

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 that young people face in both their routes into care and the secondary trauma caused by being a child in care and that this 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 but does not involve using a formal response, which inhibits the 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 a pilot CONCORDAT scheme in the city across the (Derby City Council owned and run) care homes in the Sinfin area. This has been 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 and action plan for the Sinfin sites was launched on 11.10.18. This report provides an overview of progress to date 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 sometimes mean they lash out at others close to them, such as staff in the place that 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 other agencies such as 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 more constructive or better ways of dealing with things. After all, most adults wouldn't call the Police every time their own children had a fight, so why would should 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.
- 2.2 To recommend that the CONCORDAT action plan is rolled out across other residential children's homes in Derby City that are ran by Derby City Council.

Reason(s)

- 3.1 To ensure Corporate Parenting Committee are able to comment on any developments and progress with regards to CONCORDAT to date.
- 3.2 To ensure there is agreement and sign off of a wider CONCORDAT approach across Derby city going forward.

Supporting information

- 4.1 CONCORDAT (as mentioned) was launched in October 2018. The CONCORDAT vision as 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 Tactical and operational groups are in place made up of managers and staff in the Youth Offending Service, CPS, Police and residential services to develop a protocol to act as a decision making framework for CONCORDAT and also developed a supporting action plan for the homes in the Sinfen area of Derby to provide support for staff in those homes, including training, appropriate supervision and access for young people to services to address challenging behaviour.

4.3 Most of the action plan has been delivered with actions completed including:

- Training of residential staff in the Sinfin homes on restorative parenting
- Training delivered to all partnership staff on trauma informed practice and the work of the Youth Offending Service
- Completion and launch of the protocol
- Single Points of Contact (SPOC's) in all services for Children In Care
- Bespoke education packages using RAP to access additional resources i.e. mentoring etc...
- Ensuring Independent Reviewing Officers are aware of the full range of services available to Children In Care
- Pilot sites developing staff handover practices and cultures based on learning from DCC homes with 'Outstanding' OFSTED ratings
- Training for Police call handlers to ensure they put calls through which can lead to an appropriate response to information supplied by residential staff
- Development of pathway/referral route into YOS prevention services

4.4 The action plan (at this point in time), requires a refresh to ensure that it remains fit for purpose going forward and the work on this review and refresh began in July 2019. This will then act as the catalyst to drive action across all homes in the city.

4.5 Benchmark data was set at the outset of the pilot CONCORDAT in October 2018 and looked at data in a 6 month period immediately prior to the launch, this was then followed up to ensure that comparative data was produced for the 6 month pilot period and outcomes can be seen below:

With regards to the Virtual School, in the 6 months leading up to CONCORDAT launch, data identified:

- 6 young people
- Year groups 8-11
- 5/6 on part time timetables (83.3%)
- The attendance range was 3.5%-86%
- Average attendance was 39%
- There were no exclusions

In the pilot period data identified:

- 7 young people
- Year groups 8-11
- 5/7 on part time timetables - 71.4% - an 11.9% reduction
- The attendance range was 4%-100%
- Average attendance was 42.3% - a 3.3% improvement
- There were no exclusions

With regards to Derbyshire Constabulary, in the 6 months leading up to CONCORDAT launch, data identified:

- 26 offences
- 83% involving violence against the person or criminal damage
- 233 calls for a service
- Missing and absent child accounting for 181 of these

In the pilot period data identified:

- 20 offences – 23% reduction
- 70% involving violence against the person or criminal damage
- 180 calls for a service – 22.7% reduction
- Missing and absent child accounting for 146 of these – 19.3% reduction

With regards to the Youth Offending Service, in the 6 months leading up to CONCORDAT launch, data identified:

- 5 young people involved with YOS
- 3 on substantive court orders
- 14 offences committed in the period
- 13 court appearances by 3 young people
- No breaches!

In the pilot period data identified:

- 5 young people involved with YOS
- 5 on substantive court orders
- 12 offences committed by 2 young people – 7.7% reduction
- No breaches!

4.6 In relation to young people who have been involved in the pilot programme, senior middle managers in residential services developed a questionnaire to capture their views with regards to how we can use these to inform work going forward. The main headlines are summarised below:

- Support with emotions - can depend on which staff (are on shift)
- Noticing something's wrong in advance – can depend which staff (are on shift)
- Having a safe space to go – young people said yes they can go to their bedroom or to family
- Support from the Homes for young people to speak with stakeholder professionals (including Social Worker) was inconsistent
- There were comments regarding wanting more male staff in the home
- Talking about what makes young people upset or angry “sometime made young people more angry”

Areas of continued development for the Sinfin Homes based on staff feedback of their experiences of the pilot included:

- Consistency of team in proactive relationship building and maintenance approaches
- Remedi training (restorative parenting) for the other Homes. Blossom House and Limestone House)
- Further development/embedding of Trauma informed Practice
- Greater promotion of “working with the wider system” to develop direct networks of support for young people
- Consideration to be given to diversity of staff teams
- Further development training in diffusion, distraction, de-escalation and emotional support for young people
- Further embedding of Incident recording and resulting practice development

- 4.7 What can be seen is an overall reduction in negative outcomes including offences committed, numbers of Police calls for service and some improvements in attendance data. Some of these may appear slight. However, it must be remembered that the group of young people involved in the pilot programme changed, as the residents of the Sinfin homes changed though the period the pilot ran.

When we looked at Youth Offending Service data for the groups of young people who were in placement at the Sinfin sites at the end of the pilot period, their offending behaviour data demonstrated a 66% reduction in comparison to the 6 months prior to the pilot.

Furthermore, this last 6 months has been focused on ensuring the vision, protocol and action plan has been embedded across partnerships and all partner staff are adopting a consistent approach to ensuring we do not over penalise young people and treat children in care as we would our own children when we are faced by situations that involve challenging behaviour.

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 and completion of questionnaires, which have been completed independently and which have been aggregated up 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, we develop 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 potential cost going forward would be for Restorative Parenting training for residential staff (in homes that were not part of the pilot action plan) and Police Officers. This has previously been taken from Youth Offending Service funds and agreement will need to be made between services making up the CONCORDAT as to how the next tranche of training will be funded.

Broader cost savings 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:

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

Background papers:	
List of appendices:	NA