



AYM submission to HMIP Inspection Framework Consultation

About the AYM

The AYM is a professional association representing the majority of youth offending teams (YOT) and their managers in England.

Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the named statutory partners to form a YOT. Section 38 (1, 2) identifies the statutory partners and places upon them a duty to co-operate in order to secure youth justice services appropriate to their area. These statutory partners are the local authority, police, the probation service, and health. To support the YOT, additional partners may also be recruited to the joint strategic effort to prevent offending by children and young people.

The Association is able to draw on the wealth of knowledge and the breadth of members' experience to promote public understanding of youth crime issues and to play its part in shaping the youth crime agenda. Our members run services providing community-based supervision for children and young people who offend or are at risk of offending. We also work closely with staff in secure units and young offender institutions to ensure that young people in custody have as smooth a transition as possible back into the community.

The AYM welcomes the opportunity to provide a response to the HMIP's standards consultation. The responses to the questions are as a result of canvassing the views of our members and discussions at the AYM executive.

Resettlement: Overall Context for the response

AYM welcomes the removal of references to young people and the change in language to child first – a small but significant shift in emphasis which aligns HMIP more with wider youth justice landscape.

AYM is committed towards improving resettlement outcomes for children. A clear need for improvements in this area has been highlighted within the thematic inspections in 2015 and most recently in 2019.

AYM does have a concern that certain vital elements of resettlement are beyond the statutory governance and control of an individual YOT, and that there is significant impact from Youth Custody Service practice and decisions in this respect. The ability of YOTs to achieve effective outcomes for children through on resettlement are often dependent on such issues as type of secure placement, distance away from home area, Release on Temporary Licence (ROTL) decisions etc. These are system wide issues beyond the control of a single agency, and do have a massive bearing on the outcomes that can be achieved on individual cases.

AYM is keen to engage in the necessary system change and this response supports the inclusion of Resettlement within the framework, but acknowledges a need to reflect on the scope of the inspection

into this area. We would also ask HMIP to consider the impact of 3 very different youth custodial regimes and the impact that this will have on individual outcomes for cases within an inspection

AYM also note HMIP have listened to our members and recognised the old methodology was insufficiently cognisant of local context and have sought to address this (albeit note our comments and suggestions on how HMIP could go further on this).

AYM appreciate the acknowledgement that a low volume of OOC cases within a sample can disproportionately impact the overall rating so welcome the proposed adjustments to HMIP internal ratings panel in order to mitigate that possibility.

AYM Responses to the Questions in the consultation:

Question – Do you support the introduction of a specific new standard on resettlement policy and provision to run alongside individual case assessment data?

AYM is supportive of the HMIP framework looking at resettlement support provided by YOTs as a part of journey from sentence to exit from order requirements, however does not feel that there is a need for the introduction of a specific new standard on resettlement policy and provision. AYM's view is that rather than being a separate standard that Resettlement should be part of the Domain 1 assessment under partnerships and services? This could still run alongside individual case assessment data.

AYM also feels that alongside a focus on Resettlement, that HMIP should consider separate sections within Domain 1 for other key strands of activity such as Remand and the provision of alternatives to custody. There are currently 269 Children on Remand in the England and Wales, this is a really significant number which has been increasing during the Covid 19 and all children remanded into Youth Detention Accommodation got through exactly the same process as those on release from custodial sentences. A focus on the provision of alternatives to custody is important in understanding the local approach and how the custodial population is kept to a minimum locally.

AYM would support the development of Joint Resettlement Inspections which would include the inspectorates of custody, health, education and social care as well as Policing to support a shared understanding of a common approach.

Question – Do you agree that a resettlement standard must be underpinned by effective case-based evidence?

AYM agrees that Case-based evidence should be considered across all of the YOTs involvement with Children. However this will need to be contextualised in order to take account of the fact of the aforementioned crucial parts of the resettlement process which are governed by practice and policy in the secure estate over which the YOT has limited influence, and which will have an impact on successful resettlement.

Question – Are the arrangements set out for deciding which YOTs are in-scope for the new resettlement standard, and what the case sample specification should be, appropriate?

AYM has some concerns around whether consideration of only five cases will allow HMIP to reach a satisfactory judgement of a YOT's performance in relation to resettlement, we welcome the proposal to extend the time period for in-scope custody cases. Our concerns are that a single case could

significantly impact on the judgement of a YOT with smaller custody numbers, and have a disproportionate impact on the whole inspection.

Question – Do the key questions and prompts suggested for the new resettlement standard as set out in Annexe A on page 22 (See page 4 of this response), cover all of the relevant factors that drive good quality delivery in this area? Have we sufficiently aligned this standard with the evidence base? If not, we would welcome any references to relevant sources.

The YJB Constructive Resettlement policy is acknowledged as the core policy framework.

AYM would also flag the Beyond Youth Custody programme:

<http://www.beyondyouthcustody.net/wp-content/uploads/Effective-resettlement-of-young-people-lessons-from-Beyond-Youth-Custody.pdf>

Question – Do you support the introduction of a specific new standard on OOCd policy provision to run alongside individual case assessment data?

AYM welcomes the introduction of the new standard on OOCd policy and agrees the sub set of questions (3.4.1) represent an improvement, there is a clearer link to the evidence base (e.g. avoidance of net-widening).

However, as described below AYM are of the view that YOT policy and provision necessarily has to fit within the sub regional and /or local strategic context. HMIP should be looking at the extent to which local operating protocols and local OOCd eligibility criteria flows from a clear, coherent and evidenced based local strategy for Diversion.

Local context is very important here, and in the absence of a national framework AYM is of the opinion that HMIP should be judging the **impact** of local strategy (or conversely the absence of a strategy) on children, victims and communities. i.e. is there a coherent approach to triage, assessment, joint decision making and OOCd practice and is it the 'best fit' for that particular partnership area.

Question – Do the key questions and prompts suggested for the new OOCd standard as set out in Annexe A, page 26 cover all of the relevant factors that drive good quality delivery in this area? Have we sufficiently aligned this standard with the evidence base? If not, we would welcome any references to relevant sources.

AYM note the introduction of the additional question regarding panels "Is there an OOCd panel in place..?" (3.4.2). and would point out that there are other methods of ensuring multi-agency views are captured to inform defensible decisions vis à vis OOCds and in ensuring effective diversion and avoiding unnecessary criminalisation.

Youth Justice Partnerships and YOT operating models have evolved considerably over the last 10 years and while OOCd or Triaging Panels have become popular there are also modern versions of the old Youth Inclusion and Support Panels (YISP) operating in some areas where the YOT sits within a broader, integrated youth support service offer.

Youth Justice Partnerships with alternatives to OOCd panels should be considered on merit around their design and outcomes and on whether their process is aligned with their local diversionary strategy.

AYM are of the view that HMIP should be more in sync with the recently revised YJB National standards (NS1) which does not explicitly reference panels and instead requires Youth Justice Partnerships to have mechanisms for ensuring “*a suitable means of joint decision making*”.

(Note too that lockdown has necessitated joint decision making is now being facilitated in new and different ways and this may need to become the norm for some time now for health reasons as much as anything else)

Question – Does the proposed new standard better allow for the local context within which the OOCd scheme operates to be taken into account?

HMIP consultation correctly states there is no clear national policy framework within which OOCd work must be conducted and notes that practice varies considerably with some YOTs adopting a largely desistance based approach and others a more risk-based approach. Given the lack of a national policy AYM would suggest HMIP should firstly consider (within domain 1) the quality of the local YJ partnership vision and strategy for Diversion. Does the partnership (board) have a clear strategy for diverting children away from the justice system? Is the strategy aligned with the evidence base? (HMIP will be aware the recently revised strategic National Standards for Youth Justice distinguish between universal and targeted prevention).

HMIP can then inspect YOT operational policy, procedure and practice in Domain 3 on the extent to which the YOT is achieving the outcomes intended by the local Youth Justice partnership. By doing this HMIP will be realising one of their stated aims of the revised standards and more directly judging the impact of vision and strategy on delivery (pg. 6 of consultation).

YOT practice should be judged – at least in part – within the context of the local partnership’s strategic vision – and if the local partnership doesn’t (yet) have a clearly articulated diversion strategy then in the AYM’s view that should be flagged by HMIP and clearly articulated as a recommendation for the YJ Board.

AYM members have commented that both the framework and the approach taken to its’ application by HMIP in the past have been seen as too inflexible and didn’t allow individual context to be taken into account enough when considering both individual cases and the YOTs overall set of circumstances. The new standard will allow this to be applied in a more structured context to individual local circumstances.

HMIP might consider adding a supplementary question in Domain 1 (1.1 governance and leadership) asking if the local YJ partnership has an evidence based Diversionary strategy which is distinct from a broader early help and prevention strategy. (Or if not a separate strategy altogether at least an explicit chapter dedicated to diversion from CJS within the local area early help strategy).

More distinction between domains two and three and a clearer understanding of sufficiency levels would both be welcomed.

Question – Should we consider making the starting point for our standard level inspection ratings for OOCd work the scores relating to desistance? Would such an approach be relevant and applicable in the current policy and practice landscape?

Yes, AYM's view is that the scores relating to desistance should be the starting point for OOCB work within the framework. This aligns with the latest academic thinking on diversion, desistance and positive youth justice and reflects a number of concerns across the sector in relation to the tensions around keeping involvement with the Criminal Justice system as light touch as possible in order to avoid labelling children and a recognition that drawing young people into the CJ system increases risk.

A focus on desistance would assist with concerns that the level of sufficiency expected within domain three is too similar to that required in domain two and therefore too high, particularly in cases of very low-level offending and/or risk.

Whilst Youth Justice policy and practice has generally moved towards a more needs led approach over the last few years, the inspection framework still focuses on risk and while risk is recognised as fundamentally important there needs to be more of a balance especially around Domain 3.

The voluntary nature of OOCB engagement needs to be clearer within the framework and that options for controls under non statutory OOCB's are limited.

Question – Is there a risk that taking such an approach would mean insufficient priority is given to work aimed at ensuring the safety and wellbeing of the child or managing the risk of harm they may present to others? If so, how could we ensure these issues remain sufficiently prominent in our inspection framework if we made a change like this?

This is a bit of a false dichotomy. Adopting a desistance approach – and having this as the starting point for ratings on this area of an inspection – should absolutely not mean insufficient priority is given to safety, wellbeing or risk of harm work which remain central to youth justice practice.

HMIP inspection standards 3.1 and 3.2 are already explicit enough on safety and wellbeing of the child and the risk of harm they may present to others so in AYM's view regardless of answer to question above they are prominent enough in the framework as it stands.

Question – How can we ensure the ratio of court disposals versus out of court disposals in our case sample best reflects actual caseloads?

HMIP should decide a minimum percentage of out of court disposals they want included in the sample as they do currently for custodial cases.

Where YOTs are working with a substantial volume of OOCBs, HMIP should consider what the proportion is to overall caseload size. So for example if 50% of the overall YOT case load are OOCBs then the sample size should be 50/50, if it is 20% OOCBs then the ratio should be 20/80. In line with the rest of our response this would seem to be a better way of reflecting the local context within which a particular YOT operates.

In order that inspection samples are not 'diluted' by high volume of out of court casework HMIP could ensure that 50/50 is the maximum sample ration for OOCB/Court disposals.