

Westminster Legal Policy Forum Conference: Next steps for youth justice – 1 March 2023. Key themes from recent youth justice inspections - Justin Russell, HM Chief Inspector of Probation

Slide 2: Overall ratings – youth vs probation

Though I've been asked to talk about priorities for improvement in the youth justice system, I wanted to start by celebrating the way that one part of the youth justice system – the local youth offending teams that we inspect – have actually performed at an often exceptional level over the past few years, in spite of the challenges of the pandemic and broader funding environment.

So, if we take a sample of our 33 most recent inspections, a clear majority of these we have given an overall rating of good or outstanding – 23 of them.

And we haven't published an inadequate rated report since July 2021. Congratulations in particular to York, Swindon, Coventry, Hammersmith and Fulham – all of whom we've rated outstanding in the past year.

This is in very marked contrast to the probation service, where across our 19 most recent published reports we've found no outstanding services, only 1 good and 11 have been rated inadequate.

Slide 3: Organisational delivery standard

This strong YOS performance reflects strong quality across all our standards of organisational delivery.

Across the same sample of 33 recent inspections, 20 were rated as good or outstanding on leadership; and 25 out of 33 as good or outstanding for both staffing and services.

We're finding impressive leadership; stable and experienced staff groups with low vacancy rates and rates of attrition as well as very manageable caseloads – often less than 10 per case manager. And there is an increasingly impressive range of services both embedded and on referral – as well as good, welcoming, child friendly premises and imaginative and modern IT kit and software.

Slide 4: Quality of individual case work

The individual casework we are inspecting is often impressive too.

Across a sample of 368 recent court cases that we've inspected, over 70% of the cases were satisfactory against the key questions we ask about quality, including in the assessment of underlying needs which may be driving offending and of risks to the child's welfare as well as the risks they may be presenting to others.

The delivery of services to meet these needs and manage the risks was equally strong.

Slide 5: Characteristics of children on YOT caseloads

And it's important that these needs are met because they can often be complex and long lasting, many having been missed earlier in childhood.

Our detailed inspections of individual cases, chosen at random in the YOTs we visit, (and we inspect hundreds each year), provide a very valuable insight into the types of work that local services are doing and the characteristics of the children they are working with.

So, for example, we find that almost 30% of the court cases we inspect – a random sample of the total – are looked after by the local authority – a third of these in out of area placements. That compares to a rate of just 1.5% in the general child population.

42% of inspected court cases had some sort of disability – a quarter of which impacted on the child a lot. Most commonly, that's some form of learning disability, but with significant levels of mental illness too.

Worryingly, we find that rates of both looked after care and disability are significantly higher amongst children committing the more serious offences dealt with by court.

And we also find that black and minority ethnic children are more likely to crop up in our courts sample – where they account for just under a quarter of the cases we inspect.

Slide 6: Sufficiency of delivery against identified factors – YOT inspections (June 2018 to Feb 2020; court orders)

We look for evidence of a range of other needs as well in our case inspection and find high levels of educational deficits (over 60%) and substance abuse (over half) as well as just under 20% with a speech, language or communication need.

Whilst my inspectors assess that services are being delivered to meet these needs in a reasonable majority of cases, there are still gaps – we estimate that less than 60%, for example, are getting the help they need with their mental health.

Slide 7: Safety and wellbeing needs of the child

Whilst our local inspections across England and Wales are showing often excellent quality, there are a couple of areas I wanted to highlight where we feel there is room for improvement.

The first of these is the way that risks to and from the children on YOS caseloads are assessed and managed – where scores tend to be slightly lower than for our other quality standards around desistance.

In the out of court disposal cases we inspected, for example, we rated about 3 in 10 cases as unsatisfactory in relation to the way that these risks were assessed and then mitigated.

That's important because as this slide shows, the children on youth offending service caseloads are often very vulnerable and at risk themselves.

In the opinion of my inspectors 84% of the court cases we inspected involved children whose safety and wellbeing were of medium or high concern. And that applied to almost 60% of out of court cases as well, often thought of as only needing low levels of intervention. And in a significant number of cases – about 1 in 5 – we judged that that these risks to a child's wellbeing had been underestimated.

Slide 8: Examples of safety and wellbeing concerns

Two examples of underestimated risk:

"The vulnerability of the young person was not recognised. The psychiatric report states he may become a high risk of suicide if he has a prolonged custodial sentence and clearly identifies that this is a young person who has been traumatised by witnessing his friend being tortured and murdered in front of him."

"This child had experienced considerable childhood trauma. This includes his mother being a heroin addict, his father being murdered in the front garden of the family home, one brother being killed in a car crash, and another dying by suicide. He was originally removed from the family home and placed with extended family but due to their verbal and physical abuse towards him, he was later placed in the care of the local authority."

Slide 9: Risks of serious harm to other people

The risks that children on youth offending service caseloads might present to others – whether their own family, partners or the public – can also be underestimated and are often significant.

In over three quarters of the court cases we inspected, my inspectors estimated these to be medium or high – perhaps not surprising when almost 60% of these cases involved a violent offence. But that also applied to over 4 in 10 out of court cases as well – which is why it's important that these cases receive the same careful assessment as those going to court.

Given the huge fall in the numbers of children going to court or getting a formal caution – down over 80% in the past ten years – we're seeing increasing numbers of children being dealt with through an informal community resolution route – over half of the OOCs we inspect these days – and it's vital that their well-being needs and risks aren't missed.

Slide 10: 75% of the cases we assess as high risk to others also have high risks to themselves

Though we rate the risk to the child's own well-being separately to the risks they may present to others, you won't be surprised to hear that many children score highly on both domains.

Across a large sample of 1,945 case inspections analysed by our HMIP research team, three quarters of the cases which we rated as high risk to others also had high risks evident to themselves – and here’s a couple of examples of this:

"Harold was 17 years old; he was sentenced to a referral order for possession of a knife. Harold presented with many complex needs including psychosis, homelessness, and involvement in drug distribution. His risk of serious harm to others and risk to self are inextricably linked, and he was assessed as high risk across all three domains of serious harm to others, likelihood of reoffending, and safety and wellbeing."

"Chris was a 16-year-old boy serving a twelve-month youth rehabilitation order for possession of a bladed article, ten incidents of criminal damage, and attempted burglary. Chris was a 'Looked After Child', and he had been in approximately twenty places within a year. He had complex needs, including fire-setting placing himself and others at risk. There were other concerns around violence and aggression and being in possession of a knife."

Slide 11: Assessment and management of safety concerns to the child and to others

Although a reasonable majority of the cases we inspect are satisfactory in terms of risk identification and management, where my inspectors do mark cases down it's often for these sorts of reason.

- Assessments not completed or not timely or done by inadequately trained staff
- Use of inadequate assessment tools which didn't give a 'whole child' view
- Incomplete information sharing with schools, social services and police
- Underestimation of risks to child's own welfare or to other people
- Trauma not properly recognised
- Risks at home not given enough consideration

You can read more in this excellent research bulletin published by the HMIP research team last September. ([The identification of safety concerns relating to children](#) – HMIP Research and Analysis Bulletin, 2022).

Slide 12: Education, training and employment provision

The second area for improvement I briefly wanted to mention was in relation to education and training for children on YOS caseloads – probably the most common shortfall we find in terms of service delivery in our local inspections.

We explored this in more detail in a joint thematic inspection in England and Wales with Ofsted and Estyn, which was published in June of last year, along with an effective practice guide – you can find both [here](#) at this weblink.

Slide 13: High levels of need and educational exclusion

You won't be surprised to hear that our inspection found huge levels of educational, psychological and welfare needs in the caseloads of the youth offending services we visited.

Across our sample of 181 children, which we believe to be reasonably representative of YOT caseloads in general across E&W:

- Over a third had a disability – most commonly a learning or cognitive disability of which we estimate half had a disability which was having a serious impact on their learning.
- 31 per cent had been permanently excluded from school
- 28 per cent of the cases we inspected had an Education and Health Care Plan

Slide 14: Key areas for improvement

We identified a number of areas for improvement and made a range of recommendations for improvement. These included:

- Better data at both national and local level. We recommended, for example, that the YJB should revise their national indicator of ETE engagement to one that provides a more meaningful measure of performance. This should include the levels of educational attainment achieved by children working with the YOT at the end of the period of supervision and should cover out of court as well as court order cases.
- Better tracking at local level of attendance and outcomes – e.g. Newcastle YOT excellent Power BI tool for bringing education and YOT caseload data together. We recommended that YOS management boards should monitor key aspects of ETE delivery for children on their caseloads, including: the extent of school exclusion in the YOT cohort; the actual level of attendance at school, college, work or training placement; the extent of additional support provided to children with SEN/ ALN; and that every child with an ECHP or IDP has this reviewed on an annual basis to meet the statutory requirement.

Slide 15: Next steps on youth justice inspection

We are aiming to complete our six-year cycle of local YOS inspections by summer next year – 2024. We also have our upcoming thematic inspections in 2023/24 on youth remands and young adults on probation and transition from YOS.

We will be developing our new inspection framework for our next youth inspection programme, which will go live by the end of 2024.

We understand the power of inspections in driving positive change and practice – our resettlement standard has been a good example of this and therefore we want to ensure our new programme continues to drive positive change and result in the best possible practice for children and their communities. (Our resettlement effective practice guide was launched on 14th Feb this year).

The development of our new inspection programme includes:

- Implementation of a stakeholder working group comprising of YJS/YOT senior and operational managers across England and Wales to contribute to the development of the new framework.
- Engagement with the other CJS inspectorates of how to work together more cohesively and use intelligence across inspectorates.
- Working with YJB on how our new inspection programme will fit with their planned oversight model.
- Collaborating with youth engagement groups so children and young people have the opportunity to contribute to the new programme development.
- Roadshows planned for Summer 2023 to engage with the sector and discuss proposed options around new programme.
- Pilots and testing of the new framework early in 2024.

Ends