

# YOUTH CRIME ACTION PLAN CONSULTATION: **SUMMARY OF RESPONSES**

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# INTRODUCTION

- 1. 1.** The vast majority of young people are on the right track and make positive contributions to society. Over three-quarters of young people do not offend and only 5% are responsible for over half of youth crime.
- 1. 2.** The government has already had success in tackling youth crime and ensuring all young people are on the path to success. 10,000 fewer young people entered the criminal justice system for the first time in 2007-8 – down from 103,955 in 2006-7 to 93,601 in 2007-8, a drop of 7.8%.
- 1. 3.** The rate of juvenile reoffending has fallen by 18.7% between 2000 and 2006 and we have halved the average time from arrest to sentence for persistent young offenders from 142 days in 1997 to 58 days in April 2008.
- 1. 4.** However where it does occur youth crime can have a devastating effect on communities and on other young people, and must be tackled head-on. The Youth Crime Action Plan (YCAP) was an important milestone in the next stage of reform: a cross-government plan for dealing with the full range of issues around youth crime from enforcement, to better targeted support, to early prevention.
- 1. 5.** It set out a triple-track approach: tough enforcement where behaviour is unacceptable or illegal, non-negotiable support to address the

underlying causes of poor behaviour and early intervention to tackle problems before they become serious or entrenched.

- 1. 6.** The government consulted widely with stakeholders during the plan's policy development phase. YCAP built on other recent government publications such as The Children's Plan, the Youth Task Force Action Plan and *Aiming high for young people*.

## The consultation process

- 1. 7.** This document summarises responses to 11 specific consultation questions published within the Youth Crime Action Plan. The consultation period ran between publication in July 2008 up until 17 October 2008. The consultation questions were as follows:

### Chapter 2

- Building on what we have set out here, what are the most effective ways for local agencies to increase further their focus on prevention and early intervention?
- 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 what should these measures be?

## Chapter 4

- What is the best mechanism for enhancing good practice in the delivery of evidence-based interventions by Youth Offending Teams (YOTs)?

## Chapter 5

- Should there be a requirement for local authorities to have a senior official responsible for overseeing resettlement and what should this role cover?
- What should the key elements of a package of support for children leaving custody include; how can this best be delivered and how long should the support last for?
- Should housing authorities be represented on YOT management boards?
- What measures could be taken to improve the employability of young people with criminal records?

## Chapter 6

- Do you agree that Children's Trusts should be given a formal role to prevent offending by children and young people?
- Do you agree that YOT management boards should be placed on a statutory basis? How else could their role be strengthened?
- How can the youth justice system assessment procedures and the

Common Assessment Framework (CAF) be best aligned to ensure thorough assessment of risk and need?

- Do you agree with the proposals set out to further strengthen the contribution of local authorities in the prevention of offending?

## Responses received

- 1. 8.** We received 86 responses to the consultation.
- 1. 9.** There was a good spread of responses from different sectors and organisations. The full list of respondents appears in Annex A but the breakdown by organisation type was as follows:
  - 32 third sector organisations
  - 18 Youth Offending Services
  - 23 local authorities
  - 8 national bodies
  - 5 regional bodies
- 1. 10.** This paper provides a summary of the responses received and outlines the early government response to the consultation exercise. It includes a detailed summary of responses to each consultation question plus a roundup of the main issues raised outside of these policy areas.
- 1. 11.** A further update will be provided around the first anniversary of the Youth Crime Action Plan in the summer.



# SUMMARY OF RESPONSES – OVERVIEW

- 2.1.** There was a widespread welcome for the recognition in YCAP that prevention and early intervention are key to tackling youth crime. Respondents also overwhelmingly welcomed the document's reminder that the majority of young people are well-behaved - although they also felt more needs to be done to tackle negative adult perceptions of young people.
- 2.2.** Linked to this, many respondents (especially from the third sector) urged the government to ensure that overly onerous sanctions don't merely criminalise vulnerable young people and families. It was important to avoid inappropriate labelling of children and young people as future offenders particularly when under the age of criminal responsibility.
- 2.3.** Some underlined the importance of clarity on how responsibility for youth offending is divided up at national level between the Ministry of Justice, the Youth Justice Board and the Department for Children, Schools and Families (DCSF). Likewise there needs to be joined-up and clear accountability at local level.
- Government response**
- 2.4.** We are grateful that many respondents took the time to provide detailed views not only on the consultation questions but on wider topics too.
- 2.5.** We welcome the wide consensus that all parties should continue championing the positive contributions of the vast majority of young people. We also agree with the importance of fostering positive public perceptions of young people and that this needs to be achieved at a variety of different levels. It was a key theme of *Aiming High*, which included a commitment to explore the potential for a National Youth Week. Work is underway to examine how this might provide a focus for promoting positive images of young people. The results from a series of celebration event pilots led by young people, held during February 2009 will help to inform this work.
- 2.6.** It is also right that voluntary engagement with support is the preferred way to tackle any problems that do arise. But we are also clear that "non-negotiable" support and sanctions also need to be part of the responses available and we have seen how this can be effective.
- 2.7.** The Youth Crime Action Plan's 'triple track' approach seeks to achieve the right balance. Delivery of this approach depends on a truly joined-up response not just from the Home Office, DCSF and the Ministry of Justice but across the whole of government.



# THE CONSULTATION QUESTIONS

## Chapter 2: Intervening early

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

- 3.1.** Respondents felt that well-funded positive activities and opportunities for young people should be at the heart of the prevention agenda. There was endorsement of the push for increased Friday/Saturday night provision. The Association of Chief Police Officers (ACPO) felt there is a gap in availability of youth workers who are able (or prepared) to work in targeted areas on the streets or in anti-social behaviour hotspots.
- 3.2.** Integrated working was also seen as key to improving local agency focus on prevention. Agencies working closely together meant that the complex challenges faced by many offenders could be better identified and dealt with. There was also support for joint commissioning in response to need. Many urged better cross-agency training based on evidence-based interventions, underpinned by a culture change in the workforce. Local Area Agreements (LAAs) were seen as a key mechanism for bringing partners together to performance manage shared agendas across traditional boundaries. The Association of Directors of Children's Services highlighted the need to ensure that performance targets for different stakeholders in the local youth crime system do not work perversely, against each other.
- 3.3.** The role of schools in prevention was clearly seen to be crucial. In particular, there was strong support for Safer School Partnerships (SSPs) with calls for more funding. School attendance was seen as critical to this agenda – and needs local action. Some said that more emphasis should also be put on primary schools identifying vulnerable children and referring them for support earlier.
- 3.4.** Many felt there should be a much greater role for the police in prevention and early intervention. This was linked to a call for the government to better manage conflicting police priorities. An example was given that police should have the power to record an Informal Action as a crime solved. Prosecutors should also have more discretion to refer cases to the YOT for an intervention without a charge – this could be a conditional intervention, dependent on the young person doing a specific action.
- 3.5.** Some respondents felt that a CAF should be triggered before exclusion, not just afterwards. Instead of Anti-Social Behaviour Orders (ASBOs), a CAF should be used more in the first instance. There should be more stringent

requirements on those making applications for ASBOs to demonstrate what prevention measures have been tried.

- 3. 6.** There was a call for sustainable funding for evidence-based initiatives which were proven to work in preventing crime, and an end to short-term funding. This was seen as critical beyond the life of the Youth Crime Action Plan. Respondents were keen to ensure that areas outside of the Youth Crime Action Plan's 69 "priority" areas were able to see benefits, for instance by ensuring that learning from the 69 is shared quickly.
- 3. 7.** Services for young people and families should all be underpinned by the five *Every Child Matters* outcomes. More thought should be given to identifying disability and health issues. The Child and Adolescent Mental Health Services (CAMHS) should be a key partner in prevention and early intervention, particularly when attention-deficit hyperactivity disorder (ADHD) is diagnosed.
- 3. 8.** Many in the third sector also felt that their role in preventing youth crime was not championed strongly enough – and that the sector needed to have a stronger strategic voice, longer-term funding, and more consistent treatment at local level.

### **Government's response and next steps**

- 3. 9.** The government welcomes the wide-ranging and constructive responses on the most effective ways for local agencies to increase further their focus on prevention and early intervention, which will be taken into account as we develop our prevention activity.
- 3. 10.** The availability of a quality workforce to deliver well-funded positive activities and opportunities for young people is clearly an important issue. The 2020 Children and Young People's Workforce Strategy reiterates the commitment to strengthen the impact of Common Core of Skills and Knowledge so that everyone is clear about what integrated working means for them. We are also ensuring that the workforce has the skills and knowledge to work with children, young people and parents. Funding of £25 million made available through *Aiming High* is being used to begin implementing the programme, addressing both immediate issues concerning the delivery of integrated youth support services and beginning to build a flexible and capable workforce for the future.
- 3. 11.** We agree wholeheartedly that local agencies working closely together is fundamental to an effective youth crime prevention strategy. Our response to this issue is covered in more detail later in this document - under the first consultation question in Chapter 6 about the role of Children's Trusts.



- 3. 12.** We welcome the comments on the importance of the involvement of schools. We continue to develop our support for the expansion of Safer School Partnerships in the light of the Youth Crime Action Plan commitments. Figures from a recent ACPO survey of SSP provision suggest a substantially larger take-up of SSPs nationally than previously estimated. Following a series of regional conferences to promote SSPs, we have now launched detailed practical guidance to further promote SSP take-up. The guidance is accompanied by a DVD resource of good practice case studies.
- 3. 13.** We also agree that school attendance is key to this agenda. That is why levels of school attendance were one of the factors used in identifying the 69 YCAP priority areas.
- 3. 14.** We welcome the support for the importance of police involvement in early intervention. We were explicit in the Youth Crime Action Plan that local packages needed to be agreed by Directors of Children's Services and Chairs of Crime and Disorder Reduction Partnerships (CDRPs). Many of the measures – for instance Operation Staysafe and street-based teams – involve police and children's services working in tandem to both reassure the public and take steps to identify and tackle underlying causes of offending behaviour.
- 3. 15.** On managing conflicting policing priorities, the introductions of new PSAs in April 2008, and subsequently the Policing Green Paper, have introduced greater coherence in the framework for establishing police priorities. The police service now has one single top-down target which is to improve public confidence, and dealing informally with low-level youth crime to the satisfaction of victims directly supports that.
- 3. 16.** It must be right that effective evaluation and sharing of learning is key and we welcome the comments made on these issues, which will inform our plans. In March 2009 we published a Youth Crime Action Plan Handbook for Practitioners. This drew on the early experiences of those delivering the targeted package of measures in the priority 69 areas and is designed to encourage similar activity in every local authority area.
- 3. 17.** Third sector engagement and support is also critical. Through the Youth Sector Development Fund (YSDF) the Department for Children, Schools and Families (DCSF) is supporting growth and building capacity within third sector organisations who deliver effective services and activities for young people particularly the most disadvantaged. 13 third sector organisations have been selected to receive a total of £23 million following the conclusion of the YSDF second funding round. This is a substantial contribution to third sector organisations working with the most vulnerable and difficult groups.

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

- 4.1.** There was widespread support for measures to encourage greater parental engagement when young people appear in court, and during their sentences. There was a strong emphasis on the importance of engaging parents on a voluntary basis; many parents, with some encouragement, are willing to engage and this was the best way wherever possible. Most supported the use of Parenting Orders, but only as a last resort after all voluntary means had failed. The majority were against additional statutory powers for compulsory measures.
- 4.2.** The arguments put forward against increased compulsion included:
- evidence suggesting that voluntary measures work better than punitive ones
  - that sufficient statutory powers already exist to engage parents
  - the potential for it to be alienating and counter-productive
  - the risk of criminalising parents
  - the potentially disproportionate effect on single mothers.
- 4.3.** There were also some questions raised about how this could work in practice, for example how it could be known if a parent had been making reasonable efforts to engage with the child. Several respondents commented that some parents proactively looking for support have been unable to secure this help, and that they would be the best people to receive any additional resources.
- 4.4.** Several respondents agreed with compulsion as a last resort when all else had failed, or when the best interests of the child warranted it. ACPO suggested that Parenting Orders are little used and little understood. They suggested a renewed communications campaign to highlight when they could be effective.
- 4.5.** Several respondents suggested that early intervention was key and that support services could be substantially improved. ACPO in particular noted that Parenting Orders often come too late in the day, and that there should be an increase in services available earlier on and a simplified referral system. Other respondents highlighted the importance of engaging with parents in a meaningful way through family group conferencing and more home visits. It was also felt there should be a greater focus on efforts to engage with families that were hard to reach, which was often possible without resorting to compulsion.

- 4. 6.** There was general support for existing powers and discretion surrounding parents' attendance at court. However, several respondents suggested that courts could be made more child- and family-friendly. The Standing Committee on Youth Justice commented that when a parent is unable to attend (there are sometimes genuine obstacles such as inability to take time off work) there should be an independent appropriate adult to support the child.
- 4. 7.** Among practitioners, there was some disagreement about the measures that should be taken to encourage parents to engage when their child is in court. Some practitioners supported further obligatory measures on parents, such as a legal requirement to attend court with their children or a fine for non-attendance at court. Others emphasised the need for incentives instead of punishments. Suggestions for incentives included parents being recompensed for a proportion of the money paid in a court order if they attended a parenting course. Several YOTs called for greater flexibility in the timing of police interviews and youth court sessions to ensure that parents could attend.
- 4. 8.** When young people are completing sentences, several respondents commented that parents should be offered information on how the justice system works and who they

can turn to for support. It was also felt there should be more support for young parents in custody.

- 4. 9.** A common concern was the responsibilities of local authorities in their capacity as corporate parent for children in care. The need for clear guidance for local authorities on their duties as corporate parents in these cases was highlighted.
- 4. 10.** Several practitioners called for a greater role from the third sector, for example in delivering Intensive Family Support Projects.

### **Government's response and next steps**

- 4. 11.** The government agrees with the view widely held by respondents that the engagement of parents of young offenders and those at risk of offending is fundamentally important, and that we should work hard to encourage this. This is reflected, for example, in our increased funding of Family Intervention Projects and other early intervention initiatives involving families. We will continue to pursue policies which encourage parental engagement.
- 4. 12.** When a child has offended, respondents did not, by and large, call for additional powers either to force parents to engage in parenting courses or to attend the youth court with their children; current powers were generally considered sufficient. We are therefore proposing to encourage more participation within the current legislative framework.

For example, in November, Her Majesty's Court Service published a leaflet aimed at young people and their parents, to ensure they had sufficient clear and simple information about attending court before their appearance. The Police will hand over the leaflet when a young person is first charged or it will be sent with a court summons. It explains that a parent is required to attend if the defendant is 16 or under and allows parents and carers better to support their young people through the court process.

- 4. 13.** We do not believe that there is merit in seeking legislative changes to impose more stringent requirements on parents engaging in the court process as the courts have wide ranging powers and can make use of these if they consider this is necessary. Imposing mandatory attendance could result in adjournments and delays to the court process which would then potentially undermine the Criminal Justice Simple Speedy Summary (CJSSS) aim to minimise court delays and speed up the delivery of justice. However, we firmly expect parents to show responsibility in this area, and the importance of both parents attending court with young people will continue to be stressed in communications with parents.
- 4. 14.** On the issue of compulsion, we acknowledge that voluntary participation of parents is preferable where this is possible.

However, we believe there is a key role for Parenting Contracts and Orders where voluntary parenting interventions are not working. Evidence suggests that parenting courses are just as effective for those who are compelled to attend as for those who attend voluntarily. Approximately 40 of the 157 YOTs in England and Wales did not give a single Parenting Order between April and September 2008, suggesting that in some areas they may not be being used even when voluntary measures have failed. This needs to be addressed.

- 4. 15.** In partnership with the Youth Justice Board (YJB), we are developing ways of overcoming barriers to the use, where appropriate, of Parenting Orders (such as concerns about the process for breaches). This is likely to include awareness-raising to YOTs, magistrates and the Crown Prosecution Service (CPS - who are involved in breach proceedings). We are also investigating additional training for parenting practitioners, and more accessible information on evidence-based practice in this area.

## Chapter 4: Sentencing and custody

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

- 5.1.** There was wide agreement among respondents that greater action to share good practice and evidence could improve practice across the country. This could be done through: regional workshops and conferences, internet based solutions, and local and regional networks (both on-line and face to face). These should include opportunities for practitioners to challenge and be challenged.
- 5.2.** Most practitioners identified local groups such as YJB regional teams and local YOT forums as the best channels for sharing best practice. The need for greater communication between local groups, including YOTs, Children's Trusts, local policing teams, Local Criminal Justice Boards (LCJBs), and CDRPs, was widely emphasised.
- 5.3.** The importance of continuing professional development as a way of ensuring high quality interventions was also highlighted. Several practitioners emphasised the need for better training, particularly with regard to professional youth justice qualifications. Training all YOT workers in the YJB Professional Certificate in Effective Practice (Youth Justice) was suggested.
- 5.4.** The limitations in the current evidence base on "what works" were highlighted as well as caution about interpreting "evidence" too mechanistically. One respondent urged that "best practice" should not just be measured in terms of short term recidivism data, but on longer term welfare of the young offenders. Also, feedback of participants should be considered, in addition to more concrete measures such as re-offending data.
- 5.5.** A narrow majority of practitioners were against the introduction of YJB-accredited programmes for interventions. This was largely on the grounds that they would not take account of local flexibility or individual needs of children and young people. For example, a national accreditation scheme could not capture potentially highly effective programmes provided by *local* third sector community providers. Other arguments against accreditation included: the need for interventions to be flexible to respond to children's different stages of development; national accreditation not fitting with the concept of YOTs as locally-managed services; the cost and bureaucracy to implement; and young people's need for holistic interventions, which are difficult to package and accredit.

5. 6. As an alternative to nationally accredited programmes, one YOT suggested that the YJB should develop web-based intervention material from which individual programmes could be constructed. Another view, expressed by the Mayor of London was that, following the example of the Probation services, an agreed accreditation scheme should be developed for youth workers that was evidence-based and independently evaluated.
5. 7. General support was expressed for the current YJB role in promoting good practice, for example through its *Key Elements of Effective Practice*, but that more could be done by the YJB to improve the dissemination of good practice. The Association of YOT Managers in Wales suggested that it would be helpful if the YJB could publish more information, for example effective practice quality assurance audits and youth justice plans. They also pointed out that there is currently no consultation with YOTs regarding research priorities in the development of the YJB's research strategy.
5. 8. The YJB itself pointed towards its Directory of Emerging Practice which aims to promote practice being developed in YOTs and secure establishments. However, there was little discussion from stakeholders of the Directory and, of those that did mention it, most felt it had had little effect. The YJB

accepted that there was scope to add to its work on effective and promising practice and suggested that it could develop the existing Directory so that it is more accessible and user-friendly for YOT practitioners who have information to share.

### **Government's response and next steps**

5. 9. We intend to work with the YJB to develop the best ways of sharing emerging best practice among those working in both community and secure youth justice settings. We will also work together with the YJB and others to consider how best to disseminate the increasing evidence base for effective programmes. We will consider the role and further potential for the YJB Directory of Emerging Practice as well as the use of regional/ Wales forums. The overall aim will be to ensure that managers and practitioners working in the youth justice system are well informed and able to make decisions designed to deliver high quality interventions which will contribute to improving re-offending outcomes for children and young people.



## 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 what should this role cover?

- 6. 1.** The majority of respondents agreed on the need for a senior named official responsible for resettlement, with most respondents emphasising that the named official needed to be outside the YOT. The view was that under current arrangements YOTs lacked the strategic leverage needed to involve wider services for children that were required to support the effective resettlement of children and young people leaving custody. The same respondents felt it was unlikely that this situation would change if the responsible officer was a member of the YOT.
- 6. 2.** Consequently, the majority of respondents felt that the senior official responsible for overseeing resettlement should be a member of children's services with sufficient seniority to control resources and ensure agencies work together. They also felt that such a role needed to influence policy development with the local authority at a strategic and operational level.
- 6. 3.** Most respondents agreed that the senior official should also be in a position to provide strategic support where resettlement plans are not robust or being acted upon. To support this, some respondents suggested that the director/governor of a secure unit should have a duty to formally report to such a senior official when they consider that resettlement plans are not sufficiently robust.
- 6. 4.** Some respondents wanted the senior official to be able to review and challenge decisions that compromise effective resettlement. A common example of the sort of decisions that may need to be challenged was the provision of accommodation, and specifically decisions made by housing authorities to discharge their duty to provide accommodation on the grounds that young people have intentionally made themselves homeless. A large proportion of replies identified accommodation as being an area where the influence of a specific resettlement lead could have real benefits for young people leaving custody. Other respondents identified underlying tensions between the existing duties on Children's Services and housing services.
- 6. 5.** A number of respondents didn't agree that there was a need for a specifically named individual. They felt that existing duties on children's services were sufficient and that structures and duties were already

in place to deliver the services needed to facilitate resettlement. These respondents tended to place an emphasis on the role the local Children's Trusts should play in the delivery of effective resettlement solutions. There was also some recognition that having a named senior officer may cause problems for smaller authorities, for example, extra financial or resource burdens.

### **Government's response and next steps**

**6. 6.** The government believes local mainstream and specialist services for children have a key role to play in the effective resettlement of young people. Many of the responses we received, particularly from YOTs, highlighted the difficulties they faced in accessing the range of services required to prevent offending and re-offending by young people. Problems were particularly acute in respect of the provision of suitable and supported accommodation for young people leaving custody.

**6. 7.** In principle we agree that local authorities must take a more proactive approach to the resettlement of young people leaving custody. One way of achieving this could be through the nomination of a senior member of the local authority responsible for resettlement. We share the view that such a person should not be a member of the YOT and should be in a position to provide strategic support where services which are required for effective resettlement are not being provided.

**6. 8.** We note the view that sufficient duties are already in place to deliver effective resettlement and that many areas already have effective escalation procedures where a dispute occurs. However, we are clear that in many cases these duties do not appear to be working effectively, leaving some YOTs isolated from wider services. We are therefore investigating how we can reinforce these duties and ensure that local authorities are fulfilling their resettlement role. This includes looking at ways in which we can encourage local authorities to make a specific officer responsible for the provision of effective resettlement. This will also link in with the work we are doing on the provision of a resettlement package of support.



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

- 7.1.** There was universal agreement that more should be done to support young people on release from custody and on exiting the youth justice system. The majority of respondents considered that many young people leave custody without sufficient care or support in place and that this precludes effective resettlement back into the community.
- 7.2.** Consequently, the provision of a package of care is fully supported, with the ‘leaving care model’ representing a good starting point in terms of the sort of services and interventions that were required. Many respondents took the opportunity to list the sorts of elements that could form a package of care and broadly they covered the following areas:
- Planning and review (as soon as the young person enters custody)
  - Named key worker in YOT/ children’s services
  - Education, Training, Employment (ETE) and access to wider children’s services
  - Accommodation
  - Family work,
- 7.3.** While some common elements of a care package were identified, respondents stressed that any package should be tailored to meet the young person’s individual needs and should not be a generic package for the majority. By extension, in response to how long such a package should last for, respondents strongly pushed for the packages to continue for as long as deemed necessary for the individual.
- 7.4.** Respondents highlighted the critical role that early and effective assessment of need must play in order to achieve the best outcomes for young people leaving custody. The vast majority of respondents stated that planning should start immediately after the young person has been sentenced to custody with regular multi-agency meetings and assessments to ensure all agencies are aware of their responsibilities on release. It was felt that this process should involve clear assessment of risk for a young person, which must be recognised as an ongoing process and one that should be regularly reviewed.
- 7.5.** A number of responses drew attention to parallels between the placement of young people in custody and children in care; in other words, most children leaving custody required similar support to that which children leaving care are entitled to. A small number of respondents felt that all children

in custody should have looked-after status and therefore upon leaving custody should be treated in the same way as those leaving local authority care. The Looked After Children package was felt to represent an excellent model of resettlement support as it ensured that a cross section of agencies pull together to deliver comprehensive support which goes on post-18 and is based on an assessment of need.

- 7. 6.** Using this model as a basis, respondents suggested that children leaving custody should have a key worker who leads on co-ordinating their resettlement planning and provision. This lead professional may not necessarily be the YOT officer but rather this should be in line with the CAF principle of lead professional, whoever has a relationship with the young person, their parent/carer, and is best able to assess and coordinate services around them. Some respondents felt that every child in custody should be assessed under section 17 of the Children Act 1989. In particular, it was felt that such an assessment should address accommodation needs on release.
- 7. 7.** There was general agreement that access to mainstream services is critical to effective resettlement outcomes. The relationship between the YOT and wider Children's Services and health, education and housing departments was

highlighted as being critical to establishing effective resettlement. Some respondents suggested that these services should have a joint protocol in place to respond to the needs of young people released from custody.

- 7. 8.** There was also acknowledgement of the need to ensure that any future legislation or guidance clearly outlined the roles and responsibilities of both the 'host' and the 'home' local authority to provide and fund appropriate education before, during and after custody.
- 7. 9.** Respondents also felt that while priority for resettlement support should be given to children in custody, consideration did need to be given to children ending community sentences. It is important that they too have some continuity of care and support.

### **Government's response and next steps**

- 7. 10.** We note the overwhelming view that more should be done to support young people on release from custody and on exiting the youth justice system. We are therefore working up our policy on how such a package can be delivered. Many respondents listed the sort of support that a young person requires but it is clear that early assessment of need and effective planning are key to success. The implication is that each package of resettlement support should be tailored to the needs of the individual young person.

**7. 11.** There was a wide variety of views about how such a package should be delivered. The children leaving care package was seen as providing a good template while others favoured better use of existing duties for assessing children under section 17 of the Children Act 1989. Relatively few respondents felt that wholesale legislative change was the answer, with many emphasising the need to make better use of existing levers, including legislation, guidance and local performance indicators.

**7. 12.** We are working closely with colleagues across government on how we can deliver more consistent support to young people leaving custody. Current Resettlement and Aftercare Provision schemes will continue and we will look to supplement this existing provision with extra funding for additional resettlement support in local areas. Effective resettlement outcomes for young people can only be achieved with the co-operation of a number of local agencies working together to provide the range of interventions and services that can address offending behaviour and equip young people with the skills they need to turn their lives around. We are clear that the provision of effective resettlement support cannot be achieved by YOTs alone. That is why securing local strategic and inter-agency co-operation on resettlement outcomes is a priority. We will ensure that any additional

funding is conditional on this local co-operation and accountability being achieved.

**7. 13.** We also welcome the YJB's work on the development of regional resettlement consortia which will help to provide more consistent approaches to resettlement support across local authority boundaries. The lessons that we learn from these initiatives will help in the development of more consistent support for all young people leaving custody.

## Should housing authorities be represented on YOT management boards?

- 8.1.** The overwhelming consensus among respondents was that the provision of suitable and supported accommodation for young people leaving custody was a major problem. Respondents emphasised how access to accommodation was a critical issue, with many highlighting that the lack of appropriate accommodation was a major factor in re-offending.
- 8.2.** Respondents suggested that many YOTs lack strategic influence over local housing priorities, and this was exacerbated by a lack of representation on either the YOT management board or the equivalent local housing forum. This meant that young people who had offended were overlooked when it came to the provision of suitable accommodation.
- 8.3.** There was extensive support for the proposition that housing authorities should be represented on YOT management boards. Many respondents felt that their absence was a significant gap in the YOT partnership. The perception was that the inclusion of housing authorities at a strategic level can only help ensure suitable accommodation is available. Some YOTs used their response to set out their own experiences in managing their relationship with the local housing authorities. Some reported that they had been able to get
- housing representation on their YOT management board and that this had made a real difference in enabling the YOT to access suitable accommodation.
- 8.4.** Responses from accommodation providers agreed with the need to ensure that YOTs had more leverage over the local housing agenda. However, they also felt that YOTs needed to tap into existing housing expertise, including foyers and YMCAs in their localities. There was recognition from the YJB that accommodation outcomes may improve through the introduction of local authority indicators, in particular the accommodation indicator for young people who offend (NI46). However, these could be reinforced by ensuring that housing authorities were on the YOT board.
- 8.5.** In terms of how housing authorities could be better engaged with the work of the YOT, some respondents felt that this could only be achieved through a new statutory duty or by amending the Crime and Disorder Act 1998 to include housing authorities among the statutory partners of a YOT. However, other respondents cautioned against a more directive approach and felt that it was an issue that needed to be resolved at the local level. For example, there was support for Children's Trusts playing a more

formal role in engaging with the accommodation needs of all young people, in addition to determining how best to meet such needs.

- 8. 6.** There was also recognition that directing housing authorities to attend YOT boards or become statutory partners could, in practice, be difficult in the larger YOTs that covered multiple district councils. Consequently a large minority of respondents felt that such direction from the centre was unlikely to provide a meaningful solution to accessing local accommodation. These decisions should be left to local discretion. There was also a need to consider how any extra duties would apply to Wales as accommodation was a devolved issue.
- 8. 7.** There was some criticism of the existing duties for housing homeless young people and a general feeling that they needed to be clarified. Many respondents felt that local authorities were not complying with the Children's Act 1989, which imposed on them a statutory duty to provide suitable accommodation and support for homeless young people and children in need more generally. Some respondents believed that children's services should be assessing all young people who present themselves as homeless through s17 of the Children Act 1989.

## **Government's response and next steps**

- 8. 8.** We share the view that an absence of suitable and supported accommodation for young people leaving custody can be a major barrier to the provision of effective resettlement. We are clear that YOTs need to have better access to local accommodation.
- 8. 9.** We are pleased that many responses from local authorities and YOTs showed that local solutions to this problem were already in place. A number of responses stated that housing was already represented on the YOT management board and that where this had happened it had led to substantial benefits. We are working with Communities and Local Government (CLG) on the whole housing agenda and we are exploring how we can encourage better closer working between YOTs and local housing authorities.
- 8. 10.** This work is linked to wider Youth Crime Action Plan work on accountability and resettlement support all of which are looking at the provision of better support, including accommodation and ensuring that local authorities are fulfilling their resettlement duties.
- 8. 11.** Finally we are also looking at whether we can clarify existing duties on homeless 16 and 17-year-olds. This includes whether all 16 and 17-year-olds presenting themselves as homeless should be assessed as children in need.

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

- 9.1.** A large majority of respondents called for a review of the existing legislation on the rehabilitation of offenders. Many respondents, for example, felt that the existing legislation did not recognise children's varied stages of development. There was a feeling that children were being penalised for criminal behaviour which would affect their future prospects in adult life. In particular, respondents highlighted the recommendations of the working group on this issue, set up in 2001 to review the Rehabilitation of Offenders Act. The report, 'Breaking the Cycle', which was published in 2002, recommended that consideration be given to the development of criteria to identify young offenders convicted of minor and non-persistent crime so that their records may be wiped clean for the purposes of employment (save through enhanced disclosure) at the age of 18.
- 9.2.** Many respondents, particularly from third sector organisations, also felt that there needed to be a review of arrangements relating to offenders who have convictions for offences under Schedule One (Children and Young Persons Act 1933) to ensure that those who have offended during childhood are not inappropriately registered and disadvantaged. In particular, concern was raised regarding sexual and violent offences committed by children against children where there is no indication or assessed risk of repetition in later life, for example, school playground offences and sexual experimentation type offences.
- 9.3.** Other responses were supportive of 'buy back schemes' whereby a young person who had completed their sentence and not re-offended within a two year period after the date of their release (or completion of their community sentences) would have their criminal record wiped clean. There was a general consensus in support of not criminalising young people too early. Restorative Justice was identified as a tactic which could help to achieve this outcome. Some respondents pointed to the current pilots for the Youth Restorative Disposal (YRD) as a good way forward to allow the resolution of minor crimes or incidents of anti-social behaviour on a more practical level.
- 9.4.** Other respondents took a more practical view of how young people with criminal records could be made more employable. Many suggested that the public sector needed to offer a lead on this issue, with local authorities and central government demonstrating a willingness to employ ex-offenders and set up



training opportunities for young people coming out of the youth justice system. Some schemes were highlighted as providing a good example of work that was already going on. The YJB highlighted a pilot project between Hampshire local authority and Wessex YOT to offer employment and work experience to young ex-offenders. Other examples were given of major charities working with the secure estate to deliver constructive training activities that could be transferred to potential employment opportunities.

- 9. 5. Some YOTs felt that their own local authorities should take the lead firstly by supporting this group by offering targeted placements to enable young people to develop a CV and secondly by providing clear guidance and support for training providers and employers to support young people. The local authority can also play a key role in risk assessing young people for employment and training opportunities and help to identify appropriate local apprenticeship opportunities for young people across the council.
- 9. 6. Some respondents suggested that engagement with employers should be undertaken at a local level, with YOTs working with local business and involving them in schemes which employ young people with a history of offending and which offer some form of incentive to

the business. One suggestion was that contracts awarded by the local authority should include the proviso to employ a percentage of local people and young people who may require additional support to settle into employment. Others also felt that there was a role for community-based reparation schemes which are based on work-related skills and contribute to the attainment of qualifications (although it was acknowledged that this could be costly).

- 9. 7. A few respondents felt that more use could be made of Release on Temporary Licence (ROTL) which could be used to introduce a phased return home where there may have been difficulties previously, and for accommodation assessments as well as education related interviews.

### **Government's response and next steps**

- 9. 8. We are mindful of the large body of opinion that is in favour of reviewing the existing legislation on the rehabilitation of offenders and Schedule One. The government made a commitment to reform the Rehabilitation of Offenders Act in 2003 following the recommendations set out in the report "Breaking the Cycle". We have since had to review the position in light of the Safeguarding Vulnerable Groups Act 2006, based on the recommendations of the Bichard report, which made significant changes to the disclosure

landscape. While the government remains committed to reform, no timescales for this have yet been set.

- 9. 9.** The intention of the Children and Young Persons Act 1933 was to protect children of school age from “cruelty and exposure to moral and physical danger”. On its own, Schedule One presents no legal bar to working with children, nor does it carry any specific obligations to register with the police. It can trigger further checks by employers or local authorities to ascertain the safety of children with an individual, but these checks are done on a case by case basis using local procedures. This means that if a young person did become a Schedule One offender, any subsequent action should be based upon the ongoing risk that the individual poses. We have no current plans to review Schedule One.
- 9. 10.** We are committed to working with employers to explore how we can improve the employability of all offenders. The Ministry of Justice is leading on this work and has over 100 employers working with it through the Corporate Alliance agenda. This work is already providing paid and unpaid work placements as well as training opportunities for ex-offenders. It also seeks to support employers who want to employ ex-offenders. DCSF will continue to work closely
- with Ministry of Justice colleagues on this and ensure that young offenders remain a key part of the work.
- 9. 11.** We understand that public bodies must take a lead in promoting opportunities for ex-offenders. Part of the work of the Corporate Alliance is aimed at promoting action among public sector bodies, including local authorities and the NHS, to increase the opportunities they can give to ex-offenders. In this context the Ministry of Justice has recently revised its own policy for employing ex-offenders. This makes it clear that a criminal record will not be an automatic bar to employment in the department and applicants will be considered on their merits, taking into account the relevance of their criminal record to the job on offer.
- 9. 12.** We agree that Release on Temporary Licence can assist effective resettlement. We believe that the secure estate could make more use of this mechanism and we will work with the YJB to make sure this happens.



## 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?

- 10. 1.** There was strong support for a more formal role for Children's Trusts in the prevention of offending and re-offending. There was also support for proposals to strengthen Children's Trust boards by establishing a stronger statutory basis for them, particularly if this created a stronger and more consistent approach to their development across England. It was also felt that establishing Children's Trust boards as legal entities in their own right would help to clarify the responsibilities of different local partnerships and their reciprocal duties.
- 10. 2.** Children's Trusts were seen as the ideal mechanism to co-ordinate approaches by all agencies and ensure they work together to achieve the five outcomes of the *Every Child Matters* agenda for all children and young people within their local authority area, including young offenders.
- 10. 3.** Respondents would like to see closer working between YOTs, Children's Services and Children's Trusts and recognition of the need for greater integration between mainstream services and youth justice services. On this subject there was a widely held belief that there was a clear role for health and education services in crime prevention and meeting the needs of children who offend.
- 10. 4.** The overwhelming view was that prevention and early intervention services should be led by mainstream services. Many respondents felt that the role of the local authority should be to ensure access to universal services and entitlements, and ensure there is an appropriate contribution to crime prevention, supporting criminal justice interventions, and in creating sustainable exit strategies for young people once court orders are completed.
- 10. 5.** Some respondents felt that the general role of local authorities in relation to youth crime could be made stronger, and be more reflective of the duty under the Children Act 1989 to prevent youth crime and support vulnerable children and young people. There was a suggestion that further guidance should be sent out on this issue.
- 10. 6.** Some YOT respondents highlighted the need to work closely with community safety and children's welfare partnerships and felt that they needed to retain the confidence of both, so were cautious of getting too close to the Children's Trusts.

**10. 7.** There was acknowledgement that the position in Wales is different to that of England in that there are no Children's Trusts. Responses stated that, in Wales, there are 22 Children and Young People's Partnerships (CYPPs) based on local authority areas. CYPPs are involved in youth justice issues with YOTs being statutory members of each. Welsh Assembly Government statutory guidance requires alignment between the Children and Young People's Plan and Youth Justice Plan Cymru; and the latter similarly requires alignment with the CYP Plan.

### **Government's response and next steps**

**10. 8.** We recognise the need for greater integration between mainstream services for children and youth justice services. The Children's Trust is ideally placed to facilitate this, as it brings together the key local agencies which impact on all children and young people in a local area. The Children's Trust, in its co-ordinating and commissioning role, can help to ensure that mainstream and specialist services are being targeted at young people who have offended or who are at risk of offending by embedding this agenda within their work. We also expect them to cultivate more effective partnerships, including proper alignment of planning, with other local strategic bodies such as the CDRPs. We believe that mainstreaming access and

provision of services to young offenders should be the norm and will help to address offending behaviour and provide these young people with the skills they need to become more productive members of their local communities.

**10. 9.** We are already making progress to achieve these outcomes. The government has already made a commitment to legislate to strengthen the effectiveness of Children's Trusts through the provision of a statutory Children's Trust Board. YOTs will remain as relevant partners and through the provision of statutory Children and Young People's Plans, which will be owned by all local partners, will be able to influence the agenda for all children in their local area.

**10. 10.** We have also been working on a suite of guidance about the role of Children's Trusts, the Children and Young People's Plan and draft guidance on the role of Lead Members (LMs) and Directors of Children's Services (DCSs). All of these have been strengthened to include key Youth Crime Action Plan commitments which highlight the role that the Children's Trusts and mainstream services must play to in the prevention of offending and re-offending by young people. We have also highlighted the specific responsibilities that DCSs and LMs have towards young people from their area who are in custody. We believe that local strategic

leaders have a key role to play to ensure that young people in custody and leaving custody are able to put their lives back on track. This includes making sure that resettlement services are delivered coherently and consistently. Revised final guidance on the roles and responsibilities of Lead Members and DCSs is due to be published later this year.

**10. 11.** More generally, the Government recognises the crucial role that Children's Trusts play in bringing together all agencies who work with children and young people. The next stage in the development of Children's Trusts includes the proposal, contained in the current Apprenticeships, Skills, Children and Learning Bill, to place their inter-agency governance arrangements on a statutory footing with YOTs continuing to play a key role as a relevant partner on a statutory Children's Trust Board. These provisions will include extending the ownership of the local Children and Young People's Plan to all relevant partners, including YOTs, which will underpin closer working arrangements by all local children's services.

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

- 11. 1.** There was strong support for strengthening YOT management boards, with many supporting the proposal to place them on a statutory basis. Respondents also identified the need to update current arrangements and clarify relationships with existing local strategic frameworks, although some were unclear as to whether placing them on a statutory basis was an effective way of achieving closer integration.
- 11. 2.** A number of respondents felt that strengthening the board would help to ensure that senior partners are represented, which would ensure young people who have offended have the access to services they need to prevent them from re-offending. In this context, some respondents felt that this would be an opportunity to engage other potential partners such as housing and possibly sentencers.
- 11. 3.** Unsurprisingly, many YOTs gave examples of their own experiences. Most emphasised the importance of the YOT management board and how critical its effectiveness is to the Service in ensuring that partners are engaged in their work. Many YOTs reported that they had buy-in from local partners, including housing services at a senior level, which meant that strategic decisions could be made at the meetings. Although many felt that their own management boards were functioning effectively, they understood the merit in the proposal to further strengthen its role and responsibilities, especially for areas where there may not be the support and ownership that there should be.
- 11. 4.** Other respondents felt that management board arrangements were best left to local areas, as it was unlikely that one model would fit all local priorities and those areas that were already working well may suffer from a 'one size fits all' approach.
- 11. 5.** Some respondents felt that YOT management boards needed to retain their own identity while ensuring that links were in place with local strategic frameworks. However, some respondents suggested that the YOT board needed to be a formal sub-group to the Children's Trust with the Children's Trust commissioning the YOT board to provide services for young people who have offended. Others felt that the requirement for Children's Trust Arrangements (which have a statutory basis) to co-ordinate this area of work was adequate.

## **Government's response and next steps**

- 11. 6.** We agree with the view that a strong YOT management board is likely to provide better outcomes for young people who have offended. We welcome the views of YOTs who provided numerous practical examples of how the management boards worked at a local level. The buy-in of local partners is critical to the success of the YOT and once again highlights how important closer integration and partnership working is to the success of a Youth Offending Team.
- 11. 7.** We note the view that strengthening the YOT management board can ensure the right level of buy-in from local partners, especially housing which was again seen as a critical gap. We will be looking at how we can strengthen the YOT management boards, building on some of the examples and experiences set out in the consultation responses. We will take into account the views of respondents about the need to ensure there is sufficient flexibility to allow them to respond to local circumstances and priorities.
- 11. 8.** We will also be looking at how we can strengthen the central response to failing YOTs. Currently there are no statutory powers to intervene should an inspection or other evidence reveal a significant failing in a YOT. Nor are there powers to require a local authority/ YOT to co-operate with the YJB

in developing and implementing the post-inspection improvement plan. We believe that this is a significant gap and we will be developing options to look at how we can strengthen the performance management arrangements so that underperformance can be dealt with swiftly and robustly.

## How can youth justice assessment procedures and the Common Assessment Framework be best aligned to ensure thorough assessment of risk and need?

- 12. 1.** The majority of respondents acknowledged that the youth justice system required its own specialist assessment framework to assess criminogenic and protective factors, and to inform pre-sentence reports and risk-related factors. However, there was overwhelming support for closer alignment between youth justice assessments and the CAF, and clearer understanding of the interplay between the two. It was essential that the focus was on assessment and the resulting interventions as co-ordinated by the lead professional. In many cases this could only be achieved through effective local planning processes. Some YOTs suggested that quality control and the role of the children's workforce was an important factor in the effective use of assessments. There were suggestions that joint training for YOT staff, other Children's Services professionals and other relevant agencies such as the third sector could help to establish and maintain a more consistent approach.
- 12. 2.** The majority of YOT respondents concurred with the need to ensure that the information from youth justice assessments was aligned with CAF and lead professional processes to provide a more integrated service delivery model. It was recognised that this was particularly important to support the transition of young people from the youth justice system, at the end of their court order/ interventions.
- 12. 3.** More generally, for many respondents the issues that were highlighted as part of a youth justice assessment (for example criminogenic risk factors) were seen as factors that should also define a child as being 'in need'. In this context a number of respondents felt that no young person should get to the stage of being considered for a youth justice assessment without already having a CAF.
- 12. 4.** Respondents also felt that every agency should be using CAF as a gateway assessment and this should include YOTs. YOT respondents seemed to suggest that in a number of cases they would undertake a CAF, if a young person was being assessed by them and had not had one completed previously. This would ensure that all children and young people in contact with a YOT should be assessed by CAF and consequently they should also be considered and, if appropriate, referred for assessment as 'children in need' or 'at risk of significant harm' under the Children Act 1989.
- 12. 5.** There was some support for reviewing the relationship between CAF and ONSET (the YJB's preventative assessment tool) as

there could be duplication. Against this background some YOTs stated that they had already undertaken work to align ONSET and CAF and to integrate the CAF and crime prevention programmes so that needs could be identified early and addressed before escalation to more entrenched offending behaviour.

- 12. 6.** There was general support for redesigning the Asset assessment to provide a better balance between criminogenic needs and wider welfare concerns. Other respondents brought up specific issues; for example, the need to change the language of Asset away from vulnerability towards the language of safeguarding. Some pointed out that in research studies Asset was shown not to address learning disability issues and to have a poor record of accuracy in relation to mental health issues. It was suggested that the revised Asset cover all these issues.
- 12. 7.** In their submission, the YJB stated that they would be reviewing existing assessment tools during 2008/09 and would be using this to look in more detail at the links with CAF within the development of a longer term assessment strategy. This would include closer working with the DCSF to consider various options for promoting closer alignment with CAF. The YJB also emphasised that consideration would need to be given to the implications of any significant

changes to the IT infrastructure in light of the rollout to YOTs of electronic case management systems.

- 12. 8.** Respondents from Wales highlighted the fact that CAF does not cover Wales and any review would need to take into account the assessment framework there.

### **Government's response and next steps**

- 12. 9.** We welcome views on this critical area and we believe that there is a need to ensure that there is closer alignment between youth justice assessments and wider assessment frameworks, particularly the Common Assessment Framework. We note that some local areas are already providing a more integrated approach between different assessment processes.
- 12. 10.** We believe that the youth justice system does require its own separate assessment process, particularly the Asset, which is used to inform court reports, which is a function the CAF would not be able to perform.
- 12. 11.** We agree that, ideally, if CAF is used properly, the majority of young people who are at risk of offending should receive such an assessment prior to reaching the youth justice system and prior to receiving an Asset assessment. This will ensure that the risk factors that can contribute to entrenched offending behaviour are identified early and addressed, and that welfare needs



are properly taken into account during the youth justice process.

**12. 12.** The YJB has already started work to scope a review of youth justice assessments. This will include looking at the design of Asset itself and whether it covers the right areas, and significantly whether it needs to have a greater emphasis on welfare. It will also include how Asset and CAF can be better aligned to ensure that we have a consistent and coherent assessment framework, and to prevent young people reaching the youth justice system without going through the CAF process. This may include consideration of additional training and support for practitioners. We will continue to work closely with the YJB on the development of this work and ensure that it reflects Youth Crime Action Plan commitments.



## Do you agree with the proposals set out to further strengthen the contribution of local authorities in the prevention of offending?

**13. 1.** The overwhelming majority of respondents welcomed proposals to strengthen the role of local authorities in the prevention of offending. Many believed that a local partnership approach to youth crime was the key to preventing youth offending and that local partners, including the police, local authorities and their strategic partners in Children's Trusts and CDRPs, must have the leading role in taking responsibility for reducing youth crime. Most respondents would like to see local authorities taking on a greater responsibility for children in custody in their area, and for ensuring continuity of care during their sentence and on release. The Association of Directors of Children's Services (ADCS) believes that local authorities, as the lead in establishing and maintaining Children's Trusts, have a key role to play in preventing offending and maintaining community cohesion. It welcomes the acknowledgement of much of the successful work to date taken by local authorities and fully supports the principles set out in YCAP.

**13. 2.** A large number of respondents favour making local authorities responsible for the full cost of court-ordered secure remand. There is a general view that this would be

an effective mechanism to make local authorities more accountable and ensure they meet their prevention and early intervention responsibilities. The general view among respondents was that proposals to place more emphasis on the role of the local authority in prevention will go some way to making them accountable for the number of young people in custody. In particular it was important to ensure that:

- engagement between local authorities and the young person is maintained where a young person is held in a custodial establishment outside of their home authority
- the costs and quality of services are more visible
- local agencies are held to account where they have a role in commissioning those services.

**13. 3.** A number of stakeholders called for local authorities to pay for all custodial placements. The view was that this would provide a strong financial incentive to prevent serious offending and promote their role in meeting the welfare needs that are the root causes of much youth crime.

**13. 4.** Many respondents, particularly YOTs and local authorities, acknowledged

that the costs of custody were and remain a complicated issue; not least because of the need to place young people efficiently and effectively and the associated costs to local authorities. A large number of these respondents felt that although the issue of accountability and responsibility was clear, the question of where these resources would come from had not been set out.

- 13. 5.** A large number of local authority respondents felt that they did not have the funds to implement this proposal without extra money, and that before agreement on this could be reached there needed to be greater clarity around where the extra resources were coming from. Other local authorities felt that the proposal to require them to fund secure remands would impact disproportionately on the bigger urban authorities. Others were concerned as they felt they did not have control over the court's decision, so wondered why they should be made more accountable when the courts still made the final decision. Some felt that the Children's Trusts should be responsible for the full cost.
- 13. 6.** Other respondents felt that incentives should be offered to local authorities or Children's Trusts who demonstrate a year-on-year reduction in custodial sentences, including remands to custody and secure accommodation. This

would be based on the principles of 'Justice Re-investment' in that any money saved from preventing young people getting a secure remand could be reinvested elsewhere, particularly in increased prevention activity.

- 13. 7.** Some respondents highlighted the need to remind local authorities of their current responsibilities, for example, under Schedule 2 to the Children Act 1989, the duty on local authorities to take steps to encourage children not to commit offences and to reduce the need to bring criminal proceedings against children, and the fact that those at risk of offending should be seen as children in need, as defined in s17 Children Act 1989.
- 13. 8.** The YJB agreed with the proposals to strengthen the local response to youth crime. It highlighted its statutory role in holding YOTs to account through a revised performance and planning framework that emphasises local authority responsibility for delivering a local youth justice plan that has been signed off by all statutory YOT partners.
- 13. 9.** There was also acknowledgement that Wales would require separate consultation on some of the issues raised, as their local authority systems differed in key areas. This was especially the case when it came to devolving the costs of custody to local authorities, which would be a devolved issue

in Wales. In general, Welsh respondents agreed that the role of local authorities in preventing offending should be strengthened, although they also felt that there was a need to examine some of the additional financial burdens which any specific measures would entail. The view of the Welsh Assembly was that local authorities could play an expanded role in youth crime prevention initiatives (and are encouraged to do so in Wales by the Safer Communities Fund). Local authorities have a role to play in establishing consistent support around individual needs and using their Children and Young People's Plans (Wales) to support young people. They should contribute to the activity of YOTs at the highest strategic level.

### **Government's response and next steps**

**13. 10.** Under the Children's Act 1989, local authorities already have duties to prevent offending by young people and the need to place young people in secure accommodation. Consequently they can and do play a crucial role in both the prevention of offending and re-offending. We welcome the continued commitment to this agenda as set out in many of their responses to this question. Closer integration between Youth Justice Services and mainstream and specialist services for children are a consistent theme within the more general responses to the Youth Crime Action Plan.

We note that many respondents would like to see local authorities take on more responsibility for the prevention of crime in their area. A large body of opinion on this subject suggested that making them responsible for the costs of custodial placements would provide them with the impetus they need to fulfil their statutory obligations to prevent children committing crime in their local areas.

**13. 11.** In the Youth Crime Action Plan we said that we would explore whether local authorities should be made responsible for the full costs of a court-ordered secure remand. This work is currently being taken forward in conjunction with the Youth Justice Board. It is likely that further consultation will be needed on this issue and we hope to bring forward proposals for later this year.

**13. 12.** We acknowledge that many respondents, particularly from the third sector, would like us to go further and, ultimately, make local authorities responsible for the full costs of all custodial placements for young people. The Youth Justice Board has already started to look at how this could be achieved. We will use our work on Court Ordered Secure Remands in conjunction with the wider work of the YJB to inform future policy in this area.



## Summary of responses – Other issues raised

- 14. 1.** Many respondents took the opportunity to comment on other issues related to the Action Plan and to youth crime more generally.
- 14. 2.** Youth Offending Services were broadly supportive of the plan, but several expressed concern about the availability of resources to implement new measures, such as the siting of YOT workers in police custody suites.
- 14. 3.** Several respondents considered that the Action Plan could have taken the opportunity to propose specific actions to address equality issues and to promote children's rights. Particular references were made to young black people, children in care, girls and application of the United Nations' Convention on the Rights of the Child. Several third sector respondents had concerns about the proposal to explore with the judiciary the potential for increasing the number of occasions when 16 and 17 year olds found guilty of more serious offences are identified to the public.
- 14. 4.** ACPO suggested that greater consideration should be given to the issues affecting young people in rural communities and looked forward to discussion with the government on how best to address these.
- 14. 5.** Many respondents welcomed the proposals to improve education services for young people in custody

and to strengthen resettlement provision. However, contributors also stressed the need for adherence to the provisions of the Criminal Justice Act 2003 which require sentencers to use custody only as a last resort. Several third sector organisations suggested that establishing a numerical target would support other action to reduce the number of young people in custody.

### Government response

- 14. 6.** We are grateful that contributors to the consultation exercise took the time to comment on these important issues.
- 14. 7.** Access to sufficient resources is, of course, crucial for all service providers. We will continue to work with local areas to ensure that the needs of young people are prioritised, helped by the Youth Crime Action Plan's £100 million of additional funding.
- 14. 8.** We recognise fully that, in implementing the Action Plan, it will be essential to ensure that issues relating to equality and rights are addressed. Similarly, policy development must take account of the needs of young people in rural areas and the challenges faced by their service providers.
- 14. 9.** For serious or dangerous offenders or other persistent offenders where community punishments have not worked, then a custodial sentence is the right response and

the public would expect nothing less. However, we do not want to see young people sent to custody unnecessarily and, from November 2009, for every custodial sentence, we will require the sentencer to make it clear in court why such a sentence is more appropriate than a community sentence.



# Annex A – list of respondents

## National bodies

- Association of Chief Police Officers (ACPO)\*
- Association of Directors of Children’s Services (ADCS)
- Association of Youth Offending Team Managers
- Equality and Human Rights Commission (EHRC)
- Magistrates’ Association
- National Association of Schoolmasters and Union of Women Teachers
- Youth Justice Board (YJB)
- Welsh Assembly Government

\* - includes issues raised at the Youth Crime Action Plan workshop at the ACPO youth conference in October 2008.

## Regional bodies

- Greater London Authority (Mayor of London)
- Hampshire Constabulary
- London Criminal Justice Board
- Merseyside Police
- Metropolitan Police Authority

## Local Youth Offending Services

- Barnsley YOT
- Birmingham YOS
- Cumbria YOS
- East Sussex YOT Chief Officers Group
- Halton and Warrington YOT
- Haringey YOS

- Kent YOS
- Lancashire YOT
- Luton YOS
- Staffordshire YOS
- Stockton YOS
- Suffolk YOS
- Warwickshire YOS
- Wessex YOS
- Walsall YOS
- Worcestershire and Herefordshire YOS
- York YOT
- YOT Managers Cymru (incorporating with Safer Neath Talbot Partnership)

## Local authorities

- Avon and Somerset (South Gloucestershire, East and West Somerset)
- Buckinghamshire County Council
- Camden Council
- Durham County Council
- Gateshead Council
- Greenwich Council
- Havering
- Hertfordshire
- Leicestershire City Council
- Lincolnshire Council
- Manchester Council (CDRP/ Children’s Board)
- Medway Council
- Nottingham City Council

- Solihull (Safer Committees Strategic Group)
- Stockport Metropolitan Borough Council
- Storrington and Sullington Community Partnership
- Surrey Heath Council
- Waltham Forest Council
- Wandsworth Borough Council
- West Berkshire
- West Sussex County Council
- Wigan Council
- Worcestershire Council

### **Third Sector**

- 11 MILLION
- The Adolescent and Children's Trust
- Barnardo's
- Childhood Bereavement Network
- Centrepont
- CfBT Education Trust
- Children Law UK (part of TACT)
- Children's Society
- Clinks
- Council for Disabled Children
- Duke of Edinburgh's Award
- Fairbridge
- Foyer (incorporating and Steering Group of Young Offenders Academy)
- Health and Wellbeing
- The Howard League for Penal Reform
- Liberty
- London Youth
- Nacro
- National Children's Bureau
- National Council for Voluntary Youth Services (incorporating Community Matters and YouthNet)
- National Youth Agency
- NSPCC
- Prince's Trust
- Prison Reform Trust
- Runnymede Trust
- Skills for Justice
- Standing Committee for Youth Justice (SCYJ)
- Surrey Community Action
- Transition Information Network
- Victim Support
- YMCA England
- YWCA England and Wales

