

Item No. 8.	Classification: Open	Date: 29 April 2013	Meeting Name: Corporate Parenting Committee
Report title:		Looked After children and young people and offending –impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASP)	
Ward(s) or groups affected:		All	
From:		Strategic Director of Children's and Adults' Services	

RECOMMENDATIONS

Corporate Parenting Committee to note:

1. The implications of Legal Aid Sentencing and Punishment of Offenders Act (LASPO) on resources within the Youth Offending Service (YOS) and the Adolescent & Aftercare Service.
2. The proposed changes to the Care Planning Guidance to Looked after Children on remand.

Key Messages

3. LASPO has increased the number of young people considered looked after and needing services. The legislation now designates young people remanded in custody as being in care and therefore entitled to the same services as other looked after children including aftercare services if they meet the criteria. From April 2013 there will be significant additional costs falling on the council. Predictions based on historic data suggest remand bed days are reducing and additional costs would be in the region of £820,000.
4. The number of remands is influenced by the seriousness of offending by young people, policing activity, YOS work with young people (to prevent offending and offer bail packages), and is ultimately a decision made by the court.

BACKGROUND INFORMATION

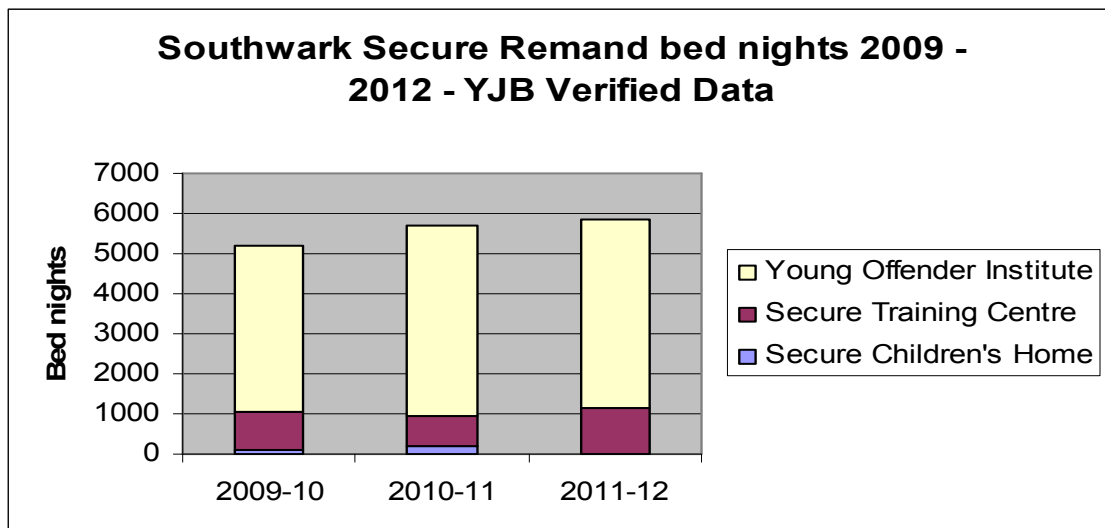
5. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASP) introduced a new remand framework for young people from December 2012. When a young person is refused bail by the court the options now available are to Remand into Local Authority Accommodation (RLAA) or impose Youth Detention Accommodation (YDA).
6. A YDA is a secure remand either into a Young Offender Institute (YOI), Secure Training Centre (STC) or Secure Children's Home (SCH). Core to these legislative changes are the inclusion of 17 year olds in the remand options and that all young people receiving a YDA become looked after children.

7. From April 1 2013 the designated Local Authority for the young person will be responsible for all remand accommodation costs.
8. This intention behind this change in legislation is to only use remand places where it is necessary to protect the public from those whose offending and alleged offending is serious enough to warrant custody. In addition the legislation has been changed so that all young people under 18 are treated in the same way for remand purposes, rather than treating 17 year olds as adults. This will ensure compliance with the UN convention on the rights of the child. All young people who are securely remanded will become 'looked after' by the local authority. In addition, local authorities will become financially responsible for all youth remands to secure accommodation, although responsibility for commissioning and placements will be retained by central government. It is hoped that this will incentivise local authorities to invest in alternative strategies for this group of young people.
9. This legislative change is in the context of national data indicating that in 2010/11, 26% of all young people in custody were on remand, however 61% of those on secure remand were acquitted or did not go on to receive a custodial sentence from trial. The implication was that many of these young people did not need to be in a secure placement. Secure remands are also expensive, with costs ranging from £626 per night for Secure Training Centre to £171 per night for a Young Offender Institute.

KEY ISSUES FOR CONSIDERATION

Impact for Southwark based on 2009 – 2012 YJB verified data

10. Southwark has the third highest number of remand bed nights in England & Wales for 2009 – 2012. The potential impact of this is on the increased number of children becoming looked after children as a result of the change in remand legislation from December 2012 and also from April 2013 the financial costs of this accommodation.

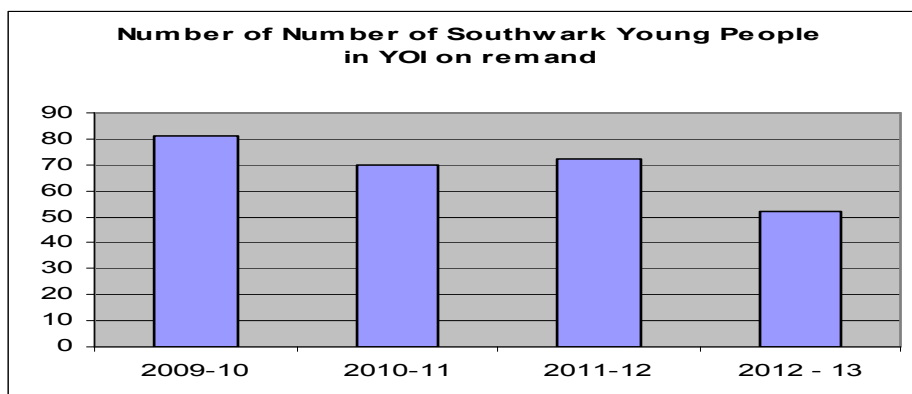


11. Financial implications of paying for remand bed nights from April 2013:

- The Ministry of Justice national allocation of additional funding has assumed a 26% reduction in remand bed nights following recent changes and the introduction of LASPO.
- Current YOS data (note: not YJB verified) on remands for 2012 – 2013 suggests that bed nights have significantly reduced this year. Current projections indicate a 33% reduction in remand bed nights. These secure bed nights would cost an additional £825,821 less than predicted earlier, however the bed nights for Remands into Local Authority Accommodation has increased by 42% implying that magistrates are now more likely to use a non secure remand which will put additional strain on budgets.

Additional resource implications of paying for remand bed nights from April 2013

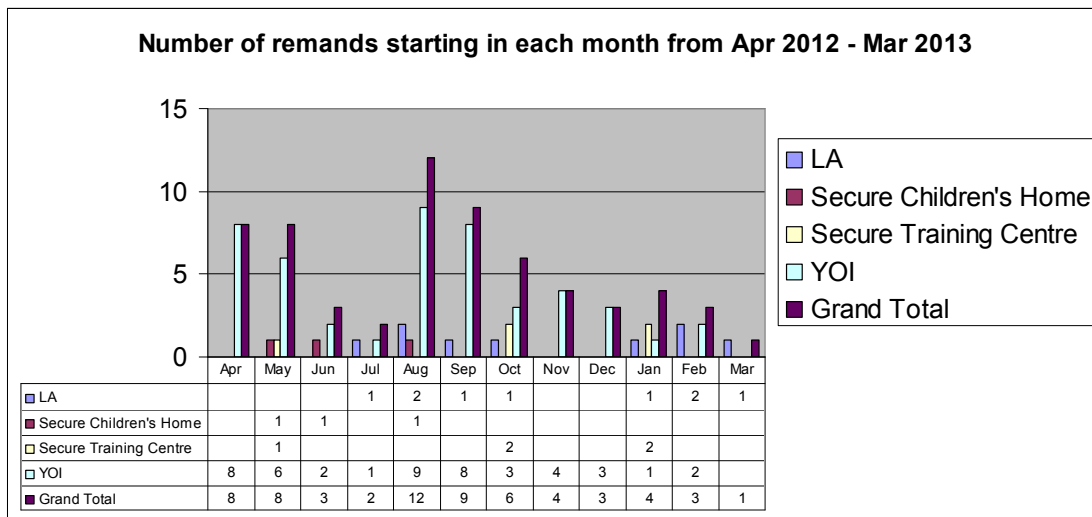
12. As all young people remanded from 3 December 2012 are now looked after children there are implications for social work resources in worker time additional requirements for Independent Reviewing Officers, and the potential additional demand for leaving care and aftercare services.
13. Care Planning Guidance is currently being reviewed by the DfE to take into account the special situation of remanded young people in the secure estate but until revised guidance is published existing requirements continue as for all newly looked after young people.
14. The YOS is currently case working all new remands and liaising with the Adolescent and Aftercare Service to handover cases once the length of remand is predicted to continue past the first month.
15. The length of a remand can depend on the seriousness of the offence, the number and type of co-defendants (whether they are young people or adults) and if a not guilty plea is entered the time taken for trial. An increase in remand bed nights does not necessarily mean that more young people have been remanded and data suggests the actual number of young people on remand has been falling.
16. In particular the number of young people remanded into YOI and who now become looked after children as a result of LASPO has reduced over the last few years and YOS data suggest this is predicted to reduce by 28% compared to 2011/12.



17. Some young people are already looked after before they are remanded. National data quoted by the Ministry of Justice estimates that 25% of the YOI population were already looked after young people. YOS data from April 2012 indicates that only 1 young person out of 16 on remand in YOI was LAC (6%).
18. Using YOS data from the last two years it is estimated that the LAC population will increase by 55 – 79 per year because of the additional YOI remanded young people. This figure does not include any potential increase in Remands into Local Authority Accommodation.
19. The length of time young people spend on remand impacts on the future responsibilities of the local authority. YOS 2009 – 2012 data shows that the number of days on remand ranges from 1 – 579, with the average remand period being 15.5 weeks and 75 young people in that period passing the 13 week qualifying period for aftercare services.
20. Southwark has been allocated an additional £107,183 for 2013 – 14 to cover the extra social work costs associated with the new LAC responsibilities for YOI remanded young people.

Latest YOS data on remands 2012 – 2013 (not verified by YJB)

21. As mentioned above, local YOS data shows that remand bed nights this year have reduced by 33%. The graph below shows the fluctuations in number of remands starting per month. The introduction of LASPO in Dec 2012 does not seem to have significantly impacted on what has been a general downward trend since the summer.



22. Since December 2012 young people have been remanded, 10 remain on remand. Three are in Secure Training Centre, four in YOI and three are Remanded into Local Authority Care and placed in the community. Two of the 18 young people were already looked after young people. 16 therefore became LAC however only 10 of these achieved this status as a result of LASPO changes (others would have been LAC owing to age and type of remand placement).

23. Of the 7 remands that have ended, the length ranged from 6 to 68 days. Two of those remaining on remand are likely to exceed the 13 week qualifying period.
24. In response to the additional demand for services arising from this legislative change, further work is being undertaken to strengthen bail support packages and suitable alternative care arrangements for young people at risk of being remanded to custody or local authority accommodation.

Community Impact Statement

25. Young offenders in care are a vulnerable group in our community. The new legislation ensures that the needs of these young people are appropriately prioritised by the local authority and that they are supported through care and custody into more positive and productive lifestyles.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Rory Patterson, Director of Children's Social Care	
Report Author	Jenny Brennan, YOS Service Manager	
Version	Final	
Dated	17 April 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Officer	17 April 2013	