



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

30 November 2022

Report of the Executive Director of Children's Services

Derbyshire Youth Justice Plan 2022-2023

1. Divisions Affected

1.1 County-wide

2. Purpose

2.1 The purpose of the report is to seek approval of the Youth Justice Plan as required under Section 40 of the Crime and Disorder Act 1998.

3. Information and Analysis

3.1 Derbyshire Youth Justice Service (YJS) (formerly known as 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, Derbyshire County Council and partner agency funding or staffing in kind. The YJS works with children and young people aged 10 – 18 to promote safely diverting children from the formal justice system and who have committed offences and receive Court, or Pre-Court disposal. 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.

- 3.2 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 Justice Service will be composed and funded, how it will operate, and what functions it will carry out.
- 3.3 The Youth Justice Board oversees the activities of all Youth Justice 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 YJS Partnership Board) and sign off via the Chair of the Partnership Board as a minimum requirement for submission to the Youth Justice Board, pending approval through Council governance processes.
- 3.4 The attached plan has been drawn up in conjunction with YJS strategic partners, in accordance with the detailed Youth Justice Board guidance and was submitted ahead of the Youth Justice Board deadline of 31st July. The national expectations for the Youth Justice Plan were released in April, hence why the plan is now subsequently progressing to Cabinet.
- 3.5 The Youth Justice Plan is a plan required by legislation. It is also one of the plans making up the Policy Framework. Therefore, the plan requires formal approval by Cabinet as it relates to an executive function. However, as part of the Policy Framework, it also requires approval by full Council.

4. Consultation

- 4.1 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 Justice Service Partnership Board. This oversees the activities of the Youth Offending Service locally. Children and partners to the Board contributed to, and helped shape the Plan. It was agreed at the Youth Justice Partnership Board on 14th September

5. Alternative Options Considered

5.1 In this instance, the Youth Justice Plan is a statutory requirement. The only alternative would be to request additional actions to the Plan

6. Implications

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

7. Background Papers

8.1 No further background papers.

8. Appendices

8.1 Appendix One: Implications

8.2 Appendix Two: Youth Justice Plan

9. Recommendation(s)

9.1 That Council:

- a) Notes that the Youth Justice Plan was approved by Cabinet at the meeting held on 17 November
- b) Approves the Youth Justice Plan as part of the policy framework.

10. Reasons for Recommendation(s)

11.1 It is a statutory requirement and a condition of Youth Justice Board grant funding that the Local Authority produce an annual Youth Justice Plan.

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Appendix 1 Implications

Financial

- 1.1 The Youth Justice Board, as part of their conditions of grant require a Youth Justice Plan pending approval by Council.
- 1.2 If Council does not approve the Youth Justice plan, there is a risk that a repayment of grant monies (£844,109) 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 Justice Service partnerships across its geographical footprint. Youth Justice 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. Within the Youth Justice Plan itself, is a recommendation for work to ensure children from specific groups such as girls and global majority children are not disproportionality impacted within the justice system in Derbyshire. Youth Justice 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