

## CABINET

19 March 2013

<b>Title:</b> Youth Offending Service: Proposed Joint Working Arrangements with the London Borough of Havering	
<b>Report of the Cabinet Member for Crime, Justice, and Communities</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected: All</b>	<b>Key Decision: Yes</b>
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<b>Accountable Divisional Director:</b> Glynis Rogers, Divisional Director Community Safety and Public Protection	
<b>Accountable Director:</b> Anne Bristow, Corporate Director Adult and Community Services	
<b>Summary:</b>  In November 2012, Cabinet received a report on the discussions taking place as to an integrated service model across both Barking and Dagenham and Havering, and agreed to receive a report on the initial joint-working arrangements. This report provides Members with an overview of the current situation, and proposes that Cabinet agree to extend these initial joint-working arrangements into a formal joint working arrangement of the two Youth Offending Services.  London Borough of Havering's Cabinet has considered and approved a report on direction of travel towards a joint YOS at its meeting on 13 February 2013. The joint arrangements to date have already been seen as beneficial to London Borough of Havering and partners.	
<b>Recommendation(s)</b>  The Cabinet is recommended to:  (i) Note that the pilot joint working arrangements have been successful;  (ii) Agree to develop the joint-working arrangements further with a view to formal merger of the two Youth Offending Services by March 2014; and  (iii) Agree to continue the consideration of the extension of the joint service arrangement to include other authorities in the event that it is considered to be in the Council's interest to do so.	
<b>Reason(s)</b>  Barking and Dagenham Council committed in its Community Strategy to ensuring 'every child is valued' and 'reducing crime and the fear of crime.' Integrating Youth Offending	

Services will strengthen the Council's resilience in fulfilling its statutory obligations, and allow opportunities for improving and building good practice more broadly.

## **1 Introduction and Background**

### **1.1 Youth Offending Services**

The Council has a statutory duty to deliver a Youth Offending Service (YOS) in co-operation with partner agencies under Section 39 of the Crime and Disorder Act 1998.

#### **1.1.1 In delivering a YOS, the statutory responsibilities of the Council are:**

- (a) to co-ordinate the provision of youth justice services for those who need them;
- (b) to formulate and implement a Youth Justice Plan for each year; and
- (c) to take reasonable steps designed to encourage children and young people not to commit offences.

#### **1.1.2 In terms of outcomes, the Ministry of Justice expects that Youth Offending Services:**

- (a) prevent offending by children and young people;
- (b) deliver evidence-based interventions in young peoples' lives which enhance their opportunities;
- (c) improve victim satisfaction;
- (d) work with the local crime reduction strategy to reduce the fear of youth crime; and to
- (e) achieve these outcomes irrespective of the ethnic origin, gender, religion, disability, or sexuality of service users

#### **1.1.3 Youth Offending Services are multi-agency operations that comprise staff from the Police, Probation, the Council, and the NHS. They also work closely with young offenders and their parents or carers, as well as with the Courts, Young Offender Institutions, other criminal justice agencies, and other organisations or groups that support young people and recognise the unique value and contribution that they make to society. Other key providers and supporters include schools, youth services, education, training, and employment providers, accommodation and leisure services, and many voluntary sector agencies.**

#### **1.1.4 At the heart of the work of all Youth Offending Services is a focus on safeguarding, for both the community and the young person to ensure the best outcome for the future. The enforcement/breach role within the youth offending arena is a key contributor to delivery of this outcome.**

### **1.2 Youth Offending Services in Barking and Dagenham and Havering**

#### **1.2.1 The London Boroughs of Barking and Dagenham and Havering currently meet the statutory duties outlined above through their own respective Youth Offending Services.**

- 1.2.2 Inspection of Youth Offending Services by HMI Probation in 2011 saw Barking and Dagenham's YOS score very highly, earning a place within the top quartile of Youth Offending Services nationally and in the top five in London in terms of managing risk and keeping young people safe. Later in 2011, Havering's YOS underwent the same inspection process: it highlighted some good practice, but identified areas for development and improvement.
- 1.2.3 Subsequent discussions identified that both Boroughs would benefit from exploring an integration of the statutory services delivered by Youth Offending Services in order to build on each Borough's good practice and to build resilience.
- 1.2.4 Barking and Dagenham Officers have been working with Havering Officers in a range of fora to consider whether there would be a number of benefits for both authorities if the services were brought together on a long-term basis. Officers from both authorities agree that long-term integration could:
- (a) create the conditions to realise cost savings whilst maintaining services that meet the Councils' statutory obligations;
  - (b) improve the joint-working in terms of the youth court, which operates on a three-Borough basis; and
  - (c) create an environment where staff learning and development is furthered, which would improve not only resilience but also staff retention.

## **2 Current Position**

### **2.1 Interim Arrangements**

In November 2012, Cabinet noted a report on interim arrangements being put in place to manage Havering's YOS as it underwent restructure while more detailed discussions among the authorities' management teams as to a joint YOS model across Barking and Dagenham and Havering took place. Additionally, a regular Joint YOS Integration Board was set up to explore any potential finance, legal, ICT, human resources, and governance issues.

- 2.1.1 In order to support Havering's YOS with this restructure, Barking and Dagenham's YOS Management Team has been seconded part-time to manage Havering's YOS from 1<sup>st</sup> October 2012 to 31<sup>st</sup> March 2013, in return for a management fee. As part of this work Havering have adopted the end-to-end case management and scaled approach used by Barking and Dagenham's YOS. This means that both authorities can now consider integration.
- 2.1.2 Members noted that support from Barking and Dagenham would not only help to improve Havering's YOS, but also help to ensure that the two services are complementary and fit for purpose, should they decide to enact a full merger of the two services. Members also agreed to receive a report outlining the progress of these interim arrangements.

### **2.2 Progress of Interim Arrangements**

- 2.2.1 The YOS Integration Board has been monitoring the progress of the interim arrangements, and has noted their success. The work that Barking and Dagenham's YOS Management Team has done to develop Havering YOS while

mitigating the effects of its restructure and attendant culture change has been particularly praised.

2.2.2 Due to the expiry of Havering YOS's lease at its accommodation in Portman House in Romford, the YOS Integration Board has agreed a short-term arrangement whereby Havering YOS has co-located with Barking and Dagenham YOS in Bridge House.

2.2.3 On the basis of this success, Officers are recommending that Members of both Councils agree that the Youth Offending Services work towards full integration by March 2014.

### 2.3 Joint Work to Date

The interim arrangements and co-location of the two Youth Offending Services have allowed for joint work to be undertaken in a number of areas:

2.3.1 **Training and Staff Development:** A need for training of all staff members was identified in order to achieve a level of consistency in practice. Accordingly, staff members of Havering YOS have taken part in external court training and Pre-Sentence Report/Breach Report training, with the intention of further training moving forward.

2.3.2 **Parenting Projects:** LBBB Parenting Practitioners have undertaken work to improve Havering's use of Parenting Orders, which involves conversations around parenting values, the process of discipline, development of skills, and discussions on alternative discipline methods. Additionally, in February 2013 LBBB Parenting Practitioners delivered a presentation to the Magistrates at Romford Youth Court informing them of the processes undertaken by both Councils' Parenting Practitioners, which should improve use of Parenting Orders by the Court.

2.3.3 **Reparation:** LBBB Community Development Coordinator has been leading on bringing reparation work in Havering into line with practice in Barking and Dagenham. Two weekday reparation projects co-ordinated by LBBB have been started in Havering, and a further one is due to start in the coming months.

2.3.4 **Youth Crime Prevention Services:** LBBB YOS Operations Manager (Partnerships) has undertaken a review of the effectiveness of Havering's Youth Inclusion and Support Panels (YISP) system, and concluded that its prevention work needs to be more focussed on those most at risk of offending. The YISP system is currently being transitioned into a Youth Crime Prevention Service, similar to the system used in Barking and Dagenham. Once this transition has taken place, there will be opportunities for the Youth Offending Services to deliver their Youth Crime Prevention Services collaboratively.

### 2.4 Current Performance

The performance of Youth Offending Services is measured according to three national indicators:

- (a) The number of young offenders who are first time entrants to the Criminal Justice System

- (b) The number of young offenders who have received a custodial sentence
- (c) The rate of re-offending among young offenders

#### 2.4.1 First Time Entrants and Custody

The table below shows the performance of Barking and Dagenham and Havering in these areas as compared with the same period last year.

	<b>Barking and Dagenham</b>		<b>Havering</b>	
	2011-12	Apr-12 to Jan-13	2011-12	Apr-12 to Jan-13
<b>First Time Entrants</b>	<b>167</b>	<b>65</b>	<b>151</b>	<b>85</b>
<b>Custodial Sentences</b>	<b>10.6% (54/508)</b>	<b>10.7% (27/274)</b>	<b>3.96% (12/303)</b>	<b>6.38% (12/188)</b>

#### 2.4.2 Re-Offending Rates

The Ministry of Justice's methodology for measuring re-offending tracks the proven re-offending rate of the cohort's offenders over a one year period. Offenders are defined as all offenders in any one year who received a caution (for adults), a final warning or reprimand (for juveniles), a non-custodial conviction, or were discharged from custody. A proven re-offence is defined as committing an offence or receiving a court conviction, caution, or reprimand in a one year follow-up period. Following this one year period, a further six months is allowed for cases to progress through the courts. This means that the latest data refers to a cohort that originally offended at least 18 months ago.

	<b>Barking and Dagenham</b>	<b>Havering</b>
Re-Offending Rate (Jan-Dec 2010)	<b>40.2%</b>	<b>33.4%</b>

Although Barking and Dagenham's re-offending rate is currently higher than the London average, the offending cohort has itself decreased from 491 in Jan-Dec 2009 to 371 in Jan-Dec 2010. Following investment from the Home Office's Ending Gang and Youth Violence Programme, sanctioned detention and conviction rates for the Borough's most prolific offenders are improving, and it is expected that the local re-offending rate will reduce accordingly.

### **3 Proposal and Issues**

#### **3.1 Proposed Model for Joint Service**

3.1.1 It is proposed that the service is delivered through a joint management structure with both Barking and Dagenham and Havering staff reporting to the management team. This would mean that management and programmes can be shared across the two boroughs while funding of the two Youth Offending Services remains separate, with each area provided for within its own resource. The performance of the two areas will also continue to be monitored and reported to the Youth Justice Board separately. This means that the Youth Offending Services will continue to be inspected and assessed separately.

3.1.2 The proposed structure for the team is outlined in the structure chart attached at Appendix 1.

3.1.3 If this model is agreed, Barking and Dagenham will be remunerated by Havering through an annual management fee. A fee of £54,000 has been paid by Havering for the six months from October 2012 to March 2013.

#### **3.2 How a Joint Service would be Governed**

3.2.1 To date, the separate Youth Offending Services have been managed through strategic board meetings of the Chief Officers' Group in Barking and Dagenham, and Local Management Board in Havering. Although the Chief Officers' Group and the Local Management Board represent different approaches to YOS governance, both have undertaken the same role responsibility for discharging the statutory responsibilities on the Local Authorities and their statutory partners for strategic planning and ensuring the resourcing and funding of their respective Youth Offending Services.

3.2.2 It was agreed at a meeting between Barking and Dagenham YOS's Chief Officers' Group and Havering YOS's Local Management Board on 1 February 2013 that the Joint YOS should be managed through a two-tier system constituted of a quarterly strategic Integrated Chief Officers' Group meeting and a six-weekly inter-agency Operational Partnership Group meeting. This is an approach similar to Barking and Dagenham's current arrangements.

3.2.3 Integrated Chief Officers' Group will be responsible for the governance and financial management of the two Youth Offending Services. Additionally, members of Integrated Chief Officers' Group will act as ambassadors for the Joint YOS and ensure that its views are effectively represented across each Borough's partnership.

3.2.4 Operational Partnership Groups would provide a forum through which the statutory partners and others can work together to ensure that a range of appropriate services are available to prevent youth crime, divert young people from the criminal justice system, and provide services to young people who offend. It would also serve as the forum where operational issues relating to the YOS and the management of youth crime can be resolved. It is proposed that for the first year of joint working the areas have separate OPGs.

### 3.3 External Monitoring and Evaluation

Youth Offending Services are subject to inspections by such agencies as Her Majesty's Inspectorate of Probation and the Youth Justice Board. Integrated Chief Officers' Group is proposing that the two Youth Offending Services continue to be inspected separately for the time-being. Integrated Chief Officers' Group will also push for any inspections announced during the integration process to be delayed until the restructure is completed.

### 3.4 Budget Implications

- 3.4.1 The proposed structure for the Youth Offending Services is to be achieved within the available budgets for both teams, and there will be continuous costings on final structures and other associated costs, such as accommodation and ICT, to ensure this. The YOS Integration Board believes that the proposed joint-working arrangements will create efficient economies for both authorities, and will bolster the Youth Offending Services' financial and operational resilience.

### 3.5 Integration Process

The final YOS Integration Board took place on 20 February 2013, as the initial business of the finance, legal, ICT, and human resources work-streams was completed, and legacy work has been mainstreamed. Should Members' approve integration of the two Youth Offending Services, its final proposals for the mainstreaming of actions in each of these areas will be taken forward as business as usual, and monitored by Integrated Chief Officers' Group.

## 4 **Options Appraisal**

This decision is being taken at a Borough level. This report is also being taken by Officers to Havering's Cabinet for their Members' approval.

- 4.1 It is recommended that Barking and Dagenham's YOS integrates with Havering's YOS, with a view to realising benefits for both authorities.
- 4.2 Alternatively, Members can agree to maintain the standalone YOS.

## 5 **Consultation**

- 5.1 Consultation on these proposals has taken place across each area's local partnership through the Integrated YOS Chief Officers' Group. Consultation within the Councils has been achieved through the YOS Integration Board, and within the Youth Offending Services staff have been updated regularly through Team Meetings.
- 5.2 Regular updates have been given to the Youth Justice Board, whose Chief Executive deemed the plans and process 'very satisfactory' and has pledged not to use the merger as an opportunity to disadvantage the boroughs financially.

## **6 Financial Implications**

Implications completed by: Jonathan Bunt, Divisional Director Finance

- 6.1 The Youth Offending Service is funded by the local authority core funding and contributions from the Youth Justice Board and grants from the Mayor of London's Office for Policing and Crime.
- 6.2 From 1 April 2013 previous funding streams from the Home Office/Mayor's Office for Policing and Crime will be amalgamated into a new fund named the London Crime Prevention Fund to reflect those priority activities that Local Authorities are best placed to lead on, however its scope is wider – encompassing broader crime reduction initiatives around diversion and reducing reoffending as well. At the date of this report the Council was in the process of submitting proposals based on where it felt the funding will make the biggest impact on crime reduction and community safety in our area, and to reflect our local priorities.
- 6.3 In addition, Barking and Dagenham has recently received its indicative Youth Justice Board grant allocation. It is estimated that the grant will stand at £550,094 for 2013/14. This is not yet confirmed and the estimate may change in the coming weeks, however the proposal will be achieved within the budget for this service.
- 6.4 Moving forward to 2014-15 and beyond, it needs to be noted that there is no guarantee that future funding for youth offending service will be in line with those previously received. Again, the service will have to adapt its provision to deliver the required outcomes within the available resources.
- 6.5 The proposal is a way forward for operating the Youth Offending Service jointly with London Borough of Havering and will enable savings of £50k to be achieved for the Council. These savings should accrue during 2013/14 and it is important to ensure matters are dealt with as quickly as possible, in line with Council procedures, and managed accordingly.

## **7 Legal Implications**

Implications completed by: David Lawson, Deputy Head of Law and Deputy Monitoring Officer

- 7.1 There are various models of collaboration or shared services between authorities of differing complexity. A relatively straightforward model for collaborative working as mentioned in this report can be achieved through a Memorandum of Understanding (MOU) which may be used where 2 or more Councils wish to work together to develop and deliver a project / service jointly. A MOU can be used, as here, to govern the relationship of the authorities and what roles they will undertake to deliver the project / service – for more significant shared services alternative models should be considered. However a MOU can be an effective basis if there is no profit element, no binding contract, no involvement of a private sector provider or need for external support and the MOU can be enhanced by appropriate secondment / sharing of certain key officers under section 113 secondment powers. A well drafted MOU should address key objectives for the project / service, principles of the collaboration, governance, roles and responsibilities, escalation,



intellectual property, term and termination, variation, charges and liabilities, status and governing law and jurisdiction.

## **8 Other Implications**

- 8.1 **Risk Management** - There is a risk that the good practice that Barking and Dagenham YOS has developed, in particular its strong management oversight, will be compromised as management resources are divided between the two boroughs. However, the success of the integration process to date provides confidence that this risk will be mitigated by the oversight of the Barking and Dagenham Group Manager Community Safety and Integrated Offender Management and the YOS Management Team.

This arrangement has been declared to the Council's insurers, so as to ensure that any corporate or personal liabilities incurred under this arrangement are covered.

- 8.2 **Contractual Issues** - There are no contractual issues anticipated. Havering will pay Barking and Dagenham an annual management fee; Legal Services have drawn up a Memorandum of Understanding.

- 8.3 **Staffing Issues** - There are no staffing issues anticipated. Barking and Dagenham and Havering staff will remain on their authority's contracts, and have been advised of this.

- 8.4 **Customer Impact** - An Equalities Impact Assessment has been undertaken and refreshed to assess the YOS's customer impact. Young Offenders are aged 10-18, and most victims of young offenders also fall within that age group. Nevertheless, the community impact is felt across all ages and equalities groups. It is not anticipated that there will be any adverse impact on Barking and Dagenham customers, either young offenders or wider communities, through these joint-working arrangements.

Since Havering's YOS is being restructured, there is a risk that Havering's customers will be adversely affected. This risk is being mitigated by the oversight of the Barking and Dagenham Group Manager Community Safety and Integrated Offender Management and the YOS Management Team.

- 8.5 **Safeguarding Children** - While the stretching of the YOS Management Team may dilute the strong performance of Barking and Dagenham YOS to date, there are many advantages to the adoption of this joint model. In particular, a management structure that operates across the two boroughs will contribute greatly to existing partnerships that also operate across both Havering and Barking and Dagenham, which would enhance the safeguarding of children and young people. Such stakeholders include the MPS and MPS Child Abuse Investigation Team, NELFT, the Probation service, and Emergency Duty Team.

- 8.6 **Health Issues** - Youth Offending Services seek to address the physical and mental health needs of offenders through robust assessment. The NHS commissions a range of support from health professionals to deliver this. These arrangements will not adversely impact this issue.

- 8.7 **Crime and Disorder Issues** - Youth Offending Services provide a mechanism by which the Local Authority works with partners to reduce the likelihood of young people becoming involved in the criminal justice system and to prevent re-offending. S17 of the Crime and Disorder Act requires the Council to work with partners to reduce and prevent crime and disorder and associated harm. These arrangements will not adversely impact Barking and Dagenham's ability to deliver its S17 duty.
- 8.8 **Property / Asset Issues** - There are no property/asset issues anticipated. At the end of February 2013, Havering YOS began sharing premises with Barking and Dagenham YOS at Bridge House. It is expected that the integrated team will move to Roycraft House in 2013-14.

**Background Papers Used in the Preparation of the Report:**

- (a) Barking and Dagenham Cabinet Report: Interim Management Arrangements for Havering Youth Offending Team (13 November 2012)
- (b) Barking and Dagenham YOS Equalities Impact Assessment 2013
- (c) Joint YOS Chief Officers' Group and Operational Partnership Group: Terms of Reference
- (d) Memorandum of Understanding
- (e) London Borough of Havering Cabinet Report: 'Future of Youth Offending Services (YOS) in Havering' (13 February 2013)

**List of appendices:**

Appendix 1 - Joint YOS Management Structure Chart