

WORKING WITH OFFENDING BEHAVIOUR WORKBOOK



Name of foster carer/staff:

Name of Line manager:

COURSE AMPLIFICATION

1 Understand why children and young people in care are vulnerable to engagement in offending behaviour

The term 'offending behaviour': definition – transgressing against or breaking a law or rule
Theories relating to youth offending: Pathways theory; Good lives model; Theory of Social Capital; Labelling theory; Restorative approaches
Factors that make children and young people in care particularly vulnerable to engagement in offending behaviour: peer dynamics; past abuse; neglect; unstable living arrangements; lack of positive role modelling; maltreatment; inadequate/poor quality parenting; poor coping skills; lack of resilience; inadequate resources; support networks.

2 Understand how to reduce the risk of criminalisation of children and young people

The term 'criminalisation': definition – when previously legal acts are transformed into crimes by legislation or judicial decision
How poor behaviour management strategies can escalate the criminalisation of children and young people: loss of contact with named person; loss of trust; ineffective boundaries/objectives; peer pressure; challenge; lack of monitoring/supervision; increased opportunity; poor role modelling; lack of planning/review.

The risks of systematically classifying behaviour as offending rather than seeking alternative responses: unsupportive of engagement with children and young people; creates risks; does not address behavioural issues; labelling
Methods to reduce the risk of criminalising children and young people: restorative approaches; Multisystemic therapy; Family Functional Therapy; Multi-Dimensional Treatment Foster Care; mentoring; after school activities/recreation; school discipline/management strategies; non-academic activities; Intensive Supervision and Support/ Surveillance Programmes; Youth Inclusion and Support Panels; skills training
Principles of the organisation's Police Involvement Policy: contact procedures; risk assessment; safeguarding; confidentiality; reporting; record keeping

3 Understand partnership working in the youth justice system

The role of agencies involved in the youth justice system: Youth offending teams (YOT); Probation Service; Crown Prosecution Service (CPS); Drug and Alcohol Services; Education Services; Child and Adolescent Mental Health Services (CAMHS).

The practitioner's role in relation to the youth justice system: level/frequency of contact; responsibilities; lines of reporting; collaboration; liaison; review; facilitating Assessment tools used in the youth justice system: National Standards for the Youth Justice Service; Asset and Onset Framework; Common Assessment Framework.

How to contribute to a holistic care plan for a child or young person who is engaged with the youth justice system: needs; abilities; aspirations; goals; objectives; involvement of others; collaboration; priorities; staged approach; person centred
Processes for informing social workers, and those with parental responsibility, of police involvement: safeguarding; duty of care; the Data Protection Act 1998 and 2018; confidentiality; risk; reporting; recording; policies/procedures; agreed ways of working; partnership/inter agency working.

4 Understand the court system as it relates to youth justice

Legislation relating to the court system for youth justice: The United Nations Convention on the Rights of the Child; the Children Act 1989 (and Guidance and Regulations implemented in April 2011); the Crime and Disorder Act 1998; the Children (Leaving Care) Act 2000; the Criminal Justice Act 2003; the Children Act 2004; the Local Safeguarding Children Boards Regulations 2006; the Children and Young Persons Act 2008; the Criminal Justice and Immigration Act 2008; the Police Reform and Social Responsibility Act 2011; the Legal Aid, Sentencing and Punishment of Offenders Act 2012; the Health and Social Care Act 2012; the Anti-Social Behaviour Crime and Policing Act 2014; The sentencing process: The Sentencing Council Guidelines; consider offender's age; the seriousness of the crime; if they have a criminal record; if offender pleaded guilty or not guilty; aggravating/mitigating circumstances; The function of Court Reports: Stand-down report – less serious cases; recommends sentence; Reparation Order report – if the court considers a Reparation order may be an appropriate sentence; Action Plan Order report – if offence is serious enough for a community penalty and the Court indicates that a short intensive programme will be the most appropriate sentence; Presentence report – Court requests further detail about the offence and child or young person prior to sentencing; Psychological or psychiatric report – to provide the Court with further information about child or young person's mental health; Disposal options for children and young people: pre-court measures (youth caution; youth conditional caution; final warnings and reprimands), Anti-Social Behaviour measures

(Acceptable Behaviour Contract; Anti-Social Behaviour Order); other measures (local child curfew; gang injunctions; youth restorative disposal); Community sentences (youth rehabilitation order; referral order; fine; conditional discharge; absolute discharge; drinking banning order); Custodial sentences.

Systems for supporting compliance with disposal requirements: accompanying young people to and from appointments; providing a corporate parent role in court; reporting/recording. Ways to minimise the high level of breaches of disposal

requirements by young people in residential or foster care: accompanying the young person to and from appointments and providing the corporate parent role in court Processes for responding to breaches

of disposal requirements: e.g. further offending; non-attendance at identified meetings; non-payment of fines; breach of curfew; further criminal justice interaction; triage; assessment of risk; escalation of disposal/sentencing requirements; Community Resolution; Youth Caution; Youth Conditional Caution; charge.



Answer the following questions.

1. Define the term 'offending behaviour'?

[Empty text box for answer]

2. Analyse factors that make children and young people in care particularly vulnerable to engagement in offending behaviour?

[Empty text box for answer]

EMPT® Case Study offending behaviour

Yolanda

Yolanda is white and 15 years old

She was accommodated due to the risks in the family from mother's partner (mother has been a victim of domestic violence but continues to live with the perpetrator).

Recently she has been returning to the placement very late and sometimes has gone missing overnight, she has also truanted from school.

She often has angry calls on her mobile phone late at night.

One day you discover an unexplained bag under her bed inside is a ski mask gloves and what appears to be a range of illegal substances as well as around £900.

1. What is your immediate reaction?

2. What do you feel the risks are:

(a) To Yolanda

(b) To you and your family

3. List the actions you need to take in this situation?

REMINDER!

Remember that within your role you must:

- Identify the information which needs to be gathered and verified from different sources!
- Identify the potential level of risk of the case and the priority it should be given.
- Identify the information which needs to be gathered and verified from different sources!
- Take into consideration: you develop trusting relationships in which children and young people can express their fears, anxieties, feelings and concerns without worry of ridicule, rejection or retribution.
- Take appropriate action when individuals' reactions to the information may result in risk or harm to individual, others and yourself.
- Also remember – it is within your role to take appropriate action where children and young people; are likely to become/ or are involved in offending and offensive behaviour.
- Or who may be subjected to the offensive behaviour of others.

Selling Drugs across county lines, Source: Centre for Crime and Justice Studies (2007).

Selling drugs across county lines often involves the criminal exploitation of children and young people. Child criminal exploitation, like other forms of abuse and exploitation, is a safeguarding concern and constitutes abuse even if the young person appears to have readily become involved. Child criminal exploitation is typified by some form of power imbalance in favour of those perpetrating the exploitation and usually involves some form of exchange (e.g. carrying drugs in return for something). The exchange can include both tangible (such as money, drugs, or clothes) and intangible rewards (such as status, protection or perceived friendship or affection).

The report is an evidence-based strategy that recognises the deeper structural causes of inequality, poverty and social disaffection is needed to address knife related offending.

The report argues that enforcement and punitive action to tackle knife carrying and knife use, such as harsher sentences, fail to take account of the fact that it is 'merely one expression of interpersonal violence'.

Success in tackling knife crime will only come with success in dealing with the underlying causes of violence, fear, and insecurity.



National statistics

Youth Justice Statistics: 2020 to 2021. Published 27 January 2022

15,800 children were cautioned or sentenced	↓	The number of children who received a caution or sentence has fallen by 17% in the last year with an 82% decrease over the last ten years.
8,800 first time entrants to the youth justice system	↓	The number of first-time entrants has fallen by 20% since the previous year, with an 81% fall from the year ending March 2011.
3,500 proven knife and offensive weapon offences were committed by children	↓	There was a 21% decrease in these offences compared with the previous year. Levels are 14% lower than those seen in the year ending March 2011.
Almost three quarters of children remanded to custody received a non-custodial outcome	↑	There was an 8-percentage point increase compared with the previous year in outcomes which did not result in a custodial sentence. Of the outcomes which did not result in a custodial sentence, half resulted in a non-custodial sentence and half resulted in acquittal.
The average time from offence to completion at court increased	↑	The average time from offence to completion was 219 days, compared with 172 days in the previous year.
The number of children in custody has fallen to its lowest level	↓	There was an average of 560 children in custody at any one time during the year. This is a fall of 28% against the previous year.
All custodial Behaviour Management measures saw decreases in rates	↓	Compared with the previous year, rates of assaults decreased by 26%, Restrictive Physical Interventions by 24%, self-harm by 23% and separation by 3%.
Reoffending decreased to its lowest level	↓	The reoffending rate decreased by 3.6 percentage points in the last year and 4.1 percentage points from the year ending March 2010. This was the sixth consecutive year on year fall.



For the first time, stop and search data for 10- to 17-year-olds is available. It showed that Black children were more likely to be stopped than other ethnicities. It also shows that four out of five stop and searches, across all ethnicities, resulted in no further action.

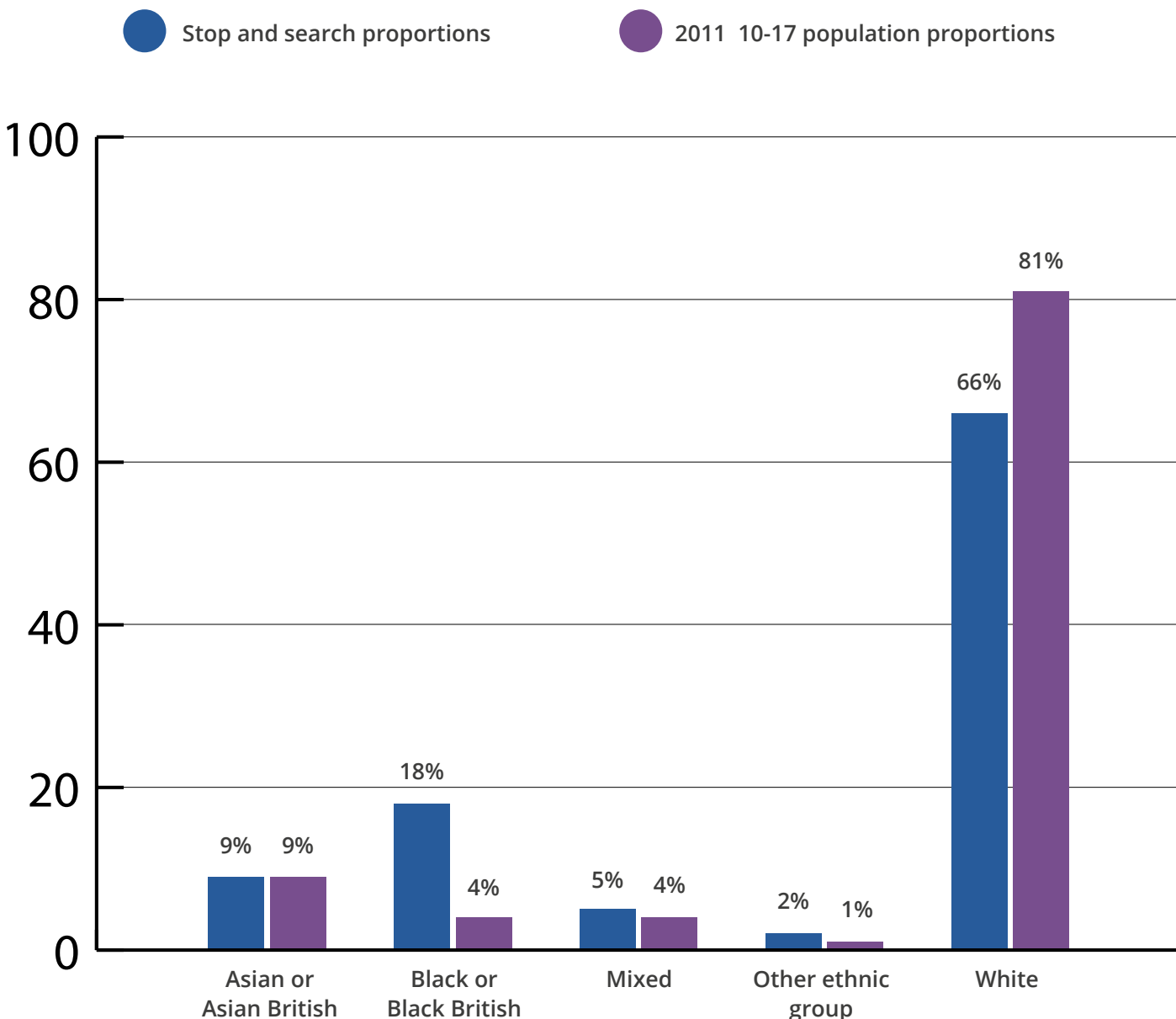
Ethnic disproportionality is seen at many other stages of the youth justice system. While the number of FTEs from a Black background has decreased compared with ten years ago, the proportion they comprise of all child FTEs (where ethnicity was known), has increased, from 10% to 18%. The proportion of children in custody who are Black is up to 29% from 18% ten years ago.

Proven reoffending rates have reduced to the lowest on record. While there has been a downward trend in recent years, the large reduction in the latest year is likely to have been impacted by the impacts of court closures and pauses to jury trials during the periods of restrictions.

1.1 Stop and searches of children aged 10-17

Figure 1.1, below : Number of stop and searches of children by ethnicity as a proportion of total where ethnicity is known [footnote 2], England and Wales, year ending March 2021.

For the first time, stop and search data are available for children. There were around 115,600 stop and searches of children in the year ending March 2021. Black children were involved in 18% of stop and searches (where ethnicity was known). This was 14 percentage points higher than the proportion of Black 10 to 17-year-olds in the 2011 population.



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