

Meeting of:	<b>Homes and Safe Communities Scrutiny Committee</b>
Date of Meeting:	<b>Wednesday, 11 November 2020</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Youth Offending Service : Transition and Recovery Plan dated 08 September 2020
Purpose of Report:	To inform Scrutiny Committee about the plans for transition and recovery as a result of the Covid-19 pandemic 2020.
Report Owner:	Director of Social Services
Responsible Officer:	Youth Offending Service Manager
Elected Member and Officer Consultation:	No elected members have been consulted. Head of Children and Young People Services, Practitioner Manager, Youth Offending Service, Legal Services, Accountancy.
Policy Framework:	This is a matter for executive decision
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• This report brings to the attention of Scrutiny Committee, the Youth Offending Service Transition and Recovery Plan 2020.</li> <li>• The report highlights how the Youth Offending Service, which is designated as a key public service plans to continue to delivery services during the pandemic.</li> <li>• The report is designed to enable Elected Members to have effective oversight of the work of the Youth Offending Service.</li> </ul>	

## **Recommendation**

1. That Scrutiny Committee considers the contents of the report.

## **Reason for Recommendation**

1. To enable Elected Members to have effective oversight of the work of the Youth Offending Service (YOS) and understand what and how services are being delivered during the Covid-19 pandemic, as Youth Justice Services have been identified as a key public service.

## **1. Background**

- 1.1 Membership of the Youth Offending Team is prescribed through legislation. It must include at least one Probation Officer, Social Worker, Police Officer, Health representative and Education representative.
- 1.2 The purpose of the YOS is to ensure that relevant services are available across the Local Authority area; to the extent required. The YOS should be the main vehicle through which youth justice services are co-ordinated and delivered. The YOS Management Board, made up of senior representatives from each of the statutory partners, oversees the operation of the service (including the functions it undertakes and the funding arrangements). The YOS Management Board is currently chaired by the Director of Social Services.
- 1.3 Section 40 of the 1998 Act places a duty on the Local Authority to produce an annual Youth Justice Plan, in consultation with its statutory partners. The Plan confirms how youth justice services are to be provided and funded, how the teams are established, composed and funded, what functions they are to carry out and how they will operate. The Plan is submitted to the Youth Justice Board (YJB) and published in accordance with directions of the Secretary of State. This duty is one of the requirements of the terms and conditions of the Youth Justice Grant.
- 1.4 Due to the Covid-19 pandemic, the YJB awarded funding to the YOS in April 2020 and advised that there was no expectation to produce a Youth Justice Plan for 2020/21. However the YOS was required to submit the following:-
  - 1.4.1 A Business Continuity Plan by 30 April 2020, updated in June 2020
  - 1.4.2 A Recovery Plan – by 04 September 2020. An extension was agreed with the YJB to this timeframe to allow for discussion of the Plan by the Board on 08 September 2020.

1.4.3 Position on self-assessment of National Standards by 30 April 2020.

## **2. Key Issues for Consideration**

- 2.1** The guidance issued to the YOS by the YJB in July 2020, indicated that the Recovery Plan should provide an overview of the impact of Covid based on local circumstances, and look at how the YOS will transition to recovery based on the child's journey underpinned by the outcomes outlined in the National Standards for Youth Justice.
- 2.2** The Recovery Plan sets out the Vale of Glamorgan Council, and therefore the YOS position which is "where you can work from home, you should work from home".
- 2.3** The first section of the Recovery Plan sets out the Governance arrangements, the operating model and how the YOS is using its resources to support and intervene with children, families and victims engaged with the YOS. The YOS is carrying out the majority of our duties remotely, unless needs and/or risks dictate the need for a risk assessment to be completed to agree face to face appointments.
- 2.4** The document highlights how services are being delivered across all five Youth Justice National Standards, looking at the needs of the child, the needs of staff, how strategic partnership arrangements are supporting the delivery of services and outlines recommendations and actions.
- 2.5** The need for effective partnership working arrangements to continue to provide quality services and positive outcomes for children and young people, has never been greater. The YOS cannot deliver the services alone, partners also need to take the lead in specific areas, and work alongside YOS to take forward work identified within the plan.
- 2.6** The recommendations and actions identified for each area are outlined as follows:-
  - 2.6.1** AA duties – recommendations and actions outlined on Page 9
  - 2.6.2** O OCD – recommendations and actions outlined on Page 14 and 15
  - 2.6.3** At Court – recommendations and actions outlined on Page 19 and 20
  - 2.6.4** In the Community – recommendations and actions outlined on Page 25
  - 2.6.5** In Secure – recommendations and actions outlined on Page 27
  - 2.6.6** Transitions – recommendations and actions outlined on Page 29.
- 2.7** The YOS Management Board, including its statutory partners, agreed the Recovery Plan at a meeting of the Board on 08 September 2020 and will be developing an action plan to take forward the agreed recommendations.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The work of the Youth Offending Service helps the Council to achieve Well-being Outcome 1 (An inclusive and safe Vale in the Corporate Plan 2016 - 2020) and specifically Objective 2: Providing decent homes and safe communities.
- 3.2** Focusing on the well-being objectives specifically for children and tackling inequalities linked to deprivation, the YOS participated in a pilot entitled "enhanced case management" which seeks to address the impact of adverse childhood experiences. Many of the children/young people managed under this model form part of the YOS re-offending cohort.
- 3.3** The introduction of the "enhanced case management" model is a result of collaboration between Public Health Wales, Forensic Adolescent Treatment Service, South Wales Police and Crime Commissioner, Youth Justice Board and Youth Offending Services.
- 3.4** Although the pilot ended in 2019, Welsh Government has included use of the "enhanced case management" model within its Blueprint for Youth Justice with the aim of identifying additional resources to deliver the services in the future. The YOS is awaiting advice/guidance from YJB/WG on how this will be taken forward.
- 3.5** Research conducted by Public Health Wales evidences that children and young people who suffer four or more harmful experiences in childhood increases the chances of high risk drinking in adulthood by four times, being a smoker by six times and being involved in violence in the last year by around 14 times. This research emphasise the need to understand and take effective action to ensure children are protected and support systems are in place with a focus on prevention and early intervention to improve children and young people's life chances.
- 3.6** The YOS Prevention Service forms part of the Local Authorities suite of services in relation to prevention and early intervention, working closely with Flying Start, Families First and others to ensure that children and young people receive the right services at the right time to address their identified needs.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1** The work of the YOS was achieved within allocated resources. Scrutiny Committee will be aware that it is not possible to guarantee sufficient contributions to the YOS budget long term because of its reliance on contributions from partner organisations and annual grants from various sources.

**4.2** The YJB grant for 2020/21 was confirmed on 08 April 2020.

### **Employment**

**4.3** The work of the YOS supports children and young people to access education, training and employment opportunities.

### **Legal (Including Equalities)**

**4.4** The Youth Justice Board has a number of functions. In accordance with Section 41(5) (ha) of the Crime and Disorder Act 1998 with the approval of the Secretary of State the Board has the authority to make grants to Local Authorities and other persons for the purposes of the operation of the Youth Justice Service and the provision of Youth Justice Services subject to such conditions the Board consider appropriate including conditions as to repayment. The Board can obtain information from relevant authorities for the purpose of monitoring the operation of the youth justice system and the provision of services and to advise the relevant Government Minister on a number of matters.

**4.5** There are no equality implications directly as a result of this report.

## **5. Background Papers**

**5.1** YJB : COVID-19 Recovery Plans : guidance for Youth Offending Teams : July 2020



COVID-19 YJB  
Recovery Guidance 1

# **COVID-19 Recovery Plans: guidance for youth offending teams**

**July 2020**

**Innovation and Engagement Directorate, Youth Justice Board**

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Youth Justice Board for England and Wales 2020

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## 1. Introduction

The purpose of this guidance is to provide a framework for youth offending teams (YOTs) to consider when developing plans for transitioning towards recovery following the COVID-19 pandemic.

In this instance the Youth Justice Board (YJB) defines recovery as “*a return to normal state of health or strength*”<sup>1</sup> and that to transition is a “*process of changing from one state to another*”<sup>2</sup>. However, we recognise that different local authorities and agencies have adopted different definitions and are at variable stages of recovery.

The YJB recognises that the outbreak of the pandemic has been very challenging for the sector with YOTs having to urgently restructure services, interventions and partnership arrangements. This period of transition to recovery presents an opportunity to reinstate activity which worked prior to COVID-19, but also to incorporate some of the innovative practices which have developed, which the YJB fully supports.

## 2. Overview

This guidance recognises that COVID-19 recovery plans should be developed to best fit local needs and that current circumstances remain changeable. Many YOTs have started to develop recovery plans in line with local arrangements. The submission of a recovery plan is a condition of the YJ Grant for 2020/21 (see [appendix a](#)) and will support the YJB’s oversight of recovery across the youth justice system.

The information we are presenting here is intended to be a guide and includes an optional template which can be used (see [appendix c](#)).

We do, however, recommend considering a two-stage approach:

- Developing a high-level narrative of the impact of COVID-19 *and*
- Consideration of the transition to recovery based on the child’s journey through the youth justice system, underpinned by the outcomes outlined in the [Standards for children in the youth justice system](#)

The YJB is committed to a Child First approach encouraging the voice of the child to guide meaningful engagement with the development of services.

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<sup>1</sup> ([LEXICO](#), Oxford 2020)

<sup>2</sup> OED Online. June 2020. Oxford University Press.

<https://www.oed.com/view/Entry/159940?rskey=2vnncpB&result=1>, [accessed 1.7.2020]



We emphasise that this should be considered as an integral part of the recovery process.

This guidance also recognises the distinct delivery landscape in Wales. The Welsh Government has responsibility in relation to health, education, social services, housing, local government, language and culture and public services.

Youth Justice Partnerships are made up of devolved and non-devolved organisations working together. The Welsh Government and Public Health advice on the lifting of coronavirus restrictions differs from that in England and will affect what YOTs in Wales are able to do and when.

### **3. High-level summary of the impact of COVID-19**

This is designed to assist YOTs to complete a summary narrative of the impact of COVID-19. The YJB recognises that these may have already been addressed as part of your contingency planning.

The summary could include:

1. An overview of the impact on governance and service delivery including ongoing challenges and success.
2. How the local youth justice partnership overcame barriers to delivery and maintain service provision.
3. The impact on your local priorities and the priorities you will be setting for the remainder of the year.
4. The impact on your resources including a breakdown of your resource allocation for the year (ref [appendix b](#)) plus, details of how you intend to spend the YJ Grant and confirmation of compliance with the minimum staffing requirements set out in the Crime and Disorder Act 1998.

Where this cannot be confirmed, the plan should set out the steps being taken to ensure compliance with this requirement, the impact on operational practice between the YOT and local partners who contribute specialist services to support children in the youth justice system and how this relationship may develop during the period of recovery.

5. How the partnership will meet the continued or emerging risks of COVID-19 including measures to mitigate these risks and maintain service. Any plans to provide ongoing monitoring or development of service including any planned service reviews, self-assessments, peer reviews or audits that the service intends to undertake, including those related to thematic inspection findings.

## **4. The transition to recovery**

This section recommends that you consider transition to recovery from the perspective of the child's journey through the youth justice system. The standards within the standards for children provide a framework for supporting this.

Additionally, consideration for children held in police stations, ensuring access to appropriate adults and legal advice as well as the need to ensure that the services to victims are provided are key considerations.

YOTs are encouraged to reflect how any learning from the recent self-assessment may be factored into considerations for the transition towards recovery.

The YJB suggests that you consider three areas as priorities for recovery planning:

### **a. The needs of children**

The highest priority in the transition to recovery is that the needs of children are met and that successful outcomes are achieved. Any recovery plans will need to include how you will engage with children to deliver interventions, provide access to services and any other forms of support they may require.

Specific considerations should be given to, for example, where there are safeguarding concerns, where there may be public protection risks, or where the direct impact from the backlog of cases held in police and court systems; alongside other issues which may have arisen from the COVID-19 restrictions.

The risks children face from Adverse Childhood Experiences (ACEs) e.g. violence in the home, child exploitation and abuse has been further exacerbated during lockdown, and potentially loss and bereavement as a result of the virus. Measures to mitigate the impact of these ACEs should be reflected as an integral part of recovery planning.

The evidence of the disproportionate impact on the black, Asian and minority ethnic (BAME) community of COVID-19 is now well established, and will need consideration alongside the known overrepresentation of black children within the youth justice system.

The recovery plan needs to consider the impact of some of the changes in practice which have emerged through the COVID-19 period and the local response e.g. how the needs of children will be met through the introduction of virtual courts ensuring that the welfare of the child always prioritised.

### **b. The needs of staff**

The YJB recognises the impact that COVID-19 has had on YOT staff who have worked hard to maintain a service in very challenging and often dangerous circumstances showing a high degree of commitment for the children that they work with to safeguard them and to protect the public.

The recovery plan for staff is likely to be affected by several factors including access to YOT premises and local authority policies. The practices and procedures relating to other environments that staff work in will also be relevant such as the police station, the court and home visits to children and their families. The availability of staff may also be an issue either for health-related reasons or because of the availability of schooling for key worker's children during the forthcoming months.

The [UK Governments COVID-19 strategy](#) aims to save lives and minimise harm, evidence from the sector shows that there are concerns regarding safe working, access to PPE and testing. Enabling staff to work safely will be a high priority.

### **c. Strategic Partnerships**

The YJB has worked closely with YOTs and partner organisations to identify issues and work proactively to develop solutions. Now, YOTs are transitioning towards the recovery stage with COVID-19 there is an opportunity to review how partnership working has evolved during recent months and what it will look like going forward from the perspective of both criminal justice and non-criminal justice partners.

This might include consideration of how protection of the public and risk of harm continues to be managed through forums which are concerned about missing and exploited children, county lines, violence prevention and MAPPA. Other areas relate to safeguarding, management of out of county placements, identification and support for vulnerable children and families and relationships with children's services regarding looked after children.

The YJB acknowledges that the pandemic has had a significant impact on resources across local authorities and youth justice partnerships. The transition to recovery will present significant challenges especially in coordinating and resourcing responses to backlogs in prevention and [court](#) work. Similarly partner agencies such as children services will have a peak in referrals and education providers face significant logistical issues.

The standards for children place emphasis for delivery on YOT management boards and therefore any transition to recovery planning will need to include the whole youth justice partnership.

## **5. Effective Practice**

The YJB recognises that the journey to recovery has already begun and have worked with the sector to identify and share effective practice. The [Youth Justice Resource Hub](#) has a specific section related to [COVID-19 practice](#). We welcome any further [contributions](#) to the hub from the sector.

Examples of recovery planning are included within this section with contributions from areas such as [Wrexham YOT](#) or [Hillingdon YOT](#) who, for example, have adopted a three-stage model for recovery:

- “*Restore*” considering whether to bring back a service that has been on hold,
- “*Reinvent*” which is the opportunity to reshape or deliver something differently to improve the offer to children,
- “*Retain*” considering whether to continue to operate in a new way because of new approaches.

We would encourage you to consider whether within the period of transition any work that you are undertaking could be enhanced using Sector Improvement and Sector Support Partnership, examples include:

- Youth Justice Sector Improvement Partnership (YJSIP) involvement
- YJB Developing Practice forums
- workforce development
- becoming a Peer Reviewer or coach
- reciprocal auditing offer to neighbouring YOT
- a mentor to new YOT Managers
- Pathfinder involvement.

More information is available [here](#).

The National Probation Service has also produced a [Roadmap to Recovery](#) which sets out their key principles and objectives for recovery. The three step recovery model provides examples of how [UK Governments COVID-19 strategy](#) can be applied protecting staff health, maintaining public protection and resettlement as well as providing sufficient capacity including restarting interventions. The feedback that we have received from the sector indicates that the Roadmap provides solid incremental foundation for service recovery.

Her Majesty’s Inspectorate of Probation (HMIP) is undertaking a thematic inspection in the summer of 2020 to review YOT work under COVID-19 restrictions. HMIP will report in the Autumn of 2020 and lessons learnt can be incorporated in to the recovery process.

**For the 2020/21 the submission of a COVID Recovery plan is a condition for receipt of your Youth Justice Grant.**

Completed plans should be submitted through your YJB Regional or Welsh lead and copied to [CBU@yjb.gov.uk](mailto:CBU@yjb.gov.uk) by **4 September 2020**.

Additional enquiries can be sent to: [jerry.kirk@yjb.gov.uk](mailto:jerry.kirk@yjb.gov.uk)

## **Appendix a. Legal Requirements**

[Section 40 of the Crime and Disorder Act 1998](#) sets out the youth offending partnership's responsibilities in producing an annual youth justice (YJ) plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out:

- How youth justice services in their area are to be provided and funded
- How the youth offending team (YOT), or equivalent service, will be composed and funded, how it will operate, and what functions it will carry out.

And submitted to the Youth Justice Board for England and Wales (YJB).

Given the pressures faced by YOTs during the COVID-19 pandemic, the YJB sought legal advice to support the reduction of burdens on YOTs. With support by the Secretary of State for Justice we have consequently used our discretion around the expectations for YJ Plans. In lieu of the full annual YJ plan we are requesting a higher level YJ Plan for the 2020/21 financial year which we describe as Recovery Plans.

The terms and conditions of grant were amended to reflect this change and incorporated the conditions for the current financial year. The discretion applied in relation to the submission of the YJ Plans reflects the uniqueness of the current circumstances; the requirement for the annual YJ Plan remains a requirement for future periods.

**Appendix b. Partner contributions to the youth offending partnership pooled budget 2020/21**

<b>Agency</b>	<b>Staffing Costs</b>	<b>Payments in kind</b>	<b>Other Delegated Funds</b>	<b>Total</b>
Youth Justice Board				0
Local Authority				0
Police				0
Police and Crime Commissioner				0
Probation				0
Health				0
*Welsh Government				0
Other				0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*Welsh YOTs only

\*\*For multi-authority YOTs, the totality of local authority contributions should be described as one figure.

\*\*\*Any money from the police and crime commissioner that has been routed through a local crime reduction partnership should be included here.

\*\*\*\*It should be noted that the 'Other' category is for additional funding that the YOT can use for any general youth justice activities which are funded through other routes with governance sitting with the YOS Partnership Board

## Appendix c. Recovery Template

This template is to assist the YOT to consider how to map their transition to recovery. The use of this template is entirely optional.

<b>Introduction:</b>
<b>At the Police Station:</b> <ul style="list-style-type: none"><li>a) The needs of children</li><li>b) The needs of staff</li><li>c) Strategic Partnerships</li></ul> <u>Recommendations and Actions:</u>
<b>Out of Court Disposals:</b> <ul style="list-style-type: none"><li>a) The needs of children</li><li>b) The needs of staff</li><li>c) Strategic Partnerships</li></ul> <u>Recommendations and Actions:</u>
<b>At Court:</b> <ul style="list-style-type: none"><li>a) The needs of children</li><li>b) The needs of staff</li></ul>

c) Strategic Partnerships

Recommendations and Actions:

**In the Community:**

a) The needs of children

b) The needs of staff

c) Strategic Partnerships

Recommendations and Actions:

**Secure Settings:**

a) The needs of children

b) The needs of staff

c) Strategic Partnerships

Recommendations and Actions:

**On Transition and Resettlement:**

a) The needs of children

b) The needs of staff

c) Strategic Partnerships

Recommendations and Actions:

**Sign Off:**





**VALE OF GLAMORGAN YOUTH OFFENDING SERVICE**  
**TRANSITION AND RECOVERY PLAN**  
**FROM COVID-19 PANDEMIC**  
**DATED 08 SEPTEMBER 2020**

**Introduction:**

**Overview**

Following the announcement on 23 March 2020 by the UK Government of lockdown restrictions to reduce the spread of the Coronavirus, the Vale of Glamorgan Council in line with Welsh Government guidance, took the decision to direct staff to work from home to mitigate the risks of the virus.

The Vale of Glamorgan YOS which forms part of the wider Children and Young People Services Business Continuity Plan as directed ceased all face to face contact between professionals and children, young people and families.

Prior to the lockdown restrictions being imposed, an analysis of the open and active caseload was undertaken to identify those children at risk of offending/re-offending, risk of harm to others and safety and wellbeing of the children and young people.

This analysis identified that although the Vale of Glamorgan YOS has a number of children subject to statutory Court Orders, including children subject to licence conditions, none of these children were presenting significant risk at the time of the analysis, therefore contact and support could be provided via remote options. It was noted that a small number of children and families were also self-isolating at the time of initial lockdown.

Although lockdown restrictions have eased over time, the guidance from Welsh Government continues to be “where you can work from home, you should work from home”, therefore the Vale of Glamorgan YOS continues to deliver our duties remotely unless there are circumstances that dictate the need for a face to face visit or attendance, and then with appropriate precautions being taken. To

facilitate face to face contact based on risk and identified need, YOS Practitioners are completing a risk assessment to be agreed with managers, to evidence the rationale for face to face contact and the circumstances regarding how this would be conducted. The Vale of Glamorgan Council's position currently remains that we are "not operating as business as usual", and at the time of writing this plan, we are continuing to follow Welsh Government guidance and so will not be returning to being based fully within an office environment.

Based on the current circumstances, Youth Justice National Standards have been suspended until further advice from either the Local Authority and/or UK Government.

### **Governance**

At the start of the pandemic, the majority of partnership meetings were cancelled or postponed whilst alternative methods of engagement were explored. The YOS Management Board meetings scheduled for March and June 2020 were cancelled. Both the YOS National Standards Audit Report and Business Continuity Plans have however been shared via email with YOS Management Board members for comment and agreement prior to submission to the YJB.

The YOS Management Board meeting scheduled for 08 September will discuss the draft YOS Transitions and Recovery Plan; the National Standards Audit Action Plan and a benchmarking exercise against the Cardiff YOS Inspection to agree the priorities to be taken forward in place of the annual Youth Justice Plan.

During the period that professional meetings were postponed or cancelled, the YOS has shared relevant information with other strategic partnerships in relation to the YOS operating model, themes and risks identified in relation to children and young people and explored how we could address emerging issues on a partnership basis, so the burden of direct contact does not fall to a single agency.

### **Operating Model**

All YOS and seconded partnership practitioners are currently working remotely having vacated the YOS premises on 20 March 2020. Additional resources were identified through Children' and Young People' Services in relation to laptops, mobile phones and other resources to enable YOS practitioners to work remotely at the start of the pandemic.

The first few weeks of transitioning to more agile working were extremely frustrating with many practitioners experiencing ICT connection issues, having to adjust to working full time from home, children being home from school and competing demands for their time and attention, only having access to basic mobile telephones, which did not allow use of alternative platforms to contact children and young people or engage remotely in other forms of contact.

ICT Services across the Council have in a very short timescale introduced new methods of connectivity to support more agile working, for example at the start of the lockdown restrictions, practitioners were initially undertaking phone contact only. With the purchase of additional equipment and ICT improvements access to all Council systems via RSA token has increased, practitioners are able to use Microsoft Teams, GotoMeetings as secure platforms, to engage, complete assessments and deliver interventions with children and young people, undertake professional and peer support meetings. Practitioners are also able to use Zoom, Whatsapp and other platforms as more informal platforms to engage in discussions with children.

With limited access to remote platforms at the start of the pandemic, many of the YOS operational procedures which relied on face to face contact had to cease, for example, Neighbourhood Resolution Panels, Referral Order Panels, OOC meetings, Case Planning Forums, Youth Inclusion and Support Panels. As opportunities for use of virtual platforms have increased, methods of engaging in these types of meetings have progressed, i.e. initially Referral Order Panels were completed by a form of shuttle mediation which was undertaken between volunteers, case manager, child and parent, with no victim engagement. This progressed to virtual meetings including the volunteers, where the family had access to a computer, but again no victim involvement unless via representations. We are now moving to part physical, part virtual meetings to enable both children with no remote access, and victims to engage in a restorative process within two separately socially distanced office spaces.

YOS seconded practitioners have also been undertaking remote working and engaging with children and young people through virtual platforms. In line with YOS practitioners, over time, seconded practitioners have started to undertake face to face socially distanced interventions.

## **Resources**

The majority of YOS practitioners have remained in work, although some have struggled with adjusting to working from home and not being within an office environment where they can seek peer support and interaction. There are some practitioners who are shielding or identified as in a vulnerable group and cannot undertake the full range of their duties. The YOS has also experienced vacancies both in terms of YOS and partner agency seconded posts, with recruitment being placed on hold at the start of the pandemic as unable to meet face to face.

The vacancies together with the fact that some practitioners are operating under restricted duties has impacted on the capacity both of the Management Team and wider practitioners teams; for example there is only a small group of 4 practitioners who are able to attend Court covering both the working week and on call duties on a Saturday/bank holiday, when there is the potential for remand Courts to sit.

The YOS also has a duty to respond to requests for Appropriate Adult Services in Police Custody Suites, 365 days per year. Normally the YOS operates a volunteer Appropriate Adult Service, which means that volunteers in the main are able to respond to requests which tend to be outside of working hours and on weekends. However with the introduction of lockdown restrictions and concerns for health, as the volunteers are an older age group, no volunteers were available to undertake Appropriate Adult duties. This resulted in YOS practitioners who participate in the duty rota, having to undertake this role, placing an additional demand on reduced resources.

The YOS Management Team has also been impacted by the move to more agile working as this initially reduced the capacity amongst practitioners for peer support, which in turn increased the demand on the Management Team to provide support and guidance.

With restrictions easing and partner agencies such as the Police and Courts dealing with more individuals/cases, there is an increased demand for YOS resources. The YOS will need to manage its resources carefully to ensure the continued safety of practitioners is balanced against the need to ensure work is distributed equitably across the practitioner group to avoid impacting on the wellbeing of those practitioners undertaking their full range of duties.

To support YOS practitioners and ensure they had the resources to be able to undertake their roles efficiently and effectively, prior to the end of the financial year 2019/20, the YOS had placed an order for replacement computers, PCs and laptops to support the roll out of Windows 10 and Microsoft 365 and the use of teams for remote working.

Whilst this was fortuitous it was also a disadvantage, as PCs had been ordered for seconded practitioners and those who did not frequently work away from the office. With changes to the operating model and concerns around the potential for further national or local lockdown restrictions based on changes in the rate of the virus, the YOS will need to purchase additional laptops to replace the PCs already ordered as this offers more flexibility to respond to any future changes in operating model/lockdown imposed.

The Council as part of its transitions and longer term planning for recovery has surveyed staff in relation to home and office working, and based on the responses received, it appears the Council will adopt a blended approach to home/office working in the future. The rationale for this decision is that supporting practitioners, where possible to work from home, supports wellbeing of practitioners and helps them to achieve a work life balance.

It also has to be acknowledged that Council buildings, like many of the partner agency buildings, will not support a full return to former staffing levels with social distancing measures in place. The Council therefore views the required remote

working arrangements as an opportunity for long term sustainable change both to the Council and the communities it serves.

As part of planning for the future, the Council is also committing resources to examine what has worked well, what lessons can be learnt; what are the threats and opportunities associated with changes to the operating model.

In order to ensure the Vale YOS is in step with changes which are happening across Wales, the YOS Manager is engaged in virtual meetings with Welsh Government, YJB and YOS Managers Cymru. These meetings examine how services are being delivered across Wales with a view to supporting consistency, sharing learning and promoting good practice.

What has been learnt from sharing and promoting good practice, is that children and families who were already known to the YOS, were able to engage in contact via telephone as they had already formed a relationship with YOS practitioners. For children and families not previously known, we have noticed a reluctance to engage in the assessment process or intervention when they could not put a face to a name and did not know the person who was contacting them. This highlighted the need for alternative methods of contact to be established to support engagement, such as risk assessed socially distanced face to face meetings..

To overcome the challenge of engagement with people not previously known to the YOS, children, families and victims, the YOS has also purchased smartphones for all YOS practitioners. This additional resources now enables practitioners to virtually contact and see the people they are engaging with. ICT has installed Microsoft Teams on all computer equipment and YOS practitioners, where children have access to laptops/tablets are using this method to contact children and share their screens to support completion of assessments and delivery of interventions.

**Building** – In March 2020, the YOS building was closed as all practitioners, including seconded partnership staff moved to remote home working. As part of planning for transition and recover, the Council Estates' Department has visited the premises and undertaken an assessment to identify the action required to make the premises a covid-19 secure workplace. This assessment has looked at ensuring that social distancing is able to be maintained; assessed the flow of the air through the building, passing and pinch points, access to kitchen and toilet facilities, new cleaning regimes, access to hand washing facilities, hand sanitiser and the positioning of signs to mitigate the risk of spreading the virus.

Through engagement in discussions with the Estates' Department regarding the functions of the YOS and the requirement legally for some children to meet face to face with YOS Practitioners to sign a contract to commence their disposals or order, arrangements have been put in place to support two socially distanced meeting rooms. Guidance has been produced to enable practitioners and visitors

to navigate access to the building, engage in socially distanced meetings whilst ensuring the building is Covid-19 secure to reduce any risk. Further guidance will be developed to enable individual YOS practitioners to book a working space for a set period of time. There is also a need to look at the maximum occupation rate, a potential rota system for attendance, allocation of individual workspaces at the building to support completion of activities, which are unable to be completed effectively at home, within a Covid secure workplace.

Any expansion of face to face activities or interactions will need to be led by the prevailing rate of virus within the local community. As the current YOS operating model supports mostly remote working and limited face to face contact, if further restrictions are imposed, the YOS is well placed to respond to these.

### **At the Police Station:**

#### a) The needs of children –

When children are detained by the Police and arrangements are made for them to be interviewed in relation to any offence, they must be provided with an Appropriate Adult as outlined in the Police and Criminal Evidence Act 1984. The aim of an Appropriate Adult is to safeguard the interest, rights, entitlements and welfare of children and to assist with identification of their vulnerabilities and needs.

The Appropriate Adult can be a parent or guardian. The Appropriate Adult must be present when the child is informed of their rights, they are interviewed and charged. Their role is to ensure that the process is fair, that children understand what is happening and can participate in the process. If a parent or guardian is unable or unwilling to attend, the Local Authority (in the form of the YOS) are required to provide an Appropriate Adult. This duty operates 365 days per year.

It is however important to note that the YOS will only act as an Appropriate Adult when a solicitor is present to offer legal advice.

In line with the thematic inspection report “Whose looking Out for the Children”, (2012) the YOS has a duty to ensure that; services are in place to ensure children are detained for the least amount of time possible; and that there is an effective focus on the needs and vulnerabilities of the child

The YOS is a member of the National Appropriate Adult Network (NAAN) and follows the guidance outlined in the occupational standards for Appropriate Adults.

The YOS has continued to provide an Appropriate Adult Service to children throughout the pandemic, some areas across Wales were able to provide remote contact for Appropriate Adult duties using platforms such as Skype

or dial in interviews. However the Vale YOS was not in a position to undertake this arrangement and initially only responded to requests to deal with the most serious offences; encouraging the Police to consider alternative options such as bail, Release Under Investigation (RUI) and future voluntary attendance (VA).

Challenges have been experienced since the start of lockdown in relation to the provision of Appropriate Adult services. The YOS operates a volunteer Appropriate Adult service, with no on call officer available out of hours Monday to Friday. With volunteers withdrawing from delivering the service and no on call officer, this resulted in some children being detained for between 12 – 15 hours overnight in Police Custody Suites, until the next available working day. This had an adverse impact on children and young people, as well as placing a strain on relationships between the Police, YOS and Children's and Young People's Services.

To try and prevent children being detained longer than necessary, whilst no YOS volunteers are available; a request went out to practitioners from the YOS practitioner group and wider Children's and Young People' Services professionals in a bid to support delivery of an Appropriate Adult Service out of hours. This arrangement is relying on the goodwill of practitioners who want to ensure the best outcomes for children. It has been agreed that practitioners attending will be paid overtime, as there are insufficient resources available to enable practitioners to take the time back as time in lieu. The payment of overtime to deliver this provision is an additional resource commitment as a result of the pandemic.

As lockdown restrictions have eased and following the introduction of updated safety measures within Police Custody Suites, the YOS has returned to a physical presence for all Appropriate Adult request as this is in the best interests of the child. YOS practitioners have been consulted on and provided with updated guidance reflecting the current arrangements during the pandemic and advised to follow the guidance when dealing with requests for Appropriate Adults to reduce the risk to all attendees.

YOS practitioners have also been encouraged to vocalise any concerns they have for the safety and wellbeing of children including ensuring they are offered access to PPE; that measures to keep people safe are followed and facilities for hand washing and/or hand sanitising are available to minimise risks.

b) The needs of staff

Prior to lockdown the YOS Management Team liaised with all YOS practitioners, including seconded practitioners to identify any health concerns and emergency contacts. Some practitioners automatically met

the criteria for shielding, whilst others were considered within a vulnerability category. To ensure that YOS practitioners were treated equitably and no assumption was made that practitioners who had not declared a health concern, could undertake all potentially at risk activities, such as attendance as an Appropriate Adult, those identified as vulnerable were referred to Local Authority Occupational Health to provide an opinion on their abilities to undertake specific roles.

Where Occupational Health have advised that YOS Practitioners should be removed from specific duties, this has been accommodated and/or alternative solutions sought. Where Occupational Health have advised that there is no physical health reason for not undertaking duties, discussions are ongoing about how we can support practitioners to feel confident in the safety measures in place to conduct the duties, with access to PPE where appropriate.

Revised YOS Practitioner Guidance for Attendance at Police Custody Suites/Stations as Appropriate Adults has been produced based on the principles outlined in the multi agency Interview Protocol and the NAAN Appropriate Adult guidance. The guidance was developed through consultation and discussion between the YOS Manager and the Chief Inspector with responsibility for South Wales Police Custody Suites. Practitioners who are involved in the delivery of the Appropriate Adult were consulted regarding the guidance to ensure it was fit for purpose.

This guidance is designed to ensure that checks are made in relation to symptoms prior to attendance at the Custody Suites, to clarify that the interview needs to go ahead at that time, to enable YOS Practitioners to collect PPE for use prior to attendance at Custody Suites, to request PPE as agreed with the Police on arrival at the Custody Suite and to support YOS Practitioners to undertake their role as Appropriate Adult, whilst minimising as far as possible any potential risk of infection.

#### c) Strategic Partnerships

At the start of the pandemic, concerns were raised by professionals about the proximity and number of persons within Police Custody Suites and interview rooms and the Police's ability to maintain social distancing measures to reduce the potential spread of coronavirus.

Whilst no criminal justice professionals want to delay matters being dealt with, there is a need to ensure that visitors to Custody Suites, including children, young people, parents, solicitors, Appropriate Adults etc are kept safe. Initially solicitors were refusing to attend Police Custody Suites, which placed the YOS in a predicament, as despite wanting to ensure



children were being treated fairly and in line with PACE guidelines, the YOS cannot act as an Appropriate Adult without the presence of a solicitor.

In order to ensure people were not being taken to Police Custody Suites' unnecessarily and to ensure that Custody Suites were as safe as possible for visitors, nationally in April 2020, an Interview Protocol was developed between the National Police Chief's Council, CPS, The Law Society, Criminal Law Solicitors' Association and London Criminal Courts' Solicitors Association, which was designed to assist investigators and prosecutors in determining which suspects should be interviewed. This Protocol alongside measures introduced by South Wales Police outlining what visitors to Police Custody Suites could expect on arrival provided some reassurance that actions were being taken to reduce the potential spread of the virus within this setting. Where social distancing cannot be maintained, South Wales Police have utilised a separate room for solicitors and/or Appropriate Adults, introduced screens within interview rooms and set out chairs in order to try and maintain social distancing.

YOS Practitioners who attend Police Custody Suites are encouraged to provide feedback regarding whether the measures introduced by South Wales Police are being adhered to. Where any concerns/issues are identified feedback is shared by the YOS Manager with the Chief Inspector for Custody Suites so that appropriate action can be taken to address any identified concerns. It is important to ensure that as lockdown restrictions ease, that Police and YOS Practitioners do not become complacent in relation to adhering to safety measures introduced, as the virus continues to be present.

Recommendations and Actions:

South Wales Police to continue to follow the Interim Interview Protocol during Covid-19 pandemic.

South Wales Police to consider whether children need to be transported to Custody Suites, particularly outside of working hours, or can be released under investigation and returned for voluntary interview or dealt with by way of Out of Court Disposal.

South Wales Police to reinforce with officers the need to ensure that they are following strictly the guidance in relation to reducing risks within Police Custody Suites

South Wales Police to ensure that they offer hand washing facilities, access to PPE where appropriate to all visitors to the Custody Suites

YOS Practitioners to follow Guidance for Attendance at Police Custody Suites and request on arrival access to hand washing facilities and PPE as appropriate.

YOS Practitioners to provide feedback both positive and negative to YOS Management Team regarding the experiences in Police Custody Suites

Where necessary YOS Manager to feedback comments positive or negative to Chief Inspector with responsibility for Custody Suites to mitigate risks.

### **Out of Court Disposals:**

a) The needs of children

In line with the Welsh Government/Youth Justice Board Strategy (2014) those at risk or involved in offending, should be seen as children first, offender second. These children have the same rights and entitlements as other children and services are encouraged to focus on early intervention and holistic multi agency support rather than impose punitive sanctions on children.

Early intervention ensures safeguarding/welfare/health/education issues are tackled promptly prior to issues becoming entrenched and behaviours reflecting the impact of ACE and/or trauma.

The Vale YOS operates a restorative ethos. Restorative practices are designed to develop children and young people's emotional literacy/problem solving and resilience during adolescence and early adulthood.

As part of the Out of Court Disposal process, the YOS engages children in restorative Neighbour Resolution Panels which are designed to bring together the child, parent, victim, where they wished to attend, and Community Volunteers. Within a restorative meeting all parties discuss the offence, seek to repair the harm and put in place interventions with the aim of reducing the risk of re-offending.

At the start of the pandemic with strict lockdown restrictions which prevented face to face meetings with children, young people, families and victims, the Vale YOS was forced to cease delivery of its Neighbour Resolution Panels.

Although face to face restorative meetings could not continue, South Wales Police continued to identify children and young people for consideration of suitability for an Out of Court Disposals. These children continued to be discussed in decision making panels (OOC Meeting) to determine the

level of Out of Court Disposal appropriate as an outcome. Professional O OCD Meetings have continued throughout the lockdown period using secure virtual platforms.

Rather than delay the delivery of outcomes for offences suitable for Out of Court Disposal, where possible, and appropriate, South Wales Police agreed to deal with low level incidents via restorative approaches in the community. Where an assessment of need was identified, referrals continue to be made to the YOS for allocation and assessment of suitability for an Out of Court Disposal.

The YOS in the majority of cases is undertaking assessment and delivery of interventions via remote platforms. Decisions are made based on the seriousness/sensitivity of offences as to whether there is a need for the YOS Practitioner to meet with child/parent face to face to complete the assessment.

The YOS wishes to avoid any delay in delivery of Out of Court Disposal and/or any intervention to address risks, as this could result in children re-offending and being escalated through the Youth Justice System as they had not had an opportunity to engage in interventions to address behaviours.

Where the outcome is a Youth Restorative Disposal or Youth Caution initially this was delivered through a door stop visit to the children's home address by the YOS PC. A door stop visit consists of the YOS Police Officer contacting the family by telephone, explaining the Out of Court Disposal process and proposed disposal to them. Attending at the home address to deliver the paperwork with details of the disposal for signature and return. Although not ideal this did allow children to access services remotely and understand that there was an outcome in relation to their behaviour.

Children who receive a Youth Restorative Disposal have no substantive outcome for the offence committed, but receive intervention to address any identified needs.

Where it was identified that a Youth Conditional Caution was appropriate in relation to the offence and needs identified, initially at the start of the pandemic, delivery of these disposals was placed on hold. South Wales Police were concerned that delivery of remote interventions would not bring sufficient gravity as Conditional Caution are imposed for more serious offences and have conditions which a child has to comply with. The decision not to deliver Conditional Cautions at the start of the pandemic resulted in some children having no disposal for a period of time. There is an inherent risk associated with this decision, if a child went onto re-offending, as they had received no intervention, there was a possibility that they could find

themselves in Court for numerous offences and receive a more punitive outcome.

With the availability over time of a socially distanced office space following assessments completed by Estates Department, it has become possible to deliver all Out of Court Disposals including Youth Conditional Cautions within the YOS offices. The meeting room enables the YOS PC, case manager, child and parent to be present. If the victim wishes to attend, the YOS is also able to facilitate their attendance in a separate socially distanced room within the YOS. Volunteers from the community join the meeting virtually thus reducing the number of people present at any one time. Although not as restorative as all parties being physically present in a room together to discuss the offence, this arrangement does enable a restorative discussion to take place and both the child and victim to engage in the process and agree an outcome.

This process will remain in place whilst the lockdown restrictions continue, it is unlikely that the YOS will be able to move to a position where all parties are physically present in a room to facilitate a restorative meeting (between 6 – 10 persons) until either a vaccine is found or larger rooms are identified.

b) The needs of staff

As outlined above, all YOS Practitioners, including the seconded Police Officer are working remotely. Professionals meetings to determine the level of Out of Court Disposal are also taking place remotely. These arrangements will remain in place, whilst the Welsh Government and Local Authority advice is “where people can work from home, they should do so”.

The YOS Police Officer currently works partially from home and partially from a Police Station. The Officer continues to undertake daily searches to identify any children who have committed offences, eligible for Out of Court Disposals, referred to the Court and to share intelligence regarding children and young people who are open to the YOS.

In addition to the above, the YOS Police Officer is also scrutinising cases where children are listed for Court and liaising with Police/CPS colleagues in relation to whether or not these children can be withdrawn from the Court list and dealt with via Out of Court Disposal. This system has been introduced as a result of a number of children attending at Court and the Court referring them back for consideration of an Out of Court disposal.

The YOS Police Officer is adhering to both South Wales Police and YOS guidance in relation to undertaking remote contact and/or physical door stop visits to children’s homes to deliver Out of Court Disposals. At the start of the pandemic a process was developed, where the Police Officer contacted the child and parent by telephone explained the Out of Court

Disposal process to them and sought their agreement to receipt of the disposal. The Police Officer then completed the necessary paperwork visited the child's home and requested the signature of both child and parent, retained the paperwork in a plastic folder for 72 hours to reduce the risk of contamination, before uploading onto the Police system and sharing information with YOS.

With the introduction of socially distanced meeting rooms for use by practitioners, the YOS Police Officer is attending the YOS offices alongside the YOS practitioner, child and parent to deliver the Out of Court Disposal in person.

Where a victim wishes to attend the Neighbourhood Resolution Meeting, arrangements are made for the victim to be supported by the Victim Officer, who books a separate meeting room within the YOS, with access to a computer to join the meeting virtually alongside the community volunteers. Support arrangements have been put in place so that victims can feel safe in attending, they understand the requirements associated with participating in the meeting, the Victim Officer's presence also ensures that the victim is not able to record the meeting via any remote device and share its contents, thus maintaining confidentiality for all. The Victim Officer can also support the victim both physically ensuring they do not come into contact with any additional people or the child/parent on arrival or departure, and emotionally by allowing them an opportunity to reflect on the meeting and its outcomes.

Community volunteers at the start of the pandemic were not available to undertake Appropriate Adult duties, Neighbourhood Resolution Meetings and Referral Order Panels. Many of the YOS volunteers are more mature, had concerns for their health and were following the Government advice to stay at home, protect the NHS and save lives. As restrictions have eased over time and the YOS has started to introduce the use of more virtual platforms to support engagement, volunteers have returned to participate virtually in both Neighbourhood Resolution Meetings and Referral Order Panels.

The arrangements to conduct both professional Out of Court Disposal and part physical/virtual Neighbourhood Resolution Meetings will continue in place until there is a change in circumstances. If the virus spreads and there is a local lockdown, the YOS will revert back to fully virtual meetings. If the risks associated with the virus reduce and there is further easing of restrictions, opportunities will be explored to identify whether it is safe to utilise larger venues to return to fully restorative Neighbourhood Resolution Meetings.

Any decisions made will be influenced by the need to ensure the safety and wellbeing of all attendees.

c) Strategic Partnerships

The Welsh Government/YJB Children and Young People First Strategy emphasises that where appropriate, children should be dealt with at the lowest possible level and diverted from the Youth Justice System. Welsh Government, South Wales Police, Police and Crime Commissioner and the Local Authority currently fund the prevention and diversion activities undertaken by the YOS.

The Vale YOS has continued to provide both preventative and diversion services since the start of the pandemic. Currently the majority of assessment and interventions are delivered remotely. Where risks or need dictate, face to face assessments and interventions are also now being completed subject to an agreed risk assessment and precautionary measures outlined above being put in place.

The YOS is working closely with South Wales Police in order to continue to provide Appropriate Adult and Out of Court Disposal services. The YOS Police Officer has supported colleagues both in the Police and Childrens' and Young People's Services by telephoning children who were not adhering to the lockdown restrictions and reminding them of their responsibilities and the potential outcome of continuing to float the restrictions. The Police are dealing with any failure to comply with Covid-19 restrictions as an opportunity to explain, engage and encourage compliance before seeking to enforce.

The incumbent Police Officer has been successful in securing a new post with South Wales Police Training Department. Before to his departure, South Wales Police have put in place a handover period to induct the new allocated Police Officer into role.

The YOS has participated in virtual Community Safety Partnership meetings, sharing information regarding its operating model and intelligence in relation to children and young people. Arrangements regarding dealing with anti-social behaviour have been adapted so that children do not find that they have escalated within the system without some form of intervention. The YOS continues to engage in virtual attendance at ASB Problem Solving Group Meetings and is involved in both virtual and face to face, risk assessed, Stage 2 and 3 meetings with children and their parents and the Community Safety Partnership.

The YOS is working closely with Children and Young People Services in relation to children who are known to both services, sharing responsibility

for contact arrangements and support including enabling children and families to access food banks and emergency supplies.

The YOS Management Board is due to meet on 08 September 2020. On the agenda are the National Standards Audit Findings and the Cardiff YOS Benchmarking report and proposed action plan. This meeting will discuss and agree how actions identified in relation to Out of Court Disposals can be taken forward. These actions include the introduction of a Youth Out of Court Disposal Scrutiny Panel and the implementation of the Policing of Looked After Children Protocol.

Recommendations and Actions:

South Wales Police to ensure handover completed for new Police Officer prior to departure of existing Police Officer

South Wales Police to ensure training is provided for new Police Officer in the use of the tracker system for sharing intelligence in relation to children and young people known to YOS

Professional Out of Court Disposal and Neighbourhood Resolution Panel meetings to continue in virtual form

YOS Management to keep under review prevailing circumstances in relation to the virus and adapt working practices accordingly, in line with the Vale of Glamorgan Council position and Welsh Government guidance

YOS Management Board to identify Board/YOS Members with responsibility for sections of National Standards Action Plan associated with standard 1 – out of court disposals

YOS Management Board to agree realistic timeframe, taking into account Covid-19 restrictions, for completion of agreed actions

Police and Crime Commissioners Office, South Wales Police, Cardiff and Vale YOS to explore opportunities to set up a Youth Out of Court Disposal Scrutiny Panel

South Wales Police, YOS, Childrens' and Young People's Services to explore options for implementation of the Policing of Looked After Children Protocol

**At Court:**

- a) The needs of children

Children and young people appearing in Court for the first time may be anxious about what to expect, may not understand how the Court operates, the professionals engaged within the Court setting, or the likely outcomes they will receive. These anxieties could be heightened by the fact that children and their parent/carer are required to attend Court during the coronavirus pandemic.

Although children should receive a leaflet providing information about the Court, and HMCTS have published information on “what to expect at Court”, access to this information is reliant on children and/or their families having access to the internet or being provided with the information.

The YOS receives daily information about children who have committed offences. This information includes children who have been referred to Court. Where the YOS is working with a child who is due to appear in Court, the allocated case manager can explain the process to the child and their parent/carer and encourage them to obtain legal representation prior to the Court Hearing date.

Where children are not known to the YOS, the Court Officer in attendance on the day of Court, will seek out the children and the parent/carer and explain to them what will happen in Court and any potential outcomes.

The sentencing Court is under an obligation to have “due regard for the welfare of the child”, to avoid criminalisation of the child, whilst ensuring they are held responsible for their actions. The Court must be mindful that some children may experience communication difficulties, developmental delays, mental or emotional wellbeing issues or have experienced a range of adverse childhood experiences.

In order to understand the needs and vulnerabilities of the child, the Court should create an environment which encourages dialogue between the Court and the child/parent/carer to enable them to take responsibility for the behaviour and to reduce the risk of re-offending. This is likely to be more difficult during the Covid-19 restrictions and whilst operating social distancing measures.

During March and April 2020, the Courts were listing only priority cases with all other cases being deferred until May at the earliest. Although this reduced the number of people having to travel to attend Court, potential cross contamination within the Court setting, it also created a backlog of cases. This resulted in some children who were charged with offences, waiting a considerable time before their case was listed, adjournments taking place at short notice, requests being made for Pre Sentence Reports and cases not being listed for sentencing. All of these actions although designed to protect the safety of Court users, increased anxiety and uncertainty. It also resulted in some children disengaging with the



YOS as they had not received a sentencing outcome, and therefore had no obligation to engage as not subject to a Court Order.

Concerns were also raised nationally by YOS in relation to HMCTS proposed use of remote hearings for children and young people, particularly where children were at risk of remand to custody. The reasons for the concerns were that all children at risk of custody are potentially vulnerable. Unless the child is known to the YOS, it would be difficult to carry out a full and comprehensive assessment remotely and explain the circumstances regarding secure accommodation to the child. Completing these activities remotely could potentially result in safeguarding or welfare concerns being missed and children being placed at greater risk.

Due to the concerns around children being remanded or sentenced to custody during the pandemic when custodial establishments are also facing their own challenges, the Court is encouraged, in line with Sentencing Council's Guidelines to only consider custody as a last resort. Where children present a higher risk of re-offending, risks in relation to harm to others or harm to their own safety and wellbeing, the YOS is providing, along with its statutory partners, a mixture of both face to face and remote interventions, subject to risk assessment and precautionary measures.

In June 2020, a decision was made to resume Youth Court hearings and introduce staggered time slots for children and parents/carers to attend Court. This has resulted in increased attendance at Youth Court and increased demand in relation to the production of reports.

The Court is also however, looking proactively at which cases could be referred back to YOS and Police for consideration of an Out of Court Disposal. This is a positive outcome for children, who if eligible, will receive an informal outcome and intervention to address their needs rather than a Court outcome.

b) The needs of staff

The YOS Case Management Team participate in a Court duty rota. This team provides cover for Court Monday to Friday, every Saturday and bank holidays to ensure that cover is available to deal with bail and remand Courts. Normal Court listing days during the working week are Tuesday, Wednesday and Thursday, with Monday, Friday and Saturday being potential remand Courts. This means if no remands are listed, there is no requirement to attend Court; however practitioners are on standby until the day. The Case Management Team comprises of 6 YOS Practitioners, this number has been reduced as one member of the team is within a vulnerable group and there was a vacancy within the seconded Probation Officer role. This has placed an additional burden on the remaining 4 YOS

Practitioners who cover this role, since March 2020. These practitioners also form part of the wider YOS duty rota and provide cover for Appropriate Adult duties.

The YOS has in place a Court Protocol between Bridgend, Cardiff and the Vale YOS. In the event that a child/young person is to be placed before the Court, the YOS will liaise with Cardiff YOS to ascertain if a Cardiff Court Officer is already in attendance and able to represent the Vale YOS in Court; as this reduces the number of people in the Court and reduces the risk of contamination.

Where a young person is being sentenced, or there is a risk of remand or custody, a Vale YOS Practitioner must attend Court. Currently agreement is in place that YOS Practitioners will not transport children to Court, unless it is on an emergency basis, the child can be transported in the back of the car and a face mask is worn.

Liaison has taken place with HMCTS and the YOS Manager and a copy of the Court risk assessment for dealing with Covid-19 has been obtained. A risk assessment has been completed and guidance for YOS Practitioners in attending Court has been produced utilising the risk assessment and feedback from YOS Practitioners on the practical arrangements within the Court setting.

YOS Practitioners are encouraged to use PPE, as there is now a recommendation for Court users to wear face coverings in England and Wales. YOS Practitioners are also encouraged to attend Court in advance of the scheduled listing time for children and parents to enable them to meet and explain the process to families. Between Court hearings, YOS Practitioners are encouraged to wait away from the main waiting area or outside to reduce the number of people they come into contact with.

YOS Practitioners have been encouraged to feedback comments both positive and negative about their experiences in Court, so that this information can be shared with HMCTS to inform operating practices.

The Case Management Team are also the group of YOS Practitioners, who prepare Pre Sentence Reports for the Court. Challenges are experienced if any member of the team is on annual leave or absent as this reduces the capacity within the team. Due to the impact on capacity the Court is being encouraged to consider longer lead in times for Pre-Sentence Reports.

#### c) Strategic Partnerships

A representative from YOS Manager Cymru attends the Pan Wales Criminal Justice Covid-19 meetings which take place currently on a

fortnight basis. These meetings are designed to understand the impact of Covid-19 on the Criminal Justice System, the operational models of each agency and look at how creatively cases can continue to be dealt with to avoid a large backlog of cases. Feedback in relation to the outcomes of these meetings is shared via the fortnightly meeting between YJB and YOS Managers Cymru, as well as minutes of the meetings being shared.

South Wales YOS Managers also attend the South Wales IOM and Criminal Justice Board meetings, again with the aim of sharing information in relation to how services are dealing with Covid-19 pandemic and continuing to provide a service.

Representations have been made via YJB to HMCTS in relation to children and young people who are nearing their 18<sup>th</sup> birthday and delays in being listed for Court. If young people are not listed and appear prior to their 18<sup>th</sup> birthday, they will be treated as an adult in any hearing post 18, and may receive a different outcome than if they had been dealt with as a youth.

The YOS Manager has participated in HMCTS meetings regarding the potential introduction of remote remand hearing and provided feedback in relation to the challenges of this model for children. A YOS Practitioner has also been invited to attend training on how to utilise the remote remand hearing, although this was not successful.

Introduction of the remote remand hearings held in Police Custody Suites has been dependant on an agreement being put in place between South Wales Police and HMCTS. To date for various reasons, this agreement has not been finalised and therefore no remote hearings are being held for children.

YOS Manager is liaising with the Deputy Justices' Clerk and the Operational Manager for South Wales and Gwent Magistrates Courts in relation to any staff or Court user safety issues.

#### Recommendations and Actions:

South Wales Police to review all potential cases listed for Court to reconsider whether eligible/suitable for an Out of Court Disposal

HMCTS to review Court listing to identify potential cases for referral back to Police/YOS for consideration of an Out of Court Disposal

HMCTS to continue to hold Youth Courts; to stagger Court listings to reduce concerns around safety for Court users

HMCTS to commit sufficient resources to deal with cases listed and avoid delays, which could result in congregation of large numbers of children, parents/carers in waiting area

HMCTS to ensure comply with own risk assessment for managing safety of Court users

HMCTS to inform YOS Management of any potential changes to operational model

YOS seconded Probation Officer to be included within the Court duty rota to increase capacity for cover

YOS Practitioners to ensure following the Guidance for Attendance at Court and collect PPE prior to attendance

YOS Practitioners to feedback to YOS Manager any safety concerns, so these can be raised with HMCTS

YOS Practitioners to prepare children and parents/carers for attendance at Court

YOS Manager to raise any capacity concerns in relation to completion of Pre-Sentence reports with HMCTS to ensure Court does not lose confidence in community sentence

YOS Management Board to identify Board/YOS Members with responsibility for sections of National Standards Action Plan associated with National Standards No 2 – in Court.

YOS Management Board to agree realistic timeframe, taking into account Covid-19 restrictions, for completion of agreed actions

### **In the Community:**

a) The needs of children

Children who meet the criteria for supervision in the community are children who are subject to Referral Orders, Reparation Orders, Youth Rehabilitation Orders, or under supervision as part of their licence conditions following release from custody. These children will often have complex needs, have experienced a range of adverse childhood experiences and may present risks both to others and themselves.

Research conducted by Public Health Wales evidences that children and young people who suffer four or more harmful experiences in childhood

increases the chances of high risk drinking in adulthood by four times, being a smoker by six times and being involved in violence in the last year by around 14 times. This research emphasise the need to understand and take effective action to ensure children are protected and support systems are in place with a focus on prevention and early intervention to improve children and young people's life chances.

The YOS participated in a trial of the enhanced case management model during 2018 which provided access to psychology and social work services to undertake case formulations and develop new ways of working with children to help them to move towards crime free lives in the future. Although this trial has ceased, all YOS practitioners have received trauma informed training and engage with children using a relationship based model.

Prior to the lockdown restrictions, the Vale of Glamorgan YOS undertook an analysis of the open and active caseload to identify those children at risk in relation to offending/re-offending, risk of harm to others and safety and wellbeing of the children and young people. National Standards for Youth Justice have been suspended on all cases, as the YOS is unable to meet these fully as a result of the lockdown restrictions.

YOS continues to operate remotely unless there are circumstances that dictate the need for a face to face visit or attendance, and then with appropriate precautions being taken. To facilitate face to face contact based on risk and identified need, YOS Practitioners are completing a risk assessment to be agreed with managers, to evidence the rationale for face to face contact and the circumstances regarding how this would be conducted

Where a new case is identified, allocations are taking place in the normal way by a manager. Assetplus assessments are being conducted remotely or face to face based on need. Recording of assessments and contacts continues to take place on Childview

YOS Practitioners are using a variety of methods to engage children within their intervention plans, including Microsoft Teams, Zoom, Whatsapp. YOS Practitioners are also utilising online interactive resources to deliver targeted interventions such as knife crime.

Management oversight continues through case discussions informally and formally and supervision is also provided over the telephone/remotely. Managers have recorded on Childview suspension of national standards during the Covid-19 lockdown period as unable to fully comply with

requirements during lockdown restrictions. This decision is seen as a defensible decision as it is in line with all other YOS operating across Wales.

Although the YOS is operating utilising more remote platforms, the service continues to attempt to deliver all its statutory functions, although contact is inevitably less frequent with children and young people. In relation to specific orders, it is important to note that Referral Orders cannot legally commence until a child meets with a Youth Offender Panel, restorative meeting conducted by community volunteers and agrees a contract for completion.

Due to the restrictions on travel and face to face contact at the start of the pandemic, Referral Order Panels were initially taking place as shuttle meetings, i.e. a report being sent to the volunteers, who raised questions with the case manager and put forward proposals for inclusion in the contract. The case manager then contacted the child and parent to discuss, answer questions and agree the contract.

This process has moved on with the opening up of socially distanced spaces within the YOS building, which allows a child, parent to meet with a case manager, the victim and supporter to be located in a separate room, and community volunteers to dial in virtually into a meeting to conduct the discussion with the child and parent and agree a contract.

Although this arrangement does not offer a truly restorative option, it allows the child, parent and victims, if they wish to do so, to participate in a meeting to repair the harm. The arrangement also enables the YOS to overcome the fact that not all children and families have access to the internet, there are cost implications of using some remote options, and it reduces the risk of any online content being recorded. This arrangement will remain in place until there is a change in circumstances with either further opening up or lifting of restrictions or more lockdown restrictions are imposed.

Currently the YOS is not supervising any Reparation Orders, although reparation is included in any Referral Order and Youth Rehabilitation Order imposed as part of an activity requirement. Initially reparation was unable to be delivered due to restriction on travel and face to face contact.

Whilst reparation was on hold, other options for delivery were explored including setting environmental learning-based tasks and discussing these with children, providing equipment for children to make face masks at home, and children undertaking chores for parents, where the parent is identified as the victim of their offending.

The position has moved on with the YOS completing a risk assessment of the garden at the rear of the YOS premises and exploring options for

outside activities such as beach cleaning which can be undertaken socially distanced. These risk assessments have been approved, as they include the use of tools and activities for sanitising equipment, by Health and Safety Department. Children who are nearing the end of their Order, or who have a large number of hours of reparation to complete based on the length or seriousness of their Order, are now being invited to complete reparation.

The YOS will review the position regarding delivery of reparation projects and explore the options for transportation to local activities following completion of risk assessments of vehicles, to ensure safe for all participations. If a local lockdown is imposed, the YOS will revert back to online reparation activities.

Children subject to Youth Rehabilitation Orders and/or licence conditions as part of their custodial order, frequently have more complex needs and are involved with a range of services including Childrens and Young People's Services, Education, Young People's Drug and Alcohol Services, CAMHS, Housing, MARAC, MAPPA.

These children as part of the assessment process are also identified for varying levels of supervision based on their needs and the risks they pose. The YOS is working collaboratively with a range of agencies, as outlined above, to offer children the assessed levels of contact to manage the risks they present. The YOS is seeking to co-ordinate appointments and services to avoid overloading children whilst continuing to manage any risks they present to themselves and others.

The YOS is, where possible, utilising Microsoft Teams and other platforms to engage both professionals and children in intervention programmes.

b) The needs of staff

Managing children with complex needs who present risks to both themselves and others can be both emotionally and mentally impacting. Children subject to community sentences are managed by members of the Case Management Team. This team, which consists, when fully staffed of 6 practitioners, also covers Court and on call rota for Court on weekends, bank holidays.

The YOS along with all other agencies has had to adapt quickly to new operating models, engage in agile working, deal with challenges associated with remote working, such as connection issues, learning about and using new technologies, for children with no internet access, only being able to be in contact via the phone. On top of this many Practitioners

have children at home and are trying to work and provide childcare at the same time. Working in this way also presents a challenge for maintaining the boundaries between home and work life and achieving a balanced approach.

The change in operating model has meant that the majority of face to face contact has ceased, practitioners are having to engage children and families, some of whom they have never met before in an intrusive assessment process either over the phone or via a remote platform. Operating in this way presents challenges as the child and/or parent/carer can be reluctant to share information, as they have not yet formed a relationship with the Practitioner. Practitioners cannot visit the home to validate the information being provided, they are unable to offer the full range of services previously available. Practitioners were initially unable to access peer support except via the phone so were reliant on contacting managers for support.

All of these issues, can and do continue to present challenges to Practitioners wellbeing and the YOS has invested in the provision of a self-care course for any practitioners who wish to access this.

Under normal circumstances the YOS runs a training programme for volunteers on at least an annual basis. The aim of delivering this programme is to ensure that the YOS has sufficient volunteers to operate an Appropriate Adult and Referral Order Youth Offender Panel service. As outlined in the Appropriate Adult section, volunteers have removed themselves from the rota for delivery of services currently. Volunteers continue to engage in remote Youth Offender Panel meetings, but the number engaged is limited.

The YOS has started to provide volunteer supervision remotely and is looking to adapt its existing training programmes to be able to deliver remotely. This however does not address the requirement to complete restorative facilitation training, which comprises of 3 days, theory and role play delivery. Discussions are ongoing with the external provider of train the trainers programmes to identify if it is possible to adapt the programme. Further recruitment of volunteers is currently on hold, whilst YOS Practitioner Manager is adapting and attempting to deliver the full training programme to existing volunteer recruits.

#### c) Strategic Partnerships

The YOS forms part of Children and Young People Services and continues to work collaboratively with partner agencies to ensure that there is a co-ordinated approach to providing contact for children, young people and families and to enable interventions to be delivered.



The YOS is engaging remotely in external partnership meetings, such as MAPPA, MARAC, Children's and Young People's Services, Child Protection, Children Looked After Meetings, reviews etc, CSP Problem Solving Group Meetings and other relevant meetings.

The majority of partner agencies such as Young People's Drug and Alcohol Service, CAMHS, Substance Misuse Services, Education Welfare Services are offering remote contact to children and young people during the lockdown restrictions. With the ability to access a socially distanced meeting space, the YOS is also offering out access to this meeting space to partner agencies such as Young People's Drug and Alcohol Service to enable them to engage with children who find remote contact difficult.

The YOS continues to hold Case Planning Forums meeting to discuss and agree risk management agreements for medium and high risks cases. These meetings are taking place remotely with external partner agencies in attendance. The aim of the meetings is to agree the presenting risks and what actions will be taken by each individual agency to manage these risks. The Chair of the meeting holds agencies to account in the delivery of agreed actions.

The arrangements outlined above will continue to operate unless there is a change in circumstances. If local lockdowns are imposed face to face contact is likely to cases until the restrictions are removed.

#### Recommendations and Actions:

YOS Management to monitor and evaluate the impact of any changes in lockdown restrictions and adjust the YOS operating model accordingly

YOS Practitioners to continue to collaborate with partner agencies to ensure support for children can be provided face to face and remotely

YOS Practitioners to continue to utilise trauma informed practice to build relationships and support children to achieve desistance

YOS Management Board to identify Board/YOS Members with responsibility for sections of National Standards Action Plan as outlined in standard 3 "in the community"

YOS Management Board to agree realistic timeframe, taking into account Covid-19 restrictions, for completion of agreed actions

YOS Practitioner Manager to collaborate with external provider of restorative approaches training to identify if able to adapt to remote learning

**Secure Settings:**

a) The needs of children

Children appearing in Court and at risk of remand or custody are some of the most vulnerable. Being sentenced to custody impacts on many aspects of a child's life, it not only restricts their liberty, being place in custody results in children being removed from their family, friends and support networks. These children experience a sense of loss as they are removed from services which may have supported them.

In preparing reports for Court, where Magistrates have requested "all options" and there is the potential for a custodial outcome, the YOS stresses the negative impact of custody on children and seeks to propose alternatives in the form of community supervision, including intensive supervision and surveillance.

The Courts also have a duty to have due regard for the welfare of the child and only consider custody as a last resort.

Prior to the Court Hearing, the allocated YOS Practitioner will complete an Assetplus assessment and the remand/custody model and submit this via connectivity to the YJB Placement Team to make them aware of the potential requirement for a placement. No action will be taken in relation to the identification of the placement until it is confirmed by the YOS Practitioner that the outcome is secure.

Fortunately, at the current time, there are no children from the Vale of Glamorgan in a custodial setting. The YOS does have a number of children who are currently subject to licence conditions and is working closely with partner agencies to ensure they are able to access the services to reduce their risk of re-offending.

The YOS Management Team is monitoring communications and information released by the Youth Custody Service outlining its operating model to ensure it remains abreast of how services will operate if a child is sentenced to custody.

b) The needs of staff

As outlined above in the Community Section, the Case Management Team Practitioners are responsible for supervising children within a custodial setting and on licence in the community.

All medium or high-risk children are discussed in Case Planning Forums, which are attended by external partner agencies where needs and risks are discussed and plans developed to mitigate the risks and meet needs.

If a child was to be sentenced to custody, there is a possibility dependant on their risks and vulnerabilities that they could be placed in either a Youth Offending Institute or a Secure Children's Home, the YOS would need to engage with the identified secure placement to establish how planning meetings, visits etc are being conducted.

c) Strategic Partnerships

The YOS has a duty to supervise children both in a custodial setting and within the community, as outlined in Criminal Justice Legislation. Children and Young People Services also have a duty to children who are remanded or placed in custody as outlined in the Social Services and Well-Being Act 2014.

To ensure effective collaboration and joint working in relation to children who are remanded or placed in custody, guidance for joint working arrangements between YOS and Children's and Young People's Services has been developed by Welsh Government, ADSS, YJB and YOS Managers Cymru. This guidance is also supported by the YOS and Children and Young People Services Protocol, which includes local practice guidance for children placed within the Criminal Justice System.

A representative of YOS Managers Cymru attends the Pan Wales Covid Criminal Justice Meeting and Hillside Covid-19 Catch Up operational meetings and provides feedback to all YOS Managers, through the fortnightly meeting between YOS Managers Cymru and YJB. This feedback alongside information received directly from the Youth Custody Service ensures that YOS Management is aware of development at this time.

Recommendations and Actions:

YOS Management to monitor developments re operational models for secure estate

YOS Management Board to identify Board/YOS Members with responsibility for sections of National Standards Action Plan as outlined in standard 4 in secure accommodation

YOS Management Board to agree realistic timeframe, taking into account Covid-19 restrictions, for completion of agreed actions

**On Transition and Resettlement:**

a) The needs of children

Children open to the YOS may experience many transition points between services, based on their needs, age and circumstances. Example of this in practice are children who receive a custodial sentence, transition from the community to custody and back to the community on release; children who are in receipt of substance misuse services may increase or decrease their use and require access to services at different tiers, children who are nearing their 18<sup>th</sup> birthday and are subject to Court Orders which extend beyond their 18<sup>th</sup> birthday, are likely to transition to the Probation Service.

In order to support children to transition between services, it is important to identify through assessment and planning, their needs and the services best placed to address these needs.

YOS Practitioners engage children in supervision and support using relationship based models. Children are informed of what they can expect from the YOS and what the YOS expects from them in terms of engagement and participation. To support children transition to other services, the YOS engages in three way meetings with Probation Service for example to introduce the young person, share information and put in place arrangements to handover responsibility for supervision of the young person. Where children are being supported to access substance misuse provision and their needs increase, handover arrangements are put in place to transfer through introduction the case to Young People's Drug and Alcohol Service. Other support mechanisms are used in relation to referrals to a YOS Mentor to support transitions in educational placements etc.

Introducing and supporting children to engage with new services increases the change of the children remaining within the services and accessing the support they require.

b) The needs of staff

It is recognised that children who are accessing services via the YOS, involved in prevention, diversion or under supervision of a Court Order, all have identified needs. YOS Practitioners alone cannot meet this need, they require support from colleagues in Children and Young People Services, Education, Housing, Health, Substance Misuse Services,

Community Safety Partnerships etc to support them in addressing any identified needs.

YOS Practitioners can however feel a sense of frustration, where they have identified a need and external services are unable to respond, or do not respond within the shortened timescales that YOS Practitioners are required to operate within, i.e. 15 working days to complete a report for Court.

In order to support effective working relationships, it is important for practitioners both within the YOS and external partner agencies to understand each other roles and responsibilities, the legal framework, standards and timescales under which each agency operates. This information can be included within protocols or service level agreements developed between the YOS and partner agencies, so that all practitioners understand and comply with expectations, which should in turn reduce frustration.

YOS Practitioners are supported in their role by members of the YOS Management Team through informal and formal discussions, supervision and appraisal and through the holding of meetings with partners to discuss and agree needs and risks and how each agency can address these.

YOS Practitioners can escalate any concerns they may have in relation to the provision of services for children to YOS Management Team. YOS Management Team will liaise with colleagues in the relevant service area to try and agree a way forward, although this may not always result in the outcome everyone is looking for, the discussions normally at least aid an understanding of rationale for decision making. An example of this in practice, is recruitment has recently taken place in relation to the Nurse post within the YOS. It was identified through monitoring and evaluation that this post would be better suited to a Nurse Therapist. The new post has been developed and recruitment completed. Health colleagues are now developing health pathways to support children in accessing and transitioning through services.

c) Strategic Partnerships

The YOS has in place a number of protocols and service level agreements with members of its Management Board who are its statutory partners. These partners have a duty to ensure that the YOS is adequately resourced to meet the needs of children involved with the Youth Justice Service; to aid the removal of barriers and to enable children to access support from mainstream and specialist services.

The National Standards Audit completed in April 2020 identified that even though the YOS had in place protocols or service level agreements with its partners, many of these were out of date and needed to be refreshed.

Although the YOS Management Board is monitoring performance and holding each other to account where underperformance or barriers are identified in quarterly meetings, and by setting up task and finish groups to take forward actions, there is not a formal escalation process in place between the YOS and the Management Board, or the Management Board, and beyond if issues are not resolved within a reasonable timeframe.

Recommendations and Actions:

YOS Management Board to identify Board/YOS Members to take forward actions identified within the Cardiff YOS Inspection Benchmarking Exercise

YOS Management Board to identify Board/YOS Members with responsibility for sections of National Standards Action Plan as outlined in standard 5 transition

YOS Management Board to agree realistic timeframe, taking into account Covid-19 restrictions, for completion of agreed actions

**Sign Off:**