



The Association of Youth Offending Team Managers (AYM) response to the Ministry of Justice consultation on Bail ISS

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. 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 in to the community.

The AYM welcomes the opportunity to provide a response to this further consultation of the Ministry of Justice (MoJ) Youth Justice Policy Unit, on the use of Bail ISSP.

The AYM has consulted members in the regions regarding the questions posed by the MoJ and can report that:

Question 1 - *Are you aware of the 25 hour condition for Bail ISS?*

Members are aware of the 25 hour condition for bail ISS. However, members note that the YJB guidance is sparse and in some cases there appears to be a lack of clarity which may lead to some confusion regarding the period of 25 hours, for example whether this includes weekend contact.

Question 2 - *What more can we do to make Bail ISS work for violent crime?*

Members report that bail ISS is currently used to help manage children accused of violent offences, as it provides opportunities to impose non-contact conditions, exclusion zones, trail monitoring etc. However, members raise the issue of concern that bail to a home address can leave a child close to a victim and that the availability

of accommodation out of care is limited due to capacity of carers and residential facilities. Alternative accommodation of course causes concerns about the ability to maintain a child's education, training and employment, a key element of an ISS programme.

Members also note that most violent crime is linked to exploitation and that the courts are concerned about the risks posed to the child as well, they are therefore keen to see effective engagement of children and family services, CAMHS etc. with the ISS programme imposed upon the child.

GPS tagging was suggested by some as a potential additional support to manage violent offending and they note that has had some success in the short term disruption of exploitation of children where used on youth rehabilitation orders with an ISS requirement. It was also added that GPS tracking for exclusion zones has been very useful and speeds up the process by not having to rely on Police resources/others to monitor and also enables ruling children out of offences.

However, they also note that this is only evidenced at the moment for short term use.

Members also note that where ISS is being considered this needs to be balanced with the needs of the child. Those who have experienced adverse childhood experiences will often find the restrictive nature of such an intensive programme to be too difficult for them to manage. Members call for the recognition that the focus needs to be on ensuring the child is safeguarded, rather than the focus being on a punitive measure.

Question 3 - *Are you being encouraged by the courts to support Bail ISS?*

Members note that courts are using bail ISS as an alternative to custody but clarify that this follows an appropriate assessment by the youth justice service, they do not feel it appropriate that courts push for such an alternative (see concerns above about ensuring it can meet a child's needs and safeguard against risks to the child).

Question 4 - *Has the flexibility in 25 hours helped with the ongoing issues in securing ETE and where required keeping gangs and gang members apart?*

Members report that this flexibility has meant that provision is meaningful for the child, rather than providing resources based purely on a 25 hour requirement. It has assisted in reducing the demand on a child who would otherwise need to fit in further contact with services, although it is noted that there have always been arrangements to allow a proportion of the ISS contact time to be set against time in ETE.

It was noted however, that where services are managing children who need to be kept apart group work is no longer a viable option.

Members also note that some children on bail ISS have not been in education for a number of years and therefore struggle with engaging with education, flexibility therefore does not support these children.

Members also note that ensuring 25 hours is achieved is difficult where children are involved in violent offences as education providers, especially post 16 year provision, may withdraw the provision to safeguard other students. Youth justice services can use the flexibility to enable alternative options to support ETE.

Question 5 - *Do you feel there is adequate “best practice” guidance available to the sector?*

Members report that the reduction in children entering custody is a positive trajectory but note that lower numbers has led to reduced networking and collaboration between youth justice services around intensive supervision. Members note that this reduction in numbers has led to ISS being delivered as part of ongoing work, whereas previously discrete ISS teams existed with services and partnership arrangements in place to support ISS: reduced numbers mean that each package is individually designed and delivered and arranging a package at short notice, which is generally the case, can add to the costs of an ISS programme.

Some feel that the YJB guidance allows for a tailored approach based on the needs of the child but more detailed guidance on managing bail ISS would allow youth justice services to operate in line with national arrangements, enabling the courts to appreciate that there are defined minimum standards.

Most members would support the provision of best practice examples, especially if they take account of local/regional differences.

Question 6 - *Bail ISS is part of the YJB grant agreement what are you doing differently and what impact is that having?*

Where numbers are small, youth justice services report it is difficult to provide specific arrangements to support bail ISS. However, wherever possible youth justice services are using a range of approaches. Some report that:

- Specific members of staff with experience of operating ISS are allocated ISS cases to ensure consistency. A Co-ordinator oversees the ISS arrangements to ensure a robust approach is taken;
- Rota systems for weekend working, practitioners and managers, to ensure that bail ISS can span 7 days per week, where it is required.
- Some services are able to offer daily visits to children on bail service ISS and positive activities, such as particular projects to support them and to help integrate them into society;
- Bespoke timetables of support that do not include groupwork;
- One service reported having ‘custody navigators’ in place (externally funded) who screen young people, offer guidance and support and liaise with the youth justice service court officers where a child is being presented to court from police cells to share any relevant information to input in to consideration for bail ISS.

However, members also note that there is no specific funding to support bail ISS, as there had been for YROs with ISS, and as such the delivery of intensive packages comes at a cost to the remainder of the services’ provision.

Kind regards

Roni Checksfield
Secretary

On behalf of the Association of Youth Offending Team Managers (AYM)