

AUDIT AND GOVERNANCE COMMITTEE AGENDA



Tuesday 17th October 2023

at 5.00pm

**at the North Hub, West View Advice and Resource Centre,
Miers Avenue, Hartlepool**

MEMBERS OF AUDIT AND GOVERNANCE COMMITTEE:

Councillors Allen, Brash, Cowie, Creevy, Groves, Hargreaves, Moore, D Nicholson, Sharp and 1 vacancy.

Standards Co-opted Independent Members: - Mr Martin Slimings and Ms Tracy Squires.

Standards Co-opted Parish Council Representatives: Parish Councillor Kane Forrester (Wynyrd) and Parish Councillor Michael Jorgeson (Headland)

Local Police Representative

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meetings held on 19 September 2023 *(to follow)*

4. AUDIT ITEMS

No Items.

5. STATUTORY SCRUTINY ITEMS

5.1 Child and Family Poverty in Hartlepool Investigation – Closing the Loop -
Statutory Scrutiny Manager

- 5.2 Derelict Land and Buildings Investigation:-
- i) Presentation - *Director of Neighbourhoods and Regulatory Service; and*
 - ii) Derelict Land and Buildings Investigation Consultation - Update:
 - Covering Report - *Scrutiny and Legal Support Officer (to follow)*
 - Presentation - *Scrutiny and Legal Support Officer*

5.3 Crustacean Deaths Working Group - Verbal Update (*Councillor Creevy*)

6. **OTHER ITEMS FOR DECISION**

- 6.1 Regulation of Investigatory Powers Act 2000 (RIPA) Annual Report (including Quarters 1 and 2 Update – *Director of Legal, Governance and Human Resources*
- 6.2 Youth Justice Strategic Plan – *Executive Director of Children's and Joint Commissioning Services*

7. **STANDARDS ITEMS**

No Items.

8. **MINUTES FROM RECENT MEETINGS FOR RECEIPT BY THE COMMITTEE**

- 8.1 Health and Wellbeing Board – 10th July 2023.
- 8.2 Finance and Policy Committee Relating to Public Health Issues – None.
- 8.3 Tees Valley Health Scrutiny Joint Committee – None.
- 8.4 Safer Hartlepool Partnership – None.
- 8.5 Tees Valley Area Integrated Care Partnership – None.
- 8.6 Regional Health Scrutiny – None.
- 8.7 Durham, Darlington and Teesside, Hambleton, Richmondshire and Whitby STP Joint Health Scrutiny Committee – None.

9. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT.**

For information: - forthcoming meeting dates:-

Tuesday 7 November 2023, at 5.00 pm at Community Hub Central, Central Library.

Tuesday 12 December 2023, at 5.00 pm.

Tuesday 30 January 2024, at 5.00 pm.

Tuesday 27 February 2024, at 5.00 pm.

AUDIT AND GOVERNANCE COMMITTEE

MINUTES AND DECISION RECORD

19 SEPTEMBER 2023

The meeting commenced at 5.00 pm at the
South Hub, Wynyard Road, Hartlepool

Present:

Councillor: Jonathan Brash (In the Chair)

Councillors: Gary Allen, Brian Cowie, Rachel Creevy, Christopher Groves,
Pamela Hargreaves and David Nicholson

Standards Co-opted Members:

Mr Martin Slimings and Tracy Squires – Independent Members
Parish Councillor Kane Forrester (Wynyard) and Parish
Councillor Michael Jorgeson (Headland)

Also Present: Councillor Tom Feeney
Karen Hawkins and Sue Greaves, North East and North Cumbria
Integrated Care Board (ICB)
Steve Thomas, Healthwatch
Charlotte Hope, Joseph Rowntree Housing Trust
Minna Ireland, Dalton Piercy Parish Council

Officers: Tony Hanson, Executive Director of Development
Neighbourhoods and Regulatory Services
Sylvia Pinkney, Assistant Director, Regulatory Services
Joanne Burnley, Environmental Health Manager (Housing)
Joan Stevens, Statutory Scrutiny Manager
Gemma Jones, Scrutiny and Legal Support Officer
Denise Wimpenny, Democratic Services Team

44. Apologies for Absence

None.

45. Declarations of Interest

None.

46. Minutes of the meetings held on 18 July and 29 August 2023

Confirmed

47. Hartfields Medical Centre – Update *(North East and North Cumbria Integrated Care Board (ICB))*

The Chair welcomed representatives from the North East and North Cumbria ICB who had been invited to the meeting to provide an update in relation to the McKenzie Group's proposed application to reduce the hours of service being provided from Hartfields Medical Centre branch practice from five days a week to three days a week.

The report included background information in relation to the application submitted to the ICB on 4 August 2023, a copy of which was appended to the report. The application, background information and feedback from the two phases of the patient and stakeholder engagement had been presented to the Hartlepool Place Committee on 23 August to obtain their views to support the Tees Valley Area Directors decision making. Whilst the Committee understood the issues faced by the practice, they also wanted to ensure that patients continued to be able to access high quality, safe and effective primary medical services. The Committee acknowledged the extensive and robust engagement activity that had been undertaken and that McKenzie Group had moved from their original position of full stakeholder engagement, and commended the involvement of the Patient Participation Group (PPG) members and their willingness to co-design a part time model, despite their reservations in terms of accessing services, particularly on the days when Hartfields proposed to be closed. Following review and discussion the Committee did not support the McKenzie Group application, details of which were included in the report.

The ICB Area Directors Group had considered the application, the relevant information including feedback from the Hartlepool Place Committee and the application was not approved, the reasons for which were provided as set out in the report.

In terms of the next steps, the Committee was advised that the Area Directors Group had agreed that if McKenzie Group wanted to continue to proceed with a part-time branch surgery application for further consideration they would need to work with the ICB team to develop a detailed and robust equality health impact assessment, baseline measures of workforce, services currently delivered at Hartfields, activity data around where those services that would not be delivered in the 2 days of closure would be delivered from, a plan of how this would be monitored as well as an assessment of the impact for the practice to continue to remain open for 5 days. A part-time approach would only be agreed subject to an 18 month pilot to enable compelling evidence of the actual impact on patients and the practice to be gathered, utilising the baseline measures agreed.

The partners of McKenzie Group had considered the ICB decision and whether or not to progress the application further and had decided to withdraw their application, the reasons for which were provided. The ICB had also met with McKenzie Group to discuss a number of issues including what workforce would be available in terms of providing core services, what services will be provided, what services patients from Hartfields would need to travel to access and would include specialist diabetes and cardiovascular services, physiotherapy, social prescribing link workers. Proposed developments for the future were also outlined and assurances were provided that the ICB were satisfied that core services would continue to be delivered by Hartfields with no adverse impact to patients. The ICB representative commended the work of Healthwatch in terms of supporting patients throughout the engagement process.

Following conclusion of presentation of the report the Chair took the opportunity to pay tribute to and thank the ICB, Healthwatch, the previous Chair of the Audit and Governance Committee and all contributors for their hard work and contributions throughout this process. Assurances were sought in terms of how the practice were communicating with patients around the services that continued to be delivered from Hartfields and requested that the Committee be provided with a list of services following the meeting to enable wider circulation. The ICB representative advised that the contract did not define core services, as these were defined nationally and there was therefore no list available. However, McKenzie Group had provided assurances that they could continue to deliver core services to Hartfields' patients.

The representatives responded to queries raised arising from the report. Clarification was provided in terms of the key issues, communication proposals, contract arrangements as well as staffing and recruitment proposals for Hartfields. Members placed emphasis upon the importance of GP practices effectively communicating with service users to ensure clarity on what services were available by location. Concerns were raised in relation to the frustrations for patients in terms of the contractual arrangements and complexities around accessing health services, examples of which were provided. The ICB representative commented on the benefits of bringing a further report to a future meeting regarding access to health care services and the challenges since covid.

Input was also received from Hartfields residents, who were in attendance at the meeting. Reference was made to the vulnerability of Hartfields' patients with extensive health needs and some concerns were expressed regarding the lack of access to an on-site nurse requiring residents to travel to access specific health care services, examples of which were shared with Members. Further accessibility concerns were raised by residents in terms of the implications of travelling to an alternative site and residents questioned why empty rooms at Hartfields could not be utilised for health care provision. Representatives responded to queries raised from residents and Members.

Clarification was provided in relation to the type of specialist services that were not delivered by every practice resulting in patients having to travel to access certain services, details of which were provided.

Residents took the opportunity to thank all members of the Committee for their support throughout this process and express their appreciation that the practice would remain open.

In concluding the debate the Chair advised residents of the Committee's willingness to attend a meeting at Hartfields to facilitate further conversations in relation to the areas of concern raised by residents at today's meeting. ,

Recommended

- i) Confirmation that the closure of the Hartfields GP practice was not to be progressed was welcomed by the Committee;
- ii) The ICB, Healthwatch and previous Chair of the Audit and Governance Committee were thanked for their hard work and contributions throughout the very long process.
- iii) The Committee pledged to bring a meeting to Hartfields to discuss the other issues raised by Hartfields residents.
- iv) The issue of GP access to be added to the agenda for a future meeting of the Committee.

48. Derelict Land and Buildings Investigation – Presentation *(Director of Neighbourhoods and Regulatory Service)*

As part of the derelict land and buildings scrutiny investigation, the Executive Director of Development Neighbourhoods and Regulatory Services had been invited to attend the meeting to assist in increasing the Committee's awareness and understanding of derelict land and buildings.

The Executive Director of Development, Neighbourhoods and Regulatory Services provided a detailed and comprehensive presentation which focussed on the following issues:-

- Derelict Building/Site Priority Assessment Form
- Scoring matrix utilised to record time vacant, visual impact, condition of building/site, location and enforcement activity
- Building Assessment scoring matrix process
- General Enforcement Policy approved March 2021 – sets out approach towards enforcement
- Umbrella policy which applies to enforcement activities of the Council

- Policy written in accordance with the Government's Better Regulation Agenda
- Policy is based on a number of reports, legislation and guidance
- Aim is to ensure enforcement actions are:-
 - proportionate
 - fair and accountable
 - consistent
 - transparent,
 - targeted and risk-based
- Enforcement Sanctions
 - No action
 - Verbal and written warnings
 - Voluntary undertakings
 - Legal notices
 - Work in default
 - Enforced sale
 - Detention and/or seizure of goods/equipment
 - Penalty notices
 - Orders and injunctions
 - Simple caution
 - Prosecution
 - Proceeds of crime
 - Refusal, suspension, revocation of a licence, registration, consent, permit or similar
 - Retrospective applications
- Levers to Encourage Compliance
 - Advice and guidance
 - Support with applications
 - Funding availability
 - Acting as intermediary

Members debated issues arising from the presentation and officers responded to queries raised. Clarification was provided in relation to the scoring matrix rational and prioritisation process, the difficulties in terms of debt recovery, powers available under the Council's Enforcement Policy as well as enforcement action options. In response to a query raised background information was provided in relation to the proportionate sanctions arrangements.

Members discussed at length the difficulties around empty /derelict properties, enforced sale options and complexities around ownership and registerable land charge arrangements. Given the issues raised around the derelict/empty properties process, a Member suggested that an amendment to the Enforcement Policy be considered. The potential reasons properties may be empty were outlined. Further concerns were

raised regarding the scoring matrix, the limited powers available in terms of debt recovery and the complexities around ownership.

Members were keen to see a reduction in the number of derelict buildings and concerns were raised in relation to the impact of properties of this type on communities and public services. The Chair provided assurances that the Committee would consider all derelict land and buildings including Council owned, private and social housing. The Chair commented on the need to further explore the legislative position around enforced sale, the definition of an automatic first charge and requested a more detailed discussion at a future meeting.

Recommended

That the contents of the presentation and comments of Members be noted and actioned as appropriate.

49. Derelict Land and Buildings Investigation – Consultation and Working Group Update *(Scrutiny and Legal Support Officer)*

The Scrutiny and Legal Support Officer presented the report which provided an update on progress of the Derelict Land and Buildings investigation consultation. A total of 32 participants completed the survey and had highlighted a number of derelict land and buildings in the town and recorded what concerns they had in relation to these areas. Some derelict buildings had been highlighted by more than one participant including the former ambulance station and what was the Odeon. The survey results had also indicated a number of residential properties. Given the level of response to the consultation, Members were asked to consider extending the consultation.

The report provided a proposed timetable and content of each of the Working Groups and the Committee's agreement was sought in terms of the focus, the following proposed dates and number of working groups:-

Tuesday 31 October – 5.00 pm
Tuesday 21 November – 5.00 pm
Tuesday 19 December – 5.00 pm
Tuesday 9 January – 5.00 pm

Members were asked to confirm their attendance at each of the Working Groups with Gemma Jones, Scrutiny and Legal Support Officer.

Recommended

- (i) That an extension to the consultation be agreed.
- (ii) The focus, dates and number of working groups, as set out in the report were agreed.

50. Crustacean Deaths Working Group - Verbal Update

Cllr Creevy reported that two presentations had been received at the last meeting, one by NEIFCA regarding the latest stock assessment and one by Dr Simon Gibbon. The stock assessment demonstrated that crab landings were down, although this was also indicative across the country. Whilst there had been a significant reduction in lobster landings around Teesmouth, there had been an increase further south. It had been highlighted that the data was very poor as there were three different systems for different organisations. One significant statement by the scientific advisor was that “when you’re knee deep in crabs on the beach... that is definitely manmade”

Dr Gibbons report was quite worrying. He had analysed paperwork from a wide variety of sources, details of which were provided. He suggested that agencies had not looked hard enough at what could have caused the die offs. His contention was that the escape of pyridine into the sea around that time and after, was likely to have been caused by demolition (of buildings such as Dorman Long 19/9/21) and dredging work undertaken on the rivers edge. The land on the Teesworks site was reclaimed land, and therefore more porous than “natural” land and contained pockets of contamination including coal tar. Demolition work caused shockwaves underground and the pockets of coal tar headed towards the river being released into the river. Coal tar contained pyridine, which according to the Environment Agency’s own analysis was found in crabs in the area, and which according to Dr Caldwell’s research, had the same effect on crabs as was seen at the height of the die off.

The Chair and Cllr Creevy had pulled together a list of questions for the Marine Management Organisation as they were not attending meetings. Whilst a partial response to the questions had been received, they had subsequently suggested that any further requests be undertaken under “Environmental Information Regulations”.

It was noted that the next meeting would held on 13 October 2023 in Redcar and would be attended by PD Ports.

Recommended

That the information given be noted.

51. Minutes of the meeting of the Health and Wellbeing Board

None

52. Minutes of the meeting of the Finance and Policy Committee relating to Public Health

None

53. Minutes of the meeting of the Tees Valley Health Scrutiny Joint Committee held on 17 March 2023

Received

54. Minutes of the meeting of the Safer Hartlepool Partnership

None

55. Minutes of the meeting of the Tees Valley Area Integrated Care Partnership held on 2 June 2023

Received

56. Minutes of the meeting of the Regional Health Scrutiny

None

57. Minutes of the meeting of the Durham, Darlington and Teesside, Hambelton, Richmondshire and Whitby STP Joint Health Scrutiny Committee

None

58. Date and Time of Next Meeting

The Chair reported that the meeting would be held on 17 October 2023 at 5.00 pm.

The meeting concluded at 7.10 pm.

CHAIR

AUDIT AND GOVERNANCE COMMITTEE

17th October 2023



Report of: Statutory Scrutiny Manager

Subject: CHILD AND FAMILY POVERTY IN HARTLEPOOL
INVESTIGATION – CLOSING THE LOOP

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide Members of the Audit and Governance Committee with feedback on the recommendations from the investigation into Child and Family Poverty in Hartlepool, following consideration by the Finance and Policy Committee.

2. BACKGROUND INFORMATION

- 2.1 The findings and recommendations of the Audit and Governance Committee's investigation into Child and Family Poverty in Hartlepool can be accessed via the following link
https://www.hartlepool.gov.uk/downloads/download/2469/child_and_family_poverty_scrutiny_investigation_-_final_report.
- 2.2 The report was considered by the Finance and Policy Committee on the 3rd July 2023, in conjunction with a corresponding action plan (attached at **Appendix A**).
- 2.3 With due regard to the contents of the action plan, the committee approved the investigations recommendations and a verbal update on the implementation of the committee's recommendations will be provided at today's meeting by the Head of Housing, Hardship and Welfare Support Services.

4. RECOMMENDATIONS

- 4.1 That Members note the proposed actions detailed within the Action Plan and seek clarification on its content where felt appropriate.

Contact Officer: - Joan Stevens – Statutory Scrutiny Manager
Legal, Governance and Human Resources Department
Hartlepool Borough Council
Tel: 01429 284142
Email: joan.stevens@hartlepool.gov.uk

BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- (i) Child and Family Poverty in Hartlepool can be accessed via the following link [https://www.hartlepool.gov.uk/downloads/download/2469/child_and_family_poverty_scrutiny_investigation - final report](https://www.hartlepool.gov.uk/downloads/download/2469/child_and_family_poverty_scrutiny_investigation_-_final_report).
- (ii) Finance and Policy Committee report and minutes – 3rd July 2023

AUDIT AND GOVERNANCE SCRUTINY ENQUIRY ACTION PLAN**NAME OF COMMITTEE:** Audit and Governance Committee**NAME OF SCRUTINY ENQUIRY:** Child and Family Poverty

+ please detail any risk implications, financial / legal / equality & diversity / staff / asset management considerations

* please note that for monitoring purposes a date is required rather than using phrases such as 'on-going'

RECOMMENDATION	RESPONSE / PROPOSED ACTION ⁺	FINANCIAL / OTHER IMPLICATIONS	LEAD OFFICER	COMPLETION DATE*
1) Exceptional services are provided in Hartlepool to mitigate the effects of poverty and these are the predominant focus of Hartlepool Council poverty activities. However, going forward, strategies and services need to move towards a more hands up/prevention/route out of poverty focused model lead to deliver more impactful change. As is being planned by the Trussell Trust Foodbank and The Joseph Rowntree Foundation.	<p>Welfare Support has been adjusted to move from a 'hand outs' to 'hands up' model of help.</p> <p>The Head of Service responsible for hardship is part of the Trussell Trust working group leading on implementing their strategic change plan.</p> <p>Work has begun to develop a local 'anti-poverty' strategic group tasked with grounding any strategic actions based on lived experience and the need to support change.</p>		<p>PT</p> <p>PT</p> <p>DS/PT/ and others internal to HBC and external VCSE</p>	<p>Complete</p> <p>Five year plan – to 2027</p> <p>Revised plan for 2024/2025</p>
2) The voluntary Socio Economic Duty be potentially adopted with the assistance of a working group that will look into:	Task group established and report based on recommendations submitted to ELT.		PT	September 2023
- What is required to facilitate	Research other councils/ anchor			

<p>the formal adopt the Socio Economic Duty;</p> <ul style="list-style-type: none"> - What would be the benefits of its adoption; - How might it reduce poverty; and - What all of the above mean in practical and financial terms for the Council. 	<p>organisations who have successfully implemented the duty</p>			
<p>3) The establishment of a Hartlepool Poverty Truth Commission be progressed with the assistance from Thrive Teesside and the Poverty Truth Network. The purpose being to incorporate lived experience of socio economic disadvantage at all levels of decision making and policy development.</p>	<p>Meet with Poverty Truth Network to establish what is required to establish a PTC.</p> <p>Work with Voices of Hartlepool, a small resident voice group that aims to become a PTC.</p> <p>Identify further residents that want to be actively part of a PTC.</p> <p>Engage with Thrive Teesside, local experts in PTC work.</p>		<p>DS/ PT – local anti-poverty strategic group</p> <p>PT</p> <p>DS/ PT – local anti-poverty strategic group</p> <p>DS/ PT – local anti-poverty strategic group</p>	<p>Complete</p> <p>Underway</p> <p>Autumn 2023</p> <p>Complete – work underway</p>
<p>4) As and when the outcomes of ongoing national work in relation to best practice and service improvement becomes available, a further refresh of the new Child and Family Poverty Strategy be undertaken.</p>	<p>Based on PTC work, adoption of SED, engagement of internal HBC colleagues, external key anchor organisations and VCSE, establish the framework for an anti-poverty strategy using local proven successful action and learning from other areas that have tried something different.</p>		<p>DS/ PT – local anti-poverty strategic group</p>	<p>First draft to be consulted on Autumn 2024</p>

5) The implementation of the recommendations contained within the report to be monitored by the Audit and Governance Committee. Alongside an update on the poverty position in Hartlepool.	As outlined in all points above		PT	6 monthly check-ins
6) National targets have been removed for the reduction of poverty, however, national indicators have been created. It would be beneficial to set a series of Hartlepool specific indicators, against which outcomes (including the activities of the Poverty Truth Commission and adoption of the Socio Economic Duty) can be measured.	Collate a local data set that indicates need – based on e.g. Free School Meals (financial), Local Council Tax Support, access to Foodbanks, take up on advice and debt services – work underway including support from Corporate Services.		PT, Catherine Grimwood and datasets from Hartlepool Financial Inclusion Partnership	Autumn 2023
7) Ward based poverty data to be sent to Cllrs on an annual basis.	This would be based on national datasets (households below average income) together with FSM and LCTS data		PT	Annually
8) In terms of Schools, a poverty update is to be provided at a Head Teachers Briefing, as part of which schools: - Will be reminded of the value of the 'Poverty Proofing' exercise offered by Children North East; - Be encouraged to seek	PT to provide a briefing at Director's Headteachers briefing outlining Poverty Proofing the School Day opportunities and continuing discussions around the impact of the cost of school uniform to households - scheduled meeting with Headteachers is the 05.10.23. Contact made with SHINE and		PT	Autumn 2023

<p>guidance and advice from external source where available, such as the SHINE Trust; and</p> <ul style="list-style-type: none"> - Asked to promote the second hand uniforms scheme (Hartlepool Preloved Clothing) as a means of reducing costs for parents. 	<p>arrangements made to meet up and learn more about services and support.</p> <p>Contact also made with Children North East; established relationship in place regarding poverty proofing and school uniform.</p> <p>Hartlepool Reloved Clothing info shared with schools. Support provided to establish their school uniform service. Donations to the service provided including new uniforms. Arrangements in place to continue support.</p>			
<p>9) In terms of decision making:</p> <ul style="list-style-type: none"> - Impact assessments are a part of the 'key' decision making process and development of strategies and Child and Family Poverty Impact Assessment and Equability and Diversity Impact Assessments are to be amalgamated to simplify the process; and - Where the process for monitoring the implementation of decisions identifies a potential 'new' or 'increased' poverty impact, the Impact 	<p>Task group to be established to begin to address impact assessments, to merge them together and to establish processed to track impact – task group up and running, impact assessment revision ready for the Autumn.</p>		<p>Catherine Grimwood</p>	<p>Autumn 2023</p>

Assessment should be revisited to gain a full understanding of the position and any action that may be required.				
<p>10) In terms of debt collection:</p> <ul style="list-style-type: none"> - The impact of debt collection on those experiencing poverty needs to be evaluated with a view to supporting the provision of focused assistance and support; and - Where debt is poverty related, options for changes to procedures for debt collection be explored in terms of the provision of additional support / assistance. 	<p>Task group to be established to determine how the council takes action on households for e.g. non-payment of council tax, the administration and court charges attached to this and the impact of attachment of earnings on households.</p> <p>Discussion held with Finance, C Tax, Rev and Bens. Group to be established. The voice of lived experience is crucial to this work and therefore this needs to be times appropriately.</p>		James Magog, Penny Thompson	No later than March 2024
<p>11) In terms of advice and support:</p> <ul style="list-style-type: none"> - Citizens Advice and other debt counselling services to be promoted to local groups and the VCS; and - Awareness rolled out to partners/voluntary sectors on initiatives such as Baby Bank/Sensory spot. 	<p>Communications strategy will be part of the anti-poverty strategy namely – Who offers what help, how and where with a variety of options of how to access the information from traditional methods (print) to digital methods (websites and social media).</p> <p>Outreach – Big Advice Drop ins up and running. Food and Fuel Fairs operate</p>		DS/ PT – local anti-poverty strategic group	December 2023

	monthly.			
12) The Council to seek from the Joseph Rowntree Foundation (JRF) an ongoing strategic commitment to work with Hartlepool Borough Council on Hartlepool's poverty issues.	<p>MD has sent a letter to the new Chief Exec and senior leaders in JRF</p> <p>This is to be followed up by the strategic poverty group</p> <p>Ongoing meetings locally with JRF staff working on the ground</p>		<p>DM</p> <p>PT/DS</p> <p>PT</p>	<p>Commitment secured no later than December 2023 – commitment confirmed until 2025.</p>

AUDIT AND GOVERNANCE COMMITTEE

17th October 2023



Report of: Scrutiny and Legal Support Officer

Subject: DERELICT LAND AND BUILDINGS INVESTIGATION
CONSULTATION - UPDATE

1. PURPOSE OF REPORT

- 1.1 To outline the results from the first phase of the Derelict Land and Buildings Investigation consultation.

2. BACKGROUND

- 2.1 At its meeting on the 18th July 2023, the Committee agreed to:

- Seek the views of residents and groups in the town on the location of derelict land and buildings and the impact this has on their wellbeing and safety.

- 2.2 The public survey was launched via the Council's 'Your Say' engagement platform to run from the 3rd August 2023 to the 8th September 2023 and was promoted extensively via:-

- i) Council's social media platforms;
- ii) Your Say newsletter;
- iii) Press releases;
- iv) Display of a promotional poster in Council buildings across the town (Civic Centre, Community Hubs, libraries and leisure / sports facilities);
- v) Circulation and display of the promotional poster to / by a range of voluntary and community sector organisations (via Hartlepower and the Council's Community Safety Team), Healthwatch, each of the town's Parish Councils and residents associations; and
- vi) All councillors (including a request to share with any relevant individuals or bodies).

- 2.3 In addition to completion of the online survey, the Chair of the Committee extended an open invitation to attend and discuss the issue in person with all / any interested groups or bodies. This included:-

- i) Voluntary and community sector groups;
- ii) Healthwatch;
- vii) Parish Councils; and
- viii) Residents associations.

- 2.4 At its meeting on the 19th September 2023, the committee considered the initial level of response to the survey and agreed to extend the consultation period to allow further views to be sought. The consultation has now reopened on a rolling basis with progress updates to be provided to the committee at appropriate intervals throughout the investigation.

3. CONSULTATION OVERVIEW / ISSUES FOR CONSIDERATION

- 3.1 The committee will at today's meeting receive its first update presentation on the progress of the consultation and its initial findings. The consultations findings include an initial list of derelict land and building locations identified by residents which are detailed in **Appendix A (Confidential)**.
- 3.2 Due to the sensitive nature of the data it has been agreed by the Chair that **Appendix A will remain confidential as they contain exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely (para 2), information which is likely to reveal the identity of an individual.**

4. RECOMMENDATIONS

- 4.1 That Members:
- i) Note the results of Phase 1 of the consultation and seek clarification on any issues, where required; and
 - ii) Promote the ongoing survey (access via the following link <https://yoursay.hartlepool.gov.uk/derelict-land-and-buildings-investigation> or contact Gemma Jones (gemma.jones@hartlepool.gov.uk)).

5. REASONS FOR RECOMMENDATIONS

- 5.1 To facilitate progress of the Derelict Land and Buildings Investigation.

6. BACKGROUND PAPERS

- 6.1 Report and minutes of the A&G meeting held on the 18th July 2023 and 19th September 2023.

7. CONTACT OFFICER

- 7.1 Gemma Jones
Scrutiny and Legal Support Officer
Legal Services
Hartlepool Borough Council
Tel: 01429 284171
Email: Gemma.Jones@hartlepool.gov.uk

AUDIT AND GOVERNANCE COMMITTEE

17 October 2023



Report of: Director of Legal, Governance and Human Resources

Subject: REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA) ANNUAL REPORT (INCLUDING
QUARTERS 1 AND 2 UPDATE)

1. PURPOSE OF REPORT

- 1.1 To give an annual report to Elected Members on activities relating to surveillance by the Council and policies under the Regulation of Investigatory Powers Act 2000.

2. BACKGROUND

- 2.1 Hartlepool Borough Council has powers under the Regulation of Investigatory Powers Act 2000 (RIPA) to conduct authorised covert surveillance.
- 2.2 This report is submitted to members as a result of the requirement to report to Members under paragraph 4.47 of the Home Office Code of Practice for Covert Surveillance and Property Interference Revised (August 2018) which states that:

Elected members of a local authority should review the authority's use of the 1997 Act and the 2000 Act and set the policy at least once a year. They should also consider internal reports on use of the 1997 Act and the 2000 Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose.

3. BACKGROUND

- 3.1 All directed surveillances (covert, but not intrusive), use of covert human intelligence sources (CHIS) and acquisition of Communication's data require authorisation by a senior Council officer and the exercise of the powers is subject to review. The controls are in place in accordance with the Human Rights Act, particularly the right to respect for family and private life.

- 3.2 The Investigatory Powers Commissioner's Office (IPCO) now oversees the Council's exercise of surveillance powers under RIPA. This was formerly undertaken by the Office of Surveillance Commissioners (OSC).
- 3.3 A confidential database of authorised surveillances is maintained, charting relevant details, reviews and cancellations.
- 3.4 Substantial changes were made to the powers of Local Authorities to conduct directed surveillance and the use of human intelligence sources under the Protection of Freedoms Act 2012.
- 3.5 As from 1 November 2012 Local Authorities may only use their powers under the Regulation of Investigatory Powers Act 2000 to prevent or detect criminal offences punishable by a minimum term of 6 months in prison (or if related to underage sale of alcohol and tobacco. The amendment to the 2000 Act came into force on 1 November 2012.
- 3.6 Examples of where authorisations could be sought are serious criminal damage, dangerous waste dumping and serious or serial benefit fraud. The surveillance must also be necessary and proportionate. The 2012 changes mean that authorisations cannot be granted for directed surveillance for e.g. littering, dog control, fly posting.
- 3.7 As from 1 November 2012 any RIPA surveillance which the Council wishes to authorise must be approved by an authorising officer at the council and also be approved by a Magistrate; where a Local Authority wishes to seek to carry out a directed surveillance or make use of a human intelligence source the Council must apply to a single Justice of the Peace.
- 3.8 The Home Office have issued guidance to Local Authorities and to Magistrates on the approval process.

4. **RIPA AUTHORISATIONS**

- 4.1 In the period 2022/2023:-

Communications Data	0
CHIS	0
Directed Surveillance	0
Non-RIPA	1
External	2

- 4.2 In the quarters to the date of this meeting:

Quarter 1

Communications Data	Nil
CHIS	Nil
Directed Surveillance	Nil

Non –RIPA	Nil
External	Nil

Quarter 2

Communications Data	Nil
CHIS	Nil
Directed Surveillance	Nil
Non –RIPA	Nil
External	Nil

5. SURVEILLANCE POLICY

- 5.1 The Council's RIPA Policy is available on the Council's intranet and is appended to this report. A number of amendments were made to the Policy when last reviewed. Therefore, the only update has been to reflect changes in job titles of senior Officers.

6. ACTIVITY IN THE CURRENT YEAR

- 6.1 The Authority's procedures continue to be reviewed in the light of any changes in the law and guidance received including recent correspondence from the Investigatory Powers Commissioner's Office.
- 6.3 Arrangements were made for Officer RIPA Training and Awareness which took place on 22 September 2022, attended by 16 Officers from a range of Departments across the Authority.
- 6.4 Awareness of RIPA to continue to be raised across the Council. An e mail has been sent to all staff reminding them of the Council's Policy in relation to the use of social media for the gathering of evidence to assist in its enforcement activities is set out in the RIPA policy.
- 6.5 Information continues to be made available on the RIPA pages of the Council's intranet and internet.

7. RECOMMENDATIONS

- 7.1 To review the Authority's use of the Regulation of Investigatory Powers Act 2000 and approve the updated RIPA policy.

8. REASONS FOR RECOMMENDATIONS

- 8.1 To enable the Council to operate the RIPA system effectively and as required by law and guidance.
- 8.2 Members of the Audit and Governance Committee are responsible for approving the RIPA Policy on an annual basis as referred to in Section 3 of the Policy.

9. CONTACT OFFICER

- 9.1 Hayley Martin
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10. BACKGROUND PAPERS

Home Office Code of Practice
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf



POLICY AND PROCEDURE

**ON THE USE OF COVERT SURVEILLANCE AND
ACQUISITION OF COMMUNICATION DATA**

**REGULATION OF INVESTIGATORY POWERS ACT 2000
AND INVESTIGATIVE POWERS ACT 2016**

Title	Regulation of Investigatory Powers Act 2000
Owner	Director of Legal Governance and HR
Version	5
Issue date	September 2023
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Next Revision Due	September 2024

INDEX

1. Introduction
2. Background
3. Roles and Responsibilities
4. Local Authority Use of RIPA and the IPA
5. Types of Surveillance
6. Applications for Directed Surveillance and CHIS
7. Considering Applications for Directed Surveillance
8. Considering Applications for the use of CHIS
9. Applying for Judicial Approval
10. Acquisition and Disclosure of Communications Data
11. Authorisation for Acquisition of Communications Data
12. Working with other Agencies
13. Records Management

APPENDICES

- | | |
|------------|--|
| Appendix 1 | Judicial Approval Procedure |
| Appendix 2 | Procure for E-Crime, including Investigation of Social Networking Sites. |
| Appendix 3 | Non-RIPA Form |

1. INTRODUCTION

1.1 This document sets out the policy and procedures adopted by Hartlepool Borough Council (“the Council”) in relation to the use of Covert Surveillance Regulation of Investigatory Powers Act 2000 (“RIPA”) and Investigative Powers Act 2016 (IPA). Covert Surveillance includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications and it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place. The documents also included the Council’s policy on the acquisition of communication data which includes service use information (such as the type of communication, the time of the communication or its duration, but not its content) and subscriber information (such as billing information).

1.2 For the purpose of this update, references to the Home Office Codes of Practice relate to:

- [Home Office Covert Human Intelligence Sources Code of Practice \(2018\)](#)
- [Home Office Covert Surveillance and Property Interference Revised Code of Practice \(2018\)](#)
- [Home Office Communications Data Code of Practice \(2018\)](#)

1.3 The following terms are used throughout this Policy:

RIPA	Regulation of Investigatory Powers Act 2000
IPA	Investigative Powers Act 2016
CHIS	Covert Human Intelligence Source
SPoC	Single Point of Contact
SRO	Senior Responsible Officer
IPCO	Investigatory Powers Commissioners Office
NAFN	National Anti-Fraud Network
CSP	Communications Service Provider

1.4 It should be noted that any use of activities under RIPA or IPA will be as a last resort and council policy is not to undertake such activities unless absolutely necessary and proportionate to the matter being investigated.

1.5 Directed surveillance, use of a Covert Human Intelligence Source (CHIS) or acquisition of communications data by or on behalf of the Council must be

carried out in accordance with this Policy. Any such activity must be authorised by one of the Authorising Officers identified in Appendices 1 and 2. All directed surveillance or CHIS authorisations must then be approved by a Magistrate before any covert activity takes place. Staff directly employed by the Council and any external agencies working for the Council are subject to RIPA whilst they are working in a relevant investigatory capacity.

- 1.6 The purpose of the Policy is to ensure the Council is acting lawfully while undertaking its various enforcement functions, ensuring directed surveillance, the use of a CHIS or acquisition of communication data is both necessary and proportionate, and takes into account the rights of individuals under Article 8 of the Human Rights Act,.

2. BACKGROUND

- 2.1 RIPA came into force on 25 September 2000 and was enacted in order to regulate the use of a range of investigative powers by a variety of public authorities. It gives a statutory framework for the authorisation and conduct of certain types of covert surveillance operations. The aim of the legislation is to provide a balance between preserving people's right to privacy and enabling enforcement agencies to gather evidence for effective enforcement action.
- 2.2 It is consistent with the Human Rights Act 1998 and creates a system of safeguards, reflecting the requirements of Article 8 of the European Convention on Human Rights (right to respect for a person's private and family life, home and correspondence). Compliance with RIPA means that any conduct authorised under it is "lawful for all purposes". This important protection derives from Section 27(1) of RIPA, which gives the authorised person an entitlement to engage in the conduct which has been authorised. Compliance with RIPA will assist the Council in any challenges to the way in which evidence has been gathered and will enable the Council to demonstrate that it has acted lawfully.
- 2.3 The single ground for a Council's application for a surveillance authorisation is 'Preventing or detecting crime or disorder'. Since the making of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2012, the Council can only grant an authorisation for the use of directed surveillance where the offence being investigated attracts a custodial sentence of six months or more or when investigating a criminal offence relating to the underage sale of alcohol or tobacco.
- 2.4 Part 3 of the Investigatory Powers Act 2016 ('IPA) permits certain public bodies to acquire specified types of communications data in limited

circumstances, subject to prior authorisation granted in accordance with the IPA. Part 3 applies principally to the police and central government departments and agencies, including defence, security and intelligence bodies. The power it grants to local authorities is less extensive, limiting the acquisition of data to cases involving the prevention or detection of serious crime.

- 2.5 The communications data which, in defined circumstances, local authorities are permitted to obtain under the Act is known as ‘entity data’ and ‘events data’. In brief, data of this nature can identify who a suspected offender has been in communication with via their telephone or e-mail, as well as where that communication was made or received.
- 2.6 This policy addresses solely issues having relevance to the activities of Hartlepool Borough Council.
- 2.7 Compliance with RIPA makes authorised surveillance “lawful for all purposes” pursuant to Section 27(1) of the Act. Compliance with RIPA will protect the Council from challenges to both the gathering of, and the subsequent use of, covertly obtained information. Non-compliance with RIPA legislation may result in:
 - (a) evidence being found inadmissible by the Courts;
 - (b) a complaint of maladministration to the Ombudsman; or
 - (c) A complaint to the Investigatory Powers Tribunal who can order compensation be paid to the individual.
- 2.8 It is therefore essential that the Council’s policies and procedures, as set out in this document, are followed.

3. ROLES AND RESPONSIBILITIES

3.1 Senior Responsible Officer (SRO):

3.1.1 The role of SRO will be undertaken by the Council’s Director of Legal Governance and HR

3.1.2 In accordance with good practice the SRO will be responsible for:

- The integrity of the process in place within the Council for the management of CHIS and Directed Surveillance;
- Compliance with Part 2 of the Act and with the Home Office Codes of Practice;
- Oversight of the reporting of errors to the relevant Commissioner

and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;

- Engagement with the Investigatory Powers Commissioner's Office (IPCO) when they conduct their inspections, where applicable; and
- Where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.
- Produce a report to the Council's Audit and Governance Committee on the Council's use of RIPA

3.2 Authorising Officers

- 3.2.1 For RIPA Applications (Directed Surveillance & use of a CHIS) the Authorising Officers is an officer of the Council, who can authorise applications, for onward consideration by a Magistrate. Each Authorising Officer may authorise renewals and cancellations, and undertake reviews, in relation to any investigation carried out, or proposed to be carried out, by Officers. Authorising Officers may not sub-delegate their powers in relation to RIPA to other Officers.
- 3.2.2 The Officer who authorises a RIPA application should also carry out the review, renewal and cancellation. If the original Authorising Officer is not available to undertake the review, renewal or cancellation, this can be undertaken by any other Authorising Officer.
- 3.2.3 For the purpose for standard authorisations (where it is not likely that confidential information will be acquired)
- Head of Paid Service
 - Executive Director of Development, Neighbourhoods and Regulatory Services
 - Senior Responsible Officer (in the absence of the above)
- 3.2.4 For authorisations where it is likely that confidential information will be acquired or where using a CHIS who is a juvenile (under 18, JCHIS) or a vulnerable individual
- Head of Paid Service
 - Senior Responsible Officer (exceptional circumstances)
- 3.2.5 In relation to communications data the authorising individual is Office for communications Data Authorisations ('OCDA') who act on behalf of the Investigatory Powers Commissioner.
- ### 3.3 RIPA Co-ordinator:
- 3.3.1 The Legal and Democratic Services Team Manager is appointed RIPA Co- coordinator.
- 3.3.2 The RIPA Co-ordinator shall:-

- have overall responsibility for the management and oversight of requests and authorisations under RIPA;
- issue a unique reference number to each authorisation requested under RIPA (this must be before the application has been authorised);
- retain a copy of the application and authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer, maintain a central RIPA records file matrix entering the required information as soon as the forms/documents are received in accordance with the relevant Home Office Code of Practice;
- review and monitor all forms and documents received to ensure compliance with the relevant law and guidance and this policy and procedures document and informing the Authorising Officer of any concerns;
- chase failures to submit documents and/or carry out reviews/ cancellations;
- be responsible for organising a corporate RIPA and IPA training programme;
- ensure corporate awareness of RIPA and IPA; its value as a protection to the Council is maintained;

3.4 Elected Members:

3.4.1 Members of the Council's Audit and Governance Committee will approve the RIPA policy on an annual basis.

3.4.2 Members of the Council's Audit and Governance Committee will receive the following information on a quarterly basis:

Information to be provided	Frequency
The number of RIPA authorisations requested and granted	Quarterly report Annual Report
The number of joint operations where RIPA authorisation has been sought and granted by another authority	Quarterly Report Annual report

Review of the effectiveness of this policy and any recommendation for changes to be made	Annual Report – with any significant Amendments referred to Council for approval.
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- 3.4.3 Elected Members will have no involvement in making decisions as to whether authorisations are approved.

4. LOCAL AUTHORITY USE OF RIPA AND THE IPA

- 4.1 RIPA sets out a regulatory framework for the use of covert investigatory techniques by public authorities. RIPA does not provide any powers to carry out covert activities. If such activities are conducted by Council Officers, then RIPA regulates them in a manner that is compatible with the European Convention on Human Rights (ECHR), particularly Article 8, the right to respect for private and family life.
- 4.2 RIPA limits local authorities to using three covert techniques, as set out below:
- a) Directed surveillance is essentially covert surveillance in places other than residential premises or private vehicles
 - b) A Covert Human Intelligence Source (CHIS) includes undercover Officers, public informants and people who make test purchases (for enforcement purposes)
- 4.3 Under RIPA a local authority can only authorise the acquisition of the less intrusive types of communications data: service use and subscriber information. Under no circumstances can local authorities be authorised to obtain traffic data under RIPA.
- 4.4 Directed surveillance may only be authorised under RIPA for the purpose of preventing or detecting criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment or are related to the underage sale of alcohol and tobacco.
- 4.5 Local authorities cannot authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment. Requests for authorisation must still demonstrate how the activity is both proportionate and necessary.
- 4.6 A local authority may not authorise the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which may include, for example, littering, dog control and flyposting.

- 4.7 Examples of cases where the offence being investigated attracts a maximum custodial sentence of six months or more include more serious criminal damage and dangerous waste dumping
- 4.8 Directed surveillance will always be a last resort in an investigation, and use of a CHIS by the Council is unlikely. These activities will only be undertaken where there is no other reasonable and less intrusive means of obtaining the information.
- 4.9 In cases of joint working with other agencies, for example the Department for Work and Pensions or the Police, only one authorisation from one organisation is required. This should be made by the lead authority for the particular investigation. Council Officers should satisfy themselves that authorisation has been obtained and be clear exactly what activity has been authorised. All cases of overt or covert surveillance undertaken in joint working with other authorities or organisations will be reported to the Audit and Governance Committee in accordance with paragraph 3.6.2 above
- 4.10 The IPA allows the Council to gain authorisation for access to communication data, including 'entity data' and 'events data' and includes the 'who', 'when', 'where', and 'how' of a communication but not the content i.e. what was said or written. This Authorisation must be granted by the Investigative Powers Commissioner.
- 4.11 A Single Point of Contact (SPoC) is required to undertake the practical facilitation with the communications service provider (CSP) in order to obtain the data requested. The SPoC must have received training specifically to facilitate lawful acquisition of communications data and effective co-operation between the local authority and CSP.
- 4.12 The National Anti-Fraud Network (NAFN) provides a SPoC service to local authorities. Compliance with the provisions of RIPA, the Home Office Codes of Practice and this policy and procedures should protect the Council, its Officers and agencies working on its behalf against legal challenge. Section 27 of RIPA states that "conduct...shall be lawful for all purposes if an authorisation...confers an entitlement to engage in that conduct on the person whose conduct it is and his conduct is in accordance with the authorisation". If correct procedures are not followed, the Council could be rendered liable to claims and the use of the information obtained may be disallowed in any subsequent legal proceedings.

5. TYPES OF SURVEILLANCE

- 5.1 Officers should be aware of the scope and extent of activities covered by the provisions of RIPA and the IPA. In many cases investigations carried out by

Council Officers will not be subject to RIPA or the IPA, as they involve overt rather than covert surveillance (see below). An explanation of terms used is set out below:

5.2 'Surveillance' includes

- monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications;
- recording anything mentioned above in the course of authorised surveillance;
- Surveillance by, or with the assistance of, appropriate surveillance

device(s). Surveillance can be overt or covert.

5.2.1 Covert Surveillance

- Covert surveillance is surveillance carried out in a manner calculated to ensure that the person subject to the surveillance is unaware that it is, or may be taking place.
- RIPA requires the authorisation of two types of covert surveillance (directed surveillance and intrusive surveillance) plus the use of covert human intelligence sources (CHIS) or acquisition of communications data.

5.3 Directed Surveillance

5.3.1 Surveillance is directed surveillance if the following are all true:

- it is covert, but not intrusive surveillance ;
- it is conducted for the purposes of a specific investigation or operation;
- it is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- it is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the 2000 Act to be sought.

5.3.2 Such forms of surveillance involve observing an individual or group of people whether through unaided observation or listening or through the use of technical devices and when information regarding their private or family lives is likely to be obtained.

Example: Two people holding a conversation on the street or in a bus may have a reasonable expectation of privacy over the contents of that

conversation, even though they are associating in public. The contents of such a conversation should therefore still be considered as private information. A directed surveillance authorisation would therefore be appropriate for a public authority to record or listen to the conversation as part of a specific investigation or operation.

5.3.3 Special provisions apply where information enjoying legal privilege or certain types of confidentiality may be obtained. In such circumstances, which are not expected to be relevant to the Council's activities, the approval of the **Council's Head of Paid Service** is required, or in his/her absence by the Council's Director of Legal Governance and HR.

5.4 Covert Human Intelligence Sources (CHIS)

5.4.1 Under the RIPA, a person is a CHIS if:

- they establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph 26(8)(b) or (c);
- they covertly use such a relationship to obtain information or to provide access to any information to another person; or
- they covertly disclose information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

5.4.2 A person may be a CHIS if they induce, ask or assist another person to engage in the conduct described above.

5.4.3 Carrying out test purchases will not require the purchaser to establish a relationship with the supplier for the purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS, for example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter) although an Officer covertly watching a particular transaction may require an authorisation for directed surveillance.

5.4.4 By contrast, developing a relationship with a person in the shop, for example to obtain information about the seller's supplier of an illegal or unsafe product, will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is happening in the shop will require authorisation as directed surveillance. A combined authorisation can be given for CHIS and also directed surveillance.

Example 1: Intelligence suggests that a local shopkeeper is openly selling

alcohol to underage customers, without any questions being asked. A juvenile is engaged and trained by a public authority and then deployed in order to make a purchase of alcohol. In these circumstances any relationship, if established at all, is likely to be so limited in regards to the requirements of the 2000 Act that a public authority may conclude that a CHIS authorisation is unnecessary.

However, if the test purchaser is wearing recording equipment but is not authorised as a CHIS, consideration should be given to granting a directed surveillance authorisation

Example 2: In similar circumstances, intelligence suggests that a shopkeeper will sell alcohol to juveniles from a room at the back of the shop, providing they have first got to know and trust them. As a consequence the public authority decides to deploy its operative on a number of occasions, to befriend the shopkeeper and gain their trust, in order to purchase alcohol. In these circumstances a relationship has been established and maintained for a covert purpose and therefore a CHIS authorisation should be obtained.

5.5 Acquisition and Disclosure of Communications data

5.5.1 Within this policy, the term ‘communications data’ means ‘entity data’ and ‘events data’ and includes the ‘who’, ‘when’, ‘where’, and ‘how’ of a communication but not the content i.e. what was said or written.

5.5.2 A Council cannot make an application that requires the processing or disclosure of internet connection records for any purpose.

5.5.3 Communications data is generated, held or obtained in the provision, delivery and maintenance of communications services i.e. postal services or telecommunications services. All communications data held by a telecommunications operator or obtainable from a telecommunication system falls into two categories of entity data and events data.

5.5.4 **Entity data** means any data which—

5.5.5 (a) is about—

- (i) an entity (a person or thing such as a phone, tablet or computer),
- (ii) an association between a telecommunications service and an entity, or
- (iii) an association between any part of a telecommunication system and an entity,

(b) consists of, or includes, data which identifies or describes the entity (whether or not by reference to the entity's location), and

(c) is not events data.

5.5.6 Entity data covers information about a person or thing, and about links between a telecommunications system and a person or thing that identifies or describes the person or thing. This means that individual communication devices such as phones, tablets and computers are entities. The links between a person and their phone are therefore entity data but the fact of or information about communications between devices on a network at a specific time and for a specified duration would be events data.

5.5.7 Examples of entity data include:

- Subscriber checks such as “who is the subscriber of phone number 01234 567 890?”, “who is the account holder of e-mail account example@example.co.uk?” or “who is entitled to post to web space www.example.co.uk?”
- subscribers’ or account holders’ account information, including names and addresses for installation, and billing including payment method(s), details of payments;
- information about the connection, disconnection and reconnection of services to which the subscriber or account holder is allocated or has subscribed (or may have subscribed) including conference calling, call messaging, call waiting and call barring telecommunications services;
- information about apparatus or devices used by, or made available to, the subscriber or account holder, including the manufacturer, model, serial numbers and apparatus codes; and information about selection of preferential numbers or discount calls.

5.5.8 **Events Data** is more intrusive and means any data which identifies or describes an event (whether or not by reference to its location) on, in or by means of a telecommunication system where the event consists of one or more entities engaging in a specific activity at a specific time.

5.5.9 Events data includes the way in which, and by what method, a person or thing communicates with another person or thing. It excludes anything within a communication including text, audio and video that reveals the meaning, other than inferred meaning, of the communication

5.5.10 Events data can also include the time and duration of a communication, the telephone number or email address of the originator and recipient, and the location of the device from which the communication was made. It covers electronic communications including internet access, internet

telephony, instant messaging and the use of applications.

5.5.11 Examples of events data include, but are not limited to:

- information tracing the origin or destination of a communication that is, or has been, in transmission (including incoming call records);
- information identifying the location of apparatus when a communication is, has been or may be made or received (such as the location of a mobile phone);
- information identifying the sender or recipient (including copy recipients) of a communication from data comprised in or attached to the communication;
- routing information identifying apparatus through which a communication is or has been transmitted (for example, file transfer logs and e-mail headers – to the extent that content of a communication, such as the subject line of an e-mail, is not disclosed)
- itemised telephone call records (numbers called);
- itemised internet connection records;
- itemised timing and duration of service usage (calls and/or connections);
- information about amounts of data downloaded and/or uploaded;
- information about the use made of services which the user is allocated or has subscribed to (or may have subscribed to) including conference calling, call messaging, call waiting and call barring telecommunications services.

Obtaining Communications Data

5.5.12 Part 3 of IPA contains provisions relating to authorisations for obtaining communications data.

5.5.13 This part of IPA is now in force but the acquisition of communications data was previously covered by RIPA. Under RIPA, local authorities were required to obtain judicial approval in order to acquire communications data. However, the position has now changed and from June 2019, all communications data applications must instead be authorised by the Office for Communications Data Authorisations (“the OCDA”).

5.5.14 The Home Office issued ‘Communications Data’ Code of Practice in November 2018 and chapter 8 covers local authority procedures. A local authority must make a request to obtain communications data via a single point of contact (“SPoC”) at the National Anti-Fraud Network (“NAFN”). In addition to being considered by a NAFN SPoC, an officer within the local authority of the rank of service manager or above should be aware the application is being made before it is submitted to an authorising officer in the OCDA.

5.5.15 A serious crime threshold applies to the obtaining of some communications

data. The council can only submit an application to obtain events data for the investigation of a criminal offence capable of attracting a sentence of 12 months or more. However, where the council is looking to obtain entity data this can be done for any criminal investigation where it is necessary and proportionate to do so.

5.6 Overt Surveillance

- 5.6.1 Overt Surveillance will include most of the surveillance carried out by the Council, there will be nothing secretive, clandestine or hidden about it. For example, signposted CCTV cameras normally amount to overt surveillance. In many cases, Officers will be going about Council business openly (e.g. a parking attendant patrolling a Council car park).
- 5.6.2 However, care must be taken to ensure that Officers are not intentionally acting as members of the public in order to disguise their true intent as this may then be considered as covert and require RIPA authorisation.
- 5.6.3 Similarly, surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned that recordings will be made if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that Officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.
- 5.6.4 Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, an officer visiting a site to check whether a criminal offence had been committed). Repeated visits may amount to systematic surveillance however, and require authorisation: if in doubt, advice should be sought from the RIPA Monitoring Officer or the Senior Responsible Officer
- 5.6.5 Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by Enforcement Officers as part of general observation does not need to be regulated by RIPA, as long as the systematic surveillance of an individual is not involved. However, if binoculars or cameras are used in relation to anything taking place on any residential premises or in any private vehicle the surveillance can be intrusive even if the use is only fleeting. Any such surveillance will be intrusive "if it consistently provides information of the same quality as might be expected to be obtained from a device actually present on the premises or in the vehicle". The quality of the image obtained

rather than the duration of the observation is what is determinative. It should be remembered that the Council is not permitted to undertake intrusive surveillance.

5.6.6 Similarly, although signposted, CCTV cameras do not normally require authorisation, this will be required if the camera(s) are to be directed for a specific purpose which involves prolonged surveillance on a particular person.

5.6.7 Use of body worn cameras should be overt. Badges should be worn by Officers stating body cameras are in use and it should be announced that recording is taking place. In addition, cameras should only be switched on when recording is necessary – for example, when issuing parking tickets.

5.6.8 Surveillance that is unforeseen and undertaken as an immediate response to events or circumstances such that it is not reasonably practicable to seek authorisation normally falls outside the definition of directed surveillance and therefore authorisation is not required. However, if a specific investigation or operation is subsequently to follow, authorisation must be obtained in the usual way before it can commence. In no circumstances will any covert surveillance operation be given backdated authorisation after it has commenced.

5.7 Social Networking Sites (SNS)

5.7.1 The revised Code of Practice Covert Surveillance and Property Interference Revised Code of Practice states that:

The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.

The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).

In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.

set out in paragraph 3.14 below, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.

Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.

Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online.

Example 1: A police officer undertakes a simple internet search on a name, address or telephone number to find out whether a subject of interest has an online presence. This is unlikely to need an authorisation. However, if having found an individual's social media profile or identity, it is decided to monitor it or extract information from it for retention in a record because it is relevant to an investigation or operation, authorisation should then be considered.

Example 2: A customs officer makes an initial examination of an individual's online profile to establish whether they are of relevance to an investigation. This is unlikely

to need an authorisation. However, if during that visit it is intended to extract and record information to establish a profile including information such as identity, pattern of life, habits, intentions or associations, it may be advisable to have in place an authorisation even for that single visit. (As set out in the following paragraph, the purpose of the visit may be relevant as to whether an authorisation should be sought.)

Example 3: A public authority undertakes general monitoring of the internet in circumstances where it is not part of a specific, ongoing investigation or operation to identify themes, trends, possible indicators of criminality or other factors that may influence operational strategies or deployments. This activity does not require RIPA authorisation. However, when this activity leads to the discovery of previously unknown subjects of interest, once it is decided to monitor those individuals as part of an ongoing operation or investigation, authorisation should be considered.

In order to determine whether a directed surveillance authorisation should be sought for accessing information on a website as part of a covert investigation or operation, it is necessary to look at the intended purpose and scope of the online activity it is proposed to undertake. Factors that should be considered in establishing whether a directed surveillance authorisation is required include:

- Whether the investigation or research is directed towards an individual or organisation;*
- Whether it is likely to result in obtaining private information about a person or group of people (taking account of the guidance at paragraph 3.6 above);*
- Whether it is likely to involve visiting internet sites to build up an intelligence picture or profile;*
- Whether the information obtained will be recorded and retained;*
- Whether the information is likely to provide an observer with a pattern of lifestyle;*
- Whether the information is being combined with other sources of information or intelligence, which amounts to information relating to a person's private life;*
- Whether the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s);*
- Whether it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties.*

Internet searches carried out by a third party on behalf of a public authority, or with the use of a search tool, may still require a directed surveillance authorisation (see paragraph 4.32).

Example: Researchers within a public authority using automated monitoring tools to

search for common terminology used online for illegal purposes will not normally require a directed surveillance authorisation. Similarly, general analysis of data by public authorities either directly or through a third party for predictive purposes (e.g. identifying crime hotspots or analysing trends) is not usually directed surveillance. In such cases, the focus on individuals or groups is likely to be sufficiently cursory that it would not meet the definition of surveillance. But officers should be aware of the possibility that the broad thematic research may evolve, and that authorisation may be appropriate at the point where it begins to focus on specific individuals or groups. If specific names or other identifiers of an individual or group are applied to the search or analysis, an authorisation should be considered.

5.7.2 The Council's Policy in relation to the use of social media for the gathering of evidence to assist in its enforcement activities is set out below as well as in the attached procedure note at Appendix 2:

- Officers must not 'friend' individuals on social networks;
- Officers must not use their own private accounts to view the social networking accounts of other individuals;
- Officers viewing an individual's profile on a social networking site should do so only once in order to obtain evidence to support or refute their investigation. Such viewing can take a backward look at the individual's profile;
- further viewing of open profiles on social networking sites to monitor an individual's status, must only take place once RIPA authorisation has been granted and approved by a Magistrate. However, if the activity being investigated does not fall within the protection of RIPA, for example, if the crime threshold is not met, then a non-RIPA form must be completed and authorised (Appendix 3);
- Officers should be aware that it may not be possible to verify the accuracy of information on social networking sites and, if such information is to be used as evidence, steps must be taken to ensure its validity.

5.8 Intrusive Surveillance

5.8.1 Intrusive Surveillance occurs when surveillance:

- is covert;
- relates to residential premises and/or private vehicles; and
- involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle.

Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.

- 5.8.3 Intrusive surveillance cannot be carried out or approved by the Council. Only the police or other law enforcement agencies are permitted to use such powers.
- 5.8.4 The Council recognises that forms of notice requiring the provision of communications data are subject to inspection by IPCO and both applicant and Designated Officer may be required to justify their decisions.

6. **APPLICATIONS FOR AUTHORISATIONS OF DIRECTED SURVEILLANCE AND CHIS**

- 6.1 Before commencing any investigatory action which is to involve:
 - covert directed surveillance; or
 - the use or conduct of a Covert Human Intelligence Source.
- 6.2 The Officer responsible for the investigation shall submit the relevant form of application for authorisation to the appropriate Authorising Officer. The investigatory action shall not be commenced unless and until the Authorising Officer has granted the application as signified by the Authorising Officer endorsing the application with his/her approval and returning one copy to the applicant.
- 6.3 Forms are available from the Home Office website at the link below
<https://www.gov.uk/government/collections/ripa-forms--2>
- 6.4 The application form shall be submitted not less than 7 days before the intended date of commencement of the investigatory action.
- 6.5 All information required in the application form shall be provided. In particular the description of the activity proposed shall be sufficient to enable the Authorising Officer to judge whether the authorisation applied for is **necessary and proportionate** (see below).
- 6.6 Review
 - 6.6.1 Each Authorising Officer shall determine the standard review period for authorisations granted by him/her and should be at least monthly. More frequent review periods may apply to authorisations for different categories of investigatory action where circumstances demand. Not later than 3 working days before the expiration of the review period for an authorisation relating to an ongoing investigation, the Officer responsible for the

investigatory action shall submit a Review of Authorisation form to the Authorising Officer who granted the authorisation. Unless the circumstances warrant the continuation of an authorisation, it should be cancelled.

6.7 Renewal

6.7.1 An Investigating Officer who has received an authorisation is responsible for renewing that authorisation if the activity for which authorisation was given is expected to continue beyond the duration of the authorisation. Renewal applications should be made before the initial authorisation expires on the appropriate form.

6.7.2 An application for renewal must be made to the Authorising Officer who granted the initial authorisation.

6.8 Cancellation

6.8.1 The investigating officer responsible for undertaking the authorised surveillance must apply to have that authorisation cancelled when the investigation or operation for which authorisation was given has ended, the authorised surveillance activity has been completed, or the information sought is no longer necessary.

6.9 Expiration and Review of Authorisations

6.9.1 Unless renewed or cancelled the maximum duration of a:

- Directed Surveillance - 3 months from the date of Magistrate's approval of an authorisation or renewal of authorisation in each case;
- Covert Human Intelligence Source authorisation - 12 months (or 1 month if the CHIS is under 18) from the date of Magistrate's approval

6.9.2 No authorisation can be left to expire, and should always be cancelled using the relevant form.

7. **CONSIDERING APPLICATIONS FOR DIRECTED SURVEILLANCE**

Step 1: Is authorisation needed for this activity?

7.1 An Authorising Officer must first consider whether the proposed surveillance

is to cover activity which:

- Amounts to a criminal offence which attracts a term of 6 months imprisonment; or
- Is related to the underage sale of alcohol and tobacco.

7.2 To require authorisation, the activity to which the application relates must be covert and must involve the obtaining of private information on an individual through directed surveillance.

7.3 An Authorising Officer should interpret the definitions broadly when determining whether an activity is covert or if private information will be obtained. When in doubt, the authorisation procedure must always be followed.

7.4 At no time can an Authorising Officer authorise any intrusive surveillance.

Step 2: Is the activity necessary?

7.5 An Authorising Officer can only authorise an activity where s/he believes that the authorisation is necessary in the circumstances of the particular case for the purpose of preventing or detecting crime or of preventing disorder.

7.6 The Authorising Officer must be satisfied that there are no other reasonable means of carrying out the investigation, or obtaining the desired information, without undertaking the activity for which authorisation is sought.

7.7 Authorisation should not be granted if the information sought can be obtained by other means without undertaking an activity which falls under the requirements of RIPA. Authorisation cannot be granted if it is for any purpose other than the prevention or detection of crime or for the prevention of disorder.

Step 3: Is it proportionate?

7.8 If the activity is necessary, the Authorising Officer must also believe that the activity is proportionate to what is sought to be achieved by carrying it out. This involves balancing the intrusiveness of the activity against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the particular circumstances or if the information sought could reasonably be obtained by less intrusive means. Any activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair.

7.9 An Authorising Officer should first consider the following primary factors in determining whether the activity for which authorisation is sought is proportionate:

Confidential Information

- 7.10 The Authorising Officer must take into account the likelihood of confidential information being acquired. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material.
- 7.11 Where confidential information is likely to be acquired, authorisation should only be given in exceptional and compelling circumstances with full regard to the proportionality issues this raises.
- 7.12 In these circumstances, the Authorising Officer must be the Head of Paid Service or Senior Responsible Officer (exceptional circumstances),

Risk of Collateral Intrusion

- 7.13 The Authorising Officer must consider whether there is a risk of collateral intrusion into the private life of any person not the primary subject of the investigation. The applicant should describe the activity sufficiently widely to include not only named individuals but also any others who may be at risk of collateral intrusion to enable this consideration to occur.
- 7.14 Where the risk of such intrusion is sufficiently significant, the Authorising Officer must determine whether a separate authorisation is required in respect of these other persons.
- 7.15 The person carrying out the activity must inform the Authorising Officer if the investigation or operation unexpectedly interferes with the privacy of individuals not covered by the authorisation. The Authorising Officer must then consider whether the authorisation needs to be amended and re-authorised or a new authorisation is required.
- 7.16 The following further considerations must then be considered in determining whether the activity for which authorisation is sought is proportionate:
- The reasons given by the applicant as to why that activity is sufficient and adequate for obtaining the information sought;
 - Whether there are any other reasonable means of obtaining the information sought;
 - Whether the surveillance is an essential part of the investigation;
 - The type and quality of the information the activity will produce and its likely value to the investigation;
 - The amount of intrusion, other than collateral intrusion, the activity will cause and whether there are ways to minimise that intrusion; and
 - The length of time for which the authorisation is sought and whether the activity can be undertaken within a shorter time frame.

- 7.17 The Authorising Officer should only authorise the activity that is the least intrusive in the circumstances. Any unnecessary intrusion, including collateral intrusion, must be minimised as much as practically possible. **The least intrusive method will be considered proportionate by the Courts.**
- 7.18 The Authorising Officer must balance the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The Authorising Officer should discuss the proposed activity, and any proposed changes, with the applicant and/or the Senior Responsible Officer prior to issuing the authorisation.

8. CONSIDERING APPLICATIONS FOR THE USE OF A CHIS

- 8.1 This part of the Policy lists the factors which Authorising Officers should consider upon receiving an application for an authorisation for the use of a CHIS.

Step 1: Is Authorisation needed for this activity?

- 8.2 An Authorising Officer must first consider whether an authorisation is actually required. To require authorisation, the activity to which the application relates must be covert and must involve the obtaining of private information on an individual through the use of a CHIS.
- 8.3 An Authorising Officer should interpret the definitions broadly when determining whether an activity is covert or if private information will be obtained. When in doubt, the authorisation procedure must always be followed.
- 8.4 **At no time can an Authorising Officer authorise any intrusive surveillance.**

Step 2: Is the activity necessary?

- 8.5 An Authorising Officer can only authorise an activity where s/he believes that the authorisation is necessary in the circumstances of the particular case for the purpose of preventing or detecting crime or of preventing disorder.
- 8.6 The Authorising Officer must be satisfied that there are no other reasonable means of carrying out the investigation, or obtaining the desired information, without undertaking the activity for which authorisation is sought.
- 8.7 Authorisation should not be granted if the information sought can be obtained by other means without undertaking an activity which falls under the requirements of RIPA.

Step 3: Is it proportionate?

- 8.8 If the activity is necessary, the Authorising Officer must also believe that the activity is proportionate to what is sought to be achieved by carrying it out.

This involves balancing the intrusiveness of the activity against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the particular circumstances or if the information sought could reasonably be obtained by less intrusive means. Any activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair.

- 8.9 An Authorising Officer should first consider the following primary factors in determining whether the activity for which authorisation is sought is proportionate:

Confidential Information

- 8.10 The Authorising Officer must take into account the likelihood of confidential information being acquired. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material.
- 8.11 Where confidential information is likely to be acquired, authorisation should only be given in exceptional and compelling circumstances with full regard to the proportionality issues this raises.
- 8.12 In these circumstances, the Authorising Officer must be Head of Paid Service or Senior Responsible Officer (exceptional circumstances).

8.13 Use of vulnerable persons as CHIS

- 8.14 When considering applications for the use of a CHIS, an Authorising Officer must determine whether the CHIS is a vulnerable individual or a juvenile in accordance with the following:
- The Authorising Officer must take into account the provisions of section 29 of RIPA and the Regulation of Investigatory Powers (Source Records) Regulations (2000 SI No. 2725) made under it before authorising the conduct or use of a CHIS.
 - Section 29(5) requires the Authorising Officer to be satisfied that arrangements are in place for the careful management of the source and that records are maintained relating to the source which contain the particulars specified in the Source Records Regulations.
- 8.15 The Authorising Officer must therefore:
- be satisfied that the conduct and/or use of the CHIS is both necessary and proportionate to what is sought to be achieved. This will be addressed by following the procedure provided in this section;

- be satisfied that appropriate arrangements are in place for the management and oversight of the CHIS. This must address health and safety issues through a risk assessment;
 - consider the likely degree of intrusion of all those potentially affected;
 - consider any adverse impact on community confidence that may result from the use or conduct or the information obtained; and
 - ensure records contain specified particulars relating to the source and that the records are kept confidential.
- 8.16 In these circumstances, the Authorising Officer must be the Head of Paid Service or Senior Responsible Officer (exceptional circumstances).
- 8.17 Special safeguards apply to the use or conduct of vulnerable individuals or juveniles. A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who may need protecting from exploitation. A vulnerable individual will only be authorised to act as a source in the most exceptional circumstances.
- 8.18 Use of juvenile covert human intelligence sources (JCHIS) is governed by Regulation of Investigatory Powers (Juveniles) Order 2000 as amended by the Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018.
- 8.19 A JCHIS is any source aged under 18, however further restriction apply when the JCHIS is under 16.
- 8.20 The Authorising Officer when considering the authorization must consider the statutory duty of the Council, under s11 of the Children Act 2004, to discharge its duties in a way that promotes and safeguards the welfare of children.
- 8.21 No authorisation may be granted for the conduct or use of a JCHIS; if the JCHIS is under the age of 16, and the relationship to which the conduct or use would relate is between the JCHIS and his parent or any person who has parental responsibility for them.
- 8.22 Where the Council intends to use a JCHIS under the age of 16 must ensure there is an appropriate adult at meetings with the JCHIS. An “appropriate adult” means:
- “(a) the parent or guardian of the source; or
 - (b) any other person who has for the time being assumed responsibility for his welfare or is otherwise qualified to represent the interests of the source.”

- 8.23 No Authorisation may be granted or renewed for the use of a JCHIS (Under 18) unless the authorizing officer has undertaken or updated a risk assessment that demonstrates:
- the nature and magnitude of any risk of physical injury to the source arising in the course of, or as a result of, carrying out the conduct described in the authorisation have been identified and evaluated; and
 - (the nature and magnitude of any risk of psychological distress to the source arising in the course of, or as a result of, carrying out the conduct described in the authorisation have been identified and evaluated
- 8.24 An authorization for the use of a JCHIS may only be granted for a period of 4 months and is subject to monthly reviews.
- 8.25 A juvenile is a young person under 18. Juveniles can only be authorised as sources for four months. On no occasion can a child under 16 years of age be authorised to give information against his or her parents or anyone with parental responsibility for that child.
- 8.26 Before deciding on this course of action, legal advice must be sought from the Director of Legal Governance and HR as the SRO.
- 8.27 When the proposed activity involves the use of a vulnerable person or juvenile as a CHIS, only the Head of Paid Service or in exceptional circumstances the Senior Responsible Officer

Risk of Collateral Intrusion

- 8.28 The Authorising Officer must consider whether there is a risk of collateral intrusion into the private life of any person not the primary subject of the investigation. The applicant should describe the activity sufficiently widely to include not only named individuals but also any others who may be at risk of collateral intrusion to enable this consideration to occur.
- 8.29 Where the risk of such intrusion is sufficiently significant, the Authorising Officer must determine whether a separate authorisation is required in respect of these other persons.
- 8.30 The person carrying out the activity must inform the Authorising Officer if the investigation or operation unexpectedly interferes with the privacy of individuals not covered by the authorisation. The Authorising Officer must then consider whether the authorisation needs to be amended and re-authorised or a new authorisation is required.
- 8.31 The following further considerations must then be considered in determining whether the activity for which authorisation is sought is proportionate:

- The reasons given by the applicant as to why that activity is sufficient and adequate for obtaining the information sought;
- Whether there are any other reasonable means of obtaining the information sought;
- Whether the surveillance is an essential part of the investigation;
- The type and quality of the information the activity will produce and its likely value to the investigation;
- The amount of intrusion, other than collateral intrusion, the activity will cause and whether there are ways to authorise that intrusion; and
- The length of time for which the authorisation is sought and whether the activity can be undertaken within a shorter time frame.

- 8.32 The Authorising Officer should only authorise the activity that is the least intrusive in the circumstances. Any unnecessary intrusion, including collateral intrusion, must be authorised as much as practically possible. **The least intrusive method will be considered proportionate by the Courts.**
- 8.33 The Authorising Officer must balance the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The Authorising Officer should discuss the proposed activity, and any proposed changes, with the applicant and/or the Senior Responsible Officer prior to issuing the authorisation.
- 8.34 The Authorising Officer should discuss the proposed activity, and any proposed changes, with the applicant and/or the Senior Responsible Officer prior to issuing the authorisation.

9. **APPLYING FOR JUDICIAL APPROVAL**

- 9.1 Once an authorisation has been granted, the Senior Responsible Officer will review the authorisation paperwork to ensure that the authorisation fulfils the RIPA requirements and is necessary and proportionate. If satisfied that the surveillance is an appropriate use of the RIPA powers the Senior Responsible Officer (or an appointed representative of the Legal Division) will make an application to the Magistrates' Court to apply to have the authorisation approved/renewed by a Justice of the Peace.
- 9.2 The procedure for obtaining judicial approval is set out in the Home Office Guidance 'Protection of Freedoms Act 2012 – Changes to provisions under the Regulation of Investigatory Powers Act 2000' published in October 2012. A flowchart setting out the procedure for obtaining Judicial Approval is set out at Appendix 1
- 9.3 The application form for Judicial Approval is appended to the guidance and available at the link below
<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/a>

[ttachment_data/file/118173/local-authority-england-wales.pdf_](#)

10. ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

- 10.1 The provisions that govern the acquisition and disclosure of communications data are contained within IPA 2016. The IPA 2016 repealed the provisions relating to the interception and acquisition of communications data contained in RIPA 2000.
- 10.2 The Council is not able to authorise its own applications for the acquisition of communication data, which must be authorised by the OCDA. In order to make an application section 73 of the IPA, required the Council to be party to a collaboration agreement. In practice this means they will be required to become members of NAFN and use NAFN's shared SPoC services.
- 10.3 The Council's acquisition of communications data under Part 3 of the Act will be a justifiable interference with an individual's human rights under Article 8 (the right to respect for privacy and family life) and, in certain circumstances, Article 10 (right to freedom of expression) of the European Convention on Human Rights only if the conduct being authorised or required to take place is:
- Necessary for the purposes of a specific investigation or operation; and
 - Proportionate
- 10.4 When applying for authorisation to acquire communications data, the Council must believe the acquisition is necessary for the purpose of the prevention or detection of serious crime.
- 10.5 For the purpose of the IPA 'Serious crime' means:
- an offence for which an adult is capable of being sentenced to one year or more in prison;
 - any offence involving violence, resulting in a substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal;
 - any offence committed by a body corporate;
 - any offence which involves the sending of a communication or a breach of privacy; or an offence which involves, as an integral part of it, or the sending of a communication or breach of a person's privacy.
- 10.6 The Council must also believe the acquisition to be proportionate to what is sought to be achieved by obtaining the specified communications data – that the conduct is no more than is required in the circumstances.

11. AUTHORISATION TO ACCESS COMMUNICATIONS DATA

- 11.1 The applicant is a Council officer involved in conducting or assisting an investigation or operation who makes an application in writing or electronically for the acquisition of communications data.
- 11.2 An application to acquire communications data must:
- a. describe the communications data required, specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s)
 - b. specify the purpose for which the data is required, by reference to a statutory purpose under the Act;
 - c. include a unique reference number;
 - d. include the name and the office, rank or position held by the person making the application;
 - e. describe whether the communications data relates to a victim, a witness, a complainant, a suspect, next of kin, vulnerable person or other person relevant to the investigation or operation;
 - f. include the operation name (if applicable) to which the application relates;
 - g. identify and explain the time scale within which the data is required;
 - h. explain why the acquisition of that data is considered necessary and proportionate to what is sought to be achieved by acquiring it;
 - i. present the case for the authorisation in a fair and balanced way. In particular, all reasonable efforts should be made to take account of information which supports or weakens the case for the authorisation; consider and, where appropriate, describe any meaningful collateral intrusion – the extent to which the rights of any individual not under investigation may be infringed and why that intrusion is justified in the circumstances;
 - j. consider and, where appropriate, describe any possible unintended
 - k. consequences of the application; and
 - l. where data is being sought from a telecommunications operator or postal operator, specify whether the telecommunications operator or postal operator may inform the subject(s) of the fact that an application has been made for their data.
- 11.3 The Council is required to consult a NAFN SPoC throughout the application process. The accredited SPoCs at NAFN will scrutinise the applications independently. They will provide advice to the local authority ensuring it acts in an informed and lawful manner.
- 11.4 In addition to involving the NAFN SPoC, the Council must ensure that someone – “the verifying officer” – of at least the rank of the Council’s SRO is aware the application is being made before it is submitted to an authorising officer in OCDA.
- 11.5 It is the duty of the senior responsible officer in a public authority to ensure

that the public authority makes available to the SPoC and the authorising individual such information as the senior responsible officer thinks necessary to ensure the integrity of any requirements for the acquisition of entity data to be obtained directly upon the acquisition or disclosure of any events data, and their compliance with Part 3 of the IPA and with this code of practices.

11.6 NAFA SPoC will submit the application

11.7 Where a request is refused by an authorising officer in OCDA, the Council has three options:

- not proceed with the request;
- resubmit the application with a revised justification and/or a revised course of conduct to acquire communications data;
- resubmit the application with the same justification and same course of conduct seeking a review of the decision by OCDA. A public authority may only resubmit an application on the same grounds to OCDA where the senior responsible officer or a person of equivalent grade in the public authority has agreed to this course of action. OCDA will provide guidance on its process for reviewing such decisions.

11.8 Where an application is granted the NAFA SPoC would normally be the person who takes receipt of any communications data acquired from a telecommunications operator or postal operator and would normally be responsible for its dissemination to the applicant within the Council.

11.9 The Council must cease any and all authorised acquisition of communications data as soon as the OCDA authorisation is cancelled or at the expiry of one month following the date of authorisation (whichever is sooner).

12. WORKING WITH/THROUGH OTHER AGENCIES

12.1 Where Council Officers undertake an investigation/operation under RIPA jointly with another public authority, it is the responsibility of the tasking authority to obtain the authorisation. For example, if the Council was asked by the Police to assist in a covert surveillance operation, the Police should obtain the authorisation, which would then cover the Council. In such a case, Council Officers must request written confirmation from the other public authority that an authorisation is in place before taking part in any joint operation.

13. RECORDS MANAGEMENT

13.1 The Council must keep a detailed record of all authorisations, reviews, renewals, cancellations and rejections in the relevant services. A central record of all authorisation forms, whether authorised or rejected, will be maintained and monitored by the RIPA Co-ordinator.

- 13.2 All Authorising Officers must send all applications for authorisation to the RIPA Co-ordinator within 2 working days of issue of signature. Each document will be given a unique reference number, a copy will be placed on the Central Record and the original will be returned to the applicant.
- 13.3 Copies of all other forms used must be sent to the RIPA Co-ordinator bearing the reference number previously given to the application to which it refers.
- 13.4 The RIPA Coordinator shall retain all records in accordance with the Council's Retention schedule for a period of 6 years for the date the authorization

Service Records

- 13.5 Each service must keep a written record of all authorisations issued to it, to include the following:
- A copy of the application and authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
 - A record of the period over which the surveillance has taken place;
 - The frequency of reviews prescribed by the Authorising Officer;
 - A record of the result of each review;
 - A copy of any renewal of an authorisation and any supporting documentation submitted when the renewal was requested;
 - The date and time when any instruction was given by the Authorising Officer, including cancellation of such authorisation.

Central Record Maintained by the RIPA Co-ordinator

- 13.6 A central record of all authorisation forms, whether authorised or rejected, is kept by the RIPA Co-ordinator. The central record must be readily available for inspection on request by the Investigatory Powers Commissioner's Office.
- 13.7 The central record must be updated whenever an authorisation is granted, renewed or cancelled. Records will be retained for a period of 3 years from the date on which the relevant criminal or civil proceedings file is closed for archive, or for such other period as determined by the internal procedures relating to the retention of the criminal or civil proceedings file.
- 13.8 The central record must contain the following information:
- The type of authorisation;
 - The date on which the authorisation was given;
 - name/rank of the Authorising Officer;
 - The unique reference number (URN) of the investigation/operation. This will be issued by the Legal Division when a new application is entered in the Central Record. The applicant will be informed accordingly and should use the same URN when requesting a renewal or cancellation;
 - The title of the investigation/operation, including a brief description and names of the subjects, if known;
 - If the authorisation was renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the

Authorising Officer;

- Whether the investigation/operation is likely to result in the obtaining of confidential information; and
- The date and time that the authorisation was cancelled.

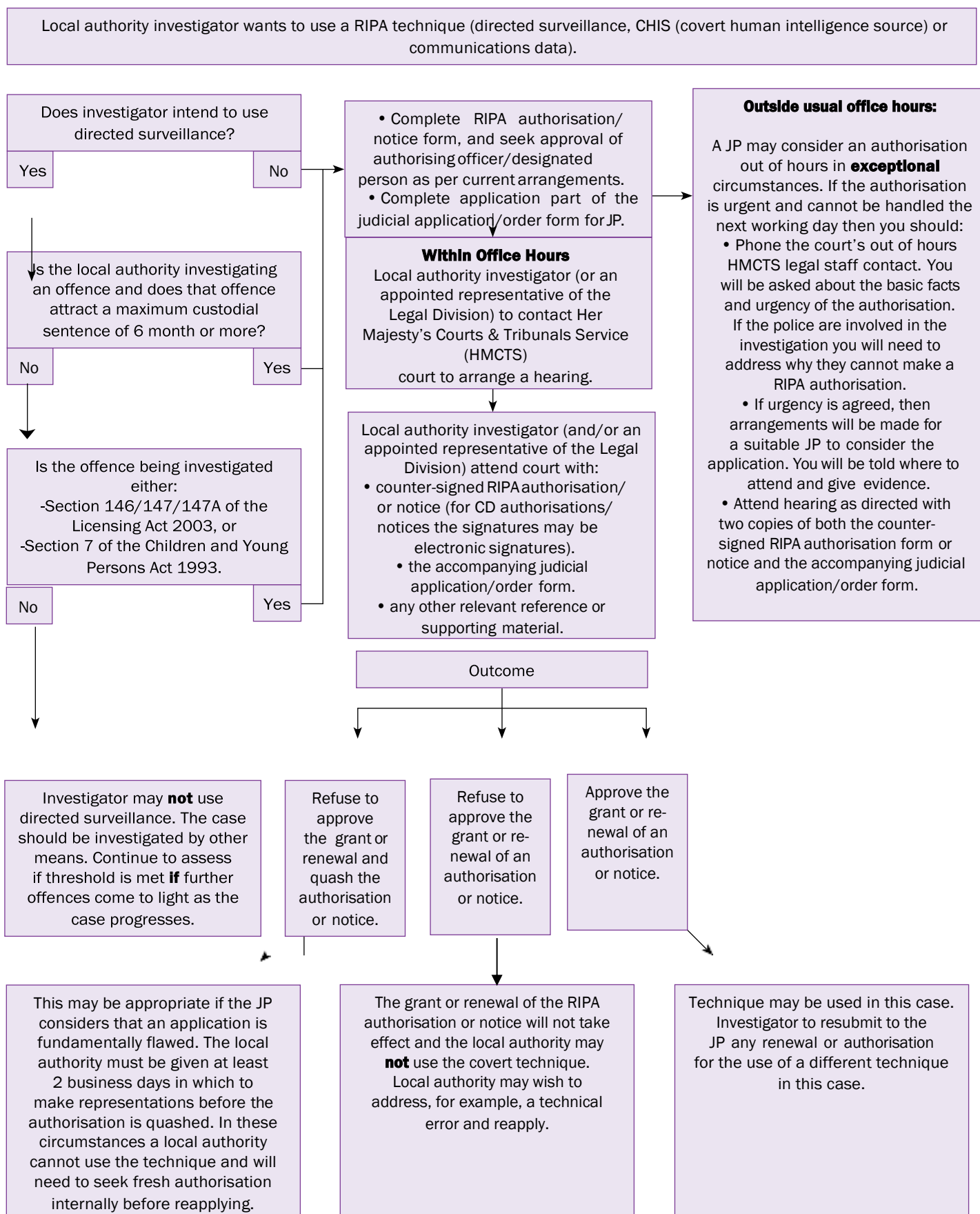
Retention and Destruction of Material

- 13.9 Departments must ensure that arrangements are in place for the handling, storage and destruction of material obtained through the use of covert surveillance. Material obtained is likely to include the following;
- Recordings of direct surveillance,
 - Notes of offices undertaking surveillance, and
 - Emails and other communications (including attendance notes of telephone calls reference the above.
- 13.10 Duplication of direct records should be keep the minimum and only undertaken, where necessary for the efficient conduct of the investigation or prosecution.
- 13.11 Other information will inevitably be duplicated as part of an investigation as part of routine case discussions between investigating officers, managers and legal services. This information will likely be stored within the Council's outlook email system, but may also include duplicates contained within personal files individuals involved, both on the Council network and locally on individual devices.
- 13.12 Departments must ensure that other duplicate of information are permanently delated or securely disposed at the conclusion of an investigations. The Department should ensure that there is one complete file for archive at the conclusion of the investigation, this will be sorted electronically on a secure area of the HBC network with access limited to those individuals with need of access.
- 13.13 This may involve liaison with legal services, where advice has been sought but not prosecution of other action undertaken. In this situation department should inform the legal services the investigation is at an end and requesting any information is deleted unless sorted within open file.
- 13.14 Where a file has been opened by legal services a separate copy of the material be stored within that file. As with instructing departments, legal services must ensure there is only one complete file is retained at the conclusion of proceedings and that other duplicates are deleted or surely disposed of once the file is closed for archive(this may be either electronic or in hard copy).
- 13.15 Archived files should be sorted in accordance with the Council's retention schedule a copy of which is available on the council intranet.
- <http://hbcintranet/Pages/Information%20Governance/Information-Governance-Policies.aspx>
- 13.16 Where there is doubt, advice must be sought from the Senior Responsible

Officer or in their absence the RIPA Co-ordinator.

APPENDIX 1

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



Obtain signed order and retain original RIPA authorisation/notice.

For CD authorisations or notices, local authority investigator to provide additional copy of judicial order to the SPoC.

If out of hours, a copy of the signed order to be provided to the court the next working day.



RIPA PROCEDURE FOR E-CRIME, INCLUDING INVESTIGATION OF SOCIAL NETWORKING SITES

1. Introduction

Many enquiries relating to goods or services bought online will be simple investigations where a website is acting as a shop providing products. It is unlikely that such investigations will invoke a need for authorisations under RIPA because: -

1. The owners of the website can have no reasonable prospect of privacy;
2. The site is unlikely to contain private information; and
3. It is unlikely that a relationship will be established between the seller and the user of the site if a single purchase is made or if the number of visits to the site is limited to those necessary to secure evidence in relation to the product or practice complained about.

Social Networking sites create different issues as the whole purpose of the sites, is on the face of it, to create the opportunities to set up social networks and thus create relationships. These sites, such as Facebook, Twitter, LinkedIn, Pinterest, Beebo and Snapchat have different levels of privacy, but it is likely that, even at the most open and accessible level, personal information about those maintaining the site or pages or posting information will be available. Whilst it could be argued that those who make such information freely available can have no expectation that it will remain private, it is also likely that they do not expect that it will be read and retained by an investigator. This activity is analogous to private activity occurring in a public place, and, as in the real world, if such activity were observed as a planned activity by an investigator, an authorisation for directed surveillance would be required.

Surveillance is defined in Section 48 of the Regulation of Investigatory Powers Act 2000 (RIPA) as including: -

- (a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications;
- (b) recording anything monitored, observed or listened to in the course of surveillance; and
- (c) surveillance by or with the assistance of a surveillance device.

It could be argued that this definition could be interpreted so as to exclude monitoring of social networking sites as the people under surveillance are not present or visible to the investigators. However, if we go back to the Human Rights Act and the Convention Rights, namely Article 8 (Everyone has the right to respect for his private and family life, his home and his correspondence), and Article 10 (Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers), there is likelihood that uncontrolled and unconsidered access to personal social

networking sites will breach these rights. As these rights are qualified rights, in that they can be infringed for certain purposes, it is appropriate that authorisation under RIPA is sought for surveillance of such sites.

The principles in this Policy should also be considered when monitoring business websites, such as eBay, which are used by non-trade people to advertise products. It is likely that a general viewing of eBay would include some collateral intrusion, but this is minimal and is likely to be proportionate in the context of the crime being investigated.

This Policy should be read in conjunction with the wider Hartlepool Borough Council RIPA Policy. The provisions in that Policy will apply along with the specific Policy outlined in this document.

2. Initial activity

The relevant dictionary definition of 'monitor' (namely, 'to maintain regular surveillance over') suggests an act undertaken either on more than one occasion or for more than a short period of time. This explicitly suggests that an initial visit to a website is not surveillance, nor would a repeat visit be if the second visit were not close in time to the first one.

Before an investigator visits a site they should consider what information they are seeking and what information is likely to be found. The focus should be on collecting evidence to prove, or disprove, any wrongdoing. If an investigation involves more than one Officer or is being conducted by the Authority and other partners, one Officer should be identified to undertake one initial visit and they alone should carry it out. Any other Officers, including partners, who will undertake surveillance as part of the investigation should be identified on the application for authorisation.

Once this initial visit to the site is completed, the Officer should consider whether further visits are necessary or if sufficient evidence has been secured for the next steps in the investigation (e.g. an application for a warrant) to take place. If it is decided that further monitoring of the social networking site is to take place, it should be assumed that an authorisation for directed surveillance will be needed. If the investigator does not believe that further visits require an authorisation they should record their reasons and discuss the matter with their manager who will, in turn discuss it with their Unit Manager.

3. When authorisation is required

It is clear that frequent and/or extended visits would be classed as surveillance and an authorisation for directed surveillance under RIPA should be sought if the investigator intends to carry out such monitoring activity. The OSC Guidance, at paragraph 124 states that 'present monitoring could be of past events.' This could occur if investigators look at the timeline on a target's site to, for example, establish a lifestyle pattern or to identify relationships.

Any application for directed surveillance should be submitted promptly, while the evidence obtained is still current. The application should have regard to necessity, proportionality and the likelihood of collateral intrusion as for any other directed surveillance application, recognising that the factors to be taken into account will be different to those that exist off-line.

4. Necessity

Any application for an authorisation under the Act will be for the prevention or detection of crime. The investigator will need to show that there is a need to collect evidence, to identify

what type of evidence is likely to be collected; its value to the investigation and that surveillance of the social networking site is the only way to collect it. Any information on other means of obtaining the evidence should be included, if such means have been identified, along with an explanation of why it is necessary to use directed surveillance and not those other means.

5. Proportionality

The investigator will need to show that the scale of the crime being investigated justifies the potential intrusion into the target's private life. For example, it may not be proportionate to conduct surveillance into someone who has infrequently sold items at a level that would be regarded as below a trading threshold. Investigators should have reasonable grounds to suspect that the target is actively committing serious breaches of legislation that are more than technical or minor.

Note: since the coming into force of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 the authority can only authorise directed surveillance where the offence being investigated is punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months of imprisonment or is an offence involving sales of alcohol or tobacco to children.

6. Collateral Intrusion

It is likely that collateral intrusion into the activities or comments of those persons who are interacting with the target individuals will take place. This intrusion will need to be tightly managed as far as is possible. It is also possible that family members' information will be posted on the site, especially on the target's individual Facebook pages. This will be treated in the same way as other information acquired that is identified as not being relevant to the investigation.

For public protection, the primary target of surveillance is likely to be business and group pages used primarily for selling goods or those who we believe are repeatedly committing serious environmental crimes. These sites are less likely to contain personal information but it cannot be ruled out. As part of the application for authorisation for directed surveillance, investigators should identify the likelihood of collateral intrusion. This will be supported by any evidence acquired during the initial visit to the site.

Any information about individuals, groups or business believed not to be engaged in criminal activity will be extracted from the evidence. This process will involve the investigating officer consulting their manager and a decision being made on each piece of information gathered. Where the information gathered does not relate to any suspected criminal activity, the information will be given a unique reference number and a record kept of the reason for the decision that the information is not relevant to enquiries. This information and the decision records will then be stored securely for inspection and audit purposes only by authorised personnel from the Office of the Surveillance Commissioner.

If the evidence collected shows that the business profiles and group forums are established closed groups, enabling the commission of relevant crimes, it follows that other members of the pages may also be investigated, to eliminate or identify them as a subject of interest. Consideration will be given to the need to obtain further authorisations under the Act, before any surveillance is conducted against other associated users.

Collateral intrusion could also include personal information collected about people other than the target. This information may be included in written, pictorial, video and audio form. Some of this information may be needed to identify others committing offences or assisting the principal in any relevant way, where it had not already been obtained. The evidence may also provide a connection between the website, the activity and any physical premises. If it is likely that this information will be encountered, or if it is needed to identify the target, explicit reference to it must be made in any application for authorisation and reasons for collecting it should be given.

7. Practical Matters

The Trading Standards stand-alone computer should be used, using the fake identity already established, wherever possible, or failing that, the Officer's own password protected NCC issued computer. Evidence of any offences should be secured by using hypercam or webreaper software, if possible, or by screen dump printing if not. Monitoring should not be carried out on an Officer's own computer, nor should monitoring take place outside of working hours, unless the particular circumstances of the investigation require it. Those circumstances will be included in any application for surveillance.

A log shall be kept of all surveillance activity, showing the date of the surveillance, the operation name, the start and finishing times and the sites visited. The application for authorisation should include this information where possible or the application should include the parameters within which the surveillance activity will take place. This will allow us to show that any activity undertaken is authorised.

Investigators should also be aware that the site could contain violent or pornographic images or information, or information of a politically extremist nature. If such images or information are found, the investigator should record details of web address of the site that was visited and how the site was accessed (some sites may be displayed even if the investigator did not intend it). The investigator should discuss the matter with their manager who should consider if there is a need to contact any other enforcement or safeguarding agency.

8. Cancellation of Authorisations

Any authorisation to conduct directed surveillance on an individual's page or site should be cancelled as soon as it is no longer needed. This is likely to occur when sufficient evidence to proceed to the next stage of the investigation has been secured or if monitoring of the page or site has revealed no criminal activity. Authorisations to monitor activity on social media sites are subject to the same review procedures as applications for real life surveillance. The review will determine if the authorisation is still necessary, proportionate and if the likelihood and level of collateral intrusion have changed since the authorisation was initially applied for.

9. Other matters

This Policy does not include 'befriending' or similar activity. This is a reflection of the fact that most sellers and their activities can be identified as part of open source research and items are sold from accessible websites. Befriending may require authorisation for an officer to act as a Covert Human Intelligence Source within the meaning of Part III of the Act. Further policies will be developed if market practices change such that investigators identify the need for such authorisations in relation to social networking sites.

10. Further Guidance

Further guidance is available from the Office of the Surveillance Commissioners Procedures and Guidance published in July 2016 which states at paragraphs 239 and 289: -

Covert Internet Investigations - e-trading

239 CHIS authorisation is only required for the use of an internet trading organisation such as eBay when a covert relationship is likely to be formed. The use of disguised purchaser details in a simple, overt, electronic purchase does not require a CHIS authorisation, because no relationship is usually established at that stage.

Covert surveillance of Social Networking Sites (SNS)

289 The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. Authorising officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

289.1 Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required.

289.2 Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site's content).

289.3 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation for directed surveillance when private information is likely to be obtained. The SRO should be satisfied that there is a process in place to ensure compliance with the legislation. Using photographs of other persons without their permission to support the false identity infringes other laws.

289.4 A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).

Selected comments from The Surveillance Commissioner's Report for 2015/2016 (Numbers refer to paragraphs in the report)

The “virtual world”

2.8. There is a discernible shift towards criminal activity in or by the use of what I may describe as the —virtual world this increases the demands on those responsible for covert surveillance. They need an understanding of the technological advances and myriad types of communication and storage devices which are constantly being updated. They also need assistance about how the statutory powers available to them can or should be applied to technological developments of which criminals take advantage, factoring in potential regional, national or international boundaries. The developments, complex as they can be, do not diminish the requirement that any surveillance activity can only be undertaken in accordance with the provisions of the relevant authorisation.

Social Networks and the “virtual world”

5.17. Patterns of criminal planning are changing to embrace technological advances. Criminals and terrorists are less likely to meet in public, in parked up cars, with police officers using binoculars and longsighted cameras to follow their movements. Social media and private electronic communications provide greater anonymity for the criminals, and enable their activities to proceed on a global scale. This issue was addressed by my predecessor in his last two reports, and the Surveillance Commissioners have issued guidance on the need for appropriate authorisations to cover these developments.

5.18. My Inspectors and the Assistant Surveillance Commissioners pay particular attention to the way this developing method of criminal activity is kept under covert surveillance. The topic forms the basis for numerous requests for guidance. Perhaps the most significant feature is that investigating authorities cannot proceed on the basis that because social networking developed after much of the legislation came into force it is immunised from compliance with it. Requirements for appropriate authorisation may arise from the work done by those whose roles do not traditionally fall within RIPA or RIP(S)A. The necessary training and information must be addressed by the Senior Responsible Officer in each authority.

5.19. Two examples illustrate the issues.

Example 1: In one particular public authority, once a task is allocated to an internet desk Officer, that Officer undertakes research using a non-attributable computer which stands alone from the authority's main network. Although it is said that the staff do not use false personas, the activity they undertake is calculated to be covert so as to minimise the risk of compromise to ongoing investigations. Staff typically undertake research on one occasion, although this singular research activity may extend over several hours and involve research of different social media sites linked to the subject. There is a perception by staff within the unit that investigators are reluctant to, or dissuaded from, making more than one request for research to be undertaken on the same subject. The head of the unit believes that investigators are missing opportunities for securing valuable intelligence by restricting their request to singular research; this is a view shared by the inspection team. Very rarely are any requests for research of open source material or social media supported by an authorisation for directed surveillance. In a twelve month period the unit has processed 3,561 requests for internet research, on just two occasions directed surveillance authorisations supported the activity being undertaken.

Example 2: In another public authority, one matter absent from the various policy and guidance documents is the use of the internet for investigative purposes. This technique of investigation and research is expanding exponentially with all manner of new

technology and although some knowledge and awareness was evident during discussion with staff, further guidance and advice would benefit investigators and Authorising Officers alike. The key consideration when viewing publicly available information where no privacy settings have been applied, often referred to as 'open source' material, is the **repeated** or **systematic** collection of private information. Initial research of social media to establish a fact or corroborate an intelligence picture is unlikely to require an authorisation for directed surveillance; whereas repeated visits building up a profile of a person's lifestyle would do so. Each case must be considered on its individual circumstances and early discussion between the investigator and the Authorising Officer is advised to determine whether activity should be conducted with or without the protection of an authorisation.

5.20. Part of their inspections of councils, the Inspectors and Assistant Surveillance Commissioners discuss with appropriate officials, and frequently undertake visits to examine the CCTV facilities which they manage. It is very rare for a council to authorise directed surveillance which includes the use of its CCTV system, but occasionally others, for example the local police force, may wish to do so, as part of covert rather than routine overt surveillance. When this arises, there should be a written protocol in place between the council, as owners or managers of the system, and the body which seeks to use it in a covert manner, so as to ensure that the lines of responsibility are clearly understood, and appropriate arrangements for authorisation are then made.

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HARTLEPOOL BOROUGH COUNCIL

NON- RIPA AUTHORISATION FORM

Non-RIPA Form to address issues of necessity and proportionality before carrying out surveillance of staff or others which falls outside the remit of RIPA

Guidance Note:

1. Only officers who would be authorised under RIPA can sign the form Applicants and authorised officers must comply, in full, with the Human Rights Act 1998. If in doubt contact Hayley Martin, 01429 523002.
2. Completed forms should be forwarded to Amanda Whitaker, RIPA Co-ordinator.
3. All boxes in this form must be completed. Not applicable, n/a or lines must be put through irrelevant boxes.

Subject of Surveillance (including full address)		Unique Reference Number (URN)/Operation Name:	Year/Service/Number/Name
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SECTION 1 (to be completed by the applicant)

Name of Applicant		Service	
Full Address			
Contact Details			
Investigation/ Operation Name (if applicable)			

Details of application:

1. Give name / job title of authorised officer:

2. Describe the purpose of the surveillance.

3. Describe, in detail, the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used:

4. The identities, where known, of those to the subject of the surveillance:

- Name:
- Address:
- DOB:
- Other known / relevant information:

5. Explain the information that is desired to obtain as a result of the surveillance:

6. Explain why surveillance is NECESSARY in this particular case:

-

7. Supply details of any potential COLLATERAL INTRUSION and why the intrusion is unavoidable: (Also describe precautions to MINIMISE collateral intrusion)

8. Explain why the surveillance is PROPORTIONATE to what it seeks to achieve. However intrusive might it be or the subject of surveillance or on others? Any why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means?

9. Applicant's Details

Name (print)

Tel No:

Job Title

Date

Signature

Authorising Officers considerations of necessity and proportionality

Authorising Officers Signature

.....

Date

.....

AUDIT AND GOVERNANCE COMMITTEE

17 October 2023



Report of: Executive Director of Children's & Joint
Commissioning Services

Subject: YOUTH JUSTICE STRATEGIC PLAN

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the Youth Justice Strategic Plan for 2023-2024 (**Appendix 1**) to Audit and Governance Committee for consultation. Feedback will be incorporated into the final plan which will be reported to Children's Services Committee prior to final adoption of the plan by full Council.
- 1.2 The final Plan will also be sent to the National Youth Justice Board.

2. BACKGROUND

- 2.1 The national Youth Justice System primarily exists to ensure that children and young people between the age of 10 and 17 do not engage in offending or re-offending behaviour and to ensure that where a young person is arrested and charged with a criminal offence, they are dealt with differently to adult offenders to reflect their particular welfare needs as children.
- 2.2 Local Youth Offending Services were established under the Crime and Disorder Act 1998 to develop, deliver, commission and coordinate the provision of youth justice services within each Local Authority.
- 2.3 Hartlepool Youth Justice Service was established in April 2000 and is responsible for youth justice services locally. It is a multi-agency service and is made up of representatives from the Council's Children's Services, Police, Probation, Health and Education.
- 2.4 The primary objectives of Youth Justice Services are to prevent offending and re-offending by children and young people and reduce the use of custody.

- 2.5 There is a statutory requirement for all Youth Justice Services to annually prepare, a local Youth Justice Plan for submission to the national Youth Justice Board.
- 2.6 The annual Youth Justice Plan provides an overview of how the Youth Justice Service, the Youth Justice Service Strategic Management Board and wider partnership will ensure that the service has sufficient resources and infrastructure to deliver youth justice services in its area in line with the requirements of the National Standards for Youth Justice Services to:
- Promote performance improvement;
 - Shape youth justice system improvement;
 - Improve outcomes for young people, victims and the broader community.

3. PROPOSALS/ISSUES FOR CONSIDERATION

- 3.1 The draft Youth Justice Plan for 2023 – 2024 is attached at **Appendix 1**. Audit and Governance Committee is invited to discuss and comment on the draft plan to inform to development of the final version.

3.2 Youth Justice Service Strategic Objectives and Priorities – 2023-2024

Re-offending - reduce further offending by children who have committed crime with a particular emphasis on continuing the development of Service interventions that are structured, responsive, tailored to meet identified individual need and evaluated. (Both within Youth Justice Services and provided by external agencies).

Early/Targeted Intervention, Prevention & Diversion – sustain the reduction of first time entrants to the youth justice system by ensuring that creative strategies and services remain in place locally to prevent children from becoming involved in crime and anti-social behaviour.

Remand, Custody & Constructive Resettlement – demonstrate that there are robust and comprehensive alternatives in place to support reductions in the need for remands and custody. Ensure bespoke constructive resettlement packages are implemented at the earliest opportunity.

Risk and Safety & Wellbeing (Asset Plus) – ensure all children entering or at risk of entering the youth justice system benefit from a high quality structured needs assessment to identify risk of harm, safety and wellbeing concerns and desistance factors, to inform effective intervention and risk management.

Restorative Justice – ensure all victims of youth crime have the opportunity to participate in restorative justice approaches and restorative justice is incorporated in to the work undertaken with children who offend.

Effective Governance – ensure that the Youth Justice Strategic Management Board is a well constituted, committed and knowledgeable Board which scrutinises Youth Justice Service performance and drives continuous improvement.

Voice of the Children – ensure that all children are actively involved in developing their own plans and are encouraged and supported to inform current and future service delivery.

‘Child First’ – ensure that the Child First principles are regularly reviewed and embedded within the Youth Justice Service and that every child has the opportunity to live a safe and crime free life, and make a positive contribution to society.

Education, Training, Employment – Working in collaboration with partners i.e. Schools, Virtual School and One Stop Shop to ensure all children open to the YJS are actively engaging in some form of suitable ETE, thus reducing NEET numbers, increasing attendance and improving outcomes.

Substance Misuse – Working in collaboration with partners i.e. Horizons/START to improve and sustain the engagement of children open to the YJS within substance misuse services

Serious Violence & Exploitation – Working with and alongside all partners including the Police, MACE and Violence Reduction Unit to address and reduce serious violence and all forms of child exploitation

Over Represented Children - Identify and address any areas of over representation within the YJS cohort alongside the management board and partners.

4. RISK IMPLICATIONS

4.1 The strategic plan identifies key risk to future delivery as detailed in Section 15 of the plan these are:

- The unpredictability associated with secure remand episodes and secure remand length has the potential to place significant financial pressure on the Youth Justice Service and the broader Local Authority;
- Managing the potential for reduction in YJB grant and partnership financial and ‘in-kind’ contributions pre and post 2023/24;
- Ongoing recruitment issues within the Probation Services having a direct impact on YJS Seconded Probation officer;
- Continued concerns around Serious Youth Violence, Criminal Exploitation and County Lines.

5. FINANCIAL CONSIDERATIONS

5.1 There are no direct financial implications arising from this report.

6. LEGAL CONSIDERATIONS

6.1 Under the Crime and Disorder Act 1998, a local authority must submit a youth justice plan annually to the Youth Justice Board setting out (a) how

youth justice services are to be provided and funded in their area and (b) how the YOTs established by them are to be composed and funded, how they are to operate and what functions they are to carry out. The plan must be published in such manner and by such date as the Secretary of State may direct.

7. CHILD AND FAMILY POVERTY (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

- 7.1 There are no specific child and family poverty considerations arising from this report. The provision of responsive and effective Youth Offending Services promotes improved outcomes for children and young people.

8. EQUALITY AND DIVERSITY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

- 8.1 There are no specific equality and diversity considerations arising from the report. The Youth Offending Service works in an anti discriminatory way with all young people who access the service.

9. RECOMMENDATIONS

- 9.1 To note and provide feedback on the local Youth Justice Plan (2023/2024).

10. REASONS FOR RECOMMENDATIONS

- 10.1 The development of the Youth Justice plan for 2023/24 will provide the Youth Justice Service with a clear steer to bring about further reductions in youth offending and contribute to improving outcomes for children, young people and their families alongside the broader community.
- 10.2 The local Youth Justice Strategic Plan for 2023/24 will establish responsibility across the Youth Justice Service and the Youth Justice Strategic Board for taking each improvement activity forward within agreed timescales.

11. BACKGROUND PAPERS

- 11.1 The following background paper was used in the preparation of this report:
- Crime and Disorder Act 1998

12. CONTACT OFFICERS

Jane Young, Assistant Director, Children and Families, Hartlepool Borough Council, Level 4, Civic Centre, TS24 8AY. Tel 01429 523957. E-mail jane.young@hartlepool.gov.uk



Hartlepool Youth Justice Service Strategic Plan 2023-24



Service	Hartlepool Youth Justice Service
Service Manager/ Lead	Roni Checksfield, Youth Justice Service Manager
Chair of YJS Board	Jo Heaney, Head of Commissioning, Strategy and Delivery (Children, Young People and Maternity - Tees Valley) North East & North Cumbria Integrated Care Board. (Chair Hartlepool YJS Management Board)

Contents

1. Introduction, vision, strategy & local context	Page 5
2. Child First	Page 9
3. Voice of the child	Page 11
4. Governance, leadership and partnership arrangements	Page 12
5. Board Development	Page 15
6. Progress on previous plan	Page 17
7. Resources and services	Page 23
8. Performance & National Key performance indicators	Page 23
9. Priorities:	Page 29
Children from groups which are over represented	Page 29
Prevention	Page 29
Diversion	Page 30
Education	Page 31
Restorative approaches & Victims	Page 32
Serious Violence & Exploitation	Page 34
Detention in Police custody	Page 34
Remands	Page 35
Use of Custody	Page 35
Constructive Resettlement	Page 35
10. Standards for Children in the Youth Justice System	Page 36
11. Workforce development	Page 37
12. Evidence based practice & Innovation	Page 39
13. Evaluation	Page 40
14. Service development	Page 40
15. Challenges, risks and issues	Page 41
16. Sign off, Submission & Approval	Page 43

Appendix 1 – Staffing Structure

Appendix 2 – Budget costs & contributions 2023/24

Foreword

Welcome to the 2023 - 2024 Hartlepool Youth Justice Strategic Plan. This plan sets out our ambitions and priorities for Hartlepool Youth Justice Service and the broader local Youth Justice Partnership for the next year.

The Safer Hartlepool Partnership, Community Safety Plan 2021-24 establishes a vision for the town:

“To make Hartlepool a safe, prosperous and enjoyable place to live, work and visit”

The Youth Justice Service and broader partnership has a key role in contributing to this vision, by continuing to deliver a high quality, effective and safe youth justice service that prevents crime and the fear of crime, whilst ensuring that children who do offend are identified, managed and supported appropriately, without delay.

In recent years Hartlepool has witnessed a significant reduction in youth crime. The local youth justice partnership has been particularly effective in reducing the numbers of children entering the youth justice system for the first time, but there still remains a need to drive down incidents of re-offending by children who have previously offended.

This will be achieved through a combination of robust interventions designed to manage and reduce risk of harm, support safety & wellbeing, restore interpersonal relationships, promote whole family engagement and achieve positive outcomes all wrapped around a “Child First” ethos. Encouragingly, Hartlepool Youth Justice Service alongside partners continues to maintain a strong health offer for all children and is constantly striving to build upon its restorative offer whilst ensuring that victims of youth crime also have a voice.

There has been a significant increase in work placed upon the Youth Justice Service both last year and in the current year. The introduction of the Turnaround programme nationally with its very tight lead in and planning times, the addition of the new KPIs, representation and input into the newly funded Cleveland Violence Reduction Unit (CURV) and more recently ongoing discussions with the Office of the Police and Crime Commissioner (OPCC) regarding the recently published Anti-Social Behaviour action plan and the pending YJS involvement within the “Immediate Justice” element.

Despite the increased workload, I am confident that Hartlepool Youth Justice Service and the broader Youth Justice Partnership will continue to help make Hartlepool a safe, prosperous and enjoyable place to live, work and visit.

In 2023-24 we will strive to continuously improve by:

- Maintaining and building upon the current Health offer with trauma informed practice at its core.
- Continuing to work with partners to develop a clear and consistent approach to all forms of child exploitation.
- Building on the improving YJS offer of a ‘whole family approach’
- Ensuring the Service maintains a ‘child first’ ethos.
- Continuing to maintain a creative Early/Targeted Intervention, Prevention and Diversion offer.

6.2 APPENDIX 1

None of the above will be possible without the continued support and close working relationships of our partners and Children's Social Care. In addition, these relationships allow us to mitigate the risks of reducing partnership budgets whilst maintaining the quality and effectiveness of the Service.

As always, the local authority and Strategic Management Board is extremely grateful for the skill and dedication shown by managers, staff, employees and volunteers of the YJS in continuing to support children who offend, or are at risk of becoming involved in offending.

On behalf of the Youth Justice Service Strategic Management Board I am pleased to pledge my support to and endorse the Youth Justice Strategic Plan 2023-24



Jo Heaney, Head of Commissioning, Strategy and Delivery (Children, Young People and Maternity - Tees Valley) North East & North Cumbria Integrated Care Board.
(Chair Hartlepool YJS Management Board)

DRAFT

1. Introduction, vision, strategy & local context

Introduction

The National Youth Justice System primarily exists to ensure that children between the age of 10 and 17 (who are arrested and charged with a criminal offence) are dealt with differently to adult offenders, to reflect their particular welfare needs.

In summary, children who offend are:

- Dealt with by youth courts;
- Given different sentences in comparison to adults and
- When necessary, detained in special secure centres for children.

It is the responsibility of the Local Authority and statutory partners to secure and coordinate local youth justice services for children in our area who come into contact with the Youth Justice System as a result of their offending behaviour. This is achieved through the established Youth Justice Services.

The primary functions of Youth Justice Services are to prevent offending and re-offending by children, reduce the use of custody and ensure all of the above are delivered with a “Child First” ethos embedded across the service.

Hartlepool Youth Justice Service was established in April 2000 and is a Multi-Agency service made up of representatives from Children’s Services, Police, Probation, Public Health, Health, Education and Community Safety. Hartlepool Youth Justice Service seeks to ensure that:

- All children entering the youth justice system benefit from a structured needs assessment to identify risk and protective factors associated with their offending behaviour in order to inform effective interventions.
- Courts and Referral Order panels are provided with high quality reports that enable them to make informed decisions.
- Orders of the Court are managed in such a way that they support the primary aim of the youth justice system, alongside managing risk of harm and ensuring there is due regard to the welfare of the child.
- Services provided to courts are of a high quality and ensure that magistrates and the judiciary have confidence in the supervision of children.
- Comprehensive bail and remand management services are in place locally for children remanded or committed to custody, or on bail while awaiting trial or sentence.
- The needs and risks of children sentenced to custodial sentences (including long-term custodial sentences) are assessed to ensure effective resettlement and management of risk.
- Those receiving youth justice services are treated fairly regardless of race, language, gender, religion, sexual orientation, disability or any other factor, and actions are put in place to address discrimination if identified

In addition to the above, the remit of the service has widened significantly in recent years due to both national and local developments relating to prevention, diversion and restorative justice and there is now a requirement to ensure that:

- Creative strategies and services are in place locally to prevent children from becoming involved in crime or anti-social behaviour;
- Out-of-court disposals deliver targeted and bespoke interventions for those at risk of entering the Youth Justice System
- Assistance is provided to the Police when determining whether Youth Cautions should be issued and
- Restorative approaches are used, where appropriate, with victims of crime and ensures that restorative justice is central to work undertaken with children who offend.
- The Turnaround Programme is implemented and meeting targets in line with Government criteria

The Hartlepool Youth Justice Plan for 2023-2024 sets out how youth justice services will be delivered, funded and governed in response to both local need, national policy changes and in line with the Standards for children in the youth justice system 2019, our most recent HMIP inspection findings, ongoing HMIP Thematic reports and the YJB Strategic Plan 2021-24. It also highlights how Hartlepool Youth Justice Service will work in partnership to prevent offending and re-offending by children and reduce the use of remands and custody ensuring we put the “Child First” throughout all processes.

Vision & Strategy

Hartlepool’s Children’s Strategic Partnership has set out its vision for children within the town as follows:

Vision:

Our ambition as a children’s partnership is to enable all children and families in Hartlepool to have opportunities to make the most of their life chances and be supported to be safe in their homes and communities.

Priorities:

- Children have opportunities to make the most of their life chances and are safe
- Improving family relationships, strengths, skills and ability to cope
- Reducing the impact of domestic violence, mental health, drugs and alcohol misuse on children and families
- Helping parents, carers and children to gain skills and get jobs

The Youth Justice Service, as part of the wider services for children, seeks to deliver on the vision and ambitions through a number of identified Youth Justice Service Strategic Priorities for 2023 - 2024.

In addition, these priorities align and overlap with the strategic priorities set by the Safer Hartlepool Partnership for 2021-24:

- Reduce Anti-Social Behaviour
- Reduce the harm caused by drug and alcohol misuse
- Reduce Domestic Violence

Youth Justice Service Strategic Objectives and Priorities – 2023-2024

We will use our grant, partner contributions and available resources to deliver our services that enable us to work towards achieving the following objectives and priorities annually:

Re-offending - reduce further offending by children who have committed crime with a particular emphasis on continuing the development of Service interventions that are structured, responsive, tailored to meet identified individual need and evaluated. (Both within Youth Justice Services and provided by external agencies).

Early/Targeted Intervention, Prevention & Diversion – sustain the reduction of first time entrants to the youth justice system by ensuring that creative strategies and services remain in place locally to prevent children from becoming involved in crime and anti-social behaviour.

Remand, Custody & Constructive Resettlement – demonstrate that there are robust and comprehensive alternatives in place to support reductions in the need for remands and custody. Ensure bespoke constructive resettlement packages are implemented at the earliest opportunity.

Risk and Safety & Wellbeing (Asset Plus) – ensure all children entering or at risk of entering the youth justice system benefit from a high quality structured needs assessment to identify risk of harm, safety and wellbeing concerns and desistance factors, to inform effective intervention and risk management.

Restorative Justice – ensure all victims of youth crime have the opportunity to participate in restorative justice approaches and restorative justice is incorporated in to the work undertaken with children who offend.

Effective Governance – ensure that the Youth Justice Strategic Management Board is a well constituted, committed and knowledgeable Board which scrutinises Youth Justice Service performance and drives continuous improvement.

Voice of the Children – ensure that all children are actively involved in developing their own plans and are encouraged and supported to inform current and future service delivery.

‘Child First’ – ensure that the Child First principles are regularly reviewed and embedded within the Youth Justice Service and that every child has the opportunity to live a safe and crime free life, and make a positive contribution to society.

Education, Training, Employment – Working in collaboration with partners i.e. Schools, Virtual School and One Stop Shop to ensure all children open to the YJS are actively engaging in some form of suitable ETE, thus reducing NEET numbers, increasing attendance and improving outcomes.

Substance Misuse – Working in collaboration with partners i.e. Horizons/START to improve and sustain the engagement of children open to the YJS within substance misuse services

Serious Violence & Exploitation – Working with and alongside all partners including the Police, MACE and Violence Reduction Unit to address and reduce serious violence and all forms of child exploitation

Over Represented Children - Identify and address any areas of over representation within the YJS cohort alongside the management board and partners.

Local Context

Hartlepool Youth Justice Service (YJS) covers the local authority area of Hartlepool which is impacted upon by a range of social, economic and environmental factors. Using the 2019 average score of the Index of Multiple Deprivation Hartlepool is the 10th most deprived Local Authority in the country with high levels of unemployment, crime and anti-social behaviour, domestic violence and substance misuse.

All of these factors provide significant challenges to the children we work with impacting on their behaviours and influencing outcomes.

According to the mid 2021 population estimates – ONS, the population of Hartlepool was in the region of **92,571** with approx.**9359** being between the ages of 10-17.

The BAME population in Hartlepool continues to remain somewhat low in comparison to other areas locally, **3,270** or **3.5%** of Hartlepool Population (Non-White ethnic groups, Census 2021 – ONS)

10-17 BAME population – No published data.

Current number of Children in our Care (CIOC), all ages – **320** (Active as at 31 March 2023, Hartlepool Performance Team)

Current CIOC figures 10–17 – **203** (Active as at 04 05 2023, Hartlepool Performance Team)

****At the time of writing this Strategic Plan there are 4 children open to the YJS who are CIOC.**

Hartlepool is served by 5 Secondary Schools, 1 Pupil Referral Unit (Horizon School) and Catcote Academy which caters for secondary and post-16 students with special educational needs. There are 4 Sixth Form providers two of which are located within Secondary Schools.

Hartlepool YJS has had to evolve over the years in response to changing local circumstances and economic factors. The current service is a traditional YOS model with two small operational teams delivering case management across Out of Court Disposals and Post Court Orders/DTO. The operational teams are supported by a Leadership Team which carry out day to day operational oversight, performance management, service planning and policies & procedures. There is also support from a small business admin team as well as sessional staff and Panel Volunteers who provide a very valuable service.

The YJS is constantly striving to ensure that the service is able to meet the current and future demands of service users, based on a 'fit for purpose' structure which supports high quality service delivery. Central to this is the recognition that all staff will need to be well equipped to deal with a wide variety of service user needs, and keep abreast of emerging areas of practice not least trauma informed practice, the developing body of knowledge and evidence surrounding County Lines, Modern Day Slavery and Serious Youth Violence as well as findings from HMIP and other relevant inspection bodies.

As with the majority of YJSs the service is dealing with smaller caseloads, however these are much more complex individuals with multiple risks and vulnerabilities, the main cohort are predominantly young males aged between 14 and 17, many of whom reside within Hartlepool's most deprived neighbourhoods. Although not mutually exclusive, the common criminogenic and welfare issues prevalent amongst this cohort are identified as:

- higher than average mental health needs
- higher levels of drug and alcohol use than for the general population
- low educational attachment, attendance and attainment
- having family members or friends who offend

- higher than average levels of loss, bereavement, abuse and violence experienced within the family – historical trauma
- a history of family disruption
- chaotic and unstructured lifestyles
- Vulnerable to all elements of exploitation

Alongside this cohort of young males, there is another cohort of young females of similar age 14-17, whom although perhaps not as prolific in terms of reoffending, are of significant concern due to multiple complex issues which are more welfare-orientated. These include: Substance misuse, chaotic lifestyles, and sexual exploitation, missing from home and family breakdown. Again, as with the male cohort, young females who are offending are noted to have a higher prevalence of poor emotional well-being.

As can be seen from the figures above Hartlepool does have a relatively low BAME percentage compared to locally and regionally, however the service does have the necessary training and skills to respond to work with children from a BAME or other diverse background. More notably the number of Children in our care (CIOC) does fluctuate within the YJS cohort, the data is regularly analysed and there is ongoing work with partners and carers in order to ensure appropriate actions are in place to support this vulnerable group of children. This is a strategic priority and actions and progress is reported to the Strategic Management Board.

Working in partnership is key to supporting a greater understanding of these underlying issues and addressing them in a holistic and co-ordinated way to provide “pathways out of offending”, reduce crime and break the cycle of offending behaviour across generations.

2. Child First

In line with the Youth Justice Boards Strategic Plan 2021-24 Hartlepool Youth Justice Service (YJS) is committed to:

- Prioritise the best interests of children and recognise their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
- Promote children’s individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
- Encourage children’s active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
- Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

We continue to ensure the “Child First” principles are embedded and maintained within all areas of service delivery in collaboration with other services and all partners.

In early 2022 Hartlepool YJS produced a “Child First” guidance for all staff to ensure this approach is embedded across all areas of service delivery from assessment, planning, intervention and at closure and exit.

This approach continues to be central to our operational delivery across the whole service and within staff supervisions, case audits and quality assessment of Asset Plus/plans.

In addition to providing guidance to staff the YJS manager and Chair of the management board designed and delivered bite size “Child First” and the “Voice of the Child” sessions for all board members, which will be reviewed and delivered on an ongoing basis.

** (The process below is taken from Hartlepool YJS Child First Guidance)

Assessment/Planning

- The assessment is needs led and not just offence focussed
- We utilise the assessment period to start relationship building and getting to know the child
- We find out what the child likes doing and what they are good at and promote these throughout their time with the service
- Whilst completing the SAQ within the assessment we utilise Why, Where, What, When, Who etc. to gather the Childs/Parents/Carers feelings and thoughts better
- The child’s plan is completed with them and parent/carer with their comments and signatures included
- We utilise Positive Activities within the plan and in collaboration with the child
- We ensure appropriate priority pathways are identified within the plan i.e. Health input and that they will run concurrent to other areas of the plan

Interventions

- We deliver as many sessions as possible away from the YJS Offices, utilising our offsite facilities more and other external locations as appropriate
- We ensure the Childs journey with the service is non-stigmatising
- We become the child’s advocate during their time with us and have regular communication with all other services involved i.e. Health, Education and Social Care etc. advocating on behalf of the child
- We use appropriate language at all times with the child and throughout their journey with the service
- Reparation isn’t used as a “tick box exercise” but is used correctly in a reparative way with the child understanding why they are required to complete it
- We complete a feedback form after each planned intervention ensuring we capture the child’s voice and their thoughts & feelings (feedback forms are shared with Management Team and presented at Management Boards)

Reviews/Closures

- We will ensure that as and when required Child/Parent/Carer are actively included in all reviews, ensuring we capture their voices and comments
- We ensure that a Case Summary and Survey Monkey are completed with the Child/Parent/Carer at the end of the child’s journey with the service (Case Summary are attached to Child View and the Survey Monkey shared with management team, analysed and findings subsequently presented at board meetings looking at potential service development)

Example - Hartlepool YJS acknowledged the need for a collective response to meeting the educational needs of all children open to the YJS.

As a response, we are now working with the towns 5 secondary schools via the Inclusion Partnership meeting. This partnership affords us the opportunity to work more closely with the Senior Leaders from schools and discuss issues their students face which may include unmet need i.e. undiagnosed Speech, Language and Communication Needs.

Working in partnership we aim to reduce the number of exclusions and improve the child’s attainment and attendance, which will support them into further education and lead positive, pro-social lifestyles, which are free of crime.

Schools also have the opportunity to attend training delivered by the YJS on restorative approaches to help mitigate any in-school behaviours.

3. Voice of the child

Hartlepool YJS work collaboratively with all Children/Parents/Carers to ensure their voice is heard, listened to and helps shape service delivery as required.

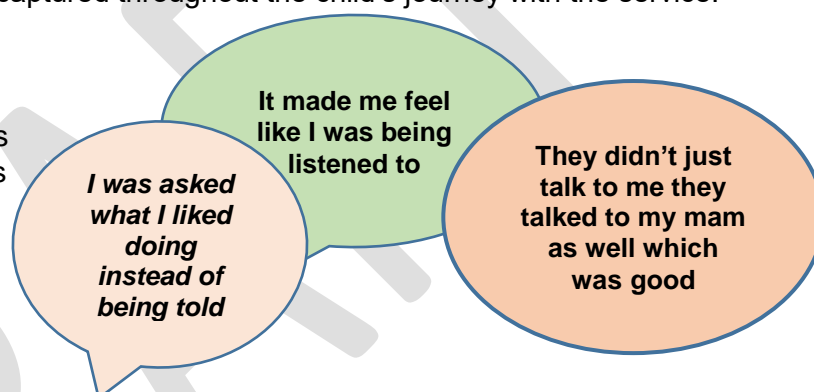
We will continuously review and enhance our delivery, so that the views of children are sufficiently captured, central to our work, and lead to change in the system to support children into positive outcomes and successful adulthood.

We strongly promote and encourage relationship building between staff and children from the outset of all involvement with the YJS.

Staff will start the process of capturing the child's voice during this period which also aids assessment. All SAQ and feedback sessions are completed face to face where possible and relevant and staff will encourage the child to expand on their responses. This process is also carried out with parents/carers.

We ensure that the child's voice is captured throughout the child's journey with the service:

- All SAQs
- Designing the child's plan
- After all completed interventions
- Asset Plus and all other reviews
- Closure Summaries
- Survey Monkey



Feedback is consolidated from the various sources and analysed via the monthly leadership meetings and quarterly service management boards. Any potential areas for concern or good practice are addressed appropriately.

The YJS will always advocate on behalf of the child at all meetings attended and where required their voice and that of parents/carers will be gathered in advance. There has been a marked increase and improvement in this process which has been very evident within education meetings. More in depth discussions are now taking place with education providers on a regular basis especially around exclusions/suspensions, reduced timetables and alternative provision.

Example – A child was encouraged and supported to attend and talk about their experiences of reparation at a recent YJS Management Board meeting. The child highlighted how he was given the opportunity to identify what he likes doing and how if possible the YJS could support with this. Subsequently he was able to help in a local foodbank, helping pack orders, stocktake etc. which gave him a real sense of achievement and pride. He has continued to support the foodbank in his own time.

This direct feedback to board members evoked considerable discussion and ensured we now, where feasibly possible, have those discussions with all children giving them the opportunity to identify what they would like to do and how it benefits the communities and others.

4. Governance, leadership and partnership arrangements

Governance:

The Youth Justice Service is part of Hartlepool Borough Councils Children & Joint Commissioning Services Department which also includes Children's Social Care and Early Help services. The Management Board is chaired by Jo Heaney, Head of Commissioning, Strategy and Delivery (Children, Young People and Maternity - Tees Valley) North East & North Cumbria Integrated Care Board.

The board is made up of representatives from Children's Social Care, Police, Probation, Public Health, Courts, Education, Youth Support Services, and Office of the Police & Crime Commissioner, Community Safety, VCS and an elected member.

Effective integrated strategic partnership working and clear oversight by the Management Board are critical to the success and effective delivery of youth justice services in Hartlepool. The board is directly responsible for:

- Determining how appropriate youth justice services are to be provided and funded;
- Overseeing the formulation each year of the youth justice plan;
- Agreeing measurable objectives linked to key performance indicators as part of the youth justice plan;
- Ensuring delivery of the statutory aim to prevent offending by children and children;
- Giving strategic direction to Youth Justice Service Manager and Youth Justice Service Team;
- Providing performance management of the prevention of youth crime and periodically report this to the Safer Hartlepool Partnership;
- Ensuring that Standards for children in the youth justice system 2019 and the Child First ethos are embedded across the whole service and audits are completed within required timescales;
- Promoting the key role played by the Youth Justice Service within local integrated offender management arrangements;
- Advocate on behalf of the YJS within their own service areas and beyond, specifically supporting the YJS to overcome barriers to effective Multi-Agency working;
- Oversight of all data submissions to the YJB ensuring timeliness, especially conditions set out in the YJB grant;
- Ensuring the recommendations outlined in YJB papers and HMIP inspection reports/thematic reviews are addressed and monitored at board meetings

The Management Board is clear about the priority areas for improvement, and monitors the delivery of the Youth Justice Strategic Plan, performance and prevention/diversion work. It is well attended and receives comprehensive reports relating to performance, finance and specific areas of service delivery.

Members of the Board are knowledgeable, participate well in discussions and are members of other related boards, such as the Local Safeguarding Children's Board, Safer Hartlepool Partnership and Health and Wellbeing partnerships as well as the Cleveland Criminal Justice Board, all which contribute to effective partnership working at a strategic level. Board meetings are well structured and members are held accountable.

During 2022/23 board members attended a YJS Board Induction and interactive bite size sessions on the recently published Management Board guidance and Child First/Voice of the Child. These sessions will be reviewed and updated for delivery again this year alongside any further updates.

Leadership/Structure

Hartlepool Youth Justice Service has a staff team of 22 people, which includes 3 seconded staff, and 4 sessional workers (**Staffing structure attached at Appendix 1**). The service also benefits from a team of 3 active volunteers who are Referral Order Panel members. All staff and volunteers are subject to Disclosure and Barring Service (DBS) checks which are renewed every three years.

There are also 2 external staff commissioned into the service 1 x PT Speech and Language Therapist (SALT) (funded by the YJS) and 1 x PT Clinical Psychologist (funded by the ICB). Discussions and plans are underway to commission time from an Educational Psychologist (start date -Sept 23).

Via the recently implemented Violence Reduction Unit (CURV) 4 x Custody Navigators have been employed, they will be located in the central Custody Suite (Middlesbrough) and will engage all children entering the Custody Suite, with a view to support, guidance and directing them to further support and the relevant YJS (Due to go live in July 23).

At the time of writing this report all statutory partners have seconded staff within the YJS or have provided direct pathways i.e. Health, Education, Police and Social Care.

The YJS delivery model has been reconfigured and restructured during the last year to ensure the service remains sufficiently flexible to address future challenges. This will continue to be achieved through a generic case management and intervention delivery model, across pre and post court functions. This will ensure maximum resilience, capacity and flexibility to meet the needs of children and children and the service as a whole.

The current YJS structure aims to consolidate areas of strong performance and effective practice, whilst also providing a dynamic framework to respond to emerging priorities, recognised both by the Local Authority and key partners.

This model (alongside the YJS strategic plan) allows the organisation and the wider YJS partnership to action the priorities for service delivery and to achieve best outcomes for children and children across the range of statutory and preventative services.

The Assistant Director (AD), Children & Families is also the designated Head of Service for the Youth Justice Service with a service manager having responsibility and oversight for all elements of service delivery. The AD reports directly to the Director of Children's Services (DCS).

Partnership Arrangements

Hartlepool Youth Justice Service is a statutory partnership which includes, but also extends beyond, the direct delivery of youth justice services. In order to deliver youth justice outcomes it must be able to function effectively in both of the two key sectors within which it operates, namely:

- Criminal justice services.

- Services for children and their families.

The Youth Justice Service contributes both to improving community safety and to safeguarding and promoting the welfare of children and in particular protecting them from significant harm.

Many of the children involved with the Youth Justice Service are amongst the most vulnerable children in the Borough and are at greatest risk of social exclusion. The Youth Justice Service's Multi-Agency approach ensures that it plays a significant role in meeting the safeguarding needs of these children. This is achieved through the effective assessment and management of safety & wellbeing and risk, through working in partnership with other services, for example, Children's Services, Health, Education, Secure Estate and Police to ensure children's wellbeing is promoted and they are protected from harm. Regular ongoing communication, meetings, joint training opportunities and speedy information/intelligence sharing ensure ongoing strong links and relationships.

All high-risk cases can be escalated to either one or both of the Multi Agency Child Exploitation team (MACE) or the Strategic Risk Management Group, the Youth Justice Service has representation on both groups which meet monthly.

Discussions around serious youth violence, criminal exploitation and county lines are conducted within these forums ensuring tight plans are implemented and strategic management oversight is afforded

The YJS has both operational and strategic representation on the following forums that all contribute to the support of children in the justice system.



5. Board development

As highlighted in Section 5 above Effective integrated strategic partnership working and clear oversight by the Management Board are critical to the success and effective delivery of youth justice services in Hartlepool.

In line with the guidance provided by the YJB in 2021 “Youth Justice Service governance and Leadership” the following training was undertaken with all board members. This training is being reviewed and will be delivered again in 2023/24.

	Board Development	Action Taken/Planned	Owner	Target Date/Completed
1	Management Board TOR rewritten	The board TOR to be consulted with the board, agreed and re written	Management Board	Completed Sept 2021

6.2 APPENDIX 1

2	Board induction for all members	Board induction to be undertaken with all board members, utilising the template shared by the AYM	YJS Manager/Board chair	Completed Sept 22
3	Update all board members on YJ service governance and leadership	Utilising the YJB - YJ service governance and leadership document, Sessions designed for all board members to attend and actively engage	YJS Manager/Board Chair	Completed over 4 sessions Apr – Oct 22
4	Child First/Voice of the Child	Sessions developed for all board members to attend and participate in Child First ethos/Voice of the child	YJS Manager/Board Chair	Completed over 4 sessions Apr – Oct 22
5	Key Performance Indicators	Power Point (YJB) presented to all board members updating on new KPIs	YJS Manager	Initial documentation and board discussion held. Power Point to be delivered July 23
6	Serious Youth Violence & Exploitation	Presentation & Discussion with Director of CURV	CURV Director	Initial Presentation and Discussion held in Feb 23 Management Board – Further presentations planned for Sept 23

Spotlight sessions have also been introduced into Management Board meetings and presented by YJS staff, this gives all partners and board members a better insight into daily delivery within the service. To date the following have been presented and discussed:

- Out of Court Disposals (OOCd)
- Reparation
- Restorative Justice
- YJS Health Offer
- Court & Post Court offer (to be presented at Sept 23 board)

There is a proposal for board members to also deliver spotlight sessions on their role/service and how they link, support and advocate on behalf of the YJS and its cohort of children.

Added to the above all statutory partners and board members are invited to attend all YJS internal training and are offered shadowing opportunities.

6. Progress on previous plan

Youth Justice Strategic Priorities 2022/23

Re-offending - reduce further offending by children who have committed crime with a particular emphasis continuing on the development of Service interventions that are structured, responsive and tailored to meet identified individual need and evaluated. (Both within Youth Justice Services and provided by external agencies).

Key Actions

- Undertake quality assessments of children at risk of re-offending, ensuring risks, desistance factors and needs are identified which inform effective intervention planning
- Continue to improve interventions delivered, through innovation and collaboration where appropriate
- Improve intelligence and timely information sharing relating to those children who are at risk of offending, to inform service-wide improvement activity or targeted work
- Continue to improve the 'Child First' approach and Health offer within the service and with partners
- Continue to undertake scoping activities in relation to retaining both the Speech & Language Therapist, Trauma Informed Care Pathway and Emotional Wellbeing pathways within the YJS beyond March 2023

Update

- All of the above actions have been achieved.
- Hartlepool YJS are now in a position to run a Reoffending report from Child View and are utilising the tracker available. The information being provided is more timely and allows us to update Leadership meetings and Management boards much quicker with data and analysis
- Senior representation at the regional Reoffending Group chaired by the OPCC
- Since the inception of the Multi Agency Child Exploitation team (MACE) there are now far greater sources of intelligence alongside the Police and partners which aids service wide improvements and targeted work.
- Reoffending figures do however continue to fluctuate and there has been some considerable increase in time between charge and outcome for those children open under the National Referral Mechanism (NRM).

Concerns

- As indicated above the length of time children and courts are waiting for NRM outcomes, this has a considerable effect on the number of adjournments with minimal oversight of these children during this period – There are ongoing discussions with the SCA and within the local authority.

Early & Targeted Intervention/Diversion – Continue to prioritise a reduction in first time entrants to the youth justice system by ensuring that creative strategies and services remain in place locally to prevent children and children from becoming involved in crime and anti-social behaviour.

Key Actions

- Maintain and enhance the YJS Early & Targeted Intervention programme "CHOICES" across Children's Services and the partnership
- Operate a targeted approach to supporting individuals and groups of children at risk of offending - based on intelligence and collaborative working with key partners (Police, ASB, Early Help, Voluntary Community Sector, Schools, etc.)
- Work with the Multi Agency Child Exploitation team (MACE) and partners to reduce and respond to Child exploitation

- Ongoing trend analysis of past and current FTE's to identify key themes and responses
- Ongoing briefings to key partners (such as Police and Social Care) to emphasise and promote the Prevention and Diversion agenda
- Continue to review and deliver our point of arrest diversion as a distinct and substantially different response to formal out of court disposals
- Continue to review the Diversion & Prevention strategy in place ensuring it includes how children are identified for diversion/prevention, how the services are delivered, by whom and how success is evaluated.

Update:

- All of the above actions were achieved
- Early & Targeted Intervention programme, CHOICES is continuing to receive referrals from within Children's Services.
- The service continues to work directly with children through our diversionary offer of Restorative Intervention and both Triage 1 and 2, all referrals are via the Police and Courts.
- The Turnaround programme is now up and running and adding a further offer alongside Preventions & Diversion
- Hartlepool YJS alongside South Tees YJS and Stockton YJS are in discussion with the OPCC re the "Immediate Justice" element of the very recently published Anti-Social Behaviour Action Plan

Concerns

- There have been a significant amount of changes and increased workload placed on YJSs nationally with the introduction of Turnaround the added KPIs. These changes and developments will take time to establish and within day to day operational delivery.

Remand and Custody & Resettlement – demonstrate that there are robust and comprehensive alternatives in place to support reductions in the use of remands and custody and the YJS Resettlement Policy is reviewed and evaluated.

Key Actions

- Monitor and maintain the use of Compliance Panels to ensure continued effectiveness
- Ensure the Service provides intensive packages of supervision and support to high intensity orders and bail arrangements
- Ensure that the needs of children in custody and the factors relating to their offending behaviour are addressed in the secure estate to prevent further offending upon release
- Continue to review and evaluate the Resettlement Policy in place for children upon release from the secure estate (HMIP Youth Justice inspection framework, standard 4.1 Resettlement, May 2021)
- Regularly review capacity to deliver ISS, and resource appropriately, through a multi-agency approach

Update

- All of the above was achieved
- We continue to utilise and review our current Resettlement Policy
- We continue to be without a seconded Probation Officer since Nov 2021, discussions continue with the Probation Service.
- We have seen an increase in children remanded to local authority care in line with the Remand Framework and continue to work closely with the courts and partners to ensure all children receive the best support available
- Hartlepool YJS will be a part of the upcoming YRO (ISS) pilot commencing on the 3rd July 23.

Concerns

- There is a national shortage of suitable regulated local placements for children remanded to local authority accommodation.

Risk and Safety & Wellbeing (Asset Plus) – ensure all children and children entering or at risk of entering the youth justice system benefit from a structured needs assessment to identify risk of harm, safety and wellbeing concerns and desistance factors, to inform effective intervention and risk management.

Key Actions

- Continued Asset Plus refresher training, ensuring robust assessment of a child's needs
- Work in partnership with other agencies to ensure there is a co-ordinated assessment and plan relating to a child's risk and safety & wellbeing
- Implement an audit cycle/performance clinic to ensure assessment and plans are meeting the appropriate quality standards through robust and transparent quality assurance and feedback.
- Ensure that desistance factors are identified and analysed in all assessments of every child subject to YJS supervision through quality assurance and staff supervision.
- Attendance and contribution to YJB Regional Effective Practice groups and peer collaboration with Tees Valley and North East YJS colleagues
- Ongoing internal staff training and workshops to benchmark quality standards in the management of risk and safety & wellbeing
- Continue to work alongside the partnership to identify suitable interventions and pathways for children and children criminally exploited and potentially being drawn into County Lines activity
- Undertake 'Practice Week', this consists of a team of independent auditors to carry out case work audits, undertake practice observations and gain feedback from children and their families. The evaluation of practice week will inform the service development plan.

Updates

- All above achieved and continuing throughout 2023/24

Restorative Justice & Victims – ensure all victims of youth crime have the opportunity to participate in restorative justice approaches and restorative justice is incorporated in to the work undertaken with children who offend.

Key Actions

- Ensure that victims of youth crime have the opportunity to participate in restorative justice approaches leading to improved outcomes for victims
- Continue to use restorative practice across all aspects of the Youth Justice Service
- Regularly re-visit, review and develop practice and process around Referral Order panels to ensure increased involvement from victims, panel members, children and their families
- Continue to develop the in-house RJ 'offer' to consolidate and embed current and better integrated working practices – including the victim's evaluation

Updates

- RJ continues to be a priority area across all service delivery
- We are seeing an increase in Victim participation
- Victim evaluation & feedback is improving
- We continue to provide a suite of suitable reparation projects and will aim to source projects in line with the child's voice.

Effective Governance – ensure that the Youth Justice Strategic Management Board is a well constituted, committed and knowledgeable Board which scrutinises Youth Justice Service performance.

Key Actions

- The Youth Justice Management Board will provide oversight and scrutiny of the service action plan and performance
- Ensure Management Board members attend regular development and shadowing opportunities as provided by the YJS Manager.
- Continue to review the Terms of Reference for the YJS board to ensure it is fit for purpose and includes appropriate representation and contribution of all statutory partners.
- Attendance and representation at YJB Regional executive meetings with colleague YJS Managers from the North East – to share learning and Governance issues to improve wider regional service delivery

Update

- All of the above was achieved
- There is a continued programme in place for all board members
- Board members will be offered a number of bite size sessions to upskill and aid their knowledge of the service, service delivery and requirements etc.

Voice of the Children – ensure that all children are actively involved in developing their own plans having the opportunity to develop and inform current and future service delivery

Key Actions

- Ensure children's involvement in relation to their assessment and plans is clearly evidenced within the records.
- Children to be actively involved in developing their own plans and their comments are captured at implementation, review and closure of all plans
- The service will ensure children are provided with opportunities to influence and shape service delivery – through access to, and completion of, Survey Monkey feedback, session evaluations, closure summaries and SAQ
- YJS leadership team to hold regular evaluation/feedback meetings to ensure all comments are seen and actioned where required and findings shared at quarterly management board meetings

Update

- Considerable work has been undertaken across the service with all staff, the implementation of a Child First operational guidance includes how we capture the voice of the child and more importantly what we do with the findings. The Voice of the Child continues to be captured via SAQ, sessional feedback sheets, Survey Monkey and Closure Summaries, all findings are analysed at Leadership meetings and produced at board meetings for further scrutiny and action.

'Child First' – ensure that the Child First principles are regularly reviewed and embedded within the Youth Justice Service and that every child has the opportunity to live a safe and crime free life, and make a positive contribution to society.

Key Actions

- Prioritise the best interests of children, recognising their needs, capacities, rights and potential.
- Encourage children's active participation, engagement and wider social inclusion.
- Ensure that all work carried out by the service is a meaningful collaboration with children and their parents/carers.
- The YJS will promote a childhood that is removed from the Justice System, using prevention, diversion and minimal intervention and that all work minimises stigma.

Update

- We continue to advocate strongly on the "Child First" ethos embedded with the YJS

- Guidance clearly highlights what is expected throughout Assessment, planning, interventions, reviews and closures for all children within the YJS.
- The above is monitored by way of children feedback and evaluation as well as via supervision, QA, case audits and direct 1:1 with the child.

Education, Training, Employment – Working in collaboration with partners i.e. Schools, Virtual School, One Stop Shop etc. to ensure all Children open to the YJS are actively engaging in some form of suitable ETE, thus reducing NEET numbers and increasing attendance.

Key Actions

- Ensure Education is suitably represented on the Strategic Management Board
- Education reports are submitted by partners for each Strategic Management Board meeting and contain as a minimum, how many children are not receiving their education entitlement, how many are excluded, on part time timetables or electively home educated. This data should be analysed to identify any disproportionality and care status of the child. The number of children who have Education and Health Care plans (EHCP) who are open to the service should be provided.
- Encourage children's active engagement with their respective education provider
- Continue to build upon the monthly Education meetings with all education partners
- Continue working in collaboration regarding children with EHCP/SEN

Update

- Education reports are now presented at every quarterly management board meeting, data is provided on how many children are not receiving their education entitlement, how many are excluded, on part time timetables or electively home educated. This data is analysed to identify any disproportionality and care status of the child. The number of children who have Education and Health Care plans (EHCP) who are open to the service is also provided, analysed and discussed.
- Our education support is growing and our communication and challenge with education providers is vastly improving.

Serious Youth Violence & Exploitation – Working in collaboration with the MACE, Police and all other partners to ensure that all forms of serious youth violence and exploitation are identified and suitable plans implemented to reduce the risks.

Key Actions

- Continue to have representation at all MACE meetings
- Ensure any identification of potential exploitation via assessment and ongoing work is referred into the MACE straight away
- Alongside partners ensure NRM referrals are completed for all relevant children and followed up
- Build upon the risk management meetings (RMM) convened by the YJS ensuring all actions are completed, safety plans are in place and suitable contingency plans are identified
- Continue to ensure senior YJS representation at all relevant strategies/complex case discussions and mapping meetings
- Continue to have senior representation at all PREVENT meetings
- Continue to work alongside the OPCC/Police and all partners in implementing and sustaining the Violence Reduction Unit (funding recently received in Cleveland for implementation)

Update

- The YJS have senior representation at all MACE meetings
- All ongoing NRM and potential NRM are discussed and scrutinised at the MACE meetings

- The YJS attend monthly Police Tactical Control Group and Multi Agency Risk of Serious and Organised Crime meetings to discuss in depth Organised Crime Groups, Criminal Peer Groups and any children potentially linked to these
- Regular staff training is made available by the LA re exploitation, County Lines and all forms of Modern Day Slavery
- RUI continue to be analysed in monthly leadership meetings and scrutinised alongside serious youth violence offences with the Police and CPS, daily data spreadsheets are produced by the seconded Police Officer giving live updates on all cases.
- The 3 Cleveland YOTs have strategic representation across all tiers of the VRU (CURV)
- Via CURV and with management oversight by the Cleveland YJSs we have 4 x Custody Navigators in post due to go live in July 2023, this will ensure earlier engagement with all children entering the Custody Suite.

Substance Misuse – Working in collaboration with partners i.e. Horizons/START to improve and sustain the engagement of children open to the YJS within substance misuse services.

Key Actions

- Ensure Substance Misuse providers are suitably represented on the Strategic Management Board
- Regular reports/updates submitted to the Strategic Management Board by Substance Misuse providers
- Ensure the continued working arrangements/pathways are embedded between the YJS and Substance Misuse partners
- All children and children identified as needing support are actively encouraged to engage with appropriate Substance Misuse services

Updates

- All of the above has been achieved
- Pathways into SM services are maintained with regular communication and their representation at board meetings
- All children entering the YJS are actively encouraged to engage with SM services as required

Over represented children – Identify and address any areas of over representation within the YJS cohort alongside the management board and partners

Key Actions

- Ensure a quarterly Needs Analysis of the YJS cohort continues to be presented at each Management Board for analysis of over representation and ongoing needs/gaps within service delivery
- Continue to scrutinise all HMIP Thematic report findings i.e. the over representation of BCIOCK and Mixed Heritage boys, Looked After Children etc and ensure discussions and any potential actions are agreed and implemented by the management board

Update

- Disproportionality is now an agenda item with the YJS managers report to quarterly management boards.
- A service needs analysis to be presented at each management board meeting highlighting over representation, discussion and actions are formulated and monitored.
- Regular ongoing discussions with all partners including Police and Social Care are undertaken to address and look at potential actions for any areas of over representation within the service.

7. Resources and Services

The Youth Justice Service budget is mainly resourced by a combination of Local Authority funding and Youth Justice Board grant.

****2023/24 budget costs and contributions are attached at Appendix 2**

As we write and produce this plan we are unfortunately still unaware of the amount of YJB grant we will be receiving for 2023-24, the figures indicated in Appendix 2 have been based on last year's YJB grant amount without the uplift.

The National Probation Service continue to provide funding (£5k) as well as their staffing contribution which is 0.5 FTE, this post is currently vacant and ongoing discussions are underway with the Probation Service to resolve this. The ICB contribution is a non-cash contribution via the commissioning of the Trauma Informed Care Pathway and the YJS Nurse Specialist is funded from Public Health.

Cleveland Police still provide a full time seconded Police Officer. Funding once again has been secured from the Police and Crime Commissioner towards the delivery of Triage, this is secured until 2025.

We use our grant, partner contributions and available resources to deliver the below services to all children. In 2023/24 we aim to improve and maintain our performance across all areas of delivery ensuring a child first ethos is embedded throughout.

- Early/Targeted Intervention
- Prevention & Diversion
- O OCD
- All Post Court orders

8. Performance & National Key Performance Indicators

Existing key performance indicators

Binary reoffending rate

Work has now been completed by the Data team, YJS leadership team and Business support to set up the reoffending toolkit within our management information system Child View, this data is very useful and informative for management boards and any reports requested.

Unfortunately the Youth Data Summary from the MoJ/YJB isn't always timely with some significant waiting at times and discrepancies in the data. There have been discussions nationally with MoJ and YJB regarding this and plans are afoot to look at better and easier ways to capture this data.

We continue to establish and embed a collaborative Multi-Agency solution and response to reoffending. Strong communication across Children's Services and Cleveland Police ensures regular discussions/mapping meetings are being undertaken with clear accountable actions for

everyone. Alongside this the YJS puts a great deal of focus on their Multi-Agency risk management meetings for those small numbers of cases posing the highest risk of reoffending.

The YJS have representation on the Cleveland Reducing Reoffending Group which feeds into the Cleveland and Durham Local Criminal Justice Partnership. There is also representation on the Cleveland Prevention and Diversion, and Youth Offending sub-groups.

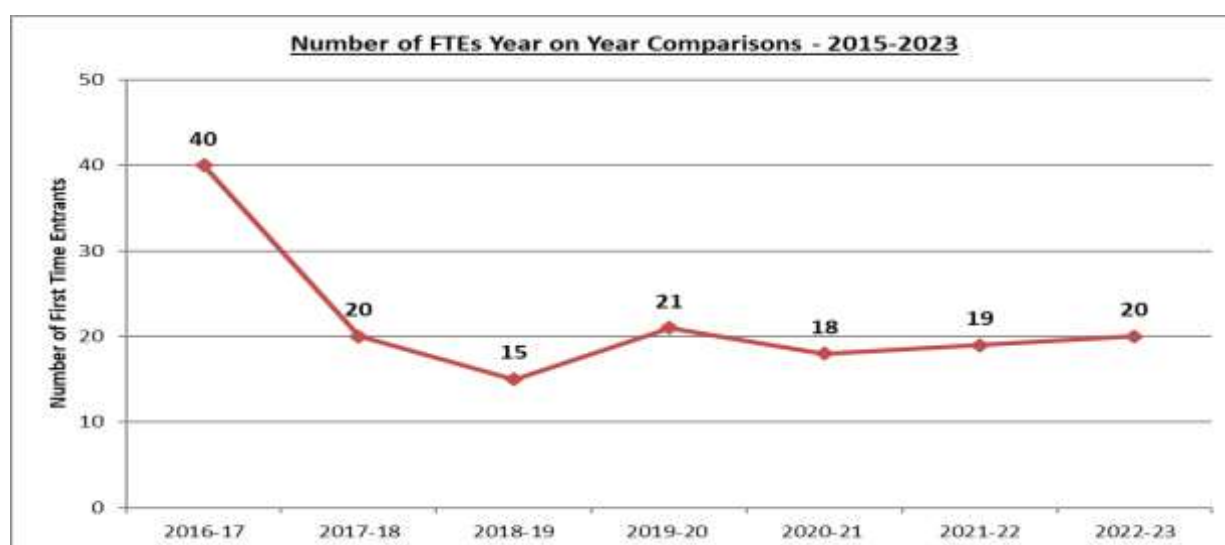
Latest data provided by YDS – Reoffending rates after 12 months, yearly cohorts

- Binary rate - Jul 20 - Jun 21 cohort (latest period) – **26.7%**
- Binary rate - Jul 19 - Jun 20 cohort – **47.8%**
- Percentage point change from selected baseline is **minus 21.16%**

This is lower than the regional and national percentages, however our reoffending binary rates do fluctuate. It is an area of priority for the YJS and partners to identify these YP earlier and offer suitable packages of support.

First time entrants

Hartlepool YJS continue to work hard in reducing and sustaining those reductions in FTE, the last 3 years have seen a levelling off of FTE and numbers have fluctuated minimally. Our recently implemented Early and Targeted Intervention programme – Choices, alongside Turnaround and our diversionary offer of Restorative Intervention (RI) and both Triage 1 & 2 ensure we have robust offers in place to intervene and divert children away from the criminal justice system. Furthermore we worked directly with 50 children last year across Triage (39), Triage 2 (3) and RI (8) who may have become FTE.



Use of custody

There have been 2 remands in 2022/23 and 2 custodial sentences, these are both increases on 2021/22. 1 child was initially remanded and then received a custodial sentence.

Hartlepool YJS have a clear process for alternatives to custody through the offer of ISS packages and utilisation of pre-breach compliance meetings for those at risk of custody via non-compliance. Hartlepool YJS alongside other North East colleagues will be participating in the YRO (ISS) Pilot due to commence on the 3 July 23

Year	Remands	Custody
2019-20	1	2
2020-21	0	2

2021-22	0	1
2022-23	2	2

Additional key performance indicators (from April 2023)

It is a now a requirement of the service to report on the following new key performance indicators from April 2023, with the first submission due August 2023.

There will be an increased workload placed upon business support, especially whilst carrying out quarterly data cleansing, although over time it is hoped the process becomes seamless and that everyone benefits from the data and information that can be gathered from these added KPIs. Currently we don't perceive any issues or risks other than the increased workload on business support staff.

- **Suitable accommodation** – The YJS have senior representation on the local authority housing and accommodation panel. Attendance at all relevant Social Care meetings and ongoing communication will ensure we are able to identify suitable/unsuitable accommodation and challenge/address where needed.
- **Education, training and employment** – There is senior representation from the Virtual School and Post 16 service at management boards and a consolidated report is produced quarterly. There are also monthly internal education meetings.
- **Special educational needs and disabilities/additional learning needs** – Via the Virtual School pathways have been implemented with the SEND team. Regular ongoing communication, attendance at meetings and suitable challenge should ensure we are able to monitor and record sufficiently.
- **Mental health care and emotional wellbeing** – The YJS have a very good health offer via the YJS nurse specialist, Speech and Language therapist and Clinical Psychologist for the Trauma Informed Care Pathway (TICP). All have access to their own service systems and information and speedier (at times) processes for further referrals
- **Substance misuse** – The HOS Substance Misuse attends the management boards and produces a quarterly report. There are pathways/referral routes in place to ensure a speedy process and regular information sharing.
- **Out-of-Court Disposals** – We have a considerable amount of data and information available on all children engaging with the service via an OOCd as well early/targeted intervention and Turnaround.
- **Links to wider services** – The YJS are in a position to clearly highlight and indicate the links to wider services and outward referrals made
- **Management board attendance** – This will be monitored on a quarterly basis and board members politely reminded of attendance on an ongoing basis.
- **Serious violence** – The YJS is well represented within the CURV and regular ongoing meetings are held to identify, discuss and analyse all elements of Serious Violence. The YJS manager was also part of the AYM consultation process with the Serious Violence Duty.
- **Victims** – A lot of work is carried out with victims of crime, the YJS RJ worker contacts all victims ascertains their willingness to engage and follows the process from there. All data is collected and stored securely on the MIS.

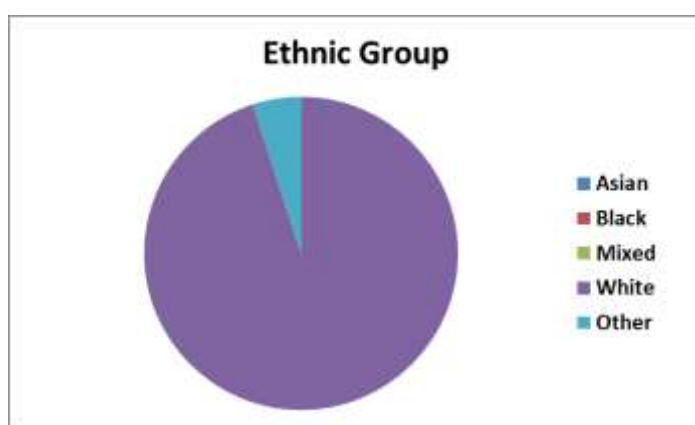
9. Local performance

6.2 APPENDIX 1

The service is dealing with smaller caseloads consisting of very complex individuals with multiple risks and vulnerabilities. Hartlepool YJS carry out a quarterly Needs Analysis of all children open to the service to ensure we thoroughly understand the collective needs of the children and ensure the service is able to respond to this. The Needs Analysis enables the service and partnership via Management Board meetings to have a good snap shot of the current cohort's complexities and potential gaps within delivery, services and areas of concern as well as any areas of over representation. Recent analysis reveals a cohort with many having very difficult home lives, they display much broader lifestyle choices i.e. substance misuse and the need to generate income to maintain this. This also reflects the national and regional picture in terms of caseload composition.

The information below was taken from the latest YJS Needs Analysis on the 04 05 23 and discussed at the management board on the 09 05 23.

The analysis was undertaken on 21 completed assessments.

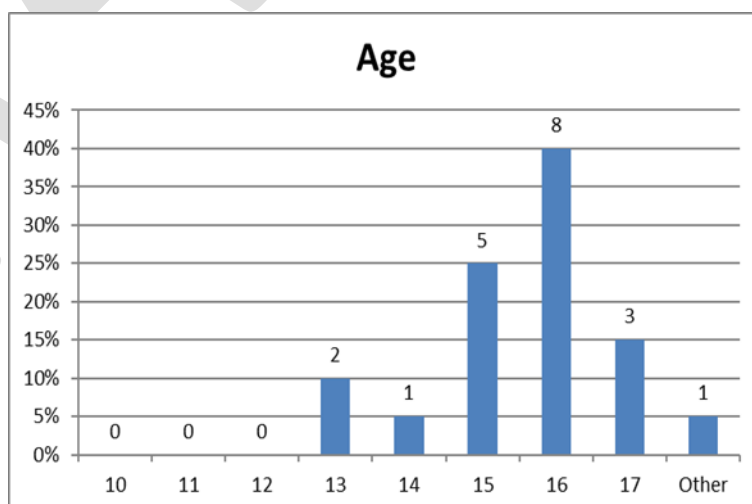


Of the 21 CYP 1 is a Traveller and the remainder White

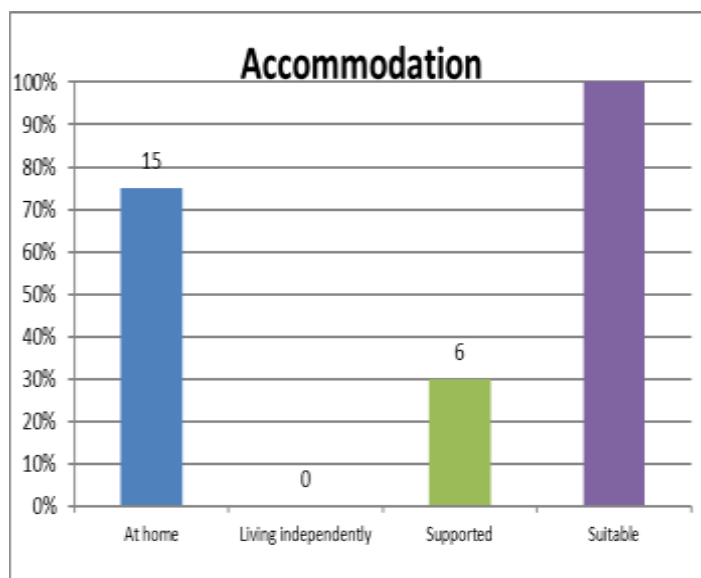
Ages are spread across the spectrum, however currently the youngest being 13.

15, 16 & 17 are generally our busiest age range

This cohort includes 2 females 15 & 17



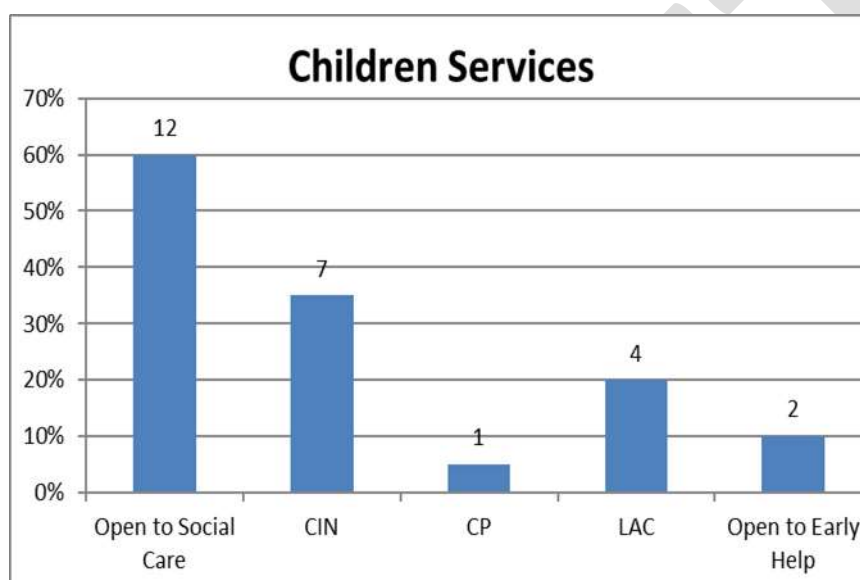
6.2 APPENDIX 1



17 CYP are classed as living at home, this is either with parents or an extended family member i.e. Auntie/Uncle, Grandparents etc.

6 x YP are classed as living in Supported accommodation, 2 of these are currently in HMYOI Wetherby, 2 are placed out of area and 2 placed in Hartlepool.

All accommodation is currently deemed suitable



Of the 21 YP 12 are currently open to Social Care – 7 are CiN, 1 CP and 4 are CIC

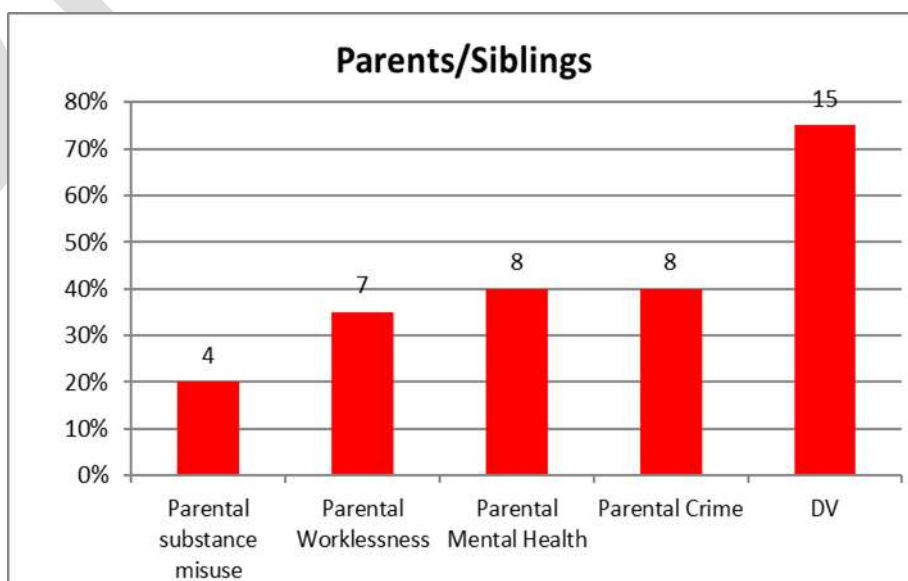
There are also 2 YP open to Early Help.

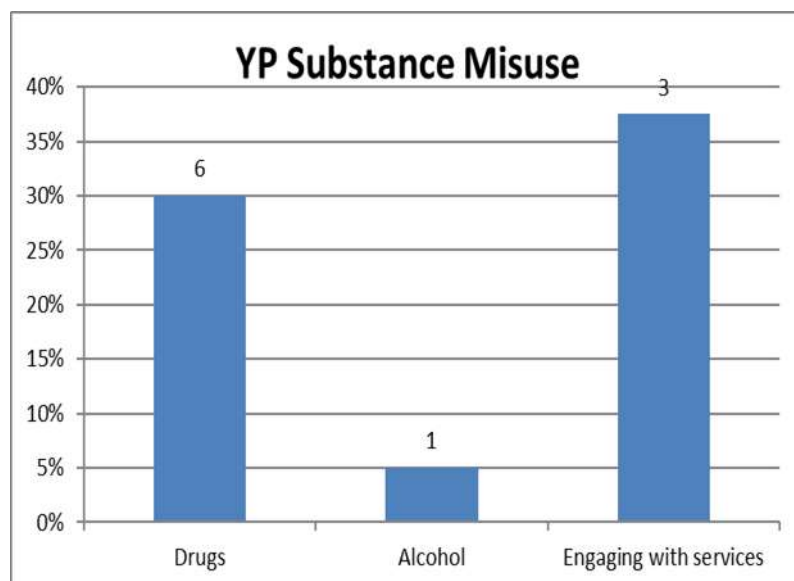
These figures equate to 15 of the 21 YP in this analysis.

Of the 4 parents identified as using substances 3 are engaging with services

Of the 8 identified as having MH issues 4 are engaging with services

DV – 15 CYP have witnessed DV





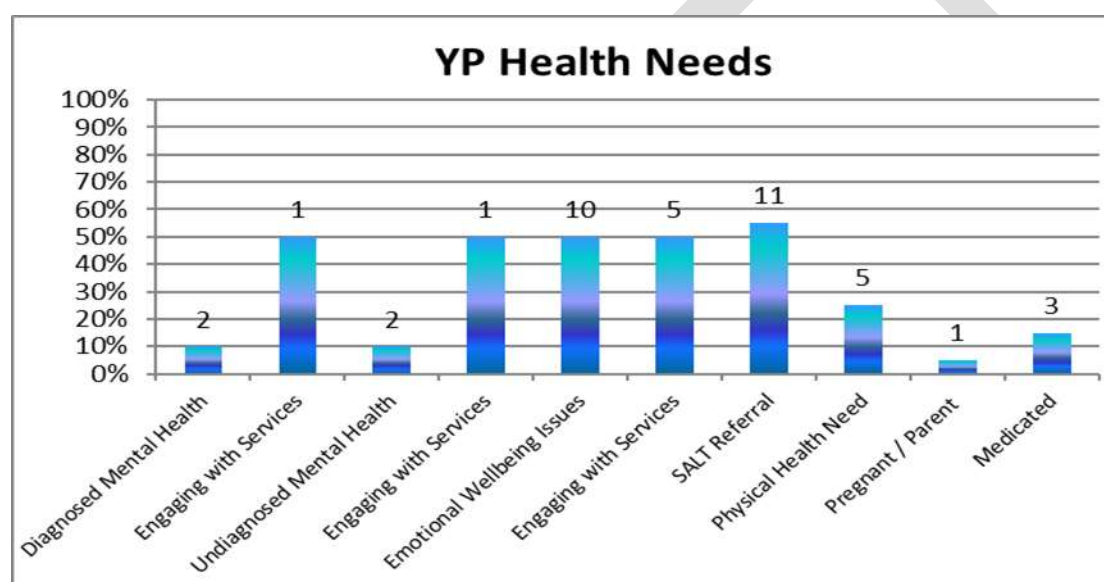
7 YP have been assessed as using substances/Alcohol

6 Drugs only

1 Alcohol only

4 referrals have been made by either the YJS or other services

3 is currently engaging or have engaged



2 CYP have a MH diagnosis, of those 1 is actively engaging with support

2 CYP have undiagnosed MH with 1 currently engaging in support

10 CYP have been identified as needing some form of emotional wellbeing support, of those 5 are engaging with services

11 CYP have been referred for a SLCN assessment and have or are engaging in the process

5 CYP have an identified/diagnosed physical health need

1 CYP is pregnant

3 CYP are medicated

****These graphs highlight a small snap shot of the Needs Analysis completed – May 2023**

****Education, attendance, SEND status i.e.EHCP and SEN need is captured in the Education report presented by the Virtual School Head teacher at all board meetings.**

10. Priorities

Children from groups which are over-represented

It is widely known that children from a range of backgrounds are over-represented in the youth justice system. Nationally it is known that Black and Mixed ethnicity boys are over-represented and a recent HMIP thematic report made a number of recommendations for local authorities, YJS partnerships and YJS managers in relation to these children.

However, it is not only Black and Mixed ethnicity children that are over-represented, and the YJS are aware and respond to any local concerns about all children from over-represented groups. This includes but is not limited to children known to social care services, children excluded from school and Gypsy, Roma and Traveller children.

There is no data to indicate that black and mixed ethnicity children are over-represented within Hartlepool YJS as well as Gypsy, Roma and traveller children. However the number of children within our care does fluctuate and at times there can be an over-representation as well as children excluded from school.

Disproportionality is covered within the YJS managers' report at the quarterly management board meetings. The following information was presented and discussed at the board meeting held in May 2023.

Children in our Care (CIOC)

- As at 02 05 23 there were **4** CYP who were CIOC open to the YJS, 2 on Statutory Referral Orders, 1 due to a remand episode with an ISS package and 1 for a Pre-Sentence Report (PSR)
- That equated to **11%** of the current YJS cohort
- Of the **4** CYP 2 were CIOC before becoming open to the service, **1** became a CIOC after entering the YJS and **1** became a CIOC due to their current remand episode, all are male.
- **3** of the CYP offences were committed out of placement, however **1** assaulted emergency workers at the point of arrest within their placement.
- We were also working with a further 3 CIOC on voluntary arrangements, 2 via the Choices programme and 1 via an AIM 3 assessment.
- As at the 02 05 23 in Hartlepool there were **203** CIOC 10-17 year old.
- **2%** of the overall 10-17 CIOC are currently open to the YJS on a statutory order/bail programme.

The YJS works very closely with Cleveland Police, CPS and the Courts to ensure protocol has been followed (10 point check) and there is clear transparent decision making. We also work alongside Social Care and the Through Care teams to ensure a good robust package of multi-agency support is afforded to each child. RJ training is also available and delivered to Care Home staff as required by the YJS RJ officer.

Prevention

Hartlepool YJSs recently implemented early and/or targeted prevention programme is known locally as "The Choices Programme"

Referrals are received from within Children's Services i.e. Social Care/Early Help for all children 10-17 displaying behaviours associated with offending, antisocial behaviour, or other vulnerabilities. All referrals are screened and discussed at management meetings

A worker is allocated from the Pre Court team who will undertake a further YJS screening tool, gain consent and implement an intervention plan alongside the child, parent/carer.

To date and in a short space of time we have engaged **18** children fully through a programme of interventions including positive activities, none of these children have had any further involvement with the YJS currently.

******This is a voluntary programme and children will and do decline to consent or disengage during interventions, we make every effort to keep all children engaged in the process which to date has proven effective.

Diversion

Hartlepool YJS as with the majority of YJSs has a strong diversionary offer to steer children out of the criminal justice system and avoid criminal records.

Our direct diversionary offer delivered directly by YJS staff consists of:

- Restorative Intervention (RI)
- Triage1 & 2
- (Turnaround)

Referrals are received via the Police (G26) and screened within our weekly OOC decision making panel, discussed in depth and decisions agreed as to the most suitable programme for the child. Mitigation, Gravity Scores and historical factors are taken into account prior to any decisions being made. Attendance at the panels will be a YJS manager, YJS Police Officer, RJ Officer, YJS nurse, SW/EHW (if open to other services) and education etc if required. At times referrals can also be sent from the court for consideration of an OOC and undergo the same process.

The child is allocated a worker who will gain consent and carry out a screening tool/assessment prior to jointly creating an intervention plan alongside the child, parent/carer. If the child fully engages with either RI, Triage or Triage 2 the initial offence is closed under Outcome 22. If however the child disengages or further offends it may be returned to the Police where a Youth Caution etc can be imposed.

The YJS has senior representation on the Durham/Cleveland OOC Scrutiny Panel where cases are looked at scrutinised/analysed i.e. was diversion the right offer, and all actions and future recommendations highlighted.

In 2022/23 Hartlepool YJS worked with **50** children via Triage **(39)**, Triage 2 **(3)** and RI **(8)**

******From April 2021 to March 2022 Hartlepool YJS worked with **34** children across the diversionary offer as at 31 03 23 **5** of those children had reoffended – this equates to a binary reoffending rate of **16%**, however more importantly **84%** hadn't reoffended.

Turnaround

School aged young people- School type

All YJSs nationally also have the Turnaround programme up and running. This programme has been very recently implemented and YJSs report directly to the MOJ with all returns, data and reports. This programme offers (voluntary) support via evidenced based interventions to all children who are currently Released Under Investigation (RUI), have been No Further Actioned (NFA) by the Police for an offence, at court may have received a Fine, been acquitted, had the case withdrawn or received a Conditional Discharge. Children having committed ASB and sign an Acceptable Behaviour Contract can also receive the support.

Children become ineligible for the programme if they are open to Social Care as Child Protection or a child in our care or are open to Early Help services – however children open as Child in Need can participate. A child can only participate with the programme once and can't be open to the YJS on a statutory order.

It's far too early in the life of the programme to create any meaningful data or be able to prove effectiveness, however in time the data will be valuable. The programme is funded until March 31st 2025.

Education

All YJS staff have direct access to a named Education worker within the Virtual School and a named worker within the One Stop Shop for all Post 16 children. The YJS will be commissioning time from an Educational Psychologist from Sept 23 who will significantly add to our education support offer.

There are monthly education meetings held within the YJS with all partners in attendance where every child is discussed, actions raised and the education database updated. The YJS also have senior representation on the monthly Inclusion partnership meetings. The Virtual School Head Teacher and One Stop Shop manager attend and produce reports for all management board meetings

**The following data is taken from the Education report produced for the Management board meetings

No of moves	No of Young people
0	6
1	8
2	4
3	1
4	3
5	0
6	0
7	1

Attendance Band	No of Young People
-----------------	--------------------

Number of days suspension	
Child 1	5
Child 2	18
Child 3	5
Child 4	2
Child 5	20.5
Child 6	26
Child 7	10
Child 8	33.5
Child 9	16
Child 10	2
Child 11	1.5
Child 12	2.5
Child 13	15.5

%	
100-95	1
94-90	5
89-85	3
84-80	1
79-75	1
74-70	1
69-65	0
64-60	1
59-55	0
54-50	1
49-45	0
44-40	2
Under 40%	6

The data proved is invaluable and provides excellent discussion, challenges and clear actions moving forward.

Restorative approaches and victims

Whilst crime rates in Hartlepool have fallen, the likelihood of being a victim of crime still remains a reality, especially in our most vulnerable and disadvantaged communities. The YJS and broader Youth Justice Partnership are working hard to reduce the numbers of victims of crime, by incorporating the use of restorative justice practices. Restorative Justice (RJ) provides opportunities for those directly affected by an offence (victim, offender and members of the community) to communicate and ensure victims of youth crime have a voice.

In addition victims of youth crime are helped to access appropriate support pathways that enable them to move on from the impact of crime.

A personalised approach is taken to ensure that victims of crime in Hartlepool are placed at the centre. This includes ensuring that individual needs and wishes are fully taken into account. As a result we aim to visit all victims of crime so they are able to access pathways to support, including the option to participate in restorative justice. Across 2022/23 there were **52** contacts with direct victims of crime and where consented, a Victim Impact Statement carried out.

RJ is an important underlying principle of all disposals for children on YJS caseload, from Diversion to Detention & Training Orders.

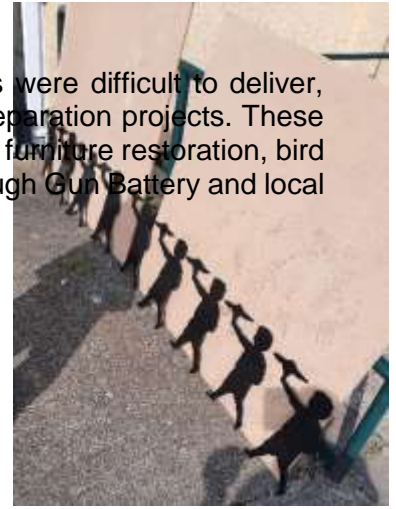
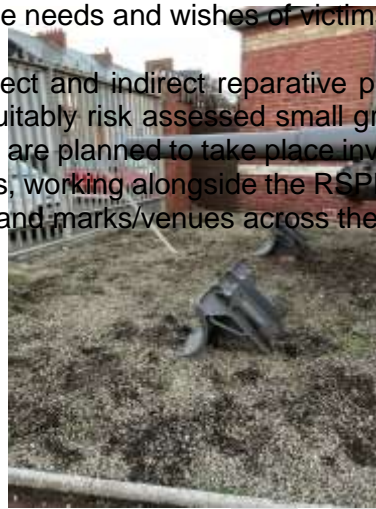
Whilst restorative processes technically result in practical reparation, for example participating in a task that benefits the community, the communication between victim and the child who has committed a crime, as part of this process, can also produce powerful emotional responses leading to mutual satisfaction and socially inclusive outcomes.

All YJS staff have undertaken service-wide RJ training, many to level 3 and the RJ/Victim lead to Level 4. The previous decision to bring RJ and victim work in house has enabled Hartlepool YJS to have direct control and influence in shaping the direction and quality of this work, including the establishment of updated working policies, practices and procedures. In turn, this has already begun to result in better outcomes for both victims and children and is much more responsive to local need.

6.2 APPENDIX 1

There is considerable evidence that RJ practice is much more integrated across all areas of the service. In particular, there is a closer link between those workers with additional RJ responsibility and case managers in relation to the needs and wishes of victims.

During the last couple of years direct and indirect reparative projects were difficult to deliver, however we are now introducing suitably risk assessed small group reparation projects. These are individual bespoke projects and are planned to take place involving furniture restoration, bird boxes for distribution to local groups, working alongside the RSPB, Heugh Gun Battery and local community projects at well-known land marks/venues across the town.



Reparation completed at the Heugh Gun Battery

Community reparation completed in a community allotment

Serious violence and exploitation

All 3 Cleveland YJS` have strategic representation within the Cleveland Unit for the Reduction of Violence (CURV). There are a number of meetings, boards and training events organised via CURV that the YJS attends. Improved data sharing and intelligence is evident and will continue to improve as the CURV takes shape and partner input begins to grow. There are also much clear links across the local authority and wider partners regarding Serious Violence. The YJS manager within his role as North East regional rep on the Association of YJS Managers (AYM) executive board led and produced the AYM national response for the consultation regarding the Serious Violence Duty.

The YJS Manager also has serious incidents within his report to the board and these are discussed and analysed for any lessons learned etc. During 2022/23 Hartlepool YJS reported **2** Serious Incidents to the YJB, all children involved were not known to the YJS previously.

There is ever improving partnership work across Hartlepool to address child criminal exploitation and interaction with the NRM. Hartlepool Multi Agency Child Exploitation team (MACE) lead on all matters regarding exploitation. There are regular case discussions and People/Areas of interest meetings which the YJS has senior representation at. The YJS has very good communication and information/intelligence sharing with the MACE team and co work many complex cases. A lot of work is ongoing with the SCA re NRM and regular liaison with the Police, CPS and Courts ensures everyone is as updated as can be. All YJS staff have attending various training events organised by the MACE re exploitation.

All YJS staff have carried out up to date Prevent training in line with local authority requirements.

The majority of children RUI who meet the criteria will be offered Turnaround, more up to date and current data will be made available as the programme progresses. As part of the YJS managers' report to management board meetings all RUI and bail figures are shared and discussed to measure the time from arrest to outcome. Suitable challenge is made where required.

Detention in police custody

A significant amount of work has been undertaken across Cleveland re children detained in Police custody. There is a monthly "Children in Custody" meeting where we discuss all children who have been held in custody 12 hours or more in the previous month. The meeting is attended by senior representation from the 3 Cleveland YJS`, Police Custody Management, EDT, Social Care, Custody health team and L&D. Every child is discussed to ascertain the reasons behind their length of stay in custody and suitable actions highlighted where required. The meeting is well attended and a lot of valuable information is shared.

This meeting has prompted further discussions and meetings such as, SCH Newton Aycliffe re the availability of PACE beds, discussions are underway.

The CURV has also recently funded 4 x Custody Navigators to engage, liaise and where needed support all children entering the custody suite. Management oversight is via South Tees YJS, however the Custody Navigators will engage all children and liaise directly with the home YJS, working across all 3 YJSs. This should hopefully speed up the process for children in the custody suite as the Navigators will also take on the role of Appropriate Adult as and when required.

Excitingly an area of the custody suite is being set aside for children only and a plan of works is in place to transform this into a Trauma informed space. There will be a separate entrance and exit, there will only be children allowed in this area and areas are being prepared with suitable reading materials, fidget objects, painted walls etc. We are very much looking forward to this being completed. The Custody Navigators are due to go live in early July.

The following data is correct as at June 23 regarding outstanding Police investigations/enquiries

- **39** Offences currently being investigated
- Of those **18** offences are currently Released Under Investigation (RUI)
- The remaining **21** are Conditional/Unconditional Bail
- **7** of the 39 are with CPS for charging decisions
- **16** are currently Out of Court disposals or awaiting referrals via the Police
- **14** ongoing investigations continue (most recent offences)
- **2** will be ready to charge within 6 weeks

The YJS monitors time from offence to outcome and updates all data via the quarterly YJS management board meetings and challenges the Police/CPS as required.

Remands

There has been an increase in remands to Youth Detention Accommodation (YDA) and a small increase in the use of Remands to Local Authority Accommodation (RLAA). There are ongoing strategic discussions looking at suitable alternatives and plans for future RLAA.

In 2022/23 we had 2 very short remands to YDA, however 2 lengthy RLAA.

As a service we are constantly offering creative alternatives to the use of remands and custody. The changes to ISS and the impending YRO (ISS) pilot with trail monitoring will enhance this offer and allow us the opportunity to offer a more creative and potentially robust alternative to custody with an improved process of oversight and management.

Use of custody

Nationally the use of custody has decreased significantly over the past ten years and this is rightly a success in the youth justice system. When children do go to custody it can have a damaging effect on their lives, disrupting education and straining family relationships. Children in custody are likely to be amongst the most complex and vulnerable children in society.

Hartlepool YJS generally has relatively low numbers of children with custodial sentences, and every effort is made by the service to offer creative alternatives to a custodial sentence.

The service has very good links to the local secure estate and ensures timely communication and planning is undertaken at all times.

All relevant services are involved from outset and the 7 point plan is instigated from the beginning of every custodial sentence and followed throughout their sentence ensuring **Constructive Resettlement**.

Hartlepool have implemented a Constructive Resettlement Guidance document which all staff follow to ensure every child is supported from sentence to resettlement.

There is regular management oversight of this via meetings, supervisions and QA. The guidance also highlights processes to be undertaken prior to sentence including Pre Sentence Reports (PSR) and the need for child/family involvement throughout. Actions to be undertaken at court after sentence and also in the first 10 days of sentence and then throughout their sentence planning for constructive resettlement.

7 Point Plan:

1. Case Management and Transition: Ensure that young people serving custodial sentences receive effective, end to end service provision based on a thorough assessment of need and risk, in order to reintegrate them into the community

2. Accommodation: To ensure that all young people leaving custody can access suitable accommodation and support where appropriate.

3. Education Training and Employment: Provide all young people with suitable and sustainable Education, Training and Employment through their sentence and beyond.

4. Health: Ensure that all young people in custody have access to suitable and sustainable general and specialist healthcare services, based on individual need, so that problems are assessed and treated at the earliest opportunity and in the most appropriate manner.

5. Substance Misuse: Ensure that all young people entering custody are screened for substance misuse, with recognition of previous interventions. Those with identified needs should receive specialist assessment access to appropriate interventions and treatment services, with their aftercare needs met on return to community.

6. Families: Ensure that families of young people in custody receive timely, high quality support and information, from the point of arrest and throughout the young person's sentence.

7. Finance, Benefits and Debt: Ensure young people leaving custody and their families are provided with information and advice so that they are able to access appropriate financial support.

A multi-agency approach is embedded to ensure each area of the above plan is monitored and every child receives the best and most timely support available from all services involved. The service has direct links to all partners in relation to accommodation, health, education, finance/budget, substance misuse and children's services such as Social Care and Early Help who are brought together at the point of sentence.

10. Standards for children in the justice system

Last Judgements completed in 2019/20 from both Strategic and operational Self-Assessments:

Standard	Strategic Self-assessed results	Operational self-assessed results
N1 O OCD	GOOD	OUTSTANDING
N2 At Court	GOOD	GOOD
N3 In the Community	GOOD	GOOD

N In Secure Settings	GOOD	GOOD
N5 On Transition	OUTSTANDING	GOOD

All areas identified for improvement have been included in the updated YJS improvement plans, Strategic Plans and wider YJS/Partner training. There will be a requirement to carry out another self-assessment of the National Standards again this year, however recent documentation has indicated that YJSs will be asked to concentrate on the “At Court” standard. YJSs will be updated by the YJB later in the year.

11. Workforce Development

An annual YJS training needs analysis is completed with the staff and forwarded to the local authority Workforce Development team. The YJS is constantly looking at creative and bespoke training for the staff and in line with identified needs of the children we work with.

Clinical supervision/emotional well-being is available via the Clinical Psychologist for all staff and reflective sessions are built into the YJS internal training programme.

Staff also attend all relevant local authority training as and when required.

	Workforce Development	Action Taken/Planned	Owner	Target Date/Completed
1	AIM 3 - All case managing staff to have attended AIM 3 Assessor and Intervention training	1. All staff to be booked on and complete AIM 3 Assessment/Intervention training 2. Managers to have completed AIM 3 supervisor training	YJS Manager	1. 2 members of staff left to complete AIM 3 Intervention training – Will attend during 2023 2. Operational managers have completed supervisors training
2	YJS refresher trg - All staff to attend YJS internal training sessions identified in training programme. New KPIs included for May 23	1. Internal training programme updated and circulated to all staff 2. Attendance monitored to ensure all staff are captured within the training	YJS Manager/Health team/Business Support	1. Internal training programme ongoing 2. Programme reviewed 6 monthly
3	Child View Clinic - All staff to have access to a fortnightly Child View clinic to upskill, refresh and ask questions, sort issues	1. Fortnightly Child View Clinic implemented and available for all staff to attend.	Business Support Manager	1. Fortnightly Child View clinic implemented and ongoing

6.2
APPENDIX 1

4	YJS training needs analysis completed	1. YJS training needs analysis completed and shared with Workforce Development Team	Leadership Team	1. YJS Training needs analysis has been completed for 22/23 and shared with WD
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Hartlepool YJS

Annual Internal Briefing/Training/Refresher Programme 2023/24

Month	Date	Briefing/Training	Delivery	Comments
Jun 23				
	15 June 1000-1130	Working with Anxiety	SC	
	29 June 1000 - 1200	SLCN refresher	K H	
July 23				
	06 July 1000-1130	Safety Planning	LH	
	13 July 1000-1100	Reflective Practice	SC	
	27 July 1000-1130	Comic strip conversations	KH	
Aug 23				
	No training			
Sept 23				
	07 Sept 1000-1100	Reflective practice	SC	
	14 Sept 1000-1130	Time concepts	KH	
Oct 23				
	05 Oct 1000-1130	Child development	Health Team	
	19 Oct 1000-1130	ADHD	SC	
Nov 23				
	16 Nov 1000-1130	Communication/Trauma	SC, KH	
	30 Nov 1000-1100	Reflective Practice	SC	
Dec 23				
	07 Dec 1000-1130	Teenagers & Hormones	YJS Nurse	
Jan 24				
	11 Jan 1000-1100	Reflective Practice	SC	
Feb 24				
	15 Feb 1000-1100	Sexual Health Refresher	YJS Nurse	
Mar 24				
	21 March 1000-1100	Reflective Practice	SC	

12. Evidence-based practice and innovation

The purpose of evidence-based practice and innovation is to promote effective practices which achieve positive outcomes for children.

This includes systems, ways of working or specific interventions which are based on the best available research, are child focused and developmentally informed.

Alongside this the YJS are constantly looking at creative ways to improve delivery and evidence effectiveness, all commissioned services deliver evidence based practice i.e. SLCN, TICP.

The following 3 recent examples of emerging practice, innovation and evidence based practice below had a very positive impact on the children, Staff and board members.

Emerging Practice – In 2022/23 the YJS began to theme the Management Board meetings and introduce spotlight sessions into these. These are short presentations given by members of the staff team/children on areas of practice within the service. To date we have delivered 4 of these sessions, Diversion & OOD, Reparation, Restorative Justice & Victims and our service Health Offer.

Where feasible we are always looking at children to help deliver these sessions and give their experiences on areas of the service delivery being discussed. We were very fortunate to have a child agree to talk to the board about their experience of Reparation, with support from the case manager the session went extremely well and the child equipped themselves excellently in what many could potentially find very daunting. Everyone at the meeting agreed that the process worked extremely well, board members learnt a lot from the child and were able to understand the process better being able to ask questions directly and listen to a child actually undertaking Reparation.

Innovation - During some recent work with a victim a request was made by the victim, they wanted direct answers to some questions from the child but didn't want to see or meet them, the victim wasn't really keen on correspondence either.

The YJS Victim worker discussed this further with their line manager and a decision was made to potentially attempt to gather the child's answers/response via audio which could be played back to victim. Discussion and clarity was sought via legal and the LA Data Protection lead regarding this, the YJS under guidance created a new consent form and prepared the child for the session.

It was agreed that the process could go ahead and once the victim had heard the child's response the recorded audio would be secured in a safe and then at a given date destroyed. This is the first time as a service we have tried something along these lines, it worked extremely well for both the child and victim and it definitely won't be the last time we use it!

Evidence Based Practice/Intervention

Sports based provision – There is a growing body of evidence ([Homepage - StreetGames](#)) to suggest engaging children and young people in sport can deter from any further involvement in crime and offending.

Child A was referred to the YJS after committing an assault and a further offence of possession of a knife. The Child was recently diagnosed with epilepsy. Following the completion of the AssetPlus assessment it was identified that Child A was spending an increased amount of time in the community and was eager to please his peers, regardless of their behaviour and the associated consequences. Child A's Case Manager referred them to a Parkour programme being delivered by the Local Authority Sports and Recreation Department. Child A engaged and quickly began to develop their personal and social skills, realising that epilepsy would not hold them back. Due to the positive attitude and engagement during sessions, Child A was offered a Junior Volunteer role, which would see them supporting and encouraging younger children. Child A also now gets free access to sessions which removed any potential financial barriers. Child A completed their GCSE's and is considering their Post-16 options, which included sports and leisure.

13. Evaluation

All areas of intervention and delivery are evaluated on a regular basis, commissioned services submit quarterly reports which are internally evaluated within the local authority Commissioning team. Speech, Language & Communication Needs (SLCN), Trauma Informed Care Pathway (TICP) and recently acquired input from ABC Therapies all deliver evidenced based interventions which are both internally and externally evaluated.

14. Service development

This Improvement Plan is presented quarterly within Management Board reports produced by the YJS Manager and discussed/monitored to ensure that relevant senior strategic oversight is in place and direction of travel remains positive.

	Service Improvement	Action taken/Planned	Owner	Target Date/Completed
1	Ensure that the identified priorities for the service correspond to the needs of the children supervised by Hartlepool YJS to ensure these needs are met.	Strategic Priorities have been amended following the findings of recent HMIP thematic inspections and the YJB Strategic plan. These will continue to be amended and discussed at all future Management Board meetings to correspond with the needs of children supervised by the YJS and in line with the up to date Needs Analysis/Data presented at all board meetings. Individual meetings to continue with the Virtual School, OSS, MACE, CURV and Substance Misuse Services to strengthen this process – all are members of the YJS Management Board and will submit updates at board meetings.	YJS Management Team Management Board Chair/Members	Ongoing and monitored/reviewed at all Management Board meetings
2	Maintain the Child First ethos across the YJS and partners	1. Produce and implement a Child First operational guidance for all staff and board members 2. Carry out bite size sessions with all staff and board members on the guidance 3. Review and update the guidance at planned regular intervals	YJS Management team Management board members All staff	1. Operational guidance produced, implemented and shared 2. Bite size sessions have been carried out with board members and all staff 3. The guidance will be reviewed in Sept 23 4. Monitoring of the process is ongoing via QA,

		4. Audits, QA and Supervisions to monitor the progression of the Child First ethos identifying good practice and areas for improvement.		Supervision, case audits and feedback
3	Build upon and use the existing process to capture the voice of all children and their families to develop services.	1. SAQ are completed in depth for all children receiving an order 2. Intervention feedback forms are completed and handed to business support 3. Survey Monkey feedback is captured by children, parents/carers and victims of crime and shared with business support 4. Children, parents/carers are actively involved in planning and reviews, interventions and closures 5. All feedback is analysed at Leadership meetings and presented at board meetings for further discuss/service improvement.	YJS Management Team YJS Management Board Chair/Members	Process in place and all feedback and evaluation is presented at Management Board meetings for discussion
4	Maintain and where possible build upon the current service Health offer	1. Continue to establish funds annually to commission the SALT 2. Regular communication with the CCG to establish longevity and reassurance for the delivery of the TICP 3. Ensure the service retains a suitably qualified Nurse Specialist	YJS Management Board	Plans are in place via the YJS management board annually to review all commissioned services and secure future budgets as early as possible

15. Challenges, risks and issues

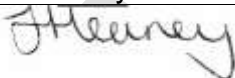
The key challenges, risks and issues that have the capacity to have an adverse impact on the Youth Justice Service in the coming twelve months and potentially beyond are detailed below:

Risks	Potential Impact	Control Measures
Secure Remand Costs and an increase in children remanded to Local Authority	The continued unpredictability associated with remand episodes and remand length has the potential to place significant financial pressure on the YJS and broader Local Authority.	It remains essential that the service can demonstrate to the courts that there are robust and comprehensive alternatives in place to support reductions in the use of remands and custody.

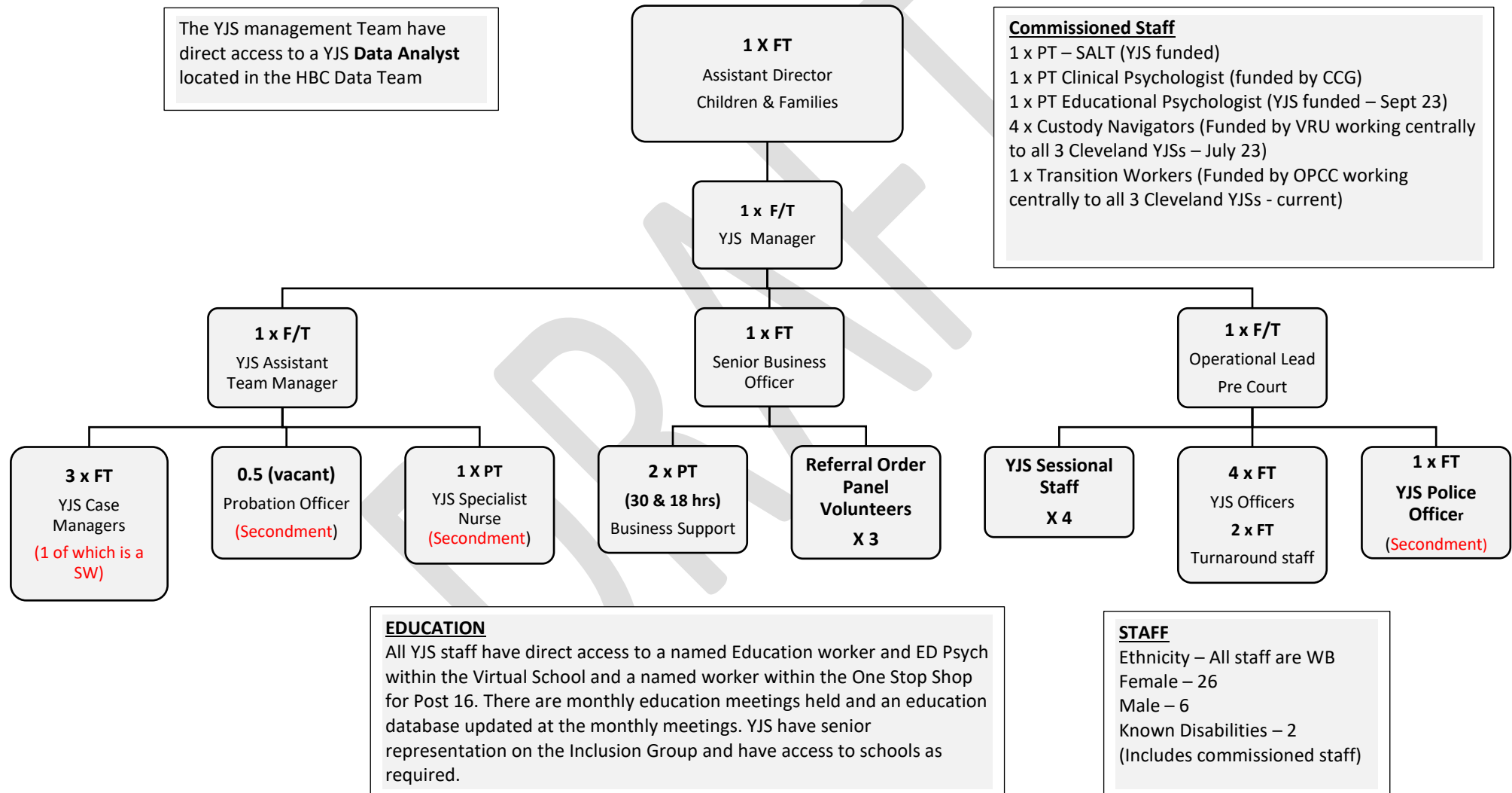
	The significant lack of suitable accommodation locally for RLAA leading to children being placed out of area with significant costs.	Coordinated Multi-Agency responses to children at risk of remand where safe and secure accommodation is the precipitating factor and is continuously monitored and further developed. Remand budget is incorporated within Wider Children's Services placement costs. North East YJSs piloting the new YRO (ISS) from 3 July 23.
Managing the potential for reduction in YJB grant and partnership financial and 'in-kind' contributions pre and post 2023/24	Consequential negative impact on performance. Reduced capacity to meet strategic and operational obligations and statutory requirements. Reduced capacity to continue to focus on early intervention and identification	Targeted resources to address need. Continue to administer and embed the current structure and practice. Regional collaboration with neighbouring YJS' such as coverage of Teesside Youth Court. Robust financial management and oversight from strategic board.
Continued concerns around Serious Youth Violence, Criminal Exploitation and County Lines	The rise in FTE, reoffending rates, serious youth violence and exploitation of vulnerable children. Ultimately leading to criminalisation and wider service involvement having an adverse impact on Looked After Children (CIOC) figures	Continued regular communication, intelligence and information sharing via MACE/CURV and across all services. Ensuring a multi-agency approach is adopted with senior strategic oversight. Ongoing joint training and regular updates on the national and local picture enabling timely and relevant interventions. Ensure clear processes and pathways (known to all staff) are implemented to work with identified children. Continue working alongside the OPCC, Cleveland Police and partners to support the VRU (CURV).
Ongoing recruitment issues within the Probation Services having a direct impact on YJS Seconded PO	The lack of Probation expertise, advice and guidance within the YJS process, especially regarding transitions and those potentially high risk transitions not getting the support they require.	It's difficult to identify any direct proposals/actions which can mitigate this ongoing issue. Financial reimbursement isn't the immediate answer as there aren't any available agency/temp PO available for YJSs to potentially employ?
Challenges & Issues	Potential Impact	Proposed Controls/actions

The implementation of the new YJB KPI	Unable to provide relevant and up to date information required due to inability within the Management Information System and the potential of added workload on business support/data analyst.	We are not due the latest upgrade until 15 August 23, which leaves a very tight turn around for our first submission on the 31 August 23. We also won't be certain that the MIS (Child View) is able to provide the information required.
The continued delay in receipt of the YJB grant (as at 26 June 23 we are still unsure as to the actual amount)	Slows down the process of budget planning/commissioning for the forthcoming year, services not in a position to implement a robust budget but having to plan on the previous year's amount. Restricts service creativity.	Communication is received early from the YJB highlighting the delays and at times we are informed that there won't be a reduction. This process needs to be smoother and more streamlined to allow YJSs to plan more robustly.

16. Sign off, submission and approval

Chair of YJS Board	Jo Heaney
Signature	
Date	28/6/2023

Appendix 1 – YJS Service Structure



Appendix 2 – Budget costs & Contributions 2023/24

B5: YOT budget Costs and Contributions

Agency	Staffing Costs	Payments in kind	Other delegated funds	Total
Youth Justice Board	302,160		152,991	455,151
Local Authority	252,928	131,207	36,209	420,344
Police		50,000		50,000
Police and Crime Commissioner			32,000	32,000
Probation		29,609		29,609
Health		5,500		5,500
* Welsh Government				0
Other			4,000	4,000
Total	555,088	216,316	225,200	996,604

* Welsh YOTs only

Common youth justice terms

ACE	Adverse childhood experience. Events in the child's life that can have negative, long lasting impact on the child's health, and life choices
AIM 2 and 3	Assessment, intervention and moving on, an assessment tool and framework for children who have instigated harmful sexual behaviour
ASB	Anti-social behaviour
AssetPlus	Assessment tool to be used for children who have been involved in offending behaviour
CAMHS	Child and adolescent mental health services
CCE	Child Criminal exploitation, where a child is forced, through threats of violence, or manipulated to take part in criminal activity
Children	We define a child as anyone who has not yet reached their 18th birthday. This is in line with the United Nations Convention on the Rights of the Child and civil legislation in England and Wales. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection.
Child First	A system wide approach to working with children in the youth justice system. There are four tenants to this approach, it should be: developmentally informed, strength based, promote participation, and encourage diversion
Child looked-after	Child Looked After, where a child is looked after by the local authority
CME	Child Missing Education
Constructive resettlement	The principle of encouraging and supporting a child's positive identity development from pro-offending to pro-social
Contextual safeguarding	An approach to safeguarding children which considers the wider community and peer influences on a child's safety

Community resolution	Community resolution, an informal disposal, administered by the police, for low level offending where there has been an admission of guilt
EHCP	Education and health care plan, a plan outlining the education, health and social care needs of a child with additional needs
ETE	Education, training or employment
EHE	Electively home educated, children who are formally recorded as being educated at home and do not attend school
EOTAS	Education other than at school, children who receive their education away from a mainstream school setting
FTE	First Time Entrant. A child who receives a statutory criminal justice outcome for the first time (youth caution, youth conditional caution, or court disposal)
HMIP	Her Majesty Inspectorate of Probation. An independent arms-length body who inspect Youth Justice services and probation services
HSB	Harmful sexual behaviour, developmentally inappropriate sexual behaviour by children, which is harmful to another child or adult, or themselves
JAC	Junior Attendance Centre
MAPPA	Multi-agency public protection arrangements
MFH	Missing from Home
NRM	National Referral Mechanism. The national framework for identifying and referring potential victims of modern slavery in order to gain help to support and protect them
OOCD	Out-of-court disposal. All recorded disposals where a crime is recorded, an outcome delivered but the matter is not sent to court
Outcome 22/21	An informal disposal, available where the child does not admit the offence, but they undertake intervention to build strengths to minimise the possibility of further offending
Over-represented children	Appearing in higher numbers than the local or national average

RHI	Return home Interviews. These are interviews completed after a child has been reported missing
SLCN	Speech, Language and communication needs
STC	Secure training centre
SCH	Secure children's home
Young adult	We define a young adult as someone who is 18 or over. For example, when a young adult is transferring to the adult probation service.
YJS	Youth Justice Service. This is now the preferred title for services working with children in the youth justice system. This reflects the move to a child first approach
YOI	Young offender institution

HEALTH AND WELLBEING BOARD

MINUTES AND DECISION RECORD

10 July 2023

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor Young, Leader of Council (In the Chair)

Prescribed Members:

Representative of North East and North Cumbria Integrated Care Board –
Karen Hawkins

Elected Member, Hartlepool Borough Council – Councillor Allen

Director of Public Health, Hartlepool Borough Council – Craig Blundred

Director of Adult and Community Based Services, Hartlepool Borough Council
- Jill Harrison

Representatives of Healthwatch – Christopher Akers-Belcher and Margaret
Wrenn

Other Members:

Managing Director, Hartlepool Borough Council – Denise McGuckin

Assistant Director of Joint Commissioning, Hartlepool Borough Council – Danielle
Swainston

Representative of Tees, Esk and Wear Valley NHS Trust – Patrick Scott (as
permanent substitute for Brent Kilmurray)

Representatives of Hartlepool Voluntary and Community Sector – Carl
Jorgeson

Representative of Headteachers – Sonia Black

Representative of North Tees and Hartlepool NHS Trust – Linda Hunter

Observer – Statutory Scrutiny Representative, Hartlepool Borough Council –
Councillor Creevy

Philippa Walters, Pharmacy Lead

Officers: Dr Catherine Guy, Public Health Registrar
Dean Langstaff, Public Health Intelligence Analyst
Claire Robinson, Public Health Principal
Sue Leather, Advanced Public Health Practitioner
Joan Stevens, Statutory Scrutiny Manager
Denise Wimpenny, Democratic Services Team

44. Introductions

Following a round of introductions the Chair took the opportunity to report the positive feedback and success of the Tall Ships event and expressed his thanks and appreciation to all those involved.

45. Apologies for Absence

Councillor Harrison and V Nicholson, Hartlepool Borough Council
Representative of North East and North Cumbria Integrated Care Board -
– David Gallagher
Director of Children's and Joint Commissioning Services, Hartlepool Borough Council – Sally Robinson

Representative of Cleveland Police – Superintendent Martin Hopps
Representative of Hartlepool Voluntary and Community Sector – Christine Fewster
Representative of GP Federation – Fiona Adamson

46. Declarations of interest by Members

None

47. Minutes

The minutes of the meeting held on 20 March 2023 were confirmed.

48. Smoking Needs Assessment Findings and Strategy Development *(Director of Public Health)*

The Board was advised that the Public Health team and partners had completed a substance misuse needs assessment, a copy of which was appended to the report. The needs assessment aimed to analyse the current need and identify any gaps in treatment and support services in Hartlepool by exploring previous and current data relating to the harms associated with smoking. A Tobacco Control Strategy and Plan – vision and priorities was being developed with partners informed by the needs assessment and also informed by a partnership event held in May, facilitated by FRESH and Public Health. A Tobacco Control Group would oversee the delivery of the action plan and report progress against the actions to this Board annually. Priority areas identified would also feed into other Hartlepool and Tees wide strategic groups.

In support of the report, a detailed and comprehensive presentation was provided which included smoking data as a comparator with neighbouring authorities as well as the national picture in terms of smoking prevalence in

adults, children, smoking in pregnancy, smoking and health and smoking related mortality. The presentation outlined salient issues arising from the needs assessment findings, activity to date, next steps and priorities.

Board Members debated at length issues arising from the report and presentation. The Public Health team responded to concerns expressed regarding the level of e-cigarette use in the town, the number of smoking related hospital admissions and outlined the measures in place to support these issues. The need to target schools and share good practice to reduce the number of young people using e-cigarettes was highlighted and emphasis was placed upon the need to reduce levels of smoking in pregnancy as well as ensuring support continued post delivery.

Clarification was provided in relation to future priorities which included extending training facilities and increasing behavioural support mechanisms, which would inform the production of the plan going forward. The Health Watch representative commented on the importance of prevention and early intervention in terms of supporting behavioural change as well as input from the Board in relation to priorities and developing actions. Clarification was sought around the links between the action plan, priorities, needs assessment and recommendations. The Director of Public Health advised that discussions and suggestions from today's meeting would be utilised to develop the final strategy and action plan.

Decision

The Board considered the recommendations from the needs assessment and future strategy development and implications for the refresh of the Hartlepool Joint Health and Wellbeing Strategy.

That the comments/suggestions, as outlined above, be utilised to develop the final strategy and action plan.

The Board noted that the strategy and action plan will be brought to the Health and Wellbeing board annually to demonstrate actions against priorities.

49. Pharmaceutical Needs Assessment (PNA) 2022 – Maintenance Report *(Director of Public Health)*

The report updated the Board on a review of the process for approval and publication of Supplementary Statement(s) as part of the statutory maintenance of the Pharmaceutical Needs Assessment (PNA) 2022 and sought approval for changes to the PNA maintenance process. Approval was also sought to changes to pharmaceutical services notified by NHSE/ICB since the date of the last Health and Wellbeing Board and publication of any Supplementary Statement required as a consequence of those changes, details of which were provided. NHSE had provided notification of a change to supplementary hours for the Well Pharmacy located at 107 York Road, which removed the opening hours on a Sunday from 9.00 am to 1.00 pm. A draft supplementary statement outlining the change to opening hours was

appended to the report and approval sought for its publication, in accordance with legal requirements.

Clarification was provided in response to queries raised in relation to the process for changes to pharmaceutical services. There were some concerns around the impact of pharmacies reducing opening hours particularly at weekends and bank holidays, examples of which were shared with Board Members. The Pharmacist Lead stated that there were no requirements for pharmacies to open on bank holidays or to provide supplementary hours (unlike the contracted hours they are required to provide). Further concerns were raised that on a particular bank holiday in May there was no 'out of hours' pharmacy provision across the whole of the Tees Valley, the impact of which was discussed.

In terms of the provision of services Monday through Saturday, the impact of staffing pressures and contractual requirements were highlighted as influencing factors in the level of services provided. It was suggested that pharmacy provision generally be explored and that pharmacy services including opening hours be publicised.

Decision

1. That the changes to the process for reporting maintenance of the PNA to the Health and Wellbeing Board be approved.
2. The amendments to delegated authority, as part of this issue, were approved.
3. That publication of a Supplementary Statement reporting the change to supplementary hours on Sundays at Well Pharmacy, York Road be approved.
4. It was noted that no other supplementary statements to the Hartlepool PNA 2022 had been issued since the last meeting of the Health and Wellbeing Board on 20 March 2023.
5. That the correction to the reported date of change of ownership referenced in Section 4.3 of the report be noted.
6. That pharmacy provision generally be explored and that pharmacy services including opening hours be publicised.

50. Better Care Fund Update *(Executive Director of Adult and Community Based Services)*

Board members were advised that performance reports were routinely submitted to NHS England on a quarterly basis however, reporting had been suspended over the past two years due to COVID19 and a single year end return had been required which followed a different format to previous returns. The year end return for 2022/23 had been submitted in May 2023 and had

confirmed that all national conditions continued to be achieved, as well as confirming that BCF contributions were in line with national guidance. The 2022/23 return had required local systems to submit performance data against a revised set of metrics and local areas had been asked to record their views regarding a number of statements and the responses provided for Hartlepool were set out in the report.

Decision

The Board retrospectively approved the Hartlepool Better Care Fund 2022/23 return and the Better Care fund Plan for 2023-2025, both of which had been submitted in line with the national timescales.

51. Final Drug and Alcohol Strategy *(Director of Public Health)*

The Board was advised that the final Drug and Alcohol Strategy had been produced, a copy of which was appended to the report. The strategy had been developed following a consultation event and engagement with service users through the local recovery groups. Theme areas had been identified through this process which included prevention and early intervention, reducing drug and alcohol related harms, supporting wider health needs, reducing drug and alcohol related crime and disorder. The strategy would inform the development of an action plan which would set out under each the detail of how we would deliver this priority area, who would deliver timescales and would be informed by indicators in order to measure success through an outcome framework.

Decision

The Board noted the contents of the report and supported the implementation of the Drug and Alcohol Strategy.

52. Area SEND (Special Educational Needs and/or Disabilities) Inspection and Implementation Plan 2023-2024 *(Executive Director of Children's and Joint Commissioning Services)*

The report advised the Board of the findings from the inspection of the Local Area Arrangements for Children with Special Educational Needs and /or Disabilities (SEND) and approval was sought to approve the SEND implementation plan for 2023-24.

Board Members were referred to the report of the Hartlepool Local Area SEND Inspection appended to the report. The inspection judged that "the local area partnership arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership was taking action where improvements were needed." This is the highest judgement and means that the next inspection will be in five years.

The report made recommendations for three areas of improvement, details of which were provided, as set out in the report. An implementation plan was attached at Appendix B which sets out how the local area would implement the recommendations and other areas of development.

The Board debated issues arising from the report. The Assistant Director responded to clarification sought regarding funding issues in terms of monitoring arrangements and provided assurances that robust and rigorous processes were in place to ensure funding for SEND was spent appropriately, details of which were provided. In relation to concerns that whilst generally parents felt SEND provision was excellent, some parents had reported a need for more inclusion in relation to the process. The Assistant Director agreed to take these issues on board. In response to a query raised, Members were provided with details of the SEND assessment process and the circumstances in which an educational health care plan was required.

A Member requested that 6 monthly update reports on progress against actions be provided.

Board Members took the opportunity to place on record recognition and appreciation to the team for their combined efforts in achieving such a positive inspection and robust implementation plan.

Decision

The Board noted the findings of the inspection of local area arrangements for children and young people with SEND and the positive outcomes achieved.

The Board approved the implementation plan 2023-2024 which responds to the recommendations in the inspection report.

That six monthly update reports on progress against actions be provided.

53. Health and Wellbeing Board Way of Working – Verbal (Director of Public Health)

Board Members' views were sought as to whether current ways of working was meeting the current needs of the Board. Suggestions were made in relation to the benefits of working in smaller groups and increasing the frequency of meetings to facilitate a reduction in agenda items.

Decision

That the comments of Board Members be noted and actioned as appropriate.

The meeting concluded at 11.20 a.m.

CHAIR