

# Health, Wellbeing and Local Government Committee

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## Youth Justice Board's response to the Health, Wellbeing and Local Government Committee's invitation to give evidence to its inquiry into Local Safeguarding Children Boards

1. The Youth Justice Board for England and Wales (YJB) is grateful to the Committee for the opportunity to submit written evidence for its inquiry on Local Safeguarding Children Boards (LSCB) in Wales. This submission focuses on the LSCBs from the perspective of safeguarding young people within the youth justice system. We would be willing to provide further information that may be of assistance to the Committee.

### Background: The role of the YJB

2. The YJB oversees the youth justice system in England and Wales. Its statutory responsibilities include:

Advising Ministers of the United Kingdom government on the operation of, and standards for, the youth justice system

Monitoring the performance of the youth justice system

Purchasing secure accommodation places for, and placing, children and young people remanded or sentenced by the courts to custody

Identifying and promoting effective practice

Making grants to local authorities and other bodies to support the development of effective practice

Commissioning research and publishing information

3. The YJB is responsible for overseeing the performance of youth justice services including the eighteen Youth Offending Teams (YOTs) and two secure accommodation providers in Wales. The YJB does not directly manage any of these services.

### Summary points

LSCBs and YOT management boards must work together to safeguard children and young people, founded on local clarity about roles and responsibilities. In its guidance to Management Boards<sup>1</sup>, the YJB makes clear its expectation that YOTs should attend LSCBs and operate according to local child protection procedures.

LSCBs, YOTs and local authorities need to build on progress to date in safeguarding through better recognising the joint responsibility for ensuring the wellbeing of children and young people.

Reports to YOT Management Boards on serious incidents and the YJB's annual report analysing serious incident reports offers LSCBs additional opportunities to learn lessons around safeguarding children.

### Local Safeguarding Children Boards and YOT Management Boards

4. The eighteen YOTs in Wales provide services to young people within the criminal justice system. Necessarily, each YOT straddles between the local community safety partnership and the children and young people's partnership (C&YPP). YOTs are guided through YJB and UK government guidance and the children's policy of the Welsh Assembly Government. Through involvement in the planning of C&YPPs, YOTs seek to ensure they contribute to making real the Ten Entitlements and the Seven Core Aims for children in Wales. As such, they can contribute to the full range of safeguarding activity; from promoting emotional and physical wellbeing, to participation in child protection arrangements.

5. Each YOT, as a statutory multi-agency body, has a management board that oversees the service. This management board is able to play an important part in supporting safeguarding within a locality. The requirement arising from the Children Act 2004 and the Local Safeguarding Children Boards (Wales) Regulations 2006 for YOTs to be represented on LSCBs at a senior level reflects this. This requirement should continue so that progress to date is maintained and the YOT is able to fully engage in the local safeguarding agenda.

6. The YJB regards local YOT management boards, or "YOT Partnership Boards", as critical to the success of local, inter-agency initiatives to reduce the harm that children and young people can cause to themselves, or others. The YJB believes that it is important that YOTs are effective members of LSCBs, as well as other local partnerships such as C&YPP, and this is likely to be re-emphasised in revised guidance on YOT partnerships expected to be published later this year.

7. It is essential that there remains clarity about the roles of the respective authorities on a LSCB. For example, the LSCB covering the area from where a child originates but may not be resident currently, needs to understand its continuing responsibilities in relation to the safeguarding of that child.

## **LSCBs, children's services and youth justice services working together to safeguard children**

8. Analysis of the annual statutory youth justice plans of YOTs shows that most YOTs report good strategic engagement with local safeguarding arrangements. YOTs also express a high degree of commitment to operational safeguarding activities such as the activities of the LSCB.

9. While YOTs understandably prioritise child protection within the wider safeguarding work that they do, there are YOTs that show an integrated and holistic approach to the wider safeguarding agenda.

10. Some examples identified of emerging and notable practice from youth justice plans include:

Flintshire YOT's use of a weekly 'health panel' to identify and address safeguarding issues at an early stage as well as dealing with more acute needs; and

Monmouthshire & Torfaen YOT's group work with girls who have experienced or witnessed domestic abuse.

11. However, while there are examples of notable practice areas for improvement remain. The most common factors that frustrate YOTs' ability to safeguard children and young people are those that relate to thresholds for children in need and planning to meet the needs of those young people that a YOT has assessed as vulnerable. In the youth justice plans submitted for 2008/09, eight YOTs reported that high eligibility thresholds for children in need within children's services meant that cases referred were often not accepted. Her Majesty's Inspectorate of Probation (HMIP), in their report on Wales, found that in a number of localities this lack of response led to practitioners being sometimes reluctant to refer appropriate cases to children's services.

12. Over the past five years HMIP has led, with other inspectorates, inspections of all YOTs in England and Wales. Assessing the joint work of YOTs and their partners to protect and keep children and young people safe formed an integral part of the inspections. Overall, HMIP found that actions by the YOTs and their partners to safeguard children and young people likely to offend were effective in 65 per cent of cases. The following extract from a HMIP report highlights some of the concerns.

"We found that, in the majority of cases, YOTs were checking the social services database to see whether or not children and young people were already known to them and that there were varying forms of liaison and joint work between the two agencies. The quality of planned action was, however, disappointing. The behaviour of 18 children and young people had made them vulnerable and 30 were at risk of harm from others, including their parents/carers. A vulnerability action plan was prepared in six out of the relevant 39 cases and, although all the plans met the children and young people's assessed needs, the resulting action was clearly inadequate."<sup>2</sup>

13. HMIP, like the YJB, identified that YOTs have trouble in accessing children's services on behalf of children and young people, despite increasing integration at a strategic level. HMIP concluded that action taken to safeguard children and young people required further attention from the YOTs and partner agencies.

14. To address these findings strategically the YJB is liaising with the Association of Directors of Social Services Cymru and the Welsh Local Government Association and it has engaged actively with the Welsh Safeguarding Forum, which it is a member of.

15. A similar picture applies to those young people assessed by a YOT as vulnerable. In the youth justice plans submitted for 2008/09, ten YOTs recognised a need to improve practitioners' planning and delivery of interventions to address identified vulnerability. Significantly a high correlation was found between the ten services and those that reported problems with local eligibility thresholds for mainstream services. A further five YOTs identified a need to address deficits in management or corporate oversight of services to those identified as vulnerable.

16. In 2010/11 the YJB plans to provide additional guidance and advice to YOTs to improve the assessment and implementation of interventions with young people in the youth justice system.

17. Young people sentenced or remanded to custody are often the most vulnerable in the youth justice system. Specific consideration of the safeguarding of this particular group is therefore required and needs ongoing support from both children's services and the LSCBs. Priority three of the delivery plan for the All Wales Youth Offending Strategy (AWYOS) makes it clear that the holding of young people in custody should be carried out in an environment that prioritises safeguarding and fosters rehabilitation leading to successful resettlement into the community.

18. Under the AWYOS delivery plan the YJB and the Assembly Government are supporting pilot resettlement support panels in nine local authorities in Wales. These multi-agency panels provide oversight of planning for those leaving custody and work to improve local procedures for addressing the needs of those at risk of custody. Panels are expected to have clear lines of accountability to the LSCB to provide a means by which issues of vulnerability among those leaving custody and other children in their families are identified and shared at the earliest opportunity.

19. Neath Port Talbot and Bridgend County Borough Councils have responsibilities for ensuring appropriate safeguarding arrangements are in place for the secure accommodation that exists within their boundaries. Alongside this, each individual child's C&YPP and the LSCB retain a responsibility for safeguarding, including resettlement to the home area.

20. To support the discharge of respective duties, it is important that there are agreed procedures in place between a local authority (in particular the LSCB) and the secure establishment in its geographical area that outlines how to deal with and undertake child in need assessments as well as how to deal with child protection allegations.

21. The duties imposed by the Children Act 1989 in relation to the safeguarding of children and young people placed in young offender institutions exist in addition to care planning and resettlement responsibilities held by the young person's home local authority. The Munby judgment (2002) confirmed that the functions, powers, duties, responsibilities and obligations imposed on local authorities by the Children Act 1989 do not cease to arise because a child is in secure accommodation.

22. The Independent Review of Restraint<sup>3</sup> (published in December 2008) included additional recommendations for requirements on LSCBs in relation to the use of restraint on young people. These were accepted by the government and include:

Ensuring staff from LSCBs and local child protection teams responsible for investigating child protection referrals should be trained in the relevant restraint methods used by their area's secure units

Ensuring LSCBs are effectively linked in with any secure setting in its area and able to scrutinise restraint techniques, the policies and protocols which surround the use of restraint, and the incidents and injuries

Reporting annually to the YJB (or more frequently if there are concerns)

23. To support good safeguarding practice it is essential that all staff within the youth justice system, both within YOTs and in secure accommodation, are trained in safeguarding and promoting the welfare of children and young people. The YJB's Youth Justice National Qualification Framework (YJNQF) includes specific modules within the Foundation Degree in Youth Justice that support safeguarding principles.

24. Staff development and training around safeguarding from the LSCB or its partners is made available to and prioritised by YOTs. Through this and guidance, the YJNQF and internet-based training delivered by the Open University, staff are made aware of their duty to safeguard and protect the children and young people with whom they work.

25. A further consideration is that YOTs have seconded to them staff from criminal justice agencies, police and probation, who will not necessarily have the same level of understanding about children's safeguarding. It is important that LSCBs work with YOT Management Boards to ensure that all relevant staff receive adequate safeguarding training.

### **Serious case reviews and YOT serious incident reviews**

26. The YJB requires YOTs to report serious incidents where a child or young person has either died or attempted suicide whilst under supervision or within three months of the end of supervision. YOTs are required to follow a set YJB process in undertaking the review (the Local Management Review, LMR) of youth offending practice. The YJB monitors progress of the reviews against a set timetable. On receipt of a LMR the YJB confirms whether the report meets expectations. The YJB will make additional recommendations for local action where necessary in response to a LMR. The YJB expects the findings from each review will be shared with the relevant LSCB.

27. Annually, the YJB analyses the LMRs received. It shares the learning from this analysis with YOTs and publishes its findings on the YJB website. In conducting its business LSCBs need to be aware of and act on both the findings from individual LMRs of serious incidents in their area of responsibility and any relevant learning from the YJB annual analysis report.

28. The YJB is engaged actively with the Serious Case Review Group of the Welsh Assembly Government to ensure that learning is shared better from reviews in the future. The YJB's investment last autumn in a senior post within the YJB Wales team with responsibility for social care has increased the capacity of the YJB to take forward the safeguarding strategic agenda in Wales and its ability to support YOTs at an operational level in safeguarding young people.

Youth Justice Board for England and Wales  
April 2010

1 - Sustaining the Success, YJB, October 2004

2 - Joint Inspection Findings of Youth Offending Teams in Wales 2003-2008, HMIP, September 2009

3 - Independent Review of Restraint in Juvenile Secure Settings, Peter Smallridge and Andrew Williamson, December 2008