

REPORT TO:	Children and Young People Scrutiny Sub-Committee 13 September 2016
AGENDA ITEM:	7
SUBJECT:	The Council response to Lord Laming's report "In care and out of trouble" re Croydon context
LEAD OFFICER:	Barbara Peacock, Executive Director (People)
CABINET MEMBER:	Councillor Alisa Flemming, Cabinet Member for Children, Young People and Learners
PERSON LEADING AT SCRUTINY COMMITTEE MEETING:	Ian Lewis, Director, Child and Family Early Intervention and Children's Social Care

ORIGIN OF ITEM:	This item is contained in the sub-committee's agreed work programme.
BRIEF FOR THE COMMITTEE:	To scrutinise the extent of criminalisation of looked after children in Croydon and systems in place to prevent criminalisation and rehabilitate young offenders who are looked after

1. EXECUTIVE SUMMARY

- 1.1 This report will update the Scrutiny Report on the findings of a review commissioned by the Prison Reform Trust and chaired by Lord Laming entitled 'In Care, Out of Trouble'. The review was commissioned in response to concerns that Looked After Children are disproportionately affected by the Criminal Justice System, both during their childhood and subsequently as adults. The review was launched with this central question: *'to consider the over-representation of children in care, in the youth justice system – why, for example, when only fewer than 1% of children and young people are committed to the care of local authorities, yet a third of boys and 61% of girls in custody are, or have been, in care – and to make recommendations as to how the life opportunities for children and young people in care or with experiences of care, who are at risk of being drawn into the youth justice system, can be transformed.'*

- 1.2 This report will outline the key findings and recommendations of the Review. The Review does not have the status of statutory guidance. At the time of writing this report, the full review has not been published and there has been no formal governmental response to the published summary report. This report will outline the current situation with regard to looked after children in Croydon. It will outline some of the legislative context that may affect the national and local figures regarding the relationship between the looked after children system and the youth justice system.
- 1.3 The report will outline some of the particular issues regarding the local looked after children population, including the ethnic background of those children affected and whether they are disproportionately represented.

2. Statistical Analysis

- 2.1 The numbers of looked after children in Croydon is heavily affected by the numbers of Unaccompanied Asylum Seeking Children that the authority looks after. This has a number of impacts in our statistical analysis and relative performance to other authorities. It affects the overall numbers of children who are looked after. It also means that the proportion of children who are older is much greater as the vast majority of UASC are teenagers on presentation. Our cohort, and therefore the denominator in many of our performance figures are affected by these factors. The Report itself refers to the fact that Unaccompanied Children or Foreign National Children may be particularly vulnerable to getting involved in criminal activity and evidence in Section 7 of this report tends to bear out this concern.
- 2.2 National indicators for looked after children are collected annually. There is one specific indicator that looks at the offending behaviour of looked after children. For the purpose of this indicator, it uses a denominator of those children aged 10 and over (and therefore above the age of criminal responsibility) who have been looked after for more than 12 months. All children who have been convicted or received a caution or reprimand during the year are counted. Figures for 2015-16 are those that have been submitted from Croydon. These need a degree of caution as they have not been formally ratified. There is no available national average for this year as they have not been published.

Table 1

Year	2014-15	2015-16
Croydon	6.0%	5.8%
Richmond	15.0%	Not published
Brent	8.0%	Not published
Greenwich	4.0%	Not published
Outer London	7.7%	Not published
England	5.0%	Not published

- 2.3 Croydon can be seen to have performed approximately in line with England and better than many other Outer London authorities. The proportion of children who are being convicted has reduced in the past three years. However, this continues to compare with the overall figure within the national population of

1%. It also needs to be seen in the context of an overall reduction in Croydon of youth offending.

- 2.4 An analysis of the young people who have been convicted or cautioned in the past year shows the following:

Table 2

<u>Age of Child at 31.03.16</u>	<u>Number</u>
13	2
14	2
15	1
16	4
17	17

Table 3

<u>Number of Years Looked After</u>	<u>Number</u>
1	12
2	7
3	5
6	1
16	1

These figures tend to show that the vast majority of those who are convicted are the older young people. They also demonstrate that those children who have been looked after in excess of four years are much less likely to offend than those who have become looked after as teenagers. The total number looked after for more than three years is 121. The percentage of long term looked after children offending is therefore 1.65%, which is closer to the national average for all children.

3. Recommendations of the Review

- 3.1 The recommendations of the review are detailed and I would refer members to the summary report. This can be obtained at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/In%20care%20out%20of%20trouble%20summary.pdf>
- 3.2 There are ten recommendations, which are grouped under six outcomes. The outcomes are:
1. Strong and determined leadership at national and local level drives a strategic, multi-agency approach to protecting children in care from criminalisation.
 2. The important role of early support for children and families at risk is recognised
 3. Good parenting by the state gives children in care the chance to thrive and protects them from criminalisation
 4. Needs and characteristics of looked after children in minority groups are taken into account in protecting them from criminalisation
 5. Effective prevention, diversion and rehabilitation – close joint work is pivotal between children’s social care, child and adolescent mental health services, the police, the Crown Prosecution Service, the courts and the secure estate

6. Young people leaving care continue to benefit from good parenting and are protected from criminalisation.

3.3 The report makes a number of recommendations to support these outcomes and to encourage local authorities to consider along with their partner agencies.

3.4 The reasons Looked After Children may be disproportionately represented in the youth justice system are complex. The review refers to many of these reasons.

a) Looked After children have experienced trauma and loss within their lives and have a much greater level of emotional needs than the general population. They are also more likely to suffer disruption in their lives through lack of placement stability. However, there are also indications that Looked After Children fare better on some indicators than Children in Need who remain at home.

b) Many children who become accommodated later in their childhood will enter the care system with very high levels of need. They may have already been involved with the youth justice system. They are more likely to have a disrupted education background and to have been involved with CAMHS. It is more difficult to achieve a stable and local placement for these children. This places them at greater risk.

c) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) set out that any young person who was remanded to custody would become looked after during the period of remand. This does affect the statistical understanding of whether young people who are ultimately sentenced will have been looked after. If they were on remand, this is inevitable.

d) There is evidence that some of the care settings where young people are placed are more likely to call the Police regarding lower level offences such as criminal damage to property than would be likely if the child was living at home. Ofsted have undertaken work with providers to try to redress this issue but it is still a factor. There are some understandable reasons for this, for example where there is an assault against a member of staff. Looked After Children in foster placement or residential care will be reported missing according to the procedures of the provider. Again, there are some positive reasons for this, but it will mean that children are more likely to have had a record of Police contact than those children living at home where parents are likely to take a more flexible approach.

3.5 None of these issues takes away the responsibility of the local authority to provide the best possible care to divert children and young people from criminal activity. Nor does it remove the need for us to work closely with our partner agencies to ensure that children are not unnecessarily brought into the criminal justice system.

3.6 However, as demonstrated in Section 2.3 of this report, the statistics in Croydon suggest that long term Looked After Children are not significantly more likely to offend than the general population. It is important to consider that the older Looked After Children population are more likely to be relevant to sub-paragraph (b). It is therefore most important to think of how we address a section of the young population who are more likely to be drawn into offending behaviour, some of whom, but not all, will be Looked After. It may be more helpful to see this as a problem of children who are in difficulties in a range of settings, some of whom

become looked after. For those who do become looked after, what is the best possible response? Also, does becoming looked after provide the most appropriate response? On many occasions, partner agencies will encourage the accommodation of children. It may be that in some cases this is the only possible response as they are beyond any control, but there are some cases in which this is equally ineffective. An additional factor that is possibly unique to Croydon is the effect of the Unaccompanied Asylum Seeking (UASC) population on the cohort. 13 out of the cohort of 26 were UASC, all of them originally from Albania.

- 3.7 To illustrate the issues, the following case study is representative of some of the cases that we are currently working with:

For anonymity, I will refer to the Child concerned as P.

P lived with his mother, maternal grandparents and younger siblings. The family were not known to Social Care until 2014, when the school contacted regarding an allegation that P had been subject to physical abuse. He later withdrew this allegation. His parents are separated. The initial assessment revealed that there had been a number of other concerns regarding violence at school and sexualised behaviour. He was at that time 11 years old. Over the coming months, P's behaviour gave rise to much more serious concerns. He was reported as missing on many occasions, sometimes for several days. He was arrested and convicted for a serious violent crime. He was excluded permanently from his school for entering the premises carrying a knife. His attendance at the alternative education facility was also very poor. There were further concerns that P was getting involved with gang activity. His family were very concerned about him, but were not always co-operative with the agencies. He became subject to a Child Protection Plan. There were a number of professionals involved with P, from the Youth Offending Service, Children's Social Care, the Police, Education and voluntary agencies. However, he was very resistant to engage with them. A meeting was held with extended family regarding the support that they could offer. Earlier this year, P was accommodated into Local Authority Care. He was placed in foster care approximately 50 miles from London with the intention that this would prevent him from going missing. However, this has not been successful and he has continued to go missing for extended periods. He is always picked up in the Croydon area. His host local authority is concerned about the situation and has written to the Director. There are continued concerns that P is being used by gangs to transport drugs across southern England (known as running County Lines). The Local Authority has commenced Care Proceedings in regard to P as he is beyond parental control.

- 3.8 For services in Croydon, it appears that the problem is less the long term impact of becoming looked after and the possibility that this might lead to a greater risk of a criminal record. The issue is much more about how the looked after system develops to become more effective in managing particularly troubled young people when they do become looked after and how the services in Croydon can work together as effectively as possible to prevent such young people becoming looked after.
- 3.9 The restructure of the Early Intervention and Support Services has been aimed at the development of a targeted youth offer. This will work in close collaboration with community and voluntary services for young people across the local

authority. The development of the Youth Zone, the plans for which were considered earlier this year by Cabinet offer the exciting opportunity for the development of a more universal offer for young people in Croydon.

4. Local Authority Leadership and Governance

- 4.1 Issues regarding Looked After Children are overseen at a Council level through the Corporate Parenting Panel. The Panel is chaired by the Lead Member for Children and Families. It is a cross party Panel. The Panel looks at a wide range of issues regarding the quality of provision for Looked After Children and Care Leavers. The Panel hears directly from young people. The Panel ensures that the Council meets its statutory responsibilities as Corporate Parents and that young people receive appropriate levels of services from the Council and from partner agencies.
- 4.2 The Youth Crime Prevention Board is a multi-agency partnership. It is co-chaired by the Director of Safety and the Director of Early Intervention and Children's Social Care. The Board reports to the Safer Croydon Partnership. The Board looks at all aspects of performance in both the prevention of offending and the oversight of services to offenders, which are provided through the Youth Offending Service. The recent Joint Targeted Area Inspection commented very positively on the multi-agency engagement of the Youth Crime Board. This Board would also be responsible for the oversight of any specific issues regarding Looked After Children. The Youth Offending Service is a multi-agency service with strong internal working relationships.
- 4.3 The Youth Offending Service and Children's Social Care are part of the same Directorate, Early Intervention and Children's Social Care. This has the advantage of ensuring that managers are well aligned. On a monthly basis, the Director of Child and Family Early Intervention and Children's Social Care chairs a High Risk Panel. The Panel brings together senior officers from Children's Social Care, the Youth Offending Service, the Education Welfare Service, the Channel Team working with children where there are concerns regarding radicalisation, Youth Services and the Family Justice Centre. The Panel considers those children who are seen to be at greater risk and aims to co-ordinate the work that different agencies are undertaking. It is a useful forum to share information and to ensure that we are collectively working to the same plan.
- 4.4 The Scrutiny Committee receives an annual report regarding the performance of Children's Social Care, including general performance information and specific information regarding Looked After Children.
- 4.5 Looked After Children and the Youth Offending Service are overseen by the Croydon Safeguarding Children's Board.

5. Support to Looked After Children

- 5.1 Each Looked After Child will have an allocated social worker. The social worker is the primary professional responsible for developing and implementing the plan for the child. However, our aim is to ensure that each child will have the opportunity to develop their most important relationship with their primary carer, which for the vast majority of children in our care is their foster carer(s). The social worker will

ensure that parents and other family members are involved in the Plan for the child and that contact is maintained where this is in the best interests of the child.

- 5.2 Every Looked After Child has an allocated Independent Reviewing Officer. The IRO is responsible for oversight of the Care Plan and has a statutory responsibility to hold the Local Authority to account for any failures to follow the Care Plan.
- 5.3 There is a dedicated Child Mental Health service for Looked After Children that works closely with the service. The LAC CAMHS service is commissioned by Croydon Council from the South London and Maudesley Trust who also provide a CAMHS service to the wider population in Croydon commissioned by the Croydon Clinical Commissioning Group. The service accepts referrals of looked after children and young people with emotional and mental health difficulties and will assess and offer treatment or advice to social workers and foster carers. An initial consultation is the first step in identifying difficulties and establishing the best way forward. Between April 2015 and March 2016 the LAC CAMHS team received 91 direct referrals of young people. Between June 2015 and April 2016 the team has offered a total of 812 appointments, in comparison to 711 appointments during the same reporting period last year. The current median waiting time is around 3 weeks, in comparison to around 8 weeks at the same reporting period last year. From the point of referral the team will see young people more urgently if there are pressing mental health concerns and aim to offer an appointment within 5 weeks.
- 5.4 The Virtual School for Looked After Children is based within the School Improvement Service. It works extremely closely with Children's Social Care to develop Personal Education Plans for each child. The PEP is designed to ensure that schools, foster carers and social workers will work together to maximise the educational opportunities for the child. Educational outcomes for Looked After Children have been a longstanding concern throughout the United Kingdom. The comparative GCSE results are of particular concern. These are affected by some of the same issues as set out in Section 3.5 of this report. In Croydon, the figures are also affected by the numbers of Unaccompanied Asylum Seeking Children, many of whom will not have had formal education prior to arriving in the United Kingdom.
- 5.5 At the age of 16, each Looked After Child will have a Pathway Plan developed to support them to prepare for adult life. It is clearly important that looked after children know that they will receive ongoing support and that they have a positive idea of what the future may hold. At the age of 18, they will be overseen through the Leaving Care Service and will have a Personal Adviser allocated to them. The Personal Adviser will continue to offer support up to the age of 21, or to the age of 25 for young people who remain in full time education. The authority is primarily measured on our effectiveness in maintaining young people in suitable accommodation and in ensuring that they are in education, employment or training. Table 4 shows statistics from October 2015. These will be updated this autumn once 2015-16 figures are ratified.

Table 4

No. of Care Leavers	740
No. in EET	516 (69.7%)
No. in Higher Education	91 (12.2%)
No. in Suitable Accommodation	701 (94.7%)
No. in HMO	472 (63.7%)

6. Rehabilitation and Prevention – Working with Young Offenders

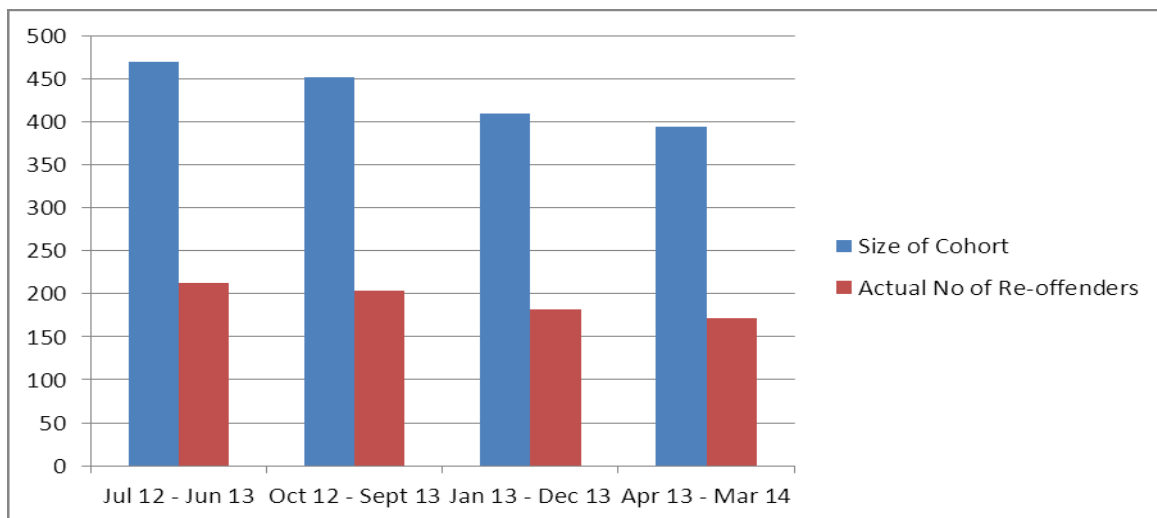
- 6.1 The Youth Offending Service takes the primary responsibility for the rehabilitation of children who are drawn into the Criminal Justice System and this includes Looked After Children. Where a Looked After Child lives within another authority, the relevant Youth Offending Service (YOS) will have case responsibility. The Youth Offending Service is a multi-agency service comprising Local Authority, Police, Probation, CAMHS and voluntary agencies.
- 6.2 The context for Croydon's youth offending figures is that we have the largest population of young people in London. This will mean that many of our overall figures are high. The Youth Offending Service deals with around 600 young people per year, which is the highest in London, although per capita, our rates would be around the average. The street based Gangs Team, which operates with the Safer London Foundation and is aimed at diverting young people from becoming involved with gangs, is also based within the Youth Offending Service. Additionally, The Functional Family Therapy Service, which is an intensive intervention working with young people and their families, is based at the YOS.
- 6.3 The most common offences are given below:
- Violence against the Person – 32% (inc robbery and possession of knives) Drugs offences – 14%
 - Theft – 10%
 - Criminal damage – 7%
 - Public order – 6%
 - Sexual offences – 1.5% - small numbers but increasing number of young men involved in harmful and inappropriate sexual behaviours
- 6.4 There are a range of interventions that the YOS will employ to work with young people, depending on the crime for which they have been convicted. These include:
- 1:1 offending behaviour casework
 - Thinking skills

- Weapons Awareness
- Support to victims of crime
- RAP – Programme exploring restorative justice and the impact upon victims / ripple effect of offending behaviour
- RJ conferences
- Intensive supervision programmes – 25 hours
- Reparation and Unpaid work projects
- Parenting and Functional Family Therapy
- Substance Misuse
- Mental health

6.5 The YOS is measured against a number of national indicators, some of which are outlined below.

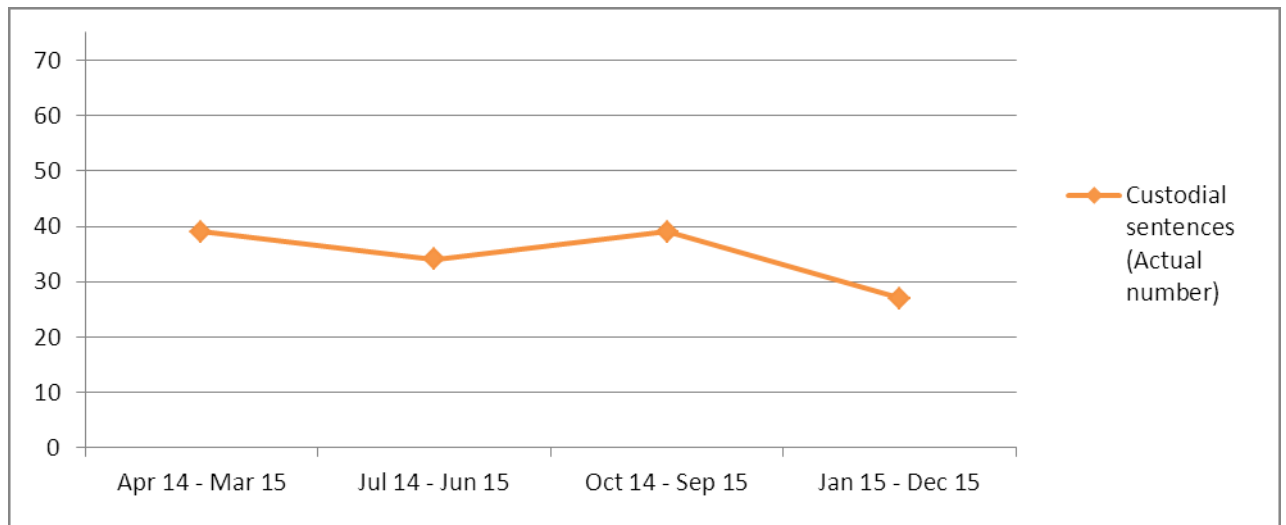
6.6 NI 19 - Re-offending - This indicator measures the number of offences committed per offender and the number of offenders who re-offend based on PNC data good performance is typified by a low figure. Table 5 gives these numbers. The number is calculated on those offenders who were convicted 18 months ago, which explains the fact that it is showing against 2014.

Table 5



6.7 NI 43: Young people within the Youth Justice System receiving a conviction in court who are sentenced to custody. Good performance is typified by a low figure. Table 6 below shows our current performance:

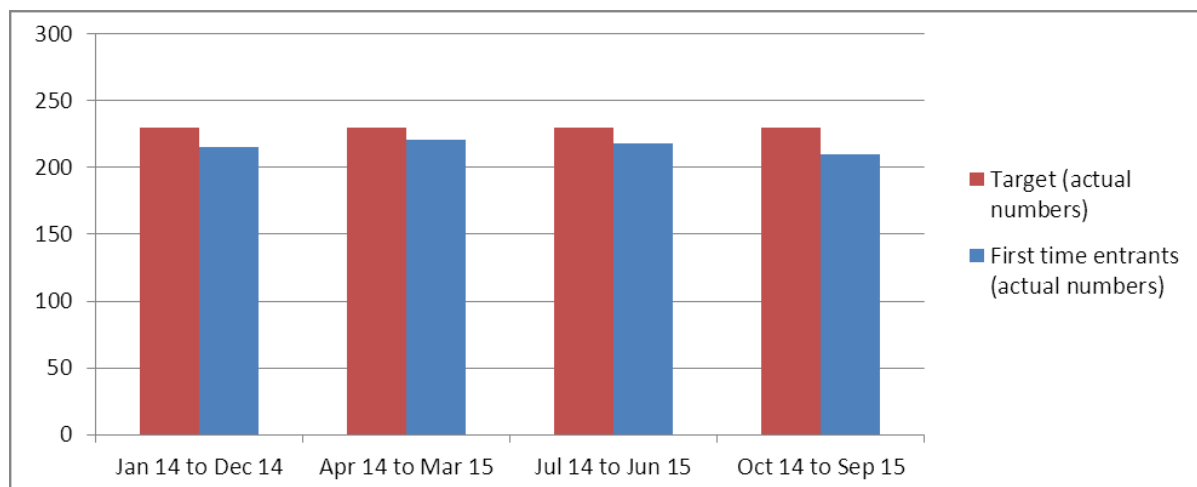
Table 6



The number of young people sentenced to custody has been reducing.

6.8 NI 111 - Reducing First Time Entrants – This indicator measures the number of first-time entrants to the youth justice system aged 10-17 who receive their first substantive outcome (relating to a caution with or without an intervention, or a court disposal for those who go directly to court without a caution). Our target is not to exceed 230 actual first time entrants or 625 per 100,000. Table 7 below shows performance against this indicator:

Table 7



6.9 Overall, the performance in the Youth Offending Service is positive. One outstanding difficulty has been in regard to NEET figures for young people

above the age of 16. Some providers are raising their bar in terms of expectations and one major provider has ceased business.

- 6.10 Croydon is a member of the South London Resettlement Consortium, which is working across a number of boroughs to improve the experience of young people leaving custody. The provision of suitable accommodation and support for these young people, and planning early for their discharge, is particularly important in achieving a successful rehabilitation.
- 6.11 The Government has commissioned a review of Youth Offending Services nationally and appointed Charlie Taylor to lead this review. We understand that the review is complete and we are awaiting a final date for publication. It is likely that this review will recommend wide ranging changes to the provision of services to young offenders and those at risk of offending.

7. Equalities Issues

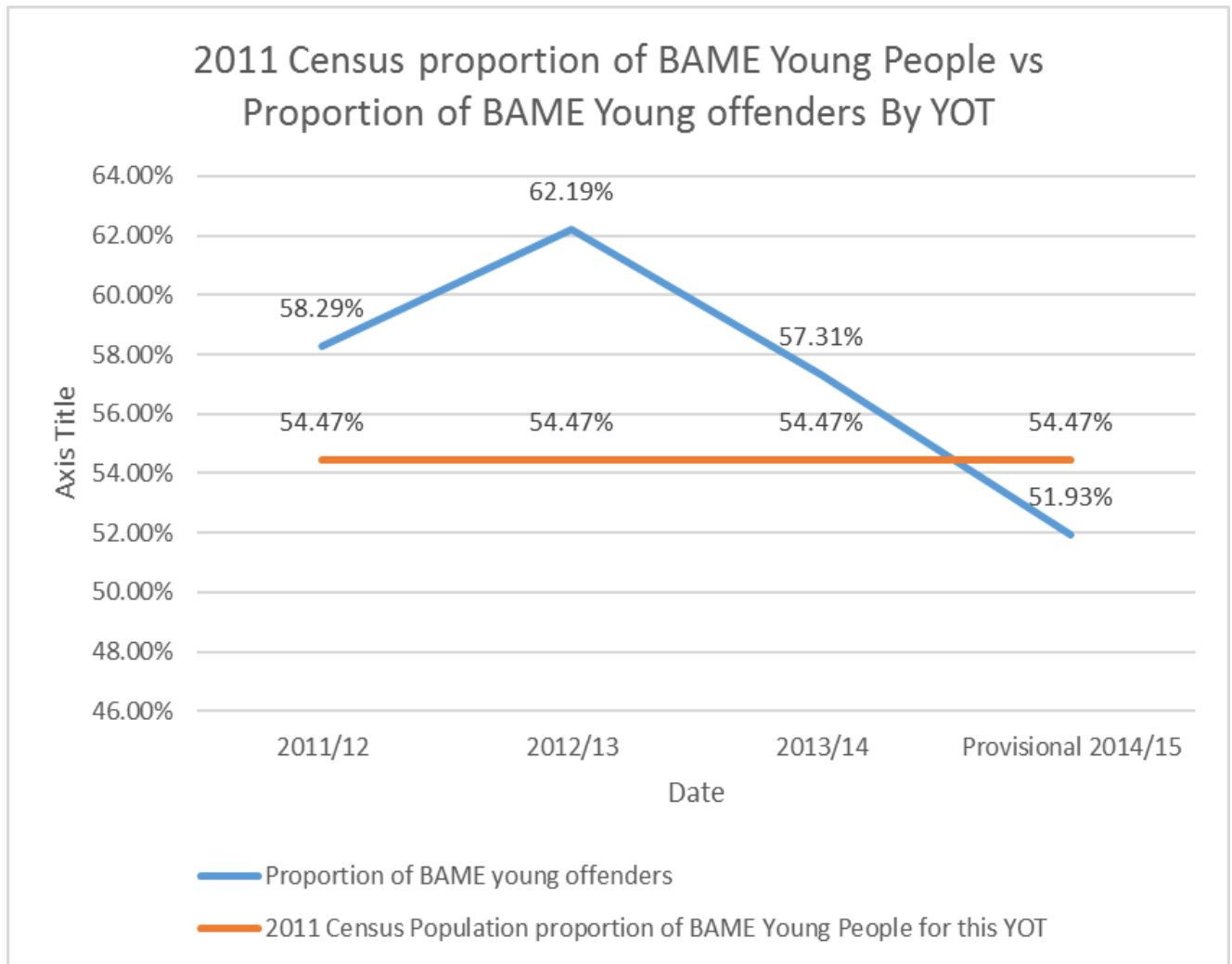
- 7.1 The distribution of Looked After Children by ethnic background is set out in Table 8 below. The number of White young people recorded as offending is substantially inflated by the fact that this includes 12 Unaccompanied Asylum Seekers from Albania.

Table 8

Ethnicity	General Population	Children on Child Protection Plans	Children Looked After (Local)	Looked After Children Convicted or Cautioned
White	42.60%	40.0%	43%	72%
Black African and Black Caribbean	26.10%	24%	33%	16%
Mixed Parentage	13.30%	13%	17.9%	8%
Asian	15.30%	13%	4%	4%
Chinese and Other	2.50%	1%	1%	0

- 7.2 The Youth Offending Service monitors the proportion of young people from BAME backgrounds who enter the criminal justice system. Table 9 below shows the most recent available information regarding this. It demonstrates that the previous position whereby young people from BAME backgrounds were over-represented

Table 9



As can be seen from this table, the direction of travel is very positive overall. The Youth Crime Board will maintain oversight of this performance indicator.

8. Overall Assessment (SWOT)

8.1 The SWOT analysis below gives an overall assessment regarding services within Croydon to young people and looked after young people:

Table 10

<u>Strengths</u>	<u>Weaknesses</u>
<ul style="list-style-type: none"> • Reduction in local Looked After Children population • Lower than average offending rates for LAC • Improving figures for Youth Offending Service • Gangs Team • Range of voluntary providers to young people at risk • Multi agency working • Functional Family Therapy Service 	<ul style="list-style-type: none"> • Need for greater communication between services • Better recording of actions • Numbers of UASCs becoming involved in criminal activities

Opportunities	Threats
<ul style="list-style-type: none"> • Taylor Review of Youth Offending Services • Realignment of services for young people • High Risk Panel • Review of Multi Agency Sexual Exploitation Panel • CAMHS Transformation Plan • Youth Zone 	<ul style="list-style-type: none"> • Financial Pressures • Demographic Changes • Increase in levels of deprivation • Increase in young people involved in drug transportation

9. Recommendations

- 9.1 That a specific report on offending of Looked After Children is developed and presented to the Corporate Parenting Panel and to the Youth Crime Board presenting any additional work on the recommendations of the Review. This should set out any additional actions to be taken across the multi-agency partnership. It should also address any additional training needs that may be required.
- 9.2 The Review recommends that the Government develops national Concordats regarding the recommendations that they have made. In advance of this, Croydon Council should develop a local Concordat across agencies by April 2017.

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BACKGROUND DOCUMENTS: In Care, Out of Trouble, available at:
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/In%20care%20out%20of%20trouble%20summary.pdf>