



Youth Justice Board
Bwrdd Cyfiawnder Ieuencid

Youth Crime Action Plan Consultation

Specific question response and comment regarding
implementation of the *Youth Crime Action Plan*

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Introduction

1. The Youth Justice Board for England and Wales (YJB) welcomes the opportunity to respond to the *Youth Crime Action Plan* consultation questions and play a pivotal role in the further development of the plan's implementation. As well as the intensive package of measures the *Youth Crime Action Plan* is introducing, it presents an exciting and important opportunity to bring about systemic change to improve outcomes for young people, their families and communities.
2. This paper is intended to meet the request for responses and offer support where the YJB in its statutory role can assist the Department for Children, Schools and Families (DCSF), Ministry of Justice and Home Office in achieving the objectives of the *Youth Crime Action Plan*.
3. Several key themes emerge from the *Youth Crime Action Plan* where the YJB is either in the process of implementing change or is well placed, through its central and regional resources, to support the DCSF/Ministry of Justice/Home Office with further development and implementation.
4. In the course of the *Youth Crime Action Plan* consultation and implementation process we are in discussions with central Government colleagues to identify policy areas where the YJB's strategic and performance heads can either lead or support implementation. We are providing the Joint Youth Justice Unit (JYJU)/Home Office/Ministry of Justice with specific links within the YJB to progress this. This is particularly important in Wales, where several *Youth Crime Action Plan* policy themes concern devolved issues. The YJB would welcome further discussions with the departments and in particular, the JYJU and Youth Task Force (YTF), on the detail of the *Youth Crime Action Plan* proposals as they are taken forward, including the proposed regulations for the statutory and shared Children and Young People's Plan and the proposed objectives and functions to be set for children's trusts boards.
5. This response is in two sections:
 - a. a general comment on the *Youth Crime Action Plan* and its policy proposals
 - b. specific responses to the 11 consultation questions.

Summary of what the YJB can offer

6. Because of its unique positioning and experience gained from overseeing the development of the youth justice system since 1998, the YJB is able to offer the *Youth Crime Action Plan* the following:
 - A unique knowledge of the end-to-end youth justice system, its operational and strategic context, evidence-base, practice framework and workforce.
 - A comprehensive and sophisticated understanding of the performance of youth offending teams (YOTs).
 - Strong links and experience in working innovatively on complex issues with a wide range of stakeholders across the statutory and non-statutory sectors. This gives us an ability to lead on key *Youth Crime Action Plan* proposals such as regional consortia providing resettlement solutions.
 - An understanding of the work of teams based in the English Regions and Wales who monitor, support and challenge YOTs operationally and strategically to deliver against UK and Wales Government performance measures. This provides an excellent opportunity to work with the YTF to implement the *Youth Crime Action Plan* and the YTF's wider work in England. We are interested in exploring new and additional ways in which YOT data could be used to greater effect in strengthening community confidence in the youth justice system in line with the work of the YTF and the findings of the Casey report.
 - Strong links and relationships with the Welsh Assembly Government on both justice and children's services issues.
 - A unique understanding of the interface between youth justice and wider services, and an appreciation of how these can work together to assist the hardest to reach and most challenging young people, their families and communities.
 - National leadership in information sharing in the youth justice system. Our *Wiring Up Youth Justice* programme has a track record of successfully joining-up information flows between community-based services, including the police and YOTs, and with secure accommodation providers. We will be submitting a more detailed summary of the *Wiring Up Youth Justice* programme and how it could be extended as a separate response to the *Youth Crime Action Plan* consultation.
 - An in-depth strategic and operational understanding of the information management systems and processes of the youth justice system.
 - Through our contracting and commissioning role, a unique relationship with the providers of custodial places for young people and unique insight into the resettlement policy context.
 - A track record of awarding and managing grants to promote effective practice and motivate strong performance in youth crime prevention and reduction. This is demonstrated by initiatives such as the youth inclusion programme (YIP) and Resettlement and Aftercare Provision (RAP).

Wales

7. The *Youth Crime Action Plan* acknowledges that some aspects will not apply in Wales due to its different policy context. Although the plan acknowledges the devolved responsibilities of the Welsh Assembly Government, we believe that many of the plan's policies, which rest on these devolved responsibilities, require a separate and distinct approach for Wales.
8. Following the consultation period, implementation of the final set of policy options will require a separate implementation plan for Wales. The YJB provides the statutory link between England and Wales for the delivery of youth justice policy, which is a reserved power of the UK Government. The *All Wales Youth Offending Strategy*, which has been jointly published by the YJB and Welsh Assembly Government, is the primary vehicle for the delivery of end-to-end youth justice activity in Wales. As there are no children's trusts in Wales and YOTs are already a statutory partner of the Children and Young People's Partnership, the children's trust consultation question can only apply to England. There are existing arrangements for strategic planning for children's services in the local authorities in Wales which, under statutory guidance, align the Youth Justice Plan Cymru for each area with the Children and Young People's Plan. It will not be possible under the present constitutional settlement to mirror this proposal in Wales, for example, by placing the responsibility for youth justice delivery within the Children and Young People's Partnership. These are fully devolved local bodies which are accountable to the Welsh Assembly Government.
9. In Wales, any proposals for aligning assessment tools must take account of the specialist nature of assessing risk of reoffending (the function of *Asset*) and the variations in the use of the *Common Assessment Framework* (CAF). The Welsh Assembly Government has existing powers to determine how vulnerable young people are assessed and dealt with by social services. While CAF is being piloted in Wales, there is no guarantee that it will be rolled out more widely, and current plans to extend the Welsh Assembly Government's law-making powers in this respect (under the Government of Wales Act 2006) would suggest that assessment frameworks in Wales will continue to diverge from England.

Overview and general comments

10. The *Youth Crime Action Plan* reflects 10 years of sustained improvement in the delivery of youth justice services since the Crime and Disorder Act 1998 was passed. We welcome acknowledgement of that improvement and of the YJB's role in driving such progress. As noted in the *Youth Crime Action Plan*, children and young people are now more likely to receive an intervention to help change their behaviour, and there is improved work with victims and greater volunteer involvement in the youth justice system. The latest figures show there have been reductions in the frequency of reoffending, and the numbers of first-time entrants into the Criminal Justice System are falling. Furthermore, YOTs have successfully developed as a model of multi-agency partnership, and with support from the YJB, they have expanded the range of services and programmes available for at risk young people and those already in the youth justice system. There has been steady reform of the secure estate, with investment in education and substance misuse services, reform of safeguarding arrangements, and the development of dedicated facilities. As identified in the *Youth Crime Action Plan*, we acknowledge the need to strive for further improvements to address public concerns and ensure public confidence in the youth justice system, while also ensuring that children, young people and their families receive the support they need.

Continuity of care

11. We particularly welcome the emphasis in the *Youth Crime Action Plan* on continuity of care, where children and young people most at risk of offending are able to access services before, during and after their involvement with YOTs and the youth justice system, according to assessed levels of need. The framework offered through a 'triple-track' approach of better and earlier prevention, enforcement and punishment, and non-negotiable support and challenge, moves the debate on from the unhelpful characterisation of intervention being a straight choice between welfare and justice.

Diversity

12. We believe that the *Youth Crime Action Plan* could be enhanced by a more explicit regard to diversity issues. While we acknowledge the equality impact assessment undertaken for the *Youth Crime Action Plan*, when implementing the proposals it will be important to give consideration to meeting the diverse needs of children and young people in the system. Furthermore, it will be important to investigate how the proposals can help achieve the equality objectives set out by the Government in Public Service Agreement (PSA) 24 and in the Government's response to the Home Affairs Select Committee report *Young Black People and the Criminal Justice System*. This includes measures to help analyse and address the disproportionate representation of Black and Minority Ethnic (BME) groups within the Criminal Justice System.

13. To support PSA 24, the YJB will make the issue of disproportionate representation in the youth justice system integral to its new planning framework for YOTs. This will include a requirement for YOTs to undertake an annual assessment of their capacity and capability to identify and address local concerns. The YOT self-assessment will then be validated by YJB regional teams and, where appropriate, priorities agreed for supporting continuous improvement. Furthermore, the proportionate ethnic composition of young people in the youth justice system has been included in the new national indicator set for local authorities and their partners (in England).
14. To build on this we would welcome the opportunity to work with Government departments to ensure that the new initiatives set out in the *Youth Crime Action Plan* address equality objectives, for example, it may be possible to build on the resettlement proposals in the action plan – including tailored individual resettlement packages – to meet specific needs of BME children and young people.

Custody

15. We also believe that the *Youth Crime Action Plan* provides an opportunity to review the provision of custodial placements. We welcome the statement of principles regarding custodial placements for children and young people. These build on the custody principles set out in the YJB's *Strategy for the Secure Estate for Children and Young People*, but the YJB would look to take the principles further, in particular with regard to minimum regime standards, workforce reform, resettlement and engagement with the local authority, delivering on the five Every Child Matters outcomes in England and the Seven Core Aims in Wales, and ensuring custody is used as a last resort. We comment in detail on these principles within our consultation response to chapter four of the *Youth Crime Action Plan*.
16. The *Youth Crime Action Plan* also provides an opportunity to acknowledge the vital role and contribution of volunteers, including youth offender panel members, in the youth justice system and we support proposals for extending their use.

Funding

17. The *Youth Crime Action Plan* announces several new policy initiatives supported by further Government funding. The YJB has a proven and audited record of delivering central Government grants to frontline services effectively and efficiently through a clear performance framework that holds YOTs accountable for delivery. The YJB looks forward to working with the YTF in overseeing the distribution of funding and development of new initiatives outlined in the plan.

Legislative priorities

18. There are a number of proposals in the *Youth Crime Action Plan* that either require, or may be strengthened by, statutory backing. Given the importance of delivering the proposals set out in the plan, we would recommend urgent consideration of a number of areas and, where legislative backing is necessary or beneficial, prioritising their inclusion in the legislation being put forward in the coming parliamentary session. It may be possible for elements to be included in the proposed Education and Skills Bill or in the other proposed Bills on Crime Reduction and Law Reform.
19. The measures that we believe should be considered for legislation are listed below.
- The proposed requirement for local authorities to have a senior official responsible for overseeing resettlement services, and corresponding requirements proposed in our response for directors and governors of secure establishments to have a duty to report to this senior official when they consider that resettlement plans are inadequate (see paragraph 50).
 - Setting out in statute young people’s proposed entitlements to resettlement services from across local authorities and setting out responsibilities locally for continuing entitlement at the end of sentences (see paragraph 75).
 - The proposed requirement to undertake a local review when a young person goes into custody for the first time. The YJB advocates an independent process that potentially involves local criminal justice boards (see paragraph 58).
 - Subject to the consultation responses, the new arrangements for payment of court-ordered secure remands (see paragraph 49).
 - The proposals to strengthen and extend YOT management boards (see paragraph 70).
 - The requirements for the comprehensive assessment of children excluded from school (as per paragraph 2.14 of the *Youth Crime Action Plan*).
 - The creation of a single regulatory framework for all custodial establishments (see paragraph 47).
 - The compulsory package of support for children leaving custody, for example the introduction of a lead professional, may require legislative backing. Other elements or possibly the entire ‘package’ may also benefit from statutory backing (see paragraphs 53–58).

The YJB has separately responded to the DCSF consultation paper on strengthening Children and Young People’s Plans and children’s trusts. Within this proposed legislation, we advocate there being, among their other proposed duties, a statutory requirement on children’s trust boards to contribute to the principal aim of the youth justice system to prevent offending (and reoffending).

The consultation questions

Chapter 2 – Intervening early

Building on what we have set out below, what are the most effective ways for local agencies to increase the focus on prevention and early intervention?

20. The YJB welcomes the recognition of programmes it has devised, funds, supports and develops, primarily YIPs, youth inclusion and support panels (YISPs), parenting programmes and Safer School Partnerships (SSPs). The investment in targeted youth crime prevention has greatly assisted with the development of a long-term strategy that focuses more attention and resources on what evidence tells us is the most cost effective form of tackling youth crime. In the case of SSPs, more developed, easily accessible and practical guidance could be centrally developed and a national steering group for the initiative would be advantageous.
21. The YJB-funded programmes for YOTs deliver vital services to approximately 25,000 of the most socially excluded and disruptive young people (aged eight to 17) each year. These programmes also engage, support and challenge many of these young people's parents. Our programmes help to provide a continuum of interventions that build on earlier work through programmes such as Sure Start. Without these programmes, many of those most at risk would not receive the help they need to avoid leading a life of crime. The YJB will continue to gather evidence to make a strong case for resources so that every area in need across England and Wales has such a range of provisions in place.
22. The YJB has used its targeted prevention programmes as the foundation for its drive to reduce the number of first-time entrants to the youth justice system. The success in achieving a 10% reduction in first-time entrants in 2007–08 compared to 2005–06, and exceeding the 5% reduction target, follows the YJB's focus on the targeted prevention strategy that we have promoted and the range of evidence-based programmes that we have helped fund and support. This work also helped to embed first-time entrant reduction as a national indicator in England under PSA 14 – Increase the number of children and young people on the path to success.
23. In order to support the *Youth Crime Action Plan* national goal of reducing the number of first-time entrants by a fifth by 2020, alongside increased investment in very early intervention, it will be necessary to sustain and support existing targeted programmes that are able to reach young people on the cusp of offending, and who are also typically involved in anti-social behaviour. Although the Government has provided a significant and much welcomed increase in preventive spending over the last eight years, it remains a small proportion of what we spend on correctional services and, in particular, on custody. The *Youth Crime Action Plan* provides the opportunity to reduce this disparity progressively.
24. As Government strategy has developed, the YJB has ensured that preventative work through YOTs has been aligned and integrated as effectively as possible with, for example, the Every Child Matters principles in England and the Seven Core Aims in Wales, and the significant developments in measures to tackle anti-social behaviour. For example, YISPs are a particularly useful vehicle for delivering the tiered approach to tackling anti-social behaviour with which local areas are tasked.

There is more to do to ensure that YOT programmes continue delivering effectively within a dynamic policy context. We therefore welcome the opportunity that the *Youth Crime Action Plan* offers to use our extensive knowledge of reaching the most at risk young people and their parents in order to optimise the work of the YTF in England. This includes the opportunity to work with the DCSF families delivery team in expanding intensive family interventions and other key elements of its action plan, which share interdependencies with the youth justice system. It is vital that the YTF and YJB work closely in England, both nationally and regionally, so that we can share knowledge and expertise, and plan and work together to ensure the *Youth Crime Action Plan* is successfully implemented.

25. As the work of the YTF and Targeted Youth Support (TYS) develops further, we recognise the need to align youth crime prevention approaches and YOT resources with these important initiatives. YYS plays a vital role for young people before, during and after involvement in the youth justice system. However, its development is as yet incomplete and the extent of integration will depend on the circumstances of YYS in each area. To encourage joint identification processes and stronger co-ordination of service delivery, further integration will be achieved, for example, through the use of:

- YISPs
- the Association of Chief Police Officers' (ACPO) neighbourhood model for identifying those at high risk of offending
- the 'triage' method, whereby YOTs provide a fast-track assessment for young people in police custody prior to charge
- Youth Restorative Disposals (YRDs).

We will also use the YIP evaluation to further develop effective practice in the core preventive process (identification, engagement, assessment, intervention and reintegration into mainstream services).

26. It is also important that wider support services are clear about how they can contribute to the prevention of offending and reoffending. In England there is now a sophisticated PSA framework in place that is linked to the new local area agreements (LAAs) and to local improvement targets that the YJB has influenced. These incentives help ensure that the key services reach those most at risk of entering the youth justice system or progressing to persistent offending. Our Performance Directorate will use the Youth Justice Planning Framework to help ensure this happens across England and Wales.

27. The YJB believes that it is important to continue increasing police involvement and interest in the area of youth crime prevention to capitalise on the appetite and abilities of the police service, and also on ACPO's key role and interest in this agenda, as demonstrated through the recent establishment of their Children and Young People's Business Area. There is a clear desire within the police service to develop and improve police early intervention and prevention activity, and the YJB would strongly support new initiatives for encouraging and rewarding police activity in these areas. Further linking the youth agenda with national programmes, such as Neighbourhood Policing and implementation of the Flanagan Review, would be particularly helpful. We would also emphasise that more consistency is needed in how young people behaving anti-socially are dealt with by the police, Police Community Safety Officers and other officials. This will ensure that practice

is coherent and that disparities in processes and outcomes for young people who are involved in the same types of behaviour are prevented.

28. It is also important to provide more opportunities and support for police forces to meet the new Assessments of Policing and Community Safety (APACS) Statutory Performance Indicators, which came into place in April 2008. APACS now incorporates new measurements for offender management, including reducing first-time entrants to the youth justice system. The increased use of restorative justice by police forces should be encouraged, as research and practice has shown that restorative approaches are a highly effective way of preventing and reducing offending.

How can Government ensure that parents are engaged when their children are in court and are completing sentences? Should measures of compulsion be used and, if so, what should these measures be?

29. In the YJB's experience of funding parenting programmes and developing effective practice, the vast majority of YOT interventions that were successfully completed were voluntary. In addition, over 80% of parents accessing YOT parenting services do so voluntarily. Practitioners' experience is that, on the whole, the parents of young people in trouble are desperate for support and willing to engage if that support is provided appropriately. Where there have been problems with engagement, YOT parenting workers have been able to draw up formalised parenting contracts, and where engagement continues to be problematic, Parenting Orders have been sought. Parenting Orders currently make up 12% of overall YOT parenting interventions. YOTs' initial enforcement of these orders proved problematic as YOTs have no statutory authority over adults; prosecutions must therefore come via the Crown Prosecution Service. Guidance published by the Ministry of Justice, DCSF and YJB has assisted with these issues.
30. The YJB supports work to ensure parents are taking responsibility for the actions of their children, but support for parents in developing their parenting skills and accessing specialist services to meet the needs of young people and their parent/s is critical. Consequently, we would support improved provision of services for parents on a voluntary basis and increased use, where appropriate, of parenting contracts and Parenting Orders to ensure compliance, and the delivery of support where voluntary measures are not sufficient. This is especially important in local areas where Parenting Orders are rarely or never used.
31. Some families with children and young people at greatest risk may already have other children and young people or a parent/carer in custody, and support should be provided to help these families prepare for resettlement.
32. In delivering the *Youth Crime Action Plan*, there is a need to ensure clarity around looked-after children who have the local authority as the corporate parent and in particular how that authority will be held accountable for fulfilling its corporate duties.

Chapter 4 – Sentencing and custody

What is the best mechanism for enhancing good practice in the delivery of evidence-based interventions by YOTs?

33. The YJB has a statutory duty to promote effective practice and has consistently sought to gather research-based evidence of effective practice. This evidence forms

the basis for the *National Standards for Youth Justice Services* and the underpinning *Workforce Development Strategy*. The Youth Justice Planning Framework expects YOTs to use the *Key Elements of Effective Practice* guidance, which has recently been revised and republished, so that subsequent performance improvement work can be based on them.

34. Although there is no national accreditation framework for specific intervention programmes, we would draw attention to the following arguments against formal accreditation and suggest that the *Key Elements of Effective Practice* guidance provides a robust yet locally flexible framework for consistent and effective delivery:
 - Children are at different stages of development and interventions need to be flexible to respond to this. It would be difficult to devise a fixed programme that could cope with each individual's stage of learning and development in the same way that cognitive-based adult offender programmes can be set.
 - Children are not in control of the other external risk factors present in their lives, for example parental relationships or stability of housing, which can affect their ability to engage with cognitive-based programmes.
 - It would be costly and bureaucratic to implement. Even those programmes that evidence demonstrates are most effective in reducing reoffending are not guaranteed to reduce offending and are only effective under optimum conditions, which means they require an assessment of suitability for each young person, programme fidelity, supervision and support for programme providers, and for the programme to be delivered as part of a package of interventions.
 - Expecting YOTs to use only programmes with accreditation does not fit with the concept of them as locally managed services.
 - Evidence shows that young people need holistic interventions, which, by their nature, are difficult to package and accredit.
35. The 10 *Key Elements of Effective Practice* guidance notes are available on the publications section of the YJB website.¹
36. They contain guidance for youth justice services on the most effective and promising ways to work with young people to prevent and reduce offending, and all YOTs have recently been sent copies for their teams. They are based on systematic reviews of evidence, contained within source documents, which draw on the best available international evidence across 10 themes, from assessment, planning interventions and supervision to engaging with young people who offend.
37. We have provided YOTs with toolkits and guidance to support effective practice in assessment, and this is supported by the Youth Justice Planning Framework. Furthermore, in order to ensure that YOTs prioritise quality assessment and the delivery of appropriate interventions under supervision, we have retained the requirement for quality assurance of this aspect of their work under the validation process for the Youth Justice Planning Framework.

¹ <http://www.yjb.gov.uk/engb/practitioners/ImprovingPractice/EffectivePractice/KEEPS/>

38. The YJB's Directory of Emerging Practice² aims to promote practice being developed in YOTs and secure establishments. However, it is reliant on good quality submissions and the services' willingness to share their practice. Including programmes developed externally that have already been evaluated within the directory could further support YOTs. We agree there is scope to add to our work on effective and promising practice. We convene and host a series of events aimed at youth justice system managers throughout the year that support sharing on approaches and an annual convention aimed at both youth justice system managers and practitioners, together with regional and sub-regional events.
39. We make a general observation that this chapter gives a strong sense that reparation must be given high visibility. We agree that it is important that community involvement and confidence can be enhanced by visible evidence of reparation work in line with the Casey report. However, this should be achieved without making young people more identifiable when they are carrying out reparation or payback work as this could disengage them from their community – the exact opposite of one of the intended outcomes of reparation.
40. We strongly welcome the pilot court reviews of high risk young people who offend, and support initiatives that hold young people who offend to account more closely to their communities, such as the Community Justice Centre model in North Liverpool. However, effectively engaging the community in justice centres will require additional resourcing, which has not been identified within the *Youth Crime Action Plan*.

Increased delivery of interventions

41. The YJB will be introducing the Scaled Approach in October 2009. This will allow for a more targeted and tailored approach to interventions for young people who offend, particularly as it will coincide with the commencement of the Youth Rehabilitation Order, which can be used as a flexible community order. YOTs will be expected to assess all young people using *Asset* in order to form a judgement on whether they are more or less likely to reoffend, and whether they pose a risk of serious harm to others. YOTs will use this assessment to inform their sentence proposals, and it will require them to provide more intervention for those most in need of it, which evidence shows is more effective in reducing offending. Young people will be identified according to whether they are in need of low, medium or high levels of intervention; this will support proposals to align the processes for targeting priority groups, so that the 'high' group becomes automatically eligible for the 'deter' cohort of the Prolific and other Priority Offender strategy. It would also be the most logical group to take back to court to provide progress updates to sentencers.
42. YOTs will be required to adopt the Scaled Approach from next autumn. It will be underpinned by revised *National Standards for Youth Justice Services* and supported by new case management guidance, to give a 'how to' guide to practice.
43. On the issue of evening and weekend reparation, the YJB will further develop its Youth Justice Planning Framework guidance to YOTs to encourage greater analysis of local peak offending times, to promote good practice and to ensure YOT provision accurately corresponds to risk and need.

² <http://www.yjb.gov.uk/dep/>

44. The YJB will also develop practical advice on how to implement evening interventions where they correspond well to local need. This is likely to include sharing best practice between YOTs on provision of out-of-hours interventions.
45. Practical guidance will also help YOTs enhance visibility of the community benefits associated with youth reparation projects to ensure the community is aware and involved (see paragraph 4.7 in the *Youth Crime Action Plan*).
46. Significant activity is already taking place to address offending by children and young people that occurs in the evening.
 - Young people who have offended and who committed their crimes at the peak time for youth offending, i.e. early evenings, already have this factor taken into account in the design of their sentences. If they have committed late night crime, they are very likely to be tagged and curfewed to avoid further offending at that time. It is our view that curfews provide the best way of managing restrictions of liberty for children and young people in the evenings.
 - It is our view that evening reparation alongside a curfew is incompatible and would likely lead to a breach of one or the other and further court appearances.
 - Reparation is an integral part of all youth justice interventions and it is expected that all orders should contain a reparative element. In 2006/07, 17,729 young people were engaged in restorative justice interventions. Current delivery of interventions (including reparation) by YOTs is usually delivered after school hours. This ensures that the intervention does not interfere with any education or structured learning activity arranged for the young person, and matches peak times for offending.
 - Local authorities and YOTs have the flexibility to ensure that local services reflect local need, and this includes the timing of interventions such as reparation. Youth offending has been made a priority for local authorities through their Local Strategic Partnerships so they have increasing incentives to produce positive outcomes, for example on youth offending rates, by tailoring provision to what is needed locally.
47. In addition to the consultation questions and further to our comments on the *Youth Crime Action Plan* custody principles in the introduction to our consultation response, we make a number of comments on how the YJB would look to take the principles further.
 - A basic set of minimum standards should apply across the whole of the secure estate.
 - Regimes should be characterised by personalised programmes based on assessed need, followed by resource allocation based on those needs.
 - The principles need to be strengthened in the area of resettlement, and should take account of delivery, commissioning and cost of the end-to-end custodial sentence, not just the period in custody. The local authority should be not only involved but accountable for engaging with the young person during their time in custody and through their resettlement into the community.
 - There needs to be dedicated children's facilities, a dedicated workforce and dedicated leadership and management to create a distinct estate for children to reduce organisational constraints on progress.

- We need a mixed economy of provision that adheres to a common regulatory framework, which the three existing sectors currently do not provide. We would recommend considering new legislation that would lead to the creation of a single regulatory framework for all custodial establishments.
 - The emphasis on education and training provision in the *Youth Crime Action Plan* is welcome, but the presumption should not be that education or training is always the answer, certainly this is not the case for children and young people on short-term Detention and Training Orders (DTOs). In many cases the focus needs to be on other areas, such as resettlement, meeting health needs and addressing offending behaviour depending on need (and what we know can be effectively achieved given the period the young person is in custody).
48. We welcome the emphasis placed on holding young people in smaller units, in particular the YJB would like to see the youth justice system continue its work towards:
- workforce reform and developing a workforce that is recruited and trained to more effectively meet the demands of working with this group
 - having career paths for staff and managers that enable specialist skills to be developed and retained within the under-18 estate.
49. The YJB will consider these custody principles in full and what they might mean for commissioning and delivery as part of its redevelopment of the *Strategy for the Secure Estate for Children and Young People*. In addition to these points, the YJB would make a number of observations.
- The *Youth Crime Action Plan* rightly states that custody should be used only for young people who are dangerous or commit serious offences. We would like to see a clear statement that custody should be used only as a last resort where other interventions have failed or will not provide sufficient safeguards to protect the public from serious harm.
 - We welcome the recognition that any period in custody must focus on reducing the chances of young people committing another crime once they are released. To achieve this, the YJB would like to see more emphasis given to effective sentence planning and case management so that resources can better follow needs, regimes can better meet the needs of individual young people, and new approaches to commissioning services better join-up the custodial and community elements of custodial sentences.
 - On a similar point, the YJB would like to see a greater focus on how we make a period in custody as effective as it can be, in particular for young people who are in custody for only a short period. There should be an intention to define the intended purpose of custody for different groups of young people, and for young people on different types of sentences. The new sentencing principles set out in the Criminal Justice and Immigration Act 2008 are helpful in this regard. Our experience is that short periods in custody do not provide the opportunity to do meaningful work with young people who offend and more clarity is needed about the purpose and intended outcomes from a short-term DTO.
 - We welcome the emphasis placed on investing in alternatives to custody. This rightly focuses on ensuring that the youth justice system provides the best

possible options for diverting young people to alternative interventions when they might otherwise end up in custody. The YJB would also highlight the need to look at alternative types of accommodation that would help support resettlement post-custody, and could possibly be used for some part of the custody period to help prepare the young person for transition back into the community. There may also be some types of accommodation that can be used for the smaller number of young people in custody with exceptional needs that can be best met in an alternative setting.

- The YJB welcomes the proposal to make local authorities responsible for the cost of court-ordered secure remands (COSR), and to make the cost of custody more visible. In particular, we believe the proposal to make local authorities pay the full cost of COSR would require, or may be strengthened by, statutory backing.

Chapter 5 – Breaking the cycle of offending

Should there be a requirement for local authorities to have a senior official responsible for overseeing resettlement, and if so, what should this role cover?

50. The YJB would endorse this proposal strongly. The senior official must have sufficient seniority to command resources, be employed in a role wider than direct YOT management and with resettlement clearly stated as a statutory duty. The director/governor of a secure unit should have a duty to formally report to this senior official when they believe that resettlement plans are not sufficiently robust. These reports would be available to the YJB, the local authority chief executive and the LSCB. We believe that these measures would require, or may be strengthened by, statutory backing.
51. In addition to the requirement for local authorities to have a senior official overseeing resettlement, we would also propose that a local authority should be required to nominate a case officer for each individual resettlement case.
52. It would be important to work out how the case officer in the local authority would work with the YOT. Roles should be clearly defined and consideration given to identifying how it would work in practice from the perspective of the young person, i.e. whether this could result in too many people working with the young person, for example a YOT worker, local authority case officer and mentor etc., and if this would result in the young person being unable to develop a meaningful relationship with any of these people. However, having an individual responsible for resettlement would be welcomed, particularly when a young person may have multiple needs that extend beyond a short period of formal YOT supervision.
53. We would certainly advocate that the local authority needs to take responsibility for transition to adulthood; this is an area where YOTs have a key role in co-ordinating consistent delivery of services as an offender passes from children and youth provision into adult services where a resettlement need remains.
54. Resettlement should also be seen in its wider sense, which is the need for ensuring that young people ending community orders are provided with continuity of care to help manage their reintegration into wider children's services. TYS guidance is clear this is a remit for this new initiative, and children's trusts and children's services need to ensure their Children's and Young People's Plans, and the distribution of resources, are directed to this aim. To avoid loss of focus, we would

not propose that the senior responsible officer for post-custody resettlement take responsibility for this, rather that it should be a function of protocols between integrated youth support services (IYSS) services and the local YOT.

We make several other comments in response to this question.

- We welcome the proposal to improve education and training but highlight the need to review current funding arrangements for education within the secure estate.
- We welcome the proposals around delivering the 14–19 curriculum reforms, but would highlight that the curriculum is quite intensive so we would need some mechanism to take credits from progress made in custody on to another education establishment following release. The YJB are looking at a consortia approach to delivering this in its new establishment at Glen Parva. Education will need to be tailored to reflect sentence length.
- We welcome the challenge made to employers to improve the employability of young people, but would stress the role and opportunity of local authorities as an employer (and sometimes the largest); more needs to be done to get local authorities to provide apprenticeships and employment opportunities for young people coming out of the youth justice system.
- We welcome the additional investment in RAP and would like to see how it can be extended to work with more young people in custody; we see this as one significant opportunity for better ‘joining-up’ the custody and community elements of a sentence.
- In addition to the point above, we need to more fully explore ways in which services across custody and the community can be joined-up; for example with staff working across sectors; young people in custody being held in halfway houses prior to their release or having more opportunity for Release on Temporary Licence; and providers being commissioned to deliver services across both parts of the sentence.

What should the key elements of a package of support for children leaving custody include, how can they best be delivered and how long should the support last for?

55. A young person who is leaving custody is likely to have higher levels of need, which depend on how long they have been in custody, the offence they committed, their family background, etc. Therefore, while a package of care for any young person leaving custody would be welcomed, resources should be targeted to needs, and those in custody have very variable needs.
56. A tiered system could be developed where those with the greatest needs would require the most resettlement support.
57. Ideally, the support should be based on need rather than a set finite period of time. However, this could be capped, i.e. with each young person receiving the support they need to address their resettlement and continuity of care needs, but to a maximum of x months for young people who are within tier 1 and x months for young people who are in tier 2. The key to success is resettlement packages that are properly tailored to the criminogenic needs of the young person; also the duration should be based on the principle of ‘lasting as long as they need to’, i.e. what option do we have to explore some support beyond the end of the order? We also note that there must be efforts in the resettlement package to ‘normalise’ the young person,

i.e. move them away from the associations they have while in custody (and potentially while serving the community element of their sentence) into environments where they can associate with young *people* rather than young *people who offend*. This also means the YOT services must be delivered in the young person's community and their environment, and not in a 'youth justice' environment. In addition, the work needs to be supportive and therapeutic and delivered in a manner that means the young person has the capacity and capability to support themselves more effectively once it is withdrawn.

58. Access to mainstream services would be important and the senior responsible officer and case officer in the local authority would be the right people to ensure that the young person was in suitable accommodation or in education, training or employment, etc. To ensure delivery, it would be helpful if guidance on service standards were to be developed for IYSS and TYS. As noted earlier, the role of TYS is crucial here in providing the continuity of care needed by young people.
59. The YJB would be willing to put together proposals on how making the costs of custody public could best be done. This could then be consulted on with the Local Government Association (LGA), Association of Directors of Children's Services (ADCS), etc. We offer to lead on this work as it forms part of our statutory role.
60. In relation to the requirement that there should be an official review when a young person goes into custody for the first time, we strongly support this but also urge that the review is independent. We suggest the LSCB could play a part in effecting such reviews and propose that this be explored further. We would welcome the consideration of legislative backing for this proposal.

Should housing authorities be represented on YOT management boards?

61. This proposal has previously been discussed at meetings of the YJB accommodation strategic development group, and the inclusion of housing representation on YOT management boards has worked well to help raise the profile of accommodation. At previous discussions, members of the group agreed that while this was beneficial, accommodation outcomes were likely to improve through the introduction of local authority indicators, in particular the accommodation indicator for young people who offend (NI46). However, to date this indicator has not had a big take up as part of the basket set of 35 performance improvement targets and therefore having housing authorities included on YOT management boards would be welcomed.
62. If this were to be taken forward, then consultation and agreement with the Welsh Assembly Government would be required before placing any new responsibilities on a devolved service.

What measures could be taken to improve the employability of young people with criminal records?

63. There is a case to review the existing legislation pertaining to the rehabilitation of offenders to provide a clearer focus on young people's needs and their ability to reintegrate back into employment or training.
64. There is already an existing DCSF/Ministry of Justice programme board in place to drive the Education to Employment reform programme through, with the transfer of responsibility for custodial education to local authorities as its main driver.

65. The public sector should offer a lead on this issue, with local authorities and central Government demonstrating a willingness to employ ex-offenders. A pilot project between Hampshire local authority and Wessex YOT to offer employment and work experience to ex-young offenders is already underway, with the opportunity for further learning on implementation.

Chapter 6 – Making it happen

Do you agree that children’s trusts should be given a formal role to prevent offending by children and young people?

66. As set out in the YJB’s response to the DCSF consultation paper *Delivering the Children’s Plan – Strengthening Children’s Trusts: legislative options*, we would welcome children’s trusts having specific objectives that support the aims of preventing offending and reoffending, and are consistent with s 37 of the Crime and Disorder Act 1998.
67. The YJB welcomes the proposals to strengthen children’s trust boards by establishing a stronger statutory basis for them in general, particularly if it creates a stronger and more consistent approach to their development across England. Establishing children’s trust boards as legal entities in their own right may also help to clarify the respective responsibilities of different local partnerships and their reciprocal duties.
68. Setting out the proposed objectives and functions for children’s trusts boards will be important for the youth justice system in potentially helping to clarify the relationship and respective responsibilities between YOT partnerships and children’s trusts. The *Youth Crime Action Plan* has outlined proposals to strengthen local YOT partnerships while ensuring that children’s trusts play a bigger role in preventing offending and reoffending. The YJB would welcome consideration of objectives and functions for children’s trust boards, not only in the area of prevention but also in relation to the provision of mainstream and specialist services to meet the assessed needs of children and young people involved in the youth justice system, and for continued support of these needs after their involvement with the youth justice system has ended.
69. In relation to the proposed functions for children’s trust boards, while we understand that boards should have clear connections to other local partnerships, including YOTs, the YOT management board should continue to be the primary body that oversees the YOT and delivery of youth justice services through its teams.
70. The YOT management board should continue to be the strategic partnership body that agrees the YOT budget and oversees its work, as envisaged by the Crime and Disorder Act 1998. This will ensure that youth crime issues are overseen at a strategic level by a local board that straddles both the community safety and children and families agendas, while also commanding resources and scrutinising the performance of YOT contributory partners. However, we would very much welcome children’s trusts setting out the additional resources of each relevant partner on areas that support the prevention of youth offending and reoffending. This may include meeting the needs of young people in the youth justice system who have been referred to mainstream and specialist services, and providing arrangements for supporting children and young people with continuing needs to

ensure a continuity of care and intervention. The alignment and shared ownership of local plans would also provide an opportunity to define respective commitments and the governance of local preventative work, both in terms of early years' prevention and targeted work with those at risk of involvement in the youth justice system.

Do you agree that YOT management boards should be placed on a statutory basis? How else could their role be strengthened?

71. As detailed in our response to question five in the consultation, we would welcome the opportunity to place YOT management boards on a statutory basis, which they currently are not. The existing arrangements require updating to ensure that senior partners are represented on YOT management boards, and to clarify the board's relationship with local strategic and operational frameworks. However, any proposals to either widen the statutory membership of YOT management boards or to place additional functions or duties on the constituent members would require further consultation with local authorities and their partners.

How can the youth justice system assessment procedures and CAF be best aligned to ensure thorough assessment of risk and need?

72. The YJB believes there is a need for a specialist assessment tool focused on offending behaviour that YOTs can use to:
- provide the basis for pre-sentence reports/referral order reports
 - ensure that resources and interventions are targeted to help reduce the likelihood of reoffending
 - meet the needs of youth justice stakeholders, such as the courts, Multi-Agency Public Protection Arrangements and the parole board.

As a generic assessment framework, CAF provides useful information for YOTs but is not sufficient on its own to produce an in-depth assessment of offending behaviour, whereas *Asset* has been validated with an accuracy of 69.3% for predicting further offending.

73. The YJB will be reviewing its existing assessment tools during 2008/09 and look in more detail at the links with CAF to develop a longer term assessment strategy. The YJB is keen to work with DCSF to consider various options for promoting closer alignment with CAF as part of the wider process of developing and improving its specialist assessment frameworks.
74. In addition, careful consideration will need to be given to the implications of any significant changes in systems or procedures to IT infrastructure. All YOTs use electronic case management systems and the Wiring Up Youth Justice programme is now enabling assessments to be transferred electronically between YOTs and the secure estate. Therefore, the feasibility and cost implications of changes to IT-based assessment systems across community and custodial services need to be fully considered.

Do you agree with the proposals to further strengthen the contribution of local authorities in preventing offending?

75. We agree with these proposals, particularly as they fit well with the YJB's statutory role in holding YOTs to account through a revised performance and planning framework that emphasises local authorities' responsibility for delivering a local

youth justice plan that has been signed off by all statutory YOT partners. In addition, we would make several further points.

- In essence, the proposals place more duties/emphasis on the role of the local authority in prevention, and will go some way to making them accountable for the number of young people in custody.
- More could be made of the variation in rates of custody across local authorities and identifying what causes these variations. This knowledge could inform good practice and be used to hold local agencies to account.
- We must take measures to strengthen the engagement and role of local authorities during the young person's period in custody, as well as in the areas of prevention and resettlement. In particular:
 - ensuring this engagement is maintained where a young person is held in a custodial establishment outside of their home authority
 - ensuring that the costs and quality of services are more visible, and that the local agencies are held to account where they have a role in commissioning those services.
- We welcome proposals to strengthen expectations for robust resettlement planning as it recognises that the effectiveness of any period in custody can only be as good as the quality of the resettlement plan. New models of delivery are needed to ensure effective engagement of local authorities with establishments in planning and delivering these services.
- As per the suggestion in the *Youth Crime Action Plan*, we are currently in the process of establishing regional consortia to pilot different approaches to resettlement. These approaches are led by a specific programme board within the YJB that will be seeking local government authority and third sector involvement in this initiative.