



Member's *Special Bulletin*

March 2020

Governance of Youth Offending Teams and the Role of the YOT Manager 2000-2020

A Call for a Re-Statement of Commitment by all Partners.

Key Points

In 2000, the national roll out of a major new policy initiative, multi-agency youth offending team (YOTs) was completed, and in the same year a new professional association, the Association of YOT Managers (AYM) was established. Both have had considerable success. However, in recent years we have seen evidence of a drift away from the original intent of the legislation which established YOTs. Local authorities have taken more and more of the lead role; other partners, with the exception of the Police, feel they have been given licence to pull away. In some areas, the strategic responsibilities of YOT managers have been reduced, leaving them without the authority to hold partners to account for their contributions to their service.

We invite all relevant Government Departments: Home Office, Ministry of Justice, Department for Education, Department of Health and Social Care, and the Ministry of Housing, Communities and Local Government to issue new joint guidance to Police, the National Probation Service, and all their relevant local services and delivery agencies. Their joint guidance should re-state their expectation that services continue to give priority to working through local YOT partnerships to prevent offending by children and young people.

Background

1. When public services come under financial pressures it is inevitable that they focus on delivering what they regard as core business. Senior managers take firm control of how money is spent, and what their staff spend their time on. Working in partnership with other agencies, with all the give and take that partnerships imply, can be seen as a risky business, or an unaffordable luxury. As we emerge from a decade of austerity - half of the lifetime of most youth offending partnerships - we believe it is time to re-assess the state of these partnerships and to measure them against the intentions of the original legislation.
2. There have been considerable achievements both for YOTs and AYM over the last 20 years which, taken in the round, represent significant success against a background of general criminal justice system failure.

The table below sets out just a few of the achievements of YOTs and the AYM.

<p><i>YOTs have, among their many successes:</i></p> <ul style="list-style-type: none"> • Firmly established themselves as multi-agency services working to prevent youth offending in every local authority area in England and Wales • Focussed resources on early intervention to prevent children offending so that there were 86% fewer children entering the criminal justice system in 2018 than in 2008 (i) • Developed and implemented new, intensive supervision programmes in the community so that there are now on average 2,000 (around 70%) fewer children in custody at any one time than when YOTs first started, without compromising public safety. (i) 	<p><i>The AYM has, among its many successes:</i></p> <ul style="list-style-type: none"> • Established itself as the representative body for managers in YOTs across England, with 90% of YOTs having managers in membership • With SOLACE developed and delivered management development programmes with a specific focus on managing public sector partnerships • With Achievement for All developed and implemented a Quality Mark process to drive up standards for partnership working with children in the justice system who have special educational needs • With the Youth Justice Board and YOT managers in England and Wales developed and implemented a peer review process as part of a national programme of sector-led performance improvement.
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3. The political landscape within which YOT partnerships has changed almost beyond all recognition over twenty years. Children's Services have been established in all local authority area; Multi-Academy Trusts provide much of the statutory education for children; Police and Crime Commissioners have been elected to take overall responsibility for local policing policy; Probation has been part nationalised and part privatised; Clinical Commissioning Groups now take responsibility for local health provision; 'devolution' has seen the election of local mayors with additional powers and responsibilities.

4. In this much-changed political environment, we do not think that the YOT model is either broken or no longer operable. Multi-agency partnerships involving at a minimum, police probation and health working closely with local authority social care services and education remain a sensible and successful way of providing services to families and local communities troubled by issues arising from youth offending. We do not think that the model should be abandoned. We do think, however, that, after 20 years, that the YOT model is in need of a 're-boot'. Further we think that the Government departments (and their successors) who first produced guidance (ii) on establishing youth offending teams (YOTs) – they were then the Home Office, the Department of Health, the Department for Education and Training and the Welsh Office- all need to play a role in this re-boot. It is not a job for the Ministry of Justice alone, nor can the YJB, now largely absorbed into the MOJ, do this. We urge ministers in all the relevant departments to step up to the task of re-stating their commitment to partnership working for the youth justice system and ensuring that the message is heard loud and clear at local level.

Introduction

5. April 2020 marks 20 years since the full national roll out of youth offending teams in England and Wales. Guidance to local partnerships on the governance arrangements for these teams and on the role of the YOT manager has seen a number of iterations, beginning with the Crime and Disorder (1998) Act and the accompanying Inter-departmental Circular (ii) published in December of the same year. The latest iteration, *Modern Youth Offending Partnerships* (iii) was produced by the Youth Justice Board (YJB) in 2013, at the height of a period of national austerity. That guidance is overdue for revision.
6. The Association of Youth Offending Team Managers (AYM) was established in 2000 as the professional body representing YOT managers in England. In our twentieth anniversary year we have offered to support the YJB's work to update *Modern Youth Offending Partnerships* by undertaking a survey of managers in England and Wales. The purpose of the survey was to ascertain their views on the current state of YOT governance and the role of the YOT manager. As well as providing valuable information for the proposed new national guidance, the results of our survey also provide the opportunity to measure where we are now against the original aspirations of Government.
7. Many commentators have described the introduction of YOTs as a major success of Government policy in the early twentieth century, and a good example of how to deliver effective multi-agency public services towards a common aim (in this case the prevention of offending by children and young people). The most recent annual report of inspections of YOTs by HM Inspectorate of Probation (HMIP)(iv) recognises the importance of effective governance :

“ We found high-performing services shared some common characteristics – in particular, strong leadership, including both the Team Manager and Management Board.....The best Management Boards have a deep understanding of their children and young people, a solid grasp of their role and remit, and advocate on behalf of the service.”

8. AYM's priority for the future is further to enhance the contribution that YOTs make to community safety by improving the quality of YOT governance and the role and status of YOT managers. Our ambition is to see high quality, multi-agency services continuing to flourish and innovate, while adapting to their changing environment. As the period of austerity of the 2010s comes to an end, we want to see the key public agencies with a statutory duty to establish and maintain YOTs, namely local authorities and their partners in education, police, probation and health, refocussing their priorities on the prevention of youth offending.
9. We maintain that children's social care services, education and health service, probation and police should continue to prioritise joint working in the youth justice system, so that YOTs continue to have key staff working together as part of co-located teams:-

Local authority social workers because, children in local authority care are six times more likely to receive a caution of conviction and half of the children in custody come from residential care or foster care (v)

Education specialists because 18% of children in custody have an Education, Health and Care Plan (EHCP) because of diagnosed special educational needs or disabilities (vi); many more have been left undiagnosed as a result of frequent or lengthy school exclusions

Health specialists because over 90% of young people in the youth justice are regarded as having a 'common mental health problem'.(Bradley Report 2009) (vii)and over 60% of young people who are accessing youth justice services present with speech, language and communication needs (SLCN) which are largely unrecognised (viii).

Probation officers because of their expertise in assessing and managing risk of serious harm, and to ensure a smooth transition to the adult criminal justice system for children who commit the most serious offences

Police officers because of their expertise in working with victims of youth crime, providing community reassurance and delivering effective interventions without the need for a formal court process.

10. The 2016 review of youth justice by Charlie Taylor maintained that the way forward lay in legislation 'to remove the requirement for local authorities to establish a YOT, and the statutory duties which apply to YOTs should be transferred to local authorities, where appropriate'(ix). He proposed that the YOT partners should continue to have a duty to support the work of the local authorities. The Government declined to implement this recommendation. We think the Government should go further and restate its commitment to jointly owned, co-located teams.

Our Survey

11. We conducted our survey in December 2019 using a standard online tool. We advertised it to all heads of YOT services across England and Wales and received 48 responses, representing around 30% of services. There were at least two responses from each of the nine English regions (including six from London) and five from Wales. (*This draft report will go out to all our members for their observations before we publish it more widely.*)

YOT Governance

12. The first section of our survey asked some questions about the make up of management boards. Below is the first of a number of relevant extracts from guidance published by the Government in 1998 in preparation for the national roll out of YOTs.

The outcome of the "start-up" meeting should, if an appropriate inter-agency structure does not already exist, be the formation of a steering group for the youth offending team(s) for the area, comprising the local authority chief executive and the chief officers for social services, education, police, probation and health, plus any others (e.g. justices' clerk and/or justices' chief executive) invited onto the steering group. Arrangements for reporting from this group to local authority members, the police authority, the probation committee and the health authority will need to be agreed. This could include the formation of an inter-authority members' group, chaired by a local authority member, to oversee the work of the chief officers' steering group.

The appropriate level of representation of each agency on the steering group will be a matter for local decision. Particularly where a youth offending team covers only part of the area served by a police force, probation service and/or health authority, the chief officers concerned may wish to ask their senior officer responsible for that area to represent them on the steering group. Where the chief officer is not personally a member of the steering group, it will be essential that those asked to serve on the steering group have the authority and skills to negotiate with the other services on matters concerning the youth offending team (including resource allocation) without having to refer back continually to their chief officer, though they will need to account properly to their own agency for their decisions. (interdepartmental guidance 1998)

13. We asked YOT managers if they felt that their management board had an acceptable level of attendance and engagement from senior managers representing their local authorities' children's social care and education services and their key statutory partners, health, police and probation. There responses were as follows:

Qu.1 *On a scale of 1-5 (where 5 is regularly attending board meetings and fully engaged with the work of the Board) how would you rate the attendance and engagement of representatives of the following statutory partner agencies?*

Children's social care: 77% fully or well engaged (scoring 4 or 5 on a 1-5 scale)

Police: 75%

Probation: 64%

Education: 58%

Health 54%

This engagement pattern is consistent with YOT experience from the outset, with health and education services being the most difficult to engage. This is all the more difficult to understand, given what we now know about the prevalence of speech, language and communication difficulties among children in the youth justice system, the impact and frequency of early childhood trauma, and the links between high rates of school exclusion and offending (x).

14. Our second question asked about the capacity of these management board members to shape and influence policy in their home organisation. In other words, does the YOT governance structure include very senior people who can keep the youth crime prevention agenda high up on their organisations' list of priorities.

Qu.2 On a scale of 1-5, how would you rate the capacity of these board members to influence the strategic priorities of their agency in relation to preventing youth offending?

Children's social care: 79% fully or well able to influence (scoring 4 or 5 on a 1-5 scale)
Police: 58%
Probation: 49%
Education: 39%
Health 48%

The big change reflected here concerns probation, where engagement almost certainly suffered as a consequence of the structural fragmentation of probation services.

15. Our evidence suggests there is a lower sense of ownership of the YOT by the local authorities' partners than was first envisaged. The reasons for this will be many and various and we recognise that there has been much change in the organisational structures and lines of accountability for education, health, probation and policing over the last twenty years. Nevertheless, some management boards are attended by agency representatives who have limited strategic influence and limited engagement with the work of the YOT. In our view there is a strong case for chief officers in local areas to review their governance arrangements and take stock of their contribution to preventing offending by children and young people.

Funding

16. Our question looked at the way youth offending teams are funded, and specifically:

Qu3 *What is the financial contribution of statutory partners to the overall work of the YOT, expressed as a percentage of the overall budget and a percentage of whole-time equivalent staff?*

Qu4 *Does the Management Board provide a pooled budget for the YOT to cover specific costs such as commissioning specialist services?*

In determining how youth offending teams and the range of youth justice services are to be provided, the local authority and the other relevant local agencies will have to determine the level and sources of funding, and how those funds are to be budgeted and accounted for..... The resource commitment made by the local authority, the police, the probation service and the health authority to the provision of youth offending teams and youth justice services may take several forms and will need to be considered as a whole It may include....contributing to a common fund (pooled budget) out of which expenditure incurred in the provision of youth justice services or by, or for purposes connected with, youth offending teams may be met..... The advantages of this approach are that the agencies make an "up front" commitment of resources and the youth offending team manager then has some flexibility to deliver the relevant services and the work of the team in the way he or she considers most appropriate. (Inter-departmental guidance)

17. The concept of a pooled budget appears to have little traction. 82% of YOT managers in our survey said they did not have access to a pot of pooled funding from which to pay their overheads or purchase or commission specialist services. It appears that, in the main, it is left to the local authority to provide the bulk of cost including office accommodation and management costs. If the original guidance is correct in its assessment that a pooled budget provides greater flexibility for the YOT manager to deliver services in a way that best meets the changing demands of the workload, then the absence of a pooled budget may lead to a loss of creativity and flexibility.

18. We attempted to discover (Qu.3) the proportion of the overall YOT budget that was contributed by partners, and the proportion of staff that were seconded/ employed by each partner. The answers to these questions proved too difficult to analyse. In hindsight, an online survey was probably not the best way to gather this information. We know from discussions with YOT managers that there is real pressure on staffing from all partners. Further work could be done in this area by reviewing local youth justice plans.

The YOT Manager

19. Our survey asked questions about the role of the YOT manager:

The youth offending team manager will manage the staff and other resources available to the youth offending team. In practice, most staff are likely to come on secondment from the participating agencies, perhaps for two or three years at a time..... Clearly, the different services enjoy different terms and conditions and managing this aspect of the youth offending teams so that it does not impede effective multi-agency working within the teams will be a key task for the team manager.... The youth offending team manager will need to be able to allocate work equitably to members of the team, to provide flexibility and ensure joint working.... The youth offending team manager should have a say in which staff from the relevant agencies serve in the team.....If secondees from the participating services are not considered appropriate by the youth offending team manager, he or she will need to pursue this with the steering group. If a common fund is in place, it may be possible for the youth offending team manager to make alternative arrangements themselves. (Inter-departmental guidance)

We asked four inter-related questions:

Qu.5 *Do you, as the person identified as holding the statutory role of YOT manager, hold responsibility for other areas of business within your organisation?*

40% of respondents focus exclusively on the delivery of youth justice services. The majority, however, have taken on the responsibility for managing a range of additional services such as local authority youth services or their local children's services out-of-hours team.

Qu.6 *With the Chief Executive/Chief Officer described as holding the top tier role in your organisation, at which tier is the role of YOT manager?*

Over 70% of respondents are placed at the fourth tier of a local authorities' structures and were typically described as 'heads of service'. Most of the outliers are at fifth tier, typically team or operational managers.

Qu.7 *Do you, as the YOT manager chair any governance groups dealing with broader issues such as a local criminal justice board, or groups dealing with issues such as child criminal exploitation or domestic abuse?*

Over 60% of respondents have not had the opportunity to take on the role of chair in cross-cutting governance groups. Those who responded positively to this question (40%) gave examples of chairing local forums with a focus on resettlement of children from custody, consortia, local panels focussing on child sexual exploitation, and on preventing children from being drawn into terrorism.

Qu.8 To what extent do you feel that the YOT Manager is in a position to influence key decisions in the local strategic environment?

Around 40% of YOT managers thought their position gave them significant or very significant influence (scores of 4 or 5). 50% placed themselves in the middle ground (score of 3)

20. The more YOT managers are absorbed into local authority structures and services, the less authority they may be viewed as having by the chief officers of partner agencies. Would a local authority manager ever be regarded as the appropriate person to manage the workload allocation to a police officer or probation officer? The early guidance envisaged a different model in which the YOT manager stood at arm's length to the employing local authority. The YOT manager was to enjoy the confidence of the multi-agency partnership to spend their budget and look after their staff. From this model flowed an expectation that the YOT manager would function with the authority of someone operating at the level of a chief officer level and could take responsibility for leading specific multi-agency task groups such as criminal justice boards and public protection panels.

The YOT

21. Our final set of questions asked about the key decisions that are made about the YOT itself

Youth offending teams are not intended to belong exclusively to any one department or agency. Local authority social services and education departments, the police, probation service and health authorities are all expected to participate. These agencies will provide the core membership of the teams, which will be led by a youth offending team manager or team leader..... The most appropriate geographical boundaries for a youth offending team(s) in the area will ultimately be a matter for decision by local authority members, in consultation with the chief officer of police, police authority, probation committee and health authority..... The steering group will need to decide how to appoint or designate a manager for the youth offending team. The youth offending team manager is a key appointment – he or she will play an important leadership and resource management role and will need to be able to address strategic issues and forge an effective multi-agency team at operational level.

22. Our questions in this part of the survey asked for a brief description of how the service is perceived to be operating, how the YOT manager is appointed and how any decisions to alter the way the team is structured would be made.

Qu.9 *Which of the following is the best description of the YOT in your area: standalone local authority service to which statutory partners make a contribution, a part of an integrated local authority youth support service, a standalone, multi-agency partnership or a part of an integrated multi agency response to preventing offending?*

23. For two-thirds (66%) of respondents their YOT was perceived as a stand-alone local authority service to which other partners made a contribution. In half of these youth justice was integrated with a wider range of local authority services for young people. One third (34%) believed their service was regarded as a stand-alone multi-agency partnership. In about one third of this second group, the YOT was part of a wider, multi-agency response to preventing offending.

Qu.10 *Is the YOT Manager's appointment a decision made by the local authority with no input from statutory YOT partners or only after consultation with YOT partners?*

24. In most cases (53%) the appointment of a YOT manager continued to be seen as a key appointment by all members of the partnership. However, 47% of YOT managers who responded believed that their appointments were made 'by the local authority alone, and with no input from statutory partners'.

Qu.11 *Is a decision to restructure the YOT a decision made by the local authority with no input from statutory YOT partners or only after consultation with YOT partners?*

25. There was a similar pattern of response to a question about decision-making on the overall structure of the YOT. Most respondents (55%) thought that such a decision would be made by the YOT's interagency management board although 45% answered that the decision to restructure the YOT would be made by the local authority without consultation with its partners.

26. There is evidence, we believe, of a shift in the position of a significant number of YOTs from being multi-agency partnerships to (more or less) a local authority services in which key decisions are made by the local authority in isolation. We are strongly of the view that this is contrary to the intention of the legislation.

Footnotes

- i. [.https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774866/youth_justice_statistics_bulletin_2017_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774866/youth_justice_statistics_bulletin_2017_2018.pdf)
- ii. [.https://webarchive.nationalarchives.gov.uk/20000919125940/http://www.homeoffice.gov.uk:80/cdact/yotcirc2.htm](https://webarchive.nationalarchives.gov.uk/20000919125940/http://www.homeoffice.gov.uk:80/cdact/yotcirc2.htm)
- iii. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/319291/youth-offending-partnerships-guidance.pdf
- iv. <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/youthannualreport/>
- v. <https://yjlc.uk/laming-review-half-of-children-in-custody-have-been-in-care/>
- vi. https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/sendreforms_youn_goffenders_1.pdf
- vii. <https://lx.iriss.org.uk/sites/default/files/resources/The%20Bradley%20report.pdf>
- viii. https://www.bercow10yearson.com/wp-content/uploads/2018/03/Bercow-Ten-Years-On_Youth-justice.pdf
- ix. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf
- x. <https://www.theguardian.com/uk-news/2019/oct/25/reform-school-exclusions-to-tackle-knife-mps-urge>

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