

North Yorkshire County Council**Corporate and Partnerships Overview and Scrutiny Committee****22 April 2013****Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012****1 Purpose of Report**

- 1.1 To provide the Committee with an overview of key changes to the youth justice system brought about by the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

2 Background

- 2.1 North Yorkshire Youth Justice Service comprises staff from a range of service partners including the Police, Probation Service, Children's Social Care, Health, and Education, supported by committed and skilled volunteers. The key objectives of the Youth Justice Service are to reduce youth crime, protect the public from serious harm, and to safeguard the welfare of young people.
- 2.2 The Service works with young people who commit low level crime and receive out of court disposals such as Reprimands or Final Warnings, through to those who are in custody, either on remand or who have been sentenced to detention.
- 2.3 This report details some of the key legislative changes both to out of court disposals and to custodial remands.

3 LASPO Act 2012

- 3.1 The Act arose from the Green Paper '*Breaking the Cycle*' and implementation is in two stages: December 2012 and April 2013.

4 Out Of Court Disposals

- 4.1 Key changes in the LASPO Act affecting young people are:
- Reprimands and Final Warnings ceased to exist and from 8 April 2013 were replaced with Youth Cautions
 - Youth Conditional Cautions were introduced which entail referral to the YJS for assessment, and if appropriate, intervention.
 - Penalty Notices for Disorder have been abolished for young people.
- 4.2 Community Resolution Disposals (CRDs) are currently issued by Police in North Yorkshire for very low level crime. CRDs divert young people from the criminal justice system and avoid unnecessary criminalisation. These will continue and in addition there will also be the introduction of Youth Cautions and Youth Conditional Cautions.

- 4.3 Importantly, there is to be no restriction on the number of Youth Cautions that can be administered, and one can be issued even if the young person has had a Youth Conditional Caution previously or has been convicted of an offence. The notion of a 'tariff' is removed and from April the disposal should reflect the seriousness and impact of the offence, previous offences, and the young person's compliance and willingness to engage and accept full responsibility.
- 4.4 The appropriate level of response must be proportionate, appropriate and defensible, taking into account the views of the victim.
- 4.5 The YJS is currently working with the Police and other key criminal justice services to plan for these changes and to ensure effective, transparent and consistent application. A protocol has been developed and signed for implementation and processing of the range of Out of Court Disposals, which includes provision for six monthly quality assurance and monitoring. It is anticipated that this will include the development of Scrutiny Panels.

5 Remands into the Secure Estate

- 5.1 Key changes affecting young people are:
- The introduction of a single remand framework from December 2012, replacing a range of different remand orders
 - Remand legislation has been amended to include 17 year olds
 - Importantly, all young people who are now remanded to Youth Detention Accommodation (YDA) acquire 'looked after child' status
 - A higher threshold for the use of Remand to YDA, which is expected to achieve a reduction in numbers in custody and an increase in those remanded to the local authority.
 - Financial responsibility for secure youth remands was devolved to local authorities from 1.4.13. There are differing costs dependant on the placement type (Young Offender Institutions are considerably cheaper than Secure Training Centres or Secure Children's Homes). Decisions in respect of placement choice will be made by the Youth Justice Board in consultation with the designated local authority.
 - 'New burdens' funding was allocated to local authorities to assist in meeting their new responsibilities. This funding is not ring-fenced.
- 5.2 The YJB consulted on proposals for distributing the funding to local authorities, based on the premise that:
- The new remand framework, coupled with local authorities being better incentivised to avoid custodial remands, will achieve a 15% reduction in use.
 - Under previous legislation, local authorities had a statutory duty to meet the costs of Court Ordered Secure Remands, and although the YJB assisted with these costs (paying 2/3rds), there was no statutory requirement to do so. New additional costs from April 2013 which relate to Secure Children's Home and Secure Training Centre placements are therefore not included in calculations.
 - That approximately 25% of young people on secure remand will have been looked after by the local authority prior to placement and therefore incur no new costs.

5.3 The YJB has decided:

- to distribute funding to local authorities based on historical usage by individual authorities averaged over the past 3 years
- to recover costs of remand bed nights based on the average cost of the type of establishment in which the child is held on remand
- not to establish a central budget for local authorities to access should a 'spike event' occur but instead local authorities should meet the costs of variations in demand from within their own budgets
- to deduct sufficient funding to pay for transport costs (to and from custody using an Independent provider) from the amount to be transferred to local authorities under the 'new burdens' agreement. The amount deducted is based on historic bed night usage for Secure Children's Homes and Secure Training Centres
- to meet the costs of extending 'looked after children' status to all children remanded to YDA, the Ministry of Justice and Youth Justice Board has transferred funding to local authorities. This was based on average bed night usage over the past three years.

5.4 I am advised that of the approximate £50 to £85 million previously spent on secure remands by the Youth Justice Board, only £21 million has been transferred to local authorities.

6 Implications for NYCC

6.1 The YJB has transferred funding of £136,263 to meet the transfer of financial responsibility for Remands to YDA from 1.4.13.

6.2 Excluding anticipated additional costs of staffing (particularly social workers and Independent Reviewing Officers) and costs associated with some young people acquiring leaving care status if looked after beyond 13 weeks, the actual costs of secure remands in preceding years were:

2010/11	£326,444
2011/112	£526,841
2012/13	£194,246

6.3 Children's Social Care is aware of new legal and financial responsibilities placed upon them and have been working in close partnership with the YJS in preparation, including:

Prevention of YDA

- Ensuring good quality assessments and bail information is available to courts
- Extending the range of alternative provision such as Bail Support
- Access to early intervention including Edge of Care provision, Parenting Support, Family Intervention programmes

Ensuring that a secure placement is appropriate to need

- Good quality assessments
- Managerial oversight and quality assurance

- Accurate and timely information to placement to avoid unnecessary expensive Secure Children's Home placements
- Appointment of a Custody Liaison Officer post to improve transition and resettlement planning

Minimising the length of secure placement

- Effective court and legal liaison to expedite proceedings
- Timely Pre-Sentence Reports
- Encouraging and supporting bail applications
- Establishment of and managerial oversight of data - 'secure estate tracker' developed

6.4 The number of young people either sentenced or remanded into secure accommodation is low, and at the time of writing, there is only one 17 year old young person remanded to YDA, placed on 1.4.13. However 'spike' events are difficult to predict and those charged with extremely serious offences can be placed on remand for very long periods.

6.5 Changes in legislation and the drive to reduce both the number of young people remanded to YDA and the length of time spent in secure remand, is expected to impact:

- Many more complex and challenging young people with prolific offending histories being managed in the community
- More young people, especially those aged 16 and 17, being remanded to Local Authority Accommodation (RLAA) in the community. Currently there is a lack of provision to meet this anticipated need.
- Potential increase in re-offending rates as the use of custody decreases.

7 Recommendations

7.1 That Members note the key changes to the youth justice system brought about by the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

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