

## **Update Report on Reducing the Criminalisation of Children in Care through the Derby Children in Care CONCORDAT**

### **Purpose**

- 1.1 CONCORDAT is an agreement across the children and young people's partnership in Derby City to join up work under a singular vision to avoid the unnecessary criminalisation of young people in care.
- 1.2 CONCORDAT recognises the trauma young people face in their routes into care and secondary trauma caused by being a child in care, which can manifest itself through challenging, impulsive and reckless behaviour; some of which comes to the attention of the Police and formal criminal justice system. Whilst some of this behaviour requires a robust criminal justice response, some (lower level behaviour) requires a differentiated approach that deals with challenging behaviour, addresses trauma but does not involve using a formal (criminal justice) response, which inhibits likelihood of successful outcomes: such as gaining success in the labour market.
- 1.3 Partnerships have agreed to work together in Derby to agree both a vision for CONCORDAT, a protocol to act as a framework to deliver CONCORDAT and an action plan to support the CONCORDAT scheme in the city across Derby City Council owned and run children's residential care homes. This was approved at senior levels across Derby City Council, the Crown Prosecution Service (CPS) and the Office of the Police and Crime Commissioner for Derbyshire. The CONCORDAT protocol was launched on 11.10.18 and following a successful pilot programme at the Sinfin residential care homes, the CONCORDAT was widened to all city-based homes and an updated action plan was developed to support this and ensure that all agencies were working to a singular plan. This report provides an overview of progress made since April 2019 and recommendations for next steps, taking into specific account two large contributory factors that have impinged upon the development and progress of CONCORDAT.

### **Children and Young People's Overview**

- 1.4 When children come into care, they have often had a bad experience and this can make some young people do things they later regret when they feel angry, upset or let down. This can mean that sometimes they lash out at others close to them, such as staff in the place they live, other young people they live with or they might break things when they feel angry.

We want to try and help these young people and we think that sometimes calling the Police when this happens is not always the right or best thing to do and so have written an agreement with the Police and health to make sure we try to help sort these situations out without having to call the Police, unless we think there is no other choice. This does not mean we are 'letting young people off'; it means that sometimes there are better ways of dealing with things. After all, most adults wouldn't call the

Police every time their own children had a fight or broke something, so why would they do this for children who are living in care?

## **Recommendation(s)**

- 2.1 To ensure Corporate Parenting Committee are kept abreast of developments, progress and impact of the CONCORDAT programme to date.

## **Reason(s)**

- 3.1 To ensure Corporate Parenting Committee can comment on any developments and progress with regards to CONCORDAT to date.

## **Supporting information**

- 4.1 CONCORDAT was launched in October 2018. The CONCORDAT vision is below:

*A shared vision for Derby ... “custody as last resort” and establishment of a formal agreement/contract/pledge requiring local authorities, police and other relevant agencies to set and deliver locally agreed outcomes to reduce the criminalisation of, and offending of, children and young people in care.*

- 4.2 Following a successful pilot in the Sinfin based residential homes, CONCORDAT was launched across all DCC city based residential homes and was led and driven by Tactical and operational groups made up of managers and staff in the Youth Offending Service, CPS, Police and residential services to ensure adherence to the protocol and support an action plan for the homes in the city, including training and access for young people to services to address challenging behaviour. The framework to drive CONCORDAT are the protocol (encompassing the 10-point check list) and the supporting action plan, which contains the work to support tactical and operational delivery.

The CONCORDAT pilot demonstrated success in terms of reducing poorer outcomes for children living in DCC residential care. These included:

- A 20% reduction in offending behaviour
- A 22.7% reduction in calls for service (from Derbyshire Constabulary)
- 11.9% reduction of young people subject to part-time timetables

Benchmark data (for all DCC Childrens homes) has been collected and this will be analysed later in this report to measure the impact of phase 2 of the CONCORDAT.

## **Progress over 2018-19**

- 4.3 Progress of CONCORDAT was running smoothly up until early 2020, at this point, progress was hampered due to the closure of the Rosewood and Willows homes in late December 2019 and February 2020. Within a month of this, the COVID 19 global pandemic led to a national lock down, causing all services to retrench to business continuity plans, which ensured that basic operations continued to function, whilst other (more developmental) areas of work were ceased to ensure transmission of the virus was significantly reduced.

This caused a four-month hiatus and from July 2020, services have started to develop and deliver their unlocking the lockdown plans. The CONCORDAT tactical group met for the first time since January 2020 on 17.7.20 to assess where we had got to in relation to CONCORDAT and what our next steps should be. This will be laid out later in this report.

4.4 There had (up until January 2020) been progress with CONCORDAT over 2019-20 and some of the progress (against the action plan) is noted below:

- DCC Workforce Development and Training Team in conjunction with FCAMHS developed a training pod cast in relation to Trauma Informed Practice (TIP)
- We ensured the Corporate Parenting Committee were kept abreast of developments regarding CONCORDAT
- Held a DCC residential engagement event led by the Virtual School, YP from homes attended and feedback from the session was very positive
- Police and CAMHS provided clarity on SPOC role with all partners
- Written a framework which is strengths based for Enhanced Case Management meetings
- Residential services have met with DCC Participation lead to develop guidance for staff on gathering voice and how this is used to drive improvements
- Developed a Process flow outlining referral route for young people not engaging with the Enhanced Care programme (ECP) into the Mentoring Plus Support offer

There are also several actions contained within the action plan that are in progress and RAG rated amber. There was agreement in the Tactical group meeting on 17.7.20 that all partners would review sections of the plan that they were responsible for over July and August to inform a refreshed plan that will cover 2020-21 in order to ensure continuity of actions and drive the work needed to ensure CONCORDAT is a truly multi-partner and corporately owned approach across Derby.

In order to assess impact, we have gathered data from Police and Youth Offending Service systems and outlined the findings below:

4.5 The following table shows the changes in volumes of recorded crime for each of the three homes (Police were unable to locate a corresponding address for Blossom House on their systems). We have since gone back to request this.

It compares the percentage change in volume of recorded crime in each of the 3 homes the Police were able to gain data for and for the general Policing area in which the homes are situated.

**Derbyshire Constabulary Data 2018-19 compared to 2019-20.**

Area	01/04/2019-31/03/2020	01/04/2018-31/03/2019	Volume Change	Percentage Change
<b>Boulton, Sinfen and Osmaston</b>	3977	2925	1052	36%
<b>Rosewood</b>	57	24	33	138%

<b>The Willows</b>	40	24	16	67%
<b>Limestone House</b>	33	18	15	83%
<b>All Three Homes</b>	130	66	64	97%

4.6 All three homes have seen an increase over the time period shown with that increase being more than for the wider area. Numbers are small however and therefore it is subject to large fluctuations in recording. Also, there has been an impact on recorded crime following Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services (HMICFRS) Crime and Data Integrity (CDI) Inspection. This increased crime recording has impacted on some crime types more than others. Therefore, if the crime breakdown for these homes is more focussed in these areas, the impact of this would be greater and amplified by the small numbers.

4.7 The following table shows the number of recorded offences during 2019-20 for each home broken down by the type of crime. The percentage change is based on comparing the current twelve months with the previous twelve months.

<b>Crime Type</b>	<b>Rosewood</b>		<b>The Willows</b>		<b>Limestone</b>	
	2019/20	% Change	2019/20	% Change	2019/20	% Change
ALL OTHER THEFT OFFENCES		-100%	2	100%		-100%
ARSON	1	100%		0%	1	0%
BICYCLE THEFT		0		0%		-100%
BURGLARY		0%	1	0%		0%
CRIMINAL DAMAGE	18	157%	9	29%	7	250%
DRUG POSSESSION		0%		0%	1	100%
MISCELLANEOUS CRIMES AGAINST SOCIETY	1	0%	1	100%	1	100%
OTHER SEXUAL OFFENCES	2	100%	5	67%	3	50%
POSSESSION OF WEAPONS OFFENCES		0%	1	100%		0%
PUBLIC DISORDER	3	100%	2	100%	2	100%
RAPE	1	100%		-100%		0%
ROBBERY OF PERSONAL PROPERTY		0%		0%	1	100%
VIOLENCE WITH INJURY	11	120%	5	0%	5	-17%

<b>VIOLENCE WITHOUT INJURY</b>	20	122%	14	133%	12	200%
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4.8 Most of the crimes that have been recorded at the different homes are either violence offences or criminal damage, in keeping with data on youth offending in the general (non-LAC population) and in homes over the past 2 years. The percentage changes across the crime types vary considerably due to the small numbers.

4.9 The following table shows the changes in volumes of incidents and records of contact recorded for each of the three homes and for the general Policing area in which the homes are situated:

<b>Area</b>	<b>01/04/2019-31/03/2020</b>	<b>01/04/2018-31/03/2019</b>	<b>Volume Change</b>	<b>Percentage Change</b>
<b>Boulton, Sinfyn and Osmaston</b>	9454	9025	429	5%
<b>Rosewood</b>	203	183	20	11%
<b>The Willows</b>	189	239	-50	-21%
<b>Limestone House</b>	317	100	217	217%
<b>All Three Homes</b>	709	522	187	36%

4.10 All areas have seen an increase in the number of calls for service except for The Willows which has seen just over a 20 per cent fall in calls for service.

4.11 The following table shows the number of calls for service recorded for each of the homes with a comparison to the previous year:

<b>Crime Type</b>	<b>Rosewood</b>		<b>The Willows</b>		<b>Limestone House</b>	
	2019/20	% Change	2019/20	% Change	2019/20	% Change
<b>Admin</b>	0	0%	0	0%	1	100%
<b>ASB</b>	14	250%	1	-95%	4	-43%
<b>Crime Related</b>	34	277%	29	45%	20	100%
<b>Public Safety and Welfare</b>	155	-8%	158	-21%	292	256%
<b>Transport</b>	0	0%	1	100%	0	0%

4.12 Most calls for service are for Public Safety and Welfare type offences and this is where the large increase of calls for Limestone House have been recorded. Most of these calls are missing person incidents.

4.13 Overall, it is hard to derive concrete conclusions from this data due to the way that Police Forces are now required to record crime. A more viable data comparison may be available in 12 months.

- 4.14 What we can see however, is that we need to do more in order to better manage situations 'in house', as calls for service for what is categorised as crime related activity have increased. This is also the case with public safety and welfare calls. However, this does also have to be tempered with the fact that it appears that homes (particularly Limestone House) are making calls to report missing children and young people in line with the missing protocol, to ensure a multi-agency approach to safeguarding children.

#### **Youth Offending Service Data 2018-19 compared to 2019-20**

- 4.15 The YOS Information Analyst has gathered information from YOS data systems comparing 2018-2019 (the year prior to full CONCORDAT roll out) to 2019-20. The findings are contained in the table below.

Area of Data	2018-29	2019-20	% Changes
Number of LAC living in DCC residential homes involved with the YOS	7	6	-14.3%
Number of LAC young people living in DCC residential homes subject to substantive court orders	7	6	-14.3%
Number of offences committed	50	22	-56%
Number of Court appearances	45	22	-51%
Number of face to face contacts	319	396	24%
Number of assessments completed	23	19	-17%
Number of breaches	2	0	-100%

- 4.16 When we look at YOS data, what we see in 2019-20, is fewer LAC involved with the YOS and a significant reduction in the number of offences committed. This appears to be at odds with Police data but what we know, is that the Police have changed the way that crimes are recorded, which can artificially inflate what appears to be an increased number of offences committed by LAC. What appears to have happened is that a high number of these calls to report an offence do not lead to prosecution. It may be that there is also a potential lag between young people being reported for an offence and then prosecution. If this is the case, this would be borne out by increased YOS committed offences data in the next annual report of this nature.
- 4.17 The successes seen in the YOS data has been a result of strong partnership working between the YOS (Case Managers and Court staff) and the CPS. I am aware of discussions on LAC cases between these agencies that have led to offences being removed from Court listings and being dealt with via alternative routes.
- 4.18 This can be further demonstrated in the reduced number of Court appearances by LAC in the past 12 months, which has reduced by 51%. This demonstrates that areas of the CONCORDAT are working well and conversely where we still need to strengthen, i.e. how behaviours are dealt with within children's residential homes without the need to report all incidents to the Police.
- 4.19 Overall, as a result of CONCORDAT, there have been 56% fewer offences, 51% fewer court appearances, 24% more face to face contacts and no breaches.

- 4.20 The ability of the YOS staff to work with such a challenging cohort of young people without recourse to breach procedures demonstrates how well the service has embraced the 'Good Lives' model of practice, which focuses on strengths and aspirations rather than deficits and a punitive approach.

### **DfE Return on Offending by Looked After Children 2019-20**

- 4.21 Each year the Local Authority must make a data return to the DfE on the number of Looked After Children committing offences. This year the number had increased, **however**, the YOS Information analyst developed a more detailed look into this and we were able to report back to the DCC Practice and Development Board and the DfE that: while it is concerning that the number of offenders that are Looked After Children has increased by 36% (from 14 in 2018-19 to 19 in 2019-20), it should be noted that the *proportion* of those offenders committing only 1 offence has risen by 22% (from 35% in 2018-19 to 57% in 2019-20).
- 4.22 The greater percentage of offenders in care that committed only one offence (as opposed to multiple offences) indicates that there has been a significant reduction in the proportion of prolific/persistent offenders which could indicate that intervention by the YOS and partner agencies with Looked After Children when they commit their first offence has become significantly more effective.
- 4.23 It is also noteworthy that the statistics indicate that in 2019-20 there was a higher proportion (42%, compared with 29% in 2018-19) of lower gravity offences (Gravity 2, e.g.; common assault, criminal damage) and a lower proportion (48%, compared with 62% in 2018-19) of higher gravity offences (Gravity 3, e.g.; Assault occasioning Actual Bodily Harm, Burglary Dwelling With Intent to Steal).
- 4.24 Furthermore, the proportion of offences that involved violence against a person fell by 13% in 2019-20. For context, only a 1% decrease was observed over the same period in the broader YOS cohort (all young offenders). Taken together, this suggests that, taken as a cohort, the 'average' Looked After Child Offender is less prolific and less dangerous in 2019-20 than in 2018-19.
- 4.25 In 2018-19, 82% of LAC offenders' offences (taken together) were committed in the Children's Home or Foster Placement in which they resided. In 2019-20 this proportion reduced significantly to 56%. This could indicate that there is better management of behaviour within the care setting that has resulted in fewer charges being raised, and consequently convictions being prosecuted, that relate to the LAC Offenders behaviour at home.
- 4.26 A number of research activities such as 'No Place at Home' (2019, All Party Parliamentary Group for Runaway and Missing Children and Adults) has identified that Looked After Children are more likely to be targeted in exploitation which could also provide context for the increasing proportion of offending in the community, just as the impact of the Children in Care CONCORDAT could account for the reducing proportion of convicted offences that take place in the various care settings.

## **Challenges**

- 4.27 There have been and continue to be challenges in delivering the CONCORDAT, which include pressure from partner agencies on moving young people out of the city, into secure accommodation and lack of understanding as to the negative medium and long-term impact of this for young people.
- 4.28 There is an over reliance on seeing the use of secure accommodation to manage risks by some partners and staff - is this in line with the CONCORDAT vision? Is this what we want for Derby? Would we do that for our own child? These are questions all partners should be asking of themselves and their staff. This is perhaps influenced by what can appear to be a lack of cascade down regards CONCORDAT at operational levels within agencies.
- 4.30 There is a lack of activity-based resources to guide young people away from negative activity (Desistance theory), which can create vacuums in which problematic behaviour can escalate.
- 4.31 The closure of 2 of our children's homes and the need to ensure that once these re-open, that CONCORDAT principles are applied to the delivery of care and dealing with challenging behaviour.

## **Next Steps**

- 4.32 It was agreed at the CONCORDAT tactical group on 17.7.20 that the programme needs to be reviewed, refreshed and re-launched to ensure drive and the results seen in some areas of CONCORDAT are built upon in order that we can develop a greater sense of multi-partner buy in.
- 4.33 Tactical group members have agreed to review the action plan, so that we have a very clear line of sight into where we have got to, this will inform a refreshed CONCORDAT action plan, that will pick back up from where we had got to in January 2020.
- 4.34 There are plans to arrange a Steering group led by the Deputy Police and Crime Commissioner in October 2020 to ensure senior officer drive behind the re-launch of the CONCORDAT across partners.
- 4.35 Once these actions have taken place, the operational group will be re-assembled with refreshed Terms of Reference and a remit to deliver on the action plan and ensure operational issues are escalated to either the Tactical/Streeting group or both for discussion and resolution.



- 4.36 There are strategic plans to re-develop the DCC residential offer, with the Sinfin sites opening in early autumn 2020 with a new Registered Manager for the sites who has a development role and has already received a CONCORDAT briefing. There are plans for thorough staff induction and training processes as part of a new care offer that will work in line with the principles of CONCORDAT, including the hosting of Enhanced Case Management meetings in all homes led by Senior Practitioners and Social Workers alongside multi-agency partners, where behaviour management plans that are owned by all will be developed and held under on-going review.
- 4.37 There has been engagement with REMEDI, the contracted victim service for the Youth Offending Service to offer remote training for DCC Residential staff in regard to working with young people in care, which was part of the plan for 2019-20 but was not completed. This will allow relevant training to take place despite social distancing measures currently in place.

We will ensure LAC are able to access exciting developments within the YOS going forward, such as the girls group (see Appendix A) to ensure we address individual and diverse needs of young people, access to some of the opportunities within the Youth Alliance (part of a broader Serious Youth Violence strategy being developed across Derby).

- 4.38 There was enthusiasm from partners in the Tactical group on 17.7.20 and the action plan will be kept under review by the Tactical group to ensure that it remains fit for purpose going forward and that any necessary adaptations can be completed across the range of services involved.

### **Public/stakeholder engagement**

- 5.1 Stakeholders have been involved by way of senior managers being part of a steering group, senior middle managers being part of a tactical group and operational managers and staff being part of an operation group, to ensure that all parts of the children's delivery system for children in care are part of this approach and can inform and influence as necessary.
- 5.2 Children and young people living in care and staff affected by this (in residential homes) have been involved by way of engagement in and completion of questionnaires, which have been completed independently and which have been aggregated to ensure we understand themes emerging from this and can use this 'voice' to inform future developments. Evaluation of the Restorative Parenting training is also on-going. Feedback from young people has been more challenging to attain in 2019-20 due to the impact of COVID 19 but the refreshed action plan will include action to ensure we gather this to inform what we do and how we do it moving forward.

### **Other options**

- 6.1 Although having a CONCORDAT in place is not in itself a statutory requirement, ensuring that the partnership is meeting its corporate parenting principals is a key thrust of the Children and Social Work Act 2017 and so CONCORDAT is statutory in essence.

- 6.2 We recommend that the CONCORDAT protocol continues to be used across all Derby City Council Children's homes, we adopt the principals of using CONCORDAT for our children placed in other parts of the UK, we have a revised action plan that ensures support for staff, children and young people and which hold partners to account for ensuring best outcomes for children in care and is refreshed bi-annually but reviewed quarterly. We further recommend that every 12 months, we bring an updated position statement on CONCODRAT to the Corporate Parenting Committee.

### **Financial and value for money issues**

- 7.1 There are no financial issues, as there is no funding attached to CONCORDAT nor any costs. We have had to utilise the resources of the partnership to skill up staff, develop the action plan, ensure appropriate training and review progress. The only cost has been for Restorative Parenting training for residential staff and young people. This has been taken from Youth Offending Service funds and although requests have been made for support from partner agencies to contribute towards this, nothing has been forthcoming to date. This needs to be addressed by the CONCORDAT steering group.

Broader cost savings going forward will be realised by way of keeping young people who do not need to be dealt with by the formal criminal justice system out of this system. The National Audit office estimates that it costs £8,000 per young person to pass through the criminal justice system, including the costs of police, courts, offender management teams, and custody. These estimates exclude the societal costs of both recorded and unrecorded crimes, such as the costs of the physical and emotional impact on victims.

### **Legal implications**

- 8.1 No other legal implications.

### **Other significant implications**

- 9.1 No other significant implications.

This report has been approved by the following people:

<b>Role</b>	<b>Name</b>	<b>Date of sign-off</b>
<b>Legal</b>		
<b>Finance</b>		
<b>Service Director(s)</b>	Suanne Lim	
<b>Report sponsor</b>	Suanne Lim	
<b>Other(s)</b>	NA	

<b>Background papers:</b>	
<b>List of appendices:</b>	NA

## **Appendix A.**

### **Derby City Youth Offending Service Girls Group.**

#### **Overview**

In England and Wales, girls comprise around 20% of the caseload of youth offending services. We know that girls tend to commit less serious offences than boys, and their offending is often a response to emotional well-being and issues concerning relationships with parents, partners and friends. Girls tend to have high levels of welfare needs and are vulnerable to the actions of others. There is also significant concern about the prevalence of child sexual exploitation where vulnerable girls are more likely to become victims.

In ensuring that the needs of girls are appropriately identified and addressed, Derby City Youth Offending Service have developed an 8-week Girls Group in partnership with other professionals from Health, Psychology Services, drug and alcohol services, Connexions, and the Police Service. The content of the programme has been carefully considered and influenced by research and HMIP inspection findings.

We have also included the voice of the child from speaking with girls currently open to the service to help us achieve the right fit. The programme has been designed to cover the most relevant topics as listed below and offers a positive empowering space for each topic to be explored.

The programmes development has been heavily based on a recovery model and a 'child first, offender second approach.'

- Role Models, identity and self esteem
- Sexual Health and healthy relationships
- The influence of drugs and alcohol
- Child Sexual Exploitation
- Girls Gangs and County Lines
- Equality and Diversity
- Careers – take control of your future
- Restoration victim awareness and putting things right

On-going development of this agenda includes staff training to ensure assessments of likelihood of reoffending and risk of harm take into account the impact of gender, that health practitioners are sufficiently involved and exit strategies ensure that girls have access to appropriate ongoing support when their involvement with the Youth Offending Service ends.

A performance framework has been implemented to measure the effectiveness of the programme and to evidence improvements in the emotional mental health of girls and the impact this intervention has on their quality of life and future aspirations. The first group will commence on 14<sup>th</sup> October 2020.

## **Professionals involved in programme delivery**

Melanie Lord - YOS Parenting Officer

Gemma Dexter- Clinical Psychologist

Tara Simmons – Supporting Families Team

Noleen Turner – Sessional worker

Shannon Merwick- Remedi Reparation supervisor

Baljit Johal - Connexions Personal Advisor

Cindy Stranding - Breakout Services

Sharon Jackson - YOS Case Manager / Social Worker

Karen Chilton – Agenda Lead YOS Service Manager