



Ministry
of Justice

Action Plan Submitted: 23 February 2023

A response to: A joint inspection of education, training and employment services in youth offending teams in England and Wales

Report Published: 7 June 2022

ACTION PLAN: A joint inspection of education, training and employment services in youth offending teams in England and Wales

INTRODUCTION / CONTEXT

HM Inspectorate of Probation for England and Wales (HMIP) is an independent inspectorate which provides scrutiny of the conditions for, and treatment of offenders. They report their findings for the effectiveness of the work of probation, and youth offending services across England and Wales to Ministry of Justice (MoJ) and His Majesty's Prison and Probation Service (HMPPS).

In response to thematic reports related to the youth justice system, the MoJ will lead and coordinate development of action plans to address the priority and key concerns. Action plans provide specific steps and actions to address the priority and key concerns, that are clear, outcome focussed, measurable, achievable, and relevant with the owner and timescale of each step clearly identified. Action plans are sent to HMIP and published on the GOV.UK website. Progress against the implementation and delivery of the action plans will also be monitored and reported on.

The youth justice system is, in large part, a local one. It is dependent on the work of local, independence police forces (overseen by Police and Crime Commissioners) and local Youth Offending Teams (parts of local authorities), working with a range of other agencies like local NHS services and schools. HMIP's thematic reports related to the youth justice system, therefore, often make relatively few recommendations directly to the Ministry of Justice, or central government more generally. Nevertheless, the MoJ accepts it has a critical system leadership role to champion and drive change to make the youth justice system more effective and efficient in preventing and tackling crime committed by children and young people. It is for this reason that the MoJ has, in 2022, taken on the role of leading and coordinating production of action plans in relation to HMIP youth thematic inspections for the first time, and will continue to lead and chair cross-system groups to monitor progress in delivering the recommendations.

Youth Offending Teams (YOTs; also known as Youth Justice Services) are multi-agency partnerships which bring together partners to deliver local youth justice services. The local, multi-agency and multi-disciplinary nature of YOTs mean that a collaborative approach must be taken amongst partners to drive improvement.

Where MoJ and the Youth Justice Board (YJB) have been listed as the organisation with oversight and the recommendation is directed at individual YOTs or their /Management Boards, this indicates acceptance/partial acceptance of the aim of the recommendation by MoJ & YJB. Where possible and appropriate, MoJ and YJB will take action to support local partnerships in improvement. However, this cannot be taken as acceptance of responsibility for delivery as local services will continue to hold responsibility for implementation of the relevant recommendations.

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Rec No	Recommendation	Response Action Taken/Planned	Responsible Owner / Organisation with oversight	Target Date
1	<p>Department for Education/ Welsh Government Skills Higher Education and Lifelong Learning (SHELL) and Education directorates in conjunction with the Ministry of Justice Youth Justice Policy Unit should: address how the unidentified and unmet needs of YOT children can be prevented by earlier specialist assessment, intervention and support of vulnerable children (through the Alternative Provision and SAFE schools' programmes in England and equivalent provision in Wales)</p>	<p>Accepted.</p> <p>MoJ</p> <p>MoJ agrees that identifying needs accurately and early is in the best interest of the child and that ensuring their needs are met reduces the risk of them ever entering the justice system. The MoJ is undertaking a series of work to achieve this aim, including setting new Key Performance Indicators (KPIs) for YOTs, including a particular focus on the proportion of children with an identified SEND / Additional Learning Need who are engaged in suitable education, training or employment and have a formal learning plan in place.</p> <p>The MoJ is supporting DfE on SEND and Alternative Provision (AP) reform by engaging with YOTs and youth justice partners on policy development to identify where there are gaps in evidence, and examples of best practice on how to best identify and meet the needs of children with SEND in /on the edge of the youth justice system.</p> <p>MoJ has also assisted with the development of the Alternative Provision Specialist Taskforce (outlined in more depth below) project and although this programme is led by DfE, MoJ plays a key role in the governance to ensure the programme explicitly supports our objectives on preventing youth offending by delivering wraparound support to vulnerable children as early as possible.</p>	<p>Deputy Director of the Youth Justice Policy Unit</p>	<p>Ongoing.</p> <p>KPIs set and communicated to YOTs and their strategic partners in October 2022, and YOTs will be required to collect data for the new KPIs from April 2023.</p>

	<p>DfE</p> <p>This recommendation is accepted and is already in progress.</p> <p>The Alternative Provision Specialist Taskforces (APST) programme is operating in 22 areas in England where serious violence is most prevalent. Multi-disciplinary teams of specialists (which include youth offending workers, mental health therapists, speech and language therapists and family workers) are providing preventative and curative support to pupils within AP schools. These co-located, onsite teams are able to build trusted, consistent relationships with young people and provide responsive, tailored and holistic assessment and intervention.</p> <p>Children and young people who have ever attended an AP are more likely to have ever been cautioned or sentenced for an offence than their mainstream peers (41% have ever been cautioned or sentenced for an offence, and 14% have ever been cautioned or sentenced for a serious violence offence. See March 2022 DfE-MoJ statistical publication for more detail).</p> <p>The SAFE (Support, Attend, Fulfil, Exceed) programme is located in 10 local authority areas in England where serious violence is most prevalent. Taskforces are led by partnerships of mainstream schools working with local partners to invest in evidence-informed interventions aimed at preventing young people becoming involved in serious violence and increasing their engagement in education. Taskforces are making investment decisions based on a local strategic needs assessment, so that support is effectively focused on those young people withing mainstream secondary schools who are most at risk. The SAFE programme is intended to provide intervention upstream of serious violence, so that young people’s needs can be understood and responded to early on.</p>	<p>Head of Education Engagement and Serious Violence Unit</p>	<p>Completed/ ongoing.</p> <p>APST launched autumn 2021</p> <p>SAFE Taskforce launched autumn 2021</p>
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	<p>Welsh Government will work across a number of areas to identify, at an early stage, vulnerable children and young people and take preventative action, as outlined below:</p> <p>Education other than at school (EOTAS)</p> <p>Action: Welsh Government will create a multi-agency task and finish group to explore how best to ensure support services are delivered in a timely and co-ordinated manner to support children to remain in mainstream and, where this is not possible, support EOTAS pupils (including specific groups such as children involved with YOTs) and consider how we can support the implementation of the whole school approach to mental health and well-being across EOTAS settings.</p> <p>The Welsh Government will publish EOTAS Referral and Commissioning guidance aimed at providing support for our most vulnerable children, which includes those who are involved with YOTs.</p> <p>Welsh Government is currently revising the EOTAS Framework for Action. The implementation of the revised Framework for Action will be monitored and Welsh Government will commission research to evaluate how effectively the framework has been implemented.</p> <p>Additional learning needs (ALN). In Wales the ALN reform programme is changing the legal framework and practices to support children and young people so their needs are met in a more timely way. The ALN and Education Tribunal Act and the ALN Code for Wales make specific provision in relation to children and young people who are detained in relevant youth accommodation in Wales or England.</p> <p>Phased implementation of the ALN system commenced in September 2021. As part of the ALN implementation programme a national ALN</p>	<p>Wales - Deputy Director of Support for Learners Division and Deputy Director of Equity in Education Division</p>	<p>Completed/ongoing.</p> <p>Ongoing</p> <p>Phased implementation of the ALN system commenced in September 2021.</p> <p>Thematic review of the ALN system publication expected in 2023.</p>
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		steering group has been established and Estyn are undertaking a thematic review of the ALN system with publication expected in 2023.		
2	<p>The Youth Justice Board [NB – see right] should revise their national indicator of ETE engagement to one that provides a more meaningful measure of performance. This should include the levels of educational attainment achieved by children working with the YOT at the end of the period of supervision and should cover out of court as well as court order cases.</p>	<p>The Ministry of Justice (which has responsibility for setting the KPIs) partly accepted this recommendation.</p> <p>The then Youth Justice minister wrote to all heads of YOTs, and other local partners, in October confirming the additional new KPIs the MoJ was setting to provide more meaningful measures of local performance in relation to youth justice. This followed engagement with YOTs and others on the proposed list since May 2022.</p> <p>The KPIs will come into force from April 2023, and the MoJ expect the YJB to monitor performance locally through the new performance framework the ministry has asked the YJB to develop.</p> <p>The KPIs will cover all children at the end of period of supervision and covers out of court as well as court order cases.</p> <p>One of the additional KPIs relates specifically to ETE – namely, the proportion of children supported by the YOT that are engaged in ETE.</p> <p>It does not, at this stage, cover educational attainment for two reasons:</p> <ul style="list-style-type: none"> • there is no straightforward metric to measure educational attainment currently recorded by YOTs and local areas, and it was not possible to develop this in time for the new set of KPIs coming into force from April 2023; 	<p>Ministry of Justice (developed KPIs) / Youth Justice Board responsible for oversight and monitoring.</p>	<p>KPIs set and communicated to YOTs and their strategic partners in October 2022, and YOTs will be required to collect data for the new KPIs from April 2023.</p>

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		<ul style="list-style-type: none"> as a first step, the MoJ wishes to ensure that YOTs are supporting children to engage consistently and fully in ETE. In time, we will wish to refine the measure to be more focused on attainment. In the meantime, the guidance for the KPI makes clear that ETE should contribute towards attainment and progress. 		
3	<p>YOT management boards should: ensure that all children have a comprehensive ETE assessment</p>	<p>Accepted.</p> <p>All YOTs are required to assess the child’s ETE status, through AssetPlus and through the out of court disposal assessment tool which will be introduced in April 2023.</p> <p>As YJB strengthen its oversight approach, this can be monitored through the YJB’s attendance at management boards and scrutiny of local data.</p>	<p>Youth Justice Board – organisation with oversight</p>	<p>KPIs set and communicated to YOTs and their strategic partners in October 2022, and YOTs will be required to collect data for the new KPIs from April 2023.</p>
4	<p>YOT management boards should: monitor, alongside the local authority, key aspects of ETE work for children working with the YOT, including:</p> <ul style="list-style-type: none"> the extent of school exclusion in the YOT cohort; the actual level of attendance at school, college, work or training placement; 	<p>Accepted.</p> <p>Understanding and monitoring Special Educational Needs (SEN) or Additional Learning Needs (ALN) is central to the youth justice skills matrix published by the YJB.</p> <p>The new ETE KPI (developed by MoJ) requires YOTs to record the level of attendance of children in school and the SEN needs of children on the cohort and support provided to them.</p> <p>As YJB strengthen its oversight approach, it will closely monitor progress against this (and other KPIs). Through attendance at Management Boards, YJB will seek assurance that the local Board has oversight of the issues identified in this recommendation. Attendance</p>	<p>Youth Justice Board – organisation with oversight</p>	<p>Revised YJB Skills matrix complete by 2023/24.</p> <p>KPIs set and communicated to YOTs and their strategic partners in October 2022, and YOTs will be required to collect data for the new KPIs from April 2023.</p>

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	<ul style="list-style-type: none"> the extent of additional support provided to children with SEN/ ALN; that every child with an ECHP or IDP has this reviewed on an annual basis to meet the statutory requirement. 	will also provide the opportunity explore in depth what the headline KPI data means and the effectiveness and impact of any remedial action.		
5	YOT management boards should: develop ambitious aims for ETE work in the YOT, including the achievement of Level 2 English and Maths by every child	Partially accepted. The data reporting guidance accompanying the ETE KPI (set by the MoJ) ensures that YOTs are encouraging children to engage in suitable and sustainable ETE which contributes towards attainment. Whilst the achievement of level 2 is not appropriate for every child at every stage in the YOT journey, for example some children may be too young to study for Level 2 the YJB will seek assurance that services adopt an ambitious approach to children’s ETE attainment.	Youth Justice Board – organisation with oversight	KPIs set and communicated to YOTs and their strategic partners in October 2022 , and YOTs will be required to collect data for the new KPIs from April 2023 .
6	YOT management boards should: establish a greater range of occupational training opportunities for those children beyond compulsory school age	Accepted. The data reporting guidance accompanying the ETE ensures that YOTs are encouraging children to engage in suitable and sustainable ETE which contributes towards attainment. The YJB will ask YOTs to include details of their ETE offer including occupational and further education in the YJ Plan Guidance for 2023/2024.	Youth Justice Board – organisation with oversight	KPIs set and communicated to YOTs and their strategic partners in October 2022 , and YOTs will be required to collect data for the new KPIs from April 2023 . YJ Plans for 2023/2024 .

7	<p>YOT management boards should: monitor and evaluate the levels of educational engagement and attainment in disproportionately represented groups within the YOT caseload in order to develop improvement, including for:</p> <ul style="list-style-type: none"> • children with an EHCP/ ILP; • children with SEN/ ALN; • children permanently excluded from school; • out of court disposal cases; • children released under investigation. 	<p>Accepted.</p> <p>Data held by YJB will be split by protected characteristic, this includes race and ethnicity.</p> <p>Education partners at management boards will be expected to contribute data which identifies racial disproportionality in their areas.</p> <p>The accompanying KPI guidance requires YOTs to ensure ETE placements are suited to the needs of the child including their protected characteristic.</p>	<p>Youth Justice Board – organisation with oversight</p>	<p>KPIs set and communicated to YOTs and their strategic partners in October 2022, and YOTs will be required to collect data for the new KPIs from April 2023.</p>
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