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DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 1 DECEMBER 2021

Report of the Executive Director - Children's Services

Derbyshire Youth Justice Plan 2021/22

1. Purpose

- 1.1 To seek approval of the Youth Justice Plan prepared in accordance with Section 40 of the Crime and Disorder Act 1998, as part of the Council's Policy Framework.

2. Information and Analysis

- 2.1 Derbyshire Youth Offending Service is a multi-agency statutory partnership (comprising local authority, police, probation, health) established under Section 39 of the 1998 Crime and Disorder Act. Funding is provided by a Youth Justice Board Grant, DCC and partner agency funding or staffing in kind. The YOS works with children and young people aged 10 – 18 who have offended to prevent further offending. The service has national targets of reducing:

- First time entrants to the criminal justice system
- Re-offending
- The number of young people sentenced to custody.

- 2.2 Section 40 of the Crime and Disorder Act requires the local partnership to produce an annual youth justice plan. It stipulates that the Local Authority, in consultation with the partner agencies, formulate and implement an annual youth justice plan, setting out:
- how youth justice services in their area are to be provided and funded
 - how the youth offending service will be composed and funded, how it will operate, and what functions it will carry out.
- 2.3 The Youth Justice Board oversees the activities of all Youth Offending Services and as part of the conditions of grant has set out an expected template and guidance as to what should be included in the plan. It is a condition of the Youth Justice Board Grant that the authority submits an “in principle agreement” from youth justice partners (through the YOS Management Board) and sign off via the Chair of the Management Board as a minimum requirement for submission to the Youth Justice Board, pending approval through Council governance processes.
- 2.4 The attached plan has been drawn up in conjunction with YOS strategic partners, in accordance with the detailed Youth Justice Board guidance and was submitted ahead of the Youth Justice Board deadline of 30th June.
- 2.5 The Youth Justice Plan is a plan required by legislation. It is also one of the plans making up the Policy Framework. As the Plan relates to an executive function, it was formally approved by Cabinet on 9th September 2021. However, as part of the Policy Framework, it also requires approval by full Council

3. Consultation

- 3.1 Section 40 of the Crime and Disorder Act stipulates that Local Authority partners should be consulted and contribute to the Youth Justice Plan. Key statutory partners, in the form of Police, Probation, Office of the Police and Crime Commissioner, Community Safety, Health, Public Health and Engagement and Inclusion are members of the Youth Offending Service Management Board. This oversees the activities of the Youth Offending Service locally. Partners to the Board contributed to, and helped shape, the Plan.

4. Alternative Options Considered

- 4.1 The Youth Justice Plan is a statutory requirement and a condition of drawing down national Youth Justice Board funding. Without a full council

approved plan Derbyshire YOS cannot operate. Should funding be removed, the Authority would be unable to deliver its full youth offending service responsibilities. This would impact upon children and young people as they would not receive a coordinated multi-agency response or intervention to address their needs and offending behaviour. Therefore, the option not to have a plan in place is not a viable alternative.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified

7. Appendices

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Derbyshire Youth Justice Plan 2021-2022

8. Recommendation(s)

That Council:

notes that Cabinet has approved the Youth Justice Plan; and

a) approves the Youth Justice Plan as part of the Policy Framework

9. Reasons for Recommendation(s)

9.1 It is a statutory requirement and a condition of Youth Justice Board grant funding that the Local Authority produce an annual Youth Justice Plan. The Youth Justice Plan is also part of the Council's Policy Framework and therefore requires approval by full Council.

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Implications

Financial

- 1.1 The Youth Justice Board, as part of their conditions of grant required the Youth Justice Plan to be submitted by 30th June 2021 pending approval by council. The grant conditions state:

“We recognise that each local area will have its own governance and oversight arrangements for the completion of statutory plans, and that some aspects of this ‘sign off’ may need to be completed after the required date of submission to the YJB. Therefore, it is acceptable to gain an “in principle agreement” from youth justice partners (Management Board) and sign off via the Chair of the Management Board as a minimum requirement for submission to the YJB. The YJ plan must be submitted to the YJB and published in accordance with the directions of the Secretary of State. We request that YJ plans be submitted to the YJB by 30th June 2021

A failure to provide this information could result in the YJB on behalf of the Secretary of State for Justice requiring that the grant payment be returned.”

- 1.2 If Council do not approve the Youth Justice plan, there is a risk that a repayment of grant monies will be requested, which would significantly impact upon the ability to deliver services to children and young people and ensure they receive a coordinated intervention to address their needs and offending behaviour.

Legal

- 2.1 The Crime and Disorder Act 1998 sets out the legal requirement to produce an approved Youth Justice Plan which is submitted to the Youth Justice Board:

“Section 40 Youth justice plans

(1) It shall be the duty of each local authority, after consultation with the relevant persons and bodies, to formulate and implement for each year a plan (a “youth justice plan”) setting out—

*(a) how youth justice services in their area are to be provided and funded;
and*

(b) how the youth offending team or teams established by them (whether alone or jointly with one or more other local authorities) are to be composed and funded, how they are to operate, and what functions they are to carry out.

(4) A local authority shall submit their youth justice plan to the Board established under section 41 below and shall publish it in such manner and by such date as the Secretary of State may direct.”

- 2.2 In developing the plan there are also statutory obligations regarding consultation which are detailed in the report.
- 2.3 The Council is required by legislation to have a Youth Justice Plan. If an appropriate plan is not developed, the Council will not fulfil its statutory obligations.
- 2.4 The Youth Justice Plan is included within the Policy Framework. However, the plan itself relates to an executive function. Therefore, in accordance with the Constitution, it must be approved by Cabinet but also put to Council to be approved and adopted as part of the policy framework.

Human Resources

- 3.1 If the plan is accepted, there will be no Human Resources implications for the service.

Information Technology

- 4.1 None identified

Equalities Impact

- 5.1 An equality impact assessment has not been completed. Statute and the guidance issued by the Youth Justice Board sets out the services that must be delivered by Youth Offending Service partnerships across its geographical footprint. Youth Offending Service interventions are tailored to the individual young person, following an assessment of their needs and personal circumstances, which results in an individualised plan. This would take account of their personal diverse situation. Youth Offending Service data and activity is monitored on a regular basis for disproportionality and reassurance that individual needs are being addressed.

Corporate objectives and priorities for change

6.1 None identified

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None identified