

CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE'S SERVICES

**Venue: Town Hall, Moorgate
Street, Rotherham.**

Date: Wednesday, 4 November 2009

Time: 8.45 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for Absence.
4. Minutes of the previous meeting held on 21st October, 2009 (copy attached) (Pages 1 - 4)
5. Local Authority Duty to Support Vulnerable 16 and 17 Year Olds (report attached) (Pages 5 - 9)

Simon Perry, report author

6. Young People Sentenced to Custody (report attached) (Pages 10 - 14)

Simon Perry, report author

7. EXCLUSION OF THE PRESS AND PUBLIC
The following items are likely to be considered in the absence of the press and public as being exempt under those paragraphs, indicated below, of Part 1 of Schedule 12A to the Local Government Act 1972, as amended
8. Surplus School Balances 2008/2009 (report attached) (Pages 15 - 20)

David Ashmore and Vera Njegic, report authors

(Exempt under Paragraph 3 of the Act - information relating to financial or business affairs)

9. Rawmarsh Monkwood Primary School - Building of New Classrooms and Accommodation Block (report attached) (Pages 21 - 24)

Glen John-Lewis – report author

(Exempt under Paragraph 3 of the Act - information relating to financial or business affairs)

10. Minutes of a meeting of the Education Consultative Committee held on 15th October, 2009 (copy attached) (Pages 25 - 28)

(Exempt under Paragraph 2 of the Act – information likely to reveal the identity of an individual)

**Date of Next Meeting:-
Wednesday, 18 November 2009**

**Membership:-
Cabinet Member:- Councillor S. Wright
Councillors Havenhand, Senior Advisor, Currie and Tweed, Advisors**

**CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE'S SERVICES
Wednesday, 21st October, 2009**

Present:- Councillor S. Wright

Apologies for absence were received from Councillors Currie, Havenhand and Tweed.

**62. MINUTES OF THE MEETINGS HELD ON 6TH OCTOBER, 2009 AND
ON 7TH OCTOBER, 2009**

Resolved:- That the minutes of the two previous meetings, held on 6th October, 2009 and on 7th October, 2009, be approved as correct records.

**63. POSITIVE BEHAVIOUR MANAGEMENT OF CHILDREN AND YOUNG
PEOPLE OVERARCHING PROCEDURAL GUIDANCE**

Consideration was given to a report presented by the Policy and Planning Team Manager describing the overarching procedural guidance which has been developed to provide Children and Young People's Services with a document that covers all situations where behaviour management of children and young people is required. The overarching procedural guidance emphasises a positive approach to behaviour management, particularly with regards to de-escalation techniques which can be applied across the range of settings found within Children and Young People's Services. There are three sets of procedural guidance accompanying the policy relating to school and educational settings, the Young People's Service, and Looked After Children and young people. The procedural guidance document was appended to the report submitted.

Discussion took place on the possible provision of a brief reference document for employees, highlighting the principal points of the guidance.

Resolved:- (1) That the report be received and its contents noted.

(2) That the overarching procedural guidance document, as now submitted, which emphasises a positive approach to behaviour management, be approved.

(3) That the report and guidance document be submitted to a meeting of the Safeguarding Board and an executive summary also be provided for school governing bodies and for the Education Consultative Committee.

64. NARROWING THE GAP (RAISING THE BAR) PROJECT

Consideration was given to a report presented by the Policy and Planning Team Manager describing the 'Raising the Bar' research project, which began in the Autumn Term, 2008, as a result of concerns arising from the

following issues:

: the gap in Rotherham between the lowest 20% and the mean, at the end of Foundation Stage in 2008, was one of the highest nationally;

: there was an increasing proportion of children attaining below Level 2 in all core subjects at the end of Key Stage 1, exceeding national and regional trends; there was also an increasing percentage of children attaining below the level of the tests at the end of Key Stage 2, compared to a decline regionally and nationally; these children will experience difficulty in accessing the curriculum at secondary school and are statistically more likely to be excluded or to truant.

The report stated that the overall aims of the project are to:-

- (i) increase the collective knowledge and understanding of the specific characteristics of those children who are at greatest risk of underachievement in order to target action and resources to overcome these barriers to learning; and
- (ii) make recommendations to key stakeholders across the Council, regarding the deployment of services, resources and enhanced provision.

Discussion took place on the involvement of the Education Action Zones, the recommendations arising from work undertaken to date, Foundation and Key Stage 1 outcomes for 2009 and three specific projects: the Clifton Project, the Extra Mile Project and the National College for School Leadership Narrowing the Gap Project.

Resolved:- (1) That the report be received and its contents noted.

(2) That the drive to encourage all schools to narrow the gap by addressing the needs of vulnerable pupils and their families be endorsed.

(3) That the aim of increasing the number of children accessing quality pre-school provision, in order to improve future outcomes in the academic attainment of boys and other vulnerable and underachieving groups, be endorsed

(4) That the report be referred to the Cabinet and to the Children and Young People's Scrutiny Panel for information.

65. MINUTES OF A MEETING OF THE BUILDING SCHOOLS FOR THE FUTURE PROJECT BOARD HELD ON 6TH OCTOBER, 2009

Consideration was given to the contents of the minutes of the meeting of the Building Schools for the Future Project Board, held on 6th October, 2009.

Resolved:- That the contents of the minutes be noted.

66. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended (information relating to financial or business affairs).

67. RAWMARSH CITY LEARNING CENTRE - TENDERS FOR CONSTRUCTION

Further to Minute No. 55 of the meeting of the Cabinet Member and Advisers for Children and Young People's Services held on 15th October, 2008 and Minute No. 6 of the meeting of the Cabinet Member and Advisers for Children and Young People's Services held on 3rd June, 2009, consideration was given to a report presented by the Project Manager. Environment and Development Services concerning the tenders received for the construction of a new City Learning Centre in the grounds of the Rawmarsh Comprehensive School. The new Centre would comprise a reception/foyer, interview room, male, female and disabled toilets, kitchen/lounge, two studios, a control room and a plant room.

Resolved:- (1) That the report be received and its contents noted.

(2) That the tender submitted by R. H. Fullwood and Co. Ltd., dated 9th June, 2009, in the sum of £548,075.28, together with the negotiated extra works dated 29th September, 2009, in the sum of £59,141.17, be accepted for the contract for the construction of a new City Learning Centre in the grounds of the Rawmarsh Comprehensive School (the total sum for the works including the extra negotiated works being £607,216.45).

(Councillor S. Wright declared a personal interest in the above item, as a school governor of the Comprehensive School)

68. ROTHERHAM CONNEXIONS UNIVERSAL AND TARGETED INFORMATION, ADVICE AND GUIDANCE SERVICES AND CONNEXIONS CLIENT INFORMATION SYSTEM - UPDATE

Further to Minute No. 131 of the meeting of the Cabinet Member and Advisers for Children and Young People's Services held on 11th February, 2009, consideration was given to a report presented by the Commissioning Manager, Children and Young People's Services stating that, after a re-commissioning process, a contract for Rotherham Connexions Universal and Targeted Information, Advice and Guidance (IAG) Services had been awarded to Prospects. The report stated that, after a six months' handover period with the previous providers (NALD and this Council's Young People's Services), full service delivery by

Prospects began on 1st October, 2009.

The procurement of the Connexions Client Information System (CCIS) was led by Doncaster Metropolitan Borough Council on behalf of Doncaster, Rotherham and Barnsley Metropolitan Borough Councils. The contract for this service has been awarded to Cognisoft. A sub-regional management information team, hosted by Rotherham, has been established to analyse and process the data from the CCIS system, in line with local and national requirements.

Members noted that all contracts had been awarded for a period of three years, with the option to extend for a further two years. The contracts' performance would be managed as part of the 14-19 Years' structures within Children and Young People's Services.

Resolved:- (1) That the report be received and its contents noted.

(2) That a further update on Connexions service developments be reported to the Cabinet Member and Advisers for Children and Young People's Services in twelve months' time.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Children and Young People's Services Cabinet Member and Advisers
2.	Date:	Wednesday 4 th November 2009
3.	Title:	Local Authority duty to support vulnerable 16 and 17 year olds.
4.	Directorate:	Children and Young People's Services

5. Summary

This report reviews a recent (May 2009) Law Lords judgement (G vs Southwark), which considered how local authorities support homeless 16 and 17 year olds. The case tested the circumstances in which local authorities should provide accommodation for this age group and the legislation that should apply. The judgement concluded that the duties of local authorities to accommodate children in need cannot be circumvented by referring the young person to the housing authority. The case has profound implications for local authority children's services.

The report further considers the position of unaccompanied asylum seeking young people, including support arrangements, accommodation support, support in relation to their status as looked after children and financial arrangements, as informed by a 2003 High Court judgement, (R v London Borough of Hillingdon and the Secretary of State for Education and Skills).

6. Recommendations

- That the contents of this report are noted.
- That the financial implications for the Local Authority are more fully considered and reported.
- That further discussions be had with Housing and Supporting People provision to plan for Rotherham's response to the ruling.
- That consideration is given to representation being made to central government regarding the implications of the Ruling upon the capacity of the LA being able to adequately discharge its statutory duties.
- That the capacity of services to unaccompanied asylum seeking young people is reviewed.

7. Proposals and Details

House of Lords judgement:

G in this case is a young man born in Somalia in 1990 who came to the UK with his family in 1998 and was granted indefinite leave to remain. In June 2008 he became homeless following the deterioration in the relationship with his mother and 'sofa surfed' until September 2008. Following referral by his solicitor G was assessed by Southwark children's services department and identified as a 'child in need' under section 17 of the Children's Act (1989). The assessment concluded that accommodation could be provided by referring him to a homeless persons unit, and his other needs met by referral to support agencies, including social services. G was therefore placed in bed and breakfast accommodation with support from other agencies.

The case was appealed on 28th September 2008 with G's legal team arguing that the assessment by children's services should have concluded that G was entitled to provision under section 20 of the Children's Act 1989 (the provision of accommodation for children) and therefore that G should have been accommodated by Children's Services rather than them discharging their duties under section 17.

The appeal was upheld in favour of the local authority. The Court of Appeal concluded that *"the local authority was entitled to conclude that he (G) required only 'help with accommodation' under section 17"*.

The case then progressed to the Law Lords in May 2009 who determined that for 16 and 17 year olds it is *"the clear intention of the legislation that these children need more than a roof over their heads and that local children's authorities cannot avoid their responsibilities by passing them over to the local housing authorities"*. (Baroness Hale, May 2009).

For the local authority this means that all lone 16 and 17 year olds presenting as homeless will be assessed with the presumption that core services should be provided under section 20 of the Children Act 1989, effectively making them "looked after".

Whilst the ruling notes exceptions to a conclusion following assessment of section 20 services, most notably in cases where the young person does not wish to be accommodated under section 20 or where a young person had been living independently prior to being homeless, it is likely that the majority of young people will require accommodation under section 20. Baroness Hale notes *"authorities should be slow to conclude that a child was no longer 'in need' because he did not need that help or because it could be provided in other ways"*.

The defence of Southwark against the appeal was in part predicated on the Homeless (Priority Need) Order 2002. This order specifically includes 16 and 17 year olds who have a priority need for housing under Part VII of the 1996 Housing Act, consequently Southwark Children's Services argued as the local authority had a duty to house him, the children's services could perform its duty under section 20 of the 1989 Act by making arrangements to ensure G was provided with housing.

In Rotherham, and in most local authorities since 2002, housing authorities have assumed greater responsibility for housing 16 to 17 year olds and in conjunction with Supporting People have made provision for this vulnerable group and developed preventative services to avoid the need to accommodate.

However, this judgement rules that the 2002 Order specifically excludes from priority those to whom a local authority owes a duty under section 20 of the 1989 Act. This judgement therefore reverses the trend of responsibility since 2002 from Housing Authorities to Children and Young People's Services and has profound implications for the local authority.

Unaccompanied asylum seeking young people:

Currently there are 14 unaccompanied asylum seeking children in Rotherham aged 16 to 18 years old. Only 7 are classified as looked after children and are given full looked after support including statutory medical assessments and looked after reviews. These young people are currently provided with accommodation in shared houses 3-4 young unaccompanied minors per property. As per the report above, the 7 remaining unaccompanied young people should also be considered as looked after children. There is one full time social worker for unaccompanied asylum seeking children who monitors and supervises the young people in their independent living situation. The social worker also provides support to young people claiming asylum who live with family members and also to families with children who are claiming asylum.

The post involves undertaking Merton compliant age assessments of young people who claim to be under 18 when claiming asylum. In the event of the worker determining that the young person is likely to be over 17 and a half their claim for asylum is likely to be refused. There are a growing number of appeals against age assessments and threats of judicial review from solicitors. The social worker provides support for young people attending appointments with the Home Office and legal appointments. The position requires a high level of skill and understanding of the complex immigration issues and support requirements for young people who are claiming asylum from various countries and backgrounds, often with traumatic life histories and experiences. There are particular risks associated with a lone female worker visiting properties where 4 young men reside (their histories and ages are often uncertain) having to deal with sometimes challenging situations and support is often required. Additionally there are safeguarding issues in relation to the young people being placed in independent living situations without adequate support. There have been concerns about the conditions of some of the properties which the young people have been living in. The new social worker has developed a health and safety checklist in order to check that the properties used meet basic safety requirements, however the current standard of properties is not always adequate, e.g. no smoke alarms, no fire safety equipment, electrical equipment not PAT tested and placed in areas where they may be vulnerable to victimisation.

There is a need to review the current service requirements to support the social worker in their role and also to look at more appropriate supported living arrangements, such as that provided through either foster care, or more comprehensive supported living packages.

8. Finance

Rotherham in keeping with other authorities has in the main accommodated 16 to 17 year olds via the Housing Authority, or by referral to voluntary sector providers (Rush House, Action Housing etc). Whether placed in council or voluntary provision, funding is derived from housing benefit or, for particularly vulnerable young people, a combination of housing benefit and supporting people funding.

An immediate implication for Children and Young People's Services assuming responsibility for accommodation under section 20 of the 1989 Act, is that these young people would be deemed to be "looked after" and therefore ineligible for benefits.

Benefit payments are derived from the Department of Work and Pensions (DWP) and provision for looked after children is in the main derived from the Department for Children,

Schools and Families (DCSF). Correspondence from the DCSF in response to the Local Government Association enquiries about this ruling makes clear that there are no plans to realign funding from the DWP to DCSF, neither is there an intention to consider changing the law in respect of benefit payments to looked after children or to provide additional resources as a result of the financial implications of this judgement. The DCSF's view concurs with that of the Law Lords and they consider that they have provided sufficient funds to support the current legislative framework and that this ruling has not changed that framework.

A further financial implication is that those that are looked after for more than 13 weeks will become eligible for leaving care support until at least 21.

It is difficult to ascertain the exact number of homeless 16 to 17 year olds in Rotherham as it appears no one agency collates this information. Homeless section report during 2008/9, 26 young people were categorised as homeless. However this is likely to be an underestimate as social care and health service will often refer such young people to voluntary sector providers without resource to the housing department. These providers will also accept self referrals from young people.

A slightly more accurate figure is likely to be that reported by Supporting People who in 2008/9 recorded 122 'new starts' – that is to say young people from the age bracket accessing accommodation. Taking these figures as initial estimates and the average cost of voluntary sector provision as £100 per week, (currently funded by a combination of housing and other benefits which looked after young people would be ineligible for), the cost of 122 young people being assessed as requiring accommodation under section 20 would be in the region of £634,400 in a full year.

This cost estimate is by no means an accurate depiction of the true costs that would be incurred as a result of full implementation of the ruling. It does not account for associated costs such as social worker assessments, statutory duties associated with looked after status (eg reviews, health assessments, pathway plans, independent reviewing officers etc), and leaving care costs. However the figure is indicative of the "highly significant costs pressure" (LGA) anticipated by the Local Government Association.

There is an urgent need to obtain accurate data for homeless 16 to 17 year olds and conduct a full cost analysis.

As far as unaccompanied asylum seeking young people are concerned, grants are applicable to Local Authorities providing services, and are claimed retrospectively. The amounts are £108.18p per day for under 16's and £48.45p for 16/17 year olds. The total figure received in Rotherham for 2008-09 was £84,437. The rates remain the same for the current year and projected expenditure to be claimed back for 2009-10 is £107,392.

9. Risks and Uncertainties

The judgement of the Law Lords leaves little room for ambiguity, and it is clear there is an obligation for Children and Young People's Services to assume responsibility for the accommodation of 16 to 17 year olds. However the judgement also makes it clear that there is a need for joint co-operation between Housing and Children's Services, as referred to in Preventing Homelessness (Department for Communities and Local Government DCFS 2008), whilst children's services have the power to ask other authorities, including housing for "help in the exercise of any of their functions", the ruling specifically states that children's services cannot avoid their responsibilities by "passing the buck". Nevertheless the need for joint co-operation signals a need to improve joint working and to develop strategies,

protocols and procedures for both departments to work with single homeless young people, for example, a joint prevention strategy.

Additionally, as noted above there are specific risks associated with the service provided to unaccompanied asylum seeking young people, both for the staff involved and potentially for the provision offered the young people.

10. Policy and Performance Agenda Implications

As a consequence of the judgements it is likely that Rotherham will experience an increase in the number of looked after children. This is likely to impact on a number of performance indicators in relation to looked after children, as well as having an adverse effect on capacity within social care in terms of statutory duties such as reviews. In turn this has the potential to impact on CAA outcomes and inspections.

11. Background Papers and Consultation

- Opinions of the Lords Appeal for Judgement in the Cause R (on the application of G) (FC) Appellant V London Borough of Southwark (Respondents).
- Correspondence; Local Government Association and Department of Childrens Schools and Families
- Local Government Association Briefing
- Hillingdon case - R ex parte Berhe Kidane Munir and Ncube v London Borough of Hillingdon and the Secretary of State for Education and Skills, High Court, 29 August 2003, [2003] EWHC 2075 (Admin)
- Merton - The Queen on the application of B v London Borough of Merton [2003] EWHC 1689 (Admin) (14 July 2003)

Contact Names:

Paul Grimwood, YOS Manager paul.grimwood@rotherham.gov.uk

Brian Wood, Locality Manager brian.wood@rotherham.gov.uk

Simon Perry, Director of Community Services

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Children and Young People's Services Cabinet Member and Advisers
2.	Date:	Wednesday 4th November 2009
3.	Title:	Young People Sentenced to Custody
4.	Directorate:	Children and Young People's Services

5. Summary

Reducing the use of custody is a key performance indicator for the Youth Offending Services, and as such will be part of the performance data which informs the CAA rating for the Authority. There are a number of reasons why custody should be avoided for young people, including financial and efficacy in reducing re-offending, but the most important reason might be the negative impact that such an experience is likely to have on the outcomes for young people and families. There have been indications of increased use in custody and this report explores the use of custody for under eighteens in Rotherham and seeks to identify any changes in sentencing practice. To achieve this, custodial sentences for the period April 2005 to September 2009 have been analysed by gender, sentencing history [the number of previous disposals] and type and seriousness of offence (gravity score).

Analysis of these figures highlights some positives and indicates that although the use of short custodial sentences is now more prevalent than it was in 05/06, the average number of previous disposals has increased significantly. The increase in young women receiving custodial sentences in 2008/09 does not appear to have resulted from discriminatory sentencing practices and can be largely attributed to a small but very challenging group of young women almost all of whom had significant welfare problems and were well known to Children and Young People's Services, exhausting the range of community based sanctions. Although the concerns expressed in 2007 about the number of custodial sentences imposed for offences of violence and Public Order Act offences remains, a broader range of offences are currently attracting custody.

6. Recommendations

That the contents of this report are noted.

7. Proposals and Details

This report was initiated because of the increase in custodial sentences as a percentage of all court outcomes [NI43]. This is a concern as it represents deterioration against a performance indicator, but more importantly young people who spend time in custody are significantly more likely to fail to fulfil their potential. Statistically speaking such individuals are over represented amongst the homeless, those with mental health difficulties and those who develop serious drug and alcohol problems. They are also less likely to be engaged in appropriate education, training or employment.

The increase in the percentage of young people receiving a custodial sentence needs to be viewed in the context of the overall number of people being dealt with [appendix one]. Between April 2005 and March 2009 there was little fluctuation in the total number of disposals (between 449 and 475) but in the six months to September 2009 this has reduced to 180 (projected 360 for full year) with a reduction in first time entrants and effective pre-court diversionary interventions if follows that only the more serious or persistent offenders are now appearing in court, with the inevitable consequence that the percentage of custodial sentences increases.

Careful examination of the available data does not reveal a single overarching continuous trend with regard to the increased use of custody. It does however reveal a number of points which appear to have had a short term impact on sentencing and which are therefore worthy of further investigation. Particular attention has also been given to the figures for 2006/07 but it is thought that these are a statistical anomaly rather than as a result of a particular approach to dealing with young people.

Offences of violence or Public Order Act offences have consistently made up the majority of offences for which custodial sentences have been imposed, varying between 65% for the period April – September 2009 and 85% in 2006/07. Within this broad category there is a particular problem for those convicted of town centre, alcohol related offences with sentencing patterns for youths mirroring those of adults. The number of individuals dealt with in this way has varied little from year to year. The problem has been exacerbated by the increased availability of very cheap alcohol – young people have reported promotions offering all drinks at 10p – and “all inclusive” admission prices at certain venues.

Notwithstanding those external influences the YOS must continue to engage sentencers in a dialogue regarding appropriate interventions and with the move to the risk led scaled approach and the introduction of the Youth Rehabilitation Order, will ensure that these interventions are sufficiently intensive and challenging.

There has been an increased use of custody to deal with the breach of existing orders. The number of individuals remains small but has increased from none in 2007/08 to four in the first half of 2009/10. These figures do however have to be considered in context – during the same period there as also been a substantial increase in the average number of previous disposals, from 4 to 6.5 before custody was imposed. Put simply those young people going to custody now may be doing so

because they have exhausted the patience of sentencers rather than because of the seriousness of their offending. The clear challenge for the YOS is to ensure that creative systems are in place to stimulate engagement, with breach action being reserved as a last resort.

The number of young people receiving custody as a first court disposal continues to fluctuate but looks set to increase in 2009/10. To counteract this the YOS will make best use of changes introduced by the Criminal Justice and Immigration Act 2008, which introduces the possibility of Intensive Referral Orders which demand levels of contact similar to those provided by the existing ISSP condition on Supervision Orders.

2009/10 has already seen three young people receiving custodial sentences for matters of Vehicle Taking / Dangerous Driving. Offences of this nature had become a rarity in Rotherham, and whilst it is too early to confidently say that this as an emerging trend it is a situation which requires continued monitoring.

Although the increased use of custody is an area of concern the numbers involved remain relatively small. With the introduction of both the Scaled Approach and the Youth Rehabilitation Order in November 2009, direct year on year comparisons will be of less significance. Whilst it will remain important to monitor the use of custody the key challenges for the YOS will be to ensure sentencing proposals to the courts are based on a comprehensive assessment, encourage full use of the increased sentencing options available and make sure that those proposals are sufficiently robust to be considered credible community sentences. The YOS has prepared for this by:

- Ensuring the early identification of those most at risk of progressing to becoming serious or persistent offenders and the development of suitable programmes of intervention to address that risk.
- Developing challenging programmes relating to violent and aggressive behaviour.
- Increased communication with sentencers to enhance confidence in community sanctions. This will extend beyond the three yearly meetings and might usefully utilise a range of media.
- Liaising with other agencies, particularly broader C&YPS, CAMHS and accommodation providers to ensure services are available to address complex welfare needs.
- Ensuring robust practice to engage with young people and using breach action only as a last resort.

8. Finance

The changes introduced by the Criminal Justice Immigration Act 2008 have been deemed to be resource neutral by the Youth Justice Board, however use of their workload forecasting trend suggests a 20% increase in contacts. If appropriate resources are to be provided to those most at risk of custody and if Intensive Referral Orders are to be used to drive down custodial levels this impact is most likely to be felt at the higher and lower ends of the system with consequences for cost and capacity.

9. Risks and Uncertainties

The Youth Criminal Justice system is at a point of structural and legislative change which will make future comparisons of sentencing patterns difficult. There is clear guidance that custody should in future be used only as a last resort which should drive figures down. However the fact that a single generic sentence, the Youth Rehabilitation Order, replaces the current options may result in an unwillingness to repeatedly impose the same order.

10. Policy and Performance Agenda Implications

Custodial sentences are increasing both in absolute terms and as a percentage of total disposals. As progress is made against the target of reducing first time entrants it is almost inevitable that there will be a corresponding decline in performance against custodial sentence targets. This perverse consequence of performing well in one NI negatively impacting on another has been raised with the DCSF and the YJB.

Contact Name :

Steve Mills – Manager, Courts & Assessment Team, YOS.

Tel: 01709 515857 stephen.mills@rotherham.gov.uk

Simon Perry – Director of Community Services, C&YPS

Tel: 01709 823687 simon.perry@rotherham.gov.uk

Appendix

Custodial Sentences as a % of all Court Disposals

	05/06	06/07	07/08	08/09	April – 30 Sept 09
	8%	5.3%	7.3%	9.7%	12.8%

Custodial Sentences by Gender and Year

	05/06	06/07	07/08	08/09	April – 30 Sept 09
Male	31	20	33	36	22
Female	5	3	3	9	1
Total	36	23	36	45	23

Average Gravity Score of Substantive Offence by Gender and Year

	05/06	06/07	07/08	08/09	April – 30 Sept 09
Male	5	5	4.5	4.5	5
Female	4.5	4	4	4	5

Average Number of Previous Outcomes by Year and Gender

	05/06	06/07	07/08	08/09	April – 30 Sept 09
Male	4	5.5	4	4.5	6.5
Female	5.5	6	6	7.5	9

Percentage of Disposals by Length, Year and Gender

		05/06	06/07	07/08	08/09	April – 30 Sept 09
% 6 months or less	Male	39%	40%	60%	56%	63%
% 6+ months	Male	61%	60%	40%	44%	37%
% 6 months or less	Female	28%	67%	67%	55%	100%
% 6+ months	Female	62%	33%	33%	45%	0%

Custody as First Court Disposal

		05/06	06/07	07/08	08/09	April – 30 Sept 09
Youth Court	Male	5	0	6	2	6
	Female	1	0	1	0	0
Crown Court	Male	6	1	1	5	0
	Female	0	0	0	0	0
	Total	12	1	8	7	6

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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