



House of Commons
Justice Committee

The proposed abolition of the Youth Justice Board

Tenth Report of Session 2010–12

Volume II

Additional written evidence

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Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Contacts

Correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 8196 and the email address is justicecom@parliament.uk

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Written evidence from the Association of Panel Members

ABOUT THE ASSOCIATION OF PANEL MEMBERS

AOPM is a membership organisation for the 5,400 community volunteers supporting Youth Offending Teams (YOTs) in England & Wales. We operate through the goodwill of volunteer Board members, without central or local government funding.

The purpose of the Association is to advance the performance of Panel Members in performing their civic duties with young people involved in the criminal justice system. We promote Good Practice in delivering restorative justice to communities afflicted by youth crime, also the rights of children in the criminal justice system, particularly in respect of access to education provisions for those with restricted engagement in the national curriculum.

1. Executive Summary

1.1 Community Panel Members were commissioned in the Crime & Disorder Act 1998 to perform statutory duties in respect of First Time Entrants (FTEs) receiving a Referral Order from the court. The Association of Panel Members (AOPM) was founded in 2006 as the driving force supporting volunteers to achieve a sense of national identity and shared purpose, by opening up the debate in search of standards and consistency in youth offending panels.

1.2 From AOPM's inception the Youth Justice Board (YJB) abdicated governance of youth offending panels via a national network for disseminating best practice and sharing volunteers' experience, on the basis that panels are the responsibility of Youth Offending Teams (YOTs) which are locally managed and accountable to the local authority. The result has been:

- (a) endemic failure to overcome scepticism amongst judges and magistrates that young offenders can be properly monitored and rehabilitated in the community; and
- (b) the burden of providing support to individual YOTs in respect of good practice falls unfairly to an unfunded organisation, driven by goodwill alone.

1.3 AOPM was pivotal in the development of National Occupational Standards for Restorative Justice and in making training materials from the Open University accessible to volunteers through YJILS (Youth Justice Interactive Learning Space).

Other outcomes:

- Contributed to a significant fall in number of under-18s jailed in England and Wales.
- Advocacy of the rights of children in the justice system, particularly in respect of education.
- Successfully working in partnership with other third sector organisations.
- Developing the narrative for community-led restorative justice.
- Building relations with the YJB, civil servants and other agencies.

2. Recommendations

This response to the Commons Select Committee proposes:

- (a) Central funding of AOPM to deliver a national training and development strategy to improve Youth Community Justice Panels performance overall, framed within clear outcomes / aims for new and existing volunteers to provide increasingly effective services.
- (b) Training and accreditation by a specialist provider, building on volunteers' skills and experiences gained from tens of thousands of hours spent with young people and their families, in delivering the most successful of all available court orders.¹ Accreditation will contribute to greater effectiveness

¹ Hansard 23/06/09
Reoffending Outcomes by Disposal

	% 2004	% 2005	% 2006	% 2007	% 2008
Pre-Court	27	27	28	26	25
Discharge	54	57	55	54	52
Fine	60	59	55	60	57
Referral Order	42	42	42	40	38
Reparation Order	66	67	66	65	66
Attendance Centre	63	63	65	63	63
Supervision Order	71	73	74	73	71
Action Plan Order	64	61	62	66	64
Comm. Rehab Order	66	68	66	68	68
Comm. Punish Order	56	55	68	68	64
Curfew Order	76	71	72	68	69
Custody	76	73	77	75	74

by Panel Members in carrying out their civic duties and embed Community Restorative Justice across the country to high standards and as the default measure for tackling youth crime.

- (c) Training pack “Panel Matters” upgraded to deliver a service that reflects best restorative practice in Northern Ireland’s Youth Justice Agency and draws from best practice in Scotland’s Children’s Panels.

3. *What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?*

3.1 There is enormous potential for a major expansion of Community Justice Panels and to improve their operation and performance now that the YJB is integrated into the Ministry of Justice, or if abolished altogether. The knock-on effect will be a sustainable reduction in custodial sentencing, due to the greater success achieved from Referral Orders over all other court sentences in tackling youth crime. Also, prior to the issue of Sentencing Guidelines in November 2009, discretionary sentencing for “cusp-of-custody” cases, enabled incarceration of young offenders for up to two years (compared with six months maximum for adults), who otherwise satisfied Referral Order criteria, resulting in the highest levels of juvenile incarceration in Europe.

3.2 Although Home Office Guidance 2002 established a structural requirement for community Panel Members to sit on YOT Steering Groups, which should have ensured adequate monitoring of custodial sentences for First Time Entrants (FTE) and reporting of the increasing success of referral orders to youth courts, the YJB failed to implement this requirement in National Standards. Additionally, the YJB failed to secure inspection by HM Inspectorate of YOTs’ management of Panels and Referral Orders, the quality of resources for training Panel Members and monitoring of panels to enable feedback, resulting in inconsistencies by individual YOTs in delivery of training to volunteers, supervision and appraisal.

3.3 The 2006 Action Plan “Developing Restorative Justice” aimed to broaden, develop and extend RJ practice through the improved delivery of Referral Orders, including the use of effective RJ and improved training for Panel Members. The exercise yielded an updated “Panel Matters” training pack in April 2007 for “cascaded” training, albeit experience from 2002 had demonstrated that such training cannot be quality controlled, and is largely ineffective in equipping volunteers with the necessary skills and confidence to practice restorative panel meetings in the presence of victims, unless trained and supervised by experienced RJ practitioners.

3.4 The 2008 Referral Order Action Plan yielded no further progress whatever and distanced panels from the Investors in Volunteers Standard.² Moreover, although Referral Orders account for one third of all court orders and panels are the primary vehicle for disseminating restorative justice principles into communities, the YJB consistently excluded Panel Members’ representation from discussions over the years.³ In 2009 Baroness Neuberger reported:

“A lack of investment in volunteer management inevitably results in volunteers having a bad experience. During the course of my research I have come across many cases of volunteers who have had a negative experience, as a direct result of poor investment in their management. This is more common where a statutory volunteer role is new, for instance in the case of panel members on Youth Offending Teams. The agency is still adapting to these changes and a supportive culture is still being developed. The Youth Justice Board has worked on a number of initiatives to support best practice in managing volunteers. Nevertheless, Government should be taking this very seriously if they wish panel members to stay and play a key role.”⁴

3.5 2011 has seen resurrected plans to cascade training to volunteers with the Restorative Justice Training Grant—repeating the very same process which has failed to deliver the specified objective and can only exacerbate already wide variations in practice across the country, since implementation of Restorative Justice may crucially be hampered by an individual YOT’s lack of commitment, or the trainer’s lack of understanding and support of the underlying ethic.

4. *How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?*

4.1 This can be achieved by a dual strategy of expanding the remit of panels to contribute to out-of court disposals and Anti-Social Behaviour;⁵ also by switching to the highly effective system practiced in Northern Ireland whereby agreed panel contracts are presented for ratification by the court, in place of current discretionary referrals with custody as the default option. Introduction of practice standards and quality assurance through a national training and development strategy to improve Panel Members’ performance overall, framed within clear outcomes/aims for both new and existing volunteers, will increase the effectiveness and reach of this most efficient system of administration of the law.

² <http://iiv.investinginvolunteers.org.uk/newsviews/News/Neath+Port+Talbot+Youth+Offending+Team>

³ AOPM’s response to 2009 Review of YJB Governance and Operating Arrangements

⁴ Baroness Neuberger 2009: *Volunteering Across the Criminal Justice System*

⁵ AOPM 2010: Expansion of Youth Community Justice Panels

Panel Members Training—Present Status

4.2 Potential Panel Members are required to undertake seven days training, in line with the training document “Panel Matters” produced by the YJB. The package aims to standardise training across England and Wales, with YOT staff initially undertaking “Train the Trainer” events for onward cascading to volunteer applicants. Additionally all Panel Members should receive at least one day of additional or refresher training each year (in for example, working with sex offenders or offenders with serious mental health problems).

4.3 In 2010 the Ministry of Justice authorised the appointment of Panel Members for a three year period renewable after satisfactory review, with extensions beyond six years subject to maintaining training and competency standards.

4.4 Variations in training delivery has been considerable, with some YOTs providing the full seven days, others a shortened version for a variety of reasons. One issue is that some volunteers leave after undertaking the initial training without going on to practice as Panel Members, because there is little opportunity available elsewhere for familiarisation with the youth justice system by eg youth workers, justice professionals and students. Accordingly there is always a need for repeat-training of new volunteers, with some YOTs reducing training from seven days to eg two weekends. Whilst YOTs may be criticised for this approach, it can also be difficult for volunteers to attend seven full days training. Moreover, whilst some may need the prescribed level of training, others arrive with high levels of knowledge and experience eg social workers and youth workers.

4.5 Training guidance issued in April 2007 addressed the wide range of volunteers supporting YOTs, requiring three days Foundation Training and a further four days to become Panel Members—training in matters specific to sitting on and chairing Referral Order Panels. Training packs specific to both courses ensure delivery of standard materials, with clear learning outcomes. Effectively, three days Foundation Training equips volunteers for mentoring, supporting reparations, or as appropriate adults (with possible further additions), but seven days training are required to be a Panel Member.

4.6 There are clear resource issues, since YOTs are required to free up staff for seven days, who have the capability to deliver all-day group training sessions, plus one additional in-service day, on-going appraisal and supervision. There may also be pressure to train new volunteers quickly in order to form quorate panels for delivery of the statutory service (two volunteers plus one YOT worker) and to meet / key performance indicators: ie National Standards require the first panel meeting to be held within 20 working days of the court order.

4.7 After initial training, one approach has been for YOTs to consider that volunteers have gained sufficient knowledge in the process to manage panel meetings. Other volunteers may experience supplementary training through observation of a number of panels, followed by sitting as a third Panel Member before taking on a fuller role. There is also wide variation in continued learning and development, particularly in respect of restorative justice training. Some YOTs make no arrangements whatsoever; others hold regular group meetings with their Panel Members, using the process to establish training needs and making local arrangements to accommodate. Other YOTs operate direct supervision or individual appraisal systems, which identify additional training & development needs. All arrangements are highly variable, being influenced by available resources at local level, also the organisation and management of panels and Referral Orders within each YOT.

4.8 Wide variations in the level and quality of resources to support the delivery of panel contracts have been the result, with systemic entrenchment of gaps between leader and laggard YOTs performance, and reinforcement of variable custodial sentencing practices across the country, arising from a variations in sentencer confidence in community sentences, particularly where panels are less well-served.

5. Skills Gaps Identified

In 2007–08 AOPM undertook the first national survey of volunteers’ views since Referral Orders were introduced. Although invited to support the questionnaire, the YJB refused any form of assistance. Notwithstanding, the Association of YOT Managers (AYM) promoted a questionnaire which was devised by AOPM and collated by Middlesex University. With the majority of Panel Members disbarred from proper and sufficient training in restorative justice, and hence from effective participation in restorative conferencing for offenders and their victims, the results established that volunteers were discouraged by inconsistencies in practice, uncertainty regarding their role, and with the level of victim participation in panels.

5.1 Of 417 responses received, about half of the respondents had conducted at least 50 panels, with 30% more than 100 panels. 23% had conducted fewer than 20 panels.

Panel Members:

- are not volunteers in other areas of the criminal justice system;
- expressed the need for additional on-going training;
- did not know of the existence of the training manual “Panel Matters”;
- those who did, did not rely on it much or only referred to it in certain circumstances for adaption accordingly;
- were frustrated by the lack of participation by victims;

- suggested greater focus on should be placed on victim involvement so that offenders fully appreciate the effects of their actions;
- **87.9%** of respondents agreed that restorative justice should be the default measure for young offenders;
- **83%** wanted guidance as to Good Practice and **50%** wished to contribute to development of Good Practice;
- **53%** wanted access to training from areas external to YOTs;
- **45%** wanted access to online training; and
- **60%** wanted development to be managed by an independent professional association.

6. Principles for a national training and development strategy

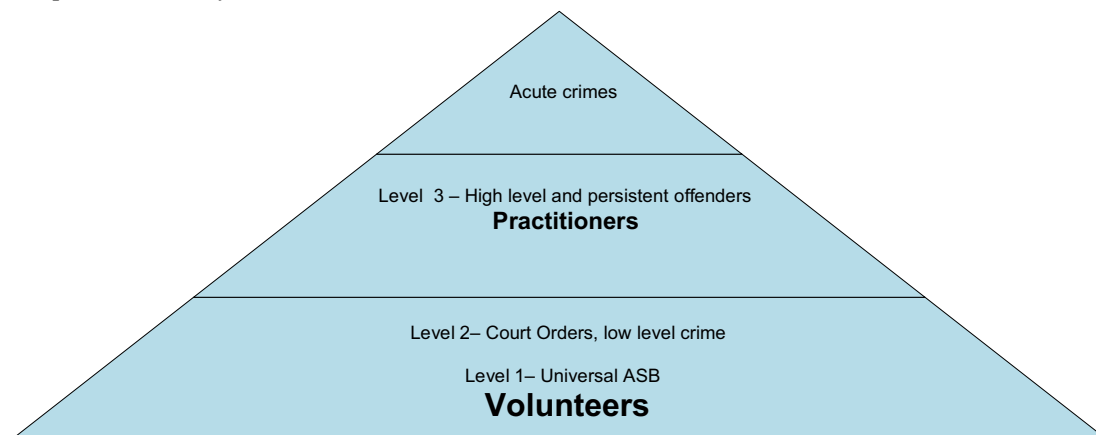
Principle 1—Registration

As Registrar of members of the Association AOPM is a data holder of volunteers' contact information, manages membership and voting rights at AGM and monitors diversity in recruitment.

The Care Standards Act 2000 requires that volunteer team members are able to demonstrate who they are to external bodies, to enable their access to sites and work with vulnerable client groups, in order to fulfil service provider obligations to prevent unscrupulous people posing as representatives. The Registrar will seek to implement this requirement over- and-above CRB checks at local level.

AOPM will contribute to planning and delivery of training to Panel Members by agreement with YOTs.

Principle 2—Hierarchy of skill levels for RJ Interventions



Principle 3—Accredited Training delivered by a specialist provider with national reach

The Community Restorative Justice Academy has a proven track record in delivering individualised learning to community justice practitioners and volunteers to BTEC Level 4.

For volunteers without formal qualifications who wish to undertake further study, the Academy also offers a clear practice-based route to Post Graduate study (BTEC Level 7).

Principle 4—Recognition of volunteers' skills and experience

- Enables trained and experienced volunteers to lead Restorative Justice meetings attended by victim (s), offenders, parents, professionals and others.
- Meets volunteers' need for recognition and reward of skills and knowledge obtained whilst carrying out civic roles.
- Develops community ownership of the process.

AOPM will also recognise those who complete in-service training, and commit a certain amount of voluntary hours with the Volunteer Achievement Award, designed to recognise dedication, encourage volunteers' civic activities, increase participation in the Association and encourage ownership of the outcomes for young offenders. The award will be a nationally acknowledged certificate that aims to recognise and accredit voluntary service in the youth justice system.

Written evidence from Barnardo's

ABOUT BARNARDO'S

Barnardo's works directly with over 100,000 children, young people and their families every year through 400 projects across the UK. We use the knowledge gained from our work with children to campaign for better policy and to champion the rights of every child. With the right help, committed support and a little belief, even the most disadvantaged and vulnerable children can turn their lives around.

We run 42 projects offering services to children and young people at risk of or involved in offending, including 18 services working to prevent and divert children from anti social behaviour. We also run early intervention services including 11 Family Intervention Projects where anti social behaviour by children is one of the presenting concerns.

This response outlines Barnardo's views on the future of the Youth Justice Board.

KEY POINTS

- The governance, policy and practice development of the youth justice system should remain distinct and separate from that for the adult system.
- In particular, the commissioning for the secure estate for children must remain separate from that for adults.
- There should be a cross departmental involvement in the development of a youth justice system to meet the needs of vulnerable children, as well as protecting the public.
- There should be a wider spectrum of stake holders involved in advising Government.
- There should be better integration of policies on early intervention and those dealing with children in the youth justice system.

1.1 Barnardo's believes that the governance, policy and practice development of the youth justice system for children aged 17 and under should be distinct and separate from that for adults. Not only is this enshrined in international human rights conventions,⁶ but there is increasing evidence that the physiological and psychosocial development of children and adolescents demands a different response to their offending behaviour (please see attached Appendix).

1.2 The responsibility for such governance, policy and practice development should remain with central government and should be undertaken by a body which retains a specific child focus. In particular, the commissioning of placements within the secure estate should not be incorporated into those which currently commission within the adult system. Only by keeping commissioning of the child and adult estates truly separate will the Government be able to work towards achieving a children and young people's secure estate that is appropriate for the needs of vulnerable children.

1.3 Barnardo's was concerned when the current administration removed the joint responsibility for the Youth Justice Board, making it solely the remit of the Ministry of Justice. The multiplicity of needs of children and young people in the criminal justice system is well evidenced—indeed this was the rationale for the establishment of multi agency Youth Offending Teams (YOTs)—and we believe that there should be formal cross departmental protocols and involvement of those departments responsible for child welfare and child health.

1.4 There should be in place an advisory board which represents a broader spectrum of stake holders than the current Youth Justice Board. This board should include the third sector; those who undertake research into the causes of youth crime; those who can evidence effective interventions and organisations which give a voice to service users.

1.5 Barnardo's would like to see much greater coordination and collaboration between policy makers and service providers who deal with early intervention and prevention and those who deal with the children in the youth justice system. There is increasing evidence that intensive early intervention can reduce the risk factors for offending behaviour. Barnardo's runs 11 family intervention projects and the Governments own recent figures show the impact of these in reducing anti social behaviour and increasing school attendance among other positive outcomes.⁷ Better collaboration could provide "joined up" policies and enable services to be better targeted at those families and children most at risk.

September 2011

⁶ United Nations Convention on the Rights of the Child. Article 40 (3) and The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") Article 2.3.

⁷ "Turning around the lives of families with multiple problems—an evaluation of the Family and Young Carer Pathfinders Programme" Research Brief DFE—RB154. Department for Education. London September 2011

THE PHYSIOLOGICAL AND PSYCHO-SOCIAL DEVELOPMENT OF CHILDREN AND ADOLESCENTS

1. *Knowing right from wrong—children’s capacity to reason and understand.* It is of relevance to explore the rationale as to why children as young as ten who engage in troublesome behavior are dealt with in an adversarial court system in England (and Wales). The most frequent argument put forward is that of a child’s capacity to understand right from wrong. When arguing for the abolition of *doli incapax* Jack Straw said: “*The Government believes that in presuming that children of this age generally do not know the difference between naughtiness and serious wrongdoing, the notion of doli incapax is contrary to common sense*”.⁸

However, this is to take a very simplistic approach to the complexities of how children develop, and particularly in relation to their understanding of “morality”.

2. *Developmental psychology*—It is clear that even very young children do “know the difference between right and wrong” but developing morality is—like writing—not a once and for all achievement; it improves with conceptual maturity, and in the process takes on a qualitatively different nature. Just as a child who has learned the rudiments of constructing a sentence is not doing the same thing as William Shakespeare, or even JK Rowling, so too a primary school pupil who appreciates that stealing is “wrong” is not manifesting an ethical stance that would, for instance, allow them to make judgments as to competing claims of right or engage in meaningful discussion of a moral dilemma. It is for such reasons that jury service is not open to all those able “*to distinguish right from wrong*”.⁹

3. It is important to note that there is an obvious distinction between the physical and social maturity of children. Children are now reaching puberty at an earlier age probably as a consequence of changes and improvements to diet etc.¹⁰ However, it does not follow that there is a corresponding earlier change in emotional and intellectual maturity and capacity. Indeed there is evidence of the opposite—what some people call a shift towards extended adolescence—which anecdotally you can see characterised by the fact that children leave home later—and at the level of state intervention, by increasing safeguards for teenagers who previously would not have been thought in need of such protection. For example in changes to legislation in regard to giving consent to sexual activity; the 2003 Sexual Offences Act a child is deemed not to be competent to make choices about sexual activity and cannot be held to have consented to any such activity below the age of 13.

4. The capacity for abstract thought develops throughout childhood and particularly in adolescence. Developmental psychology suggests that the capacity to reason similar to that of adulthood lies somewhere between the ages of 15 and 17 years, although recent research also suggests that the brain continues to develop into the early 20s.¹¹ It is important to understand this development for at least two reasons:

- Developed notions of morality depend upon a capacity for hypothetical reasoning—is it right that we should hold children morally responsible for their actions until they have developed that capacity?
- Children’s ability to understand is constrained by their intellectual development and reasoning capacity. Research shows that younger teenagers tend not to understand fully their rights in a police station and court,¹² even when these are fully explained to them. Ten to 12 year olds were significantly more likely to misconstrue their right to silence than 13 to 15 year olds, who were in turn significantly less likely to understand it than 17 to 23 year olds.
- Even where children have an equivalent intellectual capacity to adults, it does not follow that they can reason at the same level. Not only is the capacity to make “moral judgments” affected by environment and upbringing; they also lack the fund of experience and information which adults use to exercise their power of reason.

5. The capacity to make what we would call sensible judgements is also different among teenagers—even if we assume their intellectual abilities are fully developed.¹³ This is true in a number of respects:

- Young people are notoriously more likely to engage in risky behaviour than their adult counterparts. This is partly explained because they have less experience on which to base their assessments but also because typically they approach risk taking with a different set of preferences. They focus less on preventing things going wrong and more on exploiting opportunities for gain (where that gain includes having a good time and getting an adrenalin rush).
- Young people also have a markedly different perspective on time—which prioritises short term outcomes over longer term consequences. One year in the life of an adolescent seems a much longer period to him than it does to someone who has lived for a much longer period.

⁸ “No more excuses” Home Office 1997

⁹ Hagell A (2003). “Developing a sense of right and one” in *Criminal Justice Matters*’ 52 (1): 26–27

¹⁰ Herman-Giddens, M E Wang, L and Koch, G (2001). “Secondary sexual Characteristics in Boys: Estimates from the National Health and Nutrition Examination Surevy”

¹¹ Hill, A (2010). “Why Teenagers can’t concentrate: too much grey matter”. In *The Guardian* 31 May 2010.

¹² Field, B (2000). “Juveniles’ waiver of legal rights: confessions, Miranda and the rights to counsel” in Grisso, T and Schwartz, G (Eds) “Youth on trial: a developmental perspective on juvenile justice”. University of Chicago press: Chicago.

¹³ Scott, E (2000). “Criminal responsibility in adolescence: lessons from developmental psychology”. In Grisso, T and Schwartz, G (Eds) “Youth on trial: a developmental perspective on juvenile justice”. University of Chicago Press. Chicago.

- Adolescence is characterised by an impatience that gives relatively low value to deferred gratification. There is some emerging evidence that this inability to focus on the longer term is more pronounced in those whose educational attainment is limited—a characteristic of most children in the criminal justice system.

6. *Peer relationships*—children and young people tend to be pack animals, it is part of their socialisation and relationship skills development. Young people’s decision making is strongly influenced by how it will play out with their peer group, rather than other cost/benefit considerations. This susceptibility to peer influence only develops in the early teens and is not dispensed with until the late teens/early 20s.¹⁴

7. The tendency to latch onto the peer group at the expense of adult authority is a symptom of a more general adolescent trait—which involves a higher level of anti social behavior than at any other age. It has been argued that such behaviour is the natural product of the gap between biological maturity and social independence. Delinquency, on this, account is in part an attempt to attenuate the ties of childhood, and represents a statement of personal autonomy by young people not yet able to adopt fully adult roles. As legitimate adult roles become available there is a natural process of desistance—what used to be called “growing out of crime”. In this respect, the aetiology of teenage offending is very different from that of adults—raising the prospect that treating the two alike is problematic.¹⁵

8. *The competence and capacity to participate in a trial*—this evidence about development and capacity lead inexorably to the question of children’s capacity and competence to effectively participate in a trial. In 2005 the European Court of Human Rights found that an 11 year old was unable to participate in his own trial in the Crown Court (SC v. UK (2005) 40 EHRR10) even though he was fit to plead in the adult legal sense. The court took the view that a child of this age would generally have impairments in adjudicative competence, ie the ability to help in his own defence; and an inability to comprehend legal terms.

9. Children and young people are far more likely to make false confessions or fail to take advantage of the protections offered them by the law during police or court processes. They are vulnerable because of their greater suggestibility, heightened obedience to authority and the immature decision making abilities referred to in 3.1.4.¹⁶

Written evidence from the Local Government Group

ABOUT THE LOCAL GOVERNMENT GROUP

1. The Local Government Group is here to support, promote and improve local government.
2. Local government is facing the most radical changes, as well as the most significant opportunities, in a decade.
3. We will fight local government’s corner and support councils through challenging times by focusing on our top two priorities:
 - 3.1 representing and advocating for local government and making the case for greater devolution; and
 - 3.2 helping councils tackle their challenges and take advantage of new opportunities to deliver better value for money services.
4. The LG Group covers every part of England and Wales, and works with the individual political parties through the political group offices.
5. LG Group welcomes the opportunity to provide views on youth justice. This document has been agreed by the LG Group’s Children and Young People Programme Board.

SUMMARY

6. Whatever form the structures take at national level, it is important to maintain the recent change in the relationship between the Youth Justice Board (YJB) and councils, which has moved away from a very top-down approach to one of greater collaboration. This must include a reduction in inspection as sector-led improvement is further developed.

7. Whilst we welcome Government funding for the multi-agency Youth Offending Team (YOT) model, albeit at a reduced level, LG Group advocates the de-ringfencing of budgets to enable greater local discretion to target funding where it is most appropriate. The Early Intervention Grant enables councils to pool resources and combine local efforts. However, young people who have or are at risk of offending are only one of the many groups that the grant aims to assist. It also represents a 25% cut to the grants paid to councils in 2010–11. Councils will be faced with tough decisions, made according to local priorities. Community budgets represent

¹⁴ Rutter, M and Smith, D J (1995). “Towards Causal Explanations of Time Trends in Psychosocial Disorders of Youth”, In Rutter, M and Smith D J (Eds) “Psychosocial Disorders in Young People: Time Trends and Their Causes”

¹⁵ Moffitt, T (1993). “Adolescent limited and life course persistent anti-social behaviour: a developmental taxonomy”, in “Psychological bulletin” 100: 674–700.

¹⁶ Bucke, T, Street, R and Brown, D (2000). “The right to silence: the impact of the Criminal Justice and Public Order Act 1994”. Home Office research study 1999. London Home Office

an even greater opportunity to improve outcomes for families with multiple problems at lower cost to the taxpayer, including those where young people may have offended or be at risk of offending.

8. It cannot be assumed that current funding levels can be maintained. YOTs have seen a reduction in grants and approximately 70% of funding for YOTs comes from local authorities' partners, who are also facing a difficult financial environment.

9. The LGA's Children in Trouble report, published last year reported on alternative approaches to custody for young people. Research carried out by the National Youth Agency for the LG Group, to be published this year, shows how councils and other organisations are supporting young offenders in resettlement following release from custody in order to better protect communities from harm and reduce reoffending. Education for young people in custody is extremely important to young people's prospects following their release. The LG Group is calling for councils to have responsibility for commissioning education for young offenders, along with the statutory duty to secure its provision, so that a more supportive approach can be provided.

10. In addition to the issue of custodial sentences, the use of remand to custody remains high. The Legal Aid, Sentencing and Punishment of Offenders Bill makes some welcome changes to the system, but it is imperative that secondary legislation is carefully drafted to ensure they work effectively.

11. Further detail is provided below on the three areas of inquiry set out by the call for evidence.

What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?

12. The Youth Justice Board has had a positive role in focusing on the distinct needs of children and young people, which differ from those of adult offenders. We therefore welcome the assurance made by the Secretary of State that there will be a distinct division within the Ministry of Justice focused on youth justice. The LG Group has worked effectively with the YJB; we hope this will continue under new arrangements.

13. Councils have noted a more collaborative attitude from Youth Justice Board officials, with a move away from the very top-down approach of the past. This welcome change in central-local relations on youth justice is a more effective way of working and should continue whatever particular structures are put in place centrally.

14. The LG Group has developed an approach to self-regulation in the sector that will help councils strengthen their accountability and revolutionise the way they evaluate and improve services.¹⁷ This is based on the principles that councils are responsible for their own performance; stronger local accountability drives improvement; and councils have a collective responsibility for performance in the sector as a whole. The approach reflects agreement between local and central government that councils should be primarily accountable to residents, rather than Whitehall departments. The support outlined in Taking the Lead represents a core part of the LG Group's "offer" to the sector.

15. In this context, LG Group has been working with the YJB to develop a sector-led model of improvement and development for YOTs, linked to a reduction in the current onerous monitoring regime.

16. During the development of the LG Group's approach to sector self regulation set out in Taking the Lead, councils recognised the need for the sector to put in place arrangements to manage the risk of underperformance. In the absence of intelligence gained from previous inspection and assessment regimes (Local Area Agreements, CAA etc) we need to find alternative ways to strengthen our understanding of performance—including sharing intelligence between Government departments, the Inspectorates and LG Group so that, armed with the best intelligence possible, we can offer improvement support to those councils facing performance challenges at the earliest possible stage. We are therefore calling on inspectorates and Government departments, to share information and any concerns about councils with the LG Group, as soon as they become apparent, in order that we can address them and offer any necessary support in the first instance.

What impact, if any, have changes to funding arrangements had on youth offending teams?

17. Whilst we welcome the Government's support for the multi-agency YOT model and it is encouraging that Ministry of Justice funding continues, albeit at a reduced level, the grant is ringfenced. LG Group advocates the de-ringfencing of budgets to enable greater local discretion to target funding where it is most appropriate.

18. The late notification of the 2011–12 youth justice grant had a detrimental effect on business planning and continuity for Youth Offending Service Partnerships; earlier notification in future would help to avoid these problems.

19. The Early Intervention Grant presents opportunities for councils to pool resources and combine local efforts to further help young people at risk and their families. However, young people who have or are at risk of offending are only one of the many groups that the Early Intervention Grant aims to assist. The circa £2 billion grant represents a 25% cut to the grants paid to councils in 2010–11. Local authorities will be faced with tough decisions, made according to local priorities.

¹⁷ <http://www.local.gov.uk/taking-the-lead>

20. Community budgets offer an even greater opportunity to more effectively support families with multiple problems whilst also using public funding more efficiently, including those families where criminality may be a problem. Parental involvement is a crucial factor in addressing youth offending; family interventions can help tackle the underlying social problems that can create instability in families and create circumstances that may contribute to a young person's offending. Work in 16 first phase areas (28 councils) is already underway to improve the lives of these families via a community budget approach and many more councils are getting ready to join them in the next phase. The LG Group has made an offer of sector leadership, but councils cannot do it alone. These problems require local public services to work together in new ways, including pooling our resources. Central government's agencies must be committed to play a full part in this work.

How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?

21. This question assumes that existing levels of funding will be maintained, which is by no means certain. As outlined above, YOTs have seen a reduction in grants and are competing alongside other local priorities for the reduced Early Intervention Grant. Approximately 70% of funding for YOTs comes from local authorities' partners and there is no guarantee this will continue at the same level; indeed it seems unlikely considering the financial pressures on the public sector as a whole. Reductions in funding are likely to have an impact on the level of preventative services that YOTs will be able to provide in future.

22. Custody has shown to be ineffective in reducing youth reoffending and should be limited to the most serious offences. The LGA's Children in Trouble Project¹⁸ with the Howard League last year reported on alternative approaches to custody for young people, including intensive fostering, restorative justice—particularly for first offenders—and community sentences. Community sentences offer a more effective penalty against offending and involve offenders putting something back into the community; they have lower rates of reoffending, both in volume of offending and seriousness of offences.

23. While reductions both in the number of children and young people entering the criminal justice system and those being held in custody have been achieved, 75% of young people released from custody and 68% of those serving community sentences go on to reoffend within a year.¹⁹ Research carried out by the National Youth Agency for the LG Group, to be published this year, shows how councils and other organisations are supporting offenders in resettlement following release from custody in order to better protect communities from harm and reduce reoffending. The report highlights difficulties encountered by young people re-entering the community, such as finding accommodation, not being able to get a job or training and lack of life skills.

24. Education for young people in custody is extremely important in respect of young peoples' prospects following their release from custody. Since September 2010, councils have had a duty to secure education for young offenders under the Apprenticeship Skills and Children and Learning Act 2009. The contracts for these services have continued to be managed by the YPLA and were due to transfer to councils from April 2012; however, the Government has recently announced that contracts will be transferred to the YPLA's successor, the Education Funding Agency. The long-term situation for the commissioning of these services is under consideration by the Ministry of Justice. The LG Group strongly believes this function should be transferred to councils, rather than resting with a central body.

25. Councils already have a statutory duty to secure education provision for young people in custody and are well placed to commission these services, building on relationships with local education providers. They can also offer a more supportive approach for these young people, by linking this to other relevant council services. In addition, a central body (whether the YPLA or the EFA) role in allocating funding represents an unnecessary layer of administration. Keeping the commissioning responsibility at central level not only makes little sense, but is contrary to the broader direction of devolving responsibilities for young offenders.

26. An information pack and good practice guide recently produced by the Ministry of Justice in association with the LG Group demonstrates that councils have been forging local relationships and developing processes to improve outcomes for young offenders without central direction.²⁰

27. In addition to the issue of custodial sentences, which have reduced significantly in the past few years, the use of remand is not reducing at the same rate. 57% of young people on remand do not go on to receive a custodial sentence. The Legal Aid, Sentencing and Punishment of Offenders Bill introduces a new test for the courts, aiming to reduce the numbers of young people that are remanded to secure custody, which is to be welcomed.

28. The Bill also paves the way for the transfer of funding responsibility to local authorities for all youth remands. Local government has supported the devolution of funding responsibility for the costs of youth remands, as outlined in *Breaking the Cycle* in order that councils have an incentive to invest in prevention. However, it is a complex issue and it is critical that the full implications are fully and carefully worked through to ensure that it is successful in its aim of further reducing the number of young people on secure remand.

¹⁸ <http://www.lga.gov.uk/lga/publications/publication-display.do?id=22490>

¹⁹ *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, MoJ (2010)

²⁰ <http://www.lga.gov.uk/lga/core/page.do?pageId=19496092>

29. Councils have previously voiced concerns about the potential for unexpected events beyond their control that could lead to sudden increases in the youth remand population. Whilst the uniqueness of the civil disturbances in August represents an extreme example, it clearly shows that there is a realistic prospect that such individual events will have a huge impact on the implementation of these proposals. The financial implications of such an event for particular councils could be enormous and, as such, it is essential that plans are put in place for this type of situation.

30. It is imperative that there is an agreed assessment of the full, true costs of youth remands to be transferred to council budgets, including a realistic estimate of the reductions in young people remanded to secure custody as a result of changes in the Bill. Financial modelling should be informed by the pathfinder pilots, which are only in their infancy. It is essential that these issues are resolved before the transfer is enacted through secondary legislation.

31. The Bill also provides for all young people remanded to custody to be given looked after status. We agree in principle that some of these children will be vulnerable and should be effectively supported. However, automatically giving all young people on remand full looked after status is not likely to be a proportionate way of achieving this. It could lead to significant unnecessary bureaucracy and costs, which the public purse cannot afford. We urge the careful drafting of secondary legislation, following consultation with local government, to ensure that the proposals achieve the intended aim.

September 2011

Written evidence from the Norfolk Youth Offending Team

1. *What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?*

1.1 Clearly the announced changes to national governance arrangements for youth justice and the likely impact on the Youth Justice Board and youth offending teams have yet to be fully implemented and realised.

1.2 However the intentions in the Public Bodies Bill including the proposed abolition of the YJB and the associated transfer of its functions into a centralised Youth Justice Division within the Justice Policy Group [YJD] of the Ministry of Justice cause some concerns particularly if there is an intention to further dilute the already dissolving regional structure of the YJB.

1.3 A distinctive Youth Justice remit must remain to provide clear, child focused, leadership on youth justice issues.

1.4 The establishment of the YJD may lead to greater ministerial accountability for youth justice and strengthen capacity to influence policy across government ensuring all departments play their part in stopping young people from becoming involved in anti-social behaviour, youth crime and re-offending. However the government departments most able to support this aim and assist in ensuring the needs of children and young people who offend are met will be those shaping practice in relation to children and young people and their families and it is critical that close connections between the different departments responsible for children and families are maintained.

1.5 Norfolk YOT has received great value from its close “critical friend” links with the existing Youth Justice Board [YJB] regional team and would strongly advise that a regional presence be maintained. This is the strongest support a Head of YOT has, the key messages and support from the YJB regional team help considerably to determine how the national agenda can be locally implemented and helps Norfolk YOT to stay “on message”. A centralised national YJB is currently perceived as too distant and inaccessible and there is a danger this will be further embedded within a centralised and potentially more remote YJD.

1.6 The dissemination of guidance and sharing of evidence of what constitutes “effective practice” may be lost if the current YJB regional system is further diluted or lost. Much of the “sharing” of effective practice takes place within the regional meetings, which will be unlikely to continue unless regionally coordinated and in our view it is essential that this informed peer support of practice is maintained.

1.7 Opportunities for joint commissioning are frequently promoted and pursued through the mechanism of the regional fora. This includes pieces of supporting work and region wide analysis that the YJB regional team can provide for the benefit of all YOTs that might not otherwise be conducted or lead to much expensive duplication and waste of effort.

1.8 The present regional structure also enables Norfolk YOT to influence the national agenda. The YJB regional team are particularly essential in ensuring the YOT voice is heard and passing on key feedback.

1.9 The YJB Bulletin is an important source of information for YOTs. It is not clear what the future is for this essential communication.

1.10 YOT involvement in Central Government Information Technology projects, such as LIBRA, and the CJS digital depository have suffered since the winding down of the Wiring up Youth Justice Team. Further erosion of a centralised youth justice function will impact on our ability to be able to fully implement projects such as these and benefit from the efficiency and effectiveness gains that they produce.

2. *What impact, if any, have changes to funding arrangements had on youth offending teams?*

2.1 Changes to funding arrangements have had two principal impacts on Norfolk Youth Offending Team, both adverse.

2.2 Changes to public sector funding have led to reductions from all partners in their contribution to the YOT budget. The planning assumption is for an average 25% reduction across the three years 2011–12 to 2013–14. This equates to a £552,123 funding reduction.

2.3 The changes to public sector funding also had an impact on Norfolk County Council and the above reductions include a £458,000 cut in the budget contribution from Children’s Services.

2.4 Staffing reductions in 2011–12 were 17 staff; 15.2 full-time equivalent posts.

2.5 The removal of the ring-fence from a range of previous central budgets provided through the Youth Justice Board resulted in service reductions in non-statutory areas as grant money was diverted to other areas of service delivery.

2.6 In order to maintain the quality and volume of service provision within these reduced resources we introduced a new Target Operating Model which focuses attention on high quality assessment and high-risk case management skills whilst supporting principles for future service delivery, which:

- simplify structures,
- provide fewer compartments,
- remove role barriers, and;
- provide greater flexibility in the workforce, but;
- remain in accordance with our current commitments in relation to meeting YJB National Standards and Case Management Guidance whilst recognising that this might not be sustainable.

2.7 Early intervention and prevention activity was fully integrated into the service as a whole incorporating the posts which previously specialised in delivering crime and anti-social behaviour prevention activity leading to a less direct focus on these areas of activity.

3. *How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?*

3.1 Norfolk YOT believes fully in the continued need for clear and accessible pathways from local youth justice to central youth justice.

3.2 The YJB, through both its centralised and regionalised mechanisms and fora has been a strong ally for individual YOTs and assisted them in holding local authorities to account for how they resource and support the prevention and reduction of youth crime and anti-social behaviour through YOTs.

3.3 By continuing to maintain a clear expectation on all statutory partners to preserve their investment in the support and resource of YOTs at central and local level.

3.4 By continuing to offer opportunities in the YJD for experienced youth justice practitioners/managers to ensure that national developments and initiatives remain grounded in and take account of front line practice.

September 2011

Written evidence from the Greater Manchester Youth Offending Teams

The following is the submission from the Greater Manchester Youth Offending Teams in response to the request for written evidence to inform the enquiry looking at the future of the Youth Justice Board and Youth Offending Teams.

It highlights the concerns around the areas of:

- Changes to governance arrangements.
- Proposed funding arrangements.
- Current pressures placed on services due to the cut in local authority budgets.
- The issues of concern if youth justice is to become less of a priority service for local authorities in the future including areas such as prevention and rehabilitation.

This has all been addressed in accordance with the terms of reference requested on 21 July 2011, in the publication www.parliament.uk

1. What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?

1.1 Since the youth justice system was overhauled in the 1998 Crime and Disorder Act the Youth Justice Board have provided strategic direction for Youth Offending Teams locally. It has also provided the framework for a consistent approach to delivering youth justice services nationally and ensured local authorities dealt with the issue of Youth Justice as a key task rather than an optional one.

1.2 There will be a major risk for YOTS if youth offending is not to remain a priority on the national stage and therefore not a priority for local authorities.

1.3 In the current financial climate partners who have statutory responsibilities in the delivery of youth justice services locally, would find it easier to walk away without a national body who are able to exert pressures on partners.

1.4 Without a national steer the work of YOTs could be marginalized locally as LA begin to prioritise with limited resources. This can already be seen in some Boroughs across Gtr Manchester, where Youth Offending services have already been reduced in size with the prevention teams being the hardest hit in the initial round of cuts and efficiency savings.

1.5 Currently, local decision making is good and YOTs intend to continue to develop effective partnerships to meet the needs of children and young people with complex needs but they could become less effective over time if Youth Justice is not seen as a priority, particularly by those partner agencies.

1.6 The current impact in the changes to governance arrangements have had on Youth Offending Teams in the Greater Manchester area, are cuts to non statutory services such as prevention and reparation. The immediate concern, apart from the loss of jobs and services, is the impact this will have on the area of first time entrants.

1.7 There has also been a shift in the priorities of partner agencies where funding contributions have been withdrawn and the secondment of staff has come under scrutiny. Across Greater Manchester this has become apparent with Greater Manchester Police, who have been reviewing the roles of Police Officers in various partnerships working arrangements, including YOTs and when direct funding has been withdrawn.

2. What impact, if any, have changes to funding arrangements had on youth offending teams?

2.1 The immediate impact on Youth Offending Teams has been a reduction in size and the loss of staff within all teams across greater Manchester. This has meant a re prioritisation of service delivery and a concentration on statutory responsibilities.

2.2 Under current funding arrangement Youth Offending Services have less control over their budget than pre 2011 and this has affected the service's ability to respond to the prevention agenda and other crime and disorder challenges.

2.3 Already prevention services have been reduced as this is the non statutory element of Youth Justice Services.

2.4 The youth justice board is currently consulting on a funding formula for Youth Offending Teams that is due to come into effect next year. The future funding arrangement could pose a significant risk to some YOTs capacity and capability to address the needs of children and young people on statutory orders. Based on the proposed funding model it seems odd that a "Shire" Youth Offending service, for instance with less indices of deprivation and other social factors could conceivably receive more funding than a Youth Offending Service in an inner city area. Current events in Manchester and Salford and other parts of the country would indicate that these areas are those where any future funding arrangement should ensure effective services are available and that some of the current proposals for funding formulas are naïve and do give significant cause for concern.

2.5 It is also clear that it is not only the funding arrangements from the YJB that has had an impact on YOTs. Cash contributions from Health and the Police have been cut, and contributions from Probation and Community Safety Partnerships are under review. These seem to be hidden cuts that have had a major impact on the way Youth Offending Teams are structured and how services are delivered.

2.6 Youth Offending Teams across Greater Manchester are all operating with less funding from the Youth Justice Board than in 2010. Some local authorities have temporarily backfilled this shortfall to lessen the impact. Others have had to make immediate efficiency savings to accommodate this reduction.

3. How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?

3.1 The focus on the front end of the system by prioritising the reduction in First Time Entrants has proven to be effective in reducing numbers at the other end of the scale where young people would enter the criminal justice system.

3.2 Statistical evidence would show that prior to recent events the number of young people in the Criminal Justice System and indeed the secure estate was low.

3.3 Diverting young people from the criminal justice system is cost effective and far more beneficial for local communities.

3.4 Strong signals from central government on reducing First Time Entrants are required if Local Authorities are to maintain this area of work as a priority. They need to be emphasising the need for local collaboration across all sectors to provide an effective prevention service, targeting young people at risk of offending and Anti social behaviour.

3.5 Further cuts to services which actively engage with young people, such as the Youth Service and Youth Offending prevention services, can only result in more young people being put at risk of becoming involve in crime and anti social behaviour. It would therefore be imperative that funding levels are maintained at current levels and that any future funding formulas take this into account.

3.6 Youth Offending teams have delivered a range of prevention projects in the past through specific funding streams such as the Youth Crime Action Plan. These funding streams are now included in the Early Intervention grant which means that Funding for Early Intervention projects such as Youth Inclusion Programmes are not maintained and directed through YOT's. This has meant that those young people at risk of entering the system through the anti-social behaviour route are not seen as a priority and become even more difficult to engage.

3.7 It is therefore important that a central steer on the need for the Youth Offending Services is maintained. This will ensure that a critical delivery model for youth justice remains, rather than returning to a more generic system where offending was deemed as low priority for social care departments. This will ensure that First Time Entrants and the use of custody can at least be maintained at current levels, with the aim of reducing the numbers in both areas.

3.8 Youth Justice will therefore need to be seen as a priority rather than an option for Local Authorities.

September 2011

Written evidence from Rob Allen

ABOUT ROB ALLEN

1. I am an independent researcher and consultant and co-director of Justice and Prison (www.justiceandprisons.org). From 2005–10 I was Director of the International Centre for Prison Studies at King's College London. From 1998–2006 I was a member of the Youth Justice Board for England and Wales and was a Specialist adviser to the Justice Select Committee from 2007–10

2. Earlier this year I wrote a report for the Prison Reform Trust called *Last Resort: Exploring the reduction in child imprisonment 2008–11*. This submission draws information from that report which is relevant to the Committee's investigation.

A. *What Impact if any have changes to national governance arrangements for youth justice had on the YJB and YOT's?*

3. Before 1997 Youth Justice was the joint responsibility of the Home Office and Department of Health but as part of the Labour Government's reforms Ministerial responsibility was given solely to the Home Office, with the newly formed YJB created as a Home Office NDPB. In 2007 joint responsibility for youth justice was given to the newly created Ministry of Justice and Department of Children's Schools and Families (DCSF). Following the 2010 election responsibility has been held solely by the Ministry of Justice.

4. The change of in 2007 led many to hope that that the influence of DCSF could lead to a less punitive and more welfare or educational dimension in policymaking. The Youth Crime Action Plan (YCAP), published jointly by the two Departments together with the Home Office in July 2008 set some important directions for policy, particularly the emphasis on reducing first time entrants to the system. The YCAP had relatively little to say in explicit terms about reducing the use of custody but did propose to make local authorities liable for more of the costs associated with remanding children from their area, and floated the idea that local government should contribute to the costs of custodial sentences. Both of these measures had been put forward by those interested in reducing the use of custody as a way of curbing a free good and it is possible that the airing of these proposals has served to concentrate the minds of local authorities on the case for reducing numbers on the basis that in due course they might become liable for the costs involved.

5. The change in Departmental responsibility in 2010 has not made much difference to policy with the Government confirming in their response to the Consultation on the Green paper breaking the Cycle that the three key outcomes for youth justice involve reducing the number of first time entrants to the youth justice system, reducing re-offending and reducing custody numbers.

6. In terms of implementation of policy, it is likely that the sponsorship from DCSF did bring with it a better understanding of local government, because the Department's core business of education gave it a great deal more contact with local authorities than has the Ministry of Justice. The Chief Executive of the YJB has

suggested that “this had an impact in encouraging the YJB’s policy switch to become much more local government facing.”²¹

7. Local authorities themselves became more directly involved in youth justice after the introduction of the new performance framework for local government outlined in the 2006 Communities and Local Government White Paper *Strong and Prosperous Communities* and put in place from 2008–09 onwards. This included a set of national indicators on which local authorities were required to report and from which they were able to agree a smaller number of priorities for inclusion in a local area agreement. National Indicator 43 related to children within the youth justice system receiving a conviction in court who are sentenced to custody, with a good performance against this indicator typified by a reduction year-on-year. The rationale for the indicator was that, while rates of custodial sentencing can vary from area to area, with the courts ultimately responsible for sentencing, “the effectiveness of work by local agencies in providing preventative interventions, and of local community alternatives to custody can be successful in reducing the likelihood of children’s behaviours escalating to a point where custody becomes inevitable.”²²

8. Although this indicator already formed an element of the YJB’s monitoring of YOT’s (and was mirrored in the YJB’s priorities), its inclusion as a national indicator flowing from the priorities identified in public service agreements and departmental strategic objectives endowed it with a good deal more significance for local authorities than hitherto, the fact that the indicator was not chosen as one of the specific priorities in any local or multi area agreements notwithstanding. Public Service Agreements 14, *Increase the number of children and young people on the path to success*, 23, *Making communities safer*, and 25, *Reduce harm caused by alcohol and drugs*, also raised the importance attached by a range of central and local agencies to the performance of the youth justice system. Indicators relating to engagement in suitable education and/or employment and their access to suitable accommodation may have been particularly significant. Progress in these areas may well have had a dual effect, first by reducing risks of children reoffending and second by having a more direct impact on sentencing, if, as seems plausible, children with nowhere to stay and not in education, employment or training, may face a higher risk of a custodial sentence than those who are more settled and constructively engaged.

9. The removal of this performance framework and of the monitoring function carried out by the YJB combined with the financial pressures on local authority budgets leaves open a strong possibility that the engagement of local government with this agenda will be reduced.

B. What impact if any have changes to funding arrangements had on youth offending teams?

10. Others will be better placed to assess the extent to which the budgets allocated to YOT’s by the partner agencies have been reduced in 2011–12. Two points are worth making. First the substantial investment in YOT’s since they were introduced combined with the marked reduction in caseload since 2008 should enable YOT’s to absorb some budget reductions without impacting too heavily on the quality of the services they provide. However should the direction of youth justice policy change away from an emphasis on diversion towards a more expansive use of prosecution and sentencing, the ability of YOT’s to respond to the increased workload which will result could be severely tested.

11. This is in effect what happened in the early 1990’s when after a period in which the numbers of juveniles in the courts and custody fell markedly, the pendulum swung sharply back. The Social workers and Probation officers who were then responsible for the work now undertaken by YOT’s were unable to respond effectively. The Audit Commission’s damning assessment of the youth justice system in 1996 found that the arrangements then in place were failing young people “who are not being guided away from offending to constructive activities.”²³ Clearly it is important that this particular cycle is not repeated.

12. The second point is that without a YJB or an Audit Commission, it will be impossible to know whether such developments are occurring or not. While the monitoring and inspection arrangements for youth justice arrangements may have become over elaborate in recent years, there is a risk that policymakers and others will move from having access to a feast of information about the operation of the youth justice system to a virtual famine.

C. How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?

13. To answer this question it is necessary to identify the key factors that explain the reductions in first time entrants and in custodial sentences over the last three years and then consider how these might be sustained in the new climate of austerity. Three factors seem particularly important.

14. The most important variable is the way in which the police deal with juvenile offenders. The Association of Chief Police Officers (ACPO) strategy on young people, implemented from December 2007, explains the rationale for a diversionary approach seeing merit in “swift resolution of anti-social and criminal behaviour by children and young people and the need to tailor the level of any intervention to the risk of re-offending and

²¹ Allen (2011) Last Resort page 11

²² DCLG (2008) National Indicators for Local Authorities: Handbook of Definitions

²³ Audit Commission (1996) Misspent Youth

the personal risks associated with the young offender.”²⁴ The strategy is based on “working with partners to ensure appropriate responses and resources are in place, for pre-court disposals, to meet the identified needs of individual offenders and victims, and provide positive opportunities for rehabilitation in the community”.²⁵ Even for serious and persistent offenders, the strategy aims to meet the identified needs of each individual child, prolific and priority, serious, “spree” or PYO,²⁶ to break their cycle of offending behaviour and provide *positive opportunities for rehabilitation in the community* for them and their victims (emphasis added).

15. This policy of diversion followed a period in which the police were under pressure to “bring offences to justice” in order to meet central government targets. This had led to minor cases being formally processed which almost certainly led to an escalation of offending. There is a question as to whether the inappropriate incentive to bring minor child offenders into the formal criminal justice system to meet the target of bringing offences to justice has been replaced by an equally inappropriate *disincentive* to process children formally in order to meet the new target of reducing first-time entrants to the system. But as long as there is adequate provision of what the YJB has called “constructive non-judicial approaches that satisfy victims without criminalising young people”, research suggests that the effect of keeping such cases outside of the formal system will be to reduce the escalation of offending as well as provide more steps in the processing ladder. It will be important therefore for the police to maintain their balanced and diversionary approach and for partner agencies to provide interventions outside the formal system that enable them to do so.

16. The second factor relates to the courts. There is some evidence in recent years of a greater engagement between the Youth Justice Board and youth offending teams on the one hand and courts on the other, which may have developed a shared view that custody should be a last resort for young people. Since 2009 the Board has sought to influence practice in areas with high custody rates, sending joint letters from its Chair and the Chair of the Youth Courts Committee (YCC) of the Magistrates Association (MA) to YOT managers and Chairs of Youth Court Panels urging them to meet and discuss their use of custody compared with other areas. A repeat letter was sent out six months later with new statistics. The initiative in part reflected much closer cooperation and regular meetings between the MA and the YJB. The YJB has also commissioned and published research on why young people are sentenced to custody and issued guidance to YOT practitioners about working with the courts. Once the YJB is wound up, it will arguably be more difficult for this kind of work to continue. The semi independent status of the YJB enables it to engage with the judicial branch more easily than can the executive. Outside the system, initiatives such as the Prison Reform Trust’s Out of Trouble Programme have developed innovative ways of raising awareness of the use of custody for children nationally and locally and provided technical assistance in areas with high rates of custodial sentencing. These may continue but may well not be enough to maintain the momentum that has been built up in recent years.

17. The third key factor in determining the direction of travel for the youth justice system and the one which to an extent will influence the first two is the climate of political, media and public opinion. While difficult to assess its impact, it appears that, prior to the August disturbances at least, there have not been demands for a greater use of custody during the last three years. Prior to the publication of the Legal Aid, Sentencing and Punishment of Offenders Bill in June 2011, there was a considerable backlash against what was portrayed in parts of the media as an unduly soft approach to sentencing by the coalition government. The backlash and the changes in policy which resulted have by and large not applied to measures for the 10–17 age range.

September 2011

Written evidence from the Transition to Adulthood Alliance

The Transition to Adulthood Alliance (T2A) is pleased that the Justice Select Committee has decided to seek the views of the various parties on this issue and welcomes the opportunity to respond to its inquiry.

EXECUTIVE SUMMARY

- T2A are concerned that the abolition of the Youth Justice Board (YJB) may lead to a reduced focus on the experiences of young adults in the criminal justice system.
- It is crucial that central government retain a focus on young adults in the criminal justice system.
- Any reorganisation of the functions of the YJB must identify opportunities to better co-ordinate the transition between the youth justice system to the adult system.
- T2A would like to see further reform of the legal and sentencing process to take into account and respond proportionately to a young person’s maturity.

1. About the Transition to Adulthood Alliance²⁷

1.1 T2A is a broad coalition of organisations and individuals which identifies and promotes more effective ways of working with young adults, aged 18–24, in the criminal justice system. Convened by the Barrow

²⁴ ACPO (2007) “Its never too early. It’s never too late”

²⁵ Ibid

²⁶ PYO = Persistent Young Offender

²⁷ For more information on the T2A Alliance, see <http://www.t2a.org.uk/alliance>

Cadbury Trust, its membership encompasses leading criminal justice, youth and health organisations Addaction, Catch22, the Centre for Crime and Justice Studies, Clinks, the Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, the Prince's Trust, the Prison Reform Trust, the Revolving Doors Agency, the Young Foundation, and YoungMinds.²⁸

1.2 T2A has developed and promoted a series of policy proposals that would create a more effective and fairer criminal justice system for the young adult age-group; an approach that is proportionate to their maturity and responsive to their specific needs.

1.3 The Barrow Cadbury Trust has established three pilot projects, running since 2009, which are testing different approaches to improving services for young adults in the criminal justice system. The T2A pilots enable community interventions to be tailored to the needs of the individual, with the aim of reducing both the risk of reoffending and social exclusion. The three pilots are in Birmingham, Worcester and London, and are delivered by Staffordshire and West Midlands Probation Trust, YSS and the St Giles Trust respectively.²⁹ The pilots are subject to a formative evaluation by the Oxford Centre for Criminology, an outcome-based evaluation by Catch22, and a cost-benefit analysis by Matrix Evidence (*see section 4*). A formative evaluation by the University of Oxford's Centre for Criminology already points to promising early results and highlights the pilots' success in engaging young adults in actions which will help them towards better lives.

INQUIRY QUESTIONS

2. *What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?*

2.1 The YJB, as a national body, has proven important in providing leadership and advocacy for youth justice services, which now operate exclusively at local level. The YJB acts not only as a representative body, but is a significant knowledge base offering youth offending teams new strategies and tools to reduce offending in young adults. Specialist practitioners within the YJB bring considerable experience to its work, allowing the Board to function as an arbiter of best practice.

2.2 Our concern is that the abolition of the YJB may lead to a reduced focus on the experiences of young adults in the criminal justice system and their specific needs. This distinct approach to youth issues has been successful in the last few years in reducing number of young adults in custody by a third. Without the guidance and backing of the YJB, youth offending teams would not only lose out on the expertise it provides but would struggle to protect existing revenue streams.

2.3 Any reorganisation of the functions of the YJB must identify opportunities to better co-ordinate work between the youth justice system and the adult system, creating a smooth transition for young adults moving between children's and adult services. Young adults experience a range of transitions as they move towards adulthood: the move from education to employment; the move into a long-term relationship; the move from the parental home to their own "household"; leaving care or perhaps becoming a parent.

2.4 The T2A Alliance's work has shown that the abrupt termination of services when a young person reaches the legal age of 18 based on the arbitrary notion of chronological age rather than need can have a catastrophic impact on their lives, especially for disadvantaged young adults who often have no family or community support available to them and are often living chaotic lives. Furthermore, adult services are often not appropriate for young adults aged 18–24 and these people are often at risk of "falling through the gap" between child and adult services. Many young adults therefore have experiences of being let down by services, despite the fact that we know that they are among those most likely to have poor outcomes if left without external help or support. For transitioning to be improved, there would need to be significant improvements in interdepartmental communication and transitional arrangements—locally and nationally—with respect to working with young adults. The work of the T2A pilots demonstrates a best practice model for transitional arrangements within the criminal justice (*see section 4*).

2.5 It is crucial that central government retains a focus on young adults in our criminal justice system, and specifically those in the transition to adulthood. The T2A Alliance would welcome clarification on what custodial provision for young adults might look like in the absence of the YJB.

3. *What impact, if any, have changes to funding arrangements had on youth offending teams?*

3.1 Members of the T2A Alliance have concerns that changes to funding arrangements have placed limits on the ability of youth offending teams to prevent offending among young adults. In 2011–12, youth offending teams in England are seeing budget cuts of 20% on average so, quite clearly, teams face enormous challenges in continuing to provide services which are proven in their effectiveness, for less money.

3.2 As stated above, one of the key strengths of the current model is that it involves specialists and other professionals in the work of the youth offending teams. The loss of funding that YOTs contend with means

²⁸ Although the work of the T2A Alliance reflects the views of its membership, this submission should not be seen to represent the policy positions of each individual member organisation.

²⁹ For more information on the pilot projects, see <http://www.t2a.org.uk/pilots>

they might find it difficult to combat offending and reoffending in a collaborative, evidence-based way. This is likely to worsen if the YJB is to be abolished as proposed in the Public Bodies Bill.

4. *How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?*

4.1 In recent years we have seen much progress in reducing first-time entrants into the youth justice system, with early intervention programmes reducing levels of offending, particularly in troubled young adults. With youth offending teams now having to compete for funding from local authorities, there are concerns that they could lose the attention and support they need.

4.2 The devolution of custody budgets, which replaces national funding for custodial sentences with spending powers at a local level, provides new incentives to Local Authorities to focus on restorative justice as opposed to custodial sentences. Financial incentives that are more aligned to the needs of the youth justice system can only be beneficial, both for the young adults concerned and in terms of future cost savings.

4.3 The YJB does not undermine localism, but enhances the voice of the youth justice sector and acts as its champion. We are concerned that even at the current level of funding, without the YJB to champion the interests of youth offending teams, services which are proven to reduce offending could be challenged—or cut.

4.4 Rather than cut vital services that support young adults, money could be saved by making changes to existing sentencing process, which have a significant impact on reducing the numbers of young adults entering the criminal justice system. Diverting young adults from community orders into pre-court Restorative Justice (RJ) conferencing schemes (following a police triage service) is likely to produce a lifetime cost saving to society of almost £275 million (£7,050 per offender). The costs of RJ conferencing are likely to be paid back within the first year of implementation. During the course of two parliaments, implementation of such a scheme would be likely to lead to a total net benefit to society during this period of over £1 billion.³⁰

4.5 T2A would like to see further reform of the legal and sentencing process to take into account and respond proportionately to a young person's maturity. Lack of maturity should be seen as a factor reflecting reduced culpability and a factor reflecting personal mitigation. T2A welcomes new sentencing guidelines published in July 2011 that enable sentencers to take an individual's lack of maturity into account when considering the offence of assault (also proposed for drugs and burglary offences). We would like to see this introduced in all sentencing guidelines. In a recent report produced by the Criminal Justice Alliance for T2A, "Sentencing Young Adults: Getting it Right", several recommendations were made around reforming the current system including that:

- a version of the German Sentencing Model for young adults, which enables young adults aged 18–20 to be sentenced under juvenile law where appropriate, should be piloted in England and Wales;
- sentencers should receive comprehensive training on understanding maturity, and the impact of lack of maturity, to better inform their sentencing decisions; and
- service providers should work with the courts and probation to engage with sentencers and make them aware of any young adult-specific provision that is available in their area, and sentencers should understand its importance.

4.6 Introducing measures that would allow young adults to be tried under juvenile law following a maturity assessment is likely to produce a lifetime cost saving to society of almost £5 million (£420 per offender). During the course of two parliaments, the implementation of such a scheme would be likely to lead to a total net benefit to society of almost £473,000³¹ Replacing custodial sentences of less than six months with community orders for young adults³² via changes in sentencing guidelines is likely to produce a lifetime cost saving to society of more than £12 million (£1,032 per offender). The costs of changing sentencing guidelines are likely to be paid back within three years of implementation. During the course of two parliaments, implementation of such a scheme would be likely to lead to a total net benefit to society during this period of almost £33 million.³³

4.7 Finally, we would like to draw the Committee's attention to T2A's pilots in more detail, which born out of increased awareness that when young adults are given the right support they can grow out of crime.³⁴ These pilots are focused on diverting young adults away from the criminal justice system through one-on-one work to address their underlying reasons for their criminal behaviour. The pilots deliver effective support to reduce the risk of reoffending and social exclusion through:

- coaching, motivating and empowering young adults;

³⁰ Matrix Evidence, *Economic Analysis of interventions for young adult offenders*, November 2009. See report for full details— "lifetime cost saving to society" is defined as benefits gained within the period of the sentence and over the 26 years following release.

³¹ Matrix Evidence, *Economic Analysis of interventions for young adult offenders*, November 2009

³² Only young adults that received an immediate custodial sentence from a Magistrate's court for a non-violent offence would be eligible. Summary and Indictable motoring offences are also excluded.

³³ Matrix Evidence, *Economic Analysis of interventions for young adult offenders*, Nov. 2009

³⁴ T2A parliamentary briefing on Maturity, July 2011, <http://www.t2a.org.uk/publications>

- supporting young adults and encouraging them to take responsibility for their own lives; and
- improving their lifestyle choices and opportunities (such as through training and employment).

4.8 While each of the three pilots works with different cohorts of young adults and at different points within the criminal justice system, each pilot draws upon the T2A approach. Each pilot has established multi-agency systems with statutory and voluntary services in the local area. This allows the T2A worker to deal with the issues arising from the transition between the Youth Offending Service and the Probation Service, ensuring transfer of information and maintenance of a constant level of support. Multi-agency working also allows the pilots to provide effective help with housing, and access to training, education and employment opportunities.

ABOUT THE T2A PILOTS

The pilots are in London, Birmingham, and Worcestershire. Two are led by voluntary sector services: the St Giles Trust runs the one in South London as part of its SOS project, and YSS runs the one in Worcestershire. The third one, in Birmingham, is delivered by the Staffordshire and West Midlands Probation Trust.

The London T2A Pilot, run by St Giles Trust, is based in Southwark and Croydon. It works with young adults in prison prior to their release and during and after release into the community. It provides intensive support to divert young adults—principally young men—away from offending and enables them to build a new life for themselves. Support offered includes help with housing, accessing training and employment, as well as emotional support with issues such as relationships, behaviour, self esteem and self perception. The service is delivered by staff who are all ex-offenders, which helps to provide a level of trust and credibility with the young adults. The London T2A teams have been welcomed by the Youth Offending Teams and Croydon Probation Service. Croydon Probation makes direct referrals to the service, and the local Youth Offending Team has invited the T2A teams to work alongside their key workers on some cases. The T2A teams have also built up good relationships with the local police, who also refer young adults directly to the T2A teams.

The West Mercia T2A pilot is run by YSS and is based in Worcestershire. It has been receiving referrals since February 2009 and works with young adult offenders with high needs in the community. The pilot offers a flexible, community based, one-to-one support and mentoring service, using a mixture of paid staff and local volunteers. Each young adult on the T2A pilot determines what level of support they require, including support for family members. The key worker steers them through the available provision, overcoming any barriers (real or perceived) and provides feedback to agencies to influence service practice and policy development. Each young person develops their own action plan with smart objectives. Staff are responsive to need and flexible in their approach due to the potential changing and chaotic lifestyles of the young adults involved. YSS has established a multi-agency T2A steering group with senior management representation from across the criminal justice system, and the T2A pilot encourages regular discourse between the West Mercia Probation Trust and the Youth Offending Team, and key workers are regular visitors at team meetings and will often meet up to discuss T2A referrals.

The Birmingham T2A pilot is delivered by the Staffordshire and West Midlands Probation Trust and is aimed at young adults aged 17–24 years of age identified as posing a medium risk of reoffending. The pilot enables intervention to be tailored to the maturity and needs of the individual young adult and offers mentoring, as well as specific help with accommodation, employment, relationships and substance misuse, depending on their needs. It also aims to instil change in the young adults' lives, to enhance their life opportunities, to influence their choices and to move them away from crime, reduce worklessness and improve emotional well-being.

The pilots commenced operation during the period December 2008 to July 2009, although the two voluntary sector teams were able to embed this work within existing projects. Still with one year to run, the pilots are already demonstrating effective work with young adults at risk of reoffending and displaying the benefits of inter-agency policies that will bridge gaps between services and ensure joined up provision for young adults.

The practice ethos of the pilots is one of providing support. The important work to reduce reoffending is integral but contextualised in that supportive framework. The pilots have employed staff to work intensively with the young adults, with support from volunteers. While reducing reoffending by these service users is a core concern and prime objective, this is woven into the broader purpose of enabling them to “get on” in their lives and to navigate the transitions they have to make (from post-adolescence to maturity; from the youth justice system to the adult justice system; and from custody to resettlement). It is therefore, in effect, welfare-based (in the interests of the service user) and, as such, considerably removed from standard risk-based, offender management practice in the adult criminal justice system.

So far, the pilots have been successful in engaging young adults in taking up the offered service. The support given is a combination of mentoring and connecting them to services, training and the practical steps they need to take to make progress. All of the pilots are using a person-led, task-focused (or solution focused) model for working with the service users. Through the expression of genuine concern, interest and respect for the individual, the practitioners are able to form a working

alliance in which they engage the young person in formulating and following an action plan to help them resolve difficulties, often linked to offending, and to reach their goals.³⁵

4.9 The University of Oxford's evaluation of the pilots already demonstrates the considerable benefits of this approach, concluding that "the early results from the case studies, and the beliefs of the key players, suggest that the pilots are helping young adults to avoid involvement in offending and to make improvements in their lives", adding "according to their self-reports, half of the young adults had not reoffended during the six to twelve month period following T2A support. The other half reported that their reoffending was less frequent and less serious, and they are more optimistic about their ability to desist in the future."

4.10 This shows that a distinct focus on young adults can play a part in reducing reoffending by young adults. This needs to be incorporated into the development of payment by results to enable providers to work more intensively with young adults. This could be achieved by creating a distinct cohort of young adults to enable a provider to use the emerging findings from the T2A pilots to focus on what works with this age group.

September 2011

Annex

INQUIRY INTO THE FUTURE OF THE YOUTH JUSTICE BOARD AND YOUTH OFFENDING TEAMS

TRANSFER CASE STUDY

A transfer request was submitted to the T2A unit for a young man who had been engaging with the Youth Offending Service (YOT) but had now reached his 18th birthday and the case was to be transferred to adult services, Staffordshire and West Midlands Probation Trust.

JB had been engaging with the Youth Offending Service since he was 15 years old and had been convicted of a number of offences, mostly acquisitive. He was a cannabis user, was experiencing problems with his family and was not in education, training or employment.

The formal documentation for transfer was requested from the YOT and JB was contacted by a Community Engagement Officer. A first appointment was made and JB was able to discuss with his T2A worker and his YOT Officer his fears and expectations of moving to adult services. The T2A worker explained the differences between YOT and Probation and the expectations of the Probation Service and consequences of non-compliance. At this point JB was asked if he would like to engage with the T2A programme which would support him with his current difficulties as well as provide the additional support and guidance regarding his transfer. JB explained that he would be happy with T2A guidance for his transfer but did not feel that he needed additional support in other areas at this time.

JB's case file was collated, checked, updated onto the Probation systems and sent to the local office for allocation. A few days later the case was allocated to an Offender Manager within the Probation Service and notification was forwarded to the T2A unit. The Community Engagement Officer was notified of the allocation and made arrangements to meet JB, his YOT Officer and the new Offender Manager. The meeting took place at the Probation Office, this was to allow the Youth Offending Team Officer to support the young person at his first meeting and also to show him where the office was and how to get there. The meeting was held and it was agreed by all that the case should be transferred immediately. Further appointments with his probation worker were issued to JB and further clarification was given regarding the supervision plan which had been adapted from the YOT intervention plan.

The Community Engagement Officer sent confirmation of transfer letters to all parties and offered JB the opportunity to engage further with the T2A programme. The young person felt that he would like to focus on his probation appointments and did not need further support.

T2A tracked the progress of JB and he appeared to be attending his appointments well.

JB is now working on a voluntary basis and is gaining qualifications in IT. He has completed an application form for a job at his work placement and is hopeful of a positive outcome.

He has also expressed an interest in gaining a Construction Skills and Certificate Scheme (CSCS) card and other work opportunities.

³⁵ This description is adapted from T2A literature and the report of the University of Oxford's evaluation of the pilots: Burnett, R. and Santos, G.H. (2011) *Found in Transition? Local Inter-Agency Systems for Guiding Young Adults into Better Lives: Final Report of the Formative Evaluation of the T2A Pilots.*

Written evidence from the Communication Trust

BACKGROUND TO TCT

The Communication Trust is a coalition organisation bringing together 40 voluntary and community sector organisations with expertise in children's speech, language and communication. Supported with funding from Department for Education, Youth Justice Board and other funders we work to improve the speech, language and communication skills of children and young people and to ensure that children with speech, language and communication needs are better supported and included. We are delighted to provide a response to the Justice Committee's inquiry into youth justice.

Much of the Trust's projects to date involve improving the understanding of the children and young people's workforce of speech, language and communication needs and promoting relevant resources for practitioners working in Early Years, Primary and Secondary education. However, an increasingly important area of the Trust's work is targeting those working in the youth justice system, which has within it a disproportionately high percentage of children and young people with unrecognised and un-met communication needs.

We are delighted to provide a response to the Justice Committee's inquiry into youth justice. The Trust have focused this submission on those young offenders who have communication needs and we are pleased that youth justice is considered in a separate chapter of the document. This is a crucial issue because research undertaken by Professor Karen Bryan of the University of Surrey has shown that at least 60% of young people in custody have communication needs. In the majority of cases, these young people's communication difficulties had previously been unidentified and therefore their needs unmet. The House of Commons Committee of Public Accounts also recently published a report which found that current forms of offender assessment do not give sufficient weight to communication needs which can severely impact on the ability of a young offender to engage with or understand the requirements of their sentence plan.

THE COMMUNICATION TRUST'S WORK TO DATE

The 2008 Bercow Review identified a lack of awareness in the children's workforce around the importance of speech language and communication and the significant impact of speech, language and communication needs on educational attainment, behaviour and mental health. As a result, it recommended that there is a need for the workforce to develop a set of core skills in children's and young people's speech, language and communication needs. The government's response to the review, the *Better Communication Action Plan*, set out a range of initiatives to improve services for children with such needs and it recognised the concerns around how the special educational needs of young people in custody are being met. The Trust's Youth Justice Programme was developed as a direct result.

The Communication Trust has been undertaking a programme of work to engage with aspects of the youth justice workforce to increase their knowledge and understanding of communication needs and their confidence and ability to manage young people with communication needs to ensure the best possible outcomes for all involved.

Funded by the Department for Education we are delivering outcomes in partnership with a number of colleagues including the Dyslexia-SpLD Trust, Autism Education Trust, Royal College of Speech and Language Therapists, Association of Youth Offending Team Managers, Youth Justice Board, Skills for Justice and the University of Surrey. We are also working with the Ministry of Justice to ensure that our work informs emerging policy in the field of young offender support and management.

In November 2009 the Trust published *Sentence Trouble*, a booklet aimed at everyone that works or volunteers in Youth Offending Teams (YOTs), Young Offenders Institutions (YOIs), Secure Children's Homes (STCs) and Secure Training Centres (STCs). It is intended to help improve understanding and communication with children and young people, particularly those with communication needs.

In May 2010 the Trust launched the *Sentence Trouble* website (www.sentencetrouble.info). The purpose of the website is to enhance and build on the information contained within the booklet. It features a forum for sharing information and a regularly expanded resources section featuring useful links, general resources, information about youth justice campaigns and academic research.

We have reached over 30,000 people through the Sentence Trouble project to date with numbers expected to increase still further as we start to roll the rest of the youth justice programme out more widely. On 18 November 2010 the Sentence Trouble resources were one of a handful of projects to be awarded a High Commendation in the 2010 Children and Young People Now Awards.

Working with a variety of organisations including the Youth Justice Board (who have provided funding and support) and the National Offender Management Service, the Trust is also delivering communication needs training across the youth justice sector, including to YOT, YOI, STC and SCH staff. The Trust has now delivered 87 training sessions to 56 different YOTs. Funding provided by the YJB has enabled us to continue rolling out training to YOTs and has also enabled us to roll-out training to Welsh YOTs.

YOUTH JUSTICE WORKFORCE

As mentioned previously, at least 60% of young people in custody have communication needs, significantly higher than the general population. People with speech, language and communication needs (SLCN) have difficulties in communicating with others. This may be because they cannot say what they want to, they have difficulty understanding what is being said to them or they do not understand social rules. For some this may be temporary whilst for others their needs will be complex and long term. These needs can impact on a young person's behaviour, their confidence and their relationships with other people, alongside educational progression and attainment.

The ways in which youth justice staff interact with the young people they work with can make a big difference. It can help young people to engage and want to participate; they are more likely to understand and less likely to become aggressive or disengage; less time will be spent on managing behaviour. Awareness and good practice strategies around speech, language and communication needs will ensure language and communication is not a barrier to education and skills training and therefore enable any other direct work to be more successful. Ensuring that youth justice staff understand what communication needs are and how they can affect young people, and ensuring that staff have strategies to support young people can ensure that young people engage more fully and more often.

These young people are often not able to benefit from verbally mediated interventions such as education and offender behaviour work which can contribute to re-offending. TCT has found that the provision of young offender learning is often FE college led and that there is a wider pattern of evidence that FE provision for young people with SLCN does not meet their needs.

The Bercow Review estimated that 210,000 children and young people pass through the Criminal Justice System each year, who may benefit from preventative approaches which ensure early identification and support for children who are recognised as vulnerable or at risk of offending. Vulnerable young people with communication problems may be unable to express themselves effectively, resulting in disruptive and aggressive behaviour. Research has found that offenders gaining oral communication skills qualifications were 50% less likely to re-offend in the year after release than the national average.³⁶

TCT has found the justice workforce needs better training and support to help those young people with SLCN. TCT is therefore, running a programme of work focused on working to increase the awareness of the scale and the impact of communication needs on young people within the youth justice system by producing a range of materials for staff working in Youth Offending Teams, Secure Children's Homes, Secure Training Centres and Young Offenders Institutions.

Evaluation of the training we have provided to YOTs has shown that YOT staff are committed to improving the lives and outcomes of the young people they work with. In some areas staff have used the Trust's training to help build on existing strategies to support young people with speech, language and communication needs. In other areas where knowledge and strategies have been more limited YOT staff have seen the significant benefits that this support can provide young people and are adapting the ways in which they work to achieve better outcomes. Feedback to the training has been largely excellent but it has been the enthusiasm of YOT staff that has made it a success. Many staff, in often very busy environments are finding time to introduce changes to working practice to better support the young people they work with, despite time and resource issues. However, YOT staff are working creativity to adapt strategies to suit the needs of the young people they work with:

"I had a young person, only 12, finding it hard to engage, I took a blank A3 sheet, drew a road, drew stages of his offence, drew stop signs at points at which he could offend. He really enjoyed it and benefited [from the session]. He seemed quite shocked, when he realised: 'I shouldn't have run away from police, I could have stayed at home.' Realisations without prompting. Simple exercise that he could really engage with. YP really enjoyed it and said thank you. Nice surprise. Mum said he had never engaged before like that."

"Changed the style of some of the meetings, multi agencies—used to be professionals, families and young person and language far too confusing—now I would meet with family and young person go through things with them and then go in the multi agency meeting."

"Timetables have changed across the whole team. Text message reminders for sessions are used more since training. We now identify their preferred method of communication and there has been increased attendance for some."

TCT would like to bring to the Government's attention the importance of screening to identify young people at sufficient risk of SLCN to warrant further investigation, and immediate preventive intervention delivered by staff in front-line universal services. Responding to the disproportionate number of young people in the youth justice system with communication needs, TCT has worked with colleagues from the dyslexia and autism fields to develop a screening tool and training provision to be used by frontline non-specialist staff to better understand and meet the needs of these young people. The focus is on improving functional communication skills to improve access to learning and to other programmes intended to reduce re-offending. The Trust is

³⁶ Moseley et al, The impact of ESB oral communication courses in HM Prisons—an independent evaluation in Developing oral communication and productive thinking skills in HM Prisons (2006), Learning and Skills Research Centre

currently rolling out this work to community and secure estate settings with significant interest from centres who see the value of this work to both custodial and educational staff.

September 2011

Written evidence from HM Inspectorate of Probation

ABSTRACT

Much progress has been made, since the inception of the Youth Justice Board and Youth Offending Teams (YOTs) particularly in recent years, to improve the effectiveness of work to reduce the likelihood of offending, protect the public and reduce the likelihood of children and young people being sentenced to custody. Independent inspection and the work of the YJB have both been important in driving forward these improvements. However the evidence from inspection programmes is that much more progress still needs to be made. Among other things, over a third of work by YOTs to minimise the risk of harm that young people pose to others is not of sufficient quality. Therefore it is essential that a robust focus is retained on the quality of practice that is delivered in individual cases, to ensure that services continue to improve.

1. ROLE OF HM INSPECTORATE OF PROBATION

1.1 HMI Probation is an independent inspectorate, funded by the Ministry of Justice and reporting directly to the Secretary of State. Alongside its inspection of probation work and joint inspection with other Criminal Justice Inspectorates HMI Probation has, since 2003, led inspection of the work of Youth Offending Teams in England & Wales.

1.2 Our role as an independent inspectorate is to provide assurance to ministers by commenting on the effectiveness of policy development, its implementation and the quality of practice. This role is distinct from that of the YJB whose role currently includes the development of policy and the improvement of practice.

1.3 The current three year rolling inspection programme of all 158 Youth Offending Teams in England and Wales, the Core Case Inspection programme, focuses on front-line practice and is due to complete in spring 2012. HMI Probation also undertakes, in conjunction with the criminal justice inspectorates and others, including Ofsted, the Care Quality Commission, Estyn, the Healthcare Inspectorate Wales and the Care and Social Services Inspectorate Wales, a programme of thematic inspections that are used by the YJB and others to inform policy development.

1.4 Discussions are currently underway with Ministers to agree the nature and scope of subsequent programmes. In order to ensure that inspection is increasingly risk proportionate, future programmes will be informed by performance and other information from a range of sources, including the YJB.

2. IMPACT OF CHANGES TO NATIONAL GOVERNANCE ARRANGEMENTS

2.1 The YOT Core Case Inspection programme assesses each YOT's work to reduce the likelihood of offending, work to protect the public from harm and work to protect those children and young people known to the YOT from harm. On completion of the inspection, each YOT is required to develop an improvement plan to address the identified deficits in practice and service delivery. The responsibility for monitoring progress on implementing the improvement plan, is then taken on by the Youth Justice Board, and is currently addressed through their regional structures, although this is subject to change

2.2 In those YOTs where inspection has identified significant concerns, HMI Probation and the YJB have worked together well, recognising each other's distinct but complementary roles, to facilitate improvement, typically through the YJB providing intensive support to the YOT through the use of their performance improvement staff, followed by a re-inspection by HMI Probation resulting in a revised improvement plan. There is clear evidence from such cases of the rapid and effective improvement that can be achieved where robust inspection, appropriate performance improvement resources and committed services work well together.

2.3 However, whilst the quality of front-line practice continues to improve, in only a limited proportion of YOTs is the improvement still required minimal. In some YOTs, our inspections have identified the need for substantial and sometimes drastic improvement, requiring follow up by the YJB.

2.4 In detail, within the current inspection programme to date, we have judged that:

2.4.1 **Likelihood of reoffending**—drastic improvement is required to work to address likelihood of reoffending in one YOT, substantial improvement in 10% of YOTs, moderate improvement in 51% of YOTs and minimum improvement in 38% of YOTs.

2.4.2 **Risk of Harm to others**—drastic improvement is required to work to address risk of harm to others in 3% of YOTs, substantial improvement is required in 33% of YOTs, moderate improvement is required in 45% of YOTs and minimum improvement is required in only 19% of YOTs. Overall, work to address risk of harm to others is of sufficient quality in less than two-thirds of YOTs.

2.4.3 **Safeguarding**—drastic improvement is required to work to address risk of harm to the children

and young people known to the YOTs (Safeguarding) in 3% of YOTs, substantial improvement is required in 14% of YOTs, moderate improvement is required in 54% of YOTs and minimum improvement is required in 29% of YOTs.

2.5 In the recent past HMI Probation has undertaken limited, but well received, “benchmarking” activity with some YOT staff to assist them in understanding our expectations of good practice. This enables them to undertake checks against their own practice, based on our standards of quality. However, it is unlikely that this will continue in any significant form since HMI Probation are not resourced for this work. It is therefore critical that in any revised arrangements for the work of the YJB, sufficient capacity and responsibility is retained to ensure that the required improvements in the quality of front-line practice are addressed both in extreme cases and across the board.

3. IMPACT OF CHANGES TO FUNDING ARRANGEMENTS

3.1 In the current inspection programme HMI Probation focuses on the quality of front-line practice within the three domains described above rather than on the underlying funding and other arrangements. However informal feedback from Lead Inspectors indicates that some YOTs report increasing difficulties accessing services, such as Connexions, Parenting support, and some health service provision. As a result, youth justice practitioners are sometimes called upon to address specialist needs whereas previously they would have been able to refer such cases to specialist agencies for the necessary support. However HMI Probation do not have robust evidence with which to comment on this point further.

4. MAINTAINING REDUCTION IN YOUNG PEOPLE ENTERING THE YOUTH JUSTICE SYSTEM AND BEING SENTENCED TO CUSTODY

4.1 HMI Probation does not currently undertake regular inspection of work to prevent young people entering the youth justice system for the first time, therefore we are able to provide only limited comment on this issue. However from our previous inspection programme, a recent thematic inspection, and our on-going engagement with YOTs, it is clear that to be effective work needs to identify and target those most at risk of entering the youth justice system. An accurate assessment is then needed to ensure that work is clearly focused on the behaviours or circumstances that place those young people at greatest likelihood of offending. Above all, work needs to be delivered as an effective partnership, where all relevant agencies both within and outside of the criminal justice system and children’s services recognise the potential impact of behaviours on the likelihood of future offending, and work together, deploying sufficient resources, to address those behaviours.

4.2 HMI Probation is able to provide robust comment on the extent to which practice within YOTs contributes effectively to the likelihood of young people continuing to offend, and by implication their likelihood of entering or returning to custody.

4.3 HMI Probation does not currently report separately, at a headline level, on work undertaken with children and young people who have received custodial sentences, to reduce their likelihood of re-offending and, potentially, re-entering custody as juveniles or adults. However, detailed analysis of inspection findings in cases where children and young people have received a custodial sentence indicates that substantial improvement is still required, in particular to the quality of assessment, planning (including for the custodial phase of sentences) and delivery of work (including in custody) to address the likelihood of reoffending. Observations from inspectors indicate that shortcomings in planning and delivering interventions are often linked to the availability of appropriate interventions in the custodial institutions. This work may be considered further as part of a future joint thematic inspection with HMI Prisons.

5. CONCLUSION

5.1 Improvements over recent years are evidence of the importance of both an independent inspection programme as led by HMI Probation, and a robust performance management and improvement regime, currently led by the YJB; each organisation having distinct but complementary roles.

5.2 HMI Probation supports increased flexibility being returned to localities and individual practitioners to enable them to adapt their services to respond to local needs and the needs of individual cases. However the improvements that are still required are evidence that such flexibilities should not be at the expense of a continuing well resourced and robust focus on the *quality* of practice that is delivered in individual cases, to ensure that services continue to become more effective in protecting the public and reducing the likelihood of young people being involved with the youth justice system.

Written evidence from the Norfolk Constabulary

What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and Youth Offending Teams?

1.1 The proposal to form a Youth Justice Policy Unit within the Youth Justice Division must ensure that the ethos of the Youth Justice Board (YJB) is maintained and the expertise and knowledge built up while the YJB was in operation retained. The specific and continuing focus on youth justice is welcomed.

1.2 Greater integration with other Government Departments should be achieved with closer working and policy making, thereby resulting in swifter decision making. The transition to a more centrally based unit provides an excellent opportunity for reviewing working practices which will streamline processes while reducing bureaucracy.

1.3 Central co-ordination of YOTs, although managed by local authorities, must be continued if they are to maintain their performance levels and progress prevention activity. If the decision is made to dispense with YOT regional support, the Youth Justice Policy Unit must ensure that guidance, policy, working practices and other relevant information is not diluted and is provided on a nationwide level to all YOTs.

What impact, if any, have changes to funding arrangements had on youth offending teams?

2.1 Norfolk Youth Offending Team is geographically split into three areas with representation from all relevant agencies. Additional resourcing was in place for dealing with non-statutory/additionally beneficial interventions, however since the cuts were made the YOT has been unable to sustain the level of staff with the result that those interventions are now dealt with between practitioners as required.

2.2 The mixed economy team works very well together and has positively engaged in being multi-skilled to assist in all cases as their workloads have increased. This has provided additional capacity as "remits" have widened and responsibilities shared.

2.3 The existing protocols have been assessed and the ACPO YOT Police Officer Review continues to assist in the development of the police officer role in what is a challenging time for all of the organisations within the YOT team.

2.4 The proposals for a new, simplified out of court disposal model for youth justice is being developed but is dependent on an appropriate level of support and intervention by the YOT to be successful. Therefore, sufficient resources in the YOT to support this work is essential.

How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?

3.1 Through utilising more efficiently and widening the scope of Youth Conditional Cautions and Restorative Interventions. There is a need for a more pro-active response in referrals for restorative approaches to avoid criminalising young people and whilst being reparative will increase public confidence and satisfaction. Whilst the new out of court disposal landscape will make appropriate consideration of alternatives more achievable, this philosophy should not then be stifled by a bureaucratic process surrounding it.

3.2 There is a continuing need to work closely with partner agencies to ensure that the needs for a young person are assessed at the right time and in a proportionate way, to ensure the reasons for offending are correctly identified and interventions put in place where appropriate to reduce the likelihood of future offending.

3.3 Early Intervention opportunities need to be maintained and funding up-streamed from savings further down the system to ensure the former is achieved. A smarter division of labour and use of resources needs to be established, based on risk, need and harm to ensure that whilst physical numbers may reduce, capacity remains.

EXECUTIVE SUMMARY

The most important issue is for the specific focus on youth justice to be maintained with the relevant support and co-ordination provided to the YOTs to ensure that the priorities of preventing young people from offending is continued. Where offending has occurred, to deal with it appropriately using the new out of court disposals proposals, thus preventing young people from being unnecessarily criminalised.

Written evidence from Catch 22

Catch22 welcomes the opportunity to give evidence to the Justice Committee on this important topic.

We are opposed to the abolition of the Youth Justice Board (YJB). We recall the 1996 report by the National Audit Office, “Misspent Youth”, which set out the lamentable state of the youth justice system as it was at that time, highlighting the lack of national governance or oversight on youth justice and the highly variable local performance leading to a “postcode lottery”. We are concerned that were the YJB to be abolished, we would see a return to this “Cinderella service”.

The YJB is highly regarded, both within the youth justice service and with external stakeholders, for a number of reasons. Firstly, since their inception, they have successfully placed a spotlight on youth justice and set a clear national agenda. This has included outlining a national strategy for addressing youth justice issues, working across government, resulting in a reduction in first time entrants into the youth justice system. Secondly, the YJB is largely staffed by youth justice specialists. This adds credibility to their practice and policy. Catch22 are concerned that should youth justice become a part of the Ministry of Justice, this staff specialism would be lost.

The YJB also plays an important role in championing the role of local Youth Offending Teams (YOTs) within local delivery structures. This is particularly important given the financial pressures that local authorities are currently finding themselves under. A loss of the national voice on youth justice risks leading to a reduction in the authority of YOTs at a local level. The YJB has also had an important role to play in analysing and disseminating best practice across the country, effectively translating research into practice and acting as a conduit for new and innovative thinking on youth justice issues, for example through the Resettlement pilots which have resulted in useful learning.

Catch22 is pleased that the devolution of custody budgets has led to an alignment of financial incentives for Local Authorities to reduce the numbers of young people being sentenced to custody and to instead invest in early intervention and prevention services and other diversionary interventions at a local level.

We believe, and hope, that this should have a significant impact on reducing youth custody figures.

However, we strongly believe that the YJB has a vital role to play in this area and its proposed abolition presents a number of risks which could undermine both previous positive achievements in reducing first time entrants into the youth justice system and youth custody figures, as well as any future possible achievements.

Finally, Catch22 fully endorses the Youth Justice Board’s response to the Ministry of Justice Consultation on reforms proposed in the Public Bodies Bill which argues against their abolition. We have included this response as an Appendix for ease of reference (not printed).

September 2011

Written evidence from the Centre for Mental Health

Centre for Mental Health is an independent charity working to improve the life chances of people with mental health problems in the UK. A large part of our work concerns the mental health of people in the criminal justice system including children and young people. In 2007, we helped government establish a national Youth Justice Liaison and Diversion pilot scheme with six Youth Offending Teams to ensure that children and young people with mental health and other problems get the help that they need as soon as they enter the youth justice system. This submission draws on the evidence we have gathered through our work in this area.

SUMMARY

- Cross-departmental working in government is crucial to ensure that the youth justice system addresses the multiplicity of problems experienced by children and young people.
- The Government must comply with the United Nations Convention on the Rights of the Child and other international conventions that require distinct procedures, practices and systems for children who offend. A separate body focused on children and young people with overall responsibility for the youth justice system is important to ensure that children are seen as children first and offenders second.
- Responses to youth crime must take into account the specific needs of children and young people and not be based simply on adult models. Some young people in trouble have complex needs and there needs to be improved multi agency working to promote their life chances and to build safer communities.
- Most children who offend will not come back into the system again. If they are drawn into the youth justice system, this could make it more likely that they will re-offend. We should, therefore, aim as far as possible to prevent children and young people from entering the youth justice system. Targets which have the effect of pushing more and more young people into the youth justice system must be removed.

- A small number of young people have high and multiple risk factors for poor life chances. We need to improve our ability to identify these children as early as possible, divert them from the youth justice system and use evidence and community based interventions to improve outcomes for both the child and the community.
- Early intervention and prevention is essential to improve life chances and to reduce the number of children and young people entering the criminal justice system. The youth justice system must be built on a foundation of effective evidence based family interventions.
- There must be increased awareness among people working in the criminal justice system of early starting conduct disorder and its significance as a predictor for multiple poor outcomes.
- Evidence based interventions such as multi-dimensional treatment fostering, multi-systemic therapy and Functional Family therapy should be available to all YOTs. To improve intergenerational outcomes, there should also be greater linkage between YOTs and Family Nurse Partnerships which support young first time mothers.

IMPACT OF CHANGES TO NATIONAL GOVERNANCE ARRANGEMENTS

1. The Ministry of Justice now has sole responsibility for the national governance of youth justice. There is some evidence that the youth policy section at the Ministry of Justice continues to work closely with the Department of Education as well as the children and young people's team in Offender Health. Close working between government departments focused on children's safeguarding and well being is essential to meet the multiplicity of needs of children and young people on the edges of and in the youth justice system. There must be a life course approach to youth justice which emphasises the role of early intervention and prevention and which is aligned with other current Government policy on issues such as mental health, public health, early intervention and families with multiple needs.

2. Whatever the future arrangements for youth justice, we believe that these arrangements must ensure that the Government complies with its obligations under the United Nations Convention on the Rights of the Child (UNCRC) and other international conventions. The UNCRC requires States to "promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law". It also requires States to have, wherever appropriate, means to deal with such children without resorting to judicial proceedings. To meet these requirements it is, in our view, crucial that there is a separate body which is child focused and takes overall responsibility for the youth justice system.

3. We are concerned that without a separate body responsible for youth justice, approaches to tackling youth crime could be less child focused in the future. This is a particular risk at times when there is sudden political pressure to "crack down" on young people and offending, as guidance and interventions may be based hastily on adult models without considering the specific needs of children and young people. We also think that a separate body responsible for youth justice is important to ensure that systems reflect the need for prevention and early intervention to promote future life chances and safer communities.

REDUCING THE NUMBER OF YOUNG PEOPLE ENTERING THE CRIMINAL JUSTICE SYSTEM AND CUSTODY

4. In order to reduce the number of young people entering the criminal justice system, criminal justice responses need to take a life course approach. A higher profile must be given to prevention and early intervention designed to change outcomes both in the short- and long-term through the use of evidence based approaches.

5. Persistent and severe behavioural difficulties in children under 12 are very likely to be indicative of early mental health difficulties (Centre for Mental Health, 2009). However, there is currently little awareness within the youth justice system of early starting conduct disorder and its significance as a predictor for multiple poor outcomes including offending, imprisonment, adult poor mental health, suicide, premature death, and costly health inequalities.

6. To have the best chance of protecting communities, the evidence tells us that children need a different approach in response to their behavioural problems. Evidence based parenting interventions provide the best chance of supporting positive change when antisocial behaviour is beginning. Parenting support for parents in the criminal justice system, and especially women, is also a particularly effective way to reduce the intergenerational nature of conduct problems and offending.

7. It is crucial that the youth justice system is built on a foundation of effective evidence based family interventions such as Triple P—Positive Parenting Program, and the Incredible Years programme. These interventions pick up child behavioural problems at the earliest possible opportunity and can, if implemented well, engage hard to reach parents effectively.

8. Those at risk of poor outcomes who slip through the very early intervention "nets" still need to be identified as early as possible, both in schools and at the earliest point of contact with the youth justice system. Young people with multiple needs (including emerging mental health difficulties) have been clustering in the youth justice system without timely access at the point of arrest to evidence based support. Liaison and diversion services for young people must be focused on the early detection of risk factors for poor mental

health and other outcomes (such as under-attainment in school or early behavioural problems). There must be effective assessment of and support for learning disabilities and communication needs, mental health, emotional and behavioural problems, and any other issues.

9. Most young people who enter the youth justice system for the first time will not re-enter. Offending during teenage years is often underpinned by poor decision-making and judgement both of which are linked to the significant changes in brain architecture occurring during adolescence (Johnson, 2009). There is some evidence that drawing young people unnecessarily into the youth justice system at this age can increase the chances of future offending (Petrosino, 2010). The “points for prosecutions” culture in the police has created an escalator for children through the youth justice system and often into custody. Police targets which have the effect of pushing more and more young people into the youth justice system must be removed and there should be much more scope for common sense informal policing and evidence based restorative responses.

10. However, a small number of children and young people have the poorest prognosis for both re-offending as well as a much wider range of poor outcomes which results in significant costs to the government (Fergusson et al, 2005) (Centre for Mental Health, 2009). It is crucial that this group with high risk factors for poor outcomes are identified and supported with effective community based parenting or other evidence based health and social care support. This support must be engaging and non-stigmatising and therefore intervention should not be through services based in the YOT. The checklist we have developed for the Youth Justice Liaison and Diversion pilots (which can be found in the attachment sent with this evidence) helps to identify those with high risk factors for poor outcomes including those presenting with early behavioural difficulties, those who have been excluded from school, and those with a parent with a mental health or substance misuse problem or a criminal record.

11. Most evidence based interventions for children and young people in the youth justice system work with their families, involve coordinated care, and focus on the networks surrounding the young person, in order to build protective factors for positive future life chances. Programmes which have been proven in the United States to reduce custodial levels and those which are now also gaining an evidence base in the UK include:

- Multi-dimensional treatment fostering.
- Multi-systemic therapy.
- Functional family therapy.
- Diversion for low-level offending.
- Early family intervention and pre-school input (Aos, S, M Miller, & E Drake, 2006) (Scott, 2008).

12. These interventions are currently not widely available to most YOTs and require up-front investment.

13. There is emerging evidence that Triage and Youth Justice Liaison and Diversion schemes at the first point of contact with the police are able to contribute to notable reductions in First Time Entrants in the Youth Justice System (FTEs), YOT caseloads, remands (in some areas) and in some instances custodial rates.

14. Custody must be reserved for those committing serious offences and should be used as a last resort. Custody has the worst record in terms of reducing future crime and of improving future cross-generational life outcomes (Aos, S, M Miller, & E Drake, 2006).

15. For those who do enter custody, better quality resettlement including access to real employment opportunities needs to be developed. For most of those with later conduct problems (behavioural problems which start during their teenage years), employment and work-related relationships provide an important route out of criminal activity and can encourage pro-social rather than negative anti-social friendship groups. Prolonged unemployment amongst young people is also a risk factor for poor mental health in adulthood which itself imposes a significant burden on public finances as well as entrenching social exclusion.

16. There is also a need for greater awareness and joint action with schools to look at how exclusions are managed and how schools and colleges can support young offenders who have been in custody to continue their education on release. We know that school failure and under-attainment is a key risk factor for a range of poor outcomes including offending, poor mental health, and substance misuse. At present, there is insufficient multi-agency working to support schools and prevent exclusions. Our research and consultation with parents and children has also highlighted that many young people are able to make progress with their education while in custody but are often prevented from building on this progress once they return back to their community.

September 2011

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YOUTH JUSTICE LIAISON AND DIVERSION CHECKLIST

Centre for
Mental Health



Is the young person within the scope of this project?

Frontline workers must first decide whether the young person is in their project scope to avoid duplicating work carried out by other agencies. If the young person *is* known to other agencies, the frontline worker should inform these partners of any developments and discuss with them any need for multi-agency meetings or follow up.

Yes

The YP has had contact with the police because of their behaviour

The YP is not on the YOT, CAMHS, paediatric or social care caseload

The YP has disengaged from CAMHS or social care

Flags indicating a need for health and well being screening by Youth Justice Liaison and Diversion

This is not a tool for the young person to fill out. Those working with children and young people should fill out the tool referring to paperwork, records or direct contact. Any 'yes' response should prompt a referral for screening.

Yes

The YP is age 12 or younger or has a history of behavioural problems or poor school behaviour before 12 years

There are suspected mental health/ learning difficulties/ communication concerns

The YP has a parent with a mental health problem/ drugs or alcohol dependency or criminal record

The YP has been Looked After/is on the child protection register

The YP has been missing from home

The YP has previously lost consciousness due to a blow to the head

There are concerns about risk of self harm/ suicide

The YP is a young carer

The YP is known to be misusing drugs or alcohol

The YP is homeless/at risk of an out of home placement (going into care/ remanded/ likely to be held overnight etc)

The YP been excluded from school/ is known to have low attendance

The YP has been arrested for a sexual/ violent/ particularly worrying or violent offence

The YP has experienced bullying or has bullied others

The YP has experienced racism, racial harassment/bullying

Written evidence from the Leicestershire Youth Offending Service Management Board

1. This response constitutes the submission of the Leicestershire Youth Offending Service Management Board, endorsed by Leicestershire County Council, to the request for evidence for this inquiry.

EXECUTIVE SUMMARY

2. This submission responds to the three questions that the inquiry seeks to answer. It raises concerns about the reductions in funding that Youth Offending Teams have already experienced and about the further reductions anticipated. Although Leicestershire Youth Offending Service has been protected to some extent from the reductions in grant funding through the provision of transitional funding by the County Council in 2011–12 and 2012–13, substantial efficiency savings have been made through reductions in management, administrative and overhead costs. Concern is expressed that further grant reductions, through the revision of the youth justice grant formula and/or payment by results, would necessitate significant reductions in service delivery, impacting on key outcomes.

What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?

3. The changes to national governance arrangements appear to have contributed to the reductions in the amount of funding available to YOTs, particularly the amount of youth crime prevention funding from the DfE and the Home Office.

What impact, if any, have changes to funding arrangements had on youth offending teams?

4. It is important to note that in Leicestershire, the impact of the changes on service delivery are yet to be felt, but that a significant impact is anticipated.

5. In Leicestershire, the reduction in the youth justice grant for 2011–12 compared with 2010–11 amounted to £174,582 (21% of the total youth justice grant). In response to the reduction in the youth justice grant and other grant funding, such as the Community Safety Fund, the County Council has made available £500,000 transitional funding for 2011–12 and 2012–13 (ie £250k per annum), to enable mainstream services to continue to be delivered and to enable a phased approach to making the efficiencies and the service reductions required, which is being undertaken through a whole service review.

6. To make efficiencies, the YOS has reduced the number of managers and the number of administrative staff employed. The YOS has moved into County Hall, creating further efficiency savings. The phased approach to making service reductions has entailed a detailed analysis of those services that add least value to outcomes for young people. There is very limited scope for manoeuvre as all the services provided add value, but those services evaluated as providing the lowest risk to reducing offending and re-offending have been identified and the provision of core services has been prioritised.

7. Depending on the changes in the youth justice grant formula, plans are also being made for further reductions to services. The new formula could result in Leicestershire losing as much as £179,745 from 2012–13, which would have further serious implications on service delivery.

8. The future proposed implementation of payment by results also raises concerns. Areas such as Leicestershire that have performed well over a period of time in relation to reducing first-time entrants, reducing re-offending and reducing the use of custody could be penalised through a formula that rewards improvements against current performance, as there are limits to how far performance can continue to improve.

How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?

9. It is difficult to see how this can be achieved. We have already made efficiency savings in Leicestershire and service reductions are inevitable. The current proposals to change the formula for the youth justice grant and to implement payment by results could create further losses for Leicestershire that would place delivery of a number of services at risk.

Written evidence from the Association of Directors of Children's Services

1. Introduction

1.1 ADCS is the national leadership organisation in England for directors of children's services appointed under the provisions of the Children Act 2004 and for other children's services professional in leadership roles. The Association provides a national voice as a champion for children, with local and central government, and with the public.

2. Impact of changes to national governance arrangements for youth justice on YJB and YOTs

2.1 Since its creation the Youth Justice Board (YJB) has led a transformation programme that has had significant positive impact on the way local services work together in partnership with each other and with national services to both prevent offending by young people and to manage its consequences. The YJB has created a knowledge and practice base which it has disseminated with varying degrees of success; it has set a benchmark for joined-up, co-located working and information sharing that should be an aspiration for all public services facing the current "reform" agenda. Intervention targeted by the YJB on a number of agencies in different local systems has led to a significant and welcome reduction in the use of custody that is slowly being rolled out.

2.2 Over the years, the YJB has not always been successful in achieving its objectives but it has developed the capacity to learn and adapt its approach to ensure it has an impact. At times the YJB has appeared obsessed with collecting data for little purpose and has concentrated far too much on inputs to systems and their outputs without adequately monitoring outcomes for young people and their families. Whilst this is generally seen as a common trait for central government departments, the YJB has recently made effective moves away from this prescriptive approach.

2.3 Government must acknowledge that children are not simply "small adults" and ensure that all public agencies involved with children who offend take a similar, needs-based and evidence-led approach to tackling crime and antisocial behaviour. The removal of Department for Education (DfE) from the governance of youth justice services, the absence of serious presence from the Department of Health (DH) and the nature of the core business of Ministry of Justice (MoJ) reflects a significant backward step in developing an approach to young people in this country which is both likely to succeed and be compliant with human rights legislation. To then threaten the removal of YJB from the system will further weaken the oversight that this area of policy and delivery requires due to its complex and fundamental nature.

2.4 Managing complex systems requires a range of skills and resources which include both the ability to influence and the power to intervene. As the DfE and DH move rapidly away from the YJB boardroom table, the services accountable to those departments at both national and local level will perceive youth justice to be less and less of their responsibility and more of "somebody else's problem". This will increase the risk that youth justice services will become marginalised and local agencies will walk away from making their contribution.

2.5 ADCS is already concerned and dissatisfied with the decision taken by MoJ, apparently without consultation with local agencies, to not transfer commissioning of education in YOI's to host local authorities. Our submission in the paragraphs above is based in part on a presumption that this will become the default "modus operandi" if MoJ retains sole ownership of the system. Commissioning custody needs to be done in the light of local expertise, and to fit with local provision, but to a national framework and set of standards. The evidence to date suggests that this is less likely to be achieved successfully under the proposed arrangements.

3. Impact of changes to funding arrangements on youth offending teams (YOT)

3.1 Nationally it is too early to tell. However, YOT funding streams need to be seen alongside other local authority funding for both universal and targeted services as well as those of the agencies in the justice system. Without a single national approach to oversight of the whole youth justice system and its links to other services it will probably never be possible to answer this question.

4. How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?

4.1 According to YJB estimates the current youth custody system costs in the region of £300 million per annum. This figure has regularly been disputed as many commentators believe it to be a significant underestimate of the total cost to England and Wales of the "whole business" of locking up young people. Government should commit a substantial part of this funding to the development of alternative approaches to both supporting young people awaiting trial and sentence who are currently remanded to custody (a significant proportion of whom do not receive a custodial sentence at the end of the process), and those receiving short sentences for crimes that are not the most serious. The Independent Commission on Youth Crime and Antisocial Behaviour put forward a number of recommendations about the introduction of restorative practice and a review of Courts and sentencing which ADCS fully supports. The implementation of these evidence-informed

changes would lead to a reduction in costs to the nation, a system that is designed to prevent re-offending (a test which the current system clearly fails), and greater victim satisfaction and community cohesion.

September 2011

Written evidence from the Public and Commercial Services Union

INTRODUCTION

1. The Public and Commercial Services Union (PCS) is the largest trade union in the civil service with over 285,000 members. This includes 15,000 members working in the Ministry of Justice (MoJ) including within the Youth Justice Board itself.

2. We welcome this timely inquiry into the future of the Youth Justice Board (YJB) and youth offending teams and would be willing to supplement this submission with further written or oral evidence.

SUMMARY

3. PCS welcomed the decision in the House of Lords to remove the YJB from scope for abolition in the Public Bodies Bill. Peers had voted by a majority of 63 to protect the YJB. However, following a Ministerial statement in June³⁷ the body has been put back in scope for abolition now that the Bill has returned to the Commons.

4. As with a number of the other bodies modified or abolished in the Public Bodies Bill PCS are concerned about the lack of meaningful consultation that has gone along with the proposals to cut a body set up through primary legislation.

5. PCS members in the YJB undertake research, formulate good practice and monitor and advise local authority youth offending teams who work with young people in communities across England and Wales.

6. Its success over the last 12 years in cutting youth crime has been remarkable and for this reason cross party peers in the House of Lords amended the Public Bodies Bill removing the YJB.

7. The threat of abolishment comes at a time when public bodies co-operating in the successful youth offending teams all face increasing demand. PCS fear that removing this valuable resource will lead to fragmented provision for young people at the highest risk.

8. Figures released in August by the Department for Education show that there are now 979,000 so called NEETS (young people not in education, employment or training).³⁸ In this climate, rather than seeking to abolish the YJB for short term financial gain, the board should be strengthened with more investment.

9. PCS are concerned the YJB's abolition, in conjunction with the reduction in government funding to youth offender teams and the privatised provision of youth justice services, would threaten to entirely destroy the youth justice system.

10. We have heard real fears expressed by practitioners who say these changes, if implemented, could lead to the whole system falling apart in as little as six months. If this were to happen, especially in the context of rising unemployment and an increase in young people not in education, training or employment, the results could be disastrous for both young people and society as a whole.

IMPACT OF ABOLISHING THE YOUTH JUSTICE BOARD

11. Plans to abolish the YJB will affect 300 youth justice professionals many of whom have been involved in the youth justice sector for years and have expertise and experience that does not exist elsewhere in local or central government.

12. The YJB's status as an NDPB has allowed a beneficial link to develop between government policy and local youth justice practice. Youth offending teams (YOTs) currently have a good relationship with the YJB who monitor outcomes and provide guidance and support to improve performance and disseminate the latest emerging practice. The YJB constantly consults YOTs on ways to improve youth justice practice, through workshops, regional visits and regularly bringing in YOT practitioners as secondees to work for the YJB, in recognition of the fact that front-line expertise are integral to successful new developments.

13. The work of the YJB in reducing reoffending and preventing young people from entering the youth justice system has been very successful. There were around 90,000 young people under 18 brought into the youth justice system for the first time in 2000, there were about 50,000 first time entrants in 2010—a reduction of 45%. The frequency of young people in the youth justice system reoffending has fallen by 27% between 2000 and 2009.

³⁷ Written Ministerial Statement—Ministry of Justice *Abolition of the Youth Justice Board for England and Wales* The Lord Chancellor and Secretary of State for Justice (Kenneth Clarke QC)—23 June 2011

³⁸ DfE: NEET Statistics—Quarterly Brief—Quarter 2 2011—24 August 2011

14. The YJB has the statutory function of placing children and young people sentenced to custody in the most appropriate establishment, according to the results of an assessment involving many factors including the vulnerability of the individual child. It is this function that would be transferred to the MoJ should the YJB be abolished. This means the rest of the YJB's valuable work—youth justice research, performance monitoring, consultation with YOTs and the dissemination of good practice backed up by solid evidence—will at best be reduced, and in the worst case, neglected completely.

15. The YJB will be moved into the Justice Policy Group (JPG) in the MoJ and our biggest fear is that it will disappear completely. PCS believe that this will open up the front-line work to private companies, mutuals and charities that will be paid according to the results they achieve and no real protection for vulnerable children caught up in a cycle of offending. The crime prevention work that the YJB is currently involved in would be unappealing to the private sector as much of the successes can only be determined on a long term basis. Preventative work could therefore be overlooked if work was privatised. This point is explained more fully in paragraph 27.

16. The MoJ are introducing Flexible Resource Management (FRM) into the JPG, this will mean all staff involved in policy will have to turn their hand to all aspects of policy. PCS have pressed management on this point as we are concerned that this will mean there will be no distinct youth justice policy and delivery team therefore diluting a distinct group of people who are youth justice professionals working in this area. The management teams from both the YJB and the JPG have not been able to provide us with adequate guarantees that this would not happen.

17. The task of preventing crime by vulnerable young people, many of whom have been in care, suffer from learning difficulties and have been abused, is complex and must involve dedicated experts who have a real understanding of the causes of crime by young people. Handing this work to staff who would not have such a high level of understanding of the workings of the youth justice system, is to put at risk over 10 years of work in youth justice.

18. Recent events have added an urgent element to the work of the YJB and youth offending teams. The August riots involved a high proportion of children under eighteen. It is too early to make a thorough analysis but we believe that many of these young offenders received disproportionate sentences with many of them not having committed an offence before.

19. Calls for retribution and over harsh criminal punishment lead to the criminalising of alienated and disaffected children that will only exacerbate the problems that exist. This is why the role of the YJB as a distinct organisation developing and implementing policy in this area is so crucial and it must not close.

20. Cuts have already left the youth justice system struggling to cope and the riots have further stretched resources. Regional secure units for highly disturbed young people and the young offender institutions are equally oversubscribed and overstretched. And if the courts decide on community penalties-payback for the damage caused—there is already a wait of several weeks, if not months, before people can be put on courses to carry out unpaid or attend programmes to deal with their behaviour.

21. On 16 August senior managers at the YJB were discussing emergency plans to train staff to be able to place children into custody and shift placements should the need arise. This already demanding situation would have been made even worse if it had occurred at a time when the proposed abolishment of the YJB had gone ahead. PCS are concerned how the new division within the MoJ will be able to cope.

IMPLICATIONS OF FUNDING CUTS FOR YOUNG PEOPLE ENTERING THE CRIMINAL JUSTICE SYSTEM

22. The terms of reference of the inquiry asks how reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding. PCS are concerned that too many of the changes currently being imposed on the criminal justice system are too budget led. The overall MoJ budget is being cut by £2 billion over the next four years. The government has estimated that the YJB will save £6 million operating costs by 2014–15.

23. Although the YJB has a large budget, it is predominantly spent on custody and so this spending will not disappear once the YJB is closed, but instead be transferred to the Ministry of Justice. Also one of the YJB's main aims is to reduce the number of young people in custody, and it has done so by a third since its inception. This has already saved the government millions of pounds, and if left to continue its work, the YJB could continue to reduce numbers and save money.

24. Reasons given for abolition have also been framed by ideas of the “Big Society” concept, with one of the main aims being “increased accountability”. However, simply abolishing the YJB along with its Board members will end up having the opposite effect.

25. To turn to self-reporting by YOTs, who risk a loss of funding if they report bad results, seems illogical if the aim is to increase accountability. The big society role in tackling youth justice would be further undermined by the removal of YJB support guidance and training for working with volunteers in provision by YOTs.

26. PCS is opposed to proposals that would see private companies and charities being responsible for the work that the YJB currently undertakes.

27. Crime prevention work, which the YJB has worked hard to emphasise as the long-term solution of most benefit to local communities, is expensive, and as results are demonstrated by a negative—the absence of crime—it is very difficult to measure success which is usually only visible over the longer term. For a private company hoping to be competitive and increase profits, prevention work is therefore undesirable and this could lead to a skewing of the system, going back towards focusing on attempts to clean up the damage done by crime rather than preventing it from happening in the first place.

28. With numerous agencies and charities wanting to provide what they will find economic to provide it will be more difficult to ensure a coherent service. We believe that this could lead to the most at risk being overlooked as they would be the most expensive. Adequate provision could therefore not be given for the small proportion of young offenders who commit a high proportion of youth crime at great cost to society to prevent them spending their lives in even more expensive custodial institutions.

CONCLUSION

29. To abolish the YJB and put its achievements at risk of reversal, especially in the current difficult financial climate, is to almost certainly guarantee an increase in youth crime and an increase in the numbers of young people in custody. It puts at risk the good work YJB has done bringing coherence to a complex and previously uncoordinated youth justice system.

30. Its abolition is cost driven but any savings will be short term. The price of abolition will be very high and measured by an increase in the number of young offenders, a rise in reoffending, an increase cost in secure accommodation and an increase in crime.

31. The recent widespread crime and disorder in our major cities emphasises the need for consistent and effective support to youth offending teams by people with practical experience of all aspects of youth justice.

32. PCS believe that after the public inquiry into the August riots there should be a review of how the YJB will work alongside other agencies to implement the outcomes of this enquiry. This will need a specialist resource that understands the youth justice system such as the YJB.

33. There needs to be a real debate about the cost to society before making these cuts and we will continue to lobby for the YJB to be taken out of scope during the passage of the Public Bodies Bill through parliament.

September 2011

Written evidence from the British Association of Social Workers

1. BASW is the UK professional association for social work, led by and accountable to a growing population of approximately 14,000 social worker members. Our members work in frontline, management, research and academic positions in all social work settings across the UK. BASW members share a collective commitment to those values and principles that will secure the best possible outcomes for children and young people, adults, families and communities.

2. This consultation is of major interest to our members in England predominantly working with children and young people. It is our contention that children subject to the youth justice system are children first and that all services within the context of youth justice must uphold the welfare interests of children and be compliant with the United Nations Convention on the Rights of Children as well as domestic legislation.

EXECUTIVE SUMMARY

3. Children and young people in the youth justice system must be afforded the same protections and safeguards as all children. We do not support youth justice services simply being hived off to the Ministry of Justice and solely being within their jurisdiction. Many of the children in the youth justice system are the same children who are assessed by children's services as being vulnerable and in need of protection. The Department for Education therefore, must share responsibility for these children with the Ministry of Justice. A child centred approach must be at the heart of youth justice services and be compliant with domestic childcare legislation as well as the UNCRC and other relevant international and European conventions. Better safeguards must be embedded in the system to prevent tragic deaths of children from happening in the secure estate and also providing alternative and effective strategies to the current use of restraint which in many cases has resulted in children's welfare being harmed. Youth justice services must be adequately funded in order that effective work can be carried out in the community particularly in the area of early intervention and preventative work. This direction of travel is clearly supported by a number of recent government commissioned independent reviews which need to be acted upon. There needs to be a greater recognition and acknowledgement of what has worked well in terms of reducing the number of young people entering custody. Savings need to be re-distributed into preventative work and early intervention programme rather than the primary focus being on short term gains and efficiencies. Cognisance must be taken of the impact current cuts to public services is having on youth offending services particularly in respect of direct work undertaken with

children and young people in the community. There is a risk that the good work that has been done to reduce the number of children in custody could now be undone as the menu of services on offer is greatly depleted.

This submission will now address the three questions that have been posed by the inquiry.

What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?

4. There is a lot of anxiety and uncertainty within the social work sector about the direction of travel of youth justice services. Under the previous government we saw more of an attempt to align the Youth Justice Board and its provision with children's services and the then Department for Education and Skills which we welcomed given our opening statement about children in the youth justice system being children first. This does not appear to be the strategy of the current Government and policy makers which concerns us. We do not feel that children who experience youth justice services in England are always treated appropriately and that the philosophy of parts of the service is anything but child centred. This is well documented in reports carried out by HMIP amongst others and we have sometimes seen a piecemeal approach to the problem such as a solitary social worker being seconded to a YOI. This is not good enough. We want to see a joined up government approach to children in this country across the piece which includes the Department for Education having responsibility for these children and working in conjunction with the Ministry of Justice rather than a silo mentality. Many of the children who come into contact with the youth justice system are the same children who are assessed as vulnerable and in need of protection by children's services so there should not be such a great divide between welfare services and youth justice provision. We, alongside other agencies have been extremely concerned about the number of vulnerable young people who have lost their lives whilst incarcerated in either YOIs or Secure Training Centres. These deaths are both tragic and indicative of our system failing children. We need to have confidence in the national governance arrangements for youth justice that the lessons have been learnt from these tragic deaths and will not be repeated. On a similar note, the issue of restraint and the harm that is being caused to children in penal institutions is clearly a breach of children's basic human rights and needs to be halted. Children and young people who are incarcerated must first and foremost be adequately safeguarded. We hope that the introduction of a Chief Social Worker to Parliament towards the end of 2012 will make a positive difference to children in the youth justice system. We believe that the Chief Social Worker will be a powerful advocate in Parliament for all children in receipt of statutory services and will want to pay particular attention to the plight of those in the youth justice system.

What impact, if any, have changes to funding arrangements had on youth offending teams?

5. BASW members working in Youth Offending Teams have seen the impact of the recent cuts that are being made to public services on the direct services they are able to offer to children and young people that they are working with in the community. Concerns have been expressed that as a result of the current economic climate, there are fewer and fewer opportunities being offered to young people in respect of positive activities, support and advocacy. This is extremely worrying given that these services can make a significant difference to young people who have been in trouble, helping them to turn their lives around and prevent them from ending up in custody. This state of affairs demoralises social workers and their colleagues working in youth offending teams given that the task of preventing re-offending becomes even more difficult. It also runs counter to the recent inquiries such as those led by Graham Allan, Professor Eileen Munro, Dame Clare Tickell and Frank Field who all extol the virtues of early intervention and preventative work. Yet, in spite of the evidence, we seem to be moving in the opposite direction. More is expected from less which simply does not add up. Furthermore, if sufficient emphasis is not given to providing good, preventative services it will inevitably cost the tax payer a great deal more as more children and young people end up in custody. We must have balanced and effective provision that places a premium on early intervention, involving "smart working" ie identifying those who are at risk of offending and devising strategies to divert them from this pathway.

6. In June 2011, it was announced that children remanded in custody should be given looked after status by local authorities. Whilst we absolutely support children in the criminal justice system being afforded the same safeguards and protection as all children, it remains unclear what this will mean in practice. This clearly needs fleshing out and greater consultation. In respect of funding—we have already seen a standoff between the Department of Education and the Ministry of Justice in respect of the funding of social workers seconded to YOIs. This is a sad indictment of the lack of willingness even on the part of government departments to come to sensible and workable agreements that are in the best interest of children. It also says something poignant about the particular status and attitude towards these children that no-one is willing to assume responsibility for their welfare. This was nothing short of a disgrace.

7. BASW members also have concerns about proposals being mooted to introduce payment by results within the secure estate and also in the community. There is a risk that rather than achieving a more level and equitable service for children across the country that we end up with even more of a "post code lottery" determined by where these services will be concentrated. Unfair judgements could also be made about practitioners and their effectiveness in areas where there are less resources in comparison with those who are better served.

How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within exist levels of funding?

8. Whilst we take issue with the practice of incarcerating thousands of children in this country and question the appropriateness of this as a strategy, we do think it is important that all those working in the youth justice system are recognised for their efforts to reduce re-offending. Now is the time to reflect on how this reduction has come about and basically identify what has been effective in terms of the strategies that have been adopted. We also think that where savings are being made in the secure estate as less young people are being placed in custody that this money should be re-directed into building up preventative services and early intervention as this would make far more economic sense as expressed in the response to the previous question. This question unfortunately appears to be loaded in terms of being more concerned with efficiencies than the welfare needs of children. We also would argue that exist levels of funding may now be a lot less than originally intended before the spending review last year and so these are not necessarily ideal figures to work from. Services to children need to be properly costed.

September 2011

Written evidence from the Magistrates' Association

I am writing with reference to the proposal in the Public Bodies Bill to abolish the very vital, effective and successful Youth Justice Board. The Magistrates' Association has worked closely with the Youth Justice Board since its inception. The Youth Courts Committee of the MA meets regularly with the YJB to discuss a wide range of issues relevant to the delivery of youth justice and the YJB has taken a lead in developing the necessary support services provided to youth courts.

Together the MA and the YJB have promoted approaches to sentencing that have realised a real reduction in the number of young people receiving custodial sentences. Magistrates have experience of YOTS, YOIs and the work being undertaken by them, promoted, encouraged and overseen by the YJB. The board is ideally placed to ensure programmes such as the Youth Inclusion Programme and the work of youth offending teams are effective in supporting young people as well as working toward reducing re-offending. It has been at the forefront of encouraging the restorative justice procedures. The MA support the principle of the Rehabilitation Revolution and the YJB, with the support of the magistracy, has been in the forefront of reducing offending behaviour.

Whilst it has been suggested that the Youth Justice Board has "done its job" the Magistrates Association from first-hand experience would say that is has a vital and continuing role to play in the justice system. Its very raison d'être for magistrates is that it provides continuity of policy, strategy and implementation in a way that a general approach through the wider Ministry of Justice cannot deliver. It is crucial to the justice system of a country that youth justice is delivered as a specialist programme through an agency that is solely devoted to young people, rather than managed by generalists who will have to consider youth justice alongside other calls on time, energy and finance. The MA believes that the national framework through which individual local YOTs operate must remain in the hands of a specialist agency. If the agencies and elements involved in the justice system have to compete with others across the Ministry, the coherence that is now one of the successes of the system will be compromised and seriously damaged.

The work of the Ministry of Justice is wide ranging and ministers and officials are extremely busy. High quality youth justice impacts on society at large and for that reason the MA believes that the very important role and work of the Youth Justice Board must not be diluted through being abolished with the responsibilities passed over to the wide ranging Ministry of Justice.

The MA believes that to further develop the youth justice system as a vital component of the wider justice system we need to continue to recognise that it has a special place and more particularly special needs. That place and those needs must be protected by an exclusive agency that can fully devote itself to developing the rehabilitation revolution with young people.

We would ask you to support the views of the MA to retain the YJB.

I am sending a copy of this letter to Frances Done, Chair of the Youth Justice Board, and inviting her to circulate it as appropriate.

John Thornhill
Chairman

October 2011

Written evidence from the Youth Courts Committee, Magistrates' Association

The Youth Courts Committee (YCC) of the Magistrates' Association was very disappointed to learn that the YJB could be abolished. Over the last few years, we have developed an increasingly robust relationship with the YJB. We believe that this is of great benefit to both the YJB and the YCC and, of far greater importance, to the youth justice system itself. A specific example is the dramatic reduction in custody rates amongst young people—while this was undoubtedly led by the YJB, we feel that the YCC has made a significant contribution, largely as a direct result of the two bodies working together. I vividly remember the meeting at the YJB when the YCC was presented with the figures. We were shocked at the discrepancy between demographically similar cities and demographically similar counties. I am sure we all looked at our own figures and asked ourselves if we could reduce our custody rates. It would be quite wrong to comment on individual cases but the trends were very obvious. Were it not for the YJB, this valuable information would not be available to magistrates and could not have been addressed.

It is important to emphasize the value of knowing the key players in the YJB and being able to exchange views fully and frankly with them. We have enormous respect for the individual players, whose knowledge and dedication are immense.

We feel that the activities of the YJB require political impartiality and that it must be able to act independently to establish facts. It must be free of outside interference and must not be threatened through the use of political directives. The future of our young people is too important to be used to further party political policies. Therefore we believe that the YJB should not be abolished.

Our overwhelming concern is that youth justice must remain as a distinct entity and must not be subsumed into the general criminal justice system. Youth justice has been recognized as distinct from adult criminal justice since 1909 and it would be disastrous if it were to disappear as a result of the abolition of the YJB. We feel that there must be a Minister with specific responsibility for youth justice. We feel that an independent body must have regular and direct contact with the Minister. And we respectfully suggest that such a body should include at least four magistrates who sit in the youth court.

There are numerous independently verified examples of the usefulness of the YJB but there is no evidence whatsoever that abolishing the YJB would be beneficial. Although we would obviously relate in a professional manner to whatever arrangements eventually materialize, nevertheless we are convinced that the current tried and tested arrangements should continue. The present arm's length role of the YJB ensures its political independence, which we believe is essential for the effective management of youth justice in England and Wales.

We fear that incorporation into the Ministry of Justice would be a major retrograde step. It would place many of the proven achievements in youth justice over the last decade in severe jeopardy and would significantly hinder further developments in youth justice.

John Bache JP FRCS
Chairman

October 2011
