

The Youth Justice System's Response to the Covid-19 Pandemic

Partnership Working

Research Paper 3

Professor Hannah Smithson
Andrea Nisbet
Dr Samuel Larner
Dr Paul Gray
Dr Deborah Jump

February 2022

About this Research

During and after the Covid-19 pandemic, there will be societal implications for all children. However, for those in the youth justice system the impacts are likely to be particularly detrimental. There is an urgent need to develop a clear understanding of the impact of the pandemic on these children and those who work with them.

This research project aims to understand the unprecedented implications that the Covid-19 pandemic has had on each stage of the youth justice system. Delivered in partnership between the Manchester Centre for Youth Studies (MCYS) at the Manchester Metropolitan University (MMU) and the Alliance for Youth Justice (AYJ), the project documents the impact of the pandemic on policy and practice responses, barriers and enablers to effective adaptation, and children's perspectives.

While the Greater Manchester (GM) region provides an in-depth case study for the project, we additionally draw heavily on the national literature and in-depth interviews with national stakeholders from the youth justice sector. Funded by the Economic and Social Research Council (ESRC) as part of the UK Research and Innovation's rapid response to Covid-19, findings and recommendations from the 18-month project will be shared widely with practitioners and decision-makers to shape future policy and practice.

About the Manchester Centre for Youth Studies (MCYS)

The MCYS is an award-winning interdisciplinary research centre at MMU, specialising in participatory, youth-informed research that positively influences the lives of young people. MCYS believes young people should have the opportunity to participate meaningfully in decisions that affect them and employs participatory approaches to engage with young people across a range of issues. As an interdisciplinary research centre, the MCYS team brings together academics and practitioners from a range of disciplines. In addition to collaborating with young people and their communities, MCYS works with agencies and organisations across the public, private and voluntary sectors, both in the UK and internationally.

About the Alliance for Youth Justice (AYJ)

The AYJ brings together over 70 organisations, advocating for and with children to drive positive change in youth justice in England and Wales. Members range from large national charities and advocacy organisations to numerous smaller grassroots and community organisations. The AYJ advocates for distinct systems, services and support that treat children as children first and foremost - underpinned by social justice, children's rights and a focus on positive long-term outcomes. AYJ aims to promote widespread understanding about the underlying causes of children coming to the attention of the criminal justice system, and champion approaches that enable them to reach their full potential.

Acknowledgements

The authors wish to thank all our colleagues who took part in the interviews. We would also like to thank the AYJ team: Pippa Goodfellow, Millie Harris and Millie Hall, and members of the project steering group: Shadae Cazeau, Kay Davies, Iman Haji and Hazel Williamson, for their invaluable input and support.

Glossary of Acronyms

- Alliance for Youth Justice (AYJ)
- Closed-Circuit Television (CCTV)
- Child and Adolescence Mental Health Service (CAMHS)
- Children Social Care (CSC)
- Criminal Justice (CJ)
- Criminal Justice System (CJS)
- Crown Prosecution Service (CPS)
- Economic and Social Research Council (ESRC)
- Greater Manchester (GM)
- Greater Manchester Police (GMP)
- Her Majesty's Courts and Tribunals Service (HMCTS)
- Her Majesty's Inspectorate of Probation (HMIP)
- Manchester Centre for Youth Studies (MCYS)
- Manchester Metropolitan University (MMU)
- National Health Service (NHS)
- No Further Action (NFA)
- Out of Court Disposals (OOCDD)
- Personal Protective Equipment (PPE)
- Released under Investigation (RUI)
- Youth Custody Service (YCS)
- Youth Justice Board (YJB)
- Youth Offending Teams (YOTs)

Youth Offending Teams (YOTs) in the Context of Covid-19

There are 157 Youth Offending Teams (YOTs) in England and Wales. Greater Manchester Youth Offending Services encompasses one of the largest metropolitan areas in the country and comprises 10 boroughs: Bolton, Bury, Oldham, Rochdale, Stockport, Tameside, Trafford, Wigan, and the cities of Salford and Manchester. There are nine YOTs teams across the region (Bury and Rochdale are combined), each with a remit to work with children at risk of, or involved in, offending behaviours.

Despite the crucial role they have played throughout the pandemic, research into the impacts of Covid-19 on YOTs has been minimal. The current project provides one of the most in-depth explorations to date. YOTs have proactively attempted to assess and manage safeguarding and risks for children in an entirely new environment alongside, in some instances, losing staff through redeployment to other priority areas of service (e.g. child protection, children's homes, secure children's homes), (Smithson and Axon, May 2020)¹. They have continued to provide face-to-face support in new ways where possible but have moved a lot of their work—providing digital contact and service delivery—online. This has led to difficulties overseeing some sentences, and in particular communicating with sentenced/remanded children in custody, including preparing for resettlement (HMIP, Nov 2020)².

Our first research paper from the current project focused on the adaptations to practice and service delivery of YOTs across Greater Manchester (GM) (Smithson et al, June 2021)³ and drew attention to the digital divide, the challenges of engaging children remotely, and the short-term challenges for YOTs in a post-covid world. The second research paper focused on professional's views of children's welfare needs and vulnerabilities during the pandemic (Smithson et al, Jan 2022)⁴. This third research paper explores the impact of the pandemic on the ability for YOTs to continue to undertake partnership work. It presents the initial findings from 74 interviews with professionals from eight of the nine YOTs across the GM region. The interviews took place between January 2021 and May 2021.

1 Marginalised yet vulnerable: The impact of Covid-19 on young people in the youth justice system:
<https://www.mmu.ac.uk/news-and-events/news/story/12283>

2 HMIP Thematic Review of Work of YOT's during the Covid-19 Pandemic:
<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

3 The Youth Justice System's Response to the Covid-19 Pandemic: Adaptation to Practice
<https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/Research-Briefing-GM-YOTs-Adaptations-to-Practice.pdf>

4 MCYS The Youth Justice's Response to the Covid-19 pandemic: Welfare Needs and Vulnerabilities
https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/Academic_Paper_Youth_Justice_Systems_Response_Covid-19_Pandemic_Welfare-Needs-and-Vulnerabilities-Paper-2.pdf

Key Findings

1. Greater Manchester Youth Offending Teams (YOTs) Partnership Management Boards remained functional during the pandemic.
2. Technology enabled virtual meetings and communication between partners and contributed to maintaining some inter-agency working practices.
3. The dismantling of the YOTs' traditional multi-agency and co-location model due to Covid-19 restrictions was a significant concern for YOT staff and partner organisations.
4. Overall, health service partners carried on as 'business as usual'. However, the re-location of some health staff back to NHS offices impacted on informal communication links with YOT staff and hampered children's referrals to specialist health services.
5. Police faced increased pressure because of the impact of the Coronavirus Act 2020. In an attempt to avoid further backlogs in the Youth Justice System (YJS), police cases of children Released under Investigation (RUI) increased, as did No Further Action (NFA) cases. YOT staff were increasingly concerned about the effects of these practices on children.
6. Maintaining partnerships with schools was difficult due to school closures. Policies across the GM region differed in relation to external access. This was particularly problematic for speech and language therapy appointments and YOT prevention sessions.
7. A deeper understanding of the partnership between YOTs and Children's Social Care Services (CSC) during the pandemic is needed. Concern was expressed by YOT staff in relation to the levels of support offered by CSC colleagues.

Partnership Working During The Covid-19 Pandemic

YOT partnership arrangements are specified in the Crime and Disorder Act 1998 section 38⁵. Statutory partners are identified as local authorities, police, probation, and health services, which all contribute to a youth offending multi-agency pooled budget. However, many youth justice services commission and work with a range of additional local partners to support children involved in the youth justice service. Additional partners can include the secure estate, courts, mental health services, substance misuse services, speech and language therapy services and education providers. YOT partnerships reflect local needs and subsequently, the GM YOTs incorporate multi-agency working and fund seconded specialists to their teams.

Since the beginning of the pandemic and the introduction of prohibitive measures to address public safety and to prevent the spread of Covid-19, it has not been possible for YOTs to maintain their usual partnership arrangements.

In the early stages of the pandemic, the Youth Justice Board (YJB) published Recovery Plan Guidance for YOTs (July 2020)⁶. The YJB acknowledged barriers to service delivery, Covid-19 risks and the impact on local authority resources and youth justice partnerships. The guidance suggested that strategic partnership arrangements should be included in YOTs' Covid-19 recovery planning. YOT partnerships were instructed to provide a summary of how they would overcome the continuing and emerging risks of Covid-19 to service provision including: ongoing developments and monitoring of improvements to address Her Majesty's Inspectorate of Probation (HMIP) thematic inspection findings including: reviewing how partnership working evolved during the pandemic from both a criminal justice and non-criminal justice perspective, identifying and sharing effective practice, and considering the impact on resources across local authorities and youth justice organisations⁷.

5 Crime and Disorder Act 1998:
<https://www.legislation.gov.uk/ukpga/1998/37/section/38>

6 YJB Recovery Guidance:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899450/COVID-19_YJB_Recovery_Guidance_for_YOTs.pdf

7 HMIP Thematic Inspection of YOSs during the Covid-19 pandemic:
<https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

Whilst the YJB acknowledged the need to urgently restructure partnership arrangements⁸, explicit references to partnership working during the pandemic are mainly limited to two Inspection reports by Her Majesty's Inspectorate of Probation (HMIP), Nov 2020⁹ and the Criminal Justice (CJ) Joint Inspection, Jan 2021¹⁰. The HMIP inspection was conducted remotely and included seven YOTs. To inform their report, a case sample of 70 was reviewed including numbers of: out of court disposals (OOCs), court orders and custody cases, with consideration of children's sex, ethnicity and disabilities as well as risk and vulnerability levels. Virtual meetings with a broad range of key personnel were undertaken and 220 surveys were completed by staff. Additionally, consultation took place with parents, carers and children's social workers and information from youth offending sector organisations was considered. The CJ Joint Inspection brings together findings from all four CJ inspectorates (HM Crown Prosecution Service, HM Constabulary and Fire and Rescue Services, HMI of Prisons, and HMI of Probation) covering the first national lockdown (March - May 2020), including cross-cutting themes and highlighting the successes, challenges, risks and ongoing challenges to the criminal justice system (CJS).

Both inspection reports were mostly positive, stating that YOT partnerships were "mature" and multi-agency working had been sustained during Covid-19¹¹. They found that partnership working with the police was strong and that safeguarding work continued with joint coordinated welfare checks with social workers.

Multi-agency vulnerability and risk management meetings adapted to virtual platforms quickly, with increased attendance and informed decision-making, enabling YOTs to identify emerging risks.

Regular meetings reportedly took place between YOT managers, the YJB, HM Courts and Tribunals Service (HMCTS), police, and the Youth Custody Service (YCS), while meetings between the YJB, regional YOT leads, and YOT managers continued¹². Inspectors commended YOT partnership working during the pandemic as a 'good example of critical public service working with dedication and commitment to overcome barriers' (HMIP, Nov 2020, p. 9)¹³. There were examples of partnership boards learning lessons from adapted ways of working and assessing what methods to retain moving forward: notably, the benefits of phone contacts with children, some aspects of remote service delivery, and increases in parent involvement. Some YOTs were undertaking consultation with stakeholders about different ways of working to enhance service provision. However, findings highlighted an 'uneven digital playing field' (CJ Joint Inspection, Jan 2021 p. 10)¹⁴ in the criminal justice system which hampered communication between YOTs and the secure estate impacting on support contact for children and resettlement planning. Police IT systems were also found to be disjointed affecting cross border communication.

The aim of this briefing paper is to consider partnership working in more detail, focussing on the experiences of YOTs in GM to establish whether the findings at the national level were mirrored by those at the regional level.

8 YJB Recovery Guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899450/COVID-19_YJB_Recovery_Guidance_for_YOTs.pdf

9 HMIP Thematic Inspection of YOSs during the Covid-19 pandemic:

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

10 CJ Joint Inspection Impact of the Pandemic on the CJS:

<https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2021/01/2021-01-13-State-of-nation.pdf>

11 *ibid*: <https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2021/01/2021-01-13-State-of-nation.pdf>

12 *ibid*: <https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2021/01/2021-01-13-State-of-nation.pdf>

13 HMIP Thematic Inspection of YOSs during the Covid-19 pandemic:

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

14 *ibid*: <https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2021/01/2021-01-13-State-of-nation.pdf>

Findings

In their thematic review of the work of YOTs during the Covid-19 Pandemic, HMIP found that “[t]he pandemic has amplified the quality and benefits of partnership working” (Nov, 2020 p.15)¹⁵. This was reflected to a certain extent by GM YOT colleagues who demonstrated tenacity and persevered with communication and activities with partnership colleagues, continuing to support children throughout the pandemic.

“You could tell who was out on the front line; youth service, the food banks, the mental health staff and the YOS staff were all there with our PPE, our aprons on or whatever still out there, which is brilliant. And willing to support each other. But the youth service didn’t have to do that. They could have said no...but they just said ‘our doors are open let us know what we can do. You can bring the kids in here. We’ll work around it, just let us know.’ I just thought that was brilliant. There was a lot of comradery for that, especially early on.”

(CAMHS Practitioner)

As explained above, statutory partnership arrangements for service delivery require some YOT staff to be seconded from ‘parent’ organisations and co-located in premises to provide effective joined-up services for justice-involved children. Conflicting working arrangements from different partnership agencies provided a number of challenges to both management and operational staff (see Smithson et al, June 2021 for a detailed review of these challenges)¹⁶. Furthermore, pandemic restrictions caused major disruption to the secondment model with the introduction of social distancing measures and ‘work from home’ directives. There were difficulties with in-person contacts (notably restrictions on children visiting YOT offices and the permissibility of staff home visits), implementation of intervention programmes, and reparation.

In many cases communication and joint working practices were hindered because staff were no longer co-located.

Despite the positive findings reported in the HMIP and Criminal Justice Joint Inspection reports, GM YOT staff gave mixed responses to the impact of the pandemic on partnership working. As reflected in the inspection reports, some spoke of improved attendance at partnership boards and multi-agency decision-making meetings, with on-line meetings making it easier for staff to join by cutting down on travel and time constraints.

15 HMIP Thematic Inspection of YOSs during the Covid-19 pandemic:

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

16 Research Briefing GM YOTs Adaptations to Practice:

<https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/Research-Briefing-GM-YOTs-Adaptations-to-Practice.pdf>

“We’ve never been able to get custody case workers...whereas as soon as people were on to Teams and stuff, it’s great. And that’s something that is a really good thing to come out of it, to get caseworkers in from custody in our risk meetings is definitely a good one....”

(Youth Justice Support Officer).

Throughout the pandemic, GM YOTs were able to retain links with many partners including statutory, third sector, charities and commissioned services. Staff spoke about ‘keep in touch’ meetings with partners. They also highlighted that they were proactive in developing opportunities with new contacts while in lockdown in preparation for when restriction measures eased and services would re-open, including developing new contacts with partners for positive activities and specialist projects for supporting children. Staff were also proactive in using video calls, telephone, and email to maintain a joined-up approach across the service.

“I have made a lot of contacts in the meantime...like water adventures and football...I have found art and music clubs. While I haven’t been able to actually go out and do anything, I have made a lot of contacts in the background so that when we are open...we have got lots of options there... we have [name of service] and I have made links with Community Safety as well and [name] Health...contacts with school provisions... contacts with [name of gym]...I am making links all over and passing them all over [area]. It’s good... I have even made some links with training providers. Anything a child has asked me about, I have gone away and found for them...”

(Engagement Officer)

However, despite these positives, some YOT staff reported difficulties making referrals to specialist agencies mainly due to remote working, not being in the same office, a ‘breakdown in communication’, and limited assessments taking place, consequently leading to children’s unidentified needs.

Building closures and organisations offering only a limited service meant that some activities were unable to take place under pandemic restrictions. Further, organisations commissioned for specialist intervention work such as sporting venues were closed because of social distancing requirements. Consequently, children were unable to engage in beneficial desistance pursuits to assist with issues such as social isolation, anger, obesity, substance misuse and poor mental health. Staff reported slower response times to queries, commenting that delays were exacerbated by a lack of shared office space due to ‘work at home’ directives.

“Things have taken longer. What would normally be a bellowing shout across the office as to where’s this person and you get a bellowing response back, now it’s an email and you might have to wait twenty minutes for them to answer it. You have a five-minute conversation and it’s sorted. That may take 45 minutes or two days with an email. So that bit’s not been fantastic, but I would say that people’s emails have increased tenfold.”

(YOT Team Leader).

Despite restrictions on the sorts of activities that could take place, all GM YOT Partnership Management Boards remained functional during the pandemic transferring to virtual online platforms swiftly.

This was important to ensure oversight, planning, co-ordination, and continuity of critical youth justice services being delivered by a range of statutory agencies, third sector and voluntary organisations. Heads of YOT Services spoke about ‘the spirit of partnership’ and reported that Management Boards met regularly to scrutinise response strategies and new initiatives. Some declared that attendance at board meetings had improved, were more structured, and had a renewed focus on reinforcing partnerships during the pandemic.

“Our YOT board has carried on...We’ve kept that going virtually. We’ve had really good attendance...I think most of the partners I would say we’ve managed to maintain and if not enhance the strength of those partnerships. I think the council have very much tried to have a spirit of, I think a lot of councils have, ‘we can do this, we’re all in this together’.”

(Head of Service, YOT).

HMIP Inspectors (Nov 2020, Jan 2021) also reported improved attendance at virtual multi-agency meetings leading to “swifter and more informed decision-making, improved coordination of activity and in some cases earlier intervention to help protect and safeguard children” (Impact of the pandemic on the CJS, 2021, p. 10)¹⁷.

Joint Service Delivery and Practical Working Arrangements

GM YOT staff were complimentary when talking about working in partnership with other colleagues across a range of services, noting the willingness to cooperate, supporting each other where possible, and a comradery that kept workers going throughout the pandemic.

However, as we explained above, joint service delivery and practical working arrangements did prove harder to maintain during periods of lockdown. YOT staff specifically discussed, reduced specialist health referrals, police operational decision-making and differing procedures between educational settings, all of which hindered the support available to children.

Health

There is a broad spectrum of help available to YOTs under the umbrella of health services including: physical and mental health, alcohol and substance misuse, and speech and language therapy. They each featured prominently in staff responses about overcoming challenges for the continuation of multi-agency working. NHS staff adapted their services quickly to respond to Covid-19 and were operating very much as ‘business as usual’ during the pandemic, continuing to see children face-to-face.

Partnership service delivery for children’s health issues continued, especially in terms of serious mental health cases. Staff reported good communication with Child and Adolescent Mental Health Services (CAMHS).

“There’s been a few projects still running which has been, you know, brilliant...all our partners, thank goodness, you know, who are incredible, we’ve got an amazing mental health worker based with us part-time, a speech and language therapist, drugs and alcohol worker. So, that work has all been able to continue.”

(YOT Operations Manager)

Insight from GM YOT practitioners suggests that very few NHS staff were recalled to core health roles during the pandemic to assist colleagues (i.e. very few were withdrawn from their YOT secondment to work frontline on the efforts against Covid-19). This substantiates the findings from the HMIP thematic review¹⁸ whereby for most of the services inspected, health staff were not withdrawn for emergency cover. Nevertheless, some staff reverted to their physical NHS offices to carry out clinical assessments of justice-involved children because YOT offices were closed; as a result, YOT practitioners stated that professional links suffered. Health professionals initially raised concerns that children may not attend appointments in clinical settings. However, these concerns were largely unsubstantiated.

17 CJ Joint Inspection Impact of the Pandemic on the CJS:

<https://www.justiceinspectorates.gov.uk/cji/wp-content/uploads/sites/2/2021/01/2021-01-13-State-of-nation.pdf>

18 HMIP Thematic Inspection of YOSs during the Covid-19 pandemic:

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

“...I could go in the building and go up to my team upstairs, but just couldn't go in the Youth Justice bit, which did not make any sense to me. I actually had gone back to an operating model of going back into my core service. So seeing youth justice young people at clinic was interesting because I thought they wouldn't attend, because my model was to be co-located and to be more flexible and out in the community, and actually they did [attend].”

(Mental Health Nurse)

GM YOT staff expressed concerns about over-stretched health services, limited services, and long waiting lists for accessing services, especially for those who were deemed as low-level priority.

“... Health has definitely been problematic... So we have a health offer through [name of service], who are our NHS provider... you know, if they identify concerns, they will refer through to mental health services. And I know that they have been very stretched, and so it has been difficult... our health offer in [area] has been problematic for years... before COVID, but it has definitely exacerbated the problem. It's, sort of, a constant thing that we are working on, and mental health and speech and language are part of that challenge for us, really, but the pandemic definitely hasn't helped.”

(Youth Justice Officer)

Health referrals continued across GM throughout the pandemic, however seemingly at a reduced level despite practitioners raising concerns about increased wellbeing issues.

Our research brief on children's well-being and vulnerabilities during the pandemic emphasised the concerns around a potential back-log of specialist referrals (Smithson et al, Jan 2022)¹⁹. Although partnerships with health professionals have continued, delays and the numbers of justice-involved children presenting with specialist concerns is likely to increase post-pandemic and the impact of this remains to be seen.

Police

Across GM, practitioners frequently mentioned their concerns around the increase in police use of released under investigation (RUI) practices. RUI differs from police bail, in terms of time limits. When a child is released under police bail, the case must be processed within a certain time frame and during that period, statements from victims and witnesses, and the collection of CCTV evidence and such like must be gathered.

The increased use of RUI practices subsequently led to a backlog of children's cases with no timescales attached to investigations, and uncertainty of how cases would be resolved, all of which resulted in children receiving a lack of appropriate YOT support to address welfare concerns and the prevention of further offending.

“The issue is your released under investigation... The issue is how long it's taking kids to get to court. And I don't know whether that's a [Crown Prosecution] CPS issue or whether that's a GMP [Greater Manchester Police] issue. But, you know, kids are taking a ridiculous amount of time from the point of the offence to the investigation, the charge, the getting before a court.”

(Head of Service, YOT)

¹⁹ The Youth Justice's Response to the Covid-19 pandemic; Children's Welfare Needs and Vulnerabilities: https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/Academic_Paper_Youth_Justice_Systems_Response_Covid-19_Pandemic_Welfare-Needs-and-Vulnerabilities-Paper-2.pdf

Such was the concern of the impact on children, one of the GM teams developed a specific role for working with children released under investigation. This role comprised of working with children to offer support with additional services, including the sign posting of services.

“The team developed a role called released under investigation, we’ve got a member of the team that works with young people that have been released under investigation to support them because I think there was a bit of a gap between what’s going on with COVID, there was a delay with the police process and court process, and they’ve been left a long time between them processes. So, we’ve now got a worker who makes contact with those young people released under investigation. They don’t discuss the offence because obviously it’s still under investigation, but they’ll offer support around education or direct signposting to other services, obviously trying to encourage them not to reoffend as well.”

(Youth Justice Worker)

The case below exemplifies a practitioner’s concerns.

Case Example of Release under Investigation

“...I’ve had a young person and he’s on bail for having a firearm, so there’s a lot of risks there. He got arrested for coming back late on his doorstep curfew. He got arrested, went to court and it all got processed. And then a further time, he’d been seen by a police officer driving a car, he crashed the car and was chased by the police, he was missing, which is a huge breach of his bail. They did all the paperwork and all that, and just didn’t arrest him before his court hearing, or put it on the system to even be arrested, or even make an attempt to go and arrest him. I think it’s just the police haven’t got the capacity to follow all the offences through. I know loads of offences where young people have been arrested. What happens is they are released pending further investigation, and then the offences just sit there for forever and a day and nothing comes from them. I know they’re trying in the same way that we all are, so there’s stuff that we’re trying to do on the telephone, or they might have their own arrangements for seeing people in an office somewhere as well. Everybody’s trying and I think probably the hardest, the most difficult partnership has probably been with the police. The police have been the most stretched, the most limited... They’ve had a technology system that is not fit for purpose...my feeling is that they have had to prioritise certain types of crimes, usually obviously the more serious ones, the more significant ones, but then equally we’ve got young people sitting, waiting on a potential charge or being under investigation for weeks or months. It just seems a little bit unfair on them.” (Intensive Supervision and Surveillance (ISS) Practitioner)

Mirroring the concerns about RUI practices, were concerns about the increase in use of No Further Action (NFA) practices. NFA means that there is not enough evidence to send the case to the CPS for them to prosecute and therefore the decision has been made not to take the investigation further.

Practitioners explained that NFAs had increased as a direct result of the pressures and stretched resources that police were dealing with during the Covid-19 lockdown measures.

When explaining the impact on children of receiving a NFA, YOT staff stated that behaviours could escalate, and a child could receive a number of NFAs resulting in more serious offences alongside a lack of support available support from the YOTs.

“I think we had children who were continually being no further actioned in relation to an offence. So, their behaviour, if it was looking for attention was having to escalate before they got to a stage where they get someone to pay attention to what was happening at home.”

(Police Officer)

“Now if there’s no further action, they don’t get an assessment done on them... this no further action could have had twelve previous ones...”

(Police Officer)

Like anxieties about RUI, YOT staff’s main concerns was the impact that NFA practices had on children’s well-being. YOTs could not offer a service to a child in receipt of a NFA even if they had considerable concerns about a child. Responses from GM police officers supported the perceptions of YOT workers in relation to the type of offense that they were being directed to process - low level offences were not always processed.

“We had the custody office saying, “Don’t be bringing people in for less serious offences for questioning at this time. Unless it’s something really serious, then we don’t want people being brought into the custody office.”

(Probation Officer)

The difficulties of sharing of information with the police during the pandemic was mentioned by GM YOT staff. Information sharing between youth justice partnership agencies is key to safeguarding children (see HM Information Sharing Advice, July 2018)²⁰, necessitating a coordinated approach towards building a complete contextual picture of a child’s background. This was made more difficult during the pandemic because of remote working. IT case management systems were sometimes inaccessible and time delays in obtaining information from partners sometimes took months and was delivered too late to include in initial assessments. GM YOT staff reported that the police service faced challenges with their IT systems which impacted on their ability to support video links and virtual working with YOTs.

“I think the partner that we’ve had the most difficulty with has been the police. In terms of IT, their IT is less accessible.”

(Head of Service, YOT)

Undoubtedly, the police service had to react quickly to the new measures set out in the Coronavirus Act (2020)²¹, introducing new offences and powers to deal with pandemic restrictions, which were updated and changed over time. Across GM, as found nationally, this often led to confusion, misinterpretation and inconsistency when police were dealing with children (Harris and Goodfellow, July 2021)²².

Education

Maintaining partnerships with schools has been exceptionally difficult for YOTs during the pandemic, mainly because schools were partially closed (open only to vulnerable children) and children on YOT caseloads did not automatically meet the definition of being ‘vulnerable’ with inspectors finding vast numbers were not accessing education (Harris and Goodfellow, July 2021:25)²³.

20 Information Sharing Advice for Practitioners:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf

21 Coronavirus Act 2020:

<https://www.legislation.gov.uk/ukpga/2020/7/contents/enacted>

22 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:

<https://www.ayj.org.uk/news-content/covid-project-literature-review>

23 *ibid*: <https://www.ayj.org.uk/news-content/covid-project-literature-review>

The pandemic has exacerbated existing disparities in education provision, and this is especially so for justice-involved children (see Public Services Committee November, 2020)²⁴.

GM YOT staff suggested that there was no consistent policy across GM schools regarding allowing visitors onsite; decisions were made by individual schools. As of November 2021, some schools allowed visitors after a lateral flow test for Covid-19, whilst others remain closed to most external professionals. YOT practitioners found alternatives to face-to-face meetings with school staff and associated partners. On a strategic level, they reported maintaining good links with schools through virtual meetings.

“I know in terms of schools...what they set up during the earlier stages of the pandemic was teams around school meetings. So for instance, representatives from my team, representation from [name of provision], social care and the virtual schools team. Everyone that potentially should be supporting a young person’s education sat around a virtual table and they were set up at the earlier stages of the pandemic and they have continued...”

(YOT Education Officer)

At an operational level, it proved more challenging to deliver school-specific initiatives such as youth offending prevention awareness programmes. These types of activities were suspended during school lockdowns.

“So the fact that the schools were closed, it was a lot more difficult for us to then be able to deliver them interventions or even put them in place because if the schools are not open, how else are you supposed to deliver them when it’s supposed to be you and the school delivering that to that young person...”

(Youth Justice Mentor)

Access to pupil referral units (PRUs) for behavioural support has also suffered. It was especially difficult for Speech and Language Therapists with limited access to schools to undertake assessments and therapy sessions.

Specialist support workers spoke of having to make a decision about which school/s they would visit when local authority guidance stipulated that only one school could be visited per day.

“The challenge has been, if you are going into schools, it’s the local authority has said, it’s one school per day. So you can’t go to two separate schools in one day. So that significantly reduces the number of young people that you can access...”

(Speech and Language Therapist)

Post-16 educational provision was challenging during educational closures. YOT staff spoke of some colleges completely shutting down provision in some circumstances.

“Schools not so great, colleges even worse. I mean colleges they’re really risk adverse at the moment... Schools have had to respond but what I find is post-16 they have different funding streams. Some of the staff have been furloughed so the opportunities that are available for the post sixteens has really reduced and there hasn’t been a good response to Covid like the schools.”

(Intensive Supervision and Surveillance (ISS) Practitioner)

Pandemic restrictions caused major disruption to the additional education support that GM YOTs provide to children. This will undoubtedly contribute further to the attainment gap that justice-involved children already faced prior to the pandemic. This is likely to widen existing inequalities such as poverty, unemployment and increase mental health illnesses.

²⁴ A Critical Juncture for Public Services: lessons for COVID-19:
<https://committees.parliament.uk/publications/3438/documents/32865/default/>

Children's Social Care (CSC)

YOTs can be co-located in local authority buildings with CSC colleagues and are often working with the same children (e.g. looked after children). While the Covid-19 work from home directives could have significantly impacted on partnership working with CSC, HMIP Inspectors and HM Chief Inspectors²⁵ both reported that multi-agency meetings and communication between YOTs and CSC improved because of remote working practices. GM YOT staff provided mixed responses to the impact of Covid-19 on joint working with CSC colleagues. Some spoke of improved joint working, some suggested that partnership working had not really changed, whilst others were not so positive.

"...I speak to one of my kids and I said, 'have you seen your social worker yet?' This is months down the line. [they say] No.' [I say] 'Have you seen your new social worker?' [They say] 'No, no, she's still not come round'. They're on child protection as well and the social worker didn't attend the remand meeting. I do feel like he [child] feels the service that he's got from Children's Services hasn't been great. It could be caseloads, it could be, I don't know, it could be a number of things on the side of Children's Services."

(YOT Case Manager)

Practitioners raised concerns about the lack of communication between YOT staff and CSC staff. Concerns centred on perceptions that CSC staff did not provide children with necessary support during the pandemic. Examples were given of children subject to child protection plans or looked after children not being visited by social workers, and children on remand at court not having a social worker with them. Undoubtedly 'work from home' directives made it challenging for YOT staff and CSC staff to share information about individual children.

"... we deal with a lot of vulnerable people, people who are in care...And normally every day, I'd be speaking to somebody face-to-face, a social worker...They would come and actively find me, or I'd actively find them... But it doesn't happen anymore that. I'll get a phone call. I'll get an email maybe. But I suspect the amount of contact I'm having with social care, for example, is a lot less than what it was before. So, maybe I'm missing out on a bit of information there..."

(Probation Officer)

The findings from the GM YOTs do not fully substantiate the national findings in relation to partnership working with CSC during the pandemic. Although CSC is a YOT statutory partner, the impact of office closures and 'work from home' directives was considerable in terms of partnership working.

²⁵ HMIP Thematic Inspection of YOS's during the Covid-19 pandemic:

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>.

CJ Joint Inspection Impact of the Pandemic on the CJS:

<https://www.justiceinspectorates.gov.uk/cji/wp-content/uploads/sites/2/2021/01/2021-01-13-State-of-nation.pdf>

Conclusions and Considerations

This briefing paper makes an extensive contribution to the understanding of youth justice partnership working during the pandemic. There is a paucity of knowledge in relation to the impact of Covid-19 on partnerships and this paper draws attention to some of these impacts from a regional perspective. This level of understanding is necessary to ensure that partnership working resumes to pre-Covid-19 levels, thereby enabling partner organisations to confront the vast and varied challenges they will encounter in a post-pandemic environment.

YJB guidance states that YOTs' responses to the pandemic offers an ideal opportunity for YOT management boards to reflect on and evolve partnership working with associated partners post-pandemic²⁶. Based on the findings from Greater Manchester we concur with this. Whilst the HMIP and Criminal Justice Inspection reports²⁷ both highlight very positive ways of partners responding to Covid-19, the findings from the GM YOT teams reveals a slightly different picture across the region. There was clearly a strong sense of solidarity amongst YOT staff who shared the common goal of working in the best interests of justice-involved children at a very difficult and unprecedented time. There were also considerable challenges that could not be—and were not—easily overcome.

Of most significance was the dis-mantling of the YOTs' traditional multi-agency and co-location model due to Covid-19 restrictions. This had a detrimental impact on the sharing of information between partners and the services they were able to offer to children.

The longer-term impacts of this remain to be seen, both for YOTs and their future working practices and perhaps, more crucially, on the children who would benefit from swifter assessments, accessible interventions, positive activities, mentoring, and preventative programmes.

26 Youth Justice Plans, YJB Practice Guide:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973141/Youth_Justice_Plans_-_YJB_Practice_Guidance_March_2021_.pdf

27 HMIP Thematic Inspection of YOSs during the Covid-19 pandemic:

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

CJ Joint Inspection Impact of the Pandemic on the CJS:

<https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2021/01/2021-01-13-State-of-nation.pdf>

Based on the findings described in this briefing paper we consider the following areas to be central for planning how partnership working can evolve in a post-pandemic youth justice system.

- The challenges experienced by YOTs should be considered as a timely opportunity to re-assess partnership working. This could include identifying good partnership working practices and the development of new partnership working protocols where appropriate.
- YOT Partnership Management Boards should consider undertaking a review of partnership services that have resumed since the easing of lock-down measures and those that have yet to resume or can no longer be accessed (due to organisations closing or budget cuts).
- The Covid-19 pandemic will undoubtedly result in longer-term challenges for YOTs and their partners. It could provide an opportunity for YOTs and their Partnership Management Boards to re-consider the commissioning of services.
- Further information is needed from local authorities and/or relevant organisations to understand how YOTs have been affected by building closures or restricted building access.
- The impact of release under investigation and no further action practices has the potential to be damaging to children. Police forces across the country, including Greater Manchester Police, should consider a thorough review of the increases in these cases and the force's responses to these increases.
- Local requirements for justice-involved children are likely to change because of the pandemic. Adaptations to partnership working during the pandemic has emphasised the need for YOTs to maintain their ability and autonomy to plan services alongside partners to allow them to respond flexibly to local needs.

For further information about the project, please contact,
Professor Hannah Smithson h.i.smithson@mmu.ac.uk

