



Haringey Council

Report for:	CPAC	Item Number:	
Title:	Children in Care and Custody		
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Ward(s) affected:	ALL		

1. Describe the issue under consideration

For some time there have been concerns about Haringey Children In Care (CIC) and offending, including the use of custody. Once a year, CYPS has to provide information from the Police National Computer in relation to children who have been in care for 12 months plus and who have offended. The YOS data analyst compiles information, comparing the general offending population with CIC offenders, once a year. This data is presented to the CYPS multi-agency group and YOS management board. The YOS has a key performance indicator (set by the Youth Justice Board) to reduce the use of custody and this information is also analysed at the quarterly YOS management board.

The Prison Reform Trust Publication – ‘Care – A Stepping Stone To Custody’ - reports on 23 interviews with children in care. The report identifies a 7 point plan to improve care and reduce offending:

- Proactive care planning, including risk of offending.
- Getting the placement right.
- Recognising the importance of relationships with adults.
- Being aware of family influences.
- Increasing children’s aspirations.
- Working across agencies, including sharing information with police, youth offending staff and magistrates and accompanying young people to court.
- Being a good (corporate) parent, including when a child ends up in custody.



Higher rates of offending are associated with becoming LAC due to family dysfunction/acute stress, having experienced more than 3 placements and being LAC for 12-18 months rather than longer.

The small sample of young people interviewed identified the following as influencing their offending:

- Losing contact with family and friends.
- Poor relationships with carers and social workers.
- Relationships with peers and peer pressure.
- Type of placement and frequency of move.

More recently, NACRO published its report entitled “Reducing offending by looked after children” (September 2012 (www.nacro.org.uk)). The report indicates that 7.3% of CIC come into contact with the youth justice system compared to 3% of all children and young people. In March 2012 the rate of offending amongst children in foster care was 3.6%, compared to 21.4% in residential care – one reason for this being the likelihood that residential homes call the police in response to challenging behaviour. The quality of placements and the stability and support they offer are identified as crucial to achieving good outcomes for CIC. CIC in custody have more complex needs than their peers and were more likely to report problems on arrival, have substance misuse and emotional and mental health problems. Most lost their placements on entering custody which made release planning more difficult, which then had an emotional impact on the young people concerned.

Those young people going into custody in Haringey are some of the most vulnerable, requiring high levels of support. There is already an emphasis on early help and intervention for those young people who are not a high risk to others. We are further developing this through initiatives such as the 54000 project and Families First.

Remands in Custody/Youth Detention Accommodation (YDA)

The Legal Aid, Sentencing and Punishment of Offenders Act is expected to be fully in force by April 2013. The Act affects custody in three ways:

1. Changes to the law on bail and remand are aimed at reducing the numbers of those unnecessarily remanded into custody by applying the new ‘no real prospect’ test whereby people would be released on bail when unlikely to receive a custodial sentence. Whether this is successful in reducing custodial remands – now termed youth detention accommodation (YDA) will be determined by the definition of ‘no real prospect’ in the courts.
2. Any young person under 18 remanded into custody now becomes a child in care. The DfE and YJB were expected to produce guidance last year, but this was withdrawn just as this section was introduced on 3rd December 2012. Discussions were already taking place with the YOS and relevant CYPS sections to ensure that processes are streamlined in order to reduce any duplication of work within limited resources. In 2011,



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39 young people were remanded into custody, 7 of whom were CIC – at any one time there are about 7 young people in Feltham. There were 39 young people in custody, 8 were in custody for 13 weeks (one was already a LAC young person) and would be eligible for leaving care support services under the legislation.

3. A new offence of threatening with an offensive weapon or article with a blade or point in public or on school premises results in a minimum sentence of 4 months detention and training order (DTO). It is estimated an additional 30-60 beds in the secure estate will be required for this. Currently, offences of possession of a bladed article are being monitored by the YOS and there has been an increase in the numbers charged in the last few years.

Haringey YOS Procedures

The staff in the YOS and CIC work closely together on cases, share information and attend joint meetings as necessary. Any young person referred to the YOS is initially checked against Framework-I and an entry is put on Framework-I indicating that the young person is known to the YOS. YOS workers are included in care planning meetings, reviews etc and CIC staff are invited to YOS Risk Management Panel meetings. Both services are represented at the Gangs Action Group. Young people may go into custody on remand or when serving a custodial sentence. It is acknowledged that custody involves high financial costs and can have detrimental effects on young people's lives.

The YOS works to reduce the number of young people subject to YDA to the secure estate (Secure Children's Homes, Secure Training Centres and Youth Offending Institutions – YOI's). Nationally, 57% of those remanded into custody do not then receive a custodial sentence; locally the figure is 43%. The courts tend to remand young people into custody due to the serious nature and/or persistence of their offending where there is a concern that further offending is likely. The YOS provides bail support programmes as an alternative to YDA. This can include reporting to the YOS a defined number of times per week, curfew, electronic tagging etc. Intensive Supervision and Surveillance (ISS) can also be used to provide additional support to bail programmes.

Any young person initially subject to YDA is reviewed by the YOS in order to assess whether bail (often with additional support) can be recommended. Any bail support programme must be aligned with other plans/interventions, including CIC care plans. The court and solicitor are informed accordingly. All those remanded into custody have to be assessed, particularly in relation to risk and vulnerability and the Youth Justice Board is responsible for identifying placements.

Within 5 working days of the initial remand, a remand review meeting must take place but this can be done via the video-link, unless there are definable risk factors. A remand planning should take place within 10 working days and monthly thereafter.



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Haringey CIC procedures

Since December 2012, all those under 18 years subject to YDA acquire LAC status. The Local Authority then becomes the corporate parent and the child or young person should be visited within one week of their YDA and then visited at least every six weeks (*4 weeks in Haringey*) for the first year. An independent reviewing officer (IRO) must then be appointed within 5 working days. Initial Health Assessments and PEP's (personal education plans) must be completed with specific timescales (20 days) and reviewed accordingly. With the LASPO Act changes, the local authority care plan need not include information relating to the long term plan for the child's up-bringing. The plan should include the child's needs in relation to health, education and training, emotional and behavioural development, social, linguistic, religious and cultural needs, contact with family, IRO details and arrangements for family contact. The DfE are undertaking consultation in relation to likely amendments to the Care Planning Regulations (2010). The outcome of this consultation will influence subsequent practice and service delivery. Haringey's response to the consultation will be submitted by February 6th 2013.

Prior to release of LAC in custody, current practice is that their allocated social worker will plan for appropriate accommodation and education arrangements. Where they are going to a foster home or residential unit every effort will be made to facilitate a visit to them by the provider in advance of their release. A package of onward support will be drawn up for each individual.

Children and Young People Sentenced to Custody

Youth Justice National Standards and Care Regulations also apply to young people sentenced to custody. An initial planning meeting to agree the sentence plan should be held within 10 days and the CIC social worker (amongst others) should be invited to attend. For those serving a detention and training order (DTO) of 12 months or less, visits should take place at least monthly and for more than 12 months, no less frequent than every two months. Those CIC serving custodial sentences are still subject to care reviews as well. YOS review meetings should take place regularly (depending on length of sentence) and can be undertaken by video link. A final release meeting must take place to ensure that resettlement arrangements are in place. If the young person is looked after or without suitable supported accommodation, the local authority must make suitable accommodation arrangements for the young person in advance of release. A continuing programme of education for those of school age of at least 25 hours per week should be provided. On release, the young person must report to the YOS on the same day: a review should take place within 10 working days and three monthly thereafter. A home visit should take place within five days, depending on individual circumstances.

Children and young people who have acquired CIC status by virtue of youth detention accommodation for 13 weeks+ (over any period of time) will be eligible for leaving care services in the same way as all other CIC.

It is unclear at this stage how the raising of the participation age for 17 year olds this year and 18 year olds next year will be addressed with the secure estate.

Long term custodial sentences (section 90/91) require much the same processes.



Relevant Changes

The priority to reduce the use of custody, allied to the high re-offending rate of those released from custody, was taken into account when the YOS re-structured in 2011. The YOS managed to retain the support worker with lead for resettlement, one with a lead responsibility for accommodation and one with a lead for education, training and employment (ETE). The resettlement worker works with all relevant DTO cases both pre and post release and involves the other support workers as necessary. However, in relation to CIC, any work undertaken by the YOS support worker is very specific, due to the involvement of social workers and PA's and the need to avoid duplicating work and having too many staff involved with one young person

The Apprenticeship, Skills, Children and Learning Act 2009 commits the home local authority (Haringey) to notify the host authority (where the custodial institution is situated) when a young person goes into custody. Specific documentation including any statement of educational need must be sent and relevant authorities notified on release. The YOS education officer is responsible for completing this work.

Section 15 of CYP Act 2008 imposes a duty on the local authority to visit young people who cease to be looked after as a result of being remanded or sentenced to custody and who are not eligible for leaving care support. The young person must be visited within 10 working days, but this cannot be fulfilled by a YOS worker.

2. Future Developments

The total cost of secure remands (YDA) will be transferred to local authorities in April 2013 - local authorities currently contribute a third of the cost. The funding formula, which will be used to allocate finances to individual authorities, removes the 2/3rds contribution from the Youth Justice Board and includes the expectation that YDA will reduce numbers by 15%. Having analysed those subject to YDA in Haringey, this reduction will be challenging due to the need to protect the public from serious harm. The Youth Justice Board will continue to identify and allocate placements, but there is concern that funding will not meet demand locally with a £768,277 shortfall anticipated. This figure is based on the previous 3 years number of bed nights used by Haringey which is estimated locally to be some 7,000 nights short. A revised figure is expected imminently. This reduction in funding could result in pressure on local authorities to use YOI's rather than more expensive options, with the risk of increasing a young person's vulnerability.

Local Developments

- Haringey is committed to reducing the use of custody for both custodial remand and sentenced young people, except where custody is required to protect the public. In addition to services outlined earlier and involvement in a pilot scheme to reduce the use of custody and care, the local services are contributing to the North London Adoption and Fostering Consortium proposed development of a remand fostering scheme. Such a scheme could have a significant impact on numbers and costs of custodial remands.



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- The YOS and CIC managers are meeting bi-monthly and the two management teams met recently to discuss future developments. A manager has been identified in each service to act as a single point of reference in terms of liaison between the two services. A YOS social worker will act as a single point of contact for LAC and be based in the LAC team one day a week. This will be reviewed after three months.
- A weekly meeting to review all YDA cases has been set up. Managers from both YOS and CiC services will attend this.
- A monthly multi agency risk management panel has been established to discuss and plan for those young people at high risk of harm to others. CiC service is represented on this Panel.
- Both services are represented at the Gangs Action Group and the co-ordinator of the GAG has provided some joint training on local gangs' issues. This joint training allowed respective roles and responsibilities to be included. The YOS is committed to providing another 4 programmes for those involved in gang/violence and those in care who meet the criteria will be prioritised for these programmes
- Staff shadowing opportunities will be developed in 2013 to enable a greater shared understanding of the work of the two sections with a view to improving the services provided to those in care who have offended

3. Comments of the Chief Finance Officer and financial implications

The Youth Justice Board has obtained unit costs from the Personal and Social Services Research Unit in relation to extending CIC status.



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Description	Unit Cost
Care Planning – Initial Assessment	£137
Statutory Reviews	£466
Care Planning – post First Statutory Review	£137
Social Worker Visits	£146
Transition to Leaving Care Services	£1,328

Court Ordered Secure Remands

Actual Expenditure	2009/10	2010/11	2011/12	2012/13 [6mths April-Sept]	2012/13 Estimated full year cost	
	£			£		
CYPS	330,372	185,810	387,536	173,278	346,555	Cost is currently met from the existing Placements Budget. This represents 1/3 of the total cost for court ordered secure remands.
YJB	660,743	371,619	775,072	346,555	693,110	£693k represents a new estimated pressure on the Placements Budget.
Provisional funding allocation for 2013/14					-48,712	
Total	991,115	557,429	1,162,608	519,833	£1,039,666	



Young Offender Institutes

	2009	2010	2011	
Bed Nights	2332	2298	2582	Data on bed night usage and cost per night has been provided by the YJB. Data for 2012/13 year to date is not available.
Cost per night [£]	£173	£173	£173	
Total Cost	£403,436	£397,554	£446,686	
Provisional funding allocation for 2013/14			-£317,981	
New estimated pressure on the Placements budget.			£128,705	



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Transport

	2009/10	2010/11	2011/12	2012/13 [6mths April- Sept]	2012/13 Estimated full year cost
	£			£	
Total cost for Wrixon Secure Transport	68,035	66,984	49,409	7,611	15,221
Provisional reduction in funding allocation for 2013/14					10,345
Total					-4,876



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Head of Legal Services and legal implications

The key provisions in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 that relates to the Council's obligation to children in custody are covered in the report.

Conferring looked after status on all children in custody will place a duty on the authority responsible for their care to assess their needs, co-ordinate services on their behalf and maintain a link with their home communities, including offering support to their families to keep in contact with them.

The impact assessment of the new provision accept that conferring looked after status to all children currently remanded will lead to additional costs flowing from the provision of mainstream care services to those who are remanded in Young Offender Institutions. For some of these, there will also be additional costs of care leaver services upon leaving custody. There is likely to be significant resource implication in dealing with the additional children looked after by the Council.