framework Procedure Rules at Part 4 Section E of the Constitution, set out the process that must be followed when the Council sets its budget. It is for the Cabinet to approve the proposals and submit the same to the Full Council for adoption in order to set the budget. However, the setting of rents and service charges for Council properties is an Executive function to be determined by the Cabinet.
- 12.7 The Council must ensure that it has due regard to its public Sector Equalities Duty under the Equality Act 2010 in considering whether to adopt the recommendations set out in this report.
- 12.8 In noting at paragraph 7.11.2 of the report that no new budget reduction proposals are proposed for 2022/23, were that to change then the Cabinet will need to ensure that where necessary, consultation is carried out and equalities impact assessments are undertaken, and the outcomes of these exercises inform any final decisions on any proposals developed. In addition, the process set out in the Budget and Policy Framework Procedure Rules at Part 4 Section E of the Constitution will need to be followed in order to make In-year changes to the budget framework.
- 12.9 In view of the conclusion reached by the Director of Finance at paragraph 12.2 above on the ability to set a balanced budget for 2022/23, coupled with the

assurance provided at paragraph 7.13.1 above, and the Equalities comments below, there is no reason why Cabinet cannot adopt the Recommendations in this report.

## **Equality**

- 12.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
  - Advance equality of opportunity between people who share those protected characteristics and people who do not;
  - Foster good relations between people who share those characteristics and people who do not.
- 12.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.
- 12.3 This report sets out details of the draft Budget for 2022/23 and MTFs to 2026/27, including budget adjustments and capital proposals.
- 12.4 The proposed decision is for Cabinet to note the budget proposals detailed and agree to commence consultation with residents, businesses, partners, staff and other groups on the 2022/23 Budget and MTFs. The decision is recommended in order to comply with the statutory requirement to set a balanced budget for 2022/23 and to ensure the Council's finances on a medium-term basis are secured through the four-year Medium-Term Financial Strategy.
- 12.5 The Council's priorities are underpinned by a focus on tackling inequality with the principles embedded within the Borough Plan equalities objectives. COVID-19 has served to widen existing inequalities with adverse impacts experienced by protected groups across a number of health and socioeconomic outcomes. The Council is committed to targeting its interventions to reduce inequality despite the financial constraints detailed in this report. This is evident through ongoing investment in policies that seek to improve outcomes for individuals with protected characteristics and / or vulnerable residents, such as the proposed over £6m in Children's, Adults and Temporary Accommodation and £0.6m for the Violence against Women and Girls agenda.
- 12.6 During the proposed consultation on Budget and MTFs proposals, there will be a focus on considering the implications of the proposals on individuals with protected characteristics, including any potential cumulative impact of these decisions. Responses to the consultation will inform the final package of savings proposals presented in February 2022.

## **13. Use of Appendices**

Appendix 1 – Summary of Draft Revenue 2022/23 Budget and Medium Term Financial Plan 2022-2027

Appendix 2 – Summary of new Revenue budget growth proposals

Appendix 3 – Summary of total agreed Revenue budget reduction proposals  
2022-2027

Appendix 4 – Draft General Fund Capital Programme 2022/23 – 2026/27

Appendix 5 – Summary of new proposed capital investment

Appendix 6 – Budget Consultation Plan

**14. Local Government (Access to Information) Act 1985**

2021/22 Qtr 1 and Qtr 2 Budget Reports

2021/22 Budget & MTFS 2021-2026

Description of Revenue Growth	Directorate	2022/23 (£000)	2023/24 (£000)	2024/25 (£000)	2025/26 (£000)	2026/27 (£000)	TOTAL (£000)
<p><b><u>Children's Social Care - placements growth</u></b></p> <p>Although the number of children in our care has reduced and is now stable, the service is seeing more complexity and acuity in children's needs. This means that more children need more costly placements.</p> <p>Residential placements costs have also risen from around £2,300 in 16/17 to around £3,818 in 20/21. Secure placement costs vary depending on where young people are being held and continue to be volatile. At the most complex end costs have gone from around £2K per week on average in 16/17 to around £5.5K per week.</p>	Children	1,336					1,336
<p><b><u>Children's Social Care rising case numbers leading to cost pressures across a number of services</u></b></p> <p>Case or activity numbers have risen across a number of Children's services compared to before the pandemic, including:</p> <ul style="list-style-type: none"> <li>-Child protection plans and children in need plans</li> <li>-SEND and rising EHCP Numbers</li> <li>-Increasing numbers of disabled children</li> <li>-Increasing demand for the Young Adults Service</li> <li>-Increased demand for the Haringey expanded free school meal provision</li> </ul> <p>These rising case numbers and demand levels place pressures across our children's service teams as there are capacity constraints on the numbers of cases that social workers, educational psychologists or other professionals are able to handle at any one time. The investment is required to ensure we are able to support vulnerable residents. It is likely too that the medium to longer term impacts of the pandemic such as unemployment, child poverty and family conflict and stress will continue to have an impact on the numbers of children needing our help and support.</p>	Children	2,434	144	420	620	20	3,638
<p><b><u>Brokerage and Quality Assurance for Children and Young People</u></b></p> <p>COVID has significantly increased the complexity and volume of cases presenting to children's services, and this has a knock on impact on the commissioning/brokerage functions which work with the service to support them. The investment will ensure the functions are best placed to secure effective and timely brokering of services, frequent review of service provision, and commissioning intervention to share and manage the market to meet the needs of children and young people whilst optimising the Council's resources.</p>	Children	402					402
		<b>4,172</b>	<b>144</b>	<b>420</b>	<b>620</b>	<b>20</b>	<b>5,376</b>

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**New Capital for 2022/23 MTFS Programme**

Description of Capital Bids	Directorate Area	2022/23 (£'000)	2023/24 (£'000)	2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)	Total (£'000)	Indicative annual Revenue Cost of Borrowing £000	Funding Source (LBH Borrowing, External, Self Financing, TBC)
<p><u>Creation of in borough residential care facility</u>                      The Council has a significant need to accommodate looked after children. Currently the need is met through out of borough placements which are expensive and can involve extended travel. The aim of this project is to provide these services in borough thus reducing cost, improving quality and reducing travel. This will be achieved through the conversion of existing Council properties and/or property acquisition in borough. At this stage it is not possible to identify individual properties. This scheme is funded by Council borrowing but the scheme is included in the capital programme on the basis that it will be self-funding through the savings achieved after paying back the cost of financing the investment.</p>	Children's	500	2,700	3,000	0	0	6,200		Self-Financing
		<b>500</b>	<b>2,700</b>	<b>3,000</b>	<b>0</b>	<b>0</b>	<b>6,200</b>	<b>0</b>	

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**APPENDIX E: 2022/23 - 26/27 DRAFT CAPITAL PROGRAMME**

Key for Source of Funding	
H	Haringey Borrowing
S	Self-Financing
E	External

**People - Children's**

			2022/23 Budget	2023/24 Budget	2024/25 Budget	2025/26 Budget	2026/27 Budget	2022/23 - 26/27 Total	Source of Funding
SCHEME REF	SCHEME NAME	BRIEF DESCRIPTION	£,000	£,000	£,000	£,000	£,000	£,000	
101	Primary Sch - repairs & maintenance	A range of repairs to various schools covering boiler replacement, rewiring and other items.	5,700	5,000	5,000	5,000	1,000	21,700	H & E
102	Primary Sch - mod & enhance (Inc SEN)	A range of larger, substantial repairs to schools such as re roofing works, new windows, and major fabric replacement	15,452	13,480	11,000	4,000	0	43,932	H & E
110	Devolved Sch Capital	This is passed 100% to schools	531	531	531	531	531	2,655	E
114	Secondary Sch - mod & enhance (Inc SEN)	A range of larger, substantial repairs to schools such as re roofing works, new windows, and major fabric replacement	270	270	270	270	0	1,078	H
121	Pendarren House	Works to the facility to bring it to a high standard of repair	2,243	2,913	70	0	0	5,226	H
122	Alternative Provision Strategy	To fund capital works that increase the number of AP places in the borough	600	1,800	4,800	4,500	300	12,000	H
124	In-Borough Residential Care Facility	The Council has a significant need to accommodate looked after children. Currently the need is met through out of borough placements which are expensive and can involve extended travel. The aim of this project is to provide these services in borough thus reducing cost, improving quality and reducing travel.	500	2,700	3,000	0	0	6,200	S
199	P1 Other (inc Con't & Social care)	This is a small programme contingency budget.	125	0	0	0	0	125	H
<b>People - Children's</b>			<b>25,421</b>	<b>26,694</b>	<b>24,671</b>	<b>14,301</b>	<b>1,831</b>	<b>92,916</b>	

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# MTFS Savings Tracker (2021/22 - 2025/26)

## Priority: People (Childrens)

Saving fully/partially unachievable

Red

Saving achievable but full/partial slippage required

Amber

Saving met in full and on time

Green

MTFS Savings Ref	Cabinet Decision Date	Saving proposal	2021/22 £'000s	2021/22 Saving achieved YTD £'000s	2021/22 Projected Full Year Savings £'000s	2021/22 Savings (surplus)/shortfall £'000s	RAG Status (Delivery of 2020/21 Saving)
<b>People - Children</b>							
PC2	12-Feb-19	Reduce operational costs	(250)		(250)	0	Green
20/25-PE03	11-Feb-20	Invest to Save - Edge of Care	(241)		(151)	(90)	Green
20/25-PE04	11-Feb-20	Invest to Save proposal - In-House Fostering	11		11	0	Green
20/25-PE05	11-Feb-20	Invest to Save - SEND Transport	(216)		(216)	0	Green
20/25-PE06	11-Feb-20	Invest to Save - Pause Project	(1)		5	(6)	Green
20/25-PE08	11-Feb-20	Invest to Save - Foster Carer Room Extension	0		(55)	55	Green
20/25-PE09	11-Feb-20	0-19 year old public health commissioned services - a new integrated commissioned service delivery model	125		125	0	Green
20/25-PE12	11-Feb-20	Reduce operational costs in Schools and Learning and Commissioning	25		25	0	Green
CH102	01-Mar-21	Maya Angelou Assessment and Contact Centre Traded Service	82		10	72	Amber

MTFS Savings Ref	Cabinet Decision Date	Saving proposal	2021/22 £'000s	2021/22 Saving achieved YTD £'000s	2021/22 Projected Full Year Savings £'000s	2021/22 Savings (surplus)/ shortfall £'000s	RAG Status (Delivery of 2020/21 Saving)
CH103	01-Mar-21	Delivering residential mother and baby assessments	239			239	Amber
<b>Total: People (Childrens)</b>			<b>(226)</b>	<b>0</b>	<b>(496)</b>	<b>270</b>	

# MTFS Agreed Savings 2021/22-2025/26

## Priority: People (Childrens)

		2021/22 - 2025/26						
MTFS Savings Ref	Saving proposal	Description	2021/22 £'000s	2022/23 £'000s	2023/24 £'000s	2024/25 £'000s	2025/26 £'000s	Total £'000
<b>People - Children</b>								
PC2	Reduce operational costs	Reduce operational costs through streamlining management and staffing and improving efficiency in teams	(250)	250				0
PC3	Reduce the costs of placements	Reduce the costs of placements through an effective inhouse foster carer recruitment and retention strategy and through effective brokerage and negotiation of placements	0	90				90
20/25-PE03	Invest to Save - Edge of Care	Savings Approved at July 2019 Cabinet	(241)	193				(48)
20/25-PE04	Invest to Save proposal - In-House Fostering		11					11
20/25-PE05	Invest to Save - SEND Transport		(216)	0				(216)
20/25-PE06	Invest to Save - Pause Project		(1)	501				500
20/25-PE08	Invest to Save - Foster Carer Room Extension		0	151				151
20/25-PE09	0-19 year old public health commissioned services - a new integrated commissioned service delivery model		Public Health is working with the commissioned service provider to change the current service provision of three separate services into one integrated service model. Currently three commissioned services are within the Council's Section 75 Agreement with the CCG. These are the Health Visiting Service (including the HENRY programme), the School Nursing Service and the Family Nurse Partnership programme. All services are provided by Whittington Health NHS Trust.	125				
20/25-PE12	Reduce operational costs in Schools and Learning and Commissioning	Identify any residual discretionary spend in Schools and Learning and reduce to deliver savings. Identify and reduce operational costs in Commissioning.	25					25
CH102	Maya Angelou Assessment and Contact Centre Traded Service	This proposal identifies an opportunity to develop a traded service and provide contact facilities for children and parents. We are currently the only local-authority run contact centre in North	82	50	0	0		132

MTFS Savings Ref	Saving proposal	Description	2021/22 £'000s	2022/23 £'000s	2023/24 £'000s	2024/25 £'000s	2025/26 £'000s	Total £'000
CH103	Delivering residential mother and baby assessments	The service set up the Maya Angelou Family Assessment Centre as part of the previous programme of Invest to save projects. Through this facility the service is undertaking parenting assessments in the community as planned. This project brought the service in-house and reduced spot purchasing of speciality parenting assessments. Assessments completed by the team of skilled social workers are now of a higher quality and there are fewer repeat assessments required as a result. As of the end of August this service has commenced 45 parenting capacity assessments in-house, with 17 closed in the current financial year. The service is on track to avoid costs in the region of £480K.	239	269	30	30		568
<b>Total: People (Childrens)</b>			<b>(226)</b>	<b>1,679</b>	<b>130</b>	<b>230</b>	<b>0</b>	<b>1,813</b>

<b>REPORT TO:</b>	Children and Young People's Scrutiny Committee
<b>SUBJECT</b>	Children & Young People's Service Annual Performance Report
<b>REPORT LEAD Officer</b>	Bev Hendricks , AD Safeguarding & Social Care
<b>BRIEF OVERVIEW</b>	<p>This paper provides a description of the performance for C&amp;YPS for the period April 2020 – March 2021</p> <p>It also describes actions taken by Haringey Council and partners to deliver safeguarding services during the Covid 19 Pandemic.</p>

**1. Describe the issue under consideration**

- 1.1 This report provides an overview of safeguarding and looked after children activity and performance for 2020 – 2021. The report also provides an update on the Disabled Children’s Team (DCT) following concerns raised in May 2020.

**2. Member Introduction**

- 2.1 This report notes the positive progress and continued consistently effective performance with regards to safeguarding children and young people in Haringey, during the COVID pandemic.
- 2.2 The Committee is asked to note the commitment of Children’s Services officers in achieving this level of performance and the measures taken to drive the improvements across the service including children with disabilities.
- 2.3 The report identifies key developments, summarises performance activity levels and details several future priorities for vulnerable children.

**3. Recommendations**

**Committee is asked to note the report and, in particular:**

- 3.1 The service improvements and challenges contained within the report as well as the actions taken during 2020/21 in response to local demand and the financial pressures experienced by the service in relation to placements.
- 3.2 The areas identified as priorities for 2021/22 following analysis and review of 2019/20.
- 3.3 The update on the work in relation to the Disabled Children’s Team.

**4. Reasons for the report**

- 4.1 The annual report is intended to inform Committee of the performance of Children’s Social Care Services in 2020/21. Committee should be aware of the progress made against managing the safeguarding demands. The report, in addition to other measures, enables Members to assure itself that the necessary arrangements are in place for the Council to effectively discharge its children’s social care obligations. In this regard, there is a distinct leadership role for the Leader, Lead Member for Children Early Years and Families, the Chief Executive and Director of Children’s Services. Also, there is a wider corporate parent role for all Members of the Council.

**5. Introduction and Background**

- 5.1 This report provides an overview of performance for Children’s Social Care Services for 2020/21. It covers the period including the COVID-19 lockdowns and the intermittent closure of schools which took place between 23 March 2020 to the end of March 2021. The report provides comparative data by benchmarking with our statistical neighbours and looks at our performance from 2018 to 2021 where this is available.

- 5.2 Children's Social Care provides services and support for children and young people who are in need, at risk of harm and in need of protection, children in our care who are looked after and care leavers. These children and young people have needs which are assessed as being complex or acute and require the statutory involvement of the Local Authority within the responsibilities set out in legislation, principally the Children Acts 1989 and 2004, and the Children and Families Act 2014 and various statutory guidance (including Working Together to Safeguard Children, 2018, updated December 2020).
- 5.3 During the COVID 19 period, Ofsted initiated Assurance Visits to Local Authorities across the country. The aim of these visits focused on the 'safety and wellbeing of children and their families, examined the key decisions made about them, plans to support them as restrictions eased and the effectiveness and impact of leaders and managers'. In March 2021 Haringey Children's and Young People's Service received an Ofsted Assurance visit which was conducted over three weeks. The Ofsted findings, (published in their letter dated 10<sup>th</sup> May 2021, [Focused Visit](#)), noted that '*Leaders have a good understanding of the community they serve*' and that '*Strong, timely and effective political and corporate support for children's services has enabled leaders to respond promptly to mitigate the impact of the pandemic*' .
- 5.4 The impact of COVID 19 in the year 2020- 2021:
- 5.4.1 In May 2020, the DfE published updated guidance to inform local authorities and other children's social care providers of the temporary changes to regulations governing children's social care services. The changes were made to support the delivery of services to children and their families during the lockdown. The amendments allowed for flexibility in some circumstances, the most notable being the development and use of technology to support virtual visiting. In Haringey, statutory timescales for visits and meetings remained the same whilst using technology to see children and families through digital means.
- 5.4.2 Senior leaders developed guidance for the conduct of visits, meetings (with children and professionals), training events and greater partnership collaboration for joint visits. This enabled a near seamless switch to virtual visits, virtual conferencing, and remote working with key services such as the MASH, DCT and duty assessment teams who continued to be based in River Park House throughout the pandemic. The guidance was developed drawing on research and insight from the Tavistock Clinic and professionals across designated safeguarding partners.
- 5.4.3 The ability to respond swiftly to the changes, supporting the workforce and maintaining management grip was imperative. C&YPS did this by:
- issuing guidance promptly;
  - running training sessions on a range of communications techniques including British Sign Language;
  - holding daily senior management meetings , and morning briefs with social work teams sharing good practice from across the safeguarding partners;
  - maintaining statutory timescales monitored through weekly data reports including submissions to the DFE;
  - enhancing staff supervision and management oversight through reflective group work and weekly complex care review panels;

- using technology to carry out daily contact with children and their families and initiating twice weekly welfare calls to families;
- arranging to meet children and their carers in open spaces with social workers supported to conduct visits safely with full protective equipment;
- working closely with Health Visitors to see single parents and babies under two years old at the Maya Angelou Contact Centre and through Children's Centres;
- developing partnership agreements with the police, Homes for Haringey, and Fire Brigade to extend visiting support to families in need of food parcels and essential items, signposting concerns to the MASH & Early Help Panel. Ofsted commented on the effectiveness of the Early Help Panel, *'an early help panel was established during the COVID 19 pandemic . This has helped school leaders to navigate and access the range of services and offers to support pupils, particularly those at risk of exclusion'* (Ofsted Focused Visit, March 2021);
- continuing quality assurance work, monitoring the quality of social work practice through the Safeguarding Audit team and helping social workers to adapt and increase resilience, skills, and knowledge through additional investment by partners in the Haringey Children's Academy delivering weekly online learning opportunities;
- developing team rotas and mobilising adaptations to workspaces to allow frontline practitioners to be based in Haringey to respond to emergencies and other safeguarding needs;
- working with the commissioning team to procure COVID safe placements to accommodate UASC and negotiate with other providers to manage emergencies;
- establishing across seven secondary schools, the Social Workers in Schools (SWiS) project. The impact and effectiveness of the service was recently commended by Head Teachers, parents and students.

5.4.4 As of the end of March 2021, 66% of visits to children and families were being carried out face to face, with the continued use of PPE where necessary.

## 5.5. Future Challenges and Operational Priorities

5.5.1 The future challenges and priorities can be summarised as follows (this is not an exhaustive list and the history of this type of work is that new priorities will emerge):

- Continuing to meet the increasing demands for children's social care services.
- Maintaining operational effectiveness of the service in the context of the COVID recovery measures.
- The costs associated with the placements for looked after children will continue to be a significant pressure for the Council. Significant additional corporate funding has already been given to the department, but as demand increases and the supply of placements comes under further pressure, the impact on costs must be carefully monitored.
- The recruitment and retention of social workers will continue to be a key focus.
- Tactical changes are planned for the current social care IT system. A new system will be implemented following the successful procurement of the Liquid Logic system, which will free up social work capacity and reduce administration. The new system is expected to be in place early 2023.
- A significant invest to save programme of projects providing £2m investment to improve outcomes for children and families. These projects such as the Maya Angelou Family Assessment Centre, PAUSE, Mockingbird and our edge of care

work through the Positive Families Partnership are now up and running and delivering results for children and families.

- The service is working with North Central London Clinical Commissioning Group to build resilience and capacity in placement options for children with more complex needs including development of the Haslemere Road Residential Home designed to bring and keep children who need to be looked after in Haringey.
- Haringey Children's Academy providing learning and development opportunities for the children's workforce and supported by professors and academics, remains a central part of Children's retention and skills progression strategy.

5.5.2 The letter from Ofsted following the Assurance Visit in March 2021 is positive about the direction of travel regarding service improvements overall, referencing '*decisions to bring children into care are suitable and the majority of children live in safe, stable homes which are meeting their needs well. Social workers clearly understand the need to mitigate risk and visit children regularly, either virtually or in person, according to their need. Children in care have continued to make progress despite the pandemic, with timely access to health assessments and careful consideration given to meeting their physical and mental health needs. Children living out of the local authority area receive the same standard of service as those living in the borough. Independent reviewing officer oversight provides good scrutiny and challenge*'.

## 5.6 Local Context

5.6.1 It appears that as a consequence of the pandemic, Safeguarding and Social Care is supporting high levels of need and complexity in families. The reasons for the need and complexity can be seen in the following:

- Haringey has a slightly above average number and rate of children living in all out-of-work benefit claimant households compared to London (19% vs 18% for London);
- Haringey has the seventh highest alcohol-related hospital admissions out of all London Local Authorities and the largest volume of pure alcohol sold per adult through the off-trade;
- 2.5% of Haringey's 16-64 years old population claim Employment Support Allowance for mental health and behavioural disorders. This is the third highest rate of all London boroughs and above the London average, although this is largely due to the number of claimants overall. Of all ESA claimants in Haringey 50.5% are for mental health and behavioural disorders, which is the same as the London average.
- Haringey has the fifth highest rate of domestic abuse with violence out of all London Boroughs and is above the London average.
- Haringey has the third highest rate of households in Temporary Accommodation in London and the population outnumbers the availability of housing by approximately 12,000.

5.6.2 Alongside these challenges for children, Haringey has many positives for children growing up in the area. It is a place that has a rich history, strong and vibrant communities, great transport links and excellent facilities with a range of cultural events. Key strengths include:

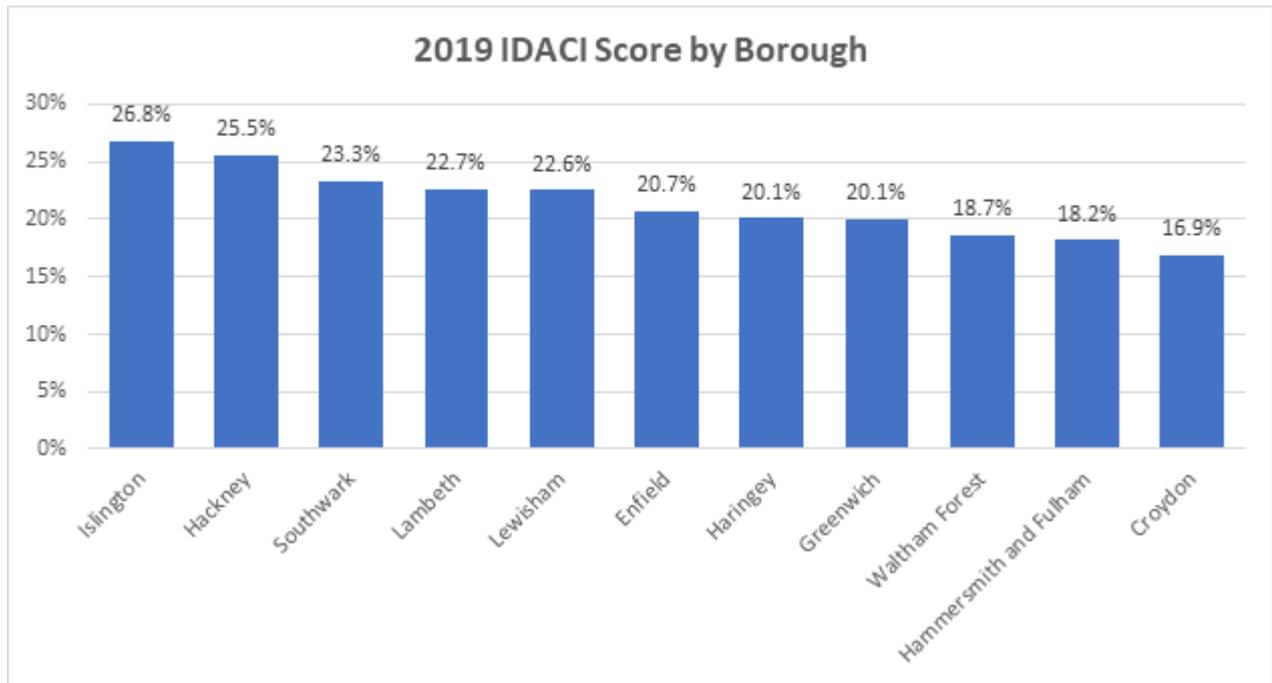
- 97% of schools that are good and outstanding.

- 99% of early years settings are judged as good or outstanding.
- The majority of our children's centres are judged good (5 out of 8) with all having good or outstanding childcare.
- Diverse communities where more than 180 languages are spoken.
- Over a quarter of the borough is green space – with 25 Green Flag Parks and 120 venues where cultural activity takes place;
- Resident's report that they have good friendships and associations in their local area and good relations between different ethnic and religious communities; and
- Residents report higher levels of life satisfaction than other London boroughs (average score of 7.66 in 2019/20 compared to London average of 7.54)

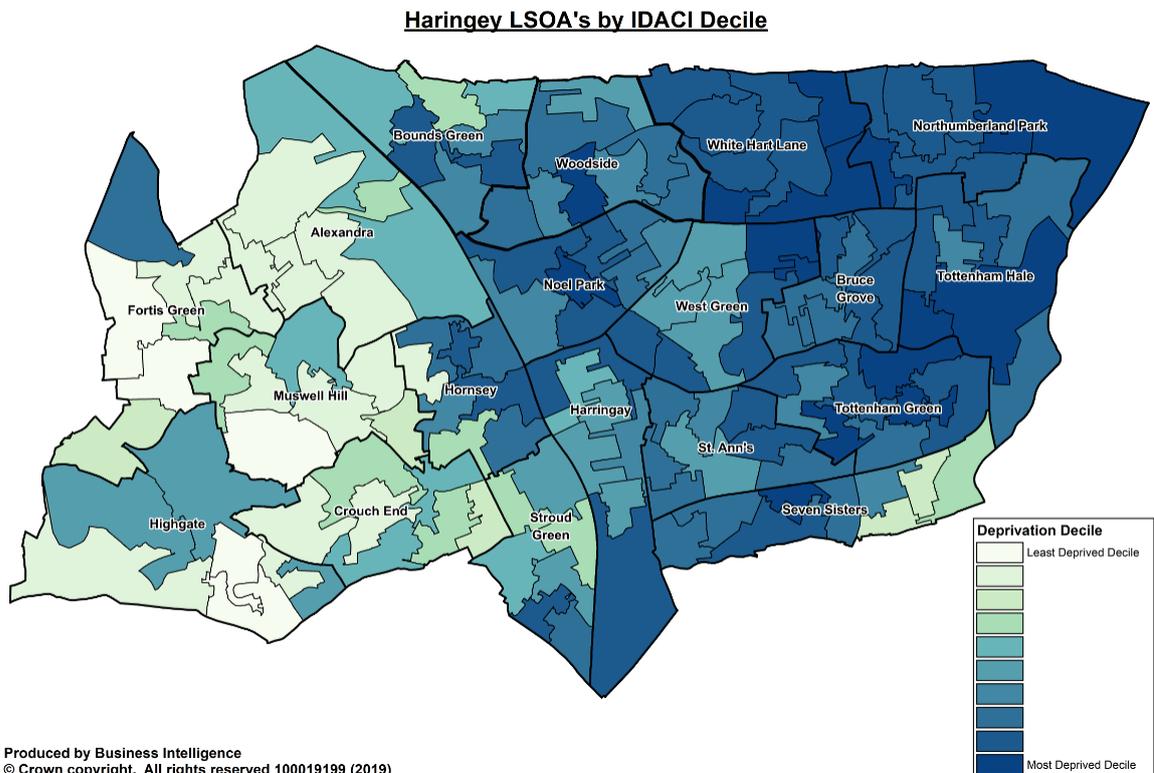
## 5.7 Our children and young people population

- 5.7.1 In Haringey there are 59,458 children aged 0-17 years, representing 22% of the overall population (ONS 2020 Mid-Year Estimates). This is largely in line with statistical neighbours and London where 21% and 22% of the population are aged 0-17 respectively. Children are not evenly spread across Haringey – eastern parts of the borough contain a large number and proportion of children, whilst many areas in the western parts of the borough have relatively fewer young people. Whilst in terms of overall population the East of the borough has 22.6% children and the West 21.3%, there can be significant variation between wards. Notably the ward with the highest proportion of 0-17-year-olds is Seven Sisters (31%), whilst the ward with the lowest is Harringay (17%). The percentage of the population that is under 18 is not expected to change significantly in future years and will remain most concentrated in the East of the Borough.
- 5.7.2 Almost half of pupils in Haringey schools do not have English as a first language (48.4%). After English, Turkish, Polish, Somali, Spanish and Bulgarian are the most commonly languages spoken.
- 5.7.3 One of our greatest challenges is inequality in outcomes. Poverty is a key determinant of poor outcomes. Childhood deprivation is unequally distributed across the borough mostly affecting those in the East. In 2019/20, nearly 1 in 5 Haringey children were living in poverty (18%), a higher rate than in London (16.6%). Haringey's eastern wards also have a larger number of children living in all out-of-work benefit claimant households compared to the west of the borough. Department for Work and Pensions' data shows the percentage of children in absolute poverty in workless households as 7.4% in White Hart Lane, 7.3% in Northumberland Park, whilst at the same time just 1.3% in Highgate and 1.4% in Alexandra.
- 5.7.4 Latest provisional DWP data on children living in low-income families shows an increase of over 20% in families living in relative low income from 10,663 families in 2015/16 to 13,380 in 2019/20. Relative low-income is defined as a family whose equivalised income is below 60 per cent of contemporary median income. Gross income measure is Before Housing Costs (BHC) and includes contributions from earnings, state support and pensions.
- 5.7.5 Haringey's 2019 IDACI (Income Deprivation Affecting Children Index) score which measures deprivation of children in the area is the 9th highest in London at 20.1%. London's overall average score is 17.2%.

5.7.6 See graph below showing how Haringey compares to statistical neighbours:



5.7.7 Of Haringey's 145 smaller geographic areas (Lower Super Output Areas – LSOAs), 52 are in the top 20% most deprived in the country for IDACI. These are almost all in the East of the borough.



5.7.8 The table below shows how Haringey ranks in the top 10 in the Indices of Multiple Deprivation (2019) in London:

	National districts rank of ranks (out of 317 districts)	London IMD 2019 rank of rank
Barking and Dagenham	5	1
Hackney	7	2
Newham	12	3
Tower Hamlets	27	4
Islington	28	5
Lewisham	35	6
Haringey	37	7
Lambeth	42	8
Southwark	43	9
Waltham Forest	45	10

5.7.9 It is widely accepted that poverty correlates positively with child abuse and neglect\*, meaning that those in the east of the borough are more vulnerable to these issues. (\*see [Joseph Rowntree Foundation Report: "The Relationship between Poverty, Child Abuse and Neglect", 2016.](#))

## 5.8 Safeguarding and looked after children trends

- 5.8.1 This section of the report sets out the data we monitor every month to assess our performance in supporting children who are on a child protection plan and those who are in our care. The data supports us in tracking our improvement and identifying our challenges for action and this is shown for the past three years.
- 5.8.2 The Multi Agency Safeguarding Hub (MASH), which receives contacts and referrals, is our local single point of contact for anyone who is worried about a child. The service continues to collaborate effectively with key partners and has sustained the practice and performance that Ofsted noted in their last visit in December 2019. The March 2021 Assurance Visit found that, *'the multi-agency safeguarding hub (MASH) makes effective decisions to safeguard children. Children and families receive a timely and appropriate response that is proportionate to their level of need. Consistency in decision-making is achieved by reference to the threshold guidance and use of Haringey's chosen social work methodology'*. (Ofsted focused visit – letter published May 2021).
- 5.8.3 In 2019, Ofsted noted that an early help hub embedded in the MASH was a *'significant strength'* as the co-location of a social work-qualified early help team manager and dedicated family support worker means that children *'benefit from the immediate help given and this is preventing concerns from escalating'*. It *'is an important improvement, as some children requiring early help had previously waited too long'*. (Focused Visit, Ofsted 2019). During the COVID 19 lockdown measures the MASH and the Early Help Hub, supported the Councils co-ordination and delivery of food parcels, emergency payments and support to school aged vulnerable children,

aligning the service delivering times to weekend operations to support the Emergency Duty Team and schools at the height of the pandemic.

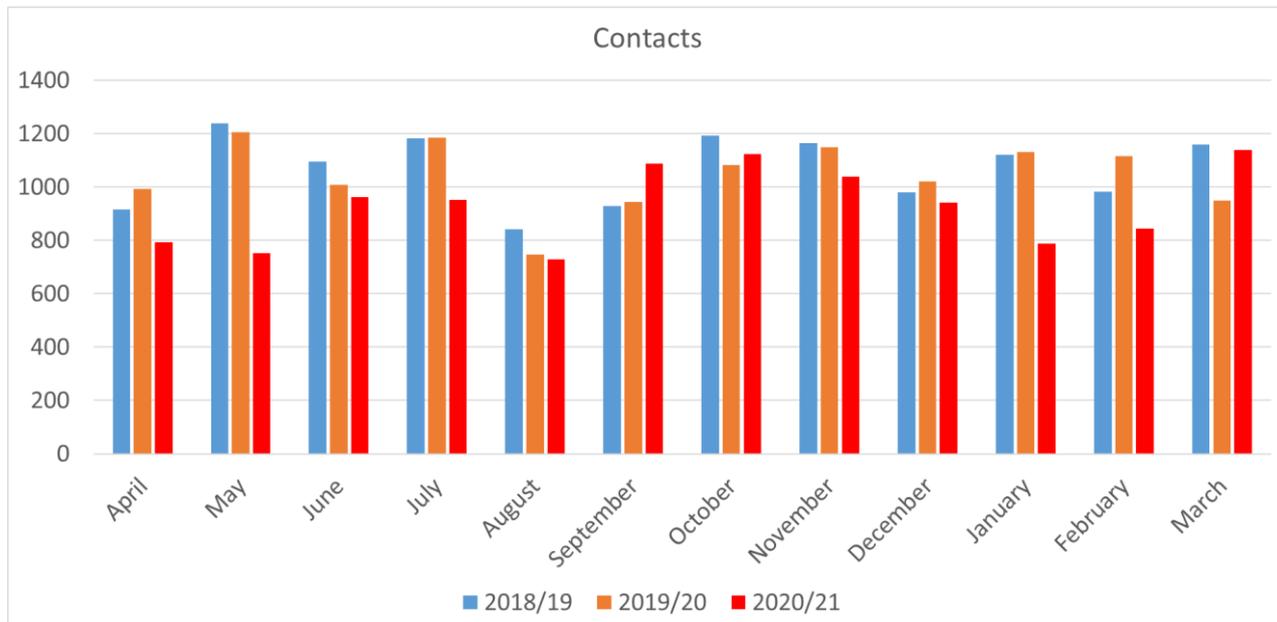
5.8.4 Our performance data continues to show us that the MASH is a safe service providing an appropriate and timely response to contacts and referrals to safeguard children. Cases are prioritised, tracked and monitored through the MASH process with clear pathways and timescales for consistency. We check our decision making in the MASH through routine management oversight and the requirements for the transfer of cases.

## 5.9 Contacts and referrals to children’s social care

5.9.1 The communication of concerns from partner agencies or the public to children’s social care is an important step in initiating a child protection response. Not all these communications from partners and the public result in a referral to social care as they may not meet the threshold for referral to assessment or they are simply one of our partner agencies ringing for some advice or support. These are categorised as **contacts**.

5.9.2 A referral is a contact for services to be provided by children’s social care, in respect of a child who is not currently open to the service, who meets the agreed threshold. This means that social workers in the multi-agency assessment hub (MASH) share information and complete a risk analysis for the referral.

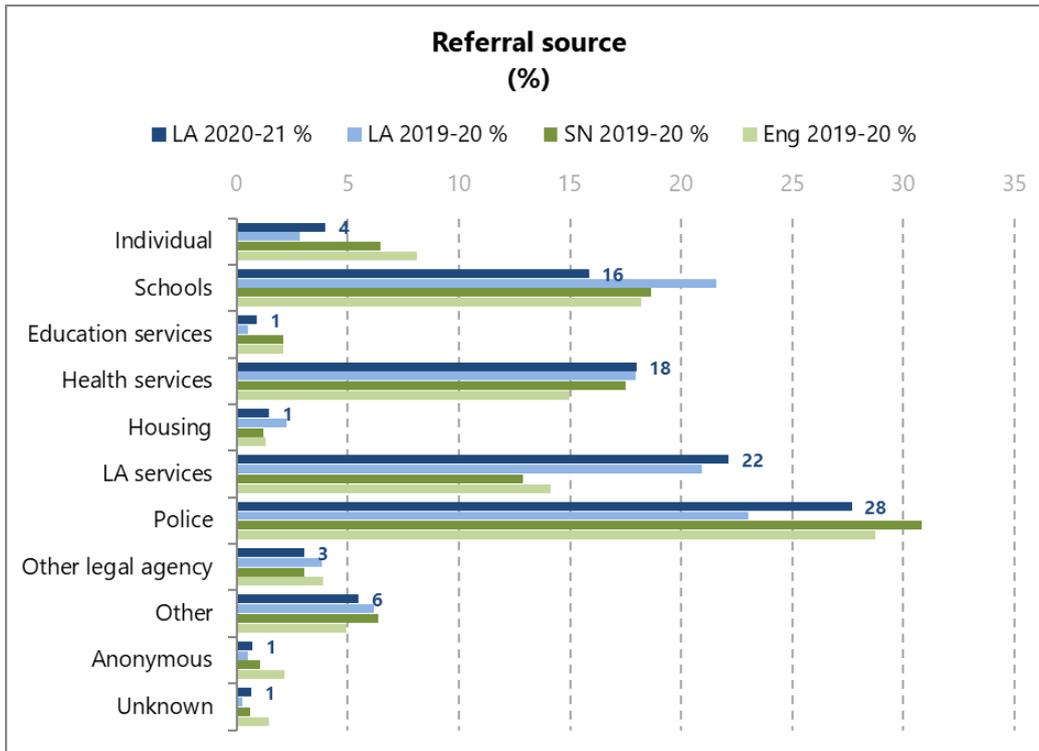
5.9.3 In 2020-21, the total number of contacts made to the MASH was 11,149. This is over 1400 or 12% fewer contacts this year compared to 2019/20



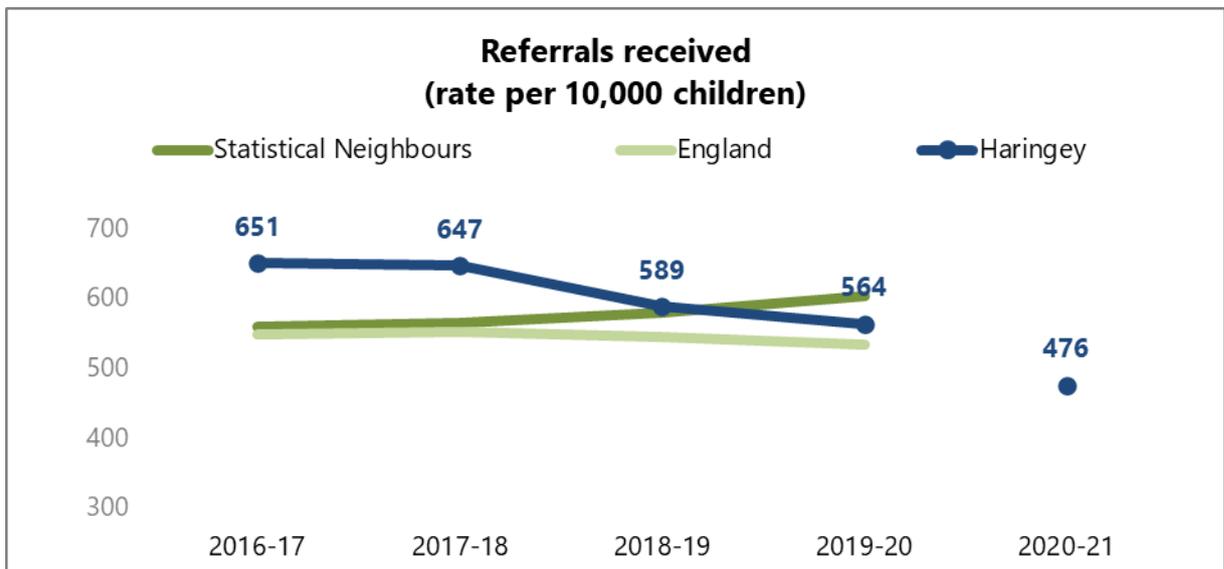
5.9.4 As can be seen in the chart above the fall in the volume of contacts was concentrated in the months of April to July 2020 and January & February 2021.

5.9.5 25% of these contacts resulted in a referral to social care, and 19% to Early help, the majority of the remainder are signposted to universal services.

5.9.6 With school closures throughout the year, as expected the number and proportion of referrals from schools fell and the proportion from the Police increased.

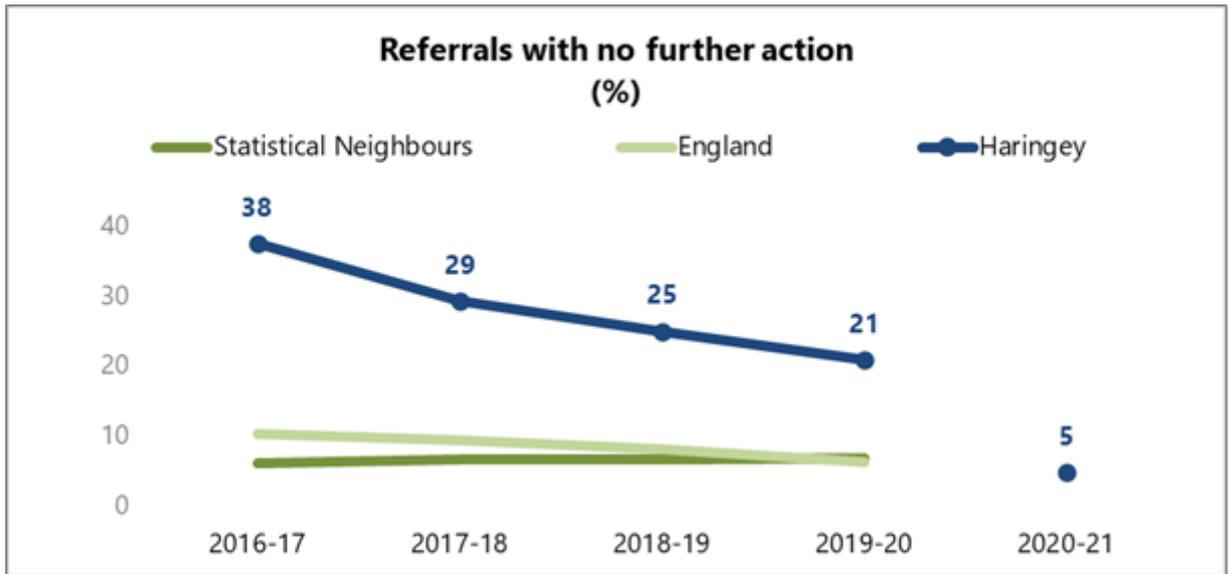


5.9.7 At the end of March 2021, the rate of referrals was 476 per 10,000 children aged 0-17 which was a decrease on the rate at the end of 2019/20 (564 per 10,000) and is below the last published rate (2019/20) for statistical neighbours of 604 and the England rate of 535. The graph below shows the change in the rate of referrals over time.

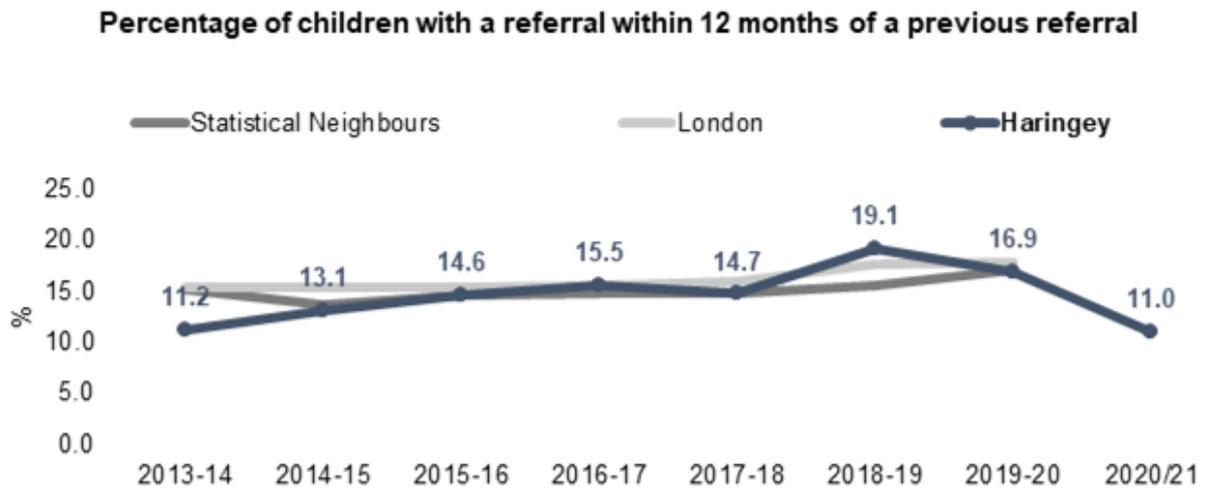


5.9.8 The rate of referrals to children’s social care that result in ‘no further action’ has fallen to just below the statistical neighbours’ and national rates as shown in the graph below. Following the significant reduction since the end of 2016/17. This improvement in performance is down to our work with partners to improve the quality of referrals

and their understanding of thresholds and a revised MASH screening process ensuring that the correct decision is made earlier in the workflow.



5.9.9 Performance in relation to re-referrals is good with fewer than 11% of children with more than one referral in the 12 months prior to the reporting date, down from 19% at the end of 2018/19. As shown in the graph below, this is broadly in line with statistical neighbours and below the national average which was 21% at the time of last publication. A lower re referral rate suggests that work to support families is effective and sustained through the developed partnership work.



## 5.10 Children with a disability

5.10.1 The Disabled Children’s Team (DCT) has continued to be a priority for service development to meet the complex and diverse nature of the range of needs experienced by children with disabilities.

- 5.10.2 The team's improving child focus and awareness of safeguarding is evidenced by a significant increase in the percentage of children on a child protection plan with a disability since 2017/18 – from 1% to 8%.

Year	No. of Children on a CP Plan with a disability	% of Children on a CP Plan with a disability
2017/18	4	1%
2018/19	7	4%
2019/20	12	7%
2020/21	20	8%

- 5.10.3 Regular monitoring of performance data shows improvement in timeliness for visits, supervision and management oversight and completion of assessments. At the end of March 2021, 97% (63% in 2020) of children's cases had an up-to-date visit and 95% (82% in 2020) of cases had up to date supervision and 100% management direction. Although still on an improvement journey, this reflects significant advances now above the averages for CYPS of 91% supervisions and 83% visits.

- 5.10.4 During the lockdown periods the team made twice weekly calls to all families open to the service to provide welfare support and worked with special schools to share information and respond to needs more broadly mitigating the impact of COVID 19.

- 5.10.5 The commissioned assurance work involving an independently managed learning review and a Partners in Practice review from Islington presented their findings to the Haringey Safeguarding Children Partnership in December 2020, both reviews made recommendations for an integrated model of service for Children with disability and provided assurance that no systemic or practice issues had been identified.

## 5.11 SEND Special Educational Needs & Disabilities

Along with national and London wide trends the number of Education, Care and Health Plans (EHCPs) issued over the past four years has increased each calendar year up to 2020 where Haringey saw a lower number issued (latest published data for comparisons is 2019), which was expected as a direct result of the coronavirus pandemic as the vast majority of requests for EHCPs are made by schools.

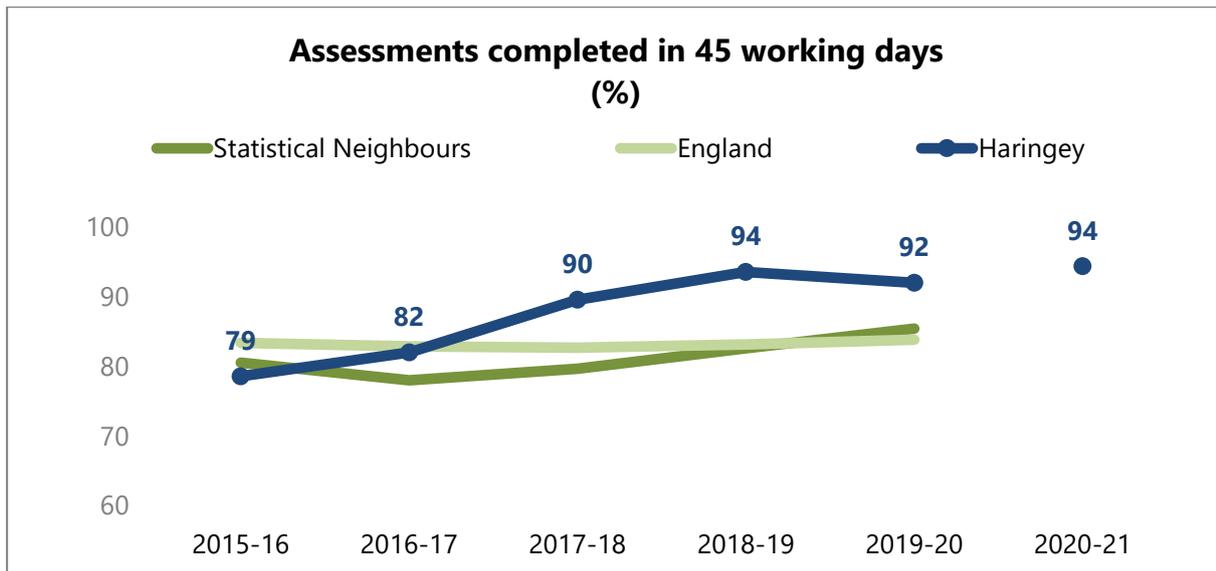
	2017	2018	2019	2020
<b>New EHC Plans Issued (Number)</b>	185	240	345	309
<b>% in 20 Weeks</b>				
Haringey	23%	25%	70%	67%
London	58%	58%	64%	
England	65%	60%	60%	

Number of open EHCP at year end				
Haringey	1537	1820	1877	2164

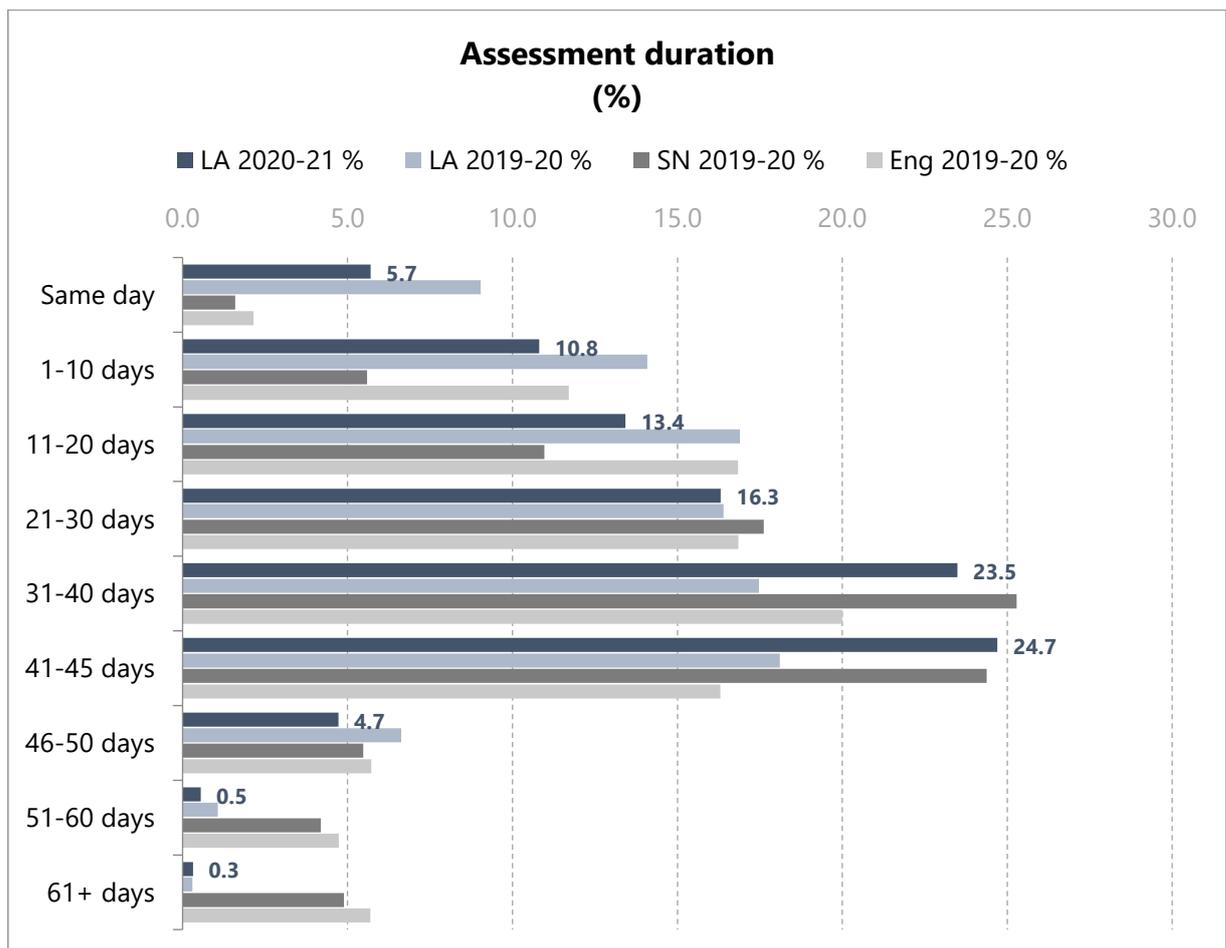
## 5.12 Assessments

- 5.12.1 A referral to social care will then either result in a decision to complete an assessment of the child's needs (within 45 working days) or, if there is a concern that immediate protection may be needed as the child is suffering or likely to suffer significant harm, an immediate strategy discussion with police and other partners is held. At the strategy discussion it is decided whether to initiate enquires under section 47 of the Children Act 1989 which is an enquiry to decide what type of action is needed to safeguard a child and if necessary, hold an initial Child protection conference within 15 working days.
- 5.12.2 During 2020/21 there were 2,563 assessments completed at a rate of 428 per 10,000 children, down from a rate of 499 per 10,000 children in 2019/20 with over 90% completed in 45 working days as shown in the graph below. This represents continued good performance in the completion of assessments and remains better than the average for our statistical neighbours (84% in 2019/20).

**Assessments completed in 45 working days**



5.12.3 As shown in the chart below almost half of the assessments were completed in under 30 working days this year. This is very good performance and is better than statistical neighbours and national averages as shown in the graph below. Whilst a few are completed outside of the timescales this is usually as a result of the complexity of the issues and is a lower percentage than our comparators.



#### 5.12.4 Factors found at the end of assessment

5.12.4.1 Another indicator of the increasing complexity of cases are the factors found at the end of assessment. In 2019/20 an average of 2.1 factors were found at the end of each assessment, this increased to 2.7 in 2020/21.

5.12.4.2 The areas with the biggest increases were:

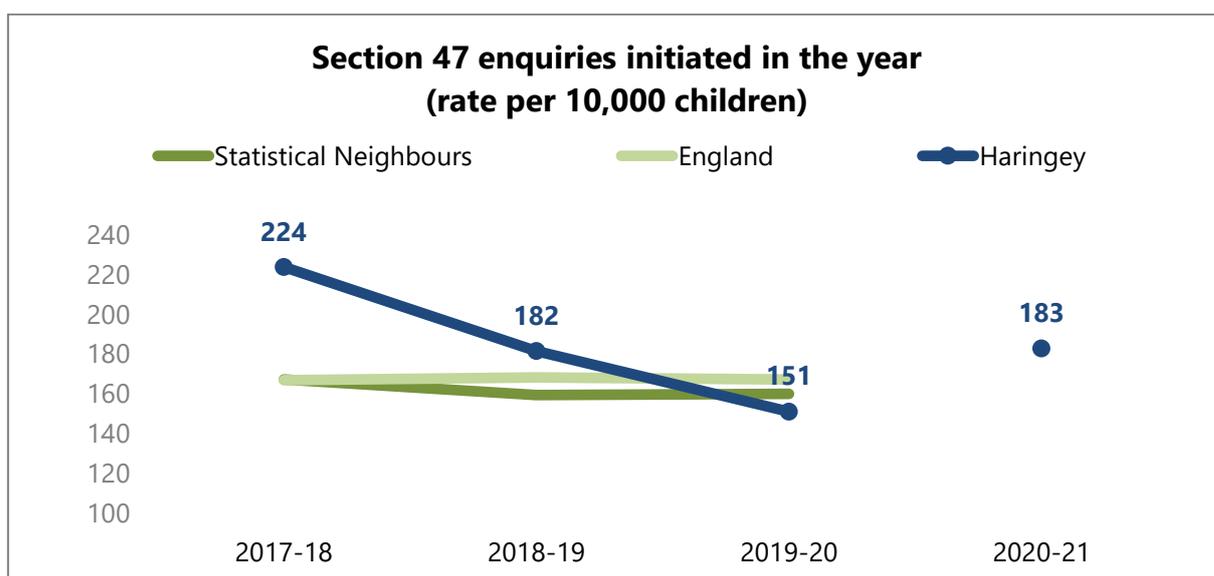
- Parental Alcohol misuse
- Domestic Abuse
- Parental Mental Health
- Socially unacceptable behaviour

#### 5.13 Section 47 enquiries

5.13.1 As noted above, Section 47 enquiries are carried out when there is a referral in which a child or children are reported to be at immediate risk of harm. This follows a multi-agency strategy discussion.

5.13.2 The rate of section 47 enquiries per 10,000 children aged 0-17 increased to a rate of 183 per 10,000 children from 151 in 2019/20 and our rate is above the last published rate of 160 for comparator boroughs and the England average rate of 167.

#### Rate of Section 47 enquiries per 10,000 children aged 0-17



#### 5.14 Initial Child protection conferences

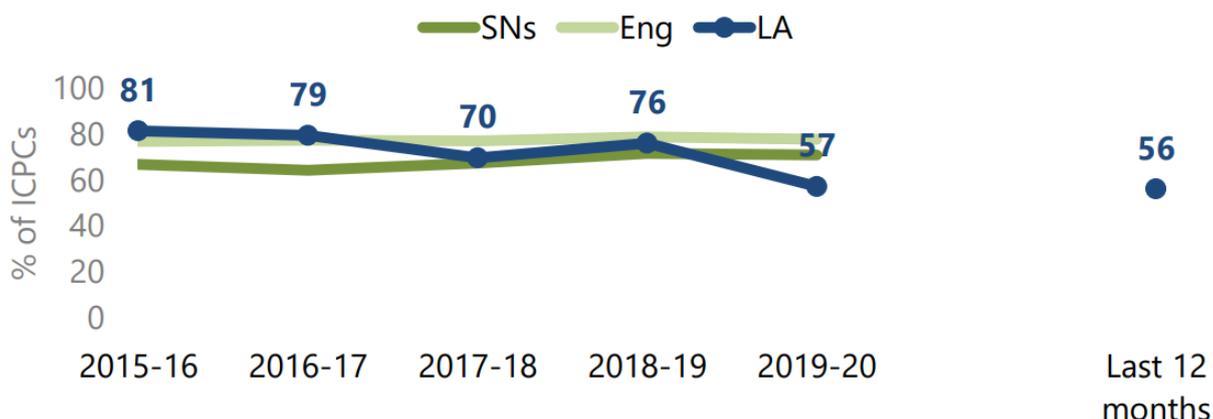
5.14.1 Following section 47 enquiries, where needed, an initial child protection conference brings together family members (and the child where appropriate) with appropriate support, and practitioners involved with the child and family to make decisions about the child's future safety, health, and development. This conference brings together all relevant information and it is the responsibility of the conference to make

recommendations on how organisations will work together to safeguard the child.

5.14.2 32% of all Section 47 investigations led to an Initial Child Protection Conference (ICPC) this year up from 17% last year.

5.14.3 We work to ensure that initial child protection conferences are convened quickly. This is an area where performance showed a decline up to December 2020. The graph below shows that in the last 12 months (April 2020 to March 2021) 56% of ICPCs were held within 15 working days in Haringey compared to last year's 76% and the statistical neighbours average of 72%. However, since January a new system has been in place effectively addressing the identified challenge.

**Trend of ICPC timeliness (within 15 days of S47 start)**

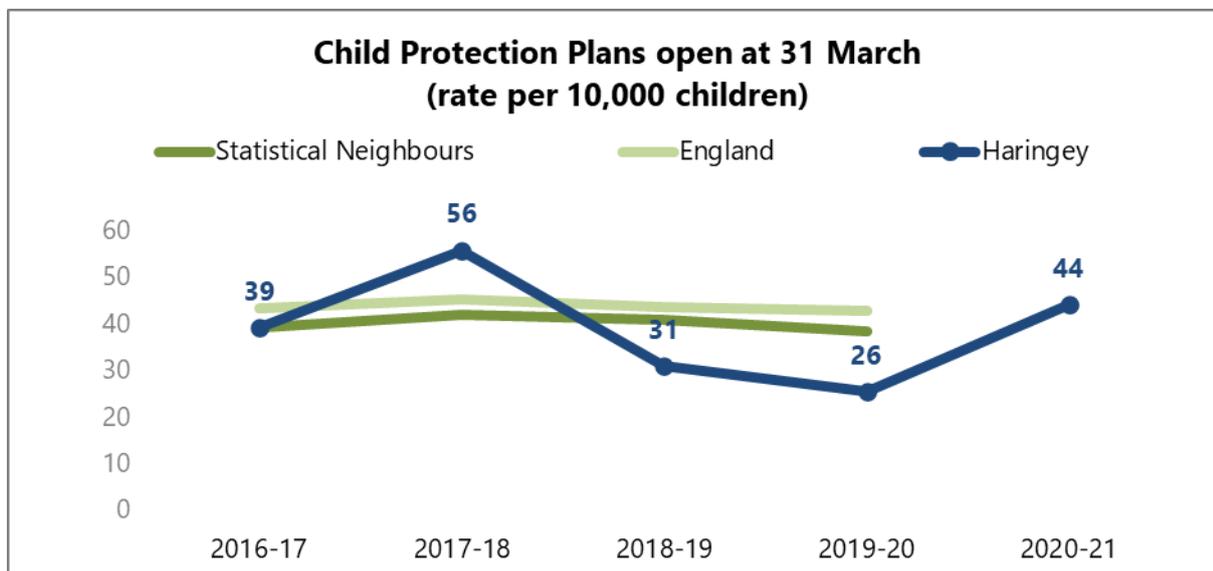


### 5.15 Child protection

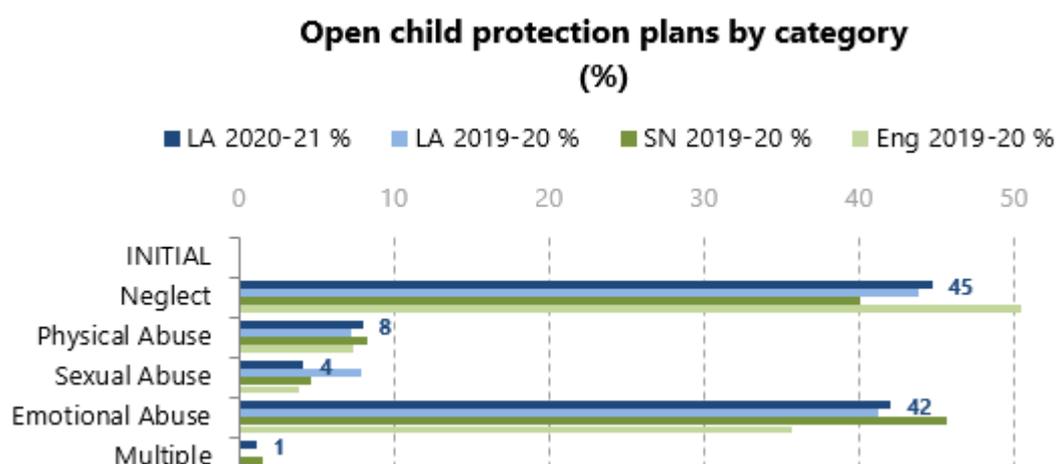
5.15.1 The aim of a child protection plan is to ensure the child is safe from harm and prevent further suffering and harm. The plan should promote the child's health and development and support the family and wider family members to safeguard their child provided it is in the best interests of the child.

5.15.2 Of the investigations that progressed to ICPC just over 97% progressed to a Child Protection Plan up from 77% in 2019/20. This along with rate of S47 to ICPCs mentioned above indicates that the correct decisions are being made earlier in the process.

5.15.3 There were 153 children on a child protection plan at the end of March 2020. This rose to 264 by March 2021 or a rate of 44 per 10,000



5.15.4 In common with other local authorities, the main child protection issues relate to emotional abuse and neglect as shown in the table below and our rates are largely in line with statistical neighbours. This shows that 45% of open child protection plans were as a result of neglect and 42% were because of emotional abuse, only a small shift from last year.

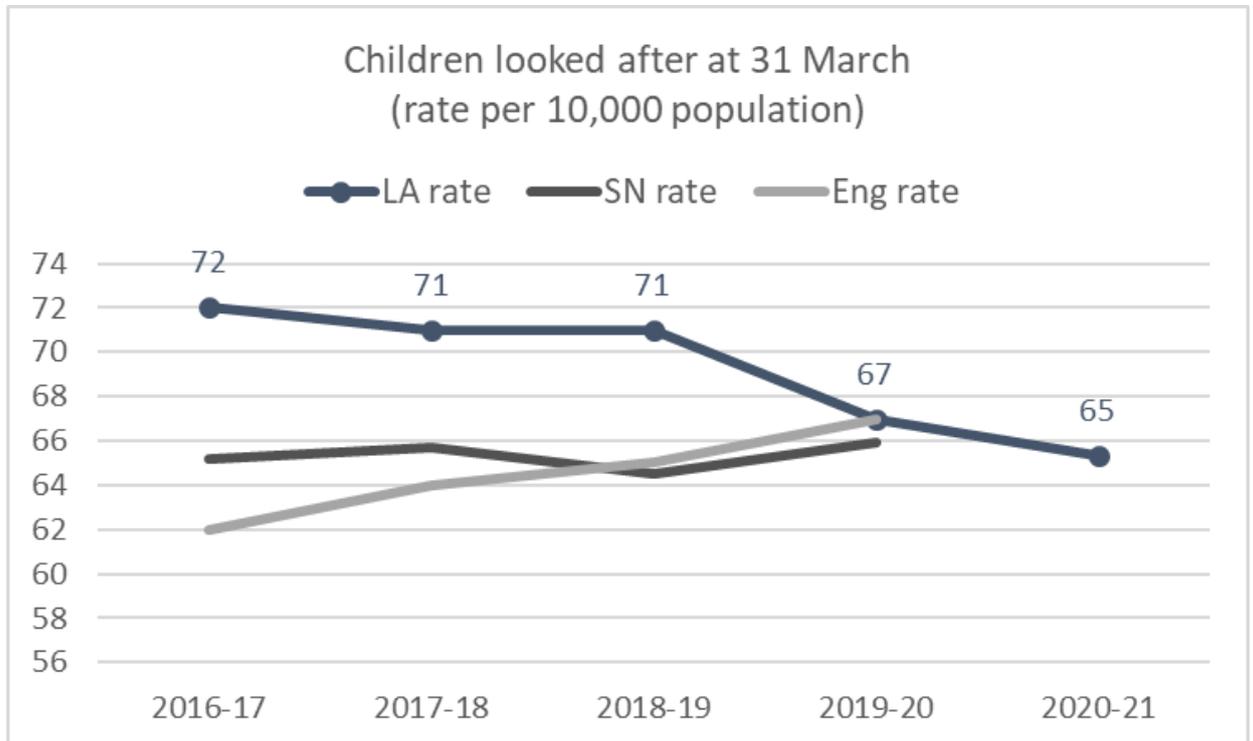


### 5.16 Children in care

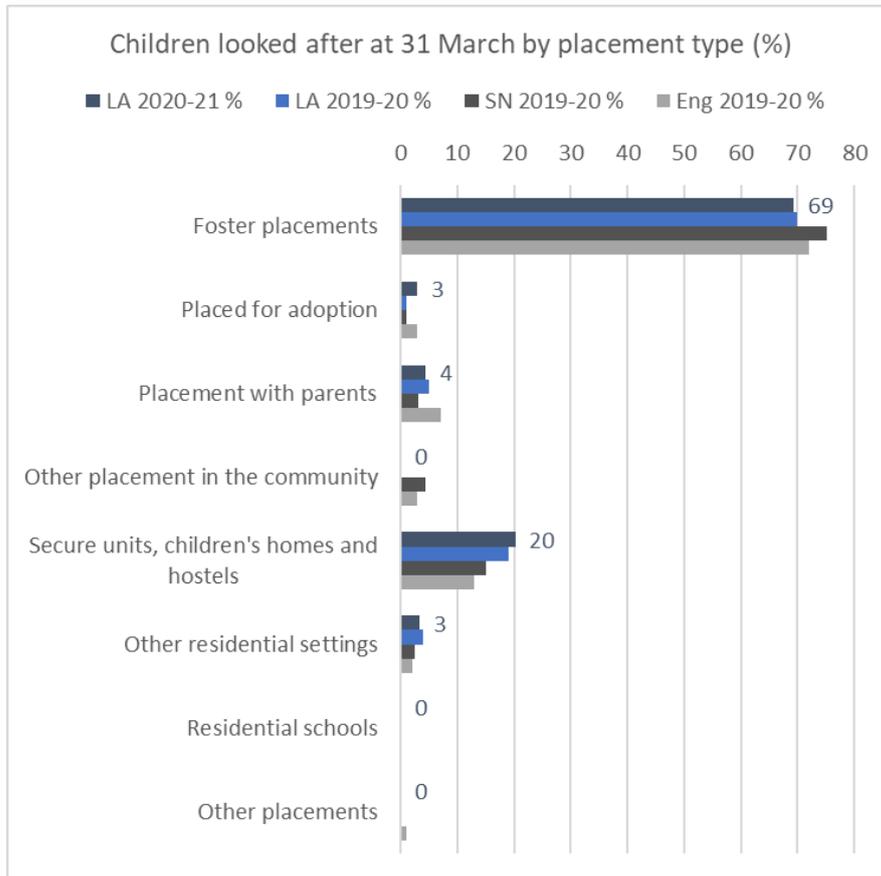
5.16.1 A child who has been in the care of a local authority for more than 24 hours is known as a looked after child. Looked after children are also often referred to as children in care. Looked after children in general are either living with foster parents, in a residential children’s home or living in residential settings like schools or secure units. Children come into care for a variety of reasons, including because they are unaccompanied asylum-seeking children with no responsible adult to care for them or children’s services may have intervened because it was believed that the child was at significant risk of harm. A child stops being looked after when they are adopted, return home, or turn 18. However local authorities are required to support most children leaving care at 18 until they are 25.

5.16.2 During 20/21 both the number of children starting to be looked after and those ceasing fell.

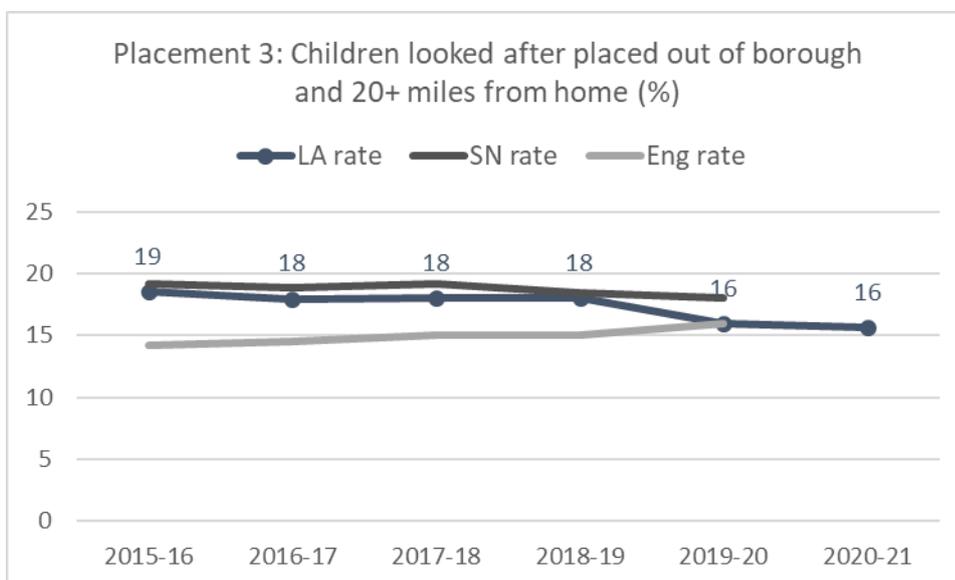
5.16.2 The net result of this was that at the end of March 2021 the number of children in our care reduced slightly to 391. This is a rate of 65 children in care per 10,000 children and is close to our statistical neighbours and England rates of around 67.



5.16.3 Many of our children in care were in foster placements (69%) and 20% were in residential accommodation, slightly up from at the end of March 2020. The chart below shows the children in care by placement type at the end of March 2021.

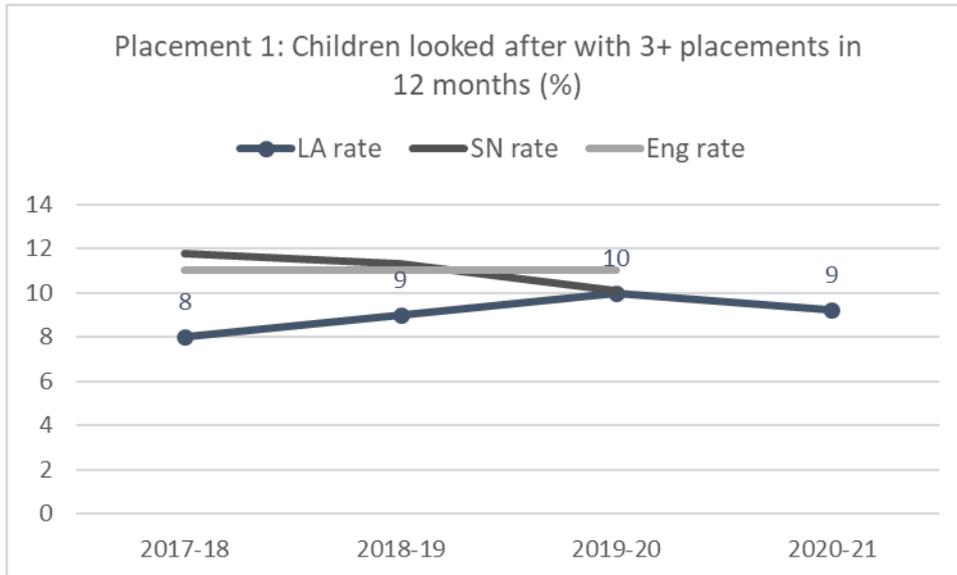


5.16.4 At the end of March 2021, 16% of children were in placements out of borough and more than 20 miles from home as shown in the graph below. This matches the national average and is broadly in line with statistical neighbours (18%). Local provision continues to be a challenge and we are working with our North Central London partners to develop this. When placing children out of borough along with other factors we consider the education and CAMHS provision young people will receive in their new placement, taking note of pressures in receiving boroughs.

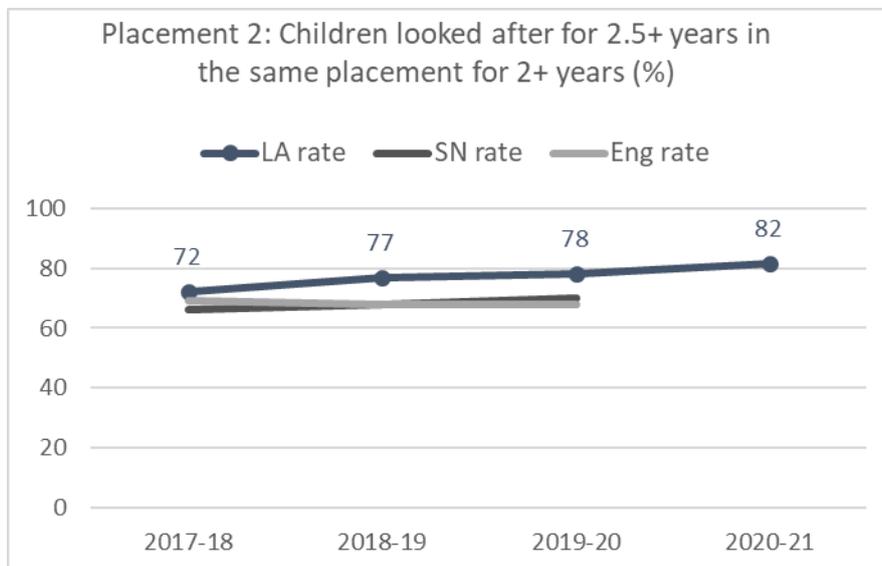


5.16.5 Placement stability is a key factor in children’s wellbeing. Having the chance to settle into a foster or residential placement over a period of time gives children a feeling of belonging, helping them feel secure in themselves and their identity. Stability will be achieved only by making sure that the child is in the right placement for them. There are two types of placement stability that we measure – short term stability which looks at the number of placements in the last 12 months and long-term stability which considers those children who have been looked after for more than 2.5 years and have been in the same placement for more than 2 years.

5.16.6 Our short-term stability performance shows that 9% of children in our care had three or more placements in 12 months. This is slightly better than last reported statistical neighbour data (10%) and better than the national average.



5.16.7 Our performance in relation to long term placement stability is continuing to be very good and 82% of children who have been looked after for more than two and a half years have been in the same placement for more than two years as shown in the graph below. This is better than the last reported national and statistical neighbour performance of 69%.

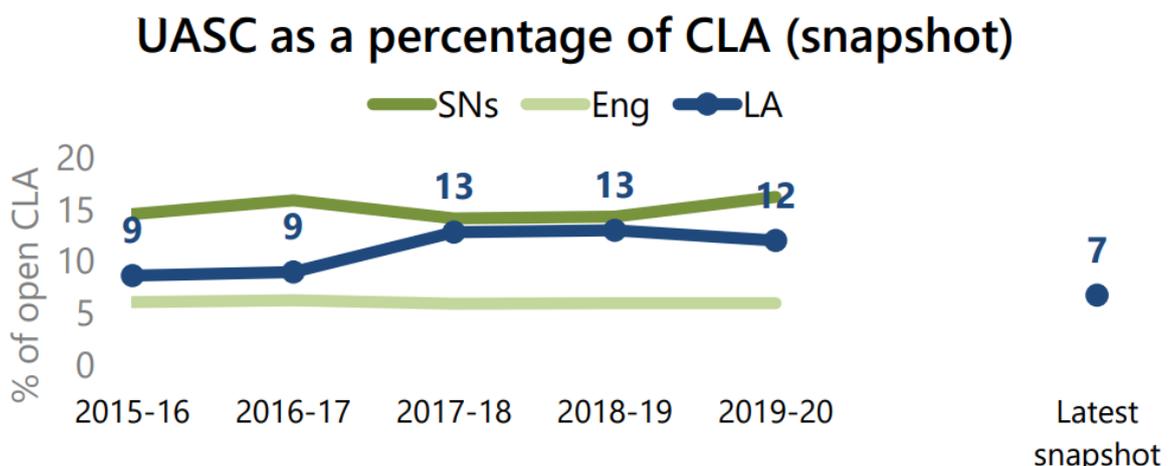


5.16.8 The new Violence, Vulnerability and Exploitation service has also been developed in response to the challenges faced by young people in Haringey. Exploitation support workers work directly with children who are looked after, on a child protection plan or who are a child in need. The service has put in place robust operational practice and systems and runs a multi-agency panel to offer services and recommendations to children and families at risk of exploitation. The panel utilises the VOLT (victim/offender/local/themes) application to consider what disruption, intervention or protection is needed. Children who go missing, especially those who go missing repeatedly, have benefited from the consistent approach from the dedicated return home interview officer.

5.16.9 The latest available data for children who go missing in Haringey, from home or for those in care, shows a continued improving position. Fewer children are going missing and when they do, there is a robust and effective response from children’s social care and the Metropolitan Police. The missing co-ordinator tracks, and risk assesses children who go missing to ensure appropriate safeguards are in place to prevent repeat occurrences.

5.16.10 There are two means by which Unaccompanied Asylum-Seeking Children (UASC) come to Haringey. Firstly, as spontaneous arrivals, most frequently arriving at local police stations. The second means is through the National Transfer Scheme, which aims to re-distribute UASC equitably from Kent and Croydon. The Government has set a target of 0.07% child population. The scheme is voluntary, and Haringey has been one of the strongest supporters of the scheme.

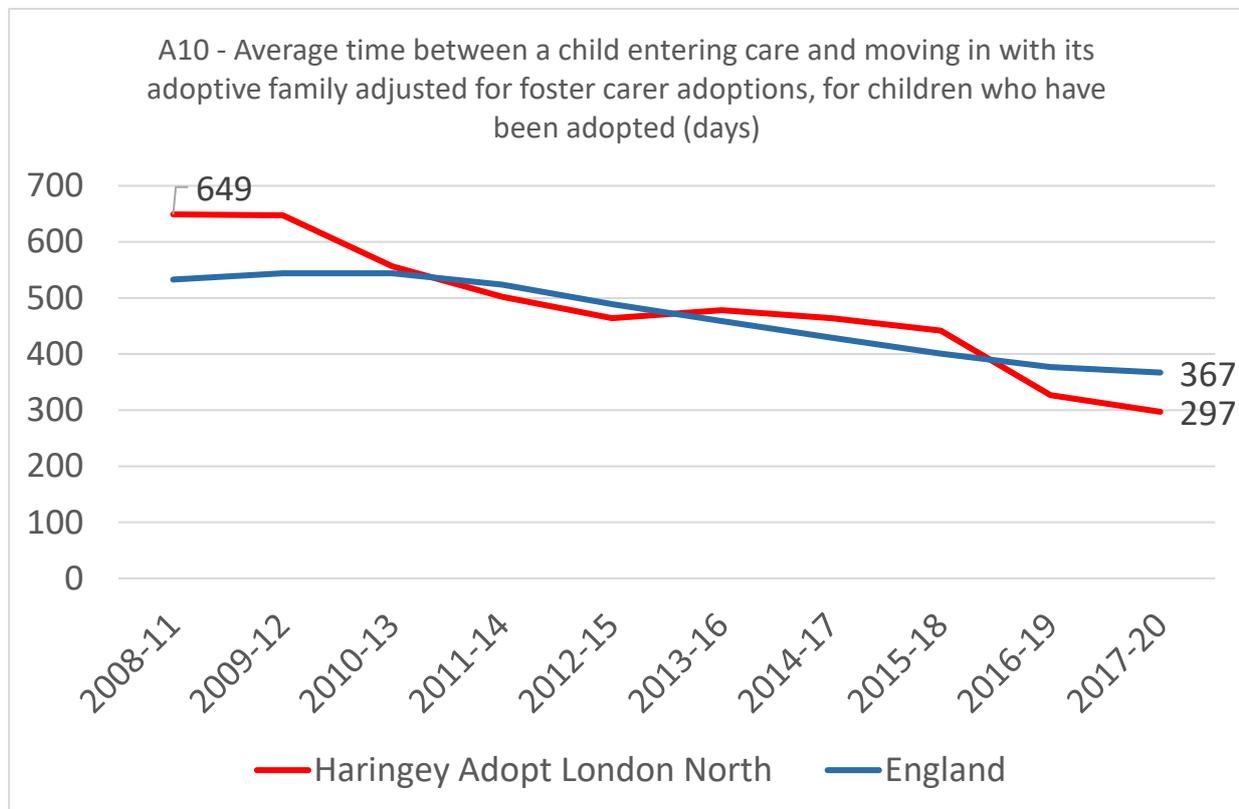
5.16.11 At the end of March 2020 there were 48 unaccompanied asylum-seeking children (UASC) in care which fell to 24 by March 2021 which is approximately 7% of the children in care cohort. This is now below statistical neighbours but in line with the national average as shown in the graph below. The reasons for the reduction in numbers relate to movement patterns related to Covid 19. Are numbers are increasing through the NTS.



## 5.17 Adoption

5.17.1 There were five adoptions during 2020/21 half the number in 2019/20. This equates to 3% of children who ceased to be looked after and as few children ceased to be looked after is only a decline from 4% the previous year.

5.17.2 One of the key measures is the timeliness of adoptions over a three-year period. Haringey has now improved to below the national average number of days from a child first being taken into care to being finally placed with their eventual adoptive parents



## 5.18 Leaving care

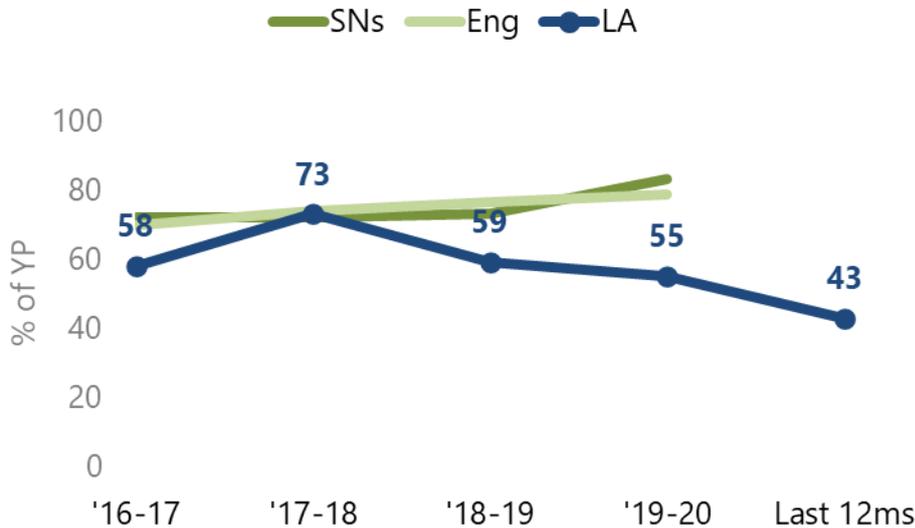
5.18.1 For young people qualifying for a service as Care Leavers there is a requirement to stay in touch with the young person, keep the Pathway Plan under review, continue the appointment of a Personal Adviser and provide financial assistance where the young person is employed or seeking employment/to enable the young person to pursue education or training. These duties continue until the former relevant child reaches 21 or, where the child's pathway plan sets out a programme of education or training which extends beyond their 21st birthday, they continue for so long as the child pursues that programme.

5.18.2 The service has this year been continuing to work with the new duty on local authorities to support all care leavers up to age 25 who can return to the local authority at any point after the age of 21 and request support.

5.18.3 At the end of March 2021 there were 438 care leavers receiving leaving care support. The number of care leavers being supported has increased by 31 since March 2020 following significant yearly increases since 2017.

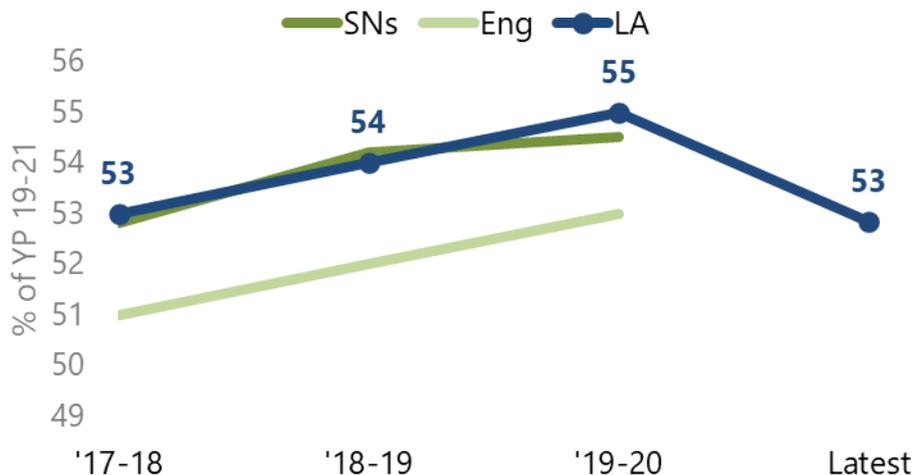
5.18.4 The graph below shows that falling proportions of young people are remaining in care until they are aged 18. In the 12 months to March 2021, 43% of young people who ceased to be looked after aged 16 plus were looked after until their 18th birthday although this from a smaller cohort this year as fewer young people left care.

5.18.5 Young people are remaining in care until they are aged 18.



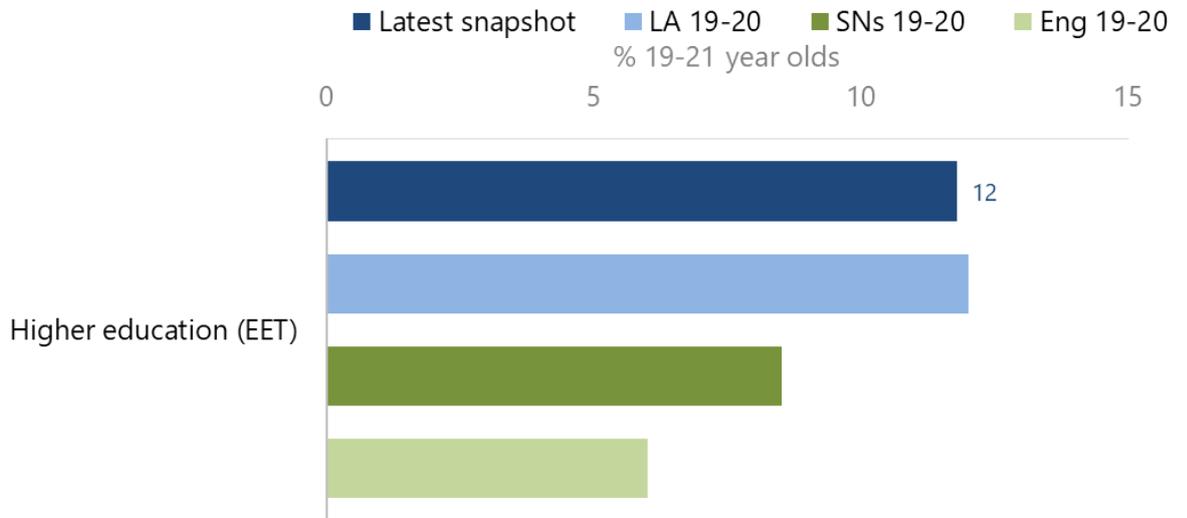
5.18.6 The percentage of care leavers aged 17-18 in education, employment and training fell slightly from 80% in 2019/20 to 76% last year. There has also been a slight fall for older care leavers aged 19-21 where 53% are in education, employment and training this year compared to 55% in 2018/19 and 54% average for our statistical neighbours.

5.18.7 Education, Employment or Training of 19-21-year-olds



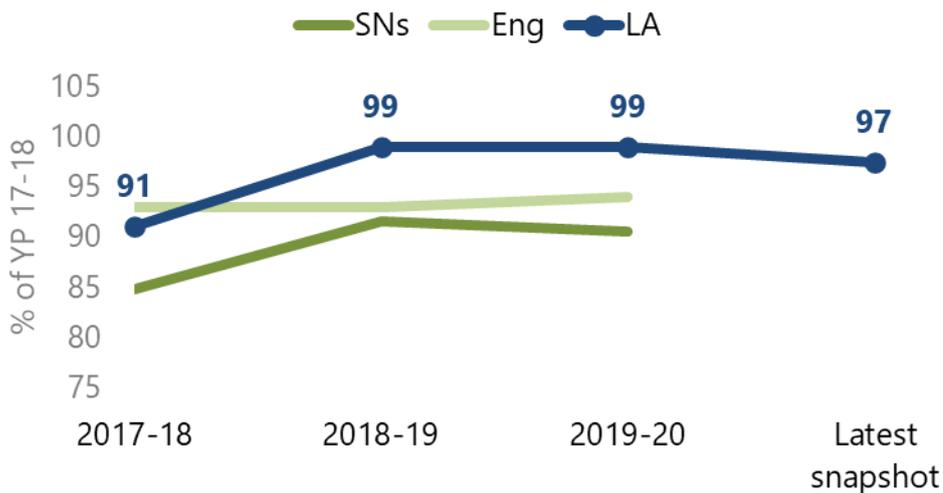
5.18.8 Haringey also continues to perform extremely well on care leavers aged 19-21 in higher education and at 12% is double the national rate and higher than our statistical neighbours.

5.18.9 Care Leavers 19-21 year olds who are in Higher Education



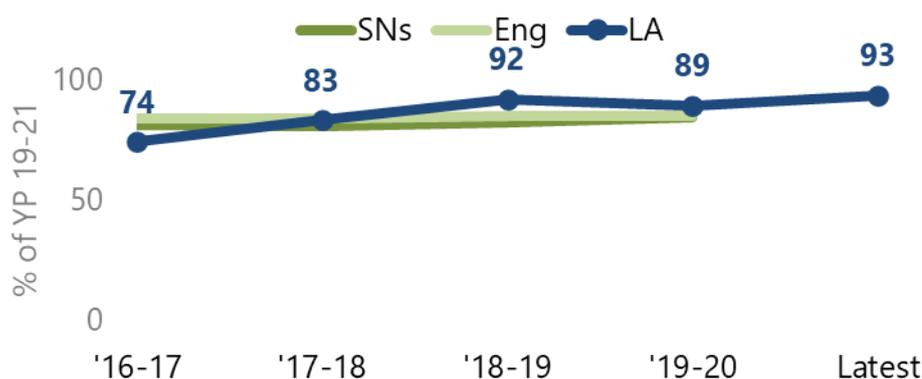
5.18.10 In Haringey, 97% of care leavers aged 17-18 and 98% aged 19-21 are in touch with the service representing continued good performance compared to statistical neighbours and England as shown in the graphs below.

Local authority in touch with 17-18 year olds



5.18.11 Over the past four years there has been a significant improvement in the percentage of care leavers aged 19-21 in suitable accommodation at 93%. The percentage of care leavers aged 17-18 in suitable accommodation has remained stable at 92% and is in line with last reported data nationally (90%) and slightly better than statistical neighbours (86%).

## Accommodation suitability of 19-21-year olds



## 7. Workforce

- 7.1 The service has put several initiatives in place with regards to recruitment and retention since March 2019 that has enabled the service to 'Grow our Own', obtain a high performing culture and be an employer of choice within the external marketplace. Although Haringey Council has made significant strides towards obtaining a high percentage of permanent qualified social workers, along with other councils around the country there have been challenges recruiting and retaining permanent social workers particularly during the COVID-19 period.
- 7.2 At the end of March 2021, the rate of agency workers declined to 23.4% of the social care workforce from 29% at the end of March 2020. This further increase in permanent social worker stability in the workforce was a significant achievement as this was the first month whereby the agency percentage fell to under 25% since 2018. With regards recruitment achievements during this period (March 2020 – March 2021), the service had successfully recruited nine newly qualified social workers, retained 90% of the previous cohort of newly qualified social workers and provided an intensive induction for the internationally recruited social workers from South Africa. There also has been intensive training sessions and administration support provided to managers on how to effectively recruit and support social workers and other front-line officers during the COVID period.
- 7.3 Due to the unprecedented situation which COVID-19 presented and recognising the additional stresses which the frontline key workers faced, the service recruited additional "COVID19" qualified social workers and differently qualified employees to support with service delivery. As delivering positive and impactful outcomes for children, young people and families is at the heart of Children's Services, this additional workforce was critical. As of August 2021, there are seven COVID -19 qualified social workers within the service who continue to provide the necessary support for service delivery.
- 7.4 As the service has reached a greater level of recruitment stability, there has been a significant focus on retention initiatives since March 2020. The service has put several interventions in place with regards retention initiatives and a strong focus on supporting the workforce during the COVID-19 period. One of the interventions which was put in place during COVID-19 and continues is the implementation of the Thursday Therapist

sessions. The Thursday Therapist sessions allow a safe place for the workforce to come and speak confidentially about their own resilience and emotional needs. There are daily service team check-ins which take place virtually. Additionally, all Assistant Directors take part in a weekly 'Ask the AD' session where key messages are communicated service wide, and the workforce can ask any questions or make service adjustment feedback. The Director's Roadshows have also continued on a quarterly basis. In these roadshows, key updates are shared as well as good news stories celebrated. The Schwartz Rounds have continued which enable the workforce to share their stories and reflect with one another based on the theme of the sessions.

7.5 The Health and Wellbeing of Children's Services workforce is of great importance and all managers have been trained on how to carry out relevant risk assessments, issue PPE, create awareness of providing details of the EAP and OH referral schemes and enable their teams to adapt to the new ways of working. There have also been service specific health and wellbeing surveys leading to the implementation of key actions. The service ensures that exit interviews are carried out and feedback to the relevant management level and staying interviews also take place across the service. These platforms provide invaluable feedback on what is working well and where realistic improvements may be made. The qualified social worker turnover in March 2021 was 9.4% and in August 2021, it was 10.2%. The London average qualified turnover for 2020/2021 was 14%.

7.6 Other key retention initiatives which have continued include the embedding of the Children's Services Learning Academy, the recruitment of apprentices for non-qualified social worker roles and the benchmarking of workforce benefits in comparison to other Local Authorities. A current piece of work has been initiated to identify if Haringey's Children's Services benefits package could be further enhanced. The outcome of this benchmarking information is aimed to be completed shortly.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **8.1 Legal**

Under the Children Act 1989, the Council is responsible for safeguarding and promoting the welfare of children in need in its area. The annual report serves to inform Committee of Children Social Care performance in 2020/21 in the discharge of the Council's children safeguarding obligations. The report is for noting and there are no legal implications arising from the recommendations.

### **8.2 Equality**

8.2.1 This report is for Committee to note Haringey Council's progress and performance with regards to safeguarding vulnerable children. As such it creates no disadvantage or inequality and the activity described serves to reduce inequality for some of the councils most vulnerable children.

## **9 Local Government (Access to Information) Act 1985**

Appendix A – [Statutory Guidance on the roles and responsibilities of the Director of Children’s Services and the Lead Member for Children’s Services](#)

Appendix B – [Working Together to Safeguard Children](#), 2018, updated December 2020 guidance

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<b>Report for</b>	Children and Young People's Scrutiny
<b>Date:</b>	4 January 2022
<b>Title:</b>	HMIP Thematic Inspection on "The experiences of black and mixed heritage boys in the youth justice system"
<b>Report authorised by:</b>	Jackie Difolco, Assistant Director: Early Help, Prevention and SEND
<b>Lead Officer:</b>	Sheri Jiwany-Burnett: Interim Service Manager – Youth Justice Service
<b>Ward(s) affected:</b>	All
<b>Report for Decision:</b>	Not applicable

## 1. Describe the issue under consideration

- 1.1 The purpose of the report is to inform Children and Young People's Scrutiny of the outcome of the HMIP Thematic Inspection into "The experiences of black and mixed heritage boys in the youth justice system" April – June 2021.

## 2. Recommendations

- 2.1 To note the contents of the report and plan, directing any comments and observations to the Head of Service for Young Adults, Youth Justice and Haslemere.

## 3. Reasons for decision

Not applicable

## 4. Report

- 4.1 Equal treatment within the criminal Justice system is a long-standing issue within the UK, evidence of racial disparity and the drivers for it within youth justice are complex many of which start long before the young person's first interaction with police. However, it is clear from the large-scale evidence that this is a systemic problem, and the solutions to this relies on larger systems of power facing and challenging uncomfortable truths. The Lammy report highlighted much of this in 2017, and now Her Majesty's Inspectorate of Probation (HMIP) chose "The experiences of black and mixed heritage boys in the youth justice system" as the subject of their thematic inspection in April – June 2021.
- 4.2 Haringey Youth Justice Service along side 8 other youth offending services from across the country (two others from London) were selected to take part in this inspection. It was the first

of its kind and a tentative exploration into the critical issues of racial disparity within the criminal justice system.

- 4.3 Over the course of six weeks, Her Majesty's Inspectorate of Probation (HMIP) reviewed comprehensive evidence in advance from each area and in total examined 173 cases of black and mixed heritage boys (59 out-of-court disposal cases and 114 cases dealt with by the courts). They commissioned the services of 'User Voice' to obtain the views of 38 boys who had been supervised by the different youth justice services. Of the 173 cases inspected 15 cases were from Haringey.
- 4.4 Haringey Youth Justice service was chosen due to the demographics of our caseload having a disproportionate make up of black and mixed heritage boys.

## 5. Context

- 5.1 The inspection took place over 3 months with the final report published late October 2021. The findings outline a bleak national picture, which illustrates the depth of racial disparity and disproportionality experienced by young black and mixed heritage boys engaged in youth justice services across the country as highlighted by national statistics.
- a) 41% -(the proportion) of children in youth custody in the year ending March 2020 who were black or mixed heritage
  - b) 35% -(the proportion) of children remanded to custody in March 2020 who were black. This has increased 14 percentage points, from 21%, since 2010
  - c) 2,166 black and 1,586 mixed heritage - The number of children who received a caution or were sentenced in the year ending March 2020. These represent 12% and 9%, respectively, of all children who received a caution or were sentenced in the period
  - d) Twice as likely - The likelihood of Black Caribbean, and mixed white and black Caribbean children to have been permanently excluded from school in the 2019/2020 academic year compared to their white peers, (rates of 0.14 and 0.15, respectively, compared with 0.06.

## 6. Youth Justice Inspections

- 6.1 Youth Justice inspections are split into three domains:

- Domain 1 - Governance and Leadership
- Domain 2 – Case Assessment
- Domain 3 – Case Assessment Resettlement.

Nb. Domains 2 and 3 intertwine and all three provide a wider picture of the impact of youth justice practice. (Youth *Inspection Framework*: [Rules and guidance and rating characteristics for: Domain one \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/youth-justice-inspection-framework/) )

- 6.2 The thematic inspection took place over the 17 – 21 May 2021, reviewing information from our case recording system, interviews with young people, parents, staff, partners, and volunteers. The inspectors also had an in-depth look at practice, policy, and procedure. Individual interviews with case managers were held and, alongside several focus groups which included our Youth Justice Partnership Board.

## 7. Overall findings

- 7.1 The final report was published in October 2021 which overall found significant deficits in the experience of young black and mixed heritage boys within the Youth Justice System: (Refer to Appendix One: The experiences of black and mixed heritage boys in the youth justice system October 2021)

*“Addressing ‘disproportionality’ has been a longstanding objective in most youth justice plans, but our evidence indicates that little progress has been made in terms of the quality of practice. At a strategic partnership level there is a lack of clarity and curiosity about what is causing the disparity and what needs to be done to bring about an improvement. Partners are not collating data and using it effectively to analyse and address the barriers that contribute to the over-representation of black and mixed heritage boys in the criminal justice system”*

- 7.2 A consistent theme of the national inspection findings highlighted high levels of unmet need for black and mixed heritage boys entering the youth justice system. Overall, the inspectors found that the majority of black and mixed heritage boys in the youth justice system had experienced multiple adverse childhood experiences (ACEs) and had high levels of need, such as special educational needs (SEN) and mental health difficulties.
- 7.3 Other themes of the inspection findings included:
- a) Education - high rates of exclusion, poor attainment and evidence of SEN not being fully addressed
  - b) Exploitation - almost a third had been victims of child criminal exploitation.
  - c) Evidence (recorded and verbal disclosure in interview) that the child had experienced racial discrimination.
  - d) Social Care - a third of the boys had been subject to Child in Need or Child Protection plans.
  - e) In over a quarter of cases, the child had a disability
  - f) Economic depravity - boys had grown up in the poorest areas of their towns and cities and had often been exposed to the violence and family breakdown associated with poverty.
- 7.4 Based on the outcome of the report, HMIP offer 18 recommendations that overarch the Youth Justice Board, The Home Office, DfE, Police Area Forces, Local Authorities, YOT partnership boards and YOS Managers. (Refer to Appendix Two: HMIP Thematic Inspection report recommendations Oct 2021)

## **8. Inspection feedback relating to Haringey**

- 8.1 The published report presents an overall picture and conclusion with recommendations. For the purpose of this report, direct feedback in relation to Haringey Youth Justice Service has been highlighted below. Recommendations from the report have been reflected within our existing service improvement plan which also has a section addressing disproportionality.

### **8.2 Findings from Domain One: Governance and Leadership**

- a) it was recognised that we were able to clearly evidence how leadership has supported with the culture change of the YJS around disproportionality over the past 2 years.
- b) Inspectors found the Stop and Search report which has a clear safeguarding lens, positive in terms shining a light on the issue.
- c) Inspectors found the Haringey Social Workers in School's initiative positive as well as the disproportionality project from the YJS - incorporating this with the social workers in school initiative to support with reducing school exclusions which disproportionately impact young black and mixed heritage boys.
- d) In terms of areas for improvement, the inspectors shared they felt that our Partnership Board needed to better understand the use of the data around disproportionality and how outcomes can be measured.

### 8.3 Findings from Domain Two: Post Court

- a) Inspectors were positive about the new pre-sentence report template which places the child and their narrative above the offence analysis. Inspectors commented that this was good evidence of diversity and identifying structural barriers.
- b) positive comments about the how the safety planning model is used and incorporated across the community and partnership work we undertake with our young people at risk of remand and how this has often achieved a safe bail support plan. This was seen as a positive approach to address the over representation of young black and mixed heritage boys being remanded. As a service, we will always offer bail support where appropriate. It is the responsibility of the Youth Justice Service (YJS) to use our privileged position and our trauma informed approach to ensure we are addressing the disproportional use of remand and detention for our black and mixed heritage boys.
- c) there was praise for the work the YJS does with the Library Services in using the libraries to mobilise the work we do and joint work with reparation and AQA certifications
- d) Inspectors were positive about the interventions we have in place to improve the experience and outcomes for the black and heritage boys, specifically virtual cooking club, the podcast, Met football tournament and the Ether programme.
- e) Inspectors recognised the motivation and understanding staff have of disproportionality, they further referred to our volunteers who were able to demonstrate how well they understand the cohort. It was also positively commented on that representation of panel members is reflective of the community we serve, which is something that youth offending teams have been known to struggle with.

### 8.4 Haringey was also identified as a good practice example:

*"In Haringey we saw some good examples of partnership work and creative projects being delivered to black and mixed heritage boys. There was access to projects such as 'Red Snapper', an intervention which aims to tackle stigma around mental health in the black and minority ethnic community. The YOS had developed a music offer, to support children to express themselves constructively, especially those from minority ethnic groups. They were working in partnership with Sony Music to provide opportunities for children to take part in an internship. They can also be provided with a mentor to support them with achievable goals if they want to go into the music industry. Wipers had been commissioned to deliver the Ether programme, which is an eight-session programme aimed at black, Asian and minority ethnic boys involved with the youth justice system. Sessions also include discussions about stereotypes,*

*breaking barriers, and perceptions of masculinity. Two further programmes for 2021 have also been commissioned. During lockdown the YOS has been delivering a virtual cooking club, an initiative aimed at improving life skills. Children are encouraged to cook food that represents their own individual culture and heritage. The YOS has produced a disproportionality podcast, which focuses on the lived experiences of ethnic minority children who have grown up in Haringey and gone through the justice system. The podcast was produced by an organisation called 'Bird Podcast'. The YOS manager and a local councillor were also interviewed to give a wider perspective on disproportionality. The podcast has been shared with partners. The podcast gave children the opportunity to discuss their experiences and it has been shared with others and made available to the public to raise awareness."*

8.5 Improvement is required in the following areas:

- a) increased management oversight and quality assurance processes addressing diversity and structural barriers, ensuring that plans/ interventions and assessments consider the needs of our diverse cohort fully.
- b) more mental health and speech and language provision and support for children and young people across both domain one and two.
- c) increased focus in capturing the voice of the fathers and specifically absent fathers in assessments and reviews to inform robust planning.
- d) Improve consideration of lived experiences of discrimination, impact of stop and search and excessive force to inform appropriate planning and interventions to achieve positive outcomes.

8.6 Findings from Domain Three: Out of Court Disposal

- a) Notably, improvements were raised around planning, specifically around safety and well-being and including interventions wider than just specific offending behaviour programmes.

## 9. Analysis

- 9.1 The initial reflections on the process and direct feedback were affirming. It was positive that the service was able to showcase the good work they are already doing to address disproportionality.
- 9.2 In terms of improvements highlighted, it is pleasing to know that our self-assessment is accurate with recommendations from the report already identified as actions within our disproportionality action plan.
- 9.3 The issue of not recording young people's experience of discrimination was an area that felt the most complex. Although it is recognised that we need to make a bigger focus on recording culture and diversity and ensure that it threads throughout our assessments and informs plans to continue address disproportionality, seeking a young person's experiences of racial discrimination is complex, demanding significant sensitivity to avoid retraumatising. To progress this, we are in discussions with our partners in practice London Borough of Islington and neighbouring borough Hackney to debate this area of concern and ensure a measured and proportionate approach in our practice.

- 9.4 The Haringey YJS Improvement Plan had already been produced and agreed by the partnership board in February 2021, however as a response to the thematic inspection recommendations, it has been subsequently updated it to include the areas for improvement raised by HMIP. (Refer to Appendix Three: Haringey Youth Justice Service Improvement Plan 2021-2022)

## 10. Progress to date

- 10.1 Progress to date within our action plan to address disproportionality includes:

- a) We are working on an in-depth partnership plan which will expect our partners to use their own data to help inform our work and better understand how we can make individual improvements to address disproportionality.
- b) A new quality assurance tool has been developed; therefore, managers are actively analysing this when auditing a case and can support staff to highlight and triangulate information to provide more robust assessments with a diversity lens.
- c) A temperature check was conducted with all staff to explore how many case managers were in touch with and or actively seeking out the voice of the fathers. This exercise highlighted to staff the need for more curious practice. This was followed by a practice development workshop on working with fathers and absent fathers.
- d) Where young people have been stopped and searched by the Police, this is now being added to the assessment as a “significant life event”. Open discussion with young people about their experience with police/in custody or their arrest/ of court are now fully expected as part of early engagement, to ensure we are capturing these lived experiences
- e) To improve the offer for young people who receive an out of court disposal, the service has developed bespoke informal education sessions on identity, culture, lived experience and stop and search.

## 11. Conclusion

- 11.1 Haringey YJS has a great deal to be proud of, when we look at the national picture, we know that we have already made significant changes to our practice to ensure that we are addressing racial disparity and disproportionality. We are using an identity lens in the interventions that we offer and there is a strong focus on service and practice development.
- 11.2 We use our privilege to champion the needs of our young people and openly challenge disparity. We will use the feedback to continue to improve and place a new focus on youth and family participation to ensure the voices of both the young people and their families continue to inform the delivery of our service.

## 12. Contribution to strategic outcomes

- 12.1 The objectives of the youth service are aligned with the priorities within the ‘Borough Plan – Priority 2 (People)’ specifically:

- a) Happy childhood: all children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family, networks and communities.
- b) Every young person, whatever their background, has a pathway to success for the future.
- c) Strong communities where people look out for and care for one another.

12.2 This work contributes to the Mayor of London's Policing and Crime Strategy, Haringey's Borough Plan Priority 3 (Place), the Haringey Community Safety and Early Help Strategy. It will also help to deliver on Haringey's Borough Plan, Young People at Risk strategy, as well as the North Area Violence Reduction Group (NAVRG).

12.3 Officers and partners work strategically across related work areas and boards such as Youth Justice, Safeguarding Children and Adults, Health and Wellbeing, Regeneration, Community Gold, Early Help and the Community Safety Strategy.

### **13. Statutory Officers comments**

#### Finance and Procurement

13.1 The report does not directly present any financial implications to the council. The implications of any planned actions resulting from the outcome of the audit and updates to the Haringey YJS Improvement plan will be reviewed when due.

#### Legal

13.2 There are no legal issues arising from the recommendations of the report. Consideration should be given to how the issues raised in the Thematic Inspection and the Action Plan should be shared across the Council's services areas and with our strategic partners to ensure a joined up approach and response.

#### Equalities

13.4 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- a) Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- b) Advance equality of opportunity between people who share those protected characteristics and people who do not;
- c) Foster good relations between people who share those characteristics and people who do not.

13.5 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

13.6 HMIP's thematic inspection has highlighted a number of equalities-related issues faced by Black and mixed heritage boys as a result of their disproportionate representation within the youth justice system, many of which are intersectional in their nature and impact. Haringey YJS's inclusion of the areas for improvement raised by HMIP in its



Improvement Plan is a positive measure in addressing the inequalities faced by Black and mixed heritage boys within the youth justice system and society at large.

- 13.7 In order to ensure that the Council satisfies the Public Sector Equality Duty, it will be necessary to assess the equalities implications of individual pieces of work set out in the Improvement Plan to progress the Council's youth service on a case-by-case basis, including undertaking an Equality Impact Assessment where necessary. It is anticipated that, in doing so, this will involve a consideration of the equality's issues raised by HMIP as part of its thematic inspection.
- 13.8 Senior Leaders should ensure that it addresses these duties by considering them within its work plan, as well as individual pieces of work. This should include considering and clearly stating;
- a) how policy issues impact on different groups within the community, particularly those that share the nine protected characteristics;
  - b) whether the impact on particular groups is fair and proportionate;
  - c) whether there is equality of access to services and fair representation of all groups within Haringey;
  - d) whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.
- 13.9 Senior Leaders should ensure equalities comments are based on evidence. Wherever possible this should include demographic and service level data and evidence of residents/service users' views gathered through consultation.

## 14 **Appendices and References**

Appendix One: HMIP Thematic Inspection report - The experiences of black and mixed heritage boys in the youth justice system October 2021

Appendix Two: HMIP Thematic Inspection report recommendations Oct 2021

Youth Justice Board and Ministry of Justice. Youth Justice Statistics 2019/20: England and Wales. <https://www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020>

National Statistics. Permanent exclusions and suspensions in England and Wales. <https://www.gov.uk/government/statistics/permanent-exclusions-and-suspensions-in-england-2019-to-2020>

## 15 **Local Government (Access to Information) Act 1985**

N/A



Her Majesty's  
Inspectorate of  
Probation

## **The experiences of black and mixed heritage boys in the youth justice system**

A thematic inspection by HM Inspectorate of Probation  
October 2021

## Contents

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<b>Foreword</b> .....	<b>4</b>
<b>Contextual facts</b> .....	<b>5</b>
<b>Executive summary</b> .....	<b>6</b>
<b>Recommendations</b> .....	<b>11</b>
<b>1. Introduction</b> .....	<b>13</b>
1.1. Why this thematic? .....	13
1.2. Background .....	13
1.3. Aims and objectives .....	17
1.4. Scope of the inspection .....	17
1.5. Report outline.....	18
<b>2. The boys</b> .....	<b>19</b>
2.1. Profile and need .....	19
2.2. What the boys told us .....	20
2.3. Conclusions and implications .....	23
<b>3. Governance, leadership and staffing</b> .....	<b>25</b>
3.1. National leadership .....	25
3.2. Local YOS partnership governance and leadership .....	28
3.3. Staffing .....	33
3.4. Conclusions and implications .....	36
<b>4. Partnerships, services and facilities</b> .....	<b>38</b>
4.1. Partnerships and services .....	38
4.2. Facilities.....	45
4.3. Conclusions and implications .....	46
<b>5. The quality of casework and reports</b> .....	<b>47</b>
5.1 Pre-sentence reports and post-court casework .....	47
5.2 Post-court casework.....	48
5.3 Out-of-court disposals.....	54
5.4. Conclusions and implications .....	59
<b>References and further reading</b> .....	<b>61</b>

<b>Annexe 1: Glossary .....</b>	<b>62</b>
<b>Annexe 2: Methodology.....</b>	<b>64</b>
<b>Annexe 3: Expert reference group .....</b>	<b>66</b>
<b>Annexe 4: Racial disparity.....</b>	<b>67</b>
<b>Annexe 5: School exclusion data.....</b>	<b>68</b>
<b>Annexe 6: Case assessment data .....</b>	<b>69</b>

## **Acknowledgements**

This inspection was led by Maria Jerram, supported by a team of inspectors and operations, research, communications and corporate staff. User Voice undertook interviews with service users. The manager responsible for this inspection programme is Helen Davies. We would like to thank all those who participated in any way in this inspection. Without their help and cooperation, the inspection would not have been possible. Please note that throughout the report the names in the practice examples have been changed to protect the individual's identity.

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ISBN: 978-1-914478-23-9

This publication is available for download at:

[www.justiceinspectorates.gov.uk/hmiprobation](http://www.justiceinspectorates.gov.uk/hmiprobation)

Published by:

Her Majesty's Inspectorate of Probation  
1st Floor Civil Justice Centre  
1 Bridge Street West  
Manchester  
M3 3FX

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## Foreword

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This fieldwork for this inspection took place between April and June 2021. The trial for the murder of George Floyd ran alongside it and concluded during this time. The impact of this case and the rise and influence of the Black Lives Matter movement were strongly felt in almost every service we visited during this inspection. It was clear that these events have reignited overdue discussion about racial discrimination and its impact.

Over the course of six weeks, we inspected nine different youth offending services (YOSs). We reviewed comprehensive evidence in advance from each area and in total examined 173 cases of black and mixed heritage boys (59 out-of-court disposal cases and 114 cases dealt with by the courts). We commissioned the services of 'User Voice'<sup>1</sup> to obtain the views of 38 boys who had been supervised by the different services. They told us about the support they had received and the challenges they face.

Prior to this thematic inspection, we analysed our own core inspection data from a 12-month period and found that the quality of service delivery to black and mixed heritage boys tended to be poorer than that of work delivered to their peers. This was especially evident in the out-of-court disposal cases. We were concerned in this inspection to find that when we looked at this type of work, with an increased focus on ethnicity and experiences of discrimination, we found an even greater disparity.

The boys whose cases we looked at had complex needs, and opportunities to support them earlier, outside of the youth justice system, had often been missed. It was therefore concerning to find that, when they came to the attention of the criminal justice system, the quality of services they received at this critical moment in their life was insufficient. 60 per cent of the boys subject to court orders had been excluded from education, most of them permanently, and the impact of this on their life chances was significant. Black and mixed heritage boys were consistently over-represented in custodial cohorts. In one service every child in custody was a black or mixed heritage boy and this is deeply worrying.

Addressing 'disproportionality' has been a longstanding objective in most youth justice plans, but our evidence indicates that little progress has been made in terms of the quality of practice. At a strategic partnership level there is a lack of clarity and curiosity about what is causing the disparity and what needs to be done to bring about an improvement. Partners are not collating data and using it effectively to analyse and address the barriers that contribute to the over-representation of black and mixed heritage boys in the criminal justice system.

Most services recognised that things have not been done well enough and stated their commitment to improve. In the last 12 months some YOSs have developed focused strategies and plans to address disproportionality and support anti-racist practice; however, any impact of this is yet to be reflected in the quality of casework. This current impetus must now be used to urgently improve practice, service delivery and outcomes for black and mixed heritage boys.

To be effective, there must be a clear vision, strategy and plan that is embraced by all partner agencies and understood by all those working with this group of boys. Training, support, direction and guidance for staff are critical, as is the ongoing monitoring and reviewing of progress and improvement. We will also introduce a more robust set of standards around this issue for our core youth inspections.



**Justin Russell**

HM Chief Inspector of Probation  
October 2021

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<sup>1</sup> User Voice is a charity created and run by people who have been in prison and on probation.

## Contextual facts

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Of the cases we inspected where black or mixed heritage boys were sentenced to court orders, we found that:

<b>60%</b>	had been excluded from school, the majority permanently
<b>Almost a third</b>	had been a victim of criminal exploitation
<b>Half of the boys</b> (where recorded)	had experienced racial discrimination
<b>A third</b>	were subject to Child Protection or Child in Need processes
<b>A quarter</b> (where recorded)	the number of cases in which the child had a disability

National statistics:

<b>41%</b>	The proportion of children in youth custody in the year ending March 2020 who were black or mixed heritage <sup>2</sup>
<b>35%</b>	The proportion of children remanded to custody in March 2020 who were black. This has increased 14 percentage points, from 21%, since 2010 <sup>3</sup>
<b>2,166 black and 1,586 mixed heritage</b>	The number of children who received a caution or were sentenced in the year ending March 2020. These represent 12% and 9%, respectively, of all children who received a caution or were sentenced in the period <sup>4</sup>
<b>Twice as likely</b>	The likelihood of Black Caribbean, and mixed white and black Caribbean children to have been permanently excluded from school in the 2019/2020 academic year compared to their white peers, (rates of 0.14 and 0.15, respectively, compared with 0.06) <sup>5</sup>

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<sup>2</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*. <https://www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020>.

<sup>3</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*.

<sup>4</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*.

<sup>5</sup> National Statistics. (2021). *Permanent exclusions and suspensions in England and Wales*. <https://explore-education-statistics.service.gov.uk/find-statistics/permanent-and-fixed-period-exclusions-in-england>.

## Executive summary

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### Inspection methodology

During the course of this remote inspection in April and May 2021, we examined the quality of work delivered by YOSs in Manchester, Lewisham, Nottingham, Haringey, Hackney, Leeds, Sheffield, Liverpool and Oxfordshire. All YOSs were selected due to the volume of their caseload and an over-representation of black and/or mixed heritage boys in their services, as recorded in the Youth Justice Board (YJB) disproportionality toolkit data. We looked at the work delivered through a lens that considered the child's ethnicity, their diversity and any experiences of discrimination.

We examined 173 cases of black and mixed heritage boys (59 out-of-court cases and 114 post-court cases), which had commenced within the previous 12 months. We interviewed 99 case managers. We also interviewed senior managers from the YOSs, and held focus groups with case managers, middle managers, partnership staff, volunteers and the youth offending service strategic management boards. Our work was also informed by surveys completed by staff, parents, volunteers and magistrates. We undertook a week of meetings with representatives from national organisations, including the Youth Justice Board for England and Wales, the Home Office, the Department for Education, Ofsted, the Magistrates Association, the Chief Executive Officer for the Association of Police Crime Commissioners and the National Police Chiefs' Council. An expert reference group contributed to this report by advising on strategic, technical and operational issues associated with the subject and services under inspection (Annexe 3). It represented the views of key stakeholders in the areas under scrutiny, and commented on emerging findings and final recommendations.

We commissioned the services of 'User Voice', who met with 38 black or mixed heritage boys to gather their perspectives on the services that they had received from the YOSs. The boys also helped us understand some of the challenges they face in their day-to-day lives and what could be done to help. A report from User Voice is published alongside this report. Key findings and quotations have also been incorporated in this report. Inspectors spoke with a small number of parents whose children were, or had been, involved with the YOS and who requested a meeting.

### What we learned about the boys

In all services we inspected, staff and managers told us that the large majority of black and mixed heritage boys in the youth justice system had experienced multiple adverse childhood experiences (ACEs) and had high levels of need, such as special educational needs (SEN) and mental health difficulties, which had not always been identified or properly addressed until they came into contact with the YOS. This raises questions and concerns about the support they received from mainstream services before their involvement with the youth justice system. Reports of high levels of unmet need for black and mixed heritage boys entering the youth justice system was a consistent theme of this inspection. There was a general consensus among YOSs that, had problems and difficulties been addressed earlier in the children's lives, there could have been a different outcome for them. In the post-court cases we inspected, 60 per cent of the boys were, or had been, excluded from school, the majority permanently. Almost a third had been victims of child criminal exploitation. In half of the cases inspected there was evidence (where it had been recorded) that the child had experienced racial discrimination. A third of the boys had been subject to Child in Need or Child Protection plans. The majority were not 'heavily convicted' (i.e. they had only one or no previous convictions), and in over a quarter of cases (where information had been recorded) the child had a disability. They were reported to be more likely than other groups of children to have an education, health and care (EHC) plan, and equally as likely again to have special educational needs that had not been identified or addressed. The boys had grown up in the poorest areas of their towns and cities and had often been exposed to the violence and family breakdown associated with poverty.

Racial discrimination was also a feature in the lives of the boys. For the most part, they accepted it as being 'just the way it is'. This acceptance is as significant as the experience itself, when considering their development, their circumstances and their future.

### **What we learned from the boys**

User Voice spoke to 38 boys across the nine inspected areas. The majority talked about the challenges they faced growing up in relation to their environment and peer associations and friendship groups, which for many were determined by living in the same locality and shared experience rather than conscious choice. The boys spoke at length about being subject to police stop and search and racial profiling. This was especially significant for those who lived in London.

When discussing their involvement with their individual YOSs, the boys were not always clear about the role of the YOS or what support it could offer them. For some, their sentence plan or out-of-court intervention was something they just had to get through. They often felt they did not need any support from professionals, or at least they could not articulate what advice and guidance might be helpful. For some there was a sense that interventions worked best when the YOS had limited contact with them, but this also led to them viewing their interventions as having a 'tick box' feel. When interventions were more intensive and challenging, this was recognised as having greater benefit and promoted better engagement. Almost all of the boys described positive relationships with their workers, stating that they felt listened to and understood. Only two of the 38 boys said that the ethnicity of their YOS worker was significant to them. This suggests that the skills, understanding, knowledge and integrity of the worker and the relationships they form with black and mixed heritage boys are the most important factors in supporting and promoting meaningful and effective engagement.

### **Governance and leadership**

Addressing disproportionality has been a longstanding priority for most YOSs and an objective in youth justice plans for a number of years. However, until recently there had not been sufficient impetus to improve and deliver high-quality services that achieve better outcomes for black and mixed heritage boys. To reduce the over-representation of black and mixed heritage boys in the criminal justice system, there must be a clear local understanding of what is driving it in the first place, with a detailed, robust working plan in place to address it. We did not find this to have been the case in most areas. A number of services have more recently put action plans in place but progress is yet to be seen in the casework being delivered.

There was a theme of disconnect. In terms of understanding need, the staff working with the boys had a detailed awareness of the challenges they faced and the risks associated with their safety and wellbeing and risk of harm to other people. However, they did not always understand the bigger picture, strategic priorities and statistics. At partnership board level, there was knowledge of national data regarding disproportionality and local data for different ethnic groups, for example re-offending and custody statistics, but not enough granular detail about the local needs of black and mixed heritage boys to enable board members and strategic leaders to tackle what might be driving their over-representation.

Where board members had knowledge of local disproportionality in their own service areas, such as health or education, this tended to relate to black, Asian and minority ethnic children and families as one group. There was not enough understanding of the situation for separate ethnic groups, whose experiences are different and whose specific over-representation is of concern. In addition, board members are not using data from their own service areas, for example data on police stop and search and school exclusions, to understand how policies, procedures and practice in individual services might be impacting on any over-representation in the YOS cohort. Over the past year there has been more strategic focus on meeting the needs of black and mixed heritage boys, but the degree to which this was happening varied considerably across the services we inspected. Our inspection findings show that much more needs to be done to understand and then meet the needs of this group of children.

## **Staffing**

We found that the majority of staff had manageable caseloads that gave them the opportunity to build positive relationships with the children they worked with, and they did this well. The amount and quality of training that had been delivered varied across services but most staff had received unconscious bias training and race equality training. The majority felt that this had prepared them 'quite well' for working with black and mixed heritage boys. However, our findings on the quality of casework indicate that more training, supervision and support are required.

Some staff appeared to lack confidence in discussing culture and/or experiences of discrimination, which meant that specific challenges faced by black and mixed heritage boys were not fully explored, understood or addressed. Most staff reported that their supervision was sufficiently focused on diversity and the needs of black and mixed heritage boys, but we found that discussions did not routinely ask the right questions.

In most services, there was a lack of black and mixed heritage volunteers, and some have struggled to recruit staff and managers that reflect this group of children. In particular, there is a lack of black and mixed heritage male staff, and not enough mentors, particularly given that the absence of a suitable male role model was often cited as a challenge for this group of children.

The majority of staff felt their organisations promoted a safe space to discuss issues of race and racism and they felt confident that, if they raised concerns, they would be responded to appropriately. However, we found that staff did not always raise concerns when they felt that children had been discriminated against, for example in relation to stop and search activity. An example of this was the case of a boy who was being stopped and searched five times per week and, while the case manager thought this was concerning and that the child was being targeted, it was not raised with colleagues or managers. This lack of attention and escalation could suggest that black and mixed heritage boys in the youth justice system experiencing racism may have become normalised, not only to the boys themselves, but also to those working with them. Staff were conscious that most of the boys would have experienced racial discrimination, but they rarely considered the impact of this in assessments or attended to it in the work delivered, unless the child articulated it as an issue themselves.

Just under half of the case managers we spoke to felt that induction processes did not sufficiently cover issues of race and equality.

## **Partnerships and services**

Despite their over-representation, there are few services commissioned specifically for black and mixed heritage boys. Good-quality specialist commissioned services were the exception rather than the rule. Where voluntary and third-sector organisations were available, they were not known to all staff and volunteers, so were not routinely used. Where they were used, they were often an 'add-on' to other interventions. Staff did not always maximise the benefit of the services through effective communication and joined-up working to support children to reintegrate into the community. In relation to mainstream services, we found that black and mixed heritage boys were less likely to have been referred to Early Help services when they were younger but were more likely to be involved with statutory children's social care. Within YOS interventions, work with statutory partners such as education, children's social care and the police, was not always well coordinated to meet the child's needs. YOSs reported serious challenges in finding suitable education and training provision for boys who had been excluded from school. Other challenges highlighted included access to accommodation for children who were at risk of remand or leaving custody.

## **Information and facilities**

We found limited evidence that feedback and information from black and mixed heritage boys and their parents or carers were being collated and used in a meaningful way to identify any barriers to access or improve services.

Services were all able to extract data from their recording systems to produce management reports. The quality of these varied, however. Information such as whether children had a disability or had been excluded from school was not always recorded clearly on cases files and the recording of children's ethnicity was not always accurate. Information received on the ethnicity of children tended to be input on the system based on what had been recorded by the police or at court. This was not always checked with the child, which meant mistakes were not rectified. The errors and gaps in information recording called into question the reliability of the data reports produced.

Many staff told us that they were not aware of the data and information regarding the over-representation of black and mixed heritage boys in their services. This raised concerns about the connection between strategy and practice and how well staff were being brought along with the services' stated ambitions to address over-representation and promote equality.

There was very little data and analysis in relation to community resolutions and almost no understanding of community resolutions that had been issued by the police outside of the YOS out-of-court disposal processes. Information relating to 'street community resolutions' was not being shared between the police and the YOS so it was not possible to assess which children were receiving them. The lack of access to local data on rates of stop and search for black and mixed heritage boys made it difficult for YOSs and partnerships to assess its impact on over-representation. Equally, because information on education placements was not being reliably recorded on YOS databases, and detailed and consistent information was not being exchanged at operational levels, it was difficult for services to clearly understand any links between over-representation and school exclusion. Overall, information was not being used well enough and this was recognised by a number of services as an area where improvement is required.

Most of the staff we met were taking a flexible approach to their work. In part, this was because of the pandemic, but many had been working this way for some time in order to manage risk, as many children did not feel safe attending the office.

### **The quality of casework**

There were significant deficits in the quality of casework being delivered to black and mixed heritage boys in both statutory and out-of-court disposal work. Overall, we found the quality of assessment and planning to be inadequate in both types of work. The direct work delivered to black and mixed heritage boys requires improvement. Reviewing activity in relation to statutory casework was inadequate for children subject to court orders, as was joint working for out-of-court disposals. In 40 per cent of out-of-court disposal cases and in half of statutory cases, the child had experienced racial discrimination (where information had been recorded) and in the large majority of cases, the impact of this had not been explored or considered. The poor standard of assessment impacted on the quality of planning and the overall delivery of work. More positively, there was evidence that case managers formed meaningful relationships with the children and their parents or carers. However, these were not always used to get 'under the surface' and examine the challenges the boys were facing and how these might be linked to their offending. If YOSs are to be truly child first and trauma-informed in their practice, understanding the lived experiences of children and analysing their impact on them is critical. Discussion about these assessed issues should form the basis of any intervention with a child, and with black and mixed heritage boys this includes exploring the impact of any discrimination or marginalisation they have experienced.

### **Final reflections**

HM Inspectorate of Probation will continue to examine issues of ethnicity and equality as part of our local youth inspection programme. We are committed to improving how we do this as we review our standards and methodology in light of our findings in this inspection.

### **Effective practice**

Areas of practice that enhanced the quality of the work delivered to black and mixed heritage boys:

- A clear anti-racist stance taken by leaders raises staff's confidence to advocate for black and mixed heritage boys in their work.
- Well-coordinated work with third-sector and community organisations enhances the quality of service delivery.
- Providing effective support to parents and carers of black and mixed heritage boys promotes their engagement.
- The effective use of data is reflected in better quality service delivery.

## Recommendations

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### The Youth Justice Board should:

1. publish data to show how well individual youth offending services are addressing disproportionality; this data should refer separately to different ethnic groups
2. revise the guidance on case management to consider diversity, particularly ethnicity and structural barriers at each stage of the youth justice process.

### The Home Office should:

3. publish local and national data on:
  - a) stop and search statistics, broken down by gender and age as well as ethnicity
  - b) 'release under investigation' statistics, including outcomes, broken down by gender and age as well as ethnicity.

### The Department for Education should:

4. make sure that the special educational needs of black and mixed heritage boys are assessed and responded to at the earliest opportunity and work with Ofsted to include this in their inspection framework
5. improve guidance on exclusion to make sure that schools monitor disproportionality in rates of fixed and permanent exclusions and consider the impact of adverse childhood experiences, racism and personal circumstances in their response to black and mixed heritage boys. Work should begin with Ofsted to capture this in its inspection framework
6. In line with their public service equality duty and the Lammy principle of 'explain or reform', the Department for Education should hold academy trust chains and local authorities to account for monitoring rates of racial disproportionality in the use of permanent exclusions and for taking action to tackle this.

### Police area forces should:

7. share with Youth Justice Management Boards local data on:
  - a) stop and search statistics, broken down by gender and age as well as ethnicity
  - b) 'release under investigation' statistics, including outcomes, broken down by gender and age as well as ethnicity.

### Local authorities should:

8. provide suitable and timely accommodation placements and support packages for black and mixed heritage boys who are facing remand or being released from custody
9. make sure that, where children and families are moved to a new location as a result of concerns about their safety, the accommodation and placements provided are suitable and sustainable to meet their needs
10. ensure that black and mixed heritage boys are receiving their legal entitlement to education, including alternative provision when this is deemed necessary, and that the placements are suitable to meet their needs.

**YOS partnership boards should:**

11. have a vision and a strategy for improving outcomes for black and mixed heritage boys, and make sure these are known and understood by YOS staff and partner agencies
12. ensure that all board members contribute data from their individual services that identifies areas of disproportionality and the action being taken to address them, and that this data is used to develop a joint strategic needs assessment
13. have a joint set of partnership targets, for example with schools and children's services, for improving service delivery to black and mixed heritage boys, and make sure mechanisms are in place to track, monitor and evaluate outcomes.

**YOS managers should:**

14. establish effective processes for gaining feedback from black and mixed heritage boys on the services they receive and use this feedback to assess, review and improve the quality and suitability of service provision
15. make sure that staff understand what is expected of them in their work with black and mixed heritage boys and that they are inducted, trained and supported to work effectively with this group of children
16. improve the quality of management oversight to make sure that it is sufficiently focused on diversity and what this means in practice and that there are clear escalation routes to address any barriers to black and mixed heritage boys accessing the services they need
17. address gaps in specialist provision for black and mixed heritage boys, either by delivering it in-house or by commissioning it from appropriate local community organisations and evaluate referral and uptake rates for the services provided
18. offer suitable and appropriate support and intervention to the parents and/or carers of black and mixed heritage boys and regularly review the uptake and suitability of this provision.

## 1. Introduction

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### 1.1. Why this thematic?

Our analysis of data from our YOS inspection programme (2019/2020) raised questions about the poorer quality of services being delivered to black and mixed heritage children, especially for out-of-court disposal cases. In addition, our local inspections have frequently found that the proportion of black and mixed heritage children on YOS caseloads is significantly greater than in the wider 10 to 17 population, in the areas we visit.

These concerns about differential supervision and disproportionality mirrored broader concerns about the treatment of black people by criminal justice systems in majority white societies. This has been brought into sharp focus since the murder of George Floyd by police officers in Minnesota, USA.

This work follows our recent inspection of racial equality in the adult probation system (HM Inspectorate of Probation, 2021) and links to related inspections conducted by other criminal justice inspectorates over the past 12 months. The Criminal Justice Joint Inspectorate business plan includes a proposal for a system-wide review of disproportionality on race grounds, which it is recognised can start at the point of arrest. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) is designated as lead for this review, which will assist in developing our understanding further.

This inspection helps shed light on the distinct experiences of black and mixed heritage boys known to YOSs.

### 1.2. Background

#### Over-representation

The vast majority (99 per cent) of children of all ethnicities are not involved in the youth justice system and the last decade has seen a significant reduction in the numbers of children entering that system and custody. However, of that small number of children who are involved in the criminal justice system and on YOS caseloads, a disproportionate amount are black or of mixed black and white heritage and this disproportionality (if not the actual numbers) continues to rise.

In 2018, a higher proportion of black children were remanded in custody, had a higher custodial sentence rate and received longer custodial sentences than their white peers. Black boys were also more likely than white boys to serve a greater portion of their original sentence (Youth Justice Board and Ministry of Justice, 2021).<sup>6</sup>

Black, Asian and minority ethnic children, viewed as a single group, are over-represented in the youth justice system: while 18 per cent of 10–17-year-olds come from a minority ethnic background, 27 per cent of children cautioned or convicted in 2019 were of black, Asian and minority ethnic origin. Moreover, this latter figure is almost twice the proportion cautioned or convicted in 2010 (14 per cent).

It is important to note that the picture varies by ethnic background. Relative to the composition of the wider 10–17 population, Asian children have been consistently under-represented among those receiving a substantive youth justice disposal.

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<sup>6</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*. <https://www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020>.

By contrast, 2.8 times as many black children come to the attention of the youth justice system as would be expected given the proportion of black children in the general population within the relevant age range; moreover, the extent of over-representation for this group has risen substantially since 2010. The representation of mixed heritage children in the youth justice population was consistent with the composition of the general community in 2010, but in the intervening years has doubled (National Association for Youth Justice, 2020).

### **Black and mixed heritage girls**

Eight percent of 10–17-year-olds identified as black or mixed heritage in the 2011 census. Black and mixed heritage girls made up only two per cent of the children who received a youth caution or sentence in the year ending March 2019. However, they made up 14 per cent of the girls receiving one of these disposals – approximately 1.75 times higher than their representation in the general population (assuming equal proportions of boys and girls). This disproportionality is less than that of black and mixed heritage boys, who made up 20 per cent of the overall cohort of boys cautioned or sentenced by the courts – approximately 2.5 times higher than their representation in the general population.

Despite their low representation in the youth justice system generally, black and mixed heritage girls are over-represented in the youth custodial population. They make up 31 per cent of the custodial cohort, which is a concern. In autumn 2021, HMI Prisons will lead a thematic inspection of girls in custody and their resettlement and will be joined by colleagues from HM Inspectorate of Probation, Ofsted and the Care Quality Commission. This inspection should provide further insight into the experiences of black and mixed heritage girls and the quality of services delivered to them.

Our inspection findings over a two-year period show that black and mixed heritage girls in our samples received a better-quality service from YOSs than their white counterparts. For out-of-court work, there was some disparity in services delivered to black and mixed heritage girls in relation to assessing risk of harm to others, the YOS's recommendations for out-of-court disposals and the joint work with police to implement out-of-court disposals (a five per cent difference). There was a 10 per cent difference between the quality of planning to keep black and mixed heritage girls safe and the quality of planning for their white and mixed heritage counterparts. However, sub-sample sizes are small so none of these differences are statistically significant.

Based on the numbers, if we had included girls in this inspection, we would expect 18 cases in a sample of 150, for example, which would make it difficult to draw any firm conclusions.

We acknowledge that black, Asian and minority ethnic children, and those from a Gypsy, Roma and Traveller background, experience unique challenges that may bring some into contact with the criminal justice system, and that the services they receive will not always sufficiently meet their individual needs. However, in light of the issues highlighted above, a decision was made for this thematic inspection to focus specifically on the experiences of black and mixed heritage boys in the youth justice system.

### **Equality legislation**

On 05 April 2011, the public sector equality duty (the equality duty) came into force. The equality duty was created under the *Equality Act 2010* and replaced the race, disability and gender equality duties. The first of these duties, the race equality duty in 2001, came out of the Macpherson Report. Before the introduction of the race equality duty, the emphasis of equality legislation was on rectifying cases of discrimination and harassment after they occurred, not preventing them happening in the first place. The race equality duty was designed to shift the onus from individuals to organisations. For the first time, public

authorities had an obligation to positively promote equality, not merely to avoid discrimination. The broad purpose of the equality duty is to integrate consideration of equality into the day-to-day business of public authorities. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poor outcomes. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected in the design of policies, including internal policies, and the delivery of services, and for these issues to be kept under review.

### **The Lammy Review (2017)**

In January 2016, the then Prime Minister David Cameron invited David Lammy MP to conduct a review of the treatment of and outcomes for black, Asian and minority ethnic individuals in the criminal justice system in England and Wales. The Lammy Review (2017) covered both the adult and youth justice systems. Lammy stated that his 'biggest concern' was the increasing disproportionality within the youth justice system. The report recognised that many of the causes of over-representation lay outside the criminal justice system, where Lammy said the answers also lie. He linked the issues to the fact that black (and mixed heritage) children in the UK are twice as likely to live in poverty as those from a white background, more than twice as likely to grow up in a lone parent family, and more likely than white boys to be permanently excluded from school and to be arrested as a teenager. Lammy states that these issues start long before a young man or woman ever enters a plea decision, goes before a magistrate or serves a prison sentence. Although these problems must be addressed, this cannot be done by the justice system alone. The review calls on every criminal justice agency to 'explain or reform' racial disparities in its practices. The report made 35 recommendations for the adult and youth justice systems.

In February 2020, the Ministry of Justice published *Tackling racial disparity in the criminal justice system: 2020 update*. This included a review of progress in responding to the Lammy Review, which is summarised below:

#### Improving data collection and our evidence base:

The Ministry of Justice and YJB have been working to improve methods of collecting data on ethnicity and to expand the evidence base on disproportionality in the youth justice system.

The YJB has expanded the YOS case management system to capture more ethnicity characteristics (18+1, as used by the Office for National Statistics).<sup>7</sup>

The Ministry of Justice issued a call for evidence on disproportionality at local/regional level and links to other factors.

#### Improving the trustworthiness of the youth justice system:

The YJB has improved and expanded the use of the summary Ethnic Disproportionality toolkit. It is also developing a research project to explore the trustworthiness of the youth justice system.

#### Improving parental engagement:

Lammy identified that engagement with parents of ethnic minority children is seen as tokenistic. Since then, the Ministry of Justice has undertaken a project to look at parental

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<sup>7</sup> Self-defined ethnicity (SDE) codes are a set of codes used by the Home Office in the United Kingdom to classify an individual's ethnicity according to that person's self-definition. The codes are also called "18 + 1" codes, as there are 18 of them, plus one code (NS) for "not stated".

engagement and ways of better empowering parents to play a role in their child's journey through the youth justice system. The project involved various stakeholders, including charities and practitioners, to gain their insights into good practice for parental engagement. It highlighted a number of important aspects of engagement of parents, including the need to:

- acknowledge the potential for a multi-generational lack of trust in the criminal justice system within ethnic minority families, and to address it by promoting transparency and concentrated engagement
- understand the value of, and develop, closer partnerships with peer and community organisations in supporting parents with a black, Asian and minority ethnic child in the youth justice system
- ensure that parents can access appropriate resources to help them understand and navigate the system, to facilitate and encourage them to support their child and to challenge the decisions and actions of their child, where necessary.

#### Ethnic disparities prior to entering the youth justice system:

Work is underway to understand and explain the links between race disparity and factors such as socio-economic circumstances, education and disproportionate arrest rates. The Cabinet Office Race Disparity Unit is developing a cross-government youth ethnic disparities study.

#### Entry into the youth justice system:

The YJB has completed a project on stop and search of children and young people. It is also looking at how it can add value to work being done by the police to ensure a child-centred approach.

#### **YJB Disproportionality Toolkit**

In 2014 and 2015, the YJB developed and piloted a Case Level Ethnic Disproportionality Toolkit with 20 youth offending services (YOSs). The toolkit allowed YOSs to undertake a detailed analysis of ethnic disproportionality in their local area. An evaluation of this pilot revealed several issues (YJB, 2018):

- The toolkit was only able to highlight where disproportionality was present. It did not provide direction or support on how to address the issues.
- Although the toolkit did not necessarily change the YOSs' approach to disproportionality, some found that it could be helpful in adding detail and data to what they felt they already knew. As such, the toolkit data enabled them to make more informed commissioning decisions and have better partnership discussions.
- Some YOSs struggled to find the resources to use the toolkit fully without the YJB's support within the pilot. This highlights the potential issue that just having access to disproportionality data does not mean action to use it would be guaranteed.

Furthermore, the toolkit data and findings are not currently publicly available. This limits transparency and public scrutiny, and potentially minimises the accountability of YOSs to address disproportionality issues.

#### **Policing**

HMICFRS published its report *Disproportionate use of police powers: A spotlight on stop and search and the use of force* in February 2021. The report recognises that disproportionality persists and no police force can satisfactorily explain why. In 2019/2020 black people were

almost nine times more likely than white people to be stopped and searched. In some forces, the likelihood was much higher. Black people were also 18 times more likely than white people to be searched under section 60 of the *Criminal Justice and Public Order Act 1994* (HMICFRS, 2021). Stop and search figures are not published by age as well as ethnicity so it is not possible to provide figures on disproportionality in its use on children under 18 – a critical gap in our knowledge which needs to be corrected.

### **1.3. Aims and objectives**

**The inspection sought to answer the following questions:**

- Do the governance and leadership of YOSs support and promote the delivery of high-quality, personalised and responsive services for black and mixed heritage boys?
- Are staff within the YOSs empowered to deliver high-quality, personalised and responsive services that meet the needs of black and mixed heritage boys?
- Is a comprehensive range of high-quality services in place that enables personalised and responsive provision to meet the needs of black and mixed heritage boys?
- Is timely and relevant information available and are appropriate facilities in place to support a high-quality, personalised and responsive approach for black and mixed heritage boys?
- Are the pre-sentence information and advice provided to courts sufficiently analytical, personalised, and free from discrimination and bias, and do they support courts in making fair and objective decisions?
- Does service delivery focus sufficiently on diversity factors and understanding barriers to engagement?

### **1.4. Scope of the inspection**

The scope of this inspection covered the work of YOSs and the coordination of service delivery with partner agencies. We considered both how partners worked together to understand and meet the needs of black and mixed heritage boys and also to what extent they considered the boys in their own separate agencies. We looked at work done with black and mixed heritage boys at all stages of the youth justice system, including diversion. In doing so, we do not dismiss the experiences of other ethnic groups, but rather recognise that separate pieces of work may be needed to explore these.

We scrutinised management information on any disproportionate impact of processes such as enforcement, recall and breach, and we challenged senior and operational managers about the data where appropriate. Our inspection samples were restricted to black and mixed heritage boys, and therefore we cannot ascertain through our cases whether there has been any disproportionate impact in relation to other groups of children in the services we inspected. However, as shown above, we have analysed data from our core inspections to assess any disparities.

### 1.5. Report outline

Chapter	Content
2. The boys	Our understanding of the needs of black and mixed heritage boys and their feedback on the services they have received and the challenges they face.
3. Governance, leadership and staffing	How national and local strategic leadership supports the delivery of high-quality services and how staff and managers are empowered to deliver a good-quality service to black and mixed heritage boys. The use of data to assess the effectiveness of services delivered.
4. Partnerships, services and facilities	The effectiveness of partnership working. The availability of services and whether they support a tailored and responsive service. The suitability of facilities to deliver services to black and mixed heritage boys.
5. The quality of casework and reports	How the work supports the desistance and safety and wellbeing of black and mixed heritage boys. The quality of assessment, planning, delivery of interventions, reviewing practice and joint working to support the desistance and safety and wellbeing of black and mixed heritage boys.

## 2. The boys

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### 2.1. Profile and need

Black and mixed heritage boys in the youth justice system often have complex presenting needs, which raises questions and concerns about the support they receive from mainstream services, their journey into the justice system and their level of unmet need. YOS staff, including specialist staff, were consistent in their view that when this group of children first present at the YOS they are more likely than their peers to have a raft of needs that have not been addressed. They will most probably come from the most deprived areas, where there are high levels of violence that impact on their development and world view from a young age. There is a general consensus that they have experienced discrimination and that they are more likely to have been excluded from school. In 60 per cent of post-court cases, the child was, or had been, excluded from school, the majority permanently.

In almost a third of the statutory cases we inspected the child had been affected by criminal exploitation. In half of the cases there was evidence (where information had been recorded) that the child had experienced racial discrimination, but the impact of this was only considered in 10 per cent of assessments. This is a concern given its significance for the child's development and perception of their place in the world. A third of the boys given a statutory court order had been subject to a Child in Need or Child Protection plan and were highly vulnerable. The majority were not 'heavily convicted' (i.e. they had only one or no previous convictions). In over a quarter of cases where information had been recorded, the boy had a disability.

We found that black and mixed heritage boys were less likely than their peers to have been referred to Early Help services in their formative years and the reasons for this were not fully understood. One service told us that a significant number of Early Help referrals are made by general practitioners and that black and mixed heritage boys and their parents were less likely to attend medical appointments and that this could be an explanation, although this had never been explored.

YOS education staff told us that black and mixed heritage boys are more likely than their peers to have an EHC plan, and equally likely to have special educational needs that had not been identified or addressed. Emotional and mental health needs, as well as substance misuse problems, featured highly among this cohort of boys.

The level of unmet need among this group of children is worrying, and it is also concerning that there is limited understanding about the barriers that may be blocking their access to support before they enter the youth justice system. Issues of trust were frequently cited as a possible reason, but there was little evidence that this was the problem. Trust was a theme central to this inspection, and when boys struggled to engage and interventions were slow getting off the ground, an explanation given was that it was because time was being taken to 'build trust'. This was unrealistic given that some interventions were less than three months long, so it was critical that trust-building happened alongside delivery of the intervention.

YOSs must be careful to ensure that concerns about building trust with black and mixed heritage boys do not become a barrier or an explanation for engagement difficulties. In one case where the child had not engaged, the closing comments on the case file from the manager were that the 'family did not engage due to their Jamaican heritage'. There was no consideration that the approach taken was not the right one or that the YOS should consider what might have been done differently.

Case managers had an awareness of the presenting needs of black and mixed heritage boys, but we found that there was a lack of detailed understanding at partnership level. This meant that necessary changes in policy and practice within partnerships, services and agencies to address the needs of black and mixed heritage boys and prevent them becoming involved in offending were not happening. The overall understanding of the level of the children's needs was piecemeal in most services and partnerships.

## 2.2. What the boys told us

We commissioned the services of User Voice to assist us in getting the perspectives of black and mixed heritage boys in the youth justice system. The User Voice peer researchers who joined our team identified as black or mixed heritage and they had lived experience themselves of going through the criminal justice system. Prior to fieldwork we asked each YOS to gain consent from the boys whose cases we were inspecting, and any other black or mixed heritage boys who were involved with the YOS at the time of the inspection to speak with User Voice. We are grateful for the insights of the 38 boys whose feedback we have used to inform our findings.

### Growing up

A striking feature across eight of the nine YOSs was that children grounded their offending in their environment and the influence of their peer group, which was an ongoing challenge and cause of stress for them. They spoke about how easy it was to get caught up in behaviours that they would never have considered by themselves. Due to their young age, they were not always equipped with the experience and skills to resist this.

Information provided by the YOSs showed that the majority of black and mixed heritage boys that they work with come from the poorest areas of their towns and cities, where people are living in close proximity. The boys often live on large estates or in densely populated areas, where they have less control over who they come into contact with. In this setting, they do not have the same opportunities to opt in or out of relationships that other children might have. It is in these circumstances that they can become vulnerable to grooming and child criminal exploitation, something that we saw in a significant number of the cases that we looked at. One boy described his local area in London as a 'war zone', stating that making the wrong decisions can lead to being killed or sent to prison. Another child described the stress that he had felt living in London and the positive changes to his life brought about by moving to a new environment where he felt safe and supported.

He told us:

*"I'm going to college on a part-time course and I play for a semi-professional football club ... I'm in a different programme right now. I'm staying with family and they are keeping my head straight and making sure I don't slip up. I feel that I am in a better place up here so everything is working great".*

It is well documented that, when children are exposed to a traumatic event, including violent crime, their response may vary. Some children become fearful. They may prefer to stay at home, and they may have trouble sleeping and concentrating in school. Some children exposed to violence start to resolve their own conflicts in a violent manner, especially if they don't have access to the support and guidance that they need to help them. Others can become desensitised to violence and the pain and distress of other people. Some retreat into a shell, avoiding people and the world around them. Children with long-term exposure to violence are at an increased risk of: behavioural, psychological and physical problems; academic failure; alcohol and substance use; adolescent anti-social behaviour; and adult criminality. When children repeat the violence, they have experienced

themselves without suitable and effective support and interventions, they can perpetuate a cycle of violence that continues through future generations. This reflects what we saw in the cases we looked at, where boys often had older siblings and other family members who had been involved in crime, and which had affected them in their formative years.

### **Experiences of discrimination**

The children were asked specifically about their experiences growing up as black or mixed heritage in society. One boy stated that his appearance led to him being negatively stereotyped by others. *“I think on paper I’m not that bad but once people see me all the assumptions follow: big, black and bearded.”* The concept of ‘adulthoodification’ was raised across a number of the services inspected. Staff felt that other professionals and services often perceived black and mixed heritage boys to be older than they were, and we saw evidence of this in the work we inspected. If practitioners attribute inappropriate maturity to a child, then their difficulties with or anxieties about engaging with services, which are not unusual given their young age, are more likely to be interpreted as ‘choosing not to engage’ or not wanting help. What we learned from the boys who spoke with us is that they often don’t know they need help, or, if they do, they don’t know what it looks like until they receive it.

A number of boys highlighted that they felt stereotyped by the criminal justice system based on their ethnicity, and that this led to them being treated unfairly. One individual cited an example where he was charged with an offence alongside a white friend, but, while he was sentenced, his friend was released with no further action. The child felt this difference in treatment was solely due to the colour of their skin. He told us:

*“When I was first arrested, I was with my friend that is a couple years older than me and white. Despite us both being charged and arrested that day, he was not on the order with me as the charges were dropped against him. He got NFA [no further action] and I was left to suffer the consequences alone. There’s no doubt in my mind that if he was black, we both would have been in trouble. It didn’t even matter about the age difference, the system just stereotyped me as guilty because of the colour of my skin. Black is guilty in their eyes”.*

Experiences of discrimination were not limited to the criminal justice system. One boy spoke of racism he had experienced at college, which forced him to drop out of his course as he feared for his safety.

*“I recently had to leave my college, which was a good one, but I was the only black kid attending. It was not in my area and it was not a place I could continue to study as I could feel tension building, as other students kept asking where I came from. I think I’m done with college now, not really interested in attending a new one. What I really want to do is a railway course so I can go work on the train tracks. I think that’s something I would enjoy – away from a lot of people.”*

### **Relationships with the police**

The boys demonstrated a degree of fatalistic acceptance that they are treated differently based on their ethnicity. Police stop and search was discussed in this context and, while it was evident that this was a stressful experience, it had also become normalised and an accepted part of everyday life. There were, however, regional differences when the boys spoke about their experiences with the police. Boys who lived in London cited this as a greater challenge than those living in other areas. Indeed, some boys who had moved from London to other regions spoke with clarity about the difference this had made in terms of their contact with police and their improved sense of wellbeing as a result of not being stopped and searched on a regular basis.

Comments from boys when discussing their experiences of being repeatedly stopped and searched included the following:

*“I’m ready for it. I’m a young black boy so it’s normal. It’s not a good thing because I’m targeted but I’m used to it”.*

*“Sometimes I feel like it’s targeted because if I was the only black person sitting in a park and you’re profiled as a drug dealer or you’re looking like you’re going to commit some type of offence. When, realistically, you’re just in the park, trying to have your own space and just get out of the house. ... When they see a white friend, who is wearing the same clothes as me the policemen wouldn’t look their way at all. Like if I was to wear an expensive coat I would get stopped and searched by the police because I’m wearing an expensive coat but if a white person was to wear an expensive coat nothing would happen.”*

*“Because I got stopped four times in a week, then I got fed up and I had to record them because for my own safety and like because I don’t know what [the police] can do... I kind of feel like they target mixed race people.”*

### **Programmes and interventions**

Only a quarter of the boys we spoke to felt offending programmes and interventions fully met their needs, while half told us that they sometimes met their needs. Some children reported that interventions helped them most with their decision-making and understanding the consequences of their actions for victims and other people affected by their offending. Others discussed how they benefited positively from specific programmes such as those focusing on music and sport.

Just over a quarter of the boys we spoke with reported that programmes and interventions rarely or never met their needs. There was a sense that they didn’t understand the purpose of the interventions and that they got little out of them. They did not always find them to be relevant. Many felt they were already aware of the consequences of their actions and therefore that element of the programmes was of limited value. There was a view that the programmes did not address their underlying problems and difficulties or the factors that were driving their offending or the challenges they faced in extricating themselves from situations and the manipulation of others. The boys we spoke with said that they were not always aware of the intervention plan that had been put in place for them, so it is possible that they did not understand the purpose of their interventions and the overall aims of the work.

### **Relationships with YOS staff**

The boys were broadly positive when asked if they had been treated fairly as a black or mixed heritage boy by youth offending services. Fourteen per cent reported that they were treated fairly all of the time, while just over two-thirds stated that they were treated fairly sometimes. None of the children we spoke to felt that they had been discriminated against based on the colour of their skin by any staff member at a YOS.

Honesty and transparency were considered to be important elements of the support received from YOS workers. However, the boys did not feel that this always happened. They felt that attending the YOS was a better option than going to custody, but that they did not always feel challenged or stretched by the interventions they received. This reflected what we saw in much of the casework we inspected. There was often an absence of the difficult conversations that are necessary to support children to consider their life experiences and the impact these have had on them, their identity, their thinking and their behaviour. Some

boys said that, at times, the work felt superficial.

One boy told us how his intervention helped him to explore his thoughts and feelings:

*"Yeah, yeah literally that's what came to my mind. It's more like therapy to be fair... we were talking about things that affect me... so that was beneficial to me. It made me understand more things that I didn't really like to think about, different aspects. I actually realised some things were kind of important that I kind of brush off but it was good to talk about it because it's kind of made me see things that were beneficial".*

### **The ethnicity of staff and diversity awareness**

Almost all the boys we met with described positive relationships with their YOS workers. When discussing how well their YOS worker understood their needs and experiences as black and mixed heritage, the vast majority (36) of boys did not consider the ethnicity of their worker as being a significant factor. The skills and knowledge of the worker and the relationships they formed with the boys were more important in supporting and promoting meaningful and effective engagement.

Two boys did say they felt their black YOS worker could better relate to their experiences, such as being stopped and searched by the police. This understanding helped foster a positive relationship between these boys and their YOS workers. One boy told us:

*"I have a really good relationship with my worker... he looks after me and keeps me in line. He is black so I feel that he knows what I'm going through. He makes sure that I keep making good decisions when I'm out".*

Another child stated that his white YOS worker had spoken to him about an employment opportunity specifically for black teenagers, which aligned with his interests. The boy felt this demonstrated that the YOS worker had considered his ethnicity, and when the subject arose the worker spoke comfortably and did not create an awkward atmosphere. He told us:

*"I can tell that he kind of took that (ethnicity) into account as well because he talked to me about Lewis Hamilton because I was talking to him about how I want to get into engineering and vehicle maintenance and stuff when I'm older. So, he was talking about how Lewis Hamilton has created a programme for young black teenagers to get involved in stuff like that. So he's understood things from that perspective but it's not like he talked to me awkwardly about it, he talked to me in a nice manner, so in everything he said, there's not one thing he said that made me feel uncomfortable to be honest".*

### **2.3. Conclusions and implications**

Black and mixed heritage boys in the youth justice system are likely to have grown up in the most deprived areas. Their families are affected by the issues linked to social disadvantage and the limitations this can have on their lives. Inter-generational racism is part of their lived experience and the impact of this cannot be ignored by workers trying to form relationships with children and families. Any hesitancy in relation to engagement should be considered in this context in the first instance.

From the cases we inspected it was evident that almost all of the boys had experienced loss and significant trauma in their formative years, and experiences of racial discrimination had been a feature of their lives. The impact of this on their development and identity cannot be ignored or underestimated. Where children have committed serious offences, we cannot minimise or negate the risk of harm that they can pose to other people and the protection of victims is of paramount importance. Additionally, failing to identify and address risk of harm

issues with children can add to their stress and anxiety, especially if they themselves recognise how damaging their behaviour has become. Equally, their circumstances and life experiences have to be fully considered in analysing their behaviour and their vulnerability. Effective interventions with children who have complex lives, have experienced trauma and pose a risk to others require a balance of support. The children also need challenge in the interventions they receive. This was recognised by the boys we spoke with; some described their YOS interventions as 'tick box' or a 'check-in', but where workers invested in getting to know them and in carefully challenging them, the boys were more likely to engage and benefit. There was a sense that the boys did not know what it was that they needed until they received it.

When children offend, it is a pivotal moment in their lives; they are in crisis. To help them to change their behaviour, we must understand what underlies their offending and any barriers that may hamper their progress. The role of case managers in advocating for the child is critical. For children who have often been let down by adults who have not noticed when they needed help and support, it is important that they experience a positive relationship with a professional. They may not want to discuss what has happened to them or what is continuing to happen in their lives. This can be painful and shameful for them, and their perceived reluctance to engage must be responded to appropriately. Practitioners require a high level of skill, support and reflection to ensure that they are attending to the underlying issues linked to the child's offending if they are to get to the root causes of the behaviour. To support engagement and progress, it is important that children are fully involved in planning their intervention, that they know what is happening and why, and that their strengths are focused on, with long-term goals identified and supported. Organisations need to have high aspirations for this group of children, as it can be difficult for them to do this themselves.

## 3. Governance, leadership and staffing

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### 3.1. National leadership

During this inspection we met with national leaders across the justice sector who told us that there has been an increased focus on addressing disproportionality in the last 12 to 18 months. There was agreement that there needs to be a better understanding about what is driving and contributing to racial disparity, and positive action taken to address it. There was a general consensus across all agencies that there is a need to focus more on looking at the front end of the system to understand what is causing the increasing over-representation of black and mixed heritage boys.

#### The Youth Justice Board for England and Wales

The YJB has stated its ongoing commitment to tackling over-representation and this is reflected in its strategic priorities with reference to over-represented children, and in commitments made in its strategic and business plans.

To date, the YJB has struggled to measure progress in relation to the over-representation of black and mixed heritage boys in the youth justice system. The data that is available does, however, show that the recognised recent improvements in the numbers of first-time entrants, re-offending rates and numbers in custody are disproportionately benefiting white children. At a national level, discussions across government have been hampered because the approaches taken by different organisations to addressing and prioritising disproportionality have not always been well aligned.

The YJB's disproportionality toolkit is available for YOSs to help them identify whether certain ethnic groups are over-represented within their service. There are no expectations that YOSs will use the data to support improvement, and currently there is no published data showing how YOS partnerships are performing in this area. The YJB uses the toolkit data at its Performance Oversight Board to see where there are problems in order to target scrutiny.

The YJB's resources, however, are constrained by decreasing budgets, and its ability to directly support improvement with local YOS management boards has significantly reduced in recent years. The YJB has shared its disproportionality toolkit with the Association of Police and Crime Commissioners to help it set priorities. It has also produced 'Understanding Racial Disparity: infographic' (see Annexe 4), which highlights disparities between different ethnic groups of children to identify factors linked to over-representation.

As part of the YJB's ambition to reduce ethnic disproportionality, it has worked with the Alliance of Sport to secure grant funding from the London Marathon Charitable Trust for 'Levelling the Playing Field', a sports and physical activity project to benefit children from black, Asian and minority ethnic backgrounds who are at risk of entering, or are already within, the youth justice system.

The YJB's *Case management guidance* (2018) covers issues of race and disproportionality. The YJB recognises that it requires strengthening to set out expectations and offer clearer direction. It has delivered training for heads of youth offending services on their responsibilities under the *Equality Act 2010* in order to promote improvements in practice and is also in the process of producing a checklist for YOS management boards on disproportionality.

In order to increase the representation of minority ethnic staff in senior leadership positions in YOSs, the YJB is leading on the Elevate programme to support the development of Black,

Asian and minority ethnic managers and their recruitment into strategic leadership roles. The programme is supported by the Association of Youth Offending Team Managers, which provides mentors for aspiring black managers.

The YJB promotes a 'child-first' approach to practice. This focuses on 'treating children as children', making sure that interventions are developmentally led and, wherever possible, minimising children's contact with the youth justice system through diversion work.

## **Policing**

Over the past 10 years the number of children in the youth justice system has reduced, as significantly fewer are subjected to statutory court orders. Out-of-court disposals are increasingly used and now make up a large percentage of the cases being managed by YOSs. However, details about the use of informal out-of-court disposals that don't lead to a criminal record are limited, as no national ethnicity data has been collected since this type of out-of-court disposal was introduced in 2013. This means that it is not possible to say with any degree of certainty that they are being applied equally to children across different ethnic groups.

An attempt to reduce ethnic disproportionality in the use of out-of-court disposals is the focus of a current police pathfinder programme being carried the National Police Chiefs' Council (NPCC). This is being led by a commander from the London Metropolitan Police force. The aim is to generate effective practice in relation to community resolutions. The YJB is linking with the College of Policing to consider guidance in relation to out-of-court disposals. The YJB is also determining whether data collection can be improved so that it can be used to assess the impact of out-of-court disposals on reoffending rates. This will support the analysis of any correlation between the administering of diversion interventions and the over-representation of black and mixed heritage boys in the statutory youth justice system.

In relation to safeguarding and stop and searches, police officers are not expected to notify children's social care that they have carried out a stop and search, as the volume of notifications would be overwhelming and it is assessed that it could make it more difficult for social workers to identify risk. The expectation is that if police officers identify any concerns, they should make a referral if they deem it necessary. It is also expected that if a child is arrested then children's social care and the YOS should be informed. However, during fieldwork we found that this does not always happen. The NPCC is considering whether police officers should be informing parents/carers when a child is stopped and searched. A pilot is currently taking place in Sussex to test this. This issue of stop and search and safeguarding is also on the agenda in Haringey, where work is taking place to improve information-sharing between the police, social care and Early Help when children are stopped and searched. The aim is to offer timely support and intervention to children and their families at the earliest opportunity.

The NPCC recognises that more needs to be done to make sure that 'proactive policing' policy is not affecting some ethnic groups more than others and that local crime strategies don't inadvertently contribute to disproportionality. It is acknowledged that there needs to be more focus on rewards and recognition for officers who are good at, for example, community engagement. Improved communication with communities about stop and search and the rationale for its use is also needed. In recognition of the need for change, police training has been revised to include training to improve officers' understanding of the traumatic impact of stop and search on children.

The NPCC, following the rise of the Black Lives Matter movement, has set up a programme of work to tackle race disparity. It is establishing an advisory panel with an independent

chair to look at issues such as how the police work with the community, and how they recruit and train officers.

The NPCC acknowledges that the lack of granular data on stop and search, and the fact that it is not possible to see from current published data how many black and mixed heritage boys are stopped and searched each year, is a significant shortfall. It has plans in place to publish more detailed data next year.

### **The courts**

The Magistrates Association has delivered some training on disproportionality and is working with the YJB to develop a protocol to reduce the criminalisation of children from ethnic minority groups. This will include sentencing, the journey of the child into the justice system and out-of-court disposals. The aim is to get key stakeholders and partners to sign up to the protocol and consider it in their delivery of services.

The Magistrates Association told us that courts have seen longstanding and serious issues concerning the availability of suitable accommodation for children on bail, and failures can and do result in custodial remand. Given the increasing disproportionality of black and mixed heritage boys being remanded in custody, this is a serious concern. It was also reported that children are sometimes released from custody after serving a sentence and do not know where they will live, because they can't go home and are waiting for accommodation. Again, this is more likely to affect black and mixed heritage boys due to the number of them in custody in England and Wales. It was also reported that, when boys attend court, they often do not have an adult who can take responsibility and are left without support or suitable advocacy.

There is a gap in training for magistrates in the area of youth justice and it was suggested that magistrates could benefit from taking part in joint YOS training. We saw a good example of this in Lewisham, where the youth bench had participated in trauma-informed practice training to help them understand and have confidence in the approach the YOS was taking. Similar activity had taken place in Manchester.

The Magistrates Association recognises that there is a lack of diversity among magistrates and it has developed a recruitment strategy to address this. It has reached out to communities to explain the magistrate's role in a bid to promote recruitment. Work to improve diversity among magistrates is ongoing, but there has been some progress, with 29 per cent of magistrates in London now coming from ethnic minority communities and 12 per cent nationally. The Magistrates Association has also worked closely with the Judicial College to improve the quality of diversity training.

The Magistrates Association is concerned about the quality of legal advice that children are receiving at police stations at the point of arrest. This was echoed by the Centre for Justice Innovation, which told us that many solicitors are unclear about what out-of-court disposal schemes are available and do not always offer the right advice. The Centre for Justice and Innovation recommends more use of 'Outcome 22' to address concerns that black and mixed heritage boys are more likely to give a 'no comment' interview at the police station and therefore miss the opportunity to be dealt with via an out-of-court disposal. Outcome 22 refers to a police outcome code which can be used when the police decide to defer prosecution until the accused has been given the opportunity to engage with an intervention activity which is aimed at keeping them out of the criminal justice system. Using this approach means that, if a child does not admit guilt when arrested but agrees to comply with a contract of intervention, they are decriminalised, receiving no further action for the offence, and the case is closed by the police.

Leeds Youth Justice Service were part of the Ministry of Justice Chance to Change pilot for deferred decision making on out-of-court disposals, which allows for interventions without an admission of guilt. If a child successfully completes a contract of intervention, they receive an Outcome 22. Chance to Change has now been rolled out across West Yorkshire. In Oxfordshire, children are not automatically precluded from receiving an out-of-court disposal if they initially give a no comment interview to the police. The case can still be discussed at the out-of-court disposal panel, and if it is deemed appropriate, the child can be offered the opportunity to engage with an out-of-court disposal assessment. Should the child make admissions as part of this assessment then they can be considered for diversion intervention. Inspectors noted both of these examples as good practice.

### **3.2. Local YOS partnership governance and leadership**

#### **Vision and strategy**

Addressing disproportionality has been a priority in most youth justice plans for a number of years. During our discussions with YOS managers and board members, most agreed that there had been a lack of clarity about how over-representation would be reduced and not enough action had been taken. Until recently, most services did not have a specific strategy or action plan driving the delivery of high-quality services to black and mixed heritage boys, and this was evident in our casework findings. Some services have still to put appropriate plans in place.

In the majority of YOSs, dedicated YOS managers have been strong and consistent advocates for black and mixed heritage boys, but there are limitations to the impact that they can have alone, given the longstanding and complex needs of this group of children. There was a consensus at a senior leadership level that many of the problems, such as school exclusions, unmet SEN needs and policing approaches, are contributing to the over-representation of black and mixed heritage boys within the YOS cohort. However, we saw little evidence that partners were signed up or committed to a shared vision that was sufficiently focused on improving outcomes for these boys. There were good strategic links between the YOS and other boards, such as community safety, and we saw examples of the benefits of the violence reduction unit in some areas. In some regions, funding from the Office of the Police and Crime Commissioner was supporting prevention projects, but not all services were receiving this equally.

Boards did not have mechanisms in place to continuously measure and monitor progress against a set of shared targets and objectives. There was an ambition for improvement but it was not always clearly defined. Not all services were using the YJB disproportionality toolkit or other data to develop an understanding of which children they needed to focus on to reduce over-representation. For example, in one service it had not been noted until it was raised by inspectors that mixed heritage boys were five times more likely than white boys to be known to the YOS. Moreover, black and mixed heritage boys were viewed as a single group, despite one of these groups (mixed heritage boys) being significantly over-represented compared with the other.

We found that successes, such as reductions in the numbers of school exclusions and numbers of children in care, did not apply equally to black and mixed heritage boys, especially those in the youth justice system. The reasons for these disparities were not sufficiently understood. Barriers were not being addressed, such as the lack of suitable accommodation for children facing custodial remand, an issue raised with us by the Magistrates Association and others. We saw this dealt with well in Sheffield, where processes had been put in place to make sure there were no delays in providing placements when needed. In other areas, this remained a significant barrier.

Most staff knew that addressing disproportionality was a priority but many were not aware of a stated vision or specific approach that they should be considering in their day-to-day practice. It was clear from our casework findings and meetings that communicating effectively with staff on this issue is imperative if services and partnerships are serious about improving.

### Poor practice example

In one inspected YOS, staff were unaware of any strategy or plan to address disproportionality and felt that they had little or no control over what happens to black and mixed heritage boys in the criminal justice system. They recognised that black and mixed heritage boys are over-represented nationally. However, they were unaware of issues of disproportionality within their service, as no information, statistics or data analysis were shared with them. Not all staff felt that there was a safe environment to discuss issues of race and equality and diversity.

### The role of YOS board members in highlighting issues of disproportionality and advocating for the YOS

Board members did not always have a thorough understanding of how practices and processes in their own agencies were impacting on the longer-term outcomes for black and mixed heritage boys. For example, we found that this group of children were less likely to have been referred for Early Help services. The reasons for this had not been analysed and no action had been taken to address it. The limited detail about this over-represented group of children meant that partners could not hold each other to account effectively or be confident that the right resources were in place. In one service, an enhanced case management process had been put in place and this had been chosen in part because it was considered to meet the needs of children from ethnic minority groups. But we found that no black or mixed heritage boys had benefited from the support and that this had not been identified prior to this inspection.

From our meetings with staff and managers, it was clear that their concerns about school exclusions, unmet SEN and police stop and search were consistent and ongoing. There have been some improvements in the last 12 months. For example, Greater Manchester Police have commissioned a police academic to examine the force's application of stop and search processes and use of force. The findings will be used to review and change current processes. However, overall, partnership boards are not doing enough to address some of these key issues and this requires significant improvement. We noted that changes in board members, gaps in attendance and a lack of seniority of those in attendance may be impeding progress. We also noted in some areas that boards lacked diversity in terms of the ethnicity of members. It is important that the diversity of board members reflects all children and families the YOS works with, so that issues such as disproportionality are considered from all perspectives.

The disproportionate rate of school exclusion for black and mixed heritage boys was one of the most significant and consistent themes of this inspection, and national data supports the concerns raised (Annexe 5). Equally, the level of SEN for this group of boys was repeatedly raised as a concern. Some YOSs had representatives attending school exclusion panels and other similar multi-agency meetings focused on education, but almost two-thirds of the children subject to statutory court orders had been excluded from school, and for many this had happened before they had come into contact with the YOS. Addressing this requires urgent action from board members and senior leaders.

Earlier this year, the Secretary of State for Education announced that there will be a consultation on revisions to the guidance on both behaviour and exclusions later this year. This process is now underway and will hopefully address some of the issues highlighted in this inspection, particularly in relation to behaviour management strategies, school exclusions and managed moves.

Health partners need to consider why black and mixed heritage boys who have been referred to child and adolescent mental health services (CAMHS) at a young age have not always received the support they need by the time they come into contact with the criminal justice system. Social care representatives need to give thought to why this group of children are not benefiting from Early Help services and why they are over-represented in statutory social care services. Policies, procedures and processes should be examined to see if the current approaches are going far enough to meet the needs of this group of children and their families at the earliest stages.

We found that local police stop and search data and information on children released under investigation is not shared at partnership board level, which means that any disproportionality in the application of police processes cannot be examined. In Leeds, the Youth Justice Service, along with other West Yorkshire services, are paying West Yorkshire Police for this data to help it make sense of the children's experiences. This degree of scrutiny is necessary, as is a high level of challenge across agencies if change is to be achieved.

We noted that, despite issues being discussed at management board level, problems such as those relating to education provision are not being dealt with. We were therefore pleased to see that in Sheffield the local authority was taking a holistic approach to identifying and addressing issues of discrimination. This system-wide approach, the level of scrutiny and the commitment of the local authority and political leaders provide an important opportunity to improve the life chances of children known to youth justice services.

#### Good practice example

In Sheffield, cabinet members and the council's Chief Executive Officer have arranged for the Race Equality Commission to undertake an independent strategic assessment of the nature, extent, causes and impact of racism and race inequality within the city. The Commission will make recommendations for tackling these issues. The assessment will focus on a number of areas, including business, crime and justice (including youth justice), education, health, sport and culture. The Commission will hold a series of hearings with key stakeholders and people from the local community to discuss their evidence and their experiences of racism and racial inequality in their everyday lives. By gathering evidence from a range of individuals, the Commission will be able to get a stronger idea of the nature, extent, causes and impact of racism and what the commensurate inequalities have been for the people of Sheffield. Once they gain a better understanding of any issues of structural racism and racial disparities, the intention is to take action to disrupt them and to identify those with responsibilities to make the necessary changes. This affirmative action and whole-system approach being taken by senior leaders demonstrates a real commitment to change.

#### **The role of YOS leaders in supporting effective service delivery and addressing disproportionality**

Most YOS managers had a good understanding of the issues affecting black and mixed heritage boys. However, our findings from this inspection indicate that managers have not

had sufficient oversight of the quality of practice within their services to assess if the work being delivered to black and mixed heritage boys is good enough.

#### Equality and diversity policies and guidance

The majority of services referenced wider local authority equality and diversity policies in relation to their practice and expectations. A minority of services had created specific guidance, for example when assessing factors relating to the child's self-identity and their personal and social situation. Lewisham YOS had created a YOS-specific equal opportunities policy, along with a disproportionality policy, and it was in the process of developing an anti-racist strategy. The equal opportunities policy set out how the YOS would 'continually strive to challenge direct and indirect discrimination in its organisation, personnel practices, and provision of services'. It also set out expectations in relation to assessment and planning and referred to structural racism and social graces as factors to be considered. Sheffield YOS, as part of its work to develop anti-racist approach to practice, had produced guidance for staff working with black and minority ethnic children and their families. This document set out questions, prompts and things to think about when analysing a child's circumstances and lived experiences. The guidance is a working document that is being continuously reviewed and updated to incorporate learning and feedback.

#### Use of management information

All services were able to extract data from their system to produce reports. The quality of these varied, however, and were dependent on the information contained in the case file. Information, for example, about a child's disability or whether they had been excluded from school were not always clearly recorded in cases files. The ethnicity of the child had been incorrectly recorded in a number of cases, and staff could not always provide this information during discussions. The reports that services produce to understand the needs and the profile of the children are therefore not always reliable. Information on offence type and risk level (for post-court work) was more reliable.

Gaps in recording meant that services may be under-assessing children's needs, making it difficult to establish an accurate evidence base for this group of children. There are added complexities for community resolution cases where AssetPlus has not been used. This made it more difficult to extract the data necessary to understand the level of need for this substantial group of children. This raised questions about the quality of the data being provided to the YOS partnership board to inform its understanding of need at strategic level. Details about the presenting needs of the children are critical to ensuring that sufficient resources are in place and to guide commissioning. It is also necessary to have sufficient detail to measure impact and progress. We noted a correlation between the effective use of data and a better quality of service delivery.

In order for services to assess whether their pre-sentence report recommendations are followed by sentencers (the so-called concordance rates), the case management system report screens need to be completed. In some services, this was not happening, or was not happening consistently. With the high level of concern about black and mixed heritage boys being sentenced more harshly than their peers and being more likely to be sentenced to custody, we would expect YOSs to have consistent reliable processes in place to measure the concordance rates across ethnic groups. This was done well in some services but not across the board.

We found that staff were interested in the data when we presented it to them. It provided a backdrop that helped them to understand and make sense of what needed to be done better and where they needed to focus. It is possible that this information has not been shared with staff as it is not fully understood within the system. One senior manager told us

that it was only during this inspection that they had realised that they had not been using data well enough. They had not appreciated the importance of doing so or the value of scrutinising information reports to identify inequalities in service delivery and outcomes:

*“We were really interested that this inspection separates out black and mixed heritage and it made us think – we don’t consider them as two separate groups even though the outcomes for mixed heritage children are so much worse”. Team managers*

*“We can hypothesise about over-representation but we recognise we don’t know the story and we realise this needs to improve”. Service manager*

We saw good examples of managers using court user group meetings to discuss disproportionality in sentencing and in more than one service we saw that managers had changed the format of pre-sentence reports to put the personal circumstances of the child before their offending. These changes had been made with black and mixed heritage boys in mind and recognised the need to place their offending in context given the evidence that they are likely to receive harsher sentences than their peers. Haringey and Hackney YOSs had analysed data for breach rates and outcomes for black and mixed heritage boys. This led to a review of policy around engagement and enforcement, which are beginning to show an improvement.

#### YOS staff views on organisational culture

In most services, staff were aware that there were concerns about disproportionality but they did not always have a detailed enough understanding of the service’s response or any plans for improvement. Where there was a clear vision and strategy in place, and where addressing inequality was firmly on the agenda, staff felt empowered and confident to advocate for black and mixed heritage boys. For example, they did this in court, when liaising with education providers or, on occasions in challenging discriminatory or stereotyping language they heard being used by other professionals.

In almost every service, there had been some discussion about the Black Lives Matter movement, but some staff told us that this was as far as the conversation had gone. Some were concerned that the recent focus in issues of racism and discrimination were reactive and would not be sustained. In some, but not all, areas, there had been little follow-up or discussion with staff about what they might need to help them improve their awareness, skills and confidence. Most staff we met with felt that they would benefit from more support and guidance. Inspectors shared that view, given how difficult discussions about this topic can be, especially for those having the conversation with the children directly affected by the issues.

Most staff felt that there was a safe culture in the YOS where they could discuss diversity, ethnicity and race. It was therefore surprising to see that less than two-thirds of staff responding to our survey said that they had raised concerns about children being discriminated against, even though the majority of respondents had observed it. Managers need to make sure that staff are aware of how to raise concerns and that they feel confident action will be taken when issues are raised.

Inspectors received a range of views on the quality of YOS leadership:

*“Leaders have to be ambitious, confident and committed and the emotional impact of the work needs to be understood, as it can be the biggest challenge. You need a resilient workforce, a clear focus and a sheer determination”. YOS manager*

*“When I stand up in court and address these issues [of discrimination] I know I have the backing of the management team”. Court worker*

*“It would be disingenuous to say the managers are all operating in the same way and paying equal attention to this issue – the training has helped with this and opened the door to more meaningful discussions in supervision but there is work to do”. YOS manager*

*“I don’t feel some of the management team take these issues seriously. When concerns are raised regarding the racism children are experiencing, no action is taken. There was a view amongst managers that this inspection was not needed, which was worrying”. YOS worker*

*“An effective team of black managers and wider workforce who are culturally competent contributes to a high-quality service to meet the needs of black and mixed heritage boys”. YOS volunteer*

### **3.3. Staffing**

#### **Staff skills and profile**

The majority of staff we met felt that they had manageable caseloads that gave them sufficient time and opportunity to form meaningful relationships with children and families, and we found this was an area of strength in practice. The ethnicity of staff and managers reflected that of the children in the majority of areas, but some services were experiencing challenges in recruiting a diverse workforce, particularly volunteers and mentors. Some staff responding to our survey felt there was not sufficient representation in their staff and management teams and they identified this as an area that requires improvement.

Most staff responding to our survey felt that their service promoted a culture that supported safe discussion about ethnicity, racism and the particular challenges that black and mixed heritage boys might experience. Almost all staff we met with felt that this had improved since the rise of the Black Lives Matter movement. People described discussions happening more freely and openly across services and between all staff members. This is a positive development and should not be underestimated. Creating a significant cultural shift is an important step in the process of change. However, YOSs need to make sure that these discussions are extending beyond staff groups and are also taking place with the children the service works with.

We identified that staff did not always raise concerns when they considered that children had been discriminated against. This suggests there is a risk that black and mixed heritage boys experiencing racism in the youth justice system may be going unchallenged. We saw a correlation between concerns about racism being escalated and services having a clear vision that was well communicated. We noted that concerns were more likely to be raised in relation to children on statutory court orders. This may be reflective of the more intensive work being delivered as well as the trust that develops between the worker and the child over a longer period of intervention. The majority of staff who did raise concerns were satisfied with their managers’ response.

In some areas, staff and volunteers felt that ‘all children should be treated the same’ and this, together with our casework findings, indicates there is some way to go in terms of training and understanding.

We noted a proactive response by Leeds Youth Justice Service, who have experienced some challenges in diversifying their staff team. To address this, they have worked with PATH

Yorkshire which is a not-for-profit organisation that assists employers and organisations in tackling the under-representation of black and minority ethnic groups in their workforce.

### Good practice example

Leeds Youth Justice Service has worked in partnership with PATH Yorkshire for the last 20 years and have generally had at least one PATH trainee in their service throughout that time. The PATH programme provides trainees with the experience and skills they need to successfully apply for a job within youth justice or a related field. The service currently has five employees who have started their youth justice career as a PATH trainee, including one who has since qualified as a youth justice officer through the Youth Justice Foundation Degree and one operational manager. Other trainees have found employment in youth work, family support or prevention projects. The partnership with PATH is a valuable means by which the Youth Justice Service in Leeds can address the structural disadvantages many people from black, Asian and minority ethnic communities face in the jobs market and ensure that the service has a diverse workforce which meets the needs of children and families from all communities.

### Management oversight

Management oversight was not routinely evident in case records, and managers did not use a wide enough range of methods to scrutinise and review the quality of work. Quality assurance processes did not focus enough on issues relating to diversity, which made it difficult for services to have clear sight of trends and emerging issues. This also meant that the impact of training was not being assessed and reviewed and any additional support needs of staff were not being identified. We could not see evidence that managers were picking up on issues that affected the quality of service delivery in order to escalate or address them. We also found that work that was below standard was being countersigned. Overall, we found that management oversight was not driving the required improvements to service delivery. Management oversight in relation to supporting desistance and managing the safety and wellbeing of black and mixed heritage boys was sufficient in less than half of post-court cases and in just over a third of out-of-court cases. There was significant variation between the best and worst performing services. When we looked at oversight with a specific focus on diversity, we were concerned to find that, overall, it was effective in only 18 per cent of statutory cases and in just 13 per cent of out-of-court disposal cases.

### Staff support, supervision, learning and development

Most staff had received unconscious bias training.<sup>8</sup> They had found it useful but were aware of its limitations. It provided staff with awareness and insight but did not give them the skills or confidence to engage with issues of race and ethnicity in their direct work with children and families. In Lewisham, training in cultural competence and anti-racist practice has been delivered, not just to YOS staff, but also to YOS police and partnership staff. The inspection team noted this as good practice in creating a shared understanding and approach across agencies. Training worked best when it was delivered across teams and services, as this promoted discussion, which is an important element of learning. However, many staff had

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<sup>8</sup> Unconscious bias refers to the deep-seated prejudices we all absorb due to living in deeply unequal societies. A report produced by the Government Equalities Office in 2020 stated that there had been 'no evidence' that the training improved workplace equality.

completed online unconscious bias training by themselves. Staff also told us that training was often optional and not ongoing, and this undermined its value.

Strong foundations for learning need to be set from the beginning, when staff join services. It was therefore disappointing to find out from case managers we interviewed that only half of them felt that their induction had given them sufficient knowledge to support their work with black and mixed heritage boys. Many were not aware, for example, of the specialist or community services available for this group of children, and this was a missed opportunity at the outset.

Overall, most staff considered that the training they had received had equipped them 'quite well' to work effectively with black and mixed heritage boys. However, the assessment and analysis of diversity needs were inadequate in the large majority of inspected cases, which clearly indicates that more training and support are required. Many staff appear to lack confidence in discussing culture and/or experiences of discrimination, which means that specific challenges faced by black and mixed heritage boys are not fully understood or addressed. If staff don't feel knowledgeable or confident in discussing diversity issues with children, there is a risk that these will be avoided and overlooked.

We saw examples of clinical support offered to staff, for example through case formulation meetings where the cases were discussed and guidance was offered. However, we saw few examples of staff being able to access specialist clinical support to discuss any concerns or anxieties that they may have about their own practice and how their own life experience or world view may influence their understanding or approach to their work with black and mixed heritage boys.

Supervision did not provide sufficient direction and there was little evidence that issues relating to race, ethnicity and diversity had been discussed. In a number of the areas we visited, volunteers had not received any training and they were not aware of any specific approaches being taken to consider the diversity of black and mixed heritage boys.

We received a range of views from staff and volunteers about diversity in practice and organisational culture:

*"We have started referencing Lammy report and highlighting discrimination issues in PSRs [pre-sentence reports]. Recent unconscious bias training was really helpful. Quality assurance that specifically highlights race/cultural factors has made me realise how colour-blind my assessments have been and how this is doing a disservice to my ethnic minority children".* Case manager discussing their learning

*"We treat everybody the same – it is a child first approach".* Case manager discussing their approach to working with black and mixed heritage boys

*"Both management and staff promote a safe environment where matters relating to race can be discussed openly without the fear of being judged. In my view this is really important as staff are able to express their own ignorance on certain topics while also being able to share with colleagues' discussions, they have had with black young people which they have found to be effective. Such an environment enables staff to develop their confidence and not be wary of bringing up matters of race when working with black and mixed heritage children".* Case manager discussing the importance of organisational culture

*“I know they need an interpreter when their eyes glaze over”*. Case manager discussing work with parents and carers whose first language is not English

*“Although I do not believe black and mixed youths are discriminated in the YOS, if I did come across an incident of this, I would not know how to advise the youth or to get them specialist help. This is probably because it’s never been an issue”*. Case manager discussing the escalation of concerns about discrimination

*“Supervision could be better, rather than focusing on who has been referred where, I would benefit from thorough reflective case discussions which focus on diversity and the cultural needs of the children”*. Case manager talking about the support and supervision they receive

### **3.4. Conclusions and implications**

There is clear evidence that black and mixed heritage boys and their families have experienced marginalisation and have not received the same level of support from services as their peers before coming into contact with the youth justice system. The reasons for this are still not clearly understood, but what is evident is that this has impacted on the boys’ perception of services and the support they offer and this may also affect their motivation to engage. ‘Turning this around’ is a challenge youth justice practitioners face. For many of the black and mixed heritage boys involved with the YOS, this is the last chance they may have as children to get the support they need.

The revised YJB disproportionality toolkit, which was rolled out in 2018, is available to all YOSs to use on a voluntary basis. We found, however, that it is not being consistently utilised. In part, this is because it tells services much of what they think they already know. Our inspection findings suggest that they would benefit from more direction on how they could address the issues the toolkit identifies. The YJB has put some positive initiatives in place such as ‘Levelling the Playing Field’, but more oversight and accountability for YOS performance on disproportionality is needed to drive improvements in practice. Guidance that sets out expectations and assists youth offending team practitioners and managers on effective practice with black and mixed heritage boys would support improvements.

This report has highlighted significant concerns regarding policing practices in some forces in relation to black and mixed heritage boys. This has been a consistent theme, from the boys themselves, among practitioners, managers and strategic leaders. One of the main concerns relates to the use of stop and search and also the limited data available for examination and scrutiny. In addition, data on differential use of community resolutions by ethnicity needs to be collated for analysis, so that any disparity can be identified.

Improving outcomes for black and mixed heritage boys is not achievable by YOSs alone. Partnership boards should ensure that reducing over-representation in the justice system is a standing item at meetings. All partners should be expected to submit data from their own services to show what action they are taking to improve outcomes for black and mixed heritage boys in, or at risk of entering, the youth justice system.

Currently, YOS management boards are not using data and information effectively to understand and address the needs of black and mixed heritage boys. They cannot therefore be confident that they have sufficient resources in place or that organisational processes are not disadvantaging this group of children.

Senior leaders and board members do not have processes in place for gathering the views of black and mixed heritage boys and their families. Without this information, it is not

possible to assess whether what is being delivered is meeting needs or having an impact. Mechanisms need to be established to give a voice to the children and their families, and their feedback should be used to consider, assess and improve the effectiveness of service delivery.

Not all staff are aware of their YOS's vision or what is expected of them in practice. Management oversight and supervision lack focus in terms of diversity and are not driving improvements, resulting in a gap between strategic ambition and current service delivery. Staff consistently told us that they were not aware of the data and information regarding the over-representation of black and mixed heritage boys in their services. They had received training on these issues but they had no context within which to place it, as they did not fully understand what they were being asked to address. Staff need to know what is expected of them and they need to be given clear guidance and direction so they can be confident that they know 'what good looks like'.

As we learned from the boys we spoke to, black and mixed heritage boys don't always recognise the impact that experiences of discrimination are having on them and don't recognise that they may need help. They are more inclined to 'get on with it' and this can involve dysfunctional coping mechanisms that are damaging to themselves and to other people. Managers need to be aware of how challenging this work to address this can be and make sure service-wide learning opportunities are harnessed. Specialist, clinical support should be provided where needed to enable staff to consider the emotional impact of the work and help them to process their own anxieties, thoughts and feelings.

## 4. Partnerships, services and facilities

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### 4.1. Partnerships and services

#### **Commissioning quality services to meet the needs of black and mixed heritage boys**

In many services, the substantial cuts to funding of youth and community services were cited as a challenge. The impact on black and mixed heritage boys was thought to be highly significant, as the loss of local services in their communities meant that they could no longer access opportunities and activities that had once been available to them. The loss of these services, and the informal support provided by trusted adults within the community, was repeatedly referenced as a contributory factor to the increasing numbers of black and mixed heritage boys coming into contact with the criminal justice system.

Cuts to YOS and partnership budgets and the lack of funding for out-of-court disposal work were raised as challenges to service delivery. YOSs and partnerships increasingly depend on bidding for funding to support projects. The short-term nature of the funding means that initiatives often don't have time to become established before the financial support ends. This provides little opportunity for evaluation to support applications for further investment. In some regions, Police and Crime Commissioners are providing funding for youth projects via some violence reduction units. However, any contributions are discretionary and not guaranteed.

In some areas, we saw good examples of third-sector organisations being used to support children. However, staff were not always aware of them, and there was limited sharing of knowledge about culturally appropriate services that were available. Some staff and volunteers were aware of community provision but often this was a result of their own personal experiences and familiarity with the local communities.

We saw a good example of work being done to strengthen links with community providers in Nottingham. A YOS manager had coordinated safeguarding training for some local organisations to ensure that they understood their safeguarding responsibilities and processes. In Sheffield, a team manager had been recruited to lead on developing and promoting relationships between statutory and community services to support service delivery to children at risk of criminal exploitation. Due to the disproportionality of the children affected by this issue they are aiming to focus on the communities where there is significant representation of minoritised children and families.

One boy who had committed an offence against a school told us about his valuable experience of working with a community organisation. His case manager had made arrangements for him to complete a reparation project that not only improved his self-esteem but also encouraged him to think about future goals for himself:

*“She also got me to work with an organisation called Bicester Green, who specialise in carpentry I think, either way they allowed me to make a table and paint it – something I really enjoyed. I was even allowed to present my creation back to the school. I was so grateful for help and support from her... I’m hoping I will be able to continue to learn new skills with Bicester Green, maybe an apprenticeship or something. To be fair, I’m not picky, building and construction are also areas I would like to work in”.*

Two areas were directly commissioning specific services to meet the needs of black and mixed heritage boys. Hackney and Haringey YOSs had contracted the organisation Wipers<sup>9</sup> to deliver their 'Ether' eight-session programme aimed at black, Asian and minority ethnic young men involved with the youth justice system. This programme directly addresses issues around race, identity and perceptions of self, as well as self-esteem and confidence, attitude and behaviour and independent thinking.

Of the 164 staff who responded to our survey, less than a quarter told us that they always have access to the right specialist and mainstream services to meet the desistance and safety and wellbeing needs of black and mixed heritage boys. Half said that they usually had access and the remainder said that services were rarely or never available. We saw limited evidence of specialist services being delivered in the cases we inspected.

In our meeting with third-sector organisations who are members of 'Clinks',<sup>10</sup> there was a sense of frustration from small organisations that work specifically with minority groups, as they feel excluded from bidding for funding due to bureaucratic and complex processes. There was concern that youth organisations have ceased to exist because of the challenging funding environment. The need for specialist services was strongly felt, and it was not just about ethnic representation but authenticity. As one person told us:

*"It isn't just about children seeing people who look like them. It is about having someone who can understand their experience, be relatable and who has the right level of skill to help".*

One provider who had secured funding to deliver therapeutic support to YOS children from minority backgrounds said that levels of referrals from YOSs were low, even though the support being offered was grant-funded and available for free. They were of the view that YOSs weren't making referrals as they have decided the children don't need those services, despite there being clear evidence to suggest they do. The general view was that specialist organisations need to be woven into the support from the beginning and that this does not happen often enough. This view was supported by our casework findings.

We found limited evidence that feedback from black and mixed heritage boys and their parents or carers was being collated and used in a meaningful way to improve services or to inform commissioning decisions. In some services, information was drawn from the AssetPlus self-assessment (where these had been completed), but this did not provide feedback on how the services had been experienced by those receiving them. The self-assessment documents work best when they are completed with the child and/or their parents and carers and used as a tool to prompt discussion and to gain understanding. We found that they often lacked detail and their content was of limited value.

In discussion with staff, we found that they were not always consulted about the services the YOS had commissioned or had put service level agreements in place with. They did not feel that the quality of what was being provided was sufficient or that feedback from external providers was given despite agreements being in place. This meant that interventions were fragmented and not holistic, making it difficult for case managers to assess and review the impact the interventions were having on the children.

We were pleased to see this example of the delivery of creative interventions and well-targeted commissioning:

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<sup>9</sup> Wipers is a youth justice social enterprise that specialises in working with vulnerable and disadvantaged young people.

<sup>10</sup> Clinks supports, promotes and represents voluntary sector organisations that work with people in the criminal justice system and their families.

### Good practice example

In Haringey we saw some good examples of partnership work and creative projects being delivered to black and mixed heritage boys. There was access to projects such as 'Red Snapper', an intervention which aims to tackle stigma around mental health in the black and minority ethnic community. The YOS had developed a music offer, to support children to express themselves constructively, especially those from minority ethnic groups. They were working in partnership with Sony Music to provide opportunities for children to take part in an internship. They can also be provided with a mentor to support them with achievable goals if they want to go into the music industry.

Wipers had been commissioned to deliver the Ether programme, which is an eight-session programme aimed at black, Asian and minority ethnic boys involved with the youth justice system. Sessions also include discussions about stereotypes, breaking barriers and perceptions of masculinity. Two further programmes for 2021 have also been commissioned. During lockdown the YOS has been delivering a virtual cooking club, an initiative aimed at improving life skills. Children are encouraged to cook food that represents their own individual culture and heritage. The YOS has produced a disproportionality podcast, which focuses on the lived experiences of ethnic minority children who have grown up in Haringey and gone through the justice system. The podcast was produced by an organisation called 'Bird Podcast'. The YOS manager and a local councillor were also interviewed to give a wider perspective on disproportionality. The podcast has been shared with partners. The podcast gave children the opportunity to discuss their experiences and it has been shared with others and made available to the public to raise awareness.

### Work with statutory partners, providers and other agencies

#### Education

Education was raised as a challenge in every service we inspected, and school exclusion and part-time timetables were a real concern. In Sheffield, for example, we were told that 52 per cent of children in pupil referral units were from black and minority ethnic backgrounds, and of these only five per cent successfully reintegrated into mainstream education. There was a similar picture in Nottingham, where black and mixed heritage boys were twice as likely as their peers to be permanently excluded from school. All schools in the city are academies and the exclusions were linked to a small number of schools: 60 exclusions this year were from three individual schools. The council has an inclusion policy in place but there is no government policy that requires all schools to participate, which can prove challenging for local authorities.

In one service an inspector noted a case where a boy had been excluded from school permanently following some fixed-term exclusions and was transferred to a pupil referral unit. The pupil referral unit assessed that, with more support and advocacy from the YOS, Early Help services and family therapy, the boy could have remained in mainstream education. The school had requested a psychological assessment but this had never been undertaken, so they could not know whether they were meeting his needs and providing the correct response. In this case, the partnership response was lacking and this had a detrimental impact on the child's life chances.

Besides the obvious disadvantage exclusions cause in terms of education, they also meant that, in at least one area we inspected, children who were at risk of custody were excluded

from being considered for Intensive Supervision and Surveillance. This was due to the service not being able to provide the required 25 hours of support, part of which is usually made up by attendance at an educational institution.

We were concerned to be told about the numbers of boys who were entering the justice system with identified SEN. In addition, we were told by health workers and other YOS staff in some services that there was also a significant number of boys who they assessed as having previously unidentified SEN when they came into contact with the YOS. This was because the issues had not been identified at school, or because the boys had not been assessed due to being excluded from school, possibly due to behavioural issues linked to their SEN. Where EHC plans were in place, some were out of date and therefore meaningless. We saw a small number of plans that had not been reviewed for several years. Where plans were in place, they were not always used to inform the work being done with the child. In one area, we were especially concerned to see these examples of negative and judgemental language used in EHC plans to describe a child and his behaviour:

*"School staff report that Paul struggles to make appropriate friendships. He shows little empathy, is manipulative and has obsessive behaviours. He can be paranoid and likes to show his own strength".*

*"The educational psychologist reports that Paul has significant needs in this area, which appear to be related to his life experiences. Paul is reported to be obsessed with his hair and does not like it out of place. He often leaves the classroom to check on it".*

Because information on education placements and hours was not always recorded correctly on YOS databases, and detailed and consistent information was not being exchanged at operational levels, it was not clear how the YOSs were able to understand any links between over-representation and school exclusion. In Oxfordshire it was noted that a good range of data was available in relation to education and school exclusions. The service is using their analysis of this data to work with individual schools and trusts where disproportionality is evidenced. The data also informs Oxfordshire's black and mixed heritage disproportionate exclusions multi-agency task and finish group.

### Children's social care

Work with children's social care to provide suitable accommodation to support bail applications was highlighted as a challenge across a number of services. Inspectors noted in eight of the 25 remand cases inspected that accessing suitable and timely accommodation placements had been an issue. Where children had bail initially declined, we saw some good examples of work between the YOS and children's social care to revisit support packages, which then resulted in bail being granted. For many children the offences they had been charged with were considered too serious for bail to be a feasible option but in one area we saw a case where a child had been charged with a grave crime, but the partnership had worked effectively to put risk management plans in place and secure bail. It is concerning that children who have not been convicted of an offence should spend even one night in custody if this is not absolutely necessary, particularly considering that 66 per cent of children remanded in custody do not go on to receive a custodial sentence.<sup>11</sup> The experience of being in custody is traumatising for children, and agencies need to be more coordinated to prevent this happening. In Sheffield, we noted that there were no barriers to children accessing accommodation when it was needed, as effective processes had been established

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<sup>11</sup> Youth Justice Board and Ministry of Justice. (2021). *Youth Justice Statistics 2019/20: England and Wales*. <https://www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020>.

at a strategic level and escalation pathways were in place if barriers were encountered. Staff told us this worked well in practice.

Feedback from services suggested that there have been some improvements in the work with children's social care. We saw some excellent examples of partnership work between the YOS and children's social care. The focus on contextual safeguarding has contributed to improvements but this was not consistent across the inspected services.

### Policing

In almost every service, staff and managers highlighted stop and search as a serious concern, and this was more significant in the London areas. Staff spoke at length about stop and search, and the boys we met gave extensive accounts of the challenges they faced in relation to stop and search and the impact it has on them. Some of the boys who had moved from London to other parts of the country spoke of the relief they felt at being able to go about their daily activities without being stopped and searched. When they reflected on this, they recognised the impact it had on their sense of wellbeing. We were concerned to hear about some of the policing approaches being used, including the use of tasers and forceful restraint on children. In one service, a YOS worker told us that they had been having a meeting with a boy on his front doorstep (due to lockdown restrictions) when a police car pulled up and officers 'stopped and searched' him. The YOS worker challenged this and highlighted it with their manager. The lack of access to local data on rates of stop and search segmented by both age and ethnicity makes it difficult for YOSs and partnerships to assess its impact on over-representation.

There was very little data and analysis in relation to ethnicity and the use of community resolutions as a diversion from the criminal justice system and almost no understanding of community resolutions that had been used by the police outside of the YOS out-of-court disposal processes. Information relating to 'street community resolutions' was not being shared between the police and the YOS. During the inspection, we learned that in Staffordshire no community resolutions are issued without the child being referred to the YOS for their input on the most suitable disposal. This system was established following a serious incident involving two children who were thought not to have been known to services. It emerged that the children had received a number of street community resolutions without the YOS being aware of it, and without support being offered and an assessment completed. We considered Staffordshire's approach to be good practice but recognise that challenges with the funding and resourcing of out-of-court disposals might make it difficult for a system like this to be put in place in some areas.

The example below shows the effective use of data to assess the quality and impact of service delivery:

#### **Good practice example**

Hackney YOS has developed a good evidence base to enable it to understand disparity and over-representation, not just in terms of ethnicity within the YOS cohort but also so that it can cross-reference the numbers of black and mixed heritage children outside the YOS who are in care or subject to child protection processes. This highlights the multiple levels of disadvantage experienced by this group of children and assists the partnership in considering its approach. It used learning from a 2019 peer review to support its learning and development in this area. The Safer Young Hackney Board (YOS management board) requested a briefing and update from its police representative on stop and search practice across the borough. A dip sample of 35 out of 74 young black males who were

stopped in May 2020 with an outcome of ‘no further action’ found that 23 did not show sufficient grounds for a stop and search. The information recorded was lacking in detail and the process appeared not to be a proportionate response. Training for police officers was identified to address this. The Chief Inspector of the Central East Basic Command Unit contacted the supervisors of those officers in order to remind them of the expected procedures.

The Lammy Review (2017) indicated that black and minority ethnic children were significantly underrepresented in YOS out-of-court cohorts. Hackney YOS recognised that, while some disproportionality was occurring, it was lower than the Lammy Review suggested. More children in Hackney appeared to be given, and then taking, the opportunity to take responsibility for their action at this early stage at a greater rate than found elsewhere. A research project was set up with Middlesex University to test and assure the figures. The second phase of the research is to investigate and analyse the work to see if improvements could be made and/or to identify the successful elements of the approach. Research is planned and due to begin in the coming months.

### Support for parents and carers

We found there was little support in place for the parents of black and mixed heritage boys. The Lammy Review highlighted the need for services to promote the involvement of parents when their children come into contact with the criminal justice system, and the impact of trust on the engagement of those from minority ethnic groups. However, we did not see many examples of culturally competent parenting programmes and support in the YOSs inspected. We did note some good practice examples, however. For example, we were impressed with the therapeutic approach being taken in Lewisham:

#### **Good practice example**

The Lewisham YOS family therapy team (LYFT) provides broad therapeutic support to children and families. The Lewisham Adolescent Resources and Therapy Service is part of Lewisham CAMHS, which provides assessment, treatment and care for children in, or at risk of entering, the criminal justice system. Alongside this, the service has a small team of black African/Caribbean therapists, representative of the Lewisham population, who deliver family functional therapy interventions. The LYFT delivers therapy to children and young people aged 11 to 18 years old and their families, where there is offending or identified risk of offending. The interventions involve a whole-family, strengths-based, systemic approach. The team of therapists work in collaboration with the YOS speech and language and liaison and diversion worker. The YOS restorative justice practitioner is also part of the team.

Every child involved with the YOS attends an induction with their parent at the beginning of their intervention. At their initial appointment the practitioner facilitates a restorative meeting with the child and their parent or carer. Children and families have access to family mediation and there is access to interventions for those who have been affected by domestic violence. The LYFT has created one pathway for referrals for YOS children and their families, meaning that their needs are more easily assessed and met. There are recognised benefits in having an ethnically diverse team of therapists, as this reflects the community and is important in terms of engagement. But staff and managers are clear that understanding barriers and not being afraid to try new ways to engage are of equal

importance. Interventions are home-based and delivered at times when the families are available. It is a gradual approach that recognises the challenges of gaining trust. Staff are tenacious, flexible and realistic about gaining engagement.

At the time of the inspection in May 2021, Haringey YOS was working in collaboration with the Tavistock and Portman Clinic to create a space where parents can come together with trained therapists who will work with them to create their own support system.

Forty-three parents or carers responded to our survey asking them about their experiences of the YOS. The feedback was largely positive. The majority of respondents considered the YOS staff to be skilled and committed, with a good understanding of the diversity needs of their children. Most felt they had been included in the assessment and intervention planning for their child.

Here are two examples of feedback that outline different experiences of the services received:

*“The YOS have been very committed to being trauma-informed in their approaches when working with this child. YOS have shown a good understanding of the reasons for the challenges he faced and found creative solutions to overcoming barriers. They have worked very closely alongside me to strive for the best outcomes for the child”.*

*“The staff turnover made it difficult for my son to engage with YOS. Communication channels and other forms of contact deteriorated over time. I was not fully aware of all offences, consequences, repercussions and the toll it would take on the family. More tailored support in this area would have enabled us as a family to adequately support my son. Overall I feel let down as a parent by the service delivery. To date I have not been signposted to other parents experiencing such difficulties by way of a support group or any other active platform for change, intervention and learning how to cope from the lived experiences of other families”.*

#### Other key services

In the majority of YOSs, children had access to mental health services and speech and language provision. We noted, however, that referrals were not always made or followed up sufficiently to check if the boys had engaged with the services. This meant that any barriers or concerns that the boys had about attending appointments were not fully explored. We noted that in post-court work only half of the boys who had mental health, speech and language or substance misuse concerns identified in their initial assessment went on to receive the intervention. If referrals had been made to the relevant agencies, it would appear there had been little follow-up to ensure that the work was delivered. In relation to speech and language, we noted that an assessment was often completed but no direct work was delivered to the child by the speech and language therapists.

Inspectors received a range of comments from YOS staff and managers in relation to partnership working and service delivery:

*“When accessing specialist services, a referral is needed but often the threshold to access the service is too high or there are significant time delays between referral and take-up of service”.* Case manager explaining barriers to accessing services

*“Like most YOSs, we are still struggling with the exclusion of black and mixed heritage boys from education and then struggling to help them get back into mainstream school”.*

Manager speaking about challenges accessing education provision

*“There needs to be improvements with child and adolescent mental health services (CAMHS). A significant number of black children have never been engaged by CAMHS, resulting in escalating mental health concerns and crisis. It would benefit the YOS if CAMHS and other key partner agencies were acknowledging similar concerns to us regarding the need for specific support for black and mixed heritage boys. For example, when undertaking assessments, it is not acceptable to offer three appointments by letter then close the case because the child ‘did not engage or answer phone calls’. Mental health services need to be far more proactive and creative in their engagement of black and mixed heritage boys”.*

Feedback from a case manager

*“Many professionals consider the injustices black and mixed heritage boys experience, but still tend to minimise this, rather than providing holistic support”.* Case manager when discussing what could be done better in their service

## 4.2. Facilities

### Use of YOS and other community premises

Case managers have been finding creative ways of working with children during the pandemic, meeting them outdoors and delivering sessions online. As this inspection was carried out remotely, it was not possible for us to visit the YOS sites, so we cannot comment on the YOS facilities themselves.

Staff were using libraries and schools to support engagement, and children were often seen at home. This provided good opportunities for the case worker to connect with the family, develop relationships with parents and carers and observe the environment the child was living in.

In some areas, prior to the pandemic, referral order panels generally took place in the YOS building rather than more community-based and informal venues such as family centres, youth clubs and schools as set out in the referral order guidance.<sup>12</sup> In terms of building trust, holding meetings in familiar settings where children and families feel comfortable and which are accessible is seen as a positive approach and one that should be promoted. As one referral order panel member reflected:

*“There used to be venues that could be used for panels in the community but this has stopped now and it is limited. This can make it harder for some children. One panel member noted that some panels should be held in XXX, as this is where most black and mixed heritage boys live and feel safe but this no longer happens”.* Referral order panel member

In one area, the YOS had changed the format of its referral order panel reports to reflect its child-first approach. However, this had resulted in the information contained in the reports being stripped back to focus almost entirely on the child’s perspective on their offending and circumstances. This meant no background information was provided and the reports didn’t

<sup>12</sup> Ministry of Justice. (2018). *Referral order guidance*.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/746365/referral-order-guidance-9-october-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746365/referral-order-guidance-9-october-2018.pdf)

address diversity or any issues of discrimination. This made it difficult for panel members to put bespoke plans in place that reflected the child's individual circumstances. In other services panel members told us that they had not been provided with details of community provisions or YOS resources that are specific to black and mixed heritage boys, and that they consider this to be a gap.

### **4.3. Conclusions and implications**

Gaps in the understanding of the needs of black and mixed heritage boys make it difficult for YOSs and partnerships to be confident that they have sufficient resources, or the right resources, in place. Challenges and barriers, such as access to education, have not been dealt with at board level and this is a source of frustration for the staff working directly with black and mixed heritage boys, given the significance of education in supporting desistance. The correlation between youth crime and school exclusions is well documented and addressing it must be a priority for local authorities and policy makers. Similarly, YOSs, particularly in London, say that stop and search practices are directly linked to the disproportionality they see in their services. The fact that there is no published local or national data available to assist YOSs in their analysis means that there are gaps in understanding and challenges to effective partnership working with the police.

We saw some good examples of partnership work, both within statutory services and with the voluntary sector, but this was not consistent. Staff and volunteers told us that they did not always have access to the services they needed to meet the needs of black and mixed heritage boys and inspectors noted significant gaps in service provision in the inspected cases. One gap consistently mentioned by staff and volunteers was suitable mentors who could maintain contact with the boys beyond the end of their interventions. This is a gap that services should work to address. YOS managers should make sure that all staff and volunteers know what specialist services can be accessed in the local communities and promote their inclusion in the delivery of interventions.

There is not enough focus on working with parents or carers of black and mixed heritage boys and this limits the impact of the work delivered to the boys themselves. Parents need to be able to access support that meets their needs and helps them deal with the challenges they are facing in trying to support their children, challenge and manage their behaviour and keep them safe. We learned in this inspection that trust can be a barrier; but with commitment and patience, relationships can be formed that support the delivery of effective work.

Where partner agencies and other services are involved, the delivery of interventions to black and mixed heritage boys need to be better coordinated. They should work together to form a single holistic intervention with a clear focus, and this needs to be continuously reviewed to assess its effectiveness. This should be done with the input of all involved professionals. We found that too often, a lack of feedback and poor communication between agencies undermined the work that was being delivered. This needs to be addressed through robust management oversight arrangements and focussed supervision.

## 5. The quality of casework and reports

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### 5.1 Pre-sentence reports and post-court casework

We inspected 45 pre-sentence reports (PSRs) and 114 post-court orders. Our key findings are summarised below. A detailed breakdown is included in Annexe 6.

#### Strengths

- Children and their parents or carers are supported and encouraged to contribute to PSRs and assessments.
- PSRs and sentencing recommendations are appropriate and proportionate.
- Workers form meaningful relationships with children and their parents or carers.
- Children are encouraged to comply with the conditions of their court order.

#### But

- Experiences of discrimination are rarely explored with children and their families.
- The impact of structural barriers on the lives of black and mixed heritage boys are not given sufficient consideration.
- Children and their parents or carers are rarely given the opportunity to read and discuss PSRs prior to attending court.
- Assessments are not sufficiently analytical, for example with regard to keeping the child safe.
- Data held by other agencies is not used well enough to inform the work delivered to black and mixed heritage boys.
- The services and work delivered do not always reflect or meet the assessed level of need.
- Bail support packages provided to the courts do not provide a robust alternative to custodial remand.
- Planning does not take into account the diversity of black and mixed heritage boys and does not involve them and their parents in the planning process.
- Reviewing does not respond to barriers to engagement or fully assess the child's progress against their plan of work.

#### Pre-sentence reports

The majority of the PSRs inspected had been prepared for sentencing in youth court. Just over half were sufficiently analytical and personalised to the child, supporting the court's decision-making. Overall, reports did not consider the impact of structural barriers on the lives of black and mixed heritage boys or explore their experiences of discrimination.

While there was evidence of liaison with other agencies in the preparation of PSRs, the boys and their parents or carers rarely had the opportunity to read and comment on the report before sentencing. This was a missed opportunity to support the child, attend to any anxieties and fully engage the parents or carers from the start.

Below are two boys' responses when asked how they would like to be more involved in their PSR:

*“Maybe I would like the process explained to me and the opportunity to read it before the judge”.*

*“I would like to know what it says about me and the chance to say something in my defence”.*

Many of the boys did pose a risk of harm to others and in some cases the risk of harm to others was significant and the offences were serious. While risk of harm and safety and wellbeing were mostly categorised appropriately, PSRs did not always include enough analysis of why this was the case and how the risk could be managed and reduced. We tested to see if risk of harm was over-estimated in assessment as well as in PSRs and found that this was not the case. Overall, the risk of reoffending, risk of harm to others, and safety and wellbeing assessments were detailed and balanced.

Appropriate language was used in the reports but the information included had not always been verified as rigorously as we would expect. For example, one report referred to the child having been violent and aggressive at school, and when the inspector asked for more detail and context the case manager struggled to provide it. This was because the information had been directly copied from records on another system. As a result, a report used for sentencing a child included information that was not properly understood by the person who wrote it. Issues regarding gaps in information provided for sentencing were highlighted by the magistrates who responded to our survey. Specifically, they mentioned the lack of detail in information provided from other agencies such as schools and children’s social care.

Two YOSs had changed the layout of PSRs to prioritise the child’s background and history and then place their offending in context. We considered this to be good practice.

## 5.2 Post-court casework

The key characteristics of our sample of 114 cases are shown below:

Characteristics	Inspector judgement
Excluded from school	60% overall and of these: 58% were permanently excluded and 42% temporarily
Affected by criminal exploitation	30%
Experienced racial discrimination	50% (not clear from available information in 33% of cases)
Subject to Child in Need or Child Protection plans	32%
Children who had a disability	26% (not clear from available information in 20% of cases)
One or no previous convictions	54%

### Assessment

The overall quality of assessments was undermined by a lack of attention to the child’s diversity. In half of the cases, staff had not accessed important information held by other agencies, which meant that the child’s background and life experiences were not properly understood. Linked to this, we saw sufficient assessment of structural barriers in less than a third of cases. This is a concerning finding, given that the barriers to accessing support at the right time were cited as a key issue for this group of children.

Almost all staff we met during this inspection believed that the majority of black and mixed heritage boys will have experienced some degree of discrimination, but the impact of this was explored and considered in only a small minority of cases.

We would expect to see a holistic assessment that focuses on the child's development, their circumstances and an analysis of the underlying problems linked to offending, while balancing this with strengths and positive factors to work on. The child's strengths and protective factors had been considered in most cases. However, we found that the analysis of offending behaviour lacked depth and was weak overall. This limited understanding of what was driving or contributing to the child's offending meant that planning and other elements of practice were compromised.

In three-quarters of cases, the child and their parents or carers participated in the assessment process, and their views were taken into account. In most cases it was the mother or a female carer who was involved. There was little consideration given to including fathers in the assessment process, and this followed through to the rest of the intervention. There was a lack of consideration of the significance of fathers in their sons' lives. If the father was not living in the family home, he was not contacted and there was a view that they probably would not be interested in being involved in supporting their child, without this being properly explored.

Almost half of the boys were classified as having a 'high' or 'very high' level of concern about their safety and wellbeing. Inspectors agreed with the assessment in almost every case. Despite the correct classification being made, however, assessments fell short when analysing how to keep the child safe and considering what interventions and controls were required to promote their safety and wellbeing.

We did not specifically inspect work delivered to manage risk of harm to others in this inspection, but we did consider the accuracy of the risk of harm classification at the initial assessment stage. Inspectors agreed with the case manager's classification in most cases. In the 10 (of 114) cases where we did not agree, the risk had been under-assessed.

The case below demonstrates the case manager's understanding of the long-term effects of racism and discrimination and the impact on the child, his thinking and his behaviour.

### Good practice example

Myron is a 17-year-old black British boy who received a 10-month referral order when he was found in possession of a knife. The referral order assessment and report explored the impact that growing up in an area with ongoing racial tensions had had upon Myron. He and his family had experienced verbal and physical racial abuse in his local area, and Myron also suffered discrimination in school. The assessment and report did not negate any risk issues but it did consider how these experiences had contributed to Myron's decision to carry a knife and the impact they had had on his sense of belonging, self-esteem and overall wellbeing. The assessment analysed how Myron's race and culture informed his lifestyle choices and the areas of the city in which felt safe and the restrictions this placed on him and his opportunities. Overall, the assessment provided a clear insight into the pervasive and destructive effects of racism on the child's life.

In the following case we were concerned to find that, despite the child discussing life events, including racism and loss, the impact of these experiences on his safety and wellbeing were not considered.

### Poor practice example

Michael identifies as black British of Caribbean and African heritage. He has never met his Jamaican father, who was deported before he was born. This is referenced in the assessment but the impact on him is not analysed. The case manager highlighted the impact of historical sexual abuse on Michael and how, after counselling, he still struggled to come to terms with the trauma. When an inspector met with his case manager, they referred to conversations with Michael regarding his experiences of racism and how angry it made him. Michael had raised a concern that, when police officers attended his home address to speak with him in connection with a crime, they broke the door down and 'dragged' him out of his house in handcuffs. He said that, when they visited his white male friend's house in relation to the same crime, they knocked on the door and asked to speak with him. Despite Michael disclosing this experience and its impact on him, the practitioner made no reference to it in the assessment. Michael remained on a Child in Need plan post-sentence because of his vulnerability linked to the historical sexual abuse. Despite Michael talking to his case managers about his experiences of racism and loss, the emotional impact of this was not considered in the assessment of his safety and wellbeing.

### Planning

The planning process should prioritise the most critical issues and presenting needs first. Work on a reparation project, for example, may need to happen further down the line if the child has unmet mental health problems or there are concerns about their safety and wellbeing that require attention. Overall, the sequence in which interventions would be delivered was not clearly set out.

There was a focus on developing and supporting strengths and protective factors in only two-thirds of cases. This was disappointing, as we would expect to see some strengths, no matter how small, for development in every case. A sense of achievement and recognition is important in building motivation, and the YOS must hold high ambitions and aspirations for children who might struggle to do this for themselves. Equally, given what we know about the structural barriers that can affect the progress of black and mixed heritage boys, we would expect planning to take into account anything that might impact on their ability to engage, but this was considered sufficiently in less than half of cases. Where the child had an EHC plan, it was not always clear what needed to be done to make sure the delivery of interventions was suitable.

We consider it good practice for children to have a copy of a plan that they can refer to and that they understand and have contributed to. From our contact with User Voice, we found that some of the boys did not fully understand the plan of work that had been set for them. Not knowing what you are expected to do may create anxiety for children and could impact on their motivation to engage. The child and their parents or carers participated in planning in only two-thirds of cases. This was a missed opportunity to meaningfully involve them in the process, and to promote and support their engagement.

There was sufficient alignment with other agencies' plans (e.g. child protection or care plans) in less than two-thirds of cases. This was a particular concern when considering the high level of need of the boys and the requirement for a multi-agency approach in the majority of cases.

Planning effectively promoted the safety and wellbeing of the child in less than half of the cases inspected. It was not always clear what professionals should be doing to help keep children safe. Only a third of cases included effective contingency arrangements to manage identified risks. Given that their circumstances can often change quickly, with concerns escalating, not enough thought had been given to what would be done to keep the child safe.

### Implementation and delivery

The table below shows the YOSs' initial assessment of the needs of the children in our sample of 114 cases and the number of cases that then received services to meet that need. The level of service delivered had not met assessed needs in any of the cases, with some stark shortfalls, including for mental health, substance misuse, self-identity and discrimination.

Identified need (out of 114 inspected cases)	Assessed need	Service delivered
Substance misuse	66	35
Physical health	5	2
Learning and education, training and employment	77	61
Living arrangements	51	34
Speech, language and communication	27	15
Lifestyle	82	52
Mental health	50	24
Resilience	32	15
Self-identity	58	17
Discrimination	32	13

When we met with staff, they were able to discuss the work they had done with children in more detail than had been recorded on the case files. We took what they told us into account in our overall assessment of the quality of work delivered. In a number of cases, workers told us that they had discussed culture, heritage and background with the boys and that they had, where appropriate, discussed experiences of discrimination with them. Workers could not identify any reasons for not recording this information, but it did raise questions about management direction and expectation as well as the confidence of staff.

It was positive that in most cases staff worked hard to develop and maintain an effective relationship with the child and their parents or carers. However, it was not always clear how this relationship was then used to support the delivery of effective interventions that were balanced equally between support and challenge. As noted in the feedback we received from boys themselves, some felt that they had good relationships with their workers but sometimes contact felt more like a catch-up than a structured piece of work. One boy described how the challenging but supportive role of his case worker had helped to shift his thinking:

*“My YOS worker listens to what I have to say, which I respect because it makes our conversations meaningful. X [YOS worker] always seems to give me good advice and although I do not always see eye to eye with it, I respect the honesty and the effort he puts in to work with me... I’m sure, but I must admit X [YOS worker] is the one that helped me to see*

*college was an option for me. I already had a job but over time X [YOS worker] slowly pushed me to pursue my interests and look into college courses”.*

Interventions were not always tailored to meet boys’ individual needs and their diversity was reflected in only a third of cases. There was little long-term planning and consideration for ongoing support beyond the end of the YOS intervention. We were concerned about the level of involvement of other agencies in the work delivered to support safety and wellbeing. It was well coordinated and effective in less than two-thirds of cases.

The majority of boys received continuous encouragement to comply with their order and complete it successfully. Where enforcement was required, this was addressed appropriately. There were a small number of cases where inspectors felt action was not taken when it was necessary to impose a boundary.

This following case example demonstrates the need for interventions to be bespoke and tailored to the needs of the child rather than their offending behaviour alone. It also highlights the serious vulnerabilities and welfare concerns we saw in many of the cases we inspected:

### Poor practice example

Vincent is a 17-year-old boy of mixed heritage (white British and Black African – recorded on the database as mixed white and black Caribbean). He was subject to a 12-month youth rehabilitation order. There were clear concerns about his substance misuse. He had ADHD, suffered from anxiety and had potential undiagnosed health conditions. He was out of school for two years before he had an EHC plan. The inspector noted that the plan contained ‘worrying, stereotypical language’. The plan was not reviewed for five years and this was only done when the YOS officer pursued it. Vincent attended a special educational needs school. He had assaulted his mother, and he had been the victim of a serious assault by 20 males, resulting in a broken eye socket. Children’s social care offered voluntary support to his mother but this was not taken up. Rather than anger management, weapons awareness and substance misuse awareness, the YOS interventions should have focused on Vincent’s mental health, speech, language and communication, family support and experience of services, in which he has clearly experienced some discrimination. The YOS intervention was offence-focused but did not support desistance or safety and wellbeing as it failed to address the key issues. Vincent had told his worker he had experienced discrimination by the police but this was not explored further. The assessment did not analyse the impact of Vincent’s life experiences or fully take into account his personal circumstances. As a result, the intervention did not target the right areas of need.

### Reviewing

It is important that cases are reviewed regularly and in response to changes in circumstances. Consideration should be given to the child’s safety and wellbeing and desistance from offending. Fewer than half of the inspected cases had been reviewed sufficiently well.

The absence of other agencies where it would have been appropriate to involve them meant that there was no shared understanding of the child’s current circumstances among all of the professionals working with them.

There had been changes to the risk of harm posed by the child in 62 of the 114 cases we inspected. YOS case managers responded to these changes in only half of these cases. We agreed with the reviewed risk classification in most cases. In the small number where we did not agree, this was because the risk level had been underestimated. Information that was no longer relevant was not always removed or re-assessed at the review stage, so it was difficult to know what was a current concern and what was no longer a worry. There are implications to this, because the information contained in assessments is often shared and read by others who will see the child in the context of what is written. Therefore, it must be regularly refreshed to avoid an inaccurate cumulative picture being presented.

Consideration of diversity needs was poor and we saw evidence of attention being paid to this in only a quarter of reviewed cases. Where reviewing considered changes in the child's circumstances, it did not always examine the impact of the changes well enough. Staff did not sufficiently review the plan of work to consider what had been delivered, and what had gone well and what hadn't. There was not enough attention paid to whether the plan of work was having the desired impact and whether the child was responding well. We saw little evidence of the reviewing process being a meaningful experience for the child with them being offered feedback on their progress. It was also a missed opportunity to get feedback from them on how they felt the intervention was going and whether it was having a positive impact and meeting their needs.

#### Good practice example

Regular reviewing is evidenced throughout the case and there is a coordinated approach with other agencies. The case manager regularly updates partners and requests updated information to inform reviewing. This results in changes to ongoing work to promote safety and wellbeing. The child was subject to a Child in Need plan, but through partnership working and the timely sharing of information, child protection processes were applied due to concerns about neglect. Services worked well together to devise a plan that was communicated to the parents, who were involved in meetings. The boy was also aware of the plan to support his safety and wellbeing. These plans were regularly reviewed through child protection reviews and regular communication with partners. The boy was engaged with a local culturally specific counselling service. There was evidence of a trauma-informed intervention focusing on adverse childhood experiences, and attention was paid to making sure the interventions took his identity as a black boy into account.

#### Poor practice example

The review of the formal assessment, and any other reviewing documents, does not provide any further information following a social care assessment of the family and subsequent closure of the case. No police input is provided. The non-compliance report does not explore the reasons why the boy has not engaged and barriers that might be impacting on his engagement, however. It uses negative and charged language about the boy being lazy and defiant. Strategies to avoid exclusion are not included in the review.

#### Evaluation of progress made

Workers developed meaningful, trusting relationships with children during the course of the court order in three-quarters of cases. In two-thirds of cases this also extended to relationships with parents or carers. We saw that, by the end of the intervention, or up to

the point at which we inspected the cases, there had been improvement in strengths and protective factors for just under two-thirds of boys. There had been progress in terms of desistance and safety and wellbeing in just under half of cases. Overall, not enough attention had been paid to identifying, analysing and addressing structural barriers that may impact on the child's progress.

### Work with children on remand

YOSs work with a small number of children who are facing a remand to secure accommodation. We reviewed 25 such cases as part of the inspection. We found the bail and remand information provided to the courts to be sufficient in only eight cases. Where bail had been declined and the child remanded, their bail applications were not always re-visited to offer more robust alternatives.

We found that relevant agencies worked together to support and promote a coordinated bail support package as an alternative to remand in just under half of cases. YOS staff and managers told us that work with children's social care to secure suitable addresses for children facing remand was a longstanding challenge which had, in a number of cases, been escalated to the management board but there had been little to no improvement.

In all but three cases there was clear evidence that processes for looked after children had been applied appropriately. However, we were concerned to find that regular remand planning meetings took place with input from the child and their parent or carer in only half of cases.

### 5.3 Out-of-court disposals

We inspected 59 out-of-court disposals. The key characteristics and findings from our sample are shown below. A more detailed breakdown is included in Annexe 6.

Characteristics	Inspector judgement
Excluded from school	24 overall and of these: 11 were permanently excluded and 13 temporarily
Affected by criminal exploitation	9
Experienced racial discrimination	23 (not clear from available information in 24 cases)
Subject to Child in Need or Child Protection plans	6
Children who had a disability	17 (not clear from available information in 18 cases)
Age of the majority of children	12 to 14 years

### Strengths

- The classifications of risk of harm and safety and wellbeing are accurate in the majority of cases.
- There is sufficient focus on developing and maintaining a relationship with children and their parent or carer in most cases.
- Risk assessments are accurate and well-balanced in the majority of cases.
- Children are encouraged to engage with their out-of-court disposals.

## **But**

- Assessments and the delivery of interventions do not pay enough attention to diversity factors.
- The impact of structural barriers on the lives of black and mixed heritage boys are not considered, nor are experiences of discrimination.
- Information held by other agencies is not used well enough to understand the experiences of the child and the social context of their lives.
- Planning does not support the delivery of the services most likely to prevent further offending.
- Planning does not focus sufficiently on community integration or ongoing support for the child beyond the YOS interventions.
- Not enough attention is paid to the child's understanding, or their parents' or carers' understanding, of the implications of receiving an out-of-court disposal.

## **Assessment**

We expect to see the assessment completed using a suitable tool that includes an assessment and classification of safety and wellbeing, risk of reoffending and risk of harm to others. In seven cases there was no assessment of the safety and wellbeing of the child or of any risk of harm they posed to other people.

In some YOSs, assessments were completed before making a decision on the most suitable disposal. In others the information used to inform decision-making was often taken from what was recorded on various databases, such as police and education systems. In some cases, children and their parents and carers were informed of the out-of-court decision once it had been made and without them having had an opportunity to contribute to any assessment. The theme of mistrust of black and mixed heritage boys and their families was consistent in this inspection, and not including the child and their parent or carer in the assessment process from the outset, with a chance to contribute by providing valuable context, was a missed opportunity to promote transparency, engagement and trust.

In over half of the cases the analysis of the factors underlying the child's behaviour and their attitude towards it was insufficient. To fully understand what is driving a child's behaviour, it is important to consider their individual personal circumstances and the context of their lives. Understanding the challenges that children face that might be impacting on their behaviour is imperative if interventions are to be well targeted. Taking diversity into account is an important element of this. It was therefore disappointing to find that diversity had been suitably considered in only a quarter of cases.

The cohort of boys whose cases we inspected were vulnerable. They had experienced high levels of trauma and the impact of that was ongoing. They were navigating challenging situations linked to their environment and their identity, and trying to manage these without the maturity to make good decisions. Often, their choices and options were limited and some were exposed to circumstances out of their control, for example due to exploitation from others.

Information from other agencies was not always included and considered in assessments when it should have been. This missing detail meant that the circumstances of the child were not fully considered in a holistic way. Where information had been gathered, it had not been pulled together to understand what might be happening in the child's life. This analysis is important given that children cannot always explain what they are experiencing, as it is often too difficult for them. Sometimes experiences, no matter how difficult, can become

normalised and sometimes children simply don't have the language to express their thoughts and feelings. Having a detailed understanding of the background of the child and their life experiences, and taking an inquisitive approach, means that difficult subjects can be approached sensitively with children in a way that makes it easier for them to talk about their experiences and their impact upon them and on their behaviour.

While we agreed with the risk classification of safety and wellbeing in the majority of the cases, we noted that a detailed understanding of what lay behind the classification level was absent in too many cases. The gaps in analysis undermined the overall quality of practice, as the assessment drives planning and all other elements of service delivery.

In seven cases there was no assessment or classification of risk of harm to others. For the remainder, we agreed with the classification level in all but six cases. In these six cases, we viewed the risk level to have been underestimated.

### Good practice example

The assessment is comprehensive and strengths-based. It evidences the involvement and engagement of the child and his family in its development. There are examples of the case manager triangulating information and then summarising with his own evaluation. The analysis of the child's self-identity and heritage is particularly strong. For example, the child self-identifies as black but comes from a mixed heritage background and the case manager acknowledges and explores the impact this might have for the family in terms of their mutual understanding of needs. The pre-panel assessment template naturally guides the practitioner down a route where themes of racism and discrimination can be explored and, in this instance, there is a sophisticated understanding of impact and need. The case manager is able to identify and help the child to articulate his own understanding of his heritage and explore broader themes of discrimination, such as his experience of police stop and search.

### Planning

Deficits in assessment meant that planning was not always personalised to the needs of the child and did not analyse the underlying factors linked to offending. In a significant number of cases, the out-of-court disposals that were delivered were generic and not relevant to the child or did not address the child's wider needs. For example, in one case, the plan was governed by the fact that the service had decided there would be a maximum of six sessions for a youth caution. These were broken down into two sessions of weapons awareness, two sessions of dealing with peer pressure and two sessions focusing on the consequences of offending. The plan was not personalised and did not take into account the child's EHC plan and developmental needs.

In almost half of cases the plan of work hadn't been prioritised appropriately. In one case, the child did not receive a much-needed harmful sexual behaviour intervention, as the youth conditional caution did not allow sufficient time. The offence that was committed within a family setting raised concerns about the welfare of the child and his risk to younger children. An AIM3 assessment was completed that indicated high levels of risk, but no intervention was delivered as there was not enough time before the disposal ended. Better planning would have allowed the assessment to have been completed before the caution was issued, providing time for the much-needed work to be delivered. Poor planning in this case meant that a child assessed as high risk of harm and highly vulnerable did not get the intervention he needed.

Planning took sufficient account of the diversity of the child in only one-fifth of cases and considered the child's familial and social context in less than half of cases. There was not enough focus on the child's strengths and protective factors. This does not fit with desistance theory, which aims to help the child develop a sense of hope and optimism and encourages them to develop areas of their life that will help them to move away from crime.

Overall, we found that planning effectively supported desistance in less than half of the inspected cases. Evidence tells us that black and mixed heritage boys are more likely to be impacted by structural barriers than their peers, so we were concerned to find that this was considered in just a third of cases. Further, planning did not take into account long-term objectives, which meant that opportunities for community integration were missed.

The quality of planning to promote the child's safety and wellbeing was poor. Risks were sufficiently addressed in just half of cases where concerns were identified. Planning did not always involve other agencies where it would have been appropriate. There was sufficient alignment with other plans (e.g. child protection or care plans) concerning the child in half of the cases we inspected. We were concerned to find that contingency arrangements for the child's safety and wellbeing had been set out in only a quarter of cases. Given the levels of vulnerability of the boys and their classification of risk, this was inadequate. The complexity of the boys' circumstances meant that risks and threats to their safety and wellbeing could shift and increase quickly, and effective responses would need to be swift. We could not see what action would be taken and by whom should there be an increase in concern.

### Implementation and delivery

The below table shows the YOS assessed needs of our sample and the number of 59 out of court cases that then received services to meet that need. The gap between the level of service delivered and assessed needs was a little less stark than in the post-court sample but nonetheless concerning once again for mental health, substance misuse, self-identity and discrimination.

Identified need (out of 59 inspected cases)	Assessed need	Intervention delivered
Substance misuse	25	17
Physical health	1	0
Learning and education, training and employment	32	19
Living arrangements	23	12
Speech, language and communication	13	8
Lifestyle	39	29
Mental health	15	5
Resilience	17	12
Self-identity	25	9
Discrimination	15	6

In two-thirds of cases, the services delivered were those most likely to support desistance, and staff paid sufficient attention to sequencing the work. Given the short length of the

majority of out-of-court disposals, we would expect the work delivered to support community integration into services, including mainstream services, to offer ongoing support to children as they exit the YOS. We were therefore disappointed to see this done well enough in less than two-thirds of cases.

Of the factors that were assessed as having an impact on desistance, the one addressed most was 'lifestyle'. This was largely met by the delivery of offence-focused work, which we saw provided in three-quarters of relevant cases. Alongside this, we would expect to see work delivered to address the wider needs linked to offending. This includes education, training and employment and mental and emotional health, which were addressed less well. Overall, we found that the interventions delivered were tailored to the specific needs, circumstances and background of the child in only 22 of the 59 cases we inspected.

Developing and maintaining an effective working relationship with the child and their parents or carers was an area of strength, and we saw evidence of this in the large majority of cases. Again, however, we saw little involvement of the boys' fathers.

We saw effective multi-agency work in half of the cases inspected and this meant that service delivery was not well-coordinated and did not go far enough to support the child's safety and wellbeing.

### **Joint working**

In some services, the assessment was not completed until after the disposal had been decided. In these services, decision-making was informed by a short screening, and without input from the child and their parents or carers. This undermined the decision-making process and meant that the YOS could not advocate for the children as well as they could if they had met with them to discuss the offence.

The recommendations made by YOSs for out-of-court disposal outcomes, conditions and interventions were appropriate and proportionate in less than two-thirds of cases. Where we didn't agree with the disposal decision, this was mainly because we felt that the matter could have been dealt with through a less onerous and more holistic intervention. For example, one child received a youth conditional caution for a low gravity offence that could have been dealt with by a community resolution and supported by other services that could better meet his needs. The child had identified learning needs and had been on a Child Protection plan for neglect and low school attendance. The decision to impose a youth conditional caution had been made without meeting the child. Should the child offend again, he will likely receive a statutory court order as a result of receiving a youth conditional caution on this occasion. Recommendations did not routinely consider the degree of the child's understanding of the offence and their acknowledgement of responsibility. We found the YOSs' recommendations to be sufficiently well informed, analytical and personalised to the child in only half of the cases we inspected.

The following examples demonstrate how the processes and approaches to out-of-court decision-making can have lasting implications for children.

#### **Good practice example**

The case manager recommended a youth caution based on the child's poor compliance with two previous community resolutions. The out-of-court-disposal panel recognised that he and his family needed additional support rather than a criminal justice intervention. They took into account that children's social care was undertaking a Section 47 assessment. In light of this, and taking into account the child's wider circumstances, the panel agreed that a community resolution was a suitable disposal. The panel also

recommended additional interventions to address the child's emotional wellbeing and support his learning needs

### Poor practice example

The child was 12 years old when a knife was found in the bottom of his bag at school. He has SEN and this was first identified but not acted on when he was four years old. He was referred to CAMHS at the age of nine. No interventions were delivered at that time. He has low mood and feels isolated. He has been bullied and is being physically abused at home. None of this was considered when the policy to impose a youth conditional caution for possession of a knife was imposed. Given his circumstances and the context of the offence, a lower tariff intervention with welfare support would have been a more appropriate disposal, but not all the information was known at the decision-making panel, as nobody had met with him and his family. The concern is that, if this child comes to notice again, he will get a statutory court order next time. An assessment should have been completed before any disposal decision was made

### Evaluation of progress

During the course of the out-of-court disposal, workers developed meaningful, trusting relationships with children. In two-thirds of cases, this also extended to relationships with parents or carers. We saw that, by the end of the intervention, or up to the point we inspected the case, there had been an improvement in strengths and protective factors for just under half of the boys. There had been progress in terms of desistance in 60 per cent of cases and progress had been made in terms of safety and wellbeing in just 37 per cent of cases. Not enough attention had been paid to identifying, analysing and addressing structural barriers that may impact on the child's progress. There was improvement in the child's engagement with the YOS and other services in just over half of the cases.

## 5.4. Conclusions and implications

The statistics for black and mixed heritage boys remanded in custody is a national concern which is well documented. We were therefore concerned to find that the information provided to the court to support bail applications fell short in so many of the cases we inspected. We assessed it to be inadequate in six of the nine services. YOSs need to ensure that they work in partnership with other agencies to provide robust and credible alternatives to custodial remand in every case where this is an option.

The quality of PSRs varied considerably and in some YOSs they were outstanding. We were, however, concerned to find poor standards in other areas. The PSR has serious implications for children and they are counting on YOS staff to make sure the reports are balanced and represent them fairly and fully. There must, of course, focus on the risk of reoffending and risk of harm to others, and it has to be acknowledged that risk is often high. However, the child's offending must be placed in context and their lived experience and the challenges they have faced and continue to face must also be detailed. Reports should be analytical and set out in detail how any presenting risk will be managed and reduced through an individualised package of intervention that goes beyond offence-focused work. Children and parents or carers should have the opportunity to read the report prior to court to make sure they understand what has been written and to have an opportunity to ask questions and make comments.

When staff are undertaking assessments, they should be curious about the child's self-identify and for black and mixed heritage boys this includes their ethnicity. From the cases we inspected, we could see that discrimination was a feature in many of the boys' lives. This was affirmed by the boys who spoke with User Voice and by the staff we spoke with. This needs to be given more consideration in all aspects of practice, as it may not only be contributory factor to the child's involvement in the youth justice system, it may also be a barrier to them moving on in their lives.

Interventions need to be tailored to the needs of the child. We found that they worked best when the worker took a thoughtful and creative approach to engaging the boys whose cases we looked at. There needs to be a balance between support and challenge, as this gives the intervention meaning and purpose and promotes engagement. We found that most workers formed good relationships with the boys they worked with, but they need to make sure that they use these relationships to do the skilled work that is required to assist and support change.

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## Annexe 1: Glossary

<b>Adultification</b>	Adultification bias is a form of racial prejudice where children of minority groups are treated as being more mature than they actually are by a reasonable social standard of development.
<b>AIM3</b>	AIM3 is a 25-item framework for assessing harmful sexual behaviour in children and adolescents. It is designed to help practitioners consider relevant targets for intervention, in addition to quantifying risk and levels of supervision.
<b>Child and Adolescent Mental Health Services CAMHS</b>	Services that support children and young people with their mental health.
<b>Child protection</b>	Work to make sure that all reasonable action has been taken to keep to a minimum the risk of a child coming to harm.
<b>Education, health and care plan EHCP</b>	The purpose of an EHCP is to make provision to meet the special educational needs of a child or young person. This aims to secure the best possible outcomes for them across education, health and social care, and to prepare them for adulthood, as they grow older.
<b>Education, training and employment ETE</b>	Work to improve an individual's learning, and to increase their employment prospects.
<b>Intensive Supervision and Surveillance ISSP</b>	The Intensive Supervision and Surveillance programme is the most rigorous non-custodial intervention available for children in the youth justice – it is a direct alternative to a custodial sentence.
<b>Out-of-court disposal panel</b>	A multi-agency panel that assesses the most appropriate out-of-court disposal for children who are being considered for diversion from the youth justice system.
<b>Positionality</b>	Positionality is the social and political context that creates your identity in terms of race, class, gender, sexuality, and ability status. Positionality also describes how your identity influences, and potentially biases, your understanding of and outlook on the world.
<b>Pre-sentence report PSR</b>	When somebody pleads guilty to an offence, or is found guilty after trial, the court may request a pre-sentence report to assist them in sentencing.
<b>Referral order panel</b>	When a child is sentenced to a referral order, they are required to attend a youth offender panel. The panel, the child, their parents/carers and the victim (where appropriate) agree a contract aimed at repairing the harm that has been caused and addressing the causes of the offending behaviours.

<b>Section 47</b>	A Section 47 enquiry means that children’s social care must carry out an investigation if they have ‘reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm’. The aim is to decide whether any action should be taken to safeguard the child.
<b>Self-identity</b>	Self-identity is a combination of personality traits, abilities, physical attributes, interests, hobbies, and/or social roles that form personal identity.
<b>Social graces</b>	The social graces are a framework for understanding aspects of identity and how they shape practice. It asks practitioners to be aware of how their identity influences their thinking.
<b>Structural barriers</b>	Structural barriers are obstacles that collectively affect a group disproportionately and perpetuate or maintain stark disparities in outcomes. Structural barriers can be policies, practices and other norms that favour an advantaged group, while systematically disadvantaging a marginalised group, in obtaining needed resources.
<b>Trauma and toxic stress</b>	Trauma is the emotional, psychological, and physiological residue left over from heightened levels of toxic stress that accompanies experiences of danger, violence, significant loss, and life-threatening events.

## Annexe 2: Methodology

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During the course of this remote inspection, we inspected the work of youth offending services (YOSs) in Manchester, Lewisham, Nottingham, Haringey, Hackney, Leeds, Sheffield, Liverpool and Oxfordshire. All YOSs were selected because black and/or mixed heritage boys were over-represented in their services. We looked at the work delivered through a lens that considered the child's ethnicity, their diversity and any experiences of discrimination. For the purposes of this inspection, we looked at assessment, planning, delivery and reviewing of work to support desistance and safety and wellbeing in post-court cases and we assessed the quality of joint decision-making in out-of-court disposal cases. We paid attention to the classification level of risk of harm at initial assessment and reviewing stages but did not inspect work delivered to manage and reduce any risk of harm.

We reviewed comprehensive evidence in advance from each YOS and examined 173 cases of black and mixed heritage boys (59 out-of-court cases and 114 statutory), which had commenced within the previous 12 months. We interviewed 99 case managers. Senior managers from the YOSs were interviewed and focus groups were held with case managers, middle managers, partnership staff, volunteers and the Youth Justice Partnership Board. We undertook a week of meetings with representatives from national agencies: The Youth Justice Board for England and Wales, the Home Office, Department of Education, Ofsted, the Magistrates Association, the Chief Executive Officer for the Association of Police and Crime Commissioners and the National Police Chiefs' Council.

We commissioned the services of 'User Voice', who met with 38 black or mixed heritage boys to gather their perspectives on the services that they had received from the YOSs. They also helped us understand some of the challenges they face in their day-to-day lives and what could be done to help. Inspectors spoke with a small number of parents whose children were, or had been, involved with the YOS and who requested a meeting.

In each YOS we inspected, we conducted electronic surveys with case-managing staff (164 returns) and volunteers (76 returns). We gathered the views of parents (43 responses) by conducting a survey that was distributed on our behalf by the YOSs. A survey was circulated nationally via the Magistrates Association and we received six responses.

To support the inspection team, which was drawn from black, white and mixed-heritage backgrounds, we commissioned the services of Inside Out Wellbeing to provide clinical supervision and support. A team of black therapists devised and delivered culturally sensitive individual and group sessions to the inspection team. There was a slightly different structure to the meetings depending on the positionality of the team members in terms of ethnicity. The support of the therapists allowed inspectors to reflect on the impact of the work they were doing. For some people, it provided a reflective space; for others it was a valuable learning opportunity and a space to consider cultural competency and humility. The support and input provided proved to be of great value in both the planning for, and delivery of, this inspection.

The ethnicity of children whose cases we inspected is shown below:<sup>13</sup>

<b>Pre-court sample breakdown of ethnicity of children</b>	
Black African	24%
Black Caribbean	17%
Any other black/African/Caribbean background	7%
Mixed white and black African	9%
Mixed white and black Caribbean	29%
Mixed white and Asian	3%
Any other mixed/multiple ethnic background	5%
Not recorded	5%

<b>Post-court sample breakdown of ethnicity of children</b>	
Black African	24%
Black Caribbean	24%
Any other black/African/Caribbean background	12%
Mixed white and black African	2%
Mixed white and black Caribbean	24%
Mixed white and Asian	4%
Any other mixed/multiple ethnic background	11%
Not recorded	1%

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<sup>13</sup> In some circumstances, figures may not total or may exceed 100. This is due to the rounding up/down of figures.

## **Annexe 3: Expert reference group**

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An expert reference group contributed to this report by advising on strategic, technical and operational issues associated with the subject and service under inspection. The group represented the views of key stakeholders in the areas under scrutiny, and commented on emerging findings and final recommendations.

Group membership included:

- Keith Fraser – Chair of the Youth Justice Board for England and Wales.
- Pippa Goodfellow – Director of the Alliance for Youth Justice (AYJ) and Trustee for the National Association for Youth Justice (NAYJ).
- Dr Patrick Williams – Senior Lecturer in Criminology at Manchester Metropolitan University.
- Michelle Edwards – Head of Newham Youth Offending Service.
- Lloyd Robinson – Director and Contracts Manager at Get-to CIC.
- Dr Tim Bateman – Reader in Youth Justice at the University of Bedfordshire.
- Aika Stephenson – Co-founder of Just for Kids Law.
- Dr John Wainwright – Co-Director of Global Race Centre for Equality (GRACE) and the youth justice strand lead for the University of Central Lancashire.
- Sammy Odoi – Founder and Managing Director of Wipers.
- Jenny Oklikah – Chief Executive Officer for Fight for Peace.

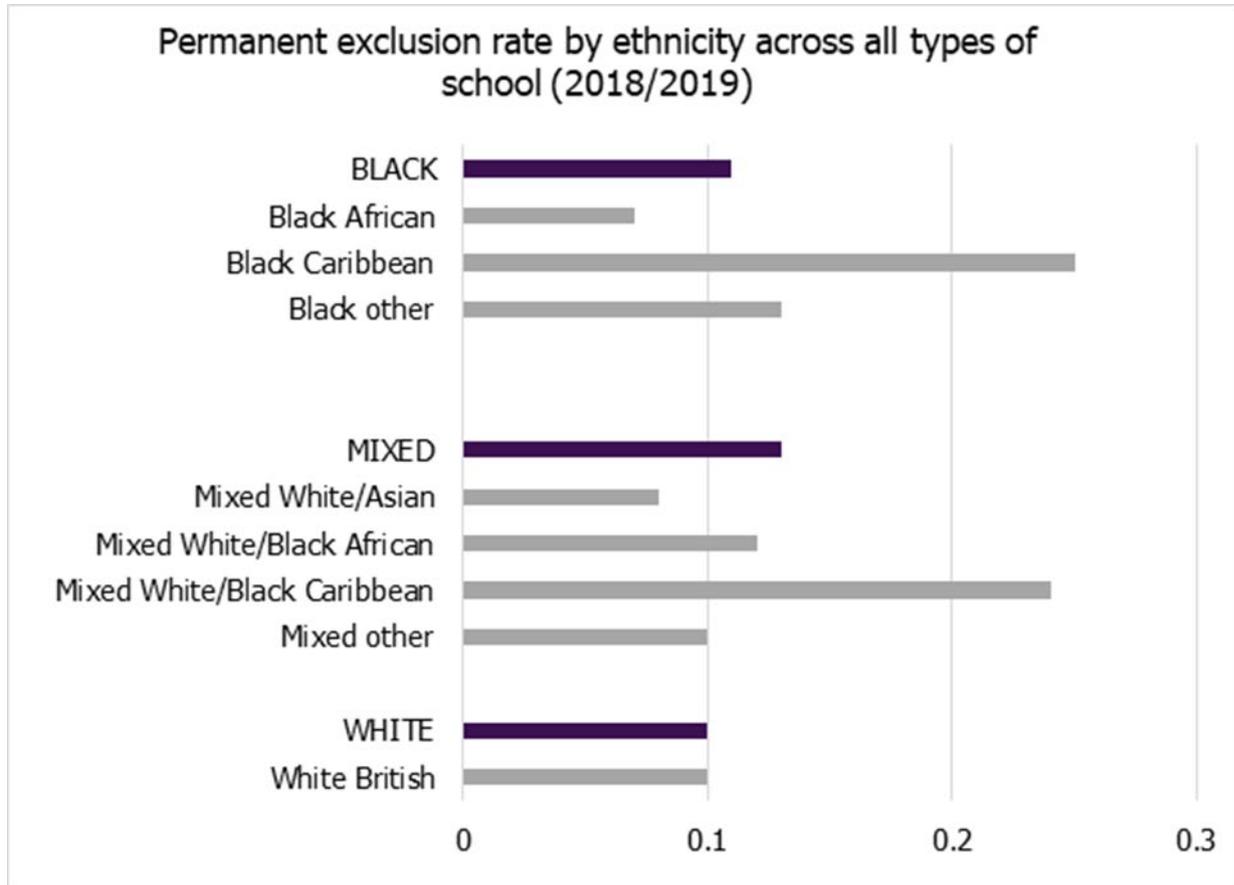
## Annexe 4: Racial disparity

The following racial disparity infographic has been produced by the YJB and highlights disparities between different ethnic groups of children to identify factors linked to over-representation.



## Annexe 5: School exclusion data

National data on school exclusion broken down by ethnicity.



## Annexe 6: Case assessment data

### Post-court work

Is the pre-sentence report provided to the court sufficiently analytical and personalised to the child, supporting the courts decision-making?	Number of cases	%
Yes	23	51%
No	22	49%
Does the bail support information provided to the court offer a robust alternative to remand?	Number of cases	%
Yes	8	32%
No	12	48%
Other	5	20%
Have relevant agencies worked together to support and promote a coordinated bail support package as an alternative to remand?	Number of cases	%
Yes	12	48%
No	13	52%
Does assessment clearly identify and analyse any risks to the safety and wellbeing of the child?	Number of cases	%
Yes	66	58%
No	47	42%
Does the assessment explore the impact of experiencing discrimination on the child's desistance?	Number of cases	%
Yes	10	10%
No, and should have	87	90%
Not applicable	16	-
Does assessment sufficiently analyse how to support the child's desistance?	Number of cases	%
Yes	43	38%
No	70	62%
Does planning set out the services most likely to support desistance, paying sufficient attention to the available timescales and the need for sequencing?	Number of cases	%
Yes	66	59%
No	46	41%
Does planning take sufficient account of the diversity of the child?	Number of cases	%
Yes	27	24%
No	86	76%

Does planning consider the impact of any structural barriers which may affect engagement?	Number of cases	%
Yes	41	41%
No	59	59%
There were no structural barriers	12	-
Does service delivery reflect the diversity of the child?	Number of cases	%
Yes	39	34%
No	75	66%
Does the implementation and delivery of services effectively support the child's desistance?	Number of cases	%
Yes	68	58%
No	48	42%
Does reviewing take sufficient account of the diversity of the child?	Number of cases	%
Yes	22	25%
No	65	75%
Does reviewing lead to the necessary adjustments in the ongoing plan of work to support desistance?	Number of cases	%
Yes	43	50%
No	43	50%
Does reviewing consider and respond to any barriers affecting engagement	Number of cases	%
Yes	26	39%
No	41	61%
Not required	21	-
Does reviewing focus sufficiently on supporting the child's desistance?	Number of cases	%
Yes	42	48%
No	46	52%

### Pre-court work

Does assessment clearly identify and analyse any risks to the safety and wellbeing of the child?	Number of cases	%
Yes	27	46%
No	32	54%
Does the assessment explore the impact of experiencing discrimination on the child's desistance?	Number of cases	%
Yes	3	6%
No, and should have	45	94%
Not applicable	10	-

Does assessment sufficiently analyse how to support the child's desistance?	Number of cases	%
Yes	25	42%
No	34	58%
Does planning set out the services most likely to support desistance, paying sufficient attention to the available timescales and the need for sequencing?	Number of cases	%
Yes	32	54%
No	27	46%
Does planning take sufficient account of the diversity of the child?	Number of cases	%
Yes	12	20%
No	47	80%
Does planning consider the impact of any structural barriers which may affect engagement?	Number of cases	%
Yes	17	33%
No	34	67%
There were no structural barriers	8	-
Does service delivery reflect the diversity of the child?	Number of cases	%
Yes	22	38%
No	36	62%
Does the implementation and delivery of services effectively support the child's desistance?	Number of cases	%
Yes	36	61%
No	23	39%
Are the recommendations by the YOT for out-of-court disposal outcomes, conditions and interventions appropriate and proportionate?	Number of cases	%
Yes	32	59%
No	22	41%
No recommendation made	5	-
Are the YOT's recommendations sufficiently well-informed, analytical and personalised to the child, supporting joint decision making?	Number of cases	%
Yes	29	49%
No	30	51%

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## Appendix Two: HMIP Thematic Inspection report recommendations Oct 2021

### The Youth Justice Board should:

1. publish data to show how well individual youth offending services are addressing disproportionality: this data should refer separately to different ethnic groups
2. revise the guidance on case management to consider diversity, particularly ethnicity and structural barriers at each stage of the youth justice process.

### The Home Office should:

3. publish local and national data on:
  - a) stop and search statistics, broken down by gender and age as well as ethnicity
  - b) 'release under investigation' statistics, including outcomes, broken down by gender and age as well as ethnicity.

### The Department for Education should:

4. make sure that the special educational needs of black and mixed heritage boys are assessed and responded to at the earliest opportunity and work with Ofsted to include this in their inspection framework
5. improve guidance on exclusion to make sure that schools monitor disproportionality in rates of fixed and permanent exclusions and consider the impact of adverse childhood experiences, racism and personal circumstances in their response to black and mixed heritage boys. Work should begin with Ofsted to capture this in its inspection framework
6. In line with their public service equality duty and the Lammy principle of 'explain or reform', the Department for Education should hold academy trust chains and local authorities to account for monitoring rates of racial disproportionality in the use of permanent exclusions and for taking action to tackle this.

### Police area forces should:

7. share with Youth Justice Management Boards local data on:
  - a) stop and search statistics, broken down by gender and age as well as ethnicity
  - b) 'release under investigation' statistics, including outcomes, broken down by gender and age as well as ethnicity.

### Local authorities should:

8. provide suitable and timely accommodation placements and support packages for black and mixed heritage boys who are facing remand or being released from custody
9. make sure that, where children and families are moved to a new location as a result of concerns about their safety, the accommodation and placements provided are suitable and sustainable to meet their needs
10. ensure that black and mixed heritage boys are receiving their legal entitlement to education, including alternative provision when this is deemed necessary, and that the placements are suitable to meet their needs.

**YOS partnership boards should:**

11. have a vision and a strategy for improving outcomes for black and mixed heritage boys, and make sure these are known and understood by YOS staff and partner agencies
12. ensure that all board members contribute data from their individual services that identifies areas of disproportionality and the action being taken to address them, and that this data is used to develop a joint strategic needs assessment
13. have a joint set of partnership targets, for example with schools and children's services, for improving service delivery to black and mixed heritage boys, and make sure mechanisms are in place to track, monitor and evaluate outcomes.

**YOS managers should:**

14. establish effective processes for gaining feedback from black and mixed heritage boys on the services they receive and use this feedback to assess, review and improve the quality and suitability of service provision
15. make sure that staff understand what is expected of them in their work with black and mixed heritage boys and that they are inducted, trained and supported to work effectively with this group of children
16. improve the quality of management oversight to make sure that it is sufficiently focused on diversity and what this means in practice and that there are clear escalation routes to address any barriers to black and mixed heritage boys accessing the services they need
17. address gaps in specialist provision for black and mixed heritage boys, either by delivering it in-house or by commissioning it from appropriate local community organisations and evaluate referral and uptake rates for the services provided
18. offer suitable and appropriate support and intervention to the parents and/or carers of black and mixed heritage boys and regularly review the uptake and suitability of this provision

**Report for:** Children and Young People's Scrutiny Panel – 04 January 2022

**Title:** Children and Young People's Scrutiny Panel: Work Programme 2021-22

**Report authorised by:** Ayshe Simsek, Democratic Services and Scrutiny Manager

**Lead Officer:** Rob Mack, Principal Scrutiny Support Officer  
Tel: 020 8489 2921, E-mail: [rob.mack@haringey.gov.uk](mailto:rob.mack@haringey.gov.uk)

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** N/A

**1. Describe the issue under consideration**

- 1.1 To note the work plan for the remainder of 2021-22 and agree any amendments or additions for approval by the Overview and Scrutiny Committee.

**2. Recommendations**

- 2.1 That the Panel considers its draft work plan, attached at Appendix A, and whether any amendments are required.

**3. Reasons for decision**

- 3.1 The work programme for overview and scrutiny was approved by the Overview and Scrutiny Committee at its meeting on 8 June 2021. Arrangements for implementing it have progressed and the latest plans for the Children and Young People's Scrutiny Panel are outlined in **Appendix A**.

**4. Background**

- 4.1 Following the completion of the Overview and Scrutiny work plan for 2018-20, work began on the development of work plans for 2020-22. An on-line survey was undertaken in February 2020 and a Scrutiny Café consultative event planned but the process was disrupted by the Covid pandemic. The priorities and suggestions from the survey were incorporated into the work planning process for 2021-22. In addition, the Committee and its Panels each undertook consultative meetings during March with a range of community and voluntary sector organisations relevant to areas within their terms of reference.
- 4.2 The consultative meetings looked at and prioritised a range of suggestions that had come from the following:
- Responses to the on-line scrutiny survey undertaken in early 2020; and
  - Outstanding matters from current work plans.

- 4.3 There was also the opportunity to add additional issues. Following these, the Committee and its Panels each met informally to finalise their proposals. Relevant Council officers were invited to these meetings to provide feedback on proposals. Each scrutiny body was asked to prioritise issues and consider if there were any additional matters that also should be included in work plans. There is finite capacity within work plans and it would not be possible to cover everything in them in depth, hence the need to prioritise.
- 4.4 Each scrutiny body was asked to decide on the following:
- A suitable topic for a scrutiny review. Whilst this is not obligatory, it will enable scrutiny bodies to look at an issue in detail. A key consideration in selecting issues is the extent to which reviews may be able to deliver tangible outcomes. Any review will need to have completed receiving evidence by the end of this calendar year to ensure that its final report is approved before the end of the current administration;
  - Items to prioritise for one-off items at scheduled meetings. Space for such items is limited and it is recommended that sufficient space is allowed on each agenda for a meaningful discussion of issues selected; and
  - Which item(s) to select for the agenda for the first meetings of 2021-22.
- 4.5 Local elections will be taking place in 2022 so it is essential that all outstanding work is completed in good time. It is advised that all evidence gathering activities as part of reviews be completed before the end of the calendar year. If a review is not completed before the end of the administration, it may be difficult to carry it over to the new administration due to loss of continuity. An earlier deadline will need to be factored into work plans if Members wish their review reports to be responded to by Cabinet before the end of the administration.
- 4.6 In terms of scheduled meetings, the current programme for the forthcoming year is set out in the workplan attached as **Appendix A**.
- 4.7 The Panel has now completed its in-depth review on schools. The final report of the review was approved by Overview and Scrutiny Committee on 29 November. It will now be submitted to the Cabinet meeting on 8 February where it will be considered alongside a response to the recommendations.
- 4.8 The Panel has also agreed to undertake a review on Child Poverty. This will be a short and focussed piece of work that aims to identify key recent developments within the borough relating to child poverty, particularly the impact of Covid, with the aim of making recommendations on how they may be addressed strategically within the refreshed Borough Plan. The first evidence session for this will take place on 11 January.

#### *Forward Plan*

- 4.9 Since the implementation of the Local Government Act and the introduction of the Council's Forward Plan, scrutiny members have found the Plan to be a useful tool in planning the overview and scrutiny work programme. The Forward Plan is updated each month but sets out key decisions for a 3-month period.

- 4.10 To ensure the information provided to the Committee is up to date, a copy of the most recent Forward Plan can be viewed via the link below:

<http://www.minutes.haringey.gov.uk/mgListPlans.aspx?RP=110&RD=0&J=1>

- 4.11 The Committee may want to consider the Forward Plan and discuss whether any of these items require further investigation or monitoring via scrutiny.

## **5. Contribution to strategic outcomes**

- 5.1 The contribution of scrutiny to the corporate priorities will be considered routinely as part of the OSC's work.

## **6. Statutory Officers comments**

### **Finance and Procurement**

- 6.1 There are no financial implications arising from the recommendations set out in this report. Should any of the work undertaken by Overview and Scrutiny generate recommendations with financial implications these will be highlighted at that time.

### **Legal**

- 6.2 There are no immediate legal implications arising from the report.
- 6.3 In accordance with the Council's Constitution, the approval of the future scrutiny work programme falls within the remit of the OSC.
- 6.4 Under Section 21 (6) of the Local Government Act 2000, an OSC has the power to appoint one or more sub-committees to discharge any of its functions. In accordance with the Constitution, the appointment of Scrutiny Panels (to assist the scrutiny function) falls within the remit of the OSC.
- 6.5 Scrutiny Panels are non-decision making bodies and the work programme and any subsequent reports and recommendations that each scrutiny panel produces must be approved by the Overview and Scrutiny Committee. Such reports can then be referred to Cabinet or Council under agreed protocols.

### **Equality**

- 6.6 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
  - Advance equality of opportunity between people who share those protected characteristics and people who do not;

- Foster good relations between people who share those characteristics and people who do not.

6.7 The Committee should ensure that it addresses these duties by considering them within its work plan and those of its panels, as well as individual pieces of work. This should include considering and clearly stating;

- How policy issues impact on different groups within the community, particularly those that share the nine protected characteristics;
- Whether the impact on particular groups is fair and proportionate;
- Whether there is equality of access to services and fair representation of all groups within Haringey;
- Whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.

6.8 The Committee should ensure that equalities comments are based on evidence. Wherever possible this should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

## **7. Use of Appendices**

Appendix A: Children and Young People's Scrutiny Panel: Work Plan for 2021/22

## **8. Local Government (Access to Information) Act 1985**

N/A

## Children and Young People’s Scrutiny Panel

### Work Plan 2021 - 22

<p><b>1. Scrutiny review projects;</b> These are dealt with through a combination of specific evidence gathering meetings that will be arranged as and when required and other activities, such as visits. Should there not be sufficient capacity to cover all these issues through in-depth pieces of work, they could instead be addressed through a “one-off” item at a scheduled meeting of the Panel. These issues will be subject to further development and scoping. It is proposed that the Committee consider issues that are “cross cutting” in nature for review by itself i.e., ones that cover the terms of reference of more than one of the panels.</p>		
Project	Comments	Priority
Schools	<p>There are now a range of different types of school within the borough. These include:</p> <ul style="list-style-type: none"> <li>• Community schools;</li> <li>• Foundation schools and voluntary schools;</li> <li>• Academies;</li> <li>• Free schools; and</li> <li>• Faith schools.</li> </ul> <p>The resulting fragmentation presents challenges for local authorities. These include ensuring that all schools are providing a good standard of education and the planning and co-ordination of school places. In addition, schools are subject to varying degrees of local democratic control.</p> <p>The review will:</p> <ul style="list-style-type: none"> <li>• Seek to identify the different categories of school that there are within Haringey and their characteristics as well as the diversity of curriculum and ethos offered by individual schools;</li> </ul>	In progress

	<ul style="list-style-type: none"> <li>• Consider the ways that might be available to the Council to influence schools within the borough and, in particular, facilitate school improvement and co-ordination of school places most effectively; and</li> <li>• Look at practice in other local authority areas and what appears to have been most effective.</li> </ul> <p>The review will then focus on how the Council might best respond strategically to the significant surplus in school reception places that there is within Haringey. These have serious budgetary implications for many primary schools due to the way in which schools are funded. Demand for school places is subject to fluctuation and there will also be a need for sufficient places to be available to accommodate future any increases in demand for places. As part of this, the review will consider:</p> <ul style="list-style-type: none"> <li>• The role the Council has in working with schools to effectively manage the reductions in school rolls;</li> <li>• How a balanced range of school provision across the borough might best be maintained; and</li> <li>• What could be done to mitigate financial pressures on schools and ensure that any adverse effects on schools are minimised</li> </ul>	
Child Poverty	Scope and terms of reference to be determined.	

<p>2. <b>“One-off” Items; These</b> will be dealt with at scheduled meetings of the Panel. The following are suggestions for when particular items may be scheduled.</p>	
<b>Date</b>	<b>Potential Items</b>
2021-22	

<b>20 July 2021</b>	<ul style="list-style-type: none"> <li>• Terms of Reference</li> <li>• Work Planning; To agree items for the work plan for the Panel for the forthcoming year</li> <li>• Cabinet Member Questions – Cabinet Member for Children, Education and Families</li> <li>• Covid; Impact on children and young people</li> <li>• Youth Services</li> </ul>
<b>23 September 2021</b>	<ul style="list-style-type: none"> <li>• Financial Monitoring</li> <li>• Annual Youth Justice Plan</li> <li>• Missing Children</li> <li>• Support to Refugee Afghan Children</li> </ul>
<b>18 November 2021</b>	<ul style="list-style-type: none"> <li>• Cabinet Member Questions – Cabinet Member for Children, Education and Families</li> <li>• Whittington Health Estates and Services Reconfiguration – Implementation</li> <li>• SEND Inspection</li> </ul>
<b>4 January 2022 (Budget Meeting)</b>	<ul style="list-style-type: none"> <li>• Budget scrutiny</li> </ul>

	<ul style="list-style-type: none"> <li>• Haringey Children’s Safeguarding Partnership – Annual Report</li> <li>• Youth Justice Thematic Inspection Report Findings</li> <li>• Children’s Social Care; Annual Report</li> </ul>
<b>7 March 2022</b>	<ul style="list-style-type: none"> <li>• Cabinet Member Questions – Cabinet Member for Children, Education and Families</li> <li>• Engagement with Young People</li> <li>• SEND Inspection &amp; Strategy</li> <li>• Mental Health and Well-Being</li> </ul>

TBA

SEND Transport

Children’s Social Care – Annual Report (deferred from 18 November)

Scrutiny Review of SEND – Update on Progress

Kinship Care