



Ministry  
of Justice

# **Youth Justice Reinvestment Custody Pathfinder: final process evaluation report**

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Ministry of Justice Analytical Series  
2015

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First published 2015



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ISBN 978-1-84099-694-4

## **Acknowledgements**

The authors would like to thank all the individuals who assisted with and contributed to this evaluation, in particular the lead individuals from the pilot YOTs, Youth Justice Board and Ministry of Justice. Special thanks to our colleagues: Jessica Bamonte for co-ordinating interviews and for formatting and proofing various versions of the report; and Katherine Albertson for undertaking interviews and analysis.

## **The authors**

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# 1. Summary

## Background

The Youth Justice Reinvestment Custody Pathfinder (Pathfinder) was commissioned by the Youth Justice Board (YJB) to test how local authorities can be incentivised to reduce the use of custody for 10 to 17 year olds. The rationale of Pathfinder was to “improve the alignment of financial incentives in youth justice to encourage greater focus on prevention”. Quarterly funding from the YJB central custody budget was provided up front to give local authorities freedom and flexibility to develop and implement locally tailored interventions. Individual targets based on custody bed night reductions (i.e. reductions in the number of custody beds used each night) were used to measure the sites’ performance. At the end of the pilot, sites which failed to achieve their targets would be required to repay some or all of the funding through a ‘claw back’ process.

The pilot ran for two years: October 2011 to September 2012 (Year One); and October 2012 to September 2013 (Year Two). Four sites were selected by the YJB to take part in the pilot. Two sites withdrew at the end of Year One, invoking a ‘break clause’ which enabled them to leave the pilot without financial penalty. The other two sites continued with Pathfinder into Year Two: one in the North of England, consisting of a consortium of five authorities (Site 1), the other a consortium of four London boroughs (Site 2). The amount of funding provided to the sites was related to the potential savings in custody bed night usage which their respective targets were predicted to achieve. The total funding provided by the YJB for Sites 1 and 2 was £1,500,000 and £300,000 respectively.

## Approach

A process evaluation was commissioned by the Ministry of Justice (MoJ) to assess the implementation and delivery of Pathfinder and to draw out possible lessons for future schemes. An interim report examining the early development and implementation of Pathfinder was published in 2013 (Wong *et al*, 2013a). This second and final report covers the implementation of Pathfinder in Year Two in the two remaining sites.

The methodology for this process evaluation was primarily qualitative. Over the course of this evaluation a total of 177 participants drawn from the sites, from the YJB and from MoJ participated in interviews, workshops or focus groups. Analysis of YJB youth custody bed night data was also conducted to measure performance against targets. Data for the rest of England and Wales were also analysed to enable a high-level analysis of the sites’ performance by placing the observed trends in the Pathfinder sites in a wider context.

Comparing the two sites to national trends should, however, be treated with some caution as the participating sites had high youth custody levels, and therefore may be different from other areas.

### Performance of the sites

By the end of the pilot, both sites exceeded their targets.

In Site 1:

- A target was set to reduce custody bed nights by 10 per cent in each of Years One and Two;
- Targets were exceeded in both years of the pilot, with reductions of 28 per cent in Year One and 42 per cent in Year Two, compared to the baseline;
- Reductions in the number of custody bed nights occurred early in the pilot (i.e. from the second quarter of Year One) and were beyond what would be expected from natural variability. Findings from the interviews suggested that the falls could be associated with action taken by the Site in preparation for Pathfinder, or soon after its commencement.

In Site 2:

- A target was set to reduce custody bed nights by 12 per cent in Year Two (Year One was the foundation year and custody bed nights used during that year were not counted);
- The target was exceeded, with a reduction of 40 per cent in Year Two, compared to the baseline;
- Reductions in the usage of custody bed nights that occurred in Year Two were greater than what would be expected from natural variability (from the first or second quarter of Year Two depending on whether the possible impact of the August 2011 disturbances were taken into account). Interview findings suggested that these falls aligned with the Site's decision to bring the management of Pathfinder back in-house (suggesting a possible time lag between the intervention and any resulting change).

Reductions in custody bed nights were also seen across the rest of England and Wales during the pilot period (reductions of 12 per cent in Year One and 33 per cent in Year Two, compared to the baseline). The falls, which were greater than what was expected from natural fluctuation, occurred from the second quarter of Year Two.

Although two of the original sites withdrew from Pathfinder at the end of Year One, the pilot still exceeded its overall target reduction across all four sites. However, in the absence of a matched comparison group, it was not possible to directly attribute change to Pathfinder.

### **Interventions, delivery and implementation**

In the first year of the pilot, the two sites mainly intensified and extended existing interventions. They also made improvements to Youth Offending Team (YOT) and court processes and practices. On the whole, Year Two mainly saw a continuation of these activities, with the sites building on and consolidating the learning from Year One.

The adoption of a 'systems approach' was considered by those interviewed as the most important practice change adopted by the sites.

The key elements of this approach were:

- effective use of data to analyse demand and identify key points in the criminal justice system (CJS) where improvements in practice, processes or interventions would be most likely to reduce the custody bed night figures;
- regular performance management and forecasting of future custody bed night demand to help plan and target resources and interventions; and
- focus on marginal gains (i.e. making small practice changes, such as ensuring that young people kept their appointments, which could reduce breaches and the use of custody arising from breaches).

The process evaluation also highlighted that:

- effective leadership helped to implement changes and avoid a loss of impetus in Year Two;
- cultural changes in the workplace encouraged a more proactive attitude among staff and a renewed commitment to continuously improve practice and focus on key youth justice principles;
- there was considerable variation in the capacity and capability of YOTs to implement this type of pilot effectively – this suggests that future schemes may need to be accompanied by targeted support in these areas; and
- the consortium approach was perceived to have enabled the sharing of effective practice and allowed financial risk to be shared across more than one YOT area.



## External facilitators and challenges to implementation

External factors, outside the control of the sites, which may have assisted Pathfinder implementation and performance included:

- nationally observed trends, such as reductions in overall recorded crime and arrests, youth first time entrants to the criminal justice system and the number of young people in custody, as well as an increase in the average (mean) age at the start of custody;
- court changes and restructuring of local authority services;
- youth secure remand measures contained in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012;
- changes in YOT national standards in managing young offenders; and
- other local initiatives not funded by Pathfinder.

There were few perceived challenges to implementation identified in Year Two, and those which existed were local to individual YOT areas.

## Lessons learnt

The key lessons learnt from the pilot are as follows.

- The use of a commissioning model with upfront funding and a 'claw back' mechanism in the event of under-performance seemed to provide an effective way of incentivising sites to achieve their targets.
- The use of custody bed nights as a target had the benefit of being clear and easy for strategic managers and front-line staff to understand and monitor.
- Commissioning a consortium of several local authorities can help to spread financial risk, address volatility in relation to youth custody bed nights, and provide opportunities to share learning and good practice.
- Pathfinder has shown that adopting a 'systems approach' based on detailed data analysis to help identify entry points and stages in the criminal justice system should be considered to reduce youth custody levels.
- Pathfinder has highlighted considerable variation in the capacity and capability of YOTs to implement this type of pilot effectively. This suggests that future schemes may need to be accompanied by targeted support.
- Effective leadership and communication with staff, along with allowing sufficient time for planning and set-up prior to commencing an initiative, can facilitate effective project delivery.

## 2. Introduction

### Context

Youth custody is the most expensive youth justice disposal with an average annual cost per place of almost £100,000, and with some secure places costing as much as around £200,000 per annum (MoJ, 2013). For young people released from custody the overall proven re-offending rate is around 68 per cent, which is higher than for any other youth justice disposal (MoJ, 2015).

The Youth Justice Reinvestment Custody Pathfinder (Pathfinder) was commissioned by the Youth Justice Board (YJB) to test how local authorities can be incentivised to reduce the use of custody for 10 to 17 year olds. The rationale of Pathfinder was to “improve the alignment of financial incentives in youth justice to encourage greater focus on prevention”.<sup>1</sup> This scheme represents a form of justice reinvestment,<sup>2</sup> which is a concept supported by the House of Commons Justice Committee (2010). The aim of Pathfinder also aligns with a growing recognition in the United Kingdom and United States that, while it may be necessary to detain some young people in secure establishments, for others custody may not be the most appropriate option (see for example Butts and Evans, 2011). The pilot ran for two years from 2011.

More recently, the Government launched its strategy for youth custody in January 2014 to improve the effectiveness of the youth secure estate by developing Secure Colleges<sup>3</sup> and enhancing the level of education in existing Under 18 Young Offender Institutions (Under 18 YOIs) (MoJ, 2014).

### Operation of Pathfinder

Local areas were invited by the YJB to bid to take part in Pathfinder, based on the requirement that they had on average at least 50 young people in custody at any one time in 2009/10. This requirement was necessary to ensure reductions had the potential to deliver

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<sup>1</sup> See: < <http://webarchive.nationalarchives.gov.uk/20130404123300/https://www.justice.gov.uk/downloads/youth-justice/reducing-re-offending/YouthJusticeReinvestmentPathfinderInitiativeinformation.pdf> > [Accessed 9 March 2015].

<sup>2</sup> As noted by Fox, Albertson and Wong (2013), justice reinvestment seeks to reduce the cost of crime in the most efficient way possible by considering criminal justice as a problem of the allocation of resources. It involves local agencies working together to reduce the drivers of criminal justice costs through the analysis of criminal justice data, mapping of interventions, use of evidence and identification of cost-effective interventions. See also Allen (2014).

<sup>3</sup> These are intended to be a new generation of secure education establishments where learning, vocational and life skills will be a central pillar of the regime to educate and rehabilitate young offenders.

savings during the duration of the pilot. Following the bidding process, four sites were selected to take part in Pathfinder.

The pilot began in October 2011 and ran until September 2013 (Year One: October 2011 to September 2012; Year Two: October 2012 to September 2013). Two sites withdrew at the end of Year One, invoking a 'break clause' which enabled them to leave the pilot without financial penalty.<sup>4</sup> The other two sites continued with Pathfinder into Year Two: one located in the north of England consisting of a consortium of five authorities (Site 1), the other located in London and consisting of a consortium of four boroughs (Site 2). Throughout this report the term 'site(s)' refers to one (or more) of the Pathfinder pilot areas.

The sites' performance was measured using individual targets against a baseline (April 2010 to March 2011). These targets were set based on proposed reductions in the number of youth custody beds used each night (referred to hereafter as 'custody bed nights'). The sites estimated the volume of reduction using a 'value for money tool' developed by the YJB. At the end of the pilot, sites which failed to achieve their targets would be required to repay some or all of the funding through a 'claw back' process. This mechanism aimed to drive performance.

Quarterly funding from the YJB central custody budget was provided up front to give local authorities freedom and flexibility to develop and implement locally tailored interventions, to respond to local needs and demands. The amount of funding provided to the sites was related to the potential savings in custody bed night usage which their respective targets were predicted to achieve, based on the YJB value for money tool. The total funding provided by the YJB for Sites 1 and 2 was £1,500,000 and £300,000 respectively.

Site 1 had a target to reduce custody bed nights by 10 per cent in Year One and 10 per cent in Year Two.<sup>5</sup> This site achieved a 28 per cent reduction in Year One and a 42 per cent reduction in Year Two. Site 2 had a target to reduce custody bed nights by 12 per cent in

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<sup>4</sup> The break clause was negotiated by the sites and was seen as essential to achieve buy-in from senior local authority officials and elected members. For further details see the interim report: Wong, K., Meadows, L., Warburton, F., Webb, S., Ellingworth, D. and Bateman, T. (2013a) *Youth Justice Reinvestment Custody Pathfinder: Findings and delivery lessons from the first year of implementation*. London: Ministry of Justice Analytical Services <<https://www.gov.uk/government/publications/youth-justice-reinvestment-custody-pathfinder-findings-and-delivery-lessons-from-the-first-year-of-implementation>> [Accessed 9 March 2015].

<sup>5</sup> It was the intention of the YJB that Year One of the pilot would be a foundation year to enable services to be established and Year Two would be the measurement year. However, Site 1 (whose contract specified target reductions in Year One and Year Two) negotiated and retained an equal split of their target over both years. See Wong *et al*, 2013a.

Year Two as Year One was the foundation year and custody bed nights used during that year were not counted. This site achieved a 40 per cent reduction in Year Two.

### Research aims

A process evaluation was commissioned by the Ministry of Justice (MoJ) to assess the implementation and delivery of Pathfinder and to draw out possible lessons for future schemes.

An interim report examining the early development and implementation of Pathfinder was published after the first year of the pilot (Wong *et al*, 2013a) – hereafter referred to as the interim report. This second and final report covers the implementation of Pathfinder in Year Two in the two remaining sites. It aims to answer research questions relating to the following themes:

- development of partnerships;
- nature and scope of interventions developed by the sites, and how these differed between Year One and Year Two;
- perceived facilitators and barriers to delivery;
- performance against targets in the two remaining Pathfinder sites; and
- lessons from the pilot.

Full details of the research questions are provided in Appendix 1.

### Methodology

The methodology for this process evaluation was primarily qualitative. Fieldwork was conducted in three phases to help assess the implementation of Pathfinder at different stages of the pilot. A total of 177 participants were involved in interviews, workshops and focus groups (see Table A1.1 in Appendix 1). Interviewees were selected for all three activities based on a purposive sample from: MoJ and YJB staff; Youth Offending Team (YOT) heads and operational managers, YOT front-line staff, chairpersons of YOT boards;<sup>6</sup> police staff; youth justice sentencers; local authority managers; public sector health providers and voluntary and community sector (VCS) service providers.

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<sup>6</sup> Hereafter YOT heads and operational managers, YOT front-line staff and YOT chairpersons will be collectively referred to, in this report, as YOT stakeholders.

Not all interviewees had the same degree of involvement with the implementation of the pilot. As a result, the conclusions and learning presented in this report may not be representative of all views held across the two pilot sites or by stakeholders, and as such need to be interpreted with a degree of caution.

The findings in this report are primarily drawn from the interviews undertaken at the two remaining sites during the third phase of the fieldwork (November to December 2013) and from documentary evidence (e.g. business plans, contracts and other site-related papers). A review of UK and international literature on approaches to the commissioning of youth justice services was also undertaken to provide context for the findings in this report.

This study was commissioned as a process evaluation and was not intended to measure impact. However, analysis of YJB custody bed night management data was conducted to measure the sites' performance against targets. Data for the rest of England and Wales (i.e. excluding the four original pilot sites) were also analysed to enable a high-level analysis of the sites' performance, by placing the observed trends in the Pathfinder sites in a wider context.

Further details are contained in Appendices 1 and 2.

### **Report outline**

Section 3 outlines the interventions, delivery and implementation of the pilot in the two remaining Pathfinder sites. Section 4 focuses on the external facilitators and challenges to implementation. Section 5 assesses the performance of the two sites against their targets, and section 6 outlines the main conclusions and implications for policy, based on the lessons learnt from Year One and Year Two of the pilot.

### 3. Interventions, delivery and implementation

#### Summary

In the first year of the pilot, the focus in both sites was mainly on intensifying and extending existing interventions as well as making improvements to YOT processes and practices. Year Two mainly saw a continuation of these interventions along with process and practice changes, with the sites building on and consolidating the learning from Year One.

The adoption of a 'systems approach' was considered by those interviewed as the most important practice change adopted by the sites. The key elements of this approach were:

- effective use of data to analyse demand and identify where improvements in practice, processes or interventions would be most likely to reduce the use of custody bed nights;
- regular performance management and forecasting of future custody bed night demand to help plan and target resources and interventions;
- marginal gains (i.e. making small practice changes, such as ensuring that young people kept their appointments, which could reduce breaches and the use of custody arising from breaches).

The process evaluation also highlighted that:

- effective leadership helped to implement changes and avoid a loss of impetus in Year Two;
- cultural changes in the workplace encouraged a more proactive attitude among staff and a renewed commitment to continuously improve practice and focus on key youth justice principles; and
- the consortium approach enabled the sharing of good practice and allowed financial risk to be shared across more than one YOT area.

This section provides an overview of the interventions in the two remaining sites and identifies the ways in which these were implemented.<sup>7</sup> It then explores the delivery and implementation of Pathfinder during Year Two.

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<sup>7</sup> For details of early delivery and implementation of the models, please refer to the interim report (Wong, 2013a).

### **3.1 Interventions**

In Year One, the sites mainly intensified or extended existing activities to other YOTs within the consortia. Year Two involved both sites consolidating the learning from the first year of the pilot, building on what they perceived to have worked in Year One, continuing to monitor and adjust their approach based on analysis of data and responding to local needs. As a result, approaches to reducing custody bed nights varied across the two sites. Both sites, however, mainly focused on specific entry points and stages in the criminal justice system (CJS) to reduce their use of custody bed nights. Table 3.1 indicates the main interventions which were undertaken in the sites in both years of the pilot.

**Table 3.1 Key interventions implemented during Pathfinder in Sites 1 and 2<sup>8</sup>**

	Site 1						Site 2					
	Year One			Year Two			Year One			Year Two		
	Intensified <sup>9</sup>	Extended <sup>10</sup>	New	Continued <sup>11</sup>	New	Ceased	Intensified	Extended	New	Continued	New	Ceased
<b>Reducing custodial sentences</b>												
Community packages as alternatives to custody	✓	✓		✓			✓			✓		
Improved presentation of pre-sentence reports to reduce numbers of custodial sentences	✓			✓					✓	✓		
Custody case reviews							✓			✓		
Risk of custody meetings								✓		✓		
Improved court liaison with sentencers to reduce use of custody where appropriate	✓			✓			✓	✓		✓		
<b>Reducing duration of sentences</b>												
Supporting defence appeals to reduce duration of sentences	✓			✓								✓
<b>Reducing custodial remands</b>												
Community bail support to reduce use of remands	✓			✓			✓	✓		✓		
Remand strategy and Triage <sup>12</sup>							✓			✓		
Increased access to remand foster carers	✓			✓		✓ <sup>13</sup>						
<b>Reducing breaches</b>												
Compliance panels to reduce likelihood of breach	✓	✓		✓			✓			✓		
Enhanced interventions to reduce breaches, such as intensive supervision	✓			✓			✓			✓		
<b>Initiatives not related to immediate custody entry points</b>												
Initiatives to improve engagement of young people and their families <sup>14</sup>	✓			✓	✓		✓			✓	✓	
Mentoring initiative for black young offenders												✓
Summer arts programme for young people at high risk of offending												✓
Translation services to support liaison with Asian families			✓	✓								
Support for offenders with learning disabilities through provision of specialist autism training					✓							
Diversion from arrest for first time or repeat low-level offences	✓			✓			✓			✓		

<sup>8</sup> Table 3.1 was drawn primarily from a data return requested, by the evaluation team, from the Pathfinder sites in each of the pilot years. This information was triangulated with data from documentary analysis and qualitative interviews.

<sup>9</sup> 'Intensified' indicates that the intervention existed prior to Pathfinder but was intensified during the pilot.

<sup>10</sup> 'Extended' indicates that the intervention was already being implemented in some YOTs prior to Pathfinder but was extended to other YOTs within the site as a result of the pilot.

<sup>11</sup> 'Continued' includes interventions which were started in Year One and continued unchanged in Year Two and those which were started in Year One and either intensified or extended to other YOTs within the site in Year Two.

<sup>12</sup> Triage is a process undertaken by YOT staff and the police to determine whether a young person who has been arrested should: be diverted from the criminal justice system if they have committed a low-level offence; require further interventions and assessment by the YOT; or should be fast-tracked through the criminal justice system because of the seriousness of the offence. Further information on Triage can be found at: <<https://www.justice.gov.uk/youth-justice/effective-practice-library/triage>> [Accessed 9 March 2015].

<sup>13</sup> Ceased in one YOT.

<sup>14</sup> This is an umbrella category which included interventions such as family group conferencing in some YOTs and multi-systemic therapy (MST) in others. In Site 1 in Year Two, some of these initiatives were new and some were continued from Year One. In Site 2, MST was a new intervention in Year Two; the other initiatives were continued from Year One. MST is an intensive family- and community-based treatment programme for young chronic and violent offenders (usually targeted at 12 to 17 year olds). It aims to prevent re-offending and out-of-home placements. The treatment typically runs for between three and six months. See <<http://mstservices.com/>> [Accessed 9 March 2015].



## 3.2 Delivery and implementation

Although the number of new interventions as a direct result of the pilot was relatively small, the interview findings in both sites indicated that the ways in which Pathfinder was implemented and delivered represented an important change from previous practice.

### Commissioning model and consortium working

The commissioning model contained the following key elements:

- local areas had to meet the bidding requirement of having, on average, at least 50 young people in custody at any one time in 2009/10, which encouraged a consortium approach;<sup>15</sup>
- individual targets which were used to measure performance; and
- a 'claw back' mechanism which was intended to introduce an element of risk.

All YOT stakeholders interviewed reported the benefits of consortium working on sharing good practice by identifying what would work well in some YOT areas, as well as what may not work so well due to differences in local context. In addition, the majority of YOT stakeholders in both sites reported that delivering Pathfinder as part of a consortium had a practical benefit of enabling YOTs to share risk by offsetting under-performance in some YOTs against over-performance in others. This is supported by analysis of data in both sites, which shows that not all YOTs reduced their use of custody bed nights to the same extent (see Tables A2.2 and A2.3 in Appendix 2).

While consortium working encouraged cooperation, it also fostered healthy competition. Most strategic and operational stakeholders interviewed in both sites indicated that individual YOTs were keen to be seen to be playing their part in meeting the overall consortium target. As one of the YOT managers explained:

*"... it probably comes back to what I was saying about competitiveness; we wouldn't want to be seen as letting them [other consortium YOTs] down ..."*

In addition, most of the YOT stakeholders interviewed considered that the commissioning model of Pathfinder had proved effective in incentivising them to change processes and

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<sup>15</sup> This requirement was necessary to ensure reductions had the potential to deliver sufficient savings during the duration of Pathfinder. Given that many individual local authorities have a relatively small number of young people in the youth secure estate at any one time, the YJB had encouraged local authorities to bid for the pilot as consortia. Further details on the configuration of the consortia are contained in the interim report (Wong *et al*, 2013a).

practices. For example, having a clear and relatively simple target focused the attention of YOT strategic managers and assisted them in communicating with and engaging operational staff.<sup>16</sup>

Interviewees also recognised that the ‘claw back’ mechanism represented an element of risk in the pilot, which helped to incentivise the sites. This mechanism was, however, partly mitigated by the option to withdraw at the end of Year One without financial penalty. Indeed, two of the four original sites made use of this clause and withdrew from the pilot at the end of Year One. (See interim report for further details (Wong *et al*, 2013a)).

Some stakeholders interviewed believed that the design of the commissioning model had increased practitioners’ awareness of costs. Importantly, however, the focus on reaching targets to avoid ‘claw back’ of funding at the end of the pilot was not seen by those interviewed to conflict with providing better outcomes for young people. This is because the choice of custody bed nights as the metric for measuring the target aligned with the key youth justice principle of finding appropriate community alternatives to custody.

### **Systems approach and use of data**

Both sites adopted a ‘systems approach’ (see Fox, Albertson and Wong, 2013). The adoption of this ‘systems approach’ was considered by those interviewed as the most important practice change adopted by these two sites in response to Pathfinder, and represents a key learning point from the pilot.

This approach involves analysing demand for custody places to:

- identify opportunities at each point in the criminal justice system to divert offenders from custody;
- inform practice improvement and choice of interventions to reduce the use of custody in the youth estate.

The ‘systems approach’ also led to regular performance management and forecasting of future custody bed night demand, based on actual and potential custodial cases. For example, this way of working enabled both sites to:

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<sup>16</sup> The interim report of the MoJ-commissioned Local Justice Reinvestment Pilot found that the lack of either upfront funding or a penalty mechanism was seen by those interviewed to have, in part, provided insufficient incentive for the majority of the pilot sites to make major changes to reduce demand on the criminal justice system (Wong *et al*, 2013b).

- identify the greater risk of a custodial sentence following custodial remands and develop a range of robust community packages as an alternative to custody when appropriate (see section 3.1);
- identify where high proportions of custody bed nights were attributed to some black and other minority ethnic groups. For example, in Site 2, the over-representation of black young males in custody in one YOT led to the development of targeted initiatives, including a scheme involving older black males as mentors for young black offenders.

### Marginal gains

YOT stakeholders in both sites also reported that they helped to reduce custody bed night usage by focusing on ‘marginal gains’.<sup>17</sup> This was informed by the systems approach and involved close examination of all aspects of YOT practice and making (sometimes small) improvements which could, individually or cumulatively, improve performance. This approach was used to improve the quality of pre-sentence reports and to improve YOT community practices. For example, Site 1 reconsidered how they hand-delivered letters to some offenders who were not keeping appointments. They identified that making the relatively small change of the YOT worker handing the letter directly to the young person (rather than dropping it through the letter box) could make the difference between the young person attending their appointment and potentially breaching their order.

### Leadership

Strong leadership was identified by the majority of those interviewed as one of the main enablers of implementation of the pilot in Year One.<sup>18</sup> During Year Two, Site 1 identified the importance of effective leadership (at both a strategic and operational level) in maintaining impetus, especially given that they had already achieved their target in Year One. Examples of how this was implemented included:

- organising a staff conference at the beginning of Year Two to share good practice, reflect and acknowledge their achievements in Year One; and
- regularly updating staff on their progress in achieving the Pathfinder target in Year Two through regular team meetings and staff supervision.

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<sup>17</sup> A ‘systems approach’ identifies the key points in the criminal justice system where actions taken are likely to have the most impact in reducing the use of custody. ‘Marginal gains’ describe the specific practice changes which may need to be made at each of these key points.

<sup>18</sup> For further details please see the interim report (Wong *et al*, 2013a).

In Site 2, interview findings suggested that a decision to change the management structure towards the end of Year One was perceived to be crucial to the success of the pilot and the achievement of their target in Year Two. The site had outsourced the delivery of some interventions and the project management of Pathfinder to the voluntary and community sector (VCS) at the start of the pilot. However, in response to analysis of custody bed night data and the perceived duplication of services delivered by VCS, the YOTs decided to bring the responsibilities for both the delivery and management of Pathfinder back in-house towards the end of Year One.<sup>19</sup> This change was perceived, by those interviewed, to have resulted in renewed energy for the pilot, a clearer focus and a more adaptable and responsive approach.

### Cultural changes

Interview findings indicated that cultural changes among YOT front-line staff and managers helped to facilitate the successful delivery of the pilot. Across both sites, interviewees reported that during Pathfinder there had been a renewed focus among YOT staff on the key youth justice principle of ensuring that custody was proposed to sentencers only in cases where community alternatives were not appropriate.<sup>20</sup>

Cultural change was also exemplified in other ways. These included, across both sites:

- a more proactive approach to managing compliance to prevent sentence breaches which could result in custodial sentences. For example, YOT operational managers regularly met with their staff to discuss potential breach cases and think of ways to minimise such cases;
- a culture of continuous improvement, encouraging staff to regularly review and improve their practice;
- a perception of self-efficacy among YOT stakeholders and local authority managers that by adopting a 'systems approach' they had proven to themselves that they could effect changes on the criminal justice system.

The lead managers in the sites achieved these cultural changes by articulating and communicating a clear strategy, as well as identifying and sharing good practice among YOTs.

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<sup>19</sup> As detailed in the interim report, both contracts were terminated on a no fault basis.

<sup>20</sup> Although YOT staff can make proposals in court regarding the most appropriate disposal, decisions on sentencing are taken by magistrates and judges.

## 4. External facilitators and challenges to implementation and delivery

### Summary

External factors outside the control of the sites which were perceived to have had an effect on the implementation and delivery of Pathfinder included:

- nationally observed trends such as reductions in overall self-reported and police-recorded crime, youth first time entrants to the criminal justice system and the number of young people in custody, and an increase in the average age at the start of custody;
- court changes and restructuring of local authority services;
- youth secure remand measures contained in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012;
- changes in YOT national standards in managing young offenders; and
- other local initiatives not funded by Pathfinder.

There were few reported challenges to implementation identified in Year Two, and those which existed were localised to individual YOT areas and were not perceived to hinder progress against targets.

### 4.1 External facilitators

This section examines the external factors, outside the control of the sites, which were perceived by those interviewed to have facilitated the implementation of Pathfinder.

#### National trends

Pathfinder has been implemented during a period of reductions in some wider criminal justice trends in England and Wales. Between 2009/10 and 2013/14:

- overall self-reported crime decreased by 22 per cent;<sup>21</sup>
- police-recorded crime decreased by 14 per cent;<sup>22</sup>

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<sup>21</sup> The total estimated self-reported crime from adults aged 16 and over living in private households in England and Wales has reduced from 9.3 million incidents (April 2009 to March 2010) to 7.3 million incidents (April 2013 to March 2014) (see Office for National Statistics, 2014).

<sup>22</sup> Police-recorded crime incidents have decreased from 4.3 million (April 2009 to March 2010) to 3.7 million (April 2013 to March 2014) (see Office for National Statistics, 2014).

- the number of young people coming into the criminal justice system as first time entrants decreased by 64 per cent;<sup>23</sup> and
- the numbers of young people in the youth secure estate decreased by 50 per cent.<sup>24</sup>

The YOT stakeholders interviewed from both sites suggested that these reductions had contributed to reduced YOT caseloads. It was therefore perceived that staff had more time to engage with young people and work with them to reduce breaches, which was felt to help reduce custody bed nights.<sup>25</sup>

While it is beyond the scope of this report to measure the impact of these national trends, it is possible that these nationally observed trends may have facilitated the delivery of Pathfinder and the progress of the sites against their targets. In the United States, similar schemes were also implemented during a time of falling crime rates and it was therefore not always clear whether the observed positive results were due to these wider contextual factors or to the commissioning approach specifically (Armstrong *et al*, 2011; Latessa *et al*, 1998).

In addition, in line with England and Wales as a whole, the average (mean) age at the start of the sentence increased from 15.98 in the Baseline Year to 16.27 in Year Two in Site 1, and from 15.80 to 16.38 in Site 2 over the same period.<sup>26</sup> Interviews with YOT stakeholders suggested that the increased age of young people in custody may have assisted the sites in achieving the custody bed night reduction target. This was because, as agreed with the YJB, those young people in custody who turned 18<sup>27</sup> during their custodial sentence were not included in the custody bed night count for Pathfinder. This is illustrated by the following comment from a YOT stakeholder:

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<sup>23</sup> The number of youth (10 to 17 year olds) first time entrants to the criminal justice system has also decreased between April 2009 to March 2010 and April 2013 to March 2014: by 64% in England and Wales, by 63% in Site 1 and by 67% in Site 2 (see YJB/MoJ, 2015).

<sup>24</sup> The average monthly under-18 year old custody population in England and Wales has been reducing on a year on year basis from 2,418 (April 2009 to March 2010) to 1,216 (April 2013 to March 2014) (see YJB/MoJ, 2015).

<sup>25</sup> In the interim report, however, YOT interviewees reported that while their caseloads had reduced, the cases that they were dealing with were, on balance, more challenging to work with and required more support and supervision (see Wong *et al*, 2013a).

<sup>26</sup> In Site 1 the average (mean) age at the start of the sentence increased from 15.98 in the Baseline Year, to 16.08 in Year One and 16.27 in Year Two. In Site 2, the average (mean) age at the start of sentence increased from 15.80 in the Baseline Year, to 16.09 in Year One and 16.38 in Year Two. This is broadly in line with national trends (see YJB, 2015). It was not, however, possible to draw firm conclusions on the effect of age on youth custody bed nights as individual data on age and length of custodial sentence were not available.

<sup>27</sup> It is standard practice for most young people who turn 18 years of age to move out of the youth secure estate and into a young adult young offender institution.

*“We had a particular cohort with burglary [in this area] of maybe 17 year olds that were quite prolific burglars and getting repeat sentences and they’ve turned 18 during this time, so we’ve lost that cohort ...”*

### **Changes in courts and local authorities**

The YOT stakeholders interviewed suggested that court restructuring, which occurred during the pilot, had also facilitated the delivery of Pathfinder. For example, in Site 2, court restructuring meant that for one borough the majority of cases were dealt with by just one court. This was perceived to have facilitated better engagement with sentencers and greater consistency in sentencing outcomes.

In Site 2, restructuring between three boroughs facilitated the development of a single court team, drawing YOT staff from the three boroughs. This was thought by those interviewed in those three boroughs to have improved the preparation of pre-sentence reports and their presentation to sentencers. It also enabled staff from one borough to provide cover at court for staff from another borough who were unable to attend, and thus maintain a continuity of approach.

### **Legal Aid, Sentencing and Punishment of Offenders Act**

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 extended looked after children (LAC) status to all children held on secure remand, with effect from December 2012. This measure placed a duty on the local authority to assess young people’s needs, coordinate care and maintain appropriate links with their home communities. The Act also prescribed that from December 2012 offenders aged 12 to 17 years can no longer be remanded securely, unless there is a real prospect that they would be sentenced to custody if convicted or they have committed certain specified offences. Furthermore, from April 2013, the Act transferred the financial responsibility for youth custodial remands to local authorities (YJB, 2013b). The transfer of funding sought to create a financial incentive for local authorities to reduce unnecessary secure remands and to reinvest any savings achieved.<sup>28</sup>

As indicated in the interim report, YOT stakeholders perceived that the LASPO Act had acted as a facilitator for the pilot. During Year One, the YJB had issued a remand toolkit<sup>29</sup> to local

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<sup>28</sup> Further details about the transfer of the custodial remand budgets can be found in the *Youth Secure Remand Report 2014* (YJB/MoJ, 2014), available at: <<http://webarchive.nationalarchives.gov.uk/20130128112038/http://www.justice.gov.uk/downloads/youth-justice/courts-and-orders/laspo/youth-secure-remand-report-2014.pdf>> [Accessed 9 March 2015].

<sup>29</sup> The toolkit became available in April 2011. See *YJB Remand Toolkit* (YJB, 2011) <<http://www.justice.gov.uk/youth-justice/toolkits#remand>> [Accessed 9 March 2015].

authorities to help them prepare for the implementation of the Act. YOTs were therefore able to carry out local analysis of their remand populations to inform strategy and redirect resources to reduce custodial remands (Wong *et al*, 2013a).

During Year Two the LASPO Act continued to be perceived as a facilitator for the implementation of Pathfinder. YOT stakeholders from both sites indicated that the Act had helped to improve the coordination between YOTs and Children's Services. For example, in some YOT areas, part of the custodial remand budget had been invested in a social worker post to provide better coordination between Children's Services and the YOTs for looked after children. As one local authority strategic manager explained:

*"... we thought if we invest that [the custodial remand budget] in placements we would see minimal impact ... so we decided to create a post that could actually link the local authority social care team alongside the YOT and give the court a direct person that they could liaise with and coordinate all that core activity for us ..."*

The LASPO Act was also perceived to improve the package of support for looked after children managed by the YOT. This was due to independent review officers<sup>30</sup> being involved in overseeing a larger number of YOT cases through the classification of children on remand as looked after children.

In addition to facilitating the implementation of Pathfinder, interview findings indicated that the LASPO Act had raised the profile of YOTs with elected members and senior managers in local authorities due to the financial risk of the transferred responsibility. As one local authority strategic manager explained:

*"... our elected members, our portfolio leads, senior managers across the council are more aware of the [financial] risk. I think it's put some aspects of the youth offending process under more of a spotlight quite helpfully than has been the case in the past ..."*

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<sup>30</sup> The role of an independent review officer is to quality assure the care planning process for each child and ensure that their wishes and feelings are given full consideration. See guidance from the Department of Children Schools and Families (2010) *IRO Handbook: guidance for independent reviewing officers and local authorities on their functions in relation to case management and review for looked after children*, available at: <<https://www.gov.uk/government/publications/independent-reviewing-officers-handbook>> [Accessed 9 March 2015].



## Changes in national standards for managing young people who offend

Changes in YOT national standards<sup>31</sup> (e.g. young people only requiring a minimum of two rather than three contacts a week with YOT staff) were perceived in both sites to have increased staff autonomy. YOT staff interviewed reported that these changes enabled them to be more responsive to the needs of young people and therefore facilitated progress against their targets.

## Troubled Families programme

The Troubled Families programme<sup>32</sup> was launched in April 2012, and aimed to provide support to families who have a range of complex needs and also cause problems to their community. YOTs in both sites received additional funding and, as discussed in the interim report, some interviewees saw this as a way to develop early intervention work. In one site, staff saw this programme as a source of funding through which Multi-Systemic Therapy (MST) could be maintained post-Pathfinder.

## Other initiatives

Interviewees in Site 1 perceived a local initiative (not funded by Pathfinder) to have facilitated the implementation of the pilot in Year Two. This initiative, which operated across all the YOT areas in Site 1, aimed to ensure better and swifter access to suitable children's homes and foster carers, particularly at critical times. For example, prior to the initiative it was sometimes difficult to access suitable accommodation for young people who appeared in court towards the end of the day. YOT stakeholders interviewed expressed the view that this initiative had facilitated the implementation of Pathfinder because it ensured that suitable accommodation could be proposed to sentencers as part of community packages.

In Site 2, YOT stakeholders reported that one borough benefited from a focus on gang activity by the police during Year Two and another borough benefited from a Home Office-led peer review of activity undertaken by the borough to address gang and youth violence (Home

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<sup>31</sup> See YJB (2013a) *National Standards for Youth Justice Services* available at <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296274/national-standards-youth-justice-services.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296274/national-standards-youth-justice-services.pdf)> [Accessed 9 March 2015].

<sup>32</sup> Additional funding in the YOT was made available through the 'Troubled Families' programme. 'Troubled families' are those that have a range of complex needs and also cause problems to their community, putting high costs on the public sector. In April 2012, the Government launched the Troubled Families programme, which aims to: get children back into school; reduce youth crime and antisocial behaviour; put adults on a path back to work; and reduce the high costs these families place on the public sector each year. The Government has increased local authority budgets by £448 million over three years on a payment-by-results basis to implement the programme. Department for Communities and Local Government (2014) *Helping troubled families turn their lives around* <<https://www.gov.uk/government/policies/helping-troubled-families-turn-their-lives-around>> [Accessed 9 March 2015].

Office, 2013).<sup>33</sup> Both of these initiatives were perceived to have facilitated YOT practice improvements which contributed to progress against the target.

## 4.2 External challenges

The interview findings indicated a limited number of external challenges to the implementation of Pathfinder in Year Two. These were localised to specific YOT areas within the sites. For example, in one YOT in Site 1, funding from the Troubled Families programme had enabled the Family Intervention Service (FIS)<sup>34</sup> to be expanded and additional MST places to be made available (in addition to those funded through Pathfinder). Given the availability of two types of family-based interventions, some interviewees reported uncertainty in choosing between FIS and MST. This suggests that practitioners in this site might have benefited from further guidance on how and in what circumstances to implement different types of interventions.

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<sup>33</sup> The peer review process typically involved discussions with local partners for four days about local gang and youth violence issues, with recommendations provided through a final report and presentation. Home Office (2013) *Ending Gang Violence: Review 2012-13*, available at: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/265463/Ending\\_gang\\_youth\\_violence\\_12-13\\_\\_3\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265463/Ending_gang_youth_violence_12-13__3_.pdf)> [Accessed 9 March 2015].

<sup>34</sup> The FIS will work with a family for up to 12 months (in some cases this could be longer). Each family will have a key worker who would be expected to provide an intensive level of support, averaging four hours per week. The aim is to help identify and develop ways of tackling destructive behaviours and lifestyle choices. This is a voluntary service and families do not have to accept support. Health for All *Family Intervention Service*, available at <<http://www.healthforall.org.uk/?pid=60>> [Accessed 9 March 2015].

## 5. Performance of the sites

### Summary

The key findings from the analysis of youth custody bed night data are presented in this section.

#### In Site 1:

- A target was set to reduce custody bed nights by 10 per cent in each of Years One and Two.
- Targets were exceeded in both years of the pilot, with reductions of 28 per cent in Year One and 42 per cent in Year Two, compared to the baseline.
- Reductions in the number of custody bed nights occurred early in the pilot (i.e. from the second quarter of Year One) and were beyond what would be expected from natural variability. Findings from the interviews suggested that the falls could be associated with action taken by the Site in preparation for Pathfinder, or soon after its commencement.

#### In Site 2:

- A target was set to reduce custody bed nights by 12 per cent in Year Two (Year One was the foundation year and custody bed nights used during that year were not counted).
- The target was exceeded, with a reduction of 40 per cent in Year Two, compared to the baseline.
- Reductions in the usage of custody bed nights that occurred in Year Two were greater than what would be expected from natural variability (from the first or second quarter of Year Two depending on whether the possible impact of the August 2011 disturbances were taken into account). Interview findings suggested that these falls aligned with the Site's decision to bring the management of the project back in-house (suggesting a possible time lag between the intervention and any resulting change).

Reductions in custody bed nights were also seen across the rest of England and Wales during the pilot period (reductions of 12 per cent in Year One and 33 per cent in Year Two, compared to the baseline). The falls, which were greater than what was expected from natural fluctuation, occurred from the second quarter of Year Two.

Although two of the original sites withdrew from Pathfinder at the end of Year One, the pilot still exceeded its overall target reduction across all four sites. However, in the absence of a matched comparison group it was not possible to directly attribute change to Pathfinder.

This study was commissioned as a process evaluation and was not intended to measure impact. However, analysis of YJB custody bed night management data was conducted to measure the sites' performance against their targets.

Data for the rest of England and Wales<sup>35</sup> have also been included in this section to enable a high-level analysis of the sites' performance and to place the observed trends in the pilot sites into a wider context. Comparing the two sites to national trends should, however, be treated with some caution as the participating sites had high youth custody levels, and therefore may be different from other areas. In addition, as discussed in section 4.1, national custody levels were falling and in the absence of a matched comparison group it is not possible to determine the extent to which Pathfinder helped to maintain or increase this overall rate of reduction.

Further details about the methodology used and the data which underpin the findings in this section are contained in Appendix 2.

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<sup>35</sup> The term 'the rest of England and Wales' (and used hereafter) excludes data for the four pilot sites which participated in Pathfinder. While only two sites continued into Year Two, four sites received funding from Pathfinder in Year One. Therefore excluding data from all four sites is intended to exclude the potential effects of Pathfinder from the England and Wales data.

## 5.1 Progress against the targets

Table 5.1 sets out the total number of custody bed nights in Sites 1 and 2 for the Baseline Year and the two years of Pathfinder.<sup>36</sup>

**Table 5.1 Total youth custody bed nights in two Pathfinder sites and the rest of England and Wales in Years One and Two compared to the Baseline Year<sup>37</sup>**

		Target number of custody bed nights	Target reduction of custody bed nights	Actual number of custody bed nights	Reduction in number of custody bed nights between Project Year and Baseline	Percentage change between Project Year and Baseline
<b>Baseline Year (Apr 2010 to Mar 2011)</b>	Site 1	–	–	47,157	–	–
	Site 2	–	–	20,262	–	–
	Rest of England and Wales	–	–	571,169	–	–
<b>Year One (Oct 2011 to Sep 2012)</b>	Site 1	42,441	- 10%	33,988	- 13,169	- 28%
	Site 2	20,262	–	21,032	+ 770	+ 4%
	Rest of England and Wales	–	–	499,948	- 71,221	- 12%
<b>Year Two (Oct 2012 to Sep 2013)</b>	Site 1	37,725	- 20%	27,178	- 19,979	- 42%
	Site 2	17,871	- 12%	12,191	- 8,071	- 40%
	Rest of England and Wales	–	–	383,466	- 187,703	- 33%

Site 1 had a target reduction in custody bed nights of 10 per cent in each year of Pathfinder.

This site exceeded:

- its target (achieving reductions of 28 per cent and 42 per cent in Years One and Two respectively, compared to the baseline); and
- falls seen in the rest of England and Wales by 16 percentage points and nine percentage points in Years One and Two respectively.

<sup>36</sup> Figures for all four Pathfinder pilot sites are included in Appendix 2, Table A2.1.

<sup>37</sup> Figures for Year One for Sites 1 and 2 vary slightly from provisional figures published in the interim report (Wong *et al*, 2013a).

Site 2 had a target reduction of 12 per cent only in the second year of the pilot.<sup>38</sup> This site exceeded:

- its target (achieving a 40 per cent reduction in Year Two, compared to the baseline); and
- falls seen in the rest of England and Wales by seven percentage points in Year Two.

The two sites accounted for approximately 10 per cent of custody bed night usage in England and Wales during the baseline period, which reduced to eight per cent by the end of the pilot.

Also, although the other two sites withdrew from the pilot at the end of Year One, the pilot still exceeded its overall target reduction in custody bed nights. The reductions achieved by the remaining two sites at the end of Year Two came to a total of 28,050 custody bed nights (19,979 and 8,071 for Sites 1 and 2 respectively), against a target custody bed night reduction of 23,085 for all four sites – therefore exceeding the overall target reduction by 4,965 custody bed nights.<sup>39</sup>

## **5.2 Taking into account change expected from natural variability in custody bed night usage**

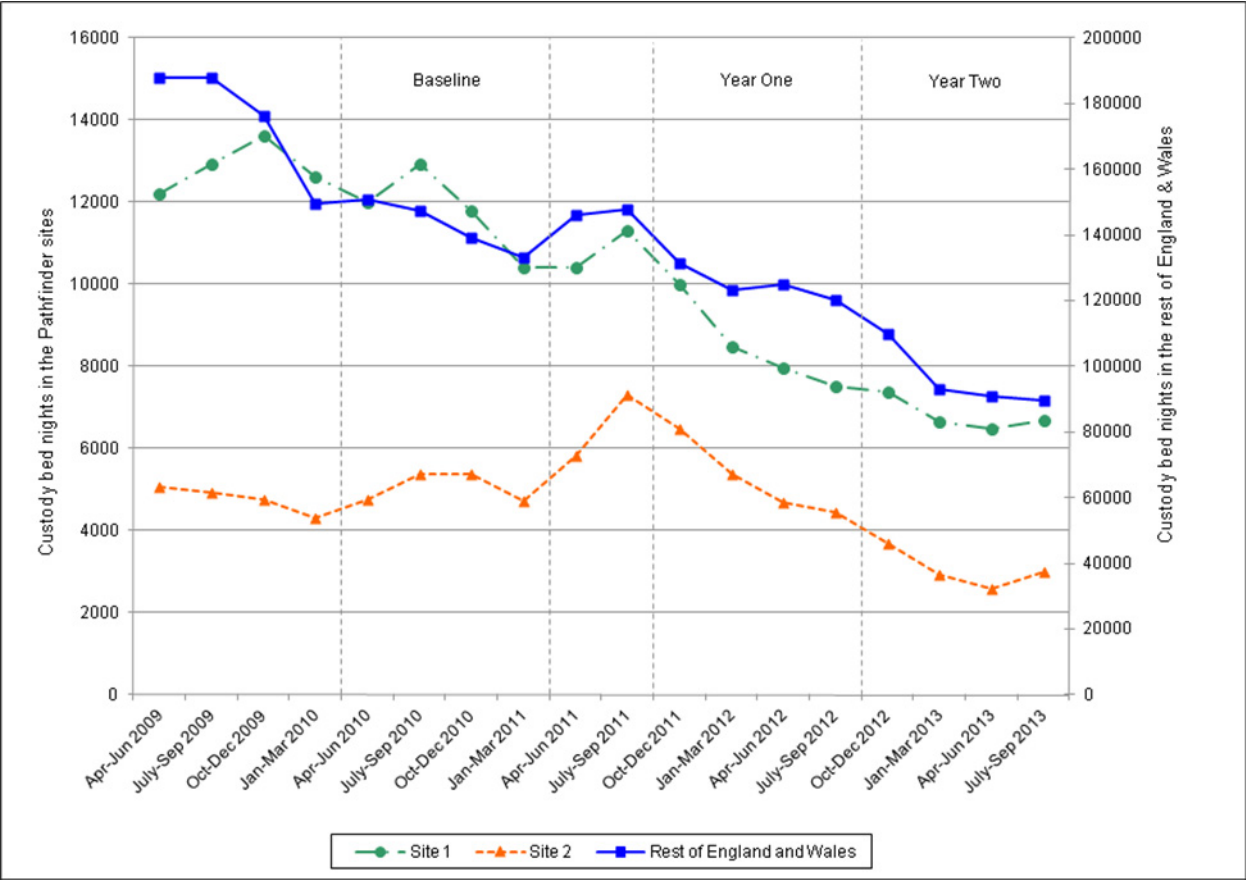
Figure 5.1 sets out the number of youth custody bed nights for the two sites as well as for the rest of England and Wales thereby allowing change to be assessed within the sites and in the context of changes occurring elsewhere.

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<sup>38</sup> This was in line with the intention of the YJB that Year One of the pilot would be a foundation year to enable services to be established and Year Two would be the measurement year. However, Site 1 (whose contract specified target reductions in both Year One and Year Two) negotiated and retained an equal split of their target over both years. See Wong *et al*, 2013a.

<sup>39</sup> Further details of performance data analysis referred to in the above section are contained in Tables A2.1 to A2.3 in Appendix 2.

**Figure 5.1 Number of youth custody bed nights in the two Pathfinder sites (left axis) and the rest of England and Wales (right axis): April 2009 to September 2013**



Custody bed night usage can fluctuate over time (see Figure 5.1). Therefore, a statistical ‘threshold’<sup>40</sup> was calculated to indicate whether the reductions in custody bed nights were greater than what would be expected from natural variability alone.<sup>41</sup>

<sup>40</sup> The statistical threshold was calculated using standard deviations. This technique ideally requires many data points to account for potential fluctuation that may occur over time. However, data prior to 2009 were not available as they are held on a YJB management information system which is no longer in use and, at the time of writing, could not be accessed due to technical issues. Therefore, calculations were based upon the available data from April 2009 until the start of the pilot (thereby using the longest available time period to assess variability).

<sup>41</sup> That is, fluctuation in trends that would be expected to occur naturally.

Based upon this methodology, the number of custody bed nights in Pathfinder sites, were below what would be expected (i.e. below the calculated threshold) at different points during the pilot (see Tables A2.4 to A2.6 in Appendix 2).

- In Site 1 the reductions were below the threshold from the second quarter of Year One and continued until the end of the pilot;
- In Site 2 the number of custody bed nights reduced below the threshold from the second quarter of Year Two and continued until the end of the pilot.

As discussed in the interim report, public disturbances took place in August 2011,<sup>42</sup> which the sites perceived to have contributed to a more punitive sentencing climate,<sup>43</sup> and in the case of Site 2, an increase in the number of young people in custody. A different threshold was therefore calculated to take into account the potential impact of the August 2011

Disturbances:

- In Site 1 it made no difference to when levels reduced below the threshold.
- In Site 2 the levels reduced below the threshold one quarter earlier (i.e. in the first quarter in Year Two) and this continued until the end of the pilot.

In comparison, the number of custody bed nights in the rest of England and Wales reduced below the threshold from the second quarter of Year Two and continued until the end of the pilot. When the potential impact of the August 2011 disturbances was taken into consideration, there was no difference to when the levels reduced below the threshold.

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<sup>42</sup> In August 2011, thousands of people caused disturbances and looting in several London boroughs and in cities and towns across England, after a protest in Tottenham (London) about the police shooting of a local man. Of the 3,103 people brought before the courts by 10 August 2012 for offences related to the August public disorder, 27% were aged 10 to 17 years (see Ministry of Justice, 2012).

<sup>43</sup> This appears to be confirmed by Bell, Jaitman and Machin (2014), who demonstrate that there was a statistically significant increase in sentencing severity for those convicted as a consequence of the riots. Figures are based on a six-month follow-up period.



### 5.3 Placing the trends in context: findings from interviews

The interview findings and activities reported by the sites (see section 3) suggest that Site 1 had prepared for the commencement of Pathfinder by implementing practice changes and interventions (such as compliance panels) prior to, or soon after, the commencement of the pilot in October 2011. They then embedded this practice over the remainder of Pathfinder. This appears to be supported by the custody bed night trend and analysis described in section 5.2.

Interview findings and activities reported by interviewees in Site 2 suggest a later start to implementing Pathfinder due to delays in contracting out the project management and delivery of interventions.<sup>44</sup> As discussed in section 3, both aspects were brought back in-house during the last quarter of Year One. This change was perceived by interviewees as a way to ensure more effective implementation. The results of the analysis, set out in section 5.2, are also supported by the interview findings - especially when the potential time lag between the intervention and any resulting change is taken into account.

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<sup>44</sup> For further information see the interim report (Wong *et al.*, 2013a).

## 6. Lessons learnt

This section identifies some of the key lessons learnt during the two phases of the pilot. The lessons from Year One of the pilot (detailed in the interim report) were reaffirmed in Year Two and have been supplemented by additional learning from the two sites. High levels of consistency in stakeholder responses and similar experiences to those reported in the wider literature provide some confidence in the lessons learnt and their potential usefulness in other contexts.

### Design of incentives and targets

- The use of a commissioning model with upfront funding and a 'claw back' mechanism in the event of under-performance seemed to provide an effective way of incentivising sites to achieve their targets. This is further supported by the research on behavioural economics, which suggests that avoiding losses is typically seen as a greater driver of behavioural change than making gains.<sup>45</sup>
- The use of custody bed nights as a target had the benefit of being clear and easy for managers and front-line staff to understand and monitor. This is important in enabling stakeholders to determine appropriate initiatives and adjust these in response to performance and outcomes.
- Setting targets which stakeholders feel they can meet is needed to ensure commitment and engagement. In addition, the target of reducing youth custody bed nights aligned with the values of managers and front-line staff of delivering better outcomes for young people by keeping them out of custody as far as possible and appropriate.

### Consortium working

- Commissioning a consortium of several local authorities can help to spread financial risk and address volatility in relation to youth custody bed nights. At a local authority level, the numbers of young people in custody can be small, and therefore trends are more likely to be volatile and also susceptible to changes produced by 'spike events'.<sup>46</sup>
- A consortium can allow custody bed night increases to be offset against reductions across the participating local authorities.

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<sup>45</sup> See, for example, Tversky and Kahneman (1991).

<sup>46</sup> These are unexpected events which could cause a sharp increase or 'spike' in the youth custody population.

- Consortium approaches can also provide opportunities to share learning and disseminate good practice between members of the consortium. Properly managed, they can also provide a healthy culture of local competition and encourage members to focus on improving performance.

### Targeting resources

- Pathfinder has highlighted that some YOTs may have a disproportionate impact on the use of custody bed nights in England and Wales. This suggests that the most cost-effective way to reduce use is to focus resources and efforts on those YOTs within a consortium which are the largest users.

### ‘Systems approach’ and use of data

- Pathfinder has shown that adopting a ‘systems approach’, based on detailed data analysis to help identify entry points to custody, should be considered to reduce youth custody levels. This ‘systems approach’ could also help to inform the future development, implementation and timing of interventions that have the potential to deliver change within an allocated time frame. Addressing the multiplicity of factors which affect custody has also been identified in the international literature on justice reinvestment as an important facet of the approach.<sup>47</sup>
- The literature also suggests that being able to access, manage and understand data are critical success factors in implementing justice reinvestment initiatives.<sup>48</sup>
- Marginal improvements in YOT practices and processes can make major differences to performance where these are effectively targeted and supported by evidence from effective data analysis. This requires regular monitoring of performance as well as adjustment of activity in response to the data and a culture which promotes continuous improvement.

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<sup>47</sup> See, for example, Austin *et al*, 2013; Clear, 2011; and La Vigne *et al*, 2013.

<sup>48</sup> See, for example, Wong *et al*, 2013b; Latessa *et al*, 1998; Wong, 2013.

## Effective project implementation

- Findings from Year One of Pathfinder have highlighted that there is considerable variation in the capacity and capability of YOTs to implement this type of pilot effectively. Year Two has underlined the importance of having the capacity and capability in data analysis and interpretation, problem-solving approaches, and project implementation. This suggests that future schemes may need to be accompanied by targeted support in these areas.
- Allowing sufficient time for planning and set-up prior to the launch of an initiative can help YOTs to make progress against targets early on and achieve intended reductions or savings within the lifespan of the project.<sup>49</sup>
- Effective leadership and communication and ensuring that all staff understand their role in delivering the outcomes can increase their engagement.

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<sup>49</sup> This is also supported by experiences in other pilots. See for example the Department for Health *Drug and Alcohol Recovery Pilots: Lessons learnt from Co-Design and commissioning with payment by results*. <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118036/pbr-lessons-learnt.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118036/pbr-lessons-learnt.pdf)> [Accessed 9 March 2015].

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# Appendix 1:

## Research questions, methodology and fieldwork

### Research questions

This process evaluation was commissioned by the Ministry of Justice (MoJ) to answer the following research questions:

- How were target negotiations, agreements and contracts drawn up? What were the perceptions of those involved?
- What was the nature of the interventions scoped and delivered as part of the project?
- What other youth interventions were being delivered, and what was their perceived impact?
- Was Pathfinder delivered by one agency or a number of agencies? How did partnership working operate? Did inter-agency working impact on the implementation and delivery of the project?
- To what degree did the initiatives and ways of working resemble those outlined in the original bid? What was the level of programme integrity?
- What were the stakeholder and delivery partners' perceptions of what did and did not work, and why?
- What was the perceived impact of proposed national legislation (Legal Aid, Sentencing and Punishment of Offenders Act 2012) and did this affect the delivery of Pathfinder?
- What were the levers and barriers to delivery?
- What were the lessons from Pathfinder?

Some of these questions were answered in the interim report and were therefore not revisited in this second and final report.

### Methodology

The methodology for this process evaluation was primarily qualitative and was mainly based on interviews with site staff, stakeholders and YJB and MoJ officials. The interviews were supplemented with an analysis of the available pilot documentation and also a review of the international literature on outcome-based commissioning. In addition, to assess the sites' progress against their targets, a high-level analysis of YJB youth custody bed night data was conducted (see Appendix 2 for further details).

## Fieldwork

To help assess the implementation of Pathfinder at different stages of the pilot, fieldwork was conducted in three phases (see Table A1.1) between:

- November 2011 and March 2012 (Phase One);
- August and November 2012 (Phase Two);<sup>50</sup> and
- November to December 2013 (Phase Three).<sup>51</sup>

Purposive samples of stakeholders were obtained through consultation with the sites, YJB and MoJ. Participation in the interviews, focus groups and workshops was dependent on the availability of stakeholders.

**Table A1.1 Phases One, Two and Three research activities across the sites, and numbers of participants**

Research activity	Phase One (November 2011– March 2012)		Phase Two (August–November 2012)			Phase Three (November– December 2013)	
	Strategic and operational staff		Strategic and operational staff	Front-line staff		Strategic and operational staff	
	Interviews	Four workshops	Interviews	Interviews	Focus groups	Interviews	Totals
MoJ and YJB	9	-	4	-	-	2 (YJB only)	15
Site 1	12	4	20	1	6	17	60
Site 2	9	10	10	1	10	8	48
Site 3	9	7	9	-	8	-	33
Site 4	9	5	7	-	-	-	21
<b>Totals</b>	<b>48</b>	<b>26</b>	<b>50</b>	<b>2</b>	<b>24</b>	<b>27</b>	<b>177</b>

Interview data were transcribed, coded and analysed by theme using MAXQDA software (for Phases One and Two) and NVivo software (for Phase Three). Other qualitative data were analysed against the same themes.

<sup>50</sup> Data from Phases One and Two were used in the interim report.

<sup>51</sup> Data from all three phases of the evaluation were used in this final report.

## Document review

Pathfinder documentation from the sites and the YJB was reviewed, and included:

- information obtained during Pathfinder operational meetings and workshops held by the YJB with the pilot sites;
- activity reports submitted to the YJB by the four sites on a two-monthly basis in Year One; and
- sites' business plans, contracts and other relevant papers.

## Literature review: approach

A review of the international literature on outcome-based commissioning approaches in youth justice contexts was conducted to inform the process evaluation. It aimed to answer the following research questions.

- What commissioning approaches exist in youth justice internationally?
- What is the policy context in which these commissioning approaches have developed?
- To what extent are these approaches applicable in the UK context?
- What works in the use and application of these commissioning models, and in what circumstances do these approaches work or not work?
- What impact have these commissioning approaches had?

To answer these research questions, the following search strategy was used:

((Youth Justice OR Juvenile Justice OR Youth Offend\* OR Juvenile Offend\*) AND (Commission\* OR "Payment by Results" OR PBR OR "Payment\* for Success" OR "Financial Incentive\*" OR "Justice Reinvestment" OR "invest to save" OR "public service agreement\*" OR "stretch\* target\*" OR "social impact bond\*" OR "social benefit bond\*" OR "pay for success bond\*"))).

The search strategy was applied to the following on-line databases:

- Applied Social Sciences Index and Abstracts (ASSIA);
- Web of Knowledge;
- Scopus;
- Sociological Abstracts;
- National Criminal Justice Reference Service Abstracts;
- Proquest (excluding Proquest databases already listed above).

To address the questions relating to policy context, impact, effectiveness and applicability of the commissioning approaches, further searches were undertaken on the same databases, using the following search strategy:

(Name of commissioning approach) AND (Impact OR Evaluation OR Effectiveness OR Assessment OR Appraisal OR Context OR Policy).

This search identified 53 sources that were relevant to the topic, of which 39 met the quality threshold (i.e. ranked medium or high against the following criteria: relevance to research aims and questions; design and methodology; sample and response rates; analysis; credibility of findings; and clarity of presentation of findings).

## Appendix 2: Quantitative data analysis

### Background

The data provided in this appendix support the findings contained in the main body of this report.

The figures have been provided by the YJB and are drawn from custody bed night management data. They relate to the number of nights in custody that have been allocated and used for young people aged 10 to 17 years. For example, if a young person is in custody for a week, this would constitute seven custody bed nights. As detailed in the report, the outcome measure for the pilot is based on custody bed night usage.

### Analysis of custody bed night data

Table A2.1 sets out the annual youth custody bed nights for the baseline period and the second year of the pilot. The data provided cover all the sites which commenced Pathfinder. As detailed in the report, Sites 3 and 4 did not continue into Year Two.

**Table A2.1 Custody bed nights at the end of the second year of Pathfinder for all the four sites which commenced the pilot compared to the rest of England and Wales<sup>52</sup>**

	Baseline (Apr 2010 to Mar 2011)		Target for end of Year Two (Oct 2012 to Sep 2013)		Actuals at end of Year Two (Oct 2012 to Sep 2013)		
	No. of custody bed nights	Reduction (%)**	Reduction (custody bed nights)	No. of custody bed nights	Reduction (%)**	Reduction (custody bed nights)	No. of custody bed nights
Site 1	47,157	- 20%	9,432	37,725	- 42%	19,979	27,178
Site 2	20,262	- 12%	2,391	17,871	- 40%	8,071	12,191
Site 3*	50,069	- 12%	6,009	44,061	- 14%	6,917	43,152
Site 4*	27,649	- 19%	5,253	22,396	- 6%	1,672	25,977
<b>Pathfinder Total</b>	<b>145,137</b>	<b>- 16%</b>	<b>23,085</b>	<b>122,053</b>	<b>- 25%</b>	<b>36,639</b>	<b>108,498</b>
<b>Rest of England and Wales</b>	<b>571,169</b>		<b>Not applicable</b>		<b>- 33%</b>	<b>187,703</b>	<b>383,466</b>

\* Site 3 and Site 4 did not continue into Year Two of the pilot.

\*\* Figures are rounded to the nearest percentage point.

<sup>52</sup> The term 'the rest of England and Wales' excludes data for the four pilot sites.

At the commencement of the pilot, Year Two was the measurement year for three of the sites. Site 1, however, negotiated its target to be split over two years (10% in Year One and 10% in Year Two) but it is shown as a 20% target reduction at the end of Year Two in Table A2.1.

Tables A2.2 and A2.3 set out the target and actual percentage reductions in custody bed nights for individual YOTs in Sites 1 and 2 during the two years of the Pathfinder pilot.

**Table A2.2 Percentage change in custody bed nights in Site 1 YOTs, comparing the baseline with Year One and Year Two of the pilot**

		YOT 1	YOT 2	YOT 3	YOT 4	YOT 5	Site 1 Total
<b>Baseline</b>	Apr 2010 to Mar 2011	12,333	3,569	9,329	18,606	3,321	47,157
<b>Pathfinder Year One</b>	Oct 2011 to Sep 2012	9,010	2,242	5,583	13,984	3,169	33,988
	Target reduction	- 10%	- 10%	- 10%	- 10%	- 10%	- 10%
	Actual reduction	- 27%	- 37%	- 40%	- 25%	- 5%	- 28%
<b>Pathfinder Year Two</b>	Oct 2012 to Sep 2013	7,553	2,516	3,813	10,353	2,943	27,178
	Target reduction	- 10%	- 10%	- 10%	- 10%	- 10%	- 10%
	Actual reduction	- 39%	- 30%	- 59%	- 44%	- 11%	- 42%

**Table A2.3 Percentage change in custody bed nights in Site 2 YOTs, comparing the baseline with Year One and Year Two of the pilot**

		YOT 1	YOT 2	YOT 3	YOT 4	Site 2 Total
<b>Baseline</b>	Apr 2010 to Mar 2011	6,186	6,461	4,054	3,560	20,262
<b>Pathfinder Year One</b>	Oct 2011 to Sep 2012	7,546	5,931	3,085	4,470	21,032
	Target reduction	-	-	-	-	-
	Actual reduction	+ 22%	- 8%	- 24%	+ 26%	+ 4%
<b>Pathfinder Year Two</b>	Oct 2012 to Sep 2013	4968	2760	1478	2985	12191
	Target reduction	- 12%	- 12%	- 12%	- 12%	- 12%
	Actual reduction	- 20%	- 57%	- 64%	- 16%	- 40%

## Analysis of quarterly progress from baseline

The number of custody bed nights can fluctuate between quarters. Using data from a longer period before the pilot (from April 2009) can give a better indication of how much variation in the number of custody bed nights can naturally be expected to occur. To determine whether the reduction in custody bed nights seen at the sites was over and above what would be expected from natural variability, the number of custody bed nights each quarter was compared to a threshold at two standard deviations below the average baseline figure.

The methodology is set out below:

- The pilot quarterly average baseline was calculated for the period used by the YJB to set the targets (i.e., using four data points from April 2010 to March 2011).
- The standard deviation was calculated for each Pathfinder site, as well as for the rest of England and Wales, using available data for the pre-pilot period (i.e., April 2009 to September 2011).
- Thresholds were calculated for each area at two standard deviations below the average baseline figure.
- To take into account the potential impact of August 2011 disturbances, the quarter preceding the start of Pathfinder (July to September 2011) was also excluded from the period used to calculate the standard deviation (i.e., using nine data points in total instead of ten).

**Table A2.4 Breakdown of statistics used to calculate thresholds**

	Site 1	Site 2	Site 3	Site 4	Rest of England & Wales
Pilot baseline average (using 4 data points from April 2010 to March 2011)	11,789	5,065	12,517	6,912	142,792
Standard deviation using 10 data points (April 2009 to September 2011)	1,070	845	1,369	1,171	19,851
Threshold for Table A2.5: Pilot baseline average minus two standard deviations (using 10 data points)	9,648	3,376	9,780	4,570	103,089
Standard deviation using 9 data points (April 2009 to June 2011)	1,105	455	1,414	1,189	20,799
Threshold for Table A2.6: Pilot baseline average minus two standard deviations (using 9 data points)	9,530	4,155	9,690	4,534	101,195

Tables A2.5 and A2.6 set out quarterly custody bed nights for the four Pathfinder sites and the rest of England and Wales during the two years of the pilot. Numbers shaded grey fall below the areas' respective threshold shown in Table A2.4 (i.e. below what would be expected from natural variability alone).

**Table A2.5 Number of custody bed nights per area with identified falls below thresholds (thresholds calculated using all ten available data points)**

	Site 1	Site 2	Site 3	Site 4	Rest of England & Wales
Project Y1, Q1 (Oct-Dec 2011)	9,994	6,489	16,518	9,381	131,551
Project Y1, Q2 (Jan-Mar 2012)	8,494	5,381	14,927	8,526	123,073
Project Y1, Q3 (Apr-Jun 2012)	7,977	4,699	13,240	7,965	125,109
Project Y1, Q4 (July-Sep 2012)	7,523	4,463	14,077	8,759	120,215
Project Y2, Q1 (Oct-Dec 2012)	7,385	3,693	12,367	7,419	110,027
Project Y2, Q2 (Jan-Mar 2013)	6,649	2,922	10,607	6,758	92,894
Project Y2, Q3 (Apr-Jun 2013)	6,471	2,589	9,763	6,031	91,046
Project Y2, Q4 (July-Sep 2013)	6,673	2,987	10,415	5,769	89,499

**Table A2.6 Number of custody bed nights per area with identified falls below thresholds (thresholds calculated excluding the 2011 August disturbances, i.e. using 9 data points)**

	Site 1	Site 2	Site 3	Site 4	Rest of England & Wales
Project Y1, Q1 (Oct-Dec 2011)	9,994	6,489	16,518	9,381	131,551
Project Y1, Q2 (Jan-Mar 2012)	8,494	5,381	14,927	8,526	123,073
Project Y1, Q3 (Apr-Jun 2012)	7,977	4,699	13,240	7,965	125,109
Project Y1, Q4 (July-Sep 2012)	7,523	4,463	14,077	8,759	120,215
Project Y2, Q1 (Oct-Dec 2012)	7,385	3,693	12,367	7,419	110,027
Project Y2, Q2 (Jan-Mar 2013)	6,649	2,922	10,607	6,758	92,894
Project Y2, Q3 (Apr-Jun 2013)	6,471	2,589	9,763	6,031	91,046
Project Y2, Q4 (July-Sep 2013)	6,673	2,987	10,415	5,769	89,499