

Public Service Reform Board

Date	15 December 2020
Report title	Punishing Abuse
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Recommendation(s) for action or decision:

Public Service Reform Board is recommended to:

- (1) Note progress on the research and approve progression to publication of the full report.

1. Purpose

- 1.1 Punishing Abuse is unique and ground breaking research into the extent of childhood adversity, abuse, loss and trauma in children involved in the criminal justice system in the West Midlands. It provides the evidence base for key policy proposals and reform of youth justice services. It also provides the evidence for further discussion and collaboration between local authorities on wider reform of services for children. This action based research was jointly commissioned by the WMCA, PCC and Local Authorities in the West Midlands.
- 1.2 The research was led by Dr Alex Chard and his report **Punishing Abuse**, is expected to be published in January 2021. A joint policy response by the WMCA and OPCC will be published alongside the research report. A summary of which is provided here to update the PSR Board on the completed programme of research, key findings, actions undertaken to date and the proposed reforms suggested within the report.

2. Background

- 2.1 In 2018 the West Midlands Combined Authority (WMCA), West Midlands Police & Crime Commissioner (PCC) and the West Midlands Local Authority led Youth Offending Teams (YOT's) (statutory multi-agency teams with the principle aim of preventing and reducing youth offending) commissioned and collaborated with Dr Alex Chard to facilitate action research through the West Midlands YOT's) into the extent of abuse, loss, trauma and the role of attachment and resilience in a sample of YOT caseloads.
- 2.2 The main research programme involved 70 case studies across the seven constituent local authorities (Birmingham, Coventry, Wolverhampton, Walsall, Solihull, Sandwell and Dudley). The West Mercia Youth Offending Service funded research into a further 10 children. The full report sets out details of the cohort's specific make-up, but these were young people currently known to the YOT workers engaged in this research. The children included those who had been through custody, been the subject of community penalties or were early entrants into the criminal justice system.

3. Key findings

- 3.1 Childhood adversity in the West Midlands is much wider than the well-known ACE factors (Adverse Childhood Experiences). In addition to the 10 traditional ACE factors, our research evidences that many children in the youth justice system in the West Midlands suffer significant adversity. This includes witnessing street or gang violence, some have transitioned here from countries known for genocide, many have been criminally or sexually exploited – or on occasions both.
- 3.2 Children in this sample had experienced significant parental loss and abuse. Some are parents themselves or have experienced the loss and trauma of a termination.
- 3.3 There were more children who had experienced 4 or more types of child abuse than those who had experienced no abuse represented in the study. For many children the abuse was sustained and for some extremely violent.
- 3.4 The sheer volume of school exclusions, disengagement and disenfranchisement from the education system was overwhelming, children had been excluded from primary schools, and others had been to over 10 secondary schools.

- 3.5 The numbers of children with unmet health needs, and parents with significant health issues was significant. Poverty is much higher in this group than in our general population.
- 3.6 The overwhelming majority of these children were well known to children's services and a significant number had been in public care.

4. Recommendations and next steps

- 4.1 Punishing Abuse makes over 40 wide ranging proposals for reform which include proposals for a renewed focus on developing the region's youth justice services. The report also argues for the need to tackle broader structural issues including, poverty, social exclusion and intergenerational disadvantage, which create an escalator into the youth justice system. We need to target resources to those families who are at highest risk of social exclusion and intergenerational disadvantage through a preventative lens.
- 4.2 The principles of **child first** and **getting it right first time for children** are intrinsic in the recommendations. The WMCA, PCC, YOT's and broader partners, including police, health and education all have roles to play in progressing reform both individually and collectively in order to achieve better outcomes for children and families.
- 4.3 In our devolution submission we have asked Government to work with local authorities, the WMCA and the PCC to establish the devolution of youth justice powers. Our proposals both reform the existing YOTs and would also put in place a single, integrated service for vulnerable young people, and a framework for safeguarding older children.
- 4.4 Through the comprehensive spending review as a region we are hopeful to secure funding to develop the "West Midlands Safe Centre" a new facility, purpose built for safe and secure care for children. It will be used for court-ordered care and custody, with the aim of short-term respite to grow stability and self-esteem. The Centre will be supported by a whole-system care solution, including intensive fostering, to ensure that vulnerable children – who currently experience dire outcomes - are not left behind.
- 4.5 We are developing our ambitions to create:
- An approach through *levelling up in the West Midlands: our roadmap to recovery and prospectus to Government* which could include a collaborative focus on early years and closing the increasing gap in attainment, widened through the pandemic.
 - A renewed strategic priority for the Mayor and PCC to work with local authorities to help them make the strategic business case to government to secure sufficient funding for the growth of early help support in children's centres, communities and schools.
 - A potential new approach in the region to monitor and oversee school exclusion practice and policy across schools in the West Midlands, with a further specific duty to support local authority schools and other state funded schools in reducing school exclusions with a target of eradicating school exclusions or providing comprehensive whole-family support to children excluded in extreme cases.
- 4.6 The proposals within the report also help substantiate existing and planned work on wider criminal justice reform being progressed by the OPCC. These include:

- **Intensive secure fostering:** as an alternative to children being sentenced to long-term custody. The PCC is engaged with major public sector stakeholders around a 'long term intensive secure fostering service' that might provide a modern and evidence based alternative to preventing future offending through a far greater focus on 'relational models'.
- **Problem solving courts:** initially through the development of two Family Drug and Alcohol Courts in the region followed by scoping to develop problem solving courts supporting young people away from crime.
- **Diversion hub:** Building on the PCC's existing partnerships and programmes in identifying and supporting opportunities to tackle the underlying causes of crime, to prevent reoffending and keep communities safe. The development of a diversion hub, where officers will think 'diversion first' will significantly increase the numbers of out of court disposals and learn from the success of rehabilitative diversion schemes.

4.7 As a result of the practitioner led, action research approach awareness around the lives of the young people being studied and others has increased significantly. This has enabled a deeper understanding of children's needs, and of the risks they may present. In addition, it has provided a catalyst for both practice based and strategic service development which have already yielded positive outcomes for children across the West Midlands. These include (but not are limited to) reduction in breach rates, numbers of children receiving custodial outcomes and improved educational outcomes.

5. Financial Implications

5.1 There are currently no financial implications associated with this report, but any new or extended activity generated by successful Comprehensive Spending Review asks will require officer time to develop and implement.

6. Legal Implications

6.1 There are no legal implications associated with this report.

7. Equalities Implications

7.1 Punishing Abuse raises significant concerns around disproportional representation of BAME children with the criminal justice system, however the way cases were selected and the regional basis for the research have prevented an in depth analysis of these issues. The girls who were studied within the sample were seen to be the most vulnerable and abused children who were studied. Children who had migrated to the UK also appeared to be disproportionately represented. The report proposes further investigation of these issues.

7.2 The West Midlands PCC has progressed targeted activity following The Lammy Review into the treatment of, and outcomes for, Black Asian and Minority Ethnic individuals in the criminal justice system.

7.3 The WMCA continues to develop the work of the Leadership Commission, to scrutinise and improve diversity in leadership of the region.

7.4 The policy recommendations following publication of Punishing Abuse will include those which specifically target the equalities implications highlighted in the research.

8. Inclusive Growth Implications

8.1 The focus on inequalities is aligned to the inclusive growth purpose and direction.

9. Geographical Area of Report's Implications

9.1 This work is relevant across the WMCA 3-LEP region, and both Warwickshire and West Mercia Youth Offending Services have participated in the research. The development of the next steps focuses specifically on the seven metropolitan authorities.

10. Other Implications

None.