

Report sponsor: Suanne Lim, Director of Early Help and Children's Social Care
Report author: Andrew Kaiser, Head of Specialist Services

Update Report on Reducing Criminalisation by 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 October 2018 and following a successful pilot programme with two Children's 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 over the past 12 months and recommendations for next steps.

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 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 with two children's homes, CONCORDAT was launched across all Derby City Council 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 Derby City Council 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

Progress over 2020-21

- 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. Rosewood has since re-opened and there are plans for Willows to re-open in September 2021.

Despite the COVID 19 global pandemic and subsequent series of national lock downs, causing services to retrench to business continuity plans, there has been progress made in relation to CONCORDAT, particularly following a steering group

meeting of senior leaders across the partnership in October 2020. At that point the Service Director for Early Help and Children's Social Care wrote to all senior leaders across the partnership to thank them for contributions made to the CONCORDAT arrangements to date and to encourage continued support for the arrangements going forward, to ensure continued drive on this agenda.

The CONCORDAT tactical group re-commenced on 17 July 2020 and has met on an eight-weekly cycle since that time with membership increasing to now include:

- The LA Missing from Home and Care lead officer.
- Members of the Youth Alliance (Catch 22 and Safe and Sound).

This has added additional impetus to an already well engaged set of partner agencies and addresses a gap identified in last year's report of having access to pro-social activity that can engage children and young people living in care.

4.4 Since the last CONCORDAT annual report (reported to the October 2020 Corporate Parenting Committee) there has been significant progress (against the action plan), which is noted below:

- We have re-launched communications materials and ensured these were launched in agencies via members of the Tactical group (see CONCORDAT leaflet in appendix one).
- Developed a missing pod cast that incorporates an overview of the protocol and best practice regarding Return Interviews.
- Delivered a multi-agency training session with residential staff prior to one home re-opening.
- Launched Enhanced Case Management Meetings (ECMM's) for all young people living in our residential homes.
- Disseminated key information on the Derbyshire Constabulary Missing Persons Unit (Part of the Neighbourhood Safeguarding Team) to all Tactical group members.
- The Derbyshire Constabulary Missing Persons Unit (Part of Neighbourhood Safeguarding Team) have developed detailed typologies of young people's missing patterns for a small number of our most persistently missing children.
- Induction training for residential staff now includes systematic updates/input on CONCORDAT.
- Delivered strengths-based training for residential staff including key principals, philosophy and tools.
- The Youth Offending Service (YOS) Psychologist attends ECMM's, screens young people and signposts to appropriate health pathways where needed.
- Prevent training was delivered to residential staff on 29.4.21
- Young people are being referred to the Youth Alliance (YA), meetings are being held between residential staff and the Youth Worker at the alliance. Young people are directed to the right youth provision and the YA are being invited and are attending ECMM's.
- The YOS CAMHS Officer is agreed as the fast track assessor for young people living in internal residential care.
- An abridged version of the 10-point checklist has been developed for residential staff.

- The Virtual School have developed and cascaded the offer regarding Trauma Informed Practice from their Psychologist.
- Two members of staff being paid for from Kingsmead Pupil Referral Unit are attending the homes to engage young people. This has been very successful, and Kingsmead will continue this into next academic year.
- CONCORDAT focus group took place in the Childrens Services deep dive assessment (known across the staff base as MOCKSTED) in June 2020, which highlighted the strength of partnership work in this area.

There are also several actions contained within the action plan that are in progress and RAG rated amber. Tactical group members review their sections of the plan in Tactical group meetings on an incremental basis to ensure this is a truly multi-partner and corporately owned approach across Derby.

To assess impact, we have gathered data from Police and YOS systems and outlined the findings below:

4.5 Police Data

The below analysis has been compiled for the four homes. The following information is based on records recorded in both Niche and ControlWorks records management systems. The timeframe for the data is 1 April 2019 to 31 March 2021. A comparison area of their general ward data has also been included to assist in benchmarking the changes.

The following table shows the changes in volumes of recorded crime for each of the three homes and the control area:

Area	01/04/2020-31/03/2021	01/04/2019-31/03/2020	01/04/2018-31/03/2019
Ward 1	870	881	661
Home 1	17	5	6
Wards 2, 3 and 4	3174	3977	2925
Home 2	2	57	24
Home 3	N/A	40	24
Home 4	12	33	18
All Three Homes	14	130	66

As the data highlights all homes have seen decreases in offences since 2019-20 at Home 2 and 4 but an increase at Home 1. Home 3 was closed for a small part of 2019-20 and all of 2020-21. Home 2 re-opened in late September 2020 and we can see the impact of CONCORDAT in the improved figures with a 67.4% decrease in offending in all open homes and 86.67% for Rosewood and Limestone House alone.

4.6 Type of Offences

The following table shows the number of recorded offences during 2020-21 for each home broken down by the type of offence. The percentage change is not required due to very small numbers identified.

Crime Type	Limestone House	Blossom House	Rosewood	Total
All Other Theft Offences	1			1
Bicycle Theft		1		1
Criminal Damage	1	2		3
Drug Possession	3	1		4
Drug Trafficking			1	1
Miscellaneous Crimes Against Society	1	2		3
Other Sexual Offences	1	3		4
Public Disorder		2	1	3
Stalking and Harassment		4		4
Robbery Of Personal Property	1			1
Violence With Injury	1			1
Violence Without Injury	3	2		5
Total	12	17	2	31

Low level violence and drugs offences are congruent with the types of offences we have seen for some time in Youth Offending Service data for children and young people who are looked after and are living in residential care. These reflect impulsive and risk-taking behaviour, which relates to lack of emotional regulation for children and young people who have faced adverse childhood experiences. There is access to staff resources within the Youth Offending Service and Action For Children for those young people demonstrating harmful sexual behaviour.

4.7 Incidents

The following table shows the changes in volumes of incidents and records of contact (calls for service) recorded for each of the three homes and the control area:

Area	01/04/2020-31/03/2021	01/04/2019-31/03/2020	01/04/2018-31/03/2019
Ward 1	3104	2638	2368
Home 1	262	123	41
Wards 2,3,4	9122	9454	9025
Home 2	75	203	183
Home 3	N/A	189	239
Home 4	147	317	100
All Three Homes	222	709	522

All locations bar Home 1 have seen a considerable reduction in calls for service, which equates to an aggregated reduction in incidents and calls for service of 68.7%. However, there are caveats to this in, Home 2 re-opened in late September 2020 and Home 3 has yet to re-open. Nevertheless, we can see significant improvements including at Limestone House in incidents and contacts with Derbyshire Constabulary.

4.8 Type of incident

The following table shows the number of calls for service to Derbyshire Constabulary recorded for each of the homes by type:

Category (Lv3)	Limestone	Blossom	Rosewood	Total
Abandoned Call	1	3		4
Absconder/Awol/Wanted Persons/Police and Court Orders/Bail			1	1
Concern For Safety/Collapse/Illness/Injury	5	8	6	19
Criminal Damage *C*	1	1		2
Drugs *C*	1			1
Environmental	2			2
Lost & Found Property/Found Person	4	11		15
Missing No Apparent Risk	5	3	1	9
Missing Person	122	223	63	408
Nuisance	3	3	1	7
Personal	2			2
Suspicious Circumstances/Insecure Premises/Vehicles	1	2	1	4
Violence *C*		3	2	5
Other Crime *C*		2		2
Other Theft *C*		1		1
Sexual Offence *C*		2		2
Total	147	262	75	484

Most of the calls for service (as in previous years) have been in relation to missing person and concern for safety, which was in all probability due to the duty to report during Covid Restrictions.

- 4.9 Overall, we can see a reduction in offending and in calls for service for the homes over 2020-21, although the data does demonstrate some challenges at Blossom House. Positively, we can see reductions in both offences and calls for service to Derbyshire Constabulary for the home we have data for and which remained fully open during the period discussed (Limestone House), which provides evidence for the impact of CONCORDAT and the new approach being taken in homes to address behaviours of children and young people who have suffered adverse childhood experiences.

Youth Offending Service Data 2020-21 compared to 2019-20

- 4.10 The YOS Information Analyst has gathered information from YOS data systems comparing 2020-2021 to 2019-20. The findings are contained in the table below.

Area of Data	2019-20	2020-21	% Changes
Number of LAC living in DCC residential homes involved with the YOS	6	4	-33%

Number of LAC young people living in DCC residential homes subject to substantive court orders	3	3	0%
Number of offences committed	22	2	-91%
Number of Court appearances	13	18	38%
Number of face to face contacts	127	42	-67%
Number of assessments completed	10	8	-20%
Number of breaches	0	1	100%

- 4.11 When we look at YOS data, what we see in 2020-21, is fewer LAC involved with the YOS and a significant reduction in the number of offences committed. The COVID context cannot be ignored in these figures, in that the reduced offending is in part due to lockdown measures implemented nationally, which also accounts for the reduced amount of face to face contact with young people. Face to face contact continued for higher risk young people known to the YOS, whilst remote working methods were utilised in lockdown periods for other young people. YOS systems demonstrate interventions delivered by: mentors, neighbourhoods teams, fire safety, LAC Nurse, education, Police, reception service alongside internal YOS officers.
- 4.12 Although the COVID context cannot be ignored, the successes seen in the YOS data is also a result of strong partnership working between the YOS (Case Managers and Court staff) and the CPS. The YOS have an established triage system with the Crown Prosecution Service and local defence solicitors to ensure that youth cases deemed suitable for an out of court disposal are diverted away from Court (this includes LAC).
- 4.13 Overall, as a result of CONCORDAT, there have been 91% fewer offences and 33% fewer young people living in DCC residential homes open to the YOS. These are the key outcomes we aim for in the CONCORDAT. There are other broader outcomes we would like to achieve, and these will be in development over 2021-22 and will be touched upon later in this report.
- 4.14 The YOS continue to work with this complex cohort of young people without high breach levels and reducing offending behaviour through developing and embedding both the 'Good Lives' model of practice, which is a strengths based model supported by the Youth Justice Board for England and Wales and a Trauma Informed approach supported and underpinned by Health funded staff (Part-time Clinical Psychologist and Full-Time Youth Emotional Well Being Officer). This ensures the service focuses on strengths and aspirations rather than deficits.

DfE Return on Offending by Looked After Children 2019-20

- 4.15 Each year the Local Authority must make a data return to the DfE on the number of Looked After Children committing offences. The YOS Information analyst developed a more detailed look into this and we are able to report back to Corporate Parenting Committee and the DfE that: While it is concerning that nineteen young people have committed offences in 2019-20 whilst being looked after, the numbers have decreased by over 47% from nineteen in 2019-20 to ten in the 2020-21 period.

- 4.16 In total sixteen offences were committed by the ten young people, but it should be noted that six of the ten young people committed only one offence, three young people committed two offences and just one young person committed four offences. In 2018-19 there were fifty offences committed, 2019-20 there were forty-five offences and in 2020-21 just sixteen offences. This represents a 64% reduction in the number of offences over the last two periods as seen in the table below.

Gravity	2018	2019	2020	Reduction
2	13	21	5	-76%
3	28	24	9	-63%
4	3	2	2	0%
6	1	3	0	-100%
	45	50	16	-64%

- 4.17 In relation to gravity scores (which measure the seriousness of the offence), gravity 2 and 3 offences, which are less serious offences have shown significant decreases of 76% and 63% respectively and gravity 6 a 100% reduction. Gravity 4 offences have remained stable. The greater percentage of young people 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 offending by Looked After Children, 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.

Outcomes	
Youth Rehabilitation Order	5
Youth Restorative Disposal	3
Conditional Discharge	2
Referral Order	1
Order Varied	1
	12

- 4.18 The ten young people who committed sixteen offences resulted in twelve outcomes. The breakdown is shown above. The higher level nature of the outcomes appear to demonstrate young people who have been previously known to the service, as opposed to young people coming into the service/offending for the first time, although there has been use of Out of Court disposals (Youth Restorative Disposal) on three occasions.
- 4.19 Furthermore, the proportion of offences that involved violence against a person fell by 18% in 2020-21. For context, only a 1% decrease was observed over the same period in the broader YOS cohort (all young people involved in offending). Taken together, this suggests that, taken as a cohort, the 'average' Looked After Child Offender is less prolific and less dangerous in 2020-21 than in 2019-20.

Challenges

- 4.20 There have been and continue to be challenges in delivering the CONCORDAT, which include pressure from some operational staff in some 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. This has improved over the past twelve months to some degree but remains a challenge when trying to adopt a trauma informed and strengths based approach to supporting young people as their multi-agency teams and specialist staff are local to Derby and are more readily accessible to wrap around services to address risk and need.
- 4.21 There is a risk that funding for the YOS' Clinical Psychology and Youth Well-Being Worker will not be extended beyond the current agreement to fund until October 2022, this is being worked through by the YOS and Derby and Derbyshire Clinical Commissioning Group (DDCCG) to look at funding streams to make this a longer term and sustainable model, as both posts support the trauma informed/strengths based approach and the Clinical Psychologist plays a critical role in ECMM's. The issues are also on the agenda in Youth Justice Partnership Board meetings.
- 4.22 There has been some challenge in ensuring consistency in ECMM's, however this is being worked through operationally to ensure we develop what is a new model of multi-agency working into a fully embedded and consistent approach across all children and young people living in our residential homes.
- 4.23 There remains a high number of Return Interviews to complete with young people in our residential care homes and the volume has (over several years) and continues to present a challenge to Social Workers to keep abreast of these. This is often a compliance issue, as Social Workers understand the missing patterns and risk factors associated with young people, they are case managing. Nevertheless, there is a statutory need to maintain completion of Return Interviews for all missing episodes and further discussion is needed on whether the right resources are located in the right places for children missing from home and care. These discussions have already commenced in the Early Help and Children's Social Care Head of Service meetings.

Next Steps

- 4.24 Following the success we have had in our internal residential homes, we are going to look to roll CONCORDAT out to private homes based in the city, as we do have placements with private providers within the city boundary for our own children and young people. This will present a challenge, but the partnership will support us in taking this forward.
- 4.25 Tactical group members will continue to meet eight weekly, in order to review the action plan and refresh this on an annual basis.
- 4.26 We want to broaden the outcomes we use to measure young peoples progress through CONCORDAT and ECMM's by introducing the Cromarty model, which has been used to good effect by the Virtual School. This will allow outcome measures aligned to health, education, emotional well-being as well as behavioural presentation.

- 4.27 A ten-point checklist session will be delivered to staff in DCC residential homes by the Crown Prosecution Service to ensure the principals remain firmly embedded.
- 4.28 Homes managers will attend Police Section Tasking Meetings and ensure information is fed back to staff in homes to ensure they are aware of key risk locations and individuals.
- 4.29 There remain plans to roll out the remaining Strengths Based, Restorative Parenting and Non Violent Resistance training to residential staff to ensure that there is a consistent principal set underpinning interactions with young people that is trauma informed and does not escalate situations. Any shortfall in training provision will be taken through the FIM Executive Board to ensure Health are supporting the development of the trauma informed environments we are seeking to achieve across the partnership.
- 4.30 Joined Up Care Derbyshire are looking at the pathway for Looked After Children with complex needs and risk, including any gaps in the Action for Children contract. The DDCCG are leading the review and are linked in with a free consultancy being provided by NHSE England on a Framework for Integrated Care that could help inform how services across Derby ensure they deliver services to this group of children and young people in a trauma informed model across all children's services.
- 4.31 The Virtual School are re-commissioning their mentoring support offer with a new provider due in place from 1.9.21.
- 4.32 A review of the CONCORDAT protocol INC the 10-point check list is due to be completed by October 2021.

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.

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 and in private homes across the city, 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 CONCORDAT 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 previously 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 will continue 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.

Climate Implications

- 9.1 No climate implications

Other significant implications

- 10.1 No other significant implications

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal	19 August 2021
Finance	Janice Hadfield, Head of Finance, Peoples Services	20 August 2021
Service Director(s)		
Report sponsor	Suanne Lim Director of Early Help & Children's Social Care	24 August 2021
Other(s)	NA	

Background papers:

List of appendices:

Appendix 1 - CONCORDAT Leaflet
Appendix 2 - CONCORDAT Protocol.
Appendix 3 – Anonymous Case Study

Appendix 1



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Concordat Leaflet.pdf

The above is the CONCORDAT leaflet developed by partner agencies and shaped into a composite leaflet by the Children's Workforce Learning and Development Team.

Appendix 2



CONCORDAT
protocol (2).doc

The above is the CONCORDAT protocol (most up to date version) last reviewed in 2018 by all partners as part of the CONCORDAT tactical group. It is being reviewed in 2021-22.

Appendix 3



Anon Case Study
One (004).docx