



14 May 2021

YOT Governance and Leadership

Response from the Association of Youth Offending Team Managers (AYM) to the Youth Justice Board.

AYM welcomes the opportunity to respond to the draft Practice Guidance for Youth Offending Team Management Boards in England and Wales.

As an association we have been pressing the YJB for some considerable time to provide updated guidance for management boards and we are glad it is now making progress.

In order for the guidance, when published in its final form, to have a real impact on the way services are delivered locally it needs to have the endorsement of all relevant Government departments. This happened with the original Interdepartmental Circular (to which this draft refers in Appendix 1) and, in our view, such an endorsement would help cement the concept of partnership working and help ensure that all partners feel empowered by their relevant ministry/department to commit resources.

Below is our response to the numbered sections of the draft guidance.

1. Introduction

We welcome the recognition that the guiding principles of the Crime and Disorder Act (1998) remain central to the work of local partnerships.

In our view it is important for the YJB to be clear about two things here:

Firstly, what is the status of “guidance”? Will it be acceptable for local partnerships, or individual partners to be selective in their implementation of this guidance (as sometimes has happened with YJB guidance in the past), or will its implementation be monitored effectively? There should be appropriate escalation processes put in place with the support of relevant Government departments where needed.

Secondly, what is the status of previous guidance on this subject? Appendix 1 traces the history of guidance on YOT partnerships and suggests that this new guidance merely “updates previous iterations to cover changes”. Do we therefore need to read this new guidance alongside previous documents with all having equal validity?

2. YOT statutory requirements, arrangements and structures

We found the statement of YJB's key aims at the beginning of this section unhelpful. It could create the impression that YJB and the youth justice system are synonymous. The youth justice system is not, so far as we are aware, defined in statute, but we have always taken it to consist of (at a minimum) YOTs, the secure estate and the YJB. You might want to consider moving this statement of YJB's aims to section 4.

Instead, this introduction to Section 2 could be used to highlight the three current national youth crime and justice outcomes - i.e., reducing reoffending, first time entrants and the use of custody- whilst acknowledging they may be revised/added to in future.

It could also include the YOT's role in

- public protection i.e., risk of harm to others and preventing offending
- child/family welfare within a safeguarding context
- ensuring Court sentence/Out of Court disposal are delivered effectively
- addressing the needs of victims of youth crime and ensuring that children who offend are helped to make amends in line with the Victims Code of Practice

2.1 Statutory partners and functions

The second paragraph (seconded staff) could be strengthened in two ways. Firstly, it could offer an explanation as to why a multi-agency staff team is important. (To say that it is a statutory duty is not a persuasive answer to the question "why do you need a probation officer/ police officer in the YOT?"). Secondly, it could make clear that seconded staff need to provide specialist services while at the same time functioning as full team members; they should be sufficient both in number and in influence to help ensure the YOT functions as a genuine, multi-agency service.

Some explanation of the statutory duties of the health sector would be helpful. Our understanding is that is the local clinical commissioning group which has the duty of partnership. It would be helpful also to recognise the very welcome contributions which are made by the NHS at a national level.

The third paragraph begins with a complex sentence which could be rephrased for greater clarity.

The first bullet point could be amended to allow for situations where one YOT serves several local authority areas.

The second bullet point ".....in the youth justice plan formulated by the local authority..." omits the important phrase "after consultation with relevant bodies". The key issue here is that the plan is a document developed for and by the local partnership, rather than by the local authority alone.

Similarly, the next paragraph (para 4) suggests that it is the local authority alone that provides youth justice services and does not give full recognition to the importance of the local partnership.

2.2 (This section is missing from the draft)

2.3 Finance and Resources

We welcome the emphasis on the role that all partners play in resourcing the YOT and the recognition of the value of pooled budgets.

The section needs to be strengthened to make clear that all partners are expected to contribute to the infrastructure of the partnership, such as the cost of managing it (the YOT manager) and the costs of office accommodation, IT etc. It cannot continue to be acceptable for any partner to restrict their contribution to the travel and on-costs of their own seconded staff.

In paragraph 4 the draft guidance neglects to deal with the issue of funding provided by national bodies such as the NHS and NPS. It cannot be true to say that “contributions from partners are negotiated locally around what is required...for the functioning of the YOT”, when local representatives of some partner agencies are required by their agency to implement a formulaic approach or to reduce contributions regardless of the consequences.

2.4 The YOT Management Board

We welcome this section and hope it will help ensure greater consistency in governance arrangements. However, we do not regard it as helpful to promote the idea of merging YOT management boards with other local strategic boards without pointing out the very real risk of a loss of focus on the primary responsibility of overseeing the delivery of youth justice services.

The list of bullet points describing the role of the board omits the board’s important role in providing strategic leadership including taking responsibility for innovation (which is more than “strategic oversight of standards”).

2.5 Chairing and Membership

This section is a helpful summary of the roles and responsibilities of the chair and members.

The opening sentence could make clear that the local authority chief executive would be expected to consult local partners before appointing a chair.

We would like to see a statement that makes clear that the chair should have the independence and the authority to challenge all partners, including the local authority partners, if the chair believes their decisions are not in the interests of the partnership as a whole. Members have a responsibility to support the delivery of effective youth justice services through the work that they do within their own organisations, and the chair (and other members) should feel empowered to hold them to account for this.

2.6 Information to be provided to the management board

This section focuses solely on information provided by the YOT manager and could be improved by discussing the responsibilities of the local authority/ies and its/ their partners to provide early warning to the board on such topics as:

- Changes to legislation impacting on the work of the YOT
- Local development in their organisations that are relevant to the work of the YOT and the delivery of youth justice services
- Plans to alter their contributions to the YOT
- Plans to restructure or re-locate the YOT
- Plans to change the role of the YOT manager

We have evidence that in too many cases key decisions are made by one partner- decisions often driven by the need to reduce cost- without proper consideration of the impact on other partners and on the way the YOT functions.

2.7 Strategic links for the management board

This useful section could be further enhanced by emphasising the responsibility that local management boards could take in improving the quality of the youth justice system at a national level. Board members should be encouraged to look over the horizon and contribute to a consistent, high quality system by, for example

- Contributing to the development of specific guidance by national bodies such as the NPS, the National Chief Police Chiefs' Council, the Local Government Association and others
- Supporting the active involvement of their YOT managers in relevant professional bodies
- Engaging in the Youth Justice Peer Review process and encouraging the YOT manager to contribute to the national YJ Sector-led Improvement Programme which is funded by YJB

2.8 Good Governance

We welcome these two sections, and particularly the links that are made to HMIP inspections of YOT governance

2.9 Youth Justice Plan

We welcome the emphasis on partnership working in the development of the plan and the recognition of the key role that elected members can play in supporting the plan. You might perhaps have considered how this could be extended to include, for example, members of police and crime panels, youth court panels and any local governance bodies for other partners. This all serves to foster the notion that preventing youth offending is the responsibility of a broad partnership of local agencies, not just of the local authority.

2.10 Standards for Children in the Youth Justice System

The content of this section is helpful, although (in our view) it tends to repeat the error of assuming that YJB is a statutory member of local partnerships. You could perhaps consider moving this section to a new section 3 (and renumbering subsequent sections). This would

allow for a separate section on the role of YJB in setting standards (see our comment about the introduction to section 2 above). Alternatively, it could be merged with section 4.

The phrase “the YJB requires that standards are periodically self-audited” could be clarified as we are given to understand that these audits would be required by YJB only every two to three years. Local boards, on the other hand, should be more regularly updated and assured of quality and standards developments.

3. HM Inspectorate of Probation

We found this section to be helpful to management boards, particularly the list of questions for consideration.

We understand that HMIP will shortly publish a fourth domain for YOT inspections and there is a risk that this section will become out of date before it is finalised.

The section that begins with “Management Board members may want to consider the following in terms of their knowledge of the YOT and their role in its oversight” should be moved from this section to a section on effective governance by local strategic boards. It does not belong under a section headed HMIP.

4. The role of the YJB in supporting effective governance

Again, we found the content here to be helpful.

Appendix 1: History and Appendix 2: Role and Composition of the YOT

These were both helpful statements of fact

Appendix 3: YOT Managers

We question the authority behind the statement (para 3): “They should be managed by a senior manager/director in the local authority...” as it may be used to give licence to local authorities seeking to appoint a YOT manager at a level below that of a “senior manager”. The post holder should have clear access to the chief executive of any local authority which the YOT serves, as well as to chief officers of partner agencies, and the words “as appropriate” are superfluous and unhelpful here.

Appendix 4: Duty to Co-operate

This is a helpful appendix.