

CHIEF INSPECTOR OF PROBATION

SPEECH TO YJB LIVE, WEDNESDAY 25 NOVEMBER 2020

Many thanks for the invitation to speak to you today. I am sorry not to be able to speak to you in person, but I hope that I can still give you an overview of the work of our HM Inspectorate of Probation youth inspection team over the past year and the key themes that have emerged.

This has clearly been a year of enormous challenges for everyone involved in youth justice and I pay tribute to the extraordinary efforts made by frontline staff and managers to keep these vital services going.

Like all of you, we at the Inspectorate had to understand and adapt to changes as they happened. We suspended all onsite inspection visits in March, and instead embraced the virtual world.

We restarted inspections at the beginning of June but have been conducting them entirely remotely since then – using video conferencing platforms like MS Teams and Skype.

Our first entirely remote inspection – of North Yorkshire Youth Offending Service was conducted in June and was published on 17 September. My thanks to them for acting as a guinea pig for this new way of working.

We have also undertaken remote inspections of 14 'small YOTs' from August to October – and the results are now being published, starting with our report on Windsor and Maidenhead Youth Offending Service, published last week with an overall rating of 'Good' – congratulations to them.

And we've been developing our plans for next year, which include thematic inspections on services for black, Asian and minority ethnic children and of the quality of work with cases which are transitioning from YOTs to adult probation services.

We will also be introducing new standards for resettlement from custody work and OOC policy and practice from next Spring.

In today's talk, however, I want to look back and focus on two things. Firstly, the impact that Covid-19 has had on youth offending services and the results from our national inspection of these impacts during the first lockdown between March and June of this year.

Secondly, I want to give you an overview of the 16 YOT inspections we've been able to publish over the past year, until the end of October, and how these compare to the previous year's results.

So, let's start with the first of those topics – the impact of Covid-19 on youth offending services.

In June this year, our youth inspection team undertook a thematic inspection of the work of seven different YOTs between March and June – covering every part of England and Wales from the Isle of Wight up to Newcastle and Monmouthshire and Torfaen in Wales. We interviewed staff, managers and management boards in every area; analysed 70 cases – 10 from each, focusing on higher risk cases and invited every staff member to complete a survey – to which we had 220 responses.

We found remarkable efforts to keep local services going with a rapid and effective switch to telephone supervision of caseloads and to 'virtual' multi-agency working– using a range of digital platforms for case conferences and information sharing.

Each YOT's response reflected their local authority's broader Covid-19 response and rules on what staff could or couldn't do. There was less staff sickness or deployment than anticipated

Referral order, out-of-court and risk panels all moved online and worked reasonably well and face to face contact with the highest risk and most vulnerable children was maintained – with innovative methods for keeping in touch – like 'walk and talk' sessions outside; bike rides and outdoor allotment visits.

Local services understandably focused on basic welfare needs (e.g. help with food parcels) and risk management – but some interventions were still delivered, including innovation around 'reparation at home'. Parents became more involved in delivery during lockdown and welcomed this.

My inspectors saw many positive things in the services we examined in June, including:

- Great commitment by staff and managers to keep services going – prioritising children in greatest need and workforce safety.
- Good staff support from their line managers – 86% of staff told us they'd had 'excellent' or 'good' support from their organisation (though there were additional pressures on line managers). 97% said their caseloads were manageable.
- Good partnership working with police and social services –it was easier to attend case conferences online than pre-Covid face to face meetings. (87% of staff said they had sufficient access to services, interventions and partnership resources for their caseloads).
- IT technology was generally available to staff (laptops and smartphones) though local security rules prevented some functionality. Three quarters of staff said they'd had to use new tech during lockdown.

But there were some significant challenges too.

Although most staff had the IT kit and broadband they needed to work from home, that certainly wasn't true of the children they were supervising. During lockdown, access to a laptop or tablet at home and to a broadband connection became an essential utility which all too many households lacked.

We found a pronounced digital divide. Almost half the children whose cases we inspected didn't have the internet enabled technology they needed to access school lessons or resources from YOTs.

And that made what was already often poor education provision, even worse. Very few children attended school, including those meeting the 'vulnerable' classification and there was poor home learning as well; 40 per cent of our sample didn't access any form of education or training during lockdown.

Other Covid-19 related challenges we found at the services we inspected, included:

- Difficulties in contacting children in custody which made resettlement planning difficult. Face to face visits weren't possible and very limited contact was possible online.

- Child violence towards parents/carers became an increasing concern during lockdown period – with a lack of provision for parental victims highlighted.

And while out-of-area placements continued during the initial lockdown – it was the strong feeling of our inspectors that, given supervision was being undertaken remotely, there was no advantage to cases being transferred. Responsibility often could and should have remained with the 'home' YOT.

So, those were our key conclusions on the early impacts of Covid-19 during the initial lockdown period until June. But we know these impacts – on both services and young people and their families themselves – will last much longer. We've yet to see what these long-term impacts on children's education and job prospects and mental health will be but they could well be pronounced and we'll be looking out for them when we restart our usual YOT inspections from April next year.

In the second part of my talk, I want to focus on the work of YOTs before lockdown at the end of March and what our inspections over the last year tell us about this.

By the end of October this year, we had published 16 reports since the beginning of November last year – a smaller number than planned given the halt to our programme in March, but still enough to give us a sense of how services had been performing in the period up to then.

As you'll see from this map, we inspected services right across England as well as Cardiff in south Wales and conducted four of these as joint inspections with colleagues from a health, education and policing background. They included services covering large rural areas like North Yorkshire but also the biggest urban YOT in the country – Birmingham.

A quick reminder of how HMIP's inspections work:

- In June 2018 we introduced 12 new standards against which YOTs are rated, spread across three domains - organisational delivery, court disposals and out of court disposals.
- The first domain measures the overall health of the partnership in terms of leadership, staffing, services and facilities and is a qualitative set of judgments based on a range of interviews with staff and service leaders at every level of the partnership – plus evidence in advance.
- The second and third domains involve detailed scrutiny of a sample of cases, with our scores for each standard driven by the proportion of cases we judge to be satisfactory. If less than half of cases are satisfactory we rate the service as 'Inadequate' on that standard. If more than 80% are satisfactory then performance on that standard is rated 'Outstanding'.
- We look at quality of assessment, planning, delivery and review. And within each of these stages of case supervision we ask three key questions – around desistance; safety and wellbeing and risk of harm to others.
- The scores from all of this are then aggregated to give an overall rating.

Looking at these overall ratings for the 16 reports we've published over the past year, we see that they are lower than for last year. Of the 16, we rated nine – or over half – as 'Inadequate' or 'Requires improvement', compared to just over two-fifths last year. Only one of the 16 was rated 'Outstanding' (Camden) compared to three in 2018/2019.

Underneath those headline overall ratings, we see a significant variation in performance against our different standards.

Two-thirds of YOTs for example, rated as 'Good' or 'Outstanding' on staffing, and we continue to find many committed and well-trained staff, who usually tell us that their caseloads are manageable.

And many YOTs are still delivering a full and imaginative range of services to the young people they support, with four YOTs rated 'outstanding' on this aspect of their work.

But other areas were less positive:

Ten out of 16 YOTs inspected in 2019/20, for example, rated 'Requires improvement' or 'Inadequate' on governance and leadership.

And management oversight of cases was sufficient in only just over half of inspected cases – compared to two-thirds in 2018/19.

We have found that YOT management boards and Heads of Service have a critical role to play in driving effective performance. YOTs we have rated 'Inadequate' on leadership and governance over the past year had often seen multiple changes of head of service, over a short-time frame, or had spread their head of service too thinly. They were expected to manage the YOT alongside a range of other critical functions, or they had overloaded team leaders with too wide line-management spans.

In our annual report on YOTs last October we identified what we see as the contrasting characteristics of 'Outstanding' vs 'Inadequate' YOTs in relation to their management boards:

- In services where governance and leadership were rated 'Inadequate', there were few effective systems for identifying, capturing and managing issues and risks.
- There were no clear escalation policies or processes to remove barriers to effective joint working at operational and senior levels. There was minimal evidence of learning being used to drive improvement.
- There was limited understanding of the needs of the children supervised by the YOS.
- Children's needs were not being addressed, and children were unable to access some services in a timely way or at all.
- And there was minimal quality assurance or evaluation of the services delivered.

By contrast, 'Good' or 'Outstanding', management boards used a wealth of local data and information from the YOS and partners to measure the success of initiative and identify and address risks to the delivery.

In these services, all statutory partners were represented on the board. There was good attendance from board members, who were of at the right level of seniority to make decisions and commit resources.

All relevant partners understood their individual agency's role and responsibility in preventing and/or reducing offending – and more importantly acted accordingly, to advocate for the YOT and the children it worked with when back at their own organisations.

While quality of leadership and management may make a difference to our inspection ratings, we haven't found a clear correlation with funding levels.

Across the 16 YOTs we have inspected over the past year, we found a very wide variation in the amount of funding per case under supervision – but as the scatter graph shows, no correlation between this and our overall inspection score out of 36. Those services we have

rated 'Inadequate' over the past two years have not necessarily been those with the lowest spend.

Moving on from overall organisational delivery to the supervision of individual cases – how has this looked over the past year?

At every YOT we inspect, we take a detailed look at samples of both court order and out of court cases. Each of these is assessed in relation to the quality of assessment, planning, delivery and ongoing reviews and within each of these standards we assess these three key elements.

- Does this case show that the YOT supports the child or young person's desistance?
- Does it show the YOT keeps the child or young person safe?
- Does it demonstrate that the YOT keeps other people safe?

And because we regard each of these elements as equally important, a service must score well in each of these areas for us to rate its case supervision as 'Good' or 'Outstanding'. 80 per cent or more of the cases we inspect must rate as satisfactory in each area for us to rate performance against that standard as 'Outstanding', for example.

- Over the course of the 16 services inspected over the past year, our inspectors have carried out a detailed inspection of 462 court cases and 306 out of court cases – so over 770 in total – which enables us to draw the following broad conclusion:
- The makeup of YOT caseloads continues to change significantly, with court ordered cases continuing to fall - down almost 80% since 2019. Out-of-court cases, particularly informal community resolutions, are making up an increasing proportion.
- Violent offences are making up an increasing percentage of both court and out-of-court cases, as are higher risk cases and cases with higher safety and well-being needs.
- Looking at the quality of work with court ordered cases across this year's inspections, three YOTs scored 'Inadequate' or 'Requires improvement' across all our supervision standards for court cases and three scored 'Good' or 'Outstanding' across all standards. But most YOTs had a mixture of both 'Good' and 'Requires improvement' – with planning work showing the most need for improvement.
- Average inspection scores for out-of-court cases were lower than for court ordered ones – though four YOTs scored 'Good' or 'Outstanding' on all out-of-court supervision standards.
- Work to manage risk of harm was done much less well in out-of-court than court cases with assessment for risk of harm judged to be 'Inadequate' in seven out of 16 YOT. Planning was 'Inadequate' in half of them. And that's a concern if the proportion of violent and higher risk cases is increasing in caseloads.

As with last year, we found that that the quality of work done to identify children's needs and strengths and to plan and deliver interventions to match these, was generally good – for both court and out-of-court cases.

These are the results for the 462 court cases we looked at, with the blue bars representing the work done around desistance – which was satisfactory in 80% or more of the cases inspected in relation to assessment, planning and delivery.

The quality of work around assessing and managing the risk of harm that these children might present to others — the grey bars in this chart – was significantly lower. With up to 40% of cases not satisfactory for court cases and a significant drop in the quality of planning around out-of-court cases – both for risk of harm and in relation to the safety and wellbeing of the child themselves.

As some services move to more child-friendly plans, it appears to our inspectors that issues relating to risk of harm and safety and wellbeing are not being included and elements of this important work are not being captured in the planning process – particularly in relation to contingency planning to protect the child or potential victims if risks increase.

We have inspected over 300 out-of-court cases over the past year. As in 2018 and the first half of 2019, we've found a sharp difference in our inspection scores for the quality of work done with youth caution and youth conditional caution cases and that done with informal community resolutions with the latter scoring significantly lower. Less than half of these cases – which made up almost 40% of out of court cases we inspected - were satisfactory in relation to work to keep the young person themselves or the wider public safe.

In addition to this general picture on the quality of casework, our database is also big enough to let us look at differences between different types of children in YOT caseloads.

Let's take looked after children, for example, who we estimate represent over a quarter of the YOT court cases we have inspected over the past two years and account for 4,500 children starting a court order or caution each year.

Our inspection data suggests that the quality of supervision and support for this cohort is significantly worse than for others. As this table shows, on two out of four of our standards for case supervision of court cases, less than two thirds of the looked after cases we inspected were satisfactory – and that increased to three-out-of-four standards as 'Requires improvement for out-of-area placements.

We've also been looking at the quality of supervision of black, Asian and minority ethnic children – an area of huge interest and concern over the past year.

While the overall number of black, Asian and mixed heritage children on YOT caseloads had fallen since 2013 – it hasn't fallen as fast as the number of white children. A significant proportion of YOTs that we inspect have a disproportionate number of black and Asian children compared to the general youth population of the area

As the chart shows, while there are now half as many white children on YOT caseloads as there were seven years ago, by contrast there are still over 70% the number of black children as in 2013. And there are over 80% the number of mixed heritage young people on caseloads as there were in 2013.

While children of all ethnicities are being diverted from the youth justice system at a greater rate than 10 years ago; it appears that the rate that this is happening is greater for white children than for black or mixed heritage ones. There is evidence from our case samples that black children are still less likely to benefit from out of court disposals and more likely to be put through the formal youth justice system.

Once these cases reach a youth offending service, our inspection data suggests a mixed picture in relation to the quality of supervision they receive.

For court cases, Asian children appear to receive a better quality of support – with over two-thirds of these cases being rated positively on three of our four quality standards

For black children, we see a reasonable picture for three out of four of our standards – which is slightly better than for white children.

But for out-of-court cases, the picture is more concerning. Whilst the quality of supervision of Asian children looks generally positive across the board, for black and mixed heritage children the picture isn't so good. For our cohort of black children, half the cases we inspected were found to be unsatisfactory in relation to assessment and delivery of interventions – a clear area for improvement going forward.

In conclusion. It's been a momentous year for youth offending services, but I think you can be proud of the way that you have reacted to the Covid pandemic and the profound challenges it has brought.

You continue to play a vital role in the youth justice system, dealing with 26,700 of the most challenging and vulnerable children in the country.

To be effective, each of your services must successfully straddle the criminal justice system and children's and wider youth services to meet the multiple needs of children while protecting the public and recognising the needs and wishes of victims.

That is a big ask, but for those that deliver, the benefits to the children in their care and to the wider communities they serve can last a lifetime. And I hope that we can continue to support you as you deliver on that essential mission