

Meeting: CHILDREN'S TRUST BOARD	Date: 14 March 2013	Agenda Item No: 5
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TITLE OF PAPER: RESPONSIBILITY FOR REMANDS

<p>SUMMARY OF PAPER: On 1 May 2012 the Legal Aid, Sentencing & Punishment of Offenders (LASPO) Act 2012 received Royal Assent. The changes made devolve the remand budget in its entirety to Local Authorities for securing remand. This report informs the Board as to the impact these changes will have on the Youth Offending Service (YOS) and the wider Children's Service.</p> <p><u>Background</u> Nationally there has been a steady decline in the number of young people sentenced to custody over the past 5 years, however during the same period the number of young people remanded in custody has remained constant. Nationally 61% of young people remanded to custody do not go on to receive custodial sentence. The LASPO Act aims to lengthen the route into custody for 12 to 17 year olds: young people facing remand must now have a real prospect of receiving a custodial sentence upon conviction before they may be remanded to youth detention accommodation, unless they are charged with a violent or sexual offence or one where an adult would receive a custodial sentence of 14 years or more. It has been estimated by the Youth Justice Board (YJB) that there will consequently be a 15% decrease in remands and therefore 15% of the budget will be deducted at source as a result of applying this new test.</p> <p><u>Legislation</u> The new provisions of the LASPO Act 2012 means that young people aged 12-17 may be remanded to local authority accommodation or remanded into local authority secure accommodation under Court Ordered Secure Remand (COSR). In these instances these young people will automatically become looked after children and are therefore the local authority's responsibility.</p> <p><u>Impact</u> The changes made by the LASPO Act 2012 give Local Authorities (LA) total financial responsibility for secure remand on a bed night basis. All those remanded into custody will acquire Looked After Children (LAC) status and therefore may be entitled to a leaving care service.</p> <p>Current legislation in relation to eligibility for leaving care stipulates that:</p> <ul style="list-style-type: none">• Eligible children are young people aged 16 and 17 who have been looked after by the Local Authority for at least 13 weeks, since the age 14 and are still being looked after.• Eligible children are young people aged 16 and 17 who have been looked after by the Local authority for at least 13 weeks since the age of 14 and who have been looked after at some time after their 16th birthday, and who have now left care.
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Therefore 16 and 17 year olds who are on remand for 13 weeks or more will also qualify for a full leaving care service. The impact on the LA needs to be quantified as now 16 and 17 year olds will need to be offered a LAC service and potentially also a leaving care service.

When the court makes a remand decision, they will designate a responsible authority for the young person. The authority will be responsible for:

- Fulfilling duties towards the young person in relation to their LAC status
- Paying for the cost of the youth detention per night
- Safeguarding and promoting their welfare
- Agreeing a care plan and reviewing its completion

Financial implications

The funding streams for Barnet for 2013/14 are set out in the table below.

Barnet				LA Funding Allocation
Funding Components				
Remand⁽³⁾ (YOI share)	LAC⁽³⁾ (YOI share)	LAC Travel⁽⁴⁾ (Cost of Visits)	Transport⁽⁵⁾ (SCH/STC)	
£125,981	£25,055	£2,353	-£1,113	£152,276

The YJB originally predicted a budget for Barnet of £159,975 rising to £164,625 in 2014/15. This has now been revised to £125,981 - a difference of £33, 994, in light of the continued decrease in the national remand rates since the time of the initial calculation. The Local Authority currently funds the full transportation cost for those young people who are remanded into a Secure Training centre (STC) / Secure Children's Home (SCH) (cost of £1,113) and this will continue.

The devolved budget of £152,276 that Barnet will receive is unlikely to meet the predicted remand costs and the Local Authority will have to meet the shortfall. There will be no additional budget provided for leaving care responsibilities and the expectation is that the Local Authority absorbs this.

The scale of the predicted shortfall is difficult to quantify, as it will depend on the number of young people in remand. Based on data from the last few years, the budget shortfalls per annum would have ranged between £50,000 to £210,000 for YOS, and between £100,000 to £200,000 for children's social care. For 2013/14, a total budget shortfall of £208,000 could be anticipated - £85,000 for YOS and £122,000 for children's social care.

Next Steps

Barnet's youth offending service, social care, targeted youth service (TYS), troubled families and housing will need to work together to prioritise this group of young people and look at preventative measures, as well as packages to keep those at immediate risk of remand to custody, in the Community. Training, agreed ways of working, and clear protocols for shared practice will be key to the development and progress of this work.

The YJB is also suggesting that local authorities consider establishing cross borough consortiums to share the financial cost. Currently Barnet shares a youth court with Harrow and Brent, and a probation trust with Enfield, we share a health connection with Enfield and Haringey and are involved in a remand fostering consortium with Haringey, Enfield, Islington and Camden.

Each of the neighbouring boroughs has gang related issues and is contending with violence and weapons enabled crime. The LASPO Act 2012 will introduce compulsory custodial sentences for knife enabled offences, which means that remand episodes for these offences will also increase indicating that these boroughs will be under more pressure to find community based alternatives and are therefore more likely to require additional resources.

One of the identified benefits of a consortium approach is the ability to share resources to reduce cost. However, the remand population is by definition the most prolific and serious cohort of offenders and therefore any discussion relating to cross borough resource sharing, should consider implications in relation to gang related post code rivalry.

The role of the relationship between the YOS and the court is crucial in the remand decision and it is therefore essential that the Court has confidence in what the YOS is able to provide. It may therefore be helpful to consult with the Magistrates Bench at Willesden Youth Court on how we can continue to offer the court the best service moving forward.

The Court is confident in the Intensive Supervision and Surveillance Programme delivered by the YOS (25 hour community based programme which includes 5 core elements plus electronic tagging and Police intelligence sharing). The YOS's capacity to deliver the programme is currently limited to 5 to 6 young people at any one given time. It is recommended that investment is considered in order to allow for the YOS to offer this provision more widely as it will go a long way in preventing future remand episodes.

A senior remand task group has been established to provide a focused and targeted approach to this agenda. This group is chaired by the Assistant Director for Children's Social Care and is examining ways of promoting and enhancing community based alternatives to remand via strong multi agency work. This will include further development of joint working practices, evidence based assessments and targeted intervention delivery via programmes designed to promote the court's confidence that any potential risk can be managed successfully in the community.

ACTION REQUIRED BY BOARD:

To note and comment on the changes to remand responsibilities and the question of cross-borough joint working in this area.

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